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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2550 Session of  
2020

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INTRODUCED BY GROVE, JUNE 8, 2020

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, JUNE 8, 2020

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in COVID-19 disaster emergency,  
3 providing for Pennsylvania starts-up safely.

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

6 Section 1. Chapter 57 of Title 35 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER F

9 PENNSYLVANIA STARTS-UP SAFELY

10 Sec.

11 5751. Definitions.

12 5752. General provisions.

13 5753. Shelter-in-place.

14 5754. Second phase of reopening.

15 5755. Third phase of reopening.

16 5756. Removal of restrictions.

17 § 5751. Definitions.

18 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Confirmed case." An individual who has tested positive for  
4 the novel coronavirus during the COVID-19 disaster emergency.

5 "Corporation." The following:

6 (1) A corporation for profit as defined in 15 Pa.C.S. §  
7 102 (relating to definitions).

8 (2) A corporation not-for-profit as defined in 15  
9 Pa.C.S. § 102.

10 (3) A sole proprietorship.

11 (4) A limited liability company.

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

13 "Entertainment venue." Any concert hall, theater or sports  
14 arena operating in the Commonwealth.

15 "Essential industry." An industry labeled as essential under  
16 the Advisory Memorandum on Identification of Essential Critical  
17 Infrastructure Workers during COVID-19 Response, as published on  
18 March 19, 2020, by the United States Department of Homeland  
19 Security's Cybersecurity and Infrastructure Security Agency.

20 "Health care system." An organized system of health care in  
21 which multiple health care providers participate and:

22 (1) The health care providers provide health care  
23 services in a manner so that the public is aware that the  
24 health care providers participate in a joint arrangement.

25 (2) The health care providers participate in any of the  
26 following joint activities:

27 (i) A utilization review that involves the review of  
28 health care decisions of participating covered entities  
29 by other participating covered entities or a third party  
30 on behalf of the participating covered entities.

1           (ii) Quality assessment and improvement activities  
2           that include the assessment of the treatment provided by  
3           participating covered entities by other participating  
4           covered entities or a third party on behalf of the  
5           participating covered entities.

6           (iii) Payment activities if all of the following  
7           apply:

8                   (A) The financial risk for delivering health  
9                   care is partially or wholly shared by participating  
10                   covered entities through the joint arrangement.

11                   (B) Protected health care information created or  
12                   received by the participating covered entities is  
13                   reviewed by other participating covered entities or a  
14                   third party on behalf of the participating covered  
15                   entities.

16           "Long-term care facility." A facility that provides  
17           rehabilitative, restorative or ongoing skilled nursing care to  
18           patients or residents in need of assistance with activities of  
19           daily living.

20           "Retail establishment." A corporation, including, but not  
21           limited to, a restaurant, bar, hair salon, fitness center or  
22           garden center in this Commonwealth. The term shall not include a  
23           theater, concert hall or sports arena.

24           "Secretary." The Secretary of Health of the Commonwealth.

25           "Task force." The White House Coronavirus Task Force.

26           § 5752. General provisions.

27           (a) General requirements for reopening.--Prior to removing  
28           any restrictions placed on social or economic activity during  
29           the COVID-19 disaster emergency, the secretary shall ensure a  
30           county of the Commonwealth has met the following criteria:

1 (1) the county has recorded a decrease in the daily  
2 average of newly confirmed cases over the prior 14-day  
3 period; and

4 (2) a hospital or health care system has the capacity to  
5 treat patients suffering from the novel coronavirus based on  
6 an assessment from a hospital or health care system of the  
7 following:

8 (i) the average of newly confirmed cases in the  
9 county that require hospitalization; and

10 (ii) the number of beds available at the hospital or  
11 health care system in the county for the COVID-19  
12 disaster emergency compared to the estimated number of  
13 beds and equipment required for treating the COVID-19  
14 disaster emergency.

15 (b) General requirements for economic interactions.--Prior  
16 to any county in this Commonwealth having all restrictions on  
17 economic interactions lifted under this subchapter, a business  
18 shall comply with the Order of the Secretary of the Pennsylvania  
19 Department of Health Directing Public Health Safety Measures for  
20 Businesses Permitted to Maintain In-Person Operations issued by  
21 the secretary on April 15, 2020.

22 (c) Duty of secretary.--The secretary shall assess the  
23 number of confirmed cases in a county no later than seven days  
24 after the effective date of this section and every seven days  
25 thereafter until the expiration or termination of the COVID-19  
26 disaster emergency. Notwithstanding any provision of this title  
27 or law to the contrary, the following shall apply:

28 (1) If a county meets the criteria established under  
29 sections 5754 (relating to second phase of reopening) and  
30 5755 (relating to third phase of reopening), the secretary

1 shall notify the Governor who shall immediately order the  
2 restrictions on the county imposed to mitigate the spread of  
3 the COVID-19 disaster emergency be lifted.

4 (2) If a county records a spike of confirmed cases that:

5 (i) exceeds a daily average of 25 confirmed cases  
6 per 100,000 residents and the surge in confirmed cases is  
7 threatening capacity of available beds within the  
8 county's hospital and health care system, the secretary  
9 shall notify the Governor who shall reissue an order  
10 under section 5753 (relating to shelter-in-place)  
11 directing the residents of the county to remain at home;  
12 or

13 (ii) exceeds a daily average of 10 confirmed cases  
14 per 100,000 residents, the Governor shall move the county  
15 back into the second phase of reopening and reissue the  
16 guidelines under section 5754.

17 (d) COVID-19 data.--In collecting data under this section  
18 relating to determinations of county restrictions and reopening,  
19 the department may not include confirmed cases of COVID-19 where  
20 that individual is a resident of a long-term care facility or  
21 State correctional facility.

22 § 5753. Shelter-in-place.

23 (a) General rule.--If a county exceeds a daily average of 25  
24 confirmed cases per 100,000 residents over a 14-day period, the  
25 Governor shall issue an order directing residents to shelter-in-  
26 place.

27 (b) Exception.--The shelter-in-place order for a county  
28 issued under subsection (a) shall not apply to an individual  
29 residing in a county for:

30 (1) visitation or work in an essential industry; and

1 (2) visitation to a State or municipal park in this  
2 Commonwealth.

3 § 5754. Second phase of reopening.

4 (a) Criteria.--If the secretary, upon review of the  
5 confirmed cases under section 5752 (relating to general  
6 provisions), determines a county has met any of the following  
7 criteria over the prior 14-day period, the secretary shall  
8 notify the Governor of whether a county has:

9 (1) a daily average of newly confirmed cases less than  
10 25 confirmed cases per 100,000 residents;

11 (2) fewer than 50 cases total; or

12 (3) fifty percent or more of a county's confirmed cases  
13 in a long-term care facility.

14 (b) Order lifting restrictions.--The Governor, after  
15 receiving notification under subsection (a), shall order the  
16 county moved into the second phase of the Commonwealth's  
17 response to the COVID-19 disaster emergency.

18 (c) Guidelines for economic activity.--The Governor, in  
19 consultation with the Centers for Disease Control and Prevention  
20 and the task force, shall issue guidelines for economic activity  
21 in a county that has entered into the second phase of reopening  
22 under this section. The guidelines shall:

23 (1) Allow a retail establishment to open the  
24 establishment's physical location if the retail establishment  
25 limits occupancy to comply with requirements for social  
26 distancing.

27 (2) Require a corporation that reopens under this  
28 section to comply with requirements regarding sanitation,  
29 social distancing and face coverings in the Order of the  
30 Secretary of the Pennsylvania Department of Health Directing

1 Public Health Safety Measures for Businesses Permitted to  
2 Maintain In-Person Operations issued by the secretary on  
3 April 15, 2020.

