

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1531 Session of
2000

INTRODUCED BY THOMPSON, WAGNER, DENT, STOUT, WHITE, GERLACH,
CORMAN, HART, CONTI, O'PAKE AND LEMMOND, SEPTEMBER 25, 2000

REFERRED TO LAW AND JUSTICE, SEPTEMBER 25, 2000

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 further providing for definitions, for standing at hearings
18 on license applications, for posting of notice of application
19 for a license, for issuance of licenses and for sales by
20 liquor licensees; repealing provisions relating to certain
21 types of licenses; providing for a public venue license and
22 for a performing arts facility license; further providing for
23 stadium or arena permits, for limiting number of licenses in
24 each municipality, for places of amusement not to be
25 licensed, for renewal of licenses, for local option and for
26 unlawful acts relative to licensees.

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

29 Section 1. The definition of "performing arts facilities" in

1 section 102 of the act of April 12, 1951 (P.L.90, No.21), known
2 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
3 No.14), is amended and the section is amended by adding a
4 definition to read:

5 Section 102. Definitions.--The following words or phrases,
6 unless the context clearly indicates otherwise, shall have the
7 meanings ascribed to them in this section:

8 * * *

9 "Performing arts facilities" shall mean those halls or
10 theaters in which live musical, concert, dance, ballet and
11 legitimate play book-length productions are performed.
12 Performing arts facilities shall not mean those halls or
13 theaters in which burlesque shows or reviews are performed. The
14 facility must have seating for at least five hundred (500)
15 people.

16 * * *

17 "Public venue" shall mean any stadium, arena, convention
18 center, museum, amphitheater or similar structure with seating
19 for at least one thousand (1,000) people that is owned by a
20 municipality or county, is owned by an authority created under
21 the act of July 29, 1953 (P.L.1034, No.270), known as the
22 "Public Auditorium Authorities Law" or is an art museum
23 established under the authority of the act of April 6, 1791 (3
24 Sm.L.20, No.1536) entitled "An act to confer on certain
25 associations of the citizens of this commonwealth the powers and
26 immunities of corporations, or bodies politic in law." The term
27 shall also mean any such structure that has seating for at least
28 five thousand (5,000) people, regardless of owner. The term
29 shall also mean any regional history center, multipurpose
30 cultural and science facility or museum, regardless of owner,

1 that has a floor area of at least one hundred thousand (100,000)
2 square feet in one building.

3 * * *

4 Section 2. Section 402 of the act is amended by adding a
5 subsection to read:

6 Section 402. License Districts; License Period; Hearings.--*

7 * *

8 (c) This section shall not be construed so as to grant
9 standing to residents residing within five hundred (500) feet of
10 a public venue or performing arts facility.

11 Section 3. Section 403 (g) of the act is amended to read:

12 Section 403. Applications for Hotel, Restaurant and Club
13 Liquor Licenses.--* * *

14 (g) Every applicant for a new license or for the transfer of
15 an existing license shall post, for a period of at least fifteen
16 days beginning with the day the application is filed with the
17 board, in a conspicuous place on the outside of the premises or
18 at the proposed new location for which the license is applied, a
19 notice of such application, in such form, of such size, and
20 containing such provisions as the board may require by its
21 regulations. Proof of the posting of such notice shall be filed
22 with the board. The posting requirement imposed by this
23 subsection shall not apply to license applications submitted for
24 public venues.

