
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1738 Session of
2021

INTRODUCED BY JOZWIAK, MILLARD, METZGAR, COOK, JAMES, ROWE,
RYAN, ZIMMERMAN, MOUL, HAMM, SMITH, METCALFE, KNOWLES, RADER
AND GILLEN, JULY 30, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 30, 2021

AN ACT

1 Providing for the review and implementation of executive orders
2 issued by the President of the United States.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Executive
7 Order Review Act.

8 Section 2. Review and implementation of executive orders.

9 (a) General rule.--The General Assembly may review any
10 executive order issued by the President of the United States, if
11 the executive order has not been affirmed by a vote of the
12 Congress of the United States and signed into law, as prescribed
13 by the Constitution of the United States. Upon review, the
14 General Assembly may, by a majority vote of either chamber,
15 recommend to the Governor and the Attorney General that the
16 executive order be further examined by the Attorney General to
17 determine the constitutionality of the order and to determine

1 whether the Commonwealth should seek an exemption from the
2 application of the executive order or seek to have the executive
3 order declared to be an unconstitutional exercise of legislative
4 authority by the President of the United States.

5 (b) Prohibition.--Notwithstanding any other provision of
6 law, no Commonwealth agency, political subdivision, or any
7 elected or appointed official or employee of the Commonwealth or
8 of a political subdivision may implement an executive order that
9 restricts a person's rights or that is determined by the
10 Attorney General to be unconstitutional under this section if
11 the executive order relates to:

- 12 (1) a pandemic or other public health emergency;
- 13 (2) the regulation of natural resources;
- 14 (3) the regulation of the agricultural industry;
- 15 (4) the regulation of land use;
- 16 (5) the regulation of the financial sector through the
17 imposition of environmental, social or governance standards;
- 18 or
- 19 (6) the regulation of the constitutional right to keep
20 and bear arms.

21 Section 3. Effective date.

22 This act shall take effect in 60 days.