

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1569 Session of  
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LEMMOND, WAUGH AND BOSCOLA, OCTOBER 24, 2002

SENATOR LEMMOND, STATE GOVERNMENT, AS AMENDED, NOVEMBER 13, 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.

## 6 TABLE OF CONTENTS

7 Chapter 1. General Provisions

8 Section 101. Short title.

9 Section 102. Definitions.

10 Chapter 2. Counterterrorism Planning, Preparedness and Response

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

13 Section 202. Regional counterterrorism task forces.

14 Section 203. Regional counterterrorism response and  
15 preparedness.

16 Section 204. Urban search and rescue task force.

17 Section 205. Specialized Statewide response teams.

18 Section 206. Grant program.

1 Section 207. ~~Immunity from civil liability.~~ MISCELLANEOUS <—  
2 PROVISIONS.  
3 Chapter 3. Public Health Emergency Measures  
4 Section 301. Temporary isolation and quarantine without notice.  
5 ~~Section 302. Appointment of health personnel.~~ <—  
6 ~~Section 303. Private liability.~~  
7 ~~Chapter 4. Miscellaneous Provisions~~  
8 ~~Section 401. Donations management.~~  
9 ~~Section 402. Severability.~~  
10 ~~Section 403. Effective date.~~  
11 SECTION 302. IMMUNITY FROM LIABILITY. <—  
12 SECTION 303. EFFECTIVE DATE.  
13 CHAPTER 1  
14 GENERAL PROVISIONS  
15 Section 101. Short title.  
16 This act shall be known and may be cited as the  
17 Counterterrorism Planning, Preparedness and Response Act.  
18 Section 102. Definitions.  
19 The following words and phrases when used in this act shall  
20 have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:  
22 "Agency." The Pennsylvania Emergency Management Agency.  
23 "Department." The Department of Health of the Commonwealth.  
24 "Disaster medical assistance teams." A complement of  
25 individuals organized in accordance with standards developed by  
26 the Pennsylvania Emergency Management Agency and applicable  
27 Federal agencies to provide medical service at the scene of  
28 natural and manmade disasters and mass casualty incidents.  
29 "Disaster mortuary teams." A complement of individuals  
30 organized in accordance with standards developed by the

1 Pennsylvania Emergency Management Agency and applicable Federal  
2 agencies to provide mortuary service at the scene of natural and  
3 manmade disasters and mass casualty incidents.

4 "FEMA." The Federal Emergency Management Agency.

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

14 (1) Workers' compensation and death benefits.

15 ~~(2) Use of 911 emergency communications centers and~~ <—  
16 ~~other dispatch centers.~~

17 (2) USE OF COUNTY 911 COMMUNICATIONS CENTERS, COUNTY <—  
18 EMERGENCY MANAGEMENT AGENCIES OR THE STATE EMERGENCY  
19 OPERATIONS CENTER.

20 (3) Member participation in training exercises, drills  
21 and actual activation and deployment.

22 "LOCAL HEALTH DEPARTMENT." A COUNTY DEPARTMENT OF HEALTH <—  
23 UNDER THE ACT OF AUGUST 24, 1951 (P.L.1304, NO.315), KNOWN AS  
24 THE LOCAL HEALTH ADMINISTRATION LAW, OR A DEPARTMENT OF HEALTH  
25 IN A MUNICIPALITY APPROVED FOR A COMMONWEALTH GRANT TO PROVIDE  
26 LOCAL HEALTH SERVICES UNDER SECTION 25 OF THE LOCAL HEALTH  
27 ADMINISTRATION LAW.

28 "Manmade disaster." Any biological, chemical, nuclear,  
29 radiological, industrial, commercial or transportation accident,  
30 attack, explosion, conflagration, contamination, power failure,

1 computer or communications failure, natural resource shortage or  
2 other condition, including enemy or terrorist act, which  
3 threatens or causes substantial property damage, human suffering  
4 and hardship or loss of life.

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

7 "MUTUAL AID." A COUNTY'S, MUNICIPALITY'S OR VOLUNTEER <—  
8 SERVICE ORGANIZATION'S AFFIRMATIVE ACT OF SENDING ITS PERSONNEL,  
9 EQUIPMENT OR RESOURCES TO THE SCENE OF AN ACTUAL OR POTENTIAL  
10 NATURAL OR MANMADE DISASTER, WHETHER INSIDE OR OUTSIDE THE  
11 BOUNDARIES OF THIS COMMONWEALTH, IN RESPONSE TO AN OFFICIAL  
12 DISPATCH REQUEST FROM A COUNTY 911 COMMUNICATIONS CENTER, COUNTY  
13 EMERGENCY MANAGEMENT AGENCY OR THE STATE EMERGENCY OPERATIONS  
14 CENTER.

