
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 48 Session of
2009

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 7, 2010

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 WINE MARKETING, for ←
18 sacramental wine licenses, fees, privileges and restrictions, ←
19 for interlocking businesses prohibited and, FOR NUMBER AND ←
20 KINDS OF LICENSES ALLOWED SAME LICENSEE, for limited number
21 of retail licenses to be issued in each county, FOR UNLAWFUL
22 ACTS RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES AND
23 LICENSEES, FOR LICENSES ISSUED AND FOR LIMITED WINERIES.

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

26 Section 1. The definitions of "eligible entity," "performing
27 arts facilities" and "public venue" in section 102 of the act of
28 April 12, 1951 (P.L.90, No.21), known as the Liquor Code,

1 reenacted and amended June 29, 1987 (P.L.32, No.14) and amended
2 December 20, 2000 (P.L.992, No.41), November 29, 2006 (P.L.1421,
3 No. 155) and July 16, 2007 (P.L.107, No.34), are amended to
4 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 OR A TOWNSHIP OF THE SECOND CLASS and which ←
5 has been recognized as such by a municipal resolution, a
6 nonprofit organization as defined under section 501(c)(3) of the
7 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
8 501(c)(3)) conducting a regatta in a city of the second class
9 with the permit to be used on State park grounds or conducting a
10 family-oriented celebration as part of Welcome America in a city
11 of the first class on property leased from that city for more
12 than fifty years, a nonprofit organization as defined under
13 section 501(c)(3) of the Internal Revenue Code of 1986 (26
14 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the
15 research and treatment of cystic fibrosis, a nonprofit
16 organization as defined under section 501(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to
18 educate the public on issues dealing with watershed
19 conservation, a nonprofit organization as defined under section
20 501(c)(3) of the Internal Revenue Code of 1986 (Public Law
21 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide
22 equine assisted activities for children and adults with special
23 needs, a nonprofit economic development agency in a city of the
24 second class with the primary function to serve as an economic
25 generator for the greater southwestern Pennsylvania region by
26 attracting and supporting film, television and related media
27 industry projects and coordinating government and business
28 offices in support of a production, a county tourist promotion
29 agency as defined in section 3(1) of the act of April 28, 1961
30 (P.L.111, No.50), known as the "Tourist Promotion Law," and

1 located in a city of the third class in a county of the fourth
2 class or located in a township of the second class in a county
3 of the fifth class, a junior league in a third class county that
4 is a nonprofit organization as defined under section 501(c)(3)
5 of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3))
6 that is comprised of women whose purpose is exclusively
7 educational and charitable in promoting the volunteerism of
8 women and developing and participating in community projects and
9 that has been in existence for over seventy years [or], A ←
10 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
11 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN COUNTIES OF
12 THE SECOND CLASS A OR OF THE THIRD CLASS AND WHOSE PURPOSE IS
13 THE EDUCATION AND PROMOTION OF AMERICAN HISTORY, a nonprofit
14 organization as defined under section ~~[501(C)(6)]~~ 501(C)(6) of ←
15 the Internal Revenue Code of 1986 which is located in a city of
16 the third class in a county of the third class and whose purpose
17 is to support business and industry, A BREWERY WHICH HAS BEEN ←
18 ISSUED A LICENSE TO MANUFACTURE MALT OR BREWED BEVERAGES AND HAS
19 BEEN IN EXISTENCE FOR AT LEAST 100 YEARS or a club recognized by
20 Rotary International which is located in a county of the fourth
21 class and whose purpose is to provide service to others, to
22 promote high ethical standards and to advance world
23 understanding, goodwill and peace through its fellowship of
24 business, professional and community leaders or a nonprofit
25 organization as defined under section 501(c)(3) of the Internal
26 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3))
27 which is located in a borough in a county of the third class and
28 whose purpose is to promote mushrooms while supporting local and
29 regional charities.

