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, commissions, and officers; 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 employees 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 employees 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 PLAN AND REPORTING. 

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 LOCAL health department may notify the secretary of the LOCAL 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 LOCAL 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 LOCAL health department. The following shall apply:

(1) A LOCAL 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 LOCAL health department.

(3) A LOCAL health department performing serology tests under this subsection shall report the total number of positive, 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.

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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 "LOCAL HEALTH department." A county or municipal health department in this Commonwealth.


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

"STATE LABORATORY." A STATE PUBLIC HEALTH LABORATORY AS AUTHORIZED UNDER SECTION 8(D) OF THE ACT OF APRIL 27, 1905 (P.L.312, NO.218), ENTITLED "AN ACT CREATING A DEPARTMENT OF HEALTH, AND DEFINING ITS POWERS AND DUTIES."

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

ARTICLE XXI-C

COVID-19 EMERGENCY

TESTING PROCUREMENT AND DISBURSEMENT PLAN AND REPORTING

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:


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.

(5) A description of how the plan supports the efforts to limit the spread of COVID-19 at life-sustaining businesses which have been permitted to continue to operate under the orders from the Governor and the Secretary of Health since the Governor's Proclamation of Disaster Emergency issued on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

(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).

"STATE LABORATORY." A STATE PUBLIC HEALTH LABORATORY AS AUTHORIZED UNDER SECTION 8(D) OF THE ACT OF APRIL 27, 1905 (P.L.312, NO.218), ENTITLED "AN ACT CREATING A DEPARTMENT OF HEALTH, AND DEFINING ITS POWERS AND DUTIES.

SECTION 2102-C. COVID-19 TESTING PLAN.

(A) SUBMISSION.--CONSISTENT WITH THE PAYCHECK PROTECTION PROGRAM AND HEALTH CARE ENHANCEMENT ACT (PUBLIC LAW 116-139), THE GOVERNOR OR AN AUTHORIZED DESIGNEE SHALL SUBMIT A PLAN FOR COVID-19 TESTING TO THE SECRETARY OF THE UNITED STATES.
DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(B) CONTENTS.--THE PLAN UNDER SUBSECTION (A) SHALL DELINEATE
GOALS, BEGINNING AFTER THE EFFECTIVE DATE OF THIS SECTION, FOR
THE REMAINDER OF THE CALENDAR YEAR 2020, AND SHALL INCLUDE ALL
OF THE FOLLOWING:

(1) THE NUMBER OF TESTS NEEDED, MONTH-BY-MONTH,
INCLUDING DIAGNOSTIC, SEROLOGICAL AND OTHER TESTS, AS
APPROPRIATE.

(2) MONTH-BY-MONTH ESTIMATES OF LABORATORY AND TESTING
CAPACITY, INCLUDING CAPACITY RELATED TO WORKFORCE, EQUIPMENT
AND SUPPLIES AND AVAILABLE TESTS.

(3) A DESCRIPTION OF HOW THE COMMONWEALTH WILL USE
FEDERAL MONEY APPROPRIATED FOR COVID-19 TESTING, INCLUDING AS
IT RELATES TO EASING ANY COVID-19 COMMUNITY MITIGATION ORDERS
ISSUED BY THE GOVERNOR.

(C) APPROVAL OR ACCEPTANCE.--UPON APPROVAL OR ACCEPTANCE OF
A PLAN UNDER THIS SECTION, THE GENERAL ASSEMBLY SHALL
APPROPRIATE FUNDS FOR COVID-19 TESTING AS PROVIDED UNDER
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.

(5) EMPLOYEES OF ANY BUSINESS OR INDUSTRY DEEMED ESSENTIAL.

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

SECTION 2103-C. COVID-19 TESTING REPORTING.

SENATE, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
APPROPRIATIONS COMMITTEE OF THE SENATE, THE SPEAKER OF THE HOUSE
OF REPRESENTATIVES, THE MAJORITY LEADER AND MINORITY LEADER OF
THE HOUSE OF REPRESENTATIVES AND THE CHAIRPERSON AND MINORITY
CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
REPRESENTATIVES.

(B) TESTING REPORT CONTENTS.--THE REPORT SHALL CONTAIN A
SUMMARY OF THE FOLLOWING INFORMATION:

(1) THE TECHNOLOGY AND SUPPLIES PROCURED OR ACQUIRED BY
THE COMMONWEALTH RELATED TO COVID-19 TESTING.

(2) THE ADMINISTRATIVE AND OPERATING COSTS OF A STATE
LABORATORY RELATED TO COVID-19 TESTING.

(3) THE NUMBER AND TYPE OF COMPLETED TESTS BY A STATE
LABORATORY. THIS INFORMATION SHALL INCLUDE DIAGNOSTIC TESTS
AND SEROLOGY TESTS.

(4) THE NUMBER OF POSITIVE, FALSE POSITIVE, NEGATIVE AND
FALSE NEGATIVE COVID-19 TEST RESULTS FROM THE COMPLETED
TESTING UNDER PARAGRAPH (3).

(5) A DESCRIPTION OF STATE LABORATORY COVID-19 TESTING
LIMITATIONS, INCLUDING LIMITATIONS RELATING TO ACQUIRING
REAGENTS OR OTHER COMPONENTS OF THE TESTING PROCESS.

(6) DEMOGRAPHIC TEST RESULT DATA, INCLUDING AGE, SEX,
RACE AND ETHNICITY, AS PROVIDED UNDER SUBSECTION (C).

(C) REPORTING REQUIREMENTS.--A HEALTH CARE PROVIDER ORDERING
COVID-19 TESTING SHALL REPORT, AS PRESCRIBED BY THE DEPARTMENT
OF HEALTH, A PATIENT'S SELF-REPORTED DEMOGRAPHIC DATA INCLUDING
AGE, SEX, RACE AND ETHNICITY.

(D) EXPIRATION.--THIS SECTION SHALL EXPIRE 60 DAYS AFTER THE
EXPIRATION OR TERMINATION OF THE PROCLAMATION OF DISASTER
EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT
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Section 3. This act shall take effect immediately.