

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JULY 9, 2024

SESSION OF 2024 208TH OF THE GENERAL ASSEMBLY

No. 32

**SENATE**

TUESDAY, July 9, 2024

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Austin A. Davis) in the Chair.

**PRAYER**

The following prayer was offered by Senator ELISABETH J. BAKER:

Please join me in prayer.

Heavenly Father, as we gather today in service, we ask for both the patience and perseverance needed to responsibly conclude the earthly duties before us. We hold in our hands the trust of diverse people who have disparate needs. Grant us the wisdom and discernment to rise above differences to make prudent and practical choices. Allow us to summon the better angels of our nature to confront challenges in a constructive and decisive manner. Help us always to remember that justice, caring, fairness, and acceptance are part of the various creeds to which we adhere. We are grateful for the talents and resources we are able to bring to the work of sustaining the freedoms our citizens enjoy. In keeping with the oath we took, we shall strive to do our best in word and deed with respect for all. In His Name we pray. Amen.

The PRESIDENT. The Chair thanks Senator Baker.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled.)

**COMMUNICATION FROM THE GOVERNOR**

**NOMINATION REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

July 9, 2024

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Douglas Farnham, 119 Saratoga Drive, McMurray 15317, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than ninety days beyond that period, vice William Lieberman, Pittsburgh, whose term expired.

JOSH SHAPIRO  
Governor

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, I request temporary Capitol leaves for Senator Brooks and Senator Coleman, and a legislative leave for Senator Regan.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fontana.

Senator FONTANA. Mr. President, I request temporary Capitol leaves for Senator Boscola, Senator Miller, and Senator Muth, and legislative leaves for Senator Hughes, Senator Comitta, and Senator Cappelletti.

The PRESIDENT. Senator Aument requests temporary Capitol leaves for Senator Brooks and Senator Coleman, and a legislative leave for Senator Regan.

Senator Fontana requests temporary Capitol leaves for Senator Boscola, Senator Miller, and Senator Muth, and legislative leaves for Senator Hughes, Senator Comitta, and Senator Cappelletti.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

Senator AUMENT asked and obtained a leave of absence for Senator PENNYCUICK, for today's Session, for personal reasons.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**SB 1118 CALLED UP OUT OF ORDER**

**SB 1118 (Pr. No. 1781)** -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator AUMENT, as a Special Order of Business.

**BILL REREFERRED**

**SB 1118 (Pr. No. 1781)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in magisterial district judges, further providing for adjudication alternative program; in licensing of drivers, further providing for drivers required to be licensed, for suspension of operating privilege, for suspension of operating privilege for failure to respond to citation and for driving while operating privilege is suspended or revoked, providing for driving while operating privilege is suspended for certain other offenses, for relief from administrative suspension and for relief from administrative suspension participation requirements; in fees, further providing for reinstatement of operating privilege or vehicle registration; and, in penalties and disposition of fines, further providing for inability to pay fine and costs.

On the question,  
Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, I move that Senate Bill No. 1118 be rereferred to the Committee on Appropriations.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator AUMENT and were as follows, viz:

YEA-49

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Williams, Lindsey
Comitta	Kane	Rothman	Yaw
Costa			

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The bill is rereferred to the Committee on Appropriations.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Coleman and Senator Brooks have returned, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fontana.

Senator FONTANA. Mr. President, I request a legislative leave for Senator Anthony Williams.

The PRESIDENT. Senator Fontana requests a legislative leave for Senator Anthony Williams. Without objection, the leave will be granted.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, I request a recess for purposes of a meeting of the Committee on Appropriations to be held immediately in the Rules room, followed by a Republican caucus to be held in the Majority Caucus Room.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, at the conclusion of the meeting as referenced, Senate Democrats will meet in the rear of the Chamber for a caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations to be held off the floor in the Rules room immediately, followed by Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Miller, Senator Muth, and Senator Boscola have returned, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, I request temporary Capitol leaves for Senator Rothman, Senator Coleman, Senator Gebhard, and Senator Martin, and a legislative leave for Senator Yaw.

The PRESIDENT. Senator Pittman requests temporary Capitol leaves for Senator Rothman, Senator Coleman, Senator Gebhard, and Senator Martin, and a legislative leave for Senator Yaw. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 25, HB 327, SB 365 and SB 366 -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 698 (Pr. No. 1808) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for license requirements; and, in special licenses and permits, further providing for regulated hunting grounds permits.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Robinson.

Senator ROBINSON. Mr. President, I rise today to support Senate Bill No. 698, which will require the Pennsylvania Game Commission to issue hunting license event exemptions and permits for disabled veterans. As Purple Heart recipients and other disabled veterans recover physically and mentally from their service to our country, we must ensure they will not be encumbered by logistical or financial roadblocks that can come with obtaining permits such as these. My legislation simply removes the cost barrier and streamlines the process, therefore making healing a little easier for these brave men and women who have sacrificed so much for our country. These events will be held on private land with the express approval of the landowner and would not unduly impact the Pennsylvania Game Commission resources or impose significant costs. All permit holders will be subject to normal reporting requirements, seasons, and bag limits. As a Marine Corps combat veteran myself, I have seen firsthand the afflictions our fellow men and women in uniform have endured while serving our country. Many have come home with lasting physical and emotional wounds. This bill offers a small way we, in the legislature, can help in their rehabilitation and recovery. I am grateful to have worked with several stakeholders and those directly involved with organizing these hunting events, and I am encouraged by the support from them and my colleagues on both sides of the aisle. I respectfully ask my colleagues to support Senate Bill No. 698, and I would like to thank you, Mr. President, for the consideration.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Williams, Lindsey
Comitta	Kane	Rothman	Yaw
Costa			

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives

BILLS OVER IN ORDER

**SB 766, SB 795, SB 812, HB 897 and SB 976** -- Without objection, the bills were passed over in their order at the request of Senator AUMENT.

BILL AMENDED AND REREFERRED

**HB 1032 (Pr. No. 3415)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Solar for Schools Grant Program; and providing for powers and duties of the Department of Community and Economic Development.

On the question,  
Will the Senate agree to the bill on third consideration?

LAUGHLIN AMENDMENT A5418 ADOPTED

Senator LAUGHLIN offered the following amendment No. A5418:

- Amend Bill, page 4, by inserting between lines 25 and 26:
  - (6) To develop a financial risk and savings report that all solar energy projects approved under this act shall utilize and update monthly, to be used by the eligible applicant. The following apply:
    - (i) The report shall be submitted quarterly and posted on the publicly accessible Internet website of the Department of Education.
    - (ii) The report shall include, but not be limited to, the following:
      - (A) The total cost of the solar energy project before any deductible amounts.
      - (B) The total cost of the solar energy project after any deductible amounts.
      - (C) An analysis of energy and cost savings, including a calculation of the kilowatts produced by the solar energy project multiplied by the current cost of electricity per kilowatt hour, subtracted from the total cost of electricity during the same billing period from the previous year.
      - (D) Solar renewable energy credit sales and savings.
      - (E) Operations and maintenance costs.

Amend Bill, page 4, line 26, by striking out "(6)" and inserting:

(7)

Amend Bill, page 5, line 2, by striking out "(7)" and inserting:

(8)

Amend Bill, page 8, lines 14 through 16, by striking out "AN ELIGIBLE APPLICANT SHALL COMPLY WITH THE" in line 14 and all of lines 15 and 16 and inserting:

An eligible applicant that is approved for a solar energy project grant under the program shall use the contracting procedure under the act of May 1, 1913 (P.L. 155, No. 104), referred to as the Separations Act, or under the Guaranteed Energy Savings Act for a solar energy project contemplated by the program, either separately or together with other energy efficiency improvements contemplated by the Guaranteed Energy Savings Act. A grant recipient that elects to use contracting procedures under the Guaranteed Energy Savings Act may calculate energy-related cost savings as defined in 62 Pa.C.S. § 3752 (relating to definitions) based upon the cost of the project as reduced by the amount of the grant received under the program. If an eligible applicant elects to use contracting procedures under the Guaranteed Energy Savings Act for an approved solar energy project, the eligible applicant shall be exempt from the contracting requirements under the Separations Act with regard to that approved solar energy project.

Amend Bill, page 8, line 20, by striking out "SEPARATIONS ACT OR"

Amend Bill, page 8, by inserting between lines 22 and 23:

(3) As used in this subsection, the term "Guaranteed Energy Savings Act" shall mean 62 Pa.C.S. Ch. 37 Subch. E (relating to guaranteed energy savings contracts).

Amend Bill, page 10, by inserting after line 30:

(h) Reimbursement.--In the event that an eligible entity that received a grant under the program sells, transfers or conveys the school facility where the solar energy project is located, the eligible entity that received the grant shall notify the department and the new owner of record shall reimburse the department the amount of the grant related to the solar energy project at the school facility as follows:

(1) If the school facility where the solar energy project is located is sold, transferred or conveyed to a new owner of record within five years from the date of the award of the grant, the new owner of record shall reimburse the department in an amount equal to 80% of the amount of the grant.

(2) If the school facility where the solar energy project is located is sold, transferred or conveyed to a new owner of record more than 5 years but less than 10 years after the date of the award of the grant, the new owner of record shall reimburse the department in an amount equal to 60% of the amount of the grant.

(3) If the school facility where the solar energy project is located is sold, transferred or conveyed to a new owner of record more than 10 years but less than 15 years after the date of the award of the grant, the new owner of record shall reimburse the department in an amount equal to 40% of the amount of the grant.

(4) If the school facility where the solar energy project is located is sold, transferred or conveyed to a new owner of record more than 15 years but less than 20 years after the date of the award of the grant, the new owner of record shall reimburse the department in an amount equal to 20% of the amount of the grant.

Amend Bill, page 11, line 1, by striking out "(H)" and inserting:

(i) Amend Bill, page 11, line 28, by striking out "(I)" and inserting:

(j) Amend Bill, page 12, line 2, by striking out "(j)" and inserting:

(k) Amend Bill, page 12, line 10, by striking out "(K)" and inserting:

(l)

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Laughlin.

Senator LAUGHLIN. Mr. President, this amendment grants eligible applicants the option to use either the contracting procedures under the Separations Act, or the Guaranteed Energy Savings Act. It introduces a clawback provision for cases where an entity that has received a grant sells, transfers, or conveys the school facility, and it includes a financial risk and savings report. The financial risk and savings report is crucial for educating our students and providing essential information to our constituents. Monthly reports will help in educating our students, and quarterly updates will be made accessible on the Department of Education's website. Key components of the report include the total cost of the project, both with and without any deductions; an analysis of energy and cost savings, including the calculation of the kilowatts produced by the solar energy project multiplied by the current cost of electricity per kilowatt hour subtracted from the total cost of electricity during the same billing period from the previous year; solar renewable energy credit sales and savings; and also operation and maintenance cost. So, thank you, Mr. President, and I ask my colleagues for an affirmative vote on amendment No. A5418.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator LAUGHLIN and were as follows, viz:

YEA-44

Argall	Costa	Kearney	Saval
Aument	Culver	Langerholc	Schwank
Baker	Dillon	Laughlin	Stefano
Bartolotta	Dush	Martin	Street
Boscola	Farry	Miller	Tartaglione
Brewster	Flynn	Phillips-Hill	Vogel
Brooks	Fontana	Pittman	Ward, Judy
Brown	Gebhard	Regan	Ward, Kim
Cappelletti	Haywood	Robinson	Williams, Anthony H.
Collett	Hughes	Rothman	Williams, Lindsey
Comitta	Kane	Santarsiero	Yaw

NAY-5

Coleman	Hutchinson	Mastriano	Muth
DiSanto			

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Upon motion of Senator PITTMAN, and agreed to by voice vote, the bill, as amended, was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

**SB 1058, SB 1087 and SB 1160** -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL OVER IN ORDER TEMPORARILY

**SB 1232** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PITTMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1242 (Pr. No. 1701)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in powers and duties, providing for continuing education tracking system.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Blair, Senator Judy Ward.

Senator J. WARD. Mr. President, workforce development has become a priority for so many in this building due to the immense challenges that businesses across Pennsylvania are facing. One critical piece of developing this workforce is having a licensing and continuing education system that helps individuals stay up to

date with their professional requirements in an efficient manner. Senate Bill No. 1242 directs the Department of State to modernize its system for professional continuing education compliance. It also directs the department to have the modernized system in operation no later than 18 months after the effective date of this act. This new system will provide efficient continuing education tracking that brings together licensees, boards, and education providers in a single, universally accessible platform. This legislation will also increase transparency and constituent access to digital government services, better enabling individuals to access and track continuing education credits which are critical for licensure compliance. The current complicated, inefficient, and burdensome licensing and continuing ed requirements and processes are just additional barriers to entry and participation in the workforce. At a time when industries across the board are struggling desperately to hire and retain quality staff, we must remove any unnecessary barriers for licensed professionals and improve the Commonwealth's continuing ed system. I respectfully ask my colleagues for an affirmative vote.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-46

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Phillips-Hill	Vogel
Brown	Gebhard	Pittman	Ward, Judy
Cappelletti	Haywood	Regan	Ward, Kim
Coleman	Hughes	Robinson	Williams, Anthony H.
Comitta	Hutchinson	Rothman	Yaw
Costa	Kane		

NAY-3

Collett	Muth	Williams, Lindsey
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

**SB 1269, SB 1274 and HB 1446** -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1466 (Pr. No. 3487)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for a cause of action on protected public expression and for immunity for protected public expression; and imposing a duty upon the Administrative Office of Pennsylvania Courts and the Legislative Reference Bureau.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Collett.

Senator COLLETT. Mr. President, I rise today to offer my support for House Bill No. 1466. Though it needs no reminder, it is always worth repeating, free speech is an essential constitutional right guaranteed to all Americans. Yet, across the Commonwealth, individuals and organizations continue to get hit with strategic lawsuits against public participation, or SLAPPs. These lawsuits are notorious for their chilling effect on free speech, overwhelming nonmoving parties with excessive stress and legal fees simply for statements or positions they may take in connection with matters of public interest. At their core, SLAPPs are an egregious means of silencing public debate, conversation, and diverse thought. They have no place in our Commonwealth. House Bill No. 1466 and Senate Bill No. 972, companion legislation I was proud to introduce with Senator Muth, would give those facing SLAPPs across the State the incentive and the tools to fight back against these frivolous suits.

And Mr. President, I would be remiss if I did not acknowledge and celebrate the work of our former colleague, Senator Larry Farnese, who championed this issue during the years he served in our Chamber. I am grateful to see his hard work paying off. Especially here in Pennsylvania, it would be nonsensical and antithetical to the founding principles of our country to oppose any efforts that protect and uphold free speech. That is why I am proud to stand behind House Bill No. 1466, and why I urge my colleagues here today to cast their affirmative vote as well.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Gebhard has returned, and his temporary Capitol leave is cancelled.

And the question recurring,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I also rise to support House Bill No. 1466, which addresses strategic lawsuits against public participation, also known as SLAPP lawsuits, which are lawsuits intended to deter or silence critics by burdening them with the cost of a legal defense. I will not be redundant to Senator Collett's comments, but I do want to say thank you to her for being a co-prime with me on our Senate bill version of this legislation, Senate Bill No. 972, and also want to thank Senator Larry Farnese

for his years of work on this issue. And, you know, this has been 11 years in the making, so it is great to have this bill finally going to the Governor's desk. And also, I think it is important to note that according to the Institute for Free Speech, the nation's largest organization dedicated solely to protecting First Amendment political speech rights, House Bill No. 1466 will give Pennsylvania one of the strongest anti-SLAPP laws in the nation. So, I am grateful that we are setting a positive example for other States to follow.

So, thank you, again, Mr. President.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Williams, Lindsey
Comitta	Kane	Rothman	Yaw
Costa			

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL AMENDED

**HB 1540 (Pr. No. 2278)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for Commission for Agricultural Education Excellence.

On the question,  
Will the Senate agree to the bill on third consideration?

K. WARD AMENDMENT A5463 AGREED TO

Senator K. WARD offered the following amendment No. A5463:

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting:

Section 1. Section 1549.1(f) and (m) introductory paragraph of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are amended and the section is amended by adding subsections to read:

Amend Bill, page 1, lines 16 through 19; page 2, lines 1 through 18; by striking out all of said lines on said pages and inserting:

(f) The commission shall consist of the following members until September 30, 2024:

- (1) The Secretary of Education, or a designee.
- (2) The Secretary of Agriculture, or a designee.
- (3) The following members jointly appointed by the Secretary of Education and the Secretary of Agriculture from lists submitted by the President pro tempore of the Senate and the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives:
  - (i) Two farmers.
  - (ii) A representative of the agricultural processing and agricultural marketing industries.
  - (iii) Two representatives of agricultural sciences, not more than one of whom shall be a faculty member of the College of Agricultural Sciences of The Pennsylvania State University.
  - (iv) A representative of the State System of Higher Education with a background in or knowledge of agricultural education.
  - (v) Two teachers of career and technical agriculture, one from a career and technical center and one from a school district.
  - (vi) A representative of a community college with a background in or knowledge of agricultural education.
  - (vii) An administrator of a school entity which conducts an agricultural education program.
  - (viii) A member of a school district occupational advisory committee.
  - (ix) Two members of the business community with knowledge of agricultural education.

(f.1) Beginning October 1, 2024, the commission shall consist of the following members:

- (1) The Secretary of Education, or a designee.
- (2) The Secretary of Agriculture, or a designee.
- (3) Two members appointed by the Secretary of Education:
  - (i) One of whom shall be a teacher of career and technical agriculture from a school district.
  - (ii) One of whom shall be a teacher of career and technical agriculture from a career and technical center.
- (4) Two members appointed by the Secretary of Agriculture:
  - (i) One of whom shall be a representative of the agricultural marketing industry.
  - (ii) One of whom shall be an agricultural sciences faculty member of a college or university.
- (5) Two members appointed by the President pro tempore of the Senate:
  - (i) One of whom shall be a farmer.
  - (ii) One of whom shall be a representative of the agricultural processing industry.
- (6) Two members appointed by the Minority Leader of the Senate:
  - (i) One of whom shall be a member of a school district occupational advisory committee.
  - (ii) One of whom shall be a member of the business community with knowledge of agricultural education.
- (7) Two members appointed by the Speaker of the House of Representatives:
  - (i) One of whom shall be a farmer.
  - (ii) One of whom shall be a faculty member of the College of Agricultural Sciences of The Pennsylvania State University.
- (8) Two members appointed by the Minority Leader of the House of Representatives:
  - (i) One of whom shall be a member of the business community with knowledge of agricultural education.
  - (ii) One of whom shall be an individual with a background in or knowledge of agricultural education.

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(g.1) To the extent practicable, from members appointed under subsection (f.1), an equal number shall draw lots to serve for a term of three years, for a term of two years and for a term of one year. Thereafter, all members shall be appointed for a term of three years. Members shall continue to serve until a successor is appointed. If members are not initially appointed by October 1, 2024, the Secretary of Education and

Secretary of Agriculture shall jointly appoint any qualified individual to fill the vacancy.

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.  
Without objection, the bill, as amended, was passed over in its order.

BILLS OVER IN ORDER

**HB 1619, HB 1633, HB 1700, HB 1820, HB 1853, HB 1889 and HB 2161** -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2182 (Pr. No. 3145)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in other required equipment, further providing for visual signals on authorized vehicles.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerhole	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Williams, Lindsey
Comitta	Kane	Rothman	Yaw
Costa			

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

**SB 117 and SB 349** -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

**SB 580 (Pr. No. 1721)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Family and Medical Leave Program and the Family and Medical Leave Fund; conferring powers and imposing duties on the Department of Labor and Industry; creating a right of action; and imposing penalties.

Without objection, the bill was passed over in its order at the request of Senator PITTMAN.

Pursuant to Senate Rule 9, the bill was laid on the table.

BILL OVER IN ORDER

**SB 988** -- Without objection, the bill was passed over in its order at the request of Senator PITTMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1026 (Pr. No. 1592)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1975 (P.L.604, No.173), entitled "An act to facilitate the use of electronic funds transfer systems by providing that credits to accounts in financial institutions designated by recipients shall satisfy legal requirements for payments by cash or checks," further providing for electronic funds transfers, for consumer protections and for payroll card accounts.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator PITTMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

**SB 1171 and SB 1208** -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

**SB 1230 (Pr. No. 1722)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Labor and Industry, its departmental administrative and advisory boards and departmental administrative officers, further providing for Elevator Safety Board.

Without objection, the bill was passed over in its order at the request of Senator PITTMAN.

Pursuant to Senate Rule 9, the bill was laid on the table.

BILLS OVER IN ORDER

**SB 1251, SB 1271 and SB 1280** -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL ON SECOND CONSIDERATION,  
AMENDED AND REREFERRED

**HB 1993 (Pr. No. 2833)** -- The Senate proceeded to the consideration of the bill, entitled:

An Act amending the act of November 21, 2016 (P.L.1318, No.169), known as the Pharmacy Audit Integrity and Transparency Act, further providing for title of act; in preliminary provisions, further providing for short title and for definitions; in pharmacy audits, further providing for limitations; and providing for pharmacy benefits manager contract requirements and prohibited acts.

On the question,  
Will the Senate agree to the bill on second consideration?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Rothman has returned, and his temporary Capitol leave is cancelled.

And the question recurring,  
Will the Senate agree to the bill on second consideration?

J. WARD AMENDMENT A5498 ADOPTED

Senator J. WARD offered the following amendment No. A5498:

Amend Bill, page 1, lines 1 through 10, by striking out all of said lines and inserting:

Amending the act of November 21, 2016 (P.L.1318, No.169), entitled "An act providing for pharmacy audit procedures, for registration of pharmacy benefits managers and auditing entities, for maximum allowable cost transparency and for prescription drugs reimbursed under the PACE and PACENET program; and making related repeals," further providing for title of act; in preliminary provisions, further providing for short title, for scope of act and for definitions and providing for rules and regulations; in pharmacy audits, further providing for limitations; in registration, further providing for PBM and auditing entity registration; providing for pharmacy benefits manager contracts; in PBM cost transparency requirements, providing for PBM transparency report required, repealing provisions relating to regulations and providing for PSAO reporting requirements; in enforcements, further providing for scope of enforcement authority; providing for pharmacy services; and making repeals.

Amend Bill, page 1, lines 13 through 18; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 21; by striking out all of said lines on said pages and inserting:

Section 1. The title and sections 101 and 102 of the act of November 21, 2016 (P.L.1318, No.169), known as the Pharmacy Audit Integrity and Transparency Act, are amended to read:

AN ACT

Providing for pharmacy audit procedures, for registration of pharmacy benefits managers and auditing entities, for maximum allowable cost transparency [and], for prescription drugs reimbursed under the PACE and PACENET program and for pharmacy benefit managers contract requirements and prohibited activities; and making related repeals

Section 101. Short title.

This act shall be known and may be cited as the [Pharmacy Audit Integrity and Transparency] Pharmacy Benefit Reform Act.

Section 102. Scope of act.

The following apply:

(1) This act covers any audit of the records of a pharmacy conducted by a managed care company, third-party payer, pharmacy benefits manager or an entity that represents a covered entity.

(2) This act covers any contract between a pharmacy or a PBM and a health insurer or a health benefit plan, or a contract between a

pharmacy and a PBM on behalf of a health insurer or health benefit plan.

(3) Except for the provisions of Chapter 5, this act shall not apply to a self-insured health benefit plan subject to ERISA or exempted from ERISA under section 4(b) of ERISA.

Section 2. The definitions of "covered entity" and "health insurance policy" in section 103 of the act are amended and the section is amended by adding definitions to read:

Section 103. Definitions.

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

"Affiliate" or "affiliated." An "affiliate" as defined in section 1401 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

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"Complex or chronic medical condition." A physical behavioral or developmental condition that has no known cure, is progressive or can be debilitating or fatal if unmanaged or untreated.

"Covered entity." A contract holder or policy holder providing pharmacy benefits to a covered individual under a health [insurance policy] benefit plan pursuant to a contract administered by a pharmacy benefit manager.

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"ERISA." The Employee Retirement Income Security Act of 1974 (Public Law 93-406, 29 U.S.C. § 1001 et seq.).

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"Health benefit plan." A policy, contract or certificate entered into, offered, issued or renewed by a health insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of physical, mental or behavioral health care services. The term does not include Medicare supplement or accident only, fixed indemnity, limited benefit, credit, dental, vision, specified disease, TRICARE supplemental insurance, long-term care or disability income, workers' compensation or automobile medical payment insurance.

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["Health insurance policy." A policy, subscriber contract, certificate or plan that provides prescription drug coverage. The term includes both comprehensive and limited benefit health policies.]

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"Health insurer client." The term includes both a health insurer and a health benefit plan offered by a health insurer.

"Licensee or registrant." An entity subject to oversight of the department under this act. The term includes:

- (1) An auditing entity.
- (2) A health insurer.
- (3) A pharmacy benefit manager.
- (4) A pharmacy services administration organization.

"Mail order pharmacy." A pharmacy where prescriptions are dispensed to covered individuals via the mail.

"Maintenance medication." A medication prescribed for a chronic, long-term condition and taken on a regular, recurring basis.

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"Rare medical condition." A disease or condition that affects fewer than 200,000 individuals in the United States or approximately 1 in 1,500 individuals worldwide.

"Retail pharmacy." A pharmacy where prescriptions are able to be dispensed to covered individuals on the premises of the pharmacy.

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"Specialty drug." Either of the following:

(1) A prescription drug prescribed to a covered individual with a cost that meets or exceeds the cost of a drug on the specialty tier of Medicare Part D under 42 CFR 423.104(d)(2)(iv) (relating to requirements related to qualified prescription drug coverage) and meets three or more of the following criteria:

- (i) The drug requires specialized product handling or administration by the dispensing pharmacy.
- (ii) The drug requires specialized clinical care, including, but not limited to, frequent dosing adjustments to the prescription drug, clinical monitoring or expanded patient service, intensive patient counseling and ongoing clinical support, such as individualized disease or therapy management to support patient outcomes for a covered individual.



(iii) The drug is prescribed for a covered individual with a rare medical condition, complex or chronic medical condition or life-threatening medical condition.

(iv) The prescription drug has a limited or exclusive distribution and is not typically stocked or dispensed by a retail pharmacy.

(2) A prescription drug that is prescribed to a covered individual and that is listed as a specialty drug on the medical assistance fee-for-service specialty pharmacy drug list.

"Specialty pharmacy." A pharmacy that has been nationally accredited by an independent third party to dispense specialty drugs.

"Spread pricing." A model of prescription drug pricing in which the PBM charges a health benefit plan or health insurer a contracted price for prescription drugs and the contracted price for the prescription drugs differs from the amount the PBM directly or indirectly pays the pharmacist or pharmacy for prescription drugs and related pharmacist services.

Section 3. The act is amended by adding a section to read:

Section 104. Regulations.

Except as provided for in Chapter 10, the department may promulgate regulations necessary for the administration of this act.

Section 4. Section 303 of the act is amended by adding a subsection to read:

Section 303. Limitations.

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(c) Scrivener's error.--A scrivener's error made by a pharmacy not attributed to fraud, waste or abuse that is discovered during a pharmacy audit by the PBM shall result in the PBM recouping the dispensing fee for that particular transaction, not the entire amount for the medication received by the patient.

Section 5. Section 501(b) of the act is amended and the section is amended by adding a subsection to read:

Section 501. PBM and auditing entity registration.

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(a.1) PSAO registration.--To conduct business in this Commonwealth, a PSAO shall register with the department on an application form provided by the department. The form shall reflect the reporting requirements under section 705. Nothing under this subsection shall be construed as requiring a health insurer, health benefit plan or PBM to enter into a contract with a PSAO.

(b) Term and fee.--

(1) The term of registration shall be two years from the date of issuance.

(2) The department shall set an initial application fee and a renewal application fee, which shall be submitted with an application for registration. An initial application fee shall be nonrefundable. A renewal application fee shall be returned if the renewal of the registration is not granted.

(3) The amount of the initial application fee and renewal application fee shall be sufficient to fund the department's duties in relation to its responsibilities under this chapter but may not exceed [\$1,000.];

(i) \$10,000 for a PBM or auditing entity.

(ii) \$500 for a PSAO.

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Section 6. The act is amended by adding a chapter to read:

#### CHAPTER 6

#### PHARMACY BENEFITS MANAGER CONTRACTS

Section 601. Contract provisions.

(a) General rule.--A PBM registered with the department and conducting business on behalf of a health insurer client in this Commonwealth may not:

(1) Reimburse a retail pharmacy an amount less than the amount that the PBM reimburses a PBM-affiliated retail pharmacy located in this Commonwealth for providing the same pharmacist services.

(2) Reimburse a federally qualified health center, health care facility or other entity participating in the program under section 340(b) of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 256(b)), an amount lesser than similar entities not participating in the program.

(3) Authorize the PBM to unilaterally alter the terms of a participation contract beyond the terms and conditions of the original contract agreed to by a PSAO or pharmacy with a PBM beyond the

terms and conditions of the original contract agreed to by the pharmacy or PSAO with a PBM.

(4) Designate a prescription drug as a specialty drug or require a prescription drug to be dispensed exclusively at a specialty pharmacy unless it meets the criteria of a specialty drug under section 103.

(b) Rebates.--Beginning on the effective date of this section, a PBM shall pass through to the health benefit plan no less than 95% of any prescription drug manufacturer rebate obtained by the PBM on behalf of a health insurer client if the health benefit plan delegates negotiation of the rebate to the PBM.

(c) Contract information.--PBM contracts shall provide information to a pharmacist, pharmacy or PSAO pertaining to the schedule and total for any fee charged by the PBM for participation in the PBM's network. Section 602. Patient steering.

(a) Prohibitions.--A health benefit plan, health insurer or PBM contracting with a health benefit plan or health insurer may not:

(1) Require a covered individual, as a condition of payment or reimbursement, to purchase pharmacist services, including, but not limited to, prescription drugs, exclusively through a mail-order pharmacy or PBM retail affiliate.

(2) Prohibit or limit a covered individual from selecting an in-network pharmacy or in-network pharmacist of the covered individual's choice if that pharmacy or pharmacist meets and agrees to the terms and conditions, including reimbursements, in the PBM's contract.

(3) Require a covered individual to use a PBM-affiliated retail pharmacy.

(4) Transfer a covered individual's prescriptions from an in-network pharmacy to another pharmacy unless requested by the covered individual.

(5) Use financial incentives, including, but not limited to, adjustments in cost sharing obligations of a covered individual, to the exclusive benefit of a PBM-affiliated retail pharmacy.

(6) Except as provided in subsection (b), auto-enroll a covered individual in mail-order pharmacy services.

(b) Construction.--Nothing in this section shall be construed:

(1) To prevent a PBM, health benefit plan or health insurer from requiring a covered individual to use an approved specialty pharmacy operating in the PBM's network.

(2) To prevent a health benefit plan, health insurer or PBM contracting with a health benefit plan or health insurer, from auto-enrolling a covered individual in mail-order services for a maintenance medication, provided that:

(i) a covered individual may not be auto-enrolled for the first 90 days of a new maintenance medication; and

(ii) a covered individual shall have the ability to opt out of mail-order pharmacy services at any time.

Section 603. Clawbacks prohibited.

(a) General rule.--A pharmacist, pharmacy intern or technician may not charge a patient an amount for a covered prescription drug that exceeds the lesser of:

(1) The net reimbursement paid to the pharmacy for the prescription drug by the health benefit plan, health insurer or PBM contracting with a health benefit plan or health insurer.

(2) The amount an individual would pay for the prescription drug if the prescription drug were purchased without coverage under a health benefit plan.

(b) Collection of difference in cost sharing.--A health benefit plan, health insurer or PBM contracting with a health benefit plan or health insurer may not collect from the member any difference in cost sharing the member pays to the pharmacy and the member's cost sharing defined in the member's benefit plan.

Section 604. Network adequacy.

(a) General rule.--A PBM shall establish a reasonably adequate and accessible retail pharmacy network for the provision of prescription drugs under a health benefit plan that shall provide for convenient patient access to pharmacies within a reasonable distance from a patient's residence in accordance with the following requirements:

(1) The network may not be limited to affiliated pharmacies only.

(2) The network shall meet or exceed the requirements of 42 CFR 423.120(a)(relating to access to covered part D drugs) or a

successor regulation. If a PBM fails to comply with the requirements, it shall not be considered a violation if the PBM contracts with all retail pharmacies within the network distance standards of the health benefit plan participants.

(b) Report requirement.--Beginning April 1, 2026, and annually thereafter, a PBM shall file with the department a network adequacy report, on a form prescribed by the department, describing the PBM network and the PBM network's accessibility in this Commonwealth. The reports shall be posted on the department's publicly accessible Internet website.

Section 7. The act is amended by adding a section to read:  
Section 703.1. PBM transparency report required.

(a) General rule.--Beginning July 1, 2026, and annually thereafter, each registered PBM shall submit to the department a transparency report containing data for each health insurer client in this Commonwealth from the prior calendar year. The transparency report shall contain the following information:

(1) The aggregate amount of all rebates that the PBM received from all pharmaceutical manufacturers for all health insurer clients and for each health insurer client.

(2) The aggregate administrative fees that the PBM received from all manufacturers for all health insurer clients and for each health insurer client.

(3) The aggregate-retained rebates that the PBM received from all pharmaceutical manufacturers and did not pass through to health insurer clients.

(4) The highest, lowest and mean aggregate retained rebate percentage for all health insurer clients and for each health insurer client.

(5) For a PBM that controls or is affiliated with a pharmacy, a description of any differences between what the PBM reimburses or charges affiliated and nonaffiliated pharmacies.

(b) Publication.--Within 60 days of receipt, the department shall publish the transparency report under this section on the department's publicly accessible Internet website in a form that meets the following requirements:

(1) Does not disclose the name of a PBM.

(2) Does not directly or indirectly disclose the identity of a specific health insurer client or present information in a manner that can be extrapolated to identify a specific health insurer client.

(3) Does not list the price or prices charged for a specific drug or class of drugs.

(4) Does not specify the amount of any rebates provided for a specific drug or class of drug.

(c) Additional categories.--The department may, by regulation, direct PBMs to include additional categories for aggregated data from health insurer clients in the annual transparency report submitted under this section.

(d) Confidentiality.--

(1) The information submitted to the department in accordance with the transparency report required under subsection (a) shall be privileged and given confidential treatment and shall not be:

(i) subject to discovery or admissible as evidence in a private civil action;

(ii) subject to subpoena;

(iii) subject to access under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law; or

(iv) made public by the department or any other person without the prior written consent of the PBM, insurer or insurance group to which it pertains, except as provided in paragraph (3).

(2) The commissioner, the department, a person who receives information under subsection (a) while acting under the authority of the commissioner or department or a person with whom the information is shared under this chapter shall not be permitted or required to testify in a private civil action concerning confidential information in the transparency report.

(3) To assist in the performance of its regulatory duties, the department may:

(i) Use information submitted under this section in furtherance of a regulatory or legal action brought pursuant to the department's official duties.

(ii) Share information submitted under this section with the NAIC, regulatory or law enforcement officials of this Commonwealth or other jurisdictions, and third-party consultants, if, prior to receiving the transparency report information, the recipient demonstrates by written statement the necessary authority and intent to give confidential treatment to the information as required by this section.

(iii) Publish all or part of the information if, after giving the entity who would be affected thereby notice and opportunity to be heard, the department determines that the interest of the public will be served by the publication thereof.

(4) The sharing of information by the department under this section does not constitute a delegation of regulatory authority or rulemaking. The department shall be solely responsible for the administration, execution and enforcement of this chapter.

(5) The sharing of transparency report information with, to or by the department as authorized by this chapter does not constitute a waiver of any applicable privilege or claim of confidentiality.

(6) Information submitted under this section that is in the possession or control of the NAIC or a third-party consultant as provided under this section shall:

(i) be confidential and privileged;

(ii) be exempt from access under the Right-to-Know Law;

(iii) not be subject to subpoena; and

(iv) not be subject to discovery or admissible as evidence in a private civil action.

Section 8. Section 704 of the act is repealed:

[Section 704. Regulations.

The department may promulgate regulations as necessary and appropriate to implement the provisions of this chapter.]

Section 9. The act is amended by adding a section to read:

Section 704.1. PSAO reporting requirements.

A PSAO shall provide the following information to the department and each pharmacy that has contracted for services:

(1) Changes in the PSAO's ownership, including a parent company or subsidiary of the PSAO, no later than five days prior to the change in ownership of the PSAO, the parent company of a PSAO or a subsidiary of the PSAO.

(2) Whether the change in ownership includes a company or organization that provides pharmaceutical, prescription drug or device services.

(3) Whether the change in ownership includes a company that sells or manufactures prescription drugs, biologics or medical devices.

Section 10. Section 901 of the act is amended to read:

Section 901. Scope of enforcement authority.

(a) Scope.--The department may investigate and enforce the provisions of this act only insofar as the actions or inactions being investigated relate to prescription drug coverage under a health [insurance policy] benefit plan.

(b) Remedy.--Actions or inactions within the scope of the department's investigative and enforcement authority under subsection (a) found to violate this act constitute "unfair methods of competition" and "unfair or deceptive acts or practices" within the meaning of section 5 of the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act. A proceeding under this section shall be conducted in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).]

(b.1) Examination and access to records.--The following apply:

(1) (i) The department may order a PBM, a health insurer and a PBM's affiliates to produce records, books or other information as reasonably necessary to ascertain compliance with this act.

(ii) The department may retain an expert or experts as reasonably necessary to assist the department to conduct an analysis of PBM business practices under this paragraph. The reasonable and necessary costs for the expert services shall be paid by the PBM, payable within 30 days of the PBM's receipt of a bill for the services. Analysis under this section shall include:

(A) The impact of steering and spread pricing on the cost of prescription drugs to consumers in this Commonwealth and pharmacy access.

(B) The impact to consumers and pharmacies in this Commonwealth by requiring a health benefit plan or PBM

contracting with a health benefit plan to reimburse a pharmacy utilizing the national average drug acquisition cost and a professional dispensing fee of \$10.49.

(2) The department may examine or audit the books and records of a PBM, a health insurer and a PBM's affiliates to ascertain compliance with this act. The examination shall be conducted in accordance with Article IX of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921.

