
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1690 Session of
2015

INTRODUCED BY TURZAI, BLOOM, CUTLER, PAYNE, HICKERNELL, GREINER,
A. HARRIS, MILNE, MOUL, SAYLOR, SANKEY, CORBIN, ROAE,
EVERETT, LAWRENCE, DUNBAR, TRUITT, QUIGLEY, LEWIS, MACKENZIE,
MILLARD, STAATS, DELOZIER, MUSTIO, TOPPER, MENTZER, SONNEY,
KNOWLES, KAMPF, ROSS, METCALFE, ZIMMERMAN AND BENNINGHOFF,
NOVEMBER 12, 2015

SENATOR MCILHINNEY, LAW AND JUSTICE, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 9, 2015

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," as <--~~
 17 ~~follows:~~
 18 ~~In preliminary provisions, further providing for definitions.~~
 19 ~~In Pennsylvania Liquor Control Board, further providing for~~
 20 ~~general powers of board.~~
 21 ~~In licenses and regulations, liquor, alcohol and malt and~~
 22 ~~brewed beverages, further providing for license districts,~~
 23 ~~license period and hearings and for issuance, transfer or~~
 24 ~~extension of hotel, restaurant and club liquor licenses,~~
 25 ~~providing for wholesale permit, for wholesale licenses, for wine~~
 26 ~~or liquor expanded permits, for wine or liquor enhanced permits~~
 27 ~~and for grocery store retail permits; further providing for malt~~

1 ~~and brewed beverages manufacturers', distributors' and importing~~
2 ~~distributors' licenses, for malt and brewed beverages retail~~
3 ~~licenses, for application for distributors', importing~~
4 ~~distributors' and retail dispensers' licenses, for prohibitions~~
5 ~~against the grant of licenses, for interlocking business~~
6 ~~prohibited, for licenses not assignable and transfers, for~~
7 ~~surrender of restaurant, eating place retail dispenser, hotel,~~
8 ~~importing distributor and distributor license for benefit of~~
9 ~~licensee and for unlawful acts relative to malt or brewed~~
10 ~~beverages and licensees.~~

11 ~~In miscellaneous provisions, providing for transition~~
12 ~~assistance committee, for preference in public employment~~
13 ~~hiring, career training and post secondary education grant~~
14 ~~eligibility, for reemployment tax credit and for protection of~~
15 ~~existing benefits.~~

16 ~~The General Assembly finds and declares as follows:~~

17 ~~(1) It is the purpose of this act to reform and~~
18 ~~privatize the system by which alcohol is dispensed and~~
19 ~~controlled within this Commonwealth to reflect changes in the~~
20 ~~marketplace while continuing to protect the welfare, health,~~
21 ~~peace and morals of the citizens of this Commonwealth.~~

22 ~~(2) The 21st amendment to the Constitution of the United~~
23 ~~States dictates that the laws of the states shall govern the~~
24 ~~transportation and importation of intoxicating liquors into~~
25 ~~the state for delivery and use within the state.~~

26 ~~(3) Further, the United States Supreme Court has opined~~
27 ~~in interpreting the 21st amendment that "the states'~~
28 ~~regulatory power over this segment of commerce is largely~~
29 ~~unfettered by the Constitution's commerce clause."~~

30 ~~(4) Revenues derived from the operation of a system for~~
31 ~~the manufacture, transportation, distribution and sale of~~
32 ~~alcohol are necessary to implement and sustain a regulated~~
33 ~~marketplace to continue to protect the welfare, health, peace~~
34 ~~and morals of the citizens of this Commonwealth and to~~
35 ~~contribute to the overall economic stability of the~~
36 ~~Commonwealth.~~

1 ~~(5) In order to adapt to the changing marketplace, this~~
2 ~~act will:~~

3 ~~(i) Permit private industry to offer additional~~
4 ~~products for sale while ensuring that the laws of this~~
5 ~~Commonwealth are thoroughly enforced.~~

6 ~~(ii) Ensure that the value of licenses held by small~~
7 ~~businesses are not devalued, but are enhanced through the~~
8 ~~opportunity to expand operations and sales.~~

9 ~~(iii) Provide for the operation of a retail system~~
10 ~~that promotes competition and convenience to ensure that~~
11 ~~the residents of this Commonwealth purchase products~~
12 ~~within this Commonwealth.~~

13 ~~(iv) Establish a system by which these increased~~
14 ~~opportunities will continue to contribute to overall~~
15 ~~fiscal stability of the Commonwealth.~~

16 ~~(6) Recognizing the benefits of allowing the private~~
17 ~~market to offer products directly to licensees and retailers,~~
18 ~~the General Assembly intends to fully divest of the~~
19 ~~Commonwealth's wholesale liquor business in order to allow~~
20 ~~additional products into the marketplace, establish a more~~
21 ~~reliable system for the distribution of products and provide~~
22 ~~additional convenience for licensees and retailers.~~

23 ~~(7) Recognition and furtherance of all these elements is~~
24 ~~essential to the welfare, health, peace and morals of the~~
25 ~~citizens of this Commonwealth. IN LICENSES AND REGULATIONS, <--~~
26 ~~LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER~~
27 ~~PROVIDING FOR ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,~~
28 ~~RESTAURANT AND CLUB LIQUOR LICENSES, FOR MALT AND BREWED~~
29 ~~BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING~~
30 ~~DISTRIBUTORS' LICENSES, FOR MALT AND BREWED BEVERAGES RETAIL~~

1 ~~LICENSES, FOR LICENSES NOT ASSIGNABLE AND TRANSFERS AND FOR~~
2 ~~SURRENDER OF RESTAURANT, EATING PLACE RETAIL DISPENSER,~~
3 ~~HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSE FOR~~
4 ~~BENEFIT OF LICENSEE.~~

5 AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED, AS <--
6 REENACTED, "AN ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND
7 MALT AND BREWED BEVERAGES; AMENDING, REVISING, CONSOLIDATING
8 AND CHANGING THE LAWS RELATING THERETO; REGULATING AND
9 RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION,
10 CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING
11 IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC
12 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE
13 PERSONS ENGAGED OR EMPLOYED THEREIN; DEFINING THE POWERS AND
14 DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING
15 FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES,
16 FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE
17 MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN
18 NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE
19 WITHOUT WARRANT; PRESCRIBING PENALTIES AND FORFEITURES;
20 PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS,"AS
21 FOLLOWS:

22 IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR
23 DEFINITIONS.

24 IN PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING
25 FOR GENERAL POWERS OF BOARD.

26 IN PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR WHEN
27 SALES MAY BE MADE AT PENNSYLVANIA LIQUOR STORES AND FOR SALES
28 BY PENNSYLVANIA LIQUOR STORES.

29 IN LICENSES AND REGULATIONS, LIQUOR, ALCOHOL AND MALT AND
30 BREWED BEVERAGES,

31 FURTHER PROVIDING FOR LICENSE DISTRICTS, PERIODS AND
32 HEARINGS, FOR ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,
33 RESTAURANT AND CLUB LIQUOR LICENSES, FOR SALES BY LIQUOR
34 LICENSEES AND RESTRICTIONS, FOR SPECIAL OCCASION PERMITS,
35 FOR WINE OPTION PERMITS, FOR LIQUOR IMPORTERS' LICENSES,
36 FEES, PRIVILEGES AND RESTRICTIONS AND FOR INTERLOCKING
37 BUSINESS PROHIBITED;

38 PROVIDING FOR WINE EXPANDED PERMITS AND FOR CASINO
39 LIQUOR LICENSE;

40 FURTHER PROVIDING FOR MALT AND BREWED BEVERAGES
41 MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
42 LICENSES, FOR MALT AND BREWED BEVERAGES RETAIL LICENSES,
43 FOR APPLICATION FOR DISTRIBUTORS', IMPORTING
44 DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES, FOR
45 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' RESTRICTIONS ON
46 SALES, STORAGE, ETC., FOR RETAIL DISPENSERS' RESTRICTIONS
47 ON PURCHASES AND SALES, FOR INTERLOCKING BUSINESS
48 PROHIBITED AND FOR BREWERIES;

49 ESTABLISHING THE PENNSYLVANIA MALT AND BREWED
50 BEVERAGES INDUSTRY PROMOTION BOARD;

51 FURTHER PROVIDING FOR LIMITING NUMBER OF RETAIL

1 LICENSES TO BE ISSUED IN EACH COUNTY, FOR INCORPORATED
2 UNITS OF NATIONAL VETERANS' ORGANIZATIONS, FOR LICENSES
3 NOT ASSIGNABLE AND TRANSFERS AND FOR RENEWAL OF LICENSES
4 AND TEMPORARY PROVISIONS FOR LICENSEES IN ARMED SERVICES;
5 PROVIDING FOR LICENSE AUCTION;

6 FURTHER PROVIDING FOR RESPONSIBLE ALCOHOL MANAGEMENT,
7 FOR LOCAL OPTION, FOR PUBLIC RECORD, FOR SURRENDER OF
8 RESTAURANT, EATING PLACE RETAIL DISPENSER, HOTEL,
9 IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSE FOR BENEFIT
10 OF LICENSEE AND FOR SHIPMENT OF WINE INTO COMMONWEALTH;

11 PROVIDING FOR PENNSYLVANIA WINE MARKETING AND
12 RESEARCH BOARD; AND

13 FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE TO
14 LIQUOR, ALCOHOL AND LIQUOR LICENSEES, FOR UNLAWFUL ACTS
15 RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES AND
16 LICENSEES AND FOR IDENTIFICATION CARDS, LICENSEES AND
17 STATE LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.

18 IN DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR
19 HIRE AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING FOR LIMITED
20 WINERIES AND FOR DISTILLERIES.

21 ESTABLISHING A WINE AND SPIRITS WHOLESALE AND RETAIL
22 PRIVATIZATION COMMISSION.

23 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

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

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

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

37 (4) REVENUES DERIVED FROM THE OPERATION OF A SYSTEM FOR
38 THE MANUFACTURE, TRANSPORTATION, DISTRIBUTION AND SALE OF
39 ALCOHOL ARE NECESSARY TO IMPLEMENT AND SUSTAIN A REGULATED

1 MARKETPLACE TO CONTINUE TO PROTECT THE WELFARE, HEALTH, PEACE
2 AND MORALS OF THE CITIZENS OF THIS COMMONWEALTH AND TO
3 CONTRIBUTE TO THE OVERALL ECONOMIC STABILITY OF THE
4 COMMONWEALTH.

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

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

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

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

17 (IV) 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 definitions of "distributor," "importing~~ <--
26 ~~distributor" and "liquor" in section 102 of the act of April 12,~~
27 ~~1951 (P.L.90, No.21), known as the Liquor Code, reenacted and~~
28 ~~amended June 29, 1987 (P.L.32, No.14) and amended May 31, 1996~~
29 ~~(P.L.312, No.49), are amended and the section is amended by~~
30 ~~adding definitions to read:~~

1 ~~Section 102. Definitions. The following words or phrases,~~
2 ~~unless the context clearly indicates otherwise, shall have the~~
3 ~~meanings ascribed to them in this section:~~

4 ~~* * *~~

5 ~~"Displaced employee" shall mean a salaried employee of the~~
6 ~~board whose employment is terminated as a sole and direct result~~
7 ~~of the implementation of section 207. The term shall not include~~
8 ~~a person who is terminated for cause or who retires or resigns,~~
9 ~~is furloughed or is otherwise separated from employment for any~~
10 ~~other reason. The term shall not include intermittent liquor~~
11 ~~store clerks and seasonal liquor store clerks.~~

12 ~~* * *~~

13 ~~"Distributor" shall mean any person licensed or holding a~~
14 ~~permit authorized by the board to sell wine, sell liquor or to~~
15 ~~engage in the purchase only from Pennsylvania manufacturers and~~
16 ~~from importing distributors and the resale of malt or brewed~~
17 ~~beverages, except to importing distributors and distributors, in~~
18 ~~the original sealed containers as prepared for the market by the~~
19 ~~manufacturer at the place of manufacture, but not for~~
20 ~~consumption on the premises where sold, and in quantities of not~~
21 ~~less than a case or original containers containing one hundred~~
22 ~~twenty eight ounces or more which may be sold separately.~~

23 ~~* * *~~

24 ~~"Grocery store" shall mean a reputable place operated by~~
25 ~~persons of good repute, which primarily sells food, supplies for~~
26 ~~the table and food products for human consumption off the~~
27 ~~premises and which has an area under one roof of ten thousand~~
28 ~~square feet or more.~~

29 ~~* * *~~

30 ~~"Importing distributor" shall mean any person licensed or~~

1 ~~holding a permit authorized by the board to sell wine, sell~~
2 ~~liquor and to engage in the purchase from manufacturers and~~
3 ~~other persons located outside this Commonwealth and from persons~~
4 ~~licensed as manufacturers of malt or brewed beverages and~~
5 ~~importing distributors under this act, and the resale of malt or~~
6 ~~brewed beverages in the original sealed containers as prepared~~
7 ~~for the market by the manufacturer at the place of manufacture,~~
8 ~~but not for consumption on the premises where sold, and in~~
9 ~~quantities of not less than a case or original containers~~
10 ~~containing one hundred twenty eight ounces or more which may be~~
11 ~~sold separately.~~

12 ~~"Licensed premises" shall mean the premises covered by the~~
13 ~~license as approved by the board and shall include the term~~
14 ~~"location" as used in sections 404, 431(b) and 432(d).~~

15 * * *

16 ~~"Liquor" except as provided in sections 207(a.1), 410.1(c),~~
17 ~~415(f) and 416(l), shall mean and include any alcoholic,~~
18 ~~spirituous, vinous, fermented or other alcoholic beverage, or~~
19 ~~combination of liquors and mixed liquor a part of which is~~
20 ~~spirituous, vinous, fermented or otherwise alcoholic, including~~
21 ~~all drinks or drinkable liquids, preparations or mixtures, and~~
22 ~~reused, recovered or redistilled denatured alcohol usable or~~
23 ~~taxable for beverage purposes which contain more than one half~~
24 ~~of one per cent of alcohol by volume, except pure ethyl alcohol~~
25 ~~and malt or brewed beverages.~~

26 * * *

27 ~~"Unlicensed entity" shall mean a person not holding a license~~
28 ~~issued pursuant to this act that possesses a valid wine enhanced~~
29 ~~permit or liquor enhanced permit under section 416(f).~~

30 Section 2. Section 207(b) of the act is amended and the

1 ~~section is amended by adding a subsection to read:~~

2 ~~Section 207. General Powers of Board. Under this act, the~~
3 ~~board shall have the power and its duty shall be:~~

4 ~~* * *~~

5 ~~(a.1) (1) To close Pennsylvania Liquor Stores. Before~~
6 ~~making a determination to close a Pennsylvania Liquor Store, the~~
7 ~~board shall take into consideration the availability and~~
8 ~~accessibility of liquor to the public through the private retail~~
9 ~~market, the pricing of liquor in the area and the profitability~~
10 ~~of the store.~~

11 ~~(2) Availability and accessibility of liquor shall be~~
12 ~~determined by the proximity of the closest holder of a wine and~~
13 ~~liquor enhanced permit under section 416. The board shall~~
14 ~~identify the two closest distributors or importing distributors.~~
15 ~~If one of the distributors or importing distributors is selling~~
16 ~~wine and liquor under section 416 or, if there is an unlicensed~~
17 ~~entity selling wine and liquor under section 416 within the same~~
18 ~~proximity of the two closest distributors or importing~~
19 ~~distributors, then the board shall close the store.~~

20 ~~(3) A Pennsylvania Liquor Store designated for closure shall~~
21 ~~cease operations within sixty days.~~

22 ~~(4) The board shall arrange for the disposition of the~~
23 ~~liquor remaining in inventory at a designated store. In order to~~
24 ~~effectuate this subsection, the board may, in consultation with~~
25 ~~the Department of General Services, do any of the following:~~

26 ~~(i) Coordinate with the vendor of record for the repurchase~~
27 ~~of products by the vendor of record.~~

28 ~~(ii) Sell products to holders of wine or liquor expanded or~~
29 ~~enhanced permits or an unlicensed wine or liquor enhanced permit~~
30 ~~holder.~~

~~(iii) Transport products for sale at another operating Pennsylvania Liquor Store.~~

~~(5) The Department of General Services, in consultation with the board, shall establish a procedure for the sale of the nonliquor inventory, property and fixtures of all Pennsylvania Liquor Stores consistent with 62 Pa.C.S. Ch. 15 (relating to supply management). The holders of wine or liquor enhanced permits shall have the opportunity to bid on the items to be sold or otherwise participate in the sale. All proceeds from the sales shall be deposited into the State Store Fund.~~

~~(6) The board shall provide immediate notice to the lessor upon receipt of notice to close a designated Pennsylvania Liquor Store issued by the Department of General Services. The board shall reimburse the lessor for any outstanding renovation costs that were incurred during the term of the current lease as of the effective date of the act.~~

~~(b) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act, and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores.~~

~~(1) Prices shall be proportional with prices paid by the board to its suppliers and shall reflect any advantage obtained through volume purchases by the board.~~

~~(2) The board may establish a preferential price structure for wines produced within this Commonwealth for the promotion of such wines, as long as the price structure is uniform within each class of wine purchased by the board.~~

~~(3) The board shall require each Pennsylvania manufacturer~~

1 ~~and each nonresident manufacturer of liquors, other than wine,~~
2 ~~selling such liquors to the board, which are not manufactured in~~
3 ~~this Commonwealth, to make application for and be granted a~~
4 ~~permit by the board before such liquors not manufactured in this~~
5 ~~Commonwealth shall be purchased from such manufacturer. Each~~
6 ~~such manufacturer shall pay for such permit a fee which, in the~~
7 ~~case of a manufacturer of this Commonwealth, shall be equal to~~
8 ~~that required to be paid, if any, by a manufacturer or~~
9 ~~wholesaler of the state, territory or country of origin of the~~
10 ~~liquors, for selling liquors manufactured in Pennsylvania, and~~
11 ~~in the case of a nonresident manufacturer, shall be equal to~~
12 ~~that required to be paid, if any, in such state, territory or~~
13 ~~country by Pennsylvania manufacturers doing business in such~~
14 ~~state, territory or country. In the event that any such~~
15 ~~manufacturer shall, in the opinion of the board, sell or attempt~~
16 ~~to sell liquors to the board through another person for the~~
17 ~~purpose of evading this provision relating to permits, the board~~
18 ~~shall require such person, before purchasing liquors from him or~~
19 ~~it, to take out a permit and pay the same fee as hereinbefore~~
20 ~~required to be paid by such manufacturer. All permit fees so~~
21 ~~collected shall be paid into the State Stores Fund.~~

22 ~~(4) The board shall not purchase any alcohol or liquor~~
23 ~~fermented, distilled, rectified, compounded or bottled in any~~
24 ~~state, territory or country, the laws of which result in~~
25 ~~prohibiting the importation therein of alcohol or liquor,~~
26 ~~fermented, distilled, rectified, compounded or bottled in~~
27 ~~Pennsylvania.~~

28 ~~(5) The board's authority to exercise the powers granted~~
29 ~~pursuant to this subsection is subject to the limitations set~~
30 ~~forth in sections 207(a.1), 410.1 and 410.2.~~

1 ~~***~~

2 ~~Section 3. Section 402 of the act is amended by adding a~~
3 ~~subsection to read:~~

4 ~~Section 402. License Districts; License Period; Hearings. *~~
5 ~~**~~

6 ~~(d) This section shall not apply to permit holders holding a~~
7 ~~valid wine or liquor expanded or wine or liquor enhanced permit~~
8 ~~or grocery store retail permit under section 415, 416 or 417.~~

9 ~~Section 4. Section 404 of the act, amended January 6, 2006~~
10 ~~(P.L.1, No.1), is amended to read:~~

11 ~~SECTION 1. SECTION 404 OF THE ACT OF APRIL 12, 1951 (P.L.90, <--~~
12 ~~NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29,~~
13 ~~1987 (P.L.32, NO.14) AND AMENDED JANUARY 6, 2006 (P.L.1, NO.1),~~
14 ~~IS AMENDED TO READ:~~

15 ~~Section 404. Issuance, Transfer or Extension of Hotel,~~
16 ~~Restaurant and Club Liquor Licenses. Upon receipt of the~~
17 ~~application and the proper fees, and upon being satisfied of the~~
18 ~~truth of the statements in the application that the applicant is~~
19 ~~the only person in any manner pecuniarily interested in the~~
20 ~~business so asked to be licensed and that no other person will~~
21 ~~be in any manner pecuniarily interested therein during the~~
22 ~~continuance of the license, except as hereinafter permitted, and~~
23 ~~that the applicant is a person of good repute, that the premises~~
24 ~~applied for meet all the requirements of this act and the~~
25 ~~regulations of the board, that the applicant seeks a license for~~
26 ~~a hotel, restaurant or club, as defined in this act, and that~~
27 ~~the issuance of such license is not prohibited by any of the~~
28 ~~provisions of this act, the board shall, in the case of a hotel~~
29 ~~or restaurant, grant and issue to the applicant a liquor~~
30 ~~license, and in the case of a club may, in its discretion, issue~~

~~1 or refuse a license: Provided, however, That in the case of any
2 new license or the transfer of any license to a new location or
3 the extension of an existing license to cover an additional area
4 the board may, in its discretion, grant or refuse such new
5 license, transfer or extension if such place proposed to be
6 licensed is within three hundred feet of any church, hospital,
7 charitable institution, school, or public playground, or if such
8 new license, transfer or extension is applied for a place which
9 is within two hundred feet of any other premises which is
10 licensed by the board: And provided further, That the board's
11 authority to refuse to grant a license because of its proximity
12 to a church, hospital, charitable institution, public playground
13 or other licensed premises shall not be applicable to license
14 applications submitted for public venues or performing arts
15 facilities: And provided further, That the board shall refuse
16 any application for a new license, the transfer of any license
17 to a new location or the extension of an existing license to
18 cover an additional area if, in the board's opinion, such new
19 license, transfer or extension would be detrimental to the
20 welfare, health, peace and morals of the inhabitants of the
21 neighborhood within a radius of five hundred feet of the place
22 proposed to be licensed: And provided further, That the board
23 shall have the discretion to refuse a license to any person or
24 to any corporation, partnership or association if such person,
25 or any officer or director of such corporation, or any member or
26 partner of such partnership or association shall have been
27 convicted or found guilty of a felony within a period of five
28 years immediately preceding the date of application for the said
29 license. [The board shall refuse any application for a new
30 license, the transfer of any license to a new location or the~~

1 ~~extension of any license to cover an additional area where the~~
2 ~~sale of liquid fuels or oil is conducted.] The board shall not~~
3 ~~license the area where liquid fuels or oil is sold. No sales of~~
4 ~~liquid fuels or oil may be made from a licensee's licensed~~
5 ~~premises. A licensed premises may not have an interior~~
6 ~~connection with a location that sells liquid fuels or oils~~
7 ~~unless it first receives permission from the board for the~~
8 ~~interior connection. The approval shall be required regardless~~
9 ~~of whether the licensee or another party is the entity selling~~
10 ~~the liquid fuels or oils.~~ The board may enter into an agreement
11 with the applicant concerning additional restrictions on the
12 license in question. If the board and the applicant enter into
13 such an agreement, such agreement shall be binding on the
14 applicant. Failure by the applicant to adhere to the agreement
15 will be sufficient cause to form the basis for a citation under
16 section 471 and for the nonrenewal of the license under section
17 470. If the board enters into an agreement with an applicant
18 concerning additional restrictions, those restrictions shall be
19 binding on subsequent holders of the license until the license
20 is transferred to a new location or until the board enters into
21 a subsequent agreement removing those restrictions. If the
22 application in question involves a location previously licensed
23 by the board, then any restrictions imposed by the board on the
24 previous license at that location shall be binding on the
25 applicant unless the board enters into a new agreement
26 rescinding those restrictions. The board may, in its discretion,
27 refuse an application for an economic development license under
28 section 461(b.1) or an application for an intermunicipal
29 transfer of a license if the board receives a protest from the
30 governing body of the receiving municipality. The receiving

1 ~~municipality of an intermunicipal transfer or an economic~~
2 ~~development license under section 461(b.1) may file a protest~~
3 ~~against the transfer of a license into its municipality, and the~~
4 ~~receiving municipality shall have standing in a hearing to~~
5 ~~present testimony in support of or against the issuance or~~
6 ~~transfer of a license. Upon any opening in any quota, an~~
7 ~~application for a new license shall only be filed with the board~~
8 ~~for a period of six months following said opening.~~

9 ~~Section 5. The act is amended by adding sections to read: <--~~

10 ~~Section 410.1. Wholesale Permit. (a) Notwithstanding any~~
11 ~~other provision of law, an importer licensed under Article V may~~
12 ~~make application to the board on forms prescribed by the board~~
13 ~~for a wholesale permit for the purpose of selling and~~
14 ~~distributing wholesale wine or liquor to licensees, unlicensed~~
15 ~~wine or liquor enhanced permit holders and to United States~~
16 ~~Armed Forces facilities located on United States Armed Forces~~
17 ~~installations within this Commonwealth. Within 30 days of the~~
18 ~~effective date of this section, the board shall accept~~
19 ~~applications, and the board shall approve the issuance of a~~
20 ~~wholesale permit within 60 days of receipt of the application if~~
21 ~~the applicant meets the requirements under this section.~~

22 ~~Applicants shall submit the initial permit fee with their~~
23 ~~application to the board. The Department of Revenue shall audit~~
24 ~~retailers to determine whether wholesale permit holders,~~
25 ~~licensees or unlicensed wine or liquor enhanced permit holders~~
26 ~~are remitting the tax imposed under sections 415 and 416 and~~
27 ~~Article II of the act of March 4, 1971 (P.L.6, No.2), known as~~
28 ~~the "Tax Reform Code of 1971," for products sold for consumption~~
29 ~~on and off the premises. The following shall apply:~~

30 ~~(1) The wholesale permit holder shall:~~

1 ~~(i) Provide to the board a list of the brands of wine or~~
2 ~~liquor it will distribute.~~

3 ~~(ii) Serve all licensees or unlicensed wine or liquor~~
4 ~~enhanced permit holders authorized to purchase and resell wine~~
5 ~~or liquor under this act and make wine or liquor available for~~
6 ~~sale to those licensees or unlicensed wine or liquor enhanced~~
7 ~~permit holders under the same pricing structure.~~

8 ~~(iii) Post prices with the board and give written notice of~~
9 ~~price changes to the board at least 30 days before the effective~~
10 ~~date of the price change. All price changes shall be effective~~
11 ~~on the first day of the month.~~

12 ~~(iv) Keep a detailed log of wholesale wine or liquor~~
13 ~~transactions, including sales to licensees or unlicensed wine or~~
14 ~~liquor enhanced permit holders under this act.~~

15 ~~(2) The wholesale permit holder may sell and distribute more~~
16 ~~than one brand of wine or liquor under the same permit and shall~~
17 ~~provide any contractual agreements between the wholesale permit~~
18 ~~holder and the licensed manufacturer to the board.~~

19 ~~(3) The wholesale permit holder may amend the list of brands~~
20 ~~of wine or liquor it distributes to include additional brands of~~
21 ~~wine or liquor. The following shall apply:~~

22 ~~(i) For brands of liquor that have not been sold by the~~
23 ~~board at Pennsylvania Liquor Stores or through special liquor~~
24 ~~orders, the wholesale permit holders shall apply to the board~~
25 ~~for permission to add that brand to the permit holder's list of~~
26 ~~brands permitted to be sold under the permit.~~

27 ~~(ii) For each new brand of liquor, an application filing fee~~
28 ~~of two thousand five hundred dollars (\$2,500) shall be submitted~~
29 ~~with the application.~~

30 ~~(4) The wine or liquor products shipped into this~~

1 ~~Commonwealth must be delivered to the wholesale permit holder's~~
2 ~~licensed premises. Upon delivery, the products shall be~~
3 ~~unloaded, inventoried and remain on the licensed premises for~~
4 ~~forty eight hours before delivery is made to licensees or~~
5 ~~unlicensed wine or liquor enhanced permit holders. During that~~
6 ~~time period, the board may inspect and inventory importer~~
7 ~~warehouses.~~

8 ~~(5) The wholesale permit holder may not engage in conduct~~
9 ~~that would constitute any of the following:~~

10 ~~(i) Variable pricing.~~

11 ~~(ii) Unfair or deceptive trade practices proscribed under~~
12 ~~Federal or State law or regulation.~~

13 ~~(iii) Intentional exclusion of competing brands of wine or~~
14 ~~liquor from the marketplace.~~

15 ~~(6) The wholesale permit holder may only sell and distribute~~
16 ~~those products in this Commonwealth that are subject to a~~
17 ~~contractual relationship between the wholesale permit holder and~~
18 ~~one or more licensed manufacturers or suppliers of wine or~~
19 ~~liquor.~~

20 ~~(7) A wholesale permit holder shall remit to the Department~~
21 ~~of Revenue all applicable taxes. A wholesale permit holder shall~~
22 ~~be considered a State Liquor Store for the purpose of collecting~~
23 ~~and remitting taxes under Article II of the "Tax Reform Code of~~
24 ~~1971" for products sold by licensees for on premises~~
25 ~~consumption.~~

26 ~~(8) The emergency State tax imposed under the act of June 9,~~
27 ~~1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act imposing an~~
28 ~~emergency State tax on liquor, as herein defined, sold by the~~
29 ~~Pennsylvania Liquor Control Board; providing for the collection~~
30 ~~and payment of such tax; and imposing duties upon the Department~~

~~1 of Revenue and the Pennsylvania Liquor Control Board," shall be
2 included in the retail price of wine or liquor offered for sale
3 by a wine or liquor expanded permit holder under section 415 or
4 by a wine or liquor enhanced permit holder under section 416.
5 The tax may not be assessed at the point of sale to consumers.
6 Licensees or unlicensed wine or liquor enhanced permit holders
7 selling wine or liquor at retail shall be required to remit the
8 taxes to the Department of Revenue.~~

~~9 (9) No wholesale permit holder under this section may hold a
10 license or permit to engage in any sales of wine or liquor at
11 retail to residents of this Commonwealth and no licensee or
12 permit holder selling wine or liquor at retail in this
13 Commonwealth may obtain a wholesale permit from the board. No
14 wholesale permit may be issued to any wine or liquor
15 manufacturer or producer.~~

~~16 (10) Any licensed importer that wishes to obtain a wholesale
17 permit shall do all of the following:~~

~~18 (i) Notify the board in writing.~~

~~19 (ii) Pay the permitting fees specified under paragraph (11).~~

~~20 (iii) Provide a statement to the board indicating that the
21 licensed importer plans to continuously operate under the
22 wholesale permit for the duration of the permit. The wholesale
23 permit shall be in effect for ten years from the date of
24 issuance and shall be renewed yearly with the board unless
25 suspended, revoked or not renewed.~~

~~26 (11) Wholesale permit fees shall be as follows:~~

~~27 (i) A licensed importer shall submit an initial fee equal to
28 fifteen per centum (15%) of the cost of goods sold with the
29 application. For purposes of this paragraph, "cost of goods
30 sold" shall be determined as the purchase price the board paid~~

1 ~~to the licensed importer for products sold by the board in the~~
2 ~~most recent twelve (12) month period.~~

3 ~~(ii) A wholesale permit holder shall pay a renewal fee equal~~
4 ~~to fifteen per centum (15%) of its gross receipts for each~~
5 ~~calendar quarter upon commencement of its wholesale operations.~~

6 ~~(iii) The renewal fee shall be due and payable on the~~
7 ~~twentieth day of April, July, October and January. The permit~~
8 ~~holder shall file a return and remit payment on the form as~~
9 ~~prescribed by the board.~~

10 ~~(iv) For purposes of this paragraph, gross receipts shall be~~
11 ~~determined as the total of all sales of wine and liquor made to~~
12 ~~licensees, unlicensed wine or liquor enhanced permit holders and~~
13 ~~grocery store retail permit holders.~~

14 ~~(12) Any violation of this act or the board's regulations~~
15 ~~for governing activity occurring under the authority of the~~
16 ~~wholesale permit may be the basis for any of the following:~~

17 ~~(i) A fine, suspension or wholesale permit revocation.~~

18 ~~(ii) Nonrenewal of the importer license.~~

19 ~~(iii) Other penalties authorized under section 471.~~

20 ~~(13) The board shall have no authority to do any of the~~
21 ~~following once wholesale permits have been issued and permit~~
22 ~~holders have commenced providing wholesale products to licensees~~
23 ~~and permit holders:~~

24 ~~(i) Determine what wines or liquor products may be sold in~~
25 ~~this Commonwealth.~~

26 ~~(ii) Set the price at which products may be sold at~~
27 ~~wholesale or retail in this Commonwealth.~~

28 ~~(iii) Sell products at wholesale to retail licensees or~~
29 ~~unlicensed wine or liquor enhanced permit holders.~~

30 ~~(b) All fees paid to the board under this section shall be~~

1 ~~deposited into the General Fund.~~

2 ~~(c) For the purposes of this section, the term "liquor"~~
3 ~~shall not include wine.~~

4 ~~Section 410.2. Wholesale Licenses. (a) At the conclusion~~
5 ~~of the ten year wholesale permit under section 410.1., the~~
6 ~~Commonwealth's wholesale wine and liquor system shall be~~
7 ~~divested.~~

8 ~~(b) At the conclusion of the ten year wholesale permit, the~~
9 ~~holder of a wholesale permit shall be granted a wholesale~~
10 ~~license to continue operations and shall continue to operate~~
11 ~~under the requirements of section 410.1 in addition to the~~
12 ~~following requirements:~~

13 ~~(1) A wholesale license shall be in effect unless suspended,~~
14 ~~revoked or not renewed under this act. A wholesale license in~~
15 ~~good standing shall be renewed every year as follows:~~

16 ~~(i) Wholesale licenses issued under this section shall be~~
17 ~~subject to renewal every year.~~

18 ~~(ii) The application for renewal shall be submitted, on a~~
19 ~~form prescribed by the board, at least thirty days prior to the~~
20 ~~expiration of the wholesale license and shall include, at a~~
21 ~~minimum, an update of the information contained in the initial~~
22 ~~and prior renewal applications and the payment of any renewal~~
23 ~~fee required under this section.~~

24 ~~(iii) A renewal fee of five per centum (5%) of the wholesale~~
25 ~~licensee's gross receipts shall be due upon application for the~~
26 ~~renewal of a wine and spirits retail license. For the purposes~~
27 ~~of this subparagraph, gross receipts shall be determined as the~~
28 ~~total of all sales of wine and liquor made to licensees and~~
29 ~~unlicensed permit holders.~~

30 ~~(iv) The board may revoke a wholesale license issued under~~

~~1 this section if it finds that the licensee or any of its~~
~~2 affiliates, executive officers, directors or general or limited~~
~~3 partners or persons holding a controlling interest in the~~
~~4 licensee:~~

~~5 (A) is in violation of any provision of this act;~~

~~6 (B) has furnished the board with false or misleading~~
~~7 information; or~~

~~8 (C) is no longer reputable or suitable for licensure.~~

~~9 (2) (Reserved).~~

~~10 (c) All fees paid to the board under this section shall be~~
~~11 deposited in the General Fund.~~

~~12 Section 415. Wine or Liquor Expanded Permits. (a) (1) The~~
~~13 board shall issue a wine or liquor expanded permit to a person~~
~~14 holding and possessing a valid restaurant liquor license or~~
~~15 hotel liquor license. Nothing in this section shall be construed~~
~~16 to prohibit a person possessing a valid restaurant or hotel~~
~~17 liquor license from acquiring both a wine expanded permit and a~~
~~18 liquor expanded permit.~~

~~19 (2) Nothing in this section may affect the ability of an~~
~~20 existing licensee to operate within the scope of its current~~
~~21 license as authorized by this act, except that no sales of wine~~
~~22 or liquor for consumption off the premises may take place by a~~
~~23 wine or liquor expanded permit holder after eleven o'clock~~
~~24 postmeridian of any day until eight o'clock antemeridian of the~~
~~25 next day, including Sundays if the licensee has a permit~~
~~26 authorized under sections 406(a)(3) and 432(f).~~

~~27 (3) No wine or liquor expanded permit may be issued to a~~
~~28 license holder whose underlying license is subject to a pending~~
~~29 objection by the director of the Bureau of Licensing or the~~
~~30 board under section 470(a.1), until the matter is decided.~~

1 ~~Notwithstanding any other provision of law, a holder of a wine~~
2 ~~or liquor expanded permit may continue to operate under the~~
3 ~~permit if its underlying license is objected to by the director~~
4 ~~of the Bureau of Licensing or the board under section 470(a.1),~~
5 ~~until the matter is decided.~~

6 ~~(4) If the board has approved the operation of another~~
7 ~~business which has an inside passage or communication to or with~~
8 ~~the licensed premises, the sale and purchase of wine and liquor~~
9 ~~shall be confined strictly to the premises, in a specifically~~
10 ~~designated area covered by the license. The purchase of goods~~
11 ~~obtained from the unlicensed area of the premises shall be~~
12 ~~permitted in the licensed area.~~

13 ~~(5) For purposes of selling wine or liquor for off premises~~
14 ~~consumption, a holder of a wine or liquor expanded permit is not~~
15 ~~subject to section 493(14).~~

16 ~~(6) A wine or liquor expanded permit holder shall comply~~
17 ~~with the responsible alcohol management provisions under section~~
18 ~~471.1.~~

19 ~~(7) A wine or liquor expanded permit holder may store wine~~
20 ~~or liquor in a noncontiguous area that is not accessible to the~~
21 ~~public and is:~~

22 ~~(i) locked at all times when not being accessed by the~~
23 ~~licensees' employees;~~

24 ~~(ii) not accessible to employees eighteen years of age or~~
25 ~~younger; and~~

26 ~~(iii) identified by dimensions and locations on forms~~
27 ~~submitted to the board.~~

28 ~~(8) A wine or liquor expanded permit holder shall utilize a~~
29 ~~transaction scan device to verify the age of an individual who~~
30 ~~appears to be under thirty five years of age before making a~~

~~1 sale of wine or liquor. A wine or liquor expanded permit holder
2 may not sell or share data from the use of a transaction scan
3 device, provided that the licensee may use the data to show the
4 enforcement bureau of the board that the licensee is in
5 compliance with this act. As used in this paragraph, the term
6 "transaction scan device" means a device capable of deciphering,
7 in an electronically readable format, the information encoded on
8 the magnetic strip or bar code of an identification card under
9 section 495(a).~~

~~10 (9) A sale of wine or liquor by a wine or liquor expanded
11 permit holder shall be made through a register which is well-
12 designated with signage, which is staffed at all times, which is
13 staffed by a sales clerk who is at least eighteen years of age
14 and has been trained under section 471.1 and which utilizes a
15 transaction scan device for the sale. The sale of wine or liquor
16 may not occur at a point of sale where the customer scans the
17 customer's own purchases.~~

~~18 (b) The application and renewal fee for a wine expanded
19 permit shall be as follows:~~

~~20 (1) For a wine expanded permit issued to licensees, an
21 initial application fee of two thousand five hundred dollars
22 (\$2,500) and annual renewal fees as follows:~~

~~23 (i) One thousand dollars (\$1,000) for a licensee whose total
24 annual wine sales are less than one hundred thousand dollars
25 (\$100,000) in the prior calendar year.~~

~~26 (ii) Two thousand dollars (\$2,000) for a licensee whose
27 total annual wine sales are equal to or greater than one hundred
28 thousand dollars (\$100,000) but less than two hundred thousand
29 dollars (\$200,000) in the prior calendar year.~~

~~30 (iii) Three thousand dollars (\$3,000) for a licensee whose~~

1 ~~total annual wine sales are equal to or greater than two hundred~~
2 ~~thousand (\$200,000) in the prior calendar year.~~

3 ~~(2) (Reserved).~~

4 ~~(c) The application and renewal fee for a liquor expanded~~
5 ~~permit shall be as follows:~~

6 ~~(1) For a liquor expanded permit issued to licensees, an~~
7 ~~initial application fee of two thousand five hundred dollars~~
8 ~~(\$2,500) and annual renewal fees as follows:~~

9 ~~(i) One thousand dollars (\$1,000) for a licensee whose total~~
10 ~~annual liquor sales are less than one hundred thousand dollars~~
11 ~~(\$100,000) in the prior calendar year.~~

