

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 452 Session of 2021

INTRODUCED BY DEASY, ISAACSON, HOHENSTEIN, HILL-EVANS, SANCHEZ, FREEMAN, McNEILL, ZABEL, A. DAVIS, D. WILLIAMS, SNYDER, LONGIETTI, T. DAVIS, DRISCOLL, KIRKLAND, HOWARD, NEILSON, GALLOWAY, CIRESI, WEBSTER, O'MARA, MALAGARI, SCHWEYER, SAINATO AND PISCIOTTANO, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 9, 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 licensed places may  
 19 be closed during period of emergency.

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

22 Section 1. Section 462 of the act of April 12, 1951 (P.L.90,  
 23 No.21), known as the Liquor Code, is amended to read:

24 Section 462. Licensed Places May Be Closed During Period of  
 25 Emergency.--(a) The board may, with the approval of the

1 Governor[,];

2 [(a)] (1) Temporarily close all licensed places within any  
3 municipality during any period of emergency proclaimed to be  
4 such by the Governor.

5 [(b)] (2) Advance by one hour the hours prescribed in this  
6 act as the hours during which liquor and malt or brewed  
7 beverages may be sold in any municipality during such part of  
8 the year when daylight saving time may be observed generally in  
9 such municipality.

10 (b) Notwithstanding any other provision of this act, in  
11 addition to the authority specified in subsection (a), during  
12 the proclamation of disaster emergency issued by the Governor on  
13 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and  
14 any renewal of the state of disaster emergency, the following  
15 shall apply:

16 (1) Upon receipt of a request from a licensed club, catering  
17 club, restaurant, retail dispenser, hotel, limited distillery,  
18 distillery, brewery or limited winery, the board may temporarily  
19 extend the licensed premises of the applicant to include any  
20 outside serving area that is:

21 (i) immediately adjacent to the existing licensed areas; or

22 (ii) within one thousand feet of the main licensed building,  
23 notwithstanding the fact that the area to be temporarily  
24 licensed and the main licensed building are separated by a  
25 public thoroughfare.

26 (2) The board shall grant immediate operating authority to  
27 the applicant to use the outside area subject to the request  
28 while the board processes the request.

29 (3) The operating authority shall expire at the earliest of  
30 any of the following:

1     (i) A valid protest is received.

2     (ii) The board determines that the proposed area does not  
3 meet the requirements of this act and board regulations for the  
4 licensing of the area in question.

5     (iii) The state of disaster emergency is terminated or  
6 expires under 35 Pa.C.S. § 7301(c) (relating to general  
7 authority of Governor).

8     (4) No filing fee shall be required from the applicant.

9     (5) The board may require the applicant to provide any  
10 information that the board deems relevant.

11     Section 2. This act shall take effect immediately.