
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 CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 20, 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 LOCAL OPTION, for unlawful acts ←
30 relative to liquor, malt and brewed beverages and licensees
31 AND FOR LIMITED 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~~" FUNCTION" shall mean the furnishing of ←
13 ~~prepared foods~~ FOOD PREPARED ON THE PREMISES OR BROUGHT ONTO THE ←
14 PREMISES ALREADY PREPARED in conjunction with alcoholic
15 beverages for the accommodation of a PERSON OR AN IDENTIFIABLE ←
16 group of people who made arrangements for the ~~event~~ FUNCTION at ←
17 least forty-eight hours in advance and is paid for and sponsored ←
18 by a third party.

19 * * *

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 boroughs 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 MUSEUM OPERATED BY A NOT-FOR-PROFIT ←
11 CORPORATION IN A CITY OF THE SECOND CLASS A, A NONPROFIT
12 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
13 REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE SECOND
14 CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
15 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
16 501(C)(3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
17 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
18 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
19 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
20 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
21 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, a
22 nonprofit organization as defined under section 501(c)(3) of the
23 Internal Revenue Code of 1986 whose main purpose is to
24 temporarily foster stray and unwanted animals and match them to
25 suitable permanent homes, a nonprofit organization as defined
26 under section 501(c)(3) of the Internal Revenue Code of 1986 who
27 operates either a Main Street Program or Elm Street Program
28 recognized by the Commonwealth, the National Trust for Historic
29 Preservation or both.

30 * * *

1 "Happy hour" shall mean the period of time during which a
2 licensee discounts alcoholic beverages.

3 * * *

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

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

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

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

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

30 Section 3 2. Section 406(a)(1) of the act, amended July 6,



1 ~~2005 (P.L.135, No.39), is amended and the section 406(A) (3) OF~~ ←
2 ~~THE ACT, AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), is~~
3 ~~amended AND THE SECTION IS AMENDED by adding subsections to~~ ←
4 ~~read:~~

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

6 ~~(1) Every hotel, restaurant or club liquor licensee may sell~~ ←

7 ~~liquor and malt or brewed beverages by the glass, open bottle or~~

8 ~~other container, and in any mixture, for consumption only in~~

9 ~~that part of the hotel or restaurant habitually used for the~~

10 ~~selling of food to guests or patrons, or, in the case of a~~

11 ~~restaurant, hotel or eating place licensee, at a catered event~~

12 ~~off the licensed premises, or in a bowling alley that is~~

13 ~~immediately adjacent to and under the same roof as a restaurant,~~

14 ~~and in the case of hotels, to guests, and in the case of clubs,~~

15 ~~to members, in their private rooms in the hotel or club. No club~~

16 ~~licensee nor its officers, servants, agents or employes, other~~

17 ~~than one holding a catering license, shall sell any liquor or~~

18 ~~malt or brewed beverages to any person except a member of the~~

19 ~~club. The holder of a restaurant license located in a hotel may~~

20 ~~sell liquor or malt or brewed beverages for consumption in that~~

21 ~~part of the restaurant habitually used for the serving of meals~~

22 ~~to patrons and also to guests in private guest rooms in the~~

23 ~~hotel. For the purpose of this paragraph, any person who is an~~

24 ~~active member of another club which is chartered by the same~~

25 ~~state or national organization shall have the same rights and~~

26 ~~privileges as members of the particular club. For the purpose of~~

27 ~~this paragraph, any person who is an active member of any~~

28 ~~volunteer firefighting company, association or group of this~~

29 ~~Commonwealth, whether incorporated or unincorporated, shall upon~~

30 ~~the approval of any club composed of volunteer firemen licensed~~

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

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 (3) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY ←
7 AND NOT MORE THAN FIFTY CATERED FUNCTIONS MAY BE HELD EACH
8 CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A PARTICULAR
9 LICENSE;

