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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 896 Session of  
2007

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INTRODUCED BY SOLOBAY, DONATUCCI, RAYMOND, CALTAGIRONE, CONKLIN,  
GEORGE, GODSHALL, GRUCELA, HARPER, HORNAMAN, KILLION,  
MAHONEY, McCALL, MELIO, M. O'BRIEN, PAYNE, PETRONE, REICHLEY,  
SCAVELLO, SIPTROTH, STABACK, SURRA, FREEMAN, J. WHITE, KORTZ  
AND PALLONE, MARCH 22, 2007

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JULY 6, 2007

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AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
2 reenacted, "An act relating to alcoholic liquors, alcohol and  
3 malt and brewed beverages; amending, revising, consolidating  
4 and changing the laws relating thereto; regulating and  
5 restricting the manufacture, purchase, sale, possession,  
6 consumption, importation, transportation, furnishing, holding  
7 in bond, holding in storage, traffic in and use of alcoholic  
8 liquors, alcohol and malt and brewed beverages and the  
9 persons engaged or employed therein; defining the powers and  
10 duties of the Pennsylvania Liquor Control Board; providing  
11 for the establishment and operation of State liquor stores,  
12 for the payment of certain license fees to the respective  
13 municipalities and townships, for the abatement of certain  
14 nuisances and, in certain cases, for search and seizure  
15 without warrant; prescribing penalties and forfeitures;  
16 providing for local option, and repealing existing laws,"  
17 further providing for ~~special occasion permits and for~~ <—  
18 DEFINITIONS, FOR SPECIAL OCCASION PERMITS, FOR WINE AUCTION <—  
19 PERMITS, FOR LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED  
20 IN EACH COUNTY, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT  
21 AND BREWED BEVERAGES AND LICENSEES, FOR QUALIFICATIONS FOR <—  
22 LICENSES, FOR APPLICATIONS FOR CERTAIN LICENSES AND FOR  
23 limited wineries.

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

26 ~~Section 1. Section 408.4 of the act of April 12, 1951~~ <—

~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a subsection to read:~~

~~Section 408.4. Special Occasion Permits.~~

~~\* \* \*~~

~~(r) Notwithstanding any provision of law to the contrary, the board may issue a special occasion permit to an eligible entity located in a dry municipality if the board is provided with a copy of a resolution adopted by the municipality's governing body confirming support for the issuance of the special occasion permit.~~

~~Section 1.1. Section 505.2(a)(4) and (c) of the act, amended December 8, 2004 (P.L.1810, No.239), are amended to read:~~

~~SECTION 1. SECTION 505.2(A)(4) AND (C) OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:~~

~~SECTION 1. THE DEFINITION OF DEFINITIONS OF "MIXED-USE TOWN CENTER DEVELOPMENT PROJECT" AND "PUBLIC VENUE" IN SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED OR ADDED JULY 7, 2006 (P.L.584, NO.84), IS AND NOVEMBER 29, 2006 (P.L.1421, NO.155), ARE AMENDED TO READ:~~

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

~~\* \* \*~~

~~"MIXED-USE TOWN CENTER DEVELOPMENT PROJECT" SHALL MEAN A PLANNED DEVELOPMENT, WITH NO BUILDING CONSTRUCTION COMMENCED PRIOR TO JULY 1, 2006, SITUATED ON NO FEWER THAN ONE HUNDRED~~

1 CONTIGUOUS ACRES, WITH AT LEAST ONE MILLION SQUARE FEET OF  
2 ACTUAL OR PROPOSED DEVELOPMENT, WITH A MIX OF RETAIL,  
3 HOSPITALITY, COMMERCIAL AND RESIDENTIAL USES, WITH COMMUNITY  
4 FACILITIES AND WHICH HAS BEEN DESIGNATED AS A MIXED-USE TOWN  
5 CENTER DEVELOPMENT PROJECT BY THE MUNICIPALITY IN WHICH IT IS  
6 LOCATED. A MIXED-USE TOWN CENTER DEVELOPMENT PROJECT MAY HAVE  
7 ONE OR MULTIPLE OWNERS AND MAY BE DEVELOPED IN ONE OR MORE  
8 PHASES, ALL OF WHICH SHALL BE INCLUDED IN DETERMINING THE ACTUAL  
9 OR PROPOSED DEVELOPMENT. IF THE SITE MEETS ADDITIONAL CRITERIA  
10 STATED IN SECTION 461(B.4)(5), A PROJECT COMPRISING NINETY-FIVE  
11 CONTIGUOUS ACRES WILL MEET THE SIZE REQUIREMENT IN THIS  
12 DEFINITION.

