

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1264 Session of 2021

INTRODUCED BY OWLETT, STRUZZI, ROWE AND C. WILLIAMS, APRIL 21, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 5, 2021

AN ACT

1 Regarding the past, present and future response of this
2 Commonwealth to the COVID-19 pandemic; PROVIDING FOR COVID-19 <--
3 VACCINE PERSONAL INFORMATION PRIVACY; AND IMPOSING PENALTIES.

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

6 Section 1. Short title. <--

7 This act shall be known and may be cited as the COVID 19-
8 Pandemic Response Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall-
11 have the meanings given to them in this section unless the-
12 context clearly indicates otherwise:

13 "COVID 19." The novel coronavirus as identified in the-
14 Governor's proclamation of disaster emergency issued on March 6,-
15 2020, published at 50 Pa.B. 1644 (March 21, 2020).

16 "COVID 19 vaccine." A vaccine for COVID 19 that has received-
17 an emergency use authorization from the United States Food and-
18 Drug Administration.

1 ~~"Personal protective equipment." Gloves, respirators, face~~  
2 ~~masks, gowns, face shields or other protective equipment~~  
3 ~~designed to be worn by individuals to prevent or contain contact~~  
4 ~~with, or to prevent transmission of, a communicable illness or~~  
5 ~~the pathogens that cause communicable illness.~~

6 ~~Section 3. Administration.~~

7 ~~No later than 60 days after the effective date of this~~  
8 ~~section, the Department of General Services, in consultation~~  
9 ~~with the Adjutant General of the Commonwealth, the Secretary of~~  
10 ~~Health and the Director of the Pennsylvania Emergency Management~~  
11 ~~Agency, shall submit a report to the President pro tempore of~~  
12 ~~the Senate, the Majority Leader of the Senate, the Minority~~  
13 ~~Leader of the Senate, the Speaker of the House of~~  
14 ~~Representatives, the Majority Leader of the House of~~  
15 ~~Representatives, the Minority Leader of the House of~~  
16 ~~Representatives, the chairperson and minority chairperson of the~~  
17 ~~State Government Committee of the Senate, the chairperson and~~  
18 ~~minority chairperson of the State Government Committee of the~~  
19 ~~House of Representatives, the chairperson and minority~~  
20 ~~chairperson of the Veterans Affairs and Emergency Preparedness~~  
21 ~~Committee of the Senate and the chairperson and minority~~  
22 ~~chairperson of the Veterans Affairs and Emergency Preparedness~~  
23 ~~Committee of the House of Representatives. The report shall~~  
24 ~~include:~~

25 ~~(1) A review of the personal protective equipment~~  
26 ~~purchased or acquired by the Commonwealth or its agencies in~~  
27 ~~response to the COVID-19 pandemic. The review under this~~  
28 ~~clause must include the following:~~

29 ~~(i) The types of personal protective equipment~~  
30 ~~acquired.~~

1           ~~(ii) The number of items of each type of personal~~  
2           ~~protective equipment under subparagraph (i).~~

3           ~~(iii) The number of items of each type of personal~~  
4           ~~protective equipment which was distributed prior to the~~  
5           ~~date of the report.~~

6           ~~(iv) The number of items of each type of personal~~  
7           ~~protective equipment which remains in the possession of~~  
8           ~~the Commonwealth as of the date of the report.~~

9           ~~(v) The amount and source of the money used to~~  
10           ~~purchase personal protective equipment to address the~~  
11           ~~COVID-19 pandemic.~~

12           ~~(vi) The amount and source of personal protective~~  
13           ~~equipment donated to, or otherwise acquired by, the~~  
14           ~~Commonwealth at no charge to address the COVID-19~~  
15           ~~pandemic.~~

16           ~~(2) A review of the number and types of COVID-19~~  
17           ~~vaccines administered to residents of this Commonwealth.~~

18           ~~(3) A review of the number and types of COVID-19 tests~~  
19           ~~administered to residents of this Commonwealth.~~

20   ~~Section 4. Effective date.~~

21   ~~This act shall take effect immediately.~~

22   SECTION 1.   SHORT TITLE.

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23       THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE COVID-19  
24   PANDEMIC REPORTING, RESPONSE AND ACCOUNTABILITY AND VACCINE  
25   PERSONAL INFORMATION PRIVACY ACT.

