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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 CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, DECEMBER 5, 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 RIGHTS OF MUNICIPALITIES  
6 PRESERVED, FOR REPORTING OF WORTHLESS CHECKS, FOR LIMITED  
7 WINERIES AND FOR DISTILLERIES. ←

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

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

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

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

23 \* \* \*

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

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

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

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

1 RADIO STATION THAT IS A MEMBER OF THE NATIONAL PUBLIC RADIO  
2 NETWORK, A NONPROFIT PUBLIC TELEVISION STATION THAT IS A MEMBER  
3 OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK OR A NONPROFIT  
4 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL  
5 REVENUE CODE OF 1986 WHOSE PURPOSE IS TO PROMOTE AWARENESS,  
6 EDUCATION AND RESEARCH AND TO PROVIDE A SUPPORT SYSTEM FOR  
7 PATIENTS WITH NEUTROPENIA AND THEIR FAMILIES THROUGH A NATIONAL  
8 RESOURCE NETWORK.

9 \* \* \*

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

1 NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW," AN  
2 AUTHORITY CREATED UNDER ARTICLE XXV-A OF THE ACT OF JULY 28,  
3 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND CLASS COUNTY CODE,"  
4 AN ART MUSEUM ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF  
5 APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER  
6 ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE  
7 POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN  
8 LAW," OR AN AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF  
9 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE  
10 COUNTY CODE," IT SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE  
11 THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT  
12 SEATING FOR AT LEAST TWO THOUSAND (2,000) PEOPLE. THE TERM SHALL  
13 ALSO MEAN ANY REGIONAL HISTORY CENTER, MULTIPURPOSE CULTURAL AND  
14 SCIENCE FACILITY, MUSEUM OR CONVENTION OR TRADE SHOW CENTER,  
15 REGARDLESS OF OWNER AND SEATING CAPACITY, THAT HAS A FLOOR AREA  
16 OF AT LEAST SIXTY THOUSAND (60,000) SQUARE FEET IN ONE BUILDING.  
17 THE TERM SHALL ALSO MEAN A CONVENTION OR CONFERENCE CENTER OWNED  
18 BY A CITY OF THE THIRD CLASS OR A UNIVERSITY WHICH IS A MEMBER  
19 OF THE PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION WHICH IS  
20 OPERATED BY A UNIVERSITY FOUNDATION OR ALUMNI ASSOCIATION,  
21 REGARDLESS OF SEATING CAPACITY, THAT HAS A FLOOR AREA OF AT  
22 LEAST FIFTEEN THOUSAND (15,000) SQUARE FEET IN ONE BUILDING. THE  
23 TERM SHALL ALSO MEAN A VISITOR CENTER, REGARDLESS OF FLOOR AREA  
24 OR SEATING CAPACITY, THAT WAS ESTABLISHED UNDER THE AUTHORITY OF  
25 THE GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999 (PUBLIC LAW  
26 106-131, 113 STAT. 1678, 16 U.S.C. § 407M).

27 \* \* \*

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

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

3 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,  
4 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS  
5 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL  
6 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES  
7 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN  
8 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE  
9 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE  
10 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT  
11 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO  
12 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR  
13 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH  
14 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR  
15 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN  
16 QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES  
17 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407.  
18 SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES,  
19 RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,  
20 RESPECTIVELY. [NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR  
21 ELECTION, ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE  
22 ANY OF THE PENAL LAWS OF THE UNITED STATES OF AMERICA OR THE  
23 PENAL LAWS OF THE COMMONWEALTH OF PENNSYLVANIA OR ANY PENAL  
24 ORDINANCE OR RESOLUTION OF ANY POLITICAL SUBDIVISION OF THIS  
25 COMMONWEALTH SHALL BE ISSUED ANY HOTEL OR RESTAURANT LIQUOR  
26 LICENSE, NOR SHALL SUCH A PERSON HAVE ANY INTEREST, DIRECTLY OR  
27 INDIRECTLY, IN ANY SUCH LICENSE] NO PERSON WHO HOLDS ANY PUBLIC  
28 OFFICE THAT INVOLVES THE DUTY TO ENFORCE ANY OF THE PENAL LAWS  
29 OF THE UNITED STATES, THIS COMMONWEALTH OR OF ANY POLITICAL  
30 SUBDIVISION OF THIS COMMONWEALTH MAY HAVE ANY INTEREST IN A



