

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1488 Session of
1997

INTRODUCED BY COY, GEORGE, COWELL, CAPPABIANCA, WALKO, THOMAS,
BELARDI, DeLUCA, HALUSKA, MELIO, LEDERER, TIGUE, TRELLO,
JAMES, STABACK, A. H. WILLIAMS, M. COHEN, ITKIN, EACHUS,
WOJNAROSKI, DALEY, TRICH, SCHRODER, EVANS, CURRY, YOUNGBLOOD,
ROONEY AND RAMOS, MAY 12, 1997

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 12, 1997

AN ACT

1 Amending the act of May 23, 1945 (P.L.926, No.369), entitled, as
2 amended, "An act for the protection of the public health by
3 regulating the conduct and operation of public eating and
4 drinking places within this Commonwealth; requiring their
5 licensing; imposing certain duties on the Department of
6 Environmental Resources of this Commonwealth and on the local
7 health authorities; and providing penalties," providing for
8 safety and health inspections of school cafeterias and for
9 training related to school cafeterias; and making editorial
10 changes.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1 of the act of May 23, 1945 (P.L.926,
14 No.369), referred to as the Public Eating and Drinking Place
15 Law, amended June 25, 1992 (P.L.318, No.62), is amended to read:

16 Section 1. Definitions.--"Department" shall mean the
17 Department of [Environmental Resources] Agriculture of the
18 Commonwealth.

19 The words "public eating or drinking place" shall mean any
20 place within this Commonwealth where food or drink is served to

1 or provided for the public, with or without charge: Provided,
2 however, That nothing herein contained shall apply to dining
3 cars operated by a railroad company in interstate commerce or a
4 bed and breakfast homestead or inn.

5 The word "proprietor" shall mean any person, partnership,
6 association or corporation, conducting or operating within this
7 Commonwealth, a public eating or drinking place.

8 The word "employee" shall include any cook, waiter, kitchen
9 help, chambermaid, house servant or other employee of any kind in
10 a public eating or drinking place, who in any manner whatever,
11 handles or comes in contact with any food or drink served to or
12 provided for the public, and the proprietor or any member of the
13 proprietor's family who handles said food or drink.

14 "License" shall mean a grant to a licensee to conduct a
15 restaurant, as defined in this act.

16 "Licensor" shall mean the county department of health or
17 joint-county department of health, whenever such public eating
18 or drinking place is located in a political subdivision which is
19 under the jurisdiction of a county department of health or
20 joint-county department of health, or the health authorities of
21 cities, boroughs, incorporated towns and first-class townships,
22 whenever such public eating or drinking place is located in a
23 city, borough, incorporated town or first-class township not
24 under the jurisdiction of a county department of health or
25 joint-county department of health, or the health authorities of
26 second class townships and second class townships which have
27 adopted a home rule charter which elect to issue licenses under
28 the provisions of this act whenever such public eating and
29 drinking place is located in such a second class township or
30 second class township which has adopted a home rule charter not

1 under the jurisdiction of a county department of health or
2 joint-county department of health, or the Department of
3 [Environmental Resources] Agriculture, whenever such public
4 eating or drinking place is located in any other area of the
5 Commonwealth.

6 The words "bed and breakfast homestead or inn" shall mean a
7 private residence which contains ten or fewer bedrooms used for
8 providing overnight accommodations to the public and in which
9 breakfast is the only meal served and is included in the charge
10 for the room.

11 Section 2. Section 6 of the act is amended by adding a
12 subsection to read:

13 Section 6. Powers of the Department.--* * *

14 (c) The department shall provide for the inspection of
15 school cafeterias and for training of school cafeteria personnel
16 in accordance with the standards applied to public eating and
17 drinking places. Subsequent to an inspection of a school
18 cafeteria, the department shall provide an inspection report to
19 the superintendent of the school district. The department shall
20 file an annual report with the chairman of the Agriculture
21 Committee of the Senate and the chairman of the Agriculture
22 Committee of the House of Representatives, in which the
23 department shall set forth its public school cafeteria
24 inspection activities.

25 Section 3. The act is amended by adding a section to read:

26 Section 12.1. Officials of public schools shall cooperate
27 with the department in the conduct of school cafeteria health
28 and safety inspections and shall participate in inspection
29 services and training programs made available by the department.

30 Section 4. This act shall take effect in 60 days.