

Pennsylvania State Government Relations – COVID-19 Update

Our Pennsylvania state government relations team is actively monitoring legislative, regulatory and administrative changes in Pennsylvania related to COVID-19. They'll continue to provide updates as new information is available. The below is an update as of Noon, Thursday, March 26th. For additional updates and information as the situation evolves, please visit: <https://www.bipc.com/covid-19-statewide-measures-and-local-government-initiatives>.

Administration

Pennsylvania's COVID-19 response began on [March 6](#), when Governor Tom Wolf announced the first two presumptive positive cases in the Commonwealth and subsequently signed an [emergency disaster declaration](#) to provide increased support to state agencies involved in COVID-19 response. The declaration included:

- Emergency funding for the Pennsylvania Emergency Management Agency;
- Allowed for the utilization of emergency procurement procedures; and
- Suspension of regulations, the strict compliance with which, would hinder necessary response action.

Since then, the Administration took numerous additional COVID-19 mitigation efforts. Most notably, on [March 16](#) when the Governor strongly encouraged non-essential businesses to close and all restaurants and bars to close their dine-in facilities. This was done with the hope that businesses would act now “before the Governor or the Secretary of Health finds it necessary to compel closures under the law for the interest of public health”.

Then on [March 18](#), the Pennsylvania Liquor Control Board announced all retail licensees, clubs, permittees, and producers under its jurisdiction must cease the sale of food and alcohol for on-premises consumption. Any licensee that fails to comply with the mandate risks citation, suspension of operating authority, and even further enforcement action and closure.

COVID-19 mitigation efforts continued on [March 19](#), when Governor Wolf ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations as of 8 p.m. Enforcement actions against businesses that do not close physical locations began at 8:00 a.m. on March 21.

More information can be found here:

- Gov. Wolf's order is [here](#).
- A video statement from Gov. Wolf is [here](#).
- Secretary of Health's order is [here](#).
- A list of life-sustaining businesses, which is continuing to be updated, is [here](#).

Failure to comply with these requirements will result in enforcement action that could include citations, fines, or license suspensions. Additionally, businesses will forfeit their ability to

receive any applicable disaster relief and/or may be subject to other appropriate administrative action. Such action may include termination of state loan or grant funding, including Redevelopment Assistance Capital Project (RACP) grant funding and/or suspension or revocation of licensure for failing to follow the Governor's mandate.

Finally, in addition to any other criminal charges that might be applicable, the Department of Health is authorized to prosecute noncompliant entities for the failure to comply with health laws, including quarantine, isolation or other disease control measures. Violators are subject to fines or imprisonment.

Businesses that are defined as non-life sustaining under the Governor's order may request a waiver to be allowed to operate from the Department of Community and Economic Development [here](#). General queries about business operations may be sent to ra-dcedcs@pa.gov.

At a press conference held on March 23, Governor Wolf and the Department of Health issued a "[stay-at-home](#)" order for all residents in seven counties to prevent further spread of COVID-19 coronavirus. This policy took effect at 8:00 p.m. that evening and will continue for a period of two weeks, until April 6, 2020. The original seven counties were Allegheny, Bucks, Chester, Delaware, Montgomery, Monroe, and Philadelphia. On March 24, Erie county was added to the order and on March 25 the order was expanded again to include Lehigh and Northampton counties.

Under the Governor's order, residents of these counties may leave their residence ONLY to perform any of the following allowable individual activities and allowable essential travel:

Allowable Individual Activities

- Tasks essential to maintain health and safety, or the health and safety of their family or household members (including, but not limited to, pets), such as obtaining medicine or medical supplies, visiting a health care professional, or obtaining supplies they need to work from home.
- Getting necessary services or supplies for themselves or their family or household members, or to deliver those services or supplies to others, such as getting food and household consumer products, pet food, and supplies necessary to maintain the safety, sanitation, and essential operation of residences. This includes volunteer efforts to distribute meals and other life-sustaining services to those in need.
- Engaging in outdoor activity, such as walking, hiking or running if they maintain social distancing.
- To perform work providing essential products and services at a life-sustaining business (see below for details about life-sustaining business activities).
- To care for a family member or pet in another household.

Allowable Essential Travel

- Any travel related to the provision of or access to the above-mentioned individual activities or life-sustaining business activities (as described above).

- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- Travel to return to a place of residence from an outside jurisdiction.
- Travel required by law enforcement or court order.
- Travel required for non-residents to return to their place of residence outside the commonwealth.

Exempt Operations

- Life-sustaining business activities.
- Health care or medical services providers.
- Access to life-sustaining services for low-income residents, including food banks.
- Access to child care services for employees of life-sustaining businesses that remain open as follows: child care facilities operating under the Department of Human Services, Office of Child Development and Early Learning waiver process; group and family child care operating in a residence; and part-day school age programs operating under an exemption from the March 19, 2020 business closure Orders.
- News media.
- Law enforcement.
- The federal government.
- Religious institutions.

On March 25, Governor Wolf [announced](#) that new funding is available to help small businesses impacted by COVID-19, through a new program under the Pennsylvania Industrial Development Authority's (PIDA) Small Business First Fund, the COVID-19 Working Capital Access Program (CWCA). PIDA authorized making \$60 million available to provide loans of \$100,000 or less to for-profit businesses with 100 or fewer full-time employees. Funds are expected to become available this week.

State Agencies

Below is a list of actions taken by administrative departments in response to COVID-19.

Department of Education (PDE)

- Governor Wolf announced a statewide closure of schools for ten business days, effective March 16. On March 23, the Department of Education extended the school closure until at least April 6.
- PDE will not penalize districts/schools that fail to meet the minimum 180-day/hours requirements.
- PSSA testing and Keystone Exams for the 2019-20 school year are cancelled.

Department of Environmental Protection (DEP)

- All offices will remain closed for two weeks, beginning on March 17. Staff are still able to perform duties such as reviewing permits and responding to complaints and environmental emergencies.
- Permittees and operators are expected to meet all terms and conditions of their environmental permits, including conditions applicable to cessation of operations.
- Entities operating under a DEP permit that have ceased or suspended operations or construction, should refer to their permit terms and conditions, as they contain regulatory obligations and details regarding cessation or temporary stoppage of work.
- DEP is suspending the timeframes for providing permit decisions established in the Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee.

Department of Labor and Industry (L&I)

- L&I issued guidance on when displaced employees might be eligible for unemployment compensation (UC) or workers' compensation (WC) benefits.

Department of Revenue (DOR)

- DOR extended the deadline for taxpayers to file their 2019 Pennsylvania personal income tax returns is extended to July 15, 2020. Penalties and interest on 2019 personal income tax payments through the new deadline will also be waived. This extension applies to final 2019 tax returns and payments, and estimated payments for the first and second quarters of 2020.
- DOR waived penalties for businesses that were required to make Accelerated Sales Tax (AST) prepayments by the March 20 deadline. For April sales tax payments, DOR is waiving the AST prepayment requirement and asking businesses to remit the sales tax collected in March.

Department of State (DOS)

- The Governor granted DOS the ability to suspend certain [regulations and requirements](#) for medical providers and facilities in order to give them additional flexibility to respond to the crisis.

Department of Transportation (PennDOT)

- All driver license and photo license centers are closed for two weeks, effective March 16. All PennDOT district and county maintenance offices are also closed.
- Construction projects have been suspended in all counties until further notice, however PennDOT crews are available to perform critical functions and emergency maintenance as needed.

Public Utility Commission (PUC)

- An [emergency order](#) was signed that suspended all door-to-door, in-person and public event sales activities by agents of competitive electric and natural gas suppliers.
- Another [emergency order](#) was signed that prohibits electric, natural gas, water, wastewater, telecommunication and steam utility terminations for as long as the Governor's Proclamation of Disaster is in effect.
- A third [emergency order](#) was signed that permits the modification of regulatory and statutory deadlines and procedural rules affecting filing and service requirements, and time periods established for the PUC to take final action on matters.

Legislature

The House of Representatives held voting session on March 24 and both chambers were in session on March. 25. The following bills passed in both chambers and are with the Governor, with April 4 being the last day for action.

[HB 68](#) (Ryan, R-Lebanon) – Unemployment Compensation Law

- Amends the Unemployment Compensation (UC) Law to extend the time period for an employer to request relief from charges from 15 to 21 days and makes changes to the law in response to the COVID-19 emergency in order to comply with Federal law which will allow Pennsylvania to be eligible for Federal UC administration funding as well as Federal emergency UC benefits.

[HB 1232](#) (Dunbar, R-Westmoreland) – Fiscal Code

- Permanently establishes the Enhanced Revenue Collection Restricted Account. Revenues collected and the amount of refunds avoided as a result of expanded tax return reviews and tax collection activities by the Department of Revenue will be deposited into the account.
- Provides up to \$50 million of additional funding to be made available for the Commonwealth's COVID-19 response efforts within the health care system.
- Requires available federal funding and any funding made available through the Governor's disaster proclamation to be used before the transfer of funding can occur.
- Extends medical marijuana temporary regulations until November 20, 2021, or upon the Department of Health's publication of the final-form regulations, whichever is sooner.
- Provides temporary powers and duties for Commonwealth agencies at times when an emergency makes it impossible to comply with law relating to state finance or state tax.

[SB 422](#) (Vogel, R-Beaver) – Election Code

- Changes the date of the general primary election to June 2, 2020.
- Consolidates polling places.
- Establishes the Pennsylvania Election Law Advisory Board.
- Amends sections relating to absentee and mail-in ballots.

[SB 751](#) (Aument, R-Lancaster) – Public School Code

- Revises the educator evaluation system.

- Allows the Secretary of Education to order the closure of all school entities until the threat to health and safety caused by the pandemic of 2020 has ended and waive the requirement that school entities be open for at least 180 days of instruction.
- An employee of a school entity may not receive more or less compensation than the employee would otherwise have been entitled to receive from the school entity had the pandemic of 2020 not occurred.
- School entities must provide cleaning staff with appropriate cleaning materials.
- Notice must be given to all parents of special education students of a school entity's plan for ensuring a free and appropriate public education.
- School entities must make a good faith effort to develop a plan to offer continuity of education using alternative means during the closure period.
- No school entity will see any loss in school subsidies or reimbursements from the Commonwealth as a result of actions taken by the Secretary.
- School entities will be required to keep paying intermediate units and career and technical centers as well as approved private schools and private residential rehabilitative institutions where public schools have placed students.
- Each school entity may renegotiate a contract for school bus transportation services to ensure contracted personnel and fixed costs, including administration and equipment, are maintained during the period of school closure, and will be eligible to receive reimbursement from the state as if the pandemic of 2020 had not occurred.
- The Secretary of Education must apply to the United States Department of Education for testing waivers to permit cancellation of assessments for the 2019-20 school year.
- Standardized testing for home education students is cancelled, as are evaluations of home education programs.
- A school entity may apply to the Secretary for a waiver of any provision of the School Code, regulation of the State Board of Education or standards of the Department directly related to the school entity's staffing needs or impacts the school entity's instructional program or operations as a result of the pandemic of 2020.
- Each active professional educator's current continuing professional education compliance period is extended by one year.

The House and Senate implemented rule changes intended to mitigate the spread of coronavirus. On March 16, the House passed [H.R. 834](#) (Cutler, R-Lancaster), which are temporary rules that will no longer require members to be present on the House floor. [According](#) to the House Republicans, highlights of the rule changes include:

- Allowing designated voting. Under this temporary rule, members will notify their party's whip of their voting position on legislation, and the whip, or a member designated by the whip, will file a member's vote on the House floor. As for the floor itself, only the speaker, leaders, whips or designated members to those positions would need to be present. The process is the same for committee votes, with the relevant party chairperson collecting the votes ahead of a scheduled vote.
- Suspension of legislative time requirements. This temporary rule shortens all required wait periods related to legislation to three hours. Specifically, the 24-hour posting requirement for bills before a committee is now three hours, the 12-hour requirement

after a bill is amended on second consideration is now three hours, and the six-hour wait requirement for a bill to be voted on concurrence is now three hours.

- Blackout mailing period adjustment. Under current rules, no legislative mailing can be sent out within 60 days of an election. The temporary rule passed today lifts the restrictions to allow members to send electronic communications related strictly to COVID-19 information.

The Senate [adopted](#) similar temporary rules on March 18. The rules create a mechanism for members to file bills electronically and to participate in committee meetings and session through the use of communications technology. The emergency powers are scheduled to expire July 31, 2020 or 10 days following the expiration of the governor's emergency order, whichever is sooner.