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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1225 Session of  
2021

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INTRODUCED BY KEEFER, METCALFE, RYAN, KNOWLES, GLEIM, COOK,  
HERSHEY, JONES, RAPP, MALONEY, KAUFFMAN, STAMBAUGH, KERWIN,  
DIAMOND, PUSKARIC, ZIMMERMAN, COX, BOROWICZ, SCHEMEL, ROWE,  
HAMM, WHEELAND, JOZWIAK, TOPPER, GILLESPIE, ROTHMAN,  
BERNSTINE, E. NELSON, PENNYCUICK, DOWLING AND KLUNK,  
APRIL 20, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 20, 2021

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AN ACT

1 Prohibiting the requirement of vaccinations by certain public  
2 and private entities, protecting freedom of worship,  
3 maintaining the openness of the Pennsylvania State Capitol  
4 Building and legislative meetings and proceedings, protecting  
5 the operation of private businesses and prohibiting stay-at-  
6 home orders and curfews.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the COVID Freedom  
11 Act.

12 Section 2. Definitions.

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

16 "Business entity." As follows:

17 (1) A person that performs or engages in an activity,  
18 enterprise, profession or occupation for gain, benefit,

1 advantage or livelihood, whether for profit or not for  
2 profit.

3 (2) The term includes any of the following:

4 (i) A self-employed individual, business entity  
5 filing articles of incorporation, partnership, limited  
6 partnership, limited liability company, foreign  
7 corporation, foreign limited partnership, foreign limited  
8 liability company authorized to transact business in this  
9 Commonwealth, business trust or business entity that  
10 registers with the Secretary of the Commonwealth.

11 (ii) A business entity that:

12 (A) possesses a business license, permit,  
13 certificate, approval, registration, charter or  
14 similar form of authorization issued by this  
15 Commonwealth;

16 (B) is exempt by law from obtaining a business  
17 license, permit, certificate, approval, registration,  
18 charter or similar form of authorization issued by  
19 this Commonwealth; or

20 (C) is operating unlawfully without a business  
21 license, permit, certificate, approval, registration,  
22 charter or similar form of authorization issued by  
23 this Commonwealth.

24 "Ticket issuer." An individual or entity providing tickets  
25 to an entertainment event, including any of the following:

26 (1) The operator of the venue where the entertainment  
27 event occurs.

28 (2) The sponsor or promoter of the entertainment event.

29 (3) A sports team participating in the entertainment  
30 event or a league whose teams are participating in the

1 entertainment event.

2 (4) A theater company, musical group or similar  
3 participant in the entertainment event.

4 (5) An agent of a person specified in paragraph (1),  
5 (2), (3) or (4).

6 "Vaccination." The introduction of a vaccine into the body  
7 to produce immunity to a specific disease or virus.

8 Section 3. Vaccination requirements prohibited.

9 (a) Business entity.--A business entity doing business in  
10 this Commonwealth may not refuse to provide a service, product,  
11 admission to a venue or transportation to an individual because  
12 the individual has or has not received a vaccination.

13 (b) Ticket issuer.--A ticket issuer may not penalize,  
14 discriminate against or deny access to an entertainment event to  
15 a ticket holder because the ticket holder has or has not  
16 received a vaccination.

17 (c) Government entity or official.--A State, county or local  
18 government entity or official in this Commonwealth may not  
19 require an individual to receive a vaccination, unless the  
20 individual is:

21 (1) an employee of a hospital or other medical facility;

22 (2) an employee of a long-term elder care or nursing  
23 home facility; or

24 (3) a student or faculty member of a public primary or  
25 secondary school unless, in the case of a student, the  
26 student's parent or guardian is opposed to vaccinations and  
27 objects by a written sworn statement to the vaccination based  
28 on religious grounds or conscientiously held beliefs.

29 (d) Condition for benefits or services.--A State, county or  
30 local government entity or official in this Commonwealth may not

1 require an individual to receive a vaccination as a condition  
2 for:

- 3 (1) the receipt of a government benefit;
- 4 (2) the receipt of a government service;
- 5 (3) the receipt of a government-issued license or  
6 permit;
- 7 (4) entrance into a public building; or
- 8 (5) the use of public transportation.

9 (e) Incentives prohibited.--A State, county or local  
10 government entity or official in this Commonwealth may not  
11 provide a special privilege, financial benefit or other  
12 incentive to an individual who receives a vaccination.