12 ~~(ii) Two thousand dollars (\$2,000) for a licensee whose~~
13 ~~total annual liquor sales are equal to or greater than one~~
14 ~~hundred thousand dollars (\$100,000) but less than two hundred~~
15 ~~thousand dollars (\$200,000) in the prior calendar year.~~

16 ~~(iii) Three thousand dollars (\$3,000) for a licensee whose~~
17 ~~total annual liquor sales are equal to or greater than two~~
18 ~~hundred thousand dollars (\$200,000) in the prior calendar year.~~

19 ~~(2) (Reserved).~~

20 ~~(d) All fees paid to the board under this section shall be~~
21 ~~deposited into the General Fund.~~

22 ~~(e) A wine or liquor expanded permit holder may sell for~~
23 ~~consumption off the premises, in a single transaction, up to:~~

24 ~~(1) four and one half liters of wine; and~~

25 ~~(2) one and seventy five one hundredths liters of liquor.~~

26 ~~(f) A wine or liquor expanded permit holder selling wine or~~
27 ~~liquor for consumption off the premises shall be considered a~~
28 ~~Pennsylvania Liquor Store for purposes of collecting and~~
29 ~~remitting taxes under Article II of the act of March 4, 1971~~
30 ~~(P.L.6, No.2), known as the "Tax Reform Code of 1971."~~

1 ~~(g) For the purposes of this section, the term "liquor"~~
2 ~~shall not include wine.~~

3 ~~Section 416. Wine or Liquor Enhanced Permits. (a) (1) The~~
4 ~~board shall issue a wine or liquor enhanced permit to a person~~
5 ~~holding and possessing a valid distributor or importing~~
6 ~~distributor license or to an unlicensed entity. Nothing in this~~
7 ~~section shall be construed to prohibit a person possessing a~~
8 ~~valid distributor or importing distributor license or an~~
9 ~~unlicensed entity from acquiring both a wine enhanced permit and~~
10 ~~a liquor enhanced permit.~~

11 ~~(2) Nothing in this section may affect the ability of an~~
12 ~~existing licensee to operate within the scope of its current~~
13 ~~license as authorized by this act, except that no sales of wine~~
14 ~~or liquor for consumption off the premises may take place by a~~
15 ~~wine enhanced permit holder after eleven o'clock postmeridian of~~
16 ~~any day until eight o'clock antemeridian of the next day.~~

17 ~~(3) No wine or liquor enhanced permit may be issued to a~~
18 ~~license holder whose underlying license is subject to a pending~~
19 ~~objection by the director of the Bureau of Licensing or the~~
20 ~~board under section 470(a.1), until the matter is decided.~~
21 ~~Notwithstanding any other provision of law, a holder of a wine~~
22 ~~or liquor enhanced permit may continue to operate under the~~
23 ~~permit if its underlying license is objected to by the director~~
24 ~~of the Bureau of Licensing or the board under section 470(a.1),~~
25 ~~until the matter is decided.~~

26 ~~(4) If the board has approved the operation of another~~
27 ~~business which has an inside passage or communication to or with~~
28 ~~the licensed premises, the sale and purchase of wine or liquor~~
29 ~~shall be confined strictly to the premises, in a specifically~~
30 ~~designated area covered by the license. The purchase of a good~~

1 ~~obtained from the unlicensed area of the premises shall be~~
2 ~~permitted in the licensed area. Notwithstanding this paragraph,~~
3 ~~a distributor or importing distributor with a valid wine or~~
4 ~~liquor enhanced permit may sell wine or liquor at a location not~~
5 ~~covered by the distributor's or importing distributor's license~~
6 ~~as approved by the board.~~

7 ~~(5) A wine or liquor enhanced permit holder must be in~~
8 ~~compliance with the responsible alcohol management provisions~~
9 ~~under section 471.1.~~

10 ~~(6) A wine or liquor enhanced permit holder shall utilize a~~
11 ~~transaction scan device to verify the age of an individual who~~
12 ~~appears to be under thirty five years of age before making a~~
13 ~~sale of liquor. A wine or liquor enhanced permit holder may not~~
14 ~~sell or share data from the use of a transaction scan device,~~
15 ~~provided that the licensee may use the data to show the~~
16 ~~enforcement bureau of the board that the licensee is in~~
17 ~~compliance with this act. As used in this paragraph, the term~~
18 ~~"transaction scan device" means a device capable of deciphering,~~
19 ~~in an electronically readable format, the information encoded on~~
20 ~~the magnetic strip or bar code of an identification card under~~
21 ~~section 495(a).~~

22 ~~(b) The initial application fee and renewal fees shall be as~~
23 ~~follows:~~

24 ~~(1) The initial application fee for a wine enhanced permit~~
25 ~~issued to a licensee:~~

26 ~~(i) For a county of the first class or second class, thirty~~
27 ~~thousand dollars (\$30,000).~~

28 ~~(ii) For a county of the second class A or third class,~~
29 ~~thirty seven thousand five hundred dollars (\$37,500).~~

30 ~~(iii) For a county of the fourth class or fifth class,~~

1 ~~twenty two thousand five hundred dollars (\$22,500).~~

2 ~~(iv) For a county of the sixth class or seventh class,~~
3 ~~fifteen thousand dollars (\$15,000).~~

4 ~~(v) For a county of the eighth class, seven thousand five~~
5 ~~hundred dollars (\$7,500).~~

6 ~~(2) The annual renewal fee for a wine enhanced permit shall~~
7 ~~be as follows:~~

8 ~~(i) Two thousand dollars (\$2,000) for licensees whose total~~
9 ~~annual wine sales are less than one hundred thousand dollars~~
10 ~~(\$100,000) in the prior calendar year.~~

11 ~~(ii) Four thousand dollars (\$4,000) for licensees whose~~
12 ~~total annual wine sales are equal to or greater than one hundred~~
13 ~~thousand dollars (\$100,000) but less than two hundred thousand~~
14 ~~dollars (\$200,000) in the prior calendar year.~~

15 ~~(iii) Six thousand dollars (\$6,000) for licensees whose~~
16 ~~total annual wine sales are equal to or greater than two hundred~~
17 ~~thousand dollars (\$200,000) in the prior calendar year.~~

18 ~~(3) The initial application fee for a liquor enhanced permit~~
19 ~~issued to a licensee:~~

20 ~~(i) For a county of the first class or second class, fifty~~
21 ~~two thousand five hundred dollars (\$52,500).~~

22 ~~(ii) For a county of the second class A or third class,~~
23 ~~sixty thousand dollars (\$60,000).~~

24 ~~(iii) For a county of the fourth class or fifth class,~~
25 ~~forty five thousand dollars (\$45,000).~~

26 ~~(iv) For a county of the sixth class or seventh class,~~
27 ~~thirty seven thousand five hundred dollars (\$37,500).~~

28 ~~(v) For a county of the eighth class, thirty thousand~~
29 ~~dollars (\$30,000).~~

30 ~~(4) The annual renewal fee for a liquor enhanced permit~~

1 ~~shall be as follows:~~

2 ~~(i) Two thousand dollars (\$2,000) for licensees whose total~~
3 ~~annual liquor sales are less than one hundred thousand dollars~~
4 ~~(\$100,000) in the prior calendar year.~~

5 ~~(ii) Four thousand dollars (\$4,000) for licensees whose~~
6 ~~total annual liquor sales are equal to or greater than one~~
7 ~~hundred thousand dollars (\$100,000) but less than two hundred~~
8 ~~thousand dollars (\$200,000) in the prior calendar year.~~

9 ~~(iii) Six thousand dollars (\$6,000) for licensees whose~~
10 ~~total annual liquor sales are equal to or greater than two~~
11 ~~hundred thousand (\$200,000) in the prior calendar year.~~

12 ~~(c) (Reserved).~~

13 ~~(d) A wine or liquor enhanced permit holder may sell~~
14 ~~unlimited quantities of wine or liquor for consumption off the~~
15 ~~premises.~~

16 ~~(e) (Reserved).~~

17 ~~(f) The board shall issue wine enhanced permits and liquor~~
18 ~~enhanced permits in a number equal to the number of licensed~~
19 ~~distributors and importing distributors in a county and in~~
20 ~~existence on the effective date of this section. If there are~~
21 ~~wine or liquor enhanced permits remaining six months after the~~
22 ~~effective date of this section, the board shall auction permits~~
23 ~~to a person who does not possess a distributor or importing~~
24 ~~distributor license. The permitted facility shall meet all of~~
25 ~~the conditions imposed on a licensed distributor under this act,~~
26 ~~including the provisions in section 436 relating to the issuance~~
27 ~~of a distributor or importing distributor license. The issuance~~
28 ~~of a wine or liquor enhanced permit shall be subject to the~~
29 ~~quota and county restrictions under section 437(f).~~

30 ~~(f.1) For the purposes of auctioning wine and liquor~~

~~1 enhanced permits, the board shall post a listing of all
2 remaining permits on the board's Internet website within sixty
3 days after the close of the six month period in subsection (f).
4 The board shall accept applications from persons interested in
5 bidding at an auction for all remaining permits. The application
6 shall contain information as the board prescribes. The auction
7 shall occur sixty days following the date a permit was posted on
8 the board's Internet website. An applicant, who would be
9 precluded from acquiring a license under section 443, shall not
10 be eligible to participate in an auction or acquire a wine or
11 liquor enhanced permit. An auction shall be conducted in the
12 manner set forth by the board and at a date and time set by the
13 board. The minimum bid for a wine or liquor enhanced permit
14 shall be \$150,000. Following an auction, the board shall
15 provisionally award a wine or liquor enhanced permit to a person
16 making the highest bid for that permit. The highest bidder shall
17 then submit to the board information required by the board,
18 including the information required under section 436 relating to
19 the issuance of a distributor or importing distributor license.
20 Payment shall be made to the board within fourteen days of the
21 auction and in a manner prescribed by the board. If the highest
22 bidder does not make payment to the board within fourteen days
23 of the auction, the second highest bidder shall be awarded the
24 right to file an application for the wine or liquor enhanced
25 permit.~~

~~26 (g) The annual renewal fee for a wine or liquor enhanced
27 permit for unlicensed entities shall be as follows:~~

~~28 (1) For a wine enhanced permit, as follows:~~

~~29 (i) Two thousand dollars (\$2,000) for permit holders whose
30 total annual wine sales are less than one hundred thousand~~

1 ~~dollars (\$100,000) in the prior calendar year.~~

2 ~~(ii) Four thousand dollars (\$4,000) for permit holders whose~~
3 ~~total wine sales are equal to or greater than one hundred~~
4 ~~thousand dollars (\$100,000) but less than two hundred thousand~~
5 ~~dollars (\$200,000) in the prior calendar year.~~

6 ~~(iii) Six thousand dollars (\$6,000) for permit holders whose~~
7 ~~total annual wine sales are equal to or greater than two hundred~~
8 ~~thousand dollars (\$200,000) in the prior calendar year.~~

9 ~~(2) For a liquor enhanced permit, as follows:~~

10 ~~(i) Two thousand dollars (\$2,000) for permit holders whose~~
11 ~~total annual liquor sales are less than one hundred thousand~~
12 ~~dollars (\$100,000) in the prior calendar year.~~

13 ~~(ii) Four thousand dollars (\$4,000) for permit holders whose~~
14 ~~total annual liquor sales are equal to or greater than one~~
15 ~~hundred thousand dollars (\$100,000) but less than two hundred~~
16 ~~thousand dollars (\$200,000) in the prior calendar year.~~

17 ~~(iii) Six thousand dollars (\$6,000) for permit holders whose~~
18 ~~total annual liquor sales are equal to or greater than two~~
19 ~~hundred thousand dollars (\$200,000) in the prior calendar year.~~

20 ~~(h) A wine or liquor enhanced permit holder selling wine or~~
21 ~~liquor for consumption off the premises shall be required to~~
22 ~~obtain a sales tax permit from the Department of Revenue.~~

23 ~~(i) All fees paid to the board under this section shall be~~
24 ~~deposited into the General Fund.~~

25 ~~(j) An unlicensed entity may not hold, directly or~~
26 ~~indirectly, more than three wine enhanced permits or three~~
27 ~~liquor enhanced permits within this Commonwealth or more than~~
28 ~~one wine enhanced permit or one liquor enhanced permit per~~
29 ~~county.~~

30 ~~(k) A wine or liquor enhanced permit holder selling wine or~~

1 ~~liquor for consumption off the premises shall be considered a~~
2 ~~Pennsylvania Liquor Store for purposes of collecting and~~
3 ~~remitting the taxes under Article II of the "Tax Reform Code of~~
4 ~~1971."~~

5 ~~(1) For the purposes of this section, the term "liquor," as~~
6 ~~defined in section 102, shall not include wine.~~

7 ~~Section 417. Grocery Store Retail Permits. (a) The board~~
8 ~~shall issue a retail permit to any premises kept or operated by~~
9 ~~a grocery store for the premises specified in the permit.~~

10 ~~(a.1) An additional grocery store retail permit may not be~~
11 ~~issued within a county if the total number of grocery store~~
12 ~~retail permits is greater than one permit for every fifteen~~
13 ~~thousand inhabitants in the county, except that a total of two~~
14 ~~grocery store retail permits may be granted in a county in this~~
15 ~~Commonwealth.~~

16 ~~(b) Every applicant for a grocery store retail permit shall~~
17 ~~file a written application containing information as the board~~
18 ~~prescribes which shall include, but not be limited to, the~~
19 ~~following:~~

20 ~~(1) A description of the part of the grocery store for which~~
21 ~~the applicant proposes to keep and sell wine.~~

22 ~~(2) Descriptions, information and plans showing the grocery~~
23 ~~store and any alterations proposed to be made to the grocery~~
24 ~~store or any proposed construction to be completed after~~
25 ~~approval of the permit.~~

26 ~~(c) Every application shall also be accompanied by the~~
27 ~~initial application fee as follows:~~

28 ~~(1) For grocery stores located in counties of the first~~
29 ~~class or second class, one hundred sixty five thousand dollars~~
30 ~~(\$165,000).~~

1 ~~(2) For grocery stores located in counties of the second~~
2 ~~class A or third class, one hundred eighty seven thousand five~~
3 ~~hundred dollars (\$187,500).~~

4 ~~(3) For grocery stores located in counties of the fourth~~
5 ~~class or fifth class, one hundred forty two thousand five~~
6 ~~hundred dollars (\$142,500).~~

7 ~~(4) For grocery stores located in counties of the sixth~~
8 ~~class or seventh class, one hundred twenty thousand dollars~~
9 ~~(\$120,000).~~

10 ~~(5) For grocery stores located in counties of the eighth~~
11 ~~class, ninety seven thousand five hundred dollars (\$97,500).~~

12 ~~(d) The annual renewal fee for a grocery store retail permit~~
13 ~~shall be as follows:~~

14 ~~(1) Two thousand dollars (\$2,000) for a grocery store retail~~
15 ~~permit holder whose total annual wine sales are less than one~~
16 ~~hundred thousand dollars (\$100,000) in the prior calendar year.~~

17 ~~(2) Four thousand dollars (\$4,000) for a grocery store~~
18 ~~retail permit holder whose total annual wine sales are equal to~~
19 ~~or greater than one hundred thousand (\$100,000) but less than~~
20 ~~two hundred thousand dollars (\$200,000) in the prior calendar~~
21 ~~year.~~

22 ~~(3) Six thousand dollars (\$6,000) for a grocery store retail~~
23 ~~permit holder whose total annual wine sales are equal to or~~
24 ~~greater than two hundred thousand (\$200,000) in the prior~~
25 ~~calendar year.~~

26 ~~(e) A grocery store retail permit holder may sell for~~
27 ~~consumption off the premises, in a single transaction, up to~~
28 ~~nine (9) liters of wine.~~

29 ~~(f) Every applicant for a permit shall post, for a period of~~
30 ~~at least thirty days beginning with the day the application is~~

1 ~~filed with the board, in a conspicuous place on the outside of~~
2 ~~the premises, a notice of the application. The notice shall be~~
3 ~~in the form, size and contain provisions as required by the~~
4 ~~board by regulation. Proof of the posting of the notice shall be~~
5 ~~filed with the board.~~

6 ~~(g) Upon receipt of an application for a permit under this~~
7 ~~section, the board shall immediately notify, in writing, the~~
8 ~~municipality in which the premises proposed to be licensed are~~
9 ~~located.~~

10 ~~(h) Every grocery store retail permit holder may sell wine~~
11 ~~for consumption off the licensed premises from any location~~
12 ~~within the licensed premises. Educational information regarding~~
13 ~~the types of products sold by the grocery store retail permit~~
14 ~~holder and regarding the responsible consumption of alcohol~~
15 ~~shall be displayed and readily available wherever alcohol is~~
16 ~~displayed. Permit holders under this section may display the~~
17 ~~alcohol products the permit holders offer for sale on shelving~~
18 ~~units and systems, and in or on refrigerated cases and~~
19 ~~equipment, within the discretion of the grocery store retail~~
20 ~~permit holder, if the displays are not designed to attract~~
21 ~~minors and the manner and method of display allows access by all~~
22 ~~customers, including the physically dependent.~~

23 ~~(i) Grocery store retail permit holders may not charge a~~
24 ~~membership fee in order for customers to make purchases from the~~
25 ~~grocery store.~~

26 ~~(j) A grocery store retail permit holder shall utilize a~~
27 ~~transaction scan device to verify the age of an individual who~~
28 ~~appears to be under thirty five (35) years of age before making~~
29 ~~a sale of wine. A grocery store retail permit holder may not~~
30 ~~sell or share data from the use of a transaction scan device,~~

~~1 provided that the grocery store retail permit holder may use the
2 data to show the enforcement bureau of the board that the permit
3 holder is in compliance with this act. As used in this
4 paragraph, the term "transaction scan device" means a device
5 capable of deciphering, in an electronically readable format,
6 the information encoded on the magnetic strip or bar code of an
7 identification card under section 495(a).~~

~~8 (k) A sale of wine shall be made through a register which is
9 well designated with signage, which is staffed at all times,
10 which is staffed by a sales clerk who is at least eighteen years
11 of age (18) and has been trained under section 471.1 and which
12 utilizes a transaction scan device for the sale. The sale of
13 wine may not occur at a point of sale where the customer scans
14 the customer's own purchases.~~

~~15 (l) Grocery store retail permit holders may store alcohol in
16 a storage area or storage areas not accessible to the public,
17 provided such storage areas are:~~

~~18 (1) locked at all times when not being accessed by the
19 grocery store retail permit holder's employees;~~

~~20 (2) not accessible to employees eighteen years of age (18)
21 or younger; and~~

~~22 (3) identified by dimensions and location on forms submitted
23 in advance to the board.~~

~~24 (m) Grocery store retail permit holders may sell wine from
25 eight o'clock antemeridian until eleven o'clock postmeridian
26 every day except Sunday.~~

~~27 (n) Grocery store retail permit holders may sell wine from
28 nine o'clock antemeridian until eleven o'clock postmeridian on
29 Sundays upon submission to the board of a Sunday sales permit
30 application and fee of one thousand five hundred dollars~~

1 ~~(\$1,500) per year.~~

2 ~~(o) Grocery store retail permit holders shall be permitted~~
3 ~~to hold:~~

4 ~~(1) Tastings at any location in the grocery store, if the~~
5 ~~tastings are in compliance with the provisions and regulations~~
6 ~~regarding tastings held on restaurant licensed premises.~~

7 ~~(2) Educational classes, including cooking classes, how to~~
8 ~~classes, seminars and similar classes, regarding the proper or~~
9 ~~recommended use, consumption, identification, pairing,~~
10 ~~appellation, aging, storage, characteristics, service,~~
11 ~~presentation and similar subjects, of the alcohol products that~~
12 ~~the grocery store permit holder offers for sale, during which~~
13 ~~the incidental consumption of alcohol by registered participants~~
14 ~~of lawful age shall be permitted. The classes may be free of~~
15 ~~charge to participants or may be at a fee.~~

16 ~~(p) Grocery store retail permit holders shall be permitted~~
17 ~~to hold restaurant licenses issued for areas within the same~~
18 ~~building for which the grocery store retail permit has been~~
19 ~~issued or for a different building. Grocery store retail permits~~
20 ~~and restaurant licenses issued for areas within the same grocery~~
21 ~~stores may be issued for areas that are adjacent, abutting and~~
22 ~~contiguous and the board shall approve interior connections~~
23 ~~between the areas. If a grocery store retail permit and a~~
24 ~~restaurant license are issued for the same grocery store, wine~~
25 ~~may only be sold for off premises consumption in the area~~
26 ~~licensed for grocery store retail sales.~~

27 ~~(q) Grocery store retail permit holders may not sell wine at~~
28 ~~a price less than the wine's underlying cost.~~

29 ~~(r) All fees paid to the board under this section shall be~~
30 ~~deposited into the General Fund.~~

1 ~~(s) A grocery store retail permit holder selling wine and~~
2 ~~liquor for off premises consumption shall be considered a~~
3 ~~Pennsylvania Liquor Store for purposes of collecting and~~
4 ~~remitting taxes under Article II of the act of March 4, 1971~~
5 ~~(P.L.6, No.2), known as the "Tax Reform Code of 1971."~~

6 ~~(r) For the purposes of this section, the term "liquor"~~
7 ~~shall not include wine.~~

8 Section 6 2. Section 431(b) of the act, amended December 8, <--
9 2004 (P.L.1810, No.239), is amended to read:

10 Section 431. Malt and Brewed Beverages Manufacturers',
11 Distributors' and Importing Distributors' Licenses. * * *

12 (b) The board shall issue to any reputable person who
13 applies therefor, and pays the license fee hereinafter
14 prescribed, a distributor's or importing distributor's license
15 for the place which such person desires to maintain for the sale
16 of malt or brewed beverages, not for consumption on the premises
17 where sold, and in quantities of not less than a case or
18 original containers containing one hundred twenty eight ounces
19 or more which may be sold separately as prepared for the market
20 by the manufacturer at the place of manufacture. The board shall
21 have the discretion to refuse a license to any person or to any
22 corporation, partnership or association if such person, or any
23 officer or director of such corporation, or any member or
24 partner of such partnership or association shall have been
25 convicted or found guilty of a felony within a period of five
26 years immediately preceding the date of application for the said
27 license: And provided further, That, in the case of any new
28 license or the transfer of any license to a new location, the
29 board may, in its discretion, grant or refuse such new license
30 or transfer if such place proposed to be licensed is within

1 ~~three hundred feet of any church, hospital, charitable~~
2 ~~institution, school or public playground, or if such new license~~
3 ~~or transfer is applied for a place which is within two hundred~~
4 ~~feet of any other premises which is licensed by the board: And~~
5 ~~provided further, That the board shall refuse any application~~
6 ~~for a new license or the transfer of any license to a new~~
7 ~~location if, in the board's opinion, such new license or~~
8 ~~transfer would be detrimental to the welfare, health, peace and~~
9 ~~morals of the inhabitants of the neighborhood within a radius of~~
10 ~~five hundred feet of the place proposed to be licensed. [The~~
11 ~~board shall refuse any application for a new license or the~~
12 ~~transfer of any license to a location where the sale of liquid~~
13 ~~fuels or oil is conducted.] The board shall not license the area~~
14 ~~where liquid fuels or oil is sold. No sales of liquid fuels or~~
15 ~~oil may be made from a licensee's licensed premises. A licensed~~
16 ~~premises may not have an interior connection with a location~~
17 ~~that sells liquid fuels or oils unless it first receives~~
18 ~~permission from the board for the interior connection. The~~
19 ~~approval shall be required regardless of whether the licensee or~~
20 ~~another party is the entity selling the liquid fuels or oils.~~
21 ~~The board may enter into an agreement with the applicant~~
22 ~~concerning additional restrictions on the license in question.~~
23 ~~If the board and the applicant enter into such an agreement,~~
24 ~~such agreement shall be binding on the applicant. Failure by the~~
25 ~~applicant to adhere to the agreement will be sufficient cause to~~
26 ~~form the basis for a citation under section 471 and for the~~
27 ~~nonrenewal of the license under section 470. If the board enters~~
28 ~~into an agreement with an applicant concerning additional~~
29 ~~restrictions, those restrictions shall be binding on subsequent~~
30 ~~holders of the license until the license is transferred to a new~~

~~1 location or until the board enters into a subsequent agreement
2 removing those restrictions. If the application in question
3 involves a location previously licensed by the board, then any
4 restrictions imposed by the board on the previous license at
5 that location shall be binding on the applicant unless the board
6 enters into a new agreement rescinding those restrictions. The
7 board shall require notice to be posted on the property or
8 premises upon which the licensee or proposed licensee will
9 engage in sales of malt or brewed beverages. This notice shall
10 be similar to the notice required of hotel, restaurant and club
11 liquor licensees.~~

~~12 Except as hereinafter provided, such license shall authorize
13 the holder thereof to sell or deliver malt or brewed beverages
14 in quantities above specified anywhere within the Commonwealth
15 of Pennsylvania, which, in the case of distributors, have been
16 purchased only from persons licensed under this act as
17 manufacturers or importing distributors, and in the case of
18 importing distributors, have been purchased from manufacturers
19 or persons outside this Commonwealth engaged in the legal sale
20 of malt or brewed beverages or from manufacturers or importing
21 distributors licensed under this article. If the holder of a <--
22 distributor or importing distributor license has applied for and
23 received a wine or liquor enhanced permit pursuant to section
24 416, that distributor or importing distributor may sell liquor
25 on the same premises where malt or brewed beverages are sold. In
26 the case of an importing distributor, the holder of such a
27 license shall be authorized to store and repackage malt or
28 brewed beverages owned by a manufacturer at a segregated portion
29 of a warehouse or other storage facility authorized by section
30 441(d) and operated by the importing distributor within its~~

1 ~~appointed territory and deliver such beverages to another~~
2 ~~importing distributor who has been granted distribution rights~~
3 ~~by the manufacturer as provided herein. The importing~~
4 ~~distributor shall be permitted to receive a fee from the~~
5 ~~manufacturer for any related storage, repackaging or delivery~~
6 ~~services. In the case of a bailee for hire hired by a~~
7 ~~manufacturer, the holder of such a permit shall be authorized:~~
8 ~~to receive, store and repackage malt or brewed beverages~~
9 ~~produced by that manufacturer for sale by that manufacturer to~~
10 ~~importing distributors to whom that manufacturer has given~~
11 ~~distribution rights pursuant to this subsection or to purchasers~~
12 ~~outside this Commonwealth for delivery outside this~~
13 ~~Commonwealth; or to ship to that manufacturer's storage~~
14 ~~facilities outside this Commonwealth. The bailee for hire shall~~
15 ~~be permitted to receive a fee from the manufacturer for any~~
16 ~~related storage, repackaging or delivery services. The bailee~~
17 ~~for hire shall, as required in Article V of this act, keep~~
18 ~~complete and accurate records of all transactions, inventory,~~
19 ~~receipts and shipments and make all records and the licensed~~
20 ~~areas available for inspection by the board and for the~~
21 ~~Pennsylvania State Police, Bureau of Liquor Control Enforcement,~~
22 ~~during normal business hours.~~

23 ~~Each out of State manufacturer of malt or brewed beverages~~
24 ~~whose products are sold and delivered in this Commonwealth shall~~
25 ~~give distributing rights for such products in designated~~
26 ~~geographical areas to specific importing distributors, and such~~
27 ~~importing distributor shall not sell or deliver malt or brewed~~
28 ~~beverages manufactured by the out of State manufacturer to any~~
29 ~~person issued a license under the provisions of this act whose~~
30 ~~licensed premises are not located within the geographical area~~

1 ~~for which he has been given distributing rights by such~~
2 ~~manufacturer. Should a licensee accept the delivery of such malt~~
3 ~~or brewed beverages in violation of this section, said licensee~~
4 ~~shall be subject to a suspension of his license for at least~~
5 ~~thirty days: Provided, That the importing distributor holding~~
6 ~~such distributing rights for such product shall not sell or~~
7 ~~deliver the same to another importing distributor without first~~
8 ~~having entered into a written agreement with the said secondary~~
9 ~~importing distributor setting forth the terms and conditions~~
10 ~~under which such products are to be resold within the territory~~
11 ~~granted to the primary importing distributor by the~~
12 ~~manufacturer.~~

13 ~~When a Pennsylvania manufacturer of malt or brewed beverages~~
14 ~~licensed under this article names or constitutes a distributor~~
15 ~~or importing distributor as the primary or original supplier of~~
16 ~~his product, he shall also designate the specific geographical~~
17 ~~area for which the said distributor or importing distributor is~~
18 ~~given distributing rights, and such distributor or importing~~
19 ~~distributor shall not sell or deliver the products of such~~
20 ~~manufacturer to any person issued a license under the provisions~~
21 ~~of this act whose licensed premises are not located within the~~
22 ~~geographical area for which distributing rights have been given~~
23 ~~to the distributor and importing distributor by the said~~
24 ~~manufacturer: Provided, That the importing distributor holding~~
25 ~~such distributing rights for such product shall not sell or~~
26 ~~deliver the same to another importing distributor without first~~
27 ~~having entered into a written agreement with the said secondary~~
28 ~~importing distributor setting forth the terms and conditions~~
29 ~~under which such products are to be resold within the territory~~
30 ~~granted to the primary importing distributor by the~~

1 ~~manufacturer. Nothing herein contained shall be construed to~~
2 ~~prevent any manufacturer from authorizing the importing~~
3 ~~distributor holding the distributing rights for a designated~~
4 ~~geographical area from selling the products of such manufacturer~~
5 ~~to another importing distributor also holding distributing~~
6 ~~rights from the same manufacturer for another geographical area,~~
7 ~~providing such authority be contained in writing and a copy~~
8 ~~thereof be given to each of the importing distributors so~~
9 ~~affected.~~

10 ~~* * *~~

11 ~~Section 6.1 3. Section 432(d) of the act, amended January 6, <--~~
12 ~~2006 (P.L.1, No.1), is amended and the section is amended by <--~~
13 ~~adding a subsection to read:~~

14 ~~Section 432. Malt and Brewed Beverages Retail Licenses. * *~~

15 ~~*~~

16 ~~(d) The board shall, in its discretion, grant or refuse any~~
17 ~~new license, the transfer of any license to a new location or~~
18 ~~the extension of an existing license to cover an additional area~~
19 ~~if such place proposed to be licensed is within three hundred~~
20 ~~feet of any church, hospital, charitable institution, school, or~~
21 ~~public playground, or if such new license, transfer or extension~~
22 ~~is applied for a place which is within two hundred feet of any~~
23 ~~other premises which is licensed by the board. The board shall~~
24 ~~refuse any application for a new license, the transfer of any~~
25 ~~license to a new location or the extension of an existing~~
26 ~~license to cover an additional area if, in the board's opinion,~~
27 ~~such new license, transfer or extension would be detrimental to~~
28 ~~the welfare, health, peace and morals of the inhabitants of the~~
29 ~~neighborhood within a radius of five hundred feet of the place~~
30 ~~to be licensed. The board may enter into an agreement with the~~

1 ~~applicant concerning additional restrictions on the license in-~~
2 ~~question. If the board and the applicant enter into such an-~~
3 ~~agreement, such agreement shall be binding on the applicant.-~~
4 ~~Failure by the applicant to adhere to the agreement will be-~~
5 ~~sufficient cause to form the basis for a citation under section-~~
6 ~~471 and for the nonrenewal of the license under section 470. If-~~
7 ~~the board enters into an agreement with an applicant concerning-~~
8 ~~additional restrictions, those restrictions shall be binding on-~~
9 ~~subsequent holders of the license until the license is-~~
10 ~~transferred to a new location or until the board enters into a-~~
11 ~~subsequent agreement removing those restrictions. If the-~~
12 ~~application in question involves a location previously licensed-~~
13 ~~by the board, then any restrictions imposed by the board on the-~~
14 ~~previous license at that location shall be binding on the-~~
15 ~~applicant unless the board enters into a new agreement-~~
16 ~~rescinding those restrictions. [The board shall refuse any-~~
17 ~~application for a new license, the transfer of any license to a-~~
18 ~~location where the sale of liquid fuels or oil is conducted or-~~
19 ~~the extension of an existing license to cover an additional-~~
20 ~~area] The board shall not license the area where liquid fuels or~~
21 ~~oil is sold. No sales of liquid fuels or oil may be made from a~~
22 ~~licensee's licensed premises. A licensed premises may not have~~
23 ~~an interior connection with a location that sells liquid fuels~~
24 ~~or oils unless it first receives permission from the board for~~
25 ~~the interior connection. The approval shall be required~~
26 ~~regardless of whether the licensee or another party is the~~
27 ~~entity selling the liquid fuels or oils: And provided further,-~~
28 ~~That the board shall have the discretion to refuse a license to-~~
29 ~~any person or to any corporation, partnership or association if-~~
30 ~~such person, or any officer or director of such corporation, or~~

1 ~~any member or partner of such partnership or association shall~~
2 ~~have been convicted or found guilty of a felony within a period~~
3 ~~of five years immediately preceding the date of application for~~
4 ~~the said license. The board may, in its discretion, refuse an~~
5 ~~application for an economic development license under section~~
6 ~~461(b.1) or an application for an intermunicipal transfer or a~~
7 ~~license if the board receives a protest from the governing body~~
8 ~~of the receiving municipality. The receiving municipality of an~~
9 ~~intermunicipal transfer or an economic development license under~~
10 ~~section 461(b.1) may file a protest against the approval for~~
11 ~~issuance of a license for economic development or an~~
12 ~~intermunicipal transfer of a license into its municipality, and~~
13 ~~such municipality shall have standing in a hearing to present~~
14 ~~testimony in support of or against the issuance or transfer of a~~
15 ~~license. Upon any opening in any quota, an application for a new~~
16 ~~license shall only be filed with the board for a period of six~~
17 ~~months following said opening.~~

18 ~~* * *~~

19 ~~(g) The board may, in a municipality which has approved the~~ <--
20 ~~granting of liquor licenses, issue to a retail dispenser~~
21 ~~licensee a restaurant liquor license in exchange for the retail~~
22 ~~dispenser's retail dispenser license.~~

23 ~~(1) An applicant under this subsection shall surrender his~~
24 ~~or her retail dispenser license for cancellation prior to the~~
25 ~~issuance of the new restaurant liquor license.~~

26 ~~(2) An applicant under this subsection shall file an~~
27 ~~application for a restaurant liquor license and shall post~~
28 ~~notice of the application as provided under section 403. In~~
29 ~~determining whether the exchange shall be granted, the board~~
30 ~~shall have the same discretion as provided under section 404 for~~

1 a new license.

2 ~~(3) The provisions of section 461 pertaining to a quota~~
3 ~~shall not apply to this section for exchange purposes.~~

4 ~~(4) The board shall charge a one time upgrade fee of not~~
5 ~~more than thirty thousand dollars (\$30,000).~~

6 Section 7. Sections 436(e) and 437(e) of the act are amended
7 to read:

8 Section 436. Application for Distributors', Importing
9 Distributors' and Retail Dispensers' Licenses. Application for
10 distributors', importing distributors' and retail dispensers'
11 licenses, or for the transfer of an existing license to another
12 premises not then licensed or to another person, shall contain
13 or have attached thereto the following information and
14 statements:

15 * * *

16 (e) That the applicant is not, or in case of a partnership
17 or association, that the members or partners are not, and in the
18 case of a corporation, that the officers and directors are not,
19 in any manner pecuniarily interested, either directly or
20 indirectly, in the profits of any other class of business
21 regulated under this article, except as hereinafter permitted.

22 The requirements of this section shall not prohibit a
23 distributor or importing distributor from holding a wine or
24 liquor enhanced permit pursuant to section 416.

25 * * *

26 Section 437. Prohibitions Against the Grant of Licenses. *
27 **

28 (e) No distributor's or importing distributor's license
29 shall be issued for any premises in any part of which there is
30 operated any retail license for the sale of liquor or malt or

1 ~~brewed beverages. The requirements of this section shall not~~
2 ~~prohibit a distributor or importing distributor from holding a~~
3 ~~wine or liquor enhanced permit pursuant to section 416.~~

4 * * *

5 ~~Section 8. Section 443(b) of the act, amended May 31, 1996~~
6 ~~(P.L.312, No.49), is amended to read:~~

7 ~~Section 443. Interlocking Business Prohibited. * * *~~

8 ~~(b) No distributor or importing distributor and no officer~~
9 ~~or director of any distributor or importing distributor shall at~~
10 ~~the same time be a manufacturer, a retail dispenser or a liquor~~
11 ~~licensee, or be an officer, director, stockholder or creditor of~~
12 ~~a manufacturer, a retail dispenser or a liquor licensee, or,~~
13 ~~directly or indirectly, own any stock of, or have any financial~~
14 ~~interest in, or be the owner, proprietor or lessor of, any place~~
15 ~~covered by any other malt or brewed beverage or liquor license.~~
16 ~~The requirements of this section may not prohibit a distributor~~
17 ~~or importing distributor from holding a wine or liquor enhanced~~
18 ~~permit pursuant to section 416.~~

19 * * *

20 ~~Section 8.1 4. Section 468(a) (3) of the act, amended~~ <--
21 ~~December 20, 2000 (P.L.992, No.141), is amended to read:~~

22 ~~Section 468. Licenses Not Assignable; Transfers. (a) * * *~~

23 ~~{(3) No license shall be transferred to any place or~~
24 ~~property upon which is located as a business the sale of liquid~~
25 ~~fuels and oil. Except in cases of emergency such as death,~~
26 ~~serious illness, or circumstances beyond the control of the~~
27 ~~licensee, as the board may determine such circumstances to~~
28 ~~justify its action, transfers of licenses may be made only at~~
29 ~~times fixed by the board. In the case of the death of a~~
30 ~~licensee, the board may transfer the license to the surviving~~

1 ~~spouse or personal representative or to a person designated by~~
2 ~~him. From any refusal to grant a transfer or upon the grant of~~
3 ~~any transfer, the party aggrieved shall have the right of appeal~~
4 ~~to the proper court in the manner hereinbefore provided.]~~

5 * * *

6 ~~Section 9 5. Section 474.1(b), (c) and (g) of the act,~~ <--
7 ~~amended November 29, 2006 (P.L.1421, No.155), are amended to~~
8 ~~read:~~

9 ~~Section 474.1. Surrender of Restaurant, Eating Place Retail~~
10 ~~Dispenser, Hotel, Importing Distributor and Distributor License~~
11 ~~for Benefit of Licensee. * * *~~

12 ~~(b) The board may hold the license in safekeeping for a~~
13 ~~period not to exceed [three] two consecutive years. Any license~~
14 ~~remaining in safekeeping for more than [three] two consecutive~~
15 ~~years shall be immediately revoked by the Bureau of Licensing~~
16 ~~unless a transfer application or request for reissue from~~
17 ~~safekeeping has been filed prior to the expiration of the~~
18 ~~[three year] two year period or unless the board has approved a~~
19 ~~request to extend the safekeeping for an additional year as set~~
20 ~~forth in subsection (g). In addition, the board shall extend the~~
21 ~~period for an additional year if, at the end of the [three year]~~
22 ~~two year period, the licensed premises are unavailable due to~~
23 ~~fire, flood or other similar natural disaster; no further~~
24 ~~extension beyond one additional year shall be granted by the~~
25 ~~board regardless of whether the licensed premises are~~
26 ~~unavailable due to fire, flood or other similar natural disaster~~
27 ~~unless an application is made as set forth in subsection (g).~~

28 ~~(c) In the event a transfer application filed prior to the~~
29 ~~expiration of the [three year] two year period is disapproved by~~
30 ~~the board, then the license may remain in safekeeping so long as~~

1 ~~the licensee has submitted and the board has approved a request~~
2 ~~to extend the safekeeping for an additional year as set forth in~~
3 ~~subsection (g). Such request must be submitted within thirty~~
4 ~~days of the board's decision notwithstanding any appeal filed in~~
5 ~~the matter; however, the fee set forth in subsection (g) shall~~
6 ~~be refunded if the board's decision is overturned.~~

7 * * *

8 ~~(g) (1) A licensee whose license is subject to this section~~
9 ~~may, upon written request, apply to the board to allow the~~
10 ~~license to remain in safekeeping for an additional one year. The~~
11 ~~written request must be accompanied by a [five thousand dollar~~
12 ~~(\$5,000)] ten thousand dollar (\$10,000) fee for licenses placed~~
13 ~~in safekeeping from counties of the first class, second class,~~
14 ~~second class A, third class and fourth class and a fee of [two~~
15 ~~thousand five hundred dollars (\$2,500)] five thousand dollars~~
16 ~~(\$5,000) for licenses placed in safekeeping from counties of the~~
17 ~~fifth through eighth classes. For each subsequent year in~~
18 ~~safekeeping, the fees set forth in this paragraph shall be~~
19 ~~doubled over the amount charged for the previous year's fee. No~~
20 ~~fee shall be required if the licensee can prove that he or she~~
21 ~~is unable to use the license through no fault of his or her own,~~
22 ~~including a fire, flood or other event that renders the licensed~~
23 ~~premises unusable.~~ The board shall approve the request unless
24 the license or licensee no longer meets the requirements of this
25 act or the board's regulations. The fee collected shall be paid
26 into the State Treasury through the Department of Revenue into
27 the State Store Fund.

28 ~~[(2) A licensee whose license remains in safekeeping after~~
29 ~~the expiration of an approved additional one year period may~~
30 ~~submit a written request for additional one year periods;—~~

1 ~~however, each such request must be accompanied by a five~~
2 ~~thousand dollar (\$5,000) fee for licenses placed in safekeeping~~
3 ~~from counties of the first class, second class, second class A,~~
4 ~~third class and fourth class and a fee of two thousand five~~
5 ~~hundred dollars (\$2,500) for licenses placed in safekeeping from~~
6 ~~counties of the fifth through eighth classes.]~~

7 ~~Section 10. Section 492(12), (13) and (14) of the act,~~ <--
8 ~~amended December 22, 2011 (P.L.530, No.113), are amended to~~
9 ~~read:~~

10 ~~Section 492. Unlawful Acts Relative to Malt or Brewed~~
11 ~~Beverages and Licensees.—~~

12 ~~It shall be unlawful—~~

13 ~~* * *~~

14 ~~(12) Distributors and Importing Distributors Engaging in~~
15 ~~Other Business. For any distributor or importing distributor, or~~
16 ~~his servants, agents or employes, without the approval of the~~
17 ~~board, and then only in accordance with board regulations, to~~
18 ~~engage in any other business whatsoever, except the business of~~
19 ~~distributing malt or brewed beverages, except that the sale of~~
20 ~~the following goods shall be permitted on the licensed premises~~
21 ~~of a distributor or importing distributor:~~

22 ~~(i) Any book, magazine or other publication related to malt~~
23 ~~or brewed beverages.~~

24 ~~(ii) Any equipment, ingredients or other supplies necessary~~
25 ~~for the unlicensed manufacture of malt or brewed beverages as~~
26 ~~described in paragraph (1), commonly known as "homebrewing."~~

27 ~~(iii) If the holder of a distributor or importing~~
28 ~~distributor license acquires a wine or liquor enhanced permit~~
29 ~~pursuant to section 416 for use at its licensed premises, it may~~
30 ~~engage in the sale of wine or liquor, so long as the licensee~~

1 ~~meets all of the requirements of this act.~~

2 ~~(13) Possession or Storage of Liquor or Alcohol by Certain~~
3 ~~Licensees. For any distributor, importing distributor or retail~~
4 ~~dispenser, or his servants, agents or employes, to have in his~~
5 ~~possession, or to permit the storage of on the licensed premises~~
6 ~~or in any place contiguous or adjacent thereto accessible to the~~
7 ~~public or used in connection with the operation of the licensed~~
8 ~~premises, any alcohol or liquor. This section shall not prohibit~~
9 ~~a licensed distributor or importing distributor that holds a~~
10 ~~wine or liquor enhanced permit issued pursuant to section 416~~
11 ~~from possessing or permitting the storage of wine or liquor on~~
12 ~~the licensed premises used in connection with the operation of~~
13 ~~the licensed premises.~~

14 ~~(14) Malt or Brewed Beverage Licensees Dealing in Liquor or~~
15 ~~Alcohol. For any malt or brewed beverage licensee, other than a~~
16 ~~distributor or importing distributor that holds a wine or liquor~~
17 ~~enhanced permit, manufacturer, or the servants, agents or~~
18 ~~employes thereof, to manufacture, import, sell, transport,~~
19 ~~store, trade or barter in any liquor or alcohol.~~

20 * * *

21 Section 11. The act is amended by adding sections to read:

22 ~~Section 1002. Transition Assistance Committee. (a) The~~
23 ~~following shall apply to the transition assistance committee:~~

24 ~~(1) On the effective date of this section, the Department of~~
25 ~~General Services shall designate individuals to serve on a~~
26 ~~committee for the purpose of managing the staffing transition~~
27 ~~and displacement of employees during the divestiture process.~~

28 ~~(2) The committee, which shall be chaired by a~~
29 ~~representative from the department, shall involve the~~
30 ~~participation of the Office of Administration, the Civil Service~~

~~1 Commission, the Department of Labor and Industry and the board's
2 Bureau of Human Resources, to ensure a coordinated approach to
3 allocating personnel and assisting displaced employees during
4 the transition to find an appropriate position.~~

~~5 (3) The department shall contract with advisors necessary to
6 assist the department and the board in administering the duties
7 under paragraph (2). The contracts shall not be subject to the
8 provisions of 62 Pa.C.S. Ch. 5 (relating to source selection and
9 contract formation).~~

~~10 (b) The committee shall coordinate with the Office of
11 Administration to provide counseling and other general
12 assistance to employees of the board who are displaced to
13 transition the employees to other employment in either the
14 public or private sector.~~

~~15 (c) The costs for the programs provided under this section
16 and sections 1003, 1004, 1005 and 1006 shall be transferred from
17 the State Stores Fund.~~

~~18 Section 1003. Preference in Public Employment Hiring. (a)
19 The following shall apply to civil service examinations:~~

~~20 (1) A displaced employee who successfully passes a civil
21 service appointment examination shall be marked or graded an
22 additional three points above the mark or grade credited for the
23 examination if all of the following apply:~~

~~24 (i) The examination is for a paid position administered
25 under the act of August 5, 1941 (P.L.752, No.286), known as the
26 Civil Service Act, and in the classified service existing under
27 the commission's jurisdiction.~~

~~28 (ii) The employee establishes the qualifications required by
29 law for appointment to the position.~~

~~30 (2) The total mark or grade, including the markup under~~

1 ~~paragraph (1), obtained by the displaced employee shall~~
2 ~~represent the final mark or grade of the employee and shall~~
3 ~~determine the employee's standing on any eligibility list~~
4 ~~certified or furnished to the appointing power.~~

5 ~~(3) The three additional points awarded under paragraph (1)~~
6 ~~shall be in addition to any points that shall be afforded to a~~
7 ~~veteran meeting the requirements of 51 Pa.C.S. § 7103 (relating~~
8 ~~to additional points in grading civil service examinations).~~

9 ~~(b) The commission shall require the board to certify a list~~
10 ~~of displaced employees under subsection (a). Placement on the~~
11 ~~list by the board shall establish eligibility for the preference~~
12 ~~granted under subsection (a).~~

13 ~~(c) If a paid State position does not require a civil~~
14 ~~service examination, a displaced employee, possessing the~~
15 ~~requisite qualifications and who is eligible for appointment to~~
16 ~~a paid State position in offices under the Governor's~~
17 ~~jurisdiction within the executive branch shall be given a~~
18 ~~preference in the appointment by the appointing authority over~~
19 ~~nonveteran candidates.~~

20 ~~(d) (Reserved).~~

21 ~~(e) The following shall apply:~~

22 ~~(1) A displaced employee's eligibility for the markup~~
23 ~~provided under subsection (a) and for the preference for~~
24 ~~noncivil service positions provided under subsection (c) shall~~
25 ~~cease upon the occurrence of one of the following:~~

26 ~~(i) The displaced employee's appointment or hiring into a~~
27 ~~position in the classified service existing under the~~
28 ~~commission's jurisdiction or into a paid State position where no~~
29 ~~civil service examination is required.~~

30 ~~(ii) Four years from the effective date of this section.~~

1 ~~(2) In order to be eligible for the markup provided under~~
2 ~~subsection (a) and for the preference for noncivil service~~
3 ~~positions provided under subsection (c), a displaced worker must~~
4 ~~be terminated as a sole and direct result of the decision to~~
5 ~~cease wholesale and retail operations under this section and~~
6 ~~sections 1004, 1005 and 1006, and must work until the final day~~
7 ~~set by the board for that employee's job function.~~

8 ~~Section 1004. Career Training and Post secondary Education~~
9 ~~Grant Eligibility. (a) A displaced employee shall be eligible~~
10 ~~for a two year grant for attending a program of instruction at~~
11 ~~an institution of higher education, including career training~~
12 ~~and adult education courses of study, within one year of the~~
13 ~~date of displacement from State service in the following amount:~~

14 ~~(1) two thousand dollars (\$2,000) per year for attendance on~~
15 ~~a full time basis; or~~

16 ~~(2) one thousand dollars (\$1,000) per year for attendance on~~
17 ~~a part time basis.~~

18 ~~(b) The board shall certify the list of displaced employees~~
19 ~~to the Pennsylvania Higher Education Assistance Agency.~~

20 ~~(c) The agency shall make a determination of grant~~
21 ~~eligibility and shall pay the grant directly to the institution~~
22 ~~of higher education attended by the displaced employee in a~~
23 ~~manner consistent with the Pennsylvania Higher Education~~
24 ~~Assistance Agency's regulations.~~

25 ~~Section 1005. Reemployment Tax Credit. (a) The following~~
26 ~~shall apply:~~

27 ~~(1) A displaced employee shall be eligible for a two year~~
28 ~~reemployment tax credit voucher in the amount of two thousand~~
29 ~~dollars (\$2,000) per taxable year.~~

30 ~~(2) The voucher under paragraph (1) shall be made available~~

1 ~~to each displaced employee upon termination of employment.~~

2 ~~(3) Each voucher under paragraph (1) shall be certified by~~
3 ~~the board before the voucher is provided to the displaced~~
4 ~~employee.~~

5 ~~(4) The Department of Revenue shall be informed of each~~
6 ~~displaced employee to whom a voucher under paragraph (1) has~~
7 ~~been provided.~~

8 ~~(b) An employer in this Commonwealth who employs a displaced~~
9 ~~employee on a full time basis may, upon transfer of the voucher~~
10 ~~from the employee to the employer, use the voucher as a credit~~
11 ~~against the State tax liability of the employer, if the employer~~
12 ~~can demonstrate the following:~~

13 ~~(1) The employee for whom the tax credit is being sought was~~
14 ~~displaced from the board within 12 months of being employed by~~
15 ~~the employer.~~

16 ~~(2) The former board employee has been employed by the~~
17 ~~employer seeking the tax credit on a full time basis for a~~
18 ~~period not less than one year.~~

19 ~~(c) The employer shall submit the tax credit voucher to the~~
20 ~~Department of Revenue with the information required under~~
21 ~~subsection (b) (1) and (2) to claim a tax credit against the~~
22 ~~employer's liability for a tax identified under subsection (d)~~
23 ~~(2).~~

24 ~~(d) The following shall apply:~~

25 ~~(1) An employer may claim a reemployment tax credit for each~~
26 ~~job filled by a displaced employee of two thousand dollars~~
27 ~~(\$2,000) per taxable year for a maximum of two taxable years.~~

28 ~~(2) An employer may apply the reemployment tax credit to~~
29 ~~100% of the employer's:~~

30 ~~(i) State corporate net income tax, capital stock and~~

1 ~~franchise tax or the personal tax of a shareholder of the~~
2 ~~company if the company is a Pennsylvania S corporation.~~

3 ~~(ii) Insurance premiums tax, gross receipts tax, bank and~~
4 ~~trust company shares tax, mutual thrift institutions tax or~~
5 ~~title insurance companies shares tax.~~

6 ~~(iii) Any combination of the taxes under subparagraphs (i)~~
7 ~~and (ii).~~

8 ~~(3) A displaced employee whose subsequent employment is~~
9 ~~terminated with an employer and who has utilized the~~
10 ~~reemployment tax credit voucher to claim a one year two thousand~~
11 ~~dollar (\$2,000) tax credit may transfer the voucher to a new~~
12 ~~employer who may use the remaining two thousand dollar (\$2,000)~~
13 ~~tax credit as a claim against the employer's tax liability for~~
14 ~~taxes identified under paragraph (2).~~

15 ~~(4) The term of the reemployment tax credit voucher may not~~
16 ~~exceed two years from the date the voucher is provided to the~~
17 ~~qualified displaced employee.~~

18 ~~Section 1006. Protection of Existing Benefits. (a) Nothing~~
19 ~~under this section shall be deemed to affect:~~

20 ~~(1) Pension benefits accrued prior to the date of separation~~
21 ~~occurring as a sole and direct result of the divestiture of the~~
22 ~~board's wholesale and retail operations under this article.~~

23 ~~(2) Payment of an accrued benefit derived from the terms of~~
24 ~~a preexisting collective bargaining agreement payable upon~~
25 ~~separation from employment.~~

26 ~~(b) As a result of the preferential hiring benefits, the tax~~
27 ~~credit for subsequent employers and the protection of benefits~~
28 ~~arising from an employee's pension or from a preexisting~~
29 ~~collective bargaining agreement under this section, the board~~
30 ~~shall be deemed to have satisfied all obligations to bargain~~

1 ~~over the impact of the decision to cease wholesale and retail~~
2 ~~operations under this article which may arise under the act of~~
3 ~~July 23, 1970 (P.L.563, No.195), known as the Public Employe~~
4 ~~Relations Act.~~

5 ~~(c) The provisions of this section and sections 1002, 1003,~~
6 ~~1004 and 1005 supersedes a local regulation, ordinance or~~
7 ~~resolution of a political subdivision regarding notice to~~
8 ~~displaced workers.~~

9 ~~Section 12. The regulations of the board at 40 Pa. Code §§~~
10 ~~3.52 and 3.53 are abrogated to the extent of any inconsistency~~
11 ~~with this act.~~

12 ~~Section 13 6. This act shall take effect in 60 days.~~ <--

13 SECTION 1. THE DEFINITIONS OF "ALCOHOL," "ALCOHOLIC CIDER," <--
14 "DENATURED ALCOHOL," "DIRECT SHIPPER," "ELIGIBLE ENTITY,"
15 "HOLIDAY," "LIQUOR" AND "PERFORMING ARTS FACILITIES" IN SECTION
16 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
17 LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14)
18 AND AMENDED OR ADDED FEBRUARY 21, 2002 (P.L.103, NO.10),
19 DECEMBER 8, 2004 (P.L.1810, NO.239), JUNE 25, 2010 (P.L.217,
20 NO.35) AND JULY 5, 2012 (P.L.1007, NO.116), ARE AMENDED AND THE
21 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

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

25 "ALCOHOL" SHALL MEAN ETHYL ALCOHOL OF ANY DEGREE OF PROOF
26 ORIGINALLY PRODUCED BY THE DISTILLATION OF ANY FERMENTED LIQUID,
27 WHETHER RECTIFIED OR DILUTED WITH OR WITHOUT WATER, WHATEVER MAY
28 BE THE ORIGIN THEREOF, AND SHALL INCLUDE POWDERED ALCOHOL AND
29 SYNTHETIC ETHYL ALCOHOL, BUT SHALL NOT MEAN OR INCLUDE ETHYL
30 ALCOHOL, WHETHER OR NOT DILUTED, THAT HAS BEEN DENATURED OR

1 OTHERWISE RENDERED UNFIT FOR BEVERAGE PURPOSES.

2 "ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN
3 CARBONATION IN AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETY-TWO
4 ONE THOUSANDTHS OF A GRAM PER ONE HUNDRED MILLILITERS AND
5 FLAVORS, PRODUCED THROUGH ALCOHOLIC FERMENTATION OF ANY FRUIT OR
6 FRUIT JUICE, CONSISTING OF AT LEAST ONE-HALF OF ONE PER CENTUM,
7 BUT NOT GREATER THAN [FIVE] EIGHT AND ONE-HALF PER CENTUM,
8 ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE AS ALCOHOLIC
9 CIDER AND NOT AS A WINE, A WINE PRODUCT OR AS A SUBSTITUTE FOR
10 WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER SUITABLE CONTAINERS
11 OF THE TYPE USED FOR THE SALE OF MALT OR BREWED BEVERAGES IN
12 THIS COMMONWEALTH.

13 * * *

14 "DENATURED ALCOHOL" SHALL MEAN AND INCLUDE ALL ALCOHOL OR ANY
15 COMPOUND THEREOF WHICH BY THE ADMIXTURE OF SUCH DENATURING
16 MATERIAL OR MATERIALS IS RENDERED UNFIT FOR USE AS A BEVERAGE.
17 THE TERM SHALL NOT INCLUDE POWDERED ALCOHOL.

18 * * *

19 "DIRECT WINE SHIPPER" SHALL MEAN A PERSON [OUTSIDE THIS
20 COMMONWEALTH WHO OBTAINS A LICENSE FROM] LICENSED AS A PRODUCER
21 OF WINE BY THE BOARD [TO ACCEPT] OR BY ANOTHER STATE OR COUNTRY
22 THAT ACCEPTS ORDERS PLACED FOR WINE FROM WITHIN THIS
23 COMMONWEALTH. [BY THE INTERNET AND WHO SHIPS OR FACILITATES IN
24 ANY WAY SHIPMENT OF WINE BY A DELIVERY AGENT OR COMMON CARRIER
25 TO A PENNSYLVANIA LIQUOR STORE.] THE TERM INCLUDES A LIMITED
26 WINERY.

27 * * *

28 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
29 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
30 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF

1 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
2 LICENSE, A CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE AND
3 WHICH, AS OF DECEMBER 31, 2002, HAS BEEN IN EXISTENCE FOR AT
4 LEAST 100 YEARS, A LIBRARY, A NATIONALLY ACCREDITED PENNSYLVANIA
5 NONPROFIT ZOOLOGICAL INSTITUTION LICENSED BY THE UNITED STATES
6 DEPARTMENT OF AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION
7 IN EXISTENCE FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S
8 CLUB IN EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
9 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
10 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
11 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
12 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
13 OPERATED BY A NONPROFIT CORPORATION, A NONPROFIT CORPORATION
14 ENGAGED IN THE PERFORMING ARTS, AN ARTS COUNCIL, A NONPROFIT
15 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM, A
16 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
17 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
18 501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
19 HERITAGE OF [BOROUGH OR A TOWNSHIP OF THE SECOND CLASS] A
20 MUNICIPALITY AND WHICH HAS BEEN RECOGNIZED AS SUCH BY A
21 [MUNICIPAL] RESOLUTION OF THE MUNICIPALITY, A NONPROFIT
22 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
23 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3))
24 CONDUCTING A REGATTA IN A CITY OF THE SECOND CLASS WITH THE
25 PERMIT TO BE USED ON STATE PARK GROUNDS OR CONDUCTING A FAMILY-
26 ORIENTED CELEBRATION AS PART OF WELCOME AMERICA IN A CITY OF THE
27 FIRST CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE THAN
28 FIFTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
29 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. §
30 501(C)(3)) WHOSE PURPOSE IS TO RAISE FUNDS FOR THE RESEARCH AND

1 TREATMENT OF CYSTIC FIBROSIS, A NONPROFIT ORGANIZATION AS
2 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
3 1986 (26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO EDUCATE THE
4 PUBLIC ON ISSUES DEALING WITH WATERSHED CONSERVATION, A
5 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
6 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
7 501(C)(3)) WHOSE PURPOSE IS TO PROVIDE EQUINE ASSISTED
8 ACTIVITIES FOR CHILDREN AND ADULTS WITH SPECIAL NEEDS, A
9 NONPROFIT ECONOMIC DEVELOPMENT AGENCY IN A CITY OF THE SECOND
10 CLASS WITH THE PRIMARY FUNCTION TO SERVE AS AN ECONOMIC
11 GENERATOR FOR THE GREATER SOUTHWESTERN PENNSYLVANIA REGION BY
12 ATTRACTING AND SUPPORTING FILM, TELEVISION AND RELATED MEDIA
13 INDUSTRY PROJECTS AND COORDINATING GOVERNMENT AND BUSINESS
14 OFFICES IN SUPPORT OF A PRODUCTION, A COUNTY TOURIST PROMOTION
15 AGENCY AS DEFINED IN SECTION [3(1)] 2 OF THE ACT OF [APRIL 28,
16 1961 (P.L.111, NO.50), KNOWN AS THE "TOURIST PROMOTION LAW,"]
17 JULY 4, 2008 (P.L.621, NO.50), KNOWN AS THE "TOURISM PROMOTION
18 ACT," A JUNIOR LEAGUE THAT IS A NONPROFIT ORGANIZATION AS
19 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
20 1986 (26 U.S.C. § 501(C)(3)) THAT IS COMPRISED OF WOMEN WHOSE
21 PURPOSE IS EXCLUSIVELY EDUCATIONAL AND CHARITABLE IN PROMOTING
22 THE VOLUNTEERISM OF WOMEN AND DEVELOPING AND PARTICIPATING IN
23 COMMUNITY PROJECTS AND THAT HAS BEEN IN EXISTENCE FOR OVER
24 SEVENTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
25 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 AND WHOSE PURPOSE
26 IS THE EDUCATION AND PROMOTION OF AMERICAN HISTORY, A NONPROFIT
27 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(6) OF THE INTERNAL
28 REVENUE CODE OF 1986 WHOSE PURPOSE IS TO SUPPORT BUSINESS AND
29 INDUSTRY, A BREWERY WHICH HAS BEEN ISSUED A LICENSE TO
30 MANUFACTURE MALT OR BREWED BEVERAGES AND HAS BEEN IN EXISTENCE

1 FOR AT LEAST 100 YEARS OR A CLUB RECOGNIZED BY ROTARY
2 INTERNATIONAL AND WHOSE PURPOSE IS TO PROVIDE SERVICE TO OTHERS,
3 TO PROMOTE HIGH ETHICAL STANDARDS AND TO ADVANCE WORLD
4 UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS FELLOWSHIP OF
5 BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A NONPROFIT
6 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
7 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3))
8 WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND
9 REGIONAL CHARITIES, A MUSEUM OPERATED BY A NOT-FOR-PROFIT
10 CORPORATION IN A CITY OF THE SECOND CLASS A, A NONPROFIT
11 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
12 REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE SECOND
13 CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
14 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
15 501(C) (3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
16 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
17 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
18 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
19 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
20 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A
21 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
22 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO
23 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO
24 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED
25 UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHO
26 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM
27 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC
28 PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER
29 OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC
30 TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC

1 TELEVISION NETWORK OR A NONPROFIT ORGANIZATION AS DEFINED UNDER
2 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
3 PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH AND TO
4 PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA AND THEIR
5 FAMILIES THROUGH A NATIONAL RESOURCE NETWORK[.], A NONPROFIT
6 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
7 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO STIMULATE
8 COMMUNITY DEVELOPMENT BY FACILITATING RESIDENTIAL AND RETAIL
9 GROWTH IN A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF THE
10 SECOND CLASS OR A NONPROFIT COMMUNITY DEVELOPMENT CORPORATION
11 ORGANIZED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE
12 OF 1986 THAT SERVES AN ADJOINING BOROUGH AND TOWNSHIP IN A
13 COUNTY OF THE SECOND CLASS AND WHOSE MAIN PURPOSE IS TO
14 FACILITATE COMMERCIAL DEVELOPMENT AND FOSTER NEIGHBORHOOD
15 STABILIZATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
16 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS
17 TO PROVIDE YOUNG PEOPLE WITH A PROGRAM TO BUILD CHARACTER, TO
18 TEACH THE RESPONSIBILITIES OF CITIZENSHIP AND TO DEVELOP
19 PERSONAL FITNESS WITH A GOAL OF CREATING FUTURE LEADERS, A
20 NONPROFIT AS DEFINED IN SECTION 501(C) (3) OF THE INTERNAL
21 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO ASSIST CHILDREN
22 AND THEIR FAMILIES WHO ARE FACING FINANCIAL HARDSHIP DUE TO THE
23 DEATH OF A PARENT, A NONPROFIT AS DEFINED UNDER SECTION 501(C)
24 (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO
25 ALLOCATE FUNDS FOR RESEARCH TO EXPEDITE A CURE ACHROMATOPSIA, A
26 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
27 INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE
28 FIRST CLASS, WAS ORGANIZED IN 1995 AS A COMMUNITY DEVELOPMENT
29 CORPORATION TO PROMOTE HEALTH, SAFETY AND WELFARE OF THE
30 RESIDENTS, BUSINESSES AND INSTITUTIONS OF A NEIGHBORHOOD OF A

1 CITY OF THE FIRST CLASS, AND WHOSE WORKS INCLUDE PUBLIC
2 PROMOTIONS, NEIGHBORHOOD IMPROVEMENT PROJECTS AND COMMERCIAL
3 CORRIDOR IMPROVEMENTS, INCLUDING A BUSINESS IMPROVEMENT DISTRICT
4 OR A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3)
5 OF THE INTERNAL REVENUE CODE OF 1986 THAT IS RESPONSIBLE FOR
6 PROVIDING SERVICES TO MEMBERS OF THE ARMED FORCES OF THE UNITED
7 STATES AND RELIEF TO DISASTER VICTIMS IN THE UNITED STATES AND
8 ABROAD OR ANY NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT
9 ASSOCIATION AS DEFINED IN SECTION 3 OF THE ACT OF DECEMBER 20,
10 2000 (P.L.949, NO.130), KNOWN AS THE "NEIGHBORHOOD IMPROVEMENT
11 DISTRICT ACT," THAT HAS BEEN ESTABLISHED AS A 501(C)(3)
12 NONPROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL
13 REVENUE CODE OF 1986, A NONPROFIT ORGANIZATION AS DEFINED UNDER
14 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
15 IN A CITY OF THE FIRST CLASS WHOSE PURPOSE IS TO SUPPORT
16 INITIATIVES TO ENRICH THE LIVES OF CHILDREN, TEENS AND FAMILIES
17 ESPECIALLY THOSE IN NEED, TO REACH THEIR FULL POTENTIAL AS
18 PRODUCTIVE AND RESPONSIBLE CITIZENS AND HAS BEEN IN EXISTENCE
19 FOR AT LEAST SEVENTY-FIVE YEARS.

20 * * *

21 ["HOLIDAY" SHALL MEAN THE FIRST DAY OF JANUARY, COMMONLY
22 KNOWN AS NEW YEAR'S DAY; THE THIRD MONDAY OF JANUARY, KNOWN AS
23 DR. MARTIN LUTHER KING, JR., DAY; THE THIRD MONDAY IN FEBRUARY,
24 KNOWN AS PRESIDENTS' DAY; THE LAST MONDAY IN MAY, KNOWN AS
25 MEMORIAL DAY; THE FOURTH DAY OF JULY, KNOWN AS INDEPENDENCE DAY;
26 THE FIRST MONDAY OF SEPTEMBER, KNOWN AS LABOR DAY; THE FOURTH
27 THURSDAY IN NOVEMBER, KNOWN AS THANKSGIVING DAY; AND THE TWENTY-
28 FIFTH DAY OF DECEMBER, KNOWN AS CHRISTMAS DAY.]

29 * * *

30 "INSTITUTION OF HIGHER EDUCATION" SHALL MEAN ANY OF THE

1 FOLLOWING:

2 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A OF THE
3 ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
4 SCHOOL CODE OF 1949.

5 (2) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
6 EDUCATION.

7 (3) THE PENNSYLVANIA STATE UNIVERSITY.

8 (4) THE UNIVERSITY OF PITTSBURGH.

9 (5) TEMPLE UNIVERSITY.

10 (6) LINCOLN UNIVERSITY.

11 (7) ANY OTHER INSTITUTION THAT IS DESIGNATED AS STATE-
12 RELATED BY THE COMMONWEALTH.

13 (8) ANY ACCREDITED PRIVATE OR INDEPENDENT COLLEGE OR
14 UNIVERSITY.

15 * * *

16 "LIQUOR" SHALL MEAN AND INCLUDE ANY ALCOHOLIC, SPIRITUOUS,
17 VINOUS, FERMENTED OR OTHER ALCOHOLIC BEVERAGE, POWDERED ALCOHOL,
18 OR COMBINATION OF LIQUORS AND MIXED LIQUOR A PART OF WHICH IS
19 SPIRITUOUS, VINOUS, FERMENTED OR OTHERWISE ALCOHOLIC, INCLUDING
20 ALL DRINKS OR DRINKABLE LIQUIDS, PREPARATIONS OR MIXTURES, AND
21 REUSED, RECOVERED OR REDISTILLED DENATURED ALCOHOL USABLE OR
22 TAXABLE FOR BEVERAGE PURPOSES WHICH CONTAIN MORE THAN ONE-HALF
23 OF ONE PER CENT OF ALCOHOL BY VOLUME, EXCEPT PURE ETHYL ALCOHOL
24 AND MALT OR BREWED BEVERAGES.

25 * * *

26 "MUG CLUB" SHALL MEAN A GROUP ORGANIZED BY A RETAIL LICENSEE
27 OR A BREWERY WHOSE MEMBERS ARE ENTITLED TO DISCOUNTED MALT OR
28 BREWED BEVERAGES. MEMBERSHIP SHALL BE BY WRITTEN APPLICATION AND
29 THE LICENSEE MUST MAINTAIN A WRITTEN LIST OF ACTIVE MEMBERS AS
30 PART OF ITS RECORDS. MEMBERS SHALL PAY AN ANNUAL FEE AS WELL AS

1 A RENEWAL FEE AS SET BY LICENSEE. MEMBERSHIP SHALL, AT A
2 MINIMUM, ENTITLE THE MEMBER TO A MUG, GLASS OR SIMILAR CONTAINER
3 AND SAID CONTAINER MUST BE USED WHEN THE MEMBER IS SERVED ANY
4 DISCOUNTED MALT OR BREWED BEVERAGES. NO DISCOUNTED MALT OR
5 BREWED BEVERAGES MAY BE PROVIDED BETWEEN MIDNIGHT AND SEVEN O'
6 CLOCK ANTEMERIDIAN.

7 * * *

8 "PERFORMING ARTS FACILITIES" SHALL MEAN THOSE HALLS OR
9 THEATERS IN WHICH LIVE MUSICAL, CONCERT, DANCE, BALLET AND
10 LEGITIMATE PLAY BOOK-LENGTH PRODUCTIONS ARE PERFORMED.
11 PERFORMING ARTS FACILITIES SHALL NOT MEAN THOSE HALLS OR
12 THEATERS IN WHICH BURLESQUE SHOWS OR REVIEWS ARE PERFORMED. IF
13 THE OPERATOR OF THE PERFORMING ARTS FACILITY IS A NONPROFIT
14 ENTITY, THE FACILITY MUST HAVE SEATING FOR AT LEAST [TWO HUNDRED
15 FIFTY (250)] ONE HUNDRED FIFTY (150) PEOPLE; OTHERWISE, THE
16 FACILITY MUST HAVE SEATING FOR AT LEAST TWENTY-FIVE HUNDRED
17 (2,500) PEOPLE.

18 * * *

19 "POWDERED ALCOHOL" SHALL MEAN ALCOHOL SOLD IN A POWDER FORM
20 FOR EITHER DIRECT USE OR RECONSTITUTION.

21 * * *

22 "PRIVATE LABEL" SHALL MEAN A PRODUCT MADE UNDER CONTRACT BY A
23 MANUFACTURER OR THE MANUFACTURER'S AGENT FOR THE EXCLUSIVE RIGHT
24 OF A RETAILER.

25 * * *

26 SECTION 2. SECTION 207(B) OF THE ACT, AMENDED NOVEMBER 30,
27 2004 (P.L.1727, NO.221) AND DECEMBER 8, 2004 (P.L.1810, NO.239),
28 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
29 READ:

30 SECTION 207. GENERAL POWERS OF BOARD.--UNDER THIS ACT, THE

1 BOARD SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

2 * * *

3 (B) THE FOLLOWING SHALL APPLY:

4 (1) TO CONTROL THE MANUFACTURE, POSSESSION, SALE,
5 CONSUMPTION, IMPORTATION, USE, STORAGE, TRANSPORTATION AND
6 DELIVERY OF LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES IN
7 ACCORDANCE WITH THE PROVISIONS OF THIS ACT, AND TO FIX THE
8 WHOLESALE AND RETAIL PRICES AT WHICH LIQUORS AND ALCOHOL SHALL
9 BE SOLD AT PENNSYLVANIA LIQUOR STORES. [PRICES]

10 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4), PRICES
11 SHALL BE PROPORTIONAL WITH PRICES PAID BY THE BOARD TO ITS
12 SUPPLIERS AND [SHALL REFLECT ANY ADVANTAGE OBTAINED THROUGH
13 VOLUME PURCHASES BY THE BOARD.] MAY INCLUDE A HANDLING FEE. THIS
14 PROPORTIONAL PRICING PROVISION SHALL NOT APPLY TO SPECIAL LIQUOR
15 ORDERS AUTHORIZED UNDER SECTION 305(A).

16 (3) THE BOARD MAY PRICE ITS BEST-SELLING ITEMS AND LIMITED
17 PURCHASE ITEMS IN A MANNER THAT MAXIMIZES THE RETURN ON THE SALE
18 OF THOSE ITEMS.

19 (4) THE BOARD MAY DISCOUNT THE PRICE OF DISCONTINUED ITEMS.

20 (5) ALL PRICES OF A PARTICULAR PRODUCT IDENTIFICATION NUMBER
21 SHALL BE UNIFORM THROUGHOUT THE COMMONWEALTH. THE BOARD MAY
22 ESTABLISH A PREFERENTIAL PRICE STRUCTURE FOR WINES PRODUCED
23 WITHIN THIS COMMONWEALTH FOR THE PROMOTION OF SUCH WINES, AS
24 LONG AS THE PRICE STRUCTURE IS UNIFORM WITHIN EACH CLASS OF WINE
25 PURCHASED BY THE BOARD.

26 (6) ON A QUARTERLY BASIS THE BOARD SHALL PUBLISH A LISTING
27 OF THE WHOLESALE AND PENNSYLVANIA LIQUOR STORE RETAIL PRICES ON
28 ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

29 (7) NO LATER THAN APRIL 1ST OF EACH YEAR THE BOARD SHALL
30 SUBMIT AN ANNUAL WRITTEN REPORT TO THE LAW AND JUSTICE COMMITTEE

1 OF THE SENATE AND THE LIQUOR CONTROL COMMITTEE OF THE HOUSE OF
2 REPRESENTATIVES. THE REPORT SHALL CONTAIN INFORMATION RELATED TO
3 THE METHOD AND RATIONALE FOR PRICING PRODUCTS.

4 (8) NO LATER THAN JUNE 1ST OF EACH YEAR, THE BOARD SHALL
5 APPEAR BEFORE THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND
6 THE LIQUOR CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO
7 PROVIDE TESTIMONY IN RELATION TO ITS ANNUAL WRITTEN REPORT UNDER
8 PARAGRAPH (7).

9 (9) THE BOARD SHALL REQUIRE EACH PENNSYLVANIA MANUFACTURER
10 AND EACH NONRESIDENT MANUFACTURER OF LIQUORS, OTHER THAN WINE,
11 SELLING SUCH LIQUORS TO THE BOARD, WHICH ARE NOT MANUFACTURED IN
12 THIS COMMONWEALTH, TO MAKE APPLICATION FOR AND BE GRANTED A
13 PERMIT BY THE BOARD BEFORE SUCH LIQUORS NOT MANUFACTURED IN THIS
14 COMMONWEALTH SHALL BE PURCHASED FROM SUCH MANUFACTURER. EACH
15 SUCH MANUFACTURER SHALL PAY FOR SUCH PERMIT A FEE WHICH, IN THE
16 CASE OF A MANUFACTURER OF THIS COMMONWEALTH, SHALL BE EQUAL TO
17 THAT REQUIRED TO BE PAID, IF ANY, BY A MANUFACTURER OR
18 WHOLESALE OF THE STATE, TERRITORY OR COUNTRY OF ORIGIN OF THE
19 LIQUORS, FOR SELLING LIQUORS MANUFACTURED IN PENNSYLVANIA, AND
20 IN THE CASE OF A NONRESIDENT MANUFACTURER, SHALL BE EQUAL TO
21 THAT REQUIRED TO BE PAID, IF ANY, IN SUCH STATE, TERRITORY OR
22 COUNTRY BY PENNSYLVANIA MANUFACTURERS DOING BUSINESS IN SUCH
23 STATE, TERRITORY OR COUNTRY. IN THE EVENT THAT ANY SUCH
24 MANUFACTURER SHALL, IN THE OPINION OF THE BOARD, SELL OR ATTEMPT
25 TO SELL LIQUORS TO THE BOARD THROUGH ANOTHER PERSON FOR THE
26 PURPOSE OF EVADING THIS PROVISION RELATING TO PERMITS, THE BOARD
27 SHALL REQUIRE SUCH PERSON, BEFORE PURCHASING LIQUORS FROM HIM OR
28 IT, TO TAKE OUT A PERMIT AND PAY THE SAME FEE AS HEREINBEFORE
29 REQUIRED TO BE PAID BY SUCH MANUFACTURER. ALL PERMIT FEES SO
30 COLLECTED SHALL BE PAID INTO THE STATE STORES FUND. THE BOARD

1 SHALL NOT PURCHASE ANY ALCOHOL OR LIQUOR FERMENTED, DISTILLED,
2 RECTIFIED, COMPOUNDED OR BOTTLED IN ANY STATE, TERRITORY OR
3 COUNTRY, THE LAWS OF WHICH RESULT IN PROHIBITING THE IMPORTATION
4 THEREIN OF ALCOHOL OR LIQUOR, FERMENTED, DISTILLED, RECTIFIED,
5 COMPOUNDED OR BOTTLED IN PENNSYLVANIA. THE BOARD MAY NOT SELL
6 PRIVATE LABEL PRODUCTS. A PENNSYLVANIA LIQUOR STORE MAY CONTINUE
7 TO SELL PRIVATE LABEL PRODUCTS WITHIN ITS INVENTORY AFTER THE
8 EFFECTIVE DATE OF THIS SECTION UNTIL THE PRIVATE LABEL PRODUCTS
9 WITHIN ITS CURRENT INVENTORY ARE DEPLETED.

10 (10) THE PROPORTIONAL PRICING UNDER PARAGRAPH (2) SHALL NOT
11 APPLY TO SPECIAL LIQUOR ORDERS AUTHORIZED UNDER SECTION 305(A).

12 (11) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
13 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS PARAGRAPH:

14 "BEST-SELLING ITEMS" SHALL MEAN THE ONE HUNDRED FIFTY (150)
15 MOST SOLD PRODUCT IDENTIFICATION NUMBERS OF WINE AND THE ONE
16 HUNDRED FIFTY (150) MOST SOLD PRODUCT IDENTIFICATION NUMBERS OF
17 LIQUOR AS MEASURED BY THE TOTAL NUMBER OF UNITS SOLD ON A SIX-
18 MONTH BASIS CALCULATED EVERY JANUARY 1 AND JULY 1.

19 "DISCONTINUED ITEMS" SHALL MEAN THOSE PRODUCT IDENTIFICATION
20 NUMBERS THAT THE BOARD HAS VOTED TO DELIST AT A PUBLIC MEETING.

21 "LIMITED PURCHASE ITEMS" SHALL MEAN THOSE PRODUCT
22 IDENTIFICATION NUMBERS THAT THE BOARD PURCHASES ON EITHER A ONE-
23 TIME OR NONRECURRING BASIS DUE TO THE PRODUCT'S LIMITED
24 AVAILABILITY OR FINITE ALLOCATION.

25 "PRODUCT IDENTIFICATION NUMBER" SHALL MEAN THE STOCK KEEPING
26 UNIT (SKU) OR A SUCCESSOR METHOD OF IDENTIFYING SPECIFIC
27 PRODUCTS.

