

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1160 Session of 2023

INTRODUCED BY N. NELSON, HILL-EVANS, McNEILL, FREEMAN, MADDEN, SANCHEZ, BURGOS, KINSEY, ZIMMERMAN, CEPEDA-FREYTIZ, HOGAN, DEASY, KEEFER, BOROWSKI, KRUEGER, GAYDOS, STAATS, CURRY AND GREEN, MAY 15, 2023

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 2023

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 licenses and regulations and liquor, alcohol and malt and
18 brewed beverages, further providing for sales by liquor
19 licensees and restrictions-, FOR RETAIL DISPENSERS' <--
20 RESTRICTIONS ON PURCHASES AND SALES, FOR BREWERIES AND FOR
21 UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES
22 AND LICENSEES.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 ~~Section 1. Section 406(f)(3) of the act of April 12, 1951~~ <--
26 ~~(P.L.90, No.21), known as the Liquor Code, is amended to read:~~

1 SECTION 1. SECTIONS 406(F) (3) AND (13) AND (H), 442(F) (2) <--
2 AND (13), 446(B) (3) AND (13) AND 493(33) OF THE ACT OF APRIL 12,
3 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, ARE AMENDED TO
4 READ:

5 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

6 (f) The holder of a hotel or restaurant liquor license may
7 obtain an off-premises catering permit subject to section
8 493(33) to hold a catered function off the licensed premises and
9 on otherwise unlicensed premises where the licensee may sell
10 wine, liquor and malt or brewed beverages by the glass, open
11 bottle or other container, and in any mixture together with
12 food, for consumption on those premises. Functions conducted
13 under the authority of the permit shall be subject to the
14 following:

15 * * *

16 (3) each catered function shall last no longer than one day
17 and [not more than fifty-two] an unlimited number of catered
18 functions may be held each calendar year by each license holder
19 for use with a particular license;

20 * * *

21 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN [FIVE] <--
22 SIX HOURS PER DAY AND MUST END BY MIDNIGHT UNLESS THE CATERED
23 FUNCTION OCCURS ON DECEMBER 31 OF ANY CALENDAR YEAR ON WHICH
24 DATE THE CATERED FUNCTION MUST END BY TWO O'CLOCK ANTEMERIDIAN;

25 * * *

26 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
27 REGULATION, A CATERING CLUB LICENSEE MAY CATER A SELF-SPONSORED
28 EVENT NO MORE THAN [TWELVE] TWENTY-FOUR OCCASIONS DURING ITS
29 LICENSED TERM WITH NO MORE THAN [ONE EVENT] TWO EVENTS IN ANY
30 CALENDAR MONTH.

1 * * *

2 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
3 AND SALES.--* * *

4 (F) THE HOLDER OF AN EATING PLACE RETAIL DISPENSER LICENSE
5 MAY OBTAIN AN OFF-PREMISES CATERING PERMIT UNDER SECTION 493(33)
6 TO HOLD A CATERED FUNCTION OFF OF THE LICENSED PREMISES AND ON
7 OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL MALT
8 OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR ANY OTHER
9 CONTAINER, TOGETHER WITH FOOD, FOR CONSUMPTION ON THOSE PREMISES
10 SOLELY USED FOR CATERING PREMISES. FUNCTIONS CONDUCTED UNDER THE
11 AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE FOLLOWING:

12 * * *

13 (2) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY
14 AND [NOT MORE THAN FIFTY-TWO] AN UNLIMITED NUMBER OF CATERED
15 FUNCTIONS MAY BE HELD EACH CALENDAR YEAR BY EACH LICENSE HOLDER
16 FOR USE WITH A PARTICULAR LICENSE;

17 * * *

18 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN [FIVE]
19 SIX HOURS PER DAY AND MUST END BY MIDNIGHT UNLESS THE CATERED
20 FUNCTION OCCURS ON DECEMBER 31 OF ANY CALENDAR YEAR ON WHICH THE
21 DATE THE CATERED FUNCTION MUST END BY TWO O'CLOCK ANTEMERIDIAN;

22 * * *

23 SECTION 446. BREWERIES.--* * *

24 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-
25 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A
26 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE
27 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE PRODUCED BY
28 A LICENSED LIMITED WINERY AND MALT OR BREWED BEVERAGES PRODUCED
29 BY THE BREWERY BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER
30 TOGETHER WITH FOOD, AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE

1 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT
2 SHALL BE SUBJECT TO THE FOLLOWING:

3 * * *

4 (3) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY
5 AND [NOT MORE THAN FIFTY-TWO] AN UNLIMITED NUMBER OF CATERED
6 FUNCTIONS MAY BE HELD EACH CALENDAR YEAR BY EACH LICENSE HOLDER
7 FOR USE WITH A PARTICULAR LICENSE;

8 * * *

9 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN [FIVE]
10 SIX HOURS PER DAY AND MUST END BY MIDNIGHT UNLESS THE CATERED
11 FUNCTION OCCURS ON DECEMBER 31 OF ANY CALENDAR YEAR ON WHICH
12 DATE THE CATERED FUNCTION MUST END BY TWO O'CLOCK ANTEMERIDIAN;

13 * * *

14 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
15 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
16 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
17 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
18 OTHERWISE.

