
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1462 Session of 1993

INTRODUCED BY SCRIMENTI, DONATUCCI, BEBKO-JONES, CAPPABIANCA,
BOYES, MERRY, KUKOVICH, TRICH, DALEY, HERSHEY, BELFANTI,
MILLER, HECKLER, VEON, STURLA, NICKOL, NYCE, WAUGH, SAYLOR,
SEMMELE, BARLEY, STABACK, RUDY, WOGAN, MAITLAND, JAMES, STEIL,
CLARK, NAILOR, PETRARCA AND KING, APRIL 27, 1993

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 23, 1993

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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,"
17 PERMITTING CERTAIN SALES ON SUPER BOWL SUNDAYS; AND providing <—
18 FOR CONTAINERS, for additional activities of limited wineries <—
19 AND FOR MONEY PAID INTO THE STATE STORES FUND. <—

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

22 ~~Section 1. Section 505.2 of the act of April 12, 1951~~ <—
23 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
24 ~~June 29, 1987 (P.L.32, No.14), is amended to read:~~

1 ~~SECTION 1. SECTION 406(A) OF THE ACT OF APRIL 12, 1951~~ <—
2 ~~(P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED~~
3 ~~JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED BY ADDING A PARAGRAPH~~
4 ~~TO READ:~~

5 SECTION 1. THE DEFINITIONS OF "CONTAINER," "DISTRIBUTOR" AND <—
6 "IMPORTING DISTRIBUTOR" IN SECTION 102 OF THE ACT OF APRIL 12,
7 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND
8 AMENDED JUNE 29, 1987 (P.L.32, NO.14), ARE AMENDED AND THE
9 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

10 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
11 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
12 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

13 * * *

14 "CARRIER" SHALL MEAN AND INCLUDE ANY SEALED RECEPTACLE OR
15 FORM OF PACKAGE AS PREPARED FOR THE MARKET BY THE MANUFACTURER
16 AT THE PLACE OF MANUFACTURE, WHICH IS CONTAINED WITHIN A CASE,
17 AND WHICH HOLDS ONE OR MORE ORIGINAL CONTAINERS.

18 "CASE" SHALL MEAN AND INCLUDE ANY BOX, CRATE OR TRAY AS
19 PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF
20 MANUFACTURE, WHICH HOLDS TWO OR MORE ORIGINAL CONTAINERS, LOOSE
21 OR BOUND TOGETHER.

22 * * *

23 "CONTAINER" SHALL MEAN AND INCLUDE ANY [RECEPTACLE,] VESSEL
24 [OR FORM OF PACKAGE], TANK, VAT, CASK, BARREL, DRUM, KEG, CAN,
25 BOTTLE OR CONDUIT USED OR CAPABLE OF USE FOR HOLDING, STORING,
26 TRANSFERRING OR SHIPMENT OF ALCOHOL, LIQUOR OR MALT OR BREWED
27 BEVERAGES.

28 * * *

29 "DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO
30 ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA MANUFACTURERS AND

1 FROM IMPORTING DISTRIBUTORS AND THE RESALE OF MALT OR BREWED
2 BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, IN
3 THE ORIGINAL SEALED CONTAINERS AND CASE AS PREPARED FOR THE
4 MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT NOT
5 FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF
6 NOT LESS THAN A CASE OF TWENTY-FOUR CONTAINERS, EACH CONTAINER
7 HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF TWENTY
8 CONTAINERS, EACH CONTAINER HOLDING TWENTY-TWO FLUID OUNCES OR
9 MORE, OR A CASE OF TWELVE CONTAINERS, EACH CONTAINER HOLDING
10 TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS
11 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
12 SOLD SEPARATELY. A DISTRIBUTOR MAY SELL IDENTICAL CONTAINERS OF
13 THE SAME BRAND OF MALT OR BREWED BEVERAGES FROM A CASE TO ANY
14 PERSON NOT LICENSED UNDER THIS ACT, PROVIDED SUCH CONTAINERS ARE
15 IN THEIR ORIGINAL CARRIER, AND IF EACH ORIGINAL CARRIER HOLDS
16 EITHER TWELVE, FIFTEEN OR EIGHTEEN CONTAINERS, EACH CONTAINER
17 HOLDING SEVEN FLUID OUNCES OR MORE.

