

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 747 Session of 2021

INTRODUCED BY ROAE, KNOWLES, ECKER, METCALFE, RYAN, MILLARD, JAMES, KAUFFMAN, ROTHMAN, KEEFER, ROWE, JOZWIAK, R. MACKENZIE, ZIMMERMAN, TOOHIL, COX, MOUL, SANKEY, WHEELAND, M. MACKENZIE, EMRICK, GLEIM, GILLEN AND ARMANINI, MARCH 3, 2021

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 23, 2021

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for retail store closure OPERATIONS during declaration of <--
4 disaster emergency and for contactless and curbside business <--
5 operations during declaration of disaster emergency.

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

8 Section 1. Title 35 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections A SECTION to read: <--

10 § 7309. Retail store closure OPERATIONS during declaration of <--
11 disaster emergency.

12 (A) CLOSURE PROHIBITED.--Notwithstanding the provisions of <--
13 this chapter or any other provision of law to the contrary, the

14 Governor may not close a retail store during a declaration of
15 disaster emergency under section 7301 (relating to general

16 authority of Governor) if the retail store IS ABLE TO PROVIDE <--
17 ANY OF THE FOLLOWING SERVICES:

1 ~~(1) restricts RESTRICTING access during a declaration of <--~~
2 ~~disaster emergency to one customer in the retail store <--~~
3 ~~facility AND ONE EMPLOYEE at a time.; and <--~~

4 ~~(2) restricts store operations to one employee in the~~
5 ~~retail store facility at a time.~~

6 ~~§ 7310. Contactless and curbside business operations during~~
7 ~~declaration of disaster emergency.~~

8 ~~A business shall be permitted, under a declaration by the~~
9 ~~Governor of disaster emergency under section 7301(c) (relating~~
10 ~~to general authority of Governor) on or before March 6, 2020, to~~
11 ~~transition to contactless and curbside business operations for~~
12 ~~the duration of the declaration of disaster emergency. The~~
13 ~~following shall apply:~~

14 ~~(1) A business shall:~~

15 ~~(i) Comply with the Centers for Disease Control and~~
16 ~~Prevention's Interim Guidance for Businesses and~~
17 ~~Employers to Plan and Respond to Coronavirus Disease 2019~~
18 ~~(COVID 19), promulgated under the Federal public health~~
19 ~~emergency declared on January 31, 2020, under section 319~~
20 ~~of the Public Health Service Act (58 Stat. 682, 42 U.S.C.~~
21 ~~§ 247d) in relation to social distancing and sanitation~~
22 ~~protocols.~~

23 ~~(ii) Maintain~~

24 ~~(2) CONTACTLESS CURBSIDE RETAIL STORE OPERATIONS. <--~~

25 ~~(B) OPERATIONS.--IF A RETAIL STORE REMAINS OPEN DURING A~~
26 ~~DECLARATION OF DISASTER EMERGENCY, THE RETAIL STORE:~~

27 ~~(1) SHALL ADHERE TO FEDERAL AND STATE GUIDELINES TO~~
28 ~~PROTECT THE RETAIL STORE'S CUSTOMERS AND EMPLOYEES;~~

29 ~~(2) MAY MAINTAIN employees necessary to support taking~~
30 ~~of orders through online, telephone or other means when~~

1 ~~personal interaction is limited during a transaction if~~ <--
2 ~~employees adhere to social distancing and appropriate~~
3 ~~sanitation protocols.~~

4 ~~(iii) Provide;~~ <--

5 ~~(3) MAY PROVIDE contactless local delivery and curbside~~
6 ~~pick-up service of online or telephone orders.~~ <--

7 ~~(iv) Prohibit cash payments for transactions.~~

8 ~~(2) Any violation of paragraph (1) shall result in the~~
9 ~~immediate suspension of business operations.; AND~~ <--

10 ~~(4) MAY PROHIBIT CASH PAYMENTS FOR TRANSACTIONS IF~~
11 ~~NECESSARY TO PROVIDE SAFETY TO THE CUSTOMERS DURING THE~~
12 ~~DECLARATION OF DISASTER EMERGENCY.~~

13 ~~(C) SUSPENSION.--ANY VIOLATION UNDER SUBSECTION (B) (1) SHALL~~
14 ~~RESULT IN THE IMMEDIATE SUSPENSION OF THE RETAIL STORE'S~~
15 ~~OPERATIONS.~~

16 Section 2. All regulations and parts of regulations are
17 abrogated to the extent of any inconsistency with the provisions
18 of this act.

19 Section 3. This act shall take effect immediately.