
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1196 Session of
2015

INTRODUCED BY PETRI, MAY 13, 2015

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, OCTOBER 24, 2016

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," in~~
17 ~~preliminary provisions, further providing for definitions; in~~
18 ~~Pennsylvania Liquor Control Board, further providing for~~
19 ~~general powers of board; in Pennsylvania Liquor Stores,~~
20 ~~further providing for sales by Pennsylvania Liquor Stores; in~~
21 ~~licenses and regulations and liquor, alcohol and malt and~~
22 ~~brewed beverages, further providing for sales by liquor~~
23 ~~licensees and restrictions, providing for national event~~
24 ~~permit, further providing for wine expanded permits, for~~
25 ~~casino liquor license, for malt and brewed beverages~~
26 ~~manufacturers', distributors' and importing distributors'~~
27 ~~licenses, for malt and brewed beverage retail licenses, for~~
28 ~~brand registration, for Pennsylvania Malt and Brewed~~
29 ~~Beverages Industry Promotion Board, for license auction, for~~
30 ~~unlawful acts relative to liquor, alcohol and liquor~~
31 ~~licensees and for unlawful acts relative to liquor, malt and~~
32 ~~brewed beverages and licensees; and, in distilleries,~~
33 ~~wineries, bonded warehouses, bailees for hire and~~

1 ~~transporters for hire, further providing for limited-~~
2 ~~wineries; in disposition of moneys collected under provisions-~~
3 ~~of act, further providing for moneys paid into State Stores-~~
4 ~~Fund for use of the Commonwealth; and making a related-~~
5 ~~repeal.~~

6 AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED, AS <--
7 REENACTED, "AN ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND
8 MALT AND BREWED BEVERAGES; AMENDING, REVISING, CONSOLIDATING
9 AND CHANGING THE LAWS RELATING THERETO; REGULATING AND
10 RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION,
11 CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING
12 IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC
13 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE
14 PERSONS ENGAGED OR EMPLOYED THEREIN; DEFINING THE POWERS AND
15 DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING
16 FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES,
17 FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE
18 MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN
19 NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE
20 WITHOUT WARRANT; PRESCRIBING PENALTIES AND FORFEITURES;
21 PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS," IN
22 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
23 PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING FOR
24 GENERAL POWERS OF BOARD; IN LICENSES AND REGULATIONS AND
25 LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER
26 PROVIDING FOR SALES BY LIQUOR LICENSEES AND RESTRICTIONS, FOR
27 WINE AUCTION PERMITS, FOR INTERLOCKING BUSINESS PROHIBITED,
28 FOR PUBLIC VENUE LICENSE, FOR WINE EXPANDED PERMITS, FOR MALT
29 AND BREWED BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND
30 IMPORTING DISTRIBUTORS' LICENSES, FOR BRAND REGISTRATION AND
31 FOR BREWERIES, PROVIDING FOR SHIPMENT OF MALT OR BREWED
32 BEVERAGES AND FURTHER PROVIDING FOR LOCAL OPTION AND FOR
33 UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES
34 AND LICENSEES; AND, IN DISTILLERIES, WINERIES, BONDED
35 WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE,
36 FURTHER PROVIDING FOR LIMITED WINERIES AND FOR DISTILLERIES.

37 The General Assembly of the Commonwealth of Pennsylvania

38 hereby enacts as follows:

39 ~~Section 1. The definitions of "alcoholic cider," "malt or <--~~
40 ~~brewed beverages" and "mug club" in section 102 of the act of~~
41 ~~April 12, 1951 (P.L.90, No.21), known as the Liquor Code,~~
42 ~~reenacted and amended June 29, 1987 (P.L.32, No.14), amended~~
43 ~~June 18, 1998 (P.L.664, No.86) and amended or added June 8, 2016~~
44 ~~(P.L.273, No.39), are amended and the section is amended by~~
45 ~~adding a definition to read:~~

46 ~~Section 102. Definitions. The following words or phrases,~~
47 ~~unless the context clearly indicates otherwise, shall have the~~
48 ~~meanings ascribed to them in this section:~~

1 * * *

2 ~~"Alcoholic cider" shall mean a beverage which may contain~~
3 ~~carbonation in an amount not to exceed [three hundred ninety two~~
4 ~~one thousandths of a gram per one hundred milliliters and~~
5 ~~flavors] six and four tenths grams per liter, produced through~~
6 ~~alcoholic fermentation of any fruit or fruit juice, consisting~~
7 ~~of at least one half of one per centum, but not greater than~~
8 ~~eight and one half per centum, alcohol by volume and sold or~~
9 ~~offered for sale as alcoholic cider and not as a wine, a wine~~
10 ~~product or as a substitute for wine, in bottles, cases, kegs,~~
11 ~~cans or other suitable containers of the type used for the sale~~
12 ~~of malt or brewed beverages in this Commonwealth.~~

13 * * *

14 ~~"Malt or Brewed Beverages" shall mean any beer, lager beer,~~
15 ~~ale, porter or similar fermented malt beverage containing one~~
16 ~~half of one per centum or more of alcohol by volume, by whatever~~
17 ~~name such beverage may be called, and shall mean alcoholic cider~~
18 ~~and mead.~~

19 * * *

20 ~~"Mead" shall mean an alcoholic beverage produced by~~
21 ~~fermenting a solution of at least fifty one per centum honey,~~
22 ~~water and other agricultural products and containing not more~~
23 ~~than eight and one half per centum alcohol by volume and sold or~~
24 ~~offered for sale as mead and not as a wine, a wine product or as~~
25 ~~a substitute for wine, in bottles, cases, kegs, cans or other~~
26 ~~suitable containers of the type used for the sale of malt or~~
27 ~~brewed beverages in this Commonwealth.~~

28 * * *

29 ~~"Mug club" shall mean a group organized by a retail licensee~~
30 ~~or a brewery whose members are entitled to discounted malt or~~

1 brewed beverages. Membership shall be by written application and
2 the licensee must maintain a written list of active members as
3 part of its records. ~~[Members shall pay]~~ Licensees may charge an
4 annual fee as well as a renewal fee ~~[as set by the licensee.~~
5 Membership shall, at a minimum, entitle the member to a mug,
6 glass or similar container and said container must be used when
7 the member is served any discounted malt or brewed
8 beverages]. No discounted malt or brewed beverages may be
9 provided between midnight and seven o' clock antemeridian.

10 * * *

11 Section 2. ~~Section 207(1) of the act, amended or added June~~
12 ~~8, 2016 (P.L.273, No.39), are amended and the section is amended~~
13 ~~by adding a subsection to read:~~

14 Section 207. General Powers of Board. Under this act, the
15 board shall have the power and its duty shall be:

16 * * *

17 (1) ~~To be licensed as a Lottery Sales Agent as set forth in~~
18 ~~section 305 of the act of August 26, 1971 (P.L.351, No.91),~~
19 ~~known as the State Lottery Law, and to take any actions~~
20 ~~authorized by such designation except that no bond, insurance or~~
21 ~~indemnification may be required from the board. Notwithstanding~~
22 ~~any other provision of law to the contrary, the board may pay~~
23 ~~the holder of a winning ticket up to an amount that shall be~~
24 ~~established jointly by the board and the Department of Revenue.~~
25 ~~[All proceeds retained by the board as compensation for the sale~~
26 ~~of tickets, including incentive awards or bonuses, as well as~~
27 ~~credit for direct payment of prizes, shall be deposited into the~~
28 ~~General Fund.]~~

29 * * *

30 ~~(c) The names and addresses of individual consumers who~~

1 ~~participate in a customer relations management program or~~
2 ~~purchase products from the board, as well as any records or~~
3 ~~information that would disclose the personal purchase choices of~~
4 ~~individual consumers, shall not be sold or otherwise made~~
5 ~~available to the public under any circumstances, including in~~
6 ~~response to a request made in accordance with the act of~~
7 ~~February 14, 2008 (P.L.6, No.3), known as the "Right to Know~~
8 ~~Law."~~

9 Section 3. ~~Section 305(j) and (k) (3) of the act, added June~~
10 ~~8, 2016 (P.L.273, No.39), are amended to read:~~

11 Section 305. ~~Sales by Pennsylvania Liquor Stores. * * *~~

12 ~~(j) A Pennsylvania Liquor Store may continue to sell~~
13 ~~alcoholic cider and mead within the Pennsylvania Liquor Store's~~
14 ~~inventory after the effective date of this section until the~~
15 ~~alcoholic cider and mead within the Pennsylvania Liquor Store's~~
16 ~~current inventory is depleted. The board may not purchase~~
17 ~~additional alcoholic cider and mead after the effective date of~~
18 ~~this section.~~

19 ~~(k) Notwithstanding the provisions of the act of August 26,~~
20 ~~1971 (P.L.351, No.91), known as the State Lottery Law, the~~
21 ~~following shall apply if the board becomes a licensed lottery~~
22 ~~sales agent, as set forth in section 305 of the State Lottery~~
23 ~~Law:~~

24 ~~* * *~~

25 ~~(3) [Any] No commissions, compensation or any type of~~
26 ~~incentive award based upon the sale of lottery tickets and games~~
27 ~~shall be [deposited by the board into the General Fund] awarded.~~

28 Section 4. ~~(Reserved).~~

29 Section 5. ~~Section 406(a) (3) of the act, amended June 8,~~
30 ~~2016 (P.L.273, No.39), is amended to read:~~

1 ~~Section 406. Sales by Liquor Licensees; Restrictions. (a)~~

2 ~~* * *~~

3 ~~(3) Hotel and restaurant liquor licensees, municipal golf-~~
4 ~~course restaurant liquor licensees and privately owned public~~
5 ~~golf course restaurant licensees may sell liquor and malt or~~
6 ~~brewed beverages on Sunday between the hours of [eleven] nine~~
7 ~~o'clock antemeridian and two o'clock antemeridian Monday upon~~
8 ~~purchase of a special permit from the board at an annual fee as~~
9 ~~prescribed in section 614 A of the act of April 9, 1929~~
10 ~~(P.L.177, No.175), known as "The Administrative Code of 1929."~~
11 ~~[Notwithstanding this provision, a licensee holding such a~~
12 ~~permit may begin selling liquor and malt or brewed beverages on~~
13 ~~Sunday between the hours of nine o'clock antemeridian and eleven~~
14 ~~o'clock antemeridian provided that the licensee offers a meal~~
15 ~~beginning at nine o'clock antemeridian.] Airport restaurant~~
16 ~~liquor licensees may sell liquor and malt or brewed beverages on~~
17 ~~Sunday between the hours of five o'clock antemeridian and two~~
18 ~~o'clock antemeridian Monday upon purchase of a special permit~~
19 ~~from the board at an annual fee as prescribed in section 614 A~~
20 ~~of the act of April 9, 1929 (P.L.177, No.175), known as "The~~
21 ~~Administrative Code of 1929."~~

22 ~~* * *~~

23 ~~Section 6. (Reserved).~~

24 ~~Section 7. The act is amended by adding a section to read:~~

25 ~~Section 408.17. National Event Permit. (a) Upon~~
26 ~~application of the chief executive of a national political party~~
27 ~~conducting its national convention in this Commonwealth, or his~~
28 ~~or her designee, or the official host committee of the national~~
29 ~~convention, the board may issue a national event permit or~~
30 ~~permits for events directly connected to the convention.~~

1 ~~(b) The application shall include an application fee of~~
2 ~~five thousand dollars (\$5,000). No additional fee shall be~~
3 ~~required for any subsequent application.~~

4 ~~(c) The board shall approve the application unless doing so~~
5 ~~would clearly be against the public interest. If the board~~
6 ~~approves the application, the board shall determine the~~
7 ~~location, date and hours that the permit shall be in effect.~~
8 ~~More than one location may be licensed at one time.~~

9 ~~(d) The permit shall have the same rights and restrictions~~
10 ~~as a special occasion permit issued under section 408.4, except~~
11 ~~as follows:~~

12 ~~(1) The permit shall not be subject to the hours restriction~~
13 ~~under section 408.4(k), the days restrictions under section~~
14 ~~408(i) or the notice requirements under section 408.4(j).~~

15 ~~(2) The permit may be issued to a location that is already~~
16 ~~licensed by the board so long as the board clearly states which~~
17 ~~permit or license is in effect.~~

18 ~~(3) The permit holder may accept, import, possess or resell~~
19 ~~donated alcohol acquired from licensed and unlicensed entities~~
20 ~~so long as it receives board approval prior to doing so. The~~
21 ~~donated alcohol does not need to come to rest at a Pennsylvania~~
22 ~~Liquor Store prior to its use by the permit holder, unless the~~
23 ~~board so directs. Malt or brewed beverages donated under this~~
24 ~~section shall not need to come to rest at a licensed importing~~
25 ~~distributor prior to their use by the permit holder, so long as~~
26 ~~the donated brands are registered with the board and the board~~
27 ~~approves the arrangement.~~

28 ~~(4) If the proposed location is subject to a conditional~~
29 ~~licensing agreement that imposes additional conditions on the~~
30 ~~sale and service of alcohol at that location, the board may in~~

1 ~~its discretion waive some or all of those conditions while the~~
2 ~~permit is in effect.~~

3 ~~(5) No sales for off premises consumption may occur unless~~
4 ~~the premises is already licensed by the board. In those cases,~~
5 ~~sales for off premises consumption shall be subject to the same~~
6 ~~rights and restrictions as are imposed on the underlying~~
7 ~~license.~~

8 ~~(e) A copy of each approved permit shall be made available~~
9 ~~to the public on the board's publicly accessible Internet~~
10 ~~website.~~

11 ~~(f) This section shall expire on July 29, 2016, and no~~
12 ~~permit shall remain in effect after that date.~~

13 ~~Section 8. Sections 415(a)(9) and (c)(3) and (4) of the act,~~
14 ~~added June 8, 2016 (P.L.273, No.39), are amended to read:~~

15 ~~Section 415. Wine Expanded Permits. (a) * * *~~

16 ~~(9) A sale of wine by a wine expanded permit holder shall be~~
17 ~~made through a register, which malt or brewed beverages and~~
18 ~~restaurant foods sales are made on the licensed premises, which~~
19 ~~is well designated with signage, which is staffed at all times~~
20 ~~when patrons are on the licensed premises, which is staffed by a~~
21 ~~sales clerk who is at least eighteen years of age and has been~~
22 ~~trained under section 471.1 and which utilizes a transaction~~
23 ~~scan device for the sale. The sale of wine may not occur at a~~
24 ~~point of sale where the customer scans the customer's own~~
25 ~~purchases.~~

26 ~~* * *~~

27 ~~(e) * * *~~

28 ~~(3) A wine expanded permit holder may, when filing its~~
29 ~~required returns under Article II of the Tax Reform Code of~~
30 ~~1971, request a [refund] credit of any taxes paid in accordance~~

1 with paragraph (1) for wine sold for off-premises consumption
2 and for which taxes were remitted to the department under
3 paragraph (2). [The request for a refund shall include the
4 original receipt from a Pennsylvania Liquor Store showing the
5 amount of taxes paid under paragraph (1) for which the taxpayer
6 is requesting a refund.]

7 (4) The department shall refund the amount of taxes paid to
8 a Pennsylvania Liquor Store by a wine expanded permit holder
9 under paragraph (1) for which the taxpayer remitted taxes
10 imposed under paragraph (2). The department may promulgate rules
11 or regulations and prescribe forms as may be necessary to
12 implement the provisions of this subsection.]

13 * * *

14 Section 9. Section 416(b), (b.1) and (c) (2), (3) and (4) of
15 the act, added June 8, 2016 (P.L.273, No.39), are amended and
16 the section is amended by adding a subsection to read:

17 Section 416. Casino Liquor License. * * *

18 (a.1) Notwithstanding any provision of law or regulation, a
19 nonprimary location, as defined in 4 Pa.C.S. § 1103 (relating to
20 definitions), may apply to the board for a casino liquor
21 license. The board may issue a casino liquor license to a
22 nonprimary location for use in accordance with this section. The
23 following apply:

24 (1) The application fee for a casino liquor license issued
25 to a nonprimary location under this subsection shall be as
26 follows:

27 (i) One million dollars (\$1,000,000) in counties of the
28 first through third class.

29 (ii) Six hundred thousand dollars (\$600,000) in counties of
30 the fourth and fifth class.

