THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1196  Session of 2015

INTRODUCED BY PETRI, MAY 13, 2015

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, OCTOBER 24, 2016

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "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 preliminary provisions, further providing for definitions; in Pennsylvania Liquor Control Board, further providing for general powers of board; in Pennsylvania Liquor Stores, further providing for sales by Pennsylvania Liquor Stores; in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sales by liquor licensees and restrictions, providing for national event permit, further providing for wine expanded permits, for casino liquor license, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverage retail licenses, for brand registration, for Pennsylvania Malt and Brewed Beverages Industry Promotion Board, for license auction, for unlawful acts relative to liquor, alcohol and liquor licensees and for unlawful acts relative to liquor, malt and brewed beverages and licensees; and, in distilleries, wineries, bonded warehouses, bailees for hire and
transporters for hire, further providing for limited
wineries; in disposition of moneys collected under provisions
of act, further providing for moneys paid into State Stores
Fund for use of the Commonwealth; and making a related
repeal.

AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED, AS <--
REENACTED, "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
PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING FOR
GENERAL POWERS OF BOARD; IN LICENSES AND REGULATIONS AND
LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER
PROVIDING FOR SALES BY LIQUOR LICENSEES AND RESTRICTIONS, FOR
WINE AUCTION PERMITS, FOR INTERLOCKING BUSINESS PROHIBITED,
FOR PUBLIC VENUE LICENSE, FOR WINE EXPANDED PERMITS, FOR MALT
AND BREWED BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND
IMPORTING DISTRIBUTORS' LICENSES, FOR BRAND REGISTRATION AND
FOR BREWERIES, PROVIDING FOR SHIPMENT OF MALT OR BREWED
BEVERAGES AND FURTHER PROVIDING FOR LOCAL OPTION AND FOR
UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES
AND LICENSEES; AND, IN DISTILLERIES, WINERIES, BONDED
WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE,
FURTHER PROVIDING FOR LIMITED WINERIES AND FOR DISTILLERIES.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

Section 1. The definitions of "alcoholic cider," "malt or
brewed beverages" and "mug club" in section 102 of the act of
April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
reenacted and amended June 29, 1987 (P.L.32, No.14), amended
June 18, 1998 (P.L.664, No.86) and amended or added June 8, 2016
(P.L.273, No.39), are amended and the section is amended by
adding a definition to read:

Section 102. Definitions.—The following words or phrases,
unless the context clearly indicates otherwise, shall have the
meanings ascribed to them in this section:
"Alcoholic cider" shall mean a beverage which may contain carbonation in an amount not to exceed \[ \text{three hundred ninety-two one thousandths of a gram per one hundred milliliters and flavors} \] six and four tenths grams per liter, produced through alcoholic fermentation of any fruit or fruit juice, consisting of at least one half of one per centum, but not greater than eight and one half per centum, alcohol by volume and sold or offered for sale as alcoholic cider and not as a wine, a wine product or as a substitute for wine, in bottles, cases, kegs, cans or other suitable containers of the type used for the sale of malt or brewed beverages in this Commonwealth.

"Malt or Brewed Beverages" shall mean any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called, and shall mean alcoholic cider and mead.

"Mead" shall mean an alcoholic beverage produced by fermenting a solution of at least fifty-one per centum honey, water and other agricultural products and containing not more than eight and one half per centum alcohol by volume and sold or offered for sale as mead and not as a wine, a wine product or as a substitute for wine, in bottles, cases, kegs, cans or other suitable containers of the type used for the sale of malt or brewed beverages in this Commonwealth.

"Mug club" shall mean a group organized by a retail licensee or a brewery whose members are entitled to discounted malt or
brewed beverages. Membership shall be by written application and the licensee must maintain a written list of active members as part of its records. [Members shall pay] Licensees may charge an annual fee as well as a renewal fee [as set by the licensee. Membership shall, at a minimum, entitle the member to a mug, glass or similar container and said container must be used when the member is served any discounted malt or brewed beverages]. No discounted malt or brewed beverages may be provided between midnight and seven o'clock antemeridian.

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Section 2. Section 207(l) of the act, amended or added June 8, 2016 (P.L.273, No.39), are amended and the section is amended by adding a subsection to read:

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

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(l) To be licensed as a Lottery Sales Agent as set forth in section 305 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, and to take any actions authorized by such designation except that no bond, insurance or indemnification may be required from the board. Notwithstanding any other provision of law to the contrary, the board may pay the holder of a winning ticket up to an amount that shall be established jointly by the board and the Department of Revenue. [All proceeds retained by the board as compensation for the sale of tickets, including incentive awards or bonuses, as well as credit for direct payment of prizes, shall be deposited into the General Fund.]

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(o) The names and addresses of individual consumers who

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participate in a customer relations management program or
purchase products from the board, as well as any records or
information that would disclose the personal purchase choices of
individual consumers, shall not be sold or otherwise made
available to the public under any circumstances, including in-
response to a request made in accordance with the act of
February 14, 2008 (P.L.6, No.3), known as the "Right to Know
Law."

Section 3. Section 305(j) and (k)(3) of the act, added June
8, 2016 (P.L.273, No.39), are amended to read:

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

(j) A Pennsylvania Liquor Store may continue to sell
alcoholic cider and mead within the Pennsylvania Liquor Store's
inventory after the effective date of this section until the
alcoholic cider and mead within the Pennsylvania Liquor Store's
current inventory is depleted. The board may not purchase-
additional alcoholic cider and mead after the effective date of
this section.

(k) Notwithstanding the provisions of the act of August 26,
1971 (P.L.351, No.91), known as the State Lottery Law, the
following shall apply if the board becomes a licensed lottery-
sales agent, as set forth in section 305 of the State Lottery-
Law:

* * *

(3) [Any] No commissions, compensation or any type of
incentive award based upon the sale of lottery tickets and games
shall be [deposited by the board into the General Fund] awarded.

Section 4. (Reserved).

Section 5. Section 406(a)(3) of the act, amended June 8,
2016 (P.L.273, No.39), is amended to read:
Section 406. Sales by Liquor Licensees; Restrictions.—(a)

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(3) Hotel and restaurant liquor licensees, municipal golf course restaurant liquor licensees and privately-owned public golf course restaurant licensees may sell liquor and malt or brewed beverages on Sunday between the hours of (eleven) nine o'clock antemeridian and two o'clock antemeridian Monday upon purchase of a special permit from the board at an annual fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929.

[Notwithstanding this provision, a licensee holding such a permit may begin selling liquor and malt or brewed beverages on Sunday between the hours of nine o'clock antemeridian and eleven o'clock antemeridian provided that the licensee offers a meal beginning at nine o'clock antemeridian.] Airport restaurant liquor licensees may sell liquor and malt or brewed beverages on Sunday between the hours of five o'clock antemeridian and two o'clock antemeridian Monday upon purchase of a special permit from the board at an annual fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

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Section 6. (Reserved).

Section 7. The act is amended by adding a section to read:

Section 408.17. National Event Permit.—(a) Upon application of the chief executive of a national political party conducting its national convention in this Commonwealth, or his or her designee, or the official host committee of the national convention, the board may issue a national event permit or permits for events directly connected to the convention.
(b) The application shall include an application fee of five-thousand dollars ($5,000). No additional fee shall be required for any subsequent application.

c) The board shall approve the application unless doing so would clearly be against the public interest. If the board approves the application, the board shall determine the location, date and hours that the permit shall be in effect. More than one location may be licensed at one time.

d) The permit shall have the same rights and restrictions as a special occasion permit issued under section 408.4, except as follows:

(1) The permit shall not be subject to the hours restriction under section 408.4(k), the days restrictions under section 408(i) or the notice requirements under section 408.4(j).

(2) The permit may be issued to a location that is already licensed by the board so long as the board clearly states which permit or license is in effect.

(3) The permit holder may accept, import, possess or resell donated alcohol acquired from licensed and unlicensed entities so long as it receives board approval prior to doing so. The donated alcohol does not need to come to rest at a Pennsylvania Liquor Store prior to its use by the permit holder, unless the board so directs. Malt or brewed beverages donated under this section shall not need to come to rest at a licensed importing distributor prior to their use by the permit holder, so long as the donated brands are registered with the board and the board approves the arrangement.

(4) If the proposed location is subject to a conditional licensing agreement that imposes additional conditions on the sale and service of alcohol at that location, the board may in

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its discretion waive some or all of those conditions while the permit is in effect.

(5) No sales for off-premises consumption may occur unless the premises is already licensed by the board. In those cases, sales for off-premises consumption shall be subject to the same rights and restrictions as are imposed on the underlying license.

(e) A copy of each approved permit shall be made available to the public on the board's publicly accessible Internet website.

(f) This section shall expire on July 29, 2016, and no permit shall remain in effect after that date.

Section 8. Sections 415(a)(9) and (e)(3) and (4) of the act, added June 8, 2016 (P.L.273, No.39), are amended to read:

Section 415. Wine Expanded Permits.--(a) * * *

(9) A sale of wine by a wine expanded permit holder shall be made through a register, which malt or brewed beverages and restaurant foods sales are made on the licensed premises, which is well designated with signage, which is staffed at all times when patrons are on the licensed premises, which is staffed by a sales clerk who is at least eighteen years of age and has been trained under section 471.1 and which utilizes a transaction scan device for the sale. The sale of wine may not occur at a point of sale where the customer scans the customer's own purchases.

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(e) ***

(3) A wine expanded permit holder may, when filing its required returns under Article II of the Tax Reform Code of 1971, request a [refund] credit of any taxes paid in accordance
with paragraph (1) for wine sold for off-premises consumption and for which taxes were remitted to the department under paragraph (2). [The request for a refund shall include the original receipt from a Pennsylvania Liquor Store showing the amount of taxes paid under paragraph (1) for which the taxpayer is requesting a refund.

(4) The department shall refund the amount of taxes paid to a Pennsylvania Liquor Store by a wine expanded permit holder under paragraph (1) for which the taxpayer remitted taxes imposed under paragraph (2). The department may promulgate rules or regulations and prescribe forms as may be necessary to implement the provisions of this subsection.]

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Section 9. Section 416(b), (b.1) and (c)(2), (3) and (4) of the act, added June 8, 2016 (P.L.273, No.39), are amended and the section is amended by adding a subsection to read:

Section 416. Casino Liquor License.-**-

(a.1) Notwithstanding any provision of law or regulation, a nonprimary location, as defined in 4 Pa.C.S. § 1103 (relating to definitions), may apply to the board for a casino liquor license. The board may issue a casino liquor license to a nonprimary location for use in accordance with this section. The following apply:

(1) The application fee for a casino liquor license issued to a nonprimary location under this subsection shall be as follows:

(i) One million dollars ($1,000,000) in counties of the first through third class.

(ii) Six hundred thousand dollars ($600,000) in counties of the fourth and fifth class.
(iii) Two hundred thousand dollars ($200,000) in counties of
the sixth through eighth class.

(2) A nonprimary location holding a casino liquor license
shall be subject to an annual renewal fee of ten thousand
dollars ($10,000).

(b) Each application for a casino license under this section
shall be accompanied by a fee of [one million dollars
($1,000,000)] five hundred thousand dollars ($500,000).

(b.1) Each restaurant licensee that does not hold a slot-
machine license but operates within or adjacent to the gaming-
facility [must] shall pay a one-time fee of ten thousand dollars
($10,000) in order to sell or serve liquor and malt or brewed-
beverages twenty-four (24) hours a day seven (7) days a week.

(e) The following shall apply to renewals:

* * *

(2) For the first four years after the initial issue of the-
casino liquor license, the casino liquor license shall be-
subject to an annual renewal fee of [one million dollars
($1,000,000)] two hundred fifty thousand dollars ($250,000).

(3) After the period under paragraph (2), the casino liquor-
license shall be subject to an annual renewal fee of [two-
hundred and fifty thousand dollars ($250,000)] twenty-five-
thousand dollars ($25,000).

(4) [Notwithstanding the provisions of section 802, all] All
fees collected or received by the board under this [subsection]-
section shall be paid into the State [Treasury through the-
Department of Revenue for deposit into the General] Stores Fund.

