
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1126 Session of
2020

INTRODUCED BY BROWNE, MARTIN, PHILLIPS-HILL, AUMENT, MASTRIANO,
LANGERHOLC, REGAN, VOGEL AND YUDICHAK, APRIL 21, 2020

REFERRED TO HEALTH AND HUMAN SERVICES, APRIL 21, 2020

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for Department
4 of Health and Human Services; transferring powers and duties
5 of the Department of Health and the Department of Human
6 Services to the Department of Health and Human Services;
7 making related repeals; and making editorial changes.

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

10 Section 1. Section 102 of the act of June 13, 1967 (P.L.31,
11 No.21), known as the Human Services Code, is amended to read:

12 Section 102. Definitions.--Subject to additional definitions
13 contained in subsequent articles of this act, the following
14 words when used in this act shall have, unless the context
15 clearly indicates otherwise, the meanings given them in this
16 section:

17 "Department" means the Department of Health and Human
18 Services of this Commonwealth.

19 "Secretary" means the Secretary of Health and Human Services
20 of this Commonwealth.

1 Section 2. Article II heading of the act is amended to read:

2 ARTICLE II

3 GENERAL POWERS AND DUTIES

4 OF THE DEPARTMENT OF [PUBLIC WELFARE]

5 HEALTH AND HUMAN SERVICES

6 Section 3. The act is amended by adding an article to read:

7 ARTICLE II-A

8 DEPARTMENT OF HEALTH AND HUMAN SERVICES

9 Section 201-A. Purpose and legislative intent.

10 (a) Purpose.--It is the purpose of this article to more
11 effectively address the collaboration and service delivery of
12 health and human services which are of vital importance to this
13 Commonwealth by coordinating the services provided by the former
14 Department of Health and the former Department of Human Services
15 and establishing one agency to administer the services.

16 (b) Intent.--In adopting this article to coordinate the
17 provision of health and human services, it is the intent of the
18 General Assembly to continue to promote and improve the
19 efficient and effective delivery of health and human services.

20 Section 202-A. Definitions.

21 The following words and phrases when used in this article
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 "Domestic violence." The occurrence of one or more of the
25 following acts between family or household members, sexual or
26 intimate partners or persons who share biological parenthood:

27 (1) Intentionally, knowingly or recklessly causing or
28 attempting to cause bodily injury.

29 (2) Placing, by physical menace, another in fear of
30 imminent serious bodily injury.

1 "Domestic violence center." An organization, or the
2 coordinating body of an organization, which has as its primary
3 purpose the operation of domestic violence programs.

4 "Domestic violence program." A program which has as its
5 primary purpose the provision of direct services to victims of
6 domestic violence and their children, including, but not limited
7 to, victim advocacy, counseling, shelter, information and
8 referral, victim-witness and assistance, accompaniment,
9 community education and prevention.

10 "Rape crisis center." An organization, or the coordinating
11 body of an organization, which has as its primary purpose the
12 operation of rape crisis programs.

13 "Rape crisis program." A program which has as its primary
14 purpose the provision of direct services to victims of sexual
15 assault, including, but not limited to, crisis intervention,
16 counseling, victim advocacy, information and referral, victim-
17 witness and assistance, accompaniment through the medical,
18 police and judicial systems and the provision of education and
19 prevention programs on rape and sexual assaults.

20 "Sexual assault." Conduct which is a crime under 18 Pa.C.S.
21 Ch. 31 (relating to sexual offenses).
22 Section 203-A. Administration.

23 (a) Continuation.--The department shall, except as provided
24 in this article, exercise the powers and perform the duties by
25 law vested in and imposed on the former Department of Health,
26 the former Department of Human Services and the former
27 Department of Public Welfare.

28 (b) Powers and duties.--In addition to other powers and
29 duties under this article or other law, the department shall:

30 (1) Administer and enforce the laws of this Commonwealth

1 relating to the following:

2 (i) Mental health, intellectual disability and
3 autism.

4 (ii) The care, prevention, early recognition and
5 treatment of mental illness, emotional disturbance,
6 intellectual disability and autism.

