

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1110 Session of
2020

INTRODUCED BY K. WARD, PHILLIPS-HILL, COLLETT, REGAN, MARTIN,
BAKER, STEFANO, ARGALL, BROOKS, DISANTO, DINNIMAN, MASTRIANO,
KILLION AND ARNOLD, APRIL 13, 2020

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,
AS AMENDED, MAY 18, 2020

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled "An act providing for the prevention and control of
3 communicable and non-communicable diseases including venereal
4 diseases, fixing responsibility for disease prevention and
5 control, requiring reports of diseases, and authorizing
6 treatment of venereal diseases, and providing for premarital
7 and prenatal blood tests; amending, revising and
8 consolidating the laws relating thereto; and repealing
9 certain acts," further providing for definitions, for reports <--
10 and for confidentiality of reports and records; AND <--
11 PROVIDING FOR CONFIDENTIALITY PROVISIONS DURING DISASTER
12 EMERGENCY.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Section 2 of the act of April 23, 1956 (1955~~ <--
16 ~~P.L.1510, No.500), known as the Disease Prevention and Control~~
17 ~~Law of 1955, is amended by adding definitions to read:~~

18 ~~Section 2. Definitions.~~

19 ~~The following terms, whenever used in this act, have the~~
20 ~~meanings indicated in this section, except where the context~~
21 ~~indicates a clearly different meaning:~~

1 * * *

2 ~~(m) Health care facility. As defined in section 103 of the~~
3 ~~act of July 19, 1979 (P.L.130, No.48), known as the Health Care~~
4 ~~Facilities Act.~~

5 ~~(n) Individually identifiable health information.~~
6 ~~Information, whether oral, written, electronic, visual,~~
7 ~~pictorial, physical or in any other form, that relates to an~~
8 ~~individual's past, present or future physical health status,~~
9 ~~condition, treatment, service, products purchased or provision~~
10 ~~of care and:~~

11 ~~(1) reveals the identity of the individual whose health care~~
12 ~~is the subject of the information; or~~

13 ~~(2) serves as a reasonable basis to reveal the identity of~~
14 ~~the individual whose health care is the subject of the~~
15 ~~information, alone or in conjunction with other information that~~
16 ~~is or reasonably should be known to be available.~~

17 ~~(o) Personal care home. As defined under section 1001 of the~~
18 ~~act of June 13, 1967 (P.L.31, No.21), known as the Human~~
19 ~~Services Code.~~

20 Section 1.1. Sections 4 and 15 of the act are amended to
21 read:

22 SECTION 1. SECTIONS 4 AND 15 OF THE ACT OF APRIL 23, 1956 <--
23 (1955 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION AND
24 CONTROL LAW OF 1955, ARE AMENDED TO READ:

25 Section 4. Reports.--

26 (a) Every physician who treats or examines any person who is
27 suffering from or who is suspected of having a communicable
28 disease, or any person who is or who is suspected of being a
29 carrier, shall make a prompt report of the disease in the manner
30 prescribed by regulation to the local board or department of

1 health which serves the municipality where the disease occurs or
2 where the carrier resides or to the department if so provided by
3 regulation.

4 (b) The department or local boards or departments of health
5 may require the heads of hospitals and other institutions, the
6 directors of laboratories, school authorities, the proprietors
7 of hotels, roentgenologists, lodging houses, rooming houses or
8 boarding houses, nurses, midwives, householders, and other
9 persons having knowledge or suspicion of any communicable
10 disease, to make a prompt report of the disease in a manner
11 prescribed by regulation to the local board or department of
12 health which serves the municipality where the disease occurs,
13 or to the department if so provided by regulation.

14 (c) Local boards or departments of health shall make reports
15 of the diseases reported to them to the department at such times
16 and in such manner as shall be provided for by regulation.

17 (d) Every physician or every person in charge of any
18 institution for the treatment of diseases shall be authorized,
19 upon request of the secretary, to make reports of such diseases
20 and conditions other than communicable diseases which in the
21 opinion of the Advisory Health Board are needed to enable the
22 secretary to determine and employ the most efficient and
23 practical means to protect and to promote the health of the
24 people by the prevention and control of such diseases and
25 conditions other than communicable diseases. The reports shall
26 be made upon forms prescribed by the secretary and shall be
27 transmitted to the department or to local boards or departments
28 of health as requested by the secretary.

29 (e) In addition to the ~~the~~ requirements under this section, <--
30 during a proclamation of disaster emergency issued by the

1 Governor that is based upon a communicable disease, any
2 administrator of a health care facility or a personal care home
3 who has knowledge that a patient or resident is suffering from a
4 communicable disease related to the disaster emergency shall
5 make a prompt report of the disease in the manner prescribed by
6 regulation to the local board or department of health which
7 serves the municipality where the patient or resident resides or
8 to the department if so provided by regulation.

9 Section 15. Confidentiality of Reports and Records.--

10 (a) EXCEPT AS PROVIDED UNDER SECTION 15.1, State and local <--
11 health authorities may not disclose reports of diseases, any
12 records maintained as a result of any action taken in
13 consequence of such reports, or any other records maintained
14 pursuant to this act or any regulations, to any person who is
15 not a member of the department or of a local board or department
16 of health, except [where necessary to carry out the purposes of
17 this act.] as follows:

18 (1) Where necessary to carry out the purposes of this act.

