

No. 1982-137

AN ACT

SB 1349

Amending the act of August 8, 1961 (P.L.975, No.436), entitled "An act defining milk and its derivatives, prohibiting its adulteration, regulating its labeling, sale and serving; imposing powers and duties on the Department of Agriculture; providing penalties and making repeals," defining manufactured dairy products and changing penalties for violations.

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

Section 1. Section 1.1, act of August 8, 1961 (P.L.975, No.436), entitled "An act defining milk and its derivatives, prohibiting its adulteration, regulating its labeling, sale and serving; imposing powers and duties on the Department of Agriculture; providing penalties and making repeals," is amended by adding a definition to read:

Section 1.1. Definitions.—As used in this act—

* * *

"Manufactured dairy products" means butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole and condensed skim milk (plain or sweetened), and such other products for human consumption, as may be designated by the secretary.

* * *

Section 2. Section 8 of the act is amended to read:

Section 8. Penalties.—[Any person who shall violate any of the provisions of this act, or any rule, regulation or order made pursuant to this act, shall, for the first or second offense upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and costs of prosecution, and, in default of payment of such fines and costs, shall be sentenced to undergo imprisonment in the county jail for not more than thirty days, and for a third or subsequent offense within one year, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) or to undergo imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.] *Any person violating any provision of this act or the rules and regulations promulgated thereunder shall, upon conviction, be guilty of a summary offense.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 10th day of June, A. D. 1982.

DICK THORNBURGH