

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1245 Session of  
1979

INTRODUCED BY DUMAS, MANDERINO, McCALL, SCHWEDER, CALTAGIRONE,  
PISTELLA, KNIGHT, DeWEESE, PIEVSKY, BARBER, RICHARDSON,  
HASAY, J. J. JOHNSON, WHITE, OLIVER, PUCCIARELLI, SHADDING,  
PERZEL, F. TAYLOR, POTT, McVERRY, LEHR, YOHN, RITTER,  
KOWALYSHYN, McMONAGLE, BURD, E. H. SMITH AND RYAN,  
MAY 8, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 8, 1979

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,"  
17 further providing for sales of malt or brewed beverages for  
18 consumption off the premises.

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

21 Section 1. Subsection (a) of section 401 and section 407,  
22 act of April 12, 1951 (P.L.90, No.21), known as the "Liquor  
23 Code," are amended to read:

24 Section 401. Authority to Issue Liquor Licenses to Hotels,

1 Restaurants and Clubs.--(a) Subject to the provisions of this  
2 act and regulations promulgated under this act, the board shall  
3 have authority to issue a retail liquor license for any premises  
4 kept or operated by a hotel, restaurant or club and specified in  
5 the license entitling the hotel, restaurant or club to purchase  
6 liquor from a Pennsylvania Liquor Store and to keep on the  
7 premises such liquor and, subject to the provisions of this act  
8 and the regulations made thereunder, to sell the same and also  
9 malt or brewed beverages to guests, patrons or members for  
10 consumption on the hotel, restaurant or club premises. Such  
11 licensees, other than clubs, shall be permitted to sell malt or  
12 brewed beverages for consumption off the premises where sold in  
13 quantities of not more than [one hundred forty-four] one hundred  
14 ninety-two fluid ounces in a single sale to one person. Such  
15 licenses shall be known as hotel liquor licenses, restaurant  
16 liquor licenses and club liquor licenses, respectively. No  
17 person who holds, either by appointment or election, any public  
18 office which involves the duty to enforce any of the penal laws  
19 of the United States of America or the penal laws of the  
20 Commonwealth of Pennsylvania or any penal ordinance or  
21 resolution of any political subdivision of this Commonwealth  
22 shall be issued any hotel or restaurant liquor license, nor  
23 shall such a person have any interest, directly or indirectly,  
24 in any such license.

25 \* \* \*

26 Section 407. Sale of Malt or Brewed Beverages by Liquor  
27 Licensees.--Every liquor license issued to a hotel, restaurant,  
28 club, or a railroad, pullman or steamship company under this  
29 subdivision (A) for the sale of liquor shall authorize the  
30 licensee to sell malt or brewed beverages at the same places but

1 subject to the same restrictions and penalties as apply to sales  
2 of liquor, except that licensees other than clubs may sell malt  
3 or brewed beverages for consumption off the premises where sold  
4 in quantities of not more than [one hundred forty-four] one  
5 hundred ninety-two fluid ounces in a single sale to one person.  
6 No licensee under this subdivision (A) shall at the same time be  
7 the holder of any other class of license, except a retail  
8 dispenser's license authorizing the sale of malt or brewed  
9 beverages only.

10 Section 2. Subsection (a) of section 442 of the act, amended  
11 October 9, 1967 (P.L.413, No.183), is amended to read:

12 Section 442. Retail Dispensers' Restrictions on Purchases  
13 and Sales.--(a) No retail dispenser shall purchase or receive  
14 any malt or brewed beverages except in original containers as  
15 prepared for the market by the manufacturer at the place of  
16 manufacture. The retail dispenser may thereafter break the bulk  
17 upon the licensed premises and sell or dispense the same for  
18 consumption on or off the premises so licensed: Provided,  
19 however, That no retail dispenser may sell malt or brewed  
20 beverages for consumption off the premises in quantities in  
21 excess of the [one hundred forty-four] one hundred ninety-two  
22 fluid ounces: Provided, further, That no club licensee may sell  
23 any malt or brewed beverages for consumption off the premises  
24 where sold or to persons not members of the club.

25 \* \* \*

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