
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2397 Session of
2022

INTRODUCED BY LAWRENCE, OWLETT, CAUSER, COOK, COX, SCHLEGEL
CULVER, DAVANZO, DIAMOND, ECKER, FEE, GUENST, HAMM, HEFFLEY,
HICKERNELL, JAMES, JOZWIAK, KAUFFMAN, R. MACKENZIE, MENTZER,
MILLARD, B. MILLER, PASHINSKI, PICKETT, ROTHMAN, ROWE,
SCHMITT, SMITH, STAMBAUGH, STRUZZI, WARNER AND ZIMMERMAN,
MARCH 17, 2022

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 17, 2022

AN ACT

1 Authorizing the provision or sale of Pennsylvania milk in
2 Pennsylvania schools.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Whole Milk in
7 Pennsylvania Schools Act.

8 Section 2. Definitions.

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

12 "Pennsylvania milk." Raw milk produced by the milking of
13 cows physically located within the geographic boundaries of this
14 Commonwealth, transported to a dairy processing facility located
15 within the geographic boundaries of this Commonwealth and

1 processed as fluid milk into containers intended for
2 distribution to consumers.

3 "Pennsylvania school." Any school district, cyber charter
4 school, charter school, regional charter school, area career and
5 technical school or intermediate unit located within this
6 Commonwealth.

7 "Reduced fat Pennsylvania milk." Pennsylvania milk
8 containing 2% milk fat. The term includes Pennsylvania milk that
9 has been flavored.

10 "Whole Pennsylvania milk." Pennsylvania milk containing at
11 least 3% milk fat. The term includes Pennsylvania milk that has
12 been flavored.

13 Section 3. Milk deemed in stream of intrastate commerce.

14 Pennsylvania milk that is offered for sale to a Pennsylvania
15 school shall be deemed to be in the stream of intrastate
16 commerce.

17 Section 4. Provision or sale of Pennsylvania milk in
18 Pennsylvania schools.

19 Notwithstanding any other provision of law or regulation, the
20 school board or other governing entity of a Pennsylvania school
21 may elect to utilize funds from State or local sources to obtain
22 whole Pennsylvania milk or reduced fat Pennsylvania milk to
23 provide or sell at the Pennsylvania school.

24 Section 5. Duties of Secretary of Education.

25 The Secretary of Education shall notify the superintendent or
26 chief administrator of each Pennsylvania school of the
27 provisions of this act.

28 Section 6. Right of civil action.

29 The Office of Attorney General shall, on behalf of a
30 Pennsylvania school, bring a civil action against the Federal

1 Government or any other entity to recover funds withheld or
2 revoked as a result of an action taken by the school board or
3 other governing entity of the Pennsylvania school under section
4 4.

5 Section 7. Reporting.

6 No later than two years after the effective date of this
7 section, the Secretary of Education, in consultation with the
8 Secretary of Agriculture and the Pennsylvania Milk Marketing
9 Board, shall issue a report to the chairperson and minority
10 chairperson of the Agriculture and Rural Affairs Committee of
11 the Senate and the chairperson and minority chairperson of the
12 Agriculture and Rural Affairs Committee of the House of
13 Representatives. The report shall include all of the following
14 information:

15 (1) A list of Pennsylvania schools that have elected to
16 provide or sell Pennsylvania milk under section 4.

17 (2) The approximate increase or decrease in the
18 consumption of fluid milk at Pennsylvania schools since the
19 effective date of this section.

20 (3) Actions taken by the Commonwealth to promote whole
21 milk and reduced fat milk availability in Pennsylvania
22 schools.

23 (4) Any other information deemed relevant by the
24 Secretary of Education, the Secretary of Agriculture or the
25 Pennsylvania Milk Marketing Board for the purposes of this
26 act.

27 Section 8. Expiration.

28 (a) Notice.--The Secretary of Education shall submit a
29 notice to the Legislative Reference Bureau for publication in
30 the Pennsylvania Bulletin upon the occurrence of any of the

1 following:

2 (1) The amendment or repeal of section 9(a)(2)(A) of the
3 National School Lunch Act (60 Stat. 230, 42 U.S.C. § 1758(a)
4 (2)(A)), which results in the availability of whole milk or
5 reduced fat milk, flavored or unflavored, in elementary and
6 secondary schools in this Commonwealth.

7 (2) An update to the Dietary Guidelines for Americans
8 published under section 301 of the National Nutrition
9 Monitoring and Related Research Act of 1990 (Public Law 101-
10 445, 7 U.S.C. § 5341), which permits the availability of
11 whole milk or reduced fat milk, flavored or unflavored, in
12 elementary and secondary schools in this Commonwealth.

13 (b) Expiration.--This act shall expire on the date of
14 publication of the notice under subsection (a).

15 Section 9. Effective date.

16 This act shall take effect in 30 days.