30 * * *

1 "Performing arts facilities" shall mean those halls or
2 theaters in which live musical, concert, dance, ballet and
3 legitimate play book-length productions are performed.
4 Performing arts facilities shall not mean those halls or
5 theaters in which burlesque shows or reviews are performed. If
6 the operator of the performing arts facility is a nonprofit
7 entity, the facility must have seating for at least [five
8 hundred (500)] two hundred fifty (250) people; otherwise, the
9 facility must have seating for at least twenty-five hundred
10 (2,500) people.

11 * * *

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

1 municipal authority, the Commonwealth, an authority created
2 under the act of July 29, 1953 (P.L.1034, No.270), known as the
3 "Public Auditorium Authorities Law," an authority created under
4 Article XXV-A of the act of July 28, 1953 (P.L.723, No.230),
5 known as the "Second Class County Code," an art museum
6 established under the authority of the act of April 6, 1791 (3
7 Sm.L.20, No.1536), entitled "An act to confer on certain
8 associations of the citizens of this commonwealth the powers and
9 immunities of corporations, or bodies politic in law," or an
10 authority created under Article XXIII (n) or (o) of the act of
11 August 9, 1955 (P.L.323, No.130), known as "The County Code," it
12 shall have permanent seating for at least one thousand (1,000)
13 people; otherwise, it shall have permanent seating for at least
14 two thousand (2,000) people. The term shall also mean any
15 regional history center, multipurpose cultural and science
16 facility, museum or convention or trade show center, regardless
17 of owner and seating capacity, that has a floor area of at least
18 sixty thousand (60,000) square feet in one building. The term
19 shall also mean a convention or conference center owned by a
20 city of the third class or a university which is a member of the
21 Pennsylvania State System of Higher Education which is operated
22 by a university foundation or alumni association, regardless of
23 seating capacity, that has a floor area of at least fifteen
24 thousand (15,000) square feet in one building. The term shall
25 also mean a visitor center, regardless of floor area or seating
26 capacity, that was established under the authority of the
27 Gateway Visitor Center Authorization Act of 1999 (Public Law
28 106-131, 113 Stat. 1678, 16 U.S.C. § 407m)).

29 * * *


30 SECTION 2. SECTION 215 OF THE ACT, AMENDED DECEMBER 30, 2003



1 (P.L.423, NO.59), IS AMENDED TO READ:

2 SECTION 215. WINE AND SPIRITS MARKETING.--

3 (E) THE BOARD IS AUTHORIZED TO PARTICIPATE IN OR SPONSOR
4 WINE AND SPIRITS EVENTS FOR THE PURPOSE OF EDUCATING CONSUMERS
5 AS TO THE WINES AND SPIRITS AVAILABLE IN THIS COMMONWEALTH. THE
6 WINE AND SPIRITS TO BE USED FOR THE EVENT MAY BE ACQUIRED
7 THROUGH THE STATE STORE SYSTEM OR MAY BE DONATED FROM OUTSIDE
8 THIS COMMONWEALTH. PARTICIPATION IN THE TASTINGS MAY BE
9 CONDITIONED ON THE PURCHASE OF A TICKET TO THE EVENT. THE EVENT
10 MAY INCLUDE EVENTS OCCURRING ON PREMISES LICENSED BY THE BOARD,
11 AND THE BOARD MAY SELL WINE AND SPIRITS FOR OFF-PREMISES
12 CONSUMPTION IN AN AREA DESIGNATED BY THE BOARD FOR SUCH SALE.

13 Section ~~2~~ 3. Section 409 of the act, amended December 21, 
14 1998 (P.L.1202, No.155) and December 9, 2002 (P.L.1653, No.212),
15 is amended to read:

16 Section 409. Sacramental Wine Licenses; Fees; Privileges;
17 Restrictions.--(a) Subject to the provisions of this act in
18 general and more particularly to the following provisions of
19 this section, the board shall issue sacramental wine licenses to
20 qualified applicants.

