

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 148 Session of 2011

INTRODUCED BY PAYNE, GEIST, KORTZ, MUSTIO, READSHAW, SONNEY, WAGNER, STEVENSON, FARRY AND SABATINA, JANUARY 21, 2011

SENATOR PIPPY, LAW AND JUSTICE, IN SENATE, AS AMENDED, JUNE 8, 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 ISSUANCE, TRANSFER OR ←
18 EXTENSION OF hotel, restaurant and club liquor licenses, for ←
19 sales by liquor licensees and restrictions and, FOR SALE OF ←
20 MALT OR BREWED BEVERAGES BY LIQUOR LICENSEES, FOR MALT AND
21 BREWED BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING
22 DISTRIBUTORS' LICENSES, FOR DISTRIBUTORS' AND IMPORTING
23 DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC., FOR
24 RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES, FOR
25 MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE THIS
26 COMMONWEALTH, FOR BRAND REGISTRATION, FOR LIMITING NUMBER OF
27 RETAIL LICENSES TO BE ISSUED IN EACH COUNTY, FOR LICENSES NOT
28 ASSIGNABLE AND TRANSFERS, FOR REVOCATION AND SUSPENSION OF
29 LICENSES AND FINES AND for unlawful acts relative to liquor,
30 malt and brewed beverages and licensees AND FOR LIMITED ←
31 WINERIES.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. The definition of "eligible entity" in section
4 102 of the act of April 12, 1951 (P.L.90, No.21), known as the
5 Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14)
6 and amended June 25, 2010 (P.L.217, No.35), is amended and the
7 section is amended by adding definitions to read:

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

11 * * *

12 "Catered event" shall mean the furnishing of ~~prepared foods~~ ←

13 FOOD PREPARED ON THE PREMISES OR BROUGHT ONTO THE PREMISES ←

14 ALREADY PREPARED in conjunction with alcoholic beverages for the

15 accommodation of a PERSON OR AN IDENTIFIABLE group of people who ←

16 made arrangements for the ~~event~~ FUNCTION at least forty-eight ←

17 hours in advance and is paid for and sponsored by a third party. ←

18 * * *

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

1 veterans' organization and any affiliated lodge or subdivision
2 of such organization, a fraternal benefit society that is
3 licensed to do business in this Commonwealth and any affiliated
4 lodge or subdivision of such fraternal benefit society, a museum
5 operated by a nonprofit corporation in a city of the third class
6 or township of the first class, a nonprofit corporation engaged
7 in the performing arts in a city of the third class, borough or
8 in an incorporated town, an arts council, a nonprofit
9 corporation that operates an arts facility or museum in a city
10 of the third class in the county of the fourth class, a
11 nonprofit organization as defined under section 501(c)(3) of the
12 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
13 501(c)(3)) whose purpose is to protect the architectural
14 heritage of boroughs or a township of the second class and which
15 has been recognized as such by a municipal resolution, a
16 nonprofit organization as defined under section 501(c)(3) of the
17 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
18 501(c)(3)) conducting a regatta in a city of the second class
19 with the permit to be used on State park grounds or conducting a
20 family-oriented celebration as part of Welcome America in a city
21 of the first class on property leased from that city for more
22 than fifty years, a nonprofit organization as defined under
23 section 501(c)(3) of the Internal Revenue Code of 1986 (26
24 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the
25 research and treatment of cystic fibrosis, a nonprofit
26 organization as defined under section 501(c)(3) of the Internal
27 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to
28 educate the public on issues dealing with watershed
29 conservation, a nonprofit organization as defined under section
30 501(c)(3) of the Internal Revenue Code of 1986 (Public Law

1 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide
2 equine assisted activities for children and adults with special
3 needs, a nonprofit economic development agency in a city of the
4 second class with the primary function to serve as an economic
5 generator for the greater southwestern Pennsylvania region by
6 attracting and supporting film, television and related media
7 industry projects and coordinating government and business
8 offices in support of a production, a county tourist promotion
9 agency as defined in section 3(1) of the act of April 28, 1961
10 (P.L.111, No.50), known as the "Tourist Promotion Law," and
11 located in a city of the third class in a county of the fourth
12 class or located in a township of the second class in a county
13 of the fifth class, a junior league in a third class county that
14 is a nonprofit organization as defined under section 501(c)(3)
15 of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3))
16 that is comprised of women whose purpose is exclusively
17 educational and charitable in promoting the volunteerism of
18 women and developing and participating in community projects and
19 that has been in existence for over seventy years, a nonprofit
20 organization as defined under section 501(c)(3) of the Internal
21 Revenue Code of 1986 which is located in counties of the second
22 class A or of the third class and whose purpose is the education
23 and promotion of American history, a nonprofit organization as
24 defined under section 501(c)(6) of the Internal Revenue Code of
25 1986 [which is located in a city of the third class in a county ←
26 of the third class and] whose purpose is to support business and ←
27 industry, a brewery which has been issued a license to
28 manufacture malt or brewed beverages and has been in existence
29 for at least 100 years or a club recognized by Rotary
30 International which is located in a county of the fourth class

1 and whose purpose is to provide service to others, to promote
2 high ethical standards and to advance world understanding,
3 goodwill and peace through its fellowship of business,
4 professional and community leaders or a nonprofit organization
5 as defined under section 501(c)(3) of the Internal Revenue Code
6 of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) which is
7 located in a borough in a county of the third class and whose
8 purpose is to promote mushrooms while supporting local and
9 regional charities, A MUSEUM OPERATED BY A NOT-FOR-PROFIT ←
10 CORPORATION IN A CITY OF THE SECOND CLASS A, A NONPROFIT
11 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
12 REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE SECOND
13 CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
14 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
15 501(C)(3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
16 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
17 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
18 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
19 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
20 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, a
21 nonprofit organization as defined under section 501(c)(3) of the
22 Internal Revenue Code of 1986 whose main purpose is to
23 temporarily foster stray and unwanted animals and match them to
24 suitable permanent homes, a nonprofit organization as defined
25 under section 501(c)(3) of the Internal Revenue Code of 1986 who
26 operates either a Main Street Program or Elm Street Program
27 recognized by the Commonwealth, the National Trust for Historic
28 Preservation or both.

