

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 532 Session of
2003

INTRODUCED BY CONTI, LEMMOND, TARTAGLIONE, THOMPSON, DENT,
O'PAKE, ROBBINS, D. WHITE, TOMLINSON, MADIGAN, MUSTO AND
WONDERLING, MARCH 25, 2003

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 22, 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 adding definitions of "proper supervision" and "social
18 gathering"; ~~and further providing for sales by Pennsylvania~~ <—
19 ~~Liquor Stores and for permitting undesirable persons or~~ <—
20 ~~minors to frequent premises.~~ CLUB LICENSES; AND REGULATING <—
21 THE FREQUENTING OF PREMISES BY MINORS AND OTHER PERSONS.

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

24 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
25 No.21), known as the Liquor Code, reenacted and amended June 29,
26 1987 (P.L.32, No.14), is amended by adding definitions 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 "Proper supervision" shall mean a person twenty-five years of
6 age or older, who is directly responsible for the care and
7 conduct of a minor or minors while on the licensed premises, and
8 who keeps the minor or minors within his or her sight or
9 hearing. If the licensee, an employe of a licensee or anyone
10 else paid by the licensee is performing as proper supervisor
11 then that person may not perform any other employment-related
12 duties; otherwise proper supervision shall consist of unpaid
13 volunteers.

14 * * *

15 "Social gathering" shall mean events marketed to or catering
16 to minors in whole or in part for which proper notice has been
17 provided to the Bureau of Enforcement and at which time no
18 alcohol is served and all alcohol is removed or secured by lock
19 and key at the licensed premises.

20 * * *

21 Section 2. Section 305(a) and (h) of the act, amended
22 February 21, 2002 (P.L.103, No.10) and December 9, 2002
23 (P.L.1653, No.212), are amended to read:

24 Section 305. Sales by Pennsylvania Liquor Stores.--(a)
25 [Every Pennsylvania Liquor Store shall keep in stock for sale
26 such classes, varieties and brands of liquor and alcohol as the
27 board shall prescribe. Every Pennsylvania Liquor Store shall be
28 authorized to sell combination packages. If any person shall
29 desire to purchase any class, variety or brand of liquor or
30 alcohol which any such store does not have in stock, it shall be

1 the duty of such store immediately to order the same upon the
2 payment of a reasonable deposit by the purchaser in such
3 proportion of the approximate cost of the order as shall be
4 prescribed by the regulations of the board. No purchaser may be
5 required to purchase more than two bottles or containers of the
6 product, provided that such product is available through the
7 State store system.] The board shall in its discretion determine
8 where and what classes, varieties and brands of liquor and
9 alcohol it shall make available to the public and where such
10 liquor and alcohol will be sold. EVERY PENNSYLVANIA LIQUOR STORE <—
11 SHALL BE AUTHORIZED TO SELL COMBINATION PACKAGES. If a person
12 desires to purchase a class, variety or brand of liquor or
13 alcohol not currently available from the board, he or she may
14 place a special order for such item so long as the order is for
15 two or more bottles. The board may require a reasonable deposit
16 from the purchaser as a condition for accepting the order. The
17 customer shall be notified immediately upon the arrival of the
18 goods.

19 In computing the retail price of such special orders for
20 liquor or alcohol, the board shall not include the cost of
21 freight or shipping before applying the mark-up and taxes but
22 shall add the freight or shipping charges to the price after the
23 mark-up and taxes have been applied.

24 Unless the customer pays for and accepts delivery of any such
25 special order within ten days after notice of arrival, the store
26 may place it in stock for general sale and the customer's
27 deposit shall be forfeited.

28 * * *

29 (h) Every Pennsylvania Liquor Store shall sell gift
30 certificates which may be redeemed for liquor. In addition, the

1 board may sell corkscrews, wine accessories, trade publications
2 and wine sleeves at Pennsylvania Liquor Stores.

3 SECTION 3. SECTIONS 406(E) AND 442(E)(3) OF THE ACT, ADDED <—
4 DECEMBER 9, 2002 (P.L.1653, NO.212) AND DECEMBER 16, 2002
5 (P.L.1806, NO.221), ARE AMENDED TO READ:

6 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--* * *

7 (E) THE HOLDER OF A HOTEL LICENSE OR THE HOLDER OF A
8 RESTAURANT LICENSE LOCATED IN A HOTEL MAY ALLOW PERSONS TO
9 TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES FROM THE LICENSED
10 PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF THE
11 PREMISES, SO LONG AS THE LIQUOR OR MALT OR BREWED BEVERAGES
12 REMAIN ON THE HOTEL PROPERTY. IN ADDITION, A HOLDER OF A
13 RESTAURANT OR CLUB LICENSE LOCATED ON A GOLF COURSE MAY SELL,
14 FURNISH OR GIVE LIQUOR OR MALT OR BREWED BEVERAGES ON THE
15 UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR OR
16 MALT OR BREWED BEVERAGES REMAIN ON THE RESTAURANT, CLUB OR GOLF
17 COURSE. THE HOLDER OF A RESTAURANT LICENSE LOCATED IMMEDIATELY
18 ADJACENT TO AND UNDER THE SAME ROOF OF A BOWLING CENTER MAY
19 ALLOW PERSONS TO TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES
20 FROM THE LICENSED PORTION OF THE PREMISES TO THE UNLICENSED
21 PORTION OF THE PREMISES, SO LONG AS THE LIQUOR OR MALT OR BREWED
22 BEVERAGES REMAIN WITHIN THE BOWLING CENTER.

23 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
24 AND SALES.--* * *

25 (E) * * *

26 (3) IN ADDITION, A HOLDER OF A RESTAURANT OR CLUB LICENSE
27 LOCATED ON A GOLF COURSE MAY SELL, FURNISH OR GIVE LIQUOR OR
28 MALT OR BREWED BEVERAGES ON THE UNLICENSED PORTION OF THE GOLF
29 COURSE SO LONG AS THE LIQUOR OR MALT OR BREWED BEVERAGES REMAIN
30 ON THE RESTAURANT, CLUB OR GOLF COURSE.

1 * * *

2 Section 3 4. Section 493(14) of the act, amended December 9, <—
3 2002 (P.L.1653, No.212), is amended to read:

4 Section 493. Unlawful Acts Relative to Liquor, Malt and
5 Brewed Beverages and Licensees.--The term "licensee," when used
6 in this section, shall mean those persons licensed under the
7 provisions of Article IV, unless the context clearly indicates
8 otherwise.

9 It shall be unlawful--

10 * * *

11 (14) Permitting Undesirable Persons or Minors to Frequent
12 Premises. For any hotel, restaurant or club liquor licensee, or
13 any retail dispenser, his servants, agents or employes, to
14 permit persons of ill reput[e], or prostitutes [or minors] to
15 frequent his licensed premises or any premises operated in
16 connection therewith, [, except minors accompanied by parents,
17 guardians, or under proper supervision or except minors who
18 frequent any restaurant or retail dispensing licensee whose
19 sales of food and non-alcoholic beverages are equal to fifty per
20 centum or more of the combined gross sales of both food and
21 alcoholic beverages on the condition that alcoholic beverages
22 may not be served at the table or booth at which the said minor
23 is seated at the time (unless said minor is under proper
24 supervision as hereinafter defined) and on the further condition
25 that only table service of alcoholic beverages or take-out
26 service of beer shall be permitted in the room wherein the minor
27 is located: Provided, however, That it shall not be unlawful for
28 any hotel, restaurant or club liquor licensee or any retail
29 dispenser to permit minors under proper supervision upon the
30 licensed premises or any premises operated in connection

1 therewith for the purpose of a social gathering, even if such
2 gathering is exclusively for minors: And provided further, That
3 no liquor shall be sold, furnished or given to such minors nor
4 shall the licensee knowingly permit any liquor or malt or brewed
5 beverages to be sold, furnished or given to or be consumed by
6 any minor, and the area of such gathering shall be segregated
7 from the remainder of the licensed premises. In the event the
8 area of such gathering cannot be segregated from the remainder
9 of the licensed premises, all alcoholic beverages must be either
10 removed from the licensed premises or placed under lock and key
11 during the time the gathering is taking place. Written notice,
12 at least forty-eight (48) hours in advance of such gathering,
13 shall be given to the enforcement bureau. Any licensee violating
14 the provisions of this clause shall be subject to the provisions
15 of section 471. Nothing in this clause shall be construed to
16 make it unlawful for minors to frequent public venues or
17 performing arts facilities.

18 "Proper supervision," as used in this clause, means the
19 presence, on that portion of the licensed premises where a minor
20 or minors are present, of one person twenty-five years of age or
21 older for every five minors or part thereof who is directly
22 responsible for the care and conduct of such minor or minors
23 while on the licensed premises and in such proximity that the
24 minor or minors are constantly within his sight or hearing. The
25 presence of the licensee or any employe or security officer of
26 the licensee shall not constitute proper supervision.] Minors
27 may only frequent licensed premises if; (a) they are
28 accompanied by a parent; (b) they are accompanied by a legal
29 guardian; (c) they are under proper supervision; (d) they are
30 attending a social gathering; or (e) the hotel, restaurant or

1 retail dispenser licensee has gross sales of food and
2 nonalcoholic beverages equal to fifty per centum or more of its
3 combined gross sale of both food and alcoholic beverages. If a
4 minor is frequenting a hotel, restaurant or retail dispenser
5 licensee under subsection (e), then the minor may not sit at the
6 bar section of the premises, nor may any alcoholic beverages be
7 served at the table or booth at which the said minor is seated,
8 unless said minor is with a parent, legal guardian or under
9 proper supervision. Further, if a hotel, restaurant, club liquor
10 licensee or retail dispenser is hosting a social gathering under
11 subsection (d) then written notice at least forty-eight hours in
12 advance of such gathering shall be given to the Bureau of
13 Enforcement. If a minor is frequenting licensed premises with
14 proper supervision under subsection (c), each supervisor can
15 supervise up to twenty minors, except for premises located in
16 cities of the first class, where each supervisor can supervise
17 up to five minors. Notwithstanding any other provisions of this
18 section, if the minors are on the premises as part of a school-
19 endorsed function, then each supervisor can supervise fifty
20 minors. Nothing in this clause shall be construed to make it
21 unlawful for minors to frequent public venues or performing arts
22 facilities.

23 Section 4 5. This act shall take effect immediately.

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