18 * * *

19 "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE
20 BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER
21 PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS
22 LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND
23 IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR
24 BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AND CASE AS
25 PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF
26 MANUFACTURE, BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD,
27 AND IN QUANTITIES OF NOT LESS THAN A CASE OF TWENTY-FOUR
28 CONTAINERS, EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE,
29 OR A CASE OF TWENTY CONTAINERS, EACH CONTAINER HOLDING TWENTY-
30 TWO FLUID OUNCES OR MORE, OR A CASE OF TWELVE CONTAINERS, EACH

1 CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT
2 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
3 OR MORE WHICH MAY BE SOLD SEPARATELY. AN IMPORTING DISTRIBUTOR
4 MAY SELL IDENTICAL CONTAINERS OF THE SAME BRAND OF MALT OR
5 BREWED BEVERAGES FROM A CASE TO ANY PERSON NOT LICENSED UNDER
6 THIS ACT, PROVIDED SUCH CONTAINERS ARE IN THEIR ORIGINAL
7 CARRIER, AND IF EACH ORIGINAL CARRIER HOLDS EITHER TWELVE,
8 FIFTEEN OR EIGHTEEN CONTAINERS, EACH CONTAINER HOLDING SEVEN
9 FLUID OUNCES OR MORE.

10 * * *

11 SECTION 2. SECTION 406(A) OF THE ACT IS AMENDED BY ADDING A
12 PARAGRAPH TO READ:

13 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)

14 * * *

15 (7) NOTWITHSTANDING ANY PROVISIONS OF THIS ACT, ON THE
16 SUNDAY ON WHICH THE SPORTING EVENT COMMONLY REFERRED TO AS THE
17 "SUPER BOWL" IS CONDUCTED, LICENSEES WHO DO NOT POSSESS THE
18 SPECIAL ANNUAL PERMIT PROVIDED FOR IN PARAGRAPH (3), THEIR
19 SERVANTS, AGENTS OR EMPLOYEES MAY SELL LIQUOR AND MALT OR BREWED
20 BEVERAGES ON SUCH SUNDAY AFTER ONE O'CLOCK POSTMERIDIAN AND
21 UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY.

22 * * *

23 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

24 SECTION 408.11. SEASONAL OUTDOOR CAFE.--(A) THE BOARD IS
25 AUTHORIZED TO ISSUE A RESTRICTED RESTAURANT LICENSE IN A CITY OF
26 THE FIRST CLASS FOR THE RETAIL SALE OF LIQUOR AND MALT OR BREWED
27 BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER OR IN ANY
28 MIXTURE FOR CONSUMPTION IN A SEASONAL TEMPORARY OUTDOOR CAFE
29 LOCATED ON PREMISES OWNED BY A CITY OF THE FIRST CLASS.

30 (B) THE APPLICATION FOR A LICENSE UNDER THIS SECTION MAY BE

1 FILED AT ANY TIME BY A CONCESSIONAIRE SELECTED AND CERTIFIED BY
2 THE CITY OF THE FIRST CLASS AND SHALL CONFORM WITH ALL
3 REQUIREMENTS FOR RESTAURANT LIQUOR LICENSES AND APPLICATIONS,
4 EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN. THE APPLICANT SHALL
5 SUBMIT SUCH OTHER INFORMATION AS THE BOARD MAY REQUIRE. AN
6 APPLICATION SHALL BE IN WRITING ON FORMS PRESCRIBED BY THE BOARD
7 AND SHALL BE SIGNED AND SUBMITTED TO THE BOARD BY THE APPLICANT.
8 THE FILING FEE SHALL BE AS PRESCRIBED BY LAW FOR RESTAURANT
9 LICENSES.

10 (C) UPON RECEIPT OF THE APPLICATION IN PROPER FORM AND THE
11 APPLICATION FEE AND UPON BEING SATISFIED THAT THE APPLICANT IS
12 OF GOOD REPUTE AND FINANCIALLY RESPONSIBLE, THE BOARD SHALL
13 ISSUE A LICENSE TO THE APPLICANT.

