

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 896 Session of
2007

INTRODUCED BY SOLOBAY, DONATUCCI, RAYMOND, CALTAGIRONE, CONKLIN,
GEORGE, GODSHALL, GRUCELA, HARPER, HORNAMAN, KILLION,
MAHONEY, McCALL, MELIO, M. O'BRIEN, PAYNE, PETRONE, REICHLEY,
SCAVELLO, SIPTROTH, STABACK, SURRA, FREEMAN, J. WHITE, KORTZ
AND PALLONE, MARCH 22, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 30, 2007

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for ~~special occasion permits and for~~ <—
18 DEFINITIONS, FOR SPECIAL OCCASION PERMITS, FOR WINE AUCTION <—
19 PERMITS, FOR LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
20 IN EACH COUNTY, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT
21 AND BREWED BEVERAGES AND LICENSES AND FOR limited wineries.

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

24 ~~Section 1. Section 408.4 of the act of April 12, 1951~~ <—
25 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~

1 ~~June 29, 1987 (P.L.32, No.14), is amended by adding a subsection~~
2 ~~to read:~~

3 ~~Section 408.4. Special Occasion Permits.~~

4 ~~* * *~~

5 ~~(r) Notwithstanding any provision of law to the contrary,~~
6 ~~the board may issue a special occasion permit to an eligible~~
7 ~~entity located in a dry municipality if the board is provided~~
8 ~~with a copy of a resolution adopted by the municipality's~~
9 ~~governing body confirming support for the issuance of the~~
10 ~~special occasion permit.~~

11 ~~Section 1.1. Section 505.2(a)(4) and (c) of the act, amended~~
12 ~~December 8, 2004 (P.L.1810, No.239), are amended to read:~~

13 ~~SECTION 1. SECTION 505.2(A)(4) AND (C) OF THE ACT OF APRIL~~ <—
14 ~~12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED~~
15 ~~AND AMENDED JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED DECEMBER~~
16 ~~8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:~~

17 ~~SECTION 1. THE DEFINITION OF "PUBLIC VENUE" IN SECTION 102~~ <—
18 ~~OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE~~
19 ~~LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14)~~
20 ~~AND AMENDED JULY 7, 2006 (P.L.584, NO.84), IS AMENDED TO READ:~~

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

24 ~~* * *~~

25 ~~"PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION~~
26 ~~CENTER, MUSEUM, AMPHITHEATER OR SIMILAR STRUCTURE. IF THE PUBLIC~~
27 ~~VENUE IS A CRUISE TERMINAL OWNED OR LEASED BY A PORT AUTHORITY~~
28 ~~CREATED UNDER THE ACT OF JUNE 12, 1931 (P.L.575, NO.200),~~
29 ~~ENTITLED "AN ACT PROVIDING FOR JOINT ACTION BY PENNSYLVANIA AND~~
30 ~~NEW JERSEY IN THE DEVELOPMENT OF THE PORTS ON THE LOWER DELAWARE~~

1 RIVER, AND THE IMPROVEMENT OF THE FACILITIES FOR TRANSPORTATION
2 ACROSS THE RIVER; AUTHORIZING THE GOVERNOR, FOR THESE PURPOSES,
3 TO ENTER INTO AN AGREEMENT WITH NEW JERSEY; CREATING THE
4 DELAWARE RIVER JOINT COMMISSION AND SPECIFYING THE POWERS AND
5 DUTIES THEREOF, INCLUDING THE POWER TO FINANCE PROJECTS BY THE
6 ISSUANCE OF REVENUE BONDS; TRANSFERRING TO THE NEW COMMISSION
7 ALL THE POWERS OF THE DELAWARE RIVER BRIDGE JOINT COMMISSION;
8 AND MAKING AN APPROPRIATION," IT SHALL HAVE NO PERMANENT SEATING
9 REQUIREMENT. IF THE PUBLIC VENUE IS AN OPEN-AIR AMPHITHEATER
10 OWNED BY A PORT AUTHORITY CREATED UNDER THE ACT OF DECEMBER 6,
11 1972 (P.L.1392, NO.298), KNOWN AS THE "THIRD CLASS CITY PORT
12 AUTHORITY ACT," IT SHALL HAVE NO PERMANENT SEATING REQUIREMENT.
13 IF THE PUBLIC VENUE IS OWNED BY A POLITICAL SUBDIVISION, A
14 MUNICIPAL AUTHORITY, THE COMMONWEALTH, AN AUTHORITY CREATED
15 UNDER THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS THE
16 "PUBLIC AUDITORIUM AUTHORITIES LAW," AN AUTHORITY CREATED UNDER
17 ARTICLE XXV-A OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230),
18 KNOWN AS THE "SECOND CLASS COUNTY CODE," AN ART MUSEUM
19 ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF APRIL 6, 1791 (3
20 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER ON CERTAIN
21 ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE POWERS AND
22 IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN LAW," OR AN
23 AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF THE ACT OF
24 AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," IT
25 SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE THOUSAND (1,000)
26 PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT SEATING FOR AT LEAST
27 TWO THOUSAND (2,000) PEOPLE. THE TERM SHALL ALSO MEAN ANY
28 REGIONAL HISTORY CENTER, MULTIPURPOSE CULTURAL AND SCIENCE
29 FACILITY, MUSEUM OR CONVENTION OR TRADE SHOW CENTER, REGARDLESS
30 OF OWNER AND SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT LEAST

