

amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association.

B. Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph, regardless of the order in which such claims are enumerated.

C. All claims provided for in this section shall be construed to refer only to claims presented to the liquidating trustee or trustees in the manner provided in this act and approved by him or them in accordance with the plan of dissolution.

Section 2. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 2d day of July, A. D. 1935.

GEORGE H. EARLE

—
No. 210

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 Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties.

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, except condensed milk and evaporated milk for manufacturing purposes.

“Milk products” means ice cream, ice cream mix, custard ice cream, french ice cream, frozen custard, and other similar frozen products, and all dairy products used in the manufacture thereof.

“Certified Milk” means the product of dairy farms operated in accordance with the “Methods and Standards for the Production and Distribution of ‘Certified Milk,’ last adopted by the American Association of Medical Milk Commissions Incorporated,” and the production and handling of which shall be certified to by a commission instituted in compliance therewith.

“Secretary” means the Secretary of Health of this Commonwealth, or his authorized representative.

“Person” includes singular and plural, masculine and feminine, and any individual, firm, copartnership, institution, association, or corporation thereof.

Regulating
entities
and persons
selling milk
and milk
products.

Definitions.

“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 the milk from which is sold or delivered to any person.

“Milk plant” is any place or premise or establishment where milk is collected, separated, processed, stored, bottled, pasteurized, or prepared in any manner for sale as milk or milk products.

“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. Applications for certificates of approval for approved inspectors shall be made on forms which may be secured from the Secretary of Health, and shall be accompanied by a fee of ten (\$10) dollars. Certificates of approval shall expire on December thirty-first of each year. Applications for renewal shall be made on forms satisfactory to the Secretary of Health, and shall be accompanied by a registration fee of three (\$3) dollars, and shall be returned to the Secretary of Health not later than December fifteenth of each year. Certificates of approval shall not constitute an approved inspector an official employe, agent or authorized representative of the Department of Health, nor shall he represent himself so to be.

Certificates of approval may be refused, suspended or revoked for cause, upon such notice and subject to such conditions, as the secretary shall deem necessary.

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

Permit.

Section 2. Except as hereinafter provided, no person shall sell milk or milk products 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 or milk products shall annually make an application therefor on a form to be secured from the “secretary.” Such application shall set forth—

Contents of the application.

- (a) The name and address of the applicant.
- (b) The designations of the milk or milk products to be offered for sale.
- (c) The name of the municipality or municipalities in which the applicant desires to sell milk or milk products.
- (d) An accurate record of each milk plant owned or operated by the applicant for a permit.
- (e) Such other information as may be required by the “secretary.”

Permits shall be issued only to persons, whose entire milk supply, the farms, where it is produced and the milk plants in which the milk or milk products is handled, have been approved by the secretary, and in any case in which, in his discretion, he shall deem such action necessary for approval, inspected by the secretary. Every permit shall expire annually.

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

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

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

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.

Section 3. Permits may be refused, suspended or revoked by the "secretary" if, in his judgment, the requirements of this act, and the rules and regulations made in conformity herewith are not complied with by the person making an application 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. Any person aggrieved by a decision of the secretary, either refusing to re-issue a permit or revoking a permit heretofore issued, may file, within five (5) days thereafter in the court of common pleas of Dauphin County, a bill in equity against the secretary as defendant, alleging therein, in brief detail, the action and decision complained of, and praying for relief, and jurisdiction is hereby conferred upon said court for hearing and disposing of such cases.

Section 4. When an application for 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 section 2 and section 3.

Section 5. The secretary may constitute as his agent, for the purpose of issuing permits for the sale of milk or milk products, 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 or milk products in such municipalities.

Section 6. Every person, having made an application for a permit to sell milk or milk products or holding a permit for the sale of milk or milk products, shall, at any time, allow the "secretary" to inspect the herds, stables, and dairy farms from which milk is obtained, handled, or prepared for sale, to inspect the milk plants, pasteurizing, bottling, and handling of milk or milk products, examine books and papers wherein a record is kept of the name and address of each person from whom "milk" or "milk products" is purchased, the amount of "milk" or "milk products" purchased, and the date on which the "milk" or "milk products" was purchased, in any manner whatsoever, and to take such samples of milk or milk products, as may be deemed necessary, upon payment therefor at the usual market price when payment is demanded. The "secretary" shall have the power to subpoena, for the purpose of any hearing, all books and records of any permit holder or of any other corporation or person in any case in which records in its or his possession, or over which it or he has control, is reasonably necessary to the proper conduct of the affairs of the secretary under this act.

