

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 802 Session of 2023

INTRODUCED BY OTTEN, FIEDLER, FRANKEL, HILL-EVANS, KINKEAD, RABB, BURGOS, HOHENSTEIN, MADDEN, SANCHEZ, SCHLOSSBERG, PIELLI, PROBST, D. WILLIAMS, SHUSTERMAN, FLEMING, DEASY, STURLA, FREEMAN, KINSEY, INNAMORATO, BENHAM, N. NELSON, TAKAC, KHAN AND MAYES, APRIL 4, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 4, 2023

AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled "An  
 2 act relating to the practice of professional nursing;  
 3 providing for the licensing of nurses and for the revocation  
 4 and suspension of such licenses, subject to appeal, and for  
 5 their reinstatement; providing for the renewal of such  
 6 licenses; regulating nursing in general; prescribing  
 7 penalties and repealing certain laws," providing for  
 8 performance of reproductive health services on non-  
 9 Commonwealth residents.

10 The General Assembly of the Commonwealth of Pennsylvania  
 11 hereby enacts as follows:

12 Section 1. The act of May 22, 1951 (P.L.317, No.69), known  
 13 as The Professional Nursing Law, is amended by adding a section  
 14 to read:

15 Section 13.1. Performance of Reproductive Health Services on  
 16 Non-Commonwealth Residents.--(a) The following shall apply:

17 (1) The performance, assistance in performance,  
 18 recommendation or provision of reproductive health services by a  
 19 licensee acting within the licensee's scope of practice under  
 20 this act for a patient who resides in a jurisdiction outside of

1 this Commonwealth where the performance, assistance in  
2 performance, recommendation or provision of the reproductive  
3 health services is illegal shall not, by itself, be considered  
4 any of the following:

5 (i) A violation of this act.

6 (ii) Grounds for refusal, suspension or revocation of a  
7 license under this act.

8 (iii) Grounds for any other penalty regarding a license  
9 under this act.

10 (iv) Grounds for a disciplinary action of the licensee under  
11 this act or any other State law, regulation or rule governing  
12 the licensure, certification or authorization of the licensee.

13 (2) Nothing in this subsection shall be construed to expand  
14 the scope of practice of a licensee under this act or authorize  
15 the licensee to act outside of the licensee's scope of practice  
16 under this act.

17 (b) An applicant seeking licensure, certification or  
18 authorization under this act who has been subject to a  
19 disciplinary action by a duly authorized professional  
20 disciplinary agency of a jurisdiction outside of this  
21 Commonwealth solely on the basis of having performed, assisted  
22 in performing, recommended or provided reproductive health  
23 services shall not be denied the licensure, certification or  
24 authorization unless the Board determines that the action would  
25 have constituted a violation of this act in this Commonwealth.  
26 Nothing in this subsection shall be construed as prohibiting the  
27 Board from evaluating the conduct of the applicant and making a  
28 determination regarding whether the applicant is qualified to be  
29 licensed, certified or authorized under this act.

30 (c) As used in this section, the following words and phrases

1 shall have the meanings given to them in this subsection:

2 "Reproductive health services" means any of the following:

3 (1) Abortion as defined in 18 Pa.C.S. § 3203 (relating to  
4 definitions).

5 (2) Emergency contraception, including one or more  
6 prescription drugs used separately or in combination to be  
7 administered or self-administered by a patient to prevent  
8 pregnancy within a medically recommended amount of time after  
9 sexual intercourse and dispensed for that purpose in accordance  
10 with professional standards of practice and determined by the  
11 United States Food and Drug Administration to be safe.

12 (3) Medical, surgical, counseling or referral services  
13 relating to the human reproductive system, including services  
14 relating to pregnancy, the prevention of pregnancy or the  
15 termination of a pregnancy.

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