1 HOTEL OR RESTAURANT LIQUOR LICENSE. THIS PROHIBITION APPLIES TO  
2 ANYONE WITH ARREST AUTHORITY, INCLUDING, BUT NOT LIMITED TO,  
3 UNITED STATES ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT  
4 ATTORNEYS, SHERIFFS AND POLICE OFFICERS. THIS PROHIBITION SHALL  
5 ALSO APPLY TO MAGISTERIAL DISTRICT JUSTICES, JUDGES OR ANY OTHER  
6 INDIVIDUALS WHO CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION  
7 DOES NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP  
8 SUPERVISORS, CITY COUNCILPERSONS, MAYORS WITHOUT ARREST  
9 AUTHORITY, COUNTY COMMISSIONERS AND ANY OTHER PUBLIC OFFICIAL  
10 WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE ABILITY TO IMPOSE  
11 A CRIMINAL SENTENCE. THIS SECTION DOES NOT APPLY IF THE PROPOSED  
12 PREMISES ARE LOCATED OUTSIDE THE JURISDICTION OF THE INDIVIDUAL  
13 IN QUESTION.

14 \* \* \*

15 SECTION 3. SECTION 406(A) (3), (E) AND (G) OF THE ACT,  
16 AMENDED OR ADDED DECEMBER 30, 2003 (P.L.423, NO.59) AND JUNE 28,  
17 2011 (P.L.55, NO.11), ARE AMENDED TO READ:

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

19 \* \* \*

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

1 PROVISION, A LICENSEE HOLDING SUCH A PERMIT MAY BEGIN SELLING  
2 LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS  
3 OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK ANTEMERIDIAN  
4 PROVIDED THAT THE LICENSEE OFFERS A MEAL BEGINNING AT NINE  
5 O'CLOCK ANTEMERIDIAN. AIRPORT RESTAURANT LIQUOR LICENSEES MAY  
6 SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE  
7 HOURS OF SEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN  
8 MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN  
9 ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,  
10 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF  
11 1929."

12 \* \* \*

13 (E) (1) THE HOLDER OF A HOTEL LICENSE OR THE HOLDER OF A  
14 RESTAURANT LICENSE LOCATED IN A HOTEL MAY ALLOW PERSONS TO  
15 TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES FROM THE LICENSED  
16 PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF THE  
17 PREMISES, SO LONG AS THE LIQUOR OR MALT OR BREWED BEVERAGES  
18 REMAIN ON THE HOTEL PROPERTY. IN ADDITION, A HOLDER OF A  
19 RESTAURANT OR CLUB LICENSE LOCATED ON A GOLF COURSE MAY SELL,  
20 FURNISH OR GIVE LIQUOR OR MALT OR BREWED BEVERAGES ON THE  
21 UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR OR  
22 MALT OR BREWED BEVERAGES REMAIN ON THE RESTAURANT, CLUB OR GOLF  
23 COURSE. THE HOLDER OF A RESTAURANT LICENSE LOCATED IMMEDIATELY  
24 ADJACENT TO AND UNDER THE SAME ROOF OF A BOWLING CENTER MAY  
25 ALLOW PERSONS TO TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES  
26 FROM THE LICENSED PORTION OF THE PREMISES TO THE UNLICENSED  
27 PORTION OF THE PREMISES, SO LONG AS THE LIQUOR OR MALT OR BREWED  
28 BEVERAGES REMAIN WITHIN THE BOWLING CENTER. IN ADDITION, THE  
29 HOLDER OF A HOTEL LICENSE OR A RESTAURANT LICENSE MAY ALLOW  
30 PERSONS WHO HAVE PURCHASED BUT ONLY PARTIALLY CONSUMED A BOTTLE

1 OF WINE ON THE PREMISES TO REMOVE THE BOTTLE FROM THE PREMISES  
2 SO LONG AS THE BOTTLE WAS PURCHASED IN CONJUNCTION WITH A MEAL  
3 WHICH WAS CONSUMED ON THE PREMISES AND SO LONG AS THE BOTTLE IS  
4 RESEALED. FOR PURPOSES OF THIS SUBSECTION, "WINE" SHALL HAVE THE  
5 MEANING GIVEN TO IT UNDER SECTION 488(I). FOR PURPOSES OF THIS  
6 [SUBSECTION] SECTION AND SECTION 432, "MEAL" SHALL MEAN FOOD ←  
7 PREPARED ON THE PREMISES, SUFFICIENT TO CONSTITUTE BREAKFAST,  
8 LUNCH OR DINNER; IT SHALL NOT MEAN A SNACK, SUCH AS PRETZELS,  
9 POPCORN, CHIPS OR SIMILAR FOOD.

