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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 970 Session of  
2020

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INTRODUCED BY BROWNE, MASTRIANO, LANGERHOLC, AUMENT, MARTIN,  
PITTMAN, VOGEL, PHILLIPS-HILL, REGAN AND YUDICHAK,  
JANUARY 24, 2020

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REFERRED TO HEALTH AND HUMAN SERVICES, JANUARY 24, 2020

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AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," providing for Department  
4 of Health and Human Services; transferring powers and duties  
5 of the Department of Health and the Department of Human  
6 Services to the Department of Health and Human Services;  
7 making related repeals; and making editorial changes.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definitions of "department" and "secretary"  
11 in section 102 of the act of June 13, 1967 (P.L.31, No.21),  
12 known as the Human Services Code, are amended to read:

13 Section 102. Definitions.--Subject to additional definitions  
14 contained in subsequent articles of this act, the following  
15 words when used in this act shall have, unless the context  
16 clearly indicates otherwise, the meanings given them in this  
17 section:

18 "Department" means the Department of Health and Human  
19 Services of this Commonwealth.

20 "Secretary" means the Secretary of Health and Human Services

1 of this Commonwealth.

2 Section 2. Article II heading of the act is amended to read:

3 ARTICLE II  
4 GENERAL POWERS AND DUTIES  
5 OF THE DEPARTMENT OF [PUBLIC WELFARE]  
6 HEALTH AND HUMAN SERVICES

7 Section 3. The act is amended by adding an article to read:

8 ARTICLE II-A  
9 DEPARTMENT OF HEALTH AND HUMAN SERVICES

10 Section 201-A. Purpose and legislative intent.

11 (a) Purpose.--It is the purpose of this article to more  
12 effectively address the collaboration and service delivery of  
13 health and human services which are of vital importance to this  
14 Commonwealth by coordinating the services provided by the former  
15 Department of Health and the former Department of Human Services  
16 and establishing one agency to administer the services.

17 (b) Intent.--In adopting this article to coordinate the  
18 provision of health and human services, it is the intent of the  
19 General Assembly to continue to promote and improve the  
20 efficient and effective delivery of health and human services.

21 Section 202-A. Definitions.

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

25 "Domestic violence." The occurrence of one or more of the  
26 following acts between family or household members, sexual or  
27 intimate partners or persons who share biological parenthood:

28 (1) Intentionally, knowingly or recklessly causing or  
29 attempting to cause bodily injury.

30 (2) Placing, by physical menace, another in fear of

1 imminent serious bodily injury.

2 "Domestic violence center." An organization, or the  
3 coordinating body of an organization, which has as its primary  
4 purpose the operation of domestic violence programs.

5 "Domestic violence program." A program which has as its  
6 primary purpose the provision of direct services to victims of  
7 domestic violence and their children, including, but not limited  
8 to, victim advocacy, counseling, shelter, information and  
9 referral, victim-witness and assistance, accompaniment,  
10 community education and prevention.

11 "Rape crisis center." An organization, or the coordinating  
12 body of an organization, which has as its primary purpose the  
13 operation of rape crisis programs.

14 "Rape crisis program." A program which has as its primary  
15 purpose the provision of direct services to victims of sexual  
16 assault, including, but not limited to, crisis intervention,  
17 counseling, victim advocacy, information and referral, victim-  
18 witness and assistance, accompaniment through the medical,  
19 police and judicial systems and the provision of education and  
20 prevention programs on rape and sexual assaults.

21 "Sexual assault." Conduct which is a crime under 18 Pa.C.S.  
22 Ch. 31 (relating to sexual offenses).  
23 Section 203-A. Administration.

24 (a) Continuation.--The department shall, except as provided  
25 in this article, exercise the powers and perform the duties by  
26 law vested in and imposed on the former Department of Health,  
27 the former Department of Human Services and the former  
28 Department of Public Welfare.

29 (b) Powers and duties.--In addition to other powers and  
30 duties under this article or other law, the department shall:

1           (1) Administer and enforce the laws of this Commonwealth  
2 relating to the following:

3           (i) Mental health, intellectual disability and  
4 autism.

5           (ii) The care, prevention, early recognition and  
6 treatment of mental illness, emotional disturbance,  
7 intellectual disability and autism.

8           (iii) The licensing and regulation of facilities and  
9 agencies with the primary functions of diagnosis,  
10 treatment, care and rehabilitation of individuals with  
11 mental illness, emotional disturbance, intellectual  
12 disability or autism.

