

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1099 Session of 2024

INTRODUCED BY MASTRIANO, BROOKS, BROWN, COSTA, DILLON, GEBHARD, HUTCHINSON, PENNYCUICK, ROTHMAN, BAKER, REGAN, SCHWANK, VOGEL, J. WARD, CULVER, MUTH AND FARRY, MARCH 12, 2024

AS AMENDED ON THIRD CONSIDERATION, JUNE 11, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in grants to fire companies and
3 emergency medical services companies, further providing for
4 definitions, for publication and notice, for award of grants,
5 for consolidation incentive, for publication and notice and
6 for award of grants, repealing provisions relating to COVID-
7 19 Crisis Fire Company and Emergency Medical Services Grant
8 Program and to Emergency Medical Services COVID-19 Recovery
9 Grant Program, further providing for expiration of authority,
10 repealing provisions relating to expiration of authority
11 relating to COVID-19 Crisis Fire Company and Emergency
12 Medical Services Grant Program and to expiration of authority
13 relating to Emergency Medical Services COVID-19 Recovery
14 Grant Program and further providing for annual reports.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definitions of "career emergency medical
18 services," "invalid coach" and "volunteer EMS company" in
19 section 7802 of Title 35 of the Pennsylvania Consolidated
20 Statutes are amended to read:

21 § 7802. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Career emergency medical services." As follows:

4 (1) A for-profit chartered emergency medical service
5 corporation, association or organization which meets all of
6 the following:

7 (i) Is located in this Commonwealth.

8 (ii) Is licensed by the Department of Health.

9 (iii) Is not associated or affiliated with a
10 hospital, unless recognized in accordance with section
11 7823(b.1) (relating to award of grants).

12 (iv) Is regularly engaged in the provision of
13 emergency medical services, including basic life support
14 or advanced life support services and advanced life
15 support squads as defined in 28 Pa. Code § 1027.1
16 (relating to general provisions).

17 (2) The term shall not include a corporation,
18 association or organization that is primarily engaged in the
19 [operation of invalid coaches which are intended for the]
20 routine transport of individuals who are convalescent or
21 nonambulatory and who do not ordinarily require emergency
22 medical treatment while in transit.

23 * * *

24 ["Invalid coach." The term shall have the meaning given to
25 it in Chapter 81 (relating to emergency medical services
26 system).]

27 "Volunteer EMS company." Any nonprofit chartered
28 corporation, association or organization located in this
29 Commonwealth, which is licensed by the Department of Health and
30 is not associated or affiliated with any hospital, unless

1 recognized in accordance with section 7823(b.1) (relating to
2 award of grants), and which is regularly engaged in the
3 provision of emergency medical services, including basic life
4 support or advanced life support services and advanced life
5 support squads as defined in 28 Pa. Code § 1027.1 (relating to
6 general provisions). The term shall not include any corporation,
7 association or organization that is primarily engaged in the
8 [operation of invalid coaches which are intended for the]
9 routine transport of persons who are convalescent or otherwise
10 nonambulatory and do not ordinarily require emergency medical
11 treatment while in transit.

12 * * *

13 Section 2. Section 7812 of Title 35 is amended to read:

14 § 7812. Publication and notice.

15 The commissioner shall publish notice of the grant program
16 availability through the Legislative Reference Bureau for
17 publication in the Pennsylvania Bulletin by August 8 for each
18 fiscal year. The commissioner shall post a notice of the grant
19 program and application for the grant program on the Office of
20 the State Fire Commissioner's publicly accessible Internet
21 website. To the greatest extent possible, the commissioner shall
22 utilize the Commonwealth's Electronic Single Application for
23 Assistance.

24 Section 3. Section 7813(a)(7), (a.2), (c)(2), (d) and (e)
25 introductory paragraph and (2)(i) of Title 35 are amended and
26 the section is amended by adding a subsection to read:

27 § 7813. Award of grants.

28 (a) Authorization.--The commissioner is authorized to make a
29 grant award to each eligible fire company for the following:

30 * * *

1 [(7) Revenue loss for grants issued in 2021 and 2022.]

