

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 782 Session of  
2003

---

INTRODUCED BY RAYMOND, DONATUCCI, ALLEN, BARRAR, CASORIO,  
DERMODY, FABRIZIO, GEIST, HARRIS, HENNESSEY, HERMAN, HORSEY,  
LEDERER, MCGEEHAN, R. MILLER, O'NEILL, PAYNE, RUBLEY,  
SCRIMENTI, SOLOBAY, THOMAS, TIGUE, WASHINGTON, TURZAI,  
YOUNGBLOOD, CIVERA, REICHLEY, JAMES, MELIO AND SAYLOR,  
MARCH 10, 2003

---

SENATOR CONTI, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
JUNE 23, 2003

---

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 definitions, for enforcement, FOR ←  
18 MARKETING, for sales by Pennsylvania Liquor Stores, for sales  
19 by liquor licensees and restrictions, for retail dispenser's  
20 restrictions on purchases and sales, for unlawful acts  
21 relative to liquor, alcohol and liquor licensees and for ←  
22 ~~permitting undesirable persons or minors to frequent~~  
23 ~~premises.~~, FOR RIGHTS OF MUNICIPALITIES PRESERVED AND FOR ←  
24 LIMITED WINERIES.

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

1       ~~Section 1. The definition of "eligible entity" in section~~ <—  
2 ~~102 of the act of April 12, 1951 (P.L.90, No.21), known as the~~  
3 ~~Liquor Code, reenacted and amended June 29, 1987 (P.L.32,~~  
4 ~~No.14), definition added December 9, 2002 (P.L.1653, No.212), is~~  
5 ~~amended and the section is amended by adding definitions to~~  
6 ~~read:~~

7       SECTION 1. THE DEFINITIONS OF "ELIGIBLE ENTITY" AND "PUBLIC <—  
8 VENUE" IN SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90,  
9 NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29,  
10 1987 (P.L.32, NO.14) AND AMENDED OR ADDED FEBRUARY 21, 2002  
11 (P.L.103, NO.10) AND DECEMBER 9, 2002 (P.L.1653, NO.212), ARE  
12 AMENDED TO READ:

13       Section 102. Definitions.--The following words or phrases,  
14 unless the context clearly indicates otherwise, shall have the  
15 meanings ascribed to them in this section:

16       \* \* \*

17       "Eligible entity" shall mean a city of the third class, a  
18 hospital, a church, a synagogue, a volunteer fire company, a  
19 volunteer ambulance company, a volunteer rescue squad, a unit of  
20 a nationally chartered club which has been issued a club liquor  
21 license, a club in a city of the third class which has been  
22 issued a club liquor license and which, as of December 31, 2002,  
23 has been in existence for at least 100 years, a library, a  
24 nationally accredited Pennsylvania nonprofit zoological  
25 institution licensed by the United States Department of  
26 Agriculture, a nonprofit agricultural association in existence  
27 for at least ten years, a bona fide sportsmen's club in  
28 existence for at least ten years, a nationally chartered  
29 veterans' organization and any affiliated lodge or subdivision  
30 of such organization, a fraternal benefit society that is

1 licensed to do business in this Commonwealth and any affiliated  
2 lodge or subdivision of such fraternal benefit society, a museum  
3 operated by a nonprofit corporation in a city of the third class  
4 or township of the first class, a nonprofit corporation engaged  
5 in the performing arts in a city of the third class or in an  
6 incorporated town, an arts council, a nonprofit corporation that  
7 operates an arts facility or museum in a city of the third class  
8 in the county of the fourth class, a nonprofit organization as  
9 defined under section 501(c)(3) of the Internal Revenue Code of  
10 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is  
11 to protect the architectural heritage of boroughs and which has  
12 been recognized as such by a municipal resolution, or a  
13 nonprofit organization as defined under section 501(c)(3) of the  
14 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
15 501(c)(3)) conducting a regatta in a city of the second class  
16 with the permit to be used on State park grounds or conducting a  
17 family-oriented celebration as part of Welcome America in a city  
18 of the first class on property leased from that city for more  
19 than fifty years.