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Section 10. Section 431(d)(2) of the act, amended December-
20, 1996 (P.L.1513, No.196), is amended to read:
Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—*

(d) * * *

(2) After January 1, 1980, no manufacturer shall enter into any agreement with more than one distributor or importing distributor for the purpose of establishing more than one agreement for designated brand or brands of malt or brewed beverages in any one territory. Each franchise territory which is granted by a manufacturer shall be geographically contiguous or in counties which are contiguous with one another. All importing distributors shall maintain sufficient records to evidence compliance of this section. With regard to any territorial distribution authority granted to an importing distributor by a manufacturer of malt or brewed beverages after January 1, 1996, the records shall establish that each and every case of a brand of malt or brewed beverages for which the importing distributor is assigned was sold, resold, stored, delivered or transported by the importing distributor, either from a point or to a point with the assigned geographically contiguous territory or in counties which are contiguous with one another, to any person or persons, whether such person or persons are licensed by this act or not licensed by this act.

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Section 11. Sections 432 and 445 of the act are amended by adding subsections to read:

Section 432. Malt and Brewed Beverages Retail Licenses.—*

(i) All fees collected or received by the board under subsection (h) shall be paid into the State Stores Fund.

Section 445. Brand Registration.—**
(e) Any person selling malt or brewed beverages at
wholesale, and any person selling at retail malt or brewed
beverages that were not sold at wholesale, shall report to the
Pennsylvania Liquor Control Board the volume of such packaged—and draft malt or brewed beverages sold. The report, in the form—and manner determined by the board, shall be made for each—calendar month no later than sixty days after the end of each—calendar month and shall show product volumes, broken down by—brewer. All volumes shall be reported in thirty-one gallon—barrel equivalents, regardless of package size. The board shall,—within fourteen days of the receipt of the report, place the—reports on the Internet in a manner accessible to the general—public. The board shall maintain the reports on the Internet in—a manner accessible to the general public for a period of at-least two years and shall archive the reports for a period of at-least ten years.

Section 12. Section 446.1(g), added June 8, 2016 (P.L.273,—No.39), is amended to read:

Section 446.1. Pennsylvania Malt and Brewed Beverages—Industry Promotion Board—* * *

(g) Annually, the board shall allocate the amount of one—million dollars ($1,000,000) for the purpose of awarding grants—under subsection (e)(1). The Department of Agriculture may bill—for any administrative expenses necessary to perform its duties—under this section and shall be reimbursed for any necessary—expenses from the allocation.

Section 13. Section 491 introductory paragraph, (2) and (10)—of the act, amended July 5, 2012 (P.L.1007, No.116), are amended—and the section is amended by adding a subsection to read:

Section 491. Unlawful Acts Relative to Liquor, Alcohol and—
Liquor Licensees.--(a) It shall be unlawful--

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(ii) Possession or Transportation of Liquor or Alcohol.
For any person, except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license, to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first, one thousand nine hundred and thirty-four, or has not been purchased from a Pennsylvania Liquor Store or a licensed limited winery in Pennsylvania, except in accordance with section 488 or the board's regulations. In addition, it shall be lawful for anyone to possess miniatures totaling less than one gallon purchased in another state or a foreign country. The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired.

Notwithstanding this section or any other provision of the law, wine may be produced by any person without a license if the wine is not produced for sale and total production does not exceed two hundred gallons per calendar year. Wine produced in accordance with this clause may be used at organized affairs, exhibitions, competitions, contests, tastings or judgings if it is not sold or offered for sale.

(iii) None of the provisions herein contained shall prohibit nor shall it be unlawful for any person to import into Pennsylvania, transport or have in his possession, an amount of liquor not exceeding one gallon in volume upon which a State tax has not been paid, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country or United States territory and was allowed to bring it into the United States. Neither shall the provisions contained herein--
prohibit nor make it unlawful for [(i)] (A) any member of the
armed forces on active duty, or [(ii)] (B) any retired member of
the armed forces, or [(iii)] (C) any totally disabled veteran,
or [(iv)] (D) the spouse of any person included in the foregoing
classes of persons to import into Pennsylvania, transport or
have in his possession an amount of liquor not exceeding one
gallon per month in volume upon which the State tax has not been
paid, so long as such liquor has been lawfully purchased from a
package store established and maintained under the authority of
the United States and is in containers identified in accordance
with regulations issued by the Department of Defense. Such
liquor shall not be possessed, offered for sale or sold on any
licensed premises. The term "package store" as used in this
clause shall mean those retail operations located on any of the
United States military installations, including an installation
of the Army, Navy, Air Force, Marine Corps or Coast Guard.

(iii) None of the provisions herein contained shall prohibit
nor shall it be unlawful for any consul general, consul or other
diplomatic officer of a foreign government to import into
Pennsylvania, transport or have in his possession liquor upon
which a State tax has not been paid, if it can be shown to the
satisfaction of the board that such person acquired the liquor
in a foreign country and was allowed to bring it into the United
States. Such liquor shall not be possessed, offered for sale or
sold on any licensed premises.

(iv) Any person violating the provisions of this clause for
a first offense involving the possession or transportation in
Pennsylvania of any liquor in a package (bottle or other
receptacle) or wine not purchased from a Pennsylvania Liquor
Store or from a licensed limited winery in Pennsylvania, with
with respect to which satisfactory proof is produced that the
required Federal tax has been paid and which was purchased,
procured or acquired legally outside of Pennsylvania shall upon
conviction thereof in a summary proceeding be sentenced to pay a
fine of twenty-five dollars ($25) for each such package, plus
costs of prosecution, or undergo imprisonment for a term not
exceeding ninety (90) days. Each full quart or major fraction
thereof shall be considered a separate package (bottle or other
receptacle) for the purposes of this clause. Such packages of
liquor shall be forfeited to the Commonwealth in the manner
prescribed in Article VI of this act but [the] shall be returned
to the person if the person pays all State taxes on the liquor
to the Department of Revenue. The vehicle, boat, vessel, animal
or aircraft used in the illegal transportation of such packages
shall not be subject to forfeiture: Provided, however, That if
it is a second or subsequent offense or if it is established
that the illegal possession or transportation was in connection
with a commercial transaction, then the other provisions of this
act providing for prosecution as a misdemeanor and for the
forfeiture of the vehicle, boat, vessel, animal or aircraft
shall apply.

* * *

(10) Fortifying, Adulterating or Contaminating Liquor. For
any licensee or any employe or agent of a licensee or of the
board, to fortify, adulterate or contaminate any liquor, except
as permitted by the regulations of the board, or to refill
wholly or in part, with any liquid or substance whatsoever, any
liquor bottle or other liquor container. Notwithstanding any
other provision of law to the contrary, the board shall
promulgate regulations that prescribe the terms and conditions.
under which licensees may infuse, store and sell flavored
distilled spirits.

* * *

(b) (1) Nothing in this section shall be construed to
prohibit any resident of this Commonwealth not licensed under
this act to purchase liquor outside of this Commonwealth so
long as the resident pays all State taxes on the liquor to
the Department of Revenue and the liquor is not shipped into
this Commonwealth. The amount of liquor purchased under this
subsection may not exceed five gallons in volume.

(2) Nothing in this section shall be construed to prohibit
any resident of this Commonwealth not licensed under this act
from being reimbursed for the price of liquor purchased in
another state from another resident of this Commonwealth as
provided in clause (1) so long as the amount reimbursed is no
more than the purchase price of the liquor and the liquor is not
shipped into this Commonwealth. No fee, commission or other form
of remuneration shall be charged by any resident in excess of
the reimbursement amount for the purchase of the liquor.

Section 14. Section 493(6) and (33) of the act, amended June
8, 2016 (P.L.273, No.39), are reenacted and amended to read:
Section 493. Unlawful Acts Relative to Liquor, Malt and
Brewed Beverages and Licensees. The term "licensee," when used
in this section, shall mean those persons licensed under the
provisions of Article IV, unless the context clearly indicates
otherwise.

It shall be unlawful--

* * *

(6) Brand or Trade Name on Spigot. For any licensee, his
agents, servants or employes, to furnish or serve any malt or
brewed beverages from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the product served shall appear in full sight of the customer (and in legible lettering upon such faucet, spigot or dispensing apparatus).

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(33) Off premises Catering Permit; Fees. For any licensee, his servants, agents or employes to sell alcohol at a location other than its licensed premises, unless the sale is specifically authorized under this act, or unless the licensee receives a special permit from the board to do so. The following apply:

(i) Only those licensees holding a current and valid restaurant, hotel, brew pub or eating place license shall be allowed to apply for such a permit.

(ii) Any licensee that wishes to obtain an off-premises catering permit must notify the board and pay the permitting fee by March of each calendar year regardless of whether the licensee has scheduled catered events. Any licensee that fails to notify the board and pay the permit fee by March 1 shall be precluded from obtaining the permit for that calendar year.

(iii) If a licensee notifies the board and pays the permitting fee by March 1 and does not then use the permit throughout the calendar year, the licensee shall not be entitled to a return of the permitting fee.

(iv) Any licensee not granted a license until after March 1 of the calendar year shall have sixty days from the date of the license transfer to notify the board of the licensee's intention to use an off-premises catering permit and pay the permitting fee.

(v) The board shall have the discretion to allow the
issuance of the permit after the March 1 deadline if the
applicant is a licensee in good standing with the board and
complies with all other requirements for the off-premises
catering permit. A licensee shall apply for the permit at least
sixty days prior to the first catered function.

(vi) All servers at the off-premises catered function shall
be certified under the board's responsible alcohol management-
program as required under section 471.1.

(vii) The board may charge a fee of five hundred dollars
($500) each calendar year, to each applicant for the initial
permit associated with a particular license, but no further fee
shall be charged for any subsequent permits issued to the
applicant for the license during the same calendar year.

(viii) The applicant shall submit written notice to the
board thirty days prior to each catered event, unless this time-
frame has been waived by the board, and the board may approve or
disapprove each event if the applicant fails to provide timely-
notice of the catered function, does not intend to conduct a-
function that meets the requirements of this act or has
previously conducted a function that did not meet the
requirements of this act.

(ix) The fees shall be paid into the State Stores Fund. Any-
violation of this act or the board's regulations for governing
activity occurring under the authority of this permit may be the
basis for the issuance of a citation under section 471, the
nonrenewal of the license under section 470 or the refusal by
the board to issue subsequent permits or honor subsequent dates
on the existing permit. This penalty shall be in addition to any-
other remedies available to the enforcement bureau or the board.

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Section 15. Section 505.2 of the act, amended December 8, 2004 (P.L.1810, No.239), July 16, 2007 (P.L.107, No.34), June 25, 2010 (P.L.217, No.35), June 28, 2011 (P.L.55, No.11), December 22, 2011 (P.L.530, No.113) and June 8, 2016 (P.L.273, No.39), is amended to read:

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

(1) Produce alcoholic ciders, mead, wines and wine coolers, subject to the exceptions provided under this section, only from an agricultural commodity grown in Pennsylvania.

(2) Sell alcoholic cider, mead, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, importing distributor, distributor, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees.

Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider, mead or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider, mead or wine produced by the purchasing limited winery in the preceding calendar year. In addition, the holder of a limited winery license may purchase wine in bottles from another Pennsylvania limited winery if these wines undergo a second fermentation process. Such wine may be sold in bottles bearing the purchasing limited winery's label or the producing limited winery's label. Such wines, if sold by the board, may be sold by the producing limited winery to the purchasing limited winery at a price lower than the price charged by the board.
(2.1) Notwithstanding any other provision of this act or law to the contrary, only ship wine in accordance with the provisions of section 488.

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, mead, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees. If two or more limited wineries apply to operate an additional board-approved location in conjunction with each other, the wineries need only have one board-approved manager for the location, need only pay one application fee and need not designate specific or distinct areas for each winery's licensed area. Each limited winery must file an application for such an additional board-approved location, and such location shall count as one of the five permitted for each limited winery. Each limited winery is responsible for keeping only its own complete records. A limited winery may be cited for a violation of the recordkeeping requirements of sections 512 and 513 pertaining to its own records only.

(4) At the discretion of the board, obtain a special permit to participate in alcoholic cider, mead, wine and food expositions off the licensed premises. A special permit shall be issued upon proper application and payment of a fee of thirty dollars ($30) per day for each day of permitted use, not to exceed thirty (30) consecutive days. The total number of days for all the special permits may not exceed one hundred (100)
days in any calendar year. A special permit shall entitle the
holder to engage in the sale by the glass, by the bottle or in
case lots of alcoholic cider, mead or wine produced by the
permittee under the authority of a limited winery license.
Holders of special permits may provide tasting samples of wines
in individual portions not to exceed one fluid ounce. Samples at
alcoholic cider, mead, wine and food expositions may be sold or
offered free of charge. Except as provided herein, limited
wineries utilizing special permits shall be governed by all
applicable provisions of this act as well as by all applicable
regulations or conditions adopted by the board.

