

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 425 Session of  
2021

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 26, 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

1 subsection to read:

2 Section 406. Sales by Liquor Licensees; Restrictions.--\* \* \*

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

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

14 SECTION 417. [PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-  
15 PREMISES CONSUMPTION DURING] ~~COVID-19~~ DISASTER EMERGENCY] <--  
16 EXTENSION OF LICENSED SERVICE AREA AND ISSUANCE OF OFF-PREMISES  
17 CATERING PERMITS.--\* \* \*

18 (A.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE  
19 FOLLOWING SHALL APPLY TO THE TEMPORARY EXTENSION OF THE LICENSED  
20 PREMISES:

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

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

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

30 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY TO

1 THE APPLICANT TO USE THE OUTSIDE AREA SUBJECT TO THE REQUEST  
2 WHILE THE BOARD PROCESSES THE REQUEST.

3 (3) THE OPERATING AUTHORITY UNDER THIS SUBSECTION SHALL BE  
4 TERMINATED IF:

5 (I) A VALID PROTEST IS RECEIVED; OR

6 (II) THE BOARD DETERMINES THAT THE PROPOSED AREA DOES NOT  
7 MEET THE REQUIREMENTS OF THIS ACT AND BOARD REGULATIONS FOR THE  
8 LICENSING OF THE AREA IN QUESTION.

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

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

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

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

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

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

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

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

30 (5) EACH REQUIREMENT UNDER THIS ACT APPLICABLE TO A CATERED <--

1 FUNCTION THAT IS NOT SPECIFICALLY WAIVED UNDER THIS SUBSECTION  
2 SHALL APPLY.

3 (A.3) SUBSECTIONS (A.1) AND (A.2) SHALL EXPIRE DECEMBER 31,  
4 2022 2024. <--

5 \* \* \*

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

7 SECTION 462.1. SAFEKEEPING DURING 2020 DISASTER EMERGENCY.-- <--

8 IN ADDITION TO THE AUTHORITY UNDER SECTION 462 AND

9 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE BOARD MAY <--

10 DO ANY OF THE FOLLOWING DURING THE PROCLAMATION OF DISASTER

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

12 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF

13 DISASTER EMERGENCY SHALL DO THE FOLLOWING: <--

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

15 CATERING CLUB LICENSE THAT WAS IN SAFEKEEPING DURING THE

16 PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER THIS

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

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

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

20 AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS PARAGRAPH SHALL

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

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

23 TWO YEARS AUTHORIZED UNDER SECTION 474.

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

25 RESTAURANT, EATING PLACE RETAIL DISPENSER, HOTEL, IMPORTING

26 DISTRIBUTOR AND DISTRIBUTOR LICENSE THAT WAS IN SAFEKEEPING

27 DURING THE PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER

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

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

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

1 BECOMES DUE. AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS  
2 PARAGRAPH SHALL START ON THE DATE OF A RENEWAL OR VALIDATION OF  
3 THE LICENSE THAT OCCURS AFTER DECEMBER 31, 2021.

4 Section 2. This act shall take effect immediately.