

COUNTERTERRORISM PLANNING, PREPAREDNESS AND RESPONSE ACT

Act of Dec. 16, 2002, P.L. 1967, No. 227

Cl. 35

AN ACT

Providing for counterterrorism planning, preparedness and response; imposing powers and duties on the Pennsylvania Emergency Management Agency, the Department of Health, counties and municipalities; and providing for the organization of various response teams.

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

CHAPTER 1
GENERAL PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Counterterrorism Planning, Preparedness and Response Act.

Section 102. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Department." The Department of Health of the Commonwealth.

"Disaster medical assistance teams." A complement of individuals organized in accordance with standards developed by the Pennsylvania Emergency Management Agency and applicable Federal agencies to provide medical service at the scene of natural and manmade disasters and mass casualty incidents.

"Disaster mortuary teams." A complement of individuals organized in accordance with standards developed by the Pennsylvania Emergency Management Agency and applicable Federal agencies to provide mortuary service at the scene of natural and manmade disasters and mass casualty incidents.

"FEMA." The Federal Emergency Management Agency.

"Letter of agreement." A written agreement between a regional counterterrorism task force and a public, semipublic, private or nonprofit corporation, business, association, partnership, authority, individual or other entity that agrees to provide personnel, equipment, supplies, training facilities or other resources either directly to or in support of the task force's specialized regional counterterrorism response team. All letters of agreement entered into under the provisions of this act must, at a minimum, address all of the following:

(1) Workers' compensation and death benefits.

(2) Use of county 911 communications centers, county emergency management agencies or the State Emergency Operations Center.

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

"Local health department." A county department of health under the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, or a department of health in a municipality approved for a Commonwealth grant to provide local health services under section 25 of the Local Health Administration Law.

"Manmade disaster." Any biological, chemical, nuclear, radiological, industrial, commercial or transportation accident, attack, explosion, conflagration, contamination, power failure, computer or communications failure, natural resource shortage or other condition, including enemy or terrorist act, which threatens or causes substantial property damage, human suffering and hardship or loss of life.

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

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

"Mutual aid agreement." A written agreement between a regional counterterrorism task force and a county, municipality or volunteer service organization whereby the county, municipality or volunteer service organization agrees to provide personnel, equipment or other resources in response to an actual or potential natural or manmade disaster. All mutual aid agreements entered into under the provisions of this act must, at a minimum, address all of the following:

(1) Workers' compensation and death benefits.

(2) Use of county 911 communications centers, county emergency management agencies or the State emergency operations center.

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

"Natural disaster." Any hurricane, tornado, storm, flood, high water, earthquake, landslide, mudslide, snowstorm, drought, insect infestation, fire, explosion or other natural catastrophe which results in substantial property damage, human suffering and hardship or loss of life.

"Regional counterterrorism task force." A complement of Federal, State, county and municipal emergency management, health, law enforcement, public safety and other officials and representatives from volunteer service organizations, private business and industry, hospitals and medical care facilities

and other entities within a multicounty area as determined by the agency that is responsible for conducting counterterrorism planning, training preparedness and response activities.

"Specialized regional counterterrorism response team." A complement of individuals established by a regional counterterrorism task force and organized in accordance with standards developed by the Pennsylvania Emergency Management Agency and applicable Federal agencies to respond to emergencies involving an actual or potential natural or manmade disaster. Such teams may include disaster medical assistance teams and disaster mortuary response teams.

"Specialized Statewide response team." A complement of individuals organized by the Commonwealth to provide specialized personnel, equipment and other support capabilities in response to an actual or potential natural or manmade disaster in this Commonwealth. Such teams may include disaster medical assistance teams and disaster mortuary response teams.

"Terrorism." The unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population or any segment thereof in furtherance of political or social objectives.

"Urban search and rescue task force." A complement of individuals organized by the agency in accordance with standards developed by the agency and the Federal Emergency Management Agency to provide emergency response and search and rescue capabilities and resources at the scene of a natural or manmade disaster.

