

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1569 Session of 2002

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LEMOND, WAUGH, BOSCOLA AND STACK, OCTOBER 24, 2002

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,
NOVEMBER 19, 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. Miscellaneous provisions.

2 SECTION 208. COMMONWEALTH INDEMNIFICATION.

3 Chapter 3. Public Health Emergency Measures

4 Section 301. Temporary isolation and quarantine without notice.

5 Section 302. Immunity from liability.

6 Section 303. Effective date.

7 CHAPTER 1

8 GENERAL PROVISIONS

9 Section 101. Short title.

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

12 Section 102. Definitions.

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

16 "Agency." The Pennsylvania Emergency Management Agency.

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

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

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

28 "FEMA." The Federal Emergency Management Agency.

29 "Letter of agreement." A written agreement between a
30 regional counterterrorism task force and a public, semipublic,

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

8 (1) Workers' compensation and death benefits.

9 (2) Use of county 911 communications centers, county
10 emergency management agencies or the State Emergency
11 Operations Center.

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

14 "Local health department." A county department of health
15 under the act of August 24, 1951 (P.L.1304, No.315), known as
16 the Local Health Administration Law, or a department of health
17 in a municipality approved for a Commonwealth grant to provide
18 local health services under section 25 of the Local Health
19 Administration Law.

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

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

29 "Mutual aid." A county's, municipality's or volunteer
30 service organization's affirmative act of sending its personnel,

1 equipment or resources to the scene of an actual or potential
2 natural or manmade disaster, whether inside or outside the
3 boundaries of this Commonwealth, in response to an official
4 dispatch request from a county 911 communications center, county
5 emergency management agency or the State emergency operations
6 center.

7 "Mutual aid agreement." A written agreement between a
8 regional counterterrorism task force and a county, municipality
9 or volunteer service organization whereby the county,
10 municipality or volunteer service organization agrees to provide
11 personnel, equipment or other resources in response to an actual
12 or potential natural or manmade disaster. All mutual aid
13 agreements entered into under the provisions of this act must,
14 at a minimum, address all of the following:

15 (1) Workers' compensation and death benefits.

16 (2) Use of county 911 communications centers, county
17 emergency management agencies or the State emergency
18 operations center.

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

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

26 "Regional counterterrorism task force." A complement of
27 Federal, State, county and municipal emergency management,
28 health, law enforcement, public safety and other officials and
29 representatives from volunteer service organizations, private
30 business and industry, hospitals and medical care facilities and

1 other entities within a multicounty area as determined by the
2 agency that is responsible for conducting counterterrorism
3 planning, training preparedness and response activities.

4 "Specialized regional counterterrorism response team." A
5 complement of individuals established by a regional
6 counterterrorism task force and organized in accordance with
7 standards developed by the Pennsylvania Emergency Management
8 Agency and applicable Federal agencies to respond to emergencies
9 involving an actual or potential natural or manmade disaster.
10 Such teams may include disaster medical assistance teams and
11 disaster mortuary response teams.

12 "Specialized Statewide response team." A complement of
13 individuals organized by the Commonwealth to provide specialized
14 personnel, equipment and other support capabilities in response
15 to an actual or potential natural or manmade disaster in this
16 Commonwealth. Such teams may include disaster medical assistance
17 teams and disaster mortuary response teams.

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

23 "Urban search and rescue task force." A complement of
24 individuals organized by the agency in accordance with standards
25 developed by the agency and the Federal Emergency Management
26 Agency to provide emergency response and search and rescue
27 capabilities and resources at the scene of a natural or manmade
28 disaster.

29 "Volunteer service organization." A volunteer fire company,
30 volunteer ambulance or medical company, volunteer rescue squad

1 or any other volunteer entity organized and chartered or
2 incorporated in this Commonwealth or chartered by Congress for
3 the primary purpose of providing emergency services as defined
4 in 35 Pa.C.S. § 7102 (relating to definitions).