1 SIXTY THOUSAND (60,000) SQUARE FEET IN ONE BUILDING. THE TERM
2 SHALL ALSO MEAN A CONVENTION OR CONFERENCE CENTER OWNED BY A
3 CITY OF THE THIRD CLASS OR AN ALUMNI FOUNDATION OR ASSOCIATION,
4 REGARDLESS OF SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT
5 LEAST FIFTEEN THOUSAND (15,000) SQUARE FEET IN ONE BUILDING.

6 * * *

7 SECTION 2. SECTION 408.4 OF THE ACT IS AMENDED BY ADDING A
8 SUBSECTION TO READ:

9 SECTION 408.4. SPECIAL OCCASION PERMITS.--

10 * * *

11 (R) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
12 THE BOARD MAY ISSUE A SPECIAL OCCASION PERMIT TO AN ELIGIBLE
13 ENTITY LOCATED IN A DRY MUNICIPALITY IF THE BOARD IS PROVIDED
14 WITH A COPY OF A RESOLUTION ADOPTED BY THE MUNICIPALITY'S
15 GOVERNING BODY CONFIRMING SUPPORT FOR THE ISSUANCE OF THE
16 SPECIAL OCCASION PERMIT.

17 SECTION 3. SECTION 408.12(A) OF THE ACT, AMENDED NOVEMBER
18 10, 1999 (P.L.514, NO.47), IS AMENDED TO READ:

19 SECTION 408.12. WINE AUCTION PERMITS.--(A) UPON APPLICATION
20 OF:

21 (1) ANY NONPROFIT HOSPITAL[,];

22 (2) ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A
23 MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK[,];

24 (3) ANY ORCHESTRA LOCATED IN A COUNTY OF THE FIRST, SECOND
25 OR THIRD CLASS WHICH IS OPERATED BY A NONPROFIT CORPORATION[,];

26 (4) ANY MUSEUM LOCATED IN A COUNTY OF THE FIRST, SECOND OR
27 THIRD CLASS WHICH IS OPERATED BY A NONPROFIT CORPORATION [OR];

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

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

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

8 (8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHICH PURPOSE IS
9 TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS
10 WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS
11 TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND
12 HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS, AND
13 UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE BOARD
14 SHALL ISSUE A WINE AUCTION PERMIT GOOD FOR A PERIOD OF NOT MORE
15 THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS PER CALENDAR
16 YEAR[.]; OR

17 (9) ANY HOSPICE AS DEFINED UNDER SECTION 802.1 OF THE ACT OF
18 JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
19 FACILITIES ACT.

20 * * *

21 SECTION 4. THE DEFINITION OF "HOTEL" IN SECTION 461(C) OF
22 THE ACT, AMENDED FEBRUARY 21, 2006 (P.L.42, NO.15), IS AMENDED
23 TO READ:

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

26 (C) THE WORD "HOTEL" AS USED IN THIS SECTION SHALL MEAN ANY
27 REPUTABLE PLACE OPERATED BY A RESPONSIBLE PERSON OF GOOD
28 REPUTATION WHERE THE PUBLIC MAY, FOR A CONSIDERATION, OBTAIN
29 SLEEPING ACCOMMODATIONS, AND WHICH SHALL HAVE THE FOLLOWING
30 NUMBER OF BEDROOMS AND REQUIREMENTS IN EACH CASE--AT LEAST ONE-

