

No. 2016-142

AN ACT

HB 2058

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

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

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

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

§ 8105. Duties of department.

* * *

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

* * *

(11) Promulgate regulations to establish standards and criteria for EMS systems *and services*.

* * *

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

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

(b) Staffing.—The minimum staffing requirement is one EMS provider.

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

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

blood draw services under this subsection. A paramedic performing a legal blood draw service within the paramedic's scope of practice under this section shall maintain the same liability protections provided for under this chapter. It shall be permissible for a court to allow a law enforcement officer who witnessed the blood draw to testify as to the chain of custody in place of the paramedic who drew the blood.

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

Section 2. Section 1725.3 of Title 42 is amended to read:

§ 1725.3. Criminal laboratory ***and paramedic*** user fee.

(a) Imposition.—A person who is placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or who receives Accelerated Rehabilitative Disposition or who pleads guilty to or nolo contendere to or who is convicted of a crime as defined in 18 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. § 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked) or 3802 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence) or 3735.1 (relating to aggravated assault while driving under the influence) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) or a violation of The Controlled Substance, Drug, Device and Cosmetic Act shall, in addition to any fines, penalties or costs, in every case where laboratory services were required to prosecute the crime or violation, be sentenced to pay a criminal laboratory ***or paramedic*** user fee which shall include, but not be limited to, the cost of sending a laboratory technician ***or paramedic*** to court proceedings.

(b) Amount of user fee.—

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

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

(c) Disposition of fees.—

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

(2) A special nonlapsing fund of the State Treasury is hereby established and shall be known as the Criminal Laboratory User Fee Fund. Money in the Criminal Laboratory User Fee Fund is hereby appropriated to the Pennsylvania State Police and shall be used solely for

operation and maintenance of Pennsylvania State Police criminal laboratories.

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

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

Section 3. This act shall take effect as follows:

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

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

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

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

APPROVED—The 3rd day of November, A.D. 2016

TOM WOLF