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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1001 Session of  
2018

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INTRODUCED BY COSTA, FONTANA, SCHWANK, BREWSTER, YAW, SABATINA  
AND HUGHES, APRIL 18, 2018

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REFERRED TO HEALTH AND HUMAN SERVICES, APRIL 18, 2018

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AN ACT

1 Providing for the declaration of a public health emergency, for  
2 duties of the Department of Health, for temporary regulations  
3 and for immunity from liability.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Public Health  
8 Emergency Act.

9 Section 2. Definitions.

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

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

14 "Executive agency." A department, board, commission,  
15 authority, officer or agency or the Executive Department,  
16 subject to the policy, supervision and control of the Governor.

17 "Government agency." Any of the following:

18 (1) An agency of the Commonwealth, including

1 departments, boards, commissions or authorities.

2 (2) A political subdivision or agency of a political  
3 subdivision.

4 (3) A local or municipal authority or other local  
5 government unit.

6 (4) A court or related agency.

7 "Public health emergency." An occurrence or imminent threat  
8 of a disease or condition of public health importance with both  
9 of the following characteristics:

10 (1) Is believed to be caused by any of the following:

11 (i) A bioterrorist event, a biological, chemical or  
12 nuclear agent, a chemical attack or a nuclear attack.

13 (ii) The appearance of a novel or previously  
14 controlled or eradicated infectious agent or biological  
15 toxin.

16 (iii) A natural disaster, an accidental chemical  
17 release or a nuclear incident.

18 (iv) A disease outbreak or unusual expression of  
19 illness.

20 (2) Poses a high probability of any of the following in  
21 the affected population:

22 (i) Death.

23 (ii) Serious or long-term disabilities.

24 (iii) Widespread exposure to an infectious or toxic  
25 agent that poses a significant risk of substantial  
26 present or future harm to the public health.

27 "Public health worker." A person employed by, under contract  
28 with or serving as a registered volunteer of the department or a  
29 local health department to carry out prophylaxis, treatment,  
30 notification and prevention services to individuals reported to

1 the department or local health departments as having a  
2 reportable disease under the act of April 23, 1956 (1955  
3 P.L.1510, No.500), known as the Disease Prevention and Control  
4 Law of 1955.

5 "Secretary." The Secretary of Health of the Commonwealth.  
6 Section 3. Declaration of a public health emergency.

7 (a) Authorization.--The secretary may declare a public  
8 health emergency by disseminating the declaration promptly by  
9 means calculated to bring its contents to the attention of the  
10 general public and shall file it with the Legislative Reference  
11 Bureau for publication under 45 Pa.C.S. Pt. II (relating to  
12 publication and effectiveness of Commonwealth documents).

13 (b) Declaration.--The declaration of a public health  
14 emergency shall be valid for a period of up to 90 days unless  
15 renewed or terminated by the secretary by publishing a  
16 subsequent declaration in the Pennsylvania Bulletin.

17 (c) Duties of department.--Upon a declaration under  
18 subsection (a), the department is authorized to perform the  
19 following duties:

20 (1) Suspend departmental regulations.

21 (2) Promulgate temporary regulations under subsection  
22 (f) to address the public health emergency.

23 (3) Require reporting, in the manner and form prescribed  
24 by the department, relating to a disease, infection or  
25 condition.

26 (4) Set forth the requirements for health care  
27 facilities and licensed health care practitioners to manage a  
28 disease outbreak or unusual expression of illness.

29 (5) Authorize public health workers to dispense,  
30 administer, furnish or otherwise provide prescription

1 medication for prophylaxis or treatment of a reportable  
2 disease or condition as necessary to prevent and control the  
3 spread of disease or condition.

4 (d) Requirements.--Notwithstanding any other provision of  
5 law, all government agencies shall, at the request of the  
6 department and to the extent not prohibited by Federal law,  
7 provide information as prescribed by the department during a  
8 public health emergency. The department shall provide for the  
9 frequency and format, which may include automated data  
10 exchanges, for the collection of the information required under  
11 this subsection.

12 (e) Confidentiality of information.--Any information  
13 provided or collected under this section shall be confidential  
14 and is not subject to public access under the act of February  
15 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and is  
16 neither discoverable nor admissible as evidence in any civil,  
17 criminal or administrative action or proceeding.

18 (f) Temporary regulations.--The department may promulgate  
19 temporary regulations regarding measures to reduce harm and  
20 control disease. The temporary regulations are not subject to:

21 (1) Sections 201, 202, 203, 204 and 205 of the act of  
22 July 31, 1968 (P.L.769, No.240), referred to as the  
23 Commonwealth Documents Law.

24 (2) Section 204(b) of the act of October 15, 1980  
25 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

26 (3) The act of June 25, 1982 (P.L.633, No.181), known as  
27 the Regulatory Review Act.

28 (g) Expiration and subsequent promulgation.--The temporary  
29 regulations promulgated under subsection (f) shall expire 90  
30 days following the end of the declaration of a public health

1 emergency. Regulations adopted after this period shall be  
2 promulgated as provided by law.

3 (h) Suspension of regulations.--An executive agency, in  
4 consultation with the department, may suspend a regulation that  
5 prevents, hinders or delays necessary action in responding to a  
6 public health emergency.

7 Section 4. Immunity from liability.

8 The provisions of 42 Pa.C.S. § 8331 (relating to medical good  
9 Samaritan civil immunity), 8332 (relating to emergency response  
10 provider and bystander good Samaritan civil immunity) or 8332.4  
11 (relating to volunteer-in-public-service negligence standard)  
12 shall apply to any person who provides assistance in carrying  
13 out the provisions of this act.

14 Section 5. Prohibitions.

15 The prohibitions under 18 Pa.C.S. § 6107 (relating to  
16 prohibited conduct during emergency) do not apply to a  
17 declaration of a public health emergency under this act.

18 Section 6. Effective date.

19 This act shall take effect immediately.