Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," in licenses and regulations for liquor, alcohol and malt and brewed beverages, further providing for license auction. IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR SALES BY PENNSYLVANIA LIQUOR STORES; AND, IN LICENSES AND REGULATIONS AND LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER PROVIDING FOR AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS, RESTAURANTS AND CLUBS, FOR SALES BY LIQUOR LICENSEES AND RESTRICTIONS, FOR SECONDARY SERVICE AREA, FOR SALE OF MALT OR BREWED BEVERAGES BY LIQUOR LICENSEES, FOR PUBLIC SERVICE LIQUOR LICENSES, FOR LIQUOR IMPORTERS' LICENSES, FEES, PRIVILEGES AND RESTRICTIONS, FOR PUBLIC VENUE LICENSE, FOR PERFORMING ARTS FACILITY LICENSE, FOR CONTINUING CARE RETIREMENT COMMUNITY RETAIL LICENSES, FOR CASINO LIQUOR LICENSE, FOR MALT AND BREWED BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES, FOR SALES BY MANUFACTURERS OF MALT OR BREWED BEVERAGES AND MINIMUM QUANTITIES, FOR DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
RESTRICTIONS ON SALES, STORAGE, ETC AND FOR LICENSE AUCTION, ADDING PROVISIONS RELATING TO FEES AND TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION, FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE TO MALT OR BREWED BEVERAGES AND LICENSEES AND MAKING EDITORIAL CHANGES.

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

Section 1. Section 470.3(a.1)(2), (h), (i) and (k) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended and the section is amended by adding a subsection to read:

SECTION 1. Section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended by adding definitions to read:

SECTION 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"READY-TO-DRINK COCKTAIL" SHALL MEAN A BEVERAGE, COMPOSED IN PART OF SPIRITS, COMBINED WITH OTHER NONALCOHOLIC INGREDIENTS, CARBONATED OR STILL, BY WHATEVER NAME SUCH BEVERAGE MAY BE CALLED, PREMIXED AND PACKAGED IN ORIGINAL CONTAINERS, CONTAINING NOT MORE THAN SIXTEEN OUNCES, PROVIDED THAT IT IS NOT MIXED OR ADULTERATED ON THE LICENSED PREMISES OF A LICENSEE. IT SHALL MEAN ANY BEVERAGE CONSISTING OF AT LEAST ONE-HALF OF ONE PER CENTUM, BUT NOT GREATER THAN TWELVE AND ONE-HALF PER CENTUM, ALCOHOL BY VOLUME. IT SHALL NOT MEAN ANY BEVERAGE COMPOSED, IN PART, OF WINE OR MALT OR BREWED BEVERAGES. IT SHALL BE TREATED LIKE LIQUOR UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE.

* * *

"SPIRITS" SHALL MEAN ANY BEVERAGE WHICH CONTAINS ALCOHOL OBTAINED BY DISTILLATION, MIXED WITH WATER OR OTHER SUBSTANCES
IN SOLUTION, AND INCLUDES BRANDY, RUM, WHISKEY, GIN OR OTHER
SPIRITUOUS LIQUORS AND SUCH LIQUORS WHEN RECTIFIED, BLENDED OR
OTHERWISE MIXED WITH ALCOHOL OR OTHER SUBSTANCES.

* * *

SECTION 2. SECTION 305(B) OF THE ACT IS AMENDED AND THE
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

(B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A
PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
PRICE; EXCEPT THAT SPECIAL ORDER SALES TO LICENSEES AUTHORIZED
IN SUBSECTION (A) SHALL NOT BE SUBJECT TO THE TEN PER CENTUM
DISCOUNT. READY-TO-DRINK COCKTAILS AS DEFINED IN SECTION 102
SHALL NOT BE SUBJECT TO THE TEN PER CENTUM DISCOUNT. THE BOARD
MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS AS CONFORM
TO THE PHARMACOPOEIA OF THE UNITED STATES, THE NATIONAL
FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA. THE BOARD
MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF THE BOARD,
TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE LOCATED ON
UNITED STATES ARMED FORCES INSTALLATIONS AND ARE CONDUCTED
PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE UNITED STATES
ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL BE AT RETAIL,
EXCEPT THAT INCENTIVES, SUCH AS COUPONS OR DISCOUNTS ON CERTAIN
PRODUCTS, MAY BE OFFERED TO UNLICENSED CUSTOMERS OF THE BOARD AS
PROVIDED UNDER SECTIONS 207(M) AND 493(24)(II)(B). A PERSON
ENTITLED TO PURCHASE LIQUOR AT WHOLESALE PRICES MAY PURCHASE THE LIQUOR AT ANY PENNSYLVANIA LIQUOR STORE UPON TENDERING CASH, CHECK OR CREDIT CARD FOR THE FULL AMOUNT OF THE PURCHASE. FOR THIS PURPOSE, THE BOARD SHALL ISSUE A DISCOUNT CARD TO EACH LICENSEE IDENTIFYING SUCH LICENSEE AS A PERSON AUTHORIZED TO PURCHASE LIQUOR AT WHOLESALE PRICES. SUCH DISCOUNT CARD SHALL BE RETAINED BY THE LICENSEE. THE BOARD MAY CONTRACT THROUGH THE COMMONWEALTH BIDDING PROCESS FOR DELIVERY TO WHOLESALE LICENSEES AT THE EXPENSE OF THE LICENSEE RECEIVING THE DELIVERY.

* * *

(L) PENNSYLVANIA LIQUOR STORES MAY SELL READY-TO-DRINK COCKTAILS.

SECTION 3. ARTICLE IV HEADING AND SECTIONS 401(A), 406(A), (C), (D), (E) AND (F) INTRODUCTORY PARAGRAPH AND 406.1(A) OF THE ACT ARE AMENDED TO READ:

ARTICLE IV.

LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS, RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH
LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407.

IN ADDITION, SUCH LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON IN THE SAME MANNER AS MALT OR BREWED BEVERAGES AS PROVIDED FOR IN SECTION 407. SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES, RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES, RESPECTIVELY. NO PERSON WHO HOLDS ANY PUBLIC OFFICE THAT INVOLVES THE DUTY TO ENFORCE ANY OF THE PENAL LAWS OF THE UNITED STATES, THIS COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF THIS COMMONWEALTH MAY HAVE ANY INTEREST IN A HOTEL OR RESTAURANT LIQUOR LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO MAGISTERIAL DISTRICT JUDGES, JUDGES OR ANY OTHER INDIVIDUALS WHO CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS, CITY COUNCIL PERSONS, MAYORS WITHOUT ARREST AUTHORITY AND ANY OTHER PUBLIC OFFICIAL WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE ABILITY TO IMPOSE A CRIMINAL SENTENCE. THIS SECTION DOES NOT APPLY IF THE PROPOSED PREMISES ARE LOCATED OUTSIDE THE JURISDICTION OF THE INDIVIDUAL IN QUESTION.

* * *

SECTION 406. SALES BY LIQUOR LICENSEESE; RESTRICTIONS.—(A)

