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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2493 Session of  
2020

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INTRODUCED BY HARKINS, A. DAVIS, BURGOS, RAVENSTAHL, McNEILL,  
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SIMS, READSHAW, SCHWEYER, NEILSON, HANBIDGE, FRANKEL, DEASY,  
LEE, GAINNEY AND FIEDLER, MAY 12, 2020

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

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AN ACT

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

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 73

9 PANDEMIC OF 2020 GUIDELINES FOR GROCERY STORES

10 Sec.

11 7301. Scope of chapter.

12 7302. Declaration of purpose.

13 7303. Definitions.

14 7304. Guidelines for social distancing.

15 7305. Guidelines for cleaning and personal hygiene.

1 7306. Compensation and benefit policies.

2 7307. Guidelines for attendance policies.

3 7308. Guidelines for infected employees.

4 § 7301. Scope of chapter.

5 This chapter relates to grocery stores that operate during  
6 the pandemic of 2020.

7 § 7302. Declaration of purpose.

8 The General Assembly finds and declares as follows:

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

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

20 (3) In Governor Wolf's executive order on March 19,  
21 2020, Governor Wolf specifically designated grocery stores as  
22 life-sustaining businesses that are allowed to operate during  
23 the pandemic of 2020 to provide food and supplies to  
24 residents of this Commonwealth.

25 (4) Consequently, grocery store employees are essential  
26 employees who are necessary to maintain the health and well-  
27 being of the residents of this Commonwealth during the  
28 pandemic of 2020.

29 (5) Therefore, it is urgent that grocery store owners  
30 implement procedures and safeguards to protect their

1 employees and customers from being infected with coronavirus  
2 disease (COVID-19).

3 § 7303. Definitions.

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

7 "Customer." An individual who purchases food, food products  
8 or supplies from a grocery store.

9 "Grocery store." A retail establishment, commonly known as a  
10 grocery store, supermarket or delicatessen, where food, food  
11 products and supplies are sold for human consumption off the  
12 premises.

13 "Health insurance policy." As follows:

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

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

19 (ii) The act of December 29, 1972 (P.L.1701,  
20 No.364), known as the Health Maintenance Organization  
21 Act.

22 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
23 corporations) or 63 (relating to professional health  
24 services plan corporations).

25 (2) The term does not include accident only, fixed  
26 indemnity, limited benefit, credit, dental, vision, specified  
27 disease, Medicare supplement, Civilian Health and Medical  
28 Program of the Uniformed Services (CHAMPUS) supplement, long-  
29 term care or disability income, workers' compensation or  
30 automobile medical payment insurance.

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

3 "Social distancing." A deliberate measure to increase the  
4 physical space between individuals to avoid spreading the  
5 coronavirus disease (COVID-19).

6 § 7304. Guidelines for social distancing.

7 In order to ensure that grocery store employees and customers  
8 are practicing social distancing, the department, in conjunction  
9 with the Department of Health, shall develop guidelines to  
10 recommend that an owner of a grocery store take all of the  
11 following actions during the pandemic of 2020:

12 (1) Place floor markings to indicate where customers  
13 should stand to put distance between each customer while they  
14 stand in the checkout line.

15 (2) Place floor markings to indicate that customers  
16 should stand behind the checkout area until it is time to  
17 complete a transaction.

18 (3) Install plexiglass shields at each cash register and  
19 any other area where customers are allowed to checkout.

20 (4) Establish limits on the amount of customers in the  
21 grocery store at one time.

22 (5) Implement line control procedures indoors and  
23 outdoors with appropriate spacing between each customer.

24 (6) Waive curbside and in-store pickup fees to avoid  
25 crowds gathering inside the grocery store.

26 (7) Designate specific times for high-risk and senior  
27 customers to shop at the grocery store.

28 § 7305. Guidelines for cleaning and personal hygiene.

29 (a) Required cleaning.--The department, in conjunction with  
30 the Department of Health, shall develop guidelines to recommend

1 that an owner of a grocery store take all of the following  
2 actions during the pandemic of 2020:

3 (1) Reduce the hours of operation for the grocery store  
4 for the purpose of restocking, cleaning and disinfecting the  
5 grocery store.

