
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.**No.****972****Session of
1919.**

INTRODUCED BY MR. A. R. B. FOX, MARCH 17, 1919.

REFERRED TO COMMITTEE ON LAW AND ORDER, MARCH 19, 1919.

AN ACT

To prohibit traffic in intoxicating liquor for beverage purposes and to provide for the manufacture and distribution of intoxicating liquor for permitted purposes only and containing certain provisions for the enforcement of such prohibition and prohibiting certain advertising and advertisements pertaining to the liquor traffic

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *this entire act shall be deemed to be an exercise of*
5 *the power granted by Article Eighteen of the Constitution*
6 *of the United States and the police powers of the Com-*
7 *monwealth for the protection of the public health peace*
8 *safety and morals of the people of the Commonwealth*
9 *and shall be liberally construed for the accomplishment of*
10 *these purposes*

11 Section 2 The word "liquor" or the phrase "intoxicat-

1 ing liquors" wherever used in this act shall be construed
2 to mean all vinous distilled malt spirituous fermented or
3 alcoholic liquor and all alcoholic liquids and compounds
4 whether proprietary patented or not which are potable or
5 capable of being used as a beverage and all mixtures
6 compounds and preparations whether liquid or not which
7 are intended when mixed with water or otherwise to
8 produce by fermentation or otherwise any alcoholic or in-
9 toxicating beverage

10 Section 3 In the interpretation of this act words of
11 the singular number shall be deemed to include their
12 plurals and words of the masculine gender shall be
13 deemed to include the feminine and neuter as the case
14 may be Words of the present tense shall be deemed to
15 include the future tense and vice versa The word "person"
16 wherever used in this act shall be held and construed
17 to mean and include natural persons firms co-partnerships
18 corporations and all associations or combinations of per-
19 sons whether acting by themselves or by a servant agent
20 or employe

21 Section 4 It shall be unlawful for any person directly
22 or indirectly to manufacture sell transport export receive
23 deliver possess barter solicit or take orders for give
24 away or furnish any intoxicating liquors on or after the
25 sixteenth day of January one thousand nine hundred and
26 twenty except as herein provided

27 Section 5 The provisions of this act shall not be
28 construed to prevent the manufacture of cider for the
29 purpose of making vinegar or non-intoxicating cider and

1 non-intoxicating fruit juice for use or sale that are not
2 subject to the payment of the United States Internal
3 Revenue Tax or to prevent the sale keeping and storing
4 for sale by druggists having permits as herein provided
5 of intoxicating liquor for chemical mechanical industrial
6 medicinal scientific and sacramental purposes or to prevent
7 the manufacture and sale of intoxicating liquor as herein
8 provided by persons having permits as herein provided
9 Nothing in this act shall prevent the manufacture and
10 sale of denatured alcohol or of denatured rum for use
11 only in the industrial and mechanical arts or to prevent
12 the sale and keeping and storing for sale by druggists
13 and general merchants or others duly licensed by existing
14 laws of any medicinal preparation manufactured in accord-
15 ance with formulas prescribed by the United States Phar-
16 macopoeia unless such medical preparations are potable or
17 capable of being used as a beverage or to prevent the
18 manufacture and sale of toilet medicinal anti-septic prepa-
19 rations and solutions which are non-potable and unfit for
20 beverage and internal use and upon the outside of such
21 bottle or box or package of which is printed in Eng-
22 lish conspicuously and legibly and clearly the quantity by
23 volume of alcohol in such preparations

24 Section 6 A manufacturer of intoxicating liquor may
25 sell intoxicating liquor to wholesale and retail druggists
26 in accordance with the permit issued to such manufac-
27 turer It is unlawful for any manufacturer to sell intoxi-
28 cating liquor except in accordance with such permit The
29 Attorney General may grant permits to persons (not to

