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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 508 Session of  
2019

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INTRODUCED BY COX, BARRAR, GILLEN, GLEIM, HELM, JAMES, KAUFFMAN,  
KEEFER, KORTZ, METCALFE, B. MILLER, MOUL, PICKETT, RYAN,  
ZIMMERMAN AND DeLUCA, APRIL 9, 2019

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 9, 2019

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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 other local government instrumentality  
3 authorized by law, or a public official of a political  
4 subdivision, municipal authority or other local government  
5 instrumentality acting under color of State law.

6 Section 3. Parental rights protected.

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

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

15 (1) Its governmental interest is compelling.

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

17 (3) It has employed the means or methods to achieve the  
18 compelling governmental interest that least infringes upon  
19 the right.

20 Section 4. Applicability.

21 This act shall apply to any State or local law or ordinance  
22 whether statutory or otherwise and whether adopted or effective  
23 prior to or after the effective date of this section. Any law  
24 enacted by the General Assembly after the effective date of this  
25 section shall be subject to this act unless the General Assembly  
26 expressly excludes that law from this act by specific reference  
27 to this act.

28 Section 5. Effective date.

29 This act shall take effect in 60 days.