10 (2) A HOLDER OF A RESTAURANT OR CLUB LICENSE LOCATED ON A  
11 GOLF COURSE MAY STORE LIQUOR OR MALT OR BREWED BEVERAGES IN A  
12 PERMANENT FACILITY ON THE UNLICENSED PORTION OF THE GOLF COURSE  
13 SO LONG AS THE LIQUOR OR MALT OR BREWED BEVERAGES REMAIN ON THE  
14 RESTAURANT, CLUB OR GOLF COURSE WITHOUT REGARD TO WHETHER THERE  
15 IS ANY INTERVENING PUBLIC THOROUGHFARE.

16 \* \* \*

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

30 SECTION 4. SECTION 411(E) OF THE ACT, AMENDED JUNE 25, 2010

1 (P.L.217, NO.35), IS AMENDED TO READ:

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

3 (E) EXCEPT AS HEREIN PROVIDED, NO HOTEL, RESTAURANT, RETAIL  
4 DISPENSER OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR OR  
5 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE SHALL IN ANY  
6 WISE BE INTERESTED, DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR  
7 LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR  
8 ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A DISTRIBUTOR,  
9 IMPORTING DISTRIBUTOR, OR BY AN IMPORTER OR SACRAMENTAL WINE  
10 LICENSEE, IN THE CONDUCT OF HIS BUSINESS; NOR SHALL ANY HOTEL,  
11 RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE, OR ANY OFFICER,  
12 DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE,  
13 EITHER DIRECTLY OR INDIRECTLY, LEND ANY MONEYS, CREDIT, OR GIVE  
14 ANYTHING OF VALUE OR THE EQUIVALENT THEREOF, TO ANY DISTRIBUTOR,  
15 IMPORTING DISTRIBUTOR, IMPORTER OR SACRAMENTAL WINE LICENSEE,  
16 FOR EQUIPPING, FITTING OUT, OR MAINTAINING AND CONDUCTING,  
17 EITHER IN WHOLE OR IN PART, AN ESTABLISHMENT USED IN THE CONDUCT  
18 OF HIS BUSINESS.

19 THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION OF THE  
20 FINANCIAL AND BUSINESS INTERESTS BETWEEN MANUFACTURERS AND  
21 HOLDERS OF HOTEL OR RESTAURANT LIQUOR LICENSES AND, AS HEREIN  
22 PROVIDED, OF CLUB LICENSES, ISSUED UNDER THIS ARTICLE, AND NO  
23 PERSON SHALL, BY ANY DEVICE WHATSOEVER, DIRECTLY OR INDIRECTLY,  
24 EVADE THE PROVISIONS OF THE SECTION. BUT IN VIEW OF EXISTING  
25 ECONOMIC CONDITIONS, NOTHING CONTAINED IN THIS SECTION SHALL BE  
26 CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING  
27 INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE  
28 UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED  
29 AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT  
30 LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE

1 HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL  
2 NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE FROM  
3 OWNING LAND WHICH IS LEASED TO, AND THE BUILDINGS THEREON OWNED  
4 BY, A HOLDER OF A RETAIL DISPENSER'S LICENSE; AND NOTHING IN  
5 THIS CLAUSE SHALL PREVENT THE ISSUANCE OF A RETAIL DISPENSER'S  
6 LICENSE TO A LESSEE OF SUCH LANDS WHO OWNS THE BUILDINGS  
7 THEREON: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS  
8 SECTION SHALL BE CONSTRUED TO PROHIBIT ANY HOTEL, RESTAURANT,  
9 RETAIL DISPENSER OR CLUB LICENSEE OR ANY OFFICER, DIRECTOR OR  
10 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE FROM HAVING A  
11 FINANCIAL OR OTHER INTEREST, DIRECTLY OR INDIRECTLY IN THE  
12 OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY  
13 PROPERTY OR ANY MORTGAGE LIEN AGAINST SAME, USED, LEASED BY AN  
14 IMPORTER OR SACRAMENTAL WINE LICENSEE FOR THE EXCLUSIVE PURPOSE  
15 OF MAINTAINING COMMERCIAL OFFICES AND ON THE CONDITION THAT SAID  
16 PROPERTY IS NOT USED FOR THE STORAGE OR SALE OF LIQUOR OR MALT  
17 OR BREWED BEVERAGES IN ANY QUANTITY: AND, PROVIDED FURTHER, THAT  
18 NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT AN OFFICER OR  
19 MEMBER OF A LICENSED PRIVATELY OWNED PRIVATE GOLF COURSE  
20 CATERING CLUB FROM HAVING AN INTEREST IN A LIMITED WINERY  
21 LICENSE: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS  
22 SECTION SHALL BE CONSTRUED TO PROHIBIT A MEMBER OF THE GOVERNING  
23 BOARD OF A PUBLIC AUTHORITY CREATED UNDER SUBDIVISION (N) OF  
24 ARTICLE XXIII OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),  
25 KNOWN AS "THE COUNTY CODE," FROM HAVING AN INTEREST IN A  
26 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE NOTWITHSTANDING THE  
27 FACT THAT THE PUBLIC AUTHORITY HAS AN INTEREST IN ONE OR MORE  
28 RETAIL LICENSES OR ACTS AS A LANDLORD FOR ONE OR MORE RETAIL  
29 LICENSES: AND, PROVIDED FURTHER, THAT, NOTHING IN THIS SECTION  
30 MAY PROHIBIT AN EMPLOYE OF A HOTEL OR RESTAURANT LICENSEE FROM

1 HAVING AN INTEREST IN ANY PROPERTY USED BY A LIMITED WINERY  
2 LICENSEE OR IN GUARANTEEING ANY LOANS, OR LENDING ANY MONEYS,  
3 PROVIDING CREDIT OR GIVING ANYTHING OF VALUE TO A LIMITED WINERY  
4 LICENSEE OR ITS OFFICERS, DIRECTORS AND SHAREHOLDERS, PROVIDED  
5 THAT THE PERSON ALSO IS NOT A LICENSED DIRECTOR AN OFFICER OF OR ←  
6 DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY CONTROL OVER ANY  
7 OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE  
8 LICENSEE: AND, PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER  
9 PROVISION OF THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A  
10 MANUFACTURER'S LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL,  
11 RESTAURANT OR RETAIL DISPENSER LICENSE FOR USE AT THE SAME  
12 LOCATION AND MORE THAN ONE LOCATION MAY BE SO LICENSED. THE  
13 LICENSES AND A PERSON'S INTEREST IN THE LICENSES OR IN THE  
14 ENTITY HOLDING THE LICENSES SHALL NOT BE SUBJECT TO THIS  
15 SECTION. PROVIDED FURTHER, THAT, A PERSON WHO IS A HOLDER OF  
16 FIVE PER CENTUM (5%) OR LESS OF SECURITIES OR OTHER INTERESTS IN  
17 A PUBLICLY OR PRIVATELY HELD DOMESTIC OR FOREIGN CORPORATION,  
18 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER FORM OF LEGAL  
19 ENTITY OWNING A RESTAURANT LIQUOR LICENSE OR RETAIL DISPENSER'S  
20 LICENSE SHALL NOT BE DEEMED TO POSSESS A FINANCIAL OR BUSINESS ←  
21 INTEREST AND IS NOT SUBJECT TO THE PROVISIONS OF THIS SECTION,  
22 PROVIDED THAT THE PERSON IS NOT A LICENSED DIRECTOR AN OFFICER ←  
23 OF, EMPLOYE OF OR DOES NOT HAVE ANY INTEREST IN OR EXERCISE ANY  
24 CONTROL OVER ANY OTHER LICENSED ENTITY THAT ENGAGES IN ANY SALES  
25 TO OR FROM THE RESTAURANT LIQUOR OR RETAIL DISPENSER LICENSEE  
26 IN WHICH THE PERSON HOLDS THE FIVE PER CENTUM (5%) OR LESS  
27 INTEREST. FOR PURPOSES OF THIS SUBSECTION, THE EXISTENCE OF THE ←  
28 INTEREST AND THE SIZE OF THE INTEREST SHALL BE DETERMINED  
29 PURSUANT TO THE PROVISIONS OF THIS ACT.