13 \* \* \*

14 "PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION  
15 CENTER, MUSEUM, AMPHITHEATER OR SIMILAR STRUCTURE. IF THE PUBLIC  
16 VENUE IS A CRUISE TERMINAL OWNED OR LEASED BY A PORT AUTHORITY  
17 CREATED UNDER THE ACT OF JUNE 12, 1931 (P.L.575, NO.200),  
18 ENTITLED "AN ACT PROVIDING FOR JOINT ACTION BY PENNSYLVANIA AND  
19 NEW JERSEY IN THE DEVELOPMENT OF THE PORTS ON THE LOWER DELAWARE  
20 RIVER, AND THE IMPROVEMENT OF THE FACILITIES FOR TRANSPORTATION  
21 ACROSS THE RIVER; AUTHORIZING THE GOVERNOR, FOR THESE PURPOSES,  
22 TO ENTER INTO AN AGREEMENT WITH NEW JERSEY; CREATING THE  
23 DELAWARE RIVER JOINT COMMISSION AND SPECIFYING THE POWERS AND  
24 DUTIES THEREOF, INCLUDING THE POWER TO FINANCE PROJECTS BY THE  
25 ISSUANCE OF REVENUE BONDS; TRANSFERRING TO THE NEW COMMISSION  
26 ALL THE POWERS OF THE DELAWARE RIVER BRIDGE JOINT COMMISSION;  
27 AND MAKING AN APPROPRIATION," IT SHALL HAVE NO PERMANENT SEATING  
28 REQUIREMENT. IF THE PUBLIC VENUE IS AN OPEN-AIR AMPHITHEATER  
29 OWNED BY A PORT AUTHORITY CREATED UNDER THE ACT OF DECEMBER 6,  
30 1972 (P.L.1392, NO.298), KNOWN AS THE "THIRD CLASS CITY PORT

1 AUTHORITY ACT," IT SHALL HAVE NO PERMANENT SEATING REQUIREMENT.  
2 IF THE PUBLIC VENUE IS OWNED BY A POLITICAL SUBDIVISION, A  
3 MUNICIPAL AUTHORITY, THE COMMONWEALTH, AN AUTHORITY CREATED  
4 UNDER THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS THE  
5 "PUBLIC AUDITORIUM AUTHORITIES LAW," AN AUTHORITY CREATED UNDER  
6 ARTICLE XXV-A OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230),  
7 KNOWN AS THE "SECOND CLASS COUNTY CODE," AN ART MUSEUM  
8 ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF APRIL 6, 1791 (3  
9 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER ON CERTAIN  
10 ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE POWERS AND  
11 IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN LAW," OR AN  
12 AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF THE ACT OF  
13 AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," IT  
14 SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE THOUSAND (1,000)  
15 PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT SEATING FOR AT LEAST  
16 TWO THOUSAND (2,000) PEOPLE. THE TERM SHALL ALSO MEAN ANY  
17 REGIONAL HISTORY CENTER, MULTIPURPOSE CULTURAL AND SCIENCE  
18 FACILITY, MUSEUM OR CONVENTION OR TRADE SHOW CENTER, REGARDLESS  
19 OF OWNER AND SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT LEAST  
20 SIXTY THOUSAND (60,000) SQUARE FEET IN ONE BUILDING. THE TERM  
21 SHALL ALSO MEAN A CONVENTION OR CONFERENCE CENTER OWNED BY A  
22 CITY OF THE THIRD CLASS ~~OR AN ALUMNI FOUNDATION OR ASSOCIATION,~~ <—  
23 OR A UNIVERSITY WHICH IS A MEMBER OF THE PENNSYLVANIA STATE <—  
24 SYSTEM OF HIGHER EDUCATION WHICH IS OPERATED BY A UNIVERSITY  
25 FOUNDATION OR ALUMNI ASSOCIATION, REGARDLESS OF SEATING  
26 CAPACITY, THAT HAS A FLOOR AREA OF AT LEAST FIFTEEN THOUSAND  
27 (15,000) SQUARE FEET IN ONE BUILDING.

