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, boards and commissions shall be determined," providing for establishment outdoor space operation.

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

ESTABLISHMENT OUTDOOR SPACE OPERATION

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:

"Designated county." A county designated by executive order in the yellow or green phase of reopening.

"Establishment." As follows:

(1) A restaurant, bar or private club which serves food and beverages.

(1) The term includes the following when located in a designated county:

(I) A restaurant, bar or private club which serves food and beverages.

(II) Brewpubs, breweries, wineries and distilleries.

(2) The term shall not include a night club, music or entertainment venue.

Section 102-A. Operation.

(a) Existing outside seating.--An establishment with outside seating in existence on the effective date of this section may, beginning on the effective date of this section, begin operation on the outside seating portion of the establishment.

(b) Nonexistent outside seating.--An establishment without outside seating in existence on the effective date of this section may, beginning on the effective date of this section, begin operation on temporary outside seating on property adjacent to the establishment.
Section 103-A. Requirements.

(a) Applicability.--This section shall apply to an establishment operating under section 102-A.

(b) Guidelines.--An establishment shall follow guidelines issued by the Centers for Disease Control and Prevention and the Commonwealth regarding business and building operations.

(c) Applicable practices.--An establishment shall, to the extent possible, follow applicable practices of the:

(1) National Restaurant Association's guidance to help restaurants restart operations; GUIDE FOR THE RESTAURANT INDUSTRY, TITLED "COVID-19 REOPENING GUIDANCE," PUBLISHED APRIL 22, 2020; and

(2) United States Food and Drug Administration's Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic.

Section 104-A. Expiration.

This article shall expire upon 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).

Section 2. This act shall take effect immediately.