7 (iii) The licensing and regulation of facilities and
8 agencies with the primary functions of diagnosis,
9 treatment, care and rehabilitation of individuals with
10 mental illness, emotional disturbance, intellectual
11 disability or autism.

12 (iv) The admission of individuals with mental
13 illness, intellectual disability or autism to facilities
14 under subparagraph (iii) and the transfer, discharge,
15 escape, interstate rendition and deportation of the
16 individuals.

17 (v) The licensing, certification and regulation of:

18 (A) health care facilities; and

19 (B) medical marijuana organizations.

20 (vi) The certification and regulation of:

21 (A) laboratories;

22 (B) emergency medical services providers; and

23 (C) managed care organizations.

24 (vii) The issuance and enforcement of disease
25 control measures, including isolation orders and
26 quarantine orders.

27 (viii) The issuance of grants and contracts to aid
28 in the prevention and control of the spread of disease
29 and to ensure the health and welfare of the residents of
30 this Commonwealth.

1 (ix) The collection, compilation and preservation of
2 vital statistics of the residents of this Commonwealth.

3 (2) Protect the health of the people of this
4 Commonwealth and determine and employ the most efficient and
5 practical means for the prevention and suppression of
6 disease.

7 (3) Prevent, respond to and reduce the public health and
8 medical consequences of an emergency or a disaster.

9 (4) Promulgate rules and regulations necessary to carry
10 out this article.

11 (c) Physician General.--There shall be within the department
12 a Physician General. The Physician General shall be appointed by
13 the Governor by and with the advice and consent of a majority of
14 the members elected to the Senate. The department shall provide
15 adequate staff and other support to the Physician General as
16 needed. The Physician General must be a graduate of an
17 accredited medical or osteopathic medical school and must be a
18 practicing physician licensed by the Commonwealth. The Physician
19 General shall serve at the pleasure of the Governor. The salary
20 and other conditions of employment for the Physician General
21 shall be set by the Executive Board. The Physician General has
22 the following powers and duties:

23 (1) Advise the Governor and the secretary on health
24 policy.

25 (2) Participate in the decision-making process of the
26 department on policies relating to medical and public-health-
27 related issues and in the decision-making process of other
28 executive branch agencies as directed by the Governor.

29 (3) Review professional standards and practices in
30 medicine and public health which are related to matters

1 within the jurisdiction of the department and other executive
2 branch agencies.

3 (4) Consult with recognized experts on medical and
4 public health matters which are within the jurisdiction of
5 the department and other executive branch agencies.

6 (5) Provide advice on medical and public health issues
7 to the secretary and to other agencies.

8 (6) Coordinate educational, informational and other
9 programs for the promotion of wellness, public health and
10 related medical issues in this Commonwealth and serve as the
11 primary advocate for the programs.

12 (7) Consult with experts in this Commonwealth and other
13 jurisdictions regarding medical research, innovation and
14 development which relate to programs and issues of importance
15 to the department and the Commonwealth.

16 (8) Perform other duties as directed by the Governor.

17 (9) Serve as an ex officio member of the State Board of
18 Medicine, the State Board of Osteopathic Medicine and other
19 Commonwealth boards and commissions as may be provided by
20 law. The Physician General may provide a designee to serve in
21 the Physician General's stead.

22 Section 204-A. Residential substance use disorder treatment
23 programs for women and children.

24 (a) Grants and contracts.--The department shall award grants
25 or enter into contracts to provide residential substance use
26 disorder treatment and related services for pregnant women,
27 women and their dependent children and women who do not have
28 custody of their children if there is a reasonable likelihood
29 that the children will be returned to the women if the women
30 participate satisfactorily in the treatment program. Grant or

1 contract money shall only be used for treatment and related
2 services provided to residents of this Commonwealth by providers
3 of substance use disorder treatment programs licensed by the
4 department that provide the following:

5 (1) Residential treatment services for women and their
6 dependent children, subject to reasonable limitations on the
7 number and ages of the children, including:

8 (i) Onsite substance use disorder education,
9 counseling and treatment.

10 (ii) Onsite individual, group and family counseling.

