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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1096 Session of  
2015

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INTRODUCED BY DINNIMAN, COSTA, FONTANA, VULAKOVICH, HUGHES AND  
BROWNE, JANUARY 13, 2016

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
JANUARY 13, 2016

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for the Pennsylvania Premise  
3 Alert System.

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

6 Section 1. Title 35 is amended by adding a chapter to read:

7 CHAPTER 54

8 PENNSYLVANIA PREMISE

9 ALERT SYSTEM

10 Sec.

11 5401. Short title of chapter.

12 5402. Declaration of purpose.

13 5403. Definitions.

14 5404. Access Pennsylvania Emergency Management Agency Form and  
15 information.

16 5405. Duties of Department of Human Services and Department of  
17 Education.

18 5406. Duties of public safety agencies.

1 5407. Dissemination of Pennsylvania Premise Alert System  
2 information.

3 5408. Control of Pennsylvania Premise Alert System information.

4 5409. Confidentiality.

5 5410. Liability.

6 § 5401. Short title of chapter.

7 This chapter shall be known and may be cited as the  
8 Pennsylvania Premise Alert System Act.

9 § 5402. Declaration of purpose.

10 The General Assembly finds and declares as follows:

11 (1) It is the policy of this Commonwealth to ensure that  
12 consistently high levels of public safety services are  
13 available to the citizens of this Commonwealth, including  
14 individuals who may require special consideration in order to  
15 access services.

16 (2) The purpose of the Pennsylvania Premise Alert System  
17 is to provide individuals with disabilities with the same  
18 access to public safety services provided to all citizens of  
19 this Commonwealth.

20 (3) It is the intent of the Pennsylvania Premise Alert  
21 System to offer guidance and direction to public safety  
22 agency employees in responding to and assisting those  
23 individuals with disabilities whom they will have contact  
24 with in the performance of their duties and responsibilities.

25 (4) The ability to effectively assist individuals with  
26 disabilities is enhanced with the information provided by the  
27 Pennsylvania Premise Alert System.

28 (5) The Pennsylvania Premise Alert System helps identify  
29 individuals with disabilities and their places of employment,  
30 educational facilities and residences, which are valuable

1 resources that help public safety agencies assist those  
2 individuals.

3 § 5403. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Computer-aided dispatch system." A database maintained by a  
8 public safety agency or public safety answering point used in  
9 conjunction with 911 caller data.

10 "Individual with disabilities." Any of the following:

11 (1) An individual who has a physical or mental  
12 impairment that substantially limits one or more major life  
13 activities.

14 (2) An individual who has a record of having a physical  
15 or mental impairment that substantially limits one or more  
16 major life activities.

17 (3) An individual who is regarded as having a physical  
18 or mental impairment that substantially limits one or more  
19 major life activities.

20 (4) An individual who has an increased risk for a  
21 chronic physical, developmental, behavioral, emotional or  
22 complex medical condition which may require health and  
23 related services of a type or amount beyond that required by  
24 individuals generally.

25 "Pennsylvania Premise Alert System." A database of  
26 individuals with disabilities maintained by public safety  
27 agencies and developed through the use of the information  
28 provided by the Pennsylvania Premise Alert System Form and  
29 inputted into a computer-aided dispatch system.

30 "Pennsylvania Premise Alert System Form." A form submitted

1 by an individual to a public safety agency that helps the public  
2 safety agency and other emergency services personnel identify  
3 individuals with disabilities in their places of employment,  
4 educational facilities and residences.

5 "Public safety agency." Any of the following:

6 (1) A municipal police department.

7 (2) The Pennsylvania State Police, including all  
8 Pennsylvania State Police barracks.

9 § 5404. Access Pennsylvania Emergency Management Agency Form  
10 and information.

11 The following apply:

12 (1) The Pennsylvania Emergency Management Agency shall  
13 provide the Pennsylvania Premise Alert System Form on the  
14 agency's publicly accessible Internet website. The  
15 Pennsylvania Emergency Management Agency may not alter the  
16 form without the consent of the Pennsylvania State Police.

17 (2) A public safety agency shall make reasonable efforts  
18 to publicize the information regarding the Pennsylvania  
19 Premise Alert System for use of the general public via a  
20 publicly accessible Internet website, pamphlets or other  
21 means available to the public safety agency.

22 § 5405. Duties of Department of Human Services and Department  
23 of Education.

24 (a) Department of Human Services.--The Department of Human  
25 Services shall:

26 (1) direct all caseworkers to offer a copy of the  
27 Pennsylvania Premise Alert System Form at the initial intake  
28 of clients and annually at review meetings with individuals  
29 with disabilities and their caregivers; and

30 (2) make reasonable efforts to provide the information

1 in the Pennsylvania Premise Alert System to providers and  
2 stakeholders.

3 (b) Department of Education.--The Department of Education  
4 shall:

5 (1) direct all school special education directors to  
6 offer copies of the Pennsylvania Premise Alert System Form to  
7 the caregivers of individuals with disabilities at the  
8 initial individualized educational plan meeting of each  
9 individual with disabilities and each year thereafter until  
10 graduation from high school; and

11 (2) notify all school nurses about the Pennsylvania  
12 Premise Alert System and provide them with pamphlets to  
13 distribute to caregivers with information about how the  
14 system helps individuals with disabilities.

15 § 5406. Duties of public safety agencies.

16 (a) Duties.--A public safety agency shall have the following  
17 duties:

18 (1) To accept the Pennsylvania Premise Alert System Form  
19 from an individual who submits the form to the public safety  
20 agency and review the contents of the form upon acceptance.

21 (2) To maintain a copy of the Pennsylvania Premise Alert  
22 System Form on file and transmit the form to the county 911  
23 center.

24 (3) To inform an individual who submits the  
25 Pennsylvania Premise Alert System Form that submitting  
26 information for input into the Pennsylvania Premise Alert  
27 System is entirely voluntary and will not result in  
28 preferential treatment by the public safety agency.

29 (4) In the course of responding to an emergency  
30 involving an individual with disabilities, to inform the

1 individual with disabilities or caregiver of the individual  
2 with disabilities about the Pennsylvania Premise Alert System  
3 and provide a copy of the Pennsylvania Premise Alert System  
4 Form or notice where the form can be accessed.

5 (b) Prohibition.--A public safety agency may not coerce an  
6 individual to provide information on the Pennsylvania Premise  
7 Alert System Form. The name of an individual with disabilities  
8 may be excluded from the form submitted.

9 (c) Agency selection.--If a public safety agency ascertains  
10 that another public safety agency at a different location will  
11 better serve an individual with disabilities based on the  
12 information provided on the Pennsylvania Premise Alert System  
13 Form, the public safety agency shall forward the form to the  
14 other public safety agency in a timely manner.

15 § 5407. Dissemination of Pennsylvania Premise Alert System  
16 information.

17 (a) Information dissemination.--In the course of handling an  
18 emergency or 911 call pertaining to an individual with  
19 disabilities, a dispatcher at a county 911 center shall relay  
20 any pertinent information in the Pennsylvania Premise Alert  
21 System about the individual with disabilities to the responding  
22 public safety agency.

23 (b) Emergency response.--An employee of a public safety  
24 agency or other emergency response organization responding to an  
25 emergency pertaining to an individual with disabilities shall  
26 make a reasonable effort to identify the individual with  
27 disabilities and ascertain how to help the individual with  
28 disabilities based on the information provided under subsection

29 (a).

30 § 5408. Control of Pennsylvania Premise Alert System

1 information.

2 (a) Policies.--A public safety agency shall develop policies  
3 for the control and use of the information contained in the  
4 Pennsylvania Premise Alert System.

5 (b) Information expiration.--A public safety agency shall  
6 delete information submitted to the Pennsylvania Premise Alert  
7 System two years after the information is submitted, unless the  
8 information is updated via submission of a new Pennsylvania  
9 Premise Alert System Form.

10 § 5409. Confidentiality.

11 Except as otherwise utilized in accordance with this chapter,  
12 the information in the Pennsylvania Premise Alert System shall  
13 be confidential. In accordance with Federal law, an individual  
14 may file a complaint with the Office of Civil Rights of the  
15 United States Department of Health and Human Services for a  
16 violation of this section.

17 § 5410. Liability.

18 Except for willful or wanton misconduct or a violation of  
19 section 5409 (relating to confidentiality), an employee of a  
20 public safety agency shall not be subject to civil liability for  
21 failing to comply with provisions of this chapter.

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