26   SECTION 2.   DEFINITIONS.

27       THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
28   HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
29   CONTEXT CLEARLY INDICATES OTHERWISE:

30       "COVID-19."   THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE

1 GOVERNOR'S PROCLAMATION OF DISASTER EMERGENCY ISSUED ON MARCH 6,  
2 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

3 "COVID-19 VACCINE." A VACCINE FOR COVID-19 THAT HAS RECEIVED  
4 AN EMERGENCY-USE AUTHORIZATION FROM THE UNITED STATES FOOD AND  
5 DRUG ADMINISTRATION.

6 "COVID-19 VACCINE PROVIDER." A PERSON OR ENTITY AUTHORIZED  
7 TO DISTRIBUTE OR ADMINISTER A COVID-19 VACCINE.

8 "HEALTH CARE PROVIDER." AS FOLLOWS:

9 (1) A PERSON, CORPORATION, FACILITY, INSTITUTION OR  
10 OTHER ENTITY LICENSED, CERTIFIED OR APPROVED BY THE  
11 COMMONWEALTH TO PROVIDE HEALTH CARE OR PROFESSIONAL MEDICAL  
12 SERVICES.

13 (2) THE TERM INCLUDES A PHYSICIAN, PODIATRIST,  
14 OPTOMETRIST, PSYCHOLOGIST, PSYCHIATRIST, PHYSICAL THERAPIST,  
15 CERTIFIED NURSE PRACTITIONER, NURSE MIDWIFE, PHYSICIAN  
16 ASSISTANT, CHIROPRACTOR, DENTIST, PHARMACIST OR AN INDIVIDUAL  
17 ACCREDITED OR CERTIFIED TO PROVIDE BEHAVIORAL HEALTH  
18 SERVICES.

19 "HEALTH CARE SERVICE." A TREATMENT, ADMISSION, PROCEDURE,  
20 MEDICAL SUPPLY AND EQUIPMENT OR OTHER SERVICE, INCLUDING  
21 BEHAVIORAL HEALTH, PRESCRIBED OR OTHERWISE PROVIDED OR PROPOSED  
22 TO BE PROVIDED BY A HEALTH CARE PROVIDER.

23 "PERSONAL INFORMATION." INFORMATION THAT IDENTIFIES, RELATES  
24 TO, DESCRIBES, IS CAPABLE OF BEING ASSOCIATED WITH OR COULD  
25 REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY, WITH A PARTICULAR  
26 INDIVIDUAL OR HOUSEHOLD, INCLUDING ANY OF THE FOLLOWING:

27 (1) AN IDENTIFIER SUCH AS A REAL NAME, ALIAS, POSTAL  
28 ADDRESS, TELEPHONE NUMBER, UNIQUE PERSONAL IDENTIFIER, ONLINE  
29 IDENTIFIER, INCLUDING AN INTERNET WEBSITE PROTOCOL ADDRESS,  
30 EMAIL ADDRESS, ACCOUNT NAME, SOCIAL SECURITY NUMBER, DRIVER'S

1 LICENSE NUMBER, PASSPORT NUMBER OR OTHER SIMILAR IDENTIFIER.

2 (2) COMMERCIAL INFORMATION, INCLUDING A PRODUCT OR  
3 SERVICE PURCHASED, OBTAINED OR CONSIDERED OR OTHER PURCHASING  
4 OR CONSUMING HISTORY OR TENDENCY.

5 (3) BIOMETRIC INFORMATION.

6 (4) GEOLOCATION DATA.

7 "PERSONAL PROTECTIVE EQUIPMENT." GLOVES, RESPIRATORS, FACE  
8 MASKS, GOWNS, FACE SHIELDS, CLOTHING OR OTHER PROTECTIVE  
9 EQUIPMENT DESIGNED TO BE WORN BY INDIVIDUALS TO PREVENT OR  
10 CONTAIN CONTACT WITH, OR TO PREVENT OR CONTROL TRANSMISSION OF,  
11 A COMMUNICABLE ILLNESS OR THE PATHOGENS THAT CAUSE COMMUNICABLE  
12 ILLNESS.

