

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1033 Session of
2017

INTRODUCED BY ELLIS, JAMES, MUSTIO, WHEELAND, MILLARD, PICKETT
AND GROVE, MARCH 30, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 30, 2017

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 and liquor, alcohol and malt and
18 brewed beverages, providing for wine or spirits enhanced
19 permits.

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

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

24 Section 417. Wine or Spirits Enhanced Permits.--(a) (1)
25 The board shall issue a wine or spirits enhanced permit to a
26 person holding and possessing a valid distributor or importing

1 distributor license. Nothing in this section shall be construed
2 to prohibit a person possessing a valid distributor or importing
3 distributor license from acquiring both a wine enhanced permit
4 and a spirits enhanced permit.

5 (2) Nothing in this section may affect the ability of an
6 existing licensee to operate within the scope of its current
7 license as authorized by this act, except that no sales of wine
8 or spirits may take place by an enhanced permit holder after
9 eleven o'clock postmeridian of any day until eight o'clock
10 antemeridian of the next day.

11 (3) No wine or spirits enhanced permit may be issued to a
12 license holder whose underlying license is subject to a pending
13 objection by the director of the Bureau of Licensing or the
14 board under section 470(a.1), until the matter is decided.
15 Notwithstanding any other provision of law, a holder of a wine
16 or spirits enhanced permit may continue to operate under the
17 permit if its underlying license is objected to by the director
18 of the Bureau of Licensing or the board under section 470(a.1),
19 until the matter is decided.

20 (4) A wine or spirits enhanced permit holder must be in
21 compliance with the responsible alcohol management provisions
22 under section 471.1.

23 (5) A wine or spirits enhanced permit holder shall utilize a
24 transaction scan device to verify the age of an individual who
25 appears to be under thirty-five years of age before making a
26 sale of spirits. A wine or spirits enhanced permit holder may
27 not sell or share data from the use of a transaction scan
28 device, provided that the licensee may use the data to show the
29 enforcement bureau of the board that the licensee is in
30 compliance with this act. As used in this paragraph, the term

1 "transaction scan device" means a device capable of deciphering,
2 in an electronically readable format, the information encoded on
3 the magnetic strip or bar code of an identification card under
4 section 495(a).

5 (b) The initial application fee and renewal fees shall be as
6 follows:

7 (1) The initial application fee for a wine enhanced permit
8 issued to a licensee shall be five thousand dollars (\$5,000).

9 (2) The annual renewal fee for a wine enhanced permit shall
10 be equal to two per centum of the costs of wine purchased from
11 the board.

12 (3) The initial application fee for a spirits enhanced
13 permit issued to a licensee shall be five thousand dollars
14 (\$5,000).

15 (4) The annual renewal fee for a spirits enhanced permit
16 shall be equal to two per centum of the costs of wine purchased
17 from the board.

18 (c) A wine or spirits enhanced permit holder may sell
19 unlimited quantities of wine or spirits.

20 (d) All fees paid to the board under this section shall be
21 deposited into the General Fund.

22 (e) A wine or spirits enhanced permit holder selling wine or
23 spirits shall be considered a Pennsylvania Liquor Store for
24 purposes of collecting and remitting the taxes under Article II
25 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
26 Reform Code of 1971.

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