

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 360 Session of 2023

INTRODUCED BY J. WARD, PHILLIPS-HILL, YAW, REGAN, STEFANO,  
AUMENT AND BARTOLOTTA, FEBRUARY 10, 2023

REFERRED TO LAW AND JUSTICE, FEBRUARY 10, 2023

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 authority to issue  
19 liquor licenses to hotels, restaurants and clubs, for sales  
20 by liquor licensees and restrictions, for sale of malt or  
21 brewed beverages by liquor licensees, for retail dispensers'  
22 restrictions on purchases and sales, for unlawful acts  
23 relative to malt or brewed beverages and licensees and for  
24 premises to be vacated by patrons.

25 The General Assembly of the Commonwealth of Pennsylvania

26 hereby enacts as follows:

27 Section 1. Sections 401(a), 406(a)(4), 407(a)(1), 442(a)(1)  
28 (i), 492(7) and 499(a.1)(4) of the act of April 12, 1951  
29 (P.L.90, No.21), known as the Liquor Code, are amended to read:

1 Section 401. Authority to Issue Liquor Licenses to Hotels,  
2 Restaurants and Clubs.--(a) Subject to the provisions of this  
3 act and regulations promulgated under this act, the board shall  
4 have authority to issue a retail liquor license for any premises  
5 kept or operated by a hotel, restaurant or club and specified in  
6 the license entitling the hotel, restaurant or club to purchase  
7 liquor from a Pennsylvania Liquor Store and to keep on the  
8 premises such liquor and, subject to the provisions of this act  
9 and the regulations made thereunder, to sell the same and also  
10 malt or brewed beverages to guests, patrons or members for  
11 consumption on the hotel, restaurant or club premises. Such  
12 licensees[, other than clubs,] shall be permitted to sell malt  
13 or brewed beverages for consumption off the premises where sold  
14 in quantities of not more than one hundred ninety-two fluid  
15 ounces in a single sale to one person as provided for in section  
16 407. Such licenses shall be known as hotel liquor licenses,  
17 restaurant liquor licenses and club liquor licenses,  
18 respectively. No person who holds any public office that  
19 involves the duty to enforce any of the penal laws of the United  
20 States, this Commonwealth or of any political subdivision of  
21 this Commonwealth may have any interest in a hotel or restaurant  
22 liquor license. This prohibition applies to anyone with arrest  
23 authority, including, but not limited to, United States  
24 attorneys, State attorneys general, district attorneys, sheriffs  
25 and police officers. This prohibition shall also apply to  
26 magisterial district judges, judges or any other individuals who  
27 can impose a criminal sentence. This prohibition does not apply  
28 to members of the General Assembly, township supervisors, city  
29 councilpersons, mayors without arrest authority and any other  
30 public official who does not have the ability to arrest or the

1 ability to impose a criminal sentence. This section does not  
2 apply if the proposed premises are located outside the  
3 jurisdiction of the individual in question.

4 \* \* \*

5 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

6 \* \* \*

7 (4) (i) Hotel and restaurant liquor licensees, municipal  
8 golf course restaurant liquor licensees and privately-owned  
9 public golf course restaurant licensees which do not qualify for  
10 and purchase such special permit, their servants, agents or  
11 employes may sell liquor and malt or brewed beverages only after  
12 seven o'clock antemeridian of any day and until two o'clock  
13 antemeridian of the following day, and shall not sell after two  
14 o'clock antemeridian on Sunday. No club licensee or its  
15 servants, agents or employes may sell liquor or malt or brewed  
16 beverages between the hours of three o'clock antemeridian and  
17 seven o'clock antemeridian on any day. No public service liquor  
18 licensee or its servants, agents, or employes may sell liquor or  
19 malt or brewed beverages between the hours of two o'clock  
20 antemeridian and seven o'clock antemeridian on any day.

21 (ii) No club licensee or its servants, agents or employes  
22 may sell malt or brewed beverages for off-premises consumption  
23 between the hours of two o'clock antemeridian and seven o'clock  
24 antemeridian on any day.

25 \* \* \*

26 Section 407. Sale of Malt or Brewed Beverages by Liquor  
27 Licensees.--(a) (1) Every liquor license issued to a hotel,  
28 restaurant, club, or a railroad, pullman or steamship company  
29 under this subdivision (A) for the sale of liquor shall  
30 authorize the licensee to sell malt or brewed beverages at the

1 same places but subject to the same restrictions and penalties  
2 as apply to sales of liquor, except that licensees [other than  
3 clubs] may sell malt or brewed beverages for consumption off the  
4 premises where sold in quantities of not more than one hundred  
5 ninety-two fluid ounces in a single sale to one person. The  
6 sales may be made in either open or closed containers, Provided,  
7 however, That a municipality may adopt an ordinance restricting  
8 open containers in public places. No licensee under this  
9 subdivision (A) shall at the same time be the holder of any  
10 other class of license, except a retail dispenser's license  
11 authorizing the sale of malt or brewed beverages only. Sales of  
12 malt or brewed beverages must occur on the licensed premises.

13 \* \* \*

14 Section 442. Retail Dispensers' Restrictions on Purchases  
15 and Sales.--(a) (1) (i) No retail dispenser shall purchase or  
16 receive any malt or brewed beverages except in original  
17 containers as prepared for the market by the manufacturer at the  
18 place of manufacture. The retail dispenser may thereafter break  
19 the bulk upon the licensed premises and sell or dispense the  
20 same for consumption on or off the premises so licensed. No  
21 retail dispenser may sell malt or brewed beverages for  
22 consumption off the premises in quantities in excess of one  
23 hundred ninety-two fluid ounces. Sales may be made in open or  
24 closed containers, Provided, however, That a municipality may  
25 adopt an ordinance restricting open containers in public places.  
26 No club licensee may sell any malt or brewed beverages for  
27 consumption off the premises [where sold or] to persons not  
28 members of the club. Sales of malt or brewed beverages must  
29 occur on the licensed premises.

30 \* \* \*

1 Section 492. Unlawful Acts Relative to Malt or Brewed  
2 Beverages and Licensees.--

3 It shall be unlawful--

4 \* \* \*

5 (7) (i) Clubs Selling Between Three O'Clock Antemeridian  
6 and Seven O'Clock Antemeridian. For any club retail dispenser,  
7 or its servants, agents or employes, to sell malt or brewed  
8 beverages between the hours of three o'clock antemeridian and  
9 seven o'clock antemeridian on any day.

10 (ii) Clubs Selling Malt or Brewed Beverages for Off-Premises  
11 Consumption between Two O'Clock Antemeridian and Seven O'Clock  
12 Antemeridian. For any club retail dispenser or its servants,  
13 agents or employes, to sell malt or brewed beverages for off-  
14 premises consumption between the hours of two o'clock  
15 antemeridian and seven o'clock antemeridian on any day.

16 \* \* \*

17 Section 499. Premises to be Vacated by Patrons.--\* \* \*

18 (a.1) Subsection (a) shall not apply to sales of malt and  
19 brewed beverages for consumption off the premises when the  
20 following conditions are met:

21 \* \* \*

22 (4) no club licensee may sell any malt or brewed beverage  
23 for consumption off the premises [where sold or] to any persons  
24 who are not members of the club.

25 \* \* \*

26 Section 2. This act shall take effect in 30 days.