25 * * *

26 Section 4. Section 404 of the act, amended December 21, 1998
27 (P.L.1202, No.155), is amended to read:

28 Section 404. Issuance of Hotel, Restaurant and Club Liquor
29 Licenses.--Upon receipt of the application and the proper fees,
30 and upon being satisfied of the truth of the statements in the

1 application that the applicant is the only person in any manner
2 pecuniarily interested in the business so asked to be licensed
3 and that no other person will be in any manner pecuniarily
4 interested therein during the continuance of the license, except
5 as hereinafter permitted, and that the applicant is a person of
6 good repute, that the premises applied for meet all the
7 requirements of this act and the regulations of the board, that
8 the applicant seeks a license for a hotel, restaurant or club,
9 as defined in this act, and that the issuance of such license is
10 not prohibited by any of the provisions of this act, the board
11 shall, in the case of a hotel or restaurant, grant and issue to
12 the applicant a liquor license, and in the case of a club may,
13 in its discretion, issue or refuse a license: Provided, however,
14 That in the case of any new license or the transfer of any
15 license to a new location the board may, in its discretion,
16 grant or refuse such new license or transfer if such place
17 proposed to be licensed is within three hundred feet of any
18 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's authority to refuse to grant a license because of its
23 proximity to a church, hospital, charitable institution, public
24 playground or other licensed premises shall not be applicable to
25 license applications submitted for public venues or performing
26 arts facilities: And provided further, That the board shall
27 refuse any application for a new license or the transfer of any
28 license to a new location if, in the board's opinion, such new
29 license or transfer would be detrimental to the welfare, health,
30 peace and morals of the inhabitants of the neighborhood within a

1 radius of five hundred feet of the place proposed to be
2 licensed: And provided further, That prior to July 1, 1996, in
3 any license district in a city of the first class, the board
4 may, in its opinion, refuse any application for a new license or
5 for any person-to-person transfer which shall include a change
6 in stockholders involving ten per centum or more of all
7 outstanding voting stock and/or less than ten per centum of all
8 outstanding voting stock when such change involves a majority or
9 controlling interest, of any license if the licensed premises is
10 or would be within three hundred feet of any church, hospital,
11 charitable institution, school or public playground or within
12 two hundred feet of any other premises licensed by the board and
13 if, in the opinion of the board, the licensed premises is or
14 would be detrimental to the welfare, health, peace and morals of
15 such church, hospital, school, public playground and/or the
16 inhabitants of the neighborhood within a radius of five hundred
17 feet of the licensed premises. This authority to refuse a
18 person-to-person transfer in a city of the first class is in
19 addition to and not in derogation of the authority of the board
20 generally stated for all areas of this Commonwealth: And
21 provided further, That the board shall have the discretion to
22 refuse a license to any person or to any corporation,
23 partnership or association if such person, or any officer or
24 director of such corporation, or any member or partner of such
25 partnership or association shall have been convicted or found
26 guilty of a felony within a period of five years immediately
27 preceding the date of application for the said license. The
28 board shall refuse any application for a new license or the
29 transfer of any license to a location where the sale of liquid
30 fuels or oil is conducted. Upon any opening in any quota, an

1 application for a new license shall only be filed with the board
2 for a period of six months following said opening.

3 Section 5. Section 406(a)(7) of the act, added February 18,
4 1998 (P.L.162, No.25), is amended and the section is amended by
5 adding subsections to read:

6 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

7 * * *

8 [(7) Notwithstanding any provision of this act, on the
9 Sunday on which the sporting event commonly referred to as the
10 "Super Bowl" is conducted, licensees who do not possess the
11 special annual permit provided for in paragraph (3), their
12 servants, agents or employes may sell liquor and malt or brewed
13 beverages on such Sunday after one o'clock postmeridian and
14 until two o'clock antemeridian of the following day.]

15 * * *

16 (c) Notwithstanding any provision of this act, on the Sunday
17 on which the sporting event commonly referred to as the "Super
18 Bowl" is conducted, licensees who do not possess the special
19 annual permit provided for in subsection (a)(3), their servants,
20 agents or employes may sell liquor and malt or brewed beverages
21 on such Sunday after one o'clock postmeridian and until two
22 o'clock antemeridian of the following day.

23 (d) Subject to section 412, licensed public venues may sell
24 liquor and malt or brewed beverages on Sundays from eleven
25 o'clock antemeridian until eleven o'clock postmeridian, without
26 the need to acquire or qualify for a special permit. In
27 addition, subject to section 413, licensed performing arts
28 facilities may sell liquor and malt or brewed beverages on
29 Sundays from one o'clock postmeridian until ten o'clock
30 postmeridian without the need to acquire or qualify for a

1 special permit.

