

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1525 Session of
2017

INTRODUCED BY WARREN, MILLARD, FREEMAN AND FARRY, JUNE 12, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 12, 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 licenses and regulations, liquor, alcohol and malt and brewed
18 beverages, further providing for local option.

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

21 Section 1. Section 472(a) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, amended November 15,
23 2016 (P.L.1286, No.166), is amended to read:

24 Section 472. Local Option.--(a) In any municipality or any
25 part of a municipality where such municipality is split so that
26 each part thereof is separated by another municipality, an

1 election may be held, subject to subsection (c), not oftener
2 than once in four years, to determine the will of the electors
3 with respect to the granting of liquor licenses to hotels,
4 restaurants, resort facilities and clubs, not oftener than once
5 in four years, to determine the will of the electors with
6 respect to the granting of liquor licenses to public venues, to
7 performing arts facilities, to continuing care retirement
8 communities, to hotels located on property owned by an
9 accredited college or university, to privately-owned private
10 golf courses or to privately-owned public golf courses, not
11 oftener than once in four years, to determine the will of the
12 electors with respect to the granting of licenses to retail
13 dispensers of malt and brewed beverages, not oftener than once
14 in four years, to determine the will of the electors with
15 respect to granting of licenses to wholesale distributors and
16 importing distributors, not more than once in two years, to
17 determine the will of the electors with respect to the granting
18 of club liquor licenses or club retail dispenser licenses to
19 incorporated units of national veterans' organizations, not
20 oftener than once in two years to determine the will of the
21 electors with respect to the granting of special occasion
22 permits to qualified organizations, not more than once in four
23 years, to determine the will of the electors with respect to the
24 establishment, operation and maintenance by the board of
25 Pennsylvania liquor stores, within the limits of such
26 municipality or part of a split municipality, or not more than
27 once in two years, to determine the will of the electors with
28 respect to the granting of liquor licenses to ski resort
29 facilities, under the provisions of this act: Provided, That an
30 election on the question of establishing and operating a State

1 liquor store shall be initiated only in those municipalities, or
2 that part of a split municipality that shall have voted against
3 the granting of liquor licenses; and that an election on the
4 question of granting wholesale distributor and importing
5 distributor licenses shall be initiated only in those
6 municipalities or parts of split municipalities that shall have
7 at a previous election voted against the granting of dispenser's
8 licenses. Whenever electors equal to at least twenty-five per
9 centum of the highest vote cast for any office in the
10 municipality or part of a split municipality at the last
11 preceding [general] election shall file a petition with the
12 county board of elections of the county for a referendum on the
13 question of granting any of said classes of licenses or the
14 establishment of Pennsylvania liquor stores, the said county
15 board of elections shall cause a question to be placed on the
16 ballots or on the voting machine board and submitted at any
17 election, except a special election. Separate petitions must be
18 filed for each question to be voted on. Said proceedings shall
19 be in the manner and subject to the provisions of the election
20 laws which relate to the signing, filing and adjudication of
21 nomination petitions, with respect to a question to be placed on
22 the ballot in a primary election, and nomination papers, with
23 respect to a question to be placed on the ballot in a municipal
24 or general election, in each case insofar as such provisions are
25 applicable.

26 When the question is in respect to the granting of liquor
27 licenses, it shall be in the following form:

28 Do you favor the granting of liquor licenses for the
29 sale of liquor in..... Yes
30 of.....? No

1 When the question is in respect to the granting of liquor
2 licenses to resort facilities in those municipalities that do
3 not already allow the retail sale of liquor, it shall be in the
4 following form:

5 Do you favor the granting of liquor licenses to resort
6 facilities for the sale of liquor in the..... Yes
7 of.....? No

8 When the question is in respect to the granting of liquor
9 licenses to ski resorts in those municipalities that do not
10 already allow the retail sale of liquor, it shall be in the
11 following form:

12 Do you favor the granting of liquor licenses to ski
13 resort facilities for the sale of liquor in the Yes
14of? No

15 When the question is in respect to the granting of restaurant
16 liquor licenses for use at public venues in those municipalities
17 that do not already allow the retail sale of liquor, it shall be
18 in the following form:

19 Do you favor the granting of liquor licenses to public
20 venues for the sale of liquor in the..... Yes
21 of.....? No

22 When the question is in respect to the granting of restaurant
23 liquor licenses for use at performing arts facilities in those
24 municipalities that do not already allow the retail sale of
25 alcohol, it shall be in the following form:

26 Do you favor the granting of liquor licenses to
27 performing arts facilities for the sale of liquor in
28 the..... Yes
29 of.....? No

30 When the question is in respect to the granting of liquor

1 licenses for hotels located on property owned by an accredited
2 college or university in those municipalities that do not
3 already allow the granting of liquor licenses, it shall be in
4 the following form:

5 Do you favor the granting of liquor licenses to hotels
6 on property owned by an accredited college or
7 university in the..... Yes
8 of.....? No

