

## AMENDMENTS TO HOUSE BILL NO. 1869 (As amended by A03432)

Sponsor: REPRESENTATIVE MOUL

Printer's No. 2349

1 Amend Bill, page 1, by inserting before line 1 (A03432)

2 Amend Bill, page 1, line 2, by inserting after "protection,"  
3 further providing for definitions,

4 Amend Bill, page 1, line 1 (A03432), by inserting after

5 ""program""

6 and inserting

7 and further providing for powers of department

8 Amend Bill, page 1, lines 2 through 4 (A03432), by striking

9 out all of said lines and inserting

10 Amend Bill, page 1, lines 6 through 17; page 2, lines 1  
11 through 5; by striking out all of said lines on said pages and  
12 inserting

13 Section 1. The definition of "potentially hazardous food" in  
14 section 5702 of Title 3 of the Pennsylvania Consolidated  
15 Statutes is amended to read:

16 § 5702. Definitions.

17 The following words and phrases when used in this subchapter  
18 shall have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 \* \* \*

21 "Potentially hazardous food." The term shall have the same  
22 meaning as [defined in the 2009] time/temperature control for  
23 safety food is defined in the 2022 edition of the Food Code  
24 published by the [Department of Health and Human Services,]  
25 United States Food and Drug Administration, or any successor  
26 document approved by [regulation of] the department under  
27 section 5707(e) (relating to powers of department).

28 \* \* \*

29 Section 2. Section 5705 of Title 3 is amended to read:

30 Amend Bill, page 1, line 20 (A03432), by inserting after

31 "other"

32 related

Amend Bill, page 1, line 23 (A03432), by inserting after

"other"

related

Amend Bill, page 1, line 29 (A03432), by inserting after

"other"

related

Amend Bill, page 1, by inserting after line 32 (A03432)

Section 3. Section 5707(a) of Title 3 is amended and the section is amended by adding a subsection to read:

§ 5707. Powers of department.

(a) Rules and regulations.--The department shall make such reasonable rules and regulations as may be deemed necessary for carrying out the provisions and intent of this subchapter. In promulgating regulations, the department shall be guided by the [most current] 2022 edition of the Food Code, published by the United States [Department of Health,] Food and Drug Administration or any successor document approved by the department under subsection (e). The regulatory standards established by the department under this section shall be the standards followed and applied by any licenser with respect to retail food facilities.

\* \* \*

(e) Adoption by reference.--

(1) The secretary shall review the 2022 edition of the Food Code, published by the United States Food and Drug Administration, and transmit notice to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin of the standards approved for adoption.

(2) The secretary shall review any subsequent changes to the Food Code and shall transmit notice of adoption to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.