

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 115 Session of
2009

INTRODUCED BY WATERS, DONATUCCI, YOUNGBLOOD, KIRKLAND, PARKER,
BRENNAN, CALTAGIRONE, M. O'BRIEN, STABACK, PASHINSKI,
VULAKOVICH, KOTIK AND CRUZ, JANUARY 30, 2009

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 22, 2010

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 ~~providing for an exception to the interlocking business~~
18 ~~prohibition;~~ FURTHER PROVIDING FOR THE DEFINITION OF
19 "ELIGIBLE ENTITY" AND FOR LIMITING THE NUMBER OF RETAIL
20 LICENSES TO BE ISSUED IN EACH COUNTY; further exempting
21 certain hotels from certain requirements; ~~and further~~
22 ~~providing~~ FURTHER PROVIDING FOR REVOCATION AND SUSPENSION OF
23 LICENSES AND for responsible alcohol management; PROVIDING
24 FOR LICENSEES ENGAGED IN OR ALLOWING OTHER BUSINESS ON
25 LICENSED PREMISES; FURTHER PROVIDING FOR UNLAWFUL ACTS
26 RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES AND FOR LIMITED
27 WINERIES.



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

~~Section 1. Section 411(e) of the act of April 12, 1951 (P.L. 90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended to read:~~

~~Section 411. Interlocking Business Prohibited. * * *~~

~~(e) Except as herein provided, no hotel, restaurant, retail dispenser or club licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a distributor, importing distributor, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any hotel, restaurant, retail dispenser or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.~~

~~The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant liquor licenses and, as herein provided, of club licenses, issued under this article, and no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned~~

1 ~~and had a conflicting interest in such place for a period of at~~
2 ~~least five years prior to July eighteenth, one thousand nine~~
3 ~~hundred thirty five: Provided, however, That this clause shall~~
4 ~~not prohibit any hotel, restaurant or club liquor licensee from~~
5 ~~owning land which is leased to, and the buildings thereon owned~~
6 ~~by, a holder of a retail dispenser's license; and nothing in~~
7 ~~this clause shall prevent the issuance of a retail dispenser's~~
8 ~~license to a lessee of such lands who owns the buildings~~
9 ~~thereon: And, provided further, That nothing contained in this~~
10 ~~section shall be construed to prohibit any hotel, restaurant,~~
11 ~~retail dispenser or club licensee or any officer, director or~~
12 ~~stockholder, agent or employe of any such licensee from having a~~
13 ~~financial or other interest, directly or indirectly in the~~
14 ~~ownership or leasehold of any property or the equipment of any~~
15 ~~property or any mortgage lien against same, used, leased by an~~
16 ~~importer or sacramental wine licensee for the exclusive purpose~~
17 ~~of maintaining commercial offices and on the condition that said~~
18 ~~property is not used for the storage or sale of liquor or malt~~
19 ~~or brewed beverages in any quantity: And, provided further, that~~
20 ~~nothing contained herein shall prohibit an officer or member of~~
21 ~~the board of a licensed privately owned private golf course~~
22 ~~catering club from having an interest in a limited winery~~
23 ~~license.~~

24 ~~Section 2. Section 461(c) of the act, amended July 16, 2007~~ ←
25 ~~(P.L.107, No.34), is amended to read:~~

26 ~~SECTION 2. SECTION 461(B.3) AND (C) OF THE ACT, AMENDED OR~~ ←
27 ~~ADDED NOVEMBER 29, 2006 (P.L.1421, NO.155) AND JULY 16, 2007~~
28 ~~(P.L.107, NO.34), ARE AMENDED TO READ:~~

29 ~~SECTION 1. THE DEFINITION OF "ELIGIBLE ENTITY" IN SECTION~~ ←
30 ~~102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE~~

1 LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14)
2 AND AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), IS AMENDED TO
3 READ:

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

7 * * *

8 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
9 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
10 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
11 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
12 LICENSE, A CLUB IN A CITY OF THE THIRD CLASS WHICH HAS BEEN
13 ISSUED A CLUB LIQUOR LICENSE AND WHICH, AS OF DECEMBER 31, 2002,
14 HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS, A LIBRARY, A
15 NATIONALLY ACCREDITED PENNSYLVANIA NONPROFIT ZOOLOGICAL
16 INSTITUTION LICENSED BY THE UNITED STATES DEPARTMENT OF
17 AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE
18 FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S CLUB IN
19 EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
20 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
21 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
22 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
23 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
24 OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE THIRD CLASS
25 OR TOWNSHIP OF THE FIRST CLASS, A NONPROFIT CORPORATION ENGAGED
26 IN THE PERFORMING ARTS IN A CITY OF THE THIRD CLASS, BOROUGH OR
27 IN AN INCORPORATED TOWN, AN ARTS COUNCIL, A NONPROFIT
28 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM IN A CITY
29 OF THE THIRD CLASS IN THE COUNTY OF THE FOURTH CLASS, A
30 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE

1 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
2 501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
3 HERITAGE OF BOROUGHES AND WHICH HAS BEEN RECOGNIZED AS SUCH BY A
4 MUNICIPAL RESOLUTION, A NONPROFIT ORGANIZATION AS DEFINED UNDER
5 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC
6 LAW 99-514, 26 U.S.C. § 501(C)(3)) CONDUCTING A REGATTA IN A
7 CITY OF THE SECOND CLASS WITH THE PERMIT TO BE USED ON STATE
8 PARK GROUNDS OR CONDUCTING A FAMILY-ORIENTED CELEBRATION AS PART
9 OF WELCOME AMERICA IN A CITY OF THE FIRST CLASS ON PROPERTY
10 LEASED FROM THAT CITY FOR MORE THAN FIFTY YEARS, A NONPROFIT
11 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
12 REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO
13 RAISE FUNDS FOR THE RESEARCH AND TREATMENT OF CYSTIC FIBROSIS, A
14 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
15 INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) WHOSE
16 PURPOSE IS TO EDUCATE THE PUBLIC ON ISSUES DEALING WITH
17 WATERSHED CONSERVATION, A NONPROFIT ORGANIZATION AS DEFINED
18 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986
19 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO
20 PROVIDE EQUINE ASSISTED ACTIVITIES FOR CHILDREN AND ADULTS WITH
21 SPECIAL NEEDS, A NONPROFIT ECONOMIC DEVELOPMENT AGENCY IN A CITY
22 OF THE SECOND CLASS WITH THE PRIMARY FUNCTION TO SERVE AS AN
23 ECONOMIC GENERATOR FOR THE GREATER SOUTHWESTERN PENNSYLVANIA
24 REGION BY ATTRACTING AND SUPPORTING FILM, TELEVISION AND RELATED
25 MEDIA INDUSTRY PROJECTS AND COORDINATING GOVERNMENT AND BUSINESS
26 OFFICES IN SUPPORT OF A PRODUCTION, A COUNTY TOURIST PROMOTION
27 AGENCY AS DEFINED IN SECTION 3(1) OF THE ACT OF APRIL 28, 1961
28 (P.L.111, NO.50), KNOWN AS THE "TOURIST PROMOTION LAW," AND
29 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FOURTH
30 CLASS OR LOCATED IN A TOWNSHIP OF THE SECOND CLASS IN A COUNTY

1 OF THE FIFTH CLASS, A JUNIOR LEAGUE IN A THIRD CLASS COUNTY THAT
2 IS A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3)
3 OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3))
4 THAT IS COMPRISED OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY
5 EDUCATIONAL AND CHARITABLE IN PROMOTING THE VOLUNTEERISM OF
6 WOMEN AND DEVELOPING AND PARTICIPATING IN COMMUNITY PROJECTS AND
7 THAT HAS BEEN IN EXISTENCE FOR OVER SEVENTY YEARS, A NONPROFIT
8 MANAGEMENT ORGANIZATION DEFINED UNDER SECTION 501(C)(3) OF THE
9 INTERNAL REVENUE CODE OF 1986 LOCATED IN A CITY OF THE SECOND
10 CLASS WHOSE PURPOSE IS TO MANAGE AND IMPROVE THE DOWNTOWN
11 BUSINESS DISTRICT WITHIN THE CITY OF THE SECOND CLASS OR A
12 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(6) OF THE
13 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE
14 THIRD CLASS IN A COUNTY OF THE THIRD CLASS AND WHOSE PURPOSE IS
15 TO SUPPORT BUSINESS AND INDUSTRY.

16 * * *

17 SECTION 2. SECTION 404 OF THE ACT, AMENDED JANUARY 6, 2006
18 (P.L.1, NO.1), IS AMENDED TO READ:

19 SECTION 404. ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,
20 RESTAURANT AND CLUB LIQUOR LICENSES.--UPON RECEIPT OF THE
21 APPLICATION AND THE PROPER FEES, AND UPON BEING SATISFIED OF THE
22 TRUTH OF THE STATEMENTS IN THE APPLICATION THAT THE APPLICANT IS
23 THE ONLY PERSON IN ANY MANNER PECUNIARILY INTERESTED IN THE
24 BUSINESS SO ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL
25 BE IN ANY MANNER PECUNIARILY INTERESTED THEREIN DURING THE
26 CONTINUANCE OF THE LICENSE, EXCEPT AS HEREINAFTER PERMITTED, AND
27 THAT THE APPLICANT IS A PERSON OF GOOD REPUTE, THAT THE PREMISES
28 APPLIED FOR MEET ALL THE REQUIREMENTS OF THIS ACT AND THE
29 REGULATIONS OF THE BOARD, THAT THE APPLICANT SEEKS A LICENSE FOR
30 A HOTEL, RESTAURANT OR CLUB, AS DEFINED IN THIS ACT, AND THAT

1 THE ISSUANCE OF SUCH LICENSE IS NOT PROHIBITED BY ANY OF THE
2 PROVISIONS OF THIS ACT, THE BOARD SHALL, IN THE CASE OF A HOTEL
3 OR RESTAURANT, GRANT AND ISSUE TO THE APPLICANT A LIQUOR
4 LICENSE, AND IN THE CASE OF A CLUB MAY, IN ITS DISCRETION, ISSUE
5 OR REFUSE A LICENSE: PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
6 NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR
7 THE EXTENSION OF AN EXISTING LICENSE TO COVER AN ADDITIONAL AREA
8 THE BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW
9 LICENSE, TRANSFER OR EXTENSION IF SUCH PLACE PROPOSED TO BE
10 LICENSED IS WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL,
11 CHARITABLE INSTITUTION, SCHOOL, OR PUBLIC PLAYGROUND, OR IF SUCH
12 NEW LICENSE, TRANSFER OR EXTENSION IS APPLIED FOR A PLACE WHICH
13 IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES WHICH IS
14 LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE BOARD'S
15 AUTHORITY TO REFUSE TO GRANT A LICENSE BECAUSE OF ITS PROXIMITY
16 TO A CHURCH, HOSPITAL, CHARITABLE INSTITUTION, PUBLIC PLAYGROUND
17 OR OTHER LICENSED PREMISES SHALL NOT BE APPLICABLE TO LICENSE
18 APPLICATIONS SUBMITTED FOR PUBLIC VENUES OR PERFORMING ARTS
19 FACILITIES: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE
20 ANY APPLICATION FOR A NEW LICENSE, THE TRANSFER OF ANY LICENSE
21 TO A NEW LOCATION OR THE EXTENSION OF AN EXISTING LICENSE TO
22 COVER AN ADDITIONAL AREA IF, IN THE BOARD'S OPINION, SUCH NEW
23 LICENSE, TRANSFER OR EXTENSION WOULD BE DETRIMENTAL TO THE
24 WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
25 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
26 PROPOSED TO BE LICENSED: AND PROVIDED FURTHER, THAT THE BOARD
27 SHALL HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR
28 TO ANY CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON,
29 OR ANY OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
30 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN

1 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
2 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
3 LICENSE. THE BOARD SHALL REFUSE ANY APPLICATION FOR A NEW
4 LICENSE, THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR THE
5 EXTENSION OF ANY LICENSE TO COVER AN ADDITIONAL AREA WHERE THE
6 SALE OF LIQUID FUELS OR OIL IS CONDUCTED. THE BOARD MAY ENTER
7 INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
8 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
9 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
10 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
11 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
12 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
13 UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN
14 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS
15 SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE
16 LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD
17 ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS.
18 IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY
19 LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE
20 BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING
21 ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
22 RESCINDING THOSE RESTRICTIONS. THE BOARD MAY, IN ITS DISCRETION,
23 REFUSE AN APPLICATION FOR AN ECONOMIC DEVELOPMENT LICENSE UNDER
24 SECTION 461(B.1) OR AN APPLICATION FOR AN INTERMUNICIPAL
25 TRANSFER OF A LICENSE IF THE BOARD RECEIVES A PROTEST FROM THE
26 GOVERNING BODY OF THE RECEIVING MUNICIPALITY. THE RECEIVING
27 MUNICIPALITY OF AN INTERMUNICIPAL TRANSFER OR AN ECONOMIC
28 DEVELOPMENT LICENSE UNDER SECTION 461(B.1) MAY FILE A PROTEST
29 AGAINST THE TRANSFER OF A LICENSE INTO ITS MUNICIPALITY, AND THE
30 RECEIVING MUNICIPALITY SHALL HAVE STANDING IN A HEARING TO

1 PRESENT TESTIMONY IN SUPPORT OF OR AGAINST THE ISSUANCE OR
2 TRANSFER OF A LICENSE. UPON ANY OPENING IN ANY QUOTA, AN
3 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
4 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.
5 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
6 BOARD MAY NOT REFUSE TO TRANSFER OR RENEW A LICENSE PREVIOUSLY
7 ISSUED FOR PREMISES LOCATED IN A TOWNSHIP OF THE SECOND CLASS
8 WITHIN A COUNTY OF THE THIRD CLASS THAT IS A DRY MUNICIPALITY
9 BASED ON THE FACT THAT THE MUNICIPALITY IS A DRY MUNICIPALITY IF
10 THE PREMISES FOR WHICH THE LICENSE IS BEING TRANSFERRED OR
11 RENEWED HAVE BEEN CONTINUOUSLY LICENSED BY THE BOARD FOR A
12 PERIOD OF FIFTY YEARS OR MORE.

13 SECTION 3. SECTION 461(C) OF THE ACT, AMENDED JULY 16, 2007
14 (P.L.107, NO.34), IS AMENDED TO READ:

15 Section 461. Limiting Number of Retail Licenses To Be Issued
16 In Each County.--* * *

17 ~~(B.3) (1) AN INTERMUNICIPAL TRANSFER OF A LICENSE OR~~ ←
18 ~~ISSUANCE OF A LICENSE FOR ECONOMIC DEVELOPMENT UNDER SUBSECTION~~
19 ~~(B.1) (2) (I) MUST FIRST BE APPROVED BY THE GOVERNING BODY OF THE~~
20 ~~RECEIVING MUNICIPALITY WHEN THE TOTAL NUMBER OF EXISTING~~
21 ~~RESTAURANT LIQUOR LICENSES AND EATING PLACE RETAIL DISPENSER~~
22 ~~LICENSES IN THE RECEIVING MUNICIPALITY EQUAL OR EXCEED ONE~~
23 ~~LICENSE PER THREE THOUSAND INHABITANTS. UPON REQUEST FOR~~
24 ~~APPROVAL OF AN INTERMUNICIPAL TRANSFER OF A LICENSE OR ISSUANCE~~
25 ~~OF AN ECONOMIC DEVELOPMENT LICENSE BY AN APPLICANT, AT LEAST ONE~~
26 ~~PUBLIC HEARING SHALL BE HELD BY THE MUNICIPAL GOVERNING BODY FOR~~
27 ~~THE PURPOSE OF RECEIVING COMMENTS AND RECOMMENDATIONS OF~~
28 ~~INTERESTED INDIVIDUALS RESIDING WITHIN THE MUNICIPALITY~~
29 ~~CONCERNING THE APPLICANT'S INTENT TO TRANSFER A LICENSE INTO THE~~
30 ~~MUNICIPALITY OR ACQUIRE AN ECONOMIC DEVELOPMENT LICENSE FROM THE~~

~~PENNSYLVANIA LIQUOR CONTROL BOARD. THE GOVERNING BODY SHALL,
WITHIN FORTY FIVE DAYS OF A REQUEST FOR APPROVAL, RENDER A
DECISION BY ORDINANCE OR RESOLUTION TO APPROVE OR DISAPPROVE THE
APPLICANT'S REQUEST FOR AN INTERMUNICIPAL TRANSFER OF A LICENSE
OR ISSUANCE OF AN ECONOMIC DEVELOPMENT LICENSE. THE MUNICIPALITY
MAY APPROVE THE REQUEST. A DECISION BY THE GOVERNING BODY OF THE
MUNICIPALITY TO DENY THE REQUEST MAY NOT BE APPEALED. A COPY OF
THE APPROVAL MUST BE SUBMITTED WITH THE LICENSE APPLICATION. THE
APPROVAL REQUIREMENT SHALL NOT APPLY TO LICENSES TRANSFERRED
INTO A TAX INCREMENT DISTRICT CREATED PURSUANT TO THE ACT OF
JULY 11, 1990 (P.L.465, NO.113), KNOWN AS THE "TAX INCREMENT
FINANCING ACT," LOCATED IN A TOWNSHIP OF THE SECOND CLASS THAT
IS LOCATED WITHIN A COUNTY OF THE SECOND CLASS IF THE DISTRICT
WAS CREATED PRIOR TO DECEMBER 31, 2002, AND THE GOVERNING BODY
OF THE TOWNSHIP HAS ADOPTED AN AGREEMENT AT A PUBLIC MEETING
THAT CONSENTS TO THE TRANSFER OF LICENSES INTO THE TAX INCREMENT
DISTRICT. FAILURE BY THE GOVERNING BODY OF THE MUNICIPALITY TO
RENDER A DECISION WITHIN FORTY FIVE DAYS OF THE APPLICANT'S
REQUEST FOR APPROVAL SHALL BE DEEMED AN APPROVAL OF THE
APPLICATION IN TERMS AS PRESENTED UNLESS THE GOVERNING BODY HAS
NOTIFIED THE APPLICANT IN WRITING OF THEIR ELECTION FOR AN
EXTENSION OF TIME NOT TO EXCEED SIXTY DAYS. FAILURE BY THE
GOVERNING BODY OF THE MUNICIPALITY TO RENDER A DECISION WITHIN
THE EXTENDED TIME PERIOD SHALL BE DEEMED AN APPROVAL OF THE
APPLICATION IN TERMS AS PRESENTED.~~

~~(2) AN INTRAMUNICIPAL TRANSFER OF A LICENSE WITHIN A CITY OF
THE SECOND CLASS LOCATED WITHIN A COUNTY OF THE SECOND CLASS
MUST FIRST BE APPROVED BY THE GOVERNING BODY. UPON REQUEST FOR
APPROVAL OF AN INTRAMUNICIPAL TRANSFER OF A LICENSE, AT LEAST
ONE PUBLIC HEARING SHALL BE HELD BY THE MUNICIPAL GOVERNING BODY~~

~~FOR THE PURPOSE OF RECEIVING COMMENTS AND RECOMMENDATIONS OF
INTERESTED INDIVIDUALS RESIDING WITHIN THE MUNICIPALITY
CONCERNING THE APPLICANT'S INTENT TO TRANSFER A LICENSE WITHIN
THE MUNICIPALITY. THE GOVERNING BODY SHALL, WITHIN FORTY FIVE
DAYS OF A REQUEST FOR APPROVAL, RENDER A DECISION BY ORDINANCE
OR RESOLUTION TO APPROVE OR DISAPPROVE THE APPLICANT'S REQUEST
FOR AN INTRAMUNICIPAL TRANSFER OF A LICENSE. THE MUNICIPALITY
MAY APPROVE THE REQUEST. A DECISION BY THE GOVERNING BODY OF THE
MUNICIPALITY TO DENY THE REQUEST MAY NOT BE APPEALED. A COPY OF
THE APPROVAL MUST BE SUBMITTED WITH THE LICENSE APPLICATION.
FAILURE BY THE GOVERNING BODY OF THE MUNICIPALITY TO RENDER A
DECISION WITHIN FORTY FIVE DAYS OF THE APPLICANT'S REQUEST FOR
APPROVAL SHALL BE DEEMED AN APPROVAL OF THE APPLICATION IN TERMS
AS PRESENTED UNLESS THE GOVERNING BODY HAS NOTIFIED THE
APPLICANT IN WRITING OF THEIR ELECTION FOR AN EXTENSION OF TIME
NOT TO EXCEED SIXTY DAYS. FAILURE BY THE GOVERNING BODY OF THE
MUNICIPALITY TO RENDER A DECISION WITHIN THE EXTENDED TIME
PERIOD SHALL BE DEEMED AN APPROVAL OF THE APPLICATION IN TERMS
AS PRESENTED.~~

~~* * *~~

(c) The word "hotel" as used in this section shall mean any
reputable place operated by a responsible person of good
reputation where the public may, for a consideration, obtain
sleeping accommodations, and which shall have the following
number of bedrooms and requirements in each case--at least one-
half of the required number of bedrooms shall be regularly
available to transient guests seven days weekly, except in
resort areas; at least one-third of such bedrooms shall be
equipped with hot and cold water, a lavatory, commode, bathtub
or shower and a clothes closet; and an additional one-third of

1 the total of such required rooms shall be equipped with lavatory
2 and commode:

3 (1) In municipalities having a population of less than three
4 thousand, at least twelve permanent bedrooms for the use of
5 guests.

