

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 633

**PRINTER NO.** 863

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

May 10, 2019

**PRIME SPONSOR**

Senator Costa

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 633 enacts the Public Health Emergency Act (the "Act") allowing the Secretary of the Department of Health to declare a public health emergency.

Senate Bill 633 defines relevant terms including:

- "Department" is the Department of Health of the Commonwealth.
- "Public Health Emergency" is an occurrence or imminent threat of a disease or condition of public health importance that is both:
  - Believed to be caused by:
    - A bioterrorist event, a biological, chemical or nuclear agent, a chemical attack or nuclear attack;
    - The appearance of a novel or previously controlled or eradicated infectious agent or toxin;
    - A natural disaster, an accidental chemical release or nuclear incident; or
    - A disease outbreak; and
  - Poses a high probability of:
    - Death;
    - Serious or long-term disabilities; and
    - Widespread exposure to an agent that poses a substantial risk of substantial harm to the public health.
- "Secretary" is the Secretary of the Department.

The Secretary is authorized to declare a public health emergency by promptly disseminating the declaration in a manner calculated to bring its contents to the attention of the general public and by filing the declaration with the Legislative Reference Bureau for publication and with the director of the Pennsylvania Emergency Management Agency.

The declaration shall be valid for up to 90 days unless extended by affirmative approval by a majority of both houses of the General Assembly.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

The department may promulgate temporary regulations regarding measures to reduce harm and control disease. Such regulations are not subject to the Commonwealth Documents Law, the Commonwealth Attorneys Act, nor the Regulatory Review Act.

The temporary regulations shall expire 90 days following the end of the declaration of a public health emergency.

An executive agency under the control of the Governor, in consultation with the department, may suspend a regulation that prevents, hinders, or delays necessary action in responding to a public health emergency.

The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to emergency response provider and bystander good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to any person who provides assistance in carrying out the provisions of the Act.

The prohibitions contained in 18 Pa.C.S. § 6107 (prohibiting the carrying of a firearm during a public emergency except under specified circumstances) do not apply to a declaration of a public health emergency under the Act.

This act shall take effect immediately.

### **FISCAL IMPACT:**

Senate Bill 633 will have no fiscal impact to the Commonwealth. The bill provides the authority to the Department of Health to promulgate temporary regulations, which can be accomplished within existing staffing levels and funding provided to the department.