28 * * *

29 (L) TO BE LICENSED AS A LOTTERY SALES AGENT AS SET FORTH IN
30 SECTION 305 OF THE ACT OF AUGUST 26, 1971 (P.L.351, NO.91),

1 KNOWN AS THE "STATE LOTTERY LAW," AND TO TAKE ANY ACTIONS
2 AUTHORIZED BY SUCH DESIGNATION EXCEPT THAT NO BOND, INSURANCE OR
3 INDEMNIFICATION MAY BE REQUIRED FROM THE BOARD. NOTWITHSTANDING
4 ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY PAY
5 THE HOLDER OF A WINNING TICKET UP TO AN AMOUNT THAT SHALL BE
6 ESTABLISHED JOINTLY BY THE BOARD AND THE DEPARTMENT OF REVENUE.
7 ALL PROCEEDS RETAINED BY THE BOARD AS COMPENSATION FOR THE SALE
8 OF TICKETS, INCLUDING INCENTIVE AWARDS OR BONUSES, AS WELL AS
9 CREDIT FOR DIRECT PAYMENT OF PRIZES, SHALL BE DEPOSITED INTO THE
10 GENERAL FUND.

11 (M) NOTWITHSTANDING SUBSECTION (B), THE BOARD MAY ESTABLISH
12 AND IMPLEMENT A CUSTOMER RELATIONS MANAGEMENT PROGRAM FOR THE
13 PURPOSE OF OFFERING INCENTIVES, SUCH AS COUPONS OR DISCOUNTS ON
14 CERTAIN PRODUCTS, TO UNLICENSED CUSTOMERS OF THE BOARD.

15 (N) NOTWITHSTANDING THE ACT OF _____, (P.L. _____, NO. _____),
16 KNOWN AS THE TAXPAYER-FUNDED ADVERTISING TRANSPARENCY ACT, ANY
17 EXPENDITURE FOR MEDIA ADVERTISING MADE BY THE BOARD SHALL NOT BE
18 SUBJECT TO ANY REQUIREMENT THAT THE MEDIA ADVERTISING INCLUDE
19 ANY STATEMENT IDENTIFYING THE FUND FROM WHICH THE EXPENDITURE
20 WAS MADE, NOR ANY STATEMENT THAT THE MEDIA ADVERTISING WAS PAID
21 FOR WITH PENNSYLVANIA TAXPAYER DOLLARS.

22 SECTION 2.1. SECTION 304 OF THE ACT, AMENDED DECEMBER 8,
23 2004 (P.L.1810, NO.239), IS AMENDED TO READ:

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

30 (B) CERTAIN PENNSYLVANIA LIQUOR STORES OPERATED BY THE BOARD

1 SHALL BE OPEN FOR SUNDAY RETAIL SALES BETWEEN THE HOURS OF NOON
2 AND FIVE O'CLOCK POSTMERIDIAN, EXCEPT THAT NO SUNDAY SALES SHALL
3 OCCUR ON EASTER SUNDAY OR CHRISTMAS DAY. THE BOARD SHALL OPEN UP
4 TO TWENTY-FIVE PER CENTUM OF THE TOTAL NUMBER OF PENNSYLVANIA
5 LIQUOR STORES AT ITS DISCRETION FOR SUNDAY SALES AS PROVIDED FOR
6 IN THIS SUBSECTION. THE BOARD SHALL SUBMIT YEARLY REPORTS TO THE
7 APPROPRIATIONS AND THE LAW AND JUSTICE COMMITTEES OF THE SENATE
8 AND THE APPROPRIATIONS AND THE LIQUOR CONTROL COMMITTEES OF THE
9 HOUSE OF REPRESENTATIVES SUMMARIZING THE TOTAL DOLLAR VALUE OF
10 SALES UNDER THIS SECTION.] PENNSYLVANIA LIQUOR STORES, INCLUDING
11 ONLINE STORES, SHALL BE OPEN ON THE HOURS AND DAYS THAT THE
12 BOARD DEEMS APPROPRIATE.

13 SECTION 3. SECTION 305(A) AND (B) OF THE ACT, AMENDED MAY 8,
14 2003 (P.L.1, NO.1) AND JULY 6, 2005 (P.L.135, NO.39), ARE
15 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
16 READ:

17 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.-- (A) THE
18 BOARD SHALL IN ITS DISCRETION DETERMINE WHERE AND WHAT CLASSES,
19 VARIETIES AND BRANDS OF LIQUOR AND ALCOHOL IT SHALL MAKE
20 AVAILABLE TO THE PUBLIC AND WHERE SUCH LIQUOR AND ALCOHOL WILL
21 BE SOLD. EVERY PENNSYLVANIA LIQUOR STORE SHALL BE AUTHORIZED TO
22 SELL COMBINATION PACKAGES. IF A PERSON DESIRES TO PURCHASE A
23 CLASS, VARIETY OR BRAND OF LIQUOR OR ALCOHOL NOT CURRENTLY
24 AVAILABLE FROM THE BOARD, HE OR SHE MAY PLACE A SPECIAL ORDER
25 FOR SUCH ITEM SO LONG AS THE ORDER IS FOR TWO OR MORE BOTTLES.
26 THE BOARD MAY REQUIRE A REASONABLE DEPOSIT FROM THE PURCHASER AS
27 A CONDITION FOR ACCEPTING THE ORDER. THE CUSTOMER SHALL BE
28 NOTIFIED IMMEDIATELY UPON THE ARRIVAL OF THE GOODS.

29 IN COMPUTING THE RETAIL PRICE OF SUCH SPECIAL ORDERS FOR
30 LIQUOR OR ALCOHOL, THE BOARD SHALL NOT INCLUDE THE COST OF

1 FREIGHT OR SHIPPING BEFORE APPLYING [THE] A MARK-UP THAT IS
2 EQUAL TO TEN PER CENTUM OF THE COST OF THE PRODUCT AND TAXES BUT
3 SHALL ADD THE FREIGHT OR SHIPPING CHARGES TO THE PRICE AFTER THE
4 MARK-UP AND TAXES HAVE BEEN APPLIED. IN ADDITION TO THE TEN PER
5 CENTUM MARK-UP, THE BOARD SHALL IMPOSE HANDLING FEES ON SPECIAL
6 ORDERS WHICH COME TO REST AT A STORE, IN THE SAME MANNER THAT IT
7 IMPOSES THEM ON THE OTHER ALCOHOL THAT IT SELLS.

8 A LICENSED IMPORTER OR A LICENSED VENDOR MAY PLACE SPECIAL
9 ORDERS ON BEHALF OF CUSTOMERS AND MAY DELIVER THE ORDERS TO
10 CUSTOMERS. THE ORDERS DO NOT NEED TO COME TO REST AT A STORE,
11 BUT DELIVERY MAY NOT OCCUR UNTIL PAYMENT FOR THE ORDER HAS BEEN
12 FORWARDED TO THE BOARD AND THE BOARD HAS AUTHORIZED THE DELIVERY
13 OF THE ORDER. A HANDLING FEE MAY NOT BE ASSESSED BY THE BOARD ON
14 AN ORDER DELIVERED DIRECTLY TO A CUSTOMER. LIABILITY FOR SPECIAL
15 ORDERS THAT DO NOT COME TO REST AT A STORE, SHALL, UNTIL THE
16 ORDER IS DELIVERED TO THE CUSTOMER, REMAIN WITH THE LICENSED
17 IMPORTER OR LICENSED VENDOR THAT PLACED THE ORDER ON BEHALF OF
18 THE CUSTOMER. THE BOARD SHALL, BY JANUARY 1, 2017, IMPLEMENT A
19 PROCEDURE FOR PROCESSING SPECIAL ORDERS WHICH DO NOT COME TO
20 REST AT A STORE. THE BOARD MAY CONTINUE TO ACCEPT SPECIAL ORDERS
21 AT ITS STORES EVEN AFTER THE PROCEDURE IS IMPLEMENTED.

22 UNLESS THE CUSTOMER PAYS FOR AND ACCEPTS DELIVERY OF ANY SUCH
23 SPECIAL ORDER WITHIN TEN DAYS AFTER NOTICE OF ARRIVAL, THE STORE
24 MAY PLACE IT IN STOCK FOR GENERAL SALE AND THE CUSTOMER'S
25 DEPOSIT SHALL BE FORFEITED.

26 (A.1) THE BOARD MAY REFUSE TO PROCESS A SPECIAL ORDER AND
27 PRECLUDE A VENDOR OR IMPORTER FROM PROCESSING A SPECIAL ORDER,
28 IF IT APPEARS THAT THE SPECIAL ORDER IS FOR AN ITEM
29 SUBSTANTIALLY SIMILAR TO AN ITEM THAT IS ON THE MONTHLY LIST THE
30 BOARD PUBLISHES UNDER SECTION 488(C) OR IF THE BOARD BELIEVES

1 THAT DEMAND FOR THE ITEM IS SUCH THAT IT SHOULD BE MADE
2 AVAILABLE GENERALLY. IF THE PROCESSING OF A SPECIAL ORDER IS
3 REFUSED OR PRECLUDED UNDER THIS SUBSECTION, THE ITEM SHALL BE
4 MADE AVAILABLE THROUGH THE BOARD IN THE AMOUNT AND MANNER THE
5 BOARD DEEMS APPROPRIATE.

6 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
7 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
8 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
9 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
10 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
11 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
12 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A
13 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
14 PRICE[.]; EXCEPT THAT SPECIAL ORDER SALES TO LICENSEES
15 AUTHORIZED IN SECTION 305(A) SHALL NOT BE SUBJECT TO THE TEN PER
16 CENTUM DISCOUNT. THE BOARD MAY SELL TO REGISTERED PHARMACISTS
17 ONLY SUCH LIQUORS AS CONFORM TO THE PHARMACOPOEIA OF THE UNITED
18 STATES, THE NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC
19 PHARMACOPOEIA. THE BOARD MAY SELL AT SPECIAL PRICES UNDER THE
20 REGULATIONS OF THE BOARD, TO UNITED STATES ARMED FORCES
21 FACILITIES WHICH ARE LOCATED ON UNITED STATES ARMED FORCES
22 INSTALLATIONS AND ARE CONDUCTED PURSUANT TO THE AUTHORITY AND
23 REGULATIONS OF THE UNITED STATES ARMED FORCES. ALL OTHER SALES
24 BY SUCH STORES SHALL BE AT RETAIL[.], EXCEPT THAT INCENTIVES,
25 SUCH AS COUPONS OR DISCOUNTS ON CERTAIN PRODUCTS, MAY BE OFFERED
26 TO UNLICENSED CUSTOMERS OF THE BOARD AS PROVIDED UNDER SECTIONS
27 207(M) AND 493(24)(II)(B). A PERSON ENTITLED TO PURCHASE LIQUOR
28 AT WHOLESALE PRICES MAY PURCHASE THE LIQUOR AT ANY PENNSYLVANIA
29 LIQUOR STORE UPON TENDERING CASH, CHECK OR CREDIT CARD FOR THE
30 FULL AMOUNT OF THE PURCHASE. FOR THIS PURPOSE, THE BOARD SHALL

1 ISSUE A DISCOUNT CARD TO EACH LICENSEE IDENTIFYING SUCH LICENSEE
2 AS A PERSON AUTHORIZED TO PURCHASE LIQUOR AT WHOLESALE PRICES.
3 SUCH DISCOUNT CARD SHALL BE RETAINED BY THE LICENSEE. THE BOARD
4 MAY CONTRACT THROUGH THE COMMONWEALTH BIDDING PROCESS FOR
5 DELIVERY TO WHOLESALE LICENSEES AT THE EXPENSE OF THE LICENSEE
6 RECEIVING THE DELIVERY.

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

13 * * *

14 (J) A PENNSYLVANIA LIQUOR STORE MAY CONTINUE TO SELL
15 ALCOHOLIC CIDER WITHIN THE PENNSYLVANIA LIQUOR STORE'S INVENTORY
16 AFTER THE EFFECTIVE DATE OF THIS SECTION UNTIL THE ALCOHOLIC
17 CIDER WITHIN THE PENNSYLVANIA LIQUOR STORE'S CURRENT INVENTORY
18 IS DEPLETED. THE BOARD MAY NOT PURCHASE ADDITIONAL ALCOHOLIC
19 CIDER AFTER THE EFFECTIVE DATE OF THIS SECTION.

20 (K) NOTWITHSTANDING THE PROVISIONS OF THE ACT OF AUGUST 26,
21 1971 (P.L.351, NO.91), KNOWN AS THE "STATE LOTTERY LAW," THE
22 FOLLOWING SHALL APPLY IF THE BOARD BECOMES A LICENSED LOTTERY
23 SALES AGENT, AS SET FORTH IN SECTION 305 OF THE STATE LOTTERY
24 LAW:

25 (1) THE SECRETARY OF REVENUE SHALL PERMIT THE BOARD TO
26 OPERATE AND MAINTAIN PENNSYLVANIA LOTTERY INSTANT TICKET VENDING
27 MACHINES, PLAYER-ACTIVATED TERMINALS AND TECHNOLOGIES OR SYSTEMS
28 SUBSEQUENTLY APPROVED BY THE DEPARTMENT OF REVENUE FOR THE SELF-
29 SERVICE SALE OF LOTTERY TICKETS AND GAMES IN PENNSYLVANIA LIQUOR
30 STORES. THE BOARD AND THE SECRETARY OF REVENUE SHALL MUTUALLY

1 AGREE UPON THE NUMBER AND LOCATION OF THE STORES AUTHORIZED TO
2 CONDUCT SELF-SERVICE SALES OF LOTTERY TICKETS AND GAMES.

3 (2) THE BOARD SHALL NOT BE REQUIRED TO POST ANY TYPE OF BOND
4 PRIOR TO CONDUCTING SELF-SERVICE SALES OF LOTTERY TICKETS AND
5 GAMES.

6 (3) ANY COMMISSIONS, COMPENSATION OR ANY TYPE OF INCENTIVE
7 AWARD BASED UPON THE SALE OF LOTTERY TICKETS AND GAMES SHALL BE
8 DEPOSITED BY THE BOARD INTO THE GENERAL FUND.

9 SECTION 3.1. SECTION 402 OF THE ACT IS AMENDED BY ADDING A
10 SUBSECTION TO READ:

11 SECTION 402. LICENSE DISTRICTS; LICENSE PERIOD; HEARINGS.--*
12 * *

13 (D) THIS SECTION SHALL NOT APPLY TO LICENSEES APPLYING FOR A
14 VALID WINE EXPANDED PERMIT UNDER SECTION 415.

15 SECTION 4. SECTION 404 OF THE ACT, AMENDED JANUARY 6, 2006
16 (P.L.1, NO.1), IS AMENDED TO READ:

17 SECTION 404. ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,
18 RESTAURANT AND CLUB LIQUOR LICENSES.--(A) UPON RECEIPT OF THE
19 APPLICATION AND THE PROPER FEES, AND UPON BEING SATISFIED OF THE
20 TRUTH OF THE STATEMENTS IN THE APPLICATION THAT THE APPLICANT
21 [IS] AND MANAGEMENT COMPANY OR COMPANIES, IF ANY, ARE THE ONLY
22 [PERSON] PERSONS IN ANY MANNER PECUNIARILY INTERESTED IN THE
23 BUSINESS SO ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL
24 BE IN ANY MANNER PECUNIARILY INTERESTED THEREIN DURING THE
25 CONTINUANCE OF THE LICENSE, EXCEPT AS HEREINAFTER PERMITTED, AND
26 THAT THE APPLICANT IS A PERSON OF GOOD REPUTE, THAT THE PREMISES
27 APPLIED FOR MEET ALL THE REQUIREMENTS OF THIS ACT AND THE
28 REGULATIONS OF THE BOARD, THAT THE APPLICANT SEEKS A LICENSE FOR
29 A HOTEL, RESTAURANT OR CLUB, AS DEFINED IN THIS ACT, AND THAT
30 THE ISSUANCE OF SUCH LICENSE IS NOT PROHIBITED BY ANY OF THE

1 PROVISIONS OF THIS ACT, THE BOARD SHALL, IN THE CASE OF A HOTEL
2 OR RESTAURANT, GRANT AND ISSUE TO THE APPLICANT A LIQUOR
3 LICENSE, AND IN THE CASE OF A CLUB MAY, IN ITS DISCRETION, ISSUE
4 OR REFUSE A LICENSE: PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
5 NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR
6 THE EXTENSION OF AN EXISTING LICENSE TO COVER AN ADDITIONAL AREA
7 THE BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW
8 LICENSE, TRANSFER OR EXTENSION IF SUCH PLACE PROPOSED TO BE
9 LICENSED IS WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL,
10 CHARITABLE INSTITUTION, SCHOOL, OR PUBLIC PLAYGROUND, OR IF SUCH
11 NEW LICENSE, TRANSFER OR EXTENSION IS APPLIED FOR A PLACE WHICH
12 IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES WHICH IS
13 LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE BOARD'S
14 AUTHORITY TO REFUSE TO GRANT A LICENSE BECAUSE OF ITS PROXIMITY
15 TO A CHURCH, HOSPITAL, CHARITABLE INSTITUTION, PUBLIC PLAYGROUND
16 OR OTHER LICENSED PREMISES SHALL NOT BE APPLICABLE TO LICENSE
17 APPLICATIONS SUBMITTED FOR PUBLIC VENUES OR PERFORMING ARTS
18 FACILITIES: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE
19 ANY APPLICATION FOR A NEW LICENSE, THE TRANSFER OF ANY LICENSE
20 TO A NEW LOCATION OR THE EXTENSION OF AN EXISTING LICENSE TO
21 COVER AN ADDITIONAL AREA IF, IN THE BOARD'S OPINION, SUCH NEW
22 LICENSE, TRANSFER OR EXTENSION WOULD BE DETRIMENTAL TO THE
23 WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
24 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
25 PROPOSED TO BE LICENSED: AND PROVIDED FURTHER, THAT THE BOARD
26 SHALL HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR
27 TO ANY CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON,
28 OR ANY OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
29 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
30 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE

1 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
2 LICENSE. [THE BOARD SHALL REFUSE ANY APPLICATION FOR A NEW
3 LICENSE, THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR THE
4 EXTENSION OF ANY LICENSE TO COVER AN ADDITIONAL AREA WHERE THE
5 SALE OF LIQUID FUELS OR OIL IS CONDUCTED.] THE BOARD SHALL NOT
6 LICENSE THE AREA WHERE LIQUID FUELS OR OIL IS SOLD. NO SALES OF
7 LIQUID FUELS OR OIL MAY BE MADE FROM A LICENSEE'S LICENSED
8 PREMISES. A LICENSED PREMISES MAY NOT HAVE AN INTERIOR
9 CONNECTION WITH A LOCATION THAT SELLS LIQUID FUELS OR OILS
10 UNLESS IT FIRST RECEIVES PERMISSION FROM THE BOARD FOR THE
11 INTERIOR CONNECTION. THE APPROVAL SHALL BE REQUIRED REGARDLESS
12 OF WHETHER THE LICENSEE OR ANOTHER PARTY IS THE ENTITY SELLING
13 THE LIQUID FUELS OR OILS. THE BOARD MAY ENTER INTO AN AGREEMENT
14 WITH THE APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE
15 LICENSE IN QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO
16 SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE
17 APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT
18 WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER
19 SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER SECTION
20 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN APPLICANT
21 CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS SHALL BE
22 BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE LICENSE
23 IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD ENTERS INTO
24 A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS. IF THE
25 APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY LICENSED
26 BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE BOARD ON THE
27 PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING ON THE
28 APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
29 RESCINDING THOSE RESTRICTIONS. THE BOARD MAY, IN ITS DISCRETION,
30 REFUSE AN APPLICATION FOR AN ECONOMIC DEVELOPMENT LICENSE UNDER

1 SECTION 461(B.1) OR AN APPLICATION FOR AN INTERMUNICIPAL
2 TRANSFER OF A LICENSE IF THE BOARD RECEIVES A PROTEST FROM THE
3 GOVERNING BODY OF THE RECEIVING MUNICIPALITY. THE RECEIVING
4 MUNICIPALITY OF AN INTERMUNICIPAL TRANSFER OR AN ECONOMIC
5 DEVELOPMENT LICENSE UNDER SECTION 461(B.1) MAY FILE A PROTEST
6 AGAINST THE TRANSFER OF A LICENSE INTO ITS MUNICIPALITY, AND THE
7 RECEIVING MUNICIPALITY SHALL HAVE STANDING IN A HEARING TO
8 PRESENT TESTIMONY IN SUPPORT OF OR AGAINST THE ISSUANCE OR
9 TRANSFER OF A LICENSE. UPON ANY OPENING IN ANY QUOTA, AN
10 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
11 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.

12 (B) IF THE APPLICANT INTENDS TO USE A MANAGEMENT COMPANY TO
13 OPERATE, MANAGE OR SUPERVISE ALL OR PART OF THE OPERATION OF THE
14 LICENSED PREMISES, THE LICENSEE MUST FILE A WRITTEN APPLICATION
15 WITH THE BOARD ON A FORM OR FORMS AS THE BOARD SHALL, FROM TIME
16 TO TIME PRESCRIBE. THE APPLICATION SHALL BE ACCOMPANIED BY A FEE
17 IN AN AMOUNT DETERMINED BY THE BOARD. THE BOARD SHALL REFUSE THE
18 APPLICATION IF THE MANAGEMENT COMPANY OR ANY PERSON INVOLVED
19 WITH THE MANAGEMENT COMPANY WOULD BE PRECLUDED FROM HOLDING AN
20 INTEREST IN THE UNDERLYING LICENSE.

21 SECTION 5. SECTION 406(A), (F) AND (G) OF THE ACT, AMENDED
22 JULY 6, 2005 (P.L.135, NO.39), DECEMBER 22, 2011 (P.L.530,
23 NO.113) AND JULY 5, 2012 (P.L.1007, NO.116), ARE AMENDED AND THE
24 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

25 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.-- (A)
26 (1) EVERY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE MAY SELL
27 LIQUOR AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR
28 OTHER CONTAINER, AND IN ANY MIXTURE, FOR CONSUMPTION ONLY IN
29 THAT PART OF THE HOTEL OR RESTAURANT HABITUALLY USED FOR THE
30 SERVING OF FOOD TO GUESTS OR PATRONS, OR IN A BOWLING ALLEY THAT

1 IS IMMEDIATELY ADJACENT TO AND UNDER THE SAME ROOF AS A
2 RESTAURANT, AND IN THE CASE OF HOTELS, TO GUESTS, AND IN THE
3 CASE OF CLUBS, TO MEMBERS, IN THEIR PRIVATE ROOMS IN THE HOTEL
4 OR CLUB. NO CLUB LICENSEE NOR ITS OFFICERS, SERVANTS, AGENTS OR
5 EMPLOYES, OTHER THAN ONE HOLDING A CATERING LICENSE, SHALL SELL
6 ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY PERSON EXCEPT A
7 MEMBER OF THE CLUB. THE HOLDER OF A RESTAURANT LICENSE LOCATED
8 IN A HOTEL MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES FOR
9 CONSUMPTION IN THAT PART OF THE RESTAURANT HABITUALLY USED FOR
10 THE SERVING OF MEALS TO PATRONS AND ALSO TO GUESTS IN PRIVATE
11 GUEST ROOMS IN THE HOTEL. FOR THE PURPOSE OF THIS PARAGRAPH, ANY
12 PERSON WHO IS AN ACTIVE MEMBER OF ANOTHER CLUB WHICH IS
13 CHARTERED BY THE SAME STATE OR NATIONAL ORGANIZATION SHALL HAVE
14 THE SAME RIGHTS AND PRIVILEGES AS MEMBERS OF THE PARTICULAR
15 CLUB. FOR THE PURPOSE OF THIS PARAGRAPH, ANY PERSON WHO IS AN
16 ACTIVE MEMBER OF ANY VOLUNTEER FIREFIGHTING COMPANY, ASSOCIATION
17 OR GROUP OF THIS COMMONWEALTH, WHETHER INCORPORATED OR
18 UNINCORPORATED, SHALL UPON THE APPROVAL OF ANY CLUB COMPOSED OF
19 VOLUNTEER FIREMEN LICENSED UNDER THIS ACT, HAVE THE SAME SOCIAL
20 RIGHTS AND PRIVILEGES AS MEMBERS OF SUCH LICENSED CLUB. FOR THE
21 PURPOSES OF THIS PARAGRAPH, THE TERM "ACTIVE MEMBER" SHALL NOT
22 INCLUDE A SOCIAL MEMBER. ANY CLUB LICENSEE WHICH IS EITHER AN
23 INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AN
24 AFFILIATED ORGANIZATION AS DEFINED IN SECTION 461.1 SHALL BE
25 PERMITTED TO SELL LIQUOR OR MALT OR BREWED BEVERAGES TO ANY
26 ACTIVE MEMBER OF ANOTHER UNIT WHICH IS CHARTERED BY THE SAME
27 NATIONAL VETERANS' ORGANIZATION OR TO ANY MEMBER OF A NATIONALLY
28 CHARTERED AUXILIARY ASSOCIATED WITH THE SAME NATIONAL VETERANS'
29 ORGANIZATION.

30 (2) HOTEL AND RESTAURANT LIQUOR LICENSEES, [AIRPORT

1 RESTAURANT LIQUOR LICENSEES,] MUNICIPAL GOLF COURSE RESTAURANT
2 LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE
3 RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR BREWED
4 BEVERAGES ONLY AFTER SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY UNTIL
5 TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY, EXCEPT SUNDAY,
6 AND EXCEPT AS HEREINAFTER PROVIDED, MAY SELL LIQUOR AND MALT OR
7 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK
8 MIDNIGHT AND TWO O'CLOCK ANTEMERIDIAN.

9 (2.1) AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR
10 AND MALT OR BREWED BEVERAGES ONLY AFTER FIVE O'CLOCK
11 ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF
12 THE FOLLOWING DAY.

13 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
14 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
15 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR
16 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF ELEVEN O'CLOCK
17 ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE
18 OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS
19 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
20 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
21 NOTWITHSTANDING THIS PROVISION, A LICENSEE HOLDING SUCH A PERMIT
22 MAY BEGIN SELLING LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY
23 BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN
24 O'CLOCK ANTEMERIDIAN PROVIDED THAT THE LICENSEE OFFERS A MEAL
25 BEGINNING AT NINE O'CLOCK ANTEMERIDIAN. AIRPORT RESTAURANT
26 LIQUOR LICENSEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON
27 SUNDAY BETWEEN THE HOURS OF [SEVEN] FIVE O'CLOCK ANTEMERIDIAN
28 AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL
29 PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION
30 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS

1 "THE ADMINISTRATIVE CODE OF 1929."

2 (4) HOTEL AND RESTAURANT LIQUOR LICENSEES, [AIRPORT
3 RESTAURANT LIQUOR LICENSEES,] MUNICIPAL GOLF COURSE RESTAURANT
4 LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE
5 RESTAURANT LICENSEES WHICH DO NOT QUALIFY FOR AND PURCHASE SUCH
6 SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR EMPLOYES MAY SELL
7 LIQUOR AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK
8 ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF
9 THE FOLLOWING DAY, AND SHALL NOT SELL AFTER TWO O'CLOCK
10 ANTEMERIDIAN ON SUNDAY. NO CLUB LICENSEE OR ITS SERVANTS, AGENTS
11 OR EMPLOYES MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES BETWEEN
12 THE HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK
13 ANTEMERIDIAN ON ANY DAY. NO PUBLIC SERVICE LIQUOR LICENSEE OR
14 ITS SERVANTS, AGENTS, OR EMPLOYES MAY SELL LIQUOR OR MALT OR
15 BREWED BEVERAGES BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN
16 AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

17 (6) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER
18 THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A SUNDAY, EVERY HOTEL
19 OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR
20 EMPLOYES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY
21 SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK
22 ANTEMERIDIAN OF THE FOLLOWING DAY.

23 (6.1) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY,
24 WHENEVER SAINT PATRICK'S DAY FALLS ON A SUNDAY, EVERY HOTEL OR
25 RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR EMPLOYES
26 MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY SUCH DAY
27 AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK
28 ANTEMERIDIAN OF THE FOLLOWING DAY.

29 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF
30 GROUNDHOG DAY FALLS ON A SUNDAY, A HOTEL OR RESTAURANT LICENSEE

1 OR THE HOTEL OR RESTAURANT LICENSEE'S SERVANTS, AGENTS OR
2 EMPLOYES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON THAT
3 DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK
4 ANTEMERIDIAN OF THE FOLLOWING DAY.

5 * * *

6 (F) THE HOLDER OF A HOTEL OR RESTAURANT LIQUOR LICENSE MAY
7 OBTAIN AN OFF-PREMISES CATERING PERMIT SUBJECT TO SECTION
8 493(33) TO HOLD A CATERED FUNCTION OFF THE LICENSED PREMISES AND
9 ON OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL
10 WINE, LIQUOR AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN
11 BOTTLE OR OTHER CONTAINER, AND IN ANY MIXTURE TOGETHER WITH
12 FOOD, FOR CONSUMPTION ON THOSE PREMISES. FUNCTIONS CONDUCTED
13 UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE
14 FOLLOWING:

15 (1) ALCOHOL MAY BE PROVIDED ONLY DURING THE DAYS AND HOURS
16 THAT THE LICENSE HOLDER MAY OTHERWISE SELL ALCOHOL;

17 (2) ALL SERVERS AT THE OFF PREMISES CATERED FUNCTION SHALL
18 BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
19 PROVISIONS UNDER SECTION 471.1;

20 (3) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY
21 AND NOT MORE THAN [FIFTY] FIFTY-TWO CATERED FUNCTIONS MAY BE
22 HELD EACH CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A
23 PARTICULAR LICENSE;

24 (4) A CATERED FUNCTION SHALL NOT BE HELD AT A LOCATION THAT
25 IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S
26 LICENSE;

27 (5) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE
28 LICENSE IS IN SAFEKEEPING;

29 (6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
30 SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF

1 LICENSING OR THE BOARD UNDER SECTION 470 (A.1) ;

2 (7) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
3 SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE
4 ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE
5 UNDER SECTION 471 (B) ;

6 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION BY
7 ANY PATRON, BUT THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM
8 ITS LICENSED PREMISES TO THE PROPOSED PREMISES;

9 (9) WRITTEN NOTICE OF THE CATERED FUNCTION AS ENUMERATED IN
10 PARAGRAPH (10) SHALL BE PROVIDED TO THE LOCAL POLICE AND THE
11 ENFORCEMENT BUREAU AT LEAST SEVEN DAYS IN ADVANCE OF THE EVENT;

12 (10) WRITTEN NOTICE SHALL BE PROVIDED TO THE BOARD AT LEAST
13 [THIRTY] FOURTEEN DAYS PRIOR TO A CATERED FUNCTION. WRITTEN
14 NOTICE MUST INCLUDE THE LOCATION OF THE FUNCTION, TIME OF THE
15 FUNCTION, HOST OF THE FUNCTION, GENERAL INFORMATION REGARDING
16 THE GUESTS EXPECTED AT THE FUNCTION AS WELL AS ANY INFORMATION
17 THE BOARD SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD MAY, IN
18 ITS DISCRETION, ACCEPT NOTICE IN AN ELECTRONIC FORMAT. THE BOARD
19 MAY, IN ITS DISCRETION, WAIVE THE [THIRTY-DAY] FOURTEEN-DAY
20 NOTICE PERIOD FOR A CATERED FUNCTION IF:

21 (I) THE APPLICANT HAS PREVIOUSLY CONDUCTED FUNCTIONS THAT
22 MEET THE REQUIREMENTS OF THIS ACT;

23 (II) THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE
24 BOARD;

25 (III) NOTIFICATION WAS RECEIVED AT LEAST [FOURTEEN] SEVEN
26 DAYS PRIOR TO THE CATERED FUNCTION; AND

27 (IV) THE APPLICANT PAYS A LATE FEE OF ONE HUNDRED DOLLARS
28 (\$100);

29 (11) THE BOARD SHALL, IN ITS DISCRETION, APPROVE OR
30 DISAPPROVE A CATERED FUNCTION IF THE APPLICANT FAILS TO PROVIDE

1 TIMELY NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO
2 CONDUCT A FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR
3 HAS PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
4 REQUIREMENTS OF THIS ACT;

5 (12) IF A CATERED FUNCTION IS SCHEDULED TO OCCUR ON PRIVATE
6 PROPERTY, THE OWNER OF THAT PROPERTY IS DEEMED TO HAVE SUBMITTED
7 TO THE JURISDICTION OF THE ENFORCEMENT BUREAU, AND THE WARRANT
8 REQUIRED BY SECTION 211(A)(2) OF THIS ACT SHALL NOT BE NECESSARY
9 FOR THE ENFORCEMENT BUREAU TO ENTER AND SEARCH THE PREMISES
10 DURING THE FUNCTION OR ANY ACTIVITIES RELATED TO THE FUNCTION;

11 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN FIVE
12 HOURS PER DAY AND MUST END BY MIDNIGHT UNLESS THE CATERED
13 FUNCTION OCCURS ON DECEMBER 31 OF ANY CALENDAR YEAR ON WHICH
14 DATE THE CATERED FUNCTION MUST END BY TWO O'CLOCK ANTEMERIDIAN;

15 (14) NEITHER THE OWNER OF THE PROPERTY NOR THE APPLICANT MAY
16 SELL TICKETS TO A CATERED FUNCTION UNLESS ONE OF THE FOLLOWING
17 CONDITIONS IS MET:

18 (I) THE APPLICANT HAS CONTRACTED WITH AN ELIGIBLE ENTITY FOR
19 THE FUNCTION, AND THE FUNCTION IS BEING USED TO RAISE MONEY FOR
20 THE ELIGIBLE ENTITY'S ORGANIZATION;

21 (II) THE APPLICANT HAS CONTRACTED WITH A NONPROFIT
22 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
23 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)),
24 FOR AN EVENT WHICH HAS THE SOLE PURPOSE OF RAISING FUNDS FOR
25 THAT NONPROFIT ORGANIZATION; OR

26 (III) THE APPLICANT HAS CONTRACTED WITH AN ORGANIZATION THAT
27 HOLDS TAX-EXEMPT STATUS UNDER SECTION 527 OF THE INTERNAL
28 REVENUE CODE OF 1986;

29 (15) THE CATERED FUNCTION LOCATION SHALL BE SUBJECT TO
30 SECTION 493(34) OF THIS ACT;

1 (16) CATERED FUNCTIONS MAY NOT BE HELD IN LOCATIONS THAT ARE
2 SUBJECT TO A PENDING, PROTESTED TRANSFER APPLICATION;

3 (17) A PERMIT MAY NOT BE ISSUED TO A LICENSE HOLDER WHOSE
4 LICENSE IS SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE
5 BUREAU OF LICENSING OR THE BOARD UNDER SECTION 470 (A.1);

6 (18) A PERMIT SHALL NOT BE ISSUED TO A LICENSEE FOR USE IN
7 ANY LOCATION THAT IS MOBILE; AND

8 (19) A PERMIT SHALL NOT BE ISSUED FOR USE ON ANY LOCATION
9 USED FOR PARKING AT A SPORTS EVENT OR CONCERT EVENT.

10 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
11 REGULATION, THE HOLDER OF A RETAIL LICENSE MAY HOLD HAPPY HOURS
12 UP TO FOUR CONSECUTIVE OR NONCONSECUTIVE HOURS PER DAY AND UP TO
13 FOURTEEN HOURS PER WEEK DURING WHICH THE HOLDER DISCOUNTS THE
14 PRICE OF ALCOHOLIC BEVERAGES. NO DISCOUNTS MAY BE GIVEN BETWEEN
15 THE HOURS OF MIDNIGHT AND THE LEGAL CLOSING TIME. NOTICE OF ALL
16 HAPPY HOURS SHALL BE VISIBLY POSTED ON THE LICENSED PREMISES
17 SEVEN DAYS PRIOR TO THE HAPPY HOUR. EXCEPT AS PROVIDED IN THIS
18 SUBSECTION, A LICENSEE SHALL COMPLY WITH THE PROVISIONS OF 40
19 PA. CODE § 13.102 (RELATING TO DISCOUNT PRICING PRACTICES).

20 [EVENTS] NEITHER EVENTS CONDUCTED UNDER THE AUTHORITY OF 40 PA.
21 CODE § 13.102 (B) NOR DISCOUNTS PROVIDED TO MUG CLUB MEMBERS
22 SHALL [NOT] BE COUNTED AGAINST THE FOUR-HOUR PER DAY OR
23 FOURTEEN-HOUR PER WEEK LIMIT.

24 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
25 REGULATION, A CATERING CLUB LICENSEE MAY CATER A SELF-SPONSORED
26 EVENT NO MORE THAN TWELVE OCCASIONS DURING ITS LICENSED TERM
27 WITH NO MORE THAN ONE EVENT IN ANY CALENDAR MONTH.

28 (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
29 REGULATION, A CLUB THAT SANCTIONS OR SPONSORS AN EVENT BETWEEN
30 PARTICIPANTS OF ITS BONA FIDE MEMBERSHIP AND THE PARTICIPANTS

1 FROM ANY LICENSED ENTITY MAY SELL ALCOHOL TO THOSE NONMEMBERS
2 PROVIDED THE FOLLOWING:

3 (1) THE EVENT IS SCHEDULED MORE THAN TWENTY-FOUR HOURS IN
4 ADVANCE; AND

5 (2) THE NONMEMBER PARTICIPANTS ARE LISTED ON A ROSTER OR
6 REGISTRATION LIST PROVIDED BY A LEAGUE, ORGANIZATION OR LICENSED
7 ENTITY PRIOR TO THE BEGINNING OF THE EVENT.

8 SECTION 6. SECTION 408.4(I) OF THE ACT, AMENDED JUNE 5, 2007
9 (P.L.11, NO.5), IS AMENDED TO READ:

10 SECTION 408.4. SPECIAL OCCASION PERMITS.--

11 * * *

12 (I) ONLY ONE SPECIAL OCCASION PERMIT SHALL BE ISSUED TO EACH
13 ELIGIBLE ENTITY PER CALENDAR YEAR. EACH PERMIT MAY ONLY BE USED
14 FOR SIX CONSECUTIVE OR NONCONSECUTIVE DAYS; OR TEN CONSECUTIVE
15 DAYS. [HOWEVER, IF THE ELIGIBLE ENTITY IS A MUSEUM OPERATED BY A
16 NONPROFIT CORPORATION IN A CITY OF THE THIRD CLASS OR TOWNSHIP
17 OF THE FIRST CLASS, A NONPROFIT CORPORATION ENGAGED IN THE
18 PERFORMING ARTS IN A CITY OF THE THIRD CLASS OR IN AN
19 INCORPORATED TOWN, A BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FR
20 AT LEAST TEN YEARS CONDUCTING A NATIONAL GOLF CHAMPIONSHIP OR AN
21 ARTS COUNCIL, THEN THE SPECIAL OCCASION PERMIT MAY BE USED FOR
22 SIX NONCONSECUTIVE OR TEN CONSECUTIVE DAYS.]

23 * * *

24 SECTION 7. SECTION 408.12(A) OF THE ACT, AMENDED JULY 16,
25 2007 (P.L.107, NO.34), IS AMENDED TO READ:

26 SECTION 408.12. WINE AUCTION PERMITS.--(A) UPON APPLICATION
27 OF:

28 (1) ANY NONPROFIT HOSPITAL;

29 (2) ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A
30 MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK;

1 (3) ANY ORCHESTRA LOCATED IN A COUNTY OF THE FIRST, SECOND
2 OR THIRD CLASS WHICH IS OPERATED BY A NONPROFIT CORPORATION;

3 (4) ANY MUSEUM LOCATED IN A COUNTY OF THE FIRST, SECOND
4 [OR], THIRD OR FOURTH CLASS WHICH IS OPERATED BY A NONPROFIT
5 CORPORATION;

6 (5) ANY NONPROFIT CORPORATION LOCATED IN ANY COUNTY OF THE
7 THIRD CLASS WHICH TRAINS AND PLACES DOGS FOR PEOPLE WHO ARE
8 PHYSICALLY HANDICAPPED;

9 (6) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY
10 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN
11 IN EXISTENCE FOR AT LEAST NINETY YEARS;

12 (7) ANY NATIONALLY RECOGNIZED EMERGENCY RESPONSE
13 ORGANIZATION THAT OFFERS HUMANITARIAN CARE TO VICTIMS OF WAR OR
14 NATURAL DISASTER AND HAS BEEN IN EXISTENCE FOR AT LEAST ONE
15 HUNDRED TWENTY-FIVE YEARS;

16 (8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHOSE PURPOSE IS
17 TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS
18 WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS
19 TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND
20 HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS;
21 [OR]

22 (9) ANY HOSPICE AS DEFINED UNDER SECTION 802.1 OF THE ACT OF
23 JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE "HEALTH CARE
24 FACILITIES ACT"; OR

25 (10) INSTITUTION OF HIGHER EDUCATION;
26 AND UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE
27 BOARD SHALL ISSUE A WINE AUCTION PERMIT GOOD FOR A PERIOD OF NOT
28 MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS PER CALENDAR
29 YEAR.