13           (iv) The admission of individuals with mental  
14 illness, intellectual disability or autism to facilities  
15 under subparagraph (iii) and the transfer, discharge,  
16 escape, interstate rendition and deportation of the  
17 individuals.

18           (v) The licensing, certification and regulation of:  
19           (A) health care facilities; and  
20           (B) medical marijuana organizations.

21           (vi) The certification and regulation of:  
22           (A) laboratories;  
23           (B) emergency medical services providers; and  
24           (C) managed care organizations.

25           (vii) The issuance and enforcement of disease  
26 control measures, including isolation orders and  
27 quarantine orders.

28           (viii) The issuance of grants and contracts to aid  
29 in the prevention and control of the spread of disease  
30 and to ensure the health and welfare of the residents of

1 this Commonwealth.

2 (ix) The collection, compilation and preservation of  
3 vital statistics of the residents of this Commonwealth.

4 (2) Protect the health of the people of this  
5 Commonwealth and determine and employ the most efficient and  
6 practical means for the prevention and suppression of  
7 disease.

8 (3) Prevent, respond to and reduce the public health and  
9 medical consequences of an emergency or a disaster.

10 (4) Promulgate rules and regulations necessary to carry  
11 out this article.

12 (c) Physician General.--There shall be within the department  
13 a Physician General. The Physician General shall be appointed by  
14 the Governor by and with the advice and consent of a majority of  
15 the members elected to the Senate. The department shall provide  
16 adequate staff and other support to the Physician General as  
17 needed. The Physician General must be a graduate of an  
18 accredited medical or osteopathic medical school and must be a  
19 practicing physician licensed by the Commonwealth. The Physician  
20 General shall serve at the pleasure of the Governor. The salary  
21 and other conditions of employment for the Physician General  
22 shall be set by the Executive Board. The Physician General has  
23 the following powers and duties:

24 (1) Advise the Governor and the secretary on health  
25 policy.

26 (2) Participate in the decision-making process of the  
27 department on policies relating to medical and public-health-  
28 related issues and in the decision-making process of other  
29 executive branch agencies as directed by the Governor.

30 (3) Review professional standards and practices in

1 medicine and public health which are related to matters  
2 within the jurisdiction of the department and other executive  
3 branch agencies.

4 (4) Consult with recognized experts on medical and  
5 public health matters which are within the jurisdiction of  
6 the department and other executive branch agencies.

7 (5) Provide advice on medical and public health issues  
8 to the secretary and to other agencies.

9 (6) Coordinate educational, informational and other  
10 programs for the promotion of wellness, public health and  
11 related medical issues in this Commonwealth and serve as the  
12 primary advocate for the programs.

13 (7) Consult with experts in this Commonwealth and other  
14 jurisdictions regarding medical research, innovation and  
15 development which relate to programs and issues of importance  
16 to the department and the Commonwealth.

17 (8) Perform other duties as directed by the Governor.

18 (9) Serve as an ex officio member of the State Board of  
19 Medicine, the State Board of Osteopathic Medicine and other  
20 Commonwealth boards and commissions as may be provided by  
21 law. The Physician General may provide a designee to serve in  
22 the Physician General's stead.

23 Section 204-A. Residential substance use disorder treatment  
24 programs for women and children.

25 (a) Grants and contracts.--The department shall award grants  
26 or enter into contracts to provide residential substance use  
27 disorder treatment and related services for pregnant women,  
28 women and their dependent children and women who do not have  
29 custody of their children if there is a reasonable likelihood  
30 that the children will be returned to the women if the women

1 participate satisfactorily in the treatment program. Grant or  
2 contract money shall only be used for treatment and related  
3 services provided to residents of this Commonwealth by providers  
4 of substance use disorder treatment programs licensed by the  
5 department that provide the following:

6 (1) Residential treatment services for women and their  
7 dependent children, subject to reasonable limitations on the  
8 number and ages of the children, including:

9 (i) Onsite substance use disorder education,  
10 counseling and treatment.

11 (ii) Onsite individual, group and family counseling.

12 (iii) Onsite substance use disorder prevention and  
13 education activities for children.

14 (iv) Onsite special counseling for children of women  
15 with substance use disorders.

16 (v) Involvement with support groups for women and  
17 children of women with substance use disorders.

18 (vi) Activities that enhance self-esteem and self-  
19 sufficiency.

20 (2) Onsite parenting skills counseling and training.