(1) EVERY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE MAY SELL
LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES BY
THE GLASS, OPEN BOTTLE OR OTHER CONTAINER, AND IN ANY MIXTURE,
FOR CONSUMPTION ONLY IN THAT PART OF THE HOTEL OR RESTAURANT
HABITUALLY USED FOR THE SERVING OF FOOD TO GUESTS OR PATRONS, OR
IN A BOWLING ALLEY THAT IS IMMEDIATELY ADJACENT TO AND UNDER THE
SAME ROOF AS A RESTAURANT, AND IN THE CASE OF HOTELS, TO GUESTS,
AND IN THE CASE OF CLUBS, TO MEMBERS, IN THEIR PRIVATE ROOMS IN
THE HOTEL OR CLUB. NO CLUB LICENSEE NOR ITS OFFICERS, SERVANTS,
AGENTS OR EMPLOYEES, OTHER THAN ONE HOLDING A CATERING LICENSE,
SHALL SELL ANY LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR
BREWED BEVERAGES TO ANY PERSON EXCEPT A MEMBER OF THE CLUB. THE
HOLDER OF A RESTAURANT LICENSE LOCATED IN A HOTEL MAY SELL
LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FOR
CONSUMPTION IN THAT PART OF THE RESTAURANT HABITUALLY USED FOR
THE SERVING OF MEALS TO PATRONS AND ALSO TO GUESTS IN PRIVATE
GUEST ROOMS IN THE HOTEL. FOR THE PURPOSE OF THIS PARAGRAPH, ANY
PERSON WHO IS AN ACTIVE MEMBER OF ANOTHER CLUB WHICH IS
CHARTERED BY THE SAME STATE OR NATIONAL ORGANIZATION SHALL HAVE
THE SAME RIGHTS AND PRIVILEGES AS MEMBERS OF THE PARTICULAR
CLUB. FOR THE PURPOSE OF THIS PARAGRAPH, ANY PERSON WHO IS AN
ACTIVE MEMBER OF ANY VOLUNTEER FIREFIGHTING COMPANY, ASSOCIATION
OR GROUP OF THIS COMMONWEALTH, WHETHER INCORPORATED OR
UNINCORPORATED, SHALL UPON THE APPROVAL OF ANY CLUB COMPOSED OF
VOLUNTEER FIREMEN LICENSED UNDER THIS ACT, HAVE THE SAME SOCIAL
RIGHTS AND PRIVILEGES AS MEMBERS OF SUCH LICENSED CLUB. FOR THE
PURPOSES OF THIS PARAGRAPH, THE TERM "ACTIVE MEMBER" SHALL NOT
INCLUDE A SOCIAL MEMBER. ANY CLUB LICENSEE WHICH IS EITHER AN
INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AN
AFFILIATED ORGANIZATION AS DEFINED IN SECTION 461.1 SHALL BE
PERMITTED TO SELL LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR
BREWED BEVERAGES TO ANY ACTIVE MEMBER OF ANOTHER UNIT WHICH IS
CHARTERED BY THE SAME NATIONAL VETERANS' ORGANIZATION OR TO ANY
MEMBER OF A NATIONALLY CHARtered AUXILIARY ASSOCIATED WITH THE
SAME NATIONAL VETERANS' ORGANIZATION.

(2) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR, READY-TO-DRINK
COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK
ANTEMERIDIAN OF ANY DAY UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE
FOLLOWING DAY, EXCEPT SUNDAY, AND EXCEPT AS HEREINAFTER
PROVIDED, MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK
MIDNIGHT AND TWO O'CLOCK ANTEMERIDIAN. NO SALES OF READY-TO-
DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE
AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE
LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF
THE FOLLOWING DAY.

(2.1) AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,
READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER
FIVE O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK
ANTEMERIDIAN OF THE FOLLOWING DAY.

(3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR, READY-TO-DRINK
COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE
HOURS OF NINE O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN
MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN
ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
1929." AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,
READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF FIVE O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929." NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

(4) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE RESTAURANT LICENSEES WHICH DO NOT QUALIFY FOR AND PURCHASE SUCH SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY, AND SHALL NOT SELL AFTER TWO O'CLOCK ANTEMERIDIAN ON SUNDAY. NO CLUB LICENSEE OR ITS SERVANTS, AGENTS OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY. NO PUBLIC SERVICE LIQUOR LICENSEE OR ITS SERVANTS, AGENTS, OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

(6) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A SUNDAY, EVERY HOTEL
OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR EMPLOYES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON ANY SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

(6.1) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER SAINT PATRICK'S DAY FALLS ON A SUNDAY, EVERY HOTEL OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR EMPLOYES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON ANY SUCH DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF GROUNDHOG DAY FALLS ON A SUNDAY, A HOTEL OR RESTAURANT LICENSEE OR THE HOTEL OR RESTAURANT LICENSEE'S SERVANTS, AGENTS OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON THAT DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

* * *

(C) NOTWITHSTANDING ANY PROVISION OF THIS ACT, ON THE SUNDAY
ON WHICH THE SPORTING EVENT COMMONLY REFERRED TO AS THE "SUPER BOWL" IS CONDUCTED, LICENSEEES WHO DO NOT POSSESS THE SPECIAL ANNUAL PERMIT PROVIDED FOR IN SUBSECTION (A)(3), THEIR SERVANTS, AGENTS OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON SUCH SUNDAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

(D) SUBJECT TO SECTION 412, LICENSED PUBLIC VENUES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAYS FROM ELEVEN O'CLOCK ANTEMERIDIAN UNTIL MIDNIGHT WITHOUT THE NEED TO ACQUIRE OR QUALIFY FOR A SPECIAL PERMIT. IN ADDITION, SUBJECT TO SECTION 413, LICENSED PERFORMING ARTS FACILITIES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAYS FROM TEN O'CLOCK ANTEMERIDIAN UNTIL TEN O'CLOCK POSTMERIDIAN WITHOUT THE NEED TO ACQUIRE OR QUALIFY FOR A SPECIAL PERMIT.

(E) (1) THE HOLDER OF A HOTEL LICENSE OR THE HOLDER OF A RESTAURANT LICENSE LOCATED IN A HOTEL MAY ALLOW PERSONS TO TRANSPORT LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FROM THE LICENSED PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF THE PREMISES, SO LONG AS THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON THE HOTEL PROPERTY. IN ADDITION, A HOLDER OF A RESTAURANT OR CLUB LICENSE LOCATED ON A GOLF COURSE MAY SELL, FURNISH OR GIVE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES ON THE UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON
THE RESTAURANT, CLUB OR GOLF COURSE. THE HOLDER OF A RESTAURANT LICENSE LOCATED IMMEDIATELY ADJACENT TO AND UNDER THE SAME ROOF OF A BOWLING CENTER MAY ALLOW PERSONS TO TRANSPORT LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FROM THE LICENSED PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF THE PREMISES, SO LONG AS THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN WITHIN THE BOWLING CENTER. IN ADDITION, THE HOLDER OF A HOTEL LICENSE OR A RESTAURANT LICENSE MAY ALLOW PERSONS WHO HAVE PURCHASED BUT ONLY PARTIALLY CONSUMED A BOTTLE OF WINE ON THE PREMISES TO REMOVE THE BOTTLE FROM THE PREMISES SO LONG AS THE BOTTLE WAS PURCHASED IN CONJUNCTION WITH A MEAL WHICH WAS CONSUMED ON THE PREMISES AND SO LONG AS THE BOTTLE IS RESEALED. FOR PURPOSES OF THIS SUBSECTION, "WINE" SHALL HAVE THE MEANING GIVEN TO IT UNDER SECTION 488(I). FOR PURPOSES OF THIS SECTION AND SECTION 432, "MEAL" SHALL MEAN FOOD PREPARED ON THE PREMISES, SUFFICIENT TO CONSTITUTE BREAKFAST, LUNCH OR DINNER; IT SHALL NOT MEAN A SNACK, SUCH AS PRETZELS, POPCORN, CHIPS OR SIMILAR FOOD.

(2) A HOLDER OF A RESTAURANT OR CLUB LICENSE LOCATED ON A GOLF COURSE MAY STORE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES IN A PERMANENT FACILITY ON THE UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON THE RESTAURANT, CLUB OR GOLF COURSE WITHOUT REGARD TO WHETHER THERE IS ANY INTERVENING PUBLIC THOROUGHFARE.