13 SECTION 3. ADMINISTRATION.

14 (A) REPORT.--NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE  
15 OF THIS SECTION, THE DEPARTMENT OF GENERAL SERVICES, IN  
16 CONSULTATION WITH THE ADJUTANT GENERAL OF THE COMMONWEALTH, THE  
17 SECRETARY OF HEALTH AND THE DIRECTOR OF THE PENNSYLVANIA  
18 EMERGENCY MANAGEMENT AGENCY, SHALL SUBMIT A REPORT TO THE  
19 PRESIDENT PRO TEMPORE OF THE SENATE, THE MAJORITY LEADER OF THE  
20 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE  
21 HOUSE OF REPRESENTATIVES, THE MAJORITY LEADER OF THE HOUSE OF  
22 REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF  
23 REPRESENTATIVES, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
24 STATE GOVERNMENT COMMITTEE OF THE SENATE, THE CHAIRPERSON AND  
25 MINORITY CHAIRPERSON OF THE STATE GOVERNMENT COMMITTEE OF THE  
26 HOUSE OF REPRESENTATIVES, THE CHAIRPERSON AND MINORITY  
27 CHAIRPERSON OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF  
28 THE SENATE, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
29 AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF  
30 REPRESENTATIVES, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE

1 VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE OF THE  
2 SENATE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
3 VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE OF THE  
4 HOUSE OF REPRESENTATIVES. THE REPORT SHALL INCLUDE:

5 (1) A REPORT OF PERSONAL PROTECTIVE EQUIPMENT AND  
6 MEDICAL SUPPLIES PURCHASED OR ACQUIRED BY THE COMMONWEALTH OR  
7 ITS AGENCIES IN RESPONSE TO THE COVID-19 PANDEMIC AND  
8 WAREHOUSED AT THE FARM SHOW COMPLEX. THE REPORT UNDER THIS  
9 PARAGRAPH MUST INCLUDE THE FOLLOWING:

10 (I) THE TYPES OF PERSONAL PROTECTIVE EQUIPMENT  
11 ACQUIRED.

12 (II) THE NUMBER OF ITEMS OF EACH TYPE OF PERSONAL  
13 PROTECTIVE EQUIPMENT UNDER SUBPARAGRAPH (I).

14 (III) THE NUMBER OF ITEMS OF EACH TYPE OF PERSONAL  
15 PROTECTIVE EQUIPMENT WHICH WAS DISTRIBUTED PRIOR TO THE  
16 DATE OF THE REPORT.

17 (IV) THE NUMBER OF ITEMS OF EACH TYPE OF PERSONAL  
18 PROTECTIVE EQUIPMENT WHICH REMAINS IN THE POSSESSION OF  
19 THE COMMONWEALTH AS OF THE DATE OF THE REPORT.

20 (V) THE AMOUNT AND SOURCE OF THE MONEY USED TO  
21 PURCHASE PERSONAL PROTECTIVE EQUIPMENT TO ADDRESS THE  
22 COVID-19 PANDEMIC.

23 (VI) THE AMOUNT AND SOURCE OF PERSONAL PROTECTIVE  
24 EQUIPMENT DONATED TO, OR OTHERWISE ACQUIRED BY, THE  
25 COMMONWEALTH AT NO COST TO ADDRESS THE COVID-19 PANDEMIC.

26 (VII) THE COUNTRY OF ORIGIN OR MANUFACTURE OF EACH  
27 TYPE OF PERSONAL PROTECTIVE EQUIPMENT UNDER SUBPARAGRAPH  
28 (I).

29 (VIII) THE FACILITIES UTILIZED TO STORE, MAINTAIN OR  
30 WAREHOUSE THE COMMONWEALTH'S STOCKPILE OF PERSONAL

1 PROTECTIVE EQUIPMENT OTHER THAN THE FARM SHOW COMPLEX.

2 (IX) MEASURES TAKEN TO SECURE AND PROTECT THE  
3 COMMONWEALTH'S STOCKPILE OF PERSONAL PROTECTIVE  
4 EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, COSTS  
5 ASSOCIATED WITH SECURITY SERVICES AND PEST CONTROL.

6 (X) INSURANCE, OTHER THAN THAT PROVIDED BY THE STATE  
7 INSURANCE FUND OR THE COMMONWEALTH'S EXCESS PROPERTY  
8 INSURANCE POLICY, MAINTAINED BY THE COMMONWEALTH OR ITS  
9 AGENCIES ON THE COMMONWEALTH'S STOCKPILE OF PERSONAL  
10 PROTECTIVE EQUIPMENT. THE REPORT SHALL CONTAIN, AT A  
11 MINIMUM, THE INSURED REPLACEMENT VALUE OF THE  
12 COMMONWEALTH'S STOCKPILE OF PERSONAL PROTECTIVE  
13 EQUIPMENT, THE DATE INSURANCE COVERAGE COMMENCED, THE  
14 COST OR ADJUSTED COST TO THE COMMONWEALTH OR ITS AGENCIES  
15 FOR THE INSURANCE COVERAGE, TERMS RELATING TO THE  
16 PROTECTION OR REPLACEMENT OF PERSONAL PROTECTIVE  
17 EQUIPMENT DUE TO WATER DAMAGE CAUSED BY A FLOOD AND OTHER  
18 CURRENT TERMS OF THE INSURANCE COVERAGE.

