

MILK MARKETING LAW

Changes to existing law:

§103. Definitions; construction

"Milk distributor" or "distributor" means any person who purchases or receives for resale milk from sources outside the Commonwealth and handles such milk within the Commonwealth for further sale in the same containers as those in which it was purchased.

"Store" includes a grocery store, hotel, restaurant, soda fountain, dairy products store, vending machine or any similar mercantile establishment which sells ~~or distributes~~ milk.

§701. Records

Milk dealers and distributors subject to license by the board shall keep within the Commonwealth the following records:

(1) A record of the quantity of all milk received or produced, detailed as to location and as to names and addresses of producers or milk dealers or distributors from whom received, with butterfat or appropriate milk component tests, weights, prices paid, and deductions or charges made.

(2) A record of the quantity of all milk sold, detailed as to grade, use, location, market outlet, and size and type of container, with prices and amounts received therefor, and the butterfat or appropriate milk component tests thereof.

(3) A record of the quantities of all milk transported, shipped, or hauled, including the distances and the amounts paid for the movement of such milk, in all cases where the dealer pays on his own account or on the account of producers for the movement thereof.

(4) A record of the quantity of each milk product manufactured, the quantity of milk used in the manufacture of each product, and the quantity and value of milk products sold.

(4.1) The price or cost of containers used, by size and type.

(5) A record of wastage or loss of milk or butterfat.

(6) A record of the spread or handling expense and profit or loss, represented by the difference between the price paid and the price received for all milk and milk products.

(7) A record of all other transactions affecting the assets, liabilities, or net worth of the dealer or distributor.

(8) Such other records and information as the board may deem necessary for the proper enforcement of this act.

The records herein required shall be kept in the possession of the milk dealer or distributor for a period not less than two years, unless the board otherwise provides.

§702. Reports

Each milk dealer or distributor shall, from time to time, as required by rule, regulation or order of the board, make and file a verified report, on forms prescribed by the board, of all matters on account of which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act. Such report shall cover a period specified in the order, and shall be filed within a time fixed by the board.

The following Article IV.1 is new:

ARTICLE IV.1. **MILK DISTRIBUTORS**

§450. Milk distributors required to be licensed

No person shall operate as a milk distributor in this Commonwealth unless such person holds a milk distributor's license issued by the board. Applications for such license shall be completed and filed by the milk distributor within 30 days after this amending act takes effect, or prior to his engaging in business and annually thereafter, on or before June fifteenth, by mail or otherwise, upon such forms as may be prescribed. The license year shall commence July first and shall end June thirtieth following.

§451. Refusal, suspension or revocation of license

The board may decline to grant a license to an applicant, or may suspend or revoke the right of a licensee or former licensee to apply for a license for a new license period, or may suspend, or revoke a license already granted to a milk distributor after determination by the board that the distributor has not complied with the provisions of this act and rules, regulations and orders issued by the board pursuant thereto.

Before refusing to grant or reissue, or before suspending or revoking a license, the board shall afford the applicant for the license an opportunity to be heard under the same procedure as provided in section 405 of this act.

1 make any recommendations found necessary as a result of such
2 consultations with consumer groups and other bureau activities
3 as directed by the secretary, consumer member and board.

4 The office and personnel of the bureau shall be located in a
5 place designated by a majority of the members of the board.]

6 Section 4. The act is amended by adding an article to read:

7 ARTICLE IV-A

8 MILK DISTRIBUTORS

9 Section 401-A. Milk distributors required to be licensed.

10 (a) Requirement.--A person may not operate as a milk
11 distributor in this Commonwealth unless the person holds a milk
12 distributor's license issued by the board.

13 (b) Original.--A license application must be completed and
14 filed by the milk distributor:

15 (1) within 30 days after the effective date of this
16 section; or

17 (2) prior to his engaging in business.

18 (c) Renewal.--A license must be renewed annually before July
19 1. The renewal application must be filed by June 15.

20 (d) Form.--The board shall prescribe forms for applications
21 under subsections (b) and (c).

22 Section 402-A. Refusal, suspension or revocation of license.

23 (a) Scope.--This section applies if the board makes a
24 determination, after a hearing as set forth in section 405, that
25 an applicant or a licensee has not complied with this act or a
26 regulation and order under this act.

27 (b) Authority.--If subsection (a) applies, the board may:

28 (1) Decline to grant a license to an applicant.

29 (2) Decline to renew a license of a licensee.

30 (3) Suspend or revoke a license.