

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1861 Session of
2021INTRODUCED BY LEWIS, LEWIS DELROSSO, ROWE AND GROVE,
SEPTEMBER 14, 2021SENATOR BROOKS, HEALTH AND HUMAN SERVICES, IN SENATE, RE-
REPORTED AS AMENDED, SEPTEMBER 28, 2021

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 temporary
23 regulatory flexibility authority.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 ~~Section 1. The definition of "order" in section 2101-F of~~ <--
27 ~~the act of April 9, 1929 (P.L.177, No.175), known as The~~

1 ~~Administrative Code of 1929, added June 11, 2021 (P.L.56,~~
2 ~~No.21), is amended to read:~~

3 SECTION 1. SECTIONS 2101-F AND 2102-F OF THE ACT OF APRIL 9, <--
4 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
5 1929, ADDED JUNE 11, 2021 (P.L.56, NO.21), ARE AMENDED TO READ:
6 Section 2101-F. Definitions.

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

10 * * * <--

11 "COVID-19." THE CORONAVIRUS DISEASE 2019, BEING AN <--
12 INFECTIOUS DISEASE CAUSED BY SEVERE ACUTE RESPIRATORY SYNDROME
13 CORONAVIRUS 2 THAT WAS FIRST IDENTIFIED DURING DECEMBER 2019 IN
14 WUHAN, CHINA.

15 ["Order."] ~~"COVID-19 declaration of disaster emergency."~~ <--
16 "DECLARATION." Any of the following: <--

17 (1) the declaration of disaster emergency issued by the
18 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
19 21, 2020); or

20 (2) a declaration of disaster emergency relating to
21 COVID-19 which is issued after March 6, 2020.

22 ~~Section 2. Section 2102 F(a) and (b) of the act, added June <--~~
23 ~~11, 2021 (P.L.56, No.21), are amended and the section is amended~~
24 ~~by adding a subsection to read:~~

25 Section 2102-F. [Temporary] COVID-19 regulatory flexibility <--
26 authority.

27 (a) Extension.--The suspension of a regulatory statute
28 prescribing the procedures for conduct of Commonwealth business,
29 or an order, rule or regulation of a Commonwealth agency which
30 was suspended under 35 Pa.C.S. § 7301(f) (1) (relating to general

1 authority of Governor) as of the last day that the [order]
2 ~~COVID-19 declaration of disaster emergency~~, as amended and <--
3 renewed, was in effect is extended until September 30, 2021,
4 unless sooner terminated by the authority which initially
5 authorized the suspension.

6 ~~(b) Applicability. A suspension which is extended under <--~~
7 ~~subsection (a) shall be retroactive to the last day that the~~
8 ~~[order] COVID-19 declaration of disaster emergency, as amended~~
9 ~~and renewed, was in effect.~~

10 * * *

11 (A.1) ADDITIONAL TEMPORARY EXTENSIONS.--THE FOLLOWING <--
12 SUSPENSIONS OF REGULATORY STATUTES, RULES AND REGULATIONS
13 EXTENDED UNDER SUBSECTION (A) WHICH ARE IN EFFECT ON SEPTEMBER
14 30, 2021, ARE EXTENDED UNTIL MARCH 31, 2022, UNLESS SOONER
15 TERMINATED BY THE AUTHORITY WHICH INITIALLY AUTHORIZED THE
16 SUSPENSION:

17 (1) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
18 OF DRUG AND ALCOHOL PROGRAMS:

19 (I) 28 PA. CODE § 715.6(D) (RELATING TO PHYSICIAN
20 STAFFING).

21 (II) 28 PA. CODE § 715.9(A)(4) (RELATING TO INTAKE).

22 (III) 28 PA. CODE § 715.16(E) (RELATING TO TAKE-HOME
23 PRIVILEGES).

24 (2) THE FOLLOWING PROVISIONS ENFORCED BY THE OFFICE OF
25 ADMINISTRATION:

26 (I) 71 PA.C.S. § 2407 (RELATING TO EMERGENCY
27 APPOINTMENTS).

28 (II) 4 PA. CODE § 604.5 (RELATING TO REASSIGNMENTS
29 AND TRANSFERS AUTHORIZED).

30 (III) 4 PA. CODE § 604.6 (RELATING TO INITIATION OF

1 TRANSFERS).

2 (IV) 4 PA. CODE § 604.7 (RELATING TO LIMITATIONS ON
3 TRANSFER).