10 (4) A PERMIT CATERED FUNCTION SHALL NOT BE ~~ISSUED TO~~ HELD AT ←
11 A LOCATION THAT IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER
12 LICENSEE'S LICENSE;

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

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

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

22 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION, BUT
23 THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM ITS LICENSED
24 PREMISES TO THE PROPOSED PREMISES; AND

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

29 (g) Notwithstanding any other provision of law or
30 regulation, the holder of a retail license may ~~have~~ HOLD HAPPY ←

1 HOURS up to four hours per day and up to fourteen hours per week
2 during which the holder discounts the price of alcoholic
3 beverages. ~~The licensee may use up to four hours per day so long~~ ←
4 ~~as the hours do not exceed fourteen hours in any given week and~~
5 ~~so long as no~~ NO discounts are MAY BE given between the hours of ←
6 midnight and the legal closing time ~~and so long as notice.~~ ←
7 NOTICE of all happy hours ~~is~~ SHALL BE visibly posted on the ←
8 licensed premises seven days prior to the happy hour. EXCEPT AS ←
9 PROVIDED IN THIS SUBSECTION, A LICENSEE SHALL COMPLY WITH THE
10 PROVISIONS OF 40 PA. CODE § 13-102 (RELATING TO DISCOUNT PRICING
11 PRACTICES).

12 SECTION ~~3.1~~ 3. SECTION 407(A) OF THE ACT, AMENDED JULY 7, ←
13 2006 (P.L.584, NO.84), IS AMENDED TO READ:

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

1 * * *

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

4 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
5 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

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

1 * * *

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

4 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
5 RESTRICTIONS ON SALES, STORAGE, ETC.--* * *

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

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

27 * * *

28 (H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY"
29 SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN
30 IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR

1 RESALE OF MALT OR BREWED BEVERAGES.

2 SECTION ~~5-1~~ 6. SECTION 442(A) (1) OF THE ACT, AMENDED ←
3 NOVEMBER 29, 2006 (P.L.1421, NO.155), IS AMENDED AND THE SECTION
4 IS AMENDED BY ADDING A SUBSECTION TO READ:

5 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
6 AND SALES.--(A) (1) NO RETAIL DISPENSER SHALL PURCHASE OR
7 RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL
8 CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE
9 PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK
10 THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE
11 SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED[:
12 PROVIDED, HOWEVER, THAT NO]. NO RETAIL DISPENSER MAY SELL MALT
13 OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES IN
14 QUANTITIES IN EXCESS OF ONE HUNDRED NINETY-TWO FLUID OUNCES[:
15 PROVIDED, FURTHER, THAT NO]. SALES MAY BE MADE IN OPEN OR CLOSED
16 CONTAINERS, UNLESS; PROVIDED, HOWEVER, THAT A MUNICIPALITY HAS ←
17 MAY ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINER SALES ←
18 CONTAINERS IN PUBLIC PLACES. NO CLUB LICENSEE MAY SELL ANY MALT ←
19 OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD
20 OR TO PERSONS NOT MEMBERS OF THE CLUB.

21 * * *

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

30 (1) MALT OR BREWED BEVERAGES MAY ONLY BE PROVIDED DURING THE

1 DAYS AND HOURS THAT THE LICENSE HOLDER MAY OTHERWISE SELL MALT
2 OR BREWED BEVERAGES;

3 ~~(2) 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 (2) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY ←
7 AND NOT MORE THAN FIFTY CATERED FUNCTIONS MAY BE HELD EACH
8 CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A PARTICULAR
9 LICENSE;

10 (3) A PERMIT CATERED FUNCTION SHALL NOT BE ISSUED TO HELD AT ←
11 A LOCATION THAT IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER
12 LICENSEE'S LICENSE;

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

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

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

22 (7) NO MALT OR BREWED BEVERAGES MAY BE TAKEN FROM THE
23 PERMITTED LOCATION, BUT THE APPLICANT MAY TRANSPORT MALT OR
24 BREWED BEVERAGES TO AND FROM ITS LICENSED PREMISES TO THE
25 PROPOSED PREMISES; AND

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

30 SECTION 6 7. SECTIONS 444 (C) AND 445 OF THE ACT ARE AMENDED ←

1 TO READ:

2 SECTION 444. MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE
3 THIS COMMONWEALTH.--* * *

4 (C) ANY MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE OF
5 PENNSYLVANIA WHICH ARE SOLD, TRANSPORTED OR POSSESSED IN
6 PENNSYLVANIA CONTRARY TO ANY SUCH REGULATIONS OR ORDERS OF THE
7 BOARD, OR WITHOUT THE PAYMENT OF THE FEES HEREIN REQUIRED, SHALL
8 BE CONSIDERED CONTRABAND AND SHALL BE CONFISCATED BY THE BOARD
9 AND DISPOSED OF IN THE SAME MANNER AS ANY OTHER ILLEGAL LIQUOR
10 OR MALT OR BREWED BEVERAGES, PROVIDED THAT, IF THE POTENTIAL
11 VIOLATION IS OF SECTION 445 OR ANY ASSOCIATED REGULATION, SUCH
12 MALT OR BREWED BEVERAGES SHALL BE LEFT ON THE LICENSED PREMISES
13 WHERE FOUND UNDER ORDERS NOT TO SELL SUCH CONTRABAND UNTIL SUCH
14 TIME AS THE MALT OR BREWED BEVERAGE MANUFACTURER COMES INTO
15 COMPLIANCE WITH PENNSYLVANIA'S REGULATIONS OR UNTIL THE LICENSEE
16 HOLDING THE CONTRABAND CAN RETURN IT TO THE MANUFACTURER AND BE
17 FULLY REIMBURSED.

18 * * *

19 SECTION 445. BRAND REGISTRATION.--(A) NO BRAND OR BRANDS OF
20 MALT OR BREWED BEVERAGES SHALL BE OFFERED, SOLD OR DELIVERED TO
21 ANY TRADE BUYER WITHIN THIS COMMONWEALTH UNLESS THE MANUFACTURER
22 THEREOF SHALL FIRST SUBMIT AN APPLICATION IN THE FORM AND MANNER
23 PRESCRIBED BY THE BOARD FOR THE REGISTRATION OF THE SAID BRAND
24 OR BRANDS OF MALT BEVERAGES, TOGETHER [WITH AN ANNUAL FILING FEE
25 NOT TO EXCEED TWENTY-FIVE DOLLARS (\$25) FOR EACH BRAND
26 REGISTRATION REQUESTED.] WITH AN ANNUAL FILING FEE NOT TO EXCEED
27 SEVENTY-FIVE DOLLARS (\$75) FOR EACH BRAND REGISTRATION
28 REQUESTED. ANY BRAND PRODUCED IN QUANTITIES OF ONE HUNDRED
29 BREWER'S BARRELS ANNUALLY OR LESS MAY BE REGISTERED TOGETHER
30 WITH OTHER BRANDS PRODUCED BY THE SAME MANUFACTURER IN SUCH





