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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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 HOUSE BILL

 No. 242 Session of  
2011
 

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INTRODUCED BY EVERETT, BARRAR, COHEN, D. COSTA, GROVE,  
HENNESSEY, KORTZ, MANN, MUSTIO, PAYTON, PYLE, REICHLEY,  
STURLA, TOEPEL, VULAKOVICH, HARHAI, MILLER, SONNEY AND  
KILLION, JANUARY 26, 2011

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SENATOR PIPPY, LAW AND JUSTICE, IN SENATE, AS AMENDED, NOVEMBER  
15, 2011

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## 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 distilleries~~ FURTHER PROVIDING FOR  
18 DEFINITIONS, FOR AUTHORITY TO ISSUE LIQUOR LICENSES TO ←  
19 HOTELS, RESTAURANTS AND CLUBS, FOR SALES BY LIQUOR LICENSEES  
20 AND RESTRICTIONS, FOR PROHIBITED INTERLOCKING BUSINESS, FOR  
21 PUBLIC VENUE LICENSE, FOR MALT AND BREWED BEVERAGES RETAIL  
22 LICENSES, FOR PROHIBITIONS AGAINST THE GRANT OF LICENSES, FOR  
23 SALES BY MANUFACTURERS OF MALT OR BREWED BEVERAGES AND  
24 MINIMUM QUANTITIES, FOR DISTRIBUTORS' AND IMPORTING  
25 DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, FOR RETAIL  
26 DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES, FOR BRAND  
27 REGISTRATION, FOR BREWERIES, FOR LICENSES NOT ASSIGNABLE AND  
28 TRANSFERS, FOR RENEWAL OF LICENSES AND TEMPORARY PROVISIONS  
29 FOR LICENSEES IN ARMED SERVICE, FOR RESPONSIBLE ALCOHOL  
30 MANAGEMENT, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND

1 LIQUOR LICENSEES, FOR UNLAWFUL ACTS RELATIVE TO MALT OR  
2 BREWED BEVERAGES AND LICENSEES, FOR HOURS OF OPERATION  
3 RELATIVE TO MANUFACTURERS, IMPORTING DISTRIBUTORS AND  
4 DISTRIBUTORS, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
5 BREWED BEVERAGES AND LICENSEES, FOR REPORTING OF WORTHLESS  
6 CHECKS, FOR LIMITED WINERIES AND FOR DISTILLERIES.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 ~~Section 1. Section 505.4 of the act of April 12, 1951~~ ←  
10 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~  
11 ~~June 29, 1987 (P.L.32, No.14) and added December 8, 2004~~  
12 ~~(P.L.1810, No.239), is amended to read:~~

13 SECTION 1. THE DEFINITIONS OF "ELIGIBLE ENTITY" AND "PUBLIC ←  
14 VENUE" IN SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90,  
15 NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29,  
16 1987 (P.L.32, NO.14), AMENDED JUNE 25, 2010 (P.L.217, NO.35) AND  
17 JUNE 28, 2011 (P.L.55, NO.11), ARE AMENDED AND THE SECTION IS  
18 AMENDED BY ADDING A DEFINITION TO READ:

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

22 \* \* \*

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

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

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

1 PROVIDE SERVICE TO OTHERS, TO PROMOTE HIGH ETHICAL STANDARDS AND  
2 TO ADVANCE WORLD UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS  
3 FELLOWSHIP OF BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A  
4 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE  
5 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §  
6 501(C)(3)) WHICH IS LOCATED IN A BOROUGH IN A COUNTY OF THE  
7 THIRD CLASS AND WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE  
8 SUPPORTING LOCAL AND REGIONAL CHARITIES, A MUSEUM OPERATED BY A  
9 NOT-FOR-PROFIT CORPORATION IN A CITY OF THE SECOND CLASS A, A  
10 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE  
11 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE  
12 SECOND CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY  
13 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
14 501(C)(3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS  
15 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH  
16 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER  
17 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED  
18 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE  
19 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A  
20 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE  
21 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO  
22 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO  
23 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED  
24 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHO  
25 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM  
26 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC  
27 PRESERVATION OR BOTH OR A NONCOMMERCIAL, EDUCATIONAL PUBLIC  
28 RADIO OR TELEVISION STATION THAT IS ELIGIBLE FOR QUALIFICATION  
29 UNDER THE CORPORATION FOR PUBLIC BROADCASTING, OR A NONPROFIT  
30 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL

1 REVENUE CODE OF 1986 WHOSE PURPOSE IS TO PROMOTE AWARENESS,  
2 EDUCATION AND RESEARCH AND TO PROVIDE A SUPPORT SYSTEM FOR  
3 PATIENTS WITH NEUTROPENIA AND THEIR FAMILIES THROUGH A NATIONAL  
4 RESOURCE NETWORK.

5 \* \* \*

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

1 APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER  
2 ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE  
3 POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN  
4 LAW," OR AN AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF  
5 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE  
6 COUNTY CODE," IT SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE  
7 THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT  
8 SEATING FOR AT LEAST TWO THOUSAND (2,000) PEOPLE. THE TERM SHALL  
9 ALSO MEAN ANY REGIONAL HISTORY CENTER, MULTIPURPOSE CULTURAL AND  
10 SCIENCE FACILITY, MUSEUM OR CONVENTION OR TRADE SHOW CENTER,  
11 REGARDLESS OF OWNER AND SEATING CAPACITY, THAT HAS A FLOOR AREA  
12 OF AT LEAST SIXTY THOUSAND (60,000) SQUARE FEET IN ONE BUILDING.  
13 THE TERM SHALL ALSO MEAN A CONVENTION OR CONFERENCE CENTER OWNED  
14 BY A CITY OF THE THIRD CLASS OR A UNIVERSITY WHICH IS A MEMBER  
15 OF THE PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION WHICH IS  
16 OPERATED BY A UNIVERSITY FOUNDATION OR ALUMNI ASSOCIATION,  
17 REGARDLESS OF SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT  
18 LEAST FIFTEEN THOUSAND (15,000) SQUARE FEET IN ONE BUILDING. THE  
19 TERM SHALL ALSO MEAN A VISITOR CENTER, REGARDLESS OF FLOOR AREA  
20 OR SEATING CAPACITY, THAT WAS ESTABLISHED UNDER THE AUTHORITY OF  
21 THE GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999 (PUBLIC LAW  
22 106-131, 113 STAT. 1678, 16 U.S.C. § 407M).

23 \* \* \*

24 "ZOO" SHALL MEAN AN ACCREDITED MEMBER OF THE ASSOCIATION OF  
25 ZOOS AND AQUARIUMS AND FOR PURPOSES OF SECTION 412 SHALL HAVE NO  
26 SQUARE FOOTAGE OR PERMANENT SEATING REQUIREMENTS.

27 SECTION 2. SECTION 401(A) OF THE ACT, AMENDED JULY 6, 2005  
28 (P.L.135, NO.39), IS AMENDED TO READ:

29 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,  
30 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS

1 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL  
2 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES  
3 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN  
4 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE  
5 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE  
6 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT  
7 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO  
8 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR  
9 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH  
10 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR  
11 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN  
12 QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES  
13 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407.  
14 SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES,  
15 RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,  
16 RESPECTIVELY. [NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR  
17 ELECTION, ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE  
18 ANY OF THE PENAL LAWS OF THE UNITED STATES OF AMERICA OR THE  
19 PENAL LAWS OF THE COMMONWEALTH OF PENNSYLVANIA OR ANY PENAL  
20 ORDINANCE OR RESOLUTION OF ANY POLITICAL SUBDIVISION OF THIS  
21 COMMONWEALTH SHALL BE ISSUED ANY HOTEL OR RESTAURANT LIQUOR  
22 LICENSE, NOR SHALL SUCH A PERSON HAVE ANY INTEREST, DIRECTLY OR  
23 INDIRECTLY, IN ANY SUCH LICENSE] NO PERSON WHO HOLDS ANY PUBLIC  
24 OFFICE THAT INVOLVES THE DUTY TO ENFORCE ANY OF THE PENAL LAWS  
25 OF THE UNITED STATES, THIS COMMONWEALTH OR OF ANY POLITICAL  
26 SUBDIVISION OF THIS COMMONWEALTH MAY HAVE ANY INTEREST IN A  
27 HOTEL OR RESTAURANT LIQUOR LICENSE. THIS PROHIBITION APPLIES TO  
28 ANYONE WITH ARREST AUTHORITY, INCLUDING, BUT NOT LIMITED TO,  
29 UNITED STATES ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT  
30 ATTORNEYS, SHERIFFS AND POLICE OFFICERS. THIS PROHIBITION SHALL



1 ALSO APPLY TO MAGISTERIAL DISTRICT JUSTICES, JUDGES OR ANY OTHER  
2 INDIVIDUALS WHO CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION  
3 DOES NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP  
4 SUPERVISORS, CITY COUNCILPERSONS, MAYORS WITHOUT ARREST  
5 AUTHORITY, COUNTY COMMISSIONERS AND ANY OTHER PUBLIC OFFICIAL  
6 WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE ABILITY TO IMPOSE  
7 A CRIMINAL SENTENCE. THIS SECTION DOES NOT APPLY IF THE PROPOSED  
8 PREMISES ARE LOCATED OUTSIDE THE JURISDICTION OF THE INDIVIDUAL  
9 IN QUESTION.

