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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 855 Session of  
2017

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INTRODUCED BY TALLMAN, PICKETT, B. MILLER, MOUL, ZIMMERMAN AND  
METCALFE, MARCH 13, 2017

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 13, 2017

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AN ACT

1 Providing for parental rights protection.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Parental  
6 Rights Protection Act.

7 Section 2. Definitions.

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

11 "Commonwealth agency." Any of the following:

12 (1) The Commonwealth, including the Executive Department  
13 and its boards and commissions.

14 (2) An independent administrative department, board or  
15 commission.

16 (3) A public official of an entity listed under  
17 paragraph (1) or (2), acting under color of State law.

1 "Non-Commonwealth agency." A political subdivision,  
2 municipal authority or any other local government  
3 instrumentality authorized by law, or a public official thereof  
4 acting under color of State law.

5 Section 3. Parental rights protected.

6 (a) General rule.--The liberty of a parent to direct the  
7 upbringing, education, care and welfare of the parent's child,  
8 so long as not causing actual harm, defined as physical harm or  
9 long-term emotional harm, is a fundamental right.

10 (b) Infringement.--Neither a Commonwealth agency nor a non-  
11 Commonwealth agency may infringe upon the right under subsection  
12 (a) without demonstrating by clear and convincing evidence all  
13 of the following:

14 (1) Its governmental interest is compelling.

15 (2) Its governmental interest is not otherwise served.

16 (3) In infringing upon the right, the Commonwealth  
17 agency or non-Commonwealth agency has employed the means or  
18 methods to achieve the compelling governmental interest that  
19 least infringes upon the right.

20 Section 4. Applicability.

21 This act shall apply to any State or local law or ordinance  
22 and the implementation of that law or ordinance, whether  
23 statutory or otherwise and whether adopted or effective prior to  
24 or after the effective date of this act. Any law enacted by the  
25 General Assembly after the effective date of this act shall be  
26 subject to this act.

27 Section 5. Effective date.

28 This act shall take effect in 60 days.