
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1162 Session of
2021

INTRODUCED BY ROTHMAN, BURGOS, HILL-EVANS, CONKLIN, RYAN, GLEIM,
JAMES, WEBSTER, MOUL, O'NEAL, SAYLOR, ROWE AND BERNSTINE,
APRIL 12, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 12, 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 for liquor, alcohol and malt and
18 brewed beverages, further providing for malt and brewed
19 beverages manufactures', distributors' and importing
20 distributors' licenses, for unlawful acts relative to liquor,
21 alcohol and liquor licensees and for unlawful acts relative
22 to malt or brewed beverages and licensees; and, in
23 distilleries, wineries, bonded warehouses, bailees for hire
24 and transporters for hire, further providing for exemptions.

25 The General Assembly of the Commonwealth of Pennsylvania

26 hereby enacts as follows:

27 Section 1. Section 431(b) of the act of April 12, 1951

28 (P.L.90, No.21), known as the Liquor Code, amended June 5, 2020

1 (P.L.213, No.29), is amended to read:

2 Section 431. Malt and Brewed Beverages Manufacturers',
3 Distributors' and Importing Distributors' Licenses.--* * *

4 (b) The board shall issue to any reputable person who
5 applies therefor, and pays the license fee hereinafter
6 prescribed, a distributor's or importing distributor's license
7 for the place which such person desires to maintain for the sale
8 of malt or brewed beverages, not for consumption on the premises
9 where sold, and in quantities of not less than a case or
10 original containers containing one hundred twenty-eight ounces
11 or more which may be sold separately as prepared for the market
12 by the manufacturer at the place of manufacture. In addition, a
13 distributor license holder may sell malt or brewed beverages in
14 any amount to a person not licensed by the board for off-
15 premises consumption[.], except that distributors shall not
16 deliver frozen or partially frozen malt or brewed beverage
17 products unless the products are delivered in the original
18 package as provided by the manufacturer. The sales shall not be
19 required to be in the package configuration designated by the
20 manufacturer and may be sold in refillable growlers. The board
21 shall have the discretion to refuse a license to any person or
22 to any corporation, partnership or association if such person,
23 or any officer or director of such corporation, or any member or
24 partner of such partnership or association shall have been
25 convicted or found guilty of a felony within a period of five
26 years immediately preceding the date of application for the said
27 license: And provided further, That, in the case of any new
28 license or the transfer of any license to a new location, the
29 board may, in its discretion, grant or refuse such new license
30 or transfer if such place proposed to be licensed is within

1 three hundred feet of any church, hospital, charitable
2 institution, school or public playground, or if such new license
3 or transfer is applied for a place which is within two hundred
4 feet of any other premises which is licensed by the board: And
5 provided further, That the board shall refuse any application
6 for a new license or the transfer of any license to a new
7 location if, in the board's opinion, such new license or
8 transfer would be detrimental to the welfare, health, peace and
9 morals of the inhabitants of the neighborhood within a radius of
10 five hundred feet of the place proposed to be licensed. The
11 board may enter into an agreement with the applicant concerning
12 additional restrictions on the license in question. If the board
13 and the applicant enter into such an agreement, such agreement
14 shall be binding on the applicant. Failure by the applicant to
15 adhere to the agreement will be sufficient cause to form the
16 basis for a citation under section 471 and for the nonrenewal of
17 the license under section 470. If the board enters into an
18 agreement with an applicant concerning additional restrictions,
19 those restrictions shall be binding on subsequent holders of the
20 license until the license is transferred to a new location or
21 until the board enters into a subsequent agreement removing
22 those restrictions. If the application in question involves a
23 location previously licensed by the board, then any restrictions
24 imposed by the board on the previous license at that location
25 shall be binding on the applicant unless the board enters into a
26 new agreement rescinding those restrictions. The board shall
27 require notice to be posted on the property or premises upon
28 which the licensee or proposed licensee will engage in sales of
29 malt or brewed beverages. This notice shall be similar to the
30 notice required of hotel, restaurant and club liquor licensees.

1 Except as hereinafter provided, such license shall authorize
2 the holder thereof to sell or deliver malt or brewed beverages
3 in quantities above specified anywhere within the Commonwealth
4 of Pennsylvania, which, in the case of distributors, have been
5 purchased only from persons licensed under this act as
6 manufacturers or importing distributors, and in the case of
7 importing distributors, have been purchased from manufacturers
8 or persons outside this Commonwealth engaged in the legal sale
9 of malt or brewed beverages or from manufacturers or importing
10 distributors licensed under this article. In the case of an
11 importing distributor, the holder of such a license shall be
12 authorized to store and repackage malt or brewed beverages owned
13 by a manufacturer at a segregated portion of a warehouse or
14 other storage facility authorized by section 441(d) and operated
15 by the importing distributor within its appointed territory and
16 deliver such beverages to another importing distributor who has
17 been granted distribution rights by the manufacturer as provided
18 herein. The importing distributor shall be permitted to receive
19 a fee from the manufacturer for any related storage, repackaging
20 or delivery services. In the case of a bailee for hire hired by
21 a manufacturer, the holder of such a permit shall be authorized:
22 to receive, store and repackage malt or brewed beverages
23 produced by that manufacturer for sale by that manufacturer to
24 importing distributors to whom that manufacturer has given
25 distribution rights pursuant to this subsection or to purchasers
26 outside this Commonwealth for delivery outside this
27 Commonwealth; or to ship to that manufacturer's storage
28 facilities outside this Commonwealth. The bailee for hire shall
29 be permitted to receive a fee from the manufacturer for any
30 related storage, repackaging or delivery services. The bailee

1 for hire shall, as required in Article V of this act, keep
2 complete and accurate records of all transactions, inventory,
3 receipts and shipments and make all records and the licensed
4 areas available for inspection by the board and for the
5 Pennsylvania State Police, Bureau of Liquor Control Enforcement,
6 during normal business hours.

7 Each out of State manufacturer of malt or brewed beverages
8 whose products are sold and delivered in this Commonwealth shall
9 give distributing rights for such products in designated
10 geographical areas to specific importing distributors, and such
11 importing distributor shall not sell or deliver malt or brewed
12 beverages manufactured by the out of State manufacturer to any
13 person issued a license under the provisions of this act whose
14 licensed premises are not located within the geographical area
15 for which he has been given distributing rights by such
16 manufacturer. In addition, the holder of a distributor license
17 may not sell or deliver malt or brewed beverages to any licensee
18 whose licensed premises is located within the designated
19 geographical area granted to an importing distributor other than
20 the importing distributor that sold the malt or brewed beverages
21 to the distributor. If the licensee purchasing the malt or
22 brewed beverages from the distributor license holder holds
23 multiple licenses or operates at more than one location, then
24 the malt or brewed beverages may not be consumed or sold at
25 licensed premises located within the designated geographical
26 area granted to an importing distributor other than the
27 importing distributor that sold the malt or brewed beverages to
28 the distributor. Should a licensee accept the delivery of malt
29 or brewed beverages or transfer malt or brewed beverages in
30 violation of this section, said licensee shall be subject to a

1 suspension of his license for at least thirty days: Provided,
2 That the importing distributor holding such distributing rights
3 for such product shall not sell or deliver the same to another
4 importing distributor without first having entered into a
5 written agreement with the said secondary importing distributor
6 setting forth the terms and conditions under which such products
7 are to be resold within the territory granted to the primary
8 importing distributor by the manufacturer.

9 When a Pennsylvania manufacturer of malt or brewed beverages
10 licensed under this article names or constitutes a distributor
11 or importing distributor as the primary or original supplier of
12 his product, he shall also designate the specific geographical
13 area for which the said distributor or importing distributor is
14 given distributing rights, and such distributor or importing
15 distributor shall not sell or deliver the products of such
16 manufacturer to any person issued a license under the provisions
17 of this act whose licensed premises are not located within the
18 geographical area for which distributing rights have been given
19 to the distributor and importing distributor by the said
20 manufacturer. In addition, the holder of a distributor license
21 may not sell or deliver malt or brewed beverages to a licensee
22 whose licensed premises is located within the designated
23 geographical area granted to an importing distributor other than
24 the importing distributor that sold the malt or brewed beverages
25 to the distributor. If the licensee purchasing the malt or
26 brewed beverages from the distributor license holder holds
27 multiple licenses or operates at more than one location, the
28 malt or brewed beverages may not be consumed or sold at licensed
29 premises located within the designated geographical area granted
30 to an importing distributor other than the importing distributor

1 that sold the malt or brewed beverages to the distributor. If a
2 licensee accepts the delivery of malt or brewed beverages or
3 transfers malt or brewed beverages in violation of this section,
4 the licensee shall be subject to suspension of his license for
5 at least thirty days: Provided, That the importing distributor
6 holding such distributing rights for such product shall not sell
7 or deliver the same to another importing distributor without
8 first having entered into a written agreement with the said
9 secondary importing distributor setting forth the terms and
10 conditions under which such products are to be resold within the
11 territory granted to the primary importing distributor by the
12 manufacturer. Nothing herein contained shall be construed to
13 prevent any manufacturer from authorizing the importing
14 distributor holding the distributing rights for a designated
15 geographical area from selling the products of such manufacturer
16 to another importing distributor also holding distributing
17 rights from the same manufacturer for another geographical area,
18 providing such authority be contained in writing and a copy
19 thereof be given to each of the importing distributors so
20 affected.

21 * * *

22 Section 2. Sections 491(1) and 492(2) and (3) of the act are
23 amended and the sections are amended by adding clauses to read:

24 Section 491. Unlawful Acts Relative to Liquor, Alcohol and
25 Liquor Licensees.--

26 It shall be unlawful--

27 (1) Sales of Liquor. ~~[For]~~ Except as provided under clause
28 (1.1), for any person, by himself or by an employe or agent, to
29 expose or keep for sale, or directly or indirectly, or upon any
30 pretense or upon any device, to sell or offer to sell any liquor

1 within this Commonwealth, except in accordance with the
2 provisions of this act and the regulations of the board. This
3 clause shall not be construed to prohibit hospitals, physicians,
4 dentists or veterinarians who are licensed and registered under
5 the laws of this Commonwealth from administering liquor in the
6 regular course of their professional work and taking into
7 account the cost of the liquor so administered in making charges
8 for their professional service, or a pharmacist duly licensed
9 and registered under the laws of this Commonwealth from
10 dispensing liquor on a prescription of a duly licensed
11 physician, dentist or veterinarian, or selling medical
12 preparations containing alcohol, or using liquor in compounding
13 prescriptions or medicines and making a charge for the liquor
14 used in such medicines, or a manufacturing pharmacist or chemist
15 from using liquor in manufacturing preparations unfit for
16 beverage purposes and making a charge for the liquor so used.
17 All such liquors so administered or sold by hospitals,
18 physicians, dentists, veterinarians, pharmacists or chemists
19 shall conform to the Pharmacopoeia of the United States, the
20 National Formulary, or the American Homeopathic Pharmacopoeia.
21 This clause shall not be construed to prohibit an executor or an
22 administrator of a decedent's estate from selling privately or
23 at public auction liquor which was an asset of the decedent.
24 This clause shall not be construed to prohibit the practice by a
25 bed and breakfast homestead or inn of providing one bottle of
26 wine to its paying guests at check-in while in an overnight
27 status so long as that wine is produced by a licensed limited
28 winery as provided for under section 505.2. For purposes of this
29 paragraph, a "bed and breakfast homestead or inn" shall mean a
30 private residence that contains ten or fewer bedrooms used for

1 providing overnight accommodations to the public and in which
2 breakfast is the only meal served and is included in the charge
3 for the room. This clause shall not be construed to prohibit the
4 practice of a business which is principally engaged in the sale
5 of gift baskets within this Commonwealth to sell a gift basket
6 containing nonliquor items and no more than one bottle of wine
7 which has been lawfully purchased from the board, so long as
8 that wine is produced by a licensed limited winery as provided
9 for under section 505.2 and provided that delivery of the gift
10 basket shall be by a licensed transporter for hire, which shall
11 keep records as required under section 512 pertaining to the
12 direct shipment of wine, and provided that the business complies
13 with the provisions of section 488 relative to requiring proof
14 of age and labeling advising that the package contains alcohol.
15 The board shall establish regulations to ensure that State taxes
16 from the sales will be paid by the estate from the proceeds of
17 the sale. The board may not prohibit a sale of liquor for the
18 reason that it was not lawfully acquired prior to January 1,
19 1934 or has not been purchased from a Pennsylvania Liquor Store
20 or in compliance with Pennsylvania law.

21 (1.1) (i) It shall not be a violation of clause (1) if a
22 person, not located on a licensed premises, operates a
23 telephonic, web-based or other electronic ordering system used
24 by the person to coordinate or facilitate orders and deliveries
25 of, and payment for, wine sold to a nonlicensee of the board, by
26 and for a restaurant or hotel licensee or liquor sold by the the
27 board. For the purpose of this subclause, "coordinate or
28 facilitate" shall mean:

29 (A) making visible to the general public or any portion or
30 segment of the general public, through digital or electronic

1 commerce, posting on publicly accessible Internet websites and
2 other means, wine inventories that are offered for sale by
3 restaurant or hotel licensees or the board and spiritous liquors
4 offered for sale by the board, provided that the inventories of
5 products, as well as the prices of the products, shall be
6 established solely by participating and authorized licensees
7 under this clause, and the board for retail sales by the board
8 through a coordinator or facilitator, and neither the available
9 inventory nor prices shall be modified by the coordinator or
10 facilitator;

11 (B) establishing or executing processes and methods for the
12 general public, or any portion or segment of the general public,
13 to place orders for wine or spirituous liquor products, as
14 permitted to be offered for sale by licensees or the board under
15 this act, through and with the assistance of the coordinator or
16 facilitator, who or which may be an independent contractor or
17 contractors;

18 (C) forwarding to or providing notice of orders for wine or
19 liquor to participating and authorized licensees or the board
20 that have been submitted to the coordinator or facilitator;

21 (D) on behalf of restaurant or hotel licensees and the
22 board, tracking, organizing, fulfilling or delivering wine or
23 liquor, for sale by licensees or the board as permitted under
24 this act, to nonlicensees; and

25 (E) on behalf of a restaurant and hotel licensees and the
26 board, billing nonlicensee purchasers for orders of wine and
27 liquor and receiving payment from purchasers. The coordinator
28 shall initiate transfer or transmission of the payments to the
29 licensee or the board in full prior to removal of wine or liquor
30 from licensee or board premises. A person engaged in

1 coordinating and facilitating sale transactions under this
2 clause shall be referred to as a "coordinator." Multiple
3 coordinators may provide services to a single or multiple
4 restaurant and hotel licensees or the board, and the permitted
5 services may, for a single order or all orders, be delegated or
6 divided between different coordinators according to factors,
7 including, but not limited to, geographical considerations, the
8 specialized nature of the services provided by a particular
9 coordinator and the type or volume of wine or spirituous liquor
10 being purchased. Delivery of wine or spirituous liquor under
11 this clause to a nonlicensee may be coordinated by an
12 independent, licensed transporter for hire, who or which may be
13 an independent contractor or contractors, or by the licensee or
14 the board, provided that if delivery is made by a licensee, the
15 licensee holds a transporter for hire permit, deliveries under
16 this clause shall only be made to recipients who are at least 21
17 years of age. The recipient's age shall be verified with an
18 approved form of identification, consistent with and as required
19 by section 495(a), and through the use of a portable ID scanning
20 device or similar technology prior to the recipient taking
21 possession of wine or liquor. Licensees engaging third-party
22 facilitators or coordinators under this clause may not share or
23 sell sales data to the third parties, except data may be shared
24 with the third parties to the extent necessary for the third
25 parties to perform services for licensees or the board. Wine and
26 spirituous liquor sold through orders taken by a coordinator for
27 or on behalf of a licensee shall:

28 (I) be lawfully obtained by the licensee; and

29 (II) come from inventory located on the licensee's premises.