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.

Section 7. No person shall sell milk that does not bear prominently the designation "Certified Milk" or "Raw Milk" or "Milk for Pasteurization" or "Pasteurized Milk." Other designations 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."

No person shall sell milk products that do not bear prominently the name and address or code number of the processor or manufacturer, the kind of milk products offered for sale, and the name and location of the milk plant in which the milk products are processed or manufactured.

Section 8. "Raw Milk" shall be produced and handled in the following manner:

(a) "Raw Milk" shall be milk from a cow or cows, determined by physical examination and tuberculin tests

conducted in accordance with the rules, regulations, and practices of the State Department of Agriculture pertaining to the individual accredited herd plan or the modified accredited area plan, to be free from communicable disease.

(b) The cows shall be fed, watered, housed, and cared for in such a manner that the milk will be clean and free from disease-producing organisms.

(c) The milking process shall be carried on in a cleanly manner. The milk shall be promptly cooled. The milk containers, utensils, and equipment shall be of such material and so constructed that they may be readily cleaned. The milk and the cleansed containers, utensils, and equipment shall be protected from flies.

(d) A milk house or milk rooms which are properly constructed, lighted, ventilated, drained, and kept clean shall be provided and used exclusively for the handling of "Certified Milk" or "Raw Milk." An adequate supply of steam or hot water shall be provided and used for cleansing milk containers and dairy utensils.

(e) 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."

Section 9. Every applicant for or holder of a permit to sell pasteurized milk or milk for pasteurization or milk products 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.

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 payment shall be made only by the applicant for or holder of the permit for the plant to which the milk from the farm which is inspected is or is to be delivered. 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.

No applicant for or holder of a permit to sell pasteurized milk or milk for pasteurization or milk products 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 or milk products from any milk plant owned or operated by another person who is not in lawful possession of a permit.

No milk or milk products shall be received in any milk plant for any purpose, unless such milk or milk products shall have been produced on dairy farms, or acquired from milk plants approved by the secretary, or unless permission for the receipt of such milk or milk products shall be obtained from the secretary.

Only milk or milk products may be prepared or processed in a milk plant.

Section 10. "Milk for Pasteurization" shall be milk produced and handled in the following manner:

(a) "Milk for Pasteurization" shall be milk from a cow or cows, determined by physical examination and tuberculin tests conducted in accordance with the rules, regulations and practices of the State Department of Agriculture, pertaining to the individual accredited herd plan or the modified accredited area plan, to be free from communicable disease.

(b) The cows shall be fed, watered, housed, and cared for in such manner that the milk will be clean.

(c) The milking process shall be carried on in a cleanly manner. The milk shall be promptly cooled. The milk containers, utensils and equipment shall be of such material and so constructed that they may be readily cleansed.

(d) A milk house or milk rooms properly constructed, lighted, ventilated, drained, and clean shall be provided on the dairy farm producing milk for sale as "Milk for Pasteurization," and shall be used exclusively for the handling of such milk.

Section 11. Milk containers in which "Milk for Pasteurization" is received in milk plants from dairy farms shall be thoroughly cleansed and dried before returning to the dairy farm.

(a) Milk plants in which "Milk for Pasteurization" is received from dairy farms shall be properly constructed, lighted, ventilated, drained, and clean.

(b) The milk plants in which "Milk for Pasteurization" is received shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "secretary." Equipment before being installed shall likewise be approved by the secretary.

(c) "Certified Milk" or "Raw Milk" may be sold as "Milk for Pasteurization."

Section 12. "Pasteurized Milk" shall be milk produced and handled in the following manner:

(a) "Pasteurized Milk" is milk heated to such a temperature and for such a length of time that all harmful organisms are destroyed.

