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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **996** Session of  
2013

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INTRODUCED BY VOGEL, RAFFERTY, BAKER, KASUNIC, YAW AND WAUGH,  
JUNE 5, 2013

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REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 5, 2013

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, in food protection, further providing for  
3 definitions and for license required.

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

6 Section 1. The definition of "licensor" in section 5702 of  
7 Title 3 of the Pennsylvania Consolidated Statutes is amended and  
8 the section is amended by adding definitions to read:

9 § 5702. Definitions.

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

13 \* \* \*

14 "Licensor." Any of the following:

15 (1) The county department of health or joint-county  
16 department of health whenever a retail food facility is  
17 located in a political subdivision under the jurisdiction of  
18 a county department of health or joint-county department of

1 health.

2 (2) The health authorities of cities, boroughs,  
3 incorporated towns and first class townships whenever a  
4 retail food facility is located in a city, borough,  
5 incorporated town or first class township not under the  
6 jurisdiction of a county department of health or joint-county  
7 department of health.

8 (3) The health authorities of second class townships and  
9 second class townships which have adopted a home rule charter  
10 which elect to issue licenses under this subchapter whenever  
11 a retail food facility is located in a second class township  
12 or second class township which has adopted a home rule  
13 charter not under the jurisdiction of a county department of  
14 health or joint-county department of health.

15 (4) The Department of Agriculture whenever a retail food  
16 facility is located in any other area of this Commonwealth.

17 (5) Notwithstanding paragraphs (1), (2), (3) and (4),  
18 where the retail food facility is a mobile retail food  
19 facility that has a Pennsylvania operating base location,  
20 that Pennsylvania operating base location shall be the  
21 location of the mobile retail food facility for purposes of  
22 licensure under paragraphs (1), (2), (3) and (4).

23 "Mobile retail food facility." A movable retail food  
24 facility, such as a stand, vehicle, cart, basket, box or similar  
25 structure, from which food is stored, prepared, processed,  
26 distributed or sold and the facility:

27 (1) physically locates at one site or location for no  
28 more than 14 consecutive days, in one calendar year,  
29 regardless of whether or not the facility operates  
30 continuously during that time period; and

1           (2) is not licensed as a temporary retail food facility  
2           under section 5703(g) (2).

3           \* \* \*

4           "Pennsylvania operating base location." A single location  
5           within this Commonwealth where a mobile food facility or  
6           transportation vehicle returns regularly for the purpose of  
7           vehicle, trailer or equipment storage, discharging liquid or  
8           solid wastes, refilling water tanks and ice bins and boarding  
9           food.

10          \* \* \*

11          Section 2. Section 5703(c) and (j) of Title 3 are amended  
12          and the section is amended by adding a subsection to read:

13          § 5703. License required.

14          \* \* \*

15          (c) Issuance of license.--A retail food facility license  
16          shall be issued by the licensor having jurisdiction. A license  
17          shall specify the date of expiration, the period for which the  
18          license is valid, the name of the licensee and the place  
19          licensed. Licenses shall be conspicuously displayed at all times  
20          in the place thereby licensed. If the license applies to a  
21          mobile retail food facility that has a Pennsylvania operating  
22          base location, the license shall be conspicuously displayed at  
23          any location where the mobile retail food facility is in  
24          operation. Licenses shall not be transferable.

25          \* \* \*

26          (j) Fees.--[The] Except as provided for in subsection (j.1),  
27          the fees that may be charged under this subchapter are as  
28          established by the licensor, if the licensor is an entity other  
29          than the department, and shall be paid into the city, borough,  
30          incorporated town, township or county treasury. If the licensor

1 is the department, the fees shall be paid to the State Treasury  
2 through the department and are as follows:

3 (1) For licensure of a retail food facility that has not  
4 been previously licensed and that is owner operated and that  
5 has a seating capacity of less than 50: \$103.

6 (2) For licensure of a retail food facility that has not  
7 been previously licensed and that is not described in  
8 paragraph (1): \$241.

9 (3) For a renewal of a license or for issuing a license  
10 to reflect a change of ownership: \$82.

11 (4) For a duplicate license, for each retail food  
12 facility location: \$14.

13 (5) For a temporary license under subsection (g) (2):  
14 \$14.

15 (6) For conducting a follow-up inspection to review  
16 whether changes have been made to correct violations which  
17 resulted in noncompliant status determined by a prior  
18 inspection:

19 (i) For the second follow-up inspection during the  
20 licensure period: \$150.

21 (ii) For a third or subsequent follow-up inspection  
22 during the licensure period: \$300.

23 (7) For conducting an inspection that is not otherwise  
24 required by the department but that is conducted at the  
25 behest of the proprietor of the retail food facility: \$150.

26 (8) For any license described in paragraph (1), (2),  
27 (3), (4) or (5) that is issued for a period of greater than  
28 one year by regulation of the department in accordance with  
29 subsection (g), the license fee otherwise prescribed under  
30 those paragraphs shall be prorated for the license period.

1     (j.1) Fee exception.--An entity shall not charge a fee for  
2 conducting an inspection of a mobile retail food facility that  
3 has a Pennsylvania operating base location unless the inspecting  
4 entity is also the licensor with respect to retail food  
5 facilities at that Pennsylvania operating base location.

6     \* \* \*

7     Section 3. This act shall take effect in 60 days.