30 SECTION 5. SECTION ~~412(B)~~ 412(F) (2) OF THE ACT, AMENDED ←

1 FEBRUARY 21, 2002 (P.L.103, NO.10), IS AMENDED TO READ:

2 ~~SECTION 412. PUBLIC VENUE LICENSE. \* \* \*~~ ←

3 ~~(B) AN APPLICATION FOR A RESTAURANT LIQUOR LICENSE UNDER~~  
4 ~~THIS SECTION MAY BE MADE BY THE OWNER OF THE PUBLIC VENUE, THE~~  
5 ~~OPERATOR OF THE PUBLIC VENUE OR BY A CONCESSIONAIRE DESIGNATED~~  
6 ~~BY THE GOVERNING BODY OF EITHER THE OWNER OF THE PUBLIC VENUE OR~~  
7 ~~THE OPERATOR. THE APPLICATION AND ISSUANCE OF THE LICENSE IS~~  
8 ~~SUBJECT TO SECTIONS 403 AND 404 UNLESS OTHERWISE STATED, EXCEPT~~  
9 ~~THAT PRIVATE BANQUETS AND OTHER EVENTS AT ZOOS MAY BE HELD AT~~  
10 ~~ANY SITE WITHIN ZOO PROPERTY. THE LICENSING PERIOD SHALL BE AS~~  
11 ~~SET FORTH BY THE BOARD UNDER SECTION 402. THE APPLICATION,~~  
12 ~~RENEWAL AND FILING FEES SHALL BE AS PRESCRIBED IN SECTION 614~~  
13 ~~A(25) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS~~  
14 ~~"THE ADMINISTRATIVE CODE OF 1929."~~

15 \* \* \*

16 SECTION 412. PUBLIC VENUE LICENSE.--\* \* \* ←

17 (F) LICENSES ISSUED UNDER THIS SECTION ARE TO BE CONSIDERED  
18 RESTAURANT LIQUOR LICENSES. HOWEVER, THE FOLLOWING ADDITIONAL  
19 RESTRICTIONS AND PRIVILEGES APPLY:

20 \* \* \*

21 (2) SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER  
22 ALL PROFESSIONAL AND AMATEUR ATHLETIC EVENTS ON THE PREMISES  
23 SHALL BE LIMITED TO SALES OF MALT OR BREWED BEVERAGES IN  
24 SHATTERPROOF CONTAINERS. SALES OF ALCOHOLIC BEVERAGES BEFORE,  
25 DURING AND AFTER PERFORMING ARTS EVENTS OR OTHER ENTERTAINMENT  
26 EVENTS MAY CONSIST OF LIQUOR OR MALT OR BREWED BEVERAGES IN  
27 SHATTERPROOF CONTAINERS. SALES DURING TRADE SHOWS, CONVENTIONS,  
28 BANQUETS OR AT OTHER EVENTS, OR SALES MADE IN THE CLUB SEATS OR  
29 AT A RESTAURANT FACILITY, MAY CONSIST OF LIQUOR OR MALT OR  
30 BREWED BEVERAGES IN ANY TYPE OF CONTAINER; HOWEVER, ANY LIQUOR

1 OR MALT OR BREWED BEVERAGES SOLD IN THE CLUB SEATS OR RESTAURANT  
2 FACILITY MUST REMAIN IN THE CLUB SEATING LEVEL OR RESTAURANT  
3 FACILITY. FOR PURPOSES OF THIS SECTION, A CLUB SEAT IS ANY  
4 SEATING LOCATED ON THE DESIGNATED CLUB SEATING LEVEL AND  
5 PARTITIONED FROM GENERAL SEATING BY A WALL, DIVIDER, PARTIAL  
6 WALL OR RAILING. THE CLUB SEATING LEVEL MUST NOT BE ACCESSIBLE  
7 BY THE GENERAL PUBLIC. SALES AT ZOOS DURING PRIVATE BANQUETS AND  
8 OTHER EVENTS MAY BE AT ANY SITE WITHIN ZOO PROPERTY AND MAY  
9 CONSIST OF ANY TYPE OF ALCOHOL IN ANY TYPE OF CONTAINER. THE  
10 BOARD'S RECORDS SHALL CLEARLY DELINEATE WHERE THE SALE OF LIQUOR  
11 OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER MAY OCCUR.