1 ~~QUANTITIES WITH AN ANNUAL FILING FEE NOT TO EXCEED ONE HUNDRED~~
2 ~~AND FIFTY DOLLARS (\$150) IN TOTAL FOR UP TO TWENTY INDIVIDUAL~~
3 ~~BRANDS.~~ REQUESTED AS SET FORTH IN SECTION 614-A(35) OF THE ACT
4 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
5 CODE OF 1929." NOTWITHSTANDING SECTION 614-A(35) OF THAT ACT, UP
6 TO TWENTY BRANDS MAY BE REGISTERED FOR A SINGLE ANNUAL FEE OF
7 ONE HUNDRED FIFTY DOLLARS (\$150.00), SO LONG AS ONE HUNDRED
8 BARRELS OR LESS OF EACH BRAND IS PRODUCED ON AN ANNUAL BASIS.
9 ANY BRAND OR BRANDS OF MALT OR BREWED BEVERAGES THAT ARE
10 PRODUCED BY A MANUFACTURER BUT NOT OFFERED FOR SALE BECAUSE OF
11 ADDITIONAL AGING OF THE BEVERAGES SHALL ONLY BE REGISTERED AT
12 THE TIME THE BRAND OR BRANDS ARE OFFERED FOR SALE. IN THE EVENT
13 AN OUT-OF-STATE OR FOREIGN MANUFACTURER OF MALT OR BREWED
14 BEVERAGES HAS GRANTED FRANCHISE RIGHTS TO ANY PERSON FOR THE
15 SALE AND DISTRIBUTION OF ITS BRAND PRODUCTS BUT WHICH PERSON IS
16 NOT LICENSED TO SELL AND DISTRIBUTE THE SAME IN THIS
17 COMMONWEALTH, SAID SUCH PERSON SHALL NEVERTHELESS BE REQUIRED TO
18 REGISTER THE INVOLVED BRAND BEFORE OFFERING THE SAME FOR SALE IN
19 PENNSYLVANIA. IT IS FURTHER CONDITIONED THAT THE PERSON HOLDING
20 SUCH FRANCHISE RIGHTS SHALL, TOGETHER WITH ITS APPLICATION FOR
21 BRAND REGISTRATION, FILE WITH THE BOARD COPIES OF ALL AGREEMENTS
22 BETWEEN IT AND THE PENNSYLVANIA IMPORTING DISTRIBUTOR APPOINTED
23 BY SUCH PERSON TO SELL AND DISTRIBUTE THE BRANDS OF MALT OR
24 BREWED BEVERAGES AS PROVIDED BY SECTIONS 431 AND 492. SUCH
25 AGREEMENT SHALL CONTAIN THE MANUFACTURER'S CONSENT AND APPROVAL
26 TO THE APPOINTMENT OF THE PENNSYLVANIA IMPORTING DISTRIBUTOR AND
27 THE RIGHTS CONFERRED THEREUNDER.

28 (B) THE BOARD SHALL EMPLOY A MALT BEVERAGE COMPLIANCE
29 OFFICER WHOSE DUTIES SHALL INCLUDE REVIEWING LABEL REGISTRATION
30 TO ENSURE COMPLIANCE WITH THIS ACT AND INVESTIGATING REPORTS OF

1 UNREGISTERED BRANDS OF MALT OR BREWED BEVERAGES BEING SOLD BY
2 LICENSEES IN ADDITION TO ANY OTHER DUTIES THE BOARD SHALL ASSIGN
3 THE OFFICER. IF THE MALT BEVERAGE COMPLIANCE OFFICER FINDS THAT
4 A LICENSEE IS SELLING MALT OR BREWED BEVERAGES THAT ARE
5 UNREGISTERED IN THIS COMMONWEALTH, HE SHALL GIVE THE
6 MANUFACTURER OF THE MALT OR BREWED BEVERAGES WRITTEN NOTICE THAT
7 THE MANUFACTURER HAS TEN DAYS TO REGISTER THE MALT OR BREWED
8 BEVERAGES WITH THE BOARD. DURING THAT TEN-DAY PERIOD IN WHICH
9 THE MANUFACTURER HAS TO COME INTO COMPLIANCE WITH BRAND
10 REGISTRATION, THE UNREGISTERED MALT OR BREWED BEVERAGES SHALL
11 REMAIN ON THE LICENSEE'S PREMISES BUT MAY NOT BE SOLD. SHOULD
12 THE MANUFACTURER FAIL TO REGISTER THE MALT OR BREWED BEVERAGES
13 WITH THE BOARD WITHIN TEN DAYS, THE MANUFACTURER SHALL BE
14 REQUIRED TO REMOVE THE UNREGISTERED MALT OR BREWED BEVERAGES
15 FROM THE LICENSEE'S PREMISES AND REIMBURSE THE LICENSEE FOR ALL
16 UNREGISTERED PRODUCTS THAT CANNOT BE SOLD IN THIS COMMONWEALTH.

