

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 100 Session of 2013

INTRODUCED BY McILHINNEY, ALLOWAY, WHITE, YAW, SCARNATI,  
YUDICHAK, BROWNE, MENSCH AND CORMAN, FEBRUARY 13, 2013

SENATOR McILHINNEY, LAW AND JUSTICE, AS AMENDED, JUNE 24, 2013

## 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 ~~providing for wine and spirits retail license; and further~~ <--  
18 ~~providing for interlocking business prohibited.~~ <--  
19 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN  
20 PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING FOR  
21 GENERAL POWERS; IN PENNSYLVANIA LIQUOR STORES, FURTHER  
22 PROVIDING FOR TIME OF SALES AND FOR SALES BY PENNSYLVANIA  
23 LIQUOR STORES; IN LIQUOR, ALCOHOL AND MALT AND BREWED  
24 BEVERAGES LICENSES AND REGULATIONS, FURTHER PROVIDING FOR  
25 AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS, RESTAURANTS AND  
26 CLUBS, FOR LICENSE DISTRICTS, PERIODS, HEARINGS, SALES AND  
27 RESTRICTIONS, FOR SALE OF MALT OR BREWED BEVERAGES, FOR  
28 LIQUOR IMPORTERS' LICENSES, FEES, PRIVILEGES AND  
29 RESTRICTIONS, FOR INTERLOCKING BUSINESSES; PROVIDING FOR  
30 EXPANDED PERMITS AND FOR ENHANCED DISTRIBUTOR AND IMPORTING  
31 DISTRIBUTOR PERMITS; FURTHER PROVIDING FOR MALT AND BREWED  
32 BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING  
33 DISTRIBUTORS' LICENSES, FOR NUMBER AND KINDS OF LICENSES  
34 ALLOWED SAME LICENSEE, FOR DISTRIBUTORS' AND IMPORTING

1 DISTRIBUTORS' RESTRICTIONS, FOR RETAIL DISPENSERS'  
2 RESTRICTIONS, FOR INTERLOCKING BUSINESSES, FOR BREWERIES, FOR  
3 COUNTY RETAIL LICENSES, FOR ASSIGNABILITY AND TRANSFERS, FOR  
4 LOCAL OPTION, FOR SURRENDER OF LICENSE, FOR SHIPMENT OF WINE  
5 INTO COMMONWEALTH; ESTABLISHING THE PENNSYLVANIA WINE  
6 INDUSTRY PROMOTION BOARD; FURTHER PROVIDING FOR UNLAWFUL  
7 ACTS, FOR ALCOHOL AND LIQUOR LICENSEES, FOR IDENTIFICATION  
8 CARDS AND PROSECUTION AND FOR VACATION OF PREMISES BY  
9 PATRONS; IN DISTILLERIES, WINERIES, BONDED WAREHOUSES,  
10 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING  
11 FOR LIMITED WINERIES AND FOR DISTILLERIES; IN DISPOSITION OF  
12 COLLECTED FUNDS, FURTHER PROVIDING FOR MONEY RETURNED TO  
13 MUNICIPALITIES; PROVIDING FOR MONEY PAID INTO THE GENERAL  
14 FUND FOR USE OF THE COMMONWEALTH; FURTHER PROVIDING FOR MONEY  
15 FOR USE OF THE COMMONWEALTH; ESTABLISHING THE SENIOR CITIZENS  
16 PROPERTY TAX RELIEF FUND; PROVIDING FOR A TRANSFER FROM THE  
17 STATE STORES FUND; PROVIDING FOR STUDIES OF THE WINE AND  
18 SPIRITS WHOLESALE SYSTEM IN THIS COMMONWEALTH; AND MAKING A  
19 RELATED REPEAL.

20 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

21 (1) IT IS THE PURPOSE OF THIS ACT TO REFORM AND  
22 MODERNIZE THE SYSTEM BY WHICH ALCOHOL IS DISPENSED AND  
23 CONTROLLED WITHIN THIS COMMONWEALTH TO REFLECT CHANGES IN THE  
24 MARKETPLACE WHILE CONTINUING TO PROTECT THE WELFARE, HEALTH,  
25 PEACE AND MORALS OF THE CITIZENS OF THIS COMMONWEALTH.

26 (2) THE 21ST AMENDMENT TO THE UNITED STATES CONSTITUTION  
27 DICTATES THAT THE LAWS OF THE STATES SHALL GOVERN THE  
28 TRANSPORTATION AND IMPORTATION OF INTOXICATING LIQUORS INTO  
29 THE STATE FOR DELIVERY AND USE WITHIN THE STATE.

30 (3) FURTHER, THE UNITED STATES SUPREME COURT HAS OPINED  
31 IN INTERPRETING THE 21ST AMENDMENT THAT "THE STATES'  
32 REGULATORY POWER OVER THIS SEGMENT OF COMMERCE IS LARGELY  
33 UNFETTERED BY THE CONSTITUTION'S COMMERCE CLAUSE."

34 (4) REVENUES DERIVED FROM THE OPERATION OF A SYSTEM FOR  
35 THE MANUFACTURE, TRANSPORTATION, DISTRIBUTION AND SALE OF  
36 ALCOHOL ARE NECESSARY TO IMPLEMENT AND SUSTAIN A REGULATED  
37 MARKETPLACE TO CONTINUE TO PROTECT THE WELFARE, HEALTH, PEACE  
38 AND MORALS OF THE CITIZENS OF THIS COMMONWEALTH AND TO  
39 CONTRIBUTE TO THE OVERALL ECONOMIC STABILITY OF THE

1 COMMONWEALTH.

2 (5) IN ORDER TO ADAPT TO THE CHANGING MARKETPLACE, THIS  
3 ACT WILL:

4 (I) PERMIT PRIVATE INDUSTRY TO OFFER ADDITIONAL  
5 PRODUCTS FOR SALE WHILE ENSURING THAT THE LAWS OF THIS  
6 COMMONWEALTH ARE THOROUGHLY ENFORCED.

7 (II) ENSURE THAT THE VALUE OF LICENSES HELD BY SMALL  
8 BUSINESSES ARE NOT DEVALUED, BUT ARE ENHANCED THROUGH THE  
9 OPPORTUNITY TO EXPAND OPERATIONS AND SALES.

10 (III) PROVIDE FOR THE OPERATION OF A RETAIL SYSTEM  
11 THAT PROMOTES COMPETITION AND CONVENIENCE TO ENSURE THAT  
12 THE RESIDENTS OF THIS COMMONWEALTH PURCHASE PRODUCTS  
13 WITHIN THIS COMMONWEALTH.

14 (IV) IN RECOGNITION OF THE GROWING USE OF E-COMMERCE  
15 SALES, PERMIT CONSUMERS TO PURCHASE PRODUCTS ONLINE AND  
16 HAVE THOSE PRODUCTS SHIPPED DIRECTLY TO THEM.

17 (V) ESTABLISH A SYSTEM BY WHICH THESE INCREASED  
18 OPPORTUNITIES WILL CONTINUE TO CONTRIBUTE TO OVERALL  
19 FISCAL STABILITY OF THE COMMONWEALTH.

20 (6) RECOGNITION AND FURTHERANCE OF ALL THESE ELEMENTS IS  
21 ESSENTIAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF THE  
22 CITIZENS OF THIS COMMONWEALTH.

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

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

28 ~~Section 415. Wine and Spirits Retail License. (a) The~~  
29 ~~board is authorized to issue one wine and spirits retail license~~  
30 ~~to each person, association or corporation holding and~~

~~possessing 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[.], 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."~~

~~\* \* \*~~

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

SECTION 1. THE DEFINITIONS OF "DIRECT SHIPPER,"  
"DISTRIBUTOR," "IMPORTING DISTRIBUTOR" AND "RETAIL DISPENSER" IN  
SECTION 102 OF 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) AND AMENDED OR ADDED MAY 31, 1996 (P.L.312, NO.49) AND  
FEBRUARY 21, 2002 (P.L.103, NO.10), ARE AMENDED AND THE SECTION  
IS AMENDED BY ADDING DEFINITIONS TO READ:

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

\* \* \*

["DIRECT SHIPPER" SHALL MEAN A PERSON OUTSIDE THIS  
COMMONWEALTH WHO OBTAINS A LICENSE FROM THE BOARD TO ACCEPT  
ORDERS PLACED FOR WINE FROM WITHIN THIS COMMONWEALTH BY THE

<--

1 INTERNET AND WHO SHIPS OR FACILITATES IN ANY WAY SHIPMENT OF  
2 WINE BY A DELIVERY AGENT OR COMMON CARRIER TO A PENNSYLVANIA  
3 LIQUOR STORE.]

4 "DIRECT WINE SHIPPER" SHALL MEAN A PERSON LICENSED BY THE  
5 BOARD OR ANOTHER STATE AS A PRODUCER OF WINE WHO ACCEPTS ORDERS  
6 PLACED FOR WINE FROM WITHIN THIS COMMONWEALTH BY INTERNET,  
7 TELEPHONE OR MAIL ORDER. THE TERM SHALL INCLUDE A LIMITED  
8 WINERY.

9 \* \* \*

10 "DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO  
11 ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA MANUFACTURERS AND  
12 FROM IMPORTING DISTRIBUTORS AND THE RESALE OF MALT OR BREWED  
13 BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, IN  
14 THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR THE MARKET BY THE  
15 MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT NOT FOR  
16 CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF NOT  
17 LESS THAN [A CASE OR ORIGINAL CONTAINERS CONTAINING ONE HUNDRED  
18 TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY] A SIX-  
19 PACK OR GROWLER.

20 \* \* \*

21 "GROWLER" SHALL MEAN A REFILLABLE CONTAINER THAT HOLDS A  
22 MINIMUM OF SIXTY-FOUR FLUID OUNCES FOR MALT AND BREWED  
23 BEVERAGES.

24 \* \* \*

25 "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE  
26 BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER  
27 PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS  
28 LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND  
29 IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR  
30 BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AS PREPARED

FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,  
BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
QUANTITIES OF NOT LESS THAN [A CASE OR ORIGINAL CONTAINERS  
CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE  
SOLD SEPARATELY] A SIX-PACK OR GROWLER.

\* \* \*

"PRIVATE LABEL" SHALL MEAN A PRODUCT MADE UNDER CONTRACT BY A  
MANUFACTURER OR ITS AGENT FOR THE EXCLUSIVE RIGHTS OF A  
RETAILER.

\* \* \*

"RETAIL DISPENSER" SHALL MEAN ANY PERSON LICENSED TO ENGAGE  
IN THE RETAIL SALE OF MALT OR BREWED BEVERAGES FOR CONSUMPTION  
ON THE PREMISES OF SUCH LICENSEE, WITH THE PRIVILEGE OF SELLING  
MALT OR BREWED BEVERAGES IN QUANTITIES [NOT IN EXCESS OF ONE  
HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON,  
TO BE CARRIED FROM THE PREMISES BY THE PURCHASER THEREOF] OF UP  
TO FOUR SIX-PACKS OR UP TO TWO TWELVE-PACKS.

\* \* \*

"SIX-PACK" SHALL MEAN A CONFIGURATION:

(1) CONSISTING OF UP TO SIX BOTTLES OR CANS WHICH TOTAL NOT  
MORE THAN NINETY-SIX OUNCES; AND

(2) WHICH IS TO BE SOLD IN A SINGLE SALE AND CARRIED FROM  
THE PREMISES BY THE PURCHASER.

\* \* \*

"SPIRITS" SHALL MEAN AN ALCOHOLIC BEVERAGE OBTAINED BY  
DISTILLATION AND WHICH IS MIXED WITH WATER AND OTHER SUBSTANCES  
IN A SOLUTION. THE TERM INCLUDES, BUT IS NOT LIMITED TO, ANY OF  
THE FOLLOWING:

(1) BRANDY, RUM, WHISKEY, GIN, TEQUILA, VODKA, COGNAC OR A  
CORDIAL, AS DEFINED IN 27 CFR § 5.22 (RELATING TO THE STANDARDS

1 OF IDENTITY) OR 5.35 (RELATING TO CLASS AND TYPE), OR SUCCESSOR  
2 REGULATIONS.

3 (2) A PATENTED OR NONPATENTED LIQUID OR SOLID, CONTAINING AT  
4 LEAST ONE-HALF OF ONE PER CENTUM ALCOHOL BY VOLUME WHICH IS FIT  
5 FOR USE FOR A BEVERAGE PURPOSE.

6 \* \* \*

7 "TWELVE-PACK" SHALL MEAN A CONFIGURATION:

8 (1) CONSISTING OF UP TO TWELVE BOTTLES OR CANS WHICH TOTAL  
9 NOT MORE THAN ONE HUNDRED NINETY-TWO OUNCES; AND

10 (2) WHICH IS TO BE SOLD IN A SINGLE SALE AND CARRIED FROM  
11 THE PREMISES BY THE PURCHASER.

12 \* \* \*

13 SECTION 1.1 SECTION 207(A) AND (B) OF THE ACT, AMENDED  
14 NOVEMBER 30, 2004 (P.L.1727, NO.221) AND DECEMBER 8, 2004  
15 (P.L.1810, NO.239), ARE AMENDED AND THE SECTION IS AMENDED BY  
16 ADDING SUBSECTIONS TO READ:

17 SECTION 207. GENERAL POWERS OF BOARD.--UNDER THIS ACT, THE  
18 BOARD SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

19 (A) TO BUY, IMPORT OR HAVE IN ITS POSSESSION FOR SALE AND  
20 SELL LIQUOR, ALCOHOL, CORKSCREWS, WINE AND LIQUOR ACCESSORIES,  
21 TRADE PUBLICATIONS, GIFT CARDS, GIFT CERTIFICATES, WINE- OR  
22 LIQUOR-SCENTED CANDLES AND WINE GLASSES IN THE MANNER SET FORTH  
23 IN THIS ACT: PROVIDED, HOWEVER, THAT ALL PURCHASES SHALL BE MADE  
24 SUBJECT TO THE APPROVAL OF THE STATE TREASURER, OR HIS  
25 DESIGNATED DEPUTY. THE BOARD SHALL BUY LIQUOR AND ALCOHOL AT THE  
26 LOWEST PRICE [AND IN THE GREATEST VARIETY REASONABLY  
27 OBTAINABLE]. THE BOARD SHALL BUY ANY SPECIFIC LIQUOR OR ALCOHOL  
28 REQUESTED BY AN EXPANDED OR ENHANCED PERMIT HOLDER.

29 (A.1) TO CLOSE PENNSYLVANIA LIQUOR STORES. BEFORE MAKING A  
30 DETERMINATION TO CLOSE A PENNSYLVANIA LIQUOR STORE, THE BOARD



1 SHALL TAKE INTO CONSIDERATION THE TERM OF THE CURRENT LEASE, THE  
2 AVAILABILITY AND ACCESSIBILITY OF LIQUOR TO THE PUBLIC THROUGH  
3 THE PRIVATE RETAIL MARKET, THE PRICING OF LIQUOR IN THE AREA AND  
4 THE PROFITABILITY OF THE STORE. IF IT IS DETERMINED BY THE BOARD  
5 THAT THE PRIVATE RETAIL MARKET IS SERVING THE NEEDS OF THE  
6 PUBLIC, AND THE ECONOMIC VIABILITY OF THE STORE IS  
7 UNSUSTAINABLE, THE BOARD SHALL CLOSE THE PENNSYLVANIA LIQUOR  
8 STORE.

