

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2200 Session of 2018

INTRODUCED BY ORTITAY, COX, DIGIROLAMO, KAUFER, KAUFFMAN, MILLARD, MURT, RAPP, READSHAW, ROTHMAN, SAYLOR, TOOHL, WATSON, M. QUINN, RADER AND MOUL, APRIL 2, 2018

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 12, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
2 as amended, "An act providing for and reorganizing the
3 conduct of the executive and administrative work of the
4 Commonwealth by the Executive Department thereof and the
5 administrative departments, boards, commissions, and officers
6 thereof, including the boards of trustees of State Normal
7 Schools, or Teachers Colleges; abolishing, creating,
8 reorganizing or authorizing the reorganization of certain
9 administrative departments, boards, and commissions; defining
10 the powers and duties of the Governor and other executive and
11 administrative officers, and of the several administrative
12 departments, boards, commissions, and officers; fixing the
13 salaries of the Governor, Lieutenant Governor, and certain
14 other executive and administrative officers; providing for
15 the appointment of certain administrative officers, and of
16 all deputies and other assistants and employes in certain
17 departments, boards, and commissions; providing for judicial
18 administration; and prescribing the manner in which the
19 number and compensation of the deputies and all other
20 assistants and employes of certain departments, boards and
21 commissions shall be determined," in powers and duties of the
22 Department of Justice and its departmental administrative
23 boards, further providing for Bureau of Consumer Protection
24 and providing for opioid action task force; in powers and
25 duties of the Department of Health and its departmental
26 administrative and advisory boards, further providing for
27 residential drug and alcohol treatment programs for pregnant
28 women and mothers and their dependent children and for staff
29 training and referral mechanisms; in powers and duties of the
30 Department of Drug and Alcohol Programs, providing for
31 residential drug and alcohol treatment programs for pregnant
32 women and mothers and their dependent children; providing for

1 intergovernmental collaboration on substance abuse and for  
2 public health emergency; and making editorial changes.

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

5 Section 1. Article IX heading and section 917 of the act of  
6 April 9, 1929 (P.L.177, No.175), known as The Administrative  
7 Code of 1929, are amended to read:

8 ARTICLE IX

9 POWERS AND DUTIES OF THE [DEPARTMENT OF JUSTICE] OFFICE OF  
10 ATTORNEY GENERAL AND ITS DEPARTMENTAL ADMINISTRATIVE BOARDS

11 Section 917. Bureau of Consumer Protection.--The [Department  
12 of Justice] Office of Attorney General shall establish a Bureau  
13 of Consumer Protection under the direction of a director  
14 appointed by the Attorney General.

15 Section 2. The act is amended by adding a section to read:

16 Section 926. Opioid Action Task Force.--(a) The Attorney  
17 General shall establish an opioid action task force to  
18 coordinate efforts with district attorneys and local governments  
19 relating to legal action against opioid drug makers,  
20 distributors and prescribing physicians.

21 (b) The task force shall consist of the Attorney General,  
22 district attorneys and representatives from local governments  
23 who have taken or intend to take legal action against an opioid  
24 drug maker, distributor and prescribing physician.

25 (c) The task force shall complete a report on legal action  
26 taken by the Attorney General, district attorneys and local  
27 governments and any proposed legal action. The report shall be  
28 submitted to all district attorneys in this Commonwealth within  
29 six months of the effective date of this section.

30 Section 3. Section 2123 of the act is repealed:

31 [Section 2123. Residential Drug and Alcohol Treatment

1 Programs for Pregnant Women and Mothers and Their Dependent  
2 Children.--(a) The Department of Health shall have the power,  
3 and its duty shall be, to make grants or contracts to provide  
4 residential drug and alcohol treatment and related services for  
5 pregnant women, mothers and their dependent children and mothers  
6 who do not have custody of their children where there is a  
7 reasonable likelihood that the children will be returned to them  
8 if the mother participates satisfactorily in the treatment  
9 program. Grant or contract moneys shall only be used for  
10 treatment and related services provided to residents of this  
11 Commonwealth by drug and alcohol treatment programs licensed by  
12 the Department of Health which provide the following services:

13 (1) Residential treatment services for women and their  
14 children, subject to reasonable limitations on the number and  
15 ages of the children, provided in a therapeutic community  
16 setting and including, but not limited to:

17 (i) onsite addiction and substance abuse education,  
18 counseling and treatment;

19 (ii) onsite individual, group and family counseling;

20 (iii) onsite drug and alcohol prevention and education  
21 activities for children approved by the Office of Drug and  
22 Alcohol Programs of the Department of Health;

23 (iv) onsite special counseling for children of alcoholics  
24 and addicts;

25 (v) involvement with Alcoholics Anonymous, Narcotics  
26 Anonymous, support groups for children of alcoholics and addicts  
27 and other support groups; and

28 (vi) activities which enhance self-esteem and self-  
29 sufficiency.

