

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 425 Session of 2021

INTRODUCED BY DOWLING, PICKETT, ROTHMAN, MILLARD, JAMES, KEEFER, KAUFFMAN, CIRESI, WEBSTER, SANKEY AND ARMANINI, FEBRUARY 8, 2021

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MAY 11, 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 sales by liquor
19 licensees and restrictions AND FOR PREPARED BEVERAGES AND <--
20 MIXED DRINKS FOR OFF-PREMISES CONSUMPTION DURING DISASTER
21 EMERGENCY AND PROVIDING FOR SAFEKEEPING DURING 2020 DISASTER
22 EMERGENCY.

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

25 Section 1. Section 406 of the act of April 12, 1951 (P.L.90,
26 No.21), known as the Liquor Code, is amended by adding a
27 subsection to read:

1 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

2 (j) Liquor and wine in the possession of a licensee at the
3 time the licensed business closes permanently may be sold to
4 another licensee qualified to sell such products. The licensee
5 shall notify the board in writing advising the board of the name
6 of the licensee and identifying any product sold to that
7 licensee, as well as the description of the liquor, including
8 brand names, sizes and numbers of containers sold to another
9 licensee.

10 SECTION 1.1. THE HEADING OF SECTION 417 OF THE ACT, ADDED <--
11 MAY 21, 2020 (P.L.149, NO.21), IS AMENDED AND THE SECTION IS
12 AMENDED BY ADDING SUBSECTIONS TO READ:

13 SECTION 417. [PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-
14 PREMISES CONSUMPTION DURING] COVID-19 DISASTER EMERGENCY.--* * *

15 (A.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
16 FOLLOWING SHALL APPLY TO THE TEMPORARY EXTENSION OF THE LICENSED
17 PREMISES:

18 (1) UPON RECEIPT OF A REQUEST FROM A LICENSED CLUB, CATERING
19 CLUB, RESTAURANT, RETAIL DISPENSER, HOTEL, LIMITED DISTILLERY,
20 DISTILLERY, BREWERY OR LIMITED WINERY, THE BOARD MAY TEMPORARILY
21 EXTEND THE LICENSED PREMISES OF THE APPLICANT TO INCLUDE ANY
22 OUTSIDE SERVING AREA THAT IS:

23 (I) IMMEDIATELY ADJACENT TO THE EXISTING LICENSED AREAS; OR

24 (II) WITHIN ONE THOUSAND FEET OF THE MAIN LICENSED BUILDING,
25 NOTWITHSTANDING THAT THE AREA TO BE TEMPORARILY LICENSED AND THE
26 MAIN LICENSED BUILDING ARE SEPARATED BY A PUBLIC THOROUGHFARE.

27 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY TO
28 THE APPLICANT TO USE THE OUTSIDE AREA SUBJECT TO THE REQUEST
29 WHILE THE BOARD PROCESSES THE REQUEST.

30 (3) THE OPERATING AUTHORITY UNDER THIS SUBSECTION SHALL BE

1 TERMINATED IF:

2 (I) A VALID PROTEST IS RECEIVED; OR

3 (II) THE BOARD DETERMINES THAT THE PROPOSED AREA DOES NOT
4 MEET THE REQUIREMENTS OF THIS ACT AND BOARD REGULATIONS FOR THE
5 LICENSING OF THE AREA IN QUESTION.

6 (4) A FILING FEE MAY NOT BE REQUIRED FROM AN APPLICANT UNDER
7 THIS SUBSECTION.

8 (5) THE BOARD MAY REQUIRE THE APPLICANT TO PROVIDE ANY
9 INFORMATION THAT THE BOARD DEEMS RELEVANT.

10 (A.2) THE FOLLOWING SHALL APPLY TO THE ISSUANCE OF OFF-
11 PREMISES CATERING PERMITS:

12 (1) THE BOARD MAY AUTHORIZE AN UNLIMITED NUMBER OF OFF-
13 PREMISES CATERED FUNCTIONS TO ENTITIES THAT QUALIFY FOR THE
14 PERMITS UNDER THIS ACT.

