

No. 1989-111

AN ACT

HB 1615

Amending the act of May 23, 1945 (P.L.926, No.369), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," authorizing second class townships and certain home rule municipalities to license public eating and drinking places; and making editorial changes.

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

Section 1. The title of the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, is amended to read:

AN ACT

For the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of **[Health] Environmental Resources** of this Commonwealth and on the local health authorities; and providing penalties.

Section 2. The definitions of "department" and "licensor" in section 1 of the act, amended September 26, 1951 (P.L.1462, No.360), are amended to read:

Section 1. Definitions.—"Department" shall mean the **[State Department of Health] Department of Environmental Resources of the Commonwealth**.

* * *

"Licensor" shall mean the county department of health or joint-county department of health, whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of cities, boroughs, incorporated towns and first-class townships, whenever such public eating or drinking place is located in a city, borough, incorporated town or first-class township not under the jurisdiction of a county department of health or joint-county department of health, *or the health authorities of second class townships and second class townships which have adopted a home rule charter which elect to issue licenses under the provisions of this act whenever such public eating and drinking place is located in such a second class township or second class township which has adopted a home rule charter not under the jurisdiction of a county department of health or joint-county department of health*, or the **[State Department of Health] Department of Environmental Resources**, whenever such public eating or drinking place is located in any other area of the Commonwealth.

Section 3. Section 2 of the act, amended September 26, 1951 (P.L.1462, No.360), is amended to read:

Section 2. From and after a period of six months after the effective date of this act, it shall be unlawful for any proprietor to conduct or operate a public eating or drinking place without first obtaining a license *for each establishment*, as herein provided. Such license shall be issued by the health authorities of cities, boroughs, incorporated towns and first-class townships, *and, if electing to issue licenses under this act, second class townships and second class townships which have adopted a home rule charter*, whenever such public eating or drinking place is located in a city, borough, incorporated town **[or first-class]** or township not under the jurisdiction of a county department of health or joint-county department of health, or by the county department of health or joint-county department of health whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or in those townships of the second class which are not under the jurisdiction of a county department of health or joint-county department of health *and which do not elect to issue licenses under this act*, by the department. No license shall be issued until inspection of the premises, facilities and equipment has been made by the licensor, and they are found adequate to the protection of the public health and comfort of patrons. The fee for such license shall be one dollar (\$1.00) *or as established by ordinance of the governing body or by State law* and shall be paid into the city, borough, incorporated town, **[first-class]** township or county treasury, or to the State Treasury through the Department of Revenue, depending upon the location of such public eating or drinking place. The license shall be renewed annually.

Whenever any proprietor maintains more than one public eating or drinking place within **[any one city, borough, incorporated town or township]** *the Commonwealth*, he shall be required to apply for and procure a **[duplicate]** license for each **[additional]** eating or drinking place. **[, such duplicate license to be issued at an additional charge of fifty cents (50¢) for each additional public eating or drinking place within any one city, borough, incorporated town or township. Where the licensor is a county department of health or joint-county department of health, any proprietor who maintains more than one public eating or drinking place within any one county shall be required to apply for and procure a duplicate license for each additional eating or drinking place, such duplicate license to be issued at an additional charge of fifty cents (50¢) for each additional public eating or drinking place within such county; but this provision shall not apply to any public eating or drinking place within such county located in a city, borough, incorporated town or first-class township which is not within the jurisdiction of the county department of health or joint-county department of health.]**

Section 4. This act shall take effect immediately.

APPROVED—The 22nd day of December, A. D. 1989.

ROBERT P. CASEY