

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 738

Session of
1987

INTRODUCED BY LASHINGER, MARCH 9, 1987

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 9, 1987

AN ACT

1 Amending the act of May 23, 1945 (P.L.926, No.369), entitled "An
2 act for the protection of the public health by regulating the
3 conduct and operation of public eating and drinking places
4 within this Commonwealth; requiring their licensing; imposing
5 certain duties on the Department of Health of this
6 Commonwealth and on the local health authorities; and
7 providing penalties," authorizing second class townships to
8 license public eating and drinking places; and making
9 editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The title of the act of May 23, 1945 (P.L.926,
13 No.369), referred to as the Public Eating and Drinking Place
14 Law, is amended to read:

15 AN ACT

16 For the protection of the public health by regulating the
17 conduct and operation of public eating and drinking places
18 within this Commonwealth; requiring their licensing; imposing
19 certain duties on the Department of [Health] Environmental
20 Resources of this Commonwealth and on the local health
21 authorities; and providing penalties.

1 Section 2. The definitions of "department" and "licensor" in
2 section 1 of the act, amended September 26, 1951 (P.L.1462,
3 No.360), are amended to read:

4 Section 1. Definitions.--"Department" shall mean the [State
5 Department of Health] Department of Environmental Resources of
6 the Commonwealth.

7 * * *

8 "Licensor" shall mean the county department of health or
9 joint-county department of health, whenever such public eating
10 or drinking place is located in a political subdivision which is
11 under the jurisdiction of a county department of health or
12 joint-county department of health, or the health authorities of
13 cities, boroughs, incorporated towns and first-class townships,
14 whenever such public eating or drinking place is located in a
15 city, borough, incorporated town or first-class township not
16 under the jurisdiction of a county department of health or
17 joint-county department of health, or the health authorities of
18 second class townships which elect to issue licenses under the
19 provisions of this act whenever such public eating and drinking
20 place is located in such a second class township not under the
21 jurisdiction of a county department of health or joint-county
22 department of health, or the [State Department of Health]
23 Department of Environmental Resources, whenever such public
24 eating or drinking place is located in any other area of the
25 Commonwealth.

26 Section 3. Section 2 of the act, amended September 26, 1951
27 (P.L.1462, No.360), is amended to read:

28 Section 2. From and after a period of six months after the
29 effective date of this act, it shall be unlawful for any
30 proprietor to conduct or operate a public eating or drinking

1 place without first obtaining a license, as herein provided.
2 Such license shall be issued by the health authorities of
3 cities, boroughs, incorporated towns and first-class townships,
4 and, if electing to issue licenses under this act, second class
5 townships, whenever such public eating or drinking place is
6 located in a city, borough, incorporated town or [first-class]
7 township not under the jurisdiction of a county department of
8 health or joint-county department of health, or by the county
9 department of health or joint-county department of health
10 whenever such public eating or drinking place is located in a
11 political subdivision which is under the jurisdiction of a
12 county department of health or joint-county department of
13 health, or in those townships of the second class which are not
14 under the jurisdiction of a county department of health or
15 joint-county department of health and which do not elect to
16 issue licenses under this act, by the department. No license
17 shall be issued until inspection of the premises, facilities and
18 equipment has been made by the licensor, and they are found
19 adequate to the protection of the public health and comfort of
20 patrons. The fee for such license shall be one dollar (\$1.00)
21 and shall be paid into the city, borough, incorporated town,
22 [first-class] township or county treasury, or to the State
23 Treasury through the Department of Revenue, depending upon the
24 location of such public eating or drinking place. The license
25 shall be renewed annually.

26 Whenever any proprietor maintains more than one public eating
27 or drinking place within any one city, borough, incorporated
28 town or township he shall be required to apply for and procure a
29 duplicate license for each additional eating or drinking place,
30 such duplicate license to be issued at an additional charge of

1 fifty cents (50¢) for each additional public eating or drinking
2 place within any one city, borough, incorporated town or
3 township. Where the licensor is a county department of health or
4 joint-county department of health, any proprietor who maintains
5 more than one public eating or drinking place within any one
6 county shall be required to apply for and procure a duplicate
7 license for each additional eating or drinking place, such
8 duplicate license to be issued at an additional charge of fifty
9 cents (50¢) for each additional public eating or drinking place
10 within such county; but this provision shall not apply to any
11 public eating or drinking place within such county located in a
12 city, borough, incorporated town or [first-class] township which
13 is not within the jurisdiction of the county department of
14 health or joint-county department of health.

15 Section 4. This act shall take effect immediately.