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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1575

Session of  
1981

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INTRODUCED BY CORDISCO, HASAY, CLARK, PETRARCA, BELARDI,  
SERAFINI, MILLER, STEVENS, CESSAR, COHEN, CAPPABIANCA,  
JACKSON, GREENFIELD, WOZNIAK, COCHRAN, FREIND, BROWN,  
KUKOVICH, GALLAGHER, STEWART, MORRIS, STEIGHNER, DONATUCCI,  
COLAFELLA, DeWEESE AND E. Z. TAYLOR, JUNE 15, 1981

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE, APRIL 14, 1982

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AN ACT

1 Establishing a Vietnam Herbicides Information Commission;  
2 imposing powers and duties on the commission; granting  
3 additional powers and duties to the Department of Health and  
4 making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Vietnam  
9 Herbicides Information Act."

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have, unless the context clearly indicates otherwise, the  
13 meanings given to them in this section:

14 "Agent Orange." The herbicide composed of tri-chlorophenoxy  
15 acitic acid and di-chlorophenoxyacitic acid.

16 "Commission." The Vietnam Herbicides Information Commission

1 established pursuant to section 4.

2 "Department." The Department of Health of the Commonwealth  
3 of Pennsylvania.

4 "Secretary." The Secretary of Health of the Commonwealth of  
5 Pennsylvania.

6 "Veteran." A person who was a resident of the Commonwealth  
7 at the time of his induction into the Armed Forces of the United  
8 States of America or is a resident of this Commonwealth who  
9 served in ~~Vietnam, Cambodia, Thailand or Laos during the Vietnam~~ <—  
10 ~~Conflict. THE ARMED FORCES DURING THE YEARS 1961-1972.~~ <—

11 "Vietnam herbicide." The herbicides, defoliants and other  
12 causative agents, including Agent Orange, used in the Vietnam  
13 Conflict.

14 ~~Section 3. Legislative findings.~~ <—

15 ~~The General Assembly finds and determines that a large number~~  
16 ~~of Vietnam War Veterans were exposed to herbicides, defoliants~~  
17 ~~and other causative agents, including Agent Orange, during their~~  
18 ~~service in Vietnam and that it is a legitimate concern and~~  
19 ~~responsibility of the State to determine the extent of their~~  
20 ~~injuries.~~

21 Section 4 3. The Vietnam Herbicides Information Commission. <—

22 (a) There is hereby created within the Department of Health  
23 an advisory commission to be known as the Vietnam Herbicides  
24 Information Commission. This commission on Vietnam herbicides  
25 exposure is to obtain information relating to the health effects  
26 of exposure to herbicides containing dioxin and other causative  
27 agents for Vietnam veteran residents of the State of  
28 Pennsylvania who may have been exposed to these substances  
29 during their period of military service.

30 (b) The commission shall consist of ~~13~~ 15 members who shall <—

1 serve for a term of two years. The Governor shall appoint the  
2 Secretary of Health ~~and ten other members of whom six~~, THE <—  
3 ADJUTANT GENERAL OF THE DEPARTMENT OF MILITARY AFFAIRS, THE  
4 CHAIRMAN OF THE STATE VETERANS COMMISSION, THE PRESIDENT OF THE  
5 PENNSYLVANIA WAR VETERANS COUNCIL AND NINE OTHER MEMBERS OF WHOM  
6 FIVE shall be honorably discharged veterans of the Vietnam  
7 Conflict with at least one veteran selected from each of the  
8 five areas covered by the Governor's Veterans Outreach Centers;  
9 of the remaining members to be appointed by the Governor, one  
10 shall be an epidemiologist selected from the State public health  
11 AND MEDICAL schools, one shall be a health environmentalist <—  
12 selected from the State public health AND MEDICAL schools and <—  
13 one shall be a toxicologist selected from the State public  
14 health AND MEDICAL schools and one shall be a specialist in <—  
15 public health selected from the State public health AND MEDICAL <—  
16 schools. The Speaker of the House of Representatives shall  
17 appoint one member of the House to the commission. The President  
18 pro tempore of the Senate shall appoint one member of the Senate  
19 to the commission.

