
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2492 Session of
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JUNE 14, 2022

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 14, 2022

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in emergency management services,
3 providing for counterterrorism planning, preparedness and
4 response; in emergency management assistance compact,
5 providing for construction; and making a related repeal.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 35 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 72

11 COUNTERTERRORISM PLANNING, PREPAREDNESS AND RESPONSE

12 Subchapter

13 A. Preliminary Provisions

14 B. Counterterrorism Planning, Preparedness and Response

15 SUBCHAPTER A

16 PRELIMINARY PROVISIONS

17 Sec.

1 7201. Scope of chapter.

2 7202. Definitions.

3 § 7201. Scope of chapter.

4 This chapter relates to counterterrorism planning,
5 preparedness and response.

6 § 7202. Definitions.

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

10 "Disaster medical assistance team." A complement of
11 individuals organized in accordance with standards developed by
12 the agency and applicable Federal agencies to provide medical
13 service at the scene of disasters and mass casualty incidents.

14 "Disaster mortuary response team." A complement of
15 individuals organized in accordance with standards developed by
16 the agency and applicable Federal agencies to provide mortuary
17 service at the scene of disasters and mass casualty incidents.

18 "FEMA." The Federal Emergency Management Agency.

19 "Letter of agreement." A written agreement between a
20 regional counterterrorism task force and a public, semipublic,
21 private or nonprofit corporation, business, association,
22 partnership, authority, individual or other entity that provides
23 for:

24 (1) Personnel, equipment, supplies, training facilities
25 or other resources either directly to or in support of the
26 task force's specialized regional counterterrorism response
27 team.

28 (2) Workers' compensation and death benefits.

29 (3) Use of county 911 communications centers, county
30 emergency management agencies or the State emergency

1 operations center.

2 (4) Member participation in training exercises, drills
3 and actual activation and deployment.

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

6 "Mutual aid." A county's, municipality's or volunteer
7 service organization's affirmative act of sending its personnel,
8 equipment or resources to the scene of an actual or potential
9 disaster, whether inside or outside the boundaries of this
10 Commonwealth, in response to an official dispatch request from a
11 county 911 communications center, county emergency management
12 agency or the State emergency operations center.

13 "Mutual aid agreement." A written agreement between a
14 regional counterterrorism task force and a county, municipality
15 or volunteer service organization that provides for:

16 (1) The county, municipality or volunteer service
17 organization to provide personnel, equipment or other
18 resources in response to an actual or potential disaster.

19 (2) Workers' compensation and death benefits.

20 (3) Use of county 911 communications centers, county
21 emergency management agencies or the State emergency
22 operations center.

23 (4) Member participation in training exercises, drills
24 and actual activation and deployment.

25 "Regional counterterrorism task force." A complement of
26 Federal, State, county and municipal emergency management,
27 health, law enforcement, public safety and other officials and
28 representatives from volunteer service organizations, private
29 business and industry, hospitals and medical care facilities and
30 other entities within a multicounty area as determined by the

1 agency that is responsible for conducting counterterrorism
2 planning, training preparedness and response activities.

3 "Specialized regional counterterrorism response team." A
4 complement of individuals established by a regional
5 counterterrorism task force and organized in accordance with
6 standards developed by the agency and applicable Federal
7 agencies to respond to emergencies involving an actual or
8 potential disaster. The term includes a disaster medical
9 assistance team and disaster mortuary response team.

10 "Specialized Statewide response team." A complement of
11 individuals organized by the Commonwealth to provide specialized
12 personnel, equipment and other support capabilities in response
13 to an actual or potential disaster in this Commonwealth. The
14 term includes a disaster medical assistance team and disaster
15 mortuary response team.

16 "Type 1 urban search and rescue task force." An urban search
17 and rescue task force organized by the agency that meets or
18 exceeds the minimum requirements of a Type 1 urban search and
19 rescue task force as designated by FEMA in the National Incident
20 Management System (NIMS) guidelines.

21 "Urban search and rescue task force." A multidisciplined
22 complement of individuals organized by the agency in accordance
23 with standards developed by the agency and FEMA to provide
24 emergency response and search and rescue capabilities and
25 resources at the scene of a disaster consistent with National
26 Incident Management System (NIMS) guidelines.

