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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 364 Session of  
2021

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INTRODUCED BY BREWSTER, KEARNEY, COLLETT, SCHWANK AND COSTA,  
MARCH 10, 2021

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REFERRED TO STATE GOVERNMENT, MARCH 10, 2021

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AN ACT

1 Prohibiting certain gifts to members of the General Assembly.

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

4 Section 1. Prohibition of certain gifts and favors.

5 Except as provided in section 2, no member of the General  
6 Assembly may solicit or accept for the personal use of the  
7 member or another individual a gift, gratuity, favor,  
8 entertainment, hospitality, loan or other thing of monetary  
9 value, including in-kind gifts, from a person who:

10 (1) Seeks to obtain business from or has financial  
11 relations with the General Assembly or the Commonwealth.

12 (2) Conducts operations or activities that are regulated  
13 by the General Assembly or the Commonwealth.

14 (3) Engages, either as principal or attorney, in  
15 proceedings before the Commonwealth or in court proceedings  
16 in which a member, the General Assembly or the Commonwealth  
17 is an adverse party.

1           (4) Has interests that may be substantially affected by  
2           the performance or nonperformance of the official duty of the  
3           member.

4 Section 2. Applicability.

5           The provisions of section 1 shall not apply to:

6           (1) The solicitation or acceptance of something of  
7           monetary value from a friend, parent, spouse, child or other  
8           close relative of a member of the General Assembly under  
9           circumstances which make it clear that the gift is motivated  
10          by a family relationship or personal friendship rather than  
11          the position or official duties of the member. Relevant  
12          factors in making this determination include the history of  
13          the relationship, including whether the friendship predates  
14          the member's first term elected to the General Assembly and  
15          whether the family member or friend pays for the gift.

16          (2) The acceptance of loans from banks or other  
17          financial institutions on customary terms of finance for  
18          proper and usual activities, including home-mortgage loans.

19          (3) Participation in widely attended gatherings free of  
20          charge when members have been invited and are acting in  
21          furtherance of the member's official duties. This paragraph  
22          shall not apply to the acceptance of food or drink without a  
23          member's payment at market value.

24 Section 3. Effective date.

25          This act shall take effect in 60 days.