

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2105 Session of
2003

INTRODUCED BY MARSICO, CIVERA, DENLINGER, FABRIZIO, HARHAI,
HENNESSEY, O'NEILL, SAINATO, TIGUE, WILT AND YOUNGBLOOD,
OCTOBER 16, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 24, 2004

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further DEFINING "PUBLIC VENUE"; AND FURTHER providing for <—
18 unlawful acts relative to liquor, malt and brewed beverages
19 and licensees.

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

22 ~~Section 1. Section 493(24) of the act of April 12, 1951~~ <—
23 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
24 ~~June 29, 1987 (P.L.32, No.14), is amended to read:~~

25 SECTION 1. THE DEFINITION OF "PUBLIC VENUE" IN SECTION 102 <—

1 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
2 LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14)
3 AND AMENDED JULY 17, 2003 (P.L.63, NO.15), IS AMENDED TO READ:

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

7 * * *

8 "PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION CENTER
9 WITH PERMANENT SEATING, MUSEUM, AMPHITHEATER OR SIMILAR
10 STRUCTURE. IF THE PUBLIC VENUE IS A CRUISE TERMINAL OWNED OR
11 LEASED BY A PORT AUTHORITY CREATED UNDER THE ACT OF JUNE 12,
12 1931 (P.L.575, NO.200), ENTITLED "AN ACT PROVIDING FOR JOINT
13 ACTION BY PENNSYLVANIA AND NEW JERSEY IN THE DEVELOPMENT OF THE
14 PORTS ON THE LOWER DELAWARE RIVER, AND THE IMPROVEMENT OF THE
15 FACILITIES FOR TRANSPORTATION ACROSS THE RIVER; AUTHORIZING THE
16 GOVERNOR, FOR THESE PURPOSES, TO ENTER INTO AN AGREEMENT WITH
17 NEW JERSEY; CREATING THE DELAWARE RIVER JOINT COMMISSION AND
18 SPECIFYING THE POWERS AND DUTIES THEREOF, INCLUDING THE POWER TO
19 FINANCE PROJECTS BY THE ISSUANCE OF REVENUE BONDS; TRANSFERRING
20 TO THE NEW COMMISSION ALL THE POWERS OF THE DELAWARE RIVER
21 BRIDGE JOINT COMMISSION; AND MAKING AN APPROPRIATION," IT SHALL
22 HAVE NO PERMANENT SEATING REQUIREMENT. IF THE PUBLIC VENUE IS AN
23 OPEN-AIR AMPHITHEATER OWNED BY A PORT AUTHORITY CREATED UNDER
24 THE ACT OF DECEMBER 6, 1972 (P.L.1392, NO.298), KNOWN AS THE
25 "THIRD CLASS CITY PORT AUTHORITY ACT," IT SHALL HAVE NO
26 PERMANENT SEATING REQUIREMENT. IF THE PUBLIC VENUE IS OWNED BY A
27 POLITICAL SUBDIVISION, A MUNICIPAL AUTHORITY, THE COMMONWEALTH,
28 AN AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953 (P.L.1034,
29 NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW," AN
30 AUTHORITY CREATED UNDER ARTICLE XXV-A OF THE ACT OF JULY 28,

1 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND CLASS COUNTY CODE,"
2 AN ART MUSEUM ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF
3 APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER
4 ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE
5 POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN
6 LAW," OR AN AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF
7 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE
8 COUNTY CODE," IT SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE
9 THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT
10 SEATING FOR AT LEAST THREE THOUSAND (3,000) PEOPLE. THE TERM
11 SHALL ALSO MEAN ANY REGIONAL HISTORY CENTER, MULTIPURPOSE
12 CULTURAL AND SCIENCE FACILITY [OR], MUSEUM OR CONVENTION OR
13 TRADE SHOW CENTER WITHOUT PERMANENT SEATING, REGARDLESS OF OWNER
14 AND SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT LEAST SIXTY
15 THOUSAND (60,000) SQUARE FEET IN ONE BUILDING. THE TERM SHALL
16 ALSO MEAN A CONVENTION OR CONFERENCE CENTER OWNED BY A CITY OF
17 THE THIRD CLASS, REGARDLESS OF SEATING CAPACITY, THAT HAS A
18 FLOOR AREA OF AT LEAST FIFTEEN THOUSAND (15,000) SQUARE FEET IN
19 ONE BUILDING.

20 * * *

21 SECTION 2. SECTION 493(24) OF THE ACT IS AMENDED TO READ:

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

27 It shall be unlawful--

28 * * *

29 (24) Things of Value Offered as Inducement. For any licensee
30 under the provisions of this article, or the board or any

1 manufacturer, or any employe or agent of a manufacturer,
2 licensee or of the board, to offer to give anything of value or
3 to solicit or receive anything of value as a premium for the
4 return of caps, stoppers, corks, stamps or labels taken from any
5 bottle, case, barrel or package containing liquor or malt or
6 brewed beverage, or to offer or give or solicit or receive
7 anything of value as a premium or present to induce directly the
8 purchase of liquor or malt or brewed beverage, or for any
9 licensee, manufacturer or other person to offer or give to trade
10 or consumer buyers any prize, premium, gift or other inducement
11 to purchase liquor or malt or brewed beverages, except
12 advertising novelties of nominal value which the board shall
13 define. This section shall not prevent any manufacturer or any
14 agent of a manufacturer from offering only on licensed premises
15 and honoring coupons which offer monetary rebates on purchases
16 of wines and spirits through State Liquor Stores and purchases
17 of malt or brewed beverages in accordance with conditions or
18 regulations established by the board. Further, no manufacturer
19 or any agent of a manufacturer shall honor any coupons without
20 proof of purchase [in the form of a sales slip or receipt
21 attached to the coupons]. This section shall not apply to the
22 return of any monies specifically deposited for the return of
23 the original container to the owners thereof.

24 * * *

25 Section ~~2~~ 3. This act shall take effect in 60 days.

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