

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 544 Session of
2013

INTRODUCED BY LEACH, YUDICHAK, FONTANA, TEPLITZ, WASHINGTON,
RAFFERTY, TARTAGLIONE, FERLO, FARNESE, SCHWANK AND HUGHES,
FEBRUARY 21, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 21, 2013

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in development, further providing for hydraulic
3 fracturing chemical disclosure requirements.

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

6 Section 1. Section 3222.1(b)(10) and (11) of Title 58 of the
7 Pennsylvania Consolidated Statutes, added February 14, 2012
8 (P.L.87, No.13), are amended to read:

9 § 3222.1. Hydraulic fracturing chemical disclosure
10 requirements.

11 * * *

12 (b) Required disclosures.--

13 * * *

14 (10) A vendor, service company or operator shall
15 identify the specific identity and amount of any chemicals
16 claimed to be a trade secret or confidential proprietary
17 information to any health professional who requests the

1 information in [writing if the health professional executes a
2 confidentiality agreement and provides a written statement of
3 need for the information indicating all] any of the following
4 instances:

5 (i) The information is needed for the purpose of
6 diagnosis or treatment of an individual.

7 (ii) The individual being diagnosed or treated may
8 have been exposed to a hazardous chemical.

9 (iii) Knowledge of information will assist in the
10 diagnosis or treatment of an individual.

11 (11) [If a health professional determines that a medical
12 emergency exists and the specific identity and amount of any
13 chemicals claimed to be a trade secret or confidential
14 proprietary information are necessary for emergency
15 treatment, the vendor, service provider or operator shall
16 immediately disclose the information to the health
17 professional upon a verbal acknowledgment by the health
18 professional that the information may not be used for
19 purposes other than the health needs asserted and that the
20 health professional shall maintain the information as
21 confidential. The vendor, service provider or operator may
22 request, and the health professional shall provide upon
23 request, a written statement of need and a confidentiality
24 agreement from the health professional as soon as
25 circumstances permit, in conformance with regulations
26 promulgated under this chapter.] A health professional may
27 not disseminate the trade secret or confidential proprietary
28 information disclosed under paragraph (10), except in the
29 following instances:

30 (i) The disclosure relates to the diagnosis or

1 treatment of a patient and the disclosure is provided to
2 another health professional, the patient, designee of the
3 patient or any other person whose knowledge the health
4 professional deems important to the diagnosis or
5 treatment of the patient or the prevention of future
6 health issues.

7 (ii) The disclosure occurs during procurement of
8 payment for services rendered or planned.

9 (iii) The disclosure is provided to a public health
10 official or is intended to further public health.

11 (iv) The disclosure is used for the study of any
12 chemical involved.

13 * * *

14 Section 2. This act shall take effect in 60 days.