AN ACT

1 Providing for the restoration of indoor capacity for restaurants, bars and similar places of public accommodation.

2 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 Hospitality Industry Restoration Act.

Section 2. Purpose.

The purpose of this act is to provide clear standards for the restoration of indoor service at restaurants, bars and similar places of public accommodation during the COVID-19 disaster emergency.

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:
"COVID-19." The coronavirus disease 2019, an infectious
disease caused by severe acute respiratory syndrome coronavirus
2 that was first identified during December 2019 in Wuhan,
China.

"COVID-19 disaster emergency." The proclamation of disaster
emergency issued by the Governor on March 6, 2020, published at
50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
disaster emergency.

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

"Fire code maximum occupancy." The greatest number of
individuals permitted to be present in an indoor space at a time
as determined by a municipal building code official, a certified
third party in municipalities without a building code official
or the Bureau of Occupational and Industrial Safety within the
Department of Labor and Industry.

"Occupancy." The total number of individuals present at one
time within a restaurant, bar or similar place of public
accommodation, including employees and volunteers providing
accommodations to patrons and guests.

"Similar place of public accommodation." An indoor location
at which the consumption of food or beverages for remuneration
is the primary purpose.

Section 4. Restoration of indoor capacity.

(a) Restoration requirements.--A restaurant, bar or similar
place of public accommodation may offer hospitality to patrons
indoors at the following indoor occupancy capacities:

(1) The occupancy may be at 100% of the stated fire code
maximum occupancy for indoor dining if there have been no
incidents of community transmission in the county in the
preceding 14 days.
(2) The occupancy may be at 75% of the stated fire code maximum occupancy for indoor dining if the incidence rate for community transmission over the most recent seven-day period in the county is less than 10 per 100,000 residents and the percent of positivity among those tested in the county is less than 5% over the most recent seven-day period.

(3) The occupancy may be at 50% of the stated fire code maximum occupancy for indoor dining if the incidence rate for community transmission over the most recent seven-day period in the county is between 10 and 99 per 100,000 residents or if the percent of positivity among those tested in the county is between 5% and 9% over the most recent seven-day period.

(4) The occupancy may be at 25% of the stated fire code maximum occupancy for indoor dining if the incidence rate for community transmission over the most recent seven-day period in the county is 100 or more per 100,000 residents or if the percent of positivity among those tested in the county is greater than or equal to 10% over the most recent seven-day period.

(b) Required testing method.--The following apply:

(1) The test used to determine the rate of community transmission and the percentage of positivity among those tested must be a laboratory test in which it is determined if an individual patient has an active COVID-19 virus in bodily fluids or secretions, including a polymerase chain reaction (PCR) analysis.

(2) Serology tests for which antibodies are determined to be present to show a prior infection may not be included in the calculation to determine the rate of transmission or the percentage of positivity among individuals tested.
(c) Duty of department.--The department shall publish the following information on the department's publicly accessible Internet website on a daily basis:

(1) The incidence rate of COVID-19 transmission per 100,000 residents in each county of the Commonwealth over the most recent seven-day period.

(2) The percent of positivity among individuals tested in each county of the Commonwealth over the most recent seven-day period.

Section 5. Effective date.

This act shall take effect immediately.