



# **Targeted Mitigation Order - Frequently Asked Questions**

On July 15, 2020, Governor Tom Wolf and Secretary of Health Dr. Rachel Levine signed new orders for targeted mitigation efforts in response to the recent rise in COVID cases, primarily in southwest Pennsylvania, but also in other counties in the state, influencing the decision for statewide mitigation efforts for bars and restaurants, gatherings and telework. The new orders took effect at 12:01 a.m., Thursday, July 16, 2020.

On October 6, 2020, Governor Tom Wolf and Secretary of Health Dr. Rachel Levine signed an amendment to this Order. The Order, as amended, will take effect on Friday, October 9, 2020 at 12:01 a.m.

The mitigation efforts included in the Orders from Gov. Wolf and Dr. Levine include:

## **Bars and Restaurants**

All businesses in the retail food services industry, including restaurants, wineries, breweries, private clubs, and bars, are permitted to provide take-out and delivery sales of food, as well as dine-in service in both indoor and outdoor seating areas so long as they strictly adhere to the requirements of the guidance, as required by the order, including:

- Prohibition from conducting operations unless the facility offers sit-down, dine-in meals or is serving take-out sales of food or alcoholic beverages. All service must be at a table or booth; bar service is prohibited.
- Alcohol can only be served for on-premises consumption when in the same transaction as a meal.
- Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.
- Non-bar seating in outdoor areas (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.
- Social distancing, masking, and other mitigation measures must be employed to protect workers and patrons.
- Occupancy is limited to 50 percent of stated fire-code maximum occupancy for indoor dining (25% for establishments that have not self-certified). The maximum occupancy limit includes staff.

## **Nightclubs**

- All nightclubs, as defined by the Clean Indoor Air Act, 35 P.S. § 637.2, are prohibited from conducting operations

## Events and Gatherings

- Venues hosting events or gatherings must determine their established occupancy limit as defined by the National Fire Protection Association (NFPA) Life Safety Code and then apply the attendee calculator to determine how many attendees are permitted to attend the event or gathering.

### **Maximum Occupancy Calculator for Indoor Events:**

<b>Maximum Occupancy</b>	<b>Allowable Indoor Rate</b>
0-2,000 people	20% of Maximum Occupancy
2,001 - 10,000 people	15% of Maximum Occupancy
Over 10,000 people	10% of Maximum Occupancy up to 3,750 people

### **Maximum Occupancy Calculator for Outdoor Events:**

<b>Maximum Occupancy</b>	<b>Allowable Outdoor Rate</b>
0-2,000 people	25% of Maximum Occupancy
2,001 - 10,000 people	20% of Maximum Occupancy
Over 10,000 people	15% of Maximum Occupancy up to 7,500 people

- When no fire code capacity is published or available for outdoor events or gatherings venues, establish occupancy as 67 people per 1000 square feet and then apply the maximum occupancy calculator. Venues may also contact their local building code officials if they are unaware of their occupancy limit.

## Teleworking

- Unless not possible, all businesses are required to conduct their operations remotely through individual teleworking of their employees in the jurisdiction or jurisdictions in which they do business.
- Where telework is not possible, employees may conduct in-person business operations, provided that the businesses fully comply with all substantive aspects of the

(<https://www.governor.pa.gov/wp-content/uploads/2020/04/20200405-SOH-Building-Safety-Measures.pdf>)

## Gyms and Fitness Facilities

- All gyms and fitness facilities, while permitted to continue indoor operations, are directed to prioritize outdoor physical fitness activities. All activities must follow masking requirements as provided by the July 1  
[\(https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Coverings-Order.pdf\)](https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Coverings-Order.pdf), and must provide for social distancing requirements of persons being at least 6 feet apart, as well as being limited by any limitations related to gatherings.