1 ~~(iii) Two hundred thousand dollars (\$200,000) in counties of~~
2 ~~the sixth through eighth class.~~

3 ~~(2) A nonprimary location holding a casino liquor license~~
4 ~~shall be subject to an annual renewal fee of ten thousand~~
5 ~~dollars (\$10,000).~~

6 ~~(b) Each application for a casino license under this section~~
7 ~~shall be accompanied by a fee of [one million dollars~~
8 ~~(\$1,000,000)] five hundred thousand dollars (\$500,000).~~

9 ~~(b.1) Each restaurant licensee that does not hold a slot~~
10 ~~machine license but operates within or adjacent to the gaming~~
11 ~~facility [must] shall pay a one time fee of ten thousand dollars~~
12 ~~(\$10,000) in order to sell or serve liquor and malt or brewed~~
13 ~~beverages twenty four (24) hours a day seven (7) days a week.~~

14 ~~(c) The following shall apply to renewals:~~

15 ~~* * *~~

16 ~~(2) For the first four years after the initial issue of the~~
17 ~~casino liquor license, the casino liquor license shall be~~
18 ~~subject to an annual renewal fee of [one million dollars~~
19 ~~(\$1,000,000)] two hundred fifty thousand dollars (\$250,000).~~

20 ~~(3) After the period under paragraph (2), the casino liquor~~
21 ~~license shall be subject to an annual renewal fee of [two~~
22 ~~hundred and fifty thousand dollars (\$250,000)] twenty five~~
23 ~~thousand dollars (\$25,000).~~

24 ~~(4) [Notwithstanding the provisions of section 802, all] All~~
25 ~~fees collected or received by the board under this [subsection]~~
26 ~~section shall be paid into the State [Treasury through the~~
27 ~~Department of Revenue for deposit into the General] Stores Fund.~~

28 ~~* * *~~

29 ~~Section 10. Section 431(d)(2) of the act, amended December~~
30 ~~20, 1996 (P.L.1513, No.196), is amended to read:~~

1 ~~Section 431. Malt and Brewed Beverages Manufacturers',~~
2 ~~Distributors' and Importing Distributors' Licenses. * * *~~

3 ~~(d) * * *~~

4 ~~(2) After January 1, 1980, no manufacturer shall enter into~~
5 ~~any agreement with more than one distributor or importing~~
6 ~~distributor for the purpose of establishing more than one~~
7 ~~agreement for designated brand or brands of malt or brewed~~
8 ~~beverages in any one territory. Each franchise territory which~~
9 ~~is granted by a manufacturer shall be geographically contiguous~~
10 ~~or in counties which are contiguous with one another. All~~
11 ~~importing distributors shall maintain sufficient records to~~
12 ~~evidence compliance of this section. With regard to any~~
13 ~~territorial distribution authority granted to an importing~~
14 ~~distributor by a manufacturer of malt or brewed beverages after~~
15 ~~January 1, 1996, the records shall establish that each and every~~
16 ~~case of a brand of malt or brewed beverages for which the~~
17 ~~importing distributor is assigned was sold, resold, stored,~~
18 ~~delivered or transported by the importing distributor, either~~
19 ~~from a point or to a point with the assigned geographically~~
20 ~~contiguous territory or in counties which are contiguous with~~
21 ~~one another, to any person or persons, whether such person or~~
22 ~~persons are licensed by this act or not licensed by this act.~~

23 ~~* * *~~

24 ~~Section 11. Sections 432 and 445 of the act are amended by~~
25 ~~adding subsections to read:~~

26 ~~Section 432. Malt and Brewed Beverages Retail Licenses. * *~~

27 ~~*~~

28 ~~(i) All fees collected or received by the board under~~
29 ~~subsection (h) shall be paid into the State Stores Fund.~~

30 ~~Section 445. Brand Registration. * * *~~

1 ~~(c) Any person selling malt or brewed beverages at~~
2 ~~wholesale, and any person selling at retail malt or brewed~~
3 ~~beverages that were not sold at wholesale, shall report to the~~
4 ~~Pennsylvania Liquor Control Board the volume of such packaged~~
5 ~~and draft malt or brewed beverages sold. The report, in the form~~
6 ~~and manner determined by the board, shall be made for each~~
7 ~~calendar month no later than sixty days after the end of each~~
8 ~~calendar month and shall show product volumes, broken down by~~
9 ~~brewer. All volumes shall be reported in thirty one gallon~~
10 ~~barrel equivalents, regardless of package size. The board shall,~~
11 ~~within fourteen days of the receipt of the report, place the~~
12 ~~reports on the Internet in a manner accessible to the general~~
13 ~~public. The board shall maintain the reports on the Internet in~~
14 ~~a manner accessible to the general public for a period of at~~
15 ~~least two years and shall archive the reports for a period of at~~
16 ~~least ten years.~~

17 Section 12. Section 446.1(g), added June 8, 2016 (P.L.273,
18 No.39), is amended to read:

19 Section 446.1. Pennsylvania Malt and Brewed Beverages
20 Industry Promotion Board. * * *

21 (g) ~~Annually, the board shall allocate the amount of one~~
22 ~~million dollars (\$1,000,000) for the purpose of awarding grants~~
23 ~~under subsection (c)(1). The Department of Agriculture may bill~~
24 ~~for any administrative expenses necessary to perform its duties~~
25 ~~under this section and shall be reimbursed for any necessary~~
26 ~~expenses from the allocation.~~

27 Section 13. Section 491 introductory paragraph, (2) and (10)
28 of the act, amended July 5, 2012 (P.L.1007, No.116), are amended
29 and the section is amended by adding a subsection to read:

30 Section 491. Unlawful Acts Relative to Liquor, Alcohol and

1 ~~Liquor Licensees. (a) It shall be unlawful~~

2 ~~***~~

3 ~~(2) (i) Possession or Transportation of Liquor or Alcohol.~~

4 ~~For any person, except a manufacturer or the board or the holder~~
5 ~~of a sacramental wine license or of an importer's license, to~~
6 ~~possess or transport any liquor or alcohol within this~~
7 ~~Commonwealth which was not lawfully acquired prior to January~~
8 ~~first, one thousand nine hundred and thirty four, or has not~~
9 ~~been purchased from a Pennsylvania Liquor Store or a licensed~~
10 ~~limited winery in Pennsylvania, except in accordance with~~
11 ~~section 488 or the board's regulations. In addition, it shall be~~
12 ~~lawful for anyone to possess miniatures totaling less than one~~
13 ~~gallon purchased in another state or a foreign country. The~~
14 ~~burden shall be upon the person possessing or transporting such~~
15 ~~liquor or alcohol to prove that it was so acquired.~~

16 ~~Notwithstanding this section or any other provision of the law,~~
17 ~~wine may be produced by any person without a license if the wine~~
18 ~~is not produced for sale and total production does not exceed~~
19 ~~two hundred gallons per calendar year. Wine produced in~~
20 ~~accordance with this clause may be used at organized affairs,~~
21 ~~exhibitions, competitions, contests, tastings or judgments if it~~
22 ~~is not sold or offered for sale.~~

23 ~~(ii) None of the provisions herein contained shall prohibit~~
24 ~~nor shall it be unlawful for any person to import into~~
25 ~~Pennsylvania, transport or have in his possession, an amount of~~
26 ~~liquor not exceeding one gallon in volume upon which a State tax~~
27 ~~has not been paid, if it can be shown to the satisfaction of the~~
28 ~~board that such person purchased the liquor in a foreign country~~
29 ~~or United States territory and was allowed to bring it into the~~
30 ~~United States. Neither shall the provisions contained herein~~

1 ~~prohibit nor make it unlawful for [(i)] (A) any member of the~~
2 ~~armed forces on active duty, or [(ii)] (B) any retired member of~~
3 ~~the armed forces, or [(iii)] (C) any totally disabled veteran,~~
4 ~~or [(iv)] (D) the spouse of any person included in the foregoing~~
5 ~~classes of persons to import into Pennsylvania, transport or~~
6 ~~have in his possession an amount of liquor not exceeding one~~
7 ~~gallon per month in volume upon which the State tax has not been~~
8 ~~paid, so long as such liquor has been lawfully purchased from a~~
9 ~~package store established and maintained under the authority of~~
10 ~~the United States and is in containers identified in accordance~~
11 ~~with regulations issued by the Department of Defense. Such~~
12 ~~liquor shall not be possessed, offered for sale or sold on any~~
13 ~~licensed premises. The term "package store" as used in this~~
14 ~~clause shall mean those retail operations located on any of the~~
15 ~~United States military installations, including an installation~~
16 ~~of the Army, Navy, Air Force, Marine Corps or Coast Guard.~~

17 ~~(iii) None of the provisions herein contained shall prohibit~~
18 ~~nor shall it be unlawful for any consul general, consul or other~~
19 ~~diplomatic officer of a foreign government to import into~~
20 ~~Pennsylvania, transport or have in his possession liquor upon~~
21 ~~which a State tax has not been paid, if it can be shown to the~~
22 ~~satisfaction of the board that such person acquired the liquor~~
23 ~~in a foreign country and was allowed to bring it into the United~~
24 ~~States. Such liquor shall not be possessed, offered for sale or~~
25 ~~sold on any licensed premises.~~

26 ~~(iv) Any person violating the provisions of this clause for~~
27 ~~a first offense involving the possession or transportation in~~
28 ~~Pennsylvania of any liquor in a package (bottle or other~~
29 ~~receptacle) or wine not purchased from a Pennsylvania Liquor~~
30 ~~Store or from a licensed limited winery in Pennsylvania, with~~

1 ~~respect to which satisfactory proof is produced that the~~
2 ~~required Federal tax has been paid and which was purchased,~~
3 ~~procured or acquired legally outside of Pennsylvania shall upon~~
4 ~~conviction thereof in a summary proceeding be sentenced to pay a~~
5 ~~fine of twenty five dollars (\$25) for each such package, plus~~
6 ~~costs of prosecution, or undergo imprisonment for a term not~~
7 ~~exceeding ninety (90) days. Each full quart or major fraction~~
8 ~~thereof shall be considered a separate package (bottle or other~~
9 ~~receptacle) for the purposes of this clause. Such packages of~~
10 ~~liquor shall be forfeited to the Commonwealth in the manner~~
11 ~~prescribed in Article VI of this act but [the] shall be returned~~
12 ~~to the person if the person pays all State taxes on the liquor~~
13 ~~to the Department of Revenue. The vehicle, boat, vessel, animal~~
14 ~~or aircraft used in the illegal transportation of such packages~~
15 ~~shall not be subject to forfeiture: Provided, however, That if~~
16 ~~it is a second or subsequent offense or if it is established~~
17 ~~that the illegal possession or transportation was in connection~~
18 ~~with a commercial transaction, then the other provisions of this~~
19 ~~act providing for prosecution as a misdemeanor and for the~~
20 ~~forfeiture of the vehicle, boat, vessel, animal or aircraft~~
21 ~~shall apply.~~

22 * * *

23 ~~(10) Fortifying, Adulterating or Contaminating Liquor. For~~
24 ~~any licensee or any employe or agent of a licensee or of the~~
25 ~~board, to fortify, adulterate or contaminate any liquor, except~~
26 ~~as permitted by the regulations of the board, or to refill~~
27 ~~wholly or in part, with any liquid or substance whatsoever, any~~
28 ~~liquor bottle or other liquor container. Notwithstanding any~~
29 ~~other provision of law to the contrary, the board shall~~
30 ~~promulgate regulations that prescribe the terms and conditions~~

1 ~~under which licensees may infuse, store and sell flavored-~~
2 ~~distilled spirits.~~

3 * * *

4 ~~(b) (1) Nothing in this section shall be construed to~~
5 ~~prohibit any resident of this Commonwealth not licensed under~~
6 ~~this act to purchase liquor outside of this Commonwealth so~~
7 ~~long as the resident pays all State taxes on the liquor to~~
8 ~~the Department of Revenue and the liquor is not shipped into~~
9 ~~this Commonwealth. The amount of liquor purchased under this~~
10 ~~subsection may not exceed five gallons in volume.~~

11 ~~(2) Nothing in this section shall be construed to prohibit~~
12 ~~any resident of this Commonwealth not licensed under this act~~
13 ~~from being reimbursed for the price of liquor purchased in~~
14 ~~another state from another resident of this Commonwealth as~~
15 ~~provided in clause (1) so long as the amount reimbursed is no~~
16 ~~more than the purchase price of the liquor and the liquor is not~~
17 ~~shipped into this Commonwealth. No fee, commission or other form~~
18 ~~of remuneration shall be charged by any resident in excess of~~
19 ~~the reimbursement amount for the purchase of the liquor.~~

20 Section 14. ~~Section 493(6) and (33) of the act, amended June-~~
21 ~~8, 2016 (P.L.273, No.39), are reenacted and amended to read:~~

22 Section 493. ~~Unlawful Acts Relative to Liquor, Malt and~~
23 ~~Brewed Beverages and Licensees. The term "licensee," when used~~
24 ~~in this section, shall mean those persons licensed under the~~
25 ~~provisions of Article IV, unless the context clearly indicates~~
26 ~~otherwise.~~

27 ~~It shall be unlawful—~~

28 * * *

29 ~~(6) Brand or Trade Name on Spigot. For any licensee, his~~
30 ~~agents, servants or employes, to furnish or serve any malt or~~

1 ~~brewed beverages from any faucet, spigot or other dispensing~~
2 ~~apparatus, unless the trade name or brand of the product served~~
3 ~~shall appear in full sight of the customer [and in legible~~
4 ~~lettering upon such faucet, spigot or dispensing apparatus].~~

5 ~~***~~

6 ~~(33) Off premises Catering Permit; Fees. For any licensee,~~
7 ~~his servants, agents or employes to sell alcohol at a location~~
8 ~~other than its licensed premises, unless the sale is~~
9 ~~specifically authorized under this act, or unless the licensee~~
10 ~~receives a special permit from the board to do so. The following~~
11 ~~apply:~~

12 ~~(i) Only those licensees holding a current and valid~~
13 ~~restaurant, hotel, brew pub or eating place license shall be~~
14 ~~allowed to apply for such a permit.~~

15 ~~(ii) Any licensee that wishes to obtain an off premises~~
16 ~~catering permit must notify the board and pay the permitting fee~~
17 ~~by March of each calendar year regardless of whether the~~
18 ~~licensee has scheduled catered events. Any licensee that fails~~
19 ~~to notify the board and pay the permit fee by March 1 shall be~~
20 ~~precluded from obtaining the permit for that calendar year.~~

21 ~~(iii) If a licensee notifies the board and pays the~~
22 ~~permitting fee by March 1 and does not then use the permit~~
23 ~~throughout the calendar year, the licensee shall not be entitled~~
24 ~~to a return of the permitting fee.~~

25 ~~(iv) Any licensee not granted a license until after March 1~~
26 ~~of the calendar year shall have sixty days from the date of the~~
27 ~~license transfer to notify the board of the licensee's intention~~
28 ~~to use an off premises catering permit and pay the permitting~~
29 ~~fee.~~

30 ~~(v) The board shall have the discretion to allow the~~

1 ~~issuance of the permit after the March 1 deadline if the~~
2 ~~applicant is a licensee in good standing with the board and~~
3 ~~complies with all other requirements for the off premises~~
4 ~~catering permit. A licensee shall apply for the permit at least~~
5 ~~sixty days prior to the first catered function.~~

6 ~~(vi) All servers at the off premises catered function shall~~
7 ~~be certified under the board's responsible alcohol management~~
8 ~~program as required under section 471.1.~~

9 ~~(vii) The board may charge a fee of five hundred dollars~~
10 ~~(\$500) each calendar year, to each applicant for the initial~~
11 ~~permit associated with a particular license, but no further fee~~
12 ~~shall be charged for any subsequent permits issued to the~~
13 ~~applicant for the license during the same calendar year.~~

14 ~~(viii) The applicant shall submit written notice to the~~
15 ~~board thirty days prior to each catered event, unless this time~~
16 ~~frame has been waived by the board, and the board may approve or~~
17 ~~disapprove each event if the applicant fails to provide timely~~
18 ~~notice of the catered function, does not intend to conduct a~~
19 ~~function that meets the requirements of this act or has~~
20 ~~previously conducted a function that did not meet the~~
21 ~~requirements of this act.~~

22 ~~(ix) The fees shall be paid into the State Stores Fund. Any~~
23 ~~violation of this act or the board's regulations for governing~~
24 ~~activity occurring under the authority of this permit may be the~~
25 ~~basis for the issuance of a citation under section 471, the~~
26 ~~nonrenewal of the license under section 470 or the refusal by~~
27 ~~the board to issue subsequent permits or honor subsequent dates~~
28 ~~on the existing permit. This penalty shall be in addition to any~~
29 ~~other remedies available to the enforcement bureau or the board.~~

30 ~~* * *~~

1 ~~Section 15. Section 505.2 of the act, amended December 8,~~
2 ~~2004 (P.L.1810, No.239), July 16, 2007 (P.L.107, No.34), June~~
3 ~~25, 2010 (P.L.217, No.35), June 28, 2011 (P.L.55, No.11),~~
4 ~~December 22, 2011 (P.L.530, No.113) and June 8, 2016 (P.L.273,~~
5 ~~No.39), is amended to read:~~

6 ~~Section 505.2. Limited Wineries. (a) In the interest of~~
7 ~~promoting tourism and recreational development in Pennsylvania,~~
8 ~~holders of a limited winery license may:~~

9 ~~(1) Produce alcoholic ciders, mead, wines and wine coolers,~~
10 ~~subject to the exceptions provided under this section, only from~~
11 ~~an agricultural commodity grown in Pennsylvania.~~

