
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1439 Session of
2021

INTRODUCED BY METCALFE, BERNSTINE, COOK, COX, DAVANZO, DIAMOND,
GREINER, HAMM, HELM, JAMES, JONES, JOZWIAK, KAUFFMAN, KEEFER,
KERWIN, M. MACKENZIE, MALONEY, MERCURI, MOUL, MUSTELLO,
PENNYCUICK, ROWE, RYAN, SANKEY, SMITH, WARNER AND ZIMMERMAN,
MAY 17, 2021

REFERRED TO COMMITTEE ON HEALTH, MAY 17, 2021

AN ACT

1 Prohibiting vaccination, isolation and quarantine mandates,
2 vaccination without consent and vaccination mandates by
3 business entities and ticket issuers; and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Vaccine
8 Freedom Act.

9 Section 2. Declaration of purpose.

10 The General Assembly finds and declares as follows:

11 (1) The enactment of a State law protecting residents of
12 this Commonwealth from coerced vaccination and discrimination
13 based on their vaccination status is necessary to protect the
14 individual rights of residents of this Commonwealth as
15 recognized by the United States Constitution and the
16 Constitution of Pennsylvania.

17 (2) It is the General Assembly's intent to universally

1 prohibit and wholly occupy the field of vaccination mandates
2 within this Commonwealth.

3 Section 3. Definitions.

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

7 "Business entity." A person or group of persons performing
8 or engaging in any activity, enterprise, profession or
9 occupation for gain, benefit, advantage or livelihood, whether
10 for profit or not for profit. The term includes any of the
11 following:

12 (1) A self-employed individual, an entity that files an
13 article of incorporation, a partnership, a limited
14 partnership, a limited liability company, a foreign
15 corporation, a foreign limited partnership or a foreign
16 limited liability company authorized to transact business in
17 this State.

18 (2) A business trust or an entity that registers as a
19 business with the Secretary of State of the Commonwealth.

20 (3) An entity that possesses a business license, permit,
21 certificate, approval, registration, charter or similar form
22 of authorization issued by the Commonwealth.

23 (4) An entity that is exempt by the laws of this
24 Commonwealth from obtaining a business license.

25 (5) An entity that is unlawfully operating in this
26 Commonwealth without a business license.

27 "COVID-19 disaster emergency." The duration of the
28 proclamation of disaster emergency issued by the Governor on
29 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
30 any renewal of the state of disaster emergency.

1 "Department." The Department of Health of the Commonwealth.

2 "Municipality." A county, city, borough, incorporated town
3 or township.

4 "State of disaster emergency." A state of disaster emergency
5 declared by executive order or proclamation of the Governor
6 under 35 Pa.C.S. § 7301(c) (relating to general authority of
7 Governor).

8 "Ticket issuer." An individual or entity that provides
9 tickets to an entertainment event. The term includes any of the
10 following:

11 (1) The operator of a venue where the entertainment
12 event occurs.

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

14 (3) A sports team that participates in the entertainment
15 event or a league with teams that participate in the
16 entertainment event.

17 (4) A theater company, musical group or similar
18 participant in an entertainment event.

19 (5) An agent of an individual or entity specified under
20 paragraph (1), (2), (3) or (4).

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

23 Section 4. Vaccination, isolation and quarantine mandates
24 prohibited.

25 Notwithstanding any other provision of law, the following
26 shall apply:

27 (1) The Governor, the department, a State agency, a
28 board or commission, a county executive or a governing body
29 of a municipality may not adopt or enforce a State law, an
30 ordinance, a regulation, a rule or an order that mandates any

1 of the following:

2 (i) The vaccination, immunization, genetic
3 modulation or inoculation of an individual at any time,
4 including during the COVID-19 disaster emergency or any
5 other state of disaster emergency or during a period of
6 insurrection or martial law.

7 (ii) The isolation or quarantine of an individual
8 based solely or primarily on an individual's vaccination
9 status at any time, including during the COVID-19
10 disaster emergency or any other state of disaster
11 emergency or during a period of insurrection or martial
12 law.

13 (2) The Governor, the department, a State agency, a
14 board or commission, a county executive or a governing body
15 of a municipality may not adopt or enforce a State law, an
16 ordinance, a regulation, a rule or an order that mandates the
17 vaccination of an individual at any time, including during
18 the COVID-19 disaster emergency or any other state of
19 disaster emergency or during a period of insurrection or
20 martial law, as condition to receive any of the following:

21 (i) Government benefits.

22 (ii) Government services.

23 (iii) A government-issued license or permit.

24 (iv) Access to a public building.

25 (v) Access to public transportation.

26 (3) The Governor, the department, a State agency, a
27 board or commission, a county executive or a governing body
28 of a municipality may not provide any special privilege,
29 financial benefit or other incentive to an individual for
30 receiving a vaccination at any time, including during the

1 COVID-19 disaster emergency or any other state of disaster
2 emergency or during a period of insurrection or martial law.

3 Section 5. Vaccination without consent prohibited.

4 Notwithstanding any other provision of law, a person may not
5 administer a vaccination, an immunization, a genetic modulation
6 or an inoculation for an individual without the individual's
7 express consent or, if the individual is a minor or
8 incapacitated, without the express consent of the individual's
9 legal parent or guardian.

10 Section 6. Vaccination mandates by business entities and ticket
11 issuers prohibited.

12 (a) Business entities.--A business entity may not refuse to
13 provide any service, product, admission to a venue or
14 transportation to a person because the person has or has not
15 received a vaccination.

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

20 (c) Penalties.--

21 (1) A business entity or ticket issuer that violates
22 this section commits a felony of the third degree.

23 (2) Upon a finding of a violation under subsection (a),
24 the appropriate licensing board or commission under the
25 Bureau of Professional and Occupational Affairs shall suspend
26 the business entity's business license for no less than 30
27 days and no more than one year.

28 Section 7. Effective date.

29 This act shall take effect immediately.