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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1155 Session of  
2020

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INTRODUCED BY YAW, MENSCH, MASTRIANO, GORDNER, LANGERHOLC,  
DiSANTO, ARNOLD, J. WARD AND PITTMAN, MAY 26, 2020

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REFERRED TO LAW AND JUSTICE, MAY 26, 2020

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

28 ARTICLE I-A

1                   ESTABLISHMENT OUTDOOR SPACE OPERATION

2 Section 101-A. Definitions.

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

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

8       "Establishment." As follows:

9           (1) A restaurant, bar or private club which serves food  
10 and beverages.

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

13 Section 102-A. Operation.

14       (a) Existing outside seating.--An establishment with outside  
15 seating in existence on the effective date of this section may,  
16 beginning on the effective date of this section, begin operation  
17 on the outside seating portion of the establishment.

18       (b) Nonexistent outside seating.--An establishment without  
19 outside seating in existence on the effective date of this  
20 section may, beginning on the effective date of this section,  
21 begin operation on temporary outside seating on property  
22 adjacent to the establishment.

23 Section 103-A. Requirements.

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

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

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

1           (1) National Restaurant Association's guidance to help  
2           restaurants restart operations; and

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

6 Section 104-A. Expiration.

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

10          Section 2. This act shall take effect immediately.