21 (3) Access to school for children and women where  
22 appropriate, including securing documents necessary for  
23 registration.

24 (4) Job counseling and referral to existing job training  
25 programs.

26 (5) Onsite child care for children of women who:

27 (i) attend counseling, school or job training  
28 programs;

29 (ii) work or are looking for work; and

30 (iii) need the services at other times as the

1 department deems appropriate.

2 (6) Referral for other needed services, including, but  
3 not limited to, health care.

4 (7) Onsite structured reentry counseling and activities.

5 (8) Referral to outpatient counseling upon discharge  
6 from the residential program.

7 (b) Information to single county authorities.--The  
8 department shall advise a single county authority of those  
9 programs in its jurisdiction that are being considered for  
10 funding under this section and shall give the single county  
11 authority an opportunity to comment on the funding proposals  
12 prior to the department making a decision to award funding.

13 (c) Information to be provided to department.--

14 (1) Providers of treatment programs that receive funding  
15 under this section shall collect and provide to the  
16 department information concerning the number of women and  
17 children denied treatment or placed on waiting lists and may  
18 require other data and information as the department deems  
19 useful in determining the effectiveness of the treatment  
20 programs.

21 (2) Records regarding identifiable individuals enrolled  
22 in treatment programs funded under this section that are in  
23 the possession of the department or a provider shall be  
24 confidential.

25 (d) Limitation.--Contributions by counties or single county  
26 authorities shall not be required as a condition for receiving  
27 grants for programs funded under this section, but the  
28 department may require counties or single county authorities to  
29 make commitments to provide outpatient intervention, referral  
30 and aftercare services to women whose residential treatment is



1 funded under this section upon completion of residential  
2 treatment.

3 (e) Annual report required.--The department shall report  
4 annually to the Governor and the General Assembly as to all of  
5 the following:

6 (1) The department's activities and expenditures under  
7 this section.

8 (2) The activities of recipients of funds under this  
9 section.

10 (3) The number of women and children served by programs  
11 funded under this section.

12 (4) The number of women and children denied treatment or  
13 placed on waiting lists by providers that receive funding for  
14 programs under this section.

15 (5) The recommendations of the department.

16 Section 205-A. Staff training and referral mechanisms.

17 The department shall:

18 (1) Establish, on a demonstration basis, programs to  
19 train the staff of child protective services agencies,  
20 counseling programs and shelters for victims of domestic  
21 violence, recipients of funds under high-risk maternity  
22 programs or Federal maternal and child health care grants and  
23 community health care centers in order to identify those  
24 women for whom these agencies are already providing services  
25 and who are in need of substance use disorder treatment.

26 (2) Establish referral networks and mechanisms among the  
27 agencies referred to in paragraph (1) and single county  
28 authorities and appropriate substance use disorder treatment  
29 programs.

30 Section 206-A. Medical assistance payments.

1 (a) Purpose.--The following shall apply:

2 (1) The purpose of this section is to provide for  
3 alcohol and drug detoxification and rehabilitation services  
4 to persons eligible for medical assistance.

5 (2) Facilities serving as appropriate treatment settings  
6 shall include the following if they are licensed by the  
7 Department of Drug and Alcohol Programs:

8 (i) hospital and nonhospital drug detoxification and  
9 rehabilitation facilities;

10 (ii) hospital and nonhospital alcohol detoxification  
11 and rehabilitation facilities;

12 (iii) hospital and nonhospital drug and alcohol  
13 detoxification and rehabilitation facilities; and

14 (iv) outpatient services.

15 (3) The General Assembly recognizes that the fluctuating  
16 nature of substance use disorder, in combination with the  
17 associated physical complications often arising from long-  
18 term substance use, requires the availability of a variety of  
19 treatment modalities and settings for individuals eligible  
20 for medical assistance. The availability of a new service in  
21 this area is in no way intended to limit access to or funding  
22 of services currently available.

23 (b) Responsibilities of the department.--The department  
24 shall:

25 (1) Provide to individuals eligible for medical  
26 assistance, if the facility is licensed by the Department of  
27 Drug and Alcohol Programs, medical assistance coverage for  
28 detoxification, treatment and care in:

29 (i) a nonhospital alcohol detoxification facility;

30 (ii) a nonhospital drug detoxification facility;

1           (iii) a nonhospital alcohol and drug detoxification  
2           facility; or

3           (iv) a nonhospital treatment facility that can  
4           provide services for drug or alcohol detoxification or  
5           treatment, or both.