12 ~~(2) Sell alcoholic cider, mead, wine and wine coolers~~
13 ~~produced by the limited winery or purchased in bulk in bond from~~
14 ~~another Pennsylvania limited winery on the licensed premises,~~
15 ~~under such conditions and regulations as the board may enforce,~~
16 ~~to the board, to individuals and to brewery, importing~~
17 ~~distributor, distributor, hotel, restaurant, club and public~~
18 ~~service liquor licensees, and to Pennsylvania winery licensees:~~

19 ~~Provided, That a limited winery shall not, in any calendar year,~~
20 ~~purchase alcoholic cider, mead or wine produced by other limited~~
21 ~~wineries in an amount in excess of fifty per centum of the~~
22 ~~alcoholic cider, mead or wine produced by the purchasing limited~~
23 ~~winery in the preceding calendar year. In addition, the holder~~
24 ~~of a limited winery license may purchase wine in bottles from~~
25 ~~another Pennsylvania limited winery if these wines undergo a~~
26 ~~second fermentation process. Such wine may be sold in bottles~~
27 ~~bearing the purchasing limited winery's label or the producing~~
28 ~~limited winery's label. Such wines, if sold by the board, may be~~
29 ~~sold by the producing limited winery to the purchasing limited~~
30 ~~winery at a price lower than the price charged by the board.~~

1 ~~(2.1) Notwithstanding any other provision of this act or law~~
2 ~~to the contrary, only ship wine in accordance with the~~
3 ~~provisions of section 488.~~

4 ~~(3) Separately or in conjunction with other limited~~
5 ~~wineries, sell alcoholic cider, mead, wine and wine coolers~~
6 ~~produced by the limited winery on no more than five (5) board~~
7 ~~approved locations other than the licensed premises, with no~~
8 ~~bottling or production requirement at those additional board~~
9 ~~approved locations and under such conditions and regulations as~~
10 ~~the board may enforce, to the board, to individuals and to~~
11 ~~brewery, hotel, restaurant, club and public service liquor~~
12 ~~licensees. If two or more limited wineries apply to operate an~~
13 ~~additional board approved location in conjunction with each~~
14 ~~other, the wineries need only have one board approved manager~~
15 ~~for the location, need only pay one application fee and need not~~
16 ~~designate specific or distinct areas for each winery's licensed~~
17 ~~area. Each limited winery must file an application for such an~~
18 ~~additional board approved location, and such location shall~~
19 ~~count as one of the five permitted for each limited winery. Each~~
20 ~~limited winery is responsible for keeping only its own complete~~
21 ~~records. A limited winery may be cited for a violation of the~~
22 ~~recordkeeping requirements of sections 512 and 513 pertaining to~~
23 ~~its own records only.~~

24 ~~(4) At the discretion of the board, obtain a special permit~~
25 ~~to participate in alcoholic cider, mead, wine and food~~
26 ~~expositions off the licensed premises. A special permit shall be~~
27 ~~issued upon proper application and payment of a fee of thirty~~
28 ~~dollars (\$30) per day for each day of permitted use, not to~~
29 ~~exceed thirty (30) consecutive days. The total number of days~~
30 ~~for all the special permits may not exceed one hundred (100)~~

1 ~~days in any calendar year. A special permit shall entitle the~~
2 ~~holder to engage in the sale by the glass, by the bottle or in~~
3 ~~case lots of alcoholic cider, mead or wine produced by the~~
4 ~~permittee under the authority of a limited winery license.~~
5 ~~Holders of special permits may provide tasting samples of wines~~
6 ~~in individual portions not to exceed one fluid ounce. Samples at~~
7 ~~alcoholic cider, mead, wine and food expositions may be sold or~~
8 ~~offered free of charge. Except as provided herein, limited~~
9 ~~wineries utilizing special permits shall be governed by all~~
10 ~~applicable provisions of this act as well as by all applicable~~
11 ~~regulations or conditions adopted by the board.~~

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

23 ~~(4.1) At the discretion of the board, obtain a farmers~~
24 ~~market permit. The permit shall entitle the holder to~~
25 ~~participate in more than one farmers market at any given time~~
26 ~~and an unlimited number throughout the year and sell alcoholic~~
27 ~~cider, mead or wine produced under the authority of the~~
28 ~~underlying limited winery license by the bottle or in case lots.~~
29 ~~Samples not to exceed one fluid ounce per brand of mead or wine~~
30 ~~may be offered free of charge. A farmers market permit shall be~~

1 ~~issued upon proper application and payment of an annual fee of~~
2 ~~two hundred fifty dollars (\$250). A permit holder may~~
3 ~~participate in more than one farmers market at any given time.~~
4 ~~Sales by permit holders shall take place during the standard~~
5 ~~hours of operation of the farmers market. Written notice of the~~
6 ~~date, times and location the permit is to be used shall be~~
7 ~~provided by the permit holder to the enforcement bureau at least~~
8 ~~two (2) weeks prior to the event. Except as provided in this~~
9 ~~subsection, limited wineries utilizing farmers market permits~~
10 ~~shall be governed by all applicable provisions of this act as~~
11 ~~well as by all applicable regulations adopted by the board.~~

12 ~~(5) Do either of the following:~~

13 ~~(i) Apply for and hold a hotel liquor license, a restaurant~~
14 ~~liquor license or a malt and brewed beverages retail license to~~
15 ~~sell for consumption at the restaurant or limited winery on the~~
16 ~~licensed winery premises, liquor, wine and malt or brewed~~
17 ~~beverages regardless of the place of manufacture under the same~~
18 ~~conditions and regulations as any other hotel liquor license,~~
19 ~~restaurant liquor license or malt and brewed beverages retail~~
20 ~~license.~~

21 ~~(ii) Apply for and hold a restaurant liquor license for use~~
22 ~~at one of the additional board approved locations referenced~~
23 ~~under clause (3), as long as such location does not serve as an~~
24 ~~additional board approved location for any other manufacturer.~~

25 ~~(6) (i) Secure a permit from the board to allow the holder~~
26 ~~of a limited winery license to use up to twenty five per centum~~
27 ~~permitted fruit, not wine, in the current year's production.~~
28 ~~Each permit is valid only for the calendar year in which it is~~
29 ~~issued.~~

30 ~~(ii) The fee for a permit to import and use permitted fruit~~

1 ~~shall be in an amount to be determined by the board.~~

2 ~~(iii) The purpose of this section is to increase the~~
3 ~~productivity of limited wineries while at the same time~~
4 ~~protecting the integrity and unique characteristics of wine~~
5 ~~produced from fruit primarily grown in this Commonwealth.~~
6 ~~Prevailing climatic conditions have a significant impact on the~~
7 ~~character of the fruit. Accordingly, "permitted fruit" shall~~
8 ~~mean fruit grown or juice derived from fruit grown within three~~
9 ~~hundred fifty (350) miles of the winery.~~

10 ~~(iv) The department is authorized to promulgate regulations~~
11 ~~requiring the filing of periodic reports by limited wineries to~~
12 ~~ensure compliance with the provisions of this section.~~

13 ~~(6.1) Sell food for consumption on or off the licensed~~
14 ~~premises and at the limited winery's additional board approved~~
15 ~~locations and sell by the glass, at the licensed premises and at~~
16 ~~the limited winery's additional board approved locations, wine,~~
17 ~~mead and alcoholic ciders that may otherwise be sold by the~~
18 ~~bottle. In addition, the holder of a limited winery license may~~
19 ~~sell for consumption on the licensed premises and at the limited~~
20 ~~winery's additional board approved locations, liquor produced by~~
21 ~~a licensed distillery or limited distillery and malt or brewed~~
22 ~~beverages produced by a licensed brewery.~~

23 ~~(6.2) Sell wine or liquor scented candles acquired or~~
24 ~~produced by the limited winery.~~

25 ~~(6.3) Sell alcoholic cider, mead, wine and wine coolers only~~
26 ~~between the hours of nine o'clock antemeridian and eleven~~
27 ~~o'clock postmeridian. A limited winery also may request approval~~
28 ~~from the board to extend sales hours in individual locations at~~
29 ~~other times during the year or beyond the limits set forth in~~
30 ~~this clause. The request shall be made in writing to the board's~~

1 ~~Office of the Chief Counsel and shall detail the exact locations~~
2 ~~where sales hours are proposed to be extended, the proposed~~
3 ~~hours and dates of extended operation and the reason for the~~
4 ~~proposed extended hours.~~

5 ~~(6.4) Store alcoholic cider, mead, wine and wine coolers~~
6 ~~produced by the limited winery at no more than two (2) board~~
7 ~~approved locations other than the licensed premises and those~~
8 ~~premises referenced in clause (3) pertaining to the five (5)~~
9 ~~board approved locations for the sale of wine, with no bottling~~
10 ~~or production requirement at those additional locations and~~
11 ~~under such conditions and regulations as the board may enforce.~~
12 ~~If two (2) or more businesses will operate out of the same~~
13 ~~storage facility, the limited winery must designate specific and~~
14 ~~distinct areas for its storage. The limited winery's designated~~
15 ~~storage area must be secured and no one other than the licensee~~
16 ~~and his employees may be allowed access to the storage area. No~~
17 ~~board approved manager will be necessary for the storage~~
18 ~~facility. The limited winery must fill out an application for~~
19 ~~such an additional board approved storage location, and such~~
20 ~~location shall count as one of the two permitted for each~~
21 ~~limited winery. The limited winery is responsible for keeping~~
22 ~~only its own complete records. A limited winery may be cited for~~
23 ~~a violation of the recordkeeping requirements of sections 512~~
24 ~~and 513 pertaining to its own records only.~~

25 ~~(b) The total production of alcoholic ciders, mead, wine and~~
26 ~~wine coolers by a limited winery may not exceed two hundred~~
27 ~~thousand (200,000) gallons per year.~~

28 ~~(c) As used in this section:~~

29 ~~"Agricultural commodity" shall include any of the following:~~
30 ~~agricultural, apicultural, horticultural, silvicultural and~~

1 ~~viticultural commodities.~~

2 ~~"Farmers market" shall include any building, structure or~~
3 ~~other place:~~

4 ~~(1) owned, leased or otherwise in the possession of a~~
5 ~~person, municipal corporation or public or private organization;~~

6 ~~(2) used or intended to be used by two or more farmers or an~~
7 ~~association of farmers, who are certified by the Department of~~
8 ~~Agriculture of the Commonwealth to participate in the Farmers'~~
9 ~~Market Nutrition Program subject to 7 CFR Pt. 249 (relating to~~
10 ~~Senior Farmers' Market Nutrition Program (SFMNP)), for the~~
11 ~~purpose of selling agricultural commodities produced in this~~
12 ~~Commonwealth directly to 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 16. Section 802 of the act is amended by adding a~~
18 ~~subsection to read:~~

19 ~~Section 802. Moneys Paid Into The State Stores Fund for Use~~
20 ~~of the Commonwealth. * * *~~

21 ~~(h) All monies collected under sections 416, 432(h) and~~
22 ~~470.3 shall be transferred from the State Stores Fund to the~~
23 ~~General Fund on a quarterly basis.~~

24 ~~Section 17. Repeals are as follows:~~

25 ~~(1) The General Assembly finds that the repeal under~~
26 ~~paragraph (2) is necessary to effectuate this act.~~

27 ~~(2) Section 28 of the act of June 8, 2016 (P.L.273,~~
28 ~~No.39) entitled "Amending the act of April 12, 1951 (P.L.90,~~
29 ~~No.21), entitled, as reenacted, 'An act relating to alcoholic~~
30 ~~liquors, alcohol and malt and brewed beverages; amending,~~

1 ~~revising, consolidating and changing the laws relating~~
2 ~~thereto; regulating and restricting the manufacture,~~
3 ~~purchase, sale, possession, consumption, importation,~~
4 ~~transportation, furnishing, holding in bond, holding in~~
5 ~~storage, traffic in and use of alcoholic liquors, alcohol and~~
6 ~~malt and brewed beverages and the persons engaged or employed~~
7 ~~therein; defining the powers and duties of the Pennsylvania~~
8 ~~Liquor Control Board; providing for the establishment and~~
9 ~~operation of State liquor stores, for the payment of certain~~
10 ~~license fees to the respective municipalities and townships,~~
11 ~~for the abatement of certain nuisances and, in certain cases,~~
12 ~~for search and seizure without warrant; prescribing penalties~~
13 ~~and forfeitures; providing for local option, and repealing~~
14 ~~existing laws', as follows:~~

15 ~~In preliminary provisions, further providing for~~
16 ~~definitions.~~

17 ~~In Pennsylvania Liquor Control Board, further providing~~
18 ~~for general powers of board.~~

19 ~~In Pennsylvania Liquor Stores, further providing for when~~
20 ~~sales may be made at Pennsylvania Liquor Stores and for sales~~
21 ~~by Pennsylvania Liquor Stores.~~

22 ~~In licenses and regulations, liquor, alcohol and malt and~~
23 ~~brewed beverages,~~

24 ~~further providing for license districts, license period~~
25 ~~and hearings, for issuance, transfer or extension of hotel,~~
26 ~~restaurant and club liquor licenses, for sales by liquor~~
27 ~~licensees and restrictions, for special occasion permits, for~~
28 ~~wine option permits, for liquor importers' licenses, fees,~~
29 ~~privileges and restrictions and for interlocking business~~
30 ~~prohibited;~~

1 ~~providing for wine expanded permits and for casino liquor~~
2 ~~license;~~

3 ~~further providing for malt and brewed beverages~~
4 ~~manufacturers', distributors' and importing distributors'~~
5 ~~licenses, for malt and brewed beverages retail licenses, for~~
6 ~~application for distributors', importing distributors' and~~
7 ~~retail dispensers' licenses, for distributors' and importing~~
8 ~~distributors' restrictions on sales, storage, etc., for~~
9 ~~retail dispensers' restrictions on purchases and sales, for~~
10 ~~interlocking business prohibited and for breweries;~~

11 ~~establishing the Pennsylvania Malt and Brewed Beverages~~
12 ~~Industry Promotion Board;~~

13 ~~further providing for limiting number of retail licenses~~
14 ~~to be issued in each county, for incorporated units of~~
15 ~~national veterans' organizations, for licenses not assignable~~
16 ~~and transfers and for renewal of licenses and temporary~~
17 ~~provisions for licensees in armed service;~~

18 ~~providing for license auction;~~

19 ~~further providing for responsible alcohol management, for~~
20 ~~local option, for public record, for surrender of restaurant,~~
21 ~~eating place retail dispenser, hotel, importing distributor~~
22 ~~and distributor license for benefit of licensee and for~~
23 ~~shipment of wine into Commonwealth;~~

24 ~~providing for Pennsylvania Wine Marketing and Research~~
25 ~~Board; and~~

26 ~~further providing for unlawful acts relative to liquor,~~
27 ~~alcohol and liquor licensees, for unlawful acts relative to~~
28 ~~liquor, malt and brewed beverages and licensees and for~~
29 ~~identification cards, licensees and State Liquor Store~~
30 ~~employees saved from prosecution.~~

1 ~~In distilleries, wineries, bonded warehouses, bailees for~~
2 ~~hire and transporters for hire, further providing for limited~~
3 ~~wineries and for distilleries.~~

4 ~~Establishing a Wine and Spirits Wholesale and Retail~~
5 ~~Privatization Commission," is repealed.~~

6 ~~(3) Section 29 of the act of June 8, 2016 (P.L.273,~~
7 ~~No.39) is repealed insofar as it is inconsistent with the~~
8 ~~reenactment and amendment of section 493(33)(v) of the act.~~
9 ~~Section 18. The following shall apply:~~

10 ~~(1) In order to facilitate the prompt implementation of~~
11 ~~this act, during the two year period following the effective~~
12 ~~date of this section, the Pennsylvania Liquor Control Board~~
13 ~~shall promulgate temporary regulations not inconsistent with~~
14 ~~this act as it may deem necessary for the administration of~~
15 ~~this act. The temporary regulations shall expire four years~~
16 ~~from the effective date of this section and shall be exempt~~
17 ~~from the following:~~

18 ~~(i) Sections 201, 202, 203 and 204 of the act of~~
19 ~~July 31, 1968 (P.L.769, No.240), referred to as the~~
20 ~~Commonwealth Documents Law.~~

21 ~~(ii) The act of June 25, 1982 (P.L.633, No.181),~~
22 ~~known as the Regulatory Review Act.~~

23 ~~(2) The authority of the board to promulgate temporary~~
24 ~~regulations under paragraph (1) shall expire two years from~~
25 ~~the effective date of this section. Regulations adopted after~~
26 ~~the two year period shall be promulgated as provided by~~
27 ~~statute.~~

28 ~~Section 19. This act shall take effect as follows:~~

29 ~~(1) The following provisions shall take effect~~
30 ~~immediately:~~

1 ~~(i) This section.~~
2 ~~(ii) Section 17(3) of this act.~~
3 ~~(iii) The addition of section 408.17 of the act.~~
4 ~~(iv) The reenactment of section 493(33)(v) of the~~
5 ~~act.~~

6 ~~(2) The remainder of this act shall take effect in 60~~
7 ~~days.~~

8 SECTION 1. THE DEFINITIONS OF "ALCOHOLIC CIDER," <--

9 "DISTRIBUTOR," "ELIGIBLE ENTITY," "IMPORTING DISTRIBUTOR," "MALT
10 OR BREWED BEVERAGES," "MUG CLUB" AND "ZOO" IN SECTION 102 OF THE
11 ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE,
12 REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED
13 OR ADDED MAY 31, 1996 (P.L.312, NO.49), JUNE 18, 1998 (P.L.664,
14 NO.86), DECEMBER 22, 2011 (P.L.530, NO.113) AND JUNE 8, 2016
15 (P.L.273, NO.39), ARE AMENDED AND THE SECTION IS AMENDED BY
16 ADDING DEFINITIONS TO READ:

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

20 * * *

21 "ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN
22 CARBONATION IN AN AMOUNT NOT TO EXCEED [THREE HUNDRED NINETY-TWO
23 ONE THOUSANDTHS OF A GRAM PER ONE HUNDRED MILLILITERS AND
24 FLAVORS] SIX AND FOUR TENTHS GRAMS PER LITER, PRODUCED THROUGH
25 ALCOHOLIC FERMENTATION OF ANY FRUIT OR FRUIT JUICE, CONSISTING
26 OF AT LEAST ONE-HALF OF ONE PER CENTUM, BUT NOT GREATER THAN
27 EIGHT AND ONE-HALF PER CENTUM, ALCOHOL BY VOLUME AND SOLD OR
28 OFFERED FOR SALE AS ALCOHOLIC CIDER AND NOT AS A WINE, A WINE
29 PRODUCT OR AS A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS,
30 CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE

1 OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

2 * * *

3 "DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO
4 ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA MANUFACTURERS AND
5 FROM IMPORTING DISTRIBUTORS AND THE RESALE OF MALT OR BREWED
6 BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, [,
7 IN THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR THE MARKET BY
8 THE MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT NOT FOR
9 CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF NOT
10 LESS THAN A CASE OR ORIGINAL CONTAINERS CONTAINING ONE HUNDRED
11 TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY.]