(F) THE HOLDER OF A HOTEL OR RESTAURANT LIQUOR LICENSE MAY OBTAIN AN OFF-PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE, LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER, AND IN ANY MIXTURE TOGETHER WITH FOOD, FOR CONSUMPTION ON THOSE PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE FOLLOWING:

* * *

SECTION 406.1. SECONDARY SERVICE AREA.--(A) UPON APPLICATION OF ANY RESTAURANT, HOTEL, CLUB, MUNICIPAL GOLF COURSE LIQUOR LICENSEE OR MANUFACTURER OF MALT OR BREWED BEVERAGES OR MANUFACTURER OF READY-TO-DRINK COCKTAILS, AND PAYMENT OF THE APPROPRIATE FEE, THE BOARD MAY APPROVE A SECONDARY SERVICE AREA BY EXTENDING THE LICENSED PREMISES TO INCLUDE ONE ADDITIONAL PERMANENT STRUCTURE WITH DIMENSIONS OF AT LEAST ONE HUNDRED SEVENTY-FIVE SQUARE FEET, ENCLOSED ON THREE SIDES AND HAVING ADEQUATE SEATING. SUCH SECONDARY SERVICE AREA MUST BE LOCATED ON PROPERTY HAVING A MINIMUM AREA OF ONE (1) ACRE, AND MUST BE ON LAND WHICH IS IMMEDIATE, ABUTTING, ADJACENT OR CONTIGUOUS TO THE LICENSED PREMISES WITH NO INTERVENING PUBLIC THOROUGHFARE; HOWEVER, THE ORIGINAL LICENSED PREMISES AND THE SECONDARY SERVICE AREA MUST BE LOCATED ON THE SAME TRACT OF LAND. THE BOARD SHALL HAVE DISCRETION TO REFUSE THE APPLICATION FOR A SECONDARY SERVICE AREA IN THE SAME MANNER IT HAS DISCRETION TO REFUSE AN APPLICATION FOR TRANSFER OF THE LICENSE TO A NEW LOCATION AS SET FORTH IN SECTION 404. THERE SHALL BE NO REQUIREMENT THAT THE SECONDARY SERVICE AREA BE PHYSICALLY CONNECTED TO THE ORIGINAL LICENSED PREMISES. IN ADDITION, THERE SHALL BE NO REQUIREMENT THAT THE SECONDARY SERVICE AREA BE LOCATED IN THE SAME MUNICIPALITY AS THE ORIGINAL LICENSED PREMISES, PROVIDED, HOWEVER, THAT THE BOARD SHALL NOT APPROVE A SECONDARY SERVICE AREA IN THIS CASE IF THAT SECONDARY SERVICE AREA IS LOCATED IN ANY MUNICIPALITY WHERE THE GRANTING OF LIQUOR
LICENSES HAS BEEN PROHIBITED AS PROVIDED IN THIS ARTICLE.

NOTWITHSTANDING 40 PA. CODE § 7.21, THE LICENSEE SHALL BE
PERMITTED TO STORE, SERVE, SELL OR DISPENSE FOOD, LIQUOR, READY-
TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES AT THE BOARD
APPROVED SECONDARY SERVICE AREA.

* * *

SECTION 4. SECTION 407 HEADING AND (A)(1) AND (2) OF THE
ACT, AMENDED JUNE 5, 2020 (P.L.213, NO.29), ARE AMENDED TO READ:

SECTION 407. SALE OF MALT OR BREWED BEVERAGES AND READY-TO-
DRINK COCKTAILS BY LIQUOR LICENSEEES.--(A) (1) EVERY LIQUOR
LICENSE ISSUED TO A HOTEL, RESTAURANT, CLUB, OR A RAILROAD,
PULLMAN OR STEAMSHIP COMPANY UNDER THIS SUBDIVISION (A) FOR THE
SALE OF LIQUOR SHALL AUTHORIZE THE LICENSEE TO SELL MALT OR
BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS AT THE SAME PLACES
BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES AS APPLY TO
SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN CLUBS MAY SELL
MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE
SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID
Ounces in a single sale to one person. The sales may be made in
either open or closed containers, provided, however, that a
MUNICIPALITY MAY ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINERS
IN PUBLIC PLACES. IN ADDITION, LICENSEES, OTHER THAN CLUBS, MAY
SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION WHERE
SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID
Ounces in a single sale to one person. NO LICENSEE UNDER THIS
SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY
OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE
AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY. SALES OF
MALT OR BREWED BEVERAGES MUST OCCUR ON THE LICENSED PREMISES.
(2) IF A RESTAURANT LIQUOR LICENSE HOLDER HAS AN INTERIOR
CONNECTION TO ANOTHER BUSINESS THAT IT OPERATES, THE RESTAURANT LIQUOR LICENSE HOLDER MAY USE ONE OR MORE OF THE REGISTERS IN THE OTHER BUSINESS TO SELL MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION UNDER THE FOLLOWING CONDITIONS:

(I) THE BUILDING IS ELEVEN THOUSAND SQUARE FEET OR LESS;

(II) THE REGISTERS ARE LOCATED IN THE SAME BUILDING AS THE LICENSED PREMISES;

(III) THE REGISTERS COMPLY WITH THE SIGNAGE, STAFFING, TRAINING, CARDING, SCANNING AND PROHIBITION ON THE SHARING OF DATA PROVISIONS OF SECTION 415(A)(8) AND (9); AND

(IV) THE BOARD HAS BEEN PROVIDED NOTICE OF COMPLIANCE WITH THIS PARAGRAPH BY THE RESTAURANT LIQUOR LICENSE HOLDER, INCLUDING SQUARE FOOTAGE OF THE BUILDING AND THE LOCATION OF THE SPECIFIC REGISTERS TO BE USED PRIOR TO THEIR USE.

* * *

SECTION 5. SECTION 408(A) AND (E) OF THE ACT ARE AMENDED TO READ:

SECTION 408. PUBLIC SERVICE LIQUOR LICENSES.--(A) SUBJECT TO THE PROVISIONS OF THIS ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD, UPON APPLICATION, SHALL ISSUE RETAIL LIQUOR LICENSES TO RAILROAD OR PULLMAN COMPANIES PERMITTING LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES TO BE SOLD IN DINING, CLUB OR BUFFET CARS TO PASSENGERS FOR CONSUMPTION WHILE ENROUTE ON SUCH RAILROAD, AND MAY ISSUE RETAIL LIQUOR LICENSES TO STEAMSHIP COMPANIES PERMITTING LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES TO BE SOLD IN THE DINING COMPARTMENTS OF STEAMSHIPS OR VESSELS WHEREVER OPERATED IN THE COMMONWEALTH, EXCEPT WHEN STANDING OR MOORED IN STATIONS, TERMINALS OR DOCKS WITHIN A MUNICIPALITY WHEREIN SALES OF LIQUOR
FOR CONSUMPTION ON THE PREMISES ARE PROHIBITED, AND MAY FURTHER
ISSUE RETAIL LIQUOR LICENSES TO AIRLINE COMPANIES PERMITTING
LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES TO
BE SOLD TO PASSENGERS FOR CONSUMPTION WHILE ENROUTE ON SUCH
AIRLINE. SUCH LICENSES SHALL BE KNOWN AS PUBLIC SERVICE LIQUOR
LICENSES. THE BOARD MAY ISSUE A MASTER LICENSE TO RAILROAD OR
PULLMAN COMPANIES TO COVER THE MAXIMUM NUMBER OF CARS WHICH THE
COMPANY SHALL ESTIMATE THAT IT WILL OPERATE WITHIN THE
COMMONWEALTH ON ANY ONE DAY. SUCH LICENSEES SHALL FILE MONTHLY
REPORTS WITH THE BOARD SHOWING THE MAXIMUM NUMBER OF CARS
OPERATED IN ANY ONE DAY DURING THE PRECEDING MONTH, AND IF IT
APPEARS THAT MORE CARS HAVE BEEN OPERATED THAN COVERED BY ITS
LICENSE IT SHALL FORTHWITH REMIT TO THE BOARD THE SUM OF TWENTY
DOLLARS FOR EACH EXTRA CAR SO OPERATED.

* * *

(E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, SALES OF
LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES BY
THE AFORESAID PUBLIC SERVICE COMPANY LICENSEES SHALL BE MADE IN
ACCORDANCE WITH, AND SHALL BE SUBJECT TO, THE PROVISIONS OF THIS
ACT RELATING TO THE SALE OF LIQUORS BY RESTAURANT LICENSEES.

SECTION 6. SECTION 410(E) OF THE ACT IS AMENDED AND THE
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

(E) IMPORTERS' LICENSES SHALL PERMIT THE HOLDERS THEREOF TO
BRING OR IMPORT LIQUOR AND READY-TO-DRINK COCKTAILS FROM OTHER
STATES, FOREIGN COUNTRIES, OR INSULAR POSSESSIONS OF THE UNITED
STATES, AND PURCHASE LIQUOR FROM MANUFACTURERS LOCATED WITHIN
THIS COMMONWEALTH, TO BE SOLD OUTSIDE OF THIS COMMONWEALTH OR TO
PENNSYLVANIA LIQUOR STORES WITHIN THIS COMMONWEALTH, OR WHEN IN
ORIGINAL CONTAINERS OF TEN GALLONS OR GREATER CAPACITY, TO
LICENSED MANUFACTURERS WITHIN THIS COMMONWEALTH.

