

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 947 Session of 2019

INTRODUCED BY SCHWEYER, FREEMAN, OTTEN, HILL-EVANS, SCHLOSSBERG, MADDEN, KULIK, DEASY, RAVENSTAHL AND MALAGARI, MARCH 25, 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, liquor, alcohol and malt and brewed
18 beverages, further providing for hours of operation relative
19 to manufacturers, importing distributors and distributors;
20 and, in distilleries, wineries, bonded warehouses, bailees
21 for hire and transporters for hire, further providing for
22 distilleries.

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

25 Section 1. Sections 492.1(a) and ~~(e)~~ and 505.4(b)(1) and (5) <--
26 and (c) of the act of April 12, 1951 (P.L.90, No.21), known as
27 the Liquor Code, are amended to read:

1 Section 492.1. Hours of Operation Relative to Manufacturers,
2 Importing Distributors and Distributors.--(a) (1)
3 Manufacturers may sell or deliver malt or brewed beverages
4 between two o'clock antemeridian of any Monday and twelve
5 o'clock midnight of the following Saturday.

6 (2) Notwithstanding any other provision of law,
7 manufacturers may sell malt and brewed beverages and alcohol
8 subject to section 446(a)(2) for on-premises consumption between
9 the hours of nine o'clock antemeridian and twelve o'clock
10 antemeridian Monday through Saturday and Sunday between the
11 hours of nine o'clock antemeridian and eleven o'clock
12 postmeridian.

13 * * *

14 ~~(c) (1) In addition to the hours authorized under~~ <--
15 ~~subsections (a) and (b), [manufacturers,] importing distributors~~
16 ~~and distributors, upon purchasing a permit from the board at an~~
17 ~~annual fee of one hundred dollars (\$100), may sell malt or~~
18 ~~brewed beverages to persons not licensed under this act or to a~~
19 ~~holder of a special occasion permit on Sunday between the hours~~
20 ~~of nine o'clock antemeridian and nine o'clock postmeridian.~~

21 ~~(2) Manufacturers may sell malt or brewed beverages to~~
22 ~~holders of a special occasion permit between the hours of nine~~
23 ~~o'clock antemeridian and nine o'clock postmeridian.~~

24 * * *

25 Section 505.4. Distilleries.--* * *

26 (b) (1) The board may issue a limited distillery license
27 that will allow the holder thereof to operate a distillery that
28 shall not exceed production of one hundred thousand (100,000)
29 gallons of distilled liquor per year. The holder of the license
30 may manufacture and sell bottled liquors produced on the

1 licensed premises to the board, to entities licensed by the
2 board and to the public between the hours of nine o'clock
3 antemeridian and [eleven o'clock postmeridian] twelve o'clock
4 antemeridian Monday through Saturday and Sunday between the
5 hours of nine o'clock antemeridian through eleven o'clock
6 postmeridian so long as a specific code of distilled liquor
7 which is listed for sale as a stock item by the board in State
8 liquor stores may not be offered for sale at a licensed limited
9 distillery location at a price which is lower than that charged
10 by the board and under such conditions and regulations as the
11 board may enforce. The holder of a limited distillery license
12 may not sell a product or a substantially similar product which
13 is listed for sale as a stock item by the board in State Liquor
14 Stores to a licensee at a price which is lower than that charged
15 by the board and under such conditions and regulations as the
16 board may enforce. The holder of a limited distillery license
17 may also sell wine and alcoholic cider produced by a licensed
18 limited winery, liquor produced by a licensed distillery or
19 limited distillery and malt or brewed beverages produced by a
20 licensed brewery for on-premises consumption. The combined sales
21 of wine, malt or brewed beverages and liquor produced by another
22 licensed distillery or limited distillery may not, on a yearly
23 basis, exceed fifty per centum of the on-premises sales of the
24 limited distillery's own sales of liquor for the preceding
25 calendar year: however, if a limited distillery did not operate
26 for an entire calendar year during the preceding year, then its
27 combined sales of wine, malt or brewed beverages and liquor
28 produced by another licensed distillery or limited distillery
29 may not, on a yearly basis, exceed fifty per centum of the on-
30 premises sales of the limited distillery's own liquor for that

1 year.

2 * * *

3 (5) The holder of a limited distillery license may provide
4 tasting samples of liquor that in total do not exceed one and
5 one-half (1.5) fluid ounces per person on the licensed premises
6 and at the two (2) board-approved locations. Samples may be sold
7 or provided free of charge and may only be provided between the
8 hours of nine o'clock antemeridian and [eleven o'clock
9 postmeridian] twelve o'clock antemeridian Monday through
10 Saturday and Sunday between the hours of nine o'clock
11 antemeridian through eleven o'clock postmeridian.

12 * * *

13 (c) (1) The holder of a distillery license as issued under
14 section 505 may sell bottled liquors produced on the licensed
15 premises to the board, to entities licensed by the board and to
16 the public between the hours of nine o'clock antemeridian and
17 [eleven o'clock postmeridian] twelve o'clock antemeridian Monday
18 through Saturday and Sunday between the hours of nine o'clock
19 antemeridian through eleven o'clock postmeridian so long as a
20 specific code of distilled liquor which is listed for sale as a
21 stock item by the board in State liquor stores may not be
22 offered for sale at a licensed distillery location at a price
23 which is lower than that charged by the board and under such
24 conditions and regulations as the board may enforce. The holder
25 of a distillery license may not sell a product or a
26 substantially similar product which is listed for sale as a
27 stock item by the board in State Liquor Stores to a licensee at
28 a price which is lower than that charged by the board and under
29 such conditions and regulations as the board may enforce. The
30 holder of a distillery license may also sell its liquor, wine

1 and alcoholic cider produced by a licensed limited winery,
2 liquor produced by a licensed distillery or limited distillery
3 and malt or brewed beverages produced by a licensed brewery for
4 on-premises consumption. The combined sales of wine, malt or
5 brewed beverages and liquor produced by another licensed
6 distillery or limited distillery may not, on a yearly basis,
7 exceed fifty per centum of the on-premises sales of the
8 distillery's own sales of liquor for the preceding calendar
9 year: however, if a distillery did not operate for an entire
10 calendar year during the preceding year, then its combined sales
11 of wine, malt or brewed beverages and liquor produced by another
12 licensed distillery or limited distillery may not, on a yearly
13 basis, exceed fifty per centum of the on-premises sales of the
14 distillery's own liquor for that year.

15 (2) The holder of a distillery license as issued under
16 section 505 may provide tasting samples of liquor that in total
17 do not exceed one and one-half (1.5) fluid ounces. Samples may
18 be sold or provided free of charge between the hours of nine
19 o'clock antemeridian and [eleven o'clock postmeridian] twelve
20 o'clock antemeridian Monday through Saturday and Sunday between
21 the hours of nine o'clock antemeridian through eleven o'clock
22 postmeridian.

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