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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1870 Session of  
2021

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INTRODUCED BY MENTZER, GREINER, KAUFFMAN, DRISCOLL, ZIMMERMAN  
AND R. BROWN, SEPTEMBER 16, 2021

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REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 16, 2021

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in COVID-19 disaster emergency,  
3 establishing the COVID-19 Antibody Testing Pilot Program.

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

6 Section 1. Chapter 57 of Title 35 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER F

9 COVID-19 ANTIBODY TESTING PILOT PROGRAM

10 Sec.

11 5751. Definitions.

12 5752. Establishment and administration of program.

13 5753. COVID-19 antibody testing plan.

14 § 5751. Definitions.

15 The following words and phrases when used in this subchapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "COVID-19." The coronavirus disease 2019, an infectious

1 disease caused by severe acute respiratory syndrome coronavirus  
2 2 that was first identified during December 2019 in Wuhan,  
3 China.

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

5 "Program." The COVID-19 Antibody Testing Pilot Program  
6 established under section 5752(a) (relating to establishment  
7 and administration of program).

8 § 5752. Establishment and administration of program.

9 (a) Establishment.--The COVID-19 Antibody Testing Pilot  
10 Program is established within the department.

11 (b) Eligibility.--An employer in this Commonwealth that  
12 submits a COVID-19 antibody testing plan and receives an  
13 approval of the plan from the department under section 5753  
14 (relating to COVID-19 antibody testing plan) shall be eligible  
15 to participate in the program.

16 (c) Reimbursement.--An eligible employer under subsection  
17 (b) may submit documentation detailing the expenses incurred by  
18 the employer for COVID-19 antibody testing to the department for  
19 a reimbursement under the program. Upon receipt of the  
20 documentation, the department shall reimburse the employer for  
21 the expenses incurred by the employer for COVID-19 antibody  
22 testing from Federal funds allocated to mitigate the spread of  
23 COVID-19 in this Commonwealth.

24 § 5753. COVID-19 antibody testing plan.

25 (a) Submission of plan.--No later than seven days after the  
26 effective date of this section, an employer in this Commonwealth  
27 seeking to participate in the program shall submit a COVID-19  
28 antibody testing plan for employees of the employer to the  
29 Department of Health if the employer has been subject to closure  
30 as a result of the COVID-19 disaster emergency.

1 (b) Contents.--The plan under subsection (a) shall include  
2 all of the following:

3 (1) A review of the type and quantity of COVID-19  
4 antibody testing kits and equipment that will be procured.

5 (2) A proposed timeline for the procurement of the  
6 COVID-19 antibody testing kits and equipment.

7 (3) A proposed plan for employees to opt out of the  
8 COVID-19 antibody testing.

9 (4) A list of health care practitioners who will conduct  
10 the COVID-19 antibody testing.

11 (5) A description of how the plan assists the  
12 Commonwealth's efforts to mitigate the community spread of  
13 COVID-19 or provides for a calculation of community spread of  
14 COVID-19 and herd immunity to COVID-19.

15 (6) A description of how the plan assists the  
16 Commonwealth's efforts to mitigate the spread of COVID-19 to  
17 other employers throughout this Commonwealth.

18 (c) Approval.--A plan submitted under subsection (a) shall  
19 be deemed approved within 72 hours of receipt by the Department  
20 of Health unless the employer submitting the plan receives a  
21 request for additional information from the Department of  
22 Health.

23 Section 2. This act shall take effect immediately.