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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1122 Session of  
2023

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INTRODUCED BY HOWARD, HILL-EVANS, MADDEN, ISAACSON, SANCHEZ,  
KHAN AND DELLOSO, MAY 5, 2023

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MAY 5, 2023

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, in food protection, further providing for penalties  
3 and prohibiting certain food packaging.

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

6 Section 1. Section 5725(b) of Title 3 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 5725. Penalties.

9 \* \* \*

10 (b) Civil penalties.--

11 (1) In addition to proceeding under any other remedy  
12 available at law or in equity for a violation of this  
13 subchapter, or a rule or regulation adopted or any order  
14 issued under this subchapter, the secretary may assess a  
15 civil penalty not to exceed \$10,000 upon an individual or  
16 business for each offense.

17 (2) No civil penalty shall be assessed for a violation  
18 of this subchapter unless the person charged has been given

1 notice and opportunity for a hearing in accordance with law.  
2 In determining the amount of the penalty, the secretary shall  
3 consider the gravity of the violation. Whenever the secretary  
4 finds a violation which did not cause harm to human health,  
5 the secretary may issue a warning in lieu of assessing a  
6 penalty. In case of inability to collect the civil penalty or  
7 failure of any person to pay all or any portion of the  
8 penalty as the secretary may determine, the secretary may  
9 refer the matter to the Attorney General, who shall recover  
10 the amount by action in the appropriate court.

11 \* \* \*

12 Section 2. Title 3 is amended by adding a section to read:

13 § 5731.1. Prohibited food packaging.

14 (a) PFAS substances packaging.--Beginning July 1, 2023, no  
15 person shall distribute, sell or offer for sale in this  
16 Commonwealth food packaging containing perfluoroalkyl or  
17 polyfluoroalkyl substances present in any amount.

18 (b) Penalty.--

19 (1) In addition to proceeding under any other remedy  
20 available at law or in equity for a violation of this  
21 subchapter, or a rule or regulation adopted or any order  
22 issued under this subchapter, the secretary may assess:

23 (i) A civil penalty not to exceed \$5,000 upon an  
24 individual or business for a first offense under this  
25 section.

26 (ii) A civil penalty not to exceed \$10,000 upon an  
27 individual or business for a second or subsequent offense  
28 under this section.

29 (2) The provisions of section 5725(b)(1) (relating to  
30 penalties) shall not apply to a violation of this section.

1 (c) Deposit of civil penalties.--Penalties collected under  
2 this section shall be deposited into the Hazardous Sites Cleanup  
3 Fund established in section 901 of the act of October 18, 1988  
4 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.

5 (d) Rulemaking.--The secretary, in consultation with the  
6 Department of Environmental Protection, shall enforce this  
7 section as well as promulgate regulations as necessary.

8 (e) Definitions.--As used in this section, the following  
9 words and phrases shall have the meanings given to them in this  
10 subsection unless the context clearly indicates otherwise:

11 "Food packaging." A container or component that is intended  
12 for direct food contact.

13 "Perfluoroalkyl and polyfluoroalkyl substances." All members  
14 of the class of fluorinated organic chemicals containing at  
15 least one fully fluorinated carbon atom.

16 Section 3. This act shall take effect immediately.