
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 729 Session of
1993

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of
the Senate and House of Representatives for the purpose of
considering Senate Bill No. 729, entitled:

"An act providing for the certification of organic food
products; imposing a civil penalty ~~and making an~~
~~appropriation,~~"

respectfully submit the following bill as our report:

ROGER A. MADIGAN

NOAH W. WENGER

PATRICK J. STAPLETON

(Committee on the part of the Senate.)

WILLIAM R. LLOYD, JR.

RUTH C. RUDY

BRUCE SMITH

(Committee on the part of the House of Representatives.)

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AN ACT

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to bees, commercial feed, organic foods, maple products and food handlers; transferring regulatory responsibilities relating to public eating and drinking places and egg refrigeration to the Department of Agriculture; and making repeals.

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

Section 1. Title 3 of the Pennsylvania Consolidated Statutes
is amended by adding parts to read:

PART I

GENERAL PROVISIONS

Chapter

1. Preliminary Provisions

CHAPTER 1

PRELIMINARY PROVISIONS

Sec.

101. Short title of title.

102. Definitions.

§ 101. Short title of title.

This title shall be known and may be cited as the Agriculture
Code.

§ 102. Definitions.

Subject to additional definitions contained in subsequent
provisions of this title which are applicable to specific
provisions of this title, the following words and phrases when
used in this title shall have the meanings given to them in this
section unless the context clearly indicates otherwise:

"Department." The Department of Agriculture of the
Commonwealth.

"Secretary." The Secretary of Agriculture of the
Commonwealth.

PART II

PRODUCTS IN GENERAL

(RESERVED)

PART III

1 PLANTS AND PLANT PRODUCTS

2 (RESERVED)

3 PART IV

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5 Chapter

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7 CHAPTER 21

8 BEES

9 Sec.

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27 § 2101. Short title of chapter.

28 This chapter shall be known and may be cited as the Bee Law.

29 § 2102. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Apiary." Any place where one or more colonies or nuclei of
4 bees are kept.

5 "Apiary yard." A fixed location or locations in this
6 Commonwealth where an apiary is maintained on a continuing basis
7 from which hives may be moved to temporary locations for crop
8 pollination and returned.

9 "Appliance." Any apparatus, tool, machine or other device
10 used in the handling and manipulating of bees, honey, wax and
11 hives and any container of honey and wax which may be used in
12 any apiary or in transporting bees and their products and apiary
13 supplies.

14 "Bee." Any stage of the common hive or honeybee (*Apis*
15 *mellifera*) or other species of the genus *Apis*.

16 "Bee disease." Any American or European foul brood, sac
17 brood, bee paralysis or other disease or abnormal condition of
18 eggs, larval, pupal or adult stages of the honeybee.

19 "Bureau." The Bureau of Plant Industry of the Department of
20 Agriculture.

21 "Hive." Any frame hive, box hive, box, barrel, log, gum,
22 skep or other receptacle or container, natural or artificial, or
23 any part thereof, which may be used or employed as a domicile
24 for bees.

25 "Owner of an apiary." Includes all colonies owned by an
26 individual and located in any permanent location or locations
27 within this Commonwealth.

28 "Queen apiary." Any apiary or premises in which queen bees
29 are reared or kept for sale or gift.

30 "Violation." A violation of this chapter or any order or

1 regulation promulgated under this chapter.

2 § 2103. Chief apiary inspector.

3 The secretary shall appoint a chief apiary inspector to be in
4 charge of all apiary inspections and shall appoint such
5 additional apiary inspectors as may be necessary. The inspectors
6 shall be attached to the bureau and shall be furnished with
7 official badges or other insignia of authority. The secretary
8 and the bureau are charged with the enforcement of the
9 provisions of this chapter.

10 § 2104. Quarantines.

11 The department may establish, modify and maintain such
12 quarantines as may be necessary to control the shipment into or
13 within this Commonwealth of any bees, queen bees, hives or
14 appliances capable of transmitting any bee disease for such
15 periods and under such conditions as may be necessary in order
16 to control and eradicate any bee disease or to prevent its
17 introduction, spread or dissemination in this Commonwealth and
18 for such purposes may make and promulgate such rules,
19 regulations and orders relating thereto and to the general
20 enforcement of the provisions of this chapter as may be
21 necessary.

22 § 2105. Registration of apiaries.

23 (a) General rule.--The owner of an apiary located in this
24 Commonwealth shall register the apiary with the department.

25 (b) Application.--The application for registration of an
26 apiary shall be made on a form provided by the department and
27 shall include all of the following:

28 (1) The name and complete mailing address of the owner
29 of the apiary and the name and complete mailing address of
30 the person primarily responsible for maintaining and caring

1 for the apiary if different from the owner.

2 (2) The exact location or locations of each apiary.

3 (3) The number of colonies contained in the apiary.

4 (4) Such other information as the department may
5 require.

6 (c) Fee.--The apiary registration fee shall be \$10 for each
7 applicant. No fee shall be charged for temporary relocation of a
8 hive or hives for crop pollination from an apiary yard properly
9 registered as an apiary under this chapter.

10 (d) Registration term.--A registration under this section
11 shall be valid for a period of not more than two calendar years
12 and shall expire on December 31 of the year following the
13 initial year of registration.

14 (e) Relocation.--The department may by regulation require
15 apiary owners to report the relocation of an apiary from its
16 original location as reported at the time of registration to
17 another location in this Commonwealth. The owner of an apiary
18 yard which is properly registered as an apiary under this
19 chapter shall not be required to report the temporary relocation
20 of a hive or hives for crop pollination as long as proper
21 records of hive locations are maintained by the owner at a
22 location available to the department for inspection.

23 § 2106. Inspection.

24 The department through the inspectors shall, at least twice
25 during each summer season, inspect all queen apiaries. If from
26 the inspection it appears that any bee disease exists in the
27 queen apiary, the apiary inspector making the inspection shall
28 immediately notify in writing the owner or person in charge
29 thereof, and thereafter it shall be unlawful for that person to
30 ship, sell or give away any queen bees from the apiary until the

1 disease has been destroyed and a certificate of that fact has
2 been obtained from the chief inspector. If upon inspection it is
3 found that no bee disease exists in the queen apiary, the chief
4 inspector shall issue a certificate of that fact and a copy of
5 the certificate shall be attached to each package or shipment of
6 queen bees transported from the apiary. The certificate shall be
7 valid for one year from the date of its issue unless revoked for
8 cause.

9 § 2107. Diseases.

10 (a) General rule.--The department through the inspectors
11 shall, as far as practicable, inspect all apiaries in this
12 Commonwealth. If upon inspection it is found that any bee
13 disease exists in the apiary, the inspector making the
14 inspection shall immediately notify in writing the owner or
15 person in charge of the apiary, stating the nature of the
16 disease and whether the disease may or may not be successfully
17 treated. If the disease may be successfully treated, the
18 inspector shall specify and direct the necessary treatment,
19 which shall be administered by the owner or person in charge
20 within 14 days.

21 (b) Service of notices.--The written notice required by
22 section 2106 (relating to inspection) and this section may be
23 served by handing a copy thereof to the owner or person in
24 charge of the apiary, or by leaving a copy thereof with an adult
25 person residing upon the premises, or by registered mail
26 addressed to the owner or person in charge of the apiary at his
27 last known or reputed address.

28 § 2108. Infected shipments.

29 Infected shipments, apiaries where the existing disease
30 cannot be successfully treated and apiaries which are affected

1 by disease amenable to treatment but which have not been treated
2 within a period of 14 days after the owner thereof has received
3 notice of the necessary treatment are hereby declared to be a
4 public nuisance and a menace to the community, and the director
5 of the bureau or his authorized agent may destroy by burning or
6 otherwise, without any remuneration to the owner, any infected
7 bees, hives, honey or appliances found therein.

8 § 2109. Prohibitions.

9 (a) Infected colonies, hives or appliances.--No person shall
10 knowingly keep in his possession without proper treatment any
11 colony of bees affected with any bee disease or expose any
12 diseased colony or infected hive or appliance so that flying
13 bees may have access to them.

14 (b) Infected bees.--No person shall sell, barter or give
15 away, accept, receive or transport any bees affected with any
16 bee disease.

17 (c) Hives.--No person shall keep or maintain honeybees in
18 any hive other than a modern movable frame hive which permits
19 thorough examination of every comb to determine the presence of
20 bee disease. All other types of hives or receptacles for bees
21 which are in use are hereby declared to be a public nuisance and
22 a menace to the community, and the secretary, the chief apiary
23 inspector or any apiary inspector may seize and destroy the hive
24 or receptacle without remuneration to the owner.

25 § 2110. Free access.

26 The department, the chief apiary inspector and any apiary
27 inspector shall have free access, ingress and egress to and from
28 any apiary, premises, building or other place, public or
29 private, in which bees, queen bees, wax, honey, hives or
30 appliances may be kept or stored. No person shall deny to such

1 duly authorized officer or agent access to any such place or
2 hinder or resist the inspection of the premises.

3 § 2111. Transportation.

4 No person shall transport bees, hives or appliances into this
5 Commonwealth unless they are accompanied with a certificate of
6 inspection signed by the chief apiary inspector or corresponding
7 inspection official of the state or county from which the bees
8 are being transported. The certificate shall certify that actual
9 inspection of the bees was made within 30 days preceding the
10 date of shipment and that the bees, hives and appliances
11 contained in the shipment are free from bee diseases. It is the
12 duty of any officer, agent, servant or employee of any person,
13 firm or corporation engaged in transportation, who shall receive
14 a shipment of bees consigned to a point in this Commonwealth and
15 not having attached thereto a certificate as required, to
16 immediately notify the department and to hold the shipment
17 subject to its orders for a period of 15 days.

