AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in COVID-19 disaster emergency, establishing the COVID-19 Antibody Testing Pilot Program.

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

3 Section 1. Chapter 57 of Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

4 SUBCHAPTER F

5 COVID-19 ANTIBODY TESTING PILOT PROGRAM

6 Sec.

7 5751. Definitions.

8 5752. Establishment and administration of program.

9 5753. COVID-19 antibody testing plan.

10 5754. Expiration.

11 § 5751. Definitions.

12 The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

13 "COVID-19." The coronavirus disease 2019, an infectious
disease caused by severe acute respiratory syndrome coronavirus 2 that was first identified during December 2019 in Wuhan, China.

"Department." The Department of Health of the Commonwealth.

"Program." The COVID-19 Antibody Testing Pilot Program established under section 5752(a) (relating to establishment and administration of program).

§ 5752. Establishment and administration of program.

(a) Establishment.--The COVID-19 Antibody Testing Pilot Program is established with the department.

(b) Eligibility.--An employer in this Commonwealth that submits a COVID-19 antibody testing plan and receives an approval of the plan from the department under section 5753 (relating to COVID-19 antibody testing plan) shall be eligible to participate in the program.

(c) Reimbursement.--An eligible employer under subsection (b) may submit documentation detailing the expenses incurred by the employer for COVID-19 antibody testing to the department for a reimbursement under the program. Upon receipt of the documentation, the department shall reimburse the employer for the expenses incurred by the employer for COVID-19 antibody testing from grants received under Federal Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281) or any other Federal funds allocated to mitigate the spread of COVID-19 in this Commonwealth.

§ 5753. COVID-19 antibody testing plan.

(a) Submission of plan.--No later than seven days after the effective date of this section, an employer in this Commonwealth seeking to participate in the program shall submit a COVID-19 antibody testing plan for employees of the employer to the
Department of Health if the employer has been subject to closure as a result of the COVID-19 disaster emergency.

(b) **Contents.--** The plan under subsection (a) shall include all of the following:

(1) A review of the type and quantity of COVID-19 antibody testing kits and equipment that will be procured.

(2) A proposed timeline for the procurement of the COVID-19 antibody testing kits and equipment.

(3) A proposed plan for employees to opt out of the COVID-19 antibody testing.

(4) A list of health care practitioners who will conduct the COVID-19 antibody testing.

(5) A description of how the plan assists the Commonwealth's efforts to mitigate the community spread of COVID-19 or provides for a calculation of community spread of COVID-19 and herd immunity to COVID-19.

(6) A description of how the plan assists the Commonwealth's efforts to mitigate the spread of COVID-19 to other employers throughout this Commonwealth.

(c) **Approval.--** A plan submitted under subsection (a) shall be deemed approved within 72 hours of receipt by the Department of Health unless the employer submitting the plan receives a request for additional information from the Department of Health.

§ 5754. **Expiration.**

This subchapter shall expire 60 days after all counties are designated in the green phase for businesses under the Governor's guidance for businesses permitted to operate during the COVID-19 disaster emergency to ensure the safety and health of employees and the public issued on May 4, 2020, or 60 days
after the expiration or termination of the COVID-19 disaster emergency by executive order, proclamation or operation of law, whichever is later.

Section 2. This act shall take effect immediately.