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TITLE 35

HEALTH AND SAFETY

Part

- II. Regulated Entities
- III. Public Safety
- V. Emergency Management Services
- VI. Emergency Medical Services

Enactment. Unless otherwise noted, the provisions of Title 35 were added November 26, 1978, P.L.1332, No.323, effective immediately.

PART II

REGULATED ENTITIES

Chapter

33. Health Care Cost Containment

Enactment. Part II was added April 20, 2020, P.L.82, No.15, effective immediately.

Special Provisions in Appendix. See section 2 of Act 15 of 2020 in the appendix to this title for special provisions relating to applicability.

CHAPTER 33

HEALTH CARE COST CONTAINMENT

Sec.

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- 3302. Definitions.
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- 3304. Powers and duties of council.
- 3305. Data submission and collection.
- 3306. Data dissemination and publication.
- 3307. Mandated health benefits.
- 3308. Right-to-Know Law and access to council data.
- 3309. Special studies and reports.
- 3310. Enforcement and penalty.
- 3311. Research and demonstration projects.
- 3312. Grievances and grievance procedures.
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- 3314. Contracts with vendors.
- 3315. Reporting.
- 3316. Severability.
- 3317. Expiration.

Enactment. Chapter 33 was added April 20, 2020, P.L.82, No.15, effective immediately.

§ 3301. Short title of chapter.

This chapter shall be known and may be cited as the Health Care Cost Containment Act.

§ 3302. Definitions.

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

"Ambulatory service facility." A facility licensed in this Commonwealth which is not part of a hospital and which provides medical, diagnostic or surgical treatment to patients not requiring hospitalization, including ambulatory surgical facilities, ambulatory imaging or diagnostic centers, birthing centers, freestanding emergency rooms and any other facilities providing ambulatory care which charge a separate facility charge. The term does not include the offices of private physicians or dentists, whether for individual or group practices.

"Charge" or "rate." The amount billed by a provider for specific goods or services provided to a patient, prior to any adjustment for contractual allowances.

"Council." The Health Care Cost Containment Council.

"Covered services." Any health care services or procedures connected with episodes of illness or injury that require either inpatient hospital care or major ambulatory service, including any initial and follow-up outpatient services associated with the episode of illness or injury before, during or after inpatient hospital care or major ambulatory service. The term does not include routine outpatient services connected with

episodes of illness that do not require hospitalization or major ambulatory service.

"Data." Data collected by the council under section 3305 (relating to data submission and collection). The term includes raw data.

"Data source." The term includes a provider.

"Health care facility." A general or special hospital, including:

- (1) Psychiatric hospitals.
- (2) Kidney disease treatment centers, including freestanding hemodialysis units.
- (3) Ambulatory service facilities.
- (4) Hospices, including hospices operated by an agency of State or local government.

"Health care insurer." As follows:

(1) A person, corporation or other entity that offers administrative, indemnity or payment services for health care in exchange for a premium or service charge under a program of health care benefits, including, but not limited to:

(i) An insurance company, association or exchange issuing health insurance policies in this Commonwealth governed by the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(ii) A hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(iii) A professional health service corporation as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(iv) A health maintenance organization governed by the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(v) A third-party administrator governed by Article X of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921.

(2) The term does not include:

(i) Employers, labor unions or health and welfare funds jointly or separately administered by employers or labor unions that purchase or self-fund a program of health care benefits for their employees or members and their dependents.

(ii) The following types of insurance or any combination thereof:

- (A) Accident only.
- (B) Fixed indemnity.
- (C) Hospital indemnity.
- (D) Limited benefit.
- (E) Credit.
- (F) Dental.
- (G) Vision.
- (H) Specified disease.
- (I) Medicare supplement.
- (J) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.
- (K) Long-term care or disability income.
- (L) Workers' compensation.
- (M) Automobile medical payment insurance.

"Health maintenance organization." An organized system which combines the delivery and financing of health care and which provides basic health services to voluntarily enrolled subscribers for a fixed prepaid fee, as defined in the Health Maintenance Organization Act.

"Hospital." An institution licensed in this Commonwealth which is:

(1) A general, mental, chronic disease or other type of hospital.

(2) A kidney disease treatment center, including kidney disease treatment centers operated by an agency of State or local government.

"Major ambulatory service." Surgical or medical procedures, including diagnostic and therapeutic radiological procedures, commonly performed in hospitals or ambulatory service facilities, which are not of a type commonly performed, or which cannot be safely performed, in physicians' offices and which require special facilities such as operating rooms or suites or special equipment such as fluoroscopic equipment or computed tomographic scanners, or a postprocedure recovery room or short-term convalescent room.

"Medical procedure incidence variations." The variation in the incidence in the population of specific medical, surgical and radiological procedures in any given year, expressed as a deviation from the norm, as these terms are defined in the classical statistical definition of "variation," "incidence," "deviation" and "norm."

"Payment." The payments that providers actually accept for their services, exclusive of charity care, rather than the charges they bill.

"Payor." Any person or entity, including, but not limited to, health care insurers and purchasers, that make direct payments to providers for covered services.

"Physician." An individual licensed under the laws of this Commonwealth to practice medicine and surgery within the scope of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

"Preferred provider organization." Any arrangement between a health care insurer and providers of health care services which specifies rates of payment to such providers which differ from their usual and customary charges to the general public and which encourages enrollees to receive health services from such providers.

"Provider." A hospital, a health care facility, an ambulatory service facility or a physician.

"Provider quality." The extent to which a provider renders care that, within the capabilities of modern medicine, obtains for patients medically acceptable health outcomes and prognoses, adjusted for patient severity, and treats patients compassionately and responsively.

"Provider service effectiveness." The effectiveness of services rendered by a provider, determined by measurement of the medical outcome of patients grouped by severity receiving those services.

"Purchaser." Corporations, labor organizations or other entities that purchase benefits which provide covered services for their employees or members, either through a health care insurer or by means of a self-funded program of benefits, and a certified bargaining representative that represents a group or groups of employees for whom employers purchase a program of benefits which provide covered services, but excluding any entity defined in this section as a "health care insurer."

"Severity." In any patient, the measureable degree of the potential for failure of one or more vital organs.

Cross References. Section 3302 is referred to in section 3305 of this title.

§ 3303. Health Care Cost Containment Council.

(a) Establishment.--The Health Care Cost Containment Council is established as an independent council.

(b) Composition.--The council shall consist of voting members, composed of and appointed in accordance with the following:

- (1) The Secretary of Health.
- (2) The Secretary of Human Services.
- (3) The Insurance Commissioner.
- (4) Six representatives of the business community, at least one of whom represents small business, who are purchasers of health care, none of which is primarily involved in the provision of health care or health insurance, three of which shall be appointed by the President pro tempore of the Senate and three of which shall be appointed by the Speaker of the House of Representatives from a list of 12 qualified persons recommended by the Pennsylvania Chamber of Business and Industry. Three nominees shall be representatives of small business.
- (5) Six representatives of organized labor, three of which shall be appointed by the President pro tempore of the Senate and three of which shall be appointed by the Speaker of the House of Representatives from a list of 12 qualified persons recommended by the Pennsylvania AFL-CIO.
- (6) One representative of consumers who is not primarily involved in the provision of health care or health care insurance, appointed by the Governor from a list of three qualified persons recommended jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives.
- (7) Two representatives of hospitals, appointed by the Governor from a list of five qualified hospital representatives recommended by the Hospital and Health System Association of Pennsylvania one of whom shall be a representative of rural hospitals. Each representative under this paragraph may appoint two additional delegates to act for the representative only at meetings of committees, as provided for in subsection (f).
- (8) Two representatives of physicians, appointed by the Governor from a list of five qualified physician representatives recommended jointly by the Pennsylvania Medical Society and the Pennsylvania Osteopathic Medical Society. The representative under this paragraph may appoint two additional delegates to act for the representative only at meetings of committees, as provided for in subsection (f).
- (8.1) An individual appointed by the Governor who has expertise in the application of continuous quality improvement methods in hospitals.
- (8.2) One representative of nurses, appointed by the Governor from a list of three qualified representatives recommended by the Pennsylvania State Nurses Association.
- (9) One representative of the Blue Cross and Blue Shield plans of Pennsylvania, appointed by the Governor from a list of three qualified persons recommended jointly by the Blue Cross and Blue Shield plans of Pennsylvania.
- (10) One representative of commercial insurance carriers, appointed by the Governor from a list of three qualified persons recommended by the Insurance Federation of Pennsylvania, Inc.

(11) Two individuals appointed by the Governor who have expertise in health economics and outcomes research.

(12) Representatives from the General Assembly as follows:

(i) One Senator appointed by the President pro tempore of the Senate.

(ii) One Senator appointed by the Minority Leader of the Senate.

(iii) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(iv) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(13) In the case of each appointment to be made from a list supplied by a specified organization, it is incumbent upon that organization to consult with and provide a list which reflects the input of other equivalent organizations representing similar interests. Each appointing authority will have the discretion to request additions to the list originally submitted. Additional names will be provided not later than 15 days after such request. Appointments shall be made by the appointing authority no later than 90 days after receipt of the original list. If, for any reason, any specified organization supplying a list should cease to exist, then the respective appointing authority shall specify an equivalent organization to fulfill the responsibilities set forth in this chapter.

(c) Chairperson and vice chairperson.--The members shall annually elect, by a majority vote of the members, a chairperson and a vice chairperson of the council from the business and labor members of the council.

(d) Quorum.--The council shall establish in the council's bylaws the number of members necessary to constitute a quorum.

(e) Meetings.--All meetings of the council shall be advertised and conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings), unless otherwise provided in this section. The following apply:

(1) The council shall meet at least once every two months and may provide for special meetings as it deems necessary. Meeting dates shall be set by a majority vote of the members of the council or by the call of the chairperson upon seven days' notice to council members. Attendance at the meeting may be accomplished by electronic means so long as each council member attending via electronic means can communicate in real time with the other members of the council and the public.

(2) All meetings of the council shall be publicly advertised, as provided for in this subsection, and shall be open to the public, except that the council, through its bylaws, may provide for executive sessions of the council on subjects permitted to be discussed in such sessions under 65 Pa.C.S. Ch. 7. No act of the council shall be taken in an executive session.

(3) The council shall publish a schedule of its meetings in the Pennsylvania Bulletin, on its publicly accessible Internet website and as provided under 65 Pa.C.S. Ch. 7. The notice shall be published at least once in each calendar quarter and shall list the schedule of meetings of the council to be held in the subsequent calendar quarter. The notice shall specify the date, time and place of the meeting and shall state that the council's meetings are open to the

general public, except that no notice shall be required for executive sessions of the council.

(4) All action taken by the council shall be taken in open public session, and action of the council shall not be taken except upon the affirmative vote of a majority of the members of the council present during meetings at which a quorum is present.

(f) Bylaws.--The council shall adopt bylaws, not inconsistent with this chapter, and may appoint such committees or elect such officers subordinate to those provided for in subsection (c) as it deems advisable.

(g) Technical advisory group.--

(1) The council shall appoint a technical advisory group which shall, on an ad hoc basis, respond to issues presented to it by the council or committees of the council and shall make recommendations to the council. The technical advisory group shall include:

- (i) Physicians.
- (ii) Researchers.
- (iii) Biostatisticians.
- (iv) One representative of the Hospital and Healthsystem Association of Pennsylvania.
- (v) One representative of the Pennsylvania Medical Society.

(2) The Hospital and Healthsystem Association of Pennsylvania and the Pennsylvania Medical Society representatives shall not be subject to executive committee approval. In appointing other physicians, researchers and biostatisticians to the technical advisory group, the council shall consult with and take nominations from the representatives of:

- (i) the Hospital Association of Pennsylvania;
- (ii) the Pennsylvania Medical Society;
- (iii) the Pennsylvania Osteopathic Medical Society;

or

- (iv) other like organizations.

(3) At its discretion and in accordance with this section, nominations shall be approved by the executive committee of the council. If the subject matter of any project exceeds the expertise of the technical advisory group, physicians in appropriate specialties who possess current knowledge of the issue under study may be consulted. The technical advisory group shall also review the availability and reliability of severity of illness measurements as they relate to small hospitals and psychiatric, rehabilitation and children's hospitals and shall make recommendations to the council based upon this review. Meetings of the technical advisory group shall be open to the general public.

(h) Payment data advisory group.--

(1) In order to assure the technical appropriateness and accuracy of payment data, the council shall establish a payment data advisory group to produce recommendations surrounding the collection of payment data, the analysis and manipulation of payment data and the public reporting of payment data. The payment data advisory group shall include technical experts and individuals knowledgeable in payment systems and claims data. The advisory group shall consist of the following members appointed by the council:

- (i) One member representing each plan under 40 Pa.C.S. Chs. 61 (relating to hospital plan corporations)

and 63 (relating to professional health services plan corporations).

(ii) Two members representing commercial insurance carriers.

(iii) Three members representing health care facilities.

(iv) Three members representing physicians.

(2) The payment data advisory group shall meet at least four times a year and may provide for special meetings as may be necessary.

(3) The payment data advisory group shall review and concur with the technical appropriateness of the use and presentation of data and report its findings to the council prior to any vote to publicly release reports. If the council elects to release a report without addressing the technical concerns of the advisory group, it shall prominently disclose this in the public report and include the comments of the advisory group in the public report.

(4) The payment data advisory group shall exercise all powers necessary and appropriate to carry out its duties, including advising the council on the following:

(i) Collection of payment data by the council.

(ii) Manipulation, adjustments and methods used with payment data.

(iii) Public reporting of payment data by the council.

(i) Compensation and expenses.--The members of the council and any member of an advisory group appointed by the council shall not receive a salary or per diem allowance for serving as members or advisors of the council, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The expenses may include reimbursement of travel and living expenses while engaged in council business.

(j) Terms of council members.--

(1) The terms of the Secretary of Health, the Secretary of Human Services, the Insurance Commissioner and the legislative representatives shall be concurrent with their holding of public office. The council members under subsection (b) (4), (5), (6), (7), (8), (8.1), (8.2), (9), (10), (11) and (12) shall each serve for a term of four years and shall continue to serve thereafter until their successors are appointed.

(2) Vacancies on the council shall be filled in the manner designated under subsection (b), within 60 days of the vacancy, except that, when vacancies occur among the representatives of business or organized labor, two nominations shall be submitted by the organization specified in subsection (b) for each vacancy on the council. If the officer required in subsection (b) to make appointments to the council fails to act within 60 days of the vacancy, the council chairperson may appoint one of the persons recommended for the vacancy until the appointing authority makes the appointment.

(3) Except for the Secretary of Health, the Secretary of Human Services, the Insurance Commissioner and the legislative representatives, a member may be removed for just cause by the appointing authority after recommendation by a vote of at least 14 members of the council.

(4) No appointed member under subsection (b) (4), (5), (6), (7), (8), (8.1), (8.2), (9), (10), (11) and (12) shall be eligible to serve more than three full consecutive terms

of four years beginning on the effective date of this paragraph.

(k) Subsequent appointments.--Submission of lists of recommended persons and appointments of council members for succeeding terms shall be made in the same manner as prescribed in subsection (b), except that:

(1) Organizations required under subsection (b) to submit lists of recommended persons shall do so at least 60 days prior to expiration of the council members' terms.

(2) The officer required under subsection (b) to make appointments to the council shall make the appointments at least 30 days prior to expiration of the council members' terms. If the appointments are not made within the specified time, the council chairperson may make interim appointments from the lists of recommended individuals. An interim appointment shall be valid only until the appropriate officer under subsection (b) makes the required appointment. Whether the appointment is by the required officer or by the chairperson of the council, the appointment shall become effective immediately upon expiration of the incumbent member's term.

Special Provisions in Appendix. See section 2(2) of Act 15 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3303 is referred to in sections 3304, 3314 of this title.

§ 3304. Powers and duties of council.

(a) General powers.--The council shall exercise all powers necessary and appropriate to carry out its duties, including the following:

(1) To employ an executive director, investigators and other staff necessary to comply with the provisions of this chapter and regulations promulgated thereunder, to employ or retain legal counsel and to engage professional consultants, as it deems necessary to the performance of its duties. Any consultants, other than sole source consultants, engaged by the council shall be selected in accordance with the provisions for contracting with vendors set forth in section 3314 (relating to contracts with vendors).

(2) To fix the compensation of all employees and to prescribe their duties. Notwithstanding the independence of the council under section 3303(a) (relating to Health Care Cost Containment Council), employees under this paragraph shall be deemed employees of the Commonwealth for the purposes of participation in the Pennsylvania Employee Benefit Trust Fund.

(3) To make and execute contracts and other instruments, including those for purchase of services and purchase or leasing of equipment and supplies, necessary or convenient to the exercise of the powers of the council. Any such contract shall be in accordance with the provision for contracting with vendors set forth in section 3314.

(4) To conduct examinations and investigations, to conduct audits, under the provisions of subsection (c), and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter necessary to its duties.

(5) To provide hospitals with individualized data on patient safety indicators under section 3305(c)(8) (relating to data submission and collection). The data shall be risk adjusted and made available to hospitals electronically and

free of charge on a quarterly basis within 45 days of receipt of the corrected quarterly data from the hospitals. The data is intended to provide the patient safety committee of each hospital with information necessary to assist in conducting patient safety analysis.

(6) To do all things necessary to carry out its duties under the provisions of this chapter.

(b) Rules and regulations.--

(1) The council may promulgate rules and regulations as necessary and appropriate to implement this act.

(2) Regulations promulgated by the council shall be promulgated in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) Rules and regulations in effect prior to the effective date of this section shall remain in effect.

(c) Audit powers.--The council shall have the right to independently audit all information required to be submitted by data sources as needed to corroborate the accuracy of the submitted data, pursuant to the following:

(1) Audits of information submitted by providers or health care insurers shall be performed on a sample and issue-specific basis, as needed by the council, and shall be coordinated, to the extent practicable, with audits performed by the Commonwealth. All health care insurers and providers are required to make those books, records of accounts and any other data needed by the auditors available to the council at a convenient location within 30 days of written notification by the council.

(2) Audits of information submitted by purchasers shall be performed on a sample basis, unless there exists reasonable cause to audit specific purchasers, but in no case shall the council have the power to audit financial statements of purchasers.

(3) All audits performed by the council shall be performed at the expense of the council.

(4) The results of audits of providers or health care insurers shall be provided to the audited providers and health care insurers on a timely basis, not to exceed 30 days beyond presentation of audit findings to the council.

(d) General duties and functions.--The council is hereby authorized to and shall perform the following duties and functions:

(1) Develop a computerized system for the collection, analysis and dissemination of data. The council may contract with a vendor who will provide data processing services. The council shall assure that the system will be capable of processing all data required to be collected under this chapter. Any vendor selected by the council shall be selected in accordance with the provisions of section 3314, and the vendor shall relinquish any and all proprietary rights or claims to the database created as a result of implementation of the data processing system.

(2) Establish a Pennsylvania Uniform Claims and Billing Form for all data sources and all providers, which shall be utilized and maintained by all data sources and all providers for all services covered under this chapter.

(3) (Reserved).

(4) Collect and disseminate data, as specified in sections 3305 and 3306 (relating to data dissemination and publication), and other information from data sources to which the council is entitled, prepared according to formats, time frames and confidentiality provisions as specified in

sections 3305 and 3308 (relating to Right-to-Know Law and access to council data), and by the council.

(5) Adopt and implement a methodology to collect and disseminate data reflecting provider quality, provider service effectiveness, utilization and the cost of health care services under sections 3305 and 3306.

(6) Subject to the restrictions on access to raw data set forth in section 3308, issue special reports and make available raw data to a purchaser requesting it. Sale by a recipient or exchange or publication by a recipient, other than a purchaser, of council raw data to other parties without the express written consent of, and under terms approved by, the council shall be unauthorized use of data under section 3308(d).

(7) On an annual basis, publish in the Pennsylvania Bulletin a list of all the raw data reports it has prepared under section 3308(g) and a description of the data obtained through each computer-to-computer access it has provided under section 3308(g) and of the names of the parties to whom the council provided the reports or the computer-to-computer access during the previous month.

(8) Promote competition in the health care and health insurance markets.

(9) Assure that the use of council data does not raise access barriers to care.

(10) Provide information on the allowed and paid costs of medical services in terminology that may be reasonably understood by the average individual consumer of health care services. The council shall present the cost information in conjunction with information on quality of care delivery, if quality information is reasonably available to the council, so that the average individual consumer of health care services may use the information to inform purchasing decisions.

(11) In consultation with the Insurance Department and the Department of Health, make annual reports to the General Assembly on the rate of increase in the cost of health care in this Commonwealth, including, but not limited to, the following:

(i) The rate of increase in health insurance premiums in this Commonwealth.

(ii) Regional trends in cost of health care and health insurance premiums.

(iii) The effectiveness of the council in carrying out the legislative intent of this chapter.

(iv) The quality and effectiveness of health care and access to health care for all citizens of this Commonwealth.

(12) In the discretion of the council, make recommendations on the need for further health care cost containment legislation.

(13) Conduct studies and publish reports analyzing the effects that outpatient, alternative health care delivery systems have on health care costs. The systems shall include, but are not limited to, health maintenance organizations; preferred provider organizations; primary health care facilities; home health care; attendant care; ambulatory service facilities; freestanding emergency centers; birthing centers; and hospice care. The reports shall be submitted to the General Assembly and shall be made available to the public.

(14) Conduct studies and make reports concerning the utilization of experimental and nonexperimental transplant surgery and other highly technical and experimental procedures, including costs and mortality rates.

Cross References. Section 3304 is referred to in sections 3305, 3308, 3312 of this title.

§ 3305. Data submission and collection.

(a) Submission of data.--

(1) The council is authorized to collect and data sources are required to submit, upon request of the council, all data required in this section, according to uniform submission formats, coding systems and other technical specifications necessary to render the incoming data substantially valid, consistent, compatible and manageable using electronic data processing according to data submission schedules. The schedules shall avoid, to the extent possible, submission of identical data from more than one data source. The uniform submission formats, coding systems and other technical specifications may be established by the council pursuant to its authority under section 3304(b) (relating to powers and duties of council). If payor data is requested by the council, it shall, to the extent possible, be obtained from primary payor sources. The council shall not require any data source to contract with any specific vendor for submission of any specific data elements to the council.

(2) In carrying out its responsibilities, the council shall not require health care facilities to report data elements which are not included in the manual developed by the National Uniform Billing Committee. The council shall publish in the Pennsylvania Bulletin a list of no more than 35 diseases, procedures and medical conditions for which data under subsections (c)(22) and (d) shall be required. The list shall not represent more than 50% of total hospital discharges, based upon the previous year's hospital discharge data. Subsequent to the publication of the list, any data submission requirements under subsections (c)(22) and (d) previously in effect shall be null and void for diseases, procedures and medical conditions not found on the list. All other data elements under subsection (c) shall continue to be required from data sources. The council shall review the list and may add no more than a net of three diseases, procedures or medical conditions per year over a five-year period. The adjusted list of diseases, procedures and medical conditions shall at no time be more than 50% of total hospital discharges.

(b) Pennsylvania Uniform Claims and Billing Form.--The council shall maintain a Pennsylvania Uniform Claims and Billing Form format. The council shall furnish the claims and billing form format to all data sources, and the claims and billing form shall be utilized and maintained by all data sources for all services covered by this chapter. The Pennsylvania Uniform Claims and Billing Form shall consist of the Uniform Hospital Billing Form, as developed by the National Uniform Billing Committee, with additional fields as necessary to provide all of the data set forth in subsections (c) and (d).

(c) Data elements.--For each covered service performed in this Commonwealth, the council shall be required to collect the following data elements:

- (1) uniform patient identifier, continuous across multiple episodes and providers;
- (2) patient date of birth;

- (3) patient sex;
- (4) patient race, consistent with the method of collection of race/ethnicity data by the United States Bureau of the Census and the United States Standard Certificates of Live Birth and Death;
- (5) patient zip code number;
- (6) date of admission;
- (7) date of discharge;
- (8) principal and secondary diagnoses by standard code, including external cause of injury, complication, infection and childbirth;
- (9) principal procedure by council-specified standard code and date;
- (10) up to three secondary procedures by council-specified standard codes and dates;
- (11) uniform health care facility identifier, continuous across episodes, patients and providers;
- (12) uniform identifier of admitting physician, by unique physician identification number established by the council, continuous across episodes, patients and providers;
- (13) uniform identifier of consulting physicians, by unique physician identification number established by the council, continuous across episodes, patients and providers;
- (14) total charges of health care facility, segregated into major categories, including, but not limited to, room and board, radiology, laboratory, operating room, drugs, medical supplies and other goods and services according to guidelines specified by the council;
- (15) actual payments to health care facility, segregated, if available, according to the categories specified in paragraph (14);
- (16) charges of each physician or professional rendering service relating to an incident of hospitalization or treatment in an ambulatory service facility;
- (17) actual payments to each physician or professional rendering service under paragraph (16);
- (18) uniform identifier of primary payor;
- (19) zip code number of facility where health care service is rendered;
- (20) uniform identifier for payor group contract number;
- (21) patient discharge status; and
- (22) provider service effectiveness and provider quality under section 3304(d).

(d) Provider quality and provider service effectiveness data elements.--In carrying out its duty to collect data on provider quality and provider service effectiveness under subsection (c) (22) and section 3304(d) (5), the council shall define a methodology to measure provider service effectiveness, which may include additional data elements to be specified by the council sufficient to carry out its responsibilities under section 3304(d) (5). The council shall not require health care insurers to report on data elements that are not reported to nationally recognized accrediting organizations, to the Department of Health, the Department of Human Services or the Insurance Department, in quarterly or annual reports. The council shall not require reporting by health care insurers in different formats than are required for reporting to nationally recognized accrediting organizations or on quarterly or annual reports submitted to the Department of Health, the Department of Human Services or the Insurance Department. The council may adopt the quality findings as reported to nationally recognized

accrediting organizations. Additional quality data elements must be defined and released for public comment prior to use.

(e) Reserve field utilization and addition or deletion of data elements.--The council shall include in the Pennsylvania Uniform Claims and Billing Form a reserve field. The council may utilize the reserve field by adding other data elements beyond those required to carry out its responsibilities under subsections (c) and (d) and section 3304(d)(4) and (5), or the council may delete data elements from the Pennsylvania Uniform Claims and Billing Form only by a majority vote of the council and only pursuant to the following procedure:

(1) The council shall obtain a cost-benefit analysis of the proposed addition or deletion which shall include the cost to data sources of any proposed additions.

(2) The council shall publish notice of the proposed addition or deletion, along with a copy or summary of the cost-benefit analysis, in the Pennsylvania Bulletin, and the notice shall include a provision for a 60-day comment period.

(3) The council may hold additional hearings or request such other reports as it deems necessary and shall consider the comments received during the 60-day comment period and any additional information gained through the hearings or other reports in making a final determination on the proposed addition or deletion.

(f) Other data required to be submitted.--Each provider is required to submit, and the council is authorized to collect, in accordance with submission dates and schedules established by the council, the following additional data in its possession, provided the data is not available to the council from public records:

(1) Audited annual financial reports of all hospitals and ambulatory service facilities providing covered services as defined in section 3302 (relating to definitions).

(2) The Medicare cost report for Medical Assistance or successor forms, including the settled Medicare cost report.

(3) Additional data, including, but not limited to, data which can be used in reports about:

(i) the incidence of medical and surgical procedures in the population for individual providers;

(ii) physicians who provide covered services and accept medical assistance patients;

(iii) physicians who provide covered services and accept Medicare assignment as full payment;

(iv) mortality rates for specified diagnoses and treatments, grouped by severity, for individual providers;

(v) rates of infection for specified diagnoses and treatments, grouped by severity, for individual providers;

(vi) morbidity rates for specified diagnoses and treatments, grouped by severity, for individual providers;

(vii) readmission rates for specified diagnoses and treatments, grouped by severity, for individual providers;

(viii) rate of incidence of postdischarge professional care for selected diagnoses and procedures, grouped by severity, for individual providers; and

(ix) data from other public sources.

(4) Any other data the council requires to carry out its responsibilities under section 3304(d).

(g) Review and correction of data.--The council shall provide a reasonable period for data sources to review and correct the data submitted under this section which the council intends to prepare and issue in reports to the General Assembly, to the general public or in special studies and reports under section 3309 (relating to special studies and reports). When corrections are provided, the council shall correct the appropriate data in its data files and subsequent reports.

(h) Allowance for clarification or dissents.--The council shall maintain a file of written statements submitted by data sources who wish to provide an explanation of data that they feel might be misleading or misinterpreted. The council shall provide access to the file to any person and shall, where practical, in its reports and data files indicate the availability of such statements. When the council agrees with such statements, it shall correct the appropriate data and comments in its data files and subsequent reports.

(i) Allowance for correction.--The council shall verify the patient safety indicator data submitted by hospitals under subsection (c)(8) within 60 days of receipt. The council may allow hospitals to make changes to the data submitted during the verification period. After the verification period, but within 45 days of receipt of the adjusted hospital data, the council shall risk adjust the information and provide reports to the patient safety committee of the relevant hospital.

(j) Availability of data.--Nothing in this chapter shall prohibit a purchaser from obtaining from its health care insurer, nor relieve the health care insurer from the obligation of providing the purchaser, on terms consistent with past practices, data previously provided or additional data not currently provided to the purchaser by the health care insurer pursuant to any existing or future arrangement, agreement or understanding.

Cross References. Section 3305 is referred to in sections 3302, 3304, 3306, 3308, 3310 of this title.

§ 3306. Data dissemination and publication.

(a) Public reports.--Subject to the restrictions on access to council data set forth in section 3308 (relating to Right-to-Know Law and access to council data) and utilizing the data collected under section 3305 (relating to data submission and collection), as well as other data, records and matters of record available to it, the council shall prepare and issue reports to the General Assembly and to the general public according to the following provisions:

(1) The council shall, for every provider of both inpatient and outpatient services within this Commonwealth and within appropriate regions and subregions, prepare and issue reports on provider quality and service effectiveness on diseases or procedures that, when ranked by volume, cost, payment and high variation in outcome, represent the best opportunity to improve overall provider quality, improve patient safety and provide opportunities for cost reduction. These reports shall provide comparative information on the following:

(i) Differences in mortality rates; differences in length of stay; differences in complication rates; differences in readmission rates; differences in infection rates; and other comparative outcome measures the council may develop that will allow purchasers, providers and consumers to make purchasing and quality

improvement decisions based upon quality patient care and to restrain costs.

(ii) The incidence rate of selected medical or surgical procedures, the quality and service effectiveness and the payments received for those providers, identified by the name and type or specialty, for which these elements vary significantly from the norms for all providers.

(2) In preparing its reports under paragraph (1), the council shall ensure that factors which have the effect of either reducing provider revenue or increasing provider costs and other factors beyond a provider's control which reduce provider competitiveness in the marketplace are explained in the reports. The council shall also ensure that any clarifications and dissents submitted by individual providers under section 3305(h) are noted in any reports that include release of data on that individual provider.

(b) Raw data reports and computer access to council

data.--The council shall provide special reports derived from raw data and a means for computer-to-computer access to its raw data to a purchaser under section 3308(g). The council shall provide the reports and computer-to-computer access, at its discretion, to other parties under section 3308(i). The council shall provide these special reports and computer-to-computer access in as timely a fashion as the council's responsibilities to publish the public reports required in this section will allow. Any provision of special reports or computer-to-computer access by the council shall be made only subject to the restrictions on access to raw data set forth in section 3308(c) and only after payment for costs of preparation or duplication under section 3308(g) or (i).

Cross References. Section 3306 is referred to in sections 3304, 3308 of this title.

§ 3307. Mandated health benefits.

In relation to current law or proposed legislation, the council shall, upon the request of the appropriate committee chairperson in the Senate and in the House of Representatives or upon the request of the Secretary of Health or the Secretary of Human Services, provide information on the proposed mandated health benefit pursuant to the following:

(1) The General Assembly declares that proposals for mandated health benefits or mandated health insurance coverage should be accompanied by adequate, independently certified documentation defining the social and financial impact and medical efficacy of the proposal. To that end, the council, upon receipt of such requests, is authorized to conduct a preliminary review of the material submitted by both proponents and opponents concerning the proposed mandated benefit. If, after this preliminary review, the council is satisfied that both proponents and opponents have submitted sufficient documentation necessary for a review under paragraphs (3) and (4), the council is directed to contract with individuals, pursuant to the selection procedures for vendors set forth in section 3314 (relating to contracts with vendors), who will constitute a Mandated Benefits Review Panel to review mandated benefits proposals and provide independently certified documentation, as provided for in this section.

(2) The panel shall consist of the following senior researchers, each of whom shall be a recognized expert:

(i) one in health research;

- (ii) one in biostatistics;
- (iii) one in economic research;
- (iv) one, a physician, in the appropriate specialty with current knowledge of the subject being proposed as a mandated benefit; and
- (v) one with experience in insurance or actuarial research.

(3) The Mandated Benefits Review Panel shall have the following duties and responsibilities:

- (i) To review documentation submitted by a person proposing or opposing mandated benefits within 90 days of submission of the documentation to the panel.
- (ii) To report to the council, pursuant to the council's review under subparagraph (i), the following:
 - (A) Whether or not the documentation is complete as defined in paragraph (4).
 - (B) Whether or not the research cited in the documentation meets professional standards.
 - (C) Whether or not all relevant research respecting the proposed mandated benefit has been cited in the documentation.
 - (D) Whether or not the conclusions and interpretations in the documentation are consistent with the data submitted.

(4) A person proposing or opposing legislation mandating benefits coverage should, to provide the Mandated Benefits Review Panel with sufficient information to carry out the Mandated Benefits Review Panel's duties and responsibilities under paragraph (3), submit documentation to the council, pursuant to the procedure established under paragraph (5), which demonstrates the following:

- (i) The extent to which the proposed benefit and the services the proposed benefit would provide are needed by, available to and utilized by the population of this Commonwealth.
- (ii) The extent to which insurance coverage for the proposed benefit already exists or, if no coverage exists, the extent to which the lack of coverage results in inadequate health care or financial hardship for the population of this Commonwealth.
- (iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.
- (iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.
- (v) If the proposed benefit mandates coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.
- (vi) If the proposed benefit mandates coverage of an additional class of practitioners, the results of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.
- (vii) The results of any other relevant research.
- (viii) Evidence of the financial impact of the proposed legislation, including at least the following:
 - (A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

(5) The procedure for review of documentation shall be as follows:

(i) A person wishing to submit information on proposed legislation mandating insurance benefits for review by the panel must submit the documentation specified under paragraph (4) to the council.

(ii) The council shall, within 30 days of receipt of the documentation:

(A) Publish in the Pennsylvania Bulletin notice of receipt of the documentation, a description of the proposed legislation, provision for a period of 60 days for public comment and the time and place at which a person may examine the documentation.

(B) Submit copies of the documentation to the Secretary of Health, the Secretary of Human Services and the Insurance Commissioner, who shall review and submit comments to the council on the proposed legislation within 30 days.

(C) Submit copies of the documentation to the panel, which shall review the documentation and issue their findings, subject to paragraph (3), within 90 days.

(iii) Upon receipt of the comments of the Secretary of Health, the Secretary of Human Services and the Insurance Commissioner and of the findings of the panel, under subparagraph (ii), but no later than 120 days following the publication required in subparagraph (ii), the council shall submit the comments and findings, together with the council's recommendations respecting the proposed legislation, to the Governor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Secretary of Health, the Secretary of Human Services, the Insurance Commissioner and the person who submitted the information under subparagraph (i).

§ 3308. Right-to-Know Law and access to council data.

(a) **Public access.**--The information and data received by the council shall be utilized by the council for the benefit of the public and public officials. Subject to the specific limitations set forth in this section and section 3101.1 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, the council shall make determinations on requests for information in favor of access. Payor discounts and allowances are confidential proprietary information and, as such, are not records subject to the requirements for public access under the Right-to-Know Law.

(b) **Outreach programs.**--The council shall develop and implement outreach programs designed to make the council's information understandable and usable to purchasers, providers, other Commonwealth agencies and the general public. The programs

shall include efforts to educate through pamphlets, booklets, seminars and other appropriate measures and to facilitate making more informed health care choices.

(c) Limitations on access.--Unless specifically provided for under this chapter, neither the council nor any contracting system vendor shall release and no data source, person, member of the public or other user of any data of the council shall gain access to:

(1) Any raw data of the council that does not simultaneously disclose payment, as well as provider quality and provider service effectiveness pursuant to sections 3304(d)(5) (relating to powers and duties of council) and 3305(d) (relating to data submission and collection).

(2) Any raw data of the council which could reasonably be expected to reveal the identity of an individual patient.

(3) Any raw data of the council which could reasonably be expected to reveal the identity of any purchaser, other than a purchaser requesting data on its own group or an entity entitled to said purchaser's data pursuant to subsection (g).

(4) Any raw data of the council relating to actual payments to any identified provider made by any purchaser, except that this provision shall not apply to access by a purchaser requesting data on the group for which it purchases or otherwise provides covered services or to access to that same data by an entity entitled to the purchaser's data pursuant to subsection (g).

(5) Any raw data disclosing discounts or allowances between identified payors and providers unless the data is released in a Statewide, aggregate format that does not identify any individual payor or class of payors, directly or indirectly through the use of a market share, and unless the council assures that the release of such information is not prejudicial or inequitable to any individual payor or provider or group thereof. Payor data shall be released to individual providers for purposes of verification and validation prior to inclusion in a public report. An individual provider shall verify and validate the payor data within 30 days of its release to that specific individual provider.

(d) Unauthorized use of data.--A person who knowingly releases council data violating raw data safeguards under this section to an unauthorized person commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of \$10,000 or to imprisonment for not more than five years, or both. An unauthorized person who knowingly receives or possesses the data commits a misdemeanor of the first degree.

(e) Unauthorized access to data.--If a person inadvertently or by council error gains access to data that violates the safeguards under this section, the data must immediately be returned, without duplication, to the council with proper notification.

(f) Public access to records.--Each public report prepared by the council shall be a public record and shall be available to the public for a reasonable fee. Copies shall be provided, upon request of the chairperson, to the Health and Human Services Committee of the Senate and the Health Committee and Human Services Committee of the House of Representatives.

(g) Access to council raw data by purchasers.--Pursuant to sections 3304(d)(6) and 3306(b) (relating to data dissemination and publication) and subject to the limitations on access under subsection (c), the council shall provide access to the

council's raw data to purchasers, excluding purchasers that provide covered services other than through the purchase of fully funded insurance from a health care insurer but that are not elective health care payor data sources, in accordance with the following procedure:

(1) Special reports derived from raw data of the council shall be provided by the council to the purchaser requesting such reports.

(2) A means to enable computer-to-computer access by the purchaser to raw data of the council shall be developed, adopted and implemented by the council. The council shall provide the access to the council's raw data to a purchaser upon request.

(3) If an employer obtains from the council, under paragraph (1) or (2), data pertaining to the employer's employees and the employees' dependents for whom the employer purchases or otherwise provides covered services and who are represented by a certified collective bargaining representative, the collective bargaining representative shall be entitled to the data after payment of fees under paragraph (4). If a certified collective bargaining representative obtains from the council, under paragraph (1) or (2), data pertaining to the employer's members and the member's dependents who are employed by and for whom covered services are purchased or otherwise provided by an employer, the employer shall be entitled to the data after payment of fees under paragraph (4).

(4) In providing for access to its raw data, the council shall charge the purchasers which originally obtained the access a fee sufficient to cover the council's costs to prepare and provide special reports requested under paragraph (1) or to provide computer-to-computer access to its raw data requested under paragraph (2). If a second or subsequent party requests the information under paragraph (3), the council shall charge the party a reasonable fee.

(h) Access to council raw data by State agencies.--The council shall develop and execute memoranda of understanding with any State agency upon request of that agency, including the Insurance Department, the Department of Health and the Department of Human Services, to allow the agency access to the data.

(i) Access to council raw data by other parties.--Subject to the limitations on access to council raw data under subsection (c), the council may provide special reports derived from the council's raw data or computer-to-computer access to parties other than purchasers provided access under subsection (g). The council may publish regulations that set forth the criteria and the procedure the council shall use in making determinations on the access, pursuant to the powers vested in the council under section 3304. In providing the access, the council shall charge the party requesting the access a reasonable fee.

Cross References. Section 3308 is referred to in sections 3304, 3306 of this title.

§ 3309. Special studies and reports.

(a) Special studies.--A Commonwealth agency, the Senate or the House of Representatives may direct the council to publish or contract for publication of special studies, including, but not limited to, a special study on diseases and the cost of health care related to particular diseases in this Commonwealth.

A special study published under this subsection shall become a public document.

(b) Special reports.--

(1) A Commonwealth agency, the Senate or the House of Representative may study and issue a report on the special medical needs, demographic characteristics, access or lack thereof to health care services and need for financing of health care services of:

- (i) Senior citizens, particularly low-income senior citizens, senior citizens who are members of minority groups and senior citizens residing in low-income urban or rural areas.
- (ii) Low-income urban or rural areas.
- (iii) Minority communities.
- (iv) Women.
- (v) Children.
- (vi) Unemployed workers.
- (vii) Veterans.

(2) The reports under paragraph (1) shall include information on the current availability of services to the targeted parts of the population under paragraph (1), whether access to the services has increased or decreased over the past 10 years and specific recommendations for the improvement of the primary care and health delivery systems of targeted parts of the population under paragraph (1), including disease prevention and comprehensive health care services. The agency may study and report on the effects of using prepaid, capitated or health maintenance organization health delivery systems as ways to promote the delivery of primary health care services to the underserved segments of the population enumerated above.

(3) The agency may study and report on the short-term and long-term fiscal and programmatic impact on the health care consumer of changes in ownership of hospitals from nonprofit to profit, whether through purchase, merger or the like. The agency may study and report on factors which have the effect of either reducing provider revenue or increasing provider cost and other factors beyond a provider's control which reduce provider competitiveness in the marketplace.

(c) COVID-19 disaster emergency report.--

(1) The council shall prepare a report to provide a Pennsylvania perspective on the effect of the COVID-19 disaster emergency on hospitals and health care facilities in this Commonwealth by aggregating data related to COVID-19 expenses and lost revenue reported by hospitals and health care facilities in order to qualify for Federal and State assistance. The report shall include the following data points, if available:

- (i) Increased costs related to provider and staff training, including training on pandemic preparedness plans and the use of telemedicine.
- (ii) Increased staffing costs.
- (iii) Costs related to COVID-19 testing.
- (iv) Costs associated with sourcing and purchasing additional supplies and equipment.
- (v) Costs associated with setting up emergency operations centers, including construction and retrofitting facilities to provide separate screening and security areas.
- (vi) Costs associated with providing housing and care for patients who do not require hospitalization but

do not have housing in order to prevent spread of COVID-19.

(vii) Loss of revenues due to suspension of elective services not related to COVID-19.

(viii) Other data points required to be reported by hospitals or health care facilities to the Federal government or State government to receive COVID-19 assistance.

(2) The report shall be submitted to the following:

(i) The Secretary of the Department of Health and the Secretary of the Department of Human Services.

(ii) The Chair and Minority Chair of the Appropriations Committee of the Senate and the Chair and Minority Chair of the Health and Human Services Committee of the Senate.

(iii) The Chair and Minority Chair of the Appropriations Committee of the House of Representatives, the Chair and Minority Chair of the Health Committee of the House of Representatives and the Chair and Minority Chair of the Human Services Committee of the House of Representatives.

(3) The initial report shall be issued by the council no later than January 15, 2021, and shall be updated quarterly thereafter for one year following the termination or expiration of the COVID-19 disaster emergency under section 7301(c) (relating to general authority of Governor).

(4) As used in this subsection, the term "COVID-19 disaster emergency" shall have the same meaning as given to it under section 5701 (relating to definitions).

Cross References. Section 3309 is referred to in sections 3305, 3310 of this title.

§ 3310. Enforcement and penalty.

(a) Compliance enforcement.--The council shall have standing to bring an action in law or in equity through private counsel in any court of common pleas to enforce compliance with any provision of this chapter, except section 3309 (relating to special studies and reports), or any requirement or appropriate request of the council made under this chapter. The Attorney General is authorized and shall bring an enforcement action in aid of the council in a court of common pleas at the request of the council and in the name of the Commonwealth.

(b) Penalty.--

(1) Any person who fails to supply data under section 3305 (relating to data submission and collection) may be assessed a civil penalty not to exceed \$1,000 for each day the data is not submitted.

(2) Any person who knowingly submits inaccurate data under section 3305 commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$1,000 or to imprisonment for not more than one year, or both.

§ 3311. Research and demonstration projects.

The council shall actively encourage research and demonstrations to design and test improved methods of assessing provider quality, provider service effectiveness, efficiency and cost containment. If no data submission requirements in a mandated demonstration exceed the current reserve field on the Pennsylvania Uniform Claims and Billing Form, the council may:

(1) Authorize contractors engaged in health services research selected by the council, under section 3314 (relating to contracts with vendors), to have access to the

council's raw data files, if the entity assumes a contractual obligation imposed by the council to assure patient identity confidentiality.

(2) Place data sources participating in research and demonstrations on different data submission requirements from other data sources in this Commonwealth.

(3) Require data source participation in research and demonstration projects if this is the only testing method the council determines is promising.

§ 3312. Grievances and grievance procedures.

(a) Procedures and requirements.--Pursuant to its powers to publish regulations under section 3304 (relating to powers and duties of council) and with the requirements of this section, the council may establish procedures and requirements for the filing, hearing and adjudication of grievances against the council of a data source. The procedures and requirements shall be published in the Pennsylvania Bulletin pursuant to law.

(b) Claims and hearings.--Grievance claims of a data source shall be submitted to the council or to a third party designated by the council. The council or the designated third party shall convene a hearing, if requested, and adjudicate the grievance.

§ 3313. Antitrust provisions.

A person or entity required or permitted to submit data or information under this chapter or receiving data or information from the council in accordance with this chapter are declared to be acting pursuant to State requirements embodied in this chapter and shall be exempt from antitrust claims or actions grounded upon submission or receipt of the data or information.

§ 3314. Contracts with vendors.

A contract with a vendor other than a sole source vendor for purchase of services or for purchase or lease of supplies and equipment related to the council's powers and duties shall be let only after a public bidding process and only in accordance with the following provisions:

(1) The council shall prepare specifications fully describing the services to be rendered or equipment or supplies to be provided by a vendor and shall make the specifications available for inspection by a person at the council's offices during normal working hours and at other places and other times as the council deems advisable.

(2) The council shall publish notice of invitations to bid in the Pennsylvania Bulletin and on the council's publicly accessible Internet website. The notice shall include at least the following:

(i) The deadline for submission of bids by prospective vendors, which shall be no sooner than 30 days following the latest publication of the notice as prescribed under this paragraph.

(ii) The locations, dates and times during which prospective vendors may examine the specifications required under paragraph (1).

(iii) The date, time and place of the meeting or meetings of the council at which bids will be opened and accepted.

(iv) A statement to the effect that any person is eligible to bid.

(3) Bids shall be accepted as follows:

(i) A council member who is affiliated in any way with a bidder may not vote on the awarding of a contract for which the bidder has submitted a bid. A council member who has an affiliation with a bidder shall state

the nature of the affiliation prior to a vote of the council.

(ii) Bids shall be opened and reviewed by the appropriate council committee, which shall make recommendations to the council on approval. Bids shall be accepted and the acceptance shall be announced only at a public meeting of the council as defined in section 3303(e) (relating to Health Care Cost Containment Council). A bid may not be accepted at an executive session of the council.

(iii) The council may require that a certified check, in an amount determined by the council, accompany every bid. If required, a bid may not be accepted unless accompanied by a certified check.

(4) In order to prevent a party from deliberately underbidding contracts in order to gain or prevent access to council data, the council may award a contract at the council's discretion, regardless of the amount of the bid, as follows:

(i) A bid accepted must reasonably reflect the actual cost of services provided.

(ii) A vendor selected by the council under this paragraph must be found by the council to be of the character and integrity as to assure, to the maximum extent possible, adherence to this chapter in the provision of contracted services.

(iii) The council may require the selected vendor to furnish, within 20 days after the contract has been awarded, a bond with suitable and reasonable requirements guaranteeing the services to be performed with sufficient surety in an amount determined by the council. If the bond is not furnished within the time specified, the previous award shall be void.

(5) The council shall make efforts to assure that the council's vendors have established affirmative action plans to assure equal opportunity policies for hiring and promoting employees.

Cross References. Section 3314 is referred to in sections 3304, 3307, 3311 of this title.

§ 3315. Reporting.

The council shall provide an annual report of its financial expenditures to the Appropriations Committee and Health and Human Services Committee of the Senate and the Appropriations Committee, the Health Committee and the Human Services Committee of the House of Representatives.

§ 3316. Severability.

The provisions of this chapter are severable. If a provision of this chapter or the provision's application to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

§ 3317. Expiration.

This chapter shall expire 10 years after the effective date of this section.

PART III
PUBLIC SAFETY

Chapter

51. Safe Opioid Prescription

- 52. Patient Voluntary Nonopioid Directive
- 52A. Prescribing Opioids to Minors
- 52B. Opioid Treatment Agreements
- 53. 911 Emergency Communication Services
- 54. Cancer Trial Access for Pennsylvania Patients
- 55. Epinephrine Auto-injector Entities
- 56. Nonprofit Security Grant Fund
- 57. COVID-19 Disaster Emergency
- 57A. COVID-19 Enforcement Officer Disability Benefits
- 58. COVID-19 Benefits for Members of Pennsylvania National Guard
- 59. Miscellaneous Provisions

Enactment. Part III was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011, unless otherwise noted.

CHAPTER 51

SAFE OPIOID PRESCRIPTION

Sec.

- 5101. Definitions.
- 5102. Safe opioid prescription education.
- 5103. Temporary regulations.

Enactment. Chapter 51 was added November 2, 2016, P.L.987, No.126, effective immediately.

§ 5101. Definitions.

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

"College." Any of the following:

- (1) A medical college.
- (2) A medical training facility, including a school of nursing and a school of optometry.
- (3) A dental school.
- (4) An osteopathic medical college or osteopathic medical training facility.

"Controlled substance." A drug, substance or immediate precursor included in Schedules II through V of section 4 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Licensing boards." The following:

- (1) The State Board of Dentistry.
- (2) The State Board of Medicine.
- (3) The State Board of Nursing.
- (4) The State Board of Optometry.
- (5) The State Board of Osteopathic Medicine.
- (6) The State Board of Podiatry.

"Opioid." Any of the following:

- (1) A preparation or derivative of opium.
- (2) A synthetic narcotic that has opiate-like effects but is not derived from opium.
- (3) A group of naturally occurring peptides that bind at or otherwise influence opiate receptors, including an opioid agonist.

§ 5102. Safe opioid prescription education.

(a) **Curriculum.**--Beginning August 1, 2017, the licensing boards shall, by joint regulation, implement a safe prescription of a controlled substance containing an opioid curriculum. The

curriculum may be offered in colleges or by providers approved by the licensing boards and shall include all of the following:

- (1) Current, age-appropriate information relating to pain management.
- (2) Multimodal treatments for chronic pain that minimize the use of a controlled substance containing an opioid.
- (3) If a controlled substance containing an opioid is indicated, instruction on safe methods of prescribing a controlled substance containing an opioid that follow guideline-based care.
- (4) Identification of patients who have risk factors for developing problems with prescription of a controlled substance containing an opioid.
- (5) Training on managing substance use disorders as a chronic disease.

(b) Separation from standardized curriculum.--The education required under this chapter shall not be considered to be a mandate of the curriculum necessary for graduation. Nothing in this chapter shall be construed to prohibit a college from requiring such curriculum to be necessary to graduate after August 1, 2017.

§ 5103. Temporary regulations.

In order to facilitate the prompt implementation of this chapter, each licensing board may issue temporary regulations. The following shall apply:

- (1) The temporary regulations shall expire no later than two years after their issuance.
- (2) The temporary regulations issued by each licensing board shall not be subject to:
 - (i) Sections 201, 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.
 - (ii) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

CHAPTER 52

PATIENT VOLUNTARY NONOPIOID DIRECTIVE

Sec.

5201. Scope of chapter.
5202. Definitions.
5203. Voluntary nonopioid directive.
5204. Guidelines.
5205. Exemption from liability.
5206. Licensing boards.

Enactment. Chapter 52 was added November 2, 2016, P.L.987, No.126, effective immediately.

§ 5201. Scope of chapter.

This chapter relates to patient voluntary nonopioid directives.

§ 5202. Definitions.

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

"Controlled substance." As defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

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

"Health care facility." A health care facility as defined in section 103 of the act of July 19, 1979 (P.L.130, No.48),

known as the Health Care Facilities Act, or any other facility or institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with or prescribe or administer a controlled substance containing an opioid or other controlled substance in the course of professional practice or research in this Commonwealth.

"Licensing board." The term shall include the following:

(1) The State Board of Medicine as set forth in the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

(2) The State Board of Osteopathic Medicine as set forth in the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

(3) The State Board of Nursing as set forth in the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

(4) The State Board of Podiatry as set forth in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.

(5) The State Board of Dentistry as set forth in the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law.

"Opioid." Any of the following:

(1) A preparation or derivative of opium.

(2) A synthetic narcotic that has opiate-like effects but is not derived from opium.

(3) A group of naturally occurring peptides that bind at or otherwise influence opiate receptors, including an opioid agonist.

"Patient." An individual who is under the medical care of a practitioner.

"Practitioner." A health care practitioner as defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

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

"System." The Achieving Better Care by Monitoring All Prescriptions Program electronic prescription monitoring system with a database component as established under the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act.

"Voluntary nonopioid directive." A written instruction form executed by a patient evidencing the named patient's request not to have a controlled substance containing an opioid offered, supplied, prescribed or otherwise administered to the named patient by a practitioner.

§ 5203. Voluntary nonopioid directive.

(a) Duty of department.--

(1) In consultation with a Statewide professional organization representing physicians licensed to practice medicine in all its branches, Statewide organizations representing nursing homes, registered professional nurses, emergency medical systems and a Statewide organization representing health care facilities, the department shall develop and publish a uniform voluntary nonopioid directive form which may be used by a patient to deny or refuse the administration or prescribing of a controlled substance containing an opioid by a practitioner.

(2) The voluntary nonopioid directive form developed by the department in accordance with paragraph (1) shall indicate to all prescribing practitioners and health care facilities that the named patient shall not be offered,

prescribed, supplied with or otherwise administered a controlled substance containing an opioid.

(3) The voluntary nonopioid directive form shall be posted in a downloadable format on the department's publicly accessible Internet website.

(b) Execution of form.--The following shall apply:

(1) A patient may execute and file a voluntary nonopioid directive form with a practitioner or other authority authorized by the secretary to accept the voluntary nonopioid directive form for filing. Each practitioner or other person authorized by the secretary to accept a voluntary nonopioid directive form for filing shall date and affix his signature to the form in the presence of the patient as evidence of acceptance and shall provide a signed copy of the form to the patient.

(2) The patient executing and filing a voluntary nonopioid directive form with a practitioner shall sign and date the form in the presence of the practitioner, a designee of the practitioner or other person authorized by the secretary to accept a voluntary nonopioid directive form for filing. In the case of a patient who is unable to execute and file a voluntary nonopioid form, the patient may designate a duly authorized guardian or health care proxy to execute and file the form in accordance with paragraph (1).

(3) A patient may revoke the voluntary nonopioid directive form for any reason and may do so by written or oral means.

(4) Notwithstanding paragraph (1), before signing a voluntary nonopioid directive form a practitioner may, if deemed appropriate, assess the patient's personal and family history of alcohol or drug abuse and evaluate the patient's risk for medication misuse or abuse. In evaluating such risks, the practitioner shall access the system to determine whether an unusual or suspect pattern for the prescribing of controlled substances containing opioids to the patient has been reported to the system. If a practitioner reasonably believes that a patient is at risk for substance misuse or abuse or a practitioner believes in the practitioner's expert medical opinion that for any other reason the nonopioid directive is appropriate, the practitioner shall sign the form. The practitioner signing the nonopioid directive form shall note doing so in the patient's medical record.

§ 5204. Guidelines.

(a) Adoption of guidelines.--The department shall adopt and publish guidelines for the implementation of the voluntary nonopioid directive form. The guidelines shall include, but not be limited to:

(1) A standard form for the recording and transmission of the voluntary nonopioid directive form, which shall include verification by the patient's practitioner and which shall comply with the written consent requirements of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 290dd-2(b)) and 42 CFR Pt. 2 (relating to confidentiality of alcohol and drug abuse patient records), provided that the voluntary nonopioid directive form shall also provide the basic procedures necessary to revoke the voluntary nonopioid directive form.

(2) Procedures to record the voluntary nonopioid directive form in the patient's medical record or, if available, the patient's interoperable electronic medical record and in the system.

(3) Requirements and procedures for a patient to appoint a duly authorized guardian or health care proxy to override a previously filed voluntary nonopioid directive form and circumstances under which an attending practitioner may override a previously filed voluntary nonopioid directive form based on documented medical judgment which shall be recorded in the patient's medical record.

(4) Procedures to ensure that any recording, sharing or distributing of data relative to the voluntary nonopioid directive form complies with all Federal and State confidentiality laws.

(5) Appropriate exemptions for practitioners and other health care providers and emergency medical personnel to prescribe or administer a controlled substance containing an opioid when, in their professional medical judgment, a controlled substance containing an opioid is necessary.

(b) Publication.--The department shall publish the guidelines in the Pennsylvania Bulletin and on its publicly accessible Internet website.

(c) Written prescriptions.--A written prescription that is presented at an outpatient pharmacy or a prescription that is electronically transmitted to an outpatient pharmacy shall be presumed to be valid for the purposes of this section, and a pharmacist in an outpatient setting shall not be held in violation of this section for dispensing a controlled substance containing an opioid or other controlled substance in contradiction to a voluntary nonopioid directive form, except upon evidence that the pharmacist acted knowingly against the voluntary nonopioid directive form.

Cross References. Section 5204 is referred to in section 5205 of this title.

§ 5205. Exemption from liability.

(a) Practitioner exemption.--No practitioner or employee of a practitioner acting in good faith shall be subject to criminal or civil liability or be considered to have engaged in unprofessional conduct for failing to offer or administer a prescription or medication order for a controlled substance containing an opioid under the voluntary nonopioid directive form.

(b) Representative exemption.--No person acting as a representative or an agent under a health care proxy shall be subject to criminal or civil liability for making a decision under section 5204(a)(3) (relating to guidelines) in good faith.

§ 5206. Licensing boards.

Notwithstanding any other provision of law or regulation, a licensing board may limit, condition or suspend the license of or assess a fine against a practitioner who recklessly or negligently fails to comply with a patient's voluntary nonopioid directive form.

CHAPTER 52A
PRESCRIBING OPIOIDS TO MINORS

Sec.

- 52A01. Definitions.
- 52A02. Administration.
- 52A03. Prohibition.
- 52A04. Procedure.
- 52A05. Penalties.

Enactment. Chapter 52A was added November 2, 2016, P.L.983, No.125, effective immediately, unless otherwise noted.

§ 52A01. Definitions.

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

"Authorized adult." An adult who has a valid health care proxy to consent to the minor's medical treatment.

"Bureau." The Bureau of Professional and Occupational Affairs.

"Controlled substance." A drug, substance or immediate precursor included in Schedules II, III, IV and V of section 4 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Licensing board." A Commonwealth board which licenses, registers or certifies a prescriber.

"Medical emergency." A situation which, in a prescriber's good faith professional judgment, creates an immediate threat of serious risk to the life or physical health of a minor.

"Minor." An individual under 18 years of age. The term excludes an individual who is emancipated by:

- (1) marrying;
- (2) entering the armed forces of the United States;
- (3) being employed and self-sustaining; or
- (4) otherwise being independent from the care and control of the individual's parent, guardian or custodian.

"Opioid." Any of the following:

- (1) A preparation or derivative of opium.
- (2) A synthetic narcotic that has opiate-like effects but is not derived from opium.
- (3) A group of naturally occurring peptides that bind at or otherwise influence opiate receptors, including opioid agonist.

"Prescriber." A person that is licensed, registered or otherwise authorized to distribute, dispense or administer a controlled substance, other drug or device in the course of professional practice or research in this Commonwealth. The term does not include a veterinarian.

§ 52A02. Administration.

(a) Licensing boards.--A licensing board shall administer this chapter as to prescribers under its jurisdiction.

(b) Bureau.--

(1) The bureau shall, in cooperation with the licensing boards, prescribe the form under section 52A04(a)(3) (relating to procedure).

(2) The bureau shall transmit notice of the availability of the form to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Cross References. Section 52A02 is referred to in section 52A04 of this title.

§ 52A03. Prohibition.

(a) Proscription.--A prescriber may not do any of the following:

(1) Prescribe to a minor a controlled substance containing an opioid unless the prescriber complies with section 52A04 (relating to procedure).

(2) Except as set forth in subsection (b) and subject to section 52A04(c)(1), prescribe to a minor more than a

seven-day supply of a controlled substance containing an opioid.

(b) Exception.--Notwithstanding subsection (a)(1), a prescriber may prescribe to a minor more than a seven-day supply of a controlled substance containing an opioid if any of the following apply:

(1) In the professional medical judgment of the prescriber, more than a seven-day supply of a controlled substance containing an opioid is required to stabilize the minor's acute medical condition. In order for this paragraph to apply, the prescriber must:

(i) document the acute medical condition in the minor's record with the prescriber; and

(ii) indicate the reason why a non-opioid alternative is not appropriate to address the acute medical condition.

(2) The prescription is for:

(i) management of pain associated with cancer;

(ii) use in palliative or hospice care; or

(iii) management of chronic pain not associated with cancer.

Effective Date. Section 2(2) of Act 125 of 2016 provided that section 52A03 shall take effect upon publication of the notice under section 52A02(b)(2). The notice was published February 4, 2017, at 47 Pa.B. 671.

Cross References. Section 52A03 is referred to in section 52A04 of this title.

§ 52A04. Procedure.

(a) Requirements.--Except as set forth in subsection (b), before issuing a minor the first prescription in a single course of treatment for a controlled substance containing an opioid, regardless of whether the dosage is modified during that course of treatment, a prescriber shall do all of the following:

(1) Assess whether the minor has taken or is currently taking prescription drugs for treatment of a substance use disorder.

(2) Discuss with the minor and the minor's parent or guardian or with an authorized adult all of the following:

(i) The risks of addiction and overdose associated with the controlled substance containing an opioid.

(ii) The increased risk of addiction to controlled substances to individuals suffering from mental or substance use disorders.

(iii) The dangers of taking a controlled substance containing an opioid with benzodiazepines, alcohol or other central nervous system depressants.

(iv) Other information in the patient counseling information section of the labeling for controlled substances containing an opioid required under 21 C.F.R. 201.57(c)(18) (relating to specific requirements on content and format of labeling for human prescription drug and biological products described in § 201.56(b)(1)) deemed necessary by the prescriber.

(3) Obtain written consent for the prescription from the minor's parent or guardian or from an authorized adult. The prescriber shall record the consent on the form under section 52A02(b)(1) (relating to administration). The following apply:

(i) The form must contain all of the following:

(A) The brand name or generic name and quantity of the controlled substance containing an opioid being prescribed and the amount of the initial dose.

(B) A statement indicating that a controlled substance is a drug or other substance that the United States Drug Enforcement Administration has identified as having a potential for abuse.

(C) A statement certifying that the prescriber engaged in the discussion under paragraph (2).

(D) The number of refills authorized by the prescription under section 52A03(b) (relating to prohibition).

(E) The signature of the minor's parent or guardian or of an authorized adult and the date of signing.

(ii) The form shall be maintained in the minor's record with the prescriber.

(b) Exception.--Subsection (a) does not apply if the minor's treatment with a controlled substance containing an opioid meets any of the following criteria:

(1) The treatment is associated with or incident to a medical emergency as documented in the minor's medical record.

(2) In the prescriber's professional judgment, complying with subsection (a) with respect to the minor's treatment would be detrimental to the minor's health or safety. The prescriber shall document in the minor's medical record the factor or factors which the prescriber believed constituted cause for not fulfilling the requirements of subsection (a).

