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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1165 Session of  
2020

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INTRODUCED BY TOMLINSON AND MENSCH, MAY 25, 2020

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
MAY 25, 2020

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for countywide reopening  
3 plan for businesses.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 59

9 COUNTYWIDE REOPENING PLAN FOR BUSINESSES

10 Sec.

11 5901. Definitions.

12 5902. Reopening plan for businesses.

13 § 5901. Definitions.

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

17 "Business." A corporation, partnership, limited liability  
18 company, limited liability partnership, business trust, sole

1 proprietor, or other individual or entity doing business and  
2 operating within a physical location in this Commonwealth,  
3 regardless of whether the physical location is open to the  
4 public.

5 "Communicable disease." As defined in section 2(c) of the  
6 act of April 23, 1956 (1955 P.L.1510, No.500), known as the  
7 Disease Prevention and Control Law of 1955.

8 "County." A county or home rule charter county of any  
9 classification.

10 "Governing body." The board of county commissioners or the  
11 county executive or other person exercising the functions of the  
12 county executive in a county without a board of county  
13 commissioners.

14 "Industry." A particular form or branch of economic or  
15 commercial activity.

16 "Public health emergency." A declaration of disaster  
17 emergency declared by the Governor under section 7301(c)  
18 (relating to general authority of Governor).

19 § 5902. Reopening plan for businesses.

20 (a) Reopening plan.--Notwithstanding section 7301 (relating  
21 to general authority of Governor), sections 2102 and 2106 of the  
22 act of April 9, 1929 (P.L.177, No.175), known as The  
23 Administrative Code of 1929, section 8(a) of the act of April  
24 27, 1905 (P.L.312, No.218), entitled "An act creating a  
25 Department of Health, and defining its powers and duties," and  
26 section 5 of the act of April 23, 1956 (1955 P.L.1510, No.500),  
27 known as the Disease Prevention and Control Law of 1955, the  
28 governing body of a county, in consultation with the county  
29 emergency management agency, county health department, county  
30 health officer or any other appropriate health or emergency

1 management official, including any contracted official, may  
2 develop and implement a countywide reopening plan for businesses  
3 subject to closure by the Governor due to the spread of a  
4 communicable disease during a public health emergency.

5 (b) Modifications.--At any time, the governing body of a  
6 county, in consultation with the county emergency management  
7 agency, county health department, county health officer or any  
8 other appropriate health or emergency management official,  
9 including any contracted official, may take an action to modify  
10 the countywide reopening plan for businesses to expand or  
11 restrict the industries authorized to operate in the county or  
12 rescind the countywide reopening plan for businesses entirely.

13 (c) Limitation.--Nothing in this section shall be construed  
14 to:

15 (1) require a county to rescind a local declaration of  
16 emergency relating to a communicable disease; or

17 (2) revoke, rescind or overrule the proclamation of  
18 disaster emergency issued by the Governor on March 6, 2020,  
19 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal  
20 of the state of disaster emergency.

21 Section 2. This act shall take effect immediately.