

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2033 Session of 2021

INTRODUCED BY LAWRENCE, GROVE, JAMES, N. NELSON, RYAN, THOMAS, WHEELAND, D. WILLIAMS, MENTZER, CIRESI, MOUL AND SCHLEGEL CULVER, OCTOBER 28, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 14, 2021

AN ACT

1 Providing for COVID-19 testing; ESTABLISHING THE COVID-19 AT- <--
2 HOME TESTING DISTRIBUTION PROGRAM; and making an inconsistent
3 repeal.

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 Testing 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 "COUNTY." THE TERM INCLUDES A CITY OF THE FIRST CLASS. <--

14 "COVID-19." A respiratory disease caused by the SARS-CoV-2
15 virus discovered in 2019.

16 "COVID-19 AT-HOME TESTS." MATERIALS OR DEVICES FOR DETECTING <--
17 COVID-19 INFECTION WHICH HAS RECEIVED FOOD AND DRUG

1 ADMINISTRATION EMERGENCY USE AUTHORIZATION FOR SELF-TESTING
2 WITHOUT THE NEED TO SHIP SAMPLES TO A LAB OR FOR A PRESCRIPTION
3 FROM A HEALTH CARE PROVIDER.

4 "Department." The Department of Health of the Commonwealth.

5 "PROGRAM." THE COVID-19 AT-HOME TESTING DISTRIBUTION PROGRAM <--
6 ESTABLISHED UNDER SECTION 4.

7 "Reporting requirements." A report by a health care provider
8 described under section 2102-D(d) of the act of April 9, 1929
9 (P.L.177, No.175), known as The Administrative Code of 1929.

10 "SECRETARY." THE SECRETARY OF HEALTH OF THE COMMONWEALTH. <--

11 "Testing report." A testing report described under section
12 2102-D(b) and (c) of The Administrative Code of 1929.

13 Section 3. Requirements for COVID-19 reports.

14 Notwithstanding section 2102-D(e) of the act of April 9, 1929
15 (P.L.177, No.175), known as The Administrative Code of 1929, the
16 production requirements for a COVID-19 testing report and the
17 reporting requirements shall be extended until December 31,
18 2022. The department shall submit the testing report to all of
19 the following:

20 (1) The President pro tempore of the Senate.

21 (2) The Speaker of the House of Representatives.

22 (3) The Majority Leader and Minority Leader of the
23 Senate.

24 (4) The Majority Leader and Minority Leader of the House
25 of Representatives.

26 (5) The chairperson and minority chairperson of the
27 Appropriations Committee of the Senate.

28 (6) The chairperson and minority chairperson of the
29 Appropriations Committee of the House of Representatives.

30 (7) The chairperson and minority chairperson of the

1 Health and Human Services Committee of the Senate.

2 (8) The chairperson and minority chairperson of the
3 Health Committee of the House of Representatives.

4 SECTION 4. COVID-19 AT-HOME TESTING DISTRIBUTION PROGRAM. <--

5 (A) ESTABLISHMENT.--THE COVID-19 AT-HOME TESTING
6 DISTRIBUTION PROGRAM IS ESTABLISHED WITHIN THE DEPARTMENT.

7 (B) ACQUISITION OF COVID-19 AT-HOME TESTS.--THE DEPARTMENT
8 SHALL ACQUIRE COVID-19 AT-HOME TESTS FOR DISTRIBUTION TO
9 COUNTIES UNDER THIS SECTION.

10 (C) APPLICATION.--NO LATER THAN 30 DAYS AFTER THE EFFECTIVE
11 DATE OF THIS SECTION, THE DEPARTMENT SHALL RECEIVE APPLICATIONS
12 FROM COUNTIES FOR COVID-19 AT-HOME TESTS. AN APPLICATION BY A
13 COUNTY UNDER THIS SUBSECTION SHALL INCLUDE THE NUMBER OF COVID-
14 19 AT-HOME TESTS REQUESTED AND A PROPOSED DISTRIBUTION PLAN.

15 (D) REVIEW AND APPROVAL.--NO LATER THAN 45 DAYS AFTER THE
16 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL REVIEW AND
17 APPROVE APPLICATIONS UNDER SUBSECTION (C).