(3) The medical treatment is rendered while the minor remains admitted to a licensed health care facility or remains in observation status in a licensed health care facility.

(4) The prescriber is continuing a treatment initiated by another member of the prescriber's practice, the prescriber who initiated the treatment followed the procedures outlined in subsection (a) and the prescriber who is continuing the treatment is not changing the therapy in any way other than dosage.

(c) Limited prescription.--If the individual who signs the consent form under subsection (a) (3) is an authorized adult, the prescriber:

(1) may prescribe not more than a single, 72-hour supply; and

(2) shall indicate on the prescription the quantity that is to be dispensed pursuant to the prescription.

(Oct. 24, 2018, P.L.650, No.93, eff. 60 days)

2018 Amendment. Act 93 amended subsec. (b).

Effective Date. Section 2(2) of Act 125 of 2016 provided that section 52A04 shall take effect upon publication of the notice under section 52A02(b) (2). The notice was published February 4, 2017, at 47 Pa.B. 671.

Cross References. Section 52A04 is referred to in sections 52A02, 52A03 of this title.

§ 52A05. Penalties.

A violation of this chapter subjects a prescriber to administrative sanctions by the prescriber's licensing board under the applicable statute.

Effective Date. Section 2(2) of Act 125 of 2016 provided that section 52A05 shall take effect upon publication of the

notice under section 52A02(b)(2). The notice was published February 4, 2017, at 47 Pa.B. 671.

CHAPTER 52B

OPIOID TREATMENT AGREEMENTS

Sec.

- 52B01. Definitions.
- 52B02. Procedure.
- 52B03. Regulations.
- 52B04. Penalties.

Enactment. Chapter 52B was added November 27, 2019, P.L.764, No.112, effective immediately.

§ 52B01. Definitions.

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

"Acute pain." Pain that comes on quickly, may be severe, but lasts a relatively short time and is provoked by a specific condition or injury.

"Baseline test." The initial assessment through a urine drug test to:

- (1) identify the presence of an illegal substance prior to prescribing a controlled substance; or
- (2) assess the presence or absence of a prescribed drug or drug class.

"Chronic pain." Pain that persists or progresses over a period of time that may be related to another medical condition and is resistant to medical treatment. The term does not include acute pain.

"Controlled substance." A drug, substance or immediate precursor included in Schedules II through V of section 4 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Definitive drug test." A qualitative or quantitative urine drug test used to identify specific drugs, specific drug concentrations and associated metabolites.

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

"Individual." An individual who is at least 18 years of age.

"Medical emergency." A situation that, in the good faith professional judgment of the prescriber, creates a time sensitive threat of serious risk to the life or physical health of a person. The term includes treatment received in an emergency department or urgent care center under the act of November 2, 2016 (P.L.976, No.122), known as the Safe Emergency Prescribing Act.

"Opioid." Any of the following:

- (1) A preparation or derivative of opium.
- (2) A synthetic narcotic that has opiate-like effects but is not derived from opium.
- (3) A group of naturally occurring peptides that bind at or otherwise influence opiate receptors, including an opioid agonist.

"Periodic test." A urine drug test that screens for a selection of drugs.

"Prescriber." As defined in the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act.

"Presumptive positive drug test." A urine drug test that is used to identify suspected possible use or nonuse of drugs or a drug class that may be followed by a definitive test to specifically identify drugs or metabolites.

"Targeted test." A urine drug test ordered at the discretion of a prescriber, based on observation of the prescriber and related circumstances that enhance clinical decision making.

"Treatment agreement." A document signed by a prescriber and individual that contains a statement to ensure that the individual understands:

- (1) Treatment responsibilities.
- (2) The conditions of medication use.
- (3) The conditions under which the treatment of the individual may be terminated.
- (4) The responsibilities of the prescriber.

§ 52B02. Procedure.

(a) Prescriber requirements.--Except as specified in subsection (d), before issuing an individual the first prescription in a single course of treatment for chronic pain with a controlled substance containing an opioid, regardless of whether the dosage is modified during that course of treatment, a prescriber shall:

- (1) Assess whether the individual has taken or is currently taking a prescription drug for treatment of a substance use disorder.
- (2) Discuss with the individual:
 - (i) The risks of addiction and overdose associated with the controlled substance containing an opioid.
 - (ii) The increased risk of addiction to a controlled substance if the individual suffers from a mental disorder or substance use disorder.
 - (iii) The dangers of taking a controlled substance containing an opioid with benzodiazepines, alcohol or other central nervous system depressants.
 - (iv) Other information deemed appropriate by the prescriber under 21 CFR 201.57(c)(18) (relating to specific requirements on content and format of labeling for human prescription drug and biological products described in § 201.56(b)(1)).
 - (v) The nonopioid treatment options available for treating chronic noncancer pain, if applicable, that are consistent with the best practices per the Pennsylvania Opioid Prescribing Guidelines.

(3) Review and sign a treatment agreement form that includes:

- (i) The goals of the treatment.
- (ii) The consent of the individual to a targeted test in a circumstance where the physician determines that a targeted test is medically necessary. The treatment of chronic pain shall be consistent with the Pennsylvania Opioid Prescribing Guidelines.
- (iii) The prescription drug prescribing policies of the prescriber, which policies include:
 - (A) A requirement that the individual take the medication as prescribed.
 - (B) A prohibition on sharing the prescribed medication with other individuals.
- (iv) A requirement that the individual inform the prescriber about any other controlled substances prescribed or taken by the individual.
- (v) Any reason why the opioid therapy may be changed or discontinued by the prescriber.

(vi) Appropriate disposal methods for opioids that are no longer being used by the individual as specified in a consultation with the prescriber.

(4) Obtain written consent for the prescription from the individual. The prescriber may utilize electronic methods to obtain the written consent of the individual.

(5) Record the consent under paragraph (4) on the treatment agreement form under paragraph (3).

(b) Treatment agreement form requirements.--The treatment agreement form under subsection (a)(3) shall be maintained by the prescriber in the medical record of the individual and include:

(1) The brand name or generic name, quantity and initial dose of the controlled substance containing an opioid being prescribed.

(2) A statement indicating that a controlled substance is a drug or other substance that the United States Drug Enforcement Administration has identified as having a potential for abuse.

(3) A statement certifying that the prescriber engaged in the discussion under subsection (a)(2).

(4) The signature of the individual and the date of signing. The prescriber may utilize electronic methods to obtain the signature of the individual and the date of signing.

(c) Urine drug testing.--

(1) A baseline test, periodic test or targeted test shall be used to establish a general assessment for an individual new to treatment for chronic pain and in monitoring adherence to an existing individual treatment plan, as well as to detect the use of a nonprescribed drug.

(2) A baseline test shall be required prior to the issuance of the initial prescription for chronic pain and shall include confirmatory or quantitative testing of presumptive positive drug test results.

(3) An individual who is treated for addiction or an individual who is considered moderate or high risk by the prescriber shall be tested at least once annually or as frequently as necessary to ensure therapeutic adherence.

(d) Exception.--Subsection (c) shall not apply if the treatment of an individual with a controlled substance containing an opioid is associated with or incident to:

(1) A medical emergency documented in the medical record of the individual.

(2) The management of pain associated with cancer.

(3) The use in palliative or hospice care.

(4) The professional judgment of the prescriber under subsection (a)(1) and (2).

(e) Documentation of exception.--If subsection (d) applies, the prescriber shall document in the individual's medical record the factor under subsection (d) that the prescriber believes applies to the individual.

§ 52B03. Regulations.

(a) Promulgation.--The department shall promulgate temporary regulations within 90 days of the effective date of this subsection. The temporary regulations shall not be subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) Expiration.--The temporary regulations under subsection (a) shall expire on the promulgation of final-form regulations, or two years following the effective date of this section, whichever is later.

§ 52B04. Penalties.

A violation of this chapter by a prescriber shall be subject to sanctions under the prescriber's professional practice act and by the appropriate licensing board.

CHAPTER 53

911 EMERGENCY COMMUNICATION SERVICES

Sec.

- 5301. Scope of chapter.
- 5302. Definitions.
- 5303. Telecommunications management.
- 5304. Counties.
 - 5304.1. Pennsylvania State Police.
- 5305. 911 system plan.
- 5306. Special public meeting (Deleted by amendment).
 - 5306.1. Fund.
 - 5306.2. Uniform 911 surcharge.
- 5307. Payment, collection and remittance of surcharge by providers of 911 communications services.
 - 5307.1. Payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service.
- 5308. Expenditures for nonrecurring costs, training, mobile communications equipment, maintenance and operation of 911 systems (Deleted by amendment).
- 5309. Telephone records.
- 5310. Penalty.
- 5311. (Reserved).
 - 5311.1. Immunity.
 - 5311.2. Powers and duties of agency (Deleted by amendment).
 - 5311.3. Advisory committee (Deleted by amendment).
 - 5311.4. Wireless E-911 Emergency Services Fund (Deleted by amendment).
 - 5311.5. Disbursement of fund amounts by agency (Deleted by amendment).
 - 5311.6. Reporting (Deleted by amendment).
 - 5311.7. Prohibition against release of information.
 - 5311.8. Wireless provider and VoIP provider records (Deleted by amendment).
 - 5311.9. Immunity (Deleted by amendment).
 - 5311.10. Agency funding for wireless E-911 support (Deleted by amendment).
 - 5311.11. Rate regulation.
 - 5311.12. Regulations (Deleted by amendment).
 - 5311.13. Enforcement (Deleted by amendment).
 - 5311.14. Collection and disbursement of VoIP 911 fee (Deleted by amendment).
 - 5311.15. Shared residential MLTS service.
 - 5311.16. Business MLTS.
 - 5311.17. Shared communications services.
 - 5311.18. Temporary residence.
 - 5311.19. Local notification.
 - 5311.20. ALI database maintenance.
 - 5311.21. Industry standards.
 - 5311.22. Dialing instructions.

5311.23. MLTS signaling.
5311.24. MLTS operator education.
5311.25. Limitation of liability.
5312. (Reserved).
5312.1. Legislative study (Repealed).
5313. Legislative report.
5314. Inventory.
5398. Termination (Repealed).
5399. Prohibited release of information.

Enactment. Chapter 53 was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011, unless otherwise noted.

Chapter Heading. The heading of Chapter 53 was amended June 29, 2015, P.L.36, No.12, effective August 1, 2015.

Special Provisions in Appendix. See section 7(b)(1) and (2) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 5301. Scope of chapter.

This chapter relates to emergency telephone service.

§ 5302. Definitions.

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

"911 communication." Transmission of information to a PSAP for the initial reporting of police, fire, medical or other emergency situation.

"911 communications service." As follows:

(1) A service that allows the two-way transmission, conveyance or routing of voice, data, audio, video or any information of signals, including cable and internet protocol services, to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave or other medium or method in existence on or after the effective date of this definition, regardless of protocol used for the transmission or conveyance, only if that service is capable of contacting a PSAP by entering or dialing the digits 911 and is subject to applicable Federal or State requirements to provide the 911 dialing capability.

(2) The term does not include wireless and Internet-protocol-enabled services that are exempt from Federal Communications Commission regulations for 911 communications service, 911 service and next generation 911 service.

"911 service provider." An entity that provides all or parts of the network, software applications, databases, CPE components and operations and management procedures required to support a 911 system.

"911 system." A system capable of receiving and processing a 911 communication throughout a defined geographic area. The term shall include a county or county-based regional 911 system or a PSAP.

"Advisory committee." (Deleted by amendment).

"Agency." The Pennsylvania Emergency Management Agency.

"ALI." Automatic location information.

"ANI." Automatic number identification.

"Associated with Pennsylvania." (Deleted by amendment).

"Automatic location information." The delivery or receipt of location information, including, but not limited to, the street address or geographic location of a telecommunication device, as specified in the FCC 911 Order, being used to communicate with a 911 system.

"Automatic number identification." The delivery or receipt of a telephone number assigned to a telecommunication device being used to communicate with a 911 system.

"Board." The 911 board established under section 5303(b) (relating to telecommunications management).

"Call." A two-way communication established using a 911 communications service.

"Call-back number." A number used by a public safety answering point to recontact the location from which a 911 call was placed. This number may or may not be the number of the telephone station used to originate the 911 call.

"Commission." (Deleted by amendment).

"Communication service." Any service that provides to a subscriber or consumer the capability to initiate, route, transmit or complete a 911 communication from or through any telecommunication device that utilizes telephone numbers, Internet protocol addresses or functional equivalents or technological successors.

"Competitive local exchange carrier." (Deleted by amendment).

"Consumer." A person who purchases prepaid wireless telecommunications service or a prepaid wireless device in a retail transaction.

"Contribution rate." (Deleted by amendment).

"Council." (Deleted by amendment).

"County." (Deleted by amendment).

"County plan." (Deleted by amendment).

"Department." The Department of Revenue of the Commonwealth.

"Emergency location identification number" or "ELIN." A valid North American Numbering Plan format telephone number assigned to a multiline telephone system operator by the appropriate authority which is used to route the call to a public safety answering point and is used to retrieve the automatic location information for the public safety answering point. The ELIN may be the same number as the automatic number identification. The North American Numbering Plan number may in some cases not be a dialable number.

"Emergency notification services." Services provided by authorized agencies of Federal, State, county or local governments, or by persons authorized by these governments, that notify the public and may use ANI/ALI database information, of emergencies declared by these governments.

"Emergency support services." Information or database management services provided by authorized agencies of Federal, State, county or local governments, or by persons authorized by these governments, that are used in support of PSAPs or emergency notification services.

"Enhanced 911 service" or "911." Emergency communication service providing for automatic identification of caller location and calling number, which includes network switching, database and PSAP premise elements capable of providing automatic location identification data and a call-back number.

"FCC 911 Order." All of the following:

- (1) All orders or final rules issued by the Federal Communications Commission pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102) codified at 47 CFR § 20.18 (relating to 911 service), "Wireless E-911 Location Accuracy Requirements" codified at 47 CFR Pt. 20 (relating to commercial mobile services) and any successor proceeding.

(2) Any Federal Communications Commission order that affects the provision of wireless 911 service to wireless service customers.

"Fund." The 911 Fund established under section 5306.1 (relating to fund).

"Hybrid system." A system providing both manual and pooled access for outgoing calls. During installation, either pooled or manual access is selected.

"Industry standards." Publicly available technical requirements or standards adopted by an emergency communications industry association or standard-setting organization, including, but not limited to, the National Emergency Number Association and the Association of Public Safety Communications Officials International.

"Interconnected Voice over Internet Protocol provider." A person engaged in the business of providing interconnected VoIP service to end-use subscribers in this Commonwealth, including resellers.

"Interconnected Voice over Internet Protocol service." Service as defined by any of the following:

(1) All orders issued by the Federal Communications Commission pursuant to the proceeding entitled "IP-Enabled Services" (WC Docket No. 04-36; FCC 05-116), codified at 47 CFR Part 9 (relating to interconnected Voice over Internet Protocol services), and any successor proceeding.

(2) Any Federal Communications Commission order that affects the provision of 911 service to VoIP service subscribers or further defines interconnected Voice over Internet Protocol service.

"Interconnected Voice over Internet Protocol service subscriber." A person who is billed by an interconnected Voice over Internet Protocol provider, who is the end user of VoIP service and has designated a place of primary use within this Commonwealth.

"Interexchange carrier." (Deleted by amendment).

"Key telephone system." A type of multiline telephone system which provides shared access to several outside lines through buttons or keys, and which has identified access lines with direct line appearances or terminations on each telephone station.

"Local exchange carrier." A person that provides local exchange telecommunications service within this Commonwealth.

"Local exchange telecommunications service." The transmission of voice messages that originate and terminate within a prescribed local calling area, including services subject to regulation by the Pennsylvania Public Utility Commission.

"Local exchange telephone service." (Deleted by amendment).

"Local notification." A system capability that directs a call to 911 from a multiline telephone system extension through the 911 network to a public safety answering point and simultaneously notifies a designated individual to identify the location of the telephone that has dialed 911.

"Master street address guide." A database of street names and house number ranges within the associated communities defining emergency services zones and their associated emergency services numbers to enable proper routing of 911 calls.

"Mobile telephone number" or "MTN." (Deleted by amendment).

"Multiline telephone system" or "MLTS." A system comprised of common control units, telephone sets, control hardware and software and adjunct systems used to support capabilities,

including, but not limited to, network and premises-based systems such as Centrex, VoIP, Hybrid and Key Telephone Systems and PBX as classified under 47 CFR § 68.162 (relating to requirements for telecommunication certification bodies), whether owned or leased by private individuals and businesses or by government agencies and nonprofit entities.

"Multiline telephone system (MLTS) manager." The person authorized to implement a multiline telephone system, either through purchase or lease of an MLTS or the purchasing of MLTS services, as the means by which to make 911 calls.

"Multiline telephone system (MLTS) operator." The person responsible for ensuring that a 911 call placed from a multiline telephone system is transmitted and received in accordance with this chapter regardless of the MLTS technology used to generate the call. The MLTS operator may be the MLTS manager or a third party acting on behalf of the MLTS manager.

"Next generation 911 service." 911 service using, in whole or in part, next generation 911 technology.

"Next generation 911 technology." Equipment, products or services that enable a PSAP to receive calls for emergency assistance by voice, text, video, Internet protocol or other technology authorized by Federal law, regulation or industry standard. The term includes any new technology with the same or similar functionality.

"NPA-NXX." (Deleted by amendment).

"Other emergency communications service." Services covered by the term as defined in 47 U.S.C. § 615b(8) (relating to definitions).

"Other emergency communications service provider." Entities covered by that term as defined in 47 U.S.C. § 615b(9).

"Person." The term includes a corporation, an LLC, a partnership, an association, the Federal Government, the State government, a political subdivision, a municipal or other local authority and a natural person.

"Place of primary use." The street address where the subscriber's use of the wireless or VoIP service primarily occurs. For the purpose of the surcharge assessed on a VoIP service subscriber, place of primary use is the VoIP service subscriber's registered location on the date the VoIP service subscriber is billed.

"Prepaid wireless device." A device that is purchased with a prepaid wireless telecommunications service and is strictly used for that purpose.

"Prepaid wireless E-911 surcharge." (Deleted by amendment).

"Prepaid wireless provider." A person that provides prepaid wireless telecommunications service.

"Prepaid wireless telecommunications service." A wireless telecommunications service that meets all of the following:

(1) Allows a caller to transmit the digits 911 to access a 911 system.

(2) Must be paid for in advance and sold in predetermined units or dollars of which the number may or may not decline with use in a known amount.

"Primary place of use." (Deleted by amendment).

"Private 911 emergency answering point." An answering point operated by a nonpublic safety entity which:

(1) Provides functional alternative and adequate means of signaling and directing responses to emergencies as an adjunct to public safety responses.

(2) Trains individuals intercepting calls for assistance in accordance with applicable local emergency telecommunications requirements.

(3) Provides incident reporting to the public safety emergency response centers in accordance with State and local requirements.

"Private branch exchange" or "PBX." A private telephone network switch that is connected to a publicly switched telephone network.

"Provider." A person that provides service to the public for a fee that includes 911 communications service, including, but not limited to, a local exchange carrier, a wireless provider, a prepaid wireless provider, a VoIP provider or a provider of next generation 911 or successor services.

"PSAP." (Deleted by amendment).

"Public agency." Any of the following:

(1) The Commonwealth.

(2) A political subdivision, public authority or municipal authority.

(3) An organization located in whole or in part within this Commonwealth which provides or has the authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

"Public safety answering point" or "PSAP." The agency-approved entity that receives 911 communications from a defined geographic area and processes those calls according to a specific operational policy. The term shall refer to a county or county-based regional 911 system.

"Public switched telephone network." The network of equipment, lines and controls assembled to establish communication paths between calling and called parties in North America.

"Regional." A geographic area that includes more than one county.

"Regional ESiNET." An Internet Protocol-based system which consists of managed networks, shared applications and the ability to replicate emergency 911 features and functions.

"Regionalization of technology." The adoption of technology that increases the efficiency of a 911 system by allowing multiple PSAPs to use the same equipment or service.

"Retail transaction." The purchase of prepaid wireless telecommunications service or a prepaid wireless device bundled with prepaid wireless telecommunications service from a seller for any purpose other than resale.

"Seller." A person who sells prepaid wireless telecommunications service or a prepaid wireless device bundled with prepaid wireless telecommunications service to another person.

"Shared residential MLTS service." The use of a multiline telephone system to provide service to residential facilities even if the service is not delineated for purposes of billing. For purposes of this definition, residential facilities shall be liberally construed to mean single family and multifamily facilities.

"Shared telecommunications services." The provision of telecommunications and information management services and equipment within a user group located in discrete private premises in building complexes, campuses or high-rise buildings by a commercial shared services provider or by a user association through privately owned subscriber premises equipment and associated data processing and information management services, including the provision of connections to the facilities of a local exchange carrier and to interexchange carriers.

"Subscriber." A person who contracts with and is billed by a provider within this Commonwealth for a 911 communications service. In the case of wireless service, the term shall mean a person who contracts with a provider if the person's place of primary use is within this Commonwealth.

"Telecommunications." The term shall have the meaning given to it in 47 U.S.C. § 153(50) (relating to definitions).

"Telecommunications carrier." Any provider of telecommunications services as defined by the Telecommunications Act of 1996 (Public Law 104-104, 110 Stat. 56).

"Telecommunication device" or "device." Any equipment or item made or adapted for use by a subscriber or consumer to initiate, route or transmit 911 communications using a 911 communications service.

"Telephone subscriber." (Deleted by amendment).

"Temporary facility." A dormitory, hotel, motel, health care facility, long-term care facility, nursing home or other facility as determined by the agency that provides temporary occupancy to temporary residents and that is served by a multiline telephone system.

"Uniform 911 surcharge" or "surcharge." The fee assessed to a subscriber or consumer as provided for under this chapter.

"Vendor." A person who supplies 911 system services or equipment to enable the transmission of a 911 communication to a PSAP or to support a 911 system or a consultant representing the person, county or PSAP.

"VoIP provider." Interconnected Voice over Internet Protocol provider.

"VoIP service." Interconnected Voice over Internet Protocol service.

"VoIP service subscriber." An Interconnected Voice over Internet Protocol service subscriber.

"Wireless 911 service." 911 communications service provided by a wireless provider, pursuant to the FCC 911 Order, including text-to-911 or any successor requirements.

"Wireless E-911 State plan." (Deleted by amendment).

"Wireless E-911 surcharge." (Deleted by amendment).

"Wireless E-911 system." (Deleted by amendment).

"Wireless provider." A person engaged in the business of providing wireless service to end-use subscribers in this Commonwealth, including resellers.

"Wireless service." Commercial mobile radio service as defined under section 332(d) of the Communications Act of 1934 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time, two-way voice service that is interconnected with the public switched telephone network. The term does not include prepaid wireless telecommunications service.

"Wireless service customer." A person who is billed for wireless service by a wireless provider or who purchases prepaid wireless telecommunications service within this Commonwealth. (June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015; June 28, 2019, P.L.142, No.17, eff. imd.)

2019 Amendment. Act 17 amended the defs. of "911 system" and "public safety answering point" or "PSAP."

Special Provisions in Appendix. See section 7(b)(3) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Section 5302 is referred to in section 75A01 of this title.

§ 5303. Telecommunications management.

(a) Powers and duties of agency.--The agency shall have the following powers and duties:

(1) To adopt rules and regulations as necessary to enforce this chapter. Rules and regulations proposed under the authority of this section shall be subject to review by the General Counsel and the Attorney General in the manner provided for the review of proposed rules and regulations pursuant to the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) To publish guidelines and application procedures for the collection and distribution of fees collected under this chapter.

(3) To receive, review and approve or disapprove all 911 system plans in accordance with standards developed in consultation with the board.

(4) To establish, in consultation with the board, a Statewide 911 plan that sets forth priorities for 911 systems in this Commonwealth and plans for next generation 911 technology.

(5) To designate a State 911 coordinator who shall be an employee of the agency.

(6) To provide administrative and support staff to the board as necessary.

(7) To establish formulas and methods to distribute money in accordance with section 5306.1 (relating to fund) in consultation with the board.

(8) To establish and publish annually uniform standards relating to technology, next generation 911 technology, administration and operation of 911 systems in consultation with the board.

(9) To cooperate with county and regional 911 systems to develop interconnectivity of 911 systems through the establishment, enhancement, operation and maintenance of an Internet protocol network.

(10) To establish and publish annually, in consultation with the board, eligible uses for money received under this chapter, including next generation 911 technology.

(11) To request information and require audits or reports relating to program compliance from any entity remitting the surcharge to or receiving disbursements from the fund.

(11.1) To subpoena witnesses, administer oaths, examine witnesses, take such testimony and compel the production of such books, records, papers and documents as it may deem necessary or proper in and pertinent to any proceeding, investigation or hearing.

(12) To require a biennial performance audit of each 911 system's use of money from the fund, including allocations to capital or operating reserves.

(13) To prescribe the applications and forms necessary to enforce this chapter.

(14) No later than December 1 of each year, to report to the General Assembly on the revenue and distributions from the fund for the previous fiscal year and the compliance with the Commonwealth's 911 priorities. In addition, the report shall include a listing of any 911 systems that have merged or consolidated during the previous year.

(15) To adopt, in consultation with the board, minimum training, certification and quality assurance standards for emergency dispatchers, call takers and supervisors.

(16) To develop, in consultation with the board, a comprehensive plan for the implementation of a Statewide interoperable Internet protocol network using next generation 911 technology that coordinates the delivery of Federal, State, regional and local emergency services.

(17) To enforce this chapter through injunction, mandamus or other appropriate proceeding.

(18) To take other actions necessary to implement and enforce this chapter.

(b) Establishment of 911 board.--There is established a board within the agency to be known as the 911 board. The board shall be comprised of the following:

(1) The following State officials, who shall serve as voting members:

(i) The director of the agency, who shall act as chairperson.

(ii) The State 911 coordinator.

(iii) The Commissioner of the Pennsylvania State Police.

(iv) The chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(v) The minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(vi) The chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(vii) The minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(viii) The State Fire Commissioner.

(ix) The chairperson of the State Geospatial Coordinating Board.

(2) The following local officials, who shall serve as voting members:

(i) The mayor of a city of the first class.

(ii) A county executive of a county of the second class.

(iii) A county commissioner of a county of the second class A, or a home rule equivalent.

(iv) A county commissioner of a county of the third or fourth class, or its home rule equivalent.

(v) Two county commissioners of a county of the fifth, sixth, seventh or eighth class, or a home rule equivalent.

(vi) The 911 coordinator of a city of the first class.

(vii) The 911 coordinator of a county of the second class.

(viii) The 911 coordinator of a county of the second class A.

(ix) The 911 coordinator of a county of the third or fourth class.

(x) Two 911 coordinators of a county of the fifth, sixth, seventh or eighth class.

(3) A representative from the following State agencies, who shall serve as nonvoting members, to be appointed by the chief executive or administrative officer of each agency:

(i) The Pennsylvania Public Utility Commission.

(ii) (Deleted by amendment).

(iii) The Governor's Office of Administration.

(4) A representative from the following Statewide associations, who shall serve as nonvoting members:

- (i) The Pennsylvania Chiefs of Police Association.
- (ii) The Fraternal Order of Police.
- (iii) The Pennsylvania Emergency Health Services Council.
- (iv) The Pennsylvania Fire and Emergency Services Institute.
- (v) The Association of Public-Safety Communications Officials.
- (vi) The Pennsylvania Chapter of the National Emergency Number Association.
- (vii) The Keystone Emergency Management Association.
- (viii) The Pennsylvania Professional Fire Fighters Association.
- (ix) The Firemen's Association of the State of Pennsylvania.
- (x) The Pennsylvania Wireless Association.
- (xi) The Pennsylvania Telephone Association.
- (xii) The Broadband Cable Association of Pennsylvania.
- (xiii) The Pennsylvania Municipal League.
- (xiv) The Pennsylvania State Association of Boroughs.
- (xv) The Pennsylvania State Association of Township Supervisors.
- (xvi) The Pennsylvania State Association of Township Commissioners.
- (xvii) The Ambulance Association of Pennsylvania.
- (xviii) The Pennsylvania Association of Councils of Governments.

(5) A member of the general public, who shall serve as a nonvoting member.

(b.1) Designee.--A voting member of the board may appoint a designee who must be an employee of the same agency or organization as the voting member to attend meetings.

(b.2) Gubernatorial appointees.--The Governor shall appoint the board members under subsection (b)(2)(iii), (iv), (v), (viii), (ix) and (x), (4) and (5) upon the recommendation of Statewide organizations and industry segments. Recommendations for appointments of county officials under subsection (b)(2) shall be requested by the Governor from the County Commissioners Association of Pennsylvania and recommendations for appointments of 911 coordinators under subsection (b)(2) shall be requested by the Governor from the State chapters of the National Emergency Number Association and the Association of Public Communications Officials. The following shall apply:

(1) Members appointed by the Governor are appointed to terms of two years and may serve no more than three consecutive terms.

(2) The Statewide organizations shall ensure that nominees are sufficiently proficient in 911 policies, operations and technologies and that the nominees provide a diverse representation from the western, central and eastern regions of this Commonwealth.

(3) The Governor shall make the initial appointments of members under subsection (b)(2), (4) and (5) within 90 days of the effective date of this paragraph. Initial terms for members appointed by the Governor shall be divided between one-year and two-year terms.

(4) Except a member appointed under subsection (b)(2)(i), (ii), (vi) or (vii), the Governor may remove an appointed member of the board for cause upon written notice to the board.

(5) A member's nonparticipation in three consecutive board meetings may be considered cause for removal.

(b.3) Quorum.--Thirteen members of the board shall constitute a quorum. When a quorum is present, three-fourths consent of members present and voting is required for any action of the board.

(b.4) Meetings.--The board shall meet at least once quarterly and at any special session called by the chairperson. All meetings of the board shall be conducted in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(b.5) Compensation.--The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary travel and other expenses in connection with attendance at meetings called by the chairperson.

(c) Powers and duties of board.--The board shall have the following powers and duties:

(1) To advise the agency on regulations and guidelines relating to the administration and operation of 911 systems in this Commonwealth relating to the following:

(i) Standards for performance reviews and quality assurance programs to ensure public safety and maintain and improve the performance of 911 systems.

(ii) Measures to ensure the compliance of 911 systems with current industry standards and applicable Federal regulations.

(iii) Cost-saving measures to include joint purchasing opportunities.

(iv) Measures to promote regionalization of PSAPs.

(v) Measures to promote next generation 911 technology.

(vi) 911 planning guidelines.

(vii) Training standards for emergency dispatchers, call takers and supervisors.

(2) To provide advice and recommendations to the agency to develop and adopt formulas and methods to distribute money from the fund under section 5306.1.

(3) To promote effective communication and information sharing between the agency and county 911 coordinators and develop recommendations to improve 911 systems in this Commonwealth.

(4) To advise the agency on plans to deploy next generation 911 technology in 911 systems in this Commonwealth.

(5) To promote the regional use of technology.

(6) To promote sharing of information among the agency, 911 systems and other State and local agencies relating to the operation and improvement of 911 systems.

(d) Exemption.--The Pennsylvania State Police telecommunications facilities are exempt from the telecommunications management of the agency and the board. (June 29, 2015, P.L.36, No.12, eff. imd.; June 28, 2019, P.L.142, No.17, eff. imd.; Nov. 7, 2019, P.L.617, No.83, eff. imd.)

2019 Amendments. Act 17 amended subsecs. (a)(15) and (b)(1), (3) and (4) and Act 83 amended subsec. (a).

Cross References. Section 5303 is referred to in section 5302 of this title.

§ 5304. Counties.

(a) Powers and duties.--Each county shall have the following powers and duties in relation to a 911 system:

(1) To ensure the provision of a 911 system in the county's respective jurisdiction. A county may provide a 911 system to the county's jurisdiction through participation in a regional 911 system.

(2) To develop, maintain or adopt a 911 plan for the county and submit the plan to the agency for review.

(i) The plan shall be reviewed and updated at a frequency prescribed by the board.

(ii) A county may adopt the 911 plan of a regional 911 system if the county is a participating member of that regional 911 system.

(3) To cooperate with the agency, the board and the Pennsylvania State Police.

(4) To comply with the guidelines, standards and reporting requirements established by the agency.

(5) To execute all contracts, agreements, mutual aid agreements, cross-service agreements and all other documents necessary to implement its 911 plan.

(6) To designate a 911 coordinator for the county who shall develop and submit a plan for the implementation, operation and maintenance of a 911 system.

(7) To cooperate with the board in the preparation and submission of the 911 system plan.

(8) To cooperate with the Pennsylvania State Police. Subject to subparagraphs (i) through (iii), a county that utilizes ANI/ALI database services shall, upon request of the Commissioner of the Pennsylvania State Police or the designee of the commissioner, provide authority to access all ANI/ALI database information relating to 911 calls for emergency services, whether the database is held by the county or by a commercial entity, following the established procedures of the database owner. The following shall apply:

(i) In order to ensure that no county or PSAP experiences degradation of service or additional costs as a result of complying with this subsection:

(A) the Pennsylvania State Police shall provide, at its cost, any equipment, computer software or telecommunications equipment or services, exclusive of recurring personnel costs for county personnel, that are necessary to enable its access to any ANI/ALI database information; and

(B) all means of access must be approved by the county, PSAP and the Pennsylvania State Police before the county is required to authorize or provide the access. In the event of a dispute between the Pennsylvania State Police and a county or PSAP regarding approval by the county and PSAP, the dispute shall be mediated by the Office of Information Technology of the Commonwealth's Office of Administration. The Office of Information Technology may bring in a Commonwealth mediator from the Office of General Counsel to provide assistance in resolving the dispute.

(ii) The ANI/ALI database information to which access is authorized or enabled under this paragraph or section 5304.1(a)(3) (relating to Pennsylvania State Police) shall be used only in providing emergency response services to a 911 call. A person who uses or discloses the ANI/ALI database information under this subparagraph for any other purpose commits a misdemeanor of the third degree.

(iii) Nothing contained in this paragraph shall be construed to impose on providers any obligations beyond those created by applicable Federal Communications Commission orders and regulations. Public agencies, counties, PSAPs and wireless providers shall not be liable to any person for errors in any of the ANI/ALI database information which may be accessed by or provided to the Pennsylvania State Police under this paragraph.

(9) To comply with reporting requirements established by the agency.

(10) To make reasonable efforts to ensure required geographic information system (GIS) information is available and maintained to support next generation 911 call delivery. The following apply:

(i) Counties must cooperate with each other to develop the PSAP boundary, emergency service boundary, provisioning boundary and road centerline data sets.

(ii) Counties shall share GIS data needed to support geospatial call routing.

(b) Persons outside county.--(Deleted by amendment).

(c) Cities of the second class, second class A and third class.--(Deleted by amendment).

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015; June 28, 2019, P.L.142, No.17, eff. imd.)

2019 Amendment. Act 17 added subsec. (a)(10) and deleted subsec. (c).

Cross References. Section 5304 is referred to in section 5304.1 of this title.

§ 5304.1. Pennsylvania State Police.

(a) Powers and duties.--The Commissioner of the Pennsylvania State Police, or the designee of the commissioner, shall have the following powers and duties in relation to a Pennsylvania State Police telecommunications facility:

(1) To designate, with specificity, which Pennsylvania State Police facilities shall be considered Pennsylvania State Police telecommunications facilities under this chapter.

(2) To designate a commander of a Pennsylvania State Police telecommunications facility, who shall serve as the point of contact with the agency and the counties and shall oversee the implementation, operation and maintenance of a Pennsylvania State Police telecommunications facility. A Pennsylvania State Police facility shall, where technologically feasible, be adequate to provide service to the designated area of coverage.

(3) To request authority to access ANI/ALI database information relating to 911 calls for emergency services from the counties and PSAPs within the designated area of coverage of a Pennsylvania State Police telecommunications facility. No county or PSAP shall be required to comply with such a request unless it is made by the Commissioner of the Pennsylvania State Police or the designee of the commissioner under section 5304(a)(8) (relating to counties).

(4) To provide training and certification for all call takers/dispatchers and call taker/dispatcher supervisors that meet or exceed the training and certification standards that are provided for in 4 Pa. Code Ch. 120c (relating to training and certification standards for 911 emergency communications personnel) or any successor standard.

(b) Ineligible reimbursement.--The Pennsylvania State Police is not eligible to receive reimbursement from the fund, nor may

the Pennsylvania State Police impose a tax, fee or surcharge upon subscribers or customers of any provider.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

Cross References. Section 5304.1 is referred to in section 5304 of this title.

§ 5305. 911 system plan.

(a) **Minimum standards.**--Upon the agreement of a county to establish a 911 system as a regional or single county PSAP, a plan shall be adopted that meets at least the standards promulgated by the agency. The county may obtain technical assistance from the agency in formulating its plan. Each 911 system plan shall be designed to meet the individual circumstances of each community and public agency participating in the 911 system. The plan shall consider efficiencies to be achieved from regionalization and consolidation and may include consideration of next generation 911 technology.

(b) **Board review.**--

(1) The board shall review each 911 system plan for completeness and may recommend the approval or disapproval of the plan to the agency.

(2) If the 911 system plan is recommended for disapproval by the board, the agency shall explain the deficiencies that caused the recommendation and may return the plan.

(c) **Regional systems.**--Nothing in this chapter shall be construed to prohibit the formation of multijurisdictional or regional 911 systems.

(d) **Council review.**--(Deleted by amendment).

(e) **Commission review.**--(Deleted by amendment).

(f) **Present systems.**--(Deleted by amendment).

(g) **Regional systems.**--(Deleted by amendment).

(g.1) **Contribution rate.**--(Deleted by amendment).

(h) **Contribution rate changes.**--(Deleted by amendment).

(i) **Assessment.**--(Deleted by amendment).

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

Cross References. Section 5305 is referred to in section 5306.1 of this title.

§ 5306. Special public meeting (Deleted by amendment).

2015 Amendment. Section 5306 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5306.1. Fund.

(a) **Establishment.**--There is established in the State Treasury a nonlapsing restricted interest-bearing account to be known as the 911 Fund. Money in the fund and the interest the money accrues is appropriated to the agency to be disbursed by the agency.

(b) **Composition of fund.**--The following money shall be deposited in the fund:

(1) The surcharge remitted under section 5307 (relating to payment, collection and remittance of surcharge by providers of 911 communications services) and the prepaid wireless surcharge remitted under section 5307.1 (relating to payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service).

(2) Any money appropriated by the General Assembly.

(3) Money from any other public or private source.

(4) Interest accrued by the fund.

(c) **Use.**--

(1) The money in the fund shall be used only for reasonably necessary costs that enhance, operate or maintain a 911 system in this Commonwealth in accordance with the Statewide 911 plan established by the agency. For the purposes of this paragraph, reasonably necessary costs shall be determined by the agency, in consultation with the board, consistent with the following:

(i) The agency shall establish factors for reasonably necessary costs.

(ii) The agency shall provide the factors annually through agency guidelines.

(iii) Notwithstanding any guidelines provided by the agency, use of the fund by a 911 system or the agency to establish, enhance, operate or maintain Statewide interconnectivity of 911 systems or to establish a capital or operating reserve consistent with a 911 system plan shall be deemed reasonably necessary.

(2) Money from the fund shall not be expended on a 911 system that does not conform to the standards and guidance published by the agency.

(3) Money from the fund shall not be transferred for General Fund use by the Commonwealth or counties.

(d) Distribution.--Within 30 days after the end of each quarter, the agency shall determine the amount available from the fund for distribution and make disbursements in accordance with the Statewide 911 plan and this chapter and in accordance with the following:

(1) Not less than 80% of the amount in the fund shall be disbursed to a 911 system through a mathematical formula established by the agency in consultation with the board, of which at least 30% shall solely be based on population.

(2) Up to 15% of the amount in the fund shall be used by the agency to establish, enhance, operate or maintain Statewide interconnectivity of 911 systems, including, but not limited to, the use or obligations of money for debt service related to regional or Statewide interconnectivity. Money under this paragraph may also be used to purchase a Statewide system designed to allow individuals to identify their phone numbers as associated with a person with a physical disability, so that when an individual makes a 911 call, the PSAP has this information.

(3) Three percent of the amount available shall be disbursed equally to the PSAPs of this Commonwealth. Consolidation of PSAPs after the effective date of this paragraph shall not reduce an allocation to a county under this paragraph.

(4) Not greater than 2% of the amount in the fund may be retained by the agency to pay for agency expenses directly related to administering the provisions of this chapter. Any excess shall be added to the amounts available for distribution under paragraph (1). Audits conducted by the agency under this section shall be funded from amounts retained under this paragraph.

(e) Distribution formula considerations.--

(1) The distribution formula established by the agency under subsection (d) shall fairly and proportionately reflect 911 system needs.

(2) The initial distribution formula shall be established and implemented by the agency, in consultation with the board, no later than 18 months following the effective date of this section.

(3) The distribution formula shall be reviewed every two years and may be adjusted annually.

(4) In developing and evaluating the distribution formula, the agency, in consultation with the board, shall consider and may include the following factors that permit the formula to reflect 911 system needs:

- (i) Base level costs common to all 911 systems.
- (ii) Population and population density.
- (iii) Call volume, including definition of what constitutes a call as published by the agency.
- (iv) Extenuating factors such as topography, concentrated exposure such as transit or industrial facilities, or cyclical exposures such as high-attendance public events.

(5) In development of the distribution formula, the agency, in consultation with the board, shall consider the 911 system's average reported allowable 911 system costs for the five years immediately preceding the effective date of this section.

(6) Notwithstanding the provisions of paragraph (5), the total annual disbursement from the fund to any one 911 system may not exceed the actual annual costs to enhance, operate or maintain that 911 system in accordance with the Statewide 911 system plan. Actual costs may include amortization or depreciation of allowable capital costs of the 911 system as determined using generally accepted accounting principles and approved plan allocations to capital and operating reserves, if approved by the agency.

(f) Interim distribution formula.--Commencing on the effective date of this subsection, until the board develops and the agency implements a distribution formula under subsection (e), the money available under subsection (d)(1) and (3) shall be distributed to each 911 system as follows:

(1) A share equivalent to 106% times the respective 911 system's average of local exchange telephone carriers surcharge collections under section 5305 (relating to 911 system plan) for the five years immediately preceding the effective date of this section.

(2) A share equivalent to 106% times the respective 911 system's average of VoIP provider's surcharge collections under section 5307 for the five years immediately preceding the effective date of this section.

(3) The remaining amount distributed to each 911 system shall be based on the ratio that its average reported allowable 911 system costs for the five years immediately preceding the effective date of this paragraph bear to the average reported allowable 911 system costs for all 911 systems for the five years immediately preceding the effective date of this paragraph.

(g) Surplus.--

(1) If excess money remains available in the fund after the distribution and balanced disbursements required under subsections (d) and (e), the agency shall distribute the remaining money for the enhancement, operation or maintenance of 911 systems as provided under subsection (d)(1) in this Commonwealth in accordance with the Statewide 911 system plan.

(2) If the fund experiences a surplus as described in this section for eight consecutive quarters, the agency shall provide written notice of the surplus to the General Assembly and the written notice shall include a recommended reduced surcharge for consideration by the General Assembly.

(3) The written notice required under paragraph (2) shall be submitted to the General Assembly within 60 days after the end of the eighth consecutive quarter experiencing the surplus.

(h) County or city action required.--A county or city of the third class shall not be eligible to receive funds under this section unless the governing body of the county or city adopts a resolution or ordinance authorizing acceptance of the funds. The county or city shall provide public notice of the intent to adopt the resolution or ordinance. A copy of the resolution or ordinance shall be provided to the agency.

(i) Audits.--

(1) The fund shall be audited in a manner and on a frequency consistent with other restricted receipts accounts administered by the Commonwealth.

(2) The agency shall require a biennial performance audit of each PSAP's use of the disbursements it has received from the fund, including amounts placed in capital or operating reserve consistent with published guidelines established by the agency.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015; June 28, 2019, P.L.142, No.17, eff. imd.)

2019 Amendment. Act 17 amended subsec. (d)(2).

2015 Amendment. Act 12 added section 5306.1.

Cross References. Section 5306.1 is referred to in sections 5302, 5303 of this title.

§ 5306.2. Uniform 911 surcharge.

(a) Surcharge imposed.--Each subscriber or consumer shall pay a surcharge of \$1.65 for each 911 communications service or prepaid wireless device for which that subscriber or consumer is billed by a provider or seller as provided for under this chapter. The surcharge shall be collected apart from and in addition to a fee levied by the provider or seller, in whole or in part, for the provision of 911 services. The surcharge shall be subject to the following:

(1) The surcharge shall be uniform, competitively neutral and in an equal amount for subscribers or consumers of all 911 communications services.

(2) Except as provided under section 5307.1 (relating to payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service), the surcharge shall be paid to the State Treasurer for deposit in the fund. The Treasurer may retain up to 1% of the remitted surcharge to pay expenses directly related to the cost of collection.

(3) No subscriber or consumer shall be required to pay more than one surcharge per number or device.

(b) Provider administrative costs.--Each provider collecting the surcharge may retain an amount not to exceed 1% of the gross receipts of surcharges collected as reimbursement for its actual administrative costs.

(c) Collection of surcharge.--The collection of the surcharge by each provider shall be subject to the following:

(1) Providers shall collect the surcharge on behalf of the agency as part of their billing process and shall have no obligation to take any legal action to enforce the collection of the surcharge. Action may be brought by or on behalf of the agency. Upon written request of the agency, each wireless provider shall annually provide a list of the names and addresses of those wireless service customers whose accounts are considered a bad debt as determined by the

provider's books and records that have failed to pay the surcharge.

(2) Providers shall not be liable for the unpaid amounts.

(3) If a provider receives a partial payment for a monthly bill from a subscriber, the provider shall apply the payment against the amount the subscriber owes the provider first and shall remit to the State Treasurer the lesser amount, if any, resulting from the application.

(4) The surcharge shall not be:

(i) Subject to taxes or charges levied by the Commonwealth or a political subdivision of this Commonwealth or an intergovernmental agency for 911 funding purposes on a provider, seller or consumer with respect to the sale, purchase, use or provision of a communication service.

(ii) Considered revenue of the provider.

(5) Nothing under this chapter shall prevent a provider from recovering costs of implementing and maintaining 911 communications service directly from the provider's subscribers, whether itemized on the subscriber's bill or by any other lawful method.

(6) Funds remaining in a State or county 911 fund prior to the effective date of this section shall only be used for purposes relating to the operation of 911 systems.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5306.2.

§ 5307. Payment, collection and remittance of surcharge by providers of 911 communications services.

(a) Collection and remittance of surcharge.--

(1) Providers shall assess and collect the surcharge monthly from each subscriber and forward the collection quarterly less the actual uncollectibles to the State Treasurer for deposit in the fund.

(2) The surcharge shall be stated separately in the subscriber billing.

(3) (Deleted by amendment).

(b) Multiline telephone systems.--In the case of Centrex or similar multiline telephone system subscribers, except PBX subscribers, the following multipliers shall be applied to determine the rate of the surcharge for each subscriber:

(1) For the first 25 lines, each line shall be assessed the surcharge.

(2) For lines 26 through 100, each line shall be assessed 75% of the surcharge.

(3) For lines 101 through 250, each line shall be assessed 50% of the surcharge.

(4) For lines 251 through 500, each line shall be assessed 20% of the surcharge.

(5) For lines 501 or more, each line shall be assessed 17.2% of the surcharge.

(6) As of August 1, 2015, for each digital transmission link, including primary rate interface service or Digital Signal-1 (DS-1) level service, or equivalent, that can be channelized and split into 23 or 24 voice-grade or data-grade channels for voice communications, that when the digits 9-1-1 are dialed provides the subscriber access to a PSAP through permissible interconnection to the dedicated 911 system, a subscriber's assessments shall be increased to 23 surcharges per transmission link.

(7) Each VoIP provider shall collect the uniform 911 surcharge for the number of VoIP service lines for which the VoIP provider has enabled the capacity for simultaneous outbound calls regardless of actual usage.

(8) Each VoIP provider that remits the surcharge shall certify the accuracy of the remittance annually as required using agency procedures and forms.

(c) Applicability.--The provisions of this section shall not apply to sellers or consumers of prepaid wireless telecommunications service.

(d) Reimbursement to municipalities.--(Deleted by amendment).

(e) Collection enforcement.--(Deleted by amendment).

(f) Prohibition against release of information.--(Deleted by amendment).

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

Cross References. Section 5307 is referred to in section 5306.1 of this title.

§ 5307.1. Payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service.

(a) Surcharge.--The following apply:

(1) The surcharge shall be collected by the seller from the consumer per each retail transaction occurring in this Commonwealth.

(2) The surcharge shall be applied to the cost of each retail transaction regardless of whether the retail transaction occurred in person, by telephone, through the Internet or by any other method. A retail transaction that is conducted in person by a consumer at a business location of the seller shall be treated as occurring in this Commonwealth if that business location is in this Commonwealth. Any other retail transaction shall be treated as occurring in this Commonwealth if the retail transaction is treated as occurring in this Commonwealth under section 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(3) The surcharge shall be either separately stated on an invoice, receipt or other similar document that is provided to the consumer by the seller or otherwise conspicuously disclosed to the consumer by the seller.

(4) The surcharge is a liability of the consumer and not of the seller or any provider, except that the seller shall be liable to remit any surcharge collected from a consumer as provided under paragraph (6), including the charges that the seller is deemed to collect if the amount of the surcharge has not been separately stated on an invoice, receipt or other similar document provided to the consumer by the seller.

(5) The amount of the surcharge that is collected by a seller from a consumer, whether or not the amount is separately stated on an invoice, receipt or similar document provided to the consumer by the seller, shall not be included in the base for measuring a tax, fee, surcharge or other charge that is imposed by the Commonwealth, a political subdivision or an intergovernmental agency.

(6) The surcharge collected by a seller, less 1.5% that may be retained by the seller to cover administrative costs, shall be remitted to the Department of Revenue at the times provided under Article II of the Tax Reform Code of 1971. The department shall establish payment procedures that

substantially coincide with the payment procedures of Article II of the Tax Reform Code of 1971, except the department may require the filing of returns and the payment of the surcharge by electronic means.

(7) The assessment, audit, appeal, collection and enforcement procedures and other provisions of the Tax Reform Code of 1971 shall apply to the surcharge collected and remitted under this section.

(8) The provision of section 5311.1 (relating to immunity) shall apply to prepaid wireless providers and sellers.

(9) The surcharge shall be the only 911 funding obligation imposed regarding prepaid wireless telecommunications service in this Commonwealth. A tax, fee, surcharge or other charge may not be imposed by the Commonwealth, a political subdivision or an intergovernmental agency for 911 funding purposes on a seller or consumer with respect to the sale, purchase, use or provision of prepaid wireless telecommunications service. The surcharge shall not be considered revenue of any seller.

(10) Each seller that remits the surcharge shall certify the accuracy of the remittance annually using the procedures and forms provided by the agency.

(b) Department of Revenue.--The following shall apply to the department:

(1) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use tax purposes under Article II of the Tax Reform Code of 1971.

(2) The department shall pay all remitted surcharges to the State Treasurer for deposit into the fund within 30 days of receipt for use as provided for under this chapter.

(3) The department may retain up to 1% of remitted surcharges to pay for expenses directly related to the costs of administering the collection and remittance of surcharges collected under this section.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5307.1.

Cross References. Section 5307.1 is referred to in sections 5306.1, 5306.2 of this title.

§ 5308. Expenditures for nonrecurring costs, training, mobile communications equipment, maintenance and operation of 911 systems (Deleted by amendment).

2015 Amendment. Section 5308 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5309. Telephone records.

(a) Access.--A telephone service supplier shall provide customer telephone numbers, names and service addresses to PSAPs when requested by them for use in responding to 911 calls and for the synchronization of required geographic information system (GIS) database layers for geospatial call routing with the master street address guide, the ALI data and site and structure locations and, when required, to providers of emergency notification services and emergency support services, solely for the purposes of delivering or assisting in the delivery of emergency notification services and emergency support services. A wireless provider shall provide the

telephone number and geographical location of the wireless device, as required under the FCC E-911 Order, to PSAPs when requested by them for use in responding to 911 calls. Customer telephone numbers, names and service addresses, and telephone numbers and geographical locations of wireless devices, shall remain the property of the disclosing service supplier. The total cost of the 911 system shall include expenses to reimburse telephone service suppliers for providing and maintaining 911 information. A telephone service supplier shall not be reimbursed directly from the fund for providing and maintaining 911 information. This information shall be used only in providing emergency response services to a 911 call, synchronizing master street address guide, ALI and GIS data sets or for purposes of delivering or assisting in the delivery of emergency notification services or emergency support services. A person who uses or discloses ANI/ALI database information for purposes other than providing emergency response services to a 911 call, delivering or assisting in the delivery of emergency notification services commits a misdemeanor of the third degree.

(b) Privacy waived.--Private listing service customers in a 911 service district shall waive the privacy afforded by nonlisted and nonpublished numbers with respect to the delivery of emergency services.

(c) Immunity.--(Deleted by amendment).
(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015; June 28, 2019, P.L.142, No.17, eff. imd.)

2019 Amendment. Act 17 amended subsec. (a).

§ 5310. Penalty.

(a) Communications with 911 systems.--A person who intentionally calls the 911 emergency number for other than emergency purposes commits a misdemeanor of the third degree.

(b) Information disclosure.--A person commits a misdemeanor of the third degree if the person does any of the following:

(1) Uses or discloses database information for wireless service, VoIP service, other emergency communications service or next generation 911 service or future technology providing the same or similar functionality for purposes other than handling a call to a 911 system, or a system used for other emergency communications service, next generation 911 service or future technology providing the same or similar functionality, without consent of the subscriber or consumer as otherwise provided by applicable Federal or State law.

(2) Knowingly uses the telephone number or database information of a 911 system, other emergency communications service, next generation 911 service, future technology providing the same or similar functionality or VoIP service to avoid any charges for the services of a provider.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

§ 5311. (Reserved).

§ 5311.1. Immunity.

(a) Local government.--A 911 system or a wireless E-911 system run by county and local governments shall be a local agency which shall enjoy local governmental immunity as provided under 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against local parties).

(b) Entities.--The following shall not be liable for an act or omission to a person who directly or indirectly uses a 911 emergency service or provides information to 911 systems under this section except for willful or wanton misconduct:

(1) A 911 system.

(2) A 911 service provider.

(3) A provider or communication service provider, including a provider of Next Generation 911 technology.

(4) An officer, director, employee, vendor or agent of an entity listed under paragraphs (1), (2) and (3).

(c) Applicability.--The immunity under subsection (b) shall apply to the following:

(1) The release to PSAPs, providers of emergency notification services or providers of emergency support services of information authorized under this chapter, including nonpublished telephone numbers.

(2) The release to the Federal Communications Commission, the public utility commission, the board or any Federal or Commonwealth agency with the authority to regulate the provision of telecommunications services of telephone company information specified in this section that is not already part of public records, including information regarding the number of liens served by an individual company, except for nonpublic information regarding the company's individual customer names, addresses and telephone numbers.

(3) Interruptions, omissions, defects, errors, mistakes or delays in transmission occurring in the course of the delivery of 911 emergency services and other emergency services, including next generation 911 services under this chapter, unless the interruptions, omissions, defects, errors, mistakes or delays are caused by the willful or wanton misconduct of a person listed under subsection (b).

(4) Any other matter relating to the provision of 911 communications service or a 911 system.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

Cross References. Section 5311.1 is referred to in section 5307.1 of this title.

§ 5311.2. Powers and duties of agency (Deleted by amendment).

2015 Amendment. Section 5311.2 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.3. Advisory committee (Deleted by amendment).

2015 Amendment. Section 5311.3 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.4. Wireless E-911 Emergency Services Fund (Deleted by amendment).

2015 Amendment. Section 5311.4 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.5. Disbursement of fund amounts by agency (Deleted by amendment).

2015 Amendment. Section 5311.5 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.6. Reporting (Deleted by amendment).

2015 Amendment. Section 5311.6 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.7. Prohibition against release of information.

(a) Annual report of agency.--The annual report of the agency shall be a public document.

(b) Prohibition against release of information.--The State Treasurer, agency, board, employee, agent or representative of

a PSAP or public agency shall not divulge any information acquired with respect to any provider, revenues, expenses, trade secrets, commercial information and other proprietary information. Any information acquired shall be kept confidential except that aggregations of information that do not effectively identify numbers of consumers or subscribers, revenues or expenses, trade secrets, commercial information and other proprietary information attributable to any provider may be made public.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

§ 5311.8. Wireless provider and VoIP provider records (Deleted by amendment).

2015 Amendment. Section 5311.8 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.9. Immunity (Deleted by amendment).

2015 Amendment. Section 5311.9 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.10. Agency funding for wireless E-911 support (Deleted by amendment).

2015 Amendment. Section 5311.10 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.11. Rate regulation.

Nothing in this chapter shall be construed to constitute the regulation of the rates charged by providers for any service or feature which they provide to their subscribers or customers or to prohibit charges to a subscriber or customer for any service provided to a subscriber or customer.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

§ 5311.12. Regulations (Deleted by amendment).

2015 Amendment. Section 5311.12 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.13. Enforcement (Deleted by amendment).

2015 Amendment. Section 5311.13 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.14. Collection and disbursement of VoIP 911 fee (Deleted by amendment).

2015 Amendment. Section 5311.14 was deleted by amendment June 29, 2015, P.L.36, No.12, effective August 1, 2015.

§ 5311.15. Shared residential MLTS service.

Operators of shared residential MLTS serving residential customers shall ensure that a telecommunications system, at least six months after the effective date of this section, is connected to the public switched telephone network such that calls to 911 result in one distinctive ANI and ALI for each living unit.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.15.

§ 5311.16. Business MLTS.

(a) General rule.--For an MLTS serving business locations at least six months after the effective date of this section, the MLTS operator shall deliver the 911 call with an ELIN which shall result in one of the following:

(1) An ERL which provides, at a minimum, the building and floor location of a caller.

(2) An ability to direct response through an alternative and adequate means of signaling by the establishment of a private 911 emergency answering point.

(b) Reasonable effort.--The MLTS manager must make a reasonable effort to ensure that 911 callers are aware of the proper procedures for calling for emergency assistance.

(c) Exceptions.--Workspaces with less than 7,000 square feet on a single level, and located on a single contiguous property, are not required to provide more than one ERL, and key telephone systems are not required to provide more than one ERL.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.16.

§ 5311.17. Shared communications services.

Providers of shared communications services installed at least six months after the effective date of this section shall assure that the MLTS is connected to the public switched telephone network such that calls to 911 from any telephone result in ALI for each respective ERL of each entity sharing the telecommunications services.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.17.

§ 5311.18. Temporary residence.

Businesses providing MLTS service to a temporary residence shall permit the dialing of 911, and the MLTS operator shall ensure that the MLTS is connected to the public switched telephone network. If PBX or other private switch ALI records are not provided for each individual station, the MLTS operator of the temporary residence shall provide specific location information for the caller to the PSAP.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.18.

§ 5311.19. Local notification.

In addition to any other requirement of this chapter, applicable to its type of MLTS service, an MLTS operator:

(1) Shall implement local notifications if operating an MLTS service installed after the effective date of this section.

(2) May implement local notification if operating an MLTS service installed before the effective date of this section.

(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.19.

§ 5311.20. ALI database maintenance.

If applicable, MLTS operators must arrange to update the ALI database with an appropriate master street address guide valid address and call-back information for each MLTS telephone, such that the location information specifies the ERL of the caller. These updates must be downloaded or otherwise made available to the ALI database provider as soon as practicable for a new MLTS installation, or within one business day of record completion of the actual changes for MLTS installed before the effective date of this section. The information is subject to all Federal and State privacy and confidentiality laws. The MLTS operator shall audit accuracy of information contained in the ALI database at least once annually.

(June 29, 2015, P.L.36, No.12, eff. 180 days)

2015 Amendment. Act 12 added section 5311.20.
§ 5311.21. Industry standards.

Local exchange carriers and providers shall be responsible for providing 911 call interconnectivity through the use of generally accepted industry standards.
(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.21.
§ 5311.22. Dialing instructions.

An owner or operator of a multiline telephone system installed after the effective date of this section shall ensure that the system is connected to the public switched telephone network in such a manner that when a user dials 911, the emergency call connects directly to the appropriate 911 system:

(1) without first dialing any numbers or set of numbers;
and

(2) without being intercepted by a switchboard operator, attendant or other designated onsite individual.
(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.22.
§ 5311.23. MLTS signaling.

An MLTS shall support 911 calling by using any generally accepted industry standard signaling protocol designed to produce an automatic display of caller information on the video terminal of the PSAP call taker unless the MLTS operator is exempt or a waiver has been granted.
(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.23.
§ 5311.24. MLTS operator education.

Each public agency providing 911 educational programs is encouraged to develop a program to educate MLTS operators related to accessing 911 emergency telephone systems and coordinate adequate testing of the MLTS interface to the 911 system.
(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.24.
§ 5311.25. Limitation of liability.

A local exchange carrier, Internet service provider, manufacturer or provider of MLTS, MLTS manager, MLTS operator or 911 service provider shall not be liable for civil damages or penalties as a result of any act or omission, except willful or wanton misconduct, in connection with developing, adopting, operating or implementing any plan or system required under this chapter.
(June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5311.25.
§ 5312. (Reserved).
§ 5312.1. Legislative study (Repealed).

2015 Repeal. Section 5312.1 was repealed June 29, 2015, P.L.36, No.12, effective August 1, 2015.
§ 5313. Legislative report.

Within two years of the effective date of this section, the agency, in consultation with the board, shall prepare and submit to the General Assembly a report and recommendations on the impacts of current and anticipated technological and market changes on the provision of 911 communications service, including:

- (1) the structure and adequacy of the surcharge and fund provided for under this chapter;
 - (2) other local revenue options to support 911 services; and
 - (3) any benefits that could be derived from dispatching all 911 calls from county PSAPs.
- (June 29, 2015, P.L.36, No.12, eff. Aug. 1, 2015)

2015 Amendment. Act 12 added section 5313.

§ 5314. Inventory.

(a) Comprehensive inventory required.--The agency, in consultation with the board, shall maintain and update on a biennial basis a comprehensive inventory of each county PSAP's facilities, hardware, software, communications infrastructure, network capabilities and related equipment and services procured to determine the status of each PSAP's 911 system's stage of advancement to NG911.

(b) Contents.--The inventory shall include, but is not limited to:

(1) A record of databases, networks, radio, telephone and equipment and correlated networks at each PSAP.

(2) A record of all data systems, including, but not limited to, call and dispatch and record management systems.

(3) Equipment/network system geographic limitations and capabilities.

(4) A record of equipment or facilities that are or can be shared or collocated.

(5) A record of all leased equipment and date of each lease termination date.

(c) Counties to cooperate.--Counties shall cooperate with the agency by providing the information identified in this section and other information deemed necessary by the agency to complete an inventory as required under subsection (a). Counties that do not provide the information requested by the agency within 45 days of the request shall be suspended from any grant or funding program or be required to forfeit fund disbursements.

(June 29, 2015, P.L.36, No.12, eff. imd.; June 28, 2019, P.L.142, No.17, eff. imd.)

2019 Amendment. Act 17 amended subsecs. (a) and (c).

2015 Amendment. Act 12 added section 5314.

§ 5398. Termination (Repealed).

2023 Repeal. Section 5398 was repealed December 13, 2023, P.L.251, No.34, effective immediately.

§ 5399. Prohibited release of information.

(a) Prohibition.--Notwithstanding any other law, in a response to a request under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, a PSAP may not release individual identifying information of an individual calling a 911 center, victim or witness.

(b) Applicability.--This section shall not apply if the PSAP or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

(c) Definition.--As used in this section, the term "identifying information" includes name, telephone number and home address. The term does not include:

- (1) The location of the incident, unless the location is the caller's, victim's or witness's home address or the disclosure of the location would compromise the identity of the caller, victim or witness.

(2) The street block identifier, the cross street or the mile marker nearest the scene of the incident, which shall be public.
(May 24, 2016, P.L.228, No.30, eff. 60 days)

2016 Amendment. Act 30 added section 5399.

CHAPTER 54

CANCER TRIAL ACCESS FOR PENNSYLVANIA PATIENTS

Sec.

- 5401. Scope of chapter.
- 5402. Legislative findings and intent.
- 5403. Definitions.
- 5404. Improving access to cancer clinical trials.

Enactment. Chapter 54 was added October 24, 2018, P.L.650, No.93, effective in six months.

§ 5401. Scope of chapter.

This chapter relates to cancer trial access for Pennsylvania patients.

§ 5402. Legislative findings and intent.

(a) Findings and declarations.--The General Assembly finds and declares as follows:

(1) A Pennsylvanian will be diagnosed with cancer approximately every four minutes, and a Pennsylvanian will die of cancer every 10 minutes. African-American Pennsylvanians in particular face higher rates of cancer incidence and mortality compared to other races and ethnicities.

(2) The ability to translate medical findings from research to practice relies largely on having robust and diverse patient participation in cancer clinical trials.

(3) A low participation rate or a homogenous participant group prevents segments of the population from benefiting from advances achieved through clinical research, creates uncertainties over the applicability of research findings and has proven to develop lifesaving drugs that work for some ethnic populations but not others.

(4) Conversely, some drug trials are canceled because they do not show promise for the current homogenous study population of patients but could be beneficial to other ethnicities who are not receiving the trial drug because of poor participation rates.

(5) Diverse patient participation in cancer clinical trials depends, in part, on whether a participant can afford ancillary medical and other costs, including transportation for clinical visits required by trial participation, which are not covered by standard of care, or lodging during the course of his or her participation. A national study in 2015 found that patient households making less than \$50,000 annually were almost 30% less likely to participate in clinical trials.

(6) Another barrier to cancer clinical trial participation is the cost of travel, lodging and other expenses for a patient's travel companion, including a family member, friend, health care provider or chaperone that attends cancer clinical trial treatments to provide emotional, physical and mental support to the trial

participant. Some trial participants are too old, too young or too ill to simply travel on their own.

(7) Cancer clinical trials often only cover the actual cost of the drug being tested and very rarely the direct costs of participation by a patient-subject. There are often significant expenses associated with enrollment in a clinical trial that are not covered by the clinical trial site or sponsor. These include travel expenses to and from the clinical sites whether by air, car, bus, train, taxi or public transportation along with the travel costs of parking, car rental, gas, tolls and lodging.

(8) This disparity threatens one of the most basic ethical underpinnings of clinical research, the requirement that the benefits of research be made available equitably among all eligible individuals.

(9) According to the National Cancer Institute, Cancer Clinical Trials Resource Guide, some of the barriers preventing individuals, with cancer or at high risk of developing cancer, from participating in clinical trials are direct and indirect financial and personal costs, including travel.

(10) Some corporations, individuals, public and private foundations, health care providers and other stakeholders are hesitant to contribute to or accept funds from programs that are organized to alleviate financial burdens faced by patients who wish to participate in clinical trials and their caregivers due to concerns that the United States Food and Drug Administration or other Federal regulators would view the payments made from those funds as prohibited inducements for patients to receive the health care services provided during clinical trials.

(11) While the United States Food and Drug Administration recently confirmed to Congress and provided guidance that, in fact, reimbursement of direct patient-incurred expenses is not inducement, many organizations, pharmaceutical companies, philanthropic individuals, charitable organizations, government entities and others still operate under the understanding that such reimbursement could be, in fact, considered inducement.

(b) Intent.--It is the intent of the General Assembly to enact legislation to define and establish a clear difference between what is considered inducement for a patient to participate in a clinical trial and direct reimbursement of patient-incurred expenses for participating in a cancer clinical trial.

§ 5403. Definitions.

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

"Cancer clinical trials." Research studies that test new cancer treatments on people, including chemotherapies, stem cell therapies and other new treatments.

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

"IEC." An Independent Ethics Review Committee that is an appropriately constituted group formally established in accordance with applicable United States Food and Drug Administration regulations or outside the United States by other equivalent and applicable international regulations and guidelines in order to review and monitor biomedical research involving human subjects, and specifically having the authority to approve or disapprove research or to require modifications in research to secure approval.

"Inducement." Paying a person money, including a lump sum or salary payment, to participate in a cancer clinical trial.

"IRB." An Institutional Review Board that is an appropriately constituted group formally established in accordance with applicable United States Food and Drug Administration regulations or outside the United States by other equivalent and applicable international regulations and guidelines in order to review and monitor biomedical research involving human subjects, and specifically having the authority to approve or disapprove research or to require modifications in research to secure approval.

"Patient-subject." A person participating in a cancer clinical trial.

"Third-party reimbursement entity." A third-party nonprofit corporation or public charity that specializes in assisting cancer patients and increasing enrollment, retention and minority participation in cancer clinical trials.

§ 5404. Improving access to cancer clinical trials.

(a) Inducement.--All sponsors of cancer clinical trials shall inform potential patient-subjects at the time of the informed consent process of the following:

(1) Reimbursement for travel and ancillary costs is available to all enrollees based on financial need.

(2) Coverage of the travel and other ancillary costs is done to eliminate financial barriers to enrollment in order to retain patient-subjects in the clinical trial.

(3) Family, friends or chaperones that attend the cancer clinical trial treatments to support the patient-subject are eligible for reimbursement of their travel and ancillary expenses.

(b) Reimbursement.--

(1) Reimbursement of travel, ancillary medical costs and other direct patient-incurred expenses related to trial participation shall not be considered an inducement to participate in a cancer clinical trial.

(2) Reimbursement for travel and ancillary expenses shall not be considered coercive or exerting undue influence to participate in a trial; instead, reimbursement shall be considered a means to create parity in clinical trial access and remove a barrier to participation for financially burdened patient-subjects.

(c) Expenses and registration.--The following apply:

(1) Government, industry, public and private foundations, corporations and individuals may offer financial support to patient-subjects, or the family, friends or chaperones of patient-subjects, to cover ancillary costs through their support of a third-party reimbursement entity.

(2) A third-party reimbursement entity shall register with a department-approved Pennsylvania college or university with a school of public health. Registration must occur within 30 days of the date the third-party reimbursement entity first reimbursed a patient-subject, or the patient-subject's family, friends or chaperones, for travel or ancillary expenses related to a cancer clinical trial conducted within this Commonwealth.

(3) Registration under paragraph (2) shall include:

(i) The name of the third-party reimbursement entity.

(ii) The third-party reimbursement entity's legal and tax status.

(iii) The third-party reimbursement entity's employer or other similar identification number.

(iv) The names of the third-party reimbursement entity's principal officers and directors.

(v) The names of donors of \$5,000 or more to the third-party reimbursement entity.

(vi) Appropriate identifying information, as determined by the department, regarding other sources of funding from a source of \$5,000 or more.

(vii) Other information as the department deems necessary or appropriate.

(4) A third-party reimbursement entity registering under paragraph (2) shall update the registration no less than once annually utilizing forms and regulations developed by the department.

(5) A third-party reimbursement entity that fails to register as required by this subsection shall be subject to a penalty of no more than \$300 imposed by the department.

(d) Reimbursement programs.--Reimbursement programs must comply with the following:

(1) Reimbursement programs that cover ancillary medical and travel expenses must be reviewed and approved by the IRB or IEC in conjunction with their review of the proposed clinical trial. The IRB or IEC must consider whether the reimbursed patient-subjects are recruited fairly, informed adequately and paid appropriately.

(2) The nature of the ancillary support and general guidelines on financial eligibility must be disclosed in the informed consent process.

(3) The reimbursement process must conform to Federal and State laws and guidance.

CHAPTER 55

EPINEPHRINE AUTO-INJECTOR ENTITIES

Sec.

5501. Scope of chapter.

5502. Definitions.

5503. Epinephrine auto-injectors for authorized entities.

Enactment. Chapter 55 was added October 24, 2018, P.L.650, No.93, effective in 60 days.

§ 5501. Scope of chapter.

This chapter relates to epinephrine auto-injector entities.

§ 5502. Definitions.

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

"Administer." The direct application of an epinephrine auto-injector to the body of an individual.

"Authorized entity." Any entity or organization, other than a school entity or a nonpublic school under section 1414.2 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, which has an employee or agent who has completed the required training and at which allergens capable of causing anaphylaxis may be present, including, but not limited to:

- (1) recreation camps;
- (2) colleges and universities;
- (3) day-care facilities;
- (4) youth sports leagues;
- (5) amusement parks;
- (6) restaurants;

- (7) places of employment;
- (8) sports arenas; and
- (9) law enforcement agencies.

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

"Epinephrine auto-injector." A single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

"Health care practitioner." An individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board.

"Law enforcement agency." The Pennsylvania State Police or a police department of a city, borough, incorporated town or township.

§ 5503. Epinephrine auto-injectors for authorized entities.

(a) Prescribing and dispensing.--Notwithstanding any provision of law to the contrary, a health care practitioner with prescriptive authority may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section. Pharmacists and health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

(b) Supply.--

(1) An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. The epinephrine auto-injectors shall be stored:

- (i) in a location readily accessible in an emergency; and
- (ii) in accordance with:
 - (A) the epinephrine auto-injector's instructions for use; and
 - (B) any additional requirements that may be established by the department.

(2) An authorized entity shall designate employees or agents who have completed the training required under subsection (d) to be responsible for the storage, maintenance, control and general oversight of epinephrine auto-injectors acquired by the authorized entity.

(c) Use.--An employee or agent of an authorized entity or other individual associated with the entity who has completed the training required under subsection (d) may use epinephrine auto-injectors prescribed under subsection (a) to do any of the following:

(1) Provide an epinephrine auto-injector for immediate administration to any individual, or the parent, guardian or caregiver of the individual, who the employee, agent or other individual associated with the entity believes, in good faith, is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(2) Administer an epinephrine auto-injector to any individual who the employee, agent or other individual believes, in good faith, is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(d) Training.--

(1) An employee or agent of the authorized entity or other individual associated with the entity shall complete an anaphylaxis training program as required by the

department. The training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment, a health care practitioner employed or contracted by the authorized entity or an entity or individual approved by the department. The department may approve specific entities or individuals or may approve classes of entities or individuals to conduct the training. Training may be conducted online or in person and, at a minimum, shall cover:

- (i) how to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- (ii) standards and procedures for the storage and administration of an epinephrine auto-injector; and
- (iii) emergency follow-up procedures.

(2) The entity or individual that conducts the training shall issue a certificate, on a form developed or approved by the department, to each individual who successfully completes the anaphylaxis training program.

(e) Good Samaritan protections.--

(1) The following shall not be liable for any injuries or related damages that result from any act or omission taken under this section:

- (i) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents and other individuals associated with the entity;
- (ii) a health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized entity;
- (iii) a pharmacist or health care practitioner that dispenses epinephrine auto-injectors to an authorized entity; and
- (iv) an individual or entity that conducts the training described under subsection (d).

(2) The immunity provided under paragraph (1) shall not apply to acts or omissions constituting intentional misconduct or gross negligence.

(3) The administration of an epinephrine auto-injector in accordance with this section shall not be considered the practice of medicine or any other profession that otherwise requires licensure.

(4) This subsection shall not eliminate, limit or reduce any other immunity or defense that may be available under law, including that provided under 42 Pa.C.S. § 8332 (relating to emergency response provider and bystander good Samaritan civil immunity).

(5) An entity located in this Commonwealth shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this Commonwealth if the entity:

- (i) would not have been liable for the injuries or related damages had the provision or administration occurred within this Commonwealth; or
- (ii) is not liable for the injuries or related damages under the law of the state in which the provision or administration occurred.

CHAPTER 56

NONPROFIT SECURITY GRANT FUND

Sec.

5601. Definitions.

5602. Nonprofit Security Grant Fund.

5603. Administration.
5604. Expiration.

Enactment. Chapter 56 was added November 7, 2019, P.L.617, No.83, effective immediately.

§ 5601. Definitions.

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

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Eligible applicant." A nonprofit organization.

"Eligible project." Security enhancements designed to protect the safety and security of the users of a facility located in this Commonwealth that is owned or operated by a nonprofit organization.

"Facility." A building or portion of a building owned or operated by a nonprofit organization and used to carry out the organization's mission, including community space, community centers, day-care or adult care facilities.

"Fund." The Nonprofit Security Grant Fund established under section 5602 (relating to Nonprofit Security Grant Fund).

"Nonprofit organization." A corporation or other entity based in this Commonwealth which:

(1) is an exempt organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)); and

(2) principally serves individuals, groups or institutions that are included within a bias motivation category for single bias hate crime incidents identified by the Federal Bureau of Investigation in its 2017 Hate Crime Statistics publication under the Uniform Crime Reporting Program.

"Security enhancements." The term includes:

- (1) Safety and security planning.
- (2) Purchase of safety and security equipment.
- (3) Purchase of security-related technology, which may include, but is not limited to:
 - (i) Metal detectors.
 - (ii) Protective lighting.
 - (iii) Surveillance equipment.
 - (iv) Special emergency communications equipment.
 - (v) Electronic locksets.
 - (vi) Deadbolts.
 - (vii) Trauma kits.
 - (viii) Theft control devices.
- (4) Safety and security training.
- (5) Threat awareness and response training.
- (6) Upgrades to existing structures that enhance safety and security.
- (7) Vulnerability and threat assessments.
- (8) Specialty trained canines.
- (9) Any other safety- or security-related project that enhances safety or security of the nonprofit organization.

§ 5602. Nonprofit Security Grant Fund.

(a) Establishment.--The Nonprofit Security Grant Fund is established as a special fund in the State Treasury.

(b) Appropriation.--All money deposited in the fund under subsection (d) and the interest the money accrues shall be appropriated to the commission on a continuing basis to award grants under this chapter.

(c) Transfers from General Fund.--Money available to the fund shall include transfers from the General Fund as provided under subsection (d).

(d) Transfer by Secretary of the Budget.--No later than 30 days after the effective date of this section, the Secretary of the Budget shall transfer to the fund \$5,000,000 of the unexpended, unencumbered prior year funds that were originally appropriated from the General Fund to any executive branch agency which is subject to the policy, supervision and control of the Governor. The Secretary of the Budget may only make the transfer of funds if the transfer will not result in a deficit in any appropriation from which the funds are transferred. No less than 10 days prior to the transfer, the Secretary of the Budget shall send notification of the transfer in writing to the chairperson and the minority chairperson of the Appropriations Committee of the Senate and the chairperson and the minority chairperson of the Appropriations Committee of the House of Representatives.

(e) Appropriation by General Assembly.--Beginning with the 2020-2021 fiscal year, the General Assembly may appropriate money to the fund.

(f) Lapse of funds.--All unexpended and unencumbered funds remaining in the fund as of July 1, 2029, shall lapse and be transferred to the General Fund.

(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 amended subsec. (f).

Cross References. Section 5602 is referred to in section 5601 of this title.

§ 5603. Administration.

(a) Applications.--An application for a grant under this chapter shall be submitted by an eligible applicant in the form and manner prescribed by the commission.

(b) Initial application period.--No later than March 1, 2020, the commission shall begin to accept applications from eligible applicants for grant money available during the fiscal year. The commission shall provide notice of the application period on the commission's publicly accessible Internet website.

(c) Additional application period.--If money is available in the fund, no later than October 1, 2020, and each October 1 thereafter, the commission shall accept applications from eligible applicants during the fiscal year. The commission shall provide notice of a new application period on the commission's publicly accessible Internet website.

(d) Review process.--The commission shall review applications and make awards subject to subsection (e) on a rolling basis. No later than 90 days after a completed application is received from an eligible applicant, the commission, in consultation with the Governor's Office of Homeland Security and the Pennsylvania State Police, shall review and approve or deny the application. An eligible applicant may revise and resubmit a denied application to the commission.

(e) Allocation.--An eligible applicant may not receive more than the following amounts in any fiscal year:

(1) Subject to paragraphs (2), (3) and (4):

(i) The minimum grant amount awarded shall be no less than \$5,000.

(ii) The maximum grant amount awarded may not be more than \$150,000.

(2) The commission may not require non-State financial participation from an eligible applicant for a grant request that is \$25,000 or less.

(3) The commission may award a grant between \$25,001 and \$75,000 if the eligible applicant provides non-State financial participation equal to 33% of the requested grant amount.

(4) The commission may award a grant between \$75,001 and \$150,000 if the eligible applicant provides non-State financial participation equal to 50% of the requested grant amount.

(f) Limitations.--The following shall apply to grant applications:

(1) The commission may not provide grants in excess of the amount in the fund.

(2) The commission may prorate the grant amount to an eligible applicant.

(g) Eligible projects.--The commission may only award grants through the fund for eligible projects. Eligible applicants may only expend grant money received through the fund on eligible projects.

(h) Eligibility for redevelopment assistance capital project.--An eligible project which receives a grant under this chapter may be the subject of an award for a redevelopment assistance capital project under Chapter 3 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act. Nothing in this subsection shall be construed to modify the eligibility requirements for redevelopment assistance capital projects under the Capital Facilities Debt Enabling Act.

§ 5604. Expiration.

This chapter shall expire July 1, 2029.
(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

CHAPTER 57

COVID-19 DISASTER EMERGENCY

Subchapter

- A. Preliminary Provisions
- B. Property Tax Relief
- C. Educational Tax Credit
- C.1. School Contractors
- D. Notarial Acts
- E. Local Government Meetings

Enactment. Chapter 57 was added April 20, 2020, P.L.82, No.15, effective immediately.

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

5701. Definitions.

§ 5701. Definitions.

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

"COVID-19 disaster emergency." The duration of the proclamation of disaster emergency issued by the Governor on

March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020) and any renewal of the state of disaster emergency.

Cross References. Section 5701 is referred to in section 3309 of this title.

SUBCHAPTER B

PROPERTY TAX RELIEF

Sec.

5711. Scope of subchapter.

5712. Definitions.

5713. Real property tax relief.

§ 5711. Scope of subchapter.

This subchapter provides temporary authority to a taxing district to deal with the taxation of all real property made taxable by the laws of this Commonwealth during the COVID-19 disaster emergency.

§ 5712. Definitions.

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

"Tax collector." An individual or entity elected, appointed or otherwise required to collect a tax for a taxing district.

"Taxing district." Any of the following entities that is authorized under the laws of this Commonwealth to impose a tax on the assessed value of real property:

(1) City of any class in this Commonwealth.

(2) County of any class in this Commonwealth.

(3) Borough, town or township of any class in this Commonwealth.

(4) Incorporated town.

§ 5713. Real property tax relief.

(a) General rule.--Notwithstanding any other law and subject to subsection (b), a taxing district may, by majority vote of the taxing district's governing body, do any of the following for the collection of a tax imposed on the assessed value of real property that would otherwise be due by December 31, 2020:

(1) Collect the tax at the taxing district's prescribed discount rate, if any, no later than August 31, 2020.

(2) Waive any fee or penalty otherwise associated with the late payment of the tax if paid in full by December 31, 2020.

(b) Resolution required.--Any taxing district electing to exercise a power under subsection (a) shall do so by delivering a resolution of the governing body to the tax collector for the taxing district within 30 days of the effective date of this subsection.

SUBCHAPTER C

EDUCATIONAL TAX CREDIT

Sec.

5721. Waivers and penalties.

§ 5721. Waivers and penalties.

(a) Applicability.--This section applies only to the tax years affected by the COVID-19 disaster emergency.

(b) Requirements.--Notwithstanding any other provision of law, the following shall apply:

(1) The requirement under section 2004-B(d) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring business firms to make a contribution to a scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization no later than 60 days following the approval of an application under subsection (a) or (b) of section 2004-B of the Public School Code of 1949 is extended until the end of the business firm's applicable tax year.

(2) A business firm shall provide proof of its contribution in the form of a written acknowledgment from the scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization to the Department of Community and Economic Development within 30 days of the contribution made under paragraph (1).

(3) Business firms fulfilling year two of a two-year commitment that are impacted by the COVID-19 disaster emergency shall be permitted to receive a tax credit of up to 90% of the amount contributed in year two. As part of the COVID-19 disaster emergency, the department is prohibited from reducing the credit authorized in year one of the two-year agreement if the year two contribution is less than the year one contribution for business firms in a two-year commitment.

SUBCHAPTER C.1

SCHOOL CONTRACTORS

Sec.

5725. Contract service providers.

§ 5725. Contract service providers.

(a) **General rule.**--Each school entity may renegotiate a contract for contract service providers to ensure contracted personnel and fixed costs, including administrative and equipment, are maintained during the period of school closure. During the period of school closure, the contract service providers shall submit weekly documentation to the school entity that its complement levels remain at or above the level on March 13, 2020, in order to continue being paid.

(b) **Definitions.**--As used in this section, the term "school entity" shall have the same meaning as in section 1501.8(n) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 5721.1 to present section 5725.

SUBCHAPTER D

NOTARIAL ACTS

Sec.

5731. Remotely located individual (Expired).

§ 5731. Remotely located individual (Expired).

2021 Expiration. Section 5731 expired August 9, 2021. See House Resolution 106 of 2021.

SUBCHAPTER E
LOCAL GOVERNMENT MEETINGS

Sec.

5741. Response to COVID-19 disaster emergency (Expired).

§ 5741. Response to COVID-19 disaster emergency (Expired).

2021 Expiration. Section 5741 expired June 10, 2021. See House Resolution 106 of 2021.

CHAPTER 57A
COVID-19 ENFORCEMENT OFFICER DISABILITY BENEFITS

Sec.

57A01. Scope of chapter.

57A02. Enforcement officer disability benefits.

Enactment. Chapter 57A was added April 29, 2020, P.L.118, No.17, effective immediately.

§ 57A01. Scope of chapter.

This chapter relates to enforcement officer disability benefits relating to COVID-19.

§ 57A02. Enforcement officer disability benefits.

(a) General rule.--A person covered under section 1(a) of the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, who contracts or is diagnosed with coronavirus disease 2019 (COVID-19), as identified in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), or is subject to quarantine resulting from exposure to COVID-19, and by reason thereof is temporarily incapacitated from performing his duties, shall be compensated in accordance with section 1(a) of the Enforcement Officer Disability Benefits Law.

(b) Limitation.--A benefit received under subsection (a) shall be limited to 60 days for each incident.

CHAPTER 58
COVID-19 BENEFITS FOR MEMBERS OF
PENNSYLVANIA NATIONAL GUARD

Sec.

5801. Scope of chapter.

5802. Benefit.

Enactment. Chapter 58 was added April 29, 2020, P.L.118, No.17, effective immediately.

§ 5801. Scope of chapter.

This chapter relates to COVID-19 benefits for members of the Pennsylvania National Guard.

§ 5802. Benefit.

(a) Benefit.--Notwithstanding any other provision of law, a member of the Pennsylvania National Guard shall receive from the department a benefit computed under subsection (b) (2) if the member:

(1) is ordered to State Active Duty for Emergency or Special State Duty by the Adjutant General or by the Governor; and

(2) sustains an injury while participating in duty under paragraph (1) from the period of notification to report for duty until officially released.

(b) Claim submission, calculation and funding.--

(1) A member of the Pennsylvania National Guard who sustains an injury and is not compensated for the injury by the Federal Government must submit a claim to receive the benefit as prescribed by the Adjutant General.

(2) For purposes of computing the average weekly wage of a member of the Pennsylvania National Guard or dependent thereof, weekly wages shall be calculated using the daily base pay table under 37 U.S.C. (relating to pay and allowances of the uniformed services) to determine the Pennsylvania National Guard member's daily wage at the time of the injury. The average weekly wage shall equal the member's daily base pay multiplied by five.

(3) A benefit received under this section shall be limited to 60 days for each incident.

(4) The General Assembly shall appropriate the money necessary to be deposited into a nonlapsing restricted interest-bearing account to provide for the benefit established in subsection (a).

(c) No Commonwealth employee status.--In no event shall any member of the Pennsylvania National Guard while performing the activities described in subsection (a) be deemed an employee of the Commonwealth for any purpose or benefit. Nothing in this section shall be construed to entitle a member of the Pennsylvania National Guard to any benefit or emolument provided to an employee of the Commonwealth.

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

"Department." The Department of Military and Veterans Affairs of the Commonwealth.

"Injury." Contracts or is diagnosed with coronavirus disease 2019, known as COVID-19, as identified in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), or is subject to quarantine resulting from exposure to COVID-19, and, by reason of the exposure, is temporarily incapacitated from performing duties.

"Participating." The term includes activities ordered by the Adjutant General or by the Governor, such as training, an exercise or related official functions.

"Special State Duty." State military duty by the Pennsylvania National Guard under this section. The term shall not include State Active Duty for Emergency under this section or duty authorized and funded under 10 U.S.C. (relating to armed forces) or 32 U.S.C. (relating to national guard).

"State Active Duty for Emergency." State military duty by the Pennsylvania National Guard under 51 Pa.C.S. § 508 (relating to active duty for emergency) that is not active duty authorized and funded under 10 U.S.C. or 32 U.S.C.

CHAPTER 59 MISCELLANEOUS PROVISIONS

Sec.

5901. (Reserved).

5902. Urine drug screening requirement.

5903. Xylazine awareness education.

Enactment. Chapter 59 was added December 14, 2023, P.L.378, No.43, effective in 60 days.

§ 5901. (Reserved).

§ 5902. Urine drug screening requirement.

(a) General rule.--

(1) Except as provided in paragraph (2), if a urine drug screening is conducted in an emergency department within an acute care hospital to assist in diagnosing a patient's condition, the urine drug screening shall include testing for fentanyl and xylazine.

(2) The xylazine testing under paragraph (1) shall only be required if testing is available as part of the urine drug screening panel.

(b) Reporting.--

(1) If the urine drug screening conducted in accordance with subsection (a) detects fentanyl or xylazine, the emergency department shall report the test results, which shall be deidentified, to the department and shall provide informational materials under section 5903(a)(2) (relating to xylazine awareness education).

(2) The department shall determine the manner of submission of test results.

(3) Reporting for fentanyl and xylazine shall occur when results meet a screening threshold set by the department.

(4) The department shall transmit notice of the manner of submission of test results under paragraph (2) and the screening threshold under paragraph (3) to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

(5) Prior to the transmittal of the notice under paragraph (4), the department shall consult with stakeholders regarding the manner of submission of test results and the screening threshold.

(c) Applicability.--The requirements of this chapter shall not apply if a health care practitioner of the emergency department determines that a positive test result for fentanyl is due to a legally prescribed course of treatment for the patient. The health care practitioner shall denote this exception in the patient's medical record.

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

"Acute care hospital." A facility that provides inpatient and outpatient hospital services and is licensed by the department as a general or tertiary care hospital. The term does not include a specialty hospital.

"Controlled substance." A drug, substance or immediate precursor included in Schedules I through V of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

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

"Emergency department." An entity within a hospital that is organizationally distinct from other outpatient facilities and whose primary function is to provide emergency accident or emergency medical or surgical care. The term includes an outpatient emergency department.

"Health care practitioner." As defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Urine drug screening." A chemical analysis intended to test a patient for the presence of a controlled substance or xylazine.

§ 5903. Xylazine awareness education.

(a) Powers and duties.--The Department of Drug and Alcohol Programs, in consultation with the Department of Health and the Department of Agriculture, shall have the power and its duty shall be to:

(1) Enter into partnerships with health care providers, including physicians and veterinarians, and community-based health centers and hospitals to educate residents of this Commonwealth on the dangers of human use of xylazine.

(2) Create informational materials in electronic and physical form, in coordination with the partners described in paragraph (1), which may be distributed to or accessed by residents of this Commonwealth. The informational materials shall include:

(i) The effects on the human body of the use of xylazine.

(ii) How to talk to family and friends about the dangers of human use of xylazine.

(iii) The legitimate uses of xylazine for animal use.

(iv) Any other information that the Department of Drug and Alcohol Programs deems necessary to prepare and educate residents of this Commonwealth on the dangers of human use of xylazine.

(b) Expiration.--Upon a determination by the Secretary of Health that the human use of xylazine no longer poses a significant threat to the public health and safety of the Commonwealth, the Secretary of Health shall transmit notice of the determination to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin. This section shall expire upon publication of the notice under this subsection.

Cross References. Section 5903 is referred to in section 5902 of this title.

PART V

EMERGENCY MANAGEMENT SERVICES

Chapter

- 71. General Provisions
- 73. Commonwealth Services
- 74. Volunteer Firefighters
- 75. Local Organizations and Services
- 75A. Emergency Responder Mental Wellness and Stress Management
- 76. Emergency Management Assistance Compact
- 77. Miscellaneous Provisions
- 78. Grants to Fire Companies and Emergency Medical Services Companies
- 79. Disaster Emergency Assistance
- 79A. Incentives for Municipal Volunteers of Fire Companies and Nonprofit Emergency Medical Services Agencies
- 79B. Tuition and Loan Assistance for Active Volunteers

Enactment. Part V was added November 26, 1978, P.L.1332, No.323, effective immediately.

CHAPTER 71
GENERAL PROVISIONS

Subchapter

- A. Preliminary Provisions
- B. Interstate Civil Defense and Disaster Compact

Enactment. Chapter 71 was added November 26, 1978, P.L.1332, No.323, effective immediately.

Cross References. Chapter 71 is referred to in section 8104 of this title.

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

- 7101. Short title of part.
- 7102. Definitions.
- 7103. Purposes of part.
- 7104. Limitations.

§ 7101. Short title of part.

This part shall be known and may be cited as the "Emergency Management Services Code."

§ 7102. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Council." The Pennsylvania Emergency Management Council.

"Custodial child care facility." A child day care center as defined under section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or nursery school licensed or regulated by the Commonwealth.

"Disaster." A man-made disaster, natural disaster or war-caused disaster.

"Disaster emergency." Those conditions which may by investigation made, be found, actually or likely, to:

(1) affect seriously the safety, health or welfare of a substantial number of citizens of this Commonwealth or preclude the operation or use of essential public facilities;

(2) be of such magnitude or severity as to render essential State supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced; and

(3) have been caused by forces beyond the control of man, by reason of civil disorder, riot or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

"Disaster emergency-related work." The repair, renovation, installation, construction or rendering of services or other business activities that relate to infrastructure that has been damaged, impaired or destroyed by a disaster.

"Emergency management." The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response and recovery for emergencies of any kind, whether from attack, man-made or natural sources.

"Emergency services." The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and provide

emergency repair of injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resources management, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection.

"Infrastructure." Real and personal property and equipment that is owned or used by any of the following that service multiple customers or citizens:

- (1) A communications network.
- (2) An electric generation, transmission and distribution system.
- (3) A gas distribution system that provides the facilities and equipment for producing, generating, transmitting, distributing or the furnishing of gas directly to the end customer.
- (4) A public or private water pipeline.

"Local emergency." The condition declared by the local governing body when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

"Local organization." A local emergency management organization.

"Man-made disaster." Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

"Natural disaster." Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

"Out-of-State business." A business entity whose services are requested by a registered business, the Commonwealth or a political subdivision of the Commonwealth for purposes of performing disaster emergency-related work in this Commonwealth. The term includes a business entity that is affiliated with a registered business in this Commonwealth solely through common ownership. The out-of-State business may not have any of the following:

- (1) A presence in this Commonwealth, excluding prior disaster emergency-related work performed under section 7308(b)(1) (relating to laws suspended during emergency assignments).

(2) Any registration, tax filing or nexus in this Commonwealth within the past three calendar years.

"Out-of-State employee." An employee who does not work in this Commonwealth, unless the employee is performing disaster emergency-related work during a period under section 7308(b)(1).

"Person." An individual, corporation, association, partnership, limited liability company, business trust, government entity, including the Commonwealth, foundation, public utility, trust or estate.

"Political subdivision." Any county, city, borough, incorporated town or township.

"Registered business." Any business entity that is registered to do business in this Commonwealth prior to a declared disaster or emergency.

"Resource shortage." The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of this Commonwealth.

"War-caused disaster." Any condition following an attack upon the United States resulting in substantial damage to property or injury to persons in the United States caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical or biological means, or other weapons or overt paramilitary actions, or other conditions such as sabotage. (May 31, 1996, 2nd Sp.Sess., P.L.1762, No.2, eff. imd.; July 13, 2004, P.L.689, No.73, eff. 60 days; Oct. 31, 2014, P.L.3044, No.203, eff. 60 days; July 23, 2020, P.L.670, No.69, eff. imd.)

2020 Amendment. Act 69 amended the def. of "person."

2014 Amendment. Act 203 added the defs. of "disaster emergency-related work," "infrastructure," "out-of-State business," "out-of-State employee" and "registered business." Section 3 of Act 203 provided that the additions of the defs. shall apply to a disaster or emergency that is declared on or after the effective date of section 3.

2004 Amendment. Act 73 added the def. of "custodial child care facility."

References in Text. The short title of the act of June 13, 1967, P.L.31, No.21, known as the Public Welfare Code, referred to in the definition of "custodial child care facility," was amended by the act of December 28, 2015, P.L.500, No.92. The amended short title is now the Human Services Code.

Cross References. Section 7102 is referred to in section 2302 of Title 12 (Commerce and Trade).

§ 7103. Purposes of part.

The purposes of this part are to:

(1) Reduce vulnerability of people and communities of this Commonwealth to damage, injury and loss of life and property resulting from disasters.

(2) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.

(3) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.

(4) Clarify and strengthen the roles of the Governor, Commonwealth agencies and local government in prevention of, preparation for, response to and recovery from disasters.

(5) Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery.

(6) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and

recovery by agencies and officers of this Commonwealth, and similar State-local and Federal-State activities in which the Commonwealth and its political subdivisions participate.

(7) Provide a disaster management system embodying all aspects of predisaster preparedness and postdisaster response.

(8) Assist in prevention of disaster caused or aggravated by inadequate planning for and regulation of public and private facilities and land use.

(9) Supplement, without in any way limiting, authority conferred by previous statutes of this Commonwealth and increase the capability of the Commonwealth and local agencies having responsibilities for civil defense to perform both civil defense and disaster services.

(10) Further the operational capacities of Commonwealth agencies to deal with disaster situations.

(11) Further programs of education and training.

(12) Establish integrated communications capabilities and warning systems.

§ 7104. Limitations.

This part is not intended to:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this part or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

(2) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States or of any personnel thereof when on active duty except that Commonwealth and local disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies.

(3) Limit, modify or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the Constitution, statutes or common law of this Commonwealth independent of, or in conjunction with, any provisions of this part.

SUBCHAPTER B

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

Sec.

7111. Interstate civil defense and disaster compact enacted.

§ 7111. Interstate civil defense and disaster compact enacted.

The Interstate Civil Defense and Disaster Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article 1

The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise), including sabotage and subversive acts and direct attacks by bombs, shellfire and atomic, radiological, chemical, bacteriological means and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source are essential to the safety, care and welfare of

the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The directors of civil defense of all party States shall constitute a committee to formulate plans and to take all necessary steps for the implementation of this compact.

Article 2

It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs, the party States shall, so far as possible, provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services.

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises.

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith.

(d) The effective screening or extinguishing of all lights and lighting devices and appliances.

(e) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services.

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State.

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic prior, during and subsequent to drills or attacks.

(h) The safety of public meetings or gatherings.

(i) Mobile support units.

Article 3

Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof: Provided, That it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest, unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4

Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5

No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend but shall not be limited to provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with such requests: Provided, That any aiding party State may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost: And, provided further, That any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the

supplies, materials, equipment or facilities so utilized or consumed.

Article 9

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas, or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10

This compact shall be available to any State, territory or possession of the United States and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11

The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12

This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying, and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13

This compact shall continue in force and remain binding on each party State until the Legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has

been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14

This compact shall be construed to effectuate the purposes stated in Article 1. If any provision of this compact is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

CHAPTER 73 COMMONWEALTH SERVICES

Subchapter

- A. The Governor and Disaster Emergencies
- B. Pennsylvania Emergency Management Agency
- C. Intrastate Mutual Aid
- D. State Firemen's Training School
- E. Fire and Emergency Medical Services Loan Program
- F. State Fire Commissioner

Enactment. Chapter 73 was added November 26, 1978, P.L.1332, No.323, effective immediately, unless otherwise noted.

Cross References. Chapter 73 is referred to in section 6107 of Title 18 (Crimes and Offenses).

SUBCHAPTER A THE GOVERNOR AND DISASTER EMERGENCIES

Sec.

- 7301. General authority of Governor.
- 7302. Temporary housing.
- 7303. Debris and wreckage removal.
- 7304. Community disaster loans.
- 7305. Individual and family assistance.
- 7305.1. Grants for hazard mitigation.
- 7306. Appropriation of Federal funds.
- 7307. Use and appropriation of unused Commonwealth funds (Repealed).
- 7308. Laws suspended during emergency assignments.

§ 7301. General authority of Governor.

(a) **Responsibility to meet disasters.**--The Governor is responsible for meeting the dangers to this Commonwealth and people presented by disasters.

(b) **Executive orders, proclamations and regulations.**--Under this part, the Governor may issue, amend and rescind executive orders, proclamations and regulations which shall have the force and effect of law.

(c) **Declaration of disaster emergency.**--A disaster emergency shall be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency shall continue until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster

emergency may continue for longer than 90 days unless renewed by the Governor. The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened and the conditions which have brought the disaster about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the Pennsylvania Emergency Management Agency and the Legislative Reference Bureau for publication under Part II of Title 45 (relating to publication and effectiveness of Commonwealth documents).

(d) Activation of disaster response.--An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the Commonwealth and local disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to this part or any other provision of law relating to disaster emergencies.

(e) Commander in chief of military forces.--During the continuance of any state of disaster emergency, the Governor is commander in chief of the Pennsylvania military forces. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but this does not restrict the authority of the Governor to do so by orders issued at the time of the disaster emergency.

(f) Additional powers.--In addition to any other powers conferred upon the Governor by law, the Governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.

(2) Utilize all available resources of the Commonwealth Government and each political subdivision of this Commonwealth as reasonably necessary to cope with the disaster emergency.

(3) Transfer the direction, personnel or functions of Commonwealth agencies or units thereof for the purpose of performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation under section 7313(10) (relating to powers and duties), commandeer or utilize any private, public or quasi-public property if necessary to cope with the disaster emergency.

(5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within this Commonwealth if this action is necessary for the preservation of life or other disaster mitigation, response or recovery.

(6) Prescribe routes, modes of transportation and destinations in connection with evacuation.

(7) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.

(8) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.

(9) Confer the power of arrest on the law enforcement personnel serving as part of the emergency forces of a party state during operations in this Commonwealth pursuant to a declaration of a disaster emergency under subsection (c). Law enforcement personnel shall be under the operational control of the Commissioner of Pennsylvania State Police and shall comply with the terms and conditions of the Emergency Management Assistance Compact under Chapter 76 (relating to Emergency Management Assistance Compact). Arrest powers granted under this paragraph shall expire when the declaration of a disaster emergency is terminated by executive order, proclamation or operation of law, if the arrest powers have not previously been terminated.
(July 13, 1988, P.L.501, No.87, eff. imd.; Oct. 27, 2014, P.L.2899, No.187, eff. imd.)

2014 Amendment. Act 187 added subsec. (f)(9).

1988 Amendment. Act 87 amended subsec. (f)(4).

Cross References. Section 7301 is referred to in sections 3309, 5741, 7705, 7903 of this title; section 2306 of Title 12 (Commerce and Trade); section 1306 of Title 23 (Domestic Relations); sections 8704, 8852 of Title 53 (Municipalities Generally); section 2607 of Title 66 (Public Utilities); section 1119 of Title 75 (Vehicles).

§ 7302. Temporary housing.

(a) Authority of Governor.--Whenever the Governor has proclaimed a disaster emergency under this part, or the President has declared an emergency or a major disaster to exist in this Commonwealth, the Governor is authorized:

(1) To enter into purchase, lease or other arrangements with any Federal agency for temporary housing units to be occupied by disaster victims and to make the units available to any political subdivision of this Commonwealth named as a party to the emergency or disaster declaration.

(2) To assist any political subdivision of this Commonwealth which is the locus of temporary housing for disaster victims to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units by:

(i) advancing or lending funds available to the Governor from any appropriation made by the General Assembly or from any other source;

(ii) "passing through" funds made available by any agency, public or private; or

(iii) becoming a copartner with the political subdivision for the execution and performance of any temporary housing for disaster victims project; and for such purposes to pledge the credit of the Commonwealth on such terms as the Governor deems appropriate having due regard for current debt transactions of the Commonwealth.

(3) Under such regulations as the Governor shall prescribe, to temporarily suspend or modify for not to exceed

60 days any public health, safety, zoning, transportation (within or across this Commonwealth) or other requirement of statute or regulation within this Commonwealth when by proclamation the Governor deems the suspension or modification essential to provide temporary housing for disaster victims.

(b) Acquisition of sites by political subdivisions.--Any political subdivision of this Commonwealth is expressly authorized to acquire, temporarily or permanently, by purchase, lease or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements which are necessary to prepare or equip the sites to utilize the housing units.

(c) Construction of section.--This section does not limit the authority of the Governor to apply for, administer and expend any grants, gifts or payments in aid of disaster prevention, preparedness, response or recovery.

(d) Definitions.--As used in this section, "major disaster" and "emergency" shall have the same meanings as defined or used in The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.). (May 31, 1996, 2nd Sp.Sess., P.L.1762, No.2, eff. imd.)

1996 Amendment. Act 2, 2nd Sp.Sess., amended subsec. (d).

Cross References. Section 7302 is referred to in section 7306 of this title.

§ 7303. Debris and wreckage removal.

(a) Authority of Governor.--Whenever the Governor has declared a disaster emergency to exist under this part, or the President, at the request of the Governor, has declared a major disaster or emergency to exist in this Commonwealth, the Governor is authorized:

(1) Notwithstanding any other provision of law, through the use of Commonwealth agencies or instrumentalities, to clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety, or public or private property.

(2) To accept funds from the Federal Government and utilize the funds to make grants or to reimburse any political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(b) Authority of Commonwealth personnel.--Whenever the Governor provides for clearance of debris or wreckage pursuant to subsection (a), employees of the designated Commonwealth agencies or individuals appointed by the Commonwealth are authorized to enter upon private land or waters and perform any tasks necessary to the removal or clearance operation.

(c) Nonliability of Commonwealth personnel.--Except in cases of willful misconduct, gross negligence or bad faith, any Commonwealth employee or agent complying with and performing duties pursuant to orders of the Governor under this section shall not be liable for death of or injury to persons or damage to property.

Cross References. Section 7303 is referred to in section 7306 of this title.

§ 7304. Community disaster loans.

Whenever, at the request of the Governor, the President has declared a major disaster to exist in this Commonwealth, the Governor is authorized:

(1) Upon determining that a political subdivision of this Commonwealth will suffer a substantial loss of tax and

other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, to apply to the Federal Government, on behalf of the political subdivision, for a loan and to receive and disburse the proceeds of any approved loan to any applicant political subdivision.

(2) To determine the amount needed by any applicant political subdivision to restore or resume its governmental functions and to certify the amount to the Federal Government. No application amount shall exceed 25% of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs.

(3) After review, recommend to the Federal Government the cancellation of all or any part of repayment when, in the first three full fiscal-year periods following the major disaster, the revenues of the political subdivision are insufficient to meet its operating expenses including additional disaster-related expenses of a municipal operation character.

Cross References. Section 7304 is referred to in section 7306 of this title.

§ 7305. Individual and family assistance.

(a) Grants by Federal Government.--Whenever the President, at the request of the Governor, has declared a major disaster or emergency to exist in this Commonwealth, the Governor is authorized:

(1) Upon determining that assistance under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.), and from other means is insufficient to meet the disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster, to accept a grant from the Federal Government for the purpose of meeting the expenses or needs of disaster victims, subject to any terms and conditions imposed upon the grant.

(2) To enter into an agreement with the Federal Government or any Federal agency or officer pledging the Commonwealth to participate in the funding of the assistance authorized in paragraph (1) and, if Commonwealth funds are not otherwise available to the Governor, to accept an advance of the Commonwealth share from the Federal Government to be repaid when the Commonwealth is able to do so.

(b) Grants by Governor.--To implement subsection (a), the Governor is authorized to make grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster declared by the President. Any grant shall not exceed the amount authorized by The Robert T. Stafford Disaster Relief and Emergency Assistance Act or by applicable State law to an individual or family in any single major disaster.

(c) Penalty for false application.--Any person who fraudulently or willfully makes a misstatement of fact in connection with an application for assistance under this section shall be guilty of a misdemeanor of the third degree. (May 31, 1996, 2nd Sp.Sess., P.L.1762, No.2, eff. imd.)

§ 7305.1. Grants for hazard mitigation.

(a) Commonwealth participation in hazard mitigation funding; agreements.--Whenever the President authorizes the contribution of up to 75% of the cost of hazard mitigation measures to reduce the risk of future damage, hardship, loss or suffering in any area affected by a major disaster pursuant to The Robert T.

Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143), the Governor is authorized, subject to the availability of appropriated funds, to enter into an agreement with the Federal Government or any Federal agency or officer pledging the Commonwealth to participate in the funding of the mitigation project.

(b) Special Session disaster relief acts.--Projects which are itemized under Chapter 3 of the act of July 11, 1996 (2nd Sp.Sess., P.L.1791, No.8), known as the Special Session Flood Control and Hazard Mitigation Itemization Act of 1996, and the act of July 11, 1996 (2nd Sp.Sess., P.L.1826, No.9), known as the Special Session Flood Relief Act, are deemed to be hazard mitigation projects for the purposes of hazard mitigation funding to the extent that such projects qualify under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143).
(July 11, 1996, 2nd Sp.Sess., P.L.1776, No.5, eff. imd.)

1996 Amendment. Act 5, 2nd Sp.Sess., added section 7305.1.
§ 7306. Appropriation of Federal funds.

All moneys received from the Federal Government for the purpose of disaster assistance or relief, including assistance as specified under sections 7302 (relating to temporary housing), 7303 (relating to debris and wreckage removal) and 7304 (relating to community disaster loans), shall be paid into the General Fund.

§ 7307. Use and appropriation of unused Commonwealth funds (Repealed).

2007 Repeal. Section 7307 was repealed July 17, 2007, P.L.141, No.42, effective immediately.

§ 7308. Laws suspended during emergency assignments.

(a) Commonwealth agencies.--In the case of a declaration of a state of emergency by the Governor, Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

(b) Out-of-State business or employee.--Notwithstanding any other law to the contrary, if the Governor has declared a disaster emergency to exist under this part or the President has declared a major disaster or emergency to exist in this Commonwealth, the following shall apply:

(1) An out-of-State business that conducts operations within this Commonwealth for purposes of performing disaster emergency-related work for a period of not more than ten days before or not more than 60 calendar days after the end of the declared disaster emergency period may not be considered to have established a level of presence that would require that business to register, file and remit State or local taxes or that would require the out-of-State business or an out-of-State employee to be subject to any licensing or registration requirements of the Commonwealth, provided that the out-of-State business is in substantial compliance with all applicable regulatory and licensing requirements in its state of domicile, including any of the following:

(i) State or local business licensing or registration requirements.

(ii) Pennsylvania Public Utility Commission or regulatory requirements.

(iii) State and local taxes and fees, such as unemployment insurance, sales and use tax or property tax on equipment brought into this Commonwealth on a temporary basis used during the disaster emergency and subsequently removed from this Commonwealth, State or local occupational licensing fees or local services taxes.

(iv) A State or local tax on or measured by, in whole or in part, net or gross income or receipts. The activity of the out-of-State business that is conducted in this Commonwealth under this title shall be disregarded with respect to a filing requirement for the tax, including the filing required, if any, for a unitary or combined group of which the out-of-State business may be a part. For the purpose of apportioning income, revenue or receipts, the performance of work in accordance with this section by an out-of-State business may not be sourced to or otherwise impact or increase the amount of income, revenue or receipts apportioned to the Commonwealth.

(2) The period under paragraph (1) may be extended by the Governor for a period of not more than 30 days for each declared disaster emergency.

(3) An out-of-State employee shall not be considered to have established residency or presence in this Commonwealth that would require the individual or the individual's employer to file and pay income taxes, to be subjected to income tax withholding or to file and pay any other State or local tax or fee for disaster emergency-related work performed during the disaster period designated under paragraphs (1) and (2), including any related State or local employer withholding or remittance obligations.

(c) Liability exemption.--Nothing in this section shall be construed to relieve an entity or individual from a liability not explicitly exempted under this section, including, but not limited to, damages associated with an act of negligence.

(d) Transaction taxes and fees.--An out-of-State business and out-of-State employee shall be required to pay transaction taxes and fees, including but not limited to, fuel taxes or sales and use tax on materials or services consumed or used in this Commonwealth subject to sales and use tax, hotel taxes or car rental taxes or fees that the out-of-State business or out-of-State employee purchases for use or consumption in this Commonwealth during the period not more than ten days before or not more than 60 calendar days after the end of the declared disaster emergency unless the taxes or fees are otherwise exempted.

(Oct. 31, 2014, P.L.3044, No.203, eff. 60 days)

2014 Amendment. Section 3 of Act 203 provided that the amendment shall apply to a disaster or emergency that is declared on or after the effective date of section 3.

Cross References. Section 7308 is referred to in section 7102 of this title.

SUBCHAPTER B

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Sec.

7311. Creation.

- 7312. Organization.
- 7313. Powers and duties.
- 7314. Utilization of existing services and facilities.
- 7315. Pennsylvania State Fire Commissioner (Repealed).
- 7316. Pennsylvania State Fire Academy (Repealed).
- 7317. Pennsylvania Volunteer Loan Assistance Program (Repealed).
- 7318. Fire Safety Advisory Committee (Repealed).
- 7319. Appropriations (Repealed).
- 7320. Radiological emergency response preparedness, planning and recovery program.
- 7321. Unconventional well 911 emergency response information.

Termination of Agency. The Pennsylvania Emergency Management Agency is subject to periodic review under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, and will terminate on the date specified in that act unless reestablished or continued by the General Assembly. The Pennsylvania Emergency Management Agency was reestablished by the act of July 13, 1988 (P.L.501, No.87), until December 31, 1997. The termination date of December 31, 1997, is probably not effective since the Sunset Act expired December 22, 1991.

§ 7311. Creation.

To assure prompt, proper and effective discharge of basic Commonwealth responsibilities relating to civil defense and disaster preparedness, operations and recovery, there is hereby formally created the Pennsylvania Emergency Management Agency.

State Council of Civil Defense. See section 2 of Act 323 of 1978 in the appendix to this title for special provisions relating to the transfer to the Pennsylvania Emergency Management Agency of personnel, appropriations, equipment, etc., of the State Council of Civil Defense.

§ 7312. Organization.

This agency shall consist of and be organized substantially as follows:

(a) Council.--Primary responsibility for overall policy and direction of a Statewide civil defense and disaster program and response capability of the type hereinafter prescribed shall be vested in a body legally known as the Pennsylvania Emergency Management Council, which shall be composed of: the Governor, Lieutenant Governor, Adjutant General, Secretary of Health, Attorney General, General Counsel, Secretary of Community Affairs, Secretary of Environmental Protection, Secretary of Transportation, Secretary of Agriculture, Secretary of Public Welfare, Commissioner of the Pennsylvania State Police, Chairman of the Public Utility Commission, State Fire Commissioner, Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives. The Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead. The Governor may authorize up to two representatives of business and industry, up to two representatives of labor, up to two public members at large and one representative respectively of the Pennsylvania State Association of County Commissioners, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors, the Pennsylvania League of Cities and the Pennsylvania State Association of Boroughs to be nonvoting members of the council.

The Governor may designate a member to serve as chairman. Five members shall constitute a quorum.

(b) Compensation and expenses.--The members shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance at meetings.

(c) Regular meetings.--For the conduct of routine business, including particularly the consideration of matters of basic policy, the council shall meet at the call of the chairman and at least three times during each calendar year.

(d) Emergency meetings.--In the event of attack or disaster situations determined actually or likely to be of such nature, magnitude, severity or duration as to necessitate extensive or extraordinary deployment and use of Commonwealth resources for emergency purposes, the chairman shall, within not more than 72 hours immediately following such determination, call the council into emergency session, for consideration of actions taken or to be taken. In the absence of the chairman, notice of such meetings shall be disseminated to the membership by the State director.

(e) State director.--To supervise the work and activities comprising the State Civil Defense and Disaster Program, the Governor shall appoint an individual to act, on a full-time basis, as director of the agency. The director shall perform all such fiscal, planning, administrative, operational and other duties as may be assigned to him by the council and shall act as the chairman's principal assistant in civil defense and disaster matters. The director or the director's designee is also the State coordinating officer responsible to coordinate and supervise the Commonwealth and local disaster response effort following a presidential declaration of an emergency or a major disaster.

(f) Staff.--The council shall, within the limitations of appropriations made to the agency, arrange for the employment of such professional, technical, administrative and other staff personnel as may be deemed essential to the development and maintenance of a Statewide civil defense and disaster plan and program of the type hereinafter prescribed. All such personnel shall be employed and subject to pertinent provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," and the Commonwealth Compensation Plan.

(g) Office space, equipment and services.--The agency shall be furnished necessary and appropriate office space, furniture, equipment, supplies and services in the same general manner as are other Commonwealth departments and agencies.

(h) Emergency communications.--The agency shall maintain an integrated communications capability designed to provide to all areas and counties weather advisories, river forecasts, warnings, and direction and control of all emergency preparedness functions within the Commonwealth. The agency shall coordinate the Commonwealth's emergency communication systems, sharing of information and weather emergency notification among the National Weather Service, contiguous State emergency management offices, local coordinators of emergency management, the Pennsylvania State Police, local police departments, private relief associations and other appropriate organizations. Additionally, the agency shall establish the sole Statewide telephone number that persons, including county and municipal emergency management personnel, may use to report incidences of radioactive and hazardous materials and other disaster emergencies.

(i) Administrative provisions.--Except as otherwise provided in this part, the agency shall be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."
(July 13, 1988, P.L.501, No.87, eff. imd.; Nov. 13, 1995, P.L.609, No.62, eff. 60 days)

1995 Amendment. Act 62 amended subsec. (a).

1988 Amendment. Act 87 amended subsecs. (a), (d), (e) and (h). See section 9 of Act 87 in the appendix to this title for special provisions relating to continuation of State Director.

References in Text. The act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, referred to in subsec. (f), was repealed by the act of June 28, 2018 (P.L.460, No.71). The subject matter is now contained in Part III of Title 71 (State Government).

The Secretary of Community Affairs, referred to in subsec. (a), was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Cross References. Section 7312 is referred to in section 2103 of Title 71 (State Government).

§ 7313. Powers and duties.

The agency shall have the following powers and duties:

(1) To prepare, maintain and keep current a Pennsylvania Emergency Management Plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery. The plan may include provisions for:

(i) Preparedness standards established by the Federal Emergency Management Agency.

(ii) Commonwealth and local disaster emergency management responsibilities.

(iii) Assistance to Commonwealth agencies, local government officials, schools and custodial child care facilities in designing emergency management plans and training programs.

(iv) Organization of manpower, chains of command, continuity of government in emergency situations and emergency operational principles.

(v) Coordination of Federal, Commonwealth and local disaster emergency management activities.

(vi) Coordination of the Commonwealth Emergency Management Plan with the disaster plans of the Federal Government and those of other states.

(vii) Assistance to the Commonwealth and local governments in obtaining, utilizing and managing Federal and Commonwealth disaster assistance.

(viii) Supply to appropriate Commonwealth and local officials State catalogs of Federal, Commonwealth and private assistance programs.

(ix) Identification of areas particularly vulnerable to disasters.

(x) Recommendations for zoning, building and other land-use controls; safety measures pertaining to nonpermanent or semipermanent structures; resource conservation and allocation; and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact.

(xi) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster.

(2) To establish, equip and staff a Commonwealth and area emergency operations center with a consolidated Statewide system of warning and provide a system of disaster communications integrated with those of Federal, Commonwealth and local agencies involved in disaster emergency operations.

(3) To promulgate, adopt and enforce such rules, regulations and orders as may be deemed necessary to carry out the provisions of this part.

(4) To provide technical advice and assistance to Commonwealth agencies, political subdivisions, schools and custodial child care facilities in the preparation of disaster emergency management plans or components thereof and to periodically review such plans and suggest or require revisions.

(5) To establish and operate or assist political subdivisions in establishing and operating training programs and programs of public information.

(6) To supply appropriate Commonwealth and local agencies and officials and the general public with precautionary notices, watches and warnings relating to actual and potential disasters and to provide a flow of official information and instructions to the general public through all means available before, during and after an emergency. The agency shall implement a program of integrated flood warning systems among political subdivisions. The agency shall establish coordinated flood notification and early warning systems along prescribed major river basins and selected tributaries thereof in this Commonwealth.

(7) To provide emergency direction and control of Commonwealth and local emergency operations.

(8) To determine the need for, maintain information regarding and procure materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.

(9) To make or request of Commonwealth or local agencies and officials, studies, surveys and reports as are necessary to carry out the purposes of this part.

(10) To plan and make arrangements for the availability and use of any private facilities, services and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon.

(11) To prepare, for issuance by the Governor, executive orders, proclamations and regulations as necessary or appropriate in coping with disasters.

(12) To cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of this part and in implementing programs for disaster prevention, preparation, response and recovery.

(13) To administer grant programs to political subdivisions for disaster management.

(14) To accept and coordinate assistance provided by Federal agencies in major disasters or emergencies in accordance with the provisions of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or reenactment thereof.

(15) To respond to disaster relating to atomic energy operations or radioactive objects or materials. Any such

action taken and any regulations adopted by the office shall be inapplicable to any objects or materials possessing a radiation-producing capacity less than that set forth as the maximum safety limit by the standards endorsed and as may be subsequently endorsed by the United States Nuclear Regulatory Commission for the protection of life and property and the maintenance of health and safety.

(16) To take other action necessary, incidental or appropriate for the implementation of this part.

(17) To report annually to the General Assembly the state of preparedness of the Commonwealth to deal with attack or disaster and those significant events occurring within the past year.

(18) To recommend to the Governor legislation or other actions as deemed necessary in connection with the purposes of this part.

(19) To provide, from its own stockpiles or other sources, emergency operational equipment, materials and supplies required and available for essential supplementation of those owned, acquired and used by Commonwealth, county and local departments and agencies for attack and disaster operations. The agency shall establish two regional emergency supply warehouses. One shall be located in the western part of this Commonwealth, and one shall be located in the eastern part of this Commonwealth.

(20) For the period during which an emergency is declared by the Governor, to incur obligations for or purchase such materials and supplies as may be necessary to combat a disaster, protect the health and safety of persons and property and provide emergency assistance to victims of a disaster without complying with formal bidding or other time-consuming contract procedures.

(21) To require hydroelectric generating facilities and dam operators to do all of the following:

(i) Provide minimum competency testing for their operators.

(ii) Submit plans for flood notification and warning.

(July 13, 1988, P.L.501, No.87, eff. imd.; May 31, 1996, 2nd Sp.Sess., P.L.1762, No.2, eff. imd.; July 13, 2004, P.L.689, No.73, eff. 60 days)

2004 Amendment. Act 73 amended pars. (1)(iii) and (4).

1996 Amendment. Act 2, 2nd Sp.Sess., amended par. (14).

1988 Amendment. Act 87 amended pars. (6), (19) and (20) and added par. (21).

Cross References. Section 7313 is referred to in sections 7301, 7320, 7503 of this title.

§ 7314. Utilization of existing services and facilities.

In order to avoid duplication of services and facilities, the agency shall utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the Commonwealth and of the political subdivisions thereof. These officers and agencies shall cooperate with and extend their services and facilities to the agency as requested.

§ 7315. Pennsylvania State Fire Commissioner (Repealed).

1995 Repeal. Section 7315 was repealed November 13, 1995, P.L.604, No.61, effective in 60 days.

§ 7316. Pennsylvania State Fire Academy (Repealed).

1995 Repeal. Section 7316 was repealed November 13, 1995, P.L.604, No.61, effective in 60 days.

§ 7317. Pennsylvania Volunteer Loan Assistance Program (Repealed).

1995 Repeal. Section 7317 was repealed November 13, 1995, P.L.604, No.61, effective in 60 days.

§ 7318. Fire Safety Advisory Committee (Repealed).

1995 Repeal. Section 7318 was repealed November 13, 1995, P.L.604, No.61, effective in 60 days.

§ 7319. Appropriations (Repealed).

1995 Repeal. Section 7319 was repealed November 13, 1995, P.L.604, No.61, effective in 60 days.

§ 7320. Radiological emergency response preparedness, planning and recovery program.

(a) Establishment of program.--In addition to the powers and duties of the agency set forth in section 7313 (relating to powers and duties), the agency shall develop, establish and maintain a radiological emergency response preparedness, planning and recovery program consistent with the Commonwealth's Emergency Management Plan and in accordance with other applicable Federal regulations and State laws for each nuclear generating facility that has received an operating license from the Nuclear Regulatory Commission.

(b) Agency functions.--The specific functions of the agency under the radiological emergency response preparedness, planning and recovery program shall include, but not be limited to:

(1) Serving as the point of contact for interface between the affected facilities and other Commonwealth agencies and departments, counties, municipalities and school districts.

(2) Annual review and revision, as necessary, of the risk and support county radiological emergency response plans to ensure that they are consistent with the Commonwealth's Emergency Management Plan.

(3) Participation in required exercises, including emergency communication drills and tests, as based upon mutually agreed schedules and parameters.

(4) Participation in the Federal full participation exercises scheduled for nuclear generation stations.

(5) Review and revision, as necessary, of Annex E, "Radiological Emergency Response to Nuclear Power Plant Incidents," of the Commonwealth's Emergency Management Plan and annual review of the onsite emergency response plan of each utility to ensure that it is consistent with the annex.

(6) Seeking formal Federal review and approval of the Commonwealth's Annex E to its Emergency Management Plan and the county, municipal and other plans in accordance with 44 CFR Part 350 (relating to review and approval of state and local radiological emergency plans and preparedness). Once Federal approval is obtained for the plans, the agency shall seek to maintain that approval status.

(7) Annual review of municipal and school district radiological emergency response plans in conjunction with the respective county emergency management agencies to ensure that they are consistent with the applicable county radiological emergency response plans.

(8) Assisting in the update of lesson plans used by each utility for county, municipal, school and volunteer agency offsite training purposes and, to the extent necessary

to obtain Federal approval, participation in this training effort.

(9) Annual review of the Alert Notification System Report for each nuclear generating station to ensure that current information from the State and county plans are included in the report and assist in the coordination of siren or other emergency communication tests with each utility, the appropriate counties and adjacent states.

(10) Coordinating the review and update of emergency information brochures with the respective counties and utilities.

(11) Participation with each utility in planning and program meetings scheduled with counties, municipalities and school districts.

(12) Developing planning and preparedness procedures for emergency response within the ingestion exposure pathway zone.

(13) Providing a qualified press secretary or designee to participate in the operation of a joint information center upon its activation by a utility.

(14) Performing actions necessary to satisfy the Commonwealth's responsibilities relative to Federal guidance memoranda.

(15) Providing reasonable assistance and support requested by a utility from time to time in connection with the utility obtaining or maintaining, or both, an emergency plan acceptable to Federal regulatory entities having jurisdiction over the utility.

(16) Providing other reasonable assistance and support requested by utilities from time to time.

(17) Providing guidance to State, county and municipal elected officials, departments and agencies and school districts in order to ensure compliance with this section and all other applicable Federal and State radiation protection safety laws.

(18) Providing redundant communications' capability between the agency's headquarters and each nuclear generating station in this Commonwealth sufficient to meet Federal and State regulatory requirements.

(c) Establishment of fund.--There is hereby created in the General Fund a nonlapsing restricted receipt account to be known as the Radiological Emergency Response Planning and Preparedness Program Fund. Fees received under subsection (d) shall be deposited in this fund. Moneys in the fund are hereby appropriated to the agency to carry out its responsibilities under subsections (a) and (b).

(d) Annual fees.--(Repealed).

(Dec. 20, 1989, P.L.665, No.85, eff. imd.; July 13, 2007, P.L.95, No.31, eff. imd.)

2007 Repeal. Act 31 repealed subsec. (d).

1989 Amendment. Act 85 added section 7320.

§ 7321. Unconventional well 911 emergency response information.

