

## No. 2002-179

## AN ACT

## HB 2350

Amending the act of May 23, 1945 (P.L.926, No.369), entitled, as amended, "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Environmental Resources of this Commonwealth and on the local health authorities; and providing penalties," providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

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

Section 1. The title of the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, amended Dec. 22, 1989 (P.L.787, No.111), is amended to read:

## AN ACT

For the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of [Environmental Resources] *Agriculture* of this Commonwealth and on the local health authorities; and providing penalties.

Section 2. Section 1 of the act, amended June 25, 1992 (P.L.318, No.62), is amended to read:

Section 1. Definitions.—"Department" shall mean the Department of [Environmental Resources] *Agriculture* of the Commonwealth.

The words "public eating or drinking place" shall mean any place within this Commonwealth where food or drink is served to or provided for the public, with or without charge: Provided, however, That nothing herein contained shall apply to dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

The word "proprietor" shall mean any person, partnership, association or corporation, conducting or operating within this Commonwealth, a public eating or drinking place.

The word "employee" shall include any cook, waiter, kitchen help, chambermaid, house servant or other employe of any kind in a public eating or drinking place, who in any manner whatever, handles or comes in contact with any food or drink served to or provided for the public, and the proprietor or any member of the proprietor's family who handles said food or drink.

"License" shall mean a grant to a licensee to conduct a restaurant, as defined in this act.

“Licensor” shall mean the county department of health or joint-county department of health, whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of cities, boroughs, incorporated towns and first-class townships, whenever such public eating or drinking place is located in a city, borough, incorporated town or first-class township not under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of second class townships and second class townships which have adopted a home rule charter which elect to issue licenses under the provisions of this act whenever such public eating and drinking place is located in such a second class township or second class township which has adopted a home rule charter not under the jurisdiction of a county department of health or joint-county department of health, or the Department of [Environmental Resources] *Agriculture*, whenever such public eating or drinking place is located in any other area of the Commonwealth.

The words “bed and breakfast homestead or inn” shall mean a private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

Section 3. Section 6 of the act is amended by adding a subsection to read:

Section 6. Powers of the Department.—\* \* \*

*(c) The department shall provide for the inspection of school cafeterias and for training of school cafeteria personnel in accordance with the standards applied to public eating and drinking places.*

Section 4. The act is amended by adding a section to read:

*Section 12.1. Officials of schools shall cooperate with the department in the conduct of school cafeteria health and safety inspections and shall participate in inspection services and training programs made available by the department.*

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

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER