

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 326 Session of 2021

INTRODUCED BY O'NEAL, OWLETT, GROVE, MALONEY, ROTHMAN, KAIL, RYAN, MIHALEK, MIZGORSKI, ECKER, DAVANZO, SANKEY, RIGBY, E. NELSON, STRUZZI, LEWIS DELROSSO, DOWLING, WARNER, ORTITAY, DUNBAR, BOBACK, HENNESSEY, GLEIM, MERCURI, BENNINGHOFF, MOUL, MENTZER, COOK, KLUNK, LAWRENCE, ARMANINI, DELOZIER, NEILSON, JAMES, RADER, KAUFFMAN, METZGAR, PENNYCUICK, MUSTELLO, GAYDOS, GREINER, KERWIN, KEEFER, CAUSER, PICKETT, FREEMAN, SMITH, A. DAVIS, TOOHIL, B. MILLER, SONNEY, OBERLANDER, MARKOSEK AND FARRY, JANUARY 28, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 4, 2021

AN ACT

1 ~~Amending Titles 35 (Health and Safety) and 51 (Military Affairs) <--~~
2 ~~of the Pennsylvania Consolidated Statutes, in COVID 19~~
3 ~~disaster emergency, providing for Pennsylvania National~~
4 ~~Guard; in the Governor as Commander in Chief, further~~
5 ~~providing for powers of Governor; and, in Pennsylvania~~
6 ~~National Guard, providing for public health duties.~~

7 AMENDING TITLE 51 (MILITARY AFFAIRS) OF THE PENNSYLVANIA <--
8 CONSOLIDATED STATUTES, IN THE GOVERNOR AS COMMANDER-IN-CHIEF,
9 FURTHER PROVIDING FOR ACTIVE DUTY FOR EMERGENCY.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Chapter 57 of Title 35 of the Pennsylvania <--~~
13 ~~Consolidated Statutes is amended by adding a subchapter to read:~~

SUBCHAPTER F

PENNSYLVANIA NATIONAL GUARD

16 Sec.

17 5751. COVID 19 vaccine.

1 ~~§ 5751. COVID 19 vaccine.~~

2 ~~Notwithstanding any other provision of law, the Pennsylvania~~
3 ~~National Guard shall:~~

4 ~~(1) Within 45 days of the effective date of this~~
5 ~~section, establish and operate in each county a site for the~~
6 ~~mass distribution and administration of any vaccine for~~
7 ~~COVID 19, including the administration of the vaccine to~~
8 ~~individuals by members of the Pennsylvania National Guard.~~

9 ~~(2) Support local health officials by collecting,~~
10 ~~securing and transporting COVID 19 vaccines.~~

11 Section 2. Section 501 of Title 51 is amended to read:

12 ~~§ 501. Powers of Governor.~~

13 ~~[The] Except as provided under section 1109 (relating to~~
14 ~~public health duties), the Governor of this Commonwealth as~~
15 ~~Commander in Chief shall have the powers enumerated hereafter in~~
16 ~~this title over the Pennsylvania military forces which includes~~
17 ~~the Pennsylvania National Guard when not absent from this~~
18 ~~Commonwealth on the call or order of the United States and the~~
19 ~~Pennsylvania Guard when formed, organized and equipped under~~
20 ~~order from the Governor in conformity with this title.~~

21 Section 3. Title 51 is amended by adding a section to read:

22 ~~§ 1109. Public health duties.~~

23 ~~The Pennsylvania National Guard shall perform the duties as~~
24 ~~provided under 35 Pa.C.S. § 5751 (relating to COVID 19 vaccine).~~

25 SECTION 1. SECTION 508 OF TITLE 51 OF THE PENNSYLVANIA <--
26 CONSOLIDATED STATUTES IS AMENDED BY ADDING SUBSECTIONS TO READ:

27 § 508. ACTIVE DUTY FOR EMERGENCY.

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29 (C) DISTRIBUTION AND ADMINISTRATION OF ITEMS FOR A VIRUS.--
30 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PENNSYLVANIA

1 NATIONAL GUARD MAY, WITHIN 45 DAYS OF THE EFFECTIVE DATE OF THIS
2 SUBSECTION AND IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH AND
3 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY, DEVELOP PLANS FOR
4 THE ESTABLISHMENT AND OPERATION IN EACH REGION OF A SITE FOR THE
5 COMMUNITY DISTRIBUTION AND ADMINISTRATION OF PHARMACEUTICALS,
6 MEDICAL EQUIPMENT AND SUPPLIES AND VACCINES FOR A VIRUS.
7 ADMINISTRATION OF THE VACCINE SHALL INCLUDE THE INOCULATION OF
8 INDIVIDUALS BY MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD WHO
9 POSSESS THE REQUIRED TRAINING.

10 (D) REPORT.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
11 GOVERNOR SHALL, WITHIN 45 DAYS OF THE EFFECTIVE DATE OF THIS
12 SUBSECTION, ESTABLISH AND SUBMIT TO THE GENERAL ASSEMBLY A
13 REPORT ON THE INTEGRATION OF THE PENNSYLVANIA NATIONAL GUARD
14 INTO THE COMMONWEALTH'S PLAN FOR THE DISTRIBUTION AND
15 ADMINISTRATION OF ANY VACCINE FOR COVID-19, INCLUDING THE
16 ADMINISTRATION OF THE VACCINE TO INDIVIDUALS BY MEMBERS OF THE
17 PENNSYLVANIA NATIONAL GUARD. THE REPORT SHALL BE PREPARED IN
18 CONSULTATION WITH THE SECRETARY OF HEALTH, THE DIRECTOR OF THE
19 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY AND THE ADJUTANT
20 GENERAL OF THE PENNSYLVANIA NATIONAL GUARD, AND SHALL INCLUDE
21 THE FOLLOWING CONSIDERATIONS:

22 (1) AVAILABILITY AND CAPACITY OF MEDICAL UNITS OF THE
23 PENNSYLVANIA NATIONAL GUARD FOR THE ADMINISTRATION OF ANY
24 VACCINE FOR COVID-19 TO INDIVIDUALS.

25 (2) AVAILABILITY AND CAPACITY OF OTHER UNITS OF THE
26 PENNSYLVANIA NATIONAL GUARD FOR SUPPORTIVE MISSIONS,
27 INCLUDING LOGISTICS AND PREPARATION FOR COMMUNITY VACCINATION
28 CLINICS.

29 (3) CRITICAL MISSIONS OF THE PENNSYLVANIA NATIONAL
30 GUARD, INCLUDING THE DEPLOYMENT OF MEMBERS TO SKILLED NURSING

1 FACILITIES TO COMBAT OUTBREAKS OF COVID-19.

2 (4) CURRENT AND ANTICIPATED ALLOCATIONS OF ANY VACCINE
3 FOR COVID-19 AVAILABLE TO THE COMMONWEALTH.

4 (5) FEDERAL GUIDANCE ON THE USE OF THE NATIONAL GUARD
5 FOR THE PURPOSES UNDER THIS SUBSECTION.

6 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
7 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
8 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

9 "REGION." EACH REGION OF THE COMMONWEALTH, AS IDENTIFIED BY
10 THE DEPARTMENT OF HEALTH.

11 "VIRUS." A VIRUS OR INFECTIOUS DISEASE, IDENTIFIED BY THE
12 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR THE
13 DEPARTMENT OF HEALTH. THE TERM INCLUDES COVID-19.

14 Section 4 2. This act shall take effect immediately.

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