6           (2) Use criteria adopted by the Department of Drug and  
7           Alcohol Programs for governing the type, level and length of  
8           care or treatment, including hospital detoxification, as a  
9           basis for the development of standards for services provided  
10           under paragraph (1).

11 Section 207-A. Public health.

12           (a) General rule.--The department shall have the following  
13 powers and duties:

14           (1) Protect the health of the residents of this  
15           Commonwealth and determine and employ the most efficient and  
16           practical means for the prevention and suppression of  
17           disease.

18           (2) As follows:

19           (i) Investigate conditions affecting the security of  
20           life and health, in any locality and, for that purpose,  
21           enter, inspect and survey all grounds, vehicles,  
22           apartments, buildings and other places within this  
23           Commonwealth.

24           (ii) All persons authorized by the department to  
25           conduct the activities under subparagraph (i) shall have  
26           the powers and authority conferred by law upon  
27           constables.

28           (3) Administer the health laws, regulations and  
29           ordinances of a borough or a township if:

30           (i) the department determines that a condition

1 exists in the borough or township that is a menace to the  
2 lives and health of residents of the borough or township  
3 or of surrounding municipalities;

4 (ii) the department has knowledge that the borough  
5 or township is without an existing or efficient board of  
6 health, until a competent and efficient board of health,  
7 as determined by the department, has been appointed and  
8 is ready, able and willing to assume and carry out the  
9 duties imposed upon it by law; or

10 (iii) the borough or township requests the  
11 department to do so.

12 (4) Recover from a borough or township all expenses  
13 incurred by the department in performing the duties of a  
14 board of health of the borough or township under paragraph  
15 (3) (ii).

16 (5) Prescribe standard requirements for the medical  
17 examination of public school students and public schools  
18 throughout this Commonwealth and to appoint appropriate  
19 inspectors for this purpose.

20 (6) Train, in appropriate facilities, qualified  
21 Commonwealth, county and municipal employees in the field of  
22 public health work.

23 (7) Designate the Health Care Policy Board to  
24 adjudicate, in accordance with 2 Pa.C.S. (relating to  
25 administrative law and procedure), appeals from any final  
26 order, decision, decree, determination or ruling of the  
27 department made under Chapters 7 and 8 of the act of July 19,  
28 1979 (P.L.130, No.48), known as the Health Care Facilities  
29 Act. The department shall promulgate regulations establishing  
30 appeal procedures to be followed. Until such time as final

1 regulations have been promulgated, procedures set forth in 1  
2 Pa. Code Pt. II (relating to general rules of administrative  
3 practice and procedure) and 37 Pa. Code Ch. 197 (relating to  
4 practice and procedure) shall be followed for these appeals.  
5 An appeal filed with the Health Care Policy Board from any  
6 final order, decision, decree, determination or ruling of the  
7 department relating to licensure shall not act as a  
8 supersedeas but, upon good cause shown, and where the  
9 circumstances require it, the department or the board, or  
10 both, shall have the power to grant a supersedeas.

11 (b) Public health laboratory.--

12 (1) The department shall maintain and operate a public  
13 health laboratory that shall assure the availability of  
14 reliable clinical laboratory services and laboratory-based  
15 information that are needed by health providers for proper  
16 diagnosis and treatment, prevention of disease and promotion  
17 of the health of the residents of this Commonwealth.

18 (2) The public health laboratory maintained and operated  
19 under paragraph (1) shall:

20 (i) arrange for or perform clinical tests to  
21 identify diseases, including, but not limited to, rabies,  
22 measles, rubella, Lyme disease, influenza and  
23 tuberculosis; and

24 (ii) provide epidemiological and surveillance  
25 support.

26 (c) Dental health districts.--

27 (1) The department shall apportion this Commonwealth  
28 into dental health districts administered by a public health  
29 dentist within the department.

30 (2) The public health dentist administering a dental

1 health district under paragraph (1) shall implement dental  
2 health policies and programs.

3 (d) Abatement of detrimental conditions.--The department may  
4 order conditions detrimental to the public health or the causes  
5 of disease and mortality to be abated and removed and to enforce  
6 quarantine orders. The following shall apply:

7 (1) If the owner or occupant of a premises subject to an  
8 order of the department under this subsection fails to comply  
9 with the order, agents or employees of the department may  
10 enter the premises and abate or remove the condition.