2 * * *

3 [(a.2) Additional grants.--Each fire company with not more
4 than 20 members who are certified by the National Board on Fire
5 Service Professional Qualifications or by the International Fire
6 Service Accreditation Congress and are verified by the
7 Pennsylvania State Fire Academy at a minimum level of
8 Firefighter 1 on or before July 1 of the year of the grant
9 application shall be eligible to receive additional grants under
10 a certification bonus point system as administered by the
11 commissioner.]

12 (a.3) Additional grants.--The commissioner may establish a
13 certification bonus point system to award additional grants to
14 fire companies. The commissioner shall submit the certification
15 bonus point system to the Legislative Reference Bureau for
16 publication in the next available issue of the Pennsylvania
17 Bulletin concurrently with the notice required under section
18 7812 (relating to publication and notice).

19 * * *

20 (c) Time for filing application and department action.--

21 * * *

22 (2) Fire companies seeking grants under this chapter
23 shall submit completed applications to the commissioner and
24 the municipalities where the fire companies are located. The
25 following shall apply:

26 (i) The application period shall remain open for 45
27 days each year. The agency shall act to approve or
28 disapprove applications within 60 days of the application
29 submission deadline each year. Applications which have
30 not been approved or disapproved by the commissioner

1 within 60 days after the close of the application period
2 each year shall be deemed approved.

3 (ii) The commissioner may extend the application
4 period under subparagraph (i) for up to 45 additional
5 days for a single fire company, upon request by the fire
6 company, if the fire company demonstrates hardship or
7 undue burden that prevents the fire company from
8 submitting a completed application within the
9 application period specified under subparagraph (i). A
10 fire company must request an extension of the application
11 period under subparagraph (i) within 30 days of the date
12 of the end of the application period. The commissioner
13 shall have sole discretion to determine whether a fire
14 company has demonstrated hardship or undue burden under
15 this subparagraph.

16 (d) Eligibility.--To receive grant funds under this chapter,
17 a fire company must:

18 (1) Have actively responded to at least 15 fire or
19 rescue emergencies during the previous calendar year.

20 (2) Be actively participating in the Pennsylvania Fire
21 Information Reporting System under a signed agreement. The
22 commissioner shall develop and publish guidelines specifying
23 the criteria necessary to determine the level of
24 participation in the Pennsylvania Fire Information Reporting
25 System to remain eligible for grant funds.

26 (3) Have on record with the commissioner up-to-date
27 point-of-contact information for the fire company or
28 municipality, including mailing address, telephone number and
29 email addresses. The fire company must submit the information
30 required under this paragraph no later than July 31 of the

1 year of the grant application.

2 (4) Be registered with the appropriate public safety
3 answering point as an active response agency.

4 (5) Be designated by a municipality, by resolution or
5 ordinance, as a provider of fire or rescue services within
6 the municipality.

7 (e) Construction Savings Account.--A fire company may apply
8 for a grant under subsection (a) for the purpose of constructing
9 or renovating a new facility. The grant shall be deposited into
10 the Construction Savings Account, which is established within
11 the State Treasury. Money in the Construction Savings Account
12 may be withdrawn by application of the fire company. The
13 Construction Savings Account shall be administered by the
14 commissioner. The following shall apply:

15 * * *

16 (2) For a fire company to withdraw money from the
17 Construction Savings Account:

18 (i) The application shall contain the signatures of
19 two duly elected officers of the fire company or
20 municipality.

21 * * *

22 Section 4. Sections 7814 and 7822 of Title 35 are amended to
23 read:

24 § 7814. Consolidation incentive.

