

State, Local Agencies Remind Pennsylvanians of COVID-19 Mitigation Enforcement Roles, Advise How to Report Suspected Violations

Harrisburg, PA – Throughout the commonwealth, businesses and residents of Pennsylvania are doing their part to prevent the spread of COVID-19 and keep themselves, their families, their customers and their communities safe – most notably by wearing masks in all businesses and whenever leaving home. The Wolf administration has issued a series of orders since March with the single goal of protecting Pennsylvanians from COVID-19, which has claimed more than 7,000 lives in the state.

“We have been largely successful in our fight against COVID-19 thanks to the hard work and sacrifices of every Pennsylvanian,” said Governor Tom Wolf. “But with a recent and ongoing rise in cases, we must remain vigilant, continue to listen to healthcare professionals and each do our part to prevent this dangerous virus from spreading through our communities.”

The Wolf Administration has stressed the importance of mask-wearing as paramount to helping stop the spread of COVID-19. Combined with social distancing, this simple act can protect people and businesses and help increase our freedoms.

Per the Secretary of Health’s [order](#), businesses must require all customers to wear masks while on premises, and deny entry to individuals not wearing masks, unless the business is providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of such goods.

There are limited exceptions to the mask order, which include those who cannot wear a mask due to a medical condition, those for whom wearing a mask would create an unsafe condition, individuals who would be unable to remove a mask without assistance, individuals under the age of two, and individuals who are communicating or seeking to communicate with someone who is hearing-impaired or has another disability where the ability to see the mouth is essential for communication.

We want Pennsylvanians to do the right thing. For all those who are claiming an exception who do not have one, they are potentially putting the lives of those they encounter at risk. Wearing a mask is a non-partisan, non-political statement that you care about the people you encounter and is a sign of kindness and respect.

The current mitigation orders in place include [Worker Safety](#), [Building Safety](#), [required mask-wearing](#), and the [July 15 targeted mitigation orders](#). Along with a focus on voluntary compliance, several state and local agencies are responsible for enforcing these important health and safety mandates.

Pennsylvanians can play a role by appropriately reporting suspected violations of these orders put in place to keep people safe.

The Secretary of Health’s orders were issued pursuant to the authority granted to her under the law, and it has the force and effect of law.

As with all current orders, if citations were to be issued, they would be issued pursuant to Pennsylvania’s Disease Control and Prevention Act of 1955, 35 P.S. § 521.20(a) and The

Administrative Code of 1929, 71 P. S. § 1409, which are the same statutory sections that were used for business closure enforcement.

Defining the Statutes

Pennsylvania's Disease Control and Prevention Act of 1955, 35 P.S. § 521.20(a): Any person who violates any of the provisions of this act or any regulation shall, for each offense, upon conviction thereof in a summary proceeding before any magistrate, alderman or justice of the peace in the county wherein the offense was committed, be sentenced to pay a fine of not less than twenty-five dollars (\$25) and not more than three hundred dollars (\$300), together with costs, and in default of payment of the fine and costs, to be imprisoned in the county jail for a period not to exceed thirty (30) days.

Administrative Code of 1929, 71 P. S. § 1409: Every person who violates any order or regulation of the Department of Health, or who resists or interferes with any officer or agent thereof in the performance of his duties in accordance with the regulations and orders of the Department of Health, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman, or magistrate of the county wherein such violation or offense is committed, be sentenced to pay a fine of not less than ten (\$10.00) dollars and costs nor more than fifty (\$50.00) dollars and costs, such fine to be paid to the county in which the violation or offense is committed. In default of payment of such fine and costs the offender shall be sentenced to be confined in the proper county jail for a period of 30 days.

Law Enforcement

All local law enforcement agencies in Pennsylvania can enforce the Worker Health and Safety Measures, Building Safety, mask-wearing and July 15 targeted mitigation orders. The Pennsylvania State Police (PSP) has issued 52 warnings related to orders to date.

The State Police Bureau of Liquor Control Enforcement conducts hundreds of compliance checks each day at licensed liquor establishments to ensure licensees are complying with masking, social distancing and other requirements, in particular the July 15 targeted mitigation orders. Regular updates are posted at psp.pa.gov.

Pennsylvania Liquor Control Board

The Pennsylvania Liquor Control Board has provided guidance to bars and restaurants and is notified of Pennsylvania State Police citations. Depending on the level of infraction, PLCB could suspend a business's liquor license and further enforcement could put the license at risk.

Department of Health

The Department of Health plays a role in enforcement of all existing orders to protect the health and safety of all Pennsylvanians.

Complaints or notices of possible violation received from residents or the Department of Agriculture or other complainants are vetted and referred to the proper authority, typically the Pennsylvania State Police or local law enforcement.

Workers are encouraged to first communicate with their employer if they feel they are not being appropriately protected in their workplace. If that does not produce the desired result, a worker can reach out directly to local law enforcement via a non-emergency number. If the business location doesn't fall under PSP's jurisdiction, PSP refers the complaint to local law enforcement for investigation.

Anyone who feels a business is in violation of the Worker Safety order or Building Safety order may contact local law enforcement or file a complaint with the department.

To date, the department has issued warning letters with the knowledge that its full authority includes fines, and closures if orders are not followed. The department continues to receive complaints and send warning letters to businesses that are not complying with the mitigation orders.

Department of Agriculture

The Pennsylvania Department of Agriculture enforces the Secretary of Health's order as it relates to restaurants and other retail food facilities, including prohibitions or limits on dine-in services and masking requirements through the issuance of warnings and fines.

Since dine-in services have resumed, the department has received complaints surrounding restaurant staff not wearing masks as required, ignoring social distancing and otherwise not adhering to public health restrictions to limit person-to-person spread of COVID-19.

When such complaints are received, the department sends notices to the complainant and the business. These complaints are also referred to the Pennsylvania Department of Health for enforcement. The Department of Agriculture sends inspectors to follow up and may issue warnings and fines to restaurant owners. Complaints regarding concerns at restaurants and retail food facilities can be [submitted to the department online](#).

Local Officials

Local law enforcement received guidance on enforcement of the various COVID-19 orders in place from the Pennsylvania State Police through the PA Chiefs of Police Association. Local police departments have discretion whether to warn or cite a business for violations. Citations may be written under the Administrative Code of 1929 71 P. S. § 1409 and/or the Disease Prevention and Control Law of 1955 35 P.S. § 521.20(a). The decision whether to issue a warning or a citation is made on a case-by-case basis and determined by the unique circumstances of each encounter.