15 (2) AN APPLICATION FEE MAY NOT BE REQUIRED FROM AN ENTITY
16 REQUESTING A CATERING PERMIT UNDER THIS SUBSECTION.

17 (3) AN APPLICATION FOR A CATERING PERMIT UNDER THIS
18 SUBSECTION SHALL NOT NEED TO BE SUBMITTED PRIOR TO MARCH 1 OF
19 THAT CALENDAR YEAR.

20 (4) A FIVE-HOUR LIMIT ON CATERED FUNCTIONS SHALL NOT APPLY
21 TO A CATERING PERMIT UNDER THIS SUBSECTION. EXCEPT FOR ANY <--
22 REQUIREMENT UNDER THIS ACT FOR A CATERED FUNCTION NOT
23 SPECIFICALLY WAIVED UNDER THIS SUBSECTION, EACH REQUIREMENT FOR
24 A CATERED FUNCTION SHALL APPLY.

25 ~~(5) THE AUTHORITY TO OPERATE ON A TEMPORARILY EXTENDED~~
26 ~~LICENSED PREMISES SHALL EXPIRE DECEMBER 31, 2022.~~

27 (5) EACH REQUIREMENT UNDER THIS ACT APPLICABLE TO A CATERED <--
28 FUNCTION THAT IS NOT SPECIFICALLY WAIVED UNDER THIS SUBSECTION
29 SHALL APPLY.

30 (A.3) SUBSECTIONS (A.1) AND (A.2) SHALL EXPIRE DECEMBER 31,

1 2022.

2 * * *

3 SECTION 1.2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

4 SECTION 462.1. SAFEKEEPING DURING 2020 DISASTER EMERGENCY.--

5 IN ADDITION TO THE AUTHORITY UNDER SECTION 462 AND

6 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE BOARD MAY

7 DO ANY OF THE FOLLOWING DURING THE PROCLAMATION OF DISASTER

8 EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT

9 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF

10 DISASTER EMERGENCY:

11 (1) PROVIDE AN ADDITIONAL YEAR OF SAFEKEEPING FOR A CLUB OR

12 CATERING CLUB LICENSE THAT WAS IN SAFEKEEPING DURING THE

13 PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER THIS

14 PARAGRAPH MAY NOT BE SUBJECT TO A RENEWAL, VALIDATION OR LATE

15 FEE THAT WOULD BE DUE DURING THE ADDITIONAL YEAR, EXCEPT THAT

16 THE LICENSEE MUST FILE A RENEWAL OR VALIDATION THAT BECOMES DUE.

17 AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS PARAGRAPH SHALL

18 START ON THE DATE OF A RENEWAL OR VALIDATION OF THE LICENSE THAT

19 OCCURS AFTER DECEMBER 31, 2021, AND SHALL BE IN ADDITION TO THE

20 TWO YEARS AUTHORIZED UNDER SECTION 474.

21 (2) PROVIDE AN ADDITIONAL YEAR OF SAFEKEEPING FOR A

22 RESTAURANT, EATING PLACE RETAIL DISPENSER, HOTEL, IMPORTING

23 DISTRIBUTOR AND DISTRIBUTOR LICENSE THAT WAS IN SAFEKEEPING

24 DURING THE PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER

25 THIS PARAGRAPH MAY NOT BE SUBJECT TO A RENEWAL, VALIDATION, LATE

26 OR SAFEKEEPING FEE THAT WOULD BE DUE DURING THE ADDITIONAL YEAR,

27 EXCEPT THAT THE LICENSEE MUST FILE A RENEWAL OR VALIDATION THAT

28 BECOMES DUE. AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS

29 PARAGRAPH SHALL START ON THE DATE OF A RENEWAL OR VALIDATION OF

30 THE LICENSE THAT OCCURS AFTER DECEMBER 31, 2021.

1 Section 2. This act shall take effect immediately.