

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 427 Session of 2021

INTRODUCED BY PYLE, WHEELAND, SCHMITT, JAMES, LEWIS DELROSSO, HILL-EVANS, CAUSER, COOK, MILLARD, BURGOS, KAUFFMAN, SONNEY, JOZWIAK, GAYDOS, STAATS, MOUL, DRISCOLL, NEILSON, OBERLANDER AND STRUZZI, FEBRUARY 8, 2021

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 16, 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 Pennsylvania liquor stores, further providing for sales by
18 Pennsylvania liquor stores.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 305(b) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, is amended to read:

23 Section 305. Sales by Pennsylvania Liquor Stores.--\* \* \*

24 (b) (1) Every Pennsylvania Liquor Store shall sell liquors <--

1 at wholesale to hotels, restaurants, clubs, and railroad,  
2 pullman and steamship companies licensed under this act; and,  
3 under the regulations of the board, to pharmacists duly licensed  
4 and registered under the laws of the Commonwealth, and to  
5 manufacturing pharmacists, and to reputable hospitals approved  
6 by the board, or chemists. Sales to licensees shall be made at a  
7 price that includes [a discount of {ten} ~~fifteen~~ per centum from <--  
8 the retail price; except that special] ~~order sales to licensees~~ <--  
9 THE FOLLOWING DISCOUNTS: <--

10 (I) EXCEPT AS PROVIDED UNDER PARAGRAPHS (2) AND (3), FOR A  
11 LICENSEE THAT DOES NOT HOLD A WINE EXPANDED PERMIT, A FIFTEEN  
12 PER CENTUM DISCOUNT FROM THE RETAIL PRICE FOR ALL PURCHASES;

13 (II) EXCEPT AS PROVIDED UNDER PARAGRAPHS (2) AND (3), FOR A  
14 RESTAURANT LICENSEE THAT HOLDS A WINE EXPANDED PERMIT BUT DOES  
15 NOT HAVE AN INTERIOR CONNECTION TO A GROCERY STORE, CONVENIENCE  
16 STORE, DEPARTMENT STORE OR SIMILAR BUSINESS, OR A HOTEL LICENSEE  
17 WITH A WINE EXPANDED PERMIT, REGARDLESS OF ANY INTERIOR  
18 CONNECTIONS, A FIFTEEN PER CENTUM DISCOUNT FROM THE RETAIL PRICE  
19 FOR ALL PURCHASES; AND

20 (III) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), FOR A  
21 RESTAURANT LICENSEE THAT HOLDS A WINE EXPANDED PERMIT AND HAS AN  
22 INTERIOR CONNECTION TO A GROCERY STORE, CONVENIENCE STORE,  
23 DEPARTMENT STORE OR SIMILAR BUSINESS, A TEN PER CENTUM DISCOUNT  
24 FROM THE RETAIL PRICE FOR ALL PURCHASES.

25 (2) SPECIAL ORDER SALES TO LICENSEES authorized in  
26 subsection (a) shall not be subject to [the {ten} ~~fifteen~~ per <--  
27 ~~centum~~] ANY discount. ~~The board may sell to registered~~ <--

28 (3) THE FIFTEEN PER CENTUM DISCOUNTS PROVIDED UNDER <--  
29 PARAGRAPH (1) (I) AND (II) SHALL REVERT TO A TEN PER CENTUM  
30 DISCOUNT THREE YEARS AFTER THE EXPIRATION OR TERMINATION OF THE

1 PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON  
2 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND  
3 ANY RENEWAL OF THE PROCLAMATION OF THE STATE OF DISASTER  
4 EMERGENCY.

5     (4) THE BOARD MAY SELL TO REGISTERED pharmacists only such  
6 liquors as conform to the Pharmacopoeia of the United States,  
7 the National Formulary, or the American Homeopathic  
8 Pharmacopoeia. The board may sell at special prices under the  
9 regulations of the board, to United States Armed Forces  
10 facilities which are located on United States Armed Forces  
11 installations and are conducted pursuant to the authority and  
12 regulations of the United States Armed Forces. All other sales  
13 by such stores shall be at retail, except that incentives, such  
14 as coupons or discounts on certain products, may be offered to  
15 unlicensed customers of the board as provided under sections  
16 207(m) and 493(24)(ii)(B). A person entitled to purchase liquor  
17 at wholesale prices may purchase the liquor at any Pennsylvania  
18 Liquor Store upon tendering cash, check or credit card for the  
19 full amount of the purchase. For this purpose, the board shall  
20 issue a discount card to each licensee identifying such licensee  
21 as a person authorized to purchase liquor at wholesale prices.  
22 Such discount card shall be retained by the licensee. The board  
23 may contract through the Commonwealth bidding process for  
24 delivery to wholesale licensees at the expense of the licensee  
25 receiving the delivery.

26     (5) FOR PURPOSES OF THIS SUBSECTION, THE TERM "GROCERY <--  
27 STORE" SHALL MEAN A RETAIL BUSINESS THAT PRIMARILY SELLS A WIDE  
28 VARIETY OF FRESH AND PACKAGED FOODS, BEVERAGES AND OTHER ITEMS  
29 TO BE CONSUMED OR USED OFF OF THE STORE PREMISES; THE TERM  
30 "CONVENIENCE STORE" SHALL MEAN A RETAIL BUSINESS THAT SELLS A

1 RANGE OF EVERYDAY ITEMS, INCLUDING COFFEE, GROCERIES, SNACK  
2 FOODS, CONFECTIONERY, SOFT DRINKS, TOBACCO PRODUCTS, OVER-THE-  
3 COUNTER DRUGS, TOILETRIES, GASOLINE AND MAGAZINES; AND THE TERM  
4 "DEPARTMENT STORE" SHALL MEAN A RETAIL ESTABLISHMENT OFFERING A  
5 WIDE RANGE OF CONSUMER GOODS IN DIFFERENT AREAS OF THE STORE AND  
6 WHICH MAY INCLUDE FOOD ITEMS.

7 \* \* \*

8 Section 2. This act shall take effect in 60 days.