
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2322 Session of
2022

INTRODUCED BY SHUSTERMAN, CEPHAS, DALEY, FRANKEL, KINSEY,
SCHLOSSBERG, ISAACSON, GUZMAN, SANCHEZ, HOHENSTEIN, MADDEN,
DELLOSO, N. NELSON, BOBACK, PARKER AND KIM, FEBRUARY 3, 2022

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2022

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for damages in actions for
4 nonconsensual misuse of condom.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8320.1. Damages in actions for nonconsensual misuse of
10 condom.

11 (a) Cause of action established.--A person may bring a civil
12 action in order to recover damages for loss or injury sustained
13 as a result of the nonconsensual misuse of a condom.

14 (b) Parties authorized to bring action.--An action may be
15 brought by an individual or a guardian of an individual, if the
16 individual is incompetent, who sustained the loss or injury.

17 (c) Damages.--A court shall award damages as provided in
18 this subsection. In determining the extent of injury, the court

1 shall consider that nonconsensual misuse of a condom may cause
2 long-term or permanent injury. The court shall award:

3 (1) Actual damages arising from the incident or \$500,
4 whichever is greater. Damages shall include medical expenses,
5 cost of testing, intentional infliction of emotional distress
6 and negligent infliction of emotional distress. The court
7 may, in its discretion, award up to three times the actual
8 damages sustained, but not less than \$500.

9 (2) Reasonable attorney fees and court costs.

10 (3) Injunctive and other equitable relief.

11 (4) Additional relief the court deems necessary and
12 proper.

13 (d) Mandatory counseling.--In a civil action under
14 subsection (a), the plaintiff may ask the court to mandate the
15 defendant to attend counseling sessions. If ordered to attend
16 counseling, the defendant shall be financially responsible for
17 the counseling fee.

18 (e) Other remedies preserved.--Nothing in this section shall
19 be construed to limit, prevent or impair the ability of a person
20 to receive restitution in any other cause of action or criminal
21 liability.

22 (f) Definitions.--As used in this section, "nonconsensual
23 misuse of a condom" means sexual intercourse between individuals
24 where:

25 (1) One of the individuals reasonably believes that the
26 other individual:

27 (i) will wear a condom and will not remove, tamper
28 with or damage the condom; and

29 (ii) will not wear a condom that has been tampered
30 with or damaged.

1 (2) The other individual wears a condom and:
2 (i) intentionally removes, tampers with or damages
3 the condom; or
4 (ii) knows that the condom has been tampered with or
5 damaged.

6 Section 2. This act shall take effect in 60 days.