9 (B) TO CONTROL THE MANUFACTURE, POSSESSION, SALE,  
10 CONSUMPTION, IMPORTATION, USE, STORAGE, TRANSPORTATION AND  
11 DELIVERY OF LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES IN  
12 ACCORDANCE WITH THE PROVISIONS OF THIS ACT, AND TO FIX THE  
13 WHOLESALE PRICE OF LIQUOR AND ALCOHOL FOR ALL LICENSEES AND  
14 PERMIT HOLDERS AND RETAIL PRICES AT WHICH LIQUORS AND ALCOHOL  
15 SHALL BE SOLD AT PENNSYLVANIA LIQUOR STORES. [PRICES SHALL BE  
16 PROPORTIONAL WITH PRICES PAID BY THE BOARD TO ITS SUPPLIERS AND  
17 SHALL REFLECT ANY ADVANTAGE OBTAINED THROUGH VOLUME PURCHASES BY  
18 THE BOARD. THE BOARD MAY ESTABLISH A PREFERENTIAL PRICE  
19 STRUCTURE FOR WINES PRODUCED WITHIN THIS COMMONWEALTH FOR THE  
20 PROMOTION OF SUCH WINES, AS LONG AS THE PRICE STRUCTURE IS  
21 UNIFORM WITHIN EACH CLASS OF WINE PURCHASED BY THE BOARD.] THE  
22 BOARD SHALL REQUIRE EACH PENNSYLVANIA MANUFACTURER AND EACH  
23 NONRESIDENT MANUFACTURER OF LIQUORS, OTHER THAN WINE, SELLING  
24 SUCH LIQUORS TO THE BOARD, WHICH ARE NOT MANUFACTURED IN THIS  
25 COMMONWEALTH, TO MAKE APPLICATION FOR AND BE GRANTED A PERMIT BY  
26 THE BOARD BEFORE SUCH LIQUORS NOT MANUFACTURED IN THIS  
27 COMMONWEALTH SHALL BE PURCHASED FROM SUCH MANUFACTURER. EACH  
28 SUCH MANUFACTURER SHALL PAY FOR SUCH PERMIT A FEE WHICH, IN THE  
29 CASE OF A MANUFACTURER OF THIS COMMONWEALTH, SHALL BE EQUAL TO  
30 THAT REQUIRED TO BE PAID, IF ANY, BY A MANUFACTURER OR

1 WHOLESALER OF THE STATE, TERRITORY OR COUNTRY OF ORIGIN OF THE  
2 LIQUORS, FOR SELLING LIQUORS MANUFACTURED IN PENNSYLVANIA, AND  
3 IN THE CASE OF A NONRESIDENT MANUFACTURER, SHALL BE EQUAL TO  
4 THAT REQUIRED TO BE PAID, IF ANY, IN SUCH STATE, TERRITORY OR  
5 COUNTRY BY PENNSYLVANIA MANUFACTURERS DOING BUSINESS IN SUCH  
6 STATE, TERRITORY OR COUNTRY. IN THE EVENT THAT ANY SUCH  
7 MANUFACTURER SHALL, IN THE OPINION OF THE BOARD, SELL OR ATTEMPT  
8 TO SELL LIQUORS TO THE BOARD THROUGH ANOTHER PERSON FOR THE  
9 PURPOSE OF EVADING THIS PROVISION RELATING TO PERMITS, THE BOARD  
10 SHALL REQUIRE SUCH PERSON, BEFORE PURCHASING LIQUORS FROM HIM OR  
11 IT, TO TAKE OUT A PERMIT AND PAY THE SAME FEE AS HEREINBEFORE  
12 REQUIRED TO BE PAID BY SUCH MANUFACTURER. ALL PERMIT FEES SO  
13 COLLECTED SHALL BE PAID INTO THE STATE STORES FUND. THE BOARD  
14 SHALL NOT PURCHASE ANY ALCOHOL OR LIQUOR FERMENTED, DISTILLED,  
15 RECTIFIED, COMPOUNDED OR BOTTLED IN ANY STATE, TERRITORY OR  
16 COUNTRY, THE LAWS OF WHICH RESULT IN PROHIBITING THE IMPORTATION  
17 THEREIN OF ALCOHOL OR LIQUOR, FERMENTED, DISTILLED, RECTIFIED,  
18 COMPOUNDED OR BOTTLED IN PENNSYLVANIA. THE BOARD MAY NOT SELL  
19 PRIVATE LABEL PRODUCTS.

20 (B.1) TO ESTABLISH THE SAFE RIDE HOME GRANT PILOT PROGRAM.  
21 THE FOLLOWING SHALL APPLY:

22 (1) THE BOARD SHALL ESTABLISH AND ADMINISTER THE SAFE RIDE  
23 HOME GRANT PILOT PROGRAM, BEGINNING IN THE 2014-2015 FISCAL YEAR  
24 AND CONTINUING THROUGH THE 2016-2017 FISCAL YEAR TO FUND LOCAL  
25 INITIATIVES AIMED AT PROVIDING ALTERNATIVE MEANS OF  
26 TRANSPORTATION TO PERSONS SUSPECTED OF HAVING A PROHIBITED BLOOD  
27 ALCOHOL CONCENTRATION AS SET FORTH IN 75 PA.C.S. § 3802  
28 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
29 SUBSTANCE) FROM ANY PREMISES LICENSED BY THE BOARD TO SELL  
30 ALCOHOLIC BEVERAGES TO THEIR PLACES OF RESIDENCE. THE BOARD MAY

1 WORK IN COLLABORATION WITH PRIVATE ORGANIZATIONS TO IMPLEMENT  
2 THE SAFE RIDE HOME GRANT PILOT PROGRAM AND MAY AWARD GRANTS TO  
3 ANY COUNTY, MUNICIPALITY, UNIVERSITY OR NONPROFIT CORPORATION.

4 (2) THE LIABILITY OF A PROVIDER THAT OPERATES SUCH LOCAL  
5 INITIATIVE TO PERSONS TRANSPORTED UNDER THE SAFE RIDE HOME GRANT  
6 PILOT PROGRAM IS LIMITED TO THE AMOUNTS REQUIRED FOR A MOTOR  
7 VEHICLE LIABILITY INSURANCE POLICY UNDER 75 PA.C.S. CH. 17  
8 (RELATING TO FINANCIAL RESPONSIBILITY).

9 (3) THE BOARD SHALL MONITOR AND EVALUATE THE SAFE RIDE HOME  
10 GRANT PILOT PROGRAM AND, UPON THE CONCLUSION OF THE 2014-2015  
11 FISCAL YEAR, PRESENT A REPORT OF THE EVALUATION TO THE LAW AND  
12 JUSTICE COMMITTEE OF THE SENATE AND THE LIQUOR CONTROL COMMITTEE  
13 OF THE HOUSE OF REPRESENTATIVES AND MAKE RECOMMENDATIONS ON THE  
14 CONTINUATION, ALTERATION OR EXPANSION OF THE SAFE RIDE HOME  
15 GRANT PILOT PROGRAM. THE FINAL REPORT SHALL BE MADE NO LATER  
16 THAN DECEMBER 1, 2017.

17 \* \* \*

18 SECTION 1.2. SECTION 304 OF THE ACT, AMENDED DECEMBER 8,  
19 2004 (P.L.1810, NO.239), IS AMENDED TO READ:

20 SECTION 304. WHEN SALES MAY BE MADE AT PENNSYLVANIA LIQUOR  
21 STORES.--(A) EXCEPT AS PROVIDED FOR IN SUBSECTION (B), EVERY  
22 PENNSYLVANIA LIQUOR STORE SHALL BE OPEN FOR BUSINESS WEEK DAYS,  
23 EXCEPT HOLIDAYS AS THAT TERM IS DEFINED IN SECTION 102. THE  
24 BOARD MAY, WITH THE APPROVAL OF THE GOVERNOR, TEMPORARILY CLOSE  
25 ANY STORE IN ANY MUNICIPALITY.

26 (B) [CERTAIN] PENNSYLVANIA LIQUOR STORES OPERATED BY THE  
27 BOARD [SHALL] MAY BE OPEN FOR SUNDAY RETAIL SALES [BETWEEN THE  
28 HOURS OF NOON AND FIVE O'CLOCK POSTMERIDIAN], EXCEPT THAT NO  
29 SUNDAY SALES SHALL OCCUR ON EASTER SUNDAY OR CHRISTMAS DAY. [THE  
30 BOARD SHALL OPEN UP TO TWENTY-FIVE PER CENTUM OF THE TOTAL

1 NUMBER OF PENNSYLVANIA LIQUOR STORES AT ITS DISCRETION FOR  
2 SUNDAY SALES AS PROVIDED FOR IN THIS SUBSECTION. THE BOARD SHALL  
3 SUBMIT YEARLY REPORTS TO THE APPROPRIATIONS AND THE LAW AND  
4 JUSTICE COMMITTEES OF THE SENATE AND THE APPROPRIATIONS AND THE  
5 LIQUOR CONTROL COMMITTEES OF THE HOUSE OF REPRESENTATIVES  
6 SUMMARIZING THE TOTAL DOLLAR VALUE OF SALES UNDER THIS SECTION.]

7 SECTION 2. SECTION 305(B) OF THE ACT, AMENDED JULY 6, 2005  
8 (P.L.135, NO.39), IS AMENDED AND THE SECTION IS AMENDED BY  
9 ADDING A SUBSECTION TO READ:

10 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--\* \* \*

11 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT  
12 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN  
13 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE  
14 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND  
15 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO  
16 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED  
17 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A  
18 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL  
19 PRICE AND EIGHTEEN PER CENTUM FOR WINE AND SPIRITS EXPANDED AND  
20 ENHANCED PERMITS AS PROVIDED FOR IN SECTIONS 415 AND 416. THE  
21 BOARD MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS AS  
22 CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE NATIONAL  
23 FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA. THE BOARD  
24 MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF THE BOARD,  
25 TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE LOCATED ON  
26 UNITED STATES ARMED FORCES INSTALLATIONS AND ARE CONDUCTED  
27 PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE UNITED STATES  
28 ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL BE AT RETAIL.  
29 A PERSON ENTITLED TO PURCHASE LIQUOR AT WHOLESALE PRICES MAY  
30 PURCHASE THE LIQUOR AT ANY PENNSYLVANIA LIQUOR STORE UPON

1 TENDERING CASH, CHECK OR CREDIT CARD FOR THE FULL AMOUNT OF THE  
2 PURCHASE. FOR THIS PURPOSE, THE BOARD SHALL ISSUE A DISCOUNT  
3 CARD TO EACH LICENSEE IDENTIFYING SUCH LICENSEE AS A PERSON  
4 AUTHORIZED TO PURCHASE LIQUOR AT WHOLESALE PRICES. SUCH DISCOUNT  
5 CARD SHALL BE RETAINED BY THE LICENSEE. THE BOARD MAY CONTRACT  
6 THROUGH THE COMMONWEALTH BIDDING PROCESS FOR DELIVERY TO  
7 WHOLESALE LICENSEES AT THE EXPENSE OF THE LICENSEE RECEIVING THE  
8 DELIVERY.

9 (B.1) THE BOARD MAY CONTRACT THROUGH THE COMMONWEALTH  
10 BIDDING PROCESS FOR DELIVERY TO LICENSEES AND PERMIT HOLDERS, AT  
11 THE EXPENSE OF THE LICENSEE OR PERMIT HOLDER RECEIVING THE  
12 DELIVERY. PAYMENT SHALL BE BY CREDIT CARD OR ELECTRONIC FUND  
13 TRANSFER ONLY AND MAY OCCUR NO LATER THAN THE TIME OF DELIVERY.

14 \* \* \*

15 SECTION 2.1. SECTION 401 OF THE ACT, AMENDED DECEMBER 22,  
16 2011 (P.L.530, NO.113), IS AMENDED TO READ:

17 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,  
18 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS  
19 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL  
20 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES  
21 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN  
22 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE  
23 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE  
24 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT  
25 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO  
26 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR  
27 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH  
28 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR  
29 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN  
30 QUANTITIES [OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES

1 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407]  
2 OF UP TO FOUR SIX-PACKS AND UP TO TWO TWELVE-PACKS. SUCH  
3 LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES, RESTAURANT  
4 LIQUOR LICENSES AND CLUB LIQUOR LICENSES, RESPECTIVELY. NO  
5 PERSON WHO HOLDS ANY PUBLIC OFFICE THAT INVOLVES THE DUTY TO  
6 ENFORCE ANY OF THE PENAL LAWS OF THE UNITED STATES, THIS  
7 COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF THIS  
8 COMMONWEALTH MAY HAVE ANY INTEREST IN A HOTEL OR RESTAURANT  
9 LIQUOR LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST  
10 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES  
11 ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS  
12 AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO  
13 MAGISTERIAL DISTRICT JUDGES, JUDGES OR ANY OTHER INDIVIDUALS WHO  
14 CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT APPLY  
15 TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS, CITY  
16 COUNCILPERSONS, MAYORS WITHOUT ARREST AUTHORITY AND ANY OTHER  
17 PUBLIC OFFICIAL WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE  
18 ABILITY TO IMPOSE A CRIMINAL SENTENCE. THIS SECTION DOES NOT  
19 APPLY IF THE PROPOSED PREMISES ARE LOCATED OUTSIDE THE  
20 JURISDICTION OF THE INDIVIDUAL IN QUESTION.

21 (B) THE BOARD MAY ISSUE TO ANY CLUB WHICH CATERS TO GROUPS  
22 OF NON-MEMBERS, EITHER PRIVATELY OR FOR FUNCTIONS, A CATERING  
23 LICENSE, AND THE BOARD SHALL, BY ITS RULES AND REGULATIONS,  
24 DEFINE WHAT CONSTITUTES CATERING UNDER THIS SUBSECTION EXCEPT  
25 THAT ANY CLUB WHICH IS ISSUED A CATERING LICENSE SHALL NOT BE  
26 PROHIBITED FROM CATERING ON SUNDAYS DURING THE HOURS WHICH THE  
27 CLUB MAY LAWFULLY SERVE LIQUOR, MALT OR BREWED BEVERAGES.

28 SECTION 2.2. SECTION 402 OF THE ACT IS AMENDED BY ADDING A  
29 SUBSECTION TO READ:

30 SECTION 402. LICENSE DISTRICTS; LICENSE PERIOD; HEARINGS.--\*

1 \* \*

2 (D) THIS SECTION SHALL NOT APPLY TO AN EXPANDED OR ENHANCED  
3 PERMIT HOLDER UNDER SECTIONS 415 AND 416.

4 SECTION 2.3. SECTION 406(A) OF THE ACT IS AMENDED BY ADDING  
5 PARAGRAPHS TO READ:

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

7 \* \* \*

8 (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF GROUNDHOG  
9 DAY FALLS ON A SUNDAY, A HOTEL OR RESTAURANT LICENSEE OR THE  
10 HOTEL OR RESTAURANT LICENSEE'S SERVANTS, AGENTS OR EMPLOYEES MAY  
11 SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY SUCH DAY AFTER  
12 SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF  
13 THE FOLLOWING DAY.

14 (8) (I) NOTWITHSTANDING ANY PROVISION OF THIS ACT, THE  
15 PRACTICE BY A BED AND BREAKFAST HOMESTEAD OR INN OF PROVIDING  
16 ONE BOTTLE OF WINE TO ITS PAYING GUESTS AT CHECK-IN WHILE IN AN  
17 OVERNIGHT STATUS SHALL NOT BE CONSTRUED AS THE DIRECT OR  
18 INDIRECT SALE OF ALCOHOL SO LONG AS THAT WINE IS PRODUCED BY A  
19 LICENSED LIMITED WINERY AS PROVIDED FOR UNDER SECTION 505.2.

20 (II) FOR PURPOSES OF THIS PARAGRAPH, A "BED AND BREAKFAST  
21 HOMESTEAD OR INN" SHALL MEAN A PRIVATE RESIDENCE THAT CONTAINS  
22 TEN OR FEWER BEDROOMS USED FOR PROVIDING OVERNIGHT  
23 ACCOMMODATIONS TO THE PUBLIC AND IN WHICH BREAKFAST IS THE ONLY  
24 MEAL SERVED AND IS INCLUDED IN THE CHARGE FOR THE ROOM.

25 SECTION 3. SECTIONS 407(A) OF THE ACT, AMENDED JUNE 28, 2011  
26 (P.L.55, NO.11), IS AMENDED TO READ:

27 SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR  
28 LICENSEES.-- (A) EVERY LIQUOR LICENSE ISSUED TO A HOTEL,  
29 RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY  
30 UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL

1 AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE  
2 SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES  
3 AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN  
4 CLUBS MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE  
5 PREMISES WHERE SOLD IN QUANTITIES [OF NOT MORE THAN ONE HUNDRED  
6 NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON.] OF UP  
7 TO FOUR SIX-PACKS OR UP TO TWO TWELVE-PACKS. A LICENSEE MAY NOT  
8 SELL MALT OR BREWED BEVERAGES FOR OFF-PREMISES CONSUMPTION AT  
9 LESS THAN THE MALT OR BREWED BEVERAGE'S ACQUISITION COST. THE  
10 SALES MAY BE MADE IN EITHER OPEN OR CLOSED CONTAINERS, PROVIDED,  
11 HOWEVER, THAT A MUNICIPALITY MAY ADOPT AN ORDINANCE RESTRICTING  
12 OPEN CONTAINERS IN PUBLIC PLACES. NO LICENSEE UNDER THIS  
13 SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY  
14 OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE  
15 AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY.

