
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1253 Session of
2020

INTRODUCED BY COLLETT, L. WILLIAMS, FARNESE, SCHWANK, FONTANA,
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BOSCOLA, COSTA, STREET, SABATINA, HUGHES, BREWSTER, DINNIMAN,
IOVINO AND TARTAGLIONE, AUGUST 31, 2020

REFERRED TO HEALTH AND HUMAN SERVICES, AUGUST 31, 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 COVID-19 frontline essential
22 worker protections.

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:

1 ARTICLE I-D

2 COVID-19 FRONTLINE ESSENTIAL WORKER PROTECTIONS

3 (a) Preliminary Provisions

4 Section 101-D. Definitions.

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

8 "COVID-19." The novel coronavirus pandemic as identified in
9 the COVID-19 proclamation of disaster emergency.

10 "COVID-19 proclamation of disaster emergency." The
11 proclamation of disaster emergency issued by the governor on
12 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
13 any renewal of the proclamation of disaster emergency.

14 "Frontline essential workers." Individuals employed by or
15 under contract with a life-sustaining business or entity who
16 work during the COVID-19 proclamation of disaster emergency. The
17 term includes:

18 (1) First responders, including law enforcement
19 officers, firefighters, emergency medical technicians and
20 other individuals who are considered to be first responders.

21 (2) Corrections officers.

22 (3) Emergency services dispatchers.

23 (4) Ambulance drivers.

24 (5) Retail workers, including restaurant, food services
25 and grocery store workers, cashiers and other support staff.

26 (6) Food and agriculture workers.

27 (7) Medical, health care and public health workers,
28 including doctors, nursing professionals, physician
29 assistants and paramedics and other support staff.

30 (8) Pharmacists and any cashiers and other pharmacy

1 support staff.

2 (9) Home health care workers.

3 (10) Public utility workers, including workers engaged
4 in providing telecommunications, energy, water and wastewater
5 services and public works.

6 (11) Employees of State government or a local
7 government.

8 (12) Trash collectors.

9 (13) Warehouse workers.

10 (14) Security guards.

11 (15) Public transit workers.

12 (16) Commercial building cleaners.

13 (17) Other individuals employed by a life-sustaining
14 business or occupation who are required to work during the
15 COVID-19 proclamation of a disaster emergency.

16 "Life-sustaining business or occupation." A list of
17 businesses or occupations, as designated by the Governor, which
18 perform or conduct a range of vital operations, functions and
19 services that are essential to assisting the Commonwealth and
20 its political subdivisions in protecting people and communities
21 while ensuring continuity of functions critical and essential to
22 public health and safety, as well as economic and homeland
23 security, and which should continue normal operations,
24 appropriately modified to account for the Centers for Disease
25 Control and Prevention and the Department of Health workforce
26 and customer protection guidance, during the COVID-19
27 proclamation of disaster emergency.

28 (b) Health and Safety Supports for

29 Frontline Essential Workers

30 Section 111-D. Definitions.

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

4 "Department." The Department of Human Services of the
5 Commonwealth.

6 "Program." The COVID-19 County Health and Safety Supports
7 Grant Program.

8 Section 112-D. Establishment and administration of program.

9 The COVID-19 County Health and Safety Supports Grant Program
10 is established and shall be administered by the department.

11 Section 113-D. Purposes of program.

12 Grants provided under the program shall be used by a county
13 for the following purposes:

14 (1) To procure personal protective equipment, including
15 face masks, for frontline essential workers residing in the
16 county during the COVID-19 proclamation of disaster
17 emergency.

18 (2) To provide mental health services, including
19 posttraumatic stress treatment, and drug and alcohol services
20 to frontline essential workers residing in the county during
21 the COVID-19 proclamation of disaster emergency.

22 Section 114-D. Award of grants.

23 (a) Authorization.--From the money appropriated under
24 section 115-D, the department shall make a grant award from the
25 program to each county in an amount equal to the population
26 proportion amount as determined in subsection (e).

27 (b) Distribution.--The department shall distribute funding
28 to counties not later than 45 days following the effective date
29 of this subarticle.

30 (c) Minimum distribution.--No county shall receive a

1 distribution under this section that is less than \$250,000.

2 (d) Proration.--The distribution to a county shall be
3 adjusted on a pro rata basis to the extent necessary to meet the
4 minimum distribution requirements under subsection (c) and not
5 exceed the total amount appropriated for grants under this
6 subarticle.

7 (e) Population proportion amount.--For the purposes of
8 subsection (a), the population proportion shall be determined as
9 follows:

10 (1) the population estimate of the county; divided by

11 (2) the sum of the population estimates of all counties
12 minus the sum of the population estimates of all counties
13 that received a disbursement directly from the Federal
14 Government through the Coronavirus Aid, Relief, and Economic
15 Security Act (Public Law 116-136, 134 Stat. 281).