28 \* \* \*

29 SECTION 2. SECTION 408.4 OF THE ACT IS AMENDED BY ADDING A  
30 SUBSECTION TO READ:

SECTION 408.4. SPECIAL OCCASION PERMITS.--

\* \* \*

(R) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,  
THE BOARD MAY ISSUE A SPECIAL OCCASION PERMIT TO AN ELIGIBLE  
ENTITY LOCATED IN A DRY MUNICIPALITY IF THE BOARD IS PROVIDED  
WITH A COPY OF A RESOLUTION ADOPTED BY THE MUNICIPALITY'S  
GOVERNING BODY CONFIRMING SUPPORT FOR THE ISSUANCE OF THE  
SPECIAL OCCASION PERMIT.

SECTION 3. SECTION 408.12(A) OF THE ACT, AMENDED NOVEMBER  
10, 1999 (P.L.514, NO.47), IS AMENDED TO READ:

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

(1) ANY NONPROFIT HOSPITAL[ , ];

(2) ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A  
MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK[ , ];

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

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

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

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

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

(8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHICH PURPOSE IS

1 TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS  
2 WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS  
3 TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND  
4 HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS, AND  
5 UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE BOARD  
6 SHALL ISSUE A WINE AUCTION PERMIT GOOD FOR A PERIOD OF NOT MORE  
7 THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS PER CALENDAR  
8 YEAR[.]; OR

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

12 \* \* \*

13 ~~SECTION 4. THE DEFINITION OF "HOTEL" IN SECTION 461(C) OF~~ <—  
14 ~~THE ACT, AMENDED FEBRUARY 21, 2006 (P.L.42, NO.15), IS AMENDED~~

15 SECTION 4. SECTION 461(C) OF THE ACT, AMENDED FEBRUARY 21, <—  
16 2006 (P.L.42, NO.15), IS AMENDED AND SUBSECTION (B.4) IS AMENDED  
17 BY ADDING A PARAGRAPH TO READ:

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

20 (B.4) \* \* \* <—

21 (5) A DEVELOPMENT SITE OF AT LEAST NINETY-FIVE ACRES THAT  
22 MEETS THE FOLLOWING ADDITIONAL CRITERIA SHALL SATISFY THE SIZE  
23 REQUIREMENT TO QUALIFY AS A MIXED-USE TOWN CENTER DEVELOPMENT  
24 PROJECT:

25 (I) AT LEAST SEVENTY-FIVE ACRES OF THE PROJECT WERE SECURED,  
26 WHETHER BY PURCHASE OR LEASE, BY THE DEVELOPER PRIOR TO JULY 1,  
27 2004;

28 (II) AT LEAST SIXTY ACRES OF THE PROJECT HAVE BEEN ENTERED  
29 INTO THE PROGRAM OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
30 RELATING TO LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

1 STANDARDS;

2 (III) AT LEAST THIRTY-FIVE ACRES OF THE PROJECT HAVE BEEN  
3 DESIGNATED AS A BROWNFIELDS ACTION TEAM SITE BY THE DEPARTMENT  
4 OF ENVIRONMENTAL PROTECTION AND OVERLAP, IN WHOLE OR PART,  
5 BETWEEN THE AREAS IN SUBCLAUSES (II) AND (III); AND

6 (IV) THE PROJECT SITE IS BOUNDED BY A TOWNSHIP ROAD AND A  
7 STATE ROAD.

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

20 (1) IN MUNICIPALITIES HAVING A POPULATION OF LESS THAN THREE  
21 THOUSAND, AT LEAST TWELVE PERMANENT BEDROOMS FOR THE USE OF  
22 GUESTS.

23 (2) IN MUNICIPALITIES HAVING A POPULATION OF THREE THOUSAND  
24 AND MORE BUT LESS THAN TEN THOUSAND INHABITANTS, AT LEAST  
25 SIXTEEN PERMANENT BEDROOMS FOR THE USE OF GUESTS.

26 (3) IN MUNICIPALITIES HAVING A POPULATION OF TEN THOUSAND  
27 AND MORE BUT LESS THAN TWENTY-FIVE THOUSAND INHABITANTS, AT  
28 LEAST THIRTY PERMANENT BEDROOMS FOR THE USE OF GUESTS.

