
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 179 Session of
2021

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T. DAVIS AND KULIK, JANUARY 15, 2021

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 15, 2021

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for Food Establishment Pandemic Disease
3 Remediation Cost Reimbursement Grant Program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Part IX of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 112

9 FOOD ESTABLISHMENT

10 PANDEMIC DISEASE REMEDIATION COST

11 REIMBURSEMENT GRANT PROGRAM

12 Sec.

13 11201. Scope of chapter.

14 11202. Legislative intent.

15 11203. Definitions.

16 11204. Program.

17 11205. Application and award process.

1 11206. Funding.

2 § 11201. Scope of chapter.

3 This chapter establishes the Food Establishment Pandemic
4 Disease Remediation Cost Reimbursement Grant Program.

5 § 11202. Legislative intent.

6 It is the intent of the General Assembly to establish a
7 reimbursement grant program under which food establishments may
8 obtain reimbursement for pandemic disease remediation costs.

9 § 11203. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Eligible pandemic disease remediation cost." A cost that is
14 incurred by a food establishment during the period specified in
15 the standards and requirements for the program as published by
16 the department.

17 "Food establishment." As defined in section 5722 (relating
18 to definitions) and a food establishment that has a permit under
19 the act of July 2, 1935 (P.L.589, No.210), referred to as the
20 Milk Sanitation Law.

21 "Food Safety Act." Subchapter B of Chapter 57 (relating to
22 food safety).

23 "Pandemic disease." A disease that actively spreads over a
24 wide geographic area and affects a whole country or the whole
25 world.

26 "Pandemic disease remediation cost." A cost incurred by a
27 food establishment to prevent, detect, contain or eliminate a
28 pandemic disease among its employees and other persons on the
29 premises of the food establishment. A cost may include, but is
30 not limited to:

1 (1) The cost of personal protective equipment.

2 (2) The cost of installing physical barriers to lessen
3 the chance of pandemic disease transmission among employees
4 and persons on the premises of the food establishment.

5 (3) The cost of testing thermometers, pandemic disease
6 tests for employees of the food establishment, acquisition
7 and administration of a federally approved pandemic disease
8 vaccine to employees and other medical equipment expenses
9 reasonably related to preventing, detecting, containing or
10 eliminating a pandemic disease among employees.

11 (4) The cost of medical personnel to provide pandemic
12 disease-related medical services to food establishment
13 employees on the premises of the food establishment.

14 (5) The cost of acquiring sanitizers, chemicals and
15 equipment, to the extent this cost exceeds the normal cost
16 outlay of the food establishment for these items prior to the
17 prevalence of a pandemic disease.

18 (6) Such other related costs identified by the
19 department in the published standards and requirements for
20 the program as described in section 11204 (relating to
21 program).

22 "Person." An individual, partnership, association, firm,
23 corporation or any other legal entity.

24 "Personal protective equipment" or "PPE." Gloves,
25 respirators, face masks, gowns, face shields and other
26 protective equipment designed to be worn by individuals to
27 prevent or contain contact with, or to prevent transmission of,
28 a communicable illness or the pathogens that cause communicable
29 illness.

30 "Program." The Food Establishment Pandemic Disease

1 Remediation Cost Reimbursement Grant Program established under
2 section 11204.
3 § 11204. Program.

4 (a) Program establishment.--The Food Establishment Pandemic
5 Disease Remediation Cost Reimbursement Grant Program is
6 established.

7 (b) Availability.--Grants under this chapter shall only be
8 offered in a fiscal year in which funding is made available to
9 the department. The following apply:

10 (1) If funding is exhausted or otherwise unavailable,
11 the department shall be under no obligation to provide grants
12 under this chapter.

13 (2) The standards and requirements for the program shall
14 be established by order of the secretary. The secretary shall
15 transmit this order to the Legislative Reference Bureau for
16 publication in the Pennsylvania Bulletin.

17 (3) Grant money may be prorated or offered as a
18 percentage of actual costs, as determined by the department,
19 and set forth in the order under paragraph (2), to distribute
20 available money to a larger number of grant recipients.

21 (4) The standards and requirements for the program shall
22 specify a period of time within which a food establishment
23 incurs a pandemic disease remediation cost to be eligible for
24 reimbursement under the program.

25 (c) Grant limitations.--In addition to any limitation placed
26 upon grants in the published standards and requirements for the
27 program referenced under subsection (b)(2), the following shall
28 apply:

29 (1) Grant funds shall only be used to reimburse an
30 eligible pandemic disease remediation cost. The amount of

1 reimbursement shall be based on an eligible pandemic disease
2 remediation cost, or portion of the cost, incurred by an
3 approved applicant during any fiscal year in which grants are
4 offered.

5 (2) Grant reimbursement money shall not exceed the
6 lesser of 50% of the eligible pandemic disease remediation
7 cost or a lower amount consistent with the published
8 standards and requirements for the program described in
9 subsection (b).

10 (3) Grant money may not be used to reimburse any portion
11 of the eligible pandemic disease remediation cost which is
12 being paid or reimbursed under another Federal or State grant
13 program.

14 (d) Eligible food establishments.--A food establishment that
15 is registered with the department in accordance with the Food
16 Safety Act or is inspected by the Food Safety Inspection Service
17 of the United States Department of Agriculture is eligible to
18 apply for a grant under the program.

19 § 11205. Application and award process.

20 (a) Application procedure.--A food establishment that
21 desires to receive a program grant shall submit a grant
22 application on a form provided by the department, unless
23 otherwise prescribed in the published standards and requirements
24 for the program described in section 11204 (relating to
25 program). The department may, in the referenced standards and
26 requirements, require that all applicants submit applications
27 via an online application system and provide the details of this
28 online application process.

29 (b) Application contents.--The application shall contain the
30 following information and other information as required by the

1 department:

2 (1) The applicant's name, business address and contact
3 information.

4 (2) A detailed statement of a pandemic disease
5 remediation cost, which must include copies of paid invoices
6 clearly identifying the items purchased in enough detail to
7 demonstrate the items are a pandemic disease remediation
8 cost.

9 (3) Other information as the department may reasonably
10 require.

11 (c) Grant awards.--The department shall award grants to
12 applicants in accordance with this chapter and the applicable
13 program standards and requirements.

14 § 11206. Funding.

15 The department shall use money as appropriated by the General
16 Assembly for grants under this chapter and may also use any
17 other money that is made available to the department for grants
18 under this chapter, by Federal appropriation, State
19 appropriation, donation or from any other source.

20 Section 2. This act shall take effect immediately.