30 (2) Onsite parenting skills counseling and training.

1 (3) Access to school for children and mothers where  
2 appropriate, including, but not limited to, securing documents  
3 necessary for registration.

4 (4) Job counseling and referral to existing job training  
5 programs.

6 (5) Onsite day care for children when the mother is  
7 attending counseling, school or a job training program and when  
8 the mother is at a job or looking for a job and at other times  
9 as the department deems appropriate.

10 (6) Referral and linkage to other needed services,  
11 including, but not limited to, health care.

12 (7) Onsite structured reentry counseling and activities.

13 (8) Referral to outpatient counseling upon discharge from  
14 the residential program.

15 (b) The Department of Health shall inform the single county  
16 authorities of those programs in their jurisdiction being  
17 considered for funding to provide the services listed in this  
18 section and shall give the single county authorities an  
19 opportunity to comment on these funding proposals prior to the  
20 department making a decision to award funding.

21 (c) The Department of Health shall require programs  
22 receiving funds under this section to collect and provide to the  
23 department information concerning the number of women and  
24 children denied treatment or placed on waiting lists and may  
25 require such data and other information as the department deems  
26 useful in determining the effectiveness of the treatment  
27 programs. Confidentiality of records regarding identifiable  
28 individuals enrolled in treatment programs funded under this  
29 section shall be maintained.

30 (d) Contributions by counties or single county authorities

1 shall not be required as a condition for receiving grants for  
2 programs funded under this section, but the Department of Health  
3 may require counties or single county authorities to make  
4 commitments to provide outpatient intervention, referral and  
5 aftercare services to women whose residential treatment is  
6 funded under this section upon completion of their residential  
7 treatment.

8 (e) The Department of Health shall annually convene a  
9 meeting of all recipients of funds for programs funded under  
10 this section and other interested parties so that the department  
11 may receive input regarding ways to improve and expand treatment  
12 services and prevention activities for pregnant women, mothers  
13 and young children.

14 (f) The Department of Health shall report annually to the  
15 Governor and the General Assembly as to its activities and  
16 expenditures under this section, the activities of recipients of  
17 funds under this section, the number of women and children  
18 served, the number of women and children denied treatment or  
19 placed on waiting lists, the recommendations in summary form  
20 made at the annual meeting provided for in subsection (e) and  
21 the recommendations of the department.

22 (g) As used in this section and section 2124, the term  
23 "single county authority" means the agency designated to plan  
24 and coordinate drug and alcohol prevention, intervention and  
25 treatment services for a geographic area which may consist of  
26 one or more counties and to administer the provisions of such  
27 services funded through the agency.

28 (h) As used in this section, the term "therapeutic community  
29 setting" means a drug-free, residential, nonhospital treatment  
30 program using therapeutic community principles as the underlying

1 philosophy.]

2 Section 4. Section 2124 of the act is amended by adding a  
3 subsection to read:

4 Section 2124. Staff Training and Referral Mechanisms.--The  
5 Department of Health shall have the power, and its duty shall  
6 be:

7 \* \* \*

8 (c) As used in this section, the term "single county  
9 authority" shall mean the agency designated to plan and  
10 coordinate drug and alcohol prevention, intervention and  
11 treatment services for a geographic area which may consist of  
12 one or more counties and to administer the provisions of the  
13 services funded through the agency.

14 Section 5. The act is amended by adding a section to read:

15 Section 2302-A. Residential drug and alcohol treatment programs  
16 for pregnant women and mothers and their dependent  
17 children.