11 (iii) Onsite substance use disorder prevention and
12 education activities for children.

13 (iv) Onsite special counseling for children of women
14 with substance use disorders.

15 (v) Involvement with support groups for women and
16 children of women with substance use disorders.

17 (vi) Activities that enhance self-esteem and self-
18 sufficiency.

19 (2) Onsite parenting skills counseling and training.

20 (3) Access to school for children and women where
21 appropriate, including securing documents necessary for
22 registration.

23 (4) Job counseling and referral to existing job training
24 programs.

25 (5) Onsite child care for children of women who:

26 (i) attend counseling, school or job training
27 programs;

28 (ii) work or are looking for work; and

29 (iii) need the services at other times as the
30 department deems appropriate.

1 (6) Referral for other needed services, including, but
2 not limited to, health care.

3 (7) Onsite structured reentry counseling and activities.

4 (8) Referral to outpatient counseling upon discharge
5 from the residential program.

6 (b) Information to single county authorities.--The
7 department shall advise a single county authority of those
8 programs in its jurisdiction that are being considered for
9 funding under this section and shall give the single county
10 authority an opportunity to comment on the funding proposals
11 prior to the department making a decision to award funding.

12 (c) Information to be provided to department.--

13 (1) Providers of treatment programs that receive funding
14 under this section shall collect and provide to the
15 department information concerning the number of women and
16 children denied treatment or placed on waiting lists and may
17 require other data and information as the department deems
18 useful in determining the effectiveness of the treatment
19 programs.

20 (2) Records regarding identifiable individuals enrolled
21 in treatment programs funded under this section that are in
22 the possession of the department or a provider shall be
23 confidential.

24 (d) Limitation.--Contributions by counties or single county
25 authorities shall not be required as a condition for receiving
26 grants for programs funded under this section, but the
27 department may require counties or single county authorities to
28 make commitments to provide outpatient intervention, referral
29 and aftercare services to women whose residential treatment is
30 funded under this section upon completion of residential

1 treatment.

2 (e) Annual report required.--The department shall report
3 annually to the Governor and the General Assembly as to all of
4 the following:

5 (1) The department's activities and expenditures under
6 this section.

7 (2) The activities of recipients of funds under this
8 section.

9 (3) The number of women and children served by programs
10 funded under this section.

11 (4) The number of women and children denied treatment or
12 placed on waiting lists by providers that receive funding for
13 programs under this section.

14 (5) The recommendations of the department.

15 Section 205-A. Staff training and referral mechanisms.

16 The department shall:

17 (1) Establish, on a demonstration basis, programs to
18 train the staff of child protective services agencies,
19 counseling programs and shelters for victims of domestic
20 violence, recipients of funds under high-risk maternity
21 programs or Federal maternal and child health care grants and
22 community health care centers in order to identify those
23 women for whom these agencies are already providing services
24 and who are in need of substance use disorder treatment.

25 (2) Establish referral networks and mechanisms among the
26 agencies referred to in paragraph (1) and single county
27 authorities and appropriate substance use disorder treatment
28 programs.

29 Section 206-A. Medical assistance payments.

30 (a) Purpose.--The following shall apply:

1 (1) The purpose of this section is to provide for
2 alcohol and drug detoxification and rehabilitation services
3 to persons eligible for medical assistance.

4 (2) Facilities serving as appropriate treatment settings
5 shall include the following if they are licensed by the
6 Department of Drug and Alcohol Programs:

7 (i) hospital and nonhospital drug detoxification and
8 rehabilitation facilities;

9 (ii) hospital and nonhospital alcohol detoxification
10 and rehabilitation facilities;

11 (iii) hospital and nonhospital drug and alcohol
12 detoxification and rehabilitation facilities; and

13 (iv) outpatient services.

14 (3) The General Assembly recognizes that the fluctuating
15 nature of substance use disorder, in combination with the
16 associated physical complications often arising from long-
17 term substance use, requires the availability of a variety of
18 treatment modalities and settings for individuals eligible
19 for medical assistance. The availability of a new service in
20 this area is in no way intended to limit access to or funding
21 of services currently available.

