

## HEALTH AND SAFETY (35 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Jun. 30, 2016, P.L. 432, No. 60

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No. 2016-60

HB 1877

## AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to fire companies and volunteer services, further providing for scope of chapter, for definitions, for award of grants for volunteer fire companies, for establishment, for award of grants for emergency medical services companies, for the Volunteer Fire Company Grant Program, for the Volunteer Ambulance Service Grant Program, for allocation of appropriated funds, for expiration of authority and for special provisions; and making an editorial change.

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

Section 1. The heading of Chapter 78 of Title 35 of the Pennsylvania Consolidated Statutes is amended to read:

## CHAPTER 78

## GRANTS TO FIRE COMPANIES AND

## [VOLUNTEER SERVICES]

**EMERGENCY MEDICAL SERVICES COMPANIES**

Section 2. Sections 7801, 7802 and 7813 of Title 35 are amended to read:

§ 7801. Scope of chapter.

This chapter relates to grants to fire companies and [volunteer ambulance services] **emergency medical services companies**.

§ 7802. Definitions.

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

"Advanced life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Agency." The Pennsylvania Emergency Management Agency.

"Basic life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Career emergency medical services." As follows:

(1) A for-profit chartered emergency medical service corporation, association or organization which meets all of the following:

(i) Is located in this Commonwealth.

(ii) Is licensed by the Department of Health.

(iii) Is not associated or affiliated with a hospital, unless recognized in accordance with section 7823(b.1) (relating to award of grants).

(iv) Is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and advanced life support squads as defined in 28 Pa. Code § 1027.1 (relating to general provisions).

(2) The term shall not include a corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of individuals who are convalescent or nonambulatory and who do

not ordinarily require emergency medical treatment while in transit.

"Commissioner." The State Fire Commissioner.

"Emergency medical services company" or "EMS company." A career or volunteer emergency medical services company.

"Facility." A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances and rescue vehicles and related equipment and gear. The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

"Fire company." A volunteer fire company or a municipal fire company located in this Commonwealth.

"Grant program." The Fire Company Grant Program established in Subchapter B (relating to fire company grant program) or the [Volunteer Ambulance Service] **Emergency Medical Services Grant Program** established in Subchapter C (relating to [volunteer ambulance service] **emergency medical services** grant program).

"Invalid coach." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Volunteer [ambulance service] **EMS company.**" Any nonprofit chartered corporation, association or organization located in this Commonwealth, which is licensed by the Department of Health and is not associated or affiliated with any hospital, **unless recognized in accordance with section 7823(b.1) (relating to award of grants)**, and which is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and advanced life support squads as defined in 28 Pa. Code § [1005.1 (relating to general provisions)] **1027.1 (relating to general provisions)**. The term shall not include any corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection or rescue services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides rescue services as part of the response to fires or vehicle accidents within this Commonwealth.

§ 7813. Award of grants.

(a) Authorization.--The agency is authorized to make a grant award to each eligible fire company for the following:

(1) Construction and renovation of the fire company's facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.

(2) Repair of firefighting, ambulance or rescue equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

(4) Training and certification of members.

(5) **Training and education of the general public regarding fire prevention.**

(a.1) **Additional uses for paid municipal fire companies.--In addition to the authorized uses under subsection (a), the commissioner may establish additional authorized uses of grant funds for paid municipal fire companies. Additional authorized uses established under this subsection must be published in the Pennsylvania Bulletin and on the commissioner's publicly accessible Internet website.**

(a.2) **Additional grants.**--Each fire company with not more than 20 members who are certified by the National Board on Fire Service Professional Qualifications or by the International Fire Service Accreditation Congress and are verified by the Pennsylvania State Fire Academy at a minimum level of Firefighter 1 on or before July 1 of the year of the grant application shall be eligible to receive additional grants under a certification bonus point system as administered by the commissioner.

(b) **Limits.**--

(1) Except as provided in paragraph (3), grants shall be not less than \$2,500 and not more than \$15,000 per fire company.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) In a municipality where there are two or more volunteer fire companies and if two or more volunteer fire companies consolidated their use of equipment, firefighters and services within [five] 10 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(c) **Time for filing application and department action.**--

(1) Within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007, and by September 1 of each year thereafter, the agency shall provide written instructions for grants under this chapter to:

(i) except as set forth in subparagraph (ii), the fire chief and president of every fire company; or

(ii) in the case of a municipal fire company, the chief executive of the municipality.

(2) Within 45 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007, and by September 8 of each year thereafter, the agency shall provide applications to individuals specified in paragraph (1). The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. Fire companies seeking grants under this chapter shall submit completed applications to the agency. The application period shall remain open for 45 days each year. The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the agency within 60 days after the close of the application period each year shall be deemed approved.

(d) **Eligibility.**--To receive grant funds under this chapter, a fire company [shall have] **must**:

(1) **Have** actively responded to [one or more] **at least 10** fire or rescue emergencies during the previous calendar year [and must have signed and be under an agreement to actively participate in the Pennsylvania Fire Information Reporting System which is administered by the agency].