## Frequently Asked Questions Regarding These Orders

**Does an Order mean mandatory? Is this a law?** Yes, it is mandatory that all applicable businesses and event venues follow the standards set forth in the Order. However, businesses and event venues may choose to be more restrictive with their gathering limitations.

### What is an event or gathering?

An event or gathering is 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.

Conversely, groups of people who share a space within a building in the ordinary course of operations, such as in an office building, classroom, production floor or similar regularly occurring operation of a business or organization, are not events or gatherings.

**Why is the Administration allowing for larger gathering sizes at this time?** The Department of Health and the Wolf Administration have listened to the concerns of citizens across the Commonwealth. Together, along with our agency partners like the Department of Community and Economic Development and the Department of Agriculture we have made the decision to allow businesses and event venues more flexibility tailored to the size of the gathering and event space. Pennsylvanians have taken great strides to protect the public health of their neighbors during the COVID-19 crisis. As we continue to move through the fall and into the winter months it is more important than ever that public health restrictions are adhered to properly. While the concern for public health remains paramount the Administration believes that event organizers and business owners will choose to exclusively host safe gatherings with appropriate social distancing, masking, and other important public health tactics. Similarly, that attendees will adhere to all gathering limitations and follow the rules and restrictions laid out by event venues and business owners. The Department of Health and the Wolf Administration will continue to monitor the risks posed by COVID-19 across the Commonwealth and will reinstate or institute new targeted mitigation tactics as necessary.

**How did the Administration determine this as the best path forward?** The Department of Health and the Wolf Administration have taken a step by step iterative approach throughout the COIVD-19 response. After hearing from stakeholders, community members and others, this new guidance has been contemplated and attempts to take into account complexities and unique situations. With the lack of national strategy to support state decision making the Administration has reviewed and extracted information from relevant literature; however, scientific consensus points to significantly increased risk associated with gatherings, especially indoors.

To inform decision-making, like the occupancy calculators laid out in the Order, literature about previous epidemics such as SARS in 2003 and MERS beginning in 2012 were examined. For example a recent article from the CDC,

[Identifying and Interrupting Superspreading Events \(SSE\)—Implications for Control of Severe Acute Respiratory Syndrome Coronavirus 2](https://wwwnc.cdc.gov/eid/article/26/6/20-0495_article) ([https://wwwnc.cdc.gov/eid/article/26/6/20-0495\\_article](https://wwwnc.cdc.gov/eid/article/26/6/20-0495_article))

, details, "In the early 20th century, Mary Mallon (Typhoid Mary), an asymptomatic typhoid carrier who worked as a cook, infected  $\geq 50$  persons. An ingenious and elegant but little-known study of tuberculosis demonstrated that many patients, even those with smear-positive, cavitary tuberculosis, were not highly infectious but that 3 of 77 patients accounted for 73% of the infectious burden. In 1997, Woolhouse et al. observed that 20% of the population contributed to  $\geq 80\%$  of transmission and suggested targeting interventions to the core 20%. SSEs have also caused explosive outbreaks of measles, including among vaccinated persons."

In addition to scholarly articles, current innovative data sources were reviewed. For example,

(<https://biosciences.gatech.edu/people/joshua-weitz>)

[Joshua S. Weitz](#) 

, a professor of biological sciences at the

Georgia Institute of Technology and founding director of the Quantitative Biosciences Ph.D. program at Georgia Tech along with co-authors

(<https://mmg.natsci.msu.edu/people/faculty/lenski>)

[Richard Lenski](#) 

National Academy of Sciences

member from Michigan State University,

(<http://www.bio.utexas.edu/research/meyers/LaurenM/index.html>)

[Lauren Meyers](#) 

, infectious disease expert from UT-

Austin, and [Jonathan Dushoff](#) 

(<https://www.biology.mcmaster.ca/component/comprofiler/userprofile/dushoff.html>)

infectious disease modeler from McMaster University have created a COVID-19 Event Risk

[Assessment Tool](#) 

