

No. 141

## AN ACT

Ratifying and confirming certain contracts for the erection of joint county bridges where the bridges have been erected and accepted.

Joint county  
bridges.

Contracts for  
erection ratified  
and confirmed.

Section 1. Be it enacted, &c., That all contracts for the erection of bridges across streams dividing counties, heretofore made by the commissioners of the respective counties, pursuant to which bridges have been constructed and accepted by the counties, be, and hereby they are, ratified and confirmed, notwithstanding that the action of the grand juries of the respective counties approving and authorizing the construction of such bridges was had and taken prior to the twenty-eighth day of June, one thousand nine hundred and twenty-three, and notwithstanding that the commissioners of the respective counties subsequently agreed to pay the costs and expenses of such construction in a ratio or proportion different from that of the population of the respective counties.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

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No. 142

## AN ACT

To amend sections one, two, three, and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred twenty-nine), entitled "An act to safeguard human health and life by providing for the licensing and regulation of persons and entities dealing in milk for human consumption; conferring powers and imposing duties on the Secretary of Health and the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties," limiting the status of an approved inspector; changing the requirements for holders of milk permits, and imposing additional duties on such permit holders, or applicants therefor; granting additional powers to the Secretary of Health in the enforcement of the act.

Milk.

Sections 1, 2, 3  
and 4, act of  
May 2, 1929  
(P. L. 1229),  
amended.

Section 1. Be it enacted, &c., That sections one, two, three, and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred twenty-nine), entitled "An act to safeguard human health and life by providing for the licensing and regulation of persons and entities dealing in milk for human consumption; conferring powers and imposing duties on the Secretary of Health and the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties," are hereby amended to read as follows:

Section 1. Be it enacted, &c., That for the purpose and within the meaning of this act, the following definitions shall obtain:

"Milk" means milk, skimmed milk, cream, sour milk, sour cream, buttermilk, and all other fluid derivatives of milk for human consumption, except condensed milk and evaporated milk.

"Person" includes masculine and feminine, and any firm, copartnership, institution, association, or corporation, and any agent, servant, assistant, employe or representative thereof.

"To sell," "for sale," or "sold," and similar terms means the selling, exchanging, delivering, or having in possession, care, control or custody with intent to sell, exchange, or deliver, or to offer or to expose for sale.

"Dairy farm" is a place or premise where one or more cows are kept and a part or all of the milk from which is sold or delivered to any person.

"Milk plant" is any place or premise or establishment where milk is collected, processed, stored, bottled, pasteurized, or prepared for distribution.

"Approved inspector" is one who has proven to the satisfaction of the secretary to be a person of good character, trained by school and experience to carry on dairy farm and milk plant inspection in a capable and efficient manner, and has received a certificate of approval from the secretary. *Such certificate shall not constitute an approved inspector an official or employe of the Department of Health, nor shall he represent himself so to be.*

"Secretary" means the Secretary of Health of this Commonwealth or his authorized representative.

"Municipality" includes any city, borough, town, or township in this Commonwealth.

Section 2. Except as hereinafter provided, no person shall sell milk for human consumption, within this Commonwealth, without first having obtained a permit from the secretary, nor otherwise than in accordance with the requirements of this act. Each person desiring a permit to sell milk shall, annually, make an application therefor on a form to be secured from the secretary. Such application shall set forth:

- (a) The name and address of applicant.
- (b) The designation of the milk to be offered for sale.
- (c) The name of the municipality or municipalities in which the applicant desires to sell milk.
- (d) *An accurate record of each milk plant, owned or operated by the applicant for a permit, which receives or handles milk for human consumption.*

[d] (c) Such other information as may be required by the secretary.

[Every applicant for, or holder of, a permit shall, within thirty (30) days after demand by the secretary, submit for approval the results of a sanitary inspection of each dairy farm from which the applicant desires or

Milk.  
Definitions.

Milk not to be  
sold without  
permit.

Application.

expects to receive milk, and of the milk as delivered from the dairy farm to a milk plant. The sanitary inspection shall be made by an approved inspector, and the results recorded upon forms satisfactory to the secretary.

Permits shall be issued only to persons who are prepared to conform, or who are conforming, with the requirements of this act. Every permit shall expire annually.

The secretary may refuse to grant, or may suspend or revoke a permit, if in his judgment the requirements of this act are not being complied with by the person making an application for a permit or to whom a permit has already been issued.]

Permission to change source of raw milk supply.

*Every applicant for, or holder of, a permit to sell raw milk, desiring to purchase milk for resale as raw milk, shall receive permission from the secretary before accepting milk from any source other than that given in the application for a permit. All sources of raw milk shall be inspected and approved by the secretary.*

Record of source of supply.

*Every applicant for, or holder of, a permit to sell pasteurized milk, or milk for pasteurization, shall keep an accurate record of the names and addresses of the owners or operators of all dairy farms from which milk is received. This record shall be kept on file in the milk plant where the milk is received, and shall be available at all times for the inspection of the secretary.*

Report and manner of making sanitary inspection.