18 § 2112. Imported bees.

19 No person shall import any living insects belonging to the
20 genus Apis from any foreign country except Canada for any
21 purpose without written permission from the department.

22 § 2113. Penalties.

23 (a) First violation.--A first violation of this chapter or
24 any order or regulation promulgated under this chapter
25 constitutes a summary offense punishable by a fine of not less
26 than \$100.

27 (b) Second violation.--A second violation of this chapter or
28 any order or regulation promulgated under this chapter
29 constitutes a summary offense punishable by a fine of not less
30 than \$300.

1 (c) Subsequent violations.--A third and subsequent violation
2 of this chapter or any order or regulation promulgated under
3 this chapter constitutes a misdemeanor of the third degree
4 punishable by a fine of not less than \$1,000.

5 § 2114. Civil penalties.

6 (a) Assessment.--The department may assess a civil penalty
7 of not more than \$1,000 upon a person for each violation.

8 (b) Contest.--If a civil penalty is assessed against a
9 person under subsection (a), the department shall notify the
10 person by certified mail of the nature of the violation and the
11 amount of the civil penalty and that the person may notify the
12 department in writing within ten calendar days that he wishes to
13 contest the civil penalty. If within ten calendar days from the
14 receipt of that notification the person does not notify the
15 department of his intent to contest the assessed penalty, the
16 civil penalty shall become final.

17 (c) Hearing and appeal.--If timely notification of the
18 intent to contest the civil penalty is given, the person
19 contesting the civil penalty shall be provided with a hearing in
20 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
21 and procedure of Commonwealth agencies). Appeals may be taken in
22 accordance with 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial
23 review of Commonwealth agency action).

24 § 2115. Injunctions.

25 The Attorney General at the request of the department may
26 initiate in the Commonwealth Court or the court of common pleas
27 of the county in which the defendant resides or has a place of
28 business an action in equity for an injunction to restrain any
29 violation of this chapter or any order or regulation promulgated
30 under this chapter. The Commonwealth shall not be required to

1 furnish a bond or other security in connection with this
2 proceeding.

3 § 2116. Concurrent remedies.

4 The penalties and remedies prescribed by this chapter are
5 concurrent. The existence or exercise of any remedy shall not
6 prevent the exercise of any other remedy under this chapter.

7 § 2117. Disposition of funds.

8 Moneys received from registration fees, fines and civil
9 penalties shall be paid into the State Treasury and shall be
10 credited to the general government operations appropriation of
11 the Department of Agriculture for administering the provisions
12 of this chapter.

13 PART V

14 SOIL AND CONSERVATION

15 (RESERVED)

16 PART VI

17 DEVELOPMENT, MARKETING AND PROMOTION

18 (RESERVED)

19 PART VII

20 QUALITY AND LABELING

21 Chapter

22 51. Commercial Feed

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27 CHAPTER 51

28 COMMERCIAL FEED

29 Sec.

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11 5112. Civil penalties.
12 5113. Civil remedy.
13 5114. Publications.
14 § 5101. Short title of chapter.

15 This chapter shall be known and may be cited as the
16 Commercial Feed Act.

17 § 5102. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Brand name." Any word, name, symbol or device or any
22 combination thereof identifying the commercial feed of a
23 distributor and distinguishing it from that of others.

24 "Commercial feed." All materials distributed or intended to
25 be distributed for use as feed or for mixing in feed. The term
26 does not include unmixed whole seeds and physically altered
27 entire unmixed seeds when the seeds are not adulterated within
28 the meaning of section 5106 (relating to adulteration). The
29 department by regulation may exempt from this definition or
30 specific provisions of this chapter specific commodities,

1 individual chemical compounds or substances when the
2 commodities, compounds or substances are not mixed with other
3 materials and are not adulterated within the meaning of section
4 5106.

5 "Contract feed." Commercial feed provided to a contract
6 feeder.

7 "Contract feeder." A person who as an independent contractor
8 feeds commercial feed to animals pursuant to a contract whereby
9 the commercial feed is supplied, furnished or otherwise provided
10 to the person and whereby the person's remuneration is
11 determined all or in part by feed consumption, mortality,
12 profits or amount or quality of product.

13 "Customer-formula feed." Commercial feed consisting of a
14 mixture of commercial feeds or feed ingredients or both, each
15 batch of which is manufactured according to the specific
16 instructions of the final purchaser.

17 "Distribute." To offer for sale, sell or barter commercial
18 feed or customer-formula feeds or to supply, furnish or
19 otherwise provide commercial feed or customer-formula feed to a
20 contract feeder.

21 "Distributor." Any person who distributes commercial feed or
22 customer-formula feed.

23 "Drug." Any article intended for use in the prevention,
24 diagnosis, cure, mitigation or treatment of disease in animals
25 other than man and articles other than feed intended to affect
26 the structure or any function of the animal body.

27 "Exempted material." Any commodity, individual chemical
28 compound or substance specifically exempted from the definition
29 of commercial feed.

30 "Facility." Each separate mill or plant, fixed or mobile, or

1 distributor of commercial feed or customer-formula feed.

2 "Feed ingredient." Each of the constituent materials making
3 up a commercial feed.

4 "Guarantor." The person, including a manufacturer or
5 distributor, whose name appears on the label of commercial feed.

6 "Label." A display of written, printed or graphic matter
7 upon or affixed to the container in which a commercial feed is
8 distributed or on the invoice or delivery slip with which a
9 commercial feed or customer-formula feed is distributed.

10 "Labeling." All labels and other written, printed or graphic
11 matter:

12 (1) appearing upon a commercial feed or any of its
13 containers or wrappers; or

14 (2) used in promoting the distribution of commercial
15 feed.

16 "Manufacture." To grind, mix, blend, repackage or further
17 process a commercial feed for distribution.

18 "Mineral feed." A substance or mixture of substances
19 designed or intended to supply primarily mineral elements or
20 inorganic nutrients.

21 "Official sample." Any sample of feed taken by the
22 department in accordance with section 5108 (relating to
23 inspection, sampling and analysis).

24 "Percentage." Percentage by weight.

25 "Pet." Any domesticated animal normally maintained in or
26 near the household of the owner thereof.

27 "Pet food." Any commercial feed prepared and distributed for
28 consumption by pets.

29 "Portable grinding mill." An apparatus or machine, so
30 constructed as to be moved from place to place and not located

1 in a permanent place, used and employed as a food or feed
2 grinder or mill to manufacture commercial feed.

3 "Product name." The name of the commercial feed which
4 identifies it as to kind, class or specific use.

5 "Repackage." To change the container, wrapper or labeling of
6 any commercial feed package to further its distribution from the
7 original place of manufacture.

8 "Sale." Includes exchange.

9 "Ton." A net weight of 2,000 pounds avoirdupois.

10 § 5103. Licensing.

11 (a) General rule.--Every person engaged in the manufacture
12 of commercial feed or customer-formula feed to be distributed in
13 this Commonwealth and each guarantor of the feed shall, on
14 January 1 of each year or prior to manufacture or distribution
15 of the feed, obtain a license for each manufacturing facility
16 located in this Commonwealth and for each guarantor by
17 completing a form furnished by the department and paying a \$25
18 application fee. Upon approval by the department, a copy of the
19 license shall be furnished to the applicant and, in the case of
20 manufacturers, displayed in the facility. The department may
21 require an applicant for a license or a current licensee to
22 submit any labeling the applicant is using or intends to use for
23 commercial feed.

24 (b) Denial of license.--The department may refuse the
25 license of any person not in compliance with the provisions of
26 this chapter or cancel the license of any person found not in
27 compliance with any provision of this chapter. A license may not
28 be refused or canceled until the applicant or licensee has been
29 given an opportunity to be heard before the department.

30 § 5104. Labeling.

(a) Commercial feed labeling.--Any commercial feed distributed in this Commonwealth shall be accompanied by a legible label bearing the following information:

(1) The net weight.

(2) The product name and brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis stated in such terms as the secretary by regulation determines is required to advise the user of the composition of the feed to support the claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods from generally recognized sources such as the methods published by the Association of Official Analytical Chemists.

(4) The common or usual name of each ingredient used in the manufacture of the commercial feed. The department may by regulation permit the use of a collective term for a group of ingredients which perform a similar function or it may exempt such commercial feeds or any group thereof from this requirement of an ingredient statement if it finds that such statement is not required in the interest of consumers.

(5) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(6) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the department may require by regulation as necessary for their safe and effective use.

(7) Such warning or caution statements as the department by regulation determines are necessary for the safe and effective use of the commercial feed.

(b) Customer-formula feed labeling.--Customer-formula feed shall be accompanied by a label, invoice, delivery slip or other shipping document bearing the following information:

(1) The name and address of the manufacturer.

(2) The name and address of the purchaser.

(3) The date of delivery.

(4) The product name and brand name, if any, the net weight of each commercial feed used in the mixture and the net weight of each other ingredient used.

(5) Adequate directions for use of all customer-formula feeds containing drugs and for such other feeds as the department may require by regulation as necessary for their safe and effective use.

(6) Warning or caution statements as the department by regulation determines are necessary for the safe and effective use of the customer-formula feed.

§ 5105. Inspection fees.

