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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 557 Session of  
2023

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INTRODUCED BY PHILLIPS-HILL, DUSH, MARTIN, J. WARD AND ROTHMAN,  
MARCH 28, 2023

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REFERRED TO INTERGOVERNMENTAL OPERATIONS, MARCH 28, 2023

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AN ACT

1 Providing for regulatory compliance.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the State Agency  
6 Regulatory Compliance Officer Act.

7 Section 2. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) It is the purpose of this act for agencies to work  
10 collaboratively with, instead of acting punitively toward,  
11 regulated communities.

12 (2) Agencies should strive to make the regulations which  
13 the agencies administer and enforce as clear and easily  
14 navigable as possible for regulated communities.

15 (3) In administering a regulation, an agency's primary  
16 goal should be to ensure compliance rather than to exact  
17 punishment.

1 Section 3. Definitions.

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

5 "Agency." As defined in section 3 of the act of June 25,  
6 1982 (P.L.633, No.181), known as the Regulatory Review Act.

7 Section 4. Powers and duties.

8 Each agency shall have the following powers and duties:

9 (1) To designate an employee as the agency's regulatory  
10 compliance officer.

11 (2) To empower the regulatory compliance officer under  
12 paragraph (1) to develop agency policies and initiatives to  
13 further the purpose of this act, including:

14 (i) Educating the regulated community regarding the  
15 implementation of new or amended statutes and regulations  
16 prior to the effective date of implementation, to the  
17 extent practicable and during implementation.

18 (ii) Establishing clear channels of communication  
19 through which members of regulated communities can  
20 contact the agency with questions or concerns regarding  
21 regulations.

22 (iii) Working with regulated communities to resolve  
23 noncompliance issues before imposing penalties.

24 (iv) Providing a detailed explanation of each  
25 regulatory requirement under the agency's jurisdiction,  
26 including expectations for compliance, guidelines for  
27 measuring compliance and the primary benefit of each  
28 requirement.

29 (3) To empower the regulatory compliance officer to  
30 issue to any person, upon the person's request, an opinion

1 with respect to the person's duties under a regulation of the  
2 agency. The following shall apply:

3 (i) The opinion shall be provided within 20 business  
4 days of the request, provided that the time may be  
5 extended for good cause.

6 (ii) The opinion, or the agency's failure to provide  
7 an opinion upon request, shall be a complete defense in  
8 any enforcement proceeding initiated by the agency and  
9 evidence of good faith conduct in any other civil or  
10 criminal proceeding if the requester, at least 20  
11 business days prior to the alleged violation, requested  
12 written advice from the agency's regulatory compliance  
13 officer in good faith, disclosed truthfully all the  
14 material facts and committed the acts complained of  
15 either in reliance on the advice, or because of the  
16 failure of the agency to provide advice within 20  
17 business days, or any later extended time, of the  
18 request.

19 (4) To empower the regulatory compliance officer to  
20 establish guidelines for waiving any fines or penalties that  
21 the officer's agency would be authorized to impose on a  
22 regulated entity for a violation of a statute or regulation  
23 that the agency enforces if the entity reports a violation to  
24 the regulatory compliance officer before a fine or penalty is  
25 imposed on the entity. In order to be eligible for a waiver  
26 of fines or penalties, the regulated entity must report to  
27 the regulatory compliance officer the steps it has taken or  
28 will take to remedy the violation.

29 (5) To empower the regulatory compliance officer to  
30 request and obtain any information or advice from other staff

1 of the agency that the officer may need to fulfill the duties  
2 of the compliance officer position.

3 (6) To establish clear channels of communication through  
4 which businesses seeking to become members of regulated  
5 communities can contact the agency with questions or concerns  
6 relating to starting a business and future compliance with  
7 regulations.

8 Section 5. Annual report.

9 No later than January 31 of each year, each agency shall  
10 submit to the General Assembly an annual report detailing all of  
11 the following:

12 (1) The progress made by the agency and the regulatory  
13 compliance officer in the preceding calendar year toward  
14 compliance with this act.

15 (2) The number of regulated communities served.

16 (3) The type of regulated communities served.

17 Section 6. Effective date.

18 This act shall take effect in 60 days.