10 \* \* \*

11 SECTION 3. SECTION 406(A)(3), (E) AND (G) OF THE ACT,  
12 AMENDED OR ADDED DECEMBER 30, 2003 (P.L.423, NO.59) AND JUNE 28,  
13 2011 (P.L.55, NO.11), ARE AMENDED TO READ:

14 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.-- (A)

15 \* \* \*

16 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF  
17 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC  
18 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR  
19 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF ELEVEN O'CLOCK  
20 ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE  
21 OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS  
22 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929  
23 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF [1929.]"  
24 1929," EXCEPT A LICENSEE THAT OFFERS A MEAL ON SUNDAYS PRIOR TO  
25 ELEVEN O'CLOCK ANTEMERIDIAN MAY THEN BEGIN SERVING ALCOHOL ON  
26 SUNDAYS AT NINE O'CLOCK ANTEMERIDIAN. AIRPORT RESTAURANT LIQUOR  
27 LICENSEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY  
28 BETWEEN THE HOURS OF SEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK  
29 ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE  
30 BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT

1 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE  
2 CODE OF 1929."

3 \* \* \*

4 (E) (1) THE HOLDER OF A HOTEL LICENSE OR THE HOLDER OF A  
5 RESTAURANT LICENSE LOCATED IN A HOTEL MAY ALLOW PERSONS TO  
6 TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES FROM THE LICENSED  
7 PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF THE  
8 PREMISES, SO LONG AS THE LIQUOR OR MALT OR BREWED BEVERAGES  
9 REMAIN ON THE HOTEL PROPERTY. IN ADDITION, A HOLDER OF A  
10 RESTAURANT OR CLUB LICENSE LOCATED ON A GOLF COURSE MAY SELL,  
11 FURNISH OR GIVE LIQUOR OR MALT OR BREWED BEVERAGES ON THE  
12 UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR OR  
13 MALT OR BREWED BEVERAGES REMAIN ON THE RESTAURANT, CLUB OR GOLF  
14 COURSE. THE HOLDER OF A RESTAURANT LICENSE LOCATED IMMEDIATELY  
15 ADJACENT TO AND UNDER THE SAME ROOF OF A BOWLING CENTER MAY  
16 ALLOW PERSONS TO TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES  
17 FROM THE LICENSED PORTION OF THE PREMISES TO THE UNLICENSED  
18 PORTION OF THE PREMISES, SO LONG AS THE LIQUOR OR MALT OR BREWED  
19 BEVERAGES REMAIN WITHIN THE BOWLING CENTER. IN ADDITION, THE  
20 HOLDER OF A HOTEL LICENSE OR A RESTAURANT LICENSE MAY ALLOW  
21 PERSONS WHO HAVE PURCHASED BUT ONLY PARTIALLY CONSUMED A BOTTLE  
22 OF WINE ON THE PREMISES TO REMOVE THE BOTTLE FROM THE PREMISES  
23 SO LONG AS THE BOTTLE WAS PURCHASED IN CONJUNCTION WITH A MEAL  
24 WHICH WAS CONSUMED ON THE PREMISES AND SO LONG AS THE BOTTLE IS  
25 RESEALED. FOR PURPOSES OF THIS SUBSECTION, "WINE" SHALL HAVE THE  
26 MEANING GIVEN TO IT UNDER SECTION 488(I). FOR PURPOSES OF THIS  
27 SUBSECTION, "MEAL" SHALL MEAN FOOD PREPARED ON THE PREMISES,  
28 SUFFICIENT TO CONSTITUTE BREAKFAST, LUNCH OR DINNER; IT SHALL  
29 NOT MEAN A SNACK, SUCH AS PRETZELS, POPCORN, CHIPS OR SIMILAR  
30 FOOD.

1       (2) A HOLDER OF A RESTAURANT OR CLUB LICENSE LOCATED ON A  
2 GOLF COURSE MAY STORE LIQUOR OR MALT OR BREWED BEVERAGES IN A  
3 PERMANENT FACILITY ON THE UNLICENSED PORTION OF THE GOLF COURSE  
4 SO LONG AS THE LIQUOR OR MALT OR BREWED BEVERAGES REMAIN ON THE  
5 RESTAURANT, CLUB OR GOLF COURSE WITHOUT REGARD TO WHETHER THERE  
6 IS ANY INTERVENING PUBLIC THOROUGHFARE.

7       \* \* \*

8       (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR  
9 REGULATION, THE HOLDER OF A RETAIL LICENSE MAY HOLD HAPPY HOURS  
10 UP TO FOUR HOURS PER DAY AND UP TO FOURTEEN HOURS PER WEEK  
11 DURING WHICH THE HOLDER DISCOUNTS THE PRICE OF ALCOHOLIC  
12 BEVERAGES. NO DISCOUNTS MAY BE GIVEN BETWEEN THE HOURS OF  
13 MIDNIGHT AND THE LEGAL CLOSING TIME. NOTICE OF ALL HAPPY HOURS  
14 SHALL BE VISIBLY POSTED ON THE LICENSED PREMISES SEVEN DAYS  
15 PRIOR TO THE HAPPY HOUR. EXCEPT AS PROVIDED IN THIS SUBSECTION,  
16 A LICENSEE SHALL COMPLY WITH THE PROVISIONS OF 40 PA. CODE §  
17 13.102 (RELATING TO DISCOUNT PRICING PRACTICES). EVENTS  
18 CONDUCTED UNDER THE AUTHORITY OF 40 PA. CODE § 13.102(B) SHALL  
19 NOT BE COUNTED AGAINST THE FOUR-HOUR PER DAY OR FOURTEEN-HOUR  
20 PER WEEK LIMIT.

21       SECTION 4. SECTION 411(E) OF THE ACT, AMENDED JUNE 25, 2010  
22 (P.L.217, NO.35), IS AMENDED TO READ:

23       SECTION 411. INTERLOCKING BUSINESS PROHIBITED.--\* \* \*

24       (E) EXCEPT AS HEREIN PROVIDED, NO HOTEL, RESTAURANT, RETAIL  
25 DISPENSER OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR OR  
26 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE SHALL IN ANY  
27 WISE BE INTERESTED, DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR  
28 LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR  
29 ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A DISTRIBUTOR,  
30 IMPORTING DISTRIBUTOR, OR BY AN IMPORTER OR SACRAMENTAL WINE

1 LICENSEE, IN THE CONDUCT OF HIS BUSINESS; NOR SHALL ANY HOTEL,  
2 RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE, OR ANY OFFICER,  
3 DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE,  
4 EITHER DIRECTLY OR INDIRECTLY, LEND ANY MONEYS, CREDIT, OR GIVE  
5 ANYTHING OF VALUE OR THE EQUIVALENT THEREOF, TO ANY DISTRIBUTOR,  
6 IMPORTING DISTRIBUTOR, IMPORTER OR SACRAMENTAL WINE LICENSEE,  
7 FOR EQUIPPING, FITTING OUT, OR MAINTAINING AND CONDUCTING,  
8 EITHER IN WHOLE OR IN PART, AN ESTABLISHMENT USED IN THE CONDUCT  
9 OF HIS BUSINESS.