29 * * *

30 "Happy hour" shall mean the period of time during which a

1 licensee discounts alcoholic beverages.

2 * * *

3 Section 2. Section 404 of the act, amended January 6, 2006
4 (P.L.1, No.1), is amended to read:

5 Section 404. Issuance, Transfer or Extension of Hotel,
6 Restaurant and Club Liquor Licenses.--Upon receipt of the
7 application and the proper fees, and upon being satisfied of the
8 truth of the statements in the application that the applicant is
9 the only person in any manner pecuniarily interested in the
10 business so asked to be licensed and that no other person will
11 be in any manner pecuniarily interested therein during the
12 continuance of the license, except as hereinafter permitted, and
13 that the applicant is a person of good repute, that the premises
14 applied for meet all the requirements of this act and the
15 regulations of the board, that the applicant seeks a license for
16 a hotel, restaurant or club, as defined in this act, and that
17 the issuance of such license is not prohibited by any of the
18 provisions of this act, the board shall, in the case of a hotel
19 or restaurant, grant and issue to the applicant a liquor
20 license, and in the case of a club may, in its discretion, issue
21 or refuse a license: Provided, however, That in the case of any
22 new license or the transfer of any license to a new location or
23 the extension of an existing license to cover an additional area
24 the board may, in its discretion, grant or refuse such new
25 license, transfer or extension if such place proposed to be
26 licensed is within three hundred feet of any church, hospital,
27 charitable institution, school, or public playground, or if such
28 new license, transfer or extension is applied for a place which
29 is within two hundred feet of any other premises which is
30 licensed by the board: And provided further, That the board's

1 authority to refuse to grant a license because of its proximity
2 to a church, hospital, charitable institution, public playground
3 or other licensed premises shall not be applicable to license
4 applications submitted for public venues or performing arts
5 facilities: And provided further, That the board shall refuse
6 any application for a new license, the transfer of any license
7 to a new location or the extension of an existing license to
8 cover an additional area if, in the board's opinion, such new
9 license, transfer or extension would be detrimental to the
10 welfare, health, peace and morals of the inhabitants of the
11 neighborhood within a radius of five hundred feet of the place
12 proposed to be licensed: And provided further, That the board
13 shall have the discretion to refuse a license to any person or
14 to any corporation, partnership or association if such person,
15 or any officer or director of such corporation, or any member or
16 partner of such partnership or association shall have been
17 convicted or found guilty of a felony within a period of five
18 years immediately preceding the date of application for the said
19 license. The board shall refuse any application for a new
20 license, the transfer of any license to a new location or the
21 extension of any license to cover an additional area where the
22 sale of liquid fuels or oil is conducted. The board may enter
23 into an agreement with the applicant concerning additional
24 restrictions on the license in question. If the board and the
25 applicant enter into such an agreement, such agreement shall be
26 binding on the applicant. Failure by the applicant to adhere to
27 the agreement will be sufficient cause to form the basis for a
28 citation under section 471 and for the nonrenewal of the license
29 under section 470. If the board enters into an agreement with an
30 applicant concerning additional restrictions, those restrictions

1 shall be binding on subsequent holders of the license until the
2 license is transferred to a new location or until the board
3 enters into a subsequent agreement removing those restrictions.
4 If the application in question involves a location previously
5 licensed by the board, then any restrictions imposed by the
6 board on the previous license at that location shall be binding
7 on the applicant unless the board enters into a new agreement
8 rescinding those restrictions. The board may, in its discretion,
9 refuse an application for an economic development license under
10 section 461(b.1) or an application for an intermunicipal
11 transfer of a license if the board receives a protest from the
12 governing body of the receiving municipality. The receiving
13 municipality of an intermunicipal transfer or an economic
14 development license under section 461(b.1) may file a protest
15 against the transfer of a license into its municipality, and the
16 receiving municipality shall have standing in a hearing to
17 present testimony in support of or against the issuance or
18 transfer of a license. Upon any opening in any quota, an
19 application for a new license shall only be filed with the board
20 for a period of six months following said opening.

21 Notwithstanding another provision of law, the board may not
22 refuse to transfer or renew a license previously issued for
23 premises located in a township of the second class within a
24 county of the third class that is a dry municipality based on
25 the fact that the municipality is a dry municipality if the
26 premises for which the license is being transferred or renewed
27 have been continuously licensed by the board for a period of
28 fifty years or more.

29 Section 3. ~~Section 406(a)(1) of the act, amended July 6,~~
30 ~~2005 (P.L.135, No.39), is amended and the section 406(A)(3) OF~~



1 THE ACT, AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), is
2 amended AND THE SECTION IS AMENDED by adding subsections to
3 read:

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

5 ~~(1) Every hotel, restaurant or club liquor licensee may sell~~
6 ~~liquor and malt or brewed beverages by the glass, open bottle or~~
7 ~~other container, and in any mixture, for consumption only in~~
8 ~~that part of the hotel or restaurant habitually used for the~~
9 ~~selling of food to guests or patrons, or, in the case of a~~
10 ~~restaurant, hotel or eating place licensee, at a catered event~~
11 ~~off the licensed premises, or in a bowling alley that is~~
12 ~~immediately adjacent to and under the same roof as a restaurant,~~
13 ~~and in the case of hotels, to guests, and in the case of clubs,~~
14 ~~to members, in their private rooms in the hotel or club. No club~~
15 ~~licensee nor its officers, servants, agents or employes, other~~
16 ~~than one holding a catering license, shall sell any liquor or~~
17 ~~malt or brewed beverages to any person except a member of the~~
18 ~~club. The holder of a restaurant license located in a hotel may~~
19 ~~sell liquor or malt or brewed beverages for consumption in that~~
20 ~~part of the restaurant habitually used for the serving of meals~~
21 ~~to patrons and also to guests in private guest rooms in the~~
22 ~~hotel. For the purpose of this paragraph, any person who is an~~
23 ~~active member of another club which is chartered by the same~~
24 ~~state or national organization shall have the same rights and~~
25 ~~privileges as members of the particular club. For the purpose of~~
26 ~~this paragraph, any person who is an active member of any~~
27 ~~volunteer firefighting company, association or group of this~~
28 ~~Commonwealth, whether incorporated or unincorporated, shall upon~~
29 ~~the approval of any club composed of volunteer firemen licensed~~
30 ~~under this act, have the same social rights and privileges as~~

1 ~~members of such licensed club. For the purposes of this~~
2 ~~paragraph, the term "active member" shall not include a social~~
3 ~~member. Any club licensee which is either an incorporated unit~~
4 ~~of a national veterans' organization or an affiliated~~
5 ~~organization as defined in section 461.1 shall be permitted to~~
6 ~~sell liquor or malt or brewed beverages to any active member of~~
7 ~~another unit which is chartered by the same national veterans'~~
8 ~~organization or to any member of a nationally chartered~~
9 ~~auxiliary associated with the same national veterans'~~
10 ~~organization.~~

11 * * *

12 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, [AIRPORT
13 RESTAURANT LIQUOR LICENSEES,] MUNICIPAL GOLF COURSE RESTAURANT
14 LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE
15 RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR BREWED
16 BEVERAGES ON SUNDAY BETWEEN THE HOURS OF ELEVEN O'CLOCK
17 ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE
18 OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS
19 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
20 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
21 AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR AND MALT OR
22 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF SEVEN O'CLOCK
23 ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE
24 OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS
25 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
26 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

27 * * *

28 (f) The holder of a hotel license or a restaurant OR
29 RESTAURANT LIQUOR license may obtain an off-premises catering
30 permit subject to section 493(33) to hold a catered event

1 FUNCTION off the licensed premises and on otherwise unlicensed ←
2 premises where the licensee may sell wine, liquor and malt or
3 brewed beverages by the glass, open bottle or other container,
4 and in any mixture, for consumption on those premises solely ←
5 used for catering purposes so long as the liquor and malt or
6 brewed beverages were purchased in conjunction with a meal which
7 will be consumed on the catered premises. The holder of an
8 eating place license may obtain an off premises catering permit
9 subject to section 493(33) to hold a catered event off the
10 licensed premises and on otherwise unlicensed premises where the
11 licensee may sell malt or brewed beverages by the glass, open
12 bottle or other container for consumption on those premises
13 solely used for catering purposes so long as the malt or brewed
14 beverages were purchased in conjunction with a meal which will
15 be consumed on the catered premises. There shall be no
16 limitation on the number of off premises catered events a
17 licensee may hold at any given time. At no time may an off
18 premises catering permittee agree to hold a catered event that
19 includes the sale of alcohol at a location within a dry
20 municipality. In addition, the off premises catering permittee
21 shall give the local police department or the Pennsylvania State
22 Police, if there is no local police department, written notice
23 at least forty eight hours prior to each off premises catered
24 event. Written notice shall consist of notifying the police of
25 the date, time and place of the impending sale of alcoholic
26 beverages. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT ←
27 SHALL BE SUBJECT TO THE FOLLOWING:

28 (1) ALCOHOL MAY BE PROVIDED ONLY DURING THE DAYS AND HOURS
29 THAT THE LICENSE HOLDER MAY OTHERWISE SELL ALCOHOL;

30 (2) ALL SERVERS AT THE OFF PREMISES CATERED FUNCTION SHALL

1 BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
2 PROVISIONS UNDER SECTION 471.1;

3 (3) EACH PERMIT SHALL BE VALID FOR ONE DAY AND NOT MORE THAN
4 FIFTY PERMITS MAY BE ISSUED EACH CALENDAR YEAR TO EACH LICENSE
5 HOLDER FOR USE WITH A PARTICULAR LICENSE;

6 (4) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
7 ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S
8 LICENSE;

9 (5) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE
10 LICENSE IS IN SAFEKEEPING;

11 (6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
12 SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF
13 LICENSING OR THE BOARD UNDER SECTION 470 (A.1);

14 (7) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
15 SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE
16 ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE
17 UNDER SECTION 471 (B);

18 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION, BUT
19 THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM ITS LICENSED
20 PREMISES TO THE PROPOSED PREMISES; AND

21 (9) WRITTEN NOTICE OF THE DATE, TIME AND LOCATION OF THE
22 CATERED FUNCTION SHALL BE PROVIDED TO THE LOCAL POLICE OR IF
23 THERE IS NO LOCAL POLICE FORCE TO THE ENFORCEMENT BUREAU AT
24 LEAST 48 HOURS IN ADVANCE OF THE EVENT.

25 (g) Notwithstanding any other provision of law or
26 regulation, the holder of a retail license may ~~have~~ HOLD HAPPY ←
27 HOURS up to four hours per day and up to fourteen hours per week
28 during which the holder discounts the price of alcoholic
29 beverages. ~~The licensee may use up to four hours per day so long~~ ←
30 ~~as the hours do not exceed fourteen hours in any given week and~~

1 ~~so long as no~~ NO discounts ~~are~~ MAY BE given between the hours of ←
2 ~~midnight and the legal closing time and so long as notice.~~ ←
3 NOTICE of all happy hours is SHALL BE visibly posted on the ←
4 licensed premises seven days prior to the happy hour. EXCEPT AS ←
5 PROVIDED IN THIS SUBSECTION, A LICENSEE SHALL COMPLY WITH THE
6 PROVISIONS OF 40 PA. CODE § 13-102 (RELATING TO DISCOUNT PRICING
7 PRACTICES).

8 SECTION 3.1. SECTION 407(A) OF THE ACT, AMENDED JULY 7, 2006
9 (P.L.584, NO.84), IS AMENDED TO READ:

10 SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR
11 LICENSEES.--(A) EVERY LIQUOR LICENSE ISSUED TO A HOTEL,
12 RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY
13 UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL
14 AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE
15 SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES
16 AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN
17 CLUBS MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE
18 PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED
19 NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON. THE
20 SALES MAY BE MADE IN EITHER OPEN OR CLOSED CONTAINERS, UNLESS A
21 MUNICIPALITY HAS ON ORDINANCE RESTRICTING OPEN CONTAINER SALES.
22 NO LICENSEE UNDER THIS SUBDIVISION (A) SHALL AT THE SAME TIME BE
23 THE HOLDER OF ANY OTHER CLASS OF LICENSE, EXCEPT A RETAIL
24 DISPENSER'S LICENSE AUTHORIZING THE SALE OF MALT OR BREWED
25 BEVERAGES ONLY.

26 * * *

27 SECTION 4. SECTION 431(C) OF THE ACT, AMENDED MAY 5, 1970
28 (P.L.342, NO.110), IS AMENDED TO READ:

29 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
30 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

1 (C) THE AFORESAID LICENSES SHALL BE ISSUED ONLY TO REPUTABLE
2 INDIVIDUALS, PARTNERSHIPS AND ASSOCIATIONS WHO ARE, OR WHOSE
3 MEMBERS ARE, CITIZENS OF THE UNITED STATES AND [HAVE FOR TWO
4 YEARS PRIOR TO THE DATE OF THEIR APPLICATIONS BEEN] ARE
5 RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA OR TO REPUTABLE
6 CORPORATIONS ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE
7 COMMONWEALTH OF PENNSYLVANIA. SUCH LICENSES SHALL BE ISSUED TO
8 CORPORATIONS DULY ORGANIZED OR REGISTERED UNDER THE LAWS OF THE
9 COMMONWEALTH OF PENNSYLVANIA ONLY WHEN IT APPEARS THAT ALL OF
10 THE OFFICERS AND DIRECTORS OF THE CORPORATION ARE CITIZENS OF
11 THE UNITED STATES AND [HAVE BEEN] ARE RESIDENTS OF THE
12 COMMONWEALTH OF PENNSYLVANIA [FOR A PERIOD OF AT LEAST TWO YEARS
13 PRIOR TO THE DATE OF APPLICATION], AND THAT AT LEAST FIFTY-ONE
14 PER CENTUM OF THE CAPITAL STOCK OF SUCH CORPORATION IS ACTUALLY
15 OWNED BY INDIVIDUALS WHO ARE CITIZENS OF THE UNITED STATES AND
16 [HAVE BEEN] ARE RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA
17 [FOR A PERIOD OF AT LEAST TWO YEARS PRIOR TO THE DATE OF
18 APPLICATION]: PROVIDED, THAT THE PROVISIONS OF THIS SUBSECTION
19 WITH RESPECT TO RESIDENCE REQUIREMENTS SHALL NOT APPLY TO
20 INDIVIDUALS, PARTNERS, OFFICERS, DIRECTORS AND OWNERS OF CAPITAL
21 STOCK, OF CORPORATIONS LICENSED OR APPLYING FOR LICENSES AS
22 MANUFACTURERS OF MALT OR BREWED BEVERAGES, NOR SHALL THE
23 PROVISIONS OF THIS SUBSECTION WITH RESPECT TO STOCKHOLDER
24 REQUIREMENTS APPLY TO CORPORATIONS LICENSED OR APPLYING FOR
25 LICENSES AS MANUFACTURERS OF MALT OR BREWED BEVERAGES.

26 * * *

27 SECTION 5. SECTION 441(D) OF THE ACT IS AMENDED AND THE
28 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

29 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
30 RESTRICTIONS ON SALES, STORAGE, ETC.--* * *

1 (D) (1) NO DISTRIBUTOR [OR IMPORTING DISTRIBUTOR] SHALL
2 MAINTAIN ANY PLACE FOR THE STORAGE OF MALT OR BREWED BEVERAGES
3 EXCEPT IN THE SAME MUNICIPALITY IN WHICH THE LICENSED PREMISES
4 IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD.
5 IN THE EVENT THERE IS NO PLACE OF COLD STORAGE IN THE SAME
6 MUNICIPALITY, THE BOARD MAY APPROVE A PLACE OF COLD STORAGE IN
7 THE NEAREST MUNICIPALITY.

8 (2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR
9 THE STORAGE OF MALT OR BREWED BEVERAGES EXCEPT IN THE FRANCHISE
10 TERRITORY IN WHICH THE LICENSED PREMISES IS LOCATED AND UNLESS
11 THE SAME HAS BEEN APPROVED BY THE BOARD. THE BOARD SHALL ISSUE
12 NO MORE THAN ONE STORAGE FACILITY LICENSE TO AN IMPORTING
13 DISTRIBUTOR. THE STORAGE LOCATION SHALL BE DESIGNATED SOLELY AS
14 A STORAGE FACILITY, FROM WHICH ONLY SALES TO OTHER LICENSEES ARE
15 PERMITTED. RETAIL SALES MAY BE MADE AT THE LICENSED LOCATION
16 PURSUANT TO SUBSECTION (C). IF THE IMPORTING DISTRIBUTOR
17 MAINTAINS A STORAGE LOCATION FOR COLD STORAGE IN THE SAME
18 MUNICIPALITY IN WHICH THE IMPORTING DISTRIBUTOR IS LICENSED OR A
19 NEARBY MUNICIPALITY, THE IMPORTING DISTRIBUTOR MAY CONTINUE TO
20 MAINTAIN THAT COLD STORAGE LOCATION IN ADDITION TO ANOTHER
21 STORAGE LOCATION WITHIN THEIR FRANCHISE TERRITORY.

