

No. 2004-221

AN ACT

SB 1233

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 general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

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

Section 1. Section 207(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended December 30, 2003 (P.L.423, No.59), is amended to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale and sell liquor, alcohol, corkscrews, wine and liquor accessories, trade publications, *gift cards*, *gift certificates* and wine glasses in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the State Treasurer, or his designated deputy. The board shall buy liquor and alcohol at the lowest price and in the greatest variety reasonably obtainable.

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Section 2. Section 305(h) of the act, amended May 8, 2003 (P.L.1, No.1) and July 17, 2003 (P.L.63, No.15), is amended to read:

Section 305. Sales by Pennsylvania Liquor Stores.—* * *

(h) Every Pennsylvania Liquor Store shall sell gift certificates *and gift cards* which may be redeemed for [liquor] *any product sold by the board*. In addition, the board may sell corkscrews, wine and liquor accessories, trade publications and wine sleeves at Pennsylvania Liquor Stores.

Section 3. Section 493(24) of the act 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.

It shall be unlawful—

* * *

(24) Things of Value Offered as Inducement. For any licensee under the provisions of this article, or the board or any manufacturer, or any employe or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other inducement to purchase liquor or malt or brewed beverages, except advertising novelties of nominal value which the board shall define. This section shall not prevent any manufacturer or any agent of a manufacturer from offering **[only on licensed premises]** and honoring coupons which offer monetary rebates on purchases of wines and spirits through State Liquor Stores **[and purchases of malt or brewed beverages]** in accordance with conditions or regulations established by the board. **[Further, no manufacturer or any agent of a manufacturer shall honor any coupons without proof of purchase in the form of a sales slip or receipt attached to the coupons.]** *The board may redeem coupons offered by a manufacturer or an agent of a manufacturer at the time of purchase. Coupons offered by a manufacturer or an agent of a manufacturer shall not be redeemed without proof of purchase.* This section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.

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Section 4. This act shall take effect immediately.

APPROVED—The 30th day of November, A.D. 2004.

EDWARD G. RENDELL