10 THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION OF THE  
11 FINANCIAL AND BUSINESS INTERESTS BETWEEN MANUFACTURERS AND  
12 HOLDERS OF HOTEL OR RESTAURANT LIQUOR LICENSES AND, AS HEREIN  
13 PROVIDED, OF CLUB LICENSES, ISSUED UNDER THIS ARTICLE, AND NO  
14 PERSON SHALL, BY ANY DEVICE WHATSOEVER, DIRECTLY OR INDIRECTLY,  
15 EVADE THE PROVISIONS OF THE SECTION. BUT IN VIEW OF EXISTING  
16 ECONOMIC CONDITIONS, NOTHING CONTAINED IN THIS SECTION SHALL BE  
17 CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING  
18 INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE  
19 UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED  
20 AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT  
21 LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE  
22 HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL  
23 NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE FROM  
24 OWNING LAND WHICH IS LEASED TO, AND THE BUILDINGS THEREON OWNED  
25 BY, A HOLDER OF A RETAIL DISPENSER'S LICENSE; AND NOTHING IN  
26 THIS CLAUSE SHALL PREVENT THE ISSUANCE OF A RETAIL DISPENSER'S  
27 LICENSE TO A LESSEE OF SUCH LANDS WHO OWNS THE BUILDINGS  
28 THEREON: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS  
29 SECTION SHALL BE CONSTRUED TO PROHIBIT ANY HOTEL, RESTAURANT,  
30 RETAIL DISPENSER OR CLUB LICENSEE OR ANY OFFICER, DIRECTOR OR

1 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE FROM HAVING A  
2 FINANCIAL OR OTHER INTEREST, DIRECTLY OR INDIRECTLY IN THE  
3 OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY  
4 PROPERTY OR ANY MORTGAGE LIEN AGAINST SAME, USED, LEASED BY AN  
5 IMPORTER OR SACRAMENTAL WINE LICENSEE FOR THE EXCLUSIVE PURPOSE  
6 OF MAINTAINING COMMERCIAL OFFICES AND ON THE CONDITION THAT SAID  
7 PROPERTY IS NOT USED FOR THE STORAGE OR SALE OF LIQUOR OR MALT  
8 OR BREWED BEVERAGES IN ANY QUANTITY: AND, PROVIDED FURTHER, THAT  
9 NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT AN OFFICER OR  
10 MEMBER OF A LICENSED PRIVATELY OWNED PRIVATE GOLF COURSE  
11 CATERING CLUB FROM HAVING AN INTEREST IN A LIMITED WINERY  
12 LICENSE: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS  
13 SECTION SHALL BE CONSTRUED TO PROHIBIT A MEMBER OF THE GOVERNING  
14 BOARD OF A PUBLIC AUTHORITY CREATED UNDER SUBDIVISION (N) OF  
15 ARTICLE XXIII OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),  
16 KNOWN AS "THE COUNTY CODE," FROM HAVING AN INTEREST IN A  
17 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE NOTWITHSTANDING THE  
18 FACT THAT THE PUBLIC AUTHORITY HAS AN INTEREST IN ONE OR MORE  
19 RETAIL LICENSES OR ACTS AS A LANDLORD FOR ONE OR MORE RETAIL  
20 LICENSES: AND, PROVIDED FURTHER, THAT, NOTHING IN THIS SECTION  
21 MAY PROHIBIT AN EMPLOYE OF A HOTEL OR RESTAURANT LICENSEE FROM  
22 HAVING AN INTEREST IN ANY PROPERTY USED BY A LIMITED WINERY  
23 LICENSEE OR IN GUARANTEEING ANY LOANS, OR LENDING ANY MONEYS,  
24 PROVIDING CREDIT OR GIVING ANYTHING OF VALUE TO A LIMITED WINERY  
25 LICENSEE OR ITS OFFICERS, DIRECTORS AND SHAREHOLDERS, PROVIDED  
26 THAT THE PERSON ALSO IS NOT A LICENSED DIRECTOR OF OR DOES NOT  
27 HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER  
28 LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE  
29 LICENSEE: AND, PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER  
30 PROVISION OF THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A

1 MANUFACTURER'S LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL,  
2 RESTAURANT OR RETAIL DISPENSER LICENSE FOR USE AT THE SAME  
3 LOCATION AND MORE THAN ONE LOCATION MAY BE SO LICENSED. THE  
4 LICENSES AND A PERSON'S INTEREST IN THE LICENSES OR IN THE  
5 ENTITY HOLDING THE LICENSES SHALL NOT BE SUBJECT TO THIS  
6 SECTION. PROVIDED FURTHER, THAT, A PERSON WHO IS A HOLDER OF  
7 FIVE PER CENTUM (5%) OR LESS OF SECURITIES OR OTHER INTERESTS IN  
8 A PUBLICLY OR PRIVATELY HELD DOMESTIC OR FOREIGN CORPORATION,  
9 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER FORM OF LEGAL  
10 ENTITY OWNING A RESTAURANT LIQUOR LICENSE OR RETAIL DISPENSER'S  
11 LICENSE SHALL NOT BE DEEMED TO POSSESS A FINANCIAL OR BUSINESS  
12 INTEREST AND IS NOT SUBJECT TO THE PROVISIONS OF THIS SECTION,  
13 PROVIDED THAT THE PERSON IS NOT A LICENSED DIRECTOR OF, EMPLOYE  
14 OF OR DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER  
15 ANY OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM  
16 THE RESTAURANT LIQUOR OR RETAIL DISPENSER LICENSEE IN WHICH THE  
17 PERSON HOLDS THE FIVE PER CENTUM (5%) OR LESS INTEREST. FOR  
18 PURPOSES OF THIS SUBSECTION, THE EXISTENCE OF THE INTEREST AND  
19 THE SIZE OF THE INTEREST SHALL BE DETERMINED PURSUANT TO THE  
20 PROVISIONS OF THIS ACT.

21 SECTION 5. SECTION 412(B) OF THE ACT, AMENDED FEBRUARY 21,  
22 2002 (P.L.103, NO.10), IS AMENDED TO READ:

23 SECTION 412. PUBLIC VENUE LICENSE.--\* \* \*

24 (B) AN APPLICATION FOR A RESTAURANT LIQUOR LICENSE UNDER  
25 THIS SECTION MAY BE MADE BY THE OWNER OF THE PUBLIC VENUE, THE  
26 OPERATOR OF THE PUBLIC VENUE OR BY A CONCESSIONAIRE DESIGNATED  
27 BY THE GOVERNING BODY OF EITHER THE OWNER OF THE PUBLIC VENUE OR  
28 THE OPERATOR. THE APPLICATION AND ISSUANCE OF THE LICENSE IS  
29 SUBJECT TO SECTIONS 403 AND 404 UNLESS OTHERWISE STATED, EXCEPT  
30 THAT PRIVATE BANQUETS AND OTHER EVENTS AT ZOOS MAY BE HELD AT

1 ANY SITE WITHIN ZOO PROPERTY. THE LICENSING PERIOD SHALL BE AS  
2 SET FORTH BY THE BOARD UNDER SECTION 402. THE APPLICATION,  
3 RENEWAL AND FILING FEES SHALL BE AS PRESCRIBED IN SECTION 614-  
4 A(25) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS  
5 "THE ADMINISTRATIVE CODE OF 1929."

6 \* \* \*

7 SECTION 6. SECTION 432(F) OF THE ACT, AMENDED NOVEMBER 29,  
8 2006 (P.L.1421, NO.155), IS AMENDED TO READ:

9 SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--\* \*

10 \*

11 (F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL  
12 DISPENSER LICENSEES THAT OFFER A MEAL ON SUNDAYS PRIOR TO ELEVEN  
13 O'CLOCK ANTEMERIDIAN MAY SELL MALT OR BREWED BEVERAGES BETWEEN  
14 THE HOURS OF [ELEVEN] NINE O'CLOCK ANTEMERIDIAN ON SUNDAY AND  
15 TWO O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL  
16 PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION  
17 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS  
18 "THE ADMINISTRATIVE CODE OF 1929," WHICH SHALL BE IN ADDITION TO  
19 ANY OTHER LICENSE FEES.