(<https://covid19risk.biosci.gatech.edu/>)

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Along with this tool, Weitz addresses a fundamental concern of many Pennsylvanians, what is the chance that one person at this event will already be infected with COVID-19? To answer this kind of question, Weitz calculates the opposite, "For example, if we were talking about a NFL game, we'd ask what is the chance that none of the 75,000 attendees is infected? Let's start by thinking about just one of them. If 20,000 of the 330 million people in the United States are sick, then each person has a 99.994% chance of being disease-free. In betting terms, the odds are 16,500:1 in our favor. While that sounds good from an individual perspective, the collective risk is very different. In this scenario, the probability that all 75,000 attendees would have entered the stadium disease-free is like placing 75,000 bets each at nearly certain odds. Sure, you'll win most of the bets. But the probability that you will win every single one of those bets is extremely low. To calculate it, we multiply the winning probability (1-1/16500) by itself 75,000 times and find that there is approximately a 1% chance that we win every time. In other words, the chances that one or more attendees would have arrived infected with SARS-CoV-2 is 99%." For perspective, the number of people who have not yet recovered from COVID-19 exceeds 20,000 as used in the example.

The CDC has also identified events where the spread of disease occurred, giving credence to the commonsense belief that crowds of people are more likely to spread the disease. Other CDC articles which specifically identify events where the virus spread can be found here:

[https://www.cdc.gov/mmwr/volumes/69/wr/mm6920e2.htm?s\\_cid=mm6920e2\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6920e2.htm?s_cid=mm6920e2_w) 

1. ([https://www.cdc.gov/mmwr/volumes/69/wr/mm6920e2.htm?s\\_cid=mm6920e2\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6920e2.htm?s_cid=mm6920e2_w))

[https://www.cdc.gov/mmwr/volumes/69/wr/mm6931e1.htm?s\\_cid=mm6931e1\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6931e1.htm?s_cid=mm6931e1_w) 

2. ([https://www.cdc.gov/mmwr/volumes/69/wr/mm6931e1.htm?s\\_cid=mm6931e1\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6931e1.htm?s_cid=mm6931e1_w))

[https://www.cdc.gov/mmwr/volumes/69/wr/mm6926e1.htm?s\\_cid=mm6926e1\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6926e1.htm?s_cid=mm6926e1_w) 

3. ([https://www.cdc.gov/mmwr/volumes/69/wr/mm6926e1.htm?s\\_cid=mm6926e1\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6926e1.htm?s_cid=mm6926e1_w))

[https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s\\_cid=mm6936a5\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s_cid=mm6936a5_w)

4. ([https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s\\_cid=mm6936a5\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s_cid=mm6936a5_w))

[https://www.cdc.gov/mmwr/volumes/69/wr/mm6937e3.htm?s\\_cid=mm6937e3\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6937e3.htm?s_cid=mm6937e3_w)

5. ([https://www.cdc.gov/mmwr/volumes/69/wr/mm6937e3.htm?s\\_cid=mm6937e3\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6937e3.htm?s_cid=mm6937e3_w))

Employing tactics such as event capacity doesn't only show us how much risk there is but shows that lowering risk is possible.

**Why did the Administration choose the metric outlined in the Occupancy Calculator?** There are no federal restrictions for limiting large gatherings, which experts universally say is essential to limit spread of the virus. Nearly every state in the country has restrictions on the number of occupants at events and gatherings. Most states use a hard cap to limit large gatherings, regardless of the size of the space. The Administration wanted to provide a metric that reflected the pattern of viral spread and associated risk factors but that was adaptable and implementable for the size of the venue.

**Why do indoor events have a lower capacity than outdoor?** The virus even more easily spreads indoors person-to-person meaning any person at an indoor gathering is at a higher risk, according to a nearly universal assessment of experts.

The CDC now advises (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>) that the novel coronavirus can spread, in some cases, through the air to people who are more than six feet away from an infectious person when indoors. For this reason, it is vital to keep capacity limits low and encourage social distancing.

