

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 221 Session of 2023

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 14, 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 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, is amended by adding a
23 subsection to read:

24 Section 211. Enforcement.--* * *

25 (h) The following shall apply:

26 (1) An individual who is under twenty-one years of age may

1 purchase, attempt to purchase, possess or transport liquor or
2 malt or brewed beverages if all of the following apply:

3 (i) The individual is at least eighteen years of age.

4 (ii) The individual is an officer, employe or intern of the
5 enforcement bureau.

6 (iii) The individual has completed training specified by the
7 enforcement bureau.

8 (iv) The individual is acting within the scope of prescribed
9 duties.

10 (v) The individual is acting under the direct control or
11 supervision of an enforcement bureau officer who is an adult.

12 (2) Individuals under twenty-one years of age may not
13 consume liquor or malt or brewed beverages.

14 (3) The Pennsylvania State Police shall promulgate
15 regulations prescribing the manner in which compliance checks
16 are to be performed. Compliance checks under this subsection
17 shall be conducted in a manner consistent with the regulations.
18 Regulations shall require, at a minimum, all of the following:

19 (i) Prior to participation in the compliance check, the
20 officer, employe or intern shall undergo training approved by
21 the enforcement bureau.

22 (II) COMPLIANCE CHECKS SHALL INCLUDE PENNSYLVANIA LIQUOR <--
23 STORES.

24 ~~(ii)~~ (III) A person licensed to sell liquor or malt or <--
25 brewed beverages that is found to be in compliance with 18
26 Pa.C.S. § 6310.1 (relating to selling or furnishing liquor or
27 malt or brewed beverages to minors) and section 493(1) during a
28 compliance check shall be notified in writing of the compliance
29 check and the determination of compliance.

30 ~~(iii)~~ (IV) A person licensed to sell liquor or malt or <--

1 brewed beverages that is found to be noncompliant with 18
2 Pa.C.S. § 6310.1 or section 493(1) during a compliance check
3 shall be immediately verbally advised by the supervising
4 enforcement bureau officer and shall be notified in writing of
5 the failure to comply within ten working days of the date of the
6 compliance check.

7 (4) BY JANUARY 31 OF EACH YEAR, THE PENNSYLVANIA STATE <--
8 POLICE SHALL SUBMIT A REPORT TO THE CHAIRPERSON AND MINORITY
9 CHAIRPERSON OF THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND
10 THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE LIQUOR CONTROL
11 COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE NUMBER OF
12 COMPLIANCE CHECKS PERFORMED IN THE PREVIOUS CALENDAR YEAR AND
13 WHETHER THE RESULT OF EACH COMPLIANCE CHECK WAS COMPLIANT OR
14 NONCOMPLIANT.

15 ~~(4)~~ (5) The provisions of this subsection shall expire five <--
16 years from the effective date of this subsection.

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