

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 532 Session of
2003

INTRODUCED BY CONTI, LEMMOND, TARTAGLIONE, THOMPSON, DENT,
O'PAKE, ROBBINS, D. WHITE, TOMLINSON AND MADIGAN,
MARCH 25, 2003

REFERRED TO LAW AND JUSTICE, MARCH 25, 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 adding definitions of "proper supervision" and "social
18 gathering"; and further providing for sales by Pennsylvania
19 Liquor Stores and for permitting undesirable persons or
20 minors to frequent premises.

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

23 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
24 No.21), known as the Liquor Code, reenacted and amended June 29,
25 1987 (P.L.32, No.14), is amended by adding definitions to read:

26 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 * * *

4 "Proper supervision" shall mean a person twenty-five years of
5 age or older, who is directly responsible for the care and
6 conduct of a minor or minors while on the licensed premises, and
7 who keeps the minor or minors within his or her sight or
8 hearing. If the licensee, an employe of a licensee or anyone
9 else paid by the licensee is performing as proper supervisor
10 then that person may not perform any other employment-related
11 duties; otherwise proper supervision shall consist of unpaid
12 volunteers.

13 * * *

14 "Social gathering" shall mean events marketed to or catering
15 to minors in whole or in part for which proper notice has been
16 provided to the Bureau of Enforcement and at which time no
17 alcohol is served and all alcohol is removed or secured by lock
18 and key at the licensed premises.

19 * * *

20 Section 2. Section 305(a) and (h) of the act, amended
21 February 21, 2002 (P.L.103, No.10) and December 9, 2002
22 (P.L.1653, No.212), are amended to read:

23 Section 305. Sales by Pennsylvania Liquor Stores.--(a)
24 [Every Pennsylvania Liquor Store shall keep in stock for sale
25 such classes, varieties and brands of liquor and alcohol as the
26 board shall prescribe. Every Pennsylvania Liquor Store shall be
27 authorized to sell combination packages. If any person shall
28 desire to purchase any class, variety or brand of liquor or
29 alcohol which any such store does not have in stock, it shall be
30 the duty of such store immediately to order the same upon the

1 payment of a reasonable deposit by the purchaser in such
2 proportion of the approximate cost of the order as shall be
3 prescribed by the regulations of the board. No purchaser may be
4 required to purchase more than two bottles or containers of the
5 product, provided that such product is available through the
6 State store system.] The board shall in its discretion determine
7 where and what classes, varieties and brands of liquor and
8 alcohol it shall make available to the public and where such
9 liquor and alcohol will be sold. If a person desires to purchase
10 a class, variety or brand of liquor or alcohol not currently
11 available from the board, he or she may place a special order
12 for such item so long as the order is for two or more bottles.
13 The board may require a reasonable deposit from the purchaser as
14 a condition for accepting the order. The customer shall be
15 notified immediately upon the arrival of the goods.

16 In computing the retail price of such special orders for
17 liquor or alcohol, the board shall not include the cost of
18 freight or shipping before applying the mark-up and taxes but
19 shall add the freight or shipping charges to the price after the
20 mark-up and taxes have been applied.

21 Unless the customer pays for and accepts delivery of any such
22 special order within ten days after notice of arrival, the store
23 may place it in stock for general sale and the customer's
24 deposit shall be forfeited.

25 * * *

26 (h) Every Pennsylvania Liquor Store shall sell gift
27 certificates which may be redeemed for liquor. In addition, the
28 board may sell corkscrews, wine accessories, trade publications
29 and wine sleeves at Pennsylvania Liquor Stores.

30 Section 3. Section 493(14) of the act, amended December 9,

1 2002 (P.L. 1653, No. 212), is amended to read:

2 Section 493. Unlawful Acts Relative to Liquor, Malt and
3 Brewed Beverages and Licensees.--The term "licensee," when used
4 in this section, shall mean those persons licensed under the
5 provisions of Article IV, unless the context clearly indicates
6 otherwise.

7 It shall be unlawful--

8 * * *

9 (14) Permitting Undesirable Persons or Minors to Frequent
10 Premises. For any hotel, restaurant or club liquor licensee, or
11 any retail dispenser, his servants, agents or employes, to
12 permit persons of ill repute[,] or prostitutes [or minors] to
13 frequent his licensed premises or any premises operated in
14 connection therewith_[, except minors accompanied by parents,
15 guardians, or under proper supervision or except minors who
16 frequent any restaurant or retail dispensing licensee whose
17 sales of food and non-alcoholic beverages are equal to fifty per
18 centum or more of the combined gross sales of both food and
19 alcoholic beverages on the condition that alcoholic beverages
20 may not be served at the table or booth at which the said minor
21 is seated at the time (unless said minor is under proper
22 supervision as hereinafter defined) and on the further condition
23 that only table service of alcoholic beverages or take-out
24 service of beer shall be permitted in the room wherein the minor
25 is located: Provided, however, That it shall not be unlawful for
26 any hotel, restaurant or club liquor licensee or any retail
27 dispenser to permit minors under proper supervision upon the
28 licensed premises or any premises operated in connection
29 therewith for the purpose of a social gathering, even if such
30 gathering is exclusively for minors: And provided further, That

1 no liquor shall be sold, furnished or given to such minors nor
2 shall the licensee knowingly permit any liquor or malt or brewed
3 beverages to be sold, furnished or given to or be consumed by
4 any minor, and the area of such gathering shall be segregated
5 from the remainder of the licensed premises. In the event the
6 area of such gathering cannot be segregated from the remainder
7 of the licensed premises, all alcoholic beverages must be either
8 removed from the licensed premises or placed under lock and key
9 during the time the gathering is taking place. Written notice,
10 at least forty-eight (48) hours in advance of such gathering,
11 shall be given to the enforcement bureau. Any licensee violating
12 the provisions of this clause shall be subject to the provisions
13 of section 471. Nothing in this clause shall be construed to
14 make it unlawful for minors to frequent public venues or
15 performing arts facilities.

16 "Proper supervision," as used in this clause, means the
17 presence, on that portion of the licensed premises where a minor
18 or minors are present, of one person twenty-five years of age or
19 older for every five minors or part thereof who is directly
20 responsible for the care and conduct of such minor or minors
21 while on the licensed premises and in such proximity that the
22 minor or minors are constantly within his sight or hearing. The
23 presence of the licensee or any employe or security officer of
24 the licensee shall not constitute proper supervision.] Minors
25 may only frequent licensed premises if; (a) they are
26 accompanied by a parent; (b) they are accompanied by a legal
27 guardian; (c) they are under proper supervision; (d) they are
28 attending a social gathering; or (e) the hotel, restaurant or
29 retail dispenser licensee has gross sales of food and
30 nonalcoholic beverages equal to fifty per centum or more of its

1 combined gross sale of both food and alcoholic beverages. If a
2 minor is frequenting a hotel, restaurant or retail dispenser
3 licensee under subsection (e), then the minor may not sit at the
4 bar section of the premises, nor may any alcoholic beverages be
5 served at the table or booth at which the said minor is seated,
6 unless said minor is with a parent, legal guardian or under
7 proper supervision. Further, if a hotel, restaurant, club liquor
8 licensee or retail dispenser is hosting a social gathering under
9 subsection (d) then written notice at least forty-eight hours in
10 advance of such gathering shall be given to the Bureau of
11 Enforcement. If a minor is frequenting licensed premises with
12 proper supervision under subsection (c), each supervisor can
13 supervise up to twenty minors unless the minors are on the
14 premises as part of a school-endorsed function; if the minors
15 are part of a school-endorsed function, then each supervisor can
16 supervise fifty minors. Nothing in this clause shall be
17 construed to make it unlawful for minors to frequent public
18 venues or performing arts facilities.

19 Section 4. This act shall take effect immediately.