

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 174 Session of
2009

INTRODUCED BY CARROLL, HANNA, BEYER, BRENNAN, CALTAGIRONE,
DALEY, DeLUCA, FABRIZIO, FREEMAN, GEIST, GEORGE, GRUCELA,
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SIPTROTH, K. SMITH, YUDICHAK, GOODMAN AND W. KELLER,
FEBRUARY 2, 2009

SENATOR BRUBAKER, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS
AMENDED, SEPTEMBER 20, 2010

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, codifying the Public Eating and Drinking Place Law
3 and the Food Act; providing for the protection of public
4 health and for regulations; requiring licensing; further
5 providing FOR ORGANIC FOODS, FOR MAPLE PRODUCTS, for food
6 employee certification and for farmers' market; providing for
7 penalties; and making related repeals. ←

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Chapter 57 of Title 3 of the Pennsylvania
11 Consolidated Statutes is amended by adding subchapters to read:

12 CHAPTER 57

13 FOOD PROTECTION

14 [(Reserved)]

15 Subchapter

16 A. Retail Food Facility Safety

17 B. Food Safety

18 SUBCHAPTER A

RETAIL FOOD FACILITY SAFETY

Sec.

5701. Short title of chapter.

5702. Definitions.

5703. License required.

5704. Inspection, sampling and analysis.

5705. (Reserved).

5706. (Reserved).

5707. Powers of department.

5708. Infectious persons.

5709. Linens, equipment and utensils.

5710. Retail food facility and employee cleanliness.

5711. Toilets, sinks and drains.

5712. ~~(Reserved)~~ APPLICABILITY.

5713. School cafeterias and organized camps.

5714. Penalties.

~~5715. (Reserved).~~

~~5716. Acts not affected.~~

§ 5701. Short title of chapter.

This chapter shall be known and may be cited as the Retail Food Facility Safety Act.

§ 5702. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bed and breakfast homestead or inn." A private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

"Employee." The license holder, person in charge, person



1 having supervisory or management duties, person on the payroll,
2 family member, volunteer, person performing work under
3 contractual agreement or other person working in a retail food
4 facility.

5 "Food employee." An individual working with unpackaged food,
6 food equipment or utensils or food contact surfaces.

7 "License." A grant to a proprietor to operate a retail food
8 facility.

9 "Licensor." Any of the following:

10 (1) The county department of health or joint-county
11 department of health whenever a retail food facility is
12 located in a political subdivision under the jurisdiction of
13 a county department of health or joint-county department of
14 health.

15 (2) The health authorities of cities, boroughs,
16 incorporated towns and first class townships whenever a
17 retail food facility is located in a city, borough,
18 incorporated town or first class township not under the
19 jurisdiction of a county department of health or joint-county
20 department of health.

21 (3) The health authorities of second class townships and
22 second class townships which have adopted a home rule charter
23 which elect to issue licenses under this subchapter whenever
24 a retail food facility is located in a second class township
25 or second class township which has adopted a home rule
26 charter not under the jurisdiction of a county department of
27 health or joint-county department of health.

28 (4) The Department of Agriculture whenever a retail food
29 facility is located in any other area of this Commonwealth.

30 "Organized camp." A combination of programs and facilities

established for the primary purpose of providing an outdoor group living experience for children, youth and adults, with social, recreational and educational objectives, and operated and used for five or more consecutive days during one or more seasons of the year.

"Person in charge." A person designated by a retail food facility operator to be present at a retail food facility and responsible for the operation of the retail food facility at the time of inspection.

"POTENTIALLY HAZARDOUS FOOD." THE TERM SHALL HAVE THE SAME MEANING AS DEFINED IN THE 2009 EDITION OF THE FOOD CODE PUBLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION OR ANY SUCCESSOR DOCUMENT APPROVED BY REGULATION OF THE DEPARTMENT.

"Proprietor." A person, partnership, association or corporation conducting or operating a retail food facility within this Commonwealth.

"Public eating or drinking place." A place within this Commonwealth where food or drink is served to or provided for the public, with or without charge. The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

"Raw agricultural commodity." As defined under section 5722 (relating to definitions).

"Retail food establishment." An establishment which stores, prepares, packages, vends, offers for sale or otherwise provides food for human consumption and which relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or delivery service provided by common carriers. The term does not include



dining cars operated by a railroad company in interstate
commerce or a bed and breakfast homestead or inn.

"Retail food facility." A public eating or drinking place or
a retail food establishment.

§ 5703. License required.

(a) Unlawful conduct.-- Except as provided in subsection
(b), it shall be unlawful for any proprietor to conduct or
operate a retail food facility without first obtaining a license
for each retail food facility as provided in this subchapter.

(b) Exempt retail food facilities.--

(1) A licensor may exempt the following retail food
facilities from the license requirements of this section:

(i) A food bank owned by a charitable nonprofit
entity and operated for charitable or religious purposes.

(ii) A soup kitchen owned by a charitable nonprofit
entity and operated for charitable or religious purposes.

(iii) A retail food facility that operates on no
more than three days each calendar year.

(iv) A school cafeteria.

(v) A retail food facility that is owned by a
charitable nonprofit entity and that is one or more of
the following:

(A) Managed by an organization which is
established to promote and encourage participation or
support for extracurricular recreational activities
for youth of primary and secondary public, private
and parochial school systems on a not-for-profit
basis. This subparagraph does not apply to organized
camps.

(B) Offers only foods that are nonpotentially

1 hazardous foods or beverages.

2 (vi) A retail food facility in which food or
3 beverages are sold only through a vending machine.

4 (VII) A RETAIL FOOD FACILITY WHICH IS OWNED BY A
5 CHURCH, ASSOCIATION OF CHURCHES OR OTHER RELIGIOUS ORDER,
6 BODY OR INSTITUTION WHICH:

7 (A) QUALIFIES FOR EXEMPTION FROM TAXATION UNDER
8 SECTION 501(C)(3) OR (D) OF THE INTERNAL REVENUE CODE
9 OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501).

10 (B) WHICH IS NOT SUBJECT TO UNRELATED BUSINESS
11 INCOME TAXATION UNDER SECTIONS 511, 512 OR 513 OF THE
12 INTERNAL REVENUE CODE OF 1986.

13 If the licensor is the department, the exemption shall be
14 accomplished by order of the secretary and published in the
15 Pennsylvania Bulletin. If the licensor is an entity other
16 than the department, the exemption shall be accomplished by
17 order of the local government unit or units having
18 jurisdiction over the licensor. A retail food facility that
19 is exempted from the license requirements under this section
20 shall remain subject to inspection and all other provisions
21 of this subchapter.

22 (2) A licensor shall exempt the following retail food
23 facilities from the license requirements of this section:

24 (i) A retail food facility in which only
25 prepackaged, nonpotentially hazardous food or beverages
26 are sold.

27 (ii) A retail food facility that sells only raw
28 agricultural commodities.

29 A retail food facility that is exempted from the license
30 requirements under this section shall remain subject to

inspection and all other provisions of this subchapter.

(c) Issuance of license.--A retail food facility license shall be issued by the licensor having jurisdiction. A license shall specify the date of expiration, the period for which the license is valid, the name of the licensee and the place licensed. Licenses shall be conspicuously displayed at all times in the place thereby licensed. Licenses shall not be transferable.

(d) Application requirement.--Any person owning or operating or desiring to operate a retail food facility within this Commonwealth shall make application for a license to the licensor on forms furnished by the licensor. The forms shall, at a minimum, set forth such information as the department may require and any additional information a licensor that is not the department may require under the authority of THE ACT OF APRIL 21, 1949 (P.L.665, NO.155), KNOWN AS THE FIRST CLASS CITY HOME RULE ACT, OR the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law. Application forms shall include the name and address of the applicant, together with all the other information deemed necessary to identify the applicant, provide contact information for the applicant, identify the location of the retail food facility that is the subject to the application and facilitate the licensor's processing of the application.

(e) Inspection.--

(1) No license shall be issued until inspection of the retail food facility has been made by the licensor and the retail food facility meets the requirements of both this subchapter and one of the following:

(i) The rules and regulations of the department.

1 (ii) The rules and regulations adopted under the
2 authority of THE FIRST CLASS CITY HOME RULE ACT OR the
3 Local Health Administration Law.

4 (2) Rules and regulations adopted by a licensor who is
5 not the department shall, ~~at the minimum,~~ meet AND SHALL NOT
6 EXCEED the requirements of this subchapter and the rules and
7 regulations of the department.

8 (f) Reports.--If the licensor is an entity other than the
9 department, the licensor shall provide the department a copy of
10 any inspection report resulting from any inspection conducted
11 under authority of this subchapter within 30 days of the
12 inspection date. This copy may be sent by electronic methods, as
13 approved by the department. The department may, by regulation,
14 require that inspection reports be submitted in a specific
15 electronic format.

16 (g) Term of license.--

17 (1) Except as provided in paragraph (2), licenses shall
18 expire on the day after the original license anniversary date
19 at intervals of one year, or for any other license period
20 that is established by the department through regulation and
21 that uses risk-based factors identified in the current
22 edition of the Food Code, published by the United States
23 Department of Health, Food and Drug Administration, as a
24 basis for determining the appropriate license interval. An
25 application for renewal shall be made one month before the
26 expiration of an existing license. A license granted under
27 the provisions of this subchapter shall be renewed if the
28 most recent inspection by the licensor was conducted within
29 the preceding license period and determined that requirements
30 specified in this chapter with respect to the retail food

1 facility were met.

2 (2) A temporary license for a retail food facility that
3 operates on no more than 14 days in one calendar year or for
4 a retail food facility operating at a fair, festival or
5 similar temporary event shall be granted with respect to the
6 calendar year in which it is issued if the retail food
7 facility meets the requirements of this subchapter.

8 (h) Sales and use tax license.--No license shall be issued
9 until the proprietor exhibits proof that the proprietor has
10 applied for or received a sales and use tax license or exemption
11 certificate from the Department of Revenue.

12 (i) Denial or revocation of license.--

13 (1) A licensor shall state in writing to the proprietor
14 the reason for the refusal to issue a license.

15 (2) (i) If a retail food facility licensed by the
16 department is in violation of a provision of this
17 subchapter, or of a regulation promulgated under
18 authority of this subchapter, or of any other act related
19 to public health and being applicable to retail food
20 facilities, the department may suspend or revoke the
21 license. If a retail food facility licensed by an entity
22 other than the department is in violation of a provision
23 of this subchapter, or of a regulation promulgated under
24 authority of this subchapter, or of any other act related
25 to public health and being applicable to retail food
26 facilities, or of the regulations of the licensor
27 pertaining to retail food facilities, the licensor may
28 suspend or revoke the license. The suspension of a
29 license shall be terminated when the violation for which
30 it was imposed has been found, upon inspection by the

1 licensor, to have been corrected. Whenever a license is
2 suspended or revoked, no part of the fee paid therefore
3 shall be returned to the proprietor.

4 (ii) A licensor may, as an alternative to suspending
5 or revoking a license, provide a licensee a reasonable
6 interval within which to correct conditions that
7 constitute a violation that would result in the
8 suspension or revocation of the license, provided that
9 the health and safety of the employees, occupants and
10 patrons of the retail food facility can be reasonably
11 assured during that interval.

12 (j) Fees.--The fees that may be charged under this
13 subchapter are as established by the licensor, if the licensor
14 is an entity other than the department, and shall be paid into
15 the city, borough, incorporated town, township or county
16 treasury. If the licensor is the department, the fees shall be
17 paid to the State Treasury through the department and are as
18 follows:

19 (1) For licensure of a retail food facility that has not
20 been previously licensed, and that is owner-operated and that
21 has a seating capacity of less than 50: \$103.

22 (2) For licensure of a retail food facility that has not
23 been previously licensed and that is not described in
24 paragraph (1): \$241.

25 (3) For a renewal of a license or for issuing a license
26 to reflect a change of ownership: \$82.

27 (4) For a duplicate license, for each retail food
28 facility location: \$14.

29 (5) For a temporary license under subsection (g) (2):
30 \$14.

1 (6) For conducting a follow-up inspection to review
2 whether changes have been made to correct violations which
3 resulted in noncompliant status determined by a prior
4 inspection:

5 (i) For the second follow-up inspection during the
6 licensure period: \$150.

7 (ii) For a third or subsequent follow-up inspection
8 during the licensure period: \$300.

9 (7) For conducting an inspection that is not otherwise
10 required by the department, but that is conducted at the
11 behest of the proprietor of the retail food facility: \$150.

12 (8) For any license described in paragraph (1), (2),
13 (3), (4) or (5) that is issued for a period of greater than
14 one year by regulation of the department in accordance with
15 subsection (g), the license fee otherwise prescribed under
16 those paragraphs shall be prorated for the license period.

17 (k) Multiple retail food facilities.--Whenever any
18 proprietor maintains more than one retail food facility within
19 this Commonwealth, the proprietor shall be required to apply for
20 and procure a license for each retail food facility.

21 § 5704. Inspection, sampling and analysis.

22 (a) Inspection.--For purposes of enforcement of this
23 subchapter, a licenser is authorized, upon presenting
24 appropriate credentials to the person in charge:

25 (1) To enter at reasonable times any retail food
26 facility.

27 (2) To inspect at reasonable times, within reasonable
28 limits and in a reasonable manner, the retail food facility.

29 (3) To obtain a sample of any food at a retail food
30 facility for analysis as may be necessary to determine

compliance with this subchapter if the licensor, upon completion of the inspection and prior to leaving the facility, provides the person in charge a receipt describing the sample obtained.

(b) Billing.--A retail food facility from which a sample was collected may bill the licensor for the fair market value of the sample.

(c) Report.--Upon completion of an inspection of a retail food facility and prior to leaving the premises, a licensor shall give to the person in charge a written report of the findings of the inspection. Results from the analysis of any samples taken shall be provided to the person in charge within 30 days of receipt.

§ 5705. (Reserved).

§ 5706. (Reserved).

§ 5707. Powers of department.

(a) Rules and regulations.--The department shall make such reasonable rules and regulations as may be deemed necessary for carrying out the provisions and intent of this subchapter. In promulgating regulations, the department shall be guided by the most current edition of the Food Code, published by the United States Department of Health, Food and Drug Administration. The regulatory standards established by the department under this section shall be the ~~minimum~~ standards followed and applied by any licensor with respect to retail food facilities.

(b) Food service at schools and organized camps.--

(1) The department shall provide for the inspection of a food service at a school and for the training of school food service personnel in accordance with the standards applied to retail food facilities for schools located in areas in which



1 the department is the licensor. Upon request, the department
2 shall provide training to school food service personnel or
3 inspections of a food service at a school located in areas in
4 which the department is not the licensor.

5 (2) The department shall provide for the inspection of a
6 food service at organized camps and for the training of food
7 service personnel at organized camps in accordance with the
8 standards applied to retail food facilities for organized
9 camps located in areas in which the department is the
10 licensor. Upon request, the department shall provide training
11 to organized camp food service personnel or inspections of a
12 food service at organized camps located in areas in which the
13 department is not the licensor.

