
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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R. STEVENSON AND HORSEY, OCTOBER 22, 2002

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 22, 2002

AN ACT

1 Providing for counterterrorism planning, preparedness and
2 response; imposing powers and duties on the Pennsylvania
3 Emergency Management Agency, the Department of Health,
4 counties and municipalities; and providing for the
5 organization of various response teams.

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12 CHAPTER 1

13 GENERAL PROVISIONS

14 Section 101. Short title.

15 This act shall be known and may be cited as the
16 Counterterrorism Planning, Preparedness and Response Act.

17 Section 102. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Agency." The Pennsylvania Emergency Management Agency.

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

23 "Disaster medical assistance teams." A complement of
24 individuals organized in accordance with standards developed by
25 the Pennsylvania Emergency Management Agency and applicable
26 Federal agencies to provide medical service at the scene of
27 natural and manmade disasters and mass casualty incidents.

28 "Disaster mortuary teams." A complement of individuals
29 organized in accordance with standards developed by the
30 Pennsylvania Emergency Management Agency and applicable Federal

1 agencies to provide mortuary service at the scene of natural and
2 manmade disasters and mass casualty incidents.

3 "FEMA." The Federal Emergency Management Agency.

4 "Letter of agreement." A written agreement between a
5 regional counterterrorism task force and a public, semipublic,
6 private or nonprofit corporation, business, association,
7 partnership, authority, individual or other entity that agrees
8 to provide personnel, equipment, supplies, training facilities
9 or other resources either directly to or in support of the task
10 force's specialized counterterrorism response team. All letters
11 of agreement entered into under the provisions of this act must,
12 at a minimum, address all of the following:

13 (1) Workers' compensation and death benefits.

14 (2) Use of 911 emergency communications centers and
15 other dispatch centers.

16 (3) Member participation in training exercises, drills
17 and actual activation and deployment.

18 "Manmade disaster." Any biological, chemical, nuclear,
19 radiological, industrial, commercial or transportation accident,
20 attack, explosion, conflagration, contamination, power failure,
21 computer or communications failure, natural resource shortage or
22 other condition, including enemy or terrorist act, which
23 threatens or causes substantial property damage, human suffering
24 and hardship or loss of life.

25 "Municipal or municipality." A city, borough, incorporated
26 town, township or home rule municipality of this Commonwealth.

27 "Mutual aid agreement" or "mutual aid." A written agreement
28 between a regional counterterrorism task force and a county,
29 municipality or volunteer service organization whereby the
30 county, municipality or volunteer service organization agrees to

1 provide personnel, equipment or other resources in response to a
2 potential or actual terrorist incident or any other actual or
3 potential natural or manmade disaster. In the absence of a
4 written agreement, the term shall mean a county's,
5 municipality's or volunteer service organization's affirmative
6 act of sending its personnel, equipment or resources to the
7 scene of an actual or potential terrorist incident or natural or
8 manmade disaster, whether inside or outside the boundaries of
9 this Commonwealth, in response to an official dispatch request
10 from a county 911 communications center, county emergency
11 management agency or the State Emergency Operations Center. All
12 mutual aid agreements entered into under the provisions of this
13 act must, at a minimum, address all of the following:

14 (1) Workers' compensation and death benefits.

15 (2) Use of 911 emergency communications centers and
16 other dispatch centers.

17 (3) Member participation in training exercises, drills
18 and actual activation and deployment.

19 For the purposes of this act and any requirements established by
20 the Federal Government, these two terms shall be
21 interchangeable.

22 "Natural disaster." Any hurricane, tornado, storm, flood,
23 high water, earthquake, landslide, mudslide, snowstorm, drought,
24 insect infestation, fire, explosion or other natural catastrophe
25 which results in substantial property damage, human suffering
26 and hardship or loss of life.

27 "Regional counterterrorism task force." A group of Federal,
28 State, county and municipal emergency management, health, law
29 enforcement, public safety and other officials and
30 representatives from volunteer service organizations, private

1 business and industry, hospitals and medical care facilities and
2 other entities within a multicounty area as determined by the
3 agency that is responsible for conducting counterterrorism
4 planning, training preparedness and response activities.

5 "Specialized regional counterterrorism response team." A
6 complement of individuals organized in accordance with standards
7 developed by the Pennsylvania Emergency Management Agency and
8 applicable Federal agencies to respond to emergencies involving
9 chemical, biological, radiological materials or other weapons of
10 mass destruction.