19 (XI) PERSONAL PROTECTIVE EQUIPMENT OR MEDICAL  
20 SUPPLIES MAINTAINED BY THE COMMONWEALTH THAT EXPIRED,  
21 SPOILED, INCURRED DAMAGE OR WERE RENDERED UNUSABLE WHILE  
22 UNDER COMMONWEALTH CONTROL, INCLUDING THE FINAL  
23 DISPOSITION OF THE ITEMS.

24 (XII) INSTANCES WHERE THE COMMONWEALTH OR ITS  
25 AGENCIES REQUESTED AN EMPLOYEE OF THIS COMMONWEALTH, ITS  
26 AGENCIES, A MEMBER OF THE GENERAL ASSEMBLY OR A  
27 CONTRACTOR HIRED BY OR ACTING FOR THE COMMONWEALTH TO  
28 COMPLETE A NONDISCLOSURE AGREEMENT TO VIEW, PURCHASE,  
29 TRANSFER, TRANSPORT, HANDLE, DISTRIBUTE OR ACQUIRE  
30 PERSONAL PROTECTIVE EQUIPMENT OR MEDICAL SUPPLIES HELD BY

1 THE COMMONWEALTH OR ITS AGENCIES IN RESPONSE TO THE  
2 COVID-19 PANDEMIC. THE REPORT MAY NOT CONTAIN THE NAME,  
3 TITLE OR OTHER PERSONALLY IDENTIFYING INFORMATION OF AN  
4 INDIVIDUAL THAT SIGNED OR WAS REQUESTED TO SIGN A  
5 NONDISCLOSURE AGREEMENT.

6 (XIII) COSTS ASSOCIATED WITH MAINTAINING A STOCKPILE  
7 OF PERSONAL PROTECTIVE EQUIPMENT AT THE FARM SHOW COMPLEX  
8 INCLUDING, BUT NOT LIMITED TO:

9 (A) LEASE AGREEMENTS TO STORE PERSONAL  
10 PROTECTIVE EQUIPMENT AND OTHER SUPPLIES ACQUIRED BY  
11 THE COMMONWEALTH IN RESPONSE TO THE COVID-19 PANDEMIC  
12 EXECUTED BETWEEN THE STATE FARM PRODUCTS SHOW  
13 COMMISSION AND ANY OTHER ENTITY IN COMPLIANCE WITH  
14 SECTION 1709(B) OF THE ADMINISTRATIVE CODE OF 1929.

15 (B) PAYMENTS MADE TO THE STATE FARM PRODUCTS  
16 SHOW FUND BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
17 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY OR ANY  
18 OTHER ENTITY FOR THE STORAGE OF PERSONAL PROTECTIVE  
19 EQUIPMENT AND OTHER SUPPLIES ACQUIRED BY THE  
20 COMMONWEALTH IN RESPONSE TO THE COVID-19 PANDEMIC.

21 (C) AN ESTIMATE OF LOST RENTAL REVENUE BY THE  
22 STATE FARM PRODUCTS SHOW COMMISSION FUND DUE TO THE  
23 UNAVAILABILITY OF THE FACILITIES AT THE FARM SHOW  
24 COMPLEX DURING THE TIME THE COMPLEX HAS BEEN USED AS  
25 A STORAGE WAREHOUSE FOR PERSONAL PROTECTIVE  
26 EQUIPMENT.

27 (2) A REPORT OF THE NUMBER AND TYPES OF COVID-19  
28 VACCINES ADMINISTERED TO RESIDENTS OF THIS COMMONWEALTH.

29 (2.1) A REPORT OF THE NUMBER OF COVID-19 VACCINES  
30 WASTED, EXPIRED, DESTROYED OR OTHERWISE DETERMINED TO BE



1 UNUSABLE IN THIS COMMONWEALTH.

2 (3) A REPORT OF THE NUMBER AND TYPES OF COVID-19 TESTS  
3 ADMINISTERED TO RESIDENTS OF THIS COMMONWEALTH.

