

No. 1982-99

AN ACT

HB 1575

Establishing a Vietnam Herbicides Information Commission; imposing powers and duties on the commission; granting additional powers and duties to the Department of Health and making an appropriation.

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

Section 1. Short title.

This act shall be known and may be cited as the "Vietnam Herbicides Information Act."

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Agent Orange." The herbicide composed of tri-chlorophenoxy acitic acid and di-chlorophenoxyacitic acid.

"Commission." The Vietnam Herbicides Information Commission established pursuant to section 3¹.

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

"Secretary." The Secretary of Health of the Commonwealth of Pennsylvania.

"Veteran." A person who was a resident of the Commonwealth at the time of his induction into the Armed Forces of the United States of America or is a resident of this Commonwealth who served in the armed forces during the years 1961-1972.

"Vietnam herbicide." The herbicides, defoliants and other causative agents, including Agent Orange, used in the Vietnam Conflict.

Section 3. The Vietnam Herbicides Information Commission.

(a) There is hereby created within the Department of Health an advisory commission to be known as the Vietnam Herbicides Information Commission. This commission on Vietnam herbicides exposure is to obtain information relating to the health effects of exposure to herbicides containing dioxin and other causative agents for Vietnam veteran residents of the State of Pennsylvania who may have been exposed to these substances during their period of military service.

(b) The commission shall consist of 15 members who shall serve for a term of two years. The Governor shall appoint the Secretary of Health, the Adjutant General of the Department of Military Affairs, the Chairman of the State Veterans Commission, the President of the Pennsylvania War Veterans Council and nine other members of whom five shall be honorably discharged veterans of the Vietnam Conflict with at least

¹"4" in original.

one veteran selected from each of the five areas covered by the Governor's Veterans Outreach Centers; of the remaining members to be appointed by the Governor, one shall be an epidemiologist selected from the State public health and medical schools, one shall be a health environmentalist selected from the State public health and medical schools and one shall be a toxicologist selected from the State public health and medical schools and one shall be a specialist in public health selected from the State public health and medical schools. The Speaker of the House of Representatives shall appoint one member of the House to the commission. The President pro tempore of the Senate shall appoint one member of the Senate to the commission.

(c) The commission shall be chaired by the Secretary of the Department of Health.

(d) Vacancies in the membership of the commission and its officers shall be filled for the unexpired term in the same manner as the original appointment or election.

(e) The commission shall meet at least four times each year at the call of the chairperson. The initial meeting of the commission shall be called by the Secretary of Health not later than July 1, 1982.

(f) The commission shall be established for a period of two years.

(g) The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

Section 4. Powers and duties of the commission.

The commission shall have the following powers and duties:

(1) Determine what medical, administrative and social assistance is needed for veterans who were exposed to Vietnam herbicides and submit its recommendations to the Legislature for its consideration.

(2) Conduct an extensive outreach program which would coordinate and supplement the outreach efforts of the Department of Military Affairs, the State Veterans Commission, the Pennsylvania War Veterans Council, county directors of veterans affairs, the Governor's Outreach and Assistance Centers and other organizations to inform veterans who may have been exposed to herbicides containing dioxin of any Federal or State assistance available to them.

(3) Act as the official agent of the State for disseminating information to veterans about epidemiological or other studies relating to Vietnam herbicides exposure which are being conducted by the Federal or State Government.

Section 5. Cooperation with other agencies.

To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the State or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

Section 6. Information to be confidential.

The commission shall not disclose information received pursuant to this act so as to divulge the identities of the persons to whom it relates except as is necessary to carry out the purposes of this act.

Section 7. Reports.

The commission shall make a preliminary report to the Governor and the Legislature of its findings, conclusions and recommendations not later than November 30, 1982 and a final report of its findings, conclusions and recommendations not later than June 30, 1983.

Section 8. Duties of the Department of Health.

For the purpose of identifying persons who were exposed to Vietnam herbicides and for the purpose of compiling data on the health effects of this exposure, the department shall:

(1) Establish, promote and maintain a public information program on Vietnam herbicides. Such program shall be coordinated with the Department of Military Affairs and the Governor's Outreach and Assistance Centers and shall include, but may not be limited to, assistance in the commission's efforts to contact veterans who were exposed to the herbicide containing dioxin.

(2) Establish, maintain and promote a reporting process for veterans who were exposed to herbicides, defoliants and other causative agents, including Agent Orange.

(3) Maintain a central data bank within the department for information collected on the health effects of exposure to Vietnam herbicides and for the cataloguing of existing scientific and medical literature on the health effects of this exposure.

(4) Initiate education for health professionals to assist them in understanding the potential risks and state-of-art knowledge with regard to detection, diagnosis and treatment of acute and chronic symptoms associated with Vietnam herbicides exposure. The education component should utilize existing resources, such as the informational films prepared by the Veterans Administration, whenever possible.

Section 9. Reports to the department.

(a) A physician who has primary responsibility for treating a veteran who believes he may have been exposed to chemical herbicides or defoliants, including Agent Orange, while serving in the Armed Forces of the United States, shall, at the request of the veteran, submit a report to the department on a form provided by the department. If there is no physician having primary responsibility for treating the veteran, the hospital treating the veteran shall, at the request of the veteran, submit the report to the department.

(b) The form provided by the department to the physician shall be similar in content to the forms being used by the Veterans Administration in their Agent Orange Registry Program and shall request the following information:

- (1) Symptoms of the veteran.
- (2) Diagnosis of the veteran.
- (3) Methods of treatment prescribed.
- (4) Dates of military service in Vietnam and the locations in Vietnam where the veteran served.

(c) The department may require the veteran to provide such other information as determined by the secretary of the department.

Section 10. Cooperation with department.

The secretary may request and shall receive from any department, division, board, bureau, commission or agency of the State or of any political subdivision thereof such assistance and data as will enable him to properly carry out his activities hereunder and effectuate the purposes herein set forth. The secretary may also enter into any contract for services as he deems necessary with a private agency or concern upon said terms and conditions as he deems appropriate. Information concerning patient and medical data provided to the secretary pursuant to this section shall be kept confidential according to these provisions. Statistical information collected under this act is public information.

Section 11. Immunity from liability.

A physician or a hospital subject to this act who complies with this act may not be held civilly or criminally liable for providing the information required by this act.

Section 12. Report by department.

The department shall make an annual report to the Legislature of its findings and recommendations concerning the effectiveness, impact and benefits derived from the special policies as provided for in this act. Such report shall be delivered on or before March 1 and shall contain evaluations of the policies and any legislation deemed necessary and proper to the House Federal-State Relations Committee and the Senate Military and Veterans Affairs Committee.

Section 13. Appropriation.

The sum of \$150,000, or as much thereof as may be necessary, is specifically appropriated to the Department of Health for the fiscal period 1981-1982 to carry out the provisions of this act.

Section 14. Effective date.

This act shall take effect immediately.

APPROVED—The 29th day of April, A. D. 1982.

DICK THORNBURGH