
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2492 Session of
2020

INTRODUCED BY MALAGARI, ULLMAN, SCHLOSSBERG, WILLIAMS, KINSEY,
WEBSTER, YOUNGBLOOD, KORTZ, DELLOSO, BRIGGS, McNEILL, HILL-
EVANS, DeLUCA, RAVENSTAHL, SANCHEZ, CIRESI, ROZZI, McCLINTON,
HOHENSTEIN, GALLOWAY, DONATUCCI, SIMS, READSHAW, ZABEL,
SCHWEYER, HANBIDGE, FRANKEL, MADDEN, PASHINSKI, BURGOS,
VITALI, MULLERY, HOWARD, FIEDLER, FREEMAN AND DRISCOLL,
MAY 12, 2020

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 12, 2020

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for pandemic of 2020 guidelines for food
3 establishments.

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

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

8 CHAPTER 75

9 PANDEMIC OF 2020 GUIDELINES FOR FOOD ESTABLISHMENTS

10 Sec.

11 7501. Scope of chapter.

12 7502. Declaration of purposes.

13 7503. Definitions.

14 7504. Guidelines for social distancing.

15 7505. Guidelines for cleaning and personal hygiene.

1 7506. Compensation and benefit policies.

2 7507. Guidelines for attendance policies.

3 7508. Guidelines for infected food employees.

4 7509. Guidelines for communication with food employees.

5 § 7501. Scope of chapter.

6 This chapter relates to food establishments that operate
7 during the pandemic of 2020.

8 § 7502. Declaration of purposes.

9 The General Assembly finds and declares as follows:

10 (1) On March 6, 2020, Governor Wolf declared a disaster
11 emergency throughout this Commonwealth in accordance with 35
12 Pa.C.S. § 7301(c) (relating to general authority of Governor)
13 as a result of the pandemic of 2020.

14 (2) On March 19, 2020, Governor Wolf issued an executive
15 order to close all non-life-sustaining businesses in this
16 Commonwealth to stop the spread of the coronavirus disease
17 (COVID-19) and combat the pandemic of 2020 as authorized
18 under section 5 of the act of April 23, 1956 (1955 P.L.1510,
19 No.500), known as the Disease Prevention and Control Law of
20 1955.

21 (3) In Governor Wolf's executive order on March 19,
22 2020, Governor Wolf specifically designated food
23 establishments as life-sustaining businesses that are allowed
24 to operate during the pandemic of 2020 to maintain the food
25 chain supply that nourishes and feeds the residents of this
26 Commonwealth.

27 (4) Consequently, food employees are essential employees
28 who are necessary to preserve the health and well being of
29 the residents of this Commonwealth during the pandemic of
30 2020.

1 (5) Therefore, it is urgent that food establishments
2 implement procedures and safeguards to protect food employees
3 from being infected with the coronavirus disease (COVID-19).

4 § 7503. Definitions.

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

8 "Food employee." An employee who works for a food
9 establishment.

10 "Food establishment." A room, building or place or portion
11 thereof or vehicle maintained, used or operated for the purpose
12 of commercially storing, packaging, slaughtering, making,
13 cooking, mixing, processing, bottling, baking, canning,
14 freezing, packing or otherwise preparing, transporting or
15 handling food. The term excludes retail food facilities, retail
16 food establishments or public eating and drinking places.

17 "Health insurance policy." As follows:

18 (1) Any individual or group health, sickness or accident
19 policy, or subscriber contract or certificate offered, issued
20 or renewed by an entity subject to one of the following:

21 (i) The act of May 17, 1921 (P.L.682, No.284), known
22 as The Insurance Company Law of 1921.

23 (ii) The act of December 29, 1972 (P.L.1701,
24 No.364), known as the Health Maintenance Organization
25 Act.

26 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
27 corporations) or 63 (relating to professional health
28 services plan corporations).

29 (2) The term does not include accident only, fixed
30 indemnity, limited benefit, credit, dental, vision, specified

1 disease, Medicare supplement, Civilian Health and Medical
2 Program of the Uniformed Services (CHAMPUS) supplement, long-
3 term care or disability income, workers' compensation or
4 automobile medical payment insurance.

5 "Pandemic of 2020." The coronavirus disease (COVID-19)
6 outbreak in this Commonwealth.

7 "Retail food establishment." As defined in section 5702
8 (relating to definitions).

9 "Retail food facility." As defined in section 5702 (relating
10 to definitions).

11 "Social distancing." A deliberate measure to increase the
12 physical space between individuals to avoid spreading the
13 coronavirus disease (COVID-19).

14 § 7504. Guidelines for social distancing.

15 In order to ensure that food employees are practicing social
16 distancing, the department, in conjunction with the Department
17 of Health, shall develop guidelines to recommend that an owner
18 of a food establishment take all of the following actions during
19 the pandemic of 2020:

20 (1) Make more space available where food employees can
21 take their work breaks and meal periods, including making
22 available conference or training rooms or establishing other
23 temporary accommodations such as heating tents.

