

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 100 Session of 2013

INTRODUCED BY McILHINNEY, ALLOWAY, WHITE, YAW, SCARNATI, YUDICHAK, BROWNE, MENSCH AND CORMAN, FEBRUARY 13, 2013

SENATOR McILHINNEY, LAW AND JUSTICE, AS AMENDED, JUNE 24, 2013

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 ~~providing for wine and spirits retail license; and further~~ <--
18 ~~providing for interlocking business prohibited.~~ <--
19 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
20 PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING FOR
21 GENERAL POWERS; IN PENNSYLVANIA LIQUOR STORES, FURTHER
22 PROVIDING FOR TIME OF SALES AND FOR SALES BY PENNSYLVANIA
23 LIQUOR STORES; IN LIQUOR, ALCOHOL AND MALT AND BREWED
24 BEVERAGES LICENSES AND REGULATIONS, FURTHER PROVIDING FOR
25 AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS, RESTAURANTS AND
26 CLUBS, FOR LICENSE DISTRICTS, PERIODS, HEARINGS, SALES AND
27 RESTRICTIONS, FOR SALE OF MALT OR BREWED BEVERAGES, FOR
28 LIQUOR IMPORTERS' LICENSES, FEES, PRIVILEGES AND
29 RESTRICTIONS, FOR INTERLOCKING BUSINESSES; PROVIDING FOR
30 EXPANDED PERMITS AND FOR ENHANCED DISTRIBUTOR AND IMPORTING
31 DISTRIBUTOR PERMITS; FURTHER PROVIDING FOR MALT AND BREWED
32 BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING
33 DISTRIBUTORS' LICENSES, FOR NUMBER AND KINDS OF LICENSES
34 ALLOWED SAME LICENSEE, FOR DISTRIBUTORS' AND IMPORTING

1 DISTRIBUTORS' RESTRICTIONS, FOR RETAIL DISPENSERS'
2 RESTRICTIONS, FOR INTERLOCKING BUSINESSES, FOR BREWERIES, FOR
3 COUNTY RETAIL LICENSES, FOR ASSIGNABILITY AND TRANSFERS, FOR
4 LOCAL OPTION, FOR SURRENDER OF LICENSE, FOR SHIPMENT OF WINE
5 INTO COMMONWEALTH; ESTABLISHING THE PENNSYLVANIA WINE
6 INDUSTRY PROMOTION BOARD; FURTHER PROVIDING FOR UNLAWFUL
7 ACTS, FOR ALCOHOL AND LIQUOR LICENSEES, FOR IDENTIFICATION
8 CARDS AND PROSECUTION AND FOR VACATION OF PREMISES BY
9 PATRONS; IN DISTILLERIES, WINERIES, BONDED WAREHOUSES,
10 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING
11 FOR LIMITED WINERIES AND FOR DISTILLERIES; IN DISPOSITION OF
12 COLLECTED FUNDS, FURTHER PROVIDING FOR MONEY RETURNED TO
13 MUNICIPALITIES; PROVIDING FOR MONEY PAID INTO THE GENERAL
14 FUND FOR USE OF THE COMMONWEALTH; FURTHER PROVIDING FOR MONEY
15 FOR USE OF THE COMMONWEALTH; ESTABLISHING THE SENIOR CITIZENS
16 PROPERTY TAX RELIEF FUND; PROVIDING FOR A TRANSFER FROM THE
17 STATE STORES FUND; PROVIDING FOR STUDIES OF THE WINE AND
18 SPIRITS WHOLESALE SYSTEM IN THIS COMMONWEALTH; AND MAKING A
19 RELATED REPEAL.

20 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

21 (1) IT IS THE PURPOSE OF THIS ACT TO REFORM AND
22 MODERNIZE THE SYSTEM BY WHICH ALCOHOL IS DISPENSED AND
23 CONTROLLED WITHIN THIS COMMONWEALTH TO REFLECT CHANGES IN THE
24 MARKETPLACE WHILE CONTINUING TO PROTECT THE WELFARE, HEALTH,
25 PEACE AND MORALS OF THE CITIZENS OF THIS COMMONWEALTH.

26 (2) THE 21ST AMENDMENT TO THE UNITED STATES CONSTITUTION
27 DICTATES THAT THE LAWS OF THE STATES SHALL GOVERN THE
28 TRANSPORTATION AND IMPORTATION OF INTOXICATING LIQUORS INTO
29 THE STATE FOR DELIVERY AND USE WITHIN THE STATE.

30 (3) FURTHER, THE UNITED STATES SUPREME COURT HAS OPINED
31 IN INTERPRETING THE 21ST AMENDMENT THAT "THE STATES'
32 REGULATORY POWER OVER THIS SEGMENT OF COMMERCE IS LARGELY
33 UNFETTERED BY THE CONSTITUTION'S COMMERCE CLAUSE."

34 (4) REVENUES DERIVED FROM THE OPERATION OF A SYSTEM FOR
35 THE MANUFACTURE, TRANSPORTATION, DISTRIBUTION AND SALE OF
36 ALCOHOL ARE NECESSARY TO IMPLEMENT AND SUSTAIN A REGULATED
37 MARKETPLACE TO CONTINUE TO PROTECT THE WELFARE, HEALTH, PEACE
38 AND MORALS OF THE CITIZENS OF THIS COMMONWEALTH AND TO
39 CONTRIBUTE TO THE OVERALL ECONOMIC STABILITY OF THE

1 COMMONWEALTH.

2 (5) IN ORDER TO ADAPT TO THE CHANGING MARKETPLACE, THIS
3 ACT WILL:

4 (I) PERMIT PRIVATE INDUSTRY TO OFFER ADDITIONAL
5 PRODUCTS FOR SALE WHILE ENSURING THAT THE LAWS OF THIS
6 COMMONWEALTH ARE THOROUGHLY ENFORCED.

7 (II) ENSURE THAT THE VALUE OF LICENSES HELD BY SMALL
8 BUSINESSES ARE NOT DEVALUED, BUT ARE ENHANCED THROUGH THE
9 OPPORTUNITY TO EXPAND OPERATIONS AND SALES.

10 (III) PROVIDE FOR THE OPERATION OF A RETAIL SYSTEM
11 THAT PROMOTES COMPETITION AND CONVENIENCE TO ENSURE THAT
12 THE RESIDENTS OF THIS COMMONWEALTH PURCHASE PRODUCTS
13 WITHIN THIS COMMONWEALTH.

14 (IV) IN RECOGNITION OF THE GROWING USE OF E-COMMERCE
15 SALES, PERMIT CONSUMERS TO PURCHASE PRODUCTS ONLINE AND
16 HAVE THOSE PRODUCTS SHIPPED DIRECTLY TO THEM.

17 (V) ESTABLISH A SYSTEM BY WHICH THESE INCREASED
18 OPPORTUNITIES WILL CONTINUE TO CONTRIBUTE TO OVERALL
19 FISCAL STABILITY OF THE COMMONWEALTH.

20 (6) RECOGNITION AND FURTHERANCE OF ALL THESE ELEMENTS IS
21 ESSENTIAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF THE
22 CITIZENS OF THIS COMMONWEALTH.

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

25 ~~Section 1. The act of April 12, 1951 (P.L.90, No.21), known <--~~
26 ~~as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,~~
27 ~~No.14), is amended by adding a section to read:~~

28 ~~Section 415. Wine and Spirits Retail License. (a) The~~
29 ~~board is authorized to issue one wine and spirits retail license~~
30 ~~to each person, association or corporation holding and~~

1 ~~possessing a hotel liquor license or restaurant liquor license~~
2 ~~in good standing.~~

3 ~~(b) A license shall authorize the sale at retail of wine and~~
4 ~~spirits on the licensed premises, during normal business hours,~~
5 ~~for up to seven days a week. A licensee may sell, for~~
6 ~~consumption off premises, wine and spirits in any quantity. No~~
7 ~~sales may take place after twelve o'clock midnight of any day~~
8 ~~until seven o'clock antemeridian of the same day.~~

9 ~~(c) An applicant shall file a written application with the~~
10 ~~board in the manner determined by the board. The application~~
11 ~~shall include a description or plan of the part of the hotel or~~
12 ~~restaurant where the storage and sales of wine and spirits for~~
13 ~~retail are proposed.~~

14 ~~(d) The board shall impose an annual license fee in the~~
15 ~~amount of ten thousand dollars (\$10,000) for a wine and spirits~~
16 ~~retail license. No other fees shall apply to a wine and spirits~~
17 ~~retail licensee.~~

18 ~~(e) Each Pennsylvania Liquor Store shall sell wine and~~
19 ~~spirits at ten per centum (10%) above the board's actual~~
20 ~~purchase price, plus applicable taxes, to wine and spirits~~
21 ~~retail licensees.~~

22 ~~(f) A person, association or corporation may apply for only~~
23 ~~one wine and spirits retail license to be used at one location.~~

24 Section 2. Section 443(b) of the act, amended May 31, 1996
25 (P.L.312, No.49), is amended to read:

26 Section 443. Interlocking Business Prohibited. * * *

27 ~~(b) No distributor or importing distributor and no officer~~
28 ~~or director of any distributor or importing distributor shall at~~
29 ~~the same time be a manufacturer, a retail dispenser or a liquor~~
30 ~~licensee, or be an officer, director, stockholder or creditor of~~

1 ~~a manufacturer, a retail dispenser or a liquor licensee, or,~~
2 ~~directly or indirectly, own any stock of, or have any financial~~
3 ~~interest in, or be the owner, proprietor or lessor of, any place~~
4 ~~covered by any other malt or brewed beverage or liquor~~
5 ~~license[.], except that the holder of a distributor license may~~
6 ~~also hold and operate one retail dispenser license as provided~~
7 ~~under section 432 for use at premises adjoining and open to the~~
8 ~~distributor's licensed premises. All requirements for each~~
9 ~~respective license must be satisfied. The board shall assess a~~
10 ~~one time license fee in the amount of ten thousand dollars~~
11 ~~(\$10,000) for the additional license and all other applicable~~
12 ~~filing and license fees shall be as prescribed under section~~
13 ~~614 A of the act of April 9, 1929 (P.L.177, No.175), known as~~
14 ~~"The Administrative Code of 1929."~~

15 * * *

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

17 SECTION 1. THE DEFINITIONS OF "DIRECT SHIPPER," <--
18 "DISTRIBUTOR," "IMPORTING DISTRIBUTOR" AND "RETAIL DISPENSER" IN
19 SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN
20 AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32,
21 NO.14) AND AMENDED OR ADDED MAY 31, 1996 (P.L.312, NO.49) AND
22 FEBRUARY 21, 2002 (P.L.103, NO.10), ARE AMENDED AND THE SECTION
23 IS AMENDED BY ADDING DEFINITIONS TO READ:

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

27 * * *

28 ["DIRECT SHIPPER" SHALL MEAN A PERSON OUTSIDE THIS
29 COMMONWEALTH WHO OBTAINS A LICENSE FROM THE BOARD TO ACCEPT
30 ORDERS PLACED FOR WINE FROM WITHIN THIS COMMONWEALTH BY THE

1 INTERNET AND WHO SHIPS OR FACILITATES IN ANY WAY SHIPMENT OF
2 WINE BY A DELIVERY AGENT OR COMMON CARRIER TO A PENNSYLVANIA
3 LIQUOR STORE.]

4 "DIRECT WINE SHIPPER" SHALL MEAN A PERSON LICENSED BY THE
5 BOARD OR ANOTHER STATE AS A PRODUCER OF WINE WHO ACCEPTS ORDERS
6 PLACED FOR WINE FROM WITHIN THIS COMMONWEALTH BY INTERNET,
7 TELEPHONE OR MAIL ORDER. THE TERM SHALL INCLUDE A LIMITED
8 WINERY.

9 * * *

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

20 * * *

21 "GROWLER" SHALL MEAN A REFILLABLE CONTAINER THAT HOLDS A
22 MINIMUM OF SIXTY-FOUR FLUID OUNCES FOR MALT AND BREWED
23 BEVERAGES.

24 * * *

25 "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE
26 BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER
27 PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS
28 LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND
29 IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR
30 BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AS PREPARED

1 FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,
2 BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN
3 QUANTITIES OF NOT LESS THAN [A CASE OR ORIGINAL CONTAINERS
4 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
5 SOLD SEPARATELY] A SIX-PACK OR GROWLER.

6 * * *

7 "PRIVATE LABEL" SHALL MEAN A PRODUCT MADE UNDER CONTRACT BY A
8 MANUFACTURER OR ITS AGENT FOR THE EXCLUSIVE RIGHTS OF A
9 RETAILER.

10 * * *

11 "RETAIL DISPENSER" SHALL MEAN ANY PERSON LICENSED TO ENGAGE
12 IN THE RETAIL SALE OF MALT OR BREWED BEVERAGES FOR CONSUMPTION
13 ON THE PREMISES OF SUCH LICENSEE, WITH THE PRIVILEGE OF SELLING
14 MALT OR BREWED BEVERAGES IN QUANTITIES [NOT IN EXCESS OF ONE
15 HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON,
16 TO BE CARRIED FROM THE PREMISES BY THE PURCHASER THEREOF] OF UP
17 TO FOUR SIX-PACKS OR UP TO TWO TWELVE-PACKS.

18 * * *

19 "SIX-PACK" SHALL MEAN A CONFIGURATION:

20 (1) CONSISTING OF UP TO SIX BOTTLES OR CANS WHICH TOTAL NOT
21 MORE THAN NINETY-SIX OUNCES; AND

22 (2) WHICH IS TO BE SOLD IN A SINGLE SALE AND CARRIED FROM
23 THE PREMISES BY THE PURCHASER.

24 * * *

25 "SPIRITS" SHALL MEAN AN ALCOHOLIC BEVERAGE OBTAINED BY
26 DISTILLATION AND WHICH IS MIXED WITH WATER AND OTHER SUBSTANCES
27 IN A SOLUTION. THE TERM INCLUDES, BUT IS NOT LIMITED TO, ANY OF
28 THE FOLLOWING:

29 (1) BRANDY, RUM, WHISKEY, GIN, TEQUILA, VODKA, COGNAC OR A
30 CORDIAL, AS DEFINED IN 27 CFR § 5.22 (RELATING TO THE STANDARDS

1 OF IDENTITY) OR 5.35 (RELATING TO CLASS AND TYPE), OR SUCCESSOR
2 REGULATIONS.

3 (2) A PATENTED OR NONPATENTED LIQUID OR SOLID, CONTAINING AT
4 LEAST ONE-HALF OF ONE PER CENTUM ALCOHOL BY VOLUME WHICH IS FIT
5 FOR USE FOR A BEVERAGE PURPOSE.

6 * * *

7 "TWELVE-PACK" SHALL MEAN A CONFIGURATION:

8 (1) CONSISTING OF UP TO TWELVE BOTTLES OR CANS WHICH TOTAL
9 NOT MORE THAN ONE HUNDRED NINETY-TWO OUNCES; AND

10 (2) WHICH IS TO BE SOLD IN A SINGLE SALE AND CARRIED FROM
11 THE PREMISES BY THE PURCHASER.

12 * * *

13 SECTION 1.1 SECTION 207(A) AND (B) OF THE ACT, AMENDED
14 NOVEMBER 30, 2004 (P.L.1727, NO.221) AND DECEMBER 8, 2004
15 (P.L.1810, NO.239), ARE AMENDED AND THE SECTION IS AMENDED BY
16 ADDING SUBSECTIONS TO READ:

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

19 (A) TO BUY, IMPORT OR HAVE IN ITS POSSESSION FOR SALE AND
20 SELL LIQUOR, ALCOHOL, CORKSCREWS, WINE AND LIQUOR ACCESSORIES,
21 TRADE PUBLICATIONS, GIFT CARDS, GIFT CERTIFICATES, WINE- OR
22 LIQUOR-SCENTED CANDLES AND WINE GLASSES IN THE MANNER SET FORTH
23 IN THIS ACT: PROVIDED, HOWEVER, THAT ALL PURCHASES SHALL BE MADE
24 SUBJECT TO THE APPROVAL OF THE STATE TREASURER, OR HIS
25 DESIGNATED DEPUTY. THE BOARD SHALL BUY LIQUOR AND ALCOHOL AT THE
26 LOWEST PRICE [AND IN THE GREATEST VARIETY REASONABLY
27 OBTAINABLE]. THE BOARD SHALL BUY ANY SPECIFIC LIQUOR OR ALCOHOL
28 REQUESTED BY AN EXPANDED OR ENHANCED PERMIT HOLDER.