15 ~~"Mutual aid agreement" or "mutual aid."~~ "MUTUAL AID <—  
16 AGREEMENT." A written agreement between a regional  
17 counterterrorism task force and a county, municipality or  
18 volunteer service organization whereby the county, municipality  
19 or volunteer service organization agrees to provide personnel,  
20 equipment or other resources in response to a potential or <—  
21 actual terrorist incident or any other actual or potential  
22 natural or manmade disaster. In the absence of a written  
23 agreement, the term shall mean a county's, municipality's or  
24 volunteer service organization's affirmative act of sending its  
25 personnel, equipment or resources to the scene of an actual or  
26 potential terrorist incident or natural or manmade disaster,  
27 whether inside or outside the boundaries of this Commonwealth,  
28 in response to an official dispatch request from a county 911  
29 communications center, county emergency management agency or the  
30 State emergency operations center. All AN ACTUAL OR POTENTIAL <—

1 NATURAL OR MANMADE DISASTER. ALL mutual aid agreements entered  
2 into under the provisions of this act must, at a minimum,  
3 address all of the following:

4 (1) Workers' compensation and death benefits.

5 ~~(2) Use of 911 emergency communications centers and~~ <—  
6 ~~other dispatch centers.~~

7 (2) USE OF COUNTY 911 COMMUNICATIONS CENTERS, COUNTY <—  
8 EMERGENCY MANAGEMENT AGENCIES OR THE STATE EMERGENCY  
9 OPERATIONS CENTER.

10 (3) Member participation in training exercises, drills  
11 and actual activation and deployment.

12 ~~For the purposes of this act and any requirements established by~~ <—  
13 ~~the Federal Government, these two terms shall be~~  
14 ~~interchangeable.~~

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

20 "Regional counterterrorism task force." A ~~group~~ COMPLEMENT <—  
21 of Federal, State, county and municipal emergency management,  
22 health, law enforcement, public safety and other officials and  
23 representatives from volunteer service organizations, private  
24 business and industry, hospitals and medical care facilities and  
25 other entities within a multicounty area as determined by the  
26 agency that is responsible for conducting counterterrorism  
27 planning, training preparedness and response activities.

28 "Specialized regional counterterrorism response team." A  
29 complement of individuals ESTABLISHED BY A REGIONAL <—  
30 COUNTERTERRORISM TASK FORCE AND organized in accordance with

1 standards developed by the Pennsylvania Emergency Management  
2 Agency and applicable Federal agencies to respond to emergencies  
3 involving ~~chemical, biological, radiological materials or other~~ <—  
4 ~~weapons of mass destruction.~~ AN ACTUAL OR POTENTIAL NATURAL OR <—  
5 MANMADE DISASTER. SUCH TEAMS MAY INCLUDE DISASTER MEDICAL  
6 ASSISTANCE TEAMS AND DISASTER MORTUARY RESPONSE TEAMS.

7 "Specialized Statewide response team." A complement of  
8 individuals ~~established~~ ORGANIZED by the Commonwealth to provide <—  
9 specialized personnel, equipment and other support capabilities  
10 ~~in response to a terrorist incident or other disaster emergency~~ <—  
11 ~~in this Commonwealth. Specialized Statewide counterterrorism~~  
12 ~~response teams include, but are not limited to, disaster medical~~  
13 IN RESPONSE TO AN ACTUAL OR POTENTIAL NATURAL OR MANMADE <—  
14 DISASTER IN THIS COMMONWEALTH. SUCH TEAMS MAY INCLUDE DISASTER  
15 MEDICAL assistance teams and disaster mortuary response teams.

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

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

28 "Volunteer service organization." A volunteer fire company,  
29 volunteer ambulance or medical company, volunteer rescue squad  
30 or any other volunteer entity organized and chartered or

1 incorporated in this Commonwealth OR CHARTERED BY CONGRESS for <—  
2 the primary purpose of providing emergency services as defined  
3 in 35 Pa.C.S. § 7102 (relating to definitions).

