AN ACT

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

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

Section 1. Sections 404(a) and 432(d) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended June 5, 2020 (P.L. 213, No.29), are amended to read:

Section 404. Issuance, Transfer or Extension of Hotel,
Restaurant and Club Liquor Licenses.--(a) Upon receipt of the
application and the proper fees, and upon being satisfied of the
truth of the statements in the application that the applicant
and management company or companies, if any, are the only
persons in any manner pecuniarily interested in the business so
asked to be licensed and that no other person will be in any
manner pecuniarily interested therein during the continuance of
the license, except as hereinafter permitted, and that the
applicant is a person of good repute, that the premises applied
for meet all the requirements of this act and the regulations of
the board, that the applicant seeks a license for a hotel,
restaurant or club, as defined in this act, and that the
issuance of such license is not prohibited by any of the
provisions of this act, the board shall, in the case of a hotel
or restaurant, grant and issue to the applicant a liquor
license, and in the case of a club may, in its discretion, issue
or refuse a license: Provided, however, That in the case of any
new license or the transfer of any license to a new location or
the extension of an existing license to cover an additional area
the board may, in its discretion, grant or refuse such new
license, transfer or extension 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, transfer or extension is applied for a place which
is within two hundred feet of any other premises which is
licensed by the board: And provided further, during the
proclamation of disaster emergency issued by the Governor on
March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
any renewal of the proclamation of disaster emergency, the
board's authority to refuse to grant a license because of its
proximity to a church, hospital, charitable institution, school, public playground or other licensed premises shall not be applicable if the place proposed to be licensed is within one hundred fifty feet of the church, hospital, charitable institution, school, public playground or other licensed premises: And provided further, That the board's authority to refuse to grant a license because of its proximity to a church, hospital, charitable institution, public playground or other licensed premises shall not be applicable to license applications submitted for public venues or performing arts facilities: And provided further, That the board shall refuse any application for a new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if, in the board's opinion, such new license, transfer or extension 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: And provided further, That 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. 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 20200HB2848PN4329
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 may, in its discretion, refuse an application for an economic development license under section 461(b.1) or an application for an intermunicipal transfer of a license if the board receives a protest from the governing body of the receiving municipality. The receiving municipality of an intermunicipal transfer or an economic development license under section 461(b.1) may file a protest against the transfer of a license into its municipality, and the receiving municipality shall have standing in a hearing to present testimony in support of or against the issuance or transfer of a license. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

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

(d) The board shall, in its discretion, grant or refuse any new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area 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, transfer or extension is applied for a place which is within two hundred feet of any other premises which is licensed by the board. During the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the proclamation of disaster emergency, the board may not refuse to grant a license because of its proximity to a church, hospital, charitable institution, school, public playground or other licensed premises if the place proposed to be licensed is within fifty feet of the church, hospital, charitable institution, school, public playground or other licensed premises. The board shall refuse any application for a new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if, in the board's opinion, such new license, transfer or extension 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 to be licensed. 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 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. The board may, in its discretion, refuse an application for an economic development license under section 461(b.1) or an application for an intermunicipal transfer or a license if the board receives a protest from the governing body of the receiving municipality. The receiving municipality of an intermunicipal transfer or an economic development license under section 461(b.1) may file a protest against the approval for issuance of a license for economic development or an intermunicipal transfer of a license into its municipality, and such municipality shall have standing in a hearing to present testimony in support of or against the issuance or transfer of a license. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

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Section 2. This act shall take effect immediately.