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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1164 Session of  
1997

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INTRODUCED BY THOMPSON, WAGNER, EARLL, STOUT, SALVATORE,  
WOZNIAK, HART AND MURPHY, OCTOBER 20, 1997

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 9, 1998

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AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
2 reenacted, "An act relating to alcoholic liquors, alcohol and  
3 malt and brewed beverages; amending, revising, consolidating  
4 and changing the laws relating thereto; regulating and  
5 restricting the manufacture, purchase, sale, possession,  
6 consumption, importation, transportation, furnishing, holding  
7 in bond, holding in storage, traffic in and use of alcoholic  
8 liquors, alcohol and malt and brewed beverages and the  
9 persons engaged or employed therein; defining the powers and  
10 duties of the Pennsylvania Liquor Control Board; providing  
11 for the establishment and operation of State liquor stores,  
12 for the payment of certain license fees to the respective  
13 municipalities and townships, for the abatement of certain  
14 nuisances and, in certain cases, for search and seizure  
15 without warrant; prescribing penalties and forfeitures;  
16 providing for local option, and repealing existing laws,"  
17 ~~further providing for sales by liquor licensees, for~~ <—  
18 ~~secondary service areas of certain licensees,~~ PROVIDING FOR <—  
19 ALCOHOLIC CIDER; FURTHER PROVIDING for certain performing  
20 arts facilities, for wine auction permits, for malt and  
21 brewed beverages licenses, stadium or arena permits, for  
22 distributors and importing distributors restrictions, for  
23 interlocking business, for malt or brewed beverages  
24 manufactured outside this Commonwealth, for exceptions to  
25 limiting the number of retail licenses issued in each  
26 municipality, for incorporated units of National veterans  
27 organizations, for licenses not assignable, for application  
28 filing dates, for the filing of license renewal applications,  
29 for display of prices of alcoholic beverages, for licensee's  
30 outside advertisements, for special occasion permits and for  
31 licensees employed by others.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 406(a) of the act of April 12, 1951~~ <—  
3 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~  
4 ~~June 29, 1987 (P.L.32, No.14), is amended by adding a clause to~~  
5 ~~read:~~

6 ~~Section 406. Sales by Liquor Licensees; Restrictions. (a)~~  
7 ~~\* \* \*~~

8 ~~(8) Notwithstanding other provisions to the contrary, a~~  
9 ~~catering club licensee that is a volunteer fire company may sell~~  
10 ~~liquor or malt or brewed beverages to nonmembers who purchase~~  
11 ~~tickets in advance or at the door for a catered function.~~

12 ~~\* \* \*~~

13 ~~Section 2. Section 406.1 of the act, amended July 1, 1994~~  
14 ~~(P.L.402, No.61), is amended to read:~~

15 ~~Section 406.1. Secondary Service Area. [Upon application of~~  
16 ~~any restaurant, hotel, club, any stadium as described in section~~  
17 ~~408.9 or municipal golf course liquor licensee, and payment of~~  
18 ~~the appropriate fee,] Upon application and payment of the~~  
19 ~~appropriate fee by any golf course licensee prescribed in~~  
20 ~~section 461, any class of retail licensee operating at and in~~  
21 ~~conjunction with a golf course as defined in section 102 or ski~~  
22 ~~facility, or any stadium as prescribed in section 408.9, the~~  
23 ~~board may approve a secondary service area by extending the~~  
24 ~~licensed premises to include one additional permanent structure~~  
25 ~~with dimensions of at least one hundred seventy five square~~  
26 ~~feet, enclosed on at least three sides [and having adequate~~  
27 ~~seating]. Such secondary service area must be located on~~  
28 ~~property having a minimum area of one (1) acre, and must be on~~  
29 ~~land which is immediate, abutting, adjacent or contiguous to the~~  
30 ~~licensed premises [with no intervening public thoroughfare]. In~~

~~1 any stadium as described in section 408.9, only malt or brewed  
2 beverages may be served and there shall be no intervening public  
3 thoroughfare between the licensed premises and a secondary  
4 service area. There shall be no requirement that the secondary  
5 service area be physically connected to the original licensed  
6 premises. In addition, there shall be no requirement that the  
7 secondary service area be located in the same municipality as  
8 the original licensed premises, provided, however, that the  
9 board shall not approve a secondary service area in this case if  
10 that secondary service area is located in any municipality where  
11 the granting of liquor licenses has been prohibited as provided  
12 in this article. Notwithstanding 40 Pa. Code § 7.21(c)(3), the  
13 licensee shall be permitted to store, serve, sell or dispense  
14 food, liquor and malt or brewed beverages at the board approved  
15 secondary service area.~~

16 SECTION 1. THE DEFINITION OF "MALT OR BREWED BEVERAGES" IN <—  
17 SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN  
18 AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32,  
19 NO.14), IS AMENDED AND THE SECTION IS AMENDED BY ADDING A  
20 DEFINITION TO READ:

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

24 \* \* \*

25 "ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN  
26 CARBONATION IN AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETY-TWO  
27 ONE THOUSANDTHS OF A GRAM PER ONE HUNDRED MILLILITERS AND  
28 FLAVORS, PRODUCED THROUGH ALCOHOLIC FERMENTATION OF ONLY APPLES  
29 OR APPLE JUICE, CONSISTING OF AT LEAST ONE-HALF OF ONE PER  
30 CENTUM, BUT NOT GREATER THAN FIVE AND ONE-HALF PER CENTUM,

1 ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE AS ALCOHOLIC  
2 CIDER AND NOT AS A WINE, A WINE PRODUCT, OR AS A SUBSTITUTE FOR  
3 WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER SUITABLE CONTAINERS  
4 OF THE TYPE USED FOR THE SALE OF MALT OR BREWED BEVERAGES IN  
5 THIS COMMONWEALTH.

6 \* \* \*

7 "MALT OR BREWED BEVERAGES" [MEANS] SHALL MEAN ANY BEER, LAGER  
8 BEER, ALE, PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING  
9 ONE-HALF OF ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY  
10 WHATEVER NAME SUCH BEVERAGE MAY BE CALLED, AND SHALL MEAN  
11 ALCOHOLIC CIDER.

