
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2117 Session of
2024

INTRODUCED BY SHUSTERMAN, MIHALEK, KULIK, SCIALABBA, KHAN,
GUENST, KINSEY, CEPEDA-FREYTIZ, METZGAR, BANTA, BRIGGS,
MAJOR, HILL-EVANS, STEELE, SAPPEY, LABS AND KAZEEM,
MARCH 19, 2024

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 19, 2024

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in food protection, further providing for poisonous
3 or deleterious substances and tolerances.

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

6 Section 1. Section 5731(c) of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5731. Poisonous or deleterious substances and tolerances.

9 * * *

10 (c) Unsafe food additives.--

11 (1) A food additive shall, with respect to any
12 particular use or intended use, be deemed to be unsafe for
13 the purposes of the application of section 5728(4) (relating
14 to adulteration of food) unless it and its intended use
15 conform to the terms of an exemption which is in effect under
16 this section or unless there is in effect, and it and its
17 intended use are in conformity with, a regulation issued

1 under this section prescribing the conditions under which the
2 additive may be safely used. A food which is in compliance
3 with a regulation relating to a food additive shall not, by
4 reason of bearing or containing an additive in accordance
5 with the regulations, be considered adulterated within the
6 meaning of section 5728(4).

7 (2) Notwithstanding paragraph (1), the following food
8 additives shall, with respect to any particular use or
9 intended use, be deemed to be unsafe for the purposes of the
10 application of section 5728(4):

11 (i) Brominated vegetable oil.

12 (ii) Potassium bromate.

13 (iii) Butylated hydroxyanisole.

14 Section 2. This act shall take effect January 1, 2027.