

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1203 Session of
2024

INTRODUCED BY ARGALL, GEBHARD, VOGEL, MARTIN, ROTHMAN, COLEMAN,
DISANTO, ROBINSON, DUSH AND COSTA, MAY 17, 2024

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 17, 2024

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in food protection, further providing for rules and
3 regulations.

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

6 Section 1. Section 5733(g) of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5733. Rules and regulations.

9 * * *

10 (g) Water standards.--[If a food establishment uses or
11 supplies water for human consumption, the water shall be in
12 compliance with the primary and secondary Maximum Contaminant
13 Levels (MCL), treatment techniques and Maximum Residual
14 Disinfectant Levels (MRDL) required by the act of May 1, 1984
15 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water
16 Act, and its attendant regulations.]

17 (1) Except as otherwise provided in this subsection, if
18 a food establishment uses or supplies water for human

1 consumption, regardless of the size of the bottle or
2 container:

3 (i) The water shall be in compliance with the
4 requirements under 21 CFR Pts. 129 (relating to
5 processing and bottling of bottled drinking water) and
6 165 (relating to beverages).

7 (ii) The food establishment shall utilize a water
8 source:

9 (A) that meets the siting, design, construction,
10 maintenance and withdrawal requirements established
11 by the act of May 1, 1984 (P.L.206, No.43), known as
12 the Pennsylvania Safe Drinking Water Act, and
13 regulations promulgated thereunder; or

14 (B) from a jurisdiction that administers
15 standards no less stringent than those established
16 under the Pennsylvania Safe Drinking Water Act.

17 (iii) The department may accept documentation from
18 the Department of Environmental Protection to determine
19 that a water source satisfies the requirements under this
20 subsection.

21 (2) Bottled water products manufactured in accordance
22 with paragraph (1):

23 (i) Shall be labeled in accordance with all
24 requirements under the Federal acts and regulations
25 promulgated thereunder.

26 (ii) Shall not be required to use, carry or be
27 subject to any label or labeling requirements not
28 specifically required by the Federal acts and regulations
29 promulgated thereunder.

30 (iii) Shall be subject to the recall provisions

1 specified in the Federal acts and regulations promulgated
2 thereunder.

3 (iv) Shall not be subject to any recall provision or
4 process not specified in the Federal acts and regulations
5 promulgated thereunder.

6 (3) It is the intent of this subsection to vest
7 exclusive jurisdiction for enforcement of the Federal acts
8 and regulations promulgated thereunder in the department.

9 (4) Any act or regulation, or part of any act or
10 regulation, that is inconsistent with this subsection is
11 repealed or abrogated to the extent of the inconsistency.

12 * * *

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