16 \* \* \*

17 SECTION 4. SECTIONS 410 AND 411 OF THE ACT ARE AMENDED BY  
18 ADDING SUBSECTIONS TO READ:

19 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;  
20 RESTRICTIONS.--\* \* \*

21 (G) THE HOLDER OF AN IMPORTERS' LICENSE OR THE HOLDER OF A  
22 VENDOR'S PERMIT UNDER SECTION 208 MAY DELIVER LIQUOR PURCHASED  
23 FROM THE BOARD TO A LICENSEE AS FOLLOWS:

24 (1) THE LIQUOR MAY BE STORED AT THE LICENSED IMPORTER'S OR  
25 VENDOR'S PLACE OF BUSINESS OR ITS AUTHORIZED PLACE OF STORAGE.

26 (2) THE LICENSEE MUST PLACE A PURCHASE ORDER WITH THE BOARD  
27 AND THE ORDER MUST BE PAID IN FULL PRIOR TO DELIVERY.

28 (3) THE HOLDER OF AN IMPORTER'S LICENSE OR VENDOR'S PERMIT  
29 MAY CHARGE A FEE FOR DELIVERY.

30 (H) THE BOARD MAY RELEASE LIQUOR TO THE HOLDER OF AN



IMPORTER'S LICENSE OR THE HOLDER OF A VENDOR'S PERMIT FOR  
DELIVERY TO A LICENSEE AS FOLLOWS:

(1) THE LICENSEE MUST PLACE A PURCHASE ORDER WITH THE BOARD  
AND THE ORDER MUST BE PAID IN FULL PRIOR TO DELIVERY.

(2) THE HOLDER OF AN IMPORTER'S LICENSE OR VENDOR'S PERMIT  
MAY CHARGE A FEE FOR DELIVERY.

SECTION 411. INTERLOCKING BUSINESS PROHIBITED.--\* \* \*

(F) THE FOLLOWING SHALL APPLY:

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
CONTRARY, A MANUFACTURER OR LICENSEE AND ITS OFFICERS,  
DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY  
CONTRIBUTE, AND A MANUFACTURER OR LICENSEE AND ITS OFFICERS,  
DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT  
MONEY OR OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF  
A RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL  
SERVICE PERSONNEL AS PROVIDED FOR UNDER THIS SECTION. THE MONEY  
OR OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A MANUFACTURER  
OR LICENSEE AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, SERVANTS,  
AGENTS OR EMPLOYES DIRECTLY OR BY OR TO A TRADE ORGANIZATION  
CONSISTING, IN WHOLE OR PART, OF A GROUP OF LICENSEES.

(2) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION  
ASSOCIATED WITH THE PERSON PROVIDING THE MONEY OR OTHER THINGS  
OF VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER  
THINGS OF VALUE PROVIDED, THE DATE PROVIDED AND THE ENTITY TO  
WHOM IT WAS PROVIDED, AS PART OF THE RECORDS REQUIRED UNDER  
SECTION 493(12) OF THIS ACT.

(3) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION  
ASSOCIATED WITH THE PERSON RECEIVING MONEY OR OTHER THINGS OF  
VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER  
THINGS OF VALUE USED, AS PART OF THE RECORDS REQUIRED UNDER

1 SECTION 493(12) OF THIS ACT.

2 SECTION 5. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

3 SECTION 415. EXPANDED PERMITS.--(A) (1) NOTWITHSTANDING  
4 SECTION 492(13) AND (14), THE BOARD MAY ISSUE AN EXPANDED PERMIT  
5 TO A PERSON HOLDING AND POSSESSING A VALID RESTAURANT LIQUOR  
6 LICENSE, EATING PLACE LICENSE OR HOTEL LICENSE.

7 (2) NOTHING IN THIS SECTION SHALL AFFECT THE ABILITY OF AN  
8 EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF ITS CURRENT  
9 LICENSE AS AUTHORIZED BY THIS ACT, EXCEPT THAT:

10 (I) THE FOLLOWING SHALL APPLY:

11 (A) NO SALES OF WINE AND SPIRITS FOR OFF-PREMISES  
12 CONSUMPTION MAY TAKE PLACE BY AN EXPANDED PERMIT HOLDER AFTER  
13 ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL EIGHT O'CLOCK  
14 ANTEMERIDIAN OF THE NEXT DAY, INCLUDING SUNDAYS IF THE LICENSEE  
15 HAS A PERMIT AUTHORIZED UNDER SECTIONS 406(A)(3) AND 432(F).

16 (B) A PERMIT HOLDER MAY ONLY SELL WINE AND SPIRITS FOR  
17 OFF-PREMISES CONSUMPTION DURING THE TIME DURING WHICH THE PERMIT  
18 HOLDER IS SERVING ALCOHOL FOR CONSUMPTION ON PREMISES.

19 (II) THE HOLDER OF AN EATING PLACE LICENSE WHO ALSO HOLDS A  
20 WINE EXPANDED PERMIT MAY ALSO SELL WINE BY THE GLASS FOR  
21 ON-PREMISES CONSUMPTION.

22 (III) NO EXPANDED PERMIT MAY BE ISSUED TO A LICENSE HOLDER  
23 WHOSE UNDERLYING LICENSE IS SUBJECT TO A PENDING OBJECTION BY  
24 THE DIRECTOR OF THE BUREAU OF LICENSING OR THE BOARD UNDER  
25 SECTION 470(A.1), UNTIL THE MATTER IS ULTIMATELY DECIDED.  
26 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF AN  
27 EXPANDED PERMIT MAY CONTINUE TO OPERATE UNDER THE PERMIT IF ITS  
28 UNDERLYING LICENSE IS OBJECTED BY THE DIRECTOR OF THE BUREAU OF  
29 LICENSING OR THE BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER  
30 IS ULTIMATELY DECIDED.

1     (3) IF THE BOARD HAS APPROVED THE OPERATION OF ANOTHER  
2 BUSINESS WHICH HAS AN INSIDE PASSAGE OR COMMUNICATION TO OR WITH  
3 THE LICENSED PREMISES, THE SALE AND PURCHASE OF WINE AND SPIRITS  
4 SHALL BE CONFINED STRICTLY TO THE PREMISES, IN A SPECIFICALLY  
5 DESIGNATED AREA COVERED BY THE LICENSE. THE PURCHASE OF A GOOD  
6 OBTAINED FROM THE UNLICENSED AREA OF THE PREMISES SHALL BE  
7 PERMITTED IN THE LICENSED AREA.

8     (4) AN EXPANDED PERMIT HOLDER MUST BE IN COMPLIANCE WITH THE  
9 RESPONSIBLE ALCOHOL MANAGEMENT PROVISIONS UNDER SECTION 471.1.

10    (5) EXPANDED PERMIT HOLDERS MAY STORE ALCOHOL IN A  
11 NONCONTIGUOUS AREA THAT IS NOT ACCESSIBLE TO THE PUBLIC AND IS:

12    (I) LOCKED AT ALL TIMES WHEN NOT BEING ACCESSED BY  
13 LICENSEES' EMPLOYEES.

14    (II) NOT ACCESSIBLE TO EMPLOYEES UNDER THE AGE OF EIGHTEEN.

15    (III) IDENTIFIED BY DIMENSIONS AND LOCATIONS ON FORMS  
16 SUBMITTED TO THE BOARD.

17    (6) AN EXPANDED PERMIT HOLDER MAY NOT SELL PRIVATE LABEL  
18 PRODUCTS.

19    (B) THE APPLICATION AND RENEWAL FEE FOR AN EXPANDED PERMIT  
20 SHALL BE AS FOLLOWS:

21    (1) FOR A WINE AND SPIRITS EXPANDED PERMIT, A FEE OF EIGHT  
22 THOUSAND DOLLARS (\$8,000).

23    (2) FOR A WINE EXPANDED PERMIT, A FEE OF FOUR THOUSAND  
24 DOLLARS (\$4,000).

25    (3) FOR A SPIRITS EXPANDED PERMIT, A FEE OF FOUR THOUSAND  
26 DOLLARS (\$4,000).

27    (4) FOR A SPECIAL SPIRITS EXPANDED PERMIT, A FEE OF TWO  
28 THOUSAND DOLLARS (\$2,000).

29    (B.1) THE BOARD MAY ACCEPT INSTALLMENT PAYMENTS FROM THE  
30 PERMIT HOLDER FOR PAYMENT OF THE APPLICATION AND RENEWAL FEES

1 AND CHARGE AN INSTALLMENT PAYMENT FEE.

2 (C) BOTTLES MAY BE SOLD FOR OFF-PREMISES CONSUMPTION IN THE  
3 FOLLOWING MANNER:

4 (1) A RESTAURANT OR HOTEL LICENSEE HOLDING ONE OF THE  
5 FOLLOWING EXPANDED PERMITS MAY SELL THE FOLLOWING QUANTITIES IN  
6 A SINGLE TRANSACTION:

7 (I) A WINE AND SPIRITS EXPANDED PERMIT, UP TO FOUR BOTTLES  
8 OF WINE OR UP TO TWO BOTTLES OF SPIRITS, IN SEVEN HUNDRED FIFTY  
9 MILLILITER TO ONE LITER BOTTLES OR UP TO TWO BOTTLES OF WINE OR  
10 ONE BOTTLE OF SPIRITS IN ONE AND FIVE-TENTHS LITER TO ONE AND  
11 THREE-QUARTER LITER BOTTLES.

12 (II) A WINE EXPANDED PERMIT, UP TO FOUR BOTTLES OF WINE IN  
13 SEVEN HUNDRED FIFTY MILLILITER TO ONE LITER BOTTLES OR UP TO TWO  
14 BOTTLES OF WINE IN ONE AND FIVE-TENTHS LITER TO ONE AND THREE-  
15 QUARTER LITER BOTTLES.

16 (III) A SPIRITS EXPANDED PERMIT, UP TO TWO BOTTLES OF  
17 SPIRITS IN SEVEN HUNDRED FIFTY MILLILITER TO ONE LITER BOTTLES  
18 OR ONE BOTTLE OF SPIRITS IN ONE AND FIVE-TENTHS LITER TO ONE AND  
19 THREE-QUARTER LITER BOTTLE.

20 (IV) A SPECIALTY SPIRITS EXPANDED PERMIT, UP TO TWO BOTTLES  
21 OF SPIRITS IN SEVEN HUNDRED FIFTY MILLILITER TO ONE LITER  
22 BOTTLES OR UP TO ONE BOTTLE OF SPIRITS IN ONE AND FIVE-TENTHS  
23 LITER TO ONE AND THREE-QUARTER LITER BOTTLE.

24 (2) AN EATING PLACE LICENSEE HOLDING AN EXPANDED WINE PERMIT  
25 MAY SELL UP TO FOUR BOTTLES OF WINE IN SEVEN HUNDRED FIFTY  
26 MILLILITER TO ONE LITER BOTTLES OR UP TO TWO BOTTLES OF WINE IN  
27 ONE AND FIVE-TENTHS LITER TO ONE AND THREE-QUARTER LITER  
28 BOTTLES.

29 (D) A SPECIALTY SPIRITS EXPANDED PERMIT HOLDER MAY ONLY SELL  
30 ONE OF THE FOLLOWING TYPES OF SPIRITS, AS DEFINED IN 27 CFR §§

5.22 (RELATING TO THE STANDARDS OF IDENTITY) OR 5.35 (RELATING TO CLASS AND TYPE), OR SUCCESSOR REGULATIONS:

(1) GIN.

(2) RUM.

(3) TEQUILA.

(4) VODKA.

(5) WHISKEY.

(6) BRANDY.

(7) COGNAC OR CORDIALS.

(E) UPON THE CONDITION OF GRANTING AN EXPANDED PERMIT:

(1) THE BOARD SHALL REQUIRE AN APPLICANT TO 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 PREMISES WHERE THE STORAGE AND SALES OF WINE AND SPIRITS FOR RETAIL ARE PROPOSED.

(2) (RESERVED).

(F) THE BOARD MAY NOT GRANT AN EXPANDED PERMIT TO ANY LICENSEE OR A LICENSEE'S OFFICERS, DIRECTORS OR SHAREHOLDERS WHO HAVE BEEN CONVICTED IN ANY JURISDICTION OF A FELONY LIQUOR OFFENSE. THE BOARD MAY NOT ISSUE AN EXPANDED LICENSE TO A PERSON WHO HAS, THROUGH AN ATTORNEY OF RECORD, PLED OR AGREED TO PLEAD GUILTY, EITHER AS AN INDIVIDUAL OR AS AN OFFICER OF A CORPORATION, TO A CRIMINAL CHARGE FILED AGAINST THEM IN THIS COMMONWEALTH INVOLVING ILLEGAL CONTROLLING INTEREST IN LICENSES AUTHORIZED UNDER THIS ACT, NOTWITHSTANDING IF THE RECORD OF THE PLEA AGREEMENT HAS BEEN EXPUNGED.

(G) A WINE OR SPIRITS EXPANDED PERMIT HOLDER MAY NOT SELL A LIQUOR PRODUCT FOR OFF-PREMISES CONSUMPTION AT A PRICE LESS THAN THE LIQUOR PRODUCT'S ACQUISITION COST.

(H) (RESERVED).

1 (I) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS  
2 SHALL HAVE THE MEANING GIVEN TO THEM IN THIS SUBSECTION:

3 "EXPANDED PERMIT" SHALL MEAN ANY OF THE FOLLOWING:

4 (1) A WINE AND SPIRITS PERMIT.

5 (2) A WINE PERMIT.

6 (3) A SPIRITS PERMIT.

7 (4) A SPECIAL SPIRITS PERMIT.

8 SECTION 416. ENHANCED DISTRIBUTOR AND IMPORTING DISTRIBUTOR  
9 PERMITS.--(A) (1) NOTWITHSTANDING SECTION 492(12), (13) AND  
10 (14), THE BOARD MAY ISSUE AN ENHANCED PERMIT TO A PERSON HOLDING  
11 AND POSSESSING A VALID DISTRIBUTOR LICENSE OR IMPORTING  
12 DISTRIBUTOR LICENSE. NOTHING IN THIS SECTION SHALL AFFECT THE  
13 ABILITY OF AN EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF  
14 ITS CURRENT LICENSE AS AUTHORIZED BY THIS ACT.

15 (2) IF THE BOARD HAS APPROVED THE OPERATION OF ANOTHER  
16 BUSINESS WHICH HAS AN INSIDE PASSAGE OR COMMUNICATION TO OR WITH  
17 THE LICENSED PREMISES, THE SALE AND PURCHASE OF WINE AND SPIRITS  
18 SHALL BE CONFINED STRICTLY TO THE PREMISES, IN A SPECIFICALLY  
19 DESIGNATED AREA COVERED BY THE LICENSE. THE PURCHASE OF A GOOD  
20 OBTAINED FROM THE UNLICENSED AREA OF THE PREMISES SHALL BE  
21 PERMITTED IN THE LICENSED AREA.

22 (3) LICENSEES MUST BE IN COMPLIANCE WITH THE RESPONSIBLE  
23 ALCOHOL MANAGEMENT PROVISIONS UNDER SECTION 471.1.

24 (4) THE APPLICATION AND FEE FOR AN ENHANCED PERMIT SHALL BE  
25 AS FOLLOWS:

26 (I) FOR A WINE AND SPIRITS ENHANCED PERMIT, A FEE OF EIGHT  
27 THOUSAND DOLLARS (\$8,000).

28 (II) FOR A WINE ENHANCED PERMIT, A FEE OF FOUR THOUSAND  
29 DOLLARS (\$4,000).

30 (III) FOR A SPIRITS ENHANCED PERMIT, A FEE OF FOUR THOUSAND

1 DOLLARS (\$4,000).

2 (IV) FOR A SPECIAL SPIRITS ENHANCED PERMIT, A FEE OF TWO  
3 THOUSAND DOLLARS (\$2,000).

4 (4.1) THE BOARD MAY ACCEPT INSTALLMENT PAYMENTS FOR PAYMENT  
5 OF THE APPLICATION AND RENEWAL FEE FROM THE PERMIT HOLDER AND  
6 CHARGE AN INSTALLMENT PAYMENT FEE.

