

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2387 Session of  
1984

INTRODUCED BY SPENCER AND PERZEL, JUNE 29, 1984

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 29, 1984

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,"  
17 further providing for minimum sales.

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

20 Section 1. Section 431(b) of the act of April 12, 1951  
21 (P.L.90, No.21), known as the Liquor Code, amended October 9,  
22 1967 (P.L.395, No.179), is amended to read:

23 Section 431. Malt and Brewed Beverages Manufacturers',  
24 Distributors' and Importing Distributors' Licenses.--\* \* \*

25 (b) The board shall issue to any reputable person who

1 applies therefor, pays the license fee hereinafter prescribed,  
2 and files the bond hereinafter required, a distributor's or  
3 importing distributor's license for the place which such person  
4 desires to maintain for the sale of malt or brewed beverages,  
5 not for consumption on the premises where sold, and in  
6 quantities of not less than [twenty-four] six containers, each  
7 container holding seven fluid ounces or more, or twelve  
8 containers, each container holding twenty-four fluid ounces or  
9 more, except original containers containing one hundred twenty-  
10 eight ounces or more which may be sold separately and such  
11 containers to be the original containers as prepared for the  
12 market by the manufacturer at the place of manufacture: And  
13 provided further, That the board shall have the discretion to  
14 refuse a license to any person or to any corporation,  
15 partnership or association if such person, or any officer or  
16 director of such corporation, or any member or partner of such  
17 partnership or association shall have been convicted or found  
18 guilty of a felony within a period of five years immediately  
19 preceding the date of application for the said license.

20 Except as hereinafter provided, such license shall authorize  
21 the holder thereof to sell or deliver malt or brewed beverages  
22 in quantities above specified anywhere within the Commonwealth  
23 of Pennsylvania, which, in the case of distributors, have been  
24 purchased only from persons licensed under this act as  
25 manufacturers or importing distributors, and in the case of  
26 importing distributors, have been purchased from manufacturers  
27 or persons outside this Commonwealth engaged in the legal sale  
28 of malt or brewed beverages or from manufacturers or importing  
29 distributors licensed under this article.

30 Each out of State manufacturer of malt or brewed beverages

1 whose products are sold and delivered in this Commonwealth shall  
2 give distributing rights for such products in designated  
3 geographical areas to specific importing distributors, and such  
4 importing distributor shall not sell or deliver malt or brewed  
5 beverages manufactured by the out of State manufacturer to any  
6 person issued a license under the provisions of this act whose  
7 licensed premises are not located within the geographical area  
8 for which he has been given distributing rights by such  
9 manufacturer: Provided, That the importing distributor holding  
10 such distributing rights for such product shall not sell or  
11 deliver the same to another importing distributor without first  
12 having entered into a written agreement with the said secondary  
13 importing distributor setting forth the terms and conditions  
14 under which such products are to be resold within the territory  
15 granted to the primary importing distributor by the  
16 manufacturer.

17 When a Pennsylvania manufacturer of malt or brewed beverages  
18 licensed under this article names or constitutes a distributor  
19 or importing distributor as the primary or original supplier of  
20 his product, he shall also designate the specific geographical  
21 area for which the said distributor or importing distributor is  
22 given distributing rights, and such distributor or importing  
23 distributor shall not sell or deliver the products of such  
24 manufacturer to any person issued a license under the provisions  
25 of this act whose licensed premises are not located within the  
26 geographical area for which distributing rights have been given  
27 to the distributor and importing distributor by the said  
28 manufacturer: Provided, That the importing distributor holding  
29 such distributing rights for such product shall not sell or  
30 deliver the same to another importing distributor without first

1 having entered into a written agreement with the said secondary  
2 importing distributor setting forth the terms and conditions  
3 under which such products are to be resold within the territory  
4 granted to the primary importing distributor by the  
5 manufacturer. Nothing herein contained shall be construed to  
6 prevent any manufacturer from authorizing the importing  
7 distributor holding the distributing rights for a designated  
8 geographical area from selling the products of such manufacturer  
9 to another importing distributor also holding distributing  
10 rights from the same manufacturer for another geographical area,  
11 providing such authority be contained in writing and a copy  
12 thereof be given to each of the importing distributors so  
13 affected.

14 \* \* \*

15 Section 2. This act shall take effect in 60 days.