

## AMENDMENTS TO HOUSE BILL NO. 189

Sponsor: SENATOR BREWSTER

Printer's No. 1851

1 Amend Bill, page 1, lines 1 through 27, by striking out all  
2 of said lines and inserting  
3 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
4 reenacted, "An act relating to alcoholic liquors, alcohol and  
5 malt and brewed beverages; amending, revising, consolidating  
6 and changing the laws relating thereto; regulating and  
7 restricting the manufacture, purchase, sale, possession,  
8 consumption, importation, transportation, furnishing, holding  
9 in bond, holding in storage, traffic in and use of alcoholic  
10 liquors, alcohol and malt and brewed beverages and the  
11 persons engaged or employed therein; defining the powers and  
12 duties of the Pennsylvania Liquor Control Board; providing  
13 for the establishment and operation of State liquor stores,  
14 for the payment of certain license fees to the respective  
15 municipalities and townships, for the abatement of certain  
16 nuisances and, in certain cases, for search and seizure  
17 without warrant; prescribing penalties and forfeitures;  
18 providing for local option, and repealing existing laws," in  
19 preliminary provisions, further providing for definitions; in  
20 Pennsylvania Liquor Control Board, further providing for  
21 general powers of board; in Pennsylvania Liquor Stores,  
22 further providing for board to establish State liquor stores,  
23 for when sales may be made at Pennsylvania Liquor Stores and  
24 for sales by Pennsylvania Liquor Stores; and, in licenses and  
25 regulations and liquor and alcohol and malt and brewed  
26 beverages, further providing for authority to issue liquor  
27 licenses to hotels, restaurants and clubs, for sale of malt  
28 or brewed beverages by liquor licensees, for malt and brewed  
29 beverages manufacturers', distributors' and importing  
30 distributors' licenses, for distributors' and importing  
31 distributors' restrictions on sales, storage, etc., for  
32 retail dispensers' restrictions on purchases and sales and  
33 for renewal of licenses and temporary provisions for  
34 licensees in armed service, providing for license auction and  
35 further providing for revocation and suspension of licenses  
36 and fines and for shipment of wine into Commonwealth,  
37 providing for direct shipment of wine and for unlawful acts  
38 relative to liquor, malt and brewed beverages and licensees

1 and for premises to be vacated by patrons.

2 Amend Bill, page 2, lines 2 through 30; pages 3 through 18,  
3 lines 1 through 30; page 19, lines 1 through 16; by striking out  
4 all of said lines on said pages and inserting

5 Section 1. The definitions of "distributor," "holiday,"  
6 "importing distributor" and "retail dispenser" in section 102 of  
7 the act of April 12, 1951 (P.L.90, No.21), known as the Liquor  
8 Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and  
9 amended or added May 31, 1996 (P.L.312, No.49) and December 8,  
10 2004 (P.L.1810, No.239), are amended to read:

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

14 \* \* \*

15 "Distributor" shall mean any person licensed by the board to  
16 engage in the purchase only from Pennsylvania manufacturers and  
17 from importing distributors and the resale of malt or brewed  
18 beverages, except to importing distributors and distributors, in  
19 the original sealed containers as prepared for the market by the  
20 manufacturer at the place of manufacture, but not for  
21 consumption on the premises where sold, and in quantities of not  
22 less than a case or original containers containing one hundred  
23 twenty-eight ounces or more, or as provided in section 431(g),  
24 which may be sold separately.

25 \* \* \*

26 "Holiday" shall mean the first day of January, commonly known  
27 as New Year's Day; [the third Monday of January, known as Dr.  
28 Martin Luther King, Jr., Day; the third Monday in February,  
29 known as Presidents' Day; the last Monday in May, known as  
30 Memorial Day;] the fourth day of July, known as Independence  
31 Day; [the first Monday of September, known as Labor Day;] the  
32 fourth Thursday in November, known as Thanksgiving Day; and the  
33 twenty-fifth day of December, known as Christmas Day.

34 \* \* \*

35 "Importing distributor" shall mean any person licensed by the  
36 board to engage in the purchase from manufacturers and other  
37 persons located outside this Commonwealth and from persons  
38 licensed as manufacturers of malt or brewed beverages and  
39 importing distributors under this act, and the resale of malt or  
40 brewed beverages in the original sealed containers as prepared  
41 for the market by the manufacturer at the place of manufacture,  
42 but not for consumption on the premises where sold, and in  
43 quantities of not less than a case or original containers  
44 containing one hundred twenty-eight ounces or more, or as  
45 provided in section 431(g), which may be sold separately.

46 \* \* \*

47 "Retail dispenser" shall mean any person licensed to engage  
48 in the retail sale of malt or brewed beverages for consumption

1 on the premises of such licensee, with the privilege of selling  
2 malt or brewed beverages in quantities not in excess of [one  
3 hundred ninety-two fluid ounces in a single sale to one person]  
4 three hundred eighty-four ounces in not more than twenty-four  
5 original containers in a single sale to one person as provided  
6 in section 407, provided the licensee may not sell a package as  
7 prepared for sale or distribution by the manufacturer containing  
8 more than twelve containers, to be carried from the premises by  
9 the purchaser thereof.

10 \* \* \*

11 Section 2. Section 207(a) and (b) of the act, amended  
12 November 30, 2004 (P.L.1727, No.221) and December 8, 2004  
13 (P.L.1810, No.239), are amended and the section is amended by  
14 adding subsections to read:

15 Section 207. General Powers of Board.--Under this act, the  
16 board shall have the power and its duty shall be:

17 (a) To buy, import or have in its possession for sale and  
18 sell liquor, alcohol, corkscrews, wine and liquor accessories,  
19 trade publications, gift cards, gift certificates, wine- or  
20 liquor-scented candles and wine glasses in the manner set forth  
21 in this act: Provided, however, That all purchases shall be made  
22 subject to the approval of the State Treasurer, or his  
23 designated deputy. The board shall buy liquor and alcohol at the  
24 lowest price and in the greatest variety reasonably obtainable.  
25 Such sales and purchases may be to or from persons or entities  
26 located both in and outside this Commonwealth.

27 (b) To control the manufacture, possession, sale,  
28 consumption, importation, use, storage, transportation and  
29 delivery of liquor, alcohol and malt or brewed beverages in  
30 accordance with the provisions of this act, and to fix the  
31 wholesale and retail prices at which liquors and alcohol shall  
32 be sold at Pennsylvania Liquor Stores. Prices shall be  
33 [proportional with prices paid by the board to its suppliers and  
34 shall reflect any advantage obtained through volume purchases by  
35 the board. The board may establish a preferential price  
36 structure for wines produced within this Commonwealth for the  
37 promotion of such wines, as long as the price structure is  
38 uniform within each class of wine purchased by the board.] as  
39 set forth by the board so long as the price of a particular item  
40 is uniform throughout this Commonwealth. The board shall require  
41 each Pennsylvania manufacturer and each nonresident manufacturer  
42 of liquors, other than wine, selling such liquors to the board,  
43 which are not manufactured in this Commonwealth, to make  
44 application for and be granted a permit by the board before such  
45 liquors not manufactured in this Commonwealth shall be purchased  
46 from such manufacturer. Each such manufacturer shall pay for  
47 such permit a fee which, in the case of a manufacturer of this  
48 Commonwealth, shall be equal to that required to be paid, if  
49 any, by a manufacturer or wholesaler of the state, territory or  
50 country of origin of the liquors, for selling liquors  
51 manufactured in Pennsylvania, and in the case of a nonresident

1 manufacturer, shall be equal to that required to be paid, if  
2 any, in such state, territory or country by Pennsylvania  
3 manufacturers doing business in such state, territory or  
4 country. In the event that any such manufacturer shall, in the  
5 opinion of the board, sell or attempt to sell liquors to the  
6 board through another person for the purpose of evading this  
7 provision relating to permits, the board shall require such  
8 person, before purchasing liquors from him or it, to take out a  
9 permit and pay the same fee as hereinbefore required to be paid  
10 by such manufacturer. All permit fees so collected shall be paid  
11 into the State Stores Fund. The board shall not purchase any  
12 alcohol or liquor fermented, distilled, rectified, compounded or  
13 bottled in any state, territory or country, the laws of which  
14 result in prohibiting the importation therein of alcohol or  
15 liquor, fermented, distilled, rectified, compounded or bottled  
16 in Pennsylvania.

17 \* \* \*

18 (l) To be licensed as a lottery sales agent, as set forth in  
19 section 305 of the act of August 26, 1971 (P.L.351, No.91),  
20 known as the "State Lottery Law," and to take any actions  
21 authorized by such designation, except that no bond, insurance  
22 or indemnification may be required from the board.

23 (m) To establish and implement a customer relations  
24 management program for the purpose of offering incentives, such  
25 as coupons or discounts on certain products, to unlicensed  
26 customers of the board.

27 Section 3. Section 301(b) of the act is amended to read:

28 Section 301. Board to Establish State Liquor Stores.--\* \* \*

29 (b) The board may lease the necessary premises for such  
30 stores or establishments, but all such leases shall be made  
31 through the Department of General Services as agent of the  
32 board. Notwithstanding any other provision of law to the  
33 contrary, the Department of General Services shall have no more  
34 than ninety days from the date the board officially approves a  
35 lease recommendation to send the final lease packet to the  
36 appropriate agencies for further processing. The Department of  
37 General Services shall be required to submit quarterly reports  
38 to the chairman and minority chairman of the Law and Justice  
39 Committee of the Senate and the chairman and minority chairman  
40 of the Liquor Control Committee of the House of Representatives  
41 indicating the number of lease recommendations approved by the  
42 board during the preceding quarter and whether the corresponding  
43 final lease packets were sent to the appropriate agencies within  
44 the ninety-day deadline. If the Department of General Services  
45 fails to regularly submit these quarterly reports or fails to  
46 regularly meet the ninety-day deadline imposed by this  
47 subsection, then the General Assembly may consider legislation  
48 that would allow the board to lease premises for its stores  
49 without the involvement of the Department of General Services.  
50 The board, through the Department of General Services, shall  
51 have authority to purchase such equipment and appointments as

1 may be required in the operation of such stores or  
2 establishments.

3 Section 4. Section 304 of the act, amended December 8, 2004  
4 (P.L.1810, No.239), is amended to read:

5 Section 304. When Sales May Be Made at Pennsylvania Liquor  
6 Stores.--(a) Except as provided for in subsection (b), every  
7 Pennsylvania Liquor Store shall be open for business week days,  
8 except holidays as that term is defined in section 102. The  
9 board may, with the approval of the Governor, temporarily close  
10 any store in any municipality.

11 (b) Certain Pennsylvania Liquor Stores operated by the board  
12 [shall] may be open for Sunday retail sales between the hours of  
13 [noon] nine o'clock antemeridian and [five] nine o'clock  
14 postmeridian, except that no Sunday sales shall occur on Easter  
15 Sunday or Christmas day. The board shall open [up to twenty-five  
16 per centum of the total number of Pennsylvania Liquor Stores at  
17 its discretion], at its discretion, as many Pennsylvania Liquor  
18 Stores as it deems necessary for Sunday sales as provided for in  
19 this subsection. The board shall submit yearly reports to the  
20 Appropriations and the Law and Justice Committees of the Senate  
21 and the Appropriations and the Liquor Control Committees of the  
22 House of Representatives summarizing the total dollar value of  
23 sales under this section.

24 Section 5. Section 305(b) of the act, amended July 6, 2005  
25 (P.L.135, No.39), is amended and the section is amended by  
26 adding a subsection to read:

27 Section 305. Sales by Pennsylvania Liquor Stores.--\* \* \*

28 (b) Every Pennsylvania Liquor Store shall sell liquors at  
29 wholesale to hotels, restaurants, clubs, and railroad, pullman  
30 and steamship companies licensed under this act; and, under the  
31 regulations of the board, to pharmacists duly licensed and  
32 registered under the laws of the Commonwealth, and to  
33 manufacturing pharmacists, and to reputable hospitals approved  
34 by the board, or chemists. Sales to licensees shall be made at a  
35 price that includes a discount of ten per centum from the retail  
36 price. The board may sell to registered pharmacists only such  
37 liquors as conform to the Pharmacopoeia of the United States,  
38 the National Formulary, or the American Homeopathic  
39 Pharmacopoeia. The board may sell at special prices under the  
40 regulations of the board, to United States Armed Forces  
41 facilities which are located on United States Armed Forces  
42 installations and are conducted pursuant to the authority and  
43 regulations of the United States Armed Forces. All other sales  
44 by such stores shall be at retail[.], except that incentives,  
45 such as coupons or discounts on certain products, may be offered  
46 to unlicensed customers of the board as provided for under  
47 sections 207(m) and 493(24)(iii). A person entitled to purchase  
48 liquor at wholesale prices may purchase the liquor at any  
49 Pennsylvania Liquor Store upon tendering cash, check or credit  
50 card for the full amount of the purchase. For this purpose, the  
51 board shall issue a discount card to each licensee identifying

1 such licensee as a person authorized to purchase liquor at  
2 wholesale prices. Such discount card shall be retained by the  
3 licensee. The board may contract through the Commonwealth  
4 bidding process for delivery to wholesale licensees at the  
5 expense of the licensee receiving the delivery.

