
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2389 Session of
2020

INTRODUCED BY DIAMOND, HELM, MILLARD, ROWE, COX, KEEFER AND
RADER, APRIL 7, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 7, 2020

AN ACT

1 Providing for a return to business operations under safety
2 conditions; imposing sanctions; and providing for functions
3 of the Department of Health and the Legislative Reference
4 Bureau.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Healthy Back-
9 to-Work Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) The nation and this Commonwealth are confronted by
13 the coronavirus known as COVID-19, and this has necessitated
14 certain emergency measures to curtail the spread of the
15 virus, encompassing all of the following:

16 (i) Social distancing.

17 (ii) Sanitary health practices.

18 (iii) Health-conscious behavior.

19 (iv) Maintenance of a sanitary work place.

1 (2) The critical consideration is the need to avoid the
2 increase in the number of infected individuals, which
3 occurred in other nations, overwhelming health care
4 facilities and leaving scores of individuals without required
5 medical care.

6 (3) An order by the Governor on March 19, 2020, in this
7 dynamic and fluid environment, closed "non-life-supporting"
8 business activity in the hope of reducing the spread of
9 COVID-19. This order impacts tens of thousands of businesses
10 and millions of jobs and puts at stake the economic well-
11 being of our citizens. The impact is most severe upon:

12 (i) single-parent families;

13 (ii) young couples;

14 (iii) independently employed individuals who are not
15 eligible for unemployment;

16 (iv) nonprofit businesses; and

17 (v) small businesses.

18 (4) There is a real and present danger that the cure, in
19 the end, may be worse than the virus.

20 (5) A health-conscious approach is immediately necessary
21 to mitigate the destruction of the most vulnerable in our
22 society. There is a science-based way to balance preventative
23 measures to blunt the spread of COVID-19, while closed
24 businesses resume viable economic activity under section 5.

25 Section 3. Definitions.

26 The following words and phrases when used in this act shall
27 have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Closed business." A business closed by the order referred
30 to in section 2(3).

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

2 Section 4. Department functions.

3 (a) Powers.--The department may do all of the following to
4 implement section 2(2) and (5):

5 (1) Promulgate regulations.

6 (2) Issue an order.

7 (3) Impose a sanction under section 6.

8 (b) Duties.--The department shall do all of the following:

9 (1) Investigate a violation of section 5.

10 (2) Submit a monthly report on the operation of this act
11 to:

12 (i) the Health and Human Services Committee of the
13 Senate;

14 (ii) the Health Committee of the House of
15 Representatives;

16 (iii) the Labor and Industry Committee of the
17 Senate; and

18 (iv) the Labor and Industry Committee of the House
19 of Representatives.

20 (3) Transmit to the Legislative Reference Bureau for
21 publication in the Pennsylvania Bulletin notice of any of the
22 following:

23 (i) Termination or expiration, under 35 Pa.C.S. §
24 7301(c) (relating to general authority of Governor), of
25 the disaster emergency proclaimed by the Governor on
26 March 6, 2020, and published at 50 Pa.B. 1644 (March 21,
27 2020).

28 (ii) Issuance of a gubernatorial order which removes
29 restrictions on businesses, under the proclamation
30 referred to in subparagraph (i), for the resumption of

1 normal business operations.

2 Section 5. Reopening.

3 A closed business may resume operation by complying with all
4 of the following:

5 (1) Follow:

6 (i) regulations of the department;

7 (ii) orders of the department; and

8 (iii) guidelines of:

9 (A) the Centers for Disease Control and
10 Prevention; and

11 (B) the Occupational Safety and Health
12 Administration.

13 (2) Implement, or continue, a paid sick-leave policy as
14 follows:

15 (i) If an employee has the symptoms of COVID-19.

16 Under this policy, the employee:

17 (A) shall be put on leave immediately upon the
18 exhibition of symptoms; and

19 (B) must remain on leave until a physician
20 indicates that return to employment is safe.

21 (ii) If a member of an employee's household is ill,
22 the employee may be put on leave to care for the ill
23 individual.

24 (iii) A COVID-19 positive test result is not
25 required to take sick leave.

26 (3) Ensure that there is a minimum of six feet between:

27 (i) employees; and

28 (ii) an employee and an individual on the site of
29 the business.

30 (4) Implement sanitary policies and a regular cleaning

1 schedule to reduce exposure to COVID-19. This paragraph
2 includes:

3 (i) disinfecting restrooms, work spaces and areas
4 with access to the public; and

5 (ii) maintaining adequate cleaning supplies,
6 tissues, hand sanitizers, gloves, medical masks and other
7 necessary sanitary products.

8 (5) Allow as many employees as possible to work from
9 home.

10 (6) Conduct meetings online as much as possible.

11 (7) Suspend nonessential operations.

12 (8) Implement minimal staffing.

13 (9) Limit interaction with individuals who are not
14 employees.

15 (10) Strive to increase ventilation and circulation.

16 (11) Not permit an employee to work in an area open to
17 the public if any of the following is in the employee's
18 household:

19 (i) An individual who is ill. The prohibition under
20 this subparagraph continues until a physician indicates
21 that return to employment is safe.

22 (ii) An individual who is at high risk for suffering
23 severe consequences from contracting COVID-19.

24 (12) Not permit an employee who is at high risk of
25 suffering severe consequences from contracting COVID-19.

26 (13) Not permit employees to share tools, equipment,
27 desks or chairs.

28 (14) Close break rooms and dining areas.

29 Section 6. Sanctions.

30 (a) Warning.--If the department determines that a person is

1 in violation of section 5, the department shall order the person
2 to correct the violation within 24 hours.

3 (b) Penalty.--A person that does not comply with an order
4 under subsection (a) is subject to an administrative penalty of
5 \$500.

6 (c) Administrative agency law.--Subsection (b) is subject to
7 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of
8 Commonwealth agencies) and 7 Subch. A (relating to judicial
9 review of Commonwealth agency action).

10 Section 7. Expiration.

11 This act shall expire on the earlier of:

- 12 (1) publication of the notice under section 4(b)(3); or
13 (2) January 15, 2021.

14 Section 8. Effective date.

15 This act shall take effect immediately.