

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1733 Session of
2015

INTRODUCED BY SAYLOR, GILLESPIE, GROVE, PHILLIPS-HILL, KLUNK,
REGAN, WARD, MILLARD AND ORTITAY, DECEMBER 3, 2015

REFERRED TO COMMITTEE ON LIQUOR CONTROL, DECEMBER 3, 2015

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 liquor, alcohol and malt and brewed beverages licenses and
18 regulations, providing for convenience store permits.

19 The General Assembly of the Commonwealth of Pennsylvania

20 hereby enacts as follows:

21 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended by adding a definition to read:

24 Section 102. Definitions.--The following words or phrases,
25 unless the context clearly indicates otherwise, shall have the
26 meanings ascribed to them in this section:

1 * * *

2 "Convenience store" shall mean a reputable place operated by
3 a person of good repute, which sells food, supplies for the home
4 and table, and other products for human consumption off the
5 licensed premises, which may include the retail sale of liquid
6 fuels, and which has an area under one roof of greater than
7 fifteen hundred square feet but less than ten thousand square
8 feet.

9 * * *

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

11 Section 418. Convenience Store Permits.--(a) The board
12 shall issue a permit to any premises kept or operated by a
13 convenience store for the premises specified in the permit.

14 (a.1) An additional convenience store permit may not be
15 issued within a county if the total number of convenience store
16 permits is greater than one permit for every five thousand
17 inhabitants in the county, except that a total of three
18 convenience store permits may be granted in a county in this
19 Commonwealth.

20 (b) Every applicant for a convenience store permit shall
21 file a written application containing information as the board
22 prescribes which shall include, but not be limited to, the
23 following:

24 (1) A description of the part of the convenience store for
25 which the applicant proposes to keep and sell malt or brewed
26 beverages.

27 (2) Descriptions, information and plans showing the
28 convenience store and any alterations proposed to be made to the
29 convenience store or any proposed construction to be completed
30 after approval of the permit.

1 (c) Every application shall also be accompanied by the
2 initial application fee as follows:

3 (1) For convenience stores located in counties of the first
4 class or second class, forty-one thousand five hundred dollars
5 (\$41,500).

6 (2) For convenience stores located in counties of the second
7 class A or third class, forty-five thousand five hundred dollars
8 (\$45,500).

9 (3) For convenience stores located in counties of the fourth
10 class or fifth class, thirty-seven thousand five hundred dollars
11 (\$37,500).

12 (4) For convenience stores located in counties of the sixth
13 class or seventh class, thirty-two thousand dollars (\$32,000).

14 (5) For convenience stores located in counties of the eighth
15 class, twenty-five thousand dollars (\$25,000).

16 (d) The annual renewal fee for a convenience store permit
17 shall be as follows:

18 (1) One thousand dollars (\$1,000) for a convenience store
19 permit holder whose total annual malt or brewed beverage sales
20 are less than fifty thousand dollars (\$50,000) in the prior
21 calendar year.

22 (2) Two thousand dollars (\$2,000) for a convenience store
23 permit holder whose total annual malt or brewed beverage sales
24 are equal to or greater than fifty thousand dollars (\$50,000),
25 but less than one hundred thousand dollars (\$100,000), in the
26 prior calendar year.

27 (3) Three thousand dollars (\$3,000) for a convenience store
28 permit holder whose total annual malt or brewed beverage sales
29 are equal to or greater than one hundred fifty thousand dollars
30 (\$150,000) in the prior calendar year.

1 (e) A convenience store permit holder may sell malt or
2 brewed beverages for consumption off the premises in quantities
3 of not more than one hundred ninety-two fluid ounces in a single
4 sale to one person as provided for in section 407.

5 (f) Every applicant for a permit shall post, for a period of
6 at least thirty days beginning with the day the application is
7 filed with the board, in a conspicuous place on the outside of
8 the premises, a notice of the application. The notice shall be
9 in the form, size and contain provisions as required by the
10 board by regulation. Proof of the posting of the notice shall be
11 filed with the board.

12 (g) Upon receipt of an application for a permit under this
13 section, the board shall immediately notify, in writing, the
14 municipality in which the premises proposed to be licensed are
15 located.

16 (h) Every convenience store permit holder may sell malt or
17 brewed beverages for consumption off the licensed premises from
18 any location within the licensed premises. Permit holders under
19 this section may display the alcohol products the permit holders
20 offer for sale on shelving units and systems, and in or on
21 refrigerated cases and equipment, within the discretion of the
22 convenience store permit holder, if the displays are not
23 designed to attract minors and the manner and method of display
24 allows access by all customers, including the physically
25 dependent.

26 (i) A convenience store permit holder shall utilize a
27 transaction scan device to verify the age of an individual who
28 appears to be under thirty-five (35) years of age before making
29 a sale of malt or brewed beverages. A convenience store permit
30 holder may not sell or share data from the use of a transaction

1 scan device, provided that the convenience store permit holder
2 may use the data to show the enforcement bureau of the board
3 that the permit holder is in compliance with this act. As used
4 in this paragraph, the term "transaction scan device" means a
5 device capable of deciphering, in an electronically readable
6 format, the information encoded on the magnetic strip or bar
7 code of an identification card under section 495(a).

8 (j) A sale of malt or brewed beverages shall be made through
9 a register which is well designated with signage, which is
10 staffed at all times, which is staffed by a sales clerk who is
11 at least eighteen (18) years of age and has been trained under
12 section 471.1 and which utilizes a transaction scan device for
13 the sale. The sale of malt or brewed beverages may not occur at
14 a point of sale where the customer scans the customer's own
15 purchases.

16 (k) Convenience store permit holders may store alcohol not
17 on display for sale in a storage area or storage areas not
18 accessible to the public, provided such storage areas are:

19 (1) locked at all times when not being accessed by the
20 convenience store permit holder's employees;

21 (2) not accessible to employees eighteen (18) years of age or
22 younger; and

23 (3) identified by dimensions and location on forms submitted
24 in advance to the board.

25 (l) Convenience store permit holders may sell malt or brewed
26 beverages from eight o'clock antemeridian until eleven o'clock
27 postmeridian every day except Sunday.

28 (m) Convenience store permit holders may sell malt or brewed
29 beverages from nine o'clock antemeridian until eleven o'clock
30 postmeridian on Sundays upon submission to the board of a Sunday

1 sales permit application and fee of one thousand five hundred
2 dollars (\$1,500) per year.

3 (n) All fees paid to the board under this section shall be
4 deposited into the General Fund.

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