22 (b) Responsibilities of the department.--The department
23 shall:

24 (1) Provide to individuals eligible for medical
25 assistance, if the facility is licensed by the Department of
26 Drug and Alcohol Programs, medical assistance coverage for
27 detoxification, treatment and care in:

28 (i) a nonhospital alcohol detoxification facility;

29 (ii) a nonhospital drug detoxification facility;

30 (iii) a nonhospital alcohol and drug detoxification

1 facility; or

2 (iv) a nonhospital treatment facility that can
3 provide services for drug or alcohol detoxification or
4 treatment, or both.

5 (2) Use criteria adopted by the Department of Drug and
6 Alcohol Programs for governing the type, level and length of
7 care or treatment, including hospital detoxification, as a
8 basis for the development of standards for services provided
9 under paragraph (1).

10 Section 207-A. Public health.

11 (a) General rule.--The department shall have the following
12 powers and duties:

13 (1) Protect the health of the residents of this
14 Commonwealth and determine and employ the most efficient and
15 practical means for the prevention and suppression of
16 disease.

17 (2) As follows:

18 (i) Investigate conditions affecting the security of
19 life and health, in any locality and, for that purpose,
20 enter, inspect and survey all grounds, vehicles,
21 apartments, buildings and other places within this
22 Commonwealth.

23 (ii) All persons authorized by the department to
24 conduct the activities under subparagraph (i) shall have
25 the powers and authority conferred by law upon
26 constables.

27 (3) Administer the health laws, regulations and
28 ordinances of a borough or a township if:

29 (i) the department determines that a condition
30 exists in the borough or township that is a menace to the

1 lives and health of residents of the borough or township
2 or of surrounding municipalities;

3 (ii) the department has knowledge that the borough
4 or township is without an existing or efficient board of
5 health, until a competent and efficient board of health,
6 as determined by the department, has been appointed and
7 is ready, able and willing to assume and carry out the
8 duties imposed upon it by law; or

9 (iii) the borough or township requests the
10 department to do so.

11 (4) Recover from a borough or township all expenses
12 incurred by the department in performing the duties of a
13 board of health of the borough or township under paragraph
14 (3) (ii).

15 (5) Prescribe standard requirements for the medical
16 examination of public school students and public schools
17 throughout this Commonwealth and to appoint appropriate
18 inspectors for this purpose.

19 (6) Train, in appropriate facilities, qualified
20 Commonwealth, county and municipal employees in the field of
21 public health work.

22 (7) Designate the Health Care Policy Board to
23 adjudicate, in accordance with 2 Pa.C.S. (relating to
24 administrative law and procedure), appeals from any final
25 order, decision, decree, determination or ruling of the
26 department made under Chapters 7 and 8 of the act of July 19,
27 1979 (P.L.130, No.48), known as the Health Care Facilities
28 Act. The department shall promulgate regulations establishing
29 appeal procedures to be followed. Until such time as final
30 regulations have been promulgated, procedures set forth in 1

1 Pa. Code Pt. II (relating to general rules of administrative
2 practice and procedure) and 37 Pa. Code Ch. 197 (relating to
3 practice and procedure) shall be followed for these appeals.
4 An appeal filed with the Health Care Policy Board from any
5 final order, decision, decree, determination or ruling of the
6 department relating to licensure shall not act as a
7 supersedeas but, upon good cause shown, and where the
8 circumstances require it, the department or the board, or
9 both, shall have the power to grant a supersedeas.

10 (b) Public health laboratory.--

11 (1) The department shall maintain and operate a public
12 health laboratory that shall assure the availability of
13 reliable clinical laboratory services and laboratory-based
14 information that are needed by health providers for proper
15 diagnosis and treatment, prevention of disease and promotion
16 of the health of the residents of this Commonwealth.

17 (2) The public health laboratory maintained and operated
18 under paragraph (1) shall:

19 (i) arrange for or perform clinical tests to
20 identify diseases, including, but not limited to, rabies,
21 measles, rubella, Lyme disease, influenza and
22 tuberculosis; and

23 (ii) provide epidemiological and surveillance
24 support.

