

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1497 Session of 2017

INTRODUCED BY JOZWIAK, TALLMAN, ROTHMAN, BARBIN, M. K. KELLER, MILLARD, A. HARRIS, GROVE, WENTLING, WARD, SONNEY AND WHEELAND, JUNE 5, 2017

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 13, 2017

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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," in
17 preliminary provisions, further defining "alcoholic eider." <--
18 CIDER" AND "PUBLIC VENUE"; AND, IN LICENSES AND REGULATIONS <--
19 FOR LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER
20 PROVIDING FOR WINE AND SPIRITS AUCTION PERMITS.

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

23 ~~Section 1. The definition of "alcoholic eider" in section <--~~
24 ~~102 of the act of April 12, 1951 (P.L.90, No.21), known as the~~
25 ~~Liquor Code, amended November 15, 2016 (P.L.1286, No.166), is~~
26 ~~amended to read:~~

1 SECTION 1. THE DEFINITIONS OF "ALCOHOLIC CIDER" AND "PUBLIC <--
2 VENUE" IN SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90,
3 NO.21), KNOWN AS THE LIQUOR CODE, AMENDED NOVEMBER 15, 2016
4 (P.L.1286, NO.166), ARE AMENDED TO READ:

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

8 * * *

9 "Alcoholic cider" shall mean a beverage which may contain
10 carbonation in an amount not to exceed six and four tenths grams
11 per liter, produced through alcoholic fermentation [of any fruit
12 or fruit juice], which is primarily derived from apples, apple
13 juice concentrate and water, pears or pear juice concentrate and
14 water, consisting of at least one-half of one per centum, but
15 not greater than eight and one-half per centum, alcohol by
16 volume and sold or offered for sale as alcoholic cider and not
17 as a wine, a wine product or as a substitute for wine, in
18 bottles, cases, kegs, cans or other suitable containers of the
19 type used for the sale of malt or brewed beverages in this
20 Commonwealth.

21 * * *

22 "PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION <--
23 CENTER, MUSEUM, ZOO, AMPHITHEATER OR SIMILAR STRUCTURE. IF THE
24 PUBLIC VENUE IS A CRUISE TERMINAL OWNED OR LEASED BY A PORT
25 AUTHORITY CREATED UNDER THE ACT OF JUNE 12, 1931 (P.L.575,
26 NO.200), ENTITLED "AN ACT PROVIDING FOR JOINT ACTION BY
27 PENNSYLVANIA AND NEW JERSEY IN THE DEVELOPMENT OF THE PORTS ON
28 THE LOWER DELAWARE RIVER, AND THE IMPROVEMENT OF THE FACILITIES
29 FOR TRANSPORTATION ACROSS THE RIVER; AUTHORIZING THE GOVERNOR,
30 FOR THESE PURPOSES, TO ENTER INTO AN AGREEMENT WITH NEW JERSEY;

