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New Pennsylvania Mask Enforcement Laws Hope To Slow Upward Trend Of COVID-19 Cases In State

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In order to contain the COVID-19 pandemic in Pennsylvania, the Wolf administration issued a series of orders beginning in March – regulated over the past five months by the state’s red, yellow and green phases of reopening – that staggered the reemergence of businesses and ushered in new protocol.

At the forefront of this measure, Gov. Tom Wolf and Secretary of Health Dr. Rachel Levine stressed the importance of mask-wearing as paramount to helping stop the spread of the virus. Combined with social distancing, their message was simple: Wearing a mask can protect people and better pave the way for the business of Pennsylvania to return to normalcy.

On April 1, Levine signed a business safety order that doubled down on the requirement for all businesses to abide by the mask rule by requiring that they were to be worn by everyone in the state upon leaving their home.

As the calendar flipped to August, however, the rate of coronavirus cases throughout the state did not flatten the way state officials had hoped. Conversely, and directly in defiance of the mask-wearing order, the State Health Department has reported that the numbers have been on the rise. As of Aug. 2, the department confirmed that are currently 113,590 cases of COVID-19 in the state – 888 new positive cases were confirmed on Aug. 1 alone – and 13,590 deaths from the virus. (Chester County has recorded 4,890 confirmed cases of the virus, and 344 deaths.)

In a statewide effort to reverse the upward statistics and crack down on mask violations, a new order issued last week by Levine now thrusts the state’s business owners, state and local agencies, and its workers and residents into the role of enforcers, giving them the authority to report suspected health and safety violations to law enforcement or the state’s [Department of Health](https://www.health.pa.gov/Pages/default.aspx).

Per the Secretary of Health’s order, businesses must require all customers to wear masks while on premises, and deny entry to individuals not wearing masks, unless the business is providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of such goods.

There are limited exceptions to the mask order, which include those who cannot wear a mask due to a medical condition; those for whom wearing a mask would create an unsafe condition; individuals who would be unable to remove a mask without assistance; individuals under the age of two; and individuals who are communicating or seeking to communicate with someone who is hearing-impaired or has another disability where the ability to see the mouth is essential for communication.

“As the state has put in place new mitigation efforts to offset recent case increases, we must renew our commitment to protecting against COVID-19 by wearing a mask, practicing social distancing and following the requirements set forth in the orders for bars and restaurants, gatherings and telework,” Levine said. “Pennsylvania has been a model for the country on how to reopen effectively using a careful, measured approach. However, we know the virus has not gone away as we see cases rise, so we must work together to stop another surge.”

This beefed-up order now empowers employees to report potential violations to their employer if they feel they are not being appropriately protected in their workplace. If that does not produce the desired result, a worker can reach out directly to local law enforcement via a non-emergency number, or to the Department of Health and fill out a COVID-19 complaint form, which is available on the Health Department’s [website](https://www.health.pa.gov/Pages/default.aspx).

Anyone who feels a business is in violation of the Worker Safety order or Building Safety order may contact local law enforcement or file a complaint with the department.

The Secretary of Health’s order also applies to restaurants and other retail food facilities, including prohibitions or limits on dine-in services and masking requirements. Since dine-in services have resumed, the Health Department has received several complaints from customers about restaurant staff not wearing masks as required, ignoring social distancing and not adhering to public health restrictions to limit person-to-person spread of COVID-19.

When a violation is reported to the Health Department, the business receives a notice about the complaint that is also referred to the Department of Agriculture, who sends inspectors to follow up and may issue warnings and fines to restaurant owners. Complaints regarding concerns at restaurants and retail food facilities can be submitted to the Health Department’s [website](https://www.health.pa.gov/Pages/default.aspx).

Local police departments throughout the state have received guidance from the [Pennsylvania State Police](http://www.psp.pa.gov/) and the [Pennsylvania Chiefs of Police Association](https://www.pachiefs.org/) on how to enforce the new orders. Each department has discretion to warn or cite a business for violations, and the decision whether to issue a warning or a citation can be made on a case-by-case basis and determined by the unique circumstances of each encounter.

All citations will be issued in conjunction with the [Pennsylvania’s Disease Control and PreventionAct of 1955](https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1955/0/0500..PDF) and the [Administrative Code of 1929](https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1929/0/0175..PDF), which are the same statutory sections that were used for business closure enforcement. Under the Pennsylvania’s Disease Control and Prevention Act of 1955, any person who violates any of the provisions of this act or any regulation shall, for each offense, upon conviction thereof in a summary proceeding before any magistrate, alderman or justice of the peace in the county wherein the offense was committed, be sentenced to pay a fine of not less than $25 and not more than $300, together with costs, and in default of payment of the fine and costs, to be imprisoned in the county jail for a period not to exceed 30 days.

The Administrative Code of 1929 states that every person who violates any order or regulation of the Department of Health, or who resists or interferes with any officer performing his or her duties, will be forced to appear before a justice of the peace, alderman, or magistrate of the county. If convicted, the offender will be sentenced to pay a fine of no less than $10 or more than $50. In default of payment, the offender shall be sentenced to county jail for a period of 30 days.

“We have been largely successful in our fight against COVID-19, thanks to the hard work and sacrifices of every Pennsylvanian,” Gov. Wolf said. “But with a recent and ongoing rise in cases, we must remain vigilant, continue to listen to healthcare professionals and each do our part to prevent this dangerous virus from spreading through our communities.

“We want Pennsylvanians to do the right thing,” Gov. Wolf added. “For all those who are claiming an exception who do not have one, they are potentially putting the lives of those they encounter at risk. Wearing a mask is a non-partisan, non-political statement that you care about the people you encounter and is a sign of kindness and respect.”

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