

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1181 Session of  
2022

---

INTRODUCED BY BROOKS, PHILLIPS-HILL, VOGEL, SCHWANK, GEBHARD,  
MARTIN, BARTOLOTTA, STREET, MASTRIANO, LAUGHLIN, ARGALL AND  
LANGERHOLC, APRIL 1, 2022

---

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 1, 2022

---

AN ACT

1 Authorizing the provision or sale of Pennsylvania milk in  
2 Pennsylvania schools.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Whole Milk in  
7 Pennsylvania Schools Act.

8 Section 2. Definitions.

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

12 "Pennsylvania milk." Raw milk produced by the milking of  
13 cows physically located within the geographic boundaries of this  
14 Commonwealth, transported to a dairy processing facility located  
15 within the geographic boundaries of this Commonwealth and  
16 processed as fluid milk into containers intended for  
17 distribution to consumers.

1 "Pennsylvania school." Any school district, cyber charter  
2 school, charter school, regional charter school, area career and  
3 technical school or intermediate unit located within this  
4 Commonwealth.

5 "Reduced fat Pennsylvania milk." Pennsylvania milk  
6 containing 2% milk fat. The term includes Pennsylvania milk that  
7 has been flavored.

8 "Whole Pennsylvania milk." Pennsylvania milk containing at  
9 least 3% milk fat. The term includes Pennsylvania milk that has  
10 been flavored.

11 Section 3. Milk deemed in stream of intrastate commerce.

12 Pennsylvania milk that is offered for sale to a Pennsylvania  
13 school shall be deemed to be in the stream of intrastate  
14 commerce.

15 Section 4. Provision or sale of Pennsylvania milk in  
16 Pennsylvania schools.

17 Notwithstanding any other provision of law or regulation, the  
18 school board or other governing entity of a Pennsylvania school  
19 may elect to utilize funds from State or local sources to obtain  
20 whole Pennsylvania milk or reduced fat Pennsylvania milk to  
21 provide or sell at the Pennsylvania school.

22 Section 5. Duties of Secretary of Education.

23 The Secretary of Education shall notify the superintendent or  
24 chief administrator of each Pennsylvania school of the  
25 provisions of this act.

26 Section 6. Right of civil action.

27 The Office of Attorney General shall, on behalf of a  
28 Pennsylvania school, bring a civil action against the Federal  
29 Government or any other entity to recover funds withheld or  
30 revoked as a result of an action taken by the school board or

1 other governing entity of the Pennsylvania school under section  
2 4.

3 Section 7. Reporting.

4 No later than two years after the effective date of this  
5 section, the Secretary of Education, in consultation with the  
6 Secretary of Agriculture and the Pennsylvania Milk Marketing  
7 Board, shall issue a report to the chairperson and minority  
8 chairperson of the Agriculture and Rural Affairs Committee of  
9 the Senate and the chairperson and minority chairperson of the  
10 Agriculture and Rural Affairs Committee of the House of  
11 Representatives. The report shall include all of the following  
12 information:

13 (1) A list of Pennsylvania schools that have elected to  
14 provide or sell Pennsylvania milk under section 4.

15 (2) The approximate increase or decrease in the  
16 consumption of fluid milk at Pennsylvania schools since the  
17 effective date of this section.

18 (3) Actions taken by the Commonwealth to promote whole  
19 milk and reduced fat milk availability in Pennsylvania  
20 schools.

21 (4) Any other information deemed relevant by the  
22 Secretary of Education, the Secretary of Agriculture or the  
23 Pennsylvania Milk Marketing Board for the purposes of this  
24 act.

25 Section 8. Expiration.

26 (a) Notice.--The Secretary of Education shall submit a  
27 notice to the Legislative Reference Bureau for publication in  
28 the Pennsylvania Bulletin upon the occurrence of any of the  
29 following:

30 (1) The amendment or repeal of section 9(a)(2)(A) of the

1 National School Lunch Act (60 Stat. 230, 42 U.S.C. § 1758(a)  
2 (2)(A)), which results in the availability of whole milk or  
3 reduced fat milk, flavored or unflavored, in elementary and  
4 secondary schools in this Commonwealth.

5 (2) An update to the Dietary Guidelines for Americans  
6 published under section 301 of the National Nutrition  
7 Monitoring and Related Research Act of 1990 (Public Law 101-  
8 445, 7 U.S.C. § 5341), which permits the availability of  
9 whole milk or reduced fat milk, flavored or unflavored, in  
10 elementary and secondary schools in this Commonwealth.

11 (b) Expiration.--This act shall expire on the date of  
12 publication of the notice under subsection (a).

13 Section 9. Effective date.

14 This act shall take effect in 30 days.