

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 757 Session of 2021

INTRODUCED BY ORTITAY, CIRESI, ROTHMAN, KEEFER, GLEIM, JAMES AND ROWE, MARCH 3, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 3, 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 sale of malt or  
19 brewed beverages by liquor licensees, for wine expanded  
20 permits and for retail dispensers' restrictions on purchases  
21 and sales.

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

24 Section 1. Section 407(a) of the act of April 12, 1951  
25 (P.L.90, No.21), known as the Liquor Code, amended June 5, 2020  
26 (P.L.213, No.29), is amended by adding a paragraph to read:

27 Section 407. Sale of Malt or Brewed Beverages by Liquor

1 Licensees.--(a) \* \* \*

2 (4) Sales of malt or brewed beverages shall occur on  
3 licensed premises. A licensee may use a register that is not  
4 located on the licensed portion of the premises but is located  
5 within the same building as the licensed premises for the sale  
6 of malt or brewed beverages for off-premises consumption. The  
7 register shall comply with section 415(a)(8) and (9). A register  
8 used for the sale of malt or brewed beverages for off-premises  
9 consumption may be used for the sale of liquid fuels or oils.

10 \* \* \*

11 Section 2. Section 415(a)(4), (7), (8) and (9) of the act,  
12 amended June 5, 2020 (P.L.213, No.29), are amended and the  
13 section is amended by adding a subsection to read:

14 Section 415. Wine Expanded Permits.--(a) \* \* \*

15 (4) If the board has approved the operation of another  
16 business which has an inside passage or communication to or with  
17 the licensed premises, the display, sale, storage and purchase  
18 of wine and malt and brewed beverages shall be [confined  
19 strictly to the premises, in a specifically designated area  
20 covered by the license.] permitted in any area of the business  
21 which is connected to the licensed premises by an interior  
22 connection or connections approved by the board. A licensed or  
23 unlicensed area or areas that are located within the same  
24 building as the licensed premises and operated or controlled by  
25 the same licensee, his officers, servants, agents or employees  
26 are not required to be contiguous to any other licensed or  
27 unlicensed area. The purchase of goods obtained from the  
28 unlicensed area of the premises shall be permitted in the  
29 licensed area.

30 \* \* \*

1 (7) A wine expanded permit holder may store wine in a  
2 licensed noncontiguous area that is not accessible to the public  
3 and is:

4 (i) locked at all times when not being accessed by the  
5 licensees' employees;

6 (ii) not accessible to employees under eighteen years of  
7 age; and

8 (iii) identified by dimensions and locations on forms  
9 submitted to the board.

10 (8) [A] Unless presented with a valid armed forces of the  
11 United States identification card, a wine expanded permit holder  
12 shall utilize a transaction scan device to verify the age of an  
13 individual who appears to be under thirty-five years of age  
14 [before making a sale of wine] at the point of sale or the point  
15 of delivery of wine. A wine expanded permit holder may not sell  
16 or share data from the use of a transaction scan device,  
17 provided that the licensee may use the data to show the  
18 enforcement bureau of the board that the licensee is in  
19 compliance with this act. As used in this paragraph, the term  
20 "transaction scan device" means a device capable of deciphering,  
21 in an electronically readable format, the information encoded on  
22 the magnetic strip or bar code of an identification card under  
23 section 495(a).

24 (9) A sale of wine by a wine expanded permit holder shall be  
25 made through a register[, which malt or brewed beverages and  
26 restaurant foods sales are made on the licensed premises, which  
27 is well designated with signage, which is staffed at all times  
28 when patrons are on the licensed premises.] located on the  
29 licensed premises, which is well designated with signage. The  
30 actual sale shall be conducted by a sales clerk who is at least

1 eight years of age [and], has been trained under section  
2 471.1 and [which] utilizes a transaction scan device for the  
3 sale as set forth in paragraph (8). A sales clerk who is under  
4 eighteen years of age may operate a register if the sales clerk  
5 is presented with wine or malt or brewed beverages to be  
6 purchased by a customer and obtains the assistance of an  
7 employee who is at least eighteen years of age and the sale  
8 otherwise conforms to the requirements under this section. The  
9 sale of wine may not occur at a point of sale where the customer  
10 scans the customer's own purchases. Sales of wine must occur on  
11 the licensed premises. A wine expanded permit holder may use a  
12 register that is not located on the licensed portion of the  
13 premises but is located within the same building as the licensed  
14 premises so long as the sale otherwise conforms to the  
15 requirements provided under this subsection. A register used for  
16 the sale of wine may be used for the sale of liquid fuels or  
17 oils.

18 \* \* \*

19 (h) A wine expanded permit holder that sells a wine product  
20 for off-premises consumption shall be exempt from section  
21 406(g).

22 Section 3. Section 442(a)(1) of the act, amended June 5,  
23 2020 (P.L.213, No.29), is amended by adding a subparagraph to  
24 read:

25 Section 442. Retail Dispensers' Restrictions on Purchases  
26 and Sales.--(a) (1) \* \* \*

27 (iv) Sales of malt or brewed beverages shall occur on  
28 licensed premises. A licensee may use a register that is not  
29 located on the licensed portion of the premises but is located  
30 within the same building as the licensed premises for the sale

1 of malt or brewed beverages for off-premises consumption. The  
2 register shall comply with section 415(a)(8) and (9). A register  
3 used for the sale of malt or brewed beverages for off-premises  
4 consumption may be used for the sale of liquid fuels or oils.

5 \* \* \*

6 Section 4. This act shall take effect in 60 days.