29 (A.1) TO CLOSE PENNSYLVANIA LIQUOR STORES. BEFORE MAKING A
30 DETERMINATION TO CLOSE A PENNSYLVANIA LIQUOR STORE, THE BOARD

1 SHALL TAKE INTO CONSIDERATION THE TERM OF THE CURRENT LEASE, THE
2 AVAILABILITY AND ACCESSIBILITY OF LIQUOR TO THE PUBLIC THROUGH
3 THE PRIVATE RETAIL MARKET, THE PRICING OF LIQUOR IN THE AREA AND
4 THE PROFITABILITY OF THE STORE. IF IT IS DETERMINED BY THE BOARD
5 THAT THE PRIVATE RETAIL MARKET IS SERVING THE NEEDS OF THE
6 PUBLIC, AND THE ECONOMIC VIABILITY OF THE STORE IS
7 UNSUSTAINABLE, THE BOARD SHALL CLOSE THE PENNSYLVANIA LIQUOR
8 STORE.

9 (B) TO CONTROL THE MANUFACTURE, POSSESSION, SALE,
10 CONSUMPTION, IMPORTATION, USE, STORAGE, TRANSPORTATION AND
11 DELIVERY OF LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES IN
12 ACCORDANCE WITH THE PROVISIONS OF THIS ACT, AND TO FIX THE
13 WHOLESALE PRICE OF LIQUOR AND ALCOHOL FOR ALL LICENSEES AND
14 PERMIT HOLDERS AND RETAIL PRICES AT WHICH LIQUORS AND ALCOHOL
15 SHALL BE SOLD AT PENNSYLVANIA LIQUOR STORES. [PRICES SHALL BE
16 PROPORTIONAL WITH PRICES PAID BY THE BOARD TO ITS SUPPLIERS AND
17 SHALL REFLECT ANY ADVANTAGE OBTAINED THROUGH VOLUME PURCHASES BY
18 THE BOARD. THE BOARD MAY ESTABLISH A PREFERENTIAL PRICE
19 STRUCTURE FOR WINES PRODUCED WITHIN THIS COMMONWEALTH FOR THE
20 PROMOTION OF SUCH WINES, AS LONG AS THE PRICE STRUCTURE IS
21 UNIFORM WITHIN EACH CLASS OF WINE PURCHASED BY THE BOARD.] THE
22 BOARD SHALL REQUIRE EACH PENNSYLVANIA MANUFACTURER AND EACH
23 NONRESIDENT MANUFACTURER OF LIQUORS, OTHER THAN WINE, SELLING
24 SUCH LIQUORS TO THE BOARD, WHICH ARE NOT MANUFACTURED IN THIS
25 COMMONWEALTH, TO MAKE APPLICATION FOR AND BE GRANTED A PERMIT BY
26 THE BOARD BEFORE SUCH LIQUORS NOT MANUFACTURED IN THIS
27 COMMONWEALTH SHALL BE PURCHASED FROM SUCH MANUFACTURER. EACH
28 SUCH MANUFACTURER SHALL PAY FOR SUCH PERMIT A FEE WHICH, IN THE
29 CASE OF A MANUFACTURER OF THIS COMMONWEALTH, SHALL BE EQUAL TO
30 THAT REQUIRED TO BE PAID, IF ANY, BY A MANUFACTURER OR

1 WHOLESALER OF THE STATE, TERRITORY OR COUNTRY OF ORIGIN OF THE
2 LIQUORS, FOR SELLING LIQUORS MANUFACTURED IN PENNSYLVANIA, AND
3 IN THE CASE OF A NONRESIDENT MANUFACTURER, SHALL BE EQUAL TO
4 THAT REQUIRED TO BE PAID, IF ANY, IN SUCH STATE, TERRITORY OR
5 COUNTRY BY PENNSYLVANIA MANUFACTURERS DOING BUSINESS IN SUCH
6 STATE, TERRITORY OR COUNTRY. IN THE EVENT THAT ANY SUCH
7 MANUFACTURER SHALL, IN THE OPINION OF THE BOARD, SELL OR ATTEMPT
8 TO SELL LIQUORS TO THE BOARD THROUGH ANOTHER PERSON FOR THE
9 PURPOSE OF EVADING THIS PROVISION RELATING TO PERMITS, THE BOARD
10 SHALL REQUIRE SUCH PERSON, BEFORE PURCHASING LIQUORS FROM HIM OR
11 IT, TO TAKE OUT A PERMIT AND PAY THE SAME FEE AS HEREINBEFORE
12 REQUIRED TO BE PAID BY SUCH MANUFACTURER. ALL PERMIT FEES SO
13 COLLECTED SHALL BE PAID INTO THE STATE STORES FUND. THE BOARD
14 SHALL NOT PURCHASE ANY ALCOHOL OR LIQUOR FERMENTED, DISTILLED,
15 RECTIFIED, COMPOUNDED OR BOTTLED IN ANY STATE, TERRITORY OR
16 COUNTRY, THE LAWS OF WHICH RESULT IN PROHIBITING THE IMPORTATION
17 THEREIN OF ALCOHOL OR LIQUOR, FERMENTED, DISTILLED, RECTIFIED,
18 COMPOUNDED OR BOTTLED IN PENNSYLVANIA. THE BOARD MAY NOT SELL
19 PRIVATE LABEL PRODUCTS.

20 (B.1) TO ESTABLISH THE SAFE RIDE HOME GRANT PILOT PROGRAM.
21 THE FOLLOWING SHALL APPLY:

22 (1) THE BOARD SHALL ESTABLISH AND ADMINISTER THE SAFE RIDE
23 HOME GRANT PILOT PROGRAM, BEGINNING IN THE 2014-2015 FISCAL YEAR
24 AND CONTINUING THROUGH THE 2016-2017 FISCAL YEAR TO FUND LOCAL
25 INITIATIVES AIMED AT PROVIDING ALTERNATIVE MEANS OF
26 TRANSPORTATION TO PERSONS SUSPECTED OF HAVING A PROHIBITED BLOOD
27 ALCOHOL CONCENTRATION AS SET FORTH IN 75 PA.C.S. § 3802
28 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
29 SUBSTANCE) FROM ANY PREMISES LICENSED BY THE BOARD TO SELL
30 ALCOHOLIC BEVERAGES TO THEIR PLACES OF RESIDENCE. THE BOARD MAY

1 WORK IN COLLABORATION WITH PRIVATE ORGANIZATIONS TO IMPLEMENT
2 THE SAFE RIDE HOME GRANT PILOT PROGRAM AND MAY AWARD GRANTS TO
3 ANY COUNTY, MUNICIPALITY, UNIVERSITY OR NONPROFIT CORPORATION.

4 (2) THE LIABILITY OF A PROVIDER THAT OPERATES SUCH LOCAL
5 INITIATIVE TO PERSONS TRANSPORTED UNDER THE SAFE RIDE HOME GRANT
6 PILOT PROGRAM IS LIMITED TO THE AMOUNTS REQUIRED FOR A MOTOR
7 VEHICLE LIABILITY INSURANCE POLICY UNDER 75 PA.C.S. CH. 17
8 (RELATING TO FINANCIAL RESPONSIBILITY).

9 (3) THE BOARD SHALL MONITOR AND EVALUATE THE SAFE RIDE HOME
10 GRANT PILOT PROGRAM AND, UPON THE CONCLUSION OF THE 2014-2015
11 FISCAL YEAR, PRESENT A REPORT OF THE EVALUATION TO THE LAW AND
12 JUSTICE COMMITTEE OF THE SENATE AND THE LIQUOR CONTROL COMMITTEE
13 OF THE HOUSE OF REPRESENTATIVES AND MAKE RECOMMENDATIONS ON THE
14 CONTINUATION, ALTERATION OR EXPANSION OF THE SAFE RIDE HOME
15 GRANT PILOT PROGRAM. THE FINAL REPORT SHALL BE MADE NO LATER
16 THAN DECEMBER 1, 2017.

17 * * *

18 SECTION 1.2. SECTION 304 OF THE ACT, AMENDED DECEMBER 8,
19 2004 (P.L.1810, NO.239), IS AMENDED TO READ:

20 SECTION 304. WHEN SALES MAY BE MADE AT PENNSYLVANIA LIQUOR
21 STORES.--(A) EXCEPT AS PROVIDED FOR IN SUBSECTION (B), EVERY
22 PENNSYLVANIA LIQUOR STORE SHALL BE OPEN FOR BUSINESS WEEK DAYS,
23 EXCEPT HOLIDAYS AS THAT TERM IS DEFINED IN SECTION 102. THE
24 BOARD MAY, WITH THE APPROVAL OF THE GOVERNOR, TEMPORARILY CLOSE
25 ANY STORE IN ANY MUNICIPALITY.

26 (B) [CERTAIN] PENNSYLVANIA LIQUOR STORES OPERATED BY THE
27 BOARD [SHALL] MAY BE OPEN FOR SUNDAY RETAIL SALES [BETWEEN THE
28 HOURS OF NOON AND FIVE O'CLOCK POSTMERIDIAN], EXCEPT THAT NO
29 SUNDAY SALES SHALL OCCUR ON EASTER SUNDAY OR CHRISTMAS DAY. [THE
30 BOARD SHALL OPEN UP TO TWENTY-FIVE PER CENTUM OF THE TOTAL

1 NUMBER OF PENNSYLVANIA LIQUOR STORES AT ITS DISCRETION FOR
2 SUNDAY SALES AS PROVIDED FOR IN THIS SUBSECTION. THE BOARD SHALL
3 SUBMIT YEARLY REPORTS TO THE APPROPRIATIONS AND THE LAW AND
4 JUSTICE COMMITTEES OF THE SENATE AND THE APPROPRIATIONS AND THE
5 LIQUOR CONTROL COMMITTEES OF THE HOUSE OF REPRESENTATIVES
6 SUMMARIZING THE TOTAL DOLLAR VALUE OF SALES UNDER THIS SECTION.]

7 SECTION 2. SECTION 305(B) OF THE ACT, AMENDED JULY 6, 2005
8 (P.L.135, NO.39), IS AMENDED AND THE SECTION IS AMENDED BY
9 ADDING A SUBSECTION TO READ:

10 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

11 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
12 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
13 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
14 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
15 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
16 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
17 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A
18 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
19 PRICE AND EIGHTEEN PER CENTUM FOR WINE AND SPIRITS EXPANDED AND
20 ENHANCED PERMITS AS PROVIDED FOR IN SECTIONS 415 AND 416. THE
21 BOARD MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS AS
22 CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE NATIONAL
23 FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA. THE BOARD
24 MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF THE BOARD,
25 TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE LOCATED ON
26 UNITED STATES ARMED FORCES INSTALLATIONS AND ARE CONDUCTED
27 PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE UNITED STATES
28 ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL BE AT RETAIL.
29 A PERSON ENTITLED TO PURCHASE LIQUOR AT WHOLESALE PRICES MAY
30 PURCHASE THE LIQUOR AT ANY PENNSYLVANIA LIQUOR STORE UPON

1 TENDERING CASH, CHECK OR CREDIT CARD FOR THE FULL AMOUNT OF THE
2 PURCHASE. FOR THIS PURPOSE, THE BOARD SHALL ISSUE A DISCOUNT
3 CARD TO EACH LICENSEE IDENTIFYING SUCH LICENSEE AS A PERSON
4 AUTHORIZED TO PURCHASE LIQUOR AT WHOLESALE PRICES. SUCH DISCOUNT
5 CARD SHALL BE RETAINED BY THE LICENSEE. THE BOARD MAY CONTRACT
6 THROUGH THE COMMONWEALTH BIDDING PROCESS FOR DELIVERY TO
7 WHOLESALE LICENSEES AT THE EXPENSE OF THE LICENSEE RECEIVING THE
8 DELIVERY.

9 (B.1) THE BOARD MAY CONTRACT THROUGH THE COMMONWEALTH
10 BIDDING PROCESS FOR DELIVERY TO LICENSEES AND PERMIT HOLDERS, AT
11 THE EXPENSE OF THE LICENSEE OR PERMIT HOLDER RECEIVING THE
12 DELIVERY. PAYMENT SHALL BE BY CREDIT CARD OR ELECTRONIC FUND
13 TRANSFER ONLY AND MAY OCCUR NO LATER THAN THE TIME OF DELIVERY.

14 * * *

15 SECTION 2.1. SECTION 401 OF THE ACT, AMENDED DECEMBER 22,
16 2011 (P.L.530, NO.113), IS AMENDED TO READ:

17 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,
18 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS
19 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL
20 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES
21 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN
22 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE
23 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE
24 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT
25 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO
26 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR
27 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH
28 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR
29 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN
30 QUANTITIES [OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES

1 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407]
2 OF UP TO FOUR SIX-PACKS AND UP TO TWO TWELVE-PACKS. SUCH
3 LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES, RESTAURANT
4 LIQUOR LICENSES AND CLUB LIQUOR LICENSES, RESPECTIVELY. NO
5 PERSON WHO HOLDS ANY PUBLIC OFFICE THAT INVOLVES THE DUTY TO
6 ENFORCE ANY OF THE PENAL LAWS OF THE UNITED STATES, THIS
7 COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF THIS
8 COMMONWEALTH MAY HAVE ANY INTEREST IN A HOTEL OR RESTAURANT
9 LIQUOR LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST
10 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES
11 ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS
12 AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO
13 MAGISTERIAL DISTRICT JUDGES, JUDGES OR ANY OTHER INDIVIDUALS WHO
14 CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT APPLY
15 TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS, CITY
16 COUNCILPERSONS, MAYORS WITHOUT ARREST AUTHORITY AND ANY OTHER
17 PUBLIC OFFICIAL WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE
18 ABILITY TO IMPOSE A CRIMINAL SENTENCE. THIS SECTION DOES NOT
19 APPLY IF THE PROPOSED PREMISES ARE LOCATED OUTSIDE THE
20 JURISDICTION OF THE INDIVIDUAL IN QUESTION.

21 (B) THE BOARD MAY ISSUE TO ANY CLUB WHICH CATERS TO GROUPS
22 OF NON-MEMBERS, EITHER PRIVATELY OR FOR FUNCTIONS, A CATERING
23 LICENSE, AND THE BOARD SHALL, BY ITS RULES AND REGULATIONS,
24 DEFINE WHAT CONSTITUTES CATERING UNDER THIS SUBSECTION EXCEPT
25 THAT ANY CLUB WHICH IS ISSUED A CATERING LICENSE SHALL NOT BE
26 PROHIBITED FROM CATERING ON SUNDAYS DURING THE HOURS WHICH THE
27 CLUB MAY LAWFULLY SERVE LIQUOR, MALT OR BREWED BEVERAGES.

28 SECTION 2.2. SECTION 402 OF THE ACT IS AMENDED BY ADDING A
29 SUBSECTION TO READ:

30 SECTION 402. LICENSE DISTRICTS; LICENSE PERIOD; HEARINGS.--*

1 * *

2 (D) THIS SECTION SHALL NOT APPLY TO AN EXPANDED OR ENHANCED
3 PERMIT HOLDER UNDER SECTIONS 415 AND 416.

4 SECTION 2.3. SECTION 406(A) OF THE ACT IS AMENDED BY ADDING
5 PARAGRAPHS TO READ:

6 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.-- (A)

7 * * *

8 (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF GROUNDHOG
9 DAY FALLS ON A SUNDAY, A HOTEL OR RESTAURANT LICENSEE OR THE
10 HOTEL OR RESTAURANT LICENSEE'S SERVANTS, AGENTS OR EMPLOYEES MAY
11 SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY SUCH DAY AFTER
12 SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF
13 THE FOLLOWING DAY.

14 (8) (I) NOTWITHSTANDING ANY PROVISION OF THIS ACT, THE
15 PRACTICE BY A BED AND BREAKFAST HOMESTEAD OR INN OF PROVIDING
16 ONE BOTTLE OF WINE TO ITS PAYING GUESTS AT CHECK-IN WHILE IN AN
17 OVERNIGHT STATUS SHALL NOT BE CONSTRUED AS THE DIRECT OR
18 INDIRECT SALE OF ALCOHOL SO LONG AS THAT WINE IS PRODUCED BY A
19 LICENSED LIMITED WINERY AS PROVIDED FOR UNDER SECTION 505.2.