2 (e) Licensed public venues and licensed performing arts
3 facilities are not subject to any provisions of this act dealing
4 with sales on election days. Sales on election days may occur in
5 the same manner as if no election were being conducted on that
6 day.

7 Section 6. Sections 408.1, 408.2, 408.3, 408.5, 408.6,
8 408.7, 408.8, 408.9, 408.10, 408.11, 408.14 and 408.15 of the
9 act are repealed.

10 Section 7. The act is amended by adding sections to read:

11 Section 412. Public Venue License.--(a) The board is
12 authorized to issue a restaurant liquor license to public
13 venues. Any facility licensed under former sections 408.1,
14 408.2, 408.5, 408.8, 408.9, 408.10, 408.11, 408.14, 408.15 and
15 433.1 as well as any facility that meets the definition of a
16 public venue may apply for and receive a restaurant liquor
17 license under this section. Facilities used primarily for
18 interscholastic athletic events shall not be eligible for a
19 license under this section. Racetracks and premises used
20 primarily for holding automobile races shall also not be
21 eligible for a license under this section.

22 (b) An application for a restaurant liquor license under
23 this section may be made by the owner of the public venue, a
24 nonprofit corporation operating the public venue or by a
25 concessionaire designated by the governing body of either the
26 owner of the public venue or the nonprofit corporation. The
27 application and issuance of the license is subject to sections
28 403 and 404, unless otherwise stated. The licensing period shall
29 be as set forth by the board under section 402. The application,
30 renewal and filing fees shall be as prescribed in section 614-

A(25) of the act of April 9, 1929 (P.L.177, No.175), known as
"The Administrative Code of 1929." For the purposes of this
section, a nonprofit corporation is an entity incorporated under
the nonprofit corporation laws for the purpose of benefiting the
public and not for the purpose of benefiting its members.

(c) Licenses issued under this section are nontransferable.

(d) Licenses under this section shall expire upon: (1)
revocation by an administrative law judge under section 471; (2)
nonrenewal by the board under section 470; (3) nonrenewal of the
license by the license holder; (4) termination of the contract
between the owner of the public venue and its concessionaire; or
(5) termination of the contract between a nonprofit corporation
and its concessionaire.

(e) The board may issue a license under this section at any
time to a new applicant even if the previous license had: (1)
been revoked by an administrative law judge under section 471;
(2) not been renewed by the board under section 470; (3) not
been renewed by the license holder; (4) expired because of the
termination of the contract between the owner of the public
venue and its concessionaire; or (5) expired because of the
termination of the contract between the nonprofit corporation
and its concessionaire.

(f) Licenses issued under this section are to be considered
restaurant liquor licenses. However, the following additional
restrictions and privileges apply:

(1) Sales may only be made one hour before, during and one
hour after any athletic performance, performing arts event,
trade show, convention, banquet or any other performance at the
facility; however, sales may not be made from two o'clock
antemeridian to seven o'clock antemeridian. In addition, sales

may not occur prior to eleven o'clock antemeridian or after eleven o'clock postmeridian on Sundays. Notwithstanding this section, facilities that had been licensed under sections 408.9 and 408.14 may sell liquor and/or malt or brewed beverages anytime except from two o'clock antemeridian to seven o'clock antemeridian or prior to eleven o'clock antemeridian or after eleven o'clock postmeridian on Sundays, regardless of whether there is a performance at the facility.

