

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1575

Session of
1981

INTRODUCED BY CORDISCO, HASAY, CLARK, PETRARCA, BELARDI,
SERAFINI, MILLER, STEVENS, CESSAR, COHEN, CAPPABIANCA,
JACKSON, GREENFIELD, WOZNIAK, COCHRAN, FREIND, BROWN,
KUKOVICH, GALLAGHER, STEWART, MORRIS, STEIGHNER, DONATUCCI,
COLAFELLA, DeWEESE AND E. Z. TAYLOR, JUNE 15, 1981

AS REPORTED FROM COMMITTEE ON FEDERAL-STATE RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 15, 1981

AN ACT

1 Establishing ~~an Agent Orange~~ A VIETNAM HERBICIDES Information <—
2 Commission; imposing powers and duties on the commission;
3 granting additional powers and duties to the Department of
4 Health and making an appropriation.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "~~Agent Orange~~ <—
9 ~~Victims' Act.~~" "VIETNAM HERBICIDES INFORMATION ACT." <—

10 Section 2. Definitions.

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

14 "Agent Orange." The herbicide composed of tri-chlorphenoxy
15 ~~acidic acid and di-chlorphenoxy acidic acid.~~ ACITIC ACID AND DI- <—
16 CHLORPHENOXYACITIC ACID.

17 "Commission." The ~~Agent Orange~~ VIETNAM HERBICIDES <—

1 Information Commission established pursuant to section 4.

2 "Department." The Department of Health of the Commonwealth
3 of Pennsylvania.

4 "Secretary." The Secretary of Health of the Commonwealth of
5 Pennsylvania.

6 "VETERAN." A PERSON WHO WAS A RESIDENT OF THE COMMONWEALTH <—
7 AT THE TIME OF HIS INDUCTION INTO THE ARMED FORCES OF THE UNITED
8 STATES OF AMERICA OR IS A RESIDENT OF THIS COMMONWEALTH WHO
9 SERVED IN VIETNAM, CAMBODIA, THAILAND OR LAOS DURING THE VIETNAM
10 CONFLICT.

11 "VIETNAM HERBICIDE." THE HERBICIDES, DEFOLIANTS AND OTHER
12 CAUSATIVE AGENTS, INCLUDING AGENT ORANGE, USED IN THE VIETNAM
13 CONFLICT.

14 Section 3. Legislative findings.

15 The General Assembly finds and determines that a large number
16 of Vietnam War Veterans were exposed to ~~Agent Orange and other~~ <—
17 ~~debilitating defoliants~~ HERBICIDES, DEFOLIANTS AND OTHER <—
18 CAUSATIVE AGENTS, INCLUDING AGENT ORANGE, during their service
19 in Vietnam and that it is a legitimate concern and
20 responsibility of the State to determine the extent of their
21 injuries ~~and to provide support and counseling services to these~~ <—
22 ~~victims~~.

23 Section 4. The ~~Agent Orange~~ VIETNAM HERBICIDES <—

24 Information Commission.

25 (a) There is hereby created within the Department of Health
26 an advisory commission to be known as the ~~Agent Orange~~ <—
27 ~~Information~~ VIETNAM HERBICIDES Commission. This commission on <—
28 ~~Agent Orange~~ VIETNAM HERBICIDES exposure is to obtain <—
29 information relating to the health effects of exposure to
30 herbicides containing dioxin AND OTHER CAUSATIVE AGENTS for <—

1 Vietnam veteran residents of the State of Pennsylvania who may
2 have been exposed to these substances during their period of
3 military service.

4 ~~(b) The commission shall consist of nine members to be~~ <—
5 ~~appointed by the Governor for a term of two years. Six members~~
6 ~~shall be honorably discharged veterans of the Vietnam War, with~~
7 ~~at least one veteran selected from each of the areas covered by~~
8 ~~the Governor's Veterans Outreach Centers established by the~~
9 ~~Secretary of Labor and Industry. The three other members of the~~
10 ~~commission shall be dependents of veterans of the Vietnam War.~~

