
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1500 Session of
2008

INTRODUCED BY BRUBAKER, RAFFERTY, WOZNIAK, BAKER, MUSTO, VANCE
AND WAUGH, JUNE 19, 2008

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 19, 2008

AN ACT

1 Amending the act of July 2, 1935 (P.L.589, No.210), entitled, as
2 amended, "An act to safeguard human health and life by
3 providing for the issuance of permits to, and regulation of
4 persons and entities selling milk and milk products;
5 conferring powers, and imposing duties on the Secretary of
6 Agriculture; and otherwise providing for the administration
7 of the act; and imposing penalties," further providing for
8 definitions; providing for raw milk products; and abrogating
9 inconsistent regulations.

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

12 Section 1. Section 1 of the act of July 2, 1935 (P.L.589,
13 No.210), referred to as the Milk Sanitation Law, amended October
14 13, 1959 (P.L.1301, No.435) and June 19, 1982 (P.L.558, No.163),
15 is amended to read:

16 Section 1. Be it enacted, &c., That for the purpose and
17 within the meaning of this act, the following definitions shall
18 obtain:

19 "Milk" means milk, skimmed milk, cream, sour milk, sour
20 cream, buttermilk, and all other fluid derivatives of milk.

21 "Milk products" means ice cream, ice cream mix, custard ice

1 cream, french ice cream, frozen custard, and other similar
2 frozen products, and all dairy products used in the manufacture
3 thereof.

4 "Canned milk" means condensed, evaporated or concentrated
5 milk in hermetically sealed containers or for manufacturing
6 purposes.

7 "Certified Milk" means milk from dairy farms operated in
8 accordance with the "Methods and Standards for the Production
9 and Distribution of 'Certified Milk,' last adopted by the
10 American Association of Medical Milk Commissions Incorporated,"
11 and the production and handling of which shall be certified to
12 by a commission instituted in compliance therewith.

13 "Secretary" means the Secretary of Agriculture of this
14 Commonwealth, or his authorized representative.

15 "Person" includes singular and plural, masculine and
16 feminine, and any individual, firm, copartnership, institution,
17 association, or corporation thereof.

18 "To Sell," "for sale" or "sold" and similar terms means the
19 selling, exchanging, delivering, or having in possession, care,
20 control, or custody with intent to sell, exchange, or deliver,
21 or to offer or to expose for sale.

22 "Dairy farm" is a place or premise where one or more cows are
23 kept, and a part of all the milk from which is sold or delivered
24 to any person.

25 "Milk plant" is any place or premise or establishment where
26 milk is collected, separated, processed, stored, bottled,
27 pasteurized, or prepared in any manner for sale as milk, milk
28 products or manufactured dairy products.

29 "Approved inspector" is one, who has proven to the
30 satisfaction of the secretary, to be a person of good character,

1 trained by school and experience to carry on dairy farm and milk
2 plant inspection in a capable and efficient manner, and has
3 received a certificate of approval from the secretary.
4 Applications for certificates of approval for approved
5 inspectors shall be made on forms which may be secured from the
6 Secretary of Agriculture, and shall be accompanied by a fee of
7 fifteen (\$15) dollars. Certificates of approval shall expire on
8 December thirty-first of each year. Applications for renewal
9 shall be made on forms satisfactory to the Secretary of
10 Agriculture, and shall be accompanied by a registration fee of
11 five (\$5) dollars, and shall be returned to the Secretary of
12 Agriculture not later than December fifteenth of each year.
13 Certificates of approval shall not constitute an approved
14 inspector an official employe, agent or authorized
15 representative of the Department of Agriculture, nor shall he
16 represent himself so to be.

17 Certificates of approval may be refused, suspended or revoked
18 for cause, upon such notice and subject to such conditions, as
19 the secretary shall deem necessary.

20 "Municipality" includes any city, borough, town, or township
21 in this Commonwealth.

22 "Milk for manufacturing purposes" means milk produced for
23 processing and manufacturing into products for human consumption
24 but not subject to requirements of milk for pasteurization.

25 "Manufactured dairy products" means butter, cheese (natural
26 or processed), dry whole milk, nonfat dry milk, dry buttermilk,
27 dry whey, evaporated milk (whole or skim), condensed whole and
28 condensed skim milk (plain or sweetened), and such other
29 products for human consumption, as may be designated by the
30 secretary.

1 "Bed and breakfast homestead or inn" means a private
2 residence which contains no more than ten bedrooms used for
3 providing overnight accommodations to the public and in which
4 breakfast is the only meal served and is included in the charge
5 for the room.

6 "Farmers' market" means a building, structure or place owned,
7 leased or otherwise in possession of a person, municipal
8 corporation or public or private organization, used or intended
9 to be used by two or more farmers or an association of farmers
10 for the purpose of selling agricultural commodities directly to
11 consumers and which is located within this Commonwealth.

12 "Manufactured raw milk products" means butter, natural or
13 processed cheese, dry whole milk, nonfat dry milk, dry
14 buttermilk, dry whey, evaporated milk, whole or skim, condensed
15 whole and condensed skim milk, plain or sweetened, and such
16 other products for human consumption, as may be designated by
17 the secretary, manufactured from raw milk.

18 "Retail food establishment" means an establishment which
19 stores, prepares, packages, vends, offers for sale or otherwise
20 provides food for human consumption and which relinquishes
21 possession of food to a consumer directly, or indirectly,
22 through a delivery service such as home delivery of grocery
23 orders or delivery service provided by common carriers. The term
24 does not include dining cars operated by a railroad company in
25 interstate commerce or a bed and breakfast homestead or inn.

26 Section 2. The act is amended by adding a section to read:

27 Section 2.1. The secretary shall issue permits for the sale
28 of raw milk, "raw milk products" and "manufactured raw milk
29 products" by members of entities, including cooperatives,
30 incorporated groups or other associations, if all of the

1 following apply:

2 (a) The entity is registered with the Department of
3 Agriculture as required by the department.

4 (b) The entity inspects and issues permits to its members in
5 accordance with this act.

6 (c) The entity provides to the secretary, in the manner
7 required by the secretary, independent third-party verification
8 that all persons permitted under this section are in compliance
9 with standards established under this act.

10 (d) Raw milk products and manufactured raw milk products
11 produced under this section may:

12 (1) Be sold only under the direct supervision of a person
13 holding a valid raw milk permit.

14 (2) Not be sold to any person for the purposes of resale to
15 another person except for sale to a public eating establishment
16 or a bed and breakfast homestead or inn for on-site consumption
17 by patrons of the establishment.

18 (3) Not be repackaged in any manner for the purposes of
19 resale.

20 (d.1) The limitations under the sale of "manufactured raw
21 milk products" shall not apply to cheese manufactured from raw
22 milk that has been aged a minimum of sixty (60) days.

23 Section 3. The Department of Agriculture shall promulgate
24 regulations necessary to carry out the provisions of this act.

25 Section 4. All regulations inconsistent with the provisions
26 of this act are abrogated to the extent of the inconsistency.

27 Section 5. This act shall take effect in 60 days.