(c) Review of specialty drugs.--The department shall establish an efficient process by which a pharmacy may refer designation of a prescription drug under a health benefit plan, by a PBM contracting with a health benefit plan, or a health insurer as a specialty drug which fails to meet the criteria under section 103. No later than 60 days following the effective date of this subsection, the department shall publish guidance to effectuate this subsection, including the list of prescription drugs classified as a specialty drug under the medical assistance fee-for-service program. The list under this subsection shall not be considered exclusive for the purposes of review by the department under this section. The department shall update guidance under this section to reflect changes in specialty drugs under the medical assistance fee-for-service program for each plan year.

(d) Penalties.--Upon the determination, after notice and hearing, that this act has been violated, the commissioner may impose the following penalties:

(1) Suspension or revocation of the licensee or registrant's license, authorization to operate or registration.

(2) Refusal to issue or renew a license, authorization to operate or registration.

(3) A cease and desist order.

(4) Order reimbursement to an insured, pharmacy or dispenser that has incurred a monetary loss as a result of a violation of this act.

(5) For each violation of this act that a licensee or registrant knew or reasonably should have known was a violation, a penalty of not more than \$100,000, not to exceed an aggregate penalty of \$1,000,000 in a single calendar year.

(6) For each violation of this act that a licensee or registrant did not know nor reasonably should have known was a violation, a penalty of not more than \$50,000, not to exceed an aggregate penalty of \$500,000 in a single calendar year.

(e) Additional remedies.--The enforcement remedies imposed under this section are in addition to any other remedies or penalties that may be imposed under any other applicable law of this Commonwealth, including the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act. A violation of this act shall be deemed to be an unfair method of competition and an unfair or deceptive act or practice under the Unfair Insurance Practices Act.

(f) Administrative procedure.--The administrative provisions of this section shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies). A party against whom penalties are assessed in an administrative action may appeal to Commonwealth Court as provided in 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 11. The act is amended by adding a chapter to read:

#### CHAPTER 10

#### PHARMACY SERVICES

##### Section 1001. Definitions.

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

"Board." The State Board of Pharmacy.

"COVID-19" or "Coronavirus disease 2019." A highly contagious infectious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

"Direct and immediate personal supervision." As follows:

(1) Review by the pharmacist of the prescription or drug order prior to dispensing.

(2) Verification by the pharmacist of the final product.

(3) Immediate availability of the pharmacist on the premises to direct the work of the supervised individual and to respond to questions or problems.

"Licensee." An individual licensed by the board.

"Pharmacy Act." The act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act.

"Pharmacy technician." An individual who:

(1) Is required to be registered with the board as a pharmacy technician following the promulgation of final-form regulations under section 3 of the act of November 30, 2020 (P.L.1306, No.140), entitled "An act amending the act of September 27, 1961 (P.L.1700, No.699), entitled 'An act relating to the regulation of the practice of pharmacy, including the sales, use and distribution of drugs and devices at retail; and amending, revising, consolidating and repealing certain laws relating thereto,' further providing for definitions; and providing for pharmacy technician and pharmacy technician trainee registration, qualifications and supervision, for pharmacy technician data entry and for laboratory waiver."

(2) May assist in the practice of pharmacy under the direct and immediate personal supervision of a licensed pharmacist after meeting the requirements of this act, the Pharmacy Act and the regulations promulgated under this act or the Pharmacy Act. The term shall not include an individual performing clerical support with no direct interaction with prescription medication or ability to enter a prescription drug order.

"Practice of pharmacy." The following:

(1) The provision of health care services by a pharmacist, which includes:

(i) The interpretation, evaluation and implementation of medical orders for the provision of pharmacy services or prescription drug orders.

(ii) The delivery, dispensing or distribution of prescription drugs.

(iii) Participation in drug and device selection.

(iv) Drug administration.

(v) Drug regimen review.

(vi) Drug therapy management, including such services provided under the Medicare Prescription Drug, Improvements, and Modernization Act of 2003 (Public Law 108-173, 117 Stat. 2066).

(vii) Drug or drug-related research.

(viii) Compounding.

(ix) Proper and safe storage of drugs and devices.

(x) Management of drug therapy under section 9.3 of the Pharmacy Act, or, if in an institutional setting, consistent with the institution's assignment of clinical duties pursuant to a written agreement or protocol as specified in section 9.1 of the Pharmacy Act.

(xi) Maintaining proper records.

(xii) Patient counseling.

(xiii) Acts, services, operations or transactions necessary or incident to the provision of these health care services.

(2) The term shall not include the operations of a manufacturer or distributor as defined in The Controlled Substance, Drug, Device and Cosmetic Act.

"The Controlled Substance, Drug, Device and Cosmetic Act." The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236).

Section 1002. Administration of injectable medications, biologicals and immunizations.

(a) General rule.--The board shall by regulation establish education and training standards and practice guidelines pursuant to which pharmacists shall be authorized to administer injectable medications, biologicals and immunizations to individuals eight years of age or older and influenza and COVID-19 immunizations by injectable or needle-free delivery methods to individuals five years of age or older. The standards and guidelines shall include, but not be limited to, the following:

(1) Satisfactory completion of an academic and practical curriculum approved by the board that includes the current guidelines and recommendations of the Centers for Disease Control and Prevention in the Public Health Service of the United States Department of Health and Human Services, the American Council on Pharmaceutical Education or a similar health authority or professional body and includes, but is not limited to, disease epidemiology, vaccine characteristics, injection technique, emergency response to adverse events and related topics.

(2) Maintenance of a current cardiopulmonary resuscitation (CPR) certificate acceptable to the board.

(3) That the administration of injectable medications, biologicals and immunizations be in accordance with a definitive set of treatment guidelines established by a physician and the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices guidelines or another competent authority approved by the board.

(4) That a minimum of two hours of the 30-hour requirement for continuing education for license renewal be dedicated to administering injectable medications, biologicals and immunizations.

(5) For individuals under 18 years of age, that parental consent be obtained prior to administration.

(6) Maintenance of a level of professional liability insurance coverage in the minimum amount of \$1,000,000 per occurrence or claims made. Failure to maintain insurance coverage as required shall subject the licensees to disciplinary proceedings. The board shall accept as satisfactory evidence of insurance coverage any of the following:

(i) personally purchased liability insurance;

(ii) professional liability insurance coverage provided by the individual licensee's employer; or

(iii) similar insurance coverage acceptable to the board.

(7) Notification of the individual's primary care provider, if known, within 48 hours of administration.

(b) No delegation.--Except as provided under subsection (e), a pharmacist's authority to administer injectable medications, biologicals and immunizations shall not be delegated to any other individual. A pharmacy intern who has completed a course of education and training which meets the requirements of subsection (a)(1) and (2) and maintains liability insurance in the amounts specified under subsection (a)(6), may administer injectable medications, biologicals and immunizations, in keeping with the requirements under subsection (a)(3), to individuals who are eight years of age or older and influenza and COVID-19 immunizations by injectable or needle-free delivery methods to individuals five years of age or older only under the direct, immediate and personal supervision of a pharmacist holding the authority to administer injectable medications, biologicals and immunizations or a physician, physician assistant or certified registered nurse practitioner.

(c) Report of administration.--A supervising pharmacist shall report the administration of immunizations under this section to the immunization registry maintained by the Department of Health within 72 hours of immunization administration and to the individual's primary care provider in accordance with subsection (a)(7). Nothing in this subsection shall be construed to prohibit a supervising pharmacist from delegating the reporting of immunization administration to a pharmacy intern or technician.

(d) Information and referral.--A pharmacist, pharmacy intern or pharmacist technician who administers an influenza or COVID-19 immunization to an individual under 18 years of age shall inform the parent or adult caregiver of the importance of a well-child visit with a pediatrician or other licensed primary care provider and refer the patient as appropriate.

(e) Delegation of authority.--A pharmacist who holds the authority to administer injectable medications, biologicals and immunizations may delegate the authority to administer:

(1) Influenza and COVID-19 immunizations to a certified registered nurse practitioner, physician assistant, registered nurse or licensed practical nurse; or

(2) COVID-19 immunizations that are authorized or that are licensed by the United States Food and Drug Administration to individuals 13 years of age or older or influenza vaccinations that are recommended by the Advisory Committee on Immunization Practices to individuals 13 years of age or older to a pharmacy technician if:

(i) The pharmacy technician:

(A) Until the board promulgates final regulations implementing registration of pharmacy technicians, holds a national certification from the Pharmacy Technician Certification Board or the National Healthcareer Association; or

(B) After the board promulgates final regulations implementing registration of pharmacy technicians, is registered with the board.

(ii) The following conditions are met:

(A) The supervising qualified pharmacist is providing direct, immediate and personal supervision to the qualified pharmacy technician who is administering the immunizations or vaccinations.

(B) The qualified pharmacy technician has completed a practical training program that is approved by the Accreditation Council for Pharmacy Education and that includes hands-on injection technique and the recognition and treatment of emergency reactions to vaccines.

(C) The qualified pharmacy technician has a current certificate in basic cardiopulmonary resuscitation.

(D) The qualified pharmacy technician has obtained liability insurance as required under subsection (a)(6) through the qualified pharmacy technician's employer.

(E) Administration of a COVID-19 immunization or influenza vaccinations shall be in keeping with the requirements under subsection (a)(3).

Section 1003. Clinical laboratory certificate.

(a) Certificate.--If a pharmacy holds a valid certificate of waiver issued by the Centers for Medicare and Medicaid Services, a pharmacy or pharmacist may order and perform laboratory examinations and procedures for COVID-19, influenza, respiratory syncytial virus and streptococcal infections authorized or approved by the United States Food and Drug Administration under the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903) and shall be exempt from the requirements under section 3 of the act of September 26, 1951 (P.L. 1539, No.389), known as The Clinical Laboratory Act.