20 \* \* \*

21 ~~"Proper supervision" shall mean a person twenty five years of~~ <—  
22 ~~age or older, who is directly responsible for the care and~~  
23 ~~conduct of a minor or minors while on the licensed premises, and~~  
24 ~~who keeps the minor or minors within his or her sight or~~  
25 ~~hearing. If the licensee, an employe of a licensee or anyone~~  
26 ~~else paid by the licensee is performing as proper supervisor~~  
27 ~~then that person may not perform any other employment related~~  
28 ~~duties; otherwise proper supervision shall consist of unpaid~~  
29 ~~volunteers.~~

30 \* \* \*

1 ~~"Social gathering" shall mean events marketed to or catering~~  
2 ~~to minors in whole or in part for which proper notice has been~~  
3 ~~provided to the Bureau of Enforcement and at which time no~~  
4 ~~alcohol is served and all alcohol is removed or secured by lock~~  
5 ~~and key at the licensed premises.~~

6 "PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION ←  
7 CENTER, MUSEUM, AMPHITHEATER OR SIMILAR STRUCTURE. IF THE PUBLIC  
8 VENUE IS A CRUISE TERMINAL OWNED OR LEASED BY A PORT AUTHORITY  
9 CREATED UNDER THE ACT OF JUNE 12, 1931 (P.L.575, NO.200),  
10 ENTITLED "AN ACT PROVIDING FOR JOINT ACTION BY PENNSYLVANIA AND  
11 NEW JERSEY IN THE DEVELOPMENT OF THE PORTS ON THE LOWER DELAWARE  
12 RIVER, AND THE IMPROVEMENT OF THE FACILITIES FOR TRANSPORTATION  
13 ACROSS THE RIVER; AUTHORIZING THE GOVERNOR, FOR THESE PURPOSES,  
14 TO ENTER INTO AN AGREEMENT WITH NEW JERSEY; CREATING THE  
15 DELAWARE RIVER JOINT COMMISSION AND SPECIFYING THE POWERS AND  
16 DUTIES THEREOF, INCLUDING THE POWER TO FINANCE PROJECTS BY THE  
17 ISSUANCE OF REVENUE BONDS; TRANSFERRING TO THE NEW COMMISSION  
18 ALL THE POWERS OF THE DELAWARE RIVER BRIDGE JOINT COMMISSION;  
19 AND MAKING AN APPROPRIATION," IT SHALL HAVE NO PERMANENT SEATING  
20 REQUIREMENT. IF THE PUBLIC VENUE IS AN OPEN-AIR AMPHITHEATER  
21 OWNED BY A PORT AUTHORITY CREATED UNDER THE ACT OF DECEMBER 6,  
22 1972 (P.L.1392, NO.298), KNOWN AS THE "THIRD CLASS CITY PORT  
23 AUTHORITY ACT," IT SHALL HAVE NO PERMANENT SEATING REQUIREMENT.  
24 IF THE PUBLIC VENUE IS OWNED BY A POLITICAL SUBDIVISION, A  
25 MUNICIPAL AUTHORITY, THE COMMONWEALTH, AN AUTHORITY CREATED  
26 UNDER THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS THE  
27 "PUBLIC AUDITORIUM AUTHORITIES LAW," AN AUTHORITY CREATED UNDER  
28 ARTICLE XXV-A OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230),  
29 KNOWN AS THE "SECOND CLASS COUNTY CODE," AN ART MUSEUM  
30 ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF APRIL 6, 1791 (3

1 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER ON CERTAIN  
2 ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE POWERS AND  
3 IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN LAW," OR AN  
4 AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF THE ACT OF  
5 AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," IT  
6 SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE THOUSAND (1,000)  
7 PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT SEATING FOR AT LEAST  
8 THREE THOUSAND (3,000) PEOPLE. THE TERM SHALL ALSO MEAN ANY  
9 REGIONAL HISTORY CENTER, MULTIPURPOSE CULTURAL AND SCIENCE  
10 FACILITY OR MUSEUM, REGARDLESS OF OWNER AND SEATING CAPACITY,  
11 THAT HAS A FLOOR AREA OF AT LEAST SIXTY THOUSAND (60,000) SQUARE  
12 FEET IN ONE BUILDING. THE TERM SHALL ALSO MEAN A CONVENTION OR  
13 CONFERENCE CENTER OWNED BY A CITY OF THE THIRD CLASS, REGARDLESS  
14 OF SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT LEAST FIFTEEN  
15 THOUSAND (15,000) SQUARE FEET IN ONE BUILDING.