(2) Sales of alcoholic beverages before, during and after all professional and amateur athletic events on the premises shall be limited to sales of malt or brewed beverages in shatterproof containers. Sales of alcoholic beverages before, during and after performing arts events or other entertainment events may consist of liquor or malt or brewed beverages in shatterproof containers. Sales during trade shows, conventions, banquets or at other events, or sales made in the club seats or at a restaurant facility, may consist of liquor or malt or brewed beverages in any type of container; however, any liquor or malt or brewed beverages sold in the club seats or restaurant facility must remain in the club seating level or restaurant facility. For purposes of this section, a club seat is any seating located on the designated club seating level and partitioned from general seating by a wall, divider, partial wall or railing. The club seating level must not be accessible by the general public. The board's records shall clearly delineate where the sale of liquor or malt or brewed beverages in any type of container may occur.

(3) Sales of malt or brewed beverages for off-premises consumption are prohibited.

(4) Licenses issued under this section shall not be subject

1 to: (i) the proximity provisions of sections 402 and 404; (ii)
2 the quota restrictions of section 461; (iii) the provisions of
3 section 463; (iv) the provisions of section 493(10) except as
4 they relate to lewd, immoral or improper entertainment; and (v)
5 the prohibition against minors frequenting as described in
6 section 493(14). In addition, licenses issued under this section
7 shall not be subject to the provisions defining "restaurant" in
8 section 102.

9 Section 413. Performing Arts Facility License.--(a) The
10 board is authorized to issue a restaurant liquor license to
11 performing arts facilities. Any facility which previously had
12 been licensed under former sections 408.3, 408.6 and 408.7 as
13 well as any facility that meets the definition of a performing
14 arts facility as set forth in section 102 may apply for and
15 receive a restaurant liquor license under this section.
16 Facilities eligible to be licensed under section 412 and which
17 are used primarily for athletic events shall not be eligible for
18 a license under this section unless those facilities had
19 previously been licensed under former sections 408.3, 408.6 and
20 408.7. Facilities used primarily for interscholastic athletic
21 events shall not be eligible for a license under this section.

22 (b) An application for a restaurant liquor license under
23 this section may be made by the nonprofit operator of the
24 performing arts facility, or by a concessionaire designated by
25 the governing body of the nonprofit operator of the performing
26 arts facility. The licensing period shall be as set forth by the
27 board under section 402. The application and issuance of the
28 license are subject to sections 403 and 404, unless otherwise
29 stated. The application, renewal and filing fees shall be as
30 prescribed in section 614-A(19) of the act of April 9, 1929

1 (P.L.177, No.175), known as "The Administrative Code of 1929."

2 (c) Licenses issued under this section are nontransferable.

3 (d) Licenses under this section shall expire upon: (1)
4 revocation by an administrative law judge under section 471; (2)
5 nonrenewal by the board under section 470; (3) nonrenewal of the
6 license by the license holder; (4) termination of the contract
7 between the owner of the public venue and its concessionaire; or
8 (5) termination of the contract between a nonprofit corporation
9 and its concessionaire.

10 (e) The board may issue a license under this section at any
11 time to a new applicant even if the previous license had: (1)
12 been revoked by an administrative law judge under section 471;
13 (2) not been renewed by the board under section 470; (3) not
14 been renewed by the license holder; (4) expired because of the
15 termination of the contract between the owner of the public
16 venue and its concessionaire; or (5) expired because of the
17 termination of the contract between the nonprofit corporation
18 and its concessionaire.

19 (f) Licenses issued under this section are to be considered
20 restaurant liquor licenses. However, the following additional
21 restrictions and privileges apply:

22 (1) Sales of liquor and malt or brewed beverages may be made
23 two hours before, during and one hour after any performance at
24 the facility; however, sales may not be made from two o'clock
25 antemeridian to seven o'clock antemeridian. In addition, sales
26 may not occur prior to one o'clock postmeridian or after ten
27 o'clock postmeridian on Sundays. However, facilities that had
28 been licensed under section 408.3(a) and 408.3(a.2) may sell
29 liquor and malt or brewed beverages anytime except from two
30 o'clock antemeridian to seven o'clock antemeridian or prior to

1 one o'clock postmeridian or after ten o'clock postmeridian on
2 Sundays, regardless of whether there is a performance at the
3 facility.

4 (2) Sales of malt or brewed beverages for off-premises
5 consumption are prohibited.

6 (g) Licenses issued under this section shall not be subject
7 to: (1) the proximity provisions of sections 402 and 404; (2)
8 the quota restrictions of section 461; (3) the provisions of
9 section 463; (4) the provisions of section 493(10) except as
10 they relate to lewd, immoral or improper entertainment; and (5)
11 the prohibitions against minors frequenting as described in
12 section 493(14). In addition, licenses issued under this section
13 shall not be subject to the provisions defining "restaurant" in
14 section 102.

15 (h) For the purpose of this section, a facility is used
16 primarily for athletic events if the majority of the events that
17 occur at the facility are athletic events or if the facility is
18 the home facility of a professional sports team.

19 Section 8. Section 433.1 of the act is repealed.

20 Section 9. Section 461(a) of the act, amended November 10,
21 1999 (P.L.514, No.47), is amended to read:

22 Section 461. Limiting Number of Retail Licenses To Be Issued
23 In Each Municipality.--(a) No licenses shall hereafter be
24 granted by the board for the retail sale of malt or brewed
25 beverages or the retail sale of liquor and malt or brewed
26 beverages in excess of one of such licenses of any class for
27 each three thousand inhabitants in any municipality, exclusive
28 of licenses granted to public venues, performing arts
29 facilities, airport restaurants, municipal golf courses, hotels,
30 privately-owned public golf courses and units of nonprofit

1 nationally chartered clubs, as defined in this section, whose
2 applications are filed on or before June 30, 2000, and except
3 those units falling under section 461.1, and clubs; but at least
4 one such license may be granted in each municipality and in each
5 part of a municipality where such municipality is split so that
6 each part thereof is separated by another municipality, except
7 in municipalities where the electors have voted against the
8 granting of any retail licenses and except in that part of a
9 split municipality where the electors have voted against the
10 granting of any retail licenses. Nothing contained in this
11 section shall be construed as denying the right to the board to
12 renew or to transfer existing retail licenses of any class
13 notwithstanding that the number of such licensed places in a
14 municipality shall exceed the limitation hereinbefore
15 prescribed; but where such number exceeds the limitation
16 prescribed by this section, no new license, except for hotels,
17 municipal golf courses, public venues, performing arts
18 facilities, airport restaurants, privately-owned public golf
19 courses, privately-owned private golf course licensees and units
20 of nonprofit nationally chartered clubs, as defined in this
21 section, whose applications are filed on or before June 30,
22 2000, and except those units falling under section 461.1, shall
23 be granted so long as said limitation is exceeded.

24 * * *

25 Section 10. Sections 463 and 470 of the act are amended by
26 adding subsections to read:

27 Section 463. Places of Amusement Not To Be Licensed;

28 Penalty.--* * *

29 (c) This section is not applicable to public venues or
30 performing arts facilities licensed under sections 412 and 413.

Section 470. Renewal of Licenses; Temporary Provisions for
Licensees in Armed Service.--* * *

(c) If the application for renewal of a license is for a
license or permit issued under former section 408.1, 408.2,
408.3, 408.5, 408.6, 408.7, 408.8, 408.9, 408.10, 408.11,
408.14, 408.15 or 433.1 and if the applicant has met all
requirements that would have been necessary to renew the license
or permit, the board shall issue either a public venue
restaurant liquor license or a performing arts facility
restaurant liquor license to replace the expired license or
permit.