27 "Volunteer service organization." A volunteer fire company,
28 volunteer ambulance or medical company, volunteer rescue squad
29 or any other volunteer entity organized and chartered or
30 incorporated in this Commonwealth or chartered by the Congress

1 of the United States for the primary purpose of providing
2 emergency services as defined in section 7102 (relating to
3 definitions).

4 SUBCHAPTER B

5 COUNTERTERRORISM PLANNING, PREPAREDNESS AND RESPONSE

6 Sec.

7 7211. Counterterrorism planning, preparedness and response
8 program.

9 7212. Regional counterterrorism task forces.

10 7213. Regional counterterrorism response and preparedness.

11 7214. Urban search and rescue task forces.

12 7215. Specialized Statewide response teams.

13 7216. Grant program.

14 7217. Miscellaneous provisions.

15 7218. Commonwealth indemnification.

16 § 7211. Counterterrorism planning, preparedness and response
17 program.

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

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

27 (1) Define the necessary components and composition of
28 regional counterterrorism task forces and specialized
29 regional counterterrorism response teams and the respective
30 regional counterterrorism zones for each, but shall not be

1 responsible for appointing individual members to the regional
2 counterterrorism task forces or the specialized regional
3 counterterrorism response teams.

4 (2) Provide training and technical assistance for
5 counterterrorism planning, preparedness and response.

6 (3) Establish guidelines and policies to coordinate
7 emergency response activities with Federal, State, county and
8 municipal emergency management, health, law enforcement,
9 public safety and other officials and representatives from
10 volunteer service organizations, private business and
11 industry, hospitals and medical care facilities and other
12 entities responsible for the health, safety and welfare of
13 the residents of this Commonwealth. The agency shall consult
14 with representatives of the regional counterterrorism task
15 forces to develop such policies and guidelines necessary to
16 carry out this chapter.

17 (4) Require the regional counterterrorism task forces to
18 prepare counterterrorism emergency response plans or
19 protocols, readiness evaluation reports or other documents
20 deemed necessary by the agency.

21 (5) Provide grants and other funding assistance as
22 required by this chapter.

23 (6) Conduct terrorist incident exercises.

24 (7) Provide technical assistance to regional
25 counterterrorism task forces in developing and entering into
26 mutual aid agreements and letters of agreement.

27 (8) Establish a certification program for specialized
28 regional counterterrorism response teams that may include
29 standards for the administration, composition, training and
30 equipping of the teams.

1 § 7212. Regional counterterrorism task forces.

2 (a) Establishment.--The agency, in coordination with State,
3 county and municipal emergency management, health, law
4 enforcement, public safety and other officials and
5 representatives from volunteer service organizations, private
6 business and industry, hospitals and medical care facilities and
7 other entities responsible for the health, safety and welfare of
8 the residents of this Commonwealth, shall establish regional
9 counterterrorism task forces throughout this Commonwealth.

10 (b) Response plans.--A regional counterterrorism task force
11 shall prepare a counterterrorism preparedness and response plan
12 in accordance with guidelines developed by the agency. The
13 agency shall review and approve each plan in a timely manner,
14 but no later than 90 days after its submission to the agency.
15 The task force shall review and update the plan on an annual
16 basis.

17 (c) Meetings.--Regional counterterrorism task force meetings
18 that are called to discuss sensitive or classified law
19 enforcement, terrorist threat assessment or other confidential
20 public and private facility safety information shall not be
21 deemed a public record subject to disclosure under 65 Pa.C.S.
22 Ch. 7 (relating to open meetings).

23 § 7213. Regional counterterrorism response and preparedness.

24 (a) Specialized regional counterterrorism response teams.--A
25 regional counterterrorism task force shall establish specialized
26 regional counterterrorism response teams.

27 (b) Regional counterterrorism 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, the Governor's designee or an official designated
6 by the appropriate regional counterterrorism task force.

7 § 7214. Urban search and rescue task forces.

