

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

THIS DOCUMENT IS CURRENT THROUGH THE ACT 3 OF THE 2011 REGULAR SESSION
*** JUNE 23, 2011 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 35. HEALTH AND SAFETY
CHAPTER 3. PREVENTION OF SPREAD OF DISEASES
DISEASE PREVENTION AND CONTROL LAW OF 1955

35 P.S. § 521.1 (2011)

§ 521.1. Short title

This act shall be known and may be cited as the "Disease Prevention and Control Law of 1955".

NOTES:

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. 7 Pa. Code § 82.19 (2011), BUREAU OF FOOD SAFETY AND LABORATORY SERVICES.
2. 28 Pa. Code Part III, Ch 23, Subch C (2011), PREVENTION OF DISEASES.
3. 28 Pa. Code Part III, Ch 27 (2011), PREVENTION OF DISEASES.
4. 28 Pa. Code § 27.1 (2011), PREVENTION OF DISEASES.
5. 28 Pa. Code Part III, Ch 28 (2011), PREVENTION OF DISEASES.
6. 28 Pa. Code § 101.4 (2011), HEALTH FACILITIES.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. 14-246 Pennsylvania Transaction Guide--Legal Forms § 246.33, Division 1 Individuals and Families, Consent to Medical Treatment.
2. 26 P.L.E. HEALTH AND ENVIRONMENT § 1, Pennsylvania Law Encyclopedia, State Department of Health, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 521.2. Definitions

The following terms, whenever used in this act, have the meanings indicated in this section, except where the context indicates a clearly different meaning:

- (a) Board. The State Advisory Health Board.

(b) Carrier. A person who, without any apparent symptoms of a communicable disease, harbors a specific infectious agent and may serve as a source of infection.

(c) Communicable disease. An illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a well person from an infected person, animal or arthropod, or through the agency of an intermediate host, vector of the inanimate environment.

(d) Department. The State Department of Health.

(d.1) HIV-related test. Any laboratory test or series of tests for any virus, antibody, antigen or etiologic agent whatsoever thought to cause or to indicate the presence of HIV infection.

(e) Isolation. The separation for the period of communicability of infected persons or animals from other persons or animals in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

(f) Local board or department of health. The board of health or the department of public health of a city, borough, incorporated town or township of the first class, or a county department of health, or joint county department of health.

(g) Local health officer. The head of a local department of health.

(h) Municipality. A city, borough, incorporated town or township.

(i) Quarantine. The limitation of freedom of movement of persons or animals who have been exposed to a communicable disease for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent effective contact with those not so exposed. Quarantine may be complete, or, as defined below, it may be modified, or it may consist merely of surveillance or segregation.

(1) Modified quarantine is a selected, partial limitation of freedom of movement, determined on the basis of differences in susceptibility or danger of disease transmission, which is designed to meet particular situations. Modified quarantine includes, but is not limited to, the exclusion of children from school and the prohibition or the restriction of those exposed to a communicable disease from engaging in particular occupations.

(2) Surveillance is the close supervision of persons and animals exposed to a communicable disease without restricting their movement.

(3) Segregation is the separation for special control or observation of one or more persons or animals from other persons or animals to facilitate the control of a communicable disease.

(j) Regulation. Any rule or regulation issued by the board, or any ordinance, rule or regulation enacted or issued by any municipality or county department of health, or joint county department of health, pursuant to this act.

(k) Reportable disease. (a) Any communicable disease declared reportable by regulation; (b) any unusual or group expression of illness which, in the opinion of the secretary, may be a public health emergency; and (c) such non-communicable diseases and conditions for which the secretary may authorize reporting to provide data and information which, in the opinion of the Advisory Health Board, are needed in order effectively to carry out those programs of the department designed to protect and promote the health of the people of the Commonwealth, or to determine the need for the establishment of such programs.

(l) Secretary. The State Secretary of Health.