12 \* \* \*

13 SECTION 6. SECTION 432 (F) OF THE ACT, AMENDED NOVEMBER 29,  
14 2006 (P.L.1421, NO.155), IS AMENDED TO READ:

15 SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--\* \*  
16 \*

17 (F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL  
18 DISPENSER LICENSEES ~~THAT OFFER A MEAL ON SUNDAYS PRIOR TO ELEVEN~~ ←  
19 ~~O'CLOCK ANTEMERIDIAN~~ MAY SELL MALT OR BREWED BEVERAGES BETWEEN  
20 THE HOURS OF ~~†ELEVEN†~~ ~~NINE~~ O'CLOCK ANTEMERIDIAN ON SUNDAY AND ←  
21 TWO O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL  
22 PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION  
23 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS  
24 "THE ADMINISTRATIVE CODE OF 1929," WHICH SHALL BE IN ADDITION TO  
25 ANY OTHER LICENSE FEES. NOTWITHSTANDING THIS PROVISION, A ←  
26 LICENSEE HOLDING SUCH A SPECIAL PERMIT MAY BEGIN SELLING MALT OR  
27 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF NINE O'CLOCK  
28 ANTEMERIDIAN AND ELEVEN O'CLOCK ANTEMERIDIAN PROVIDED THAT THE  
29 LICENSEE OFFERS A MEAL, AS THAT TERM IS DEFINED IN SECTION 406,  
30 BEGINNING AT NINE O'CLOCK ANTEMERIDIAN.



1 SECTION 7. SECTION 437(D) OF THE ACT, IS AMENDED TO READ:  
2 SECTION 437. PROHIBITIONS AGAINST THE GRANT OF LICENSES.--\*  
3 \* \*

4 (D) [NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR ELECTION,  
5 ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE ANY OF THE  
6 PENAL LAWS OF THE UNITED STATES OF AMERICA OR ANY OF THE PENAL  
7 LAWS OF THIS COMMONWEALTH OR ANY PENAL ORDINANCE OR RESOLUTION  
8 OF ANY POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL BE  
9 ISSUED ANY MANUFACTURER'S, IMPORTING DISTRIBUTOR'S,  
10 DISTRIBUTOR'S OR RETAIL DISPENSER'S LICENSE, NOR SHALL SUCH A  
11 PERSON HAVE ANY INTEREST, DIRECTLY OR INDIRECTLY, IN ANY SUCH  
12 LICENSE] NO PERSON WHO HOLDS ANY PUBLIC OFFICE THAT INVOLVES THE  
13 DUTY TO ENFORCE ANY OF THE PENAL LAWS OF THE UNITED STATES, THIS  
14 COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF THIS  
15 COMMONWEALTH MAY HAVE ANY INTEREST IN A MANUFACTURER'S,  
16 IMPORTING DISTRIBUTOR'S, DISTRIBUTOR'S OR RETAIL DISPENSER'S  
17 LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST  
18 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES  
19 ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS  
20 AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO  
21 MAGISTERIAL DISTRICT JUSTICES, JUDGES OR ANY OTHER INDIVIDUALS  
22 WHO CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT  
23 APPLY TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS,  
24 CITY COUNCILPERSONS, MAYORS WITHOUT ARREST AUTHORITY, COUNTY  
25 COMMISSIONERS AND ANY OTHER PUBLIC OFFICIAL WHO DOES NOT HAVE  
26 THE ABILITY TO ARREST OR THE ABILITY TO IMPOSE A CRIMINAL  
27 SENTENCE. THIS SECTION DOES NOT APPLY IF THE PROPOSED PREMISES  
28 ARE LOCATED OUTSIDE THE JURISDICTION OF THE INDIVIDUAL IN  
29 QUESTION.