5 CHAPTER 2

6 COUNTERTERRORISM PLANNING, PREPAREDNESS

7 AND RESPONSE

8 Section 201. Counterterrorism planning, preparedness and
9 response program.

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

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

20 (1) Define the necessary components and composition of
21 regional counterterrorism task forces and specialized
22 regional counterterrorism response teams and the respective
23 regional counterterrorism zones for each. The agency shall
24 not be responsible for appointing individual members to the
25 regional counterterrorism task forces or the specialized
26 regional counterterrorism response teams.

27 (2) Provide training and technical assistance for
28 counterterrorism planning, preparedness and response.

29 (3) Establish guidelines and policies to coordinate
30 emergency response activities with Federal, State, county and

1 municipal emergency management, health, law enforcement,
2 public safety and other officials and representatives from
3 volunteer service organizations, private business and
4 industry, hospitals and medical care facilities and other
5 entities responsible for the health, safety and welfare of
6 the citizens of this Commonwealth. The agency shall consult
7 with representatives of the regional counterterrorism task
8 forces to develop such policies and guidelines and those
9 necessary to carry out the provisions of this chapter.

10 (4) Require the ~~preparation of~~ COUNTERTERRORISM TASK <—
11 FORCE TO PREPARE counterterrorism emergency response plans or
12 protocols, readiness evaluation reports or other documents
13 deemed necessary by the agency.

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

16 (6) Conduct terrorist incident exercises. ~~at locations~~ <—
17 ~~within this Commonwealth to test the emergency response~~
18 ~~capabilities of all parties involved in the counterterrorism~~
19 ~~program.~~

20 (7) Provide technical assistance to regional
21 counterterrorism task forces in developing and entering into
22 mutual aid agreements and letters of agreement ~~with other~~ <—
23 ~~parties.~~

24 (8) Establish a certification program for specialized
25 regional counterterrorism response teams which may include
26 standards for the administration, composition, training and
27 equipping of the teams.

28 Section 202. Regional counterterrorism task forces.

29 (a) Establishment.--The agency, in coordination with State,
30 county and municipal emergency management, health, law

1 enforcement, public safety and other officials and
2 representatives from volunteer service organizations, private
3 business and industry, hospitals and medical care facilities and
4 other entities responsible for the health, safety and welfare of
5 the citizens of this Commonwealth shall establish regional
6 counterterrorism task forces throughout this Commonwealth.

7 (b) Response plans.--Each regional counterterrorism task
8 force shall prepare a counterterrorism preparedness and response
9 plan in accordance with guidelines developed by the agency. The
10 plan shall be submitted to the agency within 180 days of the
11 effective date of this act. The agency shall review and approve
12 each plan in a timely manner, but no later than 90 days after
13 its submission to the agency. The task force shall review and
14 update the plan on an annual basis.

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

21 Section 203. Regional counterterrorism response and
22 preparedness.

23 (a) Specialized regional counterterrorism response teams.--A
24 regional counterterrorism task force shall establish specialized
25 regional counterterrorism response teams.

26 (b) Regional counterterrorism response zones.--The agency
27 shall establish primary and secondary regional response zones
28 within this Commonwealth for specialized regional
29 counterterrorism response teams. The regional response zones may
30 consist of multiple counties or portions of several adjoining

1 counties as determined by the agency.

2 (c) Activation and deployment.--A specialized regional
3 counterterrorism response team may be activated and deployed by
4 the Governor, his designee or an official designated by the
5 appropriate regional counterterrorism task force.

6 Section 204. Urban search and rescue task force.

7 (a) Establishment of task forces.--The agency shall
8 establish urban search and rescue task forces. The task forces
9 shall also provide professional, logistical, material and other
10 forms of support to regional counterterrorism task forces and
11 specialized regional counterterrorism response teams.

12 (b) Organization.--An urban search and rescue task force
13 shall be organized in accordance with guidelines developed by
14 the agency in coordination with FEMA and members of the task
15 force.

