



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 434

PRINTERS NO. 877

PRIME SPONSOR: Vogel

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	See Fiscal Impact

**SUMMARY:** Senate Bill 434, Printer's Number 877, amends Title 3 (Agriculture), Chapter 57 (Food Protection) to provide for milk sell by and best by date labeling requirements.

**ANALYSIS:** This bill amends Title 3 (Agriculture), Chapter 57 (Food Protection) by inserting a new Subchapter C (Milk Sell By Date and Best By Date Labeling) to provide for milk "sell by date" and "best by date" labeling requirements for pasteurized milk bottle labels.

The label requirement states that the cap or non-glass container of pasteurized milk for resale shall be conspicuously and legibly marked in a contrasting color with a "sell by date" or "best by date." The dates shall also be separate and distinct from any other number, letter or intervening material on the cap or non-glass container.

The bill provides that the "sell by date" is the date after which the product may not be sold or offered for sale and the "best by date" is a date established by the milk plant as a product quality guideline. There are exemptions from these requirements for the following types of pasteurized milk: (1) ultra-pasteurized milk; (2) cultured milk; (3) aseptically processed milk; (4) milk that has undergone higher heat shorter time pasteurization; and (5) milk sold or offered for retail sale on the same premises at which it was processed.

The bill provides a limitation regarding the date, specifically that the legislation provides that the "sell by date" or "best by date" cannot exceed 17 days from the date the milk was pasteurized, unless the Department of Agriculture approves a longer time period.

A milk plant may apply to use a date that exceeds the 17-day period after providing information to confirm samples were maintained during the proposed time period and include scientific information as the department may require to confirm standards are met. The department's approval to exceed the 17-day period remains in effect as long as the milk plant continues sampling and meeting testing requirements through a Pennsylvania-approved dairy laboratory as outlined under Section 5746. A dairy laboratory that performs testing shall report the results to the milk plant and the department in a format and time period prescribed by the department.

The department shall make such reasonable rules and regulations deemed necessary for carrying out the provisions outlined in the bill.

This legislation would take effect in 30 days upon enactment.

**FISCAL IMPACT:** Enactment of this legislation will have little to no fiscal impact on Commonwealth funds. The department does not anticipate additional costs to issue regulations or implement the provisions of the bill, but the department's Bureau of Food Safety and Laboratory Services could realize some cost-savings if agency staff conduct fewer required annual tests. However, any savings would not be realized until after the program has been established and depends on how many milk processors use third-party dairy laboratories and the number of tests conducted.

**PREPARED BY:** Jeffrey Clukey  
House Appropriations Committee (R)

**DATE:** June 16, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*