(b) Designation.--A pharmacist may designate the administration of a test under subsection (a) to a pharmacy intern or pharmacy technician if the designation by the pharmacist to a pharmacy intern or pharmacy technician and the administration of the test is in keeping with nationally recognized clinical practice guidelines that have not been disapproved by the Department of Health through transmission to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

Section 1004. Report on pharmacy-administered vaccines.

(a) Report.--The Department of Health shall, in consultation with the board, report to the President pro tempore of the Senate, the Majority Leader and the Minority Leader of the Senate, the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives information concerning pharmacist activities authorized under this chapter, including:

(1) The number of injectable medications, biologicals and immunizations administered to individuals under 18 years of age broken down by age.

(2) The number of injectable medications, biologicals and immunizations administered to individuals under 18 years of age broken down by type of injectable medications, biologicals and immunizations.

(3) Subject to information being made available, an assessment on whether there is a change in the number of well visits for children with their primary pediatric care provider attributable pharmacist services authorized under this chapter.

(4) Beginning from the effective date of this section, changes in the pharmacy immunization rates for individuals under 18 years of age.

(b) Scope of report.--The Department of Health shall review data available for injectable medications, biologicals and immunizations administered by a pharmacist, pharmacy intern or technician in this Commonwealth. The Department of Health shall also review data available from other state governments which have authorized pharmacists to provide similar pharmacy services as authorized under this chapter.

(c) Timing of report.--The Department of Health shall report its findings no later than five years following the effective date of this subsection and include recommendations for changes in the laws of this Commonwealth.

(d) Publication.--Upon completion of the report and transmission of the report under subsection (a), the Department of Health shall publish the findings on the Department of Health's publicly accessible Internet website.

Section 12. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1002 of the act.

(2) Sections 9.2 and 9.5 of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, are repealed.

Section 13. The addition of section 1002 of the act is a continuation of sections 9.2 and 9.5 of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act. Except as otherwise provided in section 1002 of the act, all activities initiated under sections 9.2 and 9.5 of the Pharmacy Act shall continue and remain in full force and effect and may be completed under section 1002 of the act. Orders, regulations, rules and decisions which were made under sections 9.2 and 9.5 of the Pharmacy Act and which are in effect on the effective date of section 12(2) of this act shall remain in full force and effect until revoked, vacated or modified under section 1002 of the act. Contracts, obligations and collective bargaining agreements entered into under sections 9.2 and 9.5 of the Pharmacy Act are not affected nor impaired by the repeal of sections 9.2 and 9.5 of the Pharmacy Act.

Section 14. The following shall apply:

(1) The addition of Chapter 6 and section 703.1 of the act shall apply to a contract issued, renewed or amended after the effective date of this section.

(2) The following shall apply:

(i) For a health insurance policy for which either rates or forms are required to be filed with the Federal Government or the Insurance Department, this act shall apply to the health insurance policy for which a form or rate is first approved on or after the effective date of this paragraph.

(ii) For a health insurance policy for which neither rates nor forms are required to be filed with the Federal Government or the Insurance Department, this act shall apply to the health insurance policy issued or renewed on or after 180 days after the effective date of this paragraph.

Section 15. This act shall take effect as follows:

(1) Section 14 of this act shall take effect in 90 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 120 days.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator J. WARD and were as follows, viz:

YEA-49

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerhole	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Williams, Lindsey
Comitta	Kane	Rothman	Yaw
Costa			

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator PITTMAN, and agreed to by voice vote, the bill, as amended, was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION, AMENDED

**HB 2216 (Pr. No. 3493)** -- The Senate proceeded to the consideration of the bill, entitled:

An Act authorizing the Department of General Services, on behalf of the Commonwealth of Pennsylvania and with the approval of the Governor, the Department of Conservation and Natural Resources and the Executive Director of the Pennsylvania Historical and Museum Commission, to quitclaim and release to the United States of America any right, title or interest it may have with respect to a certain use restriction and a related reversionary interest related to certain portions of Valley Forge National Historical Park situate in Upper Merion Township, Montgomery County, Pennsylvania; authorizing the release of Project 70 restrictions on certain land owned by the Pennsylvania Fish and Boat Commission in Overfield Township, Wyoming County; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to the City of Philadelphia a right-of-way easement situate in the City of Philadelphia, Philadelphia County, in exchange for improvements to Benjamin Rush State Park and monetary consideration to the Commonwealth to be used toward the acquisition and conveyance of a tract of land to be added to French Creek State Park; authorizing the transfer of administrative jurisdiction of portions of State park lands in exchange for certain lands situate in New Vernon Township, Mercer County, from the Department of Conservation and Natural Resources to the Department of Transportation for anticipated highway improvement projects; authorizing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to grant and convey to Joshua R. Snyder a certain tract of land located in Windsor Township, Berks County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain lands and improvements situate in Haverford Township, Delaware County, to Carelink Community Support Services of PA, Inc.; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission, the Department of Conservation and Natural Resources and the Governor, to grant and convey to The Roland Curtin Foundation for the Preservation of Eagle Furnace, certain lands, buildings and improvements, situate in Boggs Township, Centre County, and further authorizing the Pennsylvania Historical and Museum Commission to transfer to The Roland Curtin Foundation for the Preservation of Eagle Furnace its buildings located on adjacent property leased from the United States Department of the Army; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Franklin Township, Greene County, certain lands situate in Franklin Township, Greene County; authorizing the Department of General Services to convey to the Oil Region Alliance of Business, Industry and Tourism, a Pennsylvania nonprofit corporation, certain lands and improvements thereon, situate in Oil City, Venango County; authorizing the Department of General Services, with the approval of the Governor and the Pennsylvania State System of Higher Education, to convey to the Oil Region Alliance of Business, Industry and Tourism, a Pennsylvania nonprofit corporation, certain lands and improvements thereon, situate in Oil City, Venango County; authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the Bear Creek Township Volunteer Hose Company an access easement and two storm water easements from certain lands situate in Bear Creek Township, Luzerne County; and authorizing the Department of General Services, with the approval of the Governor, to release a portion of a use restriction affecting certain real property situate in Susquehanna Township, Dauphin County, which the Commonwealth of Pennsylvania previously conveyed to the School District of the City of Harrisburg.

On the question,

Will the Senate agree to the bill on second consideration?

## PITTMAN AMENDMENT A5491 ADOPTED

Senator PITTMAN offered the following amendment No. A5491:

Amend Bill, page 2, line 34, by striking out "and"

Amend Bill, page 2, line 39, by inserting after "Harrisburg":

; authorizing the sale and transfer of title for a 0.232 acre of Project 70 lands owned by Springettsbury Township, York County, to the Department of Transportation for highway right-of-way; authorizing the Department of General Services, with the approval of the Department of Human Services and the Governor, to grant and convey to the University of Pittsburgh a certain permanent easement through and across lands of the Commonwealth of Pennsylvania in the City of Pittsburgh, Allegheny County, and to accept from the University of Pittsburgh a certain permanent easement through and across lands of the University of Pittsburgh in the City of Pittsburgh, Allegheny County; authorizing the Pennsylvania Historical and Museum Commission, with the approval of the Governor, to grant and convey certain lands and improvements situate in the 47th Ward of the City of Philadelphia, Philadelphia County, to New Freedom Theater, Inc.; and authorizing the State Armory Board to enter into such agreements as may be necessary to exchange with a branch of the United States Armed Forces the right of occupancy in, use of and obligations belonging to certain proprieties owned, managed or occupied by either the State Armory Board or a branch of the United States Armed Forces

Amend Bill, page 61, by inserting between lines 17 and 18:

Section 14. Springettsbury Township, York County.

(a) Authorization.--In accordance with the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess. 1, P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly authorizes the fee simple transfer of title for a portion of the Project 70 lands owned by Springettsbury Township, known as Fayfield Park, which are more particularly described under subsection (c), to the Department of Transportation.

(b) Project 70 restrictions.--The lands described under subsection (c) shall be transferred with none of the existing restrictions currently imposed by the Project 70 Land Acquisition and Borrowing Act upon conveyance of the lands to the Department of Transportation. Mitigation for the loss of Project 70 lands shall consist of park reconstruction and rehabilitation.

(c) Property description.--The parcel of land to be transferred with none of the existing Project 70 restrictions is located in Springettsbury Township, York County, and is as follows:

All that certain parcel of ground, lying and being situate in Springettsbury Township, York County, Pennsylvania, being more particularly bounded and described as follows:

Beginning at a point at the intersection of the legal right-of-way line for limited access of State Route 0083 and the property line of Parcel 231, in the southern corner of Lot 7; thence along the legal right-of-way line for limited access of State Route 0083 north 55 degrees 52 minutes 29 seconds west a distance of 2.06 feet to a bend in the legal right-of-way line for limited access of State Route 0083; thence along the legal right-of-way line for limited access of State Route 0083 north 37 degrees 03 minutes 00 seconds west a distance of 617.01 feet to the intersection of the legal right-of-way line for limited access of State Route 0083 and the legal right-of-way line for township road of Township Road 997 (5th Avenue); thence along the legal right-of-way line for township road of Township Road 997 (5th Avenue) along an arc 79.38 feet to the left, having a radius of 143.32 feet, the chord of which is south 52 degrees 55 minutes 05 seconds east for a distance of 78.37 feet to the intersection of the legal right-of-way line for township road of Township Road 997 (5th Avenue) and the required right-of-way line for limited access of State Route 0083; thence along the required right-of-way line for limited access of State Route 0083 south 36 degrees 16 minutes 57 seconds east a distance of 528.69 feet to the intersection of the required right-of-way line for limited access of State Route 0083 and the property line of Parcel 231 Lot 7; thence along the property line of Parcel 231 Lot 7 south 5 degrees 26 minutes 58 seconds west a distance of 20.25 feet to the point and place of beginning and having an area of 0.232 Acres.

Section 15. Conveyance in City of Pittsburgh, Allegheny County.

