

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 722

Session of
1985

INTRODUCED BY FREEMAN, PRESTON, KUKOVICH, WILSON, JOSEPHS,
JACKSON, OLASZ, BELARDI, E. Z. TAYLOR, DeLUCA, JOHNSON,
TRELLO, ARTY, PISTELLA, BELFANTI, BALDWIN, DEAL, RYBAK,
WAMBACH, YANDRISEVITS, EVANS, McHALE, AFFLERBACH, BATTISTO,
LINTON, RICHARDSON, STEWART, DeWEESE, BROUJOS AND WIGGINS,
MARCH 25, 1985

SENATOR WILT, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED,
FEBRUARY 11, 1986

AN ACT

1 ~~Amending the act of May 23, 1945 (P.L.926, No.369), entitled "An~~ <—
2 ~~act for the protection of the public health by regulating the~~
3 ~~conduct and operation of public eating and drinking places~~
4 ~~within this Commonwealth; requiring their licensing; imposing~~
5 ~~certain duties on the Department of Health of this~~
6 ~~Commonwealth and on the local health authorities; and~~
7 ~~providing penalties," banning the use of sulfites in public~~
8 ~~eating places.~~
9 AUTHORIZING THE ESTABLISHMENT OF A LEGISLATIVE TASK FORCE TO <—
10 CONDUCT A CHILD CARE NEEDS ASSESSMENT AND PROGRAM FOR THE
11 CHILDREN OF EMPLOYEES OF THE COMMONWEALTH; AND MAKING AN
12 APPROPRIATION.
13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:
15 Section 1. ~~The act of May 23, 1945 (P.L.926, No.369),~~ <—
16 ~~referred to as the Public Eating and Drinking Place Law, is~~
17 ~~amended by adding a section to read:~~
18 ~~Section 12.1. Sulfites. (a) Public eating places are~~
19 ~~prohibited from adding or applying sulfites to food.~~
20 ~~(b) As used in this section, the word "sulfite" shall mean~~

~~potassium bisulfite, potassium metabisulfite, sodium sulfite,
sodium bisulfite, sodium metabisulfite or sulfur dioxide.~~

~~(c) The prohibition on the use of sulfites in this section
shall not apply to alcoholic beverages.~~

~~(d) The department shall impose civil penalties upon persons
for violations of this section as follows: For the first
offense, a fine of not less than one hundred dollars (\$100.00)
nor more than two hundred fifty dollars (\$250.00). For the
second offense, a fine of not less than two hundred fifty
dollars (\$250.00) nor more than five hundred dollars (\$500.00).
For the third and subsequent offenses, a fine of not less than
five hundred dollars (\$500.00) nor more than one thousand
dollars (\$1,000.00) and suspension of the license for ten (10)
days by the department if it believes that the violation was
flagrant.~~

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

SECTION 1. SHORT TITLE.

<—

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE COMMONWEALTH
CHILD DAY-CARE ASSESSMENT AND PILOT PROGRAM LAW.

SECTION 2. LEGISLATIVE FINDINGS AND DECLARATIONS.

(A) FINDINGS.--THE GENERAL ASSEMBLY FINDS THAT THERE IS AN
INCREASING NUMBER OF SINGLE PARENTS AND OTHER PERSONS EMPLOYED
BY THE COMMONWEALTH WHO REQUIRE DAY CARE FOR THEIR CHILDREN
DURING WORKING HOURS, THAT RECENTLY PUBLICIZED SCANDALS
CONCERNING THE TREATMENT OF CHILDREN IN PRIVATE DAY-CARE CENTERS
HAVE CAUSED JUSTIFIABLE CONCERN AMONG SUCH EMPLOYEES AND
DISCOURAGED SIMILARLY SITUATED PERSONS FROM SEEKING EMPLOYMENT
WHICH WOULD SEPARATE THEM FROM THEIR CHILDREN, AND THAT THE
ANXIETY CAUSED TO EMPLOYEES OF THE COMMONWEALTH IMPAIRS THEIR
WORKING EFFICIENCY AND CONSTITUTES A THREAT TO THE PRODUCTIVITY

1 OF EMPLOYEES IN THE PUBLIC SECTOR OF THIS COMMONWEALTH.

2 (B) DECLARATIONS.--THE GENERAL ASSEMBLY DECLARES IT TO BE
3 THE PUBLIC POLICY OF THIS COMMONWEALTH TO INSURE THE PEACE OF
4 MIND AND CONTINUED PRODUCTIVITY OF PERSONS EMPLOYED BY THE
5 COMMONWEALTH AND TO SET AN EXAMPLE TO ENCOURAGE OTHER EMPLOYERS
6 TO PROVIDE CHILD DAY-CARE FACILITIES FOR THEIR EMPLOYEES AT OR
7 NEAR THE WORKPLACE.

