

**MUNICIPALITIES (53 PA.C.S.) - OPTION TO PROHIBIT THE LOCATION
OF AN ESTABLISHMENT LICENSE WITHIN A MUNICIPALITY**

Act of Jul. 2, 2019, P.L. 394, No. 63

Cl. 53

Session of 2019

No. 2019-63

SB 321

AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for the option to prohibit the location of an establishment license within a municipality.

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

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

**CHAPTER 5
PROHIBITION OPTIONS**

Sec.

501. Definitions.

502. Municipal option for gaming.

§ 501. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicant." As defined under 4 Pa.C.S. § 3102 (relating to definitions).

"Board." The Pennsylvania Gaming Control Board.

"County." A county of the third class which has a population, based on the most recent Federal decennial census, of at least 500,000.

"Establishment license." As defined under 4 Pa.C.S. § 3102.

"Establishment licensee." As defined under 4 Pa.C.S. § 3102.

"Municipality." A municipality within a county.

"Truck stop establishment." As defined under 4 Pa.C.S. § 3102.

§ 502. Municipal option for gaming.

(a) Prohibition.--Notwithstanding 4 Pa.C.S. § 3514 (relating to establishment licenses), the following shall apply:

(1) A municipality may, by delivering a resolution of the municipality's governing body to the board no later than 60 days after the effective date of this subsection, prohibit the location of an establishment licensee within the municipality as follows:

(i) Prior to the board approving an application and issuing an establishment license within the municipality.

(ii) After an establishment license has been issued within the municipality.

(2) An establishment licensee may not be located in a municipality which has exercised its option under this subsection.

(3) A prohibition under this subsection shall not be affected by a reclassification of counties as a result of a Federal decennial census or pursuant to an act of the General Assembly or by a change in the population of a county.

(b) Rescission of prohibition.--

(1) A municipality that prohibits the location of an establishment licensee under subsection (a) may rescind that prohibition at any time by delivering a new resolution of the municipality's governing body to the board.

(2) A municipality that rescinds its prior prohibition according to this subsection may not subsequently prohibit the location of an establishment licensee in the municipality.

(3) A municipality's ability to rescind under this subsection shall not be affected by a reclassification of counties as a result of a Federal decennial census or pursuant to an act of the General Assembly or by a change in the population of a county.

(c) Refund of fees.--If a truck stop establishment has been approved for an establishment license or submits an application and the fees for an establishment license as required under 4 Pa.C.S. § 4101 (relating to fees) and the municipality within which the truck stop establishment is located elects to prohibit establishment licensees under subsection (a), the board shall refund the fees to the applicant.

Section 2. This act shall take effect immediately.

APPROVED--The 2nd day of July, A.D. 2019.

TOM WOLF