29 (4) IN MUNICIPALITIES HAVING A POPULATION OF TWENTY-FIVE  
30 THOUSAND AND MORE BUT LESS THAN ONE HUNDRED THOUSAND

1 INHABITANTS, AT LEAST FORTY PERMANENT BEDROOMS FOR THE USE OF  
2 GUESTS.

3 (5) IN MUNICIPALITIES HAVING A POPULATION OF ONE HUNDRED  
4 THOUSAND AND MORE INHABITANTS, AT LEAST FIFTY PERMANENT BEDROOMS  
5 FOR THE USE OF GUESTS.

6 (6) A PUBLIC DINING ROOM OR ROOMS OPERATED BY THE SAME  
7 MANAGEMENT ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME AND  
8 A KITCHEN, APART FROM THE DINING ROOM OR ROOMS, IN WHICH FOOD IS  
9 REGULARLY PREPARED FOR THE PUBLIC.

10 (7) EACH ROOM TO BE CONSIDERED A BEDROOM UNDER THE  
11 REQUIREMENTS OF THIS SECTION SHALL HAVE AN AREA OF NOT LESS THAN  
12 EIGHTY SQUARE FEET AND AN OUTSIDE WINDOW.

13 (8) THE PROVISIONS OF THIS SUBSECTION (C) SHALL NOT APPLY TO  
14 HOTEL LICENSES GRANTED PRIOR TO THE FIRST DAY OF SEPTEMBER, ONE  
15 THOUSAND NINE HUNDRED FORTY-NINE, OR THAT HAVE BEEN GRANTED ON  
16 ANY APPLICATION MADE AND PENDING PRIOR TO SAID DATE, NOR TO ANY  
17 RENEWAL OR TRANSFER THEREOF, OR HOTELS UNDER CONSTRUCTION OR FOR  
18 WHICH A BONA FIDE CONTRACT HAD BEEN ENTERED INTO FOR  
19 CONSTRUCTION PRIOR TO SAID DATE. IN SUCH CASES, THE PROVISIONS  
20 OF SECTION ONE OF THE ACT, APPROVED THE TWENTY-FOURTH DAY OF  
21 JUNE, ONE THOUSAND NINE HUNDRED THIRTY-NINE (PAMPHLET LAWS 806),  
22 SHALL CONTINUE TO APPLY.

23 (8.1) THE PROVISIONS OF THIS SUBSECTION (C) SHALL NOT APPLY  
24 TO HOTEL LICENSES THAT WERE GRANTED PRIOR TO THE FIRST DAY OF  
25 JANUARY, ONE THOUSAND NINE HUNDRED SIXTY-FIVE, IN MUNICIPALITIES  
26 HAVING A POPULATION OF LESS THAN TEN THOUSAND DURING THE TWO  
27 THOUSAND FEDERAL DECENNIAL CENSUS. FURTHER, THE PROVISIONS OF  
28 THIS SUBSECTION (C) SHALL NOT APPLY TO HOTEL LICENSES THAT WERE  
29 GRANTED PRIOR TO THE FIRST DAY OF SEPTEMBER, ONE THOUSAND NINE  
30 HUNDRED FORTY-NINE, AND THAT LAPSED NOT MORE THAN ONCE, PROVIDED



1 THAT THE BOARD ISSUED THE HOTEL A NEW HOTEL LICENSE PRIOR TO THE  
2 FIRST DAY OF JANUARY, ONE THOUSAND NINE HUNDRED SEVENTY-ONE. IN  
3 SUCH CASES, THE PROVISIONS OF SECTION ONE OF THE ACT, APPROVED  
4 THE TWENTY-FOURTH DAY OF JUNE, ONE THOUSAND NINE HUNDRED THIRTY-  
5 NINE (PAMPHLET LAWS 806), SHALL CONTINUE TO APPLY.

6 (9) UPON APPLICATION TO AND SUBJECT TO INSPECTION BY THE  
7 BOARD, HOTEL LICENSEES UNDER CLAUSE (8) OF THIS SUBSECTION SHALL  
8 NO LONGER BE REQUIRED TO MAINTAIN BEDROOMS FOR PUBLIC  
9 ACCOMMODATION. HOWEVER, AREAS REQUIRED AND DESIGNATED AS  
10 BEDROOMS FOR PUBLIC ACCOMMODATION PRIOR TO THE EFFECTIVE DATE OF  
11 THIS CLAUSE MAY NOT SUBSEQUENTLY BE USED AS LICENSED SERVING  
12 AREA. SUCH AREA MAY BE USED AS LICENSED STORAGE AREA CONSISTENT  
13 WITH THIS ACT AND EXISTING REGULATIONS.