(a) Imposition.--There shall be paid to the department for all commercial feeds distributed in this Commonwealth an inspection fee at the rate of 10¢ per ton annually. Customer-formula feeds and contract feeds are exempted if the inspection fee is paid on the commercial feeds which are used as ingredients therein. Commercial feeds which are distributed to manufacturers and used as ingredients in the manufacture of commercial feeds other than customer-formula feeds and contract feeds are exempted from the inspection fee, but in no case shall the inspection fee paid annually amount to less than \$25. The department, having determined after a public hearing following notice to the licensees that moneys derived from the license and inspection fees are either greater or less than that required to

1 administer this chapter, may by regulation reduce or increase
2 the inspection fee so as to maintain revenues sufficient to
3 administer this chapter, but the inspection fee shall not be
4 changed by more than 2¢ in one year and the inspection fee shall
5 not exceed 20¢ per ton.

6 (b) Annual statement and records.--Except as otherwise
7 provided, every guarantor who distributes commercial feed in
8 this Commonwealth shall:

9 (1) File not later than February 15 of each year an
10 annual statement, under oath, setting forth the number of net
11 tons of commercial feeds distributed in this Commonwealth
12 during the preceding calendar year. Upon filing the
13 statement, the guarantor shall pay the inspection fee at the
14 rate stated in subsection (a) or at the rate established by
15 the department by regulation promulgated under subsection
16 (a). When more than one guarantor is involved in the
17 distribution of commercial feed, the guarantor who
18 distributed the feed last is responsible for reporting the
19 tonnage and paying the inspection fee unless the report and
20 payment have been made by a prior guarantor of the feed or
21 feed ingredient. Inspection fees which are due and owing and
22 have not been remitted to the Commonwealth by the due date
23 shall have a penalty fee of 10% or a minimum of \$25 added to
24 the amount due when payment is finally made. The assessment
25 of this penalty fee shall not prevent the Commonwealth from
26 taking other actions as provided in this chapter.

27 (2) Keep such records as may be necessary or required by
28 the department to indicate accurately the tonnage of
29 commercial feeds distributed in this Commonwealth. The
30 department may examine these records to verify statements of

1 tonnage.

2 (c) Cancellation of license.--Failure to make an accurate
3 statement of tonnage or to pay the inspection fee or comply as
4 provided in this section shall constitute sufficient cause for
5 the cancellation of the license.

6 § 5106. Adulteration.

7 No person shall distribute adulterated feed. A commercial
8 feed, customer-formula feed or exempted material shall be deemed
9 to be adulterated if it meets any of the following criteria:

10 (1) It bears or contains any poisonous or deleterious
11 substance which may render it injurious to the health of
12 humans or animals. If the substance is not an added
13 substance, the commercial feed shall not be considered
14 adulterated under this paragraph if the quantity of the
15 substance in the commercial feed does not ordinarily render
16 it injurious to health.

17 (2) It bears or contains any added poisonous, added
18 deleterious or added nonnutritive substance which is unsafe
19 within the meaning of section 406 of the Federal Food, Drug,
20 and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.)
21 other than a pesticide chemical in or on a raw agricultural
22 commodity or a food additive.

23 (3) It is, bears or contains any food additive which is
24 unsafe within the meaning of section 409 of the Federal Food,
25 Drug, and Cosmetic Act.

26 (4) It is a raw agricultural commodity and it bears or
27 contains a pesticide chemical which is unsafe within the
28 meaning of section 408(a) of the Federal Food, Drug, and
29 Cosmetic Act. Where a pesticide chemical has been used in or
30 on a raw agricultural commodity in conformity with an

1 exemption granted or a tolerance prescribed under section 408
2 of the Federal Food, Drug, and Cosmetic Act and the raw
3 agricultural commodity has been subjected to processing such
4 as canning, cooking, freezing, dehydrating or milling, the
5 residue of the pesticide chemical remaining in or on the
6 processed feed shall not be deemed unsafe if the residue has
7 been removed to the extent possible in good manufacturing
8 practice and the concentration of the residue in the
9 processed feed is not greater than the tolerance prescribed
10 for the raw agricultural commodity. If the feeding of the
11 processed feed will result or is likely to result in a
12 pesticide residue in the edible product of the animal which
13 is unsafe within the meaning of section 408(a) of the Federal
14 Food, Drug, and Cosmetic Act, it shall be deemed adulterated.

15 (5) It is, bears or contains any color additive which is
16 unsafe within the meaning of section 706 of the Federal Food,
17 Drug, and Cosmetic Act.

18 (6) It is, bears or contains any new animal drug which
19 is unsafe within the meaning of section 512 of the Federal
20 Food, Drug, and Cosmetic Act.

21 (7) Any valuable constituent has been, in whole or in
22 part, omitted or abstracted therefrom or any less valuable
23 substance substituted therefor.

24 (8) Its composition or quality falls below or differs
25 from that which it is purported or represented to possess by
26 its labeling.

27 (9) It contains a drug and the methods used in or the
28 facilities or controls used for its manufacture, processing
29 or packaging do not conform to current good manufacturing
30 practice regulations promulgated by the department to assure

1 that the drug meets the requirements of this chapter as to
2 safety, identity and strength, quality and purity
3 characteristics which the drug purports or is represented to
4 possess. In promulgating these regulations, the department
5 shall adopt the current good manufacturing practice
6 regulations for Type A medicated articles and Type B and Type
7 C medicated feeds established under authority of the Federal
8 Food, Drug, and Cosmetic Act unless it determines that they
9 are not appropriate to the conditions which exist in this
10 Commonwealth.

11 (10) It contains viable weed seeds in amounts exceeding
12 the limits which the department establishes by regulation.

13 § 5107. Misbranding.

14 No person shall distribute misbranded feed. A commercial feed
15 or customer-formula feed shall be deemed to be misbranded if it
16 meets any of the following criteria:

17 (1) Its labeling is false or misleading in any
18 particular.

19 (2) It is distributed under the name of another feed.

20 (3) It is not labeled as required in section 5104
21 (relating to labeling) and in regulations prescribed under
22 this chapter.

23 (4) It purports to be or is represented as a feed
24 ingredient or it purports to contain or is represented as
25 containing a feed ingredient unless the feed ingredient
26 conforms to the definition of identity, if any, prescribed by
27 regulation of the department. In adopting such regulation,
28 the department shall give due regard to commonly accepted
29 definitions such as those issued by the Association of
30 American Feed Control Officials.

(5) Any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

§ 5108. Inspection, sampling and analysis.

(a) Inspection.--For purposes of enforcement of this chapter, the department may inspect during business hours any facility, warehouse or establishment in which commercial feeds are manufactured, processed, packed or held for distribution. It may also enter and inspect any vehicle being used to transport or hold feeds. The inspector shall give written notice to the owner or person in charge of the facility, warehouse, establishment or vehicle prior to inspection. The inspection may include the verification of only those records and production and control procedures as may be necessary to determine compliance with this chapter. A separate notice shall be given for each inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified. If the employee making the inspection of a factory, warehouse or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises the employee shall give to the owner, operators or agent in charge a receipt describing the samples obtained.

1 (b) Warrant.--If the owner of any factory, warehouse or
2 establishment described in subsection (a) or his agent refuses
3 to permit the department to inspect in accordance with
4 subsection (a), the department may obtain from any court of
5 competent jurisdiction a warrant directing the owner or his
6 agent to submit the premises described in the warrant to
7 inspection.

8 (c) Samples and records.--For the purpose of the enforcement
9 of this chapter, the department may enter upon any public or
10 private premises, including any vehicle of transport, during
11 business hours to have access to and to obtain samples,
12 including exempted materials and labeling for commercial feeds,
13 and to examine and copy records relating to the manufacture and
14 distribution of commercial feeds and exempted materials.

15 (d) Sampling and analysis methods.--Sampling and analysis
16 shall be conducted in accordance with methods published by the
17 Association of Official Analytical Chemists or in accordance
18 with other generally recognized methods.

19 (e) Disposition of official samples.--In determining for
20 administrative purposes whether a commercial feed is deficient
21 in any component, the department shall be guided solely by the
22 official sample obtained and analyzed as provided for in
23 subsection (d). The result of analyses of official samples shall
24 be forwarded by the department to the guarantor. Upon request,
25 the department shall furnish to the guarantor a portion of the
26 sample concerned. The request must be made within 30 days from
27 the date of the official report.

28 § 5109. Rules and regulations.

29 The department is charged with the enforcement of this
30 chapter and after due publicity and due public hearing may

1 promulgate and adopt such reasonable rules and regulations as
2 may be necessary in order to secure the efficient administration
3 of this chapter. Publicity concerning the public hearing shall
4 be reasonably calculated to give interested parties adequate
5 notice and adequate opportunity to be heard.

6 § 5110. Detained commercial feeds.

7 (a) "Withdrawal from distribution" orders.--When the
8 department has reasonable cause to believe any lot of commercial
9 feed is being distributed in violation of any of the provisions
10 of this chapter or of any of the prescribed regulations under
11 this chapter, it may issue and enforce a written or printed
12 "withdrawal from distribution" order, warning the distributor
13 not to dispose of the lot of feed in any manner until written
14 permission is given by the department or a court of competent
15 jurisdiction. The department shall release the lot of commercial
16 feed so withdrawn when the provisions and regulations have been
17 complied with. If compliance is not obtained within 30 days, the
18 department may begin, or upon request of the distributor shall
19 begin, proceedings for condemnation.

20 (b) Condemnation and confiscation.--Any lot of commercial
21 feed not in compliance with the provisions and regulations shall
22 be subject to seizure on complaint of the department to a court
23 of competent jurisdiction in the area in which the commercial
24 feed is located. In the event the court finds the commercial
25 feed to be in violation of this chapter and orders the
26 condemnation of the commercial feed, it shall be disposed of in
27 any manner consistent with the quality of the commercial feed
28 and the laws of this Commonwealth. In no instance shall the
29 disposition of the commercial feed be ordered by the court
30 without first giving the claimant an opportunity to apply to the

1 court for release of the commercial feed or for permission to
2 process or relabel the commercial feed to bring it into
3 compliance with this chapter.

4 § 5111. Criminal penalties.

5 (a) Conviction.--Any person who violates any of the
6 provisions of this chapter or the rules and regulations issued
7 thereunder or who impedes, obstructs, hinders or otherwise
8 prevents or attempts to prevent the department in performance of
9 its duty in connection with the provisions of this chapter
10 commits a summary offense and shall, upon conviction, be
11 sentenced to pay a fine of not less than \$50 nor more than \$100
12 for the first violation and not less than \$500 nor more than
13 \$1,000 for a subsequent violation in any one year. In all
14 prosecutions under this chapter involving the composition of a
15 lot of commercial feed, a certified copy of the official
16 analysis signed by the secretary shall be accepted as prima
17 facie evidence of the composition.

18 (b) Minor violations.--Nothing in this chapter shall be
19 construed as requiring the department to report a violation and
20 to institute seizure proceedings as a result of minor violations
21 of the chapter when it believes that the public interest will be
22 best served by a suitable notice of warning in writing.

23 (c) District attorney.--It is the duty of each district
24 attorney to whom any violation is reported to cause appropriate
25 proceedings to be instituted and prosecuted in a court of
26 competent jurisdiction without delay. Before the department
27 reports a violation for such prosecution, an opportunity shall
28 be given the person to present his view to the department.

29 (d) Trade secrets.--Any person who uses to his own advantage
30 or reveals to anyone other than the department or to the courts

1 when relevant in any judicial proceeding any information
2 acquired under the authority of this chapter concerning any
3 method, records, formulations or processes which as a trade
4 secret is entitled to protection commits a misdemeanor of the
5 third degree and shall, upon conviction, be sentenced to pay a
6 fine of not less than \$500 or to imprisonment for not less than
7 one year, or both. This prohibition shall not be deemed as
8 prohibiting the department from exchanging information of a
9 regulatory nature with duly appointed officials of the Federal
10 Government or of other states who are similarly prohibited by
11 law from revealing this information.

12 § 5112. Civil penalties.

13 In addition to any other remedy available at law or in equity
14 for a violation of this chapter, the department may assess a
15 civil penalty upon a person for a violation of this chapter. The
16 department shall give notice to the person and shall provide an
17 opportunity for a hearing. The hearing shall be conducted in
18 accordance with Title 2 (relating to administrative law and
19 procedure). The civil penalty assessed shall not exceed \$2,500.
20 The civil penalty shall be payable to the department and shall
21 be collectible in any manner provided by law for the collection
22 of debt. If any person liable to pay a civil penalty neglects or
23 refuses to pay it after demand, the amount of the civil penalty,
24 together with interest and any other costs that may accrue,
25 shall be a lien in favor of the Commonwealth upon the real and
26 personal property of the person after the lien has been entered
27 and docketed of record by the prothonotary of the county where
28 the property is situated. It is the duty of each prothonotary,
29 upon receipt of the certified copy of the lien, to enter and
30 docket the lien in the records of his office and to index the

1 lien as judgments are indexed without requiring the payment of
2 costs as a condition precedent to entry.

3 § 5113. Civil remedy.

4 In addition to any other remedies provided for in this
5 chapter, the Attorney General, at the request of the secretary,
6 may initiate in the Commonwealth Court or the court of common
7 pleas of the county in which the defendant resides or has his
8 place of business an action in equity for an injunction to
9 restrain any and all violations of this chapter or the
10 regulations promulgated under this chapter or any order issued
11 pursuant to this chapter from which no timely appeal has been
12 taken or which has been sustained on appeal. In any such
13 proceeding, the court shall upon motion of the Commonwealth
14 issue a preliminary injunction if it finds that the defendant is
15 engaging in conduct which is causing immediate or irreparable
16 harm to the public. The Commonwealth shall not be required to
17 furnish bond or other security in connection with these
18 proceedings. In addition to an injunction, the court may levy
19 civil penalties as provided by this chapter.

20 § 5114. Publications.

21 The department shall publish at least annually, in such form
22 as it deems proper, information concerning the sales of
23 commercial feeds, together with such data on their production
24 and use as it may consider advisable, and a report of the
25 results of the analyses of official samples of commercial feeds
26 sold in this Commonwealth as compared with the analyses
27 guaranteed on the label. The information concerning production
28 and use of commercial feeds shall not disclose the operations of
29 any person.

30 § 5115. Disposition of funds.

1 Moneys received from license fees, inspection fees, fines and
2 civil penalties shall be paid into the State Treasury and shall
3 be credited to the general government operations appropriation
4 of the Department of Agriculture for administering the
5 provisions of this chapter.

6 CHAPTER 57

7 FOOD PROTECTION (Reserved)

8 CHAPTER 59

9 ORGANIC FOODS

10 Sec.

11 5901. Short title of chapter.

12 5902. Declaration of policy.

13 5903. Definitions.

14 5904. Organic certification.

15 5905. Crop production practices and materials.

16 5906. Animal production practices and materials.

17 5907. Producer statement.

18 5908. Rules and regulations.

19 5909. Violations.

20 § 5901. Short title of chapter.

21 This chapter shall be known and may be cited as the Organic
22 Food Products Standards Act.

23 § 5902. Declaration of policy.

24 The General Assembly finds and declares as follows:

25 (1) A public benefit will be achieved by establishing
26 standards for agricultural products marketed, labeled and
27 advertised using the term "organic" or a derivative of the
28 term "organic." Standards facilitate the development of
29 intrastate and interstate markets for organically produced
30 agricultural products by providing a clear, uniform

1 definition for farmers, food processors, food distributors
2 and consumers alike.

3 (2) It is intended that private certifying agents be
4 recognized by the department to determine whether food
5 products marketed, labeled and advertised as organic conform
6 to standards set forth in the Organic Foods Production Act of
7 1990 (Public Law 101-624, 104 Stat. 3935).

8 § 5903. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Agricultural product." Any agricultural commodity or
13 product, whether in raw or prepared form, including any
14 commodity or product derived from livestock that is intended for
15 human or livestock consumption or seed.

16 "Distribute." To offer for sale, sell, barter, process or
17 otherwise supply agricultural products.

18 "Distributor." Any person who sells agricultural products to
19 consumers or other distributors. The term does not include final
20 retailers of agricultural products that do not process
21 agricultural products.

22 "Organic certification agent or agency." Private individuals
23 or organizations residing or doing business in this Commonwealth
24 who are certified by the Secretary of the United States
25 Department of Agriculture as capable of inspecting farms and
26 food distributor operations to determine whether the farms and
27 food distributor operations conform with standards set forth in
28 the Organic Foods Production Act of 1990 (Public Law 101-624,
29 104 Stat. 3935).

30 "Organically produced." Any agricultural product that is

1 produced and distributed in accordance with this chapter.

2 "Producer." Any person that grows, raises, processes or
3 produces an agricultural product and distributes the
4 agricultural product as organically produced.

5 "USDA." The United States Department of Agriculture.

6 § 5904. Organic certification.

7 (a) General rule.--The department shall designate one or
8 more organic certification agents or agencies to certify
9 organically produced agricultural products in accordance with
10 this chapter.

11 (b) Eligibility for services or certification.--An organic
12 certification agent or agency may not refuse services or
13 certification to a person who meets all of the following
14 requirements:

15 (1) The person has met certification requirements for
16 agricultural products.

17 (2) The person has paid certification fees.

18 (c) USDA seal.--Producers and distributors certified by a
19 recognized organic certification agent or agency may incorporate
20 the USDA seal in the label design of their agricultural product.

21 (d) Records.--Each organic certification agent or agency
22 designated by the department shall maintain detailed and
23 verifiable records on each producer certified for a period of
24 ten years.

25 (e) Proposed regulations.--Organic certification agents or
26 agencies may submit proposed regulations to the department.

27 § 5905. Crop production practices and materials.

28 (a) Seeds and seedlings.--To be certified under this
29 chapter, producers shall not apply materials to or engage in
30 practices on seeds or seedlings that are contrary to or

1 inconsistent with USDA standards or this chapter.

2 (b) Soil additives.--To be certified under this chapter,
3 producers shall not:

4 (1) Use any fertilizers containing synthetic ingredients
5 or any commercially blended fertilizers containing materials
6 prohibited under the Organic Foods Production Act of 1990
7 (Public Law 101-624, 104 Stat. 3935) or this chapter.

8 (2) Use phosphorus, lime or potash as a source of
9 nitrogen.

10 (c) Crop management.--To be certified under this chapter,
11 producers shall not:

12 (1) Use natural poisons such as arsenic or lead salts
13 that have long-term effects and persist in the environment,
14 as determined by the department.

15 (2) Use plastic mulches, unless the mulches are removed
16 at the end of each growing or harvest season.

17 (3) Use transplants that are treated with any synthetic
18 or prohibited material.

19 § 5906. Animal production practices and materials.

20 (a) Livestock in general.--Any livestock that is to be
21 slaughtered and sold or labeled as organically produced shall be
22 raised in accordance with this chapter.

23 (b) Breeder stock.--Breeder stock may be purchased from any
24 source if the stock is not in the last third of gestation.

25 (c) Practices.--In order for livestock to be certified as
26 organically produced under this chapter producers shall not:

27 (1) Feed the livestock feed other than organically
28 produced feed that meets the requirements of this chapter.

29 (2) Use the following feed:

30 (i) Plastic pellets for roughage.

1 (ii) Manure refeeding.

2 (iii) Feed formulas containing urea.

3 (3) Use growth promoters and hormones on livestock,
4 whether implanted, ingested or injected, including
5 antibiotics and synthetic trace elements used to stimulate
6 growth or production of the livestock.

7 (d) Livestock health care.--In order for livestock to be
8 certified as organically produced under this chapter producers
9 shall not:

10 (1) Use subtherapeutic doses of antibiotics.

11 (2) Use synthetic internal parasiticides on a routine
12 basis.

13 (3) Administer medication, other than vaccinations, in
14 the absence of illness.

15 (e) Additional standards.--

16 (1) With the exception of day-old poultry, all poultry
17 from which meat or eggs will be sold or labeled as
18 organically produced shall be raised and handled in
19 accordance with this chapter prior to and during the period
20 in which the meat or eggs are sold.

21 (2) A dairy animal from which milk or milk products will
22 be distributed as organically produced shall be raised in
23 accordance with this chapter for a period of not less than
24 the 12 months immediately prior to the sale of the milk or
25 milk products.

26 (f) Livestock identification.--

27 (1) To be certified under this chapter, producers must
28 keep adequate records and maintain a detailed, verifiable
29 audit trail so that each animal or, in the case of poultry,
30 each flock can be traced back to the producer.

(2) In order to carry out the requirements of paragraph (1), each producer must keep accurate records on each animal or, in the case of poultry, each flock, including amounts and sources of all medications administered and all feeds and feed supplements bought and fed.

§ 5907. Producer statement.

A producer shall not sell to a distributor any agricultural product which the producer represents as an organically produced agricultural product unless the producer received certification from an organic certification agency or agent prior to the sale.

§ 5908. Rules and regulations.

(a) Adoption.--The department shall adopt rules and regulations in conformity with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and the Organic Foods Production Act of 1990 (Public Law 101-624, 104 Stat. 3935) as the department believes are appropriate for the administration of this chapter.

(b) Prohibited substances.--Whenever the department believes it appropriate to protect the interests of consumers of organically produced agricultural products, the department may, by regulation and in accordance with the Regulatory Review Act, add to the list of prohibited substances under this chapter.

§ 5909. Violations.

The department shall issue orders to producers or distributors found violating any provision of this chapter or rules or regulations adopted under this chapter to cease their violations and desist from future violations. The organic certification agencies, the producers and the distributors shall report to the department any violations of this chapter of which they are aware. Whenever the department finds that a producer or

distributor has committed a violation, the department shall impose upon and collect from the violator a civil fine not exceeding the total of the following amounts:

(1) The Commonwealth's estimated costs of investigating and taking appropriate administrative and enforcement actions in respect to the violation.

(2) \$1,000.

CHAPTER 61

MAPLE PRODUCTS

Sec.

6101. Short title of chapter.

6102. Declaration of policy.

6103. Definitions.

6104. License.

6105. Registration.

6106. Enforcement.

6107. Requirements and grades.

6108. Prohibited acts.

6109. Labeling of maple products.

6110. Detained food.

6111. Manufacturing and marketing practices.

6112. Penalties.

§ 6101. Short title of chapter.

This chapter shall be known and may be cited as the Maple Products Act.

§ 6102. Declaration of policy.

The maple industry constitutes an important part of the economy of this Commonwealth. Therefore, the purpose of this chapter is to preserve and foster growth in maple products for producers and ensure the quality of maple products of this

1 Commonwealth for the consumer by establishing reasonable
2 standards of identity and quality for maple products.

3 § 6103. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Advertisement." Any method used to call public attention to
8 a product for the specific purpose of inducing a desire to
9 purchase that product. The term includes, but is not limited to,
10 signs, displays, radio and television broadcasts, newspapers and
11 periodicals, direct mail and other printed forms.

12 "Brix." A scale used to measure sugar solutions so graduated
13 that its readings at a specified temperature represent
14 percentages by weight of sugar in the solution.

15 "Bulk maple syrup." Maple syrup packed in containers of more
16 than five gallons.

17 "Damaged maple syrup." A maple syrup which has color,
18 appearance, flavor, aroma, edibility or shipping quality which
19 has been adversely affected by contamination of sap or syrup
20 with biological, chemical, buddy or particulate matter.

21 "Dealer," "packer" or "reprocessor." A person who annually
22 purchases, produces or otherwise acquires from another person or
23 persons at least 1,000 gallons of maple syrup for the purposes
24 of packaging for resale or for the purposes of resale in bulk.

25 "Food establishment." Shall have the meaning given to it in
26 the act of July 7, 1994 (P.L.421, No.70), known as the Food Act.

27 "Grade." The standards for maple syrup or maple sugar
28 promulgated through regulations of the department as the
29 official grades of maple syrup or maple sugar for this
30 Commonwealth.

1 "Hydrometer." A floating instrument which measures the
2 specific gravities of liquid solutions and which contains a
3 scale designed to determine the density of maple sap or maple
4 syrup.

5 "Inspector." A person with knowledge of the maple syrup
6 industry designated by the Department of Agriculture to carry
7 out the duties described in this chapter.

8 "Maple products." Maple syrup, maple sugar, maple cream or
9 any other product in which the sugar content is entirely derived
10 from pure maple sap and to which nothing has been added unless
11 allowed under section 6107 (relating to requirements and
12 grades).

13 "Maple sap." The unprocessed liquid derived from the maple
14 tree.

15 "Maple sugar." The solid, crystalline product of maple sap.

16 "Maple syrup." The liquid derived by concentration and heat
17 treatment of maple sap.

18 "Maple syrup confectionery." A product consisting of maple
19 syrup and other food products that does not contain artificial
20 flavors or colors.

21 "Packaged maple syrup." Maple syrup packed in containers of
22 five gallons or less.

23 "Producer." A person who collects maple sap for the
24 production of maple syrup or maple products for sale in retail
25 or wholesale markets.

26 § 6104. License.

27 (a) General rule.--A person may not purchase, produce or
28 otherwise acquire 1,000 gallons of maple syrup or more annually
29 for the purposes of packaging for sale or resale or for the
30 purposes of sale or resale in bulk without possessing a current

1 valid dealer's license issued by the department or a current
2 valid registration as a food establishment issued by the
3 department under the act of July 7, 1994 (P.L.421, No.70), known
4 as the Food Act.

5 (b) Optional licensure.--A person who purchases, produces or
6 otherwise acquires less than 1,000 gallons of maple syrup
7 annually for the purposes of packaging for sale or resale or for
8 the purposes of sale or resale in bulk may apply for and be
9 issued a dealer's license by the department. A person who is
10 licensed pursuant to this subsection shall be subject to the
11 same requirements applicable to a person licensed pursuant to
12 subsection (a).

13 (c) Application for license.--A person seeking to be
14 licensed pursuant to either subsection (a) or (b) shall apply on
15 or before December 31 for a license for the succeeding year. The
16 application shall be on a form prescribed by the department and,
17 together with any other information which the department may
18 require, shall include:

19 (1) The name and address of the applicant or, if the
20 applicant is an association or partnership, the name and
21 address of each member of the association or partnership or,
22 if the applicant is a corporation, the name and address of
23 each officer of the corporation.

24 (2) The name and address of the person, if other than
25 the applicant, whose name will appear on the label of any
26 maple product which the person intends to sell.

27 (3) The location of all places at which the applicant
28 intends to do business.

29 (d) Issuance of license.--Except as provided in subsection
30 (e), the department shall issue a dealer's license to a person

1 who submits a completed application pursuant to subsection (c)
2 and pays the annual license fee of \$35. A person who pays the
3 annual registration fee pursuant to section 14(c) of the Food
4 Act shall not be subject to the license fee imposed by this
5 subsection.

6 (e) Right to refuse, suspend or revoke license.--The
7 department may refuse to issue a license or may suspend or
8 revoke a previously issued license if the department determines
9 that the applicant or licensee has done any of the following:

10 (1) Failed to provide any information which the
11 department has reasonably requested.

12 (2) Made a false or misleading statement in the
13 application for a license or the renewal of a license.

14 (3) Committed an act prohibited under section 6108
15 (relating to prohibited acts).

16 (f) Appeals.--Any person refused a license or a license
17 renewal or any person whose license is suspended or revoked may
18 appeal the refusal, suspension or revocation in accordance with
19 Title 2 (relating to administrative law and procedure).

20 § 6105. Registration.

21 Subject to regulations promulgated by the department, a
22 licensee may label a maple product as having been registered by
23 the department. "Reg. Penna. Dept. Agr." shall be the approved
24 abbreviation.

25 § 6106. Enforcement.

26 (a) General rule.--A maple product shall be subject to the
27 act of July 7, 1994 (P.L.421, No.70), known as the Food Act, and
28 the regulations promulgated under that act, except to the extent
29 that this chapter or the regulations promulgated under this
30 chapter are inconsistent with those statutes and regulations.

(b) Inspectors.--Inspectors shall have the power and duty to:

(1) Administer and enforce the provisions of this chapter.

(2) Periodically inspect dealers, producers and other food establishments for compliance with this chapter. An inspector may enter upon any public or private premises during hours of their operation and other reasonable times without prior notice to inspect, conduct tests, collect samples and examine records as he considers necessary to determine compliance with this chapter.

(c) Regulations.--The department shall promulgate such regulations as are necessary to carry out this chapter.

§ 6107. Requirements and grades.

(a) General rule.--

(1) A food product shall not be described as "maple" or "maple flavored" unless it contains maple syrup as the sole source of maple flavor and color, provided that a food product which contains maple syrup as the sole source of maple flavor but which is artificially colored may be described as "maple flavored, artificially colored."

(2) No person shall sell or offer for sale in this Commonwealth maple syrup which does not comply with the grades, density, flavor and other requirements of this section.

(b) Processing.--Maple syrup shall not be processed in any manner which adds or removes naturally occurring soluble materials. This limitation shall not preclude the use of approved filter aids used for the sole purpose of assisting the removal of suspended material or the use of defoaming agents

1 approved by the department.

2 (c) Ingredients.--The only ingredients which may be added to
3 maple sap in the production of maple syrup are:

4 (1) Salt.

5 (2) Chemical preservatives and defoaming agents approved
6 under the Federal Food, Drug, and Cosmetic Act (52 Stat.
7 1040, 21 U.S.C. § 301 et seq.).

8 (d) Density.--

9 (1) Unless otherwise established by regulations
10 promulgated by the department, the minimum density of maple
11 syrup shall be 66 degrees Brix at 60 degrees Fahrenheit.

12 (2) Except as provided in paragraph (3), no person shall
13 place maple syrup in retail or wholesale containers if it
14 does not comply with the density standards of this chapter or
15 sell, exchange, offer for sale or expose for sale packaged
16 maple syrup which does not meet the density requirements of
17 this chapter.

18 (3) If the density of bulk maple syrup does not exceed
19 the minimum density set forth in paragraph (1), the container
20 shall be conspicuously marked:

21 NOTICE

22 The syrup in this container has a density of (number)
23 degrees Brix at 60 degrees Fahrenheit.

24 (e) Labeling.--

25 (1) Packaged maple syrup shall be conspicuously labeled
26 as to grade at the time of packaging.

27 (2) Packaged maple syrup shall be labeled in accordance
28 with department requirements.

29 (3) Maple products labeled as "organic" shall comply
30 with organic food labeling laws.

1 (4) A product or package containing a product made by
2 combining maple sap, maple sugar or maple syrup with any
3 other sugar or other substance shall be clearly and
4 conspicuously marked as to indicate the accurate and
5 descriptive name of the added substance and the amount of
6 maple sugar, maple syrup or other substance contained in the
7 product.

8 (5) A product or package containing a product made by
9 using an artificial maple flavoring or artificial coloring
10 shall be clearly and conspicuously marked "artificially
11 flavored" or "artificially colored," as the case may be.

12 (f) Grade.--Unless otherwise established by regulations
13 promulgated by the department, the grades of maple syrup shall
14 be as follows:

15 (1) "Grade A Light Amber" shall have a color no darker
16 than the United States Department of Agriculture's visual
17 color standard of light amber and a delicately sweet,
18 original maple flavor characteristic of a light amber maple
19 syrup. Light amber maple syrup shall be free of sugar
20 crystals and shall not be damaged in any way.

21 (2) "Grade A Medium Amber" shall have a color no darker
22 than the United States Department of Agriculture's visual
23 color standard of medium amber and a flavor which is more
24 pronounced than that of light amber but which is not strong
25 or unpleasant and is characteristic of medium amber maple
26 syrup. Medium amber maple syrup shall be free of sugar
27 crystals and shall not be damaged in any way.

28 (3) "Grade A Dark Amber" shall have a color no darker
29 than the United States Department of Agriculture's visual
30 color standard of dark amber and a flavor which is stronger

1 than that of medium amber but which is not sharp, bitter,
2 buddy or off-flavor and is characteristic of dark amber. Dark
3 amber maple syrup shall be free of sugar crystals and shall
4 not be damaged in any way.

5 (4) "Grade B" shall have a color darker than the United
6 States Department of Agriculture's visual color standard of
7 dark amber which nonetheless permits light transmission
8 through standard comparator containers and a flavor which is
9 stronger than that of medium amber but which is not sharp,
10 bitter, buddy or off-flavor and is characteristic of dark
11 amber. Grade B maple syrup shall be free of sugar crystals
12 and shall not be damaged in any way.

13 (5) "Grade C" shall be any maple syrup which does not
14 meet the grade standards for Grade A light, medium or dark or
15 Grade B maple syrup. Grade C maple syrup shall not be
16 packaged for retail or wholesale sales except for sale
17 directly between the producer and the consumer.

18 (g) Hydrometers.--The department shall promulgate
19 regulations to establish standards for hydrometers used to
20 determine the density of maple sap or maple syrup. The
21 regulations shall include a procedure for certifying the
22 accuracy of hydrometers.

23 § 6108. Prohibited acts.

24 The following acts are prohibited:

25 (1) Manufacture, sale, delivery, consignment, bailment,
26 holding or offering for sale of any maple product that is
27 adulterated or misbranded, except where a person in good
28 faith delivers or offers to deliver the food and furnishes
29 shipping documents to the department.

30 (2) Knowing receipt or delivery or offer to receive or

1 deliver in commerce any maple product which is adulterated or
2 misbranded, for pay or otherwise.

3 (3) Sale, delivery for sale, holding for sale or
4 offering for sale any maple product in violation of the
5 provisions of this chapter.

6 (4) Refusal to permit entry to and inspection of a food
7 establishment during normal business hours.

8 (5) Refusal to permit the taking of samples or copying
9 of records related to the production, distribution or sale of
10 maple products.

11 (6) Removal or disposal of a detained or embargoed maple
12 product in violation of this chapter.

13 (7) Failure to acquire a license if required by this
14 chapter.

15 (8) Alteration, mutilation, destruction, obliteration or
16 removal, in whole or in part, of a maple product label while
17 the product is held for sale if, as a result, the maple
18 product is adulterated or misbranded.

19 (9) Forging, counterfeiting, simulating, falsely
20 representing or using without proper authority any mark,
21 stamp, tag, label or other identification device authorized
22 or required by this chapter or by regulations promulgated
23 pursuant to this chapter.

24 § 6109. Labeling of maple products.

25 Any syrup, confection or product containing maple syrup and
26 artificial ingredients shall have all artificial ingredients
27 clearly identified on the label. Any syrup, confection or
28 product not containing maple syrup or maple products shall not
29 be labeled as a maple syrup or maple product or maple.

30 § 6110. Detained food.

1 If the department has probable cause to believe that a maple
2 product is adulterated or misbranded, the maple product shall be
3 detained and subsequently disposed of in accordance with act of
4 July 7, 1994 (P.L.421, No.70), known as the Food Act, and the
5 regulations promulgated under that act.

6 § 6111. Manufacturing and marketing practices.

7 (a) Water supply.--The water supply used in the processing
8 of maple products shall be potable, sufficient for the
9 operations intended and derived from an adequate source. Private
10 water supplies shall be tested annually no more than 30 days
11 before the start of any operations.

12 (b) Physical structure of facilities.--Floors, walls and
13 ceilings of food establishments in which maple products are
14 processed or packaged shall be in good repair and properly
15 cleaned. Drip and condensate from fixtures, ducts and pipes
16 shall not contaminate food, food contact surfaces or food
17 packaging materials.

18 (c) Lighting.--Adequate lighting shall be provided in food
19 establishments in which maple products are processed or
20 packaged. Food shall be protected against contamination in case
21 of glass breakage.

22 (d) Ventilation.--Adequate ventilation shall be provided in
23 food establishments in which maple products are processed or
24 packaged to minimize vapors, including steam, in areas where
25 they may contaminate food. Screens or other means shall be
26 provided where necessary to prevent pests from entering the
27 establishment.

28 (e) Pest control.--The use of insecticides, rodenticides and
29 other pest control measures shall be permitted in food
30 establishments in which maple products are processed or packaged

1 only under such precautions and restrictions as will prevent
2 contamination of food, food contact surfaces and food packaging
3 materials.

4 (f) Personal sanitation.--Proper sanitary practices shall be
5 followed in food establishments in which maple products are
6 processed or packaged. Toilet facilities shall be available. No
7 licensee, employee or other person shall use tobacco in the
8 establishment or while in contact with food or equipment.
9 Licensees, employees and other persons in such establishment
10 shall be free of communicable diseases and shall wear clean
11 outer garments which will not contribute to the contamination of
12 the maple product.

13 (g) Cleaning equipment.--An effective cleaning schedule
14 shall be maintained at all times for a food establishment in
15 which maple products are processed or packaged. All equipment
16 and utensils shall be maintained in good repair. At the end of
17 the season, equipment and lines shall be thoroughly cleaned with
18 an approved sanitizing agent. Filtering, bottling and canning
19 operations shall be performed according to established maple
20 industry standards.

21 (h) Storage.--Facilities for storage of maple products shall
22 be maintained in a clean and dry condition. All maple products
23 which are not bottled or canned shall be adequately protected
24 and covered to prevent contamination and adulteration. Products
25 shall be stored off the floor and away from walls. All packaged
26 products shall be stored in an acceptable sanitary manner. All
27 containers and equipment associated with the production of maple
28 products shall be maintained and stored in an acceptable
29 sanitary manner.