18 (a) General rule.--The Department of Drug and Alcohol  
19 Programs shall have the power, and its duty shall be, to make  
20 grants or contracts to provide residential drug and alcohol  
21 treatment and related services for pregnant women, mothers and  
22 their dependent children and mothers who do not have custody of  
23 their children where there is a reasonable likelihood that the  
24 children will be returned to them if the mother participates  
25 satisfactorily in the treatment program. Grant or contract money  
26 shall only be used for treatment and related services provided  
27 to residents of this Commonwealth by drug and alcohol treatment  
28 programs that are licensed by the Department of Drug and Alcohol  
29 Programs and provide the following services:

30 (1) Residential treatment services for women and their

1 children, subject to reasonable limitations on the number and  
2 ages of the children, provided in a therapeutic community  
3 setting and including, but not limited to:

4 (i) onsite addiction and substance abuse education,  
5 counseling and treatment;

6 (ii) onsite individual, group and family counseling;

7 (iii) onsite drug and alcohol prevention and  
8 education activities for children approved by the  
9 Department of Drug and Alcohol Programs;

10 (iv) onsite special counseling for children of  
11 alcoholics and addicts;

12 (v) involvement with Alcoholics Anonymous, Narcotics  
13 Anonymous, support groups for children of alcoholics and  
14 addicts and other support groups; and

15 (vi) activities which enhance self-esteem and self-  
16 sufficiency.

17 (2) Onsite parenting skills counseling and training.

18 (3) Access to school for children and mothers where  
19 appropriate, including, but not limited to, securing  
20 documents necessary for registration.

21 (4) Job counseling and referral to existing job training  
22 programs.

23 (5) Onsite day care for children when the mother attends  
24 counseling, school or a job training program and when the  
25 mother is at a job or searches for a job and at other times  
26 as the department deems appropriate.

27 (6) Referral and linkage to other needed services,  
28 including, but not limited to, health care.

29 (7) Onsite structured reentry counseling and activities.

30 (8) Referral to outpatient counseling upon discharge

1 from the residential program.

2 (b) Single county authorities.--The Department of Drug and  
3 Alcohol Programs shall inform the single county authorities of  
4 those programs in their jurisdiction being considered for  
5 funding to provide the services listed in this section and shall  
6 give the single county authorities an opportunity to comment on  
7 these funding proposals prior to the department making a  
8 decision to award funding.

9 (c) Data submission.--Programs receiving funds under this  
10 section shall collect and provide to the department information  
11 concerning the number of women and children denied treatment or  
12 placed on waiting lists and such data and other information as  
13 the department deems useful in determining the effectiveness of  
14 the treatment programs. The department shall maintain the  
15 confidentiality of records regarding identifiable individuals  
16 enrolled in treatment programs funded under this section.

17 (d) Contributions.--Contributions by counties or single  
18 county authorities shall not be required as a condition for  
19 receiving grants for programs funded under this section, but the  
20 Department of Drug and Alcohol Programs may require counties or  
21 single county authorities to make commitments to provide  
22 outpatient intervention, referral and aftercare services to  
23 women whose residential treatment is funded under this section  
24 upon completion of their residential treatment.

25 (e) Annual meeting.--The Department of Drug and Alcohol  
26 Programs shall annually convene a meeting of all recipients of  
27 funds for programs funded under this section and other  
28 interested parties so that the department may receive input  
29 regarding ways to improve and expand treatment services and  
30 prevention activities for pregnant women, mothers and young



1 children.

2 (f) Report.--The Department of Drug and Alcohol Programs  
3 shall report annually to the Governor and the General Assembly  
4 as to its activities and expenditures under this section, the  
5 activities of recipients of funds under this section, the number  
6 of women and children served, the number of women and children  
7 denied treatment or placed on waiting lists, the recommendations  
8 in summary form made at the annual meeting provided for in  
9 subsection (e) and the recommendations of the department.

10 (g) Definitions.--As used in this section, the following  
11 words and phrases shall have the meanings given to them in this  
12 subsection unless the context clearly indicates otherwise:

13 "Single county authority." As defined in section 2124.

14 "Therapeutic community setting." A drug-free, residential,  
15 nonhospital treatment program using therapeutic community  
16 principles as the underlying philosophy.

17 Section 6. The act is amended by adding articles to read:

18 ARTICLE XXVIII-F

19 INTERGOVERNMENTAL COLLABORATION ON SUBSTANCE ABUSE

20 Section 2801-F. Purpose.

21 The purpose of this article is to coordinate collaboration  
22 between government agencies to respond to substance abuse issues  
23 in this Commonwealth.

24 Section 2802-F. 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 "Government agency." Any of the following:

29 (1) An agency of the Commonwealth, including a  
30 department, board, commission or authority.

1           (2) A political subdivision or agency of the political  
2           subdivision.

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

5           (4) A court or related agency.

6           "Treatment facility." A facility licensed by the Department  
7           of Drug and Alcohol Programs to provide drug and alcohol  
8           addiction treatment.