1 HALF OF THE REQUIRED NUMBER OF BEDROOMS SHALL BE REGULARLY
2 AVAILABLE TO TRANSIENT GUESTS SEVEN DAYS WEEKLY, EXCEPT IN
3 RESORT AREAS; AT LEAST ONE-THIRD OF SUCH BEDROOMS SHALL BE
4 EQUIPPED WITH HOT AND COLD WATER, A LAVATORY, COMMODE, BATHTUB
5 OR SHOWER AND A CLOTHES CLOSET; AND AN ADDITIONAL ONE-THIRD OF
6 THE TOTAL OF SUCH REQUIRED ROOMS SHALL BE EQUIPPED WITH LAVATORY
7 AND COMMODE:

8 (1) IN MUNICIPALITIES HAVING A POPULATION OF LESS THAN THREE
9 THOUSAND, AT LEAST TWELVE PERMANENT BEDROOMS FOR THE USE OF
10 GUESTS.

11 (2) IN MUNICIPALITIES HAVING A POPULATION OF THREE THOUSAND
12 AND MORE BUT LESS THAN TEN THOUSAND INHABITANTS, AT LEAST
13 SIXTEEN PERMANENT BEDROOMS FOR THE USE OF GUESTS.

14 (3) IN MUNICIPALITIES HAVING A POPULATION OF TEN THOUSAND
15 AND MORE BUT LESS THAN TWENTY-FIVE THOUSAND INHABITANTS, AT
16 LEAST THIRTY PERMANENT BEDROOMS FOR THE USE OF GUESTS.

17 (4) IN MUNICIPALITIES HAVING A POPULATION OF TWENTY-FIVE
18 THOUSAND AND MORE BUT LESS THAN ONE HUNDRED THOUSAND
19 INHABITANTS, AT LEAST FORTY PERMANENT BEDROOMS FOR THE USE OF
20 GUESTS.

21 (5) IN MUNICIPALITIES HAVING A POPULATION OF ONE HUNDRED
22 THOUSAND AND MORE INHABITANTS, AT LEAST FIFTY PERMANENT BEDROOMS
23 FOR THE USE OF GUESTS.

24 (6) A PUBLIC DINING ROOM OR ROOMS OPERATED BY THE SAME
25 MANAGEMENT ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME AND
26 A KITCHEN, APART FROM THE DINING ROOM OR ROOMS, IN WHICH FOOD IS
27 REGULARLY PREPARED FOR THE PUBLIC.

28 (7) EACH ROOM TO BE CONSIDERED A BEDROOM UNDER THE
29 REQUIREMENTS OF THIS SECTION SHALL HAVE AN AREA OF NOT LESS THAN
30 EIGHTY SQUARE FEET AND AN OUTSIDE WINDOW.

1 (8) THE PROVISIONS OF THIS SUBSECTION (C) SHALL NOT APPLY TO
2 HOTEL LICENSES GRANTED PRIOR TO THE FIRST DAY OF SEPTEMBER, ONE
3 THOUSAND NINE HUNDRED FORTY-NINE, OR THAT HAVE BEEN GRANTED ON
4 ANY APPLICATION MADE AND PENDING PRIOR TO SAID DATE, NOR TO ANY
5 RENEWAL OR TRANSFER THEREOF, OR HOTELS UNDER CONSTRUCTION OR FOR
6 WHICH A BONA FIDE CONTRACT HAD BEEN ENTERED INTO FOR
7 CONSTRUCTION PRIOR TO SAID DATE. IN SUCH CASES, THE PROVISIONS
8 OF SECTION ONE OF THE ACT, APPROVED THE TWENTY-FOURTH DAY OF
9 JUNE, ONE THOUSAND NINE HUNDRED THIRTY-NINE (PAMPHLET LAWS 806),
10 SHALL CONTINUE TO APPLY.

