



The Department of Health regulations No. 10-242 (IRRC No. 3490) are a massive power grab that would expand unilateral executive power and threaten individual rights and personal privacy of Pennsylvanian

These regulations are aimed at restoring unwarranted powers that were taken away from the Department of Health during and after the COVID pandemic. Specifically, Pennsylvania voters amended the state constitution to limit the Governor's use of emergency powers to take unilateral action and act as an autocrat.

Further, the Department of Health powers were limited by court ruling against their unconstitutional mask mandates, specifically in the case of *Corman vs Acting Secretary of Health*. The court framed the question as whether the order was issued "in the absence of either legislative oversight or a declaration of disaster emergency" and held that it was an invalid regulation because the Department had not followed required rulemaking procedures. The Department's own preamble quotes the court saying it could amend § 27.60(a) to "strip the 'any other disease control measure' catch-all of its limiting language," and then says that decision "influenced" this proposal.

Incredibly, the rationale for these new regulations is explicitly to undermine and get around that court ruling, in order to grant the Department more power to impose lockdowns, mandates, and emergency rules without legislative approval or meaningful judicial checks, overriding protections for personal liberties and individual privacy.

The proposed text authorizes "any other disease control measure" the Department considers appropriate for the "surveillance, prevention, containment or mitigation" of disease. (Proposed § 27.60(a).)

This is ironic given Gov. Shapiro, as Attorney General, [questioned the executive overreach of Governor Tom Wolf](#), and said that he wouldn't have done it this way: "They were dictated to," and "That's not the way, that's not my leadership style." He also said government should "educate, empower, respect people's personal decisions, and respect their personal freedom to make those choices," even though he defended those orders. This is just another example of Gov Shapiro, trying to have it both ways and take both sides of every single issue.

These new health regulations would empower the Department of Health to invade homes and private residencies without checks and balances; giving Department of Health bureaucrats more power than ICE agents. It would create a new database of Pennsylvanians' personal health history and information, and make it difficult for individuals to opt out and protect their own privacy.

The text is not subtle. Proposed § 27.60a(b) says the Department or a local health authority "may enter an apartment, building, health care facility, school, college or university, or other location as necessary" for an investigation, and § 27.60a(c) says **a person may not obstruct or interfere.**

Proposed § 27.60c requires schools to allow officials to meet and speak with students in private for contact tracing or partner services, including while classes are in session. Proposed § 27.60e gives officials access to patient medical records and permits them to demand electronic copies.

None of those provisions mentions need for a warrant, consent, parental-notice, or emergency-only limitation.

Proposed § 27.36 would flip the statewide immunization-information system from voluntary reporting to mandatory reporting unless a patient opts out in writing. The required record includes the patient's name, date of birth, gender, address, race and ethnicity, plus the vaccine type, manufacturer, lot number, expiration date, administration code, date and route.

The Department estimates that approximately 21,000 practitioners, facilities and other authorized vaccine administrators would be subject to the requirement; 4,750 of them do not currently report voluntarily. (Proposed § 27.36; Regulatory Analysis Form, Questions 15 and 19.)

These rules would enable the Department of Health to impose lockdowns, masking and social-distancing mandates, and vaccination requirements, along with other extreme disease-control measures similar to those it imposed during the COVID pandemic. (Proposed §§ 27.60(a), 27.77.)

Governor Shapiro may call this “real freedom” as part of his Orwellian rhetoric, but in reality this creates the same sort of “chaos and uncertainty” and abuse of unilateral power that he constantly claims Donald Trump has created in Washington DC.

What is most important to note at that the commonwealth's COVID actions were not only abusive, detriment to the economy, and detrimental to the freedom of individuals, but they weren't effective.

During the COVID shutdown, the Department of Health made blunder after blunder after blunder, shutting down necessary businesses, incorrectly reporting information, scaring the public with misinformation, arbitrarily creating new rules and orders that were not based in science, constantly changing rules and mandates, closing schools, but jam people in the nursing homes, preventing people from getting routine medical care, and a slew of other actions that made Pennsylvanians less healthy and less safe.

As [I wrote at the time](#), by June 2020, 4,539 of Pennsylvania's 6,649 COVID deaths—more than 70 percent—had occurred in nursing homes or senior-care facilities, while 30 percent of Pennsylvania businesses, the second-highest share in the country, had been forcibly closed.

The Pennsylvania Auditor General's [September 2021 performance audit](#) found that the rushed business-waiver program produced “questionable decisions,” “a lack of accountability and transparency,” and inconsistent answers even among businesses in the same industry. It also found that the administration used criteria more restrictive than federal guidance and that changing guidance caused confusion.

A [Commonwealth Foundation review](#) likewise found that, as of April 2021, Pennsylvania ranked 11th in COVID deaths per million residents, 16th in the severity of restrictions and ninth in unemployment—“the worst of both worlds”—while the number of open small businesses remained 28 percent below January 2020.

The Department of Health should never be trusted with the power to do this again.

Furthermore, for no health reason whatsoever, the new rules would strike out the word “mother” to be replaced with “postpartum individual” and replace “pregnant woman” with “pregnant individual.” (Proposed §§ 27.1, 27.89, 27.95.)

What the hell? No one benefits by this woke gaslighting and science denial.

In the immortal words of Clark Griswold, “This is crazy. This is crazy. This is crazy.”

For these reasons, the IRRC should reject these regulations and order the Department of Health to go back to the drawing board.

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