1 exceed ten) to manufacture and sell intoxicating liquor to
2 wholesale and retail druggists who have permits as pro-
3 vided herein Such persons must satisfy the Attorney Gen-
4 eral as to their fitness to have such permits and as
5 to the necessity of such permits Before the Attorney Gen-
6 eral shall issue a permit to any person to manufacture
7 and sell intoxicating liquors as herein provided he shall
8 require the applicant to pay an annual fee of fifty
9 dollars (\$50.00) to the State Treasurer and to give a
10 bond to the State of Pennsylvania similar in form to
11 the one required of the druggist in the sum of five
12 thousand dollars (\$5,000) conditioned upon the faithful ob-
13 servance of the laws of the State pertaining to the
14 manufacture and sale of intoxicating liquors Such person
15 or persons having a permit to manufacture and sell in-
16 toxicating liquor as herein provided shall keep a public
17 record showing the date of such sale to whom made
18 kind of liquor sold and the quantity thereof Such per-
19 mit shall run for one year from the date of issue un-
20 less sooner revoked said permit may be revoked by the
21 Attorney General at his discretion for cause shown

22 Section 7 A wholesale druggist may sell intoxicating
23 liquor to retail druggists and to superintendents of hos-
24 pitals manufacturers State institutions colleges and labora-
25 tories for medicinal chemical mechanical industrial and scien-
26 tific purposes and to a clergyman minister priest or rabbi
27 for sacramental purposes in accordance with the permit
28 issued to such wholesale druggist It is unlawful for any
29 wholesale druggist to sell any intoxicating liquor except in

1 accordance with such permit The Attorney General may
2 issue a permit to a wholesale druggist to sell intoxi-
3 cating liquor to retail druggists (who have a permit to
4 sell such liquors) and to sell intoxicating liquors to su-
5 perintendents of hospitals manufacturers State institutions
6 colleges and laboratories for medicinal chemical mechanical
7 industrial and scientific purposes and to a clergyman min-
8 ister priest or rabbi for sacramental purposes on the affi-
9 davit of the purchaser herein provided Such wholesale drug-
10 gist must qualify in all respects the same as a retail
11 druggist except that he may not be a registered pharma-
12 cist and may not employ such pharmacist for selling
13 liquors at retail Before the Attorney General shall issue
14 a permit to a wholesale druggist he must be satisfied
15 as to his fitness and as to the necessity of the permit
16 Such permit shall run for one year from the date of
17 issue unless sooner revoked said permit may be revoked
18 by the Attorney General at his discretion for cause shown
19 The fee for such permit shall be one dollar

20 Section 8 The Attorney General may issue a permit
21 after the proper application to a registered pharmacist or
22 druggist to sell intoxicating liquor Such application shall
23 be signed by the applicant under oath and shall be sub-
24 stantially as follows

25 That the applicant is a regularly registered pharmacist
26 qualified under the laws of this State That he has been
27 in the business as a pharmacist for last past

28 If such applicant has not been in the business here-

1 tofore he shall set forth his qualifications, as he deems
2 best

3 That he has not been convicted of violating any of
4 the laws of the State relating to the sale of intoxi-
5 cating liquors

6 That he is of good moral character and in good
7 standing as a pharmacist and will conduct his place of
8 business in conformity with the law

9 That he will not keep intoxicating liquor in such
10 place of business in an amount that represents more than
11 one per cent. of the value of the stock of goods on
12 hand in the drug store

13 That he is of temperate habits and not addicted to
14 the use of intoxicating liquors or drugs

15 That he will not sell any intoxicating liquor to a
16 person who he has reason to believe will use such liquor
17 for beverage purposes

18 That he will keep a true record of all receipts
19 sales and purchases of liquor used and sold and report
20 the same as required by law

21 Before the Attorney General shall issue a permit to
22 such applicant he must be satisfied as to the fitness of
23 such applicant and as to the necessity of the permit
24 (Such permit shall run for one year from the date of
25 issue unless sooner revoked) Said permit may be revoked
26 by the Attorney General at his discretion for cause shown
27 The fee for such permit shall be one dollar

28 Section 9 Every druggist wholesale and retail shall on
29 or before the first day of January in each year or be-

1 fore he shall sell any of the liquors mentioned in this
 2 act under any circumstances execute and file with the At-
 3 torney General a bond the sufficiency of which shall be
 4 determined by Attorney General to the Commonwealth of
 5 Pennsylvania in the sum of three thousand dollars (\$3,000)
 6 with sufficient sureties which bond shall be substantially
 7 as follows

8 Know all men by these presents that we.....
 9 as principal and..... and.....
 10 as sureties are held and firmly bound unto the Common-
 11 wealth of Pennsylvania in the sum of three thousand dol-
 12 lars (\$3,000) and to the payment whereof well and truly
 13 to be made we bind ourselves our heirs assigns execu-
 14 tors and administrators firmly by these presents

15 Whereas the said principal has covenanted and agreed
 16 and does hereby covenant and agree as follows That he
 17 will not directly or indirectly by himself his clerk agent
 18 or servant at any time sell furnish give or deliver any
 19 intoxicating liquors to any person whomsoever except for
 20 chemical industrial scientific medicinal mechanical and sacra-
 21 mental purposes only and then only upon the the con-
 22 ditions and under the restrictions provided in this act
 23 and the laws of this Commonwealth regulating the sale
 24 of such liquors by druggists nor to any person (who he
 25 has reason to believe will use such liquor for beverage
 26 purposes) nor to any person forbidden in writing by the
 27 husband wife parent child or guardian of such person
 28 and that he will pay all damages actual and exemplary
 29 or punitive that may be adjudged to any person for in-

1 juries inflicted upon him or them either in person or
 2 property or means of support or otherwise by means of
 3 his selling furnishing giving or delivering any such liquor
 4 Now the conditions of this obligation are such that if
 5 such principal shall well and truly keep and perform all
 6 and singular the foregoing covenants and agreements and
 7 shall pay any judgment for actual and exemplary or
 8 punitive damages which may be recovered against him in
 9 any court of competent jurisdiction and all fines and costs
 10 that may be imposed upon him for violation of the laws
 11 pertaining to the sale of liquors of this State or the
 12 United States then this obligation shall be void and of
 13 no effect otherwise the same shall remain in full force
 14 and effect

15(L. S.)
 16(L. S.)
 17(L. S.)

18 Signed sealed and delivered in the presence of
 19
 20

21 Section 10 Every registered pharmacist or druggist who
 22 has a permit and who has filed a bond as herein pro-
 23 vided may by himself or his clerk if he is a registered
 24 pharmacist sell intoxicating liquor as herein provided in
 25 the following cases

26 (a) Liquor upon the written prescription of a repu-
 27 table physician who is lawfully and regularly engaged in
 28 the practice of his profession in the county where the

1 sale is made personally presented by the person to whom
2 such prescription was issued

3 When a person who has a prescription is confined to
4 his bed or physically unable to present the prescription
5 personally the physician issuing such prescription shall so
6 state on the prescription and the person having the pre-
7 scription may authorize a person to secure the liquor for
8 him and to sign the record as provided by law

9 (b) Alcohol for medicinal chemical mechanical indus-
10 trial and scientific purposes on the affidavit of the su-
11 perintendent of any hospital laboratory or educational in-
12 stitution where such alcohol is needed and used only for
13 medicinal chemical mechanical industrial and scientific pur-
14 poses

15 (c) Wine for sacramental purposes to any clergyman
16 minister priest or rabbi having charge of a church or
17 congregation or to any recognized official thereof upon the
18 sworn written signed and dated application of such clergy-
19 man minister priest or rabbi or of said official person-
20 ally presented

21 (d) Alcohol to any dentist who is lawfully and
22 regularly engaged in the practice of his profession in this
23 Commonwealth for use in the practice of his profession
24 upon the affidavit of such dentist personally presented

25 (e) Alcohol for industrial scientific or mechanical pur-
26 poses upon the affidavit of the purchaser as herein
27 provided

28 (f) Intoxicating liquor to a physician lawfully and

1 regularly engaged in the practice of his profession in
2 this Commonwealth upon the affidavit of such physician
3 that such liquor will be used for professional purposes
4 only and in no case for beverage purposes

5 Section 11 Each druggist shall keep a public record
6 of all sales of liquors mentioned herein as follows

7 Druggist's Record

| | | |
|----|--|----------------------|
| 8 | Name of doctor issuing prescription | Kind of liquor |
| 9 | Sales on previous prescription or affidavit to such person | |
| 10 | for liquor within six months | Purchaser |
| 11 | chaser and individual making sale | Signature of pur- |
| 12 | | chaser |
| 13 | | Copy of prescription |

