
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2038 Session of
2009

INTRODUCED BY PAYNE, D. COSTA, EVERETT, FLECK, HELM, MAJOR,
MILLARD, MOUL, MURT, O'NEILL, READSHAW, REICHLEY, SIPTROTH,
SONNEY, J. TAYLOR, VULAKOVICH AND K. SMITH, OCTOBER 14, 2009

REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 14, 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 general powers of the board.

18 The General Assembly finds and declares as follows:

19 This act shall be construed as an enactment of the General
20 Assembly's support for the repeal of the act of June 9, 1936
21 (Sp.Sess., P.L.13, No.4), entitled, as reenacted and amended,
22 "An act imposing an emergency State tax on liquor, as herein
23 defined, sold by the Pennsylvania Liquor Control Board;
24 providing for the collection and payment of such tax; and
25 imposing duties upon the Department of Revenue and the

1 Pennsylvania Liquor Control Board; providing for the collection
2 and payment of such tax; and imposing duties on the Department
3 of Revenue and the Liquor Control Board, further providing for
4 the rate of taxation," and an increase of the profits remitted
5 to the State Treasury.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 207(b) of the act of April 12, 1951
9 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
10 June 29, 1987 (P.L.32, No.14), is amended to read:

11 Section 207. General Powers of Board.--Under this act, the
12 board shall have the power and its duty shall be:

13 * * *

14 (b) To control the manufacture, possession, sale,
15 consumption, importation, use, storage, transportation and
16 delivery of liquor, alcohol and malt or brewed beverages in
17 accordance with the provisions of this act, and to fix the
18 wholesale and retail prices at which liquors and alcohol shall
19 be sold at Pennsylvania Liquor Stores. Prices shall be
20 [proportional with prices paid by the board to its suppliers and
21 shall reflect any advantage obtained through volume purchases by
22 the board. The board may establish a preferential price
23 structure for wines produced within this Commonwealth for the
24 promotion of such wines, as long as the price structure is
25 uniform within each class of wine purchased by the board] as set
26 forth by the board so long as the price of a particular item is
27 uniform throughout the Commonwealth. The board shall require
28 each Pennsylvania manufacturer and each nonresident manufacturer
29 of liquors, other than wine, selling such liquors to the board,
30 which are not manufactured in this Commonwealth, to make

1 application for and be granted a permit by the board before such
2 liquors not manufactured in this Commonwealth shall be purchased
3 from such manufacturer. Each such manufacturer shall pay for
4 such permit a fee which, in the case of a manufacturer of this
5 Commonwealth, shall be equal to that required to be paid, if
6 any, by a manufacturer or wholesaler of the state, territory or
7 country of origin of the liquors, for selling liquors
8 manufactured in Pennsylvania, and in the case of a nonresident
9 manufacturer, shall be equal to that required to be paid, if
10 any, in such state, territory or country by Pennsylvania
11 manufacturers doing business in such state, territory or
12 country. In the event that any such manufacturer shall, in the
13 opinion of the board, sell or attempt to sell liquors to the
14 board through another person for the purpose of evading this
15 provision relating to permits, the board shall require such
16 person, before purchasing liquors from him or it, to take out a
17 permit and pay the same fee as hereinbefore required to be paid
18 by such manufacturer. All permit fees so collected shall be paid
19 into the State Stores Fund. The board shall not purchase any
20 alcohol or liquor fermented, distilled, rectified, compounded or
21 bottled in any state, territory or country, the laws of which
22 result in prohibiting the importation therein of alcohol or
23 liquor, fermented, distilled, rectified, compounded or bottled
24 in Pennsylvania.

25 * * *

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