

## Is Pennsylvanias State of Emergency Still in Place?

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Confusion within the business community is rampant as Pennsylvania legislators and the state's leader are at public odds over whether Gov. Tom Wolf's emergency declaration is still in place.

This week the state's General Assembly approved a resolution seeking to require Wolf to end his COVID-19 emergency declaration. The governor [refuses to do so](#) and the dispute is now in the Pennsylvania Commonwealth Court.

Meanwhile, all Pennsylvania counties are either currently in the green phase, where businesses can reopen with limited restrictions, or the yellow phase, with limited reopenings and more expansive restrictions. Those counties in the yellow phase are expected to move to the green phase within the next several weeks.

What does this mean for businesses that wish to reopen with few or no restrictions? As of now, legally, nothing has changed. The emergency declaration and various closure orders and guidance issued by the Pennsylvania Department of Health remain in effect. Business that reopen or operate in defiance of these requirements risk enforcement actions and possible suspension or revocation of state issued licenses or permits. A court decision, expected within the next several weeks, could dramatically change this legal status quo.

Wolf contends that ending the emergency declaration would not only not reopen businesses or allow for unrestricted operation but also would rescind certain protections, such as the suspension of licensing requirements for health care workers and a temporary moratorium on evictions and foreclosures. The Pennsylvania Department of Health orders imposing business closures and restrictions were issued under a different statutory authority than the emergency declaration and therefore appear unaffected by the General Assembly's resolution.

The situation is fluid and subject to change. Businesses should stay ready and [contact me](#) or any of the attorneys in [Barley Snyder's COVID-19 Response Service Team](#) to learn of the legal implications that will result from expected actions by the courts.

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