

PENNSYLVANIA MILK MARKETING BOARD

**DRAFT PROPOSED REGULATION
FOR TESTIMONY AND COMMENTS
AT PUBLIC HEARING ON JULY 2, 2018
AT 10:00 AM IN ROOM 309 OF THE AGRICULTURE BUILDING
2301 NORTH CAMERON STREET, HARRISBURG, PENNSYLVANIA**

Brackets indicate language proposed to be deleted.

Bold indicates language proposed to be added.

7 Pa. Code Chapter 143

§ 143.31. Written notice required.

(a) No dealer shall terminate his contract or purchasing agreement with a producer and no producer shall terminate his contract or selling agreement with a dealer except by giving such producer or dealer at least a [28-day] **90 day** written notice before termination. The dealer shall specify in such notice the reasons for termination and shall pay in full the producer whose contract has been terminated by the 20th day of the following month.

(b) Repetitions of the causes set forth in § 143.44 (relating to rejection of producer's milk) may, however, cause termination of the contract without the requisite notice.

(c) A dealer may petition the Board for a hearing to request permission to give less than 90 days' notice due to financial hardship. The producers whose contracts are being terminated must be given at least 10 days written notice of the hearing and of their right to be heard at the hearing. The dealer must demonstrate that giving 90 days' notice would cause the dealer financial hardship that is likely to result in additional producers being unpaid or terminated. The notice shall not in any event be less than 30 days.

(d) This section 143.31 shall not apply when the contract between a producer and a cooperative provides for the amount of notice required to terminate the contract.

[§ 143.32. Forfeit use of notice rights.

A producer who offers milk for sale at his farm under the exemptive provisions of section 402 of the act of July 31, 1968, (31 P. S. § 700j-310) shall be considered to have elected the status of a milk dealer and to have forfeited his rights under § 143.31 (relating to written notice required).]