

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1752 Session of
2003

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STABACK, WANSACZ, WASHINGTON AND WOJNAROSKI, JUNE 27, 2003

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 27, 2003

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for measures to
21 detect and track potential and existing public health
22 emergencies, for declaring state of public health emergency,
23 for control of property and persons during state of public
24 health emergency and for public information regarding and
25 planning for public health emergencies; and establishing the
26 Public Health Emergency Planning Commission.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

1 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
2 as The Administrative Code of 1929, is amended by adding an
3 article to read:

4 ARTICLE XXV-D

5 EMERGENCY HEALTH POWERS AND PROCEDURES

6 (a) Preliminary Provisions

7 Section 2501-D. Short title.

8 This article shall be known and may be cited as the Emergency
9 Health Powers Act.

10 Section 2502-D. Legislative findings.

11 The General Assembly finds that:

12 (1) The Commonwealth must do more to protect the health,
13 safety and general well-being of its citizens.

14 (2) New and emerging dangers, including emergent and
15 resurgent infectious diseases and incidents of civilian mass
16 casualties, pose serious and immediate threats.

17 (3) A renewed focus on the prevention, detection,
18 management and containment of public health emergencies is
19 called for.

20 (4) Emergency health threats, including those caused by
21 bioterrorism and epidemics, require the exercise of
22 extraordinary government functions.

23 (5) The Commonwealth must have the ability to respond
24 rapidly and effectively to potential or actual public health
25 emergencies.

26 (6) The exercise of emergency health powers must promote
27 the common good.

28 (7) Emergency health powers must be grounded in a
29 thorough scientific understanding of public health threats
30 and disease transmission.

1 (8) Guided by principles of justice, it is the duty of
2 the Commonwealth to act with fairness and tolerance toward
3 individuals and groups.

4 (9) The rights of people to liberty, bodily integrity
5 and privacy must be respected to the fullest extent possible
6 consistent with the overriding importance of the public's
7 health and security.

8 (10) This article is necessary to protect the health and
9 safety of the citizens of this Commonwealth.

10 Section 2503-D. Purposes.

11 The purposes of this article are to:

12 (1) Authorize the collection of data and records, the
13 control of property, the management of persons and access to
14 communications.

15 (2) Facilitate the early detection of a health emergency
16 and allow for immediate investigation of such an emergency by
17 granting access to individuals' health information under
18 specified circumstances.

19 (3) Grant State officials the authority to use and
20 appropriate property as necessary for the care, treatment and
21 housing of patients and for the destruction of contaminated
22 materials.

23 (4) Grant State officials the authority to provide care
24 and treatment to persons who are ill or who have been exposed
25 to infection and to separate affected individuals from the
26 population at large for the purpose of interrupting the
27 transmission of infectious disease.

28 (5) Ensure that the needs of infected or exposed persons
29 will be addressed to the fullest extent possible given the
30 primary goal of controlling serious health threats.

1 (6) Provide State officials with the ability to prevent,
2 detect, manage and contain emergency health threats without
3 unduly interfering with civil rights and liberties.

4 (7) Require the development of a comprehensive plan to
5 provide for a coordinated, appropriate response in the event
6 of a public health emergency.

7 Section 2504-D. Definitions.

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

11 "Bioterrorism." The intentional use of any microorganism,
12 virus, infectious substance or biological product that may be
13 engineered as a result of biotechnology or any naturally
14 occurring or bioengineered component of any such microorganism,
15 virus, infectious substance or biological product to cause
16 death, disease or other biological malfunction in a human,
17 animal, plant or another living organism in order to influence
18 the conduct of government or to intimidate or coerce a civilian
19 population.

20 "Chain of custody." The methodology of tracking specimens
21 for the purpose of maintaining control and accountability from
22 initial collection to final disposition of the specimens and
23 providing for accountability at each stage of collecting,
24 handling, testing, storing and transporting the specimens and
25 reporting test results.

26 "Commission." The Public Health Emergency Planning
27 Commission.

28 "Contagious disease." An infectious disease that can be
29 transmitted from person to person, animal to person or insect to
30 person.

1 "Health care facility." A non-Federal institution, building
2 or agency, or portion thereof, whether for profit or nonprofit,
3 that is used, operated or designed to provide health services,
4 medical treatment or nursing, rehabilitative or preventive care
5 to any person or persons. The term includes, but is not limited
6 to, ambulatory surgical facilities, health maintenance
7 organizations, home health agencies, hospices, hospitals,
8 infirmaries, intermediate care facilities, kidney treatment
9 centers, long-term care facilities, medical assistance
10 facilities, mental health centers, outpatient facilities, public
11 health centers, rehabilitation facilities, residential treatment
12 facilities, skilled nursing facilities and adult day-care
13 centers. The term also includes, but is not limited to, the
14 following related property when used for or in connection with
15 the foregoing: laboratories, research facilities, pharmacies,
16 laundry facilities, health personnel training and lodging
17 facilities, patient, guest and health personnel food service
18 facilities and offices and office buildings for persons engaged
19 in health care professions or services.

20 "Health care provider." A person or entity who provides
21 health care services. The term includes, but is not limited to,
22 hospitals, medical clinics and offices, special care facilities,
23 medical laboratories, physicians, pharmacists, dentists,
24 physician assistants, nurse practitioners, registered and other
25 nurses, paramedics, emergency medical or laboratory technicians
26 and ambulance and emergency medical workers.

27 "Infectious disease." A disease caused by a living organism,
28 which disease may or may not be transmissible from person to
29 person, animal to person or insect to person.

30 "Infectious waste." Any of the following:

1 (1) Biological waste, including blood and blood
2 products, excretions, exudates, secretions, suctioning and
3 other body fluids and waste materials saturated with blood or
4 body fluids.

5 (2) Cultures and stocks, including etiologic agents and
6 associated biologicals, specimen cultures and dishes and
7 devices used to transfer, inoculate and mix cultures, wastes
8 from production of biologicals and serums and discarded live
9 and attenuated vaccines.

10 (3) Pathological waste, including biopsy materials and
11 all human tissues, anatomical parts that emanate from
12 surgery, obstetrical procedures, autopsy and laboratory
13 procedures and animal carcasses exposed to pathogens in
14 research and the bedding and other waste from such animals,
15 but not including teeth or formaldehyde or other preservative
16 agents.

17 (4) Sharps, including needles, IV tubing with needles
18 attached, scalpel blades, lancets, glass tubes that could be
19 broken during handling and syringes that have been removed
20 from their original sterile containers.

