

**SENATOR
TRACY PENNYCUICK
24TH DISTRICT**

SENATE BOX 203024
ROOM 16 EAST WING
HARRISBURG, PA 17120-3024
717-787-3110
FAX: 717-787-8004

56 WEST 4TH STREET, FLOOR 2
RED HILL, PA 18076
215-541-2388
FAX: 215-541-2387
TOLL FREE: 1-855-247-9020

SenatorPennyCuick.com
tpennyCuick@pasen.gov



Senate of Pennsylvania

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September 21, 2026

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Pennsylvania Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Via Electronic Mail to: irrc@irrc.state.pa.us

Via Electronic Mail to: RA-DHCHAPTR27PROPREG@pa.gov

Re: Regulation #10-242: Communicable and Noncommunicable Diseases (IRRC #3490)

I write to express serious concerns regarding the Department of Health's proposed rulemaking and revisions to 28 Pa. Code Chapter 27.

I recognize the importance of ensuring that the Department has the tools necessary to prevent, investigate and respond to infectious diseases in the Commonwealth. That mission is essential to protecting public health and safety. However, even an important public-health objective does not justify granting the government open-ended authority. Any expansion of the Department's powers must be necessary, narrowly tailored and accompanied by clear standards, meaningful oversight and strong protections for individual rights.

I am especially concerned that several provisions appear to grant Department officials sweeping new authority to enter or obtain access to private homes, schools and health care facilities, as well as to collect, retain and use residents' personal health information without their consent. These are extraordinary governmental powers.

The proposal's emphasis on gathering information as close to real time as possible raises additional concerns. Information collected quickly may be incomplete, unverified or presented without necessary context. Once inaccurate information enters a government system, it can be difficult to correct and may be shared or relied upon before the affected individual has an opportunity to respond. Residents should have a clear process for reviewing and correcting inaccurate information, and the Department should be required to establish strict standards governing data security, disclosure, retention and deletion.

Public confidence is essential to any effective public-health response. Regulations that are overly intrusive or insufficiently protective of personal information could undermine that confidence and discourage individuals from seeking medical care or cooperating with public-health authorities. These regulations appear to be in conflict with this necessity.

Those entrusted with public authority have a duty to carry out their responsibilities effectively while respecting the limits imposed by the Constitution and the laws of this Commonwealth. Several provisions in this proposal raise serious questions involving privacy, due process, private property and the proper scope of executive-branch authority. The Department has not adequately demonstrated that these broad new powers are necessary to accomplish its existing public-health responsibilities or that less intrusive alternatives would be insufficient.

Thank you for your consideration of these comments and for your service to the Commonwealth of Pennsylvania.

Sincerely,

A handwritten signature in black ink, reading "Tracy Pennycuik". The signature is fluid and cursive, with the first name "Tracy" and last name "Pennycuik" clearly distinguishable.

Tracy Pennycuik, MPA
State Senator - 24th District
Berks and Montgomery Counties