16 (c) Responsibilities.--An urban search and rescue task force
17 shall respond to actual or potential natural or manmade
18 disasters in this Commonwealth and shall also perform search and
19 rescue functions as delineated in The Robert T. Stafford
20 Disaster Relief and Emergency Assistance Act (Public Law 93-288,
21 42 U.S.C. § 5121 et seq.), the Federal Response Plan or its
22 successor, and the counterterrorism preparedness and response
23 plans created in accordance with the provisions of this chapter.

24 (d) Activation and deployment.--An urban search and rescue
25 task force or any of its components, subgroups or regional
26 elements may only be activated and deployed to the scene of a
27 disaster by either the Governor or his designee, the President
28 of the United States or a FEMA-designated official. During an
29 activation and deployment by the Governor, the administrative
30 and operational costs of the task force, its individual members

1 and their employers, State agencies and other parties shall be
2 paid under the provisions of the Governor's declaration of
3 disaster emergency, including paying or reimbursing any parties
4 for workers' compensation and death benefits in the event of
5 injury or death of a task force member.

6 (e) Workers' compensation and death benefits.--A member of
7 an urban search and rescue task force shall be eligible to
8 receive workers' compensation and death benefits in the event of
9 injury or death that occurs during the period of activation or
10 deployment.

11 (f) Funding, grants and donations.--In addition to any funds
12 that are provided to a task force under section 206 or the
13 authority of 35 Pa.C.S. § 7307 (relating to use and
14 appropriation of unused Commonwealth funds), the urban search
15 and rescue task force may be eligible to receive grants,
16 donations of equipment and supplies and other funds from any
17 source. As an agent of the Commonwealth, a task force is
18 entitled to tax-exempt status from the Federal Government.
19 Section 205. Specialized Statewide response teams.

20 (a) Establishment.--The Commonwealth may establish one or
21 more specialized Statewide response teams. These teams shall
22 also provide professional, logistical, material and other forms
23 of support to the regional counterterrorism task forces and
24 specialized regional counterterrorism response teams organized
25 in this Commonwealth. THE COMMONWEALTH MAY ENTER INTO AN <—
26 AGREEMENT WITH A ONE CALL SYSTEM, AS DEFINED IN THE ACT OF
27 DECEMBER 10, 1974 (P.L.852, NO.287), REFERRED TO AS THE
28 UNDERGROUND UTILITY LINE PROTECTION LAW, FOR THE PROVISION OF
29 SPECIALIZED COMMUNICATIONS SERVICES.

30 (b) Organization and responsibilities.--Specialized

1 Statewide response teams shall be organized in accordance with
2 guidelines developed by the Commonwealth in consultation with
3 applicable Federal or State agencies.

4 (c) Activation.--Specialized Statewide response teams may
5 only be activated and deployed to the scene of a disaster by the
6 Governor or his designee. ~~or an official designated by the~~ <—
7 ~~appropriate regional counterterrorism task force.~~

8 Section 206. Grant program.

9 (a) Authorization.--The agency shall have the authority to
10 make grants to regional counterterrorism task forces,
11 specialized regional counterterrorism response teams,
12 specialized Statewide response teams and urban search and rescue
13 task forces to assist them in carrying out the provisions of
14 this act, including, but not limited to, entering into letters
15 of agreement or mutual aid agreements or providing mutual aid.

16 (b) Grants and funding.--Regional counterterrorism task
17 forces, specialized regional counterterrorism response teams,
18 specialized Statewide response teams and urban search and rescue
19 task forces may receive grants and funding from the Federal
20 Government and the Commonwealth through application to the
21 agency or another entity providing grants or funding for the
22 purposes of this act.

23 (c) Limitation.--Grants shall only be made by the agency to
24 the extent that funding is available.