21 "Isolation." The compulsory physical separation, including
22 the restriction of movement or confinement, of individuals or
23 groups believed to have been exposed to or known to have been
24 infected with a contagious disease from individuals who are
25 believed not to have been exposed or infected, in order to
26 prevent or limit the transmission of the disease to others.

27 "Mental health support personnel." This term includes, but
28 is not limited to, psychiatrists, psychologists, social workers
29 and volunteer crisis counseling groups.

30 "Protected health information." Information, whether oral,

1 written, electronic, visual, pictorial, physical or any other
2 form that relates to an individual's past, present or future
3 physical or mental health status, condition, treatment, service,
4 products purchased or provision of care, and that reveals the
5 identity of the individual whose health care is the subject of
6 the information, or where there is a reasonable basis to believe
7 such information could be utilized, either alone or with other
8 information that is or should reasonably be known to be
9 available to predictable recipients of such information, to
10 reveal the identity of that individual.

11 "Public health authority." The Department of Health, a local
12 government agency that acts principally to protect or preserve
13 the public's health, a person authorized to act on behalf of the
14 Department of Health or local public health agency.

15 "Public health emergency." An occurrence or imminent threat
16 of an illness or health condition, caused by bioterrorism,
17 epidemic or pandemic disease or novel and highly fatal
18 infectious agent or biological toxin, that poses a substantial
19 risk of a significant number of human fatalities or incidents of
20 permanent or long-term disability, where such illness or health
21 condition includes, but is not limited to, an illness or health
22 condition resulting from a natural disaster.

23 "Public safety authority." The Pennsylvania Emergency
24 Management Agency, a local government agency that acts
25 principally to protect or preserve the public safety or a person
26 authorized to act on behalf of the Pennsylvania Emergency
27 Management Agency or local agency.

28 "Quarantine." The term shall have the same meaning as the
29 term "isolation."

30 "Specimens." The term includes, but is not limited to,

blood, sputum, urine, stool, other bodily fluids, wastes,
tissues and cultures necessary to perform required tests.

"Tests." The term includes, but is not limited to, any
diagnostic or investigative analysis necessary to prevent the
spread of disease or protect the public's health, safety and
welfare.

(b) Measures to Detect and Track Potential and Existing
Public Health Emergencies

Section 2511-D. Reporting.

(a) Illness or health condition.--

(1) A health care provider, coroner or medical examiner
shall report all cases of persons who harbor any illness or
health condition that may be caused by bioterrorism, epidemic
or pandemic disease or novel and highly fatal infectious
agents or biological toxins and might pose a substantial risk
of a significant number of human fatalities or incidents of
permanent or long-term disability.

(2) Such illnesses and health conditions include, but
are not limited to, the diseases caused by the biological
agents listed in 42 CFR 72, App. A (relating to select
agents) and any illnesses or health conditions identified by
the public health authority as potential causes of a public
health emergency.

(b) Pharmacists.--

(1) In addition to the requirements of subsection (a)
for health care providers, a pharmacist shall report any
unusual or increased prescription rates, unusual types of
prescriptions or unusual trends in pharmacy visits that may
be caused by bioterrorism, epidemic or pandemic disease or
novel and highly fatal infectious agents or biological toxins

1 and might pose a substantial risk of a significant number of
2 human fatalities or incidents of permanent or long-term
3 disability.

4 (2) Prescription-related events that require a report
5 include, but are not limited to, any of the following:

6 (i) An unusual increase in the number of
7 prescriptions to treat fever, respiratory or
8 gastrointestinal complaints.

9 (ii) An unusual increase in the number of
10 prescriptions for antibiotics.

11 (iii) An unusual increase in the number of requests
12 for information on over-the-counter pharmaceuticals to
13 treat fever, respiratory or gastrointestinal complaints.

14 (iv) Any prescription that treats a disease that is
15 relatively uncommon and has bioterrorism potential.

16 (c) Manner of reporting.--The report shall be made in
17 writing within 24 hours to the public health authority. The
18 report shall include the following information, if available:

19 (1) The patient's name, date of birth, sex, race and
20 current address, including municipality and county.

21 (2) The name and address of the health care provider,
22 coroner or medical examiner and of the reporting individual,
23 if different.

24 (3) Any other information needed to locate the patient
25 for follow up.

26 (4) For cases related to animal or insect bites, the
27 suspected locating information of the biting animal or insect
28 and the name and address of any known owner.

29 (d) Animal diseases.--

30 (1) A veterinarian, livestock owner, veterinary

diagnostic laboratory director or other person having the care of animals shall report animals having or suspected of having any disease that may be caused by bioterrorism, epidemic or pandemic disease or novel and highly fatal infectious agents or biological toxins and might pose a substantial risk of a significant number of human and animal fatalities or incidents of permanent or long-term disability.

(2) The report shall be made in writing within 24 hours to the public health authority and shall include the following information, if available:

(i) The suspected locating information of the animal.

(ii) The name and address of any known owner.

(iii) The name and address of the reporting individual.

(e) Enforcement.--The public health authority may enforce the provisions of this section in accordance with existing enforcement rules and regulations.

(f) Definition.--As used in this section, the term "health care provider" includes an out-of-State medical laboratory, provided that the laboratory has agreed to the reporting requirements of this Commonwealth. Results must be reported by the laboratory that performs the test, but a laboratory in this Commonwealth that sends specimens to a laboratory outside this Commonwealth shall also report the results.

Section 2512-D. Tracking.

(a) General rule.--The public health authority shall:

(1) Ascertain the existence of cases of an illness or health condition caused by bioterrorism, epidemic or pandemic disease or novel and highly fatal infectious agent or

1 biological toxin that poses a substantial risk of a
2 significant number of human fatalities or incidents of
3 permanent or long-term disability.

4 (2) Investigate all such cases for sources of infection
5 and ensure that they are subject to proper control measures.

6 (3) Define the distribution of the illness or health
7 condition.

8 (b) Identification of exposed individuals.--To fulfill these
9 duties, the public health authority shall identify exposed
10 individuals as follows:

11 (1) Acting on information developed in accordance with
12 section 2511-D or other reliable information, the public
13 health authority shall identify all individuals thought to
14 have been exposed to an illness or health condition caused by
15 bioterrorism, epidemic or pandemic disease or novel and
16 highly fatal infectious agents or biological toxins that
17 poses a substantial risk of a significant number of human
18 fatalities or incidents of permanent or long-term disability.

