

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1217 Session of
2020

INTRODUCED BY LEACH, JUNE 22, 2020

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 22, 2020

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in development, providing for prohibition of
3 natural gas hydraulic fracturing.

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

6 Section 1. Title 58 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3211.1. Prohibition of natural gas hydraulic fracturing.

9 (a) General rule.--Natural gas hydraulic fracturing is
10 prohibited in this Commonwealth in accordance with the
11 Constitution of Pennsylvania.

12 (b) Criminal penalties.--A violation of this section shall
13 be a misdemeanor of the first degree.

14 (c) Administrative sanctions.--In addition to any other
15 remedy available at law or in equity for a violation of this
16 section, the department may assess a civil penalty of up to
17 \$500,000 for each violation by a person. The department shall
18 use the following factors in assessing a penalty:

19 (1) Willfulness of the violation.

1 (2) Damage to the air, water, land or other natural
2 resources, or their uses, in this Commonwealth.

3 (3) Cost of restoration and abatement.

4 (4) Harm caused to the health and safety of affected
5 individuals.

6 (5) Aggravation of global climate change.

7 (6) Any other relevant factors.

8 (d) Liability.--Notwithstanding any other provision of law
9 to the contrary, an individual employed by a corporation that
10 violates this section shall be liable under this section if:

11 (1) the individual's conduct contributed to the
12 corporation's violation of this section; and

13 (2) the individual's contributory conduct was within the
14 scope of the individual's employment duties.

15 (e) Period of limitations.--

16 (1) A prosecution under this section must be commenced
17 within two years of the date of the alleged violation.

18 (2) An administrative sanction under this section must
19 be commenced within two years of the date of the discovery by
20 the department of the alleged violation.

21 (f) Regulations.--The department shall promulgate rules and
22 regulations necessary to carry out the provisions of this
23 section.

24 (g) Construction.--Nothing in this section may be construed:

25 (1) to bar an individual from bringing a civil action
26 against a person who has violated this section if the civil
27 action is commenced within two years of the discovery by the
28 individual of the cause of action; and

29 (2) to impose penalties against a person for actions
30 performed prior to the effective date of this section.

1 (h) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Department." The Department of Environmental Protection of
5 the Commonwealth.

6 "Natural gas hydraulic fracturing." The breaking of rock by
7 fluid for the purposes of stimulating or extracting natural gas
8 as part of a commercial effort to produce and sell energy.

9 Section 2. This act shall apply to acts committed on or
10 after the effective date of this section.

11 Section 3. All acts and parts of acts are repealed insofar
12 as they are inconsistent with the provisions of this act.

13 Section 4. The Secretary of the Commonwealth shall submit a
14 notice to the Legislative Reference Bureau for publication in
15 the Pennsylvania Bulletin upon the ratification of a
16 Pennsylvania constitutional amendment that bans natural gas
17 hydraulic fracturing.

18 Section 5. This act shall take effect as follows:

19 (1) This section and section 4 of the act shall take
20 effect immediately.

21 (2) The remainder of this act shall take effect upon
22 publication of the notice under section 4.