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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 841 Session of  
2021

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INTRODUCED BY SCHWANK, VOGEL, COSTA, STREET, J. WARD, MARTIN,  
FONTANA, COMITTA, YUDICHAK, MENSCH, KANE, MUTH, STEFANO,  
PITTMAN, AUMENT AND SANTARSIERO, AUGUST 17, 2021

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REFERRED TO AGRICULTURE AND RURAL AFFAIRS, AUGUST 17, 2021

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AN ACT

1 Amending the act of July 1, 1978 (P.L.730, No.132), entitled "An  
2 act establishing fees for certain licenses, certificates and  
3 activities relating to milk marketing and making certain  
4 repeals," further providing for milk dealer license fees  
5 generally and for license fees for certain milk dealers.

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

8 Section 1. Sections 3 heading, (a) and (d) and 4 of the act  
9 of July 1, 1978 (P.L.730, No.132), known as the Milk Marketing  
10 Fee Act, are amended to read:

11 Section 3. Milk dealer and distributor license fees generally.

12 (a) The Milk Marketing Board shall charge and collect  
13 license fees from milk dealers and distributors on a yearly  
14 basis, as follows:

15 (1) Fixed fee per milk dealer and per distributor.

16 (2) Addition to fixed fee, for milk on which board fixes  
17 prices under the provisions of the "Milk Marketing Law,"  
18 received, produced or brought within the Commonwealth during  
19 the calendar year preceding the period for which the license

1 is issued.

2 (3) Addition to fixed fee, for all other milk on which  
3 price is not fixed under, received, produced or brought  
4 within the Commonwealth during the calendar year preceding  
5 the period for which the license is issued. The provisions of  
6 this subsection do not apply to subdealers[, ] or subhandlers  
7 [or stores].

8 \* \* \*

9 (d) Except as otherwise expressly provided by law, the  
10 license fee fixed by this section shall be paid before any  
11 license, or any renewal thereof, is issued. Where a license is  
12 applied for by a milk dealer or distributor, and the board  
13 declines to grant a license to the applicant, the license fee  
14 shall be charged and retained by the board only pro rata for so  
15 much of the license year as expired prior to the issuance of the  
16 order refusing the license.

17 \* \* \*

18 Section 4. License fees for certain milk dealers and  
19 distributors.

20 (a) Milk dealers and distributors who are not engaged in the  
21 milk business at the commencement of the license period shall  
22 pay a proportionate amount of the specific annual fee as fixed  
23 by regulation of the board subject to the act of June 25, 1982  
24 (P.L.633, No.181), known as the "Regulatory Review Act."

25 (b) (1) Milk dealers and distributors not engaged in the  
26 milk business for the complete preceding calendar year shall  
27 submit with their application a license fee as fixed by  
28 regulation of the board subject to the "Regulatory Review  
29 Act," and, in addition thereto, at such time or times and in  
30 such amount or amounts as the board may fix by regulation

1 subject to the "Regulatory Review Act," shall pay on a  
2 monthly basis an additional license fee of a certain amount  
3 set by the board per hundredweight on all milk the prices of  
4 which the board fixes under the provisions of the "Milk  
5 Marketing Law," and a license fee of a certain amount set by  
6 the board per hundredweight on all other milk on which the  
7 price is not fixed by the board, received, produced or  
8 brought within the Commonwealth by the dealer or distributor  
9 during the preceding month.

10 (2) The payments required in paragraph (1) shall  
11 continue until the dealer or distributor has been engaged in  
12 the milk business for a full year at which time the board  
13 shall establish payment of a license fee based on the  
14 provisions of section 3.

15 (3) The provisions of this subsection do not apply to  
16 subdealers[, ] or subhandlers [or stores].

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