HISTORY: Act 1994-75 (H.B. 2457), P.L. 516, § 1, approved Sept. 29, 1994, eff. in 60 days.

LAW REVIEWS

1. 4 Widener J. Pub. L. 1035, 1994 LEGISLATIVE REVIEW: LEGISLATIVE ACTS OF 1994.

TREATISES AND ANALYTICAL MATERIALS

1. 26 P.L.E. HEALTH AND ENVIRONMENT § 4, Pennsylvania Law Encyclopedia, Health Regulations in General, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 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.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. 26 P.L.E. HEALTH AND ENVIRONMENT § 1, Pennsylvania Law Encyclopedia, State Department of Health, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 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 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.

(d) Every physician or every person in charge of any institution for the treatment of diseases shall be authorized, upon request of the secretary, to make reports of such diseases and conditions other than communicable diseases which in the opinion of the Advisory Health Board are needed to enable the secretary to determine and employ the most efficient and practical means to protect and to promote the health of the people by the prevention and control of such diseases and conditions other than communicable diseases. The reports shall be made upon forms prescribed by the secretary and shall be transmitted to the department or to local boards or departments of health as requested by the secretary.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. 14-246 Pennsylvania Transaction Guide--Legal Forms § 246.34, Division 1 Individuals and Families, Medical Records and Communications.

§ 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 manner and in such place as is provided by rule or regulation.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. 26 P.L.E. HEALTH AND ENVIRONMENT § 1, Pennsylvania Law Encyclopedia, State Department of Health, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 521.6. Repealed by 1957, July 5, P.L. 495, § 2

§ 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 pleas 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 twenty-four 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 the-

reof shall be reported 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.

LexisNexis (R) Notes:

LAW REVIEWS

1. 15 Temp. Pol. & Civ. Rts. L. Rev. 165, COMMENT: PENNSYLVANIA'S BIOTERRORISM ACT: BETTER PREVENTION FROM BETTER PREPARATION.

§ 521.8. Venereal disease

(a) Any person taken into custody and charged with any crime involving lewd conduct or a sex offense, or any person to whom the jurisdiction of a juvenile court attaches, may be examined for a venereal disease by a qualified physician appointed by the department or by the local board or department of health or appointed by the court having jurisdiction over the person so charged.

(b) Any person convicted of a crime or pending trial, who is confined in or committed to any State or local penal institution, reformatory or any other house of correction or detention, may be examined for venereal disease by a qualified physician appointed by the department or by the local board or department of health or by the attending physician of the institution, if any.

(c) Any such persons noted in paragraph (a) or (b) of this section found, upon such examination, to be infected with any venereal disease shall be given appropriate treatment by duly constituted health authorities or their deputies or by the attending physician of the institution, if any.

CASE NOTES

1. 35 P.S. § 521.8(a), which permitted the examination of sex crime defendants for venereal diseases, did not make the results of such examinations available to the prosecution for use during the prosecution of the defendant for the underlying sex crime. *Commonwealth v. Moore*, 526 Pa. 152, 584 A.2d 936, 1991 Pa. LEXIS 1 (1991).

2. 35 P.S. § 521.8(a), which permitted the examination of sex crime defendants for venereal diseases, did not make the results of such examinations available to the prosecution for use during the prosecution of the defendant for the underlying sex crime. *Commonwealth v. Moore*, 526 Pa. 152, 584 A.2d 936, 1991 Pa. LEXIS 1 (1991).

TREATISES AND ANALYTICAL MATERIALS

1. 20- Pennsylvania Criminal Law Encyclopedia (PLE) § 1551, Criminal Law, Rape, In General.

2. 20 P.L.E. CRIMINAL LAW § 1551, Pennsylvania Law Encyclopedia, In General, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

3. 26 P.L.E. HEALTH AND ENVIRONMENT § 4, Pennsylvania Law Encyclopedia, Health Regulations in General, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 521.9. Diagnosis and treatment of venereal disease

(a) Except as provided in subsection (b) of this section, the department shall provide or designate adequate facilities for the free diagnosis, including blood and other tests, of venereal disease and for the free treatment of persons infected with venereal disease when necessary for the preservation of the public health.