14 ~~(c) Inspection. If a licensor is required to provide the~~ ←
15 ~~department a copy of an inspection report pursuant to section~~
16 ~~5703(f) (relating to license required) and fails to comply with~~
17 ~~that requirement, the department may inspect and license the~~
18 ~~subject retail food facility, and the licensor that failed to~~

19 (C) INSPECTION.--IF A LICENSOR FAILS TO INSPECT A RETAIL ←
20 FOOD FACILITY AS REQUIRED UNDER SECTION 5703(E) (RELATING TO
21 LICENSE REQUIRED), THE DEPARTMENT SHALL HAVE THE AUTHORITY TO
22 LICENSE AND INSPECT ALL RETAIL FOOD FACILITIES UNDER THAT
23 LICENSOR'S JURISDICTION, AND THE LICENSOR THAT FAILED TO comply
24 with the inspection requirement shall not charge or collect any
25 fee for licensing the subject retail food facility FACILITIES. ←
26 If the department conducts an inspection, it shall, within 30
27 days, provide the licensor a copy of the inspection report.

28 (d) Interagency coordination.--The department shall provide
29 inspection reports or test results that indicate human illness
30 related to food consumption or food handling practices, or to

other threats to the safety of the food supply, to the Department of Health, the Department of Environmental Protection or any other Commonwealth agency as necessary to develop a comprehensive, coordinated interagency approach to protecting public health and safeguarding the food supply.

§ 5708. Infectious persons.

No proprietor shall allow any food employee to be in a retail food facility if that person has an infectious or communicable disease, as prohibited under the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, and its attendant regulations related to restrictions on food handlers. In consultation with the Department of Health, the department may promulgate regulations with respect to specific illnesses as related to operations in a retail food facility as it deems necessary for the protection of public health.

§ 5709. Linens, equipment and utensils.

No proprietor shall utilize any linens, equipment or utensils unless the linens, equipment or utensils have been thoroughly cleansed and sanitized in the manner prescribed by regulation of the department.

§ 5710. Retail food facility and employee cleanliness.

All retail food facilities, kitchens, dining rooms and all places where foods are prepared, kept or stored shall be kept in a clean and sanitary condition and be protected from dust, dirt, insects and vermin in the manner prescribed by the regulations of the department. The clothing and hands of employees shall at all times be clean and sanitary. Except when washing fruits and vegetables or when approved by the department, food employees may not contact exposed, ready-to-eat food with their bare

hands, and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. No domestic pets or other animals shall be permitted where food or drink is prepared, handled or stored unless specifically permitted or required under the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or other Federal or State law. No person shall be permitted to use for living or sleeping purposes any room or place in any retail food facility which is regularly and customarily used for the preparation, handling, storing or serving of food.

§ 5711. Toilets, sinks and drains.

All toilets, hand-wash sinks, tubs, sinks and drains used in or in connection with any retail food facility shall at all times be kept in a clean and sanitary condition.

~~§ 5712. (Reserved).~~

§ 5712. APPLICABILITY.

THIS SUBCHAPTER SHALL NOT APPLY TO FOOD THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(1) THE FOOD IS NOT POTENTIALLY HAZARDOUS FOOD.

(2) THE FOOD IS PREPARED IN A PRIVATE HOME.

(3) THE FOOD IS USED OR OFFERED FOR HUMAN CONSUMPTION BY

ANY OF THE FOLLOWING ORGANIZATIONS:

(I) A TAX-EXEMPT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)).

(II) A VOLUNTEER FIRE COMPANY OR AMBULANCE, RELIGIOUS, CHARITABLE, FRATERNAL, VETERANS, CIVIC, SPORTSMEN, AGRICULTURAL FAIR OR AGRICULTURAL ASSOCIATION OR ANY SEPARATELY CHARTERED AUXILIARY OF ANY OF THESE ASSOCIATIONS, ON A NOT-FOR-PROFIT BASIS.



1 (III) AN ORGANIZATION THAT IS ESTABLISHED TO PROMOTE
2 AND ENCOURAGE PARTICIPATION AND SUPPORT FOR
3 EXTRACURRICULAR RECREATIONAL ACTIVITIES FOR YOUTH OF
4 PRIMARY AND SECONDARY PUBLIC, PRIVATE AND PAROCHIAL
5 SCHOOL SYSTEMS ON A NOT-FOR-PROFIT BASIS.

6 (4) THE ORGANIZATION THAT USES OR OFFERS THE FOOD FOR
7 HUMAN CONSUMPTION INFORMS CONSUMERS THAT THE ORGANIZATION
8 USES OR OFFERS FOOD THAT HAS BEEN PREPARED IN PRIVATE HOMES
9 THAT ARE NOT LICENSED OR INSPECTED.

10 (5) THE FOOD IS DONATED TO AN ORGANIZATION DESCRIBED
11 UNDER PARAGRAPH (3).

12 § 5713. School cafeterias and organized camps.

13 Officials of schools and organized camps shall cooperate with
14 the department in the conduct of cafeteria health and safety
15 inspections and shall participate in inspection services and
16 training programs made available by the department in areas
17 where the department is the licensor. Upon request, the
18 department shall provide training to school or organized camp
19 food service personnel or inspections of a food service at a
20 school or organized camp located in areas in which the
21 department is not the licensor.

22 § 5714. Penalties.

23 (a) Retail food facilities under jurisdiction of
24 department.--For retail food facilities under the jurisdiction
25 of the department, penalties are as follows:

26 (1) A person who violates any provision of this
27 subchapter or any rule, regulation, standard or order made
28 under this subchapter commits a summary offense for the first
29 or second offense and shall be subject to a fine not less
30 than \$100 but not more than \$300. A person who violates any

1 provision of this subchapter or any rule, regulation,
2 standard or order made under this subchapter commits a
3 misdemeanor of the third degree if the violation is a third
4 or subsequent offense and if the violation occurs within two
5 years of the date of the last previous offense.

6 (2) In addition to proceeding under any other remedy
7 available at law or in equity for a violation of this
8 subchapter or a rule or regulation adopted or any order
9 issued under this subchapter, the secretary may assess a
10 civil penalty not to exceed \$10,000 upon an individual or
11 business for each offense. No civil penalty shall be assessed
12 unless the person charged has been given notice and
13 opportunity for a hearing in accordance with law. In
14 determining the amount of the penalty, the secretary shall
15 consider the gravity of the violation. Whenever the secretary
16 finds a violation which did not cause harm to human health,
17 the secretary may issue a warning in lieu of assessing a
18 penalty. In case of inability to collect the civil penalty or
19 failure of any person to pay all or any portion of the
20 penalty as the secretary may determine, the secretary may
21 refer the matter to the Attorney General, who shall recover
22 the amount by action in the appropriate court.

23 (b) Retail food facilities under other jurisdiction.--

24 Penalties shall be established by the licensor for retail food
25 facilities under the jurisdiction of a licensor that is not the
26 department.

27 ~~§ 5715. (Reserved).~~

28 ~~§ 5716. Acts not affected.~~

29 ~~Nothing in this subchapter shall be construed to abrogate or~~
30 ~~supersede any provision or regulation adopted under the act of~~



~~August 24, 1951 (P.L.1304, No.315), known as the Local Health
Administration Law, with regard to licensure, regulation and
inspection of a retail food facility, as defined in section 5702
(relating to definitions).~~

SUBCHAPTER B

FOOD SAFETY

Sec.

5721. Short title of subchapter.

5722. Definitions.

5723. Prohibited acts.

5724. Temporary or permanent injunctions.

5725. Penalties.

5726. Detention and condemnation.

5727. Temporary permits.

5728. Adulteration of food.

5729. Misbranding of food.

5730. Regulations to exempt certain labeling requirements.

5731. Poisonous or deleterious substances and tolerances.

5732. Inspection, sampling and analysis.

5733. Rules and regulations.

5734. Registration of food establishments.

5735. Product registration.

5736. Construction of subchapter.

5737. Acts not affected.

§ 5721. Short title of subchapter.

This subchapter shall be known and may be cited as the Food
Safety Act.

§ 5722. Definitions.

The following words and phrases when used in this subchapter
shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Color additive." A material which is a dye, pigment or
3 other substance made by a process of synthesis or similar
4 artifice or extracted, isolated or otherwise derived, with or
5 without intermediate or final change of identity, from a
6 vegetable, animal, mineral or other source and when added or
7 applied to a food is capable, alone or through reaction with
8 other substances, of imparting color thereto. The term includes
9 black, white and intermediate grays. The term does not include:

10 (1) Any material which the Secretary of Agriculture, by
11 regulation, determines is used or intended to be used solely
12 for a purpose or purposes other than coloring.

13 (2) Any pesticide chemical, soil or plant nutrient or
14 other agricultural chemical solely because of its effect in
15 aiding, retarding or otherwise affecting, directly or
16 indirectly, the growth or other natural physiological process
17 of produce of the soil and thereby affecting its color,
18 whether before or after harvest.

19 "Federal acts." The Wholesome Meat Act (Public Law 90-201,
20 21 U.S.C. § 601 et seq.), the Federal Food, Drug, and Cosmetic
21 Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.), the Poultry
22 Products Inspection Act (Public Law 85-172, 21 U.S.C. § 451 et
23 seq.), the Fair Packaging and Labeling Act (Public Law 89-755,
24 15 U.S.C. § 1451 et seq.), the Federal Insecticide, Fungicide,
25 and Rodenticide Act (61 Stat. 163, 7 U.S.C. § 136 et seq.) and
26 the Nutrition Labeling and Education Act of 1990 (Public Law
27 101-535, 104 Stat. 2353).

28 "Food." An article used for food or drink by humans,
29 including chewing gum and articles used for components of any
30 article. The term does not include medicines and drugs.

1 "Food additive." A substance, the intended use of which
2 results or may reasonably be expected to result, directly or
3 indirectly, in its becoming a component or otherwise affecting
4 the characteristics of any food if the substance is not
5 generally recognized among experts qualified by scientific
6 training and expertise to evaluate its safety, as having been
7 adequately shown through scientific procedures or, in the case
8 of a substance used in food prior to January 1, 1958, through
9 either scientific procedures or experience based on common use
10 in food to be safe under the conditions of its intended use. The
11 term does not include the following:

12 (1) A pesticide chemical in or on a raw agricultural
13 commodity.

14 (2) A pesticide chemical to the extent that it is
15 intended for use or is used in the production, storage or
16 transportation of any raw agricultural commodity.

17 (3) A color additive.

18 (4) Any substance used in accordance with a sanction or
19 approval granted prior to the enactment of this paragraph
20 pursuant to a statute repealed by this act, pursuant to the
21 Poultry Products Inspection Act (Public Law 85-172, 21 U.S.C.
22 § 451 et seq.) or pursuant to the Wholesome Meat Act (Public
23 Law 90-201, 21 U.S.C. § 601 et seq.).

24 (5) A new animal drug.

25 As used in this definition, the term "substance" includes any
26 substance intended for use in producing, manufacturing,
27 packaging, processing, preparing, treating, transporting or
28 holding food and any source of radiation intended for any use.

29 "Food establishment." A room, building or place or portion
30 thereof or vehicle maintained, used or operated for the purpose

of commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food. The term excludes retail food facilities, retail food establishments, public eating and drinking places and those portions of establishments operating exclusively under milk or milk products permits.

"Imitation food." A food that is a substitute for and resembles another food but is nutritionally inferior to that food.

"Label." A display of written, printed or graphic matter upon the immediate container of any food. The term "immediate container" does not include package liners.

"Labeling." All labels and other written, printed or graphic matter upon a food or any of its containers or wrappings.

"Package." Any container or wrapping in which food is enclosed for delivery or display to retail purchasers. The term does not include the following:

(1) Shipping containers or wrappings for the transportation of food in bulk or quantity to manufacturers, packers or processors or to wholesale or retail distributors.

(2) Shipping containers or wrappings used by retailers to ship or deliver food to retail customers, if the containers or wrappings bear no printed matter pertaining to food.

(3) Containers used for tray pack displays in retail establishments.

(4) Transparent containers or wrappings which do not bear written, printed or graphic matter which obscures information required to be displayed on the label.

1 "Pesticide chemical." A substance used in the production,
2 storage or transportation of raw agricultural commodities which,
3 alone or in chemical combination or formulation with one or more
4 other substances, is a pesticide within the meaning of the act
5 of March 1, 1974 (P.L.90, No.24), known as the Pennsylvania
6 Pesticide Control Act of 1973.

7 "Potentially hazardous food." ~~As defined in the 2005 Food~~ ←
8 ~~Code published by the United States Department of Health, Food~~
9 ~~and Drug Administration, or its successor document~~ AS DEFINED IN ←
10 SECTION 5702 (RELATING TO DEFINITIONS).

11 "Principal display panel." A part of a label that is most
12 likely to be displayed, presented, shown or examined under
13 normal and customary conditions of display for retail sale and
14 is large enough to accommodate all the mandatory information
15 required to be placed on the label.

16 "Public eating and drinking place." As defined in section
17 5702 (relating to definitions).

18 "Raw agricultural commodity." A food in its raw or natural
19 state, including all fruits which are washed, colored or
20 otherwise treated in their unpeeled, natural form prior to
21 marketing.

22 "Retail food establishment." As defined in section 5702
23 (relating to definitions).

24 "Retail food facility." As defined in section 5702 (relating
25 to definitions).

26 "Secretary." Includes an authorized representative, employee
27 or agent of the Department of Agriculture.

28 § 5723. Prohibited acts.

29 The following acts are prohibited:

30 (1) Manufacture, sale, delivery, consignment, bailment,

1 holding or offering for sale of any food that is adulterated
2 or misbranded, except where a person in good faith delivers
3 or offers to deliver the food and furnishes shipping
4 documents to the secretary.

5 (2) Adulteration or misbranding of any food.

6 (3) Knowingly receiving in commerce any food which is
7 adulterated or misbranded and the delivery or proffered
8 delivery thereof for pay or otherwise.

9 (4) Sale, delivery for sale, holding for sale or
10 offering for sale any article in violation of section 5731
11 (relating to poisonous or deleterious substances and
12 tolerances).

13 (5) Refusal to permit during normal business hours entry
14 to, inspection of or taking of a sample or access to or
15 copying of any record at a food establishment as authorized
16 under section 5732(a) (2) and (3) (relating to inspection,
17 sampling and analysis).

18 (6) Removal or disposal of a detained or embargoed food
19 article in violation of section 5726 (relating to detention
20 and condemnation).

21 (7) Alteration, mutilation, destruction, obliteration or
22 removal of the whole or any part of the labeling of a food or
23 the doing of any other act with respect to a food, if the act
24 is done while the food is held for sale and results in the
25 food being adulterated or misbranded.

26 (8) Forging, counterfeiting, simulating, falsely
27 representing or using without proper authority any mark,
28 stamp, tag, label or other identification device authorized
29 or required by regulation promulgated under this subchapter.

30 (9) Use by any person to his own advantage or revealing,

1 other than to the secretary or the courts when relevant in
2 any judicial proceeding under this subchapter, of any
3 information acquired under authority of this subchapter
4 concerning any method or process which, as a trade secret or
5 confidential trade information, is entitled to protection.

6 (10) Holding of any potentially hazardous food at unsafe
7 temperatures in violation of an applicable regulation issued
8 under this chapter.

9 (11) Failure to register with the department under the
10 provisions of section 5734 (relating to registration of food
11 establishments).

12 (12) Use of wording which incorrectly indicates or
13 implies that a label or product has received approval of the
14 department. A food establishment may not claim registration
15 either upon its label or package or otherwise, except as
16 provided in section 5735 (relating to product registration).

17 (13) Sale of confectionery containing alcohol at a level
18 above one-half of 1% by volume.