11 (2) The expense of the abatement or removal under  
12 paragraph (1) shall be paid by the owner or occupant of the  
13 premises subject to the order. The following shall apply:

14 (i) The expense shall be a lien upon the land on  
15 which the condition existed, for which a claim may be  
16 filed by the department, in the name of the Commonwealth,  
17 in the court of common pleas for the county in which the  
18 land is located.

19 (ii) A claim under subparagraph (i) must be filed  
20 within six months from the date of completion of the work  
21 of abatement or removal, subject to the same proceedings  
22 for entry or revival of judgment and execution as are  
23 provided by law for municipal liens.

24 (3) The department may maintain an action against an  
25 owner or occupant, in the name of the Commonwealth, to  
26 recover expenses related to abatement under paragraph (1) in  
27 the same way as debts of like amounts are recoverable by law.

28 (4) Expenses recovered under this section by enforcement  
29 of a lien or by other action shall be paid to the State  
30 Treasurer, to be held and used as funds of the department.

1       (5) This subsection shall not apply to waters pumped or  
2       flowing from coal mines or tanneries.

3       (e) Revocation or modification of action by a local board of  
4       health.--The department may revoke or modify an order,  
5       regulation, bylaw or ordinance of a local board of health,  
6       concerning a matter which the department has determined affects  
7       the public health beyond the territory over which the local  
8       board has jurisdiction.

9       (f) Civil penalty.--

10       (1) The department may impose a civil penalty on a  
11       person that fails to comply with an order issued by the  
12       department under this section or that resists or interferes  
13       with an agent or employee of the department in the  
14       performance of the agent's or employee's duties in accordance  
15       with the public health regulations and orders of the  
16       department.

17       (2) A penalty under paragraph (1) shall be no more than  
18       \$1,000 for the first offense, no more than \$2,000 for the  
19       second offense and no more than \$5,000 for each subsequent  
20       offense.

21       (g) Controlled substances.--The department shall have the  
22       power and duty to carry out those powers and duties conferred  
23       upon the former Secretary of Health and the former Department of  
24       Health under the act of April 14, 1972 (P.L.233, No.64), known  
25       as The Controlled Substance, Drug, Device and Cosmetic Act.  
26       Notwithstanding any provision of The Controlled Substance, Drug,  
27       Device and Cosmetic Act, loperamide hydrochloride is expressly  
28       deemed not to be a controlled substance within the meaning of  
29       section 4 of The Controlled Substance, Drug, Device and Cosmetic  
30       Act.

1 Section 208-A. Newborn testing.

2 (a) General rule--The department shall permit a laboratory  
3 certified under the Clinical Laboratories Improvement Act of  
4 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to  
5 perform screening testing of newborn infants in any state and  
6 uses normal pediatric reference ranges to conduct the analysis  
7 required by section 4(a) of the act of September 9, 1965  
8 (P.L.497, No.251), known as the Newborn Child Testing Act, as an  
9 alternative to the testing laboratory designated by the  
10 department in accordance with section 5 of the Newborn Child  
11 Testing Act.

12 (b) Testing requirements.--The testing performed by the  
13 laboratory under subsection (a) shall include testing for  
14 newborn diseases as required by law or regulation and shall  
15 provide test results and reports consistent with appropriate  
16 policies, procedures, laws and regulations of the department.

17 (c) Blood samples.--A testing laboratory designated by the  
18 department or permitted as an alternative under this section may  
19 not use or provide blood samples for scientific research without  
20 the informed written consent of the parent or guardian of the  
21 child.

22 Section 209-A. Recovery of blood plasma proteins.

23 The department shall have the power and duty to:

24 (1) Maintain facilities, or contract with facilities,  
25 for the recovery of outdated human whole blood and blood from  
26 which the cells of certain proteins useful for immunization,  
27 treatment, research and disaster stock-piling purposes have  
28 been withdrawn.

29 (2) Make available to research institutions, physicians  
30 and hospitals, upon request, blood plasma proteins for



1 research, immunization and treatment.

2 (3) Maintain facilities for the proper storage of blood  
3 proteins for disaster purposes.

4 (4) Adopt standards for the efficient execution of a  
5 blood plasma protein recovery program.

6 (5) Develop and employ the necessary procedures and  
7 perform actions necessary to carry out the purposes of this  
8 section.

9 (6) Collect and dispense money received from any source,  
10 by gift or otherwise, for the purpose of carrying out the  
11 provisions of this section.