20 (II) FOR PURPOSES OF THIS PARAGRAPH, A "BED AND BREAKFAST
21 HOMESTEAD OR INN" SHALL MEAN A PRIVATE RESIDENCE THAT CONTAINS
22 TEN OR FEWER BEDROOMS USED FOR PROVIDING OVERNIGHT
23 ACCOMMODATIONS TO THE PUBLIC AND IN WHICH BREAKFAST IS THE ONLY
24 MEAL SERVED AND IS INCLUDED IN THE CHARGE FOR THE ROOM.

25 SECTION 3. SECTIONS 407(A) OF THE ACT, AMENDED JUNE 28, 2011
26 (P.L.55, NO.11), IS AMENDED TO READ:

27 SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR
28 LICENSEES.-- (A) EVERY LIQUOR LICENSE ISSUED TO A HOTEL,
29 RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY
30 UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL

1 AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE
2 SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES
3 AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN
4 CLUBS MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE
5 PREMISES WHERE SOLD IN QUANTITIES [OF NOT MORE THAN ONE HUNDRED
6 NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON.] OF UP
7 TO FOUR SIX-PACKS OR UP TO TWO TWELVE-PACKS. A LICENSEE MAY NOT
8 SELL MALT OR BREWED BEVERAGES FOR OFF-PREMISES CONSUMPTION AT
9 LESS THAN THE MALT OR BREWED BEVERAGE'S ACQUISITION COST. THE
10 SALES MAY BE MADE IN EITHER OPEN OR CLOSED CONTAINERS, PROVIDED,
11 HOWEVER, THAT A MUNICIPALITY MAY ADOPT AN ORDINANCE RESTRICTING
12 OPEN CONTAINERS IN PUBLIC PLACES. NO LICENSEE UNDER THIS
13 SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY
14 OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE
15 AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY.

16 * * *

17 SECTION 4. SECTIONS 410 AND 411 OF THE ACT ARE AMENDED BY
18 ADDING SUBSECTIONS TO READ:

19 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
20 RESTRICTIONS.--* * *

21 (G) THE HOLDER OF AN IMPORTERS' LICENSE OR THE HOLDER OF A
22 VENDOR'S PERMIT UNDER SECTION 208 MAY DELIVER LIQUOR PURCHASED
23 FROM THE BOARD TO A LICENSEE AS FOLLOWS:

24 (1) THE LIQUOR MAY BE STORED AT THE LICENSED IMPORTER'S OR
25 VENDOR'S PLACE OF BUSINESS OR ITS AUTHORIZED PLACE OF STORAGE.

26 (2) THE LICENSEE MUST PLACE A PURCHASE ORDER WITH THE BOARD
27 AND THE ORDER MUST BE PAID IN FULL PRIOR TO DELIVERY.

28 (3) THE HOLDER OF AN IMPORTER'S LICENSE OR VENDOR'S PERMIT
29 MAY CHARGE A FEE FOR DELIVERY.

30 (H) THE BOARD MAY RELEASE LIQUOR TO THE HOLDER OF AN

1 IMPORTER'S LICENSE OR THE HOLDER OF A VENDOR'S PERMIT FOR
2 DELIVERY TO A LICENSEE AS FOLLOWS:

3 (1) THE LICENSEE MUST PLACE A PURCHASE ORDER WITH THE BOARD
4 AND THE ORDER MUST BE PAID IN FULL PRIOR TO DELIVERY.

5 (2) THE HOLDER OF AN IMPORTER'S LICENSE OR VENDOR'S PERMIT
6 MAY CHARGE A FEE FOR DELIVERY.

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

8 (F) THE FOLLOWING SHALL APPLY:

9 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
10 CONTRARY, A MANUFACTURER OR LICENSEE AND ITS OFFICERS,
11 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY
12 CONTRIBUTE, AND A MANUFACTURER OR LICENSEE AND ITS OFFICERS,
13 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT
14 MONEY OR OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF
15 A RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL
16 SERVICE PERSONNEL AS PROVIDED FOR UNDER THIS SECTION. THE MONEY
17 OR OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A MANUFACTURER
18 OR LICENSEE AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, SERVANTS,
19 AGENTS OR EMPLOYES DIRECTLY OR BY OR TO A TRADE ORGANIZATION
20 CONSISTING, IN WHOLE OR PART, OF A GROUP OF LICENSEES.

21 (2) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION
22 ASSOCIATED WITH THE PERSON PROVIDING THE MONEY OR OTHER THINGS
23 OF VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER
24 THINGS OF VALUE PROVIDED, THE DATE PROVIDED AND THE ENTITY TO
25 WHOM IT WAS PROVIDED, AS PART OF THE RECORDS REQUIRED UNDER
26 SECTION 493(12) OF THIS ACT.

27 (3) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION
28 ASSOCIATED WITH THE PERSON RECEIVING MONEY OR OTHER THINGS OF
29 VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER
30 THINGS OF VALUE USED, AS PART OF THE RECORDS REQUIRED UNDER

1 SECTION 493(12) OF THIS ACT.

2 SECTION 5. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

3 SECTION 415. EXPANDED PERMITS.--(A) (1) NOTWITHSTANDING
4 SECTION 492(13) AND (14), THE BOARD MAY ISSUE AN EXPANDED PERMIT
5 TO A PERSON HOLDING AND POSSESSING A VALID RESTAURANT LIQUOR
6 LICENSE, EATING PLACE LICENSE OR HOTEL LICENSE.

7 (2) NOTHING IN THIS SECTION SHALL AFFECT THE ABILITY OF AN
8 EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF ITS CURRENT
9 LICENSE AS AUTHORIZED BY THIS ACT, EXCEPT THAT:

10 (I) THE FOLLOWING SHALL APPLY:

11 (A) NO SALES OF WINE AND SPIRITS FOR OFF-PREMISES
12 CONSUMPTION MAY TAKE PLACE BY AN EXPANDED PERMIT HOLDER AFTER
13 ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL EIGHT O'CLOCK
14 ANTEMERIDIAN OF THE NEXT DAY, INCLUDING SUNDAYS IF THE LICENSEE
15 HAS A PERMIT AUTHORIZED UNDER SECTIONS 406(A) (3) AND 432(F).

16 (B) A PERMIT HOLDER MAY ONLY SELL WINE AND SPIRITS FOR
17 OFF-PREMISES CONSUMPTION DURING THE TIME DURING WHICH THE PERMIT
18 HOLDER IS SERVING ALCOHOL FOR CONSUMPTION ON PREMISES.

19 (II) THE HOLDER OF AN EATING PLACE LICENSE WHO ALSO HOLDS A
20 WINE EXPANDED PERMIT MAY ALSO SELL WINE BY THE GLASS FOR
21 ON-PREMISES CONSUMPTION.

22 (III) NO EXPANDED PERMIT MAY BE ISSUED TO A LICENSE HOLDER
23 WHOSE UNDERLYING LICENSE IS SUBJECT TO A PENDING OBJECTION BY
24 THE DIRECTOR OF THE BUREAU OF LICENSING OR THE BOARD UNDER
25 SECTION 470(A.1), UNTIL THE MATTER IS ULTIMATELY DECIDED.
26 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF AN
27 EXPANDED PERMIT MAY CONTINUE TO OPERATE UNDER THE PERMIT IF ITS
28 UNDERLYING LICENSE IS OBJECTED BY THE DIRECTOR OF THE BUREAU OF
29 LICENSING OR THE BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER
30 IS ULTIMATELY DECIDED.

1 (3) IF THE BOARD HAS APPROVED THE OPERATION OF ANOTHER
2 BUSINESS WHICH HAS AN INSIDE PASSAGE OR COMMUNICATION TO OR WITH
3 THE LICENSED PREMISES, THE SALE AND PURCHASE OF WINE AND SPIRITS
4 SHALL BE CONFINED STRICTLY TO THE PREMISES, IN A SPECIFICALLY
5 DESIGNATED AREA COVERED BY THE LICENSE. THE PURCHASE OF A GOOD
6 OBTAINED FROM THE UNLICENSED AREA OF THE PREMISES SHALL BE
7 PERMITTED IN THE LICENSED AREA.

8 (4) AN EXPANDED PERMIT HOLDER MUST BE IN COMPLIANCE WITH THE
9 RESPONSIBLE ALCOHOL MANAGEMENT PROVISIONS UNDER SECTION 471.1.

10 (5) EXPANDED PERMIT HOLDERS MAY STORE ALCOHOL IN A
11 NONCONTIGUOUS AREA THAT IS NOT ACCESSIBLE TO THE PUBLIC AND IS:

12 (I) LOCKED AT ALL TIMES WHEN NOT BEING ACCESSED BY
13 LICENSEES' EMPLOYEES.

14 (II) NOT ACCESSIBLE TO EMPLOYEES UNDER THE AGE OF EIGHTEEN.

15 (III) IDENTIFIED BY DIMENSIONS AND LOCATIONS ON FORMS
16 SUBMITTED TO THE BOARD.

17 (6) AN EXPANDED PERMIT HOLDER MAY NOT SELL PRIVATE LABEL
18 PRODUCTS.

19 (B) THE APPLICATION AND RENEWAL FEE FOR AN EXPANDED PERMIT
20 SHALL BE AS FOLLOWS:

21 (1) FOR A WINE AND SPIRITS EXPANDED PERMIT, A FEE OF EIGHT
22 THOUSAND DOLLARS (\$8,000).

23 (2) FOR A WINE EXPANDED PERMIT, A FEE OF FOUR THOUSAND
24 DOLLARS (\$4,000).

25 (3) FOR A SPIRITS EXPANDED PERMIT, A FEE OF FOUR THOUSAND
26 DOLLARS (\$4,000).

27 (4) FOR A SPECIAL SPIRITS EXPANDED PERMIT, A FEE OF TWO
28 THOUSAND DOLLARS (\$2,000).

29 (B.1) THE BOARD MAY ACCEPT INSTALLMENT PAYMENTS FROM THE
30 PERMIT HOLDER FOR PAYMENT OF THE APPLICATION AND RENEWAL FEES

1 AND CHARGE AN INSTALLMENT PAYMENT FEE.

2 (C) BOTTLES MAY BE SOLD FOR OFF-PREMISES CONSUMPTION IN THE
3 FOLLOWING MANNER:

4 (1) A RESTAURANT OR HOTEL LICENSEE HOLDING ONE OF THE
5 FOLLOWING EXPANDED PERMITS MAY SELL THE FOLLOWING QUANTITIES IN
6 A SINGLE TRANSACTION:

7 (I) A WINE AND SPIRITS EXPANDED PERMIT, UP TO FOUR BOTTLES
8 OF WINE OR UP TO TWO BOTTLES OF SPIRITS, IN SEVEN HUNDRED FIFTY
9 MILLILITER TO ONE LITER BOTTLES OR UP TO TWO BOTTLES OF WINE OR
10 ONE BOTTLE OF SPIRITS IN ONE AND FIVE-TENTHS LITER TO ONE AND
11 THREE-QUARTER LITER BOTTLES.

12 (II) A WINE EXPANDED PERMIT, UP TO FOUR BOTTLES OF WINE IN
13 SEVEN HUNDRED FIFTY MILLILITER TO ONE LITER BOTTLES OR UP TO TWO
14 BOTTLES OF WINE IN ONE AND FIVE-TENTHS LITER TO ONE AND THREE-
15 QUARTER LITER BOTTLES.

16 (III) A SPIRITS EXPANDED PERMIT, UP TO TWO BOTTLES OF
17 SPIRITS IN SEVEN HUNDRED FIFTY MILLILITER TO ONE LITER BOTTLES
18 OR ONE BOTTLE OF SPIRITS IN ONE AND FIVE-TENTHS LITER TO ONE AND
19 THREE-QUARTER LITER BOTTLE.

20 (IV) A SPECIALTY SPIRITS EXPANDED PERMIT, UP TO TWO BOTTLES
21 OF SPIRITS IN SEVEN HUNDRED FIFTY MILLILITER TO ONE LITER
22 BOTTLES OR UP TO ONE BOTTLE OF SPIRITS IN ONE AND FIVE-TENTHS
23 LITER TO ONE AND THREE-QUARTER LITER BOTTLE.

24 (2) AN EATING PLACE LICENSEE HOLDING AN EXPANDED WINE PERMIT
25 MAY SELL UP TO FOUR BOTTLES OF WINE IN SEVEN HUNDRED FIFTY
26 MILLILITER TO ONE LITER BOTTLES OR UP TO TWO BOTTLES OF WINE IN
27 ONE AND FIVE-TENTHS LITER TO ONE AND THREE-QUARTER LITER
28 BOTTLES.

29 (D) A SPECIALTY SPIRITS EXPANDED PERMIT HOLDER MAY ONLY SELL
30 ONE OF THE FOLLOWING TYPES OF SPIRITS, AS DEFINED IN 27 CFR §§

1 5.22 (RELATING TO THE STANDARDS OF IDENTITY) OR 5.35 (RELATING
2 TO CLASS AND TYPE), OR SUCCESSOR REGULATIONS:

3 (1) GIN.

4 (2) RUM.

5 (3) TEQUILA.

6 (4) VODKA.

7 (5) WHISKEY.

8 (6) BRANDY.

9 (7) COGNAC OR CORDIALS.

10 (E) UPON THE CONDITION OF GRANTING AN EXPANDED PERMIT:

11 (1) THE BOARD SHALL REQUIRE AN APPLICANT TO FILE A WRITTEN
12 APPLICATION WITH THE BOARD IN THE MANNER DETERMINED BY THE
13 BOARD. THE APPLICATION SHALL INCLUDE A DESCRIPTION OR PLAN OF
14 THE PART OF THE PREMISES WHERE THE STORAGE AND SALES OF WINE AND
15 SPIRITS FOR RETAIL ARE PROPOSED.

16 (2) (RESERVED).

17 (F) THE BOARD MAY NOT GRANT AN EXPANDED PERMIT TO ANY
18 LICENSEE OR A LICENSEE'S OFFICERS, DIRECTORS OR SHAREHOLDERS WHO
19 HAVE BEEN CONVICTED IN ANY JURISDICTION OF A FELONY LIQUOR
20 OFFENSE. THE BOARD MAY NOT ISSUE AN EXPANDED LICENSE TO A PERSON
21 WHO HAS, THROUGH AN ATTORNEY OF RECORD, PLED OR AGREED TO PLEAD
22 GUILTY, EITHER AS AN INDIVIDUAL OR AS AN OFFICER OF A
23 CORPORATION, TO A CRIMINAL CHARGE FILED AGAINST THEM IN THIS
24 COMMONWEALTH INVOLVING ILLEGAL CONTROLLING INTEREST IN LICENSES
25 AUTHORIZED UNDER THIS ACT, NOTWITHSTANDING IF THE RECORD OF THE
26 PLEA AGREEMENT HAS BEEN EXPUNGED.

27 (G) A WINE OR SPIRITS EXPANDED PERMIT HOLDER MAY NOT SELL A
28 LIQUOR PRODUCT FOR OFF-PREMISES CONSUMPTION AT A PRICE LESS THAN
29 THE LIQUOR PRODUCT'S ACQUISITION COST.

30 (H) (RESERVED).

1 (I) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS
2 SHALL HAVE THE MEANING GIVEN TO THEM IN THIS SUBSECTION:

3 "EXPANDED PERMIT" SHALL MEAN ANY OF THE FOLLOWING:

4 (1) A WINE AND SPIRITS PERMIT.

5 (2) A WINE PERMIT.

6 (3) A SPIRITS PERMIT.

7 (4) A SPECIAL SPIRITS PERMIT.

8 SECTION 416. ENHANCED DISTRIBUTOR AND IMPORTING DISTRIBUTOR
9 PERMITS.-- (A) (1) NOTWITHSTANDING SECTION 492(12), (13) AND
10 (14), THE BOARD MAY ISSUE AN ENHANCED PERMIT TO A PERSON HOLDING
11 AND POSSESSING A VALID DISTRIBUTOR LICENSE OR IMPORTING
12 DISTRIBUTOR LICENSE. NOTHING IN THIS SECTION SHALL AFFECT THE
13 ABILITY OF AN EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF
14 ITS CURRENT LICENSE AS AUTHORIZED BY THIS ACT.

15 (2) IF THE BOARD HAS APPROVED THE OPERATION OF ANOTHER
16 BUSINESS WHICH HAS AN INSIDE PASSAGE OR COMMUNICATION TO OR WITH
17 THE LICENSED PREMISES, THE SALE AND PURCHASE OF WINE AND SPIRITS
18 SHALL BE CONFINED STRICTLY TO THE PREMISES, IN A SPECIFICALLY
19 DESIGNATED AREA COVERED BY THE LICENSE. THE PURCHASE OF A GOOD
20 OBTAINED FROM THE UNLICENSED AREA OF THE PREMISES SHALL BE
21 PERMITTED IN THE LICENSED AREA.

22 (3) LICENSEES MUST BE IN COMPLIANCE WITH THE RESPONSIBLE
23 ALCOHOL MANAGEMENT PROVISIONS UNDER SECTION 471.1.

24 (4) THE APPLICATION AND FEE FOR AN ENHANCED PERMIT SHALL BE
25 AS FOLLOWS:

26 (I) FOR A WINE AND SPIRITS ENHANCED PERMIT, A FEE OF EIGHT
27 THOUSAND DOLLARS (\$8,000).

28 (II) FOR A WINE ENHANCED PERMIT, A FEE OF FOUR THOUSAND
29 DOLLARS (\$4,000).

30 (III) FOR A SPIRITS ENHANCED PERMIT, A FEE OF FOUR THOUSAND

1 DOLLARS (\$4,000).

2 (IV) FOR A SPECIAL SPIRITS ENHANCED PERMIT, A FEE OF TWO
3 THOUSAND DOLLARS (\$2,000).

4 (4.1) THE BOARD MAY ACCEPT INSTALLMENT PAYMENTS FOR PAYMENT
5 OF THE APPLICATION AND RENEWAL FEE FROM THE PERMIT HOLDER AND
6 CHARGE AN INSTALLMENT PAYMENT FEE.

7 (5) A BEER DISTRIBUTOR OR IMPORTING DISTRIBUTOR HOLDING ONE
8 OF THE FOLLOWING ENHANCED PERMITS MAY SELL THE FOLLOWING
9 QUANTITIES:

10 (I) A WINE AND SPIRITS ENHANCED PERMIT, ANY QUANTITY IN ANY
11 SIZE.

12 (II) A WINE ENHANCED PERMIT, ANY QUANTITY IN ANY SIZE.

13 (III) A SPIRITS ENHANCED PERMIT, ANY QUANTITY IN ANY SIZE.

14 (IV) A SPECIALTY SPIRITS ENHANCED PERMIT, ANY QUANTITY IN
15 ANY SIZE.

16 (6) A SPECIALTY SPIRITS ENHANCED PERMIT HOLDER MAY ONLY SELL
17 ONE OF THE FOLLOWING TYPES OF SPIRITS AS DEFINED IN 27 CFR §
18 5.22 (RELATING TO THE STANDARDS OF IDENTITY) OR 5.35 (RELATING
19 TO CLASS AND TYPE) OR SUCCESSOR REGULATIONS:

20 (I) GIN.

21 (II) RUM.

22 (III) TEQUILA.

23 (IV) VODKA.

24 (V) WHISKEY.

25 (VI) BRANDY.

26 (VII) COGNAC OR CORDIALS.

27 (6.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN
28 ENHANCED PERMIT HOLDER MAY SELL MALT AND BREWED BEVERAGES IN A
29 SINGLE BOTTLE SIZE OF .750 MILLILITERS OR GREATER.

30 (7) UPON THE CONDITION OF GRANTING AN EXPANDED PERMIT, THE

1 BOARD SHALL REQUIRE AN APPLICANT TO FILE A WRITTEN APPLICATION
2 WITH THE BOARD IN THE MANNER DETERMINED BY THE BOARD.

3 (8) THE BOARD MAY NOT GRANT AN ENHANCED PERMIT TO ANY
4 LICENSEE OR A LICENSEE'S OFFICERS, DIRECTORS OR SHAREHOLDERS
5 WHO:

6 (I) (RESERVED); OR

7 (II) HAVE BEEN CONVICTED IN ANY JURISDICTION OF A FELONY
8 LIQUOR OFFENSE. THE BOARD MAY NOT ISSUE AN ENHANCED PERMIT TO A
9 PERSON WHO HAS, THROUGH AN ATTORNEY OF RECORD, PLED OR AGREED TO
10 PLEAD GUILTY, EITHER AS AN INDIVIDUAL OR AS AN OFFICER OF A
11 CORPORATION, TO A CRIMINAL CHARGE FILED AGAINST HIM IN THIS
12 COMMONWEALTH INVOLVING ILLEGAL CONTROLLING INTEREST IN LICENSES
13 AUTHORIZED UNDER THIS ACT, NOTWITHSTANDING IF THE RECORD OF THE
14 PLEA AGREEMENT HAS BEEN EXPUNGED.

15 (9) A WINE OR SPIRITS PERMIT HOLDER MAY NOT SELL A LIQUOR
16 PRODUCT OR MALT AND BREWED BEVERAGES AT A PRICE LESS THAN THE
17 LIQUOR PRODUCT'S OR MALT AND BREWED BEVERAGE'S ACQUISITION COST.

18 (10) (RESERVED).

19 (11) AN ENHANCED PERMIT MAY NOT BE ISSUED TO A LICENSE
20 HOLDER WHOSE UNDERLYING LICENSE IS SUBJECT TO A PENDING
21 OBJECTION BY THE DIRECTOR OF THE BUREAU OF LICENSING OR THE
22 BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER IS ULTIMATELY
23 DECIDED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF
24 AN ENHANCED PERMIT MAY CONTINUE TO USE THAT PERMIT IF ITS
25 UNDERLYING LICENSE IS OBJECTED BY THE DIRECTOR OF THE BUREAU OF
26 LICENSING OR THE BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER
27 IS ULTIMATELY DECIDED.

28 (12) SALES OF WINE AND SPIRITS FOR OFF-PREMISES CONSUMPTION
29 MAY NOT TAKE PLACE BY AN ENHANCED PERMIT HOLDER AFTER ELEVEN
30 O'CLOCK POSTMERIDIAN ON ANY DAY UNTIL EIGHT O'CLOCK ANTEMERIDIAN

1 OF THE NEXT DAY, INCLUDING SUNDAYS, IF THE LICENSEE HAS A PERMIT
2 AUTHORIZED UNDER SECTION 492.1(C).

3 (13) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS
4 SHALL HAVE THE MEANING GIVEN TO THEM IN THIS PARAGRAPH:

5 "ENHANCED PERMIT" SHALL MEAN ANY OF THE FOLLOWING:

6 (I) A WINE AND SPIRITS ENHANCED PERMIT.

7 (II) A WINE ENHANCED PERMIT.

8 (III) A SPIRITS ENHANCED PERMIT.

9 (IV) A SPECIAL SPIRITS ENHANCED PERMIT.

10 SECTION 6. SECTION 431(B) OF THE ACT, AMENDED DECEMBER 8,
11 2004 (P.L.1810, NO.239), IS AMENDED TO READ:

12 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
13 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

14 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
15 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
16 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
17 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
18 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
19 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN [A CASE OR
20 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
21 OR MORE WHICH MAY BE SOLD SEPARATELY] A SIX-PACK AS PREPARED FOR
22 THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE[.] OR
23 A GROWLER. A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY NOT SELL A
24 MALT OR BREWED BEVERAGE AT A PRICE LESS THAN THE MALT OR BREWED
25 BEVERAGE'S ACQUISITION COST. THE BOARD SHALL HAVE THE DISCRETION
26 TO REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
27 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
28 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
29 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
30 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY

1 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE: AND
2 PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW LICENSE OR THE
3 TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE BOARD MAY, IN ITS
4 DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE OR TRANSFER IF SUCH
5 PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED FEET OF
6 ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC
7 PLAYGROUND, OR IF SUCH NEW LICENSE OR TRANSFER IS APPLIED FOR A
8 PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES
9 WHICH IS LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE
10 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
11 TRANSFER OF ANY LICENSE TO A NEW LOCATION IF, IN THE BOARD'S
12 OPINION, SUCH NEW LICENSE OR TRANSFER WOULD BE DETRIMENTAL TO
13 THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
14 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
15 PROPOSED TO BE LICENSED. THE BOARD SHALL REFUSE ANY APPLICATION
16 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A LOCATION
17 WHERE THE SALE OF LIQUID FUELS OR OIL IS CONDUCTED. THE BOARD
18 MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING
19 ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD
20 AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT
21 SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO
22 ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE
23 BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF
24 THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS INTO AN
25 AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL RESTRICTIONS,
26 THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE
27 LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW LOCATION OR
28 UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING
29 THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION INVOLVES A
30 LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY RESTRICTIONS

1 IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION
2 SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A
3 NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL
4 REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON
5 WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF
6 MALT OR BREWED BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE
7 NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

8 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
9 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
10 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
11 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
12 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
13 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
14 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
15 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
16 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
17 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
18 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
19 AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES OWNED
20 BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
21 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
22 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
23 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
24 BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED
25 HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE
26 A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING
27 OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY
28 A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
29 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES
30 PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO

1 IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN
2 DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS
3 OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS
4 COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE
5 FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL
6 BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY
7 RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE
8 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP
9 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,
10 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED
11 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE
12 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,
13 DURING NORMAL BUSINESS HOURS.

14 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
15 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
16 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
17 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
18 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
19 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
20 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
21 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
22 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
23 MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
24 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
25 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
26 THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
27 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
28 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
29 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
30 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS

1 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
2 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
3 MANUFACTURER.

4 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
5 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
6 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
7 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
8 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
9 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
10 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
11 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
12 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
13 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
14 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
15 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
16 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
17 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
18 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
19 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
20 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
21 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
22 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
23 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
24 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
25 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
26 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
27 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
28 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
29 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
30 AFFECTED.

1 * * *

2 SECTION 7. SECTION 438 (A) OF THE ACT IS AMENDED TO READ:

3 SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME
4 LICENSEE.-- (A) ANY RETAIL DISPENSER MAY BE GRANTED LICENSES TO
5 MAINTAIN, OPERATE OR CONDUCT ANY NUMBER OF PLACES FOR THE SALE
6 OF MALT [OR] BREWED BEVERAGES[,] OR WINE, BUT A SEPARATE
7 LICENSE MUST BE SECURED FOR EACH PLACE WHERE MALT [OR] BREWED
8 BEVERAGES OR WINE AS PROVIDED UNDER SECTION 415 ARE SOLD.

9 * * *

10 SECTION 8. SECTION 441 (A), (B) AND (F) OF THE ACT, AMENDED
11 OR ADDED MAY 31, 1996 (P.L.312, NO.49), JUNE 18, 1998 (P.L.664,
12 NO.86) AND DECEMBER 9, 2002 (P.L.1653, NO.212), ARE AMENDED TO
13 READ:

14 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
15 RESTRICTIONS ON SALES, STORAGE, ETC.-- (A) NO DISTRIBUTOR OR
16 IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT
17 OR BREWED BEVERAGES EXCEPT:

18 (1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY
19 THE MANUFACTURER AT THE PLACE OF MANUFACTURE[;], EXCEPT THAT A
20 DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY BREAK THE BULK OF A
21 CASE AND SELL A UNIT OF THAT CASE IN QUANTITIES OF NOT LESS THAN
22 A SIX-PACK;

23 (2) IN THE CASE OF IDENTICAL CONTAINERS REPACKAGED IN THE
24 MANNER DESCRIBED BY SUBSECTION (F); [OR]

25 (3) AS PROVIDED IN SECTION 431 (B) [.] OR

26 (4) GROWLERS FILLED WITH MALT AND BREWED BEVERAGES.

27 (B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY
28 MALT OR BREWED BEVERAGES IN QUANTITIES OF LESS THAN A [CASE OR
29 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
30 OR MORE WHICH MAY BE SOLD SEPARATELY] SIX-PACK OR A GROWLER:

1 PROVIDED, THAT NO MALT OR BREWED BEVERAGES SOLD OR DELIVERED
2 SHALL BE CONSUMED UPON THE PREMISES OF THE DISTRIBUTOR OR
3 IMPORTING DISTRIBUTOR, OR IN ANY PLACE PROVIDED FOR SUCH PURPOSE
4 BY SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR. NOTWITHSTANDING
5 ANY OTHER PROVISION OF THIS SECTION OR ACT, MALT OR BREWED
6 BEVERAGES WHICH ARE PART OF A TASTING CONDUCTED PURSUANT TO THE
7 BOARD'S REGULATIONS MAY BE CONSUMED ON LICENSED PREMISES.

8 * * *

9 (F) (1) TO SALVAGE ONE OR MORE SALABLE [CASES] SIX-PACKS FROM
10 ONE OR MORE DAMAGED CASES, CARTONS OR PACKAGES OF MALT OR BREWED
11 BEVERAGES, A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY REPACKAGE
12 CONSEQUENT TO INADVERTENT DAMAGE AND SELL A [CASE, CARTON OR
13 PACKAGE OF IDENTICAL UNITS OF MALT OR BREWED BEVERAGES] SIX-
14 PACK.

15 (2) REPACKAGING IS PERMISSIBLE ONLY TO THE EXTENT MADE
16 NECESSARY BY INADVERTENT DAMAGE. REPACKAGING NOT CONSEQUENT TO
17 DAMAGE IS PROHIBITED.

18 (3) THE TERM "IDENTICAL UNITS" AS USED IN THIS SUBSECTION
19 MEANS UNDAMAGED BOTTLES OR CANS OF IDENTICAL BRAND, PACKAGE AND
20 VOLUME.

21 * * *

22 SECTION 9. SECTION 442 (A) (1) OF THE ACT, AMENDED JUNE 28,
23 2011 (P.L.55, NO.11), IS AMENDED TO READ:

24 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
25 AND SALES.-- (A) (1) NO RETAIL DISPENSER SHALL PURCHASE OR
26 RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL
27 CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE
28 PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK
29 THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE
30 SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED. NO

1 RETAIL DISPENSER MAY SELL MALT OR BREWED BEVERAGES FOR
2 CONSUMPTION OFF THE PREMISES IN QUANTITIES IN EXCESS OF [ONE
3 HUNDRED NINETY-TWO FLUID OUNCES] UP TO FOUR SIX-PACKS AND UP TO
4 TWO TWELVE-PACKS. SALES MAY BE MADE IN OPEN OR CLOSED
5 CONTAINERS, PROVIDED, HOWEVER, THAT A MUNICIPALITY MAY ADOPT AN
6 ORDINANCE RESTRICTING OPEN CONTAINERS IN PUBLIC PLACES. NO CLUB
7 LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGES FOR CONSUMPTION
8 OFF THE PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE
9 CLUB. A LICENSEE MAY NOT SELL MALT OR BREWED BEVERAGES FOR
10 CONSUMPTION OFF THE PREMISES AT LESS THAN ITS ACQUISITION COST.

11 * * *

12 SECTION 10. SECTION 443 OF THE ACT IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--* * *

15 (H) THE FOLLOWING SHALL APPLY:

16 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
17 CONTRARY, A MANUFACTURER OR LICENSEE AND ITS OFFICERS,
18 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY
19 CONTRIBUTE, AND A MANUFACTURER OR LICENSEE AND ITS OFFICERS,
20 DIRECTORS, SHAREHOLDERS, SERVANTS, AGENTS OR EMPLOYES MAY ACCEPT
21 MONEY OR OTHER THINGS OF VALUE SOLELY FOR THE ADMINISTRATION OF
22 A RESPONSIBLE ALCOHOL MANAGEMENT TRAINING PROGRAM FOR ALCOHOL
23 SERVICE PERSONNEL AS PROVIDED FOR UNDER THIS SECTION. THE MONEY
24 OR OTHER THINGS OF VALUE MAY BE PROVIDED BY OR TO A MANUFACTURER
25 OR LICENSEE AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, SERVANTS,
26 AGENTS OR EMPLOYES DIRECTLY OR BY OR TO A TRADE ORGANIZATION
27 CONSISTING, IN WHOLE OR PART, OF A GROUP OF LICENSEES.

28 (2) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION
29 ASSOCIATED WITH THE PERSON PROVIDING THE MONEY OR OTHER THINGS
30 OF VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER

1 THINGS OF VALUE PROVIDED, THE DATE PROVIDED AND THE ENTITY TO
2 WHOM IT WAS PROVIDED, AS PART OF THE RECORDS REQUIRED UNDER
3 SECTION 493(12) OF THIS ACT.

