

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2455 Session of
2020

INTRODUCED BY LAWRENCE AND TOOIL, APRIL 27, 2020

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 30, 2020

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; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," ~~in powers and duties of the Department of Health <--~~
22 ~~and its departmental administrative and advisory boards,~~
23 ~~providing for local health department COVID-19 antibody-~~
24 ~~testing; and providing for COVID-19 emergency testing plan~~ <--
25 and reporting AND FOR WATER AND SEWER AUTHORITIES IN CITIES <--
26 OF THE SECOND CLASS.

27 The General Assembly of the Commonwealth of Pennsylvania

28 hereby enacts as follows:

29 ~~Section 1. The act of April 9, 1929 (P.L.177, No.175), known <--~~

1 ~~as The Administrative Code of 1929, is amended by adding a~~
2 ~~section to read:~~

3 ~~Section 2127. Local Health Department COVID-19 Antibody~~
4 ~~Testing. (a) A local health department may notify the~~
5 ~~secretary of the local health department's intention to~~
6 ~~implement serology tests to identify antibodies to the COVID-19~~
7 ~~virus in coordination with the guidance provided in the~~
8 ~~policy. Notification under this subsection shall be made in~~
9 ~~writing to the secretary by the health director or equivalent~~
10 ~~employee of a local health department.~~

11 ~~(b) Within seventy two (72) hours of receipt of the~~
12 ~~notification under subsection (a), the secretary shall~~
13 ~~authorize, in writing, State laboratories holding a Clinical~~
14 ~~Laboratory Improvement Amendments (CLIA) certificate and that~~
15 ~~meet CLIA requirements to perform high complexity testing, to~~
16 ~~facilitate and coordinate testing with the respective local~~
17 ~~health department. The following shall apply:~~

18 ~~(1) A local health department shall reimburse a State~~
19 ~~laboratory for costs incurred by the State laboratory for~~
20 ~~services performed under this subsection.~~

21 ~~(2) An individual tested under this subsection shall:~~

22 ~~(i) Be notified in writing at the time of initial testing of~~
23 ~~the applicable provisions of section (IV) (D) of the policy.~~

24 ~~(ii) Be advised of test results as soon as practicable in a~~
25 ~~manner determined by the local health department.~~

26 ~~(3) A local health department performing serology tests~~
27 ~~under this subsection shall report the total number of positive,~~
28 ~~false positive, negative and false negative test results to the~~
29 ~~Department of Health of the Commonwealth on a daily basis.~~

30 ~~(c) This section shall expire sixty (60) days after the~~

1 ~~expiration or termination of the proclamation of disaster~~
2 ~~emergency issued by the Governor on March 6, 2020, published at~~
3 ~~50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of~~
4 ~~disaster emergency.~~

5 ~~(d) As used in this section, the following words and phrases~~
6 ~~shall have the meanings given to them in this subsection unless~~
7 ~~the context clearly indicates otherwise:~~

8 ~~"Local health department." A county or municipal health~~
9 ~~department in this Commonwealth.~~

10 ~~"Policy." The Policy for Diagnostic Tests for Coronavirus~~
11 ~~Disease 2019 during the Public Health Emergency, docket number~~
12 ~~FDA 2020 D 0987, available on the publicly accessible Internet~~
13 ~~website of the Food and Drug Administration on March 16, 2020.~~

14 ~~"Secretary." The Secretary of Health of the Commonwealth.~~

15 ~~"State laboratory." A State Public Health Laboratory as~~
16 ~~authorized under section 8(d) of the act of April 27, 1905-~~
17 ~~(P.L.312, No.218), entitled "An act creating a Department of~~
18 ~~Health, and defining its powers and duties."~~

19 ~~Section 2. The act is amended by adding an article to read:~~

20 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <--
21 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING AN <--
22 ARTICLE ARTICLES TO READ: <--

23 ARTICLE XXI-C

24 COVID-19 EMERGENCY

25 TESTING PLAN AND REPORTING

26 Section 2101-C. Definitions.

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

30 "COVID-19." The novel coronavirus as defined in the

1 Governor's Proclamation of Disaster Emergency issued on March 6,
2 2020, published at 50 Pa.B. 1644 (March 21, 2020).

3 "State laboratory." A State Public Health Laboratory as
4 authorized under section 8(d) of the act of April 27, 1905
5 (P.L.312, No.218), entitled "An act creating a Department of
6 Health, and defining its powers and duties.

