

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2259 Session of
1980

INTRODUCED BY ALDEN, MICOZZIE, ARTY, SERAFINI, COSLETT,
MACKOWSKI, DURHAM AND F. TAYLOR, FEBRUARY 11, 1980

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 11, 1980

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for package or case quantity of containers
18 of malt or brewed beverages.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Subsections (a) and (b) of section 431, act of
22 April 12, 1951 (P.L.90, No.21), known as the "Liquor Code,"
23 subsection (a) amended August 17, 1965 (P.L.346, No.182) and
24 subsection (b) amended October 9, 1967 (P.L.395, No.179), are
25 amended to read:

1 Section 431. Malt and Brewed Beverages Manufacturers',
2 Distributors' and Importing Distributors' Licenses.--(a) The
3 board shall issue to any person a resident of this Commonwealth
4 of good repute who applies therefor, pays the license fee
5 hereinafter prescribed, and files the bond hereinafter required,
6 a manufacturer's license to produce and manufacture malt or
7 brewed beverages, and to transport, sell and deliver malt or
8 brewed beverages at or from one or more places of manufacture or
9 storage, only in original containers, in quantities of not less
10 than a case of twenty-four containers, each container holding
11 seven fluid ounces or more, or a case of twenty containers, each
12 container holding sixteen fluid ounces or more, or a case of
13 twelve containers, each container holding twenty-four fluid
14 ounces or more, except original containers containing one
15 hundred twenty-eight ounces or more which may be sold separately
16 anywhere within the Commonwealth. Licenses for places of storage
17 shall be limited to those maintained by manufacturers on July
18 eighteenth, one thousand nine hundred thirty-five, and the board
19 shall issue no licenses for places of storage in addition to
20 those maintained on July eighteenth, one thousand nine hundred
21 thirty-five. The application for such license shall be in such
22 form and contain such information as the board shall require.
23 All such licenses shall be granted for the calendar year. Every
24 manufacturer shall keep at his or its principal place of
25 business, within the Commonwealth daily permanent records which
26 shall show, (1) the quantities of raw materials received and
27 used in the manufacture of malt or brewed beverages and the
28 quantities of malt or brewed beverages manufactured and stored,
29 (2) the sales of malt or brewed beverages, (3) the quantities of
30 malt or brewed beverages stored for hire or transported for hire

1 by or for the licensee, and (4) the names and addresses of the
2 purchasers or other recipients thereof. Every place licensed as
3 a manufacturer shall be subject to inspection by members of the
4 board or by persons duly authorized and designated by the board,
5 at any and all times of the day or night, as they may deem
6 necessary, for the detection of violations of this act or of the
7 rules and regulations of the board, or for the purpose of
8 ascertaining the correctness of the records required to be kept
9 by licensees. The books and records of such licensees shall at
10 all times be open to inspection by members of the board or by
11 persons duly authorized and designated by the board. Members of
12 the board and its duly authorized agents shall have the right,
13 without hindrance, to enter any place which is subject to
14 inspection hereunder or any place where such records are kept
15 for the purpose of making such inspections and making
16 transcripts thereof.

17 (b) The board shall issue to any reputable person who
18 applies therefor, pays the license fee hereinafter prescribed,
19 and files the bond hereinafter required, a distributor's or
20 importing distributor's license for the place which such person
21 desires to maintain for the sale of malt or brewed beverages,
22 not for consumption on the premises where sold, and in
23 quantities of not less than twenty-four containers, each
24 container holding seven fluid ounces or more, or twenty
25 containers, each container holding sixteen fluid ounces or more,
26 or twelve containers, each container holding twenty-four fluid
27 ounces or more, except original containers containing one
28 hundred twenty-eight ounces or more which may be sold separately
29 and such containers to be the original containers as prepared
30 for the market by the manufacturer at the place of manufacture:

1 And provided further, That the board shall have the discretion
2 to refuse a license to any person or to any corporation,
3 partnership or association, if such person, or any officer or
4 director of such corporation, or any member or partner of such
5 partnership or association shall have been convicted or found
6 guilty of a felony within a period of five years immediately
7 preceding the date of application for the said license.

