

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2513 Session of
2020

INTRODUCED BY EVERETT, IRVIN, TOPPER, SCHLEGEL CULVER, TOBASH,
BERNSTINE, PICKETT, DRISCOLL, WHEELAND, RYAN, MIHALEK,
KAUFFMAN, CAUSER, HAHN, STRUZZI, BARRAR, SCHMITT, JAMES,
GROVE, MASSER, FEE, MOUL, ZIMMERMAN, KEEFER, JOZWIAK, GAYDOS,
MILLARD, SAYLOR, DeLUCA, NELSON, RIGBY, NEILSON, STAATS,
FARRY, ROAE, THOMAS, MURT, DOWLING, ECKER, QUINN, HICKERNELL
AND GLEIM, MAY 13, 2020

SENATOR STEFANO, LAW AND JUSTICE, IN SENATE, AS AMENDED,
SEPTEMBER 8, 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 ~~indoor space~~ <--
22 operation.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

1 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
2 as The Administrative Code of 1929, is amended by adding an
3 article to read:

4 ARTICLE I-A

5 ~~ESTABLISHMENT INDOOR SPACE OPERATION~~ <--

6 ESTABLISHMENT OPERATION <--

7 (A) ESTABLISHMENT INDOOR SPACE OPERATION

8 Section 101-A. Definitions.

9 The following words and phrases when used in this article <--

10 SUBARTICLE shall have the meanings given to them in this section <--

11 unless the context clearly indicates otherwise:

12 "Designated county." A county designated by executive order <--
13 in the yellow or green phase of reopening.

14 "COVID-19 DISASTER EMERGENCY." THE PROCLAMATION OF DISASTER <--
15 EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT
16 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF
17 DISASTER EMERGENCY.

18 "Establishment." As follows:

19 (1) The term includes the following when located in a <--
20 designated county:

21 (i) A restaurant, bar, HOTEL or private club which <--
22 serves food and beverages.

23 ~~(ii) Brewpubs, breweries, wineries and distilleries.~~ <--

24 (II) A BREWPUB, BREWERY, WINERY OR DISTILLERY. <--

25 (III) AN EVENT VENUE.

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

28 "EVENT VENUE." AS FOLLOWS: <--

29 (1) THE TERM INCLUDES A BANQUET HALL, PRIVATE CLUB OR
30 ESTABLISHMENT WHICH REGULARLY HOLDS EVENTS.

1 (2) THE TERM SHALL NOT INCLUDE A NIGHT CLUB OR MUSIC
2 VENUE.

3 Section 102-A. Operation.

4 An establishment with inside seating in existence on the
5 effective date of this section may, beginning on the effective
6 date of this section, begin operation on the inside seating
7 portion of the establishment.

8 Section 103-A. Requirements.

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

11 ~~(b) Guidelines.~~

<--

12 ~~(1) Except as provided under paragraph (2), an~~
13 ~~establishment shall follow guidelines issued by the Centers~~
14 ~~for Disease Control and Prevention and the Commonwealth~~
15 ~~regarding business and building operations.~~

16 ~~(2) An establishment may, consistent with guidelines~~
17 ~~issued by the Centers for Disease Control and Prevention and~~
18 ~~the Commonwealth regarding business and building operations,~~
19 ~~use suitable barriers in addition to social distancing~~
20 ~~requirements.~~

21 ~~(c) Applicable practices. An establishment shall, to the~~
22 ~~extent possible, follow applicable practices of the:~~

23 ~~(1) National Restaurant Association's Guide for the~~
24 ~~Restaurant Industry, titled "COVID 19 Reopening Guidance,"~~
25 ~~published April 22, 2020; and~~

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

29 ~~(d) Limitation. An establishment may not use more than 50%~~
30 ~~of the establishment's seating capacity during operation.~~

1 (B) GUIDELINES.--THE FOLLOWING SHALL APPLY: <--

2 (1) AN ESTABLISHMENT SHALL BE PERMITTED TO OPERATE AT A
3 MINIMUM OF 50% CAPACITY FOR INDOOR DINING WITH SOCIAL
4 DISTANCING CONSISTENT WITH GUIDELINES ISSUED BY THE CENTERS
5 FOR DISEASE CONTROL AND PREVENTION AND THE COMMONWEALTH OR
6 MAINTAIN PHYSICAL BARRIERS.

