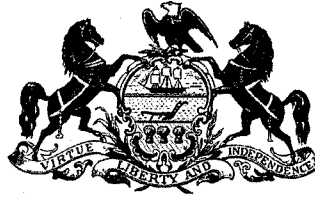


KATHY L. RAPP, MEMBER
65TH LEGISLATIVE DISTRICT

HOUSE BOX 202065
HARRISBURG, PA 17120-2065
PHONE (717) 787-1367
FAX (717) 787-5854
Email: krapp@pahousegop.com
Website: reprapp.com

CAUCUSES
ALZHEIMER'S
AUTISM
PRO-LIFE
TIMBER

2577



House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES
EDUCATION REPUBLICAN
CHAIRMAN, SUBCOMMITTEE
ON SPECIAL EDUCATION
ENVIRONMENTAL RESOURCES
& ENERGY
STATE GOVERNMENT
VETERANS AFFAIRS &
EMERGENCY PREPAREDNESS
POLICY

APPOINTMENTS
LEGISLATIVE FORESTRY
TASKFORCE OF JOINT
LEGISLATIVE AIR & WATER
POLLUTION CONTROL &
CONSERVATION COMMITTEE

October 15, 2007

The Honorable Arthur Coccodrilli, Chair
Independent Regulatory Review Commission
Harristown 2, Floor 14
333 Market Street
Harrisburg PA 17101

FAX (717) 783-2664

Re: Department of Health Regulation 10-182

Dear Sir:

I write to express my disapproval of DOH Regulation 10-182.

This regulation expands the definition of "contraceptives" to include any drug that stops the implantation of a fertilized ovum.

The Pennsylvania Crimes Code, 18 Pa.C.S. § 3203, defines pregnancy as beginning with fertilization and defines an "unborn child" as an individual whose life begins at fertilization.

18 Pa.C.S. § 3213(d) provides that

no medical personnel or medical facility, nor any employee, agent or student thereof, shall be required against his or its conscience to aid, abet or facilitate performance of an abortion or dispensing of an abortifacient and failure or refusal to do so shall not be a basis for any civil, criminal, administrative or disciplinary action, penalty or proceeding, nor may it be the basis for refusing to hire or admit anyone.

Because this conscience clause includes both the word "abortion" as defined in § 3203, and the term "dispensing of an abortifacient," it covers more than simply abortion.

The proposed DOH regulation constitutes administrative action that would violate conscience clause rights of Pennsylvania's health-care workers and institutions that are protected by law. Accordingly the regulation is preempted by conflict with the statute.

I ask that you disapprove this regulation.

Sincerely yours,

RECEIVED
2007 OCT 17 AM 10:07
INDEPENDENT REGULATORY
REVIEW COMMISSION

DISTRICT OFFICES:

■ 404 MARKET STREET, WARREN, PA 16365 PHONE (814) 723-5203 / FAX (814) 728-3564
■ 8 FIELD STREET, KANE, PA 16735 PHONE (814) 837-0880 / FAX (814) 837-2257