

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1439 Session of 2015

INTRODUCED BY CALTAGIRONE, McNEILL AND COHEN, JULY 6, 2015

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JULY 6, 2015

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," in  
 17 Pennsylvania Liquor Control Board, providing for persons not  
 18 to purchase liquor or alcohol database.

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

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

24 Section 218. Persons Not to Purchase Liquor or Alcohol  
 25 Database.--(a) The board shall establish a database of persons  
 26 who may not purchase liquor or alcohol at Pennsylvania Liquor

1 Stores. The names and addresses of the following persons shall  
2 be placed in the database:

3 (1) Persons identified in a Department of Transportation  
4 registry of habitual offenders of 75 Pa.C.S. § 3802 (relating to  
5 driving under influence of alcohol or controlled substance) or  
6 30 Pa.C.S. § 5502 (relating to operating watercraft under  
7 influence of alcohol or controlled substance).

8 (2) Persons identified in the list of self-excluded persons  
9 as provided under subsection (b).

10 (b) The board shall provide by regulation for the  
11 establishment of a list of persons self-excluded from purchasing  
12 liquor or alcohol at Pennsylvania Liquor Stores. The regulations  
13 shall provide the following:

14 (1) Any person may request placement on the list of self-  
15 excluded persons by acknowledging in a manner to be established  
16 by the board that the person is a problem drinker and by  
17 agreeing that, during any period of voluntary exclusion, the  
18 person may not purchase liquor or alcohol at a Pennsylvania  
19 Liquor Store.

20 (2) Procedures for placements on and removals from the list  
21 of self-excluded persons.

22 (3) Procedures for the transmittal to Pennsylvania Liquor  
23 Stores of identifying information concerning self-excluded  
24 persons.

25 (c) In order for a person to purchase liquor or alcohol from  
26 a Pennsylvania Liquor Store, the person must present a form of  
27 identification acceptable to the board. At the time of  
28 presentation the clerk or other employe of the Pennsylvania  
29 Liquor Store shall compare the person's name to the information  
30 contained in the database. If the person's name is contained in

1 the database, the clerk or other employe may not complete the  
2 sale of the liquor or alcohol to the person and shall comply  
3 with the applicable regulations of the board.

4 (d) Notwithstanding any other law to the contrary, the  
5 board's database of persons who may not purchase liquor or  
6 alcohol at Pennsylvania Liquor Stores and list of self-excluded  
7 persons shall not be open to public inspection.

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