4 (3) THE MANUFACTURER, LICENSEE AND TRADE ORGANIZATION
5 ASSOCIATED WITH THE PERSON RECEIVING MONEY OR OTHER THINGS OF
6 VALUE MUST KEEP A RECORD OF THE VALUE OF THE MONEY OR OTHER
7 THINGS OF VALUE USED, AS PART OF THE RECORDS REQUIRED UNDER
8 SECTION 493(12) OF THIS ACT.

9 SECTION 11. SECTION 446(A)(2) AND (B) INTRODUCTORY PARAGRAPH
10 OF THE ACT, AMENDED DECEMBER 22, 2011 (P.L.530, NO.113) AND JULY
11 5, 2012 (P.L.1007, NO.116), ARE AMENDED TO READ:

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

14 * * *

15 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED
16 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY
17 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE
18 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED
19 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY
20 LICENSE MAY SELL AT ITS BREWERY PUB PREMISES [PENNSYLVANIA WINES
21 IT HAS PURCHASED FROM EITHER THE HOLDER OF A PENNSYLVANIA
22 LIMITED WINERY LICENSE OR FROM THE BOARD] WINES PRODUCED BY THE
23 HOLDER OF A LIMITED WINERY LICENSE OR LIQUOR PRODUCED BY A
24 LICENSED LIMITED DISTILLERY: PROVIDED, HOWEVER, THAT SAID WINES
25 AND LIQUOR MUST BE CONSUMED AT THE LICENSED BREWERY PUB
26 PREMISES.

27 * * *

28 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-
29 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A
30 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE

1 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE PRODUCED BY
2 A LICENSED LIMITED WINERY, LIQUOR PRODUCED BY A LICENSED LIMITED
3 DISTILLERY AND MALT OR BREWED BEVERAGES PRODUCED BY THE BREWERY
4 BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER TOGETHER WITH FOOD,
5 AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE PREMISES. FUNCTIONS
6 CONDUCTED UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO
7 THE FOLLOWING:

8 * * *

9 SECTION 12. SECTION 461(B.1)(4), (7) AND (8), (B.2) AND (D)
10 OF THE ACT, AMENDED FEBRUARY 21, 2002 (P.L.103, NO.10), NOVEMBER
11 29, 2006 (P.L.1421, NO.155) AND JUNE 28, 2011 (P.L.55, NO.11),
12 ARE AMENDED TO READ:

13 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
14 IN EACH COUNTY.--* * *

15 (B.1) THE BOARD MAY ISSUE RESTAURANT AND EATING PLACE RETAIL
16 DISPENSER LICENSES AND RENEW LICENSES ISSUED UNDER THIS
17 SUBSECTION WITHOUT REGARD TO THE QUOTA RESTRICTIONS SET FORTH IN
18 SUBSECTION (A) FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN A
19 MUNICIPALITY UNDER THE FOLLOWING CONDITIONS:

20 * * *

21 (4) AN APPLICANT UNDER THIS SUBSECTION SHALL BE REQUIRED TO
22 SELL FOOD AND NONALCOHOLIC BEVERAGES EQUAL TO [SEVENTY PER
23 CENTUM (70%)] FIFTY PER CENTUM (50%) OR MORE OF ITS COMBINED
24 GROSS SALES OF FOOD AND ALCOHOLIC BEVERAGES.

25 * * *

26 (7) AN APPEAL OF THE BOARD'S DECISION REFUSING TO GRANT OR
27 RENEW A LICENSE UNDER THIS SUBSECTION SHALL NOT ACT AS A
28 SUPERSEDEAS OF THE DECISION OF THE BOARD IF THE DECISION IS
29 BASED, IN WHOLE OR IN PART, ON THE LICENSEE'S FAILURE TO
30 DEMONSTRATE THAT ITS FOOD AND NONALCOHOLIC BEVERAGES WERE AT

1 LEAST [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM (50%) OF ITS
2 COMBINED GROSS SALES OF FOOD AND ALCOHOLIC BEVERAGES.

3 (8) A LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT BE
4 VALIDATED OR RENEWED UNLESS THE LICENSEE CAN ESTABLISH THAT ITS
5 SALE OF FOOD AND NONALCOHOLIC BEVERAGES DURING THE LICENSE YEAR
6 IMMEDIATELY PRECEDING APPLICATION FOR VALIDATION OR RENEWAL IS
7 EQUAL TO [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM (50%) OR
8 MORE OF ITS FOOD AND ALCOHOLIC BEVERAGE SALES.

9 (B.2) QUALIFIED APPLICANTS UNDER SUBSECTION (B.1) SHALL
10 RECEIVE A PROVISIONAL LICENSE FOR ONE HUNDRED TWENTY DAYS,
11 EXCLUSIVE OF PERIODS OF SAFEKEEPING. AFTER NINETY DAYS FROM THE
12 DATE OF ISSUANCE, THE LICENSEE MAY FILE AN APPLICATION FOR A
13 PERMANENT LICENSE. A LICENSE SHALL BE ISSUED IF THE LICENSEE
14 ESTABLISHES THAT FOR NINETY CONSECUTIVE DAYS FROM THE DATE OF
15 INITIAL ISSUE ITS SALES OF FOOD AND NONALCOHOLIC BEVERAGES IS
16 EQUAL TO AT LEAST [SEVENTY PER CENTUM (70%)] FIFTY PER CENTUM
17 (50%) OF ITS COMBINED GROSS SALES OF FOOD AND ALCOHOLIC
18 BEVERAGES. LICENSEES SHALL NOT BE SUBJECT TO CITATION BY THE
19 ENFORCEMENT BUREAU FOR A VIOLATION OF THE REQUIREMENT THAT FOOD
20 AND NONALCOHOLIC BEVERAGES EQUAL AT LEAST [SEVENTY PER CENTUM
21 (70%)] FIFTY PER CENTUM (50%) OF THE COMBINED GROSS SALES OF
22 FOOD AND ALCOHOLIC BEVERAGES DURING THE PROVISIONAL LICENSING
23 PERIOD.

24 * * *

25 (D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL
26 MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC
27 ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH
28 LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL
29 AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY
30 OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE

1 ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A
2 MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF
3 LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT
4 RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE
5 SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN
6 SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS
7 OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE
8 THE AIRPORT TERMINAL BUILDING OR BUILDINGS[, NOTWITHSTANDING ANY
9 INTERVENING THOROUGHFARES]. IN ADDITION TO THE PRIVILEGES
10 GRANTED UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED
11 BEVERAGES, AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL
12 [WINE] ALCOHOL BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR
13 CONSUMPTION [OFF THE LICENSED PREMISES AND] WITHIN THE AIRPORT
14 TERMINAL BUILDING. NOTWITHSTANDING ANY PROVISION TO THE
15 CONTRARY, AN AIRPORT RESTAURANT LICENSEE THAT HAS ACQUIRED A
16 SUNDAY SALES PERMIT MAY COMMENCE SALES AT SEVEN O'CLOCK
17 ANTEMERIDIAN.

18 * * *

19 SECTION 13. SECTION 468(E) OF THE ACT, ADDED DECEMBER 22,
20 2011 (P.L.530, NO.113), IS AMENDED TO READ:

21 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--* * *

22 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD
23 MAY [NOT] APPROVE AN INTERIOR CONNECTION [THAT IS GREATER THAN
24 TEN FEET WIDE] BETWEEN A LICENSED BUSINESS AND ANOTHER BUSINESS.
25 [THIS SUBSECTION SHALL NOT PROHIBIT THE BOARD FROM APPROVING A
26 RENEWAL APPLICATION OF A LICENSE, EVEN IF THE LICENSED BUSINESS
27 HAS AN INTERIOR CONNECTION THAT IS GREATER THAN TEN FEET WIDE TO
28 AN UNLICENSED BUSINESS, IF THE BOARD HAD APPROVED THE INTERIOR
29 CONNECTION PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.]

30 SECTION 14. SECTION 472(A) OF THE ACT, AMENDED FEBRUARY 21,

1 2002 (P.L.103, NO.10), IS AMENDED TO READ:

2 SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY
3 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT
4 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN
5 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), ON THE DATE OF
6 THE PRIMARY ELECTION IMMEDIATELY PRECEDING ANY MUNICIPAL
7 ELECTION, BUT NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE
8 THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR
9 LICENSES TO HOTELS, RESTAURANTS, RESORT FACILITIES AND CLUBS,
10 NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF
11 THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO
12 PUBLIC VENUES, TO PERFORMING ARTS FACILITIES, TO CONTINUING CARE
13 RETIREMENT COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY
14 AN ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
15 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT
16 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE
17 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL
18 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE
19 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
20 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND
21 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO
22 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING
23 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO
24 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT
25 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE
26 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION
27 PERMITS TO QUALIFIED ORGANIZATIONS, [OR] NOT MORE THAN ONCE IN
28 FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT
29 TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF
30 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH

1 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, OR NOT MORE THAN
2 ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
3 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI RESORT
4 FACILITIES, UNDER THE PROVISIONS OF THIS ACT: PROVIDED, HOWEVER,
5 WHERE AN ELECTION SHALL HAVE BEEN HELD AT THE PRIMARY PRECEDING
6 A MUNICIPAL ELECTION IN ANY YEAR, ANOTHER ELECTION MAY BE HELD
7 UNDER THE PROVISIONS OF THIS ACT AT THE PRIMARY OCCURRING THE
8 FOURTH YEAR AFTER SUCH PRIOR ELECTION: AND PROVIDED FURTHER,
9 THAT AN ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A
10 STATE LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE
11 MUNICIPALITIES, OR THAT PART OF A SPLIT MUNICIPALITY THAT SHALL
12 HAVE VOTED AGAINST THE GRANTING OF LIQUOR LICENSES; AND THAT AN
13 ELECTION ON THE QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND
14 IMPORTING DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE
15 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE
16 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S
17 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER
18 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE
19 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST
20 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY
21 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE
22 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE
23 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY
24 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE
25 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT THE
26 PRIMARY IMMEDIATELY PRECEDING THE MUNICIPAL ELECTION. SEPARATE
27 PETITIONS MUST BE FILED FOR EACH QUESTION TO BE VOTED ON. SAID
28 PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT TO THE PROVISIONS
29 OF THE ELECTION LAWS WHICH RELATE TO THE SIGNING, FILING AND
30 ADJUDICATION OF NOMINATION PETITIONS, INsofar AS SUCH PROVISIONS

1 ARE APPLICABLE.

2 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
3 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

4 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE
5 SALE OF LIQUOR IN..... YES
6 OF.....? NO

7 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
8 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO
9 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
10 FOLLOWING FORM:

11 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT
12 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
13 OF.....? NO

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
15 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT
16 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
17 FOLLOWING FORM:

18 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI
19 RESORT FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
20 OF.....? NO

21 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
22 LIQUOR LICENSES FOR USE AT PUBLIC VENUES IN THOSE MUNICIPALITIES
23 THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE
24 IN THE FOLLOWING FORM:

25 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC
26 VENUES FOR THE SALE OF LIQUOR IN THE..... YES
27 OF.....? NO

28 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
29 LIQUOR LICENSES FOR USE AT PERFORMING ARTS FACILITIES IN THOSE
30 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF

1 ALCOHOL, IT SHALL BE IN THE FOLLOWING FORM:

2 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO
3 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN
4 THE..... YES
5 OF.....? NO

6 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
7 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED
8 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT
9 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN
10 THE FOLLOWING FORM:

11 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS
12 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR UNIVERSITY
13 IN THE..... YES
14 OF.....? NO

15 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
16 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE
17 IN THE FOLLOWING FORM:

18 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
19 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF
20 LIQUOR IN.....BY..... YES
21 OF.....? NO

22 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
23 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE
24 IN THE FOLLOWING FORM:

25 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
26 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF
27 LIQUOR IN.....BY..... YES
28 OF.....? NO

29 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
30 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE

1 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF
2 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

3 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
4 CONTINUING CARE RETIREMENT COMMUNITIES
5 IN.....BY..... YES
6 OF.....? NO

7 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
8 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
9 IN THE FOLLOWING FORM:

10 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
11 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES
12 WHERE SOLD IN THE..... YES
13 OF.....? NO

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
15 TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND
16 IMPORTING DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:

17 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
18 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S
19 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN
20 THE..... YES
21 OF.....? NO

22 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
23 LIQUOR LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
24 ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

25 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO
26 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS
27 IN THE..... YES
28 OF.....? NO

29 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
30 RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL

1 VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

2 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER
3 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
4 ORGANIZATIONS IN THE..... YES
5 OF.....? NO

6 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
7 OCCASION PERMITS ALLOWING THE SALE OF LIQUOR BY QUALIFIED
8 ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE
9 RETAIL SALE OF LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

10 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS TO
11 ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS IN
12 THE..... YES
13 OF.....? NO

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
15 OCCASION PERMITS ALLOWING THE SALE OF MALT OR BREWED BEVERAGES
16 ONLY BY QUALIFIED ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT
17 ALREADY ALLOW THE RETAIL SALE OF MALT OR BREWED BEVERAGES, IT
18 SHALL BE IN THE FOLLOWING FORM:

19 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS TO
20 ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY
21 QUALIFIED ORGANIZATIONS IN THE..... YES
22 OF.....? NO

23 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
24 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
25 BE IN THE FOLLOWING FORM:

26 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND
27 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN
28 THE..... YES
29 OF.....? NO

30 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A

1 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
2 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,
3 RESTAURANTS, RESORT FACILITIES AND CLUBS, OR LIQUOR LICENSES
4 SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO PERFORMING
5 ARTS FACILITIES, TO CONTINUING CARE RETIREMENT COMMUNITIES, TO
6 HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR
7 UNIVERSITY, TO PRIVATELY-OWNED PRIVATE GOLF COURSES OR TO
8 PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT AND BREWED BEVERAGE
9 RETAIL DISPENSER LICENSES OR WHOLESALE DISTRIBUTOR'S AND
10 IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE OF MALT OR BREWED
11 BEVERAGES SHALL BE GRANTED BY THE BOARD, OR CLUB LIQUOR LICENSES
12 OR CLUB RETAIL DISPENSER LICENSES SHALL BE GRANTED BY THE BOARD
13 TO INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, OR
14 SPECIAL OCCASION PERMITS MAY BE ISSUED TO QUALIFIED
15 ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND MAINTAIN
16 PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH
17 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY
18 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH
19 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT
20 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO
21 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;
22 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE
23 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR
24 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA
25 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT
26 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING
27 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT
28 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE
29 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY
30 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A

1 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON
2 SUCH QUESTION.

3 * * *

4 SECTION 15. SECTION 474.1(A) AND (G) OF THE ACT, AMENDED
5 NOVEMBER 29, 2006 (P.L.1421, NO.155), ARE AMENDED TO READ:

6 SECTION 474.1. SURRENDER OF RESTAURANT, EATING PLACE RETAIL
7 DISPENSER, HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSE
8 FOR BENEFIT OF LICENSEE.--(A) A RESTAURANT, EATING PLACE RETAIL
9 DISPENSER, HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSEE
10 WHOSE LICENSED ESTABLISHMENT IS NOT IN OPERATION FOR FIFTEEN
11 CONSECUTIVE DAYS OR AN EXPANDED OR ENHANCED PERMIT HOLDER THAT
12 DOES NOT SELL WINE OR SPIRITS AS PROVIDED UNDER SECTIONS 415 AND
13 416 DURING A FIFTEEN-CONSECUTIVE-DAY PERIOD SHALL RETURN ITS
14 LICENSE OR PERMIT FOR SAFEKEEPING WITH THE BOARD NO LATER THAN
15 AT THE EXPIRATION OF THE FIFTEEN-DAY PERIOD. THE LICENSE MAY
16 ONLY BE REISSUED FROM SAFEKEEPING IN THE MANNER SET FORTH BY THE
17 BOARD THROUGH REGULATION.