30 (i) Toxic items.--Toxic cleaning compounds, sanitizing

1 agents and pesticide chemicals used in or in conjunction with a
2 food establishment in which maple products are processed or
3 packaged shall be identified, held and stored in a manner that
4 protects against contamination of food, food contact surfaces or
5 food packaging materials.

6 (j) Containers.--In addition to any other information
7 required by the provisions of this chapter or by the regulations
8 promulgated pursuant to this chapter, the label on a container
9 of maple syrup shall convey information to the consumer to
10 adequately protect the maple syrup from deterioration, if any,
11 which could reasonably be expected to result from the container.

12 § 6112. Penalties.

13 (a) Criminal penalties.--A person who violates any provision
14 of this chapter, or any rule, regulation, standard or order made
15 under this chapter, commits a summary offense for the first or
16 second offense. A person who violates any provision of this
17 chapter, or any rule, regulation, standard or order made under
18 this chapter, commits a misdemeanor of the third degree if the
19 violation is a third or subsequent offense and if the violation
20 occurs within two years of the date of the last previous
21 offense.

22 (b) Civil penalties.--In addition to proceeding under any
23 other remedy available at law or in equity for a violation of
24 this chapter or a regulation promulgated under this chapter, the
25 secretary may assess a civil penalty not to exceed \$10,000 upon
26 a person who knowingly and intentionally violates section 6104
27 (relating to license), 6105 (relating to registration), 6107
28 (relating to requirements and grades), 6108 (relating to
29 prohibited acts), 6109 (relating to labeling of maple products),
30 6110 (relating to detained food) or 6111 (relating to

1 manufacturing and marketing practices) or any regulation or
2 order promulgated pursuant to those sections.

3 CHAPTER 65

4 FOOD EMPLOYEE CERTIFICATION

5 Sec.

6 6501. Short title of chapter.

7 6502. Definitions.

8 6503. Certification advisory board and programs.

9 6504. Certification of employees.

10 6505. Rules and regulations.

11 6506. Reciprocal agreements.

12 6507. Suspension of certification.

13 6508. Civil penalties.

14 6509. Fees.

15 6510. Exemptions.

16 § 6501. Short title of chapter.

17 This chapter shall be known and may be cited as the Food
18 Employee Certification Act.

19 § 6502. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Advisory board" or "board." The Food Employee Certification
24 Advisory Board.

25 "Food establishment." A room, building, place or portion
26 thereof or vehicle maintained, used or operated for the purpose
27 of selling to the public, commercially storing, packaging,
28 making, cooking, mixing, processing, bottling, baking, canning,
29 freezing, packing or otherwise preparing, transporting or
30 handling food. The term includes retail food stores and public

1 eating and drinking licensees, except those portions of
2 establishments operating exclusively under milk or milk products
3 permits and those portions of establishments operating
4 exclusively under USDA inspection. The term does not include
5 dining cars operated by a railroad company in interstate
6 commerce or a bed and breakfast, homestead or inn as defined in
7 the act of May 23, 1945 (P.L.926, No.369), referred to as the
8 Public Eating and Drinking Place Law.

9 "Potentially hazardous food." A food which consists in whole
10 or in part of milk or milk products, eggs, meats, poultry, fish,
11 shellfish, edible crustaceans or other ingredients, including
12 synthetic ingredients, and which is in a form capable of
13 supporting rapid and progressive growth of infectious or
14 toxicogenic microorganisms. The term does not include foods that
15 have a pH level of 4.6 or below or a water activity of 0.85 or
16 less under standard conditions or food products in hermetically
17 sealed containers processed to maintain commercial sterility.

18 "Public eating and drinking place." A public eating or
19 drinking place as defined in the act of May 23, 1945 (P.L.926,
20 No.369), referred to as the Public Eating and Drinking Place
21 Law.

22 "Supervisory employee." An owner or a person employed by or
23 designated by the business owner to fulfill the requirements of
24 this chapter.

25 § 6503. Certification advisory board and programs.

26 (a) Members of board.--The secretary shall appoint persons
27 to serve as members of the Food Employee Certification Advisory
28 Board. Representatives shall be selected to represent the
29 following groups for a term of two, three or four years to be
30 determined by the secretary:

1 (1) The chairman and minority chairman of the
2 Agricultural and Rural Affairs Committee of the Senate or
3 their designees, and the chairman and minority chairman of
4 the Agricultural and Rural Affairs Committee of the House of
5 Representatives or their designees.

6 (2) A consumer representative.

7 (3) The Secretary of Agriculture or the secretary's
8 designee.

9 (4) Two representatives of production agriculture.

10 (5) Representatives, including at least one person
11 recommended by each of the following: Pennsylvania
12 Association of Milk Dealers, Pennsylvania Restaurant
13 Association, Pennsylvania Food Merchants Association,
14 Pennsylvania Convenience Store Council, Pennsylvania Bakers
15 Association, Pennsylvania Food Processors Association,
16 Pennsylvania Veterinary Medical Association, County
17 Commissioners Association of Pennsylvania, Pennsylvania
18 League of Cities and Municipalities, Pennsylvania State
19 Association of Boroughs, Pennsylvania State Association of
20 Township Commissioners, Pennsylvania State Association of
21 Township Supervisors and Pennsylvania School Food Service
22 Association. At least one representative shall have
23 experience in the field of public health.

24 (b) Chairman of board.--The secretary or the secretary's
25 designee shall serve as the chairman of the advisory board.

26 (c) Certification programs.--The advisory board shall review
27 and recommend certification programs submitted by individuals or
28 organizations to ensure adequate training of supervisory
29 employees of food establishments.

30 (d) Certification of supervisory employees.--The supervisory

1 employees shall be certified by the department following the
2 completion of industry-specific training programs recommended by
3 the advisory board and approved by the department. The
4 department shall adopt food safety protection and training
5 standards for the certification of supervisory employees who are
6 responsible for the storage, preparation, display or serving of
7 foods to the public in establishments regulated by the
8 department or local health organizations. These standards shall
9 be adopted by the department to ensure that, upon successfully
10 passing a test, the supervisory employee has demonstrated
11 adequate food protection knowledge. These standards shall also
12 provide for a certification program which authorizes private or
13 public agencies to conduct and approve tests and certify the
14 results of these tests to the department. At least one
15 supervisory employee of a food establishment shall have passed
16 the test and received a certificate attesting thereto. Employees
17 shall have a period of 90 days after employment to pass the
18 required test.

19 (e) Preemption.--Except as provided in subsection (f), the
20 regulation of food safety protection and training standards for
21 employees of food establishments is preempted by the
22 Commonwealth.

23 (f) Local programs.--Any food employee certification program
24 established by a county, city, borough, incorporated town or
25 township prior to September 1, 1994, may remain in effect.
26 § 6504. Certification of employees.

27 (a) General rule.--Food establishments shall maintain
28 certification records on respective supervisory employees. Each
29 food establishment shall employ a person having supervisory
30 authority who holds a valid department food employee

1 certificate.

2 (b) Examination.--No certificate shall be issued unless the
3 applicant has successfully completed a training course and
4 passed an examination recommended by the advisory board and
5 approved by the department.

6 (c) Compliance.--Compliance with this chapter by a food
7 establishment shall be optional until July 1, 2001. Section
8 6503(e) (relating to certification advisory board and programs)
9 shall not apply to a food establishment prior to July 1, 2001,
10 unless that food establishment complies with this chapter. On or
11 after July 1, 2001, compliance with this chapter by a food
12 establishment shall be mandatory unless a resolution to the
13 contrary has been adopted in accordance with this subsection.
14 The President pro tempore of the Senate and the Speaker of the
15 House of Representatives shall cause to be placed on their
16 respective calendars for the first legislative days after the
17 date two months prior to July 1, 2001, the question, in the form
18 of a resolution, of whether the food employee certification
19 program shall remain optional for food employees of food
20 establishments in this Commonwealth. If a majority of the
21 members elected to each house approve such a resolution, the
22 resolution shall be presented to the Governor for approval or
23 disapproval in accordance with section 9 of Article III of the
24 Constitution of Pennsylvania.

25 (d) Employee turnover.--Food establishments which are not in
26 compliance because of employee turnover or other loss of
27 certified personnel shall have three months from the date of
28 loss of certified personnel to comply.

29 (e) Maintenance and inspection of records.--Names and
30 certificate numbers of certified personnel shall be maintained

1 at the place of business and shall be made available for
2 inspection by the department.

3 (f) Period of certification.--Certification shall be in
4 effect for five years. Renewal of certification shall be on the
5 basis of attendance at courses recommended by the advisory board
6 approved by the department. The courses shall not include a
7 written examination.

8 (g) Training program.--Training programs to prepare
9 candidates for certification examinations and the administration
10 of the examination shall be made available throughout this
11 Commonwealth through cooperation with industry and others and
12 approved by the department.

13 (h) Mitigating factor.--

14 (1) If a food establishment complies with this chapter,
15 the compliance shall be given appropriate consideration as a
16 mitigating factor in determining if a food establishment
17 shall be assessed more than the minimum fine or civil penalty
18 required by law in any action to recover fines or penalties
19 for a violation of the act of July 7, 1994 (P.L.421, No.70),
20 known as the Food Act.

21 (2) This subsection shall expire July 1, 2000.

22 § 6505. Rules and regulations.

