
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1308 Session of
2020

INTRODUCED BY IOVINO, BREWSTER, HUGHES, BOSCOLA, FARNESE,
COLLETT, FONTANA, KEARNEY, COSTA, MENSCH, SANTARSIERO AND
MUTH, SEPTEMBER 18, 2020

REFERRED TO LAW AND JUSTICE, SEPTEMBER 18, 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 Pennsylvania liquor stores, further providing for sales by
18 Pennsylvania liquor stores; and, in licenses and regulations
19 and liquor and alcohol and malt and brewed beverages, further
20 providing for licensed places may be closed during period of
21 emergency.

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

24 Section 1. Sections 305(b) and 462 of the act of April 12,
25 1951 (P.L.90, No.21), known as the Liquor Code, are amended to
26 read:

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

1 (b) The following apply:

2 (1) Every Pennsylvania Liquor Store shall sell liquors at
3 wholesale to hotels, restaurants, clubs, and railroad, pullman
4 and steamship companies licensed under this act; and, under the
5 regulations of the board, to pharmacists duly licensed and
6 registered under the laws of the Commonwealth, and to
7 manufacturing pharmacists, and to reputable hospitals approved
8 by the board, or chemists. Sales to licensees shall be made at a
9 price that includes a discount [of ten per centum from the
10 retail price; except that special order sales to licensees
11 authorized in subsection (a) shall not be subject to the ten per
12 centum discount.] as follows:

13 (i) Fifteen per centum for purchases made after the
14 effective date of this subparagraph and no later than September
15 30, 2021.

16 (ii) Thirteen and three-quarters per centum for purchases
17 made between October 1, 2021, and December 31, 2021.

18 (iii) Twelve and one-half per centum for purchases made
19 between January 1, 2022, and March 31, 2022.

20 (iv) Eleven and one-quarter per centum for purchases made
21 between April 1, 2022, and June 30, 2022.

22 (v) Except as provided under paragraph (2), ten per centum
23 for purchases made on or after July 1, 2022.

24 (2) The discount provided under paragraph (1)(i), (ii) and
25 (iii) shall not apply to a wine expanded permit holder who has
26 an interior connection to another business that operates within
27 a building that is more than eleven thousand square feet in
28 size. A wine expanded permit holder described under this
29 paragraph shall only receive a discount of ten per centum.

30 (3) Special order sales to licensees authorized in section

1 305(a) shall not be subject to the discount under paragraph (1).

2 (4) The board may sell to registered pharmacists only such
3 liquors as conform to the Pharmacopoeia of the United States,
4 the National Formulary, or the American Homeopathic
5 Pharmacopoeia. The board may sell at special prices under the
6 regulations of the board, to United States Armed Forces
7 facilities which are located on United States Armed Forces
8 installations and are conducted pursuant to the authority and
9 regulations of the United States Armed Forces. All other sales
10 by such stores shall be at retail, except that incentives, such
11 as coupons or discounts on certain products, may be offered to
12 unlicensed customers of the board as provided under sections
13 207(m) and 493(24) (ii) (B). A person entitled to purchase liquor
14 at wholesale prices may purchase the liquor at any Pennsylvania
15 Liquor Store upon tendering cash, check or credit card for the
16 full amount of the purchase. For this purpose, the board shall
17 issue a discount card to each licensee identifying such licensee
18 as a person authorized to purchase liquor at wholesale prices.
19 Such discount card shall be retained by the licensee. The board
20 may contract through the Commonwealth bidding process for
21 delivery to wholesale licensees at the expense of the licensee
22 receiving the delivery.

23 * * *

24 Section 462. Licensed Places May Be Closed During Period of
25 Emergency.--(a) The board may, with the approval of the
26 Governor, take any of the following actions:

27 [(a)] (1) Temporarily close all licensed places within any
28 municipality during any period of emergency proclaimed to be
29 such by the Governor.

30 [(b)] (2) Advance by one hour the hours prescribed in this

1 act as the hours during which liquor and malt or brewed
2 beverages may be sold in any municipality during such part of
3 the year when daylight saving time may be observed generally in
4 such municipality.

5 (b) In addition to the board's authority provided under
6 subsection (a) and notwithstanding any other provision of this
7 act to the contrary, during the proclamation of disaster
8 emergency issued by the Governor on March 6, 2020, published at
9 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
10 disaster emergency, the following apply:

11 (1) The board shall provide any restaurant, eating place,
12 retail dispenser, hotel, club or catering club licensee that
13 lost at least thirty per centum of the licensee's aggregate
14 sales of food and alcohol during the state of disaster emergency
15 an additional one year of licensure. The additional one year of
16 licensure shall take effect upon the first renewal or validation
17 of the licensee's license after the effective date of this
18 paragraph. The licensee's license shall not be subject to any
19 renewal, validation or late fees for the additional one year of
20 licensure, except the licensee shall file any renewal or
21 validation of the license otherwise due. For purposes of this
22 paragraph, a licensee shall compare the licensee's sales of food
23 and alcohol from March 16, 2020, through July 31, 2020, to the
24 licensee's sales of food and alcohol from March 16, 2019,
25 through July 31, 2019, to determine whether the licensee has
26 lost at least thirty per centum of the licensee's aggregate
27 sales of food and alcohol during the state of disaster
28 emergency.

29 (2) The board may issue off-premises catering permits to
30 entities that qualify for permits under this act without payment

1 of a fee. The March 1 application deadline for an off-premises
2 catering permit under section 493(33) shall not apply to an off-
3 premises catering permit issued under this paragraph. Any other
4 requirements for an off-premises catering permit under this act
5 shall continue to apply during the state of disaster emergency.

6 Section 2. This act shall take effect immediately.