20 SECTION 7. SECTION 437(D) OF THE ACT, IS AMENDED TO READ:

21 SECTION 437. PROHIBITIONS AGAINST THE GRANT OF LICENSES.--\*

22 \* \*

23 (D) [NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR ELECTION,  
24 ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE ANY OF THE  
25 PENAL LAWS OF THE UNITED STATES OF AMERICA OR ANY OF THE PENAL  
26 LAWS OF THIS COMMONWEALTH OR ANY PENAL ORDINANCE OR RESOLUTION  
27 OF ANY POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL BE  
28 ISSUED ANY MANUFACTURER'S, IMPORTING DISTRIBUTOR'S,  
29 DISTRIBUTOR'S OR RETAIL DISPENSER'S LICENSE, NOR SHALL SUCH A  
30 PERSON HAVE ANY INTEREST, DIRECTLY OR INDIRECTLY, IN ANY SUCH

1 LICENSE] NO PERSON WHO HOLDS ANY PUBLIC OFFICE THAT INVOLVES THE  
2 DUTY TO ENFORCE ANY OF THE PENAL LAWS OF THE UNITED STATES, THIS  
3 COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF THIS  
4 COMMONWEALTH MAY HAVE ANY INTEREST IN A MANUFACTURER'S,  
5 IMPORTING DISTRIBUTOR'S, DISTRIBUTOR'S OR RETAIL DISPENSER'S  
6 LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST  
7 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES  
8 ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS  
9 AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO  
10 MAGISTERIAL DISTRICT JUSTICES, JUDGES OR ANY OTHER INDIVIDUALS  
11 WHO CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT  
12 APPLY TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS,  
13 CITY COUNCILPERSONS, MAYORS WITHOUT ARREST AUTHORITY, COUNTY  
14 COMMISSIONERS AND ANY OTHER PUBLIC OFFICIAL WHO DOES NOT HAVE  
15 THE ABILITY TO ARREST OR THE ABILITY TO IMPOSE A CRIMINAL  
16 SENTENCE. THIS SECTION DOES NOT APPLY IF THE PROPOSED PREMISES  
17 ARE LOCATED OUTSIDE THE JURISDICTION OF THE INDIVIDUAL IN  
18 QUESTION.

19 \* \* \*

20 SECTION 8. SECTION 440 OF THE ACT, AMENDED JULY 17, 2003  
21 (P.L.63, NO.15), IS AMENDED TO READ:

22 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED  
23 BEVERAGES; MINIMUM QUANTITIES.--[NO MANUFACTURER SHALL SELL ANY  
24 MALT OR BREWED BEVERAGES FOR CONSUMPTION ON THE PREMISES WHERE  
25 SOLD, NOR SELL OR DELIVER ANY SUCH MALT OR BREWED BEVERAGES IN  
26 OTHER THAN ORIGINAL CONTAINERS APPROVED AS TO CAPACITY BY THE  
27 BOARD, NOR IN QUANTITIES OF LESS THAN A CASE OR ORIGINAL  
28 CONTAINERS CONTAINING SIXTY-FOUR OUNCES OR MORE WHICH MAY BE  
29 SOLD SEPARATELY; NOR SHALL ANY MANUFACTURER] A MANUFACTURER MAY  
30 SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE



1 MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR  
2 CONSUMPTION ON THE LICENSED PREMISES WHERE SOLD ONLY IF IT  
3 COMPLIES WITH THE CONDITIONS AND REGULATIONS PLACED UPON HOLDERS  
4 OF BREWERY LICENSES UNDER SECTION 446(1). A MANUFACTURER ALSO  
5 MAY SELL ANY MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE  
6 MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR  
7 CONSUMPTION OFF THE LICENSED PREMISES IN CONTAINERS OR PACKAGES  
8 OF UNLIMITED QUANTITY AND OF ANY VOLUME. NO MANUFACTURER MAY  
9 MAINTAIN OR OPERATE WITHIN THE COMMONWEALTH ANY PLACE OR PLACES  
10 OTHER THAN THE PLACE OR PLACES COVERED BY HIS OR ITS LICENSE  
11 WHERE MALT OR BREWED BEVERAGES ARE SOLD OR WHERE ORDERS ARE  
12 TAKEN.

13 SECTION 9. SECTIONS 441 AND 442 OF THE ACT ARE AMENDED BY  
14 ADDING SUBSECTIONS TO READ:

15 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'  
16 RESTRICTIONS ON SALES, STORAGE, ETC.--\* \* \*

17 (I) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,  
18 WHEN MAKING A SALE OF MALT OR BREWED BEVERAGES TO A PRIVATE  
19 INDIVIDUAL, NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY BE  
20 REQUIRED TO COLLECT THE NAME, ADDRESS OR ANY OTHER IDENTIFYING  
21 INFORMATION OF THE PRIVATE INDIVIDUAL FOR THE PURPOSE OF KEEPING  
22 A RECORD OF THE QUANTITY OF CASES OR VOLUME OF MALT OR BREWED  
23 BEVERAGES PURCHASED.

24 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES  
25 AND SALES.--\* \* \*

26 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR  
27 REGULATION, THE HOLDER OF A RETAIL DISPENSER LICENSE MAY HOLD  
28 HAPPY HOURS UP TO FOUR HOURS PER DAY AND UP TO FOURTEEN HOURS  
29 PER WEEK DURING WHICH THE HOLDER DISCOUNTS THE PRICE OF  
30 ALCOHOLIC BEVERAGES. NO DISCOUNTS MAY BE GIVEN BETWEEN THE HOURS

1 OF MIDNIGHT AND THE LEGAL CLOSING TIME. NOTICE OF ALL HAPPY  
2 HOURS SHALL BE VISIBLY POSTED ON THE LICENSED PREMISES SEVEN  
3 DAYS PRIOR TO THE HAPPY HOUR. EVENTS CONDUCTED UNDER THE  
4 AUTHORITY OF 40 PA. CODE § 13.102(B) (RELATING TO DISCOUNT  
5 PRICING PRACTICES) SHALL NOT BE COUNTED AGAINST THE FOUR-HOURS  
6 PER DAY OR FOURTEEN-HOURS PER WEEK.

7 SECTION 10. SECTION 443(G) OF THE ACT, AMENDED JUNE 25, 2010  
8 (P.L.217, NO.35), IS AMENDED TO READ:

9 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--\* \* \*

10 (G) THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION  
11 OF THE FINANCIAL AND BUSINESS INTERESTS BETWEEN THE VARIOUS  
12 CLASSES OF BUSINESS REGULATED BY SUBDIVISION (B) OF THIS  
13 ARTICLE, AND NO PERSON OR CORPORATION SHALL, BY ANY DEVICE  
14 WHATSOEVER, DIRECTLY OR INDIRECTLY, EVADE THE PROVISIONS OF THIS  
15 SECTION. BUT IN VIEW OF EXISTING ECONOMIC CONDITIONS, NOTHING  
16 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE  
17 OWNERSHIP OF PROPERTY OR CONFLICTING INTEREST BY A MALT OR  
18 BREWED BEVERAGE MANUFACTURER OF ANY PLACE OCCUPIED BY A  
19 DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL DISPENSER AFTER THE  
20 MANUFACTURER HAS CONTINUOUSLY OWNED AND HAD A CONFLICTING  
21 INTEREST IN SUCH PLACE FOR A PERIOD OF AT LEAST FIVE YEARS PRIOR  
22 TO THE EIGHTEENTH DAY OF JULY, ONE THOUSAND NINE HUNDRED THIRTY-  
23 FIVE: PROVIDED, HOWEVER, THAT A HOLDER OF A MANUFACTURER'S  
24 LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO OPERATE A  
25 BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY AS PROVIDED  
26 FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE UNDER A HOTEL  
27 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED  
28 BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S OR LIMITED  
29 WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE OR  
30 RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES

1 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED  
2 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
3 FOR EACH RESPECTIVE LICENSE: AND, PROVIDED FURTHER, THAT NOTHING  
4 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A  
5 MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY CREATED  
6 UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF AUGUST 9,  
7 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING  
8 AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE  
9 NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN  
10 INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD  
11 FOR ONE OR MORE RETAIL LICENSES.

12 A PERSON WHO IS A HOLDER OF FIVE PER CENTUM (5%) OR LESS OF  
13 SECURITIES OR OTHER INTERESTS IN A PUBLICLY OR PRIVATELY HELD  
14 DOMESTIC OR FOREIGN CORPORATION, PARTNERSHIP, LIMITED LIABILITY  
15 COMPANY OR OTHER FORM OF LEGAL ENTITY OWNING A RESTAURANT LIQUOR  
16 LICENSE OR RETAIL DISPENSER'S LICENSE SHALL NOT BE DEEMED TO  
17 POSSESS A FINANCIAL OR BUSINESS INTEREST AND IS NOT SUBJECT TO  
18 THE PROVISIONS OF THIS SECTION, PROVIDED THAT THE PERSON IS NOT  
19 A LICENSED DIRECTOR OF, EMPLOYE OF OR DOES NOT HAVE ANY INTEREST  
20 IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED ENTITY THAT  
21 ENGAGES IN ANY SALES TO OR FROM THE RESTAURANT LIQUOR OR RETAIL  
22 DISPENSER LICENSEE IN WHICH THE PERSON HOLDS THE FIVE PER CENTUM  
23 (5%) OR LESS INTEREST. FOR PURPOSES OF THIS SUBSECTION, THE  
24 EXISTENCE OF THE INTEREST AND THE SIZE OF THE INTEREST SHALL BE  
25 DETERMINED PURSUANT TO THE PROVISIONS OF THIS ACT.