7 (5) A BEER DISTRIBUTOR OR IMPORTING DISTRIBUTOR HOLDING ONE  
8 OF THE FOLLOWING ENHANCED PERMITS MAY SELL THE FOLLOWING  
9 QUANTITIES:

10 (I) A WINE AND SPIRITS ENHANCED PERMIT, ANY QUANTITY IN ANY  
11 SIZE.

12 (II) A WINE ENHANCED PERMIT, ANY QUANTITY IN ANY SIZE.

13 (III) A SPIRITS ENHANCED PERMIT, ANY QUANTITY IN ANY SIZE.

14 (IV) A SPECIALTY SPIRITS ENHANCED PERMIT, ANY QUANTITY IN  
15 ANY SIZE.

16 (6) A SPECIALTY SPIRITS ENHANCED PERMIT HOLDER MAY ONLY SELL  
17 ONE OF THE FOLLOWING TYPES OF SPIRITS AS DEFINED IN 27 CFR §  
18 5.22 (RELATING TO THE STANDARDS OF IDENTITY) OR 5.35 (RELATING  
19 TO CLASS AND TYPE) OR SUCCESSOR REGULATIONS:

20 (I) GIN.

21 (II) RUM.

22 (III) TEQUILA.

23 (IV) VODKA.

24 (V) WHISKEY.

25 (VI) BRANDY.

26 (VII) COGNAC OR CORDIALS.

27 (6.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN  
28 ENHANCED PERMIT HOLDER MAY SELL MALT AND BREWED BEVERAGES IN A  
29 SINGLE BOTTLE SIZE OF .750 MILLILITERS OR GREATER.

30 (7) UPON THE CONDITION OF GRANTING AN EXPANDED PERMIT, THE

1 BOARD SHALL REQUIRE AN APPLICANT TO FILE A WRITTEN APPLICATION  
2 WITH THE BOARD IN THE MANNER DETERMINED BY THE BOARD.

3 (8) THE BOARD MAY NOT GRANT AN ENHANCED PERMIT TO ANY  
4 LICENSEE OR A LICENSEE'S OFFICERS, DIRECTORS OR SHAREHOLDERS  
5 WHO:

6 (I) (RESERVED); OR

7 (II) HAVE BEEN CONVICTED IN ANY JURISDICTION OF A FELONY  
8 LIQUOR OFFENSE. THE BOARD MAY NOT ISSUE AN ENHANCED PERMIT TO A  
9 PERSON WHO HAS, THROUGH AN ATTORNEY OF RECORD, PLED OR AGREED TO  
10 PLEAD GUILTY, EITHER AS AN INDIVIDUAL OR AS AN OFFICER OF A  
11 CORPORATION, TO A CRIMINAL CHARGE FILED AGAINST HIM IN THIS  
12 COMMONWEALTH INVOLVING ILLEGAL CONTROLLING INTEREST IN LICENSES  
13 AUTHORIZED UNDER THIS ACT, NOTWITHSTANDING IF THE RECORD OF THE  
14 PLEA AGREEMENT HAS BEEN EXPUNGED.

15 (9) A WINE OR SPIRITS PERMIT HOLDER MAY NOT SELL A LIQUOR  
16 PRODUCT OR MALT AND BREWED BEVERAGES AT A PRICE LESS THAN THE  
17 LIQUOR PRODUCT'S OR MALT AND BREWED BEVERAGE'S ACQUISITION COST.

18 (10) (RESERVED).

19 (11) AN ENHANCED PERMIT MAY NOT BE ISSUED TO A LICENSE  
20 HOLDER WHOSE UNDERLYING LICENSE IS SUBJECT TO A PENDING  
21 OBJECTION BY THE DIRECTOR OF THE BUREAU OF LICENSING OR THE  
22 BOARD UNDER SECTION 470 (A.1), UNTIL THE MATTER IS ULTIMATELY  
23 DECIDED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF  
24 AN ENHANCED PERMIT MAY CONTINUE TO USE THAT PERMIT IF ITS  
25 UNDERLYING LICENSE IS OBJECTED BY THE DIRECTOR OF THE BUREAU OF  
26 LICENSING OR THE BOARD UNDER SECTION 470 (A.1), UNTIL THE MATTER  
27 IS ULTIMATELY DECIDED.

28 (12) SALES OF WINE AND SPIRITS FOR OFF-PREMISES CONSUMPTION  
29 MAY NOT TAKE PLACE BY AN ENHANCED PERMIT HOLDER AFTER ELEVEN  
30 O'CLOCK POSTMERIDIAN ON ANY DAY UNTIL EIGHT O'CLOCK ANTEMERIDIAN



1 OF THE NEXT DAY, INCLUDING SUNDAYS, IF THE LICENSEE HAS A PERMIT  
2 AUTHORIZED UNDER SECTION 492.1(C).

3 (13) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS  
4 SHALL HAVE THE MEANING GIVEN TO THEM IN THIS PARAGRAPH:

5 "ENHANCED PERMIT" SHALL MEAN ANY OF THE FOLLOWING:

6 (I) A WINE AND SPIRITS ENHANCED PERMIT.

7 (II) A WINE ENHANCED PERMIT.

8 (III) A SPIRITS ENHANCED PERMIT.

9 (IV) A SPECIAL SPIRITS ENHANCED PERMIT.

10 SECTION 6. SECTION 431(B) OF THE ACT, AMENDED DECEMBER 8,  
11 2004 (P.L.1810, NO.239), IS AMENDED TO READ:

12 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',  
13 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--\* \* \*

14 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO  
15 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER  
16 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE  
17 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE  
18 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES  
19 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN [A CASE OR  
20 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES  
21 OR MORE WHICH MAY BE SOLD SEPARATELY] A SIX-PACK AS PREPARED FOR  
22 THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE[.] OR  
23 A GROWLER. A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY NOT SELL A  
24 MALT OR BREWED BEVERAGE AT A PRICE LESS THAN THE MALT OR BREWED  
25 BEVERAGE'S ACQUISITION COST. THE BOARD SHALL HAVE THE DISCRETION  
26 TO REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,  
27 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR  
28 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH  
29 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND  
30 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY

1 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE: AND  
2 PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW LICENSE OR THE  
3 TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE BOARD MAY, IN ITS  
4 DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE OR TRANSFER IF SUCH  
5 PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED FEET OF  
6 ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC  
7 PLAYGROUND, OR IF SUCH NEW LICENSE OR TRANSFER IS APPLIED FOR A  
8 PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES  
9 WHICH IS LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE  
10 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE  
11 TRANSFER OF ANY LICENSE TO A NEW LOCATION IF, IN THE BOARD'S  
12 OPINION, SUCH NEW LICENSE OR TRANSFER WOULD BE DETRIMENTAL TO  
13 THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE  
14 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE  
15 PROPOSED TO BE LICENSED. THE BOARD SHALL REFUSE ANY APPLICATION  
16 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A LOCATION  
17 WHERE THE SALE OF LIQUID FUELS OR OIL IS CONDUCTED. THE BOARD  
18 MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING  
19 ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD  
20 AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT  
21 SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO  
22 ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE  
23 BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF  
24 THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS INTO AN  
25 AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL RESTRICTIONS,  
26 THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE  
27 LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW LOCATION OR  
28 UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING  
29 THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION INVOLVES A  
30 LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY RESTRICTIONS

1 IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION  
2 SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A  
3 NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL  
4 REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON  
5 WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF  
6 MALT OR BREWED BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE  
7 NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

8 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE  
9 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES  
10 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH  
11 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN  
12 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS  
13 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF  
14 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS  
15 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE  
16 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING  
17 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN  
18 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE  
19 AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES OWNED  
20 BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR  
21 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED  
22 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND  
23 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS  
24 BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED  
25 HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE  
26 A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING  
27 OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY  
28 A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:  
29 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES  
30 PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO

1 IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN  
2 DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS  
3 OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS  
4 COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE  
5 FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL  
6 BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY  
7 RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE  
8 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP  
9 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,  
10 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED  
11 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE  
12 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,  
13 DURING NORMAL BUSINESS HOURS.

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

1 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY  
2 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE  
3 MANUFACTURER.

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

1 \* \* \*

2 SECTION 7. SECTION 438(A) OF THE ACT IS AMENDED TO READ:

3 SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME  
4 LICENSEE.--(A) ANY RETAIL DISPENSER MAY BE GRANTED LICENSES TO  
5 MAINTAIN, OPERATE OR CONDUCT ANY NUMBER OF PLACES FOR THE SALE  
6 OF MALT [OR] BREWED BEVERAGES[,] OR WINE, BUT A SEPARATE  
7 LICENSE MUST BE SECURED FOR EACH PLACE WHERE MALT [OR] BREWED  
8 BEVERAGES OR WINE AS PROVIDED UNDER SECTION 415 ARE SOLD.

9 \* \* \*

10 SECTION 8. SECTION 441(A), (B) AND (F) OF THE ACT, AMENDED  
11 OR ADDED MAY 31, 1996 (P.L.312, NO.49), JUNE 18, 1998 (P.L.664,  
12 NO.86) AND DECEMBER 9, 2002 (P.L.1653, NO.212), ARE AMENDED TO  
13 READ:

14 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'  
15 RESTRICTIONS ON SALES, STORAGE, ETC.--(A) NO DISTRIBUTOR OR  
16 IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT  
17 OR BREWED BEVERAGES EXCEPT:

18 (1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY  
19 THE MANUFACTURER AT THE PLACE OF MANUFACTURE[;], EXCEPT THAT A  
20 DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY BREAK THE BULK OF A  
21 CASE AND SELL A UNIT OF THAT CASE IN QUANTITIES OF NOT LESS THAN  
22 A SIX-PACK;

23 (2) IN THE CASE OF IDENTICAL CONTAINERS REPACKAGED IN THE  
24 MANNER DESCRIBED BY SUBSECTION (F); [OR]

25 (3) AS PROVIDED IN SECTION 431(B) [.] ; OR

26 (4) GROWLERS FILLED WITH MALT AND BREWED BEVERAGES.

27 (B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY  
28 MALT OR BREWED BEVERAGES IN QUANTITIES OF LESS THAN A [CASE OR  
29 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES  
30 OR MORE WHICH MAY BE SOLD SEPARATELY] SIX-PACK OR A GROWLER:

1 PROVIDED, THAT NO MALT OR BREWED BEVERAGES SOLD OR DELIVERED  
2 SHALL BE CONSUMED UPON THE PREMISES OF THE DISTRIBUTOR OR  
3 IMPORTING DISTRIBUTOR, OR IN ANY PLACE PROVIDED FOR SUCH PURPOSE  
4 BY SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR. NOTWITHSTANDING  
5 ANY OTHER PROVISION OF THIS SECTION OR ACT, MALT OR BREWED  
6 BEVERAGES WHICH ARE PART OF A TASTING CONDUCTED PURSUANT TO THE  
7 BOARD'S REGULATIONS MAY BE CONSUMED ON LICENSED PREMISES.

8 \* \* \*

9 (F) (1) TO SALVAGE ONE OR MORE SALABLE [CASES] SIX-PACKS FROM  
10 ONE OR MORE DAMAGED CASES, CARTONS OR PACKAGES OF MALT OR BREWED  
11 BEVERAGES, A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY REPACKAGE  
12 CONSEQUENT TO INADVERTENT DAMAGE AND SELL A [CASE, CARTON OR  
13 PACKAGE OF IDENTICAL UNITS OF MALT OR BREWED BEVERAGES] SIX-  
14 PACK.

15 (2) REPACKAGING IS PERMISSIBLE ONLY TO THE EXTENT MADE  
16 NECESSARY BY INADVERTENT DAMAGE. REPACKAGING NOT CONSEQUENT TO  
17 DAMAGE IS PROHIBITED.

18 (3) THE TERM "IDENTICAL UNITS" AS USED IN THIS SUBSECTION  
19 MEANS UNDAMAGED BOTTLES OR CANS OF IDENTICAL BRAND, PACKAGE AND  
20 VOLUME.

21 \* \* \*

22 SECTION 9. SECTION 442(A) (1) OF THE ACT, AMENDED JUNE 28,  
23 2011 (P.L.55, NO.11), IS AMENDED TO READ:

24 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES  
25 AND SALES.--(A) (1) NO RETAIL DISPENSER SHALL PURCHASE OR  
26 RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL  
27 CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE  
28 PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK  
29 THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE  
30 SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED. NO

1 RETAIL DISPENSER MAY SELL MALT OR BREWED BEVERAGES FOR  
2 CONSUMPTION OFF THE PREMISES IN QUANTITIES IN EXCESS OF [ONE  
3 HUNDRED NINETY-TWO FLUID OUNCES] UP TO FOUR SIX-PACKS AND UP TO  
4 TWO TWELVE-PACKS. SALES MAY BE MADE IN OPEN OR CLOSED  
5 CONTAINERS, PROVIDED, HOWEVER, THAT A MUNICIPALITY MAY ADOPT AN  
6 ORDINANCE RESTRICTING OPEN CONTAINERS IN PUBLIC PLACES. NO CLUB  
7 LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGES FOR CONSUMPTION  
8 OFF THE PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE  
9 CLUB. A LICENSEE MAY NOT SELL MALT OR BREWED BEVERAGES FOR  
10 CONSUMPTION OFF THE PREMISES AT LESS THAN ITS ACQUISITION COST.

11 \* \* \*

12 SECTION 10. SECTION 443 OF THE ACT IS AMENDED BY ADDING A  
13 SUBSECTION TO READ:

14 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--\* \* \*

15 (H) THE FOLLOWING SHALL APPLY:

16 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
17 CONTRARY, A MANUFACTURER OR LICENSEE AND ITS OFFICERS,  
18 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY  
19 CONTRIBUTE, AND A MANUFACTURER OR LICENSEE AND ITS OFFICERS,  
20 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT  
21 MONEY OR OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF  
22 A RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL  
23 SERVICE PERSONNEL AS PROVIDED FOR UNDER THIS SECTION. THE MONEY  
24 OR OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A MANUFACTURER  
25 OR LICENSEE AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, SERVANTS,  
26 AGENTS OR EMPLOYES DIRECTLY OR BY OR TO A TRADE ORGANIZATION  
27 CONSISTING, IN WHOLE OR PART, OF A GROUP OF LICENSEES.

28 (2) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION  
29 ASSOCIATED WITH THE PERSON PROVIDING THE MONEY OR OTHER THINGS  
30 OF VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER



1 THINGS OF VALUE PROVIDED, THE DATE PROVIDED AND THE ENTITY TO  
2 WHOM IT WAS PROVIDED, AS PART OF THE RECORDS REQUIRED UNDER  
3 SECTION 493(12) OF THIS ACT.

4 (3) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION  
5 ASSOCIATED WITH THE PERSON RECEIVING MONEY OR OTHER THINGS OF  
6 VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER  
7 THINGS OF VALUE USED, AS PART OF THE RECORDS REQUIRED UNDER  
8 SECTION 493(12) OF THIS ACT.

9 SECTION 11. SECTION 446(A)(2) AND (B) INTRODUCTORY PARAGRAPH  
10 OF THE ACT, AMENDED DECEMBER 22, 2011 (P.L.530, NO.113) AND JULY  
11 5, 2012 (P.L.1007, NO.116), ARE AMENDED TO READ:

12 SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE  
13 MAY:

14 \* \* \*

15 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED  
16 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY  
17 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE  
18 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED  
19 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY  
20 LICENSE MAY SELL AT ITS BREWERY PUB PREMISES [PENNSYLVANIA WINES  
21 IT HAS PURCHASED FROM EITHER THE HOLDER OF A PENNSYLVANIA  
22 LIMITED WINERY LICENSE OR FROM THE BOARD] WINES PRODUCED BY THE  
23 HOLDER OF A LIMITED WINERY LICENSE OR LIQUOR PRODUCED BY A  
24 LICENSED LIMITED DISTILLERY: PROVIDED, HOWEVER, THAT SAID WINES  
25 AND LIQUOR MUST BE CONSUMED AT THE LICENSED BREWERY PUB  
26 PREMISES.