ALL IMPORTATIONS OF LIQUOR INTO PENNSYLVANIA BY THE LICENSED
IMPORTER SHALL BE CONSIGNED TO THE BOARD OR THE PRINCIPAL PLACE
OF BUSINESS OR AUTHORIZED PLACE OF STORAGE MAINTAINED BY THE
LICENSEE.

* * *

(I) THE HOLDER OF AN IMPORTER'S LICENSE MAY SELL AND DELIVER
READY-TO-DRINK COCKTAILS TO LICENSED IMPORTERS, DISTRIBUTORS,
IMPORTING DISTRIBUTORS, HOTELS, RESTAURANTS AND CLUBS. THE SALE
OF READY-TO-DRINK COCKTAILS SHALL BE SUBJECT TO SECTION 431.

SECTION 7. SECTIONS 412(F) AND (G), 413(F), 414(B)(1), (2),
(3) AND (4) AND 416(A), (E) AND (I)(1), (2), (3) AND (4) OF THE
ACT ARE AMENDED TO READ:

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

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

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

(2) SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER
PROFESSIONAL AND AMATEUR ATHLETIC EVENTS, PERFORMING ARTS EVENTS
OR OTHER ENTERTAINMENT EVENTS MAY CONSIST OF LIQUOR, READY-TO-
DRINK COCKTAILS OR MALT OR BREWED BEVERAGES IN SHATTERPROOF
CONTAINERS. SALES DURING TRADE SHOWS, CONVENTIONS, BANQUETS OR
AT OTHER EVENTS, OR SALES MADE IN THE CLUB SEATS OR AT A
RESTAURANT FACILITY, MAY CONSIST OF LIQUOR, READY-TO-DRINK
COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER;
HOWEVER, ANY LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
BEVERAGES SOLD IN THE CLUB SEATS OR RESTAURANT FACILITY MUST
REMAIN IN THE CLUB SEATING LEVEL OR RESTAURANT FACILITY. FOR
PURPOSES OF THIS SECTION, A CLUB SEAT IS ANY SEATING LOCATED ON
THE DESIGNATED CLUB SEATING LEVEL AND PARTITIONED FROM GENERAL
SEATING BY A WALL, DIVIDER, PARTIAL WALL OR RAILING. THE CLUB
SEATING LEVEL MUST NOT BE ACCESSIBLE BY THE GENERAL PUBLIC.

SALES AT ZOOS DURING PRIVATE BANQUETS AND OTHER EVENTS MAY BE AT
ANY SITE WITHIN ZOO PROPERTY AND MAY CONSIST OF ANY TYPE OF
ALCOHOL IN ANY TYPE OF CONTAINER. THE BOARD’S RECORDS SHALL
CLEARLY DELINEATE WHERE THE SALE OF LIQUOR, READY-TO-DRINK
COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER
MAY OCCUR.

(3) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

(4) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT
TO: (I) THE PROXIMITY PROVISIONS OF SECTIONS 402 AND 404; (II)
THE QUOTA RESTRICTIONS OF SECTION 461; (IV) THE PROVISIONS OF
SECTION 493(10) EXCEPT AS THEY RELATE TO LEWD, IMMORAL OR
IMPROPER ENTERTAINMENT; (V) THE PROHIBITION AGAINST MINORS

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FREQUENTING AS DESCRIBED IN SECTION 493(14) AND (VI) THE COST
AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION 493(20)(I). IN
ADDITION, LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE
SUBJECT TO THE PROVISIONS DEFINING "RESTAURANT" IN SECTION 102.

(G) THE BOARD MAY ISSUE MULTIPLE LICENSES UNDER THIS SECTION
FOR USE IN A PUBLIC VENUE WITH PERMANENT SEATING OF AT LEAST
THIRTY-FIVE THOUSAND PEOPLE. IF THE BOARD DOES ISSUE MORE THAN
ONE LICENSE FOR A SPECIFIC PUBLIC VENUE, WRITTEN NOTICE OF THE
EVENT MUST BE PROVIDED TO THE ENFORCEMENT BUREAU AT LEAST FORTY-
EIGHT HOURS IN ADVANCE OF THE DISPENSING OF ANY LIQUOR, READY-
TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES. THE NOTICE SHALL
INCLUDE THE DATE, TIME AND SPECIFIC LICENSED AREAS TO BE USED.
NO MORE THAN ONE LICENSE ISSUED UNDER THIS SECTION SHALL BE IN
EFFECT AT ANY LOCATION AT ANY TIME OF DAY AT THE SAME TIME.

SECTION 413. PERFORMING ARTS FACILITY LICENSE.--* * *

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

(1) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
BREWED BEVERAGES MAY BE MADE TWO HOURS BEFORE, DURING AND ONE
HOUR AFTER ANY PERFORMANCE AT THE FACILITY; HOWEVER, SALES MAY
NOT BE MADE FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK
ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR PRIOR TO TEN
O'CLOCK ANTEMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON
SUNDAYS. HOWEVER, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER
SECTION 408.3(A) AND 408.3(A.2) MAY SELL LIQUOR, READY-TO-DRINK
COCKTAILS AND MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO
O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO
ONE O'CLOCK POSTMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON
SUNDAYS, REGARDLESS OF WHETHER THERE IS A PERFORMANCE AT THE
FACILITY.

(2) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

* * *

SECTION 414. CONTINUING CARE RETIREMENT COMMUNITY RETAIL LICENSES.--** * * *

(B) LICENSES ISSUED UNDER THIS SECTION ARE RESTAURANT LIQUOR LICENSES FOR ALL PURPOSES EXCEPT AS PROVIDED HEREIN. HOWEVER, THE FOLLOWING ADDITIONAL RESTRICTIONS AND PRIVILEGES APPLY:

(1) LICENSES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO THE QUOTA RESTRICTIONS OF SECTION 461.

(2) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES MAY NOT OCCUR FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR PRIOR TO ONE O'CLOCK POSTMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON SUNDAY.

(3) LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE POSSESSED ANYWHERE WITHIN THE CONTINUING CARE RETIREMENT COMMUNITY REGARDLESS OF WHETHER THAT PORTION OF THE PREMISES IS LICENSED. HOWEVER, NO LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE TAKEN BEYOND THE CONFINES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

(4) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES MAY OCCUR IN THOSE PORTIONS OF THE PREMISES LICENSED BY THE BOARD AS WELL AS IN ROOMS THAT ARE LIVED IN OR USED BY RESIDENTS OF THE CONTINUING CARE RETIREMENT COMMUNITY. SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ARE LIMITED TO RESIDENTS OF THE CONTINUING CARE RETIREMENT COMMUNITY AND THE GUESTS OF RESIDENTS IN CONJUNCTION
WITH THE NORMAL, REGULARLY SCHEDULED DINING, ENTERTAINMENT OR
SOCIAL ACTIVITIES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

* * *

SECTION 416. CASINO LIQUOR LICENSE.—(A) NOTWITHSTANDING
ANY PROVISION OF LAW OR REGULATION, A SLOT MACHINE LICENSEE OR
AN AFFILIATED DESIGNEE HOLDING A RESTAURANT LIQUOR OR EATING
PLACE RETAIL DISPENSER LICENSE AND WHICH SELLS LIQUOR, READY-TO-
DRINK COCKTAILS OR MALT OR BREWED BEVERAGES AT OR ADJACENT TO A
GAMING FACILITY UNDER THIS ACT MAY APPLY TO THE BOARD FOR A
CASINO LIQUOR LICENSE. THE BOARD MAY ISSUE A CASINO LIQUOR
LICENSE TO A SLOT MACHINE LICENSEE FOR USE AT THE CASINO LIQUOR
LICENSEE'S LICENSED FACILITY IN ACCORDANCE WITH THIS SECTION.

* * *

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF
A CASINO LIQUOR LICENSE MAY SELL OR SERVE LIQUOR, READY-TO-DRINK
COCKTAILS AND MALT OR BREWED BEVERAGES TWENTY-FOUR (24) HOURS A
DAY, SEVEN (7) DAYS A WEEK.

* * *

(I) IN ADDITION TO ANY OTHER RESTRICTIONS AND PRIVILEGES, A
CASINO LIQUOR LICENSE SHALL BE SUBJECT TO THE FOLLOWING:

(1) SALES MAY BE MADE AT ANY TIME THE FACILITY IS OPEN TO
THE PUBLIC.