22 * * *

23 (H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY"
24 SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN
25 IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR
26 RESALE OF MALT OR BREWED BEVERAGES.

27 SECTION 5.1. SECTION 442(A) (1) OF THE ACT, AMENDED NOVEMBER
28 29, 2006 (P.L.1421, NO.155), IS AMENDED AND THE SECTION IS
29 AMENDED BY ADDING A SUBSECTION TO READ:

30 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES

1 AND SALES.-- (A) (1) NO RETAIL DISPENSER SHALL PURCHASE OR
2 RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL
3 CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE
4 PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK
5 THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE
6 SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED[:
7 PROVIDED, HOWEVER, THAT NO] NO RETAIL DISPENSER MAY SELL MALT
8 OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES IN
9 QUANTITIES IN EXCESS OF ONE HUNDRED NINETY-TWO FLUID OUNCES[:
10 PROVIDED, FURTHER, THAT NO] SALES MAY BE MADE IN OPEN OR CLOSED
11 CONTAINERS, UNLESS A MUNICIPALITY HAS AN ORDINANCE RESTRICTING
12 OPEN CONTAINER SALES. NO CLUB LICENSEE MAY SELL ANY MALT OR
13 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR
14 TO PERSONS NOT MEMBERS OF THE CLUB.

15 * * *

16 (F) THE HOLDER OF AN EATING PLACE RETAIL DISPENSER LICENSE
17 MAY OBTAIN AN OFF-PREMISES CATERING PERMIT UNDER SECTION 493(33)
18 TO HOLD A CATERED EVENT OFF OF THE LICENSED PREMISES AND ON
19 OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL MALT
20 OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR ANY OTHER
21 CONTAINER, FOR CONSUMPTION ON THOSE PREMISES SOLELY USED FOR
22 CATERING PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF
23 THE PERMIT SHALL BE SUBJECT TO THE FOLLOWING:

24 (1) MALT OR BREWED BEVERAGES MAY ONLY BE PROVIDED DURING THE
25 DAYS AND HOURS THAT THE LICENSE HOLDER MAY OTHERWISE SELL MALT
26 OR BREWED BEVERAGES;

27 (2) EACH PERMIT SHALL BE VALID FOR ONE DAY AND NOT MORE THAN
28 FIFTY PERMITS MAY BE ISSUED EACH CALENDAR YEAR TO EACH LICENSE
29 HOLDER FOR USE WITH A PARTICULAR LICENSE;

30 (3) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS

1 ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S
2 LICENSE;

3 (4) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE
4 LICENSE IS IN SAFEKEEPING;

5 (5) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
6 SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF
7 LICENSING OR THE BOARD UNDER SECTION 470(A.1);

8 (6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
9 SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE
10 ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE
11 UNDER SECTION 471(B);

12 (7) NO MALT OR BREWED BEVERAGES MAY BE TAKEN FROM THE
13 PERMITTED LOCATION, BUT THE APPLICANT MAY TRANSPORT MALT OR
14 BREWED BEVERAGES TO AND FROM ITS LICENSED PREMISES TO THE
15 PROPOSED PREMISES; AND

16 (8) WRITTEN NOTICE OF THE DATE, TIME AND LOCATION OF THE
17 CATERED FUNCTION SHALL BE PROVIDED TO THE LOCAL POLICE, OR IF
18 THERE IS NO LOCAL POLICE FORCE TO THE ENFORCEMENT BUREAU, AT
19 LEAST FORTY-EIGHT HOURS IN ADVANCE OF THE EVENT.

20 SECTION 6. SECTIONS 444(C) AND 445 OF THE ACT ARE AMENDED TO
21 READ:

22 SECTION 444. MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE
23 THIS COMMONWEALTH.--* * *

24 (C) ANY MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE OF
25 PENNSYLVANIA WHICH ARE SOLD, TRANSPORTED OR POSSESSED IN
26 PENNSYLVANIA CONTRARY TO ANY SUCH REGULATIONS OR ORDERS OF THE
27 BOARD, OR WITHOUT THE PAYMENT OF THE FEES HEREIN REQUIRED, SHALL
28 BE CONSIDERED CONTRABAND AND SHALL BE CONFISCATED BY THE BOARD
29 AND DISPOSED OF IN THE SAME MANNER AS ANY OTHER ILLEGAL LIQUOR
30 OR MALT OR BREWED BEVERAGES, PROVIDED THAT, IF THE POTENTIAL

1 VIOLATION IS OF SECTION 445 OR ANY ASSOCIATED REGULATION, SUCH
2 MALT OR BREWED BEVERAGES SHALL BE LEFT ON THE LICENSED PREMISES
3 WHERE FOUND UNDER ORDERS NOT TO SELL SUCH CONTRABAND UNTIL SUCH
4 TIME AS THE MALT OR BREWED BEVERAGE MANUFACTURER COMES INTO
5 COMPLIANCE WITH PENNSYLVANIA'S REGULATIONS OR UNTIL THE LICENSEE
6 HOLDING THE CONTRABAND CAN RETURN IT TO THE MANUFACTURER AND BE
7 FULLY REIMBURSED.

