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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2860 Session of  
2020

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INTRODUCED BY OWLETT, CAUSER, SAYLOR, OBERLANDER, SAINATO, COX,  
BROOKS, MILLARD, RYAN, ROTHMAN, BARRAR, BERNSTINE, COOK,  
ROWE, HERSHEY, KAUFFMAN, TOOHIL, TOEPEL, THOMAS, DAVANZO,  
SCHEMEL, GREGORY, KORTZ, HEFFLEY, RADER, GABLER, MENTZER,  
KLUNK, NELSON, RIGBY, GLEIM, EVERETT AND ROZZI,  
SEPTEMBER 14, 2020

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REFERRED TO COMMITTEE ON COMMERCE, SEPTEMBER 14, 2020

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AN ACT

1 Providing for the the restoration of indoor capacity for  
2 restaurants, bars and similar places of public accommodation.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Hospitality  
7 Industry Restoration Act.

8 Section 2. Purpose.

9 The purpose of this act is to provide clear standards for the  
10 restoration of indoor service at restaurants, bars and similar  
11 places of public accommodation during the COVID-19 disaster  
12 emergency.

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall  
15 have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

1 "COVID-19." The coronavirus disease 2019, an infectious  
2 disease caused by severe acute respiratory syndrome coronavirus  
3 2 that was first identified during December 2019 in Wuhan,  
4 China.

5 "COVID-19 disaster emergency." The proclamation of disaster  
6 emergency issued by the Governor on March 6, 2020, published at  
7 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of  
8 disaster emergency.

9 "Department." The Department of Health of the Commonwealth.

10 "Fire code maximum occupancy." The greatest number of  
11 individuals permitted to be present in an indoor space at a time  
12 as determined by a municipal building code official, a certified  
13 third party in municipalities without a building code official  
14 or the Bureau of Occupational and Industrial Safety within the  
15 Department of Labor and Industry.

16 "Occupancy." The total number of individuals present at one  
17 time within a restaurant, bar or similar place of public  
18 accommodation, including employees and volunteers providing  
19 accommodations to patrons and guests.

20 "Similar place of public accommodation." An indoor location  
21 at which the consumption of food or beverages for remuneration  
22 is the primary purpose.

23 Section 4. Restoration of indoor capacity.

24 (a) Restoration requirements.--A restaurant, bar or similar  
25 place of public accommodation may offer hospitality to patrons  
26 indoors at the following indoor occupancy capacities:

27 (1) The occupancy may be at 100% of the stated fire code  
28 maximum occupancy for indoor dining if there have been no  
29 incidents of community transmission in the county in the  
30 preceding 14 days.

1           (2) The occupancy may be at 75% of the stated fire code  
2 maximum occupancy for indoor dining if the incidence rate for  
3 community transmission over the most recent seven-day period  
4 in the county is less than 10 per 100,000 residents and the  
5 percent of positivity among those tested in the county is  
6 less than 5% over the most recent seven-day period.

7           (3) The occupancy may be at 50% of the stated fire code  
8 maximum occupancy for indoor dining if the incidence rate for  
9 community transmission over the most recent seven-day period  
10 in the county is between 10 and 99 per 100,000 residents or  
11 if the percent of positivity among those tested in the county  
12 is between 5% and 9% over the most recent seven-day period.

13           (4) The occupancy may be at 25% of the stated fire code  
14 maximum occupancy for indoor dining if the incidence rate for  
15 community transmission over the most recent seven-day period  
16 in the county is 100 or more per 100,000 residents or if the  
17 percent of positivity among those tested in the county is  
18 greater than or equal to 10% over the most recent seven-day  
19 period.

20       (b) Required testing method.--The following apply:

21           (1) The test used to determine the rate of community  
22 transmission and the percentage of positivity among those  
23 tested must be a laboratory test in which it is determined if  
24 an individual patient has an active COVID-19 virus in bodily  
25 fluids or secretions, including a polymerase chain reaction  
26 (PCR) analysis.

27           (2) Serology tests for which antibodies are determined  
28 to be present to show a prior infection may not be included  
29 in the calculation to determine the rate of transmission or  
30 the percentage of positivity among individuals tested.

1 (c) Duty of department.--The department shall publish the  
2 following information on the department's publicly accessible  
3 Internet website on a daily basis:

4 (1) The incidence rate of COVID-19 transmission per  
5 100,000 residents in each county of the Commonwealth over the  
6 most recent seven-day period.

7 (2) The percent of positivity among individuals tested  
8 in each county of the Commonwealth over the most recent  
9 seven-day period.

10 Section 5. Effective date.

11 This act shall take effect immediately.