(b) "Milk for Pasteurization" shall be used in the preparation of "Pasteurized Milk."

The holder of a permit to sell "Pasteurized Milk" may purchase "Milk for Pasteurization" from a person in lawful possession of a permit to sell "Pasteurized Milk."

(c) Milk containers in which milk is received in milk plants in which milk is pasteurized shall be thoroughly cleansed and dried before returning to a dairy farm or a milk plant.

(d) Apparatus for the pasteurization of milk shall be equipped with an accurate indicating thermometer and a recording thermometer of a type approved by the secretary. A true record of pasteurization as given by the recording thermometer shall be on file at the place where the milk is pasteurized.

(e) Milk to be sold as "Raw Milk" may be received, cooled, and bottled in a building where milk is pasteurized, providing all milk received in the building where milk is pasteurized meets the requirements for "Raw Milk" as set forth in this act.

(f) The rooms of buildings, in which milk is exposed during and after pasteurization, shall be properly lighted, ventilated, drained, and clean, and shall be used for no other purpose than to provide a place for cleansed milk containers and utensils, and for the handling of milk during and after pasteurization.

(g) Milk during and after pasteurization, and cleansed milk containers, utensils, and equipment shall be protected from flies.

(h) Pasteurizing plants shall be provided with and use an adequate supply of steam or hot water for cleansing milk containers, utensils, and equipment.

(i) Equipment with which milk comes in contact shall be constructed in such manner as to be easily cleansed. Demountable apparatus, with which milk comes in contact, shall be taken apart and cleansed each day such apparatus is in use. Surfaces with which milk comes in contact shall be of smooth non-corrosive material and free from open seams.

(j) "Pasteurized Milk" shall be placed in the final container in the milk plant where the milk is pasteurized immediately after pasteurization.

(k) The milk plants in which milk is received or pasteurized shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "secretary." Equipment before being installed shall likewise be approved by the secretary.

Section 13. Adequate facilities shall be provided and used for furnishing clean containers, free from injurious

organisms, in which to sell "Raw Milk" or "Pasteurized Milk" or "Milk for Pasteurization" or "Milk Products." Bottles or containers, whether of glass or other material, shall be filled and closed without any part of the hand coming in contact with the inner surface of the bottles or containers, or in contact with bottle caps. Caps shall be obtained in sanitary containers and kept therein until used.

Section 14. Milk plants, in which milk or milk products is handled, received, bottled, or pasteurized, shall be provided with sanitary, adequate and conveniently located toilet facilities.

Section 15. The water supply used in milk plants shall be sufficiently abundant for all purposes, easy of access, and free from contamination.

Section 16. The Secretary of Health shall have the power to make requirements concerning the number and character of bacteria in milk and milk products after hearing.

Bacteriological analysis of milk and milk products shall be made under the supervision of a laboratory, the equipment and director of which have been approved by the Secretary of Health. The bacteriological analysis of milk and milk products shall be in accordance with Standard Methods of Milk Analysis of the American Public Health Association and the Association of Official Agricultural Chemists last adopted, unless special permission is given by the secretary for a modification of the above standard methods.

Section 17. "Milk products" shall be prepared from milk produced and handled in the following manner:

(a) "Milk for Pasteurization" shall be used in the preparation of "milk products."

(b) The "Milk for Pasteurization" used in the preparation of "milk products" shall be pasteurized or otherwise treated as indicated by the "secretary" before or during the preparation of "milk products."

(c) Milk containers in which "Milk for Pasteurization" is received in milk plants for the preparation of "milk products" shall be thoroughly cleansed and dried before returning to a dairy farm or a milk plant.

(d) The rooms of buildings in which "milk products" are exposed during and after preparation shall be properly lighted, ventilated, drained, and clean, and shall be used for no other purpose than to provide a place for cleansed containers and utensils and for the handling of "milk products."

(e) "Milk products" during and after preparation, and cleansed containers, utensils, and equipment shall be protected from flies.

(f) Milk plants in which "milk products" are prepared shall be provided with an adequate supply of

steam or hot water for cleansing containers, utensils, and equipment.