25 (c) Dental health districts.--

26 (1) The department shall apportion this Commonwealth
27 into dental health districts administered by a public health
28 dentist within the department.

29 (2) The public health dentist administering a dental
30 health district under paragraph (1) shall implement dental

1 health policies and programs.

2 (d) Abatement of detrimental conditions.--The department may
3 order conditions detrimental to the public health or the causes
4 of disease and mortality to be abated and removed and to enforce
5 quarantine orders. The following shall apply:

6 (1) If the owner or occupant of a premises subject to an
7 order of the department under this subsection fails to comply
8 with the order, agents or employees of the department may
9 enter the premises and abate or remove the condition.

10 (2) The expense of the abatement or removal under
11 paragraph (1) shall be paid by the owner or occupant of the
12 premises subject to the order. The following shall apply:

13 (i) The expense shall be a lien upon the land on
14 which the condition existed, for which a claim may be
15 filed by the department, in the name of the Commonwealth,
16 in the court of common pleas for the county in which the
17 land is located.

18 (ii) A claim under subparagraph (i) must be filed
19 within six months from the date of completion of the work
20 of abatement or removal, subject to the same proceedings
21 for entry or revival of judgment and execution as are
22 provided by law for municipal liens.

23 (3) The department may maintain an action against an
24 owner or occupant, in the name of the Commonwealth, to
25 recover expenses related to abatement under paragraph (1) in
26 the same way as debts of like amounts are recoverable by law.

27 (4) Expenses recovered under this section by enforcement
28 of a lien or by other action shall be paid to the State
29 Treasurer, to be held and used as funds of the department.

30 (5) This subsection shall not apply to waters pumped or

1 flowing from coal mines or tanneries.

2 (e) Revocation or modification of action by a local board of
3 health.--The department may revoke or modify an order,
4 regulation, bylaw or ordinance of a local board of health,
5 concerning a matter which the department has determined affects
6 the public health beyond the territory over which the local
7 board has jurisdiction.

8 (f) Civil penalty.--

9 (1) The department may impose a civil penalty on a
10 person that fails to comply with an order issued by the
11 department under this section or that resists or interferes
12 with an agent or employee of the department in the
13 performance of the agent's or employee's duties in accordance
14 with the public health regulations and orders of the
15 department.

16 (2) A penalty under paragraph (1) shall be no more than
17 \$1,000 for the first offense, no more than \$2,000 for the
18 second offense and no more than \$5,000 for each subsequent
19 offense.

20 (g) Controlled substances.--The department shall have the
21 power and duty to carry out those powers and duties conferred
22 upon the former Secretary of Health and the former Department of
23 Health under the act of April 14, 1972 (P.L.233, No.64), known
24 as The Controlled Substance, Drug, Device and Cosmetic Act.
25 Notwithstanding any provision of The Controlled Substance, Drug,
26 Device and Cosmetic Act, loperamide hydrochloride is expressly
27 deemed not to be a controlled substance within the meaning of
28 section 4 of The Controlled Substance, Drug, Device and Cosmetic
29 Act.

30 Section 208-A. Newborn testing.

1 (a) General rule.--The department shall permit a laboratory
2 certified under the Clinical Laboratories Improvement Act of
3 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to
4 perform screening testing of newborn infants in any state and
5 uses normal pediatric reference ranges to conduct the analysis
6 required by section 4(a) of the act of September 9, 1965
7 (P.L.497, No.251), known as the Newborn Child Testing Act, as an
8 alternative to the testing laboratory designated by the
9 department in accordance with section 5 of the Newborn Child
10 Testing Act.

11 (b) Testing requirements.--The testing performed by the
12 laboratory under subsection (a) shall include testing for
13 newborn diseases as required by law or regulation and shall
14 provide test results and reports consistent with appropriate
15 policies, procedures, laws and regulations of the department.

16 (c) Blood samples.--A testing laboratory designated by the
17 department or permitted as an alternative under this section may
18 not use or provide blood samples for scientific research without
19 the informed written consent of the parent or guardian of the
20 child.