19 (14) Failure by a carrier to make records showing the
20 movement in commerce of any food or the holding thereof
21 during or after the movement and the quantity, shipper and
22 consignee thereof available for one year after the initial
23 date of movement of the food in commerce.

24 § 5724. Temporary or permanent injunctions.

25 In addition to any other remedies provided in this
26 subchapter, the secretary may apply to the Commonwealth Court or
27 to any other court having jurisdiction for a temporary or
28 permanent injunction restraining a person from violating this
29 subchapter or any regulation adopted under this subchapter.

30 § 5725. Penalties.

1 (a) Criminal penalties.--A person who violates any provision
2 of this subchapter or any rule, regulation, standard or order
3 made under this subchapter commits a summary offense for the
4 first or second offense. A person who violates this subchapter
5 or any rule, regulation, standard or order made under this
6 subchapter commits a misdemeanor of the third degree if the
7 violation is a third or subsequent offense and if the violation
8 occurs within two years of the date of the last previous
9 offense.

10 (b) Civil penalties.--In addition to proceeding under any
11 other remedy available at law or in equity for a violation of
12 this subchapter, or a rule or regulation adopted or any order
13 issued under this subchapter, the secretary may assess a civil
14 penalty not to exceed \$10,000 upon an individual or business for
15 each offense. No civil penalty shall be assessed unless the
16 person charged has been given notice and opportunity for a
17 hearing in accordance with law. In determining the amount of the
18 penalty, the secretary shall consider the gravity of the
19 violation. Whenever the secretary finds a violation which did
20 not cause harm to human health, the secretary may issue a
21 warning in lieu of assessing a penalty. In case of inability to
22 collect the civil penalty or failure of any person to pay all or
23 any portion of the penalty as the secretary may determine, the
24 secretary may refer the matter to the Attorney General, who
25 shall recover the amount by action in the appropriate court.

26 (c) Guaranty.--

27 (1) No prosecution shall be sustained under the
28 provisions of this subchapter for the manufacture, delivery,
29 consignment, bailment, holding or sale of or offering for
30 sale, exposing for sale or having in possession with intent

1 to sell any adulterated or misbranded article against a
2 person from whom the article of food, sample or portion was
3 obtained by the department if the person can establish a
4 guaranty to the effect that the article of food is not
5 adulterated or misbranded within the meaning of this
6 subchapter, was adulterated or misbranded prior to coming
7 into the possession of the person and the person did not know
8 or have reason to know of the adulteration or misbranding or
9 was adulterated or misbranded after it left the possession
10 and control of the person. The guaranty must be signed by the
11 supplier, manufacturer, wholesale dealer, jobber or
12 distributor from whom the articles of food were purchased or
13 procured.

14 (2) The guaranty to afford protection shall contain the
15 name and address of the supplier, manufacturer, wholesale
16 dealer, jobber or distributor making the sale of the article
17 of food to the person holding the guaranty. A supplier,
18 manufacturer, wholesale dealer, jobber or distributor giving
19 a guaranty under the provisions of this subchapter may be
20 held responsible and may be proceeded against for the
21 adulteration or misbranding of any article of food sold under
22 the guaranty and shall be subject to the penalties provided
23 for violation of this subchapter. A guaranty shall not
24 operate as a defense to prosecution for a violation of the
25 provisions of this subchapter if the person holding the
26 guaranty continues to sell the same food after written or
27 printed notice from the secretary that the article is
28 adulterated or misbranded within the meaning of this
29 subchapter. However, if the person violated the provisions of
30 this subchapter by having stored, transported, exposed or

1 kept the article in a way or manner to render it diseased,
2 contaminated or unwholesome, the person may be proceeded
3 against for a violation.

4 (d) Minor violations.--Nothing in this subchapter shall be
5 construed as requiring prosecution or institution of a
6 proceeding under this subchapter for minor violations of this
7 subchapter if the secretary believes that the public interest
8 will be adequately served in the circumstances by a suitable
9 written notice or warning.

10 (e) Food establishments subject to local inspections.--
11 Penalties shall be established by the county, borough,
12 incorporated town or township for food establishments that are
13 subject to local inspection under section 5733(b) (relating to
14 rules and regulations).

15 § 5726. Detention and condemnation.

16 (a) Marking detained food.--Whenever the secretary has
17 probable cause to believe that food is adulterated or
18 misbranded, the secretary shall affix to the container or
19 wrapping a tag or other marking. The tag or marking shall give
20 notice that:

21 (1) The food may be adulterated or misbranded and shall
22 be detained.

23 (2) It is unlawful to remove the food from the food
24 establishment or to dispose of it without approval of the
25 secretary.

26 (b) Determination and appeal.--The secretary shall determine
27 whether a food detained under this subchapter may be sold,
28 delivered, consigned, held or offered for sale as is or whether
29 it shall be relabeled, reprocessed or destroyed within 40 days
30 of issuance of the detention order. Any determination by the

1 secretary that the food shall be relabeled, reprocessed or
2 destroyed shall be subject, within 30 days of the determination,
3 to appeal by the owner or operator of the food establishment or
4 the manufacturer or owner of the food to the court of common
5 pleas of the county in which the food was located. The detention
6 order shall expire after five working days from the issuance of
7 the order, unless the secretary confirms the order. The order
8 shall clearly and concisely state the facts on which it is
9 based.

10 (c) Relabeling.--If the secretary determines that the
11 adulteration or misbranding can be corrected by a proper label
12 or reprocessing and the determination is not appealed within the
13 time permitted, the secretary may direct that the food be
14 released to the claimant to label or process under the
15 supervision of the secretary. The relabeled or reprocessed food
16 shall not be released into the market until the secretary has
17 executed an order indicating that the food is no longer in
18 violation of this subchapter.

19 (d) Order for destruction.--Food detained under this
20 subchapter shall be destroyed by the owner under the supervision
21 of the secretary, if the secretary determines that the food is
22 unfit for human consumption and the food cannot be reconditioned
23 so as to be made fit for human consumption and the determination
24 is not appealed within the time permitted. Food detained under
25 this subchapter may be used as animal feed or for other
26 beneficial use, provided that such use is in compliance with
27 other applicable statutes, rules, regulations, standards and
28 orders. The owner shall pay all costs of destruction.

29 § 5727. Temporary permits.

30 Temporary permits granted by Federal agencies for interstate

1 shipment of experimental packs of food varying from the
2 requirements of definitions and standards of identity in Federal
3 acts shall be effective in this Commonwealth under the
4 conditions provided in the permits. The secretary may issue
5 intrastate permits where they are necessary to the completion of
6 an investigation and where the interests of consumers are
7 safeguarded for foods not complying with definitions, standards
8 of identity and State laws and regulations. The permits shall be
9 for a period not to exceed one year, although the permit may be
10 extended for a period of up to one additional year if a new
11 standard of identity has been applied for under section 5733
12 (relating to rules and regulations). The secretary may revoke a
13 permit after notice to the affected party if the application
14 contains misleading statements or if the secretary determines
15 that unfair competitive advantage is gained through the issuance
16 of the permit or that the need no longer exists for the permit.
17 § 5728. Adulteration of food.

18 A food shall be deemed adulterated:

19 (1) If it bears or contains any poisonous or deleterious
20 substance which may render it injurious to health. However,
21 if the substance is not an added substance, the food shall
22 not be considered adulterated under this section if the
23 quantity of the substance in the food does not ordinarily
24 render it injurious to health.

25 (2) If it bears or contains any added poisonous or added
26 deleterious substance which is unsafe within the meaning of
27 section 5731 (relating to poisonous or deleterious substances
28 and tolerances). This paragraph does not apply to a pesticide
29 chemical in or on a raw agricultural commodity, a food
30 additive or a color additive.

1 (3) If it is a raw agricultural commodity and bears or
2 contains a pesticide chemical which is unsafe within the
3 meaning of section 5731, except that, where a pesticide
4 chemical has been used in or on a raw agricultural commodity
5 with an exemption granted or tolerance prescribed under
6 section 5731 or under any of the Federal acts and the raw
7 agricultural commodity has been subjected to processing such
8 as canning, cooking, freezing, dehydrating or milling, the
9 residue of the pesticide remaining in or on the processed
10 food shall, notwithstanding the provisions of section 5731
11 and this paragraph, not be deemed unsafe if the residue in or
12 on the raw agricultural commodity has been removed to the
13 extent possible in good manufacturing practice and the
14 concentration of the residue in the processed food when ready
15 to eat is not greater than the tolerance prescribed for the
16 raw agricultural commodity.

17 (4) If it bears or contains any food additive which is
18 unsafe within the meaning of section 5731 or under any of the
19 Federal acts.

20 (5) If it consists, in whole or in part, of any
21 diseased, contaminated, filthy, putrid or decomposed
22 substance or is otherwise unfit for food.

23 (6) If it has been produced, prepared, packed or held
24 under unsanitary conditions so that it may have become
25 contaminated with filth or may have been rendered diseased,
26 unwholesome or injurious to health.

27 (7) If it is, in whole or in part, the product of a
28 diseased animal or of an animal which has died otherwise than
29 by slaughter.

30 (8) If its container is composed, in whole or in part,

1 of any poisonous or deleterious substance which may render
2 the contents injurious to health, unless the container is
3 fabricated or manufactured with good manufacturing practice
4 as that standard is defined and delineated by any of the
5 Federal acts and their regulations.

6 (9) If it has been intentionally subjected to radiation,
7 unless the use of the radiation was in conformity with a
8 regulation or exemption in effect under section 5731 or under
9 one of the Federal acts.

10 (10) If:

11 (i) any valuable constituent has been, in whole or
12 in part, omitted or abstracted therefrom;

13 (ii) any substance has been substituted wholly or in
14 part;

15 (iii) damage or inferiority has been concealed in
16 any manner; or

17 (iv) any substance has been added thereto or mixed
18 or packed so as to increase its bulk or weight or reduce
19 its quality or strength or make it appear better or of
20 greater value than it is.

21 (11) If it bears or contains any color additive which is
22 unsafe within the meaning of section 5731 or under one of the
23 Federal acts.

24 (12) If it bears or contains eggs processed by or egg
25 products derived from a manufacturing, processing or
26 preparing method wherein whole eggs are broken using a
27 centrifuge-type egg breaking machine that separates the egg's
28 liquid interior from the shell.

29 § 5729. Misbranding of food.

30 (a) General rule.--A food shall be misbranded:

1 (1) If its labeling is false or misleading in any way.

2 (2) If it is offered for sale under the name of another
3 food.

4 (3) If it is an imitation of another food, unless its
5 label bears, in type of uniform size and prominence, the word
6 "imitation" and, immediately thereafter, the name of the food
7 that is simulated.

8 (4) If its container is so made, formed or filled as to
9 be misleading.

10 (5) If it is in a package that does not bear a label
11 containing:

12 (i) The name and place of business of the
13 manufacturer, packer or distributor.

14 (ii) An accurate statement of the quantity of the
15 contents in terms of weight, measure or numerical count.

16 Reasonable variations are permitted and exemptions as to
17 small packages shall be established in regulations
18 promulgated by the secretary.

19 (6) If it is represented as a food for which a
20 definition and standard of identity has been prescribed by
21 regulation under this subchapter or under any of the Federal
22 acts, unless it conforms to the definition and standard and
23 its label bears the name of the food specified in the
24 definition and standard and the common names of optional
25 ingredients, other than spices, flavoring and coloring,
26 present in the food.

27 (7) Unless its label bears the following:

28 (i) The common or usual name of the food, if any.

29 (ii) If made from two or more ingredients, the
30 common or usual name of each ingredient is listed in

1 descending order of predominance by weight, except that
2 spices, flavorings and colorings not required to be
3 certified under any of the Federal acts, other than those
4 sold as such, may be designated as spices, flavorings and
5 colorings without naming each.

6 (8) If it is represented for special dietary uses,
7 unless its label bears such information concerning its
8 vitamin, mineral and other dietary properties as determined
9 by regulation to be necessary and in order to inform
10 purchasers as to its value for such use.

11 (9) If it bears or contains any artificial flavoring,
12 artificial coloring or chemical preservative, unless it bears
13 labeling stating that fact. Exemptions shall be established
14 by regulations to the extent that compliance with
15 requirements of this paragraph is impracticable. The
16 provisions of this paragraph or paragraphs (6) and (7) with
17 respect to artificial coloring shall not apply in the case of
18 butter, cheese or ice cream. The provisions of this paragraph
19 with respect to chemical preservatives shall not apply to a
20 pesticide chemical when used in or on a raw agricultural
21 commodity which is the produce of the soil.

22 (10) If it is a raw agricultural commodity bearing or
23 containing a pesticide chemical applied after harvest, unless
24 the shipping container of the commodity bears labeling which
25 declares the presence of the chemical and the common or usual
26 name and function of the chemical. A declaration shall not be
27 required when the commodity is removed from the shipping
28 container and is held or displayed for sale at retail in
29 accordance with the custom of the trade.

30 (11) If it is a color additive, unless its packaging and

1 labeling are in conformity with the packaging and labeling
2 requirements applicable to color additives in department
3 regulations.

4 (12) If, at the site of purchase of the particular food,
5 a sign, placard or other graphic matter relating to the food
6 is false or misleading in any particular.

7 (b) Exceptions.--The provisions of subsection (a)(1), (2),
8 (3), (4), (5), (6), (7), (8), (9), (10) and (11) shall not apply
9 to the following:

10 (1) Bakery goods sold at retail by the bakery directly
11 to the consumer in a store or market stand operated by the
12 bakery. The bakery goods must be made by the bakery, the
13 bakery must guarantee that they are in compliance with this
14 act in all other respects and the required information in
15 subsection (a)(1), (2), (3), (4), (5), (6), (7), (8) and (9)
16 must be available to the public at the point-of-sale.

17 (2) Bakery goods sold to the operators of retail food
18 facilities when the required information in subsection (a)(1)
19 (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) is
20 available to the public on the premises of the retail food
21 facility.

22 (c) Nonpackaged food.--Food offered for retail sale in other
23 than package form shall be accompanied by a sign, placard or
24 notice listing the ingredients in descending order of
25 predominance by weight.

26 § 5730. Regulations to exempt certain labeling requirements.

27 The department shall promulgate regulations exempting from
28 any labeling requirement food which is, in accordance with the
29 practice of the trade, to be processed, labeled or repacked in
30 substantial quantities at establishments other than those where

1 originally processed or packed if the food is not adulterated or
2 misbranded under this subchapter upon removal from the
3 processing, labeling or repacking establishments.

4 § 5731. Poisonous or deleterious substances and tolerances.

5 (a) Additions to food.--A poisonous or deleterious substance
6 added to a food, except where the substance is required in its
7 production and cannot be avoided by good manufacturing practice,
8 shall be deemed to be unsafe unless added in compliance with the
9 Federal acts.

10 (b) Pesticide chemicals in or on raw agricultural
11 commodities.--A poisonous or deleterious pesticide chemical, or
12 any chemical which is not generally recognized among experts
13 qualified by scientific training and experience to evaluate the
14 safety of pesticide chemicals as safe for use, added to a raw
15 agricultural commodity shall be deemed unsafe unless added in
16 compliance with the Federal acts.

