

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2435 Session of 2020

INTRODUCED BY KOSIEROWSKI, ULLMAN, DRISCOLL, FLYNN, PASHINSKI, WILLIAMS, SCHWEYER, FREEMAN, KENYATTA, GALLOWAY, HOWARD, SANCHEZ, DERMODY, FRANKEL, CIRESI, MADDEN, MALAGARI, MERSKI, HOHENSTEIN AND McNEILL, APRIL 24, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 29, 2020

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for Food Establishment Personal
3 Protective Equipment Reimbursement Grant Program.

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

6 Section 1. Part IX of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 112

9 ~~FOOD ESTABLISHMENT PERSONAL PROTECTIVE~~ <--

10 ~~EQUIPMENT REIMBURSEMENT GRANT PROGRAM~~

11 FOOD ESTABLISHMENT <--

12 PANDEMIC DISEASE REMEDIATION COST

13 REIMBURSEMENT GRANT PROGRAM

14 Sec.

15 11201. Scope of chapter.

16 11202. Legislative intent.

17 11203. Definitions.

1 11204. Program.

2 11205. Application and award process.

3 11206. Funding.

4 § 11201. Scope of chapter.

5 This chapter establishes the Food Establishment ~~Personal~~ <--

6 ~~Protective Equipment~~ PANDEMIC DISEASE REMEDIATION COST <--

7 Reimbursement Grant Program.

8 § 11202. Legislative intent.

9 It is the intent of the General Assembly to establish a
10 reimbursement grant program under which food establishments may
11 obtain reimbursement of some portion of the costs incurred in <--

12 purchasing personal protective equipment for use by its
13 employees. FOR PANDEMIC DISEASE REMEDIATION COSTS. <--

14 § 11203. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Eligible PPE costs." ~~Costs that are both:~~ <--

19 ~~(1) incurred by a food establishment in purchasing PPE~~
20 ~~for use by its employees; and~~

21 ~~(2) paid by the applicant food establishment during the~~
22 ~~period specified in the standards and requirements for the~~
23 ~~program as published by the department.~~

24 "ELIGIBLE PANDEMIC DISEASE REMEDIATION COST." A COST THAT IS <--
25 INCURRED BY A FOOD ESTABLISHMENT DURING THE PERIOD SPECIFIED IN
26 THE STANDARDS AND REQUIREMENTS FOR THE PROGRAM AS PUBLISHED BY
27 THE DEPARTMENT.

28 "Food establishment." As defined in section 5722 (relating
29 to definitions);- AND A FOOD ESTABLISHMENT THAT HAS A PERMIT <--
30 UNDER THE ACT OF JULY 2, 1935 (P.L.589, NO.210), REFERRED TO AS

1 THE MILK SANITATION LAW.

2 "Food Safety Act." Subchapter B of Chapter 57 (relating to
3 food safety).

4 "PANDEMIC DISEASE." A DISEASE THAT ACTIVELY SPREADS OVER A <--
5 WIDE GEOGRAPHIC AREA AND AFFECTS A WHOLE COUNTRY OR THE WHOLE
6 WORLD.

7 "PANDEMIC DISEASE REMEDIATION COST." A COST INCURRED BY A
8 FOOD ESTABLISHMENT TO PREVENT, DETECT, CONTAIN OR ELIMINATE A
9 PANDEMIC DISEASE AMONG ITS EMPLOYEES AND OTHER PERSONS ON THE
10 PREMISES OF THE FOOD ESTABLISHMENT. A COST MAY INCLUDE, BUT IS
11 NOT LIMITED TO:

12 (1) THE COST OF PERSONAL PROTECTIVE EQUIPMENT.

13 (2) THE COST OF INSTALLING PHYSICAL BARRIERS TO LESSEN
14 THE CHANCE OF PANDEMIC DISEASE TRANSMISSION AMONG EMPLOYEES
15 AND PERSONS ON THE PREMISES OF THE FOOD ESTABLISHMENT.

16 (3) THE COST OF TESTING THERMOMETERS, PANDEMIC DISEASE
17 TESTS FOR EMPLOYEES OF THE FOOD ESTABLISHMENT, ACQUISITION
18 AND ADMINISTRATION OF A FEDERALLY APPROVED PANDEMIC DISEASE
19 VACCINE TO EMPLOYEES, AND OTHER MEDICAL EQUIPMENT EXPENSES
20 REASONABLY RELATED TO PREVENTING, DETECTING, CONTAINING OR
21 ELIMINATING A PANDEMIC DISEASE AMONG EMPLOYEES.

22 (4) THE COST OF MEDICAL PERSONNEL TO PROVIDE PANDEMIC
23 DISEASE-RELATED MEDICAL SERVICES TO FOOD ESTABLISHMENT
24 EMPLOYEES ON THE PREMISES OF THE FOOD ESTABLISHMENT.

25 (5) THE COST OF ACQUIRING SANITIZERS, CHEMICALS AND
26 EQUIPMENT, TO THE EXTENT THIS COST EXCEEDS THE NORMAL COST
27 OUTLAY OF THE FOOD ESTABLISHMENT FOR THESE ITEMS PRIOR TO THE
28 PREVALENCE OF A PANDEMIC DISEASE.

