Attachment B

Statutory Authority

STATUTORY AUTHORITY

Statute	Regulations	Agency	Authority
Section 2106 of the Administrative Code of 1929 (71 P.S. §536)		DOH	(a) With the approval and concurrence of the Advisory Health Board, to declare certain diseases to be communicable, in addition to those by law declared so to be, and to establish such regulations for the prevention of the spread of such disease as the Department and the Advisory Health Board shall deem necessary and appropriate. (b) To establish and enforce quarantines, in such manner, for such period, and with such powers, as may now or hereafter be provided by law, to prevent the spread of diseases declared by law or by the Department to be communicable diseases. (c) To administer and enforce the laws of this Commonwealth with regard to vaccination and other means of preventing the spread of communicable diseases.
Section 2102 of the Administrative Code of 1929 (71 P.S.§532)		DOH	(a) To protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease. (b) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and, for that purpose, without fee or hindrance, to enter, examine and survey all grounds, vehicles, apartments, buildings and places, within the Commonwealth, and all persons, authorized by the department to enter examine and survey such grounds, vehicles, apartments, buildings and places, shall have the powers and authority conveyed by law upon constables. * * * (g) To promulgate its rules and regulations.
71 P.S. §1402		DOH	The [Secretary of Health] may, from time to time, employ competent persons to render sanitary service and make or supervise practical and scientific investigations and examinations requiring expert skill, and prepare plans and reports relative thereto, and he may purchase such supplies and materials as may be necessary in carrying on the work of his department. He may issue subpoenas to secure the attendance of witnesses, and compel them to testify in any manner or proceeding before him or his authorized agent. He may issue warrants to any sheriff, constable, or policeman to apprehend and arrest such persons who disobey the quarantine orders or regulations of the Department of Health. Every warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the [Secretary of Health].

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71 P.S. § 1403(a)		DOH	**Duty to protect health of the people.** It shall be the duty of the [Secretary of Health] to protect the health of the people of the state, and to determine and employ the most efficient and practical means for the prevention and suppression of disease. * * *
Disease Prevention and Control Law of 1955 (35 P.S. §521.1 et seq.)	28 Pa. Code Ch. 27	DOH and local health departments	**35 P.S. §521.3. Responsibility for disease prevention and control.** (a) Local boards and departments of health shall be primarily responsible for the prevention and control of communicable and non-communicable disease, including disease control in public and private schools, in accordance with the regulations of the board and subject to the supervision and guidance of the Department. (b) The department shall be responsible for the prevention and control of communicable and non-communicable disease in any municipality which is not served by a local board or department of health, including disease control in public and private schools. (c) If the secretary finds that the disease control program carried out by any local board or department of health is so inadequate that it constitutes a menace to the health of the people within or without the municipalities served by the local board or department of health, he may appoint agents of the department to supervise or to carry out the disease control program of the particular local board or department of health until he determines that the menace to the health of the people no longer exists and that the local board or department of health is able to carry out an adequate disease control program. The secretary shall require that any reasonable expenses incident to the administration of a local disease control program under this subsection, which are incurred by the department, shall be paid to the State by the local board or department of health or by the municipalities or counties which it serves. **35 P.S. §521.4. Reports** (a) Every physician who treats or examines any person who is suffering from or who is suspected of having a communicable disease, or any person who is or who is suspected of being a carrier, shall make a prompt report of the disease in the manner prescribed by regulation to the local board or department of health which serves the municipality where the disease occurs or where the carrier resides, or to the Department if so provided by regulation. (b) The Department or local boards or departments of health may require the heads of hospitals and other institutions, the directors of laboratories, school authorities, the proprietors of hotels, roentgeologists, lodging houses, rooming houses or boarding houses, nurses, midwives, householders, and other persons having knowledge or suspicion of any communicable disease, to make a prompt report of the disease in a manner prescribed by regulation to the local board or department of health which serves the municipality