8 Except as hereinafter provided, such license shall authorize
9 the holder thereof to sell or deliver malt or brewed beverages
10 in quantities above specified anywhere within the Commonwealth
11 of Pennsylvania, which, in the case of distributors, have been
12 purchased only from persons licensed under this act as
13 manufacturers or importing distributors, and in the case of
14 importing distributors, have been purchased from manufacturers
15 or persons outside this Commonwealth engaged in the legal sale
16 of malt or brewed beverages or from manufacturers or importing
17 distributors licensed under this article.

18 Each out of State manufacturer of malt or brewed beverages
19 whose products are sold and delivered in this Commonwealth shall
20 give distributing rights for such products in designated
21 geographical areas to specific importing distributors, and such
22 importing distributor shall not sell or deliver malt or brewed
23 beverages manufactured by the out of State manufacturer to any
24 person issued a license under the provisions of this act whose
25 licensed premises are not located within the geographical area
26 for which he has been given distributing rights by such
27 manufacturer: Provided, That the importing distributor holding
28 such distributing rights for such product shall not sell or
29 deliver the same to another importing distributor without first
30 having entered into a written agreement with the said secondary

1 importing distributor setting forth the terms and conditions
2 under which such products are to be resold within the territory
3 granted to the primary importing distributor by the
4 manufacturer.

5 When a Pennsylvania manufacturer of malt or brewed beverages
6 licensed under this article names or constitutes a distributor
7 or importing distributor as the primary or original supplier of
8 his product, he shall also designate the specific geographical
9 area for which the said distributor or importing distributor is
10 given distributing rights, and such distributor or importing
11 distributor shall not sell or deliver the products of such
12 manufacturer to any person issued a license under the provisions
13 of this act whose licensed premises are not located within the
14 geographical area for which distributing rights have been given
15 to the distributor and importing distributor by the said
16 manufacturer: Provided, That the importing distributor holding
17 such distributing rights for such product shall not sell or
18 deliver the same to another importing distributor without first
19 having entered into a written agreement with the said secondary
20 importing distributor setting forth the terms and conditions
21 under which such products are to be resold within the territory
22 granted to the primary importing distributor by the
23 manufacturer. Nothing herein contained shall be construed to
24 prevent any manufacturer from authorizing the importing
25 distributor holding the distributing rights for a designated
26 geographical area from selling the products of such manufacturer
27 to another importing distributor also holding distributing
28 rights from the same manufacturer for another geographical area,
29 providing such authority be contained in writing and a copy
30 thereof be given to each of the importing distributors so

1 affected.

2 * * *

3 Section 2. Section 440 and subsection (b) of section 441 of
4 the act, amended August 17, 1965 (P.L.346, No.182), are amended
5 to read:

6 Section 440. Sales by Manufacturers of Malt or Brewed
7 Beverages; Minimum Quantities.--No manufacturer shall sell any
8 malt or brewed beverages for consumption on the premises where
9 sold, nor sell or deliver any such malt or brewed beverages in
10 other than original containers approved as to capacity by the
11 board, nor in quantities of less than a case of twenty-four
12 containers, each container holding seven fluid ounces or more,
13 or a case of twenty containers, each container holding sixteen
14 fluid ounces or more, or a case of twelve containers, each
15 container holding twenty-four fluid ounces or more, except
16 original containers containing one hundred twenty-eight ounces
17 or more which may be sold separately; nor shall any manufacturer
18 maintain or operate within the Commonwealth any place or places
19 other than the place or places covered by his or its license
20 where malt or brewed beverages are sold or where orders are
21 taken.

22 Section 441. Distributors' and Importing Distributors'
23 Restrictions on Sales, Storage, Etc.--* * *

24 (b) No distributor or importing distributor shall sell any
25 malt or brewed beverages in quantities of less than a case of
26 twenty-four containers, each container holding seven fluid
27 ounces or more, or a case of twenty containers, each container
28 holding sixteen fluid ounces or more, or a case of twelve
29 containers, each container holding twenty-four fluid ounces or
30 more, except original containers containing one hundred twenty-

1 eight ounces or more which may be sold separately: Provided,
2 That no malt or brewed beverages sold or delivered shall be
3 consumed upon the premises of the distributor or importing
4 distributor, or in any place provided for such purpose by such
5 distributor or importing distributor.

6 * * *

7 Section 3. This act shall take effect immediately.