6 \* \* \*

7 (j) If the board becomes a licensed lottery sales agent, as  
8 set forth in section 305 of the act of August 26, 1971 (P.L.351,  
9 No.91), known as the "State Lottery Law," then the following  
10 shall apply, notwithstanding the provisions of the "State  
11 Lottery Law":

12 (i) The Secretary of Revenue shall permit the board to  
13 operate and maintain Pennsylvania lottery instant ticket vending  
14 machines, player-activated terminals and technologies or systems  
15 subsequently approved by the Department of Revenue for the self-  
16 service sale of lottery tickets and games in Pennsylvania Liquor  
17 Stores. The board and the Secretary of Revenue shall mutually  
18 agree upon the number and location of the stores authorized to  
19 conduct self-service sales of lottery tickets and games.

20 (ii) The board shall not be required to post any type of  
21 bond prior to conducting self-service sales of lottery tickets  
22 and games.

23 (iii) Any commissions, compensation or any type of incentive  
24 award based upon the sale of lottery tickets and games shall be  
25 deposited by the board into the State Stores Fund.

26 Section 6. Section 401(a) of the act, amended December 22,  
27 2011 (P.L.530, No.113), is amended to read:

28 Section 401. Authority to Issue Liquor Licenses to Hotels,  
29 Restaurants and Clubs.--(a) Subject to the provisions of this  
30 act and regulations promulgated under this act, the board shall  
31 have authority to issue a retail liquor license for any premises  
32 kept or operated by a hotel, restaurant or club and specified in  
33 the license entitling the hotel, restaurant or club to purchase  
34 liquor from a Pennsylvania Liquor Store and to keep on the  
35 premises such liquor and, subject to the provisions of this act  
36 and the regulations made thereunder, to sell the same and also  
37 malt or brewed beverages to guests, patrons or members for  
38 consumption on the hotel, restaurant or club premises. Such  
39 licensees, other than clubs, shall be permitted to sell malt or  
40 brewed beverages for consumption off the premises where sold in  
41 quantities of not more than [one hundred ninety-two fluid ounces  
42 in a single sale to one person as provided for in section 407.]  
43 three hundred eighty-four ounces in not more than twenty-four  
44 original containers in a single sale to one person as provided  
45 for in section 407, provided the licensee may not sell a package  
46 as prepared for sale or distribution by the manufacturer  
47 containing more than twelve containers. Such licenses shall be  
48 known as hotel liquor licenses, restaurant liquor licenses and  
49 club liquor licenses, respectively. No person who holds any  
50 public office that involves the duty to enforce any of the penal  
51 laws of the United States, this Commonwealth or of any political

1 subdivision of this Commonwealth may have any interest in a  
2 hotel or restaurant liquor license. This prohibition applies to  
3 anyone with arrest authority, including, but not limited to,  
4 United States attorneys, State attorneys general, district  
5 attorneys, sheriffs and police officers. This prohibition shall  
6 also apply to magisterial district judges, judges or any other  
7 individuals who can impose a criminal sentence. This prohibition  
8 does not apply to members of the General Assembly, township  
9 supervisors, city councilpersons, mayors without arrest  
10 authority and any other public official who does not have the  
11 ability to arrest or the ability to impose a criminal sentence.  
12 This section does not apply if the proposed premises are located  
13 outside the jurisdiction of the individual in question.

14 \* \* \*

15 Section 7. Section 407(a) of the act, amended June 28, 2011  
16 (P.L.55, No.11), is amended to read:

17 Section 407. Sale of Malt or Brewed Beverages by Liquor  
18 Licensees.--(a) Every liquor license issued to a hotel,  
19 restaurant, club, or a railroad, pullman or steamship company  
20 under this subdivision (A) for the sale of liquor shall  
21 authorize the licensee to sell malt or brewed beverages at the  
22 same places but subject to the same restrictions and penalties  
23 as apply to sales of liquor, except that licensees other than  
24 clubs may sell malt or brewed beverages for consumption off the  
25 premises where sold in quantities of not more than [one hundred  
26 ninety-two fluid ounces in a single sale to one person.] three  
27 hundred eighty-four ounces in not more than twenty-four original  
28 containers in a single sale to one person, provided the licensee  
29 may not sell a package as prepared for sale or distribution by  
30 the manufacturer containing more than twelve containers. The  
31 sales may be made in either open or closed containers, Provided,  
32 however, That a municipality may adopt an ordinance restricting  
33 open containers in public places. No licensee under this  
34 subdivision (A) shall at the same time be the holder of any  
35 other class of license, except a retail dispenser's license  
36 authorizing the sale of malt or brewed beverages only.

37 \* \* \*

38 Section 8. Section 431(b) of the act, amended December 8,  
39 2004 (P.L.1810, No.239), is amended and the section is amended  
40 by adding a subsection to read:

41 Section 431. Malt and Brewed Beverages Manufacturers',  
42 Distributors' and Importing Distributors' Licenses.--\* \* \*

43 (b) The board shall issue to any reputable person who  
44 applies therefor, and pays the license fee hereinafter  
45 prescribed, a distributor's or importing distributor's license  
46 for the place which such person desires to maintain for the sale  
47 of malt or brewed beverages, not for consumption on the premises  
48 where sold, and except as provided for under subsection (g), in  
49 quantities of not less than a case or original containers  
50 containing one hundred twenty-eight ounces or more which may be  
51 sold separately as prepared for the market by the manufacturer

1 at the place of manufacture. The board shall have the discretion  
2 to refuse a license to any person or to any corporation,  
3 partnership or association if such person, or any officer or  
4 director of such corporation, or any member or partner of such  
5 partnership or association shall have been convicted or found  
6 guilty of a felony within a period of five years immediately  
7 preceding the date of application for the said license: And  
8 provided further, That, in the case of any new license or the  
9 transfer of any license to a new location, the board may, in its  
10 discretion, grant or refuse such new license or transfer if such  
11 place proposed to be licensed is within three hundred feet of  
12 any church, hospital, charitable institution, school or public  
13 playground, or if such new license or transfer is applied for a  
14 place which is within two hundred feet of any other premises  
15 which is licensed by the board: And provided further, That the  
16 board shall refuse any application for a new license or the  
17 transfer of any license to a new location if, in the board's  
18 opinion, such new license or transfer would be detrimental to  
19 the welfare, health, peace and morals of the inhabitants of the  
20 neighborhood within a radius of five hundred feet of the place  
21 proposed to be licensed. The board shall refuse any application  
22 for a new license or the transfer of any license to a location  
23 where the sale of liquid fuels or oil is conducted. The board  
24 may enter into an agreement with the applicant concerning  
25 additional restrictions on the license in question. If the board  
26 and the applicant enter into such an agreement, such agreement  
27 shall be binding on the applicant. Failure by the applicant to  
28 adhere to the agreement will be sufficient cause to form the  
29 basis for a citation under section 471 and for the nonrenewal of  
30 the license under section 470. If the board enters into an  
31 agreement with an applicant concerning additional restrictions,  
32 those restrictions shall be binding on subsequent holders of the  
33 license until the license is transferred to a new location or  
34 until the board enters into a subsequent agreement removing  
35 those restrictions. If the application in question involves a  
36 location previously licensed by the board, then any restrictions  
37 imposed by the board on the previous license at that location  
38 shall be binding on the applicant unless the board enters into a  
39 new agreement rescinding those restrictions. The board shall  
40 require notice to be posted on the property or premises upon  
41 which the licensee or proposed licensee will engage in sales of  
42 malt or brewed beverages. This notice shall be similar to the  
43 notice required of hotel, restaurant and club liquor licensees.