11 (8.1) THE PROVISIONS OF THIS SUBSECTION (C) SHALL NOT APPLY
12 TO HOTEL LICENSES THAT WERE GRANTED PRIOR TO THE FIRST DAY OF
13 JANUARY, ONE THOUSAND NINE HUNDRED SIXTY-FIVE, IN MUNICIPALITIES
14 HAVING A POPULATION OF LESS THAN TEN THOUSAND DURING THE TWO
15 THOUSAND FEDERAL DECENNIAL CENSUS. FURTHER, THE PROVISIONS OF
16 THIS SUBSECTION (C) SHALL NOT APPLY TO HOTEL LICENSES THAT WERE
17 GRANTED PRIOR TO THE FIRST DAY OF SEPTEMBER, ONE THOUSAND NINE
18 HUNDRED FORTY-NINE, AND THAT LAPSED NOT MORE THAN ONCE, PROVIDED
19 THAT THE BOARD ISSUED THE HOTEL A NEW HOTEL LICENSE PRIOR TO THE
20 FIRST DAY OF JANUARY, ONE THOUSAND NINE HUNDRED SEVENTY-ONE. IN
21 SUCH CASES, THE PROVISIONS OF SECTION ONE OF THE ACT, APPROVED
22 THE TWENTY-FOURTH DAY OF JUNE, ONE THOUSAND NINE HUNDRED THIRTY-
23 NINE (PAMPHLET LAWS 806), SHALL CONTINUE TO APPLY.

24 (9) UPON APPLICATION TO AND SUBJECT TO INSPECTION BY THE
25 BOARD, HOTEL LICENSEES UNDER CLAUSE (8) OF THIS SUBSECTION SHALL
26 NO LONGER BE REQUIRED TO MAINTAIN BEDROOMS FOR PUBLIC
27 ACCOMMODATION. HOWEVER, AREAS REQUIRED AND DESIGNATED AS
28 BEDROOMS FOR PUBLIC ACCOMMODATION PRIOR TO THE EFFECTIVE DATE OF
29 THIS CLAUSE MAY NOT SUBSEQUENTLY BE USED AS LICENSED SERVING
30 AREA. SUCH AREA MAY BE USED AS LICENSED STORAGE AREA CONSISTENT

1 WITH THIS ACT AND EXISTING REGULATIONS.

2 (9.1) UPON APPLICATION TO AND SUBJECT TO INSPECTION BY THE
3 BOARD, HOTEL LICENSEES UNDER CLAUSE (8.1) OF THIS SUBSECTION
4 SHALL NO LONGER BE REQUIRED TO MAINTAIN BEDROOMS FOR PUBLIC
5 ACCOMMODATION. HOWEVER, AREAS REQUIRED AND DESIGNATED AS
6 BEDROOMS FOR PUBLIC ACCOMMODATION PRIOR TO THE EFFECTIVE DATE OF
7 THIS CLAUSE MAY NOT SUBSEQUENTLY BE USED AS LICENSED SERVING
8 AREAS. SUCH AREAS MAY BE USED AS LICENSED STORAGE AREA
9 CONSISTENT WITH THIS ACT AND EXISTING REGULATIONS.

10 * * *

11 SECTION 5. SECTION 493(13) OF THE ACT, AMENDED JANUARY 6,
12 2006 (P.L.1, NO.1), IS AMENDED TO READ:

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

18 IT SHALL BE UNLAWFUL--

19 * * *

20 (13) RETAIL LICENSEES EMPLOYING MINORS. FOR ANY HOTEL,
21 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY RETAIL DISPENSER, TO
22 EMPLOY OR TO PERMIT ANY MINOR UNDER THE AGE OF EIGHTEEN TO SERVE
23 ANY ALCOHOLIC BEVERAGES OR TO EMPLOY OR PERMIT ANY MINOR UNDER
24 THE AGE OF SIXTEEN TO RENDER ANY SERVICE WHATEVER IN THE
25 LICENSED PREMISES, NOR SHALL ANY ENTERTAINER UNDER THE AGE OF
26 EIGHTEEN BE EMPLOYED OR PERMITTED TO PERFORM IN ANY LICENSED
27 PREMISES IN VIOLATION OF THE LABOR LAWS OF THIS COMMONWEALTH:
28 PROVIDED, THAT IN ACCORDANCE WITH BOARD REGULATIONS MINORS
29 BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN MAY BE EMPLOYED TO
30 SERVE FOOD, CLEAR TABLES AND PERFORM OTHER SIMILAR DUTIES, NOT