16 \* \* \*

17 ~~Section 2. Section 211 of the act is amended by adding a~~ <—  
18 ~~subsection to read:~~

19 ~~Section 211. Enforcement. \* \* \*~~

20 ~~(f) Each year, the Pennsylvania State Police shall include~~  
21 ~~with its application to the General Assembly for annual funding~~  
22 ~~for the enforcement bureau, the following:~~

23 ~~(1) A complete audit of all expenditures of the enforcement~~  
24 ~~bureau for the period of one year prior to the request for~~  
25 ~~funds.~~

26 ~~(2) A projected budget of expenses for the coming one year~~  
27 ~~period.~~

28 ~~(3) A review of the content of the enforcement bureau's~~  
29 ~~force of civilian officers, as it relates to its multiracial and~~  
30 ~~bilingual characteristics.~~

1        ~~Section 3. Section 305(a) and (h) of the act, amended~~  
2 ~~February 21, 2002 (P.L.103, No.10) and December 9, 2002~~  
3 ~~(P.L.1653, No.212), are amended to read:~~

4        ~~Section 305. Sales by Pennsylvania Liquor Stores. (a)~~  
5 ~~{Every Pennsylvania Liquor Store shall keep in stock for sale~~  
6 ~~such classes, varieties and brands of liquor and alcohol as the~~  
7 ~~board shall prescribe. Every Pennsylvania Liquor Store shall be~~  
8 ~~authorized to sell combination packages. If any person shall~~  
9 ~~desire to purchase any class, variety or brand of liquor or~~  
10 ~~alcohol which any such store does not have in stock, it shall be~~  
11 ~~the duty of such store immediately to order the same upon the~~  
12 ~~payment of a reasonable deposit by the purchaser in such~~  
13 ~~proportion of the approximate cost of the order as shall be~~  
14 ~~prescribed by the regulations of the board. No purchaser may be~~  
15 ~~required to purchase more than two bottles or containers of the~~  
16 ~~product, provided that such product is available through the~~  
17 ~~State store system.} The board shall in its discretion determine~~  
18 ~~where and what classes, varieties and brands of liquor and~~  
19 ~~alcohol it shall make available to the public and where such~~  
20 ~~liquor and alcohol will be sold. If a person desires to purchase~~  
21 ~~a class, variety or brand of liquor or alcohol not currently~~  
22 ~~available from the board, he or she may place a special order~~  
23 ~~for such item so long as the order is for two or more bottles.~~  
24 ~~The board may require a reasonable deposit from the purchaser as~~  
25 ~~a condition for accepting the order. The customer shall be~~  
26 ~~notified immediately upon the arrival of the goods.~~

27        ~~In computing the retail price of such special orders for~~  
28 ~~liquor or alcohol, the board shall not include the cost of~~  
29 ~~freight or shipping before applying the mark up and taxes but~~  
30 ~~shall add the freight or shipping charges to the price after the~~

1 ~~mark up and taxes have been applied.~~

2 ~~Unless the customer pays for and accepts delivery of any such~~  
3 ~~special order within ten days after notice of arrival, the store~~  
4 ~~may place it in stock for general sale and the customer's~~  
5 ~~deposit shall be forfeited.~~

6 \* \* \*

7 ~~(h) Every Pennsylvania Liquor Store shall sell gift~~  
8 ~~certificates which may be redeemed for liquor. In addition, the~~  
9 ~~board may sell corkscrews, wine accessories, trade publications~~  
10 ~~and wine sleeves at Pennsylvania Liquor Stores.~~

11 SECTION 2. SECTIONS 211 AND 215 OF THE ACT ARE AMENDED BY <—  
12 ADDING SUBSECTIONS TO READ:

13 SECTION 211. ENFORCEMENT.--\* \* \*

14 (F) IN ADDITION TO THE INFORMATION PROVIDED TO THE GENERAL  
15 ASSEMBLY UNDER SECTION 613 OF THE ACT OF APRIL 9, 1929 (P.L.177,  
16 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," THE  
17 PENNSYLVANIA STATE POLICE SHALL PROVIDE TO THE CHAIRMAN AND  
18 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE  
19 AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS  
20 COMMITTEE OF THE HOUSE OF REPRESENTATIVES ANY OTHER INFORMATION  
21 AS REQUESTED. THE PENNSYLVANIA STATE POLICE SHALL ALSO PROVIDE:

22 (1) A COPY OF THE MOST RECENTLY COMPLETED AUDIT OF  
23 EXPENDITURES OF THE ENFORCEMENT BUREAU; AND

24 (2) A REPORT DETAILING THE DEMOGRAPHIC CHARACTERISTICS OF  
25 THE BUREAU'S COMPLEMENT OF CIVILIAN OFFICERS. SUCH REPORT SHALL  
26 INCLUDE INFORMATION RELATING TO WORKPLACE DIVERSITY AS CONTAINED  
27 IN SECTION TWO OF THE GOVERNOR'S ANNUAL WORKFORCE REPORT  
28 RELATING TO EQUAL EMPLOYMENT.

29 SECTION 215. WINE MARKETING.--\* \* \*

30 (E) THE BOARD IS AUTHORIZED TO PARTICIPATE IN OR SPONSOR

1 WINE EVENTS FOR THE PURPOSE OF EDUCATING CONSUMERS AS TO THE  
2 WINES AVAILABLE IN THIS COMMONWEALTH. THE WINE TO BE USED FOR  
3 THE EVENT MAY BE ACQUIRED THROUGH THE STATE STORE SYSTEM OR MAY  
4 BE DONATED FROM OUTSIDE THIS COMMONWEALTH. PARTICIPATION IN THE  
5 TASTINGS MAY BE CONDITIONED ON THE PURCHASE OF A TICKET TO THE  
6 EVENT. THE EVENT MAY INCLUDE EVENTS OCCURRING ON THE PREMISES  
7 ALREADY LICENSED BY THE BOARD, AND THE BOARD MAY SELL WINE FOR  
8 OFF-PREMISES CONSUMPTION IN AN AREA DESIGNATED BY THE BOARD FOR  
9 SUCH SALE.

10 SECTION 3. SECTION 305(D) AND (H) OF THE ACT, AMENDED  
11 DECEMBER 9, 2002 (P.L.1653, NO.212) AND MAY 8, 2003 (P.L.1,  
12 NO.1), ARE AMENDED TO READ:

13 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--\* \* \*

14 (D) NO LIQUOR OR ALCOHOL PACKAGE SHALL BE OPENED ON THE  
15 PREMISES OF A PENNSYLVANIA LIQUOR STORE. NO MANAGER OR OTHER  
16 EMPLOYE OF THE BOARD EMPLOYED IN A PENNSYLVANIA LIQUOR STORE  
17 SHALL ALLOW ANY LIQUOR OR ALCOHOL TO BE CONSUMED ON THE STORE  
18 PREMISES, NOR SHALL ANY PERSON CONSUME ANY LIQUOR OR ALCOHOL ON  
19 SUCH PREMISES, EXCEPT LIQUOR AND ALCOHOL WHICH IS PART OF A  
20 TASTING CONDUCTED PURSUANT TO THE BOARD'S REGULATIONS. SUCH  
21 TASTINGS MAY ALSO BE CONDUCTED IN ANY BUILDING USED BY THE  
22 BOARD.

23 \* \* \*

24 (H) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL GIFT  
25 CERTIFICATES WHICH MAY BE REDEEMED FOR LIQUOR. IN ADDITION, THE  
26 BOARD MAY SELL CORKSCREWS, WINE AND LIQUOR ACCESSORIES, TRADE  
27 PUBLICATIONS AND WINE SLEEVES AT PENNSYLVANIA LIQUOR STORES.