12 Section 210-A. Vital statistics.

13 The department shall have the power and duty to:

14 (1) Obtain, collect, compile and preserve all statistics  
15 from all professionals whose information is deemed to be  
16 necessary to ensure a complete registration of births,  
17 deaths, marriages and diseases occurring within this  
18 Commonwealth or other vital statistics.

19 (2) Prepare the necessary methods, forms and blanks for  
20 obtaining and preserving records of births, deaths, marriages  
21 and diseases in this Commonwealth.

22 (3) Ensure that the laws requiring the registration of  
23 births, deaths, marriages and diseases are uniformly and  
24 thoroughly enforced throughout this Commonwealth, including  
25 the prompt provision of registrations to the department.

26 (4) With the advice and concurrence of the Advisory  
27 Health Board, promulgate regulations for the thorough  
28 organization and efficiency of the registration of vital  
29 statistics throughout this Commonwealth, and enforce  
30 regulations.

1           (5) Issue birth and death certificates and burial or  
2 removal permits as provided by law.

3           (6) Establish districts for the registration of vital  
4 statistics and appoint registrars, deputies and sub-  
5 registrars, as may be necessary, to obtain, collect, compile  
6 and preserve the statistics which the department is required  
7 to obtain, collect, compile and preserve. All local  
8 registrars, deputies and sub-registrars, appointed under this  
9 paragraph, shall perform the duties required of them by the  
10 department and shall receive compensation as may be fixed by  
11 law.

12 Section 211-A. Health districts and officers.

13 The department may:

14           (1) Apportion this Commonwealth into health districts as  
15 the department, with the approval of the Governor, decides.

16           (2) Appoint a health officer in each health district,  
17 who shall:

18                   (i) Under the direction of the department, handle  
19 matters as delegated by law or by the secretary.

20                   (ii) In connection with the management of the  
21 sanitary affairs of the Commonwealth, cooperate with the  
22 Department of Environmental Protection and with the  
23 Department of Conservation and Natural Resources.

24 Section 212-A. Quarantine.

25 The department shall have the power and duty to:

26           (1) In addition to diseases that may be declared by law  
27 to be communicable, declare a disease to be communicable with  
28 the approval of the Advisory Health Board and establish  
29 regulations for the prevention of the spread of communicable  
30 diseases as the department and the Advisory Health Board deem

1 necessary and appropriate.

2 (2) Issue and enforce an isolation and quarantine order  
3 to prevent the spread of a disease declared by law or by the  
4 department to be a communicable disease.

5 (3) Administer and enforce the laws of this Commonwealth  
6 with regard to vaccination and other means of preventing the  
7 spread of a communicable disease.

8 Section 213-A. Narcotic drugs.

9 The department shall have the power and duty to supervise the  
10 enforcement and administration of laws regulating the  
11 possession, control, dealing in, giving away, delivery,  
12 dispensing, administering, prescribing and use of narcotic  
13 drugs.

14 Section 214-A. Advisory Health Board.

15 The Advisory Health Board shall have the power and duty:

16 (1) To advise the secretary on matters as the secretary  
17 may request.

18 (2) To advise the department regarding the department's  
19 promulgation of rules and regulations as necessary for the  
20 prevention of disease and for the protection of the lives and  
21 health of the residents of this Commonwealth.

22 (3) To make and revise a list of communicable diseases  
23 against which children shall be required to be immunized as a  
24 condition of attendance at a public, private or parochial  
25 school in this Commonwealth. The list shall be published by  
26 the department together with rules and regulations  
27 promulgated by the department that are necessary to ensure  
28 that the immunization is timely, effective and properly  
29 verified.

30 (4) To prescribe minimum health activities and minimum

1 standards of performance of health services for a political  
2 subdivision.

3 Section 215-A. Speech and hearing rehabilitation centers.

4 The department shall have the power and duty:

5 (1) To provide, maintain, administer and operate a  
6 speech and hearing rehabilitation center:

7 (i) For the diagnosis and treatment of children with  
8 or suspected of having hearing loss.

9 (ii) To provide auditory training for preschool  
10 children.

11 (iii) To provide consultative services for hard of  
12 hearing children of school age and the parents of the  
13 children.

14 (2) The department may purchase services if it is not  
15 feasible to provide and maintain a speech and hearing  
16 rehabilitation center.

17 Section 216-A. Cystic fibrosis program.

18 The department shall have the power and duty to conduct a  
19 program of care and treatment of individuals suffering from  
20 cystic fibrosis who are 21 years of age or older.