**Why were caps chosen?** At this time, occupancy caps have been implemented to prevent gatherings that would compromise the public health or health care infrastructure. Contact tracing, testing availability, and hospital capacity are all important public health measures. An ultra large super spreader event could adversely affect this infrastructure.

**Are events required to implement best practices, such as timed entry and social distancing?**

Yes. Event venues must go above and beyond to implement public health tactics. The Department of Health and other state agencies have the ability to take enforcement action if these practices are not implemented.

**Is posting signs about masking and social distancing enough?** No. Event venues and businesses should create specific policies and take specific actions to enforce social distancing and the Face Cover Order.

**Why are events held to a different capacity standard than another business?** It is in the best interest of public health for businesses or event venues to have gathering size limitations. At the current stage in the pandemic response, most businesses are able to be open at least 50% capacity including bars and restaurants, if self-certified, and now event venues will be given the flexibility to operate at a percentage of their capacity.

It is important that each type of business or event be considered uniquely and consider the public health risks of the capacity. For example, regular dining in small groups allow restaurants to maintain a relatively static environment where patrons can be kept distanced and in small groups. The structure of a restaurant provides for limited interactions between patrons instead of many individuals having multiple different interactions during an event.

Events do not provide this level of precaution and instead involve guests moving freely around the space creating more interactions. Additionally, events are also more likely to bring non-household groups together at banquet tables, buffet lines, dance floors, and other mingling opportunities. Events also often have singing, talking, cheering or other opportunities to spread aerosolized or respiratory droplets compared to quiet conversation. Further, events are more likely to have guests arriving at the same or similar time allowing for gathering at entry pinch points.

Additionally, the duration of time spent at a business or event can also impact risk. Events and gatherings are usually much longer than the amount of time spent dining or visiting a retail establishment.

### **I do not know the occupancy of my event space. What do I do?**

(<https://www.dli.pa.gov/UCC/Pages/Municipal-Elections-and-Contact-Information.aspx>)

your local building code

official regarding your business's occupant load/capacity. Ninety-five percent of Pennsylvania municipalities enforce building codes through local building code officials or a certified third party; if your business is within a municipality that has relinquished its building enforcement authority to the Department of Labor & Industry, please contact the Bureau of Occupational and Industrial Safety at 717-787-3806.

Per the Order, when no fire code capacity is published for outdoor events or gatherings an event organizer can consider their standard occupancy to be 67 people per 1,000 square feet and then must apply the Maximum Occupancy Calculator to that number. **My maximum occupancy is between 2,001-2,664 and 10,001 – 15,000, putting me in the bottom tier of the bracket in the Maximum Occupancy Calculator, can I reduce my occupancy load to use the percentage applicable to the lower bracket?** Yes, for purposes of this Order, venues that have a maximum occupancy that is between 2,001 – 2,664 and 10,001 – 15,000 may apply the percentages applicable to the smaller venue, and thereby increase their capacity.

For example, a venue with a capacity of 1,800 occupants will be able to operate with 360 people on site using the 20% guideline. A slightly larger venue that has a capacity of 2,100 is permitted 315 occupants at the 15% guideline. Venues that fall into that situation may apply the percentages applicable to the smaller venue, and thereby increase their capacity. **Do attendees need to social distance while at an event?** Yes. It is imperative that attendees utilize social distancing tactics while attending an event. Organizers should maintain at minimum six-foot social distancing radius between household members or individuals that arrive together. Consider both horizontal space (side to side) and vertical space (front to back) when social distancing.

**Does this Order, as amended, restrict religious gatherings?** No. Religious gatherings are not affected by the Order and have not previously been restricted throughout the response. The Department of Health continues to encourage places of worship to find alternative ways to hold services, including virtual and outdoors, and to employ social distancing and mask wearing during services.