For the purposes of this clause, "alcoholic cider, mead, wine
and food expositions" are defined as affairs held indoors or
outdoors with the intent of promoting Pennsylvania products by
educating those in attendance of the availability, nature and
quality of Pennsylvania-produced alcoholic ciders, mead and
wines in conjunction with suitable food displays, demonstrations
and sales. Alcoholic cider, mead, wine and food expositions may
also include activities other than alcoholic cider, mead, wine
and food displays, including arts and crafts, musical
activities, cultural exhibits, agricultural exhibits and farmers
markets.

(4.1) At the discretion of the board, obtain a farmers
market permit. The permit shall entitle the holder to
participate in more than one farmers market at any given time
and an unlimited number throughout the year and sell alcoholic
cider, mead or wine produced under the authority of the
underlying limited winery license by the bottle or in case lots.
Samples not to exceed one fluid once per brand of mead or wine
may be offered free of charge. A farmers market permit shall be
issued upon proper application and payment of an annual fee of two hundred fifty dollars ($250). A permit holder may participate in more than one farmers market at any given time. Sales by permit holders shall take place during the standard hours of operation of the farmers market. Written notice of the date, times and location the permit is to be used shall be provided by the permit holder to the enforcement bureau at least two (2) weeks prior to the event. Except as provided in this subsection, limited wineries utilizing farmers market permits shall be governed by all applicable provisions of this act as well as by all applicable regulations adopted by the board.

(5) Do either of the following:

(i) Apply for and hold a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license to sell for consumption at the restaurant or limited winery on the licensed winery premises, liquor, wine and malt or brewed beverages regardless of the place of manufacture under the same conditions and regulations as any other hotel liquor license, restaurant liquor license or malt and brewed beverages retail license.

(ii) Apply for and hold a restaurant liquor license for use at one of the additional board-approved locations referenced under clause (3), as long as such location does not serve as an additional board-approved location for any other manufacturer.

(6) (i) Secure a permit from the board to allow the holder of a limited winery license to use up to twenty five per centum permitted fruit, not wine, in the current year's production. Each permit is valid only for the calendar year in which it is issued.

(ii) The fee for a permit to import and use permitted fruit
shall be in an amount to be determined by the board.

(iii) The purpose of this section is to increase the productivity of limited wineries while at the same time protecting the integrity and unique characteristics of wine produced from fruit primarily grown in this Commonwealth. Prevailing climatic conditions have a significant impact on the character of the fruit. Accordingly, "permitted fruit" shall mean fruit grown or juice derived from fruit grown within three hundred fifty (350) miles of the winery.

(iv) The department is authorized to promulgate regulations requiring the filing of periodic reports by limited wineries to ensure compliance with the provisions of this section.

(6.1) Sell food for consumption on or off the licensed premises and at the limited winery's additional board-approved locations and sell by the glass, at the licensed premises and at the limited winery's additional board-approved locations, wine, mead and alcoholic ciders that may otherwise be sold by the bottle. In addition, the holder of a limited winery license may sell for consumption on the licensed premises and at the limited winery's additional board-approved locations, liquor produced by a licensed distillery or limited distillery and malt or brewed beverages produced by a licensed brewery.

(6.2) Sell wine-or liquor scented candles acquired or produced by the limited winery.

(6.3) Sell alcoholic cider, mead, wine and wine coolers only between the hours of nine o'clock antemeridian and eleven o'clock postmeridian. A limited winery also may request approval from the board to extend sales hours in individual locations at other times during the year or beyond the limits set forth in this clause. The request shall be made in writing to the board's...
Office of the Chief Counsel and shall detail the exact locations
where sales hours are proposed to be extended, the proposed
hours and dates of extended operation and the reason for the
proposed extended hours.

(6.4) Store alcoholic cider, mead, wine and wine coolers
produced by the limited winery at no more than two (2) board-
approved locations other than the licensed premises and those
premises referenced in clause (3) pertaining to the five (5)
board-approved locations for the sale of wine, with no bottling
or production requirement at those additional locations and
under such conditions and regulations as the board may enforce.
If two (2) or more businesses will operate out of the same
storage facility, the limited winery must designate specific and
distinct areas for its storage. The limited winery's designated
storage area must be secured and no one other than the licensee
and his employees may be allowed access to the storage area. No
board-approved manager will be necessary for the storage
facility. The limited winery must fill out an application for
such an additional board-approved storage location, and such
location shall count as one of the two permitted for each
limited winery. The limited winery is responsible for keeping
only its own complete records. A limited winery may be cited for
a violation of the recordkeeping requirements of sections 512
and 513 pertaining to its own records only.

(b) The total production of alcoholic ciders, mead, wine and
wine coolers by a limited winery may not exceed two hundred
thousand (200,000) gallons per year.

(c) As used in this section:
"Agricultural commodity" shall include any of the following:
agricultural, apicultural, horticultural, silvicultural and
"Farmers market" shall include any building, structure or other place:

1. owned, leased or otherwise in the possession of a person, municipal corporation or public or private organization;
2. used or intended to be used by two or more farmers or an association of farmers, who are certified by the Department of Agriculture of the Commonwealth to participate in the Farmers' Market Nutrition Program subject to 7 CFR Pt. 249 (relating to Senior Farmers' Market Nutrition Program (SFMNP)), for the purpose of selling agricultural commodities produced in this Commonwealth directly to consumers;
3. which is physically located within this Commonwealth;
and
4. which is not open for business more than twelve hours each day.

Section 16. Section 802 of the act is amended by adding a subsection to read:

Section 802. Moneys Paid Into The State Stores Fund for Use of the Commonwealth.

(h) All moneys collected under sections 416, 432(h) and 470.3 shall be transferred from the State Stores Fund to the General Fund on a quarterly basis.

Section 17. Repeals are as follows:

1. The General Assembly finds that the repeal under paragraph (2) is necessary to effectuate this act.
2. Section 28 of the act of June 8, 2016 (P.L.273, No.39) entitled "Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, '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', as follows:

In preliminary provisions, further providing for definitions.

In Pennsylvania Liquor Control Board, further providing for general powers of board.

In Pennsylvania Liquor Stores, further providing for when sales may be made at Pennsylvania Liquor Stores and for sales by Pennsylvania Liquor Stores.

In licenses and regulations, liquor, alcohol and malt and brewed beverages,

further providing for license districts, license period and hearings, for issuance, transfer or extension of hotel, restaurant and club liquor licenses, for sales by liquor licensees and restrictions, for special occasion permits, for wine option permits, for liquor importers' licenses, fees, privileges and restrictions and for interlocking business prohibited;
providing for wine expanded permits and for casino liquor
license;

further providing for malt and brewed beverages
manufacturers', distributors' and importing distributors'
licenses, for malt and brewed beverages retail licenses, for
application for distributors', importing distributors' and
retail dispensers' licenses, for distributors' and importing
distributors' restrictions on sales, storage, etc., for
retail dispensers' restrictions on purchases and sales, for
interlocking business prohibited and for breweries;

establishing the Pennsylvania Malt and Brewed Beverages
Industry Promotion Board;

further providing for limiting number of retail licenses
to be issued in each county, for incorporated units of
national veterans' organizations, for licenses not assignable
and transfers and for renewal of licenses and temporary
provisions for licensees in armed service;

providing for license auction;

further providing for responsible alcohol management, for
local option, for public record, for surrender of restaurant,
eating place retail dispenser, hotel, importing distributor
and distributor license for benefit of licensee and for
shipment of wine into Commonwealth;

providing for Pennsylvania Wine Marketing and Research
Board; and

further providing for unlawful acts relative to liquor,
alcohol and liquor licensees, for unlawful acts relative to
liquor, malt and brewed beverages and licensees and for
identification cards, licensees and State Liquor Store
employees saved from prosecution.
In distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, further providing for limited wineries and for distilleries.

Establishing a Wine and Spirits Wholesale and Retail Privatization Commission," is repealed.

(3) Section 29 of the act of June 8, 2016 (P.L.273, No.39) is repealed insofar as it is inconsistent with the reenactment and amendment of section 493(33)(v) of the act.

Section 18. The following shall apply:

(1) In order to facilitate the prompt implementation of this act, during the two-year period following the effective date of this section, the Pennsylvania Liquor Control Board shall promulgate temporary regulations not inconsistent with this act as it may deem necessary for the administration of this act. The temporary regulations shall expire four years from the effective date of this section and shall be exempt from the following:

(i) Sections 201, 202, 203 and 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.


(2) The authority of the board to promulgate temporary regulations under paragraph (1) shall expire two years from the effective date of this section. Regulations adopted after the two-year period shall be promulgated as provided by statute.

Section 19. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:
(i) This section.

(ii) Section 17(3) of this act.

(iii) The addition of section 408.17 of the act.

(iv) The reenactment of section 493(33)(v) of the act.

(2) The remainder of this act shall take effect in 60 days.


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

* * *

"ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN CARBONATION IN AN AMOUNT NOT TO EXCEED [THREE HUNDRED NINETY-TWO ONE THOUSANDTHS OF A GRAM PER ONE HUNDRED MILLILITERS AND FLAVORS] SIX AND FOUR TENTHS GRAMS PER LITER, PRODUCED THROUGH ALCOHOLIC FERMENTATION OF ANY FRUIT OR FRUIT JUICE, CONSISTING OF AT LEAST ONE-HALF OF ONE PER CENTUM, BUT NOT GREATER THAN EIGHT AND ONE-HALF PER CENTUM, ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE AS ALCOHOLIC CIDER AND NOT AS A WINE, A WINE PRODUCT OR AS A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE
OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

* * *

"DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA MANUFACTURERS AND FROM IMPORTING DISTRIBUTORS AND THE RESALE OF MALT OR BREWED BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS IN THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY.]

* * *

"ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE, A CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE AND WHICH, AS OF DECEMBER 31, 2002, HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS, A LIBRARY, A NATIONALLY ACCREDITED PENNSYLVANIA NONPROFIT ZOOLOGICAL INSTITUTION LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM OPERATED BY A NONPROFIT CORPORATION, A NONPROFIT CORPORATION ENGAGED IN THE PERFORMING ARTS, AN ARTS COUNCIL, A NONPROFIT CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM, A
NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
HERITAGE OF A MUNICIPALITY AND WHICH HAS BEEN RECOGNIZED AS SUCH
BY A RESOLUTION OF THE MUNICIPALITY, A NONPROFIT ORGANIZATION AS
DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) CONDUCTING A
REGATTA IN A CITY OF THE SECOND CLASS WITH THE PERMIT TO BE USED
ON STATE PARK GROUNDS OR CONDUCTING A FAMILY-ORIENTED
CELEBRATION AS PART OF WELCOME AMERICA IN A CITY OF THE FIRST
CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE THAN FIFTY
YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)
WHOSE PURPOSE IS TO RAISE FUNDS FOR THE RESEARCH AND TREATMENT
OF CYSTIC FIBROSIS, A NONPROFIT ORGANIZATION AS DEFINED UNDER
SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (26
U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO EDUCATE THE PUBLIC ON
ISSUES DEALING WITH WATERSHED CONSERVATION, A NONPROFIT
ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
WHOSE PURPOSE IS TO PROVIDE EQUINE ASSISTED ACTIVITIES FOR
CHILDREN AND ADULTS WITH SPECIAL NEEDS, A NONPROFIT ECONOMIC
DEVELOPMENT AGENCY IN A CITY OF THE SECOND CLASS WITH THE
PRIMARY FUNCTION TO SERVE AS AN ECONOMIC GENERATOR FOR THE
GREATER SOUTHWESTERN PENNSYLVANIA REGION BY ATTRACTING AND
SUPPORTING FILM, TELEVISION AND RELATED MEDIA INDUSTRY PROJECTS
AND COORDINATING GOVERNMENT AND BUSINESS OFFICES IN SUPPORT OF A
PRODUCTION, A COUNTY TOURIST PROMOTION AGENCY AS DEFINED IN
SECTION 2 OF THE ACT OF JULY 4, 2008 (P.L.621, NO.50), KNOWN AS
THE "TOURISM PROMOTION ACT," A JUNIOR LEAGUE THAT IS A NONPROFIT
ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) THAT IS COMPRISED
OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY EDUCATIONAL AND CHARITABLE
IN PROMOTING THE VOLUNTEERISM OF WOMEN AND DEVELOPING AND
PARTICIPATING IN COMMUNITY PROJECTS AND THAT HAS BEEN IN
EXISTENCE FOR OVER SEVENTY YEARS, A NONPROFIT ORGANIZATION AS
DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
1986 AND WHOSE PURPOSE IS THE EDUCATION AND PROMOTION OF
AMERICAN HISTORY, A NONPROFIT ORGANIZATION AS DEFINED UNDER
SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
PURPOSE IS TO SUPPORT BUSINESS AND INDUSTRY, A BREWERY WHICH HAS
BEEN ISSUED A LICENSE TO MANUFACTURE MALT OR BREWED BEVERAGES
AND HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS OR A CLUB
RECOGNIZED BY ROTARY INTERNATIONAL AND WHOSE PURPOSE IS TO
PROVIDE SERVICE TO OTHERS, TO PROMOTE HIGH ETHICAL STANDARDS AND
TO ADVANCE WORLD UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS
FELLOWSHIP OF BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A
NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
501(C)(3)) WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE
SUPPORTING LOCAL AND REGIONAL CHARITIES, A MUSEUM OPERATED BY A
NOT-FOR-PROFIT CORPORATION IN A CITY OF THE SECOND CLASS A, A
NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE
SECOND CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
501(C)(3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A
NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO
TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO
SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED
UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHO
OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM
RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC
PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER
OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC
TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK OR A NONPROFIT ORGANIZATION AS DEFINED UNDER
SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH AND TO
PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA AND THEIR
FAMILIES THROUGH A NATIONAL RESOURCE NETWORK, A NONPROFIT
ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO STIMULATE
COMMUNITY DEVELOPMENT BY FACILITATING RESIDENTIAL AND RETAIL
GROWTH IN A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF THE
SECOND CLASS OR A NONPROFIT COMMUNITY DEVELOPMENT CORPORATION
ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
OF 1986 THAT SERVES AN ADJOINING BOROUGH AND TOWNSHIP IN A
COUNTY OF THE SECOND CLASS AND WHOSE MAIN PURPOSE IS TO
FACILITATE COMMERCIAL DEVELOPMENT AND FOSTER NEIGHBORHOOD
STABILIZATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS
TO PROVIDE YOUNG PEOPLE WITH A PROGRAM TO BUILD CHARACTER, TO
TEACH THE RESPONSIBILITIES OF CITIZENSHIP AND TO DEVELOP
PERSONAL FITNESS WITH A GOAL OF CREATING FUTURE LEADERS, A
NONPROFIT AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL
REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO ASSIST CHILDREN
AND THEIR FAMILIES WHO ARE FACING FINANCIAL HARDSHIP DUE TO THE
DEATH OF A PARENT, A NONPROFIT AS DEFINED UNDER SECTION 501(C)
(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO
ALLOCATE FUNDS FOR RESEARCH TO EXPEDITE A CURE ACHROMATOPSIA, A
NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE
FIRST CLASS, WAS ORGANIZED IN 1995 AS A COMMUNITY DEVELOPMENT
CORPORATION TO PROMOTE HEALTH, SAFETY AND WELFARE OF THE
RESIDENTS, BUSINESSES AND INSTITUTIONS OF A NEIGHBORHOOD OF A
CITY OF THE FIRST CLASS, AND WHOSE WORKS INCLUDE PUBLIC
PROMOTIONS, NEIGHBORHOOD IMPROVEMENT PROJECTS AND COMMERCIAL
CORRIDOR IMPROVEMENTS, INCLUDING A BUSINESS IMPROVEMENT
DISTRICT, OR A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
RESPONSIBLE FOR PROVIDING SERVICES TO MEMBERS OF THE ARMED
FORCES OF THE UNITED STATES AND RELIEF TO DISASTER VICTIMS IN
THE UNITED STATES AND ABROAD, OR ANY NEIGHBORHOOD IMPROVEMENT
DISTRICT MANAGEMENT ASSOCIATION AS DEFINED IN SECTION 3 OF THE
ACT OF DECEMBER 20, 2000 (P.L.949, NO.130), KNOWN AS THE
"NEIGHBORHOOD IMPROVEMENT DISTRICT ACT," THAT HAS BEEN
ESTABLISHED AS A 501(C)(3) NONPROFIT ORGANIZATION UNDER SECTION
501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, A NONPROFIT
ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
REVENUE CODE OF 1986 LOCATED IN A CITY OF THE FIRST CLASS WHOSE
PURPOSE IS TO SUPPORT INITIATIVES TO ENRICH THE LIVES OF
CHILDREN, TEENS AND FAMILIES ESPECIALLY THOSE IN NEED, TO REACH
THEIR FULL POTENTIAL AS PRODUCTIVE AND RESPONSIBLE CITIZENS AND
HAS BEEN IN EXISTENCE FOR AT LEAST SEVENTY-FIVE YEARS[.], OR A
NONPROFIT ORGANIZATION AS Defined UNDER SECTION 501(C)(3) OF THE
INTERNAL REVENUE CODE OF 1986 LOCATED IN A CITY OF THE SECOND
CLASS AND INCORPORATED AS A NONPROFIT IN 1982 THAT OFFERS ADULT
EDUCATION AND FAMILY LITERACY, OR A NONPROFIT ORGANIZATION AS
DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
1986 LOCATED IN A CITY OF THE THIRD CLASS AND COUNTY OF THE
SIXTH CLASS, WHOSE PURPOSE IS PRIMARY AND SECONDARY EDUCATION
AND EDUCATIONAL MINISTRY OF THE DIOCESE OF ERIE, OR A NONPROFIT
ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
REVENUE CODE LOCATED IN A COUNTY OF THE FOURTH CLASS THAT HAD A
POPULATION BETWEEN 142,000 AND 144,000 BASED ON THE 2010
DECENNIAL CENSUS OF THE BUREAU OF THE CENSUS AND PROVIDES
REWARDS FOR INFORMATION THAT LEADS TO THE ARREST OF INDIVIDUALS
THAT MAY HAVE COMMITTED A CRIME.

* * *

"GROWLER" SHALL MEAN A REFILLABLE CONTAINER FOR MALT OR
BREWED BEVERAGES THAT CAN BE RESEALED.

* * *

"IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE
BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER
PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS
LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND
IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR
BREWED BEVERAGES [IN THE ORIGINAL SEALED CONTAINERS AS PREPARED
FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,
BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN
QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL CONTAINERS
CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
SOLD SEPARATELY].
"MALT OR BREWED BEVERAGES" SHALL MEAN ANY BEER, LAGER BEER, ALE, PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING ONE-HALF OF ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY WHATEVER NAME SUCH BEVERAGE MAY BE CALLED, AND SHALL MEAN ALCOHOLIC CIDER AND MEAD.

"MEAD" SHALL MEAN AN ALCOHOLIC BEVERAGE PRODUCED BY FERMENTING A SOLUTION OF AT LEAST FIFTY-ONE PER CENTUM HONEY, WATER AND OTHER AGRICULTURAL PRODUCTS AND CONTAINING NOT MORE THAN EIGHT AND ONE-HALF PER CENTUM ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE AS MEAD AND NOT AS A WINE, A WINE PRODUCT OR AS A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

"MUG CLUB" SHALL MEAN A GROUP ORGANIZED BY A RETAIL LICENSEE OR A BREWERY WHOSE MEMBERS ARE ENTITLED TO DISCOUNTED MALT OR BREWED BEVERAGES. MEMBERSHIP SHALL BE BY WRITTEN APPLICATION AND THE LICENSEE MUST MAINTAIN A WRITTEN LIST OF ACTIVE MEMBERS AS PART OF ITS RECORDS. [MEMBERS SHALL PAY] LICENSEES MAY CHARGE AN ANNUAL FEE AS WELL AS A RENEWAL FEE [AS SET BY THE LICENSEE]. MEMBERSHIP SHALL, AT A MINIMUM, ENTITLE THE MEMBER TO A MUG, GLASS OR SIMILAR CONTAINER AND SAID CONTAINER MUST BE USED WHEN THE MEMBER IS SERVED ANY DISCOUNTED MALT OR BREWED BEVERAGES]. NO DISCOUNTED MALT OR BREWED BEVERAGES MAY BE PROVIDED BETWEEN MIDNIGHT AND SEVEN O' CLOCK ANTEMERIDIAN.

"ZOO" SHALL MEAN AN ACCREDITED MEMBER OF THE ASSOCIATION OF ZOOS AND AQUARIUMS OR THE ZOOLOGICAL ASSOCIATION OF AMERICA AND
FOR PURPOSES OF SECTION 412 SHALL HAVE NO SQUARE FOOTAGE OR
PERMANENT SEATING REQUIREMENTS.

SECTION 2. SECTIONS 207(M) AND (N) AND 305(A) AND (J) OF THE
ACT, AMENDED OR ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED
TO READ:

SECTION 207. GENERAL POWERS OF BOARD.--UNDER THIS ACT, THE
BOARD SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

* * *

(M) THE FOLLOWING SHALL APPLY:

(1) NOTWITHSTANDING SUBSECTION (B), THE BOARD MAY
ESTABLISH AND IMPLEMENT A CUSTOMER RELATIONS MANAGEMENT
PROGRAM FOR THE PURPOSE OF OFFERING INCENTIVES, SUCH AS
COUPONS OR DISCOUNTS ON CERTAIN PRODUCTS, TO UNLICENSED
CUSTOMERS OF THE BOARD.

(2) THE NAMES AND ADDRESSES OF INDIVIDUAL CONSUMERS WHO
PARTICIPATE IN A CUSTOMER RELATIONS MANAGEMENT PROGRAM OR
PURCHASE PRODUCTS FROM THE BOARD, AS WELL AS ANY RECORDS OR
INFORMATION THAT WOULD DISCLOSE THE PERSONAL PURCHASE CHOICES
OF INDIVIDUAL CONSUMERS, SHALL NOT BE SOLD OR OTHERWISE MADE
AVAILABLE TO THE PUBLIC UNDER ANY CIRCUMSTANCES, INCLUDING IN
RESPONSE TO A REQUEST MADE IN ACCORDANCE WITH THE ACT OF
FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW
LAW."

(N) NOTWITHSTANDING THE ACT OF DECEMBER 20, 2015 (P.L.497,
NO.90), KNOWN AS THE [TAXPAYER-FUNDED] "TAXPAYER-FUNDED"
ADVERTISING TRANSPARENCY [ACT] ACT, ANY EXPENDITURE FOR MEDIA
ADVERTISING MADE BY THE BOARD SHALL NOT BE SUBJECT TO ANY
REQUIREMENT THAT THE MEDIA ADVERTISING INCLUDE ANY STATEMENT
IDENTIFYING THE FUND FROM WHICH THE EXPENDITURE WAS MADE, NOR
ANY STATEMENT THAT THE MEDIA ADVERTISING WAS PAID FOR WITH
PENNSYLVANIA TAXPAYER DOLLARS.

SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--(A) THE BOARD SHALL IN ITS DISCRETION DETERMINE WHERE AND WHAT CLASSES, VARIETIES AND BRANDS OF LIQUOR AND ALCOHOL IT SHALL MAKE AVAILABLE TO THE PUBLIC AND WHERE SUCH LIQUOR AND ALCOHOL WILL BE SOLD. EVERY PENNSYLVANIA LIQUOR STORE SHALL BE AUTHORIZED TO SELL COMBINATION PACKAGES. IF A PERSON DESIRES TO PURCHASE A CLASS, VARIETY OR BRAND OF LIQUOR OR ALCOHOL NOT CURRENTLY AVAILABLE FROM THE BOARD, HE OR SHE MAY PLACE A SPECIAL ORDER FOR SUCH ITEM [SO LONG AS THE ORDER IS FOR TWO OR MORE BOTTLES]. A SUPPLIER OF A SPECIAL ORDER MAY NOT REFUSE AN ORDER FROM A CUSTOMER PLACING AN ORDER FOR ONE BOTTLE OF THE ITEM AND MAY ASSESS A SURCHARGE ON THE ORDER IF THE SUPPLIER OTHERWISE REQUIRES A MINIMUM QUANTITY PURCHASE. THE BOARD MAY REQUIRE A REASONABLE DEPOSIT FROM THE PURCHASER AS A CONDITION FOR ACCEPTING THE ORDER. THE CUSTOMER SHALL BE NOTIFIED IMMEDIATELY UPON THE ARRIVAL OF THE GOODS.

