

No. 2002-221

## AN ACT

HB 2574

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for retail dispensers' restrictions, for unlawful acts, for identification cards and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

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

Section 1. Section 442 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended by adding a subsection to read:

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.—

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*(e) (1)<sup>1</sup> The holder of a retail dispenser license located in a hotel may allow persons to transport malt or brewed beverages from the licensed portion of the premises to the unlicensed portion of the premises so long as the malt or brewed beverages remain on the hotel property.*

*(3)<sup>1</sup> In addition, a holder of a restaurant license located on a golf course may sell, furnish or give liquor or malt or brewed beverages on the unlicensed portion of the golf course so long as the liquor or malt or brewed beverages remain on the restaurant or golf course.*

*(4)<sup>1</sup> The holder of a restaurant license located immediately adjacent to and under the same roof of a bowling center may allow persons to transport liquor or malt or brewed beverages from the licensed portion of the premises to the unlicensed portion of the premises so long as the liquor or malt or brewed beverages remain within the bowling center.*

Section 2. Section 493(13) of the act, amended November 10, 1999 (P.L.514, No.47), is amended to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

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<sup>1</sup>Paragraph designation not in enrolled bill.

It shall be unlawful—

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(13) **Retail Licensees Employing Minors.** For any hotel, restaurant or club liquor licensee, or any retail dispenser, to employ or to permit any minor under the age of eighteen to serve any alcoholic beverages or to employ or permit any minor under the age of sixteen to render any service whatever in the licensed premises, nor shall any entertainer under the age of eighteen be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth: Provided, That in accordance with board regulations minors between the ages of sixteen and eighteen may be employed to serve food, clear tables and perform other similar duties, not to include the dispensing or serving of alcoholic beverages. [Notwithstanding any provision of this act to the contrary, it shall be lawful for any ski resort, golf course or amusement park licensee to employ minors fourteen and fifteen years of age to perform duties only in rooms or areas of the licensed premises where alcoholic beverages are not dispensed, served or stored during the time in which the minor is performing such duties.] *A ski resort, golf course or amusement park licensee may employ minors fourteen and fifteen years of age to perform duties in rooms or areas of the licensed premises; however, such minors may not perform duties in rooms or areas in which alcohol is being concurrently dispensed or served or in which alcohol is being concurrently stored in an unsecured manner.*

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Section 3. Section 495 of the act is amended by adding subsections to read:

Section 495. Identification Cards; Licensees and State Liquor Store Employees Saved From Prosecution.—\* \* \*

(g) *In addition to the defenses set forth in subsections (e) and (f), no penalty shall be imposed on a licensee, licensee's employe or Pennsylvania Liquor Store employe for serving alcohol to a minor if the licensee or employe can establish that the minor was required to produce an identification card as set forth in subsection (a), the identification card is identified as a valid card by a transaction scan device and the identification card and transaction scan results were relied upon in good faith. This defense shall apply to all civil and criminal prosecutions. For purposes of this section, a "transaction scan device" is a device capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of an identification card set forth in subsection (a).*

(h) *No licensee or licensee's agent or employe shall sell or otherwise disseminate the information derived from a transaction scan to any third party, except to the board, the bureau or other law enforcement official, for any purpose, including, but not limited to, any marketing, advertising or promotional activities, except that a licensee or licensee's agent or*

***employe may release that information pursuant to a court order. Any person who violates this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine not exceeding five hundred dollars (\$500) for the first offense and to pay a fine not exceeding one thousand dollars (\$1,000) for subsequent offenses.***

Section 4. Section 505.2(2) and (3) of the act, amended November 10, 1999 (P.L.514, No.47) and December 9, 2002 (P.L.1653, No.212), are amended to read:

Section 505.2. Limited Wineries.—In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

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(2) Sell alcoholic cider, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year. ***In addition, the holder of a limited winery license may purchase wine in bottles from another Pennsylvania limited winery if these wines undergo a second fermentation process. Such wine may be sold in bottles bearing the purchasing limited winery's label or the producing limited winery's label. Such wines, if sold by the board, may be sold by the producing limited winery to the purchasing limited winery at a price lower than the price charged by the board.***

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees. ***If two or more limited wineries apply to operate an additional board-approved location in conjunction with each other, the wineries need only have one board-approved manager for the location, need only pay one application fee and need not designate specific or distinct areas for each winery's licensed area. Each limited winery must file an application for such an additional board-approved location, and such location shall count as one of the five permitted for each limited winery. Each limited winery is responsible for keeping only its own complete records. A limited winery may be cited for a violation of the recordkeeping requirements of sections 512 and 513 pertaining to its own records only.***

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**Section 5. This act shall take effect immediately.**

**APPROVED—The 16th day of December, A.D. 2002.**

**MARK S. SCHWEIKER**