

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 63 Session of 2021

INTRODUCED BY LAWRENCE AND OWLETT, MARCH 16, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 23, 2021

AN ACT

1 Relating to the administration and distribution of COVID-19
2 vaccinations in this Commonwealth.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the COVID-19
7 Vaccine Administration and Distribution Act.

8 Section 2. Administration.

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9 Notwithstanding any other act to the contrary, an individual
10 authorized by the United States Department of Health and Human
11 Services to administer a COVID-19 vaccination shall be permitted
12 to administer the vaccines in this Commonwealth.

13 Section 3. Expiration.

14 This act shall expire 60 days after the termination of the
15 Governor's COVID-19 emergency declaration order, or December 31,
16 2022, whichever is earlier.

17 Section 4. Effective date.

18 This act shall take effect immediately.

1 SECTION 2. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
3 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "AFFECTED COUNTY." ANY OF THE FOLLOWING:

6 (1) A COUNTY OF THE SECOND CLASS A.

7 (2) A COUNTY OF THE THIRD CLASS WHICH HAS ENTERED INTO
8 AN INTERGOVERNMENTAL COOPERATION AGREEMENT TO OVERSEE THE
9 COVID-19 RESPONSE IN A COUNTY OF THE SECOND CLASS A.

10 "COVID-19." THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE
11 GOVERNOR'S PROCLAMATION OF DISASTER EMERGENCY ISSUED ON MARCH 6,
12 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

13 "COVID-19 VACCINE." A VACCINE FOR COVID-19 THAT HAS RECEIVED
14 AN EMERGENCY-USE AUTHORIZATION FROM THE UNITED STATES FOOD AND
15 DRUG ADMINISTRATION.

16 "MASS VACCINATION SITE." ANY OF THE FOLLOWING:

17 (1) A LOCATION IN AN AFFECTED COUNTY DESIGNED TO QUICKLY
18 AND EFFICIENTLY PROVIDE COVID-19 VACCINATIONS ON A MASS SCALE
19 TO THE GENERAL PUBLIC.

20 (2) THE TERM INCLUDES A LOCATION UNDER PARAGRAPH (1),
21 INCLUDING A GYMNASIUM, SHOPPING CENTER, PARKING LOT, SENIOR
22 CENTER, HOUSE OF WORSHIP, LIBRARY, FIRE STATION OR OTHER
23 FACILITY NOT TYPICALLY UTILIZED FOR THE DELIVERY OF MEDICAL
24 SERVICES.

25 (3) THE TERM DOES NOT INCLUDE THE FOLLOWING:

26 (I) A LOCATION UNDER PARAGRAPH (1) WHICH IS A
27 HOSPITAL, NURSING HOME, ASSISTED LIVING FACILITY, SKILLED
28 NURSING FACILITY, PHARMACY OR OTHER FACILITY WHERE THE
29 DELIVERY OF MEDICAL SERVICES IS TYPICALLY PERFORMED OR AN
30 AUXILIARY LOCATION UTILIZED BY A HOSPITAL, HEALTH CARE

1 SYSTEM OR PHARMACY TO PROVIDE COVID-19 VACCINATIONS WITH
2 COVID-19 VACCINES OBTAINED BY THE RESPECTIVE HOSPITAL,
3 HEALTH CARE SYSTEM OR PHARMACY.

4 (II) A LOCATION UNDER PARAGRAPH (1) PRIMARILY OR
5 EXCLUSIVELY PROVIDING COVID-19 VACCINATIONS TO
6 INDIVIDUALS AT THEIR OWN PLACE OF EMPLOYMENT, OR TO
7 INDIVIDUALS IN A SPECIFIC FIELD OF EMPLOYMENT, INCLUDING
8 TEACHERS, AGRICULTURAL WORKERS, GROCERY STORE EMPLOYEES
9 OR OTHER INDIVIDUALS DEEMED AS ESSENTIAL WORKERS.

10 (III) A LOCATION UNDER PARAGRAPH (1) PRIMARILY OR
11 EXCLUSIVELY PROVIDING COVID-19 VACCINATIONS TO
12 INDIVIDUALS COVERED UNDER A COLLECTIVE BARGAINING
13 AGREEMENT.

