
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2847 Session of
2020

INTRODUCED BY MASSER, SCHMITT, CAUSER, ECKER, BARRAR, ROWE,
SAINATO, STAATS, COX, SCHLEGEL CULVER AND MILLARD,
SEPTEMBER 1, 2020

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 1, 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 unlawful acts and penalties, further providing for unlawful
18 acts relative to liquor, malt and brewed beverages and
19 licensees.

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

22 Section 1. Section 493(33) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, is amended to read:

24 Section 493. Unlawful Acts Relative to Liquor, Malt and
25 Brewed Beverages and Licensees.--The term "licensee," when used
26 in this section, shall mean those persons licensed under the

1 provisions of Article IV, unless the context clearly indicates
2 otherwise.

3 It shall be unlawful--

4 * * *

5 (33) Off-premises Catering Permit; Fees. For any licensee,
6 his servants, agents or employes to sell alcohol at a location
7 other than its licensed premises, unless the sale is
8 specifically authorized under this act, or unless the licensee
9 receives a special permit from the board to do so. Only those
10 licensees holding a current and valid restaurant, hotel, brew
11 pub or eating place license shall be allowed to apply for such a
12 permit. Any licensee that wishes to obtain an off-premises
13 catering permit must notify the board and pay the permitting fee
14 by March of each calendar year regardless of whether the
15 licensee has scheduled catered events. Any licensee that fails
16 to notify the board and pay the permit fee by March 1 shall be
17 precluded from obtaining the permit for that calendar year. If a
18 licensee notifies the board and pays the permitting fee by March
19 1 and does not then use the permit throughout the calendar year,
20 the licensee shall not be entitled to a return of the permitting
21 fee. Any licensee not granted a license until after March 1 of
22 the calendar year shall have sixty days from the date of the
23 license transfer to notify the board of the licensee's intention
24 to use an off-premises catering permit and pay the permitting
25 fee. The board shall have the discretion to allow the issuance
26 of the permit after the March 1 deadline if the applicant is a
27 licensee in good standing with the board and complies with all
28 other requirements for the off-premises catering permit. A
29 licensee shall apply for the permit at least sixty days prior to
30 the first catered function. All servers at the off-premises

1 catered function shall be certified under the board's
2 responsible alcohol management program as required under section
3 471.1. The board may charge a fee of five hundred dollars (\$500)
4 each calendar year, to each applicant for the initial permit
5 associated with a particular license, but no further fee shall
6 be charged for any subsequent permits issued to the applicant
7 for the license during the same calendar year. The applicant
8 shall submit written notice to the board thirty days prior to
9 each catered event, unless this time frame has been waived by
10 the board, and the board may approve or disapprove each event if
11 the applicant fails to provide timely notice of the catered
12 function, does not intend to conduct a function that meets the
13 requirements of this act or has previously conducted a function
14 that did not meet the requirements of this act. The fees shall
15 be paid into the State Stores Fund. During the proclamation of
16 disaster emergency issued by the Governor on March 6, 2020,
17 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
18 the proclamation of disaster emergency, the board shall waive
19 the fee charged to each applicant for the initial permit
20 associated with a particular license, any limitation on the
21 number of catered events authorized under the permit and any
22 limitation on the hours of operation for a catered event under
23 the permit. Any violation of this act or the board's regulations
24 for governing activity occurring under the authority of this
25 permit may be the basis for the issuance of a citation under
26 section 471, the nonrenewal of the license under section 470 or
27 the refusal by the board to issue subsequent permits or honor
28 subsequent dates on the existing permit. This penalty shall be
29 in addition to any other remedies available to the enforcement
30 bureau or the board.

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2 Section 2. This act shall take effect immediately.