

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 48 Session of
2009

INTRODUCED BY M. O'BRIEN, JANUARY 26, 2009

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 1, 2009

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 definitions, ~~for special occasion~~
18 ~~permits~~, FOR SACRAMENTAL WINE LICENSES, FEES, PRIVILEGES AND
19 RESTRICTIONS AND FOR INTERLOCKING BUSINESSES PROHIBITED;
20 PROVIDING FOR AN ENHANCED RESTAURANT LICENSE; AND FURTHER
21 PROVIDING FOR NUMBER AND KINDS OF LICENSES ALLOWED SAME
22 LICENSEE and for limited number of retail licenses to be
23 issued in each county.

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

26 Section 1. The definitions of "eligible ~~entity~~" ENTITY,"
27 "PERFORMING ARTS FACILITIES" and "public venue" in section 102
28 of the act of April 12, 1951 (P.L.90, No.21), known as the

1 Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14)
2 and amended December 20, 2000 (P.L.992, No.41), November 29,
3 2006 (P.L.1421, No. 155) and July 16, 2007 (P.L.107, No.34), are
4 amended to read:

5 Section 102. Definitions.--The following words or phrases,
6 unless the context clearly indicates otherwise, shall have the
7 meanings ascribed to them in this section:

8 * * *

9 "Eligible entity" shall mean a city of the third class, a
10 hospital, a church, a synagogue, a volunteer fire company, a
11 volunteer ambulance company, a volunteer rescue squad, a unit of
12 a nationally chartered club which has been issued a club liquor
13 license, a club in a city of the third class which has been
14 issued a club liquor license and which, as of December 31, 2002,
15 has been in existence for at least 100 years, a library, a
16 nationally accredited Pennsylvania nonprofit zoological
17 institution licensed by the United States Department of
18 Agriculture, a nonprofit agricultural association in existence
19 for at least ten years, a bona fide sportsmen's club in
20 existence for at least ten years, a nationally chartered
21 veterans' organization and any affiliated lodge or subdivision
22 of such organization, a fraternal benefit society that is
23 licensed to do business in this Commonwealth and any affiliated
24 lodge or subdivision of such fraternal benefit society, a museum
25 operated by a nonprofit corporation in a city of the third class
26 or township of the first class, a nonprofit corporation engaged
27 in the performing arts in a city of the third class, borough or
28 in an incorporated town, an arts council, a nonprofit
29 corporation that operates an arts facility or museum in a city
30 of the third class in the county of the fourth class, a

1 nonprofit organization as defined under section 501(c)(3) of the
2 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
3 501(c)(3)) whose purpose is to protect the architectural
4 heritage of boroughs and which has been recognized as such by a
5 municipal resolution, a nonprofit organization as defined under
6 section 501(c)(3) of the Internal Revenue Code of 1986 (Public
7 Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a
8 city of the second class with the permit to be used on State
9 park grounds or conducting a family-oriented celebration as part
10 of Welcome America in a city of the first class on property
11 leased from that city for more than fifty years, a nonprofit
12 organization as defined under section 501(c)(3) of the Internal
13 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to
14 raise funds for the research and treatment of cystic fibrosis, a
15 nonprofit organization as defined under section 501(c)(3) of the
16 Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose
17 purpose is to educate the public on issues dealing with
18 watershed conservation, a nonprofit organization as defined
19 under section 501(c)(3) of the Internal Revenue Code of 1986
20 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to
21 provide equine assisted activities for children and adults with
22 special needs, a nonprofit economic development agency in a city
23 of the second class with the primary function to serve as an
24 economic generator for the greater southwestern Pennsylvania
25 region by attracting and supporting film, television and related
26 media industry projects and coordinating government and business
27 offices in support of a production, a county tourist promotion
28 agency as defined in section 3(1) of the act of April 28, 1961
29 (P.L.111, No.50), known as the "Tourist Promotion Law," and
30 located in a city of the third class in a county of the fourth