23 The department is charged with the administration of this
24 chapter and shall promulgate rules, regulations and standards
25 for its proper enforcement and administration.

26 § 6506. Reciprocal agreements.

27 The department may accept certifications issued in other
28 states that have comparable requirements for certification
29 provided the department and the other state jurisdiction have
30 entered into a reciprocal agreement to accept each state's

1 certification program as meeting the provisions of this chapter.

2 § 6507. Suspension of certification.

3 Certification may be suspended or revoked by the department
4 if the holder or person fails to comply with this or other
5 sanitation regulations or the act of May 23, 1945 (P.L.926,
6 No.369), referred to as the Public Eating and Drinking Place
7 Law, or the act of July 7, 1994 (P.L.421, No.70) known as the
8 Food Act. Prior to suspension or revocation, the certificate
9 holder shall be given the opportunity for a hearing before the
10 department.

11 § 6508. Civil penalties.

12 In addition to proceeding under any other remedy available at
13 law or in equity for a violation of a provision of this chapter
14 or a rule or regulation adopted thereunder or any order issued
15 pursuant thereto, the department may assess a civil penalty not
16 to exceed \$300 for the first offense or not to exceed \$1,000 for
17 subsequent offenses upon a person or food establishment for each
18 offense. No civil penalty shall be assessed unless the person
19 charged has been given notice and opportunity for a hearing on
20 the charge in accordance with law.

21 § 6509. Fees.

22 (a) Change by regulation.--All fees imposed by this chapter
23 shall remain in effect until changed by the department by
24 regulation subject to the act of June 25, 1982 (P.L.633,
25 No.181), known as the Regulatory Review Act. The department
26 shall propose to change those fees by regulation following
27 consultation with the advisory board.

28 (b) Fee for certification.--The department shall issue or
29 approve the issuance of a certification document to the person
30 upon the successful completion of the approved training program.

1 A fee of \$20 shall be charged by the department for this service
2 unless changed by regulation.

3 (c) Payments to municipalities.--Local health departments
4 created in accordance with the act of August 24, 1951 (P.L.1304,
5 No.315), known as the Local Health Administration Law, may
6 enforce the provisions of this chapter as it pertains to public
7 eating and drinking licensees. Each local health department
8 shall be reimbursed by the department in an amount equal to 50%
9 of the civil penalties levied and collected by the department
10 pursuant to this chapter in each such jurisdiction.

11 § 6510. Exemptions.

12 (a) Prepackaged food.--Food establishments where only
13 commercially prepackaged food is handled and sold are exempt
14 from this chapter.

15 (b) Nonpotentially hazardous food.--Food establishments that
16 handle only nonpotentially hazardous food are exempt from this
17 chapter.

18 (c) Food manufacturing facilities.--Food manufacturing
19 facilities which are engaged in the manufacture of prepackaged
20 foods and which do not manufacture potentially hazardous food
21 are exempt from this chapter.

22 PART VIII

23 MISCELLANEOUS PROVISIONS

24 CHAPTER 81

25 MISCELLANEOUS PROVISIONS

26 § 8101. Farmers' market.

27 For the purpose of section 14(e) of the act of July 7, 1994
28 (P.L.421, No.70), known as the Food Act, any building, structure
29 or place owned, leased or otherwise in possession of a person or
30 municipal corporation or public or private organization, used or

1 intended to be used by two or more farmers or an association of
2 farmers for the purpose of selling food directly to consumers
3 shall be deemed to be a single food establishment.

4 Section 2. Responsibility for certain regulations.

5 (a) Department of Environmental Resources.--The Department
6 of Environmental Resources may not administer nor enforce 25 Pa.
7 Code Chs. 151 (relating to food establishments), 153 (relating
8 to shellfish), 155 (relating to food vending machines) and 157
9 (relating to public places) and § 191.4 (relating to food
10 service).

11 (b) Department of Agriculture.--The provisions of 25 Pa.
12 Code Chs. 151, 153, 155 and 157 and § 191.4 have the same force
13 and effect as regulations promulgated by the Department of
14 Agriculture under the act of May 23, 1945 (P.L.926, No.369),
15 referred to as the Public Eating and Drinking Place Law. The
16 Department of Agriculture shall administer and enforce 25 Pa.
17 Code Chs. 151, 153, 155 and 157 and § 191.4.

18 (c) Renumbering regulations.--The Department of Agriculture
19 shall deposit a notice with the Legislative Reference Bureau
20 renumbering the regulations transferred to the department by
21 subsections (a) and (b) and making at that time needed editorial
22 changes. Thereafter, the Department of Agriculture may amend the
23 regulations from time to time in accordance with law.

24 Section 3. Transfers.

25 All personnel, allocations, appropriations, contracts,
26 agreements, rights, obligations, equipment, files, records and
27 other materials which are employed, expended or used in
28 connection with the functions performed by the Department of
29 Environmental Resources under sections 1917-A and 1920-A of the
30 act of April 9, 1929 (P.L.177, No.175), known as The

1 Administrative Code of 1929, insofar as such sections pertain to
2 25 Pa. Code Chs. 151 (relating to food establishments), 153
3 (relating to shellfish), 155 (relating to food vending machines)
4 and 157 (relating to public places) and § 191.4 (relating to
5 food service) under the provisions of the act of May 23, 1945
6 (P.L.926, No.369), referred to as the Public Eating and Drinking
7 Place Law, and under the provisions of the act of August 6, 1991
8 (P.L.321, No.32), known as the Egg Refrigeration Law, are
9 transferred to the Department of Agriculture. The transfer of
10 personnel is made with the same force and effect as if the
11 personnel had been originally assigned to the Department of
12 Agriculture. The transfer of allocations and appropriations is
13 made with the same force and effect as if the allocations and
14 appropriations had been originally made to the Department of
15 Agriculture. The transfer of contracts, agreements, rights and
16 obligations is made with the same force and effect as if the
17 contracts, agreements, rights and obligations had been
18 originally those of the Department of Agriculture. The transfer
19 of equipment, files, records and other materials is made with
20 the same force and effect as if the items had been originally
21 the property of the Department of Agriculture.

22 Section 4. Continued powers.

23 The Department of Agriculture shall continue to exercise the
24 powers and perform the duties by law heretofore vested in and
25 imposed upon the Department of Environmental Resources by the
26 act of May 23, 1945 (P.L.926, No.369), known as the Public
27 Eating and Drinking Place Law; by sections 1917-A and 1920-A of
28 the act of April 9, 1929 (P.L.177, No.175), known as The
29 Administrative Code of 1929, insofar as they relate to the
30 regulation of food establishments, shellfish, public places and

1 food service at organized camps and campgrounds; and by the act
2 of August 6, 1991 (P.L.321, No.32), known as the Egg
3 Refrigeration Law.

4 Section 5. Exemption from certain registration fee.

5 A food establishment which is licensed as a public eating and
6 drinking place pursuant to the applicable provisions of the act
7 of May 23, 1945 (P.L.926, No.369), referred to as the Public
8 Eating and Drinking Place Law, shall not be subject to the
9 registration fee imposed by section 14(c) of the act of July 7,
10 1994 (P.L.421, No.70), known as the Food Act.

11 Section 6. Repeals.

12 (a) Absolute.--The following acts and parts of acts are
13 hereby repealed:

14 Act of April 16, 1921 (P.L.95, No.58), entitled "An act
15 relating to apiculture, and the sale, giving and transportation
16 of bees, honey, hives and appliances; providing for the
17 inspection of apiaries, and for the prevention, control and
18 eradication of contagious and infectious diseases among bees,
19 and the establishment of quarantines; prescribing the style of
20 hive to be used; prohibiting the importation from any foreign
21 country, except Canada, of the genus Apis; imposing certain
22 duties on certain persons engaged in transportation; and
23 providing penalties and appropriations therefor."

24 Section 602-A(1)(ii) of the act of April 9, 1929 (P.L.177,
25 No.175), known as The Administrative Code of 1929.

26 Act of September 1, 1965 (P.L.436, No.221), known as the
27 Pennsylvania Commercial Feed Law of 1966.

28 (b) Inconsistent.--The following acts and parts of acts are
29 repealed insofar as inconsistent with this act:

30 Sections 1917-A and 1920-A of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929.
2 Act of May 23, 1945 (P.L.926, No.369), entitled, as amended,
3 "An act for the protection of the public health by regulating
4 the conduct and operation of public eating and drinking places
5 within this Commonwealth; requiring their licensing; imposing
6 certain duties on the Department of Environmental Resources of
7 this Commonwealth and on the local health authorities; and
8 providing penalties."

9 Act of August 6, 1991 (P.L.321, No.32), known as the Egg
10 Refrigeration Law.

11 Section 7. Retroactivity.

12 The addition of 3 Pa.C.S. Ch. 81 shall be retroactive to
13 September 6, 1994.

14 Section 8. Effective date.

15 This act shall take effect as follows:

16 (1) The addition of 3 Pa.C.S. Ch. 61 shall take effect
17 July 1, 1995.

18 (2) The addition of 3 Pa.C.S. Ch. 65 shall take effect
19 in 90 days. The Secretary of Agriculture shall appoint the
20 members of the Food Employee Certification Advisory Board
21 within 60 days.

22 (3) The addition of 3 Pa.C.S. Ch. 81 shall take effect
23 immediately.

24 (4) Sections 2, 3, 4 and 6(b) of this act shall take
25 effect July 1, 1995.

26 (5) This section shall take effect immediately.

27 (6) The remainder of this act shall take effect in 60
28 days.