6 (2) Allow only half of the available cash registers to  
7 be used at one time to provide space in between cash  
8 registers.

9 (3) Require each cashier to switch to another cash  
10 register every hour to allow the previously used cash  
11 registers to be sanitized.

12 (b) Personal hygiene.--The department, in conjunction with  
13 the Department of Health, shall develop guidelines to recommend  
14 that an owner of a grocery store take all of the following  
15 actions:

16 (1) Assign grocery store employees to substitute for  
17 cashiers to allow cashiers to wash their hands with soap and  
18 water for 20 seconds.

19 (2) Provide hand lotion to grocery store employees to  
20 ensure that their hands do not crack as a result of hand  
21 washing.

22 (3) Make hand sanitizer readily available for grocery  
23 store employees.

24 (4) Schedule cashier station sanitation breaks.

25 (5) Assign grocery store employees to rotate through the  
26 grocery store and sanitize frequently touched surfaces,  
27 including credit card and debit card payment screens.

28 (6) Assign grocery store employees to wipe down shopping  
29 carts and hand baskets on a regular basis.

30 (7) Reduce the handling of paper coupons.

1           (8) Prohibit the use of reusable shopping bags for any  
2 purpose.

3           (9) Encourage the use of credit cards and debit cards  
4 instead of cash.

5 § 7306. Compensation and benefit policies.

6           The department, in conjunction with the Department of Labor,  
7 shall develop guidelines to recommend that an owner of a grocery  
8 store take all of the following actions during the pandemic of  
9 2020:

10           (1) Notwithstanding the compensation requirements under  
11 Article IV of the act of December 5, 1936 (2nd Sp.Sess., 1937  
12 P.L.2897, No.1), known as the Unemployment Compensation Law,  
13 provide compensation, at the regular rate of pay, to grocery  
14 store employees who have been infected with the coronavirus  
15 disease (COVID-19) and are unable to perform work functions  
16 or are otherwise subject to quarantine during the pandemic of  
17 2020 as the regular rate of pay.

18           (2) Maintain the health insurance policy and other  
19 employee-related benefits of grocery store employees who have  
20 been infected with the coronavirus disease (COVID-19) and are  
21 unable to perform work functions or are otherwise subject to  
22 quarantine during the pandemic of 2020.

23           (3) In the case of grocery store employees who are  
24 eligible for compensation for a temporary disability under  
25 the act of June 2, 1915 (P.L.736, No.338), known as the  
26 Workers' Compensation Act, waive any waiting periods  
27 requirements for the grocery store employees who have been  
28 infected with the coronavirus disease (COVID-19) and are  
29 unable to perform work functions or are otherwise subject to  
30 quarantine during the pandemic of 2020.

1 § 7307. Guidelines for attendance policies.

2 The department, in conjunction with the Department of Labor,  
3 shall develop guidelines to recommend that an owner of a grocery  
4 store take all of the following actions during the pandemic of  
5 2020:

6 (1) Suspend attendance policies for grocery store  
7 employees regarding any coronavirus disease (COVID-19) or  
8 quarantine incident during the pandemic of 2020, regardless  
9 of whether or not the absence of any grocery store employee  
10 is mandated by a medical professional.

11 (2) In the case of grocery store employees who are  
12 required to provide care for a family member or need to  
13 address childcare issues during the pandemic of 2020, refrain  
14 from penalizing the grocery store employees who utilize  
15 personal paid time off or take an unpaid leave of absence.

16 § 7308. Guidelines for infected employees.

17 The department, in conjunction with the Department of Labor,  
18 shall develop guidelines to recommend that an owner of a grocery  
19 store take all of the following actions if a grocery store  
20 employee has been infected with coronavirus disease (COVID-19)  
21 or is otherwise subject to quarantine during the pandemic of  
22 2020:

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

28 (2) Provide compensation to a grocery store employee who  
29 worked in the same area as the infected grocery store  
30 employee at the regular rate of pay for a period of no less

1 than 14 days from the date the grocery store employee was  
2 sent home.

3 Section 2. This act shall take effect immediately.