

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1110 Session of  
2020

INTRODUCED BY K. WARD, PHILLIPS-HILL, COLLETT, REGAN, MARTIN,  
BAKER, STEFANO, ARGALL, BROOKS, DISANTO, DINNIMAN, MASTRIANO,  
KILLION AND ARNOLD, APRIL 13, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 20, 2020

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),  
2 entitled "An act providing for the prevention and control of  
3 communicable and non-communicable diseases including venereal  
4 diseases, fixing responsibility for disease prevention and  
5 control, requiring reports of diseases, and authorizing  
6 treatment of venereal diseases, and providing for premarital  
7 and prenatal blood tests; amending, revising and  
8 consolidating the laws relating thereto; and repealing  
9 certain acts," further providing for definitions, for <--  
10 DEFINITIONS, FOR reports and for confidentiality of reports <--  
11 and records; AND PROVIDING FOR CONFIDENTIALITY PROVISIONS <--  
12 DURING DISASTER EMERGENCY.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 ~~Section 1. Section 2 of the act of April 23, 1956 (1955~~ <--  
16 ~~P.L.1510, No.500), known as the Disease Prevention and Control~~  
17 ~~Law of 1955, is amended by adding definitions to read:~~

18 ~~Section 2. Definitions.~~

19 ~~The following terms, whenever used in this act, have the~~  
20 ~~meanings indicated in this section, except where the context~~  
21 ~~indicates a clearly different meaning:~~

1       \* \* \*

2       ~~(m) Health care facility. As defined in section 103 of the~~  
3 ~~act of July 19, 1979 (P.L.130, No.48), known as the Health Care~~  
4 ~~Facilities Act.~~

5       ~~(n) Individually identifiable health information.~~  
6 ~~Information, whether oral, written, electronic, visual,~~  
7 ~~pictorial, physical or in any other form, that relates to an~~  
8 ~~individual's past, present or future physical health status,~~  
9 ~~condition, treatment, service, products purchased or provision~~  
10 ~~of care and:~~

11       ~~(1) reveals the identity of the individual whose health care~~  
12 ~~is the subject of the information; or~~

13       ~~(2) serves as a reasonable basis to reveal the identity of~~  
14 ~~the individual whose health care is the subject of the~~  
15 ~~information, alone or in conjunction with other information that~~  
16 ~~is or reasonably should be known to be available.~~

17       ~~(o) Personal care home. As defined under section 1001 of the~~  
18 ~~act of June 13, 1967 (P.L.31, No.21), known as the Human~~  
19 ~~Services Code.~~

20       Section 1.1. Sections 4 and 15 of the act are amended to  
21 read:

22       SECTION 1. SECTIONS 4 AND 15 OF THE ACT OF APRIL 23, 1956       <--  
23 (1955 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION AND  
24 CONTROL LAW OF 1955, ARE AMENDED TO READ:

25       SECTION 1. SECTION 2(A) OF THE ACT OF APRIL 21, 1956 (1955       <--  
26 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION AND CONTROL  
27 LAW OF 1955, IS AMENDED AND THE SECTION IS AMENDED BY ADDING A  
28 DEFINITION TO READ:

29       SECTION 2. DEFINITIONS.--

30       THE FOLLOWING TERMS, WHENEVER USED IN THIS ACT, HAVE THE

1 MEANINGS INDICATED IN THIS SECTION, EXCEPT WHERE THE CONTEXT  
2 INDICATES A CLEARLY DIFFERENT MEANING:

3 (A) AEROSOLIZED TRANSMISSION. PERSON-TO-PERSON TRANSMISSION  
4 OF A COMMUNICABLE DISEASE BY LARGE OR SMALL PARTICLES THAT ARE  
5 ABLE TO REMAIN AIRBORNE FOR A DURATION OF TIME TO ALLOW  
6 INFECTION.

7 [(A)] (A.1) BOARD. THE STATE ADVISORY HEALTH BOARD.

8 \* \* \*

9 SECTION 2. SECTIONS 4 AND 15 OF THE ACT ARE AMENDED TO READ:

10 Section 4. Reports.--

11 (a) Every physician who treats or examines any person who is  
12 suffering from or who is suspected of having a communicable  
13 disease, or any person who is or who is suspected of being a  
14 carrier, shall make a prompt report of the disease in the manner  
15 prescribed by regulation to the local board or department of  
16 health which serves the municipality where the disease occurs or  
17 where the carrier resides or to the department if so provided by  
18 regulation.

19 (b) The department or local boards or departments of health  
20 may require the heads of hospitals and other institutions, the  
21 directors of laboratories, school authorities, the proprietors  
22 of hotels, roentgenologists, lodging houses, rooming houses or  
23 boarding houses, nurses, midwives, householders, and other  
24 persons having knowledge or suspicion of any communicable  
25 disease, to make a prompt report of the disease in a manner  
26 prescribed by regulation to the local board or department of  
27 health which serves the municipality where the disease occurs,  
28 or to the department if so provided by regulation.

29 (c) Local boards or departments of health shall make reports  
30 of the diseases reported to them to the department at such times

1 and in such manner as shall be provided for by regulation.

2 (d) Every physician or every person in charge of any  
3 institution for the treatment of diseases shall be authorized,  
4 upon request of the secretary, to make reports of such diseases  
5 and conditions other than communicable diseases which in the  
6 opinion of the Advisory Health Board are needed to enable the  
7 secretary to determine and employ the most efficient and  
8 practical means to protect and to promote the health of the  
9 people by the prevention and control of such diseases and  
10 conditions other than communicable diseases. The reports shall  
11 be made upon forms prescribed by the secretary and shall be  
12 transmitted to the department or to local boards or departments  
13 of health as requested by the secretary.

14 (e) In addition to the ~~the~~ requirements under this section, <--  
15 during a proclamation of disaster emergency issued by the  
16 Governor that is based upon a communicable disease, any  
17 administrator of a health care facility or a personal care home  
18 who has knowledge that a patient or resident is suffering from a  
19 communicable disease related to the disaster emergency shall  
20 make a prompt report of the disease in the manner prescribed by  
21 regulation to the local board or department of health which  
22 serves the municipality where the patient or resident resides or  
23 to the department if so provided by regulation.

24 Section 15. Confidentiality of Reports and Records.--

25 (a) EXCEPT AS PROVIDED UNDER SECTION 15.1, State and local <--  
26 health authorities may not disclose reports of diseases, any  
27 records maintained as a result of any action taken in  
28 consequence of such reports, or any other records maintained  
29 pursuant to this act or any regulations, to any person who is  
30 not a member of the department or of a local board or department

1 of health, except [where necessary to carry out the purposes of  
2 this act.] as follows:

3 (1) Where necessary to carry out the purposes of this act.

4 ~~(2) Under a proclamation of disaster emergency issued by the~~ <--  
5 ~~Governor that is based upon a communicable disease, the~~  
6 ~~secretary or local health authority shall release, within 24~~  
7 ~~hours of receiving information of a confirmed case of a~~  
8 ~~communicable disease, individually identifiable health~~  
9 ~~information related to the communicable disease to 911 centers,~~  
10 ~~law enforcement officers, fire department personnel, coroners~~  
11 ~~and emergency medical services personnel, in each county of this~~  
12 ~~Commonwealth. 911 centers, law enforcement officers, fire~~  
13 ~~department personnel, coroners and emergency medical services~~  
14 ~~personnel shall follow all applicable Federal and State laws,~~  
15 ~~regulations and confidentiality standards.~~

16 (2) WHERE NECESSARY TO INFORM THE PUBLIC OF THE RISK OF A <--  
17 COMMUNICABLE DISEASE.

