
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1110 Session of
2015

INTRODUCED BY SCHREIBER, CARROLL, DIAMOND, COHEN, LONGIETTI,
ROZZI, McNEILL, MOUL, PASHINSKI, GIBBONS, M. DALEY AND
TOOHIL, MAY 5, 2015

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 5, 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," in
17 general provisions applying to both liquor and malt and
18 brewed beverages, further providing for limiting number of
19 retail licenses to be issued in each county.

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

22 Section 1. Section 461(b.1)(4), (7) and (8) and (b.2) of the
23 act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
24 reenacted and amended June 29, 1987 (P.L.32, No.14), amended
25 February 21, 2002 (P.L.103, No.10) and November 29, 2006
26 (P.L.1421, No.155), are amended to read:

1 Section 461. Limiting Number of Retail Licenses To Be Issued
2 In Each County.--* * *

3 (b.1) The board may issue restaurant and eating place retail
4 dispenser licenses and renew licenses issued under this
5 subsection without regard to the quota restrictions set forth in
6 subsection (a) for the purpose of economic development in a
7 municipality under the following conditions:

8 * * *

9 (4) An applicant under this subsection shall be required to
10 sell food and nonalcoholic beverages equal to [seventy per
11 centum (70%)] fifty per centum (50%) or more of its combined
12 gross sales of food and alcoholic beverages.

13 * * *

14 (7) An appeal of the board's decision refusing to grant or
15 renew a license under this subsection shall not act as a
16 supersedeas of the decision of the board if the decision is
17 based, in whole or in part, on the licensee's failure to
18 demonstrate that its food and nonalcoholic beverages were at
19 least [seventy per centum (70%)] fifty per centum (50%) of its
20 combined gross sales of food and alcoholic beverages.

21 (8) A license issued under this subsection may not be
22 validated or renewed unless the licensee can establish that its
23 sale of food and nonalcoholic beverages during the license year
24 immediately preceding application for validation or renewal is
25 equal to [seventy per centum (70%)] fifty per centum (50%) or
26 more of its food and alcoholic beverage sales.

27 (b.2) Qualified applicants under subsection (b.1) shall
28 receive a provisional license for one hundred twenty days,
29 exclusive of periods of safekeeping. After ninety days from the
30 date of issuance, the licensee may file an application for a

1 permanent license. A license shall be issued if the licensee
2 establishes that for ninety consecutive days from the date of
3 initial issue its sales of food and nonalcoholic beverages is
4 equal to at least [seventy per centum (70%)] fifty per centum
5 (50%) of its combined gross sales of food and alcoholic
6 beverages. Licensees shall not be subject to citation by the
7 Enforcement Bureau for a violation of the requirement that food
8 and nonalcoholic beverages equal at least [seventy per centum
9 (70%)] fifty per centum (50%) of the combined gross sales of
10 food and alcoholic beverages during the provisional licensing
11 period.

12 * * *

13 Section 2. This act shall take effect in 60 days.