
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2116 Session of
2024

INTRODUCED BY MIHALEK, SHUSTERMAN, KULIK, SCIALABBA, KHAN,
GUENST, KINSEY, CEPEDA-FREYTIZ, METZGAR, KEEFER, BANTA,
BRIGGS, MAJOR, HILL-EVANS, KUTZ, MARCELL, STEELE, SAPPEY,
GLEIM, LABS, KAIL AND KAZEEM, MARCH 18, 2024

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, MARCH 18, 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) Red dye 3.

12 (ii) Red dye 40.

13 (iii) Yellow dye 5.

14 (iv) Yellow dye 6.

15 (v) Blue dye 1.

16 (vi) Blue dye 2.

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