7 Section 2102 C. COVID 19 testing plan.

<--

8 (a) Submission. Consistent with the Paycheck Protection
9 Program and Health Care Enhancement Act (Public Law 116-139),
10 the Governor or an authorized designee shall submit a plan for
11 COVID-19 testing to the Secretary of the United States
12 Department of Health and Human Services.

13 (b) Contents. The plan under subsection (a) shall delineate
14 goals, beginning after the effective date of this section, for
15 the remainder of the calendar year 2020, and shall include all
16 of the following:

17 (1) The number of tests needed, month by month,
18 including diagnostic, serological and other tests, as
19 appropriate.

20 (2) Month by month estimates of laboratory and testing
21 capacity, including capacity related to workforce, equipment
22 and supplies and available tests.

23 (3) A description of how the Commonwealth will use
24 Federal money appropriated for COVID-19 testing, including as
25 it relates to easing any COVID-19 community mitigation orders
26 issued by the Governor.

27 (c) Approval or acceptance. Upon approval or acceptance of
28 a plan under this section, the General Assembly shall
29 appropriate funds for COVID-19 testing as provided under
30 subsections (d) and (e).

~~(d) Use of funding. Funds appropriated under subsection (c) may be used for any of the following:~~

~~(1) Necessary expenses to research, develop, validate, manufacture, purchase, administer and expand capacity for COVID 19 tests to effectively monitor and suppress COVID 19, including molecular, antigen and serological tests.~~

~~(2) Manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests.~~

~~(3) The development and validation of rapid, molecular point of care tests and other tests.~~

~~(4) Support for workforce and epidemiology.~~

~~(5) Scaling up academic, commercial, public health and hospital laboratories, health care facilities and community based COVID 19 testing sites.~~

~~(6) Conducting surveillance and contact tracing.~~

~~(7) Supporting development of COVID 19 testing plans.~~

~~(e) Testing prioritization. Individuals who serve an essential health and safety function or who are at a high risk of contracting COVID 19 shall be given initial priority to be tested. The following shall also be given priority:~~

~~(1) Employees of health care providers.~~

~~(2) Staff and residents of nursing home facilities, assisted living residences, personal care homes, hospices and other congregate care settings.~~

~~(3) Staff and recipients of home care providers, home health care providers, behavioral health care providers, intellectual disability providers and substance abuse disorder providers.~~

~~(4) Emergency service and public safety personnel.~~

1 ~~(5) Employees of any business or industry deemed~~
2 ~~essential.~~

3 ~~(6) Any other category of individuals who serve an~~
4 ~~essential health and safety function or who are at high risk~~
5 ~~of contracting COVID-19.~~

6 ~~Section 2103 C. COVID 19 testing reporting.~~

7 ~~SECTION 2102-C. COVID-19 TESTING PLAN AND REPORTING.~~ <--

8 ~~(A) SUBMISSION OF PLAN.--THE GOVERNOR SHALL SUBMIT THE PLAN~~
9 ~~FOR COVID-19 TESTING, INCLUDING ANY AMENDMENTS TO THE PLAN, THAT~~
10 ~~WAS SUBMITTED TO THE UNITED STATES SECRETARY OF HEALTH AND HUMAN~~
11 ~~SERVICES PURSUANT TO THE PAYCHECK PROTECTION PROGRAM AND HEALTH~~
12 ~~CARE ENHANCEMENT ACT (PUBLIC LAW 116-139) TO ALL OF THE~~
13 ~~FOLLOWING:~~

14 ~~(1) THE PRESIDENT PRO TEMPORE OF THE SENATE.~~

15 ~~(2) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.~~

16 ~~(3) THE MAJORITY LEADER OF THE SENATE.~~

17 ~~(4) THE MINORITY LEADER OF THE SENATE.~~

18 ~~(5) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.~~

19 ~~(6) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.~~

20 ~~(7) THE MAJORITY AND MINORITY CHAIRPERSON OF THE~~
21 ~~APPROPRIATIONS COMMITTEE OF THE SENATE.~~

22 ~~(8) THE MAJORITY AND MINORITY CHAIRPERSON OF THE HEALTH~~
23 ~~AND HUMAN SERVICES COMMITTEE OF THE SENATE.~~

24 ~~(9) THE MAJORITY AND MINORITY CHAIRPERSON OF THE~~
25 ~~APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.~~

26 ~~(10) THE MAJORITY AND MINORITY CHAIRPERSON OF THE HEALTH~~
27 ~~COMMITTEE OF THE HOUSE OF REPRESENTATIVES.~~

28 ~~(11) THE MAJORITY AND MINORITY CHAIRPERSON OF THE HUMAN~~
29 ~~SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.~~