Section 11. Section 472(a) of the act, amended November 10,
1999 (P.L.514, No.47), is amended to read:

Section 472. Local Option.--(a) In any municipality or any
part of a municipality where such municipality is split so that
each part thereof is separated by another municipality, an
election may be held, subject to subsection (c), on the date of
the primary election immediately preceding any municipal
election, but not oftener than once in four years, to determine
the will of the electors with respect to the granting of liquor
licenses to hotels, restaurants and clubs, not oftener than once
in four years, to determine the will of the electors with
respect to the granting of liquor licenses to public venues,
performing arts facilities, privately-owned private golf courses
or to privately-owned public golf courses, not oftener than once
in four years, to determine the will of the electors with
respect to the granting of licenses to retail dispensers of malt
and brewed beverages, not oftener than once in four years, to
determine the will of the electors with respect to granting of
licenses to wholesale distributors and importing distributors,

1 not more than once in two years, to determine the will of the
2 electors with respect to the granting of club liquor licenses or
3 club retail dispenser licenses to incorporated units of national
4 veterans' organizations, not oftener than once in two years to
5 determine the will of the electors with respect to the granting
6 of special occasion permits to qualified organizations, or not
7 more than once in four years, to determine the will of the
8 electors with respect to the establishment, operation and
9 maintenance by the board of Pennsylvania liquor stores, within
10 the limits of such municipality or part of a split municipality,
11 under the provisions of this act: Provided, however, Where an
12 election shall have been held at the primary preceding a
13 municipal election in any year, another election may be held
14 under the provisions of this act at the primary occurring the
15 fourth year after such prior election: And provided further,
16 That an election on the question of establishing and operating a
17 State liquor store shall be initiated only in those
18 municipalities, or that part of a split municipality that shall
19 have voted against the granting of liquor licenses; and that an
20 election on the question of granting wholesale distributor and
21 importing distributor licenses shall be initiated only in those
22 municipalities or parts of split municipalities that shall have
23 at a previous election voted against the granting of dispenser's
24 licenses. Whenever electors equal to at least twenty-five per
25 centum of the highest vote cast for any office in the
26 municipality or part of a split municipality at the last
27 preceding general election shall file a petition with the county
28 board of elections of the county for a referendum on the
29 question of granting any of said classes of licenses or the
30 establishment of Pennsylvania liquor stores, the said county

1 board of elections shall cause a question to be placed on the
2 ballots or on the voting machine board and submitted at the
3 primary immediately preceding the municipal election. Separate
4 petitions must be filed for each question to be voted on. Said
5 proceedings shall be in the manner and subject to the provisions
6 of the election laws which relate to the signing, filing and
7 adjudication of nomination petitions, insofar as such provisions
8 are applicable.

9 When the question is in respect to the granting of liquor
10 licenses, it shall be in the following form:

11 Do you favor the granting of liquor licenses
12 for the sale of liquor in..... Yes
13 of.....? No

14 When the question is in respect to the granting of restaurant
15 liquor licenses for use at public venues in those municipalities
16 that do not already allow the retail sale of liquor, it shall be
17 in the following form:

18 Do you favor the granting of liquor licenses to public
19 venues for the sale of liquor in the..... Yes
20 of.....? No

21 When the question is in respect to the granting of restaurant
22 liquor licenses for use at performing arts facilities in those
23 municipalities that do not already allow the retail sale of
24 alcohol, it shall be in the following form:

25 Do you favor the granting of liquor licenses to
26 performing arts facilities for the sale of liquor
27 in the..... Yes
28 of.....? No

29 When the question is in respect to the granting of liquor
30 licenses, for privately-owned private golf courses, it shall be

1 in the following form:

2 Do you favor the granting of liquor licenses for
3 privately-owned private golf courses for the sale
4 of liquor in.....by..... Yes
5 of.....? No

6 When the question is in respect to the granting of liquor
7 licenses, for privately-owned public golf courses, it shall be
8 in the following form:

9 Do you favor the granting of liquor licenses for
10 privately-owned public golf courses for the sale
11 of liquor in.....by..... Yes
12 of.....? No

13 When the question is in respect to the granting of licenses
14 to retail dispensers of malt and brewed beverages, it shall be
15 in the following form:

16 Do you favor the granting of malt and brewed
17 beverage retail dispenser licenses for
18 consumption on premises where sold in the..... Yes
19 of.....? No

20 When the question is in respect to the granting of licenses
21 to wholesale distributors of malt or brewed beverages and
22 importing distributors, it shall be in the following form:

23 Do you favor the granting of malt and brewed
24 beverage wholesale distributor's and importing
25 distributor's licenses not for consumption on
26 premises where sold in the..... Yes
27 of.....? No

28 When the question is in respect to the granting of club
29 liquor licenses to incorporated units of national veterans'
30 organizations, it shall be in the following form:

1 Do you favor the granting of club liquor licenses
2 to incorporated units of national veterans' organizations
3 in the..... Yes
4 of.....? No

5 When the question is in respect to the granting of club
6 retail dispenser licenses to incorporated units of national
7 veterans' organizations, it shall be in the following form:

8 Do you favor the granting of club retail dispenser
9 licenses to incorporated units of national veterans'
10 organizations in the..... Yes
11 of.....? No

12 When the question is in respect to the granting of special
13 occasion permits allowing the sale of liquor by qualified
14 organizations in municipalities that do not already allow the
15 retail sale of liquor, it shall be in the following form:

16 Do you favor the granting of special occasion permits to
17 allow the sale of liquor by qualified organizations in
18 the..... Yes
19 of.....? No

20 When the question is in respect to the granting of special
21 occasion permits allowing the sale of malt or brewed beverages
22 only by qualified organizations in municipalities that do not
23 already allow the retail sale of malt or brewed beverages, it
24 shall be in the following form:

25 Do you favor the granting of special occasion permits to
26 allow the sale of malt or brewed beverages only by qualified
27 organizations in the..... Yes
28 of.....? No

29 When the question is in respect to the establishment,
30 operation and maintenance of Pennsylvania liquor stores it shall

1 be in the following form:

2 Do you favor the establishment, operation
3 and maintenance of Pennsylvania liquor
4 stores in the..... Yes
5 of.....? No

6 In case of a tie vote, the status quo shall obtain. If a
7 majority of the voting electors on any such question vote "yes,"
8 then liquor licenses shall be granted by the board to hotels,
9 restaurants and clubs, or liquor licenses shall be granted by
10 the board to public venues, performing arts facilities,
11 privately-owned private golf courses or to privately-owned
12 public golf courses, or malt and brewed beverage retail
13 dispenser licenses or wholesale distributor's and importing
14 distributor's license for the sale of malt or brewed beverages
15 shall be granted by the board, or club liquor licenses or club
16 retail dispenser licenses shall be granted by the board to
17 incorporated units of national veterans' organizations, or
18 special occasion permits may be issued to qualified
19 organizations, or the board may establish, operate and maintain
20 Pennsylvania liquor stores, as the case may be, in such
21 municipality or part of a split municipality, as provided by
22 this act; but if a majority of the electors voting on any such
23 question vote "no," then the board shall have no power to grant
24 or to renew upon their expiration any licenses of the class so
25 voted upon in such municipality or part of a split municipality;
26 or if the negative vote is on the question in respect to the
27 establishment, operation and maintenance of Pennsylvania liquor
28 stores, the board shall not open and operate a Pennsylvania
29 liquor store in such municipality or part of a split
30 municipality, nor continue to operate a then existing

1 Pennsylvania liquor store in the municipality or part of a split
2 municipality for more than two years thereafter or after the
3 expiration of the term of the lease on the premises occupied by
4 such store, whichever period is less, unless and until at a
5 later election a majority of the voting electors vote "yes" on
6 such question.

7 * * *

8 Section 12. Section 493(10) and (14) of the act, amended
9 February 18, 1998 (P.L.162, No.25), are amended to read:

10 Section 493. Unlawful Acts Relative to Liquor, Malt and
11 Brewed Beverages and Licensees.--The term "licensee," when used
12 in this section, shall mean those persons licensed under the
13 provisions of Article IV, unless the context clearly indicates
14 otherwise.