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

10 CHAPTER 2

11 COUNTERTERRORISM PLANNING, PREPAREDNESS

12 AND RESPONSE

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

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

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

25 (1) Define the NECESSARY COMPONENTS AND composition of <—  
26 regional counterterrorism task forces and specialized  
27 regional counterterrorism response teams and the respective  
28 regional counterterrorism zones for each. THE AGENCY SHALL <—  
29 NOT BE RESPONSIBLE FOR APPOINTING INDIVIDUAL MEMBERS TO THE  
30 REGIONAL COUNTERTERRORISM TASK FORCES OR THE SPECIALIZED

1 REGIONAL COUNTERTERRORISM RESPONSE TEAMS.

2 (2) Provide training and technical assistance for  
3 counterterrorism planning, preparedness and response. ~~to~~ <—  
4 ~~potential threats or actual acts of terrorism.~~

5 ~~(3) Provide guidelines coordinating emergency response~~  
6 ~~activities with emergency responders, law enforcement and~~  
7 ~~Federal, State and municipal agencies and other entities~~  
8 ~~responsible for the health, safety and welfare of the~~  
9 ~~citizens of this Commonwealth.~~

10 (3) ESTABLISH GUIDELINES AND POLICIES TO COORDINATE <—  
11 EMERGENCY RESPONSE ACTIVITIES WITH FEDERAL, STATE, COUNTY AND  
12 MUNICIPAL EMERGENCY MANAGEMENT, HEALTH, LAW ENFORCEMENT,  
13 PUBLIC SAFETY AND OTHER OFFICIALS AND REPRESENTATIVES FROM  
14 VOLUNTEER SERVICE ORGANIZATIONS, PRIVATE BUSINESS AND  
15 INDUSTRY, HOSPITALS AND MEDICAL CARE FACILITIES AND OTHER  
16 ENTITIES RESPONSIBLE FOR THE HEALTH, SAFETY AND WELFARE OF  
17 THE CITIZENS OF THIS COMMONWEALTH. THE AGENCY SHALL CONSULT  
18 WITH REPRESENTATIVES OF THE REGIONAL COUNTERTERRORISM TASK  
19 FORCES TO DEVELOP SUCH POLICIES AND GUIDELINES AND THOSE  
20 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS CHAPTER.

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

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

26 (6) Conduct terrorist incident exercises at locations  
27 within this Commonwealth to test the emergency response  
28 capabilities of all parties involved in the counterterrorism  
29 program.

30 (7) ~~Assist~~ PROVIDE TECHNICAL ASSISTANCE TO regional <—

1 counterterrorism task forces in developing and entering into  
2 mutual aid agreements and letters of agreement with other  
3 parties.

4 (8) Establish a certification program for specialized  
5 regional counterterrorism response teams ~~within this~~ <—  
6 ~~Commonwealth. The certification program shall set~~ WHICH MAY <—  
7 INCLUDE standards for the administration, composition,  
8 training and equipping of the teams.

9 ~~(c) Guidelines and policies. The agency shall consult with~~ <—  
10 ~~representatives of the regional counterterrorism task forces to~~  
11 ~~develop guidelines and policies necessary to carry out the~~  
12 ~~provisions of this chapter.~~

13 Section 202. Regional counterterrorism task forces.

14 ~~(a) Establishment. The agency, in coordination with county~~ <—  
15 ~~emergency management agencies, county and municipal health,~~  
16 ~~police and public safety departments, volunteer services~~  
17 ~~organizations, private business and other parties shall~~  
18 ~~establish regional counterterrorism task forces throughout this~~  
19 ~~Commonwealth to conduct counterterrorism planning, preparedness~~  
20 ~~and response activities within the region.~~

21 (A) ESTABLISHMENT.--THE AGENCY, IN COORDINATION WITH STATE, <—  
22 COUNTY AND MUNICIPAL EMERGENCY MANAGEMENT, HEALTH, LAW  
23 ENFORCEMENT, PUBLIC SAFETY AND OTHER OFFICIALS AND  
24 REPRESENTATIVES FROM VOLUNTEER SERVICE ORGANIZATIONS, PRIVATE  
25 BUSINESS AND INDUSTRY, HOSPITALS AND MEDICAL CARE FACILITIES AND  
26 OTHER ENTITIES RESPONSIBLE FOR THE HEALTH, SAFETY AND WELFARE OF  
27 THE CITIZENS OF THIS COMMONWEALTH SHALL ESTABLISH REGIONAL  
28 COUNTERTERRORISM TASK FORCES THROUGHOUT THIS COMMONWEALTH.