12 \* \* \*

13 Section ~~3~~ 2. Section 408.4(a), (c) and (e) of the act, <—  
14 amended April 29, 1994 (P.L.212, No.30), October 5, 1994  
15 (P.L.522, No.77), December 20, 1996 (P.L.1523, No.199) and  
16 February 18, 1998 (P.L.162, No.25), are amended and the section  
17 is amended by adding a subsection to read:

18 Section 408.4. Special Occasion Permits.--(a) Upon  
19 application of any hospital, church, synagogue, volunteer fire  
20 company, volunteer ambulance company, volunteer rescue squad,  
21 nonprofit agricultural association in existence for at least ten  
22 years, bona fide sportsmen's club in existence for at least ten  
23 years, nationally chartered veterans' organization and any  
24 affiliated lodge or subdivision of such organization, fraternal  
25 benefit society that is licensed to do business in this  
26 Commonwealth and any affiliated lodge or subdivision of such  
27 fraternal benefit society, or one auxiliary of any of the  
28 foregoing, and upon payment of the prescribed fee for special  
29 occasion permits under section 614-A of the act of April 9, 1929  
30 (P.L.177, No.175), known as "The Administrative Code of 1929,"

1 the board shall issue a special occasion permit good for a  
2 period of not more than six consecutive or nonconsecutive days  
3 during a calendar year. Special occasion permits may also be  
4 issued to a museum operated by a nonprofit corporation ~~in a~~ <—  
5 city of the third class or township of the first class or ~~a~~ <—  
6 nonprofit corporation engaged in the performing arts ~~in a city~~ <—  
7 of the third class or in an incorporated town~~, or an arts~~ <—  
8 council for a period of not more than six nonconsecutive or ten  
9 consecutive days at the prescribed fee for special occasion  
10 permits under section 614-A of "The Administrative Code of  
11 1929."

12 \* \* \*

13 (c) Such special occasion permit shall only be valid for the  
14 number of days stated in the permit. Only one permit may be  
15 issued to any permittee during the year. Provided, that a museum  
16 operated by a nonprofit corporation ~~in a city of the third~~ <—  
17 class or township of the first class and ~~a~~ <—  
18 nonprofit corporation engaged in the performing arts ~~in a city of the~~ <—  
19 third class~~, or an arts council~~ <— may be issued no more than six  
20 permits during the year, each permit being valid for only one  
21 day, or in the alternative, one permit valid for no more than a  
22 total of ten consecutive days per year~~, which may be issued~~ <—  
23 only during the month of August~~.~~ <—

24 \* \* \*

25 (e) The provisions of this section shall not be applicable  
26 to any of the following:

27 (1) A licensee now or hereafter possessing a caterer's  
28 license, [nor to any] other than a volunteer fire company,  
29 volunteer ambulance company or volunteer rescue squad, which  
30 owns its own facility and wishes to use its special occasion

1 permit at that facility.

2 (2) A professional fund raiser.

3 \* \* \*

4 (g) For the purposes of this section "arts council" means a  
5 tax-exempt organization which promotes the visual arts,  
6 performing arts, or both, and which receives funding under the  
7 Local Arts Services Program administered by the Pennsylvania  
8 Council on the Arts.

9 Section 4 3. Section 408.6(a) of the act, amended February ←  
10 18, 1998 (P.L.162, No.25), is amended to read:

11 Section 408.6. Performing Arts Facilities in Second Class A  
12 Cities, Third Class Cities, boroughs and Townships of the Second  
13 Class Located in Fourth Class Counties.--(a) The board is  
14 authorized to issue a restaurant liquor license to a nonprofit  
15 corporation or to a concessionaire selected by such nonprofit  
16 corporation in any city of the second class A, any city of the  
17 third class or any borough for the retail sale of liquor and  
18 malt or brewed beverages by the glass, open bottles or other  
19 container or in any mixture for consumption on any city-owned  
20 premises utilized as a nonprofit performing arts facility or any  
21 other premises utilized as a nonprofit performing arts facility  
22 where there is an available seating capacity within the premises  
23 of [six hundred fifty] five hundred or more: Provided, however,  
24 That no sale or consumption of such beverages shall take place  
25 on any portions of such premises other than service areas  
26 approved by the board.

27 \* \* \*

28 Section 5 4. Section 408.12(a) of the act added July 1, 1994 ←  
29 (P.L.402, No.61), is amended to read:

30 Section 408.12. Wine Auction Permits.--(a) Upon application

1 of any nonprofit public television station which is a member of  
2 the Pennsylvania Public Television Network, any orchestra  
3 located in a county of the first or second class which is  
4 operated by a nonprofit corporation [or], any museum located in  
5 a county of the first or second class which is operated by a  
6 nonprofit corporation or any nonprofit corporation located in  
7 any county of the third class which trains and places dogs for  
8 people who are physically handicapped and upon payment of a fee  
9 of thirty dollars (\$30) per day, the board shall issue a wine  
10 auction permit good for a period of not more than four  
11 consecutive or nonconsecutive days per calendar year.

12 \* \* \*

13 Section ~~6~~ 5. Section 431(a) and (b) of the act, amended May ←  
14 31, 1996 (P.L.312, No.49), are amended and the section is  
15 amended by adding subsections to read:

16 Section 431. Malt and Brewed Beverages Manufacturers',  
17 Distributors' and Importing Distributors' Licenses.--(a) The  
18 board shall issue to any person a resident of this Commonwealth  
19 of good repute who applies therefor, pays the license fee  
20 hereinafter prescribed, and files the bond hereinafter required,  
21 a manufacturer's license to produce and manufacture malt or  
22 brewed beverages, and to transport, sell and deliver malt or  
23 brewed beverages [at or from one or more places of manufacture  
24 or storage,] from the place of manufacture only in original  
25 containers, in quantities of not less than a case or original  
26 containers containing one hundred twenty-eight ounces or more  
27 which may be sold separately anywhere within the Commonwealth.  
28 [Licenses for places of storage shall be limited to those  
29 maintained by manufacturers on July eighteenth, one thousand  
30 nine hundred thirty-five, and the board shall issue no licenses

1 for places of storage in addition to those maintained on July  
2 eighteenth, one thousand nine hundred thirty-five.] The  
3 application for such license shall be in such form and contain  
4 such information as the board shall require. All such licenses  
5 shall be granted for a license period to be determined by the  
6 board. Every manufacturer shall keep at his or its principal  
7 place of business, within the Commonwealth daily permanent  
8 records which shall show, (1) the quantities of raw materials  
9 received and used in the manufacture of malt or brewed beverages  
10 and the quantities of malt or brewed beverages manufactured and  
11 stored, (2) the sales of malt or brewed beverages, (3) the  
12 quantities of malt or brewed beverages stored for hire or  
13 transported for hire by or for the licensee, and (4) the names  
14 and addresses of the purchasers or other recipients thereof.  
15 Every place licensed as a manufacturer shall be subject to  
16 inspection by members of the board or by persons duly authorized  
17 and designated by the board, at any and all times of the day or  
18 night, as they may deem necessary, for the detection of  
19 violations of this act or of the rules and regulations of the  
20 board, or for the purpose of ascertaining the correctness of the  
21 records required to be kept by licensees. The books and records  
22 of such licensees shall at all times be open to inspection by  
23 members of the board or by persons duly authorized and  
24 designated by the board. Members of the board and its duly  
25 authorized agents shall have the right, without hindrance, to  
26 enter any place which is subject to inspection hereunder or any  
27 place where such records are kept for the purpose of making such  
28 inspections and making transcripts thereof. Whenever any checks  
29 issued in payment of filing and/or license fees shall be  
30 returned to the board as dishonored, the board shall charge a



1 fee of five dollars (\$5.00) per hundred dollars or fractional  
2 part thereof, plus all protest fees, to the maker of such check  
3 submitted to the board. Failure to make full payment or pay the  
4 face amount of the check in full and all charges thereon as  
5 herein required within ten days after demand has been made by  
6 the board upon the maker of the check or upon notification to  
7 the board by the Department of Revenue or the Department of  
8 Labor and Industry of its objection, the license of such person  
9 shall immediately become invalid and shall remain invalid until  
10 payment and all charges are received by the board.

