



ORDER OF THE DIRECTOR OF THE ALLEGHENY COUNTY HEALTH DEPARTMENT REGARDING CEASING ON-SITE CONSUMPTION OF ALCOHOL IN BARS AND RESTAURANTS TO HELP PREVENT THE SPREAD OF COVID-19

WHEREAS, the ACHD is a county department of health organized under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12001 – 12028 (hereinafter, "LHAL").

WHEREAS, the LHAL requires that whenever the ACHD's director finds a nuisance detrimental to the public health, the director must order that that nuisance be abated. 16 P.S. § 12012(d).

WHEREAS, pursuant to the Pennsylvania Disease Prevention and Control Law of 1955 (hereinafter "DPCL"), the ACHD has primary responsibility for the prevention and control of communicable and non-communicable diseases in Allegheny County. 35 P.S. § 521.3(a).

WHEREAS, Section 5 of the DCPL states, "Upon receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure, the local board or department of health or the department shall carry out the appropriate control measures in such a manner and in such a place as is provided by rule or regulation." 35 P.S. § 521.5.

WHEREAS, the DPCL authorizes the State Advisory Health Board to promulgate rules and regulations concerning, "...the communicable diseases which are subject to isolation, quarantine, or other control measures..." 35 P.S. § 521.16(a)(3).

WHEREAS, the ACHD is a "local health authority" as that term is defined by State Advisory Health Board promulgated regulations. See 28 Pa. Code § 27.1.

WHEREAS, as a county department of health organized under the LHAL, the ACHD is a "local morbidity reporting office" or "LMRO", as that term is defined at 28 Pa. Code § 27.1.

WHEREAS, the State Advisory Health Board has issued a regulation regarding communicable disease control measures which states:

- (a) The Department or local health authority shall direct isolation of a person or an animal with a communicable disease or infection; surveillance, segregation, quarantine or modified quarantine of contacts of a person or an

animal with a communicable disease or infection; and any other disease control measure the Department or the local health authority considers to be appropriate for the surveillance of disease, when the disease control measure is necessary to protect the public from the spread of infectious agents.

(b) The Department and ***local health authority will determine the appropriate disease control measure based upon the disease or infection, the patient's circumstances, the type of facility available and any other available information relating to the patient and the disease or infection.***

(c) If a local health authority is not an LMRO, it shall consult with and receive approval from the Department prior to taking any disease control measure.

28 Pa. Code § 27.60 (***emphasis added***).

WHEREAS, COVID-19 is a highly infectious, communicable disease caused by a new coronavirus not previously seen in humans. It is a respiratory disease with symptoms including fever, cough, shortness of breath, and difficulty breathing. See ACHD Information Page, "What is COVID-19?", at <https://www.alleghenycounty.us/Health-Department/Resources/COVID-19/What-is-COVID-19-.aspx>.

WHEREAS, the ACHD finds that the spread of COVID-19 is a public health hazard and a nuisance detrimental to public health.

WHEREAS, on March 6, 2020, Pennsylvania Governor Tom Wolf, finding that threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth, made a statewide disaster declaration concerning the COVID-19 pandemic.

WHEREAS, on March 12, 2020, Allegheny County Executive Rich Fitzgerald made an emergency declaration concerning the COVID-19 pandemic.

WHEREAS, as of June 28, 2020, there are 85,496 confirmed COVID-19 cases present in the Commonwealth of Pennsylvania and 2,568 confirmed cases in Allegheny County. Confirmed cases of COVID-19 continue to increase daily.

WHEREAS, beginning on June 22, 2020, Allegheny County experienced the largest weekly increase in reported COVID-19 cases, with the weekly total of 393 reported cases and with June 28, 2020, having the largest single day case count of 96.

WHEREAS, ACHD investigations of each new COVID-19 case indicates that the sudden increase in cases beginning on June 22nd was due, in large part, to crowded conditions at bars, restaurants, and other businesses serving alcohol.

WHEREAS, to the extent that the ACHD has determined that the increase in COVID-19 cases is attributable to crowded conditions at bars, restaurants, and other businesses serving alcohol, it further determines that appropriate disease control measures shall be required in order to abate and mitigate the spread of COVID-19 in Allegheny County.

NOW, therefore, this 28th day of June, 2020, in furtherance of the above determinations and pursuant to the authority granted by the LHAL (16 P.S. § 12012(d)) and the DPCL (35 P.S. § 521.5; 28 Pa. Code § 27.60) the Director of the Allegheny County Health Department hereby **ORDERS** that effective immediately, with enforcement beginning on June 30, 2020, at 5:00 PM, and lasting until further notice, the following disease prevention control measures shall be implemented to abate and mitigate the spread of COVID-19 in Allegheny County:

1. The on-site consumption of alcohol at bars, restaurants, or any other business establishment in Allegheny County is prohibited until further notice. Take-out alcohol sales may continue subject to any limitations or restrictions imposed by Pennsylvania law.
2. Face masks must be worn by customers while at the table at restaurants providing in-person dining; masks may only be removed for eating and drinking. All other masking requirements ordered by the Commonwealth of Pennsylvania remain unchanged and in place.
3. Physical distancing of at least 6 feet must be done while at tables inside restaurants; restaurant occupancy, including staff, is limited to 50% of the stated fire code maximum occupancy.
4. Restaurants providing in-person dining shall prioritize the use of outdoor seating, if possible.

DONE and **ENTERED** this 28th day of June, 2020, in Allegheny County, Pennsylvania by:



Dr. Debra L. Bogen, MD, FAAP, FABM
Director
Allegheny County Health Department