

Gov. Wolf: Effective April 4, More Options for Restaurants and Other Businesses, Mass Gathering Maximums Increase

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Press Release, Public Health, Public Safety

As COVID-19 cases have declined and vaccination rates are climbing, Governor Tom Wolf today announced the lifting of some targeted restrictions on restaurants and other businesses, as well as increased gathering limits.

Effective April 4, restaurants may resume bar service; alcohol service will be allowed without the purchase of food; the curfew for removing alcoholic drinks from tables will be lifted; and indoor dining capacity will be raised to 75 percent for those restaurants that are currently self-certified and those that undergo the self-certification process, which involves agreeing to strictly comply to all public health safety guidelines and orders, including the cleaning and mitigation protocols and other operational requirements contained in the Governor and Secretary of Health's mitigation and enforcement orders issued on November 23, 2020, as amended. Those restaurants that do not self-certify may raise capacity to 50 percent. Outdoor dining, curbside pick-up and takeout are still encouraged.

Requirements such as mask-wearing, and social distancing, including 6 feet between diners, also still apply.

Capacity for other businesses also will be increased effective April 4, including moving personal services facilities, gyms and entertainment facilities (casinos, theatres, malls) to 75 percent occupancy.

The governor also announced revised maximum occupancy limits for indoor events to allow for 25% of maximum occupancy, regardless of venue size, and maximum occupancy limits for outdoor events to allow for 50% of maximum occupancy, regardless of venue size. Maximum occupancy is permitted only if attendees and workers are able to comply with the 6-foot physical distancing requirement.

"Pennsylvanians have stepped up and done their part to help curb the spread of COVID-19," Gov. Wolf said. "Our case counts continue to go down, hospitalizations are declining, and the percent positivity rate gets lower every week – all very positive signs. The number of people getting vaccinated increases daily and we are seeing light at the end of the tunnel. It's time to allow our restaurants, bars and other service businesses to get back to more normal operations."

While the lifting of these restrictions is good news, Gov. Wolf cautioned that mask-wearing, social distancing and business adherence to all safety orders are still imperative.

"We've come so far and now is not the time to stop the safety measures we have in place to protect ourselves, our families and our communities," Gov. Wolf said. "Keep wearing a mask, social distancing, and, please, get vaccinated when it's your turn."

Find more on the restaurant self-certification process [here](#).

Order of the Secretary of the Pennsylvania Department of Health for Mitigation And Enforcement

The 2019 novel coronavirus (COVID-19) is a contagious disease that is spreading rapidly from person to person in the world, the United States, and this Commonwealth. COVID-19 can be transmitted from any person who is infected, even if they have no symptoms. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes. Symptoms of COVID-19 may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Older adults and people who have serious chronic medical conditions are at a higher risk for serious illness. Illness in children and young adults has become more common as the face of the pandemic continues to change. After a brief respite in the summer months, case counts and the number of hospitalizations have been rising throughout the Commonwealth, surrounding states, and the world. As of November 21, 2020, there have been 302,564 cases and 9,801 deaths in this Commonwealth caused by the still present and ongoing pandemic, numbers that continue to rise.

Earlier in the pandemic, I issued an order directing life-sustaining businesses to institute mitigation measures to protect the safety of employees and customers. [Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations](#), dated April 15, 2020. The Department of Health (Department) also issued guidance to health care providers in the form of Health Alerts (HANs) regarding isolation and quarantine, intended to allow for the continuation of life-sustaining health care services in the midst of the pandemic. With the measured reopening of the Commonwealth, the [Order of the Governor Regarding the Closure of All Businesses That Are Not Life Sustaining](#), dated March 19, 2020, *as amended*, and my [Order Regarding the Closure of all Businesses That Are Not Life Sustaining](#), dated March 19, 2020, *as amended*, have been suspended.

Despite the efforts taken to date, the pandemic continues to spread, and taking action to prevent that spread while continuing to allow for necessary resumption of economic and social activity requires the Commonwealth to take steps to minimize the danger to Pennsylvanians as a result of participating in that activity. In response to these concerns, in October, the Governor and I issued amendments to the [Order of the Governor Directing Targeted Mitigation Measures](#), dated July 15, 2020, *as amended*, and my [Order Directing Mitigation Measures](#), dated July 15, 2020, *as amended*. Additionally, the Governor recently issued the [Order of the Governor for Mitigation Relating to Travel](#), dated November 17, 2020, as did I. See [Order of the Secretary of the Pennsylvania Department of Health for Mitigation Relating to Travel](#), dated November 17, 2020. I also issued the [Updated Order Requiring Universal Face Coverings](#), dated November 17, 2020.

