

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 385 Session of 2021

INTRODUCED BY BROOKS, J. WARD, PHILLIPS-HILL AND KEARNEY, MARCH 11, 2021

SENATOR J. WARD, AGING AND YOUTH, AS AMENDED, JUNE 8, 2021

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,
34 every State depository and every debtor or creditor of the

1 Commonwealth," in emergency COVID-19 response, providing for  
2 ~~building occupant protection A LONG-TERM CARE FACILITY~~ <--  
3 VENTILATION GRANT PROGRAM.

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

6 ~~Section 1. The act of April 9, 1929 (P.L.343, No.176), known <--~~  
7 ~~as The Fiscal Code, is amended by adding a section to read:~~

8 ~~Section 161 C. Building occupant protection.~~

9 ~~(a) Additional appropriations. For the 2021-2022 fiscal~~  
10 ~~year, from money that is received by the Commonwealth from the~~  
11 ~~Federal Government for COVID-19 relief or related purposes on or~~  
12 ~~after the effective date of this subsection, the sum of~~  
13 ~~\$3,000,000 is appropriated to the Department of Human Services~~  
14 ~~for the purpose of building occupant protection under subsection~~

15 ~~(b).~~

16 ~~(b) Use of money. The amount appropriated under subsection~~  
17 ~~(a) may be used for any of the following purposes:~~

18 ~~(1) The implementation of best practices regarding~~  
19 ~~indoor air management strategies aimed at reducing the risk~~  
20 ~~of transmission of, and occupant exposure to, COVID-19,~~  
21 ~~including any of the following:~~

22 ~~(i) Dilution.~~

23 ~~(ii) Airflow patterns.~~

24 ~~(iii) Outdoor air ventilation.~~

25 ~~(iv) Pressurization.~~

26 ~~(v) Demand controlled ventilation.~~

27 ~~(vi) Temperature and humidity distribution and~~  
28 ~~control.~~

29 ~~(vii) Filtration.~~

30 ~~(viii) Ultra violet germicidal irradiation.~~

31 ~~(ix) Personalized ventilation systems for certain~~

1 ~~high risk tasks.~~

2 ~~(x) Portable, free standing high efficiency~~  
3 ~~particulate air filters.~~

4 ~~(2) The design, installation, operation and maintenance~~  
5 ~~of heating, ventilating and air conditioning systems,~~  
6 ~~including air cleaning and local exhaust ventilation systems,~~  
7 ~~to decrease the risk of infection transmission.~~

8 ~~(3) The development of emergency preparedness plans to~~  
9 ~~mitigate exposure to infectious aerosols and to decrease the~~  
10 ~~risk of infection transmission.~~

11 SECTION 1. ARTICLE I-C OF THE ACT OF APRIL 9, 1929 (P.L.343, <--  
12 NO.176), KNOWN AS THE FISCAL CODE, IS AMENDED BY ADDING A  
13 SUBARTICLE TO READ:

14 SUBARTICLE B.1

15 APPROPRIATIONS FROM THE ACCOUNT

16 SECTION 115-C. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE  
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "CURRENT FISCAL YEAR." THE FISCAL YEAR BEGINNING JULY 1,  
21 2021, AND ENDING JUNE 30, 2022.

22 SECTION 116-C. CONSTRUCTION WITH THE GENERAL APPROPRIATION ACT  
23 OF 2021.

24 ALL APPROPRIATIONS CONTAINED IN THIS SUBARTICLE FROM THE  
25 GENERAL FUND SHALL BE IN ADDITION TO ANY APPROPRIATION UNDER THE  
26 ACT OF (P.L. , NO.1A) , KNOWN AS THE GENERAL APPROPRIATION ACT  
27 OF 2021.

28 SECTION 117-C. APPROPRIATIONS FROM THE ACCOUNT.

29 TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR  
30 THE CURRENT FISCAL YEAR, \$5,000,000 OF FEDERAL AMOUNTS IS

1 APPROPRIATED FROM THE COVID-19 RESPONSE RESTRICTED ACCOUNT FOR  
2 COVID RELIEF - LONG-TERM CARE FACILITY VENTILATION GRANT PROGRAM  
3 UNDER SECTION 135-C.