"Volunteer service organization." A volunteer fire company, volunteer ambulance or medical company, volunteer rescue squad or any other volunteer entity organized and chartered or incorporated in this Commonwealth or chartered by Congress for the primary purpose of providing emergency services as defined in 35 Pa.C.S. § 7102 (relating to definitions).

CHAPTER 2 COUNTERTERRORISM PLANNING, PREPAREDNESS AND RESPONSE

Section 201. Counterterrorism planning, preparedness and response program.

(a) Program.--The Pennsylvania Emergency Management Agency shall coordinate and consult with other State agencies, departments and offices, including the Office of Homeland Security of the Commonwealth, to establish, develop and maintain a counterterrorism planning, preparedness and response program to promote and protect the health, safety and welfare of emergency responders, public officials and the general public from actual or potential natural or manmade disasters in this Commonwealth.

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

(1) Define the necessary components and composition of regional counterterrorism task forces and specialized regional counterterrorism response teams and the respective regional counterterrorism zones for each. The agency shall not be responsible for appointing individual members to the regional counterterrorism task forces or the specialized regional counterterrorism response teams.

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

(3) Establish guidelines and policies to coordinate emergency response activities with Federal, State, county and municipal emergency management, health, law enforcement,

public safety and other officials and representatives from volunteer service organizations, private business and industry, hospitals and medical care facilities and other entities responsible for the health, safety and welfare of the citizens of this Commonwealth. The agency shall consult with representatives of the regional counterterrorism task forces to develop such policies and guidelines and those necessary to carry out the provisions of this chapter.

(4) Require the counterterrorism task force to prepare counterterrorism emergency response plans or protocols, readiness evaluation reports or other documents deemed necessary by the agency.

(5) Provide grants and other funding assistance as required by the provisions of this chapter.

(6) Conduct terrorist incident exercises.

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

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

Section 202. Regional counterterrorism task forces.

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

(b) Response plans.--Each regional counterterrorism task force shall prepare a counterterrorism preparedness and response plan in accordance with guidelines developed by the agency. The plan shall be submitted to the agency within 180 days of the effective date of this act. The agency shall review and approve each plan in a timely manner, but no later than 90 days after its submission to the agency. The task force shall review and update the plan on an annual basis.

(c) Meetings.--Regional counterterrorism task force meetings that are called to discuss sensitive or classified law enforcement, terrorist threat assessment or other confidential public and/or private facility safety information shall not be subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

Section 203. Regional counterterrorism response and preparedness.

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

(b) Regional counterterrorism response zones.--The agency shall establish primary and secondary regional response zones within this Commonwealth for specialized regional counterterrorism response teams. The regional response zones may consist of multiple counties or portions of several adjoining counties as determined by the agency.

(c) Activation and deployment.--A specialized regional counterterrorism response team may be activated and deployed by the Governor, his designee or an official designated by the appropriate regional counterterrorism task force.

Section 204. Urban search and rescue task force.

(a) Establishment of task forces.--The agency shall establish urban search and rescue task forces. The task forces shall also provide professional, logistical, material and other forms of support to regional counterterrorism task forces and specialized regional counterterrorism response teams.

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

(c) Responsibilities.--An urban search and rescue task force shall respond to actual or potential natural or manmade disasters in this Commonwealth and shall also perform search and rescue functions as delineated in The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.), the Federal Response Plan or its successor and the counterterrorism preparedness and response plans created in accordance with the provisions of this chapter.

(d) Activation and deployment.--An urban search and rescue task force or any of its components, subgroups or regional elements may only be activated and deployed to the scene of a disaster by either the Governor or his designee, the President of the United States or a FEMA-designated official. During an activation and deployment by the Governor, the administrative and operational costs of the task force, its individual members and their employers, State agencies and other parties shall be paid under the provisions of the Governor's declaration of disaster emergency, including paying or reimbursing any parties for workers' compensation and death benefits in the event of injury or death of a task force member.

