INTRODUCED BY MASTRIANO, YAW, PHILLIPS-HILL, PITTMAN, ARGALL, ARNOLD, LANGERHOLC, MENSCH, J. WARD AND K. WARD,
JUNE 16, 2020

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 16, 2020

AN ACT

Providing for the reopening of food and beverage service establishments through a phase-in period in relation to the COVID-19 emergency declaration; and providing for enforcement by the Department of Health.

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 Food and Beverage Service Establishment Reopening Act.

Section 2. 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 emergency declaration." 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.
"Establishment." A person engaged in the business of selling
or offering for sale food or beverages at retail in this
Commonwealth. The term includes a restaurant, bar or similar
establishment.

"Nonrelated customers." Individuals who request service at
an establishment and either are not family members or do not
share a common dwelling as their residence.

"Occupancy or seating capacity." The number of individuals
who may occupy or be seated in a specific establishment as
approved by law prior to the COVID-19 emergency declaration.

Section 3. Reopening of establishments.

(a) General rule.--Notwithstanding the COVID-19 emergency
declaration, the Governor's 20200319 TWW COVID-19 Business
Closure Order or any other executive order to the contrary,
establishments may be open for business provided they comply
with the phase-in schedule under subsection (b) and the health
and safety provisions under subsection (c).

(b) Phase-in schedule.--An establishment that is open for
business during the time period covered by the COVID-19
emergency declaration shall comply with the following phase-in
schedule for occupancy or seating capacity:

(1) Beginning on the effective date of this section, the
establishment may not operate in excess of 25% of its
occupancy or seating capacity.

(2) Beginning two weeks after the effective date of this
section, the establishment may not operate in excess of 50%
of its occupancy or seating capacity.

(3) Beginning four weeks after the effective date of
this section, the establishment may not operate in excess of
75% of its occupancy or seating capacity.
(4) Beginning six weeks after the effective date of this section, the establishment may not operate in excess of 100% of its occupancy or seating capacity.

(c) Health and safety provisions.--An establishment that is open for business during the time period covered by the COVID-19 emergency declaration shall comply with the following provisions:

(1) The establishment shall comply with the social distancing practices and other mitigation measures defined by the Centers for Disease Control and Prevention, to protect workers and to mitigate the spread of the COVID-19 virus, as well as the guidelines by the United States Department of Labor Occupational Safety and Health Administration.

(2) Unless otherwise required under paragraph (1), an establishment shall ensure that nonrelated customers are seated and served six feet apart consistent with social distancing protocols.

Section 4. Enforcement.

The department shall enforce compliance with this act.

Section 5. Expiration.

This act shall expire upon termination or expiration of the COVID-19 emergency declaration under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor).

Section 6. Publication of notice.

(a) General rule.--Within seven days of the termination or expiration of the COVID-19 emergency declaration under 35 Pa.C.S. § 7301(c)(relating to general authority of Governor), the department shall submit a notice of the termination or expiration to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
(b) Nonapplicability.--Subsection (a) shall not apply if the Governor or another agency has previously submitted the same or similar notice relating to the COVID-19 emergency declaration.

Section 7. Effective date.

This act shall take effect immediately.