
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 THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 30, 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 UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND <—
24 BREWED BEVERAGES AND LICENSEES, FOR RIGHTS OF MUNICIPALITIES <—
25 PRESERVED AND FOR LIMITED WINERIES.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

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

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

17 * * *

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

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

21 * * *

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

1 * * *

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

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

1 ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF APRIL 6, 1791 (3
2 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER ON CERTAIN
3 ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE POWERS AND
4 IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN LAW," OR AN
5 AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF THE ACT OF
6 AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," IT
7 SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE THOUSAND (1,000)
8 PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT SEATING FOR AT LEAST
9 THREE THOUSAND (3,000) PEOPLE. THE TERM SHALL ALSO MEAN ANY
10 REGIONAL HISTORY CENTER, MULTIPURPOSE CULTURAL AND SCIENCE
11 FACILITY OR MUSEUM, REGARDLESS OF OWNER AND SEATING CAPACITY,
12 THAT HAS A FLOOR AREA OF AT LEAST SIXTY THOUSAND (60,000) SQUARE
13 FEET IN ONE BUILDING. THE TERM SHALL ALSO MEAN A CONVENTION OR
14 CONFERENCE CENTER OWNED BY A CITY OF THE THIRD CLASS, REGARDLESS
15 OF SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT LEAST FIFTEEN
16 THOUSAND (15,000) SQUARE FEET IN ONE BUILDING.

17 * * *

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

20 ~~Section 211. Enforcement. * * *~~

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

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

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

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

1 ~~bilingual characteristics.~~

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

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

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

1 ~~shall add the freight or shipping charges to the price after the~~
2 ~~mark up and taxes have been applied.~~

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

7 * * *

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

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

14 SECTION 211. ENFORCEMENT.--* * *

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

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

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

30 SECTION 215. WINE MARKETING.--* * *

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

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

14 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

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

24 * * *

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

29 Section 4. Section 406(a)(1) of the act, amended December 9,
30 2002 (P.L.1653, No.212), is amended to read:

1 Section 406. Sales by Liquor Licensees; Restrictions.--(a)
2 (1) Every hotel, restaurant or club liquor licensee may sell
3 liquor and malt or brewed beverages by the glass, open bottle or
4 other container, and in any mixture, for consumption only in
5 that part of the hotel or restaurant habitually used for the
6 serving of food to guests or patrons, or in a bowling alley that
7 is immediately adjacent to and under the same roof as a
8 restaurant [when no minors are present, unless minors who are
9 present are under proper supervision as defined in section 493,
10 in the bowling alley], and in the case of hotels, to guests, and
11 in the case of clubs, to members, in their private rooms in the
12 hotel or club. No club licensee nor its officers, servants,
13 agents or employes, other than one holding a catering license,
14 shall sell any liquor or malt or brewed beverages to any person
15 except a member of the club. The holder of a restaurant license
16 located in a hotel may sell liquor or malt or brewed beverages
17 for consumption in that part of the restaurant habitually used
18 for the serving of meals to patrons and also to guests in
19 private guest rooms in the hotel. For the purpose of this
20 paragraph, any person who is an active member of another club
21 which is chartered by the same state or national organization
22 shall have the same rights and privileges as members of the
23 particular club. For the purpose of this paragraph, any person
24 who is an active member of any volunteer firefighting company,
25 association or group of this Commonwealth, whether incorporated
26 or unincorporated, shall upon the approval of any club composed
27 of volunteer firemen licensed under this act, have the same
28 social rights and privileges as members of such licensed club.
29 For the purposes of this paragraph, the term "active member"
30 shall not include a social member. Any club licensee which is

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

8 * * *

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

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

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

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

27 (b) No retail dispenser shall sell any malt or brewed
28 beverages for consumption on the licensed premises except in a
29 room or rooms or place on the licensed premises at all times
30 accessible to the use and accommodation of the general public,

1 but this section shall not be interpreted to prohibit a retail
2 dispenser from selling malt or brewed beverages in a hotel or
3 club house in any room of such hotel or club house occupied by a
4 bona fide registered guest or member entitled to purchase the
5 same or to prohibit a retail dispenser from selling malt or
6 brewed beverages in a bowling alley [when no minors are present,
7 unless minors who are present are under proper supervision as
8 defined in section 493,] where the licensed premises and bowling
9 alley are immediately adjacent and under the same roof.