30 * * *

1 SECTION 7.1. SECTION 410 OF THE ACT IS AMENDED BY ADDING
2 SUBSECTIONS TO READ:

3 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
4 RESTRICTIONS.--* * *

5 (G) THE HOLDER OF AN IMPORTER'S LICENSE OR A VENDOR'S PERMIT
6 UNDER SECTION 208 MAY DELIVER LIQUOR PURCHASED FROM THE BOARD TO
7 A LICENSEE AS FOLLOWS:

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

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

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

14 (H) THE BOARD MAY RELEASE LIQUOR TO THE HOLDER OF AN
15 IMPORTER'S LICENSE OR THE HOLDER OF A VENDOR'S PERMIT FOR
16 DELIVERY TO A LICENSEE AS FOLLOWS:

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

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

21 SECTION 8. SECTION 411(E) OF THE ACT, AMENDED DECEMBER 22,
22 2011 (P.L.530, NO.113), IS AMENDED AND THE SECTION IS AMENDED BY
23 ADDING A SUBSECTION TO READ:

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

25 (E) EXCEPT AS HEREIN PROVIDED, NO HOTEL, RESTAURANT, RETAIL
26 DISPENSER OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR OR
27 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE SHALL IN ANY
28 WISE BE INTERESTED, DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR
29 LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR
30 ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A DISTRIBUTOR,

1 IMPORTING DISTRIBUTOR, OR BY AN IMPORTER OR SACRAMENTAL WINE
2 LICENSEE, IN THE CONDUCT OF HIS BUSINESS; NOR SHALL ANY HOTEL,
3 RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE, OR ANY OFFICER,
4 DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE,
5 EITHER DIRECTLY OR INDIRECTLY, LEND ANY MONEYS, CREDIT, OR GIVE
6 ANYTHING OF VALUE OR THE EQUIVALENT THEREOF, TO ANY DISTRIBUTOR,
7 IMPORTING DISTRIBUTOR, IMPORTER OR SACRAMENTAL WINE LICENSEE,
8 FOR EQUIPPING, FITTING OUT, OR MAINTAINING AND CONDUCTING,
9 EITHER IN WHOLE OR IN PART, AN ESTABLISHMENT USED IN THE CONDUCT
10 OF HIS BUSINESS.

11 THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION OF THE
12 FINANCIAL AND BUSINESS INTERESTS BETWEEN MANUFACTURERS AND
13 HOLDERS OF HOTEL OR RESTAURANT LIQUOR LICENSES AND, AS HEREIN
14 PROVIDED, OF CLUB LICENSES, ISSUED UNDER THIS ARTICLE, AND NO
15 PERSON SHALL, BY ANY DEVICE WHATSOEVER, DIRECTLY OR INDIRECTLY,
16 EVADE THE PROVISIONS OF THE SECTION. BUT IN VIEW OF EXISTING
17 ECONOMIC CONDITIONS, NOTHING CONTAINED IN THIS SECTION SHALL BE
18 CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING
19 INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE
20 UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED
21 AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT
22 LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE
23 HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL
24 NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE FROM
25 OWNING LAND WHICH IS LEASED TO, AND THE BUILDINGS THEREON OWNED
26 BY, A HOLDER OF A RETAIL DISPENSER'S LICENSE; AND NOTHING IN
27 THIS CLAUSE SHALL PREVENT THE ISSUANCE OF A RETAIL DISPENSER'S
28 LICENSE TO A LESSEE OF SUCH LANDS WHO OWNS THE BUILDINGS
29 THEREON: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS
30 SECTION SHALL BE CONSTRUED TO PROHIBIT ANY HOTEL, RESTAURANT,

1 RETAIL DISPENSER OR CLUB LICENSEE OR ANY OFFICER, DIRECTOR OR
2 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE FROM HAVING A
3 FINANCIAL OR OTHER INTEREST, DIRECTLY OR INDIRECTLY IN THE
4 OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY
5 PROPERTY OR ANY MORTGAGE LIEN AGAINST SAME, USED, LEASED BY AN
6 IMPORTER OR SACRAMENTAL WINE LICENSEE FOR THE EXCLUSIVE PURPOSE
7 OF MAINTAINING COMMERCIAL OFFICES AND ON THE CONDITION THAT SAID
8 PROPERTY IS NOT USED FOR THE STORAGE OR SALE OF LIQUOR OR MALT
9 OR BREWED BEVERAGES IN ANY QUANTITY: AND, PROVIDED FURTHER, THAT
10 NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT AN OFFICER OR
11 MEMBER OF A LICENSED PRIVATELY OWNED PRIVATE GOLF COURSE
12 CATERING CLUB FROM HAVING AN INTEREST IN A LIMITED WINERY
13 LICENSE: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS
14 SECTION SHALL BE CONSTRUED TO PROHIBIT A MEMBER OF THE GOVERNING
15 BOARD OF A PUBLIC AUTHORITY CREATED UNDER SUBDIVISION (N) OF
16 ARTICLE XXIII OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
17 KNOWN AS "THE COUNTY CODE," FROM HAVING AN INTEREST IN A
18 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE NOTWITHSTANDING THE
19 FACT THAT THE PUBLIC AUTHORITY HAS AN INTEREST IN ONE OR MORE
20 RETAIL LICENSES OR ACTS AS A LANDLORD FOR ONE OR MORE RETAIL
21 LICENSES: AND, PROVIDED FURTHER, THAT, NOTHING IN THIS SECTION
22 MAY PROHIBIT AN EMPLOYE OF A HOTEL OR RESTAURANT LICENSEE FROM
23 HAVING AN INTEREST IN ANY PROPERTY USED BY A LIMITED WINERY
24 LICENSEE OR IN GUARANTEEING ANY LOANS, OR LENDING ANY MONEYS,
25 PROVIDING CREDIT OR GIVING ANYTHING OF VALUE TO A LIMITED WINERY
26 LICENSEE OR ITS OFFICERS, DIRECTORS AND SHAREHOLDERS, PROVIDED
27 THAT THE PERSON ALSO IS NOT AN OFFICER OF OR DOES NOT HAVE ANY
28 INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED
29 ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE LICENSEE: AND,
30 PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF

1 THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A MANUFACTURER'S
2 LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL, RESTAURANT OR
3 RETAIL DISPENSER LICENSE FOR USE AT THE SAME LOCATION AND MORE
4 THAN ONE LOCATION MAY BE SO LICENSED. AND, PROVIDED FURTHER,
5 THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN
6 ENTITY LICENSED AS A LIMITED WINERY MAY HOLD AND OPERATE UNDER A
7 RESTAURANT LIQUOR LICENSE AT ONE OF ITS ADDITIONAL, BOARD-
8 APPROVED LOCATIONS INSTEAD OF AT ITS PRIMARY LOCATION WHERE
9 MANUFACTURING OCCURS. THE LICENSES AND A PERSON'S INTEREST IN
10 THE LICENSES OR IN THE ENTITY HOLDING THE LICENSES SHALL NOT BE
11 SUBJECT TO THIS SECTION. PROVIDED FURTHER, THAT, A PERSON WHO IS
12 A HOLDER OF FIVE PER CENTUM (5%) OR LESS OF SECURITIES OR OTHER
13 INTERESTS IN A PUBLICLY OR PRIVATELY HELD DOMESTIC OR FOREIGN
14 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER
15 FORM OF LEGAL ENTITY OWNING A RESTAURANT LIQUOR LICENSE OR
16 RETAIL DISPENSER'S LICENSE SHALL NOT BE DEEMED TO POSSESS A
17 FINANCIAL INTEREST AND IS NOT SUBJECT TO THE PROVISIONS OF THIS
18 SECTION, PROVIDED THAT THE PERSON IS NOT AN OFFICER OF, EMPLOYE
19 OF OR DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER
20 ANY OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM
21 THE RESTAURANT LIQUOR OR RETAIL DISPENSER LICENSEE IN WHICH THE
22 PERSON HOLDS THE FIVE PER CENTUM (5%) OR LESS INTEREST.

23 (F) THE FOLLOWING SHALL APPLY:

24 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
25 CONTRARY, A MANUFACTURER OR LICENSEE AND ITS OFFICERS,
26 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY
27 CONTRIBUTE, AND A MANUFACTURER OR LICENSEE AND ITS OFFICERS,
28 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT
29 MONEY OR OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF
30 A RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL

1 SERVICE PERSONNEL AS PROVIDED FOR UNDER THIS SECTION. THE MONEY
2 OR OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A MANUFACTURER
3 OR LICENSEE AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, SERVANTS,
4 AGENTS OR EMPLOYEES DIRECTLY OR BY OR TO A TRADE ORGANIZATION
5 CONSISTING, IN WHOLE OR PART, OF A GROUP OF LICENSEES.

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

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

17 SECTION 8.1. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

18 SECTION 415. WINE EXPANDED PERMITS.-- (A) (1) THE BOARD
19 SHALL ISSUE A WINE EXPANDED PERMIT TO A PERSON HOLDING AND
20 POSSESSING A VALID RESTAURANT LIQUOR LICENSE OR HOTEL LIQUOR
21 LICENSE.

22 (2) NOTHING IN THIS SECTION MAY AFFECT THE ABILITY OF AN
23 EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF ITS CURRENT
24 LICENSE AS AUTHORIZED BY THIS ACT, EXCEPT THAT NO SALES OF WINE
25 FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE BY A WINE EXPANDED
26 PERMIT HOLDER AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL
27 THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER SECTION 406 OF
28 THE NEXT DAY, INCLUDING SUNDAYS IF THE LICENSEE HAS A PERMIT
29 AUTHORIZED UNDER SECTIONS 406(A)(3) AND 432(F).

30 (3) A WINE EXPANDED PERMIT MAY NOT BE ISSUED TO A LICENSE

1 HOLDER WHOSE UNDERLYING LICENSE IS SUBJECT TO A PENDING
2 OBJECTION BY THE DIRECTOR OF THE BUREAU OF LICENSING OR THE
3 BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER IS DECIDED, SO
4 LONG AS THE UNDERLYING LICENSE IS AUTHORIZED TO OPERATE.
5 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF A WINE
6 EXPANDED PERMIT MAY CONTINUE TO OPERATE UNDER THE PERMIT IF ITS
7 UNDERLYING LICENSE IS OBJECTED TO BY THE DIRECTOR OF THE BUREAU
8 OF LICENSING OR THE BOARD UNDER SECTION 470(A.1), UNTIL THE
9 MATTER IS DECIDED.

10 (4) IF THE BOARD HAS APPROVED THE OPERATION OF ANOTHER
11 BUSINESS WHICH HAS AN INSIDE PASSAGE OR COMMUNICATION TO OR WITH
12 THE LICENSED PREMISES, THE SALE AND PURCHASE OF WINE SHALL BE
13 CONFINED STRICTLY TO THE PREMISES, IN A SPECIFICALLY DESIGNATED
14 AREA COVERED BY THE LICENSE. THE PURCHASE OF GOODS OBTAINED FROM
15 THE UNLICENSED AREA OF THE PREMISES SHALL BE PERMITTED IN THE
16 LICENSED AREA.

17 (5) FOR PURPOSES OF SELLING WINE FOR OFF-PREMISES
18 CONSUMPTION, A HOLDER OF A WINE EXPANDED PERMIT IS NOT SUBJECT
19 TO SECTION 493(14).

20 (6) A WINE EXPANDED PERMIT HOLDER SHALL COMPLY WITH THE
21 RESPONSIBLE ALCOHOL MANAGEMENT PROVISIONS UNDER SECTION 471.1.

22 (7) A WINE EXPANDED PERMIT HOLDER MAY STORE WINE IN A
23 NONCONTIGUOUS AREA THAT IS NOT ACCESSIBLE TO THE PUBLIC AND IS:

24 (I) LOCKED AT ALL TIMES WHEN NOT BEING ACCESSED BY THE
25 LICENSEES' EMPLOYEES;

26 (II) NOT ACCESSIBLE TO EMPLOYEES UNDER EIGHTEEN YEARS OF
27 AGE; AND

28 (III) IDENTIFIED BY DIMENSIONS AND LOCATIONS ON FORMS
29 SUBMITTED TO THE BOARD.

30 (8) A WINE EXPANDED PERMIT HOLDER SHALL UTILIZE A

1 TRANSACTION SCAN DEVICE TO VERIFY THE AGE OF AN INDIVIDUAL WHO
2 APPEARS TO BE UNDER THIRTY-FIVE YEARS OF AGE BEFORE MAKING A
3 SALE OF WINE. A WINE EXPANDED PERMIT HOLDER MAY NOT SELL OR
4 SHARE DATA FROM THE USE OF A TRANSACTION SCAN DEVICE, PROVIDED
5 THAT THE LICENSEE MAY USE THE DATA TO SHOW THE ENFORCEMENT
6 BUREAU OF THE BOARD THAT THE LICENSEE IS IN COMPLIANCE WITH THIS
7 ACT. AS USED IN THIS PARAGRAPH, THE TERM "TRANSACTION SCAN
8 DEVICE" MEANS A DEVICE CAPABLE OF DECIPHERING, IN AN
9 ELECTRONICALLY READABLE FORMAT, THE INFORMATION ENCODED ON THE
10 MAGNETIC STRIP OR BAR CODE OF AN IDENTIFICATION CARD UNDER
11 SECTION 495(A).

12 (9) A SALE OF WINE BY A WINE EXPANDED PERMIT HOLDER SHALL BE
13 MADE THROUGH A REGISTER WHICH IS WELL DESIGNATED WITH SIGNAGE,
14 WHICH IS STAFFED AT ALL TIMES, WHICH IS STAFFED BY A SALES CLERK
15 WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND HAS BEEN TRAINED UNDER
16 SECTION 471.1 AND WHICH UTILIZES A TRANSACTION SCAN DEVICE FOR
17 THE SALE. THE SALE OF WINE MAY NOT OCCUR AT A POINT OF SALE
18 WHERE THE CUSTOMER SCANS THE CUSTOMER'S OWN PURCHASES.

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

21 (1) FOR A WINE EXPANDED PERMIT ISSUED TO LICENSEES, AN
22 INITIAL APPLICATION FEE OF TWO THOUSAND DOLLARS (\$2,000).

23 (2) AN ANNUAL RENEWAL FEE EQUAL TO TWO PER CENTUM OF THE
24 COST OF WINE PURCHASED FROM THE BOARD FOR OFF-PREMISES
25 CONSUMPTION.

26 (C) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
27 PAID TO THE BOARD UNDER THIS SECTION SHALL BE PAID INTO THE
28 STATE TREASURY FOR DEPOSIT AS FOLLOWS:

29 (1) ALL MONEYS SHALL BE DEPOSITED IN THE STATE STORES FUND.

30 (2) EVERY JUNE 1, ALL MONEYS DEPOSITED UNDER PARAGRAPH (1)

1 SHALL BE TRANSFERRED TO THE GENERAL FUND.

2 (D) A WINE EXPANDED PERMIT HOLDER MAY SELL FOR OFF-PREMISES
3 CONSUMPTION, IN A SINGLE TRANSACTION, UP TO THREE THOUSAND
4 (3,000) MILLILITERS OF WINE.

5 (E) (1) WINE EXPANDED PERMIT HOLDERS SHALL COMPLY WITH THE
6 PROVISIONS OF SECTION 201(F), (K) AND (O) OF THE ACT OF MARCH 4,
7 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971,"
8 REGARDING THE PURCHASE OF WINE FROM A PENNSYLVANIA LIQUOR STORE.

9 (2) THE SALE OF WINE BY A WINE EXPANDED PERMIT HOLDER FOR
10 OFF-PREMISES CONSUMPTION SHALL BE CONSIDERED A "PURCHASE AT
11 RETAIL" UNDER SECTION 201(F) OF THE "TAX REFORM CODE OF 1971," A
12 "SALE AT RETAIL" UNDER SECTION 201(K) OF THE "TAX REFORM CODE OF
13 1971" OR A "USE" UNDER SECTION 201(O) OF THE "TAX REFORM CODE OF
14 1971."

15 (3) A WINE EXPANDED PERMIT HOLDER MAY, WHEN FILING ITS
16 REQUIRED RETURNS UNDER ARTICLE II OF THE TAX REFORM CODE OF
17 1971, REQUEST A REFUND OF ANY TAXES PAID IN ACCORDANCE WITH
18 PARAGRAPH (1) FOR WINE SOLD FOR OFF-PREMISES CONSUMPTION AND FOR
19 WHICH TAXES WERE REMITTED TO THE DEPARTMENT UNDER PARAGRAPH (2).
20 THE REQUEST FOR A REFUND SHALL INCLUDE THE ORIGINAL RECEIPT FROM
21 A PENNSYLVANIA LIQUOR STORE SHOWING THE AMOUNT OF TAXES PAID
22 UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER IS REQUESTING A
23 REFUND.

24 (4) THE DEPARTMENT SHALL REFUND THE AMOUNT OF TAXES PAID TO
25 A PENNSYLVANIA LIQUOR STORE BY A WINE EXPANDED PERMIT HOLDER
26 UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER REMITTED TAXES
27 IMPOSED UNDER PARAGRAPH (2). THE DEPARTMENT MAY PROMULGATE RULES
28 OR REGULATIONS AND PRESCRIBE FORMS AS MAY BE NECESSARY TO
29 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

30 (F) A WINE EXPANDED PERMIT HOLDER MAY NOT SELL A WINE

1 PRODUCT FOR OFF-PREMISES CONSUMPTION AT A PRICE LESS THAN THE
2 LICENSEE'S PURCHASE PRICE FROM THE BOARD OF THE WINE PRODUCT.

3 (G) A WINE EXPANDED PERMIT HOLDER MAY NOT SELL A PRIVATE
4 LABEL PRODUCT.

5 SECTION 416. CASINO LIQUOR LICENSE.-- (A) NOTWITHSTANDING
6 ANY PROVISION OF LAW OR REGULATION, A SLOT MACHINE LICENSEE OR
7 AN AFFILIATED DESIGNEE HOLDING A RESTAURANT LIQUOR OR EATING
8 PLACE RETAIL DISPENSER LICENSE AND WHICH SELLS LIQUOR OR MALT OR
9 BREWED BEVERAGES AT OR ADJACENT TO A GAMING FACILITY UNDER THIS
10 ACT MAY APPLY TO THE BOARD FOR A CASINO LIQUOR LICENSE. THE
11 BOARD MAY ISSUE A CASINO LIQUOR LICENSE TO A SLOT MACHINE
12 LICENSEE FOR USE AT THE CASINO LIQUOR LICENSEE'S LICENSED
13 FACILITY IN ACCORDANCE WITH THIS SECTION.

14 (B) EACH APPLICATION FOR A CASINO LICENSE UNDER THIS SECTION
15 SHALL BE ACCOMPANIED BY A FEE OF ONE MILLION DOLLARS
16 (\$1,000,000).

17 (B.1) EACH RESTAURANT LICENSEE THAT DOES NOT HOLD A SLOT
18 MACHINE LICENSE BUT OPERATES WITHIN OR ADJACENT TO THE GAMING
19 FACILITY MUST PAY A ONE-TIME FEE OF TEN THOUSAND DOLLARS
20 (\$10,000).

21 (C) THE FOLLOWING SHALL APPLY TO RENEWALS:

22 (1) A CASINO LIQUOR LICENSE MUST BE RENEWED ON AN ANNUAL
23 BASIS.

24 (2) FOR THE FIRST FOUR YEARS AFTER THE INITIAL ISSUE OF THE
25 CASINO LIQUOR LICENSE, THE CASINO LIQUOR LICENSE SHALL BE
26 SUBJECT TO AN ANNUAL RENEWAL FEE OF ONE MILLION DOLLARS
27 (\$1,000,000).

28 (3) AFTER THE PERIOD UNDER PARAGRAPH (2), THE CASINO LIQUOR
29 LICENSE SHALL BE SUBJECT TO AN ANNUAL RENEWAL FEE OF TWO HUNDRED
30 AND FIFTY THOUSAND DOLLARS (\$250,000).

1 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
2 COLLECTED OR RECEIVED BY THE BOARD UNDER THIS SUBSECTION SHALL
3 BE PAID INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF
4 REVENUE FOR DEPOSIT INTO THE GENERAL FUND.

5 (D) THE FOLLOWING SHALL APPLY TO DISPOSITION OF RESTAURANT
6 LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSES:

7 (1) AN APPLICANT UNDER THIS SECTION THAT CURRENTLY HOLDS A
8 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE MAY
9 CONTINUE TO UTILIZE THE LICENSE UNTIL THE CASINO LIQUOR LICENSE
10 IS ISSUED BY THE BOARD. UPON ISSUANCE OF A CASINO LIQUOR
11 LICENSE, THE APPLICANT MUST SURRENDER THE RESTAURANT LIQUOR OR
12 EATING PLACE RETAIL DISPENSER LICENSE TO THE BOARD.

13 (2) AN APPLICANT UNDER THIS SECTION THAT CURRENTLY HOLDS A
14 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE THAT
15 IS SUBJECT TO THE QUOTA RESTRICTIONS UNDER SECTION 461(A) MAY
16 CONTINUE TO UTILIZE THAT LICENSE UNTIL THE CASINO LIQUOR LICENSE
17 IS ISSUED BY THE BOARD. UPON ISSUANCE OF A CASINO LIQUOR
18 LICENSE, THE APPLICANT MAY SELL THE RESTAURANT LIQUOR OR EATING
19 PLACE RETAIL DISPENSER LICENSE.

20 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF
21 A CASINO LIQUOR LICENSE MAY SELL OR SERVE LIQUOR AND MALT OR
22 BREWED BEVERAGES TWENTY-FOUR (24) HOURS A DAY, SEVEN (7) DAYS A
23 WEEK.

24 (F) A CASINO LIQUOR LICENSE SHALL BE NONTRANSFERABLE, EXCEPT
25 THAT NOTHING IN THIS SUBSECTION SHALL PRECLUDE A TRANSFER OF
26 OWNERSHIP OF A CASINO LIQUOR LICENSE TO ANOTHER ELIGIBLE PERSON
27 TO BE USED AT THE SAME LICENSED FACILITY.

28 (G) A CASINO LIQUOR LICENSE SHALL EXPIRE UNDER THE FOLLOWING
29 CIRCUMSTANCES:

30 (1) REVOCATION BY AN ADMINISTRATIVE LAW JUDGE UNDER SECTION

1 471;

2 (2) NONRENEWAL BY THE BOARD UNDER SECTION 470;

3 (3) NONRENEWAL OF THE LICENSE BY A SLOT MACHINE LICENSEE OR
4 ITS DESIGNEE; OR

5 (4) UPON REQUEST BY THE SLOT MACHINE LICENSEE.

6 (H) THE BOARD MAY ISSUE A CASINO LIQUOR LICENSE AT ANY TIME
7 TO A NEW APPLICANT EVEN IF THE PREVIOUS LICENSE HAD:

8 (1) BEEN REVOKED BY AN ADMINISTRATIVE LAW JUDGE UNDER
9 SECTION 471;

10 (2) NOT BEEN RENEWED BY THE BOARD UNDER SECTION 470;

11 (3) NOT BEEN RENEWED BY THE SLOT MACHINE LICENSEE; OR

12 (4) EXPIRED UPON REQUEST BY THE SLOT MACHINE LICENSEE.

13 (I) IN ADDITION TO ANY OTHER RESTRICTIONS AND PRIVILEGES, A
14 CASINO LIQUOR LICENSE SHALL BE SUBJECT TO THE FOLLOWING:

15 (1) SALES MAY BE MADE AT ANY TIME THE FACILITY IS OPEN TO
16 THE PUBLIC.

17 (2) LIQUOR OR MALT OR BREWED BEVERAGES MAY BE TRANSPORTED
18 AND CONSUMED OFF THE GAMING FLOOR IF THE LIQUOR OR MALT OR
19 BREWED BEVERAGE REMAINS WITHIN THE PREMISES OF THE LICENSED
20 FACILITY.

21 (3) SALES OF MALT OR BREWED BEVERAGES FOR OFF-PREMISES
22 CONSUMPTION ARE PROHIBITED.

23 (4) IN ADDITION TO THE PROVISIONS OF SECTION 493(24)(II),
24 THE HOLDER OF A CASINO LIQUOR LICENSE MAY GIVE LIQUOR AND MALT
25 OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON ATTENDING AN
26 INVITATION-ONLY EVENT HELD ANYWHERE ON THE PREMISES OF THE
27 LICENSED FACILITY.

28 (5) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT
29 TO:

30 (I) THE PROXIMITY PROVISIONS OF SECTIONS 402 AND 404;

1 (II) THE RESTRICTIONS ON DISCOUNT PRICING PRACTICES SET
2 FORTH IN SECTIONS 406(G) AND 442(G);

3 (III) THE QUOTA RESTRICTIONS UNDER SECTION 461;

4 (IV) THE PROVISIONS OF SECTION 493(10);

5 (V) THE PROHIBITION AGAINST MINORS FREQUENTING AS DESCRIBED
6 IN SECTION 493(14);

7 (VI) THE COST AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION
8 493(20)(I);

9 (VII) THE RESTRICTIONS ON EVENTS, TOURNAMENTS OR CONTESTS IN
10 40 PA. CODE § 5.32 (RELATING TO RESTRICTIONS/EXCEPTIONS) OR ANY
11 SUCCESSOR REGULATION; AND

12 (VIII) THE RESTRICTIONS ON THE AWARDING OF TROPHIES, PRIZES
13 OR PREMIUMS SET FORTH IN 40 PA. CODE SECTION 5.32 OR ANY
14 SUCCESSOR REGULATION.

15 (J) MORE THAN ONE CASINO LIQUOR LICENSE ISSUED BY THE BOARD
16 MAY BE IN EFFECT AT A LICENSED FACILITY AT ANY ONE TIME, EXCEPT
17 THAT NO MORE THAN ONE CASINO LIQUOR LICENSE SHALL BE IN EFFECT
18 AT A SPECIFIC LOCATION WITHIN THE PREMISES OF A LICENSED
19 FACILITY AT THE SAME TIME.

20 SECTION 9. SECTION 431(B) AND (D)(2) OF THE ACT, AMENDED
21 DECEMBER 20, 1996 (P.L.1513, NO.196) AND DECEMBER 8, 2004
22 (P.L.1810, NO.239), ARE AMENDED TO READ:

23 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
24 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

25 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
26 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
27 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
28 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
29 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
30 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR

1 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
2 OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET
3 BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. THE BOARD SHALL
4 HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
5 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
6 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
7 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
8 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
9 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
10 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
11 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
12 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
13 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
14 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
15 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
16 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
17 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
18 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
19 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
20 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
21 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
22 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
23 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. [THE
24 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
25 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
26 FUELS OR OIL IS CONDUCTED.] THE BOARD SHALL NOT LICENSE THE AREA
27 WHERE LIQUID FUELS OR OIL IS SOLD. NO SALES OF LIQUID FUELS OR
28 OIL MAY BE MADE FROM A LICENSEE'S LICENSED PREMISES. A LICENSED
29 PREMISES MAY NOT HAVE AN INTERIOR CONNECTION WITH A LOCATION
30 THAT SELLS LIQUID FUELS OR OILS UNLESS IT FIRST RECEIVES

1 PERMISSION FROM THE BOARD FOR THE INTERIOR CONNECTION. THE
2 APPROVAL SHALL BE REQUIRED REGARDLESS OF WHETHER THE LICENSEE OR
3 ANOTHER PARTY IS THE ENTITY SELLING THE LIQUID FUELS OR OILS.
4 THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT
5 CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION.
6 IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT,
7 SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE
8 APPLICANT TO ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO
9 FORM THE BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE
10 NONRENEWAL OF THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS
11 INTO AN AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL
12 RESTRICTIONS, THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT
13 HOLDERS OF THE LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW
14 LOCATION OR UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT
15 REMOVING THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION
16 INVOLVES A LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY
17 RESTRICTIONS IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT
18 THAT LOCATION SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD
19 ENTERS INTO A NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE
20 BOARD SHALL REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR
21 PREMISES UPON WHICH THE LICENSEE OR PROPOSED LICENSEE WILL
22 ENGAGE IN SALES OF MALT OR BREWED BEVERAGES. THIS NOTICE SHALL
23 BE SIMILAR TO THE NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB
24 LIQUOR LICENSEES.

25 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
26 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
27 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
28 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
29 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
30 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF

1 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
2 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
3 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
4 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
5 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
6 AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES OWNED
7 BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
8 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
9 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
10 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
11 BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED
12 HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE
13 A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING
14 OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY
15 A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
16 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES
17 PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO
18 IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN
19 DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS
20 OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS
21 COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE
22 FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL
23 BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY
24 RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE
25 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP
26 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,
27 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED
28 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE
29 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,
30 DURING NORMAL BUSINESS HOURS.

1 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
2 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
3 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
4 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
5 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
6 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
7 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
8 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
9 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
10 MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
11 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
12 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
13 THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
14 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
15 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
16 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
17 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
18 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
19 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
20 MANUFACTURER.

21 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
22 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
23 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
24 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
25 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
26 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
27 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
28 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
29 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
30 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN

1 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
2 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
3 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
4 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
5 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
6 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
7 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
8 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
9 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
10 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
11 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
12 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
13 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
14 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
15 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
16 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
17 AFFECTED.

18 * * *

19 (D) * * *

20 (2) AFTER JANUARY 1, 1980, NO MANUFACTURER SHALL ENTER INTO
21 ANY AGREEMENT WITH MORE THAN ONE DISTRIBUTOR OR IMPORTING
22 DISTRIBUTOR FOR THE PURPOSE OF ESTABLISHING MORE THAN ONE
23 AGREEMENT FOR DESIGNATED BRAND OR BRANDS OF MALT OR BREWED
24 BEVERAGES IN ANY ONE TERRITORY. EACH FRANCHISE TERRITORY WHICH
25 IS GRANTED BY A MANUFACTURER SHALL BE GEOGRAPHICALLY CONTIGUOUS
26 OR IN COUNTIES WHICH ARE CONTIGUOUS WITH ONE ANOTHER. ALL
27 IMPORTING DISTRIBUTORS SHALL MAINTAIN SUFFICIENT RECORDS TO
28 EVIDENCE COMPLIANCE OF THIS SECTION. WITH REGARD TO ANY
29 TERRITORIAL DISTRIBUTION AUTHORITY GRANTED TO AN IMPORTING
30 DISTRIBUTOR BY A MANUFACTURER OF MALT OR BREWED BEVERAGES AFTER

1 JANUARY 1, 1996, THE RECORDS SHALL ESTABLISH THAT EACH AND EVERY
2 CASE OF A BRAND OF MALT OR BREWED BEVERAGES FOR WHICH THE
3 IMPORTING DISTRIBUTOR IS ASSIGNED WAS SOLD, RESOLD, STORED,
4 DELIVERED OR TRANSPORTED BY THE IMPORTING DISTRIBUTOR, EITHER
5 FROM A POINT OR TO A POINT WITH THE ASSIGNED GEOGRAPHICALLY
6 CONTIGUOUS TERRITORY OR IN COUNTIES WHICH ARE CONTIGUOUS WITH
7 ONE ANOTHER, TO ANY PERSON OR PERSONS, WHETHER SUCH PERSON OR
8 PERSONS ARE LICENSED BY THIS ACT OR NOT LICENSED BY THIS ACT.

9 * * *

10 SECTION 10. SECTION 432(D) OF THE ACT, AMENDED JANUARY 6,
11 2006 (P.L.1, NO.1), IS AMENDED AND THE SECTION IS AMENDED BY
12 ADDING A SUBSECTION TO READ:

13 SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--* *

14 *

15 (D) THE BOARD SHALL, IN ITS DISCRETION, GRANT OR REFUSE ANY
16 NEW LICENSE, THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR
17 THE EXTENSION OF AN EXISTING LICENSE TO COVER AN ADDITIONAL AREA
18 IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED
19 FEET OF ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL, OR
20 PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE, TRANSFER OR EXTENSION
21 IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY
22 OTHER PREMISES WHICH IS LICENSED BY THE BOARD. THE BOARD SHALL
23 REFUSE ANY APPLICATION FOR A NEW LICENSE, THE TRANSFER OF ANY
24 LICENSE TO A NEW LOCATION OR THE EXTENSION OF AN EXISTING
25 LICENSE TO COVER AN ADDITIONAL AREA IF, IN THE BOARD'S OPINION,
26 SUCH NEW LICENSE, TRANSFER OR EXTENSION WOULD BE DETRIMENTAL TO
27 THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
28 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
29 TO BE LICENSED. THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE
30 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE IN

1 QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN
2 AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT.
3 FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE
4 SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION
5 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER SECTION 470. IF
6 THE BOARD ENTERS INTO AN AGREEMENT WITH AN APPLICANT CONCERNING
7 ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS SHALL BE BINDING ON
8 SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE LICENSE IS
9 TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD ENTERS INTO A
10 SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS. IF THE
11 APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY LICENSED
12 BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE BOARD ON THE
13 PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING ON THE
14 APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
15 RESCINDING THOSE RESTRICTIONS. [THE BOARD SHALL REFUSE ANY
16 APPLICATION FOR A NEW LICENSE, THE TRANSFER OF ANY LICENSE TO A
17 LOCATION WHERE THE SALE OF LIQUID FUELS OR OIL IS CONDUCTED OR
18 THE EXTENSION OF AN EXISTING LICENSE TO COVER AN ADDITIONAL
19 AREA] THE BOARD SHALL NOT LICENSE THE AREA WHERE LIQUID FUELS OR
20 OIL IS SOLD. NO SALES OF LIQUID FUELS OR OIL MAY BE MADE FROM A
21 LICENSEE'S LICENSED PREMISES. A LICENSED PREMISES MAY NOT HAVE
22 AN INTERIOR CONNECTION WITH A LOCATION THAT SELLS LIQUID FUELS
23 OR OILS UNLESS IT FIRST RECEIVES PERMISSION FROM THE BOARD FOR
24 THE INTERIOR CONNECTION. THE APPROVAL SHALL BE REQUIRED
25 REGARDLESS OF WHETHER THE LICENSEE OR ANOTHER PARTY IS THE
26 ENTITY SELLING THE LIQUID FUELS OR OILS: AND PROVIDED FURTHER,
27 THAT THE BOARD SHALL HAVE THE DISCRETION TO REFUSE A LICENSE TO
28 ANY PERSON OR TO ANY CORPORATION, PARTNERSHIP OR ASSOCIATION IF
29 SUCH PERSON, OR ANY OFFICER OR DIRECTOR OF SUCH CORPORATION, OR
30 ANY MEMBER OR PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL

1 HAVE BEEN CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD
2 OF FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR
3 THE SAID LICENSE. THE BOARD MAY, IN ITS DISCRETION, REFUSE AN
4 APPLICATION FOR AN ECONOMIC DEVELOPMENT LICENSE UNDER SECTION
5 461(B.1) OR AN APPLICATION FOR AN INTERMUNICIPAL TRANSFER OR A
6 LICENSE IF THE BOARD RECEIVES A PROTEST FROM THE GOVERNING BODY
7 OF THE RECEIVING MUNICIPALITY. THE RECEIVING MUNICIPALITY OF AN
8 INTERMUNICIPAL TRANSFER OR AN ECONOMIC DEVELOPMENT LICENSE UNDER
9 SECTION 461(B.1) MAY FILE A PROTEST AGAINST THE APPROVAL FOR
10 ISSUANCE OF A LICENSE FOR ECONOMIC DEVELOPMENT OR AN
11 INTERMUNICIPAL TRANSFER OF A LICENSE INTO ITS MUNICIPALITY, AND
12 SUCH MUNICIPALITY SHALL HAVE STANDING IN A HEARING TO PRESENT
13 TESTIMONY IN SUPPORT OF OR AGAINST THE ISSUANCE OR TRANSFER OF A
14 LICENSE. UPON ANY OPENING IN ANY QUOTA, AN APPLICATION FOR A NEW
15 LICENSE SHALL ONLY BE FILED WITH THE BOARD FOR A PERIOD OF SIX
16 MONTHS FOLLOWING SAID OPENING.

17 * * *

18 (H) IN A MUNICIPALITY WHICH HAS APPROVED THE GRANTING OF
19 LIQUOR LICENSES AND UPON APPLICATION TO THE BOARD AND PAYMENT OF
20 A FEE OF THIRTY THOUSAND DOLLARS (\$30,000), THE BOARD SHALL
21 CONVERT AN EATING PLACE RETAIL DISPENSING LICENSE TO A
22 RESTAURANT LICENSE WITHOUT REGARD TO THE QUOTA RESTRICTIONS SET
23 FORTH IN SECTION 461(A). THE CONVERTED RESTAURANT LICENSE SHALL
24 BE SUBJECT TO THE PROVISIONS OF THIS ACT GOVERNING RESTAURANT
25 LIQUOR LICENSES. THE PROVISIONS OF THIS SUBSECTION ALLOWING A
26 HOLDER OF AN EATING PLACE RETAIL DISPENSING LICENSE TO CONVERT
27 THE LICENSE TO A RESTAURANT LIQUOR LICENSE SHALL ONLY APPLY TO A
28 LICENSE HOLDER WHOSE LICENSE IS NOT SUBJECT TO A PENDING
29 OBJECTION BY THE DIRECTOR OF THE BUREAU OF LICENSING OR THE
30 BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER IS DECIDED. A

1 CONVERSION UNDER THIS SUBSECTION SHALL BE CONSIDERED A TRANSFER
2 OR ISSUANCE OF A NEW LICENSE FOR THE PURPOSES OF SECTION 402.
3 THIS SUBSECTION DOES NOT APPLY TO LICENSES IN A CITY OF THE
4 FIRST CLASS.

5 SECTION 11. SECTION 436(F) OF THE ACT IS AMENDED AND THE
6 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

7 SECTION 436. APPLICATION FOR DISTRIBUTORS', IMPORTING
8 DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES.--APPLICATION FOR
9 DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS'
10 LICENSES, OR FOR THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER
11 PREMISES NOT THEN LICENSED OR TO ANOTHER PERSON, SHALL CONTAIN
12 OR HAVE ATTACHED THERETO THE FOLLOWING INFORMATION AND
13 STATEMENTS:

14 * * *

15 (F) THAT APPLICANT [IS] AND MANAGEMENT COMPANY OR COMPANIES,
16 IF ANY, ARE THE ONLY [PERSON] PERSONS IN ANY MANNER PECUNIARILY
17 INTERESTED IN THE BUSINESS SO ASKED TO BE LICENSED, AND THAT NO
18 OTHER PERSON SHALL BE IN ANY MANNER PECUNIARILY INTERESTED
19 THEREIN DURING THE CONTINUANCE OF THE LICENSE, EXCEPT AS
20 HEREINAFTER PERMITTED.

21 * * *

22 (K) IF THE LICENSEE IN QUESTION HAS A RETAIL DISPENSER
23 LICENSE, AND THE APPLICANT INTENDS TO USE A MANAGEMENT COMPANY
24 TO OPERATE, MANAGE OR SUPERVISE ALL OR PART OF THE OPERATION OF
25 THE LICENSED PREMISES, THE APPLICANT MUST FILE A WRITTEN
26 APPLICATION WITH THE BOARD ON THE FORM OR FORMS AS THE BOARD
27 SHALL, FROM TIME TO TIME, PRESCRIBE. THE APPLICATION SHALL BE
28 ACCOMPANIED BY A FEE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.
29 THE BOARD SHALL REFUSE THE APPLICATION IF THE MANAGEMENT COMPANY
30 OR ANY PERSON INVOLVED WITH THE MANAGEMENT WOULD BE PRECLUDED

1 FROM HOLDING AN INTEREST IN THE UNDERLYING LICENSE.

2 SECTION 11.1. SECTION 441(D) (2) OF THE ACT, AMENDED JUNE 28,
3 2011 (P.L.55, NO.11), IS AMENDED TO READ:

4 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
5 RESTRICTIONS ON SALES, STORAGE, ETC.--* * *

6 (D) * * *

7 (2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR
8 THE STORAGE OF MALT OR BREWED BEVERAGES EXCEPT IN THE FRANCHISE
9 TERRITORY IN WHICH THE LICENSED PREMISES IS LOCATED AND UNLESS
10 THE SAME HAS BEEN APPROVED BY THE BOARD. THE BOARD SHALL ISSUE
11 NO MORE THAN [ONE] FOUR STORAGE [FACILITY] FACILITIES LICENSE TO
12 AN IMPORTING DISTRIBUTOR. THE STORAGE LOCATION SHALL BE
13 DESIGNATED SOLELY AS A STORAGE FACILITY, FROM WHICH ONLY SALES
14 TO OTHER LICENSEES ARE PERMITTED. RETAIL SALES MAY BE MADE AT
15 THE LICENSED LOCATION PURSUANT TO SUBSECTION (C). IF THE
16 IMPORTING DISTRIBUTOR MAINTAINS A STORAGE LOCATION FOR COLD
17 STORAGE IN THE SAME MUNICIPALITY IN WHICH THE IMPORTING
18 DISTRIBUTOR IS LICENSED OR A NEARBY MUNICIPALITY, THE IMPORTING
19 DISTRIBUTOR MAY CONTINUE TO MAINTAIN THAT COLD STORAGE LOCATION
20 IN ADDITION TO ANOTHER STORAGE LOCATION WITHIN THEIR FRANCHISE
21 TERRITORY.

22 * * *

23 SECTION 12. SECTION 442(F) AND (G) OF THE ACT, AMENDED OR
24 ADDED DECEMBER 22, 2011 (P.L.530, NO.113) AND JULY 5, 2012
25 (P.L.1007, NO.116), ARE AMENDED TO READ:

26 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
27 AND SALES.--* * *

28 (F) THE HOLDER OF AN EATING PLACE RETAIL DISPENSER LICENSE
29 MAY OBTAIN AN OFF-PREMISES CATERING PERMIT UNDER SECTION 493(33)
30 TO HOLD A CATERED FUNCTION OFF OF THE LICENSED PREMISES AND ON

1 OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL MALT
2 OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR ANY OTHER
3 CONTAINER, TOGETHER WITH FOOD, FOR CONSUMPTION ON THOSE PREMISES
4 SOLELY USED FOR CATERING PREMISES. FUNCTIONS CONDUCTED UNDER THE
5 AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE FOLLOWING:

6 (1) MALT OR BREWED BEVERAGES MAY ONLY BE PROVIDED DURING THE
7 DAYS AND HOURS THAT THE LICENSE HOLDER MAY OTHERWISE SELL MALT
8 OR BREWED BEVERAGES;

9 (2) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY
10 AND NOT MORE THAN [FIFTY] FIFTY-TWO CATERED FUNCTIONS MAY BE
11 HELD EACH CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A
12 PARTICULAR LICENSE;

13 (3) A CATERED FUNCTION SHALL NOT BE HELD AT A LOCATION THAT
14 IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S
15 LICENSE;

16 (4) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE
17 LICENSE IS IN SAFEKEEPING;

18 (5) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
19 SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF
20 LICENSING OR THE BOARD UNDER SECTION 470 (A.1);

21 (6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
22 SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE
23 ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE
24 UNDER SECTION 471 (B);

25 (7) NO MALT OR BREWED BEVERAGES MAY BE TAKEN FROM THE
26 PERMITTED LOCATION BY A PATRON, BUT THE APPLICANT MAY TRANSPORT
27 MALT OR BREWED BEVERAGES TO AND FROM ITS LICENSED PREMISES TO
28 THE PROPOSED PREMISES;

29 (8) WRITTEN NOTICE OF THE CATERED FUNCTION AS ENUMERATED IN
30 PARAGRAPH (9) SHALL BE PROVIDED TO THE LOCAL POLICE AND THE

1 ENFORCEMENT BUREAU AT LEAST SEVEN DAYS IN ADVANCE OF THE EVENT;

2 (9) WRITTEN NOTICE SHALL BE PROVIDED TO THE BOARD AT LEAST

3 [THIRTY] FOURTEEN DAYS PRIOR TO A CATERED FUNCTION. WRITTEN

4 NOTICE MUST INCLUDE THE LOCATION OF THE FUNCTION, TIME OF THE

5 FUNCTION, HOST OF THE FUNCTION, GENERAL INFORMATION REGARDING

6 THE GUESTS EXPECTED AT THE FUNCTION AS WELL AS ANY INFORMATION

7 THE BOARD SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD MAY, IN

8 ITS DISCRETION, ACCEPT NOTICE IN AN ELECTRONIC FORMAT. THE BOARD

9 MAY, IN ITS DISCRETION, WAIVE THE [THIRTY-DAY] FOURTEEN-DAY

10 NOTICE PERIOD FOR A CATERED FUNCTION IF:

11 (I) THE APPLICANT HAS PREVIOUSLY CONDUCTED FUNCTIONS THAT

12 MEET THE REQUIREMENTS OF THIS ACT;

13 (II) THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE

14 BOARD; OF

15 (III) NOTIFICATION WAS RECEIVED AT LEAST [FOURTEEN] SEVEN

16 DAYS PRIOR TO THE CATERED FUNCTION; AND

17 (IV) THE APPLICANT PAYS A LATE FEE OF ONE HUNDRED DOLLARS

18 (\$100);

19 (10) THE BOARD SHALL, IN ITS DISCRETION, APPROVE OR

20 DISAPPROVE A CATERED FUNCTION IF THE APPLICANT FAILS TO PROVIDE

21 TIMELY NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO

22 CONDUCT A FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR

23 HAS PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE

24 REQUIREMENTS OF THIS ACT;

25 (11) IF A CATERED FUNCTION IS SCHEDULED TO OCCUR ON PRIVATE

26 PROPERTY, THE OWNER OF THAT PROPERTY IS DEEMED TO HAVE SUBMITTED

27 TO THE JURISDICTION OF THE ENFORCEMENT BUREAU, AND THE WARRANT

28 REQUIRED BY SECTION 211(A)(2) OF THIS ACT SHALL NOT BE NECESSARY

29 FOR THE ENFORCEMENT BUREAU TO ENTER AND SEARCH THE PREMISES

30 DURING THE FUNCTION OR ANY ACTIVITIES RELATED TO THE FUNCTION;

1 (12) ALL SERVERS AT THE OFF-PREMISES CATERED FUNCTION SHALL
2 BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
3 PROVISIONS UNDER SECTION 471.1 OF THIS ACT;

4 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN FIVE
5 HOURS PER DAY AND MUST END BY MIDNIGHT UNLESS THE CATERED
6 FUNCTION OCCURS ON DECEMBER 31 OF ANY CALENDAR YEAR ON WHICH THE
7 DATE THE CATERED FUNCTION MUST END BY TWO O'CLOCK ANTEMERIDIAN;

8 (14) NEITHER THE OWNER OF THE PROPERTY NOR THE APPLICANT MAY
9 SELL TICKETS TO A CATERED FUNCTION UNLESS ONE OF THE FOLLOWING
10 CONDITIONS IS MET:

11 (I) THE APPLICANT HAS CONTRACTED WITH AN ELIGIBLE ENTITY FOR
12 THE FUNCTION, AND THE FUNCTION IS BEING USED TO RAISE MONEY FOR
13 THE ELIGIBLE ENTITY'S ORGANIZATION;

14 (II) THE APPLICANT HAS CONTRACTED WITH A NONPROFIT
15 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
16 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3)),
17 FOR AN EVENT WHICH HAS THE SOLE PURPOSE OF RAISING FUNDS FOR
18 THAT NONPROFIT ORGANIZATION;

19 (III) THE APPLICANT HAS CONTRACTED WITH AN ORGANIZATION THAT
20 HOLDS TAX-EXEMPT STATUS UNDER SECTION 527 OF THE INTERNAL
21 REVENUE CODE OF 1986;

22 (15) CATERED FUNCTIONS HELD ON UNLICENSED PREMISES SHALL BE
23 SUBJECT TO SECTION 493(34) OF THIS ACT;

24 (16) CATERED FUNCTIONS MAY NOT BE HELD IN LOCATIONS THAT ARE
25 SUBJECT TO A PENDING, PROTESTED TRANSFER APPLICATION;

26 (17) A PERMIT MAY NOT BE ISSUED TO A LICENSEE WHO IS SUBJECT
27 TO OBJECTION UNDER THE BOARD'S NUISANCE BAR PROGRAM;

28 (18) A PERMIT SHALL NOT BE ISSUED TO A LICENSEE FOR USE IN
29 ANY LOCATION THAT IS MOBILE; AND

30 (19) A PERMIT SHALL NOT BE ISSUED FOR USE ON ANY LOCATION

1 USED FOR PARKING AT A SPORTS EVENT OR CONCERT EVENT.

2 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
3 REGULATION, THE HOLDER OF A RETAIL DISPENSER LICENSE MAY HOLD
4 HAPPY HOURS UP TO FOUR CONSECUTIVE OR NONCONSECUTIVE HOURS PER
5 DAY AND UP TO FOURTEEN HOURS PER WEEK DURING WHICH THE HOLDER
6 DISCOUNTS THE PRICE OF ALCOHOLIC BEVERAGES. NO DISCOUNTS MAY BE
7 GIVEN BETWEEN THE HOURS OF MIDNIGHT AND THE LEGAL CLOSING TIME.
8 NOTICE OF ALL HAPPY HOURS SHALL BE VISIBLY POSTED ON THE
9 LICENSED PREMISES SEVEN DAYS PRIOR TO THE HAPPY HOUR. EXCEPT AS
10 PROVIDED IN THIS SUBSECTION, A LICENSEE SHALL COMPLY WITH THE
11 PROVISIONS OF 40 PA. CODE § 13.102 (RELATING TO DISCOUNT PRICING
12 PRACTICES). [EVENTS] NEITHER EVENTS CONDUCTED UNDER THE
13 AUTHORITY OF 40 PA. CODE § 13.102(B) NOR DISCOUNTS PROVIDED TO
14 MUG CLUB MEMBERS SHALL [NOT] BE COUNTED AGAINST THE FOUR-HOURS
15 PER DAY OR FOURTEEN-HOURS PER WEEK.

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

18 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--* * *

19 (H) THE FOLLOWING SHALL APPLY:

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

1 CONSISTING, IN WHOLE OR PART, OF A GROUP OF LICENSEES.

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

8 (3) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION
9 ASSOCIATED WITH THE PERSON RECEIVING MONEY OR OTHER THINGS OF
10 VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER
11 THINGS OF VALUE USED, AS PART OF THE RECORDS REQUIRED UNDER
12 SECTION 493(12).

13 SECTION 14. SECTION 446 OF THE ACT, AMENDED DECEMBER 22,
14 2011 (P.L.530, NO.113) AND JULY 5, 2012 (P.L.1007, NO.116), IS
15 AMENDED TO READ:

16 SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE
17 MAY:

18 (1) SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE
19 BREWERY UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY
20 ENFORCE, TO INDIVIDUALS FOR CONSUMPTION ON THE LICENSED PREMISES
21 IN ANY CONTAINER OR PACKAGE OF ANY VOLUME AND TO HOTEL,
22 RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES.

23 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED
24 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY
25 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE
26 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED
27 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY
28 LICENSE MAY SELL AT ITS BREWERY PUB PREMISES [PENNSYLVANIA WINES
29 IT HAS PURCHASED FROM EITHER THE HOLDER OF A PENNSYLVANIA
30 LIMITED WINERY LICENSE OR FROM THE BOARD] WINES PRODUCED BY THE

1 HOLDER OF A LIMITED WINERY LICENSE OR LIQUOR PRODUCED BY A
2 LICENSED LIMITED DISTILLERY OR DISTILLERY: PROVIDED, HOWEVER,
3 THAT SAID WINES AND LIQUOR MUST BE CONSUMED AT THE LICENSED
4 BREWERY PUB PREMISES.

5 (3) USE BREWERY STORAGE AND DISTRIBUTION FACILITIES FOR THE
6 PURPOSE OF RECEIVING, STORING AND DISTRIBUTING MALT OR BREWED
7 BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH IF THE
8 BEVERAGES ARE DISTRIBUTED IN THIS COMMONWEALTH ONLY THROUGH
9 SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL HAVE FIRST BEEN GIVEN
10 DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL
11 AREAS THROUGH THE DISTRIBUTION SYSTEM REQUIRED FOR OUT-OF-STATE
12 MANUFACTURERS UNDER SECTION 431(B) AS WELL AS ALL OTHER
13 PERTINENT SECTIONS OF THIS ACT. THE MANUFACTURER OF THE
14 BEVERAGES MUST COMPLY WITH SECTION 444.

15 (4) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
16 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
17 SELL FOR CONSUMPTION AT THE RESTAURANT OR BREWERY PUB ON THE
18 LICENSED BREWERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
19 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME
20 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
21 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
22 LICENSE, BUT MUST BREW AT LEAST TWO HUNDRED FIFTY BARRELS PER
23 YEAR. EACH HOLDER OF A BREWERY LICENSE WHO RECEIVES A HOTEL
24 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT OR BREWED
25 BEVERAGES RETAIL LICENSE TO OPERATE A BREW PUB SHALL NOT SELL
26 DIRECTLY TO ANY PERSON LICENSED BY THIS ACT, EXCEPT IF ANY MALT
27 OR BREWED BEVERAGE IS TO BE DISTRIBUTED IN THIS COMMONWEALTH IT
28 SHALL BE ONLY THROUGH SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL
29 HAVE FIRST BEEN GIVEN DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN
30 DESIGNATED GEOGRAPHICAL AREAS THROUGH THE DISTRIBUTION SYSTEM

1 REQUIRED FOR OUT-OF-STATE MANUFACTURERS UNDER SECTION 431(B) AS
2 WELL AS ALL OTHER PERTINENT SECTIONS OF THIS ACT.

3 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-
4 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A
5 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE
6 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE PRODUCED BY
7 A LICENSED LIMITED WINERY AND MALT OR BREWED BEVERAGES PRODUCED
8 BY THE BREWERY BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER
9 TOGETHER WITH FOOD, AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE
10 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT
11 SHALL BE SUBJECT TO THE FOLLOWING:

12 (1) ALCOHOL MAY BE PROVIDED ONLY DURING THE DAYS AND HOURS
13 THAT THE LICENSE HOLDER MAY OTHERWISE SELL ALCOHOL;

14 (2) ALL SERVERS AT THE OFF PREMISES CATERED FUNCTION SHALL
15 BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
16 PROVISIONS UNDER SECTION 471.1;

17 (3) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY
18 AND NOT MORE THAN [FIFTY] FIFTY-TWO CATERED FUNCTIONS MAY BE
19 HELD EACH CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A
20 PARTICULAR LICENSE;

21 (4) A CATERED FUNCTION SHALL NOT BE HELD AT A LOCATION THAT
22 IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S
23 LICENSE;

24 (5) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE
25 LICENSE IS IN SAFEKEEPING;

26 (6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
27 SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF
28 LICENSING OR THE BOARD UNDER SECTION 470(A.1);

29 (7) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
30 SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE

1 ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE
2 UNDER SECTION 471(B);

3 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION BY
4 ANY PATRON, BUT THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM
5 ITS LICENSED PREMISES TO THE PROPOSED PREMISES;

6 (9) WRITTEN NOTICE OF THE CATERED FUNCTION AS ENUMERATED IN
7 PARAGRAPH (10) SHALL BE PROVIDED TO THE LOCAL POLICE AND THE
8 ENFORCEMENT BUREAU AT LEAST SEVEN DAYS IN ADVANCE OF THE EVENT;

9 (10) WRITTEN NOTICE SHALL BE PROVIDED TO THE BOARD AT LEAST
10 [THIRTY] FOURTEEN DAYS PRIOR TO A CATERED FUNCTION. WRITTEN
11 NOTICE MUST INCLUDE THE LOCATION OF THE FUNCTION, TIME OF THE
12 FUNCTION, HOST OF THE FUNCTION, GENERAL INFORMATION REGARDING
13 THE GUESTS EXPECTED AT THE FUNCTION AS WELL AS ANY INFORMATION
14 THE BOARD SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD MAY, IN
15 ITS DISCRETION, WAIVE THE [THIRTY-DAY] FOURTEEN-DAY NOTICE
16 PERIOD FOR A CATERED FUNCTION IF:

17 (I) THE APPLICANT HAS PREVIOUSLY CONDUCTED FUNCTIONS THAT
18 MEET THE REQUIREMENTS OF THIS ACT;

19 (II) THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE
20 BOARD;

21 (III) NOTIFICATION WAS RECEIVED AT LEAST [FOURTEEN] SEVEN
22 DAYS PRIOR TO THE CATERED FUNCTION; AND

23 (IV) THE APPLICANT PAYS A LATE FEE OF ONE HUNDRED DOLLARS
24 (\$100);

25 (11) THE BOARD SHALL, IN ITS DISCRETION, APPROVE OR
26 DISAPPROVE A CATERED FUNCTION IF THE APPLICANT FAILS TO PROVIDE
27 TIMELY NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO
28 CONDUCT A FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR
29 HAS PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
30 REQUIREMENTS OF THIS ACT;

1 (12) IF A CATERED FUNCTION IS SCHEDULED TO OCCUR ON PRIVATE
2 PROPERTY, THE OWNER OF THAT PROPERTY IS DEEMED TO HAVE SUBMITTED
3 TO THE JURISDICTION OF THE ENFORCEMENT BUREAU, AND THE WARRANT
4 REQUIRED BY SECTION 211(A)(2) OF THIS ACT SHALL NOT BE NECESSARY
5 FOR THE ENFORCEMENT BUREAU TO ENTER AND SEARCH THE PREMISES
6 DURING THE FUNCTION OR ANY ACTIVITIES RELATED TO THE FUNCTION;

7 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN FIVE
8 HOURS PER DAY AND MUST END BY MIDNIGHT UNLESS THE CATERED
9 FUNCTION OCCURS ON DECEMBER 31 OF ANY CALENDAR YEAR ON WHICH
10 DATE THE CATERED FUNCTION MUST END BY TWO O'CLOCK ANTEMERIDIAN;

11 (14) NEITHER THE OWNER OF THE PROPERTY NOR THE APPLICANT MAY
12 SELL TICKETS TO A CATERED FUNCTION UNLESS ONE OF THE FOLLOWING
13 CONDITIONS IS MET:

14 (I) THE APPLICANT HAS CONTRACTED WITH AN ELIGIBLE ENTITY FOR
15 THE FUNCTION, AND THE FUNCTION IS BEING USED TO RAISE MONEY FOR
16 THE ELIGIBLE ENTITY'S ORGANIZATION;

17 (II) THE APPLICANT HAS CONTRACTED WITH A NONPROFIT
18 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
19 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)),
20 FOR AN EVENT WHICH HAS THE SOLE PURPOSE OF RAISING FUNDS FOR
21 THAT NONPROFIT ORGANIZATION; OR

22 (III) THE APPLICANT HAS CONTRACTED WITH AN ORGANIZATION THAT
23 HOLDS TAX-EXEMPT STATUS UNDER SECTION 527 OF THE INTERNAL
24 REVENUE CODE OF 1986;

25 (15) THE CATERED FUNCTION LOCATION SHALL BE SUBJECT TO
26 SECTION 493(34) OF THIS ACT;

27 (16) CATERED FUNCTIONS MAY NOT BE HELD IN LOCATIONS THAT ARE
28 SUBJECT TO A PENDING, PROTESTED TRANSFER APPLICATION;

29 (17) A PERMIT MAY NOT BE ISSUED TO A LICENSE HOLDER WHOSE
30 LICENSE IS SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE

1 BUREAU OF LICENSING OR THE BOARD UNDER SECTION 470 (A.1);

2 (18) A PERMIT SHALL NOT BE ISSUED TO A LICENSEE FOR USE IN
3 ANY LOCATION THAT IS MOBILE; AND

4 (19) A PERMIT SHALL NOT BE ISSUED FOR USE ON ANY LOCATION
5 USED FOR PARKING AT A SPORTS EVENT OR CONCERT EVENT.

6 (C) (1) HOLDERS OF A BREWERY LICENSE MAY OBTAIN A SPECIAL
7 PERMIT TO PARTICIPATE IN MALT OR BREWED BEVERAGES AND FOOD
8 EXPOSITIONS OFF THE LICENSED PREMISES. A SPECIAL PERMIT SHALL BE
9 ISSUED UPON PROPER APPLICATION AND PAYMENT OF A FEE OF THIRTY
10 DOLLARS (\$30) PER DAY FOR EACH DAY OF PERMITTED USE, NOT TO
11 EXCEED THIRTY CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL
12 THE SPECIAL PERMITS MAY NOT EXCEED ONE HUNDRED DAYS IN ANY
13 CALENDAR YEAR. A SPECIAL PERMIT SHALL ENTITLE THE HOLDER TO
14 ENGAGE IN THE SALE BY THE GLASS, GROWLER, BOTTLE OR PACKAGE NOT
15 TO EXCEED ONE HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE
16 OF MALT OR BREWED BEVERAGES PRODUCED BY THE PERMITTEE UNDER THE
17 AUTHORITY OF ITS BREWERY LICENSE. HOLDERS OF SPECIAL PERMITS MAY
18 PROVIDE TASTING SAMPLES OF MALT OR BREWED BEVERAGES IN
19 INDIVIDUAL PORTIONS NOT TO EXCEED FOUR FLUID OUNCES. SAMPLES AT
20 MALT OR BREWED BEVERAGES AND FOOD EXPOSITIONS MAY BE SOLD OR
21 OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED HEREIN, BREWERIES
22 UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL APPLICABLE
23 PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE REGULATIONS
24 OR CONDITIONS ADOPTED BY THE BOARD. FOR PURPOSES OF THIS
25 PARAGRAPH, "MALT OR BREWED BEVERAGES AND FOOD EXPOSITIONS" ARE
26 DEFINED AS AFFAIRS HELD INDOORS OR OUTDOORS WITH THE INTENT OF
27 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND
28 QUALITY OF MALT OR BREWED BEVERAGES IN CONJUNCTION WITH SUITABLE
29 FOOD DISPLAYS, DEMONSTRATIONS AND SALES. MALT OR BREWED
30 BEVERAGES AND FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES OTHER

1 THAN MALT OR BREWED BEVERAGES AND FOOD DISPLAYS, INCLUDING ARTS
2 AND CRAFTS, MUSICAL ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL
3 EXHIBITS AND FARMERS MARKETS.

4 (2) THE HOLDER OF A BREWERY LICENSE MAY, AT THE DISCRETION
5 OF THE BOARD, OBTAIN A FARMERS MARKET PERMIT. THE PERMIT SHALL
6 ENTITLE THE HOLDER TO PARTICIPATE IN MORE THAN ONE FARMERS
7 MARKET AT ANY GIVEN TIME AND AN UNLIMITED NUMBER THROUGHOUT THE
8 YEAR AND SELL MALT OR BREWED BEVERAGES PRODUCED UNDER THE
9 AUTHORITY OF THE UNDERLYING BREWERY LICENSE BY THE GROWLER,
10 BOTTLE OR PACKAGE NOT TO EXCEED ONE HUNDRED NINETY-TWO FLUID
11 OUNCES IN A SINGLE SALE. SAMPLES NOT TO EXCEED FOUR FLUID OUNCES
12 PER BRAND OF MALT OR BREWED BEVERAGES MAY BE OFFERED FREE OF
13 CHARGE. A FARMERS MARKET PERMIT SHALL BE ISSUED UPON PROPER
14 APPLICATION AND PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED FIFTY
15 DOLLARS (\$250). A PERMIT HOLDER MAY PARTICIPATE IN MORE THAN ONE
16 FARMERS MARKET AT ANY GIVEN TIME. SALES BY PERMIT HOLDERS SHALL
17 TAKE PLACE DURING THE STANDARD HOURS OF OPERATION OF THE FARMERS
18 MARKET. WRITTEN NOTICE OF THE DATE, TIMES AND LOCATION THE
19 PERMIT IS TO BE USED SHALL BE PROVIDED BY THE PERMIT HOLDER TO
20 THE ENFORCEMENT BUREAU AT LEAST TWO (2) WEEKS PRIOR TO THE
21 EVENT. EXCEPT AS PROVIDED IN THIS SUBSECTION, BREWERIES
22 UTILIZING FARMERS MARKET PERMITS SHALL BE GOVERNED BY ALL
23 APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE
24 REGULATIONS ADOPTED BY THE BOARD.

25 THE TERM "FARMERS MARKET" AS USED IN THIS SECTION SHALL
26 INCLUDE ANY BUILDING, STRUCTURE OR OTHER PLACE:

27 (I) OWNED, LEASED OR OTHERWISE IN THE POSSESSION OF A
28 PERSON, MUNICIPAL CORPORATION OR PUBLIC OR PRIVATE ORGANIZATION;

29 (II) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR
30 AN ASSOCIATION OF FARMERS, WHO ARE CERTIFIED BY THE DEPARTMENT

1 OF AGRICULTURE TO PARTICIPATE IN THE FARMERS MARKET NUTRITION
2 PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO SENIOR FARMERS'
3 MARKET NUTRITION PROGRAM (SFMNP)), FOR THE PURPOSE OF SELLING
4 AGRICULTURAL COMMODITIES PRODUCED IN THIS COMMONWEALTH DIRECTLY
5 TO CONSUMERS;

6 (III) WHICH IS PHYSICALLY LOCATED WITHIN THIS COMMONWEALTH;
7 AND

8 (IV) WHICH IS NOT OPEN FOR BUSINESS MORE THAN TWELVE HOURS
9 EACH DAY.

10 (3) THESE PERMITS SHALL ONLY BE AVAILABLE TO A BREWERY THAT
11 QUALIFIES AS A MANUFACTURER AS AUTHORIZED UNDER SECTION 431(A)
12 AND MAY BE USED ANYWHERE IN PENNSYLVANIA REGARDLESS OF WHETHER
13 THE MANUFACTURER HAS NAMED OR CONSTITUTED A DISTRIBUTOR OR
14 IMPORTING DISTRIBUTOR AS A PRIMARY OR ORIGINAL SUPPLIER OF THE
15 PRODUCT UNDER SECTION 431(B). ONLY MALT OR BREWED BEVERAGES FOR
16 WHICH THE BREWERY IS RESPONSIBLE FOR PAYING THE MALT BEVERAGE
17 TAX SHALL BE CONSIDERED IN CALCULATING THE TOTAL NUMBER OF
18 BARRELS PRODUCED EACH YEAR. ALL BRANDS OF MALT OR BREWED
19 BEVERAGES SOLD OR PROVIDED UNDER THE AUTHORITY OF THE SPECIAL
20 PERMIT AS WELL AS THE FARMERS MARKET PERMIT MUST BE REGISTERED
21 AS SET FORTH BY THIS ACT.

22 THE TERM "GROWLER" AS USED IN THIS SECTION SHALL MEAN A
23 REFILLABLE CONTAINER THAT HOLDS A MINIMUM OF SIXTY-FOUR FLUID
24 OUNCES OF MALT OR BREWED BEVERAGES.

25 SECTION 15. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

26 SECTION 446.1. PENNSYLVANIA MALT AND BREWED BEVERAGES
27 INDUSTRY PROMOTION BOARD.-- (A) THERE IS ESTABLISHED THE
28 PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY PROMOTION BOARD.

29 (B) THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
30 PROMOTION BOARD SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

1 (1) ONE MEMBER APPOINTED BY THE GOVERNOR.

2 (2) FOUR MEMBERS APPOINTED BY THE GENERAL ASSEMBLY AS

3 FOLLOWS:

4 (I) ONE INDIVIDUAL APPOINTED BY THE PRESIDENT PRO TEMPORE OF
5 THE SENATE.

6 (II) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
7 SENATE.

8 (III) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE
9 OF REPRESENTATIVES.

10 (IV) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
11 HOUSE OF REPRESENTATIVES.

12 (C) EACH MEMBER MUST BE A RESIDENT OF THIS COMMONWEALTH AND
13 HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE PENNSYLVANIA
14 MALT AND BREWED BEVERAGE INDUSTRY.

15 (D) EACH MEMBER SHALL SERVE AT THE PLEASURE OF THE
16 APPOINTING AUTHORITY.

17 (E) THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
18 PROMOTION BOARD HAS THE FOLLOWING POWERS AND DUTIES:

19 (1) MAKE RECOMMENDATIONS TO THE BOARD TO AWARD GRANTS TO
20 ENTITIES FOR THE PURPOSE OF INCREASING THE PRODUCTION OF
21 PENNSYLVANIA-MADE MALT AND BREWED BEVERAGES AND ENHANCING THE
22 PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY THROUGH
23 PROMOTION, MARKETING AND RESEARCH-BASED PROGRAMS AND PROJECTS.
24 GRANTS SHALL BE AWARDED THROUGH A COMPETITIVE GRANT REVIEW
25 PROCESS. THE APPLICATION FOR A GRANT SHALL INCLUDE THE FOLLOWING
26 INFORMATION:

27 (I) PURPOSE FOR WHICH THE GRANT WILL BE UTILIZED.

28 (II) NEED FOR THE GRANT.

29 (III) ESTIMATED BUDGET.

30 (IV) METHOD FOR MEASURING OUTCOME.

1 (V) OTHER CRITERIA REQUIRED BY THE PENNSYLVANIA MALT AND
2 BREWED BEVERAGES INDUSTRY PROMOTION BOARD.

3 (2) REQUIRE EACH GRANT RECIPIENT TO PROVIDE FULL AND
4 COMPLETE ACCESS TO ALL RECORDS RELATING TO THE PERFORMANCE OF
5 THE GRANT AND TO SUBMIT ACCURATE INFORMATION.

6 (3) CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR
7 WHICH A GRANT UNDER THIS SECTION IS MADE.

8 (4) SEEK REPAYMENT OF MONEY UPON A DETERMINATION THAT THE
9 MONEY WAS NOT UTILIZED FOR THE ORIGINAL STATED PURPOSE.

10 (5) SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY
11 DETAILING ALL GRANTS AND OTHER ACTIONS.

12 (F) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE ASSISTANCE
13 TO ASSIST THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
14 PROMOTION BOARD IN CARRYING OUT ITS POWERS AND DUTIES.

15 (G) ANNUALLY, THE BOARD SHALL ALLOCATE THE AMOUNT OF ONE
16 MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF AWARDING GRANTS
17 UNDER SUBSECTION (E) (1).

18 SECTION 16. SECTION 461(B.1)(4), (7) AND (8), (B.2) AND (D)
19 OF THE ACT, AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155) AND
20 JUNE 28, 2011 (P.L.55, NO.11), ARE AMENDED AND SUBSECTION (C) IS
21 AMENDED BY ADDING A CLAUSE TO READ:

22 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
23 IN EACH COUNTY.--* * *

24 (B.1) THE BOARD MAY ISSUE RESTAURANT AND EATING PLACE RETAIL
25 DISPENSER LICENSES AND RENEW LICENSES ISSUED UNDER THIS
26 SUBSECTION WITHOUT REGARD TO THE QUOTA RESTRICTIONS SET FORTH IN
27 SUBSECTION (A) FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN A
28 MUNICIPALITY UNDER THE FOLLOWING CONDITIONS:

29 * * *

30 (4) AN APPLICANT UNDER THIS SUBSECTION SHALL BE REQUIRED TO

1 SELL FOOD AND NONALCOHOLIC BEVERAGES EQUAL TO [SEVENTY PER
2 CENTUM (70%)] FIFTY PER CENTUM (50%) OR MORE OF ITS COMBINED
3 GROSS SALES OF FOOD AND ALCOHOLIC BEVERAGES.

4 * * *

5 (7) AN APPEAL OF THE BOARD'S DECISION REFUSING TO GRANT OR
6 RENEW A LICENSE UNDER THIS SUBSECTION SHALL NOT ACT AS A
7 SUPERSEDEAS OF THE DECISION OF THE BOARD IF THE DECISION IS
8 BASED, IN WHOLE OR IN PART, ON THE LICENSEE'S FAILURE TO
9 DEMONSTRATE THAT ITS FOOD AND NONALCOHOLIC BEVERAGES WERE AT
10 LEAST [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM (50%) OF ITS
11 COMBINED GROSS SALES OF FOOD AND ALCOHOLIC BEVERAGES.

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

18 (B.2) QUALIFIED APPLICANTS UNDER SUBSECTION (B.1) SHALL
19 RECEIVE A PROVISIONAL LICENSE FOR ONE HUNDRED TWENTY DAYS,
20 EXCLUSIVE OF PERIODS OF SAFEKEEPING. AFTER NINETY DAYS FROM THE
21 DATE OF ISSUANCE, THE LICENSEE MAY FILE AN APPLICATION FOR A
22 PERMANENT LICENSE. A LICENSE SHALL BE ISSUED IF THE LICENSEE
23 ESTABLISHES THAT FOR NINETY CONSECUTIVE DAYS FROM THE DATE OF
24 INITIAL ISSUE ITS SALES OF FOOD AND NONALCOHOLIC BEVERAGES IS
25 EQUAL TO AT LEAST [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM
26 (50%) OF ITS COMBINED GROSS SALES OF FOOD AND ALCOHOLIC
27 BEVERAGES. LICENSEES SHALL NOT BE SUBJECT TO CITATION BY THE
28 ENFORCEMENT BUREAU FOR A VIOLATION OF THE REQUIREMENT THAT FOOD
29 AND NONALCOHOLIC BEVERAGES EQUAL AT LEAST [SEVENTY PER CENTUM
30 (70%)] FIFTY PER CENTUM (50%) OF THE COMBINED GROSS SALES OF

1 FOOD AND ALCOHOLIC BEVERAGES DURING THE PROVISIONAL LICENSING
2 PERIOD.

3 (C) THE WORD "HOTEL" AS USED IN THIS SECTION SHALL MEAN ANY
4 REPUTABLE PLACE OPERATED BY A RESPONSIBLE PERSON OF GOOD
5 REPUTATION WHERE THE PUBLIC MAY, FOR A CONSIDERATION, OBTAIN
6 SLEEPING ACCOMMODATIONS, AND WHICH SHALL HAVE THE FOLLOWING
7 NUMBER OF BEDROOMS AND REQUIREMENTS IN EACH CASE--AT LEAST ONE-
8 HALF OF THE REQUIRED NUMBER OF BEDROOMS SHALL BE REGULARLY
9 AVAILABLE TO TRANSIENT GUESTS SEVEN DAYS WEEKLY, EXCEPT IN
10 RESORT AREAS; AT LEAST ONE-THIRD OF SUCH BEDROOMS SHALL BE
11 EQUIPPED WITH HOT AND COLD WATER, A LAVATORY, COMMODE, BATHTUB
12 OR SHOWER AND A CLOTHES CLOSET; AND AN ADDITIONAL ONE-THIRD OF
13 THE TOTAL OF SUCH REQUIRED ROOMS SHALL BE EQUIPPED WITH LAVATORY
14 AND COMMODE:

15 * * *

16 (10) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE HOLDER
17 OF A HOTEL LIQUOR OR HOTEL RETAIL DISPENSER LICENSE SHALL BE
18 DEEMED A HOLDER OF A RESTAURANT LIQUOR LICENSE FOR THE PURPOSES
19 OF THE ACT OF JUNE 13, 2008 (P.L.182, NO.27), KNOWN AS THE CLEAN
20 INDOOR AIR ACT.

21 (D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL
22 MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC
23 ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH
24 LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL
25 AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY
26 OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE
27 ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A
28 MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF
29 LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT
30 RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE

1 SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN
2 SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS
3 OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE
4 THE AIRPORT TERMINAL BUILDING OR BUILDINGS, NOTWITHSTANDING ANY
5 INTERVENING THOROUGHFARES. IN ADDITION TO THE PRIVILEGES GRANTED
6 UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED BEVERAGES,
7 AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL [WINE] LIQUOR
8 BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR CONSUMPTION
9 [OFF THE LICENSED PREMISES AND] WITHIN THE AIRPORT TERMINAL
10 BUILDING. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, AN
11 AIRPORT RESTAURANT LICENSEE THAT HAS ACQUIRED A SUNDAY SALES
12 PERMIT MAY COMMENCE SALES AT [SEVEN] FIVE O'CLOCK ANTEMERIDIAN.

13 * * *

14 SECTION 17. SECTION 461.1(B) OF THE ACT, AMENDED JUNE 18,
15 1998 (P.L.664, NO.86), IS AMENDED TO READ:

16 SECTION 461.1. INCORPORATED UNITS OF NATIONAL VETERANS'
17 ORGANIZATIONS.--* * *

18 (B) THE TERM "NATIONAL VETERANS' ORGANIZATION" SHALL MEAN
19 ANY VETERANS' ORGANIZATION HAVING A NATIONAL CHARTER.

20 THE TERM "INCORPORATED UNIT OF A NATIONAL VETERANS'
21 ORGANIZATION" SHALL MEAN ANY INCORPORATED POST, BRANCH, CAMP,
22 DETACHMENT, LODGE OR OTHER SUBORDINATE UNIT OF A NATIONAL
23 VETERANS' ORGANIZATION HAVING [ONE HUNDRED] FIFTY OR MORE PAID
24 UP MEMBERS AND ORGANIZED FOR A PERIOD OF AT LEAST ONE YEAR PRIOR
25 TO FILING THE APPLICATION FOR A LICENSE. THE TERM DOES NOT
26 INCLUDE AUXILIARIES, "SONS OF" OR OTHER SIMILAR ORGANIZATION.

27 THE TERM "AFFILIATED ORGANIZATION" SHALL MEAN HOME
28 ASSOCIATIONS, HOME CORPORATIONS, AUXILIARIES, "SONS OF" OR
29 SIMILAR ORGANIZATIONS WHICH ARE DIRECTLY AFFILIATED WITH AN
30 INCORPORATED UNIT OR A NATIONAL VETERANS' ORGANIZATION. AN

1 AFFILIATED ORGANIZATION MUST MEET THE DEFINITION OF A CLUB SET
2 FORTH IN SECTION 102, EXCEPT THAT:

3 (1) IF INCORPORATED, THE AFFILIATED ORGANIZATION NEED NOT
4 HAVE BEEN IN CONTINUOUS EXISTENCE FOR AT LEAST ONE YEAR PRIOR TO
5 ITS APPLICATION; OR

6 (2) IF UNINCORPORATED, THE AFFILIATED ORGANIZATION NEED NOT
7 HAVE BEEN IN CONTINUOUS EXISTENCE FOR AT LEAST TEN YEARS PRIOR
8 TO ITS APPLICATION.

9 * * *

10 SECTION 17.1. SECTION 468(A)(3) OF THE ACT, AMENDED DECEMBER
11 20, 2000 (P.L.992, NO.141), IS AMENDED TO READ:

12 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) * * *

13 (3) [NO LICENSE SHALL BE TRANSFERRED TO ANY PLACE OR
14 PROPERTY UPON WHICH IS LOCATED AS A BUSINESS THE SALE OF LIQUID
15 FUELS AND OIL. EXCEPT IN CASES OF EMERGENCY SUCH AS DEATH,
16 SERIOUS ILLNESS, OR CIRCUMSTANCES BEYOND THE CONTROL OF THE
17 LICENSEE, AS THE BOARD MAY DETERMINE SUCH CIRCUMSTANCES TO
18 JUSTIFY ITS ACTION, TRANSFERS OF LICENSES MAY BE MADE ONLY AT
19 TIMES FIXED BY THE BOARD. IN THE CASE OF THE DEATH OF A
20 LICENSEE, THE BOARD MAY TRANSFER THE LICENSE TO THE SURVIVING
21 SPOUSE OR PERSONAL REPRESENTATIVE OR TO A PERSON DESIGNATED BY
22 HIM.] FROM ANY REFUSAL TO GRANT A TRANSFER OR UPON THE GRANT OF
23 ANY TRANSFER, THE PARTY AGGRIEVED SHALL HAVE THE RIGHT OF APPEAL
24 TO THE PROPER COURT IN THE MANNER HEREINBEFORE PROVIDED.