6 (2) In municipalities having a population of three thousand
7 and more but less than ten thousand inhabitants, at least
8 sixteen permanent bedrooms for the use of guests.

9 (3) In municipalities having a population of ten thousand
10 and more but less than twenty-five thousand inhabitants, at
11 least thirty permanent bedrooms for the use of guests.

12 (4) In municipalities having a population of twenty-five
13 thousand and more but less than one hundred thousand
14 inhabitants, at least forty permanent bedrooms for the use of
15 guests.

16 (5) In municipalities having a population of one hundred
17 thousand and more inhabitants, at least fifty permanent bedrooms
18 for the use of guests.

19 (6) A public dining room or rooms operated by the same
20 management accommodating at least thirty persons at one time and
21 a kitchen, apart from the dining room or rooms, in which food is
22 regularly prepared for the public.

23 (7) Each room to be considered a bedroom under the
24 requirements of this section shall have an area of not less than
25 eighty square feet and an outside window.

26 (8) The provisions of this subsection (c) shall not apply to
27 hotel licenses granted prior to the first day of September, one
28 thousand nine hundred forty-nine, or that have been granted on
29 any application made and pending prior to said date, nor to any
30 renewal or transfer thereof, or hotels under construction or for

1 which a bona fide contract had been entered into for
2 construction prior to said date. In such cases, the provisions
3 of section one of the act, approved the twenty-fourth day of
4 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),
5 shall continue to apply.

6 (8.1) The provisions of this subsection (c) shall not apply
7 to hotel licenses that were granted prior to the first day of
8 January, [one thousand nine hundred sixty-five] one thousand
9 nine hundred sixty-six, in municipalities having a population of
10 less than ten thousand during the two thousand Federal Decennial
11 Census. Further, the provisions of this subsection (c) shall not
12 apply to hotel licenses that were granted prior to the first day
13 of September, one thousand nine hundred forty-nine, and that
14 lapsed not more than once, provided that the board issued the
15 hotel a new hotel license prior to the first day of January, one
16 thousand nine hundred seventy-one. In such cases, the provisions
17 of section one of the act, approved the twenty-fourth day of
18 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),
19 shall continue to apply.

20 (9) Upon application to and subject to inspection by the
21 board, hotel licensees under clause (8) of this subsection shall
22 no longer be required to maintain bedrooms for public
23 accommodation. However, areas required and designated as
24 bedrooms for public accommodation prior to the effective date of
25 this clause may not subsequently be used as licensed serving
26 area. Such area may be used as licensed storage area consistent
27 with this act and existing regulations.

28 (9.1) Upon application to and subject to inspection by the
29 board, hotel licensees under clause (8.1) of this subsection
30 shall no longer be required to maintain bedrooms for public

1 accommodation. However, areas required and designated as
2 bedrooms for public accommodation prior to the effective date of
3 this clause may not subsequently be used as licensed serving
4 areas. Such areas may be used as licensed storage area
5 consistent with this act and existing regulations.

6 * * *

7 SECTION 4. SECTION 471(B) OF THE ACT, AMENDED JULY 6, 2005
8 (P.L.135, NO.39), IS AMENDED TO READ:

9 SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--

10 * * *

11 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME
12 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
13 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
14 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE
15 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR
16 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN
17 ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE
18 BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE
19 LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
20 493(1) INSOFAR AS IT RELATES TO SALES TO MINORS OR SALES TO A
21 VISIBLY INTOXICATED PERSON, SECTION 493(10) INSOFAR AS IT
22 RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT OR SECTION
23 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A PUBLIC NUISANCE
24 PURSUANT TO SECTION 611, OR IF THE OWNER OR OPERATOR OF THE
25 LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE OWNER OR
26 OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT OF APRIL
27 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,
28 DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902
29 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301
30 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE

1 LICENSED PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL
2 IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF
3 NOT LESS THAN ONE THOUSAND DOLLARS (\$1,000) NOR MORE THAN FIVE
4 THOUSAND DOLLARS (\$5,000), OR BOTH. IF THE LICENSEE HAS BEEN
5 CITED AND FOUND TO HAVE VIOLATED SECTION 493(33), THE
6 ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE
7 LICENSE AND IMPOSE A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS
8 (\$1,000) NOR MORE THAN FIVE THOUSAND DOLLARS (\$5,000). HOWEVER,
9 IF A LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
10 493(1) AS IT RELATES TO SALES TO MINORS OR SALES TO A VISIBLY
11 INTOXICATED PERSON BUT AT THE TIME OF THE SALE THE LICENSEE WAS
12 IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 471.1
13 AND THE LICENSEE HAD NOT SOLD TO MINORS OR VISIBLY INTOXICATED
14 PERSONS IN THE PREVIOUS FOUR YEARS, THEN THE ADMINISTRATIVE LAW
15 JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE
16 A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN ONE
17 THOUSAND DOLLARS (\$1,000), OR BOTH. THE ADMINISTRATIVE LAW JUDGE
18 SHALL NOTIFY THE LICENSEE BY REGISTERED MAIL, ADDRESSED TO THE
19 LICENSED PREMISES, OF SUCH SUSPENSION, REVOCATION OR FINE. IN
20 THE EVENT THE FINE IS NOT PAID WITHIN TWENTY DAYS OF THE
21 ADJUDICATION, THE ADMINISTRATIVE LAW JUDGE SHALL SUSPEND OR
22 REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY REGISTERED MAIL
23 ADDRESSED TO THE LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS
24 SHALL NOT GO INTO EFFECT UNTIL THIRTY DAYS HAVE ELAPSED FROM THE
25 DATE OF THE ADJUDICATION DURING WHICH TIME THE LICENSEE MAY TAKE
26 AN APPEAL AS PROVIDED FOR IN THIS ACT, EXCEPT THAT REVOCATIONS
27 MANDATED IN SECTION 481(C) SHALL GO INTO EFFECT IMMEDIATELY. ANY
28 LICENSEE WHOSE LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A
29 LICENSE UNDER THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM
30 THE DATE SUCH LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS

1 REVOKED, NO LICENSE SHALL BE GRANTED FOR THE PREMISES OR
2 TRANSFERRED TO THE PREMISES IN WHICH THE SAID LICENSE WAS
3 CONDUCTED FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF
4 THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID PREMISES,
5 EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS IMMEDIATE
6 FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE THE BOARD
7 MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE
8 SAID YEAR. IN THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED
9 OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED
10 BY THE ADJUDICATION OF THE ADMINISTRATIVE LAW JUDGE, THERE SHALL
11 BE A RIGHT TO APPEAL TO THE BOARD. THE APPEAL SHALL BE BASED
12 SOLELY ON THE RECORD BEFORE THE ADMINISTRATIVE LAW JUDGE. THE
13 BOARD SHALL ONLY REVERSE THE DECISION OF THE ADMINISTRATIVE LAW
14 JUDGE IF THE ADMINISTRATIVE LAW JUDGE COMMITTED AN ERROR OF LAW,
15 ABUSED ITS DISCRETION OR IF ITS DECISION IS NOT BASED ON
16 SUBSTANTIAL EVIDENCE. IN THE EVENT THE BUREAU OR THE PERSON WHO
17 WAS FINED OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL
18 AGGRIEVED BY THE DECISION OF THE BOARD, THERE SHALL BE A RIGHT
19 TO APPEAL TO THE COURT OF COMMON PLEAS IN THE SAME MANNER AS
20 HEREIN PROVIDED FOR APPEALS FROM REFUSALS TO GRANT LICENSES.
21 EACH OF THE APPEALS SHALL ACT AS A SUPERSEDEAS UNLESS, UPON
22 SUFFICIENT CAUSE SHOWN, THE REVIEWING AUTHORITY SHALL DETERMINE
23 OTHERWISE; HOWEVER, IF THE LICENSEE HAS BEEN CITED AND FOUND TO
24 HAVE VIOLATED SECTION 493(1) INsofar AS IT RELATES TO SALES TO
25 MINORS OR SALES TO A VISIBLY INTOXICATED PERSON, SECTION 493(10)
26 INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
27 OR SECTION 493(14), (16) [OR], (21) OR (33), OR HAS BEEN FOUND
28 TO BE A PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER
29 OR OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF
30 THE OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF

1 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF
2 18 PA.C.S. § 5902 OR 6301, AT OR RELATING TO THE LICENSED
3 PREMISES, OR IF THE LICENSE HAS BEEN REVOKED UNDER SECTION
4 481(C), ITS APPEAL SHALL NOT ACT AS A SUPERSEDEAS UNLESS THE
5 REVIEWING AUTHORITY DETERMINES OTHERWISE UPON SUFFICIENT CAUSE
6 SHOWN. IN ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS UNDER
7 THIS SECTION, THE REVIEWING AUTHORITY MAY CONSIDER, IN ADDITION
8 TO OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE, INCLUDING
9 RECORDS OF THE BUREAU, SHOWING THE PRIOR HISTORY OF CITATIONS,
10 FINES, SUSPENSIONS OR REVOCATIONS AGAINST THE LICENSEE; AND THE
11 REVIEWING AUTHORITY MAY ALSO CONSIDER, IN ADDITION TO OTHER
12 RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL
13 ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE
14 SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING. IF THE
15 REVIEWING AUTHORITY IS THE BOARD, NO HEARING SHALL BE HELD ON
16 THE APPLICATION FOR A SUPERSEDEAS; HOWEVER, A DECISION SHALL BE
17 MADE BASED ON THE APPLICATION, ANSWER AND DOCUMENTARY EVIDENCE
18 UNDER THIS SUBSECTION. IF THE APPLICATION FOR A SUPERSEDEAS IS
19 FOR A LICENSE THAT HAS BEEN REVOKED UNDER SECTION 481(C), THE
20 REVIEWING AUTHORITY SHALL GRANT THE SUPERSEDEAS ONLY IF IT FINDS
21 THAT THE LICENSEE WILL LIKELY PREVAIL ON THE MERITS. NO PENALTY
22 PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY VIOLATIONS
23 PROVIDED FOR IN THIS ACT UNLESS THE BUREAU NOTIFIES THE LICENSEE
24 OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION OF THE
25 INVESTIGATION.

26 * * *

27 Section 3 5. Section 471.1 of the act is amended by adding a
28 subsection to read:

29 Section 471.1. Responsible Alcohol Management.--* * *

30 (g) Unless successfully completed prior to appointment, a

manager appointed by any restaurant, eating place retail dispenser, hotel, club or distributor licensee shall be required to complete the manager/owner training under subsection (c) within 180 days of approval of appointment by the board.

SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 476. LICENSEES ENGAGED IN OR ALLOWING OTHER BUSINESSES ON LICENSED PREMISES.--(A) UNLESS THE BOARD APPROVES A REQUEST SUBMITTED BY A LICENSEE TO DO SO, A LICENSEE IS PROHIBITED FROM CONDUCTING ANOTHER BUSINESS ON ITS LICENSED PREMISES, OR HAVING AN INTERIOR CONNECTION BETWEEN ITS LICENSED PREMISES AND ANOTHER BUSINESS OPERATED BY IT OR A THIRD PARTY.

(B) THE BOARD MAY APPROVE A REQUEST FOR AN INTERIOR CONNECTION TO ANOTHER BUSINESS OR THE OPERATION OF ANOTHER BUSINESS ON LICENSED PREMISES UNDER SUBSECTION (A) IN ITS DISCRETION. IN DETERMINING WHETHER TO APPROVE A REQUEST UNDER SUBSECTION (A), THE BOARD SHALL CONSIDER ALL RELEVANT EVIDENCE CONSISTENT WITH THE PROVISIONS OF THIS ACT. THE BOARD SHALL DENY A REQUEST UNDER SUBSECTION (A) IF THE OPERATION OF THE OTHER BUSINESS ON THE LICENSED PREMISES WOULD BE PROHIBITED BY LAW OR IF THE PROPOSED LICENSED PREMISES DOES NOT MEET ALL THE REQUIREMENTS OF THIS ACT AND THE BOARD'S REGULATIONS, EXCLUSIVE OF SPACE DEVOTED TO THE OTHER BUSINESS.

(C) ALL STORAGE AND SALES OF LIQUOR AND MALT OR BREWED BEVERAGES SHALL OCCUR ON THE LICENSED PREMISES UNLESS THE LICENSEE IS AUTHORIZED BY ANOTHER PROVISION OF THIS ACT TO STORE OR SELL ALCOHOL OFF THE LICENSED PREMISES.

(D) THE BOARD MAY NOT APPROVE AN INSIDE PASSAGE OR COMMUNICATION TO OR WITH A RESIDENCE OTHER THAN A RESIDENCE OF A LICENSEE, ITS CORPORATE OFFICERS, SHAREHOLDERS OR MANAGER.

(E) IF THE BOARD APPROVES AN INTERIOR CONNECTION BETWEEN A

1 LICENSED BUSINESS AND ANOTHER BUSINESS, THEN APART FROM THE
2 INTERIOR CONNECTION ITSELF, THE BUSINESSES MUST BE SEPARATED BY
3 A PERMANENT PARTITION AT LEAST FOUR FEET IN HEIGHT. THE
4 PARTITION MAY BE A WALL OR ANY OTHER STRUCTURE, SUCH AS A
5 RAILING OR SHELVING, WHICH PREVENTS PATRONS FROM TRAVERSING
6 BETWEEN THE BUSINESSES EXCEPT THROUGH THE APPROVED INTERIOR
7 CONNECTIONS. EACH APPROVED INTERIOR CONNECTION MAY NOT BE
8 GREATER THAN TEN FEET IN WIDTH, ABSENT ANOTHER LAW THAT REQUIRES
9 A GREATER WIDTH.

10 (F) UNLESS OTHERWISE APPROVED BY THE BOARD, THE LICENSED
11 BUSINESS AND THE OTHER BUSINESS SHALL HAVE INDEPENDENT OUTSIDE
12 ACCESS FOR THE PUBLIC OR INDEPENDENT ACCESS TO A COMMON AREA,
13 SUCH AS AN INTERIOR ACCESS IN AN ENCLOSED MALL.

14 (G) THE BOARD MAY ONLY APPROVE AN INTERIOR CONNECTION UNDER
15 SUBSECTION (A) TO A BUSINESS THAT SELLS LIQUID FUELS, SO LONG AS
16 NO LIQUID FUELS-RELATED ACTIVITY OCCURS ON THE LICENSED
17 PREMISES.

18 (H) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, A
19 LICENSEE MAY BECOME A LOTTERY SALES AGENT AS DEFINED BY THE ACT
20 OF AUGUST 26, 1971 (P.L.351, NO.91), KNOWN AS THE STATE LOTTERY
21 LAW, AND SHALL NOTIFY THE BOARD IN WRITING OF ITS DESIGNATION. A
22 LICENSEE THAT IS A LOTTERY SALES AGENT MAY ENGAGE IN ANY
23 ACTIVITY ON ITS LICENSED PREMISES THAT IS AUTHORIZED BY THE
24 STATE LOTTERY LAW.

25 (I) THE BOARD MAY APPROVE AN INTERIOR CONNECTION TO ANOTHER
26 BUSINESS REGARDLESS OF THE RELATIVE SIZES OF THE LICENSED
27 BUSINESS AND THE OTHER BUSINESS.