14 SECTION 3. ADMINISTRATION.

15 NOTWITHSTANDING ANY OTHER ACT TO THE CONTRARY, AN INDIVIDUAL
16 AUTHORIZED TO ADMINISTER A COVID-19 VACCINE BY THE UNITED STATES
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE SEVENTH
18 AMENDMENT TO DECLARATION UNDER THE PUBLIC READINESS AND
19 EMERGENCY PREPAREDNESS ACT FOR MEDICAL COUNTERMEASURES AGAINST
20 COVID-19 SHALL BE PERMITTED TO ADMINISTER VACCINES IN THIS
21 COMMONWEALTH, INCLUDING:

22 (1) A MIDWIFE, PARAMEDIC, ADVANCED OR INTERMEDIATE
23 EMERGENCY MEDICAL TECHNICIAN, PHYSICIAN ASSISTANT,
24 RESPIRATORY THERAPIST, DENTIST, PODIATRIST, OPTOMETRIST OR
25 VETERINARIAN LICENSED, REGISTERED OR CERTIFIED TO PRACTICE
26 UNDER THE LAWS OF THIS COMMONWEALTH.

27 (2) A PHYSICIAN, ADVANCED PRACTICE REGISTERED NURSE,
28 REGISTERED NURSE, PRACTICAL NURSE, PHARMACIST, PHARMACY
29 INTERN, MIDWIFE, PARAMEDIC, ADVANCED OR INTERMEDIATE
30 EMERGENCY MEDICAL TECHNICIAN, RESPIRATORY THERAPIST, DENTIST,

1 PHYSICIAN ASSISTANT, PODIATRIST, OPTOMETRIST OR VETERINARIAN
2 WHO HAS HELD AN ACTIVE LICENSE, REGISTRATION OR CERTIFICATION
3 UNDER THE LAWS OF THIS COMMONWEALTH WITHIN THE LAST FIVE
4 YEARS, WHICH IS INACTIVE, EXPIRED OR LAPSED, IF THE LICENSE,
5 REGISTRATION OR CERTIFICATION WAS ACTIVE AND IN GOOD STANDING
6 PRIOR TO THE DATE IT WENT INACTIVE, EXPIRED OR LAPSED AND WAS
7 NOT REVOKED BY THE LICENSING AUTHORITY, SURRENDERED WHILE
8 UNDER SUSPENSION, DISCIPLINE OR INVESTIGATION BY A LICENSING
9 AUTHORITY OR SURRENDERED FOLLOWING AN ARREST, AND THE
10 INDIVIDUAL IS NOT ON THE LIST OF EXCLUDED
11 INDIVIDUALS/ENTITIES MAINTAINED BY THE OFFICE OF INSPECTOR
12 GENERAL.

13 (3) A MEDICAL, NURSING, PHARMACY, PHARMACY INTERN,
14 MIDWIFE, PARAMEDIC, ADVANCED OR INTERMEDIATE EMERGENCY
15 MEDICAL TECHNICIAN, PHYSICIAN ASSISTANT, RESPIRATORY THERAPY,
16 DENTAL, PODIATRY, OPTOMETRY OR VETERINARY STUDENT WITH
17 APPROPRIATE TRAINING IN ADMINISTERING VACCINES AS DETERMINED
18 BY HIS OR HER SCHOOL OR TRAINING PROGRAM, AND UNDER THE
19 DIRECT SUPERVISION OF A CURRENTLY PRACTICING HEALTH CARE
20 PROFESSIONAL WHO IS LICENSED, REGISTERED OR CERTIFIED IN THIS
21 COMMONWEALTH AND WHO IS EXPERIENCED IN ADMINISTERING
22 INTRAMUSCULAR INJECTIONS.

23 SECTION 4. REQUIREMENTS.

24 INDIVIDUALS WHO GAIN AUTHORIZATION TO ADMINISTER COVID-19
25 VACCINES UNDER THIS ACT ARE SUBJECT TO THE FOLLOWING
26 REQUIREMENTS:

27 (1) INDIVIDUALS MUST HAVE DOCUMENTATION SHOWING:
28 (I) CURRENT BASIC LIFE SUPPORT CERTIFICATION,
29 COMMONLY KNOWN AS BASIC CARDIOPULMONARY RESUSCITATION OR
30 CPR.