(2) LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
BEVERAGES MAY BE TRANSPORTED AND CONSUMED OFF THE GAMING FLOOR
IF THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
BEVERAGE REMAINS WITHIN THE PREMISES OF THE LICENSED FACILITY.

(3) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

(4) IN ADDITION TO THE PROVISIONS OF SECTION 493(24)(II),
THE HOLDER OF A CASINO LIQUOR LICENSE MAY GIVE LIQUOR, READY-TO-

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DRINK COCKTAILS AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON ATTENDING AN INVITATION-ONLY EVENT HELD ANYWHERE ON THE PREMISES OF THE LICENSED FACILITY.

* * *

SECTION 8. THE HEADING OF SUBDIVISION (B) OF ARTICLE IV OF THE ACT IS AMENDED TO READ:

(B) MALT AND BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS (INCLUDING MANUFACTURERS).

SECTION 9. SECTION 431(B), (B.1), (C), (D) AND (F) OF THE ACT, AMENDED JUNE 5, 2020 (P.L.213, NO.29), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

(B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS, NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. IN ADDITION, A DISTRIBUTOR LICENSE HOLDER MAY SELL MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN ANY AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-PREMISES CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN THE PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY BE SOLD IN REFILLABLE GROWLERS; HOWEVER, READY-TO-DRINK COCKTAILS SHALL ONLY BE SOLD IN THE ORIGINAL CONTAINER. THE BOARD SHALL HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING
THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS OR FROM MANUFACTURERS OR IMPORTING DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE AUTHORIZED TO STORE AND REPACKAGEN MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS OWNED BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE A FEE FROM
THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED: TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY, RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT, DURING NORMAL BUSINESS HOURS.

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

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

(B.1) (1) ANY PERSON IN THIS COMMONWEALTH OR ELSEWHERE WHO SHALL PURCHASE OR IN ANY MANNER WHATSOEVER ACQUIRE OR OTHERWISE SUCCEED TO THE BUSINESS OF A MANUFACTURER, ASSETS OR RIGHTS TO IMPORT, MARKET, SHIP INTO THIS COMMONWEALTH OR DISTRIBUTE A BRAND OF BEER OR READY-TO-DRINK COCKTAIL, OR TO USE AND EXPLOIT ANY TRADEMARK INCORPORATED AS PART OF A BRAND OF BEER OR READY-TO-DRINK COCKTAIL PRODUCED BY SUCH A MANUFACTURER SHALL BE OBLIGATED TO ALL TERMS OF THE MANUFACTURER'S FRANCHISE AGREEMENTS IN EFFECT ON THE EFFECTIVE DATE OF THE PURCHASE, ACQUISITION OR SUCCESSION, OR, IF EARLIER, AT THE TIME THE AGREEMENT CONTEMPLATING THE PURCHASE, ACQUISITION OR SUCCESSION IS ACTUALLY MADE.

(2) "PURCHASE" OR "ACQUISITION," FOR PURPOSES OF THIS SECTION, INCLUDES, BUT IS NOT LIMITED TO, A PURCHASE, ACQUISITION, LEASE, LICENSE OR ASSIGNMENT OF ALL OR A CONTROLLING INTEREST IN THE CAPITAL STOCK OR OPERATING ASSETS, INCLUDING BRAND TRADEMARKS RIGHTS; MERGER; ANY CORPORATE REORGANIZATION OR CONSOLIDATION; AND ALSO, WITHOUT LIMITATION, ANY LICENSE, CROSS-LICENSE, JOINT VENTURE OR OTHER AGREEMENT OR
ARRANGEMENT, DIRECTLY OR INDIRECTLY, TRANSFERRING, SUBSTITUTING OR MATERIALLY CHANGING THE PERSON OR PERSONS AUTHORIZED BY THE ONE OWNING OR CONTROLLING A BRAND OR ANY TRADEMARK AS PART OF A BRAND, TO PRODUCE, IMPORT, SHIP, MARKET OR DISTRIBUTE THE BRAND OF BEER INTO OR WITHIN THIS COMMONWEALTH.

(3) "MANUFACTURER," AS USED IN THIS SUBSECTION, SHALL MEAN ANY PERSON, INCLUDING ANY AGENT OF SUCH PERSON, WHO (I) IS LICENSED AS A MANUFACTURER OF MALT OR BREWED BEVERAGES OR MANUFACTURER OF READY-TO-DRINK COCKTAILS LOCATED WITHIN THE COMMONWEALTH OF PENNSYLVANIA, (II) HOLDS A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE, OR (III) MANUFACTURES ANY MALT BEVERAGE AND READY-TO-DRINK COCKTAIL, HAS TITLE TO ANY MALT BEVERAGE AND READY-TO-DRINK COCKTAIL PRODUCTS OR HAS THE CONTRACTUAL RIGHT TO DISTRIBUTE ANY MALT BEVERAGE PRODUCT AND READY-TO-DRINK COCKTAIL, WHETHER LICENSED IN THIS COMMONWEALTH OR NOT, WHO ENTERS INTO AN "AGREEMENT" WITH ANY IMPORTING DISTRIBUTOR LICENSED TO DO BUSINESS IN THIS COMMONWEALTH.

COMMONWEALTH OF PENNSYLVANIA: PROVIDED, THAT THE PROVISIONS OF
THIS SUBSECTION WITH RESPECT TO RESIDENCE REQUIREMENTS SHALL NOT
APPLY TO INDIVIDUALS, PARTNERS, OFFICERS, DIRECTORS AND OWNERS
OF CAPITAL STOCK, OF CORPORATIONS LICENSED OR APPLYING FOR
LICENSES AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND READY-
TO-DRINK COCKTAILS, NOR SHALL THE PROVISIONS OF THIS SUBSECTION
WITH RESPECT TO STOCKHOLDER REQUIREMENTS APPLY TO CORPORATIONS
LICENSED OR APPLYING FOR LICENSES AS MANUFACTURERS OF MALT OR
BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

(D) (1) ALL DISTRIBUTING RIGHTS AS HEREINABOVE REQUIRED
SHALL BE IN WRITING, SHALL BE EQUITABLE IN THEIR PROVISIONS AND
SHALL BE SUBSTANTIALLY SIMILAR AS TO TERMS AND CONDITIONS WITH
ALL OTHER DISTRIBUTING RIGHTS AGREEMENTS BETWEEN THE
MANUFACTURER GIVING SUCH AGREEMENT AND ITS OTHER IMPORTING
DISTRIBUTORS AND DISTRIBUTORS SHALL NOT BE MODIFIED, CANCELLED,
TERMINATED OR RESCINDED BY THE MANUFACTURER WITHOUT GOOD CAUSE,
AND SHALL CONTAIN A PROVISION IN SUBSTANCE OR EFFECT AS FOLLOWS:
"THE MANUFACTURER RECOGNIZES THAT THE IMPORTING DISTRIBUTOR AND
DISTRIBUTOR ARE FREE TO MANAGE THEIR BUSINESS IN THE MANNER THE
IMPORTING DISTRIBUTOR AND DISTRIBUTOR DEEM BEST AND THAT THIS
PREROGATIVE VESTS IN THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR
THE EXCLUSIVE RIGHT TO ESTABLISH A SELLING PRICE, TO SELECT THE
BRANDS OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
THEY WISH TO HANDLE AND TO DETERMINE THE EFFORTS AND RESOURCES
WHICH THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR WILL EXERT TO
DEVELOP AND PROMOTE THE SAME OF THE MANUFACTURER'S PRODUCTS
HANDED BY THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR. HOWEVER,
THE MANUFACTURER EXPECTS THAT THE IMPORTING DISTRIBUTOR AND
DISTRIBUTOR WILL PRICE COMPETITIVELY THE PRODUCTS HANDLED BY
THEM, DEVOTE REASONABLE EFFORT AND RESOURCES TO THE SALE OF SUCH
PRODUCTS AND MAINTAIN A REASONABLE SALES LEVEL." "GOOD CAUSE"

SHALL MEAN THE FAILURE BY ANY PARTY TO AN AGREEMENT, WITHOUT
REASONABLE EXCUSE OR JUSTIFICATION, TO COMPLY SUBSTANTIALLY WITH
AN ESSENTIAL, REASONABLE AND COMMERCIALY ACCEPTABLE REQUIREMENT
IMPOSED BY THE OTHER PARTY UNDER THE TERMS OF AN AGREEMENT.

