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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 850      Session of  
2001

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INTRODUCED BY CLYMER, ALLEN, ARMSTRONG, M. BAKER, BARD, BASTIAN,  
BEBKO-JONES, BENNINGHOFF, BUXTON, CALTAGIRONE, CLARK,  
M. COHEN, CORRIGAN, CRUZ, DALLY, DeWEESE, J. EVANS,  
FAIRCHILD, FEESE, FORCIER, FRANKEL, GABIG, GEIST, GORDNER,  
GRUCELA, HARHAI, HENNESSEY, HERSHEY, HORSEY, JAMES, KENNEY,  
LAUGHLIN, LEDERER, MAHER, MANDERINO, MARKOSEK, MARSICO,  
R. MILLER, S. MILLER, MUNDY, O'BRIEN, ORIE, PETRARCA,  
READSHAW, ROSS, SATHER, SAYLOR, SCHRODER, B. SMITH, STABACK,  
STEELMAN, STERN, E. Z. TAYLOR, THOMAS, TRELLO, WASHINGTON,  
WATSON, WILT, YOUNGBLOOD, LESCOVITZ, RAYMOND, PRESTON,  
STAIRS, BUNT, MICHLOVIC, STETLER, COLAFELLA AND COLEMAN,  
MARCH 7, 2001

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SENATOR CONTI, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
JANUARY 23, 2002

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for purchase,  
3 consumption, possession or transportation of liquor or malt  
4 or brewed beverages and for inducement of minors to buy  
5 liquor or malt or brewed beverages; and prohibiting certain  
6 practices by telemarketers.

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

9 Section 1. Sections 6308 and 6310 of Title 18 of the  
10 Pennsylvania Consolidated Statutes are amended by adding  
11 subsections to read:

12 § 6308. Purchase, consumption, possession or transportation of  
13 liquor or malt or brewed beverages.

14 \* \* \*

1     (e) Exception for compliance checks.--

2             (1) An individual who is under 21 years of age may  
3     PURCHASE, attempt to purchase, possess or transport liquor or <—  
4     malt or brewed beverages if all of the following apply:

5             (i) The individual is at least 18 years of age.

6             ~~(ii) The individual does not, in response to a~~ <—  
7     ~~request by a person licensed to sell liquor or malt or~~  
8     ~~brewed beverages, orally misrepresent the individual's~~  
9     ~~age.~~

10            ~~(iii) (II) The individual is:~~ <—

11                 (A) an officer, employee or intern of the Bureau  
12                 of Liquor Control Enforcement of the Pennsylvania  
13                 State Police; or

14                 (B) a local law enforcement officer certified by  
15                 the bureau to conduct compliance checks under this  
16                 section.

17            ~~(iv) (III) The individual has completed training~~ <—  
18     ~~specified by the bureau.~~

19            ~~(v) (IV) The individual is acting within the scope of~~ <—  
20     ~~prescribed duties.~~

21            ~~(vi) (V) The individual is acting under the direct~~ <—  
22     ~~control or supervision of a bureau officer or a local law~~  
23     ~~enforcement officer who is an adult.~~

24            (2) Under no circumstances may individuals under 21  
25     years of age consume liquor or malt or brewed beverages.

26            (3) A law enforcement agency conducting compliance  
27     checks under this subsection shall promulgate guidelines  
28     prescribing the manner in which compliance checks are to be  
29     performed. Compliance checks under this subsection shall be  
30     conducted in a manner consistent with the guidelines.

Guidelines shall require, at a minimum, all of the following:

(i) Prior to participation in the compliance check, the officer, employee or intern shall undergo training approved by the authorizing agency.

(ii) A person licensed to sell liquor or malt or brewed beverages that is found to be in compliance with this section during a compliance check shall be notified in writing of the compliance check and the determination of compliance.

~~(4) Failure to comply with guidelines under paragraph (3)(ii) shall not be a defense to a violation of this section.~~

~~(5) A violation of paragraph (1) or (2) shall not be a defense to a prosecution under this section.~~

§ 6310. Inducement of minors to buy liquor or malt or brewed beverages.

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(c) Exception for compliance checks.--

(1) An individual who is under 21 years of age may PURCHASE, attempt to purchase, possess or transport liquor or malt or brewed beverages if all of the following apply:

(i) The individual is at least 18 years of age.

~~(ii) The individual does not, in response to a request by a person licensed to sell liquor or malt or brewed beverages, orally misrepresent the individual's age.~~

~~(iii)~~ (II) The individual is:

(A) an officer, employee or intern of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police; or

1                   (B) a local law enforcement officer certified by  
2                   the bureau to conduct compliance checks under this  
3                   section.

4                   ~~(iv)~~ (III) The individual has completed training                   <—  
5                   specified by the bureau.

6                   ~~(v)~~ (IV) The individual is acting within the scope of                   <—  
7                   prescribed duties.

8                   ~~(vi)~~ (V) The individual is acting under the direct                   <—  
9                   control or supervision of a bureau officer or a local law  
10                   enforcement officer who is an adult.

11                   (2) Under no circumstances may individuals under 21  
12                   years of age consume liquor or malt or brewed beverages.

13                   (3) A law enforcement agency conducting compliance  
14                   checks under this subsection shall promulgate guidelines  
15                   prescribing the manner in which compliance checks are to be  
16                   performed. Compliance checks under this subsection shall be  
17                   conducted in a manner consistent with the guidelines.  
18                   Guidelines shall require, at a minimum, all of the following:

19                   (i) Prior to participation in the compliance check,  
20                   the officer, employee or intern shall undergo training  
21                   approved by the authorizing agency.

22                   (ii) A person licensed to sell liquor or malt or  
23                   brewed beverages that is found to be in compliance with  
24                   this section during a compliance check shall be notified  
25                   in writing of the compliance check and the determination  
26                   of compliance.

27                   ~~(4) Failure to comply with guidelines under paragraph~~                   <—  
28                   ~~(3)(ii) shall not be a defense to a violation of this~~  
29                   ~~section.~~

30                   ~~(5) A violation of paragraph (1) or (2) shall not be a~~

~~defense to a prosecution under this section.~~

Section 2. Title 18 is amended by adding a section to read:

§ 7330. Prohibition of certain practices by telemarketers.

(a) Offense defined.--No telemarketer, as defined in section 2 of the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, shall refuse or otherwise fail to <—

disclose the name, city, state and telephone number of the telemarketer after a recipient of a telephone solicitation by

the telemarketer requests such information. FAIL TO PROVIDE THE <—

THE NAME OF THE INDIVIDUAL CALLER, THE NAME OF

THE PERSON OR ENTITY ON WHOSE BEHALF THE CALL IS BEING MADE AND

A TELEPHONE NUMBER OR ADDRESS AT WHICH THE PERSON OR ENTITY MAY

BE CONTACTED. IF A TELEMARKETER MAKES A SOLICITATION USING AN

ARTIFICIAL OR PRERECORDED VOICE MESSAGE TRANSMITTED BY AN

AUTODIALER, THE TELEMARKETER MUST PROVIDE A TELEPHONE NUMBER

OTHER THAN THAT OF THE AUTODIALER OR PRERECORDED MESSAGE PLAYER

WHICH PLACED THE CALL. THE TELEPHONE NUMBER PROVIDED MAY NOT BE

A 900 NUMBER OR ANY OTHER NUMBER FOR WHICH CHARGES EXCEED LOCAL

OR LONG DISTANCE TRANSMISSION CHARGES.

(b) Penalty.--A person who violates subsection (a) commits a

summary offense and shall, upon conviction, be sentenced to pay

a fine of \$250.

Section 3. This act shall take effect in 60 days.