25 If two or more [volunteer] fire companies consolidate their
26 use of facilities, equipment, firefighters and services, the
27 consolidated entity may, upon notification of the commissioner,
28 be eligible for a reduction of the interest rate payable on any
29 outstanding principal balance owed, as of the date of
30 consolidation, by any or all of the consolidating companies to

1 the Fire and Emergency Medical Services Loan Fund for loans made
2 under the act of July 15, 1976 (P.L.1036, No.208), known as the
3 Volunteer Fire Company, Ambulance Service and Rescue Squad
4 Assistance Act, or under Subchapter E of Chapter 73 (relating to
5 Fire and Emergency Medical Services Loan Program). The reduction
6 in the interest rate payable shall be from 2% to 1%. Upon
7 receipt of such notification, the commissioner shall determine
8 and verify that the consolidated entity is in fact a bona fide
9 consolidated [volunteer] fire company. If the commissioner
10 determines that the consolidated entity is a bona fide
11 consolidated [volunteer] fire company, the commissioner shall
12 reduce the interest rate payable on any outstanding principal
13 balance owed to the Fire and Emergency Medical Services Loan
14 Fund for loans made under the former Volunteer Fire Company,
15 Ambulance Service and Rescue Squad Assistance Act, or under
16 Subchapter E of Chapter 73, for which the consolidating
17 companies or the consolidated entity may be individually or
18 jointly responsible. The commissioner may promulgate such rules
19 and regulations as may be necessary to carry out the provisions
20 of this section.

21 § 7822. Publication and notice.

22 The commissioner shall publish notice of the grant program
23 availability through the Legislative Reference Bureau for
24 publication in the Pennsylvania Bulletin by August 8 for each
25 fiscal year. To the greatest extent possible, the commissioner
26 shall utilize the Commonwealth's Electronic Single Application
27 for Assistance.

28 Section 5. Section 7823(a)(7) and (c)(2) of Title 35 are
29 amended and the section is amended by adding a subsection to
30 read:

1 § 7823. Award of grants.

2 (a) Authorization.--The commissioner is authorized to make a
3 grant award to each eligible EMS company for the following:

4 * * *

5 [(7) Revenue loss for grants issued in 2021 and 2022.]

6 (a.1) Additional grants.--The commissioner, in consultation
7 with the Bureau of Emergency Medical Services, may establish a
8 certification bonus point system to award additional grants to
9 EMS companies. The commissioner shall submit the certification
10 bonus point system to the Legislative Reference Bureau for
11 publication in the next available issue of the Pennsylvania
12 Bulletin concurrently with the notice required under section
13 7822 (relating to publication and notice).

14 * * *

15 (c) Time for filing application and department action.--

16 * * *

17 (2) EMS companies seeking grants under this chapter
18 shall submit completed applications to the commissioner. The
19 following shall apply:

20 (i) The application period shall remain open for 45
21 days each year. The commissioner shall act to approve or
22 disapprove applications within 60 days of the application
23 submission deadline each year. Applications which have
24 not been approved or disapproved by the commissioner
25 within 60 days after the close of the application period
26 each year shall be deemed approved.

27 (ii) The commissioner may extend the application
28 period under subparagraph (i) for up to 45 additional
29 days for a single EMS company, upon request by the fire
30 company, if the EMS company demonstrates hardship or

1 undue burden that prevents the EMS company from
2 submitting a completed application within the
3 application period specified under subparagraph (i). An
4 EMS company must request an extension of the application
5 period under subparagraph (i) within 30 days of the date
6 of the end of the application period. The commissioner
7 shall have sole discretion to determine whether an EMS
8 company has demonstrated hardship or undue burden under
9 this subparagraph.

10 Section 6. Subchapter C.1 of Chapter 78, section 7832.2 and
11 Subchapter E of Chapter 78 of Title 35 are repealed:

12 [SUBCHAPTER C.1

13 COVID-19 CRISIS FIRE COMPANY AND

14 EMERGENCY MEDICAL SERVICES GRANT PROGRAM

15 Sec.

16 7827.1. Establishment.

17 7827.2. Publication and notice.

18 7827.3. Award of grants.

19 § 7827.1. Establishment.

20 The COVID-19 Crisis Fire Company and Emergency Medical
21 Services Grant Program is established and shall be administered
22 by the agency. Grants provided under the program shall be used
23 by fire companies and EMS companies to provide services during
24 the novel coronavirus pandemic as identified in the proclamation
25 of disaster emergency issued by the Governor on March 6, 2020,
26 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
27 the state of disaster emergency.

