

LIQUOR CODE - SALES BY LIQUOR LICENSEES AND RESTRICTIONS,  
PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-PREMISES CONSUMPTION  
DURING DISASTER EMERGENCY AND SAFEKEEPING

Act of Nov. 5, 2021, P.L. 424, No. 81

Cl. 47

Session of 2021

No. 2021-81

HB 425

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sales by liquor licensees and restrictions and for prepared beverages and mixed drinks for off-premises consumption during disaster emergency and providing for safekeeping.

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

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

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

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

Section 1.1. The heading of section 417 of the act, added May 21, 2020 (P.L.149, No.21), is amended and the section is amended by adding subsections to read:

Section 417. [Prepared Beverages and Mixed Drinks for Off-Premises Consumption During Disaster Emergency] **Extension of Licensed Service Area and Issuance of Off-premises Catering Permits.--\* \* \***

(a.1) **Notwithstanding any other provision of this act, the following shall apply to the temporary extension of the licensed premises:**

(1) **Upon receipt of a request from a licensed club, catering club, restaurant, retail dispenser, hotel, limited distillery,**

distillery, brewery or limited winery, the board may temporarily extend the licensed premises of the applicant to include any outside serving area that is:

(i) immediately adjacent to the existing licensed areas;  
or

(ii) within one thousand feet of the main licensed building, notwithstanding that the area to be temporarily licensed and the main licensed building are separated by a public thoroughfare.

(2) The board shall grant immediate operating authority to the applicant to use the outside area subject to the request while the board processes the request.

(3) The operating authority under this subsection shall be terminated if:

(i) a valid protest is received; or

(ii) the board determines that the proposed area does not meet the requirements of this act and board regulations for the licensing of the area in question.

(4) A filing fee may not be required from an applicant under this subsection.

(5) The board may require the applicant to provide any information that the board deems relevant.

(a.2) The following shall apply to the issuance of off-premises catering permits:

(1) The board may authorize an unlimited number of off-premises catered functions to entities that qualify for the permits under this act.

(2) An application fee may not be required from an entity requesting a catering permit under this subsection.

(3) An application for a catering permit under this subsection shall not need to be submitted prior to March 1 of that calendar year.

(4) A five-hour limit on catered functions shall not apply to a catering permit under this subsection.

(5) Each requirement under this act applicable to a catered function that is not specifically waived under this subsection shall apply.

(a.3) Subsections (a.1) and (a.2) shall expire December 31, 2024.

\* \* \*

Section 1.2. The act is amended by adding a section to read:

Section 462.1. Safekeeping.--In addition to the authority under section 462 and notwithstanding any other provision of this act, the board shall do the following:

(1) Provide an additional year of safekeeping for a club or catering club license that was in safekeeping during the proclamation of disaster emergency. A license under this paragraph may not be subject to a renewal, validation or late fee that would be due during the additional year, except that the licensee must file a renewal or validation that becomes due. An additional year of safekeeping under this paragraph shall start on the date of a renewal or validation of the license that occurs after December 31, 2021, and shall be in addition to the two years authorized under section 474.

(2) Provide an additional year of safekeeping for a restaurant, eating place retail dispenser, hotel, importing distributor and distributor license that was in safekeeping during the proclamation of disaster emergency. A license under this paragraph may not be subject to a renewal, validation, late or safekeeping fee that would be due during the additional year, except that the licensee must file a renewal or validation that becomes due. An additional year of safekeeping under this

**paragraph shall start on the date of a renewal or validation of the license that occurs after December 31, 2021.**

Section 2. This act shall take effect immediately.

APPROVED--The 5th day of November, A.D. 2021.

TOM WOLF