4 (B) UPDATES.--THE SECRETARY OF HEALTH SHALL INCLUDE REGULAR  
5 UPDATES CONCERNING THE REPORTING REQUIRED UNDER SUBSECTION (A)  
6 IN THE REPORT UNDER SECTION 2102-D(B) OF THE ACT OF APRIL 9,  
7 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF  
8 1929.

9 SECTION 4. PERSONAL PROTECTIVE EQUIPMENT LOGISTICS AND  
10 WAREHOUSING ADVISORY BOARD.

11 (A) ESTABLISHMENT.--THE PERSONAL PROTECTIVE EQUIPMENT  
12 LOGISTICS AND WAREHOUSING ADVISORY BOARD IS ESTABLISHED AS AN  
13 ADVISORY BOARD IN THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.  
14 THE ADVISORY BOARD SHALL MEET WITHIN 30 DAYS OF THE EFFECTIVE  
15 DATE OF THIS SECTION AND EVERY 30 DAYS THEREAFTER UNTIL THE  
16 EXPIRATION OF THIS SECTION.

17 (B) MEMBERSHIP.--THE ADVISORY BOARD SHALL CONSIST OF THE  
18 FOLLOWING MEMBERS:

19 (1) THE GOVERNOR OR A DESIGNEE.

20 (2) THE ADJUTANT GENERAL OR A DESIGNEE, WHO SHALL SERVE  
21 AS CHAIR OF THE ADVISORY BOARD.

22 (3) THE SECRETARY OF HEALTH OR A DESIGNEE.

23 (4) THE SECRETARY OF GENERAL SERVICES OR A DESIGNEE.

24 (5) THE DIRECTOR OF THE PENNSYLVANIA EMERGENCY  
25 MANAGEMENT AGENCY.

26 (6) AN INDIVIDUAL WITH AT LEAST FIVE YEARS EXPERIENCE IN  
27 BUSINESS LOGISTICS, WAREHOUSING OR STORAGE APPOINTED BY THE  
28 MAJORITY LEADER OF THE SENATE.

29 (7) AN INDIVIDUAL WITH AT LEAST FIVE YEARS EXPERIENCE IN  
30 BUSINESS LOGISTICS, WAREHOUSING OR STORAGE APPOINTED BY THE

1 MINORITY LEADER OF THE SENATE.

2 (8) AN INDIVIDUAL WITH AT LEAST FIVE YEARS EXPERIENCE IN  
3 BUSINESS LOGISTICS, WAREHOUSING OR STORAGE APPOINTED BY THE  
4 MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

5 (9) AN INDIVIDUAL WITH AT LEAST FIVE YEARS EXPERIENCE IN  
6 BUSINESS LOGISTICS, WAREHOUSING OR STORAGE APPOINTED BY THE  
7 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

8 (C) DUTIES.--

9 (1) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS  
10 SECTION, THE ADVISORY BOARD SHALL SUBMIT A PLAN FOR UTILIZING  
11 AN EXISTING FACILITY OR CONSTRUCTING A NEW FACILITY AT FORT  
12 INDIANTOWN GAP FOR THE ONGOING STORAGE OF PERSONAL PROTECTIVE  
13 EQUIPMENT AND OTHER EMERGENCY RESOURCES NEEDED FOR THE  
14 COMMONWEALTH'S RESPONSE TO THE COVID-19 PANDEMIC TO ALL OF  
15 THE FOLLOWING:

16 (I) THE GOVERNOR.

17 (II) THE PRESIDENT PRO TEMPORE OF THE SENATE.

18 (III) THE MAJORITY LEADER OF THE SENATE.

19 (IV) THE MINORITY LEADER OF THE SENATE.

20 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

21 (VI) THE MAJORITY LEADER OF THE HOUSE OF  
22 REPRESENTATIVES.

23 (VII) THE MINORITY LEADER OF THE HOUSE OF  
24 REPRESENTATIVES.

25 (2) THE PLAN UNDER PARAGRAPH (1) SHALL:

26 (I) OUTLINE THE SIZE AND FIT OUT REQUIRED FOR THE  
27 FACILITY.

28 (II) TAKE INTO CONSIDERATION THE LONG-TERM USAGE OF  
29 THE FACILITY, INCLUDING THE ABILITY OF THE FACILITY TO  
30 RESPOND TO FUTURE NATURAL DISASTERS OR PANDEMICS.

