AMENDMENTS TO SENATE BILL NO. 327

Sponsor: SENATOR SCARNATI

Printer's No. 1627

Amend Bill, page 1, line 27, by inserting after "leased;"
providing for COVID-19 county emergency mitigation plan for
businesses;

Amend Bill, page 13, by inserting between lines 4 and 5
Section 3. The act is amended by adding an article to read:

ARTICLE XXVIII-G
COVID-19 COUNTY EMERGENCY MITIGATION
PLAN FOR BUSINESSES

Section 2801-G. COVID-19 County Emergency Mitigation Plan for
Businesses.

(a) Mitigation plan.--Notwithstanding 35 Pa.C.S. § 7301
(relating to general authority of Governor), sections 2102 and
2106 of the act of April 9, 1929 (P.L.177, No.175), known as The
Administrative Code of 1929, section 8(a) of the act of April
27, 1905 (P.L.312, No.218), entitled "An act creating a
Department of Health, and defining its powers and duties," and
section 5 of the act of April 23, 1956 (1955 P.L.1510, No.500),
known as the Disease Prevention and Control Law of 1955, the
governing body of a county, in consultation with its county
emergency management agency, county health department, county
health officer or any other appropriate health or emergency
management official, may develop and implement a countywide plan
to mitigate the spread of COVID-19 for businesses in accordance
with subsection (b). The countywide mitigation plan, including
any modifications to the countywide mitigation plan authorized
under subsection (e), shall be published on the county's
publicly accessible Internet website.

(b) Development.--The countywide mitigation plan shall
provide as follows:

(1) All businesses identified as "essential critical
infrastructure" in an Advisory Memorandum on Identification
of Essential Critical Infrastructure Workers During COVID-19
Response, as published by the United States Cybersecurity and
Infrastructure Security Agency (CISA), and which operate
using recommended guidance for mitigating exposure to COVID-
19 from the Centers for Disease Control and Prevention shall
be permitted to operate within the county.
(2) For a business not included in an Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, as published by CISA, the business shall be permitted to operate within a county if the business:

(i) complies with recommended guidance for mitigating exposure to COVID-19 from the Centers for Disease Control and Prevention; and

(ii) has not been designated in the countywide mitigation plan as a disallowed industry.

(3) Any business authorized to operate by the Governor shall be authorized to operate under a countywide mitigation plan.

(c) Compliance.--Notwithstanding the orders issued by the Governor and the Secretary of Health relating to the closure of non-life-sustaining businesses on March 19, 2020, and the Statewide stay-at-home order issued by the Governor and the Secretary of Health on April 1, 2020, as amended, a business that complies with the requirements of the county mitigation plan may operate within the county and individuals may leave their residences for the purpose of performing work for the business or patronizing the business.

(d) Limitation.--Nothing in this section shall be construed to:

(1) require a county to rescind a local declaration of emergency relating to COVID-19; or

(2) revoke, rescind or overrule the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

(e) Modifications.--At any time, the governing body of a county may take an action to modify the countywide mitigation plan to expand or restrict the industries authorized to operate in the county or rescind the countywide mitigation plan entirely. Advance notice of an action to modify or rescind a countywide mitigation plan shall be published on the county’s publicly accessible Internet website no later than two days before the implementation of the action.

(f) Expiration.--This section shall expire on the same date as the termination or expiration of the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Business." Any corporation, partnership, limited liability company, limited liability partnership, business trust, sole proprietor, or any other individual or entity doing business and operating within a physical location in this Commonwealth, regardless of whether the physical location is open to the public.
"County." A county or home rule charter county of any classification.

"COVID-19." The novel coronavirus as identified in the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"Governing body." The board of county commissioners or the county executive or other person exercising the functions of the county executive in a county without a board of county commissioners.

"Industry." A particular form or branch of economic or commercial activity.

Amend Bill, page 13, line 5, by striking out "3" and inserting 4.