

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2313 Session of 2015

INTRODUCED BY SIMMONS, ROTHMAN, STURLA, MILLARD, SAYLOR,
EVERETT, IRVIN, WARD, SANKEY, DAY, HELM, HARHART, MACKENZIE,
KAMPF AND EVANKOVICH, SEPTEMBER 7, 2016

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 7, 2016

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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, providing for spirits auction permits.

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

21 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
22 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
23 No.14), is amended by adding a section to read:

24 Section 408.17. Spirits Auction Permits.--(a) The board
25 shall issue a spirits auction permit good for a period of not

1 more than four consecutive or nonconsecutive days per calendar
2 year to the following entities upon application and payment of a
3 fee of thirty dollars (\$30) per day:

4 (1) any nonprofit hospital;

5 (2) any nonprofit public television station that is a member
6 of the Pennsylvania Public Television Network;

7 (3) any orchestra located in a county of the first, second
8 or third class that is operated by a nonprofit corporation;

9 (4) any museum located in a county of the first, second or
10 third class that is operated by a nonprofit corporation;

11 (5) any nonprofit corporation located in any county of the
12 third class that trains and places dogs for people who are
13 physically handicapped;

14 (6) any nationally recognized community-based voluntary
15 health organization committed to fighting cancer that has been
16 in existence for at least ninety years;

17 (7) any nationally recognized emergency response
18 organization that offers humanitarian care to victims of war or
19 natural disaster and has been in existence for at least one
20 hundred twenty-five years;

21 (8) any nationally recognized organization whose purpose is
22 to serve as an agent to collect funds for local charities, as
23 well as to coordinate relief services, counsel and refer clients
24 to cooperating agencies and make emergency assistance grants and
25 has been in existence for at least one hundred twenty years;

26 (9) any hospice as defined under section 802.1 of the act of
27 July 19, 1979 (P.L.130, No.48), known as the "Health Care
28 Facilities Act"; or

29 (10) an institution of higher education.

30 (b) Subject to clause (1) of section 493, a spirits auction

1 permit shall authorize the permittee to sell, by auction,
2 spirits by the bottle or case to any person on any day for which
3 the permit is issued. The permit may only be issued in a city,
4 borough, incorporated town or township in which the sale of
5 liquor or malt or brewed beverages has been approved by the
6 electorate. Any spirits purchased under this section shall not
7 be consumed at the place of purchase.

8 (c) A spirit auction permit shall be valid for the number of
9 days stated in the permit.

10 (d) A spirit auction permit may only be issued for use at an
11 event used by the permittee to raise funds for its operation.

12 (e) The hours during which the holder of a spirit auction
13 permit may sell spirits shall be limited to the hours set forth
14 in section 406 which are applicable to hotel and restaurant
15 licensees, provided, however, that spirit auction permittees may
16 sell spirits on Sunday between the hours of seven o'clock
17 antemeridian and until two o'clock antemeridian Monday.

18 (f) Spirit auction permits may be issued for sales on
19 premises which are either licensed or unlicensed under this act.

20 (g) Any spirits sold under this section shall be purchased
21 from a Pennsylvania Liquor Store, a Pennsylvania limited
22 distillery or any seller authorized to sell spirits by the
23 bottle or case in this Commonwealth or shall be donated by a
24 person who is neither a licensee nor a permittee who has legally
25 acquired the spirits and legally possesses it in this
26 Commonwealth.

27 (h) If any spirits sold under this section are purchased
28 from a seller other than a Pennsylvania Liquor Store, a
29 Pennsylvania limited distillery or any seller authorized to sell
30 spirits, the permittee shall provide thirty days' notice to the

1 board of its intent to purchase such spirits. The notice shall
2 include a description of the spirits to be purchased, the
3 quantity to be purchased, the name of the seller and any other
4 information which the board may require. The permittee shall
5 comply with all board regulations regarding taxes and fees.

6 (i) The permittee shall be responsible for paying to the
7 board an amount equal to all taxes that would have been paid on
8 the spirits if they had been purchased from a Pennsylvania
9 Liquor Store, together with a processing fee to be determined by
10 the board.

11 (j) As a condition of the permit, the permittee shall not
12 broadcast by way of radio or television or disseminate by print
13 media nor cause the broadcast by way of radio, television or
14 dissemination by the print media of the price of any spirits
15 sold or to be sold under this section.

16 (k) Any person selling spirits in violation of this section
17 shall, upon summary conviction, be sentenced to pay a fine of
18 two hundred fifty dollars (\$250) for the first offense and a
19 fine of five hundred dollars (\$500) for each subsequent offense.
20 This fine shall be in addition to any other penalty imposed by
21 law for the illegal sale of liquor or malt or brewed beverages.

22 (l) "Auction," as used in this section, shall mean the offer
23 to sell spirits by the permittee to the members of an audience
24 congregated for the purpose of making bids for the purchase of
25 the spirits in an effort by the permittee to advance the amount
26 of the bids to obtain the highest or most favorable offer.

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