
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1346 Session of
2019

INTRODUCED BY MASSER, TURZAI, PYLE, ROTHMAN, RYAN, WHEELAND,
BARRAR, SCHMITT, DUNBAR, REESE, STAATS, KAIL, STRUZZI,
JOZWIAK, SIMMONS, BERNSTINE, MIHALEK, MILLARD, MACKENZIE,
GAYDOS AND KEEFER, APRIL 29, 2019

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 29, 2019

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 wine expanded permits
19 and providing for purchase of wine by license or permit
20 holders from private wholesalers.

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

23 Section 1. Section 415(f) of the act of April 12, 1951
24 (P.L.90, No.21), known as the Liquor Code, is amended to read:

25 Section 415. Wine Expanded Permits.--* * *

26 [(f) A wine expanded permit holder may not sell a wine

1 product for off-premises consumption at a price less than the
2 licensee's purchase price from the board of the wine product.]

3 * * *

4 Section 2. The act is amended by adding a section to read:

5 Section 417. Purchase of Wine by License or Permit Holders
6 from Private Wholesalers.--(a) Notwithstanding any other
7 provision of this act to the contrary, the holder of a license
8 or permit for the sale of wine for on-premises or off-premises
9 consumption under this act may purchase wine from a private
10 wholesaler, and the private wholesaler may sell wine to the
11 holder of the license or permit.

12 (b) (1) A private wholesaler that sells wine to a holder of
13 a license or permit under subsection (a) shall collect and remit
14 to the Department of Revenue all applicable taxes.

15 (2) The private wholesaler shall be considered a State
16 Liquor Store for the purpose of collecting and remitting taxes
17 under Article II of the act of March 4, 1971 (P.L.6, No.2),
18 known as the "Tax Reform Code of 1971," for wine sold for on-
19 premises consumption by the holder of the license or permit.

20 (3) The emergency State tax imposed under the act of June 9,
21 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act imposing an
22 emergency State tax on liquor, as herein defined, sold by the
23 Pennsylvania Liquor Control Board; providing for the collection
24 and payment of such tax; and imposing duties upon the Department
25 of Revenue and the Pennsylvania Liquor Control Board," shall be
26 included in the price of wine for sale by the private
27 wholesaler. The emergency State tax may not be assessed at the
28 point of sale to consumers.

29 (c) The sale of wine for off-premises consumption by a
30 holder of a license or permit under this act shall be considered

1 a "purchase at retail" under section 201(f) of the "Tax Reform
2 Code of 1971," a "sale at retail" under section 201(k) of the
3 "Tax Reform Code of 1971" or a "use" under section 201(o) of the
4 "Tax Reform Code of 1971."

5 (d) A holder of a license or permit for the sale of wine for
6 off-premises consumption under this act may, when filing the
7 required returns under Article II of the "Tax Reform Code of
8 1971," request a credit of any taxes paid under subsection (b)
9 for wine sold for off-premises consumption and for which taxes
10 were remitted to the Department of Revenue under subsection (b).
11 The department may promulgate rules or regulations and prescribe
12 forms as may be necessary to implement the provisions of this
13 subsection.

14 (e) For wine sold or purchased under subsection (a), the
15 board shall have no authority to take any of the following
16 actions:

17 (1) Determine what wine products may be sold or purchased.

18 (2) Set the price at which wine products may be sold at
19 wholesale or by retail licensees in this Commonwealth.

20 (f) As used in this section, the term "private wholesaler"
21 shall include any of the following:

22 (1) A vendor, a broker or an importer that is licensed or
23 permitted under this act.

24 (2) A wholesaler that holds an appropriate license or permit
25 in another state and holds a basic permit issued by the Federal
26 Government.

27 (3) A manufacturer properly licensed or permitted under this
28 act to sell wine to the board.

29 Section 3. This act shall take effect in 60 days.