1 class or located in a township of the second class in a county
2 of the fifth class, a junior league in a third class county that
3 is a nonprofit organization as defined under section 501(c)(3)
4 of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3))
5 that is comprised of women whose purpose is exclusively
6 educational and charitable in promoting the volunteerism of
7 women and developing and participating in community projects and
8 that has been in existence for over seventy years [or], a
9 nonprofit organization as defined under section 501(C)(6) of the
10 Internal Revenue Code of 1986 which is located in a city of the
11 third class in a county of the third class and whose purpose is
12 to support business and industry or a club recognized by Rotary
13 International WHICH IS LOCATED IN A COUNTY OF THE FOURTH CLASS ←
14 AND whose purpose is to provide service to others, to promote
15 high ethical standards and to advance world understanding,
16 goodwill and peace through its fellowship of business,
17 professional and community leaders OR A NONPROFIT ORGANIZATION ←
18 AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
19 OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) WHICH IS
20 LOCATED IN A BOROUGH IN A COUNTY OF THE THIRD CLASS AND WHOSE
21 PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND
22 REGIONAL CHARITIES.

23 * * *

24 "PERFORMING ARTS FACILITIES" SHALL MEAN THOSE HALLS OR ←
25 THEATERS IN WHICH LIVE MUSICAL, CONCERT, DANCE, BALLET AND
26 LEGITIMATE PLAY BOOK-LENGTH PRODUCTIONS ARE PERFORMED.
27 PERFORMING ARTS FACILITIES SHALL NOT MEAN THOSE HALLS OR
28 THEATERS IN WHICH BURLESQUE SHOWS OR REVIEWS ARE PERFORMED. IF
29 THE OPERATOR OF THE PERFORMING ARTS FACILITY IS A NONPROFIT
30 ENTITY, THE FACILITY MUST HAVE SEATING FOR AT LEAST [FIVE

1 HUNDRED (500)] TWO HUNDRED FIFTY (250) PEOPLE; OTHERWISE, THE
2 FACILITY MUST HAVE SEATING FOR AT LEAST TWENTY-FIVE HUNDRED
3 (2,500) PEOPLE.

4 * * *

5 "Public venue" shall mean a stadium, arena, convention
6 center, museum, amphitheater or similar structure. If the public
7 venue is a cruise terminal owned or leased by a port authority
8 created under the act of June 12, 1931 (P.L.575, No.200),
9 entitled "An act providing for joint action by Pennsylvania and
10 New Jersey in the development of the ports on the lower Delaware
11 River, and the improvement of the facilities for transportation
12 across the river; authorizing the Governor, for these purposes,
13 to enter into an agreement with New Jersey; creating The
14 Delaware River Joint Commission and specifying the powers and
15 duties thereof, including the power to finance projects by the
16 issuance of revenue bonds; transferring to the new commission
17 all the powers of the Delaware River Bridge Joint Commission;
18 and making an appropriation," it shall have no permanent seating
19 requirement. If the public venue is an open-air amphitheater
20 owned by a port authority created under the act of December 6,
21 1972 (P.L.1392, No.298), known as the "Third Class City Port
22 Authority Act," it shall have no permanent seating requirement.
23 If the public venue is owned by a political subdivision, a
24 municipal authority, the Commonwealth, an authority created
25 under the act of July 29, 1953 (P.L.1034, No.270), known as the
26 "Public Auditorium Authorities Law," an authority created under
27 Article XXV-A of the act of July 28, 1953 (P.L.723, No.230),
28 known as the "Second Class County Code," an art museum
29 established under the authority of the act of April 6, 1791 (3
30 Sm.L.20, No.1536), entitled "An act to confer on certain