(2) **Be actively participating in the Pennsylvania Fire Information Reporting System under a signed agreement. The commissioner shall develop and publish guidelines specifying the criteria necessary to determine the level of participation in the Pennsylvania Fire Information Reporting System to remain eligible for grant funds.**

Section 3. The heading of Subchapter C of Chapter 78 of Title 35 is amended to read:

SUBCHAPTER C  
[VOLUNTEER AMBULANCE SERVICE]  
**EMERGENCY MEDICAL SERVICES GRANT PROGRAM**

Section 4. Sections 7821, 7823, 7831, 7832, 7833, 7841 and 7842(b) of Title 35 are amended to read:

§ 7821. Establishment.

The [Volunteer Ambulance Service] **Emergency Medical Services** Grant Program is established and shall be administered by the agency. Grants provided under this program shall be used to improve and enhance the capabilities of [the volunteer ambulance services] **EMS companies** to provide ambulance, emergency medical, basic life support and advanced life support services.

§ 7823. Award of grants.

(a) Authorization.--The agency is authorized to make a grant award to each eligible [volunteer ambulance service] **EMS company** for the following:

(1) Construction and renovation of the [volunteer ambulance service's] **EMS company's** facility and purchase or repair of fixtures, furnishings, office equipment and support services necessary to maintain or improve the capability of the ambulance service to provide ambulance, emergency medical, basic life support and advanced life support services.

(2) Repair of ambulance equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

(4) Training and certification of members.

(b) Limits.--

(1) Grants shall be not less than \$2,500 and not more than \$10,000 per [volunteer ambulance service] **EMS company**.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) If two or more [volunteer ambulance services] **EMS companies** consolidated their use of equipment, personnel and services within [five] 10 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

**(b.1) Eligibility.--To receive grant funds under this chapter, an EMS company must be designated by a municipality as the municipality's primary EMS provider.**

(c) Time for filing application and department action.--

(1) Within 30 days of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 1 of each year thereafter, the agency shall provide written instructions for grants under this chapter to the president of every [volunteer ambulance service] **EMS company** in this Commonwealth.

(2) Within 45 days of the effective date of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 8 of each year, the agency shall provide applications to the president of every [volunteer ambulance service] **EMS company**. The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. [Volunteer ambulance services] **EMS companies** seeking grants under this chapter shall submit completed applications to the agency. The application period shall remain open for 45 days each year. The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the agency within 60 days after the close of the application period each year shall be deemed approved.

§ 7831. [Volunteer] Fire Company Grant Program.

The sum of \$22,000,000 of the amount appropriated to the agency for [volunteer] **fire** company grants under section [225 of the act of March 20, 2003 (P.L.463, No.1A), known as the General

Appropriation Act of 2003] **1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code**, shall be expended for the purpose of making grants to eligible [volunteer] fire companies under Subchapter B (relating to [volunteer] fire company grant program).

§ 7832. [Volunteer Ambulance Service] **Emergency Medical Services Company Grant Program.**

The sum of \$3,000,000 of the amount appropriated to the agency for [volunteer] **EMS** company grants under section [225 of the act of March 20, 2003 (P.L.463, No.1A), known as the General Appropriation Act of 2003] **1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code**, shall be expended for the purpose of making grants to eligible [volunteer ambulance] **EMS** companies under Subchapter C (relating to [volunteer ambulance service] **emergency medical services** grant program).

§ 7833. Allocation of appropriated funds.

(a) Administration.--

(1) Except as provided under paragraph (2), no money from the appropriation for grants shall be used for expenses or costs incurred by the agency for the administration of the grant programs authorized under Subchapters B (relating to fire company grant program) and C (relating to [volunteer ambulance service] **emergency medical services** grant program).

(2) Notwithstanding paragraph (1), [each fiscal year the commissioner may use an amount of up to \$250,000 of the total amount of funds transferred or appropriated to the grant program under Subchapter B for the administrative costs to implement that grant program.] **the commissioner may use not more than \$800,000 of any unencumbered funds remaining in the fund for administrative costs for grant program implementation under this chapter.**

(b) Grant allocation.--Unless otherwise expressly stated, money appropriated to the agency for purposes of company grants shall be allocated as follows:

(1) Eighty-eight percent of the amount appropriated shall be used for making grants to eligible fire companies under Subchapter B.

(2) Twelve percent of the amount appropriated shall be used for making grants to eligible [volunteer ambulance] **EMS** companies under Subchapter C.

§ 7841. Expiration of authority.

The authority of the agency to award grants under Subchapters B (relating to fire company grant program) and C (relating to [volunteer ambulance service] **emergency medical services** grant program) shall expire June 30, [2016] **2020**.

§ 7842. Special provisions.

\* \* \*

(b) Delinquency.--An applicant for a grant under this chapter who is delinquent in loan payments to the Pennsylvania Volunteer Loan Assistance Program established under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, [shall agree to] **must** use its grant funds to pay any arrears to the Commonwealth or it will not be qualified to receive a grant. Any organization [agreeing to this arrangement who] **that** fails to [make the payment to the Commonwealth] **comply with this subsection** shall be disqualified from applying to the grant program for a period of three years.

\* \* \*

Section 5. This act shall take effect immediately.

APPROVED--The 30th day of June, A.D. 2016.

TOM WOLF