AMENDMENTS TO HOUSE BILL NO. 327

Sponsor: REPRESENTATIVE MASSER

Printer's No. 305

Amend Bill, page 1, lines 16 through 18, by striking out "in"
in line 16 and all of lines 17 and 18 and inserting
in preliminary provisions, further providing for definitions;
and, in licenses and regulations, liquor, alcohol and malt
and brewed beverages, providing for prepared beverages and
mixed drinks for off-premises consumption during disaster
emergency.

Amend Bill, page 1, lines 21 through 26; pages 2 through 8,
lines 1 through 30; page 9, lines 1 through 5; by striking out
all of said lines on said pages and inserting

Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
No.21), known as the Liquor Code, is amended by adding
definitions to read:

Section 102. Definitions.--The following words or phrases,
unless the context clearly indicates otherwise, shall have the
meanings ascribed to them in this section:

"Prepared beverage and mixed drink" shall mean a sealed
container of no less than four fluid ounces and no greater than
sixty-four fluid ounces in a single transaction that holds
spirits and mixers that are combined on a licensed premises.

"Sealed container" shall mean a packaged container with a
secure lid or cap designed to prevent consumption without
removal of the lid or cap. A lid with sipping holes or opening
for straws must be covered or affixed with an additional seal
before sale.

Section 2. The act is amended by adding a section to read:

Section 417. Prepared Beverages and Mixed Drinks for Off-
Premises Consumption During Disaster Emergency.--(a) The
following shall apply:

(1) Notwithstanding any provision of this act, a person
holding and possessing a valid restaurant or hotel liquor
license that lost more than twenty-five per centum (25%) of the
person's average monthly total sales, including alcohol sales, as a result of restrictions imposed during the COVID-19 disaster emergency may sell prepared beverages and mixed drinks for off-premises consumption where meals prepared for pick-up or curbside pick-up are also available.

(2) Except as provided in this paragraph and paragraph (4), nothing in this section shall affect the ability of a licensee to operate within the scope of its current license as authorized by this act, provided, however, that no sales of prepared beverages and mixed drinks for off-premises consumption shall take place after eleven o'clock postmeridian of any day until the licensee's permitted hours of operation under section 406 of the next day, including Sundays if the licensee has a permit authorized under sections 406(a)(3) and 432(f).

(3) The following licensees are prohibited from selling prepared beverages and mixed drinks for off-premises consumption under this section:

(i) A licensee whose underlying license is subject to a pending objection by the director of the Bureau of Licensing or the board under section 470(a.1), until the matter is decided.

(ii) A licensee whose underlying license has been suspended under section 1799.6-E of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(4) For purposes of selling prepared beverages and mixed drinks for off-premises consumption, a licensed premises shall not be subject to section 493(14).

(5) Within sixty (60) days of the effective date of this section, a licensee selling prepared beverages and mixed drinks for off-premises consumption shall begin utilizing a transaction scan device to verify the age of an individual who appears to be under thirty-five (35) years of age before making a sale of prepared beverages and mixed drinks for off-premises consumption. A licensee may not sell or share consumers' personal data from the use of a transaction scan device, provided that the licensee may share the data with the enforcement bureau of the board as evidence that the licensee is in compliance with this paragraph.

(6) A licensee selling prepared beverages or mixed drinks for off-premises consumption shall prominently post a warning sign in a manner that puts consumers on notice of the restrictions on alcoholic beverages under 75 Pa.C.S. § 3809 (relating to restriction on alcoholic beverages), and that the prepared beverages and mixed drinks packaged for sale by the licensee are open containers and may only be transported by the driver of a motor vehicle in the vehicle's trunk or in some other area of the vehicle that is not occupied by the driver or passengers.

(b) Notwithstanding any other provision of this section or provision of law to the contrary, a licensee selling prepared beverages and mixed drinks for off-premises consumption may only do so during the COVID-19 disaster emergency and during the
mitigation period after the termination of the disaster
emergency in which a licensee is operating at less than sixty
per centum (60%) capacity.

(c) A licensee may sell liquor to another licensee qualified
to sell prepared beverages and mixed drinks under this section.
The licensee shall notify the board in writing advising it of
the name of the licensee and identifying any product sold to
that licensee, as well as the description of the liquor,
including brand names, sizes and numbers of containers sold to
another licensee. The sales may only occur during the COVID-19
disaster emergency and during the mitigation period after the
termination of the disaster emergency in which a licensee is
operating at less than sixty per centum (60%) capacity.

(d) As used in this section, the following words and phrases
shall have the meanings given to them in this subsection unless
the context clearly indicates otherwise:

"COVID-19 disaster emergency" shall mean the proclamation of
disaster emergency issued by the Governor on March 6, 2020,
published at 50 Pa.B. 1644 (March 21, 2020) and any renewal of
the state of disaster emergency.

"Licensee" shall mean a person holding and possessing a valid
restaurant or hotel liquor license authorized to sell prepared
beverages or mixed drinks for off-premise consumption under
subsection (a)(1).

"Transaction scan device" shall mean a device capable of
deciphering, in an electronically readable format, the
information encoded on the magnetic strip, chip or bar code of
an identification card under section 495(a).

Section 3. This act shall take effect immediately.