8 * * *

9 SECTION 445. BRAND REGISTRATION.--(A) NO BRAND OR BRANDS OF
10 MALT OR BREWED BEVERAGES SHALL BE OFFERED, SOLD OR DELIVERED TO
11 ANY TRADE BUYER WITHIN THIS COMMONWEALTH UNLESS THE MANUFACTURER
12 THEREOF SHALL FIRST SUBMIT AN APPLICATION IN THE FORM AND MANNER
13 PRESCRIBED BY THE BOARD FOR THE REGISTRATION OF THE SAID BRAND
14 OR BRANDS OF MALT BEVERAGES, TOGETHER [WITH AN ANNUAL FILING FEE
15 NOT TO EXCEED TWENTY-FIVE DOLLARS (\$25) FOR EACH BRAND
16 REGISTRATION REQUESTED.] WITH AN ANNUAL FILING FEE NOT TO EXCEED
17 SEVENTY-FIVE DOLLARS (\$75) FOR EACH BRAND REGISTRATION
18 REQUESTED. ANY BRAND PRODUCED IN QUANTITIES OF ONE HUNDRED
19 BREWER'S BARRELS ANNUALLY OR LESS MAY BE REGISTERED TOGETHER
20 WITH OTHER BRANDS PRODUCED BY THE SAME MANUFACTURER IN SUCH
21 QUANTITIES WITH AN ANNUAL FILING FEE NOT TO EXCEED ONE HUNDRED
22 AND FIFTY DOLLARS (\$150) IN TOTAL FOR UP TO TWENTY INDIVIDUAL
23 BRANDS. ANY BRAND OR BRANDS OF MALT OR BREWED BEVERAGES THAT ARE
24 PRODUCED BY A MANUFACTURER BUT NOT OFFERED FOR SALE BECAUSE OF
25 ADDITIONAL AGING OF THE BEVERAGES SHALL ONLY BE REGISTERED AT
26 THE TIME THE BRAND OR BRANDS ARE OFFERED FOR SALE. IN THE EVENT
27 AN OUT-OF-STATE OR FOREIGN MANUFACTURER OF MALT OR BREWED
28 BEVERAGES HAS GRANTED FRANCHISE RIGHTS TO ANY PERSON FOR THE
29 SALE AND DISTRIBUTION OF ITS BRAND PRODUCTS BUT WHICH PERSON IS
30 NOT LICENSED TO SELL AND DISTRIBUTE THE SAME IN THIS

1 COMMONWEALTH, SAID SUCH PERSON SHALL NEVERTHELESS BE REQUIRED TO
2 REGISTER THE INVOLVED BRAND BEFORE OFFERING THE SAME FOR SALE IN
3 PENNSYLVANIA. IT IS FURTHER CONDITIONED THAT THE PERSON HOLDING
4 SUCH FRANCHISE RIGHTS SHALL, TOGETHER WITH ITS APPLICATION FOR
5 BRAND REGISTRATION, FILE WITH THE BOARD COPIES OF ALL AGREEMENTS
6 BETWEEN IT AND THE PENNSYLVANIA IMPORTING DISTRIBUTOR APPOINTED
7 BY SUCH PERSON TO SELL AND DISTRIBUTE THE BRANDS OF MALT OR
8 BREWED BEVERAGES AS PROVIDED BY SECTIONS 431 AND 492. SUCH
9 AGREEMENT SHALL CONTAIN THE MANUFACTURER'S CONSENT AND APPROVAL
10 TO THE APPOINTMENT OF THE PENNSYLVANIA IMPORTING DISTRIBUTOR AND
11 THE RIGHTS CONFERRED THEREUNDER.

12 (B) THE BOARD SHALL EMPLOY A MALT BEVERAGE COMPLIANCE
13 OFFICER WHOSE DUTIES SHALL INCLUDE REVIEWING LABEL REGISTRATION
14 TO ENSURE COMPLIANCE WITH THIS ACT AND INVESTIGATING REPORTS OF
15 UNREGISTERED BRANDS OF MALT OR BREWED BEVERAGES BEING SOLD BY
16 LICENSEES IN ADDITION TO ANY OTHER DUTIES THE BOARD SHALL ASSIGN
17 THE OFFICER. IF THE MALT BEVERAGE COMPLIANCE OFFICER FINDS THAT
18 A LICENSEE IS SELLING MALT OR BREWED BEVERAGES THAT ARE
19 UNREGISTERED IN THIS COMMONWEALTH, HE SHALL GIVE THE
20 MANUFACTURER OF THE MALT OR BREWED BEVERAGES WRITTEN NOTICE THAT
21 THE MANUFACTURER HAS TEN DAYS TO REGISTER THE MALT OR BREWED
22 BEVERAGES WITH THE BOARD. DURING THAT TEN-DAY PERIOD IN WHICH
23 THE MANUFACTURER HAS TO COME INTO COMPLIANCE WITH BRAND
24 REGISTRATION, THE UNREGISTERED MALT OR BREWED BEVERAGES SHALL
25 REMAIN ON THE LICENSEE'S PREMISES BUT MAY NOT BE SOLD. SHOULD
26 THE MANUFACTURER FAIL TO REGISTER THE MALT OR BREWED BEVERAGES
27 WITH THE BOARD WITHIN TEN DAYS, THE MANUFACTURER SHALL BE
28 REQUIRED TO REMOVE THE UNREGISTERED MALT OR BREWED BEVERAGES
29 FROM THE LICENSEE'S PREMISES AND REIMBURSE THE LICENSEE FOR ALL
30 UNREGISTERED PRODUCTS THAT CANNOT BE SOLD IN THIS COMMONWEALTH.

