

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.