

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1278 Session of 2011

INTRODUCED BY BRENNAN, CALTAGIRONE, CARROLL, FABRIZIO, FREEMAN, GOODMAN, HALUSKA, JOSEPHS, LONGIETTI, MANN, MILNE, REICHLEY, SABATINA AND SANTONI, APRIL 5, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 5, 2011

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 sales by liquor licensees and
 18 restrictions and for special occasion permits.

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

21 Section 1. Section 406 of the act of April 12, 1951 (P.L.90,
 22 No.21), known as the Liquor Code, reenacted and amended June 29,
 23 1987 (P.L.32, No.14), is amended by adding a subsection to read:

24 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

25 (f) Notwithstanding any other provision of law, every hotel,

1 restaurant or club liquor licensee located within the boundaries
2 of a special occasion permit area designated by a nonprofit
3 corporation engaged in the performing arts in a city of the
4 third class pursuant to section 408.4(h) may sell liquor and
5 malt or brewed beverages by the glass, open bottle or other
6 container, and in any mixture, for consumption off the premises
7 during the period and hours when such entity is using the
8 special occasion permit.

9 Section 2. Section 408.4(h) and (j) of the act, amended
10 December 9, 2002 (P.L.1653, No.212), are amended to read:

11 Section 408.4. Special Occasion Permits.--

12 * * *

13 (h) The board may issue a special occasion permit to an
14 eligible entity. The board may also issue a special occasion
15 permit to one auxiliary of any eligible entity. Any eligible
16 entity that wishes to acquire a special occasion permit must
17 submit a written application to the board in such form and
18 containing such information as the board shall from time to time
19 prescribe. If the eligible entity is a nonprofit corporation
20 engaged in the performing arts in a city of the third class, the
21 application shall include a description of the boundaries of the
22 area in which the special occasion permit will be used. The fee
23 for special occasion permits shall be as set forth under section
24 614-A(24) of the act of April 9, 1929 (P.L.177, No.175), known
25 as "The Administrative Code of 1929."

26 * * *

27 (j) The eligible entity shall give the local police
28 department or the Pennsylvania State Police if there is no local
29 police department written notice at least forty-eight hours
30 prior to each use of the special occasion permit. Written notice

1 consists of notifying the police of the date, time and place of
2 the impending sale of alcoholic beverages. If the eligible
3 entity is a nonprofit corporation engaged in the performing arts
4 in a city of the third class, the written notice shall include a
5 description of the boundaries of the area in which the special
6 occasion permit will be used.

7 * * *

8 Section 3. This act shall take effect in 60 days.