

AMENDMENTS TO HOUSE BILL NO. 2200

Sponsor: REPRESENTATIVE ORTITAY

Printer's No. 3225

1 Amend Bill, page 14, line 2, by striking out "one year" and
2 inserting

3 60 days

4 Amend Bill, page 14, line 26, by striking out "recidivism"
5 and inserting

6 relapse

7 Amend Bill, page 15, by inserting between lines 4 and 5

8 (b) Duty to submit to Pennsylvania Advisory Council on Drug
9 and Alcohol Abuse.--The Department of Drug and Alcohol Programs
10 shall submit the report under subsection (a) to the Pennsylvania
11 Advisory Council on Drug and Alcohol Abuse, where the report
12 shall be subject to public comment at a public meeting.

13 Amend Bill, page 15, line 5, by striking out "(b)" and
14 inserting

15 (c)

16 Amend Bill, page 15, line 6, by striking out "and General
17 Assembly within 30 days." and inserting

18 , General Assembly and Pennsylvania Advisory Council on Drug
19 and Alcohol Abuse within 60 days of receipt of the reports
20 required under section 2803-F.

21 Amend Bill, page 15, lines 21 through 30; pages 16 through
22 18, lines 1 through 30; page 19, lines 1 through 5; by striking
23 out all of said lines on said pages and inserting

24 Section 2801-G. Definitions.

25 The following words and phrases when used in this article
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

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

1 "Executive agency." A department, board, commission,
2 authority, officer or agency or the Executive Department,
3 subject to the policy, supervision and control of the Governor.

4 "Government agency." Any of the following:

5 (1) An agency of the Commonwealth, including
6 departments, boards, commissions or authorities.

7 (2) A political subdivision or agency of a political
8 subdivision.

9 (3) A local or municipal authority or other local
10 government unit.

11 (4) A court or related agency.

12 "Public health emergency." An occurrence or imminent threat
13 of a disease or condition of public health importance with both
14 of the following characteristics:

15 (1) Is believed to be caused by any of the following:

16 (i) A bioterrorist event, a biological, chemical or
17 nuclear agent, a chemical attack or a nuclear attack.

18 (ii) The appearance of a novel or previously
19 controlled or eradicated infectious agent or biological
20 toxin.

21 (iii) A natural disaster, an accidental chemical
22 release or a nuclear incident.

23 (iv) A disease outbreak or unusual expression of
24 illness.

25 (2) Poses a high probability of any of the following in
26 the affected population:

27 (i) Death.

28 (ii) Serious or long-term disabilities.

29 (iii) Widespread exposure to an infectious or toxic
30 agent that poses a significant risk of substantial
31 present or future harm to the public health.

32 "Public health worker." A person employed by, under contract
33 with or serving as a registered volunteer of the department or a
34 local health department to carry out prophylaxis, treatment,
35 notification and prevention services to individuals reported to
36 the department or local health departments as having a
37 reportable disease under the act of April 23, 1956 (1955
38 P.L.1510, No.500), known as the Disease Prevention and Control
39 Law of 1955.

40 "Secretary." The Secretary of Health of the Commonwealth.
41 Section 2802-G. Declaration of a public health emergency.

42 (a) Authorization.--

43 (1) The secretary may declare a public health emergency
44 by disseminating the declaration promptly by means calculated
45 to bring its contents to the attention of the general public
46 and shall file it with the Legislative Reference Bureau for
47 publication under 45 Pa.C.S. Pt. II (relating to publication
48 and effectiveness of Commonwealth documents) and with the
49 director of the Pennsylvania Emergency Management Agency.

50 (2) Within 72 hours of receipt of a declaration under
51 paragraph (1), the director shall convene the emergency

council to perform its duties under 35 Pa.C.S. Ch. 73
(relating to Commonwealth services) and consistent with
disaster declarations issued by the Governor.

(b) Declaration.--The declaration of a public health
emergency shall be valid for a period of up to 90 days unless
renewed or terminated by the secretary by publishing a
subsequent declaration in the Pennsylvania Bulletin.

(c) Duties of department.--Upon a declaration under
subsection (a), the department is authorized to perform the
following duties:

(1) Suspend departmental regulations.

(2) Promulgate temporary regulations under subsection
(f) to address the public health emergency.

(3) Require reporting, in the manner and form prescribed
by the department, relating to a disease, infection or
condition.

(4) Set forth the requirements for health care
facilities and licensed health care practitioners to manage a
disease outbreak or unusual expression of illness.

(5) Authorize public health workers to dispense,
administer, furnish or otherwise provide prescription
medication for prophylaxis or treatment of a reportable
disease or condition as necessary to prevent and control the
spread of disease or condition.

(d) Requirements.--Notwithstanding any other provision of
law, all government agencies shall, at the request of the
department and to the extent not prohibited by Federal law,
provide information as prescribed by the department during a
public health emergency. The department shall provide for the
frequency and format, which may include automated data
exchanges, for the collection of the information required under
this subsection.

(e) Confidentiality of information.--Any information
provided or collected under this section shall be confidential
and is not subject to public access under the act of February
14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and is
neither discoverable nor admissible as evidence in any civil,
criminal or administrative action or proceeding.

(f) Temporary regulations.--The department may promulgate
temporary regulations regarding measures to reduce harm and
control disease. The temporary regulations are not subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of
July 31, 1968 (P.L.769, No.240), referred to as the
Commonwealth Documents Law.

(2) Section 204(b) of the act of October 15, 1980
(P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) The act of June 25, 1982 (P.L.633, No.181), known as
the Regulatory Review Act.

(g) Expiration and subsequent promulgation.--The temporary
regulations promulgated under subsection (f) shall expire 90
days following the expiration or termination of the declaration

1 of a public health emergency. Regulations adopted after this
2 period shall be promulgated as provided by law.

3 (h) Suspension of regulations.--An executive agency, in
4 consultation with the department, may suspend a regulation that
5 prevents, hinders or delays necessary action in responding to a
6 public health emergency.

7 Section 2803-G. Immunity from liability.

8 The provisions of 42 Pa.C.S. § 8331 (relating to medical good
9 Samaritan civil immunity), 8332 (relating to emergency response
10 provider and bystander good Samaritan civil immunity) or 8332.4
11 (relating to volunteer-in-public-service negligence standard)
12 shall apply to any person who provides assistance in carrying
13 out the provisions of this article.

14 Section 2804-G. Prohibitions.

15 The prohibitions under 18 Pa.C.S. § 6107 (relating to
16 prohibited conduct during emergency) do not apply to a
17 declaration of a public health emergency under this article.