18 (b) State and local health authorities may permit the use of  
19 data contained in disease reports and other records, maintained  
20 pursuant to this act, or any regulation, for research purposes,  
21 subject to strict supervision by the health authorities to  
22 insure that the use of the reports and records is limited to the  
23 specific research purposes.

24 SECTION 2 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

25 SECTION 15.1. CONFIDENTIALITY PROVISIONS DURING DISASTER  
26 ~~EMERGENCY. UPON A PROCLAMATION OF DISASTER EMERGENCY ISSUED BY~~ <--  
27 ~~EMERGENCY.--~~ <--

28 (A) UPON A PROCLAMATION OF DISASTER EMERGENCY ISSUED OR  
29 RENEWED BY THE GOVERNOR DUE TO A COMMUNICABLE DISEASE INFECTIOUS <--  
30 THROUGH AEROSOLIZED TRANSMISSION, AND CONTINUING UNTIL SIXTY

1 (60) DAYS AFTER THE EXPIRATION OR TERMINATION OF THE  
2 PROCLAMATION OF DISASTER EMERGENCY BY EXECUTIVE ORDER,  
3 PROCLAMATION OR OPERATION OF LAW, THE FOLLOWING CONFIDENTIALITY  
4 PROVISIONS SHALL APPLY TO INFORMATION COLLECTED OR MAINTAINED AS  
5 A RESULT OF THE PROCLAMATION OF DISASTER EMERGENCY:

6 (1) THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH  
7 SHALL RELEASE TO PUBLIC SAFETY PERSONNEL, INCLUDING CORONERS, <--  
8 MEDICAL EXAMINERS, 911 CENTERS, LAW ENFORCEMENT OFFICERS, FIRE  
9 DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL SERVICES PERSONNEL,  
10 THE RESIDENTIAL ADDRESS OF ANY INDIVIDUAL FOR WHOM THE  
11 DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH HAVE  
12 CONFIRMED WITHIN THE PREVIOUS TWENTY FOUR (24) HOURS AS HAVING  
13 THE COMMUNICABLE DISEASE SUBJECT TO THE DISASTER EMERGENCY.

14 (2) THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH  
15 WHICH SERVES A MUNICIPALITY SHALL RELEASE THE INFORMATION UNDER  
16 CLAUSE (1) TO THE PUBLIC SAFETY PERSONNEL AFTER THE TOTAL NUMBER  
17 OF CASES OF THE COMMUNICABLE DISEASE EXCEEDS ONE HUNDRED (100)  
18 CASES THROUGHOUT THIS COMMONWEALTH.

19 (3) THE INFORMATION PROVIDED UNDER CLAUSE (1) OR (2) SHALL  
20 ONLY BE USED FOR THE PURPOSE OF DELIVERING OR ASSISTING IN THE  
21 DELIVERY OF EMERGENCY NOTIFICATION SERVICES, DEATH INVESTIGATION  
22 SERVICES AND EMERGENCY SUPPORT SERVICES. ANY PERSON IN RECEIPT  
23 OF THE INFORMATION PROVIDED UNDER CLAUSE (1) OR (2) SHALL ADHERE  
24 TO ALL APPLICABLE FEDERAL AND STATE LAWS, REGULATIONS AND  
25 CONFIDENTIALITY STANDARDS. THE INFORMATION PROVIDED UNDER CLAUSE  
26 (1) OR (2) MAY ONLY BE RETAINED BY THE PUBLIC SAFETY PERSONNEL  
27 OR MUNICIPALITY FOR FORTY FIVE (45) DAYS FROM THE DATE WHEN  
28 INFORMATION WAS PROVIDED TO THE PUBLIC SAFETY PERSONNEL OR  
29 MUNICIPALITY BY THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF  
30 HEALTH.