19 (2) The public health authority shall counsel and
20 interview such individuals as appropriate to assist in the
21 positive identification of exposed individuals and develop
22 information relating to the source and spread of the illness
23 or health condition. Such information includes the name and
24 address, including city and county, of any person from whom
25 the illness or health condition may have been contracted and
26 to whom the illness or health condition may have spread.

27 (3) The public health authority shall, for examination
28 purposes, close, evacuate or decontaminate any facility or
29 decontaminate or destroy any material when the authority
30 reasonably suspects that such facility or material may

1 endanger the public health.

2 (c) Enforcement.--An order of the public health authority
3 given to effectuate the purposes of this section shall be
4 enforceable immediately by the public safety authority.

5 Section 2513-D. Information sharing.

6 (a) Duty of public safety authority.--Whenever the public
7 safety authority learns of a case of a reportable illness or
8 health condition, an unusual cluster or a suspicious event, it
9 shall immediately notify the public health authority.

10 (b) Duty of public health authority.--Whenever the public
11 health authority learns of a case of a reportable illness or
12 health condition, an unusual cluster or a suspicious event that
13 it reasonably believes has the potential to be caused by
14 bioterrorism, it shall immediately notify the appropriate public
15 safety authority and Federal health and public safety
16 authorities.

17 (c) Limitation.--Sharing of information on reportable
18 illnesses, health conditions, unusual clusters or suspicious
19 events between authorized personnel shall be limited to
20 information necessary for the treatment, control, investigation
21 and prevention of a public health emergency.

22 (c) Declaring State of Public Health Emergency
23 Section 2521-D. Standards for declaration.

24 (a) Declaration by Governor.--

25 (1) A state of public health emergency shall be declared
26 by the Governor if the Governor finds an occurrence or
27 imminent threat of an illness or health condition caused by
28 bioterrorism, epidemic or pandemic disease or novel and
29 highly fatal infectious agents or biological toxins that
30 poses a substantial risk of a significant number of human

1 fatalities or incidents of permanent or long-term disability.
2 The declaration shall be published as a notice in the
3 Pennsylvania Bulletin.

4 (2) To make such a finding, the Governor shall consult
5 with the public health authority and may consult with any
6 public health and other experts as needed.

7 (b) Construction.--Nothing in the duty of the Governor to
8 consult with the public health authority or the discretion to
9 consult with public health or other experts shall be construed
10 to limit the Governor's authority to act without such
11 consultation when the situation calls for prompt and timely
12 action.

13 Section 2522-D. Procedures for declaration.

14 The state of public health emergency shall be declared by an
15 executive order that indicates:

16 (1) The nature of the public health emergency.

17 (2) The area that is or may be threatened.

18 (3) The conditions that have brought about the public
19 health emergency.

20 Section 2523-D. Effect of declaration.

21 (a) General rule.--The declaration of a state of public
22 health emergency shall activate the disaster response and
23 recovery aspects of the State, local and interjurisdictional
24 disaster emergency plans in the affected political subdivision
25 or area. The declaration shall authorize the deployment and use
26 of any forces to which the plans apply and the use or
27 distribution of any supplies, equipment and materials and
28 facilities assembled, stockpiled or arranged to be made
29 available pursuant to this article.

30 (b) Emergency powers of Governor.--During a state of public

1 health emergency, the Governor may:

2 (1) Suspend the provisions of any regulatory statute
3 prescribing procedures for conducting State business or the
4 orders, rules and regulations of any State agency if strict
5 compliance with the same would prevent, hinder or delay
6 necessary action, including emergency purchases, by the
7 public health authority to respond to the public health
8 emergency and increase the health threat to the population.
9 The suspension shall be published as a notice in the
10 Pennsylvania Bulletin.

11 (2) Utilize all available resources of the State
12 government and its political subdivisions, as reasonably
13 necessary to respond to the public health emergency.

14 (3) Transfer the direction, personnel or functions of
15 State departments and agencies to perform or facilitate
16 response and recovery programs regarding the public health
17 emergency.

18 (4) Mobilize all or any part of the Pennsylvania
19 National Guard into service of the Commonwealth. An order
20 directing the Pennsylvania National Guard to report for
21 active duty shall state the purpose for which it is mobilized
22 and the objectives to be accomplished.

23 (5) Provide aid to and seek aid from other states in
24 accordance with any interstate emergency compact made with
25 the Commonwealth.

26 (c) Coordination by public health authority.--The public
27 health authority shall coordinate all matters pertaining to the
28 public health emergency response of the Commonwealth. The public
29 health authority shall have primary jurisdiction, responsibility
30 and authority for:

1 (1) Planning and executing public health emergency
2 assessment, mitigation, preparedness response and recovery
3 for the Commonwealth.

4 (2) Coordinating public health emergency response
5 between State and political subdivisions.

6 (3) Collaborating with relevant Federal Government
7 authorities, elected officials of other states, private
8 organizations or private sector companies.

9 (4) Coordinating recovery operations and mitigation
10 initiatives subsequent to public health emergencies.

11 (5) Organizing public information activities regarding
12 State public health emergency response operations.

13 (d) Identification.--After the declaration of a state of
14 public health emergency, special identification for all public
15 health personnel working during the emergency shall be issued by
16 the Governor or public health authority as soon as possible. The
17 identification shall indicate the authority of the bearer to
18 exercise public health functions and emergency powers during the
19 state of public health emergency. Public health personnel shall
20 wear the identification in plain view.

21 Section 2524-D. Enforcement.

22 During a state of public health emergency, the public health
23 authority may request assistance in enforcing orders pursuant to
24 this article from the public safety authority. The public safety
25 authority may request assistance, with the approval of the
26 Governor, from the Pennsylvania National Guard in enforcing the
27 orders of the public health authority.

28 Section 2525-D. Termination of declaration.

29 (a) Executive order.--The Governor shall terminate the state
30 of public health emergency by executive order upon finding that

1 the occurrence of an illness or health condition caused by
2 bioterrorism, epidemic or pandemic disease or novel and highly
3 fatal infectious agents or biological toxins no longer poses a
4 substantial risk of a significant number of human fatalities or
5 incidents of permanent or long-term disability or that the
6 imminent threat of such an occurrence has passed. The executive
7 order shall be published as a notice in the Pennsylvania
8 Bulletin.

9 (b) Automatic termination.--

10 (1) Notwithstanding any other provision of this article,
11 a state of public health emergency shall be terminated
12 automatically 30 days after its declaration unless renewed by
13 the Governor under the same standards and procedures set
14 forth in this article for a declaration of a state of public
15 health emergency.

16 (2) Any such renewal shall also be terminated
17 automatically after 30 days unless renewed by the Governor
18 under the same standards and procedures set forth in this
19 article for a declaration of a state of public health
20 emergency.

21 (c) State legislature.--By a two-thirds vote of both
22 chambers, the General Assembly may terminate a state of public
23 health emergency after 60 days from the date of original
24 declaration upon finding that the occurrence of an illness or
25 health condition caused by bioterrorism, epidemic or pandemic
26 disease or novel and highly fatal infectious agents or
27 biological toxins no longer poses a substantial risk of a
28 significant number of human fatalities or incidents of permanent
29 or long-term disability or that the imminent threat of such an
30 occurrence has passed. Such a termination by the General

1 Assembly shall supersede any renewal by the Governor.

2 (d) Content of termination order.--All orders terminating a
3 state of public health emergency shall indicate:

4 (1) The nature of the emergency.

5 (2) The area that was threatened.

6 (3) The conditions that make possible the termination of
7 the state of public health emergency.

8 (d) Control of Property during State of Public
9 Health Emergency

10 Section 2531-D. Emergency measures concerning dangerous
11 facilities and materials.

12 The public health authority may exercise, for such period as
13 the state of public health emergency exists, the following
14 powers:

15 (1) To close, direct and compel the evacuation of or to
16 decontaminate or cause to be decontaminated any facility of
17 which there is reasonable cause to believe that it may
18 endanger the public health.

19 (2) To decontaminate or cause to be decontaminated or
20 destroy any material of which there is reasonable cause to
21 believe that it may endanger the public health.

22 Section 2532-D. Access to and control of facilities and
23 property.

24 The public health authority may exercise, for such period as
25 the state of public health emergency exists, the following
26 powers concerning facilities, materials, roads or public areas:

27 (1) To procure, by condemnation or otherwise, construct,
28 lease, transport, store, maintain, renovate or distribute
29 materials and facilities as may be reasonable and necessary
30 for emergency response, with the right to take immediate

1 possession thereof. Such materials and facilities include,
2 but are not limited to, communication devices, carriers, real
3 estate, fuels, food, clothing and health care facilities.

4 (2) To compel a health care facility to provide services
5 or the use of its facility if such services or use are
6 reasonable and necessary for emergency response. The use of
7 the health care facility may include transferring the
8 management and supervision of the health care facility to the
9 public health authority for a limited or unlimited period of
10 time, but shall not exceed the termination of the state of
11 public health emergency.

12 (3) To control, restrict and regulate by rationing and
13 using quotas, prohibitions on shipments, price fixing,
14 allocation or other means, the use, sale, dispensing,
15 distribution or transportation of food, fuel, clothing and
16 other commodities, alcoholic beverages, firearms, explosives
17 and combustibles, as may be reasonable and necessary for
18 emergency response.

19 (4) To prescribe routes, modes of transportation and
20 destinations in connection with evacuation of persons or the
21 provisions of emergency services.

22 (5) To control ingress and egress to and from any
23 stricken or threatened public area, the movement of persons
24 within the area and the occupancy of premises therein, if
25 such action is reasonable and necessary for emergency
26 response.

27 Section 2533-D. Safe disposal of infectious waste.

28 The public health authority may exercise, for such period as
29 the state of public health emergency exists, the following
30 powers regarding the safe disposal of infectious waste:

1 (1) To adopt and enforce measures to provide for the
2 safe disposal of infectious waste as may be reasonable and
3 necessary for emergency response. Such measures may include,
4 but are not limited to, the collection, storage, handling,
5 destruction, treatment, transportation and disposal of
6 infectious waste.

7 (2) To compel any business or facility authorized to
8 collect, store, handle, destroy, treat, transport and dispose
9 of infectious waste under the laws of this Commonwealth and
10 any landfill business or other such property to accept
11 infectious waste or provide services or the use of the
12 business, facility or property, if such action is reasonable
13 and necessary for emergency response. The use of the
14 business, facility or property may include transferring the
15 management and supervision of such business, facility or
16 property to the public health authority for a limited or
17 unlimited period of time, but shall not exceed the
18 termination of the state of public health emergency.

19 (3) To procure, by condemnation or otherwise, any
20 business or facility authorized to collect, store, handle,
21 destroy, treat, transport and dispose of infectious waste
22 under the laws of this Commonwealth and any landfill business
23 or other such property as may be reasonable and necessary for
24 emergency response, with the right to take immediate
25 possession thereof.

26 (4) To require that all bags, boxes or other containers
27 for infectious waste be clearly identified as containing
28 infectious waste.

29 Section 2534-D. Safe disposal of corpses.

30 The public health authority may exercise, for such period as

1 the state of public health emergency exists, the following
2 powers regarding the safe disposal of corpses:

3 (1) To adopt and enforce measures to provide for the
4 safe disposal of corpses as may be reasonable and necessary
5 for emergency response. Such measures may include, but are
6 not limited to, the embalming, burial, cremation, interment,
7 disinterment, transportation and disposal of corpses.

8 (2) To take possession or control of any corpse.

9 (3) To order the disposal of any corpse of a person who
10 died of an infectious disease through burial or cremation
11 within 24 hours after death.

12 (4) To compel any business or facility authorized to
13 embalm, bury, cremate, inter, disinter, transport and dispose
14 of corpses under the laws of this Commonwealth to accept any
15 corpse or provide the use of its business or facility if such
16 actions are reasonable and necessary for emergency response.
17 The use of the business or facility may include transferring
18 the management and supervision of such business or facility
19 to the public health authority for a limited or unlimited
20 period of time, but shall not exceed the termination of the
21 state of public health emergency.

22 (5) To procure, by condemnation or otherwise, any
23 business or facility authorized to embalm, bury, cremate,
24 inter, disinter, transport and dispose of corpses under the
25 laws of this Commonwealth as may be reasonable and necessary
26 for emergency response, with the right to take immediate
27 possession thereof.

28 (6) To require that any corpse, prior to disposal, be
29 clearly labeled with all available information to identify
30 the decedent and the circumstances of death. Any corpse of a

1 person with an infectious disease shall have an external,
2 clearly visible tag indicating that the corpse is infected
3 and, if known, the infectious disease.

