

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 425 Session of 2021

INTRODUCED BY DOWLING, PICKETT, ROTHMAN, MILLARD, JAMES, KEEFER, KAUFFMAN, CIRESI, WEBSTER, SANKEY AND ARMANINI, FEBRUARY 8, 2021

SENATOR REGAN, LAW AND JUSTICE, IN SENATE, AS AMENDED, APRIL 27, 2021

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 sales by liquor  
19 licensees and restrictions AND FOR PREPARED BEVERAGES AND <--  
20 MIXED DRINKS FOR OFF-PREMISES CONSUMPTION DURING DISASTER  
21 EMERGENCY AND PROVIDING FOR SAFEKEEPING DURING 2020 DISASTER  
22 EMERGENCY.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 406 of the act of April 12, 1951 (P.L.90,  
26 No.21), known as the Liquor Code, is amended by adding a

1 subsection to read:

2 Section 406. Sales by Liquor Licensees; Restrictions.--\* \* \*

3 (j) Liquor and wine in the possession of a licensee at the  
4 time the licensed business closes permanently may be sold to  
5 another licensee qualified to sell such products. The licensee  
6 shall notify the board in writing advising the board of the name  
7 of the licensee and identifying any product sold to that  
8 licensee, as well as the description of the liquor, including  
9 brand names, sizes and numbers of containers sold to another  
10 licensee.

11 SECTION 1.1. THE HEADING OF SECTION 417 OF THE ACT, ADDED <--  
12 MAY 21, 2020 (P.L.149, NO.21), IS AMENDED AND THE SECTION IS  
13 AMENDED BY ADDING SUBSECTIONS TO READ:

14 SECTION 417. [PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-  
15 PREMISES CONSUMPTION DURING] COVID-19 DISASTER EMERGENCY.--\* \* \*

16 (A.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE  
17 FOLLOWING SHALL APPLY TO THE TEMPORARY EXTENSION OF THE LICENSED  
18 PREMISES:

19 (1) UPON RECEIPT OF A REQUEST FROM A LICENSED CLUB, CATERING  
20 CLUB, RESTAURANT, RETAIL DISPENSER, HOTEL, LIMITED DISTILLERY,  
21 DISTILLERY, BREWERY OR LIMITED WINERY, THE BOARD MAY TEMPORARILY  
22 EXTEND THE LICENSED PREMISES OF THE APPLICANT TO INCLUDE ANY  
23 OUTSIDE SERVING AREA THAT IS:

24 (I) IMMEDIATELY ADJACENT TO THE EXISTING LICENSED AREAS; OR

25 (II) WITHIN ONE THOUSAND FEET OF THE MAIN LICENSED BUILDING,  
26 NOTWITHSTANDING THAT THE AREA TO BE TEMPORARILY LICENSED AND THE  
27 MAIN LICENSED BUILDING ARE SEPARATED BY A PUBLIC THOROUGHFARE.

28 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY TO  
29 THE APPLICANT TO USE THE OUTSIDE AREA SUBJECT TO THE REQUEST  
30 WHILE THE BOARD PROCESSES THE REQUEST.

1     (3) THE OPERATING AUTHORITY UNDER THIS SUBSECTION SHALL BE  
2 TERMINATED IF:

3     (I) A VALID PROTEST IS RECEIVED; OR

4     (II) THE BOARD DETERMINES THAT THE PROPOSED AREA DOES NOT  
5 MEET THE REQUIREMENTS OF THIS ACT AND BOARD REGULATIONS FOR THE  
6 LICENSING OF THE AREA IN QUESTION.

7     (4) A FILING FEE MAY NOT BE REQUIRED FROM AN APPLICANT UNDER  
8 THIS SUBSECTION.

9     (5) THE BOARD MAY REQUIRE THE APPLICANT TO PROVIDE ANY  
10 INFORMATION THAT THE BOARD DEEMS RELEVANT.

