

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1001 Session of 2018

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

SENATOR BAKER, HEALTH AND HUMAN SERVICES, AS AMENDED, MAY 22, 2018

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 (A) AUTHORIZATION.-- <--

9 (1) THE SECRETARY MAY DECLARE A PUBLIC health emergency
10 by disseminating the declaration promptly by means calculated
11 to bring its contents to the attention of the general public
12 and shall file it with the Legislative Reference Bureau for
13 publication under 45 Pa.C.S. Pt. II (relating to publication
14 and effectiveness of Commonwealth documents) AND WITH THE <--
15 DIRECTOR OF THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

16 (2) WITHIN 72 HOURS OF RECEIPT OF A DECLARATION UNDER
17 PARAGRAPH (1), THE DIRECTOR SHALL CONVENE THE EMERGENCY
18 COUNCIL TO PERFORM ITS DUTIES UNDER 35 PA.C.S. CH. 73
19 (RELATING TO COMMONWEALTH SERVICES) AND CONSISTENT WITH
20 DISASTER DECLARATIONS ISSUED BY THE GOVERNOR.

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

25 (c) Duties of department.--Upon a declaration under
26 subsection (a), the department is authorized to perform the
27 following duties:

28 (1) Suspend departmental regulations.

29 (2) Promulgate temporary regulations under subsection

30 (f) to address the public health emergency.

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

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

7 (5) Authorize public health workers to dispense,
8 administer, furnish or otherwise provide prescription
9 medication for prophylaxis or treatment of a reportable
10 disease or condition as necessary to prevent and control the
11 spread of disease or condition.

12 (d) Requirements.--Notwithstanding any other provision of
13 law, all government agencies shall, at the request of the
14 department and to the extent not prohibited by Federal law,
15 provide information as prescribed by the department during a
16 public health emergency. The department shall provide for the
17 frequency and format, which may include automated data
18 exchanges, for the collection of the information required under
19 this subsection.

20 (e) Confidentiality of information.--Any information
21 provided or collected under this section shall be confidential
22 and is not subject to public access under the act of February
23 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and is
24 neither discoverable nor admissible as evidence in any civil,
25 criminal or administrative action or proceeding.

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

29 (1) Sections 201, 202, 203, 204 and 205 of the act of
30 July 31, 1968 (P.L.769, No.240), referred to as the

1 Commonwealth Documents Law.

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

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

6 (g) Expiration and subsequent promulgation.--The temporary
7 regulations promulgated under subsection (f) shall expire 90
8 days following the ~~end~~ EXPIRATION OR TERMINATION of the <--
9 declaration of a public health emergency. Regulations adopted
10 after this period shall be promulgated as provided by law.

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

15 Section 4. Immunity from liability.

16 The provisions of 42 Pa.C.S. § 8331 (relating to medical good
17 Samaritan civil immunity), 8332 (relating to emergency response
18 provider and bystander good Samaritan civil immunity) or 8332.4
19 (relating to volunteer-in-public-service negligence standard)
20 shall apply to any person who provides assistance in carrying
21 out the provisions of this act.

22 Section 5. Prohibitions.

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

26 Section 6. Effective date.

27 This act shall take effect immediately.