
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1569 Session of
2002

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LEMMOND, OCTOBER 24, 2002

REFERRED TO STATE GOVERNMENT, OCTOBER 24, 2002

AN ACT

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

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9 CHAPTER 1

10 GENERAL PROVISIONS

11 Section 101. Short title.

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

14 Section 102. Definitions.

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

18 "Agency." The Pennsylvania Emergency Management Agency.

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

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

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

30 "FEMA." The Federal Emergency Management Agency.

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

10 (1) Workers' compensation and death benefits.

11 (2) Use of 911 emergency communications centers and
12 other dispatch centers.

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

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

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

24 "Mutual aid agreement" or "mutual aid." A written agreement
25 between a regional counterterrorism task force and a county,
26 municipality or volunteer service organization whereby the
27 county, municipality or volunteer service organization agrees to
28 provide personnel, equipment or other resources in response to a
29 potential or actual terrorist incident or any other actual or
30 potential natural or manmade disaster. In the absence of a

1 written agreement, the term shall mean a county's,
2 municipality's or volunteer service organization's affirmative
3 act of sending its personnel, equipment or resources to the
4 scene of an actual or potential terrorist incident or natural or
5 manmade disaster, whether inside or outside the boundaries of
6 this Commonwealth, in response to an official dispatch request
7 from a county 911 communications center, county emergency
8 management agency or the State Emergency Operations Center. All
9 mutual aid agreements entered into under the provisions of this
10 act must, at a minimum, address all of the following:

11 (1) Workers' compensation and death benefits.

12 (2) Use of 911 emergency communications centers and
13 other dispatch centers.

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

16 For the purposes of this act and any requirements established by
17 the Federal Government, these two terms shall be
18 interchangeable.

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

24 "Regional counterterrorism task force." A group of Federal,
25 State, county and municipal emergency management, health, law
26 enforcement, public safety and other officials and
27 representatives from volunteer service organizations, private
28 business and industry, hospitals and medical care facilities and
29 other entities within a multicounty area as determined by the
30 agency that is responsible for conducting counterterrorism

1 planning, training preparedness and response activities.

2 "Specialized regional counterterrorism response team." A
3 complement of individuals organized in accordance with standards
4 developed by the Pennsylvania Emergency Management Agency and
5 applicable Federal agencies to respond to emergencies involving
6 chemical, biological, radiological materials or other weapons of
7 mass destruction.

8 "Specialized Statewide response team." A complement of
9 individuals established by the Commonwealth to provide
10 specialized personnel, equipment and other support capabilities
11 in response to a terrorist incident or other disaster emergency
12 in this Commonwealth. Specialized Statewide counterterrorism
13 response teams include, but are not limited to, disaster medical
14 assistance teams and disaster mortuary response teams.

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

20 "Urban search and rescue task force." A complement of
21 individuals organized in accordance with standards developed by
22 the Pennsylvania Emergency Management Agency and the Federal
23 Emergency Management Agency to provide emergency response and
24 search and rescue capabilities and resources at the scene of a
25 natural or manmade disaster, structure collapse or other
26 emergency.

27 "Volunteer service organization." A volunteer fire company,
28 volunteer ambulance or medical company, volunteer rescue squad
29 or any other volunteer entity organized and chartered or
30 incorporated in this Commonwealth for the primary purpose of

1 providing emergency services as defined in 35 Pa.C.S. § 7102
2 (relating to definitions).

3 "Weapon of mass destruction." Any biological, chemical,
4 nuclear, radiological, high explosive bomb, missile or other
5 weapon or device used by a terrorist or enemy of the United
6 States and designed to cause maximum injury or death to large
7 numbers of persons and widespread destruction to civilian and
8 governmental property and infrastructure.

9 CHAPTER 2

10 COUNTERTERRORISM PLANNING, PREPAREDNESS

11 AND RESPONSE

12 Section 201. Counterterrorism planning, preparedness and
13 response program.

14 (a) Program.--The Pennsylvania Emergency Management Agency
15 shall coordinate and consult with other State agencies,
16 departments and offices, including the Office of Homeland
17 Security, to establish, develop and maintain a counterterrorism
18 planning, preparedness and response program to promote and
19 protect the health, safety and welfare of emergency responders,
20 public officials and the general public from potential threats
21 or actual acts of terrorism in this Commonwealth.

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

23 (1) Define the composition of regional counterterrorism
24 task forces and specialized regional counterterrorism
25 response teams and the respective regional counterterrorism
26 zones for each.

27 (2) Provide training and technical assistance for
28 counterterrorism planning, preparedness and response to
29 potential threats or actual acts of terrorism.

30 (3) Provide guidelines coordinating emergency response

1 activities with emergency responders, law enforcement and
2 Federal, State and municipal agencies and other entities
3 responsible for the health, safety and welfare of the
4 citizens of this Commonwealth.