16 (f) Population proportion amount.--For the purposes of this
17 section, a county's population estimate shall be equal to the
18 published estimate by the United States Census Bureau Population
19 Estimates Program for calendar year 2019.

20 Section 115-D. Emergency appropriation.

21 Notwithstanding any other provision of law, the sum of
22 \$100,000,000, or as much thereof as may be necessary, is
23 appropriated from the General Fund to the department for the
24 fiscal year July 1, 2020, to June 30, 2021, for the purpose of
25 funding the program.

26 (c) Testing for Frontline Essential Workers

27 Section 121-D. Prioritization in COVID-19 testing.

28 Testing for the presence of COVID-19 that is provided by the
29 Department of Health or a county shall prioritize testing of
30 frontline essential workers during the COVID-19 proclamation of

1 disaster emergency to the extent there are a limited number of
2 tests available at an individual testing site.

3 (d) Health Care Facility Prevention and
4 Containment Controls

5 Section 131-D. COVID-19 prevention and containment controls in
6 health care facilities.

7 (a) Standards.--Each health care facility shall comply, at a
8 minimum, with the following prevention and containment controls
9 for the protection of employees, visitors and the individuals
10 for which the health care facilities provide care during the
11 COVID-19 proclamation of disaster emergency:

12 (1) Implement measures to minimize the risk of exposure
13 in the health care facility, including, but not limited to,
14 the following:

15 (i) Requiring each individual who is two years of
16 age or older and who enters the health care facility to
17 wear a face mask, if the individual's health tolerates
18 it, while in the building, regardless of symptoms.

19 (ii) Requiring each visitor or patient who is two
20 years of age or older to wear a face mask upon arrival to
21 and during the stay at the facility, if the visitor's or
22 patient's health tolerates it, except if the visitor or
23 patient is in an individual room and no one else enters
24 the room.

25 (iii) Screening, evaluating and immediate isolation
26 of an individual who reports symptoms at the health care
27 facility.

28 (iv) Requiring health care personnel and all other
29 employees at the facility to wear face masks at all times
30 while they are in the health care facility.

1 (v) Providing health care personnel with job-
2 specific training on personal protective equipment to
3 demonstrate competency with selection and proper use.

4 (vi) When handling patient appointments for routine
5 medical care, instructing patients to call ahead and
6 discussing the need to reschedule if they develop COVID-
7 19 symptoms.

8 (vii) When handling patients requesting evaluation
9 for COVID-19, using nurse-directed triage protocols to
10 determine if an appointment is necessary or if the
11 patient can be managed from home.

12 (viii) Limiting and monitoring points of entry to
13 the health care facility.

14 (ix) Advising patients and visitors entering the
15 health care facility to await screening for COVID-19
16 symptoms before entering the building.

17 (x) Implementing policies to ensure that everyone
18 adheres to respiratory hygiene, cough etiquette and hand
19 hygiene and that all patients follow triage procedures
20 throughout the duration of the visit.

21 (xi) Ensuring rapid and safe triage and isolation of
22 patients with COVID-19 symptoms or other respiratory
23 infections.

24 (xii) Incorporating questions about new onset of
25 COVID-19 symptoms into daily assessments of all admitted
26 patients.

27 (xiii) Implementing alternatives to face-to-face
28 triage, visits and group health activities if possible,
29 including the use of visits by electronic means.

30 (xiv) Designating an area at the health care

1 facility or an ancillary structure where patients with
2 COVID-19 symptoms can seek evaluation and care.

3 (xv) Postponing elective procedures, surgeries and
4 nonurgent outpatient visits.

5 (2) Adhere to standard and transmission-based
6 precautions, including, but not limited to, the following:

7 (i) Training of health care personnel regarding
8 proper donning, doffing and disposal of personal
9 protective equipment.

10 (ii) Training health care personnel regarding the
11 standard precautions in the Centers for Disease Control
12 and Prevention's Guideline for Isolation Precautions:
13 Preventing Transmission of Infectious Agents in
14 Healthcare Settings.

15 (iii) Requiring health care personnel who enter the
16 room of a patient with known or suspected COVID-19 to
17 adhere to standard precautions and use a respirator or
18 face mask, gown, gloves and eye protection.

19 (3) Adhere to proper patient placement, including, but
20 not limited to, the following:

21 (i) Evaluating the need for hospitalization or home
22 care of patients with COVID-19 or other respiratory
23 infections.

24 (ii) Placing admitted patients with known or
25 suspected COVID-19 in a single-person room with the door
26 closed and providing a dedicated bathroom.

27 (iii) Designating units, where possible, within the
28 health care facility to care for patients with known or
29 suspected COVID-19, with dedicated health care personnel
30 assigned to care only for those patients during their

1 entire shift.