28 Section 4. Section 406(a)(1) of the act, amended December 9,  
29 2002 (P.L.1653, No.212), is amended to read:

30 Section 406. Sales by Liquor Licensees; Restrictions.--(a)



1 (1) Every hotel, restaurant or club liquor licensee may sell  
2 liquor and malt or brewed beverages by the glass, open bottle or  
3 other container, and in any mixture, for consumption only in  
4 that part of the hotel or restaurant habitually used for the  
5 serving of food to guests or patrons, or in a bowling alley that  
6 is immediately adjacent to and under the same roof as a  
7 restaurant [when no minors are present, unless minors who are  
8 present are under proper supervision as defined in section 493,  
9 in the bowling alley], and in the case of hotels, to guests, and  
10 in the case of clubs, to members, in their private rooms in the  
11 hotel or club. No club licensee nor its officers, servants,  
12 agents or employes, other than one holding a catering license,  
13 shall sell any liquor or malt or brewed beverages to any person  
14 except a member of the club. The holder of a restaurant license  
15 located in a hotel may sell liquor or malt or brewed beverages  
16 for consumption in that part of the restaurant habitually used  
17 for the serving of meals to patrons and also to guests in  
18 private guest rooms in the hotel. For the purpose of this  
19 paragraph, any person who is an active member of another club  
20 which is chartered by the same state or national organization  
21 shall have the same rights and privileges as members of the  
22 particular club. For the purpose of this paragraph, any person  
23 who is an active member of any volunteer firefighting company,  
24 association or group of this Commonwealth, whether incorporated  
25 or unincorporated, shall upon the approval of any club composed  
26 of volunteer firemen licensed under this act, have the same  
27 social rights and privileges as members of such licensed club.  
28 For the purposes of this paragraph, the term "active member"  
29 shall not include a social member. Any club licensee which is  
30 either an incorporated unit of a national veterans' organization

1 or an affiliated organization as defined in section 461.1 shall  
2 be permitted to sell liquor or malt or brewed beverages to any  
3 active member of another unit which is chartered by the same  
4 national veterans' organization or to any member of a nationally  
5 chartered auxiliary associated with the same national veterans'  
6 organization.

7 \* \* \*

8 Section 5. Section 440 of the act, amended May 31, 1996  
9 (P.L.312, No.49), is amended to read:

10 Section 440. Sales by Manufacturers of Malt or Brewed  
11 Beverages; Minimum Quantities.--No manufacturer shall sell any  
12 malt or brewed beverages for consumption on the premises where  
13 sold, nor sell or deliver any such malt or brewed beverages in  
14 other than original containers approved as to capacity by the  
15 board, nor in quantities of less than a case or original  
16 containers containing [one hundred twenty-eight] sixty-four  
17 ounces or more which may be sold separately; nor shall any  
18 manufacturer maintain or operate within the Commonwealth any  
19 place or places other than the place or places covered by his or  
20 its license where malt or brewed beverages are sold or where  
21 orders are taken.

22 Section 6. Sections 442(b) and 491(6) of the act are amended  
23 to read:

24 Section 442. Retail Dispensers' Restrictions on Purchases  
25 and Sales.--\* \* \*

26 (b) No retail dispenser shall sell any malt or brewed  
27 beverages for consumption on the licensed premises except in a  
28 room or rooms or place on the licensed premises at all times  
29 accessible to the use and accommodation of the general public,  
30 but this section shall not be interpreted to prohibit a retail

1 dispenser from selling malt or brewed beverages in a hotel or  
2 club house in any room of such hotel or club house occupied by a  
3 bona fide registered guest or member entitled to purchase the  
4 same or to prohibit a retail dispenser from selling malt or  
5 brewed beverages in a bowling alley [when no minors are present,  
6 unless minors who are present are under proper supervision as  
7 defined in section 493,] where the licensed premises and bowling  
8 alley are immediately adjacent and under the same roof.

9 \* \* \*

10 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
11 Liquor Licensees.--

12 It shall be unlawful--

13 \* \* \*

14 (6) Sales by Restaurant and Hotel Liquor Licensees. For any  
15 restaurant or hotel licensee, his servants, agents or employes,  
16 to sell any liquor or malt or brewed beverages for consumption  
17 on the licensed premises except in a room or rooms or place on  
18 the licensed premises at all times accessible to the use and  
19 accommodation of the general public, but this section shall not  
20 be interpreted to prohibit a restaurant liquor licensee from  
21 providing private affairs the primary function of which is for  
22 catering only to weddings or special occasions arranged twenty-  
23 four hours in advance, nor to prohibit a hotel licensee, or a  
24 restaurant licensee when the restaurant is located in a hotel,  
25 from selling liquor or malt or brewed beverages in any room of  
26 such hotel occupied by a bona fide guest or to prohibit a  
27 restaurant licensee from selling liquor or malt or brewed  
28 beverages in a bowling alley [when no minors are present] where  
29 the restaurant and bowling alley are immediately adjacent and  
30 under the same roof.

