

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 148 Session of
2011INTRODUCED BY PAYNE, GEIST, KORTZ, MUSTIO, READSHAW, SONNEY,
SWANGER AND WAGNER, JANUARY 21, 2011AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 9, 2011

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 sales by liquor
 18 licensees and restrictions and for unlawful acts relative to
 19 liquor, malt and brewed beverages and licensees.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 ~~Section 1. Section 102 of the act of April 12, 1951 (P.L.90,~~ ←
 23 ~~No.21), known as the Liquor Code, reenacted and amended June 29,~~
 24 ~~1987 (P.L.32, No.14), is amended by adding definitions to read:~~

25 SECTION 1. THE DEFINITION OF "ELIGIBLE ENTITY" IN SECTION ←
 26 102 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 JUNE 25, 2010 (P.L.217, NO.35), IS AMENDED AND THE
3 SECTION IS AMENDED BY ADDING DEFINITIONS TO 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 "Catered event" shall mean the furnishing of prepared foods
9 in conjunction with alcoholic beverages for the accommodation of
10 a group of people who made arrangements for the event at least
11 forty-eight hours in advance and is paid for and sponsored by a
12 third party.

13 * * *

14 ~~"Happy hour" shall mean the period of time during which a~~ ←
15 ~~licensee discounts alcoholic beverages.~~

16 * * *

17 ~~Section 2. Section 406(a)(1) of the act, amended July 6,~~
18 ~~2005 (P.L.135, No.39), is amended and the section is amended by~~
19 ~~adding subsections to read:~~

20 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A ←
21 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
22 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
23 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
24 LICENSE, A CLUB IN A CITY OF THE THIRD CLASS WHICH HAS BEEN
25 ISSUED A CLUB LIQUOR LICENSE AND WHICH, AS OF DECEMBER 31, 2002,
26 HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS, A LIBRARY, A
27 NATIONALLY ACCREDITED PENNSYLVANIA NONPROFIT ZOOLOGICAL
28 INSTITUTION LICENSED BY THE UNITED STATES DEPARTMENT OF
29 AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE
30 FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S CLUB IN

1 EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
2 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
3 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
4 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
5 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
6 OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE THIRD CLASS
7 OR TOWNSHIP OF THE FIRST CLASS, A NONPROFIT CORPORATION ENGAGED
8 IN THE PERFORMING ARTS IN A CITY OF THE THIRD CLASS, BOROUGH OR
9 IN AN INCORPORATED TOWN, AN ARTS COUNCIL, A NONPROFIT
10 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM IN A CITY
11 OF THE THIRD CLASS IN THE COUNTY OF THE FOURTH CLASS, A
12 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
13 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
14 501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
15 HERITAGE OF BOROUGH OR A TOWNSHIP OF THE SECOND CLASS AND WHICH
16 HAS BEEN RECOGNIZED AS SUCH BY A MUNICIPAL RESOLUTION, A
17 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
18 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
19 501(C)(3)) CONDUCTING A REGATTA IN A CITY OF THE SECOND CLASS
20 WITH THE PERMIT TO BE USED ON STATE PARK GROUNDS OR CONDUCTING A
21 FAMILY-ORIENTED CELEBRATION AS PART OF WELCOME AMERICA IN A CITY
22 OF THE FIRST CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE
23 THAN FIFTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER
24 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (26
25 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO RAISE FUNDS FOR THE
26 RESEARCH AND TREATMENT OF CYSTIC FIBROSIS, A NONPROFIT
27 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
28 REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO
29 EDUCATE THE PUBLIC ON ISSUES DEALING WITH WATERSHED
30 CONSERVATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION

1 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
2 99-514, 26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO PROVIDE
3 EQUINE ASSISTED ACTIVITIES FOR CHILDREN AND ADULTS WITH SPECIAL
4 NEEDS, A NONPROFIT ECONOMIC DEVELOPMENT AGENCY IN A CITY OF THE
5 SECOND CLASS WITH THE PRIMARY FUNCTION TO SERVE AS AN ECONOMIC
6 GENERATOR FOR THE GREATER SOUTHWESTERN PENNSYLVANIA REGION BY
7 ATTRACTING AND SUPPORTING FILM, TELEVISION AND RELATED MEDIA
8 INDUSTRY PROJECTS AND COORDINATING GOVERNMENT AND BUSINESS
9 OFFICES IN SUPPORT OF A PRODUCTION, A COUNTY TOURIST PROMOTION
10 AGENCY AS DEFINED IN SECTION 3(1) OF THE ACT OF APRIL 28, 1961
11 (P.L.111, NO.50), KNOWN AS THE "TOURIST PROMOTION LAW," AND
12 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FOURTH
13 CLASS OR LOCATED IN A TOWNSHIP OF THE SECOND CLASS IN A COUNTY
14 OF THE FIFTH CLASS, A JUNIOR LEAGUE IN A THIRD CLASS COUNTY THAT
15 IS A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3)
16 OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3))
17 THAT IS COMPRISED OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY
18 EDUCATIONAL AND CHARITABLE IN PROMOTING THE VOLUNTEERISM OF
19 WOMEN AND DEVELOPING AND PARTICIPATING IN COMMUNITY PROJECTS AND
20 THAT HAS BEEN IN EXISTENCE FOR OVER SEVENTY YEARS, A NONPROFIT
21 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
22 REVENUE CODE OF 1986 WHICH IS LOCATED IN COUNTIES OF THE SECOND
23 CLASS A OR OF THE THIRD CLASS AND WHOSE PURPOSE IS THE EDUCATION
24 AND PROMOTION OF AMERICAN HISTORY, A NONPROFIT ORGANIZATION AS
25 DEFINED UNDER SECTION 501(C) (6) OF THE INTERNAL REVENUE CODE OF
26 1986 WHICH IS LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY
27 OF THE THIRD CLASS AND WHOSE PURPOSE IS TO SUPPORT BUSINESS AND
28 INDUSTRY, A BREWERY WHICH HAS BEEN ISSUED A LICENSE TO
29 MANUFACTURE MALT OR BREWED BEVERAGES AND HAS BEEN IN EXISTENCE
30 FOR AT LEAST 100 YEARS OR A CLUB RECOGNIZED BY ROTARY

1 INTERNATIONAL WHICH IS LOCATED IN A COUNTY OF THE FOURTH CLASS
2 AND WHOSE PURPOSE IS TO PROVIDE SERVICE TO OTHERS, TO PROMOTE
3 HIGH ETHICAL STANDARDS AND TO ADVANCE WORLD UNDERSTANDING,
4 GOODWILL AND PEACE THROUGH ITS FELLOWSHIP OF BUSINESS,
5 PROFESSIONAL AND COMMUNITY LEADERS OR A NONPROFIT ORGANIZATION
6 AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
7 OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) WHICH IS
8 LOCATED IN A BOROUGH IN A COUNTY OF THE THIRD CLASS AND WHOSE
9 PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND
10 REGIONAL CHARITIES, A NONPROFIT ORGANIZATION AS DEFINED UNDER
11 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
12 MAIN PURPOSE IS TO TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS
13 AND MATCH THEM TO SUITABLE PERMANENT HOMES, A NONPROFIT
14 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
15 REVENUE CODE OF 1986 WHO OPERATES EITHER A MAIN STREET PROGRAM
16 OR ELM STREET PROGRAM RECOGNIZED BY THE COMMONWEALTH, THE
17 NATIONAL TRUST FOR HISTORIC PRESERVATION OR BOTH.

18 * * *

19 "HAPPY HOUR" SHALL MEAN THE PERIOD OF TIME DURING WHICH A
20 LICENSEE DISCOUNTS ALCOHOLIC BEVERAGES.

21 * * *

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

24 SECTION 404. ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,
25 RESTAURANT AND CLUB LIQUOR LICENSES.--UPON RECEIPT OF THE
26 APPLICATION AND THE PROPER FEES, AND UPON BEING SATISFIED OF THE
27 TRUTH OF THE STATEMENTS IN THE APPLICATION THAT THE APPLICANT IS
28 THE ONLY PERSON IN ANY MANNER PECUNIARILY INTERESTED IN THE
29 BUSINESS SO ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL
30 BE IN ANY MANNER PECUNIARILY INTERESTED THEREIN DURING THE