29 (b) Response plans.--Each regional counterterrorism task  
30 force shall prepare a counterterrorism preparedness and response

1 plan in accordance with guidelines developed by the agency. The  
2 plan shall be ~~completed~~ SUBMITTED TO THE AGENCY within 180 days <—  
3 of the effective date of this act. ~~and submitted to the agency~~ <—  
4 ~~for its review and approval.~~ THE AGENCY SHALL REVIEW AND APPROVE <—  
5 EACH PLAN IN A TIMELY MANNER, BUT NO LATER THAN 90 DAYS AFTER  
6 ITS SUBMISSION TO THE AGENCY. The task force shall review and  
7 update the plan on an annual basis.

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

14 Section 203. Regional counterterrorism response and  
15 preparedness.

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

21 ~~(b) Counterterrorism regional response zones. The agency~~  
22 REGIONAL COUNTERTERRORISM RESPONSE TEAMS. <—

23 (B) REGIONAL COUNTERTERRORISM RESPONSE ZONES.--THE AGENCY  
24 shall establish primary and secondary regional response zones  
25 within this Commonwealth for specialized regional  
26 counterterrorism response teams. The regional response zones may  
27 consist of multiple counties or portions of several adjoining  
28 counties as determined by the agency.

29 (c) Activation and deployment.--A specialized regional  
30 counterterrorism response team may be activated and deployed by

1 the Governor, his designee or an official designated by the  
2 appropriate regional counterterrorism task force.

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

8 Section 204. Urban search and rescue task force.

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

19 (b) Organization.--~~Upon activation, an~~ 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~~ COORDINATION WITH FEMA AND MEMBERS OF THE <—  
28 TASK FORCE.

29 (C) RESPONSIBILITIES.--AN URBAN SEARCH AND RESCUE TASK FORCE  
30 SHALL RESPOND TO ACTUAL OR POTENTIAL NATURAL OR MANMADE

1 disasters in this Commonwealth and shall also perform search and  
2 rescue functions as delineated in The Robert T. Stafford  
3 Disaster Relief and Emergency Assistance Act (Public Law 93-288,  
4 42 U.S.C. § 5121 et seq.), the Federal Response Plan or its  
5 successor, and the counterterrorism preparedness and response  
6 plans created in accordance with the provisions of this chapter.

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

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

24 (f) Funding, grants and donations.--In addition to any funds  
25 that are provided to ~~the task force under~~ A TASK FORCE UNDER <—  
26 SECTION 206 OR the authority of 35 Pa.C.S. § 7307 (relating to  
27 use and appropriation of unused Commonwealth funds), the urban  
28 search and rescue task force may be eligible to receive grants,  
29 donations of equipment and supplies and other funds from any  
30 source. As an agent of the Commonwealth, a task force is

1 entitled to tax-exempt status from the Federal Government.

2 Section 205. Specialized Statewide response teams.

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

4 ~~more specialized Statewide response teams, including, but not~~ <—

5 ~~limited to, disaster medical assistance teams and disaster~~

6 ~~mortuary response teams, to provide specialized personnel,~~

7 ~~equipment and other support capabilities in response to a~~

8 ~~terrorist incident or other disaster emergency in Pennsylvania.~~

9 MORE SPECIALIZED STATEWIDE RESPONSE TEAMS. These teams may SHALL <—

10 also provide professional, logistical, material and other forms

11 of support to the regional counterterrorism task forces and

12 specialized regional counterterrorism response teams organized

13 in this Commonwealth.