IN COMPUTING THE RETAIL PRICE OF SUCH SPECIAL ORDERS FOR LIQUOR OR ALCOHOL, THE BOARD SHALL NOT INCLUDE THE COST OF FREIGHT OR SHIPPING BEFORE APPLYING A MARK-UP THAT IS EQUAL TO TEN PER CENTUM OF THE COST OF THE PRODUCT AND TAXES BUT SHALL ADD THE FREIGHT OR SHIPPING CHARGES TO THE PRICE AFTER THE MARK-UP AND TAXES HAVE BEEN APPLIED. IN ADDITION TO THE TEN PER CENTUM MARK-UP, THE BOARD SHALL IMPOSE HANDLING FEES ON SPECIAL ORDERS WHICH COME TO REST AT A STORE, IN THE SAME MANNER THAT IT IMPOSES THEM ON THE OTHER ALCOHOL THAT IT SELLS.

A LICENSED IMPORTER OR A LICENSED VENDOR MAY PLACE SPECIAL ORDERS ON BEHALF OF CUSTOMERS AND MAY DELIVER THE ORDERS TO CUSTOMERS. THE ORDERS DO NOT NEED TO COME TO REST AT A STORE, BUT DELIVERY MAY NOT OCCUR UNTIL PAYMENT FOR THE ORDER HAS BEEN MADE.
FORWARDED TO THE BOARD AND THE BOARD HAS AUTHORIZED THE DELIVERY
OF THE ORDER. A HANDLING FEE MAY NOT BE ASSESSED BY THE BOARD ON
AN ORDER DELIVERED DIRECTLY TO A CUSTOMER. LIABILITY FOR SPECIAL
ORDERS THAT DO NOT COME TO REST AT A STORE, SHALL, UNTIL THE
ORDER IS DELIVERED TO THE CUSTOMER, REMAIN WITH THE LICENSED
IMPORTER OR LICENSED VENDOR THAT PLACED THE ORDER ON BEHALF OF
THE CUSTOMER. THE BOARD SHALL, BY JANUARY 1, 2017, IMPLEMENT A
PROCEDURE FOR PROCESSING SPECIAL ORDERS WHICH DO NOT COME TO
REST AT A STORE. THE BOARD MAY CONTINUE TO ACCEPT SPECIAL ORDERS
AT ITS STORES EVEN AFTER THE PROCEDURE IS IMPLEMENTED.
UNLESS THE CUSTOMER PAYS FOR AND ACCEPTS DELIVERY OF ANY SUCH
SPECIAL ORDER WITHIN TEN DAYS AFTER NOTICE OF ARRIVAL, THE STORE
MAY PLACE IT IN STOCK FOR GENERAL SALE AND THE CUSTOMER'S
DEPOSIT SHALL BE FORFEITED.
* * *
(J) A PENNSYLVANIA LIQUOR STORE MAY CONTINUE TO SELL
ALCOHOLIC CIDER AND MEAD WITHIN THE PENNSYLVANIA LIQUOR STORE'S
INVENTORY AFTER THE EFFECTIVE DATE OF THIS SECTION UNTIL THE
ALCOHOLIC CIDER AND MEAD WITHIN THE PENNSYLVANIA LIQUOR STORE'S
CURRENT INVENTORY IS DEPLETED. THE BOARD MAY NOT PURCHASE
ADDITIONAL ALCOHOLIC CIDER AND MEAD AFTER THE EFFECTIVE DATE OF
THIS SECTION.
* * *
SECTION 3. (RESERVED).
SECTION 4. (RESERVED).
SECTION 5. SECTION 406(A)(3) OF THE ACT, AMENDED JUNE 8,
2016 (P.L.273, NO.39), IS AMENDED TO READ:
SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)
* * *
(3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF...

* * *

SECTION 6. SECTION 408.12 OF THE ACT, AMENDED OR ADDED JULY 1, 1994 (P.L.402, NO.61) AND JUNE 8, 2016 (P.L.273, NO.39), IS AMENDED TO READ:

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

(1) ANY NONPROFIT HOSPITAL;
(2) ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK;
(3) ANY ORCHESTRA LOCATED IN A COUNTY OF THE FIRST, SECOND OR THIRD CLASS WHICH IS OPERATED BY A NONPROFIT CORPORATION;
(4) ANY MUSEUM LOCATED IN A COUNTY OF THE FIRST, SECOND,
THIRD OR FOURTH CLASS WHICH IS OPERATED BY A NONPROFIT CORPORATION;

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

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

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

(8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHOSE PURPOSE IS TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS;

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

(10) INSTITUTION OF HIGHER EDUCATION;

(11) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED HEALTH ORGANIZATION COMMITTED TO FUNDING TYPE 1 DIABETES RESEARCH; OR

(12) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN IN EXISTENCE FOR AT LEAST 20 YEARS;

AND UPON PAYMENT OF A FEE OF THIRTY DOLLARS ($30) PER DAY, THE BOARD SHALL ISSUE A WINE AND SPIRITS AUCTION PERMIT GOOD FOR A PERIOD OF NOT MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS PER CALENDAR YEAR.
(B) Subject to clause (1) of section 493 of this Act, such wine and spirits auction permit shall authorize the permittee to sell, by auction, wine and spirits by the bottle or case to any person on any day for which the permit is issued, provided, however, that such permit shall only be issued in any city, borough, incorporated town or township in which the sale of liquor and/or malt or brewed beverages has been approved by the electorates. Any wine and spirits purchased under this section shall not be consumed at the place of purchase.

(C) The wine and spirits auction permit shall only be valid for the number of days stated in the permit.

(D) Wine and spirits auction permits shall only be issued for use at an event which is used by the permittee as a means of raising funds for its operation.

(E) The hours during which the holder of a wine and spirits auction permit may sell wine and spirits shall be limited to the hours set forth in section 406 of this Act which are applicable to hotel and restaurant licensees, provided, however, that wine and spirits auction permittees may sell wine and spirits on Sunday between the hours of seven o'clock antemeridian and until two o'clock antemeridian Monday.

(F) Wine and spirits auction permits may be issued for sales on premises which are either licensed or unlicensed under this act.

(G) Any wine and spirits sold under this section shall be purchased from a Pennsylvania liquor store, a Pennsylvania limited winery, limited distillery or any seller authorized to sell wine or spirits by the bottle or case in this Commonwealth or shall be donated by a person who is neither a licensee nor a permittee who has legally acquired the wine or spirits and
(H) If any wine or spirits sold under this section is purchased from a seller other than a Pennsylvania liquor store or a Pennsylvania limited winery or limited distillery, the permittee shall provide thirty days' notice to the board of its intent to purchase such wine or spirits. The notice shall include a description of the wine or spirits to be purchased, the quantity to be purchased, the name of the seller and any other information which the board may require. The permittee shall comply with all board regulations regarding taxes and fees.

(I) The permittee shall be responsible for paying to the board an amount equal to all taxes which would have been paid on such wine or spirits if it had been purchased from a Pennsylvania liquor store, together with a processing fee to be determined by the board.

(J) As a condition of the permit, the permittee shall not broadcast by way of radio or television or disseminate by print media nor cause the broadcast by way of radio, television or dissemination by the print media of the price of any wine or spirits sold or to be sold under this section.

(K) Any person selling wine or spirits in violation of this section shall, upon summary conviction, be sentenced to pay a fine of two hundred fifty dollars ($250) for the first offense and a fine of five hundred dollars ($500) for each subsequent offense. This fine shall be in addition to any other penalty imposed by law for the illegal sale of liquor or malt or brewed beverages.

(L) "Auction," as used in this section, shall mean the offer to sell wine and spirits by the permittee to the members of an...
AUDIENCE CONGREGATED FOR THE PURPOSE OF MAKING BIDS FOR THE
PURCHASE OF THE WINE AND SPIRITS IN AN EFFORT BY THE PERMITTEE
TO ADVANCE THE AMOUNT OF THE BIDS TO OBTAIN THE HIGHEST OR MOST
FAVORABLE OFFER.

SECTION 7.  SECTION 411(E) OF THE ACT, AMENDED JUNE 8, 2016
(P.L.273, NO.39), IS AMENDED TO READ:

SECTION 411.  INTERLOCKING BUSINESS PROHIBITED.--* * *

(E)  EXCEPT AS HEREIN PROVIDED, NO HOTEL, RESTAURANT, RETAIL
DISPENSER OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR OR
STOCKHOLDER, AGENT OR EMPLOYEE OF ANY SUCH LICENSEE SHALL IN ANY
WISE BE INTERESTED, DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR
LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR
ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A DISTRIBUTOR,
IMPORTING DISTRIBUTOR, OR BY AN IMPORTER OR SACRAMENTAL WINE
LICENSEE, IN THE CONDUCT OF HIS BUSINESS; NOR SHALL ANY HOTEL,
RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE, OR ANY OFFICER,
DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYEE OF ANY SUCH LICENSEE,
either directly or indirectly, lend any moneys, credit, or give
anything of value or the equivalent thereof, to any distributor,
IMPORTING DISTRIBUTOR, IMPORTER OR SACRAMENTAL WINE LICENSEE,
for equipping, fitting out, or maintaining and conducting,
either in whole or in part, an establishment used in the conduct
of his business.

THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION OF THE
FINANCIAL AND BUSINESS INTERESTS BETWEEN MANUFACTURERS AND
HOLDERS OF HOTEL OR RESTAURANT LIQUOR LICENSES AND, AS HEREIN
PROVIDED, OF CLUB LICENSES, ISSUED UNDER THIS ARTICLE, AND NO
PERSON SHALL, BY ANY DEVICE WHATSOEVER, DIRECTLY OR INDIRECTLY,
evade the provisions of the section. BUT IN VIEW OF EXISTING
ECONOMIC CONDITIONS, NOTHING CONTAINED IN THIS SECTION SHALL BE
CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE [FROM OWNING LAND WHICH IS LEASED TO, AND THE BUILDINGS THEREON OWNED BY, A HOLDER OF A RETAIL DISPENSER'S LICENSE; AND NOTHING IN THIS CLAUSE SHALL PREVENT THE ISSUANCE OF A RETAIL DISPENSER'S LICENSE TO A LESSEE OF SUCH LANDS WHO OWNS THE BUILDINGS THEREON], OR ANY OFFICER, DIRECTOR OR STOCKHOLDER OF ANY SUCH LICENSEE, FROM OWNING LAND OR BUILDINGS WHICH ARE LEASED TO A HOLDER OF A RETAIL DISPENSER'S LICENSE, A DISTILLERY LICENSE OR A LIMITED DISTILLERY LICENSE: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY HOTEL, RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE OR ANY OFFICER, DIRECTOR OR STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE FROM HAVING A FINANCIAL OR OTHER INTEREST, DIRECTLY OR INDIRECTLY IN THE OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR ANY MORTGAGE LIEN AGAINST SAME, USED, LEASED BY AN IMPORTER OR SACRAMENTAL WINE LICENSEE FOR THE EXCLUSIVE PURPOSE OF MAINTAINING COMMERCIAL OFFICES AND ON THE CONDITION THAT SAID PROPERTY IS NOT USED FOR THE STORAGE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES IN ANY QUANTITY: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT AN OFFICER OR MEMBER OF A LICENSED PRIVATELY OWNED PRIVATE GOLF COURSE CATERING CLUB FROM HAVING AN INTEREST IN A LIMITED WINERY LICENSE: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A
MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY CREATED UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD FOR ONE OR MORE RETAIL LICENSES: AND, PROVIDED FURTHER, THAT, NOTHING IN THIS SECTION MAY PROHIBIT AN EMPLOYEE OF A HOTEL OR RESTAURANT LICENSEE FROM HAVING AN INTEREST IN ANY PROPERTY USED BY A LIMITED WINERY LICENSEE OR IN GUARANTEEING ANY LOANS, OR LENDING ANY MONEYS, PROVIDING CREDIT OR GIVING ANYTHING OF VALUE TO A LIMITED WINERY LICENSEE OR ITS OFFICERS, DIRECTORS AND SHAREHOLDERS, PROVIDED THAT THE PERSON ALSO IS NOT AN OFFICER OF OR DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE LICENSEE: AND, PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A MANUFACTURER'S LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL, RESTAURANT OR RETAIL DISPENSER LICENSE FOR USE AT THE SAME LOCATION AND MORE THAN ONE LOCATION MAY BE SO LICENSED. AND, PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN ENTITY LICENSED AS A LIMITED WINERY MAY HOLD AND OPERATE [UNDER] A RESTAURANT LIQUOR LICENSE AT ONE OF ITS ADDITIONAL, BOARD-APPROVED LOCATIONS INSTEAD OF AT ITS PRIMARY LOCATION WHERE MANUFACTURING OCCURS. THE LICENSES AND A PERSON'S INTEREST IN THE LICENSES OR IN THE ENTITY HOLDING THE LICENSES SHALL NOT BE SUBJECT TO THIS SECTION. PROVIDED FURTHER, THAT, A PERSON WHO IS A HOLDER OF [FIVE PER CENTUM (5%)] TEN PER CENTUM (10%) OR LESS OF SECURITIES OR OTHER INTERESTS IN A PUBLICLY OR PRIVATELY HELD DOMESTIC OR FOREIGN CORPORATION, PARTNERSHIP,
LIMITED LIABILITY COMPANY OR OTHER FORM OF LEGAL ENTITY OWNING A [RESTAURANT LIQUOR LICENSE OR RETAIL DISPENSER'S] RETAIL LICENSE SHALL NOT BE DEEMED TO POSSESS A FINANCIAL INTEREST AND IS NOT SUBJECT TO THE PROVISIONS OF THIS SECTION, PROVIDED THAT THE PERSON IS NOT AN OFFICER OF, EMPLOYEE OF OR DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE [RESTAURANT LIQUOR OR RETAIL DISPENSER] RETAIL LICENSEE IN WHICH THE PERSON HOLDS THE [FIVE PER CENTUM (5%)] TEN PER CENTUM (10%) OR LESS INTEREST.