30 A coordinator involved in transactions under this clause shall

1 initiate the electronic transfer or transmission of the
2 purchaser's full payment for the purchase of wine or liquor to
3 the licensee or the board prior to the removal of any wine or
4 liquor from licensed premises or board premises for delivery to
5 a nonlicensee. At all times the licensee or board shall be:

6 (a) solely responsible for establishing and maintaining
7 their own liquor inventory; and

8 (b) the actual seller of the liquor sold by the license or
9 board to its customers. Licensees and the board are authorized
10 to do all things and take all action themselves that

11 coordinators are authorized to do under this clause, subject to
12 the same conditions and as applicable to licensees or the board.

13 Nothing in this clause shall relieve a licensee from the

14 requirement to obtain and maintain in good standing a wine

15 expanded permit for the sale of bottles of wine for off-premises

16 consumption, whether the sales are made with or without the

17 assistance of a coordinator, nor shall anything contained in

18 this clause relieve a licensee from complying with the

19 requirements regarding sales made by the holder of a wine

20 expanded permit, including the responsible alcohol management

21 program certification requirements, except that on-premises

22 scanning or other examination of a purchaser's proof of age and

23 an on-premises submission of the purchase price shall not be

24 required where the purchaser has placed an advance order by a

25 web page or through other electronic commerce alternative by a

26 coordinator or by the licensee or board directly. In the event

27 that the board exercises its ability under this clause to use a

28 coordinator for orders and deliveries of wine or spirituous

29 liquors to nonlicensees, the board shall first promulgate

30 regulations establishing appropriate procedures.

1 (ii) A restaurant or hotel licensee, its agents or
2 employees, or a coordinator, who or which may be an independent
3 contractor or contractors, may, without the necessity of a party
4 authorized under this clause holding a transporter for hire
5 permit, carry to and place in vehicles of nonlicensee recipients
6 wine, or in the case of the board, wine and liquor, provided:

7 (A) that the nonlicensee recipient is located in a vehicle
8 outdoors in an area in close proximity to the licensee's or
9 board's premises;

10 (B) in an area designated by obvious signage for curbside
11 deliveries;

12 (C) the wine or liquor is lawfully purchased by a
13 nonlicensee while the nonlicensee is either physically present
14 and located on licensed or board premises when the order is
15 placed and paid for, or through an advance order placed and paid
16 for by a telephonic, web-based or other electronic ordering
17 system maintained by the licensee or board or a coordinator and
18 a nonlicensee recipient subsequently appears in person in a
19 vehicle at the licensee's or the board's designated curbside
20 pickup area to accept the placement into the person's vehicle of
21 the wine or liquor that was ordered and paid for earlier; and

22 (D) the person carrying the wine or liquor to the vehicle
23 for the transporter for hire permittee shall be at least 21
24 years of age, in accordance with 18 Pa.C.S. § 6308(a) (relating
25 to purchase, consumption, possession or transportation of liquor
26 or malt or brewed beverages). Prior to placing wine or liquor in
27 a vehicle, the licensee or board, or their employee, agent or
28 coordinator, including independent contractors, shall verify by
29 examination of authorized proof of age and the use of an
30 electronic scan device or similar technology that the purchaser

1 is at least 21 years of age. The purchaser's age may be verified
2 either in the licensee's or board's premises, or at the
3 licensee's or board's designated curbside delivery area. Nothing
4 in this section shall relieve a licensee from the requirement to
5 obtain and maintain in good standing a wine expanded permit for
6 the sale of bottles of wine for off-premises consumption,
7 whether the sales are made with or without the assistance of a
8 coordinator, nor shall anything under this clause relieve a
9 licensee from complying with the requirements regarding sales
10 made by the holder of a wine expanded permit, except that on-
11 premises scanning or other examination of a purchaser's proof of
12 age and an on premises submission of the purchase price shall
13 not be required where the purchaser has placed an advance order
14 by a web page or through other electronic commerce alternative
15 by a coordinator or by the licensee or board directly.

16 * * *

17 Section 492. Unlawful Acts Relative to Malt or Brewed
18 Beverages and Licensees.--

19 It shall be unlawful--

20 * * *

21 (2) Sales of Malt or Brewed Beverages for Consumption on the
22 Premises. [For] Except as provided under clause (2.1), for any
23 person, to sell to another for consumption upon the premises
24 where sold or to permit another to consume upon the premises
25 where sold, any malt or brewed beverages, unless such person
26 holds a valid retail dispenser license or a valid liquor license
27 issued by the board authorizing the sale of malt or brewed
28 beverages for consumption upon such premises.

29 (2.1) It shall not be a violation of clause (2) if a person,
30 not located on licensed premises, operates a telephonic, web-

1 based or other electronic ordering system by which the person
2 facilitates orders and deliveries of malt or brewed beverages on
3 behalf of a licensee. Delivery under this section may be made by
4 an independent contractor of the person and shall only be made
5 to recipients who are at least 21 years of age. The recipient's
6 age shall be verified prior to the recipients taking possession
7 of the malt or brewed beverage. The person may provide
8 telephonic, web-based or other electronic ordering system on
9 behalf of multiple licensees. Malt or brewed beverages sold
10 through orders taken by the person: (i) shall be lawfully
11 obtained by the licensee, and (ii) shall come from inventory
12 located on the licensee's premises. The person shall transfer or
13 transmit the purchaser's payment for the purchase of malt or
14 brewed beverages prior to the licensee releasing the malt or
15 brewed beverages for delivery, and the licensee shall be
16 considered the seller of the malt or brewed beverages. A
17 licensee, its agents and employees, may deliver and carry to the
18 vehicles of the licensee's customers, located outdoors in an
19 area immediately adjacent to and designated for the deliveries,
20 alcohol lawfully purchased by the customer while the customer is
21 either physically present and located on the licensed premises
22 or places its order via a telephonic, web-based or other
23 electronic ordering system. A licensee shall verify the age of
24 the recipient prior to placing any alcoholic beverage in the
25 recipient's vehicle.

26 (3) Sales of Malt or Brewed Beverages Not for Consumption on
27 the Premises. [For] Except as provided under clause (3.1), for
28 any person, to sell to another any malt or brewed beverages not
29 for consumption upon the premises where sold, unless such person
30 holds a valid license permitting such sale.

1 (3.1) (i) It shall not be a violation of any provision of
2 this act if a person not located on the licensed premises,
3 operates a telephonic, web-based or other electronic ordering
4 system by which the person coordinates and facilitates orders
5 and deliveries of malt or brewed beverages on behalf of a
6 restaurant, hotel or eating place licensee or an importing
7 distributor or distributor licensee to nonlicensees of the
8 board. For the purpose of this section, "coordinate or
9 facilitate" shall mean:

10 (A) making visible to the general public or any portion or
11 segment of the general public, through digital or electronic
12 commerce, by posting on publicly accessible Internet websites
13 and other means, the malt or brewed beverages offered for sale
14 by a restaurant, hotel or eating place licensee or importing
15 distributor or distributor licensees, as well as the prices of
16 the products, provided that the prices are established solely by
17 the restaurant, hotel or eating place licensee or importing
18 distributor or distributor licensee for sale by the same, with
19 the assistance or through a coordinator or facilitator, and that
20 the prices and availability of malt or brewed beverages to be
21 sold shall not be modified by the coordinator or facilitator;

22 (B) establishing and executing processes and methods to be
23 used by the general public, or any portion or segment of the
24 general public, to place orders for malt or brewed products
25 offered for sale by restaurant, hotel or eating place licensees
26 or importing distributor or distributor licensees, with and
27 through the coordinator or facilitator;

28 (C) forwarding to or providing notice of orders for malt or
29 brewed beverages to restaurant, hotel or eating place licensees
30 or importing distributor or distributor licensees that have been

1 submitted to the coordinator or facilitator for the permitted
2 licensees and the board;

3 (D) on behalf of restaurant, hotel or eating place licensees
4 or importing distributor or distributor licensees tracking,
5 organizing, fulfilling or delivering malt or brewed beverages to
6 nonlicensees licensees; and