9           "Warm handoff." The direct referral and transfer of an  
10           overdose survivor immediately after medical stabilization from a  
11           hospital emergency department to a treatment facility for  
12           treatment matched to the individual's clinical needs based on a  
13           full assessment and application of the Pennsylvania Client  
14           Placement Criteria established by the Department of Drug and  
15           Alcohol Programs.

16           Section 2803-F. Reports by government agencies.

17           (a) Duty to submit to the Department of Drug and Alcohol  
18           Programs.--The government agencies under this section shall  
19           submit a report to the Department of Drug and Alcohol Programs  
20           as follows:

21           (1) The Department of Corrections shall provide a report  
22           on its collaboration with the Department of Drug and Alcohol  
23           Programs on providing drug and alcohol treatment to prisoners  
24           under section 2301-A.

25           (2) The Department of Education shall provide a report  
26           on the following:

27           (i) The methods used by the Department of Education  
28           to encourage parental engagement in the prevention of  
29           drug and alcohol use.

30           (ii) The feasibility of the use of online videos

1 from the Substance Abuse and Mental Health Services  
2 Administration on the Department of Education's publicly  
3 accessible Internet website and the ability to provide  
4 the videos for use by school districts.

5 (iii) The level of compliance with K-12 drug and  
6 alcohol education under section 1547 of the act of March  
7 10, 1949 (P.L.30, No.14), known as the Public School Code  
8 of 1949.

9 (iv) The level of compliance with mandating Student  
10 Assistance Programs under section 1302-A of the Public  
11 School Code of 1949.

12 (v) Efforts to increase the level of compliance  
13 under subparagraphs (iii) and (iv).

14 (vi) The rate of improvement in compliance rates  
15 under subparagraphs (iii) and (iv).

16 (3) The Department of Health shall provide a report on  
17 the following:

18 (i) The number of individuals identified to be in  
19 need of and referred to addiction treatment under the act  
20 of October 27, 2014 (P.L.2911, No.191), known as the  
21 Achieving Better Care by Monitoring All Prescriptions  
22 Program (ABC-MAP) Act.

23 (ii) Information regarding children born with  
24 neonatal abstinence syndrome.

25 (4) The Department of Human Services shall provide a  
26 report on whether and how the medical assistance rates being  
27 paid for addiction treatment actually compensate the costs of  
28 providing addiction treatment.

29 (5) The Insurance Department shall provide a report on  
30 the following:

1           (i) The number of complaints and actions taken  
2 regarding those complaints under the Paul Wellstone and  
3 Pete Domenici Mental Health Parity and Addiction Equity  
4 Act of 2008 (Public Law 110-343, 122 Stat. 3881) and  
5 under Article VI-B of the act of May 17, 1921 (P.L.682,  
6 No.284), known as The Insurance Company Law of 1921.

7           (ii) Efforts to ensure that health insurance  
8 consumers are educated in the necessary provisions of the  
9 Paul Wellstone and Pete Domenici Mental Health Parity and  
10 Addiction Equity Act of 2008 and The Insurance Company  
11 Law of 1921.

12           (iii) Methods to ensure that individuals are  
13 informed of drug and alcohol addiction treatment coverage  
14 through a notification from their health care insurer.

15           (iv) Information provided by a health care insurer  
16 on level of care, length of stay and number of  
17 individuals treated for drug and alcohol addiction to  
18 assist individuals in choosing a health insurance plan to  
19 meet their needs.

20           (6) The State Board of Medicine shall provide a report  
21 on the following:

22           (i) Progress on implementing a continuing medical  
23 education requirement in effective warm handoff to  
24 addiction treatment for individuals who:

25                   (A) are identified in the prescription  
26 monitoring system under the Achieving Better Care by  
27 Monitoring All Prescriptions Program (ABC-MAP) Act as  
28 being at risk of having a substance use disorder; or

29                   (B) have survived a drug overdose.

30           (ii) Progress in establishing, in collaboration with

1 the Department of Drug and Alcohol Programs, continuing  
2 medical education requirements developed to maximize the  
3 likelihood of successful and immediate warm handoff to  
4 addiction treatment for individuals, including, but not  
5 limited to, individuals under subparagraph (i).

6 (7) The Board of Probation and Parole shall provide a  
7 report on its collaboration with the Department of Drug and  
8 Alcohol Programs to ensure that individuals with a drug or  
9 alcohol addiction who are on probation or parole are engaged  
10 in the addiction treatment process.

