

**Madison Brame**

From: Jacalyn Ortwein <ortwein_jackie@hotmail.com>
Sent: Saturday, October 3, 2026 10:58 AM
To: IRRC
Subject: Pennsylvania Rulemaking 10-242 is in conflict with the PA Constitution

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I am in opposition to PA Rulemaking 10-242 because it is contrary to our State Constitution. The Constitutional conflicts in the proposed changes defined in over 500 pages are issues involving warrants, due process, delegation, and bodily liberty.

As a point of reference, The Pennsylvania Supreme Court's 2021 decision concerning the statewide school masking order was that the Department of Health's statutory claim was tied to their ability for "surveillance," and the court concluded that the masking order went beyond that authority. Rulemaking 10-242 appears designed to replace or expand that language of surveillance to include "prevention, containment or mitigation."

Rulemaking 10-242 is in conflict because it authorizes the Department of Health to impose quarantine, isolation, masking, medical requirements, health-data collection, or warrantless entry without clear legislative authorization, individualized findings, procedural safeguards, and compliance with Article I, §§ 1, 8, and 9 of the Pennsylvania Constitution.

This regulation is unlawfully attempting to exercise legislative power and alters substantive rights that only the General Assembly may define.

I appreciate your consideration,
Jacalyn Ortwein