



Senator Martin Comment on Communicable and Noncommunicable Diseases #10-
September 18, 2026

While I fully understand and appreciate the importance of modernizing and clarifying the Department of Health's powers under the Disease Control and Prevention Law of 1955, I have grave concerns that the proposed regulations in Communicable and Noncommunicable Diseases #10-242 represent an alarming expansion of the Department's authority that upsets the delicate balance between the Department's mission and the Constitutional rights of Pennsylvanians.

The regulations seek to give the Department broad authority to investigate "any case, outbreak, public health emergency, and unusual occurrences of diseases, infections and conditions." This would give the Department much broader authority to enter a home, apartment, business, school or other building during the course of an investigation.

Importantly, this regulation does not define an "unusual occurrence." Using this broad, overly vague language opens up clear avenues for abuse that ignore state and federal Constitutional rights to privacy. In addition to ignoring Fourth Amendment protections, the language also conflicts with a recent Pennsylvania Supreme Court ruling in *Punxsutawney Hunting Club v. Pennsylvania Game Commission* that unanimously upheld the state constitutional protections against warrantless searches.

The regulations also seek broader power for the Department to take any disease control measure deemed appropriate and necessary for the surveillance, prevention, containment and mitigation of a disease. This represents a massive expansion of government authority that conflicts with the Constitutional rights of Pennsylvanians.

Importantly, this is not limited to the masking requirements the Pennsylvania Supreme Court already ruled the Department cannot mandate in the 2021 *Corman v. Acting Secretary of the Pennsylvania Department of Health* case. It could also be construed to include business and school shutdowns, violations of privacy rights, and many other unforeseen instances of gross government overreach.

As a father, I also have serious objections to new regulations giving the Department or a local health agency the authority to speak to a child as part of an investigation without the knowledge or consent of the child's parents. The regulations also require schools to facilitate these conversations and threaten consequences for any person who interferes.

These conversations could very well involve extremely sensitive topics, such as vaccinations, pregnancy/reproductive health, mental health concerns, and sexual history – all issues that should be discussed between a child and their parent, not between a child and a bureaucrat. This is a clear and troubling violation of parental rights.

In addition, I have concerns about new language in the regulations making the current voluntary vaccine reporting system mandatory unless the patient opts out, as well as new requirements for reporting details of every emergency room visit in the state. Again, these proposals would clearly conflict with an individual's Constitutional right to privacy and create new risks in terms of data security.

I also oppose changes substituting terms like “pregnant woman” and “mother” with new terms like “pregnant individual” and “postpartum individual.” We should not be in a rush to erase womanhood and motherhood for the sake of appeasing a select few individuals who deny the scientific fact that only females can actually become pregnant and give birth.

In 2021, Pennsylvania voters approved two amendments to the Pennsylvania Constitution limiting the duration of emergency declarations and preventing the Governor from extending emergency declarations without the approval of the General Assembly.

These amendments were approved in direct response to clear instances of government overreach by the Department of Health and the Governor’s Office during COVID, including mandated business closures, school shutdowns, masking requirements, and gathering limits.

Governor Shapiro himself spoke out about this approach on the campaign trail in 2022. According to an Associated Press article on August 30:

“This is an area where I think folks got it wrong,” Shapiro said of school and business shutdowns. On mask and vaccine mandates, Shapiro said he opposed them and instead talked about a need to “educate and empower” the public, business owners, school leaders and others to protect themselves and others.

“And to me, that’s the approach we need to take more broadly as a public, which is to educate, empower and respect people’s personal decisions and respect their personal freedom to make those choices.”

Moving forward with these new regulations is a direct contradiction of then-candidate Shapiro’s stated goals and an obvious end-run around the will of voters, who pushed back against the Wolf Administration’s trampling of the rights of Pennsylvania citizens.

It is important to note that these regulations were drafted without meaningful input from lawmakers who are the people’s elected representatives. The Shapiro Administration’s go-it-alone approach resulted in many of these errors, as we certainly would have raised concerns about the obvious flaws in the Department’s approach.

I strongly encourage the Department of Health to withdraw these regulations and begin this process anew with the input and involvement of the General Assembly, and with a closer eye toward providing clear and unambiguous language that respects the rights of Pennsylvanians.