44 Except as hereinafter provided, such license shall authorize  
45 the holder thereof to sell or deliver malt or brewed beverages  
46 in quantities above specified anywhere within the Commonwealth  
47 of Pennsylvania, which, in the case of distributors, have been  
48 purchased only from persons licensed under this act as  
49 manufacturers or importing distributors, and in the case of  
50 importing distributors, have been purchased from manufacturers  
51 or persons outside this Commonwealth engaged in the legal sale



1 of malt or brewed beverages or from manufacturers or importing  
2 distributors licensed under this article. In the case of an  
3 importing distributor, the holder of such a license shall be  
4 authorized to store and repackage malt or brewed beverages owned  
5 by a manufacturer at a segregated portion of a warehouse or  
6 other storage facility authorized by section 441(d) and operated  
7 by the importing distributor within its appointed territory and  
8 deliver such beverages to another importing distributor who has  
9 been granted distribution rights by the manufacturer as provided  
10 herein. The importing distributor shall be permitted to receive  
11 a fee from the manufacturer for any related storage, repackaging  
12 or delivery services. In the case of a bailee for hire hired by  
13 a manufacturer, the holder of such a permit shall be authorized:  
14 to receive, store and repackage malt or brewed beverages  
15 produced by that manufacturer for sale by that manufacturer to  
16 importing distributors to whom that manufacturer has given  
17 distribution rights pursuant to this subsection or to purchasers  
18 outside this Commonwealth for delivery outside this  
19 Commonwealth; or to ship to that manufacturer's storage  
20 facilities outside this Commonwealth. The bailee for hire shall  
21 be permitted to receive a fee from the manufacturer for any  
22 related storage, repackaging or delivery services. The bailee  
23 for hire shall, as required in Article V of this act, keep  
24 complete and accurate records of all transactions, inventory,  
25 receipts and shipments and make all records and the licensed  
26 areas available for inspection by the board and for the  
27 Pennsylvania State Police, Bureau of Liquor Control Enforcement,  
28 during normal business hours.

29 Each out of State manufacturer of malt or brewed beverages  
30 whose products are sold and delivered in this Commonwealth shall  
31 give distributing rights for such products in designated  
32 geographical areas to specific importing distributors, and such  
33 importing distributor shall not sell or deliver malt or brewed  
34 beverages manufactured by the out of State manufacturer to any  
35 person issued a license under the provisions of this act whose  
36 licensed premises are not located within the geographical area  
37 for which he has been given distributing rights by such  
38 manufacturer. Should a licensee accept the delivery of such malt  
39 or brewed beverages in violation of this section, said licensee  
40 shall be subject to a suspension of his license for at least  
41 thirty days: Provided, That the importing distributor holding  
42 such distributing rights for such product shall not sell or  
43 deliver the same to another importing distributor without first  
44 having entered into a written agreement with the said secondary  
45 importing distributor setting forth the terms and conditions  
46 under which such products are to be resold within the territory  
47 granted to the primary importing distributor by the  
48 manufacturer.

49 When a Pennsylvania manufacturer of malt or brewed beverages  
50 licensed under this article names or constitutes a distributor  
51 or importing distributor as the primary or original supplier of

1 his product, he shall also designate the specific geographical  
2 area for which the said distributor or importing distributor is  
3 given distributing rights, and such distributor or importing  
4 distributor shall not sell or deliver the products of such  
5 manufacturer to any person issued a license under the provisions  
6 of this act whose licensed premises are not located within the  
7 geographical area for which distributing rights have been given  
8 to the distributor and importing distributor by the said  
9 manufacturer: Provided, That the importing distributor holding  
10 such distributing rights for such product shall not sell or  
11 deliver the same to another importing distributor without first  
12 having entered into a written agreement with the said secondary  
13 importing distributor setting forth the terms and conditions  
14 under which such products are to be resold within the territory  
15 granted to the primary importing distributor by the  
16 manufacturer. Nothing herein contained shall be construed to  
17 prevent any manufacturer from authorizing the importing  
18 distributor holding the distributing rights for a designated  
19 geographical area from selling the products of such manufacturer  
20 to another importing distributor also holding distributing  
21 rights from the same manufacturer for another geographical area,  
22 providing such authority be contained in writing and a copy  
23 thereof be given to each of the importing distributors so  
24 affected.

25 \* \* \*

26 (g) (1) In addition to being able to sell in case  
27 quantities as provided under subsection (b), a distributor or  
28 importing distributor may break the bulk of a case and sell  
29 units of any case in quantities of not less than forty-two  
30 ounces, provided the distributor or importing distributor sells  
31 a package as prepared for sale by the manufacturer.

32 (2) Before a distributor or importing distributor breaks the  
33 bulk of a case for the purpose of selling units, the distributor  
34 or importing distributor shall inspect the case for damage and  
35 appropriate production date. When the distributor or importing  
36 distributor breaks the bulk of a case for the purpose of selling  
37 units of the case, the distributor or importing distributor  
38 bears the risk of loss and is responsible for the destruction of  
39 any malt and brewed beverages that violate the manufacturer's  
40 specifications relating to sales by a certain date or within a  
41 number of days of the production date.

42 (3) The term "unit" as used in this subsection means an  
43 undamaged bottle or can from a case.

44 Section 9. Section 441(a) and (b) of the act, amended June  
45 18, 1998 (P.L.664, No.86) and December 9, 2002 (P.L.1653,  
46 No.212), are amended to read:

47 Section 441. Distributors' and Importing Distributors'  
48 Restrictions on Sales, Storage, Etc.--(a) No distributor or  
49 importing distributor shall purchase, receive or resell any malt  
50 or brewed beverages except:

51 (1) in the original containers as prepared for the market by

1 the manufacturer at the place of manufacture;  
2 (2) in the case of identical containers repackaged in the  
3 manner described by subsection (f); or  
4 (3) as provided in section 431(b) and (g).

