

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2539 Session of
2020

INTRODUCED BY ECKER, DeLUCA, RYAN, MILLARD, GREGORY, GROVE,
WARNER, METZGAR, O'NEAL, SCHMITT, REESE, TOPPER, BERNSTINE,
SCHLEGEL CULVER, STRUZZI, HAHN, KEEFER, HERSHEY, KULIK AND
JOZWIAK, MAY 21, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 21, 2020

AN ACT

1 Amending the act of December 21, 1989 (P.L.672, No.87), entitled
2 "An act providing for the regulation of health club
3 contracts; and providing for further duties of the Bureau of
4 Consumer Protection, the Attorney General and district
5 attorneys," providing for emergency COVID-19 provisions.

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

8 Section 1. The act of December 21, 1989 (P.L.672, No.87),
9 known as the Health Club Act, is amended by adding a section to
10 read:

11 Section 14.1. Emergency COVID-19 provisions.

12 (a) Waivers.--

13 (1) The Secretary of Community and Economic Development
14 shall immediately issue a waiver to the Governor's 20200319
15 TWW COVID-19 Business Closure Order for all health clubs,
16 gyms and fitness centers operating in a county that the
17 Governor, or his agent, has designated and permitted to
18 reopen in "yellow" phase.

1 (2) A waiver shall only be issued to a health club, gym
2 and fitness center as follows:

3 (i) The facility is limited to 50% of maximum
4 occupancy until the county is moved into the "green"
5 phase.

6 (ii) The facility has a documented plan for
7 reopening as defined in this section.

8 (iii) The facility has the ability to adhere to all
9 mitigation measures defined by the Centers for Disease
10 Control and Prevention, the Occupational Health and
11 Safety Administration and the Department of Health to
12 protect employees, club members and other patrons from
13 the spread of COVID-19.

14 (iv) The facility has closed any pool, sauna and
15 steam room until the county is moved into the "green"
16 phase.

17 (b) Documented plan for reopening.--A health club, gym and
18 fitness center shall produce a documented plan for reopening and
19 mitigating the spread of COVID-19 upon request to the Department
20 of Health. The plan, at a minimum, shall include:

21 (1) Health and safety guidelines for employees, club
22 members and other patrons.

23 (2) Necessary operational changes to adhere to
24 mitigation guidelines.

25 (3) A layout plan depicting any section closed off from
26 use as well as equipment and machines marked unavailable to
27 encourage physical distancing.

28 (4) A regular sanitation plan.

29 (5) Health and wellness checks on employees.

30 (6) An educational plan to be disseminated to employees,

1 club members and other patrons about proper mitigation
2 measures.

3 (c) 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 "COVID-19." The coronavirus disease 2019, an infectious
7 disease caused by severe acute respiratory syndrome coronavirus
8 2 that was first identified during December 2019 in Wuhan,
9 China.

10 Section 2. This act shall take effect immediately.