

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1003 Session of 2015

INTRODUCED BY ARGALL, MENSCH, SCHWANK, VULAKOVICH, BROWNE,  
STEFANO, WHITE AND HUTCHINSON, SEPTEMBER 16, 2015

REFERRED TO LAW AND JUSTICE, SEPTEMBER 16, 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 preliminary provisions, further providing for definitions;  
 18 and, in licenses and regulations, providing for take-out  
 19 liquor permits.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,  
 23 No.21), known as the Liquor Code, reenacted and amended June 29,  
 24 1987 (P.L.32, No.14), is amended by adding a definition to read:

25 Section 102. Definitions.--The following words or phrases,  
 26 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 \* \* \*

3 "Food market" shall mean a reputable place that primarily  
4 sells food, supplies for the table and food products for human  
5 consumption off the premises, has an area under one roof of  
6 eight thousand (8,000) square feet to fifty-five (55,000) square  
7 feet and is in the possession of a restaurant liquor license.

8 \* \* \*

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

10 Section 415. Take-Out Liquor Permit.--(a) The board is  
11 authorized to issue a take-out liquor permit to a food market.  
12 The licensing period shall be established under section 402. The  
13 application and issuance of the license are subject to sections  
14 403 and 404 unless otherwise provided in this section. The  
15 application, renewal and filing fee shall be as prescribed in  
16 section 614-A(1) of the act of April 9, 1929 (P.L.177, No.175),  
17 known as "The Administrative Code of 1929."

18 (b) Permits issued under this section provide for the  
19 following restrictions and privileges:

20 (1) A permit established under this section shall license  
21 the premises of a food market located under one roof.

22 (2) Alcohol sold within a food market with a permit  
23 established under this section shall be placed under the roof  
24 and on the inside perimeter of the licensed premise.

25 (3) A permit shall authorize the sale, for consumption off  
26 premises only, of malt beverages, wine and spirits.

27 (4) A permit shall authorize the sale at retail of malt  
28 beverages, wine and spirits at licensed premises, during normal  
29 business hours, for up to seven days a week.

30 (5) A food market issued a permit under this section shall

1 not be required to meet the requirements defining "restaurant"  
2 contained in section 102.

3 (c) Permits issued under this section are subject to section  
4 493(13) relating to employment of minors.

5 (d) A food market obtaining a restaurant liquor license  
6 shall apply to the board to obtain a take-out liquor permit.

7 (e) Permits issued under this section are nontransferable.

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