14 (D) THE LICENSE SHALL BE ISSUED FOR THE SAME PERIOD OF TIME
15 AS PROVIDED FOR RESTAURANT LICENSES AND SHALL BE RENEWED AS
16 PROVIDED IN SECTION 402. THE LICENSE SHALL TERMINATE UPON
17 REVOCATION BY THE BOARD OR UPON TERMINATION OF THE CONTRACT
18 BETWEEN THE CONCESSIONAIRE AND THE CITY OF THE FIRST CLASS.

19 (E) THE CHARACTERISTICS OF A RESTAURANT SET FORTH IN SECTION
20 102 SHALL NOT APPLY TO THE SEASONAL TEMPORARY OUTDOOR CAFE
21 LICENSED UNDER THIS SECTION. THE SEASONAL TEMPORARY OUTDOOR CAFE
22 SHALL BE AN OPEN-AIR FACILITY WITH TABLES AND CHAIRS SUFFICIENT
23 TO SEAT AT LEAST THIRTY PERSONS. THE SEASONAL TEMPORARY OUTDOOR
24 CAFE WILL CONSIST OF A TEMPORARY STRUCTURE MEASURING NOT LESS
25 THAN FOURTEEN FEET BY TEN FEET BY TEN FEET WITH A TWENTY FEET BY
26 TWENTY FEET TENT ADJACENT TO OR CONNECTED TO THIS STRUCTURE OVER
27 A TWENTY-FOUR FEET BY TWENTY-FOUR FEET DECK AND LOCATED ON
28 PROPERTY OWNED BY A CITY OF THE FIRST CLASS.

29 (F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
30 APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION, PURSUANT TO

1 SECTION 465, SHALL BE TWO THOUSAND DOLLARS (\$2,000).

2 (G) SALES BY THE HOLDER OF A LICENSE ISSUED UNDER THIS
3 SECTION MAY BE MADE, EXCEPT TO THOSE PERSONS PROHIBITED UNDER
4 CLAUSE (1) OF SECTION 493, ON PREMISES OWNED BY THE CITY OF THE
5 FIRST CLASS AND AVAILABLE FOR USE DURING THE HOURS IN WHICH THE
6 SEASONAL TEMPORARY CAFE IS OPERATED AND UP TO ONE HOUR AFTER THE
7 SCHEDULED CLOSING, AND AT FUNCTIONS WHICH ARE INCIDENTAL TO THE
8 SEASONAL TEMPORARY CAFE, BUT SUCH SALES MAY NOT BE MADE BEYOND
9 THE HOURS EXPRESSED IN THE "LIQUOR CODE" FOR THE SALE OF LIQUOR
10 BY RESTAURANT LICENSEES: PROVIDED, HOWEVER, THAT SUCH SALES MAY
11 BE MADE ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK NOON AND
12 EIGHT O'CLOCK POSTMERIDIAN.

13 (H) WHENEVER A CONTRACT IS TERMINATED PRIOR TO THE
14 EXPIRATION DATE PROVIDED IN THE CONTRACT BETWEEN THE CITY OF THE
15 FIRST CLASS AND THE CONCESSIONAIRE, THE CITY OF THE FIRST CLASS
16 MAY SELECT AND CERTIFY TO THE BOARD A DIFFERENT CONCESSIONAIRE
17 AND THE BOARD SHALL TRANSFER THAT LICENSE TO THE NEW
18 CONCESSIONAIRE. A LICENSE ISSUED UNDER THIS SECTION SHALL NOT BE
19 TRANSFERRED TO ANY OTHER LOCATION. IF THE LICENSE ISSUED UNDER
20 THIS SECTION IS REVOKED, THE BOARD SHALL ISSUE A NEW LICENSE TO
21 A QUALIFIED APPLICANT WITHOUT REGARD TO THE PROHIBITION IN
22 SECTION 471 AGAINST THE GRANT OF A LICENSE AT THE SAME PREMISES
23 FOR A PERIOD OF AT LEAST ONE YEAR.