12 When intoxicating liquor is sold on an affidavit the
13 following form of affidavit and record shall be sufficient

14 State of Pennsylvania

15 ss

16 County of

17 Be it remembered that on this day of

18 Anno Domini appeared before me who
19 being by me duly sworn according to law doth depose
20 and say that he is more than twenty-one years of age
21 and not of intemperate habits and has not been con-
22 victed of violating any law relating to the sale or pos-
23 session of intoxicating liquor within years

24 That he needsof alcohol for
25 purposes and will not use any part of said alcohol for
26 any other purposes or allow others to so use it That
27 he has not received or possessed any alcohol within the
28 last thirty days except and he has no
29 alcohol in his possession or control except

1 Sworn to and subscribed before me this day and year
2 aforesaid

3
4

5 Any druggist may administer the oath provided herein
6 and the affidavit must be permanently attached or pasted
7 in at the end of the record of each sale Every drug-
8 gist shall affix to the container of liquors sold on af-
9 fidavit a label bearing his name place of business and
10 a copy of the affidavit

11 Every druggist shall affix to the container of liquors
12 sold on prescription a label bearing his name place of
13 business the name of the physician issuing the prescrip-
14 tion the number of the prescription and the phrase "in-
15 toxicating liquor" A prescription for such liquor shall be
16 used but once and after having been used shall be
17 marked "cancelled" by the druggist and permanently pasted
18 on or attached to the record above mentioned

19 Section 12 Whoever has in his possession intoxicating
20 liquor for medicinal purposes shall have pasted or per-
21 manently attached to the container a label bearing the
22 phrase "intoxicating liquor" and the name and place of
23 business of the druggist who sold the intoxicating liquor
24 Any person having in his possession intoxicating liquor for
25 sacramental scientific industrial or other permitted purposes
26 shall have pasted or permanently attached to the con-
27 tainer a copy of the affidavit upon which authority it
28 was purchased and received

29 Section 13 A physician may issue prescriptions for in-

1 toxicating liquors as defined in this act Such physician
2 must be in inactive practice in good standing in his
3 profession and not addicted to the use of intoxicating
4 liquors or drugs Such physician before issuing any pre-
5 scription must personally make a careful examination of
6 the person for whom the liquor is prescribed and in
7 no case issue such prescription to any person who he
8 has reason to believe will use such liquor for beverage
9 purposes For any shift or device by which intoxicating
10 liquors may be improperly prescribed or for any violation
11 of this section such physician shall be guilty of a mis-
12 demeanor

13 Section 14 Any shift or device whatever to evade the
14 provisions of the act shall be deemed unlawful within
15 the provisions of this act

16 Section 15 It shall be unlawful to advertise sell de-
17 liver or possess any preparation compound or tablet from
18 which beer or intoxicating liquor is made for beverage
19 use

20 Section 16 It shall be unlawful for any person
21 either directly or indirectly to advertise intoxicating liquors
22 in this State for sale or gift in any newspaper period-
23 ical circular handbill or price list or any sign signboard
24 billboard bulletinboard or in any manner whatsoever or for
25 any owner officer or person in charge of any newspaper
26 periodical sign signboard billboard bulletinboard printing of-
27 fice or any other person to publish or distribute any
28 matter in this Commonwealth which either directly or in-
29 directly advertises intoxicating liquors for sale or gift

1 provided that manufacturers and wholesale druggists having
2 a permit under this act shall be allowed to send price
3 lists to those to whom they are permitted to sell in-
4 toxicating liquor under this act

5 Section 17 It shall be unlawful for any person to
6 cause or induce any common or other carrier or any
7 servant agent or employe thereof or any person to carry
8 transport or ship any package trunk valise or container
9 containing liquors mentioned in this act without notifying
10 the carrier his servant or agent or any person who
11 carries the same of the true nature and character of the
12 shipment but failure to notify such carrier shall not be
13 a defense for illegal transportation of such liquors

14 Section 18 On the outside of each package trunk
15 valise or container of intoxicating liquors shipped carried
16 or consigned for shipment shall be printed or written in
17 the English language the name of the consignee with the
18 address and the name of the consignor with his address
19 the kind and quantity of liquor in such package trunk
20 valise or container All common or other carriers shall
21 keep in the office at which delivery to the consignee is
22 made a separate public record in which shall be entered
23 the information provided for in this section of all ship-
24 ments of intoxicating liquors Any agent officer or any
25 employe of any common or other carrier and any com-
26 mon or other carrier violating the provisions of this sec-
27 tion shall be guilty of a misdemeanor