14 (b) Organization and responsibilities.--Specialized

15 Statewide response teams shall be organized in accordance with

16 ~~guidelines, directives or agreements~~ developed by the <—

17 Commonwealth in consultation with applicable Federal or State

18 ~~agencies, other interested parties or sponsoring agencies.~~ <—

19 (c) Activation.--Specialized Statewide response teams may

20 only be activated and deployed to the scene of a disaster by the

21 Governor or his designee OR AN OFFICIAL DESIGNATED BY THE <—

22 APPROPRIATE REGIONAL COUNTERTERRORISM TASK FORCE.

23 Section 206. Grant program.

24 ~~(a) Authorization. The agency shall have the authority to~~ <—

25 ~~make grants to regional counterterrorism task forces who enter~~

26 ~~into mutual aid agreements or letters of agreement with a~~

27 ~~county, municipality, volunteer service organization, public,~~

28 ~~semipublic, private or nonprofit corporation, business,~~

29 ~~association, partnership, authority, individual or other entity.~~

30 ~~(b) Limitation. Grants shall only be made to the extent~~

1 ~~that funding is available.~~

2 ~~Section 207. Immunity from civil liability.~~

3 ~~No member of a specialized regional counterterrorism response~~  
4 ~~team, an urban search and rescue task force or a specialized~~  
5 ~~Statewide response team and no individual who provides~~  
6 ~~logistical, material or other forms of emergency response~~  
7 ~~support to such a team or task force during activation or~~  
8 ~~deployment of a team or task force to a potential or actual~~  
9 ~~manmade or natural disaster or while engaged in a task force or~~  
10 ~~team drill or training exercise shall be liable for the death of~~  
11 ~~or any injury to persons or loss or damage to property except~~  
12 ~~for any acts or omissions which constitute willful misconduct.~~

13 (A) AUTHORIZATION.--THE AGENCY SHALL HAVE THE AUTHORITY TO <—  
14 MAKE GRANTS TO REGIONAL COUNTERTERRORISM TASK FORCES,  
15 SPECIALIZED REGIONAL COUNTERTERRORISM RESPONSE TEAMS,  
16 SPECIALIZED STATEWIDE RESPONSE TEAMS AND URBAN SEARCH AND RESCUE  
17 TASK FORCES TO ASSIST THEM IN CARRYING OUT THE PROVISIONS OF  
18 THIS ACT, INCLUDING, BUT NOT LIMITED TO, ENTERING INTO LETTERS  
19 OF AGREEMENT OR MUTUAL AID AGREEMENTS OR PROVIDING MUTUAL AID.

20 (B) GRANTS AND FUNDING.--REGIONAL COUNTERTERRORISM TASK  
21 FORCES, SPECIALIZED REGIONAL COUNTERTERRORISM RESPONSE TEAMS,  
22 SPECIALIZED STATEWIDE RESPONSE TEAMS AND URBAN SEARCH AND RESCUE  
23 TASK FORCES MAY RECEIVE GRANTS AND FUNDING FROM THE FEDERAL  
24 GOVERNMENT AND THE COMMONWEALTH THROUGH APPLICATION TO THE  
25 AGENCY OR ANOTHER ENTITY PROVIDING GRANTS OR FUNDING FOR THE  
26 PURPOSES OF THIS ACT.

27 (C) LIMITATION.--GRANTS SHALL ONLY BE MADE BY THE AGENCY TO  
28 THE EXTENT THAT FUNDING IS AVAILABLE.

29 SECTION 207. MISCELLANEOUS PROVISIONS.

30 (A) IMMUNITY FROM LIABILITY.--MEMBERS OF A SPECIALIZED

1 REGIONAL COUNTERTERRORISM RESPONSE TEAM, AN URBAN SEARCH AND  
2 RESCUE TASK FORCE OR A SPECIALIZED STATEWIDE RESPONSE TEAM AND  
3 INDIVIDUALS WHO PROVIDE LOGISTICAL, MATERIAL OR OTHER FORMS OF  
4 EMERGENCY RESPONSE SUPPORT TO SUCH A TEAM OR TASK FORCE DURING  
5 ACTIVATION OR DEPLOYMENT OF A TEAM OR TASK FORCE TO A POTENTIAL  
6 OR ACTUAL MANMADE OR NATURAL DISASTER OR WHILE ENGAGED IN A TASK  
7 FORCE OR TEAM DRILL OR TRAINING EXERCISE SHALL BE IMMUNE FROM  
8 LIABILITY PURSUANT TO THE PROVISIONS OF 42 PA.C.S. § 8331  
9 (RELATING TO MEDICAL GOOD SAMARITAN CIVIL IMMUNITY), 8332  
10 (RELATING TO NONMEDICAL GOOD SAMARITAN CIVIL IMMUNITY) OR 8332.4  
11 (RELATING TO VOLUNTEER-IN-PUBLIC-SERVICE NEGLIGENCE STANDARD).