30 ~~(a) (B) Testing report required.--Beginning on the day 14~~ <--

1 DAYS after the effective date of this section, and ~~each week~~ <--
2 EVERY 14 DAYS thereafter, the Department of Health shall submit <--
3 a report regarding the department's testing of COVID-19 to the
4 President pro tempore of the Senate, the Majority Leader and
5 Minority Leader of the Senate, the chairperson and minority
6 chairperson of the Appropriations Committee of the Senate, the
7 Speaker of the House of Representatives, the Majority Leader and
8 Minority Leader of the House of Representatives and the
9 chairperson and minority chairperson of the Appropriations
10 Committee of the House of Representatives.

11 ~~(b)~~ (C) Testing report contents.--The report shall contain a <--
12 summary of the following information:

13 (1) The technology and supplies procured or acquired by
14 the Commonwealth related to COVID-19 testing.

15 (2) The administrative and operating costs of a State
16 laboratory related to COVID-19 testing.

17 (3) The number and type of completed tests by a State
18 laboratory. This information shall include diagnostic tests
19 and serology tests.

20 (4) The number of positive, ~~false positive, negative and~~ <--
21 ~~false negative~~ AND NEGATIVE COVID-19 test results from the <--
22 completed testing under paragraph (3).

23 (5) A description of State laboratory COVID-19 testing
24 limitations, including limitations relating to acquiring
25 reagents or other components of the testing process.

26 (6) Demographic test result data, including age, sex,
27 race and ethnicity, as provided under subsection ~~(e)~~ (D). <--

28 ~~(e)~~ (D) Reporting requirements.--A health care provider <--
29 ordering COVID-19 testing shall report, as prescribed by the
30 Department of Health, a patient's self-reported demographic data

1 including age, sex, race and ethnicity.

2 ~~(d) (E) Expiration.--This section shall expire 60 days after~~<--
3 ~~the expiration or termination of the proclamation of disaster~~
4 ~~emergency issued by the Governor on March 6, 2020, published at~~
5 ~~50 Pa.B. 1644 (March 21, 2020), and any renewal of the disaster~~
6 ~~emergency declaration. DECEMBER 31, 2021.~~ <--

7 ARTICLE XXVIII-G <--

8 WATER AND SEWER AUTHORITIES IN

9 CITIES OF THE SECOND CLASS

10 SECTION 2801-G. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "AUTHORITY." A WATER AND SEWER AUTHORITY OF A CITY.

15 "CITY." A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF
16 THE SECOND CLASS.

17 "CITY PARK." A CITY-OWNED PARK THAT CONSISTS OF AT LEAST 50
18 CONTIGUOUS ACRES.

19 "COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

20 "COOPERATION AGREEMENT." THE COOPERATION AGREEMENT ENTERED
21 INTO BETWEEN THE CITY AND THE AUTHORITY ON OCTOBER 3, 2019.

22 "SYSTEM." THE FOLLOWING, OWNED OR OPERATED BY THE AUTHORITY
23 AND USED IN THE RENDERING OF WATER SERVICE AND SEWER SERVICE BY
24 THE AUTHORITY:

25 (1) PLANTS, WAREHOUSES, EQUIPMENT, STRUCTURES,
26 FACILITIES, LANDS, EASEMENTS, RIGHTS OF WAY, PUBLIC WATER
27 LINES AND PUBLIC SEWER LINES.

28 (2) PATENTS, COPYRIGHTS, CONTRACTS WITH MUNICIPALITIES
29 OR AUTHORITIES OUTSIDE THE BOUNDARIES OF THE CITY.

30 (3) WATER TREATMENT PLANTS, PUMPING FACILITIES,

1 RESERVOIRS, STORAGE TANKS, DISTRIBUTION MAINS, PUBLIC SERVICE
2 LINES AND APPURTENANCES, PUBLIC SEWERS, INLETS, SEWER GRATES,
3 MANHOLES, DIVERSION STRUCTURES, PUMPING STATIONS, FORCE MAINS
4 PUBLIC SUBSURFACE STORM WATER CONVEYANCE LINES AND RELATED
5 FACILITIES CONVEYING STORM WATER.

6 (4) PATENTS AND COPYRIGHTS OBTAINED BY THE CITY,
7 ASSIGNED TO THE AUTHORITY, OR RETAINED DIRECTLY BY AUTHORITY
8 AND RELATED TO THE DESIGN, OPERATION, MAINTENANCE,
9 REPLACEMENT OR ABANDONMENT OF WATER, SEWER OR STORM WATER
10 SYSTEMS.