* * *

SECTION 8. SECTION 412(F) OF THE ACT, AMENDED FEBRUARY 21, 2002 (P.L.103, NO.10), DECEMBER 9, 2002 (P.L.1653, NO.212) AND DECEMBER 22, 2011 (P.L.530, NO.113), IS AMENDED TO READ:

SECTION 412. PUBLIC VENUE LICENSE.--* * *

(F) LICENSES ISSUED UNDER THIS SECTION ARE TO BE CONSIDERED RESTAURANT LIQUOR LICENSES. HOWEVER, THE FOLLOWING ADDITIONAL RESTRICTIONS AND PRIVILEGES APPLY:

(1) SALES MAY ONLY BE MADE ONE HOUR BEFORE, DURING AND ONE HOUR AFTER ANY ATHLETIC PERFORMANCE, PERFORMING ARTS EVENT, TRADE SHOW, CONVENTION, BANQUET OR ANY OTHER PERFORMANCE AT THE FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR PRIOR TO ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAYS OR SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS. NOTWITHSTANDING THIS SECTION, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTIONS 408.9 AND 408.14 MAY SELL LIQUOR AND/OR MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAYS OR SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS, REGARDLESS OF WHETHER
THERE IS A PERFORMANCE AT THE FACILITY.

(2) [SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER ALL PROFESSIONAL AND AMATEUR ATHLETIC EVENTS ON THE PREMISES SHALL BE LIMITED TO SALES OF MALT OR BREWED BEVERAGES IN SHATTERPROOF CONTAINERS.] SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER PROFESSIONAL AND AMATEUR ATHLETIC EVENTS, PERFORMING ARTS EVENTS OR OTHER ENTERTAINMENT EVENTS MAY CONSIST OF LIQUOR OR MALT OR BREWED BEVERAGES IN SHATTERPROOF CONTAINERS. SALES DURING TRADE SHOWS, CONVENTIONS, BANQUETS OR AT OTHER EVENTS, OR SALES MADE IN THE CLUB SEATS OR AT A RESTAURANT FACILITY, MAY CONSIST OF LIQUOR OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER; HOWEVER, ANY LIQUOR OR MALT OR BREWED BEVERAGES SOLD IN THE CLUB SEATS OR RESTAURANT FACILITY MUST REMAIN IN THE CLUB SEATING LEVEL OR RESTAURANT FACILITY. FOR PURPOSES OF THIS SECTION, A CLUB SEAT IS ANY SEATING LOCATED ON THE DESIGNATED CLUB SEATING LEVEL AND PARTITIONED FROM GENERAL SEATING BY A WALL, DIVIDER, PARTIAL WALL OR RAILING. THE CLUB SEATING LEVEL MUST NOT BE ACCESSIBLE BY THE GENERAL PUBLIC. SALES AT ZOOS DURING PRIVATE BANQUETS AND OTHER EVENTS MAY BE AT ANY SITE WITHIN ZOO PROPERTY AND MAY CONSIST OF ANY TYPE OF ALCOHOL IN ANY TYPE OF CONTAINER. THE BOARD'S RECORDS SHALL CLEARLY DELINEATE WHERE THE SALE OF LIQUOR OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER MAY OCCUR.

(3) SALES OF MALT OR BREWED BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

(4) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT TO: (I) THE PROXIMITY PROVISIONS OF SECTIONS 402 AND 404; (II) THE QUOTA RESTRICTIONS OF SECTION 461; (IV) THE PROVISIONS OF SECTION 493(10) EXCEPT AS THEY RELATE TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT; (V) THE PROHIBITION AGAINST MINORS
FREQUENTING AS DESCRIBED IN SECTION 493(14) AND (VI) THE COST AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION 493(20)(I). IN ADDITION, LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS DEFINING "RESTAURANT" IN SECTION 102.

SECTION 9. SECTION 415(A)(2) AND (9), (B) AND (E)(3) AND (4) OF THE ACT, ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED TO READ:

SECTION 415. WINE EXPANDED PERMITS.--(A) * * *

(2) NOTHING IN THIS SECTION MAY AFFECT THE ABILITY OF AN EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF ITS CURRENT LICENSE AS AUTHORIZED BY THIS ACT, EXCEPT THAT NO SALES OF WINE FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE BY A WINE EXPANDED PERMIT HOLDER AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER SECTION 406 OF THE NEXT DAY, INCLUDING SUNDAYS IF THE LICENSEE HAS A PERMIT AUTHORIZED UNDER [SECTIONS 406(A)(3) AND 432(F)] SECTION 406(A)(3).

* * *

(9) A SALE OF WINE BY A WINE EXPANDED PERMIT HOLDER SHALL BE MADE THROUGH A REGISTER, WHICH MALT OR BREWED BEVERAGES AND RESTAURANT FOODS SALES ARE MADE ON THE LICENSED PREMISES, WHICH IS WELL DESIGNATED WITH SIGNAGE, WHICH IS STAFFED AT ALL TIMES WHEN PATRONS ARE ON THE LICENSED PREMISES, WHICH IS STAFFED BY A SALES CLERK WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND HAS BEEN TRAINED UNDER SECTION 471.1 AND WHICH UTILIZES A TRANSACTION SCAN DEVICE FOR THE SALE. THE SALE OF WINE MAY NOT OCCUR AT A POINT OF SALE WHERE THE CUSTOMER SCANS THE CUSTOMER'S OWN PURCHASES.

(B) THE APPLICATION AND RENEWAL FEE FOR A WINE EXPANDED PERMIT SHALL BE AS FOLLOWS:

20150HB1196PN4090
(1) For a wine expanded permit issued to licensees, an initial application fee of two thousand dollars ($2,000).

(2) An annual renewal fee equal to two per centum of the total cost of wine purchased from the board for off-premises consumption.

* * *

(E) * * *

(3) A wine expanded permit holder may, when filing its required returns under Article II of the Tax Reform Code of 1971, request a [refund] credit of any taxes paid in accordance with paragraph (1) for wine sold for off-premises consumption and for which taxes were remitted to the department under paragraph (2). [The request for a refund shall include the original receipt from a Pennsylvania liquor store showing the amount of taxes paid under paragraph (1) for which the taxpayer is requesting a refund.]

(4) The department shall refund the amount of taxes paid to a Pennsylvania liquor store by a wine expanded permit holder under paragraph (1) for which the taxpayer remitted taxes imposed under paragraph (2).] The department may promulgate rules or regulations and prescribe forms as may be necessary to implement the provisions of this subsection.

* * *

SECTION 10. Section 431(B) and (D)(2) of the Act, amended June 8, 2016 (P.L.273, No.39), are reenacted and amended to read:

SECTION 431. Malt and brewed beverages manufacturers', distributors' and importing distributors' licenses.--* * *

(B) The board shall issue to any reputable person who applies therefor, and pays the license fee hereinafter
PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR
ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET
BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. IN ADDITION, A
DISTRIBUTOR LICENSE HOLDER MAY SELL MALT OR BREWED BEVERAGES IN
ANY AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-
PREMISES CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN
THE PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY
BE SOLD IN REFILLABLE GROWLERS. THE BOARD SHALL HAVE THE
DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
BOARD SHALL NOT LICENSE THE AREA WHERE LIQUID FUELS OR OIL IS
SOLD. NO SALES OF LIQUID FUELS OR OIL MAY BE MADE FROM A
LICENSEE'S LICENSED PREMISES. A LICENSED PREMISES MAY NOT HAVE
AN INTERIOR CONNECTION WITH A LOCATION THAT SELLS LIQUID FUELS
OR OIL UNLESS IT FIRST RECEIVES PERMISSION FROM THE BOARD FOR
THE INTERIOR CONNECTION. THE APPROVAL SHALL BE REQUIRED
REGARDLESS OF WHETHER THE LICENSEE OR ANOTHER PARTY IS THE
ENTITY SELLING THE LIQUID FUELS OR OIL. THE BOARD MAY ENTER INTO
AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN
APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS
SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE
LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD
ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS.
IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY
LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE
BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING
ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL REQUIRE NOTICE TO
BE POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.
EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
AUTHORIZED TO STORE AND REPACK MALT OR BREWED BEVERAGES OWNED
BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED
HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE
A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING
OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY
A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES
PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO
IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN
DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS
OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS
COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE
FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL
BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY
RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE
FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY, RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT, DURING NORMAL BUSINESS HOURS.

EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO ANY LICENSEE WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THEN THE MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT LICENSED PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE DELIVERY OF [SUCH] MALT OR BREWED BEVERAGES OR TRANSFER MALT OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE SHALL BE
SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS:
PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE MANUFACTURER.

WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO A LICENSEE WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR, IF THE LICENSEE PURCHASING THE MALT OR BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THE MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT LICENSED PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED
TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. IF A LICENSEE ACCEPTS THE DELIVERY OF MALT OR BREWED BEVERAGES OR TRANSFERS MALT OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, THE LICENSEE SHALL BE SUBJECT TO SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA, PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO AFFECTED.

(D) * * *

(2) AFTER JANUARY 1, 1980, NO MANUFACTURER SHALL ENTER INTO ANY AGREEMENT WITH MORE THAN ONE DISTRIBUTOR OR IMPORTING DISTRIBUTOR FOR THE PURPOSE OF ESTABLISHING MORE THAN ONE AGREEMENT FOR DESIGNATED BRAND OR BRANDS OF MALT OR BREWED BEVERAGES IN ANY ONE TERRITORY. EACH FRANCHISE TERRITORY WHICH IS GRANTED BY A MANUFACTURER SHALL BE GEOGRAPHICALLY CONTIGUOUS OR IN COUNTIES WHICH ARE CONTIGUOUS WITH ONE ANOTHER. ALL IMPORTING DISTRIBUTORS SHALL MAINTAIN SUFFICIENT RECORDS TO
EVIDENCE COMPLIANCE OF THIS SECTION. WITH REGARD TO ANY
TERRITORIAL DISTRIBUTION AUTHORITY GRANTED TO AN IMPORTING
DISTRIBUTOR BY A MANUFACTURER OF MALT OR BREWED BEVERAGES AFTER
JANUARY 1, 1996, THE RECORDS SHALL ESTABLISH THAT EACH AND EVERY
CASE OF A BRAND OF MALT OR BREWED BEVERAGES FOR WHICH THE
IMPORTING DISTRIBUTOR IS ASSIGNED WAS SOLD, RESOLD, STORED,
DELIVERED OR TRANSPORTED BY THE IMPORTING DISTRIBUTOR, EITHER
FROM A POINT OR TO A POINT WITH THE ASSIGNED GEOGRAPHICALLY
CONTIGUOUS TERRITORY OR IN COUNTIES WHICH ARE CONTIGUOUS WITH
ONE ANOTHER, TO ANY PERSON OR PERSONS, WHETHER SUCH PERSON OR
PERSONS ARE LICENSED BY THIS ACT OR NOT LICENSED BY THIS ACT.

