

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 276 Session of 2023

INTRODUCED BY LANGERHOLC, VOGEL, STEFANO AND J. WARD,
JANUARY 31, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, JANUARY 31, 2023

AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An
2 act relating to mental health procedures; providing for the
3 treatment and rights of mentally disabled persons, for
4 voluntary and involuntary examination and treatment and for
5 determinations affecting those charged with crime or under
6 sentence," in general provisions, providing for duty to warn.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of July 9, 1976 (P.L.817, No.143), known
10 as the Mental Health Procedures Act, is amended by adding a
11 section to read:

12 Section 111.1. Duty to Warn.--(a) Notwithstanding any other
13 provision of law, a qualified professional has a duty to warn a
14 potential victim and law enforcement of a specific and immediate
15 threat of serious bodily injury when the threat has been
16 communicated to the qualified professional by a patient.

17 (b) In addition to the duty to warn under subsection (a), if
18 the potential victim attends a school district, area career and
19 technical school, intermediate unit, charter school, cyber
20 charter school, regional charter school, nonpublic school or

1 institution of higher education, the qualified professional
2 shall submit a report through the Safe2Say Program established
3 under section 1303-D of the act of March 10, 1949 (P.L.30,
4 No.14), known as the "Public School Code of 1949."

5 (c) For the qualified professional to have a duty to warn
6 under this section, the threat must be made against a
7 specifically identified or readily identifiable victim.

8 (d) The following shall apply:

9 (1) If there is only one potential victim, the qualified
10 professional discharges the duty to warn by making reasonable
11 efforts to communicate the threat to the potential victim and
12 law enforcement.

13 (2) If there is more than one potential victim, the
14 qualified professional discharges the duty to warn by
15 communicating the threats to law enforcement. The qualified
16 professional may notify potential victims of the threat.

17 (3) If the threat involves a potential victim under
18 subsection (b), the qualified professional discharges the duty
19 to warn by satisfying the requirements under clause (1) or (2)
20 and submitting a report through the Safe2Say Program.

21 (e) Notwithstanding any provision of law, a qualified
22 professional may not be held civilly or criminally liable for
23 any action made in good faith in the discharge of the qualified
24 professional's duties under this section.

25 (f) As used in this section, the following words and phrases
26 shall have the meanings given to them in this subsection unless
27 the context clearly indicates otherwise:

28 "Institution of higher education." An independent
29 institution of higher education, a community college, a State-
30 related institution or a member institution of the State System

1 of Higher Education.

2 "Nonpublic school." A school that is a nonprofit
3 organization and is located in this Commonwealth. The term does
4 not include a public school.

5 Section 2. This act shall take effect in 60 days.