4 (7) To require that any person in charge of disposing of
5 a corpse shall maintain a written record of the corpse and
6 all available information to identify the decedent and the
7 circumstances of death and disposal. If a corpse cannot be
8 identified, prior to disposal a qualified person shall, to
9 the extent possible, take fingerprints and one or more
10 photographs of the corpse and collect a DNA specimen. All
11 information gathered under this paragraph shall be promptly
12 forwarded to the public health authority.

13 Section 2535-D. Control of health care supplies.

14 (a) Procurement.--The public health authority may purchase
15 and distribute antitoxins, serums, vaccines, immunizing agents,
16 antibiotics and other pharmaceutical agents or medical supplies
17 that it deems advisable in the interest of preparing for or
18 controlling a public health emergency, without any additional
19 legislative authorization.

20 (b) Rationing.--

21 (1) If a state of public health emergency results in a
22 Statewide or regional shortage or threatened shortage of any
23 product covered by subsection (a), whether or not such
24 product has been purchased by the public health authority,
25 the public health authority may control, restrict and
26 regulate by rationing and using quotas, prohibitions on
27 shipments, price fixing, allocation or other means, the use,
28 sale, dispensing, distribution or transportation of the
29 relevant product necessary to protect the health, safety and
30 welfare of the people of this Commonwealth.

1 (2) In making rationing or other supply and distribution
2 decisions, the public health authority may give preference to
3 health care providers, disaster response personnel and
4 mortuary staff.

5 (c) Distribution.--

6 (1) During a state of public health emergency, the
7 public health authority may procure, store or distribute any
8 antitoxins, serums, vaccines, immunizing agents, antibiotics
9 and other pharmaceutical agents or medical supplies located
10 within this Commonwealth as may be reasonable and necessary
11 for emergency response, with the right to take immediate
12 possession thereof.

13 (2) If a public health emergency simultaneously affects
14 more than one state, nothing in this section shall be
15 construed to allow the public health authority to obtain
16 antitoxins, serums, vaccines, immunizing agents, antibiotics
17 and other pharmaceutical agents or medical supplies for the
18 primary purpose of hoarding such items or preventing their
19 fair and equitable distribution among affected states.

20 Section 2536-D. Compensation.

21 The Commonwealth shall pay just compensation to the owner of
22 any facility or materials that are lawfully taken or
23 appropriated by a public health authority for its temporary or
24 permanent use under this article according to the procedures and
25 standards set forth in section 2575-D. Compensation may not be
26 provided for facilities or materials that are closed, evacuated,
27 decontaminated or destroyed when there is reasonable cause to
28 believe that they may endanger the public health pursuant to
29 section 2531-D.

30 Section 2537-D. Destruction of property.

To the extent practicable, consistent with the protection of public health, prior to the destruction of any property under this article, the public health authority shall institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this Commonwealth or any such rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by the public health authority through such proceedings shall, after entry of the decree, be disposed of by destruction as the court may direct.

(e) Control of Persons during Public Health Emergency
Section 2541-D. Control of individuals.

During a state of public health emergency, the public health authority shall use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.

Section 2542-D. Mandatory medical examinations.

(a) Powers of public health authority.--The public health authority may exercise, for such period as the state of public health emergency exists, the following emergency powers over persons:

(1) To compel a person to submit to a physical examination or testing, or both, as necessary to diagnose or treat the person subject to the following:

(i) The medical examination or testing may be performed by any qualified person authorized by the public health authority.

(ii) The medical examination or testing may not be reasonably likely to result in serious harm to the

1 affected individual.

2 (iii) The medical examination or testing shall be
3 performed immediately upon the order of the public health
4 authority without resort to judicial or quasi-judicial
5 authority.

6 (iv) If the public health authority is uncertain
7 whether a person who refuses to undergo medical
8 examination or testing may have been exposed to an
9 infectious disease or otherwise poses a danger to public
10 health, the public health authority may subject the
11 individual to isolation or quarantine as provided in this
12 article.

13 (2) To require any physician or other health care
14 provider to perform the medical examination or testing, or
15 both.

16 (b) Enforcement.--An order of the public health authority
17 given to effectuate the purposes of this section shall be
18 immediately enforceable by any law enforcement officer.

19 (c) Penalty.--A person who refuses to submit or perform a
20 medical examination or test under this section commits a
21 misdemeanor of the third degree.

22 Section 2543-D. Isolation and quarantine.

23 (a) State policy and powers.--

24 (1) It is the policy of the Commonwealth that the
25 individual dignity of any person isolated or quarantined
26 during a state of public health emergency shall be respected
27 at all times and upon all occasions.

28 (2) The needs of persons isolated or quarantined shall
29 be addressed in a systematic and competent fashion.

30 (3) To the extent possible, the premises in which

1 persons are isolated or quarantined shall be maintained in
2 safe and hygienic manners, designed to minimize the likelihood
3 of further transmission of infection or other harm to persons
4 subject to isolation or quarantine.

5 (4) Adequate food, clothing, medication and other
6 necessities and competent medical care shall be provided to
7 persons who are isolated or quarantined.

8 (5) The public health authority may exercise, for such
9 period as the state of public health emergency exists, the
10 following emergency powers over persons:

11 (i) To establish and maintain places of isolation
12 and quarantine.

13 (ii) To require isolation or quarantine of any
14 person by the least restrictive means necessary to
15 protect the public health. All reasonable means shall be
16 taken to prevent the transmission of infection among the
17 isolated or quarantined individuals.

18 (b) Individual cooperation.--A person subject to isolation
19 or quarantine:

20 (1) Shall comply with the public health authority's
21 rules and orders.

22 (2) Shall not go beyond the isolation or quarantine
23 premises.

24 (3) Shall not put himself in contact with any person not
25 subject to isolation or quarantine other than a physician or
26 other health care provider, public health authority or person
27 authorized to enter an isolation or quarantine premises by
28 the public health authority.

29 (c) Unauthorized entry.--No person other than a person
30 authorized by the public health authority shall enter an

1 isolation or quarantine premises. If, by reason of an
2 unauthorized entry into an isolation or quarantine premises, the
3 person poses a danger to public health, that person may be
4 subject to isolation or quarantine pursuant to the provisions of
5 this article.

6 (d) Termination.--Isolation or quarantine of any person
7 shall be terminated when the public health authority determines
8 that such isolation or quarantine of such person is no longer
9 necessary to protect the public health.

