

No. 120

AN ACT

SB 1330

Amending the act of July 2, 1935 (P.L.589), entitled, as amended, "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Agriculture; and otherwise providing for the administration of the act; and imposing penalties," authorizing reciprocal sanitation, inspection and labeling agreements with other states.

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

Section 1. The last paragraph of section 2, act of July 2, 1935 (P.L.589), entitled, as amended, "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Agriculture; and otherwise providing for the administration of the act; and imposing penalties," added October 13, 1959 (P.L.1301), is amended and said section is also amended by adding a paragraph to read:

Section 2. * * *

When the Secretary of Agriculture inspects a plant beyond the boundary of the Commonwealth, *the secretary may require* such plant [shall] to reimburse the department for all necessary and reasonable expenses incurred in making the inspection, which shall be retained by the department for its use in making such inspections.

The secretary is authorized to effectuate and enter into reciprocal agreements with other states, commonwealths or jurisdictions as will insure inhabitants of this Commonwealth milk and milk products complying with the requirements herein enacted or promulgated in rules and regulations hereunder through reciprocal inspection and labeling agreements and in aid of such agreements may approve or accept inspection and labeling requirements of other commonwealths, states and jurisdictions with respect to milk and milk products.

Section 2. Section 5 of the act, amended August 24, 1951 (P.L.1338), is amended to read:

Section 5. The secretary may constitute as his agent, for the purpose of [issuing permits for the sale of] *inspecting* milk or milk products, a department of health, board of health or health officer of any municipality, or the county department of health of any county or counties which have established or joined in establishing such a department, and [shall] *may* accept [permits issued] *inspections* by municipalities or county departments of health, under the terms of municipal ordinances or county department of health regulations equally as stringent as the requirements of this act and enforced by such

municipalities or counties, as the only [permit] *inspection* required for the sale of milk or milk products in such municipalities or counties.

Section 3. Section 18 of the act, reenacted October 13, 1959 (P.L.1301), is amended to read:

Section 18. [The] *In aid of reaching reciprocal agreements with other jurisdictions as herein above contemplated, the provisions of this act, and the regulations made thereunder, [shall not be taken nor deemed to repeal existing municipal ordinances, nor to prevent municipalities or counties which have established or joined in establishing county departments of health from enacting and enforcing new ordinances or regulations for the further protection of the public health: Provided, That this act]* shall be considered as establishing uniform requirements and regulations *throughout the Commonwealth*, and [that] nothing herein contained shall be deemed to prevent municipalities or counties which have established or joined in establishing county departments of health from [ordaining and] enforcing such [additional] requirements [in excess of the requirements and regulations hereunder, as may be deemed necessary, from time to time for the preservation of public health, and to require applications from, and to issue permits to, such persons as may be defined by local ordinances or regulations]: *Provided, That no municipality or county health unit shall ordain or enforce requirements related to sanitation, inspections, standards, labeling statements of any kind or descriptions other than those enacted herein or promulgated in rules and regulations hereunder.*

Section 4. This act shall take effect immediately.

APPROVED—The 15th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 120.



Secretary of the Commonwealth.