

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 148 Session of  
2011

INTRODUCED BY PAYNE, GEIST, KORTZ, MUSTIO, READSHAW, SONNEY,  
SWANGER AND WAGNER, JANUARY 21, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 21, 2011

## 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 definitions, for sales by liquor  
18 licensees and restrictions and for unlawful acts relative to  
19 liquor, malt and brewed beverages and licensees.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 102 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 definitions to read:

25 Section 102. Definitions.--The following words or phrases,  
26 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 \* \* \*

3 "Catered event" shall mean the furnishing of prepared foods  
4 in conjunction with alcoholic beverages for the accommodation of  
5 a group of people who made arrangements for the event at least  
6 forty-eight hours in advance and is paid for and sponsored by a  
7 third party.

8 \* \* \*

9 "Happy hour" shall mean the period of time during which a  
10 licensee discounts alcoholic beverages.

11 \* \* \*

12 Section 2. Section 406(a)(1) of the act, amended July 6,  
13 2005 (P.L.135, No.39), is amended and the section is amended by  
14 adding subsections to read:

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

16 (1) Every hotel, restaurant or club liquor licensee may sell  
17 liquor and malt or brewed beverages by the glass, open bottle or  
18 other container, and in any mixture, for consumption only in  
19 that part of the hotel or restaurant habitually used for the  
20 serving of food to guests or patrons, or, in the case of a  
21 restaurant, hotel or eating place licensee, at a catered event  
22 off the licensed premises, or in a bowling alley that is  
23 immediately adjacent to and under the same roof as a restaurant,  
24 and in the case of hotels, to guests, and in the case of clubs,  
25 to members, in their private rooms in the hotel or club. No club  
26 licensee nor its officers, servants, agents or employes, other  
27 than one holding a catering license, shall sell any liquor or  
28 malt or brewed beverages to any person except a member of the  
29 club. The holder of a restaurant license located in a hotel may  
30 sell liquor or malt or brewed beverages for consumption in that

1 part of the restaurant habitually used for the serving of meals  
2 to patrons and also to guests in private guest rooms in the  
3 hotel. For the purpose of this paragraph, any person who is an  
4 active member of another club which is chartered by the same  
5 state or national organization shall have the same rights and  
6 privileges as members of the particular club. For the purpose of  
7 this paragraph, any person who is an active member of any  
8 volunteer firefighting company, association or group of this  
9 Commonwealth, whether incorporated or unincorporated, shall upon  
10 the approval of any club composed of volunteer firemen licensed  
11 under this act, have the same social rights and privileges as  
12 members of such licensed club. For the purposes of this  
13 paragraph, the term "active member" shall not include a social  
14 member. Any club licensee which is either an incorporated unit  
15 of a national veterans' organization or an affiliated  
16 organization as defined in section 461.1 shall be permitted to  
17 sell liquor or malt or brewed beverages to any active member of  
18 another unit which is chartered by the same national veterans'  
19 organization or to any member of a nationally chartered  
20 auxiliary associated with the same national veterans'  
21 organization.

22 \* \* \*

23 (f) The holder of a hotel license or a restaurant license  
24 may sell up to three bottles of wine for consumption off the  
25 licensed premises so long as the bottles of wine remain sealed.  
26 For purposes of this subsection, "wine" shall have the meaning  
27 given to it under section 488(i).

28 (g) The holder of a hotel license, eating place license or a  
29 restaurant license may use that license to hold a catered event  
30 off the licensed premises and on otherwise unlicensed premises

1 where the licensee may sell wine, liquor and malt or brewed  
2 beverages by the glass, open bottle or other container, and in  
3 any mixture, for consumption on those premises solely used for  
4 catering purposes so long as the liquor and malt or brewed  
5 beverages were purchased in conjunction with a meal which will  
6 be consumed on the catered premises. There shall be no  
7 limitation on the number of off-premises catered events a  
8 licensee may hold at any given time. At no time may an off-  
9 premises catering permittee agree to hold a catered event that  
10 includes the sale of alcohol at a location within a dry  
11 municipality. In addition, the off-premises catering permittee  
12 shall give the local police department or the Pennsylvania State  
13 Police, if there is no local police department, written notice  
14 at least forty-eight hours prior to each off-premises catered  
15 event. Written notice shall consist of notifying the police of  
16 the date, time and place of the impending sale of alcoholic  
17 beverages.

