

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2540 Session of 2020

INTRODUCED BY LAWRENCE, GAYDOS AND QUINN, MAY 20, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 7, 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," establishing the State Epidemiology Advisory
22 Council; and making an appropriation.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
26 as The Administrative Code of 1929, is amended by adding an
27 article to read:

ARTICLE I-A

28

1 COVID-19 STATE EPIDEMIOLOGY ADVISORY COUNCIL

2 Section 101-A. Legislative findings.

3 The General Assembly finds and declares as follows:

4 (1) A novel coronavirus, known as COVID-19, entered the  
5 United States in late January 2020 and has spread throughout  
6 the states, including this Commonwealth.

7 (2) On March 6, 2020, the Governor declared a disaster  
8 emergency, citing a threat of imminent disaster that is of  
9 such a magnitude and severity as to necessitate extraordinary  
10 measures to protect the health, safety and life of this  
11 Commonwealth's citizens.

12 (3) The impact of COVID-19, including all the necessary  
13 measures taken to mitigate the spread of the disease, has  
14 severely disrupted the Commonwealth and its political  
15 subdivisions.

16 (4) Provision of timely, factual information to the  
17 executive, legislative and judicial branches of government by  
18 knowledgeable medical professionals is critical to ensure  
19 timely and proper government response.

20 (5) Given the nature of the challenge before this  
21 Commonwealth, policymakers would greatly benefit from the  
22 immediate and regular input of epidemiologists. Given an  
23 epidemiologist's specialized professional training in the  
24 field of infectious diseases, epidemiologists are uniquely  
25 qualified and situated to provide advice and guidance of  
26 great value in this challenging time. Their regular input to  
27 State policymakers is of vital importance to all branches of  
28 State government, and by extension to every resident and  
29 business in this Commonwealth.

30 (6) The most effective manner to achieve the critical

1 outcomes under paragraph (5) is to form a State Epidemiology  
2 Advisory Council.

3 Section 102-A. Definitions.

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

7 "Council." The State Epidemiology Advisory Council  
8 established under section 103-A.

9 "Dean." The dean, acting dean, senior vice chancellor or  
10 senior administrator of a school of medicine located in this  
11 Commonwealth.

12 "Epidemiologist." A medical professional licensed in this  
13 Commonwealth who possesses any of the following:

14 (1) (i) one of the following degrees:

15 (A) a doctor of public health degree;

16 (B) a doctor of philosophy degree in  
17 epidemiology;

18 (C) a doctoral degree in medicine, osteopathy,  
19 dental surgery or medicine or veterinary medicine; or

20 (D) a doctor of philosophy degree in a  
21 biological science with either a master of public  
22 health degree or a master of science degree in  
23 epidemiology; and

24 (ii) at least three years of professional experience  
25 investigating outbreaks of contagious diseases, designing  
26 and or conducting epidemiological studies or designing  
27 and maintaining a disease surveillance system.

28 (2) Qualifications, medical knowledge and judgment,  
29 substantially similar to the qualifications, medical  
30 knowledge and judgment under paragraph (1), as determined by

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1 the dean OR, IN THE CASE OF LINCOLN UNIVERSITY, PRESIDENT,  
2 that the individual's participation on the council would be  
3 of value to State policymakers and the general public.

4 "Order." Any of the following:

5 (1) The declaration of disaster emergency issued by the  
6 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March  
7 21, 2020).

8 (2) A declaration of disaster emergency relating to the  
9 novel coronavirus, known as COVID-19, issued after March 6,  
10 2020.

11 "Record." A public record or a legislative record as defined  
12 under section 102 of the act of February 14, 2008 (P.L.6, No.3),  
13 known as the Right-to-Know Law.

14 Section 103-A. State Epidemiology Advisory Council.

15 (a) Establishment.--The State Epidemiology Advisory Council  
16 is established.

17 (b) Membership.--The council shall consist of the following  
18 members, appointed within seven days of the effective date of  
19 this section:

20 (1) The Director of the Bureau of Epidemiology of this  
21 Commonwealth, OR A DESIGNEE.

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22 (2) An epidemiologist appointed by the dean of The  
23 Pennsylvania State University College of Medicine.

24 (3) An epidemiologist appointed by the dean of the Lewis  
25 Katz School of Medicine at Temple University.

26 (4) An epidemiologist appointed by the dean of the John  
27 and Gertrude Petersen School of Medicine at the University of  
28 Pittsburgh.

29 (5) An epidemiologist appointed by the dean of the  
30 Perelman School of Medicine at the University of

1 Pennsylvania.

2 (6) AN EPIDEMIOLOGIST APPOINTED BY THE PRESIDENT OF <--  
3 LINCOLN UNIVERSITY.

4 (c) Appointment.--An appointing authority under subsection  
5 (b) shall make an appointment by the transmission of a letter to  
6 the Director of the Bureau of Epidemiology of this Commonwealth.

7 (d) Chairperson.--The Director of the Bureau of Epidemiology  
8 of this Commonwealth shall ~~serve as~~ APPOINT A chairperson of the <--  
9 council. ~~The chairperson shall appoint a vice chairperson of~~ <--  
10 the council. AND THE COUNCIL SHALL ELECT A VICE CHAIRPERSON OF <--

11 THE COUNCIL AT THE FIRST MEETING OF THE COUNCIL. IF THE COUNCIL  
12 IS EQUALLY DIVIDED ON THE QUESTION OF ELECTING A VICE  
13 CHAIRPERSON, THE CHAIRPERSON OF THE COUNCIL SHALL APPOINT A VICE  
14 CHAIRPERSON OF THE COUNCIL.