24 ~~SECTION 2. SECTION 505.2 OF THE ACT IS AMENDED TO READ:~~ <—

25 SECTION 4. SECTIONS 431(A) AND (B), 440, 441(A) AND (B) AND <—
26 505.2 OF THE ACT ARE AMENDED TO READ:

27 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
28 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--(A) THE
29 BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH
30 OF GOOD REPUTE WHO APPLIES THEREFOR, PAYS THE LICENSE FEE

1 HEREINAFTER PRESCRIBED, AND FILES THE BOND HEREINAFTER REQUIRED,
2 A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE MALT OR
3 BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER MALT OR
4 BREWED BEVERAGES AT OR FROM ONE OR MORE PLACES OF MANUFACTURE OR
5 STORAGE, ONLY IN [ORIGINAL CONTAINERS,] THE ORIGINAL SEALED
6 CONTAINERS AND CASE AS PREPARED FOR THE MARKET BY THE
7 MANUFACTURER AT THE PLACE OF MANUFACTURE AND IN QUANTITIES OF
8 NOT LESS THAN A CASE OF TWENTY-FOUR CONTAINERS, EACH CONTAINER
9 HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF TWENTY
10 CONTAINERS, EACH CONTAINER HOLDING TWENTY-TWO FLUID OUNCES OR
11 MORE, OR A CASE OF TWELVE CONTAINERS, EACH CONTAINER HOLDING
12 TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS
13 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
14 SOLD SEPARATELY ANYWHERE WITHIN THE COMMONWEALTH. LICENSES FOR
15 PLACES OF STORAGE SHALL BE LIMITED TO THOSE MAINTAINED BY
16 MANUFACTURERS ON JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED
17 THIRTY-FIVE, AND THE BOARD SHALL ISSUE NO LICENSES FOR PLACES OF
18 STORAGE IN ADDITION TO THOSE MAINTAINED ON JULY EIGHTEENTH, ONE
19 THOUSAND NINE HUNDRED THIRTY-FIVE. THE APPLICATION FOR SUCH
20 LICENSE SHALL BE IN SUCH FORM AND CONTAIN SUCH INFORMATION AS
21 THE BOARD SHALL REQUIRE. ALL SUCH LICENSES SHALL BE GRANTED FOR
22 THE CALENDAR YEAR. EVERY MANUFACTURER SHALL KEEP AT HIS OR ITS
23 PRINCIPAL PLACE OF BUSINESS, WITHIN THE COMMONWEALTH DAILY
24 PERMANENT RECORDS WHICH SHALL SHOW, (1) THE QUANTITIES OF RAW
25 MATERIALS RECEIVED AND USED IN THE MANUFACTURE OF MALT OR BREWED
26 BEVERAGES AND THE QUANTITIES OF MALT OR BREWED BEVERAGES
27 MANUFACTURED AND STORED, (2) THE SALES OF MALT OR BREWED
28 BEVERAGES, (3) THE QUANTITIES OF MALT OR BREWED BEVERAGES STORED
29 FOR HIRE OR TRANSPORTED FOR HIRE BY OR FOR THE LICENSEE, AND (4)
30 THE NAMES AND ADDRESSES OF THE PURCHASERS OR OTHER RECIPIENTS

1 THEREOF. EVERY PLACE LICENSED AS A MANUFACTURER SHALL BE SUBJECT
2 TO INSPECTION BY MEMBERS OF THE BOARD OR BY PERSONS DULY
3 AUTHORIZED AND DESIGNATED BY THE BOARD, AT ANY AND ALL TIMES OF
4 THE DAY OR NIGHT, AS THEY MAY DEEM NECESSARY, FOR THE DETECTION
5 OF VIOLATIONS OF THIS ACT OR OF THE RULES AND REGULATIONS OF THE
6 BOARD, OR FOR THE PURPOSE OF ASCERTAINING THE CORRECTNESS OF THE
7 RECORDS REQUIRED TO BE KEPT BY LICENSEES. THE BOOKS AND RECORDS
8 OF SUCH LICENSEES SHALL AT ALL TIMES BE OPEN TO INSPECTION BY
9 MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED AND
10 DESIGNATED BY THE BOARD. MEMBERS OF THE BOARD AND ITS DULY
11 AUTHORIZED AGENTS SHALL HAVE THE RIGHT, WITHOUT HINDRANCE, TO
12 ENTER ANY PLACE WHICH IS SUBJECT TO INSPECTION HEREUNDER OR ANY
13 PLACE WHERE SUCH RECORDS ARE KEPT FOR THE PURPOSE OF MAKING SUCH
14 INSPECTIONS AND MAKING TRANSCRIPTS THEREOF.

