

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 763 Session of 2019

INTRODUCED BY O'NEAL, PYLE, ROTHMAN, IRVIN, BERNSTINE, MULLERY AND HILL-EVANS, MARCH 8, 2019

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 8, 2019

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 licenses and regulations and liquor, alcohol and malt and
18 brewed beverages, further providing for authority to issue
19 liquor licenses to hotels, restaurants and clubs, FOR SALES <--
20 BY LIQUOR LICENSEES AND RESTRICTIONS, for sale of malt or
21 brewed beverages by liquor licensees, for retail dispensers' <--
22 restrictions on purchases and sales, FOR UNLAWFUL ACTS
23 RELATIVE TO MALT OR BREWED BEVERAGES AND LICENSEES and for
24 premises to be vacated by patrons.

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

27 ~~Section 1. Sections 401(a), 407(a), 442(a)(1) and 499(a.1)~~ <--
28 ~~(4) of the act of April 12, 1951 (P.L.90, No.21), known as the~~

1 ~~Liquor Code, are amended to read:~~

2 SECTION 1. SECTIONS 401(A), 406(A)(4), 407(A), 442(A)(1), <--  
3 492(7) AND 499(A.1)(4) OF THE ACT OF APRIL 12, 1951 (P.L.90,  
4 NO.21), KNOWN AS THE LIQUOR CODE, ARE AMENDED TO READ:

5 Section 401. Authority to Issue Liquor Licenses to Hotels,  
6 Restaurants and Clubs.--(a) Subject to the provisions of this  
7 act and regulations promulgated under this act, the board shall  
8 have authority to issue a retail liquor license for any premises  
9 kept or operated by a hotel, restaurant or club and specified in  
10 the license entitling the hotel, restaurant or club to purchase  
11 liquor from a Pennsylvania Liquor Store and to keep on the  
12 premises such liquor and, subject to the provisions of this act  
13 and the regulations made thereunder, to sell the same and also  
14 malt or brewed beverages to guests, patrons or members for  
15 consumption on the hotel, restaurant or club premises. Such  
16 licensees[, other than clubs,] shall be permitted to sell malt  
17 or brewed beverages for consumption off the premises where sold  
18 in quantities of not more than one hundred ninety-two fluid  
19 ounces in a single sale to one person as provided for in section  
20 407. Such licenses shall be known as hotel liquor licenses,  
21 restaurant liquor licenses and club liquor licenses,  
22 respectively. No person who holds any public office that  
23 involves the duty to enforce any of the penal laws of the United  
24 States, this Commonwealth or of any political subdivision of  
25 this Commonwealth may have any interest in a hotel or restaurant  
26 liquor license. This prohibition applies to anyone with arrest  
27 authority, including, but not limited to, United States  
28 attorneys, State attorneys general, district attorneys, sheriffs  
29 and police officers. This prohibition shall also apply to  
30 magisterial district judges, judges or any other individuals who

1 can impose a criminal sentence. This prohibition does not apply  
2 to members of the General Assembly, township supervisors, city  
3 councilpersons, mayors without arrest authority and any other  
4 public official who does not have the ability to arrest or the  
5 ability to impose a criminal sentence. This section does not  
6 apply if the proposed premises are located outside the  
7 jurisdiction of the individual in question.

8 \* \* \*

9 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.-- (A) <--

10 \* \* \*

11 (4) (I) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL  
12 GOLF COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED  
13 PUBLIC GOLF COURSE RESTAURANT LICENSEES WHICH DO NOT QUALIFY FOR  
14 AND PURCHASE SUCH SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR  
15 EMPLOYES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ONLY AFTER  
16 SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK  
17 ANTEMERIDIAN OF THE FOLLOWING DAY, AND SHALL NOT SELL AFTER TWO  
18 O'CLOCK ANTEMERIDIAN ON SUNDAY. NO CLUB LICENSEE OR ITS  
19 SERVANTS, AGENTS OR EMPLOYES MAY SELL LIQUOR OR MALT OR BREWED  
20 BEVERAGES BETWEEN THE HOURS OF THREE O'CLOCK ANTEMERIDIAN AND  
21 SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY. NO PUBLIC SERVICE LIQUOR  
22 LICENSEE OR ITS SERVANTS, AGENTS, OR EMPLOYES MAY SELL LIQUOR OR  
23 MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF TWO O'CLOCK  
24 ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

25 (II) NO CLUB LICENSEE OR ITS SERVANTS, AGENTS OR EMPLOYES  
26 MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES FOR OFF-PREMISES  
27 CONSUMPTION BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN AND  
28 SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

29 \* \* \*

30 Section 407. Sale of Malt or Brewed Beverages by Liquor

1 Licensees.--(a) Every liquor license issued to a hotel,  
2 restaurant, club, or a railroad, pullman or steamship company  
3 under this subdivision (A) for the sale of liquor shall  
4 authorize the licensee to sell malt or brewed beverages at the  
5 same places but subject to the same restrictions and penalties  
6 as apply to sales of liquor, except that licensees [other than  
7 clubs] may sell malt or brewed beverages for consumption off the  
8 premises where sold in quantities of not more than one hundred  
9 ninety-two fluid ounces in a single sale to one person. The  
10 sales may be made in either open or closed containers, Provided,  
11 however, That a municipality may adopt an ordinance restricting  
12 open containers in public places. No licensee under this  
13 subdivision (A) shall at the same time be the holder of any  
14 other class of license, except a retail dispenser's license  
15 authorizing the sale of malt or brewed beverages only.

16 \* \* \*

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

1 members of the club.

2 \* \* \*

3 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED

<--

4 BEVERAGES AND LICENSEES.--

5 IT SHALL BE UNLAWFUL--

6 \* \* \*

7 (7) (I) CLUBS SELLING BETWEEN THREE O'CLOCK ANTEMERIDIAN  
8 AND SEVEN O'CLOCK ANTEMERIDIAN. FOR ANY CLUB RETAIL DISPENSER,  
9 OR ITS SERVANTS, AGENTS OR EMPLOYES, TO SELL MALT OR BREWED  
10 BEVERAGES BETWEEN THE HOURS OF THREE O'CLOCK ANTEMERIDIAN AND  
11 SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

12 (II) CLUBS SELLING MALT OR BREWED BEVERAGES FOR OFF-PREMISES  
13 CONSUMPTION BETWEEN TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK  
14 ANTEMERIDIAN. FOR ANY CLUB RETAIL DISPENSER OR ITS SERVANTS,  
15 AGENTS OR EMPLOYES, TO SELL MALT OR BREWED BEVERAGES FOR OFF-  
16 PREMISES CONSUMPTION BETWEEN THE HOURS OF TWO O'CLOCK  
17 ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

18 \* \* \*

19 Section 499. Premises to be Vacated by Patrons.--\* \* \*

20 (a.1) Subsection (a) shall not apply to sales of malt and  
21 brewed beverages for consumption off the premises when the  
22 following conditions are met:

23 \* \* \*

24 (4) no club licensee may sell any malt or brewed beverage  
25 for consumption off the premises [where sold or] to any persons  
26 who are not members of the club.

27 \* \* \*

28 Section 2. This act shall take effect in 30 days.