12 * * *

13 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
14 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
15 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
16 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
17 LICENSE, A CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE AND
18 WHICH, AS OF DECEMBER 31, 2002, HAS BEEN IN EXISTENCE FOR AT
19 LEAST 100 YEARS, A LIBRARY, A NATIONALLY ACCREDITED PENNSYLVANIA
20 NONPROFIT ZOOLOGICAL INSTITUTION LICENSED BY THE UNITED STATES
21 DEPARTMENT OF AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION
22 IN EXISTENCE FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S
23 CLUB IN EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
24 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
25 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
26 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
27 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
28 OPERATED BY A NONPROFIT CORPORATION, A NONPROFIT CORPORATION
29 ENGAGED IN THE PERFORMING ARTS, AN ARTS COUNCIL, A NONPROFIT
30 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM, 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 A MUNICIPALITY AND WHICH HAS BEEN RECOGNIZED AS SUCH
5 BY A RESOLUTION OF THE MUNICIPALITY, A NONPROFIT ORGANIZATION AS
6 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
7 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) CONDUCTING A
8 REGATTA IN A CITY OF THE SECOND CLASS WITH THE PERMIT TO BE USED
9 ON STATE PARK GROUNDS OR CONDUCTING A FAMILY-ORIENTED
10 CELEBRATION AS PART OF WELCOME AMERICA IN A CITY OF THE FIRST
11 CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE THAN FIFTY
12 YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)
13 (3) OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3))
14 WHOSE PURPOSE IS TO RAISE FUNDS FOR THE RESEARCH AND TREATMENT
15 OF CYSTIC FIBROSIS, A NONPROFIT ORGANIZATION AS DEFINED UNDER
16 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (26
17 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO EDUCATE THE PUBLIC ON
18 ISSUES DEALING WITH WATERSHED CONSERVATION, A NONPROFIT
19 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
20 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3))
21 WHOSE PURPOSE IS TO PROVIDE EQUINE ASSISTED ACTIVITIES FOR
22 CHILDREN AND ADULTS WITH SPECIAL NEEDS, A NONPROFIT ECONOMIC
23 DEVELOPMENT AGENCY IN A CITY OF THE SECOND CLASS WITH THE
24 PRIMARY FUNCTION TO SERVE AS AN ECONOMIC GENERATOR FOR THE
25 GREATER SOUTHWESTERN PENNSYLVANIA REGION BY ATTRACTING AND
26 SUPPORTING FILM, TELEVISION AND RELATED MEDIA INDUSTRY PROJECTS
27 AND COORDINATING GOVERNMENT AND BUSINESS OFFICES IN SUPPORT OF A
28 PRODUCTION, A COUNTY TOURIST PROMOTION AGENCY AS DEFINED IN
29 SECTION 2 OF THE ACT OF JULY 4, 2008 (P.L.621, NO.50), KNOWN AS
30 THE "TOURISM PROMOTION ACT," A JUNIOR LEAGUE THAT IS A NONPROFIT

1 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
2 REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3)) THAT IS COMPRISED
3 OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY EDUCATIONAL AND CHARITABLE
4 IN PROMOTING THE VOLUNTEERISM OF WOMEN AND DEVELOPING AND
5 PARTICIPATING IN COMMUNITY PROJECTS AND THAT HAS BEEN IN
6 EXISTENCE FOR OVER SEVENTY YEARS, A NONPROFIT ORGANIZATION AS
7 DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF
8 1986 AND WHOSE PURPOSE IS THE EDUCATION AND PROMOTION OF
9 AMERICAN HISTORY, A NONPROFIT ORGANIZATION AS DEFINED UNDER
10 SECTION 501(C) (6) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
11 PURPOSE IS TO SUPPORT BUSINESS AND INDUSTRY, A BREWERY WHICH HAS
12 BEEN ISSUED A LICENSE TO MANUFACTURE MALT OR BREWED BEVERAGES
13 AND HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS OR A CLUB
14 RECOGNIZED BY ROTARY INTERNATIONAL AND WHOSE PURPOSE IS TO
15 PROVIDE SERVICE TO OTHERS, TO PROMOTE HIGH ETHICAL STANDARDS AND
16 TO ADVANCE WORLD UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS
17 FELLOWSHIP OF BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A
18 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
19 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
20 501(C) (3)) WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE
21 SUPPORTING LOCAL AND REGIONAL CHARITIES, A MUSEUM OPERATED BY A
22 NOT-FOR-PROFIT CORPORATION IN A CITY OF THE SECOND CLASS A, A
23 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
24 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE
25 SECOND CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
26 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
27 501(C) (3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
28 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
29 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
30 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED

1 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
2 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A
3 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
4 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO
5 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO
6 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED
7 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHO
8 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM
9 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC
10 PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER
11 OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC
12 TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC
13 TELEVISION NETWORK OR A NONPROFIT ORGANIZATION AS DEFINED UNDER
14 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
15 PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH AND TO
16 PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA AND THEIR
17 FAMILIES THROUGH A NATIONAL RESOURCE NETWORK, A NONPROFIT
18 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
19 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO STIMULATE
20 COMMUNITY DEVELOPMENT BY FACILITATING RESIDENTIAL AND RETAIL
21 GROWTH IN A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF THE
22 SECOND CLASS OR A NONPROFIT COMMUNITY DEVELOPMENT CORPORATION
23 ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
24 OF 1986 THAT SERVES AN ADJOINING BOROUGH AND TOWNSHIP IN A
25 COUNTY OF THE SECOND CLASS AND WHOSE MAIN PURPOSE IS TO
26 FACILITATE COMMERCIAL DEVELOPMENT AND FOSTER NEIGHBORHOOD
27 STABILIZATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
28 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS
29 TO PROVIDE YOUNG PEOPLE WITH A PROGRAM TO BUILD CHARACTER, TO
30 TEACH THE RESPONSIBILITIES OF CITIZENSHIP AND TO DEVELOP

1 PERSONAL FITNESS WITH A GOAL OF CREATING FUTURE LEADERS, A
2 NONPROFIT AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL
3 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO ASSIST CHILDREN
4 AND THEIR FAMILIES WHO ARE FACING FINANCIAL HARDSHIP DUE TO THE
5 DEATH OF A PARENT, A NONPROFIT AS DEFINED UNDER SECTION 501(C)
6 (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO
7 ALLOCATE FUNDS FOR RESEARCH TO EXPEDITE A CURE ACHROMATOPSIA, A
8 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
9 INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE
10 FIRST CLASS, WAS ORGANIZED IN 1995 AS A COMMUNITY DEVELOPMENT
11 CORPORATION TO PROMOTE HEALTH, SAFETY AND WELFARE OF THE
12 RESIDENTS, BUSINESSES AND INSTITUTIONS OF A NEIGHBORHOOD OF A
13 CITY OF THE FIRST CLASS, AND WHOSE WORKS INCLUDE PUBLIC
14 PROMOTIONS, NEIGHBORHOOD IMPROVEMENT PROJECTS AND COMMERCIAL
15 CORRIDOR IMPROVEMENTS, INCLUDING A BUSINESS IMPROVEMENT
16 DISTRICT, OR A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
17 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
18 RESPONSIBLE FOR PROVIDING SERVICES TO MEMBERS OF THE ARMED
19 FORCES OF THE UNITED STATES AND RELIEF TO DISASTER VICTIMS IN
20 THE UNITED STATES AND ABROAD, OR ANY NEIGHBORHOOD IMPROVEMENT
21 DISTRICT MANAGEMENT ASSOCIATION AS DEFINED IN SECTION 3 OF THE
22 ACT OF DECEMBER 20, 2000 (P.L.949, NO.130), KNOWN AS THE
23 "NEIGHBORHOOD IMPROVEMENT DISTRICT ACT," THAT HAS BEEN
24 ESTABLISHED AS A 501(C)(3) NONPROFIT ORGANIZATION UNDER SECTION
25 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, A NONPROFIT
26 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
27 REVENUE CODE OF 1986 LOCATED IN A CITY OF THE FIRST CLASS WHOSE
28 PURPOSE IS TO SUPPORT INITIATIVES TO ENRICH THE LIVES OF
29 CHILDREN, TEENS AND FAMILIES ESPECIALLY THOSE IN NEED, TO REACH
30 THEIR FULL POTENTIAL AS PRODUCTIVE AND RESPONSIBLE CITIZENS AND

1 HAS BEEN IN EXISTENCE FOR AT LEAST SEVENTY-FIVE YEARS[.], OR A
2 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
3 INTERNAL REVENUE CODE OF 1986 LOCATED IN A CITY OF THE SECOND
4 CLASS AND INCORPORATED AS A NONPROFIT IN 1982 THAT OFFERS ADULT
5 EDUCATION AND FAMILY LITERACY, OR A NONPROFIT ORGANIZATION AS
6 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
7 1986 LOCATED IN A CITY OF THE THIRD CLASS AND COUNTY OF THE
8 SIXTH CLASS, WHOSE PURPOSE IS PRIMARY AND SECONDARY EDUCATION
9 AND EDUCATIONAL MINISTRY OF THE DIOCESE OF ERIE, OR A NONPROFIT
10 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
11 REVENUE CODE LOCATED IN A COUNTY OF THE FOURTH CLASS THAT HAD A
12 POPULATION BETWEEN 142,000 AND 144,000 BASED ON THE 2010
13 DECENNIAL CENSUS OF THE BUREAU OF THE CENSUS AND PROVIDES
14 REWARDS FOR INFORMATION THAT LEADS TO THE ARREST OF INDIVIDUALS
15 THAT MAY HAVE COMMITTED A CRIME.

16 * * *

17 "GROWLER" SHALL MEAN A REFILLABLE CONTAINER FOR MALT OR
18 BREWED BEVERAGES THAT CAN BE RESEALED.

19 * * *

20 "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE
21 BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER
22 PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS
23 LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND
24 IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR
25 BREWED BEVERAGES [IN THE ORIGINAL SEALED CONTAINERS AS PREPARED
26 FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,
27 BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN
28 QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL CONTAINERS
29 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
30 SOLD SEPARATELY].

1 * * *

2 "MALT OR BREWED BEVERAGES" SHALL MEAN ANY BEER, LAGER BEER,
3 ALE, PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING ONE-
4 HALF OF ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY WHATEVER
5 NAME SUCH BEVERAGE MAY BE CALLED, AND SHALL MEAN ALCOHOLIC CIDER
6 AND MEAD.

7 * * *

8 "MEAD" SHALL MEAN AN ALCOHOLIC BEVERAGE PRODUCED BY
9 FERMENTING A SOLUTION OF AT LEAST FIFTY-ONE PER CENTUM HONEY,
10 WATER AND OTHER AGRICULTURAL PRODUCTS AND CONTAINING NOT MORE
11 THAN EIGHT AND ONE-HALF PER CENTUM ALCOHOL BY VOLUME AND SOLD OR
12 OFFERED FOR SALE AS MEAD AND NOT AS A WINE, A WINE PRODUCT OR AS
13 A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER
14 SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE OF MALT OR
15 BREWED BEVERAGES IN THIS COMMONWEALTH.

16 * * *

17 "MUG CLUB" SHALL MEAN A GROUP ORGANIZED BY A RETAIL LICENSEE
18 OR A BREWERY WHOSE MEMBERS ARE ENTITLED TO DISCOUNTED MALT OR
19 BREWED BEVERAGES. MEMBERSHIP SHALL BE BY WRITTEN APPLICATION AND
20 THE LICENSEE MUST MAINTAIN A WRITTEN LIST OF ACTIVE MEMBERS AS
21 PART OF ITS RECORDS. [MEMBERS SHALL PAY] LICENSEES MAY CHARGE AN
22 ANNUAL FEE AS WELL AS A RENEWAL FEE [AS SET BY THE LICENSEE.
23 MEMBERSHIP SHALL, AT A MINIMUM, ENTITLE THE MEMBER TO A MUG,
24 GLASS OR SIMILAR CONTAINER AND SAID CONTAINER MUST BE USED WHEN
25 THE MEMBER IS SERVED ANY DISCOUNTED MALT OR BREWED
26 BEVERAGES]. NO DISCOUNTED MALT OR BREWED BEVERAGES MAY BE
27 PROVIDED BETWEEN MIDNIGHT AND SEVEN O' CLOCK ANTEMERIDIAN.

28 * * *

29 "ZOO" SHALL MEAN AN ACCREDITED MEMBER OF THE ASSOCIATION OF
30 ZOOS AND AQUARIUMS OR THE ZOOLOGICAL ASSOCIATION OF AMERICA AND

1 FOR PURPOSES OF SECTION 412 SHALL HAVE NO SQUARE FOOTAGE OR
2 PERMANENT SEATING REQUIREMENTS.

3 SECTION 2. SECTIONS 207(M) AND (N) AND 305(A) AND (J) OF THE
4 ACT, AMENDED OR ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED
5 TO READ:

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

8 * * *

9 (M) THE FOLLOWING SHALL APPLY:

10 (1) NOTWITHSTANDING SUBSECTION (B), THE BOARD MAY
11 ESTABLISH AND IMPLEMENT A CUSTOMER RELATIONS MANAGEMENT
12 PROGRAM FOR THE PURPOSE OF OFFERING INCENTIVES, SUCH AS
13 COUPONS OR DISCOUNTS ON CERTAIN PRODUCTS, TO UNLICENSED
14 CUSTOMERS OF THE BOARD.

15 (2) THE NAMES AND ADDRESSES OF INDIVIDUAL CONSUMERS WHO
16 PARTICIPATE IN A CUSTOMER RELATIONS MANAGEMENT PROGRAM OR
17 PURCHASE PRODUCTS FROM THE BOARD, AS WELL AS ANY RECORDS OR
18 INFORMATION THAT WOULD DISCLOSE THE PERSONAL PURCHASE CHOICES
19 OF INDIVIDUAL CONSUMERS, SHALL NOT BE SOLD OR OTHERWISE MADE
20 AVAILABLE TO THE PUBLIC UNDER ANY CIRCUMSTANCES, INCLUDING IN
21 RESPONSE TO A REQUEST MADE IN ACCORDANCE WITH THE ACT OF
22 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW
23 LAW."

24 (N) NOTWITHSTANDING THE ACT OF DECEMBER 20, 2015 (P.L.497,
25 NO.90), KNOWN AS THE [TAXPAYER-FUNDED] "TAXPAYER-FUNDED <--
26 ADVERTISING TRANSPARENCY [ACT,] ACT," ANY EXPENDITURE FOR MEDIA <--
27 ADVERTISING MADE BY THE BOARD SHALL NOT BE SUBJECT TO ANY
28 REQUIREMENT THAT THE MEDIA ADVERTISING INCLUDE ANY STATEMENT
29 IDENTIFYING THE FUND FROM WHICH THE EXPENDITURE WAS MADE, NOR
30 ANY STATEMENT THAT THE MEDIA ADVERTISING WAS PAID FOR WITH

1 PENNSYLVANIA TAXPAYER DOLLARS.

2 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.-- (A) THE
3 BOARD SHALL IN ITS DISCRETION DETERMINE WHERE AND WHAT CLASSES,
4 VARIETIES AND BRANDS OF LIQUOR AND ALCOHOL IT SHALL MAKE
5 AVAILABLE TO THE PUBLIC AND WHERE SUCH LIQUOR AND ALCOHOL WILL
6 BE SOLD. EVERY PENNSYLVANIA LIQUOR STORE SHALL BE AUTHORIZED TO
7 SELL COMBINATION PACKAGES. IF A PERSON DESIRES TO PURCHASE A
8 CLASS, VARIETY OR BRAND OF LIQUOR OR ALCOHOL NOT CURRENTLY
9 AVAILABLE FROM THE BOARD, HE OR SHE MAY PLACE A SPECIAL ORDER
10 FOR SUCH ITEM [SO LONG AS THE ORDER IS FOR TWO OR MORE BOTTLES].
11 A SUPPLIER OF A SPECIAL ORDER MAY NOT REFUSE AN ORDER FROM A
12 CUSTOMER PLACING AN ORDER FOR ONE BOTTLE OF THE ITEM AND MAY
13 ASSESS A SURCHARGE ON THE ORDER IF THE SUPPLIER OTHERWISE
14 REQUIRES A MINIMUM QUANTITY PURCHASE. THE BOARD MAY REQUIRE A
15 REASONABLE DEPOSIT FROM THE PURCHASER AS A CONDITION FOR
16 ACCEPTING THE ORDER. THE CUSTOMER SHALL BE NOTIFIED IMMEDIATELY
17 UPON THE ARRIVAL OF THE GOODS.

18 IN COMPUTING THE RETAIL PRICE OF SUCH SPECIAL ORDERS FOR
19 LIQUOR OR ALCOHOL, THE BOARD SHALL NOT INCLUDE THE COST OF
20 FREIGHT OR SHIPPING BEFORE APPLYING A MARK-UP THAT IS EQUAL TO
21 TEN PER CENTUM OF THE COST OF THE PRODUCT AND TAXES BUT SHALL
22 ADD THE FREIGHT OR SHIPPING CHARGES TO THE PRICE AFTER THE MARK-
23 UP AND TAXES HAVE BEEN APPLIED. IN ADDITION TO THE TEN PER
24 CENTUM MARK-UP, THE BOARD SHALL IMPOSE HANDLING FEES ON SPECIAL
25 ORDERS WHICH COME TO REST AT A STORE, IN THE SAME MANNER THAT IT
26 IMPOSES THEM ON THE OTHER ALCOHOL THAT IT SELLS.

27 A LICENSED IMPORTER OR A LICENSED VENDOR MAY PLACE SPECIAL
28 ORDERS ON BEHALF OF CUSTOMERS AND MAY DELIVER THE ORDERS TO
29 CUSTOMERS. THE ORDERS DO NOT NEED TO COME TO REST AT A STORE,
30 BUT DELIVERY MAY NOT OCCUR UNTIL PAYMENT FOR THE ORDER HAS BEEN

1 FORWARDED TO THE BOARD AND THE BOARD HAS AUTHORIZED THE DELIVERY
2 OF THE ORDER. A HANDLING FEE MAY NOT BE ASSESSED BY THE BOARD ON
3 AN ORDER DELIVERED DIRECTLY TO A CUSTOMER. LIABILITY FOR SPECIAL
4 ORDERS THAT DO NOT COME TO REST AT A STORE, SHALL, UNTIL THE
5 ORDER IS DELIVERED TO THE CUSTOMER, REMAIN WITH THE LICENSED
6 IMPORTER OR LICENSED VENDOR THAT PLACED THE ORDER ON BEHALF OF
7 THE CUSTOMER. THE BOARD SHALL, BY JANUARY 1, 2017, IMPLEMENT A
8 PROCEDURE FOR PROCESSING SPECIAL ORDERS WHICH DO NOT COME TO
9 REST AT A STORE. THE BOARD MAY CONTINUE TO ACCEPT SPECIAL ORDERS
10 AT ITS STORES EVEN AFTER THE PROCEDURE IS IMPLEMENTED.

11 UNLESS THE CUSTOMER PAYS FOR AND ACCEPTS DELIVERY OF ANY SUCH
12 SPECIAL ORDER WITHIN TEN DAYS AFTER NOTICE OF ARRIVAL, THE STORE
13 MAY PLACE IT IN STOCK FOR GENERAL SALE AND THE CUSTOMER'S
14 DEPOSIT SHALL BE FORFEITED.

15 * * *

16 (J) A PENNSYLVANIA LIQUOR STORE MAY CONTINUE TO SELL
17 ALCOHOLIC CIDER AND MEAD WITHIN THE PENNSYLVANIA LIQUOR STORE'S
18 INVENTORY AFTER THE EFFECTIVE DATE OF THIS SECTION UNTIL THE
19 ALCOHOLIC CIDER AND MEAD WITHIN THE PENNSYLVANIA LIQUOR STORE'S
20 CURRENT INVENTORY IS DEPLETED. THE BOARD MAY NOT PURCHASE
21 ADDITIONAL ALCOHOLIC CIDER AND MEAD AFTER THE EFFECTIVE DATE OF
22 THIS SECTION.

23 * * *

24 SECTION 3. (RESERVED).

25 SECTION 4. (RESERVED).

26 SECTION 5. SECTION 406(A) (3) OF THE ACT, AMENDED JUNE 8,
27 2016 (P.L.273, NO.39), IS AMENDED TO READ:

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

29 * * *

30 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF

1 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
2 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR
3 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF [ELEVEN] NINE
4 O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON
5 PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS
6 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
7 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
8 [NOTWITHSTANDING THIS PROVISION, A LICENSEE HOLDING SUCH A
9 PERMIT MAY BEGIN SELLING LIQUOR AND MALT OR BREWED BEVERAGES ON
10 SUNDAY BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN
11 O'CLOCK ANTEMERIDIAN PROVIDED THAT THE LICENSEE OFFERS A MEAL
12 BEGINNING AT NINE O'CLOCK ANTEMERIDIAN.] AIRPORT RESTAURANT
13 LIQUOR LICENSEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON
14 SUNDAY BETWEEN THE HOURS OF FIVE O'CLOCK ANTEMERIDIAN AND TWO
15 O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT
16 FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A
17 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
18 ADMINISTRATIVE CODE OF 1929."

19 * * *

20 SECTION 6. SECTION 408.12 OF THE ACT, AMENDED OR ADDED JULY
21 1, 1994 (P.L.402, NO.61) AND JUNE 8, 2016 (P.L.273, NO.39), IS
22 AMENDED TO READ:

23 SECTION 408.12. WINE AND SPIRITS AUCTION PERMITS.--(A) UPON
24 APPLICATION OF:

25 (1) ANY NONPROFIT HOSPITAL;

26 (2) ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A
27 MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK;

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

30 (4) ANY MUSEUM LOCATED IN A COUNTY OF THE FIRST, SECOND,

1 THIRD OR FOURTH CLASS WHICH IS OPERATED BY A NONPROFIT
2 CORPORATION;

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

6 (6) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY
7 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN
8 IN EXISTENCE FOR AT LEAST NINETY YEARS;

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

13 (8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHOSE PURPOSE IS
14 TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS
15 WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS
16 TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND
17 HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS;

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

21 (10) INSTITUTION OF HIGHER EDUCATION;

22 (11) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED HEALTH
23 ORGANIZATION COMMITTED TO FUNDING TYPE 1 DIABETES RESEARCH; OR

24 (12) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY
25 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN
26 IN EXISTENCE FOR AT LEAST 20 YEARS;

27 AND UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE
28 BOARD SHALL ISSUE A WINE AND SPIRITS AUCTION PERMIT GOOD FOR A
29 PERIOD OF NOT MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS
30 PER CALENDAR YEAR.

1 (B) SUBJECT TO CLAUSE (1) OF SECTION 493 OF THIS ACT, SUCH
2 WINE AND SPIRITS AUCTION PERMIT SHALL AUTHORIZE THE PERMITTEE TO
3 SELL, BY AUCTION, WINE AND SPIRITS BY THE BOTTLE OR CASE TO ANY
4 PERSON ON ANY DAY FOR WHICH THE PERMIT IS ISSUED, PROVIDED,
5 HOWEVER, THAT SUCH PERMIT SHALL ONLY BE ISSUED IN ANY CITY,
6 BOROUGH, INCORPORATED TOWN OR TOWNSHIP IN WHICH THE SALE OF
7 LIQUOR AND/OR MALT OR BREWED BEVERAGES HAS BEEN APPROVED BY THE
8 ELECTORATE. ANY WINE AND SPIRITS PURCHASED UNDER THIS SECTION
9 SHALL NOT BE CONSUMED AT THE PLACE OF PURCHASE.

10 (C) THE WINE AND SPIRITS AUCTION PERMIT SHALL ONLY BE VALID
11 FOR THE NUMBER OF DAYS STATED IN THE PERMIT.

12 (D) WINE AND SPIRITS AUCTION PERMITS SHALL ONLY BE ISSUED
13 FOR USE AT AN EVENT WHICH IS USED BY THE PERMITTEE AS A MEANS OF
14 RAISING FUNDS FOR ITS OPERATION.

15 (E) THE HOURS DURING WHICH THE HOLDER OF A WINE AND SPIRITS
16 AUCTION PERMIT MAY SELL WINE AND SPIRITS SHALL BE LIMITED TO THE
17 HOURS SET FORTH IN SECTION 406 OF THIS ACT WHICH ARE APPLICABLE
18 TO HOTEL AND RESTAURANT LICENSEES, PROVIDED, HOWEVER, THAT WINE
19 AND SPIRITS AUCTION PERMITTEES MAY SELL WINE AND SPIRITS ON
20 SUNDAY BETWEEN THE HOURS OF SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL
21 TWO O'CLOCK ANTEMERIDIAN MONDAY.

22 (F) WINE AND SPIRITS AUCTION PERMITS MAY BE ISSUED FOR SALES
23 ON PREMISES WHICH ARE EITHER LICENSED OR UNLICENSED UNDER THIS
24 ACT.

25 (G) ANY WINE AND SPIRITS SOLD UNDER THIS SECTION SHALL BE
26 PURCHASED FROM A PENNSYLVANIA LIQUOR STORE, A PENNSYLVANIA
27 LIMITED WINERY, LIMITED DISTILLERY OR ANY SELLER AUTHORIZED TO
28 SELL WINE OR SPIRITS BY THE BOTTLE OR CASE IN THIS COMMONWEALTH
29 OR SHALL BE DONATED BY A PERSON WHO IS NEITHER A LICENSEE NOR A
30 PERMITTEE WHO HAS LEGALLY ACQUIRED THE WINE OR SPIRITS AND

1 LEGALLY POSSESSES IT IN THIS COMMONWEALTH.

2 (H) IF ANY WINE OR SPIRITS SOLD UNDER THIS SECTION IS
3 PURCHASED FROM A SELLER OTHER THAN A PENNSYLVANIA LIQUOR STORE
4 OR A PENNSYLVANIA LIMITED WINERY OR LIMITED DISTILLERY, THE
5 PERMITTEE SHALL PROVIDE THIRTY DAYS' NOTICE TO THE BOARD OF ITS
6 INTENT TO PURCHASE SUCH WINE OR SPIRITS. THE NOTICE SHALL
7 INCLUDE A DESCRIPTION OF THE WINE OR SPIRITS TO BE PURCHASED,
8 THE QUANTITY TO BE PURCHASED, THE NAME OF THE SELLER AND ANY
9 OTHER INFORMATION WHICH THE BOARD MAY REQUIRE. THE PERMITTEE
10 SHALL COMPLY WITH ALL BOARD REGULATIONS REGARDING TAXES AND
11 FEES.

12 (I) THE PERMITTEE SHALL BE RESPONSIBLE FOR PAYING TO THE
13 BOARD AN AMOUNT EQUAL TO ALL TAXES WHICH WOULD HAVE BEEN PAID ON
14 SUCH WINE OR SPIRITS IF IT HAD BEEN PURCHASED FROM A
15 PENNSYLVANIA LIQUOR STORE, TOGETHER WITH A PROCESSING FEE TO BE
16 DETERMINED BY THE BOARD.

17 (J) AS A CONDITION OF THE PERMIT, THE PERMITTEE SHALL NOT
18 BROADCAST BY WAY OF RADIO OR TELEVISION OR DISSEMINATE BY PRINT
19 MEDIA NOR CAUSE THE BROADCAST BY WAY OF RADIO, TELEVISION OR
20 DISSEMINATION BY THE PRINT MEDIA OF THE PRICE OF ANY WINE OR
21 SPIRITS SOLD OR TO BE SOLD UNDER THIS SECTION.

22 (K) ANY PERSON SELLING WINE OR SPIRITS IN VIOLATION OF THIS
23 SECTION SHALL, UPON SUMMARY CONVICTION, BE SENTENCED TO PAY A
24 FINE OF TWO HUNDRED FIFTY DOLLARS (\$250) FOR THE FIRST OFFENSE
25 AND A FINE OF FIVE HUNDRED DOLLARS (\$500) FOR EACH SUBSEQUENT
26 OFFENSE. THIS FINE SHALL BE IN ADDITION TO ANY OTHER PENALTY
27 IMPOSED BY LAW FOR THE ILLEGAL SALE OF LIQUOR OR MALT OR BREWED
28 BEVERAGES.

29 (L) "AUCTION," AS USED IN THIS SECTION, SHALL MEAN THE OFFER
30 TO SELL WINE AND SPIRITS BY THE PERMITTEE TO THE MEMBERS OF AN

1 AUDIENCE CONGREGATED FOR THE PURPOSE OF MAKING BIDS FOR THE
2 PURCHASE OF THE WINE AND SPIRITS IN AN EFFORT BY THE PERMITTEE
3 TO ADVANCE THE AMOUNT OF THE BIDS TO OBTAIN THE HIGHEST OR MOST
4 FAVORABLE OFFER.

5 SECTION 7. SECTION 411(E) OF THE ACT, AMENDED JUNE 8, 2016
6 (P.L.273, NO.39), IS AMENDED TO READ:

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

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

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

1 CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING
2 INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE
3 UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED
4 AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT
5 LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE
6 HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL
7 NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE [FROM
8 OWNING LAND WHICH IS LEASED TO, AND THE BUILDINGS THEREON OWNED
9 BY, A HOLDER OF A RETAIL DISPENSER'S LICENSE; AND NOTHING IN
10 THIS CLAUSE SHALL PREVENT THE ISSUANCE OF A RETAIL DISPENSER'S
11 LICENSE TO A LESSEE OF SUCH LANDS WHO OWNS THE BUILDINGS
12 THEREON], OR ANY OFFICER, DIRECTOR OR STOCKHOLDER OF ANY SUCH
13 LICENSEE, FROM OWNING LAND OR BUILDINGS WHICH ARE LEASED TO A
14 HOLDER OF A RETAIL DISPENSER'S LICENSE, A DISTILLERY LICENSE OR
15 A LIMITED DISTILLERY LICENSE: AND, PROVIDED FURTHER, THAT
16 NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
17 ANY HOTEL, RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE OR ANY
18 OFFICER, DIRECTOR OR STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH
19 LICENSEE FROM HAVING A FINANCIAL OR OTHER INTEREST, DIRECTLY OR
20 INDIRECTLY IN THE OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE
21 EQUIPMENT OF ANY PROPERTY OR ANY MORTGAGE LIEN AGAINST SAME,
22 USED, LEASED BY AN IMPORTER OR SACRAMENTAL WINE LICENSEE FOR THE
23 EXCLUSIVE PURPOSE OF MAINTAINING COMMERCIAL OFFICES AND ON THE
24 CONDITION THAT SAID PROPERTY IS NOT USED FOR THE STORAGE OR SALE
25 OF LIQUOR OR MALT OR BREWED BEVERAGES IN ANY QUANTITY: AND,
26 PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS SECTION SHALL
27 PROHIBIT AN OFFICER OR MEMBER OF A LICENSED PRIVATELY OWNED
28 PRIVATE GOLF COURSE CATERING CLUB FROM HAVING AN INTEREST IN A
29 LIMITED WINERY LICENSE: AND, PROVIDED FURTHER, THAT NOTHING
30 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A

