AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in COVID-19 disaster emergency, providing for Pennsylvania starts-up safely.

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

Section 1. Chapter 57 of Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER F

PENNSYLVANIA STARTS-UP SAFELY

Sec.

5751. Definitions.

5752. General provisions.

5753. Shelter-in-place.

5754. Second phase of reopening.

5755. Third phase of reopening.

5756. Removal of restrictions.

§ 5751. Definitions.

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

"Confirmed case." An individual who has tested positive for the novel coronavirus during the COVID-19 disaster emergency.

"Corporation." The following:

(1) A corporation for profit as defined in 15 Pa.C.S. § 102 (relating to definitions).
(2) A corporation not-for-profit as defined in 15 Pa.C.S. § 102.
(3) A sole proprietorship.
(4) A limited liability company.

"Department." The Department of Health of the Commonwealth.

"Entertainment venue." Any concert hall, theater or sports arena operating in the Commonwealth.


"Health care system." An organized system of health care in which multiple health care providers participate and:

(1) The health care providers provide health care services in a manner so that the public is aware that the health care providers participate in a joint arrangement.
(2) The health care providers participate in any of the following joint activities:

(i) A utilization review that involves the review of health care decisions of participating covered entities by other participating covered entities or a third party on behalf of the participating covered entities.
(ii) Quality assessment and improvement activities that include the assessment of the treatment provided by participating covered entities by other participating covered entities or a third party on behalf of the participating covered entities.

(iii) Payment activities if all of the following apply:

(A) The financial risk for delivering health care is partially or wholly shared by participating covered entities through the joint arrangement.

(B) Protected health care information created or received by the participating covered entities is reviewed by other participating covered entities or a third party on behalf of the participating covered entities.

"Long-term care facility." A facility that provides rehabilitative, restorative or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living.

"Retail establishment." A corporation, including, but not limited to, a restaurant, bar, hair salon, fitness center or garden center in this Commonwealth. The term shall not include a theater, concert hall or sports arena.

"Secretary." The Secretary of Health of the Commonwealth.


§ 5752. General provisions.

(a) General requirements for reopening.--Prior to removing any restrictions placed on social or economic activity during the COVID-19 disaster emergency, the secretary shall ensure a county of the Commonwealth has met the following criteria:
(1) the county has recorded a decrease in the daily average of newly confirmed cases over the prior 14-day period; and

(2) a hospital or health care system has the capacity to treat patients suffering from the novel coronavirus based on an assessment from a hospital or health care system of the following:

   (i) the average of newly confirmed cases in the county that require hospitalization; and
   (ii) the number of beds available at the hospital or health care system in the county for the COVID-19 disaster emergency compared to the estimated number of beds and equipment required for treating the COVID-19 disaster emergency.

(b) General requirements for economic interactions.—Prior to any county in this Commonwealth having all restrictions on economic interactions lifted under this subchapter, a business shall comply with the Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-Person Operations issued by the secretary on April 15, 2020.

(c) Duty of secretary.—The secretary shall assess the number of confirmed cases in a county no later than seven days after the effective date of this section and every seven days thereafter until the expiration or termination of the COVID-19 disaster emergency. Notwithstanding any provision of this title or law to the contrary, the following shall apply:

   (1) If a county meets the criteria established under sections 5754 (relating to second phase of reopening) and 5755 (relating to third phase of reopening), the secretary
shall notify the Governor who shall immediately order the
restrictions on the county imposed to mitigate the spread of
the COVID-19 disaster emergency be lifted.

(2) If a county records a spike of confirmed cases that:
   (i) exceeds a daily average of 25 confirmed cases
   per 100,000 residents and the surge in confirmed cases is
   threatening capacity of available beds within the
   county's hospital and health care system, the secretary
   shall notify the Governor who shall reissue an order
   under section 5753 (relating to shelter-in-place)
   directing the residents of the county to remain at home;
   or
   (ii) exceeds a daily average of 10 confirmed cases
   per 100,000 residents, the Governor shall move the county
   back into the second phase of reopening and reissue the
   guidelines under section 5754.

(d) COVID-19 data.--In collecting data under this section
relating to determinations of county restrictions and reopening,
the department may not include confirmed cases of COVID-19 where
that individual is a resident of a long-term care facility or
State correctional facility.

§ 5753.   Shelter-in-place.

   (a) General rule.--If a county exceeds a daily average of 25
   confirmed cases per 100,000 residents over a 14-day period, the
   Governor shall issue an order directing residents to shelter-in-
   place.
   (b) Exception.--The shelter-in-place order for a county
   issued under subsection (a) shall not apply to an individual
   residing in a county for:
      (1) visitation or work in an essential industry; and
§ 5754. Second phase of reopening.

(a) Criteria.--If the secretary, upon review of the confirmed cases under section 5752 (relating to general provisions), determines a county has met any of the following criteria over the prior 14-day period, the secretary shall notify the Governor of whether a county has:

(1) a daily average of newly confirmed cases less than 25 confirmed cases per 100,000 residents;

(2) fewer than 50 cases total; or

(3) fifty percent or more of a county's confirmed cases in a long-term care facility.

(b) Order lifting restrictions.--The Governor, after receiving notification under subsection (a), shall order the county moved into the second phase of the Commonwealth's response to the COVID-19 disaster emergency.

(c) Guidelines for economic activity.--The Governor, in consultation with the Centers for Disease Control and Prevention and the task force, shall issue guidelines for economic activity in a county that has entered into the second phase of reopening under this section. The guidelines shall:

(1) Allow a retail establishment to open the establishment's physical location if the retail establishment limits occupancy to comply with requirements for social distancing.

(2) Require a corporation that reopens under this section to comply with requirements regarding sanitation, social distancing and face coverings in the Order of the Secretary of the Pennsylvania Department of Health Directing...
Public Health Safety Measures for Businesses Permitted to Maintain In-Person Operations issued by the secretary on April 15, 2020.

(d) School reopening.--A school district within a county under this section may resume in-person operations in compliance with guidance issued by the Centers for Disease Control and Prevention for the operation of educational facilities.

(e) Restricted activity.--State correctional institutions and long-term care facilities shall remain closed to visitors for any county that enters the second phase of reopening under this section.

§ 5755. Third phase of reopening.

(a) Criteria.--If the secretary, upon review of the confirmed cases under section 5752 (relating to general provisions), determines a county has met any of the following criteria over the prior 14-day period, the secretary shall notify the Governor of whether a county has:

(1) a daily average of newly confirmed cases less than 25 confirmed cases per 100,000 residents; or

(2) increased testing capacity to identify confirmed cases in a county meeting requirements established by the department based on recommendations provided by the Centers for Disease Control and Prevention and the task force.

(b) Request for guidance.--The secretary, no later than three days following the effective date of this section, shall submit a request to the Centers for Disease Control and Prevention and the task force for guidance on an adequate testing capacity in order to lift restrictions under this section.

(c) Order lifting restrictions.--The Governor, after being
notified of a county meeting criteria under this section, shall order the county moved into the third phase of reopening under this section.

(d) Guidelines for economic activity.--The Governor, in consultation with the Centers for Disease Control and Prevention and the task force, shall issue guidelines for economic activity in a county that has entered into the third phase of reopening under this section. The guidelines shall:

(1) Allow entertainment venues to reopen operations with restrictions on maximum occupancy and strict sanitation requirements. Entertainment venues reopened under this paragraph shall include, but not be limited to:

(i) A theater.

(ii) A concert hall.

(iii) A sports arena.

(2) Provide for reopening physical operations for any corporation that remained closed under section 5754 (relating to second phase of reopening).

(3) Allow a retail establishment whose physical operations reopened under section 5754 to increase maximum occupancy.

(e) Long-term care facilities.--The department, along with the Department of Human Services and the Department of Aging, shall issue guidelines that provide for visitation of immediate family members to the facilities' residents. The guidelines shall ensure the protection of the residents of the long-term care facility.

(f) State correctional institutions.--The department, in consultation with the Department of Corrections, shall develop guidelines allowing individuals to visit immediate family
members incarcerated at a State correctional institution.

§ 5756. Removal of restrictions.

(a) Risk determination.--Prior to the expiration or termination of the COVID-19 disaster emergency, if a county meets criteria under subsection (b) based on a review of confirmed cases by the secretary and the secretary determines the risk of transmission in a county is minimal, the secretary shall notify the Governor. The risk determination under this subsection shall be based on whether a county has met at least two of the following criteria:

(1) The daily average of confirmed cases over a 14-day period does not exceed 10 per 100,000.

(2) Fifty percent or more of the confirmed cases in a county are in a long-term care facility.

(3) Testing capacity to identify confirmed cases in a county has increased to meet requirements established by the department.

(4) The county has not had an increase in confirmed cases over 10 confirmed cases over a 14-day period.

(b) Lifting of restrictions.--Upon notification by the secretary that a county has met criteria under this section, the Governor shall order all restrictions on social and economic activity related to the mitigation of the COVID-19 disaster emergency to be lifted within the county.

Section 2. This act shall take effect immediately.