

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 390 Session of 1993

INTRODUCED BY WAUGH, NICKOL, MAITLAND, FAIRCHILD, MERRY,  
MASLAND, FARGO, ARMSTRONG, DeLUCA, KENNEY, ZUG, FLICK,  
ARGALL, SATHER, PLATTS, PETTIT, CLYMER, TIGUE, SCHEETZ,  
STETLER, TRELLO, B. SMITH, HUTCHINSON, PETRARCA, HERSHEY AND  
MILLER, FEBRUARY 10, 1993

REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 10, 1993

AN ACT

1 Amending the act of May 23, 1945 (P.L.926, No.369), entitled, as  
2 amended, "An act for the protection of the public health by  
3 regulating the conduct and operation of public eating and  
4 drinking places within this Commonwealth; requiring their  
5 licensing; imposing certain duties on the Department of  
6 Environmental Resources of this Commonwealth and on the local  
7 health authorities; and providing penalties," adding a  
8 definition; and providing for the issuance of a personal  
9 license.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 1 of the act of May 23, 1945 (P.L.926,  
13 No.369), referred to as the Public Eating and Drinking Place  
14 Law, is amended by adding a definition to read:

15 Section 1. Definitions.--\* \* \*

16 The word "nonhazardous food" shall mean any food or drink, or  
17 food or drink ingredient, which is at low risk for food-borne  
18 disease occurrence, including the following:

19 (1) Ice from a licensor-approved source.

20 (2) Food or drink which laboratory evidence demonstrates

1 will not promote the growth of coliform organisms, and is not  
2 capable of supporting the rapid and progressive growth of any  
3 micro-organism which is pathogenic to man or capable of  
4 producing pathogenic toxins.

5 (3) Food or drink in unopened hermetically sealed containers  
6 which has been commercially processed to achieve and maintain  
7 commercial sterility under conditions of nonrefrigerated  
8 storage.

9 Section 2. The act is amended by adding a section to read:

10 Section 5.1. The department shall provide for the issuance  
11 of a seasonal license upon application by any qualified public  
12 eating or drinking place which handles or sells only  
13 nonhazardous food during a period of four months or less per  
14 year, operating from a fixed location or a mobile unit. The  
15 proprietor shall ensure any fixed location has adequate and  
16 convenient toilet and hand-washing facilities for employees  
17 onsite or at a nearby location, and if necessary shall provide  
18 for a waste receiving tank of adequate capacity, unless the  
19 public eating or drinking place is connecting to a proper waste  
20 disposal facility. Food should be properly protected and stored,  
21 and the premises should be kept clean and free of litter. The  
22 fee for a seasonal license shall be no more than one-half the  
23 fee for an annual license.

24 Section 3. This act shall apply on or after May 1, 1993.

25 Section 4. This act shall take effect in 60 days.