11 "Specialized Statewide response team." A complement of
12 individuals established by the Commonwealth to provide
13 specialized personnel, equipment and other support capabilities
14 in response to a terrorist incident or other disaster emergency
15 in this Commonwealth. Specialized Statewide counterterrorism
16 response teams include, but are not limited to, disaster medical
17 assistance teams and disaster mortuary response teams.

18 "Terrorism." The unlawful use of force or violence committed
19 by a group or individual against persons or property to
20 intimidate or coerce a government, the civilian population or
21 any segment thereof, in furtherance of political or social
22 objectives.

23 "Urban search and rescue task force." A complement of
24 individuals organized in accordance with standards developed by
25 the Pennsylvania Emergency Management Agency and the Federal
26 Emergency Management Agency to provide emergency response and
27 search and rescue capabilities and resources at the scene of a
28 natural or manmade disaster, structure collapse or other
29 emergency.

30 "Volunteer service organization." A volunteer fire company,

1 volunteer ambulance or medical company, volunteer rescue squad
2 or any other volunteer entity organized and chartered or
3 incorporated in this Commonwealth for the primary purpose of
4 providing emergency services as defined in 35 Pa.C.S. § 7102
5 (relating to definitions).

6 "Weapon of mass destruction." Any biological, chemical,
7 nuclear, radiological, high explosive bomb, missile or other
8 weapon or device used by a terrorist or enemy of the United
9 States and designed to cause maximum injury or death to large
10 numbers of persons and widespread destruction to civilian and
11 governmental property and infrastructure.

12 CHAPTER 2

13 COUNTERTERRORISM PLANNING, PREPAREDNESS

14 AND RESPONSE

15 Section 201. Counterterrorism planning, preparedness and
16 response program.

17 (a) Program.--The Pennsylvania Emergency Management Agency
18 shall coordinate and consult with other State agencies,
19 departments and offices, including the Office of Homeland
20 Security, to establish, develop and maintain a counterterrorism
21 planning, preparedness and response program to promote and
22 protect the health, safety and welfare of emergency responders,
23 public officials and the general public from potential threats
24 or actual acts of terrorism in this Commonwealth.

25 (b) Agency responsibilities.--The agency shall:

26 (1) Define the composition of regional counterterrorism
27 task forces and specialized regional counterterrorism
28 response teams and the respective regional counterterrorism
29 zones for each.

30 (2) Provide training and technical assistance for

1 counterterrorism planning, preparedness and response to
2 potential threats or actual acts of terrorism.

3 (3) Provide guidelines coordinating emergency response
4 activities with emergency responders, law enforcement and
5 Federal, State and municipal agencies and other entities
6 responsible for the health, safety and welfare of the
7 citizens of this Commonwealth.

8 (4) Require the preparation of counterterrorism
9 emergency response plans or protocols, readiness evaluation
10 reports or other documents deemed necessary by the agency.

11 (5) Provide grants and other funding assistance as
12 required by the provisions of this chapter.

13 (6) Conduct terrorist incident exercises at locations
14 within this Commonwealth to test the emergency response
15 capabilities of all parties involved in the counterterrorism
16 program.

17 (7) Assist regional counterterrorism task forces in
18 developing and entering into mutual aid agreements and
19 letters of agreement with other parties.

20 (8) Establish a certification program for specialized
21 regional counterterrorism response teams within this
22 Commonwealth. The certification program shall set standards
23 for the administration, composition, training and equipping
24 of the teams.

25 (c) Guidelines and policies.--The agency shall consult with
26 representatives of the regional counterterrorism task forces to
27 develop guidelines and policies necessary to carry out the
28 provisions of this chapter.

29 Section 202. Regional counterterrorism task forces.

30 (a) Establishment.--The agency, in coordination with county

1 emergency management agencies, county and municipal health,
2 police and public safety departments, volunteer services
3 organizations, private business and other parties shall
4 establish regional counterterrorism task forces throughout this
5 Commonwealth to conduct counterterrorism planning, preparedness
6 and response activities within the region.

7 (b) Response plans.--Each regional counterterrorism task
8 force shall prepare a counterterrorism preparedness and response
9 plan in accordance with guidelines developed by the agency. The
10 plan shall be completed within 180 days of the effective date of
11 this act and submitted to the agency for its review and
12 approval. The task force shall review and update the plan on an
13 annual basis.

14 (c) Meetings.--Regional counterterrorism task force meetings
15 that are called to discuss sensitive or classified law
16 enforcement, terrorist threat assessment or other confidential
17 public and/or private facility safety information shall not be
18 subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open
19 meetings).

20 Section 203. Regional counterterrorism response and
21 preparedness.

22 (a) Specialized regional counterterrorism response teams.--A
23 regional counterterrorism task force shall establish specialized
24 counterterrorism response teams to respond to potential threats
25 or actual terrorist incidents involving chemical, biological or
26 radiological materials or other weapons of mass destruction.

