

Order of the Acting Secretary of the Pennsylvania Department of Health Amending the November 23, 2020 Order of the Secretary of the Pennsylvania Department of Health for Mitigation and Enforcement

And now, on this first day of April, 2021, I hereby amend the [Order of the Secretary of the Pennsylvania Department of Health for Mitigation and Enforcement, dated November 23, 2020](#), as previously amended, as follows:

Section 1 is amended by replacing the language in Section 1(A) with the following:

All businesses are strongly encouraged to conduct their operations in whole or in part remotely through individual teleworking of their employees in the jurisdiction or jurisdictions in which they do business. Businesses choosing to conduct in-person business operations, must comply with this Order, including any subsequent amendments, and all guidance issued by the Wolf Administration, the Department, and Centers for Disease Control and Prevention.

Section 4 is amended by replacing the language in that section with the following:

All in-person retail businesses serving the public within a building or defined area in the entertainment industry (museums, amusement, casinos, theatres (live venue and movie), malls, etc.) may operate at up to 75% of the maximum capacity stated on the applicable certificate of occupancy at any given time unless hosting an event or gathering, including, but not limited to, individual performances, screenings, shows, showtimes, lectures, subject to section 9 (Requirements for Events and Gatherings). For purposes of this section, in-person retail businesses do not include those businesses covered by sections 7 and 8.

Section 5 is amended by replacing the language in that section with the following:

All gym and fitness facilities are permitted to continue indoor operations at up to 75% occupancy, but should continue to prioritize outdoor physical fitness activities. Outdoor and indoor activities must follow face covering requirements as provided by the [Updated Order Requiring Universal Face Coverings dated November 17, 2020](#), including any subsequent amendments, and must provide for physical distancing requirements of persons being at least 6 feet apart, as well as being limited by section 9 (Requirements for Events and Gatherings).

Section 6 is amended by replacing the language in that section with the following:

Personal care services, including spas, saunas, tattoo parlors, massage therapists, hair and nail salons and barbershops, may operate at up to 75% occupancy. Providing service by appointment only is highly encouraged.

Section 7 is amended by replacing the language in that section with the following:

Section 7. Additional Requirements for Businesses in the Retail Food Services Industry, including Restaurants and Private Catered Events

A. Bar Service

Bar service is permitted so long as physical distancing, face covering, and other mitigation measures are employed to protect workers and patrons. Bar service may only be provided to seated patrons. Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.

B. Restaurants & Private Catered Events

i. The [Guidance for Businesses in the Restaurant Industry Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public](#), dated May 27, 2020, as updated (the "Guidance"), is incorporated herein by reference, with the exception of occupancy requirements. For purposes of this Order, occupancy requirements shall be the following:

a. Limited to 50% of stated fire code maximum occupancy for indoor dining.

b. Discrete indoor event or gathering must comply with the limits outlined in Section 9 (Requirements for Events and Gatherings).

ii. All businesses in the retail food services industry, including restaurants, wineries, breweries and private clubs are permitted to provide take-out and delivery sales of food, as well as dine-in and bar service in both indoor and outdoor areas so long as they strictly adhere to the requirements of the Guidance, as required by this Order, including that the maximum occupancy limit includes staff.

iii. Physical distancing, face covering, and other mitigation measures must be employed to protect workers and patrons.

iv. Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.

v. All businesses in the retail food services industry may only serve patrons who are seated.

C. Self-Certification

An eligible establishment may increase non-event capacity limitations to 75% of stated fire code maximum occupancy for indoor dining and bar service if the establishment enrolls in and complies with the [Open & Certified Pennsylvania program](#) administered by the Department of Community and Economic Development. Discrete events within Open & Certified establishments remain subject to Section 9 (Specific Requirements For Events

And Gatherings Other Than In-Person Retail Businesses or Businesses In The Retail Food Services Industry).

Section 8 is amended by replacing the language in that section with the following:

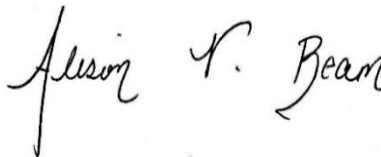
- A. All nightclubs as defined by the Clean Indoor Air Act, 35 P.S. § 637.2, may conduct operations so long as physical distancing, face covering, and other mitigation measures are employed to protect workers and patrons. Nightclubs must adhere to the following occupancy requirements:
 - i. Limited to 50% of maximum occupancy.
 - ii. A discrete indoor event or gathering within a nightclub must comply with the limits in Section 9 (Requirements for Event and Gatherings).
- B. Bar service is permitted so long as physical distancing, face covering, and other mitigation measures are employed to protect workers and patrons. Bar service may only be provided to seated patrons.

Section 9(A) is amended by replacing the language in that section as amended on March 1, 2021 with the following:

- A. Venues hosting events or gatherings, regardless of venue size, must determine their established occupancy limit as defined by the National Fire Protection Association (NFPA) Life Safety Code and then apply these gathering limitations:
 - i. Indoor events and gatherings are limited to 25% of maximum occupancy.
 - ii. Outdoor events and gatherings are limited to 50% of maximum occupancy.

The [Order](#) as previously amended, otherwise remains unchanged.

This Amended Order shall take effect at 12:01 a.m. on April 4, 2021, and shall remain in effect until further notice.



Alison V. Beam
Acting Secretary of Health