11 (B) THE COMMISSION SHALL CONSIST OF 13 MEMBERS WHO SHALL <—
12 SERVE FOR A TERM OF TWO YEARS. THE GOVERNOR SHALL APPOINT THE
13 SECRETARY OF HEALTH AND TEN OTHER MEMBERS OF WHOM SIX SHALL BE
14 HONORABLY DISCHARGED VETERANS OF THE VIETNAM CONFLICT WITH AT
15 LEAST ONE VETERAN SELECTED FROM EACH OF THE FIVE AREAS COVERED
16 BY THE GOVERNOR'S VETERANS OUTREACH CENTERS OF THE REMAINING
17 MEMBERS TO BE APPOINTED BY THE GOVERNOR, ONE SHALL BE AN
18 EPIDEMIOLOGIST SELECTED FROM THE STATE PUBLIC HEALTH SCHOOLS,
19 ONE SHALL BE A HEALTH ENVIRONMENTALIST SELECTED FROM THE STATE
20 PUBLIC HEALTH SCHOOLS AND ONE SHALL BE A TOXICOLOGIST SELECTED
21 FROM THE STATE PUBLIC HEALTH SCHOOLS AND ONE SHALL BE A
22 SPECIALIST IN PUBLIC HEALTH SELECTED FROM THE STATE PUBLIC
23 HEALTH SCHOOLS. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
24 SHALL APPOINT ONE MEMBER OF THE HOUSE TO THE COMMISSION. THE
25 PRESIDENT PRO TEMPORE OF THE SENATE SHALL APPOINT ONE MEMBER OF
26 THE SENATE TO THE COMMISSION.

27 (c) The commission shall elect a chairperson from the
28 members of the commission.

29 (d) Vacancies in the membership of the commission and its
30 officers shall be filled for the unexpired term in the same

1 manner as the original appointment or election.

2 (e) The commission shall meet at least four times each year
3 at the call of the chairperson. The initial meeting of the
4 commission shall be called by the Secretary of Health not later
5 than ~~December 1, 1981.~~ FEBRUARY 1, 1982. <—

6 (F) THE COMMISSION SHALL BE ESTABLISHED FOR A PERIOD OF TWO
7 YEARS.

8 ~~(f)~~ (G) The members of the commission shall receive no <—
9 compensation for their services but shall be allowed their
10 actual and necessary expenses incurred in the performance of
11 their duties hereunder.

12 Section 5. Powers and duties of the commission.

13 The commission shall have the following powers and duties:

14 (1) Determine what medical, administrative and social
15 assistance is needed for ~~victims of dioxin exposure~~ VETERANS <—
16 WHO WERE EXPOSED TO VIETNAM HERBICIDES and submit its
17 recommendations to the Legislature for its consideration.

18 (2) Conduct an extensive outreach program to inform
19 ~~Vietnam-era~~ veterans who may have been exposed to herbicides <—
20 containing dioxin of any Federal or State assistance
21 available to them.

22 (3) Act as the official agent of the State for
23 disseminating information to ~~Vietnam War Veterans~~ VETERANS <—
24 about epidemiological or other studies relating to ~~dioxin~~ <—
25 VIETNAM HERBICIDES exposure which are being conducted by the <—
26 Federal or State Government.

27 ~~(4) Employ and at its pleasure remove such personnel as~~ <—
28 ~~it may deem necessary, including an executive director, for~~
29 ~~the performance of its functions and fix their compensation~~
30 ~~within the amounts made available therefor.~~

1 Section 6. Cooperation with other agencies.

2 To the maximum extent feasible, the commission shall be
3 entitled to request and receive and shall utilize and be
4 provided with such facilities, resources and data of any court,
5 department, division, board, bureau, commission or agency of the
6 State or any political subdivision thereof as it may reasonably
7 request to carry out properly its powers and duties hereunder.

8 Section 7. Information to be confidential.

9 The commission shall not disclose information received
10 pursuant to this act so as to divulge the identities of the
11 persons to whom it relates except as is necessary to carry out
12 the purposes of this act.

13 Section 8. Reports.

14 The commission shall make a preliminary report to the
15 Governor and the Legislature of its findings, conclusions and
16 recommendations not later than March 1, 1982 and a final report
17 of its findings, conclusions and recommendations not later than
18 March 1, 1983.

19 Section 9. Duties of the Department of Health.

20 For the purpose of identifying persons who were exposed to a <—
21 ~~herbicide containing dioxin~~ VIETNAM HERBICIDES and for the <—
22 purpose of compiling data on the health effects of this
23 exposure, the department shall:

24 (1) Establish, promote and maintain a public information
25 program on ~~dioxin~~ VIETNAM HERBICIDES. Such program shall <—
26 include, but may not be limited to, an effort to contact
27 ~~Vietnam-era~~ veterans who were exposed to the herbicide <—
28 containing dioxin.

29 ~~(2) Initiate an epidemiological study of the health~~ <—
30 ~~effects of exposure to herbicides containing dioxin of the~~

1 ~~above Vietnam War Veteran residents of Pennsylvania.~~

2 (2) ESTABLISH, MAINTAIN AND PROMOTE A REPORTING PROCESS <—
3 FOR VETERANS WHO WERE EXPOSED TO HERBICIDES, DEFOLIANTS AND
4 OTHER CAUSATIVE AGENTS, INCLUDING AGENT ORANGE.

5 (3) Maintain a central data bank within the ~~Department~~ <—
6 ~~of Health~~ DEPARTMENT for information collected on the health <—
7 effects of exposure to ~~dioxin~~ VIETNAM HERBICIDES and for the <—
8 cataloguing of existing scientific and medical literature on
9 the health effects of this exposure.