* * *

SECTION 10.1. SECTION 445 OF THE ACT IS AMENDED BY ADDING A
SUBSECTION TO READ:

SECTION 445. BRAND REGISTRATION.--* * *

(C) ANY PERSON SELLING MALT OR BREWED BEVERAGES AT
WHOLESALE, AND ANY PERSON SELLING AT RETAIL MALT OR BREWED
BEVERAGES THAT WERE NOT SOLD AT WHOLESALE, SHALL REPORT TO THE
PENNSYLVANIA LIQUOR CONTROL BOARD THE VOLUME OF SUCH PACKAGED
AND DRAFT MALT OR BREWED BEVERAGES SOLD. THE REPORT, IN THE FORM
AND MANNER DETERMINED BY THE BOARD, SHALL BE MADE FOR EACH
CALENDAR MONTH NO LATER THAN SIXTY DAYS AFTER THE END OF EACH
CALENDAR MONTH AND SHALL SHOW PRODUCT VOLUMES, BROKEN DOWN BY
BREWER. ALL VOLUMES SHALL BE REPORTED IN THIRTY-ONE-GALLON
BARREL EQUIVALENTS, REGARDLESS OF PACKAGE SIZE. THE BOARD SHALL,
WITHIN FOURTEEN DAYS OF THE RECEIPT OF THE REPORT, PLACE THE
REPORTS ON THE INTERNET IN A MANNER ACCESSIBLE TO THE GENERAL
PUBLIC. THE BOARD SHALL MAINTAIN THE REPORTS ON THE INTERNET IN
A MANNER ACCESSIBLE TO THE GENERAL PUBLIC FOR A PERIOD OF AT
LEAST TWO YEARS AND SHALL ARCHIVE THE REPORTS FOR A PERIOD OF AT
LEAST TEN YEARS.

SECTION 11. SECTION 446(A) OF THE ACT, AMENDED JUNE 8, 2016 (P.L.273, NO.39), IS AMENDED TO READ:

SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE MAY:

(1) SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE BREWERY UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE, TO INDIVIDUALS FOR CONSUMPTION ON THE LICENSED PREMISES IN ANY CONTAINER OR PACKAGE OF ANY VOLUME AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEEES.

(2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY LICENSE MAY SELL WINES AND ALCOHOLIC CIDER PRODUCED BY THE HOLDER OF A LIMITED WINERY LICENSE OR, MALT OR BREWED BEVERAGES PRODUCED BY A MANUFACTURER LICENSED BY THE BOARD AND LIQUOR PRODUCED BY A LICENSED LIMITED DISTILLERY OR DISTILLERY LICENSED BY THE BOARD: PROVIDED, HOWEVER, THAT SAID WINES, MALT OR BREWED BEVERAGES PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MUST BE CONSUMED AT THE LICENSED [BREWERY PUB] PREMISES. IN ADDITION, THE COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM (50%) OF THE ON-PREMISES SALES OF THE BREWERY'S OWN MALT OR BREWED BEVERAGES FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A BREWERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES PRODUCED BY
ANOTHER MANUFACTURER AND LIQUOR MAY NOT, ON A YEARLY BASIS,
EXCEED FIFTY PER CENTUM (50%) OF THE ON-PREMISES SALES OF THE
BREWERY'S OWN MALT OR BREWED BEVERAGES FOR THAT YEAR.

(3) USE BREWERY STORAGE AND DISTRIBUTION FACILITIES FOR THE
PURPOSE OF RECEIVING, STORING AND DISTRIBUTING MALT OR BREWED
BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH IF THE
BEVERAGES ARE DISTRIBUTED IN THIS COMMONWEALTH ONLY THROUGH
SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL HAVE FIRST BEEN GIVEN
DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL
AREAS THROUGH THE DISTRIBUTION SYSTEM REQUIRED FOR OUT-OF-STATE
MANUFACTURERS UNDER SECTION 431(B) AS WELL AS ALL OTHER
PERTINENT SECTIONS OF THIS ACT. THE MANUFACTURER OF THE
BEVERAGES MUST COMPLY WITH SECTION 444.

(4) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
SELL FOR CONSUMPTION AT THE RESTAURANT OR BREWERY PUB ON THE
LICENSED BREWERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME
CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
LICENSE, BUT MUST BREW AT LEAST TWO HUNDRED FIFTY BARRELS PER
YEAR. EACH HOLDER OF A BREWERY LICENSE WHO RECEIVES A HOTEL
LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT OR BREWED
BEVERAGES RETAIL LICENSE TO OPERATE A BREW PUB SHALL NOT SELL
DIRECTLY TO ANY PERSON LICENSED BY THIS ACT, EXCEPT IF ANY MALT
OR BREWED BEVERAGE IS TO BE DISTRIBUTED IN THIS COMMONWEALTH IT
SHALL BE ONLY THROUGH SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL
HAVE FIRST BEEN GIVEN DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN
DESIGNATED GEOGRAPHICAL AREAS THROUGH THE DISTRIBUTION SYSTEM
REQUIRED FOR OUT-OF-STATE MANUFACTURERS UNDER SECTION 431(B) AS
WELL AS ALL OTHER PERTINENT SECTIONS OF THIS ACT.

* * *

SECTION 11.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 448. SHIPMENT OF MALT OR BREWED BEVERAGES.--(A) THE SHIPMENT OF MALT OR BREWED BEVERAGES TO RESIDENTS OF THIS COMMONWEALTH SHALL BE GOVERNED BY THIS SECTION.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW, A PERSON LICENSED BY THE BOARD OR ANOTHER STATE OR COUNTRY AS A MANUFACTURER OF MALT OR BREWED BEVERAGES AND WHO OBTAINS A MALT OR BREWED BEVERAGE SHIPPER LICENSE AS PROVIDED FOR IN THIS SECTION MAY SHIP UP TO 192 OUNCES IN A MONTH OF ANY MALT OR BREWED BEVERAGE ON THE ORDER OF ANY RESIDENT OF THIS COMMONWEALTH WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE FOR THE RESIDENT'S PERSONAL USE AND NOT FOR RESALE.

(C) PRIOR TO ISSUING A DIRECT MALT OR BREWED BEVERAGE SHIPPER LICENSE, THE BOARD SHALL REQUIRE AN APPLICANT TO:

(1) FILE AN APPLICATION WITH THE BOARD.

(2) PAY A REGISTRATION FEE OF TWO HUNDRED FIFTY DOLLARS ($250).

(3) PROVIDE TO THE BOARD A TRUE COPY OF THE APPLICANT'S CURRENT ALCOHOLIC BEVERAGE LICENSE ISSUED BY THE BOARD OR ANOTHER STATE OR COUNTRY.

(4) PROVIDE DOCUMENTATION WHICH EVIDENCES THAT THE APPLICANT HAS OBTAINED A SALES TAX LICENSE FROM THE DEPARTMENT OF REVENUE.

(5) PROVIDE THE BOARD WITH ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY AND APPROPRIATE.

(D) A DIRECT MALT OR BREWED SHIPPER SHALL DO ALL OF THE FOLLOWING:

(1) REPORT TO THE BOARD EACH YEAR THE TOTAL OF MALT OR
BREWED BEVERAGES SHIPPED TO RESIDENTS OF THIS COMMONWEALTH IN
THE PRECEDING CALENDAR YEAR.

(2) PERMIT THE BOARD, THE ENFORCEMENT BUREAU OR THE
SECRETARY OF REVENUE, OR THEIR DESIGNATED REPRESENTATIVES, TO
PERFORM AN AUDIT OF THE MALT OR BREWED BEVERAGE SHIPPER'S
RECORDS UPON REQUEST.

(3) BE DEEMED TO HAVE SUBMITTED TO THE JURISDICTION OF THE
BOARD, ANY OTHER STATE AGENCY AND THE COURTS OF THIS
COMMONWEALTH FOR PURPOSES OF ENFORCEMENT OF THIS SECTION AND ANY
RELATED LAWS, RULES OR REGULATIONS.

(4) REQUIRE PROOF OF AGE OF THE RECIPIENT, IN A MANNER OR
FORMAT APPROVED BY THE BOARD, BEFORE MALT OR BREWED BEVERAGES
ARE SHIPPED TO A RESIDENT OF THIS COMMONWEALTH.

(5) ENSURE THAT ALL BOXES OR EXTERIOR CONTAINERS OF MALT OR
BREWED BEVERAGES SHIPPED DIRECTLY TO A RESIDENT OF THIS
COMMONWEALTH ARE CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS
ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED
FOR DELIVERY."

(6) PAY TO THE DEPARTMENT OF REVENUE ALL TAXES DUE ON SALES
TO RESIDENTS OF THIS COMMONWEALTH. THE AMOUNT OF THE TAXES SHALL
BE CALCULATED AS IF THE SALES WERE IN THIS COMMONWEALTH AT THE
LOCATIONS WHERE DELIVERY WAS MADE. THE MALT OR BREWED BEVERAGES
DELIVERED UNDER THIS SUBSECTION SHALL BE SUBJECT TO ONLY THE
FOLLOWING:

(I) THE SALES AND USE TAX IMPOSED BY SECTION 202 AND ARTICLE
II-B OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE
"TAX REFORM CODE OF 1971."

(II) THE SALES AND USE TAX IMPOSED BY ARTICLE XXXI-B OF THE
ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND
CLASS COUNTY CODE."
(III) The sales and use tax imposed by the Act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(IV) The malt beverage tax imposed by Article XX of the "Tax Reform Code of 1971."

(7) Annually renew its license by paying a renewal fee of two hundred fifty dollars ($250).

(E) Any person who resells malt or brewed beverages obtained under this section commits a misdemeanor of the second degree. A person convicted of selling or offering to sell any malt or brewed beverage in violation of this section shall, in addition to any other penalty prescribed by law, be sentenced to pay a fine of four dollars ($4) per fluid ounce for each container of malt or brewed beverage found on the premises where the sale was made or attempted. The amount of fine per container shall be based on the capacity of the container when full, whether or not the container is full at the time of sale or attempted sale. Each malt or brewed beverage found on the premises shall be confiscated.

(G) The board may promulgate rules and regulations as are necessary to implement and enforce the provisions of this section.

(H) The board shall submit annual reports to the Appropriations Committee and the Law and Justice Committee of the Senate and to the Appropriations Committee and the Liquor Control Committee of the House of Representatives summarizing the number of direct shipper licenses issued by the board and the quantity of malt or brewed beverages sold under this section.

(I) Delivery shall be by a licensed transporter for hire or
BY THE MANUFACTURER. THE LICENSED TRANSPORTER FOR HIRE SHALL:

(1) KEEP RECORDS AS REQUIRED UNDER SECTION 512 PERTAINING TO
THE DIRECT SHIPMENT OF MALT OR BREWED BEVERAGES; AND
(2) PERMIT THE BOARD AND THE ENFORCEMENT BUREAU, OR THEIR
DESIGNATED REPRESENTATIVES, TO INSPECT THE RECORDS UNDER SECTION
513.

(J) MALT OR BREWED BEVERAGES SOLD UNDER THIS SECTION SHALL
NOT BE SUBJECT TO:
(1) THE PROVISIONS OF SECTION 431 THAT REQUIRE A
MANUFACTURER TO GRANT DISTRIBUTION RIGHTS TO AN IMPORTING
DISTRIBUTOR FOR EACH BRAND OF MALT OR BREWED BEVERAGES THAT IT
SELLS; OR
(2) THE BRAND REGISTRATION REQUIREMENTS OF SECTION 445.
(K) MALT OR BREWED BEVERAGES SOLD AND DELIVERED UNDER THIS
SECTION SHALL NOT BE SUBJECT TO ANY EXISTING OR FUTURE
DISTRIBUTING RIGHTS AGREEMENT BETWEEN THE MANUFACTURER AND AN
IMPORTING DISTRIBUTOR OR DISTRIBUTOR.
(L) NOTHING UNDER THIS SECTION SHALL PRECLUDE A LICENSED
MANUFACTURER FROM SELLING AND DELIVERING MALT OR BREWED
BEVERAGES TO BOTH NON-LICENSED AND LICENSED PERSONS IF THE
SALES AND DELIVERY ARE OTHERWISE AUTHORIZED BY THIS ACT AND ARE
MADE IN CONFORMITY WITH THE AUTHORIZING PROVISIONS OF THIS ACT.

SECTION 11.2. SECTION 472(A) OF THE ACT, AMENDED JUNE 8,
2016 (P.L.273, NO.39), 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 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 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. 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

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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 OF ................................? YES 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 OF ................................? YES 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 OF ................................? YES NO

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 OF ................................? YES NO
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

NO

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

NO

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
OF.........................................................? 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
OF.........................................................? 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
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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........................ OF..........................?

