
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1644 Session of
2019

INTRODUCED BY DOWLING, BERNSTINE, GROVE, MIHALEK, WARNER,
ROTHMAN, MOUL, SANKEY, TOPPER, KAIL AND REESE, JUNE 18, 2019

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 18, 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, providing for customer convenience permit.

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

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

23 Section 417. Customer Convenience Permit.--(a) The board
24 shall issue a customer convenience permit to a person holding
25 and possessing a valid restaurant license upon application.

26 (b) Every applicant for a customer convenience permit shall

1 file a written application with the board in the form and
2 containing the information as the board shall from time to time
3 prescribe. The application at a minimum shall contain the
4 following:

5 (1) a description of any proposed alterations to the
6 licensed premises or any additional construction plans to be
7 undertaken after the approval by the board of the permit;

8 (2) proposed locations for which additional product will be
9 placed outside the licensed premises, if the board has approved
10 the operation of another business which has an inside passage or
11 communication to or with the licensed premises; and

12 (3) the location of additional registers to be utilized for
13 a point-of-sale off the licensed premises at an approved
14 business with an inside passage or communication with the
15 licensed premises.

16 (c) In addition to any other fees provided for under this
17 act, an applicant shall pay an initial application fee in the
18 amount of twenty-five thousand dollars (\$25,000).

19 (d) A customer convenience permit is subject to a renewal
20 fee of twenty-five thousand dollars (\$25,000) payable at the
21 time the renewal application or validation application is filed.

22 (e) A customer convenience permit entitles the holder to the
23 following privileges:

24 (1) Tables and chairs to accommodate thirty (30) persons as
25 required under section 102 is not a condition of licensing or
26 renewal of a restaurant license.

27 (2) The purchase of malt or brewed beverages or wine, if the
28 licensee also holds a wine expanded permit, for off-premises
29 consumption may occur at a point of sale other than a point of
30 sale located on the licensed premises, if:

1 (i) The board has approved the operation of another business
2 which has an inside passage or communication to or with the
3 licensed premises.

4 (ii) The sale is made through a register which is staffed by
5 a sales clerk who is at least eighteen (18) years of age and has
6 been trained under section 471.1 and which utilizes a
7 transaction scan device for the sale.

8 (iii) The purchase of malt or brewed beverages or wine does
9 not occur at a point of sale where the customer scans the
10 customer's own purchases.

11 (3) Require that any purchases be made for off-premise
12 consumption only and opt out of permitting customers from
13 consuming purchases on the licensed premises.

14 (4) Individual sales of more than one hundred ninety-two
15 (192) fluid ounces of malt or brewed beverages for consumption
16 off the premises, so long as any sale does not include original
17 containers holding more than one hundred ninety-two (192) fluid
18 ounces.

19 (5) The holder of a wine expanded permit and customer
20 convenience permit may make individual sales of more than three
21 thousand (3,000) milliliters of wine.

22 (6) Malt or brewed beverages and wine, if the licensee holds
23 a wine expanded permit, may be displayed on shelving units and
24 systems and in or on refrigerated cases and equipment, within
25 the discretion of the licensee at preapproved areas off the
26 licensed premises, if the board has approved the operation of
27 another business which has an inside passage or communication to
28 or with the licensed premises. Any displays off the licensed
29 premises shall not be designed to attract minors and the manner
30 and method of display must allow for access by all customers,

1 including people who are physically handicapped. All product
2 displayed in those preapproved areas off the licensed premises
3 must be able to be locked if the operating hours for the
4 operation of another business are longer than the legally
5 permitted time to sell malt or brewed beverages under section
6 406 or 415, if the licensee also holds a wine expanded permit.

7 (7) Educational classes, including cooking classes, how-to
8 classes and seminars regarding the proper or recommended use,
9 consumption, identification, pairing, appellation, aging,
10 storage, characteristics, service and presentation of the
11 alcohol products a licensee offers for sale, during which
12 classes the incidental consumption of alcohol by registered
13 participants of lawful age shall be permitted. The class may be
14 free of charge to participants or may be offered at fee.

15 (f) Nothing in this section shall affect the ability of an
16 existing licensee to operate within the scope of its current
17 license as authorized by this act.

18 (g) All fees paid to the board under this section shall be
19 deposited into the General Fund.

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