26 THE TERM "MANUFACTURER" AS USED IN THIS SECTION SHALL INCLUDE  
27 MANUFACTURERS OF MALT OR BREWED BEVERAGES AS DEFINED IN THIS ACT  
28 AND ANY PERSON MANUFACTURING ANY MALT OR BREWED BEVERAGES  
29 OUTSIDE OF THIS COMMONWEALTH.

30 SECTION 11. SECTION 445(B) OF THE ACT, AMENDED JUNE 28, 2011

1 (P.L.55, NO.11), IS AMENDED TO READ:

2 SECTION 445. BRAND REGISTRATION.--\* \* \*

3 (B) THE BOARD SHALL EMPLOY A MALT BEVERAGE COMPLIANCE  
4 OFFICER WHOSE DUTIES SHALL INCLUDE REVIEWING LABEL REGISTRATION  
5 TO ENSURE COMPLIANCE WITH THIS ACT AND INVESTIGATING REPORTS OF  
6 UNREGISTERED BRANDS OF MALT OR BREWED BEVERAGES BEING SOLD BY  
7 LICENSEES AND INVESTIGATION OF WORTHLESS CHECKS IN ADDITION TO  
8 ANY OTHER DUTIES THE BOARD SHALL ASSIGN THE OFFICER. IF THE MALT  
9 BEVERAGE COMPLIANCE OFFICER FINDS THAT A LICENSEE IS SELLING  
10 MALT OR BREWED BEVERAGES THAT ARE UNREGISTERED IN THIS  
11 COMMONWEALTH, HE SHALL GIVE THE MANUFACTURER OF THE MALT OR  
12 BREWED BEVERAGES WRITTEN NOTICE THAT THE MANUFACTURER HAS TEN  
13 DAYS TO REGISTER THE MALT OR BREWED BEVERAGES WITH THE BOARD.  
14 DURING THAT TEN-DAY PERIOD IN WHICH THE MANUFACTURER HAS TO COME  
15 INTO COMPLIANCE WITH BRAND REGISTRATION, THE UNREGISTERED MALT  
16 OR BREWED BEVERAGES SHALL REMAIN ON THE LICENSEE'S PREMISES BUT  
17 MAY NOT BE SOLD. SHOULD THE MANUFACTURER FAIL TO REGISTER THE  
18 MALT OR BREWED BEVERAGES WITH THE BOARD WITHIN TEN DAYS, THE  
19 MANUFACTURER SHALL BE REQUIRED TO REMOVE THE UNREGISTERED MALT  
20 OR BREWED BEVERAGES FROM THE LICENSEE'S PREMISES AND REIMBURSE  
21 THE LICENSEE FOR ALL UNREGISTERED PRODUCTS THAT CANNOT BE SOLD  
22 IN THIS COMMONWEALTH. IF A MALT BEVERAGE COMPLIANCE OFFICER  
23 RECEIVES NOTIFICATION THAT A LICENSEE ISSUED A WORTHLESS CHECK,  
24 HE SHALL GIVE THE LICENSEE WRITTEN NOTICE THAT THE LICENSEE HAS  
25 TEN DAYS TO HONOR THAT CHECK. SHOULD THE LICENSEE FAIL TO HONOR  
26 THE CHECK WITHIN TEN DAYS, THE MATTER WILL BE TURNED OVER TO THE  
27 ENFORCEMENT BUREAU FOR CITATION.

28 SECTION 12. SECTION 446 OF THE ACT, AMENDED JUNE 30, 1992  
29 (P.L.327, NO.66), MAY 31, 1996 (P.L.312, NO.49) AND JANUARY 6,  
30 2006 (P.L.1, NO.1), IS AMENDED TO READ:

1 SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE  
2 MAY:

3 (1) SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE  
4 BREWERY [ON THE LICENSED PREMISES] UNDER SUCH CONDITIONS AND  
5 REGULATIONS AS THE BOARD MAY ENFORCE, TO INDIVIDUALS FOR  
6 CONSUMPTION ON THE LICENSED PREMISES IN ANY CONTAINER OR PACKAGE  
7 OF ANY VOLUME AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE  
8 LIQUOR LICENSEES.

9 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED  
10 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY  
11 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE  
12 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED  
13 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY  
14 LICENSE MAY SELL AT ITS BREWERY PUB PREMISES PENNSYLVANIA WINES  
15 IT HAS PURCHASED FROM EITHER THE HOLDER OF A PENNSYLVANIA  
16 LIMITED WINERY LICENSE OR FROM THE BOARD: PROVIDED, HOWEVER,  
17 THAT SAID WINES MUST BE CONSUMED AT THE LICENSED BREWERY PUB  
18 PREMISES.

19 (3) USE BREWERY STORAGE AND DISTRIBUTION FACILITIES FOR THE  
20 PURPOSE OF RECEIVING, STORING AND DISTRIBUTING MALT OR BREWED  
21 BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH IF THE  
22 BEVERAGES ARE DISTRIBUTED IN THIS COMMONWEALTH ONLY THROUGH  
23 SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL HAVE FIRST BEEN GIVEN  
24 DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL  
25 AREAS THROUGH THE DISTRIBUTION SYSTEM REQUIRED FOR OUT-OF-STATE  
26 MANUFACTURERS UNDER SECTION 431(B) AS WELL AS ALL OTHER  
27 PERTINENT SECTIONS OF THIS ACT. THE MANUFACTURER OF THE  
28 BEVERAGES MUST COMPLY WITH SECTION 444.

29 (4) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT  
30 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO

1 SELL FOR CONSUMPTION AT THE RESTAURANT OR BREWERY PUB ON THE  
2 LICENSED BREWERY PREMISES, LIQUOR, WINE AND MALT OR BREWED  
3 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME  
4 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,  
5 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL  
6 LICENSE, BUT MUST BREW AT LEAST TWO HUNDRED FIFTY BARRELS PER  
7 YEAR. EACH HOLDER OF A BREWERY LICENSE WHO RECEIVES A HOTEL  
8 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT OR BREWED  
9 BEVERAGES RETAIL LICENSE TO OPERATE A BREW PUB SHALL NOT SELL  
10 DIRECTLY TO ANY PERSON LICENSED BY THIS ACT, EXCEPT IF ANY MALT  
11 OR BREWED BEVERAGE IS TO BE DISTRIBUTED IN THIS COMMONWEALTH IT  
12 SHALL BE ONLY THROUGH SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL  
13 HAVE FIRST BEEN GIVEN DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN  
14 DESIGNATED GEOGRAPHICAL AREAS THROUGH THE DISTRIBUTION SYSTEM  
15 REQUIRED FOR OUT-OF-STATE MANUFACTURERS UNDER SECTION 431(B) AS  
16 WELL AS ALL OTHER PERTINENT SECTIONS OF THIS ACT.

17 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-  
18 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A  
19 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE  
20 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE, LIQUOR AND  
21 MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER  
22 CONTAINER, AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE  
23 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT  
24 SHALL BE SUBJECT TO THE FOLLOWING:

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

27 (2) ALL SERVERS AT THE OFF PREMISES CATERED FUNCTION SHALL  
28 BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT  
29 PROVISIONS UNDER SECTION 471.1;

30 (3) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY

1 AND NOT MORE THAN FIFTY CATERED FUNCTIONS MAY BE HELD EACH  
2 CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A PARTICULAR  
3 LICENSE;

4 (4) A CATERED FUNCTION SHALL NOT BE HELD AT A LOCATION THAT  
5 IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S  
6 LICENSE;

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

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

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

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

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

23 SECTION 13. SECTION 468 OF THE ACT IS AMENDED BY ADDING A  
24 SUBSECTION TO READ:

25 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--\* \* \*

26 (E) BOARD-APPROVED INTERIOR CONNECTIONS BETWEEN LICENSED AND  
27 UNLICENSED PREMISES SHALL NOT BE GREATER THAN TEN FEET WIDE.

