

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2673 Session of  
2002

INTRODUCED BY CRUZ, YOUNGBLOOD, GEORGE, BISHOP, JAMES, TIGUE,  
PISTELLA, HARHAI, DALEY, TANGRETTI, MCGEEHAN, MELIO AND  
WASHINGTON, JUNE 4, 2002

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 4, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting the sale of food,  
3 nonprescription drugs and cosmetics under certain  
4 circumstances; and imposing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 7331. Unlawful sale of food, nonprescription drugs and  
10 cosmetics.

11 (a) General rule.--No person shall sell or offer to sell to  
12 the public:

13 (1) any nonprescription drug, infant formula or baby  
14 food which is subject to expiration dating requirements  
15 issued by the Food and Drug Administration or other food  
16 bearing an expiration date on its label or packaging if the  
17 date of expiration has passed; or

18 (2) any infant formula or baby food which is subject to

expiration dating requirements issued by the Food and Drug Administration, any nonprescription drug or cosmetic or any other food bearing an expiration date on its label or packaging unless that person presents, within five days of the request, a written record of the purchase of that product, which record or invoice shall:

(i) specifically identify the product being sold by the product name, quantity purchased, that quantity being denoted by item, box, crate, pallet or otherwise, and date of purchase; and

(ii) contain the complete name or business name, address and telephone number of the person from whom that product was purchased.

(b) Applicability.--The provisions of subsection (a) shall not apply to a transaction involving less than \$50 of product between persons selling that product in the same general market area on the same day.

(c) Penalty.--A person who violates this section shall, upon conviction, be sentenced:

(1) to a fine not to exceed \$300, for a first offense;

(2) to a fine not to exceed \$300, or a term of imprisonment at not more than 90 days, or both, for a second offense; or

(3) to a revocation of any license, including a business privilege license or sales license, held by such person to operate the business in which the product was sold, for a third or subsequent offense.

Section 2. This act shall take effect in 60 days.