

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

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 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 sale of
 20 malt or brewed beverages by liquor licensees, for retail
 21 dispensers' restrictions on purchases and sales and for
 22 premises to be vacated by patrons.

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

25 Section 1. Sections 401(a), 407(a), 442(a)(1) and 499(a.1)
 26 (4) of the act of April 12, 1951 (P.L.90, No.21), known as the
 27 Liquor Code, are amended to read:

28 Section 401. Authority to Issue Liquor Licenses to Hotels,

1 Restaurants and Clubs.--(a) Subject to the provisions of this
2 act and regulations promulgated under this act, the board shall
3 have authority to issue a retail liquor license for any premises
4 kept or operated by a hotel, restaurant or club and specified in
5 the license entitling the hotel, restaurant or club to purchase
6 liquor from a Pennsylvania Liquor Store and to keep on the
7 premises such liquor and, subject to the provisions of this act
8 and the regulations made thereunder, to sell the same and also
9 malt or brewed beverages to guests, patrons or members for
10 consumption on the hotel, restaurant or club premises. Such
11 licensees[, other than clubs,] shall be permitted to sell malt
12 or brewed beverages for consumption off the premises where sold
13 in quantities of not more than one hundred ninety-two fluid
14 ounces in a single sale to one person as provided for in section
15 407. Such licenses shall be known as hotel liquor licenses,
16 restaurant liquor licenses and club liquor licenses,
17 respectively. No person who holds any public office that
18 involves the duty to enforce any of the penal laws of the United
19 States, this Commonwealth or of any political subdivision of
20 this Commonwealth may have any interest in a hotel or restaurant
21 liquor license. This prohibition applies to anyone with arrest
22 authority, including, but not limited to, United States
23 attorneys, State attorneys general, district attorneys, sheriffs
24 and police officers. This prohibition shall also apply to
25 magisterial district judges, judges or any other individuals who
26 can impose a criminal sentence. This prohibition does not apply
27 to members of the General Assembly, township supervisors, city
28 councilpersons, mayors without arrest authority and any other
29 public official who does not have the ability to arrest or the
30 ability to impose a criminal sentence. This section does not

1 apply if the proposed premises are located outside the
2 jurisdiction of the individual in question.

3 * * *

4 Section 407. Sale of Malt or Brewed Beverages by Liquor
5 Licensees.--(a) Every liquor license issued to a hotel,
6 restaurant, club, or a railroad, pullman or steamship company
7 under this subdivision (A) for the sale of liquor shall
8 authorize the licensee to sell malt or brewed beverages at the
9 same places but subject to the same restrictions and penalties
10 as apply to sales of liquor, except that licensees [other than
11 clubs] may sell malt or brewed beverages for consumption off the
12 premises where sold in quantities of not more than one hundred
13 ninety-two fluid ounces in a single sale to one person. The
14 sales may be made in either open or closed containers, Provided,
15 however, That a municipality may adopt an ordinance restricting
16 open containers in public places. No licensee under this
17 subdivision (A) shall at the same time be the holder of any
18 other class of license, except a retail dispenser's license
19 authorizing the sale of malt or brewed beverages only.

20 * * *

21 Section 442. Retail Dispensers' Restrictions on Purchases
22 and Sales.--(a) (1) No retail dispenser shall purchase or
23 receive any malt or brewed beverages except in original
24 containers as prepared for the market by the manufacturer at the
25 place of manufacture. The retail dispenser may thereafter break
26 the bulk upon the licensed premises and sell or dispense the
27 same for consumption on or off the premises so licensed. No
28 retail dispenser may sell malt or brewed beverages for
29 consumption off the premises in quantities in excess of one
30 hundred ninety-two fluid ounces. Sales may be made in open or

1 closed containers, Provided, however, That a municipality may
2 adopt an ordinance restricting open containers in public places.
3 No club licensee may sell any malt or brewed beverages for
4 consumption off the premises [where sold or] to persons not
5 members of the club.

6 * * *

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

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

11 * * *

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

15 * * *

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