4 (V) 4 PA. CODE § 604.8 (RELATING TO EFFECT OF
5 TRANSFER ON PROBATIONARY PERIOD).

6 (VI) 4 PA. CODE § 604.9 (RELATING TO TRANSFER OF
7 CLASSIFIED SERVICE EMPLOYEES ENTERING THE SENIOR
8 MANAGEMENT SERVICE).

9 (3) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
10 OF BANKING AND SECURITIES:

11 (I) 7 PA.C.S. § 6131(A.1) AND (F) (2) (RELATING TO
12 APPLICATION FOR LICENSE).

13 (II) 12 PA.C.S. § 6212(B) (2) (RELATING TO INITIAL
14 LICENSE APPLICATION).

15 (III) SECTION 4 OF THE ACT OF APRIL 6, 1937
16 (P.L.200, NO.51), KNOWN AS THE PAWNBROKERS LICENSE ACT.

17 (IV) SECTION 8 OF THE ACT OF APRIL 8, 1937 (P.L.262,
18 NO.66), KNOWN AS THE CONSUMER DISCOUNT COMPANY ACT.

19 (V) SECTION 2 OF THE ACT OF SEPTEMBER 2, 1965
20 (P.L.490, NO.249), REFERRED TO AS THE MONEY TRANSMISSION
21 BUSINESS LICENSING LAW.

22 (VI) SECTION 301(B) (3) OF THE ACT OF FEBRUARY 18,
23 1998 (P.L.146, NO.22), KNOWN AS THE CHECK CASHIER
24 LICENSING ACT.

25 (VII) SECTION 5(2) OF THE ACT OF OCTOBER 9, 2008
26 (P.L.1421, NO.117), KNOWN AS THE DEBT MANAGEMENT SERVICES
27 ACT.

28 (VIII) SECTION 313(A) OF THE ACT OF JULY 9, 2014
29 (P.L.1022, NO.118), KNOWN AS THE DEBT SETTLEMENT SERVICES
30 ACT.

1 (4) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
2 OF MILITARY AND VETERANS AFFAIRS:

3 (I) 51 PA.C.S. § 709 (RELATING TO OPERATION OF
4 STATE-OWNED VEHICLES).

5 (II) 51 PA.C.S. § 3105 (RELATING TO ASSOCIATION
6 GROUP LIFE INSURANCE FOR PENNSYLVANIA NATIONAL GUARD).

7 (III) SECTION 2407 OF THIS ACT.

8 (IV) 4 PA. CODE § 39.93 (RELATING TO GENERAL).

9 (V) 4 PA. CODE § 39.95 (RELATING TO OPERATION OF
10 STATE AUTOMOBILES).

11 (5) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
12 OF LABOR AND INDUSTRY:

13 (I) SECTION 449 OF THE ACT OF JUNE 2, 1915 (P.L.736,
14 NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT.

15 (II) SECTION 505.1 OF THE ACT OF DECEMBER 5, 1936
16 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE
17 UNEMPLOYMENT COMPENSATION LAW.

18 (III) SECTION 9(A) (2) (I) AND (3) AND (B) (2) (I) OF
19 THE THE ACT OF OCTOBER 24, 2012 (P.L.1209, NO.151), KNOWN
20 AS THE CHILD LABOR ACT.

21 (IV) 34 PA. CODE § 101.83 (RELATING TO NOTIFICATION
22 OF FILING OF APPEAL).

23 (V) 34 PA. CODE § 101.110 (RELATING TO NOTICE OF
24 DECISION OF BOARD).

25 (VI) 34 PA. CODE § 101.128 (RELATING TO SCHEDULING
26 OF TELEPHONE TESTIMONY).

27 (VII) 34 PA. CODE § 101.130 (RELATING TO NOTICE OF
28 TESTIMONY BY TELEPHONE AND USE OF DOCUMENTS).

29 (6) THE FOLLOWING PROVISIONS ENFORCED BY THE DEPARTMENT
30 OF REVENUE:

1 (I) SECTION 903 OF THE ACT OF MARCH 4, 1971 (P.L.6,
2 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

3 (II) SECTION 1502 OF THE TAX REFORM CODE.

4 (7) REGULATORY STATUTES, RULES OR REGULATIONS ENFORCED
5 BY THE DEPARTMENT OF HEALTH.

6 (8) REGULATORY STATUTES, RULES OR REGULATIONS ENFORCED
7 BY THE DEPARTMENT OF HUMAN SERVICES.

8 (9) REGULATORY STATUTES, RULES OR REGULATIONS ENFORCED
9 BY THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS.