18 (E) DISTRIBUTION TO COUNTIES.--THE DEPARTMENT SHALL BEGIN
19 DISTRIBUTING COVID-19 AT-HOME TESTS TO APPROVED COUNTIES NO
20 LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

21 (F) DISTRIBUTION BY COUNTIES.--A COUNTY WHICH RECEIVES
22 COVID-19 AT-HOME TESTS UNDER THIS SECTION MAY DISTRIBUTE THE
23 TESTS TO INDIVIDUALS IN THE COUNTY AT PUBLICLY ACCESSIBLE MOBILE
24 TESTING SITES AND NONTRADITIONAL TESTING SITES, INCLUDING COUNTY
25 BUILDINGS, MUNICIPAL BUILDINGS, LIBRARIES, COMMUNITY CENTERS,
26 POLICE STATIONS AND FIRE STATIONS. A COUNTY SHALL PUBLICIZE THE
27 DISTRIBUTION LOCATIONS.

28 (G) PROHIBITION.--AN INDIVIDUAL THAT RECEIVES A COVID-19 AT-
29 HOME TEST FROM A COUNTY UNDER THIS SECTION MAY NOT RESELL THE
30 TEST.

1 (H) USE OF FUNDS.--THE DEPARTMENT SHALL USE NO LESS THAN
2 \$10,000,000 OF MONEY AVAILABLE TO THE DEPARTMENT FOR THE PURPOSE
3 OF THE PROGRAM, INCLUDING MONEY FROM THE FEDERAL GOVERNMENT
4 AVAILABLE FROM AN APPROPRIATION FOR COVID - EPIDEMIOLOGY AND
5 LABORATORY SURVEILLANCE AND RESPONSE.

6 SECTION 5. DUTIES OF SECRETARY.

7 THE SECRETARY SHALL HAVE THE FOLLOWING DUTIES:

8 (1) TO ISSUE A REQUEST FOR PROPOSAL TO OBTAIN ADDITIONAL
9 PHYSICAL SPACE TO LOCATE STATE-OWNED TESTING EQUIPMENT AND
10 PROCESS THE VOLUME OF COVID-19 TESTS ANTICIPATED TO BE
11 SUBMITTED TO THE COMMONWEALTH FOR PROCESSING. IN ADDITION TO
12 THE REQUIREMENTS UNDER 62 PA.C.S. (RELATING TO PROCUREMENT),
13 THE SECRETARY SHALL PROVIDE NOTICE OF THE REQUEST FOR
14 PROPOSALS TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, DEAN OR
15 CHIEF OF ADMINISTRATION FOR ALL OF THE FOLLOWING:

16 (I) AN INSTITUTION OF HIGHER EDUCATION DESIGNATED A
17 STATE-RELATED INSTITUTION BY THE COMMONWEALTH.

18 (II) A MEDICAL SCHOOL LOCATED IN THIS COMMONWEALTH.

19 (III) A PRIVATELY OPERATED LABORATORY TESTING
20 COMPANY WITH MORE THAN 25 LOCATIONS IN THIS COMMONWEALTH.

21 (IV) A HOSPITAL NETWORK WITH MORE THAN FIVE
22 LOCATIONS IN THIS COMMONWEALTH.

23 (V) A PHARMACY CORPORATION WITH MORE THAN 25
24 LOCATIONS IN THIS COMMONWEALTH.

25 (VI) ANY OTHER ORGANIZATION OR ENTITY DEEMED
26 NECESSARY BY THE COMMONWEALTH.

27 (2) TO ENSURE THAT TESTING EQUIPMENT ACQUIRED OR
28 UTILIZED BY THE COMMONWEALTH FOR THE PURPOSE OF PROCESSING
29 COVID-19 TESTS IS FULLY OPERATIONAL.

30 Section 4 6. Repeals.

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1 Section 2102-D(e) of the act of April 9, 1929 (P.L.177,
2 No.175), known as The Administrative Code of 1929, is repealed
3 insofar as it is inconsistent with section 3.

4 Section ~~5~~ 7. Expiration.

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5 This act shall expire December 31, 2022.

6 Section ~~6~~ 8. Effective date.

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7 This act shall take effect immediately.