1 MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY CREATED
2 UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF AUGUST 9,
3 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING
4 AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE
5 NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN
6 INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD
7 FOR ONE OR MORE RETAIL LICENSES: AND, PROVIDED FURTHER, THAT,
8 NOTHING IN THIS SECTION MAY PROHIBIT AN EMPLOYE OF A HOTEL OR
9 RESTAURANT LICENSEE FROM HAVING AN INTEREST IN ANY PROPERTY USED
10 BY A LIMITED WINERY LICENSEE OR IN GUARANTEEING ANY LOANS, OR
11 LENDING ANY MONEYS, PROVIDING CREDIT OR GIVING ANYTHING OF VALUE
12 TO A LIMITED WINERY LICENSEE OR ITS OFFICERS, DIRECTORS AND
13 SHAREHOLDERS, PROVIDED THAT THE PERSON ALSO IS NOT AN OFFICER OF
14 OR DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER
15 ANY OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM
16 THE LICENSEE: AND, PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY
17 OTHER PROVISION OF THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A
18 MANUFACTURER'S LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL,
19 RESTAURANT OR RETAIL DISPENSER LICENSE FOR USE AT THE SAME
20 LOCATION AND MORE THAN ONE LOCATION MAY BE SO LICENSED. AND,
21 PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF
22 THIS SECTION, AN ENTITY LICENSED AS A LIMITED WINERY MAY HOLD
23 AND OPERATE [UNDER] A RESTAURANT LIQUOR LICENSE AT ONE OF ITS
24 ADDITIONAL, BOARD-APPROVED LOCATIONS INSTEAD OF AT ITS PRIMARY
25 LOCATION WHERE MANUFACTURING OCCURS. THE LICENSES AND A PERSON'S
26 INTEREST IN THE LICENSES OR IN THE ENTITY HOLDING THE LICENSES
27 SHALL NOT BE SUBJECT TO THIS SECTION. PROVIDED FURTHER, THAT, A
28 PERSON WHO IS A HOLDER OF [FIVE PER CENTUM (5%)] TEN PER CENTUM
29 (10%) OR LESS OF SECURITIES OR OTHER INTERESTS IN A PUBLICLY OR
30 PRIVATELY HELD DOMESTIC OR FOREIGN CORPORATION, PARTNERSHIP,

1 LIMITED LIABILITY COMPANY OR OTHER FORM OF LEGAL ENTITY OWNING A
2 [RESTAURANT LIQUOR LICENSE OR RETAIL DISPENSER'S] RETAIL LICENSE
3 SHALL NOT BE DEEMED TO POSSESS A FINANCIAL INTEREST AND IS NOT
4 SUBJECT TO THE PROVISIONS OF THIS SECTION, PROVIDED THAT THE
5 PERSON IS NOT AN OFFICER OF, EMPLOYE OF OR DOES NOT HAVE ANY
6 INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED
7 ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE [RESTAURANT
8 LIQUOR OR RETAIL DISPENSER] RETAIL LICENSEE IN WHICH THE PERSON
9 HOLDS THE [FIVE PER CENTUM (5%)] TEN PER CENTUM (10%) OR LESS
10 INTEREST.

11 * * *

12 SECTION 8. SECTION 412(F) OF THE ACT, AMENDED FEBRUARY 21,
13 2002 (P.L.103, NO.10), DECEMBER 9, 2002 (P.L.1653, NO.212) AND
14 DECEMBER 22, 2011 (P.L.530, NO.113), IS AMENDED TO READ:

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

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

19 (1) SALES MAY ONLY BE MADE ONE HOUR BEFORE, DURING AND ONE
20 HOUR AFTER ANY ATHLETIC PERFORMANCE, PERFORMING ARTS EVENT,
21 TRADE SHOW, CONVENTION, BANQUET OR ANY OTHER PERFORMANCE AT THE
22 FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK
23 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES
24 MAY NOT OCCUR PRIOR TO ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAYS OR
25 SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS. NOTWITHSTANDING THIS
26 SECTION, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTIONS
27 408.9 AND 408.14 MAY SELL LIQUOR AND/OR MALT OR BREWED BEVERAGES
28 ANYTIME EXCEPT FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK
29 ANTEMERIDIAN OR PRIOR TO ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAYS
30 OR SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS, REGARDLESS OF WHETHER

1 THERE IS A PERFORMANCE AT THE FACILITY.

2 (2) [SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER
3 ALL PROFESSIONAL AND AMATEUR ATHLETIC EVENTS ON THE PREMISES
4 SHALL BE LIMITED TO SALES OF MALT OR BREWED BEVERAGES IN
5 SHATTERPROOF CONTAINERS.] SALES OF ALCOHOLIC BEVERAGES BEFORE,
6 DURING AND AFTER PROFESSIONAL AND AMATEUR ATHLETIC EVENTS,
7 PERFORMING ARTS EVENTS OR OTHER ENTERTAINMENT EVENTS MAY CONSIST
8 OF LIQUOR OR MALT OR BREWED BEVERAGES IN SHATTERPROOF
9 CONTAINERS. SALES DURING TRADE SHOWS, CONVENTIONS, BANQUETS OR
10 AT OTHER EVENTS, OR SALES MADE IN THE CLUB SEATS OR AT A
11 RESTAURANT FACILITY, MAY CONSIST OF LIQUOR OR MALT OR BREWED
12 BEVERAGES IN ANY TYPE OF CONTAINER; HOWEVER, ANY LIQUOR OR MALT
13 OR BREWED BEVERAGES SOLD IN THE CLUB SEATS OR RESTAURANT
14 FACILITY MUST REMAIN IN THE CLUB SEATING LEVEL OR RESTAURANT
15 FACILITY. FOR PURPOSES OF THIS SECTION, A CLUB SEAT IS ANY
16 SEATING LOCATED ON THE DESIGNATED CLUB SEATING LEVEL AND
17 PARTITIONED FROM GENERAL SEATING BY A WALL, DIVIDER, PARTIAL
18 WALL OR RAILING. THE CLUB SEATING LEVEL MUST NOT BE ACCESSIBLE
19 BY THE GENERAL PUBLIC. SALES AT ZOOS DURING PRIVATE BANQUETS AND
20 OTHER EVENTS MAY BE AT ANY SITE WITHIN ZOO PROPERTY AND MAY
21 CONSIST OF ANY TYPE OF ALCOHOL IN ANY TYPE OF CONTAINER. THE
22 BOARD'S RECORDS SHALL CLEARLY DELINEATE WHERE THE SALE OF LIQUOR
23 OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER MAY OCCUR.

24 (3) SALES OF MALT OR BREWED BEVERAGES FOR OFF-PREMISES
25 CONSUMPTION ARE PROHIBITED.

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

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

5 SECTION 9. SECTION 415(A) (2) AND (9), (B) AND (E) (3) AND (4)
6 OF THE ACT, ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED TO
7 READ:

8 SECTION 415. WINE EXPANDED PERMITS.--(A) * * *

9 (2) NOTHING IN THIS SECTION MAY AFFECT THE ABILITY OF AN
10 EXISTING LICENSEE TO OPERATE WITHIN THE SCOPE OF ITS CURRENT
11 LICENSE AS AUTHORIZED BY THIS ACT, EXCEPT THAT NO SALES OF WINE
12 FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE BY A WINE EXPANDED
13 PERMIT HOLDER AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL
14 THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER SECTION 406 OF
15 THE NEXT DAY, INCLUDING SUNDAYS IF THE LICENSEE HAS A PERMIT
16 AUTHORIZED UNDER [SECTIONS 406(A) (3) AND 432(F)] SECTION 406(A)
17 (3).

18 * * *

19 (9) A SALE OF WINE BY A WINE EXPANDED PERMIT HOLDER SHALL BE
20 MADE THROUGH A REGISTER, WHICH MALT OR BREWED BEVERAGES AND
21 RESTAURANT FOODS SALES ARE MADE ON THE LICENSED PREMISES, WHICH
22 IS WELL DESIGNATED WITH SIGNAGE, WHICH IS STAFFED AT ALL TIMES
23 WHEN PATRONS ARE ON THE LICENSED PREMISES, WHICH IS STAFFED BY A
24 SALES CLERK WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND HAS BEEN
25 TRAINED UNDER SECTION 471.1 AND WHICH UTILIZES A TRANSACTION
26 SCAN DEVICE FOR THE SALE. THE SALE OF WINE MAY NOT OCCUR AT A
27 POINT OF SALE WHERE THE CUSTOMER SCANS THE CUSTOMER'S OWN
28 PURCHASES.

29 (B) THE APPLICATION AND RENEWAL FEE FOR A WINE EXPANDED
30 PERMIT SHALL BE AS FOLLOWS:

1 (1) FOR A WINE EXPANDED PERMIT ISSUED TO LICENSEES, AN
2 INITIAL APPLICATION FEE OF TWO THOUSAND DOLLARS (\$2,000).

3 (2) AN ANNUAL RENEWAL FEE EQUAL TO TWO PER CENTUM OF THE
4 TOTAL COST OF WINE PURCHASED FROM THE BOARD FOR OFF-PREMISES
5 CONSUMPTION.

6 * * *

7 (E) * * *

8 (3) A WINE EXPANDED PERMIT HOLDER MAY, WHEN FILING ITS
9 REQUIRED RETURNS UNDER ARTICLE II OF THE TAX REFORM CODE OF
10 1971, REQUEST A [REFUND] CREDIT OF ANY TAXES PAID IN ACCORDANCE
11 WITH PARAGRAPH (1) FOR WINE SOLD FOR OFF-PREMISES CONSUMPTION
12 AND FOR WHICH TAXES WERE REMITTED TO THE DEPARTMENT UNDER
13 PARAGRAPH (2). [THE REQUEST FOR A REFUND SHALL INCLUDE THE
14 ORIGINAL RECEIPT FROM A PENNSYLVANIA LIQUOR STORE SHOWING THE
15 AMOUNT OF TAXES PAID UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER
16 IS REQUESTING A REFUND.

17 (4) THE DEPARTMENT SHALL REFUND THE AMOUNT OF TAXES PAID TO
18 A PENNSYLVANIA LIQUOR STORE BY A WINE EXPANDED PERMIT HOLDER
19 UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER REMITTED TAXES
20 IMPOSED UNDER PARAGRAPH (2).] THE DEPARTMENT MAY PROMULGATE
21 RULES OR REGULATIONS AND PRESCRIBE FORMS AS MAY BE NECESSARY TO
22 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

23 * * *

24 SECTION 10. SECTION 431(B) AND (D)(2) OF THE ACT, AMENDED
25 JUNE 8, 2016 (P.L.273, NO.39), ARE REENACTED AND AMENDED TO
26 READ:

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

29 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
30 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER

1 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
2 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
3 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
4 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR
5 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
6 OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET
7 BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. IN ADDITION, A
8 DISTRIBUTOR LICENSE HOLDER MAY SELL MALT OR BREWED BEVERAGES IN
9 ANY AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-
10 PREMISES CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN
11 THE PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY
12 BE SOLD IN REFILLABLE GROWLERS. THE BOARD SHALL HAVE THE
13 DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
14 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
15 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
16 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
17 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
18 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
19 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
20 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
21 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
22 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
23 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
24 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
25 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
26 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
27 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
28 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
29 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
30 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND

1 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
2 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
3 BOARD SHALL NOT LICENSE THE AREA WHERE LIQUID FUELS OR OIL IS
4 SOLD. NO SALES OF LIQUID FUELS OR OIL MAY BE MADE FROM A
5 LICENSEE'S LICENSED PREMISES. A LICENSED PREMISES MAY NOT HAVE
6 AN INTERIOR CONNECTION WITH A LOCATION THAT SELLS LIQUID FUELS
7 OR OIL UNLESS IT FIRST RECEIVES PERMISSION FROM THE BOARD FOR
8 THE INTERIOR CONNECTION. THE APPROVAL SHALL BE REQUIRED
9 REGARDLESS OF WHETHER THE LICENSEE OR ANOTHER PARTY IS THE
10 ENTITY SELLING THE LIQUID FUELS OR OIL. THE BOARD MAY ENTER INTO
11 AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
12 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
13 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
14 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
15 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
16 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
17 UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN
18 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS
19 SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE
20 LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD
21 ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS.
22 IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY
23 LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE
24 BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING
25 ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
26 RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL REQUIRE NOTICE TO
27 BE POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
28 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
29 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
30 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

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

1 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP
2 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,
3 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED
4 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE
5 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,
6 DURING NORMAL BUSINESS HOURS.

7 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
8 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
9 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
10 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
11 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
12 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
13 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
14 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
15 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
16 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
17 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO ANY LICENSEE
18 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
19 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
20 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
21 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
22 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
23 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THEN
24 THE MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT
25 LICENSED PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL
26 AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE
27 IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO
28 THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE DELIVERY OF
29 [SUCH] MALT OR BREWED BEVERAGES OR TRANSFER MALT OR BREWED
30 BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE SHALL BE

1 SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS:
2 PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH
3 DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER
4 THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING
5 ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
6 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
7 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
8 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
9 MANUFACTURER.

10 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
11 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
12 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
13 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
14 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
15 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
16 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
17 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
18 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
19 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
20 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
21 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
22 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO A LICENSEE
23 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
24 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
25 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
26 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
27 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
28 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THE
29 MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT LICENSED
30 PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED

1 TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR
2 THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. IF A
3 LICENSEE ACCEPTS THE DELIVERY OF MALT OR BREWED BEVERAGES OR
4 TRANSFERS MALT OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION,
5 THE LICENSEE SHALL BE SUBJECT TO SUSPENSION OF HIS LICENSE FOR
6 AT LEAST THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR
7 HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL
8 OR DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT
9 FIRST HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID
10 SECONDARY IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND
11 CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE
12 TERRITORY GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
13 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
14 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
15 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
16 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
17 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
18 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
19 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
20 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
21 AFFECTED.

22 (D) * * *

23 (2) AFTER JANUARY 1, 1980, NO MANUFACTURER SHALL ENTER INTO
24 ANY AGREEMENT WITH MORE THAN ONE DISTRIBUTOR OR IMPORTING
25 DISTRIBUTOR FOR THE PURPOSE OF ESTABLISHING MORE THAN ONE
26 AGREEMENT FOR DESIGNATED BRAND OR BRANDS OF MALT OR BREWED
27 BEVERAGES IN ANY ONE TERRITORY. EACH FRANCHISE TERRITORY WHICH
28 IS GRANTED BY A MANUFACTURER SHALL BE GEOGRAPHICALLY CONTIGUOUS
29 OR IN COUNTIES WHICH ARE CONTIGUOUS WITH ONE ANOTHER. ALL
30 IMPORTING DISTRIBUTORS SHALL MAINTAIN SUFFICIENT RECORDS TO

1 EVIDENCE COMPLIANCE OF THIS SECTION. WITH REGARD TO ANY
2 TERRITORIAL DISTRIBUTION AUTHORITY GRANTED TO AN IMPORTING
3 DISTRIBUTOR BY A MANUFACTURER OF MALT OR BREWED BEVERAGES AFTER
4 JANUARY 1, 1996, THE RECORDS SHALL ESTABLISH THAT EACH AND EVERY
5 CASE OF A BRAND OF MALT OR BREWED BEVERAGES FOR WHICH THE
6 IMPORTING DISTRIBUTOR IS ASSIGNED WAS SOLD, RESOLD, STORED,
7 DELIVERED OR TRANSPORTED BY THE IMPORTING DISTRIBUTOR, EITHER
8 FROM A POINT OR TO A POINT WITH THE ASSIGNED GEOGRAPHICALLY
9 CONTIGUOUS TERRITORY OR IN COUNTIES WHICH ARE CONTIGUOUS WITH
10 ONE ANOTHER, TO ANY PERSON OR PERSONS, WHETHER SUCH PERSON OR
11 PERSONS ARE LICENSED BY THIS ACT OR NOT LICENSED BY THIS ACT.

12 * * *

13 SECTION 10.1. SECTION 445 OF THE ACT IS AMENDED BY ADDING A
14 SUBSECTION TO READ:

15 SECTION 445. BRAND REGISTRATION.--* * *

16 (C) ANY PERSON SELLING MALT OR BREWED BEVERAGES AT
17 WHOLESALE, AND ANY PERSON SELLING AT RETAIL MALT OR BREWED
18 BEVERAGES THAT WERE NOT SOLD AT WHOLESALE, SHALL REPORT TO THE
19 PENNSYLVANIA LIQUOR CONTROL BOARD THE VOLUME OF SUCH PACKAGED
20 AND DRAFT MALT OR BREWED BEVERAGES SOLD. THE REPORT, IN THE FORM
21 AND MANNER DETERMINED BY THE BOARD, SHALL BE MADE FOR EACH
22 CALENDAR MONTH NO LATER THAN SIXTY DAYS AFTER THE END OF EACH
23 CALENDAR MONTH AND SHALL SHOW PRODUCT VOLUMES, BROKEN DOWN BY
24 BREWER. ALL VOLUMES SHALL BE REPORTED IN THIRTY-ONE-GALLON
25 BARREL EQUIVALENTS, REGARDLESS OF PACKAGE SIZE. THE BOARD SHALL,
26 WITHIN FOURTEEN DAYS OF THE RECEIPT OF THE REPORT, PLACE THE
27 REPORTS ON THE INTERNET IN A MANNER ACCESSIBLE TO THE GENERAL
28 PUBLIC. THE BOARD SHALL MAINTAIN THE REPORTS ON THE INTERNET IN
29 A MANNER ACCESSIBLE TO THE GENERAL PUBLIC FOR A PERIOD OF AT
30 LEAST TWO YEARS AND SHALL ARCHIVE THE REPORTS FOR A PERIOD OF AT

1 LEAST TEN YEARS.

2 SECTION 11. SECTION 446(A) OF THE ACT, AMENDED JUNE 8, 2016
3 (P.L.273, NO.39), IS AMENDED TO READ:

4 SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE
5 MAY:

6 (1) SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE
7 BREWERY UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY
8 ENFORCE, TO INDIVIDUALS FOR CONSUMPTION ON THE LICENSED PREMISES
9 IN ANY CONTAINER OR PACKAGE OF ANY VOLUME AND TO HOTEL,
10 RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES.

