

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2811 Session of 2022

INTRODUCED BY DOWLING, SCHLOSSBERG, RIGBY, BERNSTINE, STAMBAUGH, BURGOS, N. NELSON, HENNESSEY, JONES, BONNER, MERCURI, JOZWIAK, HERSHEY, COX, ECKER AND ZIMMERMAN, SEPTEMBER 9, 2022

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 9, 2022

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," in  
 17 Pennsylvania Liquor Control Board, providing for self-  
 18 exclusion.

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

21 Section 1. The act of April 12, 1951 (P.L.90, No.21), known  
 22 as the Liquor Code, is amended by adding a section to read:

23 Section 218. Self-Exclusion.--(a) The board shall provide  
 24 by regulation for the establishment of a list of individuals  
 25 self-excluded from purchasing alcohol in this Commonwealth. Any

1 individual may request placement on the list of self-excluded  
2 individuals by acknowledging in a manner to be established by  
3 the board. A request for self-exclusion shall contain the  
4 following information of the individual:

5 (1) Name, including any aliases or nicknames.

6 (2) Date of birth.

7 (3) Address of current residence.

8 (4) Telephone number.

9 (5) Social Security number, when voluntarily provided.

10 (6) Physical description, including height, weight, gender,  
11 hair color, eye color and any other physical characteristic that  
12 may assist in identification.

13 (7) Government-issued photo identification.

14 (b) The board shall maintain the self-exclusion list under  
15 subsection (a). A period of self-exclusion shall remain in  
16 effect for a period of five years or until the individual  
17 requesting self-exclusion voluntarily requests for the board to  
18 remove the individual from the self-exclusion list. An  
19 individual may renew their self-exclusion at any time. No  
20 individual may place another individual on the self-exclusion  
21 list maintained by the board. A court may not consider the self-  
22 exclusion list under this section in any proceeding before the  
23 court nor may a court order any individual to be added to the  
24 self-exclusion list under this section.

25 (c) No licensed entity under this act or employe thereof may  
26 be liable to any self-excluded person or to any other party in  
27 any judicial proceeding for any harm, monetary or otherwise,  
28 which may arise as a result of:

29 (1) the failure of a licensed entity or employe thereof to  
30 withhold alcohol from or restore any privileges to a self-

1 excluded person; or

2 (2) otherwise permitting or not permitting a self-excluded  
3 individual to engage in prohibited activity in the facility or  
4 participate in prohibited activity while on the list of self-  
5 excluded persons.

6 (d) Notwithstanding any other law to the contrary, the  
7 board's list of self-excluded persons shall not be open to  
8 public inspection. Nothing in this section, however, shall be  
9 construed to prohibit an entity licensed under this act from  
10 disclosing the identity of individuals self-excluded under this  
11 section to affiliated entities in this Commonwealth or other  
12 jurisdictions for the limited purpose of assisting in the proper  
13 administration of this act operated by affiliated licensed  
14 entities under this act.

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