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

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

1 GOVERNING BODY OF THE RECEIVING MUNICIPALITY. THE RECEIVING
2 MUNICIPALITY OF AN INTERMUNICIPAL TRANSFER OR AN ECONOMIC
3 DEVELOPMENT LICENSE UNDER SECTION 461(B.1) MAY FILE A PROTEST
4 AGAINST THE TRANSFER OF A LICENSE INTO ITS MUNICIPALITY, AND THE
5 RECEIVING MUNICIPALITY SHALL HAVE STANDING IN A HEARING TO
6 PRESENT TESTIMONY IN SUPPORT OF OR AGAINST THE ISSUANCE OR
7 TRANSFER OF A LICENSE. UPON ANY OPENING IN ANY QUOTA, AN
8 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
9 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.

10 NOTWITHSTANDING ANOTHER PROVISION OF LAW, THE BOARD MAY NOT
11 REFUSE TO TRANSFER OR RENEW A LICENSE PREVIOUSLY ISSUED FOR
12 PREMISES LOCATED IN A TOWNSHIP OF THE SECOND CLASS WITHIN A
13 COUNTY OF THE THIRD CLASS THAT IS A DRY MUNICIPALITY BASED ON
14 THE FACT THAT THE MUNICIPALITY IS A DRY MUNICIPALITY IF THE
15 PREMISES FOR WHICH THE LICENSE IS BEING TRANSFERRED OR RENEWED
16 HAVE BEEN CONTINUOUSLY LICENSED BY THE BOARD FOR A PERIOD OF
17 FIFTY YEARS OR MORE.

18 SECTION 3. SECTION 406(A) (1) OF THE ACT, AMENDED JULY 6,
19 2005 (P.L.135, NO.39), IS AMENDED AND THE SECTION IS AMENDED BY
20 ADDING SUBSECTIONS TO READ:

21 Section 406. Sales by Liquor Licensees; Restrictions.--(a)
22 (1) Every hotel, restaurant or club liquor licensee may sell
23 liquor and malt or brewed beverages by the glass, open bottle or
24 other container, and in any mixture, for consumption only in
25 that part of the hotel or restaurant habitually used for the
26 serving of food to guests or patrons, or, in the case of a
27 restaurant, hotel or eating place licensee, at a catered event
28 off the licensed premises, or in a bowling alley that is
29 immediately adjacent to and under the same roof as a restaurant,
30 and in the case of hotels, to guests, and in the case of clubs,

1 to members, in their private rooms in the hotel or club. No club
2 licensee nor its officers, servants, agents or employes, other
3 than one holding a catering license, shall sell any liquor or
4 malt or brewed beverages to any person except a member of the
5 club. The holder of a restaurant license located in a hotel may
6 sell liquor or malt or brewed beverages for consumption in that
7 part of the restaurant habitually used for the serving of meals
8 to patrons and also to guests in private guest rooms in the
9 hotel. For the purpose of this paragraph, any person who is an
10 active member of another club which is chartered by the same
11 state or national organization shall have the same rights and
12 privileges as members of the particular club. For the purpose of
13 this paragraph, any person who is an active member of any
14 volunteer firefighting company, association or group of this
15 Commonwealth, whether incorporated or unincorporated, shall upon
16 the approval of any club composed of volunteer firemen licensed
17 under this act, have the same social rights and privileges as
18 members of such licensed club. For the purposes of this
19 paragraph, the term "active member" shall not include a social
20 member. Any club licensee which is either an incorporated unit
21 of a national veterans' organization or an affiliated
22 organization as defined in section 461.1 shall be permitted to
23 sell liquor or malt or brewed beverages to any active member of
24 another unit which is chartered by the same national veterans'
25 organization or to any member of a nationally chartered
26 auxiliary associated with the same national veterans'
27 organization.

28 * * *

29 (f) The holder of a hotel license or a restaurant license
30 may sell up to three bottles of wine for consumption off the

1 licensed premises so long as the bottles of wine remain sealed.
2 For purposes of this subsection, "wine" shall have the meaning
3 given to it under section 488(i).

