

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 848 Session of  
2005

INTRODUCED BY ORIE, COSTA, ERICKSON, FONTANA, RHOADES, LEMMOND,  
WOZNIAK, PIPPY AND STACK, SEPTEMBER 8, 2005

REFERRED TO LAW AND JUSTICE, SEPTEMBER 8, 2005

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 liquor licensees and for  
18 restrictions.

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

21 Section 1. Sections 406(a) and 491 of the act of April 12,  
22 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and  
23 amended June 29, 1987 (P.L.32, No.14), are amended by adding  
24 paragraphs to read:

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

1 \* \* \*

2 (6.2) No licensee shall make or cause to be made a home  
3 delivery of liquor, any alcoholic beverage or any other product  
4 with alcoholic content, purchased online, over the Internet, by  
5 telephone order or by mail order, without first ascertaining or  
6 making provision to ascertain that the person receiving the  
7 delivery is an adult. Proof of age of the recipient by way of a  
8 currently valid photographic identification card, including, but  
9 not limited to, a current Pennsylvania driver's license, or a  
10 United States passport, shall be required before the licensee or  
11 his authorized delivery agent may complete a home delivery.

12 \* \* \*

13 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
14 Liquor Licensees.--

15 It shall be unlawful--

16 \* \* \*

17 (12.1) Delivery of Liquor. For a liquor licensee permitted  
18 to deliver liquor, or for any other governmental or commercial  
19 mail or package delivery service, to make or cause to be made a  
20 home delivery of liquor, any alcoholic beverage or any other  
21 product with alcoholic content, purchased online, over the  
22 Internet, by telephone order or by mail order, without first  
23 ascertaining or making provision to ascertain that the person  
24 accepting receipt of the delivery is an adult. Proof of age of  
25 the recipient by way of a currently valid photographic  
26 identification card, including, but not limited to, a current  
27 Pennsylvania driver's license or a United States passport, shall  
28 be required before the licensee, his authorized delivery agent  
29 or the agent of a governmental or commercial mail or package  
30 delivery service may complete a home delivery.

1       \* \* \*

2       Section 2.   This act shall take effect in 60 days.