

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 829 Session of 2023

INTRODUCED BY GERGELY, SANCHEZ, MADDEN, DEASY, HILL-EVANS, KUZMA AND GUZMAN, APRIL 4, 2023

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 26, 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 licenses and regulations and liquor, alcohol and malt and
18 brewed beverages, further providing for interlocking business
19 prohibited and for unlawful acts relative to liquor, malt and
20 brewed beverages and licensees.

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

23 ~~Section 1. Sections 411(e.1) and 493(11) of the act of April <--~~
24 ~~12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended~~
25 ~~to read:~~

26 SECTION 1. SECTION 411(E.1) OF THE ACT OF APRIL 12, 1951 <--

1 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED AND THE
2 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

3 Section 411. Interlocking Business Prohibited.--* * *

4 [(e.1) Nothing in subsection (e) shall prohibit any of the <--
5 following:

6 (1) A person who has an ownership interest in a limited
7 winery license from being employed by an entity that holds a
8 hotel, restaurant, eating place or club license if the person is
9 not employed as ~~alcohol service personnel or as~~ manager. <--

10 (2) A person who has an ownership interest in a brewery
11 license from being employed by an entity that holds a hotel,
12 restaurant, eating place or club license if the person ~~has no~~ <--
13 job duties or responsibilities on, or connected with, the
14 licensed premises in any capacity] ~~is not employed as manager.] <--~~

15 * * *

16 (G) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON WHO HAS <--
17 AN OWNERSHIP INTEREST IN A MANUFACTURER FROM BEING EMPLOYED BY
18 AN ENTITY THAT HOLDS A HOTEL, RESTAURANT, EATING PLACE OR CLUB
19 LICENSE SO LONG AS THE PERSON IS NOT EMPLOYED AS THE MANAGER OR
20 AS ALCOHOL SERVICE PERSONNEL.

21 SECTION 2. SECTION 493(11) OF THE ACT IS AMENDED TO READ:

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

27 It shall be unlawful--

28 * * *

29 (11) Licensees Employed by Others. For any hotel, restaurant
30 or club liquor licensee, or any malt or brewed beverage

1 licensee, or any officer[, servant, agent or employe] or manager
2 of such licensee, to be at the same time employed, directly or
3 indirectly, by any distributor, importing distributor,
4 manufacturer, importer or vendor licensee or any out of State
5 manufacturer. It shall also be unlawful for any distributor or
6 importing distributor, or any officer[, servant, agent or
7 employe] or manager of such licensee, to be at the same time
8 employed, directly or indirectly, by any other distributor,
9 importing distributor, manufacturer, importer, vendor, out of
10 State manufacturer, hotel restaurant, malt or brewed beverage
11 licensee, or club liquor licensee. [It] EXCEPT AS PROVIDED UNDER <--
12 SECTION 411(G), IT shall also be unlawful for any manufacturer,
13 importer, or vendor licensee, or any out of State manufacturer,
14 or any officer[, servant, agent or employe] or manager of such
15 licensee or manufacturer, to be at the same time employed,
16 directly or indirectly, by any hotel, restaurant or club liquor
17 licensee or any malt or brewed beverage licensee [or any <--
18 distributor or importing distributor licensee]. Nothing in this <--
19 subsection shall be construed to prohibit a manufacturer [or <--
20 limited winery] licensee, or any officer[, servant, agent or <--
21 employe] or manager of such licensee, to be employed at the same
22 time by a hotel, restaurant or retail dispenser licensee if the
23 hotel, restaurant or retail dispenser licensee is located at the
24 manufacturer [or limited winery] premises pursuant to section <--
25 443. For the purposes of this subsection, an officer[, servant,
26 agent or employe] or manager of a licensee or manufacturer is an
27 individual who has either an ownership interest in the licensee
28 or manufacturer or [who receives compensation for his or her <--
29 work on behalf of the licensee or manufacturer] has been <--
30 approved as the licensee's manager by the board: Provided

1 further, That nothing in this section shall prohibit a person
2 who has an ownership interest in a limited winery license from
3 being employed by an entity that holds a hotel, restaurant,
4 eating place or club license if the person is not employed as
5 alcohol service personnel or as a manager: And, provided
6 further, That nothing in this section shall prohibit a person
7 who has an ownership interest in a brewery license from being
8 employed by an entity that holds a hotel, restaurant, eating
9 place or club license if the person has no job duties or
10 responsibilities on, or connected with, the licensed premises in
11 any capacity.] HAS BEEN APPROVED AS THE LICENSEE'S MANAGER BY <--
12 THE BOARD.

13 * * *

14 Section 2 3. This act shall take effect in 60 days. <--