

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**No. **2388** Session of  
2020

INTRODUCED BY MIHALEK, HEFFLEY, DUNBAR, TURZAI, KNOWLES, O'NEAL, SIMMONS, WARNER, SCHMITT, ORTITAY, MACKENZIE, GREGORY, RYAN, JAMES, KEEFER, ROWE, BERNSTINE, BARRAR, ECKER, STAATS, SCHLEGEL CULVER, HAHN, KAUFFMAN, KAIL, MARSHALL, MIZGORSKI, OWLETT, MENTZER, JONES, STRUZZI, ZIMMERMAN, NELSON, GLEIM, SAYLOR, MUSTELLO, TOBASH, MASSER, FEE, METCALFE, BOROWICZ, COOK, HERSHEY, CAUSER AND LEWIS, APRIL 7, 2020

SENATOR KILLION, COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, IN SENATE, AS AMENDED, MAY 11, 2020

## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; providing for judicial administration; and  
18 prescribing the manner in which the number and compensation  
19 of the deputies and all other assistants and employes of  
20 certain departments, boards and commissions shall be  
21 determined," providing for emergency COVID-19 provisions.

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

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding an  
2 article to read:

3 ARTICLE I A

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4 EMERGENCY COVID 19 PROVISIONS

5 Section 101 A. Extension of waiver provisions.

6 (a) General rule. The Secretary of Community and Economic  
7 Development shall immediately issue a waiver to the Governor's  
8 20200319 TWW COVID 19 Business Closure Order to all vehicle  
9 dealer activities that can adhere to the social distancing  
10 practices and other mitigation measures defined by the Centers  
11 for Disease Control to protect workers and to mitigate the  
12 spread of the COVID 19 virus.

13 (b) Required protection for employees. All businesses that  
14 receive a waiver and operate under subsection (a) shall also  
15 provide, at minimum, the following protections for an essential  
16 employee:

17 (1) Additional hazard pay, relative to the employee's  
18 risk of exposure.

19 (2) Appropriate new personal protective equipment at the  
20 start of every shift. Personal protective equipment shall  
21 include, but not be limited to, gloves and a mask.

22 (3) A work environment that maximizes the safety of the  
23 employee and the public, including, but not limited to,  
24 social distancing and barriers.

25 (4) Cleaning areas with adequate soap and water and  
26 breaks to frequently engage in hand washing.

27 (5) Leave for sickness, which shall be compensated at  
28 the employee's normal wage.

29 (6) Information by the business if a coworker has been  
30 tested for COVID 19 and the results of those tests when

1 available.

2 ~~(c) Violation. A business operating in this Commonwealth~~  
3 ~~under a waiver under subsection (a) that violates any~~  
4 ~~requirement under subsection (b) shall be immediately closed and~~  
5 ~~may not be permitted to reopen until the business is in~~  
6 ~~compliance.~~

7 ~~(d) Definitions. The following words and phrases when used~~  
8 ~~in this section shall have the meanings given to them in this~~  
9 ~~subsection unless the context clearly indicates otherwise:~~

10 ~~"Essential employee." An employee of a business who is~~  
11 ~~required by the employee's employer to report to work at a~~  
12 ~~physical location.~~

13 ARTICLE I-A

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14 EMERGENCY COVID-19 PROVISIONS

15 SECTION 101-A. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "ORDER." THE GOVERNOR'S 20200319 TWW COVID-19 BUSINESS  
20 CLOSURE ORDER.

21 "SECRETARY." THE SECRETARY OF COMMUNITY AND ECONOMIC  
22 DEVELOPMENT OF THE COMMONWEALTH.

23 SECTION 102-A. VEHICLE DEALER WAIVER PROVISIONS.

24 (A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER  
25 TO THE ORDER TO ALL DEALERS OR OTHER VEHICLE-RELATED BUSINESSES  
26 THAT COMPLY WITH SECTION 108-A.

27 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "DEALER"  
28 SHALL HAVE THE SAME MEANING AS PROVIDED IN 75 PA.C.S. § 102  
29 (RELATING TO DEFINITIONS).

30 SECTION 103-A. LAWN AND GARDEN CENTERS WAIVER PROVISIONS.

1 THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER  
2 TO ALL LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORES THAT COMPLY  
3 WITH SECTION 108-A.

4 SECTION 104-A. COSMETOLOGY SALON AND BARBER SHOP WAIVER  
5 PROVISIONS.

6 (A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER  
7 TO THE ORDER TO ALLOW:

8 (1) ALL ACTIVITIES BY LICENSED BARBERS AS DEFINED UNDER  
9 SECTION 2.1 OF THE ACT OF JUNE 19, 1931 (P.L.589, NO.202),  
10 REFERRED TO AS THE BARBERS' LICENSE LAW; AND

11 (2) ALL ACTIVITIES PERTAINING TO THE EMBELLISHMENT,  
12 CLEANLINESS AND BEAUTIFICATION OF THE HUMAN HAIR BY LICENSED  
13 COSMETOLOGISTS AS DEFINED UNDER SECTION 1 OF THE ACT OF MAY  
14 3, 1933 (P.L.242, NO.86), REFERRED TO AS THE COSMETOLOGY LAW.

