

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 2022-01]

Reproductive Health Care

July 12, 2022

Whereas, the Constitution of the Commonwealth of Pennsylvania has long provided a guarantee of reproductive health care rights independent of, and more expansive than, any protection provided by the United States Constitution; and

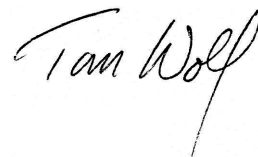
Whereas, the Commonwealth of Pennsylvania has provided access to reproductive health care services in the Commonwealth for almost 50 years; and

Whereas, other States have adopted, and may continue to adopt, laws that seek to impose civil or criminal liability or professional discipline on persons who seek and obtain, or on health care professionals who provide reproductive health care services in the Commonwealth that are permitted by the laws of the Commonwealth; and

Whereas, efforts already taken by bordering and other states to restrict access to reproductive health care services may lead more individuals to seek reproductive health care services from providers in the Commonwealth; and

Whereas, health care professionals lawfully providing, and persons lawfully seeking and obtaining, reproductive health care services in the Commonwealth should be protected from legal liability premised on, and professional discipline issued under, the laws of other States when those services are lawful in the Commonwealth and meet Commonwealth standards for good professional practice.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws do hereby order and direct the following:



Governor

Fiscal Note: Executive Order 2022-01. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter EEE. REPRODUCTIVE HEALTH CARE

Sec.	
7.911.	Definitions.
7.912.	No assistance from Executive Agencies.
7.913.	Protection of health care and other professionals licensed in this Commonwealth.
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7.916.	Implementation.
7.917.	General.
7.918.	Effective date.

§ 7.911. Definitions.

For the purposes of this subchapter, “reproductive health care services” includes all medical, surgical, counseling or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception or the termination of a pregnancy.

§ 7.912. No assistance from Executive Agencies.

Except as required by an order of a court of competent jurisdiction, no agency, board, commission or council under the Governor’s jurisdiction (Executive Agency), and no employee, appointee, officer or other person acting on behalf of any Executive Agency, may provide any information or expend or use time, money, facilities, property, equipment, personnel or other Commonwealth resources in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose civil or criminal liability or professional discipline upon a person or entity for:

(1) the provision, securing or receiving of, or any inquiry concerning, reproductive health care services that are legal in this Commonwealth; or

(2) any assistance given to any person or entity that relates to the provision, securing or receiving of, or any inquiry concerning, reproductive health care services that are legal in this Commonwealth.

This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other state would be subject to civil or criminal liability or professional discipline under the laws of the Commonwealth if committed in this Commonwealth or if action is required by Federal law. Notwithstanding the general prohibition of this section, Executive Agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person or entity that is the subject of such an investigation or proceeding.

§ 7.913. Protection of health care and other professionals licensed in this Commonwealth.

Executive Agencies are directed to work with the boards of professional licensure operating under their respective supervision to consider whether to implement policies that will ensure that no person shall be disqualified from licensure or subject to discipline by a Commonwealth board of professional licensure for providing or assisting in the provision of reproductive health care services or as a consequence of any judgment, discipline, or other discipline threatened or imposed under the laws of another state so long as the services as provided would have been lawful and consistent with standards for good professional practice in this Commonwealth.

§ 7.914. Communication about reproductive health care services.

Executive Agencies, consistent with applicable law, are directed to consider implementing steps that would help inform the public about reproductive health care, including:

(1) communicating directly with the public on matters pertaining to reproductive health care services;

(2) providing comprehensive information about the current cost and availability of reproductive health care in a manner that is easily accessed and understood by the public; and

(3) educating the public about the protection of health care information stored or accessed on personal devices.

§ 7.915. Unavailability of interstate extradition.

The Governor shall decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the provision or receipt of or assistance with reproductive health care services unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal

offense under the laws of the Commonwealth. Consistent with the requirements of the United States Constitution, this limitation shall not apply in the circumstance where the person who is the subject of the request for arrest or surrender was physically present in the requesting state at the time of the commission of the alleged offense and thereafter fled from that state.

§ 7.916. Implementation.

Executive Agencies shall take all steps necessary to implement this subchapter.

§ 7.917. General.

This subchapter shall be implemented consistent with applicable law. Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an Executive Agency, or the head thereof. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 7.918. Effective date.

This subchapter will take effect immediately and shall remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 22-1137. Filed for public inspection July 29, 2022, 9:00 a.m.]

GOVERNOR'S OFFICE

Notice of Bill Enacted without Signature

July 19, 2022

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I have allowed House Bill 2644, Printer's Number 3644 to become law without my signature. While I am allowing this legislation to become enacted, I write to record my concerns with both the substance of the legislation and how it will be administered. This legislation was the product of a divided government, in which compromise between differing viewpoints is necessary.

As this bill advanced through the legislative process, my administration raised concerns about the structure of the Oil and Gas Well Plugging Grant Program established in Subchapter C of the bill. First, the bill directs that federal Infrastructure Investment and Jobs Act (IIJA) funding be deposited in the Orphan Well Plugging Fund; however, IIJA funds are not dispersed to states, they are administered by the Department of Interior. Second, the legislation requires the payment of grants of either \$10,000 or \$20,000 per well based on the depth of the well, without reference to the actual cost of plugging the well. Third, the legislation eliminates the Department of Environmental Protection's (DEP) authority to impose requirements on recipients of federal funding that are stricter than the requirements under State law, even if those more stringent requirements are mandatory parts of the federal program. Unfortunately, these concerns were not addressed through the legislative process, and there are concerns that significant provisions of the bill are neither applicable to the program nor capable of being implemented.

Finally, the legislature's action to withdraw the Environmental Quality Board's authority to establish bonding amounts for the conventional industry provides an appropriate occasion to revisit whether the Commonwealth is doing enough to ensure that this industry is being a good environmental steward by preventing the abandonment of wells and meeting its obligations as a prudent trustee of Pennsylvania's public natural resources for current and future generations.

Evidence on this count is discouraging. Over the past five years, DEP has identified more than 17,000 violations at conventional oil and gas wells, and DEP has issued over 3,300 Notices of Violations to the conventional industry specifically due to attempts to abandon wells since July 1, 2017. In addition, over the past five years, operators of conventional oil and gas wells have failed to report production for an average of around 36,000 conventional oil and gas wells per year.

Due to these concerns, DEP is reviewing existing processes and procedures and will be providing the following evaluations and recommendations to me by September 1st:

1) Evaluation of the conventional industry's recent record of compliance with reporting requirements and performance requirements under existing law.

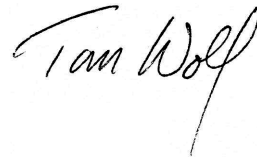
2) Evaluation of using existing authority, including increased exercise of civil penalty authority and forfeiting conventional oil and gas well bonds and requiring submission of replacement bonds, as methods to deter and motivate conventional operators to address abandoned wells and violations of the applicable law.

3) Recommendations for increased scrutiny of conventional oil and gas operators' requests for regulatory inactive status approval and permit transfers, because these steps are often precursors to improper abandonment of wells.

4) Evaluation of using existing criminal provisions related to conventional oil and gas operations as a means of deterring and motivating conventional operators to address abandoned wells and violations of the applicable law.

5) Recommendations for regulatory reform to comprehensively regulate conventional drilling according to modern best practices and industry standards.

Sincerely,



Governor

[Pa.B. Doc. No. 22-1138. Filed for public inspection July 29, 2022, 9:00 a.m.]