1 (III) PROVIDE ESTIMATED COSTS TO CONVERT OR  
2 CONSTRUCT THE FACILITY.

3 (IV) RECOMMEND FEDERAL RESOURCES, STATE RESOURCES OR  
4 OTHER RESOURCES AVAILABLE TO DESIGN AND CONSTRUCT THE  
5 FACILITY.

6 (V) PROVIDE A COST ESTIMATE AND A TIMELINE FOR ANY  
7 PROPOSED CONSTRUCTION.

8 (VI) OUTLINE ANTICIPATED OBSTACLES TO THE IMMEDIATE  
9 COMPLETION OR CONSTRUCTION OF THE FACILITY.

10 (VII) HIGHLIGHT THE UNIQUE CAPABILITIES AVAILABLE AT  
11 FORT INDIANTOWN GAP TO STORE THE EMERGENCY MANAGEMENT  
12 RESOURCES OF THIS COMMONWEALTH.

13 (D) EXPIRATION.--THIS SECTION SHALL EXPIRE AND THE ADVISORY  
14 BOARD SHALL CEASE TO EXIST 30 DAYS AFTER SUBMISSION OF THE  
15 REPORT ISSUED UNDER SUBSECTION (C). THE PENNSYLVANIA EMERGENCY  
16 MANAGEMENT AGENCY SHALL SUBMIT A NOTICE OF THE EXPIRATION OF  
17 THIS SECTION TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION  
18 IN THE PENNSYLVANIA BULLETIN.

19 SECTION 5. COVID-19 EMERGENCY TESTING CAPACITY ENHANCEMENT.

20 (A) LEGISLATIVE FINDINGS.--THE GENERAL ASSEMBLY FINDS AND  
21 DECLARES AS FOLLOWS:

22 (1) THE ABILITY OF THE COMMONWEALTH TO ADMINISTER AND  
23 PROCESS COVID-19 TESTS IS CRUCIAL TO THE COMMONWEALTH'S  
24 RESPONSE TO THE COVID-19 PANDEMIC.

25 (2) THE COMMONWEALTH OPERATES A STATE LABORATORY IN  
26 EXTON AS AUTHORIZED UNDER SECTION 8(D) OF THE ACT OF APRIL  
27 27, 1905 (P.L.312, NO.218), ENTITLED "AN ACT CREATING A  
28 DEPARTMENT OF HEALTH, AND DEFINING ITS POWERS AND DUTIES."

29 (3) DEPARTMENT OF HEALTH PERSONNEL HAVE STATED THAT THE  
30 STATE LABORATORY IS A LIMITING FACTOR IN THE COMMONWEALTH'S

1 RESPONSE TO THE COVID-19 PANDEMIC.

2 (4) THE DEPARTMENT OF HEALTH IS PURCHASING ADDITIONAL  
3 HIGH THROUGHPUT INSTRUMENTS TO INCREASE COVID-19 TESTING  
4 CAPACITY, BUT DUE TO THE LIMITED AVAILABLE SPACE AT THE STATE  
5 LABORATORY IN EXTON, THE COMMONWEALTH NEEDS ADDITIONAL SPACE  
6 OR FACILITIES TO INCREASE COVID-19 TESTING CAPACITY.

7 (5) THE COMMONWEALTH MUST IMMEDIATELY ADDRESS  
8 LIMITATIONS PRESENT IN THE COMMONWEALTH'S ABILITY TO PROCESS  
9 COVID-19 TEST RESULTS.

10 (B) EMERGENCY PROCESSING CAPACITY.--WITHIN 30 DAYS OF THE  
11 EFFECTIVE DATE OF THIS SECTION, THE SECRETARY OF HEALTH SHALL  
12 ISSUE AN INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS OR MAY  
13 USE THE EMERGENCY PROCUREMENT PROCESS UNDER 62 PA.C.S. § 516  
14 (RELATING TO EMERGENCY PROCUREMENT) TO INCREASE THE PROCESSING  
15 CAPACITY FOR COVID-19 TESTS IN THIS COMMONWEALTH.

