THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2388 Session of 2020

INTRODUCED BY MIHALEK, HEFFLEY, DUNBAR, TURZAI, KNOWLES, O'NEAL,
SIMMONS, WARNER, SCHMITT, ORTITAY, MACKENZIE, GREGORY, RYAN,
JAMES, KEEFER, ROWE, BERNSTINE, BARRAR, ECKER, STAATS,
SCHLEGEL CULVER, HAHN, KAUFFMAN, KAIL, MARSHALL, MIZGORSKI,
OWLETT, MENTZER, JONES, STRUZZI, ZIMMERMAN, NELSON, GLEIM,
SAYLOR, MUSTELLO, TOBASH, MASSER, FEE, METCALFE, BOROWICZ,
COOK, HERSHEY, CAUSER AND LEWIS, APRIL 7, 2020

SENATOR KILLION, COMMUNITY, ECONOMIC AND RECREATIONAL
DEVELOPMENT, IN SENATE, AS AMENDED, MAY 11, 2020

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled
"An act providing for and reorganizing the conduct of the
executive and administrative work of the Commonwealth by the
Executive Department thereof and the administrative
departments, boards, commissions, and officers thereof,
including the boards of trustees of State Normal Schools, or
Teachers Colleges; abolishing, creating, reorganizing or
authorizing the reorganization of certain administrative
departments, boards, and commissions; defining the powers and
duties of the Governor and other executive and administrative
officers, and of the several administrative departments,
boards, commissions, and officers; fixing the salaries of the
Governor, Lieutenant Governor, and certain other executive
and administrative officers; providing for the appointment of
certain administrative officers, and of all deputies and
other assistants and employees in certain departments, boards,
and commissions; providing for judicial administration; and
prescribing the manner in which the number and compensation
of the deputies and all other assistants and employees of
certain departments, boards and commissions shall be
determined," providing for emergency COVID-19 provisions.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known
as The Administrative Code of 1929, is amended by adding an
article to read:

ARTICLE I-A

EMERGENCY COVID-19 PROVISIONS

Section 101-A. Extension of waiver provisions.
(a) General rule.--The Secretary of Community and Economic
Development shall immediately issue a waiver to the Governor's
20200319 TWW COVID-19 Business Closure Order to all vehicle-
dealer activities that can adhere to the social distancing
practices and other mitigation measures defined by the Centers
for Disease Control to protect workers and to mitigate the
spread of the COVID-19 virus.
(b) Required protection for employees.--All businesses that
receive a waiver and operate under subsection (a) shall also
provide, at minimum, the following protections for an essential
employee:
(1) Additional hazard pay, relative to the employee's
risk of exposure.
(2) Appropriate new personal protective equipment at the
start of every shift. Personal protective equipment shall
include, but not be limited to, gloves and a mask.
(3) A work environment that maximizes the safety of the
employee and the public, including, but not limited to,
social distancing and barriers.
(4) Cleaning areas with adequate soap and water and
breaks to frequently engage in hand washing.
(5) Leave for sickness, which shall be compensated at
the employee's normal wage.
(6) Information by the business if a coworker has been
tested for COVID-19 and the results of those tests when--
(c) Violation.--A business operating in this Commonwealth under a waiver under subsection (a) that violates any requirement under subsection (b) shall be immediately closed and may not be permitted to reopen until the business is in compliance.

(d) Definitions. The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Essential employee." An employee of a business who is required by the employee's employer to report to work at a physical location.

ARTICLE I-A

EMERGENCY COVID-19 PROVISIONS

SECTION 101-A. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ORDER." THE GOVERNOR'S 20200319 TWW COVID-19 BUSINESS CLOSURE ORDER.

"SECRETARY." THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH.

SECTION 102-A. VEHICLE DEALER WAIVER PROVISIONS.

(A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER TO ALL DEALERS OR OTHER VEHICLE-RELATED BUSINESSES THAT COMPLY WITH SECTION 108-A.

(B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "DEALER" SHALL HAVE THE SAME MEANING AS PROVIDED IN 75 PA.C.S. § 102 (RELATING TO DEFINITIONS).

SECTION 103-A. LAWN AND GARDEN CENTERS WAIVER PROVISIONS.
THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER
TO ALL LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORES THAT COMPLY
WITH SECTION 108-A.

SECTION 104-A.  COSMETOLOGY SALON AND BARBER SHOP WAIVER
PROVISIONS.

(A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER
TO THE ORDER TO ALLOW:

(1) ALL ACTIVITIES BY LICENSED BARBERS AS DEFINED UNDER
SECTION 2.1 OF THE ACT OF JUNE 19, 1931 (P.L.589, NO.202),
REFERRED TO AS THE BARBERS' LICENSE LAW; AND

(2) ALL ACTIVITIES PERTAINING TO THE EMBELLISHMENT,
CLEANLINESS AND BEAUTIFICATION OF THE HUMAN HAIR BY LICENSED
COSMETOLOGISTS AS DEFINED UNDER SECTION 1 OF THE
ACT OF MAY
3, 1933 (P.L.242, NO.86), REFERRED TO AS THE COSMETOLOGY LAW.