8 SECTION 3. DEFINITIONS.

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

12 "CHILD DAY CARE." OUT-OF-HOME CARE WHICH IS PROVIDED IN LIEU
13 OF PARENTAL CARE AND WHICH IS GIVEN FOR PART OF THE 24-HOUR DAY
14 TO CHILDREN UNDER 16 YEARS OF AGE.

15 "COMMONWEALTH AGENCY." THE GOVERNOR AND THE DEPARTMENTS,
16 BOARDS, COMMISSIONS, AUTHORITIES AND OTHER AGENCIES OF THE
17 COMMONWEALTH GOVERNMENT, INCLUDING THOSE INDEPENDENT OF THE
18 POLICY SUPERVISION AND CONTROL OF THE GOVERNOR. THE TERM DOES
19 NOT INCLUDE ANY COURT OR OTHER AGENCY OF THE UNIFIED JUDICIAL
20 SYSTEM OR THE GENERAL ASSEMBLY AND ITS AGENCIES.

21 SECTION 4. TASK FORCE.

22 (A) MEMBERSHIP.---THERE IS HEREBY CREATED A CHILD CARE NEEDS
23 ASSESSMENT TASK FORCE WHICH SHALL BE COMPRISED OF THE GOVERNOR,
24 THE LIEUTENANT GOVERNOR, THE AUDITOR GENERAL, THE ATTORNEY
25 GENERAL AND THE STATE TREASURER, EACH OF WHOM MAY DESIGNATE A
26 REPRESENTATIVE TO ACT IN HIS STEAD, AND FOUR MEMBERS FROM THE
27 GENERAL ASSEMBLY. THE FOUR MEMBERS OF THE GENERAL ASSEMBLY SHALL
28 CONSIST OF TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES,
29 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE
30 EACH FROM THE MAJORITY AND MINORITY PARTIES, AND TWO MEMBERS OF

1 THE SENATE, APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE
2 SENATE, ONE EACH FROM THE MAJORITY AND MINORITY PARTIES.

3 (B) CHAIRMAN.--THE GOVERNOR SHALL APPOINT ONE OF THE MEMBERS
4 TO BE THE CHAIRMAN.

5 (C) PURPOSE AND POWERS.--THE PURPOSE OF THE TASK FORCE SHALL
6 BE TO ADMINISTER A CHILD DAY-CARE NEEDS ASSESSMENT OF EMPLOYEES
7 OF THE COMMONWEALTH. AFTER REVIEWING THE FINDINGS OF THE
8 ASSESSMENT, THE COMMITTEE SHALL HAVE THE DISCRETION TO ESTABLISH
9 A PILOT CHILD DAY-CARE PROGRAM FOR THE CHILDREN OF SUCH
10 EMPLOYEES. THE TASK FORCE SHALL HAVE THE POWERS NECESSARY TO
11 CARRY OUT THIS PURPOSE, INCLUDING, BUT NOT LIMITED TO, MAKING
12 CONTRACTS, SELECTING PILOT PROGRAM PARTICIPANTS AND SITES, AND
13 SUGGESTING PROGRAM GUIDELINES.

14 (D) TERMINATION.--THE TASK FORCE SHALL TERMINATE WITHIN SIX
15 MONTHS OF THE COMPLETION OF ITS TASK UNLESS CONTINUED BY FURTHER
16 LEGISLATION.

17 SECTION 5. ASSESSMENT.

18 THE TASK FORCE SHALL CONDUCT AN ASSESSMENT OF COMMONWEALTH
19 EMPLOYEES' CHILD CARE NEEDS AND VARIOUS OPTIONS FOR STATE
20 INVOLVEMENT IN MEETING THOSE NEEDS, INCLUDING ONSITE DAY CARE.
21 IN ADDITION, THE ASSESSMENT SHALL DETERMINE THE COST
22 EFFECTIVENESS OF ONSITE CARE, LIABILITY REQUIREMENTS OF THE
23 EMPLOYER AND GUIDELINES FOR ESTABLISHING A PILOT ONSITE PROGRAM.
24 THE TASK FORCE IS EMPOWERED TO EMPLOY NECESSARY CONSULTANTS OR
25 STAFF TO CONDUCT THE ASSESSMENT. THE ASSESSMENT SHALL BE
26 COMPLETED WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ACT.
27 THE FINDINGS OF THE ASSESSMENT SHALL BE PRESENTED TO THE GENERAL
28 ASSEMBLY AND MADE AVAILABLE TO THE PUBLIC.

