

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1897 Session of
2017

INTRODUCED BY STAATS, DIAMOND, MILLARD, LAWRENCE, A. HARRIS,
SAYLOR, WARD, PHILLIPS-HILL, MASSER, GILLESPIE, IRVIN,
QUIGLEY, HENNESSEY, O'NEILL, WATSON, TOEPEL, EVERETT, ELLIS,
PICKETT, GODSHALL, GROVE, KAUFFMAN, CORR AND BARRAR,
NOVEMBER 2, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, NOVEMBER 2, 2017

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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 preliminary provisions, further providing for definitions;
18 and, in licenses and regulations and liquor, alcohol and malt
19 and brewed beverages, further providing for authority to
20 issue liquor licenses to hotels, restaurants and clubs, for
21 sale of malt or brewed beverages by liquor licensees, for
22 retail dispensers' restrictions on purchases and sales and
23 for premises to be vacated by patrons.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. The definition of "retail dispenser" in section
27 102 of the act of April 12, 1951 (P.L.90, No.21), known as the

1 Liquor Code, is amended to read:

2 Section 102. Definitions.--The following words or phrases,
3 unless the context clearly indicates otherwise, shall have the
4 meanings ascribed to them in this section:

5 * * *

6 "Retail dispenser" shall mean any person licensed to engage
7 in the retail sale of malt or brewed beverages for consumption
8 on the premises of such licensee, with the privilege of selling
9 malt or brewed beverages [in quantities not in excess of one
10 hundred ninety-two fluid ounces in a single sale to one person],
11 to be carried from the premises by the purchaser thereof.

12 * * *

13 Section 2. Sections 401(a), 407(a), 442(a)(1) and 499(a.1)
14 (1) of the act are amended to read:

15 Section 401. Authority to Issue Liquor Licenses to Hotels,
16 Restaurants and Clubs.--(a) Subject to the provisions of this
17 act and regulations promulgated under this act, the board shall
18 have authority to issue a retail liquor license for any premises
19 kept or operated by a hotel, restaurant or club and specified in
20 the license entitling the hotel, restaurant or club to purchase
21 liquor from a Pennsylvania Liquor Store and to keep on the
22 premises such liquor and, subject to the provisions of this act
23 and the regulations made thereunder, to sell the same and also
24 malt or brewed beverages to guests, patrons or members for
25 consumption on the hotel, restaurant or club premises. Such
26 licensees, other than clubs, shall be permitted to sell malt or
27 brewed beverages for consumption off the premises where sold in
28 quantities [of not more than one hundred ninety-two fluid ounces
29 in a single sale to one person] as provided for in section 407.
30 Such licenses shall be known as hotel liquor licenses,

1 restaurant liquor licenses and club liquor licenses,
2 respectively. No person who holds any public office that
3 involves the duty to enforce any of the penal laws of the United
4 States, this Commonwealth or of any political subdivision of
5 this Commonwealth may have any interest in a hotel or restaurant
6 liquor license. This prohibition applies to anyone with arrest
7 authority, including, but not limited to, United States
8 attorneys, State attorneys general, district attorneys, sheriffs
9 and police officers. This prohibition shall also apply to
10 magisterial district judges, judges or any other individuals who
11 can impose a criminal sentence. This prohibition does not apply
12 to members of the General Assembly, township supervisors, city
13 councilpersons, mayors without arrest authority and any other
14 public official who does not have the ability to arrest or the
15 ability to impose a criminal sentence. This section does not
16 apply if the proposed premises are located outside the
17 jurisdiction of the individual in question.

18 * * *

19 Section 407. Sale of Malt or Brewed Beverages by Liquor
20 Licensees.--(a) Every liquor license issued to a hotel,
21 restaurant, club, or a railroad, pullman or steamship company
22 under this subdivision (A) for the sale of liquor shall
23 authorize the licensee to sell malt or brewed beverages at the
24 same places but subject to the same restrictions and penalties
25 as apply to sales of liquor, except that licensees other than
26 clubs may sell malt or brewed beverages for consumption off the
27 premises [where sold in quantities of not more than one hundred
28 ninety-two fluid ounces in a single sale to one person]. A
29 licensee may make individual sales of more than one hundred
30 ninety-two fluid ounces for consumption off the premises. No

1 licensee may make a sale containing an original container
2 holding more than one hundred ninety-two fluid ounces. In
3 addition, no licensee may sell malt or brewed beverages for
4 consumption off the premises at a cost lower than the price at
5 which it was acquired by the licensee. The sales may be made in
6 either open or closed containers, Provided, however, That a
7 municipality may adopt an ordinance restricting open containers
8 in public places. No licensee under this subdivision (A) shall
9 at the same time be the holder of any other class of license,
10 except a retail dispenser's license authorizing the sale of malt
11 or brewed beverages only.

12 * * *

13 Section 442. Retail Dispensers' Restrictions on Purchases
14 and Sales.--(a) (1) No retail dispenser shall purchase or
15 receive any malt or brewed beverages except in original
16 containers as prepared for the market by the manufacturer at the
17 place of manufacture. The retail dispenser may thereafter break
18 the bulk upon the licensed premises and sell or dispense the
19 same for consumption on or off the premises so licensed. [No] A
20 retail dispenser may sell malt or brewed beverages for
21 consumption off the premises in quantities [in excess of one
22 hundred ninety-two fluid ounces] as provided in section 407.
23 Sales may be made in open or closed containers, Provided,
24 however, That a municipality may adopt an ordinance restricting
25 open containers in public places. No club licensee may sell any
26 malt or brewed beverages for consumption off the premises where
27 sold or to persons not members of the club.

28 * * *

29 Section 499. Premises to be Vacated by Patrons.--* * *

30 (a.1) Subsection (a) shall not apply to sales of malt and

1 brewed beverages for consumption off the premises when the
2 following conditions are met:

3 [(1) no licensee may sell malt or brewed beverages in excess
4 of one hundred ninety-two fluid ounces in any one sale for
5 consumption off the premises;]

6 * * *

7 Section 3. This act shall take effect in 30 days.