14 (9.1) UPON APPLICATION TO AND SUBJECT TO INSPECTION BY THE  
15 BOARD, HOTEL LICENSEES UNDER CLAUSE (8.1) OF THIS SUBSECTION  
16 SHALL NO LONGER BE REQUIRED TO MAINTAIN BEDROOMS FOR PUBLIC  
17 ACCOMMODATION. HOWEVER, AREAS REQUIRED AND DESIGNATED AS  
18 BEDROOMS FOR PUBLIC ACCOMMODATION PRIOR TO THE EFFECTIVE DATE OF  
19 THIS CLAUSE MAY NOT SUBSEQUENTLY BE USED AS LICENSED SERVING  
20 AREAS. SUCH AREAS MAY BE USED AS LICENSED STORAGE AREA  
21 CONSISTENT WITH THIS ACT AND EXISTING REGULATIONS.

22 \* \* \*

23 SECTION 5. SECTION 493(13) OF THE ACT, AMENDED JANUARY 6,  
24 2006 (P.L.1, NO.1), IS AMENDED TO READ:

25 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
26 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED  
27 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE  
28 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES  
29 OTHERWISE.

30 IT SHALL BE UNLAWFUL--

1       \* \* \*

2       (13) RETAIL LICENSEES EMPLOYING MINORS. FOR ANY HOTEL,  
3 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY RETAIL DISPENSER, TO  
4 EMPLOY OR TO PERMIT ANY MINOR UNDER THE AGE OF EIGHTEEN TO SERVE  
5 ANY ALCOHOLIC BEVERAGES OR TO EMPLOY OR PERMIT ANY MINOR UNDER  
6 THE AGE OF SIXTEEN TO RENDER ANY SERVICE WHATEVER IN THE  
7 LICENSED PREMISES, NOR SHALL ANY ENTERTAINER UNDER THE AGE OF  
8 EIGHTEEN BE EMPLOYED OR PERMITTED TO PERFORM IN ANY LICENSED  
9 PREMISES IN VIOLATION OF THE LABOR LAWS OF THIS COMMONWEALTH:  
10 PROVIDED, THAT IN ACCORDANCE WITH BOARD REGULATIONS MINORS  
11 BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN MAY BE EMPLOYED TO  
12 SERVE FOOD, CLEAR TABLES AND PERFORM OTHER SIMILAR DUTIES, NOT  
13 TO INCLUDE THE DISPENSING OR SERVING OF ALCOHOLIC BEVERAGES. A  
14 SKI RESORT, GOLF COURSE OR AMUSEMENT PARK LICENSEE MAY EMPLOY  
15 MINORS FOURTEEN AND FIFTEEN YEARS OF AGE TO PERFORM DUTIES IN  
16 ROOMS OR AREAS OF THE LICENSED PREMISES; HOWEVER, SUCH MINORS  
17 MAY NOT PERFORM DUTIES IN ROOMS OR AREAS IN WHICH ALCOHOL IS  
18 BEING CONCURRENTLY DISPENSED OR SERVED OR IN WHICH ALCOHOL IS  
19 BEING CONCURRENTLY STORED IN AN UNSECURED MANNER.  
20 NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, A HOTEL,  
21 RESTAURANT OR CLUB LIQUOR LICENSEE OR ANY RETAIL DISPENSER MAY  
22 ALLOW STUDENTS RECEIVING INSTRUCTION IN A PERFORMING ART TO  
23 PERFORM AN EXHIBITION [IN OBSERVANCE OF ETHNIC HERITAGE] IF THE  
24 STUDENTS ARE NOT COMPENSATED AND ARE UNDER PROPER SUPERVISION.  
25 WRITTEN NOTICE OF THE PERFORMANCE MUST BE PROVIDED TO THE  
26 ENFORCEMENT BUREAU PRIOR TO THE PERFORMANCE.

