
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 152 Session of
2023

INTRODUCED BY ORTITAY, ECKER, HAMM, JAMES, GROVE, IRVIN, SMITH,
CIRESI, GLEIM, ROWE, KEEFER, JOZWIAK, LEADBETER AND
SCIALABBA, MARCH 8, 2023

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 8, 2023

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)(9) and (10) and 442(a)
25 (1)(ii) of the act of April 12, 1951 (P.L.90, No.21), known as
26 the Liquor Code, are amended to read:

27 Section 407. Sale of Malt or Brewed Beverages by Liquor

1 Licensees.--(a) * * *

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

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

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

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

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

17 * * *

18 Section 415. Wine Expanded Permits.--(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 (10) If a wine expanded permit holder has an interior
11 connection to another business that it operates, the wine
12 expanded permit holder may use one or more of the registers in
13 the other business to sell wine for off-premises consumption
14 under the following conditions:

15 [(i) the building is eleven thousand (11,000) square feet or
16 less;]

17 (ii) the registers are located in the same building as the
18 licensed premises;

19 (iii) the registers comply with the signage, staffing,
20 training, carding, scanning and prohibition on the sharing of
21 data provisions of paragraphs (8) and (9); and

22 (iv) the board has been provided notice of compliance with
23 this paragraph by the wine expanded permit holder, including
24 [square footage of the building and] the location of the
25 specific registers to be used prior to their use.

26 * * *

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

29 (ii) If a retail dispenser license holder has an interior
30 connection to another business that it operates, the retail

1 dispenser license holder may use one or more of the registers in
2 the other business to sell malt or brewed beverages for off-
3 premises consumption under the following conditions:

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

5 (B) the registers are located in the same building as the
6 licensed premises;

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

10 (D) the board has been provided notice of compliance with
11 this subparagraph by the retail dispenser license holder,
12 including [square footage of the building and] the location of
13 the specific registers to be used prior to their use.

14 * * *

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