

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1019 Session of
2022

INTRODUCED BY BROOKS, JANUARY 14, 2022

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 29, 2022

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in temporary regulatory flexibility authority,
 22 further providing for DEFINITIONS AND FOR COVID-19 regulatory <--
 23 flexibility authority; AND MAKING AN EDITORIAL CHANGE. <--

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 ~~Section 1. Section 2102 F(d) of the act of April 9, 1929~~ <--
 27 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
 28 ~~amended September 30, 2021 (P.L.404, No.73), is amended to read:~~

1 ~~Section 2102 F. COVID-19 regulatory flexibility authority.~~

2 ~~* * *~~

3 ~~(d) Reports.—~~

4 ~~(1) No later than November 1, 2021, each authority which~~
5 ~~initially authorized a suspension which was extended under~~
6 ~~subsection (a) shall issue a report, which shall be published~~
7 ~~on the authority's publicly accessible Internet website.~~

8 ~~(2) No later than May 1, 2022, each authority which~~
9 ~~initially authorized a suspension which was extended under~~
10 ~~subsection (a.1) shall issue an updated report, which shall~~
11 ~~be published on the authority's publicly accessible Internet~~
12 ~~website.~~

13 ~~(3) A report under [this subsection] paragraph (1) or~~
14 ~~(2) shall include all of the following:~~

15 ~~(i) A list of each suspension which was extended~~
16 ~~under subsections (a) and (a.1). The list under this~~
17 ~~paragraph shall include a reference to the regulatory~~
18 ~~statute, order, rule or regulation which was suspended.~~

19 ~~(ii) For each suspension under subparagraph (i)~~
20 ~~which was extended under subsection (a):~~

21 ~~(A) Whether the extension of the suspension was~~
22 ~~terminated under subsection (a) prior to September~~
23 ~~30, 2021, and the date of the termination.~~

24 ~~(B) Whether the extension of the suspension~~
25 ~~expired on September 30, 2021.~~

26 ~~(C) Whether the extension was extended under~~
27 ~~subsection (a.1).~~

28 ~~(iii) For each suspension under subparagraph (i)~~
29 ~~which was extended under subsection (a.1):~~

30 ~~(A) Whether the extension of the suspension was~~

1 ~~terminated under subsection (a.1) prior to March 31,~~
2 ~~2022, and the date of the termination.~~

3 ~~(B) Whether the extension of the suspension~~
4 ~~expired on March 31, 2022.~~

5 ~~(4) No later than May 31, 2022, each authority shall~~
6 ~~issue a permanent suspension report identifying any~~
7 ~~regulatory statute, rule or regulation that was temporarily~~
8 ~~suspended pursuant to the declaration that the authority~~
9 ~~believes should be considered for a permanent suspension. The~~
10 ~~following shall apply:~~

11 ~~(i) A report under this paragraph shall include all~~
12 ~~of the following:~~

13 ~~(A) The citation to the regulatory statute, rule~~
14 ~~or regulation that has been identified by the~~
15 ~~authority.~~

16 ~~(B) The date in which the regulatory statute,~~
17 ~~rule or regulation was originally suspended.~~

18 ~~(C) Whether the suspension was extended pursuant~~
19 ~~to subsection (a).~~

20 ~~(D) Whether the suspension was extended pursuant~~
21 ~~to subsection (a.1).~~

22 ~~(E) Whether the suspension has been terminated~~
23 ~~and, if so, the date of termination.~~

24 ~~(F) Whether the suspension was terminated by the~~
25 ~~authority or operation of law.~~

26 ~~(G) Analysis relating to the purpose for~~
27 ~~permanently suspending the regulatory statute, rule~~
28 ~~or regulation.~~

29 ~~(ii) The permanent suspension report under this~~
30 ~~paragraph shall be published on the authority's publicly~~

1 ~~accessible Internet website and provided to each of the~~
2 ~~individuals listed under subsection (c).~~

