

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1392 Session of  
1981

INTRODUCED BY PETERSON, PITTS, A. C. FOSTER, JR., LEVI,  
ARMSTRONG, NOYE AND WENGER, MAY 5, 1981

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 5, 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 restricting certain sales of malt or brewed  
18 beverages.

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

21 Section 1. The definition of "retail dispenser" in section  
22 102, act of April 12, 1951 (P.L.90, No.21), known as the "Liquor  
23 Code," is amended and a definition is added to read:

24 Section 102. Definitions.--The following words or phrases,  
25 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 \* \* \*

3 "Business period" shall mean the consecutive hours a licensee  
4 may be open to the public in accordance with the provisions of  
5 this act during any twenty-four hour period.

6 \* \* \*

7 "Retail dispenser" shall mean any person licensed to engage  
8 in the retail sale of malt or brewed beverages for consumption  
9 on the premises of such licensee, with the privilege of selling  
10 malt or brewed beverages in quantities not in excess of one  
11 hundred forty-four fluid ounces in a single sale, per business  
12 period, to one person, to be carried from the premises by the  
13 purchaser thereof.

14 \* \* \*

15 Section 2. Subsection (a) of section 401 and section 407 of  
16 the act are amended to read:

17 Section 401. Authority to Issue Liquor Licenses to Hotels,  
18 Restaurants and Clubs.--(a) Subject to the provisions of this  
19 act and regulations promulgated under this act, the board shall  
20 have authority to issue a retail liquor license for any premises  
21 kept or operated by a hotel, restaurant or club and specified in  
22 the license entitling the hotel, restaurant or club to purchase  
23 liquor from a Pennsylvania Liquor Store and to keep on the  
24 premises such liquor and, subject to the provisions of this act  
25 and the regulations made thereunder, to sell the same and also  
26 malt or brewed beverages to guests, patrons or members for  
27 consumption on the hotel, restaurant or club premises. Such  
28 licensees, other than clubs, shall be permitted to sell malt or  
29 brewed beverages for consumption off the premises where sold in  
30 quantities of not more than one hundred forty-four fluid ounces

1 in a single sale, per business period, to one person. Such  
2 licenses shall be known as hotel liquor licenses, restaurant  
3 liquor licenses and club liquor licenses, respectively. No  
4 person who holds, either by appointment or election, any public  
5 office which involves the duty to enforce any of the penal laws  
6 of the United States of America or the penal laws of the  
7 Commonwealth of Pennsylvania or any penal ordinance or  
8 resolution of any political subdivision of this Commonwealth  
9 shall be issued any hotel or restaurant liquor license, nor  
10 shall such a person have any interest, directly or indirectly,  
11 in any such license.

12 \* \* \*

13 Section 407. Sale of Malt or Brewed Beverages by Liquor  
14 Licensees.--Every liquor license issued to a hotel, restaurant,  
15 club, or a railroad, pullman or steamship company under this  
16 subdivision (A) for the sale of liquor shall authorize the  
17 licensee to sell malt or brewed beverages at the same places but  
18 subject to the same restrictions and penalties as apply to sales  
19 of liquor, except that licensees other than clubs may sell malt  
20 or brewed beverages for consumption off the premises where sold  
21 in quantities of not more than one hundred forty-four fluid  
22 ounces in a single sale, per business period, to one person. No  
23 licensee under this subdivision (A) shall at the same time be  
24 the holder of any other class of license, except a retail  
25 dispenser's license authorizing the sale of malt or brewed  
26 beverages only.

27 Section 3. Subsection (a) of section 442 of the act, amended  
28 October 1967 (P.L.413, No.183), is amended to read:

29 Section 442. Retail Dispensers' Restrictions on Purchases  
30 and Sales.--(a) No retail dispenser shall purchase or receive

1 any malt or brewed beverages except in original containers as  
2 prepared for the market by the manufacturer at the place of  
3 manufacture. The retail dispenser may thereafter break the bulk  
4 upon the licensed premises and sell or dispense the same for  
5 consumption on or off the premises so licensed: Provided,  
6 however, That no retail dispenser may sell malt or brewed  
7 beverages for consumption off the premises in quantities in  
8 excess of the one hundred forty-four fluid ounces in a single  
9 sale, per business period, to one person: Provided, further,  
10 That no club licensee may sell any malt or brewed beverages for  
11 consumption off the premises where sold or to persons not  
12 members of the club.

13 \* \* \*

14 Section 4. The provisions of this amendatory act shall be  
15 enforced only if a licensee or agent thereof willfully violates  
16 these provisions.

17 Section 5. This act shall take effect in 60 days.