27 (b) Counterterrorism regional response zones.--The agency
28 shall establish primary and secondary regional response zones
29 within this Commonwealth for specialized regional
30 counterterrorism response teams. The regional response zones may

1 consist of multiple counties or portions of several adjoining
2 counties as determined by the agency.

3 (c) Activation and deployment.--A specialized regional
4 counterterrorism response team may be activated and deployed by
5 the Governor, his designee or an official designated by the
6 appropriate regional counterterrorism task force.

7 (d) Grants.--Specialized regional counterterrorism response
8 teams may receive grants and funding from the Federal and
9 Commonwealth Government through application to the agency or
10 another entity providing grants or funding for the purposes of
11 this chapter.

12 Section 204. Urban search and rescue task force.

13 (a) Establishment of task forces.--The agency may establish
14 one or more urban search and rescue task forces to provide
15 specialized personnel, equipment and other capabilities in
16 response to a terrorist incident, structure collapse or other
17 disaster emergencies in this Commonwealth or another state. The
18 task forces shall also provide professional, logistical,
19 material and other forms of support to regional counterterrorism
20 task forces and specialized regional counterterrorism response
21 teams organized within this Commonwealth.

22 (b) Organization.--Upon activation, an urban search and
23 rescue task force shall be organized in accordance with
24 guidelines, directives or agreements developed by the agency in
25 coordination with FEMA, members of the task force and other
26 interested parties or sponsoring organizations.

27 (c) Responsibilities.--The urban search and rescue task
28 force shall be responsible for carrying out urban search and
29 rescue activities and services in response to all natural,
30 manmade or war-caused disasters in this Commonwealth and shall

1 also perform search and rescue functions as delineated in The
2 Robert T. Stafford Disaster Relief and Emergency Assistance Act
3 (Public Law 93-288, 42 U.S.C. § 5121 et seq.), the Federal
4 Response Plan or its successor, and the counterterrorism
5 preparedness and response plans created in accordance with the
6 provisions of this chapter.

7 (d) Activation and deployment.--An urban search and rescue
8 task force or any of its components, subgroups or regional
9 elements may only be activated and deployed to the scene of a
10 disaster by either the Governor, the President of the United
11 States or a FEMA-designated official. During an activation and
12 deployment by the Governor, the administrative and operational
13 costs of the task force, its individual members and their
14 employers, State agencies and other parties may be paid under
15 the provisions of the Governor's declaration of disaster
16 emergency, including paying or reimbursing any parties for
17 workers' compensation and death benefits in the event of injury
18 or death of a task force member.

19 (e) Workers' compensation and death benefits.--A member of
20 an urban search and rescue task force shall be eligible to
21 receive workers' compensation and death benefits in the event of
22 injury or death that occurs during the period of activation or
23 deployment.

24 (f) Funding, grants and donations.--In addition to any funds
25 that are provided to the task force under the authority of 35
26 Pa.C.S. § 7307 (relating to use and appropriation of unused
27 Commonwealth funds), the urban search and rescue task force may
28 be eligible to receive grants, donations of equipment and
29 supplies and other funds from any source. As an agent of the
30 Commonwealth, a task force is entitled to tax-exempt status from

1 the Federal Government.

2 Section 205. Specialized Statewide response teams.

3 (a) Establishment.--The Commonwealth may establish one or
4 more specialized Statewide response teams, including, but not
5 limited to, disaster medical assistance teams and disaster
6 mortuary response teams, to provide specialized personnel,
7 equipment and other support capabilities in response to a
8 terrorist incident or other disaster emergency in Pennsylvania.
9 These teams may also provide professional, logistical, material
10 and other forms of support to the regional counterterrorism task
11 forces and specialized regional counterterrorism response teams
12 organized in this Commonwealth.

13 (b) Organization and responsibilities.--Specialized
14 Statewide response teams shall be organized in accordance with
15 guidelines, directives or agreements developed by the
16 Commonwealth in consultation with applicable Federal or State
17 agencies, other interested parties or sponsoring agencies.

18 (c) Activation.--Specialized Statewide response teams may
19 only be activated and deployed to the scene of a disaster by the
20 Governor or his designee.

21 Section 206. Grant program.

22 (a) Authorization.--The agency shall have the authority to
23 make grants to regional counterterrorism task forces who enter
24 into mutual aid agreements or letters of agreement with a
25 county, municipality, volunteer service organization, public,
26 semipublic, private or nonprofit corporation, business,
27 association, partnership, authority, individual or other entity.