16 (C) NONEMERGENCY PROCESSING CAPACITY.--WITHIN ONE YEAR OF  
17 THE EFFECTIVE DATE OF THIS SECTION, THE SECRETARY OF HEALTH  
18 SHALL ISSUE A REPORT ON THE ANTICIPATED FUTURE NEEDS OF THIS  
19 COMMONWEALTH FOR TESTING FACILITIES, LABORATORIES AND ANY OTHER  
20 FACILITIES NECESSARY TO RESPOND TO A FUTURE INFECTIOUS DISEASE  
21 PANDEMIC TO ALL OF THE FOLLOWING:

22 (1) THE GOVERNOR.

23 (2) THE PRESIDENT PRO TEMPORE OF THE SENATE.

24 (3) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

25 (D) REPORTING.--THE SECRETARY OF HEALTH SHALL INCLUDE  
26 REGULAR UPDATES REGARDING THE IMPLEMENTATION AND REPORTING UNDER  
27 THIS SECTION IN THE REPORT REQUIRED UNDER SECTION 2102-D(B) OF  
28 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
29 ADMINISTRATIVE CODE OF 1929.  
30 SECTION 6. ANNUAL REPORT.

1 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY SHALL CONSIDER  
2 DATA, INFORMATION AND REPORTS CREATED UNDER THIS ACT FOR  
3 INCLUSION AS APPROPRIATE IN THE ANNUAL REPORT COMPLETED UNDER 35  
4 PA.C.S. § 7313(17) (RELATING TO POWERS AND DUTIES).

5 SECTION 7. MEDICAL OXYGEN.

6 (A) LEGISLATIVE FINDINGS.--THE GENERAL ASSEMBLY FINDS AND  
7 DECLARES THE FOLLOWING:

8 (1) THE COVID-19 PANDEMIC HAS LED TO A SHORTAGE OF  
9 MEDICAL OXYGEN IN LOCATIONS THROUGHOUT THE WORLD.

10 (2) MEDICAL OXYGEN, INCLUDING PORTABLE OXYGEN CYLINDERS,  
11 IS CRITICAL FOR THE TREATMENT OF MANY ACUTE CASES OF COVID-  
12 19.

13 (3) A SHORTAGE OF MEDICAL OXYGEN IN THIS COMMONWEALTH  
14 COULD JEOPARDIZE THE STANDARD OF CARE FOR RESIDENTS OF THIS  
15 COMMONWEALTH SUFFERING FROM COVID-19.

16 (B) REPORT ON SUPPLY OF MEDICAL OXYGEN.--WITHIN 60 DAYS OF  
17 THE EFFECTIVE DATE OF THIS SECTION, THE SECRETARY OF HEALTH  
18 SHALL ISSUE A REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
19 REGARDING PLANS TO ENSURE A STEADY SUPPLY OF MEDICAL OXYGEN IN  
20 THIS COMMONWEALTH DURING THE COVID-19 PANDEMIC. THE REPORT SHALL  
21 INCLUDE, BUT NOT BE LIMITED TO, PROCUREMENT AND CONTINUED SUPPLY  
22 OF MEDICAL OXYGEN BY THE COMMONWEALTH AND MEDICAL FACILITIES IN  
23 THIS COMMONWEALTH, LIQUID OR GAS MEDICAL OXYGEN RESERVES, ONSITE  
24 OXYGEN GENERATION SYSTEMS, PRESSURE SWING ADSORPTION OXYGEN  
25 GENERATION AND ANY OTHER RELATED TOPIC DEEMED APPROPRIATE BY THE  
26 SECRETARY OF HEALTH.

27 SECTION 8. SPECIAL FLOOD HAZARD AREA.

28 (A) PROHIBITED STORAGE.--NEITHER THE COMMONWEALTH NOR ITS  
29 AGENCIES SHALL STORE PERSONAL PROTECTIVE EQUIPMENT, ACQUIRED  
30 AFTER THE EFFECTIVE DATE OF THIS SECTION AND INTENDED FOR

1 DISTRIBUTION IN RESPONSE TO THE COVID-19 PANDEMIC, IN A FACILITY  
2 LOCATED IN A SPECIAL FLOOD HAZARD AREA.

3 (B) REMOVAL.--PERSONAL PROTECTIVE EQUIPMENT STORED IN A  
4 FACILITY LOCATED IN A SPECIAL FLOOD HAZARD AREA AS OF THE  
5 EFFECTIVE DATE OF THIS SECTION SHALL BE REMOVED FROM THE SPECIAL  
6 FLOOD HAZARD AREA AS SOON AS PRACTICABLE.

