
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1101 Session of
2020

INTRODUCED BY TARTAGLIONE, FONTANA, SCHWANK, BREWSTER, MENSCH,
MUTH, SANTARSIERO, KEARNEY, A. WILLIAMS, BLAKE, COLLETT,
IOVINO, LEACH, FARNESE, SABATINA, BOSCOLA, COSTA AND STREET,
APRIL 3, 2020

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 3, 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.

16 7506. Compensation and benefit policies.

17 7507. Guidelines for attendance policies.

1 7508. Guidelines for infected food employees.

2 7509. Guidelines for communication with food employees.

3 § 7501. Scope of chapter.

4 This chapter relates to food establishments that operate
5 during the pandemic of 2020.

6 § 7502. Declaration of purposes.

7 The General Assembly finds and declares as follows:

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

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

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

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

29 (5) Therefore, it is urgent that food establishments
30 implement procedures and safeguards to protect food employees

1 from being infected with the coronavirus disease (COVID-19).

2 § 7503. Definitions.

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

6 "Food employee." An employee who works for a food
7 establishment.

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

15 "Health insurance policy." As follows:

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

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

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

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

27 (2) The term does not include accident only, fixed
28 indemnity, limited benefit, credit, dental, vision, specified
29 disease, Medicare supplement, Civilian Health and Medical
30 Program of the Uniformed Services (CHAMPUS) supplement, long-

1 term care or disability income, workers' compensation or
2 automobile medical payment insurance.

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

5 "Retail food establishment." As defined in section 5702
6 (relating to definitions).

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

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

12 § 7504. Guidelines for social distancing.

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

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

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

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

28 (4) Conduct training sessions and meetings with smaller
29 groups of food employees or online if access is available.

30 (5) Limit the number of visitors who are allowed access

1 to the food establishment, including limiting access to only
2 third-party providers and contractors until further notice.

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

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

9 (8) Screen temporary employees for the coronavirus
10 disease (COVID-19).

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

13 § 7505. Guidelines for cleaning and personal hygiene.

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

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

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

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

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

29 (1) Make available sanitizers and other disinfectant
30 wipes in common areas and work areas within the food

1 establishment.

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

4 § 7506. Compensation and benefit policies.

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

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

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

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

28 § 7507. Guidelines for attendance policies.

29 The department, in conjunction with the Department of Labor
30 and Industry, shall develop guidelines to recommend that an

1 owner of a food establishment take all of the following actions
2 during the pandemic of 2020:

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

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

13 § 7508. Guidelines for infected food employees.

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

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

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

28 § 7509. Guidelines for communication with food employes.

29 The department, in conjunction with the Department of Labor
30 and Industry, shall develop guidelines to recommend that an

1 owner of a food establishment communicate with each food
2 employee, in writing or verbally in any applicable language, to
3 ensure each food employee understands the food establishment's
4 protocols to address the pandemic of 2020.

5 Section 2. This act shall take effect immediately.