28 Section 19 It shall be unlawful for any person to

1 solicit take or receive from any person any orders for
2 intoxicating liquors in this Commonwealth or to give any
3 information how such prohibited liquors may be received
4 or where such liquors are or to send for such liquors
5 Section 20 Any building or place of any kind whether
6 stationery or movable where intoxicating liquor is sold
7 manufactured kept bartered or given away in violation of
8 this act or where persons are permitted to resort for
9 the purpose of drinking intoxicating liquor as a beverage
10 or any place building or club where such liquor is
11 kept to be drunk as a beverage by the members thereof
12 or any other persons and all intoxicating liquor and all
13 property kept in and used in maintaining such a place
14 are hereby declared to be a nuisance and any person
15 who maintains or assists or abets in maintaining directly
16 or indirectly such nuisance shall be guilty of a misde-
17 meanor and upon conviction shall be sentenced to pay a
18 fine of not less than two hundred (\$200) dollars nor
19 more than one thousand (\$1,000) dollars and be imprisoned
20 in the county jail for not less than thirty (30) days
21 nor more than six (6) months If it shall be proven
22 that the owner of any building or place has knowingly
23 suffered the same to be used or occupied for the sale
24 of intoxicating liquor contrary to the provisions of this
25 act such building or place shall be subject to a lien
26 for and may be sold to pay all fines and costs as-
27 sessed against the occupant of such building or place for
28 any violation of this act and such lien may be en-
29 forced by civil action in any court having jurisdiction

1 Section 21 The Attorney General district attorney or
2 any citizen of the county where such nuisance as defined
3 in section twenty exists or is kept or maintained may
4 maintain an action in the name of the Commonwealth
5 of Pennsylvania to abate and perpetually enjoin such
6 nuisance The plaintiff shall not be required to give bond
7 in such action and upon judgment of the court ordering
8 that such nuisance shall be abated such court shall also
9 order that said building or place of any kind shall be
10 closed for one (1) year or until the owner lessee ten-
11 ant or occupant thereof shall give bond with sufficient
12 surety to be approved by the court making the order
13 in the penal sum of two thousand (\$2,000) dollars pay-
14 able to the Commonwealth of Pennsylvania and conditioned
15 that intoxicating liquor will not thereafter be manufactured
16 sold kept bartered or given away or furnished or other-
17 wise disposed of thereon or therein contrary to the law
18 and that he will pay all fines costs and damages that
19 may be assessed against him for any violation of this
20 act and in case of the violation of any condition of
21 such bond the whole amount may be recovered as a
22 penalty for the use of the county wherein the building
23 or place is situated

24 Section 22 Any person violating the terms of such
25 injunction as provided for by section twenty-one of this
26 act shall be punished for contempt by a fine of not
27 less than one hundred (\$100) dollars nor more than five
28 hundred (\$500) dollars and by imprisonment in the county
29 jail of not less than thirty (30) days nor more than

1 six (6) months and the court shall have the power to
2 enforce such injunction by such reasonable measures and
3 means as in the judgment of the court may be neces-
4 sary to prevent further violation of the same

5 Section 23 It shall be unlawful for any person to
6 drink intoxicating liquors of any kind in any street alley
7 or public place or interurban or street car or upon any
8 railroad passenger train coach automobile dining car or
9 vestibule thereof or platform connected therewith while the
10 said passenger train or coach is in the service of pas-
11 senger transportation or for any person who is at the
12 time intoxicated to board any such car train or auto-
13 mobile or any other public conveyance and any conductor
14 of any such train or person in charge of such convey-
15 ance shall have the authority to detain any such person
16 violating the provisions of this section and turn him over
17 to any sheriff constable police officer or peace officer to
18 be proceeded against by law

19 Section 24 Any illegal sale or gift of any of the
20 liquors mentioned in this act or a keeping of a place
21 for the illegal sale or gift of the liquors mentioned in
22 this act by the lessee or occupant of any premises
23 shall at the option of the lessor work a forfeiture of
24 the lease

25 Section 25 In addition to the penalties imposed by
26 this act for the violation of any of its provisions the
27 court may in its discretion after conviction is had for
28 the first offense and shall for every subsequent conviction
29 require the defendant to execute bond with approved se-

1 curity in a penalty of not less than one hundred (\$100)
2 dollars nor more than two thousand (\$2,000) dollars con-
3 ditioned that the said defendant will not violate any of
4 the provisions of this act for the term of one year
5 And if said bond shall not be given the defendant
6 shall be committed to jail until it is given or until
7 he is discharged by the court provided that he shall
8 not be confined a longer period than six months

9 Section 26 In an affidavit information or indictment
10 for the violation of any provisions of this act it shall
11 not be necessary to allege a sale or gift of intoxicating
12 liquors to a particular person and it shall be sufficient
13 for the conviction of the accused to prove a sale or
14 gift or other act contrary to law

15 Section 27 Whenever complaint shall be made by any
16 person on oath before any magistrate alderman justice of
17 the peace or other officer or court having jurisdiction that
18 any person is found intoxicated or has been intoxicated
19 or that liquor is being kept in any hotel store public
20 building street alley highway or other public place it
21 shall be the duty of such magistrate alderman justice or
22 other officer or court to issue a subpoena to compel the
23 attendance of such person found intoxicated or other per-
24 sons aforesaid to appear before the officer or court issu-
25 ing the same to testify in regard to the person or
26 persons of whom and the time when and the place
27 where and the manner in which the liquor producing
28 his intoxication was procured or other violations complained

1 of and if such person when subpoenaed shall fail or
2 neglect or refuse to obey such writ the said officer or
3 court shall have power and authority to compel the at-
4 tendance of the person so subpoenaed and to enforce
5 obedience to such writ Whenever the person so subpoenaed
6 shall appear before the officer or court to testify as
7 aforesaid he shall be required to answer on oath and
8 if such person shall refuse to answer fully and fairly
9 such questions on oath he shall be punished and dealt
10 with in the same manner as for contempt of court as
11 in other cases or fined from seventy-five to one hundred
12 (\$75 to \$100) dollars If it shall appear from the testi-
13 mony of such person that any of the offenses specified
14 in the act have been committed such officer or court
15 before whom such testimony is given shall make a true
16 record of the same and cause it to be subscribed by
17 such witnesses and the said testimony or answers when
18 subscribed as aforesaid shall be deemed to be taken to
19 be sufficient complaint to authorize the issuing of a war-
20 rant to arrest any person who may appear from said
21 complaint to be guilty of having violated any provision
22 of this act Any person arrested on a warrant issued
23 pursuant to the provisions of this section shall be brought
24 before the officer or court issuing the same and all
25 subsequent proceedings in such prosecution shall be gov-
26 erned by the rules of the law applicable thereto as in
27 other cases provided that the person so testifying under
28 the provisions of this section shall not be held or pro-
29 secuted for the violation of laws concerning which such

1 testimony shall be given provided further that nothing
2 contained herein shall be construed as to prevent prose-
3 cution of persons for being drunk or intoxicated where
4 the testimony of said person is not sought under the
5 provisions of this section

6 Section 28 Any person found guilty of the violation
7 of any provision of this act wherein no specific penalty
8 is provided shall be guilty of a misdemeanor and shall
9 be sentenced to pay a fine of not less than fifty dol-
10 lars nor more than five hundred dollars and be im-
11 prisoned in the county jail or workhouse for a period
12 of not less than thirty days nor more than one year
13 Judgment for fine and costs imposed by the court for
14 violation of any of the provisions of this act shall be
15 a lien upon the premises where a breach of the law
16 takes place if such breach was committed by the owner
17 or by another with the owner's knowledge assent or ac-
18 quiescence to be collected in the manner herein before
19 provided

20 Section 29 That if any provision of this act shall
21 be held to be invalid it is hereby provided that all
22 other portions in this act which are not expressly held
23 to be invalid shall continue in full force and effect

24 Section 30 All acts and parts of acts inconsistent
25 with this act are hereby repealed to the extent of such
26 inconsistency only