1 CREATING THE DELAWARE RIVER JOINT COMMISSION AND SPECIFYING THE
2 POWERS AND DUTIES THEREOF, INCLUDING THE POWER TO FINANCE
3 PROJECTS BY THE ISSUANCE OF REVENUE BONDS; TRANSFERRING TO THE
4 NEW COMMISSION ALL THE POWERS OF THE DELAWARE RIVER BRIDGE JOINT
5 COMMISSION; AND MAKING AN APPROPRIATION," IT SHALL HAVE NO
6 PERMANENT SEATING REQUIREMENT. IF THE PUBLIC VENUE IS AN OPEN-
7 AIR AMPHITHEATER OWNED BY A PORT AUTHORITY CREATED UNDER THE ACT
8 OF DECEMBER 6, 1972 (P.L.1392, NO.298), KNOWN AS THE "THIRD
9 CLASS CITY PORT AUTHORITY ACT," IT SHALL HAVE NO PERMANENT
10 SEATING REQUIREMENT. IF THE PUBLIC VENUE IS OWNED BY A POLITICAL
11 SUBDIVISION, A MUNICIPAL AUTHORITY, THE COMMONWEALTH, AN
12 AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953 (P.L.1034,
13 NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW," AN
14 AUTHORITY CREATED UNDER ARTICLE XXV-A OF THE ACT OF JULY 28,
15 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND CLASS COUNTY CODE,"
16 AN ART MUSEUM ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF
17 APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER
18 ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE
19 POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN
20 LAW," [OR] AN AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O)
21 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE
22 COUNTY CODE," OR IT IS LOCATED IN A NEIGHBORHOOD IMPROVEMENT
23 ZONE CREATED UNDER ARTICLE XIX-B OF THE ACT OF MARCH 4, 1971
24 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, LOCATED IN
25 A CITY OF THE THIRD CLASS, IT SHALL HAVE PERMANENT SEATING FOR
26 AT LEAST ONE THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL HAVE
27 PERMANENT SEATING FOR AT LEAST TWO THOUSAND (2,000) PEOPLE. THE
28 TERM SHALL ALSO MEAN ANY REGIONAL HISTORY CENTER, MULTIPURPOSE
29 CULTURAL AND SCIENCE FACILITY, MUSEUM OR CONVENTION OR TRADE
30 SHOW CENTER, REGARDLESS OF OWNER AND SEATING CAPACITY, THAT HAS

1 A FLOOR AREA OF AT LEAST SIXTY THOUSAND (60,000) SQUARE FEET IN
2 ONE BUILDING. THE TERM SHALL ALSO MEAN A CONVENTION OR
3 CONFERENCE CENTER OWNED BY A CITY OF THE THIRD CLASS OR A
4 UNIVERSITY WHICH IS A MEMBER OF THE PENNSYLVANIA STATE SYSTEM OF
5 HIGHER EDUCATION WHICH IS OPERATED BY A UNIVERSITY FOUNDATION OR
6 ALUMNI ASSOCIATION, REGARDLESS OF SEATING CAPACITY, THAT HAS A
7 FLOOR AREA OF AT LEAST FIFTEEN THOUSAND (15,000) SQUARE FEET IN
8 ONE BUILDING. THE TERM SHALL ALSO MEAN A VISITOR CENTER,
9 REGARDLESS OF FLOOR AREA OR SEATING CAPACITY, THAT WAS
10 ESTABLISHED UNDER THE AUTHORITY OF THE GATEWAY VISITOR CENTER
11 AUTHORIZATION ACT OF 1999 (PUBLIC LAW 106-131, 113 STAT. 1678,
12 16 U.S.C. § 407M).

13 * * *

14 SECTION 2. SECTION 408.12(6), (10), (11) AND (12) OF THE
15 ACT, AMENDED NOVEMBER 15, 2016 (P.L.1286, NO.166), ARE AMENDED
16 TO READ:

17 SECTION 408.12. WINE AND SPIRITS AUCTION PERMITS.--(A) UPON
18 APPLICATION OF:

19 * * *

20 (6) ANY [NATIONALLY RECOGNIZED] COMMUNITY-BASED VOLUNTARY
21 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER [WHICH HAS BEEN
22 IN EXISTENCE FOR AT LEAST NINETY YEARS];

23 * * *

24 (10) INSTITUTION OF HIGHER EDUCATION; OR

25 (11) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED HEALTH
26 ORGANIZATION COMMITTED TO FUNDING TYPE 1 DIABETES RESEARCH; [OR]

27 [(12) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY
28 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN
29 IN EXISTENCE FOR AT LEAST TWENTY YEARS;]

30 AND UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE

1 BOARD SHALL ISSUE A WINE AND SPIRITS AUCTION PERMIT GOOD FOR A
2 PERIOD OF NOT MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS
3 PER CALENDAR YEAR.

4 * * *

5 Section ~~2~~ 3. This act shall take effect in 60 days.

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