Physical distancing, face coverings, and isolation and quarantine when ill or suspected of being ill or exposed to the virus are the first line of defense against the disease's spread. The resumption of the economic life of the Commonwealth, albeit on a reduced basis, and the resumption of social life in the Commonwealth, no matter how well-intended, are contributing to the rapid and deadly increase of cases

and deaths.¹ Case counts are higher than at any time since the beginning of this pandemic. Hospitalizations and deaths continue to rise, as well. The number of deaths began to increase again in October. The Commonwealth remains responsible for protecting the public's health by stopping the spread of disease and the concomitant increase in deaths and hospitalizations and supporting our hospitals and health systems in being ~~from being unable~~ to provide the increasing demand for care, whether or not COVID-related. This is not the time to become lax in our mitigation efforts.

COVID-19 is a threat to the public's health, for which the Secretary of Health may order general control measures, including, but not limited to, recommendations and orders relating to closure, isolation and quarantine, hygiene and restrictions on activities. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. See section 5 of the Disease Prevention and Control Law, 35 P.S. § 521.5; sections 2102(a) and 2106 of the Administrative Code of 1929, 71 P.S. §§ 532(a), and 536; and the Department of Health's regulations at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures; isolation; quarantine; movement of persons subject to isolation or quarantine; and release from isolation and quarantine). Particularly, the Department of Health (Department) has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. See 35 P.S. § 521.5; 71 P.S. §§ 532(a), and 1403(a); 28 Pa. Code § 27.60, and to take other measures authorized by law. See 71 P.S. §§ 532 and 1403.

In response to the continuing and sustained increase in the number of COVID-19 cases in the Commonwealth in almost every one of its 67 counties, with 3,162 persons hospitalized as of November

¹ Christie Aschwanden, "How 'Superspreading' Events Drive Most COVID-19 Spread," *Scientific American*, <https://www.scientificamerican.com/article/how-superspreading-events-drive-most-covid-19-spread1/> (June 23, 2020); Carl Zimmer, "One Meeting in Boston Seeded Tens of Thousands of Infections, Study Finds," *New York Times*, <https://www.nytimes.com/2020/08/26/health/covid-19-superspreaders-boston.html> (Aug. 26, 2020); Jacqueline Howard, *et al.*, "Covid-19 superspreading event in Boston may have led to 20,000 cases, researcher says," *CNN*, <https://www.cnn.com/2020/08/25/health/covid-19-superspreading-boston-study/index.html> (Aug. 25, 2020); Travis Anderson, "7 coronavirus-related deaths now connected to Maine wedding," *The Boston Globe*, <https://www.bostonglobe.com/2020/09/15/nation/coronavirus-death-toll-linked-maine-wedding-grows-five/>; Lea Hamner, *et al.*, "High SARS-CoV-2 Attack Rate Following Exposure at a Choir Practice—Skagit County, Washington, March 2020," *CDC*, <https://www.cdc.gov/mmwr/volumes/69/wr/mm6919e6.htm> (May 15, 2020); *Washington Post*, https://www.washingtonpost.com/politics/a-funeral-sparked-a-covid-19-outbreak--and-led-to-many-more-funerals/2020/04/03/546fa0cc-74e6-11ea-87da-77a8136c1a6d_story.html (April 4, 2020); Laxminarayan, *et al.*, "Epidemiology and transmission dynamics of COVID-19 in two Indian states," *Science*, <https://science.sciencemag.org/content/early/2020/09/29/science.abd7672> (September 30, 2020). Fisher KA, Tenforde MW, Feldstein LR, *et al.* Community and Close Contact Exposures Associated with COVID-19 Among Symptomatic Adults ≥18 Years in 11 Outpatient Health Care Facilities — United States, July 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1258–1264. DOI: <http://dx.doi.org/10.15585/mmwr.mm6936a5><https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm>; Hutchins HJ, Wolff B, Leeb R, *et al.* COVID-19 Mitigation Behaviors by Age Group — United States, April–June 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1584–1590. DOI: <http://dx.doi.org/10.15585/mmwr.mm6943e4>; Kanu FA, Smith EE, Offutt-Powell T, *et al.* Declines in SARS-CoV-2 Transmission, Hospitalizations, and Mortality After Implementation of Mitigation Measures – Delaware, March–June 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1691–1694. DOI: https://www.cdc.gov/mmwr/volumes/69/wr/mm6945e1.htm?s_cid=mm6945e1_w; Mahale P, Rothfuss C, Bly S, *et al.* Multiple COVID-19 Outbreaks Linked to a Wedding Reception in Rural Maine – August 7–September 14, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1686–1690. DOI: https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a5.htm?s_cid=mm6945a5_w.