4 (d) School reopening.--A school district within a county  
5 under this section may resume in-person operations in compliance  
6 with guidance issued by the Centers for Disease Control and  
7 Prevention for the operation of educational facilities.

8 (e) Restricted activity.--State correctional institutions  
9 and long-term care facilities shall remain closed to visitors  
10 for any county that enters the second phase of reopening under  
11 this section.

12 § 5755. Third phase of reopening.

13 (a) Criteria.--If the secretary, upon review of the  
14 confirmed cases under section 5752 (relating to general  
15 provisions), determines a county has met any of the following  
16 criteria over the prior 14-day period, the secretary shall  
17 notify the Governor of whether a county has:

18 (1) a daily average of newly confirmed cases less than  
19 25 confirmed cases per 100,000 residents; or

20 (2) increased testing capacity to identify confirmed  
21 cases in a county meeting requirements established by the  
22 department based on recommendations provided by the Centers  
23 for Disease Control and Prevention and the task force.

24 (b) Request for guidance.--The secretary, no later than  
25 three days following the effective date of this section, shall  
26 submit a request to the Centers for Disease Control and  
27 Prevention and the task force for guidance on an adequate  
28 testing capacity in order to lift restrictions under this  
29 section.

30 (c) Order lifting restrictions.--The Governor, after being

1 notified of a county meeting criteria under this section, shall  
2 order the county moved into the third phase of reopening under  
3 this section.

4 (d) Guidelines for economic activity.--The Governor, in  
5 consultation with the Centers for Disease Control and Prevention  
6 and the task force, shall issue guidelines for economic activity  
7 in a county that has entered into the third phase of reopening  
8 under this section. The guidelines shall:

9 (1) Allow entertainment venues to reopen operations with  
10 restrictions on maximum occupancy and strict sanitation  
11 requirements. Entertainment venues reopened under this  
12 paragraph shall include, but not be limited to:

13 (i) A theater.

14 (ii) A concert hall.

15 (iii) A sports arena.

16 (2) Provide for reopening physical operations for any  
17 corporation that remained closed under section 5754 (relating  
18 to second phase of reopening).

19 (3) Allow a retail establishment whose physical  
20 operations reopened under section 5754 to increase maximum  
21 occupancy.

22 (e) Long-term care facilities.--The department, along with  
23 the Department of Human Services and the Department of Aging,  
24 shall issue guidelines that provide for visitation of immediate  
25 family members to the facilities' residents. The guidelines  
26 shall ensure the protection of the residents of the long-term  
27 care facility.

28 (f) State correctional institutions.--The department, in  
29 consultation with the Department of Corrections, shall develop  
30 guidelines allowing individuals to visit immediate family

1 members incarcerated at a State correctional institution.

2 § 5756. Removal of restrictions.

3 (a) Risk determination.--Prior to the expiration or  
4 termination of the COVID-19 disaster emergency, if a county  
5 meets criteria under subsection (b) based on a review of  
6 confirmed cases by the secretary and the secretary determines  
7 the risk of transmission in a county is minimal, the secretary  
8 shall notify the Governor. The risk determination under this  
9 subsection shall be based on whether a county has met at least  
10 two of the following criteria:

11 (1) The daily average of confirmed cases over a 14-day  
12 period does not exceed 10 per 100,000.

13 (2) Fifty percent or more of the confirmed cases in a  
14 county are in a long-term care facility.

15 (3) Testing capacity to identify confirmed cases in a  
16 county has increased to meet requirements established by the  
17 department.

18 (4) The county has not had an increase in confirmed  
19 cases over 10 confirmed cases over a 14-day period.

20 (b) Lifting of restrictions.--Upon notification by the  
21 secretary that a county has met criteria under this section, the  
22 Governor shall order all restrictions on social and economic  
23 activity related to the mitigation of the COVID-19 disaster  
24 emergency to be lifted within the county.

25 Section 2. This act shall take effect immediately.