



Order of the Secretary of the Pennsylvania Department of Health for Mitigation Relating to Businesses in the Retail Food Services Industry for November 25, 2020

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 and deaths 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.

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*, were 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 an [Order Directing Travel Mitigation](#), 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.

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.

Under circumstances where physical distancing, wearing a face covering, frequent hand hygiene and quarantine are the first line of defense against the disease's spread, and where the disease is being spread in large and small gatherings,¹ the experiences of the Commonwealth, and its and the country's health experts, and recommendations of the Centers for Disease Control and Prevention (CDC) regarding travel and gatherings with persons not habitually together lead me to issue this Order as a protection against the spread of disease through our holiday season.

Accordingly, on this day, November 23, 2020, in order to prevent and control the spread of disease, I hereby order:

Section 1: Alcohol Sales

All sale or dispensing of alcoholic beverages for on-site consumption at businesses in the retail food services industry, including bars, restaurants, wineries, breweries, private club and private catered events must cease no later than 5:00 p.m. on Wednesday, November 25, 2020. On that date, no patron may possess alcoholic beverages within such businesses after 6:00 p.m.

The sale and dispensing of alcoholic beverages for on-site consumption at businesses in the retail food services industry, including bars, restaurants, and private catered events may resume on November 26, 2020 subject to any limitations or restrictions imposed by the Orders of the Governor, my Orders and Pennsylvania law.

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>

Take-out alcohol sales are not restricted by this Order and may continue, subject to any limitations or restrictions imposed by Pennsylvania law.

Section 2: Effect on Existing Orders

Section 1(A) and (B)(iv) of my *Order Directing Targeted Mitigation Measures*, dated July 15, 2020, as amended, is suspended in so far as it conflicts with this Order for the period of time this Order is in effect.

The remainder of my *Order Directing Targeted Mitigation Measures*, dated July 15, 2020, including Section 1(C), relating to Self-Certification, remains unchanged

Section 3: Effective Date and Duration

This Order shall take effect at 5:00 p.m. on November 25, 2020 and shall remain in effect until 8:00 a.m. on November 26, 2020.

A handwritten signature in black ink, appearing to read "RLV MD", is positioned above a horizontal line.

Rachel L. Levine, MD
Secretary of Health