

AMENDMENTS TO HOUSE BILL NO. 327

Sponsor: REPRESENTATIVE MASSER

Printer's No. 305

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

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

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

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

17 * * *

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

22 * * *

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

28 * * *

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

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

33 (1) Notwithstanding any provision of this act, a person
34 holding and possessing a valid restaurant or hotel liquor
35 license that lost more than twenty-five per centum (25%) of the

1 person's average monthly total sales, including alcohol sales,
2 as a result of restrictions imposed during the COVID-19 disaster
3 emergency may sell prepared beverages and mixed drinks for off-
4 premises consumption where meals prepared for pick-up or
5 curbside pick-up are also available.

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

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

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

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

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

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

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

48 (b) Notwithstanding any other provision of this section or
49 provision of law to the contrary, a licensee selling prepared
50 beverages and mixed drinks for off-premises consumption may only
51 do so during the COVID-19 disaster emergency and during the

1 mitigation period after the termination of the disaster
2 emergency in which a licensee is operating at less than sixty
3 per centum (60%) capacity.

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

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

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

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

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

29 Section 3. This act shall take effect immediately.