(2) AFTER JANUARY 1, 1980, NO MANUFACTURER SHALL ENTER INTO
ANY AGREEMENT WITH MORE THAN ONE DISTRIBUTOR OR IMPORTING
DISTRIBUTOR FOR THE PURPOSE OF ESTABLISHING MORE THAN ONE
AGREEMENT FOR DESIGNATED BRAND OR BRANDS OF MALT OR BREWED
BEVERAGES AND READY-TO-DRINK COCKTAILS IN ANY ONE TERRITORY.

EACH FRANCHISE TERRITORY WHICH IS GRANTED BY A MANUFACTURER
SHALL BE GEOGRAPHICALLY CONTIGUOUS OR IN COUNTIES WHICH ARE
CONTIGUOUS WITH ONE ANOTHER. ALL IMPORTING DISTRIBUTORS SHALL
MAINTAIN SUFFICIENT RECORDS TO EVIDENCE COMPLIANCE OF THIS
SECTION. WITH REGARD TO ANY TERRITORIAL DISTRIBUTION AUTHORITY
GRANTED TO AN IMPORTING DISTRIBUTOR BY A MANUFACTURER OF MALT OR
BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS AFTER JANUARY 1,
1996, THE RECORDS SHALL ESTABLISH THAT EACH AND EVERY CASE OF A
BRAND OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
FOR WHICH THE IMPORTING DISTRIBUTOR IS ASSIGNED WAS SOLD,
RESOLD, STORED, DELIVERED OR TRANSPORTED BY THE IMPORTING
DISTRIBUTOR, EITHER FROM A POINT OR TO A POINT WITH THE ASSIGNED
GEOGRAPHICALLY CONTIGUOUS TERRITORY OR IN COUNTIES WHICH ARE
CONTIGUOUS WITH ONE ANOTHER, TO ANY PERSON OR PERSONS, WHETHER
SUCH PERSON OR PERSONS ARE LICENSED BY THIS ACT OR NOT LICENSED
BY THIS ACT.

(3) EXCEPT FOR DISCONTINUANCE OF A BRAND OR A VALID
TERMINATION FOR GOOD CAUSE, THE PURCHASER OF THE ASSETS OF THE
MANUFACTURER AS DEFINED IN THIS ACT SHALL BECOME OBLIGATED TO
ALL THE TERRITORIAL AND BRAND DESIGNATIONS OF THE AGREEMENT IN
EFFECT ON THE DATE OF PURCHASE. PURCHASE OF ASSETS AS DEFINED FOR THE PURPOSES OF THIS ACT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE SALE OF STOCK, SALE OF ASSETS, MERGER, LEASE, TRANSFER OR CONSOLIDATION.

(4) THE COURT OF COMMON PLEAS OF THE COUNTY WHEREIN THE LICENSED PREMISES OF THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR ARE LOCATED IS HEREBY VESTED WITH JURISDICTION AND POWER TO ENJOIN THE MODIFICATION, RESCISSION, CANCELLATION OR TERMINATION OF A FRANCHISE OR AGREEMENT BETWEEN A MANUFACTURER AND AN IMPORTING DISTRIBUTOR OR DISTRIBUTOR AT THE INSTANCE OF SUCH IMPORTING DISTRIBUTOR OR DISTRIBUTOR WHO IS OR MIGHT BE ADVERSELY AFFECTED BY SUCH MODIFICATION, RESCISSION, CANCELLATION OR TERMINATION, AND IN GRANTING AN INJUNCTION THE COURT SHALL PROVIDE THAT NO MANUFACTURER SHALL SUPPLY THE CUSTOMERS OR TERRITORY OF THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR BY SERVICING THE TERRITORY OR CUSTOMERS THROUGH OTHER IMPORTING DISTRIBUTORS OR DISTRIBUTORS OR ANY OTHER MEANS WHILE THE INJUNCTION IS IN EFFECT: PROVIDED, HOWEVER, THAT ANY INJUNCTION ISSUED UNDER THIS SUBSECTION SHALL REQUIRE THE POSTING OF SUFFICIENT BOND AGAINST DAMAGES ARISING FROM AN INJUNCTION IMPROVIDENTLY GRANTED AND A SHOWING THAT THE DANGER OF IRREVOCABLE LOSS OR DAMAGE IS IMMEDIATE AND THAT DURING THE PENDENCY OF SUCH INJUNCTION THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR SHALL CONTINUE TO SERVICE THE ACCOUNTS OF THE MANUFACTURER IN GOOD FAITH.

(5) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO PENNSYLVANIA MANUFACTURERS Whose PRINCIPAL PLACE OF BUSINESS IS LOCATED IN PENNSYLVANIA UNLESS THEY NAME OR CONSTITUTE A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS A PRIMARY OR ORIGINAL SUPPLIER OF THEIR PRODUCTS SUBSEQUENT TO THE EFFECTIVE DATE OF 20210SB0566PN1285
THIS ACT, OR UNLESS SUCH PENNSYLVANIA MANUFACTURERS HAVE NAMED OR CONSTITUTED A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS A PRIMARY OR ORIGINAL SUPPLIER OF THEIR PRODUCTS PRIOR TO THE EFFECTIVE DATE OF THIS ACT, AND WHICH STATUS IS CONTINUING WHEN THIS ACT BECOMES EFFECTIVE.

* * *

(F) (1) ANY MALT OR BREWED BEVERAGE AND READY-TO-DRINK COCKTAIL PRODUCED OUTSIDE THIS COMMONWEALTH THAT IS REPACKAGED BY A BAILEE FOR HIRE OR IMPORTING DISTRIBUTOR ON BEHALF OF AN OUT OF STATE MANUFACTURER MUST BE RETURNED TO THE OUT OF STATE MANUFACTURER AND COME TO REST OUT OF STATE BEFORE IT MAY REENTER THIS COMMONWEALTH. SUCH REPACKAGED MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS MUST BE DISTRIBUTED THROUGH THE THREE-TIER SYSTEM. ANY MALT OR BREWED BEVERAGE OR READY-TO-DRINK COCKTAIL THAT IS REPACKAGED BY A BAILEE FOR HIRE OR IMPORTING DISTRIBUTOR ON BEHALF OF AN IN STATE MANUFACTURER MUST BE RETURNED TO THE IN STATE MANUFACTURER AND COME TO REST AT THE IN STATE MANUFACTURER'S LICENSED FACILITY.

(2) FOR PURPOSES OF THIS SECTION, "REPACKAGE" SHALL MEAN ANY CHANGE OR ALTERATION TO THE CONTAINERS OR CONTAINER CONFIGURATION OF A CASE.

* * *

(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SALES MADE TO THE PENNSYLVANIA LIQUOR CONTROL BOARD AND SALES MADE BY THE PENNSYLVANIA LIQUOR CONTROL BOARD TO LICENSEES AND NONLICENSEES SHALL NOT BE SUBJECT TO THIS SECTION.

SECTION 10. SECTIONS 440 AND 441 OF THE ACT ARE AMENDED TO READ:

SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED BEVERAGES; MINIMUM QUANTITIES.--A MANUFACTURER MAY SELL MALT OR
BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS PRODUCED AND OWNED BY THE MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR CONSUMPTION ON THE LICENSED PREMISES WHERE SOLD ONLY IF IT COMPLIES WITH THE CONDITIONS AND REGULATIONS PLACED UPON HOLDERS OF BREWERY LICENSES UNDER SECTION 446(A)(1). A MANUFACTURER ALSO MAY SELL ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS PRODUCED AND OWNED BY THE MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR CONSUMPTION OFF THE LICENSED PREMISES IN CONTAINERS OR PACKAGES OF UNLIMITED QUANTITY AND OF ANY VOLUME. NO MANUFACTURER MAY MAINTAIN OR OPERATE WITHIN THE COMMONWEALTH ANY PLACE OR PLACES OTHER THAN THE PLACE OR PLACES COVERED BY HIS OR ITS LICENSE WHERE MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS ARE SOLD OR WHERE ORDERS ARE TAKEN.

SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC.--(A) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS EXCEPT:

(1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE;

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

(3) AS PROVIDED IN SECTION 431(B).