21 (b) Every applicant for a sacramental wine license shall
22 file a written application with the board in such form as the
23 board shall from time to time prescribe, which shall be
24 accompanied by a filing fee and a license fee as prescribed in
25 section 614-A of the act of April 9, 1929 (P.L.177, No.175),
26 known as "The Administrative Code of [1929," and a license fee
27 of one hundred dollars.] 1929." Every such application shall
28 contain a description of the premises for which the applicant
29 desires a license and shall set forth such other material
30 information as may be required by the board.

1 (c) If the applicant is a natural person, his application
2 must show that he is a citizen of the United States or a
3 resident alien and a resident of this Commonwealth. If the
4 applicant is an association or partnership, each and every
5 member of the association or partnership must be a citizen of
6 the United States or a resident alien and a resident of this
7 Commonwealth. If the applicant is a corporation, the application
8 must show that the corporation was created under the laws of
9 Pennsylvania or holds a certificate of authority to transact
10 business in Pennsylvania, and that all officers, directors and
11 stockholders are citizens of the United States or resident
12 aliens.

13 (d) [Holders] Except as otherwise provided under subsection
14 (d.1), holders of such licenses may purchase from manufacturers
15 or bring or import into this Commonwealth wine to be used for
16 sacramental or religious purposes only, and bottle and sell the
17 same to priests, clergymen and rabbis for use in the cathedral,
18 church, synagogue or temple, or for sustaining members of the
19 congregation or members of the faith who attend religious
20 services, duly certified by such priests, clergymen or rabbis.
21 The sale and use of wine for sacramental or religious purposes
22 shall be subject to and in accordance with the regulations of
23 the board.

24 (d.1) In addition to the privileges conferred under
25 subsection (d), the holder of a sacramental wine license who
26 owns or operates an eating place or a restaurant may sell food
27 for consumption on or off the premises and sell for consumption
28 on the premises only the wine that it may acquire and sell
29 pursuant to its license. In addition, the holder of a
30 sacramental wine license may allow persons who have purchased

1 but only partially consumed a bottle of wine on the premises to
2 remove the bottle from the premises so long as the bottle was
3 purchased in conjunction with a meal that was consumed on the
4 premises and so long as the bottle is resealed.

5 (e) [Any] Except as provided under subsection (d.1), any
6 wine purchased under the authority of this section shall not be
7 used for any other than sacramental or religious purposes.
8 Sacramental wine may not be sold by any person except the holder
9 of a sacramental wine license.

10 (f) Every sacramental wine licensee shall maintain on the
11 licensed premises such records as the board may prescribe. No
12 deliveries of sacramental wine shall be made unless and until an
13 order therefor is on file at the principal place of business in
14 Pennsylvania. All shipments into Pennsylvania of wine to be used
15 [for sacramental or religious purposes] as prescribed in this
16 section shall be consigned to the principal place of business
17 maintained by the licensee.

18 (g) Any such license may be suspended or revoked by the
19 board upon proof satisfactory to it that the licensee has
20 violated any law of this Commonwealth or any regulation of the
21 board relating to liquor and alcohol. The procedure in such
22 cases shall be the same as for the revocation and suspension of
23 hotel, restaurant and club licenses.

24 (h) For purposes of this section the term "sacramental wine"
25 shall mean any wine that is clearly marked on the bottle by the
26 manufacturer as being produced or manufactured in accordance
27 with religious law, practice or custom.

