

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 756

Session of
1981

INTRODUCED BY MICOZZIE, CIVERA, SPITZ, ARTY AND GANNON,
MARCH 9, 1981

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 9, 1981

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 the fixing of wholesale prices of
18 liquor.

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

21 Section 1. Clause (b) of section 207, act of April 12, 1951
22 (P.L.90, No.21), known as the "Liquor Code," amended July 27,
23 1973 (P.L.247, No.70), is amended to read:

24 Section 207. General Powers of Board.--Under this act, the
25 board shall have the power and its duty shall be:

1 * * *

2 (b) To control the manufacture, possession, sale,
3 consumption, importation, use, storage, transportation and
4 delivery of liquor, alcohol and malt or brewed beverages in
5 accordance with the provisions of this act, and to fix the
6 wholesale and retail prices at which liquors and alcohol shall
7 be sold at Pennsylvania Liquor Stores: Provided, That in fixing
8 the sale prices, the board shall not give any preference or make
9 any discrimination as to classes, brands or otherwise, except to
10 the extent and for the length of time necessary to sell such
11 classes or brands in compliance with any Federal action freezing
12 or otherwise controlling the price of said classes or brands, or
13 except where special sales are deemed necessary to move
14 unsaleable merchandise, or except where the addition of a
15 service or handling charge to the fixed sales price of any
16 merchandise in the same comparable price bracket, regardless of
17 class, brand or otherwise, is, in the opinion of the board,
18 required for the efficient operation of the State store system:
19 And provided further, That the wholesale sale price shall be at
20 least twenty-five per centum less than the retail price. If a
21 manufacturer or wholesaler of liquor, including wine, which
22 sells to the board, reduces its price listing of any liquor,
23 including wine, the reduction in price paid by the board shall
24 be passed on to wholesale purchasers. The board shall require
25 each Pennsylvania manufacturer and each nonresident manufacturer
26 of liquors, other than wine, selling such liquors to the board,
27 which are not manufactured in this Commonwealth, to make
28 application for and be granted a permit by the board before such
29 liquors not manufactured in this Commonwealth shall be purchased
30 from such manufacturer. Each such manufacturer shall pay for

1 such permit a fee which, in the case of a manufacturer of this
2 Commonwealth, shall be equal to that required to be paid, if
3 any, by a manufacturer or wholesaler of the state, territory or
4 country of origin of the liquors, for selling liquors
5 manufactured in Pennsylvania, and in the case of a nonresident
6 manufacturer, shall be equal to that required to be paid, if
7 any, in such state, territory or country by Pennsylvania
8 manufacturers doing business in such state, territory or
9 country. In the event that any such manufacturer shall, in the
10 opinion of the board, sell or attempt to sell liquors to the
11 board through another person for the purpose of evading this
12 provision relating to permits, the board shall require such
13 person, before purchasing liquors from him or it, to take out a
14 permit and pay the same fee as hereinbefore required to be paid
15 by such manufacturer. All permit fees so collected shall be paid
16 into the State Stores Fund. The board shall not purchase any
17 alcohol or liquor fermented, distilled, rectified, compounded or
18 bottled in any state, territory or country, the laws of which
19 result in prohibiting the importation therein of alcohol or
20 liquor, fermented, distilled, rectified, compounded or bottled
21 in Pennsylvania.

22 * * *

23 Section 2. This act shall take effect immediately.