~~(4) THE DEPARTMENT, IN CONJUNCTION WITH REQUESTS FROM THE  
GENERAL ASSEMBLY AND THE BOARD, SHALL DISCLOSE INFORMATION THAT  
COULD BE BENEFICIAL TO THE PUBLIC IN THE PREVENTION OF THE  
COMMUNICABLE DISEASE BASED ON THE R NAUGHT (R0) FACTOR OF THE  
COMMUNICABLE DISEASE. THE FACTORS SHALL INCLUDE, BUT ARE NOT  
LIMITED TO, THE INCREASED RISK OF CONTRACTING THE COMMUNICABLE  
DISEASE FOR AN INDIVIDUAL DUE TO AGE, GENDER, RACE, AREA OF  
RESIDENCY OR CONNECTION TO A HEALTH CARE FACILITY, SCHOOL OR  
PLACE OF EMPLOYMENT. THE INFORMATION UNDER THIS CLAUSE SHALL BE  
MADE AVAILABLE ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITES OF  
THE DEPARTMENT OR THE LOCAL BOARDS OR DEPARTMENTS OF HEALTH. ANY  
CHANGES TO THE INFORMATION UNDER THIS CLAUSE SHALL BE  
COMMUNICATED IN WRITING TO THE PRESIDENT PRO TEMPORE OF THE  
SENATE, THE MAJORITY LEADER AND MINORITY LEADER OF THE SENATE,  
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY  
LEADER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES NO  
LATER THAN TWENTY FOUR (24) HOURS BEFORE THE INFORMATION IS MADE  
AVAILABLE ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITES OF THE  
DEPARTMENT OR THE LOCAL BOARDS OR DEPARTMENTS OF HEALTH., WITHIN <--  
TWENTY-FOUR (24) HOURS OF RECEIVING INFORMATION OF A CONFIRMED  
CASE OF THE COMMUNICABLE DISEASE INFECTIOUS THROUGH AEROSOLIZED  
TRANSMISSION SUBJECT TO THE DISASTER EMERGENCY, THE ADDRESS OF  
THE CONFIRMED CASE TO A PUBLIC SAFETY ANSWERING POINT AS DEFINED  
IN 35 PA.C.S. § 5302 (RELATING TO DEFINITIONS). THE PUBLIC  
SAFETY ANSWERING POINT SHALL PROVIDE THE ADDRESS TO LAW  
ENFORCEMENT OFFICERS, FIRE DEPARTMENT PERSONNEL AND EMERGENCY  
MEDICAL SERVICES PERSONNEL. RECIPIENTS OF THE ADDRESS  
INFORMATION UNDER THIS CLAUSE SHALL ONLY USE THE INFORMATION FOR  
THE PURPOSE OF NOTIFYING LAW ENFORCEMENT OFFICERS, FIRE  
DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL SERVICES PERSONNEL~~

1 THAT THERE HAS BEEN A CASE OF THE COMMUNICABLE DISEASE  
2 INFECTIOUS THROUGH AEROSOLIZED TRANSMISSION SUBJECT TO THE  
3 DISASTER EMERGENCY AT THE ADDRESS TO WHICH THE LAW ENFORCEMENT  
4 OFFICERS, FIRE DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL  
5 SERVICES PERSONNEL HAVE BEEN CALLED TO PERFORM AN ESSENTIAL JOB  
6 FUNCTION. LAW ENFORCEMENT OFFICERS, FIRE DEPARTMENT PERSONNEL  
7 AND EMERGENCY MEDICAL SERVICES PERSONNEL MAY NOT USE OR DISCLOSE  
8 ADDRESS INFORMATION FOR ANY PURPOSE OTHER THAN TO CARRY OUT AN  
9 ESSENTIAL JOB FUNCTION AT THE GIVEN ADDRESS.