17 SECTION 7 8. SECTION 461(D) OF THE ACT, AMENDED DECEMBER 21, ←
18 1998 (P.L.1202, NO.155), IS AMENDED TO READ:

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

21 (D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL
22 MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC
23 ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH
24 LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL
25 AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY
26 OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE
27 ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A
28 MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF
29 LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT
30 RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE

1 SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN
2 SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS
3 OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE
4 THE AIRPORT TERMINAL BUILDING OR BUILDINGS, NOTWITHSTANDING ANY
5 INTERVENING THOROUGHFARES. IN ADDITION TO THE PRIVILEGES GRANTED
6 UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED BEVERAGES,
7 AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL WINE BY THE
8 GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR CONSUMPTION OFF THE
9 LICENSED PREMISES AND WITHIN THE AIRPORT TERMINAL BUILDING.
10 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, AN AIRPORT
11 RESTAURANT LICENSEE THAT HAS ACQUIRED A SUNDAY SALES PERMIT MAY
12 COMMENCE SALES AT SEVEN O'CLOCK ANTEMERIDIAN.

13 * * *

14 SECTION 9. SECTION 468(A)(1) OF THE ACT, AMENDED NOVEMBER ←
15 29, 2006 (P.L.1421, NO.155), IS AMENDED TO READ:

16 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) (1)
17 LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE
18 BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE, IS HEREBY
19 AUTHORIZED TO TRANSFER ANY LICENSE ISSUED BY IT UNDER THE
20 PROVISIONS OF THIS ARTICLE FROM ONE PERSON TO ANOTHER OR FROM
21 ONE PLACE TO ANOTHER, OR BOTH. [IF] EXCEPT FOR RESTAURANT LIQUOR
22 AND EATING PLACE RETAIL DISPENSER LICENSES TRANSFERRED UNDER
23 SECTION 461(B.4), IF THE LICENSE IS A RETAIL LICENSE, [THEN] THE
24 NEW LOCATION MUST BE WITHIN THE SAME COUNTY AS THE EXISTING
25 LOCATION [EXCEPT FOR RESTAURANT LIQUOR AND EATING PLACE RETAIL
26 DISPENSER LICENSES TRANSFERRED UNDER SECTION 461(B.4)] OR, IF
27 THE MUNICIPALITY IS LOCATED IN MORE THAN ONE COUNTY, WITHIN THE
28 SAME MUNICIPALITY AS THE EXISTING LOCATION.

29 * * *

30 SECTION 10. SECTION 471 OF THE ACT IS AMENDED BY ADDING A ←

1 SUBSECTION TO READ:

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

3 * * *

4 (F) UPON BECOMING AWARE OF A POTENTIAL VIOLATION OF SECTION
5 445 OR ANY ASSOCIATED REGULATION, THE ENFORCEMENT BUREAU SHALL
6 GIVE WRITTEN NOTICE TO EACH LICENSEE WHO MIGHT BE IN VIOLATION
7 OF THIS SECTION OR ITS CORRESPONDING REGULATION. IF THE
8 POTENTIAL VIOLATION HAS BEEN CURED WITHIN TEN DAYS OF RECEIPT OF
9 THE WRITTEN NOTICE, THE ENFORCEMENT BUREAU SHALL TAKE NO FURTHER
10 ACTION AGAINST THE LICENSEE. IF THE POTENTIAL VIOLATION HAS NOT
11 BEEN CURED WITHIN TEN DAYS OF RECEIPT OF THE NOTICE, THE
12 ENFORCEMENT BUREAU SHALL PROCEED IN ACCORDANCE WITH SUBSECTION
13 (A).