21, 2020, over 100 new hospitalizations per day, and deaths increasing steadily, on this day, November 23, 2020, in order to prevent and control the spread of disease, I hereby order the following:

Section 1. General Requirements for Businesses Maintaining In-Person Operations, Other Than Health Care Providers

A. Teleworking

Unless impossible, all businesses must conduct their operations remotely, through individual teleworking of their employees in the jurisdiction or jurisdictions in which they do business. Where telework is impossible, employees may conduct in-person business operations, provided that the business fully complies with this Order, and all existing and future applicable guidance issued by the Wolf Administration, the Department, and the Centers for Disease Control and Prevention (CDC).

B. Cleaning and Mitigation Protocols

A business maintaining in-person operations, other than Health Care providers, shall do the following:

i. Cleaning:

- a. In addition to maintaining pre-existing cleaning protocols established in the business, as specified in paragraph b, clean and disinfect high-touch areas routinely in accordance with CDC guidelines, in spaces that are accessible to customers, tenants, employees, or other individuals;
- b. Maintain pre-existing cleaning protocols established by the business for all other areas of the building;
- c. Based on the building size and number of employees and customers, alter hours of business so that the business has sufficient time to clean or to restock or both;
- d. Close off areas visited by a person who is a case of COVID-19. Open outside doors and windows and use ventilation fans to increase air circulation in the area. Wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection. Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas, including but not limited to employee break rooms, conference or training rooms and dining facilities, shared electronic equipment like tablets, touch screens, keyboards, remote controls, and ATM machines used by the ill person, focusing especially on frequently touched areas;
- e. Where carts and handbaskets are available for customers' use, assign an employee to wipe down carts and handbaskets before they become available to each customer entering the premises.

- f. In businesses with checkout counters and registers, take appropriate steps to stagger register and counter use so that those areas may be cleaned appropriately, at least once every hour, without causing customers to gather in large groups and to be unable to practice physical distancing.
- ii. Mitigation Measures:
- a. Implement temperature screening before employees enter the business, prior to the start of each shift or, for employees who do not work shifts, before the employee starts work, and send employees home that have an elevated temperature or fever of 100.4 degrees Fahrenheit or higher. Require employees to practice physical distancing while waiting to have temperatures screened by placing marks at 6-foot distances.
 - b. Stagger work start and stop times for employees when practicable to prevent gatherings of large groups entering or leaving the premises at the same time.
 - c. Provide a sufficient amount of space for employees to have breaks and meals while maintaining a physical distance of 6 feet, arranging seating to have employees facing forward and not across from each other in eating and break settings.
 - d. Stagger employee break times to reduce the number of employees on break at any given time so that appropriate physical distancing of at least 6 feet may be maintained.
 - e. Limit persons in employee common areas (such as locker or break rooms, dining facilities, training or conference rooms) at any one time to the number of employees that can maintain a physical distance of 6 feet.
 - f. Conduct meetings and trainings or other gatherings of employees and management virtually (i.e., by phone or through the internet). If a meeting must be held in person, limit the meeting to the number of individuals permitted to be present under Section 9 (Specific Requirements For Events And Gatherings Other Than In-Person Retail Businesses or Businesses In The Retail Food Services Industry).
 - g. Provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes, including scheduling handwashing breaks as necessary, and ensure that common areas (including but not limited to break rooms, locker rooms, dining facilities, rest rooms, training or conference rooms) are cleaned on a regular basis, including between any shifts.
 - h. Provide and require that employees wear face coverings during their time at the business, except to the extent the employee is using break

time to eat or drink, in accordance with my [Updated Order Requiring Universal Face Coverings](#), dated November 17, 2020, including any subsequent amendments. Employers may issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.