11 (a.1) Any out of State manufacturer whose products are sold  
12 and delivered within this Commonwealth and whose production  
13 exceeds 15,000 barrels per year shall be authorized to rent,  
14 lease or otherwise acquire space from an importing distributor  
15 or bailee for hire authorized by this act at no more than two  
16 locations per manufacturer for use of a segregated portion of a  
17 warehouse or other storage facility owned or operated by the  
18 importing distributor or bailee for hire at which the out of  
19 State manufacturer may store and sell malt or brewed beverages  
20 to any importing distributor to whom the out of State  
21 manufacturer has granted distribution rights pursuant to  
22 subsection (b) or to any purchaser outside this Commonwealth for  
23 delivery outside this Commonwealth; or to ship to its storage  
24 facility outside this Commonwealth. Such manufacturer may  
25 compensate the importing distributor or bailee for hire for any  
26 related storage or delivery services. The out of State  
27 manufacturer must file with the Liquor Control Board the rate of  
28 compensation to be paid. A separate written application must be  
29 filed to acquire storage licenses and the board may establish  
30 the information that must be provided on the application. The

1 initial filing must be made prior to any payments being made,  
2 and any subsequent changes in the rate of compensation must be  
3 filed within thirty days of any such change. Nothing in this act  
4 authorizing storage facilities for out of State manufacturers is  
5 intended to make any change in the manner malt or brewed  
6 beverages is distributed through the three-tier system.

7 (a.2) The board shall issue to a holder of a manufacturer's  
8 license whose production exceeds 15,000 barrels per year no more  
9 than two storage licenses per manufacturer to cover storage  
10 facilities separate from the location of the manufacturing  
11 facility. A manufacturer may use its storage facilities to  
12 receive, store, sell and distribute malt or brewed beverages in  
13 the same manner as it can at its place of manufacture. A  
14 separate written application must be filed to acquire storage  
15 licenses and the board is empowered to establish what  
16 information must be provided on that application. The filing and ←  
17 license fees shall be prescribed in section 614 A of the act of  
18 April 9, 1929 (P.L.177, No.175), known as "The Administrative  
19 Code of 1929." Nothing in this act authorizing off-site storage  
20 facilities for manufacturers is intended to make any change in  
21 the manner malt or brewed beverages is distributed through the  
22 three-tier system.

23 (b) The board shall issue to any reputable person who  
24 applies therefor, pays the license fee hereinafter prescribed,  
25 and files the bond hereinafter required, a distributor's or  
26 importing distributor's license for the place which such person  
27 desires to maintain for the sale of malt or brewed beverages,  
28 not for consumption on the premises where sold, and in  
29 quantities of not less than a case or original containers  
30 containing one hundred twenty-eight ounces or more which may be

1 sold separately as prepared for the market by the manufacturer  
2 at the place of manufacture. The board shall have the discretion  
3 to refuse a license to any person or to any corporation,  
4 partnership or association if such person, or any officer or  
5 director of such corporation, or any member or partner of such  
6 partnership or association shall have been convicted or found  
7 guilty of a felony within a period of five years immediately  
8 preceding the date of application for the said license: And  
9 provided further, That, in the case of any new license or the  
10 transfer of any license to a new location, the board may, in its  
11 discretion, grant or refuse such new license or transfer if such  
12 place proposed to be licensed is within three hundred feet of  
13 any church, hospital, charitable institution, school or public  
14 playground, or if such new license or transfer is applied for a  
15 place which is within two hundred feet of any other premises  
16 which is licensed by the board: And provided further, That the  
17 board shall refuse any application for a new license or the  
18 transfer of any license to a new location if, in the board's  
19 opinion, such new license or transfer would be detrimental to  
20 the welfare, health, peace and morals of the inhabitants of the  
21 neighborhood within a radius of five hundred feet of the place  
22 proposed to be licensed. The board shall refuse any application  
23 for a new license or the transfer of any license to a location  
24 where the sale of liquid fuels or oil is conducted. The board  
25 shall require notice to be posted on the property or premises  
26 upon which the licensee or proposed licensee will engage in  
27 sales of malt or brewed beverages. This notice shall be similar  
28 to the notice required of hotel, restaurant and club liquor  
29 licensees.

30 Except as hereinafter provided, such license shall authorize

1 the holder thereof to sell or deliver malt or brewed beverages  
2 in quantities above specified anywhere within the Commonwealth  
3 of Pennsylvania, which, in the case of distributors, have been  
4 purchased only from persons licensed under this act as  
5 manufacturers or importing distributors, and in the case of  
6 importing distributors, have been purchased from manufacturers  
7 or persons outside this Commonwealth engaged in the legal sale  
8 of malt or brewed beverages or from manufacturers or importing  
9 distributors licensed under this article. In the case of an  
10 importing distributor, the holder of such a license shall be  
11 authorized to store malt or brewed beverages owned by an out of  
12 State manufacturer at a segregated portion of a warehouse or  
13 other storage facility authorized by section 441(d) and operated  
14 by the importing distributor within its appointed territory, and  
15 deliver such beverages to another importing distributor who has  
16 been granted distribution rights by the out of State  
17 manufacturer as provided herein. The importing distributor shall  
18 be permitted to receive a fee from the out of State manufacturer  
19 for any related storage or delivery services. In the case of a  
20 bailee for hire hired by an out of State manufacturer, the  
21 holder of such a permit shall be authorized to receive or store  
22 malt or brewed beverages under the same conditions as permitted  
23 for a distributor or importing distributor under section 441(f),  
24 produced by that out of State manufacturer for sale by that  
25 manufacturer to importing distributors to whom that out of State  
26 manufacturer has given distribution rights pursuant to this  
27 subsection or to purchasers outside this Commonwealth for  
28 delivery outside this Commonwealth; or to ship to that out of  
29 State manufacturer's storage facilities outside this  
30 Commonwealth. The bailee for hire shall be permitted to receive

1 a fee from the out of State manufacturer for any related storage  
2 or delivery services. The bailee for hire shall, as required in  
3 Article V of this act, keep complete and accurate records of all  
4 transactions, inventory, receipts and shipments and make all  
5 records and the licensed areas available for inspection by the  
6 board and for the Pennsylvania State Police, Bureau of Liquor  
7 Control Enforcement during normal business hours.