14 SECTION 11. SECTION 472(D) OF THE ACT, ADDED DECEMBER 20,
15 2000 (P.L.992, NO.141), IS AMENDED TO READ:



16 SECTION 472. LOCAL OPTION.--* * *

17 (D) NOTHING IN THIS SECTION SHALL PROHIBIT THE BOARD FROM
18 APPROVING [THE]:

19 (1) THE TRANSFER OF A RETAIL LICENSE FROM A MUNICIPALITY
20 WHICH HAS VOTED TO PROHIBIT THE ISSUANCE OF SUCH A LICENSE TO A
21 LOCATION IN ANOTHER MUNICIPALITY IN THE SAME COUNTY THAT ALLOWS
22 THE ISSUANCE OF THAT TYPE OF LICENSE.

23 (2) THE RENEWAL OR TRANSFER OF A RESTAURANT LIQUOR LICENSE
24 IN A MUNICIPALITY WHICH HAS VOTED TO PROHIBIT THE ISSUANCE OF
25 SUCH A LICENSE IF:

26 (I) THE LICENSE IS LOCATED IN A TOWNSHIP OF THE SECOND CLASS
27 WITHIN A COUNTY OF THE THIRD CLASS;

28 (II) THE LICENSE WAS ORIGINALLY ISSUED PRIOR TO 1950; AND

29 (III) THE PREMISES HAVE BEEN LICENSED FOR AT LEAST FIFTY
30 YEARS.

1 * * *

2 Section ~~4 10~~ 12. Section 493(10) of the act, amended ←
3 December 20, 2000 (P.L.992, No.141), is amended and the section
4 is amended by adding a paragraph to read:

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

10 It shall be unlawful--

11 * * *

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

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

15 * * *

16 (33) Off-premises Catering Permit; Fees. For any licensee,
17 his servants, agents or employes to cater an event that includes ←
18 the sale and service of alcoholic beverages at a location other
19 than the licensed premises, unless the licensee shall first have
20 obtained from the board a special permit to provide such
21 catering services SELL ALCOHOL AT A LOCATION OTHER THAN ITS ←
22 LICENSED PREMISES, UNLESS THE SALE IS SPECIFICALLY AUTHORIZED
23 UNDER THIS ACT, OR UNLESS THE LICENSEE RECEIVES A SPECIAL PERMIT
24 FROM THE BOARD TO DO SO. Only those licensees currently holding ←
25 a CURRENT AND valid restaurant, hotel or eating place license ←
26 that has been certified under the board's responsible alcohol ←
27 management program as required by section 471.1 shall be allowed
28 to apply for such a permit. ALL SERVERS AT THE OFF-PREMISES ←
29 CATERED EVENT FUNCTION SHALL BE CERTIFIED UNDER THE BOARD'S ←
30 RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER SECTION

1 ~~471.1. The board shall have the power to provide for the issue~~ ←
2 ~~of such ISSUE THE special permits to qualified licensees and to~~ ←
3 ~~collect an annual fee for such permits that shall not exceed~~
4 ~~five hundred dollars (\$500) per year~~ MAY CHARGE A FEE OF FIVE ←
5 HUNDRED DOLLARS (\$500) EACH CALENDAR YEAR, TO EACH APPLICANT FOR
6 THE INITIAL PERMIT ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO
7 FURTHER FEE SHALL BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED
8 TO THE APPLICANT FOR THE LICENSE DURING THE SAME CALENDAR YEAR.
9 ~~All such~~ THE fees shall be paid into the State Stores Fund. Any ←
10 ~~violation of this act shall subject the licensee to suspension~~ ←
11 ~~or revocation of his permit and preclude him from applying for a~~
12 ~~future off premises catering permit.~~ OR THE BOARD'S REGULATIONS ←
13 FOR GOVERNING ACTIVITY OCCURRING UNDER THE AUTHORITY OF THIS
14 PERMIT MAY BE THE BASIS FOR THE ISSUANCE OF A CITATION UNDER
15 SECTION 471, THE NONRENEWAL OF THE LICENSE UNDER SECTION 470 OR
16 THE REFUSAL BY THE BOARD TO ISSUE SUBSEQUENT PERMITS OR HONOR
17 SUBSEQUENT DATES ON THE EXISTING PERMIT. THIS PENALTY SHALL BE
18 IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE ENFORCEMENT
19 BUREAU OR THE BOARD.