21 Section 217-A. Investigators, subpoenas and warrants.

22 (a) Investigator.--The department may:

23 (1) Employ a competent person to:

24 (i) Render sanitary service and undertake or  
25 supervise practical and scientific investigations and  
26 examinations requiring expert skill.

27 (ii) Prepare plans and reports relative to an  
28 investigation and examination under subparagraph (i).

29 (2) Purchase supplies and materials necessary to carry  
30 out the work of the department.

1     (b) Subpoena.--The department may issue a subpoena for the  
2 examination, investigation and adjudication of the violation of  
3 a statute or regulation administered by the department to secure  
4 the attendance of an individual necessary to the matter or  
5 proceeding and compel the individual to testify in a matter or  
6 proceeding before the department.

7     (c) Order.--In the event of a public health emergency, as  
8 determined by the Governor or the secretary, the department may  
9 issue and deliver a disease control order to the appropriate law  
10 enforcement organization for execution of the order. If required  
11 by the order, the law enforcement organization shall  
12 immediately, with or without a warrant, take the subject of the  
13 disease control order to a facility or other location specified  
14 in the order or ensure there is not ingress or egress from the  
15 place of isolation or quarantine specified in the order, as  
16 appropriate. The law enforcement organization may take  
17 appropriate measures to enforce a disease control order against  
18 each subject of the order. The law enforcement organization  
19 shall provide a copy of the order to each subject of the order.  
20 If it is impractical to provide a copy of the order to each  
21 subject of the order, the law enforcement organization shall  
22 communicate the order in any other manner reasonably likely to  
23 reach the subjects of the order.

24     (d) Definition.--As used in this section, the term "public  
25 health emergency" means an occurrence or imminent threat of a  
26 disease or condition of public health importance with the  
27 following characteristics:

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

29             (i) A bioterrorist event, a biological, chemical or  
30             nuclear agent, a chemical attack or a nuclear attack.

1           (ii) The appearance of a novel or previously  
2           controlled or eradicated infectious agent or biological  
3           toxin.

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

6           (iv) A disease outbreak or unusual expression of  
7           illness.

8           (2) Poses a high probability of any of the following in  
9           the affected population:

10           (i) A large number of deaths.

11           (ii) A large number of serious or long-term  
12           disabilities.

13           (iii) Widespread exposure to an infectious or toxic  
14           agent that poses a significant risk of substantial  
15           present or future harm to a large number of individuals.

16 Section 218-A. Cooperation in enforcing health laws.

17           A city, borough or township may cooperate with the following  
18           in the administration and enforcement of this article and of the  
19           rules and regulations of the department:

20           (1) The county in which the city, borough or township is  
21           situated.

22           (2) Another political subdivision within the county.

23           (3) The department.

24 Section 219-A. Anatomical gifts.

25           In addition to the powers and duties of the department  
26           relating to anatomical gifts, the department shall continue the  
27           rotation of referrals to tissue procurement providers started  
28           under 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

29           Adjustments to the rotation may be made to accommodate new,  
30           quality tissue procurement providers accredited by the American

1 Association of Tissue Banks or a successor organization as  
2 determined under guidelines published in 26 Pa.B. 2044 (April  
3 27, 1996). A hospital may discontinue the rotation for cause.  
4 Section 220-A. Domestic violence and rape victim services.

5 (a) Findings.--The General Assembly finds that the public  
6 health and safety is threatened by increasing incidences of  
7 domestic violence and rape. Domestic violence programs and rape  
8 crisis programs provide needed support services for victims and  
9 assist in prevention through community education. It is in the  
10 public interest of the Commonwealth to establish a mechanism to  
11 provide financial assistance to domestic violence centers and  
12 rape crisis centers for the operation of domestic violence  
13 programs and rape crisis programs.

14 (b) Imposition of additional cost.--A person that, after the  
15 effective date of this section, pleads guilty or nolo contendere  
16 to or is convicted of a crime, in addition to all other costs,  
17 shall pay an additional cost of \$10 for the purpose of funding  
18 services under this section. The money shall be paid to the  
19 State Treasurer to be deposited into the General Fund. A  
20 political subdivision shall not be liable for the payment of the  
21 \$10 in additional costs.

22 (c) Grants.--The department shall award grants to domestic  
23 violence centers and rape crisis centers for the operation of  
24 domestic violence programs and rape crisis programs consistent  
25 with this section. In awarding grants, the department shall  
26 consider the population to be served, the geographic area to be  
27 served, the scope of the services, the need for services and the  
28 amount of funds provided from other sources.

