

NEWS & INSIGHTS

Pennsylvania announces new COVID-19 mitigation efforts, including lowered gathering limits and new enforcement measures

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NOVEMBER 24, 2020



The below information is current as of the publication date listed. Because COVID-19 response measures on all fronts are continually evolving, clients should stay alert to new developments and consult with counsel on any critical questions.

With COVID-19 cases reaching “critical” levels, Pennsylvania [Gov. Tom Wolf](#) and [Secretary of Health Dr. Rachel Levine](#) issued orders on November 23, 2020, which consolidate prior mitigation orders and announce some new efforts.

These orders reiterate the cleaning, social distancing, masking, telework and other [employee](#) and [customer](#) safety requirements that have been in place since the beginning of the Commonwealth’s response to the pandemic.

Previously imposed event and gathering limits have been lowered to the following percentages of a venue’s occupancy limit as defined by the National Fire Protection Association (NFPA) Life Safety Code:

For indoor events

Maximum Occupancy Gathering Limit

0 – 2,000 people	10% of Maximum Occupancy
2,001 – 10,000 people	5% of Maximum Occupancy
Over 10,000 people	No events over 500 people

For outdoor events

Maximum Occupancy Gathering Limit

0 – 2,000 people	15% of Maximum Occupancy
2,001 – 10,000 people	10% of Maximum Occupancy
Over 10,000 people	5% of Maximum Occupancy up to 2,500 people

When no fire code capacity is published or available, maximum occupancy is deemed to be 67 people per 1000 square feet. The maximum occupancy limit includes employees and staff, and gatherings must continue to adhere to social distancing and masking requirements.

Notably, for death care professionals, worship services at churches, synagogues, temples, mosques and other places of worship are excluded from these gathering limitations. However, mask requirements still apply, and social distancing and other mitigation measures are strongly encouraged.

These orders are also intended to ramp up enforcement of COVID-19 mitigation measures. The Governor [emphasized](#) that “law enforcement and state agencies will be stepping up enforcement efforts, issuing citations and fines, and possibly regulatory actions for repeat offenders.” Retail establishments (defined as any establishment that sells goods or services to the public) will be subject to three stages of enforcement:

- A first violation will result in a warning letter and a directive to engage in rigorous cleaning, and imposition of other mitigation measures as necessary to ensure compliance.
- A second violation will result in the establishment being directed to close for a period of up to 24 hours in order to immediately correct the violation and may result in a citation and/or fine.
- A third or subsequent violation will result in the establishment directed to close for at least 24 hours to immediately correct the violation, additional fines and penalties, and referral for criminal prosecution.

The Governor's order also granted businesses limited immunity from civil liability from claims for personal injury or property damage resulting from enforcement of the [November 17, 2020](#) updated mask order in their retail establishments.

The Commonwealth has updated its COVID-19 [frequently asked questions](#) for business to include these new measures and will soon update a set of FAQs for these new targeted mitigation measures.

Saxton & Stump attorney [Jason Benion](#) is available to assist death care businesses and professionals with these and other issues regarding operations during the COVID-19 pandemic.

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