1 \* \* \*

2 Section 7. ~~Section 493(14) of the act, amended December 9,~~ <—  
3 2002 (P.L.1653, No.212), is amended to read:

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

9 ~~It shall be unlawful—~~

10 \* \* \*

11 ~~(14) Permitting Undesirable Persons or Minors to Frequent~~  
12 ~~Premises. For any hotel, restaurant or club liquor licensee, or~~  
13 ~~any retail dispenser, his servants, agents or employes, to~~  
14 ~~permit persons of ill repute[, ] or prostitutes [or minors] to~~  
15 ~~frequent his licensed premises or any premises operated in~~  
16 ~~connection therewith, [, except minors accompanied by parents,~~  
17 ~~guardians, or under proper supervision or except minors who~~  
18 ~~frequent any restaurant or retail dispensing licensee whose~~  
19 ~~sales of food and non alcoholic beverages are equal to fifty per~~  
20 ~~centum or more of the combined gross sales of both food and~~  
21 ~~alcoholic beverages on the condition that alcoholic beverages~~  
22 ~~may not be served at the table or booth at which the said minor~~  
23 ~~is seated at the time (unless said minor is under proper~~  
24 ~~supervision as hereinafter defined) and on the further condition~~  
25 ~~that only table service of alcoholic beverages or take out~~  
26 ~~service of beer shall be permitted in the room wherein the minor~~  
27 ~~is located: Provided, however, That it shall not be unlawful for~~  
28 ~~any hotel, restaurant or club liquor licensee or any retail~~  
29 ~~dispenser to permit minors under proper supervision upon the~~  
30 ~~licensed premises or any premises operated in connection~~

1 ~~therewith for the purpose of a social gathering, even if such~~  
2 ~~gathering is exclusively for minors: And provided further, That~~  
3 ~~no liquor shall be sold, furnished or given to such minors nor~~  
4 ~~shall the licensee knowingly permit any liquor or malt or brewed~~  
5 ~~beverages to be sold, furnished or given to or be consumed by~~  
6 ~~any minor, and the area of such gathering shall be segregated~~  
7 ~~from the remainder of the licensed premises. In the event the~~  
8 ~~area of such gathering cannot be segregated from the remainder~~  
9 ~~of the licensed premises, all alcoholic beverages must be either~~  
10 ~~removed from the licensed premises or placed under lock and key~~  
11 ~~during the time the gathering is taking place. Written notice,~~  
12 ~~at least forty eight (48) hours in advance of such gathering,~~  
13 ~~shall be given to the enforcement bureau. Any licensee violating~~  
14 ~~the provisions of this clause shall be subject to the provisions~~  
15 ~~of section 471. Nothing in this clause shall be construed to~~  
16 ~~make it unlawful for minors to frequent public venues or~~  
17 ~~performing arts facilities.~~

18 ~~"Proper supervision," as used in this clause, means the~~  
19 ~~presence, on that portion of the licensed premises where a minor~~  
20 ~~or minors are present, of one person twenty five years of age or~~  
21 ~~older for every five minors or part thereof who is directly~~  
22 ~~responsible for the care and conduct of such minor or minors~~  
23 ~~while on the licensed premises and in such proximity that the~~  
24 ~~minor or minors are constantly within his sight or hearing. The~~  
25 ~~presence of the licensee or any employe or security officer of~~  
26 ~~the licensee shall not constitute proper supervision.] Minors~~  
27 ~~may only frequent licensed premises if; (a) they are~~  
28 ~~accompanied by a parent; (b) they are accompanied by a legal~~  
29 ~~guardian; (c) they are under proper supervision; (d) they are~~  
30 ~~attending a social gathering; or (e) the hotel, restaurant or~~