1 associations of the citizens of this commonwealth the powers and
2 immunities of corporations, or bodies politic in law," or an
3 authority created under Article XXIII (n) or (o) of the act of
4 August 9, 1955 (P.L.323, No.130), known as "The County Code," it
5 shall have permanent seating for at least one thousand (1,000)
6 people; otherwise, it shall have permanent seating for at least
7 two thousand (2,000) people. The term shall also mean any
8 regional history center, multipurpose cultural and science
9 facility, museum or convention or trade show center, regardless
10 of owner and seating capacity, that has a floor area of at least
11 sixty thousand (60,000) square feet in one building. The term
12 shall also mean a convention or conference center owned by a
13 city of the third class or a university which is a member of the
14 Pennsylvania State System of Higher Education which is operated
15 by a university foundation or alumni association, regardless of
16 seating capacity, that has a floor area of at least fifteen
17 thousand (15,000) square feet in one building. The term shall
18 shall also mean a visitor center, regardless of floor area or ←
19 seating capacity, that was established under the authority of
20 the Gateway Visitor Center Authorization Act of 1999 (Public Law
21 106-131, 113 Stat. 1678; 16 USCA 1678, 16 U.S.C. § 407m)). ←

22 * * *

23 ~~Section 2. Section 408.4(h) and (j) of the act, amended~~ ←
24 ~~December 9, 2002 (P.L.1653, No.212), are amended to read:~~

25 ~~Section 408.4. Special Occasion Permits.~~

26 ~~(h) The board may issue a special occasion permit to an~~
27 ~~eligible entity. The board may also issue a special occasion~~
28 ~~permit to one auxiliary of any eligible entity. Any eligible~~
29 ~~entity that wishes to acquire a special occasion permit must~~
30 ~~submit [a] an original written application to the board in such~~

~~form and containing such information as the board shall from
time to time prescribe. The application shall include a
resolution by the eligible entity setting forth its current
officers and approving the application. Upon approval of the
application by the board, the special occasion permit shall be
sent to the eligible entity only. The fee for special occasion
permits shall be as set forth under section 614 A(24) of the act
of April 9, 1929 (P.L.177, No.175), known as "The Administrative
Code of 1929."~~

~~* * *~~

~~(j) The eligible entity shall give the local police
department or the Pennsylvania State Police if there is no local
police department written notice at least forty eight hours
prior to each use of the special occasion permit. Written notice
consists of notifying the police of the date, time and place of
the impending sale of alcoholic beverages. Prior to use of the
special occasion permit, the eligible entity shall submit to the
board written proof of notification of the police.~~

~~* * *~~

SECTION 2. SECTION 409 OF THE ACT, AMENDED DECEMBER 21, 1998
(P.L.1202, NO.155) AND DECEMBER 9, 2002 (P.L.1653, NO.212), IS
AMENDED TO READ:

SECTION 409. SACRAMENTAL WINE LICENSES; FEES; PRIVILEGES;
RESTRICTIONS.--(A) SUBJECT TO THE PROVISIONS OF THIS ACT IN
GENERAL AND MORE PARTICULARLY TO THE FOLLOWING PROVISIONS OF
THIS SECTION, THE BOARD SHALL ISSUE SACRAMENTAL WINE LICENSES TO
QUALIFIED APPLICANTS.

(B) EVERY APPLICANT FOR A SACRAMENTAL WINE LICENSE SHALL
FILE A WRITTEN APPLICATION WITH THE BOARD IN SUCH FORM AS THE
BOARD SHALL FROM TIME TO TIME PRESCRIBE, WHICH SHALL BE

1 ACCOMPANIED BY A FILING FEE AND A LICENSE FEE AS PRESCRIBED IN
2 SECTION 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
3 KNOWN AS "THE ADMINISTRATIVE CODE OF [1929," AND A LICENSE FEE
4 OF ONE HUNDRED DOLLARS.] 1929." EVERY SUCH APPLICATION SHALL
5 CONTAIN A DESCRIPTION OF THE PREMISES FOR WHICH THE APPLICANT
6 DESIRES A LICENSE AND SHALL SET FORTH SUCH OTHER MATERIAL
7 INFORMATION AS MAY BE REQUIRED BY THE BOARD.

