

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 720 Session of 2025

INTRODUCED BY BERNSTINE, HAMM, KAUFFMAN, CIRESI, SMITH,
ZIMMERMAN, GILLEN, KUTZ AND WATRO, FEBRUARY 24, 2025

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 24, 2025

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," in licensing of health care
10 facilities, providing for do-not-resuscitate orders for
11 minors.

12 This act shall be known and may be cited as Simon's Law.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
16 as the Health Care Facilities Act, is amended by adding a
17 section to read:

18 Section 806.5. Do-not-resuscitate orders for minors.

19 (a) Prohibited actions.--Subject to subsection (d)(2), a
20 health care facility, health care provider or health care
21 practitioner may not:

22 (1) Withhold, withdraw or place any restrictions on

1 life-sustaining measures for a minor in the care of the
2 health care facility, health care provider or health care
3 practitioner without the written consent of at least one
4 parent or legal guardian of the minor.

5 (2) Institute, either orally or in writing, a do-not-
6 resuscitate order or similar order for a minor in the care of
7 the health care facility, health care provider or health care
8 practitioner without the written consent of at least one
9 parent or legal guardian of the minor.

10 (b) Disagreement.--If the parents or legal guardians
11 disagree regarding life-sustaining measures or the do-not-
12 resuscitate order under subsection (a), the health care
13 facility, health care provider or health care practitioner shall
14 implement life-sustaining measures on the minor in accordance
15 with this section.

16 (c) Revocation.--

17 (1) A parent or legal guardian who previously gave
18 consent in accordance with subsection (a) may revoke the
19 consent by providing a written revocation to the health care
20 facility, health care provider or health care practitioner.

21 (2) A revocation under this subsection shall take
22 precedence over any prior consent to implement a do-not-
23 resuscitate order or similar order.

24 (d) Contact.--

25 (1) A health care facility, health care provider or
26 health care practitioner shall:

27 (i) Make a good faith effort to contact a parent or
28 legal guardian of the minor to obtain consent regarding
29 life-sustaining measures and a do-not-resuscitate order
30 under subsection (a).

1 (ii) If the health care facility, health care
2 provider or health care practitioner is unable to satisfy
3 the requirement under subparagraph (i), document the name
4 of each individual who was the subject of the
5 unsuccessful attempt to contact and the date and time of
6 each unsuccessful attempt to contact.

7 (2) The requirements under subsection (a) shall not
8 apply if the health care facility, health care provider or
9 health care practitioner makes a good faith effort in
10 accordance with paragraph (1)(i) but is unable to contact the
11 parent or legal guardian within a 48-hour period.

12 (e) Medical record.--A health care facility, health care
13 provider or health care practitioner shall include in the
14 medical record of a minor in the care of the health care
15 facility, health care provider or health care practitioner the
16 following, as applicable:

17 (1) A written consent made in accordance with subsection
18 (a), which must include:

19 (i) The name of the individual who gave the consent,
20 along with the relationship between the individual and
21 the minor.

22 (ii) The names of applicable witnesses to the
23 consent.

24 (iii) The date and time that the consent was
25 obtained.

26 (2) A written revocation made in accordance with
27 subsection (c), which must include:

28 (i) The name of the individual who withdrew the
29 consent, along with the relationship between the
30 individual and the minor.

1 (ii) The names of applicable witnesses to the
2 revocation.

3 (iii) The date and time that the revocation was
4 obtained.

5 (3) The information specified under subsection (d) (1)
6 (ii).

7 (f) Other medical opinions, transfer and access.--A health
8 care facility, health care provider or health care practitioner
9 may not interfere with the efforts of a parent or legal guardian
10 of a minor in the care of the health care facility, health care
11 provider or health care practitioner to obtain other medical
12 opinions or a transfer of the minor to another health care
13 facility, health care provider or health care practitioner
14 selected by the parent or legal guardian. The health care
15 facility, health care provider or health care practitioner:

16 (1) Shall provide immediate access to the minor and the
17 medical records of the minor by the other health care
18 facility, health care provider or health care practitioner,
19 upon request by the parent or legal guardian or the other
20 health care facility, health care provider or health care
21 practitioner.

22 (2) May not hinder or delay any necessary measures,
23 mechanisms or procedures required to facilitate a transfer of
24 the minor to the other health care facility, health care
25 provider or health care practitioner.

26 (3) Shall continue the provision of life-sustaining
27 procedures and life-sustaining artificially administered
28 nutrition and hydration to the minor until the transfer is
29 initiated.

30 (4) Shall make every reasonable effort to assist the

1 requesting parent or legal guardian in the transfer process.

2 (g) Judicial intervention prohibited.--A court of competent
3 jurisdiction may not withdraw life-sustaining measures from a
4 minor over the objection of a parent or legal guardian of the
5 minor unless there is clear medical evidence of destruction of
6 the circulatory or respiratory system of the minor.

7 (h) Policy disclosures.--

8 (1) Upon request of a patient or prospective patient,
9 including a parent or legal guardian of a patient or
10 prospective patient who is a minor, a health care facility,
11 health care provider or health care practitioner shall
12 disclose in writing any policy involving resuscitation or
13 life-sustaining measures, including any policies relating to
14 measures that the health care facility, health care provider
15 or health care practitioner deems nonbeneficial, ineffective,
16 futile or inappropriate.

17 (2) Nothing in this subsection shall be construed to
18 require a health care facility, health care provider or
19 health care practitioner to have any policy described under
20 paragraph (1).

21 (i) Construction.--Nothing in this section shall be
22 construed to require:

23 (1) A health care facility, health care provider or
24 health care practitioner to implement resuscitative measures
25 or continue to implement resuscitative measures on a minor if
26 the measures are medically inappropriate based on reasonable
27 medical judgment because the measures would:

28 (i) create a greater risk of causing or hastening
29 the death of the minor; or

30 (ii) be potentially harmful or cause unnecessary

1 pain, suffering or injury to the minor.

2 (2) A health insurer to provide coverage for health care
3 services, including a transfer of a minor to another health
4 care facility, health care provider or health care
5 practitioner, that would not otherwise be a covered benefit
6 under an eligible patient's health insurance policy.

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

10 "Do-not-resuscitate order." An order in a patient's medical
11 record that reflects a decision to forgo cardiopulmonary
12 resuscitative or other life-sustaining measures.

13 "Minor." An unemancipated individual who is under 18 years
14 of age and who is not:

15 (1) under juvenile court supervision;

16 (2) in active State military duty; or

17 (3) in active military duty in the armed forces of the
18 United States.

19 "Reasonable medical judgment." Medical judgment that would
20 be made by a reasonably prudent health care practitioner who is
21 knowledgeable about the case at issue and any sound treatment
22 possibilities with respect to the medical conditions involved.

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