

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1783 Session of
1991

INTRODUCED BY MIHALICH, SALOOM, MICOZZIE, STABACK, KRUSZEWSKI,
FARMER, PESCI, TULLI, BISHOP AND BUNT, JUNE 24, 1991

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 24, 1991

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 persons permitted in certain licensed
18 establishments.

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

21 Section 1. Section 493(14) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
23 June 29, 1987 (P.L.32, No.14), is amended to read:

24 Section 493. Unlawful Acts Relative to Liquor, Malt and
25 Brewed Beverages and Licensees.--The term "licensee," when used
26 in this section, shall mean those persons licensed under the

1 provisions of Article IV, unless the context clearly indicates
2 otherwise.

3 It shall be unlawful--

4 * * *

5 (14) Permitting Undesirable Persons or Minors to Frequent
6 Premises. [For]

7 (i) Except as provided in subclause (ii), for any hotel,
8 restaurant or club liquor licensee, or any retail dispenser, his
9 servants, agents or employes, to permit persons of ill repute,
10 known criminals, prostitutes or minors to frequent his licensed
11 premises or any premises operated in connection therewith,
12 except minors accompanied by parents, guardians, or under proper
13 supervision or except minors who frequent any restaurant or
14 retail dispensing licensee whose sales of food and non-alcoholic
15 beverages are equal to seventy per centum or more of the
16 combined gross sales of both food and alcoholic beverages on the
17 condition that alcoholic beverages may not be served at the
18 table or booth at which the said minor is seated at the time
19 (unless said minor is under proper supervision as hereinafter
20 defined) and on the further condition that only table service of
21 alcoholic beverages or take-out service of beer shall be
22 permitted in the room wherein the minor is located: Provided,
23 however, That it shall not be unlawful for any hotel, restaurant
24 or club liquor licensee or any retail dispenser to permit minors
25 under proper supervision upon the licensed premises or any
26 premises operated in connection therewith for the purpose of a
27 social gathering, even if such gathering is exclusively for
28 minors: And provided further, That no liquor shall be sold,
29 furnished or given to such minors nor shall the licensee
30 knowingly permit any liquor or malt or brewed beverages to be

1 sold, furnished or given to or be consumed by any minor, and the
2 area of such gathering shall be segregated from the remainder of
3 the licensed premises. In the event the area of such gathering
4 cannot be segregated from the remainder of the licensed
5 premises, all alcoholic beverages must be either removed from
6 the licensed premises or placed under lock and key during the
7 time the gathering is taking place. Notice of such gathering
8 shall be given the board as it may, by regulation, require. Any
9 licensee violating the provisions of this clause shall be
10 subject to the provisions of section 471.

11 (ii) It shall be lawful for any junior firefighter sixteen
12 years of age to twenty years of age and for any regular
13 firefighter under twenty-one years of age to consume food at,
14 and to frequent without supervision at any time, any club
15 premises which are licensed under this act and which are owned
16 or operated by a volunteer fire company. However, no such
17 firefighter shall consume any liquor or malt or brewed
18 beverages.

19 "Proper supervision," as used in this clause, means the
20 presence, on that portion of the licensed premises where a minor
21 or minors are present, of one person twenty-five years of age or
22 older for every fifty minors or part thereof who is directly
23 responsible for the care and conduct of such minor or minors
24 while on the licensed premises and in such proximity that the
25 minor or minors are constantly within his sight or hearing. The
26 presence of the licensee or any employe or security officer of
27 the licensee shall not constitute proper supervision.

28 * * *

29 Section 2. This act shall take effect immediately.