8 (C) IF THE APPLICANT IS A NATURAL PERSON, HIS APPLICATION
9 MUST SHOW THAT HE IS A CITIZEN OF THE UNITED STATES OR A
10 RESIDENT ALIEN AND A RESIDENT OF THIS COMMONWEALTH. IF THE
11 APPLICANT IS AN ASSOCIATION OR PARTNERSHIP, EACH AND EVERY
12 MEMBER OF THE ASSOCIATION OR PARTNERSHIP MUST BE A CITIZEN OF
13 THE UNITED STATES OR A RESIDENT ALIEN AND A RESIDENT OF THIS
14 COMMONWEALTH. IF THE APPLICANT IS A CORPORATION, THE APPLICATION
15 MUST SHOW THAT THE CORPORATION WAS CREATED UNDER THE LAWS OF
16 PENNSYLVANIA OR HOLDS A CERTIFICATE OF AUTHORITY TO TRANSACT
17 BUSINESS IN PENNSYLVANIA, AND THAT ALL OFFICERS, DIRECTORS AND
18 STOCKHOLDERS ARE CITIZENS OF THE UNITED STATES OR RESIDENT
19 ALIENS.

20 (D) [HOLDERS] EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION
21 (D.1), HOLDERS OF SUCH LICENSES MAY PURCHASE FROM MANUFACTURERS
22 OR BRING OR IMPORT INTO THIS COMMONWEALTH WINE TO BE USED FOR
23 SACRAMENTAL OR RELIGIOUS PURPOSES ONLY, AND BOTTLE AND SELL THE
24 SAME TO PRIESTS, CLERGYMEN AND RABBIS FOR USE IN THE CATHEDRAL,
25 CHURCH, SYNAGOGUE OR TEMPLE, OR FOR SUSTAINING MEMBERS OF THE
26 CONGREGATION OR MEMBERS OF THE FAITH WHO ATTEND RELIGIOUS
27 SERVICES, DULY CERTIFIED BY SUCH PRIESTS, CLERGYMEN OR RABBIS.
28 THE SALE AND USE OF WINE FOR SACRAMENTAL OR RELIGIOUS PURPOSES
29 SHALL BE SUBJECT TO AND IN ACCORDANCE WITH THE REGULATIONS OF
30 THE BOARD.

1 (D.1) IN ADDITION TO THE PRIVILEGES CONFERRED UNDER
2 SUBSECTION (D), THE HOLDER OF A SACRAMENTAL WINE LICENSE WHO
3 OWNS OR OPERATES AN EATING PLACE OR A RESTAURANT MAY SELL FOOD
4 FOR CONSUMPTION ON OR OFF THE PREMISES AND SELL FOR CONSUMPTION
5 ON THE PREMISES ONLY THE WINE THAT IT MAY ACQUIRE AND SELL
6 PURSUANT TO ITS LICENSE. IN ADDITION, THE HOLDER OF A
7 SACRAMENTAL WINE LICENSE MAY ALLOW PERSONS WHO HAVE PURCHASED
8 BUT ONLY PARTIALLY CONSUMED A BOTTLE OF WINE ON THE PREMISES TO
9 REMOVE THE BOTTLE FROM THE PREMISES SO LONG AS THE BOTTLE WAS
10 PURCHASED IN CONJUNCTION WITH A MEAL THAT WAS CONSUMED ON THE
11 PREMISES AND SO LONG AS THE BOTTLE IS RESEALED.

12 (E) [ANY] EXCEPT AS PROVIDED UNDER SUBSECTION (D.1), ANY
13 WINE PURCHASED UNDER THE AUTHORITY OF THIS SECTION SHALL NOT BE
14 USED FOR ANY OTHER THAN SACRAMENTAL OR RELIGIOUS PURPOSES.
15 SACRAMENTAL WINE MAY NOT BE SOLD BY ANY PERSON EXCEPT THE HOLDER
16 OF A SACRAMENTAL WINE LICENSE.