(a) Emergency regulations.--The agency and the Department of Environmental Protection shall adopt emergency regulations directing the operators of all unconventional wells within this Commonwealth to do all of the following:

(1) Adopt a unique GPS coordinate address for each unconventional well at both the access road entrance and well pad site.

(2) Register that address with the agency, the Department of Environmental Protection and the county

emergency management organization within the county where the unconventional well is located.

(3) Require the development of an emergency response plan and file that plan with the agency, the Department of Environmental Protection and the county emergency management organization with jurisdiction over the unconventional well. The county shall disseminate the GPS address and emergency response plan to the local emergency management organization in which the unconventional well is located.

(4) Post a reflective sign at the entrance to each unconventional well site with the specific address of that site, the coordinates for the site, the emergency contact number for the operator and such other information as the agency or the Department of Environmental Protection deems necessary.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Unconventional formation." A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by:

(1) hydraulic fracture treatments;

(2) using multilateral well bores; or

(3) other techniques to expose more of the formation of the well bore.

"Unconventional well." A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

(Feb. 2, 2012, P.L.67, No.9, eff. imd.)

2012 Amendment. Act 9 added section 7321. Section 2 of Act 9 provided that regulations promulgated under section 7321 shall apply to both new and existing unconventional wells within this Commonwealth.

SUBCHAPTER C

INTRASTATE MUTUAL AID

Sec.

7331. Purpose of subchapter.

7332. Definitions.

7333. Intrastate Mutual Aid Committee.

7334. System.

7335. Assistance.

7336. License, certificate and permit portability.

7337. Insurance.

7338. Workers' compensation.

7339. Immunity.

7340. Effect on other agreements.

Enactment. Subchapter C was added October 8, 2008, P.L.1098, No.93, effective immediately.

§ 7331. Purpose of subchapter.

The purpose of this subchapter is to create a system of intrastate mutual aid between participating political subdivisions within this Commonwealth, whereby each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection

of lives and property and for the best use of available public and private assets. The system shall provide for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. The system shall provide for mutual cooperation among the participating subdivisions in conducting exercises, testing or other training activities.

§ 7332. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Committee." The Intrastate Mutual Aid Committee.

"Dedicated emergency response organization." Any entity organized, chartered or incorporated in this Commonwealth or chartered by the Congress of the United States for the primary purpose of providing emergency services. The term shall include volunteer, career and combination organizations.

"Emergency responder." An individual in the public or private sector who has special skills, qualifications, training, knowledge or experience, whether or not the person possesses a license, certificate, permit or other official recognition for the skills, qualifications, training, knowledge or experience, that would benefit a participating political subdivision in responding to an authorized mutual aid request or participating in an authorized drill or exercise. The term shall include a law enforcement officer, a firefighter, an emergency medical services worker, a physician, nurse or other public health worker, an emergency management official, a coroner or medical examiner, a State-certified hazardous materials team member, a public works worker, a building inspector, an architect, an engineer or other design professional or a person with specialized equipment operations skills or training or with any other skills needed to provide aid in a declared emergency.

"Incident." Any event or condition which constitutes an actual or imminent threat to public health and safety, public or private property or the economic well-being of the community.

"Incident commander." The individual responsible for all incident-related activities, including the development of strategies and tactics and the ordering and releasing of resources as provided under the National Incident Management System.

"Mutual aid." Mutual assistance and sharing of resources among participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond.

"National Incident Management System." The National Incident Management System established by the United States Department of Homeland Security.

"Participating political subdivision." A political subdivision that has not opted out of the intrastate mutual aid system.

"Political subdivision." Any county, city, borough, incorporated town or township. The term shall include any council of governments established among any of the above.

"Requesting political subdivision." A participating political subdivision that requests assistance under this subchapter.

"Responding political subdivision." A participating political subdivision that responds to a request for assistance under this subchapter.

"System." The intrastate mutual aid system.

§ 7333. Intrastate Mutual Aid Committee.

(a) Establishment.--There is established the Intrastate Mutual Aid Committee.

(b) Membership.--The committee shall be comprised of the following members:

(1) The director of the agency or a designee, who shall serve as the chairman of the committee.

(2) The State Fire Commissioner and the Director of the Bureau of Emergency Medical Services of the Department of Health or any successor bureau or administrative unit having similar responsibilities.

(3) Three representatives each from the career fire services, the volunteer fire services and the emergency medical services.

(4) Three county emergency management agency directors, one from each agency area, who shall be recommended by the respective agency area directors.

(5) One representative each from the State Chiefs of Police Association, the State Fraternal Order of Police and the Pennsylvania State Police.

(6) One representative each from the Statewide county and municipal government associations' representative elected officials.

(7) Three representatives from county-based 911 programs.

(8) One representative from the Pennsylvania State Coroners Association.

(c) Appointments.--Each member under subsection (b) shall be appointed by the director of the agency, and the appointment shall be based on recommendations from the organizations and associations represented. The county-based 911 members shall be selected from recommendations made by the three agency area directors.

(d) Terms of office.--Members shall serve a term of two years and may be appointed for subsequent terms.

(e) Duties of committee.--The committee shall do all of the following:

(1) Hold at least one meeting each year to review the progress and status of the intrastate mutual aid system.

(2) Provide participating political subdivisions with a method to track and evaluate the system.

(3) Examine issues facing participating political subdivisions and emergency responders regarding the implementation of this subchapter.

(4) Prepare an annual report on the condition and effectiveness of mutual aid in this Commonwealth, which shall be submitted to the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives. This report may contain recommendations for correcting any deficiencies within the system.

(5) Develop all of the following:

(i) Comprehensive guidelines and procedures that address all of the following:

(A) Projected or anticipated costs potentially incurred by a participating political subdivision.

(B) Recordkeeping for participating political subdivisions.

(C) Reimbursement procedures and other necessary implementation elements.

(D) Any other procedures that the committee deems necessary.

(ii) Checklists for requesting and providing assistance.

(iii) Forms for requests and other records to document the deployment and return of assets.

§ 7334. System.

(a) Establishment.--An intrastate mutual aid system is established for the purpose of providing mutual aid within this Commonwealth.

(b) Participation.--

(1) All political subdivisions within this Commonwealth shall be a part of the system unless the political subdivision elects not to participate by enacting a resolution declaring their desire not to participate and by submitting a copy of the resolution to the agency and to its county emergency management agency.

(2) All political subdivisions within this Commonwealth shall consult with fire and emergency medical services providers to discuss the emergency services needs of the political subdivision.

(3) Any political subdivision that elects not to participate in the system, as provided under subsection (a), may at a later date elect to participate in the system by enacting a resolution declaring its desire to participate and by submitting a copy of the resolution to the agency and to its county emergency management agency.

(4) Participation by a political subdivision in the system of intrastate mutual aid established by this subchapter shall not be subject to the requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

(c) Responsibilities.--It shall be the responsibility of each participating political subdivision with jurisdiction over and responsibility for emergency management within that political subdivision to do all of the following:

(1) Identify potential hazards that could affect the participating political subdivision using an identification system as developed by the committee common to all participating political subdivisions.

(2) Conduct joint planning, intelligence sharing and threat assessment development with contiguous participating political subdivisions.

(3) Conduct joint training with contiguous participating political subdivisions at least biennially.

(4) Identify and inventory the current services, equipment, supplies, personnel and other resources related to planning, prevention, mitigation, response and recovery activities of the participating political subdivisions in accordance with the National Incident Management System Integration Center resource management guidance.

(5) Adopt and implement the standardized incident management system approved by the agency.

(6) Adopt and implement the National Incident Management System requirements established by the United States Department of Homeland Security.

§ 7335. Assistance.

(a) Requests.--A participating political subdivision may request assistance of other participating political subdivisions or their designated emergency response organizations. All requests for assistance shall be initiated from the incident commander or authorized designee at an incident location, the county 911 center or the county emergency manager where the incident occurs. All intrastate mutual aid requests for assistance shall be made to the county 911 center or county emergency management coordinator or authorized designee in the responding county. Intrastate mutual aid requests for assistance may also be made through the agency. A written request shall be submitted after a verbal request is made as soon as practicable or within the number of days that the agency, in its discretion, may determine.

(b) Response to requests.--A participating political subdivision's obligation to provide assistance in the prevention of, response to and recovery from an incident or in authorized drills or exercises shall be subject to all of the following conditions:

(1) A responding political subdivision may withhold resources to the extent necessary to provide reasonable protection and services for its own jurisdiction.

(2) Emergency response personnel of a responding political subdivision shall remain under the administrative and policy procedures and control of their respective jurisdiction, including medical protocols, standard operating procedures and other protocols, but shall be under the operational control of the appropriate officials within the incident management system of the requesting political subdivision.

(3) Assets and equipment of a responding political subdivision shall remain under the administrative and policy procedures and control of their respective jurisdiction but shall be under the control of the appropriate officials within the incident management system of the requesting political subdivision.

(4) The incident commander shall have overall authority and responsibility for conducting incident operations and shall be responsible for the management of all incident operations at the incident site.

(c) Reimbursement.--A requesting political subdivision shall reimburse the responding political subdivision in accordance with procedures established by the committee. A responding political subdivision may donate assets of any kind to a participating political subdivision. If a dispute arises regarding reimbursement, involved parties shall make every effort to resolve the dispute within 30 days of written notice of the dispute by the party asserting noncompliance. In the event that the dispute is not resolved within 90 days of the notice of the claim, either party may request the dispute be resolved through arbitration. Any arbitration requested under this subsection shall be conducted under the commercial arbitration rules of the American Arbitration Association.

(d) Exceptions.--The provisions of this section shall not apply to specific mutual aid agreements which exist on the effective date of this section and which were made between political subdivisions and emergency response organizations to cover response to routine incidents.

§ 7336. License, certificate and permit portability.

If a person holds a license, certificate or other permit issued by a participating political subdivision or the Commonwealth evidencing qualification in a professional,

mechanical or other skill and the assistance of that person or entity is requested by a participating political subdivision, the person shall be deemed to be licensed, certified or permitted in the political subdivision requesting assistance for the duration of the incident response or authorized drills or exercises and subject to any limitations and conditions the chief executive of the participating political subdivision receiving the assistance may prescribe by executive order or otherwise.

§ 7337. Insurance.

A responding political subdivision shall ensure that adequate insurance protection is in effect covering all vehicles and equipment used in response to an intrastate mutual aid request. Personnel of the responding political subdivision shall maintain direct and overall control of all vehicles and equipment utilized in an intrastate mutual aid response and shall ensure that vehicles and equipment are used within intended design specifications.

§ 7338. Workers' compensation.

Notwithstanding any other provision of law, a responding political subdivision shall provide appropriate workers' compensation insurance protection for municipal employees and volunteers representing the responding political subdivision when responding to a request under this system. Personnel of a responding political subdivision who sustain injury or death in the course of and arising out of their employment shall be entitled to all applicable benefits normally available to personnel while performing their duties for their employer. Responders shall receive any additional Federal and State benefits that may be available to them for line-of-duty deaths.

§ 7339. Immunity.

All activities performed under the intrastate mutual aid system are deemed to be governmental functions. For the purposes of liability, all persons responding under the operational control of the requesting political subdivision shall be deemed to be employees of the requesting participating political subdivision. Except in cases of willful misconduct, gross negligence or bad faith, neither the participating political subdivisions nor their employees shall be liable for the death of or injury to persons or for damage to property when complying or attempting to comply with the system. This subchapter shall provide no immunity, rights or privileges for any individual responding to an incident where the response has not been requested by a participating political subdivision.

§ 7340. Effect on other agreements.

Nothing in this subchapter shall preclude participating political subdivisions from entering into supplementary agreements with another political subdivision. Nothing in this subchapter shall affect any other agreement to which a political subdivision may, on the effective date of this section, be a party.

SUBCHAPTER D

STATE FIREMEN'S TRAINING SCHOOL

Sec.

- 7351. Establishment, purpose and name.
- 7352. Supervision and control.
- 7353. Powers and duties.
- 7354. Persons admitted.
- 7355. Application for admission.

7356. Acquisition of site.
7357. Conveyance of land and plans for buildings and structures.
7358. Leasing by Commonwealth.

Enactment. Subchapter D was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011.

Special Provisions in Appendix. See section 7(b.1)(3) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7351. Establishment, purpose and name.

In order to enable the Department of Education more effectively to train firefighters under the program of the Public Service Institute Board established by the department under its vocational education program, there is hereby established a training school for firefighters for practical training in the control and extinguishment of fires. The training school shall be known as the Pennsylvania State Firemen's Training School.

§ 7352. Supervision and control.

The management of the school and the control and care of the buildings and grounds owned and used by the Commonwealth for the school and the conduct of instruction at the school shall be under the direct supervision and control of the Department of Education.

§ 7353. Powers and duties.

The Department of Education and the Public Service Institute Board shall have the power and their duty shall be:

(1) To fix the salaries of the employees of the school in conformity with the standards established by the Executive Board.

(2) To make rules and regulations for the government and management of the school and the admission of firefighters from the various political subdivisions to the school.

(3) To prescribe the courses of study and the practical training in connection therewith.

(4) To accept on behalf of the Commonwealth donations of land or equipment for the use of the school.

§ 7354. Persons admitted.

All firefighters who are regularly employed by any local political subdivision of this Commonwealth and all regularly enrolled members of volunteer fire companies shall be eligible for admission to the school and shall be chosen by the governing authority of each political subdivision. The Public Service Institute Board shall apportion the number admitted to the school so that each county is represented in the ratio that the number of firefighters in each county bears to the total number of firefighters in this Commonwealth.

§ 7355. Application for admission.

Application for admission shall be made to the Public Service Institute Board by the political subdivisions in the manner prescribed by the board.

§ 7356. Acquisition of site.

The Secretary of Education, with the approval of the Governor, may accept a gift of land suitable as a site for the school or, if no gift of a suitable site is offered, the secretary shall, with the approval of the Governor, select for acquisition by the Department of General Services in the name of the Commonwealth a tract of land located in or adjacent to the borough of Lewistown for the erection, construction, furnishing and equipping thereon by the Department of General

Services of the Pennsylvania State Firemen's Training School. The title to the lands so acquired, whether by gift or otherwise, shall be approved by the Attorney General. If it shall be found that the Commonwealth owns State lands suitable in whole or in part for such use, the lands may be designated by the Department of Education, with the approval of the Governor and the department, board or commission having possession and control of the lands, and used for such purpose. Any additional lands necessary may be selected and acquired as herein provided.

§ 7357. Conveyance of land and plans for buildings and structures.

Upon the acquisition of any land in the name of the Commonwealth or designation of any land of the Commonwealth, the Department of General Services shall have the authority to erect or construct and furnish and equip thereon the buildings and other structures necessary for the Pennsylvania State Firemen's Training School. The plans and specifications of the school, whether erected on land acquired directly by the Department of General Services or by conveyance to it from the Commonwealth, shall be subject to the approval of the Department of Education and shall provide for suitable buildings and other necessary equipment, structures and improvements.

§ 7358. Leasing by Commonwealth.

The Department of General Services, with the approval of the Governor, is authorized to enter into a lease for not more than 99 years to acquire the use of the buildings and structures and any lands connected therewith and the furnishings and equipment thereof for the purpose of having the same managed and operated by the Department of Education.

SUBCHAPTER E
FIRE AND EMERGENCY MEDICAL SERVICES
LOAN PROGRAM

Sec.

- 7361. Scope of subchapter.
- 7362. Legislative findings and declaration of purpose.
- 7363. Definitions.
- 7364. Assistance to fire companies and EMS companies.
- 7365. Fire and Emergency Medical Services Loan Fund.
- 7366. Powers and duties of office.
- 7367. Authority to borrow.
- 7368. Bonds, issue, maturity and interest.
- 7369. Sale of bonds.
- 7370. Refunding bonds.
- 7371. Disposition and use of proceeds.
- 7372. Registration of bonds.
- 7373. Information to General Assembly.
- 7374. Fire and Emergency Medical Services Loan Sinking Fund and investments.
- 7375. Expenses of preparation, issue and sale of bonds.
- 7376. Repayment obligations for principal and interest.
- 7377. Quorum.
- 7378. Temporary financing authorization.
- 7378.1. Referendum for additional indebtedness.
- 7378.2. Authorization of contracts, reimbursement procedure and amount.
- 7378.3. Reimbursement procedure and amount.
- 7378.4. Referendum to expand loan assistance.
- 7378.5. Annual report and distribution of information.

Enactment. Subchapter E was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011.

Subchapter Heading. The heading of Subchapter E was amended October 29, 2020, P.L.731, No.91, effective in 60 days.

Special Provisions in Appendix. See section 7(b.1)(8) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Subchapter E is referred to in sections 7385, 7814, 7824 of this title.

§ 7361. Scope of subchapter.

This subchapter relates to fire companies and emergency medical services companies.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7362. Legislative findings and declaration of purpose.

(a) Findings.--The General Assembly finds that:

(1) Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the voters of the Commonwealth approved by referenda on November 4, 1975, the incurring of indebtedness of \$10,000,000 and on November 3, 1981, approved the incurring of an additional \$15,000,000 of indebtedness and on November 6, 1990, approved the incurring of an additional \$25,000,000 of indebtedness for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles and for purchasing new firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties.

(2) Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, on November 5, 2002, the voters of this Commonwealth approved by referendum the incurring of indebtedness for the establishment of a program that utilizes capital and other related methods to enhance and improve the delivery of volunteer fire and volunteer emergency services in this Commonwealth. The General Assembly further finds that the use of up to \$50,000,000 of such indebtedness to expand the existing program providing for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads as authorized under this subchapter is an appropriate use of such indebtedness.

(b) Purpose.--The General Assembly has determined that fire companies and emergency medical services companies are most in need of loans. The General Assembly intends that the loans provided under this subchapter be used to replace outmoded or unsafe equipment and buildings of fire companies and emergency medical services companies to meet an increasing demand for a higher level of service in the communities which they serve.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended subsec. (b).

§ 7363. Definitions.

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

"Accessory equipment." Firefighting, ambulance and rescue equipment necessary to carry out the ordinary functions of supporting fires, life and rescue activities.

"Agency." (Deleted by amendment).

"Apparatus equipment." Elevated equipment, pumpers, tankers, ladder trucks, utility or special service vehicles, ambulances, rescue vehicles or other large equipment used for firefighting and emergency services.

"Commissioner." The State Fire Commissioner.

"Communications equipment." Any voice or original transmission system required to support the operation of the volunteer fire company, volunteer ambulance service and volunteer rescue squad.

"Emergency medical services company" or "EMS company." A career, nonprofit or volunteer emergency medical services company.

"Establishing." In the context of establishing or modernizing facilities, the term means both the construction of new buildings and the acquisition or renovation of existing structures.

"Facilities." Facilities used to house firefighting equipment, ambulances and rescue vehicles. The term shall not include meeting halls, social rooms or any other facilities not directly related to firefighting.

"Fire company." A volunteer nonprofit chartered fire company or municipal-owned fire company or department.

"Fund." The Fire and Emergency Medical Services Loan Fund established under section 7365 (relating to Fire and Emergency Medical Services Loan Fund).

"Municipality." A county, city, borough, incorporated town or township.

"National Fire Protection Association (NFPA) standards." Apparatus and equipment, including personal protective equipment, shall be deemed to meet the requirements of compliance with the applicable standards of the National Fire Protection Association (NFPA), except that:

(1) New apparatus shall be constructed to meet or exceed the standards in effect at the time of manufacture.

(2) Used firefighting apparatus shall:

(i) in no instance meet lesser requirements than the standards for apparatus adopted by the National Fire Protection Association in 1991; and

(ii) beginning June 25, 1999, meet the National Fire Protection Association standards for apparatus in effect at the time of original manufacture, except that no loans shall be considered or made for apparatus that cannot meet the National Fire Protection Association standards in effect no more than 12 years prior to the date of the application for loan financing.

(3) New equipment shall meet or exceed the standards in effect at the time of original manufacture.

(4) Used equipment shall meet or exceed the standards in effect at the time of original manufacture, except that no loans for used equipment shall be considered or made for equipment more than five years old at the time of application for loan assistance.

(5) In every instance, used equipment and apparatus shall meet the applicable National Fire Protection Association standards at the time that the loan funds are advanced.

"Office." The Office of the State Fire Commissioner.

"Protective equipment." Any equipment used by firefighters, volunteer ambulance service personnel or volunteer rescue service personnel to protect their person from injury while performing their functions, including, but not limited to,

helmets, turnout coats and pants, boots, eyeshields, gloves and self-contained respiratory protection units.

"Rescue vehicle." Any vehicle, whether a motor vehicle or a watercraft, used for rescue services.

"Utility or special service vehicle." A vehicle carrying accessory equipment, including, but not limited to, ladders, oxygen equipment, generators and adaptors, floodlights, smoke ejectors and other equipment necessary to perform the ordinary functions of supporting firefighting activities.

"Volunteer ambulance service." Any nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the service of providing emergency medical care and transportation of patients.

"Volunteer Companies Loan Fund." (Deleted by amendment).

"Volunteer fire company." Any nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue service." Any nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services in this Commonwealth.

(Dec. 23, 2013, P.L.1256, No.129, eff. 60 days; Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Feb. 10, 2022, P.L.41, No.10, eff. 60 days)

2022 Amendment. Act 10 amended the def. of "fire company."

2020 Amendment. Act 91 added the defs. of "emergency medical services company" or "EMS company," "fire company," "fund" and "municipality" and deleted the def. of "Volunteer Companies Loan Fund."

2013 Amendment. Act 129 added the defs. of "commissioner" and "office" and deleted the def. of "agency."

§ 7364. Assistance to fire companies and EMS companies.

(a) General rule.--The office is authorized, upon application of any fire company or EMS company, to make loans for the following purposes:

(1) Establishing or modernizing facilities that house firefighting equipment, ambulance or rescue vehicles. The amount of a loan for establishing or modernizing facilities made to any one fire company or EMS company shall not exceed 50% of the total cost of the facilities or modernization or \$450,000, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the facilities in unobligated funds. Proceeds of the loan shall be used only for purposes of structure or land acquisition or renovation or construction and shall not be used for payment of fees for design, planning, preparation of applications or any other cost not directly attributable to structure or land acquisition or renovation or construction.

(2) Purchasing firefighting apparatus, ambulances or rescue vehicles. The amount of a loan made for purchasing firefighting apparatus to any one fire company shall not exceed \$250,000 for any single firefighting apparatus equipment or utility or special service vehicle or heavy duty rescue vehicle as defined by regulation or guideline, or 50% of the total cost of the equipment or vehicle, whichever is less, except for loans for aerial apparatus as defined by regulation or guideline, which shall not exceed

\$350,000. The amount of a loan made to any one fire company or EMS company for any ambulance or light duty rescue vehicle as defined by regulation or guideline shall not exceed \$125,000 and for a watercraft rescue vehicle shall not exceed \$35,000 or 50% of the cost of the ambulance or rescue vehicle, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the vehicle in unobligated funds.

(3) Purchasing protective, accessory or communication equipment. No fire company or EMS company shall receive a loan for protective, accessory or communicative equipment more than once in any five-year period. Each fire company or EMS company may apply for a loan for a mobile and portable radio unit for each existing serviceable apparatus equipment, ambulance or rescue vehicle. Radio equipment obtained through loans under this subchapter shall be equipped with a frequency or frequencies licensed by the Federal Communications Commission for firefighting or emergency response purposes. A notarized financial statement shall be filed and loans under this subchapter for the purchase of protective, accessory or communicative equipment shall not exceed \$25,000.

(4) Refinancing debt incurred or contracts entered into after November 4, 1975, and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards.

(5) Repair or rehabilitation of apparatus equipment. Where it has been determined that existing apparatus equipment no longer meets the standards of the National Fire Protection Association and the repair or rehabilitation of such equipment will bring it in compliance with National Fire Protection Association standards, loans for the repair or rehabilitation for a single apparatus equipment shall be for at least \$3,000 but shall not exceed the lesser of \$80,000 or 80% of the total cost of repair or rehabilitation.

(6) Purchasing of used firefighting apparatus, equipment, used ambulances, used rescue vehicles, used communications equipment, used accessory equipment or used protective equipment, except that the used vehicles and equipment shall meet the National Fire Protection Association (NFPA) standards and loans for the purchase of a used single apparatus equipment shall not exceed \$200,000 or 80% of the total cost of the equipment, whichever is less.

(7) (Deleted by amendment).

(a.1) Limitation.--Loans under this subchapter may be made for any of the purposes of subsection (a) undertaken by a fire company or EMS company on or after November 4, 1975.

(b) Loans.--Loans made by the office in the amount of \$50,000 or less shall be for a period of not more than ten years. Loans in excess of \$50,000 but not in excess of \$300,000 shall be for a period of not more than 15 years. The payback period of any loan in excess of \$300,000 shall not exceed 20 years. Loans shall be subject to the payment of interest at 2% per year and shall be subject to such security as shall be determined by the commissioner. The total amount of interest earned by the investment or reinvestment of all or any part of the principal of any loan shall be returned to the office and transferred to the Fire and Emergency Medical Services Loan Fund and shall not be credited as payment of principal or

interest on the loan. Except as provided in subsection (a) (5) and (7), the minimum amount of any loan shall be \$25,000.

(b.1) Inflation adjustment.--Beginning one year after the effective date of this subsection and biannually thereafter, all loan limits under this section shall increase at the rate of inflation as outlined in the Consumer Price Index for All Urban Consumers for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD area for the most recent 12-month period for which the figures have been reported by the United States Department of Labor, Bureau of Labor Statistics. If the rate of inflation does not increase, all loan limits shall remain the same as they were for the previous year. The office shall transmit notice of loan limit increases to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(c) Applications.--Every application for a loan shall be accompanied by a notarized financial statement of the fire company or EMS company and a financial plan to show the amount of assets and projected revenues for the repayment of the loan, any other obligations of the fire company or EMS company and operating expenses over the period of the loan. Every application shall be accompanied by evidence sufficient to show that all costs except the amount of the loan have been obtained by assets of the fire company or EMS company and other loans or sources of revenue. If a fire company or EMS company is unable to meet the 20% requirement of subsection (a), then a political subdivision which is served by the fire company or EMS company may pledge its credit in the amount of funds necessary to satisfy the 20% requirement and, if it does so, shall cosign the application submitted by the fire company or EMS company.

(c.1) Application review committee.--The office shall establish an application review committee to review loan applications and recommendations on loan applications under this section. The application review committee shall regularly meet at least quarterly to review loan applications and make recommendations on loan applications to the office. The application review committee shall be chaired by the commissioner or the commissioner's designee and include the following members:

(1) The chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate or the chair's designee.

(2) The minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate or the minority chair's designee.

(3) The chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives or the chair's designee.

(4) The minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives or the minority chair's designee.

(5) The director of the Bureau of Emergency Medical Services in the Department of Health or the director's designee.

(6) A representative of the Pennsylvania Fire and Emergency Services Institute.

(7) A representative of the Firemen's Association of the State of Pennsylvania.

(8) A representative of the Ambulance Association of Pennsylvania.

(9) A representative of the Pennsylvania Emergency Health Services Council.

(10) A representative of the Pennsylvania Professional Fire Fighters Association.

(11) A representative of the Pennsylvania Career Fire Chiefs Association.

(12) The Secretary of Community and Economic Development or the secretary's designee.

(13) The Secretary of Conservation and Natural Resources or the secretary's designee.

(d) Use.--Loans shall be used for the acquisition by fire companies or EMS companies of new or used apparatus equipment, new or used ambulances, new or used rescue vehicles, new or used communications equipment, new or used accessory equipment or new or used protective equipment or for the acquisition and renovation of existing structures to house firefighting equipment, ambulance or rescue vehicles or for the construction or modernization of facilities and, except as provided in subsection (a)(4), shall not be used for operating expenses or for the refinancing of renovated structures, refinancing of construction or modernization of facilities, apparatus equipment, communication equipment, accessory equipment, nor, except as provided in subsection (a)(4), shall be made or used to reduce any debt or other obligations issued prior to the effective date of this subchapter.

(e) Payment.--Loans made by the office shall be paid from the fund to the fire companies and EMS companies in accordance with guidelines and procedures developed by the office.

(f) Deposit.--All payments of interest on the loans and the principal thereof shall be deposited by the office in the fund.

(g) Eligibility.--A fire company or EMS company shall be eligible for a loan regardless of legal ownership in whole or in part by any political subdivision of any facilities or apparatus equipment used by the fire company or EMS company. Any equipment or facilities financed may be transferred to a political subdivision served by the fire company or EMS company subject to such security as shall be determined by the commissioner.

(h) Maximum amount.--Notwithstanding any other provision of this section to the contrary, the maximum amount of any loan to a fire company or EMS company for the purchase of firefighting apparatus, ambulances or rescue vehicles manufactured or assembled in this Commonwealth, may exceed the loan limits set forth in this section by \$20,000.

(i) Aggregation of loans.--

(1) Subject to paragraph (2), a fire company or EMS company shall not be eligible for more than three loans at one time.

(2) If more than one fire company or EMS company merge or consolidate into a single entity, as determined by the commissioner, the entity shall be eligible for not more than ten loans at one time for a period of ten years from the date of the merger or consolidation.

(Dec. 23, 2013, P.L.1256, No.129, eff. 60 days; Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Feb. 10, 2022, P.L.41, No.10, eff. 60 days)

2022 Amendment. Act 10 added subsec. (c.1)(10), (11), (12) and (13).

§ 7365. Fire and Emergency Medical Services Loan Fund.

(a) General rule.--There is created a special fund in the Treasury Department to be known as the Fire and Emergency Medical Services Loan Fund to which shall be credited all appropriations made by the General Assembly other than

appropriations for expenses of administering this subchapter or grants from other sources to the office as well as repayment of principal and interest on loans made under this subchapter.

(b) Requisition.--Upon approval of the loan, the commissioner shall routinely requisition from the fund such amounts as shall be allocated by the office for loans to fire companies or EMS companies. When and as the amounts so allocated as loans to fire companies or EMS companies are repaid pursuant to the terms of the agreements made and entered into with the office, the office shall pay such amounts into the fund, it being the intent of this subchapter that the fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied to the purposes of this subchapter.

(c) Administration.--The commissioner may use up to 50% of the interest payments, but not in excess of \$600,000, for administrative costs on an annual basis.

(June 29, 2012, P.L.663, No.78, eff. imd.; Dec. 23, 2013, P.L.1256, No.129, eff. 60 days; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

Cross References. Section 7365 is referred to in sections 7363, 7376 of this title.

§ 7366. Powers and duties of office.

(a) Mandatory.--The office has the following duties:

(1) To appoint agents and employees necessary to the administration of this subchapter and to prescribe their duties and to fix their compensation within the limitations provided by law.

(2) To accept grants from the Federal Government and any other individual, agency or government for use in the fund.

(3) To loan money over a term of years, but in no case in excess of 20 years.

(3.1) To establish criteria to determine need for firefighting apparatus, ambulances and rescue vehicles and to establish guidelines and procedures for fire companies or EMS companies to show just cause to determine that need.

(4) To promulgate regulations and develop guidelines and procedures as it deems necessary to carry out its powers and duties under this subchapter.

(b) Discretionary.--The office has the following powers:

(1) To require security for all loans.

(2) To specify priority of liens against any facilities, apparatus equipment, ambulances, rescue vehicles or any equipment purchased by fire companies using funds loaned under this subchapter to pay all or any part of the purchase price, as the office may require by established guidelines and procedures. The commissioner may specify the type of liens or collateral authorized as security under this paragraph.

(3) To reject a loan application based on the criteria established under subsection (a).

(Dec. 23, 2013, P.L.1256, No.129, eff. 60 days; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended subsecs. (a)(2) and (3.1) and (b)(2).

2013 Amendment. Act 129 amended the section heading, subsecs. (a) intro. par. and (4) and (b) intro. par. and (2) and added subsecs. (a)(3.1) and (b)(3).

§ 7367. Authority to borrow.

Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania and the referenda approved by the electorate on November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, the Governor, Auditor General and State Treasurer are authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$100,000,000 to implement this subchapter, the act of September 25, 1975 (P.L.296, No.95), entitled "An act authorizing the indebtedness, with the approval of the electors, of ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," and the act of June 30, 1981 (P.L.138, No.44), entitled "An act authorizing the indebtedness, with the approval of the electors, of \$15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," as well as to implement in part section 31.3 of the act of June 29, 2002 (P.L.559, No.89), entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals."

Cross References. Section 7367 is referred to in section 7378.4 of this title.

§ 7368. Bonds, issue, maturity and interest.

(a) **General rule.**--As evidence of the indebtedness authorized by this subchapter, general obligation bonds of the Commonwealth shall be issued from time to time for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate or rates of interest and time of payment of interest, as the Governor, Auditor General and State Treasurer shall direct, except that the latest stated maturity date shall not exceed 30 years from the date of the bond first issued for each series.

(b) **Facsimile signatures.**--All bonds issued under the authority of this subchapter shall bear facsimile signatures of the Governor, Auditor General and State Treasurer and a facsimile of the Great Seal of the Commonwealth and shall be countersigned by two duly authorized officers of the duly authorized loan and transfer agents of the Commonwealth.

(c) **Direct obligations.**--All bonds issued in accordance with this subchapter shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon as the same shall become due and the payment of the principal thereof at maturity. All bonds issued under this subchapter shall be exempt from taxation for State and local purposes. The principal of and interest on such bonds shall be payable in lawful money of the United States.

(d) **Types of bonds.**--Bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(e) **Authorization.**--The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt, except that the first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issue to evidence such debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements computed in accordance with either a level annual debt service plan, as nearly as may be, or upon the equal annual maturities plan.

(f) **Preparation and printing.**--The Governor, the Auditor General and the State Treasurer shall have the necessary bonds prepared and printed. Upon preparation and printing, the bonds immediately shall be deposited with the duly authorized loan and transfer agent of the Commonwealth and shall remain in the agent's possession until sold in accordance with this subchapter.

§ 7369. Sale of bonds.

(a) **General rule.**--Bonds shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the Governor, the Auditor General and State Treasurer to the highest and best bidder or bidders after due public advertisement, on such terms and conditions and upon such open competitive bidding, as the Governor, Auditor General and State Treasurer shall direct. The manner and character of advertisement and the times of advertising shall be prescribed by the Governor, the Auditor General and the State Treasurer.

(b) **Private sale.**--Any portion of any bond issue so offered and not sold or subscribed for may be disposed of by private

sale by the Governor, the Auditor General and the State Treasurer in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this subchapter.

(c) Series.--When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

§ 7370. Refunding bonds.

The Governor, Auditor General and the State Treasurer are authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds issued under this subchapter and then outstanding, either by voluntary exchange with the holders of the outstanding bonds or by providing funds to redeem and retire such outstanding bonds with accrued interest and any premium payable thereon, at maturity or at any call date. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the Governor, Auditor General and the State Treasurer in respect to the same shall be governed by this subchapter, insofar as this subchapter may be applicable. Refunding bonds may be issued by the Governor, Auditor General and the State Treasurer to refund bonds originally issued or to refund bonds previously issued for refunding purposes.

§ 7371. Disposition and use of proceeds.

(a) General rule.--The proceeds realized from the sale of bonds under this subchapter shall be paid into the fund and are specifically dedicated to the purposes of the referenda of November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, and the referendum specified under section 7378.4 (relating to referendum to expand loan assistance), as implemented by this subchapter. The moneys shall be paid by the State Treasurer periodically to those agencies or authorities authorized to expend the moneys at such times and in such amounts as may be necessary to satisfy the funding needs of the agency or authority.

(b) Investing.--Pending their application to the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State treasury to the credit of the fund.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7372. Registration of bonds.

The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the Governor, the Auditor General and the State Treasurer. All bonds which are issued without interest coupons attached shall be registered in the registry books kept by the duly authorized loan and transfer agent of the Commonwealth.

§ 7373. Information to General Assembly.

It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds under this subchapter and the status of the sinking fund of the Commonwealth for the payment

of the interest on said bonds and the principal thereof at maturity.

§ 7374. Fire and Emergency Medical Services Loan Sinking Fund and investments.

All bonds issued under this subchapter shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the Fire and Emergency Medical Services Loan Sinking Fund, which is hereby created. For the specific purpose of redeeming bonds issued under this subchapter at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Fire and Emergency Medical Services Loan Sinking Fund for the payment of interest on such bonds and the principal thereof at maturity. All moneys paid into the Fire and Emergency Medical Services Loan Sinking Fund and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7375. Expenses of preparation, issue and sale of bonds.

There is appropriated to the State Treasurer from the proceeds of the bonds issued as much moneys as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds in connection with this subchapter.

§ 7376. Repayment obligations for principal and interest.

The General Assembly shall appropriate an amount equal to moneys received from the office under section 7365 (relating to Fire and Emergency Medical Services Loan Fund) and such other moneys as may be necessary to meet repayment obligations for principal and interest into the Fire and Emergency Medical Services Loan Sinking Fund.

(Dec. 23, 2013, P.L.1256, No.129, eff. 60 days; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7377. Quorum.

Whenever under this subchapter an action is to be taken or a decision is to be made by the Governor, the Auditor General and the State Treasurer, and the three officers shall not be able to agree unanimously, the action or decision of the Governor and either the Auditor General or State Treasurer shall be binding and final.

§ 7378. Temporary financing authorization.

(a) **General rule.**--Pending the issuance of bonds of the Commonwealth, the Governor, Auditor General and State Treasurer are authorized on the credit of the Commonwealth to make temporary borrowings of such moneys as may from time to time be necessary to carry out the purposes of this subchapter and are authorized in the name and on behalf of the Commonwealth to enter into loan or credit agreements with any banks or trust companies or other lending institutions or persons in the United States having power to enter into the same.

(b) **Notes.**--All temporary borrowings made under the authority of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts not exceeding in the aggregate the sum of \$100,000,000 in such form and in such denominations, and subject to such terms and conditions of issue, prepayment or redemption and maturity, rate of interest and time of payment of interest, as the issuing officials shall direct. All notes issued under the authority of this section shall bear the facsimile signatures of the issuing officials and a facsimile of the Great Seal of

the Commonwealth and shall be countersigned by one duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(c) Funding of notes.--All such notes shall be funded and retired by the issuance and sale of bonds of the Commonwealth to the extent that payment of such notes has not otherwise been made or provided for.

(d) Proceeds.--The proceeds of all such temporary borrowings shall be paid into the fund.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended subsec. (d).

§ 7378.1. Referendum for additional indebtedness.

The following shall apply:

(1) The question of incurring indebtedness of \$25,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties, shall be submitted to the electors at the next primary, municipal or general election held after July 15, 1976.

(2) The Secretary of the Commonwealth shall forthwith certify the question to the county boards of election.

(3) The question shall be in substantially the following form:

Do you favor the incurring of indebtedness of \$25,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties?

(4) The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

(5) Proceeds of borrowing shall be used through loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads pursuant to and for any purpose established by this subchapter.

Cross References. Section 7378.1 is referred to in section 7378.4 of this title.

§ 7378.2. Authorization of contracts, reimbursement procedure and amount.

The following shall apply:

(1) The Secretary of General Services is authorized to enter into contracts with local fire companies or emergency medical services companies to provide services necessary to extinguish fires or perform any other allied services on State-owned property.

(2) The Secretary of Transportation is authorized to enter into contracts with local fire companies or emergency

medical services companies to provide services necessary to extinguish fires or perform any other allied services on limited access highways, other than the Pennsylvania Turnpike.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7378.3. Reimbursement procedure and amount.

The following shall apply:

(1) A contract between the Secretary of General Services or the Secretary of Transportation and a local fire company or emergency medical services company shall provide that the Department of General Services or the Department of Transportation shall, monthly, upon receipt of proper proof, reimburse each contracted fire company or emergency medical services company attending and providing fire control or other allied services on State-owned property or limited access highways, as the case may be, a minimum amount of \$50 for each verified fire or emergency call and the cost of any special extinguishing agents utilized, which the fire company or emergency medical services company made in the preceding month as certified by the person in charge at the particular State-owned property or by an individual or individuals designated by the Secretary of Transportation to verify services rendered on limited access highways.

(2) A contract between the Department of General Services or the Department of Transportation and an emergency medical services company shall also provide that the emergency medical services company request reimbursement from collectible insurance proceeds available as a result of the fire or emergency situation for which the emergency medical services company provided allied services. Proceeds payable to the emergency medical services company shall be deducted from the reimbursement for services provided pursuant to a contract entered into under this subchapter. Prior to payment for services rendered, the emergency medical services company shall provide proof that they requested reimbursement from collectible insurance proceeds.

(3) A false alarm on State-owned property to which a fire company or emergency medical services company responds shall constitute a fire or emergency call and shall be reimbursed at a rate set by the contract with the Secretary of General Services, but shall not be less than \$25 for each occurrence.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7378.4. Referendum to expand loan assistance.

(a) **Referendum.**--The question of expanding the use of the indebtedness authorized under sections 7367 (relating to authority to borrow) and 7378.1 (relating to referendum for additional indebtedness) for volunteer loan assistance under this subchapter to include municipal fire departments or fire companies and emergency medical services companies for the purpose of establishing and modernizing facilities to house apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties shall be submitted to the electorate at the next primary, municipal or general election held after November 3, 2020.

(b) **Certification.**--The Secretary of the Commonwealth shall certify the question to the county boards of election.

(c) **Question to the electorate.**--The question shall be in substantially the following form:

Do you favor expanding the use of the indebtedness authorized under the referendum for loans to volunteer

fire companies, volunteer ambulance services and volunteer rescue squads under 35 Pa.C.S. § 7378.1 (relating to referendum for additional indebtedness) to include loans to municipal fire departments or companies that provide services through paid personnel and emergency medical services companies for the purpose of establishing and modernizing facilities to house apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of the duties of the fire companies and emergency medical services companies?

(d) Election procedure.--The referendum under this section shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(e) Construction.--This section shall not be construed as authorizing any additional borrowing for loan assistance to fire companies or emergency medical services companies. (Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 added section 7378.4.

Cross References. Section 7378.4 is referred to in section 7371 of this title.

§ 7378.5. Annual report and distribution of information.

(a) Annual report.--

(1) The office shall produce an annual report, which shall include all of the following information:

(i) How much money is in the fund at the beginning of each fiscal year and the balance in the fund at the end of each fiscal year.

(ii) How many loan applications were received by the office.

(iii) How many loans were issued under the Pennsylvania Fire and Emergency Medical Services Loan Program.

(iv) The fire companies and EMS companies to which the loans were issued by the office.

(v) The total amount of loans issued by the office.

(vi) The number and amount of loans for facilities, apparatus and equipment.

(2) The report shall be posted on the office's publicly accessible Internet website and sent to all of the following:

(i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(b) Distribution.--The office shall annually distribute information on the fund to all fire companies and emergency medical services companies in this Commonwealth, including notice of the Pennsylvania Fire and Emergency Medical Services Loan Program and the amounts that can be borrowed under the program.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 added section 7378.5.

Sec.

- 7381. Scope of subchapter.
- 7382. Definitions.
- 7383. State Fire Commissioner.
- 7383.1. Curriculum, training and education certification management system.
- 7384. Pennsylvania State Fire Academy.
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- 7385.1. Capital grants for municipal fire departments.
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- 7386. State Fire Advisory Board.
- 7387. Appropriations.
- 7388. Online training for firefighters.
- 7388.1. Money for online training for firefighters.
- 7389. Money for reimbursement to Pennsylvania bomb squads.

Enactment. Subchapter F was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011, unless otherwise noted.

Special Provisions in Appendix. See section 7(b.1)(13) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Subchapter F is referred to in section 7713 of this title.

§ 7381. Scope of subchapter.

This subchapter relates to the State Fire Commissioner.

§ 7382. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Board." The State Fire Advisory Board.

"Commissioner." The State Fire Commissioner.

"Committee." (Deleted by amendment).

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7383. State Fire Commissioner.

(a) State Fire Commissioner.--There shall be a State Fire Commissioner, who shall report to the Governor on all matters concerning fire services in this Commonwealth. The Office of the State Fire Commissioner shall be within the agency for administrative purposes only, and the commissioner shall not report to the director of the agency. The commissioner shall have the power and duty to:

(1) Serve as the primary representative for fire services in this Commonwealth. The commissioner shall work with Federal agencies to ensure coordination at the State and local levels.

(2) Serve as chair of the board.

(3) Develop curriculum and provide and assist in the coordination of fire, rescue and emergency services training, including online training and issue certifications.

(4) Administer the State Fire Academy.

(5) Collect data, provide analysis and periodic reports and serve as a focal point for information relative to fires, property damage, injuries to the public and firefighters and the loss of life.

(6) Conduct after-action reports on significant incidents that involve firefighter deaths and significant injuries.

(7) Administer grant and loan programs for fire, ambulance and rescue organizations in accordance with this

title or as otherwise provided by law, including assistance for firefighter relief associations, the Pennsylvania Fire and Emergency Medical Services Loan Program, fire and emergency medical services loan assistance, fire and emergency medical services grants and money received by the Office of State Fire Commissioner from the Unconventional Gas Well Fund.

(8) Assist with Statewide recruitment and retention efforts.

(9) Hire regional technical advisors to assist fire companies with grant and loan assistance, mergers, consolidation and regionalization and promote best practices for systems improvements.

(10) Promote public education and community risk reduction efforts.

(11) Administer a fire equipment distributor certification program as provided by law.

(b) Transfer.--(Deleted by amendment).

(c) Qualifications and appointment.--The commissioner shall be a person who, by reason of training, experience and attainment, is qualified to coordinate services. The commissioner shall have served as a chief officer or administrative officer in a municipal, combination or volunteer fire company. The commissioner shall be appointed by the Governor subject to the consent of a majority of the members elected to the Senate.

(d) Fireworks safety education.--Money transferred under 3 Pa.C.S. § 1113(a) (7) (relating to disposition of certain funds) shall be used by the commissioner for a public safety campaign on the precautions that should be taken when using fireworks. The commissioner may use up to \$50,000 of the money transferred for administrative costs.

(Oct. 29, 2020, P.L.739, No.91; Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 added subsec. (d).

2020 Amendment. Act 91 amended the entire section, effective January 1, 2022, as to subsec. (c) and 60 days as to the remainder of the section.

§ 7383.1. Curriculum, training and education certification management system.

(a) Duty to establish guidelines.--The commissioner shall establish guidelines for the development, delivery and maintenance of fire and emergency services training and an education certification management system.

(b) Training.--Training shall be lecture-based, hands on or online. Training may be conducted at the Pennsylvania State Fire Academy, a county training center, a community college or other approved educational training agency. The training records shall be incorporated into the training and education certification management system approved by the commissioner.

(c) Certificate of completion.--The commissioner shall provide a certificate of completion to an individual who successfully completes a fire or emergency services training program. The training and education certification management system shall include a method by which the trainee can download and print the certificate.

(d) Publication.--(Deleted by amendment).

(e) Accessibility.--The commissioner shall facilitate access to each available fire and emergency services training course through a publicly accessible Internet website or portal. The Internet website or portal shall record firefighter training

and certification. The commissioner shall establish and maintain or participate in an existing electronic database or portal that meets all of the following criteria:

(1) Allows for user registration for an individual trainee or an accredited provider.

(2) Allows a user to register for courses offered through the database or portal and in any other format authorized under this section.

(3) Establishes a course completion transcript and certificate for a registered user.

(4) Facilitates communication and access to training materials between an accredited provider and a registered trainee using the database or portal.

(f) Fees.--The commissioner may establish a fee of no more than \$1 per course on the training and education certification management system, which shall be used for administrative costs within the Office of the State Fire Commissioner.

(g) Annual reports.--

(1) The commissioner shall prepare an annual report on the training and education certification management system. The report shall include all of the following information:

(i) The total number of firefighters in the system, delineated between paid and volunteer firefighter.

(ii) The number of firefighters under subparagraph (i) who took a course on the system during the previous year.

(iii) The number of firefighters under subparagraph (i) who are certified as Firefighter 1, Firefighter 2, Fire Instructor 1 or Fire Officer 1.

(iv) A summary of courses that were taken by firefighters under subparagraph (i).

(v) A summary of how the funds under this section were expended.

(2) The commissioner shall submit the annual report under paragraph (1) no later than October 1, 2023, and by October 1 of each year thereafter, to all of the following:

(i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) The commissioner shall post the annual report under paragraph (1) on the Office of the State Fire Commissioner's publicly accessible Internet website.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

§ 7384. Pennsylvania State Fire Academy.

(a) Creation.--There is created the Pennsylvania State Fire Academy, which shall be under the operational control of the commissioner. The commissioner shall administratively provide for the erection or construction, the furnishing, the staffing and the equipping of buildings and structures through the Department of General Services and for the leasing thereof by the Commonwealth for the use and support of the Pennsylvania State Fire Academy.

(b) Transfer.--(Deleted by amendment).

(c) Hazardous chemical and radioactive material training.--The Pennsylvania State Fire Academy shall serve as the resident Commonwealth government center for hazardous chemical and radioactive material training. The Pennsylvania

State Fire Academy is authorized to use resident and field staff to support this training.

(d) Firefighter training and certification.--A Statewide firefighter training program shall be implemented by the commissioner. The program shall also include a firefighter certification program in accordance with established standards. The acquisition of physical resources to enhance Statewide capability shall be coordinated by the commissioner.

(e) Administration.--

(1) The commissioner may assess reasonable fees on for-profit corporations and businesses and on students who are nonresidents of this Commonwealth for fire, rescue and emergency service training programs provided to them by the Pennsylvania State Fire Academy, but in no event shall any member of a municipal or volunteer fire, rescue, ambulance or other emergency service organization located within this Commonwealth be charged for training provided at the Pennsylvania State Fire Academy.

(2) The commissioner may charge all students for class materials and supplies directly related to the conduct of classes provided at the Pennsylvania State Fire Academy and for insignia, patches and similar memorabilia indicating student attendance or achievement at the Pennsylvania State Fire Academy.

(3) All revenues generated by these fees and charges shall augment the appropriation made to the Office of the State Fire Commissioner.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended subsecs. (a) and (d) and deleted subsec. (b).

§ 7385. Pennsylvania Fire and Emergency Medical Services Loan Program.

(a) Creation.--There shall be a loan program, which shall be implemented by the commissioner, for fire companies and emergency medical services companies, known as the Pennsylvania Fire and Emergency Medical Services Loan Program, which shall make loans under Subchapter E (relating to Fire and Emergency Medical Services Loan Program).

(b) Transfer.--There are transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contractual obligations, if any, mortgages, liens, encumbrances and any other secured interests, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Community Affairs under Subchapter E and transferred to the agency by Reorganization Plan No.7 of 1981 (P.L.615).

(c) Regulations.--(Deleted by amendment).

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended the section heading and subsec. (a) and deleted subsec. (c).

§ 7385.1. Capital grants for municipal fire departments.

(a) Source.--Money transferred under 3 Pa.C.S. § 1113(a)(6) (relating to disposition of certain funds) shall be utilized by the commissioner to administer capital grants.

(b) Recipients.--Municipal and combination fire departments recognized by the commissioner under standards developed through rules and guidelines in consultation with the State Fire Advisory Board may be recipients of grants under subsection (a) upon application.

(c) Purposes.--Capital grants administered to recipients under this section shall be used to:

(1) Establish or modernize facilities that house firefighting equipment, ambulances or rescue vehicles.

(2) Acquire or renovate existing structures to house firefighting equipment, ambulances or rescue vehicles or for the construction or modernization of facilities.

(3) Repair or purchase firefighting, ambulance or rescue equipment as necessary to provide proper and adequate training.

(d) Restrictions.--Capital grants administered under this section may not be used for:

(1) Operating expenses.

(2) Refinancing of renovated structures.

(3) Refinancing the construction or modernization of facilities.

(4) Apparatus equipment, communication equipment or accessory equipment.

(5) Reduction of debt or other obligations issued prior to the effective date of this section.

(e) Applications.--The following apply:

(1) Every application for a capital grant shall be accompanied by a notarized financial statement of the entity making the application accompanied with information sufficient to show need for the grant funding.

(2) Applications shall be reviewed by the Application Review Committee utilizing criteria established under subsection (b).

(f) Amounts and criteria.--The following apply:

(1) Capital grant amounts and the criteria for determining amounts shall be established by the commissioner in consultation with the State Fire Advisory Board.

(2) An entity may be awarded a capital grant, if available, for an approved project in lieu of approved reimbursement payments or, if not available, shall receive payments in the form of reimbursements.

(g) Use.--Capital grants may be used in combination with the funding authorized under section 7813(e) (relating to award of grants) if an applicant is officially proceeding with an approved project evidenced by required documentation as determined by the commissioner.

(h) Administration.--The commissioner may use up to \$50,000 of the funds available under this section for administrative costs.

(i) Annual reports.--

(1) The commissioner shall prepare an annual report on the capital grants administered under this section. The report shall include all of the following information:

(i) The total number of applications received for capital grants.

(ii) The total number of applications approved and the amounts funded for each recipient.

(iii) An analysis of how the grants were used by each recipient.

(2) The commissioner shall submit the annual report under paragraph (1) no later than October 1, 2023, and by October 1 of each year thereafter, to all of the following:

(i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) The commissioner shall post the annual report under paragraph (1) on the Office of the State Fire Commissioner's publicly accessible Internet website.

(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 added section 7385.1.

§ 7385.2. Capital grants for emergency service training centers.

(a) Source.--Money transferred under 3 Pa.C.S. § 1113(a)(5) (relating to disposition of certain funds) shall be utilized by the commissioner to administer capital grants.

(b) Recipients.--Emergency services training centers, community colleges, county-owned facilities, municipal or fire department-owned facilities or nonprofit countywide associations recognized by the commissioner under standards developed through rules and guidelines in consultation with the State Fire Advisory Board may be recipients of grants under subsection (a) upon application. A privately owned facility shall not be eligible for a grant under subsection (a).

(c) Purposes.--Capital grants administered to recipients under this section shall be used to:

(1) Establish or modernize facilities that house firefighting equipment, ambulances or rescue vehicles.

(2) Acquire or renovate existing structures to house firefighting equipment, ambulances or rescue vehicles or for the construction or modernization of facilities.

(3) Repair or purchase firefighting, ambulance or rescue equipment as necessary to provide proper and adequate training.

(d) Restrictions.--Capital grants administered under this section may not be used for:

(1) Operating expenses.

(2) Refinancing of renovated structures.

(3) Refinancing the construction or modernization of facilities.

(4) Apparatus equipment, communication equipment or accessory equipment.

(5) Reduction of debt or other obligations issued prior to the effective date of this section.

(e) Applications.--The following apply:

(1) Every application for a capital grant shall be accompanied by a notarized financial statement of the entity making the application accompanied with information sufficient to show need for the grant funding.

(2) Applications shall be reviewed by the Application Review Committee utilizing criteria established under subsection (b).

(f) Amounts and criteria.--The following apply:

(1) Capital grant amounts and the criteria for determining amounts shall be established by the commissioner in consultation with the State Fire Advisory Board.

(2) An entity may be awarded a capital grant, if available, for an approved project in lieu of approved reimbursement payments or, if not available, shall receive payments in the form of reimbursements.

(g) Use.--Capital grants may be used in combination with the funding authorized under section 7813(e) (relating to award of grants) if an applicant is officially proceeding with an approved project evidenced by required documentation as determined by the commissioner.

(h) Administration.--The commissioner may use up to \$50,000 of the funds available under this section for administrative costs.

(i) Annual reports.--

(1) The commissioner shall prepare an annual report on the capital grants administered under this section. The report shall include all of the following information:

(i) The total number of applications received for capital grants.

(ii) The total number of applications approved and the amounts funded for each recipient.

(iii) An analysis of how the grants were used by each recipient.

(2) The commissioner shall submit the annual report under paragraph (1) no later than October 1, 2023, and by October 1 of each year thereafter, to all of the following:

(i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) The commissioner shall post the annual report under paragraph (1) on the Office of the State Fire Commissioner's publicly accessible Internet website.

(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 added section 7385.2.

§ 7386. State Fire Advisory Board.

(a) Creation.--

(1) There is created the State Fire Advisory Board to assist the commissioner. The board shall consist of the following members:

(i) The commissioner, who shall serve as chairperson.

(ii) The President of the Pennsylvania Professional Firefighters Association or a designee.

(iii) The President of the Pennsylvania Career Fire Chiefs Association or a designee.

(iv) The President of the Pennsylvania Fire and Emergency Services Institute or a designee.

(v) Ten firefighters appointed by the Governor, to whom the following shall apply:

(A) One member shall be the President, or designee of the President, of the International Association of Firefighters in a fire company in a city of the first class, second class or third class with a population of at least 115,000 based on the most recent census, so long as the fire company is not a member of the Pennsylvania Professional Firefighters Association.

(B) Except for the member under clause (A), the following apply:

(I) One member shall be a certified fire service instructor.

(II) Members shall be:

(a) current members of a fire company or currently serving or have served within the past five years as a chief officer or administrative officer of a fire company; and

(b) certified as Firefighter I or its equivalent.

(III) One member shall be selected from each of the following regions:

(a) Region 1 - Crawford, Erie, Forest, Venango and Warren Counties.

(b) Region 2 - Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland Counties.

(c) Region 3 - Cameron, Clarion, Clearfield, Elk, Jefferson and McKean Counties.

(d) Region 4 - Bedford, Blair, Centre, Fulton, Huntingdon, Juniata, Mifflin and Snyder Counties.

(e) Region 5 - Bradford, Clinton, Lycoming, Potter, Sullivan, Tioga and Union Counties.

(f) Region 6 - Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties.

(g) Region 7 - Berks, Columbia, Luzerne, Montour, Northumberland, Schuylkill and Wyoming Counties.

(h) Region 8 - Carbon, Lackawanna, Lehigh, Monroe, Northampton, Pike, Susquehanna and Wayne Counties.

(i) Region 9 - Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

(2) Members of the board shall serve at the pleasure of their appointing authority.

(3) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives, or their designees, shall serve as nonvoting members of the board.

(4) The Governor shall appoint the following as nonvoting members of the board:

(i) The director of the agency.

(ii) The Director of the Bureau of Emergency Medical Services of the Department of Health.

(iii) Representatives of the following:

(A) The Pennsylvania Association of Hazardous Materials Technicians.

(B) The Pennsylvania Association of Fire Equipment Distributors.

(C) The County Commissioners Association of Pennsylvania.

(D) The Pennsylvania Municipal League.

(E) The Pennsylvania State Association of Township Commissioners.

(F) The Pennsylvania State Association of Township Supervisors.

(G) The Pennsylvania State Association of Boroughs.

(H) The Pennsylvania Association of Councils of Governments.

(I) Trade associations.

(J) Fire equipment and apparatus vendors.

(K) Members of the public.

(5) Members of the board initially appointed by the Governor under paragraph (1)(v) shall serve an initial term of two years as designated by the Governor at the time of appointment. Upon the expiration of the initial term of office of each member of the board as appointed under paragraph (1)(v), the member shall hold office for a term of four years and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a competent person to serve for the unexpired term.

(6) Upon the completion of a member's term who was appointed under paragraph (1)(v)(A), the Governor shall not appoint the succeeding member from the same class of city as the previous two outgoing members.

(b) Expenses.--Members of the board shall receive reimbursement for reasonable travel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(c) Meetings.--The board shall meet at least quarterly or at the times and places as called upon by the commissioner. All meetings of the board shall comply with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(d) Duties.--The board shall advise the commissioner on matters pertaining to the following:

(1) Legislation.

(2) Innovative programming.

(3) Standards of cover for municipalities.

(4) Operation of the Pennsylvania State Fire Academy.

(5) Any other matters as the commissioner may request

or as directed by the General Assembly.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7387. Appropriations.

All appropriations for the commissioner shall be by a separate line item in the General Appropriation Act.

§ 7388. Online training for firefighters.

(a) Duty to establish guidelines.--The commissioner shall establish guidelines for the development, delivery and maintenance of an online system of firefighter training for firefighters. The guidelines shall state, at a minimum, that the training is voluntary and offered free of charge.

(b) Prioritization training program.--The training program shall be incorporated into the Train PA system or any other system approved by the commissioner, and the courses or programs offered must be, to the greatest extent possible, courses or programs that do not require hands-on or field training and provide, at a minimum, basic-level training for firefighters.

(c) Prioritization.--In establishing online training courses, the commissioner shall prioritize specific topics.

(d) Certificate of completion.--The commissioner shall provide a certificate of completion to a firefighter who successfully completes an online firefighter training program.

(e) Publication.--The Office of the State Fire Commissioner shall post a complete listing of the available online firefighter training courses on the office's publicly accessible Internet website.

(f) Funding.--The commissioner shall use money in the Online Training Educator and Training Reimbursement Account established under section 2413(a)(2) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the purpose of administering this section.

(g) Reporting.--By December 31 each year, the commissioner shall provide a written report detailing the use of the Online Training Educator and Training Reimbursement Account from the prior fiscal year to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate, the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.
(Nov. 27, 2019, P.L.737, No.106, eff. 60 days)

2019 Amendment. Act 106 added section 7388.

Cross References. Section 7388 is referred to in section 7388.1 of this title.

§ 7388.1. Money for online training for firefighters.

Money transferred under 3 Pa.C.S. § 1113(a)(2) (relating to disposition of certain funds) shall be utilized by the commissioner for the purposes under section 7388 (relating to online training for firefighters).
(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 added section 7388.1.

§ 7389. Money for reimbursement to Pennsylvania bomb squads.

(a) Source.--Money transferred under 3 Pa.C.S. § 1113(a)(7.1) (relating to disposition of certain funds) shall be utilized by the commissioner to provide reimbursements to Pennsylvania bomb squads in accordance with this section.

(b) Recipients.--A Pennsylvania bomb squad accredited by the Federal Bureau of Investigation and certified in hazardous devices training shall be eligible to receive a reimbursement under this section for costs associated with the removal, transportation, storage and destruction of consumer fireworks, display fireworks or combustibles, including for any of the following:

(1) Establishing, expanding or modernizing facilities that will store consumer fireworks, display fireworks or combustibles, including upfront costs for safety and security improvements of the facilities.

(2) The transportation of fireworks from the place of confiscation, to-and-from storage facilities and to the place of destruction of consumer fireworks, display fireworks or combustibles.

(3) Personnel costs associated with the confiscation, transportation and destruction of consumer fireworks, display fireworks or combustibles.

(4) Equipment necessary for the removal, transportation, storage and destruction of consumer fireworks, display fireworks or combustibles.

(5) The destruction of consumer fireworks, display fireworks or combustibles.

(6) Any other costs related to the removal, transportation, storage and destruction of consumer fireworks, display fireworks or combustibles deemed appropriate by the commissioner.

(c) Restrictions.--The commissioner shall only provide a reimbursement under this section when receipts are provided for the actual costs associated with the removal, transportation, storage and destruction of consumer fireworks, display fireworks or combustibles and either of the following apply:

(1) The Pennsylvania bomb squad makes a good faith effort to recover any costs associated with the removal, transportation, storage and destruction of consumer fireworks, display fireworks or combustibles under 3 Pa.C.S. § 1115(b) (relating to removal, storage and destruction) from the owner of the consumer fireworks and is unable to recover the full or partial amount of the costs.

(2) The costs are associated with the establishment, expansion or modernization of facilities that will store consumer fireworks, display fireworks or combustibles.

(d) Applications.--The commissioner shall develop an application form for the request for reimbursements under this section.

(e) Amounts and criteria.--Reimbursement amounts for actual costs and the criteria for determining the amounts under this section shall be established by the commissioner.

(f) Administration.--The commissioner may use up to 3% of the money transferred under 3 Pa.C.S. § 1113(a)(7.1) for administrative costs under this section.

(g) Annual report.--

(1) The commissioner shall prepare an annual report on the reimbursements provided under this section. The report shall include all of the following information:

(i) The total number of applications received.

(ii) The total number of applications approved and the amounts funded for each recipient.

(iii) An analysis of how the funds were used by each recipient.

(2) The commissioner shall submit the annual report under paragraph (1) no later than October 1, 2023, and by October 1 of each year thereafter, to all of the following:

(i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) The commissioner shall post the annual report under paragraph (1) on the Office of the State Fire Commissioner's publicly accessible Internet website.

(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 added section 7389.

CHAPTER 74

VOLUNTEER FIREFIGHTERS

Subchapter

- A. Preliminary Provisions
- B. Fire Relief Association
- C. Employment Sanctions
- D. Special Fire Police

Enactment. Chapter 74 was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011.

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

- 7401. Scope of chapter.
- 7402. Definitions (Reserved).
- 7403. Insurance and compensation.

§ 7401. Scope of chapter.

This chapter relates to volunteer firefighters.

§ 7402. Definitions (Reserved).

§ 7403. Insurance and compensation.

A city, borough or township may expend out of the public funds of the municipality an amount necessary to secure insurance or compensation for volunteer firemen killed or injured while going to, returning from or attending fires in the municipality or territory adjacent thereto.

Special Provisions in Appendix. See section 7(b.1)(1) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

SUBCHAPTER B
FIRE RELIEF ASSOCIATION

Sec.

- 7411. Scope of subchapter.
- 7412. Definitions.
- 7413. Statement of purpose.
- 7414. Construction.
- 7415. Structure.
- 7416. Funds.
- 7417. Cooperation agreements.
- 7418. Audits.
- 7419. Dissolution.
- 7419.1. Fire relief formula study.

Subchapter Heading. The heading of Subchapter B was amended October 29, 2020, P.L.739, No.91, effective in six months.

Special Provisions in Appendix. See section 7(b.1)(5) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7411. Scope of subchapter.

This subchapter relates to relief associations.

§ 7412. Definitions.

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

"Commissioner." The State Fire Commissioner.

"Fire company." A volunteer fire company, a municipal fire company or a combined volunteer and municipal fire company located in this Commonwealth.

"Fire service." The service of organized groups of individuals, not only in training for and in active duty in the protection of the public against fire, but also in the training for and the performance of such other activities as are commonly undertaken by fire companies and their affiliated organizations, including, but not limited to, fire prevention, first aid, rescue and salvage, ambulance service, fire police work, radio communications, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm,

flood or general peril, abatement or removal of hazards to safety and participation in public celebrations, parades, demonstrations and fundraising campaigns.

"Length of service award program." A system established by a volunteer fire company or volunteer firefighters' relief association to provide tax-deferred income benefits to active volunteer members of a fire service.

"Volunteer fire company." As defined in section 7802 (relating to definitions).

"Volunteer firefighter." A person who is a member of:

- (1) a fire company organized and existing under the laws of this Commonwealth;
- (2) a fire police unit, rescue squad, ambulance corps or other like organization affiliated with one or more fire companies; or
- (3) a fire company or affiliated organization which participates in the fire service but does not look to that service as his or her primary means of livelihood.

A person does not lose status as a volunteer firefighter solely because he or she may also be a paid firefighter, so long as the person is acting within the scope of his or her responsibilities as a member of a volunteer fire company at the pertinent time and not within the scope of his or her responsibilities as a paid firefighter.

"Volunteer firefighters' relief association." An organization formed primarily to afford financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more volunteer fire companies or fire companies that are a combination of a volunteer fire company and a municipal fire company, and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.

(Oct. 29, 2020, P.L.739, No.91, eff. 6 months)

2020 Amendment. Act 91 amended the def. of "volunteer firefighters' relief association" and added the defs. of "commissioner," "fire company," "length of service award program" and "volunteer fire company."

§ 7413. Statement of purpose.

The purpose of this subchapter is to encourage individuals to take part in the fire service as volunteer firefighters by establishing criteria and standards for orderly administration and conduct of affairs of firefighters' relief associations to ensure, as far as circumstances will reasonably permit, that funds shall be available for the assistance to and protection of volunteer firefighters and their heirs in order to provide:

- (1) Financial assistance to volunteer firefighters who may suffer physical or mental injury or misfortune by reason of their participation in the fire service.
- (2) Financial assistance to the widow, children and other dependents of volunteer firefighters who lose their lives as a result of their participation in the fire service.
- (3) For payment, either by insurance or by operation of a beneficial fund, of a sum certain to designated beneficiaries of a participating member following the death of a member for any cause and to establish criteria which members must meet in order to qualify as participants in a death benefit fund.
- (4) Safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to

participate in the fire service, including necessary training.

(5) Financial assistance to volunteer firefighters who, after having actively participated in the fire service for a specified minimum term, are no longer physically able to continue participation and are in need of financial assistance.

(6) Funds to aid rehabilitation of volunteer firefighters who have suffered an impairment of their physical capacity to continue to perform their normal occupations.

(6.1) Financial assistance to recruit and retain volunteer firefighters.

(7) Sufficient funds to ensure the efficient and economic handling of the business of firefighters' relief associations in accomplishing the objectives of this section.

(Oct. 29, 2020, P.L.739, No.91, eff. 6 months)

2020 Amendment. Act 91 amended the intro. par. and pars.

(1) and (4) and added par. (6.1).

§ 7414. Construction.

This subchapter shall be:

(1) Construed, applied and interpreted, so far as circumstances permit, as justifying the actions of the officers and members of volunteer firefighters' relief associations affected by it, when the actions appear to have been taken in good faith and in a bona fide belief that they were in furtherance of the purposes of this subchapter.

(2) Strictly construed and applied against persons responsible:

(i) for actions taken in willful disregard of the purposes of this subchapter or with reckless indifference to those purposes; and

(ii) if an action which has been called into question results, has resulted or was likely to result in an unmerited personal benefit to one or more of the persons responsible for taking that action.

§ 7415. Structure.

(a) General rule.--A volunteer firefighters' relief association may be a body corporate, governed by a charter and bylaws or an unincorporated association of individuals governed by bylaws and a constitution. In either case, it must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

(b) Constitution or charter.--The constitution or charter shall:

(1) State the name, purposes and form of the organization.

(2) Designate the class or classes of persons eligible for membership and procedures to be followed in making amendments.

(c) Bylaws.--The bylaws shall:

(1) Specify the requirements for securing membership, voting rights of different classes of members, if there be different classes, and conditions under which membership may be terminated.

(2) State the notice requirements and procedure to be followed in calling meetings, as well as quorum requirements for regular and special meetings of the membership and for regular and special meetings of the body which governs the operations of the association between membership meetings,

and shall designate that body, whether it be a board of directors, trustees or any similar body such as an executive committee. Unless otherwise provided for in the bylaws, powers and duties of officers, directors and trustees shall be those which normally pertain to such positions in nonprofit corporations.

(3) Require that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

(4) Require that the disbursing officer, whether designated treasurer, comptroller, financial secretary or otherwise, shall be bonded by corporate surety for faithful performance of duty. The amount of the bond shall be at least as great as the maximum cash balance in current funds of the association at any time during the fiscal year, and the premium on the bond shall be a proper charge against funds of the association.

(5) State the procedure to be followed in nominating and electing officers, trustees, directors and members of the executive committee, according to the provisions which have been made for establishment of those positions.

(6) Establish procedures for the approval and payment of expenditures, investment of funds and sale of investments.

(7) Set out the procedure to be followed in amending bylaws.

(8) Specify notice required with respect to proposed bylaw amendments, including the time, place and date when the proposed amendments shall be considered.

(9) Be faithfully preserved, along with amendments thereto and the effective date of the amendments, in permanent form.

(10) Contain such other provisions as may, to the membership, seem appropriate or necessary to the orderly conduct of affairs of the association.

(d) Standing procedures.--In addition to adopting bylaws, an association may adopt standing procedures, which shall be such matters as the membership may regard to be of a routine nature. Standing procedures may be adopted, modified or repealed by motion and majority vote but shall not be inconsistent with the bylaws, and they shall be recorded as an appendix to the bylaws.

(e) Charitable corporation.--A volunteer firefighters' relief association organized or conducted in accordance with the requirements of this section shall be regarded as a charitable corporation for all purposes, including the right to establish exemption from the operation of certain taxes.

§ 7416. Funds.

(a) General rule.--A volunteer firefighters' relief association may solicit and receive gifts and contributions from any source, including municipal corporations, but shall not have the right to receive any portion of the money distributed to political subdivisions of this Commonwealth under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, unless and until the governing body of at least one political subdivision shall have certified to the commissioner that the association is a bona fide volunteer firefighters' relief association, affiliated with a fire company which affords protection against fire to all or a portion of the political subdivision. This section shall include any non-fire-company-affiliated relief association in existence and

receiving funds as provided for under this subchapter prior to November 23, 2010.

(b) Deposit.--Funds of a volunteer firefighters' relief association may be deposited in any bank, trust company or other banking establishment accredited by the Commonwealth or insured by the Government of the United States.

(c) Investments.--All or any part of the funds of a volunteer firefighters' relief association may be invested:

(1) In any form of investment named in 20 Pa.C.S. Ch. 73 (relating to municipalities investments). First mortgages insuring repayment of loans by relief associations shall provide for a minimum interest payment of 3% and not exceed 80% of the appraised value of real property covered by the mortgage.

(2) In any obligation of a political subdivision, having the power to levy or collect taxes.

(3) In any obligation of an incorporated fire company, provided that the obligation is:

(i) Secured by assets of the company having capital value equal to at least 150% of the amount of the obligation at the time it is made.

(ii) Subject to provisions which amortize the loan at a rate ensuring that the depreciated value of the assets pledged shall continue to be at least 150% of the balance due.

(d) Limitation.--No investment shall be acquired, encumbered or sold except pursuant to resolution duly enacted by the governing body of the association.

(e) Income from investments.--Income from investments may be invested or spent in the same way as any other income.

(f) Use.--Funds of any volunteer firefighters' relief association may be spent:

(1) To pay for such normal and reasonable running expenses as may be appropriate to the businesslike conduct of the affairs of the association, including legal fees, rental or purchase of offices, payment of reasonable compensation of employees and purchase of office equipment and supplies.

(2) To purchase contracts of insurance which, at a minimum, shall afford financial assistance to active members of the fire service represented by the association against losses due to injury suffered in the fire service and may also provide, in the order named:

(i) for payments to the surviving spouse or other dependents of a member in the event of the member's death;

(ii) for protection of active firefighters against disease;

(iii) for replacement or purchase of prosthetic devices such as visual aids, hearing aids, dentures, braces, crutches and the like, where those devices have been lost or damaged while the owner was engaged in the fire service or where the need for those devices arose because of functional impairment attributable to participation in the fire service;

(iv) for repair or replacement, if necessary, of articles of clothing or pocket pagers damaged or lost in the course of participation in the fire service; and

(v) for disability incurred after service for a minimum of 20 years as a volunteer firefighter.

(3) To maintain a beneficiary or death benefit fund and to pay a sum certain from that fund to the beneficiary of a

participant in that fund upon death. If a beneficiary is not designated or a designated one has predeceased the participant, the sum certain shall be paid to the estate of the participant.

(4) To pay in full or in part for damage or loss in any of the categories mentioned in paragraph (2) in a specific case where:

(i) no policy of insurance is in force covering the risk; or

(ii) the amount payable under insurance policies in force is inadequate to cover the loss.

(5) To pay the cost of procuring and forwarding tokens of sympathy and goodwill to a volunteer firefighter who may be ill or hospitalized as a result of participation in the fire service or who may die or who may be seriously ill for any reason.

(6) To make cash payments to families in distressed circumstances by reason of age, infirmity or other disability suffered by one of the family members in the course of participation in the fire service as a volunteer firefighter.

(7) To acquire and to maintain membership in any Statewide association or corporation which extends advice and assistance to firefighters' relief associations and to pay to a duly elected delegate the reasonable expenses of travel and maintenance for attending a meeting of the Statewide association or corporation. If two or more fire companies share a firefighters' relief association, each fire company may send a duly elected delegate to represent his individual company and each delegate may have his reasonable expenses of travel and maintenance paid for with relief funds.

(8) To contribute to or to purchase contracts of insurance which will contribute to the cost of rehabilitating and retraining volunteer firefighters who, by reason of their participation in the fire service, have suffered a major impairment of the ability to continue their vocation.

(9) To pay for medical and surgical bills arising from injuries sustained by volunteer firefighters while engaged in activities of a fire company to the extent that the bills are not covered by insurance provided by the relief association.

(10) To pay reasonable expenses actually and necessarily incurred for attending bona fide firefighters' training schools.

(11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service, including necessary training.

(12) To secure insurance against legal liability of volunteer firefighters for loss and expense from claims arising out of performance of official and authorized duties while going to, returning from or attending fires or performing their duties as special fire police.

(13) To maintain comprehensive health, physical fitness and physical monitoring programs that provide for physical fitness activities, nutrition education and supplies and instruction and health and fitness evaluation and monitoring, provided that the programs have been approved by the nearest State-licensed health care facility which is authorized to provide that service.

(14) To purchase exercise and fitness equipment for use by volunteer firefighters.

- (15) To purchase fire hoses and nozzles.
 - (16) To purchase fire prevention materials for public distribution.
 - (17) To pay reasonable expenses actually and necessarily incurred for attending bona fide emergency medical technician or paramedic training schools.
 - (18) To pay for expenses for cleaning, sanitizing and disinfecting of equipment and property, or other expenses incurred to prevent the spread of communicable illnesses.
 - (19) To provide financial assistance for activities and materials needed to aid in the recruitment and retention of volunteer firefighters.
 - (20) To establish and pay for length of service award programs.
 - (21) To pay for facilities for storage of emergency vehicles and equipment, training and meetings.
 - (22) To pay for vehicles used for emergency response.
 - (23) To purchase equipment used for emergency response.
 - (24) To defray the cost of obtaining or renewing a commercial driver's licenses under 75 Pa.C.S. Ch. 16 (relating to commercial drivers) for volunteer firefighters who are residents of this Commonwealth to operate fire or emergency vehicles registered to fire companies or municipalities.
 - (25) To pay for stipends to volunteer firefighters, not to exceed \$1,500 per year.
- (Jan. 22, 2014, P.L.1, No.1, eff. 60 days; June 18, 2014, P.L.765, No.65, eff. imd.; May 29, 2020, P.L.207, No.26, eff. imd.; Oct. 29, 2020, P.L.739, No.91)

2020 Amendments. Act 26 added subsec. (f)(18) and Act 91 amended subsecs. (a) and (f)(11), (13) and (14) and added subsec. (f)(19), (20), (21), (22), (23), (24) and (25), effective in sixty days as to subsec. (f)(11) and effective in six months as to subsecs. (a) and (f)(13), (14), (19), (20), (21), (22), (23), (24) and (25).

2014 Amendments. Act 1 amended subsec. (f)(7) and Act 65 added subsec. (f)(17).

§ 7417. Cooperation agreements.

Two or more volunteer firefighters' relief associations may jointly cooperate to enter into agreements to make expenditures that are authorized under this subchapter. A joint cooperation agreement may be enforced by and against a volunteer firefighters' relief association.

§ 7418. Audits.

(a) General rule.--

(1) The Office of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association receiving money under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter. Copies of all audits shall be furnished to the Governor.

(2) The commissioner, in consultation with the State Fire Advisory Board, shall establish and publish annually, on the Office of the State Fire Commissioner's publicly accessible Internet website, eligible uses of the money in accordance with this subchapter.

(3) The commissioner may receive inquiries from the fire services on eligible uses of money and, in consultation with the State Fire Advisory Board, make a determination on the eligible use of money on the equipment or service that is the subject of the inquiry.

(4) Notwithstanding paragraph (1), the commissioner shall maintain authority relating to the eligible uses of money received.

(b) Findings.--If the Auditor General finds that money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by this subchapter, the commissioner, upon receiving notice of the findings from the Auditor General, shall decline to approve payment to the volunteer firefighters' relief association until the improperly expended amount has been reimbursed to the relief association fund.

(Oct. 29, 2020, P.L.739, No.91)

2020 Amendment. Act 91 amended the entire section, effective in six months as to subsec. (b) and sixty days as to the remainder of the section.

§ 7419. Dissolution.

(a) Withdrawal.--If the voters elect to replace a volunteer fire company with a full-paid fire department or company and the volunteer company which has been replaced ceases to render fire service to any community, the volunteer company shall withdraw from the volunteer firefighters' relief association which had extended protection to its membership.

(b) Continuation.--Notwithstanding withdrawal of a company under subsection (a), the volunteer firefighters' relief association shall continue granting financial assistance to its remaining members and their families in death, sickness and distress suffered through the unfortunate elements of life.

(c) New members prohibited.--A volunteer firefighters' relief association continuing under subsection (b) shall not receive any new members.

(d) Application.--When the membership of a relief association functioning under subsection (b) diminishes to five members, the association shall apply to the local common pleas court for dissolution.

(e) Determination.--Upon receipt of an application under subsection (d), the court shall direct that:

(1) all bills, including the costs of dissolution, be paid; and

(2) the balance of funds in the treasury of the volunteer firefighters' relief association subject to dissolution be paid to the pension fund of the paid fire department created as set forth in subsection (a).

§ 7419.1. Fire relief formula study.

(a) Study.--The State Fire Advisory Board shall have the following duties:

(1) Review and make findings and recommendations regarding the fire relief funding formula and fire relief services in this Commonwealth.

(2) Hold public meetings regarding the fire relief funding formula and fire relief services in different regions of this Commonwealth.

(3) Consult with and utilize experts to assist the board in carrying out its duties under this section.

(4) Receive input from interested parties and take into consideration the diverse nature of fire services in this Commonwealth.

(5) Draft proposed legislation based on the board's findings and recommendations regarding the fire relief funding formula and fire relief services.

(6) No later than December 31, 2023, issue a report on the board's findings and recommendations regarding the fire relief funding formula and fire relief services to all of the following:

- (i) The Governor.
- (ii) The commissioner.
- (iii) The President pro tempore of the Senate.
- (iv) The Majority Leader and Minority Leader of the Senate.
- (v) The Veterans Affairs and Emergency Preparedness Committee of the Senate.
- (vi) The Speaker of the House of Representatives.
- (vii) The Majority Leader and Minority Leader of the House of Representatives.
- (viii) The Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(b) Construction.--Nothing in this section shall be construed to authorize a fire relief funding formula to go into effect without being approved by an act of the General Assembly. (Oct. 29, 2020, P.L.739, No.91, eff. 6 months; Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 amended subsec. (a)(6) intro. par.

2020 Amendment. Act 91 added section 7419.1.

SUBCHAPTER C

EMPLOYMENT SANCTIONS

Sec.

- 7421. Scope of subchapter.
- 7422. Definitions.
- 7423. Prohibition on termination and discipline.
- 7424. Prohibition on discrimination.
- 7425. Lost time.
- 7426. Statements.
- 7427. Violations.

Special Provisions in Appendix. See section 7(b.1)(9) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7421. Scope of subchapter.

This subchapter relates to employment sanctions.

§ 7422. Definitions.

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

"Discipline." The taking of an action against an employee which adversely affects his regular pay to an extent greater than permitted by section 7425 (relating to lost time), his job status, his opportunity for promotion or his right to any benefit granted by the employer to other similarly situated employees.

"Discriminate." To discharge or to discipline in a manner inconsistent with the employer's treatment of other similarly situated employees who are injured in the course of their employment or related activities.

"Employer." An individual, partnership, association, corporation, business trust or a person or group of persons

acting directly or indirectly in the interest of an employer in relation to any employee.

"Line of duty." Going to, coming from or during fire prevention and safety activities which includes fire prevention, first aid, rescue and salvage, ambulance service, fire police work, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and other activities as are commonly undertaken by fire companies, ambulance services or rescue squads or their affiliated organizations.

§ 7423. Prohibition on termination and discipline.

No employer shall terminate or discipline an employee who is a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad and, in the line of duty, has responded to a call prior to the time he was due to report for work resulting in a loss of time from his employment.

Cross References. Section 7423 is referred to in sections 7425, 7426 of this title.

§ 7424. Prohibition on discrimination.

No employer shall discriminate against an employee because the employee has been injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad, nor shall an employer discriminate against an employee injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad who subsequently returns to work after receiving workers' compensation benefits under the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

§ 7425. Lost time.

Time lost from employment as provided in section 7423 (relating to prohibition on termination and discipline) may be charged to the regular pay of the employee.

Cross References. Section 7425 is referred to in section 7422 of this title.

§ 7426. Statements.

An employee losing time as provided in section 7423 (relating to prohibition on termination and discipline) shall supply his employer with a statement from the chief executive officer of his volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that he responded to a call and the time of the call.

§ 7427. Violations.

(a) Employers.--An employer who willfully and knowingly violates this subchapter shall be required to revoke a disciplinary action and any penalty attached thereto or to reinstate such employee to his former position and shall be required to pay the employee all lost wages and benefits for the period between termination and reinstatement and reasonable attorney fees incurred in an action to recover lost wages and benefits.

(b) Statute of limitations.--An action to enforce this subchapter shall be commenced within two years of the date of violation, and the action shall be commenced in the court of common pleas of the county in which the employer is located.

SUBCHAPTER D
SPECIAL FIRE POLICE

Sec.

- 7431. Scope of subchapter.
- 7432. Definitions (Reserved).
- 7433. Nomination.
- 7434. Confirmation.
- 7435. Powers.
- 7436. Power and authority in places other than where appointed.
- 7437. Badge of authority and subordination.

Special Provisions in Appendix. See section 7(b.1)(2) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Subchapter D is referred to in section 3505 of Title 18 (Crimes and Offenses).

§ 7431. Scope of subchapter.

This subchapter applies to a volunteer fire company in any city, borough, town, township or home rule municipality.

Cross References. Section 7431 is referred to in section 7433 of this title.

§ 7432. Definitions (Reserved).

§ 7433. Nomination.

An entity under section 7431 (relating to scope of subchapter) may nominate any of its members as special fire police.

§ 7434. Confirmation.

Special fire police nominated under this subchapter shall, before they enter upon their duties, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township or the chief executive officer of a home rule municipality, as the case may be.

§ 7435. Powers.

(a) Specific powers.--When confirmed and sworn and displaying a badge of authority, special fire police shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise other police powers necessary to facilitate and prevent interference with the work of firemen in extinguishing fires. They shall also have the police powers necessary to perform their duties when functioning as special fire police at any function, event or parade conducted by and under the auspices of a volunteer fire company, or another event, function or parade conducted by an organization other than a volunteer fire company, provided that the request to perform these duties is made by the governing body of the city, borough, town, township or home rule municipality in which the event will be conducted, or when accidents, floods or any other emergencies require performance of traffic-control and crowd-control duties. The duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township or home rule municipality police authority and thereafter subject to direction of the police authority until the emergency no longer exists. A person functioning as special fire police and performing a duty under any of the conditions in this subsection shall be deemed to be performing the duties of his employment.

(b) Identification.--Fire police performing the duties under this subchapter shall be identifiable by, at minimum, the wearing of a distinctive arm band, hat, uniform or insignia.

(c) Construction.--Under no circumstances shall this subchapter be construed to grant special fire police the right to use firearms or other weapons in the exercise of special fire police powers granted by this subchapter.

§ 7436. Power and authority in places other than where appointed.

Whenever a volunteer fire company is in attendance on a fire or when the special fire police are on special duty as provided under this subchapter, the special fire police in a city, borough, town or township, other than the one in which the fire company is organized, shall have the same power and authority in another city, borough, town or township as they would have where they were appointed.

§ 7437. Badge of authority and subordination.

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, of a member of the Pennsylvania State Police.

CHAPTER 75

LOCAL ORGANIZATIONS AND SERVICES

Subchapter

- A. General Provisions
- B. Payment of Expenses

Enactment. Chapter 75 was added November 26, 1978, P.L.1332, No.323, effective immediately.

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

7501. General authority of political subdivisions.

7502. Local coordinator of emergency management.

7503. Powers and duties of political subdivisions.

7504. Coordination, assistance and mutual aid.

§ 7501. General authority of political subdivisions.

(a) Establishing emergency management organization.--Each political subdivision of this Commonwealth is directed and authorized to establish a local emergency management organization in accordance with the plan and program of the Pennsylvania Emergency Management Agency. Each local organization shall have responsibility for emergency management, response and recovery within the territorial limits of the political subdivision within which it is organized and, in addition, shall conduct such services outside of its jurisdictional limits as may be required under this part.

(b) Declaration of disaster emergency.--A local disaster emergency may be declared by the governing body of a political subdivision upon finding a disaster has occurred or is imminent. The governing body of a political subdivision may authorize the mayor or other chief executive officer to declare a local disaster emergency subject to ratification by the governing body. The declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent

of the governing body of the political subdivision. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the agency. The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local emergency management plans and to authorize the furnishing of aid and assistance thereunder.

(c) Contracts and obligations.--In carrying out the provisions of this part, each political subdivision shall have the power to enter into contracts and incur obligations necessary to disaster emergency management, response and recovery.

(d) Temporary suspension of formal requirements.--Each political subdivision included in a declaration of disaster emergency declared by either the Governor or the governing body of the political subdivision affected by the disaster emergency is authorized to exercise the powers vested under this section in the light of the exigencies of the emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. Notwithstanding any other provision of law, the governing body of a political subdivision shall not be required to have a quorum physically present at any one location in order to conduct business if a quorum is otherwise established by the participating members through an authorized telecommunication device.

(e) Employment of personnel.--In order to meet prescribed requirements for eligibility to receive Federal contributions authorized under the provisions of the Federal Civil Defense Act of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any amendment or reenactment thereof, political subdivisions are authorized to avail themselves of services offered by the State Civil Service Commission under the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," in connection with the employment of personnel in local organizations established pursuant to the provisions of this part.

(July 13, 1988, P.L.501, No.87, eff. imd.; Apr. 20, 2020, P.L.82, No.15, eff. imd.)

2020 Amendment. Act 15 amended subsec. (d).

References in Text. The act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, referred to in subsec. (e), was repealed by the act of June 28, 2018 (P.L.460, No.71). The subject matter is now contained in Part III of Title 71 (State Government).

Cross References. Section 7501 is referred to in sections 5741, 7707 of this title.

§ 7502. Local coordinator of emergency management.

(a) General rule.--Each local organization of emergency management shall have a coordinator who shall be responsible for the planning, administration and operation of the local organization subject to the direction and control of the executive officer or governing body.

(b) County coordinator.--A coordinator shall be appointed in all counties with approval of the director of the agency.

The executive officer or governing body of the county shall recommend a coordinator whose recommendation must be endorsed by the director of the agency prior to appointment by the Governor. Upon failure of the executive officer or governing body of the county to make a recommendation of a person for coordinator within the time fixed by the agency, the Governor is authorized to appoint a coordinator based upon the recommendation of the director of the agency. The coordinator of the county organization shall not be assigned any duties that will conflict with his duty as coordinator.

(c) Local level.--At the local level, the coordinator shall be appointed by the Governor upon the recommendation of the executive officer or governing body of the political subdivision. Upon the failure of the executive officer or governing body of a political subdivision to make a recommendation to the Governor of a candidate for coordinator within the time fixed by the agency, the Governor is authorized to appoint a coordinator without any recommendation. A candidate for coordinator for two or more political subdivisions may be recommended to the Governor for appointment upon agreement by resolution of the governing bodies of such political subdivisions. Any other law notwithstanding, a local government official may be recommended for appointment.

(d) Qualifications.--The coordinator shall be professionally competent and capable of planning, effecting coordination among operating agencies of government and controlling coordinated operations by local emergency preparedness forces.

(e) In-service training.--Each appointed coordinator shall:

(1) Attend and successfully complete the first phase of the career development program as prescribed by the agency within one year after appointment.

(2) Attend and successfully complete the second phase of the career development program as prescribed by the agency within three years after appointment.

(3) Attend basic and advanced seminars, workshops and training conferences called by the State director and/or official having responsibility for providing the coordinator with in-service training.

Failure to attend the instruction described in this subsection or failure to attend a prescribed training conference for a period of two consecutive years shall be cause for replacement. The State Director of Emergency Management may grant credit toward meeting the requirements of this subsection to appointed local coordinators on the basis of prior experience and training.

(f) Responsibility for training.--Responsibility for the professional in-service training of each coordinator rests with each successive higher political subdivision than the one in which the coordinator is functioning.

(g) Expenses.--Each appointed coordinator shall be reimbursed for actual expenses incurred in the performance of his duties and attendance at scheduled meetings.

Cross References. Section 7502 is referred to in section 7707 of this title.

§ 7503. Powers and duties of political subdivisions.

Each political subdivision shall, either individually or pursuant to the provisions of the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, adopt an Intergovernmental Cooperation agreement with other political subdivisions to:

(1) Prepare, maintain and keep current a disaster emergency management plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan.

(2) Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.

(3) Provide individual and organizational training programs to insure prompt, efficient and effective disaster emergency services.

(4) Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.

(5) Adopt and implement precautionary measures to mitigate the anticipated effects of disaster.

(6) Execute and enforce such rules and orders as the agency shall adopt and promulgate under the authority of this part.

(7) Cooperate and coordinate with any public and private agency or entity in achieving any purpose of this part.

(8) Have available for inspection at its emergency operations center all emergency management plans, rules and orders of the Governor and the agency.

(9) Provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth and local officials and agencies and the general public.

(10) Participate in all tests, drills and exercises, including remedial drills and exercises, scheduled by the agency or by the Federal Government.

(11) Participate in the program of integrated flood warning systems under section 7313(6) (relating to powers and duties).

(July 13, 1988, P.L.501, No.87, eff. imd.)

1988 Amendment. Act 87 amended the intro. par. and added pars. (10) and (11).

References in Text. The act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, referred to in the introductory paragraph, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in Title 53 (Municipalities Generally).

Cross References. Section 7503 is referred to in section 7707 of this title.

§ 7504. Coordination, assistance and mutual aid.

(a) Responsibility for direction and coordination.--Direction of disaster emergency management services is the responsibility of the lowest level of government affected. When two or more political subdivisions within a county are affected, the county organization shall exercise responsibility for coordination and support to the area of operations. When two or more counties are involved, coordination shall be provided by the agency or by area organizations established by the agency.

(b) Assistance from higher government unit.--When all appropriate locally available forces and resources are fully committed by the affected political subdivision, assistance from a higher level of government shall be provided.

(c) Municipal mutual aid agreements.--County and local coordinators of emergency management shall develop mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance. The agreements shall be consistent with the plans and programs of the agency. In disaster emergencies, requests for mutual aid assistance shall be referred to the organization having responsibility for coordination as specified in subsection (a) and in time of emergency it shall be the duty of each local organization to render assistance in accordance with the provisions of the mutual aid agreements.

(d) Interstate mutual aid arrangements.--The coordinator of each local organization may, subject to approval of the Governor, enter into mutual aid arrangements with similar agencies or organizations in other states for reciprocal disaster emergency services.

(e) Ratification of agreements.--Mutual aid agreements shall be ratified by the governing bodies of the political subdivisions involved.

(f) Control of outside support forces.--Support forces furnished political subdivisions from outside its jurisdiction shall be under the operational control of the department, agency or office furnishing the force.

Cross References. Section 7504 is referred to in section 7707 of this title.

SUBCHAPTER B

PAYMENT OF EXPENSES

Sec.

7511. Appropriations by political subdivisions.

7512. Law applicable to local organizations.

7513. Agreements among political subdivisions.

7514. Payments involving one political subdivision.

7515. Payments involving two or more political subdivisions.

§ 7511. Appropriations by political subdivisions.

(a) General rule.--Every political subdivision shall have the power to make appropriations for the payment of expenses of the local organization in the manner provided by law for making appropriations for the ordinary expenses of the political subdivision. In making appropriations, the political subdivision shall specify the amounts and purposes for which the moneys appropriated may be used by the organization to or for which such appropriation may be made.

(b) Two or more local organizations.--Nothing in this subchapter or any other provision of this part shall be deemed to limit the power of any political subdivision to appropriate money for the purpose of paying the expenses of a local organization having jurisdiction both within and without the political subdivision even though an appropriation has been or is to be made to another local organization coterminous with or having jurisdiction within the political subdivision. Payments on account of an appropriation under this subsection shall be made pursuant to an agreement under section 7513 (relating to agreements among political subdivisions) or in the form of a gift or grant to the political subdivision responsible in the first instance for the payment of bills and claims against the local organization for the payment of the expenses for which the appropriation was made.

Cross References. Section 7511 is referred to in section 7513 of this title.

§ 7512. Law applicable to local organizations.

(a) **General rule.**--Where the jurisdiction of the local organization is coterminous with the political subdivision making an appropriation for the payment of the expenses, the local organization shall be deemed an agency, board or commission of the political subdivision, subject to all of the laws governing the making of contracts or purchases, the employment of persons or otherwise incurring financial obligations which apply to the political subdivision.

(b) **Second class townships.**--No purchase or purchases shall be made, no contract entered into and no expenses incurred by any local organization which involves the payment of more than \$25 out of the treasury of any second class township unless the proposed expenditure has been approved in writing by the township supervisors. If any purchase or contract is made or other expenses incurred contrary to the provisions of this subsection, the township shall not be responsible for the payment thereof but the person acting for the local organization in the transaction shall be personally liable for the payment.

§ 7513. Agreements among political subdivisions.

(a) **General rule.**--Where a local organization has jurisdiction in an area including all or parts of more than one political subdivision which does not include the whole area of any county, the political subdivisions, all or part of which lie within the jurisdiction of the organization, shall, before paying any expenses of the organization, enter into an agreement designating one of the political subdivisions as the agent of each of them for the purpose of paying the expenses of the local organization. The agreement shall also set forth the proportionate share of the expenses of the organization to be paid by each political subdivision party to the agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying the expenses. The agreement shall be effective when approved by the corporate authorities of each of the political subdivisions by a majority vote and each of the subdivisions shall thereupon make an appropriation pursuant to section 7511 (relating to appropriations by political subdivisions) sufficient to pay its share of the expenses of the organization.

(b) **Counties.**--Where the local organization has jurisdiction in an area including the whole area of one or more counties which is not coterminous with any one county, before paying any expenses of the organization, the counties, all or part of which lie within the jurisdiction of the organization, shall enter into an agreement in the manner and form provided in subsection (a) and with like effect, and no other political subdivision lying within the jurisdiction of the organization shall be a party to the agreement.

Cross References. Section 7513 is referred to in sections 7511, 7515 of this title.

§ 7514. Payments involving one political subdivision.

(a) **General rule.**--All bills or claims to be paid from any appropriation made by a political subdivision coterminous with the local organization, after first being approved by the local organization or an appropriate officer thereof designated for that purpose, shall be paid from the treasury of the political subdivision only upon the warrant or order of the officer or officers of the political subdivision designated by law to approve or countersign warrants or orders for the payment of

the ordinary expenses of the political subdivision, and shall be subject to audit in the same manner as other financial transactions of the political subdivision. In each case, the officer or officers shall have the same power to approve or disapprove as they have in case of warrants for ordinary expenses of the political subdivision, and no warrant or order for the payment thereof shall be issued without the approval.

(b) Gift or grant of money.--Any gift or grant of money made to the local organization or to the political subdivision for the payment of expenses incurred or to be incurred by or for the organization shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which the gift or grant was made, and any bills or claims to be paid from the gift or grant shall be paid in the manner provided in this subchapter for the payment of other bills and claims against the political subdivision.

Cross References. Section 7514 is referred to in section 7515 of this title.

§ 7515. Payments involving two or more political subdivisions.

(a) General rule.--Where two or more political subdivisions have entered into an agreement as provided by section 7513 (relating to agreements among political subdivisions), all bills and claims for expenses incurred by or for the local organization shall thereafter be paid in the first instance by the political subdivision named as agent in the agreement in the manner provided in section 7514 (relating to payments involving one political subdivision) as though the organization were coterminous with the political subdivision, and the organization shall be subject to all of the laws governing the making of contracts or purchases, the employment of persons or otherwise incurring financial obligations which apply to the political subdivision.

(b) Accounting by agent.--The political subdivision designated as agent shall, not later than the fifteenth day of each month, submit an itemized account of the expenses of the organization paid by it during the preceding calendar month to each of the other political subdivisions party to the agreement, together with a request for reimbursement of the proportionate share of expenses agreed to be paid by each of the other political subdivisions.

(c) Reimbursement of agent.--Each political subdivision requested to make reimbursement shall do so within 30 days after the request from the appropriation made for the payment of the expenses of the organization and, in the event of failure to do so, mandamus shall lie to compel the officers of the political subdivision to pay the agreed-upon proportionate share of the proper expenses of the organization out of the first moneys thereafter in the treasury of the political subdivision and not previously pledged to any other purpose. No political subdivision may be compelled to pay for any one year an amount greater than the amount estimated in the agreement as its proportionate share. Any payment made by any political subdivision to the political subdivision named as agent in the agreement for reimbursement for the payment of the expenses of the organization shall be credited by the agent political subdivision to the appropriation made by it for the payment of the expenses of the organization and shall be available for the payment of future expenses of the organization without further appropriation or action by the agent political subdivision.

(d) **Gift or grant of money.**--Any gift or grant of money made to or for the local organization, if made to a political subdivision, shall be deposited in its treasury and be appropriated by it for the purpose for which the gift or grant was made and the political subdivision shall notify the political subdivision named as agent in the agreement of the appropriation and the purpose for which it is available. If the gift or grant of money is made to the organization, it shall be deposited in the treasury of the political subdivision named as agent in the agreement and shall be appropriated by the political subdivision for the purpose for which the gift or grant was made. Any expenditure made by the agent political subdivision from any gift or grant deposited in its treasury or reimbursed from any gift or grant deposited in the treasury of any other political subdivision shall not be included in computing the reimbursement requested from any other political subdivision under the agreement.

CHAPTER 75A
EMERGENCY RESPONDER MENTAL WELLNESS
AND STRESS MANAGEMENT

Sec.

- 75A01. Definitions.
- 75A02. Mental wellness and stress management guidelines.
- 75A03. Peer-to-peer support programs.
- 75A04. Trained peer support providers.
- 75A05. Toll-free helpline.
- 75A06. Statewide Critical Incident Stress Management Program.
- 75A07. Trauma and suicide awareness and impact training.
- 75A08. Nonprofit organizations.
- 75A09. Publication.
- 75A10. Confidential communications involving emergency responders.
- 75A11. Funding.

Enactment. Chapter 75A was added July 23, 2020, P.L.670, No.69, effective immediately unless otherwise noted.

Cross References. Chapter 75A is referred to in section 8153 of this title.

§ 75A01. Definitions.

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

"Cooperating officials and agencies." Includes the following:

- (1) The Department of Human Services of the Commonwealth.
- (2) A county mental health office located within this Commonwealth.
- (3) The State Fire Commissioner.
- (4) The Department of Drug and Alcohol Programs of the Commonwealth.

"Corrections officer." A full-time employee assigned to the Department of Corrections whose principal duty is the care, custody and control of inmates of a penal or correctional institution operated by the Department of Corrections.

"Critical incident." A situation to which an emergency responder responds that presents or involves either the death or serious bodily injury of an individual, or the imminent potential of death or serious bodily injury of an individual,

or any situation faced by an emergency responder in the course of duty which causes or may cause the emergency responder to experience strong negative emotional reactions.

"Critical incident stress management network." A network that meets the requirements of membership with the Pennsylvania Voluntary Critical Incident Stress Management Network as administered by the department.

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

"Emergency responder." Any of the following:

- (1) A current or former certified emergency medical services provider, current or former member of an emergency medical services agency, fire company or rescue company.
- (2) A peace officer.
- (3) A 911 dispatcher.
- (4) A coroner or medical examiner who responds in an official capacity to an emergency.
- (5) A corrections officer.

"Mental wellness and stress management guidelines." A plan that:

- (1) Requires education and training on traumatic brain injuries and traumatic stress, including acute stress reactions, acute stress disorder, post-traumatic stress injuries and other emotional reactions and components of trauma reaction for emergency responders.

- (2) Sets responsibilities for public agencies and emergency responders who sustain a post-traumatic stress injury or traumatic brain injury arising from their work.

- (3) Provides remedial supportive actions for public agencies in response to a report of a post-traumatic stress injury or traumatic brain injury sustained by an emergency responder.

"Peace officer." As defined in 18 Pa.C.S. § 501 (relating to definitions).

"Peer-to-peer support program." A regional peer support service program established under section 75A03 (relating to peer-to-peer support programs) which offers services:

- (1) designated by the department to be used in:
 - (i) recognizing the symptoms of a mental health condition, including those caused by a critical incident; and

- (ii) making a behavioral health referral through an employee assistance program or other mental health agency for treatment by a licensed behavioral health professional; and

- (2) delivered by a trained peer support provider.

"Post-traumatic stress injury." A post-traumatic stress disorder as defined by the American Psychiatric Association and documented in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, 5th edition.

"Public agency." As defined under section 5302 (relating to definitions).

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

"Trained peer support provider." An emergency responder who has the training, credentials or experience to provide support and advocacy services and is recognized by the department under this chapter.

§ 75A02. Mental wellness and stress management guidelines.

(a) **General rule.**--The secretary, in consultation with cooperating officials and agencies, shall develop mental wellness and stress management guidelines to assist emergency responders who:

(1) Suffer or may have suffered post-traumatic stress injuries or traumatic brain injuries as a result of their employment.

(2) Have been exposed to critical incidents.

(b) Compliance.--Emergency responders and public agencies for which emergency responders perform their duties shall comply with the guidelines established under this section.

Effective Date. Section 5(1) of Act 69 of 2020 provided that the addition of subsec. (b) shall take effect in 180 days.

§ 75A03. Peer-to-peer support programs.

(a) Establishment of peer-to-peer support programs.--Notwithstanding any other provision of law, the secretary shall establish at least one regional peer-to-peer support service program within the service area of each of the department's regional or district offices located in this Commonwealth.

(b) Cooperative establishment.--The secretary shall establish the peer-to-peer support programs in conjunction with cooperating officials and agencies and any other entities designated by the department.

(c) Access.--The department shall, if possible, establish the peer-to-peer support programs in a manner that ensures access to a program by all emergency responders within this Commonwealth.

(d) Services.--Services provided by a peer-to-peer support program shall include peer-to-peer support for all of the following:

(1) Mental health issues, including treatment and recovery support for post-traumatic stress injuries, traumatic brain injury and depression.

(2) Alcohol, substance abuse or chemical dependence treatment and recovery support, including treatment planning, recovery coaching and relapse prevention.

(3) Sexual abuse trauma.

(4) Workplace abuse.

(5) Co-occurring disorders.

(6) Any other support service which the department deems necessary.

(e) Critical incident stress management.--The program shall incorporate critical incident stress management intervention.

Cross References. Section 75A03 is referred to in sections 75A01, 75A04 of this title.

§ 75A04. Trained peer support providers.

(a) Establishment.--The department, in conjunction with cooperating officials and agencies, shall develop and establish guidelines for the recruitment and training of entities capable of providing peer-to-peer support under section 75A03 (relating to peer-to-peer support programs).

(b) Contents.--The guidelines shall include the establishment of minimum qualifications as a trained peer support provider.

(c) Credentialing requirement.--The department shall establish a clear credentialing requirement and a certificate evidencing a trained peer support provider's qualifications.

(d) Procedure.--A procedure shall be established for the suspension or revocation of credentials.

§ 75A05. Toll-free helpline.

(a) General rule.--The department shall:

(1) Establish a toll-free helpline to respond to calls from emergency responders who have been involved in a critical incident or are dealing with mental wellness issues.

(2) Obtain the toll-free telephone number 866-1ST-HELP for such purposes. If the telephone number 866-1ST-HELP is not available, the department shall obtain a substantially similar telephone number acronym for such purposes.

(3) Permit persons to provide information anonymously, should they choose to do so.

(4) Ensure the confidentiality of the names of callers, information discussed during the call and any referrals for further services.

(b) Helpline operators.--An operator of the helpline must be an individual adequately trained in identifying post-traumatic stress injuries and other emotional and psychological reactions common to emergency responders or capable of making an appropriate referral to either a peer-to-peer support program or a licensed behavioral health professional for further mental health evaluation or care.

(c) Posting.--A sign shall be posted at all sites where emergency responders serve and shall:

(1) Be no smaller than 8 1/2 by 11 inches.

(2) Be posted in a conspicuous manner clearly visible to emergency responders.

(3) Include the following information:

(i) The toll-free telephone number, which must be printed in bold type and large font.

(ii) Notice that callers may provide information anonymously if they choose to do so.

(d) Online access to sign.--The department and cooperating officials and agencies shall provide the sign on their respective publicly accessible Internet websites for any person to print as needed.

§ 75A06. Statewide Critical Incident Stress Management Program.

(a) Establishment.--The department, in consultation with the Pennsylvania Emergency Health Services Council's Critical Incident Stress Management Committee, which shall consist of representatives of emergency responders and the Pennsylvania Critical Incident Stress Management Network, shall establish a Statewide Critical Incident Stress Management Program to:

(1) Identify the emotional impact that external and internal critical incidents have on this Commonwealth's emergency responders.

(2) Prepare a response to event-driven situations affecting the emotional well-being of emergency responders.

(3) Update the Critical Incident Stress Management Team level participation in the Pennsylvania Voluntary Critical Incident Stress Management Network.

(b) (Reserved).

§ 75A07. Trauma and suicide awareness and impact training.

(a) Training required.--The department shall develop a program of trauma and suicide awareness and impact training. The department may partner or contract with a third-party entity to provide the necessary training. The department shall require trauma and suicide awareness and impact training as a component of initial and continuing education for EMS providers and shall make the training available to other emergency responders.

(b) Training topics.--Trauma and suicide awareness and impact training shall include the following:

(1) Education on stress management.

(2) Critical incidents.

(3) Signs and symptoms of post-traumatic stress injury.

- (4) Vicarious trauma.
- (5) Substance abuse and addiction.
- (6) Warning signs of depression and suicide and any other relevant topics as determined by the department.
- (7) The availability of additional resources, including the resources created under this chapter.

§ 75A08. Nonprofit organizations.

Nothing under this chapter shall prohibit the department or cooperating officials and agencies from contracting with nonprofit organizations to offer support services to eligible emergency responders in accordance with this chapter.

§ 75A09. Publication.

The department and cooperating officials and agencies shall post on their respective publicly accessible Internet websites the contact information of entities offering support services under this chapter and shall update the posting annually.

§ 75A10. Confidential communications involving emergency responders.

(a) **Disclosure.**--Except as provided under subsection (b), a trained peer support provider or coparticipant present during peer support services or a helpline operator may not disclose any information regarding an emergency responder without the consent of the emergency responder.

(b) **Exceptions.**--The privilege established under subsection (a) shall not apply if any of the following apply:

- (1) The trained peer support provider or helpline operator reasonably believes a clear and present danger exists to the emergency responder or to other individuals.
- (2) The emergency responder has given express consent to disclose information.
- (3) The emergency responder is deceased and the surviving spouse or the executor or administrator of the estate of the deceased emergency responder has given express consent.

§ 75A11. Funding.

The department may expend annually an amount not to exceed \$250,000 from the money allocated to the Catastrophic Medical and Rehabilitation Fund for victims of trauma.

CHAPTER 76

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Sec.

7601. Compact enacted.
7602. Exercise of powers and duties.
7603. Mutual agreements.
7604. Budgetary considerations.

Enactment. Chapter 76 was added December 15, 1999, P.L.934, No.64, effective immediately.

Cross References. Chapter 76 is referred to in section 7301 of this title; sections 508, 7309 of Title 51 (Military Affairs).

§ 7601. Compact enacted.

The Emergency Management Assistance Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article I

Purpose and Authorities

This compact is made and entered into by and between the participating member states which enact this compact,

hereinafter called party states. For the purposes of this compact, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Article II

General Implementation

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating states, including any resources on hand or available from the Federal Government or any other source, that are essential to the safety, care and welfare of the people in the event of any emergency or disaster declared by a party state shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

Article III

Party State Responsibilities

A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans and in carrying them out, the party states, insofar as practical, shall:

1. review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency or enemy attack;

2. review party states' individual emergency plans and develop a plan which will determine the mechanism for the

interstate management and provision of assistance concerning any potential emergency;

3. develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

4. assist in warning communities adjacent to or crossing the state boundaries;

5. protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material;

6. inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

7. provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The authorized representative of a party state may request assistance to another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:

1. a description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

2. the amount and type of personnel, equipment, materials and supplies needed and a reasonable estimate of the length of time they will be needed; and

3. the specific place and time for staging of the assisting party's response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans and resource records relating to emergency capabilities.

Article IV

Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions

may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving state, whichever is longer.

Article V

Licenses and Permits

Whenever any person holds a license, certificate or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

Article VI

Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence or recklessness.

Article VII

Supplementary Agreements

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

Article VIII

Compensation

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

Article IX

Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided that any aiding party

state may assume in whole or in part such loss, damage, expense or other cost or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

Article X Evacuation

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

Article XI Implementation

A. This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.

B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

Article XII Validity

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected.

Article XIII Additional Provisions

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into Federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under section 1385 of Title 18 of the United States Code.

Cross References. Section 7601 is referred to in sections 7602, 7604 of this title; section 3105 of Title 51 (Military Affairs).

§ 7602. Exercise of powers and duties.

The Governor or a designee shall exercise the powers, duties and responsibilities set forth in section 7601 (relating to compact enacted).

§ 7603. Mutual agreements.

The Governor shall examine threats to the security and safety of the Commonwealth and execute appropriate interstate mutual aid plans and procedures as may be necessary to implement this compact.

§ 7604. Budgetary considerations.

(a) Expenditures.--In addition to the funds which the Governor is authorized to transfer for disasters in accordance with 35 Pa.C.S. § 7307 (relating to use and appropriation of unused Commonwealth funds), the Governor may transfer any other appropriated but unused funds in an amount of not more than \$15,000,000 in any fiscal year which may have been appropriated for the ordinary expenses of the Commonwealth government from the General Fund to be utilized for the purposes set forth in 35 Pa.C.S. § 7601 (relating to compact enacted). The Secretary of the Budget shall, within five days of a transfer of funds authorized under this section, notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of such transfer. Such notification shall identify the amount transferred, the appropriation from which funds were transferred, the appropriation to which the funds were transferred and the justification for such transfer. The Secretary of the Budget shall provide a full accounting to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives after the close of each fiscal year concerning funds transferred pursuant to the provisions of this section.

(b) Reimbursements.--

(1) Reimbursement of all support provided to member states in accordance with the provisions of 35 Pa.C.S. § 7601 shall be secured by the Governor or the Governor's designee in consultation with the Secretary of the Budget.

(2) The Governor may accept on behalf of the Commonwealth all reimbursements for funds and services provided in accordance with the provisions of 35 Pa.C.S. § 7601. Reimbursements shall be deposited in the State Treasury and shall be allocated by the Secretary of the Budget to the agencies from which funds were transferred pursuant to subsection (a) of this section.

References in Text. Section 7307, referred to in this section, is repealed.

CHAPTER 77
MISCELLANEOUS PROVISIONS

Sec.

- 7701. Duties concerning disaster prevention.
- 7702. Acceptance of services, gifts, grants and loans.
- 7703. Interstate arrangements.
- 7704. Immunity from civil liability.
- 7705. Special powers of local agencies.
- 7706. Compensation for accidental injury.
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- 7708. Fire force disbanded in favor of volunteers.
- 7709. Fires on State premises.
- 7710. Firefighters and Auxiliaries Day.
- 7711. Firefighters' Memorial Flag.
- 7712. Firefighters' Memorial Sunday.
- 7713. Prohibition on certain service.
- 7714. Soliciting by first responder organizations.

Enactment. Chapter 77 was added November 26, 1978, P.L.1332, No.323, effective immediately.

§ 7701. Duties concerning disaster prevention.

(a) Governor.--In addition to disaster prevention measures included in the Commonwealth and local plans, the Governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. The Governor, from time to time, shall make recommendations to the General Assembly, political subdivisions and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(b) Department of Environmental Resources.--The Department of Environmental Resources, in conjunction with the Pennsylvania Emergency Management Agency, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood or other catastrophic occurrence. The studies under this subsection shall concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences thereof.

(c) Other Commonwealth agencies.--At the direction of the Governor, and pursuant to any other authority and competence they have, Commonwealth agencies, including but not limited to those charged with economic recovery responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, construction standards, public utilities and energy, shall make studies of disaster prevention-related matters.

(d) Schools.--Public-funded universities, colleges, and elementary and secondary schools shall be made available to local, county and State officials for emergency planning and exercise purposes and actual service as mass-care facilities in the event of an emergency evacuation.

(e) Vehicles.--School bus and transportation vehicles owned or leased by universities, colleges and school districts shall be made available to local, county and State officials for emergency planning and exercise purposes and actual service in the event of an emergency evacuation.

(f) Disaster response and emergency preparedness drills.--Annually, schools and custodial child care facilities

shall conduct at least one disaster response or emergency preparedness plan drill.

(g) Plans.--Every school district and custodial child care facility, in cooperation with the local Emergency Management Agency and the Pennsylvania Emergency Management Agency, shall develop and implement a comprehensive disaster response and emergency preparedness plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency and other pertinent State requirements. The plan shall be reviewed annually and modified as necessary. A copy of the plan shall be provided to the county emergency management agency. (July 13, 1988, P.L.501, No.87, eff. imd.; July 13, 2004, P.L.689, No.73, eff. 60 days)

2004 Amendment. Act 73 amended subsecs. (f) and (g).

1988 Amendment. Act 87 added subsecs. (d), (e), (f) and (g).

References in Text. The Department of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

§ 7702. Acceptance of services, gifts, grants and loans.

(a) General rule.--Whenever any person or the Federal Government or any Federal agency or officer offers to the Commonwealth or, through the Commonwealth, to any political subdivision, services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of disaster emergency services, the Commonwealth, acting through the Governor, or the political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept the offer and upon acceptance the Governor or executive officer or governing body of the political subdivision may authorize any officer of the Commonwealth or of the political subdivision, as the case may be, to receive the services, equipment, supplies, materials or funds on behalf of the Commonwealth or political subdivision subject to the terms of the offer and the rules and regulations, if any, of the agency or person making the offer.

(b) Property of Commonwealth.--All equipment, supplies and materials referred to in subsection (a) shall, when accepted by the Commonwealth, be treated as the property of the Commonwealth and shall be subject to the relevant provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," unless the General Assembly directs otherwise by statute.

§ 7703. Interstate arrangements.

(a) General rule.--Upon finding that a vulnerable area lies only partly within this Commonwealth and includes territory in another state or states or territory in a foreign jurisdiction and that it would be desirable to establish an interstate relationship, mutual aid or an area organization for disaster emergency services, the Governor shall take steps to that end as desirable.

(b) Negotiation and status of agreements.--If this action is taken with jurisdictions that have enacted the Interstate Civil Defense and Disaster Compact, any resulting agreement or agreements may be considered supplemental agreements pursuant to Article 6 of that compact. If the other jurisdiction or jurisdictions with which the Governor proposes to cooperate pursuant to subsection (a) have not enacted that compact, the

Governor may negotiate special agreements with the jurisdiction or jurisdictions.

(c) Legislative approval of agreements.--Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the General Assembly and provided that neither House of the General Assembly has disapproved it by adjournment of the next ensuing session competent to consider it or within 30 days of its submission, whichever is longer.

§ 7704. Immunity from civil liability.

(a) General rule.--Neither the Commonwealth, nor any Commonwealth agency, nor any political subdivision, nor, except in cases of willful misconduct, gross negligence, recklessness or bad faith, the agents, employees or representatives of any of them engaged in any emergency services activities, nor, except in cases of willful misconduct, gross negligence, recklessness or bad faith, any individual or other person under contract with them to provide equipment or work on a cost basis to be used in disaster relief, nor, except in cases of willful misconduct, gross negligence, recklessness or bad faith, any person, firm, corporation or an agent or employee of any of them engaged in emergency services activities, while complying with or attempting to comply with this part or any rule or regulation promulgated pursuant to the provisions of this part, shall be liable for the death of or any injury to persons or loss or damage to property as a result of that activity.

(a.1) Deployment protections.--A person that or an agent or employee of an employer who is temporarily deployed by the Commonwealth or provides equipment for the purpose of emergency services activities in response to a mutual aid request by the agency shall be granted immunity under subsection (a), except in cases of willful misconduct, gross negligence, recklessness or bad faith, and shall not be liable for the death or injury to persons or for damage to or loss of property as a result of that activity. No immunity, rights or privileges shall be granted to persons under this subsection unless deployed by the Commonwealth in accordance with subsection (a.2).

(a.2) Deployment by the Commonwealth.--The agency shall promulgate, adopt and enforce rules, regulations, standards, directives and orders as may be deemed necessary to carry out the provisions under subsection (a.1).

(b) Real estate owners.--Any person, organization or authority owning or controlling real estate or other premises, who voluntarily and without compensation, grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of the real estate or premises for any emergency services purpose, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of or injury to or loss or damage to the property of any person who is upon the real estate or other premises for that purpose.

(c) Other benefits unaffected.--This section does not affect the right of any person to receive benefits to which he would otherwise be entitled under this part or under the workmen's compensation laws or under any pension law, nor the right of any person to receive any benefits or compensation under any Federal law.

(July 23, 2020, P.L.670, No.69, eff. imd.)

2020 Amendment. Act 69 amended subsec. (a) and added subsecs. (a.1) and (a.2).

§ 7705. Special powers of local agencies.

(a) Roadway clearance.--Whenever the Governor shall have proclaimed a disaster emergency under section 7301(c) (relating to declaration of disaster emergency), officials of any political subdivision included in the disaster emergency shall have the authority to clear such roadways as are necessary for the health, safety and welfare of residents, even though such roadways are not officially the responsibility of such political subdivision. The political subdivision may be reimbursed for the cost of such clearing as provided in subsection (c).

(b) Water systems.--Whenever the Governor shall have proclaimed a disaster emergency under section 7301(c) and in the event that a water system owned or operated by a political subdivision or municipal authority is damaged, destroyed or made inoperable as a direct result of such disaster emergency, the political subdivision or municipal authority shall have the authority to lease or hire such personnel and equipment as may be needed to effect restoration of such water system. The political subdivision or municipal authority may be reimbursed for the cost of such restoration as provided in subsection (c).

(c) Reimbursement.--(Repealed).

(d) Limitations.--Reimbursements pursuant to subsection (c) shall not be made to the extent that the Commonwealth, a political subdivision or a municipal authority may be eligible for assistance from the Federal Government.

(May 22, 1996, 2nd Sp.Sess., P.L.1761, No.1, eff. imd.; July 17, 2007, P.L.141, No.42, eff. imd.)

2007 Repeal. Act 42 repealed subsec. (c).

§ 7706. Compensation for accidental injury.

(a) Benefits.--All duly enrolled emergency management volunteers, and such other volunteers as the agency shall by regulation qualify, who are not eligible to receive benefits under the Workmen's Compensation Laws shall be entitled, except during a state of war or period of armed conflict within the continental limits of the United States, to the following benefits relating to injuries sustained while actually engaged in emergency management activities and services or in or en route to and from emergency management tests, drills, exercises or operations authorized by the Pennsylvania Emergency Management Agency and carried out in accordance with rules and orders promulgated and adopted by the agency:

(1) A sum of \$20,000 for accidental injury directly causing or leading to death.

(2) A sum not exceeding \$15,000 for reimbursement for medical and hospital expenses associated with accidental injury.

(3) Weekly payments of \$200, not to exceed six months in duration, beginning on the eighth day of disability directly arising from accidental injury rendering the individual totally incapable of following his normal gainful pursuits.

(b) Source of funds.--All benefits hereby authorized shall be paid out of funds appropriated to the agency. Payments shall be made on the basis of claims submitted to the agency through the Department of Labor and Industry in accordance with rules and orders promulgated and adopted by the agency.
(July 13, 1988, P.L.501, No.87, eff. imd.)

1988 Amendment. Act 87 amended subsec. (a).

§ 7707. Penalties.

(a) General rule.--Any person violating any of the plans and programs adopted and promulgated by the Pennsylvania

Emergency Management Council shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding \$200 or imprisonment not exceeding 30 days or both, for the first offense, and a fine not exceeding \$500 or imprisonment not exceeding 90 days or both, for each subsequent offense.

(b) Loss of funds.--Those political subdivisions in violation of section 7501 (relating to general authority of political subdivisions), section 7502 (relating to local coordinator of emergency management), section 7503 (relating to powers and duties of political subdivisions) or section 7504 (relating to coordination, assistance and mutual aid) shall, at the direction of the council, be subject to loss of Federal personnel and administrative funding for the remainder of the fiscal year in which conviction is established. Reinstatement of Federal personnel and administrative funding shall take place the year following approval of remedial action to the violation.

§ 7708. Fire force disbanded in favor of volunteers.

(a) General rule.--No county, city, borough, town or township which has paid employees on its fire force, including, but not limited to, fire apparatus operators, except by referendum, shall disband such fire force in favor of having such services performed by volunteers.

(b) Question.--The following shall apply:

(1) Whenever authorized by ordinance of the governing body or upon petition of the registered voters of any municipality to the county board of electors of the county wherein the municipality is located, an election shall be held in the municipality upon the following question:

Shall the (county, city, borough, town or township) disband the paid fire force in favor of having fire protection services performed by volunteers?

The petition calling for such election shall be in the form required by this section and shall be signed by electors of the municipality comprising 20% of the number of electors registered to vote in the municipality. Within five days after the final enactment of an ordinance authorizing such election, the municipal clerk or secretary shall file a certified copy of the ordinance with the county board of elections, together with a copy of the question to be submitted to the electors. At the next municipal or general or primary election occurring not less than the 13th Tuesday after the filing of the ordinance or the petition with the county election board, it shall cause the question in paragraph (1) to be submitted to the electors of the municipality as other questions are submitted under the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(2) A referendum petition under this section shall be filed not later than the 13th Tuesday prior to the election, and the petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions insofar as such provisions are applicable, except that no petition shall be signed or circulated prior to the 20th Tuesday before the election nor later than the 13th Tuesday before the election.

(3) A city of the third class may conduct a referendum under this section or, at the option of city council, under Article X of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

(Nov. 23, 2010, P.L.1181, No.118, eff. 60 days)

2010 Amendment. Act 118 added section 7708.

Special Provisions in Appendix. See section 7(b.1)(6) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

References in Text. The act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, referred to in subsec. (b)(3), was repealed by the act of November 24, 2015 (P.L.242, No.67). The subject matter is now contained in Part V of Title 11 (Cities).

§ 7709. Fires on State premises.

(a) **General rule.**--When requested by a State officer or a deputy serving as custodian of the premises, a volunteer fire, ambulance and rescue company or any member thereof is authorized to enter Commonwealth-owned premises for the purpose of fighting a fire.

(b) **Free assistance.**--The Attorney General shall provide free legal assistance to any volunteer fire, ambulance and rescue company or member thereof who has entered State lands and premises for the purpose of fighting a fire when such ambulance or rescue company or member thereof is joined as a defendant in any civil action arising out of the performance of his or its duty under this section in fighting a fire after entering State premises on proper request.

(Nov. 23, 2010, P.L.1181, No.118, eff. 60 days)

2010 Amendment. Act 118 added section 7709.

Special Provisions in Appendix. See section 7(b.1)(7) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7710. Firefighters and Auxiliaries Day.

(a) **General rule.**--In recognition of the invaluable services performed by more than 500,000 firefighters and the similar contributions made by their auxiliaries, the Sunday of the week designated by the Governor as Fire Prevention Week shall be Firefighters and their Auxiliaries Day. It is set aside to commemorate the tireless efforts of those dedicated men and women who brave incredible dangers so that all the citizenry can lead fruitful lives without fear of the devastating consequences of fire.

(b) **Proclamation.**--The Governor shall issue a proclamation each year calling upon all Pennsylvanians to commemorate the too often unheralded gallantry and personal sacrifices of firefighters and their auxiliaries and to observe that day with appropriate honors, ceremonies and prayers.

(Nov. 23, 2010, P.L.1181, No.118, eff. 60 days)

2010 Amendment. Act 118 added section 7710.

Special Provisions in Appendix. See section 7(b.1)(10) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7711. Firefighters' Memorial Flag.

(a) **Establishment.**--There is established a Firefighters' Memorial Flag for this Commonwealth.

(b) **Description.**--The flag established in subsection (a) shall be a field of blue with a gold keystone in the center which surrounds a Maltese cross, and, at the bottom of the blue field, in gold capital letters, there is shown the phrase, "Lest We Forget."

(c) **Use of flag.**--The Firefighters' Memorial Flag may be displayed over firefighters' memorials, during firefighter funeral processions and from the poles of any public ground or

political subdivision for a period of not more than seven days after the death of a firefighter and as further directed by the Pennsylvania State Fire Commissioner.

(d) Agency responsibility.--The Pennsylvania Emergency Management Agency, through the Office of the Pennsylvania State Fire Commissioner, shall maintain the official flag and have the responsibility to implement the provisions of this section and oversee the production, acquisition and distribution of the flag.

(e) Limitation.--Authorized utilization of the Firefighters' Memorial Flag by the Commonwealth or an entity thereof shall not constitute a presumption of eligibility nor be permissible as substantiating evidence for claims filed under the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act.

(f) Appropriation.--The moneys necessary for the production, acquisition and distribution of the Firefighters' Memorial Flag in the first year shall be paid from period appropriations from the Pennsylvania Emergency Management Agency's budget as funds are required to support memorializing firefighters in this Commonwealth. Such funds are to be allocated to a segregated account maintained by the State Fire Commissioner.
(Nov. 23, 2010, P.L.1181, No.118, eff. 60 days)

2010 Amendment. Act 118 added section 7711.

Special Provisions in Appendix. See section 7(b.1)(11) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7712. Firefighters' Memorial Sunday.

The Sunday that marks the beginning of Fire Prevention Week of every year shall be designated "Firefighters' Memorial Sunday" to honor paid and volunteer firemen who have died during the previous year, either in the line of duty or of natural causes. If Fire Prevention Week begins on a day other than Sunday, the Sunday that falls within Fire Prevention Week shall be designated Firefighters' Memorial Sunday.

(Nov. 23, 2010, P.L.1181, No.118, eff. 60 days)

2010 Amendment. Act 118 added section 7712.

Special Provisions in Appendix. See section 7(b.1)(12) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7713. Prohibition on certain service.

A person convicted of violating 18 Pa.C.S. § 3301 (relating to arson and related offenses) or any similar offense under Federal or State law shall be prohibited from serving as a firefighter in this Commonwealth and shall be prohibited from being certified as a firefighter under Subchapter F of Chapter 73 (relating to State Fire Commissioner). Proof of nonconviction must consist of either of the following:

(1) An official criminal history record check obtained under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) indicating no arson convictions.

(2) A dated and signed statement by the person swearing to the following:

I have never been convicted of an offense that constitutes the crime of "arson and related offenses" under 18 Pa.C.S. § 3301 or any similar offense under any Federal or State law. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein,

I am subject to penalties prescribed by law, including, but not limited to, a fine of at least \$1,000.

(Nov. 23, 2010, P.L.1181, No.118, eff. 60 days)

2010 Amendment. Act 118 added section 7713.

Special Provisions in Appendix. See section 7(b.1)(15) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7714. Soliciting by first responder organizations.

(a) Soliciting donations.--Notwithstanding 75 Pa.C.S. § 3545 (relating to pedestrians soliciting rides or business), a bona fide, duly constituted first responder organization may solicit donations in accordance with the following:

(1) The solicitation shall only occur at a controlled-intersection approach which contains a stop sign or a traffic signal.

(2) A first responder organization shall first obtain the written approval of the municipality where the solicitation occurs, subject to any conditions imposed in accordance with paragraph (3), and then the written approval of the Department of Transportation for highways under its jurisdiction. The municipality and the Department of Transportation, for highways under its jurisdiction, may base the decision regarding approval or disapproval on public safety or traffic operations issues. Approval may be revoked or modified if concerns are raised due to public safety or traffic operations issues.

(3) The municipality shall be permitted to establish limitations on the solicitation, including, but not limited to, any of the following:

(i) Duration of the solicitation.

(ii) The time of day when solicitation shall occur.

(iii) The number of individuals engaging in solicitation.

(iv) Additional safety precautions, including signage and availability of first aid.

(4) A solicitor on behalf of a first responder organization shall adhere to the following:

(i) The solicitor must have both liability and workers' compensation insurance acceptable to the municipality provided by the organization for which the solicitor is soliciting if the solicitor is a bona fide member of the organization.

(ii) The solicitor must wear a Pennsylvania Department of Transportation-approved traffic safety vest.

(5) Neither the municipality nor the Department of Transportation shall be liable for any damages on account of any injury to a person or property caused by or resulting from solicitations on highways notwithstanding approvals or conditions as provided in this section.

(b) Definitions.--As used in this section, the term "first responder organization" means any of the following which is a nonprofit organization as classified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) and is located in this Commonwealth:

(1) A volunteer fire, rescue or emergency medical services company.

(2) Law enforcement personnel.

(Nov. 4, 2015, P.L.220, No.57, eff. 60 days)

2015 Amendment. Act 57 added section 7714.

CHAPTER 78
GRANTS TO FIRE COMPANIES AND
EMERGENCY MEDICAL SERVICES COMPANIES

Subchapter

- A. Preliminary Provisions
- B. Fire Company Grant Program
- C. Emergency Medical Services Grant Program
- C.1. COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program
- D. Grant Funding Provisions
- E. Emergency Medical Services COVID-19 Recovery Grant Program
- J. Miscellaneous Provisions

Enactment. Chapter 78 was added November 23, 2010, P.L.1181, No.118, effective in 60 days.

Chapter Heading. The heading of Chapter 78 was amended June 30, 2016, P.L.432, No.60, effective immediately.

Special Provisions in Appendix. See section 7(b.1)(14) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Chapter 78 is referred to in section 1408 of Title 4 (Amusements).

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

7801. Scope of chapter.

7802. Definitions.

§ 7801. Scope of chapter.

This chapter relates to grants to fire companies and emergency medical services companies.
(June 29, 2012, P.L.663, No.78, eff. imd.; June 30, 2016, P.L.432, No.60, eff. imd.)

§ 7802. Definitions.

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

"Advanced life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Agency." The Pennsylvania Emergency Management Agency.

"Airport fire company." A fire company that does all of the following:

- (1) Is associated with an airport.
- (2) Has a mutual aid agreement with a neighboring municipality.
- (3) Has responded to at least 15 fire or rescue emergency calls annually to neighboring fire companies as provided in documentation requested by the State Fire Commissioner.

"Basic life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Career emergency medical services." As follows:

(1) A for-profit chartered emergency medical service corporation, association or organization which meets all of the following:

- (i) Is located in this Commonwealth.
- (ii) Is licensed by the Department of Health.
- (iii) Is not associated or affiliated with a hospital, unless recognized in accordance with section 7823(b.1) (relating to award of grants).
- (iv) Is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and advanced life support squads as defined in 28 Pa. Code § 1027.1 (relating to general provisions).

(2) The term shall not include a corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of individuals who are convalescent or nonambulatory and who do not ordinarily require emergency medical treatment while in transit.

"Commissioner." The State Fire Commissioner.

"Emergency medical services company" or **"EMS company."** A career or volunteer emergency medical services company.

"Facility." A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances and rescue vehicles and related equipment and gear. The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

"Fire company." A volunteer fire company, a municipal fire company or a combined volunteer and municipal fire company located in this Commonwealth. The term includes an airport fire company.

"Grant program." The Fire Company Grant Program established in Subchapter B (relating to fire company grant program) or the Emergency Medical Services Grant Program established in Subchapter C (relating to emergency medical services grant program).

"Invalid coach." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Volunteer EMS company." Any nonprofit chartered corporation, association or organization located in this Commonwealth, which is licensed by the Department of Health and is not associated or affiliated with any hospital, unless recognized in accordance with section 7823(b.1) (relating to award of grants), and which is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and advanced life support squads as defined in 28 Pa. Code § 1027.1 (relating to general provisions). The term shall not include any corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection or rescue services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides rescue services as part of the response to fires or vehicle accidents within this Commonwealth. (June 29, 2012, P.L.663, No.78, eff. imd.; June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended the def. of "fire company" and added the def. of "airport fire company."

Cross References. Section 7802 is referred to in sections 7412, 7842 of this title.

SUBCHAPTER B

FIRE COMPANY GRANT PROGRAM

Sec.

- 7811. Establishment.
- 7812. Publication and notice.
- 7813. Award of grants.
- 7814. Consolidation incentive.

Subchapter Heading. The heading of Subchapter B was amended June 29, 2012, P.L.663, No.78, effective immediately.

Special Provisions in Appendix. See section 25 of Act 91 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Subchapter B is referred to in sections 7802, 7831, 7833, 7891 of this title; section 1113 of Title 3 (Agriculture).

§ 7811. Establishment.

The Fire Company Grant Program is established and shall be administered by the commissioner. Grants provided under this program shall be used to improve and enhance the capabilities of fire companies to provide firefighting, ambulance and rescue services.

(June 29, 2012, P.L.663, No.78, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7812. Publication and notice.

The commissioner shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin by August 8 for each fiscal year. The commissioner shall post a notice of the grant program and application for the grant program on the Office of the State Fire Commissioner's publicly accessible Internet website.

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7813. Award of grants.

(a) Authorization.--The commissioner is authorized to make a grant award to each eligible fire company for the following:

(1) Construction and renovation of facilities and purchase or repair of fixtures and furnishings, office equipment and support services necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.

(2) Repair of firefighting, ambulance or rescue equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

- (4) Training and certification of members.
- (5) Education of the general public regarding fire prevention and community risk reduction.
- (6) Recruitment and retention, including, but not limited to, volunteer firefighter length of service award programs and programs for minors.
- (7) Revenue loss for grants issued in 2021 and 2022.

(a.1) Additional uses for paid municipal fire companies.--In addition to the authorized uses under subsection (a), the commissioner may establish additional authorized uses of grant funds for paid municipal fire companies. Additional authorized uses established under this subsection must be published in the Pennsylvania Bulletin and on the commissioner's publicly accessible Internet website.

(a.2) Additional grants.--Each fire company with not more than 20 members who are certified by the National Board on Fire Service Professional Qualifications or by the International Fire Service Accreditation Congress and are verified by the Pennsylvania State Fire Academy at a minimum level of Firefighter 1 on or before July 1 of the year of the grant application shall be eligible to receive additional grants under a certification bonus point system as administered by the commissioner.

(b) Limits.--

(1) Except as provided in paragraph (3), grants shall be not less than \$2,500 and not more than \$20,000 per fire company.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) In a municipality where there are two or more volunteer fire companies and if two or more volunteer fire companies consolidated their use of equipment, firefighters and services within 20 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(4) A fire company may only apply for a grant for up to five years for the purpose under subsection (e).

(5) In a municipality where one volunteer fire company and one EMS company consolidate their use of equipment, personnel and services within 20 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(c) Time for filing application and department action.--

(1) By September 8 of each year, the commissioner shall provide applications and written instructions for grants under this chapter to:

(i) except as set forth in subparagraph (ii), the fire chief and president of every fire company; or

(ii) in the case of a municipal fire company, the chief executive of the municipality.

(2) Fire companies seeking grants under this chapter shall submit completed applications to the commissioner and the municipalities where the fire companies are located. The application period shall remain open for 45 days each year.

The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the commissioner within 60 days after the close of the application period each year shall be deemed approved.

(d) Eligibility.--To receive grant funds under this chapter, a fire company must:

(1) Have actively responded to at least 15 fire or rescue emergencies during the previous calendar year.

(2) Be actively participating in the Pennsylvania Fire Information Reporting System under a signed agreement. The commissioner shall develop and publish guidelines specifying the criteria necessary to determine the level of participation in the Pennsylvania Fire Information Reporting System to remain eligible for grant funds.

(e) Construction Savings Account.--A fire company may apply for a grant under subsection (a) for the purpose of constructing a new facility. The grant shall be deposited into the Construction Savings Account, which is established within the State Treasury. Money in the Construction Savings Account may be withdrawn by application of the fire company. The Construction Savings Account shall be administered by the commissioner. The following shall apply:

(1) A fire company may only access money in the Construction Savings Account for emergency purposes and at the discretion of the commissioner.

(2) For a fire company to withdraw money from the Construction Savings Account:

(i) The application shall contain the signatures of two duly elected officers of the fire company.

(ii) The fire company shall indicate on the application how the money is going to be used under subsection (a).

(3) Any interest accrued on the Construction Savings Account may be used by the commissioner for administrative purposes.

(June 29, 2012, P.L.663, No.78, eff. imd.; June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Nov. 3, 2022, P.L.1674, No.104)

2022 Amendment. Act 104 amended subsec. (b)(1) and (3) and added subsec. (b)(5). Section 10 of Act 104 provided that the amendment of subsec. (b)(3) shall take effect in 60 days and immediately as to the remainder of the section.

2020 Amendment. Act 91 amended subsecs. (a), (c) and (d) and added subsecs. (b)(4) and (e).

Cross References. Section 7813 is referred to in sections 7385.1, 7385.2, 7827.3, 7894, 7895 of this title.

§ 7814. Consolidation incentive.

If two or more volunteer fire companies consolidate their use of facilities, equipment, firefighters and services, the consolidated entity may, upon notification of the commissioner, be eligible for a reduction of the interest rate payable on any outstanding principal balance owed, as of the date of consolidation, by any or all of the consolidating companies to the Fire and Emergency Medical Services Loan Fund for loans made under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or under Subchapter E of Chapter 73 (relating to Fire and Emergency Medical Services Loan Program). The reduction in the interest rate payable shall be from 2% to

1%. Upon receipt of such notification, the commissioner shall determine and verify that the consolidated entity is in fact a bona fide consolidated volunteer fire company. If the commissioner determines that the consolidated entity is a bona fide consolidated volunteer fire company, the commissioner shall reduce the interest rate payable on any outstanding principal balance owed to the Fire and Emergency Medical Services Loan Fund for loans made under the former Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or under Subchapter E of Chapter 73, for which the consolidating companies or the consolidated entity may be individually or jointly responsible. The commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.
(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

References in Text. The act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, referred to in this section, was repealed by the act of November 23, 2010 (P.L.1181, No.118). The subject matter is now contained in Chapter 78 of this title.

SUBCHAPTER C

EMERGENCY MEDICAL SERVICES GRANT PROGRAM

Sec.

- 7821. Establishment.
- 7822. Publication and notice.
- 7823. Award of grants.
- 7824. Consolidation incentive.

Subchapter Heading. The heading of Subchapter C was amended June 30, 2016, P.L.432, No.60, effective immediately.

Special Provisions in Appendix. See section 25 of Act 91 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Subchapter C is referred to in sections 7802, 7832, 7833, 7891 of this title; section 1113 of Title 3 (Agriculture).

§ 7821. Establishment.

The Emergency Medical Services Grant Program is established and shall be administered by the commissioner. Grants provided under this program shall be used to improve and enhance the capabilities of EMS to provide ambulance, emergency medical, basic life support and advanced life support services.

(June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7822. Publication and notice.

The commissioner shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin by August 8 for each fiscal year.

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7823. Award of grants.

(a) **Authorization.**--The commissioner is authorized to make a grant award to each eligible EMS company for the following:

- (1) Construction and renovation of the EMS company's facilities and purchase or repair of fixtures, furnishings, office equipment and support services necessary to maintain

or improve the capability of the services to provide ambulance, emergency medical, basic life support and advanced life support services.

- (2) Repair of ambulance equipment or purchase thereof.
- (3) Debt reduction associated with paragraph (1) or (2).
- (4) Training and certification of members.
- (5) Education of the general public regarding community risk reduction programs.
- (6) Recruitment and retention programs, including, but not limited to, programs for minors.
- (7) Revenue loss for grants issued in 2021 and 2022.

(b) Limits.--

(1) Grants shall be not less than \$2,500 and not more than \$15,000 per EMS company.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) If two or more EMS companies consolidated their use of equipment, personnel and services within 20 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(4) In a municipality where one volunteer fire company and one EMS company consolidate their use of equipment, personnel and services within 20 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(b.1) Eligibility.--To receive grant funds under this chapter, an EMS company must be designated by a municipality as the municipality's primary EMS provider.

(c) Time for filing application and department action.--

(1) By September 8 of each year, the commissioner shall provide applications and written instructions for grants under this chapter to the president or lead officer of every EMS company in this Commonwealth.

(2) EMS companies seeking grants under this chapter shall submit completed applications to the commissioner. The application period shall remain open for 45 days each year. The commissioner shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the commissioner within 60 days after the close of the application period each year shall be deemed approved.

(June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Nov. 3, 2022, P.L.1674, No.104)

2022 Amendment. Act 104 amended subsec. (b)(1) and (3) and added subsec. (b)(4). Section 10 of Act 104 provided that the amendment of subsec. (b)(3) shall take effect in 60 days and immediately as to the remainder of the section.

2020 Amendment. Act 91 amended subsecs. (a) and (c).

Cross References. Section 7823 is referred to in sections 7802, 7827.3, 7842, 7894 of this title.

§ 7824. Consolidation incentive.

After January 1, 2020, if two or more emergency medical services companies consolidate their use of facilities, equipment and services, the consolidated entity may, upon notification of the commissioner, be eligible for a reduction of the interest rate payable on any outstanding principal balance owed, as of the date of consolidation, by any or all of the consolidating companies to the Fire and Emergency Medical Services Loan Fund for loans made under Subchapter E of Chapter 73 (relating to Fire and Emergency Medical Services Loan Program). The reduction in the interest rate payable shall be from 2% to 1%. Upon receipt of such notification, the commissioner shall determine and verify that the consolidated entity is in fact a bona fide consolidated emergency medical services company. If the commissioner determines that the consolidated entity is a bona fide consolidated emergency medical services company, the commissioner shall reduce the interest rate payable on any outstanding principal balance owed to the Fire and Emergency Medical Services Loan Fund for loans made under Subchapter E of Chapter 73, for which the consolidating companies or the consolidated entity may be individually or jointly responsible. The commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.
(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 added section 7824.

SUBCHAPTER C.1

COVID-19 CRISIS FIRE COMPANY AND EMERGENCY MEDICAL SERVICES GRANT PROGRAM

Sec.

7827.1. Establishment.

7827.2. Publication and notice.

7827.3. Award of grants.

Enactment. Subchapter C.1 was added May 29, 2020, P.L.207, No.26, effective immediately.

Cross References. Subchapter C.1 is referred to in sections 7832.2, 7892 of this title.

§ 7827.1. Establishment.

The COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program is established and shall be administered by the agency. Grants provided under the program shall be used by fire companies and EMS companies to provide services during the novel coronavirus pandemic as identified in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.
(Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7823.1 to present section 7827.1.

§ 7827.2. Publication and notice.

The agency shall transmit notice of the COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program availability to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin within 30 days of the effective date of this section.
(Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7823.2 to present section 7827.2.

§ 7827.3. Award of grants.

(a) Authorization.--The agency shall make a grant award from the COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program to:

(1) Each eligible fire company that received a grant award in fiscal year 2019-2020 under section 7813 (relating to award of grants) for the purposes under section 7813(a) and (a.1).

(2) A fire company that did not apply for or receive a grant award in fiscal year 2019-2020 under section 7813 and that applies for a grant under this subchapter for the purposes under section 7813(a) and (a.1).

(3) Each eligible EMS company that received a grant award in fiscal year 2019-2020 under section 7823 (relating to award of grants) for the purposes under section 7823(a).

(4) An EMS company that did not apply for or receive a grant award in fiscal year 2019-2020 under section 7823 and that applies for a grant under this subchapter for the purposes under section 7823(a).

(b) Amount of award.--The amount of the grant award under this subchapter shall be the same amount of the grant award for fiscal year 2019-2020 to:

(1) An eligible fire company under section 7813.

(2) An eligible EMS company under section 7823.

(c) Application not required.--

(1) Except as otherwise provided in paragraph (2), no additional application shall be required for a grant under this subchapter.

(2) A fire company under subsection (a)(2) and an EMS company under subsection (a)(4) must file an application for a grant under this subchapter.

(Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7823.3 to present section 7827.3.

SUBCHAPTER D
GRANT FUNDING PROVISIONS

Sec.

7831. Fire Company Grant Program.

7832. Emergency Medical Services Company Grant Program.

7832.1. Additional funding.

7832.2. COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program.

7833. Allocation of appropriated funds.

§ 7831. Fire Company Grant Program.

The sum of \$22,000,000 of the amount appropriated to the commissioner for fire company grants under section 1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall be expended for the purpose of making grants to eligible fire companies under Subchapter B (relating to fire company grant program).

(June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7832. Emergency Medical Services Company Grant Program.

The sum of \$3,000,000 of the amount appropriated to the commissioner for EMS company grants under section 1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal

Code, shall be expended for the purpose of making grants to eligible EMS companies under Subchapter C (relating to emergency medical services grant program).

(June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7832.1. Additional funding.

In addition to sums transferred from the State Gaming Fund and under section 2413(a)(1) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$5,000,000 shall be transferred annually from the Property Tax Relief Reserve Fund to the Fire Company Grant Program for the purpose of making grants to eligible fire companies under this subchapter.

(June 29, 2012, P.L.663, No.78, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

§ 7832.2. COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program.

The following shall apply to any appropriation from money received by the Commonwealth under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281) for purposes of making grants under Subchapter C.1 (relating to COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program):

(1) The sum of \$44,000,000 of the amount appropriated shall be expended for the purpose of making grants to eligible fire companies.

(2) The sum of \$6,000,000 of the amount appropriated shall be expended for the purpose of making grants to eligible EMS companies.

(3) Notwithstanding paragraphs (1) and (2), the agency may use up to \$200,000 of unencumbered funds from the amount appropriated for administrative costs for the implementation of Subchapter C.1.

(May 29, 2020, P.L.207, No.26, eff. imd.)

2020 Amendment. Act 26 added section 7832.2.

§ 7833. Allocation of appropriated funds.

(a) Administration.--

(1) Except as provided under paragraph (2), no money from the appropriation for grants shall be used for expenses or costs incurred by the commissioner for the administration of the grant programs authorized under Subchapters B (relating to fire company grant program) and C (relating to emergency medical services grant program).

(2) Notwithstanding paragraph (1), the commissioner may use not more than \$800,000 of any unencumbered funds remaining in the fund for administrative costs for grant program implementation under this chapter.

(b) Grant allocation.--Unless otherwise expressly stated, money appropriated to the commissioner for purposes of fire company and EMS company grants shall be allocated as follows:

(1) Eighty-eight percent of the amount appropriated shall be used for making grants to eligible fire companies under Subchapter B.

(2) Twelve percent of the amount appropriated shall be used for making grants to eligible EMS companies under Subchapter C.

(June 29, 2012, P.L.663, No.78, eff. imd.; June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

SUBCHAPTER E
EMERGENCY MEDICAL SERVICES
COVID-19 RECOVERY GRANT PROGRAM

Sec.

- 7841. Establishment.
- 7842. Award of grants.
- 7843. Funding and costs.
- 7844. Report.

Enactment. Subchapter E was added February 10, 2022, P.L.41, No.10, effective immediately. Former Subchapter E was relettered J February 10, 2022, P.L.41, No.10, effective immediately.

Cross References. Subchapter E is referred to in section 7893 of this title.

§ 7841. Establishment.

The Emergency Medical Services COVID-19 Recovery Grant Program is established and shall be administered by the Office of the State Fire Commissioner in consultation with the Department of Health. Grants provided under the Emergency Medical Services COVID-19 Recovery Grant Program shall be used by EMS companies to provide services in response to the novel coronavirus pandemic.

2022 Amendment. Act 10 renumbered former section 7841 to 7891 and added present section 7841.

§ 7842. Award of grants.

(a) Application not required.--No application shall be required to receive a grant under this subchapter.

(b) Notification.--The Office of the State Fire Commissioner shall notify in writing each EMS company, as defined under section 7802 (relating to definitions), of the availability of grants from the Emergency Medical Services COVID-19 Recovery Grant Program for the purposes under section 7823(a) (relating to award of grants).

(c) Certification.--The Office of the State Fire Commissioner shall include with the written notification under subsection (b) a form for each eligible EMS company to certify that a grant received under this subchapter shall be used for the purposes under section 7823(a) and provide a deadline by which an EMS company must return the certification form.

(d) Amount.--Grants shall be awarded under this subchapter in an amount equal to the total amount of funds appropriated under section 7843 (relating to funding and costs) less the amount used under section 7843(b) divided by the total number of EMS companies that returned the certification under subsection (c).

(e) Report.--No later than July 30, 2022, each EMS company receiving a grant award under this subchapter shall report to the Office of the State Fire Commissioner how it will use the grant money awarded under subsection (d).

2022 Amendment. Act 10 renumbered former section 7842 to 7894 and added present section 7842.

§ 7843. Funding and costs.

(a) Appropriation.--The sum of \$25,000,000 of Federal funds in the COVID-19 Response Restricted Account is appropriated to the Pennsylvania Emergency Management Agency for the Emergency Medical Services COVID-19 Recovery Grant Program under this subchapter. The provisions of section 111-C(g) of the act of

April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall not apply to the amount appropriated under this section.

(b) Administrative costs.--The Office of the State Fire Commissioner may use up to \$200,000 of unencumbered funds from the amount appropriated under subsection (a) for administrative costs for the implementation of this subchapter.

2022 Amendment. Act 10 renumbered former section 7843 to 7895 and added present section 7843.

Cross References. Section 7843 is referred to in section 7842 of this title.

§ 7844. Report.

(a) Contents.--The commissioner shall prepare a report on the Emergency Medical Services COVID-19 Recovery Grant Program. The report shall include all of the following information:

(1) The total number of EMS companies that were notified of the grant program.

(2) The total number of EMS companies that submitted a certification for the grant program.

(3) The total number of EMS companies that received a grant.

(4) The total amount of the grant received by each EMS company.

(5) A summary of how each EMS company will use the grant money awarded under the program.

(b) Submission.--The commissioner shall submit the report by September 1, 2022, to all of the following:

(1) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(2) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) The chair and minority chair of the Appropriations Committee of the Senate.

(4) The chair and minority chair of the Appropriations Committee of the House of Representatives.

(c) Posting.--The commissioner shall post the annual report on the Office of the State Fire Commissioner's publicly accessible Internet website.

SUBCHAPTER J

MISCELLANEOUS PROVISIONS

Sec.

7891. Expiration of authority.

7892. Expiration of authority relating to COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program.

7893. Expiration of authority relating to Emergency Medical Services COVID-19 Recovery Grant Program.

7894. Special provisions.

7895. Annual reports.

Subchapter Heading. Subchapter J was relettered from former Subchapter E February 10, 2022, P.L.41, No.10, effective immediately.

§ 7891. Expiration of authority.

The authority of the commissioner to award grants under Subchapters B (relating to fire company grant program) and C (relating to emergency medical services grant program) shall expire June 30, 2024.

(June 29, 2012, P.L.663, No.78, eff. imd.; June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. imd.; Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7841 to present section 7891.

§ 7892. Expiration of authority relating to COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program.

The authority of the agency to award grants under Subchapter C.1 (relating to COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program) shall expire six months after the effective date of this section.

(May 29, 2020, P.L.207, No.26, eff. imd.; Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7841.1 to present section 7892.

§ 7893. Expiration of authority relating to Emergency Medical Services COVID-19 Recovery Grant Program.

The authority of the Office of the State Fire Commissioner to award grants under Subchapter E (relating to Emergency Medical Services COVID-19 Recovery Grant Program) shall expire June 30, 2022.

(Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 added section 7893.

§ 7894. Special provisions.

(a) **Claim.**--An applicant for a grant under this chapter who failed to return a signed agreement for the preceding year shall not be permitted to apply for a grant in the current year unless the applicant has provided the commissioner with a reasonable written explanation as to why it did not claim its grant.

(b) **Delinquency.**--An applicant for a grant under this chapter who is delinquent in loan payments to the Pennsylvania Fire and Emergency Medical Services Loan Program must use its grant funds to pay any arrears to the Commonwealth or it will not be qualified to receive a grant. Any organization that fails to comply with this subsection shall be disqualified from applying to the grant program for a period of five years.

(c) **Demonstration.**--An applicant for a grant under this chapter must demonstrate that it complied with all of the terms of its grant agreement in the previous year regarding the use of the grant money it received in previous years or it shall not be eligible to receive a grant in the current year.

(d) **Approval.**--An applicant shall not be approved for a grant to be used for purposes other than those stated in section 7813(a) (relating to award of grants) or 7823(a) (relating to award of grants).

(June 30, 2016, P.L.432, No.60, eff. imd.; Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7842 to present section 7894.

§ 7895. Annual reports.

(a) **Contents.**--The commissioner shall prepare an annual report on the Fire Company Grant Program and Emergency Medical Services Grant Program. The annual report shall include all of the following information:

(1) The total number of fire companies and EMS companies that were notified of the grant programs.

(2) The total number of fire companies and EMS companies that submitted applications for the grant programs.

(3) The total number of fire companies and EMS companies that were approved for grants.

(4) An analysis of how the grants were used for facilities, equipment, debt reduction, training and certification, the education of the general public, construction savings accounts and recruitment and retention, including length of service award programs, as delineated by county and municipality.

(5) A list of the fire companies as delineated by county that received additional grants under section 7813(a.2) (relating to award of grants).

(6) A list of the different entities that received grants, including municipal fire companies, volunteer fire companies, municipal emergency medical services companies and volunteer EMS companies.

(7) A list of the different reasons why grants were not issued to fire companies and EMS companies, including, but not limited to, the following:

(i) Failure to submit applications for the grant programs.

(ii) Failure to run calls for emergencies.

(iii) Delinquencies and bankruptcies.

(8) A list of the fire companies and EMS companies that utilized the grants to pay off loans under the Pennsylvania Fire and Emergency Medical Services Loan Program.

(b) Submission.--The commissioner shall submit the annual report by October 1, 2020, and by October 1 of each year thereafter, to all of the following:

(1) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(2) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(c) Posting.--The commissioner shall post the annual report on the Office of the State Fire Commissioner's publicly accessible Internet website.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Feb. 10, 2022, P.L.41, No.10, eff. imd.)

2022 Amendment. Act 10 renumbered former section 7843 to present section 7895.

CHAPTER 79

DISASTER EMERGENCY ASSISTANCE

Subchapter

- A. Preliminary Provisions
- B. Public Disaster Assistance Grant Program
- C. Miscellaneous Provisions

Enactment. Chapter 79 was added October 27, 2014, P.L.2899, No.187, effective immediately.

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

7901. Short title of chapter.

7902. Legislative purpose.

7903. Definitions.

7904. Construction.

§ 7901. Short title of chapter.

This chapter shall be known and may be cited as the Disaster Emergency Assistance Act.

§ 7902. Legislative purpose.

It is the purpose of this chapter to create a program to provide assistance to political subdivisions and municipal authorities directly affected by natural and man-made disasters. Assistance will be limited to grants for projects that do not qualify for Federal assistance to help repair damages to public facilities. Grants will be made available by the agency in a disaster emergency area only when a Presidential disaster declaration is not covering the area.

§ 7903. Definitions.

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

"Adjusted loss." The difference between:

- (1) eligible loss; and
- (2) covered loss.

"Agency." The Pennsylvania Emergency Management Agency.

"Covered loss." An amount received by or due the recipient from private insurance and Federal grants and loans, including applicable State matching funds, related to an eligible loss. The term does not include an insurance deductible paid by the recipient.

"Disaster emergency area." An area included under a declaration of disaster emergency issued by the Governor under section 7301 (relating to general authority of Governor).

"Eligible loss." Damage to a public facility caused by a natural or man-made disaster in a disaster emergency area.

"Man-made disaster." Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, including oil spills and other environmental contamination, which threatens or causes substantial damage to property, individuals, loss of life or other hardships.

"Natural disaster." Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe not resulting from a man-made cause which threatens or causes substantial damage to property or individuals, possible loss of life or other hardships.

"Program." The Public Disaster Assistance Grant Program established under Subchapter B (relating to Public Disaster Assistance Grant Program).

"Public facility." Any facility which is owned, operated or maintained by a political subdivision or municipal authority of this Commonwealth. The term shall include:

- (1) buildings and equipment;
- (2) bridges, roads, highways and public ways;
- (3) parks and recreational facilities;
- (4) power generation and distribution facilities, including natural gas systems, wind turbines, generators, substations and power lines;

- (5) sanitary sewer systems and wastewater treatment facilities;
- (6) drainage and flood control facilities;
- (7) water treatment, water storage and water distribution facilities; and
- (8) any other improvement or infrastructure.

§ 7904. Construction.

Grants shall be made to political subdivisions or municipal authorities in a disaster emergency area for which no Presidential disaster declaration has been issued.

SUBCHAPTER B

PUBLIC DISASTER ASSISTANCE GRANT PROGRAM

Sec.

- 7921. Establishment.
- 7922. Eligibility.
- 7923. Application for and issuance of grant.
- 7924. Grant funds.
- 7925. Use of grant funds.
- 7926. Limitations.

Cross References. Subchapter B is referred to in section 7903 of this title.

§ 7921. Establishment.

The Public Disaster Assistance Grant Program is established within the agency to provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority.

§ 7922. Eligibility.

To be eligible for a grant under this subchapter, a political subdivision or municipal authority must suffer eligible loss which is not covered by insurance.

§ 7923. Application for and issuance of grant.

(a) Application.--The procedure for applying for a grant under this subchapter shall be as follows:

(1) A political subdivision or municipal authority must apply for a grant on a form furnished by the agency, setting forth the facts establishing eligibility and certifying that if approved all funds received will be used for purposes approved by the agency. An application under this paragraph is subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The application must be submitted within 60 days following the declaration of a disaster emergency.

(2) The agency shall investigate the application to determine eligibility.

(3) Within 30 days of receipt of the application, the agency shall make an eligibility determination. An eligibility determination under this paragraph is a final order of the agency subject to review under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) Issuance.--For each political subdivision or municipal authority determined to be eligible under subsection (a)(3), the agency shall verify the adjusted loss. The maximum grant allowed under the program is 50% of the adjusted loss.

§ 7924. Grant funds.

Grants under this subchapter shall be made from funds appropriated by the General Assembly for the program and from other Federal or State funds the agency may receive for the program. The agency may use up to 3% of available program funds for the administration of the program.

§ 7925. Use of grant funds.

Grant funds issued under the program may be used to assist in the repair or replacement of public facilities due to disaster-related damages. Funds may also be used for disaster-related debris removal or to demolish a public facility if the facility was made unsafe by the disaster.

§ 7926. Limitations.

No grant under this subchapter shall be for an amount in excess of 25% of available program funds. If the amount of approved grant applications exceeds available program funds, grants shall be awarded on a pro rata basis.

SUBCHAPTER C
MISCELLANEOUS PROVISIONS

Sec.

7931. Powers and duties of agency.

§ 7931. Powers and duties of agency.

The agency shall have the following duties and responsibilities:

- (1) Administer this chapter.
- (2) Promulgate any regulations necessary to implement and administer this chapter which include:
 - (i) Development of additional procedures or requirements for the submission of grant applications.
 - (ii) Development of procedures to verify adjusted loss.
 - (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority.
 - (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.

CHAPTER 79A
INCENTIVES FOR MUNICIPAL VOLUNTEERS OF FIRE COMPANIES AND
NONPROFIT EMERGENCY MEDICAL SERVICES AGENCIES

Subchapter

- A. Preliminary Provisions
- B. Tax Credits
- C. Volunteer Service Credit
- D. Miscellaneous Provisions

Enactment. Chapter 79A was added November 21, 2016, P.L.1509, No.172, effective in 60 days.

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

- 79A01. Scope of chapter.
79A02. Purpose.
79A03. Definitions.

§ 79A01. Scope of chapter.

This chapter relates to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies.

§ 79A02. Purpose.

The purpose of this chapter is to authorize municipalities to enact a tax credit against an active volunteer's tax liability as a financial incentive to:

(1) Acknowledge the value and the absence of any public cost for volunteer fire protection and nonprofit emergency medical services provided by active volunteers.

(2) Encourage individuals to volunteer or for former volunteers to consider rejoining as active volunteers in a volunteer fire company or nonprofit emergency medical services agency.

§ 79A03. Definitions.

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

"Active volunteer." A volunteer for a volunteer fire company or nonprofit emergency medical services agency who has complied with the requirements of the volunteer service credit program and who is certified under section 79A23 (relating to certification).

"Commissioner." The State Fire Commissioner of the Commonwealth.

"Earned income tax." A tax on earned income and net profits levied under Chapter 3 of the Local Tax Enabling Act.

"Governing body." A governing body of a county, city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, governing body of a school district, governing council of a home rule municipality or optional plan municipality or a governing council of any similar purpose government which may be created by statute after the effective date of this section and which has adopted a tax credit under this chapter.

"Individual." A volunteer.

"Local Tax Enabling Act." The act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

"Municipality." Any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality, similar general purpose unit of government which may be created or authorized by statute or any school district.

"Nonprofit emergency medical services agency." An emergency medical services agency as defined in section 8103 (relating to definitions) and chartered as a nonprofit corporation.

"Tax credit." The tax credit granted under section 79A11 (relating to program authorization) or 79A13 (relating to real property tax credit).

"Volunteer." A member of a volunteer fire company or a nonprofit emergency medical services agency.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides fire protection services and may offer other voluntary emergency services within this Commonwealth.

"Volunteer service credit program." The program established under section 79A21 (relating to volunteer service credit program) to determine the active status of a volunteer. (Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended the defs. of "governing body" and "municipality."

SUBCHAPTER B

TAX CREDITS

Sec.

- 79A11. Program authorization.
- 79A12. Claim.
- 79A13. Real property tax credit.
- 79A14. Limitations.

§ 79A11. Program authorization.

(a) Establishment.--A municipality that levies an earned income tax may establish by ordinance or resolution a tax credit against an individual's liability imposed under Chapter 3 of the Local Tax Enabling Act for active service as a volunteer.

(b) Amount.--A municipality shall set forth in the ordinance or resolution the total amount of the tax credit that will be offered to an individual. If an individual's earned income tax liability is less than the amount of the tax credit offered, the individual's tax credit must equal the individual's tax liability.

(c) Public notice.--At least 30 days prior to adoption of the ordinance or resolution, the governing body shall give public notice of its intent to adopt an ordinance or resolution to establish a tax credit and conduct at least one public hearing on the issue.

(d) Specific notice.--A municipality that establishes a tax credit under this chapter shall notify the commissioner in the manner prescribed by the commissioner.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 amended subsecs. (a) and (b).

Cross References. Section 79A11 is referred to in section 79A03 of this title.

§ 79A12. Claim.

(a) Eligibility.--An individual who satisfies all of the following criteria may claim a tax credit established under this chapter:

(1) The individual is subject to a tax of a municipality that has established a tax credit under this chapter.

(2) The individual is certified under section 79A23 (relating to certification).

(b) Return.--An active volunteer may claim a tax credit provided for under this chapter when filing a joint return. The tax return form shall provide a mechanism for separating the liability of an individual for any earned income tax imposed by the school district of residence from the liability of an individual for any earned income tax imposed by the municipality.

§ 79A13. Real property tax credit.

The governing body of a municipality may provide, by ordinance or resolution, for a tax credit against real property tax to be granted to an active volunteer. The tax credit shall apply to tax levied on residential real property owned and occupied by an active volunteer who is certified under section 79A23 (relating to certification). The amount of the tax credit authorized by an ordinance or resolution may not exceed 100% of the tax liability of the active volunteer.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

Cross References. Section 79A13 is referred to in section 79A03 of this title.

§ 79A14. Limitations.

A tax credit established under this chapter may be used against the active volunteer's tax liability for the current taxable year and every year thereafter. The tax credit established under this chapter shall remain in effect until the governing body of the municipality repeals the tax credit.

SUBCHAPTER C
VOLUNTEER SERVICE CREDIT

Sec.

79A21. Volunteer service credit program.

79A22. Service record.

79A23. Certification.

79A24. Rejection and appeal.

Cross References. Subchapter C is referred to in section 79A32 of this title.

§ 79A21. Volunteer service credit program.

(a) **Establishment.**--The governing body may establish a volunteer service credit program that establishes the annual requirements for the certification of a volunteer in active service at a volunteer fire company or a nonprofit emergency medical services agency.

(b) **Activities.**--The volunteer service credit program shall consider the following activities in determining credit toward a certification of active service:

(1) The number of emergency calls to which a volunteer responds.

(2) The level of training and participation in formal training and drills for a volunteer.

(3) The total amount of time expended by a volunteer on administrative and other support services, including fundraising and facility or equipment maintenance.

(4) The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company or a nonprofit emergency medical services agency.

(c) **Guidelines.**--The governing body shall, with the advice of the chief of a volunteer fire company and the supervisor or chief of a nonprofit emergency medical services agency or their designees, adopt guidelines, including forms and applications, necessary to implement this section.

(d) **Eligibility list.**--A notarized list of eligible active volunteers shall be submitted to the governing body, no later than 45 days before tax notices are to be distributed, by the following:

(1) The chief of a volunteer fire company, where applicable.

(2) The supervisor or chief of a nonprofit emergency medical services agency, where applicable.

Cross References. Section 79A21 is referred to in section 79A03 of this title.

§ 79A22. Service record.

(a) **Log.**--The chief of a volunteer fire company or the supervisor or chief of a nonprofit emergency medical services agency or their designees shall establish and maintain a service log that documents the activities of each volunteer that qualify

for credit toward active service under the volunteer service credit program and the calculation of the total credits earned for each volunteer in the volunteer fire company or nonprofit emergency medical services agency.

(b) Review.--Service logs established and maintained by volunteer fire companies or nonprofit emergency medical services agencies shall be subject to periodic review by the commissioner, the Auditor General, the governing body where the volunteer fire company or nonprofit emergency medical services agency is located and the governing body where the volunteer fire company or nonprofit emergency medical services agency provides services.

§ 79A23. Certification.

(a) Self-certification.--The active volunteer shall sign and submit an application for certification to the chief of the volunteer fire company or the supervisor or chief of the nonprofit emergency medical services agency where the volunteer serves.

(b) Injured volunteer.--An active volunteer who was injured during a response to an emergency call and can no longer serve as an active volunteer because of the injury and who would otherwise be eligible for a tax credit shall be eligible for the tax credit for the succeeding five tax years.

(c) Local sign-off.--The chief and another officer of the volunteer fire company and the supervisor or chief and another officer of the nonprofit emergency medical services agency shall sign the application attesting to the individual's status as an active volunteer or that the individual can no longer serve as an active volunteer due to injury. The application shall then be forwarded to the municipality, as appropriate, for final review and processing.

Cross References. Section 79A23 is referred to in sections 79A03, 79A12, 79A13 of this title.

§ 79A24. Rejection and appeal.

(a) General rule.--A governing body that establishes a tax credit under this chapter shall adopt, by ordinance or resolution, a process for rejecting a claim by an active volunteer who does not satisfy all of the criteria established under this chapter for each type of tax credit provided under this chapter.

(b) Appeal.--An active volunteer shall have the right to appeal a claim that has been rejected by a governing body. The governing body shall establish, by ordinance or resolution, the procedure by which a rejected claim can be appealed.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days; Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2022 Amendment. Act 104 amended subsec. (a).

2020 Amendment. Act 91 amended subsec. (b).

Cross References. Section 79A24 is referred to in section 79A32 of this title.

SUBCHAPTER D
MISCELLANEOUS PROVISIONS

Sec.

79A31. Penalties for false reporting.

79A32. Intergovernmental cooperation.

79A33. Duties of State Fire Commissioner.

§ 79A31. Penalties for false reporting.

The following shall apply:

(1) Any person who knowingly makes or conspires to make a false service record report under this chapter commits a misdemeanor of the first degree punishable by a fine of \$2,500.

(2) Any person who knowingly provides or conspires to provide false information that is used to compile a service record report under this chapter commits a misdemeanor of the first degree punishable by a fine of \$2,500.

§ 79A32. Intergovernmental cooperation.

A council of governments, consortium or other similar entity of which the municipality is a member may provide for the joint creation and administration of a volunteer service credit program and tax credits adopted by its members. A governing body may, by ordinance or resolution, delegate to the entity its powers and duties under Subchapter C (relating to volunteer service credit), including the process of rejecting and appealing claims under section 79A24 (relating to rejection and appeal).

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 added section 79A32.

§ 79A33. Duties of State Fire Commissioner.

The State Fire Commissioner shall:

(1) Establish guidelines for municipalities, volunteer fire companies and nonprofit EMS agencies regarding the tax credit and post the guidelines online.

(2) Require municipalities and entities under this section to notify the State Fire Commissioner of the adoption of a tax credit.

(3) Provide an annual report on the tax credit authorized under this chapter to the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives which shall include:

(i) Each municipality that provides the tax credit.

(ii) The amount of the tax credit.

(Oct. 29, 2020, P.L.739, No.91, eff. 60 days)

2020 Amendment. Act 91 added section 79A33.

CHAPTER 79B

TUITION AND LOAN ASSISTANCE FOR ACTIVE VOLUNTEERS

Subchapter

A. Preliminary Provisions

B. Active Volunteer Tuition and Loan Assistance Program

Enactment. Chapter 79B was added November 3, 2022, P.L.1674, No.104, effective immediately.

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

79B01. Definitions.

§ 79B01. Definitions.

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

"Active volunteer." A volunteer for a volunteer organization who satisfies the eligibility criteria under section 79B12(a) (relating to eligibility), receives a certificate of eligibility and complies with the requirements of the program.

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Approved institution of higher learning." An educational institution offering a postsecondary program of education located in this Commonwealth and approved by the agency.

"Approved program of education." A degree-granting or certificate-granting curriculum, course of study or training program required for entrance into a specific career to be pursued on a full-time or part-time basis or its equivalent as determined by the agency, at an approved institution of higher learning.

"Certificate of eligibility." A certificate issued by the agency under section 79B12(b) that certifies that an active volunteer satisfies the eligibility criteria under section 79B12(a).

"Emergency medical services agency." As defined in section 8103 (relating to definitions).

"Fund." The Active Volunteer Tuition and Loan Assistance Program Fund established under section 79B21(a) (relating to Active Volunteer Tuition and Loan Assistance Program Fund).

"Program." The Active Volunteer Tuition and Loan Assistance Program established under section 79B11 (relating to establishment).

"Qualified applicant." An active volunteer who qualifies for tuition or loan assistance under Subchapter B (relating to Active Volunteer Tuition and Loan Assistance Program).

"Tuition or loan assistance." Reimbursement provided by the agency for tuition or loans under the program or in a form of loan forgiveness.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides fire protection services and may offer other voluntary emergency services within this Commonwealth.

"Volunteer organization." A volunteer fire company or emergency medical services agency.

SUBCHAPTER B

ACTIVE VOLUNTEER TUITION AND LOAN ASSISTANCE PROGRAM

Sec.

- 79B11. Establishment.
- 79B12. Eligibility.
- 79B13. Tuition or loan assistance.
- 79B14. Promissory note.
- 79B15. Amount of tuition or loan payments.
- 79B16. Limitation on tuition or loan assistance.
- 79B17. Recoupment of tuition or loan assistance payments.
- 79B18. Service records.
- 79B19. Verification of active volunteer status.
- 79B20. Administrative costs.
- 79B21. Active Volunteer Tuition and Loan Assistance Program Fund.
- 79B22. Regulations.

Cross References. Subchapter B is referred to in section 79B01 of this title.

§ 79B11. Establishment.

The Active Volunteer Tuition and Loan Assistance Program is established within the agency to provide tuition or loan assistance to active volunteers with volunteer organizations who are students at approved institutions of higher learning.

Cross References. Section 79B11 is referred to in section 79B01 of this title.

§ 79B12. Eligibility.

(a) Criteria.--Upon submitting an application to participate in the program in accordance with the agency's regulations, rules or guidelines under section 79B22 (relating to regulations), an individual shall be eligible to receive tuition or loan assistance if the individual satisfies all of the following eligibility criteria:

- (1) Is a resident of this Commonwealth.
- (2) Is an active volunteer.
- (3) Has participated in not less than 30% or, if the individual was enrolled as a student in a high school or in an approved program of education at an approved institution of higher learning within the one-year period before the individual submitted an application to the agency for tuition or loan assistance, not less than 15% of a volunteer organization's activities within the one-year period before the individual submitted an application to the agency for tuition or loan assistance. The activities may include, but not be limited to, training, drills, emergency response calls, administrative and operational support, fundraising or other events and projects that aid the financial viability of the volunteer organization.
- (4) Has enrolled as a student in an approved program of education at an approved institution of higher learning after the effective date of this section.
- (5) Accepts an obligation to serve as an active volunteer with a volunteer organization for at least one year prior to enrolling in an approved program of education and at least five years after completing an approved program of education.
- (6) Has signed a promissory note obligating the individual to repay the full amount of tuition or loan assistance received by the individual if the individual fails to satisfy the requirements under the program.
- (7) Is in good standing with the volunteer organization for which the individual is an active volunteer.

(b) Certificate.--The agency shall issue a certificate of eligibility to an individual who satisfies the eligibility criteria under subsection (a).

Cross References. Section 79B12 is referred to in section 79B01 of this title.

§ 79B13. Tuition or loan assistance.

From money appropriated for the program, tuition or loan assistance shall be provided to eligible students to pursue approved programs of education on or after the effective date of this section.

§ 79B14. Promissory note.

Before participating in the program, an individual must sign a promissory note obligating the individual to repay the full amount of the tuition or loan assistance received by the individual if the individual fails to satisfy the requirements

under the program as specified under section 79B17 (relating to recoupment of tuition or loan assistance payments).

Cross References. Section 79B14 is referred to in section 79B17 of this title.

§ 79B15. Amount of tuition or loan payments.

(a) **Full-time students.**--Payments of tuition or loan assistance to a full-time student shall be \$1,000 per academic year.

(b) **Part-time students.**--Payments of tuition or loan assistance to a part-time student shall not exceed \$500 for an academic year.

(c) **First come, first served.**--Tuition or loan assistance shall be granted on a first-come, first-served basis.

§ 79B16. Limitation on tuition or loan assistance.

An eligible student may not receive tuition or loan assistance for a total of more than five academic years or an equivalent amount of time as determined by the agency. Tuition or loan assistance must be used within seven years of graduation.

§ 79B17. Recoupment of tuition or loan assistance payments.

(a) **Noncompliance.**--An individual who fails to satisfy the requirements under the program shall be liable to the Commonwealth for the full amount of tuition or loan assistance received by the individual, unless the failure and inability to do so is a result of an injury while responding to an emergency as an active volunteer that prevents the individual from complying with the requirements under the program. The promissory note under section 79B14 (relating to promissory note) shall be repaid by the individual upon demand by the agency on a schedule as the agency may determine.

(b) **Notice.**--A volunteer organization shall notify the agency if an active volunteer fails to satisfy the volunteer requirements under the program.

Cross References. Section 79B17 is referred to in section 79B14 of this title.

§ 79B18. Service records.

(a) **Logs.**--For the purpose of ensuring compliance with the requirements under the program, the chief of a volunteer fire company or the supervisor or chief of an emergency medical services agency or their designees shall establish and maintain a service log that documents the services provided by an active volunteer participating in the program, including a calculation of the amount of time the active volunteer conducts activities with the volunteer organization.

(b) **Review.**--Service logs under subsection (a) shall be subject to periodic review by the agency and the Department of the Auditor General for the purpose of ensuring compliance with the requirements under this subchapter.

§ 79B19. Verification of active volunteer status.

(a) **Self-certification.**--An individual shall sign and submit an application to the chief of a volunteer fire company or the supervisor or chief of the emergency medical services agency to attest that the individual is an active volunteer.

(b) **Injured volunteer.**--Notwithstanding the volunteer requirements under the program, an individual who was injured while responding to an emergency as an active volunteer who can no longer serve as an active volunteer because of the injury and who would otherwise be eligible for the program shall be eligible to participate in the program for five years from the

date of the injury if able to do so or under subsection (a) or (b), as appropriate.

(c) Local sign-off.--The chief and another officer of the volunteer fire company and the supervisor or chief and another officer of the emergency medical services agency shall sign the application attesting that the individual is an active volunteer under subsection (a) or that the individual can no longer serve as an active volunteer due to injury under subsection (b). The application shall then be forwarded to the agency for final review and processing.

§ 79B20. Administrative costs.

The administrative costs of the program for the fiscal year beginning July 1, 2022, and each fiscal year thereafter shall not exceed 3.5% of the total amount of money appropriated to the agency to implement the program.

§ 79B21. Active Volunteer Tuition and Loan Assistance Program Fund.

(a) Establishment.--The Active Volunteer Tuition and Loan Assistance Program Fund is established as a nonlapsing restricted receipts account in the State Treasury in accordance with the money transferred under 3 Pa.C.S. § 1113(a)(3) (relating to disposition of certain funds).

(b) Appropriation.--Money deposited or transferred into the fund, including any accrued interest, is appropriated to the agency on a continuing basis to implement the program.

(c) Administrative actions.--An administrative action may not prevent the deposit or transfer of money into the fund.

(d) Use.--Money in the fund may only be used to implement the program. Money in the fund may not be diverted for any other purpose by administrative action.

Cross References. Section 79B21 is referred to in section 79B01 of this title.

§ 79B22. Regulations.

The agency shall promulgate regulations and establish rules or guidelines to administer this subchapter.

Cross References. Section 79B22 is referred to in section 79B12 of this title.

PART VI
EMERGENCY MEDICAL SERVICES

Chapter

81. Emergency Medical Services System

Enactment. Part VI was added August 18, 2009, P.L.308, No.37, effective in 180 days unless otherwise noted.

CHAPTER 81
EMERGENCY MEDICAL SERVICES SYSTEM

Subchapter

- A. Preliminary Provisions
- B. Program
- C. Miscellaneous Provisions

Enactment. Chapter 81 was added August 18, 2009, P.L.308, No.37, effective in 180 days unless otherwise noted. Under the provisions of 1 Pa.C.S. § 1105, Chapter 81 was renumbered from Chapter 72 October 22, 2009.

Special Provisions in Appendix. See sections 5, 7 and 8 of Act 37 of 2009 in the appendix to this title for special provisions relating to continuation of prior law, promulgation of regulations and references in text.

Cross References. Chapter 81 is referred to in section 7802 of this title; section 1902 of Title 75 (Vehicles).

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

- 8101. Short title of chapter.
- 8102. Declaration of policy.
- 8103. Definitions.
- 8104. Emergency medical services system programs.
- 8105. Duties of department.
- 8106. Emergency medical services patient care reports.
- 8107. Pennsylvania Trauma Systems Foundation.
- 8107.1. Accreditation of trauma centers.
- 8107.2. Submission of list.
- 8107.3. Funding.
- 8107.4. Notification of trauma center closure.
- 8107.5. Reporting.
- 8107.6. Certification and financial report.
- 8108. State Advisory Board.
- 8109. Regional emergency medical services councils.

§ 8101. Short title of chapter.

This chapter shall be known and may be cited as the Emergency Medical Services System Act.

§ 8102. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Emergency medical services are an essential public service and frequently the health care safety net for many Commonwealth residents.

(2) It is in the public interest to assure that there are high quality and coordinated emergency and urgent medical services readily available to the residents of this Commonwealth to prevent premature death and reduce suffering and disability which arise from severe illness and injury.

(3) The public interest under paragraph (2) is best achieved through a regulated and coordinated emergency medical services system.

(4) Transportation of both emergency and nonemergency patients is an integral part of the health care delivery system in this Commonwealth, and it is in the public interest that the emergency medical services system serve all persons in this Commonwealth who:

- (i) require medical care to address illness or injury;
- (ii) need transportation to a hospital or other health care facility to receive that care; and
- (iii) require medical assessment, monitoring, assistance, treatment or observation during transportation.

(5) It serves the public interest if the emergency medical services system is able to quickly adapt and evolve to meet the needs of the residents of this Commonwealth for

emergency and urgent medical care and to reduce their illness and injury risks.

(6) It serves the public interest if the emergency medical services system provides community-based health promotion services that are integrated with the overall health care system.

(7) Emergency medical services should be acknowledged, promoted and supported as an essential public service.

(8) This chapter shall be liberally construed to establish and maintain an effective and efficient emergency medical services system which is accessible on a uniform basis to residents of this Commonwealth and to visitors to this Commonwealth.

(9) Residents of this Commonwealth and visitors to this Commonwealth should have prompt and unimpeded access to urgent and emergency medical care throughout this Commonwealth.

(10) The Department of Health should continually assess and, as needed, revise the functions of emergency medical services agencies and providers and other components of the emergency medical services system that it regulates under this chapter to:

(i) improve the quality of emergency medical services provided in this Commonwealth;

(ii) have the emergency medical services system adapt to changing needs of the residents of this Commonwealth; and

(iii) promote the recruitment and retention of persons willing and qualified to serve as emergency medical services providers in this Commonwealth.

(11) The emergency medical services system should be fully integrated with the overall health care system, and in particular with the public health system, to identify, modify and manage illness and injury and illness and injury risks.

§ 8103. Definitions.

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

"Advanced emergency medical services." Emergency medical services exceeding the scope of practice of an emergency medical technician.

"Advanced emergency medical technician." An individual who is certified by the Department of Health as an advanced emergency medical technician.

"Advanced life support squad vehicle." A vehicle which:

(1) is maintained or operated to transport emergency medical service providers above the advanced emergency medical technician level, equipment and supplies to rendezvous with the crew of an ambulance for the purpose of providing advanced emergency medical services to patients; and

(2) is not used in the transportation of patients.

"ALS." Advanced life support.

"Ambulance." A ground, water or air vehicle which is maintained or operated for the purpose of providing emergency medical services to and transportation of patients.

"Ambulance attendant." An individual who is 16 years of age or older and satisfies one of the following:

(1) Possesses a certificate evidencing successful completion of an advanced first aid course sponsored by the American Red Cross and a current certificate evidencing

successful completion of a cardiopulmonary resuscitation course acceptable to the Department of Health.

(2) Possesses a current certificate evidencing successful completion of a course determined by the Department of Health to be equivalent to the requirements in paragraph (1).

"Basic emergency medical services" or "basic EMS." Emergency medical services included within, but not exceeding, the scope of practice of an emergency medical technician.

"Basic life support squad vehicle." A vehicle which:

(1) is maintained or operated to transport emergency medical services providers, equipment and supplies to rendezvous with the crew of an ambulance for the purpose of providing emergency medical services at or below the advanced emergency medical technician level to patients; and

(2) is not used in the transportation of patients.

"BLS." Basic life support.

"Board." The State Advisory Board, which is the Board of Directors of the Pennsylvania Emergency Health Services Council.

"Catchment area." An area surrounding a hospital that is located less than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center.

"Commonwealth emergency medical services medical director" or "Commonwealth EMS medical director." A physician who is approved and employed by the Department of Health to advise and formulate policy on matters pertaining to emergency medical services.

"Comprehensive emergency services." The capacity of a hospital emergency department to maintain staff and provide immediate and advanced care for Pennsylvania patients who require trauma care treatment 24 hours per day and seven days per week based on the availability of the following services:

(1) At least two qualified physicians to staff the emergency department during periods of peak utilization.

(2) At least one registered nurse with specialized training in advanced life support techniques at all times.

(3) Anesthesia services at all times.

(4) Physician specialists who can immediately consult by telephone or radio and can report immediately to the hospital emergency department as needed.

(5) Ancillary services, such as laboratory, radiology, pharmacy and respiratory therapy, at all times, with appropriate personnel who can report immediately to the hospital emergency department as needed.

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

"Emergency." A physiological or psychological illness or injury of an individual, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate emergency medical services to result in:

(1) placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy;

(2) serious impairment of bodily functions; or

(3) serious dysfunction of a bodily organ or part.

"Emergency medical responder" or "EMR." An individual who is certified by the Department of Health as an emergency medical responder.

"Emergency medical services" or "EMS." Any of the following:

(1) The medical care, including medical assessment, monitoring, treatment, transportation and observation, which

may be provided to a person in responding to an actual or reported emergency to:

- (i) prevent or protect against loss of life or a deterioration in physiological or psychological condition; or
- (ii) address pain or morbidity associated with the person's condition.

(2) The transportation of an individual with medical assessment, monitoring, treatment or observation of the individual who, due to the individual's condition, requires medical assessment, monitoring, treatment or observation during the transport.

"Emergency medical services agency" or "EMS agency." An entity that engages in the business or service of providing emergency medical services to patients within this Commonwealth by operating any of the following:

- (1) An ambulance.
- (2) An advanced life support squad vehicle.
- (3) A basic life support squad vehicle.
- (4) A quick response service.
- (5) A special operations EMS service. This paragraph includes, but is not limited to:
 - (i) a tactical EMS service;
 - (ii) a wilderness EMS service;
 - (iii) a mass-gathering EMS service; and
 - (iv) an urban search and rescue EMS service.

(6) A vehicle or service which provides emergency medical services outside of a health care facility, as prescribed by the Department of Health by regulation.

"Emergency medical services agency medical director" or "EMS agency medical director." A physician who is employed by, contracts with or volunteers with an emergency medical services agency either directly or through an intermediary to:

- (1) evaluate the quality of patient care provided by the emergency medical services providers utilized by the emergency medical services agency; and
- (2) provide medical guidance and advice to the emergency medical services agency.

"Emergency medical services provider" or "EMS provider." Any of the following:

- (1) An emergency medical responder.
- (2) An emergency medical technician.
- (3) An advanced emergency medical technician.
- (4) A paramedic.
- (5) A prehospital registered nurse.
- (6) A prehospital physician extender.
- (7) A prehospital emergency medical services physician.
- (8) An individual prescribed by regulation of the Department of Health to provide specialized emergency medical services.

"Emergency medical services system" or "EMS system." The arrangement of personnel, facilities and equipment to prevent and manage emergencies in a geographic area.

"Emergency medical services vehicle operator" or "EMS vehicle operator." An individual certified by the Department of Health to operate a ground emergency medical services vehicle.

"Emergency medical technician" or "EMT." An individual who is certified by the Department of Health as an emergency medical technician.

"Facility." A physical location at which an entity operates a health care facility licensed under Federal or State law.

"Foundation." The Pennsylvania Trauma Systems Foundation, a nonprofit Pennsylvania corporation whose function is to accredit trauma centers that receive or seek to receive Commonwealth funds.

"Hospital." An institution having an organized medical staff that is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services or rehabilitation services for the care or rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes a facility for the diagnosis and treatment of disorders within the scope of specific medical specialties. The term does not include a facility caring exclusively for the mentally ill.

"Medical command facility." A distinct unit which contains the necessary equipment and personnel for providing medical command to and control over emergency medical services providers.

"Medical command order." An order issued by a medical command physician to an emergency medical services provider who is functioning on behalf of an emergency medical services agency.

"Medical command physician." A physician certified by the Department of Health to give medical command orders to emergency medical services providers.

"Medical monitoring." Performing continuous or periodic observations of an individual's condition or continuation of an ordered treatment plan for an individual to prevent pain, suffering or the exacerbation of a preexisting condition.

"Medical observation." Performing continuous or periodic observations of an individual's stable condition to determine whether there is a change in that condition.

"Paramedic." An individual who is certified by the Department of Health as a paramedic.

"Patient." An individual for whom an emergency medical services provider is:

(1) providing emergency medical services on behalf of an EMS agency; or

(2) required to provide emergency medical services on behalf of an EMS agency because the individual's condition requires or may require medical observation, monitoring, assessment or treatment for an illness, disease, injury or other disability.

"Peer review." The evaluation by health care providers of the quality and efficiency of services ordered or performed by emergency medical services providers and physicians who direct or supervise EMS providers under this chapter and the regulations of the Department of Health.

"Physician." A person who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

"Prehospital emergency medical services physician" or "prehospital EMS physician." A physician who is certified by the Department of Health as a prehospital emergency medical services physician.

"Prehospital physician extender" or "PHPE." A physician assistant who is certified by the Department of Health as a prehospital physician extender.

"Prehospital registered nurse" or "PHRN." A registered nurse who is certified by the Department of Health as a prehospital registered nurse.

"Quick response service" or "QRS." An operation in which emergency medical services providers of an EMS agency:

- (1) respond to an actual, reported or perceived emergency; and
- (2) provide emergency medical services to patients pending the arrival of an ambulance.

