
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 421 Session of
2021

INTRODUCED BY J. WARD, YAW, MENSCH, STEFANO, DiSANTO AND MARTIN,
MARCH 15, 2021

REFERRED TO LAW AND JUSTICE, MARCH 15, 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 sale of malt or
19 brewed beverages by liquor licensees, for wine expanded
20 permits and for retail dispensers' restrictions on purchases
21 and sales.

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

24 Section 1. Sections 407(a)(2), 415(a)(4), (8) and (9) and
25 442(a)(1)(ii) of the act of April 12, 1951 (P.L.90, No.21),
26 known as the Liquor Code, amended June 5, 2020 (P.L.213, No.29),
27 are amended to read:

1 Section 407. Sale of Malt or Brewed Beverages by Liquor
2 Licensees.--(a) * * *

3 (2) If a restaurant liquor license holder has an interior
4 connection to another business that it operates, the restaurant
5 liquor license holder may use one or more of the registers in
6 the other business to sell malt or brewed beverages for off-
7 premises consumption under the following conditions:

8 [(i) the building is eleven thousand square feet or less;]

9 (ii) the registers are located in the same building as the
10 licensed premises;

11 (iii) the registers comply with the signage, staffing,
12 training, carding, scanning and prohibition on the sharing of
13 data provisions of section 415(a) (8) and (9); and

14 (iv) the board has been provided notice of compliance with
15 this paragraph by the restaurant liquor license holder,
16 including square footage of the building and the location of the
17 specific registers to be used prior to their use.

18 * * *

19 Section 415. Wine Expanded Permits.--(a) * * *

20 (4) If the board has approved the operation of another
21 business which has an inside passage or communication to or with
22 the licensed premises, the display, sale, storage and purchase
23 of wine and malt and brewed beverages shall be [confined
24 strictly to the premises, in a specifically designated area
25 covered by the license.] permitted in any area of the business
26 which is connected to the licensed premises by an interior
27 connection or connections approved by the board. A licensed or
28 unlicensed area or areas that are located within the same
29 building as the licensed premises and operated or controlled by
30 the same licensee, his officers, servants, agents or employees

1 are not required to be contiguous to any other licensed or
2 unlicensed area. The purchase of goods obtained from the
3 unlicensed area of the premises shall be permitted in the
4 licensed area.

5 * * *

6 (8) [A] Unless presented with a valid armed forces of the
7 United States identification card, a wine expanded permit holder
8 shall utilize a transaction scan device to verify the age of an
9 individual who appears to be under thirty-five years of age
10 [before making a sale of wine] at the point of sale. A wine
11 expanded permit holder may not sell or share data from the use
12 of a transaction scan device, provided that the licensee may use
13 the data to show the enforcement bureau of the board that the
14 licensee is in compliance with this act. As used in this
15 paragraph, the term "transaction scan device" means a device
16 capable of deciphering, in an electronically readable format,
17 the information encoded on the magnetic strip or bar code of an
18 identification card under section 495(a).

19 (9) A sale of wine by a wine expanded permit holder shall be
20 made through a register[, which malt or brewed beverages and
21 restaurant foods sales are made] located on the licensed
22 premises, which is well designated with signage[, which is
23 staffed at all times when patrons are on the licensed premises].
24 The actual sale shall be conducted by a sales clerk who is at
25 least eighteen years of age [and], has been trained under
26 section 471.1 and [which] utilizes a transaction scan device for
27 the sale as set forth in paragraph (8). A sales clerk who is
28 under eighteen years of age may operate a register if the sales
29 clerk is presented with wine or malt or brewed beverages to be
30 purchased by a customer and obtains the assistance of an

1 employee who is at least eighteen years of age and the sale
2 otherwise conforms to the requirements under this section. The
3 sale of wine may not occur at a point of sale where the customer
4 scans the customer's own purchases. Sales of wine must occur on
5 the licensed premises. A wine expanded permit holder may use a
6 register that is not located on the licensed portion of the
7 premises but is located within the same building as the licensed
8 premises so long as the sale otherwise conforms to the
9 requirements provided under this subsection.

10 * * *

11 Section 442. Retail Dispensers' Restrictions on Purchases
12 and Sales.--(a) (1) * * *

13 (ii) If a retail dispenser license holder has an interior
14 connection to another business that it operates, the retail
15 dispenser license holder may use one or more of the registers in
16 the other business to sell malt or brewed beverages for off-
17 premises consumption under the following conditions:

18 [(A) the building is eleven thousand square feet or less;]

19 (B) the registers are located in the same building as the
20 licensed premises;

21 (C) the registers comply with the signage, staffing,
22 training, carding, scanning and prohibition on the sharing of
23 data provisions of section 415(a)(8) and (9); and

24 (D) the board has been provided notice of compliance with
25 this subparagraph by the retail dispenser license holder,
26 including square footage of the building and the location of the
27 specific registers to be used prior to their use.

28 * * *

29 Section 2. This act shall take effect in 60 days.