27 \* \* \*

28 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-  
29 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A  
30 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE

1 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE PRODUCED BY  
2 A LICENSED LIMITED WINERY, LIQUOR PRODUCED BY A LICENSED LIMITED  
3 DISTILLERY AND MALT OR BREWED BEVERAGES PRODUCED BY THE BREWERY  
4 BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER TOGETHER WITH FOOD,  
5 AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE PREMISES. FUNCTIONS  
6 CONDUCTED UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO  
7 THE FOLLOWING:

8 \* \* \*

9 SECTION 12. SECTION 461(B.1)(4), (7) AND (8), (B.2) AND (D)  
10 OF THE ACT, AMENDED FEBRUARY 21, 2002 (P.L.103, NO.10), NOVEMBER  
11 29, 2006 (P.L.1421, NO.155) AND JUNE 28, 2011 (P.L.55, NO.11),  
12 ARE AMENDED TO READ:

13 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED  
14 IN EACH COUNTY.--\* \* \*

15 (B.1) THE BOARD MAY ISSUE RESTAURANT AND EATING PLACE RETAIL  
16 DISPENSER LICENSES AND RENEW LICENSES ISSUED UNDER THIS  
17 SUBSECTION WITHOUT REGARD TO THE QUOTA RESTRICTIONS SET FORTH IN  
18 SUBSECTION (A) FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN A  
19 MUNICIPALITY UNDER THE FOLLOWING CONDITIONS:

20 \* \* \*

21 (4) AN APPLICANT UNDER THIS SUBSECTION SHALL BE REQUIRED TO  
22 SELL FOOD AND NONALCOHOLIC BEVERAGES EQUAL TO [SEVENTY PER  
23 CENTUM (70%)] FIFTY PER CENTUM (50%) OR MORE OF ITS COMBINED  
24 GROSS SALES OF FOOD AND ALCOHOLIC BEVERAGES.

25 \* \* \*

26 (7) AN APPEAL OF THE BOARD'S DECISION REFUSING TO GRANT OR  
27 RENEW A LICENSE UNDER THIS SUBSECTION SHALL NOT ACT AS A  
28 SUPERSEDEAS OF THE DECISION OF THE BOARD IF THE DECISION IS  
29 BASED, IN WHOLE OR IN PART, ON THE LICENSEE'S FAILURE TO  
30 DEMONSTRATE THAT ITS FOOD AND NONALCOHOLIC BEVERAGES WERE AT

1 LEAST [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM (50%) OF ITS  
2 COMBINED GROSS SALES OF FOOD AND ALCOHOLIC BEVERAGES.

3 (8) A LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT BE  
4 VALIDATED OR RENEWED UNLESS THE LICENSEE CAN ESTABLISH THAT ITS  
5 SALE OF FOOD AND NONALCOHOLIC BEVERAGES DURING THE LICENSE YEAR  
6 IMMEDIATELY PRECEDING APPLICATION FOR VALIDATION OR RENEWAL IS  
7 EQUAL TO [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM (50%) OR  
8 MORE OF ITS FOOD AND ALCOHOLIC BEVERAGE SALES.

9 (B.2) QUALIFIED APPLICANTS UNDER SUBSECTION (B.1) SHALL  
10 RECEIVE A PROVISIONAL LICENSE FOR ONE HUNDRED TWENTY DAYS,  
11 EXCLUSIVE OF PERIODS OF SAFEKEEPING. AFTER NINETY DAYS FROM THE  
12 DATE OF ISSUANCE, THE LICENSEE MAY FILE AN APPLICATION FOR A  
13 PERMANENT LICENSE. A LICENSE SHALL BE ISSUED IF THE LICENSEE  
14 ESTABLISHES THAT FOR NINETY CONSECUTIVE DAYS FROM THE DATE OF  
15 INITIAL ISSUE ITS SALES OF FOOD AND NONALCOHOLIC BEVERAGES IS  
16 EQUAL TO AT LEAST [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM  
17 (50%) OF ITS COMBINED GROSS SALES OF FOOD AND ALCOHOLIC  
18 BEVERAGES. LICENSEES SHALL NOT BE SUBJECT TO CITATION BY THE  
19 ENFORCEMENT BUREAU FOR A VIOLATION OF THE REQUIREMENT THAT FOOD  
20 AND NONALCOHOLIC BEVERAGES EQUAL AT LEAST [SEVENTY PER CENTUM  
21 (70%)] FIFTY PER CENTUM (50%) OF THE COMBINED GROSS SALES OF  
22 FOOD AND ALCOHOLIC BEVERAGES DURING THE PROVISIONAL LICENSING  
23 PERIOD.

24 \* \* \*

25 (D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL  
26 MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC  
27 ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH  
28 LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL  
29 AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY  
30 OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE

1 ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A  
2 MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF  
3 LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT  
4 RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE  
5 SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN  
6 SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS  
7 OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE  
8 THE AIRPORT TERMINAL BUILDING OR BUILDINGS[, NOTWITHSTANDING ANY  
9 INTERVENING THOROUGHFARES]. IN ADDITION TO THE PRIVILEGES  
10 GRANTED UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED  
11 BEVERAGES, AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL  
12 [WINE] ALCOHOL BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR  
13 CONSUMPTION [OFF THE LICENSED PREMISES AND] WITHIN THE AIRPORT  
14 TERMINAL BUILDING. NOTWITHSTANDING ANY PROVISION TO THE  
15 CONTRARY, AN AIRPORT RESTAURANT LICENSEE THAT HAS ACQUIRED A  
16 SUNDAY SALES PERMIT MAY COMMENCE SALES AT SEVEN O'CLOCK  
17 ANTEMERIDIAN.

18 \* \* \*

19 SECTION 13. SECTION 468(E) OF THE ACT, ADDED DECEMBER 22,  
20 2011 (P.L.530, NO.113), IS AMENDED TO READ:

21 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--\* \* \*

22 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD  
23 MAY [NOT] APPROVE AN INTERIOR CONNECTION [THAT IS GREATER THAN  
24 TEN FEET WIDE] BETWEEN A LICENSED BUSINESS AND ANOTHER BUSINESS.  
25 [THIS SUBSECTION SHALL NOT PROHIBIT THE BOARD FROM APPROVING A  
26 RENEWAL APPLICATION OF A LICENSE, EVEN IF THE LICENSED BUSINESS  
27 HAS AN INTERIOR CONNECTION THAT IS GREATER THAN TEN FEET WIDE TO  
28 AN UNLICENSED BUSINESS, IF THE BOARD HAD APPROVED THE INTERIOR  
29 CONNECTION PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.]

30 SECTION 14. SECTION 472(A) OF THE ACT, AMENDED FEBRUARY 21,

1 2002 (P.L.103, NO.10), IS AMENDED TO READ:

2 SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY  
3 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT  
4 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN  
5 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), ON THE DATE OF  
6 THE PRIMARY ELECTION IMMEDIATELY PRECEDING ANY MUNICIPAL  
7 ELECTION, BUT NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE  
8 THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR  
9 LICENSES TO HOTELS, RESTAURANTS, RESORT FACILITIES AND CLUBS,  
10 NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF  
11 THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO  
12 PUBLIC VENUES, TO PERFORMING ARTS FACILITIES, TO CONTINUING CARE  
13 RETIREMENT COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY  
14 AN ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE  
15 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT  
16 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE  
17 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL  
18 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE  
19 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH  
20 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND  
21 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO  
22 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING  
23 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO  
24 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT  
25 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE  
26 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION  
27 PERMITS TO QUALIFIED ORGANIZATIONS, [OR] NOT MORE THAN ONCE IN  
28 FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT  
29 TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF  
30 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH

1 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, OR NOT MORE THAN  
2 ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH  
3 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI RESORT  
4 FACILITIES, UNDER THE PROVISIONS OF THIS ACT: PROVIDED, HOWEVER,  
5 WHERE AN ELECTION SHALL HAVE BEEN HELD AT THE PRIMARY PRECEDING  
6 A MUNICIPAL ELECTION IN ANY YEAR, ANOTHER ELECTION MAY BE HELD  
7 UNDER THE PROVISIONS OF THIS ACT AT THE PRIMARY OCCURRING THE  
8 FOURTH YEAR AFTER SUCH PRIOR ELECTION: AND PROVIDED FURTHER,  
9 THAT AN ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A  
10 STATE LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE  
11 MUNICIPALITIES, OR THAT PART OF A SPLIT MUNICIPALITY THAT SHALL  
12 HAVE VOTED AGAINST THE GRANTING OF LIQUOR LICENSES; AND THAT AN  
13 ELECTION ON THE QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND  
14 IMPORTING DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE  
15 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE  
16 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S  
17 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER  
18 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE  
19 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST  
20 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY  
21 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE  
22 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE  
23 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY  
24 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE  
25 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT THE  
26 PRIMARY IMMEDIATELY PRECEDING THE MUNICIPAL ELECTION. SEPARATE  
27 PETITIONS MUST BE FILED FOR EACH QUESTION TO BE VOTED ON. SAID  
28 PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT TO THE PROVISIONS  
29 OF THE ELECTION LAWS WHICH RELATE TO THE SIGNING, FILING AND  
30 ADJUDICATION OF NOMINATION PETITIONS, INsofar AS SUCH PROVISIONS

1 ARE APPLICABLE.

2 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
3 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

4 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE  
5 SALE OF LIQUOR IN..... YES  
6 OF.....? NO

7 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
8 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO  
9 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE  
10 FOLLOWING FORM:

11 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT  
12 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES  
13 OF.....? NO

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
15 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT  
16 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE  
17 FOLLOWING FORM:

18 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI  
19 RESORT FACILITIES 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 PUBLIC VENUES IN THOSE MUNICIPALITIES  
23 THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE  
24 IN THE FOLLOWING FORM:

25 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC  
26 VENUES FOR THE SALE OF LIQUOR IN THE..... YES  
27 OF.....? NO

28 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT  
29 LIQUOR LICENSES FOR USE AT PERFORMING ARTS FACILITIES IN THOSE  
30 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF

1 ALCOHOL, IT SHALL BE IN THE FOLLOWING FORM:

2 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO

3 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN

4 THE..... YES

5 OF.....? NO

6 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR

7 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED

8 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT

9 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN

10 THE FOLLOWING FORM:

11 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS

12 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR UNIVERSITY

13 IN THE..... YES

14 OF.....? NO

15 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR

16 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE

17 IN THE FOLLOWING FORM:

18 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR

19 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF

20 LIQUOR IN.....BY..... YES

21 OF.....? NO

22 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR

23 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE

24 IN THE FOLLOWING FORM:

25 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR

26 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF

27 LIQUOR IN.....BY..... YES

28 OF.....? NO

29 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR

30 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE



1 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF  
2 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

3 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR  
4 CONTINUING CARE RETIREMENT COMMUNITIES  
5 IN.....BY..... YES  
6 OF.....? NO

7 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES  
8 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE  
9 IN THE FOLLOWING FORM:

10 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE  
11 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES  
12 WHERE SOLD IN THE..... YES  
13 OF.....? NO

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES  
15 TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND  
16 IMPORTING DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:

17 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE  
18 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S  
19 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN  
20 THE..... YES  
21 OF.....? NO

22 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB  
23 LIQUOR LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'  
24 ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

25 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO  
26 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS  
27 IN THE..... YES  
28 OF.....? NO

29 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB  
30 RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL

1 VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

2 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER

3 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'

4 ORGANIZATIONS IN THE..... YES

5 OF.....? NO

6 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL

7 OCCASION PERMITS ALLOWING THE SALE OF LIQUOR BY QUALIFIED

8 ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE

9 RETAIL SALE OF LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

10 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS TO

11 ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS IN

12 THE..... YES

13 OF.....? NO

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL

15 OCCASION PERMITS ALLOWING THE SALE OF MALT OR BREWED BEVERAGES

16 ONLY BY QUALIFIED ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT

17 ALREADY ALLOW THE RETAIL SALE OF MALT OR BREWED BEVERAGES, IT

18 SHALL BE IN THE FOLLOWING FORM:

19 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS TO

20 ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY

21 QUALIFIED ORGANIZATIONS IN THE..... YES

22 OF.....? NO

23 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,

24 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL

25 BE IN THE FOLLOWING FORM:

26 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND

27 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN

28 THE..... YES

29 OF.....? NO

30 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A

1 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"  
2 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,  
3 RESTAURANTS, RESORT FACILITIES AND CLUBS, OR LIQUOR LICENSES  
4 SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO PERFORMING  
5 ARTS FACILITIES, TO CONTINUING CARE RETIREMENT COMMUNITIES, TO  
6 HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR  
7 UNIVERSITY, TO PRIVATELY-OWNED PRIVATE GOLF COURSES OR TO  
8 PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT AND BREWED BEVERAGE  
9 RETAIL DISPENSER LICENSES OR WHOLESALE DISTRIBUTOR'S AND  
10 IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE OF MALT OR BREWED  
11 BEVERAGES SHALL BE GRANTED BY THE BOARD, OR CLUB LIQUOR LICENSES  
12 OR CLUB RETAIL DISPENSER LICENSES SHALL BE GRANTED BY THE BOARD  
13 TO INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, OR  
14 SPECIAL OCCASION PERMITS MAY BE ISSUED TO QUALIFIED  
15 ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND MAINTAIN  
16 PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH  
17 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY  
18 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH  
19 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT  
20 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO  
21 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;  
22 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE  
23 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR  
24 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA  
25 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT  
26 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING  
27 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT  
28 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE  
29 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY  
30 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A

1 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON  
2 SUCH QUESTION.

3 \* \* \*

4 SECTION 15. SECTION 474.1(A) AND (G) OF THE ACT, AMENDED  
5 NOVEMBER 29, 2006 (P.L.1421, NO.155), ARE AMENDED TO READ:

6 SECTION 474.1. SURRENDER OF RESTAURANT, EATING PLACE RETAIL  
7 DISPENSER, HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSE  
8 FOR BENEFIT OF LICENSEE.--(A) A RESTAURANT, EATING PLACE RETAIL  
9 DISPENSER, HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSEE  
10 WHOSE LICENSED ESTABLISHMENT IS NOT IN OPERATION FOR FIFTEEN  
11 CONSECUTIVE DAYS OR AN EXPANDED OR ENHANCED PERMIT HOLDER THAT  
12 DOES NOT SELL WINE OR SPIRITS AS PROVIDED UNDER SECTIONS 415 AND  
13 416 DURING A FIFTEEN-CONSECUTIVE-DAY PERIOD SHALL RETURN ITS  
14 LICENSE OR PERMIT FOR SAFEKEEPING WITH THE BOARD NO LATER THAN  
15 AT THE EXPIRATION OF THE FIFTEEN-DAY PERIOD. THE LICENSE MAY  
16 ONLY BE REISSUED FROM SAFEKEEPING IN THE MANNER SET FORTH BY THE  
17 BOARD THROUGH REGULATION.

18 \* \* \*

19 (G) (1) A LICENSEE WHOSE LICENSE IS SUBJECT TO THIS SECTION  
20 MAY, UPON WRITTEN REQUEST, APPLY TO THE BOARD TO ALLOW THE  
21 LICENSE TO REMAIN IN SAFEKEEPING FOR AN ADDITIONAL ONE YEAR. THE  
22 WRITTEN REQUEST MUST BE ACCOMPANIED BY A [FIVE THOUSAND DOLLAR  
23 (\$5,000)] TEN THOUSAND DOLLAR (\$10,000) FEE FOR LICENSES PLACED  
24 IN SAFEKEEPING FROM COUNTIES OF THE FIRST CLASS, SECOND CLASS,  
25 SECOND CLASS A, THIRD CLASS AND FOURTH CLASS AND A FEE OF [TWO  
26 THOUSAND FIVE HUNDRED DOLLARS (\$2,500)] FIVE THOUSAND DOLLARS  
27 (\$5,000) FOR LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE  
28 FIFTH THROUGH EIGHTH CLASSES. THE BOARD SHALL APPROVE THE  
29 REQUEST UNLESS THE LICENSE OR LICENSEE NO LONGER MEETS THE  
30 REQUIREMENTS OF THIS ACT OR THE BOARD'S REGULATIONS. THE FEE

1 COLLECTED SHALL BE PAID INTO THE STATE TREASURY THROUGH THE  
2 DEPARTMENT OF REVENUE INTO THE STATE STORE FUND.

3 (2) A LICENSEE WHOSE LICENSE REMAINS IN SAFEKEEPING AFTER  
4 THE EXPIRATION OF AN APPROVED ADDITIONAL ONE-YEAR PERIOD MAY  
5 SUBMIT A WRITTEN REQUEST FOR ADDITIONAL ONE-YEAR PERIODS;  
6 HOWEVER, EACH SUCH REQUEST MUST BE ACCOMPANIED BY A [FIVE  
7 THOUSAND DOLLAR (\$5,000)] TEN THOUSAND DOLLAR (\$10,000) FEE FOR  
8 LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE FIRST CLASS,  
9 SECOND CLASS, SECOND CLASS A, THIRD CLASS AND FOURTH CLASS AND A  
10 FEE OF [TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)] FIVE  
11 THOUSAND DOLLARS (\$5,000) FOR LICENSES PLACED IN SAFEKEEPING  
12 FROM COUNTIES OF THE FIFTH THROUGH EIGHTH CLASSES.