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			where the disease occurs, or to the Department if so provided by regulation. (c) Local boards or departments of health shall make reports of the diseases reported to them to the department at such times and in such manner as shall be provided for by regulation. * * * **35 P.S. §521.5. Control measures.** Upon the receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure, the local board or department of health or the department shall carry out the appropriate control measures in such a manner and in such place as is provided by rule and regulation. **§521.7. Examination and diagnosis of persons suspected of being infected with venereal disease, tuberculosis or any other communicable disease, or of being a carrier.** Whenever the secretary or a local qualified medical health officer has reasonable grounds to suspect any person of being infected with a venereal disease, tuberculosis or any other communicable disease, or of being a carrier, he shall require the person to undergo a medical examination and any other approved diagnostic procedure, to determine whether or not he is infected with a venereal disease, tuberculosis or any other communicable disease, or is a carrier. In the event that the person refuses to submit to the examination, the secretary or the local qualified medical health officer may (1) cause the person to be quarantined until it is determined that he is not infected with a venereal disease, tuberculosis or any other communicable disease, or of being a carrier or (2) file a petition in the court of common please of the county in which the person is present, which petition shall have appended thereto a statement, under oath, by a physician duly licensed to practice in the Commonwealth, that such person is suspected of being infected with venereal disease, tuberculosis or any other communicable disease, or that such person is suspected of being a carrier. Upon filing of such petition, the court shall, within 24 hours after service of a copy thereof upon the respondent, hold a hearing, without a jury, to ascertain whether the person named in the petition has refused to submit to an examination to determine whether he or she is infected with venereal disease, tuberculosis or any other communicable disease, or that such person is a carrier. Upon a finding that the person has refused to submit to such examination and that there was no valid reason for such person so to do, the court shall forthwith order such person to submit to the examination. The certificate of the physician appended to the petition shall be received in evidence and shall constitute prima facie evidence that the person therein named is suspected of being infected with venereal disease, tuberculosis or any other communicable disease, or that such person is a carrier. The examination ordered by the court may be performed by a physician of his own choice at his own expense. The examination shall include physical and laboratory tests performed in a laboratory approved by the secretary, and shall be conducted in accordance with accepted professional practices, and the results thereof shall be reported

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			to the local health board or health department on forms furnished by the department of health. Any person refusing to undergo an examination, as herein provided, may be committed by the court to an institution in this Commonwealth determined by the Secretary of Health to be suitable for the care of such cases **35 P.S. §521.11. Persons refusing to submit to treatment for venereal disease, tuberculosis or any other communicable disease.** (a.1) If the secretary or any local health officer finds that any person who is infected with venereal disease, tuberculosis or any other communicable disease in a communicable stage refuses to submit to treatment approved by the department or a local board or department of health, the secretary or his representative or the local medical health officer may cause the person to be isolated in an appropriate institution designated by the department or by the local board or department of health for safekeeping and treatment until the disease has been rendered noncommunicable. (a.2) The secretary or the local health officer may file a petition in the court of common pleas of the county in which the person is present to commit such person to an appropriate institution designated by the department or by the local board or department of health for safekeeping and treatment until such time as the disease has been rendered non-communicable. Upon filing of such petition, the court shall, within 24 hours after service of a copy thereof upon the respondent, hold a hearing, without a jury, to ascertain whether the person named in the petition has refused to submit to treatment. Upon a finding that the person has refused to submit to such treatment, the court shall forthwith order such person to be committed to an appropriate institution or hospital designated by the Department or by the local board or department of health. (a.3) For the purpose of this section, it is understood that treatment approved by the department or by a local board or department of health shall include treatment by a duly accredited practitioner of any well recognized church or religious denomination which relies on prayer or spiritual means alone for healing: Provided, however, That all requirements relating to sanitation, isolation, or quarantine are complied with. (b) Any county jail or other appropriate institution may receive persons who are isolated or quarantined by the department or by a local board of department of health by reason of a venereal disease for the purpose of safekeeping and treatment. The department or the local board or department of health shall reimburse any institution which accepts such persons at the rate of maintenance that prevails in such institutions, and shall furnish the necessary medical treatment to the persons committed to such institution. **35 P.S. §521.15. Confidentiality of reports and records.** State and local health authorities may not disclose reports of diseases, any records maintained as a result of any action taken in consequence of such reports, or any other records maintained pursuant to this act or any regulations, to any person who is not a member of the Department or of a local board or department of

