PRINTER'S NO. 2271

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1554 Session of 2012

INTRODUCED BY McILHINNEY, SCARNATI, M. WHITE AND D. WHITE, JUNE 11, 2012

REFERRED TO LAW AND JUSTICE, JUNE 11, 2012

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," providing for wine and spirits retail license; and further providing for interlocking business prohibited.

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

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

<u>Section 415. Wine and Spirits Retail License.--(a) The board is authorized to issue one wine and spirits retail license to each person, association or corporation who holds and</u>

possesses a hotel liquor license or restaurant liquor license in good standing.

(b) A license shall authorize the sale at retail of wine and spirits on the licensed premises, during normal business hours, for up to seven days a week. A licensee may sell, for consumption off premises, wine and spirits in any quantity. No sales may take place after twelve o'clock midnight of any day until seven o'clock antemeridian of the same day.

(c) An applicant shall file a written application with the board in the manner determined by the board. The application shall include a description or plan of the part of the hotel or restaurant where the storage and sales of wine and spirits for retail are proposed.

(d) The board shall impose an annual license fee in the amount of ten thousand dollars ($10,000) for a wine and spirits retail license. No other fees shall apply to a wine and spirits retail licensee.

(e) Each Pennsylvania Liquor Store shall sell wine and spirits at ten per centum (10%) above the board's actual purchase price, plus applicable taxes, to wine and spirits retail licensees.

(f) A person, association or corporation may apply for only one wine and spirits retail license to be used at one location.

Section 2. Section 443(b) of the act, amended May 31, 1996, P.L.312, No.49), is amended to read:

Section 443. Interlocking Business Prohibited.--* * *

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer, a retail dispenser or a liquor licensee, or be an officer, director, stockholder or creditor of

a manufacturer, a retail dispenser or a liquor licensee, or, directly or indirectly, own any stock of, or have any financial interest in, or be the owner, proprietor or lessor of, any place covered by any other malt or brewed beverage or liquor license[.]<u>, except that the holder of a distributor license may also hold and operate one retail dispenser license as provided under section 432 for use at premises adjoining and open to the distributor's licensed premises. All requirements for each respective license must be satisfied. The board shall assess a one-time license fee in the amount of ten thousand dollars ($10,000) for the additional license and all other applicable filing and license fees shall be as prescribed under section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."</u>

* * *

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