

UPDATE: Pa.s Public Gatherings Rules Enforceable Again

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In the back and forth court proceedings concerning Gov. Tom Wolf's restrictions on attendance at public gatherings, a federal appeals court has reinstated the state administration's power to enforce its restrictions.

The state previously had set restrictions of no more than 25 people for an indoor gathering and no more than 250 people for an outdoor gathering to slow the spread of COVID-19. While briefly shot down as unconstitutional in a lower federal court, the restrictions are again enforceable after the Third U.S. Circuit Court of Appeals on Thursday [allowed a stay of the decision](#) of the U.S. District Court in Pittsburgh.

The appeals court stay once again gives state and law enforcement officials the power to stop any gathering that does not comply and to penalize those who host such gatherings. The state currently is appealing the lower court's ruling, and may enforce the public gatherings limits while the case is in the appeals process.

In mid-September, a federal court in Pittsburgh said Wolf's executive orders on [certain COVID-19 pandemic restrictions were "unconstitutional."](#) The ruling included business closures and stay-at-home orders Wolf and the state issued in March, but those orders already had ceased and Wolf has said he has no intention of reinstating them.

The only restriction the September ruling struck down that was still active - public gatherings limits - then became unenforceable.

The Third Circuit's ruling Thursday is merely on Gov. Wolf's stay request to enforce the restrictions and does not directly address the underlying merits of the case. The state's appeal of the original federal court ruling lifting the restrictions remains under appeal at the Third Circuit.

The ruling does not include public gatherings at bars and restaurants. The state already set those limits, with bars and restaurants allowed to operate at 50% of their normal capacity. To reach that level, bars and restaurants must complete a self-certification form, vowing to follow a number of safety restrictions, including no alcohol served past 11 p.m.

When the public gatherings restrictions were shot down initially, our advice was that it would be ill-advised to immediately start planning large gatherings because it seemed like the restrictions could go back into place quickly. Now that the restrictions are back in place, it would be wise to follow the state's orders, but keep an eye on the Third Circuit and Harrisburg to see if there is some kind of compromise that can be reached while still safeguarding the public health.

If you have any questions about Thursday's stay ruling or about any of the state's restrictions, please [contact me](#) or any member of the [Barley Snyder COVID-19 Response Service Team](#).

WRITTEN BY:



Martin R. Siegel

Counsel

Tel: (717) 718-7581

Email: msiegel@barley.com