INTRODUCED BY TARTAGLIONE, FONTANA, SCHWANK, BREWSTER, MENSCH, MUTH, SANTARSIERO, KEARNEY, A. WILLIAMS, BLAKE, COLLETT, IOVINO, LEACH, FARNESE, SABATINA, BOSCOLA, COSTA AND STREET, APRIL 3, 2020

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 3, 2020

AN ACT

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for pandemic of 2020 guidelines for food establishments.

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

Section 1. Title 3 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 75

PANDEMIC OF 2020 GUIDELINES FOR FOOD ESTABLISHMENTS

Sec.

7501. Scope of chapter.

7502. Declaration of purposes.

7503. Definitions.

7504. Guidelines for social distancing.

7505. Guidelines for cleaning and personal hygiene.

7506. Compensation and benefit policies.

7507. Guidelines for attendance policies.
Guidelines for infected food employees.

Guidelines for communication with food employees.

§ 7501. Scope of chapter.

This chapter relates to food establishments that operate during the pandemic of 2020.

§ 7502. Declaration of purposes.

The General Assembly finds and declares as follows:

(1) On March 6, 2020, Governor Wolf declared a disaster emergency throughout this Commonwealth in accordance with 35 Pa.C.S. § 7301(c) (relating to general authority of Governor) as a result of the pandemic of 2020.

(2) On March 19, 2020, Governor Wolf issued an executive order to close all non-life-sustaining businesses in this Commonwealth to stop the spread of the coronavirus disease (COVID-19) and combat the pandemic of 2020 as authorized under section 5 of the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955.

(3) In Governor Wolf's executive order on March 19, 2020, Governor Wolf specifically designated food establishments as life-sustaining businesses that are allowed to operate during the pandemic of 2020 to maintain the food chain supply that nourishes and feeds the residents of this Commonwealth.

(4) Consequently, food employees are essential employees who are necessary to preserve the health and well being of the residents of this Commonwealth during the pandemic of 2020.

(5) Therefore, it is urgent that food establishments implement procedures and safeguards to protect food employees.
from being infected with the coronavirus disease (COVID-19).

§ 7503. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Food employee." An employee who works for a food establishment.

"Food establishment." A room, building or place or portion thereof or vehicle maintained, used or operated for the purpose of commercially storing, packaging, slaughtering, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food. The term excludes retail food facilities, retail food establishments or public eating and drinking places.

"Health insurance policy." As follows:

(1) Any individual or group health, sickness or accident policy, or subscriber contract or certificate offered, issued or renewed by an entity subject to one of the following:

(i) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.


(iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(2) The term does not include accident only, fixed indemnity, limited benefit, credit, dental, vision, specified disease, Medicare supplement, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement, long-
term care or disability income, workers' compensation or automobile medical payment insurance.


"Retail food establishment." As defined in section 5702 (relating to definitions).

"Retail food facility." As defined in section 5702 (relating to definitions).

"Social distancing." A deliberate measure to increase the physical space between individuals to avoid spreading the coronavirus disease (COVID-19).

§ 7504. Guidelines for social distancing.

In order to ensure that food employees are practicing social distancing, the department, in conjunction with the Department of Health, shall develop guidelines to recommend that an owner of a food establishment take all of the following actions during the pandemic of 2020:

(1) Make more space available where food employees can take their work breaks and meal periods, including making available conference or training rooms or establishing other temporary accommodations such as heating tents.

(2) Adjust work break time periods to reduce the number of food employees who are on break at any given time.

(3) Stagger start times for food employees to mitigate the exposure of food employees to large groups of other food employees without the use of any time or attendance tracking devices.

(4) Conduct training sessions and meetings with smaller groups of food employees or online if access is available.

(5) Limit the number of visitors who are allowed access.
to the food establishment, including limiting access to only third-party providers and contractors until further notice.

(6) Implement self-screening procedures for all visitors at the entrance of the food establishment, including inquiries about past travel history and current health status.

(7) Refrain from utilizing temporary food employees interchangeably between various work sites.

(8) Screen temporary employees for the coronavirus disease (COVID-19).

(9) Use temporary employees at the food establishment for designated time periods of no less than two weeks.

§ 7505. Guidelines for cleaning and personal hygiene.

(a) Required cleaning.--The department, in conjunction with the Department of Health, shall develop guidelines to recommend that an owner of a food establishment take all of the following actions during the pandemic of 2020:

(1) Increase the level of cleaning at the food establishment's facilities, including frequently disinfecting high-use areas and surfaces.

(2) Immediately clean break rooms, locker rooms and common areas after use by food employees.

(3) Limit the number of food employees who are allowed in a locker room during any given time.

(b) Personal hygiene.--The department, in conjunction with the Department of Health, shall develop guidelines to recommend that an owner of a food establishment take all of the following actions:

(1) Make available sanitizers and other disinfectant wipes in common areas and work areas within the food
establishment.

(2) Provide ample time for food employees to wash and
sanitize their hands.

§ 7506. Compensation and benefit policies.

The department, in conjunction with the Department of Labor
and Industry, shall develop guidelines to recommend that an
owner of a food establishment take all of the following actions
during the pandemic of 2020:

(1) Notwithstanding the compensation requirements under
Article IV of the act of December 5, 1936 (2nd Sp.Sess., 1937
P.L.2897, No.1), known as the Unemployment Compensation Law,
provide compensation, at the regular rate of pay, to food
employees who have been infected with the coronavirus disease
(COVID-19) and are unable to perform work functions or are
otherwise subject to quarantine.

(2) Maintain the health insurance policy and other
employee-related benefits of food employees who have been
infected with the coronavirus disease (COVID-19) and are
unable to perform work functions or are otherwise subject to
quarantine.

(3) In the case of food employees who are eligible for
compensation for a temporary disability under the act of June
2, 1915 (P.L.736, No.338), known as the Workers' Compensation
Act, waive any waiting period requirements for food employees
who have been infected with the coronavirus disease (COVID-
19) and are unable to perform work functions or are otherwise
subject to quarantine.

§ 7507. Guidelines for attendance policies.

The department, in conjunction with the Department of Labor
and Industry, shall develop guidelines to recommend that an
owner of a food establishment take all of the following actions during the pandemic of 2020:

(1) Suspend attendance policies for food employees regarding any coronavirus disease (COVID-19) or quarantine incident, regardless of whether or not the absence of any food employee is mandated by a medical professional.

(2) In the case of food employees who are required to provide care for a family member or need to address childcare issues, refrain from penalizing food employees and allow the use of any available personal paid time off or provide an unpaid leave of absence if no personal paid time off is available.

§ 7508. Guidelines for infected food employees.
The department, in conjunction with the Department of Labor and Industry, shall develop guidelines to recommend that an owner of a food establishment take all of the following actions if a food employee has been infected with the coronavirus disease (COVID-19) or is otherwise subject to quarantine during the pandemic of 2020:

(1) If the infected food employee has been on the premises of the food establishment, immediately clean the area where the food employee was performing work functions and send any food employee home who worked in the same area.

(2) Provide compensation to any food employee who worked in the same area as the infected food employee at the regular rate of pay for a time period of no less than 14 days from the date the food employee was sent home.

§ 7509. Guidelines for communication with food employees.
The department, in conjunction with the Department of Labor and Industry, shall develop guidelines to recommend that an
owner of a food establishment communicate with each food
employee, in writing or verbally in any applicable language, to
ensure each food employee understands the food establishment's
protocols to address the pandemic of 2020.

Section 2. This act shall take effect immediately.