7 (2) AN ESTABLISHMENT MAY BE PERMITTED TO OPERATE ABOVE
8 50% CAPACITY FOR INDOOR DINING IF ALLOWED BY THE GUIDELINES
9 ISSUED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND
10 THE COMMONWEALTH OR MAINTAIN PHYSICAL BARRIERS.

11 SECTION 104-A. PROHIBITION ON MEAL REQUIREMENT TO PURCHASE
12 ALCOHOLIC BEVERAGES.

13 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
14 AN ESTABLISHMENT SHALL NOT BE SUBJECT TO AN EXECUTIVE ORDER
15 DURING THE COVID-19 DISASTER EMERGENCY WHICH:

16 (1) REQUIRES THE PURCHASE OF A MEAL TO BUY ALCOHOLIC
17 BEVERAGES.

18 (2) PROHIBITS BAR SERVICE FOR FOOD AND BEVERAGES.

19 Section 104-A 105-A. Expiration. <--

20 This ~~article~~ SUBARTICLE shall expire upon termination or <--
21 expiration of the ~~declaration of disaster emergency issued by~~ <--
22 the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
23 21, 2020) COVID-19 DISASTER EMERGENCY. <--

24 (B) OUTDOOR SPACE OPERATION <--

25 SECTION 110-A. DEFINITIONS.

26 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE
27 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
28 CONTEXT CLEARLY INDICATES OTHERWISE:

29 "BOARD." AS DEFINED UNDER SECTION 102 OF THE LIQUOR CODE.

30 "LIQUOR CODE." THE ACT OF APRIL 12, 1951 (P.L.90, NO.51),

1 KNOWN AS THE LIQUOR CODE.

2 SECTION 111-A. OUTDOOR SPACE OPERATION.

3 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO
4 THE AUTHORITY SPECIFIED IN SECTION 462 OF THE LIQUOR CODE,
5 DURING THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE
6 GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21,
7 2020), AND ANY RENEWAL OF THE STATE OF DISASTER EMERGENCY, THE
8 FOLLOWING SHALL APPLY:

9 (1) UPON RECEIPT OF A REQUEST FROM A CLUB, CATERING
10 CLUB, RESTAURANT, RETAIL DISPENSER, HOTEL, LIMITED
11 DISTILLERY, DISTILLERY, BREWERY OR LIMITED WINERY LICENSED
12 UNDER THE LIQUOR CODE, THE BOARD MAY TEMPORARILY EXTEND THE
13 LICENSED PREMISES OF THE APPLICANT TO INCLUDE ANY OUTSIDE
14 SERVING AREA THAT IS:

15 (I) IMMEDIATELY ADJACENT TO THE EXISTING LICENSED
16 AREAS; OR

17 (II) NONCONTINUOUS AND WITHIN 250 FEET OF THE MAIN
18 LICENSED BUILDING.

19 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY
20 TO THE APPLICANT TO USE THE OUTSIDE SERVING AREA SUBJECT TO
21 THE REQUEST WHILE THE BOARD PROCESSES THE REQUEST.

22 (3) THE OPERATING AUTHORITY SHALL EXPIRE AT THE EARLIEST
23 OF ANY OF THE FOLLOWING:

24 (I) A VALID PROTEST IS RECEIVED.

25 (II) THE BOARD DETERMINES THAT THE PROPOSED AREA
26 DOES NOT MEET THE REQUIREMENTS OF THIS ACT AND BOARD
27 REGULATIONS FOR THE LICENSING OF THE AREA IN QUESTION.

28 (III) THE STATE OF DISASTER EMERGENCY IS TERMINATED
29 OR EXPIRES UNDER 35 PA.C.S. § 7301(C) (RELATING TO
30 GENERAL AUTHORITY OF GOVERNOR).

1 (4) NO FILING FEE SHALL BE REQUIRED FROM THE APPLICANT.

2 (5) THE BOARD MAY REQUIRE THE APPLICANT TO PROVIDE ANY
3 INFORMATION THAT THE BOARD DEEMS RELEVANT.

4 (6) AN OUTDOOR SERVING AREA APPROVED UNDER THIS
5 SUBSECTION MAY ONLY BE UTILIZED FOR PURPOSES OF OUTDOOR
6 DINING AND MAY NOT INCLUDE A KITCHEN OR A BAR.

7 Section 2. This act shall take effect immediately.