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			health, except where necessary to carry out the purposes of this act. State and local health authorities may permit the use of data contained in disease reports and other records, maintained pursuant to this act, or any regulation, for research purposes, subject to strict supervision by the health authorities to insure that the use of the reports and records is limited to the specific research purposes.
35 Pa. C.S.A. §7301 (General authority of Governor)		Governor	(a) **Responsibility to meet disasters. –** The Governor is responsible for meeting the dangers to this Commonwealth and people presented by disasters. (b) **Executive orders, proclamations and regulations. –** Under this part, the Governor may issue, amend and rescind executive orders, proclamations and regulations which shall have the force and effect of law. (c) **Declaration of disaster emergency. –** A disaster emergency shall be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency shall continue until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than 90 days unless renewed by the Governor. The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened and the conditions which have brought the disaster about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the Pennsylvania Emergency Management Agency and the Legislative Reference Bureau for publication under Part II of Title 45 . . . . (d) **Activation of disaster response. –** An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recover aspects of the Commonwealth and local disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to this part or any other provision of law relating to disaster emergencies. (e) **Commander in chief of the military forces. –** During the continuance of any state of disaster emergency, the Governor is commander in chief of the PA military forces. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but this does not restrict the authority of the Governor to do so by orders issued at the time of the disaster emergency.

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			(f) **Additional powers. –** In addition to any other powers conferred upon the Governor by law, the Governor may: (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of any Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency. (2) Utilize all available resources of the Commonwealth Government and each political subdivision of this Commonwealth as reasonably necessary to cope with the disaster emergency. (3) Transfer the direction, personnel or functions of Commonwealth agencies or units thereof for the purpose of performing or facilitating emergency services. (4) Subject to any applicable requirements for compensation under section 7313(10) (relating to powers and duties) commandeer or utilize any private, public or quasi public property if necessary to cope with the disaster emergency. (5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within this Commonwealth if this action is necessary for the preservation of life or other disaster mitigation, response or recovery. (6) Prescribe routes, modes of transportation and destinations in connection with evacuation. (7) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of the premises therein. * * *

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35 Pa. C.S.A. §7313		Pennsylvania Emergency Management Agency (PEMA)	**Powers and duties** The agency shall have the following powers and duties: (1) To prepare, maintain and keep current a Pennsylvania Emergency Management Services Plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery. The plan may include provisions for . . . * * * (10) To plan and make arrangements for the availability and use of any private facilities, services and property and, if necessary and if in fact used, provide payment for use under terms and conditions agreed upon. * * * (13) To administer grant programs to political subdivisions for disaster management. (14) To accept and coordinate assistance provided by federal agencies in major disasters or emergencies. . .
35 Pa. C.S.A. §7601		Emergency Management Assistance Compact	Article V. Licenses and Permits Whenever any person holds a license, certificate or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.
42 Pa. C.S.A. §8331		Immunity	**Medical good Samaritan civil immunity** **(a) General rule.—**Any physician or other practitioner of the healing arts or any registered nurse, licensed by any state, who happens by chance upon the scene of an emergency or who arrives on the scene of an emergency by reason of serving on an emergency call panel or similar committee of a county medical society or who is called to the scene of an emergency by the police or other duly constituted officers of a government unit or who is present when an emergency occurs and who, in good faith, renders emergency care at the scene of the emergency, shall not be liable for any civil damages as a result of any acts or omissions by such physician or practitioner or registered nurse in rendering the emergency care, except any acts or omissions intentionally designed to harm or grossly negligent acts or omissions which result in harm to the person receiving emergency care.

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			(b) Definition.—As used in this section "good faith" shall include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the patient is hospitalized.
42 Pa. C.S.A. §8332.4		Immunity	**Volunteer-in-public-service negligence standard** **(a) General rule.—** Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders public services for a nonprofit organization . . . or for a Commonwealth or local government agency conducting or sponsoring a public service program or project shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such person did an act or omitted the doing of an act which such person was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person fell below the ordinary standards of care. * * * **(b) Exceptions.—** (1) Nothing in this section shall be construed as affecting or modifying the liability of such person for acts or omissions relating to the transportation of participants in a public service program or project or others to or from a public service program or project. (2) Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of negligence established by this section.
42 Pa. C.S.A. §8332		Immunity	**Nonmedical good Samaritan civil immunity** **(a) General rule.—**Any person who renders emergency care, first aid or rescue at the scene of an emergency, or moves the person receiving such care, first aid and rescue to a hospital or other place of medical care, shall not be liable to such person for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue, or moving the person receiving same to a hospital or other place of medical care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving the emergency care, first aid or rescue or being moved to a hospital or other place of medical care. **(b) Exceptions. –-** (1) This section shall not relieve a driver of an ambulance or other emergency or rescue vehicle from