12 (B) EFFECT ON WORKERS' COMPENSATION PREMIUMS.--NOTHING IN  
13 THIS ACT SHALL BE CONSTRUED TO PERMIT AN INSURER TO RAISE  
14 WORKERS' COMPENSATION PREMIUMS DUE TO THE PARTICIPATION OR  
15 MEMBERSHIP OF A COUNTY, MUNICIPALITY, VOLUNTEER SERVICE  
16 ORGANIZATION, INDIVIDUAL OR EMPLOYER ON A REGIONAL  
17 COUNTERTERRORISM TASK FORCE, SPECIALIZED REGIONAL  
18 COUNTERTERRORISM RESPONSE TEAM, SPECIALIZED STATEWIDE RESPONSE  
19 TEAM OR URBAN SEARCH AND RESCUE TASK FORCE.

## 20 CHAPTER 3

### 21 PUBLIC HEALTH EMERGENCY MEASURES

22 Section 301. Temporary isolation and quarantine without notice.

23 (a) Temporary isolation or quarantine.--~~The~~ IN THE CASE OF <—  
24 AN ACTUAL OR SUSPECTED OUTBREAK OF A CONTAGIOUS DISEASE OR  
25 EPIDEMIC DUE TO AN ACTUAL OR SUSPECTED BIOTERRORIST OR  
26 BIOHAZARDOUS EVENT, THE Governor, in consultation with the  
27 Secretary of Health, may temporarily isolate or quarantine an  
28 individual or groups of individuals through a written order if  
29 delay in imposing the isolation or quarantine THROUGH JUDICIAL <—  
30 PROCEEDINGS CURRENTLY AVAILABLE TO THE DEPARTMENT AND LOCAL

1 HEALTH DEPARTMENTS would significantly jeopardize the  
2 department's ability to prevent or limit the transmission of a  
3 contagious or ~~possibly~~ POTENTIALLY contagious disease to others. <—  
4 This subsection shall not require a declaration of disaster  
5 emergency by the Governor in order to be effective. ~~Nothing in~~ <—  
6 ~~this section shall be construed to limit the existing authority~~  
7 ~~of the Secretary of Health or the department.~~

8 ~~(b) Continued isolation or quarantine. Within ten days~~  
9 ~~after issuing the written order, the department shall file a~~  
10 ~~petition for a court order authorizing the continued isolation~~  
11 ~~or quarantine of the isolated or quarantined individual or~~  
12 ~~groups of individuals.~~

13 ~~(c) Extension of time. In any proceeding brought for relief~~  
14 ~~under this subsection, in extraordinary circumstances and for~~  
15 ~~good cause shown the department may move the court to extend the~~  
16 ~~time for a hearing, which extension the court in its discretion~~  
17 ~~may grant giving due regard to the rights of the afflicted~~  
18 ~~individuals, the protection of the public health, the severity~~  
19 ~~of the emergency and the availability of necessary witnesses and~~  
20 ~~evidence.~~

21 ~~Section 302. Appointment of health personnel.~~

22 ~~The Secretary of Health may require in State health care~~  
23 ~~providers to assist in the performance of vaccination,~~  
24 ~~treatment, examination or testing of any individual during the~~  
25 ~~existence of a public health emergency. Such requirements shall~~  
26 ~~be a condition of licensure and certification.~~

27 ~~Section 303. Private liability.~~

28 ~~(a) Liability. During a state of public health emergency,~~  
29 ~~any private person, firm or corporation and employees and agents~~  
30 ~~of such person, firm or corporation who renders assistance or~~

~~advice at the request of the State or its political subdivisions shall not be civilly liable for causing the death of or injury to any person or damage to any property except in the event of willful misconduct.~~

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

#### ~~CHAPTER 4~~

#### ~~MISCELLANEOUS PROVISIONS~~

~~Section 401. Donations management.~~

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

~~(1) Prepare a comprehensive donations management annex to the Commonwealth Emergency Operations Plan in consultation with other State agencies.~~

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

~~(3) Develop and maintain at the State emergency operations center and the Governor's Hot Line a list of nonprofit volunteer agencies willing to receive monetary or other types of donations for a current or previous disaster or emergency.~~

~~(4) Direct all State agencies to provide necessary support to the agency in order to ensure the success of a donations management program. This includes designating a~~

~~State agency or office to provide financial management,  
fiscal oversight and auditing services concerning the  
collection and distribution of monetary donations to State  
agencies or other parties.~~

