

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 574 Session of 2009

INTRODUCED BY ADOLPH, DALEY, DeLUCA, M. KELLER, KOTIK, MICOZZIE,
MURT AND SABATINA, FEBRUARY 23, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, FEBRUARY 23,
2009

AN ACT

1 Requiring retail merchandise establishments that provide
2 shopping carts to customers to make sanitation wipes
3 available; providing for the powers and duties of the
4 Department of Health; and prescribing a penalty.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Shopping Cart
9 Sanitation Wipe Act.

10 Section 2. Definitions.

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

14 "Department." The Department of Health of the Commonwealth.

15 "Merchandise." Any good, chattel, foodstuff or ware of any
16 type or description.

17 "Sanitation wipe." A disposable towelette that is
18 premoistened with cleaner, disinfectant or sanitizer and used

1 for the purpose of disinfecting or sanitizing a nonporous
2 surface.

3 "Retail mercantile establishment." A place of business where
4 merchandise is displayed, held or stored and sold or offered for
5 sale to the public.

6 "Shopping cart." A push cart of the type that is commonly
7 provided by a retail mercantile establishment for public use in
8 the transportation of merchandise within the premises of the
9 retail mercantile establishment and from the retail mercantile
10 establishment to a place outside the premises of the retail
11 mercantile establishment.

12 Section 3. Duty to provide sanitation wipes.

13 A retail merchandise establishment that provides shopping
14 carts shall make available to the public, at no cost, sanitation
15 wipes at the entrance to its premises for use by the public.

16 Section 4. Standards and guidelines.

17 The department shall establish standards and guidelines for
18 the placement of sanitation wipes at retail merchandise
19 establishments in this Commonwealth.

20 Section 5. Notice to take appropriate action.

21 The department or any local board of health on written
22 complaint or with reason to suspect that a retail mercantile
23 establishment is or may be in violation of this act shall, by
24 written notification, advise the person who owns or has control
25 of the retail mercantile establishment to take appropriate
26 action.

27 Section 6. Penalty.

28 A person who receives notice under section 5 and fails or
29 refuses to comply with the notice shall be ordered by a court of
30 competent jurisdiction to comply with the provisions of this act

1 and shall be subject to a civil fine of not less than \$100 for
2 each offense.

3 Section 7. Enforcement.

4 (a) General rule.--The department or a local board of health
5 may initiate a civil action in a court of competent jurisdiction
6 to obtain relief under section 6.

7 (b) No private right of action.--Nothing in this act shall
8 be construed to establish a private right of action against a
9 person for failure or refusal to comply with the provisions of
10 this act.

11 Section 8. Effective date.

12 This act shall take effect in 60 days.