AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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," in
17 unlawful acts and penalties, further providing for unlawful
18 acts relative to liquor, malt and brewed beverages and
19 licensees.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:
22
23 Section 1. Section 493(33) of the act of April 12, 1951
24 (P.L.90, No.21), known as the Liquor Code, is amended to read:
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26 in this section, shall mean those persons licensed under the
provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful--

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(33) Off-premises Catering Permit; Fees. For any licensee, his servants, agents or employes to sell alcohol at a location other than its licensed premises, unless the sale is specifically authorized under this act, or unless the licensee receives a special permit from the board to do so. Only those licensees holding a current and valid restaurant, hotel, brew pub or eating place license shall be allowed to apply for such a permit. Any licensee that wishes to obtain an off-premises catering permit must notify the board and pay the permitting fee by March of each calendar year regardless of whether the licensee has scheduled catered events. Any licensee that fails to notify the board and pay the permit fee by March 1 shall be precluded from obtaining the permit for that calendar year. If a licensee notifies the board and pays the permitting fee by March 1 and does not then use the permit throughout the calendar year, the licensee shall not be entitled to a return of the permitting fee. Any licensee not granted a license until after March 1 of the calendar year shall have sixty days from the date of the license transfer to notify the board of the licensee's intention to use an off-premises catering permit and pay the permitting fee. The board shall have the discretion to allow the issuance of the permit after the March 1 deadline if the applicant is a licensee in good standing with the board and complies with all other requirements for the off-premises catering permit. A licensee shall apply for the permit at least sixty days prior to the first catered function. All servers at the off-premises
catered function shall be certified under the board's responsible alcohol management program as required under section 471.1. The board may charge a fee of five hundred dollars ($500) each calendar year, to each applicant for the initial permit associated with a particular license, but no further fee shall be charged for any subsequent permits issued to the applicant for the license during the same calendar year. The applicant shall submit written notice to the board thirty days prior to each catered event, unless this time frame has been waived by the board, and the board may approve or disapprove each event if the applicant fails to provide timely notice of the catered function, does not intend to conduct a function that meets the requirements of this act or has previously conducted a function that did not meet the requirements of this act. The fees shall be paid into the State Stores Fund. During 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 proclamation of disaster emergency, the board shall waive the fee charged to each applicant for the initial permit associated with a particular license, any limitation on the number of catered events authorized under the permit and any limitation on the hours of operation for a catered event under the permit. Any violation of this act or the board's regulations for governing activity occurring under the authority of this permit may be the basis for the issuance of a citation under section 471, the nonrenewal of the license under section 470 or the refusal by the board to issue subsequent permits or honor subsequent dates on the existing permit. This penalty shall be in addition to any other remedies available to the enforcement bureau or the board.
Section 2. This act shall take effect immediately.