11 (5) TANGIBLE PUBLIC PROPERTY, FIXED OR MOVEABLE.

12 (6) CAPITAL ADDITIONS CONSTRUCTED OR ACQUIRED RELATING
13 TO WATER SERVICE AND SEWER SERVICE.

14 (7) FRANCHISES USED OR USEFUL TO THE AUTHORITY IN THE
15 RENDERING OF WATER, SEWER AND STORM WATER SERVICE BY THE
16 AUTHORITY AND OTHER AGREEMENTS BETWEEN THE CITY AND
17 AUTHORITY.

18 SECTION 2802-G. COOPERATION AGREEMENT.

19 THE COOPERATION AGREEMENT SHALL HAVE THE FORCE AND EFFECT OF
20 LAW UNTIL JANUARY 1, 2025, OR AN EARLIER TERMINATION DATE TO
21 WHICH THE CITY AND AUTHORITY MUTUALLY AGREE. THE COOPERATION
22 AGREEMENT SHALL GOVERN:

23 (1) CHANGES IN THE CITY AND AUTHORITY'S RIGHTS AND
24 OBLIGATIONS RESULTING FROM THE ENACTMENT OF THE ACT OF
25 DECEMBER 21, 2017 (P.L.1208, NO.65), ENTITLED "AN ACT
26 AMENDING TITLE 66 (PUBLIC UTILITIES) OF THE PENNSYLVANIA
27 CONSOLIDATED STATUTES, IN RATES AND DISTRIBUTION SYSTEMS,
28 FURTHER PROVIDING FOR RATES TO BE JUST AND REASONABLE; AND
29 PROVIDING FOR WATER AND SEWER AUTHORITIES IN CITIES OF THE
30 SECOND CLASS," INCLUDING RATES PAID BY THE CITY TO THE

1 AUTHORITY FOR PUBLIC UTILITY SERVICE.

2 (2) THE DIVISION OF SERVICES RELATED TO THE SYSTEM.

3 (3) PAYMENTS BY THE CITY AND AUTHORITY TO THE OTHER
4 BASED ON ACTUAL, VERIFIABLE, DIRECT EXPENSES AND IN
5 ACCORDANCE WITH CUSTOMARY UTILITY PRACTICES UNDER 66 PA.C.S.
6 PT. I (RELATING TO PUBLIC UTILITY CODE).

7 (4) PAYMENTS BY THE AUTHORITY TO THE CITY THAT SHALL BE
8 SUBORDINATE TO EACH DEBT OBLIGATION OF THE AUTHORITY.

9 (5) COOPERATION BY THE CITY AND AUTHORITY IN THEIR
10 RESPECTIVE CAPITAL PROJECTS WHICH MAY IMPACT EACH OTHER.

11 (6) RESPONSIBILITIES OF THE AUTHORITY WITH RESPECT TO
12 CITY PARKS AND OTHER CITY PROPERTIES.

13 (7) OWNERSHIP OF THE SYSTEM.

14 (8) ROLES AND RESPONSIBILITIES OF THE CITY AND AUTHORITY
15 WITH RESPECT TO THE SYSTEM.

16 SECTION 2803-G. EFFECT OF COOPERATION AGREEMENT.

17 A COOPERATION AGREEMENT ENTERED INTO BETWEEN THE CITY AND
18 AUTHORITY ON OR BEFORE JANUARY 1, 2020, SHALL:

19 (1) NOTWITHSTANDING 66 PA.C.S. PT. I (RELATING TO PUBLIC
20 UTILITY CODE), SUPERSEDE, DURING THE TERM OF THE COOPERATION
21 AGREEMENT, ANY PROVISION OF 66 PA.C.S. PT. I, A COMMISSION
22 REGULATION, POLICY STATEMENT, ORDER AND REGULATORY PROCEEDING
23 AS THEY PERTAIN TO ISSUES COVERED BY THE COOPERATION
24 AGREEMENT, INCLUDING THE AUTHORITY'S RATES, TERMS AND
25 CONDITIONS OF SERVICE RENDERED TO THE CITY AND THE RESPECTIVE
26 RIGHTS AND DUTIES BETWEEN THE AUTHORITY AND THE CITY.

27 (2) REMAIN SUBJECT TO THE HOME RULE CHARTER OF A CITY.

28 Section 3. This act shall take effect immediately.