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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 275 Session of  
2021

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INTRODUCED BY YAW, STEFANO, PITTMAN, ARGALL, MENSCH, YUDICHAK,  
HUTCHINSON, PHILLIPS-HILL, SCHWANK, J. WARD, DiSANTO,  
BREWSTER AND MARTIN, FEBRUARY 24, 2021

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REFERRED TO LOCAL GOVERNMENT, FEBRUARY 24, 2021

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in preemptions, providing for  
3 restrictions on utility services prohibited.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 306. Restrictions on utility services prohibited.

9 (a) Prohibitions.--

10 (1) A municipality may not:

11 (i) Adopt a policy that restricts or prohibits, or  
12 has the effect of restricting or prohibiting, the  
13 connection or reconnection of a utility service based  
14 upon the type of source of energy to be delivered to an  
15 individual consumer within the municipality.

16 (ii) Discriminate against a utility service provider  
17 based in whole or in part on the nature or source of the  
18 utility service provided for an individual consumer

1           within the municipality.

2           (2) A policy, or part of a policy, that is adopted by a  
3 municipality may not restrict or prohibit, or have the effect  
4 of restricting or prohibiting, the ability of an individual  
5 or entity within the municipality to use the services of a  
6 utility service provider that is capable and authorized to  
7 provide utility service for the property of the individual or  
8 entity.

9           (b) Effect.--This section does not affect the authority of a  
10 municipality to manage or operate a publicly owned utility.

11           (c) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection unless the context clearly indicates otherwise:

14           "Municipality." Any of the following:

15           (1) A county, city, borough, incorporated town or  
16 township.

17           (2) A home rule, optional plan or optional charter  
18 municipality.

19           (3) Any other general purpose unit of government  
20 established by the General Assembly.

21           (4) A municipal authority.

22           (5) An entity formed under Subchapter A of Chapter 23  
23 (relating to intergovernmental cooperation).

24           "Policy." A requirement, including a zoning or building code  
25 requirement or restriction, which is imposed by ordinance,  
26 resolution, rule, code, land use regulation, general or specific  
27 plan provision or otherwise.

28           "Utility service." Service from a utility service provider,  
29 which includes electric, manufactured gas, liquefied petroleum  
30 gas, natural gas, hydrogen, fuel oil, a renewable source or any

1 other source, and which is capable of providing and authorized  
2 to provide the service for the property of an individual or  
3 entity.

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