

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 194 Session of 2021

INTRODUCED BY J. WARD, PHILLIPS-HILL, YAW, AUMENT, MENSCH, STEFANO AND MASTRIANO, FEBRUARY 10, 2021

SENATOR REGAN, LAW AND JUSTICE, AS AMENDED, MAY 26, 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 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) and 406(a)(4) of the act of April
28 12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended
29 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 subject to the restriction in~~ <--
13 ~~section 406(a)(4)(ii),~~] shall be permitted to sell malt or <--
14 brewed beverages for consumption off the premises where sold in
15 quantities of not more than one hundred ninety-two fluid ounces
16 in a single sale to one person as provided for in section 407.
17 Such licenses shall be known as hotel liquor licenses,
18 restaurant liquor licenses and club liquor licenses,
19 respectively. No person who holds any public office that
20 involves the duty to enforce any of the penal laws of the United
21 States, this Commonwealth or of any political subdivision of
22 this Commonwealth may have any interest in a hotel or restaurant
23 liquor license. This prohibition applies to anyone with arrest
24 authority, including, but not limited to, United States
25 attorneys, State attorneys general, district attorneys, sheriffs
26 and police officers. This prohibition shall also apply to
27 magisterial district judges, judges or any other individuals who
28 can impose a criminal sentence. This prohibition does not apply
29 to members of the General Assembly, township supervisors, city
30 councilpersons, mayors without arrest authority and any other

1 public official who does not have the ability to arrest or the
2 ability to impose a criminal sentence. This section does not
3 apply if the proposed premises are located outside the
4 jurisdiction of the individual in question.

5 * * *

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

7 * * *

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

22 (ii) No club licensee or its servants, agents or employes
23 may sell liquor or malt or brewed beverages for off-premises <--
24 consumption between the hours of two o'clock antemeridian and
25 seven o'clock antemeridian on any day. during the time period <--
26 covered by the proclamation of disaster emergency issued by the
27 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21,
28 2020), and any renewal of the state of disaster emergency.

29 * * *

30 Section 2. Sections 407(a)(1) and 442(a)(1)(i) of the act,

1 amended June 5, 2020 (P.L.213, No.29), are amended to read:

2 Section 407. Sale of Malt or Brewed Beverages by Liquor
3 Licensees.--(a) (1) Every liquor license issued to a hotel,
4 restaurant, club, or a railroad, pullman or steamship company
5 under this subdivision (A) for the sale of liquor shall
6 authorize the licensee to sell malt or brewed beverages at the
7 same places but subject to the same restrictions and penalties
8 as apply to sales of liquor, except that licensees [other than <--
9 clubs] ~~subject to the restriction in section 406(a)(4)(ii)~~ may <--
10 sell malt or brewed beverages for consumption off the premises
11 where sold in quantities of not more than one hundred ninety-two
12 fluid ounces in a single sale to one person. The sales may be
13 made in either open or closed containers, Provided, however,
14 That a municipality may adopt an ordinance restricting open
15 containers in public places. No licensee under this subdivision
16 (A) shall at the same time be the holder of any other class of
17 license, except a retail dispenser's license authorizing the
18 sale of malt or brewed beverages only. Sales of malt or brewed
19 beverages must occur on the licensed premises.

20 * * *

21 Section 442. Retail Dispensers' Restrictions on Purchases
22 and Sales.--(a) (1) (i) No retail dispenser shall purchase or
23 receive any malt or brewed beverages except in original
24 containers as prepared for the market by the manufacturer at the
25 place of manufacture. The retail dispenser may thereafter break
26 the bulk upon the licensed premises and sell or dispense the
27 same for consumption on or off the premises so licensed. No
28 retail dispenser may sell malt or brewed beverages for
29 consumption off the premises in quantities in excess of one
30 hundred ninety-two fluid ounces. Sales may be made in open or

1 closed containers, Provided, however, That a municipality may
2 adopt an ordinance restricting open containers in public places.
3 No club licensee may sell any malt or brewed beverages for
4 consumption off the premises [~~where sold, except during the time <--~~
5 ~~period covered by the proclamation of disaster emergency issued~~
6 ~~by the Governor on March 6, 2020, published at 50 Pa.B. 1644~~
7 ~~(March 21, 2020), and any renewal of the state of disaster~~
8 ~~emergency,~~ or] to persons not members of the club. Sales of malt <--
9 or brewed beverages must occur on the licensed premises.

10 * * *

11 Section 3. Sections 492(7) and 499(a.1)(4) of the act are
12 amended to read:

13 Section 492. Unlawful Acts Relative to Malt or Brewed
14 Beverages and Licensees.--

15 It shall be unlawful--

16 * * *

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

22 (ii) Clubs Selling Malt or Brewed Beverages for Off-Premises
23 Consumption between Two O'Clock Antemeridian and Seven O'Clock
24 Antemeridian. For any club retail dispenser or its servants,
25 agents or employes, to sell malt or brewed beverages for off-
26 premises consumption between the hours of two o'clock
27 antemeridian and seven o'clock antemeridian on any day. ~~during <--~~
28 ~~the time period covered by the proclamation of disaster~~
29 ~~emergency issued by the Governor on March 6, 2020, published at~~
30 ~~50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of~~

1 ~~disaster emergency.~~

2 * * *

3 Section 499. Premises to be Vacated by Patrons.--* * *

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

7 * * *

8 (4) no club licensee may sell any malt or brewed beverage
9 for consumption off the premises [~~where sold, except during the~~ <--
10 ~~time period covered by the proclamation of disaster emergency~~
11 ~~issued by the Governor on March 6, 2020, published at 50 Pa.B.~~
12 ~~1644 (March 21, 2020), and any renewal of the state of disaster~~
13 ~~emergency, or]~~ to any persons who are not members of the club. <--

14 * * *

15 Section 4. This act shall take effect in 30 days.