Providing for a return to business operations under safety conditions; imposing sanctions; and providing for functions of the Department of Health and the Legislative Reference Bureau.

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

Section 1. Short title. This act shall be known and may be cited as the Healthy Back-to-Work Act.

Section 2. Declaration of policy. The General Assembly finds and declares as follows:

(1) The nation and this Commonwealth are confronted by the coronavirus known as COVID-19, and this has necessitated certain emergency measures to curtail the spread of the virus, encompassing all of the following:

(i) Social distancing.

(ii) Sanitary health practices.

(iii) Health-conscious behavior.

(iv) Maintenance of a sanitary work place.
(2) The critical consideration is the need to avoid the increase in the number of infected individuals, which occurred in other nations, overwhelming health care facilities and leaving scores of individuals without required medical care.

(3) An order by the Governor on March 19, 2020, in this dynamic and fluid environment, closed "non-life-supporting" business activity in the hope of reducing the spread of COVID-19. This order impacts tens of thousands of businesses and millions of jobs and puts at stake the economic well-being of our citizens. The impact is most severe upon:

(i) single-parent families;
(ii) young couples;
(iii) independently employed individuals who are not eligible for unemployment;
(iv) nonprofit businesses; and
(v) small businesses.

(4) There is a real and present danger that the cure, in the end, may be worse than the virus.

(5) A health-conscious approach is immediately necessary to mitigate the destruction of the most vulnerable in our society. There is a science-based way to balance preventative measures to blunt the spread of COVID-19, while closed businesses resume viable economic activity under section 5.

Section 3. Definitions.

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

"Closed business." A business closed by the order referred to in section 2(3).
"Department." The Department of Health of the Commonwealth.

Section 4. Department functions.

(a) Powers.--The department may do all of the following to implement section 2(2) and (5):

(1) Promulgate regulations.
(2) Issue an order.
(3) Impose a sanction under section 6.

(b) Duties.--The department shall do all of the following:

(1) Investigate a violation of section 5.
(2) Submit a monthly report on the operation of this act to:

(i) the Health and Human Services Committee of the Senate;
(ii) the Health Committee of the House of Representatives;
(iii) the Labor and Industry Committee of the Senate; and
(iv) the Labor and Industry Committee of the House of Representatives.

(3) Transmit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin notice of any of the following:

(i) Termination or expiration, under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), of the disaster emergency proclaimed by the Governor on March 6, 2020, and published at 50 Pa.B. 1644 (March 21, 2020).

(ii) Issuance of a gubernatorial order which removes restrictions on businesses, under the proclamation referred to in subparagraph (i), for the resumption of
normal business operations.

Section 5. Reopening.

A closed business may resume operation by complying with all of the following:

(1) Follow:

(i) regulations of the department;
(ii) orders of the department; and
(iii) guidelines of:
    (A) the Centers for Disease Control and Prevention; and
    (B) the Occupational Safety and Health Administration.

(2) Implement, or continue, a paid sick-leave policy as follows:

(i) If an employee has the symptoms of COVID-19. Under this policy, the employee:
    (A) shall be put on leave immediately upon the exhibition of symptoms; and
    (B) must remain on leave until a physician indicates that return to employment is safe.

(ii) If a member of an employee's household is ill, the employee may be put on leave to care for the ill individual.

(iii) A COVID-19 positive test result is not required to take sick leave.

(3) Ensure that there is a minimum of six feet between:

(i) employees; and
(ii) an employee and an individual on the site of the business.

(4) Implement sanitary policies and a regular cleaning
schedule to reduce exposure to COVID-19. This paragraph includes:

(i) disinfecting restrooms, work spaces and areas with access to the public; and

(ii) maintaining adequate cleaning supplies, tissues, hand sanitizers, gloves, medical masks and other necessary sanitary products.

(5) Allow as many employees as possible to work from home.

(6) Conduct meetings online as much as possible.

(7) Suspend nonessential operations.

(8) Implement minimal staffing.

(9) Limit interaction with individuals who are not employees.

(10) Strive to increase ventilation and circulation.

(11) Not permit an employee to work in an area open to the public if any of the following is in the employee's household:

(i) An individual who is ill. The prohibition under this subparagraph continues until a physician indicates that return to employment is safe.

(ii) An individual who is at high risk for suffering severe consequences from contracting COVID-19.

(12) Not permit an employee who is at high risk of suffering severe consequences from contracting COVID-19.

(13) Not permit employees to share tools, equipment, desks or chairs.

(14) Close break rooms and dining areas.


(a) Warning.--If the department determines that a person is
in violation of section 5, the department shall order the person
to correct the violation within 24 hours.

(b) Penalty.--A person that does not comply with an order
under subsection (a) is subject to an administrative penalty of
$500.

(c) Administrative agency law.--Subsection (b) is subject to
2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of
Commonwealth agencies) and 7 Subch. A (relating to judicial
review of Commonwealth agency action).

Section 7. Expiration.
This act shall expire on the earlier of:

(1) publication of the notice under section 4(b)(3); or

(2) January 15, 2021.

Section 8. Effective date.
This act shall take effect immediately.