28 SECTION 14. SECTION 470(A) OF THE ACT, AMENDED DECEMBER 9,  
29 2002 (P.L.1653, NO.212), IS AMENDED TO READ:

30 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR

1 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR RENEWAL  
2 OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED  
3 WITH TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE AND THE  
4 DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE LICENSE AND  
5 FILING FEES AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE OF  
6 SAME: PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION, MAY  
7 ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED LESS THAN SIXTY  
8 DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED  
9 FEES, UPON REASONABLE CAUSE SHOWN AND THE PAYMENT OF AN  
10 ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR LATE  
11 FILING: AND PROVIDED FURTHER, THAT EXCEPT WHERE THE FAILURE TO  
12 FILE A RENEWAL APPLICATION ON OR BEFORE THE EXPIRATION DATE HAS  
13 CREATED A LICENSE QUOTA VACANCY AFTER SAID EXPIRATION DATE WHICH  
14 HAS BEEN FILLED BY THE ISSUANCE OF A NEW LICENSE, AFTER SUCH  
15 EXPIRATION DATE, BUT BEFORE THE BOARD HAS RECEIVED A RENEWAL  
16 APPLICATION NUNC PRO TUNC WITHIN THE TIME PRESCRIBED HEREIN THE  
17 BOARD, IN ITS DISCRETION, MAY, AFTER HEARING, ACCEPT A RENEWAL  
18 APPLICATION FILED WITHIN TWO YEARS AFTER THE EXPIRATION DATE OF  
19 THE LICENSE WITH THE REQUIRED FEES UPON THE PAYMENT OF AN  
20 ADDITIONAL FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR  
21 LATE FILING. WHERE ANY SUCH RENEWAL APPLICATION IS FILED LESS  
22 THAN SIXTY DAYS BEFORE THE EXPIRATION DATE, OR SUBSEQUENT TO THE  
23 EXPIRATION DATE, NO LICENSE SHALL ISSUE UPON THE FILING OF THE  
24 RENEWAL APPLICATION UNTIL THE MATTER IS FINALLY DETERMINED BY  
25 THE BOARD AND IF AN APPEAL IS TAKEN FROM THE BOARD'S ACTION THE  
26 COURTS SHALL NOT ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL  
27 FINAL DETERMINATION OF THE MATTER BY THE COURTS. THE BOARD MAY  
28 ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL  
29 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE  
30 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE



1 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO  
2 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A  
3 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE  
4 UNDER THIS SECTION. A RENEWAL APPLICATION WILL NOT BE CONSIDERED  
5 FILED UNLESS ACCOMPANIED BY THE REQUISITE FILING AND LICENSE  
6 FEES AND ANY ADDITIONAL FILING FEE REQUIRED BY THIS SECTION.  
7 UNLESS THE BOARD SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO  
8 THE APPLICANT OF OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED  
9 UPON VIOLATION BY THE LICENSEE OR HIS SERVANTS, AGENTS OR  
10 EMPLOYES OF ANY OF THE LAWS OF THE COMMONWEALTH OR REGULATIONS  
11 OF THE BOARD RELATING TO THE MANUFACTURE, TRANSPORTATION, USE,  
12 STORAGE, IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR  
13 MALT OR BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED  
14 ESTABLISHMENT, OR UNLESS THE APPLICANT HAS BY HIS OWN ACT BECOME  
15 A PERSON OF ILL REPUTE, OR UNLESS THE PREMISES DO NOT MEET THE  
16 REQUIREMENTS OF THIS ACT OR THE REGULATIONS OF THE BOARD, THE  
17 LICENSE OF A LICENSEE SHALL BE RENEWED. NOTWITHSTANDING ANY  
18 OTHER PROVISION OF THIS ACT, A NOISE VIOLATION SHALL NOT BE THE  
19 SOLE BASIS FOR OBJECTION BY THE BOARD TO THE RENEWAL OF A  
20 LICENSE UNLESS THE LICENSEE HAS RECEIVED SIX PRIOR ADJUDICATED  
21 NOISE CITATIONS WITHIN A TWENTY-FOUR-MONTH PERIOD.

22 \* \* \*

23 SECTION 15. SECTION 471.1 OF THE ACT IS AMENDED BY ADDING A  
24 SUBSECTION TO READ:

25 SECTION 471.1. RESPONSIBLE ALCOHOL MANAGEMENT.--\* \* \*

26 (G) UNLESS SUCCESSFULLY COMPLETED PRIOR TO APPOINTMENT, A  
27 MANAGER APPOINTED BY ANY RESTAURANT, EATING PLACE RETAIL  
28 DISPENSER, HOTEL, CLUB, LIMITED DISTILLERY LICENSEE OR  
29 DISTRIBUTOR LICENSEE SHALL BE REQUIRED TO COMPLETE THE  
30 MANAGER/OWNER TRAINING UNDER SUBSECTION (C) WITHIN ONE HUNDRED

1 EIGHTY DAYS OF APPROVAL OF APPOINTMENT BY THE BOARD.

2 SECTION 16. SECTIONS 491(12) AND 492(9) AND (12) OF THE ACT  
3 ARE AMENDED TO READ:

4 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND  
5 LIQUOR LICENSEES.--

6 IT SHALL BE UNLAWFUL--

7 \* \* \*

8 (12) DELIVERY OF LIQUOR BY CERTAIN LICENSEES. FOR A LIQUOR  
9 LICENSEE PERMITTED TO DELIVER LIQUOR, TO MAKE ANY DELIVERIES  
10 EXCEPT IN HIS OWN VEHICLES BEARING HIS NAME, ADDRESS AND LICENSE  
11 NUMBER ON EACH SIDE IN [LETTERS NOT SMALLER THAN FOUR INCHES IN  
12 HEIGHT] A SIZE IDENTIFIABLE BY LIQUOR CONTROL ENFORCEMENT, OR IN  
13 THE VEHICLE OF ANOTHER PERSON DULY AUTHORIZED TO TRANSPORT  
14 LIQUOR WITHIN THIS COMMONWEALTH.

15 \* \* \*

16 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED  
17 BEVERAGES AND LICENSEES.--

18 IT SHALL BE UNLAWFUL--

19 \* \* \*

20 (9) TRANSPORTATION OF MALT OR BREWED BEVERAGES BY LICENSEE.  
21 FOR A MALT OR BREWED BEVERAGE LICENSEE, TO DELIVER OR TRANSPORT  
22 ANY MALT OR BREWED BEVERAGES, EXCEPTING IN VEHICLES BEARING THE  
23 NAME AND ADDRESS AND LICENSE NUMBER OF SUCH LICENSEE PAINTED OR  
24 AFFIXED ON EACH SIDE OF SUCH VEHICLE IN [LETTERS NO SMALLER THAN  
25 FOUR INCHES IN HEIGHT] A SIZE IDENTIFIABLE BY LIQUOR CONTROL  
26 ENFORCEMENT.

27 \* \* \*

28 (12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN  
29 OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR  
30 HIS SERVANTS, AGENTS OR EMPLOYEES, WITHOUT THE APPROVAL OF THE

1 BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO  
2 ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF  
3 DISTRIBUTING MALT OR BREWED BEVERAGES[.], EXCEPT THAT THE SALE  
4 OF THE FOLLOWING GOODS SHALL BE PERMITTED ON THE LICENSED  
5 PREMISES OF A DISTRIBUTOR OR IMPORTING DISTRIBUTOR:

6 (I) ANY BOOK, MAGAZINE OR OTHER PUBLICATION RELATED TO MALT  
7 OR BREWED BEVERAGES.

8 (II) ANY EQUIPMENT, INGREDIENTS OR OTHER SUPPLIES NECESSARY  
9 FOR THE UNLICENSED MANUFACTURE OF MALT OR BREWED BEVERAGES AS  
10 DESCRIBED IN PARAGRAPH (1), COMMONLY KNOWN AS "HOMEBREWING."

11 \* \* \*

12 SECTION 17. SECTION 492.1(C) OF THE ACT, AMENDED JANUARY 6,  
13 2006 (P.L.1, NO.1), IS AMENDED TO READ:

14 SECTION 492.1. HOURS OF OPERATION RELATIVE TO MANUFACTURERS,  
15 IMPORTING DISTRIBUTORS AND DISTRIBUTORS.--\* \* \*

16 (C) IN ADDITION TO THE HOURS AUTHORIZED UNDER SUBSECTIONS  
17 (A) AND (B), MANUFACTURERS, IMPORTING DISTRIBUTORS AND  
18 DISTRIBUTORS, UPON PURCHASING A PERMIT FROM THE BOARD AT AN  
19 ANNUAL FEE OF ONE HUNDRED DOLLARS (\$100), MAY SELL MALT OR  
20 BREWED BEVERAGES TO PERSONS NOT LICENSED UNDER THIS ACT OR TO A  
21 HOLDER OF A SPECIAL OCCASION PERMIT ON SUNDAY BETWEEN THE HOURS  
22 OF [NOON] NINE O'CLOCK ANTEMERIDIAN AND [FIVE] NINE O'CLOCK  
23 POSTMERIDIAN.