1 (II) COMPLETION OF AN IMMUNIZATION TRAINING PROGRAM
2 ENDORSED OR PROVIDED BY THE CENTERS FOR DISEASE CONTROL
3 AND PREVENTION, THE ACCREDITATION COUNCIL FOR PHARMACY
4 EDUCATION OR ANY SIMILAR TRAINING APPROVED BY THE
5 SECRETARY OF HEALTH THAT, AT A MINIMUM, INCLUDES:

6 (A) HANDS-ON INJECTION TECHNIQUE.

7 (B) CLINICAL EVALUATION OF INDICATIONS AND
8 CONTRAINDICATIONS OF VACCINES.

9 (C) RECOGNITION AND TREATMENT OF EMERGENCY
10 REACTIONS TO VACCINES.

11 (2) (RESERVED).

12 SECTION 5. OBSERVATION PERIOD.

13 HEALTH CARE PROFESSIONALS AND STUDENTS WHO GAIN AUTHORIZATION
14 TO ADMINISTER COVID-19 VACCINES UNDER THIS ACT MUST HAVE
15 DOCUMENTATION OF AN OBSERVATION PERIOD BY A CURRENTLY PRACTICING
16 HEALTH CARE PROFESSIONAL EXPERIENCED IN ADMINISTERING
17 INTRAMUSCULAR INJECTIONS, AND FOR WHOM ADMINISTERING
18 INTRAMUSCULAR INJECTIONS IS IN THEIR ORDINARY SCOPE OF PRACTICE,
19 WHO CONFIRMS COMPETENCY OF THE HEALTH CARE PROVIDER OR STUDENT
20 IN ADMINISTRATION OF COVID-19 VACCINES.

21 SECTION 6. RECORDKEEPING.

22 HEALTH CARE PROFESSIONALS AND STUDENTS WHO GAIN AUTHORIZATION
23 TO ADMINISTER COVID-19 VACCINES UNDER THIS ACT MUST COMPLY WITH
24 RECORDKEEPING AND REPORTING REQUIREMENTS AS DETERMINED BY THE
25 SECRETARY OF HEALTH.

26 SECTION 7. VACCINE DATA.

27 NO LATER THAN 14 DAYS AFTER THE EFFECTIVE DATE OF THIS
28 SECTION AND NOT LESS THAN EACH 14 DAYS THEREAFTER, THE
29 DEPARTMENT OF HEALTH SHALL PUBLISH ALL OF THE FOLLOWING ON THE
30 DEPARTMENT OF HEALTH'S PUBLICLY ACCESSIBLE INTERNET WEBSITE:

1 (1) A CHART SHOWING THE TOTAL NUMBER OF DOSES OF VACCINE
2 FOR COVID-19 MADE AVAILABLE IN EACH COUNTY. THE DATA UNDER
3 THIS PARAGRAPH SHALL INCLUDE VACCINES MADE AVAILABLE FROM ALL
4 SOURCES, INCLUDING FEDERAL PARTNERSHIPS.

5 (2) A CHART SHOWING THE DATA UNDER PARAGRAPH (1)
6 SEPARATED BY VACCINE MANUFACTURER.

7 (3) A CHART SHOWING THE TOTAL NUMBER OF DOSES OF VACCINE
8 FOR COVID-19 ADMINISTERED IN EACH COUNTY. THE DATA UNDER THIS
9 PARAGRAPH SHALL INCLUDE VACCINES MADE AVAILABLE FROM ALL
10 SOURCES, INCLUDING FEDERAL PARTNERSHIPS.

11 (4) A CHART SHOWING THE DATA UNDER PARAGRAPH (3)
12 SEPARATED BY VACCINE MANUFACTURER.

13 (5) TO THE EXTENT THE DATA IS AVAILABLE, DEMOGRAPHIC
14 DATA, INCLUDING AGE AND RACE, OF INDIVIDUALS WHO HAVE BEEN
15 ADMINISTERED A COVID-19 VACCINE.