21 Section 209-A. Recovery of blood plasma proteins.

22 The department shall have the power and duty to:

23 (1) Maintain facilities, or contract with facilities,
24 for the recovery of outdated human whole blood and blood from
25 which the cells of certain proteins useful for immunization,
26 treatment, research and disaster stock-piling purposes have
27 been withdrawn.

28 (2) Make available to research institutions, physicians
29 and hospitals, upon request, blood plasma proteins for
30 research, immunization and treatment.

1 (3) Maintain facilities for the proper storage of blood
2 proteins for disaster purposes.

3 (4) Adopt standards for the efficient execution of a
4 blood plasma protein recovery program.

5 (5) Develop and employ the necessary procedures and
6 perform actions necessary to carry out the purposes of this
7 section.

8 (6) Collect and dispense money received from any source,
9 by gift or otherwise, for the purpose of carrying out the
10 provisions of this section.

11 Section 210-A. Vital statistics.

12 The department shall have the power and duty to:

13 (1) Obtain, collect, compile and preserve all statistics
14 from all professionals whose information is deemed to be
15 necessary to ensure a complete registration of births,
16 deaths, marriages and diseases occurring within this
17 Commonwealth or other vital statistics.

18 (2) Prepare the necessary methods, forms and blanks for
19 obtaining and preserving records of births, deaths, marriages
20 and diseases in this Commonwealth.

21 (3) Ensure that the laws requiring the registration of
22 births, deaths, marriages and diseases are uniformly and
23 thoroughly enforced throughout this Commonwealth, including
24 the prompt provision of registrations to the department.

25 (4) With the advice and concurrence of the Advisory
26 Health Board, promulgate regulations for the thorough
27 organization and efficiency of the registration of vital
28 statistics throughout this Commonwealth, and enforce
29 regulations.

30 (5) Issue birth and death certificates and burial or

1 removal permits as provided by law.

2 (6) Establish districts for the registration of vital
3 statistics and appoint registrars, deputies and sub-
4 registrars, as may be necessary, to obtain, collect, compile
5 and preserve the statistics which the department is required
6 to obtain, collect, compile and preserve. All local
7 registrars, deputies and sub-registrars, appointed under this
8 paragraph, shall perform the duties required of them by the
9 department and shall receive compensation as may be fixed by
10 law.

11 Section 211-A. Health districts and officers.

12 The department may:

13 (1) Apportion this Commonwealth into health districts as
14 the department, with the approval of the Governor, decides.

15 (2) Appoint a health officer in each health district,
16 who shall:

17 (i) Under the direction of the department, handle
18 matters as delegated by law or by the secretary.

19 (ii) In connection with the management of the
20 sanitary affairs of the Commonwealth, cooperate with the
21 Department of Environmental Protection and with the
22 Department of Conservation and Natural Resources.

23 Section 212-A. Quarantine.

24 The department shall have the power and duty to:

25 (1) In addition to diseases that may be declared by law
26 to be communicable, declare a disease to be communicable with
27 the approval of the Advisory Health Board and establish
28 regulations for the prevention of the spread of communicable
29 diseases as the department and the Advisory Health Board deem
30 necessary and appropriate.

1 (2) Issue and enforce an isolation and quarantine order
2 to prevent the spread of a disease declared by law or by the
3 department to be a communicable disease.

4 (3) Administer and enforce the laws of this Commonwealth
5 with regard to vaccination and other means of preventing the
6 spread of a communicable disease.

7 Section 213-A. Narcotic drugs.

8 The department shall have the power and duty to supervise the
9 enforcement and administration of laws regulating the
10 possession, control, dealing in, giving away, delivery,
11 dispensing, administering, prescribing and use of narcotic
12 drugs.

13 Section 214-A. Advisory Health Board.

14 The Advisory Health Board shall have the power and duty:

15 (1) To advise the secretary on matters as the secretary
16 may request.

17 (2) To advise the department regarding the department's
18 promulgation of rules and regulations as necessary for the
19 prevention of disease and for the protection of the lives and
20 health of the residents of this Commonwealth.

