
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1161 Session of
2020

INTRODUCED BY PHILLIPS-HILL, MASTRIANO, ARNOLD, ARGALL, MENSCH,
DISANTO, SCAVELLO AND J. WARD, JUNE 4, 2020

REFERRED TO JUDICIARY, JUNE 4, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for protected business operations.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8340.4. Protected business operations.

9 (a) General rule.--Except as set forth in subsection (b), a
10 person is immune from civil and criminal liability and from
11 imposition of an administrative sanction, including any
12 liability or sanction imposed by a professional or occupational
13 licensing board or commission, for engaging in a protected
14 business operation.

15 (b) Exception.--Subsection (a) does not apply to a liability
16 arising from, or an imposition based upon, the person causing
17 actual harm.

18 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Actual harm." A documented injury or illness that is
4 directly and proximately caused by the interaction with the
5 person or an agent of the person.

6 "Protected business operation." Any of the following during
7 a declared disaster emergency made under 35 Pa.C.S. § 7301(c)
8 (relating to general authority of Governor) or after an order is
9 issued under the act of April 23, 1956 (1955 P.L.1510, No.500),
10 known as the Disease Prevention and Control Law of 1955:

11 (1) Conducting a business transaction.

12 (2) Keeping a physical business location open.

13 Section 2. This act shall take effect immediately.