(a) Authorization.--The Department of General Services, with the approval of the Department of Human Services and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey a permanent easement from the grounds of the Western Pennsylvania Psychiatric Institute, situate in the City of Pittsburgh, Allegheny County, to the University of Pittsburgh for purposes of the construction, use, maintenance, inspection, repair and replacement of certain improvements made by the University of Pittsburgh as part of building projects on adjoining University of Pittsburgh property.

(b) Property description.--The easement area to be conveyed in accordance with subsection (a) consists of the following:

ALL THAT CERTAIN easement area, situate in the 4th Ward, City of Pittsburgh, County of Allegheny, more particularly bounded and described as follows:

Beginning at a point on the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh, said point being the following two (2) courses and distances from a point common to the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh, at the intersection of the northeasterly right of way line of Desoto Street, 60.00 feet wide, and the northwesterly right of way line of Terrace Street, 60.00 feet wide:

N 37° 53' 05" E a distance of 50.00 feet;

N 55° 10' 55" E a distance of 89.85 feet, to the point of beginning;

thence from said point of beginning by the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh N 55° 10' 55" E a distance of 104.96 feet to a point; thence continuing by same S 43° 31' 15" E a distance of 58.53 feet to a point; thence by a line through lands now or formerly of the Commonwealth of Pennsylvania the following four (4) courses and distances:

S 82° 30' 41" W a distance of 42.72 feet;

N 43° 31' 15" W a distance of 73.88 feet;

S 46° 59' 12" W a distance of 64.42 feet;

N 72° 17' 25" W a distance of 23.38 feet to a point on the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh, at the point of beginning.

Containing 3006 square feet, more or less.

Being a portion of Tax Parcel Number: Block 27-P, Lot 90.

(c) Acceptance.--The Department of General Services, with the approval of the Department of Human Services and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to accept a permanent easement from the University of Pittsburgh, situate in the City of Pittsburgh, Allegheny County, for purposes of the construction, use, maintenance, inspection, repair and replacement of a retaining wall partly located on lands of the University of Pittsburgh, to benefit the Western Pennsylvania Psychiatric Institute, for \$1 and on such other terms and conditions to be set forth in an easement agreement.

(d) Easement area.--The easement area to be accepted in accordance with subsection (c) consists of the following:

ALL THAT CERTAIN easement area, situate in the 4th Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point on the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh, said point being the following two (2) courses and distances from a point common to the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh, at the intersection of the northeasterly right of way line of Desoto Street, 60.00 feet wide, and the northwesterly right of way line of Terrace Street, 60.00 feet wide:

N 37° 53' 05" E a distance of 50.00 feet;

N 55° 10' 55" E a distance of 89.85 feet, to the point of beginning;

thence from said point of beginning by a line through lands now or formerly of the University of Pittsburgh the following three (3) courses and distances:

N 30° 13' 12" W a distance of 14.21 feet;

N 59° 46' 48" E a distance of 68.48 feet; to a point of curvature;

in an easterly direction by a curve bearing to the right having a radius of 31.00 feet through an arc distance of 37.88 feet to a point on the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh;

thence by the line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands now or formerly of the University of Pittsburgh S 55° 10' 55" W a distance of 97.80 feet to a point, at the point of the beginning.

Containing 1,527 square feet, more or less.

Being a portion of Tax Parcel Number: Block 27-P, Lot 80-0-3.

(e) Easement agreements.--The easement agreements to be executed by the Commonwealth of Pennsylvania under this section shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Section 16. Conveyance in City of Philadelphia, Philadelphia County.

(a) Authorization.--The Pennsylvania Historical and Museum Commission, with the approval of the Governor, is authorized on behalf of the Commonwealth of Pennsylvania to grant and convey the following tract of land together with any improvements thereon, situate in the 47th Ward of the City of Philadelphia, Philadelphia County, to New Freedom Theatre, Inc., for \$1, under terms and conditions to be established in an agreement of sale.

(b) Property description.--The property to be conveyed under subsection (a) consists of the following:

ALL that certain unit in the property known, named and identified in the Declaration referred to below as "Freedom Theatre Condominium," located in the 29th Ward of the City and County of Philadelphia, Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. Section 3101, et seq., by the recording in the Philadelphia Department of Records of a Declaration dated July 10, 1992, recorded on July 13, 1992 in Deed Book VCS 111, Page 353, being and designated in such Declaration as Unit 1, as more fully described in said Declaration, together with a proportionate undivided interest in the Common Elements (as defined in the Declaration) of 30%.

BEING the same premises conveyed by New Freedom Theatre, Inc. to the Pennsylvania Historical and Museum Commission by deed dated July 10, 1992, and recorded at the Department of Records of the City and County of Philadelphia at Deed Book VCS 123 Page 132, Document Number 45614463.

ALSO BEING Philadelphia County OPA Account Number 772726001.

(c) Conditions.--The conveyance under this section shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Restriction.--The conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. Should the grantee, its successors or assigns permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Deed of conveyance.--The conveyance shall be made by special warranty deed to be executed by the Executive Director of the Pennsylvania Historical and Museum Commission in the name of the Commonwealth of Pennsylvania.

(f) Proceeds.--The proceeds from the conveyance under this section shall be deposited into the General Fund.

(g) Alternate disposition.--In the event that the conveyance authorized under this section is not completed within two years of the effective date of this subsection, the authority to convey the property as specified in subsection (a) shall expire, and the property may be disposed of in accordance with section 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 17. Agreements with the United States Army Reserve.

(a) Authorization.--The State Armory Board is hereby authorized to enter into such agreements as may be necessary to exchange with the United States Army Reserve the right of occupancy in, use of and obligations belonging to, the properties described in subsection (b) under

such terms and conditions as they may determine, subject to the conditions specified in subsections (c) and (d).

(b) Property descriptions.--

(1) The Johnstown Walters Avenue Readiness Center consists of approximately 15.0 acres of land and improvements located at 656 Walters Avenue, Johnstown, Pennsylvania (Tax Parcel No. 50-05-123.1). The Readiness Center was used by the Pennsylvania National Guard to serve and support its mission. The Readiness Center is owned by the Commonwealth of Pennsylvania and is maintained, managed and regulated by the State Armory Board.

(2) Building #228 is a hangar facility and surrounding infrastructure situated on land owned by the Johnstown-Cambria County Airport Authority. The Johnstown-Cambria County Airport Authority leases Building #228 to the United States Army Reserve. The United States Army Reserve currently uses Building #228 to serve and support its mission.

(c) Funds required.--Prior to the execution of such agreements that may be necessary to effectuate the exchange of rights and obligations authorized under subsection (a), the State Armory Board must establish that the Department of Military and Veterans Affairs has funds necessary to implement and to support the terms of the agreements, including terms that allocate obligations for maintenance and renovations.

(d) Terms and conditions.--The terms and conditions of the exchange authorized under subsection (a) shall be determined by the State Armory Board and the United States Army Reserve. All terms and conditions must comply with Federal and State statutes and governing regulations. However, notwithstanding the provisions of 51 Pa.C.S. § 1509(a) (relating to rental or lease of armories and of buildings or structures at Fort Indiantown Gap) or any other provision of law or regulation that prescribes time periods for leases or other agreements, the State Armory Board may execute a lease or other agreement for a term of not less than 25 years.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"State Armory Board." The State Armory Board established under 51 Pa.C.S. Ch. 15 (relating to State Armory Board).

"United States Army Reserve." The reserve component of the United States Army, exclusive of the various National Guards, established under 10 U.S.C. Subt. E (relating to reserve components).

Amend Bill, page 61, line 18, by striking out "14" and inserting:

18

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Dush.

Senator DUSH. Mr. President, the New Freedom Theatre was and is historically relevant, but in the late 1980s--historically relevant but falling on hard times theater for the African American community. In 1989, Senate Bill No. 845 was drafted to have the Pennsylvania Historic [Historical] and Museum Commission take ownership of the facility, make repairs to permit the New Freedom Theatre Group to possess the New Freedom Theatre under a lease agreement. And I am quoting, "Section (B) Title.--Title to the property shall be in the following form: the Commonwealth shall have an estate for 20 years, and the remainder shall pass to New Freedom Theatre, Inc., or its successor," end quote. During the negotiations, the above quoted language was stricken from the bill by amendment No. 3148. In remarks on the floor, the maker of the amendment, Representative Ryan, stated: [Reading:]

Mr. Speaker, the gentleman, Mr. Thomas, and I spent a good bit of time today going back and forth on a series of amendments in an attempt to work out the problem of the New Freedom Theatre. I think we have it worked [it] out. The amendments that we had discussed in caucus where

this theater at some later date would revert back to the New Theatre Group have been eliminated. **That language has been eliminated with the amendment.** This is simply a conveyance of [the] property. There is no money involved in this amendment or the bill. It is [a] conveyance of the property to the Commonwealth's Historical and Museum Society and provisions for them taking it over, maintaining it, and using it in connection with public awareness of the history and culture of African-Americans.

It is plain that the intent of this bill, as amended, was to make it simply a conveyance of the property so that PHMC could take it over, maintain it, and use it in connection with public awareness of the history and culture of African Americans. In particular, as the bill became law, Section 3 bears the title: Supervision and Management. The language in Section 3 authorizes the PHMC to enter into a lease, but sticks strictly with supervision and management issues relating to the property. It very specifically does not authorize a lease that has a clause which authorizes the reversion of the property to the New Freedom Theatre Group. In fact, none of the four clauses in the bill authorize such a contractual clause. Of note, if the contract had been followed to its letter, the reversion, although unauthorized in statute, would have been effectuated in 2012, not where we are now 12 years later. It is obvious to any reasonable person that the language was stricken from Senate Bill No. 845 of 1989 purposely to remove an automatic transaction of the New Freedom Theatre to the group.

