

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2455 Session of 2020

INTRODUCED BY LAWRENCE, TOOHL AND RYAN, APRIL 27, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 30, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in powers and duties of the Department of Health
22 and its departmental administrative and advisory boards,
23 providing for local health department COVID-19 antibody
24 testing; AND PROVIDING FOR COVID-19 EMERGENCY TESTING
25 PROCUREMENT AND DISBURSEMENT.

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26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
29 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 2127. Local Health Department COVID-19 Antibody
3 Testing.--(a) A health department may notify the secretary of
4 the health department's intention to implement serology tests to
5 identify antibodies to the COVID-19 virus in coordination with
6 the guidance provided in the policy. Notification under this
7 subsection shall be made in writing to the secretary by the
8 health director or equivalent employee of a health department.

9 (b) Within seventy-two (72) hours of receipt of the
10 notification under subsection (a), the secretary shall
11 authorize, in writing, State laboratories holding a Clinical
12 Laboratory Improvement Amendments (CLIA) certificate and that
13 meet CLIA requirements to perform high-complexity testing, to
14 facilitate and coordinate testing with the respective health
15 department. The following shall apply:

16 (1) A health department shall reimburse a State laboratory
17 for costs incurred by the State laboratory for services
18 performed under this subsection.

19 (2) An individual tested under this subsection shall:

20 (i) Be notified in writing at the time of initial testing of
21 the applicable provisions of section (IV)(D) of the policy.

22 (ii) Be advised of test results as soon as practicable in a
23 manner determined by the health department.

24 (3) A health department performing serology tests under this
25 subsection shall report the total number of positive ~~and~~ <--
26 ~~negative~~, FALSE POSITIVE, NEGATIVE AND FALSE NEGATIVE test <--
27 results to the Department of Health of the Commonwealth on a
28 daily basis.

29 (c) This section shall expire sixty (60) days after the
30 expiration or termination of the proclamation of disaster

1 emergency issued by the Governor on March 6, 2020, published at
2 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
3 disaster emergency.

4 (d) As used in this section, the following words and phrases
5 shall have the meanings given to them in this subsection unless
6 the context clearly indicates otherwise:

7 "Health department." A county or municipal health department
8 in this Commonwealth.

9 "Policy." The Policy for Diagnostic Tests for Coronavirus
10 Disease-2019 during the Public Health Emergency, docket number
11 FDA-2020-D-0987, available on the publicly accessible Internet
12 website of the Food and Drug Administration on March 16, 2020.

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

14 ~~Section 2. This act shall take effect in 60 days.~~ <--

15 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <--

16 ARTICLE XXI-C

17 COVID-19 EMERGENCY

18 TESTING PROCUREMENT AND DISBURSEMENT

19 SECTION 2101-C. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "COVID-19." THE NOVEL CORONAVIRUS AS DEFINED IN THE
24 GOVERNOR'S PROCLAMATION OF DISASTER EMERGENCY ISSUED ON MARCH 6,
25 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

26 SECTION 2102-C. PROCUREMENT AND DISBURSEMENT PLAN.

27 (A) SUBMISSION OF PLAN.--NO LATER THAN SEVEN DAYS AFTER THE
28 EFFECTIVE DATE OF THIS SECTION, THE GOVERNOR, IN CONSULTATION
29 WITH THE SECRETARY OF HEALTH, SHALL SUBMIT A PLAN FOR THE
30 PROCUREMENT AND DISBURSEMENT OF TESTING KITS OR EQUIPMENT

1 NECESSARY TO TEST FOR COVID-19 TO THE CHAIR AND MINORITY CHAIR
2 OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIR AND
3 MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES.

5 (B) CONTENTS.--THE PLAN UNDER SUBSECTION (A) SHALL INCLUDE
6 ALL OF THE FOLLOWING:

7 (1) A REVIEW OF THE TYPE AND QUANTITY OF TESTING KITS
8 AND EQUIPMENT PROPOSED TO BE PROCURED.

9 (2) A PROPOSED TIMELINE FOR THE PROCUREMENT OF THE
10 TESTING KITS AND EQUIPMENT.

11 (3) A PROPOSED PLAN TO DISBURSE THE TESTING KITS AND
12 EQUIPMENT ACROSS THIS COMMONWEALTH.

13 (4) A LIST OF CATEGORIES OF INDIVIDUALS WHO SERVE AN
14 ESSENTIAL HEALTH AND SAFETY FUNCTION OR WHO ARE AT A HIGH-
15 RISK OF CONTRACTING COVID-19 TO BE GIVEN INITIAL PRIORITY TO
16 BE TESTED. THE LIST SHALL INCLUDE:

17 (I) HEALTH CARE STAFF.

18 (II) STAFF AND RESIDENTS OF NURSING HOMES, LONG-TERM
19 CARE NURSING FACILITIES, ASSISTED LIVING RESIDENCES,
20 PERSONAL CARE HOMES AND HOSPICES.

21 (III) STAFF AND CLIENTS OF HOME CARE PROVIDERS, HOME
22 HEALTH CARE PROVIDERS, MENTAL HEALTH PROVIDERS,
23 BEHAVIORAL HEALTH PROVIDERS, CHILDREN'S SERVICES,
24 INTELLECTUAL DISABILITY PROVIDERS AND DRUG AND ALCOHOL
25 PROVIDERS.

26 (IV) EMERGENCY SERVICE AND PUBLIC SAFETY PERSONNEL.

27 (V) ANY OTHER CATEGORY OF INDIVIDUALS WHO SERVE AN
28 ESSENTIAL HEALTH AND SAFETY FUNCTION OR WHO ARE AT HIGH-
29 RISK OF CONTRACTING COVID-19.

30 (VI) AN ESTIMATE OF THE AMOUNT OF FUNDING NEEDED TO

1 IMPLEMENT THE PLAN.

2 (5) A DESCRIPTION OF HOW THE PLAN SUPPORTS THE EFFORTS
3 TO LIMIT THE SPREAD OF COVID-19 AT LIFE-SUSTAINING BUSINESSES
4 WHICH HAVE BEEN PERMITTED TO CONTINUE TO OPERATE UNDER THE
5 ORDERS FROM THE GOVERNOR AND THE SECRETARY OF HEALTH SINCE
6 THE GOVERNOR'S PROCLAMATION OF DISASTER EMERGENCY ISSUED ON
7 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

8 (6) A DESCRIPTION OF HOW THE PLAN SUPPORTS THE EFFORTS
9 TO LIMIT THE SPREAD OF COVID-19 AT BUSINESSES OTHER THAN
10 BUSINESSES LISTED UNDER PARAGRAPH (5) AND WHICH WOULD BE
11 PERMITTED TO RESUME OPERATIONS UNDER SUBSEQUENT ORDERS OR
12 REVISIONS TO ORDERS BY THE GOVERNOR AND THE SECRETARY OF
13 HEALTH.

14 (C) APPROVAL.--A PLAN SUBMITTED UNDER SUBSECTION (A) SHALL
15 BE DEEMED APPROVED UPON THE ENACTMENT OF AN APPROPRIATION FOR
16 THE PROCUREMENT OF TESTING KITS OR EQUIPMENT NECESSARY FROM
17 FUNDS PROVIDED UNDER THE FEDERAL CORONAVIRUS AID, RELIEF, AND
18 ECONOMIC SECURITY ACT (PUBLIC LAW 116-136, 134 STAT. 281).

19 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.