
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2681 Session of
2020

INTRODUCED BY GLEIM, KEEFER, RYAN, JONES, MILLARD, DUNBAR,
BERNSTINE, METCALFE, KAUFFMAN AND KAIL, JULY 8, 2020

REFERRED TO COMMITTEE ON JUDICIARY, JULY 8, 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 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 operations.

9 (a) General rule.--Except as provided 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 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.

6 "Protected operation." Any of the following during a
7 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, or the
11 act of April 9, 1929 (P.L.177, No.175), known as The
12 Administrative Code of 1929:

13 (1) Conducting a business transaction.

14 (2) Engaging in the duties and responsibilities
15 attendant to the person's operation, trade, profession,
16 occupation or office.

17 (3) Keeping a physical business location, office,
18 building or property open to the public.

19 Section 2. This act shall apply retroactively to March 6,
20 2020.

21 Section 3. This act shall take effect immediately.