

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1575

Session of  
1981

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INTRODUCED BY CORDISCO, HASAY, CLARK, PETRARCA, BELARDI,  
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COLAFELLA, DeWEESE AND E. Z. TAYLOR, JUNE 15, 1981

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 21, 1981

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## AN ACT

1 Establishing a Vietnam Herbicides Information Commission;  
2 imposing powers and duties on the commission; granting  
3 additional powers and duties to the Department of Health and  
4 making an appropriation.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Vietnam  
9 Herbicides Information Act."

10 Section 2. Definitions.

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

14 "Agent Orange." The herbicide composed of tri-chlorphenoxy  
15 acitic acid and di-chlorphenoxyacitic acid.

16 "Commission." The Vietnam Herbicides Information Commission  
17 established pursuant to section 4.

1 "Department." The Department of Health of the Commonwealth  
2 of Pennsylvania.

3 "Secretary." The Secretary of Health of the Commonwealth of  
4 Pennsylvania.

5 "Veteran." A person who was a resident of the Commonwealth  
6 at the time of his induction into the Armed Forces of the United  
7 States of America or is a resident of this Commonwealth who  
8 served in Vietnam, Cambodia, Thailand or Laos during the Vietnam  
9 Conflict.

10 "Vietnam herbicide." The herbicides, defoliants and other  
11 causative agents, including Agent Orange, used in the Vietnam  
12 Conflict.

### 13 Section 3. Legislative findings.

14 The General Assembly finds and determines that a large number  
15 of Vietnam War Veterans were exposed to herbicides, defoliants  
16 and other causative agents, including Agent Orange, during their  
17 service in Vietnam and that it is a legitimate concern and  
18 responsibility of the State to determine the extent of their  
19 injuries.

### 20 Section 4. The Vietnam Herbicides Information Commission.

21 (a) There is hereby created within the Department of Health  
22 an advisory commission to be known as the Vietnam Herbicides  
23 Commission. This commission on Vietnam Herbicides exposure is to  
24 obtain information relating to the health effects of exposure to  
25 herbicides containing dioxin and other causative agents for  
26 Vietnam veteran residents of the State of Pennsylvania who may  
27 have been exposed to these substances during their period of  
28 military service.

29 (b) The commission shall consist of 13 members who shall  
30 serve for a term of two years. The Governor shall appoint the

1 Secretary of Health and ten other members of whom six shall be  
2 honorably discharged veterans of the Vietnam Conflict with at  
3 least one veteran selected from each of the five areas covered  
4 by the Governor's Veterans Outreach Centers of the remaining  
5 members to be appointed by the Governor, one shall be an  
6 epidemiologist selected from the State public health schools,  
7 one shall be a health environmentalist selected from the State  
8 public health schools and one shall be a toxicologist selected  
9 from the State public health schools and one shall be a  
10 specialist in public health selected from the State public  
11 health schools. The Speaker of the House of Representatives  
12 shall appoint one member of the House to the commission. The  
13 President pro tempore of the Senate shall appoint one member of  
14 the Senate to the commission.

15 (c) The commission shall elect a chairperson from the  
16 members of the commission.

17 (d) Vacancies in the membership of the commission and its  
18 officers shall be filled for the unexpired term in the same  
19 manner as the original appointment or election.

20 (e) The commission shall meet at least four times each year  
21 at the call of the chairperson. The initial meeting of the  
22 commission shall be called by the Secretary of Health not later  
23 than February 1, 1982.

24 (f) The commission shall be established for a period of two  
25 years.

26 (g) The members of the commission shall receive no  
27 compensation for their services but shall be allowed their  
28 actual and necessary expenses incurred in the performance of  
29 their duties hereunder.

30 Section 5. Powers and duties of the commission.

1 The commission shall have the following powers and duties:

2 (1) Determine what medical, administrative and social  
3 assistance is needed for veterans who were exposed to Vietnam  
4 herbicides and submit its recommendations to the Legislature  
5 for its consideration.

6 (2) Conduct an extensive outreach program to inform  
7 veterans who may have been exposed to herbicides containing  
8 dioxin of any Federal or State assistance available to them.

9 (3) Act as the official agent of the State for  
10 disseminating information to veterans about epidemiological  
11 or other studies relating to Vietnam herbicides exposure  
12 which are being conducted by the Federal or State Government.

