AN ACT

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

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 73

PANDEMIC OF 2020 GUIDELINES FOR GROCERY STORES

Sec.

7301. Scope of chapter.

7302. Declaration of purpose.

7303. Definitions.

7304. Guidelines for social distancing.

7305. Guidelines for cleaning and personal hygiene.

7306. Compensation and benefit policies.

7307. Guidelines for attendance policies.
§ 7301. Scope of chapter.

This chapter relates to grocery stores that operate during the pandemic of 2020.

§ 7302. Declaration of purpose.

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(a) (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 grocery stores as life sustaining businesses that are allowed to operate during the pandemic of 2020 to provide food and supplies to residents of this Commonwealth.

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

(5) Therefore, it is urgent that grocery store owners implement procedures and safeguards to protect their employees and customers from being infected with coronavirus disease (COVID-19).
§ 7303. 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:

"Customer." An individual who purchases food, food products or supplies from a grocery store.

"Grocery store." A retail establishment, commonly known as a grocery store, supermarket or delicatessen, where food, food products and supplies are sold for human consumption off the premises.

"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.

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

§ 7304. Guidelines for social distancing.

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

(1) Place floor markings to indicate where customers should stand to put distance between each customer while they stand in the checkout line.

(2) Place floor markings to indicate that customers should stand behind the checkout area until it is time to complete a transaction.

(3) Install plexiglass shields at each cash register and any other area where customers are allowed to checkout.

(4) Establish limits on the amount of customers in the grocery store at one time.

(5) Implement line control procedures indoors and outdoors with appropriate spacing between each customer.

(6) Waive curbside and in-store pickup fees to avoid crowds gathering inside the grocery store.

(7) Designate specific times for high-risk and senior customers to shop at the grocery store.

§ 7305. 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 grocery store take all of the following actions during the pandemic of 2020:
(1) Reduce the hours of operation for the grocery store for the purpose of restocking, cleaning and disinfecting the grocery store.

(2) Allow only half of the available cash registers to be used at one time to provide space in between cash registers.

(3) Require each cashier to switch to another cash register every hour to allow the previously used cash registers to be sanitized.

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

(1) Assign grocery store employees to substitute for cashiers to allow cashiers to wash their hands with soap and water for 20 seconds.

(2) Provide hand lotion to grocery store employees to ensure that their hands do not crack as a result of hand washing.

(3) Make hand sanitizer readily available for grocery store employees.

(4) Schedule cashier station sanitation breaks.

(5) Assign grocery store employees to rotate through the grocery store and sanitize frequently touched surfaces, including credit card and debit card payment screens.

(6) Assign grocery store employees to wipe down shopping carts and hand baskets on a regular basis.

(7) Reduce the handling of paper coupons.

(8) Prohibit the use of reusable shopping bags for any purpose.
(9) Encourage the use of credit cards and debit cards instead of cash.

§ 7306. Compensation and benefit policies.

The department, in conjunction with the Department of Labor, shall develop guidelines to recommend that an owner of a grocery store 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 grocery store employees who have been infected with the coronavirus disease (COVID-19) and are unable to perform work functions or are otherwise subject to quarantine during the pandemic of 2020 as the regular rate of pay.

(2) Maintain the health insurance policy and other employee-related benefits of grocery store employees who have been infected with the coronavirus disease (COVID-19) and are unable to perform work functions or are otherwise subject to quarantine during the pandemic of 2020.

(3) In the case of grocery store 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 periods requirements for the grocery store employees who have been infected with the coronavirus disease (COVID-19) and are unable to perform work functions or are otherwise subject to quarantine during the pandemic of 2020.

§ 7307. Guidelines for attendance policies.

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

(1) Suspend attendance policies for grocery store
employees regarding any coronavirus disease (COVID-19) or
quarantine incident during the pandemic of 2020, regardless
of whether or not the absence of any grocery store employee
is mandated by a medical professional.

(2) In the case of grocery store employees who are
required to provide care for a family member or need to
address childcare issues during the pandemic of 2020, refrain
from penalizing the grocery store employees who utilize
personal paid time off or take an unpaid leave of absence.

§ 7308. Guidelines for infected employees.
The department, in conjunction with the Department of Labor,
shall develop guidelines to recommend that an owner of a grocery
store take all of the following actions if a grocery store
employee has been infected with coronavirus disease (COVID-19)
or is otherwise subject to quarantine during the pandemic of
2020:

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

(2) Provide compensation to a grocery store employee who
worked in the same area as the infected grocery store
employee at the regular rate of pay for period of no less
than 14 days from the date the grocery store employee was
sent home.
Section 2. This act shall take effect immediately.