
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1441 Session of
2021

INTRODUCED BY STURLA, T. DAVIS, KENYATTA, WEBSTER AND SCHWEYER,
MAY 20, 2021

REFERRED TO COMMITTEE ON HEALTH, MAY 20, 2021

AN ACT

1 Amending the act of August 24, 1951 (P.L.1304, No.315), entitled
2 "An act to improve local health administration throughout the
3 Commonwealth by authorizing the creation, establishment and
4 administration of single-county or joint-county departments
5 of health in all counties; exempting certain municipalities
6 from the jurisdiction of single-county or joint-county
7 departments of health; permitting the dissolution of
8 departments or boards of health in certain municipalities;
9 authorizing State grants to counties which establish
10 departments of health and to certain municipalities if they
11 meet prescribed requirements; conferring powers and duties
12 upon the State Department of Health in connection with the
13 creation, establishment and administration of single-county
14 or joint-county departments of health and administration of
15 the health laws in parts of certain municipalities not
16 subject to the jurisdiction of single-county or joint-county
17 departments of health, and the administration of State
18 grants; and repealing an act which confers health powers upon
19 counties of the first class," further providing for
20 authorization of county departments of health and for
21 dissolution of and withdrawal from county departments of
22 health.

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

25 Section 1. Sections 5 and 5.1 of the act of August 24, 1951
26 (P.L.1304, No.315), known as the Local Health Administration
27 Law, are amended to read:

28 Section 5. Authorization of County Departments of Health.--

1 (a) In all counties, except counties of the first class,
2 single-county departments of health or joint-county departments
3 of health [~~may~~] shall be authorized by resolution [~~or by~~
4 ~~referendum, or by a combination of these methods,~~] as provided
5 in this section. In the authorization of joint-county
6 departments of health, each of the participating counties shall
7 be adjacent to at least one of the other participating counties.

8 [~~Whether~~] When a county department of health is authorized by
9 resolution [~~or by referendum or by a combination of these~~
10 ~~methods~~], the county commissioners shall, before enacting a
11 resolution [~~or before submitting the question at an election~~],
12 request a certificate of approval from the State Secretary of
13 Health, who shall issue such a certificate forthwith if the
14 proposed county department of health conforms to the county
15 health administration plan as last revised. If the proposed
16 county department of health does not conform to the county
17 health administration plan as last revised, the State Secretary
18 of Health shall make a special investigation in accordance with
19 the criteria stated in section 4 of this act and, on the basis
20 of the special investigation he shall approve or disapprove the
21 establishment of the proposed county department of health. He
22 shall send a certificate of approval or written notice of
23 disapproval to the county commissioners within thirty (30) days
24 after he has received the request for a certificate of approval.

25 (b) The following shall apply:

26 (1) Except as provided under paragraph (2), the county
27 commissioners of any county [~~may~~] shall, by resolution,
28 authorize the establishment of a single-county department of
29 health.

30 (2) The county commissioners of two or more counties may, by

1 a separate resolution in each county, authorize the
2 establishment of a joint-county department of health.

3 (3) In either case, the approval of the State Secretary of
4 Health shall be first obtained as provided in subsection (a) of
5 this section.

6 [(c) Any county may, by referendum, authorize the
7 establishment of a single-county department of health. Two or
8 more counties may, by a separate referendum in each county,
9 authorize the establishment of a joint-county department of
10 health. The referendum procedure in each county shall be as
11 follows:

12 A petition requesting the establishment of a single-county
13 department of health or joint-county department of health shall
14 be signed by qualified electors of the county equal in number to
15 at least one per cent (1%) of the highest total vote cast for
16 any county office at the last municipal election. The petition
17 shall be in the form required for nomination petitions by the
18 election laws of the Commonwealth, except that the petition
19 shall be circulated for not more than six (6) months prior to
20 the last filing day, which shall be ninety (90) days before the
21 general or municipal election at which it is desired to submit
22 the question. The petition shall be filed with the county board
23 of elections, and the validity of the petition and any
24 objections thereto shall be determined in accordance with the
25 election laws of the Commonwealth.

26 After the validity of the petitions in all the counties
27 affected has been determined, the county commissioners shall
28 request a certificate of approval from the State Secretary of
29 Health. If the approval of the State Secretary of Health is
30 obtained as provided in subsection (a) of this section, the

1 county commissioners shall cause the question to be submitted at
2 the next general or municipal election, whichever is sooner, so
3 long as such election is to occur at least thirty (30) days
4 after the receipt of a certificate of approval. The question
5 shall be submitted on the ballot or on voting machines in the
6 manner provided by the election laws of the Commonwealth, and
7 shall be in substantially the following forms:

8

9 (1) For the establishment of a single-county
10 department of health: Shall
11 County establish a county department of
12 health?