5 (b) [No] Except as provided for in section 431(g), no  
6 distributor or importing distributor shall sell any malt or  
7 brewed beverages in quantities of less than a case or original  
8 containers containing one hundred twenty-eight ounces or more  
9 which may be sold separately: Provided, That no malt or brewed  
10 beverages sold or delivered shall be consumed upon the premises  
11 of the distributor or importing distributor, or in any place  
12 provided for such purpose by such distributor or importing  
13 distributor. Notwithstanding any other provision of this section  
14 or act, malt or brewed beverages which are part of a tasting  
15 conducted pursuant to the board's regulations may be consumed on  
16 licensed premises.

17 \* \* \*

18 Section 10. Section 442(a)(1) of the act, amended June 28,  
19 2011 (P.L.55, No.11), is amended to read:

20 Section 442. Retail Dispensers' Restrictions on Purchases  
21 and Sales.--(a) (1) No retail dispenser shall purchase or  
22 receive any malt or brewed beverages except in original  
23 containers as prepared for the market by the manufacturer at the  
24 place of manufacture. The retail dispenser may thereafter break  
25 the bulk upon the licensed premises and sell or dispense the  
26 same for consumption on or off the premises so licensed. No  
27 retail dispenser may sell malt or brewed beverages for  
28 consumption off the premises in quantities in excess of [one  
29 hundred ninety-two fluid ounces.] three hundred eighty-four  
30 ounces in not more than twenty-four original containers in a  
31 single sale to one person as provided in section 407, provided  
32 the licensee may not sell a package as prepared for sale or  
33 distribution by the manufacturer containing more than twelve  
34 containers. Sales may be made in open or closed containers,  
35 Provided, however, That a municipality may adopt an ordinance  
36 restricting open containers in public places. No club licensee  
37 may sell any malt or brewed beverages for consumption off the  
38 premises where sold or to persons not members of the club.

39 \* \* \*

40 Section 10.1. Section 470(a) of the act, amended December  
41 22, 2011 (P.L.530, No.113), is amended to read:

42 Section 470. Renewal of Licenses; Temporary Provisions for  
43 Licensees in Armed Service.--(a) All applications for renewal  
44 or validation of licenses under the provisions of this article  
45 shall be filed with tax clearance from the Department of Revenue  
46 and the Department of Labor and Industry and requisite license  
47 and filing fees, including an application surcharge of seven  
48 hundred dollars (\$700.00), at least sixty days before the  
49 expiration date of same: Provided, however, That the board, in  
50 its discretion, may accept nunc pro tunc a renewal application  
51 filed less than sixty days before the expiration date of the

1 license with the required fees, upon reasonable cause shown and  
2 the payment of an additional filing fee of one hundred dollars  
3 (\$100.00) for late filing: And provided further, That except  
4 where the failure to file a renewal application on or before the  
5 expiration date has created a license quota vacancy after said  
6 expiration date which has been filled by the issuance of a new  
7 license, after such expiration date, but before the board has  
8 received a renewal application nunc pro tunc within the time  
9 prescribed herein the board, in its discretion, may, after  
10 hearing, accept a renewal application filed within two years  
11 after the expiration date of the license with the required fees  
12 upon the payment of an additional filing fee of two hundred  
13 fifty dollars (\$250.00) for late filing. Where any such renewal  
14 application is filed less than sixty days before the expiration  
15 date, or subsequent to the expiration date, no license shall  
16 issue upon the filing of the renewal application until the  
17 matter is finally determined by the board and if an appeal is  
18 taken from the board's action the courts shall not order the  
19 issuance of the renewal license until final determination of the  
20 matter by the courts. The board may enter into an agreement with  
21 the applicant concerning additional restrictions on the license  
22 in question. If the board and the applicant enter into such an  
23 agreement, such agreement shall be binding on the applicant.  
24 Failure by the applicant to adhere to the agreement will be  
25 sufficient cause to form the basis for a citation under section  
26 471 and for the nonrenewal of the license under this section. A  
27 renewal application will not be considered filed unless  
28 accompanied by the requisite filing [and], license and  
29 administrative fees and any additional filing fee required by  
30 this section. Unless the board shall have given ten days'  
31 previous notice to the applicant of objections to the renewal of  
32 his license, based upon violation by the licensee or his  
33 servants, agents or employes of any of the laws of the  
34 Commonwealth or regulations of the board relating to the  
35 manufacture, transportation, use, storage, importation,  
36 possession or sale of liquors, alcohol or malt or brewed  
37 beverages, or the conduct of a licensed establishment, or unless  
38 the applicant has by his own act become a person of ill repute,  
39 or unless the premises do not meet the requirements of this act  
40 or the regulations of the board, the license of a licensee shall  
41 be renewed. Notwithstanding any other provision of this act, a  
42 noise violation shall not be the sole basis for objection by the  
43 board to the renewal of a license unless the licensee has  
44 received six prior adjudicated noise citations within a twenty-  
45 four-month period.

46 \* \* \*

47 Section 10.2. The act is amended by adding a section to  
48 read:

49 Section 470.3. License Auction.--(a) A restaurant liquor  
50 license or eating place retail dispenser license which is  
51 subject to the quota restrictions set forth in section 461(a)

1 and which has not been renewed as required by section 470, has  
2 been revoked under section 471 or as required by section 474.1,  
3 or which the board refused to renew under section 470, shall be  
4 offered for auction by the board. The auction shall occur in  
5 July of the calendar year after the license becomes available  
6 for auction, on a date to be determined by the board. For  
7 purposes of this section, a license becomes available for  
8 auction the day after the deadline has passed for appealing a  
9 decision revoking or nonrenewing the license or the day after  
10 the two-year window to file a renewal application nunc pro tunc  
11 set forth in section 470, has passed.

12 (b) By March 1 of each year, the board shall post on its  
13 Internet website a listing of all the licenses that shall be  
14 available for auction in July of that year. The list shall also  
15 be available upon request.

16 (c) The board shall accept applications from persons  
17 interested in bidding at the auction beginning March 1. The  
18 application shall be in writing and shall contain such  
19 information as the board shall from time to time prescribe. The  
20 board shall accept applications until June 15th and may, in its  
21 discretion, accept applications after that date.

22 (d) A person who would be precluded from acquiring a license  
23 by sections 411 or 443, or who, in the board's opinion, is not  
24 of good repute may not apply for a license under this section.

25 (e) The auction shall be conducted in the manner set forth  
26 by the board, in July at the date and time appointed by the  
27 board. After the auction, the board shall provisionally award to  
28 the person making the highest bid for the license the right to  
29 file an application for the license. However, the board may not  
30 accept a bid lower than the following amounts:

31 (1) In counties of the first through fourth class, one  
32 hundred thousand dollars (\$100,000).

33 (2) In counties of the fifth through eighth class, fifty  
34 thousand dollars (\$50,000).

