

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1615 Session of
1989

INTRODUCED BY RYAN AND LASHINGER, JUNE 5, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 14, 1989

AN ACT

1 Amending the act of May 23, 1945 (P.L.926, No.369), entitled "An
2 act for the protection of the public health by regulating the
3 conduct and operation of public eating and drinking places
4 within this Commonwealth; requiring their licensing; imposing
5 certain duties on the Department of Health of this
6 Commonwealth and on the local health authorities; and
7 providing penalties," authorizing second class townships and
8 certain home rule municipalities to license public eating and
9 drinking places; and making editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The title of the act of May 23, 1945 (P.L.926,
13 No.369), referred to as the Public Eating and Drinking Place
14 Law, is amended to read:

AN ACT

15
16 For the protection of the public health by regulating the
17 conduct and operation of public eating and drinking places
18 within this Commonwealth; requiring their licensing; imposing
19 certain duties on the Department of [Health] Environmental
20 Resources of this Commonwealth and on the local health

authorities; and providing penalties.

Section 2. The definitions of "department" and "licensor" in section 1 of the act, amended September 26, 1951 (P.L.1462, No.360), are amended to read:

Section 1. Definitions.--"Department" shall mean the [State Department of Health] Department of Environmental Resources of the Commonwealth.

* * *

"Licensor" shall mean the county department of health or joint-county department of health, whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of cities, boroughs, incorporated towns and first-class townships, whenever such public eating or drinking place is located in a city, borough, incorporated town or first-class township not under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of second class townships and second class townships which have adopted a home rule charter which elect to issue licenses under the provisions of this act whenever such public eating and drinking place is located in such a second class township or second class township which has adopted a home rule charter not under the jurisdiction of a county department of health or joint-county department of health, or the [State Department of Health] Department of Environmental Resources, whenever such public eating or drinking place is located in any other area of the Commonwealth.

Section 3. Section 2 of the act, amended September 26, 1951 (P.L.1462, No.360), is amended to read:

1 Section 2. From and after a period of six months after the
2 effective date of this act, it shall be unlawful for any
3 proprietor to conduct or operate a public eating or drinking
4 place without first obtaining a license for each establishment,
5 as herein provided. Such license shall be issued by the health
6 authorities of cities, boroughs, incorporated towns and first-
7 class townships, and, if electing to issue licenses under this
8 act, second class townships and second class townships which
9 have adopted a home rule charter, whenever such public eating or
10 drinking place is located in a city, borough, incorporated town
11 [or first-class], OR township ~~or home rule municipality~~ not <—
12 under the jurisdiction of a county department of health or
13 joint-county department of health, or by the county department
14 of health or joint-county department of health whenever such
15 public eating or drinking place is located in a political
16 subdivision which is under the jurisdiction of a county
17 department of health or joint-county department of health, or in
18 those townships of the second class ~~or home rule municipalities~~ <—
19 which are not under the jurisdiction of a county department of
20 health or joint-county department of health and which do not
21 elect to issue licenses under this act, by the department. No
22 license shall be issued until inspection of the premises,
23 facilities and equipment has been made by the licensor, and they
24 are found adequate to the protection of the public health and
25 comfort of patrons. The fee for such license shall be one dollar
26 (\$1.00) or as established by ordinance of the governing body or
27 by State law and shall be paid into the city, borough,
28 incorporated town, [first-class] township, ~~home rule~~ <—
29 municipality or county treasury, or to the State Treasury
30 through the Department of Revenue, depending upon the location

1 of such public eating or drinking place. The license shall be
2 renewed annually.

3 Whenever any proprietor maintains more than one public eating
4 or drinking place within [any one city, borough, incorporated
5 town or township] the Commonwealth, he shall be required to
6 apply for and procure a [duplicate] license for each
7 [additional] eating or drinking place.[, such duplicate license
8 to be issued at an additional charge of fifty cents (50¢) for
9 each additional public eating or drinking place within any one
10 city, borough, incorporated town or township. Where the licensor
11 is a county department of health or joint-county department of
12 health, any proprietor who maintains more than one public eating
13 or drinking place within any one county shall be required to
14 apply for and procure a duplicate license for each additional
15 eating or drinking place, such duplicate license to be issued at
16 an additional charge of fifty cents (50¢) for each additional
17 public eating or drinking place within such county; but this
18 provision shall not apply to any public eating or drinking place
19 within such county located in a city, borough, incorporated town
20 or first-class township which is not within the jurisdiction of
21 the county department of health or joint-county department of
22 health.]

23 Section 4. This act shall take effect immediately.