3 ~~Section 2. This act shall take effect immediately.~~

4 SECTION 1. THE HEADING OF ARTICLE XXI-F OF THE ACT OF APRIL <--
5 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
6 1929, ADDED JUNE 11, 2021 (P.L.56, NO.21), IS AMENDED TO READ:

7 ARTICLE XXI-F

8 [TEMPORARY] COVID-19 REGULATORY FLEXIBILITY AUTHORITY

9 SECTION 2. SECTION 2101-F OF THE ACT IS AMENDED BY ADDING A
10 DEFINITION TO READ:

11 SECTION 2101-F. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
13 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 * * *

16 "FEDERAL PUBLIC HEALTH EMERGENCY DECLARATION." THE
17 DETERMINATION MADE ON JANUARY 31, 2020, BY THE UNITED STATES
18 SECRETARY OF HEALTH AND HUMAN SERVICES UNDER SECTION 319 OF THE
19 PUBLIC HEALTH SERVICE ACT (58 STAT. 682, 42 U.S.C. § 247D) THAT
20 A PUBLIC HEALTH EMERGENCY EXISTS RELATING TO COVID-19 AND ANY
21 RENEWAL OF THE DETERMINATION.

22 * * *

23 SECTION 3. SECTION 2102-F(C) INTRODUCTORY PARAGRAPH AND (D)
24 OF THE ACT, AMENDED SEPTEMBER 30, 2021 (P.L.404, NO.73), ARE
25 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
26 READ:

27 SECTION 2102-F. COVID-19 REGULATORY FLEXIBILITY AUTHORITY.

28 * * *

29 (A.2) ADDITIONAL TEMPORARY EXTENSIONS.--THE FOLLOWING
30 SUSPENSIONS OF REGULATORY STATUTES, RULES AND REGULATIONS

1 EXTENDED UNDER SUBSECTION (A.1) WHICH ARE IN EFFECT ON MARCH 31,
2 2022, ARE EXTENDED UNTIL JUNE 30, 2022, UNLESS SOONER TERMINATED
3 BY THE AUTHORITY WHICH INITIALLY AUTHORIZED THE SUSPENSION:

4 (1) (RESERVED).

5 (2) (RESERVED).

6 (3) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
7 OF BANKING AND SECURITIES:

8 (I) 7 PA.C.S. § 6131(A.1) AND (F) (2).

9 (II) 12 PA.C.S. § 6212(B) (2).

10 (III) SECTION 4 OF THE PAWNBROKERS LICENSE ACT.

11 (IV) SECTION 8 OF THE CONSUMER DISCOUNT COMPANY ACT.

12 (V) SECTION 2 OF THE MONEY TRANSMISSION BUSINESS
13 LICENSING LAW.

14 (VI) SECTION 301(B) (3) OF THE CHECK CASHER LICENSING
15 ACT.

16 (VII) SECTION 5(2) OF THE DEBT MANAGEMENT SERVICES
17 ACT.

18 (VIII) SECTION 313(A) OF THE DEBT SETTLEMENT
19 SERVICES ACT.

20 (4) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
21 OF MILITARY AND VETERANS AFFAIRS:

22 (I) 51 PA.C.S. § 709.

23 (II) 51 PA.C.S. § 3105.

24 (III) SECTION 2407 OF THIS ACT.

25 (IV) 4 PA. CODE § 39.93.

26 (V) 4 PA. CODE § 39.95.

27 (5) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
28 OF LABOR AND INDUSTRY:

29 (I) (RESERVED).

30 (II) SECTION 505.1 OF THE UNEMPLOYMENT COMPENSATION

1 LAW.
2 (III) SECTION 9(A) (2) (I) AND (3) AND (B) (2) (I) OF
3 THE CHILD LABOR ACT.
4 (IV) 34 PA. CODE § 101.83.
5 (V) (RESERVED).
6 (VI) 34 PA. CODE § 101.128.
7 (VII) 34 PA. CODE § 101.130.
8 (6) (RESERVED).
9 (7) REGULATORY STATUTES, RULES OR REGULATIONS ENFORCED
10 BY THE DEPARTMENT OF HEALTH OTHER THAN SUSPENSIONS EXTENDED
11 UNDER SUBSECTION (A.3).
12 (8) REGULATORY STATUTES, RULES OR REGULATIONS ENFORCED
13 BY THE DEPARTMENT OF HUMAN SERVICES OTHER THAN SUSPENSIONS
14 EXTENDED UNDER SUBSECTION (A.3).
15 (9) REGULATORY STATUTES, RULES OR REGULATIONS ENFORCED
16 BY THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS OTHER
17 THAN SUSPENSIONS EXTENDED UNDER SUBSECTION (A.3).
18 (A.3) ADDITIONAL EXTENSIONS RELATING TO FEDERAL PUBLIC
19 HEALTH EMERGENCY DECLARATION.--SUSPENSIONS OF REGULATORY
20 STATUTES, RULES AND REGULATIONS EXTENDED UNDER SUBSECTION (A.1)
21 WHICH ARE IN EFFECT ON MARCH 31, 2022, AND WHICH ARE RELATED TO
22 FEDERAL EXEMPTIONS GRANTED UNDER THE FEDERAL PUBLIC HEALTH
23 EMERGENCY DECLARATION ARE EXTENDED UNTIL THE LATER OF THE
24 FOLLOWING, UNLESS SOONER TERMINATED BY THE AUTHORITY THAT
25 INITIALLY AUTHORIZED THE SUSPENSION:
26 (1) THE LAST DAY OF THE FEDERAL PUBLIC HEALTH EMERGENCY
27 DECLARATION; OR
28 (2) THE LAST DAY FEDERAL EXEMPTIONS GRANTED UNDER THE
29 FEDERAL PUBLIC HEALTH EMERGENCY DECLARATION ARE AUTHORIZED.
30 * * *

1 (C) NOTICE.--UPON THE TERMINATION OF AN EXTENSION OF A
2 SUSPENSION UNDER SUBSECTION (A) [OR (A.1)], (A.1), (A.2) OR
3 (A.3), THE AUTHORITY WHICH TERMINATED THE EXTENSION OF THE
4 SUSPENSION SHALL NOTIFY ALL OF THE FOLLOWING:

5 * * *

6 (D) REPORTS.--

7 (1) NO LATER THAN NOVEMBER 1, 2021, EACH AUTHORITY WHICH
8 INITIALLY AUTHORIZED A SUSPENSION WHICH WAS EXTENDED UNDER
9 SUBSECTION (A) SHALL ISSUE A REPORT, WHICH SHALL BE PUBLISHED
10 ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

11 (2) NO LATER THAN MAY [1] 31, 2022, EACH AUTHORITY WHICH
12 INITIALLY AUTHORIZED A SUSPENSION WHICH WAS EXTENDED UNDER
13 SUBSECTION (A.1) SHALL ISSUE AN UPDATED REPORT, WHICH SHALL
14 BE PUBLISHED ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET
15 WEBSITE AND SHALL BE PROVIDED TO EACH MEMBER OF THE GENERAL
16 ASSEMBLY.

17 (2.1) NO LATER THAN AUGUST 31, 2022, EACH AUTHORITY
18 WHICH INITIALLY AUTHORIZED A SUSPENSION WHICH WAS EXTENDED
19 UNDER SUBSECTION (A.2) SHALL ISSUE AN UPDATED REPORT, WHICH
20 SHALL BE PUBLISHED ON THE AUTHORITY'S PUBLICLY ACCESSIBLE
21 INTERNET WEBSITE AND SHALL BE PROVIDED TO EACH MEMBER OF THE
22 GENERAL ASSEMBLY.