YES

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........................ OF..........................?

YES

NO

WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR LICENSES TO AN AIRPORT AUTHORITY 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 AN AIRPORT AUTHORITY FOR THE SALE OF LIQUOR IN THE........................ OF..........................?

YES

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.

* * *

SECTION 12. (RESERVED).
SECTION 13. SECTION 493(6) OF THE ACT IS REENACTED AND
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AMENDED TO READ:

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

IT SHALL BE UNLAWFUL—

* * *

(6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS AGENTS, SERVANTS OR EMPLOYEES, TO FURNISH OR SERVE ANY MALT OR BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER [AND IN LEGIBLE LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS].

* * *


SECTION 505.2. LIMITED WINERIES.—(A) IN THE INTEREST OF PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA, HOLDERS OF A LIMITED WINERY LICENSE MAY:

(1) PRODUCE ALCOHOLIC CIDERS, MEAD, WINES AND WINE COOLERS, SUBJECT TO THE EXCEPTIONS PROVIDED UNDER THIS SECTION, ONLY FROM AN AGRICULTURAL COMMODITY GROWN IN PENNSYLVANIA.

(2) SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY OR PURCHASED IN BULK IN BOND FROM ANOTHER PENNSYLVANIA LIMITED WINERY ON THE LICENSED PREMISES, UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE,
TO THE BOARD, TO INDIVIDUALS AND TO BREWERY, IMPORTING DISTRIBUTOR, DISTRIBUTOR, HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES, AND TO PENNSYLVANIA WINERY LICENSEES:

PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY CALENDAR YEAR, PURCHASE ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY OTHER LIMITED WINERIES IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY THE PURCHASING LIMITED WINERY IN THE PRECEDING CALENDAR YEAR. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY PURCHASE WINE IN BOTTLES FROM ANOTHER PENNSYLVANIA LIMITED WINERY IF THESE WINES UNDERGO A SECOND FERMENTATION PROCESS. SUCH WINE MAY BE SOLD IN BOTTLES BEARING THE PURCHASING LIMITED WINERY'S LABEL OR THE PRODUCING LIMITED WINERY'S LABEL. SUCH WINES, IF SOLD BY THE BOARD, MAY BE SOLD BY THE PRODUCING LIMITED WINERY TO THE PURCHASING LIMITED WINERY AT A PRICE LOWER THAN THE PRICE CHARGED BY THE BOARD.

(2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW TO THE CONTRARY, ONLY SHIP WINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 488.

(3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED WINERIES, SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY ON NO MORE THAN FIVE (5) BOARD-APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL BOARD-APPROVED LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE, TO THE BOARD, TO INDIVIDUALS AND TO BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY TO OPERATE AN ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION WITH EACH OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND NEED NOT
DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S LICENSED AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR SUCH AN ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION SHALL COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED WINERY. EACH LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR A VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO ITS OWN RECORDS ONLY.

(4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL PERMIT TO PARTICIPATE IN ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS OFF THE LICENSED PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON PROPER APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS ($30) PER DAY FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED THIRTY (30) CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL PERMITS MAY NOT EXCEED ONE HUNDRED (100) DAYS IN ANY CALENDAR YEAR. A SPECIAL PERMIT SHALL ENTITLE THE HOLDER TO ENGAGE IN THE SALE BY THE GLASS, BY THE BOTTLE OR IN CASE LOTS OF ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY THE PERMITTEE UNDER THE AUTHORITY OF A LIMITED WINERY LICENSE. HOLDERS OF SPECIAL PERMITS MAY PROVIDE TASTING SAMPLES OF WINES IN INDIVIDUAL PORTIONS NOT TO EXCEED ONE FLUID OUNCE. SAMPLES AT ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS MAY BE SOLD OR OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED HEREIN, LIMITED WINERIES UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD.

FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR OUTDOORS WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND
QUALITY OF PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS, MEAD AND WINES IN CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND SALES. ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, MEAD, WINE AND FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

(4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC CIDER, MEAD OR WINE PRODUCED UNDER THE AUTHORITY OF THE UNDERLYING LIMITED WINERY LICENSE BY THE BOTTLE OR IN CASE LOTS. SAMPLES NOT TO EXCEED ONE FLUID ONCE PER BRAND OF MEAD OR WINE MAY BE OFFERED FREE OF CHARGE. A FARMERS MARKET PERMIT SHALL BE ISSUED UPON PROPER APPLICATION AND PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED FIFTY DOLLARS ($250). A PERMIT HOLDER MAY PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME. SALES BY PERMIT HOLDERS SHALL TAKE PLACE DURING THE STANDARD HOURS OF OPERATION OF THE FARMERS MARKET. WRITTEN NOTICE OF THE DATE, TIMES AND LOCATION THE PERMIT IS TO BE USED SHALL BE PROVIDED BY THE PERMIT HOLDER TO THE ENFORCEMENT BUREAU AT LEAST TWO (2) WEEKS PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN THIS SUBSECTION, LIMITED WINERIES UTILIZING FARMERS MARKET PERMITS SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

(5) DO EITHER OF THE FOLLOWING:

(I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE
LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED 
BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME 
CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE, 
RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL 
LICENSE.

(II) APPLY FOR AND HOLD A RESTAURANT LIQUOR LICENSE FOR USE 
at one of the additional board-approved locations referenced 
under clause (3), as long as such location does not serve as an 
additional board-approved location for any other manufacturer.

(6) (I) SECURE A PERMIT FROM THE BOARD TO ALLOW THE HOLDER 
of a limited winery license to use up to twenty-five per centum 
permitted fruit, not wine, in the current year's production. 
each permit is valid only for the calendar year in which it is 
issued.

(II) THE FEES FOR A PERMIT TO IMPORT AND USE PERMITTED FRUIT 
SHALL BE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.

(III) THE PURPOSE OF THIS SECTION IS TO INCREASE THE 
PRODUCTIVITY OF LIMITED WINERIES WHILE AT THE SAME TIME 
PROTECTING THE INTEGRITY AND UNIQUE CHARACTERISTICS OF WINE 
PRODUCED FROM FRUIT PRIMARILY GROWN IN THIS COMMONWEALTH. 
PREVAILING CLIMATIC CONDITIONS HAVE A SIGNIFICANT IMPACT ON THE 
CHARACTER OF THE FRUIT. ACCORDINGLY, "PERMITTED FRUIT" SHALL 
MEAN FRUIT GROWN OR JUICE DERIVED FROM FRUIT GROWN WITHIN THREE 
HUNDRED FIFTY (350) MILES OF THE WINERY.

(IV) THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS 
REQUIRING THE FILING OF PERIODIC REPORTS BY LIMITED WINERIES TO 
ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

(6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED 
PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED 
LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE, MEAD AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY A LICENSED DISTILLERY OR LIMITED DISTILLERY, WINE AND ALCOHOLIC CIDER PRODUCED BY ANOTHER LIMITED WINERY AND MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY. THE COMBINED SALES OF WINE AND ALCOHOLIC CIDER PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN SALES OF WINE AND ALCOHOLIC CIDER FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED WINERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE AND ALCOHOL PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN WINE AND ALCOHOLIC CIDER FOR THAT YEAR. 

(6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR PRODUCED BY THE LIMITED WINERY.

(6.3) SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS ONLY BETWEEN THE HOURS OF NINE O'CLOCK ANTERMEIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN. A LIMITED WINERY ALSO MAY REQUEST APPROVAL FROM THE BOARD TO EXTEND SALES HOURS IN INDIVIDUAL LOCATIONS AT OTHER TIMES DURING THE YEAR OR BEYOND THE LIMITS SET FORTH IN THIS CLAUSE. THE REQUEST SHALL BE MADE IN WRITING TO THE BOARD'S OFFICE OF THE CHIEF COUNSEL AND SHALL DETAIL THE EXACT LOCATIONS WHERE SALES HOURS ARE PROPOSED TO BE EXTENDED, THE PROPOSED HOURS AND DATES OF EXTENDED OPERATION AND THE REASON FOR THE PROPOSED EXTENDED HOURS.
(6.4) STORE ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
produced by the limited winery at no more than two (2) board-
approved locations other than the licensed premises and those
premises referenced in clause (3) pertaining to the five (5)
board-approved locations for the sale of wine, with no bottling
or production requirement at those additional locations and
under such conditions and regulations as the board may enforce.

If two (2) or more businesses will operate out of the same
storage facility, the limited winery must designate specific and
distinct areas for its storage. The limited winery's designated
storage area must be secured and no one other than the licensee
and his employees may be allowed access to the storage area. No
board-approved manager will be necessary for the storage
facility. The limited winery must fill out an application for
such an additional board-approved storage location, and such
location shall count as one of the two permitted for each
limited winery. The limited winery is responsible for keeping
only its own complete records. A limited winery may be cited for
a violation of the recordkeeping requirements of sections 512
and 513 pertaining to its own records only.

(B) The total production of alcoholic ciders, mead, wine and
wine coolers by a limited winery may not exceed two hundred
thousand (200,000) gallons per year.

(C) As used in this section:

"AGRICULTURAL COMMODITY" SHALL INCLUDE ANY OF THE FOLLOWING:
AGRICULTURAL, APICULTURAL, HORTICULTURAL, SILVICULTURAL AND
VITICULTURAL COMMODITIES.

"FARMERS MARKET" SHALL INCLUDE ANY BUILDING, STRUCTURE OR
OTHER PLACE:

(1) OWNED, LEASED OR OTHERWISE IN THE POSSESSION OF A
PERSON, MUNICIPAL CORPORATION OR PUBLIC OR PRIVATE ORGANIZATION;
(2) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR AN
ASSOCIATION OF FARMERS, WHO ARE CERTIFIED BY THE DEPARTMENT OF
AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'
MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO
SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), FOR THE
PURPOSE OF SELLING AGRICULTURAL COMMODITIES PRODUCED IN THIS
COMMONWEALTH DIRECTLY TO CONSUMERS;
(3) WHICH IS PHYSICALLY LOCATED WITHIN THIS COMMONWEALTH;
AND
(4) WHICH IS NOT OPEN FOR BUSINESS MORE THAN TWELVE HOURS
EACH DAY.

SECTION 15. SECTION 505.4(B)(1) AND (C) OF THE ACT, AMENDED
JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED TO READ:

SECTION 505.4. DISTILLERIES.-- * * *

(B) (1) THE BOARD MAY ISSUE A LIMITED DISTILLERY LICENSE
THAT WILL ALLOW THE HOLDER THEREOF TO OPERATE A DISTILLERY THAT
SHALL NOT EXCEED PRODUCTION OF ONE HUNDRED THOUSAND (100,000)
GALLONS OF DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE
MAY MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE
LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE
BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK
ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A
SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A
STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE
OFFERED FOR SALE AT A LICENSED LIMITED DISTILLERY LOCATION AT A
PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
HOLDER OF A LIMITED DISTILLERY LICENSE MAY NOT SELL A PRODUCT OR
A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS LISTED FOR SALE AS A

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STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL [WINES] WINE AND ALCOHOLIC CIDER PRODUCED BY A LICENSED LIMITED WINERY [OR], LIQUOR PRODUCED BY A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES CONSUMPTION. THE COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED DISTILLERY'S OWN SALES OF LIQUOR FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED DISTILLERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED DISTILLERY'S OWN LIQUOR FOR THAT YEAR.

* * *

(C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY
NOT SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS
LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR
STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED
BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE
BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY ALSO
SELL [WINES] ITS LIQUOR, WINE AND ALCOHOLIC CIDER PRODUCED BY A
LICENSED LIMITED WINERY [OR], LIQUOR PRODUCED BY A LICENSED
DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES
PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES CONSUMPTION. THE
COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
PREMISES SALES OF THE DISTILLERY'S OWN SALES OF LIQUOR FOR THE
PRECEDING CALENDAR YEAR: HOWEVER, IF A DISTILLERY DID NOT
OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR,
THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND
LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED
DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM
OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN LIQUOR FOR THAT
YEAR.

(2) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
SECTION 505 MAY PROVIDE TASTING SAMPLES OF LIQUOR THAT IN TOTAL
DO NOT EXCEED ONE AND ONE-HALF (1.5) FLUID OUNCES. SAMPLES MAY
BE SOLD OR PROVIDED FREE OF CHARGE BETWEEN THE HOURS OF NINE
O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN.

SECTION 16. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.