35 (f) The winning bidder shall pay to the board the bid amount  
36 within two weeks. Payment shall be by cashier's check, certified  
37 check or any other method acceptable to the board. If the  
38 winning bidder does not pay the bid amount within two weeks, the  
39 second highest bidder shall be awarded the right to file an  
40 application for the license, so long as the bid amount is in  
41 accordance with subsection (e).

42 (g) If there are no bids for a license or if there are no  
43 bids that meet the bid amounts set forth in subsection (f), the  
44 license shall be revoked and may not be reissued.

45 (h) Within six months of a bidder being informed that he is  
46 the winning bidder and that the winning bid has been processed,  
47 the winning bidder shall file an application to transfer the  
48 license to itself or to an assignee. The application shall be  
49 processed in the same manner as any other transfer application  
50 and shall be subject to the same restrictions as any other  
51 transfer application, including any conditional licensing

1 agreements, but not including any unpaid fines or unserved  
2 suspensions accrued by the previous license holder. The  
3 application may be filed on a prior approval basis.

4 Section 10.3. Section 471(b) of the act, amended July 6,  
5 2005 (P.L.135, No.39), is amended to read:

6 Section 471. Revocation and Suspension of Licenses; Fines.--  
7 \* \* \*

8 (b) Hearing on such citations shall be held in the same  
9 manner as provided herein for hearings on applications for  
10 license. Upon such hearing, if satisfied that any such violation  
11 has occurred or for other sufficient cause, the administrative  
12 law judge shall immediately suspend or revoke the license, or  
13 impose a fine of not less than [fifty dollars (\$50)] one hundred  
14 dollars (\$100) nor more than [one thousand dollars (\$1,000)] two  
15 thousand dollars (\$2,000), or both, notifying the licensee by  
16 registered letter addressed to his licensed premises. If the  
17 licensee has been cited and found to have violated section  
18 493(1) insofar as it relates to sales to minors or sales to a  
19 visibly intoxicated person, section 493(10) insofar as it  
20 relates to lewd, immoral or improper entertainment or section  
21 493(14), (16) or (21), or has been found to be a public nuisance  
22 pursuant to section 611, or if the owner or operator of the  
23 licensed premises or any authorized agent of the owner or  
24 operator has been convicted of any violation of the act of April  
25 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
26 Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902  
27 (relating to prostitution and related offenses) or 6301  
28 (relating to corruption of minors), at or relating to the  
29 licensed premises, the administrative law judge shall  
30 immediately suspend or revoke the license, or impose a fine of  
31 not less than [one thousand dollars (\$1,000)] two thousand  
32 dollars (\$2,000) nor more than [five thousand dollars (\$5,000)]  
33 ten thousand dollars (\$10,000), or both. However, if a licensee  
34 has been cited and found to have violated section 493(1) as it  
35 relates to sales to minors or sales to a visibly intoxicated  
36 person but at the time of the sale the licensee was in  
37 compliance with the requirements set forth in section 471.1 and  
38 the licensee had not sold to minors or visibly intoxicated  
39 persons in the previous four years, then the administrative law  
40 judge shall immediately suspend or revoke the license, or impose  
41 a fine of not less than [fifty dollars (\$50)] one hundred  
42 dollars (\$100) nor more than [one thousand dollars (\$1,000)] two  
43 thousand dollars (\$2,000), or both. The administrative law judge  
44 shall notify the licensee by registered mail, addressed to the  
45 licensed premises, of such suspension, revocation or fine. In  
46 the event the fine is not paid within twenty days of the  
47 adjudication, the administrative law judge shall suspend or  
48 revoke the license, notifying the licensee by registered mail  
49 addressed to the licensed premises. Suspensions and revocations  
50 shall not go into effect until thirty days have elapsed from the  
51 date of the adjudication during which time the licensee may take

1 an appeal as provided for in this act, except that revocations  
2 mandated in section 481(c) shall go into effect immediately. Any  
3 licensee whose license is revoked shall be ineligible to have a  
4 license under this act until the expiration of three years from  
5 the date such license was revoked. In the event a license is  
6 revoked, no license shall be granted for the premises or  
7 transferred to the premises in which the said license was  
8 conducted for a period of at least one year after the date of  
9 the revocation of the license conducted in the said premises,  
10 except in cases where the licensee or a member of his immediate  
11 family is not the owner of the premises, in which case the board  
12 may, in its discretion, issue or transfer a license within the  
13 said year. In the event the bureau or the person who was fined  
14 or whose license was suspended or revoked shall feel aggrieved  
15 by the adjudication of the administrative law judge, there shall  
16 be a right to appeal to the board. The appeal shall be based  
17 solely on the record before the administrative law judge. The  
18 board shall only reverse the decision of the administrative law  
19 judge if the administrative law judge committed an error of law,  
20 abused its discretion or if its decision is not based on  
21 substantial evidence. In the event the bureau or the person who  
22 was fined or whose license was suspended or revoked shall feel  
23 aggrieved by the decision of the board, there shall be a right  
24 to appeal to the court of common pleas in the same manner as  
25 herein provided for appeals from refusals to grant licenses.  
26 Each of the appeals shall act as a supersedeas unless, upon  
27 sufficient cause shown, the reviewing authority shall determine  
28 otherwise; however, if the licensee has been cited and found to  
29 have violated section 493(1) insofar as it relates to sales to  
30 minors or sales to a visibly intoxicated person, section 493(10)  
31 insofar as it relates to lewd, immoral or improper entertainment  
32 or section 493(14), (16) or (21), or has been found to be a  
33 public nuisance pursuant to section 611, or if the owner or  
34 operator of the licensed premises or any authorized agent of the  
35 owner or operator has been convicted of any violation of "The  
36 Controlled Substance, Drug, Device and Cosmetic Act," or of 18  
37 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,  
38 or if the license has been revoked under section 481(c), its  
39 appeal shall not act as a supersedeas unless the reviewing  
40 authority determines otherwise upon sufficient cause shown. In  
41 any hearing on an application for a supersedeas under this  
42 section, the reviewing authority may consider, in addition to  
43 other relevant evidence, documentary evidence, including records  
44 of the bureau, showing the prior history of citations, fines,  
45 suspensions or revocations against the licensee; and the  
46 reviewing authority may also consider, in addition to other  
47 relevant evidence, evidence of any recurrence of the unlawful  
48 activity occurring between the date of the citation which is the  
49 subject of the appeal and the date of the hearing. If the  
50 reviewing authority is the board, no hearing shall be held on  
51 the application for a supersedeas; however, a decision shall be

1 made based on the application, answer and documentary evidence  
2 under this subsection. If the application for a supersedeas is  
3 for a license that has been revoked under section 481(c), the  
4 reviewing authority shall grant the supersedeas only if it finds  
5 that the licensee will likely prevail on the merits. No penalty  
6 provided by this section shall be imposed for any violations  
7 provided for in this act unless the bureau notifies the licensee  
8 of its nature within thirty days of the completion of the  
9 investigation.