17 (c) Unsafe food additives.--A food additive shall, with
18 respect to any particular use or intended use, be deemed to be
19 unsafe for the purposes of the application of section 5728(4)
20 (relating to adulteration of food) unless it and its intended
21 use conform to the terms of an exemption which is in effect
22 under this section or unless there is in effect, and it and its
23 intended use are in conformity with, a regulation issued under
24 this section prescribing the conditions under which the additive
25 may be safely used. A food which is in compliance with a
26 regulation relating to a food additive shall not, by reason of
27 bearing or containing an additive in accordance with the
28 regulations, be considered adulterated within the meaning of
29 section 5728(4).

30 § 5732. Inspection, sampling and analysis.

1 (a) Inspection.--For purposes of enforcement of this
2 subchapter, the secretary is authorized, upon presenting
3 appropriate credentials to the owner, operator or agent in
4 charge:

5 (1) To enter at reasonable times any factory, warehouse
6 or food establishment in which food is or was manufactured,
7 processed, packed or held for introduction into commerce or
8 to enter any vehicle used to transport or hold the food in
9 commerce.

10 (2) To inspect at reasonable times, within reasonable
11 limits and in a reasonable manner the factory, warehouse,
12 food establishment or vehicle and all pertinent materials,
13 containers and labeling and to obtain samples necessary to
14 administer this subchapter.

15 (3) To have access to and to copy all records of
16 carriers showing the movement in commerce of any food or the
17 holding thereof during or after the movement, and the
18 quantity, shipper and consignee thereof, if the secretary has
19 probable cause to believe that the movement or holding of
20 food is in violation of this subchapter or department
21 regulations.

22 (b) Report of inspection.--Upon completion of an inspection
23 of a factory, warehouse or other food establishment and prior to
24 leaving the premises, the secretary shall give to the owner,
25 operator or agent in charge a written report of the findings of
26 the inspection.

27 (b.1) Interagency coordination.--The department shall share
28 inspection reports or tests results that indicate human illness
29 related to food consumption or food handling practices, or to
30 other threats to the safety of the food supply, with the

Department of Health, the Department of Environmental Protection or any other Commonwealth agency as necessary to develop a comprehensive, coordinated interagency approach to protecting public health and safeguarding the food supply.

(c) Collection of samples.--During an inspection of a factory or other food establishment where food is manufactured, processed, packed, stored or offered for sale, the secretary may obtain a sample of any food for such analysis as is necessary to determine compliance with this subchapter.

(d) Receipt for samples.--If the secretary has obtained any sample in the course of the inspection, the secretary shall, upon completion of the inspection and prior to leaving the premises, give to the owner, operator or agent in charge a receipt describing the sample obtained.

(e) Payment of samples.--The food establishment from which samples are collected may bill the secretary for the fair market value of the samples.

§ 5733. Rules and regulations.

(a) Nature of rules.--The secretary shall be charged with the enforcement of this subchapter and shall promulgate rules, regulations and food standards necessary for its proper enforcement. The rules, regulations and food standards shall conform and shall be construed to conform with the purposes expressed in section 5736 (relating to construction of subchapter).

(b) Local inspection.--Nothing in this subchapter shall prohibit any county, city, borough, incorporated town or township which was licensing food establishments in accordance with THE ACT OF APRIL 21, 1949 (P.L.665, NO.155), KNOWN AS THE FIRST CLASS CITY HOME RULE ACT, OR the act of August 24, 1951





1 (P.L.1304, No.315), known as the Local Health Administration
2 Law, on September 2, 1994, from continuing to license such food
3 establishments in accordance with THE FIRST CLASS CITY HOME RULE
4 ACT OR the Local Health Administration Law. No county, city,
5 borough, incorporated town or township shall ordain or enforce
6 requirements of any kind or description with respect to food
7 establishments related to sanitation, food safety, inspections,
8 standards and labeling other than those promulgated by the
9 secretary in accordance with this subchapter or adopted in
10 accordance with subsection (f).

11 (c) Reciprocal inspection.--The secretary is authorized to
12 enter into reciprocal agreements with other jurisdictions to
13 ensure inhabitants of this Commonwealth that food sold in this
14 Commonwealth complies with this subchapter and its regulations.
15 The agreements may be for reciprocal inspection and labeling
16 review. The secretary may approve or accept inspection and
17 labeling requirements of other jurisdiction with respect to
18 food.

19 (d) Uniform regulation.--In reaching reciprocal agreements
20 with other jurisdictions, the provisions of this subchapter and
21 its regulations shall be considered as establishing uniform
22 requirements and regulations for food establishments throughout
23 this Commonwealth as defined in section 5722 (relating to
24 definitions).

25 (e) Interagency agreements.--Nothing in this subchapter
26 shall prohibit a Commonwealth agency which is regulating and
27 inspecting retail food facilities in accordance with Subchapter
28 A (relating to retail food facility safety) from continuing to
29 regulate and inspect retail food facilities in accordance with
30 Subchapter A.

1 (f) Adoption of Federal regulations.--All regulations and
2 supplements thereto or revisions thereof adopted under the
3 Federal acts which relate to food on, before or after the
4 effective date of this subchapter are adopted as regulations in
5 this Commonwealth and shall remain in effect unless subsequently
6 modified or superseded by regulations promulgated by the
7 secretary.

8 (g) Water standards.--If a food establishment uses or
9 supplies water for human consumption, the water shall be in
10 compliance with the primary and secondary Maximum Contaminant
11 Levels (MCL), treatment techniques and Maximum Residual
12 Disinfectant Levels (MRDL) required by the act of May 1, 1984
13 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water
14 Act, and its attendant regulations.

15 (h) Definitions.--As used in this section, the phrase "other
16 jurisdictions" shall mean the United States of America or any
17 state, territory or possession thereof or any other country.
18 § 5734. Registration of food establishments.

19 (a) General rule.--Subject to the rules and regulations
20 adopted by the secretary, it shall be the duty of every person
21 operating a food establishment within this Commonwealth to
22 register with the secretary as a food establishment. This
23 registration requirement shall not be construed to exempt food
24 establishments from licensing requirements of any county, city,
25 borough, incorporated town or township in accordance with THE
26 ACT OF APRIL 21, 1949 (P.L.665, NO.155), KNOWN AS THE FIRST
27 CLASS CITY HOME RULE ACT, OR the act of August 24, 1951
28 (P.L.1304, No.315), known as the Local Health Administration
29 Law.

30 (b) Application.--The application for registration shall be



1 made on a form to be supplied by the secretary upon request of
2 the applicant.

3 (c) Fee.--The registration fee shall be \$35 per food
4 establishment per year.

5 (d) Exception.--Vehicles used primarily for the
6 transportation of any consumer commodity in bulk or quantity to
7 manufacturers, packers, processors or wholesale or retail
8 distributors are exempt from the provisions of this section.

9 (e) Single food establishment.--For purposes of this
10 section, food establishments which are located at the same
11 address and operated by the same person shall be deemed to be a
12 single food establishment.

13 § 5735. Product registration.

14 The secretary may promulgate regulations allowing food
15 establishments to label their food products as having been
16 registered by the department. "Reg. Penna. Dept. Agr." shall be
17 the approved abbreviation. This registration label shall be
18 limited to food products prepared or packed in a food
19 establishment registered under section 5734 (relating to
20 registration of food establishments).

21 § 5736. Construction of subchapter.

22 (a) General rule.--The provisions of this subchapter and the
23 regulations promulgated under this subchapter shall be construed
24 in a manner that is consistent with the Federal acts and
25 regulations promulgated under those acts. The secretary shall
26 not ordain or enforce requirements relating to sanitation, food
27 safety, food standards and labeling requirements of any kind or
28 description other than those provided for in the Federal acts
29 unless the proposed regulation meets all of the following:

30 (1) is justified by compelling and unique local

conditions;

(2) protects an important public interest that would otherwise be unprotected;

(3) relates to subject matter that is primarily local in nature and the Federal agency with responsibility over the subject matter is not exercising its jurisdiction with respect to the subject matter;

(4) would not cause a food to be in violation of any applicable requirements under the Federal acts; and

(5) would not unduly burden interstate commerce.

(b) Secretary to participate in rulemaking.--The secretary is encouraged to participate in rulemaking under the Federal acts and, if necessary, to pursue Federal rulemaking as is deemed necessary for the protection of the citizens of this Commonwealth through the Federal petition and rulemaking process.

§ 5737. Acts not affected.

Nothing in this subchapter shall be construed to abrogate or supersede any provision or regulation adopted under:

(1) The act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law, the act of August 8, 1961 (P.L.975, No.436), referred to as the Milk Adulteration and Labeling Act, and the act of September 1, 1965 (P.L.420, No. 215), known as The Frozen Dessert Law.

~~(2) The act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, with regard to licensure, regulation and inspection of a public eating or drinking place, as defined in section 5702 (relating to definitions), which is not a food establishment under this subchapter.~~



~~(3)~~ (2) Subchapter A (relating to retail food facility
safety).

SECTION 1.1. CHAPTERS 59 AND 61 OF TITLE 3 ARE REPEALED:

[CHAPTER 59

ORGANIC FOODS

SEC.

5901. SHORT TITLE OF CHAPTER.

5902. DECLARATION OF POLICY.

5903. DEFINITIONS.

5904. ORGANIC CERTIFICATION.

5905. CROP PRODUCTION PRACTICES AND MATERIALS.

5906. ANIMAL PRODUCTION PRACTICES AND MATERIALS.

5907. PRODUCER STATEMENT.

5908. RULES AND REGULATIONS.

5909. VIOLATIONS.

§ 5901. SHORT TITLE OF CHAPTER.

THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE ORGANIC
FOOD PRODUCTS STANDARDS ACT.

§ 5902. DECLARATION OF POLICY.

THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

(1) A PUBLIC BENEFIT WILL BE ACHIEVED BY ESTABLISHING
STANDARDS FOR AGRICULTURAL PRODUCTS MARKETED, LABELED AND
ADVERTISED USING THE TERM "ORGANIC" OR A DERIVATIVE OF THE
TERM "ORGANIC." STANDARDS FACILITATE THE DEVELOPMENT OF
INTRASTATE AND INTERSTATE MARKETS FOR ORGANICALLY PRODUCED
AGRICULTURAL PRODUCTS BY PROVIDING A CLEAR, UNIFORM
DEFINITION FOR FARMERS, FOOD PROCESSORS, FOOD DISTRIBUTORS
AND CONSUMERS ALIKE.

(2) IT IS INTENDED THAT PRIVATE CERTIFYING AGENTS BE
RECOGNIZED BY THE DEPARTMENT TO DETERMINE WHETHER FOOD

PRODUCTS MARKETED, LABELED AND ADVERTISED AS ORGANIC CONFORM TO STANDARDS SET FORTH IN THE ORGANIC FOODS PRODUCTION ACT OF 1990 (PUBLIC LAW 101-624, 104 STAT. 3935).

§ 5903. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"AGRICULTURAL PRODUCT." ANY AGRICULTURAL COMMODITY OR PRODUCT, WHETHER IN RAW OR PREPARED FORM, INCLUDING ANY COMMODITY OR PRODUCT DERIVED FROM LIVESTOCK THAT IS INTENDED FOR HUMAN OR LIVESTOCK CONSUMPTION OR SEED.

"DISTRIBUTE." TO OFFER FOR SALE, SELL, BARTER, PROCESS OR OTHERWISE SUPPLY AGRICULTURAL PRODUCTS.

"DISTRIBUTOR." ANY PERSON WHO SELLS AGRICULTURAL PRODUCTS TO CONSUMERS OR OTHER DISTRIBUTORS. THE TERM DOES NOT INCLUDE FINAL RETAILERS OF AGRICULTURAL PRODUCTS THAT DO NOT PROCESS AGRICULTURAL PRODUCTS.

"ORGANIC CERTIFICATION AGENT OR AGENCY." PRIVATE INDIVIDUALS OR ORGANIZATIONS RESIDING OR DOING BUSINESS IN THIS COMMONWEALTH WHO ARE CERTIFIED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE AS CAPABLE OF INSPECTING FARMS AND FOOD DISTRIBUTOR OPERATIONS TO DETERMINE WHETHER THE FARMS AND FOOD DISTRIBUTOR OPERATIONS CONFORM WITH STANDARDS SET FORTH IN THE ORGANIC FOODS PRODUCTION ACT OF 1990 (PUBLIC LAW 101-624, 104 STAT. 3935).

"ORGANICALLY PRODUCED." ANY AGRICULTURAL PRODUCT THAT IS PRODUCED AND DISTRIBUTED IN ACCORDANCE WITH THIS CHAPTER.

"PRODUCER." ANY PERSON THAT GROWS, RAISES, PROCESSES OR PRODUCES AN AGRICULTURAL PRODUCT AND DISTRIBUTES THE AGRICULTURAL PRODUCT AS ORGANICALLY PRODUCED.

1 "USDA." THE UNITED STATES DEPARTMENT OF AGRICULTURE.

2 § 5904. ORGANIC CERTIFICATION.

3 (A) GENERAL RULE.--THE DEPARTMENT SHALL DESIGNATE ONE OR
4 MORE ORGANIC CERTIFICATION AGENTS OR AGENCIES TO CERTIFY
5 ORGANICALLY PRODUCED AGRICULTURAL PRODUCTS IN ACCORDANCE WITH
6 THIS CHAPTER.

7 (B) ELIGIBILITY FOR SERVICES OR CERTIFICATION.--AN ORGANIC
8 CERTIFICATION AGENT OR AGENCY MAY NOT REFUSE SERVICES OR
9 CERTIFICATION TO A PERSON WHO MEETS ALL OF THE FOLLOWING
10 REQUIREMENTS:

11 (1) THE PERSON HAS MET CERTIFICATION REQUIREMENTS FOR
12 AGRICULTURAL PRODUCTS.

13 (2) THE PERSON HAS PAID CERTIFICATION FEES.

14 (C) USDA SEAL.--PRODUCERS AND DISTRIBUTORS CERTIFIED BY A
15 RECOGNIZED ORGANIC CERTIFICATION AGENT OR AGENCY MAY INCORPORATE
16 THE USDA SEAL IN THE LABEL DESIGN OF THEIR AGRICULTURAL PRODUCT.

17 (D) RECORDS.--EACH ORGANIC CERTIFICATION AGENT OR AGENCY
18 DESIGNATED BY THE DEPARTMENT SHALL MAINTAIN DETAILED AND
19 VERIFIABLE RECORDS ON EACH PRODUCER CERTIFIED FOR A PERIOD OF
20 TEN YEARS.

21 (E) PROPOSED REGULATIONS.--ORGANIC CERTIFICATION AGENTS OR
22 AGENCIES MAY SUBMIT PROPOSED REGULATIONS TO THE DEPARTMENT.

23 § 5905. CROP PRODUCTION PRACTICES AND MATERIALS.

24 (A) SEEDS AND SEEDLINGS.--TO BE CERTIFIED UNDER THIS
25 CHAPTER, PRODUCERS SHALL NOT APPLY MATERIALS TO OR ENGAGE IN
26 PRACTICES ON SEEDS OR SEEDLINGS THAT ARE CONTRARY TO OR
27 INCONSISTENT WITH USDA STANDARDS OR THIS CHAPTER.