9 When the question is in respect to the granting of liquor
10 licenses, for privately-owned private golf courses, it shall be
11 in the following form:

12 Do you favor the granting of liquor licenses for
13 privately-owned private golf courses for the sale of
14 liquor in.....by..... Yes
15 of.....? No

16 When the question is in respect to the granting of liquor
17 licenses, for privately-owned public golf courses, it shall be
18 in the following form:

19 Do you favor the granting of liquor licenses for
20 privately-owned public golf courses for the sale of
21 liquor in.....by..... Yes
22 of.....? No

23 When the question is in respect to the granting of liquor
24 licenses to continuing care retirement communities in those
25 municipalities that have not already approved the granting of
26 liquor licenses, it shall be in the following form:

27 Do you favor the granting of liquor licenses for
28 continuing care retirement communities
29 in.....by..... Yes
30 of.....? No

1 When the question is in respect to the granting of licenses
2 to retail dispensers of malt and brewed beverages, it shall be
3 in the following form:

4 Do you favor the granting of malt and brewed beverage
5 retail dispenser licenses for consumption on premises
6 where sold in the..... Yes
7 of.....? No

8 When the question is in respect to the granting of licenses
9 to wholesale distributors of malt or brewed beverages and
10 importing distributors, it shall be in the following form:

11 Do you favor the granting of malt and brewed beverage
12 wholesale distributor's and importing distributor's
13 licenses not for consumption on premises where sold in
14 the..... Yes
15 of.....? No

16 When the question is in respect to the granting of club
17 liquor licenses to incorporated units of national veterans'
18 organizations, it shall be in the following form:

19 Do you favor the granting of club liquor licenses to
20 incorporated units of national veterans' organizations
21 in the..... Yes
22 of.....? No

23 When the question is in respect to the granting of club
24 retail dispenser licenses to incorporated units of national
25 veterans' organizations, it shall be in the following form:

26 Do you favor the granting of club retail dispenser
27 licenses to incorporated units of national veterans'
28 organizations in the..... Yes
29 of.....? No

30 When the question is in respect to the granting of special

1 occasion permits allowing the sale of liquor by qualified
2 organizations in municipalities that do not already allow the
3 retail sale of liquor, it shall be in the following form:

4 Do you favor the granting of special occasion permits
5 to allow the sale of liquor by qualified organizations
6 in the..... Yes
7 of.....? No

8 When the question is in respect to the granting of special
9 occasion permits allowing the sale of malt or brewed beverages
10 only by qualified organizations in municipalities that do not
11 already allow the retail sale of malt or brewed beverages, it
12 shall be in the following form:

13 Do you favor the granting of special occasion permits
14 to allow the sale of malt or brewed beverages only by
15 qualified organizations in the..... Yes
16 of.....? No

17 When the question is in respect to the establishment,
18 operation and maintenance of Pennsylvania liquor stores it shall
19 be in the following form:

20 Do you favor the establishment, operation and
21 maintenance of Pennsylvania liquor stores in
22 the..... Yes
23 of.....? No

24 When the question is in respect to the granting of liquor
25 licenses to an airport authority in those municipalities that do
26 not already allow the retail sale of liquor, it shall be in the
27 following form:

28 Do you favor the granting of liquor licenses to an
29 airport authority for the sale of liquor in
30 the..... Yes

1 of.....? No

2 In case of a tie vote, the status quo shall obtain. If a
3 majority of the voting electors on any such question vote "yes,"
4 then liquor licenses shall be granted by the board to hotels,
5 restaurants, ski resorts, resort facilities and clubs, or liquor
6 licenses shall be granted by the board to public venues, to
7 performing arts facilities, to continuing care retirement
8 communities, to hotels located on property owned by an
9 accredited college or university, to privately-owned private
10 golf courses or to privately-owned public golf courses, or malt
11 and brewed beverage retail dispenser licenses or wholesale
12 distributor's and importing distributor's license for the sale
13 of malt or brewed beverages shall be granted by the board, or
14 club liquor licenses or club retail dispenser licenses shall be
15 granted by the board to incorporated units of national veterans'
16 organizations, or special occasion permits may be issued to
17 qualified organizations, or the board may establish, operate and
18 maintain Pennsylvania liquor stores, as the case may be, in such
19 municipality or part of a split municipality, as provided by
20 this act; but if a majority of the electors voting on any such
21 question vote "no," then the board shall have no power to grant
22 or to renew upon their expiration any licenses of the class so
23 voted upon in such municipality or part of a split municipality;
24 or if the negative vote is on the question in respect to the
25 establishment, operation and maintenance of Pennsylvania liquor
26 stores, the board shall not open and operate a Pennsylvania
27 liquor store in such municipality or part of a split
28 municipality, nor continue to operate a then existing
29 Pennsylvania liquor store in the municipality or part of a split
30 municipality for more than two years thereafter or after the

1 expiration of the term of the lease on the premises occupied by
2 such store, whichever period is less, unless and until at a
3 later election a majority of the voting electors vote "yes" on
4 such question.

5 * * *

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