24 \* \* \*

25 SECTION 18. SECTION 493(12) AND (26) OF THE ACT, AMENDED  
26 FEBRUARY 21, 2002 (P.L.103, NO.10), ARE AMENDED AND THE SECTION  
27 IS AMENDED BY ADDING A PARAGRAPH TO READ:

28 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
29 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED  
30 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE

1 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES  
2 OTHERWISE.

3 IT SHALL BE UNLAWFUL--

4 \* \* \*

5 (12) FAILURE TO HAVE RECORDS ON PREMISES. FOR ANY LIQUOR  
6 LICENSEE, OR ANY IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL  
7 DISPENSER, TO FAIL TO KEEP [ON THE LICENSED PREMISES] FOR A  
8 PERIOD OF AT LEAST TWO YEARS COMPLETE AND TRUTHFUL RECORDS  
9 COVERING THE OPERATION OF HIS LICENSED BUSINESS, PARTICULARLY  
10 SHOWING THE DATE OF ALL PURCHASES OF LIQUOR AND MALT OR BREWED  
11 BEVERAGES, THE ACTUAL PRICE PAID THEREFOR, AND THE NAME OF THE  
12 VENDOR, INCLUDING STATE STORE RECEIPTS, OR FOR ANY LICENSEE, HIS  
13 SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR AN  
14 AUTHORIZED EMPLOYEE OF THE BOARD OR THE ENFORCEMENT BUREAU ACCESS  
15 THERETO OR THE OPPORTUNITY TO MAKE COPIES OF THE SAME WHEN THE  
16 REQUEST IS MADE DURING BUSINESS HOURS. THE RECORDS FROM THE MOST  
17 RECENT SIX-MONTH PERIOD MUST BE MAINTAINED ON THE LICENSED  
18 PREMISES. RECORDS FOR THE REMAINDER OF THE TWO-YEAR PERIOD MAY  
19 BE KEPT OFF THE LICENSED PREMISES SO LONG AS THE RECORDS ARE  
20 RETURNED TO THE LICENSED PREMISES WITHIN TWENTY-FOUR HOURS OF A  
21 REQUEST BY THE BOARD OR ENFORCEMENT BUREAU. A LICENSEE MAY  
22 REMOVE THE RECORDS FOR THE MOST RECENT SIX-MONTH PERIOD FROM THE  
23 LICENSED PREMISES ONLY FOR A LAWFUL BUSINESS PURPOSE PROVIDED  
24 THAT THEY ARE RETURNED TO THE PREMISES WHEN THAT BUSINESS IS  
25 COMPLETED. PRIOR TO REMOVING THE RECORDS FROM THE PREMISES, THE  
26 LICENSEE MUST NOTIFY THE ENFORCEMENT BUREAU AND IDENTIFY THE  
27 PERSON WHO WILL BE IN POSSESSION OF THEM, THE LOCATION WHERE  
28 THEY WILL BE HELD, THE REASON THE RECORDS NEED TO BE REMOVED  
29 FROM THE PREMISES AND WHEN THE LICENSEE EXPECTS TO HAVE THE  
30 RECORDS RETURNED.

1 \* \* \*

2 (26) WORTHLESS CHECKS. FOR ANY RETAIL LIQUOR LICENSEE OR ANY  
3 RETAIL DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO MAKE,  
4 DRAW, UTTER, ISSUE OR DELIVER, OR CAUSE TO BE MADE, DRAWN,  
5 UTTERED, ISSUED OR DELIVERED, ANY CHECK, DRAFT OR SIMILAR ORDER,  
6 FOR THE PAYMENT OF MONEY IN PAYMENT FOR ANY PURCHASE OF MALT OR  
7 BREWED BEVERAGES, WHEN SUCH RETAIL LIQUOR LICENSEE, RETAIL  
8 DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, HAS NOT  
9 SUFFICIENT FUNDS IN, OR CREDIT WITH, SUCH BANK, BANKING  
10 INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, FOR THE PAYMENT  
11 OF SUCH CHECK. ANY PERSON WHO IS A LICENSEE UNDER THE PROVISIONS  
12 OF THIS ARTICLE, WHO SHALL RECEIVE IN PAYMENT FOR MALT OR BREWED  
13 BEVERAGES SOLD BY HIM ANY CHECK, DRAFT OR SIMILAR ORDER FOR THE  
14 PAYMENT OF MONEY, WHICH IS SUBSEQUENTLY DISHONORED BY THE BANK,  
15 BANKING INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, UPON  
16 WHICH DRAWN, FOR ANY REASON WHATSOEVER, SHALL, WITHIN FIVE DAYS  
17 OF RECEIPT OF NOTICE OF SUCH DISHONOR, NOTIFY BY CERTIFIED MAIL  
18 THE PERSON WHO PRESENTED THE SAID WORTHLESS CHECK, DRAFT OR  
19 SIMILAR ORDER AND THE MALT BEVERAGE COMPLIANCE OFFICER FOR THE  
20 BOARD. IF THE VIOLATION OF THIS CLAUSE [IS THE FIRST SUCH  
21 VIOLATION BY THE LICENSEE THAT CALENDAR YEAR] INVOLVING A CHECK,  
22 DRAFT OR SIMILAR ORDER FROM THE PURCHASER TO THE SELLER [AND IF  
23 THE CHECK, DRAFT OR SIMILAR ORDER] IS SUBSEQUENTLY HONORED  
24 WITHIN TEN DAYS FROM THE DAY IT WAS MADE, DRAWN, UTTERED, ISSUED  
25 OR DELIVERED, THEN THE [ENFORCEMENT BUREAU SHALL ISSUE AN  
26 ADMINISTRATIVE WARNING IN LIEU OF] MALT BEVERAGE COMPLIANCE  
27 OFFICER SHALL NOT TURN THE MATTER OVER TO THE ENFORCEMENT BUREAU  
28 FOR A CITATION.

29 \* \* \*

30 (34) NOISE. A LICENSEE MAY NOT USE OR PERMIT TO BE USED

1 INSIDE OR OUTSIDE OF THE LICENSED PREMISES A LOUDSPEAKER OR  
2 SIMILAR DEVICE WHEREBY THE SOUND OF MUSIC OR OTHER  
3 ENTERTAINMENT, OR THE ADVERTISEMENT THEREOF, CAN BE HEARD AT AN  
4 UNREASONABLE LEVEL BEYOND THE LICENSEE'S PROPERTY LINE.

5 SECTION 19. SECTION 496 OF THE ACT, AMENDED FEBRUARY 21,  
6 2002 (P.L.103, NO.10), IS AMENDED TO READ:

7 SECTION 496. REPORTING OF WORTHLESS CHECKS.--ANY PERSON WHO  
8 IS A LICENSEE UNDER THE PROVISIONS OF THIS ARTICLE WHO SHALL  
9 RECEIVE IN PAYMENT FOR MALT OR BREWED BEVERAGES SOLD BY HIM ANY  
10 CHECK, DRAFT OR SIMILAR ORDER, FOR THE PAYMENT OF MONEY, WHICH  
11 IS SUBSEQUENTLY DISHONORED BY THE BANK, BANKING INSTITUTION,  
12 TRUST COMPANY OR OTHER DEPOSITORY, UPON WHICH DRAWN, FOR ANY  
13 REASON WHATSOEVER, AND WHICH VIOLATES THE PROVISIONS OF SECTION  
14 493(26), SHALL, WITHIN [TWENTY] FIVE DAYS OF RECEIPT OF NOTICE  
15 OF SUCH DISHONOR, NOTIFY THE MALT BEVERAGE COMPLIANCE OFFICER OF  
16 THE BOARD THEREOF. SUCH NOTIFICATION TO THE [BOARD] MALT  
17 BEVERAGE COMPLIANCE OFFICE SHALL BE IN SUCH MANNER AND FORM AS  
18 THE BOARD SHALL DIRECT.