28 (B) SOIL ADDITIVES.--TO BE CERTIFIED UNDER THIS CHAPTER,
29 PRODUCERS SHALL NOT:

30 (1) USE ANY FERTILIZERS CONTAINING SYNTHETIC INGREDIENTS

OR ANY COMMERCIALY BLENDED FERTILIZERS CONTAINING MATERIALS
PROHIBITED UNDER THE ORGANIC FOODS PRODUCTION ACT OF 1990
(PUBLIC LAW 101-624, 104 STAT. 3935) OR THIS CHAPTER.

(2) USE PHOSPHORUS, LIME OR POTASH AS A SOURCE OF
NITROGEN.

(C) CROP MANAGEMENT.--TO BE CERTIFIED UNDER THIS CHAPTER,
PRODUCERS SHALL NOT:

(1) USE NATURAL POISONS SUCH AS ARSENIC OR LEAD SALTS
THAT HAVE LONG-TERM EFFECTS AND PERSIST IN THE ENVIRONMENT,
AS DETERMINED BY THE DEPARTMENT.

(2) USE PLASTIC MULCHES UNLESS THE MULCHES ARE REMOVED
AT THE END OF EACH GROWING OR HARVEST SEASON.

(3) USE TRANSPLANTS THAT ARE TREATED WITH ANY SYNTHETIC
OR PROHIBITED MATERIAL.

§ 5906. ANIMAL PRODUCTION PRACTICES AND MATERIALS.

(A) LIVESTOCK IN GENERAL.--ANY LIVESTOCK THAT IS TO BE
SLAUGHTERED AND SOLD OR LABELED AS ORGANICALLY PRODUCED SHALL BE
RAISED IN ACCORDANCE WITH THIS CHAPTER.

(B) BREEDER STOCK.--BREEDER STOCK MAY BE PURCHASED FROM ANY
SOURCE IF THE STOCK IS NOT IN THE LAST THIRD OF GESTATION.

(C) PRACTICES.--IN ORDER FOR LIVESTOCK TO BE CERTIFIED AS
ORGANICALLY PRODUCED UNDER THIS CHAPTER PRODUCERS SHALL NOT:

(1) FEED THE LIVESTOCK FEED OTHER THAN ORGANICALLY
PRODUCED FEED THAT MEETS THE REQUIREMENTS OF THIS CHAPTER.

(2) USE THE FOLLOWING FEED:

(I) PLASTIC PELLETS FOR ROUGHAGE.

(II) MANURE REFEEDING.

(III) FEED FORMULAS CONTAINING UREA.

(3) USE GROWTH PROMOTERS AND HORMONES ON LIVESTOCK,
WHETHER IMPLANTED, INGESTED OR INJECTED, INCLUDING

1 ANTIBIOTICS AND SYNTHETIC TRACE ELEMENTS USED TO STIMULATE
2 GROWTH OR PRODUCTION OF THE LIVESTOCK.

3 (D) LIVESTOCK HEALTH CARE.--IN ORDER FOR LIVESTOCK TO BE
4 CERTIFIED AS ORGANICALLY PRODUCED UNDER THIS CHAPTER, PRODUCERS
5 SHALL NOT:

6 (1) USE SUBTHERAPEUTIC DOSES OF ANTIBIOTICS.

7 (2) USE SYNTHETIC INTERNAL PARASITICIDES ON A ROUTINE
8 BASIS.

9 (3) ADMINISTER MEDICATION, OTHER THAN VACCINATIONS, IN
10 THE ABSENCE OF ILLNESS.

11 (E) ADDITIONAL STANDARDS.--

12 (1) WITH THE EXCEPTION OF DAY-OLD POULTRY, ALL POULTRY
13 FROM WHICH MEAT OR EGGS WILL BE SOLD OR LABELED AS
14 ORGANICALLY PRODUCED SHALL BE RAISED AND HANDLED IN
15 ACCORDANCE WITH THIS CHAPTER PRIOR TO AND DURING THE PERIOD
16 IN WHICH THE MEAT OR EGGS ARE SOLD.

17 (2) A DAIRY ANIMAL FROM WHICH MILK OR MILK PRODUCTS WILL
18 BE DISTRIBUTED AS ORGANICALLY PRODUCED SHALL BE RAISED IN
19 ACCORDANCE WITH THIS CHAPTER FOR A PERIOD OF NOT LESS THAN
20 THE 12 MONTHS IMMEDIATELY PRIOR TO THE SALE OF THE MILK OR
21 MILK PRODUCTS.

22 (F) LIVESTOCK IDENTIFICATION.--

23 (1) TO BE CERTIFIED UNDER THIS CHAPTER, PRODUCERS MUST
24 KEEP ADEQUATE RECORDS AND MAINTAIN A DETAILED, VERIFIABLE
25 AUDIT TRAIL SO THAT EACH ANIMAL OR, IN THE CASE OF POULTRY,
26 EACH FLOCK CAN BE TRACED BACK TO THE PRODUCER.

27 (2) IN ORDER TO CARRY OUT THE REQUIREMENTS OF PARAGRAPH
28 (1), EACH PRODUCER MUST KEEP ACCURATE RECORDS ON EACH ANIMAL
29 OR, IN THE CASE OF POULTRY, EACH FLOCK, INCLUDING AMOUNTS AND
30 SOURCES OF ALL MEDICATIONS ADMINISTERED AND ALL FEEDS AND

1 FEED SUPPLEMENTS BOUGHT AND FED.

2 § 5907. PRODUCER STATEMENT.

3 A PRODUCER SHALL NOT SELL TO A DISTRIBUTOR ANY AGRICULTURAL
4 PRODUCT WHICH THE PRODUCER REPRESENTS AS AN ORGANICALLY PRODUCED
5 AGRICULTURAL PRODUCT UNLESS THE PRODUCER RECEIVED CERTIFICATION
6 FROM AN ORGANIC CERTIFICATION AGENCY OR AGENT PRIOR TO THE SALE.

7 § 5908. RULES AND REGULATIONS.

8 (A) ADOPTION.--THE DEPARTMENT SHALL ADOPT RULES AND
9 REGULATIONS IN CONFORMITY WITH THE ACT OF JUNE 25, 1982
10 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT, AND THE
11 ORGANIC FOODS PRODUCTION ACT OF 1990 (PUBLIC LAW 101-624, 104
12 STAT. 3935) AS THE DEPARTMENT BELIEVES ARE APPROPRIATE FOR THE
13 ADMINISTRATION OF THIS CHAPTER.

14 (B) PROHIBITED SUBSTANCES.--WHENEVER THE DEPARTMENT BELIEVES
15 IT APPROPRIATE TO PROTECT THE INTERESTS OF CONSUMERS OF
16 ORGANICALLY PRODUCED AGRICULTURAL PRODUCTS, THE DEPARTMENT MAY,
17 BY REGULATION AND IN ACCORDANCE WITH THE REGULATORY REVIEW ACT,
18 ADD TO THE LIST OF PROHIBITED SUBSTANCES UNDER THIS CHAPTER.

19 § 5909. VIOLATIONS.

20 THE DEPARTMENT SHALL ISSUE ORDERS TO PRODUCERS OR
21 DISTRIBUTORS FOUND VIOLATING ANY PROVISION OF THIS CHAPTER OR
22 RULES OR REGULATIONS ADOPTED UNDER THIS CHAPTER TO CEASE THEIR
23 VIOLATIONS AND DESIST FROM FUTURE VIOLATIONS. THE ORGANIC
24 CERTIFICATION AGENCIES, THE PRODUCERS AND THE DISTRIBUTORS SHALL
25 REPORT TO THE DEPARTMENT ANY VIOLATIONS OF THIS CHAPTER OF WHICH
26 THEY ARE AWARE. WHENEVER THE DEPARTMENT FINDS THAT A PRODUCER OR
27 DISTRIBUTOR HAS COMMITTED A VIOLATION, THE DEPARTMENT SHALL
28 IMPOSE UPON AND COLLECT FROM THE VIOLATOR A CIVIL FINE NOT
29 EXCEEDING THE TOTAL OF THE FOLLOWING AMOUNTS:

30 (1) THE COMMONWEALTH'S ESTIMATED COSTS OF INVESTIGATING

1 AND TAKING APPROPRIATE ADMINISTRATIVE AND ENFORCEMENT ACTIONS
2 IN RESPECT TO THE VIOLATION.

3 (2) \$1,000.

4 CHAPTER 61

5 MAPLE PRODUCTS

6 SEC.

7 6101. SHORT TITLE OF CHAPTER.

8 6102. DECLARATION OF POLICY.

9 6103. DEFINITIONS.

10 6104. LICENSE.

11 6105. REGISTRATION.

12 6106. ENFORCEMENT.

13 6107. REQUIREMENTS AND GRADES.

14 6108. PROHIBITED ACTS.

15 6109. LABELING OF MAPLE PRODUCTS.

16 6110. DETAINED FOOD.

17 6111. MANUFACTURING AND MARKETING PRACTICES.

18 6112. PENALTIES.

19 § 6101. SHORT TITLE OF CHAPTER.

20 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE MAPLE
21 PRODUCTS ACT.

22 § 6102. DECLARATION OF POLICY.

23 THE MAPLE INDUSTRY CONSTITUTES AN IMPORTANT PART OF THE
24 ECONOMY OF THIS COMMONWEALTH. THEREFORE, THE PURPOSE OF THIS
25 CHAPTER IS TO PRESERVE AND FOSTER GROWTH IN MAPLE PRODUCTS FOR
26 PRODUCERS AND ENSURE THE QUALITY OF MAPLE PRODUCTS OF THIS
27 COMMONWEALTH FOR THE CONSUMER BY ESTABLISHING REASONABLE
28 STANDARDS OF IDENTITY AND QUALITY FOR MAPLE PRODUCTS.

29 § 6103. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "ADVERTISEMENT." ANY METHOD USED TO CALL PUBLIC ATTENTION TO
4 A PRODUCT FOR THE SPECIFIC PURPOSE OF INDUCING A DESIRE TO
5 PURCHASE THAT PRODUCT. THE TERM INCLUDES, BUT IS NOT LIMITED TO,
6 SIGNS, DISPLAYS, RADIO AND TELEVISION BROADCASTS, NEWSPAPERS AND
7 PERIODICALS, DIRECT MAIL AND OTHER PRINTED FORMS.

8 "BRIX." A SCALE USED TO MEASURE SUGAR SOLUTIONS SO GRADUATED
9 THAT ITS READINGS AT A SPECIFIED TEMPERATURE REPRESENT
10 PERCENTAGES BY WEIGHT OF SUGAR IN THE SOLUTION.

11 "BULK MAPLE SYRUP." MAPLE SYRUP PACKED IN CONTAINERS OF MORE
12 THAN FIVE GALLONS.

13 "DAMAGED MAPLE SYRUP." A MAPLE SYRUP WHICH HAS COLOR,
14 APPEARANCE, FLAVOR, AROMA, EDIBILITY OR SHIPPING QUALITY WHICH
15 HAS BEEN ADVERSELY AFFECTED BY CONTAMINATION OF SAP OR SYRUP
16 WITH BIOLOGICAL, CHEMICAL, BUDDY OR PARTICULATE MATTER.

17 "DEALER," "PACKER" OR "REPROCESSOR." A PERSON WHO ANNUALLY
18 PURCHASES, PRODUCES OR OTHERWISE ACQUIRES FROM ANOTHER PERSON OR
19 PERSONS AT LEAST 1,000 GALLONS OF MAPLE SYRUP FOR THE PURPOSES
20 OF PACKAGING FOR RESALE OR FOR THE PURPOSES OF RESALE IN BULK.

21 "FOOD ESTABLISHMENT." SHALL HAVE THE MEANING GIVEN TO IT IN
22 THE ACT OF JULY 7, 1994 (P.L.421, NO.70), KNOWN AS THE FOOD ACT.

23 "GRADE." THE STANDARDS FOR MAPLE SYRUP OR MAPLE SUGAR
24 PROMULGATED THROUGH REGULATIONS OF THE DEPARTMENT AS THE
25 OFFICIAL GRADES OF MAPLE SYRUP OR MAPLE SUGAR FOR THIS
26 COMMONWEALTH.

27 "HYDROMETER." A FLOATING INSTRUMENT WHICH MEASURES THE
28 SPECIFIC GRAVITIES OF LIQUID SOLUTIONS AND WHICH CONTAINS A
29 SCALE DESIGNED TO DETERMINE THE DENSITY OF MAPLE SAP OR MAPLE
30 SYRUP.

1 "INSPECTOR." A PERSON WITH KNOWLEDGE OF THE MAPLE SYRUP
2 INDUSTRY DESIGNATED BY THE DEPARTMENT OF AGRICULTURE TO CARRY
3 OUT THE DUTIES DESCRIBED IN THIS CHAPTER.

4 "MAPLE PRODUCTS." MAPLE SYRUP, MAPLE SUGAR, MAPLE CREAM OR
5 ANY OTHER PRODUCT IN WHICH THE SUGAR CONTENT IS ENTIRELY DERIVED
6 FROM PURE MAPLE SAP AND TO WHICH NOTHING HAS BEEN ADDED UNLESS
7 ALLOWED UNDER SECTION 6107 (RELATING TO REQUIREMENTS AND
8 GRADES) .

9 "MAPLE SAP." THE UNPROCESSED LIQUID DERIVED FROM THE MAPLE
10 TREE.

11 "MAPLE SUGAR." THE SOLID, CRYSTALLINE PRODUCT OF MAPLE SAP.

12 "MAPLE SYRUP." THE LIQUID DERIVED BY CONCENTRATION AND HEAT
13 TREATMENT OF MAPLE SAP.

14 "MAPLE SYRUP CONFECTIONERY." A PRODUCT CONSISTING OF MAPLE
15 SYRUP AND OTHER FOOD PRODUCTS THAT DOES NOT CONTAIN ARTIFICIAL
16 FLAVORS OR COLORS.

17 "PACKAGED MAPLE SYRUP." MAPLE SYRUP PACKED IN CONTAINERS OF
18 FIVE GALLONS OR LESS.

19 "PRODUCER." A PERSON WHO COLLECTS MAPLE SAP FOR THE
20 PRODUCTION OF MAPLE SYRUP OR MAPLE PRODUCTS FOR SALE IN RETAIL
21 OR WHOLESALE MARKETS.

22 § 6104. LICENSE.

23 (A) GENERAL RULE.--A PERSON MAY NOT PURCHASE, PRODUCE OR
24 OTHERWISE ACQUIRE 1,000 GALLONS OF MAPLE SYRUP OR MORE ANNUALLY
25 FOR THE PURPOSES OF PACKAGING FOR SALE OR RESALE OR FOR THE
26 PURPOSES OF SALE OR RESALE IN BULK WITHOUT POSSESSING A CURRENT
27 VALID DEALER'S LICENSE ISSUED BY THE DEPARTMENT OR A CURRENT
28 VALID REGISTRATION AS A FOOD ESTABLISHMENT ISSUED BY THE
29 DEPARTMENT UNDER THE ACT OF JULY 7, 1994 (P.L.421, NO.70), KNOWN
30 AS THE FOOD ACT.

1 (B) OPTIONAL LICENSURE.--A PERSON WHO PURCHASES, PRODUCES OR
2 OTHERWISE ACQUIRES LESS THAN 1,000 GALLONS OF MAPLE SYRUP
3 ANNUALLY FOR THE PURPOSES OF PACKAGING FOR SALE OR RESALE OR FOR
4 THE PURPOSES OF SALE OR RESALE IN BULK MAY APPLY FOR AND BE
5 ISSUED A DEALER'S LICENSE BY THE DEPARTMENT. A PERSON WHO IS
6 LICENSED PURSUANT TO THIS SUBSECTION SHALL BE SUBJECT TO THE
7 SAME REQUIREMENTS APPLICABLE TO A PERSON LICENSED PURSUANT TO
8 SUBSECTION (A) .