~~1 retail dispenser licensee has gross sales of food and  
2 nonalcoholic beverages equal to fifty per centum or more of its  
3 combined gross sale of both food and alcoholic beverages. If a  
4 minor is frequenting a hotel, restaurant or retail dispenser  
5 licensee under subsection (c), then the minor may not sit at the  
6 bar section of the premises, nor may any alcoholic beverages be  
7 served at the table or booth at which the said minor is seated,  
8 unless said minor is with a parent, legal guardian or under  
9 proper supervision. Further, if a hotel, restaurant, club liquor  
10 licensee or retail dispenser is hosting a social gathering under  
11 subsection (d) then written notice at least forty eight hours in  
12 advance of such gathering shall be given to the Bureau of  
13 Enforcement. If a minor is frequenting licensed premises with  
14 proper supervision under subsection (c), each supervisor can  
15 supervise up to twenty minors, except for premises located in  
16 cities of the first class, where each supervisor can supervise  
17 up to five minors. Notwithstanding any other provisions of this  
18 section, if the minors are on the premises as part of a school-  
19 endorsed function, then each supervisor can supervise fifty  
20 minors. Nothing in this clause shall be construed to make it  
21 unlawful for minors to frequent public venues or performing arts  
22 facilities.~~

23 SECTION 7. SECTION 493.1(B) OF THE ACT, AMENDED DECEMBER 9, <—  
24 2002 (P.L.1653, NO.212), IS AMENDED AND THE SECTION IS AMENDED  
25 BY ADDING A SUBSECTION TO READ:

26 SECTION 493.1. RIGHTS OF MUNICIPALITIES PRESERVED.--\* \* \*

27 (B) A MUNICIPALITY MAY FILE [AN APPLICATION] A PETITION WITH  
28 THE BOARD TO CONSIDER AN EXEMPTION FROM THE BOARD'S REGULATIONS  
29 REGARDING AMPLIFIED MUSIC BEING HEARD OFF THE LICENSED PREMISES  
30 FOR ALL THE LICENSEES WITHIN AN IDENTIFIABLE AREA IN THE

1 MUNICIPALITY [WITH A CONCENTRATED NUMBER OF LICENSEES]. PRIOR TO  
2 SUBMITTING [AN APPLICATION] A PETITION, THE MUNICIPALITY SHALL  
3 ADOPT A LOCAL NOISE ORDINANCE AND A RESOLUTION ADOPTED BY ITS  
4 GOVERNING BODY CONFIRMING SUPPORT OF THE [APPLICATION] PETITION,  
5 CITING THE NOISE ORDINANCE AND [THEIR] ITS INTENTION TO ENFORCE  
6 THE ORDINANCE IN PLACE OF THE BOARD'S REGULATIONS. UPON RECEIPT  
7 OF [AN APPLICATION] A PETITION, INCLUDING A COPY OF THE NOISE  
8 ORDINANCE, A MAP OF THE AREA TO BE EXEMPTED AND RESOLUTION, THE  
9 BOARD SHALL HOLD AT LEAST ONE (1) PUBLIC HEARING ON THE  
10 [APPLICATION] PETITION. THE HEARING MAY BE HELD BEFORE A HEARING  
11 EXAMINER. THE HEARING SHALL TAKE PLACE WITHIN THE IDENTIFIED  
12 AREA AND MUST COMPLY WITH [ALL] THE NOTICE, RECORDING AND PUBLIC  
13 PARTICIPATION REQUIREMENTS OF 65 PA.C.S. CH. 7 (RELATING TO OPEN  
14 MEETINGS). WITHIN SIXTY (60) DAYS AFTER RECEIPT OF THE  
15 [APPLICATION] PETITION, THE BOARD SHALL[, IN ITS DISCRETION,  
16 APPROVE OR DISAPPROVE THE APPLICATION] DISAPPROVE THE PETITION  
17 FOR AN EXEMPTION IN ITS ENTIRETY OR MAY APPROVE AN AREA MORE  
18 LIMITED FOR WHICH THE EXEMPTION WILL BE GRANTED[.] IF THE BOARD  
19 FINDS THAT GRANTING THE PETITION SHALL HAVE AN ADVERSE EFFECT ON  
20 THE WELFARE, HEALTH, PEACE AND MORALS OF THE RESIDENTS LIVING IN  
21 THE VICINITY OF THE IDENTIFIABLE OR PROPOSED AREA; OTHERWISE,  
22 THE BOARD SHALL APPROVE THE PETITION. THE BOARD MAY PLACE  
23 ADDITIONAL CONDITIONS ON ITS APPROVAL SUCH AS LIMITING THE  
24 DURATION OF THE APPROVAL AND ANY OTHER CONDITION THE BOARD DEEMS  
25 APPROPRIATE. THERE SHALL BE A RIGHT TO APPEAL TO THE COURT OF  
26 COMMON PLEAS IN THE SAME MANNER AS PROVIDED BY THIS ACT FOR  
27 APPEALS FROM REFUSALS TO GRANT LICENSES.

