

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1881

Session of
2003

INTRODUCED BY McILHINNEY, HARRIS, HORSEY, McGEEHAN, O'NEILL,
PETRI AND RUBLEY, JULY 17, 2003

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 30, 2004

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 definitions and for when sales may be
18 made at Pennsylvania Liquor Stores.

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

21 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended by adding a definition 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 "Holiday" shall mean the first day of January, commonly known
4 as New Year's Day; the third Monday of January, known as Dr.
5 Martin Luther King Jr. Day; the third Monday in February, known
6 as Presidents' Day; the last Monday in May known as Memorial
7 Day; the fourth day of July, known as Independence Day; the <—
8 first Monday of September, known as Labor Day; THE ELEVENTH DAY <—
9 OF NOVEMBER, KNOWN AS VETERANS DAY; the fourth Thursday in
10 November, known as Thanksgiving Day; and the twenty-fifth day of
11 December, known as Christmas Day.

12 * * *

13 Section 2. Section 304 of the act, amended December 9, 2002
14 (P.L.1653, No.212), is amended to read:

15 Section 304. When Sales May Be Made at Pennsylvania Liquor
16 Stores.-- (a) Except as provided for in subsection (b), every
17 Pennsylvania Liquor Store shall be open for business week days,
18 except [legal] holidays AS THAT TERM IS DEFINED IN SECTION 102. <—
19 [or any day on which a general, municipal, special or primary
20 election is being held, during such hours as the board, in its
21 discretion, shall determine: Provided, That the Pennsylvania
22 Liquor Stores in the case of a special election for members of
23 the General Assembly or members of the Congress of the United
24 States, when such special election is held on other than a
25 primary, municipal or general election day, shall be open in
26 those Legislative or Congressional Districts as though the day
27 were not a special election day.] The board may, with the <—
28 approval of the Governor, temporarily close any store in any
29 municipality.] as that term is defined in section 102. <—

30 (b) Certain Pennsylvania Liquor Stores operated by the board

1 shall be open for Sunday retail sales between the hours of noon
2 and five o'clock postmeridian, except that no Sunday sales shall
3 occur on Easter Sunday or Christmas day. For a two-year time
4 period following the effective date of this subsection, the
5 board shall open up to ten per centum of the total number of
6 Pennsylvania Liquor Stores at its discretion for Sunday sales as
7 provided for in this subsection. At the expiration of the two-
8 year time period, the board shall conduct a review and determine
9 whether the stores shall be closed or whether additional stores
10 shall be opened for these Sunday sales. The board shall submit
11 yearly reports to the Appropriations and the Law and Justice
12 Committees of the Senate and the Appropriations and the Liquor
13 Control Committees of the House of Representatives summarizing
14 the total dollar value of sales under this section.

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