

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2540 Session of 2020

INTRODUCED BY LAWRENCE, MAY 20, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 20, 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," establishing the State Epidemiology Advisory
 22 Council; and making an appropriation.

23 The General Assembly of the Commonwealth of Pennsylvania
 24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
 26 as The Administrative Code of 1929, is amended by adding an
 27 article to read:

28 ARTICLE I-A

1 COVID-19 STATE EPIDEMIOLOGY ADVISORY COUNCIL

2 Section 101-A. Legislative findings.

3 The General Assembly finds and declares as follows:

4 (1) A novel coronavirus, known as COVID-19, entered the
5 United States in late January 2020 and has spread throughout
6 the states, including this Commonwealth.

7 (2) On March 6, 2020, the Governor declared a disaster
8 emergency, citing a threat of imminent disaster that is of
9 such a magnitude and severity as to necessitate extraordinary
10 measures to protect the health, safety and life of this
11 Commonwealth's citizens.

12 (3) The impact of COVID-19, including all the necessary
13 measures taken to mitigate the spread of the disease, has
14 severely disrupted the Commonwealth and its political
15 subdivisions.

16 (4) Provision of timely, factual information to the
17 executive, legislative and judicial branches of government by
18 knowledgeable medical professionals is critical to ensure
19 timely and proper government response.

20 (5) Given the nature of the challenge before this
21 Commonwealth, policymakers would greatly benefit from the
22 immediate and regular input of epidemiologists. Given an
23 epidemiologist's specialized professional training in the
24 field of infectious diseases, epidemiologists are uniquely
25 qualified and situated to provide advice and guidance of
26 great value in this challenging time. Their regular input to
27 State policymakers is of vital importance to all branches of
28 State government, and by extension to every resident and
29 business in this Commonwealth.

30 (6) The most effective manner to achieve the critical

1 outcomes under paragraph (5) is to form a State Epidemiology
2 Advisory Council.

3 Section 102-A. Definitions.

4 The following words and phrases when used in this article
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Council." The State Epidemiology Advisory Council
8 established under section 103-A.

9 "Dean." The dean, acting dean, senior vice chancellor or
10 senior administrator of a school of medicine located in this
11 Commonwealth.

12 "Epidemiologist." A medical professional licensed in this
13 Commonwealth who possesses any of the following:

14 (1) (i) one of the following degrees:

15 (A) a doctor of public health degree;

16 (B) a doctor of philosophy degree in
17 epidemiology;

18 (C) a doctoral degree in medicine, osteopathy,
19 dental surgery or medicine or veterinary medicine; or

20 (D) a doctor of philosophy degree in a
21 biological science with either a master of public
22 health degree or a master of science degree in
23 epidemiology; and

24 (ii) at least three years of professional experience
25 investigating outbreaks of contagious diseases, designing
26 and or conducting epidemiological studies or designing
27 and maintaining a disease surveillance system.

28 (2) Qualifications, medical knowledge and judgment,
29 substantially similar to the qualifications, medical
30 knowledge and judgment under paragraph (1), as determined by

1 the dean, that the individual's participation on the council
2 would be of value to State policymakers and the general
3 public.

4 "Order." Any of the following:

5 (1) The declaration of disaster emergency issued by the
6 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
7 21, 2020).

8 (2) A declaration of disaster emergency relating to the
9 novel coronavirus, known as COVID-19, issued after March 6,
10 2020.

11 "Record." A public record or a legislative record as defined
12 under section 102 of the act of February 14, 2008 (P.L.6, No.3),
13 known as the Right-to-Know Law.

14 Section 103-A. State Epidemiology Advisory Council.

15 (a) Establishment.--The State Epidemiology Advisory Council
16 is established.

17 (b) Membership.--The council shall consist of the following
18 members, appointed within seven days of the effective date of
19 this section:

20 (1) The Director of the Bureau of Epidemiology of this
21 Commonwealth.

22 (2) An epidemiologist appointed by the dean of The
23 Pennsylvania State University College of Medicine.

24 (3) An epidemiologist appointed by the dean of the Lewis
25 Katz School of Medicine at Temple University.

26 (4) An epidemiologist appointed by the dean of the John
27 and Gertrude Petersen School of Medicine at the University of
28 Pittsburgh.

29 (5) An epidemiologist appointed by the dean of the
30 Perelman School of Medicine at the University of

1 Pennsylvania.

2 (c) Appointment.--An appointing authority under subsection
3 (b) shall make an appointment by the transmission of a letter to
4 the Director of the Bureau of Epidemiology of this Commonwealth.

5 (d) Chairperson.--The Director of the Bureau of Epidemiology
6 of this Commonwealth shall serve as chairperson of the council.
7 The chairperson shall appoint a vice chairperson of the council.

8 (e) Participation.--A member not physically present may
9 participate by teleconference or video conference.

10 (f) Quorum and voting.--The following shall apply:

11 (1) A majority of the members of the council
12 participating in person, teleconference or video conference
13 shall constitute a quorum.

14 (2) Action of the council must be authorized or ratified
15 by a majority vote of the members of the council.

16 (g) Meetings.--The following shall apply:

17 (1) The council shall meet at least twice a month.
18 Additional meetings may be called by the chairperson as
19 necessary. The chairperson shall schedule a meeting upon
20 written request of two members of the council.

21 (2) The first meeting shall be convened within 10 days
22 of the effective date of this paragraph.

23 (h) Expenses.--Members shall not receive compensation but
24 shall be reimbursed for actual expenses incurred in service of
25 the council.

26 (i) Support.--The office of the Governor, the Senate, the
27 House of Representatives and the Administrative Offices of
28 Pennsylvania Courts shall provide administrative services to the
29 council as requested.

30 (j) Applicability.--

1 (1) The following shall apply:

2 (i) Except as provided under subparagraph (ii) and
3 notwithstanding any other provision of law, the act of
4 February 14, 2008 (P.L.6, No.3), known as the Right-to-
5 Know Law, shall apply to the council.

6 (ii) Correspondence between a person and a member of
7 the council and records accompanying the correspondence
8 submitted under section 104-A(a)(2) shall be exempt from
9 access by a requester under the Right-to-Know Law. This
10 subparagraph shall not apply to a correspondence between
11 a member and a principal or lobbyist under 65 Pa.C.S. Ch.
12 13A (relating to lobbying disclosure).

13 (2) Except as provided under paragraph (3), the council
14 shall be deemed an agency for the purposes of 65 Pa.C.S. Ch.
15 7 (relating to open meetings).

16 (3) Public notice of a meeting of the council shall be
17 made by the chairperson at least 24 hours prior to a meeting.

18 (4) A member of the council shall not be deemed a public
19 official for the purpose of 65 Pa.C.S. Ch. 11 (relating to
20 ethics standards and financial disclosure) solely because of
21 their service on the council.

22 (5) The council shall be considered an independent
23 agency for the purposes of the act of October 15, 1980
24 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

25 Section 104-A. Functions.

26 (a) Powers.--The council shall have the following powers:

27 (1) To request records as necessary from agencies under
28 the Governor's jurisdiction, independent agencies, the
29 Unified Judicial System and the legislature, on any actions
30 taken in response to the COVID-19 public health emergency.

1 (2) To receive communications from individuals,
2 businesses, nonprofit entities, hospitals, medical
3 organizations, institutions of higher learning, local
4 governments and any other entity regarding issues relating to
5 the COVID-19 public health emergency.

6 (b) Duties.--The council shall have the following duties:

7 (1) To make regular recommendations and identify issues
8 of immediate public importance, based upon the member's
9 professional knowledge and experience in the field of
10 epidemiology, to the Governor, members of the General
11 Assembly and justices of the Supreme Court, Superior Court
12 and Commonwealth Court, as it relates to the Commonwealth's
13 actions and response to the COVID-19 public health emergency.

14 (2) To develop and submit ongoing policy recommendations
15 based on medical science and professional judgment as it
16 relates to the policies of the Commonwealth in all facets of
17 the response to the COVID-19 public health emergency,
18 including, but not limited to:

19 (i) public health considerations;

20 (ii) preparedness issues;

21 (iii) primary, secondary and higher education; and

22 (iv) operation of private businesses, nonprofits and
23 State and local government services within this
24 Commonwealth.

25 (3) To make a final report no later than six months
26 after the order is terminated by executive order,
27 proclamation or operation of law.

28 Section 105-A. Appropriation.

29 The amount of \$5,000 is appropriated from the General Fund to
30 the Department of Health for payment of reasonable expenses

1 under section 103-A. The appropriation under this section shall
2 not lapse until the expiration of this article under section
3 106-A. Any amount of the appropriation unexpended or uncommitted
4 upon the expiration under section 106-A shall lapse.

5 Section 106-A. Expiration.

6 This article shall expire six months after the order is
7 terminated by executive order, proclamation or operation of law,
8 or upon issuance of the final report under section 104-A(b) (3),
9 whichever is sooner.

10 Section 2. This act shall take effect immediately.