8 Each out of State manufacturer of malt or brewed beverages  
9 whose products are sold and delivered in this Commonwealth shall  
10 give distributing rights for such products in designated  
11 geographical areas to specific importing distributors, and such  
12 importing distributor shall not sell or deliver malt or brewed  
13 beverages manufactured by the out of State manufacturer to any  
14 person issued a license under the provisions of this act whose  
15 licensed premises are not located within the geographical area  
16 for which he has been given distributing rights by such  
17 manufacturer. Should a licensee accept the delivery of such malt  
18 or brewed beverages in violation of this section, said licensee  
19 shall be subject to a suspension of his license for at least  
20 thirty days: Provided, That the importing distributor holding  
21 such distributing rights for such product shall not sell or  
22 deliver the same to another importing distributor without first  
23 having entered into a written agreement with the said secondary  
24 importing distributor setting forth the terms and conditions  
25 under which such products are to be resold within the territory  
26 granted to the primary importing distributor by the  
27 manufacturer.

28 When a Pennsylvania manufacturer of malt or brewed beverages  
29 licensed under this article names or constitutes a distributor  
30 or importing distributor as the primary or original supplier of

1 his product, he shall also designate the specific geographical  
2 area for which the said distributor or importing distributor is  
3 given distributing rights, and such distributor or importing  
4 distributor shall not sell or deliver the products of such  
5 manufacturer to any person issued a license under the provisions  
6 of this act whose licensed premises are not located within the  
7 geographical area for which distributing rights have been given  
8 to the distributor and importing distributor by the said  
9 manufacturer: Provided, That the importing distributor holding  
10 such distributing rights for such product shall not sell or  
11 deliver the same to another importing distributor without first  
12 having entered into a written agreement with the said secondary  
13 importing distributor setting forth the terms and conditions  
14 under which such products are to be resold within the territory  
15 granted to the primary importing distributor by the  
16 manufacturer. Nothing herein contained shall be construed to  
17 prevent any manufacturer from authorizing the importing  
18 distributor holding the distributing rights for a designated  
19 geographical area from selling the products of such manufacturer  
20 to another importing distributor also holding distributing  
21 rights from the same manufacturer for another geographical area,  
22 providing such authority be contained in writing and a copy  
23 thereof be given to each of the importing distributors so  
24 affected.

25 \* \* \*

26 Section 7 6. Section 433.1(a) and (b) of the act, amended ←  
27 April 29, 1994 (P.L.212, No.30) and February 18, 1998 (P.L.162,  
28 No.25), are amended to read:

29 Section 433.1. Stadium or Arena Permits.--(a) The board is  
30 hereby authorized to issue, in cities of the first, second and

1 third class, in counties of the third class, in school districts  
2 in counties of the third class and in townships of the second  
3 class in counties of the fifth class, special permits allowing  
4 the holders thereof to make retail sales of malt or brewed  
5 beverages in shatterproof containers at all events on premises  
6 principally utilized for competition of professional and amateur  
7 athletes and other types of entertainment having an available  
8 seating capacity of; (1) twelve thousand or more in cities of  
9 the first and second class; (2) four thousand or more and owned  
10 by the county or the city in cities of the third class; (3) four  
11 thousand two hundred or more and owned by counties of the third  
12 class; (4) two thousand five hundred or more in school districts  
13 in counties of the third class; and (5) five thousand or more in  
14 townships of the second class in counties of the fifth class:

15 Provided, however, That in cities of the second class this  
16 section shall be applicable only to premises owned, leased or  
17 operated by any authority created under the act of July 29, 1953  
18 (P.L.1034, No.270), known as the "Public Auditorium Authorities  
19 Law." Such sales may be made only to adults and only on days  
20 when the premises are so used and only during the period from  
21 one hour before the start of and ending one-half hour after the  
22 close of the event on the premises: Provided, however, That in  
23 school districts in counties of the third class sales may not be  
24 made [only] during [professional] high school and  
25 intercollegiate athletic competition.

26 Section & 7. Section 441(a) of the act, amended May 31, 1996 <—  
27 (P.L.312, No.49), is amended to read:

28 Section 441. Distributors' and Importing Distributors'  
29 Restrictions on Sales, Storage, Etc.--(a) No distributor or  
30 importing distributor shall purchase, receive or resell any malt

1 or brewed beverages except:

2 (1) in the original containers as prepared for the market by  
3 the manufacturer at the place of manufacture; [or]

4 (2) in the case of identical containers repackaged in the  
5 manner described by subsection (f)[.]; or

6 (3) as provided in section 431(b).

7 \* \* \*

8 Section ~~9~~ 8. Section 443(e) and (f) of the act are amended ←  
9 to read:

10 Section 443. Interlocking Business Prohibited.--\* \* \*

11 (e) Excepting as hereinafter provided, no manufacturer of  
12 malt or brewed beverages shall in any wise be interested, either  
13 directly or indirectly, in the ownership or leasehold of any  
14 property or any mortgage lien against the same, for which a  
15 distributor's or importing distributor's license is granted; nor  
16 shall any such manufacturer, either directly or indirectly, lend  
17 any moneys, credit, or their equivalent to, or guarantee the  
18 payment of any bond, mortgage, note or other obligation of, any  
19 distributor or importing distributor, in equipping, fitting out,  
20 or maintaining and conducting, either in whole or in part, an  
21 establishment or business where malt or brewed beverages are  
22 licensed for sale by a distributor or importing distributor,  
23 excepting only the usual credits allowed for the return of  
24 original containers in which malt or brewed beverages were  
25 originally packaged for the market by the manufacturer at the  
26 place of manufacture: Provided, however, That a holder of a  
27 manufacturer's license under section 431(a) who is eligible to  
28 operate a brewery pub under section 446(2) or a limited winery  
29 as provided for under section 505.2 may also hold and operate  
30 under a hotel liquor license, a restaurant liquor license or a



1 malt and brewed beverages retail license on the manufacturer's  
2 or limited winery's licensed premises. The hotel liquor license  
3 or restaurant liquor license or the malt and brewed beverages  
4 retail license shall be acquired by the manufacturer or limited  
5 winery subject to section 461 and shall satisfy all requirements  
6 for each respective license. Nothing in this section shall be  
7 construed to prohibit an out of State manufacturer from engaging  
8 in a transaction or making payments authorized by section  
9 431(a.1).

