

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 977 Session of 2021

INTRODUCED BY MILLARD, STAMBAUGH, SILVIS, KAUFFMAN, RYAN, CAUSER, KULIK, KNOWLES, PICKETT, ROTHMAN, LEWIS DELROSSO, SMITH, POLINCHOCK, HERSHEY, PYLE, STAATS, COX, SAYLOR, MOUL, KEEFER, HAMM, JONES, MENTZER, ZIMMERMAN, ROWE, WHEELAND AND DAVANZO, MARCH 19, 2021

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 2021

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in COVID-19 disaster emergency <--
3 COMMONWEALTH SERVICES, providing for certain restrictions <--
4 prohibited.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5702 7309. Certain restrictions prohibited. <--

10 (a) General rule.--Notwithstanding the provisions of section <--
11 7301 (relating to general authority of Governor) THIS CHAPTER or <--
12 any other law to the contrary, during the COVID-19 disaster <--
13 emergency, A DECLARATION OF DISASTER EMERGENCY UNDER SECTION <--
14 7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR), neither the
15 Commonwealth nor any municipality may restrict or impose a
16 limitation through an executive order, proclamation, regulation,
17 resolution or ordinance or other official action on the number

1 of individuals who may lawfully gather or assemble in a <--  
2 restaurant or other eating place AN ESTABLISHMENT in this <--  
3 Commonwealth or the time periods for the sale or service of  
4 alcohol for a licensee licensed under the act of April 12, 1951  
5 (P.L.90, No.21), known as the Liquor Code.

6 (b) Nonapplicability.--Subsection (a) shall not apply to  
7 occupancy permits in this Commonwealth or liquor license  
8 restrictions under the Liquor Code or other law issued prior to  
9 March 6, 2020, A DECLARATION OF DISASTER EMERGENCY UNDER SECTION <--  
10 7301(C), insofar as the occupancy permits place a maximum  
11 limitation of the number of individuals permitted to occupy a  
12 premises under subsection (a) or a license under the Liquor Code  
13 imposes restrictions on the duration or time of sale of alcohol.

14 (C) OPERATIONS.--DURING A DECLARATION OF DISASTER EMERGENCY <--  
15 UNDER SECTION 7301(C), AN ESTABLISHMENT:

16 (1) SHALL ADHERE TO FEDERAL AND STATE GUIDELINES TO  
17 PROTECT THE ESTABLISHMENT'S CUSTOMERS AND EMPLOYEES;

18 (2) MAY MAINTAIN THE ESTABLISHMENT'S EMPLOYEES AS  
19 NECESSARY TO SUPPORT TAKING OF ORDERS THROUGH A PUBLICLY  
20 ACCESSIBLE INTERNET WEBSITE OR APPLICATION, VIA TELEPHONE OR  
21 BY OTHER MEANS, WHEN PERSONAL INTERACTION IS LIMITED; AND

22 (3) MAY PROHIBIT CASH PAYMENTS FOR TRANSACTIONS IF  
23 NECESSARY TO PROVIDE SAFETY TO THE ESTABLISHMENT'S CUSTOMERS.

24 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM  
25 "ESTABLISHMENT" MEANS ANY OF THE FOLLOWING:

26 (1) A RESTAURANT, BAR, HOTEL OR PRIVATE CLUB WHICH  
27 SERVES FOOD AND BEVERAGES.

28 (2) A BREWPUB, BREWERY, WINERY OR DISTILLERY.

29 (3) AN EVENT VENUE.

30 Section 2. This act shall take effect immediately.