29 (6) SUCH OTHER RELATED COSTS IDENTIFIED BY THE
30 DEPARTMENT IN THE PUBLISHED STANDARDS AND REQUIREMENTS FOR

1 THE PROGRAM AS DESCRIBED IN SECTION 11204 (RELATING TO
2 PROGRAM).

3 "Person." An individual, partnership, association, firm,
4 corporation or any other legal entity.

5 "Personal protective equipment" or "PPE." Gloves,
6 respirators, face masks, gowns, face shields and other
7 protective equipment designed to be worn by individuals to
8 prevent or contain contact with, or to prevent transmission of,
9 a communicable illness or the pathogens that cause communicable
10 illness.

11 "Program." The Food Establishment Personal Protective <--
12 Equipment PANDEMIC DISEASE REMEDIATION COST Reimbursement Grant <--
13 Program established under section 11204 (relating to program).
14 § 11204. Program.

15 (a) Availability.--Grants under this chapter shall only be
16 offered in a fiscal year in which funding is made available to
17 the department. The following apply:

18 (1) If funding is exhausted or otherwise unavailable,
19 the department shall be under no obligation to provide grants
20 under this chapter.

21 (2) The standards and requirements for the program shall
22 be established by order of the secretary. The secretary shall
23 transmit this order to the Legislative Reference Bureau for
24 publication in the Pennsylvania Bulletin.

25 (3) Grant money may be prorated or offered as a
26 percentage of actual costs, as determined by the department,
27 and set forth in the order under paragraph (2), to spread <--
28 DISTRIBUTE available money to a larger number of grant <--
29 recipients.

30 (4) THE STANDARDS AND REQUIREMENTS FOR THE PROGRAM SHALL <--

1 SPECIFY A PERIOD OF TIME WITHIN WHICH A FOOD ESTABLISHMENT
2 INCURS A PANDEMIC DISEASE REMEDIATION COST TO BE ELIGIBLE FOR
3 REIMBURSEMENT UNDER THE PROGRAM.

4 (b) Grant limitations.--In addition to any limitation placed
5 upon grants in the published standards and requirements for the
6 program referenced under subsection (a)(2), the following shall
7 apply:

8 (1) Grant funds shall only be used to reimburse ~~eligible~~<--
9 ~~PPE costs~~ AN ELIGIBLE PANDEMIC DISEASE REMEDIATION COST. The <--
10 amount of reimbursement shall be based on ~~eligible PPE costs~~ <--
11 AN ELIGIBLE PANDEMIC DISEASE REMEDIATION COST, OR PORTION OF <--
12 THE COST, incurred by an approved applicant during any fiscal
13 year, ~~or portion of the costs,~~ in which grants are offered. <--

14 (2) Grant reimbursement money shall not exceed the
15 lesser of 50% of the eligible ~~PPE purchase costs~~ PANDEMIC <--
16 DISEASE REMEDIATION COST or a lower amount consistent with
17 the published standards and requirements for the program
18 described in subsection (a).

19 (3) Grant money may not be used to reimburse any portion
20 of the eligible ~~PPE costs which are~~ PANDEMIC DISEASE <--
21 REMEDICATION COST WHICH IS being paid or reimbursed under
22 another Federal or State grant program.

23 (c) Eligible food establishments.--A food establishment that
24 is registered with the department in accordance with the Food
25 Safety Act OR IS INSPECTED BY THE FOOD SAFETY INSPECTION SERVICE <--
26 OF THE UNITED STATES DEPARTMENT OF AGRICULTURE is eligible to
27 apply for a grant under the program.

28 § 11205. Application and award process.

29 (a) Application procedure.--A food establishment that
30 desires to receive a program grant shall submit a grant

1 application on a form provided by the department, unless
2 otherwise prescribed in the published standards and requirements
3 for the program described in section 11204 (relating to
4 program). The department may, in the referenced standards and
5 requirements, require that all applicants submit applications
6 via an online application system and provide the details of this
7 online application process.

8 (b) Application contents.--The application shall contain the
9 following information and other information as required by the
10 department:

11 (1) The applicant's name, business address and contact
12 information.

13 (2) A detailed statement of ~~the PPE costs~~ A PANDEMIC <--
14 DISEASE REMEDIATION COST, which must include copies of paid
15 invoices clearly identifying the items purchased in enough
16 detail to demonstrate the items are PPE A PANDEMIC DISEASE <--
17 REMEDICATION COST.

18 (3) Other information as the department may reasonably
19 require.

20 (c) Grant awards.--The department shall award grants to
21 applicants in accordance with this chapter and the applicable
22 program standards and requirements.

23 § 11206. Funding.

24 The department shall use money as appropriated by the General
25 Assembly for grants under this chapter and may also use any
26 other money that is made available to the department for grants
27 under this chapter, by Federal appropriation, State
28 appropriation, donation or from any other source.

29 Section 2. This act shall take effect immediately.