1 SECTION 7. SECTION 461(D) OF THE ACT, AMENDED DECEMBER 21,
2 1998 (P.L.1202, NO.155), IS AMENDED TO READ:

3 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
4 IN EACH COUNTY.--* * *

5 (D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL
6 MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC
7 ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH
8 LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL
9 AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY
10 OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE
11 ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A
12 MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF
13 LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT
14 RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE
15 SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN
16 SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS
17 OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE
18 THE AIRPORT TERMINAL BUILDING OR BUILDINGS, NOTWITHSTANDING ANY
19 INTERVENING THOROUGHFARES. IN ADDITION TO THE PRIVILEGES GRANTED
20 UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED BEVERAGES,
21 AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL WINE BY THE
22 GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR CONSUMPTION OFF THE
23 LICENSED PREMISES AND WITHIN THE AIRPORT TERMINAL BUILDING.
24 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, AN AIRPORT
25 RESTAURANT LICENSEE THAT HAS ACQUIRED A SUNDAY SALES PERMIT MAY
26 COMMENCE SALES AT SEVEN O'CLOCK ANTEMERIDIAN.

27 * * *

28 SECTION 8. SECTION 468(A) (1) OF THE ACT, AMENDED NOVEMBER
29 29, 2006 (P.L.1421, NO.155), IS AMENDED TO READ:

30 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) (1)

1 LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE
2 BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE, IS HEREBY
3 AUTHORIZED TO TRANSFER ANY LICENSE ISSUED BY IT UNDER THE
4 PROVISIONS OF THIS ARTICLE FROM ONE PERSON TO ANOTHER OR FROM
5 ONE PLACE TO ANOTHER, OR BOTH. [IF] EXCEPT FOR RESTAURANT LIQUOR
6 AND EATING PLACE RETAIL DISPENSER LICENSES TRANSFERRED UNDER
7 SECTION 461(B.4), IF THE LICENSE IS A RETAIL LICENSE, [THEN] THE
8 NEW LOCATION MUST BE WITHIN THE SAME COUNTY AS THE EXISTING
9 LOCATION [EXCEPT FOR RESTAURANT LIQUOR AND EATING PLACE RETAIL
10 DISPENSER LICENSES TRANSFERRED UNDER SECTION 461(B.4)] OR, IF
11 THE MUNICIPALITY IS LOCATED IN MORE THAN ONE COUNTY, WITHIN THE
12 SAME MUNICIPALITY AS THE EXISTING LOCATION.

13 * * *

14 SECTION 9. SECTION 471 OF THE ACT IS AMENDED BY ADDING A
15 SUBSECTION TO READ:

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

17 * * *

18 (F) UPON BECOMING AWARE OF A POTENTIAL VIOLATION OF SECTION
19 445 OR ANY ASSOCIATED REGULATION, THE ENFORCEMENT BUREAU SHALL
20 GIVE WRITTEN NOTICE TO EACH LICENSEE WHO MIGHT BE IN VIOLATION
21 OF THIS SECTION OR ITS CORRESPONDING REGULATION. IF THE
22 POTENTIAL VIOLATION HAS BEEN CURED WITHIN TEN DAYS OF RECEIPT OF
23 THE WRITTEN NOTICE, THE ENFORCEMENT BUREAU SHALL TAKE NO FURTHER
24 ACTION AGAINST THE LICENSEE. IF THE POTENTIAL VIOLATION HAS NOT
25 BEEN CURED WITHIN TEN DAYS OF RECEIPT OF THE NOTICE, THE
26 ENFORCEMENT BUREAU SHALL PROCEED IN ACCORDANCE WITH SUBSECTION
27 (A).

28 Section 4 10. Section 493(10) of the act, amended December
29 20, 2000 (P.L.992, No.141), is amended and the section is
30 amended by adding a paragraph to read:



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

6 It shall be unlawful--

7 * * *

8 (10) Entertainment on Licensed Premises (Except Clubs);
9 Permits; Fees. For any licensee, his servants, agents or
10 employes, except club licensees, public venue licensees or
11 performing arts facility licensees, to permit in any licensed
12 premises or in any place operated in connection therewith,
13 dancing, theatricals or floor shows of any sort, or moving
14 pictures other than television, or such as are exhibited through
15 machines operated by patrons by the deposit of coins, which
16 project pictures on a screen not exceeding in size twenty-four
17 by thirty inches and which forms part of the machine, unless the
18 licensee shall first have obtained from the board a special
19 permit to provide such entertainment, or for any licensee, under
20 any circumstances, to permit in any licensed premises or in any
21 place operated in connection therewith any lewd, immoral or
22 improper entertainment, regardless of whether a permit to
23 provide entertainment has been obtained or not. The special
24 permit may be used only during the hours when the sale of liquor
25 or malt or brewed beverages is permitted, unless the licensee
26 holds an extended hours food license under section 499(b) which
27 license would allow the special permit to be used while the
28 establishment is open, and between eleven o'clock antemeridian
29 on Sunday and two o'clock antemeridian on the following Monday,
30 regardless of whether the licensee possesses a Sunday sales

1 permit. The board shall have power to provide for the issue of
2 such special permits, and to collect an annual fee for such
3 permits as prescribed in section 614-A of the act of April 9,
4 1929 (P.L.177, No.175), known as "The Administrative Code of
5 1929." All such fees shall be paid into the State Stores Fund.
6 No such permit shall be issued in any municipality which, by
7 ordinance, prohibits amusements in licensed places. Any
8 violation of this clause shall, in addition to the penalty
9 herein provided, subject the licensee to suspension or
10 revocation of his permit and his license.