(b) Upon approval of the department, any local board or department of health may undertake to share the expense of furnishing free diagnosis and free treatment of venereal disease, or the local board or department of health may take over, entirely or in part, the furnishing of free diagnosis and free treatment of venereal disease with or without financial assistance from the department.

§ 521.10. Sale of drugs for venereal diseases

The sale of drugs or other remedies for the treatment of venereal disease is prohibited, except under prescription of physicians licensed to practice in this Commonwealth.

§ 521.11. Persons refusing to submit to treatment for venereal diseases, 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 by 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 non-communicable.

(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 twenty-four 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 or 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 institution, and shall furnish the necessary medical treatment to the persons committed to such institution.

§ 521.11a. Human Immunodeficiency Virus (HIV) Testing of Certain Convicted Offenders

(a) This section is enacted in order to comply with the requirements of section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 42 U.S.C. § 3756) which compels states to enact a law requiring administration of HIV-related tests to individuals convicted of specified offenses when a victim requests that such a test be performed.

(b) When an individual has been convicted or adjudicated delinquent of one of the offenses listed in subsection (c), the victim of that offense may request that an HIV-related test be performed on the individual who has been convicted or adjudicated delinquent, and the results of that test shall be disclosed to the victim. If the victim requests a test within six weeks of the conviction or adjudication of delinquency, then the individual who has been convicted or adjudicated delinquent shall be deemed to have consented to the performance of an HIV-related test and to the release of the results of that test to the victim notwithstanding sections 5(a) and 7(a)(3) of the act of November 29, 1990 (P.L. 585, No. 148), known as the "Confidentiality of HIV-Related Information Act"; the test shall otherwise be administered and the results released to the victim in accordance with the provisions of the "Confidentiality of HIV-Related Information Act." As used in this subsection, the term "victim" shall include the parent or legal guardian of a minor or mentally disabled

adult. As used in this subsection, the term "convicted" includes conviction by entry of a plea of guilty or nolo contendere, conviction after trial and a finding of not guilty due to insanity or a finding of guilty but mentally ill.

(c) The HIV-related test shall be performed at the request of a victim if the individual has been convicted or adjudicated delinquent under one of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 3121 (relating to rape).

Section 3122 (relating to statutory rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3128 (relating to spousal sexual assault).

Section 4302 (relating to incest).

Section 6301 (relating to corruption of minors) if there has been sexual intercourse as defined in 18 Pa.C.S. § 3101 (relating to definitions) between the individual who has been convicted or adjudicated delinquent and the victim.

(d) When a victim requests that an HIV-related test be performed on an individual convicted or adjudicated delinquent of one of the offenses listed in subsection (c), the request shall be forwarded to the department or local board or local health department along with the name and current address of the victim and the individual convicted or adjudicated delinquent, if known. All information regarding the request shall be maintained as confidential in accordance with section 15 of this act.

(e) The department or local board or local health department shall make provisions for:

(1) The administration of the HIV-related test to the individual convicted or adjudicated delinquent in accordance with subsection (b) of this section.

(2) Notification to the victim of the results of the test administered to the individual convicted or adjudicated delinquent.

(3) HIV-related testing to and counseling of the victim in accordance with the "Confidentiality of HIV-Related Information Act," at no cost to the victim.

(4) Referral of the victim to appropriate health care and support services.

HISTORY: Act 1994-75 (H.B. 2457), P.L. 516, § 2, approved Sept. 29, 1994, eff. in 60 days.

TREATISES AND ANALYTICAL MATERIALS

1. 20- Pennsylvania Criminal Law Encyclopedia (PLE) § 1551, Criminal Law, Rape, In General.

