



Order of the Secretary of the Pennsylvania Department of Health Directing Mitigation Measures

COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 if their symptoms are mild, such as a cough, or even if they are asymptomatic. 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, cough, shortness of breath, chills, repeated shaking with chills, muscle pain, headache, sore throat, and new loss of taste or smell. Early symptoms may also include chills, body aches, sore throat, headache, diarrhea, nausea or vomiting, and runny nose. Older adults and people who have serious chronic medical conditions are at a higher risk for serious illness.

The first cases of COVID-19 were reported in the United States in January 2020. Since then, multiple areas of the United States have experienced "community spread" of COVID-19, meaning that the illness is being transmitted through unknown sources, and not from known areas of infection. On March 6, 2020, after the first cases of COVID-19 in the Commonwealth of Pennsylvania were confirmed, the Governor issued a Proclamation of Disaster Emergency. Since that date, the number of positive cases continued to rise, and community spread continued in the Commonwealth as well. Case counts rapidly increased throughout the Commonwealth in March and April 2020.

In order to slow the spread and protect the people of the Commonwealth, the Governor and I issued Orders on March 19, 2020, closing all Commonwealth businesses that are not life sustaining. *See Order of the Governor of the Commonwealth of Pennsylvania Regarding the Closure of All Businesses That Are Not Life Sustaining*, as amended; *Order of the Secretary of the Pennsylvania Department of Health Regarding the Closure of All Businesses That Are Not Life Sustaining*, as amended. On April 1, 2020, the Governor and I issued Orders directing all individuals in Pennsylvania to stay at home. *See Order of the Governor of the Commonwealth of Pennsylvania for Individuals to Stay at Home*, as amended; *Order of the Secretary of the Pennsylvania Department of Health to Stay at Home*, as amended. In addition, I issued an Order on April 15, 2020, requiring mitigation measures to be applied at businesses permitted to engage in in-person operations. *See Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations*.

Those mitigation efforts slowed the spread of the disease, protected our health systems and public health system from being overwhelmed, and enabled them to care for ill persons in the Commonwealth. Accordingly, in Orders on May 7, 2020, the Governor and I suspended restrictions for certain areas instituted in the orders on March 19, 2020, as amended, and April 1, 2020, as amended. *See Order of the Governor of the Commonwealth of Pennsylvania for Limited Opening of Business, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts*, as amended; *Order of the Secretary of the Pennsylvania Department of Health for a Limited Opening of Businesses, Lifting of Stay*

Home Requirements and Continued Aggressive Mitigation Efforts, as amended. These mitigation strategies, practiced by all persons in the Commonwealth, were successful in slowing the spread of the virus, and allowed the phased and considered reopening of the Commonwealth. See *Order of the Governor of the Commonwealth of Pennsylvania for the Continued Reopening of the Commonwealth* of May 27, 2020, as amended; *Order of the Secretary for the Continued Reopening of the Commonwealth* of May 27, 2020, as amended.

Person-to-person spread does continue, however, and with the reopening, the Commonwealth is beginning to see increases in new cases that are due to community spread. Mindful of the need to slow this increase in order to avoid the types of stringent Commonwealth-wide mitigation strategies that were discontinued a short time ago, I issued an Order on July 1, 2020, requiring universal face coverings be worn by all persons in the Commonwealth. See *Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings* of July 1, 2020.

Areas throughout the country continue to see dangerous increases in COVID-19 cases, and that spread is beginning to make itself felt in the Commonwealth, following the suspension of most Commonwealth-wide mitigation requirements as of June 5, 2020. The number of new daily cases in the Commonwealth jumped to over 1,000 for the first time in several weeks, and overall case counts are now matching case counts in March and April. Because of the increase in cases and the modeling predictions showing the spread of the virus from south and west to east, and because the percentage increase has caused grave concern that a second surge is beginning to occur, I have determined that additional mitigation measures must be implemented. This is in accordance with Section J of my *Order for Continued Reopening of the Commonwealth*, which provides for the monitoring of public health indicators and the revision of the restrictions provided for in that Order.

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, closure, isolation, and quarantine. 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 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. Given the need to slow the Commonwealth-wide increase of COVID-19 cases, to avoid taking more stringent mitigation strategies and to prevent overwhelming the health care systems in the Commonwealth, I am issuing this Order.

Accordingly, on this date, July 15, 2020, to protect the public from the spread of COVID-19, I hereby order:

Section 1: 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. 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 is limited to 25 persons.

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 June 17, 2020 (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. A discrete indoor event or gathering in a business in the retail food services industry is limited to 25 persons.
- 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 being served must be seated at a table.
- c. The maximum occupancy limit includes staff.
- iii. Social distancing, masking, 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. Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.

Section 2: Nightclubs

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

Section 3: Events and gatherings other than those in businesses in the retail food services industry addressed by Section 1.

- A. Indoor events and gatherings of more than 25 persons are prohibited.
- B. Outdoor events and gatherings of more than 250 persons are prohibited.
- 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.

The term does not include a discrete event or gathering in a business in the retail food services industry addressed by Section 1.

- D. The maximum occupancy limit includes staff.

Section 4: Teleworking

Unless not possible, all businesses are required to conduct their operations in whole or in part remotely through individual teleworking of their employees in the jurisdiction or jurisdictions in which they do business. Where telework is not possible, employees may conduct in-person business operations, provided that the businesses fully comply with all substantive aspects of: the *Order of the Secretary of the Pennsylvania Department of Health Directing Building Safety Measures*, issued April 5, 2020; the *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures* (to keep employees and customers safe), issued April 15, 2020; and all existing and future applicable guidance issued by the Wolf Administration, the Department of Health and Centers for Disease Control and Prevention.

Section 5: Gyms and fitness facilities

All gyms and fitness facilities, while permitted to continue indoor operations, are directed to prioritize outdoor physical fitness activities. Outdoor activities must follow masking requirements as provided by my Order Requiring Universal Face Coverings, dated July 1, 2020, and must provide for social distancing requirements of persons being at least 6 feet apart, as well as being limited by section 3 above, related to gatherings.

Section 6: Other Orders of the Secretary of Health

Any provisions of the *Order of the Secretary for the Continued Reopening of the Commonwealth*, dated May 27, 2020, and of the *Order of the Secretary of Health for a Limited Opening of Businesses, Lifting of Stay Home Requirements and Continued Aggressive Mitigation Efforts*, effective May 8, 2020, that are in conflict with this Order are hereby superseded.

Section 7: Enforcement

Enforcement of this Order will begin on the effective date. All Commonwealth agencies involved in the licensing or inspection of any of the above-described facilities are directed to increase their enforcement efforts to ensure compliance with these critical mitigation measures. All local officials currently involved or able to be involved in the Commonwealth's enforcement efforts are called upon to enforce these critical mitigation measures.

Section 8: Effective Date

This Order shall take effect at 12:01 a.m. on July 16, 2020, and continue until further notice.

A handwritten signature in blue ink, appearing to read "RL Levine", is positioned above a horizontal line.

Rachel L. Levine, MD
Secretary of Health