

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 314 Session of
1989

INTRODUCED BY WENGER, SALVATORE, REIBMAN, ANDREZESKI, MUSTO AND
SHAFFER, JANUARY 26, 1989

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 26, 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 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:

15 AN ACT

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
21 authorities; and providing penalties.

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

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

8 * * *

9 "Licensor" shall mean the county department of health or
10 joint-county department of health, whenever such public eating
11 or drinking place is located in a political subdivision which is
12 under the jurisdiction of a county department of health or
13 joint-county department of health, or the health authorities of
14 cities, boroughs, incorporated towns and first-class townships,
15 whenever such public eating or drinking place is located in a
16 city, borough, incorporated town or first-class township not
17 under the jurisdiction of a county department of health or
18 joint-county department of health, or the health authorities of
19 second class townships and home rule municipalities which elect
20 to issue licenses under the provisions of this act whenever such
21 public eating and drinking place is located in such a second
22 class township or home rule municipality not under the
23 jurisdiction of a county department of health or joint-county
24 department of health, or the [State Department of Health]
25 Department of Environmental Resources, whenever such public
26 eating or drinking place is located in any other area of the
27 Commonwealth.

28 "Home rule municipality" shall mean any municipality that
29 adopts or has adopted a home rule charter pursuant to the act of
30 April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter

1 and Optional Plans Law."

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

4 Section 2. From and after a period of six months after the
5 effective date of this act, it shall be unlawful for any
6 proprietor to conduct or operate a public eating or drinking
7 place without first obtaining a license, as herein provided.

8 Such license shall be issued by the health authorities of
9 cities, boroughs, incorporated towns and first-class townships,
10 and, if electing to issue licenses under this act, second class
11 townships and home rule municipalities, whenever such public
12 eating or drinking place is located in a city, borough,
13 incorporated town [or first-class], township or home rule
14 municipality not under the jurisdiction of a county department
15 of health or joint-county department of health, or by the county
16 department of health or joint-county department of health
17 whenever such public eating or drinking place is located in a
18 political subdivision which is under the jurisdiction of a
19 county department of health or joint-county department of
20 health, or in those townships of the second class or home rule
21 municipalities which are not under the jurisdiction of a county
22 department of health or joint-county department of health and
23 which do not elect to issue licenses under this act, by the
24 department. No license shall be issued until inspection of the
25 premises, facilities and equipment has been made by the
26 licensor, and they are found adequate to the protection of the
27 public health and comfort of patrons. The fee for such license
28 shall be one dollar (\$1.00) or as established by ordinance of
29 the governing body or by State law and shall be paid into the
30 city, borough, incorporated town, [first-class] township, home

1 rule municipality or county treasury, or to the State Treasury
2 through the Department of Revenue, depending upon the location
3 of such public eating or drinking place. The license shall be
4 renewed annually.

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

26 Section 4. This act shall take effect immediately.