2. 20 P.L.E. CRIMINAL LAW § 1551, Pennsylvania Law Encyclopedia, In General, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

3. 26 P.L.E. HEALTH AND ENVIRONMENT § 4, Pennsylvania Law Encyclopedia, Health Regulations in General, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

4. 43 P.L.E. SEARCHES AND SEIZURES § 29, Pennsylvania Law Encyclopedia, Other Particular Warrantless Searches or Seizures, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 521.12. Repealed by 1997, June 25, P.L. 331, No. 35, § 1, imd. effective

§ 521.13. Prenatal examination for syphilis

(a) Every physician who attends, treats or examines any pregnant woman for conditions relating to pregnancy, during the period of gestation or at delivery, shall take or cause to be taken, unless the woman dissents, a sample of blood of such woman at the time of first examination, or within fifteen days thereof, and shall submit the sample to an approved laboratory for an approved serological test for syphilis. All other persons permitted by law to attend pregnant women, but not permitted by law to take blood samples, shall, unless the woman dissents, likewise cause a sample of the blood of every such pregnant woman attended by them to be taken by a physician licensed to practice in this Commonwealth and submit it to an approved laboratory for an approved serological test. In the event of dissent, it shall be the duty of the physician to explain to the pregnant woman the desirability of such a test. The serological test required by this section shall be made, without charge by the department, upon the request of the physician submitting the sample, if he submits a certificate that the patient is unable to pay.

(b) In reporting every birth and fetal death, physicians and others required to make such reports shall state upon the certificate whether or not the blood test required by this section was made. If the test was made, the date of the test shall be given. If the test was not made, it shall be stated whether it was not made because, in the opinion of the physician, the test was not advisable or because the woman dissented.

NOTES:

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. 28 Pa. Code § 5.2 (2011), GENERAL HEALTH.

§ 521.14. Diagnostic tests for venereal diseases

For the purpose of this act, a standard or approved test procedure for each of the venereal diseases shall be a test approved by the department, and if a laboratory test is part of the approved procedure, it shall be made in a laboratory approved to make such tests by the department.

§ 521.14a. Treatment of minors

Any person under the age of twenty-one years infected with a venereal disease may be given appropriate treatment by a physician. If the minor consents to undergo treatment, approval or consent of his parents or persons in loco parentis shall not be necessary and the physician shall not be sued or held liable for properly administering appropriate treatment to the minor.

HISTORY: Act 1971-156 (S.B. 528) P.L. 590, § 1, approved Dec. 1, 1971, eff. immediately.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. 14-6 Pennsylvania Transaction Guide-Family Law & Forms § 6.03, Primary Sources, State Statutes.
2. 14-244 Pennsylvania Transaction Guide--Legal Forms § 244.03, Division 1 Individuals and Families, State Statutes.
3. 14-244 Pennsylvania Transaction Guide--Legal Forms § 244.23, Division 1 Individuals and Families, Parental Consents.

§ 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 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.

