

### **Summary of Act 29 of 2020**

On June 5, 2020, Governor Wolf signed House Bill No. 1048 into law, which became Act 29 of 2020.

Act 29 made changes to the Liquor Code by eliminating the \$700 validation and renewal surcharge for licenses held by certain organizations, removing the prohibition against selling of liquid fuel and oil on licensed premises, and allowing certain licensees to use non-contiguous cash registers on their otherwise unlicensed premises for the sale of alcohol. The changes are summarized herein. References to the sections/subsections impacted can be found at the end of each paragraph. All changes are effective within 60 days of the Governor's signature, on August 4, 2020.

Questions about these changes or any other provisions of the Liquor Code may be directed to the PLCB's Office of Chief Counsel at 717-783-9454 or [ra-lblegal@pa.gov](mailto:ra-lblegal@pa.gov).

### **Validation and Renewal Application Surcharge**

Act 29 amended section 470(a) of the Liquor Code to provide that restaurant liquor, club and catering club licenses held by the following entities are no longer subject to the \$700 application surcharge that would otherwise be required when the license is renewed or validated:

- Volunteer fire companies;
- Incorporated units of national veterans' organizations;
- Affiliated organizations of incorporated units of national veterans' organizations; and
- Affiliated organizations of national veterans' associations. [47 P.S. § 4-470(a)].

### **Liquid Fuel Prohibition on the Licensed Premises**

Act 29 amended sections 404(a), 431(b) and 432(d) the Liquor Code by removing the prohibition against selling liquid fuel and oil on the licensed premises by restaurant liquor licensees, hotel liquor licensees, eating place malt beverage licensees, distributor licensees and importing distributor licensees. Also, these licensees no longer need to obtain approval from the Board for interior connections between their licensed premises and the unlicensed premises where liquid fuels or oil is sold. [47 P.S. §§ 4-404(a), 431(b), and 432(d)].

## **Cash Register Usage for Off-Premises Consumption of Malt or Brewed Beverages**

Act 29 amended sections 407 and 442 of the Liquor Code to allow restaurant liquor licensees and eating place malt beverage licensees that have interior connections to another business they operate to use the cash registers at their other business (“other business cash registers”) to sell malt or brewed beverages for off-premises consumption, as long as **all** of the following conditions are met:

1. The licensee’s building is 11,000 square feet or less;
2. The other business cash registers are in the same building as the licensed premises; and
3. The other business cash registers comply with the requirements of sections 415(a)(8) and (9) of the Liquor Code, 47 P.S. § 4-415(a)(8) and (9), which include the following:
  - Cash registers must have signage posted to designate that alcohol may be purchased at said register.
  - Cash registers cannot be registers where customers scan their own purchases.
  - Cash registers must be staffed at all times when patrons are purchasing alcohol.
  - Cash register clerks must be at least 18 years of age and have completed Responsible Alcohol Management Program training.
  - Cash register clerks must use a transaction scan device to verify the age of any patron purchasing alcohol who appears to be under 35 years of age before a sale can occur.
  - The licensee may not sell or share the data from the use of its transaction scan device, except for providing said data to the Pennsylvania State Police Bureau of Liquor Control Enforcement.

Prior to a licensee using the business cash registers, it must provide a Notification of Compliance to the PLCB Bureau of Licensing indicating it has met all the conditions specified above. This notification shall include the building’s square footage and the location of the specific cash registers that are to be used. [47 P.S. §§ 4-407(a)(2)(iv), 442(a)(1)(ii)].

Such cash registers may also be used to by patrons to purchase items from the licensee’s other business. The other business cash registers used to process alcohol sales will be considered part of a licensee’s licensed premises. [47 P.S. §§ 4-407(a)(3), 442(a)(1)(iii)].

## **Cash Register Usage for Off-Premises Consumption of Wine**

Act 29 amended section 415 of the Liquor Code to allow wine expanded permit holders that have interior connections to another business they operate to use the cash registers at their other business (“other business cash registers”) to sell wine for off-premises consumption, as long as **all** of the following conditions are met:

1. The licensee’s building is 11,000 square feet or less;
2. The other business cash registers are in the same building as the licensed premises; and
3. The other business cash registers comply with the requirements of sections 415(a)(8) and (9) of the Liquor Code, 47 P.S. § 4-415(a)(8) and (9), which include the following:
  - Cash registers must have signage posted to designate that alcohol may be purchased at said registers.
  - Cash registers cannot be registers where customers scan their own purchases.
  - Cash registers must be staffed at all times when patrons are purchasing alcohol.
  - Cash register clerks must be at least 18 years of age and have completed Responsible Alcohol Management Program training.
  - Cash register clerks must use a transaction scan device to verify the age of any patron purchasing alcohol who appears to be under 35 years of age before a sale can occur.
  - The licensee may not sell or share the data from the use of its transaction scan device, except for providing said data to the Pennsylvania State Police Bureau of Liquor Control Enforcement.

Prior to a licensee using the business cash registers, it must provide a Notification of Compliance to the PLCB Bureau of Licensing that it has met all the conditions specified above. This notification shall include the building’s square footage and the location of the specific cash registers that are to be used. [47 P.S. § 4-415(a)(10)(iv)].

Such cash registers may also be used by patrons to purchase items from the licensee’s other business. The other business cash registers used to process alcohol sales will be considered part of a licensee’s licensed premises. [47 P.S. § 4-415(a)(11)].