4 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
5 SECTION 135-C. LONG-TERM CARE FACILITY VENTILATION GRANT  
6 PROGRAM.

7 (A) USE OF FUNDS.--FROM MONEY APPROPRIATED TO THE DEPARTMENT  
8 FOR COVID RELIEF - LONG-TERM CARE FACILITY VENTILATION GRANT  
9 PROGRAM, \$5,000,000 SHALL BE TRANSFERRED TO THE AUTHORITY AND  
10 SHALL BE USED TO MAKE GRANTS UNDER THIS SECTION.

11 (B) ESTABLISHMENT OF PROGRAM.--THE AUTHORITY SHALL ESTABLISH  
12 THE PROGRAM AS A STATEWIDE GRANT PROGRAM.

13 (C) PURPOSE OF PROGRAM.--THE PROGRAM SHALL RECEIVE  
14 APPLICATIONS AND AWARD GRANTS TO LONG-TERM CARE FACILITIES IN  
15 ACCORDANCE WITH THIS SECTION.

16 (D) APPLICATION.--THE AUTHORITY SHALL DEVELOP AN APPLICATION  
17 FOR LONG-TERM CARE FACILITIES TO APPLY FOR A GRANT UNDER THIS  
18 SECTION WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.  
19 THE APPLICATION SHALL BE MADE AVAILABLE AND POSTED ON THE  
20 AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AND SHALL BE IN  
21 A FORM THAT CAN BE COMPLETED ELECTRONICALLY OR THROUGH THE  
22 UNITED STATES MAIL.

23 (E) DEADLINE.--NO APPLICATION FOR A GRANT UNDER THIS SECTION  
24 MAY BE SUBMITTED 60 DAYS AFTER THE DATE THE AUTHORITY MAKES THE  
25 APPLICATION AVAILABLE AND POSTED ON THE AUTHORITY'S PUBLICLY  
26 ACCESSIBLE INTERNET WEBSITE.

27 (F) GUIDELINES.--THE AUTHORITY SHALL ESTABLISH GUIDELINES  
28 THAT ARE CONSISTENT WITH THE PROVISIONS OF THIS SECTION WITHIN  
29 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. THE GUIDELINES  
30 SHALL BE:

1           (1) SUBMITTED TO THE LEGISLATIVE REFERENCE BUREAU FOR  
2           PUBLICATION AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

3           (2) POSTED ON THE AUTHORITY'S PUBLICLY ACCESSIBLE  
4           INTERNET WEBSITE.

5           (G) PROGRAM REQUIREMENTS.--A LONG-TERM CARE FACILITY MAY BE  
6           ELIGIBLE FOR A GRANT PROVIDED THAT THE FACILITY SUBMITS A PAID  
7           INVOICE FOR WORK COMPLETED DURING THE DECLARED COVID-19  
8           EMERGENCY OR SUBMITS A CONTRACTUAL AGREEMENT FOR ANY OF THE  
9           FOLLOWING PURPOSES:

10           (1) THE IMPLEMENTATION OF BEST PRACTICES REGARDING  
11           INDOOR AIR MANAGEMENT STRATEGIES AIMED AT REDUCING THE RISK  
12           OF TRANSMISSION OF, AND OCCUPANT EXPOSURE TO, COVID-19,  
13           INCLUDING ANY OF THE FOLLOWING:

14                   (I) DILUTION.

15                   (II) AIRFLOW PATTERNS.

16                   (III) OUTDOOR AIR VENTILATION.

17                   (IV) PRESSURIZATION.

18                   (V) DEMAND-CONTROLLED VENTILATION.

19                   (VI) TEMPERATURE AND HUMIDITY DISTRIBUTION AND  
20           CONTROL.

21                   (VII) FILTRATION.

22                   (VIII) ULTRA-VIOLET GERMICIDAL IRRADIATION.

23                   (IX) PERSONALIZED VENTILATION SYSTEMS FOR CERTAIN  
24           HIGH-RISK TASKS.

25                   (X) PORTABLE, FREE-STANDING HIGH-EFFICIENCY  
26           PARTICULATE AIR FILTERS.

27                   (XI) IONIZATION TECHNOLOGY.

28                   (XII) OZONATION.

29           (2) THE DESIGN, INSTALLATION, OPERATION AND MAINTENANCE  
30           OF HEATING, VENTILATING AND AIR-CONDITIONING SYSTEMS,

1 INCLUDING AIR-CLEANING AND LOCAL EXHAUST VENTILATION SYSTEMS,  
2 TO DECREASE THE RISK OF INFECTION TRANSMISSION.

3 (3) THE DEVELOPMENT OF EMERGENCY PREPAREDNESS PLANS TO  
4 MITIGATE EXPOSURE TO INFECTIOUS AEROSOLS AND TO DECREASE THE  
5 RISK OF INFECTION TRANSMISSION.

6 (H) GRANT LIMITS.--THE AUTHORITY MAY AWARD A GRANT TO A  
7 LONG-TERM CARE FACILITY NOT TO EXCEED \$15,000.

8 (I) AWARD OF GRANTS.--THE AUTHORITY SHALL AWARD GRANTS AND  
9 MAKE GRANT PAYMENTS UNDER THIS SECTION NO LATER THAN TWO MONTHS  
10 AFTER THE DEADLINE FOR SUBMITTING THE GRANT APPLICATION OR 30  
11 DAYS PRIOR TO ANY FEDERAL OR STATE IMPOSED DEADLINE ESTABLISHED  
12 FOR THE USE OF SUCH FUNDS, WHICHEVER IS SOONER. THE AUTHORITY  
13 SHALL ENSURE THAT GRANTS ARE MADE AVAILABLE TO ALL GEOGRAPHIC  
14 AREAS OF THIS COMMONWEALTH.

15 (J) EXPIRATION.--THIS SECTION SHALL EXPIRE AFTER THE MONEY  
16 TRANSFERRED TO THE AUTHORITY UNDER SUBSECTION (A) HAS BEEN  
17 EXHAUSTED. THE AUTHORITY SHALL TRANSMIT NOTICE OF THE DATE THAT  
18 THE MONEY IS EXHAUSTED TO THE LEGISLATIVE REFERENCE BUREAU FOR  
19 PUBLICATION IN THE PENNSYLVANIA BULLETIN.

20 (K) RETURN OF GRANTS.--IF A LONG-TERM CARE FACILITY RECEIVES  
21 A GRANT BUT FAILS TO COMPLETE A PROJECT FOR THE PURPOSES  
22 AUTHORIZED UNDER SUBSECTION (G), THE FACILITY MUST RETURN THE  
23 FUNDS TO THE AUTHORITY, WHICH WILL BE REDIRECTED TO THE GENERAL  
24 FUND.

25 (L) INELIGIBILITY.--A LONG-TERM CARE FACILITY THAT HAS  
26 ALREADY RECEIVED REIMBURSEMENT FOR A QUALIFYING PROJECT UNDER  
27 SUBSECTION (G,) WILL BE INELIGIBLE TO PARTICIPATE IN THE  
28 PROGRAM.

29 (M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
30 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

2 "AUTHORITY." THE COMMONWEALTH FINANCING AUTHORITY.

3 "COVID-19." THE CORONAVIRUS DISEASE 2019, AN INFECTIOUS  
4 DISEASE CAUSED BY SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS  
5 2 THAT WAS FIRST IDENTIFIED DURING DECEMBER 2019 IN WUHAN,  
6 CHINA.

7 "LONG-TERM CARE FACILITIES." ANY OF THE FOLLOWING:

8 (1) A LONG-TERM CARE NURSING FACILITY AS DEFINED IN  
9 SECTION 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48),  
10 KNOWN AS THE HEALTH CARE FACILITIES ACT.

11 (2) AN ASSISTED LIVING RESIDENCE AS DEFINED IN SECTION  
12 1001 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS  
13 THE HUMAN SERVICES CODE.

14 (3) A PERSONAL CARE HOME AS DEFINED IN SECTION 1001 OF  
15 THE HUMAN SERVICES CODE.

16 "PROGRAM." LONG-TERM CARE FACILITY VENTILATION GRANT PROGRAM  
17 ESTABLISHED UNDER THIS SECTION.

18 Section 2 3. This act shall take effect immediately.

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