11 * * *

12 (33) Off-premises Catering Permit; Fees. For any licensee,
13 his servants, agents or employes to cater an event that includes ←
14 the sale and service of alcoholic beverages at a location other
15 than the licensed premises, unless the licensee shall first have
16 obtained from the board a special permit to provide such
17 catering services SELL ALCOHOL AT A LOCATION OTHER THAN ITS ←
18 LICENSED PREMISES, UNLESS THE SALE IS SPECIFICALLY AUTHORIZED
19 UNDER THIS ACT, OR UNLESS THE LICENSEE RECEIVES A SPECIAL PERMIT
20 FROM THE BOARD TO DO SO. Only those licensees currently holding ←
21 a CURRENT AND valid restaurant, hotel or eating place license ←
22 that has been certified under the board's responsible alcohol ←
23 management program as required by section 471.1 shall be allowed
24 to apply for such a permit. ALL SERVERS AT THE OFF-PREMISES ←
25 CATERED EVENT SHALL BE CERTIFIED UNDER THE BOARD'S RESPONSIBLE
26 ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER SECTION 471.1. The
27 board shall have the power to provide for the issue of such ←
28 ISSUE THE special permits to qualified licensees and to collect ←
29 an annual fee for such permits that shall not exceed five
30 hundred dollars (\$500) per year. All such THE fees shall be paid ←

1 into the State Stores Fund. Any violation of this act shall ←
2 subject the licensee to suspension or revocation of his permit
3 and preclude him from applying for a future off premises
4 catering permit. OR THE BOARD'S REGULATIONS FOR GOVERNING ←
5 ACTIVITY OCCURRING UNDER THE AUTHORITY OF THIS PERMIT MAY BE THE
6 BASIS FOR THE ISSUANCE OF A CITATION UNDER SECTION 471, THE
7 NONRENEWAL OF THE LICENSE UNDER SECTION 470 OR THE REFUSAL BY
8 THE BOARD TO ISSUE SUBSEQUENT PERMITS OR HONOR SUBSEQUENT DATES
9 ON THE EXISTING PERMIT. THIS PENALTY SHALL BE IN ADDITION TO ANY
10 OTHER REMEDIES AVAILABLE TO THE ENFORCEMENT BUREAU OR THE BOARD.

11 SECTION 11. SECTION 505.2(A)(6.1) AND (6.3) OF THE ACT,
12 AMENDED DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED AND THE
13 SECTION IS AMENDED BY ADDING A CLAUSE TO READ:

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

17 * * *

18 (4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS
19 MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO
20 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME
21 AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC
22 CIDER OR WINE PRODUCED UNDER THE AUTHORITY OF THE UNDERLYING
23 LIMITED WINERY LICENSE BY THE BOTTLE OR IN CASE LOTS. SAMPLES
24 NOT TO EXCEED ONE FLUID ONCE PER BRAND OF WINE MAY BE OFFERED
25 FREE OF CHARGE. A FARMERS MARKET PERMIT SHALL BE ISSUED UPON
26 PROPER APPLICATION AND PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED
27 FIFTY DOLLARS (\$250). A PERMIT HOLDER MAY PARTICIPATE IN MORE
28 THAN ONE FARMERS MARKET AT ANY GIVEN TIME. SALES BY PERMIT
29 HOLDERS SHALL TAKE PLACE DURING THE STANDARD HOURS OF OPERATION
30 OF THE FARMERS MARKET. WRITTEN NOTICE OF THE DATE, TIMES AND

1 LOCATION THE PERMIT IS TO BE USED SHALL BE PROVIDED BY THE
2 PERMIT HOLDER TO THE ENFORCEMENT BUREAU AT LEAST TWO (2) WEEKS
3 PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN THIS SUBSECTION,
4 LIMITED WINERIES UTILIZING FARMERS MARKET PERMITS SHALL BE
5 GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY
6 ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

7 * * *

8 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
9 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
10 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
11 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, ONLY
12 WINE AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
13 BOTTLE.


14 * * *

15 (6.3) SELL ALCOHOLIC CIDER, WINE AND WINE COOLERS ONLY
16 BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND [NINE
17 O'CLOCK] ELEVEN O'CLOCK POSTMERIDIAN. [DURING THE PERIOD FROM
18 THANKSGIVING DAY THROUGH NEW YEAR'S DAY, LIMITED WINERY SALES
19 LOCATIONS MAY REMAIN OPEN TO CONFORM WITH THE CLOSING TIMES OF
20 NEIGHBORING MALL OR SHOPPING DISTRICT BUSINESSES BUT NO LATER
21 THAN TEN O'CLOCK POSTMERIDIAN.] A LIMITED WINERY ALSO MAY
22 REQUEST APPROVAL FROM THE BOARD TO EXTEND SALES HOURS IN
23 INDIVIDUAL LOCATIONS AT OTHER TIMES DURING THE YEAR OR BEYOND
24 THE LIMITS SET FORTH IN THIS CLAUSE. THE REQUEST SHALL BE MADE
25 IN WRITING TO THE BOARD'S OFFICE OF THE CHIEF COUNSEL AND SHALL
26 DETAIL THE EXACT LOCATIONS WHERE SALES HOURS ARE PROPOSED TO BE
27 EXTENDED, THE PROPOSED HOURS AND DATES OF EXTENDED OPERATION AND
28 THE REASON FOR THE PROPOSED EXTENDED HOURS.

29 * * *

30 SECTION 12. ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR

1 AS THEY ARE INCONSISTENT WITH SECTION 445 OF THE ACT.

2 Section 5 13. This act shall take effect ~~in 60 days.~~ AS 

3 FOLLOWS:

4 (1) THE AMENDMENT OF SECTIONS 441, 445 AND 471 OF THE
5 ACT SHALL TAKE EFFECT IN 60 DAYS.

6 (2) THE AMENDMENT OR ADDITION OF SECTIONS 406 AND
7 505.2(A) (4.1) OF THE ACT SHALL TAKE EFFECT IN 30 DAYS.

8 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
9 IMMEDIATELY.