
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1191 Session of
2020

INTRODUCED BY MASTRIANO, YAW, PHILLIPS-HILL, PITTMAN, ARGALL,
ARNOLD, LANGERHOLC, MENSCH, J. WARD AND K. WARD,
JUNE 16, 2020

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 16, 2020

AN ACT

1 Providing for the reopening of food and beverage service
2 establishments through a phase-in period in relation to the
3 COVID-19 emergency declaration; and providing for enforcement
4 by the Department of Health.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Food and
9 Beverage Service Establishment Reopening Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "COVID-19 emergency declaration." The proclamation of
15 disaster emergency issued by the Governor on March 6, 2020,
16 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
17 the state of disaster emergency.

18 "Department." The Department of Health of the Commonwealth.

1 "Establishment." A person engaged in the business of selling
2 or offering for sale food or beverages at retail in this
3 Commonwealth. The term includes a restaurant, bar or similar
4 establishment.

5 "Nonrelated customers." Individuals who request service at
6 an establishment and either are not family members or do not
7 share a common dwelling as their residence.

8 "Occupancy or seating capacity." The number of individuals
9 who may occupy or be seated in a specific establishment as
10 approved by law prior to the COVID-19 emergency declaration.

11 Section 3. Reopening of establishments.

12 (a) General rule.--Notwithstanding the COVID-19 emergency
13 declaration, the Governor's 20200319 TWW COVID-19 Business
14 Closure Order or any other executive order to the contrary,
15 establishments may be open for business provided they comply
16 with the phase-in schedule under subsection (b) and the health
17 and safety provisions under subsection (c).

18 (b) Phase-in schedule.--An establishment that is open for
19 business during the time period covered by the COVID-19
20 emergency declaration shall comply with the following phase-in
21 schedule for occupancy or seating capacity:

22 (1) Beginning on the effective date of this section, the
23 establishment may not operate in excess of 25% of its
24 occupancy or seating capacity.

25 (2) Beginning two weeks after the effective date of this
26 section, the establishment may not operate in excess of 50%
27 of its occupancy or seating capacity.

28 (3) Beginning four weeks after the effective date of
29 this section, the establishment may not operate in excess of
30 75% of its occupancy or seating capacity.

1 (4) Beginning six weeks after the effective date of this
2 section, the establishment may not operate in excess of 100%
3 of its occupancy or seating capacity.

4 (c) Health and safety provisions.--An establishment that is
5 open for business during the time period covered by the COVID-19
6 emergency declaration shall comply with the following
7 provisions:

8 (1) The establishment shall comply with the social
9 distancing practices and other mitigation measures defined by
10 the Centers for Disease Control and Prevention, to protect
11 workers and to mitigate the spread of the COVID-19 virus, as
12 well as the guidelines by the United States Department of
13 Labor Occupational Safety and Health Administration.

14 (2) Unless otherwise required under paragraph (1), an
15 establishment shall ensure that nonrelated customers are
16 seated and served six feet apart consistent with social
17 distancing protocols.

18 Section 4. Enforcement.

19 The department shall enforce compliance with this act.

20 Section 5. Expiration.

21 This act shall expire upon termination or expiration of the
22 COVID-19 emergency declaration under 35 Pa.C.S. § 7301(c)
23 (relating to general authority of Governor).

24 Section 6. Publication of notice.

25 (a) General rule.--Within seven days of the termination or
26 expiration of the COVID-19 emergency declaration under 35
27 Pa.C.S. § 7301(c) (relating to general authority of Governor),
28 the department shall submit a notice of the termination or
29 expiration to the Legislative Reference Bureau for publication
30 in the Pennsylvania Bulletin.

1 (b) Nonapplicability.--Subsection (a) shall not apply if the
2 Governor or another agency has previously submitted the same or
3 similar notice relating to the COVID-19 emergency declaration.

4 Section 7. Effective date.

5 This act shall take effect immediately.