THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1300 Session of 2020

INTRODUCED BY STEFANO, GORDNER, MENSCH, AUMENT, KILLION, ARNOLD, YAW, ARGALL, PITTMAN, DiSANTO, REGAN, MARTIN, J. WARD, TARTAGLIONE, MASTRIANO, HUTCHINSON, LANGERHOLC AND SCAVELLO,
SEPTEMBER 18, 2020

REFERRED TO LAW AND JUSTICE, SEPTEMBER 18, 2020

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for licensed places may be closed during period of emergency.

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

Section 1. Section 462 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended to read:

Section 462. Licensed Places May Be Closed During Period of Emergency.--The board may, with the approval of the Governor["]."
[(a)] (1) Temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

[(b)] (2) Advance by one hour the hours prescribed in this act as the hours during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality.

(b) Notwithstanding any other provision of this act, in addition to the authority specified in subsection (a), 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 state of disaster emergency, the following shall apply:

(1) Upon receipt of a request from a licensed club, catering club, restaurant, retail dispenser, hotel, limited distillery, distillery, brewery or limited winery, the board may temporarily extend the licensed premises of the applicant to include any outside serving area that is:

(i) immediately adjacent to the existing licensed areas; or
(ii) noncontinuous and within two hundred fifty feet of the main licensed building.

(2) The board shall grant immediate operating authority to the applicant to use the outside serving area subject to the request while the board processes the request.

(3) The operating authority shall expire at the earliest of any of the following:

(i) A valid protest is received.
(ii) The board determines that the proposed area does not meet the requirements of this act and board regulations for the
licensing of the area in question.

(iii) The state of disaster emergency is terminated or expires under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor).

(4) No filing fee shall be required from the applicant.

(5) The board may require the applicant to provide any information that the board deems relevant.

(6) An outdoor serving area approved under this subsection may only be utilized for purposes of outdoor dining and may not include a kitchen or a bar.

Section 2. This act shall take effect immediately.