10 \* \* \*

11 Section 11. Section 488 of the act, added February 21, 2002  
12 (P.L.103, No.10), is amended to read:

13 Section 488. Shipment of Wine [into Commonwealth.--(a) The  
14 shipment of wine from out-of-State to residents of this  
15 Commonwealth is prohibited, except as otherwise provided for in  
16 this section.] to Pennsylvania Liquor Stores.--

17 (b) Notwithstanding any other provision of this act or law  
18 to the contrary, a person licensed by another state as a  
19 producer, supplier, importer, wholesaler, distributor or  
20 retailer of wine and who obtains a [direct wine shipper] direct-  
21 to-store wine shipper license as provided for in this section  
22 may ship up to nine liters per month of any wine [not included  
23 on the list provided for in subsection (c)] on the [Internet]  
24 order of any resident of this Commonwealth who is at least  
25 twenty-one (21) years of age for such resident's personal use  
26 and not for resale.

27 [(c) Each month, the board shall publish on the Internet a  
28 list of all classes, varieties and brands of wine available for  
29 sale in the Pennsylvania Liquor Stores. A person holding a  
30 direct shipper license may ship only those classes, varieties  
31 and brands of wine not included on the list at the time an  
32 Internet order is placed.]

33 (d) [An out-of-State] A direct-to-store wine shipper shall:

34 (1) Not ship more than nine liters per month on the Internet  
35 order of any person in this Commonwealth.

36 (2) Report to the board each year the total amount of wine  
37 shipped [into this Commonwealth] to Pennsylvania Liquor Stores  
38 in the preceding calendar year.

39 (3) Permit the board, the enforcement bureau or the  
40 Secretary of Revenue, or their designated representatives, to  
41 perform an audit of the [out-of-State] direct-to-store wine  
42 shipper's records upon request.

43 (4) Be deemed to have submitted to the jurisdiction of the  
44 board, any other State agency and the courts of this  
45 Commonwealth for purposes of enforcement of this section and any  
46 related laws, rules or regulations.

47 (e) A [direct] direct-to-store wine shipper may ship wine on  
48 the [Internet] order of a resident into this Commonwealth  
49 provided that the wine is shipped to a Pennsylvania Liquor Store  
50 selected by the resident. The wine will be subject to taxes in  
51 the same manner as wine sold directly by the board. The wine



1 will not be released by the State store until all moneys due,  
2 including all taxes and fees, have been paid by the resident.

3 (f) A person shall sign an affidavit provided by the  
4 Pennsylvania Liquor Store where the wine was delivered to  
5 stating that the wine will only be used for the person's  
6 personal use. Any person who resells wine obtained under this  
7 section commits a misdemeanor of the second degree.

8 (g) The board may promulgate such rules and regulations as  
9 are necessary to implement and enforce the provisions of this  
10 section. The board may charge the resident a fee to cover the  
11 cost associated with processing the [Internet] order.

12 (h) The board shall submit [monthly] annual reports to the  
13 Appropriations Committee and the Law and Justice Committee of  
14 the Senate and to the Appropriations Committee and the Liquor  
15 Control Committee of the House of Representatives summarizing  
16 the number of [direct] direct-to-store wine shipper licenses  
17 issued by the board, the quantity of wine sold and shipped by  
18 direct-to-store wine shipper licensees pursuant to this section  
19 and the total dollar value of sales under this section.

20 (i) The term "wine" as used in this section shall mean  
21 liquor which is fermented from [grapes and other fruits, having  
22 alcoholic content of twenty-four per centum or less. The term  
23 "wine" shall not include malt or brewed beverages nor shall wine  
24 include any products containing alcohol derived from malt,  
25 grain, cereal, molasses or cactus] an agricultural commodity as  
26 that term is defined in section 505.2(c).

27 Section 12. The act is amended by adding a section to read:

28 Section 489. Direct Shipment of Wine.--(a) Notwithstanding  
29 any other provision of law, a person licensed by the board or  
30 another state as a producer of wine, and who obtains a license  
31 as provided for in this section, may ship up to eighteen liters  
32 per month of any wine on the order of any resident of this  
33 Commonwealth who is at least twenty-one years of age for such  
34 resident's personal use and not for resale.

35 (b) Prior to issuing such a license, the board shall require  
36 the person seeking the license to:

37 (1) File an application with the board.

38 (2) Pay a registration fee of one hundred dollars (\$100).

39 (3) Provide to the board a copy of the applicant's current  
40 alcoholic beverage license issued by the board or another state,  
41 if applicable.

42 (4) Provide documentation to the board which evidences that  
43 the applicant has obtained a sales tax license from the  
44 Department of Revenue.

45 (5) Obtain a tax bond, in the amount of one thousand dollars  
46 (\$1,000), such that if the licensee does not pay the taxes  
47 imposed under this section when due, the surety of the bond  
48 shall pay all taxes and any related penalties, and any interest  
49 that may be due or become due.

50 (6) Provide the board with any other information that the  
51 board deems necessary and appropriate.

1 (c) The licensee shall:

2 (1) Require proof of age of the recipient, in a manner or  
3 format approved by the board, before any wine is shipped to a  
4 resident of this Commonwealth.

5 (2) Ensure that all boxes or exterior containers of wine  
6 shipped directly to a resident of this Commonwealth are  
7 conspicuously labeled with the words "CONTAINS ALCOHOL:  
8 SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR  
9 DELIVERY."

10 (3) Ensure that shipments shall be delivered by an entity  
11 holding a valid transporter-for-hire license issued by the board  
12 and that such transporter-for-hire shall not deliver any wine  
13 unless it does all of the following:

14 (i) Obtains the signature of the recipient of the wine upon  
15 delivery.

16 (ii) Verifies by inspecting a valid form of photo  
17 identification, as provided for in section 495(a), that the  
18 recipient is at least twenty-one (21) years of age.

19 (iii) Determines that the recipient is not visibly  
20 intoxicated at the time of delivery.

21 (4) On a quarterly basis, remit to the Department of Revenue  
22 all taxes due on sales to residents of this Commonwealth.

23 (5) Permit the board, the enforcement bureau or the  
24 Secretary of Revenue, or their designated representatives, to  
25 perform an audit of the licensee's records upon request.

26 (6) Be deemed to have submitted to the jurisdiction of the  
27 board, any other State agency and the courts of this  
28 Commonwealth for purposes of enforcement of this section and any  
29 related laws, rules or regulations, including the collection and  
30 remission of taxes as required under this section.