28 § 7827.2. Publication and notice.

29 The agency shall transmit notice of the COVID-19 Crisis Fire
30 Company and Emergency Medical Services Grant Program

1 availability to the Legislative Reference Bureau for publication
2 in the Pennsylvania Bulletin within 30 days of the effective
3 date of this section.

4 § 7827.3. Award of grants.

5 (a) Authorization.--The agency shall make a grant award from
6 the COVID-19 Crisis Fire Company and Emergency Medical Services
7 Grant Program to:

8 (1) Each eligible fire company that received a grant
9 award in fiscal year 2019-2020 under section 7813 (relating
10 to award of grants) for the purposes under section 7813(a)
11 and (a.1).

12 (2) A fire company that did not apply for or receive a
13 grant award in fiscal year 2019-2020 under section 7813 and
14 that applies for a grant under this subchapter for the
15 purposes under section 7813(a) and (a.1).

16 (3) Each eligible EMS company that received a grant
17 award in fiscal year 2019-2020 under section 7823 (relating
18 to award of grants) for the purposes under section 7823(a).

19 (4) An EMS company that did not apply for or receive a
20 grant award in fiscal year 2019-2020 under section 7823 and
21 that applies for a grant under this subchapter for the
22 purposes under section 7823(a).

23 (b) Amount of award.--The amount of the grant award under
24 this subchapter shall be the same amount of the grant award for
25 fiscal year 2019-2020 to:

26 (1) An eligible fire company under section 7813.

27 (2) An eligible EMS company under section 7823.

28 (c) Application not required.--

29 (1) Except as otherwise provided in paragraph (2), no
30 additional application shall be required for a grant under

1 this subchapter.

2 (2) A fire company under subsection (a) (2) and an EMS
3 company under subsection (a) (4) must file an application for
4 a grant under this subchapter.

5 § 7832.2. COVID-19 Crisis Fire Company and Emergency Medical
6 Services Grant Program.

7 The following shall apply to any appropriation from money
8 received by the Commonwealth under the Coronavirus Aid, Relief,
9 and Economic Security Act (Public Law 116-136, 134 Stat. 281)
10 for purposes of making grants under Subchapter C.1 (relating to
11 COVID-19 Crisis Fire Company and Emergency Medical Services
12 Grant Program):

13 (1) The sum of \$44,000,000 of the amount appropriated
14 shall be expended for the purpose of making grants to
15 eligible fire companies.

16 (2) The sum of \$6,000,000 of the amount appropriated
17 shall be expended for the purpose of making grants to
18 eligible EMS companies.

19 (3) Notwithstanding paragraphs (1) and (2), the agency
20 may use up to \$200,000 of unencumbered funds from the amount
21 appropriated for administrative costs for the implementation
22 of Subchapter C.1.

23 SUBCHAPTER E

24 EMERGENCY MEDICAL SERVICES

25 COVID-19 RECOVERY GRANT PROGRAM

26 Sec.

27 7841. Establishment.

28 7842. Award of grants.

29 7843. Funding and costs.

30 7844. Report.

1 § 7841. Establishment.

2 The Emergency Medical Services COVID-19 Recovery Grant
3 Program is established and shall be administered by the Office
4 of the State Fire Commissioner in consultation with the
5 Department of Health. Grants provided under the Emergency
6 Medical Services COVID-19 Recovery Grant Program shall be used
7 by EMS companies to provide services in response to the novel
8 coronavirus pandemic.

9 § 7842. Award of grants.

10 (a) Application not required.--No application shall be
11 required to receive a grant under this subchapter.

12 (b) Notification.--The Office of the State Fire Commissioner
13 shall notify in writing each EMS company, as defined under
14 section 7802 (relating to definitions), of the availability of
15 grants from the Emergency Medical Services COVID-19 Recovery
16 Grant Program for the purposes under section 7823(a) (relating
17 to award of grants).

18 (c) Certification.--The Office of the State Fire
19 Commissioner shall include with the written notification under
20 subsection (b) a form for each eligible EMS company to certify
21 that a grant received under this subchapter shall be used for
22 the purposes under section 7823(a) and provide a deadline by
23 which an EMS company must return the certification form.

