

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2405 Session of
2008

INTRODUCED BY REED, ARGALL, BASTIAN, BEYER, BROOKS, CARROLL,
CLYMER, DALLY, DONATUCCI, EVERETT, FAIRCHILD, FLECK, GABIG,
GILLESPIE, GRELL, HALUSKA, HENNESSEY, KAUFFMAN, KORTZ, KULA,
LONGIETTI, MARSHALL, McILHATTAN, MELIO, R. MILLER, MILNE,
MOUL, MURT, PAYNE, PETRONE, PHILLIPS, PICKETT, REICHLEY,
ROAE, SAYLOR, SIPTROTH, SONNEY, SWANGER AND VULAKOVICH,
APRIL 1, 2008

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 1, 2008

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 sales by Pennsylvania Liquor Stores,
18 for sales by liquor licensees and restrictions, for
19 distributors' and importing distributors' restrictions and
20 for unlawful acts relative to liquor, malt and brewed
21 beverages and licensees.

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

24 Section 1. Section 305 of the act of April 12, 1951 (P.L.90,
25 No.21), known as the Liquor Code, reenacted and amended June 29,

1 1987 (P.L.32, No.14), is amended by adding a subsection to read:

2 Section 305. Sales by Pennsylvania Liquor Stores.--* * *

3 (j) No Pennsylvania Liquor Store shall accept payment from a
4 purchaser of liquor or alcohol which is in the form of an
5 electronic benefits card issued to convey public assistance
6 benefits administered by the Department of Public Welfare or a
7 debit card issued to convey support payment moneys.

8 Section 2. Section 406(a) of the act is amended by adding a
9 paragraph to read:

10 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

11 * * *

12 (7) No licensee to which this section applies shall accept
13 payment from a purchaser of liquor or alcohol which is in the
14 form of an electronic benefits card issued to convey public
15 assistance benefits administered by the Department of Public
16 Welfare or a debit card issued to convey support payment moneys.

17 * * *

18 Section 3. Section 441 of the act is amended by adding a
19 subsection to read:

20 Section 441. Distributors' and Importing Distributors'
21 Restrictions on Sales, Storage, Etc.--* * *

22 (h) No distributor or importing distributor shall accept
23 payment from a purchaser of liquor or alcohol which is in the
24 form of an electronic benefits card issued to convey public
25 assistance benefits administered by the Department of Public
26 Welfare or a debit card issued to convey support payment moneys.

27 Section 4. Section 493(2) and (15) of the act, amended July
28 6, 2005 (P.L.135, No.39), are amended to read:

29 Section 493. Unlawful Acts Relative to Liquor, Malt and
30 Brewed Beverages and Licensees.--The term "licensee," when used

1 in this section, shall mean those persons licensed under the
2 provisions of Article IV, unless the context clearly indicates
3 otherwise.

4 It shall be unlawful--

5 * * *

6 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages
7 on Credit; Importing Distributors or Distributors Accepting
8 Cash. For any licensee, his agent, servant or employe, to sell
9 or offer to sell or purchase or receive any liquor or malt or
10 brewed beverages except for cash, excepting credit extended by a
11 hotel or club to a bona fide guest or member, or by railroad or
12 pullman companies in dining, club or buffet cars to passengers,
13 for consumption while enroute, holding authorized credit cards
14 issued by railroad or railroad credit bureaus or by hotel,
15 restaurant, retail dispenser eating place, club and public
16 service licensees, importing distributors or distributors to
17 customers not possessing a license under this article and
18 holding credit cards issued in accordance with regulations of
19 the board or credit cards issued by banking institutions subject
20 to State or Federal regulation[:], except that no licensee, his
21 agent, servant or employe shall accept from a purchaser of
22 liquor or alcohol which is in the form of an electronic benefits
23 card issued to convey public assistance benefits administered by
24 the Department of Public Welfare or a debit card issued to
25 convey support payment moneys: Provided further, That nothing
26 herein contained shall be construed to prohibit the use of
27 checks or drafts drawn on a bank, banking institution, trust
28 company or similar depository, organized and existing under the
29 laws of the United States of America or the laws of any state,
30 territory or possession thereof, in payment for any liquor or

1 malt or brewed beverages if the purchaser is the payor of the
2 check or draft and the licensee is the payee: Provided further,
3 That notwithstanding any other provision of this act to the
4 contrary, it shall be unlawful for an importing distributor or
5 distributor to accept cash for payment of any malt or brewed
6 beverages from anyone possessing a license issued under this
7 article, except it shall be permissible for the importing
8 distributor or distributor to accept money orders or cashiers'
9 checks for payment of any malt or brewed beverages in addition
10 to any other type of payment authorized by the board from anyone
11 possessing a license under this article. No right of action
12 shall exist to collect any claim for credit extended contrary to
13 the provisions of this clause. Nothing herein contained shall
14 prohibit a licensee from crediting to a purchaser the actual
15 price charged for original containers returned by the original
16 purchaser as a credit on any sale, or from refunding to any
17 purchaser the amount paid by such purchaser for such containers
18 or as a deposit on containers when title is retained by the
19 vendor, if such original containers have been returned to the
20 licensee. Nothing herein contained shall prohibit a manufacturer
21 from extending usual and customary credit for liquor or malt or
22 brewed beverages sold to customers or purchasers who live or
23 maintain places of business outside of the Commonwealth of
24 Pennsylvania, when the liquor or malt or brewed beverages so
25 sold are actually transported and delivered to points outside of
26 the Commonwealth: Provided, however, That as to all transactions
27 affecting malt or brewed beverages to be resold or consumed
28 within this Commonwealth, every licensee shall pay and shall
29 require cash deposits on all returnable original containers and
30 all such cash deposits shall be refunded upon return of the

1 original containers.

2 * * *

3 (15) Cashing Pay Roll, Public Assistance, Unemployment
4 Compensation or Any Other Relief Checks. For any licensee or his
5 servants, agents or employes to cash pay roll checks or to cash,
6 receive, handle or negotiate in any way [Public Assistance,
7 Unemployment Compensation] public assistance, unemployment
8 compensation or any other relief checks[.] or to accept payment
9 from a purchaser of liquor or alcohol which is in the form of an
10 electronic benefits card issued to convey public assistance
11 benefits administered by the Department of Public Welfare or a
12 debit card issued to convey support payment moneys.

13 * * *

14 Section 5. This act shall take effect in 60 days.