19 SECTION 20. SECTION 505.2(A)(4) OF THE ACT, AMENDED JULY 16,  
20 2007 (P.L.107, NO.34), IS AMENDED TO READ:

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

24 \* \* \*

25 (4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL PERMIT  
26 TO PARTICIPATE IN ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS OFF  
27 THE LICENSED PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON  
28 PROPER APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS (\$30)  
29 PER DAY FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED [FIVE (5)]  
30 THIRTY (30) CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL

1 THE SPECIAL PERMITS MAY NOT EXCEED [FORTY (40)] ONE HUNDRED  
2 (100) DAYS IN ANY CALENDAR YEAR. A SPECIAL PERMIT SHALL ENTITLE  
3 THE HOLDER TO ENGAGE IN THE SALE BY THE GLASS, BY THE BOTTLE OR  
4 IN CASE LOTS OF ALCOHOLIC CIDER OR WINE PRODUCED BY THE  
5 PERMITTEE UNDER THE AUTHORITY OF A LIMITED WINERY LICENSE.  
6 HOLDERS OF SPECIAL PERMITS MAY PROVIDE TASTING SAMPLES OF WINES  
7 IN INDIVIDUAL PORTIONS NOT TO EXCEED ONE FLUID OUNCE. SAMPLES AT  
8 ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS MAY BE SOLD OR  
9 OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED HEREIN, LIMITED  
10 WINERIES UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL  
11 APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE  
12 REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD.

13 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, WINE AND  
14 FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR  
15 OUTDOORS WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY  
16 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND  
17 QUALITY OF PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS AND WINES IN  
18 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND  
19 SALES. ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS MAY ALSO  
20 INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, WINE AND FOOD  
21 DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,  
22 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

23 \* \* \*

24 SECTION 21. SECTION 505.4 OF THE ACT, ADDED DECEMBER 8, 2004  
25 (P.L.1810, NO.239), IS AMENDED TO READ:

26 Section 505.4. Distilleries.--(a) The board may issue a  
27 distillery of historical significance license to any distillery  
28 which was established prior to January 1, 1875. The holder of  
29 the license may manufacture and sell liquor produced on the  
30 licensed premises to the board, to entities licensed by the

1 board and to the public under such conditions and regulations as  
2 the board may enforce. Production at the distillery of  
3 historical significance shall be limited to an amount not to  
4 exceed twenty thousand (20,000) gallons per year. The distillery  
5 does not need to establish continuous operation since January 1,  
6 1875, in order to qualify for a license under this section.

7 (b) (1) The board may issue a limited distillery license  
8 that will allow the holder thereof to operate a distillery that  
9 shall not exceed production of ~~forty thousand (40,000)~~ ONE ←  
10 HUNDRED THOUSAND (100,000) gallons of distilled liquor per year.  
11 The holder of the license may manufacture and sell bottled  
12 liquors produced on the licensed premises to the board, to  
13 entities licensed by the board and to the public between the  
14 hours of nine o'clock antemeridian and ~~nine~~ ELEVEN o'clock ←  
15 postmeridian so long as a specific code of distilled liquor  
16 which is listed for sale as a stock item by the board in State  
17 liquor stores may not be offered for sale at a licensed limited  
18 distillery location at a price which is lower than that charged  
19 by the board and under such conditions and regulations as the  
20 board may enforce.

21 ~~(2)~~ The (2) (I) THE holder of a limited distillery license ←  
22 may, separately or in conjunction with other limited distillery  
23 licensees, sell bottled liquors produced by the distillery at no  
24 more than two (2) board-approved locations other than the  
25 licensed premises, with no bottling or production requirement at  
26 those additional board-approved locations and under such  
27 conditions and regulations as the board may enforce to the  
28 board, to individuals and to entities licensed by the board.

29 (II) IF TWO OR MORE LIMITED DISTILLERIES APPLY TO OPERATE AN ←  
30 ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION WITH EACH



1 OTHER, THE DISTILLERIES NEED ONLY HAVE ONE BOARD-APPROVED  
2 MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND  
3 NEED NOT DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH  
4 DISTILLERY'S LICENSED AREA. A LIMITED DISTILLERY MUST FILE AN  
5 APPLICATION FOR THE ADDITIONAL BOARD-APPROVED LOCATION, AND THAT  
6 LOCATION SHALL COUNT AS ONE OF THE TWO PERMITTED FOR EACH  
7 LIMITED DISTILLERY. A LIMITED DISTILLERY IS RESPONSIBLE FOR  
8 KEEPING ONLY ITS OWN COMPLETE RECORDS. A LIMITED DISTILLERY MAY  
9 BE CITED FOR A VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF  
10 SECTIONS 512 AND 513 PERTAINING TO ITS OWN RECORDS ONLY.

11 (3) The holder of a limited distillery license may apply for  
12 and hold a hotel liquor license, a restaurant liquor license or  
13 a malt and brewed beverages retail license to sell for  
14 consumption at the restaurant or limited distillery on the  
15 licensed distillery premises liquor, wine and malt or brewed  
16 beverages regardless of the place of manufacture under the same  
17 conditions and regulations as any other hotel liquor license,  
18 restaurant liquor license or malt and brewed beverages retail  
19 license.

20 ~~(4) The holder of a limited distillery license may sell food~~ ←  
21 ~~for consumption on or off the licensed premises and sell by the~~  
22 ~~glass only liquor that may otherwise be sold by the bottle. THE~~ ←  
23 HOLDER OF A LIMITED DISTILLERY LICENSE MAY SELL FOOD FOR  
24 CONSUMPTION ON OR OFF THE LICENSED PREMISES AND AT THE LIMITED  
25 DISTILLERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, AND MAY SELL  
26 BY THE GLASS, AT THE LICENSED PREMISES AND AT THE LIMITED  
27 DISTILLERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, ONLY LIQUOR  
28 THAT MAY OTHERWISE BE SOLD BY THE BOTTLE.

29 (5) The holder of a limited distillery license may provide  
30 tasting samples of liquor in individual portions not to exceed ←

1 ~~one (1) fluid ounce~~ ONE AND ONE-HALF (1.5) FLUID OUNCES PER ←  
2 PERSON on the licensed premises and at the two (2) board-  
3 approved locations. Samples may be sold or provided free of  
4 charge and may only be provided between the hours of nine  
5 o'clock antemeridian and ~~nine~~ ELEVEN o'clock postmeridian. ←

6 (6) The fee for the limited distillery license shall be in  
7 an amount to be determined by the board but shall not exceed one  
8 thousand five hundred dollars (\$1,500).

9 (7) The board may issue to the holder of a distillery  
10 license a limited distillery license in exchange for the  
11 distillery license provided that the applicant has not  
12 manufactured more than forty thousand (40,000) gallons of  
13 distilled liquor in the prior calendar year. An applicant under  
14 this subsection shall surrender his distillery license for  
15 cancellation prior to the issuance of the new limited distillery  
16 license. The authority of the board to exchange a distillery  
17 license for a limited distillery license under this subsection  
18 and this subsection shall expire December 31, 2012.

19 (c) (1) The holder of a distillery license as issued under  
20 section 505 may sell bottled liquors produced on the licensed  
21 premises to the board, to entities licensed by the board and to  
22 the public between the hours of nine o'clock antemeridian and  
23 ~~nine~~ ELEVEN o'clock postmeridian so long as a specific code of ←  
24 distilled liquor which is listed for sale as a stock item by the  
25 board in State liquor stores may not be offered for sale at a  
26 licensed distillery location at a price which is lower than that  
27 charged by the board and under such conditions and regulations  
28 as the board may enforce.

29 (2) The holder of a distillery license as issued under  
30 section 505 may provide tasting samples of liquor in individual

1 portions not to exceed ~~one (1) fluid ounce~~ ONE AND ONE-HALF ←  
2 (1.5) FLUID OUNCES. Samples may be sold or provided free of  
3 charge between the hours of nine o'clock antemeridian and ~~nine~~ ←  
4 ELEVEN o'clock postmeridian. ←

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

6 SECTION 22. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: ←

7 (1) THE AMENDMENT OR ADDITION OF THE DEFINITIONS OF  
8 "ELIGIBLE ENTITY" AND "PUBLIC VENUE" IN SECTION 102 AND  
9 SECTIONS 401(A), 412(B), 437(D), 440, 445(B), 446, 471.1(G),  
10 492(12), 493(12) AND (26), 496 AND 505.4 OF THE ACT SHALL  
11 TAKE EFFECT IN 60 DAYS.

12 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
13 IMMEDIATELY.