

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 874

Session of
1981

INTRODUCED BY LEHR, COSLETT, SWAIM, ZWIKL AND CALTAGIRONE,
MARCH 17, 1981

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 17, 1981

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,"
17 further providing for unlawful acts relative to liquor, malt
18 and brewed beverages and licensees.

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

21 Section 1. Clauses (14), (22) and (24) of section 493, act
22 of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code,"
23 clause (14) amended July 11, 1980 (No.117), are amended to read:

24 Section 493. Unlawful Acts Relative to Liquor, Malt and
25 Brewed Beverages and Licensees.--The term "licensee," when used

1 in this section, shall mean those persons licensed under the
2 provisions of Article IV, unless the context clearly indicates
3 otherwise.

4 It shall be unlawful--

5 * * *

6 (14) Permitting Undesirable Persons or Minors to Frequent
7 Premises. For any hotel, restaurant or club liquor licensee, or
8 any retail dispenser, his servants, agents or employes, to
9 permit persons of ill repute, known criminals, prostitutes or
10 minors to frequent his licensed premises or any premises
11 operated in connection therewith, except minors accompanied by
12 parents, guardians, or under proper supervision or except minors
13 who frequent any restaurant or retail dispensing licensee whose
14 sales of food and non-alcoholic beverages are equal to seventy
15 per centum or more of the combined gross sales of both food and
16 alcoholic beverages on the condition that alcoholic beverages
17 may not be served at the table or booth at which the said minor
18 is seated at the time (unless said minor is under proper
19 supervision as hereinafter defined) and on the further condition
20 that only table service of alcoholic beverages or take-out
21 service of beer shall be permitted in the room wherein the minor
22 is located: Provided, however, That it shall not be unlawful for
23 any hotel, restaurant or club liquor licensee or any retail
24 dispenser to permit minors under proper supervision upon the
25 licensed premises or any premises operated in connection
26 therewith for the purpose of a social gathering, even if such
27 gathering is exclusively for minors: And provided further, That
28 no liquor shall be sold, furnished or given to such minors nor
29 shall the licensee knowingly permit any liquor or malt or brewed
30 beverages to be sold, furnished or given to or be consumed by

1 any minor, and the area of such gathering shall be segregated
2 from the remainder of the licensed premises. In the event the
3 area of such gathering cannot be segregated from the remainder
4 of the licensed premises, all alcoholic beverages must be either
5 removed from the licensed premises or placed under lock and key
6 during the time the gathering is taking place. Notice of such
7 gathering shall be given the Liquor Control Board as it may, by
8 regulation, require. Any licensee violating the provisions of
9 this clause shall be subject to the provisions of section 471.

10 "Proper supervision," as used in this clause, means the
11 presence, on that portion of the licensed premises where a minor
12 or minors are present, of one person twenty-five years of age or
13 older for every fifty minors or part thereof who is directly
14 responsible for the care and conduct of such minor or minors
15 while on the licensed premises and in such proximity that the
16 minor or minors are constantly within his sight or hearing. The
17 presence of the licensee or any employe or security officer of
18 the licensee shall not constitute proper supervision.

19 * * *

20 (22) Allowance or Rebate to Induce Purchases. For any
21 licensee, or his servants, agents or employes, to offer, pay,
22 make or allow, or for any licensee, or his servants, agents or
23 employes, to solicit or receive any allowance or rebate, refunds
24 or concessions, whether in the form of money or otherwise, to
25 induce directly the purchase of liquor or malt or brewed
26 beverages [or any other commodity manufactured or sold by the
27 licensee].

28 * * *

29 (24) Things of Value Offered as Inducement. For any licensee
30 under the provisions of this article, or the board or any

1 manufacturer, or any employe or agent of a manufacturer,
2 licensee or of the board, to offer to give anything of value or
3 to solicit or receive anything of value as a premium for the
4 return of caps, stoppers, corks, stamps or labels taken from any
5 bottle, case, barrel or package containing liquor or malt or
6 brewed beverage, or to offer or give or solicit or receive
7 anything of value as a premium or present to induce directly the
8 purchase of liquor or malt or brewed beverage, [or for any other
9 purpose whatsoever in connection with the sale of such liquor or
10 malt or brewed beverage,] or for any licensee, manufacturer or
11 other person to offer or give to trade or consumer buyers any
12 prize, premium, gift or other [similar] inducement to purchase
13 liquor or malt or brewed beverages, except advertising novelties
14 of nominal value which the board shall define: Provided,
15 however, That this section shall not apply to the return of any
16 monies specifically deposited for the return of the original
17 container to the owners thereof.

18 * * *

19 Section 2. This act shall take effect immediately.