13 Section 4. Penalties regarding vaccinations.

14 (a) Violation generally.--A person who violates section 3  
15 commits a felony of the second degree.

16 (b) Business entity.--Notwithstanding subsection (a), on a  
17 finding that a business entity has violated section 3, the court  
18 shall order the suspension of the business entity's business  
19 license, permit, certificate, approval, registration, charter or  
20 similar form of authorization issued by this Commonwealth, for a  
21 period of not less than 30 days and not more than one year.

22 Section 5. Freedom of worship.

23 A State, county or local government entity or official may  
24 not:

- 25 (1) Restrict in any manner a worship service or activity  
26 in this Commonwealth.
- 27 (2) Suspend, regulate or prohibit the conduct of a  
28 worship service or activity in this Commonwealth, regardless  
29 of whether the worship service or activity is conducted  
30 inside a building, inside a temporary structure or outdoors.

1           (3) Limit the number of participants of a worship  
2           service or activity in this Commonwealth, other than by  
3           enforcing limitations on the number of individuals in a  
4           building imposed by an applicable fire code.

5 Section 6. Pennsylvania State Capitol Building.

6           (a) Building hours.--Notwithstanding any other law,  
7           regulation or rule, the Pennsylvania State Capitol Building  
8           shall be open to the public Monday through Friday from 8:00 a.m.  
9           until 5:00 p.m., with the exception of public holidays.

10          (b) Legislative meetings.--Notwithstanding any other law,  
11          regulation or rule, each meeting of a legislative committee of  
12          the Senate or the House of Representatives in the Pennsylvania  
13          State Capitol Building shall be open to the public, without any  
14          arbitrary restriction on the number of members of the public who  
15          may be present in the room in which the meeting is held, such as  
16          a limitation of 15 members of the public in attendance at any  
17          given time.

18          (c) Proceedings of House of Representatives.--  
19          Notwithstanding any other law, regulation or rule, each  
20          proceeding of the House of Representatives in the House chamber  
21          shall be open to the public, without any arbitrary restriction  
22          on the number of members of the public who may be present in the  
23          House gallery or House chamber during the proceeding, such as a  
24          limitation of 50 members of the public in the House gallery or  
25          House chamber at any given time.

26          (d) Proceedings of Senate.--Notwithstanding any other law,  
27          regulation or rule, each proceeding of the Senate in the Senate  
28          chamber shall be open to the public, without any arbitrary  
29          restriction on the number of members of the public who may be  
30          present in the Senate gallery or Senate chamber during the

1 proceeding, such as a limitation of 50 members of the public in  
2 the Senate gallery or Senate chamber at any given time.

3 Section 7. Business activities protected.

4 (a) Restriction prohibited.--Notwithstanding a declaration  
5 by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c)  
6 (relating to general authority of Governor), including the  
7 proclamation of disaster emergency issued by the Governor on  
8 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and  
9 any renewal of the state of disaster emergency, a State, county  
10 or local government entity or official may not restrict a  
11 business activity in this Commonwealth in a manner that prevents  
12 a business entity from providing its products or services to the  
13 public, provided that the business entity possesses all  
14 applicable licenses and permits to do business in this  
15 Commonwealth.

16 (b) Time limitation.--Notwithstanding any other provision of  
17 law, a regulation of business activity imposed by a declaration  
18 by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c)  
19 shall not have a duration of more than 30 days.

20 (c) Termination.--Notwithstanding any other provision of  
21 law, a regulation of business activity imposed by a declaration  
22 by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c)  
23 may be terminated by a majority vote of either chamber of the  
24 General Assembly.

25 Section 8. Stay-at-home orders and curfews prohibited.

26 Notwithstanding a declaration by the Governor of disaster  
27 emergency under 35 Pa.C.S. § 7301(c) (relating to general  
28 authority of Governor), including the proclamation of disaster  
29 emergency issued by the Governor on March 6, 2020, published at  
30 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of

1 disaster emergency, a State, county or local government entity  
2 or official may not:

3 (1) Require that a citizen of the United States remain  
4 at home.

5 (2) Impose upon a citizen of the United States a curfew  
6 based on an epidemic or other public health reason.

7 Section 9. Severability.

8 The provisions of this act are severable. If a provision of  
9 this act or the application of this act to a person or  
10 circumstance is held invalid, the invalidity shall not affect  
11 other provisions or applications of this act which can be given  
12 effect without the invalid provision or application.

13 Section 10. Effective date.

14 This act shall take effect immediately.