11 (8) The Pennsylvania State Police shall provide a report  
12 on the number of Pennsylvania State Police barracks which  
13 have a drug take-back box and the feasibility of placing drug  
14 take-back boxes at all other Pennsylvania State Police  
15 barracks.

16 (9) The Department of Transportation shall provide a  
17 report on the number of driving under the influence offenders  
18 who have been ordered by a court to attend drug and alcohol  
19 treatment under 75 Pa.C.S. Ch. 38 (relating to driving after  
20 imbibing alcohol or utilizing drugs) in the past year out of  
21 the total number of offenders and recommend changes to the  
22 law to ensure more driving under the influence offenders  
23 receive drug and alcohol treatment.

24 (b) Content.--The reports under subsection (a) shall include  
25 recommendations from the government agency to address needed  
26 action on a certain issue and the amount of funding needed to  
27 take such action. The report shall also include recommendations  
28 for any legislation necessary for the government agency to  
29 perform additional duties based on the report.

30 (c) Timing.--The reports under subsection (a) shall be

1 submitted to the Department of Drug and Alcohol Programs within  
2 one year 60 DAYS of the effective date of this section. <--

3 Section 2804-F. Report by Department of Drug and Alcohol  
4 Programs.

5 (a) Duty to submit to the Governor and General Assembly.--

6 (1) After the reports under section 2803-F are submitted  
7 to the Department of Drug and Alcohol Programs, the secretary  
8 shall compile the reports and submit a comprehensive report  
9 to the Governor and General Assembly, including the following  
10 information from the Department of Drug and Alcohol Programs:

11 (i) Collaboration with the Veterans Health  
12 Administration on providing assistance to veterans  
13 seeking addiction treatment.

14 (ii) Steps taken by the single county authorities to  
15 ensure that block grant funded addiction treatment  
16 programs are being paid at a rate that reflects the  
17 actual costs of providing addiction treatment.

18 (iii) Steps taken by the single county authorities  
19 to ensure licensed addiction treatment facilities are  
20 being paid rates established through a negotiation  
21 process with consideration of cost-of-living increases  
22 where appropriate.

23 (iv) The number of women enrolled in residential  
24 drug and alcohol treatment programs for pregnant women  
25 and mothers with dependent children, their length of stay  
26 and ~~recidivism~~ RELAPSE rates under section 2302-A. <--

27 (2) The report under paragraph (1) shall include the  
28 amount of funding needed to address a certain issue and any  
29 recommended legislation.

30 (3) The Department of Drug and Alcohol Programs shall

1 include in the report publicly accessible data appropriate to  
2 assist in making informed policy decisions, including, but  
3 not limited to, data from the Pennsylvania Health Care Cost  
4 Containment Council.

5 (b) DUTY TO SUBMIT TO PENNSYLVANIA ADVISORY COUNCIL ON DRUG <--  
6 AND ALCOHOL ABUSE.--THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS  
7 SHALL SUBMIT THE REPORT UNDER SUBSECTION (A) TO THE PENNSYLVANIA  
8 ADVISORY COUNCIL ON DRUG AND ALCOHOL ABUSE, WHERE THE REPORT  
9 SHALL BE SUBJECT TO PUBLIC COMMENT AT A PUBLIC MEETING.

10 (C) Timing--The report under subsection (a) shall be  
11 submitted to the Governor and General Assembly within 30 days., <--  
12 GENERAL ASSEMBLY AND PENNSYLVANIA ADVISORY COUNCIL ON DRUG AND  
13 ALCOHOL ABUSE WITHIN 60 DAYS OF RECEIPT OF THE REPORTS REQUIRED  
14 UNDER SECTION 2803-F.

15 Section 2805-F. Report by Office of Attorney General.

16 (a) Duty to report to General Assembly.--The Office of  
17 Attorney General shall provide a report to the General Assembly  
18 with information on the number of complaints and actions taken  
19 regarding those complaints under the Paul Wellstone and Pete  
20 Domenici Mental Health Parity and Addiction Equity Act of 2008  
21 (Public Law 110-343, 122 Stat. 3881) and under Article VI-B of  
22 the act of May 17, 1921 (P.L.682, No.284), known as The  
23 Insurance Company Law of 1921.

24 (b) Timing.--The report under subsection (a) shall be  
25 submitted to the General Assembly within six months of the  
26 effective date of this section.

