

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1233 Session of
2004

INTRODUCED BY CONTI, LOGAN, ERICKSON, TARTAGLIONE, LEMMOND,
COSTA, WONDERLING, MUSTO, RAFFERTY, PILEGGI, STACK AND FERLO,
SEPTEMBER 29, 2004

REFERRED TO LAW AND JUSTICE, SEPTEMBER 29, 2004

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 general powers of the Pennsylvania
18 Liquor Control Board, for sales by Pennsylvania Liquor Stores
19 and for unlawful acts relative to liquor, malt and brewed
20 beverages.

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

23 Section 1. Section 207(a) of the act of April 12, 1951
24 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
25 June 29, 1987 (P.L.32, No.14) and amended December 30, 2003
26 (P.L.423, No.59), is amended to read:

1 Section 207. General Powers of Board.--Under this act, the
2 board shall have the power and its duty shall be:

3 (a) To buy, import or have in its possession for sale and
4 sell liquor, alcohol, corkscrews, wine and liquor accessories,
5 trade publications, gift cards, gift certificates and wine
6 glasses in the manner set forth in this act: Provided, however,
7 That all purchases shall be made subject to the approval of the
8 State Treasurer, or his designated deputy. The board shall buy
9 liquor and alcohol at the lowest price and in the greatest
10 variety reasonably obtainable.

11 * * *

12 Section 2. Section 305(h) of the act, amended May 8, 2003
13 (P.L.1, No.1) and July 17, 2003 (P.L.63, No.15), is amended to
14 read:

15 Section 305. Sales by Pennsylvania Liquor Stores.--* * *

16 (h) Every Pennsylvania Liquor Store shall sell gift
17 certificates and gift cards which may be redeemed for [liquor]
18 any product sold by the board. In addition, the board may sell
19 corkscrews, wine and liquor accessories, trade publications and
20 wine sleeves at Pennsylvania Liquor Stores.

21 Section 3. Section 493(24) of the act is amended to read:

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

27 It shall be unlawful--

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
9 licensee, manufacturer or other person to offer or give to trade
10 or consumer buyers any prize, premium, gift or other inducement
11 to purchase liquor or malt or brewed beverages, except
12 advertising novelties of nominal value which the board shall
13 define. This section shall not prevent any manufacturer or any
14 agent of a manufacturer from offering [only on licensed
15 premises] and honoring coupons which offer monetary rebates on
16 purchases of wines and spirits through State Liquor Stores [and
17 purchases of malt or brewed beverages] in accordance with
18 conditions or regulations established by the board. [Further, no
19 manufacturer or any agent of a manufacturer shall honor any
20 coupons without proof of purchase in the form of a sales slip or
21 receipt attached to the coupons.] The board may redeem coupons
22 offered by a manufacturer or an agent of a manufacturer at the
23 time of purchase. Coupons offered by a manufacturer or an agent
24 of a manufacturer shall not be redeemed without proof of
25 purchase. This section shall not apply to the return of any
26 monies specifically deposited for the return of the original
27 container to the owners thereof.

28 * * *

29 Section 4. This act shall take effect immediately.