
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 762 Session of
2007

INTRODUCED BY CRUZ, YOUNGBLOOD, WATERS, BLACKWELL, SOLOBAY,
SIPTROTH, CALTAGIRONE, HESS AND JAMES, MARCH 19, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the sale of food,
3 nonprescription drugs and cosmetics under certain
4 circumstances; and imposing penalties.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7331. Unlawful sale of food, nonprescription drugs and
10 cosmetics.

11 (a) General rule.--No person shall sell or offer to sell to
12 the public:

13 (1) any nonprescription drug, infant formula or baby
14 food which is subject to expiration dating requirements
15 issued by the Food and Drug Administration or other food
16 bearing an expiration date on its label or packaging if the
17 date of expiration has passed; or

18 (2) any infant formula or baby food which is subject to

1 expiration dating requirements issued by the Food and Drug
2 Administration, any nonprescription drug or cosmetic or any
3 other food bearing an expiration date on its label or
4 packaging unless that person presents, within five days of
5 the request, a written record of the purchase of that
6 product, which record or invoice shall:

7 (i) specifically identify the product being sold by
8 the product name, quantity purchased, that quantity being
9 denoted by item, box, crate, pallet or otherwise, and
10 date of purchase; and

11 (ii) contain the complete name or business name,
12 address and telephone number of the person from whom that
13 product was purchased.

14 (b) Applicability.--The provisions of subsection (a) shall
15 not apply to a transaction involving less than \$50 of product
16 between persons selling that product in the same general market
17 area on the same day.

18 (c) Penalty.--A person who violates this section shall, upon
19 conviction, be sentenced to:

20 (1) a fine not to exceed \$300, for a first offense;

21 (2) a fine not to exceed \$300, or a term of imprisonment
22 for not more than 90 days, or both, for a second offense; or

23 (3) a revocation of any license, including a business
24 privilege license or sales license, held by such person to
25 operate the business in which the product was sold, for a
26 third or subsequent offense.

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