19 ~~(2) Under a proclamation of disaster emergency issued by the~~ <--
20 ~~Governor that is based upon a communicable disease, the~~
21 ~~secretary or local health authority shall release, within 24~~
22 ~~hours of receiving information of a confirmed case of a~~
23 ~~communicable disease, individually identifiable health~~
24 ~~information related to the communicable disease to 911 centers,~~
25 ~~law enforcement officers, fire department personnel, coroners~~
26 ~~and emergency medical services personnel, in each county of this~~
27 ~~Commonwealth. 911 centers, law enforcement officers, fire~~
28 ~~department personnel, coroners and emergency medical services~~
29 ~~personnel shall follow all applicable Federal and State laws,~~
30 ~~regulations and confidentiality standards.~~

1 (2) WHERE NECESSARY TO INFORM THE PUBLIC OF THE RISK OF A <--
2 COMMUNICABLE DISEASE.

3 (b) State and local health authorities may permit the use of
4 data contained in disease reports and other records, maintained
5 pursuant to this act, or any regulation, for research purposes,
6 subject to strict supervision by the health authorities to
7 insure that the use of the reports and records is limited to the
8 specific research purposes.

9 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

10 SECTION 15.1. CONFIDENTIALITY PROVISIONS DURING DISASTER
11 EMERGENCY.--UPON A PROCLAMATION OF DISASTER EMERGENCY ISSUED BY
12 THE GOVERNOR DUE TO A COMMUNICABLE DISEASE, AND CONTINUING UNTIL
13 SIXTY (60) DAYS AFTER THE EXPIRATION OR TERMINATION OF THE
14 PROCLAMATION OF DISASTER EMERGENCY BY EXECUTIVE ORDER,
15 PROCLAMATION OR OPERATION OF LAW, THE FOLLOWING CONFIDENTIALITY
16 PROVISIONS SHALL APPLY TO INFORMATION COLLECTED OR MAINTAINED AS
17 A RESULT OF THE PROCLAMATION OF DISASTER EMERGENCY:

18 (1) THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH
19 SHALL RELEASE TO PUBLIC SAFETY PERSONNEL, INCLUDING CORONERS,
20 MEDICAL EXAMINERS, 911 CENTERS, LAW ENFORCEMENT OFFICERS, FIRE
21 DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL SERVICES PERSONNEL,
22 THE RESIDENTIAL ADDRESS OF ANY INDIVIDUAL FOR WHOM THE
23 DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH HAVE
24 CONFIRMED WITHIN THE PREVIOUS TWENTY-FOUR (24) HOURS AS HAVING
25 THE COMMUNICABLE DISEASE SUBJECT TO THE DISASTER EMERGENCY.

26 (2) THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH
27 WHICH SERVES A MUNICIPALITY SHALL RELEASE THE INFORMATION UNDER
28 CLAUSE (1) TO THE PUBLIC SAFETY PERSONNEL AFTER THE TOTAL NUMBER
29 OF CASES OF THE COMMUNICABLE DISEASE EXCEEDS ONE HUNDRED (100)
30 CASES THROUGHOUT THIS COMMONWEALTH.

1 (3) THE INFORMATION PROVIDED UNDER CLAUSE (1) OR (2) SHALL
2 ONLY BE USED FOR THE PURPOSE OF DELIVERING OR ASSISTING IN THE
3 DELIVERY OF EMERGENCY NOTIFICATION SERVICES, DEATH INVESTIGATION
4 SERVICES AND EMERGENCY SUPPORT SERVICES. ANY PERSON IN RECEIPT
5 OF THE INFORMATION PROVIDED UNDER CLAUSE (1) OR (2) SHALL ADHERE
6 TO ALL APPLICABLE FEDERAL AND STATE LAWS, REGULATIONS AND
7 CONFIDENTIALITY STANDARDS. THE INFORMATION PROVIDED UNDER CLAUSE
8 (1) OR (2) MAY ONLY BE RETAINED BY THE PUBLIC SAFETY PERSONNEL
9 OR MUNICIPALITY FOR FORTY-FIVE (45) DAYS FROM THE DATE WHEN
10 INFORMATION WAS PROVIDED TO THE PUBLIC SAFETY PERSONNEL OR
11 MUNICIPALITY BY THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF
12 HEALTH.

13 (4) THE DEPARTMENT, IN CONJUNCTION WITH REQUESTS FROM THE
14 GENERAL ASSEMBLY AND THE BOARD, SHALL DISCLOSE INFORMATION THAT
15 COULD BE BENEFICIAL TO THE PUBLIC IN THE PREVENTION OF THE
16 COMMUNICABLE DISEASE BASED ON THE R-NAUGHT (R0) FACTOR OF THE
17 COMMUNICABLE DISEASE. THE FACTORS SHALL INCLUDE, BUT ARE NOT
18 LIMITED TO, THE INCREASED RISK OF CONTRACTING THE COMMUNICABLE
19 DISEASE FOR AN INDIVIDUAL DUE TO AGE, GENDER, RACE, AREA OF
20 RESIDENCY OR CONNECTION TO A HEALTH CARE FACILITY, SCHOOL OR
21 PLACE OF EMPLOYMENT. THE INFORMATION UNDER THIS CLAUSE SHALL BE
22 MADE AVAILABLE ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITES OF
23 THE DEPARTMENT OR THE LOCAL BOARDS OR DEPARTMENTS OF HEALTH. ANY
24 CHANGES TO THE INFORMATION UNDER THIS CLAUSE SHALL BE
25 COMMUNICATED IN WRITING TO THE PRESIDENT PRO TEMPORE OF THE
26 SENATE, THE MAJORITY LEADER AND MINORITY LEADER OF THE SENATE,
27 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY
28 LEADER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES NO
29 LATER THAN TWENTY-FOUR (24) HOURS BEFORE THE INFORMATION IS MADE
30 AVAILABLE ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITES OF THE

1 DEPARTMENT OR THE LOCAL BOARDS OR DEPARTMENTS OF HEALTH.

2 Section 2 3. This act shall take effect immediately.

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