8 (a) Establishment.--The agency shall establish urban search
9 and rescue task forces, including:

10 (1) At least one Type 1 urban search and rescue task
11 force within a regional counterterrorism task force covering
12 a county of the first class, which shall be called
13 Pennsylvania Task Force 1 (PA-TF1).

14 (2) At least one urban search and rescue task force
15 within a regional counterterrorism task force covering a
16 county of the second class, which shall be called
17 Pennsylvania Task Force 2 (PA-TF2) and, no later than January
18 1, 2026, shall be a Type 1 urban search and rescue task
19 force.

20 (a.1) Support.--The task forces shall also provide
21 professional, logistical, material and other forms of support to
22 regional counterterrorism task forces and specialized regional
23 counterterrorism response teams.

24 (b) Organization.--An urban search and rescue task force
25 shall be organized in accordance with guidelines developed by
26 the agency in coordination with FEMA and members of the task
27 force.

28 (c) Responsibilities.--An urban search and rescue task force
29 shall respond to actual or potential disasters in this
30 Commonwealth and shall also perform search and rescue functions

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

6 (d) Activation and deployment.--

7 (1) An urban search and rescue task force or any of its
8 components, subgroups or regional elements may only be
9 activated and deployed to the scene of a disaster by either:

10 (i) the Governor or the Governor's designee; or

11 (ii) the President of the United States or a FEMA-
12 designated official.

13 (2) During an activation and deployment by the Governor,
14 the administrative and operational costs of the task force,
15 its individual members and their employers, State agencies
16 and other parties shall be paid under the Governor's
17 declaration of disaster emergency, including paying or
18 reimbursing any parties for workers' compensation and death
19 benefits in the event of injury or death of an urban search
20 and rescue task force member.

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

26 (f) Funding, grants and donations.--In addition to money
27 that is provided to a task force under section 7216 (relating to
28 grant program) or the authority of section 1508 of the act of
29 April 9, 1929 (P.L.343, No.176), known as the Fiscal Code, the
30 urban search and rescue task force may be eligible to receive

1 grants, donations of equipment and supplies and other funds from
2 any source. As an agent of the Commonwealth, a task force is
3 entitled to tax-exempt status from the Federal Government.

4 § 7215. Specialized Statewide response teams.

5 (a) Establishment.--The Commonwealth may establish one or
6 more specialized Statewide response teams. These specialized
7 statewide response teams shall also provide professional,
8 logistical, material and other forms of support to the regional
9 counterterrorism task forces and specialized regional
10 counterterrorism response teams organized in this Commonwealth.
11 The Commonwealth may enter into an agreement with a One Call
12 System as defined in the act of December 10, 1974 (P.L.852,
13 No.287), referred to as the Underground Utility Line Protection
14 Law, for the provision of specialized communications services.

15 (b) Organization and responsibilities.--Specialized
16 Statewide response teams shall be organized in accordance with
17 guidelines developed by the Commonwealth in consultation with
18 applicable Federal or State agencies.

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

22 § 7216. Grant program.

23 (a) Authorization.--The agency may make grants to regional
24 counterterrorism task forces, specialized regional
25 counterterrorism response teams, specialized Statewide response
26 teams and urban search and rescue task forces to assist them in
27 carrying out this chapter, including entering into letters of
28 agreement or mutual aid agreements or providing mutual aid.

29 (b) Grants and funding.--Regional counterterrorism task
30 forces, specialized regional counterterrorism response teams,

1 specialized Statewide response teams and urban search and rescue
2 task forces may receive grants and funding from the Federal
3 Government and the Commonwealth through application to the
4 agency or other entity providing grants or funding for the
5 purposes of this chapter.

6 (c) Limitation.--Grants shall only be made by the agency to
7 the extent that funding is available.

8 § 7217. Miscellaneous provisions.

9 (a) Immunity from liability.--The provisions of 42 Pa.C.S. §
10 8331 (relating to medical good Samaritan civil immunity), 8332
11 (relating to emergency response provider and bystander good
12 Samaritan civil immunity) or 8332.4 (relating to volunteer-in-
13 public-service negligence standard) shall apply to a member of a
14 specialized regional counterterrorism response team, an urban
15 search and rescue task force or a specialized Statewide response
16 team and an individual who provides logistical, material or
17 other forms of emergency response support to a team or task
18 force during activation or deployment of a team or task force to
19 a potential or actual disaster or while engaged in a task force
20 or team drill or training exercise.

