

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 551 Session of
2015

INTRODUCED BY LEACH, TEPLITZ, FONTANA, SCHWANK, COSTA, YUDICHAK,
HUGHES AND TARTAGLIONE, FEBRUARY 25, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 25, 2015

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in development, further providing for hydraulic
3 fracturing chemical disclosure requirements.

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

6 Section 1. Section 3222.1(b)(10) and (11) of Title 58 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3222.1. Hydraulic fracturing chemical disclosure
9 requirements.

10 * * *

11 (b) Required disclosures.--

12 * * *

13 (10) A vendor, service company or operator shall
14 identify the specific identity and amount of any chemicals
15 claimed to be a trade secret or confidential proprietary
16 information to any health professional who requests the
17 information in [writing if the health professional executes a
18 confidentiality agreement and provides a written statement of

1 need for the information indicating all] any of the following
2 instances:

3 (i) The information is needed for the purpose of
4 diagnosis or treatment of an individual.

5 (ii) The individual being diagnosed or treated may
6 have been exposed to a hazardous chemical.

7 (iii) Knowledge of information will assist in the
8 diagnosis or treatment of an individual.

9 (11) [If a health professional determines that a medical
10 emergency exists and the specific identity and amount of any
11 chemicals claimed to be a trade secret or confidential
12 proprietary information are necessary for emergency
13 treatment, the vendor, service provider or operator shall
14 immediately disclose the information to the health
15 professional upon a verbal acknowledgment by the health
16 professional that the information may not be used for
17 purposes other than the health needs asserted and that the
18 health professional shall maintain the information as
19 confidential. The vendor, service provider or operator may
20 request, and the health professional shall provide upon
21 request, a written statement of need and a confidentiality
22 agreement from the health professional as soon as
23 circumstances permit, in conformance with regulations
24 promulgated under this chapter.] A health professional may
25 not disseminate the trade secret or confidential proprietary
26 information disclosed under paragraph (10), except in the
27 following instances:

28 (i) The disclosure relates to the diagnosis or
29 treatment of a patient and the disclosure is provided to
30 another health professional, the patient, designee of the

1 patient or any other person whose knowledge the health
2 professional deems important to the diagnosis or
3 treatment of the patient or the prevention of future
4 health issues.

5 (ii) The disclosure occurs during procurement of
6 payment for services rendered or planned.

7 (iii) The disclosure is provided to a public health
8 official or is intended to further public health.

9 (iv) The disclosure is used for the study of any
10 chemical involved.

11 * * *

12 Section 2. This act shall take effect in 60 days.