15 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
16 APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,
17 AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR
18 IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON
19 DESIRES TO MAINTAIN FOR THE SALE OF MALT OR BREWED BEVERAGES,
20 NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, ONLY IN THE
21 ORIGINAL SEALED CONTAINERS AND CASE AS PREPARED FOR THE MARKET
22 BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE, AND IN
23 QUANTITIES OF NOT LESS THAN A CASE OF TWENTY-FOUR CONTAINERS,
24 EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF
25 TWENTY CONTAINERS, EACH CONTAINER HOLDING TWENTY-TWO FLUID
26 OUNCES OR MORE, OR A CASE OF TWELVE CONTAINERS, EACH CONTAINER
27 HOLDING TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT ORIGINAL
28 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE
29 WHICH MAY BE SOLD SEPARATELY AND SUCH CONTAINERS TO BE THE
30 ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY THE

1 MANUFACTURER AT THE PLACE OF MANUFACTURE. A DISTRIBUTOR OR
2 IMPORTING DISTRIBUTOR MAY SELL IDENTICAL CONTAINERS OF THE SAME
3 BRAND OF MALT OR BREWED BEVERAGES FROM A CASE TO ANY PERSON NOT
4 LICENSED UNDER THIS ACT, PROVIDED SUCH CONTAINERS ARE IN THEIR
5 ORIGINAL CARRIER, AND IF EACH ORIGINAL CARRIER HOLDS EITHER
6 TWELVE, FIFTEEN OR EIGHTEEN CONTAINERS, EACH CONTAINER HOLDING
7 SEVEN FLUID OUNCES OR MORE. THE BOARD SHALL HAVE THE DISCRETION
8 TO REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
9 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
10 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
11 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
12 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY
13 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE: AND
14 PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW LICENSE OR THE
15 TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE BOARD MAY, IN ITS
16 DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE OR TRANSFER IF SUCH
17 PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED FEET OF
18 ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC
19 PLAYGROUND, OR IF SUCH NEW LICENSE OR TRANSFER IS APPLIED FOR A
20 PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES
21 WHICH IS LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE
22 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
23 TRANSFER OF ANY LICENSE TO A NEW LOCATION IF, IN THE BOARD'S
24 OPINION, SUCH NEW LICENSE OR TRANSFER WOULD BE DETRIMENTAL TO
25 THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
26 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
27 PROPOSED TO BE LICENSED. THE BOARD SHALL REFUSE ANY APPLICATION
28 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A LOCATION
29 WHERE THE SALE OF LIQUID FUELS OR OIL IS CONDUCTED. THE BOARD
30 SHALL REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES

1 UPON WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN
2 SALES OF MALT OR BREWED BEVERAGES. THIS NOTICE SHALL BE SIMILAR
3 TO THE NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR
4 LICENSEES.

5 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
6 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
7 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
8 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
9 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
10 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
11 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
12 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
13 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
14 DISTRIBUTORS LICENSED UNDER THIS ARTICLE.

15 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
16 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
17 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
18 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
19 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
20 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
21 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
22 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
23 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
24 MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
25 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
26 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
27 THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
28 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
29 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
30 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY

1 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
2 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
3 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
4 MANUFACTURER.