18 * * *

19 (G) (1) A LICENSEE WHOSE LICENSE IS SUBJECT TO THIS SECTION
20 MAY, UPON WRITTEN REQUEST, APPLY TO THE BOARD TO ALLOW THE
21 LICENSE TO REMAIN IN SAFEKEEPING FOR AN ADDITIONAL ONE YEAR. THE
22 WRITTEN REQUEST MUST BE ACCOMPANIED BY A [FIVE THOUSAND DOLLAR
23 (\$5,000)] TEN THOUSAND DOLLAR (\$10,000) FEE FOR LICENSES PLACED
24 IN SAFEKEEPING FROM COUNTIES OF THE FIRST CLASS, SECOND CLASS,
25 SECOND CLASS A, THIRD CLASS AND FOURTH CLASS AND A FEE OF [TWO
26 THOUSAND FIVE HUNDRED DOLLARS (\$2,500)] FIVE THOUSAND DOLLARS
27 (\$5,000) FOR LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE
28 FIFTH THROUGH EIGHTH CLASSES. THE BOARD SHALL APPROVE THE
29 REQUEST UNLESS THE LICENSE OR LICENSEE NO LONGER MEETS THE
30 REQUIREMENTS OF THIS ACT OR THE BOARD'S REGULATIONS. THE FEE

1 COLLECTED SHALL BE PAID INTO THE STATE TREASURY THROUGH THE
2 DEPARTMENT OF REVENUE INTO THE STATE STORE FUND.

3 (2) A LICENSEE WHOSE LICENSE REMAINS IN SAFEKEEPING AFTER
4 THE EXPIRATION OF AN APPROVED ADDITIONAL ONE-YEAR PERIOD MAY
5 SUBMIT A WRITTEN REQUEST FOR ADDITIONAL ONE-YEAR PERIODS;
6 HOWEVER, EACH SUCH REQUEST MUST BE ACCOMPANIED BY A [FIVE
7 THOUSAND DOLLAR (\$5,000)] TEN THOUSAND DOLLAR (\$10,000) FEE FOR
8 LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE FIRST CLASS,
9 SECOND CLASS, SECOND CLASS A, THIRD CLASS AND FOURTH CLASS AND A
10 FEE OF [TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)] FIVE
11 THOUSAND DOLLARS (\$5,000) FOR LICENSES PLACED IN SAFEKEEPING
12 FROM COUNTIES OF THE FIFTH THROUGH EIGHTH CLASSES.

13 SECTION 16. SECTION 488 OF THE ACT, ADDED FEBRUARY 21, 2002
14 (P.L.103, NO.10), IS AMENDED TO READ:

15 SECTION 488. [SHIPMENT OF WINE INTO COMMONWEALTH.--(A) THE
16 SHIPMENT OF WINE FROM OUT-OF-STATE TO RESIDENTS OF THIS
17 COMMONWEALTH IS PROHIBITED, EXCEPT AS OTHERWISE PROVIDED FOR IN
18 THIS SECTION.

19 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
20 TO THE CONTRARY, A PERSON LICENSED BY ANOTHER STATE AS A
21 PRODUCER, SUPPLIER, IMPORTER, WHOLESALER, DISTRIBUTOR OR
22 RETAILER OF WINE AND WHO OBTAINS A DIRECT WINE SHIPPER LICENSE
23 AS PROVIDED FOR IN THIS SECTION MAY SHIP UP TO NINE LITERS PER
24 MONTH OF ANY WINE NOT INCLUDED ON THE LIST PROVIDED FOR IN
25 SUBSECTION (C) ON THE INTERNET ORDER OF ANY RESIDENT OF THIS
26 COMMONWEALTH WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE FOR
27 SUCH RESIDENT'S PERSONAL USE AND NOT FOR RESALE.

28 (C) EACH MONTH, THE BOARD SHALL PUBLISH ON THE INTERNET A
29 LIST OF ALL CLASSES, VARIETIES AND BRANDS OF WINE AVAILABLE FOR
30 SALE IN THE PENNSYLVANIA LIQUOR STORES. A PERSON HOLDING A

1 DIRECT SHIPPER LICENSE MAY SHIP ONLY THOSE CLASSES, VARIETIES
2 AND BRANDS OF WINE NOT INCLUDED ON THE LIST AT THE TIME AN
3 INTERNET ORDER IS PLACED.

4 (D) AN OUT-OF-STATE WINE SHIPPER SHALL:

5 (1) NOT SHIP MORE THAN NINE LITERS PER MONTH ON THE INTERNET
6 ORDER OF ANY PERSON IN THIS COMMONWEALTH.

7 (2) REPORT TO THE BOARD EACH YEAR THE TOTAL OF WINE SHIPPED
8 INTO THIS COMMONWEALTH IN THE PRECEDING CALENDAR YEAR.

9 (3) PERMIT THE BOARD OR THE SECRETARY OF REVENUE, OR THEIR
10 DESIGNATED REPRESENTATIVES, TO PERFORM AN AUDIT OF THE OUT-OF-
11 STATE WINE SHIPPER'S RECORDS UPON REQUEST.

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

16 (E) A DIRECT SHIPPER MAY SHIP WINE ON THE INTERNET ORDER OF
17 A RESIDENT INTO THIS COMMONWEALTH PROVIDED THAT THE WINE IS
18 SHIPPED TO A PENNSYLVANIA LIQUOR STORE SELECTED BY THE RESIDENT.
19 THE WINE WILL BE SUBJECT TO TAXES IN THE SAME MANNER AS WINE
20 SOLD DIRECTLY BY THE BOARD. THE WINE WILL NOT BE RELEASED BY THE
21 STATE STORE UNTIL ALL MONEYS DUE, INCLUDING ALL TAXES AND FEES,
22 HAVE BEEN PAID BY THE RESIDENT.

23 (F) A PERSON SHALL SIGN AN AFFIDAVIT PROVIDED BY THE
24 PENNSYLVANIA LIQUOR STORE WHERE THE WINE WAS DELIVERED TO
25 STATING THAT THE WINE WILL ONLY BE USED FOR THE PERSON'S
26 PERSONAL USE. ANY PERSON WHO RESELLS WINE OBTAINED UNDER THIS
27 SECTION COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

28 (G) THE BOARD MAY PROMULGATE SUCH RULES AND REGULATIONS AS
29 ARE NECESSARY TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS
30 SECTION. THE BOARD MAY CHARGE THE RESIDENT A FEE TO COVER THE

1 COST ASSOCIATED WITH PROCESSING THE INTERNET ORDER.

2 (H) THE BOARD SHALL SUBMIT MONTHLY REPORTS TO THE
3 APPROPRIATIONS COMMITTEE AND THE LAW AND JUSTICE COMMITTEE OF
4 THE SENATE AND TO THE APPROPRIATIONS COMMITTEE AND THE LIQUOR
5 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES SUMMARIZING
6 THE NUMBER OF DIRECT SHIPPER LICENSES ISSUED BY THE BOARD, THE
7 QUANTITY OF WINE SOLD PURSUANT TO THIS SECTION AND THE TOTAL
8 DOLLAR VALUE OF SALES UNDER THIS SECTION.

9 (I) THE TERM "WINE" AS USED IN THIS SECTION SHALL MEAN
10 LIQUOR WHICH IS FERMENTED FROM GRAPES AND OTHER FRUITS, HAVING
11 ALCOHOLIC CONTENT OF TWENTY-FOUR PER CENTUM OR LESS. THE TERM
12 "WINE" SHALL NOT INCLUDE MALT OR BREWED BEVERAGES NOR SHALL WINE
13 INCLUDE ANY PRODUCTS CONTAINING ALCOHOL DERIVED FROM MALT,
14 GRAIN, CEREAL, MOLASSES OR CACTUS.] SHIPMENT OF WINE.--(A) THE
15 SHIPMENT OF WINE TO RESIDENTS OF THIS COMMONWEALTH SHALL BE
16 GOVERNED BY THIS SECTION.

17 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW,
18 A PERSON LICENSED BY THE BOARD OR ANOTHER STATE AS A PRODUCER OF
19 WINE AND WHO OBTAINS A DIRECT WINE SHIPPER LICENSE AS PROVIDED
20 UNDER THIS SECTION MAY SHIP UP TO EIGHTEEN LITERS PER MONTH OF
21 WINE ON THE INTERNET, TELEPHONE OR MAIL ORDER TO A RESIDENT OF
22 THIS COMMONWEALTH WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE
23 FOR THE RESIDENT'S PERSONAL USE AND NOT FOR RESALE.

24 (C) EACH MONTH, THE BOARD SHALL PUBLISH ON THE INTERNET A
25 LIST OF ALL CLASSES, VARIETIES AND BRANDS OF WINE AVAILABLE FOR
26 SALE IN THE PENNSYLVANIA LIQUOR STORES.

27 (C.1) PRIOR TO ISSUING A DIRECT WINE SHIPPER LICENSE, THE
28 BOARD SHALL REQUIRE THE PERSON SEEKING THE LICENSE TO:

29 (1) FILE AN APPLICATION WITH THE BOARD.

30 (2) PAY A ONE HUNDRED DOLLAR (\$100) REGISTRATION FEE.

1 (3) PROVIDE TO THE BOARD A TRUE COPY OF ITS CURRENT
2 ALCOHOLIC BEVERAGE LICENSE ISSUED BY THE BOARD OR ANOTHER STATE.

3 (4) PROVIDE THE BOARD WITH ANY OTHER INFORMATION THE BOARD
4 DEEMS NECESSARY AND APPROPRIATE.

5 (5) PROVIDE DOCUMENTATION WHICH EVIDENCES THAT IT HAS
6 OBTAINED A SALES TAX LICENSE FROM THE DEPARTMENT OF REVENUE.

7 (D) A DIRECT WINE SHIPPER:

8 (1) MAY NOT SHIP MORE THAN EIGHTEEN LITERS PER MONTH ON THE
9 INTERNET, TELEPHONE OR MAIL-ORDER TO A PERSON IN THIS
10 COMMONWEALTH.

11 (2) SHALL DO ALL OF THE FOLLOWING:

12 (I) REPORT TO THE BOARD EACH YEAR THE TOTAL OF WINE SHIPPED
13 TO RESIDENTS OF THIS COMMONWEALTH IN THE PRECEDING CALENDAR
14 YEAR.

15 (II) PERMIT THE BOARD OR THE SECRETARY OF REVENUE, OR THEIR
16 DESIGNATED REPRESENTATIVES, TO PERFORM AN AUDIT OF THE DIRECT
17 WINE SHIPPER'S RECORDS UPON REQUEST.

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

22 (IV) REQUIRE PROOF OF AGE OF THE RECIPIENT, IN A MANNER OR
23 FORMAT APPROVED BY THE BOARD, BEFORE WINE IS SHIPPED TO A
24 RESIDENT OF THIS COMMONWEALTH.

25 (V) ENSURE THAT A BOX OR EXTERIOR CONTAINER OF WINE SHIPPED
26 DIRECTLY TO A RESIDENT IN THIS COMMONWEALTH IS CONSPICUOUSLY
27 LABELED WITH THE WORDS:

28 "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE
29 OR OLDER REQUIRED FOR DELIVERY."

30 (VI) PAY TO THE DEPARTMENT OF REVENUE ALL TAXES DUE ON SALES

1 TO RESIDENTS OF THIS COMMONWEALTH. THE AMOUNT OF THE TAXES SHALL
2 BE CALCULATED AS IF THE SALES WERE IN THIS COMMONWEALTH AT THE
3 LOCATIONS WHERE DELIVERY IS MADE. THE WINE DELIVERED UNDER THE
4 AUTHORITY OF THIS SUBSECTION SHALL BE SUBJECT TO ALL OF THE
5 FOLLOWING:

6 (A) THE SALES AND USE TAX IMPOSED UNDER SECTION 202 OF THE
7 ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM
8 CODE OF 1971."

9 (B) THE SALES AND USE TAX IMPOSED UNDER ARTICLE XXXI-B OF
10 THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND
11 CLASS COUNTY CODE."

12 (C) THE SALES AND USE TAX IMPOSED UNDER THE ACT OF JUNE 5,
13 1991 (P.L.9, NO.6), KNOWN AS THE "PENNSYLVANIA INTERGOVERNMENTAL
14 COOPERATION AUTHORITY ACT FOR CITIES OF THE FIRST CLASS."

15 (D) THE DIRECT WINE SHIPMENT TAX IMPOSED UNDER SUBSECTION
16 (I).

17 (VII) ANNUALLY RENEW ITS LICENSE BY PAYING A RENEWAL FEE
18 ESTABLISHED BY THE BOARD.

19 (E) (RESERVED).

20 (F) A PERSON WHO RESELLS WINE OBTAINED UNDER THIS SECTION
21 COMMITTS A MISDEMEANOR OF THE SECOND DEGREE.

22 (G) THE BOARD MAY PROMULGATE RULES AND REGULATIONS AS ARE
23 NECESSARY TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS
24 SECTION.

25 (H) THE BOARD SHALL SUBMIT ANNUAL REPORTS TO THE
26 APPROPRIATIONS COMMITTEE AND THE LAW AND JUSTICE COMMITTEE OF
27 THE SENATE AND TO THE APPROPRIATIONS COMMITTEE AND THE LIQUOR
28 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES SUMMARIZING
29 THE NUMBER OF DIRECT SHIPPER LICENSES ISSUED BY THE BOARD AND
30 THE QUANTITY OF WINE SOLD BY DIRECT WINE SHIPPERS UNDER THIS

1 SECTION.

2 (I) A DIRECT WINE SHIPMENT TAX IS IMPOSED AND ASSESSED AT
3 THE RATE OF TWELVE PER CENTUM OF THE NET PRICE OF ALL WINE SOLD
4 AND DELIVERED UNDER THE AUTHORITY OF THIS SECTION. THE TAX SHALL
5 BE COLLECTED BY THE DIRECT WINE SHIPPER FROM THE PURCHASER AND
6 BE PAID TO THE DEPARTMENT OF REVENUE AS PROVIDED UNDER THIS
7 SECTION. UNLESS OTHERWISE SPECIFIED, THE TAX SHALL BE ASSESSED,
8 COLLECTED AND ENFORCED BY THE DEPARTMENT OF REVENUE IN THE SAME
9 MANNER AS THE TAX UNDER ARTICLE II OF THE "TAX REFORM CODE OF
10 1971."

11 (J) RECEIPTS FROM THE TAX IMPOSED UNDER SUBSECTION (I) SHALL
12 BE DEPOSITED INTO THE GENERAL FUND. ANNUALLY, ON JANUARY 15 AND
13 JULY 15, THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS
14 (\$250,000) SHALL BE TRANSFERRED FROM THE GENERAL FUND TO A
15 RESTRICTED ACCOUNT WITHIN THE GENERAL FUND. THE MONEY IN THE
16 RESTRICTED ACCOUNT IS APPROPRIATED ON A CONTINUING BASIS TO THE
17 PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD FOR THE PURPOSE OF
18 AWARDING GRANTS UNDER SECTION 488.1.

19 SECTION 17. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
20 SECTION 488.1. PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD.--

21 (A) THERE IS ESTABLISHED THE PENNSYLVANIA WINE INDUSTRY
22 PROMOTION BOARD.

23 (B) THE PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD SHALL BE
24 COMPOSED OF THE FOLLOWING MEMBERS:

25 (1) ONE MEMBER APPOINTED BY THE GOVERNOR UNDER SUBSECTION
26 (C).

27 (2) FOUR MEMBERS APPOINTED BY THE GENERAL ASSEMBLY UNDER
28 SUBSECTION (C).

29 (C) THE GUBERNATORIAL APPOINTEE MUST BE A RESIDENT OF THIS
30 COMMONWEALTH, HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE

1 PENNSYLVANIA WINE INDUSTRY AND SHALL SERVE AT THE PLEASURE OF
2 THE GOVERNOR.

3 (D) APPOINTMENTS OF MEMBERS BY THE GENERAL ASSEMBLY SHALL BE
4 MADE AS FOLLOWS:

5 (1) ONE INDIVIDUAL APPOINTED BY THE PRESIDENT PRO TEMPORE OF
6 THE SENATE.

7 (2) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
8 SENATE.

9 (3) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE OF
10 REPRESENTATIVES.

11 (4) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
12 HOUSE OF REPRESENTATIVES.

13 (E) LEGISLATIVE APPOINTEES MUST BE RESIDENTS OF THIS
14 COMMONWEALTH, HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE
15 PENNSYLVANIA WINE INDUSTRY AND SHALL SERVE AT THE PLEASURE OF
16 THE APPOINTING AUTHORITY.

17 (F) THE PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD SHALL DO
18 ALL OF THE FOLLOWING:

19 (1) AWARD GRANTS TO ENTITIES FOR THE PURPOSE OF INCREASING
20 THE PRODUCTION OF PENNSYLVANIA-MADE WINES AND ENHANCING THE
21 PENNSYLVANIA WINE INDUSTRY THROUGH PROMOTION, MARKETING AND
22 RESEARCH-BASED PROGRAMS AND PROJECTS.

