

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2376 Session of
2006

INTRODUCED BY RAYMOND, BALDWIN, BEBKO-JONES, BIANCUCCI, BISHOP,
BUNT, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, DALLY,
FRANKEL, FREEMAN, GEIST, GINGRICH, GOOD, HARHART, HARRIS,
W. KELLER, KILLION, LEDERER, MANN, MARSICO, MICOZZIE,
R. MILLER, MUSTIO, O'NEILL, QUIGLEY, ROSS, SCHRODER,
SIPTROTH, E. Z. TAYLOR, TRUE, WATSON, WILT, YOUNGBLOOD,
DONATUCCI, JOSEPHS, B. SMITH, BEYER AND COSTA,
JANUARY 24, 2006

SENATOR RAFFERTY, LAW AND JUSTICE, IN SENATE, AS AMENDED,
MAY 2, 2006

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 responsible alcohol management~~ <—
18 ~~remediation for licensees.~~ <—
19 FURTHER PROVIDING FOR THE
20 PROHIBITION OF INTERLOCKING BUSINESSES; AND PROHIBITING THE
USE OF ALCOHOL VAPORIZING DEVICES.

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

23 ~~Section 1. Section 471(d) of the act of April 12, 1951~~ <—

~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and added December 20, 2000 (P.L.992, No.141), is amended and the section is amended by adding a subsection to read:~~

~~Section 471. Revocation and Suspension of Licenses; Fines.~~

~~* * *~~

~~(d) If a licensee has been cited and found to have violated section 493(1) as it relates to sales to minors or sales to a visibly intoxicated person, the administrative law judge, in addition to the penalties set forth in subsection (b), [may] shall require the licensee to comply with the requirements set forth in section 471.1 pertaining to responsible alcohol management. Such compliance may be required for a period of up to one year. Failure to adhere with such an order is sufficient cause for the issuance of a citation under subsection (a).~~

~~(e) If a licensee has been cited and found to have violated section 493(1) for a second or subsequent offense as it relates to sales to minors or sales to a visibly intoxicated person, the administrative law judge, in addition to the penalties set forth in subsection (b), may require the licensee to comply with the requirements set forth in section 471.1 pertaining to responsible alcohol management. Such compliance may be required for a period of up to one year. Failure to adhere with such an order is sufficient cause for the issuance of a citation under subsection (a).~~

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

~~SECTION 1. SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED BY ADDING A DEFINITION TO READ:~~

~~SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,~~

1 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
2 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

3 * * *

4 "ALCOHOL VAPORIZING DEVICE" SHALL MEAN ANY DEVICE, MACHINE OR
5 PROCESS WHICH MIXES SPIRITS, LIQUORS OR OTHER ALCOHOLIC PRODUCTS
6 WITH OXYGEN OR ANY OTHER GAS TO PRODUCE A VAPORIZED PRODUCT FOR
7 CONSUMPTION BY INHALATION.

8 * * *

9 SECTION 2. SECTION 411 OF THE ACT IS AMENDED BY ADDING A
10 SUBSECTION TO READ:

11 SECTION 411. INTERLOCKING BUSINESS PROHIBITED.--* * *

12 (F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
13 MANUFACTURER OR LICENSEE AND ITS OFFICERS, DIRECTORS,
14 SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY CONTRIBUTE AND
15 A MANUFACTURER OR LICENSEE AND ITS OFFICERS, DIRECTORS,
16 SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT MONEYS
17 OR OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF A
18 RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL
19 SERVICE PERSONNEL AS PROVIDED UNDER SECTION 471.1. THE MONEYS
20 OR OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A
21 MANUFACTURER OR LICENSEE AND ITS OFFICERS, DIRECTORS,
22 SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES DIRECTLY OR BY OR
23 TO A TRADE ORGANIZATION CONSISTING, IN WHOLE OR IN PART, OF A
24 GROUP OF LICENSEES.

25 SECTION 3. SECTION 443 OF THE ACT IS AMENDED BY ADDING A
26 SUBSECTION TO READ:

27 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--* * *

28 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
29 MANUFACTURER OR LICENSEE AND ITS OFFICERS, DIRECTORS,
30 SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY CONTRIBUTE AND A

MANUFACTURER OR LICENSEE AND ITS OFFICERS, DIRECTORS,
SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT MONEYS OR
OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF A
RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL
SERVICE PERSONNEL AS PROVIDED UNDER SECTION 471.1. THE MONEYS OR
OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A MANUFACTURER OR
LICENSEE AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, SERVANTS,
AGENTS OR EMPLOYES DIRECTLY OR BY OR TO A TRADE ORGANIZATION
CONSISTING, IN WHOLE OR IN PART, OF A GROUP OF LICENSEES.

SECTION 4. SECTION 493 OF THE ACT IS AMENDED BY ADDING A
CLAUSE TO READ:

SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
OTHERWISE.

IT SHALL BE UNLAWFUL--

* * *

(32) SALE OR PURCHASE OF ALCOHOL VAPORIZING DEVICES. FOR ANY
LICENSEE, HIS SERVANTS OR AGENTS OR EMPLOYES, TO POSSESS OR
PERMIT AN ALCOHOL VAPORIZING DEVICE ON THE LICENSED PREMISES.

SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE AMENDMENT OR ADDITION OF SECTIONS 102 AND
493(32) OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

(2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(3) THE ADDITION OF SECTIONS 411(F) AND 443(H) OF THE
ACT SHALL TAKE EFFECT IMMEDIATELY.