28 ~~Section 3. Section 411(e) of the act is amended to read:~~ ←

29 SECTION 4. SECTIONS 411(E) AND 438(C) OF THE ACT ARE AMENDED ←
30 TO READ:

1 Section 411. Interlocking Business Prohibited.--* * *

2 (e) Except as herein provided, no hotel, restaurant, retail
3 dispenser or club licensee, and no officer, director or
4 stockholder, agent or employe of any such licensee shall in any
5 wise be interested, directly or indirectly, in the ownership or
6 leasehold of any property or the equipment of any property or
7 any mortgage lien against the same, used by a distributor,
8 importing distributor, or by an importer or sacramental wine
9 licensee, in the conduct of his business; nor shall any hotel,
10 restaurant, retail dispenser or club licensee, or any officer,
11 director, stockholder, agent or employe of any such licensee,
12 either directly or indirectly, lend any moneys, credit, or give
13 anything of value or the equivalent thereof, to any distributor,
14 importing distributor, importer or sacramental wine licensee,
15 for equipping, fitting out, or maintaining and conducting,
16 either in whole or in part, an establishment used in the conduct
17 of his business.

18 The purpose of this section is to require a separation of the
19 financial and business interests between manufacturers and
20 holders of hotel or restaurant liquor licenses and, as herein
21 provided, of club licenses, issued under this article, and no
22 person shall, by any device whatsoever, directly or indirectly,
23 evade the provisions of the section. But in view of existing
24 economic conditions, nothing contained in this section shall be
25 construed to prohibit the ownership of property or conflicting
26 interest by a manufacturer of any place occupied by a licensee
27 under this article after the manufacturer has continuously owned
28 and had a conflicting interest in such place for a period of at
29 least five years prior to July eighteenth, one thousand nine
30 hundred thirty-five: Provided, however, That this clause shall

1 not prohibit any hotel, restaurant or club liquor licensee from
2 owning land which is leased to, and the buildings thereon owned
3 by, a holder of a retail dispenser's license; and nothing in
4 this clause shall prevent the issuance of a retail dispenser's
5 license to a lessee of such lands who owns the buildings
6 thereon: And, provided further, That nothing contained in this
7 section shall be construed to prohibit any hotel, restaurant,
8 retail dispenser or club licensee or any officer, director or
9 stockholder, agent or employe of any such licensee from having a
10 financial or other interest, directly or indirectly in the
11 ownership or leasehold of any property or the equipment of any
12 property or any mortgage lien against same, used, leased by an
13 importer or sacramental wine licensee for the exclusive purpose
14 of maintaining commercial offices and on the condition that said
15 property is not used for the storage or sale of liquor or malt
16 or brewed beverages in any quantity[.]: And, provided further,
17 That nothing contained in this section shall prohibit an officer
18 or member of a licensed privately owned private golf course
19 catering club from having an interest in a limited winery
20 license.: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS
21 SECTION SHALL BE CONSTRUED TO PROHIBIT A MEMBER OF THE GOVERNING
22 BOARD OF A PUBLIC AUTHORITY CREATED UNDER SUBDIVISION (N) OF
23 ARTICLE XXIII OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
24 KNOWN AS "THE COUNTY CODE," FROM HAVING AN INTEREST IN A
25 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE NOTWITHSTANDING THE
26 FACT THAT THE PUBLIC AUTHORITY HAS AN INTEREST IN ONE OR MORE
27 RETAIL LICENSES OR ACTS AS A LANDLORD FOR ONE OR MORE RETAIL
28 LICENSES: AND, PROVIDED FURTHER, THAT NOTWITHSTANDING ANY OTHER
29 PROVISION OF THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A
30 MANUFACTURER'S LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL,

←

RESTAURANT OR RETAIL DISPENSER LICENSE FOR USE AT THE SAME
LOCATION AND MORE THAN ONE LOCATION MAY BE SO LICENSED. THE
LICENSES AND A PERSON'S INTEREST IN THE LICENSES OR IN THE
ENTITY HOLDING THE LICENSES SHALL NOT BE SUBJECT TO THIS
SECTION.

