
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1176 Session of
2020

INTRODUCED BY J. WARD, MARTIN, PHILLIPS-HILL, MENSCH, DiSANTO
AND YAW, MAY 28, 2020

REFERRED TO LAW AND JUSTICE, MAY 28, 2020

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 sale of malt or
19 brewed beverages by liquor licensees, for wine expanded
20 permits and for retail dispensers' restrictions on purchases
21 and sales.

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

24 Section 1. Section 407(a) of the act of April 12, 1951
25 (P.L.90, No.21), known as the Liquor Code, is amended to read:

26 Section 407. Sale of Malt or Brewed Beverages by Liquor
27 Licensees.--(a) (1) Every liquor license issued to a hotel,

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

15 (2) Sales of malt or brewed beverages shall occur on
16 licensed premises, unless otherwise permitted in this act. A
17 licensee may use a register that is not located on the licensed
18 portion of the premises but is located within the same building
19 as the licensed premises for the sale of malt or brewed
20 beverages for off-premises consumption. The register shall
21 comply with section 415(a) (8) and (9). A register used for the
22 sale of malt or brewed beverages for off-premises consumption
23 may be used for the sale of liquid fuels or oils.

24 * * *

25 Section 2. Section 415(a) (4), (7), (8) and (9) of the act
26 are amended and the section is amended by adding a subsection to
27 read:

28 Section 415. Wine Expanded Permits.--(a) * * *

29 (4) If the board has approved the operation of another
30 business which has an inside passage or communication to or with

1 the licensed premises, the display, sale, storage and purchase
2 of wine and malt and brewed beverages shall be [confined
3 strictly to the premises, in a specifically designated area
4 covered by the license.] permitted in any area of the business
5 which is connected to the licensed premises by an interior
6 connection or connections approved by the board. A licensed or
7 unlicensed area or areas that are located within the same
8 building as the licensed premises and operated or controlled by
9 the same licensee, his officers, servants, agents or employees
10 are not required to be contiguous to any other licensed or
11 unlicensed area. The purchase of goods obtained from the
12 unlicensed area of the premises shall be permitted in the
13 licensed area.

14 * * *

15 (7) A wine expanded permit holder may store wine in a
16 licensed noncontiguous area that is not accessible to the public
17 and is:

18 (i) locked at all times when not being accessed by the
19 licensees' employees;

20 (ii) not accessible to employees under eighteen years of
21 age; and

22 (iii) identified by dimensions and locations on forms
23 submitted to the board.

24 (8) [A] Unless presented with a valid armed forces of the
25 United States identification card, a wine expanded permit holder
26 shall utilize a transaction scan device to verify the age of an
27 individual who appears to be under thirty-five years of age
28 [before making a sale of wine] at the point of sale or the point
29 of delivery of wine. A wine expanded permit holder may not sell
30 or share data from the use of a transaction scan device,

1 provided that the licensee may use the data to show the
2 enforcement bureau of the board that the licensee is in
3 compliance with this act. As used in this paragraph, the term
4 "transaction scan device" means a device capable of deciphering,
5 in an electronically readable format, the information encoded on
6 the magnetic strip or bar code of an identification card under
7 section 495(a).

8 (9) A sale of wine by a wine expanded permit holder shall be
9 made through a register[, which malt or brewed beverages and
10 restaurant foods sales are made on the licensed premises, which
11 is well designated with signage, which is staffed at all times
12 when patrons are on the licensed premises, which is staffed]
13 located on the licensed premises, which is well designated with
14 signage. The actual sale shall be conducted by a sales clerk who
15 is at least eighteen years of age [and], has been trained under
16 section 471.1 and [which] utilizes a transaction scan device for
17 the sale[.] as provided under paragraph (8). A sales clerk who
18 is under eighteen years of age may operate a register if the
19 sales clerk is presented with wine or malt or brewed beverages
20 to be purchased by a customer and obtains the assistance of an
21 employee who is at least eighteen years of age and the sale
22 otherwise conforms to the requirements under this section. The
23 sale of wine may not occur at a point of sale where the customer
24 scans the customer's own purchases. A wine expanded permit
25 holder may use a register that is not located on the licensed
26 portion of the premises but is located within the same building
27 as the licensed premises so long as the sale otherwise conforms
28 to the requirements provided under this subsection. A register
29 used for the sale of wine may be used for the sale of liquid
30 fuels or oils.

1 * * *

2 (h) A wine expanded permit holder that sells a wine product
3 for off-premises consumption shall be exempt from section
4 406(g).

5 Section 3. Section 442(a)(1) of the act is amended to read:

6 Section 442. Retail Dispensers' Restrictions on Purchases

7 and Sales.--(a) (1) (i) No retail dispenser shall purchase or
8 receive any malt or brewed beverages except in original

9 containers as prepared for the market by the manufacturer at the
10 place of manufacture. The retail dispenser may thereafter break

11 the bulk upon the licensed premises and sell or dispense the
12 same for consumption on or off the premises so licensed. No

13 retail dispenser may sell malt or brewed beverages for

14 consumption off the premises in quantities in excess of one

15 hundred ninety-two fluid ounces. Sales may be made in open or

16 closed containers, Provided, however, That a municipality may

17 adopt an ordinance restricting open containers in public places.

18 No club licensee may sell any malt or brewed beverages for

19 consumption off the premises where sold or to persons not

20 members of the club.

21 (ii) Sales of malt or brewed beverages shall occur on

22 licensed premises, unless otherwise permitted in this act. A

23 licensee may use a register that is not located on the licensed

24 portion of the premises but is located within the same building

25 as the licensed premises for the sale of malt or brewed

26 beverages for off-premises consumption. The register shall

27 comply with section 415(a)(8) and (9). A register used for the

28 sale of malt or brewed beverages for off-premises consumption

29 may be used for the sale of liquid fuels or oils.

30 * * *

1 Section 4. This act shall take effect in 60 days.