9 (C) APPLICATION FOR LICENSE.--A PERSON SEEKING TO BE
10 LICENSED PURSUANT TO EITHER SUBSECTION (A) OR (B) SHALL APPLY ON
11 OR BEFORE DECEMBER 31 FOR A LICENSE FOR THE SUCCEEDING YEAR. THE
12 APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND,
13 TOGETHER WITH ANY OTHER INFORMATION WHICH THE DEPARTMENT MAY
14 REQUIRE, SHALL INCLUDE:

15 (1) THE NAME AND ADDRESS OF THE APPLICANT OR, IF THE
16 APPLICANT IS AN ASSOCIATION OR PARTNERSHIP, THE NAME AND
17 ADDRESS OF EACH MEMBER OF THE ASSOCIATION OR PARTNERSHIP OR,
18 IF THE APPLICANT IS A CORPORATION, THE NAME AND ADDRESS OF
19 EACH OFFICER OF THE CORPORATION.

20 (2) THE NAME AND ADDRESS OF THE PERSON, IF OTHER THAN
21 THE APPLICANT, WHOSE NAME WILL APPEAR ON THE LABEL OF ANY
22 MAPLE PRODUCT WHICH THE PERSON INTENDS TO SELL.

23 (3) THE LOCATION OF ALL PLACES AT WHICH THE APPLICANT
24 INTENDS TO DO BUSINESS.

25 (D) ISSUANCE OF LICENSE.--EXCEPT AS PROVIDED IN SUBSECTION
26 (E), THE DEPARTMENT SHALL ISSUE A DEALER'S LICENSE TO A PERSON
27 WHO SUBMITS A COMPLETED APPLICATION PURSUANT TO SUBSECTION (C)
28 AND PAYS THE ANNUAL LICENSE FEE OF \$35. A PERSON WHO PAYS THE
29 ANNUAL REGISTRATION FEE PURSUANT TO SECTION 14(C) OF THE FOOD
30 ACT SHALL NOT BE SUBJECT TO THE LICENSE FEE IMPOSED BY THIS

1 SUBSECTION.

2 (E) RIGHT TO REFUSE, SUSPEND OR REVOKE LICENSE.--THE
3 DEPARTMENT MAY REFUSE TO ISSUE A LICENSE OR MAY SUSPEND OR
4 REVOKE A PREVIOUSLY ISSUED LICENSE IF THE DEPARTMENT DETERMINES
5 THAT THE APPLICANT OR LICENSEE HAS DONE ANY OF THE FOLLOWING:

6 (1) FAILED TO PROVIDE ANY INFORMATION WHICH THE
7 DEPARTMENT HAS REASONABLY REQUESTED.

8 (2) MADE A FALSE OR MISLEADING STATEMENT IN THE
9 APPLICATION FOR A LICENSE OR THE RENEWAL OF A LICENSE.

10 (3) COMMITTED AN ACT PROHIBITED UNDER SECTION 6108
11 (RELATING TO PROHIBITED ACTS).

12 (F) APPEALS.--ANY PERSON REFUSED A LICENSE OR A LICENSE
13 RENEWAL OR ANY PERSON WHOSE LICENSE IS SUSPENDED OR REVOKED MAY
14 APPEAL THE REFUSAL, SUSPENSION OR REVOCATION IN ACCORDANCE WITH
15 TITLE 2 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

16 § 6105. REGISTRATION.

17 SUBJECT TO REGULATIONS PROMULGATED BY THE DEPARTMENT, A
18 LICENSEE MAY LABEL A MAPLE PRODUCT AS HAVING BEEN REGISTERED BY
19 THE DEPARTMENT. "REG. PENNA. DEPT. AGR." SHALL BE THE APPROVED
20 ABBREVIATION.

21 § 6106. ENFORCEMENT.

22 (A) GENERAL RULE.--A MAPLE PRODUCT SHALL BE SUBJECT TO THE
23 ACT OF JULY 7, 1994 (P.L.421, NO.70), KNOWN AS THE FOOD ACT, AND
24 THE REGULATIONS PROMULGATED UNDER THAT ACT, EXCEPT TO THE EXTENT
25 THAT THIS CHAPTER OR THE REGULATIONS PROMULGATED UNDER THIS
26 CHAPTER ARE INCONSISTENT WITH THOSE STATUTES AND REGULATIONS.

27 (B) INSPECTORS.--INSPECTORS SHALL HAVE THE POWER AND DUTY
28 TO:

29 (1) ADMINISTER AND ENFORCE THE PROVISIONS OF THIS
30 CHAPTER.

(2) PERIODICALLY INSPECT DEALERS, PRODUCERS AND OTHER FOOD ESTABLISHMENTS FOR COMPLIANCE WITH THIS CHAPTER. AN INSPECTOR MAY ENTER UPON ANY PUBLIC OR PRIVATE PREMISES DURING HOURS OF THEIR OPERATION AND OTHER REASONABLE TIMES WITHOUT PRIOR NOTICE TO INSPECT, CONDUCT TESTS, COLLECT SAMPLES AND EXAMINE RECORDS AS HE CONSIDERS NECESSARY TO DETERMINE COMPLIANCE WITH THIS CHAPTER.

(C) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE SUCH REGULATIONS AS ARE NECESSARY TO CARRY OUT THIS CHAPTER.

§ 6107. REQUIREMENTS AND GRADES.

(A) GENERAL RULE.--

(1) A FOOD PRODUCT SHALL NOT BE DESCRIBED AS "MAPLE" OR "MAPLE FLAVORED" UNLESS IT CONTAINS MAPLE SYRUP AS THE SOLE SOURCE OF MAPLE FLAVOR AND COLOR, PROVIDED THAT A FOOD PRODUCT WHICH CONTAINS MAPLE SYRUP AS THE SOLE SOURCE OF MAPLE FLAVOR BUT WHICH IS ARTIFICIALLY COLORED MAY BE DESCRIBED AS "MAPLE FLAVORED, ARTIFICIALLY COLORED."

(2) NO PERSON SHALL SELL OR OFFER FOR SALE IN THIS COMMONWEALTH MAPLE SYRUP WHICH DOES NOT COMPLY WITH THE GRADES, DENSITY, FLAVOR AND OTHER REQUIREMENTS OF THIS SECTION.

(B) PROCESSING.--MAPLE SYRUP SHALL NOT BE PROCESSED IN ANY MANNER WHICH ADDS OR REMOVES NATURALLY OCCURRING SOLUBLE MATERIALS. THIS LIMITATION SHALL NOT PRECLUDE THE USE OF APPROVED FILTER AIDS USED FOR THE SOLE PURPOSE OF ASSISTING THE REMOVAL OF SUSPENDED MATERIAL OR THE USE OF DEFOAMING AGENTS APPROVED BY THE DEPARTMENT.

(C) INGREDIENTS.--THE ONLY INGREDIENTS WHICH MAY BE ADDED TO MAPLE SAP IN THE PRODUCTION OF MAPLE SYRUP ARE:

(1) SALT.

1 (2) CHEMICAL PRESERVATIVES AND DEFOAMING AGENTS APPROVED
2 UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (52 STAT.
3 1040, 21 U.S.C. § 301 ET SEQ.).

4 (D) DENSITY.--

5 (1) UNLESS OTHERWISE ESTABLISHED BY REGULATIONS
6 PROMULGATED BY THE DEPARTMENT, THE MINIMUM DENSITY OF MAPLE
7 SYRUP SHALL BE 66 DEGREES BRIX AT 60 DEGREES FAHRENHEIT.

8 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3), NO PERSON SHALL
9 PLACE MAPLE SYRUP IN RETAIL OR WHOLESALE CONTAINERS IF IT
10 DOES NOT COMPLY WITH THE DENSITY STANDARDS OF THIS CHAPTER OR
11 SELL, EXCHANGE, OFFER FOR SALE OR EXPOSE FOR SALE PACKAGED
12 MAPLE SYRUP WHICH DOES NOT MEET THE DENSITY REQUIREMENTS OF
13 THIS CHAPTER.

14 (3) IF THE DENSITY OF BULK MAPLE SYRUP DOES NOT EXCEED
15 THE MINIMUM DENSITY SET FORTH IN PARAGRAPH (1), THE CONTAINER
16 SHALL BE CONSPICUOUSLY MARKED:

17 NOTICE

18 THE SYRUP IN THIS CONTAINER HAS A DENSITY OF (NUMBER)
19 DEGREES BRIX AT 60 DEGREES FAHRENHEIT.

20 (E) LABELING.--

21 (1) PACKAGED MAPLE SYRUP SHALL BE CONSPICUOUSLY LABELED
22 AS TO GRADE AT THE TIME OF PACKAGING.

23 (2) PACKAGED MAPLE SYRUP SHALL BE LABELED IN ACCORDANCE
24 WITH DEPARTMENT REQUIREMENTS.

25 (3) MAPLE PRODUCTS LABELED AS "ORGANIC" SHALL COMPLY
26 WITH ORGANIC FOOD LABELING LAWS.

27 (4) A PRODUCT OR PACKAGE CONTAINING A PRODUCT MADE BY
28 COMBINING MAPLE SAP, MAPLE SUGAR OR MAPLE SYRUP WITH ANY
29 OTHER SUGAR OR OTHER SUBSTANCE SHALL BE CLEARLY AND
30 CONSPICUOUSLY MARKED AS TO INDICATE THE ACCURATE AND

1 DESCRIPTIVE NAME OF THE ADDED SUBSTANCE AND THE AMOUNT OF
2 MAPLE SUGAR, MAPLE SYRUP OR OTHER SUBSTANCE CONTAINED IN THE
3 PRODUCT.

4 (5) A PRODUCT OR PACKAGE CONTAINING A PRODUCT MADE BY
5 USING AN ARTIFICIAL MAPLE FLAVORING OR ARTIFICIAL COLORING
6 SHALL BE CLEARLY AND CONSPICUOUSLY MARKED "ARTIFICIALLY
7 FLAVORED" OR "ARTIFICIALLY COLORED," AS THE CASE MAY BE.

8 (F) GRADE.--UNLESS OTHERWISE ESTABLISHED BY REGULATIONS
9 PROMULGATED BY THE DEPARTMENT, THE GRADES OF MAPLE SYRUP SHALL
10 BE AS FOLLOWS:

11 (1) "GRADE A LIGHT AMBER" SHALL HAVE A COLOR NO DARKER
12 THAN THE UNITED STATES DEPARTMENT OF AGRICULTURE'S VISUAL
13 COLOR STANDARD OF LIGHT AMBER AND A DELICATELY SWEET,
14 ORIGINAL MAPLE FLAVOR CHARACTERISTIC OF A LIGHT AMBER MAPLE
15 SYRUP. LIGHT AMBER MAPLE SYRUP SHALL BE FREE OF SUGAR
16 CRYSTALS AND SHALL NOT BE DAMAGED IN ANY WAY.

17 (2) "GRADE A MEDIUM AMBER" SHALL HAVE A COLOR NO DARKER
18 THAN THE UNITED STATES DEPARTMENT OF AGRICULTURE'S VISUAL
19 COLOR STANDARD OF MEDIUM AMBER AND A FLAVOR WHICH IS MORE
20 PRONOUNCED THAN THAT OF LIGHT AMBER BUT WHICH IS NOT STRONG
21 OR UNPLEASANT AND IS CHARACTERISTIC OF MEDIUM AMBER MAPLE
22 SYRUP. MEDIUM AMBER MAPLE SYRUP SHALL BE FREE OF SUGAR
23 CRYSTALS AND SHALL NOT BE DAMAGED IN ANY WAY.

24 (3) "GRADE A DARK AMBER" SHALL HAVE A COLOR NO DARKER
25 THAN THE UNITED STATES DEPARTMENT OF AGRICULTURE'S VISUAL
26 COLOR STANDARD OF DARK AMBER AND A FLAVOR WHICH IS STRONGER
27 THAN THAT OF MEDIUM AMBER BUT WHICH IS NOT SHARP, BITTER,
28 BUDDY OR OFF-FLAVOR AND IS CHARACTERISTIC OF DARK AMBER. DARK
29 AMBER MAPLE SYRUP SHALL BE FREE OF SUGAR CRYSTALS AND SHALL
30 NOT BE DAMAGED IN ANY WAY.

1 (4) "GRADE B" SHALL HAVE A COLOR DARKER THAN THE UNITED
2 STATES DEPARTMENT OF AGRICULTURE'S VISUAL COLOR STANDARD OF
3 DARK AMBER WHICH NONETHELESS PERMITS LIGHT TRANSMISSION
4 THROUGH STANDARD COMPARATOR CONTAINERS AND A FLAVOR WHICH IS
5 STRONGER THAN THAT OF MEDIUM AMBER BUT WHICH IS NOT SHARP,
6 BITTER, BUDDY OR OFF-FLAVOR AND IS CHARACTERISTIC OF DARK
7 AMBER. GRADE B MAPLE SYRUP SHALL BE FREE OF SUGAR CRYSTALS
8 AND SHALL NOT BE DAMAGED IN ANY WAY.

9 (5) "GRADE C" SHALL BE ANY MAPLE SYRUP WHICH DOES NOT
10 MEET THE GRADE STANDARDS FOR GRADE A LIGHT, MEDIUM OR DARK OR
11 GRADE B MAPLE SYRUP. GRADE C MAPLE SYRUP SHALL NOT BE
12 PACKAGED FOR RETAIL OR WHOLESALE SALES EXCEPT FOR SALE
13 DIRECTLY BETWEEN THE PRODUCER AND THE CONSUMER.

14 (G) HYDROMETERS.--THE DEPARTMENT SHALL PROMULGATE
15 REGULATIONS TO ESTABLISH STANDARDS FOR HYDROMETERS USED TO
16 DETERMINE THE DENSITY OF MAPLE SAP OR MAPLE SYRUP. THE
17 REGULATIONS SHALL INCLUDE A PROCEDURE FOR CERTIFYING THE
18 ACCURACY OF HYDROMETERS.

19 § 6108. PROHIBITED ACTS.

20 THE FOLLOWING ACTS ARE PROHIBITED:

21 (1) MANUFACTURE, SALE, DELIVERY, CONSIGNMENT, BAILMENT,
22 HOLDING OR OFFERING FOR SALE OF ANY MAPLE PRODUCT THAT IS
23 ADULTERATED OR MISBRANDED, EXCEPT WHERE A PERSON IN GOOD
24 FAITH DELIVERS OR OFFERS TO DELIVER THE FOOD AND FURNISHES
25 SHIPPING DOCUMENTS TO THE DEPARTMENT.

26 (2) KNOWING RECEIPT OR DELIVERY OR OFFER TO RECEIVE OR
27 DELIVER IN COMMERCE ANY MAPLE PRODUCT WHICH IS ADULTERATED OR
28 MISBRANDED, FOR PAY OR OTHERWISE.

29 (3) SALE, DELIVERY FOR SALE, HOLDING FOR SALE OR
30 OFFERING FOR SALE ANY MAPLE PRODUCT IN VIOLATION OF THE

1 PROVISIONS OF THIS CHAPTER.

2 (4) REFUSAL TO PERMIT ENTRY TO AND INSPECTION OF A FOOD
3 ESTABLISHMENT DURING NORMAL BUSINESS HOURS.

