
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1349 Session of
2017

INTRODUCED BY TALLMAN, METCALFE, BARRAR, JAMES, PICKETT,
B. MILLER, ZIMMERMAN AND MOUL, MAY 8, 2017

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MAY 8, 2017

AN ACT

1 Providing for parental rights protection.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Parental
6 Rights Protection Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Commonwealth agency." Any of the following:

12 (1) The Commonwealth, including the Executive Department
13 and its boards and commissions.

14 (2) An independent administrative department, board or
15 commission.

16 (3) A public official of an entity listed under
17 paragraph (1) or (2), acting under color of State law.

1 "Non-Commonwealth agency." A political subdivision,
2 municipal authority or other local government instrumentality
3 authorized by law, or a public official of a political
4 subdivision, municipal authority or other local government
5 instrumentality acting under color of State law.

6 Section 3. Parental rights protected.

7 (a) General rule.--The liberty of a parent to direct the
8 upbringing, education, care and welfare of the parent's child,
9 so long as not causing actual harm, defined as physical harm or
10 long-term emotional harm, is a fundamental right.

11 (b) Infringement.--Neither a Commonwealth agency nor a non-
12 Commonwealth agency may infringe upon the right under subsection
13 (a) without demonstrating by clear and convincing evidence all
14 of the following:

15 (1) Its governmental interest is compelling.

16 (2) Its governmental interest is not otherwise served.

17 (3) In infringing upon the right, the Commonwealth
18 agency or non-Commonwealth agency has employed the means or
19 methods to achieve the compelling governmental interest that
20 least infringes upon the right.

21 Section 4. Applicability.

22 This act shall apply to any State or local law or ordinance
23 and the implementation of that law or ordinance, whether
24 statutory or otherwise and whether adopted or effective prior to
25 or after the effective date of this act. Any law enacted by the
26 General Assembly after the effective date of this act shall be
27 subject to this act, unless the General Assembly expressly
28 excludes that law from this act by specific reference to this
29 act.

30 Section 5. Effective date.

1 This act shall take effect in 60 days.