(g) Equipment with which "milk products" come in contact shall be constructed in such a manner as to be easily cleansed. Demountable apparatus with which "milk products" come in contact shall be taken apart and cleansed each day such apparatus is in use. Surfaces with which "milk products" come in contact shall be of smooth non-corrosive material and free from open seams.

(h) The milk plants in which "milk products" are prepared shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "secretary." Equipment before being installed shall likewise be approved by the secretary.

Section 18. 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 from enacting and enforcing new ordinances for the further protection of the public health: Provided, That this act shall be considered as establishing uniform requirements and regulations, and that nothing herein contained shall be deemed to prevent municipalities 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.

Section 19. The advisory health board of the State Department of Health is hereby authorized to adopt and promulgate rules and regulations for the proper enforcement of this act.

Section 20. Any person violating any provisions of this act or rules and regulations pertaining thereto shall, upon conviction thereof, before any magistrate, alderman, or justice of the peace in the county where the offense shall have been committed, be subject to a fine of not less than ten dollars (\$10) and not more than fifty dollars (\$50) for each offense, to be collected by summary conviction as like fines are now collected by law, or in case of nonpayment of the fine to undergo imprisonment in the county jail for a period not exceeding thirty days: Provided, That any person convicted more than twice of violating the same provisions of this act or rules and regulations pertaining thereto shall be subject to a fine of not less than fifty dollars (\$50) nor more than two hundred and fifty dollars (\$250), or in case of nonpayment of the fine to undergo imprisonment in the county jail for a period not less than thirty days nor more than six months.

Prosecutions for violations of any of the provisions of this act and the regulations thereto shall be brought by

the Secretary of Health or his agent or by any health officer of any municipality in this Commonwealth.

All fines collected under this act shall be paid to the secretary and by him into the State Treasury, through the Department of Revenue.

Section 21. Whenever, in the opinion of the secretary, a given supply of milk or milk products is considered unsafe or a menace to public health, the secretary may seize, condemn, denature, or destroy such milk or milk products without compensation to the owner or owners thereof.

The general sanitary conditions of any place, wherein milk or milk products are produced, stored, prepared, or handled and its immediate surroundings, shall be such as to insure a safe and clean supply of milk or milk products.

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

A satisfactory flush closet or sanitary privy shall be provided at all dairy farms where milk is produced or handled.

Section 22. The Attorney General may, at the instance of the secretary, in the name of the Commonwealth institute proceedings in equity in the court of common pleas of Dauphin County for the purpose of enjoining any person from offering milk or milk products for sale without a permit as provided in this act, and for such purpose jurisdiction is hereby conferred upon said court. In such case the Attorney General shall not be required to give bond.

Section 23. Constitutional Construction.—It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.

Section 24. The act of May second, 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," as amended by the acts, approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred four), the twenty-second day of May, one thousand nine hundred and thirty-three

(Pamphlet Laws, eight hundred thirty-two), and the seventeenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred thirty-one—one thousand nine hundred thirty-three—one thousand nine hundred thirty-four), are hereby repealed.

All other acts or parts of acts inconsistent herewith are hereby repealed.

Section 25. The permits heretofore granted by the Secretary of Health under the terms of the act of one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred twenty-nine), and the amendments thereto, shall remain in full force and effect as permits under this act until such time as they, respectively, by their terms expire, or until the secretary shall revoke or suspend the same in accordance with his powers hereunder.

Section 26. This act shall become effective immediately upon approval by the Governor. When effective.

APPROVED—The 2d day of July, A. D. 1935.

GEORGE H. EARLE

No. 211

AN ACT

Relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws.

Section 1. Be it enacted, &c., That—Municipality Defined.—The word “municipality,” as used in this act, shall be construed to mean and include any city, borough, town, or township of this Commonwealth. Sunday motion pictures.
Definitions.

Motion Picture Exhibitions Defined.—The words “motion picture exhibitions,” as used in this act, shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings, together with any orchestral or other instrumental musical or mechanical accompaniment, prelude, playing, or selection in connection therewith or incidental thereto.

Two O'clock Postmeridian Defined.—The words “two o'clock postmeridian,” as used in this act, shall be construed to mean “two” o'clock postmeridian east-