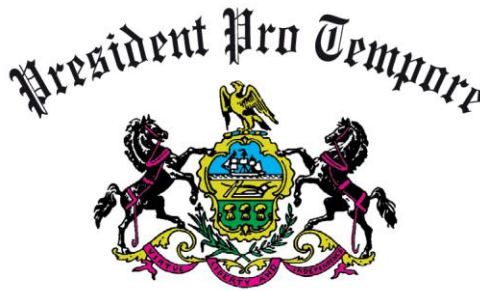


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Senate of Pennsylvania

September 18, 2026

Chairman George D. Bedwick, Esq.
Vice Chairman John F. Mizner, Esq.
Commissioner John J. Soroko, Esq.
Commissioner Murray Ufberg, Esq.
Commissioner Dennis A. Watson, Esq.
Pennsylvania Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

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

Dear Commissioners:

The regulatory review process plays a critical role in the checks and balances of our state government by ensuring agencies under the jurisdiction of the executive branch have the proper statutory authority to exercise administrative power responsibly, transparently, and in alignment with the public interest. As the sitting Senate President Pro Tempore, I have reviewed the Department of Health's proposed [Regulation # 10-242](#) regarding Communicable and Noncommunicable Diseases under [28 Pa. Code Chapter 27](#) and have serious concerns.

The regulations proposed would result in a permanent expansion of executive branch power that would not only infringe on the constitutional rights of Pennsylvanians but also impose significant economic and social consequences through the massive expansion of government. With this in mind, I respectfully request that, as commissioners of IRRC, you determine these regulations lack statutory authority, reasonableness, and have an unknown fiscal impact on the state and therefore should be withdrawn by the Department. Regulations should incorporate meaningful input from regional stakeholders across the Commonwealth to ensure proper representation of our citizens and to better align the Department of Health's statutory authority with legislative intent. Regulations must position our state government to serve, not rule, the people of Pennsylvania as outlined in the Declaration of Rights as found in Article 1 of our state Constitution.

Leaning on my experience as Senate Majority Leader during the COVID-19 pandemic, I learned that it is essential to balance common sense public health precautions with safeguarding constitutional rights and preserving the authority parents have over decisions for their children. To be candid, the draconian restrictions implemented by the executive branch during the COVID-19 pandemic were some of the most unprecedented and challenging moments I experienced with my constituents and colleagues during my tenure as an elected official.

At that time, the General Assembly proposed an amendment to the PA Constitution, Senate Bill 2, that was approved by voters, making clear that the unilateral executive actions affecting Pennsylvanians' health, liberties and daily lives must be subject to legislative checks and balances. These proposed regulations ignore the will of the voters who have already rejected this kind of overreach. I heard my constituents loud and clear then, and I am hearing similarly from them now.

At first glance, it would appear that the Department is merely attempting to update existing regulations. However, with a more careful review, threaded within the realignment of the rules, is an unseemingly transition of power from the legislative branch to the executive branch via the Department of Health, from parents to state investigators, and from patients to a database that seemingly creates a case for these proposed rules to be questioned from a constitutional perspective. Highlighted below are a few of the most egregious regulations.

- Requiring schools to provide access to students and other persons in schools for private conversations regarding contact tracing or partner services. (See pp. 66-67.)
- Take any disease control measure deemed appropriate and necessary for the surveillance, prevention, containment, or mitigation of a disease. (See page 65.)
- Investigate any case, outbreak, public health emergency, or unusual occurrence of disease, infection, or condition, and enter apartments, buildings, health care facilities, schools, colleges, universities, or other locations as necessary to conduct those investigations. (See p. 66.)

The proposed regulations contained in this 502-page document substantially erode our civil liberties, including Fourth Amendment protections, which were just recently reaffirmed in July 2026, when the PA State Supreme Court held that Article 1, Section 8 (of the PA State Constitution) provides Pennsylvania citizens with greater protection than the Fourth Amendment to the United States Constitution when it relates to unreasonable searches and seizures. The regulations also undermine parental rights, as well as student and patient privacy by placing school personnel in adversarial positions against parents rather than supporting a collaborative relationship centered on students' well-being. This would override the judgment and expertise of physicians and introduce sweeping cultural and economic consequences.

Additionally, the proposed regulations as written, would significantly expand the size and scope of state government. The broad new authorities granted to the Department, which will expand investigatory powers through increased surveillance and reporting requirements, will require additional staffing, administrative infrastructure, data systems, and compliance oversight. These regulations would also statutorily remove the commonly used terms "pregnant woman" and "mother of a newborn" and replace them with "pregnant or postpartum individual" making Pennsylvania the first state in the nation to implement such changes through regulation rather than legislation.

These changes put the General Assembly in a precarious position by undercutting the legislative authority to properly vet these issues through our committee review process and floor debate. Instead, it forces the legislature to abide by laws established by the executive branch and pay for decisions that have not been vetted or agreed to by the people of Pennsylvania. At this point, the costs remain entirely unknown. In effect, the proposal massively increases the executive branch's power while diminishing individual autonomy, leaving Pennsylvanians responsible for funding an expansion that restricts their own rights and choices.

To be clear, these regulations go beyond the COVID-era overreach. It is also important to note the stakeholder input cited on page 9 appears to be drawn almost exclusively from one concentrated region of the state. Notably absent are contributions from organizations or residents in the southwestern counties, meaning the voices of my constituents were not represented in shaping a proposal that would affect them profoundly.

In light of these significant constitutional concerns, executive branch overreach, the lack of balanced stakeholder input, the disregard for parental rights, the contraction of voters intent through Senate Bill 2, and the significant taxpayer funded government expansion these regulations would require, I urge IRRC to fully take into account the weight of this letter as it reflects the concerns I have heard from many of the nearly 262,000 constituents I represent in the 39th Senatorial District. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Ward", with a stylized flourish at the end.

Senator Kim Ward, 39th District
President Pro Tempore