13 Yes.....

14 No.....

15

16 (2) For the establishment of a joint-county
17 department of health: Shall
18 County join with County
19 (Counties) in the establishment of a
20 joint-county department of health?

21 Yes.....

22 No.....

23

24 The election on this question shall be governed in all
25 respects by the election laws of the Commonwealth insofar as
26 they are applicable. For the establishment of a single-county
27 department of health or joint-county department of health, a
28 majority of all votes cast in each county upon the question must
29 be in favor thereof.

30 Nothing in this subsection shall be construed to preclude the

1 county commissioners at any time from authorizing the
2 establishment of a single-county department of health, or from
3 joining in the establishment of a joint-county department of
4 health, by resolution in accordance with subsections (b) and (d)
5 of this section.

6 (d) Two or more counties may authorize the establishment of
7 a joint-county department of health by a combination of the
8 methods provided in subsections (b) and (c) of this section;
9 that is, one or more of such counties may join in the
10 establishment of a joint-county department of health by
11 resolution, and the remaining counties may join in the
12 establishment of a joint-county department of health by
13 referendum in accordance with the provisions of subsection (c)
14 of this section.]

15 (e) Immediately upon the authorization of the establishment
16 of a single-county department of health or joint-county
17 department of health, the county commissioners shall give
18 written notice thereof to the State Secretary of Health. In the
19 case of a joint-county department of health, the notice may be
20 given by the county commissioners of any participating county.

21 [Section 5.1. Dissolution of and Withdrawal From County
22 Departments of Health.--

23 (a) A single-county department of health may be dissolved by
24 a referendum conducted in accordance with the procedure set
25 forth in subsection (c) hereof or by a majority vote of the
26 governing body.

27 (b) Any county that is a member of a joint-county department
28 of health may withdraw from the department by conducting a
29 referendum conducted in accordance with the procedure set forth
30 in subsection (c) hereof or by a majority vote of the governing

1 body.

2 (c) A petition requesting the dissolution or withdrawal
3 shall be signed by qualified electors of the county equal in
4 number to at least ten per centum (10%) of the highest total
5 vote cast for any county office at the last municipal election.
6 The petition shall be in the form required for nomination
7 petitions by the election laws of the Commonwealth, except that
8 the said petition shall be circulated no earlier than five years
9 following the date of establishment of the county health
10 department or joint-county health department nor earlier than
11 five years following another referendum on the same question,
12 and shall be circulated for not more than six (6) months prior
13 to the last filing day which shall be ninety (90) days before
14 the general or municipal election at which it is desired to
15 submit the question. The petition shall be filed with the county
16 board of elections and the validity of the petition and any
17 objections thereto shall be determined in accordance with the
18 election laws of the Commonwealth.

19 After the validity of the petitions in all the counties
20 affected has been determined, the county commissioners shall
21 cause the question to be submitted at the next general or
22 municipal election, whichever is sooner, so long as such
23 election is to occur at least thirty (30) days after the
24 validity has been determined. The question shall be submitted on
25 the ballot or on voting machines in the manner provided by the
26 election laws of the Commonwealth and shall be in substantially
27 the following forms:

28 (1) For the continuance or dissolution of a single-county
29 department of health--

30

1 ShallCounty

2 continue its county department of health?

3 Yes.....

4 No.....

5

6 (2) For the continuance in or withdrawal from a joint-county

7 department of health--

8

9 ShallCounty

10 continue to be a member of the joint-county

11 department of health?

12 Yes.....

13 No.....

14 The election on this question shall be governed in all
15 respects by the election laws of the Commonwealth insofar as
16 they are applicable. For the dissolution of a single-county
17 department of health or withdrawal from a joint-county
18 department of health, a majority of all votes cast in each
19 county upon the question must be against the continuance of the
20 department or against the continuance of membership in the
21 department, as the case may be.

22 (d) When in the case of a single-county department the
23 voters elect to dissolve the department, or in the case of a
24 joint-county department the voters elect to withdraw, no new
25 department of health may be established by resolution nor may
26 the commissioners resolve to join with another county or other
27 counties to establish a joint department within five years of
28 the dissolution.]

29 Section 2. This act shall take effect in 60 days.