**Does this Order, as amended, apply to funeral homes?** Licensed funeral homes should adhere to guidance circulated by the Board of Funeral Directors. Funeral Directors can refer to the

(<https://www.health.pa.gov/topics/Reporting-Registries/Pages/Statute-Registrar-e-Registrar-Notices.aspx>)

Notices for more

information.

**Does the gathering limitations to the judiciary or court functions, such as jury selection and trials?** No. The court system, acting principally through its judicial districts, is responsible for taking the necessary actions to protect the safety of court staff, court users, judges and the public, guided by general CDC and Department of Health recommendations.

**Do the gathering limitations apply to polling places?** No. Polling places are not events. The Department of State as well as county and local officials are working hard to provide a safe and secure voting experience for all Commonwealth citizens. All citizens are encouraged to practice mitigation measures, including social distancing while exercising their right to vote.

**How does this Order, as amended, apply to movie theaters and other multi-stage or venue facilities?** Movie theaters and other multi-stage, screen or venue facilities, may operate events by using the Maximum Occupancy Calculator in the Order. Each individual screen/stage/auditorium is considered a discrete event and is subject to gathering limitations based on occupancy for that discrete area.

Those responsible should be mindful of events that start and stop at the same time so that people are able to social distance entering and leaving the venue and must take steps to prevent large groups congregating in hallways, lobbies, and rest rooms.

**How can conference facilities operate?** A conference facility that is able to create physical barriers between discrete events in separate physical locations may follow the occupancy allowances per event space as long as there is sufficient division between the physical locations. For example, a conference facility may utilize moveable walls to create separate spaces or sporting facilities may use floor to ceiling dividers. However, the facility must ensure that common spaces like lobby areas, bathrooms, and hallways are cleaned frequently and persons are not congregating without the ability to social distance. Masking requirements must be enforced.

**Do weddings or other private catering events need to follow the Order or should they follow**

(<https://www.governor.pa.gov/covid-19/restaurant-industry-guidance/>)

**the Dining Guidance** ? A gathering as defined above, whether at a business, an event venue or a private home, is considered an event and is therefore limited to the maximum occupancy limitations laid out in the Maximum Occupancy Calculator in the Order.

**Can a wedding have a dance floor?** Dance floors are not recommended. If an event chooses to have a dance floor, attendees should stay at least six feet from non-household members, and must comply with

(<https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/Universal-Face-Covering-Order.aspx>) . Per the Order social distancing is required.

**I am hosting an indoor fundraiser event at a local fire hall and planning to serve food, what guidance do I follow?** Even if food is being served, this would be considered an event and event planners or venues should utilize the Indoor Maximum Occupancy Calculator.

**Are fairs permitted under the Order?** Fairs are considered an event and are subject to the Maximum Occupancy Calculator in the Order.

**How does this Order apply to drive-in movie theatres or events held at drive-in theaters?** Drive-in movies or events may still occur under the Order. The drive-in complex or special event organizers must post and enforce rules regarding social distancing, mask wearing when outside of the car, and generally encourage people to stay in their cars and have strict procedures for reducing the number of people at points where persons might congregate, such as restrooms or concession stands.

**How should events with both indoor and outdoor components be handled?** Events with both indoor and outdoor components should use both the Indoor and Outdoor Maximum Calculator. Consider an event space that has an outdoor capacity of 800 and an indoor capacity of 150. Using the Outdoor Maximum Occupancy Calculator, the outdoor space can hold 200 individuals. Using the Indoor Maximum Occupancy Calculator, the indoor space can hold 30 individuals. If a wedding was held in this space, 200 individuals would be allowed to be in the event space with no more than 30 people inside at any given time. Events should also prepare and make arrangements for poor weather.

**Does the gathering limitation include staff?** Yes, all individuals present at a venue count towards gathering limitations and must comply with

(<https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Covering-Order-Face-Coverings-Order.pdf>) and social distancing guidelines. Further questions about sports can be found below.

