

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1265** Session of  
2015

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INTRODUCED BY LAWRENCE, CUTLER, BARRAR, COHEN, COX, DIAMOND,  
DRISCOLL, DUSH, FEE, HICKERNELL, LEWIS, LONGIETTI, MILLARD,  
PICKETT, STAATS, THOMAS, YOUNGBLOOD, MURT, BENNINGHOFF,  
GILLEN, EVERETT AND JOZWIAK, JUNE 1, 2015

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AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 6, 2015

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## AN ACT

1 Amending the act of April 28, 1937 (P.L.417, No.105), entitled,  
2 as amended, "An act relating to milk and the products  
3 thereof; creating a Milk Marketing Board; establishing its  
4 jurisdiction, powers and duties; regulating the production,  
5 transportation, manufacturing, processing, storage,  
6 distribution, delivery and sale of milk and certain products  
7 thereof; providing for the licensing of milk dealers and the  
8 payment of fees therefor; requiring milk dealers to file  
9 bonds to secure payment for milk to producers and certain  
10 milk dealers; authorizing the holding of hearings and the  
11 issuance of subpoenas by the board; conferring jurisdiction  
12 upon courts to punish contempts and to prohibit violations of  
13 this act and of rules, regulations and orders of the board;  
14 authorizing the board to adopt rules, regulations and orders,  
15 and to enter into interstate and Federal compacts; requiring  
16 persons who weigh, measure, sample or test milk to procure  
17 permits or certificates, to take examinations, to pay fees  
18 therefor, to furnish certain notices, records and statements,  
19 and to use certain methods of weighing, measuring, sampling  
20 and testing; authorizing the board to examine the business,  
21 papers and premises of milk dealers and producers, requiring  
22 the keeping of records and the filing of reports by milk  
23 dealers, and permitting, with limitations, the use of  
24 information obtained thereby; authorizing the board to fix  
25 prices for milk and certain milk products subject to the  
26 approval of the Governor, and conferring certain powers upon  
27 the Governor with respect thereto; providing for appeals to  
28 the courts from decisions of the board, and for the burden of  
29 proof upon such appeals; prescribing penalties, fines and  
30 imprisonment for violations of this act and rules,  
31 regulations and orders of the board; defining perjury;

1 defining remedies; repealing legislation supplied and  
2 superseded by this act, and saving rights, duties and  
3 proceedings thereunder; and making appropriations," in  
4 preliminary provisions, further providing for definitions;  
5 and, in milk pricing, further providing for terms and method  
6 of payment.

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

9 Section 1. Section 103 of the act of April 28, 1937  
10 (P.L.417, No.105), known as the Milk Marketing Law, is amended  
11 by adding definitions to read:

12 Section 103. Definitions; Construction.--The following terms  
13 shall be construed in this act to have the following meanings,  
14 except in those instances where the context clearly indicates  
15 otherwise:

16 \* \* \*

17 "Dairy farmer" means an individual or an entity that owns or  
18 controls dairy cows and that is actively and directly involved  
19 in milking some or all of those cows for the production of raw  
20 milk in this Commonwealth.

21 \* \* \*

22 "State-mandated premium" shall mean any specific component of  
23 the minimum wholesale or retail price established by the board  
24 and collected with the intention of being paid to each producer  
25 for any class of milk as determined by the board.

26 \* \* \*

27 Section 2. Section 806 of the act, amended July 31, 1968  
28 (P.L.963, No.294), is amended to read:

29 Section 806. Terms and Method of Payment.--(a) The board  
30 may likewise fix, by official order, the terms upon which milk  
31 dealers shall pay producers and others for milk, may prescribe  
32 the method of computing payment therefor, and may prescribe a  
33 form of written statement to be sent to producers with each

1 payment.

2 (b) Notwithstanding subsection (a), milk dealers, including <--  
3 AND cooperatives making payments to producers, shall provide to <--  
4 each dairy farmer, with each payment for milk, a written  
5 statement of the specific dollar amount of State-mandated  
6 premium included in the payment for milk. The STATED amount of <--  
7 the State-mandated premium shall be separate and distinct from,  
8 and may not be substituted for nor commingled with, an ANY <--  
9 STATED DOLLAR amount paid as a bonus or other premium., PREMIUM, <--  
10 CONSIDERATION OR ANY OTHER COMPONENT OF THE TOTAL PRICE RECEIVED  
11 FOR MILK.

12 Section 3. This act shall take effect in 60 days.