

ADMINISTRATIVE CODE OF 1929 - TEMPORARY REGULATORY FLEXIBILITY
AUTHORITY AND DEFINITIONS

Act of Sep. 30, 2021, P.L. 404, No. 73

Cl. 71

Session of 2021

No. 2021-73

HB 1861

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," in temporary regulatory flexibility authority, further providing for definitions and for temporary regulatory flexibility authority.

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

Section 1. Sections 2101-F and 2102-F of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, added June 11, 2021 (P.L.56, No.21), are amended to read: Section 2101-F. Definitions.

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

"COVID-19." The coronavirus disease 2019, being an infectious disease caused by severe acute respiratory syndrome coronavirus 2 that was first identified during December 2019 in Wuhan, China.

["Order."] **"Declaration."** Any of the following:

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

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

Section 2102-F. [Temporary] **COVID-19** regulatory flexibility authority.

(a) Extension.--The suspension of a regulatory statute prescribing the procedures for conduct of Commonwealth business, or an order, rule or regulation of a Commonwealth agency which was suspended under 35 Pa.C.S. § 7301(f)(1) (relating to general authority of Governor) as of the last day that the [order]

declaration, as amended and renewed, was in effect is extended until September 30, 2021, unless sooner terminated by the authority which initially authorized the suspension.

(a.1) Additional temporary extensions.--The following suspensions of regulatory statutes, rules and regulations extended under subsection (a) which are in effect on September 30, 2021, are extended until March 31, 2022, unless sooner terminated by the authority which initially authorized the suspension:

(1) The following provisions enforced by the Department of Drug and Alcohol Programs:

- (i) 28 Pa. Code § 715.6(d) (relating to physician staffing).
- (ii) 28 Pa. Code § 715.9(a)(4) (relating to intake).
- (iii) 28 Pa. Code § 715.16(e) (relating to take-home privileges).

(2) The following provisions enforced by the Office of Administration:

- (i) 71 Pa.C.S. § 2407 (relating to emergency appointments).
- (ii) 4 Pa. Code § 604.5 (relating to reassignments and transfers authorized).
- (iii) 4 Pa. Code § 604.6 (relating to initiation of transfers).
- (iv) 4 Pa. Code § 604.7 (relating to limitations on transfer).
- (v) 4 Pa. Code § 604.8 (relating to effect of transfer on probationary period).
- (vi) 4 Pa. Code § 604.9 (relating to transfer of classified service employees entering the Senior Management Service).

(3) The following provisions enforced by the Department of Banking and Securities:

- (i) 7 Pa.C.S. § 6131(a.1) and (f)(2) (relating to application for license).
- (ii) 12 Pa.C.S. § 6212(b)(2) (relating to initial license application).
- (iii) Section 4 of the act of April 6, 1937 (P.L.200, No.51), known as the Pawnbrokers License Act.
- (iv) Section 8 of the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act.
- (v) Section 2 of the act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law.
- (vi) Section 301(b)(3) of the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act.
- (vii) Section 5(2) of the act of October 9, 2008 (P.L.1421, No.117), known as the Debt Management Services Act.
- (viii) Section 313(a) of the act of July 9, 2014 (P.L.1022, No.118), known as the Debt Settlement Services Act.

(4) The following provisions enforced by the Department of Military and Veterans Affairs:

- (i) 51 Pa.C.S. § 709 (relating to operation of State-owned vehicles).
- (ii) 51 Pa.C.S. § 3105 (relating to association group life insurance for Pennsylvania National Guard).
- (iii) Section 2407 of this act.
- (iv) 4 Pa. Code § 39.93 (relating to general).

(v) 4 Pa. Code § 39.95 (relating to operation of State automobiles).

(5) The following provisions enforced by the Department of Labor and Industry:

(i) Section 449 of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

(ii) Section 505.1 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law.

(iii) Section 9(a)(2)(i) and (3) and (b)(2)(i) of the act of October 24, 2012 (P.L.1209, No.151), known as the Child Labor Act.

(iv) 34 Pa. Code § 101.83 (relating to notification of filing of appeal).

(v) 34 Pa. Code § 101.110 (relating to notice of decision of Board).

(vi) 34 Pa. Code § 101.128 (relating to scheduling of telephone testimony).

(vii) 34 Pa. Code § 101.130 (relating to notice of testimony by telephone and use of documents).

(6) The following provisions enforced by the Department of Revenue:

(i) Section 903 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(ii) Section 1502 of the Tax Reform Code.

(7) Regulatory statutes, rules or regulations enforced by the Department of Health.

(8) Regulatory statutes, rules or regulations enforced by the Department of Human Services.

(9) Regulatory statutes, rules or regulations enforced by the Bureau of Professional and Occupational Affairs.

(b) Applicability.--

(1) A suspension which is extended under subsection (a) shall be retroactive to the last day that the [order] **declaration**, as amended and renewed, was in effect.

(2) **A suspension extended under subsection (a.1) shall be retroactive to September 30, 2021.**

(c) Notice.--Upon the termination of an extension of a suspension under subsection (a) **or (a.1)**, the authority which terminated the extension of the suspension shall notify all of the following:

(1) The President pro tempore of the Senate.

(2) The Majority Leader of the Senate.

(3) The Minority Leader of the Senate.

(4) The Speaker of the House of Representatives.

(5) The Majority Leader of the House of Representatives.

(6) The Minority Leader of the House of Representatives.

(7) The chair and minority chair of each committee of the Senate and of the House of Representatives which have oversight authority over the Commonwealth agency which administers the regulatory statute, order, rule or regulation.

(d) Reports.--

(1) No later than November 1, 2021, each authority which initially authorized a suspension which was extended under subsection (a) shall issue a report, which shall be published on the authority's publicly accessible Internet website.

(2) No later than May 1, 2022, each authority which initially authorized a suspension which was extended under subsection (a.1) shall issue an updated report, which shall be published on the authority's publicly accessible Internet website.

(3) A report under this subsection shall include all of the following:

(i) A list of each suspension which was extended under subsections (a) and (a.1). The list under this paragraph shall include a reference to the regulatory statute, order, rule or regulation which was suspended.

(ii) For each suspension under subparagraph (i) which was extended under subsection (a):

(A) Whether the extension of the suspension was terminated under subsection (a) prior to September 30, 2021, and the date of the termination.

(B) Whether the extension of the suspension expired on September 30, 2021.

(C) Whether the extension was extended under subsection (a.1).

(iii) For each suspension under subparagraph (i) which was extended under subsection (a.1):

(A) Whether the extension of the suspension was terminated under subsection (a.1) prior to March 31, 2022, and the date of the termination.

(B) Whether the extension of the suspension expired on March 31, 2022.

Section 2. This act shall take effect immediately.

APPROVED--The 30th day of September, A.D. 2021.

TOM WOLF