15 It shall be unlawful--

16 * * *

17 (10) Entertainment on Licensed Premises (Except Clubs);
18 Permits; Fees. For any licensee, his servants, agents or
19 employes, except club licensees, public venue licensees or
20 performing arts facility licensees, to permit in any licensed
21 premises or in any place operated in connection therewith,
22 dancing, theatricals or floor shows of any sort, or moving
23 pictures other than television, or such as are exhibited through
24 machines operated by patrons by the deposit of coins, which
25 project pictures on a screen not exceeding in size twenty-four
26 by thirty inches and which forms part of the machine, unless the
27 licensee shall first have obtained from the board a special
28 permit to provide such entertainment, or for any licensee, under
29 any circumstances, to permit in any licensed premises or in any
30 place operated in connection therewith any lewd, immoral or

1 improper entertainment, regardless of whether a permit to
2 provide entertainment has been obtained or not. The special
3 permit may be used only during the hours when the sale of liquor
4 or malt or brewed beverages is permitted, and between eleven
5 o'clock antemeridian on Sunday and two o'clock antemeridian on
6 the following Monday, regardless of whether the licensee
7 possesses a Sunday sales permit. The board shall have power to
8 provide for the issue of such special permits, and to collect an
9 annual fee for such permits as prescribed in section 614-A of
10 the act of April 9, 1929 (P.L.177, No.175), known as "The
11 Administrative Code of 1929." All such fees shall be paid into
12 the State Stores Fund. No such permit shall be issued in any
13 municipality which, by ordinance, prohibits amusements in
14 licensed places. Any violation of this clause shall, in addition
15 to the penalty herein provided, subject the licensee to
16 suspension or revocation of his permit and his license.

17 * * *

18 (14) Permitting Undesirable Persons or Minors to Frequent
19 Premises. For any hotel, restaurant or club liquor licensee, or
20 any retail dispenser, his servants, agents or employes, to
21 permit persons of ill repute, known criminals, prostitutes or
22 minors to frequent his licensed premises or any premises
23 operated in connection therewith, except minors accompanied by
24 parents, guardians, or under proper supervision or except minors
25 who frequent any restaurant or retail dispensing licensee whose
26 sales of food and non-alcoholic beverages are equal to seventy
27 per centum or more of the combined gross sales of both food and
28 alcoholic beverages on the condition that alcoholic beverages
29 may not be served at the table or booth at which the said minor
30 is seated at the time (unless said minor is under proper

1 supervision as hereinafter defined) and on the further condition
2 that only table service of alcoholic beverages or take-out
3 service of beer shall be permitted in the room wherein the minor
4 is located: Provided, however, That it shall not be unlawful for
5 any hotel, restaurant or club liquor licensee or any retail
6 dispenser to permit minors under proper supervision upon the
7 licensed premises or any premises operated in connection
8 therewith for the purpose of a social gathering, even if such
9 gathering is exclusively for minors: And provided further, That
10 no liquor shall be sold, furnished or given to such minors nor
11 shall the licensee knowingly permit any liquor or malt or brewed
12 beverages to be sold, furnished or given to or be consumed by
13 any minor, and the area of such gathering shall be segregated
14 from the remainder of the licensed premises. In the event the
15 area of such gathering cannot be segregated from the remainder
16 of the licensed premises, all alcoholic beverages must be either
17 removed from the licensed premises or placed under lock and key
18 during the time the gathering is taking place. Notice of such
19 gathering shall be given the board as it may, by regulation,
20 require. Any licensee violating the provisions of this clause
21 shall be subject to the provisions of section 471. Nothing in
22 this clause shall be construed to make it unlawful for minors to
23 frequent public venues or performing arts facilities.

24 "Proper supervision," as used in this clause, means the
25 presence, on that portion of the licensed premises where a minor
26 or minors are present, of one person twenty-five years of age or
27 older for every fifty minors or part thereof who is directly
28 responsible for the care and conduct of such minor or minors
29 while on the licensed premises and in such proximity that the
30 minor or minors are constantly within his sight or hearing. The

1 presence of the licensee or any employe or security officer of
2 the licensee shall not constitute proper supervision.

3 * * *

4 Section 13. This act shall take effect in 60 days.