THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2540 Session of 2020

INTRODUCED BY LAWRENCE, MAY 20, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 20, 2020

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 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," establishing the State Epidemiology Advisory Council; and making an appropriation.

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 an article to read:

ARTICLE I-A
COVID-19 STATE EPIDEMIOLOGY ADVISORY COUNCIL

Section 101-A. Legislative findings.

The General Assembly finds and declares as follows:

(1) A novel coronavirus, known as COVID-19, entered the United States in late January 2020 and has spread throughout the states, including this Commonwealth.

(2) On March 6, 2020, the Governor declared a disaster emergency, citing a threat of imminent disaster that is of such a magnitude and severity as to necessitate extraordinary measures to protect the health, safety and life of this Commonwealth's citizens.

(3) The impact of COVID-19, including all the necessary measures taken to mitigate the spread of the disease, has severely disrupted the Commonwealth and its political subdivisions.

(4) Provision of timely, factual information to the executive, legislative and judicial branches of government by knowledgeable medical professionals is critical to ensure timely and proper government response.

(5) Given the nature of the challenge before this Commonwealth, policymakers would greatly benefit from the immediate and regular input of epidemiologists. Given an epidemiologist's specialized professional training in the field of infectious diseases, epidemiologists are uniquely qualified and situated to provide advice and guidance of great value in this challenging time. Their regular input to State policymakers is of vital importance to all branches of State government, and by extension to every resident and business in this Commonwealth.

(6) The most effective manner to achieve the critical
outcomes under paragraph (5) is to form a State Epidemiology Advisory Council.

Section 102-A. 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:

"Council." The State Epidemiology Advisory Council established under section 103-A.

"Dean." The dean, acting dean, senior vice chancellor or senior administrator of a school of medicine located in this Commonwealth.

"Epidemiologist." A medical professional licensed in this Commonwealth who possesses any of the following:

(1) (i) one of the following degrees:

(A) a doctor of public health degree;

(B) a doctor of philosophy degree in epidemiology;

(C) a doctoral degree in medicine, osteopathy, dental surgery or medicine or veterinary medicine; or

(D) a doctor of philosophy degree in a biological science with either a master of public health degree or a master of science degree in epidemiology; and

(ii) at least three years of professional experience investigating outbreaks of contagious diseases, designing and or conducting epidemiological studies or designing and maintaining a disease surveillance system.

(2) Qualifications, medical knowledge and judgment, substantially similar to the qualifications, medical knowledge and judgment under paragraph (1), as determined by
the dean, that the individual's participation on the council would be of value to State policymakers and the general public.

"Order." Any of the following:

(1) The declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

(2) A declaration of disaster emergency relating to the novel coronavirus, known as COVID-19, issued after March 6, 2020.

"Record." A public record or a legislative record as defined under section 102 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 103-A. State Epidemiology Advisory Council.

(a) Establishment.--The State Epidemiology Advisory Council is established.

(b) Membership.--The council shall consist of the following members, appointed within seven days of the effective date of this section:

(1) The Director of the Bureau of Epidemiology of this Commonwealth.

(2) An epidemiologist appointed by the dean of The Pennsylvania State University College of Medicine.

(3) An epidemiologist appointed by the dean of the Lewis Katz School of Medicine at Temple University.

(4) An epidemiologist appointed by the dean of the John and Gertrude Petersen School of Medicine at the University of Pittsburgh.

(5) An epidemiologist appointed by the dean of the Perelman School of Medicine at the University of Pennsylvania.
Pennsylvania.

(c) Appointment.--An appointing authority under subsection
(b) shall make an appointment by the transmission of a letter to
the Director of the Bureau of Epidemiology of this Commonwealth.

(d) Chairperson.--The Director of the Bureau of Epidemiology
of this Commonwealth shall serve as chairperson of the council.
The chairperson shall appoint a vice chairperson of the council.

(e) Participation.--A member not physically present may
participate by teleconference or video conference.

(f) Quorum and voting.--The following shall apply:
    (1) A majority of the members of the council
    participating in person, teleconference or video conference
    shall constitute a quorum.
    (2) Action of the council must be authorized or ratified
    by a majority vote of the members of the council.

(g) Meetings.--The following shall apply:
    (1) The council shall meet at least twice a month.
    Additional meetings may be called by the chairperson as
    necessary. The chairperson shall schedule a meeting upon
    written request of two members of the council.
    (2) The first meeting shall be convened within 10 days
    of the effective date of this paragraph.

(h) Expenses.--Members shall not receive compensation but
shall be reimbursed for actual expenses incurred in service of
the council.

(i) Support.--The office of the Governor, the Senate, the
House of Representatives and the Administrative Offices of
Pennsylvania Courts shall provide administrative services to the
council as requested.

(j) Applicability.--
The following shall apply:

(i) Except as provided under subparagraph (ii) and notwithstanding any other provision of law, the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, shall apply to the council.

(ii) Correspondence between a person and a member of the council and records accompanying the correspondence submitted under section 104-A(a)(2) shall be exempt from access by a requester under the Right-to-Know Law. This subparagraph shall not apply to a correspondence between a member and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure).

(2) Except as provided under paragraph (3), the council shall be deemed an agency for the purposes of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(3) Public notice of a meeting of the council shall be made by the chairperson at least 24 hours prior to a meeting.

(4) A member of the council shall not be deemed a public official for the purpose of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) solely because of their service on the council.

(5) The council shall be considered an independent agency for the purposes of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

Section 104-A. Functions.

(a) Powers.--The council shall have the following powers:

(1) To request records as necessary from agencies under the Governor's jurisdiction, independent agencies, the Unified Judicial System and the legislature, on any actions taken in response to the COVID-19 public health emergency.
(2) To receive communications from individuals, businesses, nonprofit entities, hospitals, medical organizations, institutions of higher learning, local governments and any other entity regarding issues relating to the COVID-19 public health emergency.

(b) Duties.--The council shall have the following duties:

(1) To make regular recommendations and identify issues of immediate public importance, based upon the member's professional knowledge and experience in the field of epidemiology, to the Governor, members of the General Assembly and justices of the Supreme Court, Superior Court and Commonwealth Court, as it relates to the Commonwealth's actions and response to the COVID-19 public health emergency.

(2) To develop and submit ongoing policy recommendations based on medical science and professional judgment as it relates to the policies of the Commonwealth in all facets of the response to the COVID-19 public health emergency, including, but not limited to:

(i) public health considerations;

(ii) preparedness issues;

(iii) primary, secondary and higher education; and

(iv) operation of private businesses, nonprofits and State and local government services within this Commonwealth.

(3) To make a final report no later than six months after the order is terminated by executive order, proclamation or operation of law.

Section 105-A. Appropriation.

The amount of $5,000 is appropriated from the General Fund to the Department of Health for payment of reasonable expenses.
under section 103-A. The appropriation under this section shall not lapse until the expiration of this article under section 106-A. Any amount of the appropriation unexpended or uncommitted upon the expiration under section 106-A shall lapse.

Section 106-A. Expiration.

This article shall expire six months after the order is terminated by executive order, proclamation or operation of law, or upon issuance of the final report under section 104-A(b)(3), whichever is sooner.

Section 2. This act shall take effect immediately.