23 (2.2) NO LATER THAN 60 DAYS AFTER THE LAST DAY THAT THE
24 FEDERAL PUBLIC HEALTH EMERGENCY DECLARATION IS IN EFFECT,
25 EACH AUTHORITY WHICH INITIALLY AUTHORIZED A SUSPENSION WHICH
26 WAS EXTENDED UNDER SUBSECTION (A.3) SHALL ISSUE AN UPDATED
27 REPORT, WHICH SHALL BE PUBLISHED ON THE AUTHORITY'S PUBLICLY
28 ACCESSIBLE INTERNET WEBSITE AND SHALL BE PROVIDED TO EACH
29 MEMBER OF THE GENERAL ASSEMBLY.

30 (3) A REPORT UNDER THIS SUBSECTION SHALL INCLUDE ALL OF

1 THE FOLLOWING:

2 (I) A LIST OF EACH SUSPENSION WHICH WAS EXTENDED
3 UNDER SUBSECTIONS (A) [AND], (A.1), (A.2) AND (A.3). THE
4 LIST UNDER THIS PARAGRAPH SHALL INCLUDE A REFERENCE TO
5 THE REGULATORY STATUTE, ORDER, RULE OR REGULATION WHICH
6 WAS SUSPENDED.

7 (II) FOR EACH SUSPENSION UNDER SUBPARAGRAPH (I)
8 WHICH WAS EXTENDED UNDER SUBSECTION (A):

9 (A) WHETHER THE EXTENSION OF THE SUSPENSION WAS
10 TERMINATED UNDER SUBSECTION (A) PRIOR TO SEPTEMBER
11 30, 2021, AND THE DATE OF THE TERMINATION.

12 (B) WHETHER THE EXTENSION OF THE SUSPENSION
13 EXPIRED ON SEPTEMBER 30, 2021.

14 (C) WHETHER THE EXTENSION WAS EXTENDED UNDER
15 SUBSECTION (A.1).

16 (III) FOR EACH SUSPENSION UNDER SUBPARAGRAPH (I)
17 WHICH WAS EXTENDED UNDER SUBSECTION (A.1):

18 (A) WHETHER THE EXTENSION OF THE SUSPENSION WAS
19 TERMINATED UNDER SUBSECTION (A.1) PRIOR TO MARCH 31,
20 2022, AND THE DATE OF THE TERMINATION.

21 (B) WHETHER THE EXTENSION OF THE SUSPENSION
22 EXPIRED ON MARCH 31, 2022.

23 (C) WHETHER THE EXTENSION WAS EXTENDED UNDER
24 SUBSECTION (A.2).

25 (D) WHETHER THE EXTENSION WAS EXTENDED UNDER
26 SUBSECTION (A.3).

27 (E) WHETHER THE AUTHORITY RECOMMENDS THAT THE
28 POLICY UNDERLYING THE SUSPENSION BE ENACTED
29 PERMANENTLY INTO STATUTE OR REGULATION. THE AUTHORITY
30 MAY INCLUDE ANALYSIS RELATED TO THE RECOMMENDATION.

1 (IV) FOR EACH SUSPENSION UNDER SUBPARAGRAPH (I)
2 WHICH WAS EXTENDED UNDER SUBSECTION (A.2):

3 (A) WHETHER THE EXTENSION OF THE SUSPENSION WAS
4 TERMINATED UNDER SUBSECTION (A.2) PRIOR TO JUNE 30,
5 2022, AND THE DATE OF THE TERMINATION.

6 (B) WHETHER THE EXTENSION OF THE SUSPENSION
7 EXPIRED ON JUNE 30, 2022.

8 (V) FOR EACH SUSPENSION UNDER SUBPARAGRAPH (I) WHICH
9 WAS EXTENDED UNDER SUBSECTION (A.3):

10 (A) WHETHER THE EXTENSION OF THE SUSPENSION WAS
11 TERMINATED UNDER SUBSECTION (A.3) PRIOR TO THE LAST
12 DAY THAT THE FEDERAL PUBLIC HEALTH EMERGENCY
13 DECLARATION IS IN EFFECT AND THE DATE OF THE
14 TERMINATION.

15 (B) IF APPLICABLE, THE LAST DAY THAT THE FEDERAL
16 PUBLIC HEALTH EMERGENCY DECLARATION IS IN EFFECT.

17 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.