
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1351 Session of
2022

INTRODUCED BY YAW, LAUGHLIN, COLLETT, DILLON, SANTARSIERO,
MARTIN, BARTOLOTTA, COSTA, MASTRIANO AND BREWSTER,
OCTOBER 3, 2022

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, OCTOBER 3, 2022

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in food protection, further providing for penalties
3 and prohibiting certain food packaging; and imposing a
4 penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5725(b) of Title 3 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5725. Penalties.

10 * * *

11 (b) Civil penalties.--

12 (1) In addition to proceeding under any other remedy
13 available at law or in equity for a violation of this
14 subchapter, or a rule or regulation adopted or any order
15 issued under this subchapter, the secretary may assess a
16 civil penalty not to exceed \$10,000 upon an individual or
17 business for each offense.

18 (2) No civil penalty shall be assessed for a violation

1 of this subchapter unless the person charged has been given
2 notice and opportunity for a hearing in accordance with law.
3 In determining the amount of the penalty, the secretary shall
4 consider the gravity of the violation. Whenever the secretary
5 finds a violation which did not cause harm to human health,
6 the secretary may issue a warning in lieu of assessing a
7 penalty. In case of inability to collect the civil penalty or
8 failure of any person to pay all or any portion of the
9 penalty as the secretary may determine, the secretary may
10 refer the matter to the Attorney General, who shall recover
11 the amount by action in the appropriate court.

12 * * *

13 Section 2. Title 3 is amended by adding a section to read:

14 § 5731.1. Prohibited food packaging.

15 (a) PFAS chemicals packaging.--Beginning January 1, 2024, no
16 person shall manufacture, distribute, sell or offer for sale in
17 this Commonwealth food packaging containing PFAS chemicals
18 present in any amount.

19 (b) Certificate of compliance.--

20 (1) A person that manufactures, distributes, sells or
21 offers for sale in this Commonwealth food packaging shall
22 post a certificate of compliance at the person's place of
23 business to attest that the food packaging is in compliance
24 with the requirements of this section. Within 30 days after a
25 request by the department, the person shall provide the
26 certificate of compliance to the department.

27 (2) If the person fails to certify that the food
28 packaging is in compliance, the department may seek an
29 injunction to require the person to withdraw the food
30 packaging in question from sale or promotional use within

1 this Commonwealth.

2 (c) Penalty.--

3 (1) In addition to proceeding under any other remedy
4 available at law or in equity for a violation of this
5 subchapter, or a rule or regulation adopted or any order
6 issued under this subchapter, the secretary may assess:

7 (i) A civil penalty not to exceed \$5,000 upon an
8 individual or business for a first offense under this
9 section.

10 (ii) A civil penalty not to exceed \$10,000 upon an
11 individual or business for a second or subsequent offense
12 under this section.

13 (2) The provisions of section 5725(b)(1) (relating to
14 penalties) shall not apply to a violation of this section.

15 (d) Deposit of civil penalties.--Penalties collected under
16 this section shall be deposited into the Hazardous Sites Cleanup
17 Fund established in section 901 of the act of October 18, 1988
18 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.

19 (e) Rulemaking.--The secretary, in consultation with the
20 Department of Environmental Protection, shall enforce this
21 section as well as promulgate regulations that are necessary.

22 (f) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Food packaging." A container or component that is intended
26 for direct food contact.

27 "PFAS chemicals." A class of fluorinated organic chemicals
28 that contain at least one fully fluorinated carbon atom,
29 including perfluoroalkyl and polyfluoroalkyl substances.

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