13 Section 6. Cooperation with other agencies.

14 To the maximum extent feasible, the commission shall be  
15 entitled to request and receive and shall utilize and be  
16 provided with such facilities, resources and data of any court,  
17 department, division, board, bureau, commission or agency of the  
18 State or any political subdivision thereof as it may reasonably  
19 request to carry out properly its powers and duties hereunder.

20 Section 7. Information to be confidential.

21 The commission shall not disclose information received  
22 pursuant to this act so as to divulge the identities of the  
23 persons to whom it relates except as is necessary to carry out  
24 the purposes of this act.

25 Section 8. Reports.

26 The commission shall make a preliminary report to the  
27 Governor and the Legislature of its findings, conclusions and  
28 recommendations not later than ~~March 1,~~ JUNE 30, 1982 and a <—  
29 final report of its findings, conclusions and recommendations  
30 not later than ~~March 1,~~ JUNE 30, 1983. <—

1 Section 9. Duties of the Department of Health.

2 For the purpose of identifying persons who were exposed to  
3 Vietnam herbicides and for the purpose of compiling data on the  
4 health effects of this exposure, the department shall:

5 (1) Establish, promote and maintain a public information  
6 program on Vietnam herbicides. Such program shall include,  
7 but may not be limited to, an effort to contact veterans who  
8 were exposed to the herbicide containing dioxin.

9 (2) Establish, maintain and promote a reporting process  
10 for veterans who were exposed to herbicides, defoliants and  
11 other causative agents, including Agent Orange.

12 (3) Maintain a central data bank within the department  
13 for information collected on the health effects of exposure  
14 to Vietnam herbicides and for the cataloguing of existing  
15 scientific and medical literature on the health effects of  
16 this exposure.

17 (4) Initiate education for health professionals to  
18 assist them in understanding the potential risks and state-  
19 of-art knowledge with regard to detection, diagnosis and  
20 treatment of acute and chronic symptoms associated with  
21 Vietnam herbicides exposure.

22 Section 10. Reports to the department.

23 (a) A physician who has primary responsibility for treating  
24 a veteran who believes he may have been exposed to chemical  
25 herbicides or defoliants, including Agent Orange, while serving  
26 in the Armed Forces of the United States, shall, at the request  
27 of the veteran, submit a report to the department on a form  
28 provided by the department. If there is no physician having  
29 primary responsibility for treating the veteran, the hospital  
30 treating the veteran shall, at the request of the veteran,

1 submit the report to the department.

2 (b) The form provided by the department to the physician  
3 shall request the following information:

4 (1) Symptoms to a chemical herbicide or defoliant or  
5 other causitive agent, including Agent Orange.

6 (2) Diagnosis of the veteran.

7 (3) Methods of treatment prescribed.

8 (c) The department may require the veteran to provide such  
9 other information as determined by the secretary of the  
10 department.

11 Section 11. Cooperation with department.

12 The secretary may request and shall receive from any  
13 department, division, board, bureau, commission or agency of the  
14 State or of any political subdivision thereof such assistance  
15 and data as will enable him to properly carry out his activities  
16 hereunder and effectuate the purposes herein set forth. The  
17 secretary may also enter into any contract for services as he  
18 deems necessary with a private agency or concern upon said terms  
19 and conditions as he deems appropriate. Information concerning  
20 patient and medical data provided to the secretary pursuant to  
21 this section shall be kept confidential according to these  
22 provisions. Statistical information collected under this act is  
23 public information.

24 Section 12. Immunity from liability.

25 A physician or a hospital subject to this act who complies  
26 with this act may not be held civilly or criminally liable for  
27 providing the information required by this act.

28 Section 13. Report by department.

29 The department shall make an annual report to the Legislature  
30 of its findings and recommendations concerning the

1 effectiveness, impact and benefits derived from the special  
2 policies as provided for in this act. Such report shall be  
3 delivered on or before March 1 and shall contain evaluations of  
4 the policies and any legislation deemed necessary and proper to  
5 the House Federal-State Relations Committee and the Senate  
6 Military and Veterans Affairs Committee.

7 Section 14. Appropriation.

8 The sum of \$300,000, or as much thereof as may be necessary,  
9 is specifically appropriated to the Department of Health for the  
10 fiscal period 1981-1982 to carry out the provisions of this act.

11 Section 15. Effective date.

12 This act shall take effect December 1, 1981.