

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2513 Session of 2020

INTRODUCED BY EVERETT, IRVIN, TOPPER, SCHLEGEL CULVER, TOBASH, BERNSTINE, PICKETT, DRISCOLL, WHEELAND, RYAN, MIHALEK, KAUFFMAN, CAUSER, HAHN, STRUZZI, BARRAR, SCHMITT, JAMES, GROVE, MASSER, FEE, MOUL, ZIMMERMAN, KEEFER, JOZWIAK, GAYDOS, MILLARD, SAYLOR, DeLUCA, NELSON, RIGBY AND NEILSON, MAY 13, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 18, 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 establishment indoor space
22 operation.

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

1 as The Administrative Code of 1929, is amended by adding an
2 article to read:

3 ARTICLE I-A

4 ESTABLISHMENT INDOOR SPACE OPERATION

5 Section 101-A. Definitions.

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

9 "Establishment." As follows: <--

10 ~~(1) A restaurant, bar or private club which serves food~~
11 ~~and beverages.~~

12 ~~(2) The term shall not include a night club, music or~~
13 ~~entertainment venue.~~

14 "DESIGNATED COUNTY." A COUNTY DESIGNATED BY EXECUTIVE ORDER <--
15 IN THE YELLOW OR GREEN PHASE OF REOPENING.

16 "ESTABLISHMENT." AS FOLLOWS:

17 (1) THE TERM INCLUDES THE FOLLOWING WHEN LOCATED IN A
18 DESIGNATED COUNTY:

19 (I) A RESTAURANT, BAR OR PRIVATE CLUB WHICH SERVES
20 FOOD AND BEVERAGES.

21 (II) BREWPUBS, BREWERIES, WINERIES AND DISTILLERIES.

22 (2) THE TERM SHALL NOT INCLUDE A NIGHT CLUB, MUSIC OR
23 ENTERTAINMENT VENUE.

24 Section 102-A. Operation.

25 An establishment with inside seating in existence on the
26 effective date of this section may, beginning on the effective
27 date of this section, begin operation on the inside seating
28 portion of the establishment.

29 Section 103-A. Requirements.

30 (a) Applicability.--This section shall apply to an

1 establishment operating under section 102-A.

2 (b) Guidelines.--

3 (1) Except as provided under paragraph (2), an
4 establishment shall follow guidelines issued by the Centers
5 for Disease Control and Prevention and the Commonwealth
6 regarding business and building operations.

7 (2) An establishment may, consistent with guidelines
8 issued by the Centers for Disease Control and Prevention and
9 the Commonwealth regarding business and building operations,
10 use suitable barriers in addition to social distancing
11 requirements.

12 (c) Applicable practices.--An establishment shall, to the
13 extent possible, follow applicable practices of the:

14 (1) National Restaurant Association's ~~guidance to help~~ <--
15 restaurants restart operations GUIDE FOR THE RESTAURANT <--
16 INDUSTRY, TITLED "COVID-19 REOPENING GUIDANCE," PUBLISHED
17 APRIL 22, 2020; and

18 (2) United States Food and Drug Administration's Best
19 Practices for Retail Food Stores, Restaurants, and Food Pick-
20 Up/Delivery Services During the COVID-19 Pandemic.

21 (d) Limitation.--An establishment may not use more than 50%
22 of the establishment's seating capacity during operation.

23 Section 104-A. Expiration.

24 This article shall expire upon termination or expiration of
25 the declaration of disaster emergency issued by the Governor on
26 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

27 Section 2. This act shall take effect immediately.