27 ARTICLE XXVIII-G

28 PUBLIC HEALTH EMERGENCY

29 Section 2801-G. Definitions. <--

30 The following words and phrases when used in this article

1 ~~shall have the meanings given to them in this section unless the~~  
2 ~~context clearly indicates otherwise:~~

3 ~~"Department." The Department of Health of the Commonwealth.~~

4 ~~"Government agency." Any of the following:~~

5 ~~(1) An agency of the Commonwealth, including a~~  
6 ~~department, board, commission or authority.~~

7 ~~(2) A political subdivision or agency of the 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 that:~~

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

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

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

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

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

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

26 ~~(i) A large number of deaths.~~

27 ~~(ii) A large number of serious or long term~~  
28 ~~disabilities.~~

29 ~~(iii) Widespread exposure to an infectious or toxic~~  
30 ~~agent that poses a significant risk of substantial~~



1 ~~present or future harm to a large number of people.~~

2 ~~"Public health worker." A person, licensed or unlicensed,~~  
3 ~~employed by, or contracted with, the department or a local~~  
4 ~~health department to carry out prophylaxis, treatment,~~  
5 ~~notification and prevention services to persons reported to the~~  
6 ~~department or local health departments as having a reportable~~  
7 ~~disease, under the act of April 23, 1956 (1955 P.L.1510,~~  
8 ~~No.500), known as the Disease Prevention and Control Law of~~  
9 ~~1955.~~

10 ~~"Secretary." The Secretary of Health of the Commonwealth.~~  
11 ~~Section 2802 G. Declaration of a public health emergency.~~

12 ~~(a) Authorization. The secretary may declare a public~~  
13 ~~health emergency by publishing a declaration in the Pennsylvania~~  
14 ~~Bulletin.~~

15 ~~(b) Declaration. The declaration of a public health~~  
16 ~~emergency shall be valid for a period of 90 days unless renewed~~  
17 ~~by the secretary through a subsequent declaration in the~~  
18 ~~Pennsylvania Bulletin.~~

19 ~~(c) Duties of department. Upon publication of a declaration~~  
20 ~~under subsection (a), the department may, notwithstanding any~~  
21 ~~other provision of law, perform the following duties:~~

22 ~~(1) Waive a regulation.~~

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

25 ~~(3) Publish a notice in the Pennsylvania Bulletin to~~  
26 ~~require reporting, in the manner and form prescribed by the~~  
27 ~~department, relating to a disease, infection or condition.~~

28 ~~(4) Publish a notice in the Pennsylvania Bulletin~~  
29 ~~providing the requirements for health care facilities and~~  
30 ~~licensed health care practitioners to manage a disease~~

1 ~~outbreak or unusual expression of illness.~~

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

7 ~~(d) Requirements.~~

8 ~~(1) Notwithstanding any other provision of law, each~~  
9 ~~government agency shall, at the request of the department,~~  
10 ~~provide information as prescribed by the department during a~~  
11 ~~public health emergency.~~

12 ~~(2) The department shall provide for the frequency and~~  
13 ~~format, which may include automated data exchanges, for the~~  
14 ~~collection of the information required under this subsection.~~

15 ~~(e) Confidentiality of information. Information provided or~~  
16 ~~collected under this section shall be confidential, shall not be~~  
17 ~~subject to public access under the act of February 14, 2008~~  
18 ~~(P.L.6, No.3), known as the Right to Know Law, and shall neither~~  
19 ~~be discoverable nor admissible as evidence in a civil, criminal~~  
20 ~~or administrative action or proceeding.~~

21 ~~(f) Temporary regulations. The department may promulgate~~  
22 ~~temporary regulations regarding measures to reduce harm and~~  
23 ~~control disease. The temporary regulations shall not be subject~~  
24 ~~to:~~

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

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

30 ~~(3) The act of June 25, 1982 (P.L.633, No.181), known as~~

1 ~~the Regulatory Review Act.~~

2 ~~(g) Expiration and subsequent promulgation. Temporary~~  
3 ~~regulations promulgated under subsection (f) shall expire 90~~  
4 ~~days following the end of the declaration of a public health~~  
5 ~~emergency. Regulations adopted after this period shall be~~  
6 ~~promulgated as provided by law.~~

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 2801-G. DEFINITIONS.~~

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15 ~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE~~  
16 ~~SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE~~  
17 ~~CONTEXT CLEARLY INDICATES OTHERWISE:~~

18 ~~"DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.~~

19 ~~"EXECUTIVE AGENCY." A DEPARTMENT, BOARD, COMMISSION,~~  
20 ~~AUTHORITY, OFFICER OR AGENCY OR THE EXECUTIVE DEPARTMENT,~~  
21 ~~SUBJECT TO THE POLICY, SUPERVISION AND CONTROL OF THE GOVERNOR.~~