20 SECTION ~~44~~ 13. SECTION 505.2(A)(6.1) AND (6.3) OF THE ACT, ←
21 AMENDED DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED AND THE
22 SECTION IS AMENDED BY ADDING A CLAUSE TO READ:

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

26 * * *

27 (4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS
28 MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO
29 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME
30 AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC

1 CIDER OR WINE PRODUCED UNDER THE AUTHORITY OF THE UNDERLYING
2 LIMITED WINERY LICENSE BY THE BOTTLE OR IN CASE LOTS. SAMPLES
3 NOT TO EXCEED ONE FLUID ONCE PER BRAND OF WINE MAY BE OFFERED
4 FREE OF CHARGE. A FARMERS MARKET PERMIT SHALL BE ISSUED UPON
5 PROPER APPLICATION AND PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED
6 FIFTY DOLLARS (\$250). A PERMIT HOLDER MAY PARTICIPATE IN MORE
7 THAN ONE FARMERS MARKET AT ANY GIVEN TIME. SALES BY PERMIT
8 HOLDERS SHALL TAKE PLACE DURING THE STANDARD HOURS OF OPERATION
9 OF THE FARMERS MARKET. WRITTEN NOTICE OF THE DATE, TIMES AND
10 LOCATION THE PERMIT IS TO BE USED SHALL BE PROVIDED BY THE
11 PERMIT HOLDER TO THE ENFORCEMENT BUREAU AT LEAST TWO (2) WEEKS
12 PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN THIS SUBSECTION,
13 LIMITED WINERIES UTILIZING FARMERS MARKET PERMITS SHALL BE
14 GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY
15 ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

16 * * *

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

23 * * *

24 (6.3) SELL ALCOHOLIC CIDER, WINE AND WINE COOLERS ONLY
25 BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND [NINE
26 O'CLOCK] ELEVEN O'CLOCK POSTMERIDIAN. [DURING THE PERIOD FROM
27 THANKSGIVING DAY THROUGH NEW YEAR'S DAY, LIMITED WINERY SALES
28 LOCATIONS MAY REMAIN OPEN TO CONFORM WITH THE CLOSING TIMES OF
29 NEIGHBORING MALL OR SHOPPING DISTRICT BUSINESSES BUT NO LATER
30 THAN TEN O'CLOCK POSTMERIDIAN.] A LIMITED WINERY ALSO MAY

1 REQUEST APPROVAL FROM THE BOARD TO EXTEND SALES HOURS IN
2 INDIVIDUAL LOCATIONS AT OTHER TIMES DURING THE YEAR OR BEYOND
3 THE LIMITS SET FORTH IN THIS CLAUSE. THE REQUEST SHALL BE MADE
4 IN WRITING TO THE BOARD'S OFFICE OF THE CHIEF COUNSEL AND SHALL
5 DETAIL THE EXACT LOCATIONS WHERE SALES HOURS ARE PROPOSED TO BE
6 EXTENDED, THE PROPOSED HOURS AND DATES OF EXTENDED OPERATION AND
7 THE REASON FOR THE PROPOSED EXTENDED HOURS.

8 * * *

9 SECTION ~~12~~ 14. ALL ACTS AND PARTS OF ACTS ARE REPEALED ←
10 INSOFAR AS THEY ARE INCONSISTENT WITH SECTION 445 OF THE ACT.

11 Section ~~5 13~~ 15. This act shall take effect ~~in 60 days~~. AS ←
12 FOLLOWS:

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

15 (2) THE AMENDMENT OR ADDITION OF SECTIONS 406 AND
16 505.2(A) (4.1) OF THE ACT SHALL TAKE EFFECT IN 30 DAYS.

17 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
18 IMMEDIATELY.