

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

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 8, 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.~~7~~ <--  
11 ~~if 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~~ JOINT STATE <--  
16 GOVERNMENT COMMISSION that the executive order be further  
17 examined by the ~~Attorney General to determine the~~ <--

1 ~~constitutionality of the order~~ JOINT STATE GOVERNMENT COMMISSION <--  
2 TO DETERMINE THE IMPACT OF THE ORDER ON THE COMMONWEALTH and to  
3 determine whether the Commonwealth should seek an exemption from  
4 the application of the executive order. ~~or seek to have the~~ <--  
5 ~~executive order declared to be an unconstitutional exercise of~~  
6 ~~legislative authority by the President of the United States.~~

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

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

23 Section 3. Effective date.

24 This act shall take effect in 60 days.