COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
DIRECTING LIMITED-TIME MITIGATION

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention declared the coronavirus disease 2019 ("COVID-19") a pandemic; and

WHEREAS, the COVID-19 pandemic has created a national emergency in the United States of America; and

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

WHEREAS, on March 6, 2020, pursuant to section 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(c), I proclaimed the existence of a disaster emergency throughout the Commonwealth as a result of COVID-19, and further extended the disaster emergency by Amendment on June 3, 2020, August 31, 2020, and November 24, 2020; and

WHEREAS, in executing the extraordinary responsibility outlined above, I am 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 pursuant to 35 Pa. C.S. § 7301(b); and

WHEREAS, in addition to my authority, the Secretary of Health may order general control measures, including, but not limited to, closure, isolation, and quarantine; and

WHEREAS, 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; and

WHEREAS, following an initial curtailing of COVID-19 spread due to the Commonwealth's mitigation efforts, a second wave of COVID-19 cases began in the summer months; and

WHEREAS, despite all 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; and

WHEREAS, further immediate action is required to mitigate the imminent spread of the disease, and associated health hazards presented by COVID-190, and to enforce the protections necessary to support the response of the Commonwealth to the threat of COVID-19; and

WHEREAS, as of December 10, 2020, the Commonwealth has 457,289 positive cases of COVID-19 in all sixty-seven counties and 12,010 deaths from COVID-19; and

WHEREAS, the Commonwealth is now recording daily COVID-19 cases and hospitalizations in greater numbers than at any other time during this pandemic; and

WHEREAS, in addition to my general powers, during a disaster emergency I am authorized specifically to:

- ***suspend any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;***
- ***utilize all resources of the Commonwealth and each political subdivision as reasonably necessary;***
- ***transfer the direction, personnel, or functions of Commonwealth agencies or units thereof for performing or facilitating emergency services;***
- ***direct and compel the evacuation of all or part of the population from any stricken or threatened area;***
- ***control ingress and egress to and from a disaster area and the movement of persons within the area and the occupancy of premises therein;***
- ***suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. 35 Pa. C.S. § 7301(f).***

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: Definitions

"Extracurricular activities" means voluntary activities sponsored, approved or permitted by a school entity or local education agency or an organization sanctioned by the local education agency other than sports and athletics, and include, but are not limited to, preparation for and involvement in public performances, contests, demonstrations, displays, and club activities. For purposes of this Order, extracurricular activities include activities involving the physical presence of persons from the same state or from other states.

"Gatherings and events" mean 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. Classroom instruction by school entities is not a "gathering" or "event" for purposes of this Order. Nor is a meeting of electors, including any preparation, to perform the duties enjoined upon them by the Constitution and the laws of the Commonwealth and of the United States a "gathering" or "event" for purposes of this Order.

"Interscholastic athletics" means all athletic contests, competitions, scrimmages, or practices conducted between or among school entities.

"Intrascholastic athletics" means all athletic contests, competitions, scrimmages, or practices conducted within a school entity.

"Intrastate and Interstate sports leagues or tournaments" means all organized athletic contests, competitions, scrimmages, or practices regardless of what they are called and shall include, but not be limited to, club, travel, recreational, intermural, and intramural sports, and includes physical presence of persons from the same state or other states.

"School entity" means a public school, school district, charter school, cyber charter school, career and technology center, nonpublic school or private school in this Commonwealth that serves students that are typically in kindergarten through grade 12.

Section 2: In-person Dining and Alcohol Sales

A. All in-person indoor dining at businesses in the retail food services industry, including, but not limited to, bars, restaurants, breweries, wineries, distilleries, social clubs, and private catered events is prohibited.

B. Outdoor dining, take-out food service and take-out alcohol sales are permitted and may continue, subject to any limitations or restrictions imposed by Pennsylvania law, or this or any other Order issued by me or by the Secretary of Health.

Section 3: Indoor Gatherings and Events

A. Indoor gatherings and events of more than 10 persons are prohibited.

B. Churches, synagogues, temples, mosques and other places of congregate worship are specifically excluded from the limitations set forth above during religious services. These institutions are strongly encouraged to enforce physical distancing and other mitigation measures at their gatherings.

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.

Section 4: Outdoor Gatherings and Events

Outdoor gatherings and events of more than 50 persons are prohibited.

Section 5: Capacity Limits for Businesses

All in-person businesses serving the public within a building or defined area may only operate at up to 50% of the maximum capacity stated on the applicable certificate of occupancy, except as limited by existing orders to a smaller capacity limit.

Section 6: Gyms and Fitness Facilities

Indoor operations at gyms and fitness facilities are prohibited. Outdoor operations may continue, but all participants must wear face coverings in accordance with the Secretary of Health's Updated Order Requiring Universal Face Coverings, including any subsequent amendments, and practice physical distancing requirements.

Section 7: Entertainment Industry

All in-person businesses in the entertainment industry serving the public within a building or indoor defined area, including, but not limited to, theaters, concert venues, museums, movie theaters, arcades, casinos, bowling alleys, private clubs, and all other similar entertainment, recreational or social facilities, are prohibited from operation.

Section 8: Interscholastic Athletics, Intrascholastic Athletics, and Intrastate and Interstate Sports Leagues and Tournaments

Interscholastic athletics, intrascholastic athletics, and intrastate and interstate sports leagues and tournaments are suspended for all sports.

Section 9: Professional and Collegiate Sports

Professional or collegiate sports activities may continue in accordance with guidance from the CDC and the Department of Health, without regard for the limitations set forth in sections 3 and 4 above; however, spectators may not attend such sports activities in person.

Section 10: In-Person Extracurricular Activities

In-person extracurricular activities are suspended. These extracurricular activities may be held virtually.

Section 11: Effect on Existing Orders

This Order suspends and supersedes any provisions of my prior Orders and Advisories that are in conflict with its requirements, including Sections 3, 4, 5, 7 and 9 of my Order for Mitigation, Enforcement, and Immunity Protections, dated November 23, 2020, for the period of time this Order is in effect. Those provisions shall resume effect in their entirety upon this Order's termination. All other provisions of the November 23, 2020 Orders remain in full effect.

Section 12: Authority of Local Departments and Boards of Health

Local governments and authorities may issue rules or orders relating to disease prevention and control which do not conflict with and are no less strict than the provisions of this Order.

Section 13: Effective Date and Duration

This Order shall take effect at 12:01 a.m. on December 12, 2020, and shall remain in effect until 8:00 a.m. on January 4, 2021.

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