- i. Have a sufficient number of employees to perform all measures listed effectively and in a manner that protects the safety of the public and employees.
 - j. Have a sufficient number of personnel to control access, maintain order, and enforce physical distancing of at least 6 feet.
 - k. Prohibit non-essential visitors from entering the premises of the business.
 - l. Make all employees aware of these required procedures by communicating them, either orally or in writing, in their native or preferred language, as well as in English or by a methodology that allows them to understand.
- iii. Contact tracing:
- a. Identify employees and customers, to the extent possible, who were in close contact (within about 6 feet for about 15 minutes) with a person with COVID-19 from the period 48 hours before symptom onset (or 48 hours prior to test date if asymptomatic) to the time at which the patient isolated and, upon request, provide those names and contact information to the Department or the local health department.
 - b. Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws.
- iv. Employee Isolation or Quarantine:
- a. If an employee becomes sick during the workday, the individual must be sent home immediately. An employee who has symptoms of COVID-19 before reporting to work should notify the employee's supervisor and remain home.
 - b. An employee who is a close contact of a person who is diagnosed with or tests positive for COVID-19, as defined by the Department or local health department in accordance with CDC guidance, may not continue to work at an in-person business, and must quarantine in accordance with the direction of the Department or the local health department.

- c. If an employee is diagnosed with or tests positive for COVID-19, the employee may no longer work at an in-person business, even if asymptomatic, and must isolate in accordance with the direction of the Department or a local health department.

Section 2. General Requirements for Businesses Serving the Public in a Physical Space, including Inside or Outside of a Building

In addition to complying with the remainder of this Order, businesses that serve the public within a physical space, either indoors or outside, shall do the following:

- A. Require employees and customers to maintain a physical distance of 6 feet at check-out and counter lines.
- B. Place signage at the entrance to and throughout the business mandating universal face coverings and physical distancing for all individuals, including employees, entering the business.
- C. Provide markings or other signage showing where 6-foot distances are, to help all individuals entering the business, including employees, maintain physical distancing.
- D. Post, at every entrance, a maximum capacity limit to ensure that a minimum of 6-foot physical distance can be maintained throughout the location. This maximum capacity limit shall be clearly identified and displayed.
- E. Arrange store aisles to be directionally one-way, if required to achieve appropriate physical distancing.
- F. Place hand sanitizer stations at high-contact locations.
- G. Designate a COVID-19 compliance officer who is responsible for ensuring compliance with this Order and all other mitigation orders incorporated therein.
- H. Install plexiglass shields at registers and check out areas to shield employees and customers or take other measures to ensure physical distancing of customers from check-out personnel, or close lines and counters to maintain a physical distance of 6 feet between customers.
- I. Provide for outside or curbside pick-up or delivery options, when feasible, by instituting online ordering or other such means.
- J. Designate a specific time for high-risk and elderly persons to use the business at least once every week if there is a continuing in-person customer-facing component.
- K. Require individuals entering the business to wear face coverings, in accordance with my [Updated Order Requiring Universal Face Coverings](#), dated November 17, 2020, including any subsequent amendments, unless the individual qualifies for an

exception in that Order, and deny entry to individuals not wearing face coverings or alternatives to face coverings, unless the business is providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of such goods.

Section 3. Additional Capacity Limitations for Businesses

All in-person businesses serving the public within a building or defined area may operate at up to 75% of the maximum capacity stated on the applicable certificate of occupancy at any given time unless specifically subject to other requirements outlined below.

Section 4. Additional Requirements for Entertainment Industry

All in-person retail businesses serving the public within a building or defined area in the entertainment industry (museums, amusements, etc.) may operate at up to 50% of the maximum capacity stated on the applicable certificate of occupancy at any given time unless hosting an event or gathering subject to section 9. For purposes of this section, in-person retail businesses do not include those businesses covered by Sections 7 and 8.

Section 5. Additional Requirements for Gyms and Fitness Facilities

All gyms and fitness facilities, are permitted to continue indoor operations at up to 50% occupancy, but must prioritize outdoor physical fitness activities. Outdoor and indoor activities must follow face covering requirements as provided by my [Updated Order Requiring Universal Face Coverings](#) dated November 17, 2020, including any subsequent amendments, and must provide for physical distancing requirements of persons being at least 6 feet apart, as well as being limited by Section 9 (Specific Requirements For Events And Gatherings Other Than In-Person Retail Businesses or Businesses In The Retail Food Services Industry).

Section 6. Additional Requirements for Personal Care Services

Personal care services, including spas, saunas, tattoo parlors, massage therapists, hair and nail salons and barbershops, may operate at up to 50% occupancy and by appointment only.

