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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 174 Session of  
2009

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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

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SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, SEPTEMBER 27, 2010

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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

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§ 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.

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5725. Penalties.

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§ 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        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.