

effect, notwithstanding the licensee is not exercising the privileges thereunder, and shall be returned to the said licensee at any time within one year from the date of his honorable discharge from the armed forces of the United States, upon the filing of an application therefor, surety bond and payment of the filing and license fees, as hereinafter provided. The said application for return of license shall be on a form prescribed by the board, accompanied by a filing fee in the sum of ten dollars (\$10.00) and the prescribed license fee, except that when such application is filed after a portion of the then current license term has elapsed, the license fee shall be prorated on a monthly basis for the balance of the license year: Provided, however, That the said license shall not be returned if the electors of the municipality in which the licensed establishment is situate have voted against the granting of retail liquor licenses under the local option provision of this act. In the event the premises originally covered by the license are not available for occupancy by the licensee at the time he files his application for return of license as hereinbefore provided, he shall be permitted to file an application for transfer of the license to other premises in the same municipality. Such transfer of the license shall be subject to all of the provisions of this act pertaining to the transfer of licenses.

Section 2. This amendment is enacted due to conditions caused by the present war, and the said amendment shall remain in effect only until the termination of the said war and one year thereafter.

Section 3. All acts and parts of acts inconsistent with the provisions of this act are hereby suspended.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 189

AN ACT

To further amend sections two, three hundred five, section six hundred two and section six hundred three of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen—1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation

of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by defining "Official Seal"; authorizing the designation of wholesale or retail stores; authorizing the Pennsylvania Liquor Control Board to adopt and enforce rules and regulations, to insure the equitable wholesale and retail sale and distribution of liquor and alcohol through the Pennsylvania liquor stores during times of shortage, and making it unlawful to violate any such rules and regulations.

"Pennsylvania
Liquor Control
Act."

Sections 2 and
305, act of
November 29,
1933, P. L. 15,
1933-34, as last
amended by act
of June 16, 1937,
P. L. 1762,
further amended.

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

Section 1. Sections two and three hundred five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen—1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as last reenacted and amended by the act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand seven hundred sixty-two), are hereby further amended to read as follows:

Section 2. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Association" shall mean a partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes

of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor shall be only secondary which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after the effective date of these amendments, shall have been incorporated in this Commonwealth, and if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall, from time to time, prescribe.

“Original container” shall mean all bottles, casks, kegs or other suitable containers that have been securely capped, sealed or corked by the manufacturer at the place of manufacture, with the name and address of the manufacturer of the malt or brewed beverages contained, or to be contained therein permanently affixed to the bottle, cask, keg or other container, or to the cap or cork used in sealing the same, or to a label securely affixed to a bottle.

“Corporation” shall mean a corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign country or dependency.

“Hotel” shall mean any reputable place, operated by responsible persons of good reputation, where the public may, for a consideration, obtain sleeping accommodations with meals, and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management, accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.

The word “alcohol” means ethyl alcohol originally produced by the distillation of any fermented liquid, whether rectified or diluted with, or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured, or otherwise rendered unfit for beverage purposes.

“Liquor” shall mean and include any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage,

or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered or re-distilled denatured alcohol usable or taxable for beverage purposes, which contain more than one-half of one per cent of alcohol by volume, except pure ethyl alcohol, and malt or brewed beverages.

“Malt or Brewed Beverages” means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume, by whatever name such liquor may be called.

“Manufacturer” shall mean any person, association, or corporation engaged in the producing, manufacturing, distilling, rectifying or compounding of liquor, alcohol, and malt or brewed beverages in this Commonwealth, or elsewhere.

“Municipality” shall mean any city, borough, incorporated town, or township of this Commonwealth.

“Official Seal” shall mean and include any insignia approved by the board that is required to be affixed to a package, as herein defined.

“Package” shall mean any container or containers, or receptacle or receptacles, used for holding liquor or alcohol, as marketed by the manufacturer.

“Person.” Every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term “person,” as applied to “association,” shall mean the partners or members thereof, and, as applied to “corporation,” shall mean the officers thereof, except, as to incorporated clubs, the term “person” shall mean such individual or individuals who, under the by-laws of such club, shall have jurisdiction over the possession and sale of liquor therein.

“Restaurant” shall mean a reputable place, operated by responsible persons of good reputation, and habitually and principally used for the purpose of providing food for the public; the place to have an area within a building of not less than four hundred square feet, equipped with tables and chairs accommodating at least thirty persons at one time.

“Sale” or “Sell” shall include any transfer of liquor, alcohol, or malt or brewed beverages for a consideration.

Section 305. Sales by Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall keep in stock for sale such classes, varieties, and brands of liquor and alcohol as the board shall prescribe. If any person shall desire to purchase any class, variety, or brand of liquor or alcohol which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by

the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board. The customer shall be notified immediately upon the arrival of the goods.

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival, the store may place it in stock for general sale and the customer's deposit shall be forfeited.

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act, and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary or the American Homeopathic Pharmacopoeia. All other sales by such stores shall be at retail. No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale. *The board shall have power to designate certain stores for wholesale or retail sales exclusively.*

Whenever any checks, issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board, shall be returned to the board as dishonored, the board shall charge a fee of five dollars per hundred dollars, or fractional part thereof plus all protest fees to the maker of such check submitted to the board. Failure to pay the face amount of the check in full and all charges thereon, as herein required, within ten days after demand has been made by the board upon the maker of the check, shall be cause for revocation or suspension of any license issued by the board to the person who issued such check, and the cancellation of the wholesale purchase permit card held by such person.

No liquor or alcohol shall be sold to any purchaser except in a package [sealed with] *bearing* the official seal of the board required by this act, which package shall not be opened on the premises of a Pennsylvania Liquor Store. No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises, nor shall any person consume any liquor or alcohol on such premises.

The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania, and to persons to whom the board shall, by regulation to be promulgated by it, issue special permits for the purchase of such tax exempt alcohol.

Such permits may be issued to the United States or any governmental agency thereof; to any university or college of learning; any laboratory for use exclusively in scientific research; any hospital, sanatorium, eleemosynary institution, or dispensary; to physicians, dentists, veterinarians, and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania; to manufacturing chemists and pharmacists or other persons, for use in the manufacture or compounding of preparations unfit for beverage purposes.

Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt, which shall show the brand of liquor and alcohol, the price paid therefor, and such other information as the board may prescribe. Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by, and shall form part of the records of, such store.

The board is hereby authorized and empowered to adopt and enforce appropriate rules and regulations to insure the equitable wholesale and retail sale and distribution, through the Pennsylvania liquor stores, of available liquor and alcohol, at any time when the demand therefor is greater than the supply.

Section 602 of
said act
further amended.

Section 2. Section six hundred two of said act, as last reenacted and amended by the act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand seven hundred sixty-two), is hereby further amended by changing paragraph four thereof to read as follows, and by adding thereto, immediately after paragraph thirty, a new paragraph to read as follows:

Section 602. Unlawful Acts.—

* * * *

(4) It shall be unlawful for any person, except a manufacturer, or the board, or the holder of a sacramental wine license or of an importer's license, or a priest, clergyman or rabbi who has purchased wine from the holder of a sacramental wine license, to have or keep any liquor within the Commonwealth, unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained, [has] while containing that liquor, [been sealed with] *bears* the official seal of the board. The use of decanters or* other similar receptacles by licensees shall be permitted only in the case of wines, and then only in accordance with the regulations of the board; but nothing herein contained shall prohibit the manufacture and possession of wine as provided in [clause (b)] *paragraph (2)* of this section.

* * * *

(31) *It shall be unlawful for any person to violate any rules and regulations adopted by the board to insure*

* "of" in original.

the equitable wholesale and retail sale and distribution of liquor and alcohol through the Pennsylvania liquor stores.

Section 3. Section six hundred three of said act, as last reenacted and amended by the act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand seven hundred sixty-two), is hereby further amended to read as follows:

Section 603 of said act further amended.

Section 603. Unlawful to Fortify, Adulterate, or Contaminate Liquor.—It shall be unlawful for any licensee, or any employe or agent of a licensee or of the board, to fortify, adulterate, or contaminate any liquor, except as permitted by the regulations of the board, or to refill, wholly or in part, with any liquid or substance, whatsoever, any bottle or other container [previously sealed with] *bearing* the official seal of the board.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 190

AN ACT

To amend section one and further amend section four of the act, approved the thirteenth day of May, one thousand nine hundred fifteen (Pamphlet Laws, two hundred eighty-six), entitled "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure