

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1210 Session of 2020

INTRODUCED BY J. WARD, BARTOLOTTA, ARGALL, MENSCH, MARTIN, PITTMAN, STEFANO, PHILLIPS-HILL AND BAKER, JUNE 23, 2020

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, OCTOBER 6, 2020

AN ACT

1 Amending the act of September 26, 1951 (P.L.1539, No.389),
2 entitled "An act defining clinical laboratory; regulating the
3 operation of the same; requiring such laboratories to obtain
4 permits, and to be operated under the direct supervision of
5 qualified persons; imposing certain duties upon the
6 Department of Health; and providing penalties," further
7 providing for definitions and for exemptions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of September 26, 1951
11 (P.L.1539, No.389), known as The Clinical Laboratory Act, is
12 amended by adding ~~definitions~~ A DEFINITION to read: <--

13 Section 2. The following words and phrases when used in this
14 act shall have the meanings given to them in this section unless
15 the context clearly indicates otherwise:

16 * * *

17 ~~"COVID 19." The novel coronavirus as identified in the~~ <--
18 ~~proclamation of disaster emergency issued by the Governor on~~
19 ~~March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).~~

20 * * *

1 "Pharmacy" or "pharmacist". "PHARMACIST." As defined in <--
2 section 2 of the act of September 27, 1961 (P.L.1700, No.699),
3 known as the Pharmacy Act.

4 * * *

5 Section 2. Section 13 of the act is amended to read:

6 Section 13. Exemptions.--(a) This act shall not include nor
7 apply to any laboratory or laboratories maintained and operated
8 by the Federal government; nor to any laboratory or laboratories
9 maintained and operated purely for research or teaching
10 purposes.

11 ~~(b) A pharmacy or pharmacist that orders or administers~~ <--
12 ~~tests for COVID 19 authorized or approved by the United States~~
13 ~~Food and Drug Administration or the Centers for Disease Control~~
14 ~~and Prevention shall be exempt from the requirements under~~
15 ~~section 3(1) and (3).~~ IF A PHARMACY HOLDS A VALID CERTIFICATE OF <--
16 WAIVER ISSUED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES,
17 A PHARMACY OR PHARMACIST MAY ORDER AND PERFORM LABORATORY
18 EXAMINATIONS AND PROCEDURES AUTHORIZED OR APPROVED BY THE UNITED
19 STATES FOOD AND DRUG ADMINISTRATION UNDER THE CLINICAL
20 LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (PUBLIC LAW 100-578,
21 102 STAT. 2903) AND SHALL BE EXEMPT FROM THE REQUIREMENTS UNDER
22 SECTION 3.

23 Section 3. This act shall take effect immediately.