Section 7. Additional Requirements for Businesses in the Retail Food Services Industry, Including Bars, Restaurants, and Private Catered Events

A. Bars

All bars are prohibited from conducting operations unless they offer sit-down, dine-in meals or take-out sales of alcoholic beverages. Alcohol only can be served for on-premises consumption when in the same transaction as a meal. All service must be at a table or booth; bar service is prohibited. All sale or dispensing of alcoholic beverages for on-site

consumption must cease at 11:00 p.m. and no patron may possess alcoholic beverages within the establishment after midnight.

Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.

For purposes of this Order, occupancy requirements shall be the following:

- i. Limited to 25% of stated fire code maximum occupancy for indoor dining.
- ii. A discrete indoor event or gathering within a bar must comply with the limits in Section 9 (Specific Requirements For Events And Gatherings Other Than In-Person Retail Businesses or Businesses In The Retail Food Services Industry).

B. Restaurants & Private Catered Events

- i. The [Guidance for Businesses in the Restaurant Industry Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public](#), dated May 27, 2020, as updated October 9, 2020, along with any future updates (the "Guidance"), is incorporated herein by reference, with the exception of occupancy requirements. For purposes of this Order, occupancy requirements shall be the following:
 - a. Limited to 25% of stated fire code maximum occupancy for indoor dining.
 - b. Discrete indoor event or gathering must comply with the limits outlined in Section 9 (Specific Requirements For Events And Gatherings Other Than In-Person Retail Businesses or Businesses In The Retail Food Services Industry).
- ii. All businesses in the retail food services industry, including restaurants, wineries, breweries, private clubs and bars, are permitted to provide take-out and delivery sales of food, as well as dine-in service in both indoor and outdoor seating areas so long as they strictly adhere to the requirements of the Guidance, as required by this Order, including the following:
 - a. Non-bar seating in outdoor areas (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.
 - b. Customers must be seated at a table.
 - c. The maximum occupancy limit includes staff.
- iii. Physical distancing, face covering, and other mitigation measures must be employed to protect workers and patrons.

- iv. Alcohol only can be served for on-premises consumption when in the same transaction as a meal. All sale or dispensing of alcoholic beverages for on-site consumption must cease no later than 10:00 p.m., and no patron may possess alcoholic beverages within the establishment after midnight.
- v. Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.

C. Self-Certification

Notwithstanding the maximum occupancy requirements specified in Sections 7.A. (related to Bars) and 7.B. (related to Restaurants & Private Catered Events), an eligible establishment may increase non-event capacity limitations to 50% of stated fire code maximum occupancy for indoor dining if the establishment enrolls in and complies with the [Open & Certified Pennsylvania program](#) administered by the Department of Community and Economic Development. Discrete events within Open & Certified establishments remain subject to Section 8 (Specific Requirements For Events And Gatherings Other Than In-Person Retail Businesses or Businesses In The Retail Food Services Industry).

Section 8. Requirements for Nightclubs

All nightclubs as defined by the Clean Indoor Air Act, 35 P.S. § 637.2, are prohibited from conducting operations.

Section 9. Requirements for Events and Gatherings

- A. Venues hosting events or gatherings must determine their established occupancy limit as defined by the National Fire Protection Association (NFPA) Life Safety Code and then apply the attendee calculator to determine how many attendees are permitted to attend the event or gathering.

i. Maximum Occupancy Calculator for indoor events:

Maximum Occupancy	Allowable Indoor Rate
0-2,000 people	10% of Maximum Occupancy
2,001 - 10,000 people	5% of Maximum Occupancy
Over 10,000 people	No events over 500 people

ii. Maximum Occupancy Calculator for outdoor events:

Maximum Occupancy	Allowable Outdoor Rate
0-2,000 people	15% of Maximum Occupancy
2,001 - 10,000 people	10% of Maximum Occupancy

Over 10,000 people

5% of Maximum Occupancy up to 2,500 people

- B. When no fire code capacity is published or available for outdoor events or gatherings venues, establish occupancy as 67 people per 1000 square feet and then apply the maximum occupancy calculator. Venues may also contact their local building code officials if they are unaware of their occupancy limit).
- C. For the purposes of this Order, “event and gathering” is defined as: A temporary grouping of individuals for defined purposes, that takes place over a limited timeframe, such as hours or days. For example, events and gatherings include fairs, festivals, concerts, or shows and groupings that occur within larger, more permanent businesses, such as shows or performances within amusement parks, individual showings of movies on a single screen/auditorium within a multiplex, business meetings or conferences, or each party or reception within a multi-room venue.
- D. The maximum occupancy limit includes staff.
- E. Venues must require attendees to comply with 6-foot physical distancing requirements, to wear masks or face coverings in compliance with my [Updated Order Requiring Universal Face Coverings, including any subsequent amendments](#), and implement best practices such as timed entry, multiple entry and exit points, multiple restrooms and hygiene stations. Venues and event planners may refer to the CDC Events and Gatherings Readiness and Planning Tool for additional information regarding best practices.

