

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1279 Session of
2003

INTRODUCED BY O'NEILL, BUNT, CORRIGAN, CRUZ, DERMODY, GEIST,
HORSEY, LEACH, McGEEHAN, McILHINNEY, REICHLEY, ROBERTS,
RUFFING, SAINATO AND YOUNGBLOOD, MAY 5, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 15, 2003

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 WINE MARKETING AND for sales on Saint <—
18 Patrick's Day.

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

21 ~~Section 1. Section 406(a) of the act of April 12, 1951~~ <—
22 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
23 ~~June 29, 1987 (P.L.32, No.14), and amended May 31, 1996~~
24 ~~(P.L.312, No.49), February 18, 1998 (P.L.162, No.25), November~~
25 ~~10, 1999 (P.L.514, No.47), December 20, 2000 (P.L.992, No.141)~~

1 ~~and December 9, 2002 (P.L. , No.212), is amended to read:~~

2 SECTION 1. SECTION 215 OF THE ACT OF APRIL 12, 1951 (P.L.90, <—
3 NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29,
4 1987 (P.L.32, NO.14), AND AMENDED OR ADDED DECEMBER 9, 2002
5 (P.L.1653, NO.212) AND JULY 17, 2003 (P.L.63, NO.15), IS AMENDED
6 TO READ:

7 SECTION 215. WINE MARKETING.--[(A) THERE IS HEREBY
8 ESTABLISHED WITHIN THE BOARD THE BUREAU OF WINE WHICH SHALL BE
9 RESPONSIBLE FOR THE PURCHASING AND THE WHOLESALE AND RETAIL
10 MARKETING OF PREMIUM WINES SO AS TO MAKE THESE WINES AVAILABLE
11 TO PENNSYLVANIA CONSUMERS AT COMPETITIVE PRICES AND IN A
12 CONVENIENT ATMOSPHERE.

13 (B) THE MANAGEMENT OF THE BUREAU SHALL BE VESTED IN A
14 DIRECTOR, WHO SHALL BE ASSISTED BY SUCH OTHER PERSONNEL AS THE
15 BOARD DEEMS NECESSARY.

16 (D)

17 (2) THE TERM "WINE," AS USED IN THIS SECTION, SHALL MEAN
18 LIQUOR WHICH IS FERMENTED FROM GRAPES AND OTHER FRUITS, HAVING
19 ALCOHOLIC CONTENT OF TWENTY-FOUR PER CENTUM OR LESS. THE TERM
20 "WINE" SHALL NOT INCLUDE MALT OR BREWED BEVERAGES, NOR SHALL
21 WINE INCLUDE ANY PRODUCTS CONTAINING ALCOHOL DERIVED FROM MALT,
22 GRAIN, CEREAL, MOLASSES OR CACTUS.]

23 (E) THE BOARD IS AUTHORIZED TO PARTICIPATE IN OR SPONSOR
24 WINE EVENTS FOR THE PURPOSE OF EDUCATING CONSUMERS AS TO THE
25 WINES AVAILABLE IN THIS COMMONWEALTH. THE WINE TO BE USED FOR
26 THE EVENT MAY BE ACQUIRED THROUGH THE STATE STORE SYSTEM OR MAY
27 BE DONATED FROM OUTSIDE THIS COMMONWEALTH. PARTICIPATION IN THE
28 TASTINGS MAY BE CONDITIONED ON THE PURCHASE OF A TICKET TO THE
29 EVENT. THE EVENT MAY INCLUDE EVENTS OCCURRING ON PREMISES
30 LICENSED BY THE BOARD, AND THE BOARD MAY SELL WINE FOR OFF-

1 PREMISES CONSUMPTION IN AN AREA DESIGNATED BY THE BOARD FOR SUCH
2 SALE.

3 SECTION 2. SECTION 406(A) OF THE ACT, AMENDED MAY 31, 1996
4 (P.L.312, NO.49), FEBRUARY 18, 1998 (P.L.162, NO.25), NOVEMBER
5 10, 1999 (P.L.514, NO.47), DECEMBER 20, 2000 (P.L.992, NO.141)
6 AND DECEMBER 9, 2002 (P.L.1653, NO.212), IS AMENDED TO READ:

