

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 568 Session of  
2017

---

INTRODUCED BY DAVIS, FREEMAN, O'BRIEN, DEAN, McNEILL,  
SCHLOSSBERG, SOLOMON, WHEATLEY, GILLEN, MENTZER AND MURT,  
FEBRUARY 21, 2017

---

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 21, 2017

---

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, in ethics standards and financial  
3 disclosure, providing for gift ban.

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

6 Section 1. Title 65 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 1103.1. Gift ban.

9 (a) Gifts.--Except as otherwise provided for in this  
10 section, no public official or public employee shall receive,  
11 accept, take, seek or solicit any gift having either a fair  
12 market value or aggregate actual cost greater than \$25 from any  
13 person in a calendar year.

14 (b) Exception.--The prohibition in subsection (a) shall not  
15 apply to the following:

16 (1) A gift from a relative.

17 (2) A gift from an individual on the basis of a personal  
18 friendship unless the public official or public employee has

1 reason to believe the gift was made because of the official  
2 position or employment of the public official or public  
3 employee. In determining whether a gift is provided on the  
4 basis of a personal friendship, a public official or public  
5 employee shall consider the following:

6 (i) The history of the public official's or public  
7 employee's relationship with the individual, including  
8 any previous exchange of gifts.

9 (ii) Whether, to the public official's or public  
10 employee's knowledge, the individual personally paid for  
11 the gift or whether the individual sought a tax deduction  
12 or business reimbursement for the cost of the gift.

13 (iii) Whether, to the public official's or public  
14 employee's knowledge, the individual at the same time  
15 gave the same or similar gifts to other public officials  
16 or public employees.

17 (3) Informational materials that are sent to an office  
18 of the public official or public employee in the form of  
19 books, articles, periodicals, other written materials,  
20 audiotapes, videotapes or other forms of communication.

21 (4) Awards or prizes that are given to competitors in  
22 contests or events open to the public, including random  
23 drawings.

24 (5) Honorary degrees and associated travel, food,  
25 refreshments and entertainment provided in the presentation  
26 of the degrees and awards.

27 (6) Training provided to a public official or public  
28 employee if the training relates to the public official's or  
29 public employee's position or employment. This shall include  
30 food and refreshments furnished to all attendees as an

1 integral part of the training.

2 (7) Educational seminars, classes or similar  
3 instruction, including meetings with government officials,  
4 either foreign or domestic, intended to educate public  
5 officials or public employees on matters of public policy, to  
6 which the public official or public employee may be invited  
7 to participate along with other Federal, State or local  
8 public officials and community leaders.

9 (8) Bequests, inheritances and other transfers at death.

10 (9) A plaque, trophy or other item that is substantially  
11 commemorative in nature.

12 (10) Donations of products from a Pennsylvania company  
13 that are intended primarily for promotional purposes, such as  
14 display or free distribution, and are of minimal value to any  
15 individual recipient.

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

19 "Relative." An individual related to the public official or  
20 public employee as an immediate family member or any of the  
21 following:

22 (1) half-brother or half-sister;

23 (2) grandfather or grandmother;

24 (3) spouse's grandfather or grandmother;

25 (4) grandson or granddaughter;

26 (5) uncle or aunt;

27 (6) niece or nephew;

28 (7) first cousin;

29 (8) great-uncle or great-aunt;

30 (9) mother-in-law or father-in-law;

1           (10) daughter-in-law or son-in-law;

2           (11) stepfather or stepmother;

3           (12) stepson or stepdaughter; or

4           (13) stepsister or stepbrother.

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