25 Section 207. Miscellaneous provisions.

26 (a) Immunity from liability.--~~Members~~ THE PROVISIONS OF 42 <—
27 PA.C.S. § 8331 (RELATING TO MEDICAL GOOD SAMARITAN CIVIL
28 IMMUNITY), 8332 (RELATING TO NONMEDICAL GOOD SAMARITAN CIVIL
29 IMMUNITY) OR 8332.4 (RELATING TO VOLUNTEER-IN-PUBLIC-SERVICE
30 NEGLIGENCE STANDARD) SHALL APPLY TO 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 SECTION 208. COMMONWEALTH INDEMNIFICATION. <—

21 THE COMMONWEALTH SHALL INDEMNIFY A COUNTY OR MUNICIPALITY FOR
22 ANY COSTS RELATED TO DAMAGED COUNTY OR MUNICIPAL PROPERTY WHICH
23 RESULTS FROM PARTICIPATION IN A REGIONAL COUNTERTERRORISM TASK
24 FORCE, SPECIALIZED REGIONAL COUNTERTERRORISM RESPONSE TEAM OR
25 SPECIALIZED STATEWIDE RESPONSE TEAM RESPONSE ONLY WHEN ALL OF
26 THE FOLLOWING ARE MET:

27 (1) THE COUNTY OR MUNICIPALITY IS RESPONDING UPON
28 ACTIVATION OR DEPLOYMENT BY THE GOVERNOR;

29 (2) THE DAMAGE TO COUNTY OR MUNICIPAL PROPERTY OCCURS
30 OUTSIDE OF THE PRIMARY REGIONAL COUNTERTERRORISM RESPONSE

1 determine whether continued isolation or quarantine is
2 warranted.

3 (3) Reasonable notice, either oral or written, stating
4 the time, place and purpose of the hearing shall be given to
5 the isolated or quarantined individual. The court may
6 determine the manner in which the hearing shall occur,
7 including through the use of closed-circuit television.

8 (4) An isolated or quarantined individual is entitled to
9 representation by legal counsel at all stages of any
10 proceedings under this section and if the individual is
11 without financial resources or otherwise unable to employ
12 counsel, the court shall provide counsel for him.

13 (5) If the court determines continued isolation or
14 quarantine is warranted, the court shall so order the
15 continued isolation or quarantine and shall fix the time and
16 duration of the isolation or quarantine, which in no case
17 shall exceed 30 days except as set forth in paragraph (6).

18 (6) Where an individual has been isolated or quarantined
19 for a period of 30 days, the department shall ask the court
20 to review the order to determine if further isolation or
21 quarantine is warranted.

22 (7) The department OR LOCAL HEALTH DEPARTMENT shall <—
23 provide the court with ongoing reports on the isolated or
24 quarantined individual during the period of isolation or
25 quarantine.

26 (c) Relation to other laws.--Nothing in this section shall
27 be construed to limit the existing authority of the Secretary of
28 Health or the department, or a ~~county or municipal~~ LOCAL health <—
29 department.

30 Section 302. Immunity from liability.

1 ~~A person who provides assistance in carrying out the~~ <—
2 ~~provisions of this chapter shall be immune from liability~~
3 ~~pursuant to the provisions of 42 Pa.C.S. § 8331 (relating to~~
4 ~~medical good Samaritan civil immunity), 8332 (relating to~~
5 ~~nonmedical good Samaritan civil immunity) or 8332.4 (relating to~~
6 ~~volunteer in public service negligence standard).~~ THE PROVISIONS <—
7 OF 42 PA.C.S. § 8331 (RELATING TO MEDICAL GOOD SAMARITAN CIVIL
8 IMMUNITY), 8332 (RELATING TO NONMEDICAL GOOD SAMARITAN CIVIL
9 IMMUNITY) OR 8332.4 (RELATING TO VOLUNTEER-IN-PUBLIC-SERVICE
10 NEGLIGENCE STANDARD) SHALL APPLY TO ANY PERSON WHO PROVIDES
11 ASSISTANCE IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER.
12 Section 303. Effective date.
13 This act shall take effect in 30 days.