

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 327 Session of 2019

INTRODUCED BY WARREN, HILL-EVANS, KORTZ, CALTAGIRONE AND FREEMAN, FEBRUARY 1, 2019

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 1, 2019

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
 2 act relating to alcoholic liquors, alcohol and malt and
 3 brewed beverages; amending, revising, consolidating and
 4 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 licenses and regulations, liquor, alcohol and malt and brewed
 18 beverages, further providing for local option.

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

21 Section 1. Section 472(a) of the act of April 12, 1951
 22 (P.L.90, No.21), known as the Liquor Code, is amended to read:

23 Section 472. Local Option.--(a) In any municipality or any
 24 part of a municipality where such municipality is split so that
 25 each part thereof is separated by another municipality, an
 26 election may be held, subject to subsection (c), not oftener

1 than once in four years, to determine the will of the electors
2 with respect to the granting of liquor licenses to hotels,
3 restaurants, resort facilities and clubs, not oftener than once
4 in four years, to determine the will of the electors with
5 respect to the granting of liquor licenses to public venues, to
6 performing arts facilities, to continuing care retirement
7 communities, to hotels located on property owned by an
8 accredited college or university, to privately-owned private
9 golf courses or to privately-owned public golf courses, not
10 oftener than once in four years, to determine the will of the
11 electors with respect to the granting of licenses to retail
12 dispensers of malt and brewed beverages, not oftener than once
13 in four years, to determine the will of the electors with
14 respect to granting of licenses to wholesale distributors and
15 importing distributors, not more than once in two years, to
16 determine the will of the electors with respect to the granting
17 of club liquor licenses or club retail dispenser licenses to
18 incorporated units of national veterans' organizations, not
19 oftener than once in two years to determine the will of the
20 electors with respect to the granting of special occasion
21 permits to qualified organizations, not more than once in four
22 years, to determine the will of the electors with respect to the
23 establishment, operation and maintenance by the board of
24 Pennsylvania liquor stores, within the limits of such
25 municipality or part of a split municipality, or not more than
26 once in two years, to determine the will of the electors with
27 respect to the granting of liquor licenses to ski resort
28 facilities, under the provisions of this act: Provided, That an
29 election on the question of establishing and operating a State
30 liquor store shall be initiated only in those municipalities, or

1 that part of a split municipality that shall have voted against
2 the granting of liquor licenses; and that an election on the
3 question of granting wholesale distributor and importing
4 distributor licenses shall be initiated only in those
5 municipalities or parts of split municipalities that shall have
6 at a previous election voted against the granting of dispenser's
7 licenses. Whenever electors equal to at least twenty-five per
8 centum of the highest vote cast for any office in the
9 municipality or part of a split municipality at the last
10 preceding [general] election shall file a petition with the
11 county board of elections of the county for a referendum on the
12 question of granting any of said classes of licenses or the
13 establishment of Pennsylvania liquor stores, the said county
14 board of elections shall cause a question to be placed on the
15 ballots or on the voting machine board and submitted at any
16 election, except a special election. Separate petitions must be
17 filed for each question to be voted on. Said proceedings shall
18 be in the manner and subject to the provisions of the election
19 laws which relate to the signing, filing and adjudication of
20 nomination petitions, with respect to a question to be placed on
21 the ballot in a primary election, and nomination papers, with
22 respect to a question to be placed on the ballot in a municipal
23 or general election, in each case insofar as such provisions are
24 applicable.

25 When the question is in respect to the granting of liquor
26 licenses, it shall be in the following form:

27 Do you favor the granting of liquor licenses for the
28 sale of liquor in..... Yes
29 of.....? No

30 When the question is in respect to the granting of liquor

1 licenses to resort facilities in those municipalities that do
2 not already allow the retail sale of liquor, it shall be in the
3 following form:

4 Do you favor the granting of liquor licenses to resort
5 facilities for the sale of liquor in the..... Yes
6 of.....? No

7 When the question is in respect to the granting of liquor
8 licenses to ski resorts in those municipalities that do not
9 already allow the retail sale of liquor, it shall be in the
10 following form:

11 Do you favor the granting of liquor licenses to ski
12 resort facilities for the sale of liquor in the Yes
13of? No

14 When the question is in respect to the granting of restaurant
15 liquor licenses for use at public venues in those municipalities
16 that do not already allow the retail sale of liquor, it shall be
17 in the following form:

18 Do you favor the granting of liquor licenses to public
19 venues for the sale of liquor in the..... Yes
20 of.....? No

21 When the question is in respect to the granting of restaurant
22 liquor licenses for use at performing arts facilities in those
23 municipalities that do not already allow the retail sale of
24 alcohol, it shall be in the following form:

25 Do you favor the granting of liquor licenses to
26 performing arts facilities for the sale of liquor in
27 the..... Yes
28 of.....? No

29 When the question is in respect to the granting of liquor
30 licenses for hotels located on property owned by an accredited

1 college or university in those municipalities that do not
2 already allow the granting of liquor licenses, it shall be in
3 the following form:

4 Do you favor the granting of liquor licenses to hotels
5 on property owned by an accredited college or
6 university in the..... Yes
7 of.....? No

