

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1359 Session of
2015

INTRODUCED BY KILLION, BARTOLOTTA, DINNIMAN, EICHELBERGER,
GORDNER, RAFFERTY, SCHWANK, VANCE AND WHITE,
SEPTEMBER 6, 2016

REFERRED TO LAW AND JUSTICE, SEPTEMBER 6, 2016

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 licenses and regulations relating to liquor, alcohol and malt
18 and brewed beverages, providing for wine enhanced permits.

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 417. Wine Enhanced Permits.--(a) The board shall
25 issue a wine enhanced permit to a person holding and possessing

1 a valid distributor or importing distributor license.

2 (b) No wine enhanced permit may be issued to a licensee
3 whose underlying license is subject to a pending objection by
4 the Director of the Bureau of Licensing or the board under
5 section 470(a.1), until the matter is decided. Notwithstanding
6 any other provision of law, a holder of a wine enhanced permit
7 may continue to operate under the permit if its underlying
8 license is objected to by the Director of the Bureau of
9 Licensing or the board under section 470(a.1), until the matter
10 is decided.

11 (c) The application and renewal fee for a wine enhanced
12 permit shall be as follows:

13 (1) An initial application fee of two thousand dollars
14 (\$2,000).

15 (2) An annual renewal fee equal to two per centum of the
16 cost of wine purchased from the board for off-premises
17 consumption.

18 (d) Nothing in this section may affect the ability of an
19 existing licensee to operate within the scope of its current
20 license as authorized by this act, except that no sales of wine
21 for consumption off the premises may take place by a wine
22 enhanced permit holder after eleven o'clock postmeridian of any
23 day until eight o'clock antemeridian of the next day.

24 (e) If the board has approved the operation of another
25 business that has an inside passage or communication to or with
26 the licensed premises, the sale and purchase of wine shall be
27 confined strictly to the premises, in a specifically designated
28 area covered by the license. The purchase of goods obtained from
29 the unlicensed area of the premises shall be permitted in the
30 licensed area. Notwithstanding this paragraph, a distributor or

importing distributor with a valid wine enhanced permit may sell wine at a location not covered by the distributor's or importing distributor's license as approved by the board.

(f) A wine enhanced permit holder shall utilize a transaction scan device to verify the age of an individual who appears to be under thirty-five years of age before making a sale of wine. A wine enhanced permit holder may not sell or share data from the use of a transaction scan device, provided that the licensee may use the data to show the enforcement bureau of the board that the licensee is in compliance with this act. As used in this paragraph, the term "transaction scan device" means a device capable of deciphering, in an electronically readable format, the information encoded on the magnetic strip or bar code of an identification card under section 495(a).

(g) A wine enhanced permit holder must be in compliance with the responsible alcohol management provisions under section 471.1.

(h) A wine enhanced permit holder may sell for off-premises consumption, in a single transaction, up to three thousand (3,000) milliliters of wine.

(i) A wine enhanced permit holder selling wine for consumption off the premises shall be required to obtain a sales tax permit from the Department of Revenue.

(j) A wine enhanced permit holder selling wine for consumption off the premises shall be considered a Pennsylvania liquor store for purposes of collecting and remitting the taxes under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

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