"Regional emergency medical services council" or "regional EMS council." A nonprofit incorporated entity or appropriate equivalent that is assigned by the Department of Health to:

- (1) plan, develop, maintain, expand and improve emergency medical services systems within a specific geographic area of this Commonwealth; and
- (2) coordinate those systems into a regional emergency medical services system.

"Regional emergency medical services medical director" or "regional EMS medical director." The medical director of a regional emergency medical services council.

"Review organization." A committee which engages in peer review as authorized by the regulations of the Department of Health.

"Rural area." An area outside urbanized areas as defined by the United States Bureau of the Census.

"Special care unit." An appropriately equipped area of a hospital where provisions have been made for a concentration of physicians, nurses and others who have special skills and experiences to provide medical care for critically ill patients.

"Trauma care." Medical services provided to an individual with a severe, life-threatening injury that is likely to result in mortality or permanent disability.

"Trauma center." Any of the following:

- (1) A hospital accredited as a Level I, Level II, Level III or Level IV trauma center by the Pennsylvania Trauma Systems Foundation in accordance with this chapter.

- (2) An out-of-State hospital that qualifies as a trauma center under the Title XIX State Plan that:

- (i) has paid to the foundation the annual participation fees that would be due if the hospital were to obtain accreditation from the foundation; and
- (ii) has submitted to the foundation on an annual basis:

- (A) the clinical patient data that the hospital submits to the National Trauma Database regarding residents of this Commonwealth who receive trauma services from the hospital; and

- (B) the information necessary to calculate the supplemental payment under section 8107.3 (relating to funding) as provided in the Title XIX State Plan.

"Travel distance." The distance traveled by a motor vehicle on paved public roads having at least two driving lanes of width and on which a motor vehicle would reasonably travel in the transport of patients. Travel distance is calculated by rounding up to the next whole mile for a portion of a mile over a whole mile for the distance traveled.

(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 amended the def. of "trauma center" and added the defs. of "catchment area," "comprehensive emergency services," "trauma care" and "travel distance." See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Section 8103 is referred to in sections 79A03, 79B01, 8107.3 of this title; sections 3505, 4306 of Title

18 (Crimes and Offenses); section 6502 of Title 23 (Domestic Relations); section 304 of Title 53 (Municipalities Generally).

§ 8104. Emergency medical services system programs.

(a) Planning and coordination.--The department shall plan, guide and coordinate programs on the following matters to promote effective and efficient operation of Statewide and regional EMS systems:

(1) The number and distribution of EMS providers and other persons integral to an EMS system, such as medical command physicians and EMS agency medical directors, with appropriate training and experience.

(2) Reasonably accessible training for EMS providers and other persons integral to an EMS system, including clinical training and continuing education programs coordinated with other programs providing similar, complementary and supplemental training and education.

(3) The joining of personnel, facilities and equipment coordinated through a communication system to ensure that EMS requests will be handled by communications facilities that:

(i) utilize emergency medical telecommunications screening to determine the appropriate emergency agency response;

(ii) are accessible to the general public through a common telephone number and, where feasible, through the universal emergency telephone number 911; and

(iii) will have direct communications with appropriate personnel facilities and equipment resources.

(4) The number and distribution of ambulances and other EMS vehicles in which:

(i) ambulances and other vehicles meet appropriate criteria relating to location, design, performance and equipment; and

(ii) operators and other personnel staffing vehicles meet appropriate training and experience requirements.

(5) The number and accessibility of facilities that:

(i) are collectively capable of providing EMS on a continuous basis;

(ii) have appropriate specialty capabilities;

(iii) meet appropriate standards relating to capacity, location, personnel and equipment; and

(iv) are coordinated with other health care facilities and resource centers.

(6) Access and transportation to trauma centers and specialty care receiving facilities.

(7) Transfer of patients between facilities or to programs offering necessary follow-up care and rehabilitation.

(8) Utilization of appropriate personnel, facilities and equipment of each entity providing EMS.

(9) Regional EMS councils that provide persons residing in an EMS region, and who have no professional or financial interest in the provision of health care, with an adequate opportunity to participate in the making of policy for the regional EMS system.

(10) The provision of EMS to all persons requiring those services.

(11) A standardized data collection system that covers all phases of the EMS incident, including, but not limited to, the dispatch report and contact, treatment and transport of a patient in the EMS system.

(12) Programs of public education, information and prevention, integrated with public health education and taking into account needs of visitors and residents, concerning methods for accessing EMS and stressing dissemination of information as to first aid and cardiopulmonary resuscitation.

(13) The provision of periodic comprehensive review and evaluation of the extent and quality of the EMS provided in each regional EMS system and reports to the department of each review or evaluation.

(14) Plans to assure that each regional EMS system will be able to provide or secure EMS during mass casualty situations, natural disasters and declared states of emergency in accordance with Chapter 71 (relating to general provisions) and the instructions of the Pennsylvania Emergency Management Agency.

(15) Appropriate intrastate and interstate arrangements for the provision of EMS as needed.

(b) Limitations.--This section is intended to identify EMS objectives to be pursued and achieved by the department in its role as lead agency for EMS. Nothing herein shall be construed to confer regulatory powers upon the department beyond those conferred elsewhere in this chapter.

Cross References. Section 8104 is referred to in sections 8106, 8109 of this title.

§ 8105. Duties of department.

(a) Duty.--It shall be the duty of the department to assist in the development of local EMS systems; plan, guide and coordinate the development of regional EMS systems into a unified Statewide system; and coordinate systems in this Commonwealth with similar systems in neighboring states.

(b) Authority.--The department shall be the lead agency for EMS in this Commonwealth. The department is authorized to:

(1) Coordinate a program for planning, developing, maintaining, expanding, improving and upgrading EMS systems in this Commonwealth.

(2) Establish, by regulation, standards and criteria governing the awarding and administration of contracts and grants under this chapter for initiation, maintenance and improvement of regional EMS systems.

(3) Require collection and maintenance of patient data and information in EMS patient care reports by EMS agencies.

(4) Collect, as deemed necessary and appropriate, data and information regarding patients who utilize emergency departments without being admitted to the facility and patients admitted through emergency departments, trauma centers or directly to special care units, in a manner that protects and maintains the confidential nature of patient records. The data and information shall be reasonable in detail and shall be collected pursuant to regulations issued by the department. Data and information shall be limited to that which may be used for specific planning, research and quality improvement purposes and shall not be duplicative of data and information already available to the department.

(5) Prepare and revise a Statewide EMS system plan under section 8111 (relating to comprehensive plan).

(6) Define and approve training programs and accredit educational institutions for EMS training of EMS providers.

(7) Provide technical assistance to local governments, EMS agencies and other entities for the purpose of assuring effective planning and execution of EMS.

(8) Administer contracts and grants authorized under this chapter and other grants pertaining to EMS.

(9) Establish standards for the licensing, registration and operation of EMS agencies and inspect EMS agencies for compliance with this chapter and regulations adopted under this chapter.

(10) Maintain a quality improvement program for the purpose of monitoring and improving the delivery of EMS.

(11) Promulgate regulations to establish standards and criteria for EMS systems and services.

(12) Integrate all trauma centers accredited pursuant to section 8107 (relating to Pennsylvania Trauma Systems Foundation) into the Statewide EMS system.

(13) Recommend to 911 and other EMS agency dispatchers protocols with respect to the type and quantity of EMS resources to dispatch to emergencies.

(14) Investigate, based upon complaints and information received, possible violations of this chapter and regulations under this chapter and take disciplinary actions, seek injunctions and refer matters for criminal prosecution.

(15) Investigate complaints concerning delivery of services by trauma centers and forward investigation results to the appropriate accrediting entity with a recommendation for action.

(16) Enter into agreements with other states which may include, as appropriate to effectuate the purposes of this chapter, the acceptance of EMS resources of other states that do not fully satisfy the requirements of this chapter or regulations adopted under this chapter.

(c) EMS protocols.--The department shall establish criteria and protocols, including bypass protocols, for evaluation, triage, treatment, transport, transfer and referral of patients to ensure that they receive appropriate EMS and are transported to the most appropriate facility. Regional EMS councils shall not be eligible for contracts or grant funds or State EMS Operating Fund disbursements unless they assist in ensuring regional implementation of the criteria and protocols. Protocols under this subsection are not subject to the rulemaking process. (Nov. 3, 2016, P.L.1094, No.142, eff. imd.)

2016 Amendment. Act 142 amended subsec. (b)(11).

Cross References. Section 8105 is referred to in sections 8106, 8112.1, 8128 of this title.

§ 8106. Emergency medical services patient care reports.

(a) Preparation.--An EMS agency shall ensure that its responding EMS providers complete an EMS patient care report for each response made in which it encounters a patient or a person who has been identified as a patient to the EMS agency, unless the department by regulation exempts certain types of patient contact from the reporting requirement. The department shall employ an electronic EMS patient care reporting process that shall solicit standardized data and patient information. The department may require an EMS agency to complete a different standardized report or different fields in a standardized report based upon the type of resources the EMS agency uses in responding. The department shall permit an EMS agency to file a paper report for extraordinary reasons as determined by the department on a case-by-case basis.

(b) Content.--The report shall contain information as solicited on the form or other reporting process developed by the department. The reporting process shall solicit essential information in reasonable detail. The department may also use

the reporting process to collect data to enhance its ability to carry out its responsibilities under sections 8104 (relating to emergency medical services system programs) and 8105 (relating to duties of department).

(c) Patient medical record.--If a patient is transported to a hospital or from a hospital to another health care facility, information about the patient and EMS performed on the patient that is solicited through the reporting process shall be provided by the EMS agency to the hospital or other health care facility and become part of the patient's medical record.

(d) Reporting.--An EMS agency shall report to the department or a regional EMS council, as determined by department regulation, data that is solicited through the reporting process.

(e) Confidentiality.--

(1) Patient information collected by an EMS agency shall be confidential and shall not be released by the EMS agency or a health care facility except as follows:

(i) To the patient who is the subject of the report or to a person who is authorized to exercise the rights of the patient with respect to securing the report.

(ii) Pursuant to an order of a court of competent jurisdiction, including a subpoena when it constitutes a court order, except that disclosure pursuant to a subpoena shall not be permitted as to information in the report that is of such nature that disclosure pursuant to a subpoena is not otherwise authorized by law.

(iii) To a health care provider to whom a patient's medical record may be released under the law.

(iv) For billing purposes.

(v) For quality improvement activities.

(vi) To the department or a regional EMS council for the purpose of investigating possible violations of this chapter or related regulations.

(vii) To a government agency or its agent, as authorized by the department, for the purpose of the agency performing official government duties.

(2) Notwithstanding the duty of confidentiality applicable to department and regional EMS councils concerning reports under paragraph (1), the report may be released for specific research or EMS planning purposes approved by the department, subject to department approval and supervision to ensure that use of the report is strictly limited to the purposes of the research.

(f) Vendors.--A vendor may not sell or otherwise provide or offer reporting forms or software marketed as appropriate for use in making reports required under this section unless the vendor submits the product to the department for review and receives department approval. Thereafter, the vendor shall submit any modification of the product to the department for review and approval if the vendor intends to offer the modified product for use in the EMS patient care reporting process. If the department makes changes to the EMS patient care report, it shall publish a notice of the changes in the Pennsylvania Bulletin. The effective date for the changes shall be no fewer than 60 days following publication. After publication of changes, a vendor may not market a product as one appropriate for use in making an EMS patient care report, any reporting forms or software approved by the department prior to publication of the changes, unless the vendor clearly discloses that the forms or software were approved prior to publication

of the changes. The department may assess a vendor a \$5,000 civil penalty for each day a vendor violates the provisions of this subsection.

Cross References. Section 8106 is referred to in section 8109 of this title.

§ 8107. Pennsylvania Trauma Systems Foundation.

(a) Trauma center accreditation.--The foundation shall develop a private voluntary accreditation program to:

(1) Establish standards for the operation of trauma centers that receive or seek to receive Commonwealth funds, adopting, at a minimum, current guidelines for trauma centers defined by the American College of Surgeons. Additionally, Level III trauma centers shall meet accreditation criteria for Level III trauma centers imposed by the act of March 24, 2004, (P.L.148, No.15), known as the Pennsylvania Trauma Systems Stabilization Act. For the purpose of reaccreditation, the standards shall require, at a minimum, that each adult Level I and Level II trauma center treat at least 600 severe and urgent injury cases per year.

(2) Evaluate a hospital making application to the foundation to determine if the hospital meets the foundation's standards. An evaluation shall include hospital site visits by accreditation survey teams composed of independent, qualified persons selected by the foundation.

(3) Issue certificates of accreditation to hospitals that meet the accreditation standards. Certificates of accreditation shall be valid for a period not to exceed three years. Certificates of accreditation may be revoked by the foundation if it is determined that the trauma center no longer meets accreditation standards as set forth in this chapter.

(4) Establish an appeal mechanism for reconsideration of accreditation decisions.

(b) Judicial review.--A person aggrieved by a determination of the foundation under this section may file a petition for review within 30 days in an appropriate court of common pleas.

(c) Prohibition.--No hospital shall hold itself out as a trauma center unless it has a current certificate of accreditation issued under this section.

(d) Board of directors.--The board of directors of the foundation shall consist of the following voting members: five representatives of State organizations representing physicians; five representatives of State organizations representing hospitals; three representatives of State organizations representing registered professional nurses; two representatives of other Statewide EMS organizations having expertise in the delivery of trauma services; the chairman and minority chairman of the Public Health and Welfare Committee of the Senate or designees chosen from among the members of the committee; the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives or designees chosen from among the members of the committee; and the Secretary of Health or a designee. The bylaws of the foundation shall identify a method to select members to achieve professional and geographic balance on the board of directors. Terms of office shall be limited to three years.

(e) Data collection.--The foundation shall compile and maintain statistics on mortality and morbidity on multisystem trauma victims. The data collection shall be coordinated and performed in conjunction with State data collection activities. (July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 amended subsec. (a)(1).

Cross References. Section 8107 is referred to in sections 8105, 8107.1 of this title.

§ 8107.1. Accreditation of trauma centers.

(a) Standards.--The foundation shall accredit Level III trauma centers by adopting, at a minimum, current guidelines defined by the American College of Surgeons for Level III trauma centers. The accreditation process shall be conducted in compliance with section 8107 (relating to Pennsylvania Trauma Systems Foundation).

(b) Additional requirements.--In addition to the Level III standards established by the foundation under subsection (a), a hospital must meet all of the following criteria to qualify for Level III accreditation:

- (1) Provide comprehensive emergency services.
- (2) Total on an annual basis at least 4,000 inpatient admissions from its emergency department.
- (3) Be located in a third, fourth, fifth, sixth, seventh or eighth class county. The requirement under this paragraph shall not apply to accredited Level III trauma centers as of the effective date of this subsection.
- (4) Be located more than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center.

(c) Submission of application required.--To be eligible for accreditation as a Level III trauma center and to qualify for funds under section 8107.3 (relating to funding), a hospital must comply with subsection (b) to submit an application to the foundation.

(d) Review of application.--Within 120 days of the receipt of an application, the foundation shall complete its review of the application to determine compliance with the criteria under subsection (b). No later than 240 days from the completion of a site survey, the foundation shall grant or deny a certificate to a hospital seeking to be accredited as a Level III trauma center under subsections (a) and (b).

(e) Additional accreditation criteria.--For a hospital that submits an application for Level I, Level II or Level III accreditation after the effective date of this subsection, the hospital shall be located more than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center. If a trauma center is accredited before the effective date of this subsection, and the accreditation is denied or voluntarily withdrawn, notwithstanding the reason, the trauma center shall be subject to the travel distance requirement under this section in the same manner as a trauma center that has never been accredited if the hospital reapplies for accreditation.

(f) Applicability.--The travel distance requirements under this section shall not apply in the following situations:

- (1) For a trauma center accredited before the effective date of this subsection, the trauma center may move or relocate the trauma center within 10 miles by roadway from the original location.
- (2) In a merger or acquisition of a trauma center.
- (3) For a hospital seeking accreditation under subsection (e), the travel distance requirement shall not apply if the hospital can demonstrate that the other trauma centers in the catchment area have a volume of excess cases above the volumes required for reaccreditation under section 8107(a)(1) that is, for a period of three preceding years,

twice the amount required for reaccreditation under section 8107(a)(1).

(g) Volume waiver process.--The foundation shall develop a process to allow a hospital seeking accreditation under subsection (e) and a waiver of the travel distance requirement under subsection (f)(3) to have patient volume data reviewed to determine eligibility for the waiver prior to the pursuit of trauma center accreditation.
(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 added section 8107.1. See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Section 8107.1 is referred to in section 8107.3 of this title.

§ 8107.2. Submission of list.

The foundation shall annually submit to the Department of Human Services its list of accredited Level I, II, III and IV trauma centers with updates as necessary. The list shall include all Level I and Level II trauma centers as specified under this chapter.

(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 added section 8107.2. See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

§ 8107.3. Funding.

(a) Distribution.--Beginning fiscal year 2008-2009 and each year thereafter, the Department of Human Services shall distribute annually, from available funds appropriated for this purpose, a supplemental payment to each accredited Level I or Level II trauma center or each Level III trauma center or hospital seeking Level III accreditation as provided in section 8107.1(b) (relating to accreditation of trauma centers) for the purpose of improving access to readily available and coordinated trauma care for the citizens of this Commonwealth.

(b) Funding.--The Department of Human Services shall seek to maximize any Federal funds, including funds obtained pursuant to Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.) available for trauma care stabilization.

(c) Payment calculation.--

(1) Payment shall be allocated as follows:

(i) Ninety percent of available funds shall be allocated to accredited Level I and Level II trauma centers.

(ii) Ten percent shall be allocated to hospitals accredited as Level III trauma centers and hospitals seeking Level III accreditation for up to four years with documented evidence of progression toward accreditation and achievement of benchmarks as verified and established by the foundation in collaboration with the Department of Human Services. Funds not distributed under this subsection by the end of a fiscal year may be used for the funding of Level IV trauma centers in rural counties, as defined by the Center for Rural Pennsylvania, in the next fiscal year utilizing the same formula as for the Level III trauma centers.

(2) Payment to each qualifying Level I or Level II trauma center shall be calculated using data provided by the foundation as follows:

(i) Fifty percent of the total amount available for Level I and Level II trauma centers shall be allocated equally among Level I and Level II trauma centers.

(ii) Fifty percent of the total amount available for Level I and Level II trauma centers shall be allocated on the basis of each trauma center's percentage of medical assistance and uninsured trauma cases and patient days compared to the Statewide total number of medical assistance and uninsured trauma cases and patient days for all Level I and Level II trauma centers.

(3) Subject to paragraph (4), payment to each qualifying hospital accredited or seeking accreditation as a Level III trauma center shall be calculated using the information and data provided by the foundation as follows:

(i) Fifty percent of the total amount available for Level III trauma centers shall be allocated equally among all Level III trauma centers.

(ii) Fifty percent of the total amount available for Level III trauma centers shall be allocated on the basis of each trauma center's percentage of medical assistance and uninsured trauma cases and patient days compared to the Statewide total number of medical assistance and uninsured trauma cases and patient days for all Level III trauma centers.

(4) Payment to each qualifying hospital accredited as a Level III trauma center may not be greater than 50% of the average Statewide annual payment to a Level I or Level II trauma center as determined in the methodology described in paragraph (2).

(d) Out-of-State trauma centers.--Any hospital with a Level I or Level II trauma center not licensed in this Commonwealth shall be eligible for payment under this section if it meets the definition of "trauma center" in section 8103 (relating to definitions).

(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 added section 8107.3. See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

Cross References. Section 8107.3 is referred to in sections 8103, 8107.1, 8107.4, 8107.5, 8107.6 of this title.

§ 8107.4. Notification of trauma center closure.

A hospital that receives funds under section 8107.3 (relating to funding) shall notify the department, the foundation and the Department of Human Services of its intent to cease operation of its trauma center no later than 60 days prior to closure of that trauma center.

(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 added section 8107.4. See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

§ 8107.5. Reporting.

(a) General rule.--On March 1, 2011, and annually thereafter, the Department of Human Services shall report to the Health and Human Services Committee of the Senate and the Health Committee of the House of Representatives on the trauma centers funded under section 8107.3 (relating to funding).

(b) Contents of report.--The report shall do all of the following:

(1) Identify the trauma centers receiving funds.

(2) State the amount received and the number of individuals served.

(3) Make any recommendations for improvements in this chapter which further promote the availability of trauma care services to the citizens of this Commonwealth.

(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 added section 8107.5. See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

§ 8107.6. Certification and financial report.

(a) Certification.--Before funds are provided, a trauma center qualifying for funds under section 8107.3 (relating to funding) shall certify that the funds are intended to be used for developing and providing for the availability of and access to trauma care for patients.

(b) Report.--Each trauma center that receives funds under section 8107.3 shall report to the Department of Human Services the following:

(1) An expenditure report six months after the end of the fiscal year accounting for how the funds were spent.

(2) The amount received and the number of individuals served.

(3) How funds received through section 8107.3 improved access to trauma care for patients.

(July 2, 2019, P.L.359, No.54, eff. imd.)

2019 Amendment. Act 54 added section 8107.6. See section 5 of Act 54 in the appendix to this title for special provisions relating to continuation of prior law.

§ 8108. State Advisory Board.

(a) Designation and composition.--The board shall be composed of volunteer, professional and paraprofessional organizations involved in EMS. The board shall be geographically representative of the provider organizations that represent EMS providers, firefighters, regional EMS councils, physicians, hospital administrators and other health care providers concerned with EMS. The board may be composed of up to 30 organizations. Each organization that is a member of the Pennsylvania Emergency Health Services Council and is elected to serve as a member on the board shall have one vote on the board.

(b) Duties.--The duties of the board shall be to:

(1) Elect officers.

(2) Advise the department concerning manpower and training, communications, EMS agencies, content of regulations, standards and policies promulgated by the department under this chapter and other subjects deemed appropriate by the department.

(3) Serve as the forum for discussion on the content of the Statewide EMS system plan, or any proposed revisions thereto, and advise the department as to the content of the plan.

(c) Open meetings.--Meetings of the board shall be held in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(d) Terms.--A voting member of the board shall serve a three-year term. A voting member shall not serve more than two consecutive terms.

(e) Quorum.--A simple majority of the voting members of the board shall constitute a quorum for the transaction of business.

(f) Compensation.--Members of the board shall serve without compensation, except the Pennsylvania Emergency Health Services

Council, through its contract or grant with the department, may pay necessary and reasonable expenses incurred by members of the board while performing their official duties.

(g) Contracts and grants.--The department shall contract with or provide a grant to the board for performance of its work under subsection (b). Contracts and grants between the department and the board for the performance of work other than under subsection (b) shall be subject to section 8112 (relating to contracts and grants) where applicable.

§ 8109. Regional emergency medical services councils.

(a) Purpose.--Regional EMS councils shall assist the department in carrying out the provisions of this chapter. Each regional EMS council shall adhere to policy direction from the department.

(b) Organization.--For purposes of this chapter, the organizational structure of a regional EMS council shall be representative of the public, health professions and major private and public voluntary agencies, organizations and institutions concerned with providing EMS in the region and shall be one of the following:

(1) A unit of general local government, with an advisory council, meeting requirements for representation.

(2) A representative public entity administering a compact or other areawide arrangement or consortium.

(3) Any other public or private nonprofit entity that meets requirements for representation as determined by the department.

(c) Duties.--Each regional EMS council shall, if directed by the department:

(1) Assist the department in achieving the Statewide and regional EMS system components and goals described under section 8104 (relating to emergency medical services system programs).

(2) Assist the department in the collection and maintenance of standardized data and information as provided in section 8106 (relating to emergency medical services patient care reports).

(3) Prepare, annually review and revise, as needed, a regional EMS system plan for the EMS region the department has designated and for which the department has contracted or provided a grant to it to serve.

(4) Carry out, to the extent feasible, the Statewide and regional EMS system plans.

(5) Assure the reasonable availability of training and continuing education programs for EMS providers.

(6) Provide necessary and reasonable staff services and appropriate and convenient office facilities that can serve as the EMS region's location for the planning, maintenance and coordinative and evaluative functions of the council.

(7) Establish a mechanism to provide for input from facilities and EMS agencies in the EMS region in decisions that include, but are not limited to, membership on its governing body.

(8) Establish, subject to department approval, regional EMS triage, treatment and transportation protocols consistent with Statewide protocols adopted by the department. A regional EMS council may also establish, subject to department approval, additional triage, treatment and transportation protocols. No regional protocol shall be subject to the rulemaking process.

(9) Advise public safety answering points and municipal and county governments as to the EMS resources available for

dispatching and recommend dispatch criteria that may be developed by the department or the council as approved by the department.

(10) Assist the department in achieving a unified Statewide EMS system.

(11) Designate a regional EMS medical director and establish a medical advisory committee and a quality improvement committee.

(12) Develop a conflict of interest policy, subject to department approval, and require its board or advisory council members, officials and employees to agree to the policy in writing.

(13) Perform other duties assigned by the department to assist the department in carrying out the requirements of this chapter.

(d) Regional EMS medical directors.--The department shall consult with the regional EMS medical directors in developing and adopting EMS protocols and may consult with them on any matter involved in the department's administration of this chapter.

Cross References. Section 8109 is referred to in sections 8112, 8128 of this title.

SUBCHAPTER B

PROGRAM

Sec.

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§ 8111. Comprehensive plan.

(a) Preparation.--

(1) The department, with the assistance of the board, shall prepare a Statewide EMS system plan, which plan shall include both short-range and long-range goals and objectives, and shall make the plan available to the General Assembly and all concerned agencies, entities and individuals.

(2) A regional EMS system plan, upon approval of the department, shall:

(i) Become part of the Statewide EMS system plan.

(ii) Include for the EMS region the same types of information that subsection (b) requires for the Statewide plan.

(b) Contents.--At a minimum, the Statewide plan shall contain:

(1) An inventory of EMS resources available within this Commonwealth.

(2) An assessment of the effectiveness of the existing EMS system and a determination of the need for changes to the EMS system.

(3) Performance measures for delivery of EMS to all persons in this Commonwealth.

(4) Methods to be used in achieving the stated performance measures.

(5) A schedule for achievement of the stated performance measures.

(6) A method for monitoring and evaluating whether the stated performance measures are being achieved.

(7) Estimated costs for achieving the stated performance measures.

(c) Revisions.--

(1) The department shall collect and analyze EMS data for the purpose of:

(i) Revising the Statewide EMS system plan, including determining the status of the Statewide EMS system, the degree of compliance with the requirements of this chapter and the effectiveness of EMS systems in reducing morbidity and mortality associated with medical emergencies.

(ii) Planning future EMS system initiatives.

(2) Persons regulated by the department under this chapter and dispatchers of EMS agencies shall provide data, without charge, as reasonably requested by the department and regional EMS councils, to aid them in developing and revising Statewide and regional EMS system plans and in conducting investigations under this chapter as authorized by the department.

(d) Annual reports.--The department shall annually publish comprehensive and specific reports of activity and plan implementation.

(e) Use of Statewide plan.--

(1) The department shall use the Statewide plan for contract and grant purposes as set forth in section 8112(a) (relating to contracts and grants).

(2) Nothing in the Statewide plan shall be construed to vest the department with any regulatory authority.

Cross References. Section 8111 is referred to in section 8105 of this title.

§ 8112. Contracts and grants.

(a) General power.--The department may enter into contracts or grants with entities to serve as regional EMS councils responsible for the initiation, expansion, maintenance and improvement of regional EMS systems that are in accordance with the Statewide EMS system plan.

(b) Limitation.--An entity with which the department enters into a contract or grant under this section to serve as a regional EMS council shall carry out the duties assigned by the department under section 8109(c) (relating to regional emergency medical services councils).

(c) Purposes.--In contracting with or giving a grant to regional EMS councils, the department may allocate Emergency Medical Services Operating Fund moneys appropriated to the department only for the following purposes:

(1) Providing programs of public education, information, health promotion and prevention regarding EMS.

(2) Purchasing ambulances, other EMS vehicles, medical equipment and rescue equipment.

(3) Applying to costs associated with conducting training and testing programs for EMS providers.

(4) Applying to costs associated with inspections and investigations conducted to assist the department to carry out its regulatory authority under this chapter.

(5) Purchasing communications equipment and services, including alerting equipment, provided that the purchases are in accordance with the Statewide EMS system plan.

(6) Assisting with the merger of EMS agencies or assisting an EMS agency to acquire another EMS agency, when the department determines circumstances exist such that the transaction and financial assistance are needed to serve the public interest.

(7) Applying to costs associated with the maintenance and operation of regional EMS councils. Those costs may include, but shall not be limited to, salaries, wages and benefits of staff, travel, equipment and supplies, leasing of office space and other costs incidental to the conduct of business which are deemed by the department to be necessary and appropriate for carrying out the purposes of this chapter.

(8) Applying to costs associated with collection and analysis of data necessary to evaluate the effectiveness of EMS systems in providing EMS and to administer quality improvement programs.

(9) Applying to costs associated with assisting EMS agencies to recruit and retain EMS providers.

(d) Restriction.--In contracting with or providing grants to regional EMS councils, the department may not allocate Emergency Medical Services Operating Fund moneys appropriated to the department for the following purposes:

(1) Acquisition, construction or rehabilitation of facilities or buildings, except renovation as may be necessary for the implementation or modification of EMS communication systems.

(2) Purchasing hospital equipment, other than communications equipment for medical command and receiving facilities, unless the equipment is used or intended to be used in an equipment exchange program with EMS agencies.

(3) Maintenance of ambulances, other EMS vehicles and equipment.

(4) Applying to costs deemed by the department as inappropriate for carrying out the purposes of this chapter.

(5) Applying to costs which are normally borne by patients, except for extraordinary costs as determined by the department.

(e) Reports.--The recipient of a contract or grant under this chapter shall make reports to the department as may be required by the department.

(f) Contract and grant prerequisites.--The department shall not contract with or provide a grant to an entity for that entity to serve as a regional EMS council unless:

(1) The entity has submitted a contract or grant application to the department in a form and format prescribed by the department that is consistent with the Statewide and regional EMS system plans.

(2) The application addresses planning, maintenance and improvement of the regional EMS system.

(3) The entity demonstrates to the department's satisfaction the qualifications and commitment to plan, maintain and improve a regional EMS system and that the entity has the required organizational structure and provisions for representation of appropriate entities.

(g) Technical assistance.--The department shall provide technical assistance, as appropriate, to regional EMS councils and to such other eligible entities as necessary for the purpose of their carrying out the provisions of contracts and grants under this section, with special consideration for contractors and grantees representing rural areas.

(h) Payments.--Payments pursuant to a contract or grant under this section may be made in advance or by way of reimbursement and in installments and on conditions as the department determines will most effectively carry out the provisions of this chapter.

(i) Other funds considered.--

(1) In determining the amount of a contract or grant under this section, the amount of funds available to the contractor or grantee from non-State contributions and Federal grant or contract programs pertaining to EMS shall be taken into consideration.

(2) For purposes of this subsection, "non-State contributions" include the outlay of cash and in-kind services to the contractor or grantee or toward the operation of a regional EMS system by private, public or government third parties, including the Federal Government.

(j) Other contracts and grants.--The department may enter into contracts and grants with organizations other than regional EMS councils in order to assist the department in complying with the provisions of this section and chapter.

(k) Public disclosure.--

(1) Subject to the provisions of paragraph (2), finalized contracts and grants shall be deemed public records subject to disclosure.

(2) The department may not disclose information in contracts or grants that could be used by persons to undermine measures to combat, respond to or recover from terrorist attacks.

(l) Sole source contract or grant.--Upon expiration of a contract or grant with an entity to carry out the duties of a regional EMS council as set forth in subsection (c), the department, without undertaking a competitive bidding process, may enter into a new contract or grant with the same entity for that entity to continue to serve as a regional EMS council and perform the duties set forth in subsection (c), as determined by the department, if that entity, in carrying out the prior

contract or grant, demonstrated its ability and commitment to the department's satisfaction to plan, maintain and improve the regional EMS system consistent with the terms of the prior contract or grant.

Cross References. Section 8112 is referred to in sections 8108, 8111, 8153 of this title.

§ 8112.1. Scholarships for recruitment, training and retention.

(a) **Utilization.**--Except as provided under subsection (d), money transferred under 3 Pa.C.S. § 1113(a)(4) (relating to disposition of certain funds) shall be utilized by the department's Bureau of Emergency Medical Services to:

(1) Issue scholarships to EMS providers who complete EMS training provided by an approved entity under section 8105(b)(6) (relating to duties of department).

(2) Reimburse EMS agencies for recruitment and retention costs, which are to be determined by the department's Bureau of Emergency Medical Services.

(3) Make available a pilot program for high school students with instruction through partnerships between institutions of higher education in this Commonwealth and school entities or nonpublic schools, or both, to increase the number of individuals capable of becoming EMS providers. The pilot program shall be conducted in accordance with section 7 of the act of October 24, 2012 (P.L.1209, No.151), known as the Child Labor Act. The following shall apply:

(i) The Bureau of Emergency Medical Services of the Department of Health shall accept proposals from institutions of higher education in this Commonwealth for the pilot program. From the proposals submitted, the Bureau of Emergency Medical Services of the Department of Health shall select three institutions of higher education to offer a pilot program. The Bureau of Emergency Medical Services of the Department of Health, to the greatest extent practicable, shall select one institution of higher education from each eastern, central and western region of this Commonwealth. Nothing in this paragraph shall be construed to prohibit an institution of higher education from incorporating fire instruction into the pilot program.

(ii) An institution of higher education selected by the Bureau of Emergency Medical Services of the Department of Health under subparagraph (i) shall operate the pilot program by entering into an agreement with a school entity or nonpublic school, or both, for the provision of instruction to students who are in at least the ninth grade.

(iii) The EMS Training Fund is established in the State Treasury. The Bureau of Emergency Medical Services of the Department of Health may accept monetary donations and other money for deposit into the EMS Training Fund from a person, business, foundation, tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) or government entity on behalf of the Commonwealth.

(iv) The Bureau of Emergency Medical Services of the Department of Health shall disburse no less than \$50,000 from the EMS Training Fund to each institution of higher education operating the pilot program for each year of the pilot program. After the fourth year of operation of the pilot program, the Bureau of Emergency

Medical Services of the Department of Health may not disburse money from the EMS Training Fund.

(v) The State Treasurer shall transfer any money appropriated, transferred or donated for the pilot program into the EMS Training Fund, and interest earned on the money in the EMS Training Fund shall remain in the EMS Training Fund.

(b) Application.--An individual shall submit an application for a scholarship to the department on a form approved by the department.

(c) Form.--The scholarships shall be in the form of:

(1) Reimbursement to EMS providers who obtain certification upon successful completion of EMS training by an approved provider.

(2) Reimbursement to an EMS agency for recruitment and retention costs, which are to be determined by the department's Bureau of Emergency Medical Services.

(d) Administrative costs.--No more than \$50,000 of the money transferred under 3 Pa.C.S. § 1113(a)(4) may be used by the Bureau of Emergency Medical Services for administrative costs.

(e) Annual reports.--

(1) The Bureau of Emergency Medical Services of the Department of Health shall prepare an annual report on the scholarships under subsection (a)(1) and the pilot program under subsection (a)(3). The report shall include all of the following information:

(i) The total number of scholarship applications received.

(ii) The total number of scholarship applications approved and the amounts funded for each recipient.

(iii) An analysis of the classes taken and the levels of education obtained through the scholarships.

(iv) The number of applications received for the pilot program.

(v) The applications approved for the pilot program.

(vi) The number of high school students served by the pilot program.

(2) The Bureau of Emergency Medical Services of the Department of Health shall submit the annual report under paragraph (1) no later than October 1, 2023, and by October 1 of each year thereafter, to all of the following:

(i) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(ii) The chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) The Secretary of Health shall post the annual report under paragraph (1) on the department's publicly accessible Internet website.

(Nov. 3, 2022, P.L.1674, No.104, eff. imd.)

2012 Amendment. Act 104 added section 8112.1.

§ 8113. Emergency medical services providers.

(a) Certification.--The department shall issue certifications for the following types of EMS providers, which shall be permanent, subject to disciplinary action pursuant to section 8121 (relating to certification sanctions):

(1) Emergency medical responder.

(2) Emergency medical technician.

(3) Advanced emergency medical technician.

(4) Paramedic.

- (5) Prehospital registered nurse.
- (6) Prehospital physician extender.
- (7) Prehospital EMS physician.
- (8) Any other class of EMS provider the department establishes by regulation.

(b) Other emergency medical services providers.--The department may establish, by regulation as the need arises, classes of EMS providers to provide specialized EMS. The regulations shall establish certification, practice, disciplinary and other provider standards consistent with the purposes of this chapter and the statutory regulatory schemes applicable to paramedics except as necessary to meet the special EMS needs for which the class of EMS provider is created.

(c) Application.--An applicant for EMS provider certification shall complete an application for certification on a form or through an electronic application process prescribed by the department.

(d) Education.--The department shall assist, encourage and coordinate the education of EMS providers.

(1) The department shall develop standards through regulations for the accreditation, reaccreditation and operation of educational institutes to provide the training persons must successfully complete to be certified as EMS providers.

(2) The department shall develop standards through regulations for the approval of continuing education courses for EMS providers and for the accreditation of persons and Commonwealth agencies that provide continuing education EMS providers may take to secure renewal of registration.

(3) The department, in consultation with the board, shall review and update the permitted scope of continuing education programs not less than biennially.

(4) If the educational institute or provider of continuing education courses fails to satisfy the operational standards or fails to continue to meet the accreditation standards, the department may take one or more of the following actions:

- (i) Deny the application for reaccreditation.
- (ii) Impose terms of probation.
- (iii) Revoke, suspend, limit or otherwise restrict the accreditation.
- (iv) Impose a civil penalty not exceeding \$1,000 for each infraction.

(e) Examinations.--

(1) A person who intends to secure EMS provider certification shall take the required certification examinations within one year after completing the EMS provider training required for certification.

(2) Except as otherwise provided in this subsection, a person who fails a written or practical skills examination for an EMS provider certification may repeat the failed examination without retaking the examination the person passed.

(3) A person who fails the written examination three times shall complete a refresher course approved by the department or repeat the EMS provider training program before taking the examination again.

(4) A person who fails the practical skills examination three times shall complete a remedial course approved by the department or repeat the EMS provider training program before again taking the examination.

(5) A person who fails either examination six times or who does not pass the required examinations within two years after completing the EMS provider training program shall receive no credit for an examination previously passed and shall repeat the training program for the EMS provider certification before the person may take the certification examinations again.

(6) If the standards a person needs to satisfy to take a certification examination change after the person has failed the examination, the person may not retake the examination unless the person meets the new standards.

(7) The department may, by regulation, change the standards in this subsection.

(f) Reciprocity and endorsement.--The department may issue EMS provider certifications by reciprocity or endorsement as follows:

(1) If the department, upon review of the criteria for certification of a type of EMS provider in another state, determines that the criteria is substantially equivalent to the criteria for a similar certification in this Commonwealth, the department may enter into a reciprocity agreement with its counterpart certifying agency in the other state to certify that type of EMS provider based solely on the other state's certification of the provider. No reciprocity agreement may deprive the department from denying a certification based on disciplinary considerations.

(2) If the department, upon review of a course or an examination approved by another state for EMS provider certification or continuing education or upon review of a national course or examination, determines that the course or examination meets or exceeds the standards for such a course or examination for a similar type of certification in this Commonwealth, or for registration of the certification, the department may endorse the course or examination as meeting the course or examination requirements for that type of EMS provider certification in acting upon an applicant's application for certification or registration of the certification in this Commonwealth.

(g) Skills.--The department shall publish in the Pennsylvania Bulletin a list of skills within the scope of practice of each type of EMS provider. The list shall be updated by publication as necessary.

(h) Medical command orders and protocols.--

(1) An EMS provider, other than a prehospital EMS physician, shall provide EMS pursuant to department-approved protocols and medical command orders.

(2) The protocols shall identify circumstances in which an EMS provider shall seek direction from a medical command physician, which direction may be given by the physician in person or through an authorized agent or via radio or other telecommunications device approved by the department, and shall address the responsibilities of an EMS provider when medical command cannot be secured or is disrupted.

(i) Reports of convictions, discipline and exclusions.--

(1) An applicant for an EMS provider certification shall report to the department all misdemeanor, felony and other criminal convictions that are not summary or equivalent offenses, and all disciplinary sanctions that have been imposed upon a license, certification or other authorization of the applicant to practice an occupation or profession, and any exclusion from a Federal or State health care program of the applicant or an entity in which the applicant had

equity or capital, stock or profits of the entity equal to at least 5% of the value of the property or assets of the entity at the time of the exclusion.

(2) The applicant shall also provide the department with a certified copy of the criminal charging, judgment and sentencing documents for each conviction and a certified copy of an adjudication or other document imposing discipline against the applicant.

(3) The department may not certify an applicant until the department receives the documents, unless the applicant establishes that the documents from which certified copies are to be made no longer exist.

(4) An EMS provider shall report the same type of convictions, disciplinary sanctions and exclusions and provide the same documents to the department within 30 days after each conviction, discipline and exclusion.

(j) Identification.--

(1) An EMS provider shall provide proof of authority to practice as an EMS provider if requested when providing services as an EMS provider.

(2) For purposes of this subsection, "proof of authority to practice" means a card or certificate issued by the department that shows current registration of the EMS provider's certification.

(k) Change of address.--

(1) An EMS provider and an applicant for EMS provider certification shall ensure that the department has the current address at which the person can be reached by mail at all times.

(2) Neither an EMS provider's home address, telephone number nor any other residential contact information provided to the department shall be deemed a public record.

(l) Current registration.--To provide EMS, an EMS provider shall maintain current registration of his certification as an EMS provider.

(m) Downgrading certification or practice.--

(1) An EMS provider who has a currently registered certification as an advanced EMT or higher-level EMS provider and is not permitted to practice at that level by an EMS agency pursuant to sections 8125(b)(2) (relating to medical director of emergency medical services agency) and 8129(k) (relating to emergency medical services agencies) may function as a lower-level EMS provider for that EMS agency, as authorized by the EMS agency medical director, if the EMS agency permits.

(2) Upon expiration of the biennial registration period, an EMS provider who is at or above the advanced EMT level and whose practice for an EMS agency has been downgraded pursuant to sections 8125(b)(2) and 8129(k) may choose to maintain current registration of the EMS provider's certification by meeting the biennial registration requirements for that certification.

(3) An EMS provider who has a currently registered certification as an advanced EMT or higher-level EMS provider and does not meet the requirements for biennial registration of that certification may apply to and secure from the department registration of a lower-level EMS provider certification if the EMS provider meets the registration requirements for that certification.

(4) Instead of a registration certificate, the department shall issue a lower-level certification to an EMS provider who does not already have that certification and

applies for a registration of that certification under this subsection.

(5) An EMS provider whose practice level has been downgraded under this section and who does not maintain current registration of the higher-level certification may not display an insignia, patch or any other indicia of the higher-level certification when providing EMS.

(n) Biennial registrations.--

(1) The biennial registration of each EMS provider certification subject to a biennial registration requirement shall expire on January 1 of the next even-numbered year.

(2) The continuing education requirements for the biennial registration following the initial registration of a certification shall be prorated based upon the month in which the EMS provider became certified, with any fractional requirement rounded down.

(o) Exceptions for members of armed forces returning from tour of duty.--EMS providers and EMS vehicle operators returning from active military service who have a certification registration that expired during their tours of duty or will expire within 12 months after their return from military duty may secure an exception to satisfying the continuing education requirements for certification registration as follows:

(1) EMS providers who have a triennial certification registration requirement may secure an exception to the period of time in which they would otherwise need to meet continuing education requirements for triennial registration of their certifications, as the department deems appropriate.

(2) EMS providers and EMS vehicle operators who have a biennial certification registration requirement may secure an exception to the period of time in which they would otherwise need to meet continuing education requirements for biennial registration of their certifications, as the department deems appropriate. Before an EMS provider without a current biennial registration begins to work for an EMS agency, the EMS agency medical director must determine that the EMS provider has continuing competency in the knowledge and skills required to provide the services the EMS agency will assign to the EMS provider.

(3) EMS providers may seek an exception to their continuing education requirements for certification registration by asking the department to endorse their relevant military training as satisfying some or all of the applicable continuing education requirements.

Effective Date. Section 9(1) of Act 37 of 2009 provided that subsecs. (a), (c), (d) and (n) shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8113 is referred to in sections 8116, 8117, 8118, 8119, 8120 of this title.

§ 8114. Emergency medical responders.

(a) Scope of practice.--An EMR performs for an EMS agency BLS skills involving basic interventions with minimum EMS equipment as follows:

(1) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until a higher-level EMS provider arrives at the scene and then may assist that EMS provider.

(2) As a member of the crew of an ambulance.

(3) In another capacity as authorized by the department by regulation.

(b) Certification.--The department shall certify as an EMR an individual who meets all of the following:

- (1) Is at least 16 years of age.
- (2) Has successfully completed an EMR training course approved by the department.
- (3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.
- (4) Has passed an EMR skills practical examination approved by the department.
- (5) Has passed a written EMR certification examination approved by the department.

(c) Triennial registration.--An EMR's certification is deemed registered for three years after issuance. An EMR must register the EMR certification at three-year intervals by completing an application for triennial registration on a form or through an electronic process, as prescribed by the department. The following shall apply:

(1) The department shall issue a triennial registration of an EMR certification to an EMR who meets all of the following:

- (i) Has a current registration and applies for a new registration no later than:
 - (A) 30 days before the current registration is to expire; or
 - (B) a lesser time established by regulation of the department.
- (ii) Successfully:
 - (A) completes EMR triennial registration practical skills and written knowledge examinations approved by the department; or
 - (B) secures continuing education credits for EMR triennial registration as required by the department in continuing education programs approved by the department.

(2) An EMR whose registration of an EMR certification has expired must qualify for a triennial registration of the certification as prescribed by regulation of the department.

(d) Transition for first responders.--An individual who is certified as a first responder on the effective date of this section shall be considered to be an EMR with a current registration and shall be subject to the triennial registration requirements of an EMR. The registration of the EMR certification shall expire on the same date the first responder certification would have expired if the first responder certification remained in effect.

(e) Transition for ambulance attendants.--An individual who is an ambulance attendant on the effective date of this section shall be considered to be an EMR with a current registration and shall be subject to the triennial registration requirements of an EMR. The registration of the EMR certification shall expire on the same date that the person's qualifications as an ambulance attendant expire and would have needed to be renewed.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8114 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8115. Emergency medical technicians.

(a) Scope of practice.--An EMT performs basic EMS skills involving basic interventions and equipment found on an EMS vehicle as follows:

(1) For an EMS agency as a member of the crew of an ambulance.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital setting until an ambulance arrives and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency, as prescribed by regulation of the department.

(4) For an EMS agency in another capacity authorized by regulation of the department.

(b) Certification.--The department shall certify as an EMT an individual who meets all of the following:

(1) Is at least 16 years of age.

(2) Has successfully completed an EMT training course which:

(i) teaches basic EMS; and

(ii) is approved by the department.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed an EMT skills practical examination approved by the department.

(5) Has passed a written EMT certification examination approved by the department.

(c) Triennial registration.--An EMT's certification is deemed registered for three years after issuance. An EMT must register the EMT certification at three-year intervals by completing an application for triennial registration on a form or through an electronic process, as prescribed by the department. The following shall apply:

(1) The department shall issue a triennial registration of an EMT certification to an EMT who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time established by regulation of the department.

(ii) Successfully:

(A) completes EMT triennial registration practical skills and written knowledge examinations approved by the department; or

(B) secures continuing education credits for EMT triennial registration as required by the department in continuing education programs approved by the department.

(2) An EMT whose registration of an EMT certification has expired must qualify for a triennial registration of the certification as prescribed by regulation of the department.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8115 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8116. Advanced emergency medical technicians.

(a) Scope of practice.--An advanced EMT performs basic EMS and ALS skills which include interventions and administration of medications with basic and advanced equipment found on an EMS vehicle as follows:

(1) For an EMS agency as a member of the crew of an ambulance.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency, as prescribed by regulation of the department.

(4) For an EMS agency in another capacity as authorized by regulation of the department.

(b) Certification.--The department shall certify as an advanced EMT an individual who meets all of the following:

(1) Is at least 18 years of age.

(2) Has successfully completed a course under subparagraph (i) or (ii):

(i) An advanced EMT training course which:

(A) teaches basic life support skills;

(B) teaches advanced life support skills deemed appropriate by regulation of the department; and

(C) is approved by the department.

(ii) An EMT course and secured training and education, through continuing education courses, in skills included in the scope of practice for an advanced EMT for which the applicant did not receive training in the EMT course.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed an advanced EMT skills practical examination approved by the department.

(5) Has passed a written advanced EMT certification examination approved by the department.

(c) Biennial registration.--An advanced EMT's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, an advanced EMT must register the advanced EMT certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process, as prescribed by regulation of the department. The following shall apply:

(1) The department shall issue a biennial registration of an advanced EMT certification to an advanced EMT who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time established by regulation of the department.

(ii) Successfully:

(A) completes advanced EMT biennial registration practical skills and written knowledge examinations approved by the department; or

(B) secures continuing education credits for advanced EMT biennial registration as required by the department in continuing education programs approved by the department.

(2) An advanced EMT whose registration of an advanced EMT certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8116 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8117. Paramedics.

(a) Scope of practice.--A paramedic is a higher-level EMS provider than an advanced EMT. A paramedic performs basic and advanced EMS skills which include interventions and administration of medications with basic and advanced equipment found on an EMS vehicle as follows:

- (1) For an EMS agency as a member of the crew of an ambulance.
- (2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.
- (3) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency, as prescribed by regulation of the department.
- (4) For an EMS agency in another capacity authorized by regulation of the department.

(b) Paramedic training.--To be eligible to enroll in a paramedic training course required for certification as a paramedic, an individual must satisfy all of the following:

- (1) Be at least 18 years of age when the course commences.
- (2) Have a high school diploma or its equivalent.
- (3) Be currently certified by the department as an EMT or advanced EMT.

(c) Certification.--The department shall certify as a paramedic an EMT or advanced EMT who meets all of the following:

- (1) Is at least 18 years of age.
- (2) Has successfully completed a paramedic training course which:
 - (i) teaches basic life support skills;
 - (ii) teaches advanced life support skills deemed appropriate by regulation of the department; and
 - (iii) is approved by the department.
- (3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.
- (4) Has passed a paramedic skills practical examination approved by the department.
- (5) Has passed a written paramedic certification examination approved by the department.

(d) Biennial registration.--A paramedic's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a paramedic must register the paramedic certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process as prescribed by regulation of the department. The following shall apply:

- (1) The department shall issue a biennial registration of a paramedic certification to a paramedic who meets all of the following:
 - (i) Has a current registration and applies for a new registration no later than:
 - (A) 30 days before the current registration is to expire; or
 - (B) a lesser time established by regulation of the department.

(ii) Successfully secures continuing education credits for paramedic biennial registration as required by the department in continuing education programs approved by the department.

(2) A paramedic whose registration of a paramedic certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8117 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8118. Prehospital registered nurses.

(a) Scope of practice.--A PHRN is a higher-level EMS provider than an advanced EMT. A PHRN performs for an EMS agency basic and advanced EMS skills and, as authorized by the department, additional nursing skills within the scope of practice of a registered nurse under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, or a successor act, as follows:

(1) As a member of the crew of an ambulance.

(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, as prescribed by regulation of the department.

(4) In another capacity as authorized by regulation of the department.

(b) Certification.--The department shall certify as a PHRN an individual who meets all of the following:

(1) Has a current license as a registered nurse with the State Board of Nursing.

(2) Is at least 18 years of age.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed a PHRN skills practical examination approved by the department.

(5) Has passed a written PHRN certification examination approved by the department.

(c) Biennial registration.--A PHRN's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a PHRN must register the PHRN certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process, as prescribed by regulation of the department. The following shall apply:

(1) The department shall issue a biennial registration of a PHRN certification to a PHRN who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time established by regulation of the department.

(ii) Has current registration of a registered nurse license.

(iii) Successfully secures continuing education credits for a PHRN biennial registration as required by the department in continuing education programs approved by the department.

(2) A PHRN whose registration of a PHRN certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8118 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8119. Prehospital physician extenders.

(a) Scope of practice.--A PHPE is a higher-level EMS provider than an advanced EMT. A PHPE performs for an EMS agency basic and advanced EMS skills and, as authorized by regulation of the department, additional physician assistant skills within the scope of practice of a physician assistant under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or a successor act, as follows, but supervision of a PHPE shall be conducted as set forth in this chapter:

(1) As a member of the crew of an ambulance.

(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for an EMS agency as prescribed by regulation of the department.

(4) In another capacity as authorized by regulation of the department.

(b) Certification.--The department shall certify as a PHPE a physician assistant who meets all of the following:

(1) Has a currently registered license as a physician assistant with the State Board of Medicine or the State Board of Osteopathic Medicine.

(2) Is at least 18 years of age.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed a PHPE skills practical examination approved by the department.

(5) Has passed a written PHPE certification examination approved by the department.

(c) Biennial registration.--A PHPE's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a PHPE must register the PHPE certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process as prescribed by regulation of the department. The following shall apply:

(1) The department shall issue a biennial registration of a PHPE certification to a PHPE who:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time as established by regulation of the department.

(ii) Has current registration of a physician assistant license.

(iii) Successfully secures continuing education credits for PHPE biennial registration as required by the department in continuing education programs approved by the department.

(2) A PHPE whose registration of a PHPE certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8119 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8120. Prehospital emergency medical services physicians.

(a) Scope of practice.--A prehospital EMS physician is a higher-level EMS provider than an advanced EMT. A prehospital EMS physician performs for an EMS agency basic and advanced EMS skills within the scope of practice of a physician under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, as applicable, or a successor act, as follows:

(1) As a member of the crew of an ambulance.

(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency.

(3) As a first-aid or safety officer, or in a similar capacity, as prescribed by regulation of the department.

(4) In another capacity authorized by regulation of the department.

(b) Certification.--The department shall certify as a prehospital EMS physician a physician who has:

(1) Successfully completed one or more of the following:

(i) An emergency medicine residency program that is accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) The first year of an emergency medicine residency program that satisfies the requirements of subparagraph (i) and has successfully completed programs approved by the department in advanced cardiac life support, advanced trauma life support and advanced pediatric life support.

(iii) An anesthesia, family practice, internal medicine or general surgery residency program that is accepted by either the State Board of Medicine or the State Board of Osteopathic Medicine as providing the graduate medical training the board requires for issuance of a physician license without restriction and the successful completion of programs approved by the department in advanced cardiac life support, advanced trauma life support and advanced pediatric life support.

(2) A current certificate evidencing successful completion of a CPR course acceptable to the department.

(3) Passed an EMS skills practical examination approved by the department or served as a prehospital health professional physician prior to the effective date of this section.

(c) Biennial registration.--A prehospital EMS physician's certification is deemed registered when the certification is issued. The initial registration shall expire under section 8113(n) (relating to emergency medical services providers).

Except for the initial registration period, a prehospital EMS physician shall register the prehospital EMS physician certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process as prescribed by the department. The following shall apply:

(1) The department shall issue a biennial registration of a prehospital EMS physician certification to a prehospital EMS physician who meets all of the following:

(i) Has a current registration and applies for a new registration no later than 30 days before the current registration is to expire or within a lesser time period as the department may establish by regulation.

(ii) Has current registration of a physician license.

(iii) Successfully secures continuing education credits for prehospital EMS physician biennial registration as required by the department in continuing education programs approved by the department.

(2) A prehospital EMS physician whose registration of a prehospital EMS physician certification has expired shall qualify for a biennial registration of the certification as prescribed by regulation of the department.

(d) Transition for prehospital health professional physicians.--A physician who served as a prehospital health professional physician prior to the effective date of this section and who satisfies the certification requirements under subsection (b)(1) may serve as a prehospital EMS physician for 90 days after the effective date of this section without having secured a certification as a prehospital EMS physician.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8120 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8121. Certification sanctions.

(a) Grounds for discipline.--The department may discipline an EMS provider or applicant for EMS provider certification for any of the following reasons:

(1) Lack of physical or mental ability to provide adequate services.

(2) Deceptive or fraudulent procurement or representation of certification or registration credentials or for making misleading, deceptive or untrue representations to secure or aid or abet another person to secure a certification, license, registration or any other authorization issued by the department under this chapter.

(3) Willful or negligent misconduct in providing EMS or practicing beyond the scope of certification authorization without legal authority to do so.

(4) Abuse or abandonment of a patient.

(5) The rendering of services while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(6) The operation of an emergency vehicle in a reckless manner or while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(7) Disclosure of medical or other information about a patient where prohibited by Federal or State law.

(8) Willful preparation or filing of a false medical report or record or the inducement of others to do so.

(9) Destruction of a medical report or record required to be maintained.

(10) Refusal to render emergency medical care because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(11) Failure to comply with department-approved protocols.

(12) Failure to comply with reporting requirements imposed under this chapter or as established by the department.

(13) Practicing without the current registration of a certification.

(14) Conviction of a felony, a crime related to the practice of the EMS provider or a crime involving moral turpitude. For the purposes of this paragraph, a conviction includes a judgment of guilt, a plea of guilty or a plea of nolo contendere.

(15) Willful falsification of or a failure to complete details on an EMS patient care report.

(16) Misappropriation of drugs or EMS agency property.

(17) Having a certification or other authorization to practice a profession or occupation revoked, suspended or subjected to other disciplinary sanction.

(18) Violating or aiding or abetting another person to violate a duty imposed under this chapter, a regulation promulgated under this chapter or an order of the department previously entered in a disciplinary proceeding.

(19) Based upon a finding of misconduct by the relevant Federal or State agency, having been excluded from a Federal or State health care program or having had equity or capital, stock or profits of an entity equal to 5% or more of the value of the property or assets of the entity when it was excluded from a Federal or State health care program.

(20) Any other reason as determined by the department which poses a threat to the health and safety of the public.

(b) Disciplinary options.--If the department is empowered to take disciplinary action against an individual under this section, the department may do one or more of the following:

(1) Deny the application for certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict the certification.

(4) Require the person to take refresher educational courses.

(5) Impose a civil money penalty not exceeding \$1,000 for each incident in which the EMS provider engages in conduct that constitutes a basis for discipline.

(6) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

(c) Registration of certification.--The department shall not deny a registration of an EMS provider certification without giving the applicant prior notice of the reason for the denial and providing an opportunity for a hearing.

(d) Reinstatement.--A person whose certification has been revoked may not apply for reinstatement of that certification. A person may petition the department for allowance to apply for a new certification five years from the effective date of the revocation by filing with the department a petition that avers facts to establish that the person has been rehabilitated to an extent that issuing the person a certification would not be

detrimental to the public interest. The department may grant or deny the petition, without conducting a hearing, if it accepts as true all facts averred, other than the conclusory averments, such as that the person has been rehabilitated. If the department grants the person allowance to apply for a new certification, the person shall repeat the training program and the certification examinations for the level of certification for which the person is applying and satisfy all other requirements for the certification that exist at the time of reapplication. If the department does not grant the person allowance to apply for a new certification, the person may not again petition the department for allowance to apply for a new certification until another year from the date of denial.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8121 shall take effect 180 days after the publication of the notice in section 7.

Cross References. Section 8121 is referred to in sections 8113, 8123, 8124 of this title.

§ 8122. Emergency medical services vehicle operators.

(a) Certification.--An EMS vehicle operator certification shall be permanent, subject to disciplinary action under this section. The department shall certify as an EMS vehicle operator a person who meets all of the following:

(1) Completes an application for an EMS vehicle operator certification on a form or through an electronic application process, as prescribed by the department.

(2) Is at least 18 years of age.

(3) Has a current license to operate the vehicle.

(4) Is not addicted to alcohol or drugs.

(5) Is free from physical or mental defect or disease that may impair the person's ability to drive an EMS vehicle.

(6) Has successfully completed an emergency vehicle operator's course of instruction approved by the department.

(7) Has not:

(i) Been convicted within the last four years prior to the date of application of driving under the influence of alcohol or drugs.

(ii) Within the last two years prior to the date of application, been convicted of reckless driving or had a driver's license suspended due to use of drugs or alcohol or a moving traffic violation.

(8) Has successfully completed an emergency vehicle operator's course of instruction approved by the department following a disqualification from certification under paragraph (7), regardless of whether the person successfully completed the course previously.

(b) Registration.--An EMS vehicle operator, other than an EMS vehicle operator who operates a vehicle exclusively for a QRS, shall register the EMS vehicle operator's certification. An EMS vehicle operator who operates an EMS vehicle exclusively for a QRS shall have no registration requirements. Except as otherwise provided in this subsection, an EMS vehicle operator's certification shall be deemed registered for three years after issuance. An EMS vehicle operator may not operate a ground EMS vehicle unless the certification is currently registered. The following shall apply:

(1) The department shall issue a registration of an EMS vehicle operator's certification to an EMS vehicle operator who meets all of the following:

(i) Completes an application for registration on a form or through an electronic application process, as prescribed by the department.

(ii) Has a current registration and applies for a new registration no later than 30 days before the current registration is to expire or within a lesser time period as the department may establish by regulation.

(iii) Has a current license to operate the vehicle.

(iv) Successfully completes continuing education credits for EMS vehicle operators as required by the department in continuing education programs approved by the department.

(2) If a person who is issued an EMS vehicle operator's certification also has an EMS provider's certification, the registration of the EMS vehicle operator's certification shall expire at the same time as the registration of the EMS provider's certification. If the person does not maintain current registration of the EMS provider's certification, the registration of the EMS vehicle operator's certification shall continue on the same renewal cycle. If an EMS vehicle operator who is an EMS provider becomes certified as a higher-level EMS provider, the registration of the EMS vehicle operator's certification shall expire at the same time as the registration of the higher-level EMS provider's certification.

(3) If an EMS provider's certification is subject to a biennial registration cycle, the continuing education requirements for the registration of the EMS vehicle operator's certification following the initial registration of the certification shall be prorated based upon the month in which the EMS provider became certified, with any fractional requirement rounded down.

(4) An EMS vehicle operator whose registration of an EMS vehicle operator's certification has expired shall qualify for a biennial registration of the certification as prescribed by regulation of the department.

(c) Transition for EMS vehicle operators.--An individual who served as an EMS vehicle operator prior to the effective date of this section and who satisfies the EMS vehicle operator's certification requirements under subsection (a) may serve as an EMS vehicle operator for 90 days after the effective date of this section without having secured a certification as an EMS vehicle operator.

(d) Grounds for discipline.--The department may suspend or revoke or, as applicable, refuse to issue an EMS vehicle operator's certification for any of the following reasons:

(1) Lack of physical or mental ability to operate an EMS vehicle.

(2) Deceptive or fraudulent procurement or representation of certification or registration credentials or for making misleading, deceptive or untrue representations to secure a certification or registration.

(3) The operation of an emergency vehicle in a reckless manner or while under the influence of alcohol, illegal drugs or the knowing abuse of legal drugs.

(4) Having a driver's license suspended due to use of alcohol or drugs or a moving traffic violation.

(5) Conviction of a felony or crime involving moral turpitude. For the purposes of this paragraph, a conviction includes a judgment of guilt, a plea of guilty or a plea of nolo contendere.

(6) Failing to perform a duty imposed upon an EMS vehicle operator under this chapter or a related regulation.

(7) Other reasons as determined by the department which pose a threat to the health and safety of the public.

(e) Suspension of certification.--If the department suspends a certification, it may also impose conditions for the lifting of the suspension, including requiring the person to successfully repeat an emergency vehicle operator's course approved by the department.

(f) Reporting responsibilities and automatic suspension.--An EMS vehicle operator shall report to the department within 30 days a suspension of that person's driver's license or a conviction of reckless driving, a felony, a misdemeanor or any other crime that is not a summary offense or equivalent. For a conviction of driving under the influence of alcohol or drugs or reckless driving or for suspension of a driver's license, the certification shall automatically be suspended for the periods of time specified in subsection (a)(7).

(g) Change of address.--

(1) An EMS vehicle operator and an applicant for an EMS vehicle operator's certification shall ensure that the department has the current address at which the person can be reached by mail at all times.