11     (A.2) THE FOLLOWING SHALL APPLY TO THE ISSUANCE OF OFF-  
12 PREMISES CATERING PERMITS:

13     (1) THE BOARD MAY AUTHORIZE AN UNLIMITED NUMBER OF OFF-  
14 PREMISES CATERED FUNCTIONS TO ENTITIES THAT QUALIFY FOR THE  
15 PERMITS UNDER THIS ACT.

16     (2) AN APPLICATION FEE MAY NOT BE REQUIRED FROM AN ENTITY  
17 REQUESTING A CATERING PERMIT UNDER THIS SUBSECTION.

18     (3) AN APPLICATION FOR A CATERING PERMIT UNDER THIS  
19 SUBSECTION SHALL NOT NEED TO BE SUBMITTED PRIOR TO MARCH 1 OF  
20 THAT CALENDAR YEAR.

21     (4) A FIVE-HOUR LIMIT ON CATERED FUNCTIONS SHALL NOT APPLY  
22 TO A CATERING PERMIT UNDER THIS SUBSECTION. EXCEPT FOR ANY  
23 REQUIREMENT UNDER THIS ACT FOR A CATERED FUNCTION NOT  
24 SPECIFICALLY WAIVED UNDER THIS SUBSECTION, EACH REQUIREMENT FOR  
25 A CATERED FUNCTION SHALL APPLY.

26     (5) THE AUTHORITY TO OPERATE ON A TEMPORARILY EXTENDED  
27 LICENSED PREMISES SHALL EXPIRE DECEMBER 31, 2022.

28     (A.3) SUBSECTIONS (A.1) AND (A.2) SHALL EXPIRE DECEMBER 31,  
29 2022.

30     \* \* \*

1 SECTION 1.2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
2 SECTION 462.1. SAFEKEEPING DURING 2020 DISASTER EMERGENCY.--  
3 IN ADDITION TO THE AUTHORITY UNDER SECTION 462 AND  
4 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE BOARD MAY  
5 DO ANY OF THE FOLLOWING DURING THE PROCLAMATION OF DISASTER  
6 EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT  
7 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF  
8 DISASTER EMERGENCY:

9 (1) PROVIDE AN ADDITIONAL YEAR OF SAFEKEEPING FOR A CLUB OR  
10 CATERING CLUB LICENSE THAT WAS IN SAFEKEEPING DURING THE  
11 PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER THIS  
12 PARAGRAPH MAY NOT BE SUBJECT TO A RENEWAL, VALIDATION OR LATE  
13 FEE THAT WOULD BE DUE DURING THE ADDITIONAL YEAR, EXCEPT THAT  
14 THE LICENSEE MUST FILE A RENEWAL OR VALIDATION THAT BECOMES DUE.  
15 AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS PARAGRAPH SHALL  
16 START ON THE DATE OF A RENEWAL OR VALIDATION OF THE LICENSE THAT  
17 OCCURS AFTER DECEMBER 31, 2021, AND SHALL BE IN ADDITION TO THE  
18 TWO YEARS AUTHORIZED UNDER SECTION 474.

19 (2) PROVIDE AN ADDITIONAL YEAR OF SAFEKEEPING FOR A  
20 RESTAURANT, EATING PLACE RETAIL DISPENSER, HOTEL, IMPORTING  
21 DISTRIBUTOR AND DISTRIBUTOR LICENSE THAT WAS IN SAFEKEEPING  
22 DURING THE PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER  
23 THIS PARAGRAPH MAY NOT BE SUBJECT TO A RENEWAL, VALIDATION, LATE  
24 OR SAFEKEEPING FEE THAT WOULD BE DUE DURING THE ADDITIONAL YEAR,  
25 EXCEPT THAT THE LICENSEE MUST FILE A RENEWAL OR VALIDATION THAT  
26 BECOMES DUE. AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS  
27 PARAGRAPH SHALL START ON THE DATE OF A RENEWAL OR VALIDATION OF  
28 THE LICENSE THAT OCCURS AFTER DECEMBER 31, 2021.

29 Section 2. This act shall take effect immediately.