10 * * *

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

13 It shall be unlawful--

14 * * *

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

1 under the same roof.

2 * * *

3 ~~Section 7. Section 493(14) of the act, amended December 9,~~ <—
4 ~~2002 (P.L.1653, No.212), is amended to read:~~

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

10 ~~It shall be unlawful—~~

11 ~~* * *~~

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

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

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

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

24 SECTION 7. SECTION 493 OF THE ACT IS AMENDED BY ADDING A <—
25 CLAUSE TO READ:

26 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
27 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
28 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
29 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
30 OTHERWISE.

1 IT SHALL BE UNLAWFUL--

2 * * *

3 (29) FURNISHING FREE LIQUOR OR MALT OR BREWED BEVERAGES. FOR
4 ANY LICENSEE THAT HAS OBTAINED A LICENSE TO CONDUCT THOROUGHBRED
5 OR HARNESS HORSE RACE MEETINGS RESPECTIVELY WITH PARI-MUTUEL
6 WAGERING FROM EITHER THE STATE HORSE RACING COMMISSION OR THE
7 STATE HARNESS RACING COMMISSION PURSUANT TO THE ACT OF DECEMBER
8 17, 1981 (P.L.435, NO.135), KNOWN AS THE "RACE HORSE INDUSTRY
9 REFORM ACT," AND THAT HAS OBTAINED A SLOT MACHINE LICENSE, OR
10 ANY EMPLOYE, SERVANT OR AGENT OF SUCH LICENSEE TO GIVE AWAY FREE
11 OF CHARGE ANY LIQUOR OR MALT OR BREWED BEVERAGE AS A CUSTOMARY
12 PRACTICE.

13 SECTION 7 8. SECTION 493.1(B) OF THE ACT, AMENDED DECEMBER <—
14 9, 2002 (P.L.1653, NO.212), IS AMENDED AND THE SECTION IS
15 AMENDED BY ADDING A SUBSECTION TO READ:

16 SECTION 493.1. RIGHTS OF MUNICIPALITIES PRESERVED.--* * *

17 (B) A MUNICIPALITY MAY FILE [AN APPLICATION] A PETITION WITH
18 THE BOARD TO CONSIDER AN EXEMPTION FROM THE BOARD'S REGULATIONS
19 REGARDING AMPLIFIED MUSIC BEING HEARD OFF THE LICENSED PREMISES
20 FOR ALL THE LICENSEES WITHIN AN IDENTIFIABLE AREA IN THE
21 MUNICIPALITY [WITH A CONCENTRATED NUMBER OF LICENSEES]. PRIOR TO
22 SUBMITTING [AN APPLICATION] A PETITION, THE MUNICIPALITY SHALL
23 ADOPT A LOCAL NOISE ORDINANCE AND A RESOLUTION ADOPTED BY ITS
24 GOVERNING BODY CONFIRMING SUPPORT OF THE [APPLICATION] PETITION,
25 CITING THE NOISE ORDINANCE AND [THEIR] ITS INTENTION TO ENFORCE
26 THE ORDINANCE IN PLACE OF THE BOARD'S REGULATIONS. UPON RECEIPT
27 OF [AN APPLICATION] A PETITION, INCLUDING A COPY OF THE NOISE
28 ORDINANCE, A MAP OF THE AREA TO BE EXEMPTED AND RESOLUTION, THE
29 BOARD SHALL HOLD AT LEAST ONE (1) PUBLIC HEARING ON THE
30 [APPLICATION] PETITION. THE HEARING MAY BE HELD BEFORE A HEARING