24 (d) Amount.--Grants shall be awarded under this subchapter
25 in an amount equal to the total amount of funds appropriated
26 under section 7843 (relating to funding and costs) less the
27 amount used under section 7843(b) divided by the total number of
28 EMS companies that returned the certification under subsection

29 (c).

30 (e) Report.--No later than July 30, 2022, each EMS company

1 receiving a grant award under this subchapter shall report to
2 the Office of the State Fire Commissioner how it will use the
3 grant money awarded under subsection (d).

4 § 7843. Funding and costs.

5 (a) Appropriation.--The sum of \$25,000,000 of Federal funds
6 in the COVID-19 Response Restricted Account is appropriated to
7 the Pennsylvania Emergency Management Agency for the Emergency
8 Medical Services COVID-19 Recovery Grant Program under this
9 subchapter. The provisions of section 111-C(g) of the act of
10 April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall
11 not apply to the amount appropriated under this section.

12 (b) Administrative costs.--The Office of the State Fire
13 Commissioner may use up to \$200,000 of unencumbered funds from
14 the amount appropriated under subsection (a) for administrative
15 costs for the implementation of this subchapter.

16 § 7844. Report.

17 (a) Contents.--The commissioner shall prepare a report on
18 the Emergency Medical Services COVID-19 Recovery Grant Program.
19 The report shall include all of the following information:

20 (1) The total number of EMS companies that were notified
21 of the grant program.

22 (2) The total number of EMS companies that submitted a
23 certification for the grant program.

24 (3) The total number of EMS companies that received a
25 grant.

26 (4) The total amount of the grant received by each EMS
27 company.

28 (5) A summary of how each EMS company will use the grant
29 money awarded under the program.

30 (b) Submission.--The commissioner shall submit the report by

1 September 1, 2022, to all of the following:

2 (1) The chair and minority chair of the Veterans Affairs
3 and Emergency Preparedness Committee of the Senate.

4 (2) The chair and minority chair of the Veterans Affairs
5 and Emergency Preparedness Committee of the House of
6 Representatives.

7 (3) The chair and minority chair of the Appropriations
8 Committee of the Senate.

9 (4) The chair and minority chair of the Appropriations
10 Committee of the House of Representatives.

11 (c) Posting.--The commissioner shall post the annual report
12 on the Office of the State Fire Commissioner's publicly
13 accessible Internet website.]

14 Section 7. Section 7891 of Title 35 is amended to read:

15 § 7891. Expiration of authority.

16 The authority of the commissioner to award grants under
17 Subchapters B (relating to fire company grant program) and C
18 (relating to emergency medical services grant program) shall
19 expire [June 30, 2024] December 31, 2034 2029. <--

20 Section 8. Sections 7892 and 7893 of Title 35 are repealed:

21 [§ 7892. Expiration of authority relating to COVID-19 Crisis
22 Fire Company and Emergency Medical Services Grant
23 Program.]

24 The authority of the agency to award grants under Subchapter
25 C.1 (relating to COVID-19 Crisis Fire Company and Emergency
26 Medical Services Grant Program) shall expire six months after
27 the effective date of this section.

28 § 7893. Expiration of authority relating to Emergency Medical
29 Services COVID-19 Recovery Grant Program.

30 The authority of the Office of the State Fire Commissioner to

1 award grants under Subchapter E (relating to Emergency Medical
2 Services COVID-19 Recovery Grant Program) shall expire June 30,
3 2022.]

4 Section 9. Section 7895(a)(5) of Title 35 is amended to
5 read:

6 § 7895. Annual reports.

7 (a) Contents.--The commissioner shall prepare an annual
8 report on the Fire Company Grant Program and Emergency Medical
9 Services Grant Program. The annual report shall include all of
10 the following information:

11 * * *

12 [(5) A list of the fire companies as delineated by
13 county that received additional grants under section
14 7813(a.2) (relating to award of grants).]

15 * * *

16 Section 10. This act shall take effect in 30 days.