15 (B) MITIGATION MEASURES.--WAIVERS UNDER SUBSECTION (A) SHALL  
16 ONLY BE ISSUED TO BUSINESS ACTIVITIES THAT CAN DO ALL OF THE  
17 FOLLOWING TO PROTECT WORKERS AND CUSTOMERS FROM AND MITIGATE THE  
18 SPREAD OF COVID-19:

19 (1) COMPLY WITH APPLICABLE MITIGATION MEASURES DEFINED  
20 BY THE OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION AND THE  
21 DEPARTMENT OF HEALTH AND ADDITIONAL MEASURES PRESCRIBED BY  
22 THE STATE BOARD OF BARBER EXAMINERS AND THE STATE BOARD OF  
23 COSMETOLOGY;

24 (2) REQUIRE THAT EMPLOYEES WEAR MASKS AND GLOVES AT ALL  
25 TIMES;

26 (3) SERVE CUSTOMERS BY APPOINTMENT ONLY TO ENSURE THE  
27 LOWEST POSSIBLE AMOUNT OF CUSTOMERS AND EMPLOYEES AT A TIME  
28 IN ORDER TO COMPLY WITH SOCIAL DISTANCING GUIDELINES;

29 (4) REQUIRE CUSTOMERS TO EITHER WASH HANDS WITH SOAP AND  
30 WATER OR HAND SANITIZER UPON ENTERING UNLESS WEARING GLOVES;

1           (5) ENSURE THAT CUSTOMERS WEAR MASKS AT ALL TIMES AND  
2 MAINTAIN AT LEAST SIX FEET OF DISTANCE BETWEEN OTHER  
3 CUSTOMERS;

4           (6) REMOVE ALL READING AND OTHER MATERIALS FROM WAITING  
5 AREAS BESIDE SEATING FOR CUSTOMERS;

6           (7) PROHIBIT INDIVIDUALS ON THE PREMISES WITHOUT AN  
7 APPOINTMENT UNLESS ACCOMPANYING A CUSTOMER UNDER THE AGE OF  
8 18; AND

9           (8) WIPE DOWN CHAIRS, SURFACES AND OTHER EQUIPMENT USED  
10 ON A CUSTOMER WITH ACCEPTABLE CLEANING MATERIALS AFTER EVERY  
11 CUSTOMER.

12 SECTION 105-A. MESSENGER SERVICE AND AGENT SERVICE ACTIVITIES  
13 WAIVER PROVISIONS.

14       (A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER  
15 TO THE ORDER TO MESSENGER SERVICE AND AGENT SERVICE ACTIVITIES  
16 THAT COMPLY WITH SECTION 108-A.

17       (B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERMS  
18 "MESSENGER SERVICE" AND "AGENT SERVICE" SHALL HAVE THE SAME  
19 MEANING AS PROVIDED IN 75 PA.C.S. § 102 (RELATING TO  
20 DEFINITIONS).

21 SECTION 106-A. ANIMAL GROOMING SERVICES WAIVER PROVISIONS.

22       THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER TO THE ORDER  
23 TO ANIMAL GROOMING SERVICES THAT COMPLY WITH SECTION 108-A.

24 SECTION 107-A. MANUFACTURING OPERATIONS WAIVER PROVISIONS.

25       (A) WAIVER.--THE SECRETARY SHALL IMMEDIATELY ISSUE A WAIVER  
26 TO THE ORDER TO ALL MANUFACTURING OPERATIONS THAT COMPLY WITH  
27 SECTION 108-A.

28       (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM  
29 "MANUFACTURING OPERATIONS" SHALL INCLUDE THE PERFORMANCE AS A  
30 BUSINESS OF AN INTEGRATED SERIES OF OPERATIONS WHICH PLACES

1 PERSONAL PROPERTY IN A FORM, COMPOSITION OR CHARACTER DIFFERENT  
2 FROM THAT IN WHICH IT WAS ACQUIRED WHETHER FOR SALE OR USE BY  
3 THE MANUFACTURER BEGINNING WITH THE FIRST PRODUCTION OPERATION  
4 AND ENDING WITH THE PACKAGING OF THE PRODUCT FOR THE ULTIMATE  
5 CONSUMER.

6 SECTION 108-A. COMPLIANCE.

7 A BUSINESS SHALL ADHERE TO SOCIAL DISTANCING PRACTICES AND  
8 OTHER MITIGATION MEASURES DEFINED BY THE CENTERS FOR DISEASE  
9 CONTROL AND PREVENTION TO PROTECT WORKERS AND TO MITIGATE THE  
10 SPREAD OF THE COVID-19 VIRUS AND THE ORDER OF THE SECRETARY OF  
11 HEALTH DIRECTING PUBLIC HEALTH SAFETY MEASURES FOR BUSINESSES  
12 PERMITTED TO MAINTAIN IN-PERSON OPERATIONS.

13 SECTION 109-A. EFFECT OF SUBSEQUENT ORDERS.

14 A WAIVER GRANTED UNDER THIS ARTICLE SHALL REMAIN VALID  
15 NOTWITHSTANDING ANY ORDER ISSUED PURSUANT TO THE DECLARATION OF  
16 DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,  
17 PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), OR ANY RENEWAL OF  
18 THE DECLARATION OF DISASTER EMERGENCY, UNLESS THE ORDER REMOVES  
19 ANY OF THE RESTRICTIONS OR OTHERWISE GRANTS GREATER PERMISSIONS  
20 FOR OPERATIONS THAN ARE PROVIDED UNDER THIS ARTICLE.

21 Section 2. This act shall take effect immediately.