

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2058 Session of 2015

INTRODUCED BY FARRY, DIGIROLAMO, WATSON, BARRAR, PETRI, TOPPER, CALTAGIRONE, VEREB, STAATS, CORBIN, MILLARD, HARHAI, A. HARRIS, D. COSTA, SCHLOSSBERG, ZIMMERMAN, WARD, D. PARKER, WHITE, DeLUCA, O'NEILL, MUSTIO, GODSHALL, KNOWLES, R. BROWN, CAUSER, MARSHALL, KORTZ AND TOEPEL, MAY 11, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 25, 2016

AN ACT

1 Amending Titles 35 (Health and Safety) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in emergency medical services system, further
4 providing for duties of department and for first aid and
5 other safety services; and, in governance of the system,
6 further providing for criminal laboratory user fee.

7 This act shall be referred to as the Officer Brian Steven
8 Gregg law.

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

11 Section 1. Sections 8105(b)(11) and 8137 of Title 35 of the
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 8105. Duties of department.

14 * * *

15 (b) Authority.--The department shall be the lead agency for
16 EMS in this Commonwealth. The department is authorized to:

17 * * *

18 (11) Promulgate regulations to establish standards and

1 criteria for EMS systems and services.

2 * * *

3 § 8137. First aid and other [safety] services.

4 (a) Purpose.--An EMS agency may provide EMS at industrial
5 sites, amusement parks or other locations in need of the
6 service. No ambulance or other EMS vehicle shall be required for
7 this purpose.

8 (b) Staffing.--The minimum staffing requirement is one EMS
9 provider.

10 (c) Other requirements.--As assigned by the EMS agency, the
11 EMS provider may provide EMS and other medical safety services
12 up to the level for which the EMS provider has the credentials
13 to provide EMS for the EMS agency.

14 (c.1) Blood draw services.--A paramedic may provide
15 assistance to law enforcement upon request to perform a legal
16 blood draw on behalf of the agency from persons suspected of
17 violating 75 Pa.C.S. § 1543(b)(1.1) (relating to driving while
18 operating privilege is suspended or revoked), 3735 (relating to
19 homicide by vehicle while driving under influence), 3735.1
20 (relating to aggravated assault by vehicle while driving under
21 the influence), 3802 (relating to driving under influence of
22 alcohol or controlled substance) or 3808(a)(2) (relating to
23 illegally operating a motor vehicle not equipped with ignition
24 interlock). Services provided under this subsection shall be
25 considered to be within the paramedic's scope of practice. An
26 agency vehicle may be utilized to provide the services under
27 this subsection if the agency has implemented policies to ensure
28 that EMS will not be unavailable when an ambulance is needed for
29 a 911 dispatch. An agency may enter into an agreement with law
30 enforcement to provide blood draw services under this

1 subsection. A PARAMEDIC PERFORMING A LEGAL BLOOD DRAW SERVICE
 2 WITHIN THE PARAMEDIC'S SCOPE OF PRACTICE UNDER THIS SECTION
 3 SHALL MAINTAIN THE SAME LIABILITY PROTECTIONS PROVIDED FOR UNDER
 4 THIS CHAPTER. IT SHALL BE PERMISSIBLE FOR A COURT TO ALLOW A LAW
 5 ENFORCEMENT OFFICER WHO WITNESSED THE BLOOD DRAW TO TESTIFY AS
 6 TO THE CHAIN OF CUSTODY IN PLACE OF THE PARAMEDIC WHO DREW THE
 7 BLOOD.

8 (d) Protocols.--An EMS provider shall follow protocols
 9 approved by the department when providing EMS or any other
 10 services under this section.

11 Section 2. Section 1725.3 of Title 42 is amended to read:
 12 § 1725.3. Criminal laboratory and paramedic user fee.

13 (a) Imposition.--A person who is placed on probation without
 14 verdict pursuant to section 17 of the act of April 14, 1972
 15 (P.L.233, No.64), known as The Controlled Substance, Drug,
 16 Device and Cosmetic Act, or who receives Accelerated
 17 Rehabilitative Disposition or who pleads guilty to or nolo
 18 contendere to or who is convicted of a crime as defined in 18
 19 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. §
 20 1543(b)(1.1) (relating to driving while operating privilege is
 21 suspended or revoked) or 3802 (relating to driving under
 22 influence of alcohol or controlled substance) or 3735 (relating
 23 to homicide by vehicle while driving under influence) or 3735.1
 24 (relating to aggravated assault while driving under the
 25 influence) or 3808(a)(2) (relating to illegally operating a
 26 motor vehicle not equipped with ignition interlock) or a
 27 violation of The Controlled Substance, Drug, Device and Cosmetic
 28 Act shall, in addition to any fines, penalties or costs, in
 29 every case where laboratory services were required to prosecute
 30 the crime or violation, be sentenced to pay a criminal

1 laboratory or paramedic user fee which shall include, but not be
2 limited to, the cost of sending a laboratory technician or
3 paramedic to court proceedings.

4 (b) Amount of user fee.--

5 (1) The director or similar officer of the county
6 laboratory or emergency medical services agency that has
7 provided services in the prosecution shall determine the
8 actual cost of the laboratory or paramedic services provided
9 in the prosecution and transmit a statement for services
10 rendered to the court.

11 (2) If a Pennsylvania State Police laboratory has
12 provided services in the prosecution, the director or similar
13 officer of the Pennsylvania State Police laboratory shall
14 determine the actual cost of the laboratory services provided
15 in the prosecution and transmit a statement for services
16 rendered to the court.

17 (c) Disposition of fees.--

18 (1) The criminal laboratory user fee for criminal
19 laboratory services provided by a county shall be paid to the
20 county and shall be used solely for operation and maintenance
21 of the county laboratory. The criminal laboratory user fee
22 for criminal laboratory services provided by the Pennsylvania
23 State Police laboratory shall be paid into the Criminal
24 Laboratory User Fee Fund created under paragraph (2).

25 (2) A special nonlapsing fund of the State Treasury is
26 hereby established and shall be known as the Criminal
27 Laboratory User Fee Fund. Money in the Criminal Laboratory
28 User Fee Fund is hereby appropriated to the Pennsylvania
29 State Police and shall be used solely for operation and
30 maintenance of Pennsylvania State Police criminal

1 laboratories.

2 (3) The paramedic user fee for laboratory services
3 provided by a paramedic shall be paid to the emergency
4 medical services agency and shall be used solely for the
5 provision of criminal laboratory services.

6 (d) Other laws.--The criminal laboratory and paramedic user
7 fee shall be imposed notwithstanding any other provision of law
8 to the contrary.

9 Section 3. This act shall take effect as follows:

10 (1) The following shall take effect in 90 days:

11 (i) The addition of 35 Pa.C.S. § 8137(c.1).

12 (ii) The amendment of 42 Pa.C.S. § 1725.3.

13 (2) The remainder of this act shall take effect
14 immediately.