

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 850 Session of  
2001

INTRODUCED BY CLYMER, ALLEN, ARMSTRONG, M. BAKER, BARD, BASTIAN,  
BEBKO-JONES, BENNINGHOFF, BUXTON, CALTAGIRONE, CLARK,  
M. COHEN, CORRIGAN, CRUZ, DALLY, DeWEESE, J. EVANS,  
FAIRCHILD, FEESE, FORCIER, FRANKEL, GABIG, GEIST, GORDNER,  
GRUCELA, HARHAI, HENNESSEY, HERSHEY, HORSEY, JAMES, KENNEY,  
LAUGHLIN, LEDERER, MAHER, MANDERINO, MARKOSEK, MARSICO,  
R. MILLER, S. MILLER, MUNDY, O'BRIEN, ORIE, PETRARCA,  
READSHAW, ROSS, SATHER, SAYLOR, SCHRODER, B. SMITH, STABACK,  
STEELMAN, STERN, E. Z. TAYLOR, THOMAS, TRELLO, WASHINGTON,  
WATSON, WILT, YOUNGBLOOD, LESCOVITZ, RAYMOND, PRESTON,  
STAIRS, BUNT, MICHLOVIC, STETLER, COLAFELLA AND COLEMAN,  
MARCH 7, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 20, 2001

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for purchase,  
3 consumption, possession or transportation of liquor or malt  
4 or brewed beverages and for inducement of minors to buy  
5 liquor or malt or brewed beverages; AND PROHIBITING CERTAIN  
6 PRACTICES BY TELEMARKETERS. <—

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

9 Section 1. Sections 6308 and 6310 of Title 18 of the  
10 Pennsylvania Consolidated Statutes are amended by adding  
11 subsections to read:

12 § 6308. Purchase, consumption, possession or transportation of  
13 liquor or malt or brewed beverages.

14 \* \* \*

1 (e) Exception for compliance checks.--

2 (1) An individual who is under 21 years of age may  
3 attempt to purchase, possess or transport liquor or malt or  
4 brewed beverages if all of the following apply:

5 (i) The individual is at least 18 years of age.

6 (II) THE INDIVIDUAL DOES NOT, IN RESPONSE TO A <—  
7 REQUEST BY A PERSON LICENSED TO SELL LIQUOR OR MALT OR  
8 BREWED BEVERAGES, ORALLY MISREPRESENT THE INDIVIDUAL'S  
9 AGE.

10 ~~(ii)~~ (III) The individual is: <—

11 (A) an officer, employee or intern of the Bureau  
12 of Liquor Control Enforcement of the Pennsylvania  
13 State Police; or

14 (B) a local law enforcement officer certified by  
15 the bureau to conduct compliance checks under this  
16 section.

17 ~~(iii)~~ (IV) The individual has completed training <—  
18 specified by the bureau.

19 ~~(iv)~~ (V) The individual is acting within the scope <—  
20 of prescribed duties.

21 ~~(v)~~ (VI) The individual is acting under the direct <—  
22 control or supervision of a bureau officer or a local law  
23 enforcement officer who is an adult.

24 (2) Under no circumstances may individuals under 21  
25 years of age consume liquor or malt or brewed beverages.

26 (3) A law enforcement agency conducting compliance  
27 checks under this subsection shall promulgate guidelines  
28 prescribing the manner in which compliance checks are to be  
29 performed. Compliance checks under this subsection shall be  
30 conducted in a manner consistent with the guidelines.

Guidelines shall require, at a minimum, all of the following:

(i) Prior to participation in the compliance check, the officer, employee or intern shall undergo training approved by the authorizing agency.

(ii) A person licensed to sell liquor or malt or brewed beverages that is found to be in compliance with this section during a compliance check shall be notified in writing of the compliance check and the determination of compliance.

(4) Failure to comply with guidelines under paragraph ~~(3)~~ (3)(II) shall not be a defense to a violation of this section.

(5) A violation of paragraph (1) or (2) shall not be a defense to a prosecution under this section.

§ 6310. Inducement of minors to buy liquor or malt or brewed beverages.

\* \* \*

(c) Exception for compliance checks.--

(1) An individual who is under 21 years of age may attempt to purchase, possess or transport liquor or malt or brewed beverages if all of the following apply:

(i) The individual is at least 18 years of age.

(II) THE INDIVIDUAL DOES NOT, IN RESPONSE TO A REQUEST BY A PERSON LICENSED TO SELL LIQUOR OR MALT OR BREWED BEVERAGES, ORALLY MISREPRESENT THE INDIVIDUAL'S AGE.

~~(ii)~~ (III) The individual is:

(A) an officer, employee or intern of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police; or

1                   (B) a local law enforcement officer certified by  
2                   the bureau to conduct compliance checks under this  
3                   section.

4                   ~~(iii)~~ (IV) The individual has completed training       <—  
5                   specified by the bureau.

6                   ~~(iv)~~ (V) The individual is acting within the scope       <—  
7                   of prescribed duties.

8                   ~~(v)~~ (VI) The individual is acting under the direct       <—  
9                   control or supervision of a bureau officer or a local law  
10                  enforcement officer who is an adult.

11                  (2) Under no circumstances may individuals under 21  
12                  years of age consume liquor or malt or brewed beverages.

13                  (3) A law enforcement agency conducting compliance  
14                  checks under this subsection shall promulgate guidelines  
15                  prescribing the manner in which compliance checks are to be  
16                  performed. Compliance checks under this subsection shall be  
17                  conducted in a manner consistent with the guidelines.

18                  Guidelines shall require, at a minimum, all of the following:

19                  (i) Prior to participation in the compliance check,  
20                  the officer, employee or intern shall undergo training  
21                  approved by the authorizing agency.

22                  (ii) A person licensed to sell liquor or malt or  
23                  brewed beverages that is found to be in compliance with  
24                  this section during a compliance check shall be notified  
25                  in writing of the compliance check and the determination  
26                  of compliance.

27                  (4) Failure to comply with guidelines under paragraph  
28                  ~~(3)~~ (3)(II) shall not be a defense to a violation of this       <—  
29                  section.

30                  (5) A violation of paragraph (1) or (2) shall not be a

1       defense to a prosecution under this section.

2       SECTION 2.   TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:       <—

3   § 7330.   PROHIBITION OF CERTAIN PRACTICES BY TELEMARKETERS.

4       (A)   OFFENSE DEFINED.--NO TELEMARKETER, AS DEFINED IN SECTION  
5   2 OF THE ACT OF DECEMBER 4, 1996 (P.L.911, NO.147), KNOWN AS THE  
6   TELEMARKETER REGISTRATION ACT, SHALL REFUSE OR OTHERWISE FAIL TO  
7   DISCLOSE THE NAME, CITY, STATE AND TELEPHONE NUMBER OF THE  
8   TELEMARKETER AFTER A RECIPIENT OF A TELEPHONE SOLICITATION BY  
9   THE TELEMARKETER REQUESTS SUCH INFORMATION.

10       (B)   PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A  
11   SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
12   A FINE OF \$250.

13       Section ~~2~~ 3.   This act shall take effect in 60 days.       <—