

## 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

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.