31 (7) Annually renew its license by paying a renewal fee  
32 established by the board and report to the board, at the time of  
33 renewal, the total amount of wine shipped to residents of this  
34 Commonwealth in the preceding calendar year.

35 (d) Wine delivered under the authority of this section is  
36 subject to the sales and use tax imposed by section 202 of the  
37 act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform  
38 Code of 1971," the sales and use tax imposed by Article XXXI-B  
39 of the act of July 28, 1953 (P.L.723, No.230), known as the  
40 "Second Class County Code," the sales and use tax imposed by the  
41 act of February 12, 2004 (P.L.73, No.11), known as the  
42 "Intergovernmental Cooperation Authority Act for Cities of the  
43 Second Class," and the emergency State tax imposed on wines sold  
44 by the board under the act of June 9, 1936 (1st Sp. Sess.,  
45 P.L.13, No.4), entitled "An act imposing an emergency State tax  
46 on liquor, as herein defined, sold by the Pennsylvania Liquor  
47 Control Board; providing for the collection and payment of such  
48 tax; and imposing duties upon the Department of Revenue and the  
49 Pennsylvania Liquor Control Board."

50 (e) A transporter for hire shall:

51 (1) keep records as required under section 512 pertaining to

1 the direct shipment of wine; and

2 (2) permit the board and the enforcement bureau, or their  
3 designated representatives, to inspect such records in  
4 accordance with section 513.

5 (f) Any person who resells wine obtained under this section  
6 commits a misdemeanor of the second degree.

7 (g) Shipments of wine to persons in this Commonwealth from  
8 persons who do not possess a license from the board authorizing  
9 such shipments are prohibited. Any person who knowingly makes,  
10 participates in, transports, imports or receives such shipment  
11 commits a misdemeanor.

12 (h) The board shall submit annual reports to the  
13 Appropriations Committee of the Senate and the Law and Justice  
14 Committee of the Senate and to the Appropriations Committee of  
15 the House of Representatives and the Liquor Control Committee of  
16 the House of Representatives summarizing the number of licenses  
17 issued by the board under this section, the quantity of wine  
18 sold and shipped by licensees pursuant to this section and the  
19 total dollar value of sales under this section.

20 (i) The board may promulgate such rules and regulations as  
21 are necessary to implement and enforce the provisions of this  
22 section.

23 (j) The term "wine" as used in this section shall mean  
24 liquor which is fermented from an agricultural commodity as that  
25 term is defined in section 505.2(c).

26 Section 13. Section 493(24) of the act, amended November 29,  
27 2006 (P.L.1421, No.155), is amended and the section is amended  
28 by adding a paragraph to read:

29 Section 493. Unlawful Acts Relative to Liquor, Malt and  
30 Brewed Beverages and Licensees.--The term "licensee," when used  
31 in this section, shall mean those persons licensed under the  
32 provisions of Article IV, unless the context clearly indicates  
33 otherwise.

34 It shall be unlawful--

35 \* \* \*

36 (24) (i) Things of Value Offered as Inducement. Except as  
37 provided in subclause (ii), for any licensee under the  
38 provisions of this article, or the board or any manufacturer, or  
39 any employe or agent of a manufacturer, licensee or of the  
40 board, to offer to give anything of value or to solicit or  
41 receive anything of value as a premium for the return of caps,  
42 stoppers, corks, stamps or labels taken from any bottle, case,  
43 barrel or package containing liquor or malt or brewed beverage,  
44 or to offer or give or solicit or receive anything of value as a  
45 premium or present to induce directly the purchase of liquor or  
46 malt or brewed beverage, or for any licensee, manufacturer or  
47 other person to offer or give to trade or consumer buyers any  
48 prize, premium, gift or other inducement to purchase liquor or  
49 malt or brewed beverages, except advertising novelties of  
50 nominal value which the board shall define. This section shall  
51 not prevent any manufacturer or any agent of a manufacturer from

1 offering and honoring coupons which offer monetary rebates on  
2 purchases of wines and spirits through State Liquor Stores or  
3 purchases of malt or brewed beverages through distributors and  
4 importing distributors in accordance with conditions or  
5 regulations established by the board. The board may redeem  
6 coupons offered by a manufacturer or an agent of a manufacturer  
7 at the time of purchase. Coupons offered by a manufacturer or an  
8 agent of a manufacturer shall not be redeemed without proof of  
9 purchase. This section shall not apply to the return of any  
10 monies specifically deposited for the return of the original  
11 container to the owners thereof.

12 (ii) Notwithstanding subclause (i) or any other provision of  
13 law, a holder of a restaurant license that is also approved to  
14 hold a slot machine license or a conditional slot machine  
15 license under 4 Pa.C.S. Part II (relating to gaming) may give  
16 liquor and malt or brewed beverages free of charge to any person  
17 actively engaged in playing a slot machine.

18 (iii) Notwithstanding subclause (i) or any other provision  
19 of law, the board may establish and implement a customer  
20 relations management program for the purpose of offering  
21 incentives, such as coupons or discounts on certain products  
22 which may be conditioned upon the purchase of liquor, to  
23 unlicensed customers of the board.

24 \* \* \*

25 (35) Sale of Wine Received by Direct-to-Store or Direct  
26 Shipment. For any licensee to sell or offer to sell any wine  
27 purchased or acquired, directly or indirectly, from a licensee  
28 pursuant to the authority of section 488, or from a licensee  
29 pursuant to the authority of section 489.

30 Section 14. Section 499(a.1) of the act, amended October 5,  
31 1994 (P.L.522, No.77), is amended to read:

32 Section 499. Premises to be Vacated by Patrons.--\* \* \*

33 (a.1) Subsection (a) shall not apply to sales of malt and  
34 brewed beverages for consumption off the premises when the  
35 following conditions are met:

36 (1) no licensee may sell malt or brewed beverages in excess  
37 of [one hundred ninety-two fluid ounces] three hundred eighty-  
38 four ounces in not more than twenty-four original containers in  
39 a single sale to one person as provided in section 407, provided  
40 the licensee may not sell a package as prepared for sale or  
41 distribution by the manufacturer containing more than twelve  
42 containers, in any one sale for consumption off the premises;

43 (2) sales and service of malt and brewed beverages for  
44 consumption off the premises are made prior to the designated  
45 time the licensee is required by this act to cease serving  
46 liquor, malt or brewed beverages;

47 (3) persons who have purchased malt and brewed beverages for  
48 consumption off the premises shall remove the malt and brewed  
49 beverages from the premises by the designated time as contained  
50 in this act that patrons are required to vacate the premises;

51 (4) no club licensee may sell any malt or brewed beverage

1 for consumption off the premises where sold or to any persons  
2 who are not members of the club.

3 \* \* \*

4 Section 15. This act shall take effect in 60 days.