29 SECTION 6. ASSESSMENT FUNDING.

30 FUNDING NOT TO EXCEED \$25,000 FROM FUNDS APPROPRIATED IN

1 SECTION 11 SHALL BE PROVIDED FOR THE ASSESSMENT.

2 SECTION 7. PILOT PROGRAM.

3 THE TASK FORCE SHALL BE AUTHORIZED AND EMPOWERED TO SELECT
4 ONE OR MORE AGENCIES, BASED ON EMPLOYEE NEEDS AS DETERMINED BY
5 THE ASSESSMENT, FOR THE SITE OF A PILOT PROGRAM TO PROVIDE DAY
6 CARE FOR THE CHILDREN OF THE EMPLOYEES OF THE AGENCY OR AGENCIES
7 SELECTED. IT SHALL BE THE RESPONSIBILITY OF THE AGENCY OR
8 AGENCIES SELECTED TO FORMULATE THE PROGRAM WITHIN GUIDELINES
9 WHICH ARE BASED ON THE FINDINGS OF THE ASSESSMENT AND WHICH ARE
10 ESTABLISHED BY THE TASK FORCE.

11 SECTION 8. FACILITIES AND PERSONNEL.

12 AGENCIES SELECTED TO PARTICIPATE IN THE PILOT CHILD CARE
13 PROGRAM ARE EMPOWERED TO UTILIZE COMMONWEALTH GROUNDS, BUILDINGS
14 AND FACILITIES FOR THE OPERATION OF PILOT DAY-CARE PROGRAMS, TO
15 CONTRACT FOR THE USE OF NEARBY GROUNDS, BUILDINGS AND FACILITIES
16 THEREFOR AND TO EMPLOY OR ENGAGE AS INDEPENDENT CONTRACTORS THE
17 NECESSARY PERSONNEL AND STAFF AS DEEMED APPROPRIATE, TO
18 ADMINISTER AND OPERATE THE PROGRAMS, SUBJECT TO APPLICABLE
19 REGULATIONS PROMULGATED BY THE DEPARTMENT OF PUBLIC WELFARE
20 PURSUANT TO THE DEPARTMENT'S AUTHORITY UNDER ARTICLES IX AND X
21 OF ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
22 WELFARE CODE.

23 SECTION 9. PILOT PROGRAM FUNDING.

24 IN ADDITION TO THE USE OF COMMONWEALTH PROPERTY, FUNDING NOT
25 TO EXCEED \$90,000 FROM THE FUNDS APPROPRIATED IN SECTION 11 WILL
26 BE PROVIDED FOR STARTUP COSTS, SUCH AS FACILITY REFURBISHMENT,
27 EQUIPMENT, FURNITURE AND OTHER SUPPLIES, AND INSURANCE. ALL
28 COSTS OF ONGOING MAINTENANCE AND OPERATION OF THE PILOT CHILD
29 DAY-CARE PROGRAM SHALL BE PAID FOR BY PROGRAM FEES CHARGED TO
30 EMPLOYEES UTILIZING THE PROGRAM, WHICH WILL BE SET BY THE AGENCY

1 AT A RATE TO COVER COSTS OF SUCH SERVICES.

2 SECTION 10. REGULATION AND EVALUATION.

3 (A) REGULATION.--EXCEPT AS INCONSISTENT WITH APPLICABLE
4 REGULATIONS OF THE DEPARTMENT OF PUBLIC WELFARE, EACH AGENCY
5 SHALL, IN THE MANNER PROVIDED BY LAW, ESTABLISH THE STANDARDS,
6 PROCEDURES AND POLICIES NECESSARY TO CARRY OUT THIS ACT,
7 INCLUDING, BUT NOT LIMITED TO, HOURS OF OPERATION, SERVICES TO
8 BE PROVIDED, CONDITIONS FOR ADMISSION, VISITATION AND
9 INSPECTION.

10 (B) EVALUATION.--EACH AGENCY PARTICIPATING IN THE PILOT
11 PROGRAM SHALL PREPARE A WRITTEN EVALUATION REPORT OF THE PILOT
12 CHILD DAY-CARE PROGRAM WITHIN 90 DAYS AFTER ITS FIRST YEAR OF
13 OPERATION AND SHALL SOLICIT THE COMMENTS OF ITS EMPLOYEES
14 UTILIZING THE PROGRAM IN THE PREPARATION OF THE REPORT. THE
15 REPORT SHALL INCLUDE AN EVALUATION OF THE EFFECTIVENESS, COST
16 AND EXTENT OF UTILIZATION OF THE PROGRAM AND SHALL BE MADE TO
17 THE GOVERNOR, THE SENATE AND THE HOUSE OF REPRESENTATIVES.

18 SECTION 11. APPROPRIATION.

19 THERE IS HEREBY APPROPRIATED THE SUM OF \$115,000, OR AS MUCH
20 THEREOF AS MAY BE NECESSARY, TO THE OFFICE OF THE GOVERNOR TO
21 CARRY OUT THE PURPOSES OF THIS ACT.

22 SECTION 12. EFFECTIVE DATE.

23 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.