
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2524 Session of
2020

INTRODUCED BY MENTZER AND GREINER, MAY 14, 2020

REFERRED TO COMMITTEE ON HEALTH, MAY 14, 2020

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 5754. Expiration.

15 § 5751. Definitions.

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

19 "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 with 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 grants received under Federal Coronavirus Aid,
23 Relief, and Economic Security Act (Public Law 116-136, 134 Stat.
24 281) or any other Federal funds allocated to mitigate the spread
25 of COVID-19 in this Commonwealth.

26 § 5753. COVID-19 antibody testing plan.

27 (a) Submission of plan.--No later than seven days after the
28 effective date of this section, an employer in this Commonwealth
29 seeking to participate in the program shall submit a COVID-19
30 antibody testing plan for employees of the employer to the

1 Department of Health if the employer has been subject to closure
2 as a result of the COVID-19 disaster emergency.

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

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

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

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

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

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

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

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

25 § 5754. Expiration.

26 This subchapter shall expire 60 days after all counties are
27 designated in the green phase for businesses under the
28 Governor's guidance for businesses permitted to operate during
29 the COVID-19 disaster emergency to ensure the safety and health
30 of employees and the public issued on May 4, 2020, or 60 days

1 after the expiration or termination of the COVID-19 disaster
2 emergency by executive order, proclamation or operation of law,
3 whichever is later.

4 Section 2. This act shall take effect immediately.