10 (f) No distributor, importing distributor or retail  
11 dispenser shall in anywise receive, either directly or  
12 indirectly, any credit, loan, moneys or the equivalent thereof  
13 from any other licensee, or from any officer, director or firm  
14 member of any other licensee, or from or through a subsidiary or  
15 affiliate of another licensee, or from any firm, association or  
16 corporation, except banking institutions, in which another  
17 licensee or any officer, director or firm member of another  
18 licensee has a substantial interest or exercises a control of  
19 its business policy, for equipping, fitting out, payment of  
20 license fee, maintaining and conducting, either in whole or in  
21 part, an establishment or business operated under a  
22 distributor's, importing distributor's or retail dispenser's  
23 license, excepting only the usual and customary credits allowed  
24 for the return of original containers in which malt or brewed  
25 beverages were packaged for the market by the manufacturer at  
26 the place of manufacture: Provided, however, That a holder of a  
27 manufacturer's license under section 431(a) who is eligible to  
28 operate a brewery pub under section 446(2) or a limited winery  
29 as provided for under section 505.2 may also hold and operate  
30 under a hotel liquor license, a restaurant liquor license or a

1 malt and brewed beverages retail license on the manufacturer's  
2 or limited winery's licensed premises. The hotel liquor license  
3 or restaurant liquor license or the malt and brewed beverages  
4 retail license shall be acquired by the manufacturer or limited  
5 winery subject to section 461 and shall satisfy all requirements  
6 for each respective license. Nothing in this section shall be  
7 construed to prohibit an importing distributor from receiving  
8 payment from an out of State manufacturer for engaging in a  
9 transaction or performing services authorized by section 431(b)  
10 or 444(a.1).

11 \* \* \*

12 Section ~~40~~ 9. Section 444(e) of the act is amended and the ←  
13 section is amended by adding a subsection to read:

14 Section 444. Malt or Brewed Beverages Manufactured Outside  
15 This Commonwealth.--\* \* \*

16 (a.1) Any out of State manufacturer of malt or brewed  
17 beverages may appoint an importing distributor or bailee for  
18 hire to perform the services prescribed in section 431(b) and  
19 provide a fee to an importing distributor or bailee for hire who  
20 performs such services.

21 \* \* \*

22 (e) Upon such hearing, whether or not an appearance was made  
23 by such outside manufacturer, if satisfied that any such  
24 violation has occurred, the board is specifically empowered and  
25 directed to issue an order imposing a fine upon such outside  
26 manufacturer of not less than five hundred dollars (\$500) or  
27 more than ten thousand dollars (\$10,000), or prohibiting the  
28 importation of malt or brewed beverages manufactured by such  
29 [outside] out of State manufacturer into this Commonwealth for a  
30 period not exceeding three years, or both. Such fine or

1 prohibition shall not go into effect until twenty days have  
2 elapsed from the date of notice of issuance of the board's  
3 order.

4 \* \* \*

5 Section ~~11~~ 10. Section 461(a) of the act, amended October 5, ←  
6 1994 (P.L.522, No.77), is amended to read:

7 Section 461. Limiting Number of Retail Licenses To Be Issued  
8 In Each Municipality.--(a) No licenses shall hereafter be  
9 granted by the board for the retail sale of malt or brewed  
10 beverages or the retail sale of liquor and malt or brewed  
11 beverages in excess of one of such licenses of any class for  
12 each three thousand inhabitants in any municipality, exclusive  
13 of licenses granted to airport restaurants, municipal golf  
14 courses, hotels, privately-owned public golf courses and units  
15 of nonprofit nationally chartered clubs, as defined in this  
16 section, whose applications are filed on or before December 31,  
17 [1994] 1998, and except those units falling under section 461.1,  
18 and clubs; but at least one such license may be granted in each  
19 municipality and in each part of a municipality where such  
20 municipality is split so that each part thereof is separated by  
21 another municipality, except in municipalities where the  
22 electors have voted against the granting of any retail licenses  
23 and except in that part of a split municipality where the  
24 electors have voted against the granting of any retail licenses.  
25 Nothing contained in this section shall be construed as denying  
26 the right to the board to renew or to transfer existing retail  
27 licenses of any class notwithstanding that the number of such  
28 licensed places in a municipality shall exceed the limitation  
29 hereinbefore prescribed; but where such number exceeds the  
30 limitation prescribed by this section, no new license, except

1 for hotels, municipal golf courses, airport restaurants,  
2 privately-owned public golf courses, privately-owned private  
3 golf course licensees and units of nonprofit nationally  
4 chartered clubs, as defined in this section, whose applications  
5 are filed on or before December 31, [1994] 1998, and except  
6 those units falling under section 461.1, shall be granted so  
7 long as said limitation is exceeded.

8 \* \* \*

9 Section ~~12~~ 11. Section 461.1 of the act, amended June 30, ←  
10 1992 (P.L.327, No.66), is amended to read:

11 Section 461.1. Incorporated Units of National Veterans'  
12 Organizations.--(a) The board shall have the authority to issue  
13 new licenses to incorporated units of national veterans'  
14 organizations, as defined herein, in municipalities where the  
15 number of licenses exceeds the limitation prescribed by section  
16 461.

17 (b) The term "national veterans' organization" shall mean  
18 any veterans' organization having a national charter.

19 The term "incorporated unit of a national veterans'  
20 organization" shall mean any incorporated post, branch, camp,  
21 detachment, lodge or other subordinate unit of a national  
22 veterans' organization having one hundred or more paid up  
23 members and organized for a period of at least one year prior to  
24 filing the application for a license. The term does not include  
25 auxiliaries, "sons of" or other similar organization.

26 The term "affiliated organization" shall mean home  
27 associations, home corporations, auxiliaries, "sons of" or  
28 similar organizations which are directly affiliated with an  
29 incorporated unit or a national veterans' organization. An  
30 affiliated organization must meet the definition of a club set

1 forth in section 102, except that:

2 (1) if incorporated, the affiliated organization need not  
3 have been in continuous existence for at least one year prior to  
4 its application; or

5 (2) if unincorporated, the affiliated organization need not  
6 have been in continuous existence for at least ten years prior  
7 to its application.

8 (c) When the charter of an incorporated unit of a national  
9 veterans' organization is suspended or revoked, the [retail]  
10 club license of the organization shall also be suspended or  
11 [revoked] rescinded. The [retail] club license of an  
12 incorporated unit of a national veterans' organization is not  
13 transferable to any other organization or person[.], except as  
14 provided in this section.

15 (d) An incorporated unit of a national veterans'  
16 organization may transfer its club license to its affiliated  
17 organization as long as, in addition to fulfilling all the  
18 requirements pertaining to the transfer of club licenses, the  
19 state department of the national veterans' organization provides  
20 the board with written approval for such a transfer. The license  
21 shall be suspended or rescinded upon the suspension or  
22 revocation of the charter of the affiliated incorporated unit of  
23 the national veterans' organization. The license shall also be  
24 rescinded upon request of the state department of the national  
25 veterans' organization or if the affiliated organization's  
26 affiliation with the incorporated unit of the national veterans'  
27 organization is severed.