25 * * *

26 SECTION 17.2. SECTION 470(A) OF THE ACT, AMENDED DECEMBER
27 22, 2011 (P.L.530, NO.113), IS AMENDED TO READ:

28 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
29 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR
30 VALIDATION OR RENEWAL OF LICENSES UNDER THE PROVISIONS OF THIS

1 ARTICLE SHALL BE FILED WITH TAX CLEARANCE FROM THE DEPARTMENT OF
2 REVENUE AND THE DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE
3 LICENSE AND FILING FEES, AND SHALL INCLUDE AN APPLICATION
4 SURCHARGE OF SEVEN HUNDRED DOLLARS (\$700.00), AT LEAST SIXTY
5 DAYS BEFORE THE EXPIRATION DATE OF SAME: PROVIDED, HOWEVER, THAT
6 THE BOARD, IN ITS DISCRETION, MAY ACCEPT NUNC PRO TUNC A RENEWAL
7 APPLICATION FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION
8 DATE OF THE LICENSE WITH THE REQUIRED FEES, UPON REASONABLE
9 CAUSE SHOWN AND THE PAYMENT OF AN ADDITIONAL FILING FEE OF ONE
10 HUNDRED DOLLARS (\$100.00) FOR LATE FILING: AND PROVIDED FURTHER,
11 THAT EXCEPT WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON
12 OR BEFORE THE EXPIRATION DATE HAS CREATED A LICENSE QUOTA
13 VACANCY AFTER SAID EXPIRATION DATE WHICH HAS BEEN FILLED BY THE
14 ISSUANCE OF A NEW LICENSE, AFTER SUCH EXPIRATION DATE, BUT
15 BEFORE THE BOARD HAS RECEIVED A RENEWAL APPLICATION NUNC PRO
16 TUNC WITHIN THE TIME PRESCRIBED HEREIN THE BOARD, IN ITS
17 DISCRETION, MAY, AFTER HEARING, ACCEPT A RENEWAL APPLICATION
18 FILED WITHIN TWO YEARS AFTER THE EXPIRATION DATE OF THE LICENSE
19 WITH THE REQUIRED FEES UPON THE PAYMENT OF AN ADDITIONAL FILING
20 FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR LATE FILING.
21 WHERE ANY SUCH RENEWAL APPLICATION IS FILED LESS THAN SIXTY DAYS
22 BEFORE THE EXPIRATION DATE, OR SUBSEQUENT TO THE EXPIRATION
23 DATE, NO LICENSE SHALL ISSUE UPON THE FILING OF THE RENEWAL
24 APPLICATION UNTIL THE MATTER IS FINALLY DETERMINED BY THE BOARD
25 AND IF AN APPEAL IS TAKEN FROM THE BOARD'S ACTION THE COURTS
26 SHALL NOT ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL
27 DETERMINATION OF THE MATTER BY THE COURTS. THE BOARD MAY ENTER
28 INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
29 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
30 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE

1 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
2 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
3 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
4 UNDER THIS SECTION. A RENEWAL APPLICATION WILL NOT BE CONSIDERED
5 FILED UNLESS ACCOMPANIED BY THE REQUISITE FILING AND LICENSE
6 FEES AND ANY ADDITIONAL FILING FEE REQUIRED BY THIS SECTION.
7 UNLESS THE BOARD SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO
8 THE APPLICANT OF OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED
9 UPON VIOLATION BY THE LICENSEE OR HIS SERVANTS, AGENTS OR
10 EMPLOYEES OF ANY OF THE LAWS OF THE COMMONWEALTH OR REGULATIONS
11 OF THE BOARD RELATING TO THE MANUFACTURE, TRANSPORTATION, USE,
12 STORAGE, IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR
13 MALT OR BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED
14 ESTABLISHMENT, OR UNLESS THE APPLICANT HAS BY HIS OWN ACT BECOME
15 A PERSON OF ILL REPUTE, OR UNLESS THE PREMISES DO NOT MEET THE
16 REQUIREMENTS OF THIS ACT OR THE REGULATIONS OF THE BOARD, THE
17 LICENSE OF A LICENSEE SHALL BE RENEWED. NOTWITHSTANDING ANY
18 OTHER PROVISION OF THIS ACT, A NOISE VIOLATION SHALL NOT BE THE
19 SOLE BASIS FOR OBJECTION BY THE BOARD TO THE RENEWAL OF A
20 LICENSE UNLESS THE LICENSEE HAS RECEIVED SIX PRIOR ADJUDICATED
21 NOISE CITATIONS WITHIN A TWENTY-FOUR-MONTH PERIOD.

22 * * *

23 SECTION 17.3. THE ACT IS AMENDED BY ADDING A SECTION TO
24 READ:

25 SECTION 470.3. LICENSE AUCTION.--(A) A RESTAURANT LIQUOR
26 LICENSE SHALL BECOME AVAILABLE FOR AUCTION BY THE BOARD UNDER
27 THE FOLLOWING CONDITIONS:

28 (1) THE LICENSE HAS NOT BEEN RENEWED UNDER SECTION 470;

29 (2) THE LICENSE HAS BEEN REVOKED UNDER SECTION 471; OR

30 (3) THE LICENSEE HAS FAILED TO MEET THE REQUIREMENTS UNDER

1 474.1.

2 (A.1) (1) SUBSECTION (A) SHALL APPLY TO ALL RESTAURANT
3 LIQUOR LICENSES THAT BECAME AVAILABLE AFTER DECEMBER 31, 1999.

4 (2) ANY LICENSES NOT SOLD SHALL BE AVAILABLE FOR SALE AT
5 FUTURE AUCTIONS, PROVIDED, HOWEVER, THAT NO MORE THAN FIFTY (50)
6 LICENSES SHALL BE AUCTIONED IN ANY COUNTY PER YEAR.

7 (B) A LICENSE BECOMES AVAILABLE FOR AUCTION BY THE BOARD THE
8 DAY AFTER THE DEADLINE HAS PASSED FOR APPEALING A DECISION
9 REVOKING OR NOT RENEWING THE LICENSE OR THE DAY AFTER THE TWO-
10 YEAR WINDOW TO FILE A RENEWAL APPLICATION NUNC PRO TUNC UNDER
11 SECTION 470 HAS PASSED.

12 (C) THE AUCTION SHALL OCCUR NO LATER THAN JUNE 1 OF THE
13 CALENDAR YEAR AFTER THE LICENSE BECOMES AVAILABLE FOR AUCTION
14 AND ON A DATE TO BE DETERMINED BY THE BOARD.

15 (D) BY MARCH 1 OF EACH YEAR, THE BOARD SHALL POST ON ITS
16 PUBLICLY ACCESSIBLE INTERNET WEBSITE A LISTING OF ALL THE
17 LICENSES THAT ARE TO BE AVAILABLE FOR AUCTION IN JUNE OF THAT
18 YEAR. THE LIST SHALL ALSO BE AVAILABLE UPON REQUEST.

19 (E) THE BOARD SHALL ACCEPT APPLICATIONS FROM PERSONS
20 INTERESTED IN BIDDING AT THE AUCTION BEGINNING MARCH 1. THE
21 APPLICATION SHALL BE IN WRITING AND SHALL CONTAIN INFORMATION AS
22 THE BOARD SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD SHALL
23 ACCEPT APPLICATIONS UNTIL MAY 15 AND MAY, IN ITS DISCRETION,
24 ACCEPT APPLICATIONS AFTER THAT DATE.

25 (F) A PERSON WHO WOULD BE PRECLUDED FROM ACQUIRING A LICENSE
26 UNDER SECTIONS 411 OR 443 OR WHO, IN THE BOARD'S OPINION IS NOT
27 OF GOOD REPUTE, MAY NOT APPLY FOR A LICENSE UNDER THIS SECTION
28 AND THE BOARD SHALL REFUSE ANY APPLICATIONS SUBMITTED BY THE
29 PERSON.

30 (G) THE AUCTION SHALL BE CONDUCTED IN THE MANNER SET FORTH

1 BY THE BOARD AND AT THE DATE AND TIME APPOINTED BY THE BOARD.
2 AFTER THE AUCTION, THE BOARD SHALL PROVISIONALLY AWARD TO THE
3 PERSON MAKING THE HIGHEST BID FOR THE LICENSE, THE RIGHT TO FILE
4 AN APPLICATION FOR THE LICENSE. THE BOARD SHALL NOT ACCEPT A BID
5 LOWER THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000).

6 (H) THE WINNING BIDDER SHALL PAY TO THE BOARD THE BID AMOUNT
7 WITHIN TWO WEEKS. PAYMENT SHALL BE BY CASHIER'S CHECK, CERTIFIED
8 CHECK OR ANY OTHER METHOD ACCEPTABLE TO THE BOARD. IF THE
9 WINNING BIDDER DOES NOT PAY THE BID AMOUNT WITHIN TWO WEEKS, THE
10 SECOND HIGHEST BIDDER SHALL BE AWARDED THE RIGHT TO FILE AN
11 APPLICATION FOR THE LICENSE, SO LONG AS THE BID AMOUNT IS IN
12 ACCORDANCE WITH SUBSECTION (G). THE BOARD SHALL HOLD THE BID
13 AMOUNT IN ESCROW UNTIL THE LICENSE IS APPROVED.

14 (I) WITHIN SIX MONTHS OF BEING AWARDED THE LICENSE, THE
15 BIDDER OR ITS ASSIGNEE SHALL FILE AN APPLICATION TO TRANSFER THE
16 LICENSE. THE APPLICATION SHALL BE PROCESSED IN THE SAME MANNER
17 AS ANY OTHER TRANSFER APPLICATION AND SHALL BE SUBJECT TO THE
18 SAME RESTRICTIONS AS ANY OTHER TRANSFER APPLICATION, INCLUDING
19 ANY CONDITIONAL LICENSING AGREEMENTS AND COUNTY QUOTA
20 RESTRICTIONS UNDER SECTION 461. THE BOARD SHALL ONLY APPROVE THE
21 TRANSFER OF A LICENSE UNDER THIS SECTION TO A MUNICIPALITY,
22 OTHER THAN THE MUNICIPALITY IT LAST OPERATED IN, UPON APPROVAL
23 BY THE GOVERNING BODY OF THE MUNICIPALITY.

24 (J) ONCE A LICENSE HAS BECOME AVAILABLE AS SET FORTH IN THIS
25 SECTION, IT MAY NO LONGER BE SUBJECT TO ANY UNPAID FINES,
26 UNSERVED SUSPENSIONS, LIENS OR JUDGMENTS ACCRUED BY THE PREVIOUS
27 LICENSE HOLDER. A WINNING BIDDER UNDER THIS SECTION SHALL NOT BE
28 REQUIRED TO SUPPLY ANY INFORMATION ABOUT OR SECURE ANY
29 INFORMATION FROM THE PREVIOUS LICENSE HOLDER DURING THE
30 APPLICATION PROCESS.

1 (K) A LICENSE ACQUIRED UNDER THIS SECTION MAY SUBSEQUENTLY
2 BE TRANSFERRED SUBJECT TO ANY RESTRICTIONS THAT WOULD OTHERWISE
3 BE APPLICABLE TO THE TRANSFER OF THE LICENSE.

4 SECTION 17.4. SECTION 471.1 OF THE ACT IS AMENDED BY ADDING
5 A SUBSECTION TO READ:

6 SECTION 471.1. RESPONSIBLE ALCOHOL MANAGEMENT.--* * *

7 (H) UNLESS SUCCESSFULLY COMPLETED PRIOR TO BEING HIRED, ALL
8 ALCOHOL SERVICE PERSONNEL SHALL BE REQUIRED TO COMPLETE THE
9 TRAINING FOR ALCOHOL SERVICE PERSONNEL UNDER SUBSECTION (B)
10 WITHIN SIX MONTHS OF BEING HIRED BY A LICENSED ESTABLISHMENT.

11 SECTION 18. SECTION 472(A) OF THE ACT, AMENDED FEBRUARY 21,
12 2002 (P.L.103, NO.10), IS AMENDED TO READ:

13 SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY
14 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT
15 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN
16 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), [ON THE DATE OF
17 THE PRIMARY ELECTION IMMEDIATELY PRECEDING ANY MUNICIPAL
18 ELECTION, BUT] NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE
19 THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR
20 LICENSES TO HOTELS, RESTAURANTS, RESORT FACILITIES AND CLUBS,
21 NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF
22 THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO
23 PUBLIC VENUES, TO PERFORMING ARTS FACILITIES, TO CONTINUING CARE
24 RETIREMENT COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY
25 AN ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
26 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT
27 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE
28 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL
29 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE
30 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH

1 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND
2 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO
3 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING
4 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO
5 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT
6 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE
7 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION
8 PERMITS TO QUALIFIED ORGANIZATIONS, [OR] NOT MORE THAN ONCE IN
9 FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT
10 TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF
11 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH
12 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, OR NOT MORE THAN
13 ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
14 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI RESORT
15 FACILITIES, UNDER THE PROVISIONS OF THIS ACT: PROVIDED,
16 [HOWEVER, WHERE AN ELECTION SHALL HAVE BEEN HELD AT THE PRIMARY
17 PRECEDING A MUNICIPAL ELECTION IN ANY YEAR, ANOTHER ELECTION MAY
18 BE HELD UNDER THE PROVISIONS OF THIS ACT AT THE PRIMARY
19 OCCURRING THE FOURTH YEAR AFTER SUCH PRIOR ELECTION: AND
20 PROVIDED FURTHER,] THAT AN ELECTION ON THE QUESTION OF
21 ESTABLISHING AND OPERATING A STATE LIQUOR STORE SHALL BE
22 INITIATED ONLY IN THOSE MUNICIPALITIES, OR THAT PART OF A SPLIT
23 MUNICIPALITY THAT SHALL HAVE VOTED AGAINST THE GRANTING OF
24 LIQUOR LICENSES; AND THAT AN ELECTION ON THE QUESTION OF
25 GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING DISTRIBUTOR
26 LICENSES SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES OR
27 PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE AT A PREVIOUS
28 ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S LICENSES.
29 WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER CENTUM OF
30 THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE MUNICIPALITY OR PART

1 OF A SPLIT MUNICIPALITY AT THE LAST PRECEDING GENERAL ELECTION
2 SHALL FILE A PETITION WITH THE COUNTY BOARD OF ELECTIONS OF THE
3 COUNTY FOR A REFERENDUM ON THE QUESTION OF GRANTING ANY OF SAID
4 CLASSES OF LICENSES OR THE ESTABLISHMENT OF PENNSYLVANIA LIQUOR
5 STORES, THE SAID COUNTY BOARD OF ELECTIONS SHALL CAUSE A
6 QUESTION TO BE PLACED ON THE BALLOTS OR ON THE VOTING MACHINE
7 BOARD AND SUBMITTED AT [THE PRIMARY IMMEDIATELY PRECEDING THE
8 MUNICIPAL] ANY ELECTION. SEPARATE PETITIONS MUST BE FILED FOR
9 EACH QUESTION TO BE VOTED ON. SAID PROCEEDINGS SHALL BE IN THE
10 MANNER AND SUBJECT TO THE PROVISIONS OF THE ELECTION LAWS WHICH
11 RELATE TO THE SIGNING, FILING AND ADJUDICATION OF NOMINATION
12 PETITIONS, INSOFAR AS SUCH PROVISIONS ARE APPLICABLE.

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

15 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE
16 SALE OF LIQUOR IN..... YES
17 OF.....? NO

18 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
19 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO
20 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
21 FOLLOWING FORM:

22 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT
23 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
24 OF.....? NO

25 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
26 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT
27 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
28 FOLLOWING FORM:

29 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI
30 RESORT FACILITIES FOR THE SALE OF LIQUOR IN THE YES

1 OF? NO

2 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
3 LIQUOR LICENSES FOR USE AT PUBLIC VENUES IN THOSE MUNICIPALITIES
4 THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE
5 IN THE FOLLOWING FORM:

6 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC
7 VENUES FOR THE SALE OF LIQUOR IN THE..... YES
8 OF.....? NO

9 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
10 LIQUOR LICENSES FOR USE AT PERFORMING ARTS FACILITIES IN THOSE
11 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF
12 ALCOHOL, IT SHALL BE IN THE FOLLOWING FORM:

13 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO YES
14 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN NO
15 THE
16
17 OF.....?

18 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
19 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED
20 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT
21 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN
22 THE FOLLOWING FORM:

23 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS YES
24 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR NO
25 UNIVERSITY IN
26 THE.....
27 OF.....?

28 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
29 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE
30 IN THE FOLLOWING FORM:

1 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
2 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF
3 LIQUOR IN.....BY..... YES
4 OF.....? NO

5 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
6 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE
7 IN THE FOLLOWING FORM:

8 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
9 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF
10 LIQUOR IN.....BY..... YES
11 OF.....? NO

12 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
13 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE
14 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF
15 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

16 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
17 CONTINUING CARE RETIREMENT COMMUNITIES
18 IN.....BY..... YES
19 OF.....? NO

20 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
21 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
22 IN THE FOLLOWING FORM:

23 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
24 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES
25 WHERE SOLD IN THE..... YES
26 OF.....? NO

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

30 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE

1 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S
2 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN
3 THE..... YES
4 OF.....? NO

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

8 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO
9 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS
10 IN THE..... YES
11 OF.....? NO

12 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
13 RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL
14 VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

15 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER
16 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
17 ORGANIZATIONS IN THE..... YES
18 OF.....? NO

19 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
20 OCCASION PERMITS ALLOWING THE SALE OF LIQUOR BY QUALIFIED
21 ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE
22 RETAIL SALE OF LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

23 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
24 TO ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS
25 IN
26 THE..... YES
27 OF.....? NO

28 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
29 OCCASION PERMITS ALLOWING THE SALE OF MALT OR BREWED BEVERAGES
30 ONLY BY QUALIFIED ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT

1 ALREADY ALLOW THE RETAIL SALE OF MALT OR BREWED BEVERAGES, IT
2 SHALL BE IN THE FOLLOWING FORM:

3 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
4 TO ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY
5 QUALIFIED ORGANIZATIONS IN THE..... YES
6 OF.....? NO

7 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
8 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
9 BE IN THE FOLLOWING FORM:

10 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND
11 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN
12 THE..... YES
13 OF.....? NO

14 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A
15 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
16 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,
17 RESTAURANTS, SKI RESORTS, RESORT FACILITIES AND CLUBS, OR LIQUOR
18 LICENSES SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO
19 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT
20 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN
21 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
22 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT
23 AND BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE
24 DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE
25 OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR
26 CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES SHALL BE
27 GRANTED BY THE BOARD TO INCORPORATED UNITS OF NATIONAL VETERANS '
28 ORGANIZATIONS, OR SPECIAL OCCASION PERMITS MAY BE ISSUED TO
29 QUALIFIED ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND
30 MAINTAIN PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH

1 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY
2 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH
3 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT
4 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO
5 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;
6 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE
7 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR
8 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA
9 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT
10 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING
11 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT
12 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE
13 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY
14 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A
15 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON
16 SUCH QUESTION.

17 SECTION 19. SECTION 473 OF THE ACT IS AMENDED TO READ:

18 SECTION 473. PUBLIC RECORD.--(A) ANY PERSON HAVING A
19 PECUNIARY INTEREST IN THE CONDUCT OF BUSINESS ON LICENSED
20 PREMISES WHETHER THAT INTEREST IS DIRECT OR INDIRECT, LEGAL OR
21 EQUITABLE, INDIVIDUAL, CORPORATE, OR MUTUAL, INCLUDING ANY
22 MANAGEMENT COMPANY, SHALL FILE HIS NAME AND ADDRESS WITH THE
23 BOARD ON FORMS PROVIDED BY THE BOARD. IN THE CASE OF CORPORATE
24 OWNERSHIP, THE SECRETARY OF THE CORPORATION SHALL FILE WITH THE
25 BOARD THE NAMES AND ADDRESSES OF ALL PERSONS HAVING SUCH A
26 CORPORATE PECUNIARY INTEREST.

27 (B) THE NAMES AND ADDRESSES REQUIRED BY THIS SECTION SHALL
28 BE RECORDED BY THE BOARD AND MADE AVAILABLE TO THE PUBLIC AS A
29 PUBLIC RECORD.

30 SECTION 20. SECTION 474.1(B), (C) AND (G) OF THE ACT,

1 AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), ARE AMENDED TO
2 READ:

3 SECTION 474.1. SURRENDER OF RESTAURANT, EATING PLACE RETAIL
4 DISPENSER, HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSE
5 FOR BENEFIT OF LICENSEE.--* * *

6 (B) THE BOARD MAY HOLD THE LICENSE IN SAFEKEEPING FOR A
7 PERIOD NOT TO EXCEED [THREE] TWO CONSECUTIVE YEARS. ANY LICENSE
8 REMAINING IN SAFEKEEPING FOR MORE THAN [THREE] TWO CONSECUTIVE
9 YEARS SHALL BE IMMEDIATELY REVOKED BY THE BUREAU OF LICENSING
10 UNLESS A TRANSFER APPLICATION OR REQUEST FOR REISSUE FROM
11 SAFEKEEPING HAS BEEN FILED PRIOR TO THE EXPIRATION OF THE
12 [THREE-YEAR] TWO-YEAR PERIOD OR UNLESS THE BOARD HAS APPROVED A
13 REQUEST TO EXTEND THE SAFEKEEPING FOR AN ADDITIONAL YEAR AS SET
14 FORTH IN SUBSECTION (G). IN ADDITION, THE BOARD SHALL EXTEND THE
15 PERIOD FOR AN ADDITIONAL YEAR IF, AT THE END OF THE [THREE-YEAR]
16 TWO-YEAR PERIOD, THE LICENSED PREMISES ARE UNAVAILABLE DUE TO
17 FIRE, FLOOD OR OTHER SIMILAR NATURAL DISASTER; NO FURTHER
18 EXTENSION BEYOND ONE ADDITIONAL YEAR SHALL BE GRANTED BY THE
19 BOARD REGARDLESS OF WHETHER THE LICENSED PREMISES ARE
20 UNAVAILABLE DUE TO FIRE, FLOOD OR OTHER SIMILAR NATURAL DISASTER
21 UNLESS AN APPLICATION IS MADE AS SET FORTH IN SUBSECTION (G).

22 (C) IN THE EVENT A TRANSFER APPLICATION FILED PRIOR TO THE
23 EXPIRATION OF THE [THREE-YEAR] TWO-YEAR PERIOD IS DISAPPROVED BY
24 THE BOARD, THEN THE LICENSE MAY REMAIN IN SAFEKEEPING SO LONG AS
25 THE LICENSEE HAS SUBMITTED AND THE BOARD HAS APPROVED A REQUEST
26 TO EXTEND THE SAFEKEEPING FOR AN ADDITIONAL YEAR AS SET FORTH IN
27 SUBSECTION (G). SUCH REQUEST MUST BE SUBMITTED WITHIN THIRTY
28 DAYS OF THE BOARD'S DECISION NOTWITHSTANDING ANY APPEAL FILED IN
29 THE MATTER; HOWEVER, THE FEE SET FORTH IN SUBSECTION (G) SHALL
30 BE REFUNDED IF THE BOARD'S DECISION IS OVERTURNED.

1 * * *

2 (G) (1) A LICENSEE WHOSE LICENSE IS SUBJECT TO THIS SECTION
3 MAY, UPON WRITTEN REQUEST, APPLY TO THE BOARD TO ALLOW THE
4 LICENSE TO REMAIN IN SAFEKEEPING FOR AN ADDITIONAL ONE YEAR. THE
5 WRITTEN REQUEST MUST BE ACCOMPANIED BY A [FIVE THOUSAND DOLLAR
6 (\$5,000)] TEN THOUSAND DOLLAR (\$10,000) FEE FOR LICENSES PLACED
7 IN SAFEKEEPING FROM COUNTIES OF THE FIRST CLASS, SECOND CLASS,
8 SECOND CLASS A, THIRD CLASS AND FOURTH CLASS AND A FEE OF [TWO
9 THOUSAND FIVE HUNDRED DOLLARS (\$2,500)] FIVE THOUSAND DOLLARS
10 (\$5,000) FOR LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE
11 FIFTH THROUGH EIGHTH CLASSES. FOR EACH SUBSEQUENT YEAR IN
12 SAFEKEEPING, THE FEES SET FORTH IN THIS PARAGRAPH SHALL BE
13 DOUBLED OVER THE AMOUNT CHARGED FOR THE PREVIOUS YEAR'S FEE. NO
14 FEE SHALL BE REQUIRED IF THE LICENSEE CAN PROVE THAT HE OR SHE
15 IS UNABLE TO USE THE LICENSE THROUGH NO FAULT OF HIS OR HER OWN,
16 INCLUDING A FIRE, FLOOD OR OTHER EVENT, WHICH INCLUDES THE
17 INABILITY TO OBTAIN AN OCCUPANCY PERMIT FOR THE LICENSED
18 PREMISES FROM A MUNICIPALITY, THAT RENDERS THE LICENSED PREMISES
19 UNUSABLE. FACTORS SUCH AS ANOTHER BUSINESS OPERATING AT THE
20 LICENSED PREMISES, THE LICENSED BUSINESS BEING NO LONGER VIABLE
21 OR OTHER SIMILAR CIRCUMSTANCES SHALL NOT JUSTIFY A FEE WAIVER.
22 THE BOARD SHALL APPROVE THE REQUEST UNLESS THE LICENSE OR
23 LICENSEE NO LONGER MEETS THE REQUIREMENTS OF THIS ACT OR THE
24 BOARD'S REGULATIONS. THE FEE COLLECTED SHALL BE PAID INTO THE
25 STATE TREASURY THROUGH THE DEPARTMENT OF REVENUE INTO THE STATE
26 STORE FUND.

27 (2) [A LICENSEE WHOSE LICENSE REMAINS IN SAFEKEEPING AFTER
28 THE EXPIRATION OF AN APPROVED ADDITIONAL ONE-YEAR PERIOD MAY
29 SUBMIT A WRITTEN REQUEST FOR ADDITIONAL ONE-YEAR PERIODS;
30 HOWEVER, EACH SUCH REQUEST MUST BE ACCOMPANIED BY A FIVE

1 THOUSAND DOLLAR (\$5,000) FEE FOR LICENSES PLACED IN SAFEKEEPING
2 FROM COUNTIES OF THE FIRST CLASS, SECOND CLASS, SECOND CLASS A,
3 THIRD CLASS AND FOURTH CLASS AND A FEE OF TWO THOUSAND FIVE
4 HUNDRED DOLLARS (\$2,500) FOR LICENSES PLACED IN SAFEKEEPING FROM
5 COUNTIES OF THE FIFTH THROUGH EIGHTH CLASSES.] (RESERVED).

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

8 SECTION 488. SHIPMENT OF WINE [INTO COMMONWEALTH].--(A) THE
9 SHIPMENT OF WINE [FROM OUT-OF-STATE] TO RESIDENTS OF THIS
10 COMMONWEALTH [IS PROHIBITED, EXCEPT AS OTHERWISE PROVIDED FOR
11 IN] SHALL BE GOVERNED BY THIS SECTION.

12 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
13 [TO THE CONTRARY], A PERSON LICENSED BY THE BOARD OR ANOTHER
14 STATE OR COUNTRY AS A PRODUCER[, SUPPLIER, IMPORTER, WHOLESALER,
15 DISTRIBUTOR OR RETAILER] OF WINE AND WHO OBTAINS A DIRECT WINE
16 SHIPPER LICENSE AS PROVIDED FOR IN THIS SECTION MAY SHIP [UP TO
17 NINE LITERS PER MONTH OF] UP TO THIRTY-SIX CASES OF UP TO NINE
18 LITERS PER CASE IN A CALENDAR YEAR OF ANY WINE [NOT INCLUDED ON
19 THE LIST PROVIDED FOR IN SUBSECTION (C)] ON THE [INTERNET] ORDER
20 OF ANY RESIDENT OF THIS COMMONWEALTH WHO IS AT LEAST TWENTY-ONE
21 (21) YEARS OF AGE FOR SUCH RESIDENT'S PERSONAL USE AND NOT FOR
22 RESALE.

23 (C) EACH MONTH, THE BOARD SHALL PUBLISH ON THE INTERNET A
24 LIST OF ALL CLASSES, VARIETIES AND BRANDS OF WINE AVAILABLE FOR
25 SALE IN THE PENNSYLVANIA LIQUOR STORES. [A PERSON HOLDING A
26 DIRECT SHIPPER LICENSE MAY SHIP ONLY THOSE CLASSES, VARIETIES
27 AND BRANDS OF WINE NOT INCLUDED ON THE LIST AT THE TIME AN
28 INTERNET ORDER IS PLACED.]

29 (C.1) PRIOR TO ISSUING A DIRECT WINE SHIPPER LICENSE, THE
30 BOARD SHALL REQUIRE AN APPLICANT TO:

1 (1) FILE AN APPLICATION WITH THE BOARD.

2 (2) PAY A REGISTRATION FEE OF TWO HUNDRED FIFTY DOLLARS
3 (\$250).

4 (3) PROVIDE TO THE BOARD A TRUE COPY OF THE APPLICANT'S
5 CURRENT ALCOHOLIC BEVERAGE LICENSE ISSUED BY THE BOARD OR
6 ANOTHER STATE OR COUNTRY.

7 (4) PROVIDE DOCUMENTATION WHICH EVIDENCES THAT THE APPLICANT
8 HAS OBTAINED A SALES TAX LICENSE FROM THE DEPARTMENT OF REVENUE.

9 (5) PROVIDE THE BOARD WITH ANY OTHER INFORMATION THAT THE
10 BOARD DEEMS NECESSARY AND APPROPRIATE.

11 (D) [AN OUT-OF-STATE] A DIRECT WINE SHIPPER SHALL DO ALL OF
12 THE FOLLOWING:

13 [(1) NOT SHIP MORE THAN NINE LITERS PER MONTH ON THE
14 INTERNET ORDER OF ANY PERSON IN THIS COMMONWEALTH.]

15 (2) REPORT TO THE BOARD EACH YEAR THE TOTAL OF WINE SHIPPED
16 [INTO] TO RESIDENTS OF THIS COMMONWEALTH IN THE PRECEDING
17 CALENDAR YEAR.

18 (3) PERMIT THE BOARD, THE ENFORCEMENT BUREAU OR THE
19 SECRETARY OF REVENUE, OR THEIR DESIGNATED REPRESENTATIVES, TO
20 PERFORM AN AUDIT OF THE [OUT-OF-STATE] DIRECT WINE SHIPPER'S
21 RECORDS UPON REQUEST.

22 (4) BE DEEMED TO HAVE SUBMITTED TO THE JURISDICTION OF THE
23 BOARD, ANY OTHER STATE AGENCY AND THE COURTS OF THIS
24 COMMONWEALTH FOR PURPOSES OF ENFORCEMENT OF THIS SECTION AND ANY
25 RELATED LAWS, RULES OR REGULATIONS.

26 (5) REQUIRE PROOF OF AGE OF THE RECIPIENT, IN A MANNER OR
27 FORMAT APPROVED BY THE BOARD, BEFORE WINE IS SHIPPED TO A
28 RESIDENT OF THIS COMMONWEALTH.

29 (6) ENSURE THAT ALL BOXES OR EXTERIOR CONTAINERS OF WINE
30 SHIPPED DIRECTLY TO A RESIDENT OF THIS COMMONWEALTH ARE

1 CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS ALCOHOL:
2 SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR
3 DELIVERY."

4 (7) PAY TO THE DEPARTMENT OF REVENUE ALL TAXES DUE ON SALES
5 TO RESIDENTS OF THIS COMMONWEALTH. THE AMOUNT OF THE TAXES SHALL
6 BE CALCULATED AS IF THE SALES WERE IN THIS COMMONWEALTH AT THE
7 LOCATIONS WHERE DELIVERY WAS MADE. THE WINE DELIVERED UNDER
8 THIS SUBSECTION SHALL BE SUBJECT TO ONLY THE FOLLOWING:

9 (I) THE SALES AND USE TAX IMPOSED BY SECTION 202 AND ARTICLE
10 II-B OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE
11 "TAX REFORM CODE OF 1971."

12 (II) THE SALES AND USE TAX IMPOSED BY ARTICLE XXXI-B OF THE
13 ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND
14 CLASS COUNTY CODE."

15 (III) THE SALES AND USE TAX IMPOSED BY THE ACT OF JUNE 5,
16 1991 (P.L.9, NO.6), KNOWN AS THE "PENNSYLVANIA INTERGOVERNMENTAL
17 COOPERATION AUTHORITY ACT FOR CITIES OF THE FIRST CLASS."

18 (IV) THE WINE EXCISE TAX IMPOSED UNDER SUBSECTION (J).

19 (8) ANNUALLY RENEW ITS LICENSE BY PAYING A RENEWAL FEE OF
20 TWO HUNDRED FIFTY DOLLARS (\$250).

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

28 (F) [A PERSON SHALL SIGN AN AFFIDAVIT PROVIDED BY THE
29 PENNSYLVANIA LIQUOR STORE WHERE THE WINE WAS DELIVERED TO
30 STATING THAT THE WINE WILL ONLY BE USED FOR THE PERSON'S

1 PERSONAL USE.] ANY PERSON WHO RESELLS WINE OBTAINED UNDER THIS
2 SECTION COMMITS A MISDEMEANOR OF THE SECOND DEGREE. A PERSON
3 CONVICTED OF SELLING OR OFFERING TO SELL ANY WINE IN VIOLATION
4 OF THIS SECTION SHALL, IN ADDITION TO ANY OTHER PENALTY
5 PRESCRIBED BY LAW, BE SENTENCED TO PAY A FINE OF FOUR DOLLARS
6 (\$4) PER FLUID OUNCE FOR EACH CONTAINER OF WINE FOUND ON THE
7 PREMISES WHERE THE SALE WAS MADE OR ATTEMPTED. THE AMOUNT OF
8 FINE PER CONTAINER SHALL BE BASED ON THE CAPACITY OF THE
9 CONTAINER WHEN FULL, WHETHER OR NOT IT IS FULL AT THE TIME OF
10 SALE OR ATTEMPTED SALE. ALL WINE FOUND ON THE PREMISES SHALL BE
11 CONFISCATED. THE PROHIBITION ON RESELLING WINE SHALL NOT APPLY
12 TO ANY ENTITY WHO IS LICENSED TO RESELL WINE AND WHO ACQUIRES
13 THE WINE FROM A LIMITED WINERY LICENSED UNDER SECTION 505.2.

14 (G) THE BOARD MAY PROMULGATE SUCH RULES AND REGULATIONS AS
15 ARE NECESSARY TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS
16 SECTION. [THE BOARD MAY CHARGE THE RESIDENT A FEE TO COVER THE
17 COST ASSOCIATED WITH PROCESSING THE INTERNET ORDER.]

18 (H) THE BOARD SHALL SUBMIT [MONTHLY] ANNUAL REPORTS TO THE
19 APPROPRIATIONS COMMITTEE AND THE LAW AND JUSTICE COMMITTEE OF
20 THE SENATE AND TO THE APPROPRIATIONS COMMITTEE AND THE LIQUOR
21 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES SUMMARIZING
22 THE NUMBER OF DIRECT SHIPPER LICENSES ISSUED BY THE BOARD[,] AND
23 THE QUANTITY OF WINE SOLD BY DIRECT WINE SHIPPERS PURSUANT TO
24 THIS SECTION [AND THE TOTAL DOLLAR VALUE OF SALES UNDER THIS
25 SECTION].

26 [(I) THE TERM "WINE" AS USED IN THIS SECTION SHALL MEAN
27 LIQUOR WHICH IS FERMENTED FROM GRAPES AND OTHER FRUITS, HAVING
28 ALCOHOLIC CONTENT OF TWENTY-FOUR PER CENTUM OR LESS. THE TERM
29 "WINE" SHALL NOT INCLUDE MALT OR BREWED BEVERAGES NOR SHALL WINE
30 INCLUDE ANY PRODUCTS CONTAINING ALCOHOL DERIVED FROM MALT,

1 GRAIN, CEREAL, MOLASSES OR CACTUS.]

2 (J) A WINE EXCISE TAX IS IMPOSED AND ASSESSED AT THE RATE OF
3 TWO DOLLARS AND FIFTY CENTS (\$2.50) PER GALLON ON ALL WINE SOLD
4 AND DELIVERED UNDER THIS SECTION. THE TAX SHALL BE COLLECTED BY
5 THE DIRECT WINE SHIPPER FROM THE PURCHASER AND SHALL BE PAID TO
6 THE DEPARTMENT AS PROVIDED UNDER THIS SECTION. UNLESS OTHERWISE
7 SPECIFIED, THE TAX SHALL BE ASSESSED, COLLECTED AND ENFORCED BY
8 THE DEPARTMENT IN THE SAME MANNER AS THE TAX UNDER ARTICLE II OF
9 THE "TAX REFORM CODE OF 1971."

10 (K) RECEIPTS FROM THE TAX UNDER SUBSECTION (J) SHALL BE
11 DEPOSITED INTO THE GENERAL FUND. ANNUALLY, THE BOARD SHALL
12 ALLOCATE THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000) FOR THE
13 PURPOSE OF AWARDING GRANTS UNDER SECTION 488.1.

14 (L) DELIVERY SHALL BE BY A LICENSED TRANSPORTER FOR HIRE.
15 THE LICENSED TRANSPORTER FOR HIRE SHALL:

16 (1) KEEP RECORDS AS REQUIRED UNDER SECTION 512 PERTAINING TO
17 THE DIRECT SHIPMENT OF WINE; AND

18 (2) PERMIT THE BOARD AND THE ENFORCEMENT BUREAU, OR THEIR
19 DESIGNATED REPRESENTATIVES, TO INSPECT THE RECORDS UNDER SECTION
20 513.

21 SECTION 22. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

22 SECTION 488.1. PENNSYLVANIA WINE MARKETING AND RESEARCH
23 PROGRAM BOARD.-- (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
24 THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM BOARD
25 SHALL, IN ADDITION TO THE MEMBERS APPOINTED BY THE SECRETARY OF
26 AGRICULTURE UNDER 3 PA.C.S. § 4504(A) (RELATING TO COMMODITY
27 MARKETING BOARD), BE COMPOSED OF FOUR MEMBERS APPOINTED BY THE
28 GENERAL ASSEMBLY AS FOLLOWS:

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

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

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

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

7 (B) THE MEMBERS APPOINTED UNDER SUBSECTION (A) SHALL:

8 (1) EXCEPT AS PROVIDED UNDER THIS SECTION, SERVE ON THE SAME
9 TERMS AND CONDITIONS AS MEMBERS APPOINTED BY THE SECRETARY OF
10 AGRICULTURE.

11 (2) BE RESIDENTS OF THIS COMMONWEALTH.

12 (3) HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE
13 PENNSYLVANIA WINE INDUSTRY.

14 (4) SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY.

15 (C) APPOINTING AUTHORITIES UNDER SUBSECTION (A) SHALL
16 APPOINT INITIAL MEMBERS WITHIN THIRTY DAYS OF THE EFFECTIVE DATE
17 OF THIS SECTION.

18 (D) IN ADDITION TO DUTIES IMPOSED UNDER OTHER LAWS, THE
19 PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM BOARD SHALL DO
20 ALL OF THE FOLLOWING:

21 (1) MEET AS OFTEN AS NECESSARY BUT AT LEAST ANNUALLY.

22 (2) ADOPT GUIDELINES ESTABLISHING THE PROCEDURE BY WHICH AN
23 ENTITY MAY SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THIS
24 SECTION TO THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM
25 BOARD.

26 (3) HAVE THE FOLLOWING DUTIES AS TO AWARDING GRANTS:

27 (I) MAKE RECOMMENDATIONS TO THE BOARD TO AWARD GRANTS TO
28 ENTITIES FOR THE PURPOSE OF INCREASING THE PRODUCTION OF
29 PENNSYLVANIA-MADE WINES AND ENHANCING THE PENNSYLVANIA WINE
30 INDUSTRY THROUGH PROMOTION, MARKETING AND RESEARCH-BASED

1 PROGRAMS AND PROJECTS.

2 (II) ALLOCATE GRANTS THROUGH A COMPETITIVE GRANT REVIEW
3 PROCESS ESTABLISHED BY THE PENNSYLVANIA WINE MARKETING AND
4 RESEARCH PROGRAM BOARD. THE APPLICATION FOR A GRANT SHALL
5 INCLUDE:

6 (A) THE PURPOSE FOR WHICH THE GRANT SHALL BE UTILIZED;

7 (B) INFORMATION INDICATING NEED FOR THE GRANT;

8 (C) AN ESTIMATED BUDGET;

9 (D) METHODS FOR MEASURING OUTCOMES; AND

10 (E) ANY OTHER CRITERIA AS THE BOARD MAY REQUIRE.

