
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 970 Session of
2021

INTRODUCED BY BROOKS, MARTIN, MENSCH, J. WARD, COSTA, SCAVELLO
AND STEFANO, DECEMBER 10, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, DECEMBER 10, 2021

AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),
2 entitled "An act providing for a sexual assault evidence
3 collection program and for powers and duties of the
4 Department of Health and the Pennsylvania State Police;
5 establishing civil immunity; and providing for rights of
6 sexual assault victims," further providing for definitions
7 and for sexual assault evidence collection program; and
8 providing for noncompliance.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2 of the act of November 29, 2006
12 (P.L.1471, No.165), known as the Sexual Assault Testing and
13 Evidence Collection Act, is amended by adding a definition to
14 read:

15 Section 2. Definitions.

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

19 * * *

20 "Sexual abuse or exploitation." The term as defined under 23
21 Pa.C.S. § 6303 (relating to definitions).

1 * * *

2 Section 2. Section 3 heading and (a) introductory paragraph
3 of the act are amended and subsection (a) is amended by adding a
4 paragraph to read:

5 Section 3. Sexual assault or exploitation reporting evidence
6 collection program.

7 (a) Establishment.--There is hereby established a Statewide
8 sexual assault [evidence collection program to promote the
9 health and safety of victims of sexual assault and to facilitate
10 the prosecution of persons accused of sexual assault. This
11 program shall be administered by the department.] or
12 exploitation reporting program to promote the health and safety
13 of minors, to facilitate the prosecution of persons willfully
14 failing to report child abuse and to collect evidence sufficient
15 to determine paternity DNA in the case of an investigation.
16 Under this program the department shall:

17 * * *

18 (7) During its annual inspection of health care
19 facilities, conduct a compliance review of records of
20 all individuals who are younger than 14 years of age. Each
21 inspection shall include a physical inspection of the records
22 as to whether child protective services or a law enforcement
23 agency was notified of suspected sexual abuse or exploitation
24 of the child as required under 23 Pa.C.S. Ch. 63 (relating to
25 child protective services). If the inspection reveals that
26 child protective services or a law enforcement agency was not
27 notified of suspected sexual abuse or exploitation, the
28 department must notify child protective services or a law
29 enforcement agency as required under 23 Pa.C.S. Ch. 63. The
30 results of the compliance review shall be published on the

1 department's publicly accessible Internet website. The
2 results shall omit all personal identifying information of
3 the victim.

4 * * *

5 Section 3. The act is amended by adding a section to read:

6 Section 4.1. Noncompliance.

7 (a) Health care facilities.--

8 (1) If, during a compliance review conducted under
9 section 3(a)(7), the inspection reveals that child protective
10 services or a law enforcement agency was not notified of
11 suspected sexual abuse or exploitation of the child as
12 required under 23 Pa.C.S. Ch. 63 (relating to child
13 protective services), the following shall apply:

14 (i) The parent or guardian of the victim who is
15 under 17 years of age may bring a civil action against
16 the health care facility.

17 (ii) The department must refer the violation of 23
18 Pa.C.S. Ch. 63 to the Pennsylvania State Police and the
19 appropriate medical licensing board for prosecution and
20 investigation.

21 (2) If, during a compliance review conducted under
22 section 3(a)(7), the health care facility willfully fails to
23 provide the records required for the review to the Department
24 of Health, the health care facility shall be guilty of a
25 misdemeanor of the third degree.

26 (b) Department of Health.--If, during a compliance review
27 conducted under section 3(a)(7), the inspection reveals that
28 child protective services or a law enforcement agency was not
29 notified of suspected sexual abuse or exploitation and the
30 inspector from the department willfully does not notify child

1 protective services or a law enforcement agency as required
2 under 23 Pa.C.S. Ch. 63, the inspector shall be guilty of a
3 misdemeanor of the third degree.

4 Section 4. The addition of the definition of "sexual abuse
5 or exploitation" in section 2, section 3(a)(7) and section 4.1
6 of the act shall apply to annual inspections of health care
7 facilities conducted on and after the effective date of this
8 section.

9 Section 5. This act shall take effect in 30 days.