



**July 17, 2020**

**ORDER OF THE DIRECTOR OF THE ALLEGHENY COUNTY HEALTH DEPARTMENT TO HELP PREVENT THE SPREAD OF COVID-19**

**WHEREAS**, the Allegheny County Health Department (hereinafter, "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 due to the COVID-19 pandemic.

**WHEREAS**, as of July 16, 2020, there are 98,446 confirmed and probable COVID-19 cases present in the Commonwealth of Pennsylvania and 5,750 confirmed and probable cases in Allegheny County. Confirmed cases of COVID-19 continue to increase daily.

**WHEREAS**, beginning on June 22, 2020, Allegheny County experienced a sharp increase in reported COVID-19 cases. Daily case count records occurred with 90 new cases reported on June 27<sup>th</sup>; 96 new cases reported on June 28<sup>th</sup>; 109 new cases reported on June 30<sup>th</sup>; 110 new cases reported on July 1<sup>st</sup>; 233 new cases reported on July 2<sup>nd</sup>; and 331 new cases

reported on July 14<sup>th</sup>. Large daily increases have continued with 177 new cases reported on July 3<sup>rd</sup>; 150 new cases reported on July 4<sup>th</sup>; 127 new cases reported on July 5<sup>th</sup>; 218 new cases reported on July 6<sup>th</sup>; 204 new cases reported on July 7<sup>th</sup>; 230 cases reported on July 8<sup>th</sup>; 158 cases reported on July 9<sup>th</sup>; 180 cases reported on July 10<sup>th</sup>; 215 cases reported on July 11<sup>th</sup>; 200 cases reported on July 12<sup>th</sup>; 71 cases reported on July 13<sup>th</sup>; 331 cases reported on July 14<sup>th</sup>; 246 cases reported on July 15<sup>th</sup>; and 140 cases reported on July 16<sup>th</sup>. As of today, the testing positivity rate for the month of July is 10%.

**WHEREAS**, ACHD investigations of each new COVID-19 case indicates that the sudden and sustained increase in cases beginning on June 22<sup>nd</sup> is due, in large part, to crowded conditions at bars, restaurants, and other large gatherings where alcohol is served.

**WHEREAS**, this Order is intended to supplement, not replace, existing COVID-19 related orders issued by the Commonwealth of Pennsylvania. Therefore, the Commonwealth's COVID-19 orders and guidance, including the *Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings*, dated July 1, 2020, and the *Order of the Secretary of the Pennsylvania Department of Health Directing Targeted Mitigation Measures*, dated July 15, 2020, are in full effect in Allegheny County.

**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 large gatherings, 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 17<sup>th</sup> day of July, 2020, in consideration and 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 on July 17, 2020, at 5:00 PM, and continuing until further notice, the following disease prevention control measures shall be implemented to abate and mitigate the spread of COVID-19 in Allegheny County:

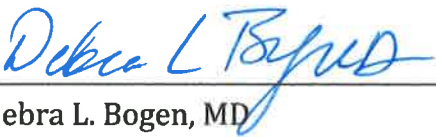
1. The ACHD COVID-19 Control Measure Order dated July 8, 2020, is hereby rescinded and replaced by this Order.
2. Indoor and outdoor seating areas for sit-down, dine-in service at bars, restaurants, and private catered events shall be closed to patrons by 11:00 PM. Take-out sales continue to be permitted after 11:00 PM, consistent with applicable Pennsylvania law.
3. The use of tobacco products, including e-cigarettes, is prohibited at all indoor and outdoor dining facilities and indoors at casinos.

4. Events and gatherings other than those in businesses in the retail food services industry:
- a. Indoor events and gatherings of more than 25 persons are prohibited.
  - b. Outdoor events and gatherings of more than 50 persons are prohibited.
  - c. For the purposes of this Order, "event and gathering" is defined as:

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.

The term does not include a discrete event or gathering in a bar or a business in the retail food services industry addressed by Section 1 of the *Order of the Secretary of the Pennsylvania Department of Health Directing Targeted Mitigation Measures*, dated July 15, 2020.

**DONE and ENTERED** this 17<sup>th</sup> day of July, 2020, in Allegheny County, Pennsylvania by:



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Debra L. Bogen, MD

Director

Allegheny County Health Department