11 (III) REQUIRE GRANT RECIPIENTS TO PROVIDE THE PENNSYLVANIA
12 WINE MARKETING AND RESEARCH PROGRAM BOARD WITH FULL AND COMPLETE
13 ACCESS TO ALL RECORDS RELATING TO THE PERFORMANCE OF THE GRANT
14 AND TO SUBMIT AT THE TIME AND IN THE FORM AS MAY BE PRESCRIBED
15 TRUTHFUL AND ACCURATE INFORMATION THAT THE PENNSYLVANIA WINE
16 MARKETING AND RESEARCH PROGRAM BOARD MAY REQUIRE.

17 (IV) CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM
18 FOR WHICH A GRANT UNDER THIS SECTION IS MADE. THE PENNSYLVANIA
19 WINE MARKETING AND RESEARCH PROGRAM BOARD SHALL SEEK REPAYMENT
20 OF FUNDS IF THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM
21 BOARD DETERMINES THAT FUNDS ARE NOT UTILIZED FOR THE ORIGINAL
22 STATED PURPOSE.

23 (V) SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY
24 DETAILING ALL ACTIONS OF THE PENNSYLVANIA WINE MARKETING AND
25 RESEARCH PROGRAM BOARD AND GRANTS AWARDED UNDER THIS SECTION.

26 SECTION 23. SECTION 491(1) AND (11) OF THE ACT, AMENDED
27 DECEMBER 9, 2002 (P.L.1653, NO.212), ARE AMENDED AND THE SECTION
28 IS AMENDED BY ADDING A CLAUSE TO READ:

29 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND
30 LIQUOR LICENSEES.--

1 IT SHALL BE UNLAWFUL--

2 (1) SALES OF LIQUOR. FOR ANY PERSON, BY HIMSELF OR BY AN
3 EMPLOYE OR AGENT, TO EXPOSE OR KEEP FOR SALE, OR DIRECTLY OR
4 INDIRECTLY, OR UPON ANY PRETENSE OR UPON ANY DEVICE, TO SELL OR
5 OFFER TO SELL ANY LIQUOR WITHIN THIS COMMONWEALTH, EXCEPT IN
6 ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND THE REGULATIONS
7 OF THE BOARD. THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT
8 HOSPITALS, PHYSICIANS, DENTISTS OR VETERINARIANS WHO ARE
9 LICENSED AND REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH FROM
10 ADMINISTERING LIQUOR IN THE REGULAR COURSE OF THEIR PROFESSIONAL
11 WORK AND TAKING INTO ACCOUNT THE COST OF THE LIQUOR SO
12 ADMINISTERED IN MAKING CHARGES FOR THEIR PROFESSIONAL SERVICE,
13 OR A PHARMACIST DULY LICENSED AND REGISTERED UNDER THE LAWS OF
14 THIS COMMONWEALTH FROM DISPENSING LIQUOR ON A PRESCRIPTION OF A
15 DULY LICENSED PHYSICIAN, DENTIST OR VETERINARIAN, OR SELLING
16 MEDICAL PREPARATIONS CONTAINING ALCOHOL, OR USING LIQUOR IN
17 COMPOUNDING PRESCRIPTIONS OR MEDICINES AND MAKING A CHARGE FOR
18 THE LIQUOR USED IN SUCH MEDICINES, OR A MANUFACTURING PHARMACIST
19 OR CHEMIST FROM USING LIQUOR IN MANUFACTURING PREPARATIONS UNFIT
20 FOR BEVERAGE PURPOSES AND MAKING A CHARGE FOR THE LIQUOR SO
21 USED. ALL SUCH LIQUORS SO ADMINISTERED OR SOLD BY HOSPITALS,
22 PHYSICIANS, DENTISTS, VETERINARIANS, PHARMACISTS OR CHEMISTS
23 SHALL CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE
24 NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA.
25 THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT AN EXECUTOR OR AN
26 ADMINISTRATOR OF A DECEDENT'S ESTATE FROM SELLING PRIVATELY OR
27 AT PUBLIC AUCTION LIQUOR WHICH WAS AN ASSET OF THE DECEDENT.
28 THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT THE PRACTICE BY A
29 BED AND BREAKFAST HOMESTEAD OR INN OF PROVIDING ONE BOTTLE OF
30 WINE TO ITS PAYING GUESTS AT CHECK-IN WHILE IN AN OVERNIGHT

1 STATUS SO LONG AS THAT WINE IS PRODUCED BY A LICENSED LIMITED
2 WINERY AS PROVIDED FOR UNDER SECTION 505.2. FOR PURPOSES OF THIS
3 PARAGRAPH, A "BED AND BREAKFAST HOMESTEAD OR INN" SHALL MEAN A
4 PRIVATE RESIDENCE THAT CONTAINS TEN OR FEWER BEDROOMS USED FOR
5 PROVIDING OVERNIGHT ACCOMMODATIONS TO THE PUBLIC AND IN WHICH
6 BREAKFAST IS THE ONLY MEAL SERVED AND IS INCLUDED IN THE CHARGE
7 FOR THE ROOM. THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT THE
8 PRATICE OF A BUSINESS WHICH IS PRINCIPALLY ENAGAGED IN THE SALE
9 OF GIFT BASKETS WITHIN THIS COMMONWEALTH TO SELL A GIFT BASKET
10 CONTAINING NONLIQUOR ITEMS AND NO MORE THAN ONE BOTTLE OF WINE
11 WHICH HAS BEEN LAWFULLY PURCHASED FROM THE BOARD, SO LONG AS
12 THAT WINE IS PRODUCED BY A LICENSED LIMITED WINERY AS PROVIDED
13 FOR UNDER SECTION 505.2 AND PROVIDED THAT DELIVERY OF THE GIFT
14 BASKET SHALL BE BY A LICENSED TRANSPORTER FOR HIRE, WHICH SHALL
15 KEEP RECORDS AS REQUIRED UNDER SECTION 512 PERTAINING TO THE
16 DIRECT SHIPMENT OF WINE, AND PROVIDED THAT THE BUSINESS COMPLIES
17 WITH THE PROVISIONS OF SECTION 488 RELATIVE TO REQUIRING PROOF
18 OF AGE AND LABELING ADVISING THAT THE PACKAGE CONTAINS ALCOHOL.
19 THE BOARD SHALL ESTABLISH REGULATIONS TO ENSURE THAT STATE TAXES
20 FROM THE SALES WILL BE PAID BY THE ESTATE FROM THE PROCEEDS OF
21 THE SALE. THE BOARD MAY NOT PROHIBIT A SALE OF LIQUOR FOR THE
22 REASON THAT IT WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY 1,
23 1934 OR HAS NOT BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE
24 OR IN COMPLIANCE WITH PENNSYLVANIA LAW.

25 * * *

26 (11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE
27 BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE, AN IMPORTER'S
28 LICENSE OR A DIRECT WINE SHIPPER'S LICENSE, TO IMPORT ANY LIQUOR
29 WHATSOEVER INTO THIS COMMONWEALTH, BUT THIS SECTION SHALL NOT BE
30 CONSTRUED TO PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM

1 PURCHASING AND SELLING LIQUORS PURCHASED OUTSIDE THE
2 COMMONWEALTH IN THEIR DINING, CLUB AND BUFFET CARS WHICH ARE
3 COVERED BY PUBLIC SERVICE LIQUOR LICENSES AND WHICH ARE OPERATED
4 IN THIS COMMONWEALTH.

5 * * *

6 (16) POSSESSION OR SALE OF POWDERED ALCOHOL. FOR ANY PERSON
7 TO POSSESS, PURCHASE, SELL, OFFER TO SELL OR USE POWDERED
8 ALCOHOL. THIS CLAUSE SHALL NOT APPLY TO A HOSPITAL THAT OPERATES
9 PRIMARILY FOR THE PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH, A
10 STATE INSTITUTION CONDUCTING BONA FIDE RESEARCH, A PRIVATE
11 COLLEGE OR UNIVERSITY CONDUCTING BONA FIDE RESEARCH OR A
12 PHARMACEUTICAL COMPANY CONDUCTING BONA FIDE RESEARCH.

13 SECTION 24. SECTION 493(2), (14), (24) AND (33) OF THE ACT,
14 AMENDED MAY 8, 2003 (P.L.1, NO.1), JULY 6, 2005 (P.L.135,
15 NO.39), NOVEMBER 29, 2006 (P.L.1421, NO.155) AND JULY 5, 2012
16 (P.L.1007, NO.116), ARE AMENDED TO READ:

17 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
18 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
19 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
20 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
21 OTHERWISE.

22 IT SHALL BE UNLAWFUL--

23 * * *

24 (2) PURCHASE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES
25 ON CREDIT; IMPORTING DISTRIBUTORS OR DISTRIBUTORS ACCEPTING
26 CASH. FOR ANY LICENSEE, HIS AGENT, SERVANT OR EMPLOYE, TO SELL
27 OR OFFER TO SELL OR PURCHASE OR RECEIVE ANY LIQUOR OR MALT OR
28 BREWED BEVERAGES EXCEPT FOR CASH, EXCEPTING CREDIT EXTENDED BY A
29 HOTEL OR CLUB TO A BONA FIDE GUEST OR MEMBER, OR BY RAILROAD OR
30 PULLMAN COMPANIES IN DINING, CLUB OR BUFFET CARS TO PASSENGERS,

1 FOR CONSUMPTION WHILE ENROUTE, HOLDING AUTHORIZED CREDIT CARDS
2 ISSUED BY RAILROAD OR RAILROAD CREDIT BUREAUS OR BY HOTEL,
3 RESTAURANT, RETAIL DISPENSER EATING PLACE, CLUB AND PUBLIC
4 SERVICE LICENSEES, IMPORTING DISTRIBUTORS OR DISTRIBUTORS TO
5 CUSTOMERS NOT POSSESSING A LICENSE UNDER THIS ARTICLE AND
6 HOLDING CREDIT CARDS ISSUED IN ACCORDANCE WITH REGULATIONS OF
7 THE BOARD OR CREDIT CARDS ISSUED BY BANKING INSTITUTIONS SUBJECT
8 TO STATE OR FEDERAL REGULATION: PROVIDED FURTHER, THAT NOTHING
9 HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT THE USE OF
10 CHECKS OR DRAFTS DRAWN ON A BANK, BANKING INSTITUTION, TRUST
11 COMPANY OR SIMILAR DEPOSITORY, ORGANIZED AND EXISTING UNDER THE
12 LAWS OF THE UNITED STATES OF AMERICA OR THE LAWS OF ANY STATE,
13 TERRITORY OR POSSESSION THEREOF, IN PAYMENT FOR ANY LIQUOR OR
14 MALT OR BREWED BEVERAGES IF THE PURCHASER IS THE PAYOR OF THE
15 CHECK OR DRAFT AND THE LICENSEE IS THE PAYEE: PROVIDED FURTHER,
16 THAT NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE
17 CONTRARY, IT SHALL BE UNLAWFUL FOR AN IMPORTING DISTRIBUTOR OR
18 DISTRIBUTOR TO ACCEPT CASH FOR PAYMENT OF ANY MALT OR BREWED
19 BEVERAGES FROM ANYONE POSSESSING A LICENSE ISSUED UNDER THIS
20 ARTICLE, EXCEPT IT SHALL BE PERMISSIBLE FOR THE IMPORTING
21 DISTRIBUTOR OR DISTRIBUTOR TO ACCEPT CREDIT CARDS, MONEY ORDERS
22 OR CASHIERS' CHECKS FOR PAYMENT OF ANY MALT OR BREWED BEVERAGES
23 IN ADDITION TO ANY OTHER TYPE OF PAYMENT AUTHORIZED BY THE BOARD
24 FROM ANYONE POSSESSING A LICENSE UNDER THIS ARTICLE.
25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
26 DISTRIBUTORS AND IMPORTING DISTRIBUTORS MAY ACCEPT CREDIT CARDS
27 FOR PAYMENT OF MALT OR BREWED BEVERAGES BUT THEY ARE NOT
28 REQUIRED TO ACCEPT CREDIT CARDS. NO RIGHT OF ACTION SHALL EXIST
29 TO COLLECT ANY CLAIM FOR CREDIT EXTENDED CONTRARY TO THE
30 PROVISIONS OF THIS CLAUSE. NOTHING HEREIN CONTAINED SHALL

1 PROHIBIT A LICENSEE FROM CREDITING TO A PURCHASER THE ACTUAL
2 PRICE CHARGED FOR ORIGINAL CONTAINERS RETURNED BY THE ORIGINAL
3 PURCHASER AS A CREDIT ON ANY SALE, OR FROM REFUNDING TO ANY
4 PURCHASER THE AMOUNT PAID BY SUCH PURCHASER FOR SUCH CONTAINERS
5 OR AS A DEPOSIT ON CONTAINERS WHEN TITLE IS RETAINED BY THE
6 VENDOR, IF SUCH ORIGINAL CONTAINERS HAVE BEEN RETURNED TO THE
7 LICENSEE. NOTHING HEREIN CONTAINED SHALL PROHIBIT A MANUFACTURER
8 FROM EXTENDING USUAL AND CUSTOMARY CREDIT FOR LIQUOR OR MALT OR
9 BREWED BEVERAGES SOLD TO CUSTOMERS OR PURCHASERS WHO LIVE OR
10 MAINTAIN PLACES OF BUSINESS OUTSIDE OF THE COMMONWEALTH OF
11 PENNSYLVANIA, WHEN THE LIQUOR OR MALT OR BREWED BEVERAGES SO
12 SOLD ARE ACTUALLY TRANSPORTED AND DELIVERED TO POINTS OUTSIDE OF
13 THE COMMONWEALTH: PROVIDED, HOWEVER, THAT AS TO ALL TRANSACTIONS
14 AFFECTING MALT OR BREWED BEVERAGES TO BE RESOLD OR CONSUMED
15 WITHIN THIS COMMONWEALTH, EVERY LICENSEE SHALL PAY AND SHALL
16 REQUIRE CASH DEPOSITS ON ALL RETURNABLE ORIGINAL CONTAINERS AND
17 ALL SUCH CASH DEPOSITS SHALL BE REFUNDED UPON RETURN OF THE
18 ORIGINAL CONTAINERS.

19 * * *

20 (14) PERMITTING UNDESIRABLE PERSONS OR MINORS TO FREQUENT
21 PREMISES. FOR ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE, OR
22 ANY RETAIL DISPENSER, HIS SERVANTS, AGENTS OR EMPLOYES, TO
23 PERMIT PERSONS OF ILL REPUTE OR PROSTITUTES TO FREQUENT HIS
24 LICENSED PREMISES OR ANY PREMISES OPERATED IN CONNECTION
25 THEREWITH. MINORS MAY ONLY FREQUENT LICENSED PREMISES IF: (A)
26 THEY ARE ACCOMPANIED BY A PARENT; (B) THEY ARE ACCOMPANIED BY A
27 LEGAL GUARDIAN; (C) THEY ARE UNDER PROPER SUPERVISION; (D) THEY
28 ARE ATTENDING A SOCIAL GATHERING; OR (E) THE HOTEL, RESTAURANT
29 OR RETAIL DISPENSER LICENSEE HAS GROSS SALES OF FOOD AND
30 NONALCOHOLIC BEVERAGES EQUAL TO FIFTY PER CENTUM OR MORE OF ITS

1 COMBINED GROSS SALE OF BOTH FOOD AND ALCOHOLIC BEVERAGES. IF A
2 MINOR IS FREQUENTING A HOTEL, RESTAURANT OR RETAIL DISPENSER
3 LICENSEE UNDER SUBSECTION (E), THEN THE MINOR MAY NOT SIT AT THE
4 BAR SECTION OF THE PREMISES, NOR MAY ANY ALCOHOLIC BEVERAGES BE
5 SERVED AT THE TABLE OR BOOTH AT WHICH THE SAID MINOR IS SEATED
6 UNLESS SAID MINOR IS WITH A PARENT, LEGAL GUARDIAN OR UNDER
7 PROPER SUPERVISION. FURTHER, IF A HOTEL, RESTAURANT, CLUB LIQUOR
8 LICENSEE OR RETAIL DISPENSER IS HOSTING A SOCIAL GATHERING UNDER
9 SUBSECTION (D), THEN WRITTEN NOTICE AT LEAST FORTY-EIGHT HOURS
10 IN ADVANCE OF SUCH GATHERING SHALL BE GIVEN TO THE BUREAU OF
11 ENFORCEMENT. IF A MINOR IS FREQUENTING LICENSED PREMISES WITH
12 PROPER SUPERVISION UNDER SUBSECTION (C), EACH SUPERVISOR CAN
13 SUPERVISE UP TO TWENTY MINORS, EXCEPT FOR PREMISES LOCATED IN
14 CITIES OF THE FIRST CLASS, WHERE EACH SUPERVISOR CAN SUPERVISE
15 UP TO FIVE MINORS. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
16 SECTION, IF THE MINORS ARE ON THE PREMISES AS PART OF A SCHOOL-
17 ENDORSED FUNCTION, THEN EACH SUPERVISOR CAN SUPERVISE FIFTY
18 MINORS. NOTHING IN THIS CLAUSE SHALL BE CONSTRUED TO MAKE IT
19 UNLAWFUL FOR MINORS TO FREQUENT PUBLIC VENUES [OR], PERFORMING
20 ARTS FACILITIES OR SKI RESORTS.

21 * * *

22 (24) (I) THINGS OF VALUE OFFERED AS INDUCEMENT. EXCEPT AS
23 PROVIDED IN [SUBCLAUSE] SUBCLAUSES (II) AND (III), FOR ANY
24 LICENSEE UNDER THE PROVISIONS OF THIS ARTICLE, OR THE BOARD OR
25 ANY MANUFACTURER, OR ANY EMPLOYE OR AGENT OF A MANUFACTURER,
26 LICENSEE OR OF THE BOARD, TO OFFER TO GIVE ANYTHING OF VALUE OR
27 TO SOLICIT OR RECEIVE ANYTHING OF VALUE AS A PREMIUM FOR THE
28 RETURN OF CAPS, STOPPERS, CORKS, STAMPS OR LABELS TAKEN FROM ANY
29 BOTTLE, CASE, BARREL OR PACKAGE CONTAINING LIQUOR OR MALT OR
30 BREWED BEVERAGE, OR TO OFFER OR GIVE OR SOLICIT OR RECEIVE

1 ANYTHING OF VALUE AS A PREMIUM OR PRESENT TO INDUCE DIRECTLY THE
2 PURCHASE OF LIQUOR OR MALT OR BREWED BEVERAGE, OR FOR ANY
3 LICENSEE, MANUFACTURER OR OTHER PERSON TO OFFER OR GIVE TO TRADE
4 OR CONSUMER BUYERS ANY PRIZE, PREMIUM, GIFT OR OTHER INDUCEMENT
5 TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES, EXCEPT
6 ADVERTISING NOVELTIES OF NOMINAL VALUE WHICH THE BOARD SHALL
7 DEFINE. THIS SECTION SHALL NOT PREVENT ANY MANUFACTURER OR ANY
8 AGENT OF A MANUFACTURER FROM OFFERING AND HONORING COUPONS WHICH
9 OFFER MONETARY REBATES ON PURCHASES OF WINES AND SPIRITS THROUGH
10 STATE LIQUOR STORES OR PURCHASES OF MALT OR BREWED BEVERAGES
11 THROUGH DISTRIBUTORS AND IMPORTING DISTRIBUTORS IN ACCORDANCE
12 WITH CONDITIONS OR REGULATIONS ESTABLISHED BY THE BOARD. THE
13 BOARD MAY REDEEM COUPONS OFFERED BY A MANUFACTURER OR AN AGENT
14 OF A MANUFACTURER AT THE TIME OF PURCHASE. COUPONS OFFERED BY A
15 MANUFACTURER OR AN AGENT OF A MANUFACTURER SHALL NOT BE REDEEMED
16 WITHOUT PROOF OF PURCHASE. THIS SECTION SHALL NOT APPLY TO THE
17 RETURN OF ANY MONIES SPECIFICALLY DEPOSITED FOR THE RETURN OF
18 THE ORIGINAL CONTAINER TO THE OWNERS THEREOF.

19 (II) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF
20 LAW[, A]:

21 (A) A HOLDER OF A RESTAURANT LICENSE THAT IS ALSO APPROVED
22 TO HOLD A SLOT MACHINE LICENSE OR A CONDITIONAL SLOT MACHINE
23 LICENSE UNDER 4 PA.C.S. PART II (RELATING TO GAMING) MAY GIVE
24 LIQUOR AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON
25 ACTIVELY ENGAGED IN PLAYING A SLOT MACHINE.

26 (B) THE BOARD MAY ESTABLISH AND IMPLEMENT A CUSTOMER
27 RELATIONS MANAGEMENT PROGRAM FOR THE PURPOSE OF OFFERING TO
28 UNLICENSED CUSTOMERS OF THE BOARD INCENTIVES, SUCH AS COUPONS OR
29 DISCOUNTS ON CERTAIN PRODUCTS, WHICH MAY BE CONDITIONED ON THE
30 PURCHASE OF LIQUOR.

1 (III) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION
2 OF LAW, A RETAIL LICENSEE OR A BREWERY MAY OFFER A MUG CLUB TO
3 ITS PATRONS.

4 * * *

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

1 CATERED FUNCTION SHALL BE CERTIFIED UNDER THE BOARD'S
2 RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER SECTION
3 471.1. THE BOARD MAY CHARGE A FEE OF FIVE HUNDRED DOLLARS (\$500)
4 EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE INITIAL PERMIT
5 ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO FURTHER FEE SHALL
6 BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED TO THE APPLICANT
7 FOR THE LICENSE DURING THE SAME CALENDAR YEAR. THE APPLICANT
8 SHALL SUBMIT WRITTEN NOTICE TO THE BOARD THIRTY DAYS PRIOR TO
9 EACH CATERED EVENT, UNLESS THIS TIME FRAME HAS BEEN WAIVED BY
10 THE BOARD, AND THE BOARD MAY APPROVE OR DISAPPROVE EACH EVENT IF
11 THE APPLICANT FAILS TO PROVIDE TIMELY NOTICE OF THE CATERED
12 FUNCTION, DOES NOT INTEND TO CONDUCT A FUNCTION THAT MEETS THE
13 REQUIREMENTS OF THIS ACT OR HAS PREVIOUSLY CONDUCTED A FUNCTION
14 THAT DID NOT MEET THE REQUIREMENTS OF THIS ACT. THE FEES SHALL
15 BE PAID INTO THE STATE STORES FUND. ANY VIOLATION OF THIS ACT OR
16 THE BOARD'S REGULATIONS FOR GOVERNING ACTIVITY OCCURRING UNDER
17 THE AUTHORITY OF THIS PERMIT MAY BE THE BASIS FOR THE ISSUANCE
18 OF A CITATION UNDER SECTION 471, THE NONRENEWAL OF THE LICENSE
19 UNDER SECTION 470 OR THE REFUSAL BY THE BOARD TO ISSUE
20 SUBSEQUENT PERMITS OR HONOR SUBSEQUENT DATES ON THE EXISTING
21 PERMIT. THIS PENALTY SHALL BE IN ADDITION TO ANY OTHER REMEDIES
22 AVAILABLE TO THE ENFORCEMENT BUREAU OR THE BOARD.

23 * * *

24 SECTION 24.1. SECTION 495(A) OF THE ACT, AMENDED FEBRUARY
25 21, 2002 (P.L.103, NO.10), IS AMENDED TO READ:

26 SECTION 495. IDENTIFICATION CARDS; LICENSEES AND STATE
27 LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.-- (A) THE VALID
28 PHOTO DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY THE
29 DEPARTMENT OF TRANSPORTATION OR BY ANY OTHER STATE, OR CANADIAN
30 DRIVER'S LICENSE OR OTHER BONA FIDE CANADIAN IDENTIFICATION SUCH

1 AS A CANADIAN-ISSUED PASSPORT, OR A VALID ARMED FORCES OF THE
2 UNITED STATES IDENTIFICATION CARD, A VALID PASSPORT OR A TRAVEL
3 VISA ISSUED BY THE UNITED STATES OR A FOREIGN COUNTRY THAT
4 CONTAINS THE HOLDER'S PHOTOGRAPH SHALL, FOR THE PURPOSE OF THIS
5 ACT, BE ACCEPTED AS AN IDENTIFICATION CARD.

6 * * *

7 SECTION 25. SECTION 505.2(A) (5) AND (6.1) OF THE ACT,
8 AMENDED DECEMBER 8, 2004 (P.L.1810, NO.239) AND JUNE 28, 2011
9 (P.L.55, NO.11), ARE AMENDED AND THE SUBSECTION IS AMENDED BY
10 ADDING A CLAUSE TO READ:

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

14 * * *

15 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
16 TO THE CONTRARY, ONLY SHIP WINE IN ACCORDANCE WITH THE
17 PROVISIONS OF SECTION 488.

18 * * *

19 (5) DO EITHER OF THE FOLLOWING:

20 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
21 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
22 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE
23 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
24 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME
25 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
26 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
27 LICENSE.

28 (II) APPLY FOR AND HOLD A RESTAURANT LIQUOR LICENSE FOR USE
29 AT ONE OF THE ADDITIONAL BOARD-APPROVED LOCATIONS REFERENCED
30 UNDER CLAUSE (3), AS LONG AS SUCH LOCATION DOES NOT SERVE AS AN

1 ADDITIONAL BOARD-APPROVED LOCATION FOR ANY OTHER MANUFACTURER.

2 * * *

3 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
4 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
5 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
6 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, [ONLY]
7 WINE AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
8 BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY
9 SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED
10 WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY
11 A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED
12 BEVERAGES PRODUCED BY A LICENSED BREWERY.

13 * * *

14 SECTION 26. SECTION 505.4(B)(1) AND (2) AND (C) OF THE ACT,
15 AMENDED DECEMBER 22, 2011 (P.L.530, NO.113), ARE AMENDED AND
16 SUBSECTION (B) IS AMENDED BY ADDING PARAGRAPHS TO READ:

17 SECTION 505.4. DISTILLERIES.--* * *

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

1 HOLDER OF A LIMITED DISTILLERY LICENSE MAY NOT SELL A PRODUCT OR
2 A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS LISTED FOR SALE AS A
3 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES TO A LICENSEE AT
4 A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
5 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
6 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINES
7 PRODUCED BY A LICENSED LIMITED WINERY OR MALT OR BREWED
8 BEVERAGES PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES
9 CONSUMPTION.

10 (2) (I) THE HOLDER OF A LIMITED DISTILLERY LICENSE MAY,
11 SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED DISTILLERY
12 LICENSEES, SELL BOTTLED LIQUORS PRODUCED BY THE DISTILLERY AT NO
13 MORE THAN [TWO (2)] FIVE (5) BOARD-APPROVED LOCATIONS OTHER THAN
14 THE LICENSED PREMISES, WITH NO BOTTLING OR PRODUCTION
15 REQUIREMENT AT THOSE ADDITIONAL BOARD-APPROVED LOCATIONS AND
16 UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE
17 TO THE BOARD, TO INDIVIDUALS AND TO ENTITIES LICENSED BY THE
18 BOARD.

19 (II) IF TWO (2) OR MORE LIMITED DISTILLERIES APPLY TO
20 OPERATE AN ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION
21 WITH EACH OTHER, THE DISTILLERIES NEED ONLY HAVE ONE (1) BOARD-
22 APPROVED MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION
23 FEE AND NEED NOT DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH
24 DISTILLERY'S LICENSED AREA. A LIMITED DISTILLERY MUST FILE AN
25 APPLICATION FOR THE ADDITIONAL BOARD-APPROVED LOCATION, AND THAT
26 LOCATION SHALL COUNT AS ONE (1) OF THE [TWO (2)] FIVE (5)
27 PERMITTED FOR EACH LIMITED DISTILLERY. A LIMITED DISTILLERY IS
28 RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE RECORDS. A LIMITED
29 DISTILLERY MAY BE CITED FOR A VIOLATION OF THE RECORDKEEPING
30 REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO ITS OWN

1 RECORDS ONLY.

2 * * *

3 (8) AT THE DISCRETION OF THE BOARD THE HOLDER OF A LIMITED
4 DISTILLERY LICENSE MAY OBTAIN A SPECIAL PERMIT TO PARTICIPATE IN
5 ALCOHOLIC CIDER, LIQUOR AND FOOD EXPOSITIONS OFF THE LICENSED
6 PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON PROPER
7 APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY
8 FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED THIRTY (30)
9 CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL
10 PERMITS MAY NOT EXCEED ONE HUNDRED (100) DAYS IN ANY CALENDAR
11 YEAR. A SPECIAL PERMIT SHALL ENTITLE THE HOLDER TO ENGAGE IN THE
12 SALE BY THE GLASS, BY THE BOTTLE OR IN CASE LOTS OF LIQUOR
13 PRODUCED BY THE PERMITTEE UNDER THE AUTHORITY OF A LIMITED
14 DISTILLERY LICENSE. HOLDERS OF SPECIAL PERMITS MAY PROVIDE
15 TASTING SAMPLES OF LIQUOR IN INDIVIDUAL PORTIONS NOT TO EXCEED
16 ONE AND ONE-HALF (1.5) FLUID OUNCES. SAMPLES AT ALCOHOLIC CIDER,
17 LIQUOR AND FOOD EXPOSITIONS MAY BE SOLD OR OFFERED FREE OF
18 CHARGE. EXCEPT AS PROVIDED IN THIS CLAUSE, LIMITED DISTILLERIES
19 UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL APPLICABLE
20 PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE REGULATIONS
21 OR CONDITIONS ADOPTED BY THE BOARD. FOR THE PURPOSES OF THIS
22 CLAUSE, "ALCOHOLIC CIDER, LIQUOR AND FOOD EXPOSITIONS" ARE
23 DEFINED AS AFFAIRS HELD INDOORS OR OUTDOORS WITH THE INTENT OF
24 PROMOTING PENNSYLVANIA PRODUCTS BY EDUCATING THOSE IN ATTENDANCE
25 OF THE AVAILABILITY, NATURE AND QUALITY OF PENNSYLVANIA-PRODUCED
26 ALCOHOLIC CIDERS AND LIQUORS IN CONJUNCTION WITH SUITABLE FOOD
27 DISPLAYS, DEMONSTRATIONS AND SALES. ALCOHOLIC CIDER, LIQUOR AND
28 FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES OTHER THAN
29 ALCOHOLIC CIDER, LIQUOR AND FOOD DISPLAYS, INCLUDING ARTS AND
30 CRAFTS, MUSICAL ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL

1 EXHIBITS AND FARMERS MARKETS.

2 (9) AT THE DISCRETION OF THE BOARD, THE HOLDER OF A LIMITED
3 DISTILLERY LICENSE MAY OBTAIN A FARMERS MARKET PERMIT. THE
4 PERMIT SHALL ENTITLE THE HOLDER TO PARTICIPATE IN MORE THAN ONE
5 (1) FARMERS MARKET AT ANY GIVEN TIME AND AN UNLIMITED NUMBER
6 THROUGHOUT THE YEAR AND SELL LIQUOR PRODUCED UNDER THE AUTHORITY
7 OF THE UNDERLYING LIMITED DISTILLERY LICENSE BY THE BOTTLE OR IN
8 CASE LOTS. SAMPLES NOT TO EXCEED ONE AND ONE-HALF (1.5) FLUID
9 OUNCES PER BRAND OF LIQUOR MAY BE OFFERED FREE OF CHARGE. A
10 FARMERS MARKET PERMIT SHALL BE ISSUED UPON PROPER APPLICATION
11 AND PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED FIFTY DOLLARS
12 (\$250). A PERMIT HOLDER MAY PARTICIPATE IN MORE THAN ONE (1)
13 FARMERS MARKET AT ANY GIVEN TIME. SALES BY PERMIT HOLDERS SHALL
14 TAKE PLACE DURING THE STANDARD HOURS OF OPERATION OF THE FARMERS
15 MARKET. WRITTEN NOTICE OF THE DATE, TIMES AND LOCATION THE
16 PERMIT IS TO BE USED SHALL BE PROVIDED BY THE PERMIT HOLDER TO
17 THE ENFORCEMENT BUREAU AT LEAST TWO (2) WEEKS PRIOR TO THE
18 EVENT. EXCEPT AS PROVIDED IN THIS SUBSECTION, LIMITED
19 DISTILLERIES UTILIZING FARMERS MARKET PERMITS SHALL BE GOVERNED
20 BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL
21 APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

22 (C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
23 SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED
24 PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO
25 THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND
26 ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF
27 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE
28 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A
29 LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT
30 CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS

1 AS THE BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY
2 NOT SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS
3 LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR
4 STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED
5 BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE
6 BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY ALSO
7 SELL WINES PRODUCED BY A LICENSED LIMITED WINERY OR MALT OR
8 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES
9 CONSUMPTION.

10 (2) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
11 SECTION 505 MAY PROVIDE TASTING SAMPLES OF LIQUOR THAT IN TOTAL
12 DO NOT EXCEED ONE AND ONE-HALF (1.5) FLUID OUNCES. SAMPLES MAY
13 BE SOLD OR PROVIDED FREE OF CHARGE BETWEEN THE HOURS OF NINE
14 O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN.

15 SECTION 27. (RESERVED).

16 SECTION 28. THE FOLLOWING SHALL APPLY:

17 (1) THERE IS ESTABLISHED A WINE AND SPIRITS WHOLESALE
18 AND RETAIL PRIVATIZATION COMMISSION.

19 (2) THE COMMISSION SHALL RESEARCH AND MAKE
20 RECOMMENDATIONS RELATED TO PRIVATIZING THE WHOLESALE AND
21 RETAIL WINE AND SPIRITS OPERATIONS IN THIS COMMONWEALTH AS
22 PROVIDED FOR IN THIS SECTION.

23 (3) THE COMMISSION SHALL CONSIST OF THE FOLLOWING
24 MEMBERS:

25 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
26 LAW AND JUSTICE COMMITTEE OF THE SENATE AND THE
27 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE LIQUOR
28 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
29 THEIR DESIGNEES.

30 (II) THREE LEGISLATORS FROM EACH CHAMBER OF THE

1 GENERAL ASSEMBLY APPOINTED AS FOLLOWS:

2 (A) TWO MEMBERS APPOINTED BY THE PRESIDENT PRO
3 TEMPORE OF THE SENATE.

4 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER
5 OF THE SENATE.

6 (C) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE
7 HOUSE OF REPRESENTATIVES.

8 (D) ONE MEMBER APPOINTED BY THE MINORITY LEADER
9 OF THE HOUSE OF REPRESENTATIVES.

10 (III) AN INDIVIDUAL APPOINTED BY THE GOVERNOR FROM
11 WITHIN THE GOVERNOR'S ADMINISTRATION.

12 (IV) THE CHAIRMAN OF THE LIQUOR CONTROL BOARD.

13 (4) THE COMMISSION SHALL APPOINT A MEMBER TO SERVE AS
14 CHAIRPERSON OF THE COMMISSION.

15 (5) THE COMMISSION SHALL HOLD ITS FIRST MEETING WITHIN
16 45 DAYS OF THE EFFECTIVE DATE OF THIS SECTION,
17 NOTWITHSTANDING WHETHER THE GOVERNOR OR ALL LEGISLATIVE
18 CAUCUSES HAVE ACTUALLY APPROVED MEMBERS TO THE COMMISSION.

19 (6) THE COMMISSION SHALL HOLD MEETINGS AT THE CALL OF
20 THE CHAIRPERSON.

21 (7) A MEMBER OF THE COMMISSION MAY NOT RECEIVE
22 COMPENSATION FOR THE MEMBER'S SERVICES, BUT SHALL BE
23 REIMBURSED FOR ALL NECESSARY TRAVEL AND OTHER REASONABLE
24 EXPENSES INCURRED IN CONNECTION WITH THE PERFORMANCE OF THE
25 MEMBER'S DUTIES AS A MEMBER OF THE COMMISSION.

26 (8) THE GENERAL ASSEMBLY SHALL PROVIDE ADMINISTRATIVE
27 SUPPORT, MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY
28 THE COMMISSION TO CARRY OUT ITS DUTIES UNDER THIS SECTION IN
29 COOPERATION WITH THE BOARD. THE BOARD AND THE DEPARTMENT OF
30 REVENUE SHALL PROVIDE THE COMMISSION WITH DATA, RESEARCH AND

1 OTHER INFORMATION UPON REQUEST BY THE COMMISSION. THE
2 COMMISSION MAY ENTER INTO CONTRACTS FOR PROFESSIONAL SERVICES
3 AS MAY BE NEEDED TO FULFILL THE COMMISSION'S DUTIES.

4 (9) THE BOARD SHALL PAY FOR ALL REASONABLE EXPENSES OF
5 THE COMMISSION FROM FUNDS MADE AVAILABLE FROM THE STATE
6 STORES FUND.

7 (10) THE COMMISSION SHALL:

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

10 (II) EVALUATE THE IMPACT OF PUBLIC SECTOR JOB LOSSES
11 THROUGH THE TRANSFER OF THE WHOLESALE SYSTEM TO PRIVATE
12 OPERATORS.

13 (III) CONSIDER BEST PRACTICES IN OTHER STATES
14 RELATED TO THE OPERATION OF A WINE AND SPIRITS WHOLESALE
15 OPERATION.

16 (IV) DETERMINE WHAT IMPACT A TRANSITION OF THE
17 WHOLESALE SYSTEM TO PRIVATE OPERATORS WOULD HAVE ON THE
18 ANNUAL FISCAL STABILITY OF THE COMMONWEALTH.

19 (V) DETERMINE THE EFFECTIVENESS OF THE PROVISIONS
20 CONTAINED IN THIS ACT AND PROVIDE RECOMMENDATIONS TO
21 IMPROVE THE REFORMS CONTAINED IN THIS ACT.

22 (VI) PROVIDE A VALUATION OF THE WINE AND SPIRITS
23 WHOLESALE AND RETAIL SYSTEMS.

24 (VII) DETERMINE THE IMPACT OF WHOLESALE AND RETAIL
25 PRIVATIZATION ON THE COST OF LIQUOR TO THE CONSUMER.

26 (VIII) DETERMINE WHETHER THE CURRENT QUOTA SYSTEM IN
27 EACH INDIVIDUAL COUNTY IS MEETING CONSUMER DEMAND.

28 (IX) ANALYZE OTHER FACTORS RELATED TO WINE AND
29 SPIRITS WHOLESALE AND RETAIL PRIVATIZATION.

30 (11) THE COMMISSION SHALL HAVE ALL OF THE FOLLOWING

1 POWERS AND DUTIES:

2 (I) REVIEW AND MAKE FINDINGS AND RECOMMENDATIONS
3 RELATED TO WINE AND SPIRITS WHOLESALE AND RETAIL IN THIS
4 COMMONWEALTH.

5 (II) CONSULT WITH AND UTILIZE EXPERTS TO ASSIST THE
6 COMMISSION IN CARRYING OUT THE DUTIES UNDER THIS SECTION.

7 (III) DRAFT PROPOSED REGULATIONS AND PROPOSED
8 LEGISLATION BASED ON THE COMMISSION'S FINDINGS.

9 (IV) ISSUE A REPORT OF THE COMMISSION'S FINDINGS AND
10 RECOMMENDATIONS TO THE GOVERNOR, THE PRESIDENT PRO
11 TEMPORE OF THE SENATE, THE MAJORITY LEADER AND MINORITY
12 LEADER OF THE SENATE, THE LAW AND JUSTICE COMMITTEE OF
13 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
14 THE MAJORITY LEADER AND MINORITY LEADER OF THE HOUSE OF
15 REPRESENTATIVES, THE LIQUOR CONTROL COMMITTEE OF THE
16 HOUSE OF REPRESENTATIVES AND THE CHAIRPERSON OF THE
17 LIQUOR CONTROL BOARD NOT LATER THAN SIX MONTHS AFTER THE
18 EFFECTIVE DATE OF THIS SECTION.

19 (12) BASED ON THE FINDINGS AND RECOMMENDATIONS IN THE
20 REPORT ISSUED UNDER PARAGRAPH (11) (IV), THE GENERAL ASSEMBLY
21 SHALL CONSIDER FURTHER REFORM MEASURES TO THE COMMONWEALTH'S
22 WHOLESALE AND RETAIL WINE AND SPIRITS OPERATIONS NO LATER
23 THAN JUNE 30, 2016.

24 SECTION 29. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.