

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 117 Session of 2023

INTRODUCED BY J. WARD, DiSANTO, STEFANO AND YAW,
JANUARY 18, 2023

REFERRED TO LAW AND JUSTICE, JANUARY 18, 2023

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. Sections 407(a)(2), 415(a)(4), (8) and (9) and
25 442(a)(1)(ii) of the act of April 12, 1951 (P.L.90, No.21),
26 known as the Liquor Code, are amended to read:

27 Section 407. Sale of Malt or Brewed Beverages by Liquor

1 Licensees.--(a) * * *

2 (2) If a restaurant liquor license holder has an interior
3 connection to another business that it operates, the restaurant
4 liquor license holder may use one or more of the registers in
5 the other business to sell malt or brewed beverages for off-
6 premises consumption under the following conditions:

7 [(i) the building is eleven thousand square feet or less;]

8 (ii) the registers are located in the same building as the
9 licensed premises;

10 (iii) the registers comply with the signage, staffing,
11 training, carding, scanning and prohibition on the sharing of
12 data provisions of section 415(a)(8) and (9); and

13 (iv) the board has been provided notice of compliance with
14 this paragraph by the restaurant liquor license holder,
15 including square footage of the building and the location of the
16 specific registers to be used prior to their use.

17 * * *

18 Section 415. Wine Expanded Permits.--(a) * * *

19 (4) If the board has approved the operation of another
20 business which has an inside passage or communication to or with
21 the licensed premises, the display, sale, storage and purchase
22 of wine and malt and brewed beverages shall be [confined
23 strictly to the premises, in a specifically designated area
24 covered by the license.] permitted in any area of the business
25 which is connected to the licensed premises by an interior
26 connection or connections approved by the board. A licensed or
27 unlicensed area or areas that are located within the same
28 building as the licensed premises and operated or controlled by
29 the same licensee, licensee's officers, servants, agents or
30 employees are not required to be contiguous to any other licensed

1 or unlicensed area. The purchase of goods obtained from the
2 unlicensed area of the premises shall be permitted in the
3 licensed area.

4 * * *

5 (8) [A] Unless presented with a valid armed forces of the
6 United States identification card, a wine expanded permit holder
7 shall utilize a transaction scan device to verify the age of an
8 individual who appears to be under thirty-five years of age
9 [before making a sale of wine] at the point of sale. A wine
10 expanded permit holder may not sell or share data from the use
11 of a transaction scan device, provided that the licensee may use
12 the data to show the enforcement bureau of the board that the
13 licensee is in compliance with this act. As used in this
14 paragraph, the term "transaction scan device" means a device
15 capable of deciphering, in an electronically readable format,
16 the information encoded on the magnetic strip or bar code of an
17 identification card under section 495(a).

18 (9) A sale of wine by a wine expanded permit holder shall be
19 made through a register[, which malt or brewed beverages and
20 restaurant foods sales are made] located on the licensed
21 premises, which is well designated with signage[, which is
22 staffed at all times when patrons are on the licensed premises].
23 The actual sale shall be conducted by a sales clerk who is at
24 least eighteen years of age [and], has been trained under
25 section 471.1 and [which] utilizes a transaction scan device for
26 the sale as set forth in paragraph (8). A sales clerk who is
27 under eighteen years of age may operate a register if the sales
28 clerk is presented with wine or malt or brewed beverages to be
29 purchased by a customer and obtains the assistance of an employe
30 who is at least eighteen years of age and the sale otherwise

1 conforms to the requirements under this section. The sale of
2 wine may not occur at a point of sale where the customer scans
3 the customer's own purchases. Sales of wine must occur on the
4 licensed premises. A wine expanded permit holder may use a
5 register that is not located on the licensed portion of the
6 premises but is located within the same building as the licensed
7 premises so long as the sale otherwise conforms to the
8 requirements provided under this subsection.

9 * * *

10 Section 442. Retail Dispensers' Restrictions on Purchases
11 and Sales.--(a) (1) * * *

12 (ii) If a retail dispenser license holder has an interior
13 connection to another business that it operates, the retail
14 dispenser license holder may use one or more of the registers in
15 the other business to sell malt or brewed beverages for off-
16 premises consumption under the following conditions:

17 [(A) the building is eleven thousand square feet or less;]

18 (B) the registers are located in the same building as the
19 licensed premises;

20 (C) the registers comply with the signage, staffing,
21 training, carding, scanning and prohibition on the sharing of
22 data provisions of section 415(a)(8) and (9); and

23 (D) the board has been provided notice of compliance with
24 this subparagraph by the retail dispenser license holder,
25 including square footage of the building and the location of the
26 specific registers to be used prior to their use.

27 * * *

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