5 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
6 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
7 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
8 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
9 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
10 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
11 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
12 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
13 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
14 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
15 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
16 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
17 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
18 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
19 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
20 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
21 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
22 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
23 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
24 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
25 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
26 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
27 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
28 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
29 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
30 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO

1 AFFECTED.

2 * * *

3 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED
4 BEVERAGES; MINIMUM QUANTITIES.--NO MANUFACTURER SHALL SELL ANY
5 MALT OR BREWED BEVERAGES FOR CONSUMPTION ON THE PREMISES WHERE
6 SOLD, NOR SELL OR DELIVER ANY SUCH MALT OR BREWED BEVERAGES IN
7 OTHER THAN ORIGINAL CONTAINERS APPROVED AS TO CAPACITY BY THE
8 BOARD, NOR IN QUANTITIES OF LESS THAN A CASE OF TWENTY-FOUR
9 CONTAINERS, EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE,
10 OR A CASE OF TWENTY CONTAINERS, EACH CONTAINER HOLDING TWENTY-
11 TWO FLUID OUNCES OR MORE, OR A CASE OF TWELVE CONTAINERS, EACH
12 CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT
13 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
14 OR MORE WHICH MAY BE SOLD SEPARATELY; NOR SHALL ANY MANUFACTURER
15 MAINTAIN OR OPERATE WITHIN THE COMMONWEALTH ANY PLACE OR PLACES
16 OTHER THAN THE PLACE OR PLACES COVERED BY HIS OR ITS LICENSE
17 WHERE MALT OR BREWED BEVERAGES ARE SOLD OR WHERE ORDERS ARE
18 TAKEN.

19 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
20 RESTRICTIONS ON SALES, STORAGE, ETC.--(A) NO DISTRIBUTOR OR
21 IMPORTING DISTRIBUTOR SHALL SELL OR DELIVER ANY MALT OR BREWED
22 BEVERAGES IN QUANTITIES OTHER THAN A CASE OF TWENTY-FOUR OR MORE
23 CONTAINERS, EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE,
24 AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF
25 MANUFACTURE, OR A CASE OF TWENTY CONTAINERS, EACH CONTAINER
26 HOLDING TWENTY-TWO FLUID OUNCES OR MORE, OR A CASE OF TWELVE
27 CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR
28 MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-
29 EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY. HOWEVER, A
30 DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY SELL IDENTICAL

1 CONTAINERS OF THE SAME BRAND OF MALT OR BREWED BEVERAGES FROM A
2 CASE TO ANY PERSON NOT LICENSED UNDER THIS ACT, PROVIDING SUCH
3 CONTAINERS ARE IN THEIR ORIGINAL CARRIER, AND IF EACH ORIGINAL
4 CARRIER HOLDS EITHER TWELVE, FIFTEEN OR EIGHTEEN CONTAINERS,
5 EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE. NO
6 DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR
7 RESELL TO OR FROM ANY PERSON LICENSED UNDER THIS ACT ANY MALT OR
8 BREWED BEVERAGES EXCEPT IN THE ORIGINAL CASE AS PREPARED FOR THE
9 MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. NO
10 DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR
11 RESELL ANY MALT OR BREWED BEVERAGES EXCEPT IN THE ORIGINAL
12 CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE
13 PLACE OF MANUFACTURE.

14 (B) [NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY
15 MALT OR BREWED BEVERAGES IN QUANTITIES OF LESS THAN A CASE OF
16 TWENTY-FOUR CONTAINERS, EACH CONTAINER HOLDING SEVEN FLUID
17 OUNCES OR MORE, OR A CASE OF TWELVE CONTAINERS, EACH CONTAINER
18 HOLDING TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT ORIGINAL
19 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE
20 WHICH MAY BE SOLD SEPARATELY: PROVIDED, THAT NO] NO MALT OR
21 BREWED BEVERAGES SOLD OR DELIVERED SHALL BE CONSUMED UPON THE
22 PREMISES OF THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR IN ANY
23 PLACE PROVIDED FOR SUCH PURPOSE BY SUCH DISTRIBUTOR OR IMPORTING
24 DISTRIBUTOR.

25 * * *

26 Section 505.2. Limited Wineries.--[Holders] In the interest
27 of promoting tourism and recreational development in
28 Pennsylvania, holders of a limited winery license may:

29 (1) Produce wines and wine coolers only from fruits grown in
30 Pennsylvania in an amount not to exceed two hundred thousand

1 (200,000) gallons per year.

