

## Act 11 of 2011 – Part II

In last month's article I covered the addition of the creation of an off-premises catering permit by Act 11 of 2011. In this month's article I wish to advise the readers of other changes effectuated by Act 11 of 2011.

The practice of discounting alcoholic beverages by retail licensees has been significantly changed by Act 11. The term "happy hour" is now codified in the Liquor Code. The Act provides that "happy hour" shall mean the period of time during which a licensee discounts alcoholic beverages. Retail licensees now may hold happy hours up to four hours per day and up to fourteen hours per week. No discounts may be given between the hours of midnight and closing time (2:00 a.m. for restaurant and hotel licensees and 3:00 a.m. for club licensees). Notice of all happy hours must be visibly post on the licensed premises seven days prior to the happy hour.

A debate always has been waged over whether the liquor code supercedes municipal ordinances. Act 11 puts the debate to rest with respect to the sales of malt and brewed beverages in open containers. The Liquor Code permits the sale of malt and brewed beverages for consumption off the licensed premises in open containers provided that the quantity does not exceed 192 fluid ounces. Act 11 now specifically permits local municipalities to adopt ordinances restricting the use of open containers in public places.

The hours a licensee may provide entertainment has been expanded by Act 11. A licensee may now permit entertainment on the licensed premises between the hours of 2:00 a.m. and 7:00 a.m. provided that the licensee obtains an extended food permit.

If you have any questions regarding Act 11 or any other liquor matter, please contact me for a free consultation at 1-887-LAW-2555.

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