COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
FOR MITIGATION RELATING TO BUSINESSES IN THE RETAIL FOOD SERVICES INDUSTRY FOR NOVEMBER 25, 2020

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 and August 31, 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-19, and to enforce the protections necessary to support the response of the Commonwealth to the threat of COVID-19; and

WHEREAS, as of November 21, 2020, the Commonwealth had 302,564 positive cases of COVID-19 in all sixty-seven counties and 9,801 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 the law grants to me the specific authority to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. 35 Pa. C.S. § 7301(f)(8).

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: 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 clubs 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 my Orders, Orders of the Secretary of Health and Pennsylvania law.

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, as amended, 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.

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

TOM WOLF
Governor