

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1699 Session of
2003

INTRODUCED BY J. EVANS, BEBKO-JONES, BROWNE, COSTA, DIVEN,
FABRIZIO, HARRIS, McNAUGHTON AND WILT, JUNE 25, 2003

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 25, 2003

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 the definition of "case" of malt or
18 brewed beverages, for authority to issue liquor licenses to
19 hotels, restaurants and clubs, for sale of malt or brewed
20 beverages by liquor licensees and for retail dispensers'
21 restrictions on purchases and sales.

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

24 Section 1. The definition of "case" in section 102 of the
25 act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
26 reenacted and amended June 29, 1987 (P.L.32, No.14), and added
27 May 31, 1996 (P.L.312, No.49), is amended to read:

1 Section 102. Definitions.--The following words or phrases,
2 unless the context clearly indicates otherwise, shall have the
3 meanings ascribed to them in this section:

4 * * *

5 "Case" shall mean, except as provided below, a package
6 prepared by the manufacturer for sale or distribution of twelve
7 or more original containers totaling [two hundred eighty-eight]
8 two hundred sixteen or more fluid ounces of malt or brewed
9 beverages excepting those packages containing twenty-four or
10 more original containers each holding seven fluid ounces or
11 more. However, when pertaining to a sale by a distributor or
12 importing distributor to any person not licensed under this act,
13 the term "case" shall also mean a package prepared by the
14 manufacturer for sale or distribution of original containers,
15 the total volume of the original containers being not less than
16 one hundred forty-five ounces, which are prepared by the
17 manufacturer in cases of twenty-four or more original
18 containers, each original container holding seven fluid ounces
19 or more which are then broken down into a package prepared for
20 the market by the manufacturer of the original containers.

21 * * *

22 Section 2. Sections 401(a), 407 and 442(a) of the act are
23 amended to read:

24 Section 401. Authority to Issue Liquor Licenses to Hotels,
25 Restaurants and Clubs.--(a) Subject to the provisions of this
26 act and regulations promulgated under this act, the board shall
27 have authority to issue a retail liquor license for any premises
28 kept or operated by a hotel, restaurant or club and specified in
29 the license entitling the hotel, restaurant or club to purchase
30 liquor from a Pennsylvania Liquor Store and to keep on the

1 premises such liquor and, subject to the provisions of this act
2 and the regulations made thereunder, to sell the same and also
3 malt or brewed beverages to guests, patrons or members for
4 consumption on the hotel, restaurant or club premises. Such
5 licensees, other than clubs, shall be permitted to sell malt or
6 brewed beverages for consumption off the premises where sold in
7 quantities of not more than [one hundred ninety-two] two hundred
8 sixteen fluid ounces in a single sale to one person. Such
9 licenses shall be known as hotel liquor licenses, restaurant
10 liquor licenses and club liquor licenses, respectively. No
11 person who holds, either by appointment or election, any public
12 office which involves the duty to enforce any of the penal laws
13 of the United States of America or the penal laws of the
14 Commonwealth of Pennsylvania or any penal ordinance or
15 resolution of any political subdivision of this Commonwealth
16 shall be issued any hotel or restaurant liquor license, nor
17 shall such a person have any interest, directly or indirectly,
18 in any such license.

19 * * *

20 Section 407. Sale of Malt or Brewed Beverages by Liquor
21 Licensees.--Every liquor license issued to a hotel, restaurant,
22 club, or a railroad, pullman or steamship company under this
23 subdivision (A) for the sale of liquor shall authorize the
24 licensee to sell malt or brewed beverages at the same places but
25 subject to the same restrictions and penalties as apply to sales
26 of liquor, except that licensees other than clubs may sell malt
27 or brewed beverages for consumption off the premises where sold
28 in quantities of not more than [one hundred ninety-two] two
29 hundred sixteen fluid ounces in a single sale to one person. No
30 licensee under this subdivision (A) shall at the same time be

1 the holder of any other class of license, except a retail
2 dispenser's license authorizing the sale of malt or brewed
3 beverages only.

4 Section 442. Retail Dispensers' Restrictions on Purchases
5 and Sales.--(a) No retail dispenser shall purchase or receive
6 any malt or brewed beverages except in original containers as
7 prepared for the market by the manufacturer at the place of
8 manufacture. The retail dispenser may thereafter break the bulk
9 upon the licensed premises and sell or dispense the same for
10 consumption on or off the premises so licensed: Provided,
11 however, That no retail dispenser may sell malt or brewed
12 beverages for consumption off the premises in quantities in
13 excess of [one hundred ninety-two] two hundred sixteen fluid
14 ounces: Provided, further, That no club licensee may sell any
15 malt or brewed beverages for consumption off the premises where
16 sold or to persons not members of the club.

17 * * *

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