2 (iv) Minimizing transport of patients with known or
3 suspected COVID-19 outside of the room for medically
4 essential purposes.

5 (v) When possible, housing and treating patients
6 with known or suspected COVID-19 in the same room during
7 the duration of their stay at the health care facility.

8 (vi) Implementing policies to keep health care and
9 other personnel out of the room of a patient with known
10 or suspected COVID-19 who is recently transferred or
11 discharged until sufficient time has elapsed for enough
12 air changes to remove potentially infectious particles
13 and the room to be subsequently cleaned and disinfected
14 before it is returned to use.

15 (4) Take precautions when performing aerosol generating
16 procedures, including, but not limited to, the following:

17 (i) Requiring health care personnel to wear face
18 masks or respirators, gowns, gloves and eye protection
19 when performing aerosol generating procedures.

20 (ii) Cleaning and disinfecting the procedure room
21 surfaces promptly.

22 (5) Take precautions when collecting diagnostic
23 respiratory specimens from a patient with suspected COVID-19,
24 including, but not limited to, the following:

25 (i) Collecting the specimen in a normal examination
26 room with the door closed.

27 (ii) Requiring health care personnel to wear a face
28 mask, gown, gloves and eye protection.

29 (iii) Limiting the number of health care personnel
30 in the room to only those essential for patient care and

1 procedure support.

2 (iv) Cleaning and disinfecting procedure room
3 surfaces promptly.

4 (6) Manage visitor access and movement within the health
5 care facility, including, but not limited to, the following:

6 (i) Limiting visitors to only those essential for
7 the patient's physical or emotional well-being and care.

8 (ii) Encouraging use of alternative mechanisms for
9 patient and visitor interactions, including video calls.

10 (iii) Limiting points of entry to the health care
11 facility for visitation hours to allow screening of all
12 potential visitors.

13 (iv) Denying entry to visitors with fevers or COVID-
14 19 symptoms.

15 (v) Providing instruction to visitors, if visiting a
16 patient with COVID-19, on safety precautions and
17 evaluating the risk to the health of the visitors.

18 (7) Design and install engineering controls to reduce or
19 eliminate exposures by shielding health care personnel and
20 other patients from infected individuals, including physical
21 barriers or partitions to guide patients through triage areas
22 and ensure proper installation and maintenance of air-
23 handling systems.

24 (8) Monitor and manage health care personnel by
25 implementing the following strategies:

26 (i) Flexible sick leave policies that are non-
27 punitive and consistent with public health guidance.

28 (ii) Requesting health care personnel to regularly
29 monitor themselves for COVID-19 symptoms.

30 (iii) Screening all health care personnel at the

1 start of their shift for COVID-19 symptoms and
2 prioritizing those with symptoms for testing.

3 (iv) Complying with the Centers for Disease Control
4 and Prevention's Interim Guidance on Criteria for Return
5 to Work for Healthcare Personnel with Confirmed or
6 Suspected COVID-19 regarding when those health care
7 personnel should return to work.

8 (v) Developing plans to mitigate potential staffing
9 shortages during the COVID-19 proclamation of disaster
10 emergency.

11 (9) Train and educate health care personnel by providing
12 them with job-specific training and refresher training on
13 prevention of transmission of infectious agents and ensuring
14 that they have practiced the appropriate use of personal
15 protective equipment.

16 (10) Implement environmental infection control measures,
17 including, but not limited to, the following:

18 (i) Dedicating medical equipment for use in caring
19 for patients with known or suspected COVID-19.

20 (ii) Implementing routine environmental cleaning and
21 disinfection procedures and ensuring that the procedures
22 are followed consistently and correctly.

23 (iii) Managing laundry, food service utensils and
24 medical waste in accordance with routine environmental
25 cleaning and disinfection procedures.

26 (11) Establish reporting policies and mechanisms within
27 and between the health care facility, the county health
28 authority and the Department of Health.

29 (12) Comply with any other required controls included in
30 the Centers for Disease Control and Prevention's Interim

1 Infection Prevention and Control Recommendations for Patients
2 with Suspected or Confirmed Coronavirus Disease 2019 (COVID-
3 19) in Healthcare Settings as applicable.

4 (b) Violations.--A health care facility that fails to comply
5 with the prevention and containment controls under subsection
6 (a) are subject to discipline and enforcement by the Department
7 of Health, including licensure suspension and revocation in
8 accordance with the act of July 19, 1979 (P.L.130, No.48), known
9 as the Health Care Facilities Act.

10 (c) Protection from retaliation.--

11 (1) It shall be unlawful for a health care facility to
12 discharge, threaten or otherwise retaliate or discriminate
13 against an individual employed by the health care facility
14 regarding compensation or other terms or conditions of
15 employment because the individual:

16 (i) makes a complaint regarding the health care
17 facility's failure to comply with the prevention and
18 containment controls under subsection (a) to the health
19 care facility or the Department of Health; or

20 (ii) participates in an investigation regarding the
21 health care facility's failure to comply with the
22 prevention and containment controls under subsection (a).