2 (2) Sell wine and wine coolers produced by the limited
3 winery or purchased in bulk in bond from another Pennsylvania
4 limited winery on the licensed premises, under such conditions
5 and regulations as the board may enforce, to the board, to
6 individuals and to hotel, restaurant, club and public service
7 liquor licensees, and to Pennsylvania winery licensees:

8 Provided, That a limited winery shall not, in any calendar year,
9 purchase wine produced by other limited wineries in an amount in
10 excess of fifty per centum of the wine produced by the
11 purchasing limited winery in the preceding calendar year.

12 (3) Separately or in conjunction with other limited
13 wineries, sell wine and wine coolers produced by the limited
14 winery on no more than five board-approved locations other than
15 the licensed premises, with no bottling or production
16 requirement at those additional board-approved locations and
17 under such conditions and regulations as the board may enforce,
18 to the board, to individuals and to hotel, restaurant, club and
19 public service liquor licensees.

20 (4) At the discretion of the board, obtain a special wine
21 permit to participate in wine and food expositions off the
22 licensed premises. A special wine permit shall be issued upon
23 proper application and payment of a fee of thirty dollars (\$30)
24 per day for each day of permitted use, not to exceed five (5)
25 consecutive days. A limited winery may not obtain more than five
26 special wine permits in any calendar year. The total number of
27 days for all the permits may not exceed ten (10) days in any
28 calendar year. A special wine permit shall entitle the holder to
29 engage in the sale of wine produced by the bottle or in case
30 lots by the permittee under the authority of a limited winery

1 license. Holders of special wine permits may provide tasting
2 samples of wines in individual portions not to exceed one fluid
3 ounce. Samples at wine and food expositions may be sold or
4 offered free of charge. Except as provided herein, limited
5 wineries utilizing special wine permits shall be governed by all
6 applicable provisions of this act as well as by all applicable
7 regulations or conditions adopted by the board.

8 For the purposes of this clause, wine and food expositions
9 are defined as affairs held indoors or outdoors with the primary
10 intent of educating those in attendance of the availability,
11 nature and quality of Pennsylvania-produced wines in conjunction
12 with suitable food displays, demonstrations and sales. Wine and
13 food expositions may also include activities other than wine and
14 food displays, including arts and crafts, musical activities,
15 cultural exhibits, agricultural exhibits and similar activities.

16 ~~Section 2 3. This act shall take effect immediately.~~ <—

17 SECTION 3 5. SECTION 802 OF THE ACT IS AMENDED BY ADDING A <—
18 SUBSECTION TO READ:

19 SECTION 802. MONEYS PAID INTO THE STATE STORES FUND FOR USE
20 OF THE COMMONWEALTH.--* * *

21 (F) ANY MONEYS IN THE STATE STORES FUND, FROM TIME TO TIME,
22 WHICH MAY NOT BE REQUIRED FOR ANY OF THE PURPOSES SPECIFIED IN
23 THIS ACT OR IN THE ACT OF DECEMBER 20, 1933 (SP.SESS., P.L.89,
24 NO.15), ENTITLED "AN ACT APPROPRIATING THE MONEYS IN THE STATE
25 STORES FUND," SHALL BE PAID OVER INTO THE GENERAL FUND, AND
26 SHALL BE AVAILABLE FOR THE PAYMENT OF APPROPRIATIONS MADE FROM
27 THE GENERAL FUND. THE PENNSYLVANIA LIQUOR CONTROL BOARD, WITH
28 THE APPROVAL OF THE GOVERNOR, SHALL, FROM TIME TO TIME, FIX THE
29 AMOUNT OF MONEY WHICH MAY BE SO PAID OVER INTO THE GENERAL FUND,
30 AND, BY ITS REQUISITION, SHALL DIRECT THE DEPARTMENT OF THE

1 AUDITOR GENERAL AND THE TREASURY DEPARTMENT TO TRANSFER SUCH
2 MONEYS FROM THE STATE STORES FUND TO THE GENERAL FUND. THE
3 PENNSYLVANIA LIQUOR CONTROL BOARD, SHALL, IMMEDIATELY UPON
4 VOTING TO PAY OVER ANY MONEYS FROM THE STATE STORES FUND TO THE
5 GENERAL FUND, NOTIFY THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
6 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
7 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
8 OF REPRESENTATIVES OF SUCH TRANSFER OF MONEYS.

9 SECTION 4 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

<—