17 (F) EVERY SACRAMENTAL WINE LICENSEE SHALL MAINTAIN ON THE
18 LICENSED PREMISES SUCH RECORDS AS THE BOARD MAY PRESCRIBE. NO
19 DELIVERIES OF SACRAMENTAL WINE SHALL BE MADE UNLESS AND UNTIL AN
20 ORDER THEREFOR IS ON FILE AT THE PRINCIPAL PLACE OF BUSINESS IN
21 PENNSYLVANIA. ALL SHIPMENTS INTO PENNSYLVANIA OF WINE TO BE USED
22 [FOR SACRAMENTAL OR RELIGIOUS PURPOSES] AS PRESCRIBED IN THIS
23 SECTION SHALL BE CONSIGNED TO THE PRINCIPAL PLACE OF BUSINESS
24 MAINTAINED BY THE LICENSEE.

25 (G) ANY SUCH LICENSE MAY BE SUSPENDED OR REVOKED BY THE
26 BOARD UPON PROOF SATISFACTORY TO IT THAT THE LICENSEE HAS
27 VIOLATED ANY LAW OF THIS COMMONWEALTH OR ANY REGULATION OF THE
28 BOARD RELATING TO LIQUOR AND ALCOHOL. THE PROCEDURE IN SUCH
29 CASES SHALL BE THE SAME AS FOR THE REVOCATION AND SUSPENSION OF
30 HOTEL, RESTAURANT AND CLUB LICENSES.

1 (H) FOR PURPOSES OF THIS SECTION THE TERM "SACRAMENTAL WINE"
2 SHALL MEAN ANY WINE THAT IS CLEARLY MARKED ON THE BOTTLE BY THE
3 MANUFACTURER AS BEING PRODUCED OR MANUFACTURED IN ACCORDANCE
4 WITH RELIGIOUS LAW, PRACTICE OR CUSTOM.

5 SECTION 3. SECTION 411(E) OF THE ACT IS AMENDED TO READ:

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

7 (E) EXCEPT AS HEREIN PROVIDED, NO HOTEL, RESTAURANT, RETAIL
8 DISPENSER OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR OR
9 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE SHALL IN ANY
10 WISE BE INTERESTED, DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR
11 LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR
12 ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A DISTRIBUTOR,
13 IMPORTING DISTRIBUTOR, OR BY AN IMPORTER OR SACRAMENTAL WINE
14 LICENSEE, IN THE CONDUCT OF HIS BUSINESS; NOR SHALL ANY HOTEL,
15 RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE, OR ANY OFFICER,
16 DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE,
17 EITHER DIRECTLY OR INDIRECTLY, LEND ANY MONEYS, CREDIT, OR GIVE
18 ANYTHING OF VALUE OR THE EQUIVALENT THEREOF, TO ANY DISTRIBUTOR,
19 IMPORTING DISTRIBUTOR, IMPORTER OR SACRAMENTAL WINE LICENSEE,
20 FOR EQUIPPING, FITTING OUT, OR MAINTAINING AND CONDUCTING,
21 EITHER IN WHOLE OR IN PART, AN ESTABLISHMENT USED IN THE CONDUCT
22 OF HIS BUSINESS.