28 (e) Only one club license may be issued to the incorporated  
29 unit of the national veterans' organization, and the board may  
30 not issue a license to an incorporated unit of a national

1 veterans' organization if any of the unit's affiliated  
2 organizations holds a club license.

3 (f) For purposes of this section, a municipality which  
4 permits the issuance of club liquor licenses to incorporated  
5 units of national veterans' organizations also permits the  
6 transfer of such licenses to an affiliated organization of the  
7 incorporated unit of the national veterans' organization.

8 (g) An incorporated unit of a national veterans' association  
9 or an affiliated organization which has its license suspended or  
10 rescinded or its request for transfer denied under this section  
11 may request a hearing before a hearing examiner under section  
12 464. The board may not consider the propriety of the state  
13 department of the national veterans' organization's decision to  
14 suspend the charter, revoke the charter or refuse to approve the  
15 transfer. The written request from the state department of the  
16 national veterans' organization, standing alone, is admissible  
17 evidence at the board hearing. An appeal of the board's decision  
18 may be taken under section 464, except that the appeal shall not  
19 act as a supersedeas of the board's decision.

20 Section ~~13~~ 12. Section 468(a) and (c) of the act, amended or ←  
21 added June 24, 1982 (P.L.624, No.176), are amended to read:

22 Section 468. Licenses Not Assignable; Transfers.--(a) (1)  
23 Licenses issued under this article may not be assigned. The  
24 board, upon payment of the transfer filing fee and the execution  
25 of a new bond, is hereby authorized to transfer any license  
26 issued by it under the provisions of this article from one  
27 person to another or from one place to another, or both, within  
28 the same municipality, and if the applicant is a unit of a  
29 nonprofit nationally chartered club, the board is hereby  
30 authorized to transfer such license to a place in any other

1 municipality within the same county if the sale of liquor or  
2 malt and brewed beverages are legal in such other municipality  
3 as the board may determine. Prior to the approval of an  
4 application for transfer by a unit of a nonprofit nationally  
5 chartered club the board shall make an affirmative finding, upon  
6 proof submitted by the applicant, and after investigation by the  
7 board, that at the time the application for transfer is made the  
8 club continues to hold a valid national charter and continues to  
9 function in fact as a club as defined in section 102. The board,  
10 in its discretion, may transfer an existing restaurant retail  
11 dispenser or club license from one municipality to another in  
12 the same county regardless of the quota limitations provided for  
13 in this act, if sales of liquor or malt and brewed beverages are  
14 legal in such other municipality and if the restaurant retail  
15 dispenser or club lost the use of the building in which it was  
16 located due to governmental exercise of the right of eminent  
17 domain and no other suitable building can be found in the first  
18 municipality.

19 (2) (i) The board, in its discretion, may transfer an  
20 existing restaurant liquor license from one municipality to  
21 another municipality of the same county or in a contiguous  
22 county regardless of the quota limitations provided for in this  
23 act, if:

24 (A) sales of liquor or malt and brewed beverages are legal  
25 in such other municipality;

26 (B) the location in the same county or a contiguous county  
27 is an indoor bowling center; and

28 (C) the restaurant liquor license is currently located in an  
29 area which has been designated as blighted.

30 (ii) For purposes of this subsection, a property shall be

1 determined to be blighted if it is any of the following:

2 (A) real property within or outside a certified  
3 redevelopment area determined to be blighted property under the  
4 act of May 24, 1945 (P.L.991, No.385), known as the "Urban  
5 Redevelopment Law";

6 (B) any property declared to be blighted, under the "Urban  
7 Redevelopment Law," by a Pennsylvania local government or its  
8 agency; or

9 (C) any property which is located within a redevelopment  
10 area, when one of the stated purposes of designation as a  
11 redevelopment area is to remove blight, designated by a local  
12 government or its agencies under the "Urban Redevelopment Law."

13 (iii) If a restaurant liquor license is transferred to an  
14 indoor bowling center located outside of the municipality in  
15 which the license was originally issued, that restaurant liquor  
16 license may not be transferred within five years of the date of  
17 initial transfer unless the subsequent transfer is for use in an  
18 indoor bowling center. In the case of distributor and importing  
19 distributor licenses, the board may transfer any such license  
20 from its place in a municipality to a place in any other  
21 municipality within the same county, or from one place to  
22 another place within the same municipality, or exchange a  
23 distributor license for an importing distributor license or an  
24 importing distributor license for a distributor license, if the  
25 building for which the license is to be issued has, in the case  
26 of an importing distributor license, an area under one roof of  
27 two thousand five hundred square feet and, in the case of a  
28 distributor license, an area under one roof of one thousand  
29 square feet: And provided, That, in the case of all transfers of  
30 distributor or importing distributor licenses, whether from a



1 place within the same municipality to another place within the  
2 same municipality or from a place in a municipality to a place  
3 in any other municipality within the same county, and, in the  
4 case of an exchange of a distributor license for an importing  
5 distributor license or an importing distributor license for a  
6 distributor license, the premises to be affected by the transfer  
7 or exchange shall contain an office separate and apart from the  
8 remainder of the premises to be licensed for the purpose of  
9 keeping records, required by the board, adequate toilet  
10 facilities for employes of the licensee and an entrance on a  
11 public thoroughfare: Provided, however, That in the event that  
12 the majority of the voting electors of a municipality, at an  
13 election held under the provisions of any law so empowering them  
14 to do, shall vote against the issuance of distributor or  
15 importing distributor licenses in such municipality, the board  
16 is hereby authorized to transfer any such distributor or  
17 importing distributor license from its place in such  
18 municipality to a place in any other municipality within the  
19 same county, upon application prior to the expiration of any  
20 such license and upon payment of the transfer filing fee and the  
21 execution of a new bond; but no transfer shall be made to a  
22 person who would not have been eligible to receive the license  
23 originally nor for the transaction of business at a place for  
24 which the license could not lawfully have been issued  
25 originally, nor, except as herein provided, to a place as to  
26 which a license has been revoked.

27 (3) No license shall be transferred to any place or property  
28 upon which is located as a business the sale of liquid fuels and  
29 oil. Except in cases of emergency such as death, serious  
30 illness, or circumstances beyond the control of the licensee, as

1 the board may determine such circumstances to justify its  
2 action, transfers of licenses may be made only at times fixed by  
3 the board. In the case of the death of a licensee, the board may  
4 transfer the license to the surviving spouse or personal  
5 representative or to a person designated by him. From any  
6 refusal to grant a transfer or upon the grant of any transfer,  
7 the party aggrieved shall have the right of appeal to the proper  
8 court in the manner hereinbefore provided.

9 \* \* \*

10 (c) (1) The term "nonprofit nationally chartered club" shall  
11 mean any club which does not contemplate pecuniary gain or  
12 profit, incidental or otherwise, having a national charter.