10 (e) Due process.--

11 (1) Before isolating or quarantining a person, the
12 public health authority shall obtain a written, ex parte
13 order from a court of this Commonwealth authorizing such
14 action. The court shall grant such order upon finding that
15 probable cause exists to believe isolation or quarantine is
16 warranted pursuant to the provisions of this article. A copy
17 of the authorizing order shall be given to the person
18 isolated or quarantined, along with notification that the
19 person has a right to a hearing under this paragraph.

20 (2) Notwithstanding paragraph (1), the public health
21 authority may isolate or quarantine a person without first
22 obtaining a written, ex parte order from the court if any
23 delay in the isolation or quarantine of the person would pose
24 an immediate threat to the public health. Following such
25 isolation or quarantine, the public health authority shall
26 promptly obtain a written, ex parte order from the court
27 authorizing the isolation or quarantine.

28 (3) A person isolated or quarantined pursuant to the
29 provisions of paragraph (1) or (2) shall have the right to a
30 court hearing to contest the ex parte order. If such person,

1 or person's representative, requests a hearing, the hearing
2 shall be held within 72 hours of receipt of such request,
3 excluding Saturdays, Sundays and legal holidays. The request
4 shall be in writing. A request for a hearing shall not stay
5 the order of isolation or quarantine. At the hearing, the
6 public health authority must show that the isolation or
7 quarantine is warranted pursuant to the provisions of this
8 section.

9 (4) On or after 30 days following a hearing on the ex
10 parte order or such hearing as is provided for this
11 subsection, a person isolated or quarantined pursuant to the
12 provisions of this section may request in writing a court
13 hearing to contest that person's continued isolation or
14 quarantine. The hearing shall be held within 72 hours of
15 receipt of such request, excluding Saturdays, Sundays and
16 legal holidays. A request for a hearing shall not alter the
17 order of isolation or quarantine. At the hearing, the public
18 health authority must show that continuation of the isolation
19 or quarantine is warranted pursuant to the provisions of this
20 section.

21 (5) A person isolated or quarantined pursuant to the
22 provisions of this section may request a hearing in the
23 courts of this Commonwealth for remedies regarding that
24 person's treatment and the terms and conditions of such
25 isolation or quarantine. Upon receiving a request for either
26 type of hearing described in this paragraph, the court shall
27 fix a date for a hearing. The hearing shall take place within
28 ten days of the receipt of the request by the court. The
29 request for a hearing shall not alter the order of isolation
30 or quarantine.

1 (6) If, upon hearing, the court finds that the isolation
2 or quarantine of the individual is not warranted under the
3 provisions of this section, then the person shall be released
4 from isolation or quarantine. If the court finds that the
5 isolation or quarantine of the individual is not in
6 compliance with the provisions of subsection (a), the court
7 may then fashion remedies appropriate to the circumstances of
8 the state of public health emergency and in keeping with the
9 provisions of this article.

10 (7) Judicial decisions shall be based upon clear and
11 convincing evidence, and a written record of the disposition
12 of the case shall be made and retained. The petitioner shall
13 have the right to be represented by counsel or other lawful
14 representative. The manner in which the request for a hearing
15 is filed and acted upon will be in accordance with the
16 existing laws and rules of the courts of this Commonwealth or
17 any such rules that are developed by the courts for use
18 during a state of public health emergency.

19 (f) Penalty.--A person who fails to comply with the
20 provisions of subsection (b) or (c) commits a misdemeanor of the
21 third degree.

22 Section 2544-D. Vaccination and treatment.

23 (a) Powers of public health authority.--The public health
24 authority may, for such period as the state of public health
25 emergency exists, compel a person to be vaccinated or treated,
26 or both, for an infectious disease subject to the following
27 provisions:

28 (1) Vaccination may be performed by any qualified person
29 authorized by the public health authority.

30 (2) A vaccine may not be given if the public health

1 authority has reason to know that a particular individual is
2 likely to suffer serious harm from the vaccination.

3 (3) Treatment may be performed by any qualified person
4 authorized by the public health authority.

5 (4) Treatment must not be such as is reasonably likely
6 to lead to serious harm to the affected individual.

7 (b) Refusal.--If, by reason of refusal of vaccination or
8 treatment, the person poses a danger to the public health, the
9 person may be isolated or quarantined pursuant to the provisions
10 of this article.

11 (c) Enforcement.--An order of the public health authority
12 given to effectuate the purposes of this section shall be
13 immediately enforceable by any peace officer.

14 (d) Penalty.--A person who fails to comply with this section
15 commits a misdemeanor of the third degree.

16 Section 2545-D. Collection of laboratory specimens; performance
17 of tests.

18 The public health authority may, for such period as the state
19 of public health emergency exists, collect specimens and perform
20 tests on any person or animal, living or deceased, and may
21 acquire any previously collected specimens or test results that
22 are reasonable and necessary for emergency response subject to
23 the following provisions:

24 (1) A specimen shall be clearly marked.

25 (2) Specimen collection, handling, storage and transport
26 to a testing site shall be performed in a manner that will
27 reasonably preclude specimen contamination or adulteration
28 and provide for the safe collection, storage, handling and
29 transport of the specimen.

30 (3) A person authorized to collect specimens or perform

1 tests shall use chain of custody procedures to ensure proper
2 recordkeeping, handling, labeling and identification of
3 specimens to be tested. This requirement applies to all
4 specimens, including specimens collected using onsite testing
5 kits.

6 (4) A business, facility or agency authorized to collect
7 specimens or perform tests shall provide such support as is
8 reasonable and necessary to aid in a relevant criminal
9 investigation.

10 Section 2546-D. Access and disclosure of patient records.

11 (a) Access to patient records.--Access to protected health
12 information of patients under the isolation, quarantine or care
13 of the public health authority shall be limited to those persons
14 having a legitimate need to acquire or use the information for
15 purposes of:

16 (1) providing treatment or care to the individual who is
17 the subject of the health information;

18 (2) conducting epidemiologic research; or

19 (3) investigating the causes of transmission.

20 (b) Disclosure of patient records.--Protected health
21 information held by the public health authority may not be
22 disclosed to other persons without specific informed consent of
23 the patient except for disclosures made:

24 (1) directly to the patient;

25 (2) to the patient's immediate family members or life
26 partners;

27 (3) to appropriate Federal agencies or authorities;

28 (4) to health care personnel where needed to protect the
29 health or life of the patient who is the subject of the
30 information;

1 (5) pursuant to a court order or executive order of the
2 Governor, to avert a clear danger to an individual or the
3 public health; or

4 (6) to identify a deceased person or determine the
5 manner or cause of death.

