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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 647 Session of  
2021

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INTRODUCED BY COLLETT, L. WILLIAMS, FONTANA, SANTARSIERO,  
BREWSTER, COSTA, STREET, KANE, MUTH AND CAPPELLETTI,  
JUNE 3, 2021

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
JUNE 3, 2021

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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 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-A

2 COVID-19 FRONTLINE ESSENTIAL WORKER PROTECTIONS

3 (a) Preliminary Provisions

4 Section 101-A. 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-A. 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-A. 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-A. 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-A. Award of grants.

23 (a) Authorization.--From the money appropriated under  
24 section 115-A, 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-A. 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, 2021, to June 30, 2022, for the purpose of  
25 funding the program.

26 (c) Testing for Frontline Essential Workers

27 Section 121-A. 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-A. 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  
27 nonpunitive 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 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 care  
11 facility" shall have the same meaning as the term is defined in  
12 section 103 of the Health Care Facilities Act.

13 (e) COVID-19 Workplace Safety Protocols  
14 Section 141-A. 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-A. 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-A. 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 fees and the cost of the action.

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

25 Section 144-A. Penalties.

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

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

30 (2) Immediately closed and may not be permitted to

1 reopen until the employer is in compliance with the  
2 requirements of section 141-A or 142-A, as the case may be.  
3 Section 2. This act shall take effect immediately.