10 (4) Initiate education for health professionals to
11 assist them in understanding the potential risks and state-
12 of-art knowledge with regard to detection, diagnosis and
13 treatment of acute and chronic symptoms associated with
14 ~~dioxin~~ VIETNAM HERBICIDES exposure. <—

15 SECTION 10. REPORTS TO THE DEPARTMENT. <—

16 (A) A PHYSICIAN WHO HAS PRIMARY RESPONSIBILITY FOR TREATING
17 A VETERAN WHO BELIEVES HE MAY HAVE BEEN EXPOSED TO CHEMICAL
18 HERBICIDES OR DEFOLIANTS, INCLUDING AGENT ORANGE, WHILE SERVING
19 IN THE ARMED FORCES OF THE UNITED STATES, SHALL, AT THE REQUEST
20 OF THE VETERAN, SUBMIT A REPORT TO THE DEPARTMENT ON A FORM
21 PROVIDED BY THE DEPARTMENT. IF THERE IS NO PHYSICIAN HAVING
22 PRIMARY RESPONSIBILITY FOR TREATING THE VETERAN, THE HOSPITAL
23 TREATING THE VETERAN SHALL, AT THE REQUEST OF THE VETERAN,
24 SUBMIT THE REPORT TO THE DEPARTMENT.

25 (B) THE FORM PROVIDED BY THE DEPARTMENT TO THE PHYSICIAN
26 SHALL REQUEST THE FOLLOWING INFORMATION:

27 (1) SYMPTOMS TO A CHEMICAL HERBICIDE OR DEFOLIANT OR
28 OTHER CAUSITIVE AGENT, INCLUDING AGENT ORANGE.

29 (2) DIAGNOSIS OF THE VETERAN.

30 (3) METHODS OF TREATMENT PRESCRIBED.

1 (C) THE DEPARTMENT MAY REQUIRE THE VETERAN TO PROVIDE SUCH
2 OTHER INFORMATION AS DETERMINED BY THE SECRETARY OF THE
3 DEPARTMENT.

4 Section ~~10~~ 11. Cooperation with department. <—

5 The secretary may request and shall receive from any
6 department, division, board, bureau, commission or agency of the
7 State or of any political subdivision thereof such assistance
8 and data as will enable him to properly carry out his activities
9 hereunder and effectuate the purposes herein set forth. The
10 secretary may also enter into any contract for services as he
11 deems necessary with a private agency or concern upon said terms
12 and conditions as he deems appropriate. Information concerning
13 patient and medical data provided to the secretary pursuant to
14 this section shall be kept confidential according to these
15 provisions. STATISTICAL INFORMATION COLLECTED UNDER THIS ACT IS <—
16 PUBLIC INFORMATION.

17 SECTION 12. IMMUNITY FROM LIABILITY.

18 A PHYSICIAN OR A HOSPITAL SUBJECT TO THIS ACT WHO COMPLIES
19 WITH THIS ACT MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR
20 PROVIDING THE INFORMATION REQUIRED BY THIS ACT.

21 Section ~~11~~ 13. Report by department. <—

22 The department shall make an annual report to the Legislature
23 of its findings and recommendations concerning the
24 effectiveness, impact and benefits derived from the special
25 policies as provided for in this ~~section~~ ACT. Such report shall <—
26 be delivered on or before March 1 and shall contain evaluations
27 of the policies and any legislation deemed necessary and proper
28 to the House FEDERAL-STATE RELATIONS COMMITTEE and THE Senate <—
29 Military and Veterans Affairs ~~Committees~~ COMMITTEE. <—

30 ~~Section 12. Location of commission in department.~~ <—

~~The commission shall be housed in the Pennsylvania Department of Health in Harrisburg and an office shall be made available with a phone and clerical support in a State health building in both Philadelphia and Pittsburgh. The offices in Philadelphia and Pittsburgh shall assist with data gathering and information outreach services to Agent Orange victims from Pennsylvania with service in Vietnam.~~

Section 13. ~~Appropriations~~ 14. APPROPRIATION.

The sum of ~~\$225,000~~ \$300,000, or as much thereof as may be necessary, is specifically appropriated to the Department of Health for the fiscal period 1981-1982 ~~to be allocated by the Department of Health as follows:~~

~~(1) \$100,000 to the Department of Health to carry out the provisions of this act.~~

~~(2) \$75,000 to the commission to carry out its duties.~~

~~(3) \$50,000 to the commission for the salaries of its executive director and clerical staff. TO CARRY OUT THE~~

PROVISIONS OF THIS ACT.

Section ~~14~~ 15. Effective date.

This act shall take effect ~~September~~ DECEMBER 1, 1981.