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			liability arising from operation of such a vehicle. (2) In order for any person to receive the benefit of the exemption from civil liability provided for in subsection (a), he shall be, at the time of rendering the emergency care, first aid or rescue or moving the person receiving emergency care, first aid or rescue to a hospital or other place of medical care, the holder of a current certificate evidencing the successful completion of a course in first aid, advanced life saving or basic life support sponsored by the American National Red Cross or the American Heart Association or an equivalent course of instruction approved by the Department of Health in consultation with a technical committee of the Pennsylvania Emergency Health Services Council and must be performing techniques and employing procedures consistent with the nature and level of training for which the certificate has been issued.
42 P.S. §8334		DOH	**Civil immunity in mass immunization projects** **(a) General rule.—** Any physician who does not receive remuneration for his services in a mass immunization project approved in writing by the Department of Health or its designee . . . and any registered nurse, or practical nurse licensed to practice in this Commonwealth who shall participate in such project and any State, county or local medical society, medical or health facility, agency or clinic approved by the department shall not be liable, except for gross negligence, to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine in such project by such physician or such nurse. Neither the department nor its designee shall approve any such project unless the department or its designee finds that the project conforms to good medical and public health practice. **(b) Exception –** This section shall not exempt any drug manufacturer from liability for any drug or vaccine used in such project.
Section 301of the Counterterrorism Planning, Preparedness and Response Act (CPPRA) (35 P.S. § 2140.301)		Governor, in consultation with DOH	**(a) Temporary isolation or quarantine. –** In the case of an actual or suspected outbreak of a contagious disease or epidemic due to an actual or suspected bioterrorist or biohazardous event, the Governor, in consultation with the Secretary of Health, may temporarily isolate or quarantine an individual or groups of individuals through a written order if delay in imposing the isolation or quarantine through judicial proceedings currently available to the department and local health departments would significantly jeopardize the department's ability to prevent or limit the transmission of a contagious or potentially contagious disease to others. This subsection shall not require the declaration of a disaster emergency by the Governor in order to be effective. **(b) Judicial review. –** (1) After issuing the written order, the department or local health department shall promptly file a petition with the court within 24 hours or the next court business day after the issuance of the order for a hearing to authorize the continued isolation or quarantine. (2) The court shall hold a hearing on the petition not more than 72 hours after the filing of the petition to

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			determine whether continued isolation or quarantine is warranted. (3) Reasonable notice, either oral or written, stating the time, place and purpose of the hearing shall be given to the isolated or quarantined individual. The court may determine the manner in which the hearing shall occur, including the use of closed-circuit television. (4) An isolated or quarantined individual is entitled to representation by legal counsel at all stages of any proceedings under this section and, if the individual is without financial resources or otherwise unable to employ counsel, the court shall provide counsel for him. (5) If the court determines continued isolation or quarantine is warranted, the court shall so order the continued isolation or quarantine and shall fix the time and duration of the isolation or quarantine, which in no case shall exceed 30 days except as set forth in paragraph (6). (6) Where an individual has been isolated or quarantined for a period of 30 days, the department shall ask the court to review the order to determine if further isolation or quarantine is warranted. (7) The department or local health department shall provide the court with ongoing reports on the isolated or quarantined individual during the period of isolation or quarantine. **(c) Relation to other laws.–** Nothing in this section shall be construed to limit the existing authority of the Secretary of Health or the department or a local health department.
Section 302 of the CPPRA (35 P.S. §2140.302		Immunity	The provisions of 42 Pa.C.S. 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to any person who provides assistance in carrying out the provisions of this chapter.

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