28 (J) THE BOARD MAY NOT APPROVE THE OPERATION OF ANOTHER
29 BUSINESS BY THE LICENSEE OR A THIRD PARTY IF DOING SO PROVIDES A
30 THIRD PARTY WITH A PECUNIARY INTEREST IN THE LICENSED BUSINESS

1 OR IF THE OTHER BUSINESS GENERATES MORE INCOME THAN THE LICENSED
2 BUSINESS.

3 (K) FOR PURPOSES OF THIS SECTION, "OTHER BUSINESS" OR
4 "ANOTHER BUSINESS" IS DEFINED AS BUSINESS ACTIVITY WHICH IS NOT
5 DIRECTLY RELATED TO THE LICENSED BUSINESS. THE TERM INCLUDES THE
6 SELLING OF FOODS IN BULK FOR OFF-PREMISES CONSUMPTION, THE
7 SELLING OF UNPREPARED FOODS AND THE SELLING OF NONFOOD ITEMS
8 SUCH AS SOLD BY GROCERY STORES, CONVENIENCE STORES, DEPARTMENT
9 STORES AND SUPERMARKETS. THE TERM DOES NOT INCLUDE BUSINESSES
10 AND ACTIVITY INTRINSICALLY RELATED TO THE LICENSED BUSINESS,
11 SUCH AS THE SALE OF PREPARED FOODS "TO GO," BY A RESTAURANT OR
12 EATING PLACE LICENSE, OR THE ACTIVITIES OF A PRO SHOP FOR A
13 LICENSED BUSINESS LOCATED ON A GOLF COURSE. ACTIVITY THAT WOULD
14 OTHERWISE CONSTITUTE "OTHER BUSINESS" OR "ANOTHER BUSINESS" BUT
15 WHICH GENERATES LESS THAN ONE THOUSAND DOLLARS (\$1,000) IN GROSS
16 INCOME A YEAR SHALL NOT REQUIRE BOARD APPROVAL.

17 SECTION 7. SECTION 493 OF THE ACT IS AMENDED BY ADDING A
18 CLAUSE TO READ:

19 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
20 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
21 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
22 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
23 OTHERWISE.

24 IT SHALL BE UNLAWFUL--

25 * * *

26 (33) FIREARM, AS DEFINED IN 18 PA.C.S. § 6102 (RELATING TO
27 DEFINITIONS). THE FOLLOWING APPLY:

28 (I) FOR A LICENSEE TO FURNISH, SELL OR OFFER TO SELL,
29 PURCHASE OR RECEIVE A FIREARM, OR TO AID AND ABET IN THE SALE OR
30 PURCHASE OF A FIREARM, ON THE LICENSED PREMISES UNLESS THE

1 ACTIONS OF THE LICENSEE ARE AUTHORIZED BY LAW.

2 (II) FOR ANY SERVANT, AGENT OR EMPLOYE OF THE LICENSEE TO
3 FURNISH, SELL OR OFFER TO SELL, PURCHASE OR RECEIVE A FIREARM,
4 OR TO AID AND ABET IN THE SALE OR PURCHASE OF ANY FIREARM, ON
5 THE LICENSED PREMISES UNLESS THE ACTIONS OF THE PERSON ARE
6 AUTHORIZED BY LAW. THE LICENSEE SHALL ONLY BE CITED FOR A
7 VIOLATION OF THIS SUBCLAUSE IF THE LICENSEE KNEW OR SHOULD HAVE
8 KNOWN OF THE ACTIVITY AND FAILED TO TAKE SUBSTANTIAL AFFIRMATIVE
9 STEPS TO PREVENT THE ACTIVITY ON ITS PREMISES.

10 SECTION 8. SECTION 505.2(A)(4) AND (6.1) OF THE ACT, AMENDED
11 DECEMBER 8, 2004 (P.L.1810, NO.239) AND JULY 16, 2007 (P.L.107,
12 NO.34), IS AMENDED TO READ:

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

16 * * *

17 (4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL PERMIT
18 TO PARTICIPATE IN ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS OFF
19 THE LICENSED PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON
20 PROPER APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS (\$30)
21 PER DAY FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED [FIVE (5)]
22 THIRTY (30) CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL
23 THE SPECIAL PERMITS MAY NOT EXCEED [FORTY (40)] ONE HUNDRED
24 (100) DAYS IN ANY CALENDAR YEAR. A SPECIAL PERMIT SHALL ENTITLE
25 THE HOLDER TO ENGAGE IN THE SALE BY THE GLASS, BY THE BOTTLE OR
26 IN CASE LOTS OF ALCOHOLIC CIDER OR WINE PRODUCED BY THE
27 PERMITTEE UNDER THE AUTHORITY OF A LIMITED WINERY LICENSE.
28 HOLDERS OF SPECIAL PERMITS MAY PROVIDE TASTING SAMPLES OF WINES
29 IN INDIVIDUAL PORTIONS NOT TO EXCEED ONE FLUID OUNCE. SAMPLES AT
30 ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS MAY BE SOLD OR

1 OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED HEREIN, LIMITED
2 WINERIES UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL
3 APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE
4 REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD.

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

15 * * *

16 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
17 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
18 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
19 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, ONLY
20 WINE AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
21 BOTTLE.

22 * * *

23 SECTION 9. NOTHING IN THIS ACT SHALL BE CONSTRUED AS
24 INVALIDATING THE LICENSE OF AN ENTITY ALREADY LICENSED BY THE
25 LIQUOR CONTROL BOARD AND WHICH ALREADY HAS RECEIVED PERMISSION
26 TO EITHER CONDUCT ANOTHER BUSINESS ON THE PREMISES OR HAVE AN
27 INTERIOR CONNECTION TO ANOTHER BUSINESS, SO LONG AS THE
28 ARRANGEMENT IS IN CONFORMITY WITH THE ACT.

29 Section ~~4~~ 10. The addition of section 471.1(g) of the act
30 shall apply to the appointment of managers made pursuant to



1 applications for appointment, license transfer and applications
2 for new licenses filed with the Pennsylvania Liquor Control
3 Board after the effective date of this section.

4 Section 5 11. This act shall take effect in 60 days.

