COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

AMENDMENT TO THE ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
FOR MITIGATION, ENFORCEMENT, AND IMMUNITY PROTECTIONS

I hereby amend my Order "For Mitigation, Enforcement, and Immunity Protections" dated November 23, 2020, as subsequently amended, as follows:

The fifteenth and sixteenth "Whereas" clauses are amended to read as follows:

WHEREAS, the emergent need for enforcement measures adopted by my Administration require calling upon classification of individuals and entities enumerated herein to perform acts that they would not perform in the ordinary course of business and it is in the public interest to afford such classifications of individuals and entities protection against liability for good faith actions taken in their efforts; and

WHEREAS, due to the nature of this disaster, the classification of individuals and entities enumerated herein are providing the citizens of the Commonwealth with essential emergency services activities and disaster services activities as contemplated by 35 Pa. C.S. § 7704(a) when enforcing the November 17, 2020, Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings, including any subsequent amendments.

Section 14 of the Order is amended to read as follows:

Section 14. Limited Immunity Related to Universal Face Coverings

I hereby declare that the following classifications of individuals and entities are engaged in essential emergency services activities and disaster services activities when enforcing the Secretary of Health's Updated Order Requiring Universal Face Coverings, effective November 18, 2020, including any subsequent amendments, and, therefore, pursuant to 35 Pa. C.S. § 7301 I hereby declare that the following classifications of individuals and entities are engaged in essential emergency services activities and disaster services activities when enforcing the November 17, 2020, Updated Order of the Secretary of Pennsylvania Department of Health Requiring Universal Face Coverings, including any subsequent amendments, and, therefore, pursuant to 35 Pa. C.S. § 7704(a) of the Emergency Management Services Code, are entitled to immunity from civil liability only as related to enforcement of the Secretary of Health's Updated Order Requiring Universal Face Coverings, effective November 18, 2020, including any subsequent amendments, except in cases of willful misconduct, gross negligence, recklessness or bad faith:

- ***Businesses (including not-for-profit), business and owners and employees***
- ***Commonwealth of Pennsylvania employees and authorized agents***
- ***Personnel of local health departments***
- ***State and local law enforcement personnel***
- ***Personnel of other authorized government agencies***

This Order does not entitle the enumerated classification of individuals or entities to any other rights, privileges, status, benefits or emoluments other than those that might be otherwise applicable by operation of agency law. This Order shall not apply to liability of employers with respect to claims raised against them by their employees, including workers' compensation actions.

The immunity protection is without regard for whether such individuals or entities receive remuneration. Finally, the aforementioned classifications of individuals or entities shall be immune from civil liability and shall not be liable for the death of or any injury to a person or for loss of or damage to property as a result of enforcing the Secretary of Health's Updated Order Requiring Universal Face Coverings, effective November 18, 2020, including any subsequent amendments, in retail establishments and restaurants, except in cases of willful misconduct, gross negligence, recklessness or bad faith, to the fullest extent permitted by law. This grant of immunity shall not extend to the aforementioned classification of individuals or entities rendering non-COVID-19 enforcement emergency services.

The November 23, 2020, Order, as subsequently amended, remains otherwise unchanged.

This Amendment is effective immediately.

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

TOM WOLF
Governor