

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, PISCIOTTANO AND GUZMAN, FEBRUARY 9, 2021

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 16, 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 AND PROVIDING FOR
20 SAFEKEEPING DURING 2020 DISASTER EMERGENCY. <--

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

23 Section 1. Section 462 of the act of April 12, 1951 (P.L.90,
24 No.21), known as the Liquor Code, is amended to read:
25 Section 462. Licensed Places May Be Closed During Period of

1 Emergency.--(a) The board may, with the approval of the
2 Governor[,]i

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

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

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

16 (1) THE following shall apply TO THE TEMPORARY EXTENSION OF <--
17 LICENSED PREMISES:

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

23 (i) (A) immediately adjacent to the existing licensed areas; <--
24 or

25 (ii) (B) within one thousand feet of the main licensed <--
26 building, notwithstanding the fact that the area to be
27 temporarily licensed and the main licensed building are
28 separated by a public thoroughfare.

29 (2) (II) The board shall grant immediate operating authority <--
30 to the applicant to use the outside area subject to the request

1 while the board processes the request.

2 (3) (III) The operating authority shall expire at the <--

3 earliest of any of the following:

4 (i) (A) A valid protest is received. <--

5 (ii) (B) The board determines that the proposed area does <--

6 not meet the requirements of this act and board regulations for

7 the licensing of the area in question.

8 (iii) (C) The state of disaster emergency is terminated or <--

9 expires under 35 Pa.C.S. § 7301(c) (relating to general

10 authority of Governor).

11 (4) (IV) No filing fee shall be required from the applicant. <--

12 (5) (V) The board may require the applicant to provide any <--

13 information that the board deems relevant.

14 (2) THE FOLLOWING SHALL APPLY TO THE ISSUANCE OF OFF- <--

15 PREMISES CATERING PERMITS:

16 (I) THE BOARD MAY AUTHORIZE AN UNLIMITED NUMBER OF OFF-

17 PREMISES CATERED FUNCTIONS TO ENTITIES THAT QUALIFY FOR THE

18 PERMITS UNDER THIS ACT.

19 (II) NO APPLICATION FEE SHALL BE REQUIRED FROM AN ENTITY

20 REQUESTING A CATERING PERMIT UNDER THIS PARAGRAPH.

21 (III) AN APPLICATION FOR A CATERING PERMIT UNDER THIS

22 PARAGRAPH DOES NOT NEED TO BE SUBMITTED PRIOR TO MARCH 1 OF THAT

23 CALENDAR YEAR.

24 (IV) THE FIVE-HOUR LIMIT ON CATERED FUNCTIONS SHALL NOT

25 APPLY TO A CATERING PERMIT UNDER THIS PARAGRAPH, BUT ALL THE

26 OTHER REQUIREMENTS FOR CATERED FUNCTIONS NOT SPECIFICALLY WAIVED

27 UNDER THIS SUBSECTION SHALL CONTINUE TO APPLY.

28 (V) THE AUTHORITY OF THE BOARD TO ISSUE PERMITS UNDER THIS

29 PARAGRAPH AND THE AUTHORITY TO HOLD A CATERED FUNCTION PURSUANT

30 TO A PERMIT UNDER THIS PARAGRAPH SHALL EXPIRE ONE YEAR AFTER THE

1 TERMINATION OR EXPIRATION OF THE STATE OF DISASTER EMERGENCY
2 UNDER 35 P.A.C.S. § 7301(C).

3 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

4 SECTION 462.1. SAFEKEEPING DURING 2020 DISASTER EMERGENCY.--
5 IN ADDITION TO THE AUTHORITY PROVIDED BY SECTION 462 AND
6 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE CONTRARY,
7 THE BOARD SHALL BE AUTHORIZED TO ENGAGE IN THE FOLLOWING DURING
8 THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
9 MARCH 6, 2020, PUBLISHED AT 50 P.A.B. 1644 (MARCH 21, 2020), AND
10 ANY RENEWAL OF THE STATE OF DISASTER EMERGENCY:

11 (1) THE BOARD SHALL PROVIDE ANY CLUB OR CATERING CLUB
12 LICENSE THAT WAS IN SAFEKEEPING AT ANY TIME DURING THE DISASTER
13 EMERGENCY, AN ADDITIONAL YEAR OF SAFEKEEPING. THE LICENSE SHALL
14 NOT BE SUBJECT TO ANY RENEWAL, VALIDATION OR LATE FEES THAT
15 WOULD OTHERWISE BE DUE DURING THIS ADDITIONAL YEAR, BUT THE
16 LICENSEE SHALL OTHERWISE FILE ANY RENEWAL OR VALIDATION THAT
17 BECOMES DUE. THE ADDITIONAL YEAR OF SAFEKEEPING SHALL START ON
18 THE DATE OF A RENEWAL OR VALIDATION OF THE LICENSE THAT OCCURS
19 ON OR AFTER JANUARY 1, 2022. THE ADDITIONAL YEAR OF SAFEKEEPING
20 IS IN ADDITION TO THE TWO YEARS AUTHORIZED UNDER SECTION 474.

21 (2) THE BOARD SHALL PROVIDE ANY RESTAURANT, EATING PLACE
22 RETAIL DISPENSER, HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR
23 LICENSE THAT WAS IN SAFEKEEPING AT ANY TIME DURING THE DISASTER
24 EMERGENCY DECLARATION, AN ADDITIONAL YEAR OF SAFEKEEPING. THE
25 LICENSE SHALL NOT BE SUBJECT TO ANY RENEWAL, VALIDATION, LATE OR
26 SAFEKEEPING FEES THAT WOULD OTHERWISE BE DUE DURING THIS
27 ADDITIONAL YEAR, BUT THE LICENSEE SHALL OTHERWISE FILE ANY
28 RENEWAL OR VALIDATION THAT BECOMES DUE. THE ADDITIONAL YEAR OF
29 SAFEKEEPING SHALL START ON THE DATE OF A RENEWAL OR VALIDATION
30 OF THE LICENSE THAT OCCURS ON OR AFTER JANUARY 1, 2022.

1 Section 2. This act shall take effect immediately.

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