AN ACT

Amending the act of April 12, 1951 (P.L. 90, No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," in general provisions applying to both liquor and malt and brewed beverages, further providing for local option.

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

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

Section 472. Local Option.--(a) In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an
election may be held, subject to subsection (c), not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants, resort facilities and clubs, not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to public venues, to performing arts facilities, to continuing care retirement communities, to hotels located on property owned by an accredited college or university, to privately-owned private golf courses or to privately-owned public golf courses, not oftener than once in four years, to determine the will of the electors with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years, to determine the will of the electors with respect to the granting of licenses to wholesale distributors and importing distributors, not more than once in two years, to determine the will of the electors with respect to the granting of club liquor licenses or club retail dispenser licenses to incorporated units of national veterans' organizations, not oftener than once in two years to determine the will of the electors with respect to the granting of special occasion permits to qualified organizations, not more than once in four years, to determine the will of the electors with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, or not more than once in two years, to determine the will of the electors with respect to the granting of liquor licenses to ski resort facilities, under the provisions of this act: Provided, That an election on the question of establishing and operating a State
liquor store shall be initiated only in those municipalities, or
that part of a split municipality that shall have voted against
the granting of liquor licenses; and that an election on the
question of granting wholesale distributor and importing
distributor licenses shall be initiated only in those
municipalities or parts of split municipalities that shall have
at a previous election voted against the granting of dispenser's
licenses. [Whenever] EXCEPT FOR A MUNICIPALITY OR PART OF A
SPLIT MUNICIPALITY LOCATED IN A COUNTY OF THE SECOND CLASS A,
WHENEVER electors equal to at least twenty-five per centum of
the highest vote cast for any office in the municipality or part
of a split municipality at the last preceding general election
shall file a petition with the county board of elections of the
county for a referendum on the question of granting any of said
classes of licenses or the establishment of Pennsylvania liquor
stores, the said county board of elections shall cause a
question to be placed on the ballots or on the voting machine
board and submitted at any election. IN A COUNTY OF THE SECOND
CLASS A, WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER
CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN A MUNICIPALITY
OR PART OF A SPLIT MUNICIPALITY AT THE LAST PRECEDING GENERAL
ELECTION, OR WHENEVER FIVE HUNDRED ELECTORS OF A MUNICIPALITY OR
PART OF A SPLIT MUNICIPALITY, WHICHERVER IS LESS, SIGN A PETITION
FOR A REFERENDUM ON THE QUESTION OF GRANTING ANY OF THE SAID
CLASSES OF LICENSES OR THE ESTABLISHMENT OF PENNSYLVANIA LIQUOR
STORES AND FILE THE PETITION WITH THE COUNTY BOARD OF ELECTIONS,
THE SAID COUNTY BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE
PLACED ON THE BALLOTS OR ON THE VOTING MACHINE BOARD AND
Submitted at any election. Separate petitions must be filed for
each question to be voted on. Said proceedings shall be in the
manner and subject to the provisions of the election laws which
relate to the signing, filing and adjudication of nomination
petitions, insofar as such provisions are applicable.

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

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

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

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

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

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

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

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

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

Do you favor the granting of liquor licenses to performing arts facilities for the sale of liquor in the.......................................................?  Yes

When the question is in respect to the granting of liquor licenses for hotels located on property owned by an accredited college or university in those municipalities that do not already allow the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses to hotels on property owned by an accredited college or university in the.......................................................?  Yes

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

Do you favor the granting of liquor licenses for privately-owned private golf courses for the sale of liquor in.................... by........................ of....................................................?  Yes

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

Do you favor the granting of liquor licenses for privately-owned public golf courses for the sale of liquor in.................... by........................ of....................................................?  Yes
When the question is in respect to the granting of liquor licenses to continuing care retirement communities in those municipalities that have not already approved the granting of liquor licenses, it shall be in the following form:

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

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

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

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

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

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

Do you favor the granting of club liquor licenses to incorporated units of national veterans' organizations in the....................................................? Yes
No
When the question is in respect to the granting of club retail dispenser licenses to incorporated units of national veterans' organizations, it shall be in the following form:
Do you favor the granting of club retail dispenser licenses to incorporated units of national veterans' organizations in the.................................?  Yes
of.................................?  No

When the question is in respect to the granting of special occasion permits allowing the sale of liquor by qualified organizations in municipalities that do not already allow the retail sale of liquor, it shall be in the following form:
Do you favor the granting of special occasion permits to allow the sale of liquor by qualified organizations in the.................................?  Yes
of.................................?  No

When the question is in respect to the granting of special occasion permits allowing the sale of malt or brewed beverages only by qualified organizations in municipalities that do not already allow the retail sale of malt or brewed beverages, it shall be in the following form:
Do you favor the granting of special occasion permits to allow the sale of malt or brewed beverages only by qualified organizations in the.................................?  Yes
of.................................?  No

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:
Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the.................................?  Yes
Do you favor the granting of liquor licenses to an
government authority for the sale of liquor in
the...................................................?  Yes

When the question is in respect to the granting of brewery licenses, it shall be in the following form:
Do you favor the granting of brewery licenses for the
sale of malt or brewed beverages by the case, by the keg
and by the glass for consumption on premises, plus the
sale of wine and spirits by the glass for consumption on
premises, in...........................................?  Yes

When the question is in respect to the granting of brewery storage licenses, it shall be in the following form:
Do you favor the granting of brewery storage licenses
for the sale of malt or brewed beverages by the case, by
the keg and by the glass for consumption on premises,
plus the sale of wine and spirits by the glass for
consumption on premises, in...........................................?  Yes

When the question is in respect to the granting of limited distillery licenses, it shall be in the following form:
Do you favor the granting of limited distillery licenses
for the sale of spirits by the bottle to go and by the
glass for consumption on premises, plus the sale of wine?  Yes
and malt or brewed beverages for consumption on
premises, in...........................................
by..........................................................?  No

When the question is in respect to the granting of additional licenses for board-approved limited distillery locations, it shall be in the following form:
Do you favor the granting of additional licenses for board-approved limited distillery locations for the sale of spirits by the bottle to go and by the glass for consumption on premises, plus the sale of wine and malt or brewed beverages for consumption on premises,
in..........................................................  Yes
by..........................................................?  No

When the question is in respect to the granting of limited winery licenses, it shall be in the following form:
Do you favor the granting of limited winery licenses for the sale of wine by the bottle to go and by the glass for consumption on premises, plus the sale of spirits and malt or brewed beverages for consumption on premises
in..........................................................  Yes
by..........................................................?  No

When the question is in respect to the granting of additional licenses for board-approved limited winery locations, it shall be in the following form:
Do you favor the granting of additional licenses for board-approved limited winery locations for the sale of wine by the bottle to go and by the glass for consumption on premises, plus the sale of spirits and malt or brewed beverages for consumption on premises
in..........................................................  Yes
by..........................................................?  No
In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants, ski resorts, resort facilities and clubs, or liquor licenses shall be granted by the board to public venues, to performing arts facilities, to continuing care retirement communities, to hotels located on property owned by an accredited college or university, to privately-owned private golf courses or to privately-owned public golf courses, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or club liquor licenses or club retail dispenser licenses shall be granted by the board to incorporated units of national veterans' organizations, or special occasion permits may be issued to qualified organizations, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the
expiration of the term of the lease on the premises occupied by
such store, whichever period is less, unless and until at a
later election a majority of the voting electors vote "yes" on
such question.

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Section 2. The amendment of section 472(a) of the act shall
not apply to brewery licenses, brewery storage licenses, limited
distillery licenses, board-approved limited distillery
locations, limited winery licenses and board-approved limited
winery locations granted before the effective date of this act.

Section 3. This act shall take effect in 60 days.