

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2406 Session of 2020

INTRODUCED BY ORTITAY, ROTHMAN, MIHALEK, JAMES, TURZAI,  
DONATUCCI, ROZZI, CIRESI AND DeLUCA, APRIL 14, 2020

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 14, 2020

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
2 act relating to alcoholic liquors, alcohol and malt and  
3 brewed beverages; amending, revising, consolidating and  
4 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," in  
17 licenses and regulations and liquor, alcohol and malt and  
18 brewed beverages, further providing for sale of malt or  
19 brewed beverages by liquor licensees, for wine expanded  
20 permits and for retail dispensers' restrictions on purchases  
21 and sales.

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

24 Section 1. Section 407(a) of the act of April 12, 1951  
25 (P.L.90, No.21), known as the Liquor Code, is amended to read:

26 Section 407. Sale of Malt or Brewed Beverages by Liquor  
27 Licensees.--(a) (1) Every liquor license issued to a hotel,

1 restaurant, club, or a railroad, pullman or steamship company  
2 under this subdivision (A) for the sale of liquor shall  
3 authorize the licensee to sell malt or brewed beverages at the  
4 same places but subject to the same restrictions and penalties  
5 as apply to sales of liquor, except that licensees other than  
6 clubs may sell malt or brewed beverages for consumption off the  
7 premises where sold in quantities of not more than one hundred  
8 ninety-two fluid ounces in a single sale to one person. The  
9 sales may be made in either open or closed containers, Provided,  
10 however, That a municipality may adopt an ordinance restricting  
11 open containers in public places. No licensee under this  
12 subdivision (A) shall at the same time be the holder of any  
13 other class of license, except a retail dispenser's license  
14 authorizing the sale of malt or brewed beverages only.

15 (2) Sales of malt or brewed beverages shall occur on  
16 licensed premises. A licensee may use a register that is not  
17 located on the licensed portion of the premises but is located  
18 within the same building as the licensed premises for the sale  
19 of malt or brewed beverages for off-premises consumption. The  
20 register shall comply with section 415(a) (8) and (9). A register  
21 used for the sale of malt or brewed beverages for off-premises  
22 consumption may be used for the sale of liquid fuels or oils.

23 \* \* \*

24 Section 2. Section 415(a) (4), (7), (8) and (9) of the act  
25 are amended and the section is amended by adding a subsection to  
26 read:

27 Section 415. Wine Expanded Permits.--(a) \* \* \*

28 (4) If the board has approved the operation of another  
29 business which has an inside passage or communication to or with  
30 the licensed premises, the display, sale, storage and purchase

1 of wine and malt and brewed beverages shall be [confined  
2 strictly to the premises, in a specifically designated area  
3 covered by the license.] permitted in any area of the business  
4 which is connected to the licensed premises by an interior  
5 connection or connections approved by the board. A licensed or  
6 unlicensed area or areas that are located within the same  
7 building as the licensed premises and operated or controlled by  
8 the same licensee, his officers, servants, agents or employees  
9 are not required to be contiguous to any other licensed or  
10 unlicensed area. The purchase of goods obtained from the  
11 unlicensed area of the premises shall be permitted in the  
12 licensed area.

13 \* \* \*

14 (7) A wine expanded permit holder may store wine in a  
15 licensed noncontiguous area that is not accessible to the public  
16 and is:

17 (i) locked at all times when not being accessed by the  
18 licensees' employees;

19 (ii) not accessible to employees under eighteen years of  
20 age; and

21 (iii) identified by dimensions and locations on forms  
22 submitted to the board.

23 (8) [A] Unless presented with a valid armed forces of the  
24 United States identification card, a wine expanded permit holder  
25 shall utilize a transaction scan device to verify the age of an  
26 individual who appears to be under thirty-five years of age  
27 [before making a sale of wine] at the point of sale or the point  
28 of delivery of wine. A wine expanded permit holder may not sell  
29 or share data from the use of a transaction scan device,  
30 provided that the licensee may use the data to show the

1 enforcement bureau of the board that the licensee is in  
2 compliance with this act. As used in this paragraph, the term  
3 "transaction scan device" means a device capable of deciphering,  
4 in an electronically readable format, the information encoded on  
5 the magnetic strip or bar code of an identification card under  
6 section 495(a).

7 (9) A sale of wine by a wine expanded permit holder shall be  
8 made through a register[, which malt or brewed beverages and  
9 restaurant foods sales are made on the licensed premises, which  
10 is well designated with signage, which is staffed at all times  
11 when patrons are on the licensed premises, which is staffed]  
12 located on the licensed premises, which is well designated with  
13 signage. The actual sale shall be conducted by a sales clerk who  
14 is at least eighteen years of age [and], has been trained under  
15 section 471.1 and [which] utilizes a transaction scan device for  
16 the sale[.] as provided under paragraph (8). A sales clerk who  
17 is under eighteen years of age may operate a register if the  
18 sales clerk is presented with wine or malt or brewed beverages  
19 to be purchased by a customer and obtains the assistance of an  
20 employee who is at least eighteen years of age and the sale  
21 otherwise conforms to the requirements under this section. The  
22 sale of wine may not occur at a point of sale where the customer  
23 scans the customer's own purchases. A wine expanded permit  
24 holder may use a register that is not located on the licensed  
25 portion of the premises but is located within the same building  
26 as the licensed premises so long as the sale otherwise conforms  
27 to the requirements provided under this subsection. A register  
28 used for the sale of wine may be used for the sale of liquid  
29 fuels or oils.

30 \* \* \*

1 (h) A wine expanded permit holder that sells a wine product  
2 for off-premises consumption shall be exempt from section  
3 406(g).

4 Section 3. Section 442(a)(1) of the act is amended to read:

5 Section 442. Retail Dispensers' Restrictions on Purchases

6 and Sales.--(a) (1) (i) No retail dispenser shall purchase or  
7 receive any malt or brewed beverages except in original

8 containers as prepared for the market by the manufacturer at the  
9 place of manufacture. The retail dispenser may thereafter break

10 the bulk upon the licensed premises and sell or dispense the

11 same for consumption on or off the premises so licensed. No

12 retail dispenser may sell malt or brewed beverages for

13 consumption off the premises in quantities in excess of one

14 hundred ninety-two fluid ounces. Sales may be made in open or

15 closed containers, Provided, however, That a municipality may

16 adopt an ordinance restricting open containers in public places.

17 No club licensee may sell any malt or brewed beverages for

18 consumption off the premises where sold or to persons not

19 members of the club.

20 (ii) Sales of malt or brewed beverages shall occur on

21 licensed premises. A licensee may use a register that is not

22 located on the licensed portion of the premises but is located

23 within the same building as the licensed premises for the sale

24 of malt or brewed beverages for off-premises consumption. The

25 register shall comply with section 415(a)(8) and (9). A register

26 used for the sale of malt or brewed beverages for off-premises

27 consumption may be used for the sale of liquid fuels or oils.

28 \* \* \*

29 Section 4. This act shall take effect in 60 days.