
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 287 Session of
2021

INTRODUCED BY O'NEAL, PYLE, ROTHMAN, DAVANZO, HILL-EVANS,
McNEILL, JAMES, WARNER, MOUL, SANKEY AND ROWE,
JANUARY 27, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 27, 2021

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) and 406(a)(4) of the act of April
28 12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended

1 to read:

2 Section 401. Authority to Issue Liquor Licenses to Hotels,
3 Restaurants and Clubs.--(a) Subject to the provisions of this
4 act and regulations promulgated under this act, the board shall
5 have authority to issue a retail liquor license for any premises
6 kept or operated by a hotel, restaurant or club and specified in
7 the license entitling the hotel, restaurant or club to purchase
8 liquor from a Pennsylvania Liquor Store and to keep on the
9 premises such liquor and, subject to the provisions of this act
10 and the regulations made thereunder, to sell the same and also
11 malt or brewed beverages to guests, patrons or members for
12 consumption on the hotel, restaurant or club premises. Such
13 licensees[, other than clubs,] shall be permitted to sell malt
14 or brewed beverages for consumption off the premises where sold
15 in quantities of not more than one hundred ninety-two fluid
16 ounces in a single sale to one person as provided for in section
17 407. Such licenses shall be known as hotel liquor licenses,
18 restaurant liquor licenses and club liquor licenses,
19 respectively. No person who holds any public office that
20 involves the duty to enforce any of the penal laws of the United
21 States, this Commonwealth or of any political subdivision of
22 this Commonwealth may have any interest in a hotel or restaurant
23 liquor license. This prohibition applies to anyone with arrest
24 authority, including, but not limited to, United States
25 attorneys, State attorneys general, district attorneys, sheriffs
26 and police officers. This prohibition shall also apply to
27 magisterial district judges, judges or any other individuals who
28 can impose a criminal sentence. This prohibition does not apply
29 to members of the General Assembly, township supervisors, city
30 councilpersons, mayors without arrest authority and any other

1 public official who does not have the ability to arrest or the
2 ability to impose a criminal sentence. This section does not
3 apply if the proposed premises are located outside the
4 jurisdiction of the individual in question.

5 * * *

6 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

7 * * *

8 (4) (i) Hotel and restaurant liquor licensees, municipal
9 golf course restaurant liquor licensees and privately-owned
10 public golf course restaurant licensees which do not qualify for
11 and purchase such special permit, their servants, agents or
12 employes may sell liquor and malt or brewed beverages only after
13 seven o'clock antemeridian of any day and until two o'clock
14 antemeridian of the following day, and shall not sell after two
15 o'clock antemeridian on Sunday. No club licensee or its
16 servants, agents or employes may sell liquor or malt or brewed
17 beverages between the hours of three o'clock antemeridian and
18 seven o'clock antemeridian on any day. No public service liquor
19 licensee or its servants, agents, or employes may sell liquor or
20 malt or brewed beverages between the hours of two o'clock
21 antemeridian and seven o'clock antemeridian on any day.

22 (ii) No club licensee or its servants, agents or employes
23 may sell malt or brewed beverages for off-premises consumption
24 between the hours of two o'clock antemeridian and seven o'clock
25 antemeridian on any day.

26 * * *

27 Section 2. Sections 407(a)(1) and 442(a)(1)(i) of the act,
28 amended June 5, 2020 (P.L.213, No.29), are amended to read:

29 Section 407. Sale of Malt or Brewed Beverages by Liquor
30 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. Sales of
15 malt or brewed beverages must occur on the licensed premises.

16 * * *

17 Section 442. Retail Dispensers' Restrictions on Purchases
18 and Sales.--(a) (1) (i) 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. Sales of malt or brewed beverages must
2 occur on the licensed premises.

3 * * *

4 Section 3. Sections 492(7) and 499(a.1)(4) of the act are
5 amended to read:

6 Section 492. Unlawful Acts Relative to Malt or Brewed
7 Beverages and Licensees.--

8 It shall be unlawful--

9 * * *

10 (7) (i) Clubs Selling Between Three O'Clock Antemeridian
11 and Seven O'Clock Antemeridian. For any club retail dispenser,
12 or its servants, agents or employes, to sell malt or brewed
13 beverages between the hours of three o'clock antemeridian and
14 seven o'clock antemeridian on any day.

15 (ii) Clubs Selling Malt or Brewed Beverages for Off-Premises
16 Consumption between Two O'Clock Antemeridian and Seven O'Clock
17 Antemeridian. For any club retail dispenser or its servants,
18 agents or employes, to sell malt or brewed beverages for off-
19 premises consumption between the hours of two o'clock
20 antemeridian and seven o'clock antemeridian on any day.

21 * * *

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

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

26 * * *

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

30 * * *

1 Section 4. This act shall take effect in 30 days.