7 SECTION 9. REPORT BY ADJUTANT GENERAL.

8 WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE  
9 ADJUTANT GENERAL, IN CONSULTATION WITH THE PENNSYLVANIA  
10 EMERGENCY MANAGEMENT AGENCY AND THE SECRETARY OF HEALTH, SHALL  
11 DEVELOP AN EMERGENCY PLAN TO REMOVE THE STATE'S STOCKPILE OF  
12 PERSONAL PROTECTIVE EQUIPMENT FROM THE FARM SHOW COMPLEX WITHIN  
13 72-HOURS NOTICE OF AN IMPENDING FLOOD, HURRICANE, SEVERE WEATHER  
14 EVENT OR OTHER NATURAL DISASTER. THE PLAN SHALL OUTLINE THE  
15 RESOURCES NECESSARY TO EXECUTE THE REMOVAL OF THE STATE'S  
16 PERSONAL PROTECTIVE EQUIPMENT STOCKPILE WITHIN 72 HOURS AND  
17 TRANSPORT THE SAME TO A DESIGNATED SECURE FACILITY. THIS REPORT  
18 SHALL BE SUBMITTED TO THE PENNSYLVANIA EMERGENCY MANAGEMENT  
19 COUNCIL.

20 SECTION 10. COVID-19 VACCINE PERSONAL INFORMATION PRIVACY.

21 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), A  
22 COVID-19 VACCINE PROVIDER SHALL DELETE THE PERSONAL INFORMATION  
23 OF AN INDIVIDUAL WHO REGISTERED TO RECEIVE A COVID-19 VACCINE  
24 FROM THE COVID-19 VACCINE PROVIDER BUT DID NOT RECEIVE THE  
25 COVID-19 VACCINE WITHIN SIX MONTHS OF THE REGISTRATION. IN SUCH  
26 A CIRCUMSTANCE, THE DELETION OF THE PERSONAL INFORMATION SHALL  
27 OCCUR:

28 (1) WITHIN 30 DAYS AFTER THE CONCLUSION OF THE SIX-MONTH  
29 PERIOD FOLLOWING THE REGISTRATION, IF THE CONCLUSION OF THE  
30 THE SIX-MONTH PERIOD OCCURS AFTER THE EFFECTIVE DATE OF THIS

1 SUBSECTION.

2 (2) WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS  
3 SUBSECTION, IF THE EFFECTIVE DATE OF THIS SUBSECTION OCCURS  
4 AFTER THE CONCLUSION OF THE SIX-MONTH PERIOD FOLLOWING THE  
5 REGISTRATION.

6 (B) EXCEPTION.--IN COMPLIANCE WITH FEDERAL AND STATE LAW, A  
7 COVID-19 VACCINE PROVIDER MAY RETAIN THE PERSONAL INFORMATION OF  
8 AN INDIVIDUAL IF THE COVID-19 VACCINE PROVIDER DISTRIBUTED OR  
9 ADMINISTERED A COVID-19 VACCINE TO THE INDIVIDUAL OR PROVIDED  
10 ANOTHER HEALTH CARE SERVICE TO THE INDIVIDUAL WITHIN SIX MONTHS  
11 OF THE INDIVIDUAL REGISTERING TO RECEIVE A COVID-19 VACCINE FROM  
12 THE COVID-19 VACCINE PROVIDER.

13 SECTION 11. APPLICABILITY.

14 SECTION 10 SHALL NOT APPLY TO MEDICAL RECORDS THAT A COVID-19  
15 VACCINE PROVIDER IS REQUIRED TO RETAIN UNDER FEDERAL OR STATE  
16 LAW.

17 SECTION 12. VIOLATION OF UNFAIR TRADE PRACTICES AND CONSUMER  
18 PROTECTION LAW.

19 A VIOLATION OF SECTION 10 CONSTITUTES UNFAIR METHODS OF  
20 COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES WITHIN THE  
21 MEANING OF SECTION 2(4) OF THE ACT OF DECEMBER 17, 1968  
22 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE PRACTICES AND  
23 CONSUMER PROTECTION LAW, AND SHALL BE SUBJECT TO THE ENFORCEMENT  
24 PROVISIONS, CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION  
25 SPECIFIED IN THAT ACT.

26 SECTION 13. EXPIRATION.

27 THIS ACT SHALL EXPIRE DECEMBER 31, 2024.

28 SECTION 14. EFFECTIVE DATE.

29 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.