7 (E) on behalf of restaurant, hotel or eating place licensees
8 or importing distributor or distributor licensees, billing
9 nonlicensee purchasers for orders of malt or brewed beverages
10 that nonlicensees have submitted, and collecting or assisting
11 with receipt of payments from purchasers. The coordinator shall
12 initiate the transfer or transmission of the payment to the
13 restaurant, hotel or eating place licensee or importing
14 distributor or distributor licensee in full prior to removal of
15 the malt or brewed beverages from licensed premises. Multiple
16 coordinators may provide services to a single restaurant, hotel
17 or eating place licensee or importing distributor or distributor
18 licensee and the permitted services may, for a single order or
19 all orders, be delegated or divided between different
20 coordinators or facilitators according to factors, including,
21 but not limited to, geographical considerations, the specialized
22 nature of the services provided by a particular coordinator or
23 facilitator and the type or volume of malt or brewed beverages
24 being purchased. A person engaged in coordinating and
25 facilitating transactions under this clause shall be referred to
26 as a "coordinator," who or which may be an independent
27 contractor or contractors. Delivery to nonlicensees under this
28 clause may be made by the restaurant, hotel or eating place
29 licensee, importing distributor or distributor licensee, or a
30 coordinator or other independent contractor or contractors of

1 the licensee, provided that any party other than an importing
2 distributor or distributor that delivers the malt or brewed
3 beverages must hold a transporter for hire license. Distributor
4 or importing distributor licensees may also make deliveries on
5 their own. No deliveries shall be made unless the recipient has
6 verified that the recipient is at least 21 years of age. The
7 recipient's age shall be verified by the presentation of an
8 authorized form of identification, consistent with forms of
9 identification permitted in this act, and through the use of an
10 electronic scanning device or similar technology prior to the
11 recipient taking possession of the malt or brewed beverages. A
12 coordinator may provide telephonic, web-based or other
13 electronic ordering and payment systems and deliveries on behalf
14 of multiple restaurant, hotel or eating place licensees or
15 importing distributor and distributor licensees. Malt and brewed
16 beverages sold through orders taken by a coordinator shall:

17 (I) be lawfully obtained by the restaurant, hotel or eating
18 place licensee or importing distributor or distributor licensee;
19 and

20 (II) come only from inventory located on the licensed
21 premises of the restaurant, hotel or eating place licensee or
22 importing distributor or distributor licensee making the sale. A
23 coordinator involved in transactions under this clause shall
24 initiate the transfer or transmission to the restaurant, hotel
25 or eating place licensee or importing distributor or distributor
26 the purchaser's full payment for the purchase of malt or brewed
27 beverages prior to the malt or brewed beverages being removed
28 from the seller's licensed premises for delivery. The
29 restaurant, hotel or eating place licensee or importing
30 distributor or distributor that is providing the malt or brewed

1 beverages to the consumer shall be the actual seller of the malt
2 or brewed beverages. Licensees are authorized to do all things
3 and take all actions themselves that coordinators are authorized
4 to do under this clause, subject to the same conditions, as
5 applicable to licensees.

6 (ii) Without the necessity of the possession of a
7 transporter for hire permit, a restaurant, hotel or eating place
8 licensee, their agents and employees, may carry and place malt
9 or brewed beverages to and in the vehicles of nonlicensees,
10 provided:

11 (A) that the nonlicensee's vehicle is located outdoors in an
12 area in close proximity to the licensed premises;

13 (B) in an area designated by obvious signage for the
14 deliveries;

15 (C) the malt or brewed beverages are lawfully purchased
16 while the nonlicensee is either physically present and located
17 on the licensed premises when the order is placed and paid for,
18 or through an advance order placed and paid for by a telephonic,
19 web-based or other electronic ordering system and payment for an
20 order placed in advance may also be made contemporaneously with
21 a nonlicensed recipient receiving the order of the products at
22 the licensee's designated curbside area, provided that importing
23 distributors and distributors may deliver malt or brewed
24 beverages to the vehicles without the necessity of maintaining a
25 designated curbside pickup area; and