I want to refer to the lease that was done by DGS. The whole way through the lease, for nearly 21 pages, it covered the things that the law required: management of the property and maintenance. But then on the last section, Section 31, on page 21, it specifically--and I will read it--lessee's right of reverter, Section A: If and at such time, as legislation is enacted which authorizes the reversion of the ownership to the demise premises or lessor, then upon effective date of the reversion of ownership in accordance with the terms of such legislation, lessor shall execute and deliver to lessee a deed to the demised premises in the form of the tax exhibit D. Basically what they did was did an end-around around the amendment that Representative Ryan put into the bill and which was passed 198 to nothing. It is patently obvious that Section 3 of the bill that was signed into law only permitted the lease to cover supervision and management. The lease agreement of July 10, 1992, stuck to the supervision management until that final paragraph.

I cannot hold the administration of 1990 or the DGS personnel from 1990 accountable. However, there are processes and reviews that those in this current administration should be accountable for. When the review required for the land conveyance memorandum was done, it had to be obvious that the initial transfer of the property was done by legislation. Therefore, the first, the very first obligation of the reviewer should be to review the legislation that initiated the process. The reviewer failed to dig into the legislative intent in spite of the fact that the lease agreement was 12 years out of date. I had a meeting today with the secretary of DGS. He acknowledged the points that I brought up. It is interesting that once we get the attorneys out of the way, people with common sense can actually come to an agreement. The department is going to be doing the assessment of the property, and I am in agreement that this needs to be reverted back to the New Freedom Theatre Group, and I stand in support of this piece of legislation and the amendment. We struck it out to bring DGS to the table. We were effective in doing that, and I am grateful for

the secretary for his willingness to work with us as well as the other properties that are on this current amendment.

Thank you, Mr. President.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, I request a temporary Capitol leave for Senator Baker.

The PRESIDENT. Senator Pittman requests a temporary Capitol leave for Senator Baker. Without objection, the leave will be granted.

And the question recurring,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, I urge a "yes" vote. I thank the maker of the amendment. The New Freedom Theatre is one of the most historic theaters in the country. It is one of the oldest African American theaters, and I thank all of those who have worked on this amendment, and I urge a "yes" vote.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator PITTMAN and were as follows, viz:

YEA-48

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Collett	Hughes	Regan	Williams, Anthony H.
Comitta	Hutchinson	Robinson	Williams, Lindsey
Costa	Kane	Rothman	Yaw

NAY-1

Coleman

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,  
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.  
Ordered, To be printed on the Calendar for third consideration.

**BILLS REPORTED FROM COMMITTEE**

Senator MARTIN, from the Committee on Appropriations, reported the following bills:



**HB 663 (Pr. No. 2229) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for residence and right to free school privileges.

**HB 1086 (Pr. No. 1303) (Rereported)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, further providing for veterans registry; and making an editorial change.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1086 (Pr. No. 1303)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, further providing for veterans registry; and making an editorial change.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEA-48**

Argall	Culver	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Muth	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Collett	Hughes	Regan	Williams, Anthony H.
Comitta	Hutchinson	Robinson	Williams, Lindsey
Costa	Kane	Rothman	Yaw

**NAY-1**

Coleman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 1232 CALLED UP**

**SB 1232 (Pr. No. 1809)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from

page 3 of the Third Consideration Calendar, by Senator PITTMAN.

**BILL AMENDED**

**SB 1232 (Pr. No. 1809)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for payment of compensation.

On the question,  
Will the Senate agree to the bill on third consideration?

**PITTMAN AMENDMENT A5501 AGREED TO**

Senator PITTMAN offered the following amendment No. A5501:

Amend Bill, page 4, line 28, by striking out "under section 307"

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

Without objection, the bill, as amended, was passed over in its order.

**UNFINISHED BUSINESS  
PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentlewoman from Blair, Senator Judy Ward.

Senator J. WARD. Mr. President, on June 6, 2024, we celebrated the 80th anniversary of the D-Day invasion at Normandy. This has such a special meaning to me and my family. My father, who was 1 of 13 children, and two of his brothers went off to World War II from Altoona. One brother, Jack, was stationed in New Guinea. My father, Patrick, who was 28 years old, and his brother, James, who was 25, went to the European Theatre. They were both paratroopers, my father in the 82nd Airborne and his brother, Jimmy, in the 101st Airborne. They both had extensive training to prepare them for their D-Day mission. Newspaper articles report that Jimmy and Pat actually ran into one another in England before the D-Day invasion. Our Irish and German family reports that was most likely at a pub. In the early morning hours of June 6, 1944, Private James Farrell, along with 17 other paratroopers from the Third Battalion, 506th Parachute Infantry Regiment in the 101st Airborne Division, were being transported to their drop zone D in support of the D-Day landings. Their C-47 was brought down by German anti-aircraft fire west of Magnanville, France, where they crashed and all on board perished. A memorial remains there today. Private James J. Farrell is buried at the Normandy American Cemetery. I was proud and honored to visit my uncle's gravesite at the American Cemetery in Normandy on August 25 of last year. It was a profoundly emotional experience.

My father, Corporal Patrick Farrell, was part of the 82nd Airborne and also went out the morning of June 6 on a transport plane. His plane took on heavy enemy fire, and he parachuted out of the plane and was captured by Germans when he landed. He

was taken as a prisoner of war and was housed in several places, eventually ending up in Stalag III-C at Alt-Drewitz, Brandenburg, Prussia. My father was eventually released on June 4, 1946, by the Russians, 2 days short of 2 years in captivity. Yesterday, in this Chamber, we passed Senate Bill No. 1144, which was an omnibus bridge-naming bill that contained a bridge that carries Logan Boulevard over Norfolk Southern Railroad in the city of Altoona to be named Corporal Patrick C. Farrell and Private James J. Farrell Memorial Bridge. These men are World War heroes, and they represent everything this great country, the Commonwealth of Pennsylvania, and the County of Blair stands for: honor, duty, and sacrifice. We honor and remember them so no one will ever forget their sacrifices.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, I rise because today marks 6,575 days since our Commonwealth's legislature last passed an increase in our minimum wage. Today is a somber day for Pennsylvania's minimum-wage and low-wage earners. Eighteen years ago, on July 9, 2006, I, and a few of my colleagues who are still Members of this Chamber, joined Governor Ed Rendell at the Sharon Baptist Church for the signing of Senate Bill No. 1090, the last piece of legislation to raise the minimum wage. Mr. President, let us unpack it further. Anybody who was born 18 years ago was not alive when Pennsylvania last raised its minimum wage--from infant to young adult, \$7.25 an hour. Mr. President, every young Pennsylvanian who can now register to vote for the first time will do so in the Commonwealth that has abdicated its duties to prevent poverty. We have a new generation of adults that sees its elected leaders, its role models, failing to act on commonsense legislation that is both righteous and universally popular. In a recent survey from Data for Progress, more than 80 percent of Democrats, Independents, and Republicans believe that the current Federal minimum wage, our minimum wage, is not enough for a decent quality of life, not enough to afford necessities like groceries, rent, and transportation without public assistance or taking on debt.

Mr. President, I make this plea every Session day, but it is still shocking to me that in 2024, 18 years after we came together for the signing of Senate Bill No. 1090, we are still fighting for change. To our new voters and adults who have never lived in a Commonwealth that has seen its legislature pass an increase in its minimum wage, I am truly sorry. I am sorry that you have only ever lived in a State that has failed to protect those less fortunate. I am sorry that we have not been able to pass Senate Bill No. 12, or Senate Bill No. 1186, or House Bill No. 1500, or any other commonsense legislation to address our poverty-level minimum wage. And I am sorry that now it is to you to support and elect politicians who support raising the minimum wage.

To every future voter who is not old enough to register to vote today, but your day is coming, look around. Look at who supports raising the minimum wage and who does not. Remember them. Support those who believe we have a mandate to do better, and challenge those who do not, because we are now part of the process. Let your anger, disappointment, and demands for progress be heard. Help us shape a better Pennsylvania. Welcome to the fight.

Thank you, Mr. President.

## HOUSE MESSAGES

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 447**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1002** with the information the House has passed the same without amendments.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Coleman has returned, and his temporary Capitol leave is cancelled.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1003, SB 1004, SB 1005, SB 1006, SB 1007, SB 1008, SB 1010** and **SB 1236** with the information the House has passed the same without amendments.

### BILLS SIGNED

The PRESIDENT (Lieutenant Governor Austin A. Davis) in the presence of the Senate signed the following bills:

**SB 1002, SB 1003, SB 1004, SB 1005, SB 1006, SB 1007, SB 1008, SB 1010** and **SB 1236**.

### SENATE AT EASE

Senator PITTMAN. Mr. President, may we be at ease?

The PRESIDENT. The Senate will be at ease.

[The Senate was at ease.]

**The PRESIDENT pro tempore (Senator Kim L. Ward) in the Chair.**

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA  
COMMITTEE MEETINGS

WEDNESDAY, JULY 10, 2024

9:30 A.M. INTERGOVERNMENTAL OPERATIONS (to Room 8E-B  
consider a motion to authorize the issuance of a East Wing  
subpoena) (LIVE  
STREAMED)

Off the Floor APPROPRIATIONS (to consider Senate Bills No. 1026 and 1270; and House Bills No. 1032 and 1993) Rules Committee Conference Room

Off the Floor COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider House Bill No. 2132) Rules Committee Conference Room

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 447) Rules Committee Conference Room

THURSDAY, JULY 25, 2024

10:30 A.M. EDUCATION (public hearing on combatting antisemitism on Pennsylvania college campuses) Hearing Room 1 North Office

**RECESS**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Madam President, I move that the Senate do now recess until Wednesday, July 10, 2024, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 9:15 p.m., Eastern Daylight Saving Time.