(B) MITIGATION MEASURES.--WAIVERS UNDER SUBSECTION (A) SHALL
ONLY BE ISSUED TO BUSINESS ACTIVITIES THAT CAN DO ALL OF THE
FOLLOWING TO PROTECT WORKERS AND CUSTOMERS FROM AND MITIGATE THE
SPREAD OF COVID-19:

(1) COMPLY WITH APPLICABLE MITIGATION MEASURES DEFINED
BY THE OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION AND THE
DEPARTMENT OF HEALTH AND ADDITIONAL MEASURES PRESCRIBED BY
THE STATE BOARD OF BARBER EXAMINERS AND THE STATE BOARD OF
COSMETOLOGY;

(2) REQUIRE THAT EMPLOYEES WEAR MASKS AND GLOVES AT ALL
TIMES;

(3) SERVE CUSTOMERS BY APPOINTMENT ONLY TO ENSURE THE
LOWEST POSSIBLE AMOUNT OF CUSTOMERS AND EMPLOYEES AT A TIME
IN ORDER TO COMPLY WITH SOCIAL DISTANCING GUIDELINES;

(4) REQUIRE CUSTOMERS TO EITHER WASH HANDS WITH SOAP AND
WATER OR HAND SANITIZER UPON ENTERING UNLESS WEARING GLOVES;
ENSURE THAT CUSTOMERS WEAR MASKS AT ALL TIMES AND MAINTAIN AT LEAST SIX FEET OF DISTANCE BETWEEN OTHER CUSTOMERS;

REMOVE ALL READING AND OTHER MATERIALS FROM WAITING AREAS BESIDE SEATING FOR CUSTOMERS;

PROHIBIT INDIVIDUALS ON THE PREMISES WITHOUT AN APPOINTMENT UNLESS ACCOMPANYING A CUSTOMER UNDER THE AGE OF 18; AND

WIPE DOWN CHAIRS, SURFACES AND OTHER EQUIPMENT USED ON A CUSTOMER WITH ACCEPTABLE CLEANING MATERIALS AFTER EVERY CUSTOMER.

SECTION 105-A. MESSENGER SERVICE AND AGENT SERVICE ACTIVITIES WAIVER PROVISIONS.

(A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER TO MESSENGER SERVICE AND AGENT SERVICE ACTIVITIES THAT COMPLY WITH SECTION 108-A.

(B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERMS "MESSENGER SERVICE" AND "AGENT SERVICE" SHALL HAVE THE SAME MEANING AS PROVIDED IN 75 PA.C.S. § 102 (RELATING TO DEFINITIONS).

SECTION 106-A. ANIMAL GROOMING SERVICES WAIVER PROVISIONS.

THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER TO ANIMAL GROOMING SERVICES THAT COMPLY WITH SECTION 108-A.

SECTION 107-A. MANUFACTURING OPERATIONS WAIVER PROVISIONS.

(A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER TO ALL MANUFACTURING OPERATIONS THAT COMPLY WITH SECTION 108-A.

(B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "MANUFACTURING OPERATIONS" SHALL INCLUDE THE PERFORMANCE AS A BUSINESS OF AN INTEGRATED SERIES OF OPERATIONS WHICH PLACES
PERSONAL PROPERTY IN A FORM, COMPOSITION OR CHARACTER DIFFERENT FROM THAT IN WHICH IT WAS ACQUIRED WHETHER FOR SALE OR USE BY THE MANUFACTURER BEGINNING WITH THE FIRST PRODUCTION OPERATION AND ENDING WITH THE PACKAGING OF THE PRODUCT FOR THE ULTIMATE CONSUMER.

SECTION 108-A. COMPLIANCE.

A BUSINESS SHALL ADHERE TO SOCIAL DISTANCING PRACTICES AND OTHER MITIGATION MEASURES DEFINED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION TO PROTECT WORKERS AND TO MITIGATE THE SPREAD OF THE COVID-19 VIRUS AND THE ORDER OF THE SECRETARY OF HEALTH DIRECTING PUBLIC HEALTH SAFETY MEASURES FOR BUSINESSES PERMITTED TO MAINTAIN IN-PERSON OPERATIONS.

SECTION 109-A. EFFECT OF SUBSEQUENT ORDERS.

A WAIVER GRANTED UNDER THIS ARTICLE SHALL REMAIN VALID NOTWITHSTANDING ANY ORDER ISSUED PURSUANT TO THE DECLARATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), OR ANY RENEWAL OF THE DECLARATION OF DISASTER EMERGENCY, UNLESS THE ORDER REMOVES ANY OF THE RESTRICTIONS OR OTHERWISE GRANTS GREATER PERMISSIONS FOR OPERATIONS THAN ARE PROVIDED UNDER THIS ARTICLE.

Section 2. This act shall take effect immediately.