11 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED
12 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY
13 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE
14 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED
15 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY
16 LICENSE MAY SELL [AT ITS BREWERY PUB PREMISES WINES] WINES AND
17 ALCOHOLIC CIDER PRODUCED BY THE HOLDER OF A LIMITED WINERY
18 LICENSE [OR], MALT OR BREWED BEVERAGES PRODUCED BY A
19 MANUFACTURER LICENSED BY THE BOARD AND LIQUOR PRODUCED BY A
20 [LICENSED] LIMITED DISTILLERY OR DISTILLERY LICENSED BY THE
21 BOARD: PROVIDED, HOWEVER, THAT SAID WINES, MALT OR BREWED
22 BEVERAGES PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MUST BE
23 CONSUMED AT THE LICENSED [BREWERY PUB] PREMISES. IN ADDITION,
24 THE COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES PRODUCED BY
25 ANOTHER MANUFACTURER AND LIQUOR MAY NOT, ON A YEARLY BASIS,
26 EXCEED FIFTY PER CENTUM (50%) OF THE ON-PREMISES SALES OF THE
27 BREWERY'S OWN MALT OR BREWED BEVERAGES FOR THE PRECEDING
28 CALENDAR YEAR: HOWEVER, IF A BREWERY DID NOT OPERATE FOR AN
29 ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS
30 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES PRODUCED BY

1 ANOTHER MANUFACTURER AND LIQUOR MAY NOT, ON A YEARLY BASIS,
2 EXCEED FIFTY PER CENTUM (50%) OF THE ON-PREMISES SALES OF THE
3 BREWERY'S OWN MALT OR BREWED BEVERAGES FOR THAT YEAR.

4 (3) USE BREWERY STORAGE AND DISTRIBUTION FACILITIES FOR THE
5 PURPOSE OF RECEIVING, STORING AND DISTRIBUTING MALT OR BREWED
6 BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH IF THE
7 BEVERAGES ARE DISTRIBUTED IN THIS COMMONWEALTH ONLY THROUGH
8 SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL HAVE FIRST BEEN GIVEN
9 DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL
10 AREAS THROUGH THE DISTRIBUTION SYSTEM REQUIRED FOR OUT-OF-STATE
11 MANUFACTURERS UNDER SECTION 431(B) AS WELL AS ALL OTHER
12 PERTINENT SECTIONS OF THIS ACT. THE MANUFACTURER OF THE
13 BEVERAGES MUST COMPLY WITH SECTION 444.

14 (4) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
15 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
16 SELL FOR CONSUMPTION AT THE RESTAURANT OR BREWERY PUB ON THE
17 LICENSED BREWERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
18 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME
19 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
20 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
21 LICENSE, BUT MUST BREW AT LEAST TWO HUNDRED FIFTY BARRELS PER
22 YEAR. EACH HOLDER OF A BREWERY LICENSE WHO RECEIVES A HOTEL
23 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT OR BREWED
24 BEVERAGES RETAIL LICENSE TO OPERATE A BREW PUB SHALL NOT SELL
25 DIRECTLY TO ANY PERSON LICENSED BY THIS ACT, EXCEPT IF ANY MALT
26 OR BREWED BEVERAGE IS TO BE DISTRIBUTED IN THIS COMMONWEALTH IT
27 SHALL BE ONLY THROUGH SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL
28 HAVE FIRST BEEN GIVEN DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN
29 DESIGNATED GEOGRAPHICAL AREAS THROUGH THE DISTRIBUTION SYSTEM
30 REQUIRED FOR OUT-OF-STATE MANUFACTURERS UNDER SECTION 431(B) AS

1 WELL AS ALL OTHER PERTINENT SECTIONS OF THIS ACT.

2 * * *

3 SECTION 11.1. THE ACT IS AMENDED BY ADDING A SECTION TO
4 READ:

5 SECTION 448. SHIPMENT OF MALT OR BREWED BEVERAGES.-- (A) THE
6 SHIPMENT OF MALT OR BREWED BEVERAGES TO RESIDENTS OF THIS
7 COMMONWEALTH SHALL BE GOVERNED BY THIS SECTION.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW,
9 A PERSON LICENSED BY THE BOARD OR ANOTHER STATE OR COUNTRY AS A
10 MANUFACTURER OF MALT OR BREWED BEVERAGES AND WHO OBTAINS A MALT
11 OR BREWED BEVERAGE SHIPPER LICENSE AS PROVIDED FOR IN THIS
12 SECTION MAY SHIP UP TO 192 OUNCES IN A MONTH OF ANY MALT OR
13 BREWED BEVERAGE ON THE ORDER OF ANY RESIDENT OF THIS
14 COMMONWEALTH WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE FOR
15 THE RESIDENT'S PERSONAL USE AND NOT FOR RESALE.

16 (C) PRIOR TO ISSUING A DIRECT MALT OR BREWED BEVERAGE
17 SHIPPER LICENSE, THE BOARD SHALL REQUIRE AN APPLICANT TO:

18 (1) FILE AN APPLICATION WITH THE BOARD.

19 (2) PAY A REGISTRATION FEE OF TWO HUNDRED FIFTY DOLLARS
20 (\$250).

21 (3) PROVIDE TO THE BOARD A TRUE COPY OF THE APPLICANT'S
22 CURRENT ALCOHOLIC BEVERAGE LICENSE ISSUED BY THE BOARD OR
23 ANOTHER STATE OR COUNTRY.

24 (4) PROVIDE DOCUMENTATION WHICH EVIDENCES THAT THE APPLICANT
25 HAS OBTAINED A SALES TAX LICENSE FROM THE DEPARTMENT OF REVENUE.

26 (5) PROVIDE THE BOARD WITH ANY OTHER INFORMATION THAT THE
27 BOARD DEEMS NECESSARY AND APPROPRIATE.

28 (D) A DIRECT MALT OR BREWED SHIPPER SHALL DO ALL OF THE
29 FOLLOWING:

30 (1) REPORT TO THE BOARD EACH YEAR THE TOTAL OF MALT OR

1 BREWED BEVERAGES SHIPPED TO RESIDENTS OF THIS COMMONWEALTH IN
2 THE PRECEDING CALENDAR YEAR.

3 (2) PERMIT THE BOARD, THE ENFORCEMENT BUREAU OR THE
4 SECRETARY OF REVENUE, OR THEIR DESIGNATED REPRESENTATIVES, TO
5 PERFORM AN AUDIT OF THE MALT OR BREWED BEVERAGE SHIPPER'S
6 RECORDS UPON REQUEST.

7 (3) BE DEEMED TO HAVE SUBMITTED TO THE JURISDICTION OF THE
8 BOARD, ANY OTHER STATE AGENCY AND THE COURTS OF THIS
9 COMMONWEALTH FOR PURPOSES OF ENFORCEMENT OF THIS SECTION AND ANY
10 RELATED LAWS, RULES OR REGULATIONS.

11 (4) REQUIRE PROOF OF AGE OF THE RECIPIENT, IN A MANNER OR
12 FORMAT APPROVED BY THE BOARD, BEFORE MALT OR BREWED BEVERAGES
13 ARE SHIPPED TO A RESIDENT OF THIS COMMONWEALTH.

14 (5) ENSURE THAT ALL BOXES OR EXTERIOR CONTAINERS OF MALT OR
15 BREWED BEVERAGES SHIPPED DIRECTLY TO A RESIDENT OF THIS
16 COMMONWEALTH ARE CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS
17 ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED
18 FOR DELIVERY."

19 (6) PAY TO THE DEPARTMENT OF REVENUE ALL TAXES DUE ON SALES
20 TO RESIDENTS OF THIS COMMONWEALTH. THE AMOUNT OF THE TAXES SHALL
21 BE CALCULATED AS IF THE SALES WERE IN THIS COMMONWEALTH AT THE
22 LOCATIONS WHERE DELIVERY WAS MADE. THE MALT OR BREWED BEVERAGES
23 DELIVERED UNDER THIS SUBSECTION SHALL BE SUBJECT TO ONLY THE
24 FOLLOWING:

25 (I) THE SALES AND USE TAX IMPOSED BY SECTION 202 AND ARTICLE
26 II-B OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE
27 "TAX REFORM CODE OF 1971."

28 (II) THE SALES AND USE TAX IMPOSED BY ARTICLE XXXI-B OF THE
29 ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND
30 CLASS COUNTY CODE."

1 (III) THE SALES AND USE TAX IMPOSED BY THE ACT OF JUNE 5,
2 1991 (P.L.9, NO.6), KNOWN AS THE "PENNSYLVANIA INTERGOVERNMENTAL
3 COOPERATION AUTHORITY ACT FOR CITIES OF THE FIRST CLASS."

4 (IV) THE MALT BEVERAGE TAX IMPOSED BY ARTICLE XX OF THE "TAX
5 REFORM CODE OF 1971."

6 (7) ANNUALLY RENEW ITS LICENSE BY PAYING A RENEWAL FEE OF
7 TWO HUNDRED FIFTY DOLLARS (\$250).

8 (E) ANY PERSON WHO RESELLS MALT OR BREWED BEVERAGES OBTAINED
9 UNDER THIS SECTION COMMITS A MISDEMEANOR OF THE SECOND DEGREE. A
10 PERSON CONVICTED OF SELLING OR OFFERING TO SELL ANY MALT OR
11 BREWED BEVERAGE IN VIOLATION OF THIS SECTION SHALL, IN ADDITION
12 TO ANY OTHER PENALTY PRESCRIBED BY LAW, BE SENTENCED TO PAY A
13 FINE OF FOUR DOLLARS (\$4) PER FLUID OUNCE FOR EACH CONTAINER OF
14 MALT OR BREWED BEVERAGE FOUND ON THE PREMISES WHERE THE SALE WAS
15 MADE OR ATTEMPTED. THE AMOUNT OF FINE PER CONTAINER SHALL BE
16 BASED ON THE CAPACITY OF THE CONTAINER WHEN FULL, WHETHER OR NOT
17 THE CONTAINER IS FULL AT THE TIME OF SALE OR ATTEMPTED SALE.
18 EACH MALT OR BREWED BEVERAGE FOUND ON THE PREMISES SHALL BE
19 CONFISCATED.

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

23 (H) THE BOARD SHALL SUBMIT ANNUAL REPORTS TO THE
24 APPROPRIATIONS COMMITTEE AND THE LAW AND JUSTICE COMMITTEE OF
25 THE SENATE AND TO THE APPROPRIATIONS COMMITTEE AND THE LIQUOR
26 CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES SUMMARIZING
27 THE NUMBER OF DIRECT SHIPPER LICENSES ISSUED BY THE BOARD AND
28 THE QUANTITY OF MALT OR BREWED BEVERAGES SOLD UNDER THIS
29 SECTION.

30 (I) DELIVERY SHALL BE BY A LICENSED TRANSPORTER FOR HIRE OR

1 BY THE MANUFACTURER. THE LICENSED TRANSPORTER FOR HIRE SHALL:

2 (1) KEEP RECORDS AS REQUIRED UNDER SECTION 512 PERTAINING TO
3 THE DIRECT SHIPMENT OF MALT OR BREWED BEVERAGES; AND

4 (2) PERMIT THE BOARD AND THE ENFORCEMENT BUREAU, OR THEIR
5 DESIGNATED REPRESENTATIVES, TO INSPECT THE RECORDS UNDER SECTION
6 513.

7 (J) MALT OR BREWED BEVERAGES SOLD UNDER THIS SECTION SHALL
8 NOT BE SUBJECT TO:

9 (1) THE PROVISIONS OF SECTION 431 THAT REQUIRE A
10 MANUFACTURER TO GRANT DISTRIBUTION RIGHTS TO AN IMPORTING
11 DISTRIBUTOR FOR EACH BRAND OF MALT OR BREWED BEVERAGES THAT IT
12 SELLS; OR

13 (2) THE BRAND REGISTRATION REQUIREMENTS OF SECTION 445.

14 (K) MALT OR BREWED BEVERAGES SOLD AND DELIVERED UNDER THIS
15 SECTION SHALL NOT BE SUBJECT TO ANY EXISTING OR FUTURE
16 DISTRIBUTING RIGHTS AGREEMENT BETWEEN THE MANUFACTURER AND AN
17 IMPORTING DISTRIBUTOR OR DISTRIBUTOR.

18 (L) NOTHING UNDER THIS SECTION SHALL PRECLUDE A LICENSED
19 MANUFACTURER FROM SELLING AND DELIVERING MALT OR BREWED
20 BEVERAGES TO BOTH NON-LICENSED AND LICENSED PERSONS IF THE
21 SALES AND DELIVERY ARE OTHERWISE AUTHORIZED BY THIS ACT AND ARE
22 MADE IN CONFORMITY WITH THE AUTHORIZING PROVISIONS OF THIS ACT.

23 SECTION 11.2. SECTION 472(A) OF THE ACT, AMENDED JUNE 8,
24 2016 (P.L.273, NO.39), IS AMENDED TO READ:

25 SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY
26 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT
27 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN
28 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), NOT OFTENER
29 THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS
30 WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO HOTELS,

1 RESTAURANTS, RESORT FACILITIES AND CLUBS, NOT OFTENER THAN ONCE
2 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
3 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO PUBLIC VENUES, TO
4 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT
5 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN
6 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
7 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT
8 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE
9 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL
10 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE
11 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
12 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND
13 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO
14 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING
15 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO
16 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT
17 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE
18 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION
19 PERMITS TO QUALIFIED ORGANIZATIONS, NOT MORE THAN ONCE IN FOUR
20 YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE
21 ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF
22 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH
23 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, OR NOT MORE THAN
24 ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
25 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI RESORT
26 FACILITIES, UNDER THE PROVISIONS OF THIS ACT: PROVIDED, THAT AN
27 ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A STATE
28 LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES, OR
29 THAT PART OF A SPLIT MUNICIPALITY THAT SHALL HAVE VOTED AGAINST
30 THE GRANTING OF LIQUOR LICENSES; AND THAT AN ELECTION ON THE

1 QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING
2 DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE
3 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE
4 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S
5 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER
6 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE
7 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST
8 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY
9 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE
10 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE
11 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY
12 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE
13 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT ANY
14 ELECTION. SEPARATE PETITIONS MUST BE FILED FOR EACH QUESTION TO
15 BE VOTED ON. SAID PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT
16 TO THE PROVISIONS OF THE ELECTION LAWS WHICH RELATE TO THE
17 SIGNING, FILING AND ADJUDICATION OF NOMINATION PETITIONS,
18 INSOFAR AS SUCH PROVISIONS ARE APPLICABLE.

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

21 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE
22 SALE OF LIQUOR IN..... YES
23 OF.....? NO

24 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
25 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO
26 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
27 FOLLOWING FORM:

28 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT
29 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
30 OF.....? NO

1 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
2 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT
3 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
4 FOLLOWING FORM:

5 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI
6 RESORT FACILITIES FOR THE SALE OF LIQUOR IN THE YES
7OF? NO

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

12 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC
13 VENUES FOR THE SALE OF LIQUOR IN THE..... YES
14 OF.....? NO

15 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
16 LIQUOR LICENSES FOR USE AT PERFORMING ARTS FACILITIES IN THOSE
17 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF
18 ALCOHOL, IT SHALL BE IN THE FOLLOWING FORM:

19 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO
20 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN
21 THE..... YES
22 OF.....? NO

23 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
24 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED
25 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT
26 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN
27 THE FOLLOWING FORM:

28 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS YES
29 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR NO
30 UNIVERSITY IN THE.....