1 EXAMINER. THE HEARING SHALL TAKE PLACE WITHIN THE IDENTIFIED
2 AREA AND MUST COMPLY WITH [ALL] THE NOTICE, RECORDING AND PUBLIC
3 PARTICIPATION REQUIREMENTS OF 65 PA.C.S. CH. 7 (RELATING TO OPEN
4 MEETINGS). WITHIN SIXTY (60) DAYS AFTER RECEIPT OF THE
5 [APPLICATION] PETITION, THE BOARD SHALL[, IN ITS DISCRETION,
6 APPROVE OR DISAPPROVE THE APPLICATION] DISAPPROVE THE PETITION
7 FOR AN EXEMPTION IN ITS ENTIRETY OR MAY APPROVE AN AREA MORE
8 LIMITED FOR WHICH THE EXEMPTION WILL BE GRANTED[.] IF THE BOARD
9 FINDS THAT GRANTING THE PETITION SHALL HAVE AN ADVERSE EFFECT ON
10 THE WELFARE, HEALTH, PEACE AND MORALS OF THE RESIDENTS LIVING IN
11 THE VICINITY OF THE IDENTIFIABLE OR PROPOSED AREA; OTHERWISE,
12 THE BOARD SHALL APPROVE THE PETITION. THE BOARD MAY PLACE
13 ADDITIONAL CONDITIONS ON ITS APPROVAL SUCH AS LIMITING THE
14 DURATION OF THE APPROVAL AND ANY OTHER CONDITION THE BOARD DEEMS
15 APPROPRIATE. THERE SHALL BE A RIGHT TO APPEAL TO THE COURT OF
16 COMMON PLEAS IN THE SAME MANNER AS PROVIDED BY THIS ACT FOR
17 APPEALS FROM REFUSALS TO GRANT LICENSES.

18 (C) A MUNICIPALITY MAY RESCIND ANY EXISTING EXEMPTION FROM
19 THE BOARD'S REGULATIONS REGARDING AMPLIFIED MUSIC BY NOTIFYING
20 THE BOARD OF ITS INTENT TO DO SO IN WRITING, FIFTEEN (15) DAYS
21 PRIOR TO THE RESCISSION DATE. SUCH NOTICE MUST BE ACCOMPANIED BY
22 AN ORDINANCE OR RESOLUTION AUTHORIZING THE REQUEST. A RESCISSION
23 OF AN EXISTING EXEMPTION WHICH DOES NOT RESCIND THE ENTIRE
24 EXEMPTED AREA SHALL BE TREATED AS A NEW APPLICATION FOR
25 EXEMPTION WITH THE BOARD AND SHALL FOLLOW THE PROCEDURES SET
26 FORTH IN SUBSECTION (B).

27 SECTION & 9. SECTION 505.2(4) OF THE ACT, AMENDED NOVEMBER <—
28 10, 1999 (P.L.514, NO.47), IS AMENDED TO READ:

29 SECTION 505.2. LIMITED WINERIES.--IN THE INTEREST OF
30 PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA,

1 HOLDERS OF A LIMITED WINERY LICENSE MAY:

2 * * *

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

21 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, WINE AND
22 FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR
23 OUTDOORS WITH THE PRIMARY INTENT OF EDUCATING THOSE IN
24 ATTENDANCE OF THE AVAILABILITY, NATURE AND QUALITY OF
25 PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS AND WINES IN CONJUNCTION
26 WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND SALES. ALCOHOLIC
27 CIDER, WINE AND FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES
28 OTHER THAN ALCOHOLIC CIDER, WINE AND FOOD DISPLAYS, INCLUDING
29 ARTS AND CRAFTS, MUSICAL ACTIVITIES, CULTURAL EXHIBITS,
30 AGRICULTURAL EXHIBITS AND SIMILAR ACTIVITIES.

1 * * *

2 Section 9 10. This act shall take effect as follows: ←

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

5 (2) The remainder of this act shall take effect
6 immediately.