13 SECTION 16. SECTION 488 OF THE ACT, ADDED FEBRUARY 21, 2002  
14 (P.L.103, NO.10), IS AMENDED TO READ:

15 SECTION 488. [SHIPMENT OF WINE INTO COMMONWEALTH.--(A) THE  
16 SHIPMENT OF WINE FROM OUT-OF-STATE TO RESIDENTS OF THIS  
17 COMMONWEALTH IS PROHIBITED, EXCEPT AS OTHERWISE PROVIDED FOR IN  
18 THIS SECTION.

19 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW  
20 TO THE CONTRARY, A PERSON LICENSED BY ANOTHER STATE AS A  
21 PRODUCER, SUPPLIER, IMPORTER, WHOLESALER, DISTRIBUTOR OR  
22 RETAILER OF WINE AND WHO OBTAINS A DIRECT WINE SHIPPER LICENSE  
23 AS PROVIDED FOR IN THIS SECTION MAY SHIP UP TO NINE LITERS PER  
24 MONTH OF ANY WINE NOT INCLUDED ON THE LIST PROVIDED FOR IN  
25 SUBSECTION (C) ON THE INTERNET ORDER OF ANY RESIDENT OF THIS  
26 COMMONWEALTH WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE FOR  
27 SUCH RESIDENT'S PERSONAL USE AND NOT FOR RESALE.

28 (C) EACH MONTH, THE BOARD SHALL PUBLISH ON THE INTERNET A  
29 LIST OF ALL CLASSES, VARIETIES AND BRANDS OF WINE AVAILABLE FOR  
30 SALE IN THE PENNSYLVANIA LIQUOR STORES. A PERSON HOLDING A

1 DIRECT SHIPPER LICENSE MAY SHIP ONLY THOSE CLASSES, VARIETIES  
2 AND BRANDS OF WINE NOT INCLUDED ON THE LIST AT THE TIME AN  
3 INTERNET ORDER IS PLACED.

4 (D) AN OUT-OF-STATE WINE SHIPPER SHALL:

5 (1) NOT SHIP MORE THAN NINE LITERS PER MONTH ON THE INTERNET  
6 ORDER OF ANY PERSON IN THIS COMMONWEALTH.

7 (2) REPORT TO THE BOARD EACH YEAR THE TOTAL OF WINE SHIPPED  
8 INTO THIS COMMONWEALTH IN THE PRECEDING CALENDAR YEAR.

9 (3) PERMIT THE BOARD OR THE SECRETARY OF REVENUE, OR THEIR  
10 DESIGNATED REPRESENTATIVES, TO PERFORM AN AUDIT OF THE OUT-OF-  
11 STATE WINE SHIPPER'S RECORDS UPON REQUEST.

12 (4) BE DEEMED TO HAVE SUBMITTED TO THE JURISDICTION OF THE  
13 BOARD, ANY OTHER STATE AGENCY AND THE COURTS OF THIS  
14 COMMONWEALTH FOR PURPOSES OF ENFORCEMENT OF THIS SECTION AND ANY  
15 RELATED LAWS, RULES OR REGULATIONS.

16 (E) A DIRECT SHIPPER MAY SHIP WINE ON THE INTERNET ORDER OF  
17 A RESIDENT INTO THIS COMMONWEALTH PROVIDED THAT THE WINE IS  
18 SHIPPED TO A PENNSYLVANIA LIQUOR STORE SELECTED BY THE RESIDENT.  
19 THE WINE WILL BE SUBJECT TO TAXES IN THE SAME MANNER AS WINE  
20 SOLD DIRECTLY BY THE BOARD. THE WINE WILL NOT BE RELEASED BY THE  
21 STATE STORE UNTIL ALL MONEYS DUE, INCLUDING ALL TAXES AND FEES,  
22 HAVE BEEN PAID BY THE RESIDENT.

23 (F) A PERSON SHALL SIGN AN AFFIDAVIT PROVIDED BY THE  
24 PENNSYLVANIA LIQUOR STORE WHERE THE WINE WAS DELIVERED TO  
25 STATING THAT THE WINE WILL ONLY BE USED FOR THE PERSON'S  
26 PERSONAL USE. ANY PERSON WHO RESELLS WINE OBTAINED UNDER THIS  
27 SECTION COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

28 (G) THE BOARD MAY PROMULGATE SUCH RULES AND REGULATIONS AS  
29 ARE NECESSARY TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS  
30 SECTION. THE BOARD MAY CHARGE THE RESIDENT A FEE TO COVER THE

1 COST ASSOCIATED WITH PROCESSING THE INTERNET ORDER.

2 (H) THE BOARD SHALL SUBMIT MONTHLY REPORTS TO THE  
3 APPROPRIATIONS COMMITTEE AND THE LAW AND JUSTICE COMMITTEE OF  
4 THE SENATE AND TO THE APPROPRIATIONS COMMITTEE AND THE LIQUOR  
5 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES SUMMARIZING  
6 THE NUMBER OF DIRECT SHIPPER LICENSES ISSUED BY THE BOARD, THE  
7 QUANTITY OF WINE SOLD PURSUANT TO THIS SECTION AND THE TOTAL  
8 DOLLAR VALUE OF SALES UNDER THIS SECTION.

9 (I) THE TERM "WINE" AS USED IN THIS SECTION SHALL MEAN  
10 LIQUOR WHICH IS FERMENTED FROM GRAPES AND OTHER FRUITS, HAVING  
11 ALCOHOLIC CONTENT OF TWENTY-FOUR PER CENTUM OR LESS. THE TERM  
12 "WINE" SHALL NOT INCLUDE MALT OR BREWED BEVERAGES NOR SHALL WINE  
13 INCLUDE ANY PRODUCTS CONTAINING ALCOHOL DERIVED FROM MALT,  
14 GRAIN, CEREAL, MOLASSES OR CACTUS.] SHIPMENT OF WINE.--(A) THE  
15 SHIPMENT OF WINE TO RESIDENTS OF THIS COMMONWEALTH SHALL BE  
16 GOVERNED BY THIS SECTION.

17 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW,  
18 A PERSON LICENSED BY THE BOARD OR ANOTHER STATE AS A PRODUCER OF  
19 WINE AND WHO OBTAINS A DIRECT WINE SHIPPER LICENSE AS PROVIDED  
20 UNDER THIS SECTION MAY SHIP UP TO EIGHTEEN LITERS PER MONTH OF  
21 WINE ON THE INTERNET, TELEPHONE OR MAIL ORDER TO A RESIDENT OF  
22 THIS COMMONWEALTH WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE  
23 FOR THE RESIDENT'S PERSONAL USE AND NOT FOR RESALE.

24 (C) EACH MONTH, THE BOARD SHALL PUBLISH ON THE INTERNET A  
25 LIST OF ALL CLASSES, VARIETIES AND BRANDS OF WINE AVAILABLE FOR  
26 SALE IN THE PENNSYLVANIA LIQUOR STORES.

27 (C.1) PRIOR TO ISSUING A DIRECT WINE SHIPPER LICENSE, THE  
28 BOARD SHALL REQUIRE THE PERSON SEEKING THE LICENSE TO:

29 (1) FILE AN APPLICATION WITH THE BOARD.

30 (2) PAY A ONE HUNDRED DOLLAR (\$100) REGISTRATION FEE.

1     (3) PROVIDE TO THE BOARD A TRUE COPY OF ITS CURRENT  
2 ALCOHOLIC BEVERAGE LICENSE ISSUED BY THE BOARD OR ANOTHER STATE.

3     (4) PROVIDE THE BOARD WITH ANY OTHER INFORMATION THE BOARD  
4 DEEMS NECESSARY AND APPROPRIATE.

5     (5) PROVIDE DOCUMENTATION WHICH EVIDENCES THAT IT HAS  
6 OBTAINED A SALES TAX LICENSE FROM THE DEPARTMENT OF REVENUE.

7     (D) A DIRECT WINE SHIPPER:

8     (1) MAY NOT SHIP MORE THAN EIGHTEEN LITERS PER MONTH ON THE  
9 INTERNET, TELEPHONE OR MAIL-ORDER TO A PERSON IN THIS  
10 COMMONWEALTH.

11     (2) SHALL DO ALL OF THE FOLLOWING:

12     (I) REPORT TO THE BOARD EACH YEAR THE TOTAL OF WINE SHIPPED  
13 TO RESIDENTS OF THIS COMMONWEALTH IN THE PRECEDING CALENDAR  
14 YEAR.

15     (II) PERMIT THE BOARD OR THE SECRETARY OF REVENUE, OR THEIR  
16 DESIGNATED REPRESENTATIVES, TO PERFORM AN AUDIT OF THE DIRECT  
17 WINE SHIPPER'S RECORDS UPON REQUEST.

18     (III) BE DEEMED TO HAVE SUBMITTED TO THE JURISDICTION OF THE  
19 BOARD, ANY OTHER STATE AGENCY AND THE COURTS OF THIS  
20 COMMONWEALTH FOR PURPOSES OF ENFORCEMENT OF THIS SECTION AND ANY  
21 RELATED LAWS, RULES OR REGULATIONS.

22     (IV) REQUIRE PROOF OF AGE OF THE RECIPIENT, IN A MANNER OR  
23 FORMAT APPROVED BY THE BOARD, BEFORE WINE IS SHIPPED TO A  
24 RESIDENT OF THIS COMMONWEALTH.

25     (V) ENSURE THAT A BOX OR EXTERIOR CONTAINER OF WINE SHIPPED  
26 DIRECTLY TO A RESIDENT IN THIS COMMONWEALTH IS CONSPICUOUSLY  
27 LABELED WITH THE WORDS:

28         "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE  
29         OR OLDER REQUIRED FOR DELIVERY."

30     (VI) PAY TO THE DEPARTMENT OF REVENUE ALL TAXES DUE ON SALES



1 TO RESIDENTS OF THIS COMMONWEALTH. THE AMOUNT OF THE TAXES SHALL  
2 BE CALCULATED AS IF THE SALES WERE IN THIS COMMONWEALTH AT THE  
3 LOCATIONS WHERE DELIVERY IS MADE. THE WINE DELIVERED UNDER THE  
4 AUTHORITY OF THIS SUBSECTION SHALL BE SUBJECT TO ALL OF THE  
5 FOLLOWING:

6 (A) THE SALES AND USE TAX IMPOSED UNDER SECTION 202 OF THE  
7 ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM  
8 CODE OF 1971."

9 (B) THE SALES AND USE TAX IMPOSED UNDER ARTICLE XXXI-B OF  
10 THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND  
11 CLASS COUNTY CODE."

12 (C) THE SALES AND USE TAX IMPOSED UNDER THE ACT OF JUNE 5,  
13 1991 (P.L.9, NO.6), KNOWN AS THE "PENNSYLVANIA INTERGOVERNMENTAL  
14 COOPERATION AUTHORITY ACT FOR CITIES OF THE FIRST CLASS."

15 (D) THE DIRECT WINE SHIPMENT TAX IMPOSED UNDER SUBSECTION  
16 (I).

17 (VII) ANNUALLY RENEW ITS LICENSE BY PAYING A RENEWAL FEE  
18 ESTABLISHED BY THE BOARD.

19 (E) (RESERVED).

20 (F) A PERSON WHO RESELLS WINE OBTAINED UNDER THIS SECTION  
21 COMMITTS A MISDEMEANOR OF THE SECOND DEGREE.

22 (G) THE BOARD MAY PROMULGATE RULES AND REGULATIONS AS ARE  
23 NECESSARY TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS  
24 SECTION.

25 (H) THE BOARD SHALL SUBMIT ANNUAL REPORTS TO THE  
26 APPROPRIATIONS COMMITTEE AND THE LAW AND JUSTICE COMMITTEE OF  
27 THE SENATE AND TO THE APPROPRIATIONS COMMITTEE AND THE LIQUOR  
28 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES SUMMARIZING  
29 THE NUMBER OF DIRECT SHIPPER LICENSES ISSUED BY THE BOARD AND  
30 THE QUANTITY OF WINE SOLD BY DIRECT WINE SHIPPERS UNDER THIS

1 SECTION.

2 (I) A DIRECT WINE SHIPMENT TAX IS IMPOSED AND ASSESSED AT  
3 THE RATE OF TWELVE PER CENTUM OF THE NET PRICE OF ALL WINE SOLD  
4 AND DELIVERED UNDER THE AUTHORITY OF THIS SECTION. THE TAX SHALL  
5 BE COLLECTED BY THE DIRECT WINE SHIPPER FROM THE PURCHASER AND  
6 BE PAID TO THE DEPARTMENT OF REVENUE AS PROVIDED UNDER THIS  
7 SECTION. UNLESS OTHERWISE SPECIFIED, THE TAX SHALL BE ASSESSED,  
8 COLLECTED AND ENFORCED BY THE DEPARTMENT OF REVENUE IN THE SAME  
9 MANNER AS THE TAX UNDER ARTICLE II OF THE "TAX REFORM CODE OF  
10 1971."

11 (J) RECEIPTS FROM THE TAX IMPOSED UNDER SUBSECTION (I) SHALL  
12 BE DEPOSITED INTO THE GENERAL FUND. ANNUALLY, ON JANUARY 15 AND  
13 JULY 15, THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS  
14 (\$250,000) SHALL BE TRANSFERRED FROM THE GENERAL FUND TO A  
15 RESTRICTED ACCOUNT WITHIN THE GENERAL FUND. THE MONEY IN THE  
16 RESTRICTED ACCOUNT IS APPROPRIATED ON A CONTINUING BASIS TO THE  
17 PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD FOR THE PURPOSE OF  
18 AWARDING GRANTS UNDER SECTION 488.1.

19 SECTION 17. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

20 SECTION 488.1. PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD.--

21 (A) THERE IS ESTABLISHED THE PENNSYLVANIA WINE INDUSTRY  
22 PROMOTION BOARD.

23 (B) THE PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD SHALL BE  
24 COMPOSED OF THE FOLLOWING MEMBERS:

25 (1) ONE MEMBER APPOINTED BY THE GOVERNOR UNDER SUBSECTION

26 (C).

27 (2) FOUR MEMBERS APPOINTED BY THE GENERAL ASSEMBLY UNDER  
28 SUBSECTION (C).

29 (C) THE GUBERNATORIAL APPOINTEE MUST BE A RESIDENT OF THIS  
30 COMMONWEALTH, HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE

PENNSYLVANIA WINE INDUSTRY AND SHALL SERVE AT THE PLEASURE OF  
THE GOVERNOR.

(D) APPOINTMENTS OF MEMBERS BY THE GENERAL ASSEMBLY SHALL BE  
MADE AS FOLLOWS:

(1) ONE INDIVIDUAL APPOINTED BY THE PRESIDENT PRO TEMPORE OF  
THE SENATE.

(2) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE  
SENATE.

(3) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

(4) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE  
HOUSE OF REPRESENTATIVES.

(E) LEGISLATIVE APPOINTEES MUST BE RESIDENTS OF THIS  
COMMONWEALTH, HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE  
PENNSYLVANIA WINE INDUSTRY AND SHALL SERVE AT THE PLEASURE OF  
THE APPOINTING AUTHORITY.

(F) THE PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD SHALL DO  
ALL OF THE FOLLOWING:

(1) AWARD GRANTS TO ENTITIES FOR THE PURPOSE OF INCREASING  
THE PRODUCTION OF PENNSYLVANIA-MADE WINES AND ENHANCING THE  
PENNSYLVANIA WINE INDUSTRY THROUGH PROMOTION, MARKETING AND  
RESEARCH-BASED PROGRAMS AND PROJECTS.