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

(C) NO PERSON SHALL POSSESS MORE THAN ONE CLASS OF LICENSE,
EXCEPT THAT A HOLDER OF A RETAIL DISPENSER'S LICENSE MAY ALSO BE
A HOLDER OF A RETAIL LIQUOR LICENSE: PROVIDED, HOWEVER, 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,
1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING
AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE
NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN
INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD
FOR ONE OR MORE RETAIL LICENSES: AND, PROVIDED FURTHER, THAT
NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN ENTITY
MAY ACQUIRE BOTH A MANUFACTURER'S LICENSE OR A LIMITED WINERY
LICENSE AND A HOTEL, RESTAURANT OR RETAIL DISPENSER LICENSE FOR
USE AT THE SAME LOCATION AND MORE THAN ONE LOCATION MAY BE SO
LICENSED. THE LICENSES AND A PERSON'S INTEREST IN THE LICENSES
OR IN THE ENTITY HOLDING THE LICENSES SHALL NOT BE SUBJECT TO
THIS SECTION.


SECTION 5. 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

1 CLASSES OF BUSINESS REGULATED BY SUBDIVISION (B) OF THIS
2 ARTICLE, AND NO PERSON OR CORPORATION SHALL, BY ANY DEVICE
3 WHATSOEVER, DIRECTLY OR INDIRECTLY, EVADE THE PROVISIONS OF THIS
4 SECTION. BUT IN VIEW OF EXISTING ECONOMIC CONDITIONS, NOTHING
5 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE
6 OWNERSHIP OF PROPERTY OR CONFLICTING INTEREST BY A MALT OR
7 BREWED BEVERAGE MANUFACTURER OF ANY PLACE OCCUPIED BY A
8 DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL DISPENSER AFTER THE
9 MANUFACTURER HAS CONTINUOUSLY OWNED AND HAD A CONFLICTING
10 INTEREST IN SUCH PLACE FOR A PERIOD OF AT LEAST FIVE YEARS PRIOR
11 TO THE EIGHTEENTH DAY OF JULY, ONE THOUSAND NINE HUNDRED THIRTY-
12 FIVE: PROVIDED, HOWEVER, THAT A HOLDER OF A MANUFACTURER'S
13 LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO OPERATE A
14 BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY AS PROVIDED
15 FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE UNDER A HOTEL
16 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED
17 BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S OR LIMITED
18 WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE OR
19 RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
20 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
21 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
22 FOR EACH RESPECTIVE LICENSE: AND, PROVIDED FURTHER, THAT NOTHING
23 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A
24 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.

1 THE TERM "MANUFACTURER" AS USED IN THIS SECTION SHALL INCLUDE
2 MANUFACTURERS OF MALT OR BREWED BEVERAGES AS DEFINED IN THIS ACT
3 AND ANY PERSON MANUFACTURING ANY MALT OR BREWED BEVERAGES
4 OUTSIDE OF THIS COMMONWEALTH.

5 Section ~~4~~ 6. Section 461(c)(9) of the act, amended July 16, 
6 2007 (P.L.107, No.34), is amended to read:

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

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

21 * * *

22 (9) Upon application to and subject to inspection by the
23 board, hotel licensees under clause (8) of this subsection shall
24 no longer be required to maintain bedrooms for public
25 accommodation. [However, areas required and designated as
26 bedrooms for public accommodation prior to the effective date of
27 this clause may not subsequently be used as licensed serving
28 area.] Such area may be used as licensed storage area or serving
29 area consistent with this act and existing regulations.

30 * * *

SECTION 7. SECTION 505 OF THE ACT, AMENDED DECEMBER 21, 1998
(P.L.1202, NO.155), IS AMENDED TO READ:

SECTION 505. LICENSES ISSUED.--UPON RECEIPT OF THE
APPLICATION IN THE FORM HEREIN PROVIDED AND THE PROPER FEES, THE
BOARD MAY GRANT TO SUCH APPLICANT A LICENSE TO ENGAGE IN, (A)
THE OPERATION OF A LIMITED WINERY OR A WINERY; OR, (B) THE
MANUFACTURING, PRODUCING, DISTILLING, DEVELOPING, OR USING IN
THE PROCESS OF MANUFACTURING, DENATURING, REDISTILLING,
RECOVERING, RECTIFYING, BLENDING AND REUSING OF ALCOHOL AND
LIQUOR; OR, (C) THE HOLDING IN BOND OF ALCOHOL AND LIQUOR; OR,
(D) THE HOLDING IN STORAGE, AS BAILEE FOR HIRE, OF ALCOHOL,
LIQUOR AND MALT OR BREWED BEVERAGES; OR, (E) THE TRANSPORTING
FOR HIRE OF ALCOHOL, LIQUOR AND MALT OR BREWED BEVERAGES. SUCH
LICENSES MAY BE TRANSFERRED FROM ONE PERSON TO ANOTHER OR FROM
ONE LOCATION TO ANOTHER, OR BOTH. EVERY APPLICANT FOR A TRANSFER
OF SUCH LICENSES SHALL FILE A WRITTEN APPLICATION WITH THE
BOARD, TOGETHER WITH A FILING FEE OF FIVE HUNDRED FIFTY DOLLARS
(\$550) IF THE TRANSFER IS TO A NEW LOCATION, SIX HUNDRED FIFTY
DOLLARS (\$650) IF THE TRANSFER IS TO A NEW PERSON, OR SEVEN
HUNDRED DOLLARS (\$700) IF THE TRANSFER IS TO A NEW PERSON FOR
USE AT A NEW LOCATION. WHENEVER SUCH A LICENSE IS TRANSFERRED,
NO LICENSE OR OTHER FEES SHALL BE REQUIRED FROM THE PERSONS TO
WHOM SUCH TRANSFER IS MADE FOR THE PORTION OF THE LICENSE PERIOD
FOR WHICH THE LICENSE FEE HAS BEEN PAID BY THE TRANSFEROR.

SECTION 8. SECTION 505.2 (A) OF THE ACT IS AMENDED BY ADDING
A CLAUSE TO READ:

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

* * *

1 (6.4) STORE ALCOHOLIC CIDER, WINE AND WINE COOLERS PRODUCED
2 BY THE LIMITED WINERY AT NO MORE THAN TWO (2) BOARD-APPROVED
3 LOCATIONS OTHER THAN THE LICENSED PREMISES AND THOSE PREMISES
4 REFERENCED IN CLAUSE (3) PERTAINING TO THE FIVE (5) BOARD-
5 APPROVED LOCATIONS FOR THE SALE OF WINE, WITH NO BOTTLING OR
6 PRODUCTION REQUIREMENT AT THOSE ADDITIONAL LOCATIONS AND UNDER
7 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. IF TWO
8 (2) OR MORE BUSINESSES WILL OPERATE OUT OF THE SAME STORAGE
9 FACILITY, THE LIMITED WINERY MUST DESIGNATE SPECIFIC AND
10 DISTINCT AREAS FOR ITS STORAGE. THE LIMITED WINERY'S DESIGNATED
11 STORAGE AREA MUST BE SECURED AND NO ONE OTHER THAN THE LICENSEE
12 AND HIS EMPLOYEES MAY BE ALLOWED ACCESS TO THE STORAGE AREA. NO
13 BOARD-APPROVED MANAGER WILL BE NECESSARY FOR THE STORAGE
14 FACILITY. THE LIMITED WINERY MUST FILL OUT AN APPLICATION FOR
15 SUCH AN ADDITIONAL BOARD-APPROVED STORAGE LOCATION, AND SUCH
16 LOCATION SHALL COUNT AS ONE OF THE TWO PERMITTED FOR EACH
17 LIMITED WINERY. THE LIMITED WINERY IS RESPONSIBLE FOR KEEPING
18 ONLY ITS OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR
19 A VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512
20 AND 513 PERTAINING TO ITS OWN RECORDS ONLY.

21 * * *

22 Section 5 9. This act shall take effect ~~in 60 days~~
23 IMMEDIATELY.