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

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

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

~~Section 402. Severability.~~

~~The provisions of this act are severable. If any provision of  
this act or its application to any person or circumstance is  
held invalid, the invalidity shall not affect other provisions  
or applications of this act that can be given effect without the  
invalid provision or application.~~

(B) JUDICIAL REVIEW.--

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(1) AFTER ISSUING THE WRITTEN ORDER, THE DEPARTMENT  
SHALL PROMPTLY FILE A PETITION WITH THE COURT WITHIN 24 HOURS  
OR THE NEXT COURT BUSINESS DAY AFTER THE ISSUANCE OF THE  
ORDER FOR A HEARING TO AUTHORIZE THE CONTINUED ISOLATION OR  
QUARANTINE.

(2) THE COURT SHALL HOLD A HEARING ON THE PETITION NOT  
MORE THAN 72 HOURS AFTER THE FILING OF THE PETITION TO  
DETERMINE WHETHER CONTINUED ISOLATION OR QUARANTINE IS  
WARRANTED.

(3) REASONABLE NOTICE, EITHER ORAL OR WRITTEN, STATING

1 THE TIME, PLACE AND PURPOSE OF THE HEARING SHALL BE GIVEN TO  
2 THE ISOLATED OR QUARANTINED INDIVIDUAL. THE COURT MAY  
3 DETERMINE THE MANNER IN WHICH THE HEARING SHALL OCCUR,  
4 INCLUDING THROUGH THE USE OF CLOSED-CIRCUIT TELEVISION.

5 (4) AN ISOLATED OR QUARANTINED INDIVIDUAL IS ENTITLED TO  
6 REPRESENTATION BY LEGAL COUNSEL AT ALL STAGES OF ANY  
7 PROCEEDINGS UNDER THIS SECTION AND IF THE INDIVIDUAL IS  
8 WITHOUT FINANCIAL RESOURCES OR OTHERWISE UNABLE TO EMPLOY  
9 COUNSEL, THE COURT SHALL PROVIDE COUNSEL FOR HIM.

10 (5) IF THE COURT DETERMINES CONTINUED ISOLATION OR  
11 QUARANTINE IS WARRANTED, THE COURT SHALL SO ORDER THE  
12 CONTINUED ISOLATION OR QUARANTINE AND SHALL FIX THE TIME AND  
13 DURATION OF THE ISOLATION OR QUARANTINE, WHICH IN NO CASE  
14 SHALL EXCEED 30 DAYS EXCEPT AS SET FORTH IN PARAGRAPH (6).

15 (6) WHERE AN INDIVIDUAL HAS BEEN ISOLATED OR QUARANTINED  
16 FOR A PERIOD OF 30 DAYS, THE DEPARTMENT SHALL ASK THE COURT  
17 TO REVIEW THE ORDER TO DETERMINE IF FURTHER ISOLATION OR  
18 QUARANTINE IS WARRANTED.

19 (7) THE DEPARTMENT SHALL PROVIDE THE COURT WITH ONGOING  
20 REPORTS ON THE ISOLATED OR QUARANTINED INDIVIDUAL DURING THE  
21 PERIOD OF ISOLATION OR QUARANTINE.

22 (C) RELATION TO OTHER LAWS.--NOTHING IN THIS SECTION SHALL  
23 BE CONSTRUED TO LIMIT THE EXISTING AUTHORITY OF THE SECRETARY OF  
24 HEALTH OR THE DEPARTMENT, OR A COUNTY OR MUNICIPAL HEALTH  
25 DEPARTMENT.

26 SECTION 302. IMMUNITY FROM LIABILITY.

27 A PERSON WHO PROVIDES ASSISTANCE IN CARRYING OUT THE  
28 PROVISIONS OF THIS CHAPTER SHALL BE IMMUNE FROM LIABILITY  
29 PURSUANT TO THE PROVISIONS OF 42 PA.C.S. § 8331 (RELATING TO  
30 MEDICAL GOOD SAMARITAN CIVIL IMMUNITY), 8332 (RELATING TO

1 NONMEDICAL GOOD SAMARITAN CIVIL IMMUNITY) OR 8332.4 (RELATING TO  
2 VOLUNTEER-IN-PUBLIC-SERVICE NEGLIGENCE STANDARD).

3 Section ~~403~~ 303. Effective date.

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4 This act shall take effect in 30 days.