20 (c) The commission shall ~~elect a chairperson from the~~ <—  
21 ~~members of the commission.~~ BE CHAIRED BY THE SECRETARY OF THE <—  
22 DEPARTMENT OF HEALTH.

23 (d) Vacancies in the membership of the commission and its  
24 officers shall be filled for the unexpired term in the same  
25 manner as the original appointment or election.

26 (e) The commission shall meet at least four times each year  
27 at the call of the chairperson. The initial meeting of the  
28 commission shall be called by the Secretary of Health not later  
29 than ~~February~~ JULY 1, 1982. <—

30 (f) The commission shall be established for a period of two

1 years.

2 (g) The members of the commission shall receive no  
3 compensation for their services but shall be allowed their  
4 actual and necessary expenses incurred in the performance of  
5 their duties hereunder.

6 Section 5 4. Powers and duties of the commission. <—

7 The commission shall have the following powers and duties:

8 (1) Determine what medical, administrative and social  
9 assistance is needed for veterans who were exposed to Vietnam  
10 herbicides and submit its recommendations to the Legislature  
11 for its consideration.

12 (2) Conduct an extensive outreach program WHICH WOULD <—  
13 COORDINATE AND SUPPLEMENT THE OUTREACH EFFORTS OF THE  
14 DEPARTMENT OF MILITARY AFFAIRS, THE STATE VETERANS  
15 COMMISSION, THE PENNSYLVANIA WAR VETERANS COUNCIL, COUNTY  
16 DIRECTORS OF VETERANS AFFAIRS, THE GOVERNOR'S OUTREACH AND  
17 ASSISTANCE CENTERS AND OTHER ORGANIZATIONS to inform veterans  
18 who may have been exposed to herbicides containing dioxin of  
19 any Federal or State assistance available to them.

20 (3) Act as the official agent of the State for  
21 disseminating information to veterans about epidemiological  
22 or other studies relating to Vietnam herbicides exposure  
23 which are being conducted by the Federal or State Government.

24 Section 6 5. Cooperation with other agencies. <—

25 To the maximum extent feasible, the commission shall be  
26 entitled to request and receive and shall utilize and be  
27 provided with such facilities, resources and data of any court,  
28 department, division, board, bureau, commission or agency of the  
29 State or any political subdivision thereof as it may reasonably  
30 request to carry out properly its powers and duties hereunder.

1 Section 7 6. Information to be confidential.

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2 The commission shall not disclose information received  
3 pursuant to this act so as to divulge the identities of the  
4 persons to whom it relates except as is necessary to carry out  
5 the purposes of this act.

6 Section 8 7. Reports.

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7 The commission shall make a preliminary report to the  
8 Governor and the Legislature of its findings, conclusions and  
9 recommendations not later than ~~June~~ NOVEMBER 30, 1982 and a  
10 final report of its findings conclusions and recommendations not  
11 later than June 30, 1983.

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12 Section 9 8. Duties of the Department of Health.

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13 For the purpose of identifying persons who were exposed to  
14 Vietnam herbicides and for the purpose of compiling data on the  
15 health effects of this exposure, the department shall:

16 (1) Establish, promote and maintain a public information  
17 program ~~SHALL BE COORDINATED WITH THE DEPARTMENT OF MILITARY~~  
18 ~~AFFAIRS AND THE GOVERNOR'S OUTREACH AND ASSISTANCE CENTERS~~  
19 ~~AND~~ on Vietnam herbicides. Such program SHALL BE COORDINATED  
20 WITH THE DEPARTMENT OF MILITARY AFFAIRS AND THE GOVERNOR'S  
21 OUTREACH AND ASSISTANCE CENTERS AND shall include, but may  
22 not be limited to, ~~an effort~~ ASSISTANCE IN THE COMMISSION'S  
23 EFFORTS to contact veterans who were exposed to the herbicide  
24 containing dioxin.

