

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 211 Session of 2021

INTRODUCED BY PHILLIPS-HILL, STEFANO, MASTRIANO, ARGALL,
 J. WARD, MENSCH, PITTMAN, BROOKS AND SCAVELLO,
 FEBRUARY 11, 2021

REFERRED TO JUDICIARY, FEBRUARY 11, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in particular rights and
 3 immunities, providing for protected business operations.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
 7 Statutes is amended by adding a section to read:

8 § 8340.4. Protected business operations.

9 (a) General rule.--Except as provided in subsection (b), a
 10 person is immune from civil and criminal liability and from
 11 imposition of an administrative sanction, including any
 12 liability or sanction imposed by a professional or occupational
 13 licensing board or commission, for engaging in a protected
 14 business operation.

15 (b) Exception.--Subsection (a) does not apply to a liability
 16 arising from, or an imposition based upon, the person causing
 17 actual harm.

18 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Actual harm." A documented injury or illness that is
4 directly and proximately caused by the interaction with the
5 person or an agent of the person.

6 "Protected business operation." Any of the following during
7 a declared disaster emergency made under 35 Pa.C.S. § 7301(c)
8 (relating to general authority of Governor) or after an order is
9 issued under the act of April 23, 1956 (1955 P.L.1510, No.500),
10 known as the Disease Prevention and Control Law of 1955:

11 (1) Conducting a business transaction.

12 (2) Keeping a physical business location open.

13 Section 2. This act shall take effect immediately.