

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2455 Session of 2020

INTRODUCED BY LAWRENCE, APRIL 27, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 27, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
 2 "An act providing for and reorganizing the conduct of the  
 3 executive and administrative work of the Commonwealth by the  
 4 Executive Department thereof and the administrative  
 5 departments, boards, commissions, and officers thereof,  
 6 including the boards of trustees of State Normal Schools, or  
 7 Teachers Colleges; abolishing, creating, reorganizing or  
 8 authorizing the reorganization of certain administrative  
 9 departments, boards, and commissions; defining the powers and  
 10 duties of the Governor and other executive and administrative  
 11 officers, and of the several administrative departments,  
 12 boards, commissions, and officers; fixing the salaries of the  
 13 Governor, Lieutenant Governor, and certain other executive  
 14 and administrative officers; providing for the appointment of  
 15 certain administrative officers, and of all deputies and  
 16 other assistants and employes in certain departments, boards,  
 17 and commissions; providing for judicial administration; and  
 18 prescribing the manner in which the number and compensation  
 19 of the deputies and all other assistants and employes of  
 20 certain departments, boards and commissions shall be  
 21 determined," in powers and duties of the Department of Health  
 22 and its departmental administrative and advisory boards,  
 23 providing for local health department COVID-19 antibody  
 24 testing.

25 The General Assembly of the Commonwealth of Pennsylvania  
 26 hereby enacts as follows:

27 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
 28 as The Administrative Code of 1929, is amended by adding a  
 29 section to read:

1 Section 2127. Local Health Department COVID-19 Antibody  
2 Testing.--(a) A health department may notify the secretary of  
3 the health department's intention to implement serology tests to  
4 identify antibodies to the COVID-19 virus in coordination with  
5 the guidance provided in the policy. Notification under this  
6 subsection shall be made in writing to the secretary by the  
7 health director or equivalent employee of a health department.

8 (b) Within seventy-two (72) hours of receipt of the  
9 notification under subsection (a), the secretary shall  
10 authorize, in writing, State laboratories holding a Clinical  
11 Laboratory Improvement Amendments (CLIA) certificate and that  
12 meet CLIA requirements to perform high-complexity testing, to  
13 facilitate and coordinate testing with the respective health  
14 department. The following shall apply:

15 (1) A health department shall reimburse a State laboratory  
16 for costs incurred by the State laboratory for services  
17 performed under this subsection.

18 (2) An individual tested under this subsection shall:

19 (i) Be notified in writing at the time of initial testing of  
20 the applicable provisions of section (IV) (D) of the policy.

21 (ii) Be advised of test results as soon as practicable in a  
22 manner determined by the health department.

23 (3) A health department performing serology tests under this  
24 subsection shall report the total number of positive and  
25 negative test results to the Department of Health of the  
26 Commonwealth on a daily basis.

27 (c) This section shall expire sixty (60) days after the  
28 expiration or termination of the proclamation of disaster  
29 emergency issued by the Governor on March 6, 2020, published at  
30 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of

1 disaster emergency.

2 (d) As used in this section, the following words and phrases  
3 shall have the meanings given to them in this subsection unless  
4 the context clearly indicates otherwise:

5 "Health department." A county or municipal health department  
6 in this Commonwealth.

7 "Policy." The Policy for Diagnostic Tests for Coronavirus  
8 Disease-2019 during the Public Health Emergency, docket number  
9 FDA-2020-D-0987, available on the publicly accessible Internet  
10 website of the Food and Drug Administration on March 16, 2020.

11 "Secretary." The Secretary of Health of the Commonwealth.

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