23 (2) ALLOCATE GRANTS THROUGH A COMPETITIVE GRANT REVIEW
24 PROCESS ESTABLISHED BY THE PENNSYLVANIA WINE INDUSTRY PROMOTION
25 BOARD. THE APPLICATION FOR A GRANT SHALL INCLUDE:

26 (I) THE PURPOSE FOR WHICH THE GRANT SHALL BE UTILIZED;

27 (II) INFORMATION INDICATING NEED FOR THE GRANT;

28 (III) AN ESTIMATED BUDGET;

29 (IV) METHODS FOR MEASURING OUTCOMES; AND

30 (V) ANY OTHER CRITERIA THE PENNSYLVANIA WINE INDUSTRY

1 PROMOTION BOARD REQUIRES.

2 (3) REQUIRE GRANT RECIPIENTS TO PROVIDE FULL AND COMPLETE
3 ACCESS TO ALL RECORDS RELATING TO THE PERFORMANCE OF THE GRANT
4 AND TO SUBMIT ACCURATE INFORMATION AS REQUIRED BY THE
5 PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD.

6 (4) CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR
7 WHICH A GRANT UNDER THIS SECTION IS MADE. THE PENNSYLVANIA WINE
8 INDUSTRY PROMOTION BOARD SHALL SEEK REPAYMENT OF FUNDS IF IT
9 DETERMINES THAT FUNDS ARE NOT UTILIZED FOR THE ORIGINAL STATED
10 PURPOSE.

11 (5) SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY
12 DETAILING ALL ACTIONS OF THE PENNSYLVANIA WINE INDUSTRY
13 PROMOTION BOARD AND GRANTS AWARDED UNDER THIS SECTION.

14 (G) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE ASSISTANCE
15 TO ASSIST THE PENNSYLVANIA WINE INDUSTRY PROMOTION BOARD IN
16 CARRYING OUT ITS DUTIES AND RESPONSIBILITIES UNDER THIS SECTION.

17 SECTION 18. SECTION 491(11) OF THE ACT, AMENDED DECEMBER 9,
18 2002 (P.L.1653, NO.212), IS AMENDED TO READ:

19 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND
20 LIQUOR LICENSEES.--

21 IT SHALL BE UNLAWFUL--

22 * * *

23 (11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE
24 BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE, AN IMPORTER'S
25 LICENSE OR A DIRECT WINE SHIPPER'S LICENSE, TO IMPORT ANY LIQUOR
26 WHATSOEVER INTO THIS COMMONWEALTH, BUT THIS SECTION SHALL NOT BE
27 CONSTRUED TO PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM
28 PURCHASING AND SELLING LIQUORS PURCHASED OUTSIDE THE
29 COMMONWEALTH IN THEIR DINING, CLUB AND BUFFET CARS WHICH ARE
30 COVERED BY PUBLIC SERVICE LIQUOR LICENSES AND WHICH ARE OPERATED

1 IN THIS COMMONWEALTH.

2 * * *

3 SECTION 19. SECTION 493(12), (24) AND (33) OF THE ACT,
4 AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), DECEMBER 22, 2011
5 (P.L.530, NO.113) AND JULY 5, 2012 (P.L.1007, NO.116) ARE
6 AMENDED AND THE SECTION IS AMENDED BY ADDING A CLAUSE TO READ:

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

12 IT SHALL BE UNLAWFUL--

13 * * *

14 (12) FAILURE TO HAVE RECORDS ON PREMISES. FOR ANY LIQUOR
15 LICENSEE, OR ANY IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL
16 DISPENSER, TO FAIL TO KEEP FOR A PERIOD OF AT LEAST TWO YEARS
17 COMPLETE AND TRUTHFUL RECORDS COVERING THE OPERATION OF HIS
18 LICENSED BUSINESS, PARTICULARLY SHOWING THE DATE OF ALL
19 PURCHASES OF LIQUOR AND MALT OR BREWED BEVERAGES, THE ACTUAL
20 PRICE PAID THEREFOR, AND THE NAME OF THE VENDOR, INCLUDING STATE
21 STORE RECEIPTS, OR FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR
22 EMPLOYES, TO REFUSE THE BOARD OR AN AUTHORIZED EMPLOYEE OF THE
23 BOARD OR THE ENFORCEMENT BUREAU ACCESS THERETO OR THE
24 OPPORTUNITY TO MAKE COPIES OF THE SAME WHEN THE REQUEST IS MADE
25 DURING BUSINESS HOURS. [THE RECORDS FROM THE MOST RECENT SIX-
26 MONTH PERIOD MUST BE MAINTAINED ON THE LICENSED PREMISES.]
27 RECORDS FOR [THE REMAINDER OF] THE TWO-YEAR PERIOD MAY BE KEPT
28 OFF THE LICENSED PREMISES SO LONG AS THE RECORDS ARE RETURNED TO
29 THE LICENSED PREMISES WITHIN TWENTY-FOUR HOURS OF A REQUEST BY
30 THE BOARD OR ENFORCEMENT BUREAU. [A LICENSEE MAY REMOVE THE

1 RECORDS FOR THE MOST RECENT SIX-MONTH PERIOD FROM THE LICENSED
2 PREMISES ONLY FOR A LAWFUL BUSINESS PURPOSE PROVIDED THAT THEY
3 ARE RETURNED TO THE PREMISES WHEN THAT BUSINESS IS COMPLETED.]

4 * * *

5 (24) (I) THINGS OF VALUE OFFERED AS INDUCEMENT. EXCEPT AS
6 PROVIDED IN SUBCLAUSE (II), FOR ANY LICENSEE UNDER THE
7 PROVISIONS OF THIS ARTICLE, OR THE BOARD OR ANY MANUFACTURER, OR
8 ANY EMPLOYE OR AGENT OF A MANUFACTURER, LICENSEE OR OF THE
9 BOARD, TO OFFER TO GIVE ANYTHING OF VALUE OR TO SOLICIT OR
10 RECEIVE ANYTHING OF VALUE AS A PREMIUM FOR THE RETURN OF CAPS,
11 STOPPERS, CORKS, STAMPS OR LABELS TAKEN FROM ANY BOTTLE, CASE,
12 BARREL OR PACKAGE CONTAINING LIQUOR OR MALT OR BREWED BEVERAGE,
13 OR TO OFFER OR GIVE OR SOLICIT OR RECEIVE ANYTHING OF VALUE AS A
14 PREMIUM OR PRESENT TO INDUCE DIRECTLY THE PURCHASE OF LIQUOR OR
15 MALT OR BREWED BEVERAGE, OR FOR ANY LICENSEE, MANUFACTURER OR
16 OTHER PERSON TO OFFER OR GIVE TO TRADE OR CONSUMER BUYERS ANY
17 PRIZE, PREMIUM, GIFT OR OTHER INDUCEMENT TO PURCHASE LIQUOR OR
18 MALT OR BREWED BEVERAGES, EXCEPT ADVERTISING NOVELTIES OF
19 NOMINAL VALUE WHICH THE BOARD SHALL DEFINE. THIS SECTION SHALL
20 NOT PREVENT ANY MANUFACTURER OR ANY AGENT OF A MANUFACTURER FROM
21 OFFERING AND HONORING COUPONS WHICH OFFER MONETARY REBATES ON
22 PURCHASES OF WINES AND SPIRITS THROUGH STATE LIQUOR STORES,
23 PURCHASES OF WINES AND SPIRITS FOR OFF-PREMISES CONSUMPTION FROM
24 EXPANDED RESTAURANT, HOTEL OR EATING PLACE PERMIT HOLDERS OR
25 PURCHASES OF MALT OR BREWED BEVERAGES AND WINE AND SPIRITS
26 THROUGH DISTRIBUTORS AND IMPORTING DISTRIBUTORS, IN ACCORDANCE
27 WITH CONDITIONS OR REGULATIONS ESTABLISHED BY THE BOARD. THE
28 BOARD MAY REDEEM COUPONS OFFERED BY A MANUFACTURER OR AN AGENT
29 OF A MANUFACTURER AT THE TIME OF PURCHASE. COUPONS OFFERED BY A
30 MANUFACTURER OR AN AGENT OF A MANUFACTURER SHALL NOT BE REDEEMED

1 WITHOUT PROOF OF PURCHASE. THIS SECTION SHALL NOT APPLY TO THE
2 RETURN OF ANY MONIES SPECIFICALLY DEPOSITED FOR THE RETURN OF
3 THE ORIGINAL CONTAINER TO THE OWNERS THEREOF.

4 (II) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF
5 LAW, A HOLDER OF A RESTAURANT LICENSE THAT IS ALSO APPROVED TO
6 HOLD A SLOT MACHINE LICENSE OR A CONDITIONAL SLOT MACHINE
7 LICENSE UNDER 4 PA.C.S. PART II (RELATING TO GAMING) MAY GIVE
8 LIQUOR AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON
9 ACTIVELY ENGAGED IN PLAYING A SLOT MACHINE.

10 * * *

11 (33) OFF-PREMISES CATERING PERMIT; FEES. FOR ANY LICENSEE,
12 HIS SERVANTS, AGENTS OR EMPLOYEES TO SELL ALCOHOL AT A LOCATION
13 OTHER THAN ITS LICENSED PREMISES, UNLESS THE SALE IS
14 SPECIFICALLY AUTHORIZED UNDER THIS ACT, OR UNLESS THE LICENSEE
15 RECEIVES A SPECIAL PERMIT FROM THE BOARD TO DO SO. ONLY THOSE
16 LICENSEES HOLDING A CURRENT AND VALID RESTAURANT, HOTEL, BREW
17 PUB OR EATING PLACE LICENSE SHALL BE ALLOWED TO APPLY FOR SUCH A
18 PERMIT. ANY LICENSEE THAT WISHES TO OBTAIN AN OFF-PREMISES
19 CATERING PERMIT MUST NOTIFY THE BOARD AND PAY THE PERMITTING FEE
20 BY MARCH OF EACH CALENDAR YEAR REGARDLESS OF WHETHER THE
21 LICENSEE HAS SCHEDULED CATERED EVENTS. ANY LICENSEE THAT FAILS
22 TO NOTIFY THE BOARD AND PAY THE PERMIT FEE BY MARCH 1 SHALL BE
23 PRECLUDED FROM OBTAINING THE PERMIT FOR THAT CALENDAR YEAR. IF A
24 LICENSEE NOTIFIES THE BOARD AND PAYS THE PERMITTING FEE BY MARCH
25 1 AND DOES NOT THEN USE THE PERMIT THROUGHOUT THE CALENDAR YEAR,
26 THE LICENSEE SHALL NOT BE ENTITLED TO A RETURN OF THE PERMITTING
27 FEE. ANY LICENSEE NOT GRANTED A LICENSE UNTIL AFTER MARCH 1 OF
28 THE CALENDAR YEAR SHALL HAVE SIXTY DAYS FROM THE DATE OF THE
29 LICENSE TRANSFER TO NOTIFY THE BOARD OF THE LICENSEE'S INTENTION
30 TO USE AN OFF-PREMISES CATERING PERMIT AND PAY THE PERMITTING

1 FEE. THE BOARD SHALL HAVE THE DISCRETION TO ALLOW THE ISSUANCE
2 OF THE PERMIT AFTER THE MARCH 1 DEADLINE IF THE APPLICANT IS A
3 LICENSEE IN GOOD STANDING WITH THE BOARD AND COMPLIES WITH ALL
4 OTHER REQUIREMENTS FOR THE OFF-PREMISES CATERING PERMIT. A
5 LICENSEE SHALL APPLY FOR THE PERMIT AT LEAST SIXTY DAYS PRIOR TO
6 THE FIRST CATERED FUNCTION. ALL SERVERS AT THE OFF-PREMISES
7 CATERED FUNCTION SHALL BE CERTIFIED UNDER THE BOARD'S
8 RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER SECTION
9 471.1. THE BOARD MAY CHARGE A FEE OF FIVE HUNDRED DOLLARS (\$500)
10 EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE INITIAL PERMIT
11 ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO FURTHER FEE SHALL
12 BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED TO THE APPLICANT
13 FOR THE LICENSE DURING THE SAME CALENDAR YEAR. THE APPLICANT
14 SHALL SUBMIT WRITTEN NOTICE TO THE BOARD THIRTY DAYS PRIOR TO
15 EACH CATERED EVENT, UNLESS THIS TIME FRAME HAS BEEN WAIVED BY
16 THE BOARD, AND THE BOARD MAY APPROVE OR DISAPPROVE EACH EVENT IF
17 THE APPLICANT FAILS TO PROVIDE TIMELY NOTICE OF THE CATERED
18 FUNCTION, DOES NOT INTEND TO CONDUCT A FUNCTION THAT MEETS THE
19 REQUIREMENTS OF THIS ACT OR HAS PREVIOUSLY CONDUCTED A FUNCTION
20 THAT DID NOT MEET THE REQUIREMENTS OF THIS ACT. THE FEES SHALL
21 BE PAID INTO THE STATE STORES FUND. ANY VIOLATION OF THIS ACT OR
22 THE BOARD'S REGULATIONS FOR GOVERNING ACTIVITY OCCURRING UNDER
23 THE AUTHORITY OF THIS PERMIT MAY BE THE BASIS FOR THE ISSUANCE
24 OF A CITATION UNDER SECTION 471, THE NONRENEWAL OF THE LICENSE
25 UNDER SECTION 470 OR THE REFUSAL BY THE BOARD TO ISSUE
26 SUBSEQUENT PERMITS OR HONOR SUBSEQUENT DATES ON THE EXISTING
27 PERMIT. THIS PENALTY SHALL BE IN ADDITION TO ANY OTHER REMEDIES
28 AVAILABLE TO THE ENFORCEMENT BUREAU OR THE BOARD.

29 * * *

30 (35) SALE OF UNAUTHORIZED WINE, SPIRITS OR MALT OR BREWED

1 BEVERAGES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR EMPLOYES TO
2 OFFER FOR SALE, SELL OR CAUSE TO BE SOLD ANY WINE, SPIRITS OR
3 MALT OR BREWED BEVERAGES, OR ANY SIZE CONTAINER OR QUANTITY
4 THEREOF, OTHER THAN THAT WHICH IS SPECIFICALLY AUTHORIZED BY THE
5 LICENSE AND ANY CORRESPONDING PERMITS HELD BY SUCH LICENSEE. ANY
6 WINE, SPIRITS OR MALT OR BREWED BEVERAGES THAT ARE OFFERED FOR
7 SALE, SOLD OR CAUSED TO BE SOLD IN VIOLATION OF THIS CLAUSE
8 SHALL BE SUBJECT TO SEIZURE BY THE ENFORCEMENT BUREAU PURSUANT
9 TO THE PROVISIONS OF SECTION 211(3) OR, WHERE APPROPRIATE,
10 FORFEITED TO THE COMMONWEALTH IN THE MANNER PRESCRIBED IN
11 ARTICLE VI.

12 SECTION 20. SECTION 495(C) AND (E) OF THE ACT, AMENDED
13 DECEMBER 20, 1996 (P.L.1523, NO.199) AND FEBRUARY 21, 2002
14 (P.L.103, NO.10), ARE AMENDED TO READ:

15 SECTION 495. IDENTIFICATION CARDS; LICENSEES AND STATE
16 LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.--* * *

17 [(C) IN ADDITION TO THE PRESENTATION OF SUCH IDENTIFICATION
18 CARD, THE AGENT OF THE STATE LIQUOR STORE OR THE LICENSEE, OR
19 HIS SERVANT, AGENT OR EMPLOYEE, MAY REQUIRE THE PERSON WHOSE AGE
20 MAY BE IN QUESTION TO FILL IN AND SIGN A FORM CONTAINING
21 LANGUAGE APPROVED BY THE BOARD OR CONTAINING THE FOLLOWING:

22 19

23 I,....., HEREBY REPRESENT
24 TO, A STATE STORE OR
25 LICENSEE OF THE BOARD, THAT I AM OF FULL AGE AND DISCRETION AND
26 OVER THE AGE OF 21 YEARS, HAVING BEEN BORN
27 ON 19..... AT

28 THIS STATEMENT IS MADE TO INDUCE SAID STORE OR LICENSEE ABOVE
29 NAMED TO SELL OR OTHERWISE FURNISH ALCOHOLIC BEVERAGES TO THE
30 UNDERSIGNED.