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

(f) Funding, grants and donations.--In addition to any funds that are provided to a task force under section 206 or the authority of 35 Pa.C.S. § 7307 (relating to use and appropriation of unused Commonwealth funds), the urban search and rescue task force may be eligible to receive grants, donations of equipment and supplies and other funds from any source. As an agent of the Commonwealth, a task force is entitled to tax-exempt status from the Federal Government. Section 205. Specialized Statewide response teams.

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

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

(c) Activation.--Specialized Statewide response teams may only be activated and deployed to the scene of a disaster by the Governor or his designee. Section 206. Grant program.

(a) Authorization.--The agency shall have the authority to make grants to regional counterterrorism task forces, specialized regional counterterrorism response teams, specialized Statewide response teams and urban search and rescue task forces to assist them in carrying out the provisions of this act, including, but not limited to, entering into letters of agreement or mutual aid agreements or providing mutual aid.

(b) Grants and funding.--Regional counterterrorism task forces, specialized regional counterterrorism response teams, specialized Statewide response teams and urban search and rescue task forces may receive grants and funding from the Federal Government and the Commonwealth through application to the agency or another entity providing grants or funding for the purposes of this act.

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

Section 207. Miscellaneous provisions.

(a) Immunity from liability.--The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to members of a specialized regional counterterrorism response team, an urban search and rescue task force or a specialized Statewide response team and individuals who provide logistical, material or other forms of emergency response support to such a team or task force during activation or deployment of a team or task force to a potential or actual manmade or natural disaster or while engaged in a task force or team drill or training exercise.

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

Section 208. Commonwealth indemnification.

The Commonwealth shall indemnify a county or municipality for any costs related to damaged county or municipal property which results from participation in a regional counterterrorism task force, specialized regional counterterrorism response team or specialized Statewide response team response only when all of the following are met:

(1) the county or municipality is responding upon activation or deployment by the Governor;

(2) the damage to county or municipal property occurs outside of the primary regional counterterrorism response zone;

(3) the county or municipality's insurance does not cover the property damage; and

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

CHAPTER 3 PUBLIC HEALTH EMERGENCY MEASURES

Section 301. Temporary isolation and quarantine without notice.

(a) Temporary isolation or quarantine.--In the case of an actual or suspected outbreak of a contagious disease or epidemic due to an actual or suspected bioterrorist or biohazardous event, the Governor, in consultation with the Secretary of

Health, may temporarily isolate or quarantine an individual or groups of individuals through a written order if delay in imposing the isolation or quarantine through judicial proceedings currently available to the department and local health departments would significantly jeopardize the department's ability to prevent or limit the transmission of a contagious or potentially contagious disease to others. This subsection shall not require a declaration of disaster emergency by the Governor in order to be effective.

(b) Judicial review.--

(1) After issuing the written order, the department or local health department shall promptly file a petition with the court within 24 hours or the next court business day after the issuance of the order for a hearing to authorize the continued isolation or quarantine.

(2) The court shall hold a hearing on the petition not more than 72 hours after the filing of the petition to determine whether continued isolation or quarantine is warranted.

(3) Reasonable notice, either oral or written, stating the time, place and purpose of the hearing shall be given to the isolated or quarantined individual. The court may determine the manner in which the hearing shall occur, including through the use of closed-circuit television.

(4) An isolated or quarantined individual is entitled to representation by legal counsel at all stages of any proceedings under this section and, if the individual is without financial resources or otherwise unable to employ counsel, the court shall provide counsel for him.

(5) If the court determines continued isolation or quarantine is warranted, the court shall so order the continued isolation or quarantine and shall fix the time and duration of the isolation or quarantine, which in no case shall exceed 30 days except as set forth in paragraph (6).

(6) Where an individual has been isolated or quarantined for a period of 30 days, the department shall ask the court to review the order to determine if further isolation or quarantine is warranted.

(7) The department or local health department shall provide the court with ongoing reports on the isolated or quarantined individual during the period of isolation or quarantine.

(c) Relation to other laws.--Nothing in this section shall be construed to limit the existing authority of the Secretary of Health or the department or a local health department.

Section 302. Immunity from liability.

The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical 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 this chapter.

Section 303. Effective date.

This act shall take effect in 30 days.