SPONSOR: Sen. Buckson & Rep. Yearick
Sens. Hocker, Lawson, Pettyjohn, Wilson; Reps. Bolden, Briggs King, Bush, Harris, Hilovsky, Michael Smith

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 66
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO THE PUBLIC HEALTH EMERGENCY PLANNING COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 3132, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating Delaware Code provisions accordingly:

§ 3132. Definitions.

~~The following terms shall have the indicated meanings when used in this subchapter.~~ For purposes of this subchapter:

(3) "Commission" means the Public Health Emergency Planning Commission.

Section 2. Amend § 3141, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3141. Public Health Emergency Planning Commission.

(a) ~~The Public Health Emergency Planning Commission ("the Commission") shall consist~~ The Commission consists of the following voting ~~members, or a member's designee:~~ members, or a designee appointed by a member serving by virtue of position:

(1) The ~~Governor;~~ Governor.

(2) The Speaker of the House of ~~Representatives;~~ Representatives.

(3) The President Pro Tempore of the ~~Senate;~~ Senate.

(4) The Secretary of the Department of Health and Social ~~Services;~~ Services.

(5) The Secretary of ~~Public Safety;~~ the Department of Safety and Homeland Security.

(6) The Secretary of the Department of Natural Resources and Environmental ~~Control;~~ Control.

(7) The Secretary of ~~Agriculture;~~ the Department of Agriculture.

(8) The Adjutant General of the Delaware National ~~Guard;~~ Guard.

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(9) The Chief Justice of the Delaware Supreme ~~Court;~~ Court.

(10) The Director of the Delaware Emergency Management ~~Agency;~~ Agency.

(11) The Governor's Homeland Security ~~Advisor;~~ Advisor.

(12) A representative of the Delaware medical ~~community;~~ community, to be appointed by the Governor, for a term of 2 years.

(13) The Attorney ~~General; and~~ General.

(14) ~~A physician who is board-certified in emergency medicine and licensed to practice in this State.~~ [Repealed].

(15) The Minority Leader of the Senate.

(16) The Minority Leader of the House.

(17) A physician who is board certified in infectious disease and licensed to practice in this State, to be appointed by the Governor, for a term of 2 years.

(18) A representative from a major Delaware hospital system, to be appointed by the Governor from a slate of nominees to be provided by the Delaware Healthcare Association, for a term of 2 years.

(19) The Director of the Office of Management and Budget.

(b) The Secretary of the Department of Health and Social Services or the Secretary's designee shall serve as the Chair of the Commission. The Governor shall also appoint representatives of affected constituencies, including the medical community, local health departments and governments, local police, fire and emergency medical service agencies, community health centers, and volunteer organizations as ex officio members of the Commission.

(c) The number of members who must be present at a Commission meeting to have a quorum and conduct official business is the majority of voting members. Counting for quorum does not include voting member positions that are vacant.

(d) An individual appointed to fill a vacancy on the Commission holds office for the remainder of the term of the former member.

Section 3. Amend § 3142, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3142. Public health emergency plan.

(f)(1) The Commission shall meet within 30 days of the initiation of a state of emergency due to a public health emergency for the purposes of discussing and evaluating, in an advisory capacity to the Governor, the response to the public health emergency.

(2) The Commission shall meet at least every 30 days until the termination of the state of emergency due to a public health emergency.

Section 4. The Public Health Emergency Planning Commission shall be reappointed and reconstituted to carry out its statutory duties under § 3142(b) of Title 20 and the duties added by this Act. The Secretary of the Senate shall notify the Secretary of the Department of Health and Social Services of the enactment of this Act by providing a copy of the legislation.