

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 434

**PRINTER NO.** 441

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

March 16, 2021

**PRIME SPONSOR**

Senator Vogel

**DESCRIPTION**

Senate Bill 434 amends Title 3 (Agriculture), Chapter 57 (Food Protection) by establishing 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.

The legislation requires pasteurized milk sold for resale to be conspicuously and legibly marked in a contrasting color with a "sell by date" or "best by date." 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.

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 (department) approves a longer time period. It provides that a milk plant can apply to the department to use a date that exceeds the 17-day period after providing information to confirm samples were maintained during the proposed time period and that the bacterial count for the samples after the proposed time period does not exceed bacteriological standards contained in the department's milk sanitation regulations. It also provides that the department's approval to use a date that exceeds 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.

The legislation requires a Pennsylvania-approved dairy laboratory that performs testing to report the results to the milk plant and the department. It requires the department to revise the "sell by date" or "best by date" for a milk plant that is unable to produce milk with an acceptable bacterial count such that the bacterial growth will not exceed bacterial limits within the revised time period.

The legislation exempts the following pasteurized milk products that contain a lot number or manufacturing date code that is traceable in the marketplace from the "sell by date" or "best by date" requirement: (1) ultra-pasteurized dairy products; (2) cultured dairy products; (3) aseptically processed dairy products; (4) dairy products that have undergone higher heat shorter pasteurization time; and (5) milk sold or offered for retail sale on the same premises at which it was processed.

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The legislation allows the department to establish reasonable rules and regulations necessary to carry out the provisions of the subchapter and provides that provisions of current regulations are abrogated to the extent they are inconsistent with the subchapter.

The legislation is scheduled to take effect in 30 days.

### **FISCAL IMPACT:**

The Department of Agriculture has indicated the enactment of Senate Bill 434 will result in a minor cost savings to the Commonwealth. The department believes the provisions requiring milk plants to utilize a Pennsylvania-approved dairy laboratory for testing when seeking and maintaining approval to offer products with a "sell by date" or "best by date" that exceeds 17 days will reduce the number of shelf life tests it is required to conduct annually in its Bureau of Food Safety and Laboratory Services. Therefore, the department could realize savings, which will be dependent on the number of tests conducted.

The department conducts between 250 - 300 tests annually at a cost of \$12 per test.