22 ~~"GOVERNMENT AGENCY." ANY OF THE FOLLOWING:~~

23 ~~(1) AN AGENCY OF THE COMMONWEALTH, INCLUDING~~  
24 ~~DEPARTMENTS, BOARDS, COMMISSIONS OR AUTHORITIES.~~

25 ~~(2) A POLITICAL SUBDIVISION OR AGENCY OF A POLITICAL~~  
26 ~~SUBDIVISION.~~

27 ~~(3) A LOCAL OR MUNICIPAL AUTHORITY OR OTHER LOCAL~~  
28 ~~GOVERNMENT UNIT.~~

29 ~~(4) A COURT OR RELATED AGENCY.~~

30 ~~"PUBLIC HEALTH EMERGENCY." AN OCCURRENCE OR IMMINENT THREAT~~

1 OF A DISEASE OR CONDITION OF PUBLIC HEALTH IMPORTANCE WITH BOTH  
2 OF THE FOLLOWING CHARACTERISTICS:

3 (1) IS BELIEVED TO BE CAUSED BY ANY OF THE FOLLOWING:

4 (I) A BIOTERRORIST EVENT, A BIOLOGICAL, CHEMICAL OR  
5 NUCLEAR AGENT, A CHEMICAL ATTACK OR A NUCLEAR ATTACK.

6 (II) THE APPEARANCE OF A NOVEL OR PREVIOUSLY  
7 CONTROLLED OR ERADICATED INFECTIOUS AGENT OR BIOLOGICAL  
8 TOXIN.

9 (III) A NATURAL DISASTER, AN ACCIDENTAL CHEMICAL  
10 RELEASE OR A NUCLEAR INCIDENT.

11 (IV) A DISEASE OUTBREAK OR UNUSUAL EXPRESSION OF  
12 ILLNESS.

13 (2) POSES A HIGH PROBABILITY OF ANY OF THE FOLLOWING IN  
14 THE AFFECTED POPULATION:

15 (I) DEATH.

16 (II) SERIOUS OR LONG-TERM DISABILITIES.

17 (III) WIDESPREAD EXPOSURE TO AN INFECTIOUS OR TOXIC  
18 AGENT THAT POSES A SIGNIFICANT RISK OF SUBSTANTIAL  
19 PRESENT OR FUTURE HARM TO THE PUBLIC HEALTH.

20 "PUBLIC HEALTH WORKER." A PERSON EMPLOYED BY, UNDER CONTRACT  
21 WITH OR SERVING AS A REGISTERED VOLUNTEER OF THE DEPARTMENT OR A  
22 LOCAL HEALTH DEPARTMENT TO CARRY OUT PROPHYLAXIS, TREATMENT,  
23 NOTIFICATION AND PREVENTION SERVICES TO INDIVIDUALS REPORTED TO  
24 THE DEPARTMENT OR LOCAL HEALTH DEPARTMENTS AS HAVING A  
25 REPORTABLE DISEASE UNDER THE ACT OF APRIL 23, 1956 (1955  
26 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION AND CONTROL  
27 LAW OF 1955.

28 "SECRETARY." THE SECRETARY OF HEALTH OF THE COMMONWEALTH.  
29 SECTION 2802-G. DECLARATION OF A PUBLIC HEALTH EMERGENCY.

30 (A) AUTHORIZATION.--

1           (1) THE SECRETARY MAY DECLARE A PUBLIC HEALTH EMERGENCY  
2 BY DISSEMINATING THE DECLARATION PROMPTLY BY MEANS CALCULATED  
3 TO BRING ITS CONTENTS TO THE ATTENTION OF THE GENERAL PUBLIC  
4 AND SHALL FILE IT WITH THE LEGISLATIVE REFERENCE BUREAU FOR  
5 PUBLICATION UNDER 45 PA.C.S. PT. II (RELATING TO PUBLICATION  
6 AND EFFECTIVENESS OF COMMONWEALTH DOCUMENTS) AND WITH THE  
7 DIRECTOR OF THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

8           (2) WITHIN 72 HOURS OF RECEIPT OF A DECLARATION UNDER  
9 PARAGRAPH (1), THE DIRECTOR SHALL CONVENE THE EMERGENCY  
10 COUNCIL TO PERFORM ITS DUTIES UNDER 35 PA.C.S. CH. 73  
11 (RELATING TO COMMONWEALTH SERVICES) AND CONSISTENT WITH  
12 DISASTER DECLARATIONS ISSUED BY THE GOVERNOR.