29 (d) Applications.--The department shall make available to  
30 the public, at cost, copies of applications that have been

1 submitted or approved for funding under this section and reports  
2 on fiscal or programmatic reviews of funded programs.

3 (e) Definition.--As used in this section, the term "crime"  
4 shall mean an act committed in this Commonwealth which, if  
5 committed by a mentally competent, criminally responsible adult,  
6 who had no legal exemption or defense, would constitute a crime  
7 as defined in and proscribed by 18 Pa.C.S. (relating to crimes  
8 and offenses) or enumerated in the act of April 14, 1972  
9 (P.L.233, No.64), known as The Controlled Substance, Drug,  
10 Device and Cosmetic Act. The term shall not include an act  
11 involving the operation of a motor vehicle which results in  
12 injury unless the injury was intentionally inflicted through the  
13 use of a motor vehicle.

14 Section 4. Transfers shall be effectuated as follows:

15 (1) The functions, personnel, allocations,  
16 appropriations, equipment, supplies, records, contracts,  
17 grants, agreements, rights and obligations of the Department  
18 of Health and the Department of Human Services shall be  
19 transferred to the Department of Health and Human Services.  
20 Upon completion, the transfers under this paragraph shall  
21 have the same effect as if the subjects of transfers had  
22 originally been those of the Department of Health and Human  
23 Services.

24 (2) Personnel transferred under paragraph (1) shall  
25 retain the same employment status held prior to transfer.

26 This paragraph includes:

- 27 (i) Civil Service classification.
- 28 (ii) Seniority.
- 29 (iii) Benefits.
- 30 (iv) Perquisites.



1           (3) Activities initiated under Article XXI or XXIII of  
2 the act of April 9, 1929 (P.L.177, No.175), known as The  
3 Administrative Code of 1929, or under the act of April 27,  
4 1905 (P.L.312, No.218), entitled "An act creating a  
5 Department of Health, and defining its powers and duties,"  
6 shall continue and remain in full force and effect and may be  
7 completed under Article II-A of the act.

8           (4) Orders, regulations, rules and decisions which were  
9 made under Article XXI or XXIII of The Administrative Code of  
10 1929 or under the act of April 27, 1905 (P.L.312, No.218) and  
11 which are in effect on the effective date of section 6 of  
12 this act shall remain in full force and effect until revoked,  
13 vacated or modified under Article II-A of the act.

14           (5) Contracts, grants, agreements, obligations and  
15 collective bargaining agreements entered into under Article  
16 XXI or XXIII of The Administrative Code of 1929 or under the  
17 act of April 27, 1905 (P.L.312, No.218) are not affected nor  
18 impaired by repeals under this act.

19           (6) If a State government entity includes membership by  
20 more than one secretary under section 5(2), the Secretary of  
21 Health and Human Services shall serve as one affected member  
22 and shall designate the other affected members.

23 Section 5. The following apply to references:

24           (1) A reference in a statute or regulation to the  
25 Department of Health, the Department of Human Services or the  
26 former Department of Public Welfare shall be deemed a  
27 reference to the Department of Health and Human Services.

28           (2) A reference in a statute or regulation to the  
29 Secretary of Health, the Secretary of Human Services or the  
30 former Secretary of Public Welfare shall be deemed a

1 reference to the Secretary of Health and Human Services.

2 Section 6. Repeals are as follows:

3 (1) The General Assembly declares that the repeals under  
4 paragraphs (2), (3) and (4) are necessary to effectuate the  
5 addition of Article II-A of the act.

6 (2) Sections 1(c) and (d), 7, 8(d) and (e), 9 and 16 of  
7 the act of April 27, 1905 (P.L.312, No.218), entitled "An act  
8 creating a Department of Health, and defining its powers and  
9 duties," are repealed.

10 (3) Articles XXI and XXIII of the act of April 9, 1929  
11 (P.L.177, No.175), known as The Administrative Code of 1929,  
12 are repealed.

13 (4) Section 805 of the act of July 19, 1979 (P.L.130,  
14 No.48), known as the Health Care Facilities Act, is repealed.

15 Section 7. The Secretary of Health and the Secretary of  
16 Human Services and the employees of the Department of Health and  
17 the Department of Human Services shall cooperate in the  
18 transfers under section 4 of this act and other transition  
19 activities required to implement Article II-A of the act.

20 Section 8. This act shall take effect June 30, 2023.