7 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

8 (1) Every hotel, restaurant or club liquor licensee may sell
9 liquor and malt or brewed beverages by the glass, open bottle or
10 other container, and in any mixture, for consumption only in
11 that part of the hotel or restaurant habitually used for the
12 serving of food to guests or patrons, or in a bowling alley that
13 is immediately adjacent to and under the same roof as a
14 restaurant when no minors are present, unless minors who are
15 present are under proper supervision as defined in section 493,
16 in the bowling alley, and in the case of hotels, to guests, and
17 in the case of clubs, to members, in their private rooms in the
18 hotel or club. No club licensee nor its officers, servants,
19 agents or employes, other than one holding a catering license,
20 shall sell any liquor or malt or brewed beverages to any person
21 except a member of the club. In the case of a restaurant located
22 in a hotel which is not operated by the owner of the hotel and
23 which is licensed to sell liquor under this act, liquor and malt
24 or brewed beverages may be sold for consumption in that part of
25 the restaurant habitually used for the serving of meals to
26 patrons and also to guests in private guest rooms in the hotel.
27 For the purpose of this paragraph, any person who is an active
28 member of another club which is chartered by the same state or
29 national organization shall have the same rights and privileges
30 as members of the particular club. For the purpose of this

1 paragraph, any person who is an active member of any volunteer
2 firefighting company, association or group of this Commonwealth,
3 whether incorporated or unincorporated, shall upon the approval
4 of any club composed of volunteer firemen licensed under this
5 act, have the same social rights and privileges as members of
6 such licensed club. For the purposes of this paragraph, the term
7 "active member" shall not include a social member. Any club
8 licensee which is either an incorporated unit of a national
9 veterans' organization or an affiliated organization as defined
10 in section 461.1 shall be permitted to sell liquor or malt or
11 brewed beverages to any active member of another unit which is
12 chartered by the same national veterans' organization or to any
13 member of a nationally chartered auxiliary associated with the
14 same national veterans' organization.

15 (2) Hotel and restaurant liquor licensees, airport
16 restaurant liquor licensees, municipal golf course restaurant
17 liquor licensees and privately-owned public golf course
18 restaurant licensees may sell liquor and malt or brewed
19 beverages only after seven o'clock antemeridian of any day until
20 two o'clock antemeridian of the following day, except Sunday,
21 and except as hereinafter provided, may sell liquor and malt or
22 brewed beverages on Sunday between the hours of twelve o'clock
23 midnight and two o'clock antemeridian.

24 (3) Hotel and restaurant liquor licensees, airport
25 restaurant liquor licensees, municipal golf course restaurant
26 liquor licensees and privately-owned public golf course
27 restaurant licensees whose sales of food and nonalcoholic
28 beverages are equal to thirty per centum or more of the combined
29 gross sales of both food and alcoholic beverages may sell liquor
30 and malt or brewed beverages on Sunday between the hours of

1 eleven o'clock antemeridian and two o'clock antemeridian Monday
2 upon purchase of a special permit from the board at an annual
3 fee as prescribed in section 614-A of the act of April 9, 1929
4 (P.L.177, No.175), known as "The Administrative Code of 1929."

5 (4) Hotel and restaurant liquor licensees, airport
6 restaurant liquor licensees, municipal golf course restaurant
7 liquor licensees and privately-owned public golf course
8 restaurant licensees which do not qualify for and purchase such
9 special permit, their servants, agents or employes may sell
10 liquor and malt or brewed beverages only after seven o'clock
11 antemeridian of any day and until two o'clock antemeridian of
12 the following day, and shall not sell after two o'clock
13 antemeridian on Sunday. No club licensee or its servants, agents
14 or employes may sell liquor or malt or brewed beverages between
15 the hours of three o'clock antemeridian and seven o'clock
16 antemeridian on any day. No public service liquor licensee or
17 its servants, agents, or employes may sell liquor or malt or
18 brewed beverages between the hours of two o'clock antemeridian
19 and seven o'clock antemeridian on any day.

20 (6) Notwithstanding any provisions to the contrary, whenever
21 the thirty-first day of December [or Saint Patrick's Day] falls
22 on a Sunday, every hotel or restaurant liquor licensee, their
23 servants, agents or employes may sell liquor and malt or brewed
24 beverages on any such day after one o'clock postmeridian and
25 until two o'clock antemeridian of the following day.

26 (6.1) Notwithstanding any provisions to the contrary,
27 whenever Saint Patrick's Day falls on a Sunday, every hotel or
28 restaurant liquor licensee, their servants, agents or employes
29 may sell liquor and malt or brewed beverages on any such day
30 after seven o'clock antemeridian and until two o'clock

1 antemeridian of the following day.

2 * * *

3 Section ~~2~~ 3. This act shall take effect immediately.

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