24 (2) Adjust work break time periods to reduce the number
25 of food employees who are on break at any given time.

26 (3) Stagger start times for food employees to mitigate
27 the exposure of food employees to large groups of other food
28 employees without the use of any time or attendance tracking
29 devices.

30 (4) Conduct training sessions and meetings with smaller

1 groups of food employees or online if access is available.

2 (5) Limit the number of visitors who are allowed access
3 to the food establishment, including limiting access to only
4 third-party providers and contractors until further notice.

5 (6) Implement self-screening procedures for all visitors
6 at the entrance of the food establishment, including
7 inquiries about past travel history and current health
8 status.

9 (7) Refrain from utilizing temporary food employees
10 interchangeably between various work sites.

11 (8) Screen temporary employees for the coronavirus
12 disease (COVID-19).

13 (9) Use temporary employees at the food establishment for
14 designated time periods of no less than two weeks.

15 § 7505. Guidelines for cleaning and personal hygiene.

16 (a) Required cleaning.--The department, in conjunction with
17 the Department of Health, shall develop guidelines to recommend
18 that an owner of a food establishment take all of the following
19 actions during the pandemic of 2020:

20 (1) Increase the level of cleaning at the food
21 establishment's facilities, including frequently disinfecting
22 high-use areas and surfaces.

23 (2) Immediately clean break rooms, locker rooms and
24 common areas after use by food employees.

25 (3) Limit the number of food employees who are allowed
26 in a locker room during any given time.

27 (b) Personal hygiene.--The department, in conjunction with
28 the Department of Health, shall develop guidelines to recommend
29 that an owner of a food establishment take all of the following
30 actions:

1 (1) Make available sanitizers and other disinfectant
2 wipes in common areas and work areas within the food
3 establishment.

4 (2) Provide ample time for food employees to wash and
5 sanitize their hands.

6 § 7506. Compensation and benefit policies.

7 The department, in conjunction with the Department of Labor
8 and Industry, shall develop guidelines to recommend that an
9 owner of a food establishment take all of the following actions
10 during the pandemic of 2020:

11 (1) Notwithstanding the compensation requirements under
12 Article IV of the act of December 5, 1936 (2nd Sp.Sess., 1937
13 P.L.2897, No.1), known as the Unemployment Compensation Law,
14 provide compensation, at the regular rate of pay, to food
15 employees who have been infected with the coronavirus disease
16 (COVID-19) and are unable to perform work functions or are
17 otherwise subject to quarantine.

18 (2) Maintain the health insurance policy and other
19 employee-related benefits of food employees who have been
20 infected with the coronavirus disease (COVID-19) and are
21 unable to perform work functions or are otherwise subject to
22 quarantine.

23 (3) In the case of food employees who are eligible for
24 compensation for a temporary disability under the act of June
25 2, 1915 (P.L.736, No.338), known as the Workers' Compensation
26 Act, waive any waiting period requirements for food employees
27 who have been infected with the coronavirus disease (COVID-
28 19) and are unable to perform work functions or are otherwise
29 subject to quarantine.

30 § 7507. Guidelines for attendance policies.

1 The department, in conjunction with the Department of Labor
2 and Industry, shall develop guidelines to recommend that an
3 owner of a food establishment take all of the following actions
4 during the pandemic of 2020:

5 (1) Suspend attendance policies for food employees
6 regarding any coronavirus disease (COVID-19) or quarantine
7 incident, regardless of whether or not the absence of any
8 food employee is mandated by a medical professional.

9 (2) In the case of food employees who are required to
10 provide care for a family member or need to address childcare
11 issues, refrain from penalizing food employees and allow the
12 use of any available personal paid time off or provide an
13 unpaid leave of absence if no personal paid time off is
14 available.

15 § 7508. Guidelines for infected food employees.

16 The department, in conjunction with the Department of Labor
17 and Industry, shall develop guidelines to recommend that an
18 owner of a food establishment take all of the following actions
19 if a food employee has been infected with the coronavirus
20 disease (COVID-19) or is otherwise subject to quarantine during
21 the pandemic of 2020:

22 (1) If the infected food employee has been on the
23 premises of the food establishment, immediately clean the
24 area where the food employee was performing work functions
25 and send any food employee home who worked in the same area.

26 (2) Provide compensation to any food employee who worked
27 in the same area as the infected food employee at the regular
28 rate of pay for a time period of no less than 14 days from
29 the date the food employee was sent home.

30 § 7509. Guidelines for communication with food employes.

1 The department, in conjunction with the Department of Labor
2 and Industry, shall develop guidelines to recommend that an
3 owner of a food establishment communicate with each food
4 employee, in writing or verbally in any applicable language, to
5 ensure each food employee understands the food establishment's
6 protocols to address the pandemic of 2020.

7 Section 2. This act shall take effect immediately.