(2) Neither an EMS vehicle operator's home address, telephone number nor any other residential contact information provided to the department shall be deemed a public record.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8122 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8122 is referred to in section 8123 of this title.

§ 8123. Suspension of certification.

(a) Temporary suspensions.--The department may temporarily suspend the certification of an EMS provider or EMS vehicle operator without a hearing if the department determines that the person is a clear and immediate danger to the public health and safety. Notice to a provider or operator of a temporary suspension shall include a written statement of the underlying factual allegations. After issuance of the notice, the department shall commence formal disciplinary action against the person under section 8121 (relating to certification sanctions) or 8122 (relating to emergency medical services vehicle operators). Within 30 days following the issuance of an order temporarily suspending the certification, the department shall conduct a preliminary hearing to determine if there is a prima facie case supporting the temporary suspension. The person may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses and offer testimony and other evidence. If the department determines that there is not a prima facie case, the suspension shall be lifted immediately. If the department determines that there is a prima facie case, the temporary suspension shall remain in effect until vacated by the department, but not longer than 180 days unless agreed upon by the parties.

(b) Automatic suspensions.--The department shall automatically suspend a certification issued under this chapter upon receiving a certified copy of court records establishing that the person has been adjudicated as incapacitated under 20

Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation) or an equivalent statutory provision. The department shall lift the suspension upon the person establishing to the department that the person has been adjudicated to have regained capacity under 20 Pa.C.S. § 5517 (relating to adjudication of capacity and modification of existing orders) or an equivalent statutory provision.

§ 8124. Emergency medical services instructors.

(a) Certification.--An EMS instructor's certification is permanently subject to disciplinary action under this section. The department shall certify as an EMS instructor a person who:

(1) Completes an application for an EMS instructor's certification on a form or through an electronic application process, as prescribed by the department.

(2) Is at least 18 years of age.

(3) Has successfully completed an EMS instructor's course approved by the department or possesses a bachelor's degree in education, a teacher's certification in education or a doctorate or master's degree.

(4) Is certified and currently registered as an EMT or higher-level EMS provider.

(5) Possesses current certification in a CPR course acceptable to the department or current certification as a CPR instructor.

(6) Has at least one year's experience working as an EMT or higher-level EMS provider.

(7) Has provided at least 20 hours of monitored instruction time in an EMS provider's certification program.

(b) Triennial registration.--

(1) An EMS instructor's certification is deemed registered for three years after issuance. An EMS instructor shall register the EMS instructor's certification at three-year intervals by completing an application for triennial registration on a form or through an electronic process, as prescribed by the department. An EMS instructor may not teach in an accredited EMS institute, pursuant to an EMS instructor's certification, unless the certification is currently registered. The department shall issue a triennial registration of an EMS instructor's certification to an EMS instructor who:

(i) Has completed an application for triennial registration on a form or through an electronic application process, as prescribed by the department.

(ii) Has a current registration and applies for a new registration no later than 30 days before the current registration is to expire or within a lesser time as the department may establish by regulation.

(iii) Has taught at least 60 hours of EMS provider's certification or rescue courses approved by the department during the previous three years.

(iv) Is certified and currently registered as an EMT or higher-level EMS provider.

(v) Possesses current certification in a CPR course acceptable to the department or current certification as a CPR instructor.

(2) An EMS instructor whose registration as an EMS instructor's certification has expired shall qualify for a triennial registration of the certification as prescribed by regulation of the department.

(c) Regulations.--The department may adopt regulations to set standards for EMS instructors in providing instruction in EMS institutions.

(d) Grounds for discipline.--The department may impose discipline against an EMS instructor for the following reasons:

(1) Any reason an EMS provider may be disciplined under section 8121 (relating to certification sanctions).

(2) Providing instruction while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(3) Failing to perform a duty imposed upon an EMS instructor by this chapter or a related regulation.

(4) Other reasons as determined by the department that pose a threat to the health, safety or welfare of students.

(e) Disciplinary options.--If the department is empowered to impose discipline against an individual under this section, the department may do one or more of the following:

(1) Deny the application for certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict the certification.

(4) Impose a civil money penalty not exceeding \$1,000 for each incident in which the EMS instructor engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

(f) Construction.--This section shall not be construed to require the certification as EMS instructors of all instructors of EMS courses accepted toward educational requirements for EMS provider's certification or toward continuing education requirements for the registration of EMS provider's certifications.

§ 8125. Medical director of emergency medical services agency.

(a) Qualifications.--To qualify and continue to function as an EMS agency medical director, an individual shall:

(1) Be a physician.

(2) Satisfy one of the following:

(i) Have successfully completed an emergency medicine residency program accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Have successfully completed a residency program in surgery, internal medicine, family medicine, pediatrics or anesthesiology, accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine. The physician shall also have successfully completed or taught an advanced cardiac life support course acceptable to the department within the preceding two years and have completed, at least once, an advanced trauma life support course acceptable to the department and an advanced pediatric life support course acceptable to the department or other programs determined by the department to meet or exceed the standards of these programs.

(iii) Have served as an advanced life support service medical director under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, prior to the effective date of this chapter.

(3) Have a valid Drug Enforcement Agency number.

(4) Have completed the EMS agency medical director's course, an EMS fellowship or other EMS training program that is determined by the department to be equivalent. This training shall assure that the EMS agency medical director has knowledge of:

(i) The scope of practice of EMS providers.

- (ii) The provision of EMS pursuant to department-approved protocols.
- (iii) The interface between EMS providers and medical command physicians.
- (iv) Quality improvement principles.
- (v) Emergency medical dispatch principles and EMS agency communication capabilities.
- (vi) EMS system design and operation.
- (vii) Federal and State laws and regulations regarding EMS.
- (viii) Regional and State mass casualty and disaster plans.

(b) Roles and responsibilities.--An EMS agency medical director is responsible for the following:

- (1) Reviewing department-approved EMS protocols that are applicable to the EMS agency and ensuring that its EMS providers and other relevant personnel are familiar with the protocols applicable to them.
- (2) Conducting for and reporting to the EMS agency the following:
 - (i) An initial assessment of an EMS provider at or above the advanced EMT level to determine whether the EMS provider has demonstrated competency in the knowledge and skills one must have to competently perform the skills within the scope of practice of the EMS provider at that level and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. This subparagraph does not apply if the EMS provider was working for the EMS agency at the same level prior to the physician becoming the medical director for the EMS agency and the EMS provider was credentialed at that EMS agency within the last year as being able to perform at the EMS provider's certification level.
 - (ii) At least annually, an assessment of each EMS provider at or above the advanced EMT level as to whether the EMS provider has demonstrated competency in the knowledge and skills an EMS provider must have to competently perform the skills within the scope of practice of the EMS provider at that level and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level.
- (3) Participating in and reviewing quality improvement reviews of patient care provided by the EMS agency and participating in the Statewide and regional quality improvement program.
- (4) Providing medical guidance and advice to the EMS agency.
- (5) Providing guidance with respect to the ordering, stocking and replacement of drugs and compliance with laws and regulations impacting upon the EMS agency's acquisition, storage and use of those drugs.
- (6) Maintaining a liaison with the regional EMS medical director.
- (7) Recommending to the department suspension, revocation or restriction of EMS provider's certifications.
- (8) Reviewing regional mass casualty and disaster plans.
- (9) Performing other functions as the department may impose by regulation.

References in Text. The act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, referred

to in subsec. (a), was repealed by the act of August 18, 2009 (P.L.308, No.37). The subject matter is now contained in Chapter 81.

Cross References. Section 8125 is referred to in sections 8113, 8129 of this title.

§ 8126. Medical command physicians and facility medical directors.

(a) Role of medical command physician.--A medical command physician communicates with and issues medical command orders to EMS providers when they seek direction. A medical command physician shall have an arrangement with a medical command facility to provide medical command on its behalf and shall function under the direction of a medical command facility medical director and under the policies and procedures of the medical command facility. A medical command physician shall provide medical command to EMS providers consistent with Statewide protocols and protocols that are in effect in either the region in which treatment originates or the region from which the EMS providers begin receiving medical command from a medical command physician. For good cause, a medical command physician may give medical command orders that are inconsistent with these protocols.

(b) Certification.--The department shall certify as a medical command physician a physician who was approved as a medical command physician in this Commonwealth immediately prior to the effective date of this section. The department shall also certify as a medical command physician a physician who:

(1) Completes an application for medical command physician certification on a form or through an electronic application process, as prescribed by the department.

(2) Satisfies one of the following:

(i) Has successfully completed an emergency medicine residency program accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Has successfully completed or taught an advanced cardiac life support course acceptable to the department within the preceding two years and has successfully completed or taught an advanced trauma life support course acceptable to the department and an advanced pediatric life support course acceptable to the department or other programs determined by the department to meet or exceed the standards of these programs.

(iii) Has had an emergency medicine practice in another jurisdiction and establishes to the department that the physician has a combination of training, education and emergency medicine practice that makes the physician qualified to serve as a medical command physician.

(3) Has completed a medical command course offered or approved by the department.

(4) Is practicing as an emergency medicine physician or is participating as a resident in a second or subsequent year in an emergency medicine residency program or has had at least three years' experience as a full-time emergency medicine physician.

(5) Has a current Drug Enforcement Agency number, except for an emergency medicine resident who is authorized to use a hospital's Drug Enforcement Agency number for practice within the emergency medicine residency program.

(6) Has an arrangement with a medical command facility to serve as a medical command physician for that facility after receiving certification as a medical command physician.

(c) Triennial registration.--A medical command physician's certification is deemed registered for three years after issuance. A medical command physician shall triennially register the physician's certification with the department on a form or through an electronic application process, as prescribed by the department, as a condition for continued practice as a medical command physician. The department shall issue a triennial registration of a medical command physician's certification to a medical command physician within 30 days after the physician applies for a new registration if the physician demonstrates that the physician continues to meet the requirements for the certification, except the requirements of subsection (b)(2), and satisfies such other requirements as the department may impose by regulation.

(d) Residents.--A physician who is in a second year in an emergency medicine residency program may issue medical command orders only to the extent that performance of that function is a component of and within the framework of the emergency medicine residency program and may do so only with supervision by a medical command physician who has served as a medical command physician for at least two years, has completed two years in an emergency medicine residency program or has secured medical command certification by satisfying subsection (b)(2)(iii).

(e) Role of medical command facility medical director.--A medical command facility medical director shall be responsible for the following in a medical command facility:

- (1) Medical command.
- (2) Quality improvement.
- (3) Serving as a liaison with the regional EMS council medical director.
- (4) Participating in prehospital training activities.
- (5) Verifying to the department that a physician seeking a medical command physician's certification, based upon the physician's arrangement with the medical command facility, meets all certification requirements.
- (6) Ensuring that the medical command facility satisfies statutory and regulatory requirements.

(f) Certification.--The department shall certify as a medical command facility medical director a physician who was approved as a medical command facility medical director in this Commonwealth immediately prior to the effective date of this section. The department shall also certify as a medical command facility medical director a physician who:

- (1) Completes an application for medical command facility medical director certification on a form or through an electronic application process, as prescribed by the department.
- (2) Is currently serving as a medical command physician.
- (3) Satisfies one of the following:
 - (i) Has successfully completed a residency program in emergency medicine accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.
 - (ii) Has successfully:
 - (A) completed a residency program in surgery, internal medicine, family medicine, pediatrics or anesthesiology accredited by a residency program accrediting body recognized by the State Board of

Medicine or the State Board of Osteopathic Medicine;
and

(B) completed or taught:

(I) an advanced cardiac life support course acceptable to the department within the preceding two years;

(II) an advanced trauma life support course acceptable to the department; and

(III) an advanced pediatric life support course acceptable to the department.

(4) Has experience in prehospital and emergency department care of acutely ill or injured patients.

(5) Has experience in providing medical command direction to EMS providers.

(6) Has experience in the training of EMS providers both below and above the advanced EMT level.

(7) Has experience in the medical audit, review and critique of EMS providers below and above the advanced EMT level.

(8) Has an arrangement with a medical command facility to serve as its medical director after receiving certification as a medical command facility medical director.

(g) Triennial registration.--A medical command facility medical director's certification is deemed registered for three years after issuance. A medical command facility medical director shall triennially register the physician's certification with the department on a form or through an electronic application process, as prescribed by the department, as a condition for continued practice as a medical command facility medical director. The department shall issue a triennial registration of a medical command facility medical director certification to a medical command facility medical director within 30 days after the physician applies for a new registration if the physician demonstrates that the physician continues to meet the requirements for the certification, except the requirements of subsection (f) (3), and satisfies such other requirements as the department may impose by regulation.

(h) Grounds for discipline.--The department may discipline a medical command physician or medical command facility medical director for the following reasons:

(1) Violating a responsibility imposed on the physician by this chapter or the related regulations.

(2) Without good cause, failing to comply with a medical treatment, transport or transfer protocol established or approved by the department.

(i) Types of discipline authorized.--When the department is empowered to discipline a medical command physician or medical command facility medical director under subsection (h), the department may do one or more of the following:

(1) Deny the application for a certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict or condition the certification.

(4) Impose a civil money penalty not exceeding \$1,000 for each incident in which the physician engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

§ 8127. Medical command facilities.

(a) Certification required.--To operate as a medical command facility, a medical unit must be certified by the department

as a medical command facility. The department shall issue a certification to each medical unit that operated as a medical command facility immediately prior to the effective date of this section.

(b) Application.--Application for certification shall be on a form or through an electronic application process prescribed by the department. The application shall solicit information necessary to determine that the applicant meets the certification requirements of this chapter.

(c) Requirements.--An applicant shall establish that the applicant:

(1) Is a distinct medical unit operated by a hospital or consortium of hospitals.

(2) Possesses the necessary equipment and personnel for providing medical command to and control over EMS providers.

(3) Employs a medical command facility medical director.

(4) Has taken measures necessary to ensure that a medical command physician is available to provide medical command at all times.

(5) Meets the communication, recordkeeping and other requirements of the department.

(d) Additional requirements.--In addition to the requirements of subsection (c), the department may establish by regulation requirements for a medical command facility to ensure that it operates in an effective and efficient manner to achieve the purposes for which it is certified.

(e) Triennial registration.--A medical command facility's certification is deemed registered for three years after issuance. A medical command facility must register its certification at three-year intervals by completing an application for triennial registration on a form or through an electronic application process prescribed by the department. The department shall grant or deny recertification within 30 days of receipt of the application.

(f) Inspections and inquiries.--The department shall conduct an inspection of the medical unit of each applicant and also inspect existing medical command facilities from time to time as appropriate but not less than once every three years. The department shall have full and free access to examine the medical command facility and its records relating to its operation as a medical command facility. The medical command facility shall fully respond to any inquiry by the department relevant to the determination of whether the facility meets certification and operational requirements.

(g) Grounds for discipline.--The department may discipline a medical command facility for the following reasons:

(1) Violating a requirement of this section.

(2) Violating a certification requirement or an operational requirement imposed under subsection (d).

(3) Refusing to permit an inspection or respond to an inquiry under subsection (f).

(4) Failing to comply, without just cause, with a medical treatment, transport or transfer protocol approved by the department.

(h) Types of discipline.--When the department is empowered to discipline a medical command facility, the department may do one or more of the following:

(1) Deny the application for a certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict or condition the certification.

(4) Impose a civil money penalty of up to \$5,000 for each act that presents a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the facility on probation with the right to vacate the probationary order for noncompliance.

§ 8128. Receiving facilities.

(a) **Purpose.**--A receiving facility is a facility to which an ambulance may transport a patient who requires prompt medical care in addition to that provided by the ambulance crew after the crew responds to an emergency.

(b) **Requirements.**--A receiving facility shall include, but need not be limited to, a fixed location having an organized emergency department, including a physician trained to manage cardiac, trauma, pediatric, medical, behavioral and all-hazards emergencies, who is present in the facility and available to the emergency department 24 hours per day and seven days per week. By regulation, the department may authorize other types of facilities to serve as receiving facilities for purposes of serving patients who have special medical needs.

(c) **Patient transports.**--Unless directed otherwise by a medical command physician, the initial transport of a patient following an ambulance response to a reported emergency shall be to a receiving facility pursuant to a protocol under section 8105(c) (relating to duties of department) or 8109(c)(8) (relating to regional emergency medical services councils) or such other location as the department designated by protocol.

§ 8129. Emergency medical services agencies.

(a) **License required.**--A person may not, as an owner, agent or otherwise, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in operating or providing an ambulance, advanced life support squad vehicle, basic life support squad vehicle, quick response service, special operations EMS service or other vehicle or service as prescribed by the department by regulation to provide EMS outside a health care facility or on roadways, airways or waterways of this Commonwealth unless the person holds a current EMS agency license authorizing the particular service or operation.

(b) **Application.**--An application for an EMS agency license shall be submitted on a form or through an electronic application process prescribed by the department.

(c) **Issuance of license.**--The department shall issue a license to an applicant when it is satisfied that:

(1) The applicant and persons having substantial ownership interests in the applicant are responsible persons and the EMS agency will be staffed by and conduct its activities utilizing responsible persons. For purposes of this paragraph:

(i) a responsible person is a person who has not engaged in any act contrary to justice, honesty or good morals which indicates that the person is likely to betray the public trust in carrying out the activities of an EMS agency or a person who has engaged in such conduct but has been rehabilitated and establishes that he or she is not likely to again betray the public trust;

(ii) a person has a substantial ownership interest if the person has equity in the capital, stock or the profits of the EMS agency equal to 5% or more of the value of the property or assets of the EMS agency; and

(iii) a person staffs an EMS agency if the person engages in an activity integral to operation of the EMS agency, including, but not limited to, making or participating in the making or execution of management

decisions, providing EMS, billing, calltaking and dispatching.

(2) The applicant meets supply and equipment requirements and each ambulance or other vehicle that will be used in providing EMS is adequately constructed and equipped and will be maintained and operated to safely and efficiently render the services offered.

(3) The applicant will meet the staffing standards for its vehicles and services.

(4) The applicant will provide safe and efficient services that are adequate for the emergency medical care, the treatment and comfort and, when appropriate, the transportation of patients.

(5) The applicant will have an EMS agency medical director who, in addition to satisfying the criteria of section 8125(a) (relating to medical director of emergency medical services agency), satisfies other criteria the department may establish by regulation based on the types of vehicles and services the applicant intends to provide under the EMS agency license.

(6) The applicant is in compliance with the rules and regulations promulgated under this chapter.

(d) Persons under 18 years of age.--An EMS agency shall ensure that a person under 18 years of age, when providing EMS on behalf of the EMS agency, is directly supervised by an EMS provider who is at least 21 years of age who has the same or higher level of EMS provider certification and at least one year of active practice as an EMS provider.

(e) Triennial registration.--An EMS agency's license is deemed registered for three years after the issuance. An EMS agency must register its license at three-year intervals by completing an application on a form or through an electronic application process prescribed by the department. The department shall act on the application within 90 days of receipt of a complete and accurate application. The department shall not deny a registration of a license without giving the applicant prior notice of the reason for denial and providing an opportunity for a hearing.

(f) Nontransferability of license.--An EMS agency may not transfer its license. An EMS agency may enter into a contract with another entity for that entity to manage the EMS agency if that entity has been approved by the department to manage an EMS agency. The department may deny approval to an entity to provide management services for an EMS agency if:

(1) the entity is not in compliance with this chapter or applicable regulations;

(2) the entity is not a responsible person as defined in subsection (c)(1)(i);

(3) a person having a substantial ownership interest in the entity is not a responsible person;

(4) the entity will not be staffed by or conduct its activities through responsible persons; or

(5) the entity refuses to provide the department with records or information reasonably requested to enable the department to make a determination.

(g) Display.--As prescribed by department regulation, a current department-issued inspection sticker shall be displayed on each ambulance, advanced life support squad vehicle, basic life support squad vehicle and, as required by regulation, any other EMS vehicle authorized by the department.

(h) Inspection.--The department or its agent shall inspect an applicant's vehicles, equipment and personnel qualifications

prior to granting an EMS agency license and shall inspect an EMS agency from time to time, as deemed appropriate and necessary, but not less than once every three years.

(i) Dispatching.--

(1) An EMS agency that operates a communications center dispatching EMS resources shall use calltakers and dispatchers who satisfy the requirements of the Pennsylvania Emergency Management Agency under section 3(a)(6) of the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, and shall use an emergency medical dispatch program approved by the department. An emergency medical dispatch program is a system or program that enables patients to be assessed and treated via telecommunication by using accepted medical dispatch standards.

(2) Operation by an EMS agency of a communications center that dispatches EMS resources shall be considered part of the EMS agency's licensed operation and shall be subject to the requirements of this chapter and the department's regulations.

(j) Construction, equipment and supplies.--Within two years after the effective date of this chapter, the department shall publish in the Pennsylvania Bulletin, and update as necessary, vehicle construction and equipment and supply requirements for EMS agencies in this Commonwealth based upon the types of EMS vehicles operated and the services provided.

(k) Implementation of credentialing decisions.--An EMS agency may not permit an EMS provider at or above the advanced EMT level to provide EMS at that level unless its EMS agency medical director apprises that the EMS provider satisfies the criteria of section 8125(b)(2). An EMS agency may permit an EMS provider who does not satisfy the section 8125(b)(2) criteria to continue to work for the EMS agency at a lower EMS provider level if the EMS provider is authorized to do so by the EMS agency medical director. The EMS agency shall notify the department of that decision within ten days after it is made. If the EMS agency medical director has determined that the EMS provider has not demonstrated competency in the knowledge and skills necessary to competently perform the skills within the scope of practice of the EMS provider at that level or has not demonstrated a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level and the EMS agency medical director chooses to impose restrictions on the EMS provider's practice, such as requiring the EMS provider to function under the supervision of another EMS provider or requiring the EMS provider to contact a medical command physician prior to providing EMS, then the EMS agency may permit the EMS provider to provide EMS only with the restrictions directed by the EMS agency medical director.

(l) Staffing.--The department may by regulation revise the staffing standards for ambulances, squad vehicles and quick response services set forth in sections 8130 (relating to advanced life support ambulances), 8131 (relating to air ambulances), 8132 (relating to advanced life support squad vehicles), 8133 (relating to basic life support ambulances), 8134 (relating to basic life support squad vehicles) and 8135 (relating to quick response services).

(m) Custody or control of patient.--If a law enforcement officer is at the scene of a police incident when an EMS provider arrives, the law enforcement officer may preclude the EMS provider from entering the scene to provide EMS until the law enforcement officer determines that it is safe for the EMS provider to enter. Under such circumstances, the law enforcement

officer shall permit the EMS provider access to the patient before the officer transports the patient. If, pursuant to a medical treatment protocol or medical command order, an EMS agency is required to transport to a receiving facility a patient whom a law enforcement officer has taken or wants to take into custody or whom the law enforcement officer believes needs to be spoken with immediately, the EMS agency shall transport the patient to a receiving facility, and the law enforcement officer shall have discretion to accompany the patient in the EMS vehicle and authority to employ security precautions deemed necessary by the law enforcement officer to ensure the safety of the officer and others, except that the security precautions shall not unreasonably interfere with the provision of EMS to the patient.

(n) Cessation of operations.--Upon suspension or revocation of a license, the EMS agency shall cease operations and no person shall permit or cause the EMS agency to continue.

(o) Discontinuance or reduction of service.--An EMS agency shall not discontinue providing service it is licensed to provide or reduce the hours when it provides service until a minimum of 90 days after notifying the department in writing of the change. Notice shall include a statement that the licensee has notified the chief executive officer of each political subdivision in the licensee's service area of the intent to discontinue providing the service or reduce the hours it provides the service and that the intent to discontinue or reduce hours has been advertised in a newspaper of general circulation in the licensee's service area.

(p) Regulations.--The department shall promulgate regulations setting forth requirements for EMS agencies in this Commonwealth based upon the types of EMS vehicles they operate and the services they provide.

(q) Transition for ambulance services and quick response services.--Upon the effective date of this section, an entity that is licensed as an ambulance service or recognized as a QRS immediately prior to the effective date of this section may continue to operate as an EMS agency if it meets the staffing and other operational requirements of this chapter, and it shall be considered to be an EMS agency with a current registration of its license. The initial registration of the EMS agency's license shall expire on the same date that the entity's license as an ambulance service or recognition as a QRS would have expired if it had remained in effect.

(r) Exemptions.--The following are exempt from the licensing provisions of this chapter:

(1) Privately owned vehicles not ordinarily used to transport patients.

(2) An EMS agency licensed in another state and not under this chapter that is dispatched to respond to an emergency within this Commonwealth when an EMS vehicle or service licensed under this chapter is unable to respond within a reasonable time or its response is not sufficient to deal with the emergency.

(3) An EMS agency licensed in another state that limits its operations in this Commonwealth to the transportation and provision of medical care incidental to transportation of patients and other persons requiring transportation by EMS vehicles from locations outside this Commonwealth to locations within this Commonwealth.

(4) EMS vehicles owned and operated by an agency of the Federal Government.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8129 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

References in Text. The act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, referred to in subsec. (i), was repealed by the act of November 23, 2010, P.L.1181, No.118. The subject matter is now contained in Chapter 53 of this title.

Cross References. Section 8129 is referred to in sections 8113, 8142, 8156 of this title.

§ 8130. Advanced life support ambulances.

(a) Purpose.--An ALS ambulance crew provides medical assessment, triage, monitoring, treatment, transportation and observation of patients who require EMS above the skill level of an advanced EMT.

(b) Staffing requirements.--

(1) Except as otherwise provided in this section, minimum staffing requirements for an ALS ambulance when responding to a call to provide EMS for a patient requiring EMS above the skill level of an advanced EMT is one EMS provider at or above the EMT level, one EMS provider above the advanced EMT level and one EMS vehicle operator. Only the two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider qualified to provide the type and level of EMS required by the patient must attend to the patient at the scene and during transportation. If a member of the ambulance crew arrives at the scene before another crew member, that person shall begin providing EMS to the patient at that person's skill level.

(2) Minimum staffing requirements for an ALS ambulance is the same as for a BLS ambulance when the ALS ambulance responds to a call to provide EMS for a patient requiring EMS at or below the skill level of an advanced EMT.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8130 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8130 is referred to in section 8129 of this title.

§ 8131. Air ambulances.

(a) Purpose.--An air ambulance is a rotorcraft staffed by a crew that provides medical assessment, treatment, monitoring, observation and transportation of patients who require EMS where time to administer definitive care is of the essence and transportation by air ambulance to a facility able to provide the care is faster than transportation by ground ambulance, or require EMS provided by specialized equipment or providers not available on a ground ambulance and the air ambulance can provide this faster than the patient would receive such care at a receiving facility if transported by ground ambulance.

(b) Staffing requirements.--Minimum staffing standards for an air ambulance when dispatched to provide or when providing medical assessment, treatment, monitoring, observation or transportation of a patient is one pilot and two EMS providers other than the pilot who are above the advanced EMT level, with at least one of those two EMS providers specially trained in air medical transport.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8131 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8131 is referred to in section 8129 of this title.

§ 8132. Advanced life support squad vehicles.

(a) Purpose.--An ALS squad vehicle transports EMS providers above the advanced EMT level, along with equipment and supplies, to rendezvous with an ambulance crew or to respond prior to arrival of an ambulance, in order to provide medical assessment, monitoring, treatment and observation of a patient who requires EMS at or above the skill level of an advanced EMT. An ALS squad vehicle does not transport patients.

(b) Staffing requirements.--Minimum staffing for an ALS squad unit responding to a call to provide EMS for a patient who requires EMS above the skill level of an advanced EMT shall be one EMS provider above the advanced EMT level and one EMS vehicle operator, except that the EMS provider may staff the vehicle alone if the EMS provider is also an EMS vehicle operator.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8132 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8132 is referred to in section 8129 of this title.

§ 8133. Basic life support ambulances.

(a) Purpose.--A BLS ambulance crew provides medical assessment, triage, monitoring, treatment, transportation and observation of patients who require EMS at or below the skill level of an advanced EMT and also transports patients who require EMS above the skill level of an advanced EMT when an EMS provider above the level of an advanced EMT rendezvous with the BLS ambulance before or during transport of the patient and accompanies the patient during the transport after arrival.

(b) Staffing requirements.--

(1) Except as provided under paragraph (2) or subsection (c)(1), minimum staffing for a BLS ambulance when responding to a call to provide EMS is an ambulance attendant, EMR or EMT, a second EMS provider at or above the EMT level and an EMS vehicle operator, except that only the two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider above the EMR level must attend to the patient at the scene and during patient transportation.

(2) Two years after the effective date of this section, the minimum staffing for a BLS ambulance when responding to a call to provide EMS is an EMS provider at or above the EMR level, an EMS provider at or above the EMT level and an EMS vehicle operator, except that only two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider above the EMR level must attend to the patient at the scene and during patient transportation.

(3) If dispatched to provide EMS for a patient who requires EMS above the skill level of an advanced EMT, the BLS ambulance shall respond as set forth in this subsection. If the BLS ambulance crew members arrive at the scene before a higher-level EMS provider of an ALS ambulance or ALS squad vehicle, the BLS crew members shall provide EMS to the

patient at their skill level, including transportation of the patient to a receiving facility if needed, until higher-level EMS is afforded by the arrival of a higher-level EMS provider, after which the BLS ambulance crew shall relinquish primary responsibility for the patient to the higher-level EMS provider.

(4) When transporting from a sending hospital a patient who requires EMS above the skill level of an advanced EMT, if a registered nurse, physician assistant or physician from the sending or receiving hospital joins the ambulance crew, brings on board the ambulance all equipment and supplies to provide the patient with reasonably anticipated EMS above the skill level of an advanced EMT and attends to the patient during the patient transportation, the minimum staffing requirements for the BLS ambulance are as set forth in paragraphs (1) and (2).

(c) Exceptions.--

(1) The minimum staffing requirements at the time of transport for a BLS ambulance to provide EMS is an EMS vehicle operator and an EMS provider at or above the level of an EMT. When present, an EMS provider at or above the level of an EMT shall attend to the patient at the scene and during patient transportation.

(2) This subsection shall expire April 29, 2027.
(Apr. 29, 2020, P.L.118, No.17, eff. 60 days; July 11, 2022, P.L.760, No.72, eff. 60 days)

2022 Amendment. Act 72 amended subsecs. (b)(1) and (c).

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8133 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8133 is referred to in section 8129 of this title.

§ 8134. Basic life support squad vehicles.

(a) Purpose.--A BLS squad vehicle transports an EMS provider, along with basic EMS equipment and supplies, to respond prior to arrival of an ambulance in order to provide EMS at or below the advanced EMT level of care. A BLS squad vehicle is not utilized to transport patients.

(b) Staffing requirements.--Minimum staffing for a BLS squad vehicle when responding to a call to provide EMS for a patient is one EMS provider at or above the EMT level and an EMS vehicle operator, except that an EMS provider who is also an EMS vehicle operator may staff the vehicle alone.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8134 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8134 is referred to in section 8129 of this title.

§ 8135. Quick response services.

(a) Purpose.--A QRS uses EMS providers to respond to calls for EMS and provide EMS to patients before an ambulance arrives.

(b) Staffing requirements.--The minimum staffing requirement for a QRS is one EMS provider.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8135 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8135 is referred to in section 8129 of this title.

§ 8136. Special operations emergency medical services.

(a) **Purpose.**--A special operations EMS service provides EMS in situations or austere environments that require specialized knowledge, equipment or vehicles to access a patient or address the patient's emergency medical needs. The department shall by regulation provide for specific types of special operations EMS teams.

(b) **Personnel requirements.**--By regulation, the department may establish additional training or expertise requirements for the EMS agency medical director and the EMS providers who staff a special operations EMS service.

(c) **Other requirements.**--By regulation, the department may establish staffing, equipment, supply and any other requirement for a special operations EMS service.

(d) **Extraordinary applications.**--An entity may propose to provide a special operations EMS need that has not been addressed by applying to the department for an EMS agency license to carry out the special operations EMS or, if it is licensed as an EMS agency, the entity may apply to the department to be authorized to provide the special operations EMS under its license. The department shall address each application on an individual basis and may conditionally deny or grant an application as appropriate to protect the public health and safety. The grant of an application shall be subject to compliance with any later-adopted regulations addressing the type of special operations EMS being provided by the entity.

(e) **Protocols.**--The department may include in its Statewide EMS protocols special operations EMS protocols.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8136 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8137. First aid and other services.

(a) **Purpose.**--An EMS agency may provide EMS at industrial sites, amusement parks or other locations in need of the service. No ambulance or other EMS vehicle shall be required for this purpose.

(b) **Staffing.**--The minimum staffing requirement is one EMS provider.

(c) **Other requirements.**--As assigned by the EMS agency, the EMS provider may provide EMS and other medical safety services up to the level for which the EMS provider has the credentials to provide EMS for the EMS agency.

(c.1) **Blood draw services.**--A paramedic may provide assistance to law enforcement upon request to perform a legal blood draw on behalf of the agency from persons suspected of violating 75 Pa.C.S. § 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3735 (relating to homicide by vehicle while driving under influence), 3735.1 (relating to aggravated assault by vehicle while driving under the influence), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock). Services provided under this subsection shall be considered to be within the paramedic's scope of practice. An agency vehicle may be utilized to provide the services under this subsection if the agency has implemented policies to ensure that EMS will not be unavailable when an ambulance is needed for a 911 dispatch. An agency may enter into an agreement with

law enforcement to provide blood draw services under this subsection. A paramedic performing a legal blood draw service within the paramedic's scope of practice under this section shall maintain the same liability protections provided for under this chapter. It shall be permissible for a court to allow a law enforcement officer who witnessed the blood draw to testify as to the chain of custody in place of the paramedic who drew the blood.

(d) Protocols.--An EMS provider shall follow protocols approved by the department when providing EMS or any other services under this section.

(Nov. 3, 2016, P.L.1094, No.142)

2016 Amendment. Act 142 amended the entire section, effective in 90 days as to the addition of subsec. (c.1) and immediately as to the remainder of the section.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8137 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8138. Other vehicles and services.

The department may by regulation prescribe EMS vehicle and service standards for EMS vehicles and services not specified in this chapter. If the department establishes standards in this section, an EMS agency license shall be required to operate the EMS vehicle or provide the service, and an EMS agency may not operate the vehicle or provide the service unless approved to do so by the department.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8138 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8139. Stretcher and wheelchair vehicles.

(a) Stretcher vehicle.--A stretcher vehicle is a ground vehicle other than an ambulance that is utilized to transport by stretcher persons who do not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation during transportation, but who, due to their physical condition, require vehicle transportation while on a stretcher or in a wheelchair.

(b) Wheelchair vehicle.--A wheelchair vehicle is a ground vehicle other than an ambulance that is used to transport by wheelchair persons who do not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation during transportation, but who, due to their physical condition, require vehicle transportation while on a stretcher or in a wheelchair.

(c) Prohibition.--Operation by an entity of a stretcher vehicle or wheelchair vehicle to transport a person who is known or reasonably should be known by the entity to require medical assessment, monitoring, treatment or observation during transportation shall constitute unlawful operation of an ambulance for purposes of section 8156(a) and (c) (relating to penalties) and, if used as an ambulance by an EMS agency, shall constitute misconduct in operating an EMS agency under section 8142(a)(7) (relating to emergency medical services agency license sanctions). For purposes of this section, unlawful operation includes, but is not limited to, the transportation of the person to or from a facility, a physician's office or any other location to receive or from which the person received health care services.

§ 8140. Conditional temporary licenses.

When an EMS agency or an applicant for a license to operate as an EMS agency does not provide service 24 hours per day and seven days per week or is unable to participate in a county-level or broader-level emergency medical response plan approved by the department, the department shall issue a conditional temporary license for operation of the EMS agency when the department determines that it is in the public interest, subject to such terms as the department deems appropriate. A conditional temporary license shall be valid for one year and may be renewed as many times as the department determines that it is in the public interest to do so.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8137 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

§ 8141. Plans of correction.

(a) Correction of violation.--Upon determining that an EMS agency has violated this chapter or regulations promulgated under this chapter, the department may issue a written notice to the EMS agency specifying the violation or violations that have been found. The notice shall require the EMS agency to take immediate action to discontinue the violation or to submit a plan of correction to the department, or both, to bring the EMS agency into compliance with applicable requirements. If the nature of the violation is such that the EMS agency cannot remedy the problem immediately and a plan of correction is therefore required, the department may direct that the violation be remedied within a specified period of time. The EMS agency shall submit a plan of correction within 30 days of the department's issuance of the written notice. If immediate corrective action is required, the notice from the department shall request and the EMS agency shall provide prompt confirmation that the corrective action has been taken.

(b) Discretion.--The department shall not afford the EMS agency an opportunity to correct a violation without facing disciplinary charges if the department determines that it is not in the public interest to do so.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8141 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8141 is referred to in section 8142 of this title.

§ 8142. Emergency medical services agency license sanctions.

(a) Grounds for discipline.--The department may discipline an EMS agency or, as applicable, refuse to issue an EMS agency license for any of the following reasons:

(1) Violating the requirements of this chapter or regulation adopted under this chapter.

(2) Failing to submit a plan of correction acceptable to the department or correct a deficiency as required under section 8141 (relating to plans of correction) or failing to comply with the plan of correction.

(3) Refusing to accept a conditional temporary license properly sought by the department or to abide by its terms.

(4) Fraud or deceit in obtaining or attempting to obtain a license.

(5) Lending its license or, except as permitted under section 8129(f) (relating to emergency medical services

agencies), enabling another person to manage or operate the EMS agency or any service covered by the license.

(6) Using the license of another or in any way knowingly aiding or abetting the improper granting of a license, certification, accreditation or other authorization issued under this chapter.

(7) Incompetence, negligence or misconduct in operating the EMS agency or in providing EMS to patients.

(8) The licensee is not a responsible person or is not staffed by responsible persons and refuses to remove from its staff the irresponsible person or persons when directed to do so by the department. For purposes of this paragraph, "staff" and "responsible person" shall have the meanings set forth in section 8129(c)(1).

(9) Refusing to respond to an emergency and render EMS because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(10) Conviction of a felony or a crime involving moral turpitude or related to the practice of the EMS agency.

(11) Making misrepresentations in seeking funds made available through the department.

(12) Failing to continue to meet applicable licensure requirements.

(13) Violating an order previously issued by the department in a disciplinary matter.

(b) Disciplinary options.--If the department is empowered to impose discipline against an EMS agency under this section, the department may do one or more of the following:

(1) Deny the application for a license.

(2) Administer a written reprimand with or without probation.

(3) Revoke, suspend, limit or otherwise restrict the license.

(4) Impose a civil penalty not exceeding \$5,000 for each incident in which the EMS agency engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the facility on probation with the right to vacate the probationary order for noncompliance.

Effective Date. Section 9(1) of Act 37 of 2009 provided that section 8142 shall take effect 180 days after the publication of the notice in section 7. The notice was published October 12, 2013, at 43 Pa.B. 6093.

Cross References. Section 8142 is referred to in section 8139 of this title.

SUBCHAPTER C

MISCELLANEOUS PROVISIONS

Sec.

8151. Limitations on liability.

8152. Peer review.

8153. Support of emergency medical services.

8154. Prohibited acts.

8155. Surrender of license, accreditation or certification.

8156. Penalties.

8157. Adjudications and judicial review.

8158. Injured police animals.

§ 8151. Limitations on liability.

The following shall apply:

(1) No medical command physician, medical command facility medical director or medical command facility, which in good faith provides a medical command to an EMS provider or student enrolled in an EMS course of instruction approved by the department, shall be liable for civil damages as a result of issuing the instruction, absent a showing of gross negligence or willful misconduct.

(2) No EMS agency, EMS agency medical director or EMS provider who in good faith attempts to render or facilitate emergency medical care authorized by this chapter shall be liable for civil damages as a result of an act or omission, absent a showing of gross negligence or willful misconduct. This paragraph shall also apply to students enrolled in approved courses of instruction and supervised pursuant to rules and regulations.

(3) No approved EMS training institute nor any entity participating as part of any approved educational program offered by the institute as authorized by this chapter shall be liable for any civil damages as a result of primary and continuing educational practice by duly enrolled students under proper supervision, absent a showing of gross negligence or willful misconduct.

(4) No EMS provider who in good faith attempts to render emergency care authorized by this chapter at an emergency scene while en route to a place of employment shall receive any form of reprimand or penalty by an employer as a result of late arrival at the place of employment. An employer may require written verification from the EMS provider who shall obtain the written verification from either the police officer or other person who is in charge at the emergency scene.

(5) No EMS agency medical director or regional medical director who in good faith gives instructions to or provides primary and continuing educational training to an EMS provider shall be liable for civil damages for issuing the instructions, education or training, absent a showing of gross negligence or willful misconduct.

(6) Neither the department, the Commonwealth EMS Medical Director, a regional EMS council medical director nor any other official or employee of the department or a regional EMS council shall be liable for civil damages arising out of an EMS provider or a student enrolled in an EMS course of instruction approved by the department following protocols approved under this chapter.

(7) No EMS provider or EMS agency may be subject to civil liability based solely on failure to obtain consent in rendering EMS to any person, regardless of age, where the person is unable to give consent for any reason, including minority, and where there is no other person reasonably available who is legally authorized to give or refuse to give consent, if the EMS provider has acted in good faith and without knowledge of facts negating consent.

(8) No EMS provider or EMS agency may be subject to civil liability based solely on refusal to provide treatment or services requested by the patient or the person responsible for making medical care decisions for the patient if the treatment or services requested are not prescribed or authorized by Statewide or regional protocols established under this chapter and the EMS provider has:

(i) contacted a medical command physician who refused to authorize the requested treatment or service; or

(ii) made a good faith effort to contact a medical command physician and was unable to do so.

(9) No dispatcher of EMS who in good faith collects information about a patient from a caller or makes dispatch assignments based upon the information collected may be subject to civil liability based upon the information collected or a dispatch assignment, absent a showing of gross negligence or willful misconduct.

§ 8152. Peer review.

(a) Immunity from liability.--

(1) A person who provides information to a review organization shall have the same protections from civil and criminal liability as a person who provides information to a review organization under the act of July 20, 1974

(P.L.564, No.193), known as the Peer Review Protection Act.

(2) An individual who is a member or employee of a review organization or who furnishes professional counsel or services to the organization shall have the same protections from civil and criminal liability for the performance of any duty, function or activity authorized or required of the review organization as a person who performs the duty, function or activity under the Peer Review Protection Act.

(b) Confidentiality of review organization's records.--The proceedings and records of a review organization shall be held in confidence and shall have the same protections from discovery and introduction into evidence in civil proceedings as they would under the Peer Review Protection Act. A person who was in attendance at a meeting of a review organization shall be subject to the same testimony restrictions as a person who was in attendance at a meeting of a review organization under the Peer Review Protection Act.

§ 8153. Support of emergency medical services.

(a) Emergency Medical Services Operating Fund.--There is established a special fund to be known as the Emergency Medical Services Operating Fund, which shall be administered by the department.

(b) Source.--The following are the sources of the Emergency Medical Services Operating Fund:

(1) Money collected under 75 Pa.C.S. §§ 3121 (relating to EMS costs) and 3807(b)(1)(ix) (relating to Accelerated Rehabilitative Disposition).

(2) All fees, fines and civil penalties collected by the department under this chapter.

(3) Appropriations.

(4) Contributions.

(c) Purpose of fund.--Except as provided under subsection (d), 75% of the money from the Emergency Medical Services Operating Fund shall be disbursed by the department in the following manner:

(1) To EMS agencies, in accordance with section 8112(c) (relating to contracts and grants), 30% of funds must be allocated to specifically provide training to underserved rural areas. Not less than 10% of funds shall be provided to EMS agencies to assist with medical equipment purchases for ambulances.

(2) To the board for the performance of duties imposed upon it under this chapter.

(3) To regional EMS councils for the development, maintenance and improvement of EMS systems, including ambulance and communications equipment, and for training, education and EMS agency licensure purposes.

(4) To other contractors and grantees as authorized under section 8112(j).

(d) Allocation to Catastrophic Medical and Rehabilitation Fund.--Twenty-five percent of the money in the Emergency Medical Services Operating Fund shall be allocated to a Catastrophic Medical and Rehabilitation Fund for victims of trauma and to carry out the provisions of Chapter 75A (relating to emergency responder mental wellness and stress management). After the exhaustion of all alternative financial resources, other than those excluded by the department from consideration, the catastrophic fund shall be available for the purchase of medical, rehabilitation and attendant care services for trauma victims and may be made available for the purchase of supportive services such as respite care and counseling services for the family or household members of trauma victims. The department may, by regulation, prioritize the distribution of funds by and within classification of traumatic injury.

(e) Audit.--The Auditor General shall review collections and expenditures made under this section and report its findings to the General Assembly annually. The audit shall include a review of the collections and expenditures of the regional EMS councils.

(f) Review by Legislative Budget and Finance Committee.--The Legislative Budget and Finance Committee shall review court records to ensure that money for the Emergency Medical Services Operating Fund is being properly collected and deposited into the Emergency Medical Services Operating Fund. The review shall be completed within one year of the effective date of this subsection and shall include recommendations as to any appropriate action to be taken. In conducting the review, the Legislative Budget and Finance Committee shall examine the pertinent records of the past five years of all courts required to impose costs under 75 Pa.C.S. §§ 3121 and 3807(b)(1)(ix). (July 23, 2020, P.L.670, No.69, eff. imd.; Oct. 29, 2020, P.L.773, No.93, eff. 120 days)

2020 Amendments. Act 69 amended subsec. (d) and Act 93 amended subsec. (c) and added subsec. (f).

§ 8154. Prohibited acts.

(a) Making false ambulance requests.--It shall be unlawful for any person to intentionally report a medical emergency and summon an EMS response if the person does not have good cause to believe that there is a medical emergency for which an EMS response is needed. A person violating this subsection commits a summary offense.

(b) Obstruction.--It is unlawful for any person to intentionally impede or obstruct any EMS provider in the performance of official duties if the EMS provider displays accepted department insignia or credentials. A person violating this subsection commits a summary offense.

(c) Impersonating an emergency medical services provider.--It is unlawful for any person to display an insignia or credentials or act in any manner that would lead reasonable persons to conclude that the person is an EMS provider if that person is not an EMS provider with a current registration to practice or that the person is a higher-level EMS provider than the level at which the person is certified and currently

registered to practice. A person violating this subsection commits a summary offense.

(d) Misrepresentation of license.--It is unlawful for any person who does not possess an EMS agency license issued by the department under this chapter to advertise, display vehicle markings or exhibit any other means that would lead a reasonable person to conclude that the person is a licensed EMS agency or provides a type or level of emergency care other than that for which the person is licensed to provide. A person violating this subsection commits a summary offense.

§ 8155. Surrender of license, accreditation or certification.

The department shall require a person whose license, accreditation or certification has been suspended or revoked under this chapter to return to the department in the manner the department directs the license, accreditation document or certificate. A person who fails to do so commits a misdemeanor of the third degree.

§ 8156. Penalties.

(a) Unlicensed agency.--A person who operates a service or vehicle for which a license is required under section 8129 (relating to emergency medical services agencies) and who does not have a license to operate the service or vehicle commits a misdemeanor of the third degree.

(b) Unauthorized practice.--A person who provides EMS without an EMS provider's certification or other legal authority to provide EMS commits a misdemeanor of the third degree. A provider who provides EMS without a current registration of the EMS provider's certification and without other legal authority to provide EMS commits a summary offense.

(c) Fine.--In addition to any other civil remedy or criminal penalty provided for under this chapter, the department may levy a civil penalty of up to \$5,000 per day upon a person who owns or operates an EMS agency in this Commonwealth, without having a license to operate that agency in this Commonwealth, and a fine of up to \$1,000 per day upon a person who provides EMS without an EMS provider's certification or other legal authority to provide EMS.

Cross References. Section 8156 is referred to in section 8139 of this title.

§ 8157. Adjudications and judicial review.

Except as provided under this chapter for an emergency suspension, the department shall hold hearings and issue adjudications in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The adjudications may be appealed to the Commonwealth Court under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies).

§ 8158. Injured police animals.

(a) Transportation.--An emergency response provider may transport a police animal injured in the line of duty to a veterinary clinic, hospital emergency department or similar facility if there is no individual requiring immediate medical attention or transport at that time.

(b) Emergency medical care.--An emergency response provider may provide emergency medical care to a police animal injured in the line of duty while at the scene of the emergency or while the police animal is being transported to a veterinary clinic, hospital emergency department or similar facility.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Police animal." As defined in 18 Pa.C.S. § 5531 (relating to definitions).

(July 11, 2022, P.L.719, No.60, eff. 60 days)

2022 Amendment. Act 60 added section 8158.

APPENDIX TO TITLE 35
HEALTH AND SAFETY

Supplementary Provisions of Amendatory Statutes

1978, NOVEMBER 26, P.L.1332, NO.323

§ 2. Transfers.

All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other material which are used, employed or expended in connection with the powers, duties or functions of the State Council of Civil Defense are hereby transferred to the Pennsylvania Emergency Management Agency with the same force and effect as if the appropriations had been made to and the items had been the property of the Pennsylvania Emergency Management Agency in the first instance and as if the contracts, agreements and obligations had been incurred or entered into by the Pennsylvania Emergency Management Agency.

Explanatory Note. Act 323 added Part V of Title 35.

1988, JULY 13, P.L.501, NO.87

§ 9. Continuation of State director.

The State director in office on the effective date of this act shall continue to perform the powers and duties of that office, and no Senate confirmation shall be required.

Explanatory Note. Act 87 added or amended sections 7301, 7312, 7313, 7315, 7316, 7317, 7318, 7319, 7501, 7503, 7701 and 7706 of Title 35.

§ 11. Reestablishment of Pennsylvania Emergency Management Agency.

This act, with respect to the Pennsylvania Emergency Management Agency, constitutes the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, for a period of five years.

2009, AUGUST 18, P.L.308, NO.37

§ 5. Continuation of prior law.

The addition of 35 Pa.C.S. Ch. 81 is a continuation of the former act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act. Except as otherwise provided in 35 Pa.C.S. Ch. 81, all activities initiated under the

Emergency Medical Services Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 81. Resolutions, orders, regulations, rules and decisions which were made under the Emergency Medical Services Act and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 81. Contracts, obligations and agreements entered into under the Emergency Medical Services Act are not affected nor impaired by the repeal of the Emergency Medical Services Act.

Explanatory Note. Act 37 added Chapter 81 of Title 35 and amended or added section 102, Subchapter C of Chapter 31 and section 3807 of Title 75.

§ 7. Promulgation of regulations.

The Department of Health, in consultation with the board, shall promulgate all regulations needed to implement this act within two years after the effective date of this section. This act shall be liberally construed for that purpose, and the absence of express authority to adopt regulations in any provision of this act shall not be construed to preclude the authority to adopt regulations to carry out that provision. Upon promulgation of all regulations under this section, the Secretary of Health shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

§ 8. References in text.

Any reference in a statute or regulation to an ambulance service shall be interpreted as referencing an emergency medical services agency and any reference to the former act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, shall be construed as a reference to 35 Pa.C.S. Ch. 81.

2010, NOVEMBER 23, P.L.1181, NO.118

§ 7. Continuation of prior law.

* * *

(b) Continuation of prior law.--The addition of 35 Pa.C.S. Ch. 53 is a continuation of the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act. The following apply:

(1) Except as otherwise provided in 35 Pa.C.S. Ch. 53, all activities initiated under the Public Safety Emergency Telephone Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 53. Orders, regulations, rules and decisions which were made under the Public Safety Emergency Telephone Act and which are in effect on the effective date of subsection (a)(10.1) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 53.

(2) Except as set forth in paragraph (3), any difference in language between 35 Pa.C.S. Ch. 53 and the Public Safety Emergency Telephone Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Public Safety Emergency Telephone Act.

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

- (i) The omission of the following definitions in 35 Pa.C.S. § 5302:
 - (A) "Active prepaid wireless account."
 - (A.1) "Prepaid wireless telephone service."
 - (B) "Sufficient positive balance."
- (ii) The addition of any of the following provisions in Title 35:
 - (A) The addition of the following definitions in section 5302:
 - (I) "Consumer."
 - (II) "Prepaid wireless device."
 - (III) "Prepaid wireless E-911 surcharge."
 - (IV) "Prepaid wireless provider."
 - (V) "Prepaid wireless telecommunications service."
 - (V.1) "Retail transaction."
 - (V.2) "Seller."
 - (VI) "Wireless E-911 surcharge."
 - (B) The following provisions of section 5311.4:
 - (I) Subsection (a) introductory paragraph.
 - (II) Subsection (b) introductory paragraph and (4).
 - (III) Subsection (b.1).
 - (IV) Subsection (h).
 - (C) Section 5311.10.
 - (D) Section 5312.1.
 - (E) Section 5398.

(b.1) Continuation of prior law.--Continuation is as follows:

(1) The addition of 35 Pa.C.S. § 7403 is a continuation of Act 1925-267. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7403, all activities initiated under Act 1925-267 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7403. Orders, regulations, rules and decisions which were made under Act 1925-267 and which are in effect on the effective date of subsection (a)(1) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7403.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7403 and Act 1925-267 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1925-267.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7403:

- (A) (Reserved).
- (B) (Reserved).

(2) The addition of 35 Pa.C.S. Ch. 74 Subch. D is a continuation of Act 1941-74. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 74 Subch. D, all activities initiated under Act 1941-74 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 74 Subch. D. Orders, regulations, rules and decisions which were made under Act 1941-74 and which are in effect on the effective date of subsection (a)(2) shall remain in full

force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 74 Subch. D.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 74 Subch. D and Act 1941-74 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1941-74.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 74 Subch. D:

(A) (Reserved).

(B) (Reserved).

(3) The addition of 35 Pa.C.S. Ch. 73 Subch. D is a continuation of Act 1949-547. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. D, all activities initiated under Act 1949-547 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. D. Orders, regulations, rules and decisions which were made under Act 1949-547 and which are in effect on the effective date of subsection (a)(3) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. D.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. D and Act 1949-547 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1949-547.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 73 Subch. D:

(A) (Reserved).

(B) (Reserved).

(4) (Reserved).

(5) The addition of 35 Pa.C.S. Ch. 74 Subch. B is a continuation of the Volunteer Firefighters' Relief Association Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 74 Subch. B, all activities initiated under the Volunteer Firefighters' Relief Association Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 74 Subch. B. Orders, regulations, rules and decisions which were made under the Volunteer Firefighters' Relief Association Act and which are in effect on the effective date of subsection (b)(5) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 74 Subch. B.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 74 Subch. B and the Volunteer Firefighters' Relief Association Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Volunteer Firefighters' Relief Association Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 74 Subch. B:

(A) (Reserved).

(B) (Reserved).

(6) The addition of 35 Pa.C.S. § 7708 is a continuation of Act 1974-264. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7708, all activities initiated under Act 1974-264 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7708. Orders, regulations, rules and decisions which were made under Act 1974-264 and which are in effect on the effective date of subsection (a)(6) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7708.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7708 and Act 1974-264 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1974-264.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7708:

(A) (Reserved).

(B) (Reserved).

(7) The addition of 35 Pa.C.S. § 7709 is a continuation of Act 1976-114. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7709, all activities initiated under Act 1976-114 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7709. Orders, regulations, rules and decisions which were made under Act 1976-114 and which are in effect on the effective date of subsection (a)(7) act shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7709.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7709 and Act 1976-114 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1976-114.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7709:

(A) (Reserved).

(B) (Reserved).

(8) The addition of 35 Pa.C.S. Ch. 73 Subch. E is a continuation of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. E, all activities initiated under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. E. Orders, regulations, rules and decisions which were made under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act and which are in effect on the effective date of subsection (a)(8) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. E.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. E and the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 73 Subch. E:

(A) (Reserved).

(B) (Reserved).

(9) The addition of 35 Pa.C.S. Ch. 74 Subch. C is a continuation of Act 1977-83. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 74 Subch. C, all activities initiated under Act 1977-83 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 74 Subch. C. Orders, regulations, rules and decisions which were made under Act 1977-83 and which are in effect on the effective date of subsection (a)(9) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 74 Subch. C.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 74 Subch. C and Act 1977-83 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1977-83.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 74 Subch. C:

(A) (Reserved).

(B) (Reserved).

(10) The addition of 35 Pa.C.S. § 7710 is a continuation of Act 1982-162. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7710, all activities initiated under Act 1982-162 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7710. Orders, regulations, rules and decisions which were made under Act 1982-162 and which are in effect on the effective date of subsection (a)(10) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7710.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7710 and Act 1982-162 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1982-162.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7710:

(A) (Reserved).

(B) (Reserved).

(11) The addition of 35 Pa.C.S. § 7711 is a continuation of Act 1990-168. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7711, all activities initiated under act 1990-168 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7711. Orders, regulations, rules and decisions which were made under Act 1990-168 and which are in effect on the effective date of subsection (a)(11) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7711.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7711 and Act 1990-168 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1990-168.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7711:

(A) (Reserved).

(B) (Reserved).

(12) The addition of 35 Pa.C.S. § 7712 is a continuation of Act 1992-127. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7712, all activities initiated under Act 1992-127 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7712. Orders, regulations, rules and decisions which were made under Act 1992-127 and which are in effect on the effective date of subsection (a)(12) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7712.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7712 and Act 1992-127 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1992-127.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7712:

(A) (Reserved).

(B) (Reserved).

(13) The addition of 35 Pa.C.S. Ch. 73 Subch. F is a continuation of the State Fire Commissioner Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. F, all activities initiated under the State Fire Commissioner Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. F. Orders, regulations, rules and decisions which were made under the State Fire Commissioner Act and which are in effect on the effective date of subsection (a)(13) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. F.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. F and the State Fire Commissioner Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the

legislative intent, judicial construction or administration and implementation of the State Fire Commissioner Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 73 Subch. F:

(A) (Reserved).

(B) (Reserved).

(14) The addition of 35 Pa.C.S. Ch. 78 is a continuation of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 78, all activities initiated under the Volunteer Fire Company and Volunteer Ambulance Service Grant Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 78. Orders, regulations, rules and decisions which were made under the Volunteer Fire Company and Volunteer Ambulance Service Grant Act and which are in effect on the effective date of subsection (a)(14) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 78.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 78 and the Volunteer Fire Company and Volunteer Ambulance Service Grant Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 78:

(A) (Reserved).

(B) (Reserved).

(15) The addition of 35 Pa.C.S. § 7713 is a continuation of 18 Pa.C.S. § 3301(h.1). The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7713, all activities initiated under 18 Pa.C.S. § 3301(h.1) shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7713. Orders, regulations, rules and decisions which were made under 18 Pa.C.S. § 3301(h.1) and which are in effect on the effective date of subsection (a)(15) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.C. § 7713.

(ii) Any difference in language between 35 Pa.C.S. § 7713 and 18 Pa.C.S. § 3301(h.1) is intended only to effectuate the transfer of material within the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of 18 Pa.C.S. § 3301(h.1).

* * *

Explanatory Note. Act 118 added Part III, Subchapters D, E and F of Chapter 73, Chapter 74, sections 7708, 7709, 7710, 7711, 7712 and 7713 and Chapter 78 of Title 35 and amended section 1408 of Title 4 and section 3301 of Title 18.

§ 6. References to Pennsylvania Emergency Management Agency.

The Legislative Reference Bureau shall replace references to the Pennsylvania Emergency Management Agency with references to the Office of the State Fire Commissioner in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance).

Explanatory Note. Act 129 amended sections 7363, 7364, 7365, 7366 and 7376 of Title 35.

§ 5. Continuation of prior law.

The amendment or addition of 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6 is a continuation of Article VIII-H of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code. The following apply:

(1) Except as otherwise provided in 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6, all activities initiated under Article VIII-H of the Human Services Code shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6. Orders, regulations, rules and decisions which were made under Article VIII-H of the Human Services Code and which are in effect on the effective date of section 6 of this act shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6. Contracts, obligations and collective bargaining agreements entered into under Article VIII-H of the Human Services Code are not affected nor impaired by the repeal of Article VIII-H of the Human Services Code.

(2) Except as set forth in paragraph (3), any difference in language between 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6 and Article VIII-H of the Human Services Code is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Article VIII-H of the Human Services Code.

(3) Paragraph (2) does not apply to the amendment or addition of the definitions of "catchment area" and "trauma center" in 35 Pa.C.S. § 8103 and 35 Pa.C.S. § 8107.1(b)(3), (e), (f) and (g).

Explanatory Note. Act 54 amended or added sections 8103, 8107, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6 of Title 35.

§ 2. Applicability.

The following apply:

(1) Actions taken by the Health Care Cost Containment Council from the period from June 30, 2014, to the effective date of this section are validated.

(2) New positions on the Health Care Cost Containment Council created under 35 Pa.C.S. Ch. 33 shall be filled in the manner designated under 35 Pa.C.S. § 3303(b) no later than 60 days after the effective date of this section. Organizations required under 35 Pa.C.S. § 3303(b) to submit lists of recommended persons to fill new positions on the council shall do so no later than 30 days after the effective date of this section.

(3) There shall be no lapse in the employment relationship for employees of the Health Care Cost Containment Council, including salary, seniority, benefits and retirement eligibility of the employees.

Explanatory Note. Act 15 amended or added Part II, Chapter 57 and section 7501 of Title 35 and Chapter 62 heading and sections 6201, 6202, 6203 and 6206 of Title 42.

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§ 25. Applicability.

The following shall apply for the fiscal year beginning after June 30, 2020, and ending before July 1, 2021:

(1) The following shall apply to fire company grants under 35 Pa.C.S. Ch. 78 Subch. B:

(i) Notwithstanding 35 Pa.C.S. § 7812, the State Fire Commissioner shall, within five days of the effective date of this section, transmit notice of the Fire Company Grant Program availability to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(ii) Notwithstanding 35 Pa.C.S. § 7813(c), the following shall apply:

(A) Within 15 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide written instructions for grants under 35 Pa.C.S. Ch. 78 Subch. B to:

(I) except as set forth in subclause (II), the fire chief and president of every fire company; or

(II) in the case of a municipal fire company, the chief executive of the municipality.

(B) Within 45 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide applications to individuals specified in clause (A). Fire companies seeking grants under 35 Pa.C.S. Ch. 78 Subch. B shall submit completed applications to the State Fire Commissioner. The application period shall remain open for 45 days. The State Fire Commissioner shall act to approve or disapprove applications within 60 days of the application submission deadline. Applications which have not been approved or disapproved by the State Fire Commissioner within 60 days after the close of the application period shall be deemed approved.

(2) The following shall apply to emergency medical services grants under 35 Pa.C.S. Ch. 78 Subch. C:

(i) Notwithstanding 35 Pa.C.S. § 7822, the State Fire Commissioner shall, within five days of the effective date of this section, transmit notice of the Emergency Medical Services Grant Program availability

to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(ii) Notwithstanding 35 Pa.C.S. § 7823(c), the following shall apply:

(A) Within 15 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide written instructions for grants under 35 Pa.C.S. Ch. 78 Subch. C to the president of every emergency medical services company in this Commonwealth.

(B) Within 45 days of the date of publication of the notice under subparagraph (i), the State Fire Commissioner shall provide applications to individuals specified in clause (A). Emergency medical services companies seeking grants under 35 Pa.C.S. Ch. 78 Subch. C shall submit completed applications to the State Fire Commissioner. The application period shall remain open for 45 days. The State Fire Commissioner shall act to approve or disapprove applications within 60 days of the application submission deadline. Applications which have not been approved or disapproved by the State Fire Commissioner within 60 days after the close of the application period shall be deemed approved.

Explanatory Note. Act 91 amended or added Subchapter E heading of Chapter 73, sections 7361, 7362, 7363, 7364, 7365, 7366, 7371, 7374, 7376, 7378, 7378.2, 7378.3, 7378.4, 7378.5, 7382, 7383, 7383.1, 7384, 7385 and 7386, Subchapter B heading of Chapter 74, sections 7412, 7413, 7416, 7418, 7419.1, 7802, 7811, 7812, 7813, 7814, 7821, 7822, 7823, 7824, 7831, 7832, 7832.1, 7833, 7841, 7842, 7843, 79A03, 79A11, 79A13, 79A24, 79A32 and 79A33.