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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2059 Session of  
2021

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INTRODUCED BY ORTITAY, BOBACK, ROTHMAN, RYAN, JOZWIAK, BROOKS,  
JAMES, BERNSTINE, MIHALEK AND KEEFER, NOVEMBER 8, 2021

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, NOVEMBER 8, 2021

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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, amended or added 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  
17 the specific registers to be used prior to their use.

18 \* \* \*

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

20 (9) A sale of wine by a wine expanded permit holder shall be  
21 made through a register[, which malt or brewed beverages and  
22 restaurant foods sales are made] located on the licensed  
23 premises, which is well designated with signage[, which is  
24 staffed at all times when patrons are on the licensed premises].

25 The actual sale shall be conducted by a sales clerk who is at  
26 least eighteen years of age [and], has been trained under  
27 section 471.1 and [which] utilizes a transaction scan device for  
28 the sale as set forth in paragraph (8). A sales clerk who is  
29 under eighteen years of age may operate a register if the sales  
30 clerk is presented with wine or malt or brewed beverages to be

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

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

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

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

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

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

27 \* \* \*

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

30 (ii) If a retail dispenser license holder has an interior

1 connection to another business that it operates, the retail  
2 dispenser license holder may use one or more of the registers in  
3 the other business to sell malt or brewed beverages for off-  
4 premises consumption under the following conditions:

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

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

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

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

15 \* \* \*

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