6 Section 2547-D. Licensing and appointment of health personnel.

7 The public health authority may exercise, for such period as
8 the state of public health emergency exists, the following
9 emergency powers regarding licensing of health personnel:

10 (1) To appoint and prescribe the duties of such
11 emergency health care providers from other states as may be
12 reasonable and necessary for emergency response, subject to
13 the following provisions:

14 (i) The appointment of emergency health care
15 providers from other states pursuant to this section may
16 be for a limited or unlimited time, but shall not exceed
17 the termination of the state of public health emergency.
18 The public health authority may terminate the out-of-
19 State appointments at any time or for any reason provided
20 that such termination may not jeopardize the health,
21 safety and welfare of the people of this Commonwealth.

22 (ii) The public health authority may waive any or
23 all licensing requirements, permits or fees required by
24 State law and applicable orders, rules or regulations for
25 health care providers from other jurisdictions to
26 practice in this Commonwealth.

27 (iii) An emergency health care provider from another
28 state appointed pursuant to this section may not be held
29 liable for any civil damages as a result of medical care
30 or treatment related to the emergency response unless

1 such damages result from providing or failing to provide
2 medical care or treatment under circumstances
3 demonstrating a reckless disregard for the consequences
4 so as to affect the life or health of the patient.

5 (2) To authorize the medical examiner or coroner to
6 appoint and prescribe the duties of such emergency assistant
7 medical examiners or coroners as may be required for the
8 proper performance of the duties of the office, subject to
9 the following provisions:

10 (i) The appointment of emergency assistant medical
11 examiners or coroners pursuant to this section may be for
12 a limited or unlimited time, but shall not exceed the
13 termination of the state of public health emergency. The
14 medical examiner or coroner may terminate the emergency
15 appointments at any time or for any reason, provided that
16 the termination may not impede the performance of the
17 duties of the office.

18 (ii) The medical examiner or coroner may waive any
19 or all licensing requirements, permits or fees required
20 by State law and applicable orders, rules or regulations
21 for the performance of these duties.

22 (iii) An emergency assistant medical examiner or
23 coroner appointed pursuant to this section and acting
24 without malice and within the scope of the prescribed
25 duties shall be immune from civil liability in the
26 performance of such duties.

27 (f) Public Information Regarding Public Health Emergency
28 Section 2551-D. Dissemination of information.

29 (a) General rule.--The public health authority shall inform
30 the people of this Commonwealth when a state of public health

1 emergency has been declared or terminated, how to protect
2 themselves and what actions are being taken to control the
3 emergency.

4 (b) Means of dissemination.--The public health authority
5 shall provide information by all available and reasonable means
6 calculated to bring the information promptly to the attention of
7 the general public.

8 (c) Languages.--If the public health authority has reason to
9 believe there are people of this Commonwealth who lack
10 sufficient skills in English to understand the information, the
11 public health authority shall make reasonable efforts to provide
12 the information in the primary languages of those people as well
13 as in English.

14 (d) Accessibility.--The provision of information shall be
15 made in a manner accessible to individuals with disabilities.
16 Section 2552-D. Provision of access to mental health support
17 personnel.

18 During and after a state of public health emergency, the
19 public health authority shall provide information about and
20 referrals to mental health support personnel to address
21 psychological responses to the public health emergency.

22 (g) Planning for Public Health Emergency
23 Section 2561-D. Public Health Emergency Planning Commission.

24 A Public Health Emergency Planning Commission is established
25 and shall consist of the secretaries, or their designees, of
26 agencies the Governor deems relevant to public health emergency
27 preparedness and any other persons chosen by the Governor. The
28 Governor shall designate the chairperson of the commission.

29 Section 2562-D. Public health emergency plan.

30 (a) Content.--The commission shall, within six months of its

1 appointment, deliver to the Governor a plan for responding to a
2 public health emergency that includes provisions for the
3 following:

4 (1) A means of notifying and communicating with the
5 population during a state of public health emergency in
6 compliance with this article.

7 (2) Centralized coordination of resources, manpower and
8 services, including coordination of responses by Federal,
9 State and local agencies.

10 (3) The location, procurement, storage, transportation,
11 maintenance and distribution of essential materials,
12 including medical supplies, drugs, vaccines, food, shelter
13 and beds.

14 (4) The continued, effective operation of the judicial
15 system, including, if deemed necessary, the identification
16 and training of personnel to serve as emergency judges
17 regarding matters of isolation and quarantine as described in
18 this article.

19 (5) The method of evacuating populations and housing and
20 feeding evacuated populations.

21 (6) The identification and training of health care
22 providers to diagnose and treat persons with infectious
23 diseases.

24 (7) Guidelines for the vaccination of persons, in
25 compliance with this article.

26 (8) Guidelines for the treatment of persons who have
27 been exposed to or who are infected with diseases or health
28 conditions caused by bioterrorism, epidemic or pandemic
29 disease or novel and highly fatal infectious agents or
30 biological toxins, that pose a substantial risk of a

1 significant number of fatalities or incidents of permanent or
2 long-term disability. The guidelines shall cover, but not be
3 limited to, the following diseases: anthrax, botulism,
4 smallpox, plague, tularemia and viral hemorrhagic fevers.

5 (9) Guidelines for the safe disposal of corpses, in
6 compliance with this article.

7 (10) Guidelines for the safe disposal of infectious
8 waste, in compliance with this article.

9 (11) Guidelines for the safe and effective management of
10 persons isolated, quarantined, vaccinated or treated during a
11 state of public health emergency.

12 (12) Tracking the source and outcomes of infected
13 persons.

14 (13) Ensuring that each municipality identifies the
15 following:

16 (i) Sites where persons may be isolated or
17 quarantined, with such sites complying with this article
18 regarding the least restrictive means for isolation and
19 quarantine and the requirements for the safety, health
20 and maintenance of personal dignity of those isolated or
21 quarantined.

22 (ii) Sites where medical supplies, food and other
23 essentials may be distributed to the population.

24 (iii) Sites where emergency workers may be housed
25 and fed.

26 (iv) Routes and means of transportation of people
27 and materials.

28 (14) Coordination with the Federal Government and other
29 states.