(2) ALLOCATE GRANTS THROUGH A COMPETITIVE GRANT REVIEW  
PROCESS ESTABLISHED BY THE PENNSYLVANIA WINE INDUSTRY PROMOTION  
BOARD. THE APPLICATION FOR A GRANT SHALL INCLUDE:

(I) THE PURPOSE FOR WHICH THE GRANT SHALL BE UTILIZED;

(II) INFORMATION INDICATING NEED FOR THE GRANT;

(III) AN ESTIMATED BUDGET;

(IV) METHODS FOR MEASURING OUTCOMES; AND

(V) ANY OTHER CRITERIA THE PENNSYLVANIA WINE INDUSTRY

1 PROMOTION BOARD REQUIRES.

2 (3) REQUIRE GRANT RECIPIENTS TO PROVIDE FULL AND COMPLETE  
3 ACCESS TO ALL RECORDS RELATING TO THE PERFORMANCE OF THE GRANT  
4 AND TO SUBMIT ACCURATE INFORMATION AS REQUIRED BY THE  
5 PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD.

6 (4) CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR  
7 WHICH A GRANT UNDER THIS SECTION IS MADE. THE PENNSYLVANIA WINE  
8 INDUSTRY PROMOTION BOARD SHALL SEEK REPAYMENT OF FUNDS IF IT  
9 DETERMINES THAT FUNDS ARE NOT UTILIZED FOR THE ORIGINAL STATED  
10 PURPOSE.

11 (5) SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY  
12 DETAILING ALL ACTIONS OF THE PENNSYLVANIA WINE INDUSTRY  
13 PROMOTION BOARD AND GRANTS AWARDED UNDER THIS SECTION.

14 (G) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE ASSISTANCE  
15 TO ASSIST THE PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD IN  
16 CARRYING OUT ITS DUTIES AND RESPONSIBILITIES UNDER THIS SECTION.

17 SECTION 18. SECTION 491(11) OF THE ACT, AMENDED DECEMBER 9,  
18 2002 (P.L.1653, NO.212), IS AMENDED TO READ:

19 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND  
20 LIQUOR LICENSEES.--

21 IT SHALL BE UNLAWFUL--

22 \* \* \*

23 (11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE  
24 BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE, AN IMPORTER'S  
25 LICENSE OR A DIRECT WINE SHIPPER'S LICENSE, TO IMPORT ANY LIQUOR  
26 WHATSOEVER INTO THIS COMMONWEALTH, BUT THIS SECTION SHALL NOT BE  
27 CONSTRUED TO PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM  
28 PURCHASING AND SELLING LIQUORS PURCHASED OUTSIDE THE  
29 COMMONWEALTH IN THEIR DINING, CLUB AND BUFFET CARS WHICH ARE  
30 COVERED BY PUBLIC SERVICE LIQUOR LICENSES AND WHICH ARE OPERATED

1 IN THIS COMMONWEALTH.

2 \* \* \*

3 SECTION 19. SECTION 493(12), (24) AND (33) OF THE ACT,  
4 AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), DECEMBER 22, 2011  
5 (P.L.530, NO.113) AND JULY 5, 2012 (P.L.1007, NO.116) ARE  
6 AMENDED AND THE SECTION IS AMENDED BY ADDING A CLAUSE TO READ:

7 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
8 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED  
9 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE  
10 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES  
11 OTHERWISE.

12 IT SHALL BE UNLAWFUL--

13 \* \* \*

14 (12) FAILURE TO HAVE RECORDS ON PREMISES. FOR ANY LIQUOR  
15 LICENSEE, OR ANY IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL  
16 DISPENSER, TO FAIL TO KEEP FOR A PERIOD OF AT LEAST TWO YEARS  
17 COMPLETE AND TRUTHFUL RECORDS COVERING THE OPERATION OF HIS  
18 LICENSED BUSINESS, PARTICULARLY SHOWING THE DATE OF ALL  
19 PURCHASES OF LIQUOR AND MALT OR BREWED BEVERAGES, THE ACTUAL  
20 PRICE PAID THEREFOR, AND THE NAME OF THE VENDOR, INCLUDING STATE  
21 STORE RECEIPTS, OR FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR  
22 EMPLOYEES, TO REFUSE THE BOARD OR AN AUTHORIZED EMPLOYEE OF THE  
23 BOARD OR THE ENFORCEMENT BUREAU ACCESS THERETO OR THE  
24 OPPORTUNITY TO MAKE COPIES OF THE SAME WHEN THE REQUEST IS MADE  
25 DURING BUSINESS HOURS. [THE RECORDS FROM THE MOST RECENT SIX-  
26 MONTH PERIOD MUST BE MAINTAINED ON THE LICENSED PREMISES.]  
27 RECORDS FOR [THE REMAINDER OF] THE TWO-YEAR PERIOD MAY BE KEPT  
28 OFF THE LICENSED PREMISES SO LONG AS THE RECORDS ARE RETURNED TO  
29 THE LICENSED PREMISES WITHIN TWENTY-FOUR HOURS OF A REQUEST BY  
30 THE BOARD OR ENFORCEMENT BUREAU. [A LICENSEE MAY REMOVE THE

1 RECORDS FOR THE MOST RECENT SIX-MONTH PERIOD FROM THE LICENSED  
2 PREMISES ONLY FOR A LAWFUL BUSINESS PURPOSE PROVIDED THAT THEY  
3 ARE RETURNED TO THE PREMISES WHEN THAT BUSINESS IS COMPLETED.]

4 \* \* \*

5 (24) (I) THINGS OF VALUE OFFERED AS INDUCEMENT. EXCEPT AS  
6 PROVIDED IN SUBCLAUSE (II), FOR ANY LICENSEE UNDER THE  
7 PROVISIONS OF THIS ARTICLE, OR THE BOARD OR ANY MANUFACTURER, OR  
8 ANY EMPLOYE OR AGENT OF A MANUFACTURER, LICENSEE OR OF THE  
9 BOARD, TO OFFER TO GIVE ANYTHING OF VALUE OR TO SOLICIT OR  
10 RECEIVE ANYTHING OF VALUE AS A PREMIUM FOR THE RETURN OF CAPS,  
11 STOPPERS, CORKS, STAMPS OR LABELS TAKEN FROM ANY BOTTLE, CASE,  
12 BARREL OR PACKAGE CONTAINING LIQUOR OR MALT OR BREWED BEVERAGE,  
13 OR TO OFFER OR GIVE OR SOLICIT OR RECEIVE ANYTHING OF VALUE AS A  
14 PREMIUM OR PRESENT TO INDUCE DIRECTLY THE PURCHASE OF LIQUOR OR  
15 MALT OR BREWED BEVERAGE, OR FOR ANY LICENSEE, MANUFACTURER OR  
16 OTHER PERSON TO OFFER OR GIVE TO TRADE OR CONSUMER BUYERS ANY  
17 PRIZE, PREMIUM, GIFT OR OTHER INDUCEMENT TO PURCHASE LIQUOR OR  
18 MALT OR BREWED BEVERAGES, EXCEPT ADVERTISING NOVELTIES OF  
19 NOMINAL VALUE WHICH THE BOARD SHALL DEFINE. THIS SECTION SHALL  
20 NOT PREVENT ANY MANUFACTURER OR ANY AGENT OF A MANUFACTURER FROM  
21 OFFERING AND HONORING COUPONS WHICH OFFER MONETARY REBATES ON  
22 PURCHASES OF WINES AND SPIRITS THROUGH STATE LIQUOR STORES,  
23 PURCHASES OF WINES AND SPIRITS FOR OFF-PREMISES CONSUMPTION FROM  
24 EXPANDED RESTAURANT, HOTEL OR EATING PLACE PERMIT HOLDERS OR  
25 PURCHASES OF MALT OR BREWED BEVERAGES AND WINE AND SPIRITS  
26 THROUGH DISTRIBUTORS AND IMPORTING DISTRIBUTORS, IN ACCORDANCE  
27 WITH CONDITIONS OR REGULATIONS ESTABLISHED BY THE BOARD. THE  
28 BOARD MAY REDEEM COUPONS OFFERED BY A MANUFACTURER OR AN AGENT  
29 OF A MANUFACTURER AT THE TIME OF PURCHASE. COUPONS OFFERED BY A  
30 MANUFACTURER OR AN AGENT OF A MANUFACTURER SHALL NOT BE REDEEMED

1 WITHOUT PROOF OF PURCHASE. THIS SECTION SHALL NOT APPLY TO THE  
2 RETURN OF ANY MONIES SPECIFICALLY DEPOSITED FOR THE RETURN OF  
3 THE ORIGINAL CONTAINER TO THE OWNERS THEREOF.

4 (II) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF  
5 LAW, A HOLDER OF A RESTAURANT LICENSE THAT IS ALSO APPROVED TO  
6 HOLD A SLOT MACHINE LICENSE OR A CONDITIONAL SLOT MACHINE  
7 LICENSE UNDER 4 PA.C.S. PART II (RELATING TO GAMING) MAY GIVE  
8 LIQUOR AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON  
9 ACTIVELY ENGAGED IN PLAYING A SLOT MACHINE.

10 \* \* \*

11 (33) OFF-PREMISES CATERING PERMIT; FEES. FOR ANY LICENSEE,  
12 HIS SERVANTS, AGENTS OR EMPLOYEES TO SELL ALCOHOL AT A LOCATION  
13 OTHER THAN ITS LICENSED PREMISES, UNLESS THE SALE IS  
14 SPECIFICALLY AUTHORIZED UNDER THIS ACT, OR UNLESS THE LICENSEE  
15 RECEIVES A SPECIAL PERMIT FROM THE BOARD TO DO SO. ONLY THOSE  
16 LICENSEES HOLDING A CURRENT AND VALID RESTAURANT, HOTEL, BREW  
17 PUB OR EATING PLACE LICENSE SHALL BE ALLOWED TO APPLY FOR SUCH A  
18 PERMIT. ANY LICENSEE THAT WISHES TO OBTAIN AN OFF-PREMISES  
19 CATERING PERMIT MUST NOTIFY THE BOARD AND PAY THE PERMITTING FEE  
20 BY MARCH OF EACH CALENDAR YEAR REGARDLESS OF WHETHER THE  
21 LICENSEE HAS SCHEDULED CATERED EVENTS. ANY LICENSEE THAT FAILS  
22 TO NOTIFY THE BOARD AND PAY THE PERMIT FEE BY MARCH 1 SHALL BE  
23 PRECLUDED FROM OBTAINING THE PERMIT FOR THAT CALENDAR YEAR. IF A  
24 LICENSEE NOTIFIES THE BOARD AND PAYS THE PERMITTING FEE BY MARCH  
25 1 AND DOES NOT THEN USE THE PERMIT THROUGHOUT THE CALENDAR YEAR,  
26 THE LICENSEE SHALL NOT BE ENTITLED TO A RETURN OF THE PERMITTING  
27 FEE. ANY LICENSEE NOT GRANTED A LICENSE UNTIL AFTER MARCH 1 OF  
28 THE CALENDAR YEAR SHALL HAVE SIXTY DAYS FROM THE DATE OF THE  
29 LICENSE TRANSFER TO NOTIFY THE BOARD OF THE LICENSEE'S INTENTION  
30 TO USE AN OFF-PREMISES CATERING PERMIT AND PAY THE PERMITTING

FEE. THE BOARD SHALL HAVE THE DISCRETION TO ALLOW THE ISSUANCE  
OF THE PERMIT AFTER THE MARCH 1 DEADLINE IF THE APPLICANT IS A  
LICENSEE IN GOOD STANDING WITH THE BOARD AND COMPLIES WITH ALL  
OTHER REQUIREMENTS FOR THE OFF-PREMISES CATERING PERMIT. A  
LICENSEE SHALL APPLY FOR THE PERMIT AT LEAST SIXTY DAYS PRIOR TO  
THE FIRST CATERED FUNCTION. ALL SERVERS AT THE OFF-PREMISES  
CATERED FUNCTION SHALL BE CERTIFIED UNDER THE BOARD'S  
RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER SECTION  
471.1. THE BOARD MAY CHARGE A FEE OF FIVE HUNDRED DOLLARS (\$500)  
EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE INITIAL PERMIT  
ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO FURTHER FEE SHALL  
BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED TO THE APPLICANT  
FOR THE LICENSE DURING THE SAME CALENDAR YEAR. THE APPLICANT  
SHALL SUBMIT WRITTEN NOTICE TO THE BOARD THIRTY DAYS PRIOR TO  
EACH CATERED EVENT, UNLESS THIS TIME FRAME HAS BEEN WAIVED BY  
THE BOARD, AND THE BOARD MAY APPROVE OR DISAPPROVE EACH EVENT IF  
THE APPLICANT FAILS TO PROVIDE TIMELY NOTICE OF THE CATERED  
FUNCTION, DOES NOT INTEND TO CONDUCT A FUNCTION THAT MEETS THE  
REQUIREMENTS OF THIS ACT OR HAS PREVIOUSLY CONDUCTED A FUNCTION  
THAT DID NOT MEET THE REQUIREMENTS OF THIS ACT. THE FEES SHALL  
BE PAID INTO THE STATE STORES FUND. ANY VIOLATION OF THIS ACT OR  
THE BOARD'S REGULATIONS FOR GOVERNING ACTIVITY OCCURRING UNDER  
THE AUTHORITY OF THIS PERMIT MAY BE THE BASIS FOR THE ISSUANCE  
OF A CITATION UNDER SECTION 471, THE NONRENEWAL OF THE LICENSE  
UNDER SECTION 470 OR THE REFUSAL BY THE BOARD TO ISSUE  
SUBSEQUENT PERMITS OR HONOR SUBSEQUENT DATES ON THE EXISTING  
PERMIT. THIS PENALTY SHALL BE IN ADDITION TO ANY OTHER REMEDIES  
AVAILABLE TO THE ENFORCEMENT BUREAU OR THE BOARD.

\* \* \*

(35) SALE OF UNAUTHORIZED WINE, SPIRITS OR MALT OR BREWED



1 BEVERAGES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR EMPLOYES TO  
2 OFFER FOR SALE, SELL OR CAUSE TO BE SOLD ANY WINE, SPIRITS OR  
3 MALT OR BREWED BEVERAGES, OR ANY SIZE CONTAINER OR QUANTITY  
4 THEREOF, OTHER THAN THAT WHICH IS SPECIFICALLY AUTHORIZED BY THE  
5 LICENSE AND ANY CORRESPONDING PERMITS HELD BY SUCH LICENSEE. ANY  
6 WINE, SPIRITS OR MALT OR BREWED BEVERAGES THAT ARE OFFERED FOR  
7 SALE, SOLD OR CAUSED TO BE SOLD IN VIOLATION OF THIS CLAUSE  
8 SHALL BE SUBJECT TO SEIZURE BY THE ENFORCEMENT BUREAU PURSUANT  
9 TO THE PROVISIONS OF SECTION 211(3) OR, WHERE APPROPRIATE,  
10 FORFEITED TO THE COMMONWEALTH IN THE MANNER PRESCRIBED IN  
11 ARTICLE VI.

12 SECTION 20. SECTION 495(C) AND (E) OF THE ACT, AMENDED  
13 DECEMBER 20, 1996 (P.L.1523, NO.199) AND FEBRUARY 21, 2002  
14 (P.L.103, NO.10), ARE AMENDED TO READ:

15 SECTION 495. IDENTIFICATION CARDS; LICENSEES AND STATE  
16 LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.--\* \* \*

17 [(C) IN ADDITION TO THE PRESENTATION OF SUCH IDENTIFICATION  
18 CARD, THE AGENT OF THE STATE LIQUOR STORE OR THE LICENSEE, OR  
19 HIS SERVANT, AGENT OR EMPLOYEE, MAY REQUIRE THE PERSON WHOSE AGE  
20 MAY BE IN QUESTION TO FILL IN AND SIGN A FORM CONTAINING  
21 LANGUAGE APPROVED BY THE BOARD OR CONTAINING THE FOLLOWING:

22 ..... 19

23 I,....., HEREBY REPRESENT  
24 TO ....., A STATE STORE OR  
25 LICENSEE OF THE BOARD, THAT I AM OF FULL AGE AND DISCRETION AND  
26 OVER THE AGE OF 21 YEARS, HAVING BEEN BORN  
27 ON ..... 19..... AT .....  
28 THIS STATEMENT IS MADE TO INDUCE SAID STORE OR LICENSEE ABOVE  
29 NAMED TO SELL OR OTHERWISE FURNISH ALCOHOLIC BEVERAGES TO THE  
30 UNDERSIGNED.

