

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2458 Session of
1986

INTRODUCED BY SALOOM, VEON, CIVERA, MICOZZIE, COSLETT, McCALL,
TIGUE, BELARDI, CAWLEY AND CLARK, MAY 7, 1986

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 7, 1986

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 sale of malt and brewed beverages
18 for off-premises consumption.

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

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

24 Section 401. Authority to Issue Liquor Licenses to Hotels,
25 Restaurants and Clubs.--(a) Subject to the provisions of this

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

26 * * *

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

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

13 Section 2. Section 442(a) of the act, amended October 9,
14 1967 (P.L.413, No.183), is amended to read:

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

1 * * *

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