
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 735 Session of
2015

INTRODUCED BY VOGEL, WILEY, MENSCH, ALLOWAY, FOLMER, WHITE,
BROOKS AND STEFANO, APRIL 21, 2015

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 21, 2015

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) (relating to license required).

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.