5 (4) Require the preparation of counterterrorism
6 emergency response plans or protocols, readiness evaluation
7 reports or other documents deemed necessary by the agency.

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

10 (6) Conduct terrorist incident exercises at locations
11 within this Commonwealth to test the emergency response
12 capabilities of all parties involved in the counterterrorism
13 program.

14 (7) Assist regional counterterrorism task forces in
15 developing and entering into mutual aid agreements and
16 letters of agreement with other parties.

17 (8) Establish a certification program for specialized
18 regional counterterrorism response teams within this
19 Commonwealth. The certification program shall set standards
20 for the administration, composition, training and equipping
21 of the teams.

22 (c) Guidelines and policies.--The agency shall consult with
23 representatives of the regional counterterrorism task forces to
24 develop guidelines and policies necessary to carry out the
25 provisions of this chapter.

26 Section 202. Regional counterterrorism task forces.

27 (a) Establishment.--The agency, in coordination with county
28 emergency management agencies, county and municipal health,
29 police and public safety departments, volunteer services
30 organizations, private business and other parties shall

1 establish regional counterterrorism task forces throughout this
2 Commonwealth to conduct counterterrorism planning, preparedness
3 and response activities within the region.

4 (b) Response plans.--Each regional counterterrorism task
5 force shall prepare a counterterrorism preparedness and response
6 plan in accordance with guidelines developed by the agency. The
7 plan shall be completed within 180 days of the effective date of
8 this act and submitted to the agency for its review and
9 approval. The task force shall review and update the plan on an
10 annual basis.

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

17 Section 203. Regional counterterrorism response and
18 preparedness.

19 (a) Specialized regional counterterrorism response teams.--A
20 regional counterterrorism task force shall establish specialized
21 counterterrorism response teams to respond to potential threats
22 or actual terrorist incidents involving chemical, biological or
23 radiological materials or other weapons of mass destruction.

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

30 (c) Activation and deployment.--A specialized regional

1 counterterrorism response team may be activated and deployed by
2 the Governor, his designee or an official designated by the
3 appropriate regional counterterrorism task force.

4 (d) Grants.--Specialized regional counterterrorism response
5 teams may receive grants and funding from the Federal and
6 Commonwealth Government through application to the agency or
7 another entity providing grants or funding for the purposes of
8 this chapter.

9 Section 204. Urban search and rescue task force.

10 (a) Establishment of task forces.--The agency may establish
11 one or more urban search and rescue task forces to provide
12 specialized personnel, equipment and other capabilities in
13 response to a terrorist incident, structure collapse or other
14 disaster emergencies in this Commonwealth or another state. The
15 task forces shall also provide professional, logistical,
16 material and other forms of support to regional counterterrorism
17 task forces and specialized regional counterterrorism response
18 teams organized within this Commonwealth.

19 (b) Organization.--Upon activation, an urban search and
20 rescue task force shall be organized in accordance with
21 guidelines, directives or agreements developed by the agency in
22 coordination with FEMA, members of the task force and other
23 interested parties or sponsoring organizations.

24 (c) Responsibilities.--The urban search and rescue task
25 force shall be responsible for carrying out urban search and
26 rescue activities and services in response to all natural,
27 manmade or war-caused disasters in this Commonwealth and shall
28 also perform search and rescue functions as delineated in The
29 Robert T. Stafford Disaster Relief and Emergency Assistance Act
30 (Public Law 93-288, 42 U.S.C. § 5121 et seq.), the Federal

1 Response Plan or its successor, and the counterterrorism
2 preparedness and response plans created in accordance with the
3 provisions of this chapter.

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

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

21 (f) Funding, grants and donations.--In addition to any funds
22 that are provided to the task force under the authority of 35
23 Pa.C.S. § 7307 (relating to use and appropriation of unused
24 Commonwealth funds), the urban search and rescue task force may
25 be eligible to receive grants, donations of equipment and
26 supplies and other funds from any source. As an agent of the
27 Commonwealth, a task force is entitled to tax-exempt status from
28 the Federal Government.

29 Section 205. Specialized Statewide response teams.

30 (a) Establishment.--The Commonwealth may establish one or

1 more specialized Statewide response teams, including, but not
2 limited to, disaster medical assistance teams and disaster
3 mortuary response teams, to provide specialized personnel,
4 equipment and other support capabilities in response to a
5 terrorist incident or other disaster emergency in Pennsylvania.
6 These teams may also provide professional, logistical, material
7 and other forms of support to the regional counterterrorism task
8 forces and specialized regional counterterrorism response teams
9 organized in this Commonwealth.

10 (b) Organization and responsibilities.--Specialized
11 Statewide response teams shall be organized in accordance with
12 guidelines, directives or agreements developed by the
13 Commonwealth in consultation with applicable Federal or State
14 agencies, other interested parties or sponsoring agencies.

15 (c) Activation.--Specialized Statewide response teams may
16 only be activated and deployed to the scene of a disaster by the
17 Governor or his designee.

