

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 597 Session of
2005INTRODUCED BY CONTI, TOMLINSON, LEMMOND, O'PAKE, ERICKSON,
PIPPY, WAUGH, LAVALLE, KASUNIC AND C. WILLIAMS, APRIL 1, 2005

SENATOR RAFFERTY, LAW AND JUSTICE, AS AMENDED, JUNE 30, 2006

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 SALES BY PENNSYLVANIA LIQUOR STORES AND <—
18 FOR moneys paid into The State Stores Fund for use of the
19 Commonwealth.

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

22 ~~Section 1. Section 802 of the act of April 12, 1951 (P.L.90, <—~~
23 ~~No.21), known as the Liquor Code, reenacted and amended June 29,~~
24 ~~1987 (P.L.32, No.14), is amended by adding subsections to read:~~

25 SECTION 1. SECTION 305(A) OF THE ACT OF APRIL 12, 1951 <—
26 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED

1 JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED MAY 8, 2003 (P.L.1,
2 NO.1), IS AMENDED TO READ:

3 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--(A) THE
4 BOARD SHALL IN ITS DISCRETION DETERMINE WHERE AND WHAT CLASSES,
5 VARIETIES AND BRANDS OF LIQUOR AND ALCOHOL IT SHALL MAKE
6 AVAILABLE TO THE PUBLIC AND WHERE SUCH LIQUOR AND ALCOHOL WILL
7 BE SOLD. EVERY PENNSYLVANIA LIQUOR STORE SHALL BE AUTHORIZED TO
8 SELL COMBINATION PACKAGES. IF A PERSON DESIRES TO PURCHASE A
9 CLASS, VARIETY OR BRAND OF LIQUOR OR ALCOHOL NOT CURRENTLY
10 AVAILABLE FROM THE BOARD, HE OR SHE MAY PLACE A SPECIAL ORDER
11 FOR SUCH ITEM SO LONG AS THE ORDER IS FOR TWO OR MORE BOTTLES.
12 THE BOARD MAY REQUIRE A REASONABLE DEPOSIT FROM THE PURCHASER AS
13 A CONDITION FOR ACCEPTING THE ORDER. THE CUSTOMER SHALL BE
14 NOTIFIED IMMEDIATELY UPON THE ARRIVAL OF THE GOODS.

15 IN COMPUTING THE RETAIL PRICE OF SUCH SPECIAL ORDERS FOR
16 LIQUOR OR ALCOHOL, THE BOARD SHALL NOT INCLUDE THE COST OF
17 FREIGHT OR SHIPPING BEFORE APPLYING [THE MARK-UP AND] TAXES BUT
18 SHALL ADD THE FREIGHT OR SHIPPING CHARGES TO THE PRICE AFTER THE
19 [MARK-UP AND] TAXES HAVE BEEN APPLIED. IN COMPUTING THE RETAIL
20 PRICE OF SUCH SPECIAL ORDERS FOR LIQUOR OR ALCOHOL, THE BOARD
21 SHALL NOT APPLY A MARK-UP.

22 UNLESS THE CUSTOMER PAYS FOR AND ACCEPTS DELIVERY OF ANY SUCH
23 SPECIAL ORDER WITHIN TEN DAYS AFTER NOTICE OF ARRIVAL, THE STORE
24 MAY PLACE IT IN STOCK FOR GENERAL SALE AND THE CUSTOMER'S
25 DEPOSIT SHALL BE FORFEITED.

26 * * *

27 SECTION 2. SECTION 802 OF THE ACT IS AMENDED BY ADDING
28 SUBSECTIONS TO READ:

29 Section 802. Moneys Paid Into The State Stores Fund for Use
30 of the Commonwealth.--* * *

1 (h) The sum of five million dollars (\$5,000,000) shall be
2 transferred annually from The State Stores Fund in accordance
3 with subsection (f) to the Department of Community and Economic
4 Development to fund agencies that serve as regional marketing
5 organizations for tourism.

6 (i) The sum of ~~one million dollars (\$1,000,000)~~ FIFTEEN <—
7 MILLION DOLLARS (\$15,000,000) shall be transferred annually from
8 The State Stores Fund in accordance with subsection (f) to the
9 Pennsylvania Council on the Arts.

10 Section 2 3. This act shall take effect immediately. <—