**Can bowling alleys, arcades, or other similar spaces be open?** Yes. Bowling alleys, arcades, or other similar spaces can be open under the Order. These types of spaces must operate at no more than 50% capacity if they do not sell food or alcohol. If these businesses operate under a restaurant

license, they must follow the (<https://www.governor.pa.gov/covid-19/restaurant-industry-guidance/>) and self-certify. An event held at a bowling alley outside of its regular course of business would be subject to the gathering limitations.

## **Questions About Schools:**

**Does the Order apply to schools?** The Order does not apply to classroom settings but does apply to school activities outside of the classroom that are not related to educational instruction.

School activities and gatherings not related to educational instruction must follow limitations in the Maximum Occupancy Calculator in the Order.

**Do the event and gathering limitations include students and staff?** Maximum occupancy includes all individuals present at the event or gathering, whether they are students, staff, or others.

**Does the Order apply to school buses?** The Order does not apply to school buses. The Public Health Guidance Regarding COVID-19 for Phased Reopening of Pre-k to 12 Schools (<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/ReopeningPreKto12/PublicHealthGuidance/Pages/default.aspx>) includes a list of best practices for safely transporting students.

**Are school board meetings considered gatherings?** Yes. A school board meeting is a gathering. Meetings must utilize the Maximum Occupancy Calculators found in the Order, practice social distancing, and enforce masking and face covering requirements. The Department also encourages local districts to consider alternative ways to host these meetings including virtual.

**Does the Order apply to school cafeterias and college dining facilities?** No. School cafeteria food services and college dining services are exempt from the Order, as those services are not considered to be a private catered event or offered by a restaurant.

Please see

Public Health Guidance Regarding COVID19 for Phase Reopening of Pre-K to 12 Schools (<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/ReopeningPreKto12/PublicHealthGuidance/Pages/default.aspx>)

for additional guidance on social distancing in cafeterias.

### **Questions About Sports:**

**Does the Order, as amended, apply to school sports?** Yes, the Order applies to school sports and youth recreational sports. Schools sports must also comply with district rules or local health department restrictions.

All individuals present at the venue including, but not limited to athletes, coaching and athletic staff, spectators, media, cheerleaders, and musicians, count towards gathering limitations and must comply with

(<https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Covering-Orders-Face-Coverings-Order.pdf>)

and social distancing guidelines.

For more information, please see the Covid-19 Guidance for Sports.

(<https://www.governor.pa.gov/covid-19/sports-guidance/>)

**Does the Order, as amended, apply to youth or adult recreational sports?** Yes, the Order applies to youth and adult recreational sports. Organizers should use the Indoor or Outdoor Maximum Occupancy Calculators in the Order. All individuals present at the venue including, but not limited to athletes, coaching and athletic staff, spectators, media, cheerleaders, and musicians, count towards gathering limitations and must comply with

(<https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Covering-Orders-Face-Coverings-Order.pdf>)

and social distancing guidelines.

(<https://www.governor.pa.gov/covid-19/sports-guidance/>)  
For more information, please see the Guidance for Sports.

**Does the Order, as amended, apply to collegiate sports?** Yes, the Order applies to collegiate sports. Organizers should use the indoor or outdoor Occupancy Calculators in the Order. Collegiate sports must also comply with league or local health department restrictions.

All individuals present at the venue including, but not limited to athletes, coaching and athletic staff, spectators, media, cheerleaders, and musicians, count towards gathering limitations and must comply with

(<https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Covering-Orders-Face-Coverings-Order.pdf>)

and social distancing guidelines.

(<https://www.governor.pa.gov/covid-19/sports-guidance/>)  
For more information, please see the Guidance for Sports.

**Does this Order, as amended, apply to professional sports?** Yes, the Order applies to professional sports. Organizers should use the indoor or outdoor Occupancy Calculators in the Order. Professional sports teams must also comply with league or local health department restrictions.