4 (g) The holder of a hotel license, eating place license or a
5 restaurant license may ~~use that license~~ OBTAIN AN OFF-PREMISES ←
6 CATERING LICENSE SUBJECT TO SECTION 493(33) to hold a catered
7 event off the licensed premises and on otherwise unlicensed
8 premises where the licensee may sell wine, liquor and malt or
9 brewed beverages by the glass, open bottle or other container,
10 and in any mixture, for consumption on those premises solely
11 used for catering purposes so long as the liquor and malt or
12 brewed beverages were purchased in conjunction with a meal which
13 will be consumed on the catered premises. There shall be no
14 limitation on the number of off-premises catered events a
15 licensee may hold at any given time. At no time may an off-
16 premises catering permittee agree to hold a catered event that
17 includes the sale of alcohol at a location within a dry
18 municipality. In addition, the off-premises catering permittee
19 shall give the local police department or the Pennsylvania State
20 Police, if there is no local police department, written notice
21 at least forty-eight hours prior to each off-premises catered
22 event. Written notice shall consist of notifying the police of
23 the date, time and place of the impending sale of alcoholic
24 beverages.

25 (h) The holder of a hotel license or a restaurant license or
26 an eating place license may have up to fourteen hours per week
27 during which the holder discounts the price of alcoholic
28 beverages. The licensee may use as many of the fourteen hours
29 per business day as the licensee chooses so long as the hours do
30 not exceed fourteen hours in any given week and so long as no

1 discounts are given between the hours of midnight and the legal
2 closing time.

3 Section 3 4. Section 493(10) of the act, amended December ←
4 20, 2000 (P.L.992, No.141), is amended and the section is
5 amended by adding a paragraph to read:

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

11 It shall be unlawful--

12 * * *

13 (10) Entertainment on Licensed Premises (Except Clubs);
14 Permits; Fees. For any licensee, his servants, agents or
15 employes, except club licensees, public venue licensees or
16 performing arts facility licensees, to permit in any licensed
17 premises or in any place operated in connection therewith,
18 dancing, theatricals or floor shows of any sort, or moving
19 pictures other than television, or such as are exhibited through
20 machines operated by patrons by the deposit of coins, which
21 project pictures on a screen not exceeding in size twenty-four
22 by thirty inches and which forms part of the machine, unless the
23 licensee shall first have obtained from the board a special
24 permit to provide such entertainment, or for any licensee, under
25 any circumstances, to permit in any licensed premises or in any
26 place operated in connection therewith any lewd, immoral or
27 improper entertainment, regardless of whether a permit to
28 provide entertainment has been obtained or not. The special
29 permit may be used only during the hours when the sale of liquor
30 or malt or brewed beverages is permitted, unless the licensee

1 holds an extended hours food license under section 499(b) which
2 license would allow the special permit to be used while the
3 establishment is open, and between eleven o'clock antemeridian
4 on Sunday and two o'clock antemeridian on the following Monday,
5 regardless of whether the licensee possesses a Sunday sales
6 permit. The board shall have power to provide for the issue of
7 such special permits, and to collect an annual fee for such
8 permits as prescribed in section 614-A of the act of April 9,
9 1929 (P.L.177, No.175), known as "The Administrative Code of
10 1929." All such fees shall be paid into the State Stores Fund.
11 No such permit shall be issued in any municipality which, by
12 ordinance, prohibits amusements in licensed places. Any
13 violation of this clause shall, in addition to the penalty
14 herein provided, subject the licensee to suspension or
15 revocation of his permit and his license.

16 * * *

17 (33) Off-premises Catering Permit; Fees. For any licensee,
18 his servants, agents or employes to cater an event that includes
19 the sale and service of alcoholic beverages at a location other
20 than the licensed premises, unless the licensee shall first have
21 obtained from the board a special permit to provide such
22 catering services. Only those licensees currently holding a
23 valid restaurant, hotel or eating place license that has been
24 certified under the board's responsible alcohol management
25 program as required by section 471.1 shall be allowed to apply
26 for such a permit. The board shall have the power to provide for
27 the issue of such special permits to qualified licensees and to
28 collect an annual fee for such permits as prescribed in section
29 614-A of "The Administrative Code of 1929." All such fees shall
30 be paid into the State Stores Fund. Any violation of this act

1 shall subject the licensee to suspension or revocation of his
2 permit and preclude him from applying for a future off-premises
3 catering permit.

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

