

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2506 Session of 2020

INTRODUCED BY EVERETT, IRVIN, TOPPER, TOBASH, SCHLEGEL CULVER, BERNSTINE, PICKETT, DRISCOLL, WHEELAND, RYAN, MIHALEK, KAUFFMAN, CAUSER, HAHN, BARRAR, SCHMITT, JAMES, GROVE, MASSER, FEE, MOUL, ZIMMERMAN, HILL-EVANS, KEEFER, JOZWIAK, GAYDOS, MILLARD, SAYLOR, DeLUCA, NELSON, RIGBY AND NEILSON, MAY 12, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 18, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," providing for establishment outdoor space
22 operation.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding an
2 article to read:

3 ARTICLE I-A

4 ESTABLISHMENT OUTDOOR SPACE OPERATION

5 Section 101-A. Definitions.

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

9 "Designated county." A county designated by executive order
10 in the yellow or green phase of reopening.

11 "Establishment." As follows:

12 ~~(1) A restaurant, bar or private club which serves food~~ <--
13 ~~and beverages.~~

14 (1) THE TERM INCLUDES THE FOLLOWING WHEN LOCATED IN A <--
15 DESIGNATED COUNTY:

16 (I) A RESTAURANT, BAR OR PRIVATE CLUB WHICH SERVES
17 FOOD AND BEVERAGES.

18 (II) BREWPUBS, BREWERIES, WINERIES AND DISTILLERIES.

19 (2) The term shall not include a night club, music or
20 entertainment venue.

21 Section 102-A. Operation.

22 (a) Existing outside seating.--An establishment with outside
23 seating in existence on the effective date of this section may,
24 beginning on the effective date of this section, begin operation
25 on the outside seating portion of the establishment.

26 (b) Nonexistent outside seating.--An establishment without
27 outside seating in existence on the effective date of this
28 section may, beginning on the effective date of this section,
29 begin operation on temporary outside seating on property
30 adjacent to the establishment.

1 Section 103-A. Requirements.

2 (a) Applicability.--This section shall apply to an
3 establishment operating under section 102-A.

4 (b) Guidelines.--An establishment shall follow guidelines
5 issued by the Centers for Disease Control and Prevention and the
6 Commonwealth regarding business and building operations.

7 (c) Applicable practices.--An establishment shall, to the
8 extent possible, follow applicable practices of the:

9 (1) National Restaurant Association's ~~guidance to help~~ <--
10 ~~restaurants restart operations;~~ GUIDE FOR THE RESTAURANT <--
11 INDUSTRY, TITLED "COVID-19 REOPENING GUIDANCE," PUBLISHED
12 APRIL 22, 2020; and

13 (2) United States Food and Drug Administration's Best
14 Practices for Retail Food Stores, Restaurants, and Food Pick-
15 Up/Delivery Services During the COVID-19 Pandemic.

16 Section 104-A. Expiration.

17 This article shall expire upon termination or expiration of
18 the declaration of disaster emergency issued by the Governor on
19 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

20 Section 2. This act shall take effect immediately.