10 (2) THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH  
11 SHALL RELEASE, WITHIN TWENTY-FOUR (24) HOURS OF RECEIVING  
12 INFORMATION OF A CONFIRMED CASE OF THE COMMUNICABLE DISEASE  
13 INFECTIOUS THROUGH AEROSOLIZED TRANSMISSION SUBJECT TO THE  
14 DISASTER EMERGENCY, THE ADDRESS OF THE CONFIRMED CASE OF THE  
15 COMMUNICABLE DISEASE SUBJECT TO THE DISASTER EMERGENCY TO  
16 CORONERS AND MEDICAL EXAMINERS IN A MANNER PRESCRIBED BY THE  
17 DEPARTMENT. RECIPIENTS OF THE ADDRESS INFORMATION UNDER THIS  
18 CLAUSE SHALL ONLY USE THE INFORMATION FOR THE PURPOSE OF  
19 NOTIFYING STAFF THAT THERE HAS BEEN A CASE OF THE COMMUNICABLE  
20 DISEASE INFECTIOUS THROUGH AEROSOLIZED TRANSMISSION SUBJECT TO  
21 THE DISASTER EMERGENCY AT THE ADDRESS TO WHICH THE CORONER,  
22 MEDICAL EXAMINER OR STAFF HAVE BEEN CALLED TO PERFORM AN  
23 ESSENTIAL JOB FUNCTION. CORONERS, MEDICAL EXAMINERS AND STAFF  
24 RECEIVING THIS DATA MAY NOT USE OR DISCLOSE ADDRESS INFORMATION  
25 FOR ANY PURPOSE OTHER THAN TO CARRY OUT AN ESSENTIAL JOB  
26 FUNCTION AT THE GIVEN ADDRESS PROVIDED UNDER SECTION 1218-B OF  
27 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY  
28 CODE.

29 (3) THE DEPARTMENT MAY DISCLOSE ADDITIONAL INFORMATION  
30 DETERMINED TO BE ESSENTIAL TO PROTECTING PUBLIC HEALTH AND



1 SAFETY AND TO PREVENT THE SPREAD OF THE COMMUNICABLE DISEASE  
2 INFECTIOUS THROUGH AEROSOLIZED TRANSMISSION SUBJECT TO DISASTER  
3 EMERGENCY ON THE FACTORS THAT DETERMINE THE BASIC REPRODUCTION  
4 NUMBER OR R-NAUGHT (R0) OF THE COMMUNICABLE DISEASE. IN  
5 DETERMINING THE ADDITIONAL FACTORS TO DISCLOSE, THE DEPARTMENT  
6 SHALL CONSIDER ALL OF THE FOLLOWING:

7 (I) REQUESTS FOR DATA FROM THE GENERAL ASSEMBLY, INCLUDING,  
8 BUT NOT LIMITED TO, AREAS OF HEIGHTENED RISK TO THE RESIDENTS OF  
9 THIS COMMONWEALTH.

10 (II) THE FACTORS THAT CONTRIBUTE TO THE INCREASED RISK OF  
11 CONTRACTING THE COMMUNICABLE DISEASE INFECTIOUS THROUGH  
12 AEROSOLIZED TRANSMISSION FOR AN INDIVIDUAL DUE TO AGE, GENDER,  
13 RACE, AREA OF RESIDENCY OR CONNECTION TO A HEALTH CARE FACILITY,  
14 SCHOOL OR PLACE OF EMPLOYMENT, POPULATION DENSITY OR OTHER  
15 FACTORS.

16 (III) APPLICABLE FEDERAL AND STATE PRIVACY AND  
17 CONFIDENTIALITY REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO, THE  
18 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996  
19 (PUBLIC LAW 104-191, 110 STAT. 1936).

20 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION  
21 SHALL NOT APPLY TO CITIES AND COUNTIES OF THE FIRST CLASS FOR  
22 THE DURATION OF THE PERIOD OF PROCLAMATION OF DISASTER EMERGENCY  
23 ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B.  
24 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF DISASTER  
25 EMERGENCY.

26 Section 2 3 4. This act shall take effect immediately.

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