15 (e) Participation.--A member not physically present may  
16 participate by teleconference or video conference.

17 (f) Quorum and voting.--The following shall apply:

18 (1) A majority of the members of the council  
19 participating in person, teleconference or video conference  
20 shall constitute a quorum.

21 (2) Action of the council must be authorized or ratified  
22 by a majority vote of the members of the council.

23 (g) Meetings.--The following shall apply:

24 (1) The council shall meet at least twice a month.  
25 Additional meetings may be called by the chairperson as  
26 necessary. The chairperson shall schedule a meeting upon  
27 written request of two members of the council.

28 (2) The first meeting shall be convened within 10 days  
29 of the effective date of this paragraph.

30 (h) Expenses.--Members shall not receive compensation but

1 shall be reimbursed for actual expenses incurred in service of  
2 the council.

3 (i) Support.--The office of the Governor, the Senate, the  
4 House of Representatives and the Administrative Offices of  
5 Pennsylvania Courts shall provide administrative services to the  
6 council as requested.

7 (j) Applicability.--

8 (1) The following shall apply:

9 (i) Except as provided under subparagraph (ii) and  
10 notwithstanding any other provision of law, the act of  
11 February 14, 2008 (P.L.6, No.3), known as the Right-to-  
12 Know Law, shall apply to the council.

13 (ii) Correspondence between a person and a member of  
14 the council and records accompanying the correspondence  
15 submitted under section 104-A(a)(2) shall be exempt from  
16 access by a requester under the Right-to-Know Law. This  
17 subparagraph shall not apply to a correspondence between  
18 a member and a principal or lobbyist under 65 Pa.C.S. Ch.  
19 13A (relating to lobbying disclosure).

20 (2) Except as provided under paragraph (3), the council  
21 shall be deemed an agency for the purposes of 65 Pa.C.S. Ch.  
22 7 (relating to open meetings).

23 (3) Public notice of a meeting of the council shall be  
24 made by the chairperson at least 24 hours prior to a meeting.

25 (4) A member of the council shall not be deemed a public  
26 official for the purpose of 65 Pa.C.S. Ch. 11 (relating to  
27 ethics standards and financial disclosure) solely because of  
28 their service on the council.

29 (5) The council shall be considered an independent  
30 agency for the purposes of the act of October 15, 1980

1 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

2 Section 104-A. Functions.

3 (a) Powers.--The council shall have the following powers:

4 (1) To request records as necessary from agencies under  
5 the Governor's jurisdiction, independent agencies, the  
6 Unified Judicial System and the legislature, on any actions  
7 taken in response to the COVID-19 public health emergency.

8 (2) To receive communications from individuals,  
9 businesses, nonprofit entities, hospitals, medical  
10 organizations, institutions of higher learning, local  
11 governments and any other entity regarding issues relating to  
12 the COVID-19 public health emergency.

13 (b) Duties.--The council shall have the following duties:

14 (1) To make regular recommendations and identify issues  
15 of immediate public importance, based upon the member's  
16 professional knowledge and experience in the field of  
17 epidemiology, to the Governor, members of the General  
18 Assembly and justices of the Supreme Court, Superior Court  
19 and Commonwealth Court, as it relates to the Commonwealth's  
20 actions and response to the COVID-19 public health emergency.

21 (2) To develop and submit ongoing policy recommendations  
22 based on medical science and professional judgment as it  
23 relates to the policies of the Commonwealth in all facets of  
24 the response to the COVID-19 public health emergency,  
25 including, but not limited to:

26 (i) public health considerations;

27 (ii) preparedness issues;

28 (iii) primary, secondary and higher education; and <--

29 (iv) operation of private businesses, nonprofits and

30 State and local government services within this

1 Commonwealth. <--

2 ~~(3) To make a final report no later than six months; AND~~ <--

3 (V) THE IMPACT ON CERTAIN DEMOGRAPHICS, BASED ON  
4 DATA INCLUDING ETHNICITY AND RACE, WITHIN THIS  
5 COMMONWEALTH.

6 (3) TO DO ALL OF THE FOLLOWING:

7 (I) MAKE A FINAL REPORT NO LATER THAN SIX MONTHS  
8 after the order is terminated by executive order,  
9 proclamation or operation of law.

10 (II) INCLUDE WITH THE FINAL REPORT A DEMOGRAPHIC <--  
11 REPORT ON THE IMPACT OF COVID-19 ON INDIVIDUALS ACROSS  
12 THIS COMMONWEALTH, SPECIFICALLY AS THE DATA RELATES TO  
13 RACE AND ETHNICITY.

14 Section 105-A. Appropriation.

15 The amount of \$5,000 is appropriated from the General Fund to  
16 the Department of Health for payment of reasonable expenses  
17 under section 103-A. The appropriation under this section shall  
18 not lapse until the expiration of this article under section  
19 106-A. Any amount of the appropriation unexpended or uncommitted  
20 upon the expiration under section 106-A shall lapse.

21 Section 106-A. Expiration.

22 This article shall expire six months after the order is  
23 terminated by executive order, proclamation or operation of law,  
24 or upon issuance of the final report under section 104-A(b)(3),  
25 whichever is sooner.

26 Section 2. This act shall take effect immediately.