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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 946 Session of  
2013

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INTRODUCED BY CRUZ, YOUNGBLOOD, THOMAS, V. BROWN, COHEN, CLAY,  
O'BRIEN AND BOBACK, MARCH 12, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 2013

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in trade and commerce, prohibiting the  
3 sale of food, nonprescription drugs and cosmetics under  
4 certain circumstances; and imposing penalties.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 7332. Unlawful sale of food, nonprescription drugs and  
10 cosmetics.

11 (a) General rule.--No person shall sell or offer to sell to  
12 the public:

13 (1) any nonprescription drug, infant formula or baby  
14 food which is subject to expiration dating requirements  
15 issued by the Food and Drug Administration or other food  
16 bearing an expiration date on its label or packaging if the  
17 date of expiration has passed; or

18 (2) any infant formula or baby food which is subject to  
19 expiration dating requirements issued by the Food and Drug

1 Administration, any nonprescription drug or cosmetic or any  
2 other food bearing an expiration date on its label or  
3 packaging unless that person presents, within five days of  
4 the request, a written record of the purchase of that  
5 product, which record or invoice shall:

6 (i) specifically identify the product being sold by  
7 the product name, quantity purchased, that quantity being  
8 denoted by item, box, crate, pallet or otherwise, and  
9 date of purchase; and

10 (ii) contain the complete name or business name,  
11 address and telephone number of the person from whom that  
12 product was purchased.

13 (b) Applicability.--The provisions of subsection (a) shall  
14 not apply to a transaction involving less than \$50 of product  
15 between persons selling that product in the same general market  
16 area on the same day.

17 (c) Penalty.--A person who violates this section shall, upon  
18 conviction, be sentenced to:

19 (1) a fine not more than \$300 for a first offense;

20 (2) a fine not more than \$300 or a term of imprisonment  
21 for not more than 90 days, or both, for a second offense; or

22 (3) a revocation of any license, including a business  
23 privilege license or sales license, held by such person to  
24 operate the business in which the product was sold for a  
25 third or subsequent offense.

26 Section 2. This act shall take effect in 60 days.