

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 1/11/17)

2019D00183AJB:JMT

No. \_\_\_\_\_

**LEGISLATIVE REFERENCE BUREAU**

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations, liquor, alcohol and malt and brewed beverages, further providing for local option.

**INTRODUCED** \_\_\_\_\_ **20** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

See next page for additional co-sponsors.

**Prior Session** \_\_\_\_\_

<b>Referred to Committee on</b>	
<b>Date</b> _____	<b>20</b> _____
<b>Reported</b> _____	<b>20</b> _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
<b>By Hon.</b> _____	



## 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

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

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

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

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

1 When the question is in respect to the granting of liquor  
2 licenses to resort facilities in those municipalities that do  
3 not 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 resort  
6 facilities for the sale of liquor in the..... Yes  
7 of.....? No

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

12 Do you favor the granting of liquor licenses to ski  
13 resort facilities 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 public venues in those municipalities  
17 that do not already allow the retail sale of liquor, it shall be  
18 in the following form:

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

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

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

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

1 licenses for hotels located on property owned by an accredited  
2 college or university in those municipalities that do not  
3 already allow the granting of liquor licenses, it shall be in  
4 the following form:

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

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

12 Do you favor the granting of liquor licenses for  
13 privately-owned private 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, for privately-owned public golf courses, it shall be  
18 in the following form:

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

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

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

1 When the question is in respect to the granting of licenses  
2 to retail dispensers of malt and brewed beverages, it shall be  
3 in the following form:

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

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

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

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

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

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

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

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



1 occasion permits allowing the sale of liquor by qualified  
2 organizations in municipalities that do not already allow the  
3 retail sale of liquor, it shall be in the following form:

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

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

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

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

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

24 When the question is in respect to the granting of liquor  
25 licenses to an airport authority 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 an  
29 airport authority for the sale of liquor in  
30 the..... Yes

1 of.....? No

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

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

5 \* \* \*

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

