

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 74 Session of 2009

INTRODUCED BY REED, BARRAR, BEYER, BRENNAN, BROOKS, CARROLL, CAUSER, CLYMER, DONATUCCI, FAIRCHILD, GIBBONS, GRELL, GROVE, HALUSKA, HARKINS, HENNESSEY, LONGIETTI, MELIO, MILLER, MOUL, MUSTIO, PAYNE, PICKETT, PYLE, REICHLEY, ROAE, ROHRER, SCAVELLO, SIPTROTH, SONNEY, SWANGER, TURZAI, VULAKOVICH AND FLECK, JANUARY 27, 2009

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 27, 2009

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; and further providing for sales by
18 Pennsylvania Liquor Stores, for sales by liquor licensees and
19 restrictions, for distributors' and importing distributors'
20 restrictions and for unlawful acts relative to liquor, malt
21 and brewed beverages and licensees.

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

24 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
25 No.21), known as the Liquor Code, reenacted and amended June 29,

1 1987 (P.L.32, No.14), is amended by adding definitions to read:

2 Section 102. Definitions.--The following words or phrases,
3 unless the context clearly indicates otherwise, shall have the
4 meanings ascribed to them in this section:

5 * * *

6 "Gift card" shall have the meaning given to it in section
7 1301.1 of the act of April 9, 1929 (P.L.343, No.176), known as
8 "The Fiscal Code."

9 "Gift certificate" shall have the meaning given to it in
10 section 1301.1 of the act of April 9, 1929 (P.L.343, No.176),
11 known as "The Fiscal Code."

12 * * *

13 Section 2. Section 305 of the act is amended by adding a
14 subsection to read:

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

16 (j) No Pennsylvania Liquor Store shall accept payment from a
17 purchaser of liquor, alcohol, a gift certificate or a gift card
18 which is in the form of an electronic benefits card issued to
19 convey public assistance benefits administered by the Department
20 of Public Welfare or a debit card issued to convey support
21 payment moneys.

22 Section 3. Section 406(a) of the act is amended by adding a
23 paragraph to read:

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

25 * * *

26 (7) No licensee to which this section applies shall accept
27 payment from a purchaser of liquor, alcohol, a gift certificate
28 or a gift card which is in the form of an electronic benefits
29 card issued to convey public assistance benefits administered by
30 the Department of Public Welfare or a debit card issued to

1 convey support payment moneys.

2 * * *

3 Section 4. Section 441 of the act is amended by adding a
4 subsection to read:

5 Section 441. Distributors' and Importing Distributors'
6 Restrictions on Sales, Storage, Etc.--* * *

7 (h) No distributor or importing distributor shall accept
8 payment from a purchaser of liquor, alcohol, a gift certificate
9 or a gift card which is in the form of an electronic benefits
10 card issued to convey public assistance benefits administered by
11 the Department of Public Welfare or a debit card issued to
12 convey support payment moneys.

13 Section 5. Section 493(2) and (15) of the act, amended July
14 6, 2005 (P.L.135, No.39), are amended to read:

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

20 It shall be unlawful--

21 * * *

22 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages
23 on Credit; Importing Distributors or Distributors Accepting
24 Cash. For any licensee, his agent, servant or employe, to sell
25 or offer to sell or purchase or receive any liquor or malt or
26 brewed beverages except for cash, excepting credit extended by a
27 hotel or club to a bona fide guest or member, or by railroad or
28 pullman companies in dining, club or buffet cars to passengers,
29 for consumption while enroute, holding authorized credit cards
30 issued by railroad or railroad credit bureaus or by hotel,

1 restaurant, retail dispenser eating place, club and public
2 service licensees, importing distributors or distributors to
3 customers not possessing a license under this article and
4 holding credit cards issued in accordance with regulations of
5 the board or credit cards issued by banking institutions subject
6 to State or Federal regulation[:], except that no licensee, his
7 agent, servant or employe shall accept from a purchaser of
8 liquor, alcohol, a gift certificate or a gift card which is in
9 the form of an electronic benefits card issued to convey public
10 assistance benefits administered by the Department of Public
11 Welfare or a debit card issued to convey support payment moneys:
12 Provided further, That nothing herein contained shall be
13 construed to prohibit the use of checks or drafts drawn on a
14 bank, banking institution, trust company or similar depository,
15 organized and existing under the laws of the United States of
16 America or the laws of any state, territory or possession
17 thereof, in payment for any liquor or malt or brewed beverages
18 if the purchaser is the payor of the check or draft and the
19 licensee is the payee: Provided further, That notwithstanding
20 any other provision of this act to the contrary, it shall be
21 unlawful for an importing distributor or distributor to accept
22 cash for payment of any malt or brewed beverages from anyone
23 possessing a license issued under this article, except it shall
24 be permissible for the importing distributor or distributor to
25 accept money orders or cashiers' checks for payment of any malt
26 or brewed beverages in addition to any other type of payment
27 authorized by the board from anyone possessing a license under
28 this article. No right of action shall exist to collect any
29 claim for credit extended contrary to the provisions of this
30 clause. Nothing herein contained shall prohibit a licensee from

1 crediting to a purchaser the actual price charged for original
2 containers returned by the original purchaser as a credit on any
3 sale, or from refunding to any purchaser the amount paid by such
4 purchaser for such containers or as a deposit on containers when
5 title is retained by the vendor, if such original containers
6 have been returned to the licensee. Nothing herein contained
7 shall prohibit a manufacturer from extending usual and customary
8 credit for liquor or malt or brewed beverages sold to customers
9 or purchasers who live or maintain places of business outside of
10 the Commonwealth of Pennsylvania, when the liquor or malt or
11 brewed beverages so sold are actually transported and delivered
12 to points outside of the Commonwealth: Provided, however, That
13 as to all transactions affecting malt or brewed beverages to be
14 resold or consumed within this Commonwealth, every licensee
15 shall pay and shall require cash deposits on all returnable
16 original containers and all such cash deposits shall be refunded
17 upon return of the original containers.

18 * * *

19 (15) Cashing Pay Roll, Public Assistance, Unemployment
20 Compensation or Any Other Relief Checks. For any licensee or his
21 servants, agents or employees to cash pay roll checks or to cash,
22 receive, handle or negotiate in any way [Public Assistance,
23 Unemployment Compensation] public assistance, unemployment
24 compensation or any other relief checks[.] or to accept payment
25 from a purchaser of liquor, alcohol, a gift certificate or a
26 gift card which is in the form of an electronic benefits card
27 issued to convey public assistance benefits administered by the
28 Department of Public Welfare or a debit card issued to convey
29 support payment moneys.

30 * * *

1 Section 6. This act shall take effect in 60 days.