4 (5) REFUSAL TO PERMIT THE TAKING OF SAMPLES OR COPYING
5 OF RECORDS RELATED TO THE PRODUCTION, DISTRIBUTION OR SALE OF
6 MAPLE PRODUCTS.

7 (6) REMOVAL OR DISPOSAL OF A DETAINED OR EMBARGOED MAPLE
8 PRODUCT IN VIOLATION OF THIS CHAPTER.

9 (7) FAILURE TO ACQUIRE A LICENSE IF REQUIRED BY THIS
10 CHAPTER.

11 (8) ALTERATION, MUTILATION, DESTRUCTION, OBLITERATION OR
12 REMOVAL, IN WHOLE OR IN PART, OF A MAPLE PRODUCT LABEL WHILE
13 THE PRODUCT IS HELD FOR SALE IF, AS A RESULT, THE MAPLE
14 PRODUCT IS ADULTERATED OR MISBRANDED.

15 (9) FORGING, COUNTERFEITING, SIMULATING, FALSELY
16 REPRESENTING OR USING WITHOUT PROPER AUTHORITY ANY MARK,
17 STAMP, TAG, LABEL OR OTHER IDENTIFICATION DEVICE AUTHORIZED
18 OR REQUIRED BY THIS CHAPTER OR BY REGULATIONS PROMULGATED
19 PURSUANT TO THIS CHAPTER.

20 § 6109. LABELING OF MAPLE PRODUCTS.

21 ANY SYRUP, CONFECTION OR PRODUCT CONTAINING MAPLE SYRUP AND
22 ARTIFICIAL INGREDIENTS SHALL HAVE ALL ARTIFICIAL INGREDIENTS
23 CLEARLY IDENTIFIED ON THE LABEL. ANY SYRUP, CONFECTION OR
24 PRODUCT NOT CONTAINING MAPLE SYRUP OR MAPLE PRODUCTS SHALL NOT
25 BE LABELED AS A MAPLE SYRUP OR MAPLE PRODUCT OR MAPLE.

26 § 6110. DETAINED FOOD.

27 IF THE DEPARTMENT HAS PROBABLE CAUSE TO BELIEVE THAT A MAPLE
28 PRODUCT IS ADULTERATED OR MISBRANDED, THE MAPLE PRODUCT SHALL BE
29 DETAINED AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ACT
30 OF JULY 7, 1994 (P.L.421, NO.70), KNOWN AS THE FOOD ACT, AND THE

1 REGULATIONS PROMULGATED UNDER THAT ACT.

2 § 6111. MANUFACTURING AND MARKETING PRACTICES.

3 (A) WATER SUPPLY.--THE WATER SUPPLY USED IN THE PROCESSING
4 OF MAPLE PRODUCTS SHALL BE POTABLE, SUFFICIENT FOR THE
5 OPERATIONS INTENDED AND DERIVED FROM AN ADEQUATE SOURCE. PRIVATE
6 WATER SUPPLIES SHALL BE TESTED ANNUALLY NO MORE THAN 30 DAYS
7 BEFORE THE START OF ANY OPERATIONS.

8 (B) PHYSICAL STRUCTURE OF FACILITIES.--FLOORS, WALLS AND
9 CEILINGS OF FOOD ESTABLISHMENTS IN WHICH MAPLE PRODUCTS ARE
10 PROCESSED OR PACKAGED SHALL BE IN GOOD REPAIR AND PROPERLY
11 CLEANED. DRIP AND CONDENSATE FROM FIXTURES, DUCTS AND PIPES
12 SHALL NOT CONTAMINATE FOOD, FOOD CONTACT SURFACES OR FOOD
13 PACKAGING MATERIALS.

14 (C) LIGHTING.--ADEQUATE LIGHTING SHALL BE PROVIDED IN FOOD
15 ESTABLISHMENTS IN WHICH MAPLE PRODUCTS ARE PROCESSED OR
16 PACKAGED. FOOD SHALL BE PROTECTED AGAINST CONTAMINATION IN CASE
17 OF GLASS BREAKAGE.

18 (D) VENTILATION.--ADEQUATE VENTILATION SHALL BE PROVIDED IN
19 FOOD ESTABLISHMENTS IN WHICH MAPLE PRODUCTS ARE PROCESSED OR
20 PACKAGED TO MINIMIZE VAPORS, INCLUDING STEAM, IN AREAS WHERE
21 THEY MAY CONTAMINATE FOOD. SCREENS OR OTHER MEANS SHALL BE
22 PROVIDED WHERE NECESSARY TO PREVENT PESTS FROM ENTERING THE
23 ESTABLISHMENT.

24 (E) PEST CONTROL.--THE USE OF INSECTICIDES, RODENTICIDES AND
25 OTHER PEST CONTROL MEASURES SHALL BE PERMITTED IN FOOD
26 ESTABLISHMENTS IN WHICH MAPLE PRODUCTS ARE PROCESSED OR PACKAGED
27 ONLY UNDER SUCH PRECAUTIONS AND RESTRICTIONS AS WILL PREVENT
28 CONTAMINATION OF FOOD, FOOD CONTACT SURFACES AND FOOD PACKAGING
29 MATERIALS.

30 (F) PERSONAL SANITATION.--PROPER SANITARY PRACTICES SHALL BE

1 FOLLOWED IN FOOD ESTABLISHMENTS IN WHICH MAPLE PRODUCTS ARE
2 PROCESSED OR PACKAGED. TOILET FACILITIES SHALL BE AVAILABLE. NO
3 LICENSEE, EMPLOYEE OR OTHER PERSON SHALL USE TOBACCO IN THE
4 ESTABLISHMENT OR WHILE IN CONTACT WITH FOOD OR EQUIPMENT.
5 LICENSEES, EMPLOYEES AND OTHER PERSONS IN SUCH ESTABLISHMENT
6 SHALL BE FREE OF COMMUNICABLE DISEASES AND SHALL WEAR CLEAN
7 OUTER GARMENTS WHICH WILL NOT CONTRIBUTE TO THE CONTAMINATION OF
8 THE MAPLE PRODUCT.

9 (G) CLEANING EQUIPMENT.--AN EFFECTIVE CLEANING SCHEDULE
10 SHALL BE MAINTAINED AT ALL TIMES FOR A FOOD ESTABLISHMENT IN
11 WHICH MAPLE PRODUCTS ARE PROCESSED OR PACKAGED. ALL EQUIPMENT
12 AND UTENSILS SHALL BE MAINTAINED IN GOOD REPAIR. AT THE END OF
13 THE SEASON, EQUIPMENT AND LINES SHALL BE THOROUGHLY CLEANED WITH
14 AN APPROVED SANITIZING AGENT. FILTERING, BOTTLING AND CANNING
15 OPERATIONS SHALL BE PERFORMED ACCORDING TO ESTABLISHED MAPLE
16 INDUSTRY STANDARDS.

17 (H) STORAGE.--FACILITIES FOR STORAGE OF MAPLE PRODUCTS SHALL
18 BE MAINTAINED IN A CLEAN AND DRY CONDITION. ALL MAPLE PRODUCTS
19 WHICH ARE NOT BOTTLED OR CANNED SHALL BE ADEQUATELY PROTECTED
20 AND COVERED TO PREVENT CONTAMINATION AND ADULTERATION. PRODUCTS
21 SHALL BE STORED OFF THE FLOOR AND AWAY FROM WALLS. ALL PACKAGED
22 PRODUCTS SHALL BE STORED IN AN ACCEPTABLE SANITARY MANNER. ALL
23 CONTAINERS AND EQUIPMENT ASSOCIATED WITH THE PRODUCTION OF MAPLE
24 PRODUCTS SHALL BE MAINTAINED AND STORED IN AN ACCEPTABLE
25 SANITARY MANNER.

26 (I) TOXIC ITEMS.--TOXIC CLEANING COMPOUNDS, SANITIZING
27 AGENTS AND PESTICIDE CHEMICALS USED IN OR IN CONJUNCTION WITH A
28 FOOD ESTABLISHMENT IN WHICH MAPLE PRODUCTS ARE PROCESSED OR
29 PACKAGED SHALL BE IDENTIFIED, HELD AND STORED IN A MANNER THAT
30 PROTECTS AGAINST CONTAMINATION OF FOOD, FOOD CONTACT SURFACES OR

1 FOOD PACKAGING MATERIALS.

2 (J) CONTAINERS.--IN ADDITION TO ANY OTHER INFORMATION
3 REQUIRED BY THE PROVISIONS OF THIS CHAPTER OR BY THE REGULATIONS
4 PROMULGATED PURSUANT TO THIS CHAPTER, THE LABEL ON A CONTAINER
5 OF MAPLE SYRUP SHALL CONVEY INFORMATION TO THE CONSUMER TO
6 ADEQUATELY PROTECT THE MAPLE SYRUP FROM DETERIORATION, IF ANY,
7 WHICH COULD REASONABLY BE EXPECTED TO RESULT FROM THE CONTAINER.
8 § 6112. PENALTIES.

9 (A) CRIMINAL PENALTIES.--A PERSON WHO VIOLATES ANY PROVISION
10 OF THIS CHAPTER OR ANY RULE, REGULATION, STANDARD OR ORDER MADE
11 UNDER THIS CHAPTER COMMITS A SUMMARY OFFENSE FOR THE FIRST OR
12 SECOND OFFENSE. A PERSON WHO VIOLATES ANY PROVISION OF THIS
13 CHAPTER OR ANY RULE, REGULATION, STANDARD OR ORDER MADE UNDER
14 THIS CHAPTER COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF THE
15 VIOLATION IS A THIRD OR SUBSEQUENT OFFENSE AND IF THE VIOLATION
16 OCCURS WITHIN TWO YEARS OF THE DATE OF THE LAST PREVIOUS
17 OFFENSE.

18 (B) CIVIL PENALTIES.--IN ADDITION TO PROCEEDING UNDER ANY
19 OTHER REMEDY AVAILABLE AT LAW OR IN EQUITY FOR A VIOLATION OF
20 THIS CHAPTER OR A REGULATION PROMULGATED UNDER THIS CHAPTER, THE
21 SECRETARY MAY ASSESS A CIVIL PENALTY NOT TO EXCEED \$10,000 UPON
22 A PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES SECTION 6104
23 (RELATING TO LICENSE), 6105 (RELATING TO REGISTRATION), 6107
24 (RELATING TO REQUIREMENTS AND GRADES), 6108 (RELATING TO
25 PROHIBITED ACTS), 6109 (RELATING TO LABELING OF MAPLE PRODUCTS),
26 6110 (RELATING TO DETAINED FOOD) OR 6111 (RELATING TO
27 MANUFACTURING AND MARKETING PRACTICES) OR ANY REGULATION OR
28 ORDER PROMULGATED PURSUANT TO THOSE SECTIONS.]

29 Section 2. Sections 6502, 6503 and 6504 of Title 3 are
30 amended to read:

1 § 6502. Definitions.

2 The following words and phrases when used in this chapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 ["Advisory board" or "board." The Food Employee
6 Certification Advisory Board.]

7 "Certificate." A certificate of completion issued by a
8 certification program that has been evaluated and listed by an
9 accrediting agency that has been recognized by the Conference
10 for Food Protection Standards for Accreditation of Food
11 Protection Manager Certification Program.

12 "Conference for Food Protection." An independent, national
13 voluntary nonprofit organization to promote food safety and
14 consumer protection. Participants in this organization include
15 Federal, State and local regulatory agencies, universities, test
16 providers, certifying organizations, consumer groups, food
17 service and retail store trade associations and retail food
18 facility operators. The objectives of the organization include
19 identifying and addressing food safety problems and promoting
20 uniformity of regulations in food protection.

21 "Employee." As defined under section 5702 (relating to
22 definitions).

23 "Food establishment." [A room, building, place or portion
24 thereof or vehicle maintained, used or operated for the purpose
25 of selling to the public, commercially storing, packaging,
26 making, cooking, mixing, processing, bottling, baking, canning,
27 freezing, packing or otherwise preparing, transporting or
28 handling food. The term includes retail food stores and public
29 eating and drinking licensees, except those portions of
30 establishments operating exclusively under milk or milk products

permits and those portions of establishments operating exclusively under USDA inspection. The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast, homestead or inn as defined in the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law.] As defined in section 5722 (relating to definitions).

"Organized camp." As defined in section 5702 (relating to definitions).

"Person in charge." As defined in section 5702 (relating to definitions).

"Potentially hazardous food." As defined in section 5722-5702 (relating to definitions). [A food which consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustaceans or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.]

"PROPRIETOR." AS DEFINED IN SECTION 5702 (RELATING TO DEFINITIONS).

"Public eating [and] or drinking place." A public eating or drinking place as defined in [the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law.] section 5702 (relating to definitions).

"Retail food establishment." As defined in section 5702 (relating to definitions).

"Retail food facility." A public eating or drinking place or

1 a retail food establishment.

2 ["Supervisory employee." An owner or a person employed by or
3 designated by the business owner to fulfill the requirements of
4 this chapter.]

5 § 6503. Certification [advisory board and] programs.

6 (a) [Members of board.--The secretary shall appoint persons
7 to serve as members of the Food Employee Certification Advisory
8 Board. Representatives shall be selected to represent the
9 following groups for a term of two, three or four years to be
10 determined by the secretary:

11 (1) The chairman and minority chairman of the
12 Agricultural and Rural Affairs Committee of the Senate or
13 their designees and the chairman and minority chairman of the
14 Agricultural and Rural Affairs Committee of the House of
15 Representatives or their designees.

16 (2) A consumer representative.

17 (3) The Secretary of Agriculture or the secretary's
18 designee.

19 (4) Two representatives of production agriculture.

20 (5) Representatives, including at least one person
21 recommended by each of the following: Pennsylvania
22 Association of Milk Dealers, Pennsylvania Restaurant
23 Association, Pennsylvania Food Merchants Association,
24 Pennsylvania Convenience Store Council, Pennsylvania Bakers
25 Association, Pennsylvania Food Processors Association,
26 National Federation of Independent Businesses, Pennsylvania
27 Petroleum Marketers & Convenience Store Association, Local
28 1776 UFCW, Pennsylvania Retailers Association, the Licensed
29 Beverage Association, Pennsylvania Tourism and Lodging
30 Association, Associated Petroleum Industries, Pennsylvania

1 Veterinary Medical Association, County Commissioners
2 Association of Pennsylvania, Pennsylvania League of Cities
3 and Municipalities, Pennsylvania State Association of
4 Boroughs, Pennsylvania State Association of Township
5 Commissioners, Pennsylvania State Association of Township
6 Supervisors and Pennsylvania School Food Service Association.
7 At least one representative shall have experience in the
8 field of public health.] (Reserved).

9 (b) [Chairman of board.--The secretary or the secretary's
10 designee shall serve as the chairman of the advisory board.]
11 (Reserved).

12 (c) Certification programs.--[The advisory board shall
13 review and recommend certification programs submitted by
14 individuals or organizations to ensure adequate training of
15 supervisory employees of food establishments.] The department
16 shall recognize certification programs including examinations
17 developed under those programs that are evaluated and listed by
18 an accrediting agency that has been recognized by the Conference
19 for Food Protection as conforming to the Conference for Food
20 Protection Standards for Accreditation of Food Protection
21 Manager Certification Program.

22 (c.1) [Other duties.--For the purpose of complying with the
23 requirements of section 6504(g)(1) (relating to certification of
24 employees), the secretary shall convene a meeting of the
25 advisory board no later than March 1, 2003.] (Reserved).

26 (d) Certification of [supervisory] employees.--[The
27 supervisory employees] An employee shall be certified [by the
28 department] following [the completion of training programs
29 recommended by the advisory board and approved by the
30 department. The department shall adopt food safety protection

1 and training standards for the certification of supervisory
2 employees who are responsible for the storage, preparation,
3 display or serving of foods to the public in establishments
4 regulated by the department or local health organizations. These
5 standards shall be adopted by the department to ensure that,
6 upon successfully passing a test, the supervisory employee has
7 demonstrated adequate food protection knowledge. These standards
8 shall also provide for a certification program which authorizes
9 private or public agencies to conduct and approve tests and
10 certify the results of these tests to the department. At least
11 one supervisory employee of a food establishment shall have
12 passed the test and received a certificate attesting thereto.
13 Employees shall have a period of 90 days after employment to
14 pass the required test.] demonstration of food safety protection
15 knowledge by the successful completion of an examination
16 conducted by or pursuant to an accredited certification program
17 recognized by the department under subsection (c). A retail food
18 facility shall have a period of three months after licensing
19 under Ch. 57 Subch. A (relating to retail food facility safety)
20 within which to comply with this chapter.

21 (e) Preemption.--Except as provided in subsection (f), the
22 regulation of food safety protection and training standards for
23 employees of [food establishments] retail food facilities is
24 preempted by the Commonwealth.

25 (f) Local programs.--Any food employee certification program
26 established by a county, city, borough, incorporated town or
27 township prior to September 1, 1994, may remain in effect.

28 § 6504. Certification of employees.

29 ~~(a) General rule. [Food establishments shall maintain~~
30 ~~certification records on respective supervisory employees.] Each~~



~~{food establishment shall employ a person having supervisory
authority} retail food facility shall have a person in charge
who holds a valid {department food employee} certificate[.]
present at the retail food facility at all hours of operation.~~

~~(a.1) Exemption. Notwithstanding the provisions of
subsection (a), the department shall, by regulation, exempt
categories of retail food facilities from the requirement that a
certified person in charge be present at all hours of operation.
The regulation shall consider risk-based factors identified in
the current edition of the Food Code, published by the United
States Department of Health, Food and Drug Administration, to
identify these categories of retail food facilities.~~

~~(a.2) Multiple retail food facilities. When a proprietor,
as defined in section 5702 (relating to definitions), operates
more than one retail food facility at the same fair, festival or
similar temporary event, only one certified person in charge
need be present.~~

(A) GENERAL RULE.--[FOOD ESTABLISHMENTS SHALL MAINTAIN
CERTIFICATION RECORDS ON RESPECTIVE SUPERVISORY EMPLOYEES. EACH
FOOD ESTABLISHMENT SHALL EMPLOY A PERSON HAVING SUPERVISORY
AUTHORITY WHO HOLDS A VALID DEPARTMENT FOOD EMPLOYEE
CERTIFICATE.] A RETAIL FOOD FACILITY SHALL HAVE AT LEAST ONE
SUPERVISORY EMPLOYEE WHO HOLDS A VALID CERTIFICATE PRESENT AT
THE RETAIL FOOD FACILITY OR IMMEDIATELY ACCESSIBLE AT ALL HOURS
OF OPERATION AND WHO IS THE PERSON IN CHARGE OF THE RETAIL FOOD
FACILITY WHEN PHYSICALLY PRESENT AND ON-DUTY.

(A.1) MULTIPLE RETAIL FOOD FACILITIES.--

(1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), A PERSON WHO
MEETS THE REQUIREMENTS OF SUBSECTION (A) MAY ONLY BE THE
REQUIRED CERTIFIED SUPERVISORY EMPLOYEE FOR A SINGLE RETAIL

1 FOOD FACILITY.

2 (2) IF A PROPRIETOR OPERATES MORE THAN ONE RETAIL FOOD
3 FACILITY AT A TEMPORARY FAIR, FESTIVAL OR OTHER TEMPORARY
4 EVENT, A PERSON WHO MEETS THE REQUIREMENTS OF SUBSECTION (A)
5 MAY BE THE CERTIFIED SUPERVISORY EMPLOYEE FOR ALL OF THOSE
6 TEMPORARY RETAIL FOOD ESTABLISHMENTS.

7 (A.2) FEDERAL RECOMMENDED STANDARDS.--NOTWITHSTANDING THIS
8 CHAPTER, IF, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, THE
9 FOOD CODE PUBLISHED BY THE UNITED STATES DEPARTMENT OF HEALTH,
10 FOOD AND DRUG ADMINISTRATION RECOMMENDS THAT A PERSON IN CHARGE
11 HOLD A CERTIFICATE OR RECOMMENDS THAT A CERTIFICATE HOLDER WITH
12 SUPERVISORY AUTHORITY BE PRESENT DURING HOURS OF OPERATION AT A
13 RETAIL FOOD FACILITY, THE DEPARTMENT SHALL, BY REGULATION,
14 ESTABLISH THIS RECOMMENDED STANDARD AS THE STANDARD FOR RETAIL
15 FOOD FACILITIES.

16 (b) [Examination.--No certificate shall be issued unless the
17 applicant has successfully completed a training course and
18 passed an examination recommended by the advisory board and
19 approved by the department.] (Reserved).

20 (c) Compliance.--

21 (1) (Reserved).

22 (2) A [food establishment] retail food facility exempt
23 under section 6510(d) (relating to exemptions) may
24 voluntarily seek certification under this section.

25 (3) Except as provided in section 6510, compliance with
26 this chapter by a [food establishment] retail food facility
27 shall be mandatory. [by July 1, 2004. Section 6503(e)
28 (relating to certification advisory board and programs) shall
29 not apply to any food establishment prior to July 1, 2004,
30 unless that food establishment complies with this chapter.]

1 (d) Employee turnover.--[Food establishments] Retail food
2 facilities which are not in compliance because of employee
3 turnover or other loss of certified [personnel] employees shall
4 have three months from the date of loss of certified [personnel]
5 employees to comply.

6 (e) Maintenance and inspection of records.--Names and
7 certificate numbers of certified [personnel] employees shall be
8 maintained at the place of business and shall be made available
9 [for inspection by the department.] to and shall be inspected
10 by:

11 (1) the department for retail food facilities that are
12 licensed under Subchapter A of Chapter 57 (relating to retail
13 food facility safety) by the department; or

14 (2) the licensor for retail food facilities that are
15 licensed under Subchapter A of Chapter 57 by a licensor that
16 is not the department.

17 (f) Period of certification.--Certification shall be in
18 effect for [five years.] the certification interval prescribed
19 by the accredited certification program described in section
20 6503(c) (relating to certification programs). Renewal of
21 certification shall be based on the [completion of courses
22 recommended by the advisory board and approved by the
23 department. The courses shall not include a written
24 examination.] successful completion of the certification
25 requirements of an accredited certification program as described
26 in section 6503(c).

27 (g) [Training program.--

28 (1) Training programs to prepare candidates for
29 certification examinations and the administration of the
30 examination shall be made available throughout this

1 Commonwealth through cooperation with industry and others and
2 approved by the department. In order to meet the requirements
3 of this paragraph, the department shall promulgate
4 regulations with the approval of the board no later than July
5 1, 2004, which establish training programs providing for the
6 following considerations which include:

7 (i) The existence and operation of a department-
8 approved employee training program on safe food handling
9 conducted by the food establishment.

10 (ii) The limited handling of potentially hazardous
11 food.

12 (iii) The number of hours necessary to prepare
13 employees for safe food handling due to the food
14 establishment's scope of business.

15 (iv) The demonstration of satisfactory knowledge and
16 proficiency in the safe handling of food as approved by
17 the department.

18 (2) The department shall develop and administer a
19 training program for food establishments voluntarily seeking
20 certification under subsection (c)(2). The General Assembly
21 may appropriate funds to offset the cost of the program for
22 food establishments exempt under section 6510(d).]

23 (Reserved).

24 (h) [Mitigating factor.--

25 (1) If a food establishment complies with this chapter,
26 the compliance shall be given appropriate consideration as a
27 mitigating factor in determining if a food establishment
28 shall be assessed more than the minimum fine or civil penalty
29 required by law in any action to recover fines or penalties
30 for a violation of the act of July 7, 1994 (P.L.421, No.70),

known as the Food Act.

(2) This subsection shall expire July 1, 2000.]

(Reserved).

Section 3. Sections 6506 and 6507 of Title 3 are repealed:

[§ 6506. Reciprocal agreements.

The department may accept certifications issued in other states that have comparable requirements for certification provided the department and the other state jurisdiction have entered into a reciprocal agreement to accept each state's certification program as meeting the provisions of this chapter.

§ 6507. Suspension of certification.

Certification may be suspended or revoked by the department if the holder or person fails to comply with this or other sanitation regulations or the act of May 23, 1945 (P.L.926, No. 369), referred to as the Public Eating and Drinking Place Law, or the act of July 7, 1994 (P.L.421, No.70), known as the Food Act. Prior to suspension or revocation, the certificate holder shall be given the opportunity for a hearing before the department.]

Section 4. Section 6508 of Title 3 is amended to read:

§ 6508. Civil penalties.

[In] (a) Retail food facilities licensed by the department.--For retail food facilities licensed under Subchapter A of Chapter 57 (relating to retail food facility safety) by the department, and in addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this chapter or a rule or regulation adopted thereunder or any order issued pursuant thereto, the department may assess a civil penalty not to exceed \$300 for the first offense or not to exceed \$1,000 for subsequent offenses upon a

1 person or [food establishment] retail food facility for each
2 offense. No civil penalty shall be assessed unless the person
3 charged has been given notice and opportunity for a hearing on
4 the charge in accordance with law.

5 (b) Retail food facilities licensed by other licensor.--For
6 retail food facilities licensed under Subchapter A of Chapter 57
7 by a licensor that is not the department, penalties under this
8 chapter shall be established by the licensor.

9 Section 5. Section 6509 of Title 3 is repealed:

10 [§ 6509. Fees.

11 (a) Change by regulation.--All fees imposed by this chapter
12 shall remain in effect until changed by the department by
13 regulation subject to the act of June 25, 1982 (P.L.633, No.
14 181), known as the Regulatory Review Act. The department shall
15 propose to change those fees by regulation following
16 consultation with the advisory board.

17 (b) Fee for certification.--The department shall issue or
18 approve the issuance of a certification document to the person
19 upon the successful completion of the approved training program.
20 A fee of \$20 shall be charged by the department for this service
21 unless changed by regulation.

22 (c) Payments to municipalities.--Local health departments
23 created in accordance with the act of August 24, 1951 (P.L.1304,
24 No.315), known as the Local Health Administration Law, may
25 enforce the provisions of this chapter as it pertains to public
26 eating and drinking licensees. Each local health department
27 shall be reimbursed by the department in an amount equal to 50%
28 of the civil penalties levied and collected by the department
29 pursuant to this chapter in each such jurisdiction.]

30 Section 6. Sections 6510 and 8101 of Title 3 are amended to

1 read:

2 § 6510. Exemptions.

3 (a) Prepackaged food.--[Food establishments]

4 (1) Retail food facilities where only commercially
5 prepackaged food is handled and sold are exempt from this
6 chapter.

7 (2) Retail food facilities that handle and sell food
8 other than commercially prepackaged food are exempt from this
9 chapter during time periods or work shifts when only
10 commercially prepackaged food is sold.

11 (b) Nonpotentially hazardous food.--[Food establishments]

12 (1) Retail food facilities that handle only
13 nonpotentially hazardous food are exempt from this chapter.

14 (2) Retail food facilities that handle and sell
15 potentially hazardous food are exempt from this chapter
16 during time periods or work shifts when only nonpotentially
17 hazardous food is handled and sold.

18 (c) Food [manufacturing facilities] establishments.--Food
19 [manufacturing facilities which are engaged in the manufacture
20 of prepackaged foods and which do not manufacture potentially
21 hazardous food] establishments are exempt from this chapter.

22 (d) Exempt [organizations] retail food facilities.--Except
23 as set forth in section 6504(c)(2) (relating to certification of
24 employees), the following [organizations] retail food facilities
25 are exempt from this chapter:

26 (1) A [food establishment] retail food facility managed
27 by an organization which is a tax-exempt organization under
28 section 501(c)(3) of the Internal Revenue Code of 1986
29 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

30 (2) A [food establishment] retail food facility managed

1 on a not-for-profit basis by an organization which is a
2 volunteer fire company or an ambulance, religious,
3 charitable, fraternal, veterans, civic, agricultural fair or
4 agricultural association or any separately chartered
5 auxiliary of any of the above associations.

6 (3) A [food establishment] retail food facility managed
7 by an organization which is established to promote and
8 encourage participation and support for extracurricular
9 recreational activities for youth of primary and secondary
10 public, private and parochial school systems on a not-for-
11 profit basis. This paragraph does not apply to organized
12 camps.

13 § 8101. [Farmers' market.

14 For the purpose of section 14(e) of the act of July 7, 1994
15 (P.L.421, No.70), known as the Food Act, any building, structure
16 or place owned, leased or otherwise in possession of a person or
17 municipal corporation or public or private organization, used or
18 intended to be used by two or more farmers or an association of
19 farmers for the purpose of selling food directly to consumers
20 shall be deemed to be a single food establishment.] (Reserved).

21 Section 7. Except to the extent they are inconsistent with
22 any provision of this act, the rules, regulations and standards
23 adopted by the department prior to the effective date of this
24 act under authority of the statutes repealed in section 4 of
25 this act, shall continue in effect unless subsequently modified
26 or superseded by regulations promulgated by the Secretary of
27 Agriculture of the Commonwealth.

28 Section 8. Repeals are as follows:

29 (1) The General Assembly declares as follows:

30 (i) The repeal under paragraph (2)(i) is necessary

1 because the fees described in that provision are supplied
2 by 3 Pa.C.S. Ch. 57 Subch. A.

3 (ii) The repeal under paragraph (2)(ii) is necessary
4 because the material is supplied by 3 Pa.C.S. Ch. 57
5 Subch. A.


6 (iii) The repeal under paragraph (2)(iii) is
7 necessary because the material is supplied by 3 Pa.C.S.
8 Ch. 57 Subch. B.

9 (2) Repeals are as follows:

10 (i) Section 602-A(16) of the act of April 9, 1929
11 (P.L.177, No.175), known as The Administrative Code of
12 1929, is repealed.

13 (ii) The act of May 23, 1945 (P.L.926, No.369),
14 referred to as the Public Eating and Drinking Place Law,
15 is repealed.

16 (iii) The act of July 7, 1994 (P.L.421, No.70),
17 known as the Food Act, is repealed.

18 Section 9. This act shall take effect ~~as follows:~~ 

19 ~~(1) The amendment of 3 Pa.C.S. § 6504(a) shall take~~
20 ~~effect on the effective date of the regulations promulgated~~
21 ~~under 3 Pa.C.S. § 6504(a.1), or two years from the effective~~
22 ~~date of this section, whichever occurs first.~~

23 ~~(2) The remainder of this act shall take effect in 60~~
24 days.