21 (3) To make and revise a list of communicable diseases
22 against which children shall be required to be immunized as a
23 condition of attendance at a public, private or parochial
24 school in this Commonwealth. The list shall be published by
25 the department together with rules and regulations
26 promulgated by the department that are necessary to ensure
27 that the immunization is timely, effective and properly
28 verified.

29 (4) To prescribe minimum health activities and minimum
30 standards of performance of health services for a political

1 subdivision.

2 Section 215-A. Speech and hearing rehabilitation centers.

3 The department shall have the power and duty:

4 (1) To provide, maintain, administer and operate a
5 speech and hearing rehabilitation center:

6 (i) For the diagnosis and treatment of children with
7 or suspected of having hearing loss.

8 (ii) To provide auditory training for preschool
9 children.

10 (iii) To provide consultative services for hard of
11 hearing children of school age and the parents of the
12 children.

13 (2) The department may purchase services if it is not
14 feasible to provide and maintain a speech and hearing
15 rehabilitation center.

16 Section 216-A. Cystic fibrosis program.

17 The department shall have the power and duty to conduct a
18 program of care and treatment of individuals suffering from
19 cystic fibrosis who are 21 years of age or older.

20 Section 217-A. Investigators, subpoenas and warrants.

21 (a) Investigator.--The department may:

22 (1) Employ a competent person to:

23 (i) Render sanitary service and undertake or
24 supervise practical and scientific investigations and
25 examinations requiring expert skill.

26 (ii) Prepare plans and reports relative to an
27 investigation and examination under subparagraph (i).

28 (2) Purchase supplies and materials necessary to carry
29 out the work of the department.

30 (b) Subpoena.--The department may issue a subpoena for the

1 examination, investigation and adjudication of the violation of
2 a statute or regulation administered by the department to secure
3 the attendance of an individual necessary to the matter or
4 proceeding and compel the individual to testify in a matter or
5 proceeding before the department.

6 Section 218-A. Cooperation in enforcing health laws.

7 A city, borough or township may cooperate with the following
8 in the administration and enforcement of this article and of the
9 rules and regulations of the department:

10 (1) The county in which the city, borough or township is
11 situated.

12 (2) Another political subdivision within the county.

13 (3) The department.

14 Section 219-A. Anatomical gifts.

15 In addition to the powers and duties of the department
16 relating to anatomical gifts, the department shall continue the
17 rotation of referrals to tissue procurement providers started
18 under 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

19 Adjustments to the rotation may be made to accommodate new,
20 quality tissue procurement providers accredited by the American
21 Association of Tissue Banks or a successor organization as
22 determined under guidelines published in 26 Pa.B. 2044 (April
23 27, 1996). A hospital may discontinue the rotation for cause.

24 Section 220-A. Domestic violence and rape victim services.

25 (a) Findings.--The General Assembly finds that the public
26 health and safety is threatened by increasing incidences of
27 domestic violence and rape. Domestic violence programs and rape
28 crisis programs provide needed support services for victims and
29 assist in prevention through community education. It is in the
30 public interest of the Commonwealth to establish a mechanism to

1 provide financial assistance to domestic violence centers and
2 rape crisis centers for the operation of domestic violence
3 programs and rape crisis programs.

4 (b) Imposition of additional cost.--A person that, after the
5 effective date of this section, pleads guilty or nolo contendere
6 to or is convicted of a crime, in addition to all other costs,
7 shall pay an additional cost of \$10 for the purpose of funding
8 services under this section. The money shall be paid to the
9 State Treasurer to be deposited into the General Fund. A
10 political subdivision shall not be liable for the payment of the
11 \$10 in additional costs.

12 (c) Grants.--The department shall award grants to domestic
13 violence centers and rape crisis centers for the operation of
14 domestic violence programs and rape crisis programs consistent
15 with this section. In awarding grants, the department shall
16 consider the population to be served, the geographic area to be
17 served, the scope of the services, the need for services and the
18 amount of funds provided from other sources.

19 (d) Applications.--The department shall make available to
20 the public, at cost, copies of applications that have been
21 submitted or approved for funding under this section and reports
22 on fiscal or programmatic reviews of funded programs.