10 (B) APPLICABILITY.--

11 (1) A SUSPENSION WHICH IS EXTENDED UNDER SUBSECTION (A)
12 SHALL BE RETROACTIVE TO THE LAST DAY THAT THE [ORDER]
13 DECLARATION, AS AMENDED AND RENEWED, WAS IN EFFECT.

14 (2) A SUSPENSION EXTENDED UNDER SUBSECTION (A.1) SHALL
15 BE RETROACTIVE TO SEPTEMBER 30, 2021.

16 (C) NOTICE.--UPON THE TERMINATION OF AN EXTENSION OF A
17 SUSPENSION UNDER SUBSECTION (A) OR (A.1), THE AUTHORITY WHICH
18 TERMINATED THE EXTENSION OF THE SUSPENSION SHALL NOTIFY ALL OF
19 THE FOLLOWING:

20 (1) THE PRESIDENT PRO TEMPORE OF THE SENATE.

21 (2) THE MAJORITY LEADER OF THE SENATE.

22 (3) THE MINORITY LEADER OF THE SENATE.

23 (4) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

24 (5) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

25 (6) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

26 (7) THE CHAIR AND MINORITY CHAIR OF EACH COMMITTEE OF
27 THE SENATE AND OF THE HOUSE OF REPRESENTATIVES WHICH HAVE
28 OVERSIGHT AUTHORITY OVER THE COMMONWEALTH AGENCY WHICH
29 ADMINISTERS THE REGULATORY STATUTE, ORDER, RULE OR
30 REGULATION.

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~~1 (d) Final report. No later than November 1, 2021, each
2 authority which initially authorized a suspension which was
3 extended under subsection (a) shall issue a final report. A
4 final report under this subsection shall include all of the
5 following:~~

~~6 (1) A list of each suspension which was extended under
7 subsection (a). The list under this paragraph shall include a
8 reference to the statute, order, rule or regulation which was
9 suspended.~~

~~10 (2) For each suspension under paragraph (1) which was
11 terminated under subsection (a), the date that the suspension
12 was terminated.~~

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~~13 (D) REPORTS.--~~

~~14 (1) NO LATER THAN NOVEMBER 1, 2021, EACH AUTHORITY WHICH
15 INITIALLY AUTHORIZED A SUSPENSION WHICH WAS EXTENDED UNDER
16 SUBSECTION (A) SHALL ISSUE A REPORT, WHICH SHALL BE PUBLISHED
17 ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.~~

~~18 (2) NO LATER THAN MAY 1, 2022, EACH AUTHORITY WHICH
19 INITIALLY AUTHORIZED A SUSPENSION WHICH WAS EXTENDED UNDER
20 SUBSECTION (A.1) SHALL ISSUE AN UPDATED REPORT, WHICH SHALL
21 BE PUBLISHED ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET
22 WEBSITE.~~

~~23 (3) A REPORT UNDER THIS SUBSECTION SHALL INCLUDE ALL OF
24 THE FOLLOWING:~~

~~25 (I) A LIST OF EACH SUSPENSION WHICH WAS EXTENDED
26 UNDER SUBSECTIONS (A) AND (A.1). THE LIST UNDER THIS
27 PARAGRAPH SHALL INCLUDE A REFERENCE TO THE REGULATORY
28 STATUTE, ORDER, RULE OR REGULATION WHICH WAS SUSPENDED.~~

~~29 (II) FOR EACH SUSPENSION UNDER SUBPARAGRAPH (I)
30 WHICH WAS EXTENDED UNDER SUBSECTION (A):~~

1 (A) WHETHER THE EXTENSION OF THE SUSPENSION WAS
2 TERMINATED UNDER SUBSECTION (A) PRIOR TO SEPTEMBER
3 30, 2021, AND THE DATE OF THE TERMINATION.

4 (B) WHETHER THE EXTENSION OF THE SUSPENSION
5 EXPIRED ON SEPTEMBER 30, 2021.

6 (C) WHETHER THE EXTENSION WAS EXTENDED UNDER
7 SUBSECTION (A.1).

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

10 (A) WHETHER THE EXTENSION OF THE SUSPENSION WAS
11 TERMINATED UNDER SUBSECTION (A.1) PRIOR TO MARCH 31,
12 2022, AND THE DATE OF THE TERMINATION.

13 (B) WHETHER THE EXTENSION OF THE SUSPENSION
14 EXPIRED ON MARCH 31, 2022.

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

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