26 (D) the person carrying the malt or brewed beverages to the
27 vehicle for the transporter for hire permittee shall be at least
28 21 years of age, consistent with 18 Pa.C.S. § 6308(a) (relating
29 to purchase, consumption, possession or transportation of liquor
30 or malt or brewed beverages). Prior to placing any malt or

1 brewed beverage in the vehicle, the restaurant, hotel or eating
2 place licensee or importing distributor or distributor licensee
3 or coordinator, including independent contractors, shall verify
4 by examination of authorized proof of age and the use of an
5 electronic scan device or similar technology that the purchaser
6 is at least 21 years of age. The purchaser's age may be verified
7 either in the licensee's premises, or at the licensee's
8 designated curbside delivery area.

9 * * *

10 Section 3. Section 502 of the act is amended to read:

11 Section 502. Exemptions.--(a) No license hereunder shall be
12 required from any registered pharmacist; or a physician licensed
13 by the State Board of Medicine; or any person who makes and
14 sells vinegar, nonalcoholic cider and fruit juices; or any
15 person who manufactures, stores, sells or transports methanol,
16 propanol, butanol and amanol; or any person who conducts a
17 wholesale drug business; or any person who manufactures
18 alcoholic preparations not fit for use as a beverage, other than
19 denatured alcohol or for beverage purposes; any person engaged
20 in the manufacture; possession or sale of patent, patented or
21 proprietary medicines, toilet, medicinal or antiseptic
22 preparations unfit for beverage purposes, or solutions or
23 flavoring extracts or syrups unfit for beverage purposes; or any
24 person who manufactures or sells paints, varnishes, enamels,
25 lacquers, stains or paint, or varnish removing or reducing
26 compounds, or wood fillers; or any person who manufactures any
27 substance where the alcohol or any liquor is changed into other
28 chemical substances and does not appear in the finished product
29 as alcohol or liquor; or any common carrier by railroad which is
30 subject to regulation by the Pennsylvania Public Utility

1 Commission of the Commonwealth of Pennsylvania, or scheduled
2 common carriers by air of mail and passengers; or any person who
3 sells, stores or transports alcohol or liquor completely
4 denatured, as specified by the board; or any person licensed
5 under Article IV for malt and brewed beverages who manufactures,
6 distills or otherwise produces alcohol as a byproduct of the
7 manufacture of any reduced alcohol or nonalcohol malt or brewed
8 beverage if the byproduct is not intended nor used as a beverage
9 for human consumption except as part of the malt or brewed
10 beverage.

11 (b) In addition to any other privilege under this act,
12 a transporter for hire permittee or an independent contractor
13 the transporter for hire permittee, may, on behalf of the board
14 and any licensee of the board who is authorized to sell liquor
15 or malt or brewed beverages to nonlicensees of the
16 board, deliver liquor and malt or brewed beverages to
17 nonlicensees, provided that the liquor and malt or brewed
18 beverages originate from the licensee's licensed premises or
19 board's premises, and are sold by the licensees or board by a
20 telephonic, web-based or other electronic ordering system
21 maintained and operated by the licensee or a third party who has
22 contracted with the licensee or board to coordinate sales by a
23 telephonic, web-based or other electronic ordering system, or by
24 direct arrangement with the selling licensee or the board. Sales
25 under this subsection shall not be subject to section 415(a)(4),
26 (8) or (9), if, on behalf of the licensee, the transporter for
27 hire permittee, or independent contractor of the transporter for
28 hire permittee, verifies the recipient's age at the time of
29 delivery, by a transaction scan device or similar technology.
30 The licensee of the board which is the authorized source of the

1 liquor or malt or brewed beverages, or the board for sales by
2 the board, shall be the actual seller of the liquor or malt or
3 brewed beverages delivered by a transporter for hire or its
4 independent contractor for a licensee or board. Any transporter
5 for hire delivering liquor or malt or brewed beverages under
6 this subsection for any permitted licensee or the board shall
7 maintain records of all transactions consistent with section
8 512.

9 Section 4. This act shall take effect in 60 days.