CASE NOTES

1. Court could not compel local health bureau to disclose disease information that was made confidential by Pa. Stat. Ann. tit. 35, § 521.15, because the courts could not grant access to information that the legislature expressly made confidential. *Hannis v. Sacred Heart Hosp.*, 789 A.2d 368, 2001 Pa. Commw. LEXIS 878 (Pa. Commw. Ct. 2001).
2. The trial court had the authority to order a local health agency to produce the medical records of an alleged sex offender because failure to disclose the records would thwart the administration of justice, and the Disease Prevention and Control Act, 35 P.S. § 521.15, did not make the records absolutely confidential. *Commonwealth v. Moore*, 378 Pa. Super. 379, 548 A.2d 1250, 1988 Pa. Super. LEXIS 2952 (1988), reversed by 526 Pa. 152, 584 A.2d 936, 1991 Pa. LEXIS 1 (1991).
3. The trial court had the authority to order a local health agency to produce the medical records of an alleged sex offender because failure to disclose the records would thwart the administration of justice, and the Disease Prevention and Control Act, 35 P.S. § 521.15, did not make the records absolutely confidential. *Commonwealth v. Moore*, 378 Pa. Super. 379, 548 A.2d 1250, 1988 Pa. Super. LEXIS 2952 (1988), reversed by 526 Pa. 152, 584 A.2d 936, 1991 Pa. LEXIS 1 (1991).
4. Judgment sentencing defendant for the sexual assault of a 12 year old girl was affirmed, because there was no merit to appellant's issues regarding privacy claims under 35 P.S. § 521.15 pertaining to medical records subpoenaed in criminal trials, the admissibility of gonorrhea results under the business records exception to the hearsay rule, and the proper application of the Rape Shield statute. *Commonwealth v. Nieves*, 399 Pa. Super. 277, 582 A.2d 341, 1990 Pa. Super. LEXIS 2863 (1990), appeal denied by 529 Pa. 633, 600 A.2d 952 (1991).
5. Court could not compel local health bureau to disclose disease information that was made confidential by Pa. Stat. Ann. tit. 35, § 521.15, because the courts could not grant access to information that the legislature expressly made confidential. *Hannis v. Sacred Heart Hosp.*, 789 A.2d 368, 2001 Pa. Commw. LEXIS 878 (Pa. Commw. Ct. 2001).
6. The trial court had the authority to order a local health agency to produce the medical records of an alleged sex offender because failure to disclose the records would thwart the administration of justice, and the Disease Prevention and Control Act, 35 P.S. § 521.15, did not make the records absolutely confidential. *Commonwealth v. Moore*, 378 Pa. Super. 379, 548 A.2d 1250, 1988 Pa. Super. LEXIS 2952 (1988), reversed by 526 Pa. 152, 584 A.2d 936, 1991 Pa. LEXIS 1 (1991).

TREATISES AND ANALYTICAL MATERIALS

1. 40 PA Civil Pro. & Evidence Law Encyclopedia (PLE) PUBLIC OFFICERS AND EMPLOYEES § 96, Public Officers And Employees, Powers, Duties, And Liabilities, Records, -- Right-To-Know Act.
2. 14-246 Pennsylvania Transaction Guide--Legal Forms § 246.34, Division 1 Individuals and Families, Medical Records and Communications.

3. 40 P.L.E. PUBLIC OFFICERS AND EMPLOYEES § 96, Pennsylvania Law Encyclopedia, -- Right-to-Know Act, Copyright 2010, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

4. 1-25 Pennsylvania Benchbook for Criminal Proceedings § 25.01, Chapter 25, Governing Law.

5. 1-25 Pennsylvania Benchbook for Criminal Proceedings § 25.03, Chapter 25, Outline--Motion for Production of Confidential or Privileged Information.

§ 521.16. Rules and regulations

(a) The Board may issue rules and regulations with regard to the following:

- (1) the communicable and non-communicable diseases, which are to be reportable;
- (2) the methods of reporting of diseases, the contents of reports and the health authorities to whom diseases are to be reported;
- (3) the communicable diseases which are to be subject to isolation, quarantine, or other control measures;
- (4) the duration of the periods of isolation and quarantine;
- (5) the enforcement of isolation, quarantine and other control measures;
- (6) the immunization and vaccination of persons and animals;
- (7) the prevention and control of disease in public and private schools;
- (8) the regulation of carriers;
- (9) the advertisement of treatment, prophylaxis, diagnosis, and cure of venereal diseases and the information which physicians must convey to persons being treated for a venereal disease in a communicable stage;
- (10) Repealed. 1957, July 5, P.L. 495, § 2.
- (11) the prevention and control of non-communicable diseases; and
- (12) any other matters it may deem advisable for the prevention and control of disease and for carrying out the provisions and purposes of this act.