23 THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION OF THE
24 FINANCIAL AND BUSINESS INTERESTS BETWEEN MANUFACTURERS AND
25 HOLDERS OF HOTEL OR RESTAURANT LIQUOR LICENSES AND, AS HEREIN
26 PROVIDED, OF CLUB LICENSES, ISSUED UNDER THIS ARTICLE, AND NO
27 PERSON SHALL, BY ANY DEVICE WHATSOEVER, DIRECTLY OR INDIRECTLY,
28 EVADE THE PROVISIONS OF THE SECTION. BUT IN VIEW OF EXISTING
29 ECONOMIC CONDITIONS, NOTHING CONTAINED IN THIS SECTION SHALL BE
30 CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING

1 INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE
2 UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED
3 AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT
4 LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE
5 HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL
6 NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE FROM
7 OWNING LAND WHICH IS LEASED TO, AND THE BUILDINGS THEREON OWNED
8 BY, A HOLDER OF A RETAIL DISPENSER'S LICENSE; AND NOTHING IN
9 THIS CLAUSE SHALL PREVENT THE ISSUANCE OF A RETAIL DISPENSER'S
10 LICENSE TO A LESSEE OF SUCH LANDS WHO OWNS THE BUILDINGS
11 THEREON: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS
12 SECTION SHALL BE CONSTRUED TO PROHIBIT ANY HOTEL, RESTAURANT,
13 RETAIL DISPENSER OR CLUB LICENSEE OR ANY OFFICER, DIRECTOR OR
14 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE FROM HAVING A
15 FINANCIAL OR OTHER INTEREST, DIRECTLY OR INDIRECTLY IN THE
16 OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY
17 PROPERTY OR ANY MORTGAGE LIEN AGAINST SAME, USED, LEASED BY AN
18 IMPORTER OR SACRAMENTAL WINE LICENSEE FOR THE EXCLUSIVE PURPOSE
19 OF MAINTAINING COMMERCIAL OFFICES AND ON THE CONDITION THAT SAID
20 PROPERTY IS NOT USED FOR THE STORAGE OR SALE OF LIQUOR OR MALT
21 OR BREWED BEVERAGES IN ANY QUANTITY[.]: AND, PROVIDED FURTHER,
22 THAT NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO
23 PROHIBIT A MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY
24 CREATED UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF
25 AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE,"
26 FROM HAVING AN INTEREST IN A DISTRIBUTOR OR IMPORTING
27 DISTRIBUTOR LICENSE NOTWITHSTANDING THE FACT THAT THE PUBLIC
28 AUTHORITY HAS AN INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS
29 AS A LANDLORD FOR ONE OR MORE RETAIL LICENSES.

30 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

1 SECTION 415. ENHANCED RESTAURANT LICENSE.-- (A)
2 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON HOLDING A
3 SLOT MACHINE LICENSE WHO ALSO HOLDS A RESTAURANT LICENSE ISSUED
4 BY THE PENNSYLVANIA LIQUOR CONTROL BOARD SHALL BE ELIGIBLE TO
5 RECEIVE AN ENHANCED RESTAURANT LICENSE BY REGISTERING WITH THE
6 LIQUOR CONTROL BOARD AND PAYING AN ENHANCED LICENSE FEE OF
7 \$250,000. THE HOLDER OF AN ENHANCED RESTAURANT LICENSE SHALL PAY
8 AN ANNUAL FEE OF \$30,000.

9 (B) AN ENHANCED RESTAURANT LICENSE SHALL NOT BE SUBJECT TO
10 SECTION 471(C).

11 (C) IF THE HOLDER OF AN ENHANCED RESTAURANT LICENSE IS CITED
12 AND FOUND TO HAVE VIOLATED A PROVISION OF THIS ACT, THE ENHANCED
13 RESTAURANT LICENSE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN
14 \$250 NOR MORE THAN \$25,000. THE PRIOR CITATION HISTORY OF THE
15 ENHANCED RESTAURANT LICENSEE SHALL BE CONSIDERED IN DETERMINING
16 THE AMOUNT OF THE FINE.

17 SECTION 5. SECTION 438(C) OF THE ACT IS AMENDED TO READ:

18 SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME
19 LICENSEE.--* * *

20 (C) NO PERSON SHALL POSSESS MORE THAN ONE CLASS OF LICENSE,
21 EXCEPT THAT A HOLDER OF A RETAIL DISPENSER'S LICENSE MAY ALSO BE
22 A HOLDER OF A RETAIL LIQUOR LICENSE[.]: PROVIDED, HOWEVER, THAT
23 NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
24 A MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY CREATED
25 UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF AUGUST 9,
26 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING
27 AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE
28 NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN
29 INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD
30 FOR ONE OR MORE RETAIL LICENSES.