Section 10. Visitations to Prisons and Hospitals

Visitation to prisons and hospitals is subject to the determination of the individual facilities, which may limit visitation as necessary based on the risk of COVID-19. Visitors who interact with residents and patients must be diligent regarding hygiene, face coverings and physical distancing.

Section 11. Exemptions

A. Religious Gatherings

- i. Churches, synagogues, temples, mosques and other places of congregate worship are specifically excluded from the limitations established in section 9 of this Order during religious services. These institutions are strongly encouraged to enforce physical distancing and other mitigation measures at their gatherings.
- ii. Conventions, retreats, and other gatherings that may be sponsored or held by these religious entities that are not the actual worship service are required to comply with this Order.
- ii. Attendees at churches, synagogues, temples, mosques and other places of congregate worship are required to wear face coverings in compliance with my [Updated Order Requiring Universal Face Coverings, including any subsequent amendments](#).

- B. This Order does not apply to health care workers exposed to COVID-19. In the event of an exposure, the guidelines in PA-HAN-510 or its successor must be followed.

Section 12. Effect on Previous Orders of the Secretary

- A. This Order rescinds and supersedes the following orders to the extent they have not already superseded:

- i. *Order of the Secretary of Health Directing Closure of All Businesses That Are Not Life Sustaining, effective March 19, 2020, as amended.*
- ii. *Order of the Secretary of the Pennsylvania Department of Health to Stay at Home, dated April 1, 2020, as amended.*
- iii. *Order of the Secretary of the Pennsylvania Department of Health Directing Building Safety Measures, effective April 6, 2020.*
- iv. *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-Person Operations, dated April 15, 2020.*
- v. *Order of the Secretary of the Pennsylvania Department of Health for a Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, effective May 8, 2020.*
- vi. *Order of the Secretary for the Continued Reopening of the Commonwealth, dated May 27, 2020, as amended.*
- vii. *Order of the Secretary of the Pennsylvania Department of Health Directing Mitigation Measures, dated July 15, 2020, as amended.*

- B. The following Order is amended as stated:

Section 4(A)(1) of the [Updated Order of the Secretary of Health Requiring Universal Face Coverings](#) is amended to read as follows:

- 1. Require that all people, including their employees, customers, teachers, students and visitors, wear a face covering and enforce the requirement.

Section 13. Enforcement

Along with enforcement mechanisms available against any other person who violates of this Order, the following enforcement mechanisms are available against retail establishments and restaurants:

- A. For purposes of this Section, the following definitions apply:
- i. **Retail Establishment:** An establishment that sells goods or services to the public.
 - ii. **Restaurant:** An establishment where food or drink is served to or provided for the public, with or without charge.
- B. All retail establishments and restaurants found in noncompliance with this Order during the course of an investigation or inspection shall receive an initial warning letter. Upon receipt of the warning letter, the retail establishment or restaurant shall engage in rigorous cleaning, and imposition of other mitigation measures as necessary to ensure compliance with this Order.
- C. Upon a subsequent visit, if a second violation is found, then the retail establishment or restaurant shall immediately correct the violation and may receive a citation and/or fine. The retail establishment or restaurant shall be directed to close for a period of up to 24 hours beginning the day of notice of the second violation. During the closure period, the retail establishment or restaurant shall engage in rigorous cleaning and reimpose all mitigation measures as necessary to ensure compliance with this Order.
- D. Upon a subsequent violation, the retail establishment or restaurant shall be directed to close for a period of at least 24 hours beginning immediately upon the finding of the violation, together with additional fines and penalties and referral for criminal prosecution for obstructing the administration of law or other governmental function, pursuant to the Pennsylvania Crimes Code, 18 Pa. C.S. § 5101.
- E. Prior to re-opening, the retail establishment or restaurant shall correct all cited violations. The retail establishment or restaurant shall be permitted to reopen prior to a revisit so long as they have effectively corrected all violations. Failure to correct all cited violations will result in enhanced penalties upon revisit.

Section 14. Effective Date and Duration

This Order shall take effect at 12:01 a.m. on November 27, 2020 and shall remain in effect until further notice.



Rachel Levine, MD
Secretary of Health