28 (C) A MUNICIPALITY MAY RESCIND ANY EXISTING EXEMPTION FROM  
29 THE BOARD'S REGULATIONS REGARDING AMPLIFIED MUSIC BY NOTIFYING  
30 THE BOARD OF ITS INTENT TO DO SO IN WRITING, FIFTEEN (15) DAYS

1 PRIOR TO THE RESCISSION DATE. SUCH NOTICE MUST BE ACCOMPANIED BY  
2 AN ORDINANCE OR RESOLUTION AUTHORIZING THE REQUEST. A RESCISSION  
3 OF AN EXISTING EXEMPTION WHICH DOES NOT RESCIND THE ENTIRE  
4 EXEMPTED AREA SHALL BE TREATED AS A NEW APPLICATION FOR  
5 EXEMPTION WITH THE BOARD AND SHALL FOLLOW THE PROCEDURES SET  
6 FORTH IN SUBSECTION (B).

7 SECTION 8. SECTION 505.2(4) OF THE ACT, AMENDED NOVEMBER 10,  
8 1999 (P.L.514, NO.47), IS AMENDED TO READ:

9 SECTION 505.2. LIMITED WINERIES.--IN THE INTEREST OF  
10 PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA,  
11 HOLDERS OF A LIMITED WINERY LICENSE MAY:

12 \* \* \*

13 (4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL PERMIT  
14 TO PARTICIPATE IN ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS OFF  
15 THE LICENSED PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON  
16 PROPER APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS (\$30)  
17 PER DAY FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED FIVE (5)  
18 CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL  
19 PERMITS MAY NOT EXCEED [TWENTY (20)] FORTY (40) DAYS IN ANY  
20 CALENDAR YEAR. A SPECIAL PERMIT SHALL ENTITLE THE HOLDER TO  
21 ENGAGE IN THE SALE OF ALCOHOLIC CIDER OR WINE PRODUCED BY THE  
22 BOTTLE OR IN CASE LOTS BY THE PERMITTEE UNDER THE AUTHORITY OF A  
23 LIMITED WINERY LICENSE. HOLDERS OF SPECIAL PERMITS MAY PROVIDE  
24 TASTING SAMPLES OF WINES IN INDIVIDUAL PORTIONS NOT TO EXCEED  
25 ONE FLUID OUNCE. SAMPLES AT ALCOHOLIC CIDER, WINE AND FOOD  
26 EXPOSITIONS MAY BE SOLD OR OFFERED FREE OF CHARGE. EXCEPT AS  
27 PROVIDED HEREIN, LIMITED WINERIES UTILIZING SPECIAL PERMITS  
28 SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS  
29 WELL AS BY ALL APPLICABLE REGULATIONS OR CONDITIONS ADOPTED BY  
30 THE BOARD.



1 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, WINE AND  
2 FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR  
3 OUTDOORS WITH THE PRIMARY INTENT OF EDUCATING THOSE IN  
4 ATTENDANCE OF THE AVAILABILITY, NATURE AND QUALITY OF  
5 PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS AND WINES IN CONJUNCTION  
6 WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND SALES. ALCOHOLIC  
7 CIDER, WINE AND FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES  
8 OTHER THAN ALCOHOLIC CIDER, WINE AND FOOD DISPLAYS, INCLUDING  
9 ARTS AND CRAFTS, MUSICAL ACTIVITIES, CULTURAL EXHIBITS,  
10 AGRICULTURAL EXHIBITS AND SIMILAR ACTIVITIES.

11 \* \* \*

12 Section § 9. This act shall take effect as follows: ←

13 (1) The addition of section 211(f) of the act shall take  
14 effect in 60 days.

15 (2) The remainder of this act shall take effect  
16 immediately.