

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 39 Session of 2023

INTRODUCED BY MUSTELLO, CIRESI, JAMES, KEEFER, LEADBETER, MOUL, ROWE AND OBERLANDER, MARCH 7, 2023

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 7, 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 Stores, further providing for sales by
 18 Pennsylvania Liquor Stores; and, in licenses and regulations
 19 and liquor, alcohol and malt and brewed beverages, further
 20 providing for malt and brewed beverages manufacturers',
 21 distributors' and importing distributors' licenses.

22 The General Assembly of the Commonwealth of Pennsylvania
 23 hereby enacts as follows:

24 Section 1. Sections 305(b) and 431(a.2) of the act of April
 25 12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended
 26 to read:

27 Section 305. Sales by Pennsylvania Liquor Stores.--* * *

1 (b) Every Pennsylvania Liquor Store shall sell liquors at
2 wholesale to hotels, restaurants, clubs, and railroad, pullman
3 and steamship companies licensed under this act; and, under the
4 regulations of the board, to pharmacists duly licensed and
5 registered under the laws of the Commonwealth, and to
6 manufacturing pharmacists, and to reputable hospitals approved
7 by the board, or chemists. Sales to licensees and holders of a
8 brewery license shall be made at a price that includes a
9 discount of ten per centum from the retail price; except that
10 special order sales to licensees authorized in subsection (a)
11 shall not be subject to the ten per centum discount. The board
12 may sell to registered pharmacists only such liquors as conform
13 to the Pharmacopoeia of the United States, the National
14 Formulary, or the American Homeopathic Pharmacopoeia. The board
15 may sell at special prices under the regulations of the board,
16 to United States Armed Forces facilities which are located on
17 United States Armed Forces installations and are conducted
18 pursuant to the authority and regulations of the United States
19 Armed Forces. All other sales by such stores shall be at retail,
20 except that incentives, such as coupons or discounts on certain
21 products, may be offered to unlicensed customers of the board as
22 provided under sections 207(m) and 493(24)(ii)(B). A person
23 entitled to purchase liquor at wholesale prices may purchase the
24 liquor at any Pennsylvania Liquor Store upon tendering cash,
25 check or credit card for the full amount of the purchase. For
26 this purpose, the board shall issue a discount card to each
27 licensee identifying such licensee as a person authorized to
28 purchase liquor at wholesale prices. Such discount card shall be
29 retained by the licensee. The board may contract through the
30 Commonwealth bidding process for delivery to wholesale licensees

1 at the expense of the licensee receiving the delivery.

2 * * *

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

5 (a.2) The board shall issue to a holder of a manufacturer's
6 license no more than [~~two~~] five storage licenses per
7 manufacturer to cover storage facilities separate from the
8 location of the manufacturing facility. A manufacturer may use
9 its storage facilities to receive, store, repackage, sell and
10 distribute malt or brewed beverages in the same manner as it can
11 at its place of manufacture or it may rent, lease or otherwise
12 acquire space from an importing distributor or bailee for hire
13 authorized by this act in the same manner as an out of State
14 manufacturer as set forth in subsection (a.1). A separate
15 written application must be filed to acquire storage licenses,
16 and the board is empowered to establish what information must be
17 provided on that application. Nothing in this act authorizing
18 off-site storage facilities for manufacturers is intended to
19 make any change in the manner malt or brewed beverages are
20 distributed through the three-tier system.

21 * * *

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