

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2382 Session of
2006

INTRODUCED BY DONATUCCI, BEBKO-JONES, BIANCUCCI, BLACKWELL,
BOYD, CALTAGIRONE, DeWEESE, GEORGE, JAMES, KOTIK, MICOZZIE,
O'NEILL, PISTELLA, REICHLEY, YOUNGBLOOD, THOMAS, CRUZ,
LESCOVITZ AND JOSEPHS, JANUARY 24, 2006

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 31, 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 unlawful acts relative to liquor, malt
18 and brewed beverages and licensees.

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

21 Section 1. Section 493(13) 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), and amended ~~December 16, 2002~~ <—
24 ~~(P.L.1806, No.221)~~ JANUARY 6, 2006 (P.L.1, NO.1), is amended to <—

1 read:

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

7 It shall be unlawful--

8 * * *

9 ~~(13) Retail Licensees Employing Minors. For any hotel,~~ <—
10 ~~restaurant or club liquor licensee, or any retail dispenser, to~~
11 ~~employ or to permit any minor [under the age of eighteen] to~~
12 ~~concurrently dispense and serve any alcoholic beverages or to~~
13 ~~employ or permit any minor under the age of sixteen to render~~
14 ~~any service whatever in the licensed premises, nor shall any~~
15 ~~entertainer under the age of eighteen be employed or permitted~~
16 ~~to perform in any licensed premises in violation of the labor~~
17 ~~laws of this Commonwealth: Provided, That minors between the~~
18 ~~ages of eighteen and twenty one may be employed to serve~~
19 ~~alcoholic beverages, provided that they do not concurrently~~
20 ~~dispense the alcoholic beverages; and Provided further, That in~~
21 ~~accordance with board regulations minors between the ages of~~
22 ~~sixteen and eighteen may be employed to serve food, clear tables~~
23 ~~and perform other similar duties, not to include the dispensing~~
24 ~~or serving of alcoholic beverages. A ski resort, golf course or~~
25 ~~amusement park licensee may employ minors fourteen and fifteen~~
26 ~~years of age to perform duties in rooms or areas of the licensed~~
27 ~~premises; however, such minors may not perform duties in rooms~~
28 ~~or areas in which alcohol is being concurrently dispensed or~~
29 ~~served or in which alcohol is being concurrently stored in an~~
30 ~~unsecured manner.~~

1 (13) RETAIL LICENSEES EMPLOYING MINORS. FOR ANY HOTEL,
2 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY RETAIL DISPENSER, TO
3 EMPLOY OR TO PERMIT ANY MINOR [UNDER THE AGE OF EIGHTEEN] TO
4 CONCURRENTLY DISPENSE AND SERVE ANY ALCOHOLIC BEVERAGES OR TO
5 EMPLOY OR PERMIT ANY MINOR UNDER THE AGE OF SIXTEEN TO RENDER
6 ANY SERVICE WHATEVER IN THE LICENSED PREMISES, NOR SHALL ANY
7 ENTERTAINER UNDER THE AGE OF EIGHTEEN BE EMPLOYED OR PERMITTED
8 TO PERFORM IN ANY LICENSED PREMISES IN VIOLATION OF THE LABOR
9 LAWS OF THIS COMMONWEALTH: PROVIDED, THAT MINORS BETWEEN THE
10 AGES OF EIGHTEEN AND TWENTY-ONE MAY BE EMPLOYED TO SERVE
11 ALCOHOLIC BEVERAGES, PROVIDED THAT THEY DO NOT CONCURRENTLY
12 DISPENSE THE ALCOHOLIC BEVERAGES; AND PROVIDED FURTHER, THAT IN
13 ACCORDANCE WITH BOARD REGULATIONS MINORS BETWEEN THE AGES OF
14 SIXTEEN AND EIGHTEEN MAY BE EMPLOYED TO SERVE FOOD, CLEAR TABLES
15 AND PERFORM OTHER SIMILAR DUTIES, NOT TO INCLUDE THE DISPENSING
16 OR SERVING OF ALCOHOLIC BEVERAGES. A SKI RESORT, GOLF COURSE OR
17 AMUSEMENT PARK LICENSEE MAY EMPLOY MINORS FOURTEEN AND FIFTEEN
18 YEARS OF AGE TO PERFORM DUTIES IN ROOMS OR AREAS OF THE LICENSED
19 PREMISES; HOWEVER, SUCH MINORS MAY NOT PERFORM DUTIES IN ROOMS
20 OR AREAS IN WHICH ALCOHOL IS BEING CONCURRENTLY DISPENSED OR
21 SERVED OR IN WHICH ALCOHOL IS BEING CONCURRENTLY STORED IN AN
22 UNSECURED MANNER. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE
23 CONTRARY, A HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR ANY
24 RETAIL DISPENSER MAY ALLOW STUDENTS RECEIVING INSTRUCTION IN A
25 PERFORMING ART TO PERFORM AN EXHIBITION IN OBSERVANCE OF ETHNIC
26 HERITAGE IF THE STUDENTS ARE NOT COMPENSATED AND ARE UNDER
27 PROPER SUPERVISION. WRITTEN NOTICE OF THE PERFORMANCE MUST BE
28 PROVIDED TO THE ENFORCEMENT BUREAU PRIOR TO THE PERFORMANCE.

29 * * *

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