
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1747 Session of
2013

INTRODUCED BY KILLION, MUSTIO, LUCAS, MILLARD, CALTAGIRONE,
DeLUCA, COHEN, HEFFLEY, SANKEY, GRELL, KORTZ, MURT AND
GINGRICH, OCTOBER 11, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 11, 2013

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

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

22 Section 1. Sections 406(f)(13) and 493(33) of the act of
23 April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
24 reenacted and amended June 29, 1987 (P.L.32, No.14) and amended
25 July 5, 2012 (P.L.1007, No.116), are amended to read:

26 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

1 (f) The holder of a hotel or restaurant liquor license may
2 obtain an off-premises catering permit subject to section
3 493(33) to hold a catered function off the licensed premises and
4 on otherwise unlicensed premises where the licensee may sell
5 wine, liquor and malt or brewed beverages by the glass, open
6 bottle or other container, and in any mixture together with
7 food, for consumption on those premises. Functions conducted
8 under the authority of the permit shall be subject to the
9 following:

10 * * *

11 (13) no catered function may be held for more than five
12 hours per day and must end by midnight unless the catered
13 function occurs on December 31 of any calender year on which
14 date the catered function must end by two o'clock antemeridian;

15 * * *

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

21 It shall be unlawful--

22 * * *

23 (33) Off-premises Catering Permit; Fees. For any licensee,
24 his servants, agents or employes to sell alcohol at a location
25 other than its licensed premises, unless the sale is
26 specifically authorized under this act, or unless the licensee
27 receives a special permit from the board to do so. Only those
28 licensees holding a current and valid restaurant, hotel, brew
29 pub or eating place license shall be allowed to apply for such a
30 permit. Any licensee that wishes to obtain an off-premises

1 catering permit must notify the board and pay the permitting fee
2 by March of each calendar year regardless of whether the
3 licensee has scheduled catered events. Any licensee that fails
4 to notify the board and pay the permit fee by March 1 [shall]
5 may be precluded from obtaining the permit for that calendar
6 year. The board shall have the discretion to allow the issuance
7 of the permit after the March deadline so long as the applicant
8 is a licensee in good standing with the board and complies with
9 all other requirements for the off-premises catering permit. A
10 licensee applying for the permit after the March deadline shall
11 pay the board a late fee of five hundred dollars (\$500) in
12 addition to the permit fee allowed by this act. If a licensee
13 notifies the board and pays the permitting fee by March 1 and
14 does not then use the permit throughout the calendar year, the
15 licensee shall not be entitled to a return of the permitting
16 fee. Any licensee not granted a license until after March 1 of
17 the calendar year shall have sixty days from the date of the
18 license transfer to notify the board of the licensee's intention
19 to use an off-premises catering permit and pay the permitting
20 fee. All servers at the off-premises catered function shall be
21 certified under the board's responsible alcohol management
22 program as required under section 471.1. The board may charge a
23 fee of five hundred dollars (\$500) each calendar year, to each
24 applicant for the initial permit associated with a particular
25 license, but no further fee shall be charged for any subsequent
26 permits issued to the applicant for the license during the same
27 calendar year. The applicant shall submit written notice to the
28 board [thirty] fourteen days prior to each catered event, unless
29 this time frame has been waived by the board, and the board may
30 approve or disapprove each event if the applicant fails to

1 provide timely notice of the catered function, does not intend
2 to conduct a function that meets the requirements of this act or
3 has previously conducted a function that did not meet the
4 requirements of this act. The fees shall be paid into the State
5 Stores Fund. Any violation of this act or the board's
6 regulations for governing activity occurring under the authority
7 of this permit may be the basis for the issuance of a citation
8 under section 471, the nonrenewal of the license under section
9 470 or the refusal by the board to issue subsequent permits or
10 honor subsequent dates on the existing permit. This penalty
11 shall be in addition to any other remedies available to the
12 enforcement bureau or the board.

13 * * *

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