28 (b) Limitation.--Grants shall only be made to the extent
29 that funding is available.

30 Section 207. Immunity from civil liability.

1 No member of a specialized regional counterterrorism response
2 team, an urban search and rescue task force or a specialized
3 Statewide response team and no individual who provides
4 logistical, material or other forms of emergency response
5 support to such a team or task force during activation or
6 deployment of a team or task force to a potential or actual
7 manmade or natural disaster or while engaged in a task force or
8 team drill or training exercise shall be liable for the death of
9 or any injury to persons or loss or damage to property except
10 for any acts or omissions which constitute willful misconduct.

11 CHAPTER 3

12 PUBLIC HEALTH EMERGENCY MEASURES

13 Section 301. Temporary isolation and quarantine without notice.

14 (a) Temporary isolation or quarantine.--The Governor, in
15 consultation with the Secretary of Health, may temporarily
16 isolate or quarantine an individual or groups of individuals
17 through a written order if delay in imposing the isolation or
18 quarantine would significantly jeopardize the department's
19 ability to prevent or limit the transmission of a contagious or
20 possibly contagious disease to others. This subsection shall not
21 require a declaration of disaster emergency by the Governor in
22 order to be effective. Nothing in this section shall be
23 construed to limit the existing authority of the Secretary of
24 Health or the department.

25 (b) Continued isolation or quarantine.--Within ten days
26 after issuing the written order, the department shall file a
27 petition for a court order authorizing the continued isolation
28 or quarantine of the isolated or quarantined individual or
29 groups of individuals.

30 (c) Extension of time.--In any proceeding brought for relief

1 under this subsection, in extraordinary circumstances and for
2 good cause shown the department may move the court to extend the
3 time for a hearing, which extension the court in its discretion
4 may grant giving due regard to the rights of the afflicted
5 individuals, the protection of the public health, the severity
6 of the emergency and the availability of necessary witnesses and
7 evidence.

8 Section 302. Appointment of health personnel.

9 The Secretary of Health may require in-State health care
10 providers to assist in the performance of vaccination,
11 treatment, examination or testing of any individual during the
12 existence of a public health emergency. Such requirements shall
13 be a condition of licensure and certification.

14 Section 303. Private liability.

15 (a) Liability.--During a state of public health emergency,
16 any private person, firm or corporation and employees and agents
17 of such person, firm or corporation who renders assistance or
18 advice at the request of the State or its political subdivisions
19 shall not be civilly liable for causing the death of or injury
20 to any person or damage to any property except in the event of
21 willful misconduct.

22 (b) Immunity.--The immunities provided in this section shall
23 not apply to any private person, firm or corporation or
24 employees and agents of such person, firm or corporation whose
25 act or omission caused in whole or in part the public health
26 emergency and who would otherwise be liable therefor.

27 CHAPTER 4

28 MISCELLANEOUS PROVISIONS

29 Section 401. Donations management.

30 (a) Commonwealth donations.--The agency shall be responsible

1 for the management of donations and other forms of private
2 assistance in this Commonwealth. The agency shall:

3 (1) Prepare a comprehensive donations management annex
4 to the Commonwealth Emergency Operations Plan in consultation
5 with other State agencies.

6 (2) Act as the lead State agency for coordinating the
7 receipt and distribution of any donations of services,
8 equipment, supplies or materials from individuals or other
9 parties.

10 (3) Develop and maintain at the State Emergency
11 Operations Center and the Governor's Hot Line a list of
12 nonprofit volunteer agencies willing to receive monetary or
13 other types of donations for a current or previous disaster
14 or emergency.

15 (4) Direct all State agencies to provide necessary
16 support to the agency in order to ensure the success of a
17 donations management program. This includes designating a
18 State agency or office to provide financial management,
19 fiscal oversight and auditing services concerning the
20 collection and distribution of monetary donations to State
21 agencies or other parties.

22 (b) Local donations.--Counties and municipalities may
23 receive donations of money, services, equipment, supplies or
24 materials on behalf of their citizens after the occurrence of a
25 disaster or emergency. A county or municipality receiving
26 donations shall:

27 (1) Develop a donations management plan to deal with the
28 receipt of such donations.

29 (2) Designate a county or municipal agency or individual
30 to coordinate the donations management process.

1 Section 402. Severability.

2 The provisions of this act are severable. If any provision of
3 this act or its application to any person or circumstance is
4 held invalid, the invalidity shall not affect other provisions
5 or applications of this act that can be given effect without the
6 invalid provision or application.

7 Section 403. Effective date.

8 This act shall take effect in 30 days.