AN ACT

Providing for the declaration of a public health emergency, for duties of the Department of Health, for temporary regulations and for immunity from liability.

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

Section 1. Short title.

This act shall be known and may be cited as the Public Health Emergency Act.

Section 2. Definitions.

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

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

"Executive agency." A department, board, commission, authority, officer or agency or the Executive Department, subject to the policy, supervision and control of the Governor.

"Government agency." Any of the following:

(1) An agency of the Commonwealth, including
departments, boards, commissions or authorities.

(2) A political subdivision or agency of a political subdivision.

(3) A local or municipal authority or other local government unit.

(4) A court or related agency.

"Public health emergency." An occurrence or imminent threat of a disease or condition of public health importance with both of the following characteristics:

(1) Is believed to be caused by any of the following:

   (i) A bioterrorist event, a biological, chemical or nuclear agent, a chemical attack or a nuclear attack.

   (ii) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.

   (iii) A natural disaster, an accidental chemical release or a nuclear incident.

   (iv) A disease outbreak, including an outbreak of substance use disorder or unusual expression of illness.

(2) Poses a high probability of any of the following in the affected population:

   (i) Death.

   (ii) Serious or long-term disabilities.

   (iii) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial present or future harm to the public health.

"Public health worker." A person employed by, under contract with or serving as a registered volunteer of the department or a local health department to carry out prophylaxis, treatment, notification and prevention services to individuals reported to
the department or local health departments as having a reportable disease under the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955.

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

Section 3. Declaration of a public health emergency.

(a) Authorization.--The secretary may declare a public health emergency by disseminating the declaration promptly by means calculated to bring its contents to the attention of the general public and shall file it with the Legislative Reference Bureau for publication under 45 Pa.C.S. Pt. II (relating to publication and effectiveness of Commonwealth documents).

(b) Declaration, renewal and termination.--

(1) The declaration of a public health emergency shall be valid for a period of up to 90 days unless renewed or terminated by the secretary by publishing a subsequent declaration in the Pennsylvania Bulletin.

(2) The General Assembly by concurrent resolution may terminate a public health emergency at any time. If the Governor approves the concurrent resolution, or if disapproved, the General Assembly repasses the concurrent resolution by two-thirds of both houses, the Governor shall issue an executive order or proclaim ending the public health emergency declaration.

(c) Duties of department.--Upon a declaration under subsection (a), the department is authorized to perform the following duties:

(1) Suspend departmental regulations.

(2) Promulgate temporary regulations under subsection (f) to address the public health emergency.
(3) Require reporting, in the manner and form prescribed by the department, relating to a disease, infection or condition.

(4) Set forth the requirements for health care facilities and licensed health care practitioners to manage a disease outbreak or unusual expression of illness.

(5) Authorize public health workers to dispense, administer, furnish or otherwise provide prescription medication for prophylaxis or treatment of a reportable disease or condition as necessary to prevent and control the spread of disease or condition.

(d) Requirements.--Notwithstanding any other provision of law, all government agencies shall, at the request of the department and to the extent not prohibited by Federal law, provide information as prescribed by the department during a public health emergency. The department shall provide for the frequency and format, which may include automated data exchanges, for the collection of the information required under this subsection.

(e) Confidentiality of information.--Any information provided or collected under this section shall be confidential and is not subject to public access under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and is neither discoverable nor admissible as evidence in any civil, criminal or administrative action or proceeding.

(f) Temporary regulations.--The department may promulgate temporary regulations regarding measures to reduce harm and control disease. The temporary regulations are not 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) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.


(g) Expiration and subsequent promulgation.--The temporary regulations promulgated under subsection (f) shall expire 90 days following the end of the declaration of a public health emergency. Regulations adopted after this period shall be promulgated as provided by law.

(h) Suspension of regulations.--An executive agency, in consultation with the department, may suspend a regulation that prevents, hinders or delays necessary action in responding to a public health emergency.

Section 4. Immunity from liability.

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

Section 5. Prohibitions.

The prohibitions under 18 Pa.C.S. § 6107 (relating to prohibited conduct during emergency) do not apply to a declaration of a public health emergency under this act.

Section 6. Effective date.

This act shall take effect immediately.