21 (b) Effect on workers' compensation premiums.--Nothing in
22 this chapter shall be construed to permit an insurer to raise
23 workers' compensation premiums due to the participation or
24 membership of a county, municipality, volunteer service
25 organization, individual or employer on a regional
26 counterterrorism task force, specialized regional
27 counterterrorism response team, specialized Statewide response
28 team or urban search and rescue task force.

29 § 7218. Commonwealth indemnification.

30 The Commonwealth shall indemnify a county or municipality for

1 costs related to damaged county or municipal property that
2 results from participation in a regional counterterrorism task
3 force, specialized regional counterterrorism response team or
4 specialized Statewide response team response only when all of
5 the following conditions are met:

6 (1) The county or municipality is responding upon
7 activation or deployment by the Governor.

8 (2) The damage to county or municipal property occurs
9 outside of the primary regional counterterrorism response
10 zone.

11 (3) The county's or municipality's insurance does not
12 cover the property damage.

13 (4) The property damage was not caused by the willful
14 misconduct of the county or municipality or any of its
15 employees or agents.

16 Section 2. Title 35 is amended by adding a section to read:
17 § 7605. Construction.

18 For purposes of Article VI of the compact, "officers or
19 employees of a party state" shall be construed to include urban
20 search and rescue task forces as defined in section 7202
21 (relating to definitions) that are assets of the Federal
22 Emergency Management Agency or Pennsylvania Emergency Management
23 Agency and the components, subgroups and regional elements of
24 the task forces based in this Commonwealth.

25 Section 3. Repeals are as follows:

26 (1) The General Assembly finds that the repeals under
27 paragraphs (2) and (3) are necessary to effectuate the
28 addition of 35 Pa.C.S. Ch. 72.

29 (2) The definitions, excluding the definitions of
30 "department" and "local health department," in section 102 of

1 the act of December 16, 2002 (P.L.1967, No.227), known as the
2 Counterterrorism Planning, Preparedness and Response Act, are
3 repealed.

4 (3) Chapter 2 of the Counterterrorism Planning,
5 Preparedness and Response Act, is repealed.

6 Section 4. The addition of 35 Pa.C.S. Ch. 72 is a
7 continuation of the act of December 16, 2002 (P.L.1967, No.227),
8 known as the Counterterrorism Planning, Preparedness and
9 Response Act. The following apply:

10 (1) Except as otherwise provided in 35 Pa.C.S. Ch. 72,
11 all activities initiated under the Counterterrorism Planning,
12 Preparedness and Response Act, shall continue and remain in
13 full force and effect and may be completed under 35 Pa.C.S.
14 Ch. 72. Orders, regulations, rules and decisions which were
15 made under the Counterterrorism Planning, Preparedness and
16 Response Act and which are in effect on the effective date of
17 this section shall remain in full force and effect until
18 revoked, vacated or modified under 35 Pa.C.S. Ch. 72.

19 Contracts, obligations and collective bargaining agreements
20 entered into under the Counterterrorism Planning,
21 Preparedness and Response Act are not affected nor impaired
22 by the repeal of the Counterterrorism Planning, Preparedness
23 and Response Act.

24 (2) Except as set forth in paragraph (3), any difference
25 in language between 35 Pa.C.S. Ch. 72 and the
26 Counterterrorism Planning, Preparedness and Response Act is
27 intended only to conform to the style of the Pennsylvania
28 Consolidated Statutes and is not intended to change or affect
29 the legislative intent, judicial construction or
30 administration and implementation of the Counterterrorism

1 Planning, Preparedness and Response Act.

2 (3) Paragraph (2) does not apply to the addition of the
3 following provisions:

4 (i) The definitions of "Type 1 urban search and
5 rescue task force" and "urban search and rescue task
6 force" in 35 Pa.C.S. § 7202.

7 (ii) 35 Pa.C.S. § 7212(b).

8 (iii) 35 Pa.C.S. § 7214(a) and (a.1)

9 Section 5. This act shall take effect in 60 days.