1 TO INCLUDE THE DISPENSING OR SERVING OF ALCOHOLIC BEVERAGES. A
2 SKI RESORT, GOLF COURSE OR AMUSEMENT PARK LICENSEE MAY EMPLOY
3 MINORS FOURTEEN AND FIFTEEN YEARS OF AGE TO PERFORM DUTIES IN
4 ROOMS OR AREAS OF THE LICENSED PREMISES; HOWEVER, SUCH MINORS
5 MAY NOT PERFORM DUTIES IN ROOMS OR AREAS IN WHICH ALCOHOL IS
6 BEING CONCURRENTLY DISPENSED OR SERVED OR IN WHICH ALCOHOL IS
7 BEING CONCURRENTLY STORED IN AN UNSECURED MANNER.
8 NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, A HOTEL,
9 RESTAURANT OR CLUB LIQUOR LICENSEE OR ANY RETAIL DISPENSER MAY
10 ALLOW STUDENTS RECEIVING INSTRUCTION IN A PERFORMING ART TO
11 PERFORM AN EXHIBITION [IN OBSERVANCE OF ETHNIC HERITAGE] IF THE
12 STUDENTS ARE NOT COMPENSATED AND ARE UNDER PROPER SUPERVISION.
13 WRITTEN NOTICE OF THE PERFORMANCE MUST BE PROVIDED TO THE
14 ENFORCEMENT BUREAU PRIOR TO THE PERFORMANCE.

15 * * *

16 SECTION 6. SECTION 505.2(A)(4) AND (C) OF THE ACT, AMENDED
17 DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:

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

21 * * *

22 (4) At the discretion of the board, obtain a special permit
23 to participate in alcoholic cider, wine ~~and food~~, food and <—
24 cultural expositions off the licensed premises. A special permit
25 shall be issued upon proper application and payment of a fee of
26 thirty dollars (\$30) per day for each day of permitted use, not
27 to exceed five (5) consecutive days. The total number of days
28 for all the special permits may not exceed forty (40) days in
29 any calendar year. A special permit shall entitle the holder to
30 engage in the sale by the glass, by the bottle or in case lots

1 of alcoholic cider or wine produced by the permittee under the
2 authority of a limited winery license. Holders of special
3 permits may provide tasting samples of wines in individual
4 portions not to exceed one fluid ounce. Samples at alcoholic
5 cider, wine ~~{and food}, food and cultural~~ expositions may be <—
6 sold or offered free of charge. Except as provided herein,
7 limited wineries utilizing special permits shall be governed by
8 all applicable provisions of this act as well as by all
9 applicable regulations or conditions adopted by the board.

10 For the purposes of this clause, "alcoholic cider, wine ~~{and~~ <—
11 ~~food}, food and cultural~~ expositions" are defined as affairs <—
12 held indoors or outdoors with the [primary intent of] intent of
13 promoting Pennsylvania products and culture by educating those <—
14 in attendance of the availability, nature and quality of
15 Pennsylvania-produced alcoholic ciders and wines in conjunction
16 with suitable food displays, demonstrations and sales. Alcoholic
17 cider, wine and food expositions may also include activities
18 other than alcoholic cider, wine ~~{and food}, food and cultural~~ <—
19 displays, including arts and crafts, musical activities,
20 cultural exhibits, agricultural exhibits and [similar <—
21 activities.] FARMERS MARKETS. Alcoholic cider, wine, food and <—
22 cultural expositions shall also include farmers markets.

23 * * *

24 (c) [The term "agricultural commodity" as used in this
25 section] As used in this section:

26 "Agricultural commodity" shall include any of the following:
27 agricultural, apicultural, horticultural, silvicultural and
28 viticultural commodities.

29 "Farmers market" shall include any building, structure or
30 other place owned, leased or otherwise in the possession of a <—

1 OTHER PLACE: <—

2 (1) OWNED, LEASED OR OTHERWISE IN THE POSSESSION OF A

3 person, municipal corporation or public or private organization; <—

4 ~~used or intended to be used by two or more farmers or an~~ <—

5 (2) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR AN <—

6 association of farmers, WHO ARE CERTIFIED BY THE DEPARTMENT OF <—

7 AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'

8 MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO

9 SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), for the

10 purpose of selling agricultural commodities PRODUCED IN THIS <—

11 COMMONWEALTH directly to consumers and which is physically <—

12 ~~located within this~~ CONSUMERS; <—

13 (3) WHICH IS PHYSICALLY LOCATED WITHIN THIS Commonwealth; <—

14 AND

15 (4) WHICH IS NOT OPEN FOR BUSINESS MORE THAN TWELVE HOURS

16 EACH DAY.

17 Section 2. This act shall take effect in 60 days. <—

18 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

19 (1) THE AMENDMENT OF SECTION 505.2 OF THE ACT SHALL TAKE

20 EFFECT IMMEDIATELY.

21 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

22 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60

23 DAYS.