
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 29 Session of
2021

INTRODUCED BY PHILLIPS-HILL, MARTIN AND J. WARD,
JANUARY 20, 2021

REFERRED TO INTERGOVERNMENTAL OPERATIONS, JANUARY 20, 2021

AN ACT

1 Providing for regulatory compliance.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the State Agency
6 Regulatory Compliance Officer Act.

7 Section 2. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) It is the purpose of this act for agencies to work
10 collaboratively with, instead of acting punitively toward
11 regulated communities.

12 (2) Agencies should strive to make the regulations which
13 the agencies administer and enforce as clear and easily
14 navigable as possible for regulated communities.

15 (3) In administering a regulation, an agency's primary
16 goal should be to ensure compliance rather than to exact
17 punishment.

1 Section 3. Definitions.

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

5 "Agency." As defined in section 3 of the act of June 25,
6 1982 (P.L.633, No.181), known as the Regulatory Review Act.

7 Section 4. Powers and duties.

8 Each agency shall have the following powers and duties:

9 (1) To designate an employee as the agency's regulatory
10 compliance officer.

11 (2) To empower the regulatory compliance officer under
12 paragraph (1) to develop agency policies and initiatives to
13 further the purpose of this act, including, but not limited
14 to:

15 (i) Educating the regulated community regarding the
16 implementation of new or amended statutes and regulations
17 prior to the effective date of implementation, to the
18 extent practicable and during implementation.

19 (ii) Establishing clear channels of communication
20 through which members of regulated communities can
21 contact the agency with questions or concerns regarding
22 regulations.

23 (iii) Working with regulated communities to resolve
24 noncompliance issues before imposing penalties.

25 (iv) Providing a detailed explanation of each
26 regulatory requirement under the agency's jurisdiction,
27 including expectations for compliance, guidelines for
28 measuring compliance and the primary benefit of each
29 requirement.

30 (3) To empower the regulatory compliance officer to

1 issue to any person, upon the person's request, an opinion
2 with respect to the person's duties under a regulation of the
3 agency. The following shall apply:

4 (i) The opinion shall be provided within 20 business
5 days of the request, provided that the time may be
6 extended for good cause.

7 (ii) The opinion, or the agency's failure to provide
8 an opinion upon request, shall be a complete defense in
9 any enforcement proceeding initiated by the agency and
10 evidence of good faith conduct in any other civil or
11 criminal proceeding if the requester, at least 20
12 business days prior to the alleged violation, requested
13 written advice from the agency's regulatory compliance
14 officer in good faith, disclosed truthfully all the
15 material facts and committed the acts complained of
16 either in reliance on the advice, or because of the
17 failure of the agency to provide advice within 20
18 business days, or any later extended time, of the
19 request.

20 (4) To empower the regulatory compliance officer to
21 establish guidelines for waiving any fines or penalties that
22 the officer's agency would be authorized to impose on a
23 regulated entity for a violation of a statute or regulation
24 that the agency enforces if the entity reports a violation to
25 the regulatory compliance officer before a fine or penalty is
26 imposed on the entity. In order to be eligible for a waiver
27 of fines or penalties, the regulated entity must report to
28 the regulatory compliance officer the steps it has taken or
29 will take to remedy the violation.

30 (5) To empower the regulatory compliance officer to

1 request and obtain any information or advice from other staff
2 of the agency that the officer may need to fulfill the duties
3 of the compliance officer position.

4 (6) To establish clear channels of communication through
5 which businesses seeking to become members of regulated
6 communities can contact the agency with questions or concerns
7 relating to starting a business and future compliance with
8 regulations.

9 Section 5. Annual report.

10 No later than January 31 of each year, each agency shall
11 submit to the General Assembly an annual report detailing all of
12 the following:

13 (1) The progress made by the agency and the regulatory
14 compliance officer in the preceding calendar year toward
15 compliance with this act.

16 (2) The number of regulated communities served.

17 (3) The type of regulated communities served.

18 Section 6. Effective date.

19 This act shall take effect in 60 days.