

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2612 Session of 2010

INTRODUCED BY PAYNE, J. TAYLOR, DONATUCCI, BARRAR, BELFANTI,
CALTAGIRONE, EVERETT, HARKINS, HELM, KILLION, KORTZ, MOUL,
PASHINSKI, PICKETT AND SIPTROTH, JUNE 25, 2010

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 25, 2010

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 sales by certain liquor licensees.

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

20 Section 1. Section 406(a)(1) of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
22 June 29, 1987 (P.L.32, No.14) and amended July 6, 2005,
23 (P.L.135, No.39), is amended and the section is amended by
24 adding subsections to read:

25 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

1 (1) Every hotel, restaurant or club liquor licensee may sell
2 liquor and malt or brewed beverages by the glass, open bottle or
3 other container, and in any mixture, for consumption only in
4 that part of the hotel or restaurant habitually used for the
5 serving of food to guests or patrons, or at a catered event off
6 the licensed premises, or in a bowling alley that is immediately
7 adjacent to and under the same roof as a restaurant, and in the
8 case of hotels, to guests, and in the case of clubs, to members,
9 in their private rooms in the hotel or club. No club licensee
10 nor its officers, servants, agents or employees, other than one
11 holding a catering license, shall sell any liquor or malt or
12 brewed beverages to any person except a member of the club. The
13 holder of a restaurant license located in a hotel may sell
14 liquor or malt or brewed beverages for consumption in that part
15 of the restaurant habitually used for the serving of meals to
16 patrons and also to guests in private guest rooms in the hotel.
17 For the purpose of this paragraph, any person who is an active
18 member of another club which is chartered by the same state or
19 national organization shall have the same rights and privileges
20 as members of the particular club. For the purpose of this
21 paragraph, any person who is an active member of any volunteer
22 firefighting company, association or group of this Commonwealth,
23 whether incorporated or unincorporated, shall upon the approval
24 of any club composed of volunteer firemen licensed under this
25 act, have the same social rights and privileges as members of
26 such licensed club. For the purposes of this paragraph, the term
27 "active member" shall not include a social member. Any club
28 licensee which is either an incorporated unit of a national
29 veterans' organization or an affiliated organization as defined
30 in section 461.1 shall be permitted to sell liquor or malt or

1 brewed beverages to any active member of another unit which is
2 chartered by the same national veterans' organization or to any
3 member of a nationally chartered auxiliary associated with the
4 same national veterans' organization.

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6 (f) The holder of a hotel license or a restaurant license
7 may sell up to two bottles of wine for consumption off the
8 licensed premises so long as the bottles of wine remain sealed.
9 For purposes of this subsection, "wine" shall have the meaning
10 given to it under section 488(i).

11 (g) The holder of a hotel license or a restaurant license
12 may use that license to hold a catered event off the licensed
13 premises and on otherwise unlicensed premises where the licensee
14 may sell liquor and malt or brewed beverages by the glass, open
15 bottle or other container, and in any mixture, for consumption
16 on those premises solely used for catering purposes so long as
17 the liquor and malt or brewed beverages were purchased in
18 conjunction with a meal which will be consumed on the catered
19 premises.

20 Section 2. This act shall take effect in 60 days.