8 When the question is in respect to the granting of liquor
9 licenses, for privately-owned private golf courses, it shall be
10 in the following form:

11 Do you favor the granting of liquor licenses for
12 privately-owned private golf courses for the sale of
13 liquor in.....by..... Yes
14 of.....? No

15 When the question is in respect to the granting of liquor
16 licenses, for privately-owned public golf courses, it shall be
17 in the following form:

18 Do you favor the granting of liquor licenses for
19 privately-owned public golf courses for the sale of
20 liquor in.....by..... Yes
21 of.....? No

22 When the question is in respect to the granting of liquor
23 licenses to continuing care retirement communities in those
24 municipalities that have not already approved the granting of
25 liquor licenses, it shall be in the following form:

26 Do you favor the granting of liquor licenses for
27 continuing care retirement communities
28 in.....by..... Yes
29 of.....? No

30 When the question is in respect to the granting of licenses

1 to retail dispensers of malt and brewed beverages, it shall be
2 in the following form:

3 Do you favor the granting of malt and brewed beverage
4 retail dispenser licenses for consumption on premises
5 where sold in the..... Yes
6 of.....? No

7 When the question is in respect to the granting of licenses
8 to wholesale distributors of malt or brewed beverages and
9 importing distributors, it shall be in the following form:

10 Do you favor the granting of malt and brewed beverage
11 wholesale distributor's and importing distributor's
12 licenses not for consumption on premises where sold in
13 the..... Yes
14 of.....? No

15 When the question is in respect to the granting of club
16 liquor licenses to incorporated units of national veterans'
17 organizations, it shall be in the following form:

18 Do you favor the granting of club liquor licenses to
19 incorporated units of national veterans' organizations
20 in the..... Yes
21 of.....? No

22 When the question is in respect to the granting of club
23 retail dispenser licenses to incorporated units of national
24 veterans' organizations, it shall be in the following form:

25 Do you favor the granting of club retail dispenser
26 licenses to incorporated units of national veterans'
27 organizations in the..... Yes
28 of.....? No

29 When the question is in respect to the granting of special
30 occasion permits allowing the sale of liquor by qualified

1 organizations in municipalities that do not already allow the
2 retail sale of liquor, it shall be in the following form:

3 Do you favor the granting of special occasion permits
4 to allow the sale of liquor by qualified organizations
5 in the..... Yes
6 of.....? No

7 When the question is in respect to the granting of special
8 occasion permits allowing the sale of malt or brewed beverages
9 only by qualified organizations in municipalities that do not
10 already allow the retail sale of malt or brewed beverages, it
11 shall be in the following form:

12 Do you favor the granting of special occasion permits
13 to allow the sale of malt or brewed beverages only by
14 qualified organizations in the..... Yes
15 of.....? No

16 When the question is in respect to the establishment,
17 operation and maintenance of Pennsylvania liquor stores it shall
18 be in the following form:

19 Do you favor the establishment, operation and
20 maintenance of Pennsylvania liquor stores in
21 the..... Yes
22 of.....? No

23 When the question is in respect to the granting of liquor
24 licenses to an airport authority in those municipalities that do
25 not already allow the retail sale of liquor, it shall be in the
26 following form:

27 Do you favor the granting of liquor licenses to an
28 airport authority for the sale of liquor in
29 the..... Yes
30 of.....? No

1 In case of a tie vote, the status quo shall obtain. If a
2 majority of the voting electors on any such question vote "yes,"
3 then liquor licenses shall be granted by the board to hotels,
4 restaurants, ski resorts, resort facilities and clubs, or liquor
5 licenses shall be granted by the board to public venues, to
6 performing arts facilities, to continuing care retirement
7 communities, to hotels located on property owned by an
8 accredited college or university, to privately-owned private
9 golf courses or to privately-owned public golf courses, or malt
10 and brewed beverage retail dispenser licenses or wholesale
11 distributor's and importing distributor's license for the sale
12 of malt or brewed beverages shall be granted by the board, or
13 club liquor licenses or club retail dispenser licenses shall be
14 granted by the board to incorporated units of national veterans'
15 organizations, or special occasion permits may be issued to
16 qualified organizations, or the board may establish, operate and
17 maintain Pennsylvania liquor stores, as the case may be, in such
18 municipality or part of a split municipality, as provided by
19 this act; but if a majority of the electors voting on any such
20 question vote "no," then the board shall have no power to grant
21 or to renew upon their expiration any licenses of the class so
22 voted upon in such municipality or part of a split municipality;
23 or if the negative vote is on the question in respect to the
24 establishment, operation and maintenance of Pennsylvania liquor
25 stores, the board shall not open and operate a Pennsylvania
26 liquor store in such municipality or part of a split
27 municipality, nor continue to operate a then existing
28 Pennsylvania liquor store in the municipality or part of a split
29 municipality for more than two years thereafter or after the
30 expiration of the term of the lease on the premises occupied by

1 such store, whichever period is less, unless and until at a
2 later election a majority of the voting electors vote "yes" on
3 such question.

4 * * *

5 Section 2. This act shall take effect in 60 days.