
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1575

Session of
1981

INTRODUCED BY CORDISCO, HASAY, CLARK, PETRARCA, BELARDI,
SERAFINI, MILLER, STEVENS, CESSAR, COHEN, CAPPABIANCA,
JACKSON, GREENFIELD, WOZNIAK, COCHRAN, FREIND, BROWN,
KUKOVICH, GALLAGHER, STEWART, MORRIS, STEIGHNER, DONATUCCI,
COLAFELLA, DeWEESE AND E. Z. TAYLOR, JUNE 15, 1981

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED, AS
AMENDED, MARCH 29, 1982

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-chlorophenoxy
15 acitic acid and di-chlorophenoxyacitic acid.

16 "Commission." The Vietnam Herbicides Information Commission

1 established pursuant to section 4.

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

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

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

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

14 Section 3. Legislative findings.

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

21 Section 4. The Vietnam Herbicides Information Commission.

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

30 (b) The commission shall consist of 13 members who shall

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

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

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

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

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

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

1 Section 5. Powers and duties of the commission.

2 The commission shall have the following powers and duties:

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

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

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

14 Section 6. Cooperation with other agencies.

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

21 Section 7. Information to be confidential.

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

26 Section 8. Reports.

27 The commission shall make a preliminary report to the
28 Governor and the Legislature of its findings, conclusions and
29 recommendations not later than JUNE 30, 1982 and a final report
30 of its findings conclusions and recommendations not later than

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1 JUNE 30, 1983.

2 Section 9. Duties of the Department of Health.

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

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

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

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

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

23 Section 10. Reports to the department.

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

1 treating the veteran shall, at the request of the veteran,
2 submit the report to the department.

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

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

7 (2) Diagnosis of the veteran.

8 (3) Methods of treatment prescribed.

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

12 Section 11. Cooperation with department.

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

25 Section 12. Immunity from liability.

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

29 Section 13. Report by department.

30 The department shall make an annual report to the Legislature

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

8 Section 14. Appropriation.

9 The sum of ~~\$300,000~~ \$150,000, or as much thereof as may be <—
10 necessary, is specifically appropriated to the Department of
11 Health for the fiscal period 1981-1982 to carry out the
12 provisions of this act.

13 Section 15. Effective date.

14 This act shall take effect December 1, 1981.