1 SERIAL NUMBER OF IDENTIFICATION CARD:

2 I UNDERSTAND THAT I AM SUBJECT TO A FINE OF  
3 \$300.00 AND SIXTY DAYS IMPRISONMENT FOR ANY  
4 MISREPRESENTATION HEREIN.

5 .....  
6 (NAME)

7  
8  
9 .....  
10 (ADDRESS)

11 WITNESS:

12 NAME.....

13 ADDRESS.....

14 THE FORMS SHALL BE PRINTED IN A MANNER APPROVED BY THE BOARD  
15 AND SHALL BE FILED ALPHABETICALLY BY THE STATE LIQUOR STORE OR  
16 LICENSEE IN A FILE BOX CONTAINING A SUITABLE ALPHABETICAL INDEX  
17 AT OR BEFORE THE CLOSE OF BUSINESS ON THE DAY THAT THE FORM IS  
18 EXECUTED, AND ANY SUCH FORM SHALL BE SUBJECT TO EXAMINATION BY  
19 ANY OFFICER, AGENT OR EMPLOYE OF THE ENFORCEMENT BUREAU AT ANY  
20 AND ALL TIMES.]

21 \* \* \*

22 (E) NO PENALTY SHALL BE IMPOSED ON A LICENSEE, LICENSEE'S  
23 EMPLOYE OR STATE LIQUOR STORE EMPLOYE FOR SERVING ALCOHOL TO A  
24 MINOR IF THE LICENSEE OR EMPLOYE CAN ESTABLISH THAT THE MINOR  
25 WAS REQUIRED TO PRODUCE AN IDENTIFICATION CARD AS SET FORTH IN  
26 SUBSECTION (A) [, THE MINOR COMPLETED AND SIGNED THE FORM AS SET  
27 FORTH IN SUBSECTION (C) AND THESE DOCUMENTS WERE] AND THE  
28 IDENTIFICATION CARD WAS RELIED UPON IN GOOD FAITH. THIS DEFENSE  
29 SHALL APPLY TO ALL CIVIL AND CRIMINAL PROSECUTIONS.

30 \* \* \*

SECTION 21. SECTION 499(A.1) OF THE ACT, AMENDED OCTOBER 5, 1994 (P.L.522, NO.77), IS AMENDED TO READ:

SECTION 499. PREMISES TO BE VACATED BY PATRONS.--\* \* \*

(A.1) SUBSECTION (A) SHALL NOT APPLY TO SALES OF MALT AND BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHEN THE FOLLOWING CONDITIONS ARE MET:

(1) NO LICENSEE MAY SELL MALT OR BREWED BEVERAGES IN EXCESS OF [ONE HUNDRED NINETY-TWO FLUID OUNCES] UP TO FOUR SIX-PACKS OR UP TO TWO TWELVE-PACKS IN ANY ONE SALE FOR CONSUMPTION OFF THE PREMISES;

(2) SALES AND SERVICE OF MALT AND BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES ARE MADE PRIOR TO THE DESIGNATED TIME THE LICENSEE IS REQUIRED BY THIS ACT TO CEASE SERVING LIQUOR, MALT OR BREWED BEVERAGES;

(3) PERSONS WHO HAVE PURCHASED MALT AND BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES SHALL REMOVE THE MALT AND BREWED BEVERAGES FROM THE PREMISES BY THE DESIGNATED TIME AS CONTAINED IN THIS ACT THAT PATRONS ARE REQUIRED TO VACATE THE PREMISES;

(4) NO CLUB LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR TO ANY PERSONS WHO ARE NOT MEMBERS OF THE CLUB.

\* \* \*

SECTION 22. SECTION 505.2(A)(6.1) OF THE ACT, AMENDED JUNE 28, 2011 (P.L.55, NO.11), IS AMENDED TO READ:

SECTION 505.2. LIMITED WINERIES.--(A) IN THE INTEREST OF PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA, HOLDERS OF A LIMITED WINERY LICENSE MAY:

\* \* \*

(6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED

1 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT  
2 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, [ONLY]  
3 WINE AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE  
4 BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY  
5 SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED  
6 WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY  
7 A LICENSED LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES  
8 PRODUCED BY A LICENSED BREWERY.

9 \* \* \*

10 SECTION 23. SECTION 505.4(B)(1) AND (C)(1) OF THE ACT,  
11 AMENDED DECEMBER 22, 2011 (P.L.530, NO.113), ARE AMENDED TO  
12 READ:

13 SECTION 505.4. DISTILLERIES.--\* \* \*

14 (B) (1) THE BOARD MAY ISSUE A LIMITED DISTILLERY LICENSE  
15 THAT WILL ALLOW THE HOLDER THEREOF TO OPERATE A DISTILLERY THAT  
16 SHALL NOT EXCEED PRODUCTION OF ONE HUNDRED THOUSAND (100,000)  
17 GALLONS OF DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE  
18 MAY MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE  
19 LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE  
20 BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK  
21 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A  
22 SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A  
23 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE  
24 OFFERED FOR SALE AT A LICENSED LIMITED DISTILLERY LOCATION AT A  
25 PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER  
26 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE  
27 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINES  
28 PRODUCED BY A LICENSED LIMITED WINERY OR MALT OR BREWED  
29 BEVERAGES PRODUCED BY A LICENSED BREWERY.

30 \* \* \*

(C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINES PRODUCED BY A LICENSED LIMITED WINERY OR MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY.

\* \* \*

SECTION 24. SECTION 801(A) OF THE ACT IS AMENDED TO READ:

SECTION 801. MONEYS PAID INTO LIQUOR LICENSE FUND AND RETURNED TO MUNICIPALITIES.--(A) THE FOLLOWING FEES, EXCEPT FEES FOR EXPANDED PERMIT HOLDERS, COLLECTED BY THE BOARD UNDER THE PROVISIONS OF THIS ACT SHALL BE PAID INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF REVENUE INTO A SPECIAL FUND TO BE KNOWN AS THE "LIQUOR LICENSE FUND":

(1) LICENSE FEES FOR HOTEL, RESTAURANT AND CLUB LIQUOR LICENSES.

(2) LICENSE FEES FOR RETAIL DISPENSERS' (MALT AND BREWED BEVERAGES) LICENSES.

\* \* \*

SECTION 25. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 801.1. MONEYS PAID INTO THE GENERAL FUND FOR USE OF THE COMMONWEALTH.--(A) FIFTEEN AND ONE-HALF PER CENTUM OF GROSS SALES SHALL BE PAID NOT LESS OFTEN THAN MONTHLY INTO THE STATE

1 TREASURY THROUGH THE DEPARTMENT OF REVENUE FOR DEPOSIT IN THE  
2 GENERAL FUND, PROVIDED THAT IN FISCAL YEAR 2013-2014, THE AMOUNT  
3 PAID UNDER THIS SUBSECTION SHALL BE AT LEAST THREE HUNDRED  
4 THIRTEEN MILLION DOLLARS (\$313,000,000).

5 (B) FOR THE PURPOSES OF THIS SECTION, THE TERM "GROSS SALES"  
6 SHALL MEAN THE SUM TOTAL OF WINES AND SPIRITS SOLD BY THE BOARD  
7 AT WHOLESALE AND RETAIL, INCLUDING THE COST OF GOODS SOLD AND  
8 ALL MARKUPS, HANDLING CHARGES, TAXES AND OTHER CHARGES THAT ARE  
9 ADDED TO ARRIVE AT THE SHELF PRICE OF THE PRODUCT. GROSS SALES  
10 SHALL NOT INCLUDE SALES TAXES ADDED TO THE SHELF PRICE OF THE  
11 PRODUCT AT THE POINT OF SALE.

12 SECTION 26. SECTION 802(A) OF THE ACT IS AMENDED TO READ:

13 SECTION 802. MONEYS PAID INTO THE STATE STORES FUND FOR USE  
14 OF THE COMMONWEALTH.--(A) ALL MONEYS, EXCEPT FEES TO BE PAID  
15 INTO THE LIQUOR LICENSE FUND AS PROVIDED BY SECTION 801 AND  
16 MONEYS PAID INTO THE GENERAL FUND AS PROVIDED BY SECTION 801.1,  
17 COLLECTED, RECEIVED OR RECOVERED UNDER THE PROVISIONS OF THIS  
18 ACT FOR LICENSE FEES, PERMIT FEES, FILING FEES AND REGISTRATION  
19 FEES, FROM FORFEITURES, SALES OF FORFEITED PROPERTY, COMPROMISE  
20 PENALTIES AND SALES OF LIQUOR AND ALCOHOL AT THE PENNSYLVANIA  
21 LIQUOR STORES, SHALL BE PAID INTO THE STATE TREASURY THROUGH THE  
22 DEPARTMENT OF REVENUE INTO A SPECIAL FUND TO BE KNOWN AS "THE  
23 STATE STORES FUND."

24 \* \* \*

25 SECTION 27. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

26 SECTION 804. SENIOR CITIZENS PROPERTY TAX RELIEF FUND.--  
27 THERE IS CREATED IN THE STATE TREASURY A SPECIAL FUND TO BE  
28 KNOWN AS THE SENIOR CITIZENS PROPERTY TAX RELIEF FUND. BEGINNING  
29 JULY 1, 2014, AND EACH YEAR THEREAFTER, ANY INCREASE IN THE  
30 BOARD'S CASH POSITION AFTER THE DISTRIBUTION OF FUNDS UNDER

1 SECTIONS 801.1 AND 802(C), (E) AND (F) MAY BE DEPOSITED BY THE  
2 BOARD INTO THE FUND. MONEY IN THE FUND MAY ONLY BE USED FOR THE  
3 REDUCTION OF INCREASES IN PROPERTY TAXES INCURRED BY SENIOR  
4 CITIZENS PURSUANT TO LEGISLATION DISTRIBUTING THE MONEY.

5 SECTION 805. TRANSFERS FROM THE STATE STORE FUND.--BEGINNING  
6 ON JULY 1, 2014, AND EACH YEAR THEREAFTER, THE AMOUNT OF ONE  
7 HUNDRED DOLLARS (\$100) RECEIVED FROM EACH APPLICATION FEE AND  
8 PERMIT FEE RECEIVED FROM EXPANDED AND ENHANCED PERMIT HOLDERS  
9 UNDER SECTIONS 415 AND 416 SHALL BE TRANSFERRED TO THE  
10 DEPARTMENT OF PUBLIC WELFARE TO BE USED TO PROVIDE FUNDING FOR  
11 RAPE CRISIS AND DOMESTIC VIOLENCE PROGRAMS.

12 SECTION 28. STUDIES OF THE WINE AND SPIRITS WHOLESALE SYSTEM  
13 IN THIS COMMONWEALTH SHALL BE CONDUCTED AS FOLLOWS:

14 (1) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL  
15 CONDUCT A STUDY OF THE WINE AND SPIRITS WHOLESALE SYSTEM IN  
16 THIS COMMONWEALTH. THE STUDY SHALL COMMENCE SEPTEMBER 1,  
17 2015, AND SHALL BE PRESENTED TO THE CHAIRMAN AND MINORITY  
18 CHAIRMAN OF THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND  
19 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE LIQUOR CONTROL  
20 COMMITTEE OF THE HOUSE OF REPRESENTATIVES WITHIN SIX MONTHS  
21 OF ITS COMMENCEMENT. THE STUDY SHALL:

22 (I) ANALYZE THE CURRENT WHOLESALE SYSTEM'S ABILITY  
23 TO MEET THE DEMAND FROM RETAILERS.

24 (II) EVALUATE THE IMPACT OF PUBLIC SECTOR JOB LOSSES  
25 THROUGH THE TRANSFER OF THE WHOLESALE SYSTEM TO PRIVATE  
26 OPERATORS.

27 (III) CONSIDER BEST PRACTICES RELATED TO THE  
28 OPERATION OF A WINE AND SPIRITS WHOLESALE OPERATION AND  
29 THE TIMELINE RELATED TO THE TRANSITION TO A PRIVATELY RUN  
30 OPERATION.

1           (IV) DETERMINE WHAT IMPACT SUCH A TRANSITION WOULD  
2 HAVE ON THE ANNUAL FISCAL STABILITY OF THE COMMONWEALTH.

3           (V) DETERMINE THE EFFECTIVENESS OF THE PROVISIONS  
4 CONTAINED IN THIS ACT AND PROVIDE RECOMMENDATIONS TO  
5 IMPROVE THESE REFORMS.

6           (VI) PROVIDE A VALUATION OF THE WINE AND SPIRITS  
7 WHOLESALE AND RETAIL SYSTEMS.

8           (2) THE PENNSYLVANIA LIQUOR CONTROL BOARD SHALL CONDUCT  
9 A STUDY OF THE WINE AND SPIRITS WHOLESALE SYSTEM IN THIS  
10 COMMONWEALTH. THE STUDY SHALL COMMENCE SEPTEMBER 1, 2015, AND  
11 SHALL BE PRESENTED TO THE CHAIRMAN AND MINORITY CHAIRMAN OF  
12 THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND THE CHAIRMAN  
13 AND MINORITY CHAIRMAN OF THE LIQUOR CONTROL COMMITTEE OF THE  
14 HOUSE OF REPRESENTATIVES WITHIN SIX MONTHS OF ITS  
15 COMMENCEMENT. THE STUDY SHALL:

16           (I) ANALYZE THE CURRENT WHOLESALE SYSTEM'S ABILITY  
17 TO MEET THE DEMAND FROM RETAILERS.

18           (II) EVALUATE THE IMPACT OF PUBLIC SECTOR JOB LOSSES  
19 THROUGH THE TRANSFER OF THE WHOLESALE SYSTEM TO PRIVATE  
20 OPERATORS.

21           (III) CONSIDER BEST PRACTICES RELATED TO THE  
22 OPERATION OF A WINE AND SPIRITS WHOLESALE OPERATION AND  
23 THE TIMELINE RELATED TO THE TRANSITION TO A PRIVATELY RUN  
24 OPERATION.

25           (IV) DETERMINE WHAT IMPACT SUCH A TRANSITION WOULD  
26 HAVE ON THE ANNUAL FISCAL STABILITY OF THE COMMONWEALTH.

27           (V) DETERMINE THE EFFECTIVENESS OF THE PROVISIONS  
28 CONTAINED IN THIS ACT AND PROVIDE RECOMMENDATIONS TO  
29 IMPROVE THESE REFORMS.

30           (VI) PROVIDE A VALUATION OF THE WINE AND SPIRITS



1           WHOLESALE AND RETAIL SYSTEMS.

2           (3) IF THE FINDINGS OF EITHER STUDY DETERMINE THAT THE  
3       DIVESTITURE OF THE WINE AND SPIRITS WHOLESALE SYSTEM WOULD  
4       NOT HAVE A SIGNIFICANT IMPACT ON THE ANNUAL FISCAL STABILITY  
5       OF THE COMMONWEALTH, THE GENERAL ASSEMBLY MAY CONSIDER  
6       LEGISLATION PROVIDING FOR THE DIVESTITURE OF THE WINE AND  
7       SPIRITS WHOLESALE SYSTEM. FOLLOWING THE GENERAL ASSEMBLY'S  
8       ENACTMENT OF LEGISLATION PROVIDING FOR THE DIVESTITURE OF THE  
9       BOARD'S WHOLESALE WINE AND SPIRITS OPERATION, THE BOARD SHALL  
10      DIVEST OF ITS WINE AND SPIRITS WHOLESALE SYSTEM CONSISTENT  
11      WITH THE PROVISION OF THE ACT AUTHORIZING WHOLESALE  
12      DIVESTITURE.

13      SECTION 29. REPEALS ARE AS FOLLOWS:

14           (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
15      PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF  
16      SECTION 801.1 OF THE ACT.

17           (2) THE ACT OF JUNE 9, 1936 (SP.SESS., P.L.13, NO.4),  
18      ENTITLED, AS REENACTED AND AMENDED, "AN ACT IMPOSING AN  
19      EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE  
20      PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE  
21      COLLECTION AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON  
22      THE DEPARTMENT OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL  
23      BOARD," IS REPEALED.

24      SECTION 30. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

25           (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
26      IMMEDIATELY:

27           (I) THE AMENDMENT OF SECTION 493(33) OF THE ACT.

28           (II) THIS SECTION.

29           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
30      DAYS.