

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 42 Session of  
2023

INTRODUCED BY MUSTELLO, BURGOS AND PICKETT, MARCH 7, 2023

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 7, 2023

## AN ACT

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33 superseded by this act, and saving rights, duties and  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

1 licenses of milk dealers, further providing for penalties in  
2 lieu of suspension.

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

5 Section 1. Section 404.1 of the act of April 28, 1937  
6 (P.L.417, No.105), known as the Milk Marketing Law, is amended  
7 to read:

8 Section 404.1. Penalties in Lieu of Suspension.--In any case  
9 where the board shall suspend a license, the board may accept  
10 from the licensee an offer in compromise at the rate of [one  
11 hundred fifty dollars (\$150)] one thousand dollars (\$1,000) for  
12 each day of suspension as a penalty in lieu of such suspension,  
13 and thereupon rescind the suspension.

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