All individuals present at the venue including, but not limited to athletes, coaching and athletic staff, spectators, media, cheerleaders, and musicians, count towards gathering limitations and must comply with

(<https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Covering-Orders-Face-Coverings-Order.pdf>)

and social distancing guidelines.

Professional sports teams no longer need plan approval by the Department of Health.

(<https://www.governor.pa.gov/covid-19/sports-guidance/>)  
For more information, please see the Guidance for Sports.

**Do the gathering limits apply per court/field or for the whole facility for large or multi-field sport facilities? What if the facility has dividers set up between courts and fields?** A facility that is able to create physical barriers between discrete events in separate physical locations may follow the occupancy allowances per event space as long as there is sufficient division between the physical locations.

For example, a conference facility may utilize moveable walls to create separate spaces or sporting facilities may use floor to ceiling dividers. However, the facility must ensure that common spaces like lobby areas, bathrooms, and hallways are cleaned frequently and visitors are not congregating.

Any one facility, hosting multiple events, must not exceed 50% of the businesses' total maximum occupancy.

**How does the Order, as amended, relate to my approved plan for professional sports?** Approved professional sport plans allowed organizations to go over the previous 250 person capacity limitation. Now, professional sports teams must follow the new capacity restrictions and utilize the Maximum Occupancy Calculator. Professional sports teams must also comply with league or local health department restrictions.

### **Questions About Restaurants and Alcohol:**

**How do restaurants who host events at the same time as meal service operate?** Discrete events within a restaurant must operate utilizing the Maximum Occupancy Calculator. If a restaurant is hosting multiple discrete events at the same time or is hosting an event at the same time as meal service then the total number of persons attending all the discrete events at the restaurant, may not exceed 50% of the restaurant's total maximum occupancy. If the restaurant has not self-certified, it may not exceed 25% of total maximum occupancy.

For example, using the Maximum Occupancy Calculator, a restaurant that has completed the self-certification with a private room (capacity 100) may host a bridal shower that involves 20 people at the same time it is serving brunch, as long as the total number of persons attending the shower plus the total number of persons attending brunch does not exceed 50% of the entire building capacity at any one time.

**What is the definition of indoor vs. outdoor dining? Would a tent with walls be considered outdoor?** Indoor dining occurs in a fully or largely enclosed (three-walls or more). On the other hand, outdoor dining occurs in a completely or largely open-air space (open on at least two sides). A tent is allowed for outdoor dining; however, to be regarded as outdoor space, tents should be open on two sides. Enclosed tents are considered indoor spaces. Enclosed structures, including enclosed tents, would limit air circulation and undo the benefits of being outdoors.

**How does the Order apply to food trucks?** Food trucks should not attend a festival or gathering that has exceeded the occupancy limitations. Food trucks may not dispense wine, beer or liquor for on-premise consumption unless accompanied by a meal.

**Can beer, wine, or cocktails to-go be consumed at outdoor dining establishments?** No. Beer, wine and cocktails purchased "to go" must not be consumed on-premises; however, to-go service at venues locations such as golf courses may permit beverages to be consumed on the course, but may not permit beverages to be consumed in areas where individuals may congregate (picnic tables, patios, etc.).

Event planners should take care to ensure that food is sold to-go or all attendees have a socially distanced place to sit to eat their meal.

**Many kitchens in bars/restaurants are only open limited hours, can alcohol be served when the kitchen is closed?** Per the Order, alcohol can be served only for on-premises consumption when in the same transaction as a meal. Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.

**The Order says "All bars are prohibited from conducting operations unless they offer sit-down, dine-in meals or take-out sales of alcoholic beverages." What is considered a meal?** The PA Liquor Code defines a "meal" as "food prepared on the premises, sufficient to constitute breakfast, lunch or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food." [47 P.S. § 4-406(e)]."