30 (15) Taking into account cultural norms, values and

1 traditions that may be relevant.

2 (16) Distribution of the plan and guidelines to those
3 persons who will be responsible for implementing the plan.

4 (17) Other measures necessary to carry out the purposes
5 of this article.

6 (b) Review.--The commission shall review its plan for
7 responding to a public health emergency every two years.

8 (h) Miscellaneous Provisions

9 Section 2571-D. Rules and regulations.

10 The public health authority is authorized to promulgate and
11 implement such rules and regulations as are reasonable and
12 necessary to implement and effectuate the provisions of this
13 article.

14 Section 2572-D. Enforcement.

15 (a) General rule.--The public health authority shall have
16 the power to enforce the provisions of this article through the
17 imposition of fines and penalties, the issuance of orders and
18 such other remedies as are provided by law.

19 (b) Construction.--Nothing in this section shall be
20 construed to limit specific enforcement powers enumerated in
21 this article.

22 Section 2573-D. Financing and expenses.

23 (a) Transfer of funds.--Subject to subsection (c), the
24 Governor may transfer from any fund available to the Governor in
25 the State Treasury such sums as may be necessary to meet the
26 public health emergency.

27 (b) Repayment.--Moneys transferred pursuant to subsection
28 (a) shall be repaid to the fund from which they were transferred
29 when moneys become available for that purpose, by legislative
30 appropriation or otherwise.

1 (c) Conditions.--A transfer of funds by the Governor
2 pursuant to this section may be made only when one or more of
3 the following conditions exists:

4 (1) No appropriation or other authorization is available
5 to meet the public health emergency.

6 (2) An appropriation is insufficient to meet the public
7 health emergency.

8 (3) Federal moneys available for such a public health
9 emergency require the use of State or other public moneys.

10 (d) Expenses.--All expenses incurred by this Commonwealth
11 during a state of public health emergency shall be subject to
12 the following limitations:

13 (1) No expense shall be incurred against the moneys
14 authorized under this section, without the approval of the
15 Governor.

16 (2) The aggregate amount of all expenses incurred under
17 the provisions of this section shall not exceed \$10,000,000
18 for any fiscal year.

19 (3) Moneys authorized for a state of public health
20 emergency in prior fiscal years may be used in subsequent
21 fiscal years only for the public health emergency for which
22 they were authorized. Moneys authorized for a public health
23 emergency in prior fiscal years and expended in subsequent
24 fiscal years for the public health emergency for which they
25 were authorized, apply toward the \$10,000,000 expense limit
26 for the fiscal year in which they were authorized.

27 Section 2574-D. Liability.

28 (a) State immunity.--Neither the Commonwealth, its political
29 subdivisions, nor, except in cases of gross negligence or
30 willful misconduct, the Governor, the public health authority or

1 any other State official referenced in this article shall be
2 liable for the death of or any injury to persons or damage to
3 property as a result of complying with or attempting to comply
4 with this article or any rule or regulations promulgated
5 pursuant to this article.

6 (b) Private liability.--

7 (1) During a state of public health emergency, no person
8 owning or controlling real estate or other premises who
9 voluntarily and without compensation grants a license or
10 privilege or otherwise permits the designation or use of the
11 whole or any part or parts of such real estate or premises
12 for the purpose of sheltering persons, together with that
13 person's successors in interest, if any, shall be civilly
14 liable for negligently causing the death of or injury to any
15 person on or about such real estate or premises under such
16 license, privilege or other permission or for negligently
17 causing loss of or damage to the property of such person.

18 (2) During a state of public health emergency, no
19 private person, firm or corporation and employees and agents
20 of such person, firm or corporation in the performance of a
21 contract with and under the direction of the Commonwealth or
22 its political subdivisions under the provisions of this
23 article shall be civilly liable for causing the death of or
24 injury to any person or damage to any property except in the
25 event of gross negligence or willful misconduct.

26 (3) During a state of public health emergency, no
27 private person, firm or corporation and employees and agents
28 of such person, firm or corporation who renders assistance or
29 advice at the request of the Commonwealth or its political
30 subdivisions under the provisions of this article shall be

1 civilly liable for causing the death of or injury to any
2 person or damage to any property except in the event of gross
3 negligence or willful misconduct.

4 (c) Applicability.--The immunities provided in this section
5 shall not apply to any private person, firm or corporation or
6 employees and agents of such person, firm or corporation whose
7 act or omission caused in whole or in part the public health
8 emergency and who would otherwise be liable therefor.

9 Section 2575-D. Compensation.

10 (a) Taking.--Compensation for property shall be made only if
11 private property is lawfully taken or appropriated by a public
12 health authority for its temporary or permanent use during a
13 state of public health emergency declared by the Governor
14 pursuant to this article.

15 (b) Actions.--Any action against the Commonwealth with
16 regard to the payment of compensation shall be brought in the
17 courts of this Commonwealth in accordance with existing court
18 laws and rules or any such rules that may be developed by the
19 courts for use during a state of public health emergency.

20 (c) Amount.--The amount of compensation shall be calculated
21 in the same manner as compensation due for taking of property
22 pursuant to eminent domain procedures, as provided in the act of
23 June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent
24 Domain Code, except that the amount of compensation calculated
25 for items obtained under section 2536-D shall be limited to the
26 costs incurred to produce the item.

27 Section 2. The provisions of this act are severable. If any
28 provision of this act or its application to any person or
29 circumstances is held invalid in a Federal or State court having
30 jurisdiction, the invalidity will not affect other provisions or

1 applications of this act that can be given effect without the
2 invalid provision or application.

3 Section 3. This act does not explicitly preempt other laws
4 or regulations that preserve to a greater degree the powers of
5 the Governor or public health authority, provided such laws or
6 regulations are consistent and do not otherwise restrict or
7 interfere with the operation or enforcement of the provisions of
8 this act.

9 Section 4. This act shall not be construed to restrict any
10 person from complying with Federal law or regulations.

11 Section 5. No later than 90 days after the effective date of
12 this act, and every 12 months thereafter, the Governor shall
13 transmit to the General Assembly a report that shall include:

14 (1) A description of the detection and tracking efforts
15 made under this act.

16 (2) A description of any state of public health
17 emergency declared under this act.

18 (3) A description of the emergency powers utilized under
19 this act.

20 (4) A description of the moneys transferred and
21 liabilities and expenses incurred under this act.

22 Section 6. This act shall take effect immediately.