

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2376 Session of 2020

INTRODUCED BY ROAE, SCHMITT, FRITZ, STRUZZI, RYAN, METCALFE, COX, KLUNK, GAYDOS, TURZAI, GILLEN, JONES, ZIMMERMAN, RAPP, BERNSTINE, ROWE, GLEIM, READSHAW, B. MILLER, COOK, MASSER AND DUSH, APRIL 3, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 14, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for retail store closure during declaration of disaster
4 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 a section SECTIONS to read: <--

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

12 Notwithstanding the provisions of this chapter or any other
13 provision of law to the contrary, the Governor may not close a
14 retail store during a declaration of disaster emergency under
15 section 7301 (relating to general authority of Governor) if the
16 retail store:

17 (1) restricts access during a declaration of disaster
18 emergency to one customer in the retail store facility at a

1 time; and

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

4 SECTION 7310. CONTACTLESS AND CURBSIDE BUSINESS OPERATIONS <--  
5 DURING DECLARATION OF DISASTER EMERGENCY.

6 (A) GENERAL RULE.--A CORPORATION FOR PROFIT AND A  
7 CORPORATION NOT-FOR-PROFIT SHALL BE PERMITTED, UNDER A  
8 DECLARATION BY THE GOVERNOR OF DISASTER EMERGENCY UNDER 35  
9 PA.C.S. § 7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR) ON  
10 OR BEFORE MARCH 6, 2020, TO TRANSITION TO CONTACTLESS AND  
11 CURBSIDE BUSINESS OPERATIONS FOR THE DURATION OF THE DECLARATION  
12 OF DISASTER EMERGENCY. THE FOLLOWING SHALL APPLY:

13 (1) A CORPORATION FOR PROFIT AND CORPORATION NOT-FOR-  
14 PROFIT 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 § 201 ~~ET SEQ.~~ 247D) IN RELATION TO SOCIAL DISTANCING AND <--  
22 SANITATION PROTOCOLS.

23 (II) MAINTAIN EMPLOYEES NECESSARY TO SUPPORT TAKING  
24 OF ORDERS THROUGH ONLINE, TELEPHONE OR OTHER MEANS WHEN  
25 PERSONAL INTERACTION IS LIMITED DURING A TRANSACTION IF  
26 EMPLOYEES ADHERE TO SOCIAL DISTANCING AND APPROPRIATE  
27 SANITATION PROTOCOLS.

28 (III) PROVIDE CONTACTLESS LOCAL DELIVERY AND  
29 CURBSIDE PICK-UP SERVICE OF ONLINE OR TELEPHONE ORDERS.

30 (IV) PROHIBIT CASH PAYMENTS FOR TRANSACTIONS.

1           (2) ANY VIOLATION OF PARAGRAPH (1) SHALL RESULT IN THE  
2           IMMEDIATE SUSPENSION OF BUSINESS OPERATIONS.

3           (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
4           WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
5           SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

6           "CORPORATION FOR PROFIT." AS DEFINED IN 15 PA.C.S. § 102  
7           (RELATING TO DEFINITIONS).

8           "CORPORATION NOT-FOR-PROFIT." AS DEFINED IN 15 PA.C.S. §  
9           102.

10          Section 2. All regulations and parts of regulations are  
11 abrogated to the extent of any inconsistency with the provisions  
12 of this act.

13          Section 3. This act shall take effect immediately.