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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1157 Session of  
2017

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INTRODUCED BY CEPHAS, KINSEY, BULLOCK, McCLINTON, SOLOMON AND  
FITZGERALD, APRIL 12, 2017

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 12, 2017

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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, further providing for issuance, transfer or  
19 extension of hotel, restaurant and club liquor licenses.

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

22 Section 1. Section 404 of the act of April 12, 1951 (P.L.90,  
23 No.21), known as the Liquor Code, is amended by adding a  
24 subsection to read:

25 Section 404. Issuance, Transfer or Extension of Hotel,  
26 Restaurant and Club Liquor Licenses.--\* \* \*

1     (c) In a city of the first class, the board may only grant a  
2 renewal, transfer or extension of a restaurant and eating place  
3 license if the licensee's gross receipts from the sale of food  
4 cooked or prepared and consumed on the licensed premises and  
5 nonalcoholic beverages served on the licensed premises amount to  
6 at least forty-five per centum (45%) of the total gross receipts  
7 from the sale of food, nonalcoholic beverages and alcoholic  
8 beverages at the licensed premises. For the purpose of this  
9 subsection, gross receipts shall be calculated on the basis of  
10 the price that the licensee paid for the food, nonalcoholic  
11 beverages and alcoholic beverages and not the price which the  
12 licensee sells the food, nonalcoholic beverages and alcoholic  
13 beverages to customers.

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