

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 221 Session of 2023

INTRODUCED BY SMITH, NEILSON AND ARMANINI, MARCH 17, 2023

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 30, 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 Pennsylvania Liquor Control Board, further providing for
18 enforcement.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 211(g) (4) of the act of April 12, 1951 <--
22 (P.L.90, No.21), known as the Liquor Code, is amended to read:~~

23 SECTION 1. SECTION 211 OF THE ACT OF APRIL 12, 1951 (P.L.90, <--
24 NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED BY ADDING A
25 SUBSECTION TO READ:

26 Section 211. Enforcement.--\* \* \*

1 ~~(g) The following shall apply:~~ <--

2 \* \* \*

3 ~~(4) The provisions of this subsection shall expire December~~  
4 ~~31, [2022] 2027.~~

5 (H) THE FOLLOWING SHALL APPLY: <--

6 (1) AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE MAY  
7 PURCHASE, ATTEMPT TO PURCHASE, POSSESS OR TRANSPORT LIQUOR OR  
8 MALT OR BREWED BEVERAGES IF ALL OF THE FOLLOWING APPLY:

9 (I) THE INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF AGE.

10 (II) THE INDIVIDUAL IS AN OFFICER, EMPLOYE OR INTERN OF THE  
11 ENFORCEMENT BUREAU.

12 (III) THE INDIVIDUAL HAS COMPLETED TRAINING SPECIFIED BY THE  
13 ENFORCEMENT BUREAU.

14 (IV) THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF PRESCRIBED  
15 DUTIES.

16 (V) THE INDIVIDUAL IS ACTING UNDER THE DIRECT CONTROL OR  
17 SUPERVISION OF AN ENFORCEMENT BUREAU OFFICER WHO IS AN ADULT.

18 (2) INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE MAY NOT  
19 CONSUME LIQUOR OR MALT OR BREWED BEVERAGES.

20 (3) THE PENNSYLVANIA STATE POLICE SHALL PROMULGATE  
21 REGULATIONS PRESCRIBING THE MANNER IN WHICH COMPLIANCE CHECKS  
22 ARE TO BE PERFORMED. COMPLIANCE CHECKS UNDER THIS SUBSECTION  
23 SHALL BE CONDUCTED IN A MANNER CONSISTENT WITH THE REGULATIONS.  
24 REGULATIONS SHALL REQUIRE, AT A MINIMUM, ALL OF THE FOLLOWING:

25 (I) PRIOR TO PARTICIPATION IN THE COMPLIANCE CHECK, THE  
26 OFFICER, EMPLOYE OR INTERN SHALL UNDERGO TRAINING APPROVED BY  
27 THE ENFORCEMENT BUREAU.

28 (II) A PERSON LICENSED TO SELL LIQUOR OR MALT OR BREWED  
29 BEVERAGES THAT IS FOUND TO BE IN COMPLIANCE WITH 18 PA.C.S. §  
30 6310.1 (RELATING TO SELLING OR FURNISHING LIQUOR OR MALT OR

1 BREWED BEVERAGES TO MINORS) AND SECTION 493(1) DURING A  
2 COMPLIANCE CHECK SHALL BE NOTIFIED IN WRITING OF THE COMPLIANCE  
3 CHECK AND THE DETERMINATION OF COMPLIANCE.

4 (III) A PERSON LICENSED TO SELL LIQUOR OR MALT OR BREWED  
5 BEVERAGES THAT IS FOUND TO BE NONCOMPLIANT WITH 18 PA.C.S. §  
6 6310.1 OR SECTION 493(1) DURING A COMPLIANCE CHECK SHALL BE  
7 IMMEDIATELY VERBALLY ADVISED BY THE SUPERVISING ENFORCEMENT  
8 BUREAU OFFICER AND SHALL BE NOTIFIED IN WRITING OF THE FAILURE  
9 TO COMPLY WITHIN TEN WORKING DAYS OF THE DATE OF THE COMPLIANCE  
10 CHECK.

11 (4) THE PROVISIONS OF THIS SUBSECTION SHALL EXPIRE FIVE  
12 YEARS FROM THE EFFECTIVE DATE OF THIS SUBSECTION.

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