**How does this Order apply to casinos and casino floor service?** Any restaurant or food service in the casinos must follow the Order, including but not limited to the 50% occupancy rate (25% if the establishment has not self-certified) for all indoor (casino) dining. Second, any events held on casino grounds must follow the gathering or event size limitations. Third, casinos must follow the Order's requirements on serving alcohol – alcohol can only be served alongside and as part of the same transaction as a meal. Drink service on the casino floor is prohibited under the Order.

**Can breweries, distilleries and wineries still offer tastings?** The Order applies to breweries, distilleries, wineries or any entity which serves alcohol for on-site consumption. Any licensee of the LCB that is otherwise permitted to dispense samples of alcoholic beverages may dispense up to 5 (1oz) samples, without remuneration, regardless of whether a meal is served.

**How does this Order apply to locations, such as wineries or brewpubs that do not have a kitchen, but sell food or utilize food trucks options as the food at the facility?** Wineries or breweries that do not offer food service but host food trucks must take steps to ensure that their customers have purchased a meal when alcoholic beverages are purchased.

**Are events allowed to serve alcohol past the 11 PM cutoff?** No, as of September 21, the 11 PM end for alcohol sales is in effect for all entities serving alcohol for on-site consumption. Additionally, the deadline to finish drinks by 12 AM also pertains to all entities serving alcohol for on-site consumption.

**What does on-site consumption mean?** On-site consumption refers to the sale of alcoholic beverages for customers to drink within the indoor or outdoor premises of the establishment. The 11 PM cutoff does not apply to the sale of alcoholic beverages for take-out. If a liquor license permits take-out after 11 PM, the establishment can continue to provide take-out alcohol in accordance with its license.

**Are event venues able to sell alcoholic drinks without food?** No. This amendment only increases the maximum gathering capacity. All other health and safety Orders and guidance remain in effect.

**Are event venues allowed to have bar seating?** No. This amendment only increases the maximum gathering capacity. All other health and safety measures remain in effect.

**Are event venues allowed to have walk-up bar service?** If an event venue is serving a meal, then an event can serve food and drinks at walk up bar service. The venue must have enough seating either with a distinct seated dining area or attendees must be instructed to return immediately to their assigned seats and provide enough space to account for social distancing of at least six feet.

**Can sports venues sell alcoholic drinks at a concession stand?** Alcohol can only be served with a meal, defined above. If a meal can be purchased, events can serve drinks at walk up concession stands. Attendees must bring their food and drink back to their seats or to a distinct seated dining area to eat or drink.

**How do venues like stadiums or arenas manage concession stands when table seating is not available?** Customers must be seated at a table at a distinct seated dining area or have an available seat to eat or drink.

**Are event venues allowed to have standing cocktail hour?** No, alcohol must be served with a meal and customers being served must be seated at a table or have seating available to eat their meal and consume alcohol.

### **Questions About Telework:**

**May life-sustaining businesses and those that received exemptions disregard the order to telework?** No. Telework should continue wherever possible. The telework section of the Order has not been amended.

Employers should make the best decisions to protect the health and safety of their employees.

Employers with open physical locations must follow the

(<https://www.governor.pa.gov/covid-19/business-guidance/>) developed by the commonwealth in order to reduce the risk of COVID-19 spread and to ensure workers are kept safe. If an employer requests that an employee work in person and that worker believes that they cannot do so, they should speak with their employer or human resources representative about their concerns with on-site work.

### **Questions About Enforcement**

**How is this Order being enforced?** Pennsylvania State Police, Pennsylvania Liquor Control Board, Pennsylvania Department of Agriculture, Pennsylvania Department of Health and local law enforcement are all enforcing violations of all orders.

**What if a county health department has issued its own Order? Do I have to follow that one or this one?** Both. County and municipal health departments are permitted to have more restrictive, not less restrictive, public health orders. The more restrictive Order must be followed.

Date updated: October 6, 2020