(B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN QUANTITIES OF LESS THAN A CASE OR MALT AND BREWED BEVERAGES IN ORIGINAL CONTAINERS CONTAINING LESS THAN ONE HUNDRED TWENTY-EIGHT OUNCES [OR MORE WHICH MAY BE SOLD SEPARATELY]: PROVIDED, THAT NO MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS SOLD OR DELIVERED SHALL BE CONSUMED UPON THE PREMISES OF THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR IN ANY PLACE PROVIDED
FOR SUCH PURPOSE BY SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ACT, MALT
OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS WHICH ARE PART
OF A TASTING CONDUCTED PURSUANT TO THE BOARD’S REGULATIONS MAY
BE CONSUMED ON LICENSED PREMISES.

(C) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL MAINTAIN
OR OPERATE ANY PLACE WHERE SALES ARE MADE OTHER THAN THAT FOR
WHICH THE LICENSE IS GRANTED.

(D) (1) NO DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR THE
STORAGE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
EXCEPT IN THE SAME MUNICIPALITY IN WHICH THE LICENSED PREMISES
IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD.

IN THE EVENT THERE IS NO PLACE OF COLD STORAGE IN THE SAME
MUNICIPALITY, THE BOARD MAY APPROVE A PLACE OF COLD STORAGE IN
THE NEAREST MUNICIPALITY.

(2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR
THE STORAGE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
COCKTAILS EXCEPT IN THE FRANCHISE TERRITORY IN WHICH THE
LICENSED PREMISES IS LOCATED AND UNLESS THE SAME HAS BEEN
APPROVED BY THE BOARD. THE BOARD SHALL ISSUE NO MORE THAN FOUR
STORAGE FACILITIES LICENSE TO AN IMPORTING DISTRIBUTOR. THE
STORAGE LOCATION SHALL BE DESIGNATED SOLELY AS A STORAGE
FACILITY, FROM WHICH ONLY SALES TO OTHER LICENSEES ARE
PERMITTED. RETAIL SALES MAY BE MADE AT THE LICENSED LOCATION
PURSUANT TO SUBSECTION (C). IF THE IMPORTING DISTRIBUTOR
MAINTAINS A STORAGE LOCATION FOR COLD STORAGE IN THE SAME
MUNICIPALITY IN WHICH THE IMPORTING DISTRIBUTOR IS LICENSED OR A
NEARBY MUNICIPALITY, THE IMPORTING DISTRIBUTOR MAY CONTINUE TO
MAINTAIN THAT COLD STORAGE LOCATION IN ADDITION TO ANOTHER
STORAGE LOCATION WITHIN THEIR FRANCHISE TERRITORY.
(E) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL PURCHASE, SELL, RESELL, RECEIVE OR DELIVER ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS, EXCEPT IN STRICT COMPLIANCE WITH THE PROVISIONS OF SUBSECTION (B) OF SECTION 431 OF THIS ACT.

(F) (1) TO SALVAGE ONE OR MORE SALABLE CASES FROM ONE OR MORE DAMAGED CASES, CARTONS OR PACKAGES OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS, A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY REPACKAGE CONSEQUENT TO INADVERTENT DAMAGE AND SELL A CASE, CARTON OR PACKAGE OF IDENTICAL UNITS OF MALT OR BREWED BEVERAGES.

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

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

(G) ALL MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS PURCHASED BY AN IMPORTING DISTRIBUTOR FROM A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS OR FROM ANY PERSON LOCATED OUTSIDE THIS COMMONWEALTH FOR RESALE SHALL BE INVOICED TO THE IMPORTING DISTRIBUTOR, SHALL COME PHYSICALLY INTO THE POSSESSION OF SUCH IMPORTING DISTRIBUTOR AND SHALL BE UNLOADED INTO AND DISTRIBUTED FROM THE LICENSED PREMISES OF SUCH IMPORTING DISTRIBUTOR. THE BOARD MAY ACT TO FURTHER DEFINE AND CONTROL THE STORAGE AND DISTRIBUTION OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN CONFORMITY WITH THIS SECTION AND THIS ACT.

(H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY" SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR
RESALE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

(I) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, WHEN MAKING A SALE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS TO A PRIVATE INDIVIDUAL, NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY BE REQUIRED TO COLLECT THE NAME, ADDRESS OR ANY OTHER IDENTIFYING INFORMATION OF THE PRIVATE INDIVIDUAL FOR THE PURPOSE OF KEEPING A RECORD OF THE QUANTITY OF CASES OR VOLUME OF MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS PURCHASED.

SECTION 10.1. SECTION 470.3(A.1)(2), (H), (I) AND (K) OF THE ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

Section 470.3. License Auction.--* * *

(a.1) * * *

(2) [Any licenses not sold shall be available for sale at future auctions, provided, however, that no] No more than fifty licenses shall be auctioned in any county per year.

* * *

(h) [The winning bidder shall pay to the board the bid amount within two weeks. Payment] Within six months of being awarded a license, payment shall be by cashier's check, certified check or any other method acceptable to the board. If the winning bidder does not pay the bid amount within [two weeks] six months, the second highest bidder shall be awarded the right to file an application for the license, so long as the bid amount is in accordance with subsection (g). [The board shall hold the bid amount in escrow until the license is approved.]

(i) Within six months of being awarded the license, the bidder or its assignee shall file an application to transfer the
license. The application shall be processed in the same manner as any other transfer application and shall be subject to the same restrictions as any other transfer application, including any conditional licensing agreements and county quota restrictions under section 461. The board shall only approve the transfer of a license under this section to a municipality, other than the municipality it last operated in, upon approval by the governing body of the municipality as provided under section 461(b.3).

* * *

(k) A license acquired under this section may subsequently be transferred subject to any restrictions that would otherwise be applicable to the transfer of the license[, unless the license was awarded in an excess auction under subsection (l). A license awarded in an excess auction and subsequently transferred to a different county than the county of origination may not be transferred from the receiving municipality for a period of five years after the date the licensed premises are operational.

(l) A license not receiving a bid at an initial auction shall be eligible to be bid upon at the discretion of the board and awarded at an excess auction as follows:

1. the board shall hold one excess auction every calendar year;
2. the license shall be awarded to the highest bidder in any county, regardless of the original location of the licensed premises. No more than one license shall be awarded per county in an excess auction;
3. the winning bidder may transfer the license without regard to the restrictions under section 461(a) upon approval
from the governing body of the municipality where the license
will be transferred as provided under section 461(b.3); and

(4) a request to transfer the winning license to a different
county shall be made in writing to the board and shall be
subject to an application fee of twenty-five thousand dollars
($25,000).

Section 2. This act shall take effect immediately.

SECTION 11. ARTICLE IV OF THE ACT IS AMENDED BY ADDING A

SUBARTICLE TO READ:

(C.2) FEES AND TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-
PREMISES CONSUMPTION.

SECTION 489. FEES FOR LICENSEES IMPORTING, DISTRIBUTING AND
SELLING READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION.--

(A) In addition to any other fee charged, an importer licensee
and importing distributor licensee shall pay an initial
application fee and an annual renewal fee to sell ready-to-drink
cocktails for off-premises consumption as follows:

(1) An initial application fee of five thousand dollars
($5,000).

(2) An annual renewal fee of three per centum (3%) of the
licensee's gross sales of ready-to-drink cocktails for off-
premises consumption.

(B) In addition to any other fee charged, a licensee with an
interior connection to a convenience store, grocery store or
department store shall pay an initial application fee and an
annual renewal fee to sell ready-to-drink cocktails for off-
premises consumption as follows:

(1) An initial application fee of two thousand five hundred
dollars ($2,500).

(2) An annual renewal fee of two per centum (2%) of the
STORE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION.

(C) IN ADDITION TO ANY OTHER FEE CHARGED, A RESTAURANT LICENSEE, HOTEL LICENSEE AND DISTRIBUTOR LICENSEE WHO IS NOT SUBJECT TO SUBSECTION (B) SHALL PAY AN INITIAL APPLICATION FEE AND AN ANNUAL RENEWAL FEE TO SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION AS FOLLOWS:

(1) AN INITIAL APPLICATION FEE OF ONE THOUSAND DOLLARS ($1,000).

(2) AN ANNUAL RENEWAL FEE OF TWO PER CENTUM (2%) OF THE LICENSEE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION.

(D) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES PAID TO THE BOARD UNDER THIS SECTION SHALL BE PAID INTO THE STATE STORES FUND.

