COMMONWEALTH OF PENNSYLVANIA

OFFICE OF THE GOVERNOR

ORDER OF THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA FOR LIMITED OPENING OF BUSINESSES, LIFTING OF STAY AT HOME REQUIREMENTS, AND CONTINUED AGGRESSIVE MITIGATION EFFORTS

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein. 35 Pa. C.S. § 7301(f); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. 1403(a); and

WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5; and

WHEREAS, I previously issued an Order on March 19, 2020, closing all businesses that are not life sustaining in the Commonwealth; and

WHEREAS, I previously issued an Order on April 1, 2020, directing that all individuals in Pennsylvania to stay at home; and

WHEREAS, our mitigation efforts have helped to curtail the spread of COVID-19 so our hospitals can treat patients without overwhelming our limited supplies of personal protective equipment (PPE), ventilators, or beds; and

WHEREAS, as the COVID-19 disaster emergency in the Commonwealth stabilizes, my Administration has developed a measured and strategic approach to allowing Pennsylvanians to return to work safely in a manner designed to prevent a resurgence of the virus; and

WHEREAS, this phased reopening of the Commonwealth will be done in the most effective, efficient, and risk-adverse method possible to balance our return to economic stability, while at the same time continuing to keep Pennsylvanians safe by controlling the spread of disease; and

WHEREAS, it is necessary to relax some of the requirements of the aforementioned orders for a period of time as part of a gradual and strategic return to work; and

WHEREAS, as of May 7, 2020, the Commonwealth of Pennsylvania has 52,915 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 3,416 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

Section 1: Limited Opening of Businesses

A. My Order directing the "Closure of All Businesses That Are Not Life Sustaining" issued March 19, 2020, as subsequently amended, is suspended for the following counties:

> ***Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Lycoming, McKean, Mercer, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango, and Warren.***

B. The prohibition on dine-in facilities throughout the Commonwealth including restaurants and bars that previously had been ordered to help stop the spread of COVID-19 remains in effect. Businesses that offer carry-out, delivery, and drive-through food and beverage service may continue, so long as social distancing and other mitigation measures are employed to protect workers and patrons.

C. All businesses operating in the counties listed in Section 1(A) above for which my Order for the "Closure of All Businesses That Are Not Life Sustaining" issued March 19, 2020, as subsequently amended, is suspended, and which had been conducting their operations in whole or in part remotely through individual teleworking of their employees under that Order, may continue to conduct such operations remotely through individual teleworking of employees and may not commence in-person business operations for those employees or business functions.

D. The following categories of businesses operating in the counties listed in Section 1(A) above for which my Order for the "Closure of All Businesses That Are Not Life Sustaining" issued March 19, 2020, as subsequently amended, is suspended, are authorized to commence in-person operations as outlined below, provided that the businesses fully comply with all substantive aspects of: the Order of the Secretary of Health providing for building safety measures, issued April 5, 2020; the Order of the Secretary of Health providing for business safety measures (to keep employees and customers safe), issued April 15, 2020; and any other future applicable Department of Health (DOH) and Centers for Disease Control and Prevention (CDC) guidance, and subject to the conditions outlined below:

> ***i. Businesses that have not been able to conduct in-person operations in whole or in part under my Order directing the "Closure of All Businesses That Are Not Life Sustaining" issued March 19, 2020, as subsequently amended, because the functions of such businesses are not conducive to working remotely are authorized to commence such in-person operations (except for businesses described in section E below);***

ii. Businesses that were permitted to conduct in-person operations under my Order directing the "Closure of All Businesses That Are Not Life Sustaining" issued March 19, 2020, as subsequently amended, including:

a. those listed as life sustaining according to the Governor's and Secretary's Non-Life Sustaining Business Closure Orders (as amended);

b. those that received an exemption from those Orders from the Department of Community and Economic Development; or

c. those permitted to conduct in-person operations pursuant to a subsequent applicable Order or amendment to those Orders from the Governor and Secretary including, the construction industry (subject to the Guidance issued by the Department of Health to the Construction Industry, issued April 19, 2020); vehicle dealerships (subject to the Guidance issued by the Governor regarding Vehicle Transactions, issued April 20, 2020); and real estate industry (subject to the Guidance issued by the Department of State to the Real Estate Industry, reissued April 28, 2020).

E. Notwithstanding the foregoing, the suspension of my Order directing the "Closure of All Businesses That Are Not Life Sustaining" issued March 19, 2020, as subsequently amended, as set forth in Section 1(A), does not apply to the following types of businesses: indoor recreation, health and wellness facilities and personal care services (such as gyms, spas, hair salons, nail salons, massage therapy providers), and all entertainment (such as casinos, theaters), and such businesses remain closed.

Section 2: Limited Lifting of Stay at Home Orders

A. My Order directing "Individuals to Stay at Home" issued April 1, 2020, as subsequently amended, is suspended for the following counties:

Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Lycoming, McKean, Mercer, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango, and Warren.

B. Large gatherings of more than twenty-five (25) people are prohibited in the counties listed in Section 2(A) above for which my Order for directing individuals to "Stay at Home" issued April 1, 2020, as subsequently amended, is suspended.

Section 3: Enforcement

Enforcement of this Order will commence on its effective date.

Section 4: Effective Date and Duration

This Order is effective May 8, 2020, at 12:01 a.m., and will remain in effect until further notice.

GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this seventh day of May two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.

TOM WOLF
Governor