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 employes 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 employes of certain departments and 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 lawn and garden equipment and supplies stores that can adhere to the 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.

(B) REQUIRED PROTECTION FOR EMPLOYEES.--ALL LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORES THAT RECEIVE A WAIVER AND OPERATE UNDER SUBSECTION (A) SHALL ALSO PROVIDE, AT A 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 LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE IF A COWORKER HAS BEEN TESTED FOR COVID-19 AND THE RESULTS OF THOSE TESTS WHEN AVAILABLE.
(C) VIOLATION.--A LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE 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 LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE IS IN COMPLIANCE.

(D) 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:

“ESSENTIAL EMPLOYEE.” AN EMPLOYEE OF A LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE WHO IS REQUIRED BY THE LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE TO REPORT TO WORK AT THE LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE’S PHYSICAL LOCATION.

Section 2. This act shall take effect immediately.