(E) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"CONVENIENCE STORE" SHALL MEAN A RETAIL BUSINESS THAT SELLS A RANGE OF EVERYDAY ITEMS, INCLUDING COFFEE, GROCERIES, SNACK FOODS, CONFECTIONERY, SOFT DRINKS, TOBACCO PRODUCTS, OVER-THE-COUNTER DRUGS, TOILETRIES, GASOLINE AND MAGAZINES.

"DEPARTMENT STORE" SHALL MEAN A RETAIL ESTABLISHMENT OFFERING A WIDE RANGE OF CONSUMER GOODS IN DIFFERENT AREAS OF THE STORE, WHICH MAY INCLUDE FOOD ITEMS.

"GROCERY STORE" SHALL MEAN A RETAIL BUSINESS THAT PRIMARILY SELLS A WIDE VARIETY OF FRESH AND PACKAGED FOODS, BEVERAGES AND OTHER ITEMS TO BE CONSUMED OR USED OFF OF THE STORE PREMISES.

SECTION 489.1. TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION.--(A) Except for sales to the Board of

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FROM THE BOARD, THE FOLLOWING TAXES SHALL BE IMPOSED ON EACH SALE IN THIS COMMONWEALTH OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION:

(1) A TAX IN LIEU OF THE EMERGENCY STATE TAX IMPOSED UNDER THE ACT OF JUNE 9, 1936 (1ST SP. SESS., P.L.13, NO.4), ENTITLED "AN ACT IMPOSING AN EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON THE DEPARTMENT OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL BOARD" SHALL BE IMPOSED AND ASSESSED AT A RATE OF EIGHTEEN PER CENTUM (18%) OF THE NET PRICE OF READY-TO-DRINK COCKTAILS SOLD FOR OFF-PREMISES CONSUMPTION AND IS SUBJECT TO THE FOLLOWING:

(I) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE COLLECTED FROM THE PURCHASER AT THE TIME OF SALE AND SHALL BE PAID OVER TO THE COMMONWEALTH AS PROVIDED IN THIS SUBSECTION.

(II) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE INCLUDED IN THE PURCHASE PRICE OF ALL READY-TO-DRINK COCKTAILS SOLD FOR OFF-PREMISES CONSUMPTION AND MAY NOT BE SEPARATELY STATED FROM THE PURCHASE PRICE.

(III) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE PAID TO AND RECEIVED BY THE DEPARTMENT OF REVENUE AND, ALONG WITH INTEREST AND PENALTIES, SHALL BE DEPOSITED INTO THE GENERAL FUND.


(B) A SECOND OR SUBSEQUENT SELLER OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY, WHEN FILING THE
SELLER'S REQUIRED RETURNS UNDER ARTICLE II OF THE "TAX REFORM CODE OF 1971" AND THIS SECTION, REQUEST A CREDIT OF TAXES PAID IN ACCORDANCE WITH SUBSECTION (A) FOR READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION FOR WHICH TAXES WERE REMITTED TO THE DEPARTMENT UNDER SUBSECTION (A). THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES OR REGULATIONS AND PRESCRIBE FORMS AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

(C) THE PROVISIONS OF PART VI OF ARTICLE II OF THE "TAX REFORM CODE OF 1971" SHALL APPLY TO THE TAXES IMPOSED UNDER SUBSECTION (A)(1).

(D) THE DEPARTMENT OF REVENUE SHALL SHARE INFORMATION WITH THE BOARD DETAILING THE SALES AND TAXES PAID BY SELLERS OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION UNDER THIS SECTION.

(E) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE SALE OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION BY A LIMITED DISTILLERY OR DISTILLERY.

(F) A LICENSEE THAT SELLS A READY-TO-DRINK COCKTAIL FOR OFF-PREMISES CONSUMPTION WITHOUT COLLECTING THE TAX OR ALLOWS A PERSON TO LEAVE THE PREMISES WITH A READY-TO-DRINK COCKTAIL FOR OFF-PREMISES CONSUMPTION THAT WAS SOLD OR PROVIDED WITHOUT THE IMPOSITION OF THE TAX SHALL BE SUBJECT TO CITATION UNDER SECTION 471 OR NONRENEWAL UNDER SECTION 470.

SECTION 12. SECTION 492(11), (12), (13), (14), (18) AND (21) OF THE ACT ARE AMENDED TO READ:

SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED BEVERAGES AND LICENSEES.--

IT SHALL BE UNLAWFUL--

* * *

(11) DELIVERY OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
COCKTAILS with other commodities. For any manufacturer,
importing distributor or distributor, or his servants, agents or
employees, except with board approval, to deliver or transport
any malt or brewed beverages or ready-to-drink cocktails in any
vehicle in which any other commodity is being transported.

(12) Distributors and importing distributors engaging in
other business. For any distributor or importing distributor, or
his servants, agents or employees, without the approval of the
board, and then only in accordance with board regulations, to
engage in any other business whatsoever, except the business of
distributing malt or brewed beverages and ready-to-drink
cocktails, except that the sale of the following goods shall be
permitted on the licensed premises of a distributor or importing
distributor:

(I) any book, magazine or other publication related to malt
or brewed beverages and ready-to-drink cocktails.

(II) any equipment, ingredients or other supplies necessary
for the unlicensed manufacture of malt or brewed beverages as
described in paragraph (1), commonly known as "homebrewing."

(13) Possession or storage of liquor or alcohol by certain
licensees. For any distributor, importing distributor or retail
dispenser, or his servants, agents or employees, to have in his
possession, or to permit the storage of on the licensed premises
or in any place contiguous or adjacent thereto accessible to the
public or used in connection with the operation of the licensed
premises, any alcohol or liquor, except importing
distributors and distributors and their servants, agents and
their employees may possess and store ready-to-drink cocktails.

(14) Malt or brewed beverage and ready-to-drink cocktail
licensees dealing in liquor or alcohol. For any malt or brewed
BEVERAGE LICENSEE, OTHER THAN A MANUFACTURER, OR THE SERVANTS, AGENTS OR EMPLOYEES THEREOF, TO MANUFACTURE, IMPORT, SELL, TRANSPORT, STORE, TRADE OR BARTER IN ANY LIQUOR OR ALCOHOL.[1]

EXCEPT IMPORTING DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND THEIR EMPLOYEES MAY IMPORT SELL, TRANSPORT AND STORE READY-TO-DRINK COCKTAILS AND DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND THEIR EMPLOYEES MAY SELL, TRANSPORT AND STORE READY-TO-DRINK COCKTAILS.

* * *

(18) COERCING DISTRIBUTORS AND IMPORTING DISTRIBUTORS. FOR ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF ANY MANUFACTURER TO COERCE OR PERSUADE OR ATTEMPT TO COERCE OR PERSUADE ANY PERSON LICENSED TO SELL OR DISTRIBUTE MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS AT WHOLESALE OR RETAIL TO ESTABLISH SELLING PRICES FOR ITS PRODUCTS OR TO ENTER INTO ANY CONTRACTS OR AGREEMENTS, WHETHER WRITTEN OR ORAL, OR TAKE ANY ACTION WHICH WILL VIOLATE OR TEND TO VIOLATE ANY PROVISIONS OF THIS ACT OR ANY OF THE RULES OR REGULATIONS PROMULGATED BY THE BOARD PURSUANT THERETO.

* * *

(21) INDUCING OR COERCING DISTRIBUTORS OR IMPORTING DISTRIBUTORS TO ACCEPT UNORDERED PRODUCTS OR COMMIT ILLEGAL ACTS. FOR ANY MANUFACTURER TO COMPEL OR ATTEMPT TO COMPEL ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ACCEPT DELIVERY OF ANY MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS OR ANY OTHER COMMODITY WHICH SHALL NOT HAVE BEEN ORDERED BY THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO DO ANY ILLEGAL ACT BY ANY MEANS WHATSOEVER INCLUDING, BUT NOT LIMITED TO, THREATENING TO AMEND, CANCEL, TERMINATE, RESCIND OR REFUSE TO RENEW ANY AGREEMENT EXISTING BETWEEN MANUFACTURER AND THE
DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO REQUIRE A DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ASSENT TO ANY CONDITION, STIPULATION OR PROVISION LIMITING THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR IN HIS RIGHT TO SELL THE PRODUCTS OF ANY OTHER MANUFACTURER.

* * *

SECTION 13. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.