
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1221 Session of
2020

INTRODUCED BY MUTH, FONTANA, FARNESE, SANTARSIERO, COLLETT,
A. WILLIAMS, BREWSTER, DINNIMAN AND COSTA, JUNE 30, 2020

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,
JUNE 30, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in public safety, providing for
3 personal protective equipment and sanitation supplies public
4 portal and imposing power and duties on the Department of
5 Community and Economic Development.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 35 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 56-A

11 PERSONAL PROTECTIVE EQUIPMENT AND

12 SANITATION SUPPLIES PUBLIC PORTAL

13 Sec.

14 5601-A. Scope of chapter.

15 5602-A. Definitions.

16 5603-A. Personal Protective Equipment and Sanitation Supplies

17 Public Portal.

18 5604-A. Essential product supplier registration.

19 5605-A. Access to portal.

1 5606-A. Reporting of information to Department of Health.

2 5607-A. Whistleblower complaints.

3 § 5601-A. Scope of chapter.

4 This chapter relates to a personal protective equipment and
5 sanitation supplies public portal.

6 § 5602-A. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "COVID-19." The coronavirus disease 2019, an infectious
11 disease caused by severe acute respiratory syndrome coronavirus
12 2 that was first identified during December 2019 in Wuhan,
13 China.

14 "Department." The Department of Community and Economic
15 Development of the Commonwealth.

16 "Eligible procurement party." A life-sustaining business,
17 whether for-profit or not-for-profit, emergency service agency,
18 healthcare entity or State or local government entity in this
19 Commonwealth that uses or desires to procure personal protective
20 equipment or sanitation supplies.

21 "Essential product supplier." An entity that sells or offers
22 to sell to the public personal protective equipment or
23 sanitation supplies, or both, in this Commonwealth and that is
24 included by the department on the portal as an essential product
25 supplier.

26 "Life-sustaining business." A business deemed to be life-
27 sustaining under the Governor's 20200319 TWW COVID-19 Business
28 Closure Order.

29 "Personal protective equipment." The term includes, but is
30 not limited to, surgical or procedure masks, respirators, face

1 masks with integrated shields, alcohol-based hand sanitizer,
2 ventilators and related equipment and hospital gowns.

3 "Portal." The Personal Protective Equipment and Sanitation
4 Supplies Public Portal established by this chapter.

5 "Sanitation supplies." Disinfectant materials that meet
6 Environmental Protection Agency guidelines for use against SARS-
7 CoV-2, the virus that causes COVID-19.

8 "Testing and testing supplies." Laboratory supplies used to
9 treat COVID-19 and similar infectious diseases.

10 § 5603-A. Personal Protective Equipment and Sanitation Supplies
11 Public Portal.

12 (a) Establishment.--The Personal Protective Equipment and
13 Sanitation Supplies Public Portal is established in the
14 department. The portal shall be administered by the department,
15 in consultation with the Department of Health and the
16 Pennsylvania Emergency Management Agency, on the department's
17 publicly accessible Internet website.

18 (b) Purpose.--The purpose of the portal shall be to permit
19 entities that sell or offer to sell personal protective
20 equipment, sanitation supplies and certain testing and testing
21 supplies in this Commonwealth to appear on the portal as
22 essential product suppliers and to permit eligible procurement
23 parties that intend to purchase personal protective equipment,
24 sanitation supplies and testing and testing supplies to find
25 information relating to essential product suppliers on the
26 portal. The department may facilitate the connection of
27 essential product suppliers and eligible procurement entities in
28 any manner deemed appropriate by the department.

29 § 5604-A. Essential product supplier registration.

30 (a) Application.--

1 (1) An entity that sells or offers to sell personal
2 protective equipment, sanitation supplies or testing and
3 testing supplies in this Commonwealth and that wishes to have
4 the name of, and contact information about, the entity appear
5 on the portal as an essential product supplier must submit an
6 application to the department and must be registered by the
7 department for inclusion on the portal.

8 (2) The following entities may submit applications to
9 the department:

10 (i) Manufacturer of personal protective equipment.

11 (ii) Manufacturer of sanitation supplies.

12 (iii) Manufacturer of testing and testing supplies.

13 (iv) Distributor or retailer of personal protective
14 equipment, sanitation supplies or testing and testing
15 supplies.

16 (v) An institution of higher education in this
17 Commonwealth that has the manufacturing capability for
18 personal protective equipment, sanitation supplies or
19 testing and testing supplies.