SECTION 6. SECTION 443(G) OF THE ACT, AMENDED MAY 31, 1996
(P.L.312, NO.49), IS AMENDED TO READ:

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

(G) THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION
OF THE FINANCIAL AND BUSINESS INTERESTS BETWEEN THE VARIOUS
CLASSES OF BUSINESS REGULATED BY SUBDIVISION (B) OF THIS
ARTICLE, AND NO PERSON OR CORPORATION SHALL, BY ANY DEVICE
WHATSOEVER, DIRECTLY OR INDIRECTLY, EVADE THE PROVISIONS OF THIS
SECTION. BUT IN VIEW OF EXISTING ECONOMIC CONDITIONS, NOTHING
CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE
OWNERSHIP OF PROPERTY OR CONFLICTING INTEREST BY A MALT OR
BREWED BEVERAGE MANUFACTURER OF ANY PLACE OCCUPIED BY A
DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL DISPENSER AFTER THE
MANUFACTURER HAS CONTINUOUSLY OWNED AND HAD A CONFLICTING
INTEREST IN SUCH PLACE FOR A PERIOD OF AT LEAST FIVE YEARS PRIOR
TO THE EIGHTEENTH DAY OF JULY, ONE THOUSAND NINE HUNDRED THIRTY-
FIVE: PROVIDED, HOWEVER, THAT A HOLDER OF A MANUFACTURER'S
LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO OPERATE A
BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY AS PROVIDED
FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE UNDER A HOTEL
LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED
BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S OR LIMITED
WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE OR
RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
FOR EACH RESPECTIVE LICENSE[.]: AND, PROVIDED FURTHER, THAT
NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
A MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY CREATED
UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF AUGUST 9,

1 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING
2 AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE
3 NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN
4 INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD
5 FOR ONE OR MORE RETAIL LICENSES.

6 THE TERM "MANUFACTURER" AS USED IN THIS SECTION SHALL INCLUDE
7 MANUFACTURERS OF MALT OR BREWED BEVERAGES AS DEFINED IN THIS ACT
8 AND ANY PERSON MANUFACTURING ANY MALT OR BREWED BEVERAGES
9 OUTSIDE OF THIS COMMONWEALTH.

10 Section ~~3-2~~ 7. Section 461(c)(9) of the act, amended July
11 16, 2007 (P.L.107, No.34), is amended to read:

12 Section 461. Limiting Number of Retail Licenses To Be Issued
13 In Each County.--* * *

14 (c) The word "hotel" as used in this section shall mean any
15 reputable place operated by a responsible person of good
16 reputation where the public may, for a consideration, obtain
17 sleeping accommodations, and which shall have the following
18 number of bedrooms and requirements in each case--at least one-
19 half of the required number of bedrooms shall be regularly
20 available to transient guests seven days weekly, except in
21 resort areas; at least one-third of such bedrooms shall be
22 equipped with hot and cold water, a lavatory, commode, bathtub
23 or shower and a clothes closet; and an additional one-third of
24 the total of such required rooms shall be equipped with lavatory
25 and commode:

26 * * *

27 (9) Upon application to and subject to inspection by the
28 board, hotel licensees under clause (8) of this subsection shall
29 no longer be required to maintain bedrooms for public
30 accommodation. [However, areas required and designated as

1 bedrooms for public accommodation prior to the effective date of
2 this clause may not subsequently be used as licensed serving
3 area.] Such area may be used as licensed storage area or serving
4 area consistent with this act and existing regulations.

5 * * *

6 Section ~~4-3~~ 8. This act shall take effect in 60 days.