23 (e) Definition.--As used in this section, the term "crime"
24 shall mean an act committed in this Commonwealth which, if
25 committed by a mentally competent, criminally responsible adult,
26 who had no legal exemption or defense, would constitute a crime
27 as defined in and proscribed by 18 Pa.C.S. (relating to crimes
28 and offenses) or enumerated in the act of April 14, 1972
29 (P.L.233, No.64), known as The Controlled Substance, Drug,
30 Device and Cosmetic Act. The term shall not include an act

1 involving the operation of a motor vehicle which results in
2 injury unless the injury was intentionally inflicted through the
3 use of a motor vehicle.

4 Section 4. Transfers shall be effectuated as follows:

5 (1) The functions, personnel, allocations,
6 appropriations, equipment, supplies, records, contracts,
7 grants, agreements, rights and obligations of the Department
8 of Health and the Department of Human Services shall be
9 transferred to the Department of Health and Human Services.
10 Upon completion, the transfers under this paragraph shall
11 have the same effect as if the subjects of transfers had
12 originally been those of the Department of Health and Human
13 Services.

14 (2) Personnel transferred under paragraph (1) shall
15 retain the same employment status held prior to transfer.

16 This paragraph includes:

17 (i) Civil Service classification.

18 (ii) Seniority.

19 (iii) Benefits.

20 (iv) Perquisites.

21 (3) Activities initiated under Article XXI or XXIII of
22 the act of April 9, 1929 (P.L.177, No.175), known as The
23 Administrative Code of 1929, or under the act of April 27,
24 1905 (P.L.312, No.218), entitled "An act creating a
25 Department of Health, and defining its powers and duties,"
26 shall continue and remain in full force and effect and may be
27 completed under Article II-A of the act.

28 (4) Orders, regulations, rules and decisions which were
29 made under Article XXI or XXIII of The Administrative Code of
30 1929 or under the act of April 27, 1905 (P.L.312, No.218) and

1 which are in effect on the effective date of section 6 of
2 this act shall remain in full force and effect until revoked,
3 vacated or modified under Article II-A of the act.

4 (5) Contracts, grants, agreements, obligations and
5 collective bargaining agreements entered into under Article
6 XXI or XXIII of The Administrative Code of 1929 or under the
7 act of April 27, 1905 (P.L.312, No.218) are not affected nor
8 impaired by repeals under this act.

9 (6) If a State government entity includes membership by
10 more than one secretary under section 5(2), the Secretary of
11 Health and Human Services shall serve as one affected member
12 and shall designate the other affected members.

13 Section 5. The following apply to references:

14 (1) A reference in a statute or regulation to the
15 Department of Health, the Department of Human Services or the
16 former Department of Public Welfare shall be deemed a
17 reference to the Department of Health and Human Services.

18 (2) A reference in a statute or regulation to the
19 Secretary of Health, the Secretary of Human Services or the
20 former Secretary of Public Welfare shall be deemed a
21 reference to the Secretary of Health and Human Services.

22 Section 6. Repeals are as follows:

23 (1) The General Assembly declares that the repeals under
24 paragraphs (2), (3) and (4) are necessary to effectuate the
25 addition of Article II-A of the act.

26 (2) Sections 1(c) and (d), 7, 8(d) and (e), 9 and 16 of
27 the act of April 27, 1905 (P.L.312, No.218), entitled "An act
28 creating a Department of Health, and defining its powers and
29 duties," are repealed.

30 (3) Articles XXI and XXIII of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929,
2 are repealed.

3 (4) Section 805 of the act of July 19, 1979 (P.L.130,
4 No.48), known as the Health Care Facilities Act, is repealed.

5 Section 7. The Secretary of Health and the Secretary of
6 Human Services and the employees of the Department of Health and
7 the Department of Human Services shall cooperate in the
8 transfers under section 4 of this act and other transition
9 activities required to implement Article II-A of the act.

10 Section 8. This act shall not apply to the Department of
11 Aging and the Department of Drug and Alcohol Programs.

12 Section 9. This act shall take effect June 30, 2023.