23 (2) An individual who suffers retaliation or
24 discrimination in violation of this section may bring an
25 action in a court of common pleas in accordance with
26 established civil procedures of this Commonwealth. The action
27 must be brought within three years from the date the employee
28 knew of the retaliation or discrimination.

29 (3) If an individual prevails in an action commenced
30 under this section, the employee shall be entitled to the

1 following relief:

2 (i) Reinstatement of the employee, if applicable.

3 (ii) Restitution equal to three times the amount of
4 the employee's wages and fringe benefits calculated from
5 the date of the retaliation or discrimination.

6 (iii) Reasonable attorney's fees and the cost of the
7 action.

8 (iv) Any other legal and equitable relief as the
9 court deems appropriate.

10 (d) Definitions.--For purposes of this section, "health
11 care facility" shall have the same meaning as the term is
12 defined in section 103 of the Health Care Facilities Act.

13 (e) COVID-19 Workplace Safety Protocols
14 Section 141-D. Limiting in-person contact.

15 A life-sustaining business operating in this Commonwealth
16 during the COVID-19 proclamation of disaster emergency shall
17 limit or suspend the provision of in-person services and
18 mitigate the spread of COVID-19 among employees by implementing
19 the following:

20 (1) Permitting the use of alternative mechanisms for
21 employees to provide customer services, when possible,
22 including the use of available technologies for contactless
23 customer interaction, including, but not limited to,
24 contactless pickup and delivery services.

25 (2) Allowing employees to perform work remotely,
26 wherever possible.

27 Section 142-D. Workplace cleaning protocols.

28 A life-sustaining business operating in this Commonwealth
29 during the COVID-19 proclamation of disaster emergency shall
30 comply, at a minimum, with the COVID-19 Guidance for Life-

1 Sustaining Businesses issued by the Department of Health and the
2 Interim Guidance for Businesses and Employers Responding to
3 Coronavirus Disease 2019 issued by the Centers for Disease
4 Control and Prevention, including, but not limited to, the
5 following measures:

6 (1) Performing routine environmental cleaning and
7 disinfection of all frequently touched surfaces in the
8 workplace.

9 (2) Performing a deep clean on the entirety of work
10 spaces at least once per week.

11 (3) When choosing cleaning chemicals, consulting
12 information on United States Environmental Protection Agency-
13 approved disinfectant labels with claims against emerging
14 viral pathogens and following the manufacturer's instructions
15 for use of all cleaning and disinfecting products, with
16 attention given to concentration, application method, contact
17 time and safety precautions when using.

18 (4) Providing sanitizing wipes or cleaners to allow
19 frequently used surfaces to be wiped down by employees after
20 use.

21 (5) Discouraging employees from using other employees'
22 work spaces, work tools and work equipment, when possible.

23 (6) Performing enhanced cleaning and disinfection after
24 persons suspected or confirmed to have COVID-19 have been in
25 the workplace.

26 Section 143-D. Protection from retaliation.

27 (a) Prohibition.--It shall be unlawful for a life-sustaining
28 business to discharge, threaten or otherwise retaliate or
29 discriminate against an individual employed by the life-
30 sustaining business regarding compensation or other terms or

1 conditions of employment because the individual:

2 (1) makes a complaint regarding the life-sustaining
3 business's failure to comply with the provisions of this
4 subarticle to the life-sustaining business or the Department
5 of Health; or

6 (2) participates in an investigation regarding the life-
7 sustaining business's failure to comply with the provisions
8 of this subarticle.

9 (b) Actions.--An individual who suffers retaliation or
10 discrimination in violation of this section may bring an action
11 in a court of common pleas in accordance with established civil
12 procedures of this Commonwealth. The action must be brought
13 within three years from the date the employee knew of the
14 retaliation or discrimination.

15 (c) Relief.--If an individual prevails in an action
16 commenced under this section, the employee shall be entitled to
17 the following relief:

18 (1) Reinstatement of the employee, if applicable.

19 (2) Restitution equal to three times the amount of the
20 employee's wages and fringe benefits calculated from the date
21 of the retaliation or discrimination.

22 (3) Reasonable attorney's fees and the cost of the
23 action.

24 (4) Any other legal and equitable relief as the court
25 deems appropriate.

26 Section 144-D. Penalties.

27 An employer operating in this Commonwealth that fails to
28 comply with the requirements of section 141-D or 142-D shall be:

29 (1) Subject to a civil penalty of \$1,000 for each
30 finding of noncompliance.

1 (2) Immediately closed and may not be permitted to
2 reopen until the employer is in compliance with the
3 requirements of section 141-D or 142-D, as the case may be.
4 Section 2. This act shall take effect immediately.