18 Section 206. Grant program.

19 (a) Authorization.--The agency shall have the authority to
20 make grants to regional counterterrorism task forces who enter
21 into mutual aid agreements or letters of agreement with a
22 county, municipality, volunteer service organization, public,
23 semipublic, private or nonprofit corporation, business,
24 association, partnership, authority, individual or other entity.

25 (b) Limitation.--Grants shall only be made to the extent
26 that funding is available.

27 Section 207. Immunity from civil liability.

28 No member of a specialized regional counterterrorism response
29 team, an urban search and rescue task force or a specialized
30 Statewide response team and no individual who provides

1 logistical, material or other forms of emergency response
2 support to such a team or task force during activation or
3 deployment of a team or task force to a potential or actual
4 manmade or natural disaster or while engaged in a task force or
5 team drill or training exercise shall be liable for the death of
6 or any injury to persons or loss or damage to property except
7 for any acts or omissions which constitute willful misconduct.

8 CHAPTER 3

9 PUBLIC HEALTH EMERGENCY MEASURES

10 Section 301. Temporary isolation and quarantine without notice.

11 (a) Temporary isolation or quarantine.--The Governor, in
12 consultation with the Secretary of Health, may temporarily
13 isolate or quarantine an individual or groups of individuals
14 through a written order if delay in imposing the isolation or
15 quarantine would significantly jeopardize the department's
16 ability to prevent or limit the transmission of a contagious or
17 possibly contagious disease to others. This subsection shall not
18 require a declaration of disaster emergency by the Governor in
19 order to be effective. Nothing in this section shall be
20 construed to limit the existing authority of the Secretary of
21 Health or the department.

22 (b) Continued isolation or quarantine.--Within ten days
23 after issuing the written order, the department shall file a
24 petition for a court order authorizing the continued isolation
25 or quarantine of the isolated or quarantined individual or
26 groups of individuals.

27 (c) Extension of time.--In any proceeding brought for relief
28 under this subsection, in extraordinary circumstances and for
29 good cause shown the department may move the court to extend the
30 time for a hearing, which extension the court in its discretion

1 may grant giving due regard to the rights of the afflicted
2 individuals, the protection of the public health, the severity
3 of the emergency and the availability of necessary witnesses and
4 evidence.

5 Section 302. Appointment of health personnel.

6 The Secretary of Health may require in-State health care
7 providers to assist in the performance of vaccination,
8 treatment, examination or testing of any individual during the
9 existence of a public health emergency. Such requirements shall
10 be a condition of licensure and certification.

11 Section 303. Private liability.

12 (a) Liability.--During a state of public health emergency,
13 any private person, firm or corporation and employees and agents
14 of such person, firm or corporation who renders assistance or
15 advice at the request of the State or its political subdivisions
16 shall not be civilly liable for causing the death of or injury
17 to any person or damage to any property except in the event of
18 willful misconduct.

19 (b) Immunity.--The immunities provided in this section shall
20 not apply to any private person, firm or corporation or
21 employees and agents of such person, firm or corporation whose
22 act or omission caused in whole or in part the public health
23 emergency and who would otherwise be liable therefor.

24 CHAPTER 4

25 MISCELLANEOUS PROVISIONS

26 Section 401. Donations management.

27 (a) Commonwealth donations.--The agency shall be responsible
28 for the management of donations and other forms of private
29 assistance in this Commonwealth. The agency shall:

30 (1) Prepare a comprehensive donations management annex

1 to the Commonwealth Emergency Operations Plan in consultation
2 with other State agencies.

3 (2) Act as the lead State agency for coordinating the
4 receipt and distribution of any donations of services,
5 equipment, supplies or materials from individuals or other
6 parties.

7 (3) Develop and maintain at the State Emergency
8 Operations Center and the Governor's Hot Line a list of
9 nonprofit volunteer agencies willing to receive monetary or
10 other types of donations for a current or previous disaster
11 or emergency.

12 (4) Direct all State agencies to provide necessary
13 support to the agency in order to ensure the success of a
14 donations management program. This includes designating a
15 State agency or office to provide financial management,
16 fiscal oversight and auditing services concerning the
17 collection and distribution of monetary donations to State
18 agencies or other parties.

19 (b) Local donations.--Counties and municipalities may
20 receive donations of money, services, equipment, supplies or
21 materials on behalf of their citizens after the occurrence of a
22 disaster or emergency. A county or municipality receiving
23 donations shall:

24 (1) Develop a donations management plan to deal with the
25 receipt of such donations.

26 (2) Designate a county or municipal agency or individual
27 to coordinate the donations management process.

28 Section 402. Severability.

29 The provisions of this act are severable. If any provision of
30 this act or its application to any person or circumstance is

1 held invalid, the invalidity shall not affect other provisions
2 or applications of this act that can be given effect without the
3 invalid provision or application.

4 Section 403. Effective date.

5 This act shall take effect in 30 days.