1 OF.....?
2 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
3 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE
4 IN THE FOLLOWING FORM:
5 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
6 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF
7 LIQUOR IN.....BY..... YES
8 OF.....? NO

9 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
10 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE
11 IN THE FOLLOWING FORM:
12 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
13 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF
14 LIQUOR IN.....BY..... YES
15 OF.....? NO

16 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
17 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE
18 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF
19 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:
20 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
21 CONTINUING CARE RETIREMENT COMMUNITIES
22 IN.....BY..... YES
23 OF.....? NO

24 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
25 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
26 IN THE FOLLOWING FORM:
27 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
28 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES
29 WHERE SOLD IN THE..... YES
30 OF.....? NO

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

4 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
5 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S
6 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN
7 THE..... YES
8 OF.....? NO

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

12 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO
13 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS
14 IN THE..... YES
15 OF.....? NO

16 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
17 RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL
18 VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

19 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER
20 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
21 ORGANIZATIONS IN THE..... YES
22 OF.....? NO

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

27 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
28 TO ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS
29 IN THE..... YES
30 OF.....? NO

1 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
2 OCCASION PERMITS ALLOWING THE SALE OF MALT OR BREWED BEVERAGES
3 ONLY BY QUALIFIED ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT
4 ALREADY ALLOW THE RETAIL SALE OF MALT OR BREWED BEVERAGES, IT
5 SHALL BE IN THE FOLLOWING FORM:

6 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
7 TO ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY
8 QUALIFIED ORGANIZATIONS IN THE..... YES
9 OF.....? NO

10 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
11 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
12 BE IN THE FOLLOWING FORM:

13 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND
14 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN
15 THE..... YES
16 OF.....? NO

17 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
18 LICENSES TO AN AIRPORT AUTHORITY IN THOSE MUNICIPALITIES THAT DO
19 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
20 FOLLOWING FORM:

21 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO AN
22 AIRPORT AUTHORITY FOR THE SALE OF LIQUOR IN
23 THE..... YES
24 OF.....? NO

25 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A
26 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
27 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,
28 RESTAURANTS, SKI RESORTS, RESORT FACILITIES AND CLUBS, OR LIQUOR
29 LICENSES SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO
30 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT

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

28 * * *

29 SECTION 12. (RESERVED).

30 SECTION 13. SECTION 493(6) OF THE ACT IS REENACTED AND

1 AMENDED TO READ:

2 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
3 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
4 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
5 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
6 OTHERWISE.

7 IT SHALL BE UNLAWFUL--

8 * * *

9 (6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS
10 AGENTS, SERVANTS OR EMPLOYES, TO FURNISH OR SERVE ANY MALT OR
11 BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING
12 APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED
13 SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER [AND IN LEGIBLE
14 LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS].

15 * * *

16 SECTION 14. SECTION 505.2 OF THE ACT, AMENDED DECEMBER 8,
17 2004 (P.L.1810, NO.239), JULY 16, 2007 (P.L.107, NO.34), JUNE
18 25, 2010 (P.L.217, NO.35), JUNE 28, 2011 (P.L.55, NO.11),
19 DECEMBER 22, 2011 (P.L.530, NO.113) AND JUNE 8, 2016 (P.L.273,
20 NO.39), IS AMENDED TO READ:

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

24 (1) PRODUCE ALCOHOLIC CIDERS, MEAD, WINES AND WINE COOLERS,
25 SUBJECT TO THE EXCEPTIONS PROVIDED UNDER THIS SECTION, ONLY FROM
26 AN AGRICULTURAL COMMODITY GROWN IN PENNSYLVANIA.

27 (2) SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
28 PRODUCED BY THE LIMITED WINERY OR PURCHASED IN BULK IN BOND FROM
29 ANOTHER PENNSYLVANIA LIMITED WINERY ON THE LICENSED PREMISES,
30 UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE,

1 TO THE BOARD, TO INDIVIDUALS AND TO BREWERY, IMPORTING
2 DISTRIBUTOR, DISTRIBUTOR, HOTEL, RESTAURANT, CLUB AND PUBLIC
3 SERVICE LIQUOR LICENSEES, AND TO PENNSYLVANIA WINERY LICENSEES:
4 PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY CALENDAR YEAR,
5 PURCHASE ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY OTHER LIMITED
6 WINERIES IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE
7 ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY THE PURCHASING LIMITED
8 WINERY IN THE PRECEDING CALENDAR YEAR. IN ADDITION, THE HOLDER
9 OF A LIMITED WINERY LICENSE MAY PURCHASE WINE IN BOTTLES FROM
10 ANOTHER PENNSYLVANIA LIMITED WINERY IF THESE WINES UNDERGO A
11 SECOND FERMENTATION PROCESS. SUCH WINE MAY BE SOLD IN BOTTLES
12 BEARING THE PURCHASING LIMITED WINERY'S LABEL OR THE PRODUCING
13 LIMITED WINERY'S LABEL. SUCH WINES, IF SOLD BY THE BOARD, MAY BE
14 SOLD BY THE PRODUCING LIMITED WINERY TO THE PURCHASING LIMITED
15 WINERY AT A PRICE LOWER THAN THE PRICE CHARGED BY THE BOARD.

16 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
17 TO THE CONTRARY, ONLY SHIP WINE IN ACCORDANCE WITH THE
18 PROVISIONS OF SECTION 488.

19 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED
20 WINERIES, SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
21 PRODUCED BY THE LIMITED WINERY ON NO MORE THAN FIVE (5) BOARD-
22 APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES, WITH NO
23 BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL BOARD-
24 APPROVED LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS AS
25 THE BOARD MAY ENFORCE, TO THE BOARD, TO INDIVIDUALS AND TO
26 BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR
27 LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY TO OPERATE AN
28 ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION WITH EACH
29 OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED MANAGER
30 FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND NEED NOT

1 DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S LICENSED
2 AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR SUCH AN
3 ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION SHALL
4 COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED WINERY. EACH
5 LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE
6 RECORDS. A LIMITED WINERY MAY BE CITED FOR A VIOLATION OF THE
7 RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO
8 ITS OWN RECORDS ONLY.

9 (4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL PERMIT
10 TO PARTICIPATE IN ALCOHOLIC CIDER, MEAD, WINE AND FOOD
11 EXPOSITIONS OFF THE LICENSED PREMISES. A SPECIAL PERMIT SHALL BE
12 ISSUED UPON PROPER APPLICATION AND PAYMENT OF A FEE OF THIRTY
13 DOLLARS (\$30) PER DAY FOR EACH DAY OF PERMITTED USE, NOT TO
14 EXCEED THIRTY (30) CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS
15 FOR ALL THE SPECIAL PERMITS MAY NOT EXCEED ONE HUNDRED (100)
16 DAYS IN ANY CALENDAR YEAR. A SPECIAL PERMIT SHALL ENTITLE THE
17 HOLDER TO ENGAGE IN THE SALE BY THE GLASS, BY THE BOTTLE OR IN
18 CASE LOTS OF ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY THE
19 PERMITTEE UNDER THE AUTHORITY OF A LIMITED WINERY LICENSE.
20 HOLDERS OF SPECIAL PERMITS MAY PROVIDE TASTING SAMPLES OF WINES
21 IN INDIVIDUAL PORTIONS NOT TO EXCEED ONE FLUID OUNCE. SAMPLES AT
22 ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS MAY BE SOLD OR
23 OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED HEREIN, LIMITED
24 WINERIES UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL
25 APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE
26 REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD.

27 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, MEAD, WINE
28 AND FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR
29 OUTDOORS WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY
30 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND

1 QUALITY OF PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS, MEAD AND
2 WINES IN CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS
3 AND SALES. ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS MAY
4 ALSO INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, MEAD, WINE
5 AND FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL
6 ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS
7 MARKETS.

8 (4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS
9 MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO
10 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME
11 AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC
12 CIDER, MEAD OR WINE PRODUCED UNDER THE AUTHORITY OF THE
13 UNDERLYING LIMITED WINERY LICENSE BY THE BOTTLE OR IN CASE LOTS.
14 SAMPLES NOT TO EXCEED ONE FLUID ONCE PER BRAND OF MEAD OR WINE
15 MAY BE OFFERED FREE OF CHARGE. A FARMERS MARKET PERMIT SHALL BE
16 ISSUED UPON PROPER APPLICATION AND PAYMENT OF AN ANNUAL FEE OF
17 TWO HUNDRED FIFTY DOLLARS (\$250). A PERMIT HOLDER MAY
18 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME.
19 SALES BY PERMIT HOLDERS SHALL TAKE PLACE DURING THE STANDARD
20 HOURS OF OPERATION OF THE FARMERS MARKET. WRITTEN NOTICE OF THE
21 DATE, TIMES AND LOCATION THE PERMIT IS TO BE USED SHALL BE
22 PROVIDED BY THE PERMIT HOLDER TO THE ENFORCEMENT BUREAU AT LEAST
23 TWO (2) WEEKS PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN THIS
24 SUBSECTION, LIMITED WINERIES UTILIZING FARMERS MARKET PERMITS
25 SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS
26 WELL AS BY ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

27 (5) DO EITHER OF THE FOLLOWING:

28 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
29 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
30 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE

1 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
2 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME
3 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
4 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
5 LICENSE.

6 (II) APPLY FOR AND HOLD A RESTAURANT LIQUOR LICENSE FOR USE
7 AT ONE OF THE ADDITIONAL BOARD-APPROVED LOCATIONS REFERENCED
8 UNDER CLAUSE (3), AS LONG AS SUCH LOCATION DOES NOT SERVE AS AN
9 ADDITIONAL BOARD-APPROVED LOCATION FOR ANY OTHER MANUFACTURER.

10 (6) (I) SECURE A PERMIT FROM THE BOARD TO ALLOW THE HOLDER
11 OF A LIMITED WINERY LICENSE TO USE UP TO TWENTY-FIVE PER CENTUM
12 PERMITTED FRUIT, NOT WINE, IN THE CURRENT YEAR'S PRODUCTION.
13 EACH PERMIT IS VALID ONLY FOR THE CALENDAR YEAR IN WHICH IT IS
14 ISSUED.

15 (II) THE FEE FOR A PERMIT TO IMPORT AND USE PERMITTED FRUIT
16 SHALL BE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.

17 (III) THE PURPOSE OF THIS SECTION IS TO INCREASE THE
18 PRODUCTIVITY OF LIMITED WINERIES WHILE AT THE SAME TIME
19 PROTECTING THE INTEGRITY AND UNIQUE CHARACTERISTICS OF WINE
20 PRODUCED FROM FRUIT PRIMARILY GROWN IN THIS COMMONWEALTH.
21 PREVAILING CLIMATIC CONDITIONS HAVE A SIGNIFICANT IMPACT ON THE
22 CHARACTER OF THE FRUIT. ACCORDINGLY, "PERMITTED FRUIT" SHALL
23 MEAN FRUIT GROWN OR JUICE DERIVED FROM FRUIT GROWN WITHIN THREE
24 HUNDRED FIFTY (350) MILES OF THE WINERY.

25 (IV) THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS
26 REQUIRING THE FILING OF PERIODIC REPORTS BY LIMITED WINERIES TO
27 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

28 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
29 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
30 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT

1 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE,
2 MEAD AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
3 BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY
4 SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED
5 WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY
6 A LICENSED DISTILLERY OR LIMITED DISTILLERY, WINE AND ALCOHOLIC
7 CIDER PRODUCED BY ANOTHER LIMITED WINERY AND MALT OR BREWED
8 BEVERAGES PRODUCED BY A LICENSED BREWERY. THE COMBINED SALES OF
9 WINE AND ALCOHOLIC CIDER PRODUCED BY ANOTHER LIMITED WINERY,
10 MALT OR BREWED BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY BASIS,
11 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED
12 WINERY'S OWN SALES OF WINE AND ALCOHOLIC CIDER FOR THE PRECEDING
13 CALENDAR YEAR: HOWEVER, IF A LIMITED WINERY DID NOT OPERATE FOR
14 AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS
15 COMBINED SALES OF WINE AND ALCOHOL PRODUCED BY ANOTHER LIMITED
16 WINERY, MALT OR BREWED BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY
17 BASIS, EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE
18 LIMITED WINERY'S OWN WINE AND ALCOHOLIC CIDER FOR THAT YEAR.

19 (6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR
20 PRODUCED BY THE LIMITED WINERY.

21 (6.3) SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS ONLY
22 BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN
23 O'CLOCK POSTMERIDIAN. A LIMITED WINERY ALSO MAY REQUEST APPROVAL
24 FROM THE BOARD TO EXTEND SALES HOURS IN INDIVIDUAL LOCATIONS AT
25 OTHER TIMES DURING THE YEAR OR BEYOND THE LIMITS SET FORTH IN
26 THIS CLAUSE. THE REQUEST SHALL BE MADE IN WRITING TO THE BOARD'S
27 OFFICE OF THE CHIEF COUNSEL AND SHALL DETAIL THE EXACT LOCATIONS
28 WHERE SALES HOURS ARE PROPOSED TO BE EXTENDED, THE PROPOSED
29 HOURS AND DATES OF EXTENDED OPERATION AND THE REASON FOR THE
30 PROPOSED EXTENDED HOURS.

1 (6.4) STORE ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
2 PRODUCED BY THE LIMITED WINERY AT NO MORE THAN TWO (2) BOARD-
3 APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES AND THOSE
4 PREMISES REFERENCED IN CLAUSE (3) PERTAINING TO THE FIVE (5)
5 BOARD-APPROVED LOCATIONS FOR THE SALE OF WINE, WITH NO BOTTLING
6 OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL LOCATIONS AND
7 UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE.
8 IF TWO (2) OR MORE BUSINESSES WILL OPERATE OUT OF THE SAME
9 STORAGE 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 (B) THE TOTAL PRODUCTION OF ALCOHOLIC CIDERS, MEAD, WINE AND
22 WINE COOLERS BY A LIMITED WINERY MAY NOT EXCEED TWO HUNDRED
23 THOUSAND (200,000) GALLONS PER YEAR.

24 (C) AS USED IN THIS SECTION:

25 "AGRICULTURAL COMMODITY" SHALL INCLUDE ANY OF THE FOLLOWING:
26 AGRICULTURAL, APICULTURAL, HORTICULTURAL, SILVICULTURAL AND
27 VITICULTURAL COMMODITIES.

28 "FARMERS MARKET" SHALL INCLUDE ANY BUILDING, STRUCTURE OR
29 OTHER PLACE:

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

1 PERSON, MUNICIPAL CORPORATION OR PUBLIC OR PRIVATE ORGANIZATION;

2 (2) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR AN
3 ASSOCIATION OF FARMERS, WHO ARE CERTIFIED BY THE DEPARTMENT OF
4 AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'
5 MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO
6 SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), FOR THE
7 PURPOSE OF SELLING AGRICULTURAL COMMODITIES PRODUCED IN THIS
8 COMMONWEALTH DIRECTLY TO CONSUMERS;

9 (3) WHICH IS PHYSICALLY LOCATED WITHIN THIS COMMONWEALTH;
10 AND

11 (4) WHICH IS NOT OPEN FOR BUSINESS MORE THAN TWELVE HOURS
12 EACH DAY.

13 SECTION 15. SECTION 505.4(B)(1) AND (C) OF THE ACT, AMENDED
14 JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED TO READ:

15 SECTION 505.4. DISTILLERIES.--* * *

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

1 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES TO A LICENSEE AT
2 A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
3 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
4 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL [WINES]
5 WINE AND ALCOHOLIC CIDER PRODUCED BY A LICENSED LIMITED WINERY
6 [OR], LIQUOR PRODUCED BY A LICENSED DISTILLERY OR LIMITED
7 DISTILLERY AND MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED
8 BREWERY FOR ON-PREMISES CONSUMPTION. THE COMBINED SALES OF WINE,
9 MALT OR BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED
10 DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS,
11 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED
12 DISTILLERY'S OWN SALES OF LIQUOR FOR THE PRECEDING CALENDAR
13 YEAR: HOWEVER, IF A LIMITED DISTILLERY DID NOT OPERATE FOR AN
14 ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS
15 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
16 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
17 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
18 PREMISES SALES OF THE LIMITED DISTILLERY'S OWN LIQUOR FOR THAT
19 YEAR.

20 * * *

21 (C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
22 SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED
23 PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO
24 THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND
25 ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF
26 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE
27 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A
28 LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT
29 CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS
30 AS THE BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY

1 NOT SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS
2 LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR
3 STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED
4 BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE
5 BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY ALSO
6 SELL [WINES] ITS LIQUOR, WINE AND ALCOHOLIC CIDER PRODUCED BY A
7 LICENSED LIMITED WINERY [OR], LIQUOR PRODUCED BY A LICENSED
8 DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES
9 PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES CONSUMPTION. THE
10 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
11 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
12 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
13 PREMISES SALES OF THE DISTILLERY'S OWN SALES OF LIQUOR FOR THE
14 PRECEDING CALENDAR YEAR: HOWEVER, IF A DISTILLERY DID NOT
15 OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR,
16 THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND
17 LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED
18 DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM
19 OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN LIQUOR FOR THAT
20 YEAR.

21 (2) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
22 SECTION 505 MAY PROVIDE TASTING SAMPLES OF LIQUOR THAT IN TOTAL
23 DO NOT EXCEED ONE AND ONE-HALF (1.5) FLUID OUNCES. SAMPLES MAY
24 BE SOLD OR PROVIDED FREE OF CHARGE BETWEEN THE HOURS OF NINE
25 O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN.

26 SECTION 16. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.