1 SERIAL NUMBER OF IDENTIFICATION CARD:

2 I UNDERSTAND THAT I AM SUBJECT TO A FINE OF
3 \$300.00 AND SIXTY DAYS IMPRISONMENT FOR ANY
4 MISREPRESENTATION HEREIN.

5
6 (NAME)

7
8
9
10 (ADDRESS)

11 WITNESS:

12 NAME.....

13 ADDRESS.....

14 THE FORMS SHALL BE PRINTED IN A MANNER APPROVED BY THE BOARD
15 AND SHALL BE FILED ALPHABETICALLY BY THE STATE LIQUOR STORE OR
16 LICENSEE IN A FILE BOX CONTAINING A SUITABLE ALPHABETICAL INDEX
17 AT OR BEFORE THE CLOSE OF BUSINESS ON THE DAY THAT THE FORM IS
18 EXECUTED, AND ANY SUCH FORM SHALL BE SUBJECT TO EXAMINATION BY
19 ANY OFFICER, AGENT OR EMPLOYE OF THE ENFORCEMENT BUREAU AT ANY
20 AND ALL TIMES.]

21 * * *

22 (E) NO PENALTY SHALL BE IMPOSED ON A LICENSEE, LICENSEE'S
23 EMPLOYE OR STATE LIQUOR STORE EMPLOYE FOR SERVING ALCOHOL TO A
24 MINOR IF THE LICENSEE OR EMPLOYE CAN ESTABLISH THAT THE MINOR
25 WAS REQUIRED TO PRODUCE AN IDENTIFICATION CARD AS SET FORTH IN
26 SUBSECTION (A) [, THE MINOR COMPLETED AND SIGNED THE FORM AS SET
27 FORTH IN SUBSECTION (C) AND THESE DOCUMENTS WERE] AND THE
28 IDENTIFICATION CARD WAS RELIED UPON IN GOOD FAITH. THIS DEFENSE
29 SHALL APPLY TO ALL CIVIL AND CRIMINAL PROSECUTIONS.

30 * * *

1 SECTION 21. SECTION 499(A.1) OF THE ACT, AMENDED OCTOBER 5,
2 1994 (P.L.522, NO.77), IS AMENDED TO READ:

3 SECTION 499. PREMISES TO BE VACATED BY PATRONS.--* * *

4 (A.1) SUBSECTION (A) SHALL NOT APPLY TO SALES OF MALT AND
5 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHEN THE
6 FOLLOWING CONDITIONS ARE MET:

7 (1) NO LICENSEE MAY SELL MALT OR BREWED BEVERAGES IN EXCESS
8 OF [ONE HUNDRED NINETY-TWO FLUID OUNCES] UP TO FOUR SIX-PACKS OR
9 UP TO TWO TWELVE-PACKS IN ANY ONE SALE FOR CONSUMPTION OFF THE
10 PREMISES;

11 (2) SALES AND SERVICE OF MALT AND BREWED BEVERAGES FOR
12 CONSUMPTION OFF THE PREMISES ARE MADE PRIOR TO THE DESIGNATED
13 TIME THE LICENSEE IS REQUIRED BY THIS ACT TO CEASE SERVING
14 LIQUOR, MALT OR BREWED BEVERAGES;

15 (3) PERSONS WHO HAVE PURCHASED MALT AND BREWED BEVERAGES FOR
16 CONSUMPTION OFF THE PREMISES SHALL REMOVE THE MALT AND BREWED
17 BEVERAGES FROM THE PREMISES BY THE DESIGNATED TIME AS CONTAINED
18 IN THIS ACT THAT PATRONS ARE REQUIRED TO VACATE THE PREMISES;

19 (4) NO CLUB LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGE
20 FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR TO ANY PERSONS
21 WHO ARE NOT MEMBERS OF THE CLUB.

22 * * *

23 SECTION 22. SECTION 505.2(A)(6.1) OF THE ACT, AMENDED JUNE
24 28, 2011 (P.L.55, NO.11), IS AMENDED TO READ:

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

28 * * *

29 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
30 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED

1 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
2 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, [ONLY]
3 WINE AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
4 BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY
5 SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED
6 WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY
7 A LICENSED LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES
8 PRODUCED BY A LICENSED BREWERY.

9 * * *

10 SECTION 23. SECTION 505.4(B)(1) AND (C)(1) OF THE ACT,
11 AMENDED DECEMBER 22, 2011 (P.L.530, NO.113), ARE AMENDED TO
12 READ:

13 SECTION 505.4. DISTILLERIES.--* * *

14 (B) (1) THE BOARD MAY ISSUE A LIMITED DISTILLERY LICENSE
15 THAT WILL ALLOW THE HOLDER THEREOF TO OPERATE A DISTILLERY THAT
16 SHALL NOT EXCEED PRODUCTION OF ONE HUNDRED THOUSAND (100,000)
17 GALLONS OF DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE
18 MAY MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE
19 LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE
20 BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK
21 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A
22 SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A
23 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE
24 OFFERED FOR SALE AT A LICENSED LIMITED DISTILLERY LOCATION AT A
25 PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
26 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
27 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINES
28 PRODUCED BY A LICENSED LIMITED WINERY OR MALT OR BREWED
29 BEVERAGES PRODUCED BY A LICENSED BREWERY.

30 * * *

1 (C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
2 SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED
3 PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO
4 THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND
5 ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF
6 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE
7 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A
8 LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT
9 CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS
10 AS THE BOARD MAY ENFORCE. THE HOLDER OF A LIMITED DISTILLERY
11 LICENSE MAY ALSO SELL WINES PRODUCED BY A LICENSED LIMITED
12 WINERY OR MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED
13 BREWERY.

14 * * *

15 SECTION 24. SECTION 801(A) OF THE ACT IS AMENDED TO READ:

16 SECTION 801. MONEYS PAID INTO LIQUOR LICENSE FUND AND
17 RETURNED TO MUNICIPALITIES.--(A) THE FOLLOWING FEES, EXCEPT
18 FEES FOR EXPANDED PERMIT HOLDERS, COLLECTED BY THE BOARD UNDER
19 THE PROVISIONS OF THIS ACT SHALL BE PAID INTO THE STATE TREASURY
20 THROUGH THE DEPARTMENT OF REVENUE INTO A SPECIAL FUND TO BE
21 KNOWN AS THE "LIQUOR LICENSE FUND":

22 (1) LICENSE FEES FOR HOTEL, RESTAURANT AND CLUB LIQUOR
23 LICENSES.

24 (2) LICENSE FEES FOR RETAIL DISPENSERS' (MALT AND BREWED
25 BEVERAGES) LICENSES.

26 * * *

27 SECTION 25. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

28 SECTION 801.1. MONEYS PAID INTO THE GENERAL FUND FOR USE OF
29 THE COMMONWEALTH.--(A) FIFTEEN AND ONE-HALF PER CENTUM OF GROSS
30 SALES SHALL BE PAID NOT LESS OFTEN THAN MONTHLY INTO THE STATE

1 TREASURY THROUGH THE DEPARTMENT OF REVENUE FOR DEPOSIT IN THE
2 GENERAL FUND, PROVIDED THAT IN FISCAL YEAR 2013-2014, THE AMOUNT
3 PAID UNDER THIS SUBSECTION SHALL BE AT LEAST THREE HUNDRED
4 THIRTEEN MILLION DOLLARS (\$313,000,000).

5 (B) FOR THE PURPOSES OF THIS SECTION, THE TERM "GROSS SALES"
6 SHALL MEAN THE SUM TOTAL OF WINES AND SPIRITS SOLD BY THE BOARD
7 AT WHOLESALE AND RETAIL, INCLUDING THE COST OF GOODS SOLD AND
8 ALL MARKUPS, HANDLING CHARGES, TAXES AND OTHER CHARGES THAT ARE
9 ADDED TO ARRIVE AT THE SHELF PRICE OF THE PRODUCT. GROSS SALES
10 SHALL NOT INCLUDE SALES TAXES ADDED TO THE SHELF PRICE OF THE
11 PRODUCT AT THE POINT OF SALE.

12 SECTION 26. SECTION 802(A) OF THE ACT IS AMENDED TO READ:

13 SECTION 802. MONEYS PAID INTO THE STATE STORES FUND FOR USE
14 OF THE COMMONWEALTH.--(A) ALL MONEYS, EXCEPT FEES TO BE PAID
15 INTO THE LIQUOR LICENSE FUND AS PROVIDED BY SECTION 801 AND
16 MONEYS PAID INTO THE GENERAL FUND AS PROVIDED BY SECTION 801.1,
17 COLLECTED, RECEIVED OR RECOVERED UNDER THE PROVISIONS OF THIS
18 ACT FOR LICENSE FEES, PERMIT FEES, FILING FEES AND REGISTRATION
19 FEES, FROM FORFEITURES, SALES OF FORFEITED PROPERTY, COMPROMISE
20 PENALTIES AND SALES OF LIQUOR AND ALCOHOL AT THE PENNSYLVANIA
21 LIQUOR STORES, SHALL BE PAID INTO THE STATE TREASURY THROUGH THE
22 DEPARTMENT OF REVENUE INTO A SPECIAL FUND TO BE KNOWN AS "THE
23 STATE STORES FUND."

24 * * *

25 SECTION 27. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

26 SECTION 804. SENIOR CITIZENS PROPERTY TAX RELIEF FUND.--
27 THERE IS CREATED IN THE STATE TREASURY A SPECIAL FUND TO BE
28 KNOWN AS THE SENIOR CITIZENS PROPERTY TAX RELIEF FUND. BEGINNING
29 JULY 1, 2014, AND EACH YEAR THEREAFTER, ANY INCREASE IN THE
30 BOARD'S CASH POSITION AFTER THE DISTRIBUTION OF FUNDS UNDER

1 SECTIONS 801.1 AND 802(C), (E) AND (F) MAY BE DEPOSITED BY THE
2 BOARD INTO THE FUND. MONEY IN THE FUND MAY ONLY BE USED FOR THE
3 REDUCTION OF INCREASES IN PROPERTY TAXES INCURRED BY SENIOR
4 CITIZENS PURSUANT TO LEGISLATION DISTRIBUTING THE MONEY.

5 SECTION 805. TRANSFERS FROM THE STATE STORE FUND.--BEGINNING
6 ON JULY 1, 2014, AND EACH YEAR THEREAFTER, THE AMOUNT OF ONE
7 HUNDRED DOLLARS (\$100) RECEIVED FROM EACH APPLICATION FEE AND
8 PERMIT FEE RECEIVED FROM EXPANDED AND ENHANCED PERMIT HOLDERS
9 UNDER SECTIONS 415 AND 416 SHALL BE TRANSFERRED TO THE
10 DEPARTMENT OF PUBLIC WELFARE TO BE USED TO PROVIDE FUNDING FOR
11 RAPE CRISIS AND DOMESTIC VIOLENCE PROGRAMS.

12 SECTION 28. STUDIES OF THE WINE AND SPIRITS WHOLESALE SYSTEM
13 IN THIS COMMONWEALTH SHALL BE CONDUCTED AS FOLLOWS:

14 (1) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL
15 CONDUCT A STUDY OF THE WINE AND SPIRITS WHOLESALE SYSTEM IN
16 THIS COMMONWEALTH. THE STUDY SHALL COMMENCE SEPTEMBER 1,
17 2015, AND SHALL BE PRESENTED TO THE CHAIRMAN AND MINORITY
18 CHAIRMAN OF THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND
19 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE LIQUOR CONTROL
20 COMMITTEE OF THE HOUSE OF REPRESENTATIVES WITHIN SIX MONTHS
21 OF ITS COMMENCEMENT. THE STUDY SHALL:

22 (I) ANALYZE THE CURRENT WHOLESALE SYSTEM'S ABILITY
23 TO MEET THE DEMAND FROM RETAILERS.

24 (II) EVALUATE THE IMPACT OF PUBLIC SECTOR JOB LOSSES
25 THROUGH THE TRANSFER OF THE WHOLESALE SYSTEM TO PRIVATE
26 OPERATORS.

27 (III) CONSIDER BEST PRACTICES RELATED TO THE
28 OPERATION OF A WINE AND SPIRITS WHOLESALE OPERATION AND
29 THE TIMELINE RELATED TO THE TRANSITION TO A PRIVATELY RUN
30 OPERATION.

1 (IV) DETERMINE WHAT IMPACT SUCH A TRANSITION WOULD
2 HAVE ON THE ANNUAL FISCAL STABILITY OF THE COMMONWEALTH.

3 (V) DETERMINE THE EFFECTIVENESS OF THE PROVISIONS
4 CONTAINED IN THIS ACT AND PROVIDE RECOMMENDATIONS TO
5 IMPROVE THESE REFORMS.

6 (VI) PROVIDE A VALUATION OF THE WINE AND SPIRITS
7 WHOLESALE AND RETAIL SYSTEMS.

8 (2) THE PENNSYLVANIA LIQUOR CONTROL BOARD SHALL CONDUCT
9 A STUDY OF THE WINE AND SPIRITS WHOLESALE SYSTEM IN THIS
10 COMMONWEALTH. THE STUDY SHALL COMMENCE SEPTEMBER 1, 2015, AND
11 SHALL BE PRESENTED TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
12 THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND THE CHAIRMAN
13 AND MINORITY CHAIRMAN OF THE LIQUOR CONTROL COMMITTEE OF THE
14 HOUSE OF REPRESENTATIVES WITHIN SIX MONTHS OF ITS
15 COMMENCEMENT. THE STUDY SHALL:

16 (I) ANALYZE THE CURRENT WHOLESALE SYSTEM'S ABILITY
17 TO MEET THE DEMAND FROM RETAILERS.

18 (II) EVALUATE THE IMPACT OF PUBLIC SECTOR JOB LOSSES
19 THROUGH THE TRANSFER OF THE WHOLESALE SYSTEM TO PRIVATE
20 OPERATORS.

21 (III) CONSIDER BEST PRACTICES RELATED TO THE
22 OPERATION OF A WINE AND SPIRITS WHOLESALE OPERATION AND
23 THE TIMELINE RELATED TO THE TRANSITION TO A PRIVATELY RUN
24 OPERATION.

25 (IV) DETERMINE WHAT IMPACT SUCH A TRANSITION WOULD
26 HAVE ON THE ANNUAL FISCAL STABILITY OF THE COMMONWEALTH.

27 (V) DETERMINE THE EFFECTIVENESS OF THE PROVISIONS
28 CONTAINED IN THIS ACT AND PROVIDE RECOMMENDATIONS TO
29 IMPROVE THESE REFORMS.

30 (VI) PROVIDE A VALUATION OF THE WINE AND SPIRITS

1 WHOLESALE AND RETAIL SYSTEMS.

2 (3) IF THE FINDINGS OF EITHER STUDY DETERMINE THAT THE
3 DIVESTITURE OF THE WINE AND SPIRITS WHOLESALE SYSTEM WOULD
4 NOT HAVE A SIGNIFICANT IMPACT ON THE ANNUAL FISCAL STABILITY
5 OF THE COMMONWEALTH, THE GENERAL ASSEMBLY MAY CONSIDER
6 LEGISLATION PROVIDING FOR THE DIVESTITURE OF THE WINE AND
7 SPIRITS WHOLESALE SYSTEM. FOLLOWING THE GENERAL ASSEMBLY'S
8 ENACTMENT OF LEGISLATION PROVIDING FOR THE DIVESTITURE OF THE
9 BOARD'S WHOLESALE WINE AND SPIRITS OPERATION, THE BOARD SHALL
10 DIVEST OF ITS WINE AND SPIRITS WHOLESALE SYSTEM CONSISTENT
11 WITH THE PROVISION OF THE ACT AUTHORIZING WHOLESALE
12 DIVESTITURE.

13 SECTION 29. REPEALS ARE AS FOLLOWS:

14 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
15 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
16 SECTION 801.1 OF THE ACT.

17 (2) THE ACT OF JUNE 9, 1936 (SP.SESS., P.L.13, NO.4),
18 ENTITLED, AS REENACTED AND AMENDED, "AN ACT IMPOSING AN
19 EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE
20 PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE
21 COLLECTION AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON
22 THE DEPARTMENT OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL
23 BOARD," IS REPEALED.

24 SECTION 30. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

25 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
26 IMMEDIATELY:

27 (I) THE AMENDMENT OF SECTION 493(33) OF THE ACT.

28 (II) THIS SECTION.

29 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
30 DAYS.