20 (vi) Any other entity, including a for-profit
21 company or not-for-profit company, volunteer organization
22 or faith-based organization, in this Commonwealth that
23 has the manufacturing capability for personal protective
24 equipment, sanitation supplies or testing and testing
25 supplies.

26 (b) Form of application.--The department shall prescribe the
27 form and content for applications under this section.

28 (c) Review of applications.--

29 (1) The department shall review each application
30 submitted under this section. In conducting its review, the

1 department shall determine whether the applicant is able to
2 sell to eligible procurement parties personal protective
3 equipment, sanitation supplies or testing and testing
4 supplies according to relevant safety standards of the
5 Centers for Disease Control and Prevention, the Occupational
6 Safety and Health Administration and the Department of Health
7 of the Commonwealth.

8 (2) The department shall notify in writing an applicant
9 of the department's decision within 10 business days of
10 receipt of the application.

11 (3) If the department approves the application, the
12 department shall register the applicant as an essential
13 product supplier on the portal.

14 (4) If the department disapproves the application, the
15 department shall provide in the notice under paragraph (2)
16 the reason for the disapproval. An applicant that is
17 disapproved under this paragraph may reapply.

18 (5) If the department fails to provide notice under
19 paragraph (2) within the 10-day period, the application shall
20 be deemed approved and the registration granted.

21 § 5605-A. Access to portal.

22 The department shall maintain the portal on a publicly
23 accessible Internet website.

24 § 5606-A. Reporting of information to Department of Health.

25 (a) Duty to report.--After expiration or other termination
26 of the Governor's 20200319 TWW COVID-19 Business Closure Order,
27 any business that was deemed a life-sustaining business, whether
28 in operation prior to the phased reopening or in operation under
29 phased guidance through the order, shall, on a time schedule
30 determined by the Department of Health, submit the following

1 information to the Department of Health:

2 (1) The amount and types of personal protective
3 equipment the business possesses or controls and an estimate
4 of the need for the personal protective equipment to operate
5 in accordance with guidelines of the Centers for Disease
6 Control and Prevention, the Occupational Safety and Health
7 Administration and the Department of Health of the
8 Commonwealth.

9 (2) The amount and types of sanitation supplies the
10 business possesses or controls and an estimate of the need
11 for the sanitation supplies to operate in accordance with
12 guidelines of the Centers for Disease Control and Prevention,
13 the Occupational Safety and Health Administration and
14 Department of Health of the Commonwealth.

15 (3) The amount and types of testing and testing supplies
16 the business possesses or controls and an estimate of the
17 need for the testing and testing supplies to operate in
18 accordance with the guidelines of the Centers for Disease
19 Control and Prevention, the Occupational Safety and Health
20 Administration and Department of Health of the Commonwealth.

21 (4) The cleaning and sanitation strategies of the
22 business based on guidelines of the Centers for Disease
23 Control and Prevention and orders of the Department of Health
24 of the Commonwealth from April 6, 2020, through April 15,
25 2020.

26 (5) The social distancing mitigation strategy and
27 staffing level to accomplish the strategies under paragraph
28 (4).

29 (6) An explanation of how insufficient quantities or
30 types of personal protective equipment, sanitation supplies

1 and testing and testing supplies or staffing creates an
2 inability to operate safely in accordance with relevant
3 guidelines of the Centers for Disease Control and Prevention,
4 the Occupational Safety and Health Administration and
5 Department of Health of the Commonwealth.

6 (b) Recordkeeping.--A business subject to subsection (a)
7 shall maintain the information required by subsection on site
8 and shall make the information available, upon request, to the
9 department, authorized agent of the department or law
10 enforcement agency at the premises of the business. In addition
11 to the information required under subsection (a), the business
12 shall also maintain the following information:

13 (1) A daily log of personal protective equipment
14 provided to employees of the business.

15 (2) Daily cleaning and sanitation schedules, including
16 locations cleaned.

17 (3) Social distancing mitigation strategies implemented.

18 § 5607-A. Whistleblower complaints.

19 An employee of a business subject to section 5606-A (relating
20 to reporting of information to Department of Health) who
21 reasonably believes that the business is not in compliance with
22 the relevant guidelines of the Centers for Disease Control and
23 Prevention, the Occupational Safety and Health Administration
24 and the Department of Health of the Commonwealth relating to
25 personal protective equipment, sanitation supplies, testing and
26 testing supplies or social distancing plans for safe physical
27 operation of the business may file a complaint on the portal and
28 the department shall forward the complaint to the appropriate
29 agency or law enforcement agency for action pursuant to law.

30 Section 2. This act shall take effect in 60 days.