
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2374 Session of
2024

INTRODUCED BY KHAN, MAYES, DALEY, ISAACSON, CURRY, SHUSTERMAN,
OTTEN, PROBST, BOYD, HANBIDGE, KRUEGER, FIEDLER, O'MARA,
WAXMAN, DONAHUE, VENKAT, SCHLOSSBERG, KINSEY, POWELL, PARKER,
SIEGEL, KINKEAD, HOHENSTEIN, PIELLI, STEELE, SANCHEZ, HOWARD,
CEPEDA-FREYTIZ, MALAGARI, HILL-EVANS, BOROWSKI, DELLOSO,
MUNROE, FREEMAN, CERRATO, FLEMING, KRAJEWSKI, GREEN,
SCHWEYER, ROZZI, KENYATTA AND CEPHAS, JUNE 4, 2024

REFERRED TO COMMITTEE ON HEALTH, JUNE 4, 2024

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," in licensing of health care
10 facilities, further providing for licensure; and abrogating a
11 regulation.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 806(h) (1), (2), (3) and (4) of the act of
15 July 19, 1979 (P.L.130, No.48), known as the Health Care
16 Facilities Act, are amended and the subsection is amended by
17 adding paragraphs to read:

18 Section 806. Licensure.

19 * * *

20 (h) Abortion facilities.--

1 [(1) The department shall apply the same regulations
2 promulgated under subsection (f) to abortion facilities that
3 are applied to ambulatory surgical facilities. These
4 regulations include classification of the facilities in the
5 same manner as ambulatory surgical facilities.

6 (2) The department shall apply to abortion facilities
7 any other provision of this chapter governing health care
8 facilities insofar as they are applicable to ambulatory
9 surgical facilities.

10 (3) For the purpose of applying the rules applicable to
11 ambulatory surgical facilities, all of the following apply:

12 (i) The department shall allow the abortion facility
13 to request an exception.

14 (ii) The request must identify with specificity the
15 reasons for which the exception is sought.

16 (iii) In considering a petition under this
17 paragraph, the department shall apply the same procedures
18 and criteria that are applicable to other health care
19 facilities.

20 (iv) The department shall issue a written
21 determination stating the reasons for a decision under
22 this paragraph.

23 (4) None of the following shall apply to an abortion
24 facility:

25 (i) The definition of "ambulatory surgical facility"
26 in section 802.1.

27 (ii) The definition of "ASF--Ambulatory Surgical
28 Facility" in 28 Pa. Code § 551.3 (relating to
29 definitions).]

30 * * *

1 (7) An abortion facility may not be required to have a
2 transfer agreement with a hospital.

3 (8) Physicians and medical personnel employed by
4 abortion facilities may not be required to have admitting
5 privileges with a hospital. As used in this paragraph, the
6 term "medical personnel" shall have the same meaning given to
7 the term under 18 Pa.C.S. § 3203 (relating to definitions).

8 * * *

9 Section 2. The provisions of 28 Pa. Code § 29.33(10) are
10 abrogated.

11 Section 3. This act shall take effect in 60 days.