(b) The Secretary shall, from time to time, review the rules and regulations and make recommendations to the board for any changes which he deems advisable.

(c) Municipalities which have boards or departments of health or county departments of health may enact ordinances or issue rules and regulations relating to disease prevention and control, which are not less strict than the provisions of this act or the rules and regulations issued thereunder by the board. Local ordinances, rules or regulations relating to disease prevention and control, which are in effect on the effective date of this act, shall not be deemed to be repealed, unless they are less strict than the provisions of this act or the rules and regulations issued thereunder by the board.

NOTES:

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. 28 Pa. Code Part III, Ch 23, Subch C (2011), PREVENTION OF DISEASES.

§ 521.17. Saving clause

The provisions of this act, so far as they are the same as those of acts repealed by this act, are intended as a continuation of such acts and not as new enactments. The provisions of this act shall not affect anything done or any right accrued, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense, under the authority of any act repealed by this act. All rules and regulations issued by the board pursuant to any act repealed by this act shall continue, until changed, with the same force and effect as if such acts had not been repealed.

§ 521.18. Severability

If any provision of this act or the application of any provision to particular circumstances is held invalid, the remainder of the act or the application of such provision to other circumstances shall not be affected.

§ 521.19. Penalties, prosecutions and disposition of fines

(a) Any person afflicted with communicable tuberculosis, quarantined or caused to be quarantined in a State institution, who leaves without the consent of the medical director of the institution, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$ 100) nor more than five hundred dollars (\$ 500), or undergo imprisonment for not less than thirty days nor more than six months, or both.

(b) Any person afflicted with communicable tuberculosis, quarantined or caused to be quarantined under the provisions of this act in a State institution, who leaves without the consent of the medical director of the institution may be apprehended and returned thereto by any sheriff, constable or police officer or any health officer, at the expense of the county.

(c) Whoever delivers, or causes to be delivered, any alcoholic or other intoxicating or narcotic substance to any patient in any State sanatoria used for the treatment of tuberculosis without the knowledge of the medical director thereof, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five dollars (\$ 25) nor more than fifty dollars (\$ 50), or to undergo imprisonment for not less than fifteen days nor more than three months, or both.

§ 521.20. Penalties, prosecutions and disposition of fines

(a) Any person who violates any of the provisions of this act or any regulation shall, for each offense, upon conviction thereof in a summary proceeding before any magistrate, alderman or justice of the peace in the county wherein the offense was committed, be sentenced to pay a fine of not less than twenty-five dollars (\$ 25) and not more than three hundred dollars (\$ 300), together with costs, and in default of payment of the fine and costs, to be imprisoned in the county jail for a period not to exceed thirty (30) days.

(b) Prosecutions may be instituted by the department, by a local board or department of health or by any person having knowledge of a violation of any provisions of this act or any regulation.

(c) Any fine imposed for a violation occurring in a municipality which has its own local board or department of health shall be paid to the municipality. Any fine imposed for a violation occurring in a municipality served by a county department of health shall be paid to the county wherein the offense was committed. All other fines shall be paid into the General Fund of the Commonwealth. This disposition of fines shall be controlling regardless of the party instituting the prosecution.

§ 521.21. Specific repeals

The following acts and all amendments thereto are hereby repealed absolutely:

[See notes hereunder for enumeration of repealed acts.]

NOTES:

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. 7 Pa. Code § 82.19 (2011), BUREAU OF FOOD SAFETY AND LABORATORY SERVICES.
2. 28 Pa. Code Part III, Ch 23, Subch C (2011), PREVENTION OF DISEASES.
3. 28 Pa. Code Part III, Ch 27 (2011), PREVENTION OF DISEASES.
4. 28 Pa. Code § 27.1 (2011), PREVENTION OF DISEASES.
5. 28 Pa. Code Part III, Ch 28 (2011), PREVENTION OF DISEASES.
6. 28 Pa. Code § 101.4 (2011), HEALTH FACILITIES.