*An accurate report of a sanitary inspection on all dairy farms from which milk is received, and of the milk as delivered to the milk plant, shall be kept on file in the milk plant. The sanitary inspection shall be made semi-annually by an approved inspector at the expense of the applicant for, or holder of, a permit. Such inspections may be made by the secretary. Within thirty days after demand by the secretary, additional inspections shall be made of any or all farms and reports thereon filed in the milk plant. Inspection reports shall be made upon forms satisfactory to the secretary.*

Milk not to be received until report has been filed, etc.

*No applicant for, or holder of, a permit to sell pasteurized milk, or milk for pasteurization, shall receive milk from a dairy farm until the report of the sanitary inspection, made by an approved inspector, shall have been placed on file in the milk plant where the milk is received for the inspection and approval of the secretary, nor shall he receive milk from any milk plant owned or operated by another person who is not in lawful possession of a permit.*

Issue of permits.

*Permits shall be issued only to persons whose entire milk supply, the farms where it is produced, and the plants in which the milk is handled, have been approved by the secretary. Every permit shall expire annually.*

Refusal or revocation of permits.

*Permits may be refused, suspended, or revoked by the secretary if, in his judgment, the requirements of this act are not complied with by the person making an ap-*

*plication for a permit or to whom a permit has already been issued.*

Before refusal to grant a permit, or before a permit is suspended or revoked, the secretary shall afford the applicant or holder of the permit an opportunity to be heard, and shall give at least five (5) days' written notice of the hearing to the applicant or the holder of the permit by registered letter sent to the address given in the application.

Hearing.

Notice.

When an application for a renewal of a permit has been regularly made, and no notification of a hearing as above described has been sent the applicant by the secretary, the permit of the preceding year shall continue in full force until renewed or revoked in accordance with this section.

Renewal.

The secretary may constitute, as his agent for the purpose of issuing permits for the sale of milk, a department of health, board of health, or health officer of any municipality, and shall accept permits issued by municipalities under the terms of municipal ordinances equally as stringent as the requirements of this act, and enforced by such municipalities, as the only permit required for the sale of milk in such municipalities.

Permits by municipalities.

This section shall not apply to a person selling or delivering milk *directly from a dairy farm* to a milk plant.

Sale direct from dairy to plant.

Unless the secretary shall require a permit, this section shall not apply to a person selling milk from a store, when such milk is purchased from a person already in lawful possession of a permit to sell milk.

Sale from store.

This section shall not apply to persons in charge of hotels, restaurants, soda fountains, boarding houses, or other places where milk is served, when such milk is to be consumed on the premises thereof and is purchased from one already in lawful possession of a permit to sell milk.

Sale by hotels, etc.

The secretary may, in his discretion, exempt a person selling milk from not more than one cow from such requirements of this act as he may deem in each instance to be unnecessary for the protection of the public health.

Sale from one cow.

Section 3. Every person having made an application for a permit to sell milk, or holding a permit for the sale of milk, shall, at any time, allow the secretary to inspect the *milk plants*, herds, stables, and dairy farms from which milk is obtained, *handled, or prepared* for sale, and to inspect the pasteurizing bottles and handling of milk in any manner whatsoever, and to take such samples of milk as may be deemed necessary upon payment therefor at the usual market price when payment is demanded.

Inspection.

*The secretary shall have the right to exclude from sale any part of a milk supply which may be considered unsafe for human consumption, or milk which is produced on dairy farms or handled in milk plants which fail to meet the requirements of this act.*

Right to exclude from sale.

Non-compliance with provisions.

*Non-compliance with the provisions of this section by a permit holder is hereby specifically declared to be a violation of this act and subject to the penal provisions hereof, and shall be sufficient grounds for the revocation of the permit of such permit holder.*

Labels.

"Milk for Pasteurization."

Section 4. No person shall sell milk that does not bear prominently the designation "Certified Milk" or "Raw Milk" or "Pasteurized Milk" or "Milk for Pasteurization," which final term shall mean milk which meets all the requirements set forth in section seven hereof, but has not as yet been pasteurized. Such designations as "A," "B," "Inspected," "Homogenized" or "Viscolized" may be used with the designation of "Raw Milk" or "Pasteurized Milk," provided the definition of such designation is filed with and approved by the secretary.

When effective.

Section 2. This act shall take effect immediately upon final enactment.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 143

AN ACT

Authorizing the county commissioners of certain counties to levy and collect the taxes necessary to pay the interest and principal of any bonds heretofore issued by any one of said counties to repay the money borrowed to maintain and support their poor.

County commissioners authorized to levy taxes to pay bonds issued for poor purposes.

Section 1. Be it enacted, &c., That any county in which the county poor districts were abolished and each borough and township was created a separate poor district to be administered by overseers of the poor, the county commissioners shall levy such taxes, from time to time, as shall be required to pay the interest and maturing principal on any bonds issued by the county commissioners in any of said counties to secure the repayment of money borrowed to take care of the poor during the period when the county commissioners were acting as poor directors and supporting and providing for the poor in the counties named.

Time and manner of levying and collecting.

Section 2. The county commissioners in said counties shall levy the taxes aforesaid each year until such bonds and the interest thereon have been fully paid, and said taxes shall be levied and collected at the same time and in the same manner as county taxes are now levied and collected.

When effective.

Section 3. This act shall be in force and effect immediately upon its passage, and approval by the Governor.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT