

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 735 Session of 2009

INTRODUCED BY CRUZ AND YOUNGBLOOD, MARCH 5, 2009

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 5, 2009

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 continuing care retirement community
 18 retail licenses and for unlawful acts relative to liquor,
 19 malt and brewed beverages and licensees.

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

22 Section 1. Section 414(b) (6) of the act of April 12, 1951
 23 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
 24 June 29, 1987 (P.L.32, No.14), and amended December 8, 2004
 25 (P.L.1810, No.239), is amended to read:

26 Section 414. Continuing Care Retirement Community Retail
 27 Licenses.--* * *

(b) Licenses issued under this section are restaurant liquor licenses for all purposes except as provided herein. However, the following additional restrictions and privileges apply:

* * *

(6) Licenses issued under this section are subject to section 493(13) relating to employment of minors, with the exception that the minimum age threshold for employment on licensed premises shall be reduced from sixteen (16) to fourteen (14) years of age. The prohibition against minors under the age of [eighteen (18)] twenty-one (21) dispensing or serving alcoholic beverages shall remain in effect.

* * *

Section 2. Section 493(13) of the act, amended July 16, 2007 (P.L.107, No.34), is amended to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.--The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful--

* * *

(13) Retail Licensees Employing Minors. For any hotel, restaurant or club liquor licensee, or any retail dispenser, to employ or to permit any minor under the age of [eighteen] twenty-one to serve any alcoholic beverages or to employ or permit any minor under the age of sixteen to render any service whatever in the licensed premises, nor shall any entertainer under the age of eighteen be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth: Provided, That in accordance with board

1 regulations minors between the ages of sixteen and [eighteen]
2 twenty-one may be employed to serve food, clear tables and
3 perform other similar duties, not to include the dispensing or
4 serving of alcoholic beverages. A ski resort, golf course or
5 amusement park licensee may employ minors fourteen and fifteen
6 years of age to perform duties in rooms or areas of the licensed
7 premises; however, such minors may not perform duties in rooms
8 or areas in which alcohol is being concurrently dispensed or
9 served or in which alcohol is being concurrently stored in an
10 unsecured manner. Notwithstanding any provisions of law to the
11 contrary, a hotel, restaurant or club liquor licensee or any
12 retail dispenser may allow students receiving instruction in a
13 performing art to perform an exhibition if the students are not
14 compensated and are under proper supervision. Written notice of
15 the performance must be provided to the enforcement bureau prior
16 to the performance.

17 * * *

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