

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1661 Session of 2011

INTRODUCED BY MUSTIO, TAYLOR, PAYNE, TURZAI, KILLION,  
CHRISTIANA, D. COSTA, DENLINGER, ELLIS, D. EVANS, GRELL,  
KRIEGER, MARSHALL, METCALFE, PEIFER, PETRI, QUIGLEY,  
REICHLEY, TOOHIL AND VULAKOVICH, JUNE 14, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 14, 2011

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 general powers of the Pennsylvania  
18 Liquor Control Board.

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

21 Section 1. Section 207(b) 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), is amended to read:

24 Section 207. General Powers of Board.--Under this act, the  
25 board shall have the power and its duty shall be:

1       \* \* \*

2       (b) To control the manufacture, possession, sale,  
3 consumption, importation, use, storage, transportation and  
4 delivery of liquor, alcohol and malt or brewed beverages in  
5 accordance with the provisions of this act, and to fix the  
6 wholesale and retail prices at which liquors and alcohol shall  
7 be sold at Pennsylvania Liquor Stores, provided that no price or  
8 fee increases on wine and spirits sold by the board may be  
9 implemented by the board without the prior approval of the  
10 Governor and a majority of the members of the Senate and the  
11 House of Representatives. Prices shall be proportional with  
12 prices paid by the board to its suppliers and shall reflect any  
13 advantage obtained through volume purchases by the board. The  
14 board may establish a preferential price structure for wines  
15 produced within this Commonwealth for the promotion of such  
16 wines, as long as the price structure is uniform within each  
17 class of wine purchased by the board. The board shall require  
18 each Pennsylvania manufacturer and each nonresident manufacturer  
19 of liquors, other than wine, selling such liquors to the board,  
20 which are not manufactured in this Commonwealth, to make  
21 application for and be granted a permit by the board before such  
22 liquors not manufactured in this Commonwealth shall be purchased  
23 from such manufacturer. Each such manufacturer shall pay for  
24 such permit a fee which, in the case of a manufacturer of this  
25 Commonwealth, shall be equal to that required to be paid, if  
26 any, by a manufacturer or wholesaler of the state, territory or  
27 country of origin of the liquors, for selling liquors  
28 manufactured in Pennsylvania, and in the case of a nonresident  
29 manufacturer, shall be equal to that required to be paid, if  
30 any, in such state, territory or country by Pennsylvania

1 manufacturers doing business in such state, territory or  
2 country. In the event that any such manufacturer shall, in the  
3 opinion of the board, sell or attempt to sell liquors to the  
4 board through another person for the purpose of evading this  
5 provision relating to permits, the board shall require such  
6 person, before purchasing liquors from him or it, to take out a  
7 permit and pay the same fee as hereinbefore required to be paid  
8 by such manufacturer. All permit fees so collected shall be paid  
9 into the State Stores Fund. The board shall not purchase any  
10 alcohol or liquor fermented, distilled, rectified, compounded or  
11 bottled in any state, territory or country, the laws of which  
12 result in prohibiting the importation therein of alcohol or  
13 liquor, fermented, distilled, rectified, compounded or bottled  
14 in Pennsylvania.

15 \* \* \*

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