13 (2) The term "unit of a nonprofit nationally chartered club"  
14 shall mean any post, branch, lodge or other subordinate unit of  
15 a nonprofit nationally chartered club.

16 (3) The term "indoor bowling center" shall mean an enclosed  
17 facility of at least twelve thousand square feet with a minimum  
18 of eighteen bowling lanes and which has as its primary focus the  
19 offering of bowling as a recreational activity to the general  
20 public.

21 \* \* \*

22 Section ~~14~~ 13. Section 470(a) of the act, amended April 29, ←  
23 1994 (P.L.212, No.30), is amended to read:

24 Section 470. Renewal of Licenses; Temporary Provisions for  
25 Licensees in Armed Service.--(a) All applications for renewal  
26 of licenses under the provisions of this article shall be filed  
27 with a new bond, tax clearance from the Department of Revenue  
28 and the Department of Labor and Industry and requisite license  
29 and filing fees at least sixty days before the expiration date  
30 of same: Provided, however, That the board, in its discretion,

1 may accept nunc pro tunc a renewal application filed less than  
2 sixty days before the expiration date of the license with the  
3 required bond and fees, upon reasonable cause shown and the  
4 payment of an additional filing fee of one hundred dollars  
5 (\$100.00) for late filing: And provided further, That except  
6 where the failure to file a renewal application on or before the  
7 expiration date has created a license quota vacancy after said  
8 expiration date which has been filled by the issuance of a new  
9 license, after such expiration date, but before the board has  
10 received a renewal application nunc pro tunc within the time  
11 prescribed herein the board, in its discretion, may, after  
12 hearing, accept a renewal application filed within [ten months]  
13 two years after the expiration date of the license with the  
14 required bond and fees upon the payment of an additional filing  
15 fee of two hundred fifty dollars (\$250.00) for late filing.  
16 Where any such renewal application is filed less than sixty days  
17 before the expiration date, or subsequent to the expiration  
18 date, no license shall issue upon the filing of the renewal  
19 application until the matter is finally determined by the board  
20 and if an appeal is taken from the board's action the courts  
21 shall not order the issuance of the renewal license until final  
22 determination of the matter by the courts. A renewal application  
23 will not be considered filed unless accompanied by a new bond  
24 and the requisite filing and license fees and any additional  
25 filing fee required by this section. Unless the board shall have  
26 given ten days' previous notice to the applicant of objections  
27 to the renewal of his license, based upon violation by the  
28 licensee or his servants, agents or employes of any of the laws  
29 of the Commonwealth or regulations of the board relating to the  
30 manufacture, transportation, use, storage, importation,

1 possession or sale of liquors, alcohol or malt or brewed  
2 beverages, or the conduct of a licensed establishment, or unless  
3 the applicant has by his own act become a person of ill repute,  
4 or unless the premises do not meet the requirements of this act  
5 or the regulations of the board, the license of a licensee shall  
6 be renewed.

7 \* \* \*

8 Section ~~15~~ 14. Section 493(11) of the act is amended to ←  
9 read:

10 Section 493. Unlawful Acts Relative to Liquor, Malt and  
11 Brewed Beverages and Licensees.--The term "licensee," when used  
12 in this section, shall mean those persons licensed under the  
13 provisions of Article IV, unless the context clearly indicates  
14 otherwise.

15 It shall be unlawful--

16 \* \* \*

17 (11) Licensees Employed by Others. [For any hotel,  
18 restaurant or club liquor licensee, or any malt or brewed  
19 beverage licensee, or any servant, agent or employe of such  
20 licensee, to be at the same time employed, directly or  
21 indirectly, by any other person engaged in the manufacture,  
22 sale, transportation or storage of liquor, malt or brewed  
23 beverages or alcohol: Provided, That any person (except a  
24 licensee or the manager, officer or director of a licensee) who  
25 is employed by a retail licensee to prepare or serve food and  
26 beverages may be employed in the same capacity by another retail  
27 licensee during other hours or on other days.] For any hotel,  
28 restaurant or club liquor licensee, or any malt or brewed  
29 beverage licensee, or any officer, servant, agent or employe of  
30 such licensee, to be at the same time employed, directly or

1 indirectly, by any distributor, importing distributor,  
2 manufacturer, importer or vendor licensee or any out-of-State  
3 manufacturer. It shall also be unlawful for any distributor or  
4 importing distributor, or any officer, servant, agent or employe  
5 of such licensee to be at the same time employed, directly or  
6 indirectly, by any other distributor, importing distributor,  
7 manufacturer, importer, vendor, out-of-State manufacturer, hotel  
8 restaurant, malt or brewed beverage licensee, or club liquor  
9 licensee. It shall also be unlawful for any manufacturer,  
10 importer, or vendor licensee, or any out-of-State manufacturer  
11 or any officer, servant, agent or employe of such licensee, or  
12 manufacturer, to be at the same time employed, directly or  
13 indirectly, by any hotel, restaurant or club liquor licensee or  
14 any malt or brewed beverage licensee or any distributor or  
15 importing distributor licensee. Nothing in this subsection shall  
16 be construed to prohibit a manufacturer or limited winery  
17 licensee or any officer, servant, agent or employe of such  
18 licensee to be employed at the same time by a hotel, restaurant  
19 or retail dispenser licensee, if the hotel, restaurant or retail  
20 dispenser licensee is located at the manufacturer or limited  
21 winery premises pursuant to section 443. For the purposes of  
22 this subsection, an officer, servant, agent or employe of a  
23 licensee or manufacturer is an individual who has either an  
24 ownership interest in the licensee or manufacturer or who  
25 receives compensation for his or HER work on behalf of the ←  
26 licensee or manufacturer.

27 \* \* \*

28 Section ~~16~~ 15. Section 493(18) and (19) of the act are ←  
29 repealed.

30 Section 17. ~~The amendment of section 406.1 of the act~~ ←

1 ~~relating to secondary service areas shall only apply to~~  
2 ~~applications on file on or after the effective date of this~~  
3 ~~section.~~

4 ~~Section 18. This act shall take effect as follows:~~

5 ~~(1) The addition of section 406(a)(8) of the act and~~  
6 ~~this section shall take effect immediately.~~

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

9 SECTION 16. SECTION 505.2 OF THE ACT, AMENDED APRIL 29, 1994 <—  
10 (P.L.212, NO.30) AND MAY 31, 1996 (P.L.312, NO.49), IS AMENDED  
11 TO READ:

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

15 (1) PRODUCE ALCOHOLIC CIDERS, WINES AND WINE COOLERS ONLY  
16 FROM FRUITS GROWN IN PENNSYLVANIA IN AN AMOUNT NOT TO EXCEED TWO  
17 HUNDRED THOUSAND (200,000) GALLONS PER YEAR.

