

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 960

**PRINTER NO.** 1249

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

November 29, 2021

**PRIME SPONSOR**

Senator J. Ward

**DESCRIPTION**

Senate Bill 960 repeals the Frozen Dessert Law (Act 215 of 1965) and establishes a new Subchapter D (Frozen Dessert Safety) in Chapter 57 (Food Protection) of Title 3 (Agriculture) to reduce the microbiological testing requirements for frozen desserts that are processed at retail food facilities.

The legislation requires the Secretary of Agriculture to promulgate regulations to require annual microbiological testing for frozen desserts at retail food facilities, instead of monthly testing as currently required. It maintains existing sanitation standards in accordance with the retail food facility and food safety provisions included in Title 3 and the Milk Sanitation Law, where applicable.

The legislation prohibits the following: (1) adulteration and misbranding of frozen desserts; (2) failure to register or be licensed under the provisions of Title 3; (3) failure to comply with provisions of the Milk Sanitation Law, relating to obtaining a permit and inspections; (4) violation of the provisions of Title 3 relating to the detention and condemnation of adulterated and misbranded foods; and (5) violations related to the sale of frozen desserts exceeding microbiological standards. It also includes criminal and civil penalties for violations of the law.

The legislation provides that the new subchapter and related regulations are to be consistent with federal law.

The legislation is scheduled to take effect in 60 days.

**FISCAL IMPACT:**

The enactment of Senate Bill 960 will have no negative fiscal impact on Commonwealth funds. Repealing the Frozen Dessert Law will result in a loss of license fee revenue of approximately \$168,000 annually. However, the Department of Agriculture has indicated that the revenue loss will be offset by administrative cost savings related to the reduction in staff-time to process licenses and license renewals and to review microbiological testing results under the existing program.

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Current law requires monthly microbiological testing of frozen desserts by a retail food facility at a department-approved laboratory. Changing the required testing interval from monthly to annually will reduce testing costs for retail food facilities. For example, a retail food facility, with three machines that need to be tested is required to conduct three (3) tests per month, or 36 tests annually. Assuming each test costs \$10, the restaurant currently spends \$360 annually for testing. Under the legislation, the facility's testing costs would be reduced by \$330, or 92 percent.