

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 694 Session of 2011

INTRODUCED BY HANNA, BRENNAN, CALTAGIRONE, DENLINGER, FABRIZIO,
GEIST, KULA, MIRABITO, MURT AND READSHAW, FEBRUARY 15, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 15, 2011

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 prohibitions against the grant of
18 licenses and for distributors' and importing distributors'
19 restrictions on sales, storage, etc.

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

22 Section 1. Section 437(f) of the act of April 12, 1951 (P.L.
23 90, No.21), known as the Liquor Code, reenacted and amended June
24 29, 1987 (P.L.32, No.14) and amended December 7, 1990 (P.L.622,
25 No.160), is amended to read:

26 Section 437. Prohibitions Against the Grant of Licenses.--*

1 * *

2 (f) (1) No new distributor's or importing distributor's
3 license shall hereafter be granted by the board in any county of
4 the Commonwealth where the combined number of distributor and
5 importing distributor licenses exceeds one license for each
6 thirty thousand inhabitants of the county in which the license
7 is to be issued: Provided, That a combined total of [five] four
8 such licenses may be granted in any county of the Commonwealth.

9 (2) Nothing in this subsection shall be construed as denying
10 the right of the board to renew or to transfer existing
11 distributors' or importing distributors' licenses or to exchange
12 a distributor's license for an importing distributor's license
13 or to exchange an importing distributor's license for a
14 distributor's license, upon adjustment of the applicable fee,
15 notwithstanding that the number of such licensed places in the
16 county shall exceed the limitation hereinbefore prescribed:
17 Provided, That no distributor's license or importing
18 distributor's license shall be transferred from one county to
19 another county so long as the quota is filled in the county to
20 which the license is proposed to be transferred.

21 Section 2. Section 441(d) of the act is amended and the
22 section is amended by adding a subsection to read:

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

25 (d) (1) No distributor [or importing distributor] shall
26 maintain any place for the storage of malt or brewed beverages
27 except in the same municipality in which the licensed premises
28 is located and unless the same has been approved by the board.
29 In the event there is no place of cold storage in the same
30 municipality, the board may approve a place of cold storage in

1 the nearest municipality.

2 (2) No importing distributor shall maintain any place for
3 the storage of malt or brewed beverages except in the franchise
4 territory in which the licensed premises is located and unless
5 the same has been approved by the board. The board shall issue
6 no more than two storage facility licenses to an importing
7 distributor. The importing distributor shall designate to the
8 board one storage location where they may make retail sales. The
9 other storage location shall be designated solely as a storage
10 facility, from which only sales to other licensees are
11 permitted.

12 * * *

13 (h) As used in this section, the term "franchise territory"
14 shall mean the geographically contiguous area in which an
15 importing distributor has been given rights for the sale or
16 resale of malt or brewed beverages.

17 Section 3. This act shall take effect in 60 days.