16 (6) A DESCRIPTION OF THE FORMULA OR ALLOCATION CRITERIA
17 THAT THE DEPARTMENT OF HEALTH HAS USED TO ALLOCATE DOSES OF
18 VACCINE FOR COVID-19 TO EACH COUNTY. THE DESCRIPTION UNDER
19 THIS PARAGRAPH SHALL INCLUDE A SUMMARY OF EACH FACTOR IN THE
20 FORMULA OR ALLOCATION CRITERIA AND, IF APPLICABLE, THE
21 RELATIVE WEIGHT GIVEN TO EACH FACTOR.

22 (7) A DESCRIPTION OF HOW THE FORMULA OR ALLOCATION
23 CRITERIA UNDER PARAGRAPH (6) WAS DEVELOPED.

24 (8) AN ESTIMATE OF THE TOTAL POPULATION IN EACH COUNTY
25 WHICH ARE ELIGIBLE UNDER EACH CATEGORY OF ELIGIBILITY FOR
26 DOSES OF VACCINE FOR COVID-19 ESTABLISHED BY THE DEPARTMENT
27 OF HEALTH.

28 (9) AN ESTIMATE OF THE POPULATION IN EACH COUNTY UNDER
29 PARAGRAPH (8) WHICH HAVE NOT RECEIVED A DOSE OF VACCINE FOR
30 COVID-19 AT THE TIME OF THE PUBLISHING OF THE CHART.

1 SECTION 8. VACCINE DISTRIBUTION PLAN.

2 NO LATER THAN 14 DAYS AFTER THE EFFECTIVE DATE OF THIS
3 SECTION, THE DEPARTMENT OF HEALTH SHALL SUBMIT A REPORT TO THE
4 PRESIDENT PRO TEMPORE OF THE SENATE, THE MAJORITY LEADER OF THE
5 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE
6 HOUSE OF REPRESENTATIVES, THE MAJORITY LEADER OF THE HOUSE OF
7 REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF
8 REPRESENTATIVES, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
9 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
10 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HEALTH COMMITTEE OF
11 THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL DESCRIBE THE
12 MEANS BY WHICH THE DEPARTMENT OF HEALTH WILL PROVIDE SUFFICIENT
13 DOSES OF COVID-19 VACCINE TO COUNTIES THAT HAVE REQUESTED MORE
14 DOSES OF COVID-19 VACCINE THAN THE COUNTY RECEIVED FROM THE
15 DEPARTMENT OF HEALTH.

16 SECTION 9. DISTRIBUTION OF COVID-19 VACCINES TO A MASS
17 VACCINATION SITE.

18 THE DEPARTMENT OF HEALTH SHALL DELIVER COVID-19 VACCINES
19 INTENDED FOR USE AT A MASS VACCINATION SITE IN AN AFFECTED
20 COUNTY TO THE HEALTH DEPARTMENT OF THE AFFECTED COUNTY, OR THE
21 COUNTY HEALTH DEPARTMENT OVERSEEING THE RESPONSE TO THE COVID-19
22 PANDEMIC FOR THE AFFECTED COUNTY. THE GOVERNING BOARD OF EACH
23 AFFECTED COUNTY SHALL HAVE SOLE AUTHORITY TO DESIGNATE A
24 LOCATION OR LOCATIONS TO BE UTILIZED AS A MASS VACCINATION SITE
25 OR SITES WITHIN THE COUNTY AND SHALL COORDINATE WITH THE
26 APPROPRIATE COUNTY HEALTH DEPARTMENT FOR THE DELIVERY AND
27 ADMINISTRATION OF COVID-19 VACCINES AT EACH MASS VACCINATION
28 SITE.

29 SECTION 10. EXPIRATION.

30 THIS ACT SHALL EXPIRE 60 DAYS AFTER THE TERMINATION OF THE

1 GOVERNOR'S COVID-19 EMERGENCY DECLARATION ORDER, OR DECEMBER 31,
2 2022, WHICHEVER IS EARLIER.
3 SECTION 11. EFFECTIVE DATE.
4 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.