19 IT SHALL BE UNLAWFUL--

20 * * *

21 (33) OFF-PREMISES CATERING PERMIT; FEES. FOR ANY LICENSEE,
22 HIS SERVANTS, AGENTS OR EMPLOYEES TO SELL ALCOHOL AT A LOCATION
23 OTHER THAN ITS LICENSED PREMISES, UNLESS THE SALE IS
24 SPECIFICALLY AUTHORIZED UNDER THIS ACT, OR UNLESS THE LICENSEE
25 RECEIVES A SPECIAL PERMIT FROM THE BOARD TO DO SO. ONLY THOSE
26 LICENSEES HOLDING A CURRENT AND VALID RESTAURANT, HOTEL, BREW
27 PUB OR EATING PLACE LICENSE SHALL BE ALLOWED TO APPLY FOR SUCH A
28 PERMIT. ANY LICENSEE THAT WISHES TO OBTAIN AN OFF-PREMISES
29 CATERING PERMIT MUST NOTIFY THE BOARD AND PAY THE PERMITTING
30 FEE. [BY MARCH OF EACH CALENDAR YEAR REGARDLESS OF WHETHER THE

1 LICENSEE HAS SCHEDULED CATERED EVENTS. ANY LICENSEE THAT FAILS
2 TO NOTIFY THE BOARD AND PAY THE PERMIT FEE BY MARCH 1 SHALL BE
3 PRECLUDED FROM OBTAINING THE PERMIT FOR THAT CALENDAR YEAR.] IF
4 A LICENSEE NOTIFIES THE BOARD AND PAYS THE PERMITTING FEE [BY
5 MARCH 1] AND DOES NOT THEN USE THE PERMIT THROUGHOUT THE
6 CALENDAR YEAR, THE LICENSEE SHALL NOT BE ENTITLED TO A RETURN OF
7 THE PERMITTING FEE. [ANY LICENSEE NOT GRANTED A LICENSE UNTIL
8 AFTER MARCH 1 OF THE CALENDAR YEAR SHALL HAVE SIXTY DAYS FROM
9 THE DATE OF THE LICENSE TRANSFER TO NOTIFY THE BOARD OF THE
10 LICENSEE'S INTENTION TO USE AN OFF-PREMISES CATERING PERMIT AND
11 PAY THE PERMITTING FEE. THE BOARD SHALL HAVE THE DISCRETION TO
12 ALLOW THE ISSUANCE OF THE PERMIT AFTER THE MARCH 1 DEADLINE IF
13 THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE BOARD AND
14 COMPLIES WITH ALL OTHER REQUIREMENTS FOR THE OFF-PREMISES
15 CATERING PERMIT.] A LICENSEE SHALL APPLY FOR THE PERMIT AT LEAST
16 SIXTY DAYS PRIOR TO THE FIRST CATERED FUNCTION. ALL SERVERS AT
17 THE OFF-PREMISES CATERED FUNCTION SHALL BE CERTIFIED UNDER THE
18 BOARD'S RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER
19 SECTION 471.1. THE BOARD MAY CHARGE A FEE OF FIVE HUNDRED
20 DOLLARS (\$500) EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE
21 INITIAL PERMIT ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO
22 FURTHER FEE SHALL BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED
23 TO THE APPLICANT FOR THE LICENSE DURING THE SAME CALENDAR YEAR.
24 THE APPLICANT SHALL SUBMIT WRITTEN NOTICE TO THE BOARD THIRTY
25 DAYS PRIOR TO EACH CATERED EVENT, UNLESS THIS TIME FRAME HAS
26 BEEN WAIVED BY THE BOARD, AND THE BOARD MAY APPROVE OR
27 DISAPPROVE EACH EVENT IF THE APPLICANT FAILS TO PROVIDE TIMELY
28 NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO CONDUCT A
29 FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR HAS
30 PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE

1 REQUIREMENTS OF THIS ACT. THE FEES SHALL BE PAID INTO THE STATE
2 STORES FUND. ANY VIOLATION OF THIS ACT OR THE BOARD'S
3 REGULATIONS FOR GOVERNING ACTIVITY OCCURRING UNDER THE AUTHORITY
4 OF THIS PERMIT MAY BE THE BASIS FOR THE ISSUANCE OF A CITATION
5 UNDER SECTION 471, THE NONRENEWAL OF THE LICENSE UNDER SECTION
6 470 OR THE REFUSAL BY THE BOARD TO ISSUE SUBSEQUENT PERMITS OR
7 HONOR SUBSEQUENT DATES ON THE EXISTING PERMIT. THIS PENALTY
8 SHALL BE IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE
9 ENFORCEMENT BUREAU OR THE BOARD.

10 * * *

11 Section 2. This act shall take effect ~~January 1, 2025~~. AS <--
12 FOLLOWS:

13 (1) THE AMENDMENT OF SECTION 406(H) OF THE ACT SHALL
14 TAKE EFFECT IN 60 DAYS.

15 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

16 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
17 1, 2025.