13           (B) DECLARATION.--THE DECLARATION OF A PUBLIC HEALTH  
14 EMERGENCY SHALL BE VALID FOR A PERIOD OF UP TO 90 DAYS UNLESS  
15 RENEWED OR TERMINATED BY THE SECRETARY BY PUBLISHING A  
16 SUBSEQUENT DECLARATION IN THE PENNSYLVANIA BULLETIN.

17           (C) DUTIES OF DEPARTMENT.--UPON A DECLARATION UNDER  
18 SUBSECTION (A), THE DEPARTMENT IS AUTHORIZED TO PERFORM THE  
19 FOLLOWING DUTIES:

20           (1) SUSPEND DEPARTMENTAL REGULATIONS.

21           (2) PROMULGATE TEMPORARY REGULATIONS UNDER SUBSECTION  
22 (F) TO ADDRESS THE PUBLIC HEALTH EMERGENCY.

23           (3) REQUIRE REPORTING, IN THE MANNER AND FORM PRESCRIBED  
24 BY THE DEPARTMENT, RELATING TO A DISEASE, INFECTION OR  
25 CONDITION.

26           (4) SET FORTH THE REQUIREMENTS FOR HEALTH CARE  
27 FACILITIES AND LICENSED HEALTH CARE PRACTITIONERS TO MANAGE A  
28 DISEASE OUTBREAK OR UNUSUAL EXPRESSION OF ILLNESS.

29           (5) AUTHORIZE PUBLIC HEALTH WORKERS TO DISPENSE,  
30 ADMINISTER, FURNISH OR OTHERWISE PROVIDE PRESCRIPTION

1 MEDICATION FOR PROPHYLAXIS OR TREATMENT OF A REPORTABLE  
2 DISEASE OR CONDITION AS NECESSARY TO PREVENT AND CONTROL THE  
3 SPREAD OF DISEASE OR CONDITION.

4 (D) REQUIREMENTS.--NOTWITHSTANDING ANY OTHER PROVISION OF  
5 LAW, ALL GOVERNMENT AGENCIES SHALL, AT THE REQUEST OF THE  
6 DEPARTMENT AND TO THE EXTENT NOT PROHIBITED BY FEDERAL LAW,  
7 PROVIDE INFORMATION AS PRESCRIBED BY THE DEPARTMENT DURING A  
8 PUBLIC HEALTH EMERGENCY. THE DEPARTMENT SHALL PROVIDE FOR THE  
9 FREQUENCY AND FORMAT, WHICH MAY INCLUDE AUTOMATED DATA  
10 EXCHANGES, FOR THE COLLECTION OF THE INFORMATION REQUIRED UNDER  
11 THIS SUBSECTION.

12 (E) CONFIDENTIALITY OF INFORMATION.--ANY INFORMATION  
13 PROVIDED OR COLLECTED UNDER THIS SECTION SHALL BE CONFIDENTIAL  
14 AND IS NOT SUBJECT TO PUBLIC ACCESS UNDER THE ACT OF FEBRUARY  
15 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, AND IS  
16 NEITHER DISCOVERABLE NOR ADMISSIBLE AS EVIDENCE IN ANY CIVIL,  
17 CRIMINAL OR ADMINISTRATIVE ACTION OR PROCEEDING.

18 (F) TEMPORARY REGULATIONS.--THE DEPARTMENT MAY PROMULGATE  
19 TEMPORARY REGULATIONS REGARDING MEASURES TO REDUCE HARM AND  
20 CONTROL DISEASE. THE TEMPORARY REGULATIONS ARE NOT SUBJECT TO:

21 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF  
22 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE  
23 COMMONWEALTH DOCUMENTS LAW.

24 (2) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980  
25 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.

26 (3) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
27 THE REGULATORY REVIEW ACT.

28 (G) EXPIRATION AND SUBSEQUENT PROMULGATION.--THE TEMPORARY  
29 REGULATIONS PROMULGATED UNDER SUBSECTION (F) SHALL EXPIRE 90  
30 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.

18 Section 7. Any allocations, appropriations, records,  
19 contracts, rights and obligations to or of the Department of  
20 Health under former section 2123 of the act are transferred to  
21 the Department of Drug and Alcohol Programs.

22 Section 8. This act shall take effect in 60 days.