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25 (2) Establish, maintain and promote a reporting process  
26 for veterans who were exposed to herbicides, defoliants and  
27 other causative agents, including Agent Orange.

28 (3) Maintain a central data bank within the department  
29 for information collected on the health effects of exposure  
30 to Vietnam herbicides and for the cataloguing of existing

scientific and medical literature on the health effects of this exposure.

(4) Initiate education for health professionals to assist them in understanding the potential risks and state-of-art knowledge with regard to detection, diagnosis and treatment of acute and chronic symptoms associated with Vietnam herbicides exposure. THE EDUCATION COMPONENT SHOULD UTILIZE EXISTING RESOURCES, SUCH AS THE INFORMATIONAL FILMS PREPARED BY THE VETERANS ADMINISTRATION, WHENEVER POSSIBLE.

Section 10 9. Reports to the department.

(a) A physician who has primary responsibility for treating a veteran who believes he may have been exposed to chemical herbicides or defoliants, including Agent Orange, while serving in the Armed Forces of the United States, shall, at the request of the veteran, submit a report to the department on a form provided by the department. If there is no physician having primary responsibility for treating the veteran, the hospital treating the veteran shall, at the request of the veteran, submit the report to the department.

(b) The form provided by the department to the physician SHALL BE SIMILAR IN CONTENT TO THE FORMS BEING USED BY THE VETERANS ADMINISTRATION IN THEIR AGENT ORANGE REGISTRY PROGRAM AND shall request the following information:

~~(1) Symptoms to a chemical herbicide or defoliant or other causative agent, including Agent Orange.~~ OF THE VETERAN.

(2) Diagnosis of the veteran.

(3) Methods of treatment prescribed.

(4) DATES OF MILITARY SERVICE IN VIETNAM AND THE LOCATIONS IN VIETNAM WHERE THE VETERAN SERVED.

1 (c) The department may require the veteran to provide such  
2 other information as determined by the secretary of the  
3 department.

4 Section ~~11~~ 10. Cooperation with department. <—

5 The secretary may request and shall receive from any  
6 department, division, board, bureau, commission or agency of the  
7 State or of any political subdivision thereof such assistance  
8 and data as will enable him to properly carry out his activities  
9 hereunder and effectuate the purposes herein set forth. The  
10 secretary may also enter into any contract for services as he  
11 deems necessary with a private agency or concern upon said terms  
12 and conditions as he deems appropriate. Information concerning  
13 patient and medical data provided to the secretary pursuant to  
14 this section shall be kept confidential according to these  
15 provisions. Statistical information collected under this act is  
16 public information.

17 Section ~~12~~ 11. Immunity from liability. <—

18 A physician or a hospital subject to this act who complies  
19 with this act may not be held civilly or criminally liable for  
20 providing the information required by this act.

21 Section ~~13~~ 12. Report by department. <—

22 The department shall make an annual report to the Legislature  
23 of its findings and recommendations concerning the  
24 effectiveness, impact and benefits derived from the special  
25 policies as provided for in this act. Such report shall be  
26 delivered on or before March 1 and shall contain evaluations of  
27 the policies and any legislation deemed necessary and proper to  
28 the House Federal-State Relations Committee and the Senate  
29 Military and Veterans Affairs Committee.

30 Section ~~14~~ 13. Appropriation. <—

1       The sum of ~~\$300,000~~ \$150,000, or as much thereof as may be       <—  
2   necessary, is specifically appropriated to the Department of  
3   Health for the fiscal period 1981-1982 to carry out the  
4   provisions of this act.  
5   Section ~~15~~ 14.   Effective date.       <—  
6       This act shall take effect ~~December 1, 1981.~~ IMMEDIATELY.       <—