18 (2) SELL ALCOHOLIC CIDER, WINE AND WINE COOLERS PRODUCED BY  
19 THE LIMITED WINERY OR PURCHASED IN BULK IN BOND FROM ANOTHER  
20 PENNSYLVANIA LIMITED WINERY ON THE LICENSED PREMISES, UNDER SUCH  
21 CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE, TO THE  
22 BOARD, TO INDIVIDUALS AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC  
23 SERVICE LIQUOR LICENSEES, AND TO PENNSYLVANIA WINERY LICENSEES:  
24 PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY CALENDAR YEAR,  
25 PURCHASE ALCOHOLIC CIDER OR WINE PRODUCED BY OTHER LIMITED  
26 WINERIES IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE  
27 ALCOHOLIC CIDER OR WINE PRODUCED BY THE PURCHASING LIMITED  
28 WINERY IN THE PRECEDING CALENDAR YEAR.

29 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED  
30 WINERIES, SELL ALCOHOLIC CIDER, WINE AND WINE COOLERS PRODUCED

1 BY THE LIMITED WINERY ON NO MORE THAN FIVE (5) BOARD-APPROVED  
2 LOCATIONS OTHER THAN THE LICENSED PREMISES, WITH NO BOTTLING OR  
3 PRODUCTION REQUIREMENT AT THOSE ADDITIONAL BOARD-APPROVED  
4 LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD  
5 MAY ENFORCE, TO THE BOARD, TO INDIVIDUALS AND TO HOTEL,  
6 RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES.

7 (4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL [WINE]  
8 PERMIT TO PARTICIPATE IN ALCOHOLIC CIDER, WINE AND FOOD  
9 EXPOSITIONS OFF THE LICENSED PREMISES. A SPECIAL [WINE] PERMIT  
10 SHALL BE ISSUED UPON PROPER APPLICATION AND PAYMENT OF A FEE OF  
11 THIRTY DOLLARS (\$30) PER DAY FOR EACH DAY OF PERMITTED USE, NOT  
12 TO EXCEED FIVE (5) CONSECUTIVE DAYS. A LIMITED WINERY MAY NOT  
13 OBTAIN MORE THAN FIVE (5) SPECIAL [WINE] PERMITS IN ANY CALENDAR  
14 YEAR. THE TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL PERMITS MAY  
15 NOT EXCEED TEN (10) DAYS IN ANY CALENDAR YEAR. A SPECIAL [WINE]  
16 PERMIT SHALL ENTITLE THE HOLDER TO ENGAGE IN THE SALE OF  
17 ALCOHOLIC CIDER OR WINE PRODUCED BY THE BOTTLE OR IN CASE LOTS  
18 BY THE PERMITTEE UNDER THE AUTHORITY OF A LIMITED WINERY  
19 LICENSE. HOLDERS OF SPECIAL [WINE] PERMITS MAY PROVIDE TASTING  
20 SAMPLES OF WINES IN INDIVIDUAL PORTIONS NOT TO EXCEED ONE (1)  
21 FLUID OUNCE. SAMPLES AT ALCOHOLIC CIDER, WINE AND FOOD  
22 EXPOSITIONS MAY BE SOLD OR OFFERED FREE OF CHARGE. EXCEPT AS  
23 PROVIDED HEREIN, LIMITED WINERIES UTILIZING SPECIAL [WINE]  
24 PERMITS SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS  
25 ACT AS WELL AS BY ALL APPLICABLE REGULATIONS OR CONDITIONS  
26 ADOPTED BY THE BOARD.

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

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

7 (5) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT  
8 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO  
9 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE  
10 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED  
11 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME  
12 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,  
13 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL  
14 LICENSE.

15 SECTION 17. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

16 ARTICLE X.

17 MISCELLANEOUS PROVISIONS.

18 SECTION 1001. CONSTRUCTION AND APPLICABILITY.--(A) EXCEPT  
19 AS PROVIDED IN SUBSECTION (B), UNLESS THE CONTEXT CLEARLY  
20 INDICATES OTHERWISE, A REFERENCE TO "MALT OR BREWED BEVERAGES"  
21 IN A STATUTE SHALL BE CONSTRUED TO INCLUDE ALCOHOLIC CIDER.

22 (B) REGARDLESS OF CONTEXT, A REFERENCE TO "MALT OR BREWED  
23 BEVERAGES" IN ARTICLE XX OF THE ACT OF MARCH 4, 1971 (P.L.6,  
24 NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971," SHALL BE  
25 CONSTRUED TO INCLUDE ALCOHOLIC CIDER.

26 (C) EXCEPT AS PROVIDED IN SUBSECTION (D), UNLESS THE CONTEXT  
27 CLEARLY INDICATES OTHERWISE, A REFERENCE TO "WINE" IN A STATUTE  
28 SHALL BE CONSTRUED TO EXCLUDE ALCOHOLIC CIDER.

29 (D) REGARDLESS OF CONTEXT, A REFERENCE TO "WINE" IN THE ACT  
30 OF DECEMBER 5, 1933 (SP.SESS., P.L.38, NO.6), KNOWN AS THE



1 "SPIRITUOUS AND VINOUS LIQUOR TAX LAW," SHALL BE CONSTRUED TO  
2 EXCLUDE ALCOHOLIC CIDER.

3 SECTION 18. THE FOLLOWING ACTS AND PARTS OF ACTS ARE  
4 REPEALED INSOFAR AS THEY ARE INCONSISTENT WITH THE AMENDMENT OR  
5 ADDITION OF SECTIONS 102 AND 505.2 AND ARTICLE X OF THE ACT:

6 ACT OF DECEMBER 5, 1933 (SP.SESS., P.L.38, NO.6), KNOWN AS  
7 THE SPIRITUOUS AND VINOUS LIQUOR TAX LAW.

8 ARTICLE XX OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN  
9 AS THE TAX REFORM CODE OF 1971.

10 SECTION 19. PENNSYLVANIA LIQUOR STORES MAY CONTINUE TO SELL  
11 ALCOHOLIC CIDER WITHIN ITS INVENTORY AFTER THE EFFECTIVE DATE OF  
12 THIS SECTION, UNTIL THE ALCOHOLIC CIDER WITHIN ITS CURRENT  
13 INVENTORY IS DEPLETED. THE PENNSYLVANIA LIQUOR CONTROL BOARD  
14 SHALL NOT PURCHASE ADDITIONAL ALCOHOLIC CIDER AFTER THE  
15 EFFECTIVE DATE OF THIS SECTION.

16 SECTION 20. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

17 (1) THE AMENDMENT OR ADDITION OF SECTIONS 102, 505.2 AND  
18 ARTICLE X OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.

19 (2) SECTIONS 17 AND 18 OF THIS ACT AND THIS SECTION  
20 SHALL TAKE EFFECT IMMEDIATELY.

21 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
22 DAYS.