AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in powers and duties of the Department of Health and its departmental administrative and advisory boards, providing for local health department COVID-19 antibody testing; AND PROVIDING FOR COVID-19 EMERGENCY TESTING PROCUREMENT AND DISBURSEMENT.  

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a
Section 2127. Local Health Department COVID-19 Antibody Testing.--(a) A health department may notify the secretary of the health department's intention to implement serology tests to identify antibodies to the COVID-19 virus in coordination with the guidance provided in the policy. Notification under this subsection shall be made in writing to the secretary by the health director or equivalent employee of a health department.

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

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

(2) An individual tested under this subsection shall:

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

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

(3) A health department performing serology tests under this subsection shall report the total number of positive and negative, FALSE POSITIVE, NEGATIVE AND FALSE NEGATIVE test results to the Department of Health of the Commonwealth on a daily basis.

(c) This section shall expire sixty (60) days after the expiration or termination of the proclamation of disaster.
emergency issued by the Governor on March 6, 2020, published at
50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
disaster emergency.

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

"Health department." A county or municipal health department
in this Commonwealth.

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

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

Section 2. This act shall take effect in 60 days.

SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

ARTICLE XXI-C

COVID-19 EMERGENCY

TESTING PROCUREMENT AND DISBURSEMENT

SECTION 2101-C. DEFINITIONS.

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

"COVID-19." THE NOVEL CORONAVIRUS AS DEFINED IN THE
GOVERNOR'S PROCLAMATION OF DISASTER EMERGENCY ISSUED ON MARCH 6,
2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

SECTION 2102-C. PROCUREMENT AND DISBURSEMENT PLAN.

(A) SUBMISSION OF PLAN.--NO LATER THAN SEVEN DAYS AFTER THE
EFFECTIVE DATE OF THIS SECTION, THE GOVERNOR, IN CONSULTATION
WITH THE SECRETARY OF HEALTH, SHALL SUBMIT A PLAN FOR THE
PROCUREMENT AND DISBURSEMENT OF TESTING KITS OR EQUIPMENT
NECESSARY TO TEST FOR COVID-19 TO THE CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(B) CONTENTS.--THE PLAN UNDER SUBSECTION (A) SHALL INCLUDE ALL OF THE FOLLOWING:

(1) A REVIEW OF THE TYPE AND QUANTITY OF TESTING KITS AND EQUIPMENT PROPOSED TO BE PROCURED.

(2) A PROPOSED TIMELINE FOR THE PROCUREMENT OF THE TESTING KITS AND EQUIPMENT.

(3) A PROPOSED PLAN TO DISBURSE THE TESTING KITS AND EQUIPMENT ACROSS THIS COMMONWEALTH.

(4) A LIST OF CATEGORIES OF INDIVIDUALS WHO SERVE AN ESSENTIAL HEALTH AND SAFETY FUNCTION OR WHO ARE AT A HIGH-RISK OF CONTRACTING COVID-19 TO BE GIVEN INITIAL PRIORITY TO BE TESTED. THE LIST SHALL INCLUDE:

(I) HEALTH CARE STAFF.

(II) STAFF AND RESIDENTS OF NURSING HOMES, LONG-TERM CARE NURSING FACILITIES, ASSISTED LIVING RESIDENCES, PERSONAL CARE HOMES AND HOSPICES.

(III) STAFF AND CLIENTS OF HOME CARE PROVIDERS, HOME HEALTH CARE PROVIDERS, MENTAL HEALTH PROVIDERS, BEHAVIORAL HEALTH PROVIDERS, CHILDREN'S SERVICES, INTELLECTUAL DISABILITY PROVIDERS AND DRUG AND ALCOHOL PROVIDERS.

(IV) EMERGENCY SERVICE AND PUBLIC SAFETY PERSONNEL.

(V) ANY OTHER CATEGORY OF INDIVIDUALS WHO SERVE AN ESSENTIAL HEALTH AND SAFETY FUNCTION OR WHO ARE AT HIGH-RISK OF CONTRACTING COVID-19.

(VI) AN ESTIMATE OF THE AMOUNT OF FUNDING NEEDED TO
IMPLEMENT THE PLAN.


(6) A DESCRIPTION OF HOW THE PLAN SUPPORTS THE EFFORTS TO LIMIT THE SPREAD OF COVID-19 AT BUSINESSES OTHER THAN BUSINESSES LISTED UNDER PARAGRAPH (5) AND WHICH WOULD BE PERMITTED TO RESUME OPERATIONS UNDER SUBSEQUENT ORDERS OR REVISIONS TO ORDERS BY THE GOVERNOR AND THE SECRETARY OF HEALTH.

(C) APPROVAL.--A PLAN SUBMITTED UNDER SUBSECTION (A) SHALL BE DEEMED APPROVED UPON THE ENACTMENT OF AN APPROPRIATION FOR THE PROCUREMENT OF TESTING KITS OR EQUIPMENT NECESSARY FROM FUNDS PROVIDED UNDER THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (PUBLIC LAW 116-136, 134 STAT. 281).

SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.