27       \* \* \*

28       SECTION 6. SECTION 503 OF THE ACT IS AMENDED TO READ:       <—  
29       SECTION 503. QUALIFICATIONS FOR LICENSE.--NO LICENSE SHALL  
30 BE ISSUED UNDER THE PROVISIONS OF THIS ARTICLE TO ANY PERSON

1 UNLESS (A) IN CASE OF INDIVIDUALS, HE OR SHE IS A CITIZEN OF THE  
2 UNITED STATES OF AMERICA, (B) IN CASE OF COMPANIES OR  
3 INCORPORATED ASSOCIATIONS OF INDIVIDUALS, EACH AND EVERY ONE IS  
4 A CITIZEN OF THE UNITED STATES OF AMERICA, (C) IN CASE OF  
5 CORPORATIONS, EACH AND EVERY STOCKHOLDER THEREOF IS A CITIZEN OF  
6 THE UNITED STATES OF AMERICA. THIS SECTION SHALL NOT APPLY TO  
7 BAILEES FOR HIRE.

8 SECTION ~~6~~ 7. SECTION 505.2(A)(4) AND (C) OF THE ACT, AMENDED <—  
9 DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:

10 Section 505.2. Limited Wineries.--(a) In the interest of  
11 promoting tourism and recreational development in Pennsylvania,  
12 holders of a limited winery license may:

13 \* \* \*

14 (4) At the discretion of the board, obtain a special permit  
15 to participate in alcoholic cider, wine ~~and food~~, ~~food and~~ <—  
16 ~~cultural~~ expositions off the licensed premises. A special permit  
17 shall be issued upon proper application and payment of a fee of  
18 thirty dollars (\$30) per day for each day of permitted use, not  
19 to exceed five (5) consecutive days. The total number of days  
20 for all the special permits may not exceed forty (40) days in  
21 any calendar year. A special permit shall entitle the holder to  
22 engage in the sale by the glass, by the bottle or in case lots  
23 of alcoholic cider or wine produced by the permittee under the  
24 authority of a limited winery license. Holders of special  
25 permits may provide tasting samples of wines in individual  
26 portions not to exceed one fluid ounce. Samples at alcoholic  
27 cider, wine ~~and food~~, ~~food and cultural~~ expositions may be <—  
28 sold or offered free of charge. Except as provided herein,  
29 limited wineries utilizing special permits shall be governed by  
30 all applicable provisions of this act as well as by all

1 applicable regulations or conditions adopted by the board.

2 For the purposes of this clause, "alcoholic cider, wine {and  
3 food}, ~~food and cultural~~ expositions" are defined as affairs <—  
4 held indoors or outdoors with the [primary intent of] intent of  
5 promoting Pennsylvania products and culture by educating those <—  
6 in attendance of the availability, nature and quality of  
7 Pennsylvania-produced alcoholic ciders and wines in conjunction  
8 with suitable food displays, demonstrations and sales. Alcoholic  
9 cider, wine and food expositions may also include activities  
10 other than alcoholic cider, wine {and food}, ~~food and cultural~~ <—  
11 displays, including arts and crafts, musical activities,  
12 cultural exhibits, agricultural exhibits and [similar <—  
13 activities.] FARMERS MARKETS. Alcoholic cider, wine, food and <—  
14 cultural expositions shall also include farmers markets.

15 \* \* \*

16 (c) [The term "agricultural commodity" as used in this  
17 section] As used in this section:

18 "Agricultural commodity" shall include any of the following:  
19 agricultural, apicultural, horticultural, silvicultural and  
20 viticultural commodities.

21 "Farmers market" shall include any building, structure or  
22 ~~other place owned, leased or otherwise in the possession of a~~ <—  
23 OTHER PLACE: <—

24 (1) OWNED, LEASED OR OTHERWISE IN THE POSSESSION OF A  
25 person, municipal corporation or public or private organization; <—  
26 ~~used or intended to be used by two or more farmers or an~~ <—

27 (2) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR AN <—  
28 association of farmers, WHO ARE CERTIFIED BY THE DEPARTMENT OF <—  
29 AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'  
30 MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO

1 SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), for the  
2 purpose of selling agricultural commodities PRODUCED IN THIS <—  
3 COMMONWEALTH directly to consumers and which is physically <—  
4 located within this CONSUMERS; <—

5 (3) WHICH IS PHYSICALLY LOCATED WITHIN THIS Commonwealth; <—  
6 AND

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

9 ~~Section 2. This act shall take effect in 60 days.~~ <—

10 SECTION 7 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

11 (1) THE AMENDMENT OF SECTION 505.2 OF THE ACT SHALL TAKE  
12 EFFECT IMMEDIATELY.

13 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

14 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
15 DAYS.