
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 77 Session of
2025

INTRODUCED BY VENKAT, MIHALEK, PASHINSKI, SANCHEZ, KUZMA, KHAN,
NEILSON, PIELLI, HILL-EVANS, JAMES, HADDOCK, SCHLOSSBERG,
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FREYTIZ AND HOWARD, JANUARY 10, 2025

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 10, 2025

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in food protection, further providing for
3 definitions, providing for food allergy awareness and further
4 providing for powers of department.

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

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

10 § 5702. Definitions.

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

14 * * *

15 "Potentially hazardous food." The term shall have the same
16 meaning as [defined in the 2009] the term "time/temperature
17 control for safety food" in section 1-201 in the 2022 edition of

1 the Food Code published by the [Department of Health and Human
2 Services,] United States Food and Drug Administration, or any
3 successor [document] standards approved by [regulation of] the
4 department under section 5707(e) (relating to powers of
5 department).

6 * * *

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

8 § 5705. [(Reserved).] Food allergy awareness.

9 (a) Requirements.--Each proprietor of a retail food facility
10 shall:

11 (1) Prominently display a poster acceptable to the
12 department and in accordance with subsection (b) in the
13 employee area that provides information for employees on food
14 allergy awareness.

15 (2) Include on a food menu or through other written
16 information a notice to a customer of food allergens used in
17 the retail food facility and a request for the customer to
18 inform the employee serving the customer about the customer's
19 food allergy.

20 (b) Posters.--The department shall require posters under
21 this section to contain, at a minimum, a description of the
22 major food allergens and symptoms of an allergic reaction and
23 any other related requirements that are specified in the Food
24 Code, published by the United States Food and Drug
25 Administration. The following apply:

26 (1) The secretary shall transmit notice of the other
27 related requirements that are specified in the version of the
28 Food Code that is in effect on the effective date of this
29 paragraph to the Legislative Reference Bureau for publication
30 in the next available issue of the Pennsylvania Bulletin.

1 (2) The secretary shall review any subsequent changes to
2 the other related requirements that are specified under the
3 Food Code and shall transmit notice of the changes to the
4 Legislative Reference Bureau for publication in the next
5 available issue of the Pennsylvania Bulletin.

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

8 § 5707. Powers of department.

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

20 * * *

21 (e) Incorporation by reference.--

22 (1) The secretary shall review the 2022 edition of the
23 Food Code, published by the United States Food and Drug
24 Administration, and transmit notice to the Legislative
25 Reference Bureau for publication in the next available issue
26 of the Pennsylvania Bulletin of the approved standards under
27 subsection (a).

28 (2) The secretary shall review any subsequent changes to
29 the Food Code and shall transmit notice of approved standards
30 under subsection (a) to the Legislative Reference Bureau for

1 publication in the next available issue of the Pennsylvania
2 Bulletin.

3 Section 4. This act shall take effect in 60 days.