
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1876 Session of
2021

INTRODUCED BY CIRESI, HILL-EVANS, McNEILL, SANCHEZ, WEBSTER,
HENNESSEY AND GUENST, SEPTEMBER 20, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 20, 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 distilleries, wineries, bonded warehouses, bailees for hire
18 and transporters for hire, further providing for limited
19 wineries.

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

22 Section 1. Section 505.2(a) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, is amended by adding
24 a clause and subsection (c) is amended by adding a definition to
25 read:

26 Section 505.2. Limited Wineries.--(a) In the interest of

1 promoting tourism and recreational development in Pennsylvania,
2 holders of a limited winery license may:

3 * * *

4 (7) Obtain an off-premises wine catering permit to use off
5 the licensed premises in partnership with an otherwise
6 unlicensed BYOB restaurant where the licensee may sell wine, by
7 the glass, open bottle or other container and in any mixture
8 together with food, for consumption on those premises. The
9 following shall apply:

10 (i) The licensee may be issued no more than three off-
11 premises wine catering permits to be used in partnership with a
12 BYOB restaurant.

13 (ii) Any licensee that wishes to obtain an off-premise wine
14 catering permit for use at a BYOB restaurant must notify the
15 board and pay an initial fee of five hundred dollars (\$500) per
16 permit application.

17 (iii) The board may approve or disapprove each permit if the
18 applicant fails to meets the requirements of this act or has
19 previously conducted a function that did not meet the
20 requirements of this act. The fees shall be paid into the State
21 Stores Fund. Any violation of this act or the board's
22 regulations relating to this clause may be the basis for the
23 issuance of a citation under section 471, the nonrenewal of the
24 license under section 470 or the refusal by the board to issue
25 subsequent permits. This penalty shall be in addition to any
26 other remedies available to the enforcement bureau or the board.

27 (iv) Alcohol may only be served at the permitted location
28 between the hours of noon and nine o'clock post meridian;

29 (v) All servers shall be certified under the board's
30 responsible alcohol management program as required under section

1 471.1.

2 (vi) A permit shall not be held at a location that is
3 already subject to the applicant's or another licensee's off-
4 premises wine catering permit.

5 (vii) A permit shall not be issued to an applicant whose
6 license is in safekeeping.

7 (viii) A permit shall not be issued to a location that is
8 subject to a pending objection by the director of the Bureau of
9 Licensing or the board under section 470(a.1).

10 (ix) A permit shall not be issued to a location that is
11 subject to a pending license suspension under section 471 or the
12 one-year prohibition on the issuance or transfer of a license
13 under section 471(b).

14 (x) No alcohol may be taken from the permitted location by
15 any patron, but the applicant may transport alcohol to and from
16 the applicant's licensed premises to the proposed premises.

17 (xi) Written notice of the off-premises wine catering permit
18 as enumerated in subclause (xii) shall be provided to the local
19 police and the enforcement bureau at least fourteen (14) days in
20 advance of the event.

21 (xii) Written notice shall be provided to the board and must
22 include the location of the BYOB restaurant, dates and times
23 that the permit will be used, authorization by the local
24 municipality where the permit is being utilized, as well as any
25 information the board shall prescribe. The board may, in its
26 discretion, accept notice in an electronic format.

27 (xiii) If a permit is located on private property, the owner
28 of the property is deemed to have submitted to the jurisdiction
29 of the enforcement bureau, and the warrant required by section
30 211(a) (2) shall not be necessary for the enforcement bureau to

1 enter and search the premises during the function or any
2 activity related to the function.

3 (xiv) The off-premises wine catering permit location shall
4 be subject to section 493(34).

5 (xv) A permit shall not be issued to locations that are
6 subject to a pending, protested transfer application.

7 (xvi) A permit may not be issued to a license holder whose
8 license is subject to a pending objection by the director of the
9 Bureau of Licensing or the board under section 470(a.1).

10 (xvii) A permit shall not be issued to a licensee for use in
11 a location that is mobile.

12 (xviii) The permit shall be subject to an annual renewal fee
13 of five hundred dollars (\$500.00).

14 * * *

15 (c) As used in this section:

16 * * *

17 "BYOB restaurant" shall mean a restaurant, eating place or
18 café not licensed by the board that offers on-premises dining,
19 has a valid health permit and allows patrons who are at least 21
20 years of age to bring wine, beer or spirits to consume while
21 dining at the premises.

22 * * *

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