18 (h) The holder of a hotel license or a restaurant license or  
19 an eating place license may have up to fourteen hours per week  
20 during which the holder discounts the price of alcoholic  
21 beverages. The licensee may use as many of the fourteen hours  
22 per business day as the licensee chooses so long as the hours do  
23 not exceed fourteen hours in any given week and so long as no  
24 discounts are given between the hours of midnight and the legal  
25 closing time.

26 Section 3. Section 493(10) of the act, amended December 20,  
27 2000 (P.L.992, No.141), is amended and the section is amended by  
28 adding a paragraph to read:

29 Section 493. Unlawful Acts Relative to Liquor, Malt and  
30 Brewed Beverages and Licensees.--The term "licensee," when used

1 in this section, shall mean those persons licensed under the  
2 provisions of Article IV, unless the context clearly indicates  
3 otherwise.

4 It shall be unlawful--

5 \* \* \*

6 (10) Entertainment on Licensed Premises (Except Clubs);  
7 Permits; Fees. For any licensee, his servants, agents or  
8 employes, except club licensees, public venue licensees or  
9 performing arts facility licensees, to permit in any licensed  
10 premises or in any place operated in connection therewith,  
11 dancing, theatricals or floor shows of any sort, or moving  
12 pictures other than television, or such as are exhibited through  
13 machines operated by patrons by the deposit of coins, which  
14 project pictures on a screen not exceeding in size twenty-four  
15 by thirty inches and which forms part of the machine, unless the  
16 licensee shall first have obtained from the board a special  
17 permit to provide such entertainment, or for any licensee, under  
18 any circumstances, to permit in any licensed premises or in any  
19 place operated in connection therewith any lewd, immoral or  
20 improper entertainment, regardless of whether a permit to  
21 provide entertainment has been obtained or not. The special  
22 permit may be used only during the hours when the sale of liquor  
23 or malt or brewed beverages is permitted, unless the licensee  
24 holds an extended hours food license under section 499(b) which  
25 license would allow the special permit to be used while the  
26 establishment is open, and between eleven o'clock antemeridian  
27 on Sunday and two o'clock antemeridian on the following Monday,  
28 regardless of whether the licensee possesses a Sunday sales  
29 permit. The board shall have power to provide for the issue of  
30 such special permits, and to collect an annual fee for such

1 permits as prescribed in section 614-A of the act of April 9,  
2 1929 (P.L.177, No.175), known as "The Administrative Code of  
3 1929." All such fees shall be paid into the State Stores Fund.  
4 No such permit shall be issued in any municipality which, by  
5 ordinance, prohibits amusements in licensed places. Any  
6 violation of this clause shall, in addition to the penalty  
7 herein provided, subject the licensee to suspension or  
8 revocation of his permit and his license.

9 \* \* \*

10 (33) Off-premises Catering Permit; Fees. For any licensee,  
11 his servants, agents or employes to cater an event that includes  
12 the sale and service of alcoholic beverages at a location other  
13 than the licensed premises, unless the licensee shall first have  
14 obtained from the board a special permit to provide such  
15 catering services. Only those licensees currently holding a  
16 valid restaurant, hotel or eating place license that has been  
17 certified under the board's responsible alcohol management  
18 program as required by section 471.1 shall be allowed to apply  
19 for such a permit. The board shall have the power to provide for  
20 the issue of such special permits to qualified licensees and to  
21 collect an annual fee for such permits as prescribed in section  
22 614-A of "The Administrative Code of 1929." All such fees shall  
23 be paid into the State Stores Fund. Any violation of this act  
24 shall subject the licensee to suspension or revocation of his  
25 permit and preclude him from applying for a future off-premises  
26 catering permit.

27 Section 4. This act shall take effect in 60 days.