30 \* \* \*

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

3 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED  
4 BEVERAGES; MINIMUM QUANTITIES.--[NO MANUFACTURER SHALL SELL ANY  
5 MALT OR BREWED BEVERAGES FOR CONSUMPTION ON THE PREMISES WHERE  
6 SOLD, NOR SELL OR DELIVER ANY SUCH MALT OR BREWED BEVERAGES IN  
7 OTHER THAN ORIGINAL CONTAINERS APPROVED AS TO CAPACITY BY THE  
8 BOARD, NOR IN QUANTITIES OF LESS THAN A CASE OR ORIGINAL  
9 CONTAINERS CONTAINING SIXTY-FOUR OUNCES OR MORE WHICH MAY BE  
10 SOLD SEPARATELY; NOR SHALL ANY MANUFACTURER] A MANUFACTURER MAY  
11 SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE  
12 MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR  
13 CONSUMPTION ON THE LICENSED PREMISES WHERE SOLD ONLY IF IT  
14 COMPLIES WITH THE CONDITIONS AND REGULATIONS PLACED UPON HOLDERS  
15 OF BREWERY LICENSES UNDER SECTION 446(1). A MANUFACTURER ALSO  
16 MAY SELL ANY MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE  
17 MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR  
18 CONSUMPTION OFF THE LICENSED PREMISES IN CONTAINERS OR PACKAGES  
19 OF UNLIMITED QUANTITY AND OF ANY VOLUME. NO MANUFACTURER MAY  
20 MAINTAIN OR OPERATE WITHIN THE COMMONWEALTH ANY PLACE OR PLACES  
21 OTHER THAN THE PLACE OR PLACES COVERED BY HIS OR ITS LICENSE  
22 WHERE MALT OR BREWED BEVERAGES ARE SOLD OR WHERE ORDERS ARE  
23 TAKEN.

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

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

28 (I) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,  
29 WHEN MAKING A SALE OF MALT OR BREWED BEVERAGES TO A PRIVATE  
30 INDIVIDUAL, NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY BE

1 REQUIRED TO COLLECT THE NAME, ADDRESS OR ANY OTHER IDENTIFYING  
2 INFORMATION OF THE PRIVATE INDIVIDUAL FOR THE PURPOSE OF KEEPING  
3 A RECORD OF THE QUANTITY OF CASES OR VOLUME OF MALT OR BREWED  
4 BEVERAGES PURCHASED.

5 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES  
6 AND SALES.--\* \* \*

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

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

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

24 (G) THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION  
25 OF THE FINANCIAL AND BUSINESS INTERESTS BETWEEN THE VARIOUS  
26 CLASSES OF BUSINESS REGULATED BY SUBDIVISION (B) OF THIS  
27 ARTICLE, AND NO PERSON OR CORPORATION SHALL, BY ANY DEVICE  
28 WHATSOEVER, DIRECTLY OR INDIRECTLY, EVADE THE PROVISIONS OF THIS  
29 SECTION. BUT IN VIEW OF EXISTING ECONOMIC CONDITIONS, NOTHING  
30 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE

1 OWNERSHIP OF PROPERTY OR CONFLICTING INTEREST BY A MALT OR  
2 BREWED BEVERAGE MANUFACTURER OF ANY PLACE OCCUPIED BY A  
3 DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL DISPENSER AFTER THE  
4 MANUFACTURER HAS CONTINUOUSLY OWNED AND HAD A CONFLICTING  
5 INTEREST IN SUCH PLACE FOR A PERIOD OF AT LEAST FIVE YEARS PRIOR  
6 TO THE EIGHTEENTH DAY OF JULY, ONE THOUSAND NINE HUNDRED THIRTY-  
7 FIVE: PROVIDED, HOWEVER, THAT A HOLDER OF A MANUFACTURER'S  
8 LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO OPERATE A  
9 BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY AS PROVIDED  
10 FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE UNDER A HOTEL  
11 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED  
12 BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S OR LIMITED  
13 WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE OR  
14 RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES  
15 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED  
16 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
17 FOR EACH RESPECTIVE LICENSE: AND, PROVIDED FURTHER, THAT NOTHING  
18 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A  
19 MEMBER OF THE GOVERNING BOARD OF A PUBLIC AUTHORITY CREATED  
20 UNDER SUBDIVISION (N) OF ARTICLE XXIII OF THE ACT OF AUGUST 9,  
21 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," FROM HAVING  
22 AN INTEREST IN A DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE  
23 NOTWITHSTANDING THE FACT THAT THE PUBLIC AUTHORITY HAS AN  
24 INTEREST IN ONE OR MORE RETAIL LICENSES OR ACTS AS A LANDLORD  
25 FOR ONE OR MORE RETAIL LICENSES.

26 A PERSON WHO IS A HOLDER OF FIVE PER CENTUM (5%) OR LESS OF  
27 SECURITIES OR OTHER INTERESTS IN A PUBLICLY OR PRIVATELY HELD  
28 DOMESTIC OR FOREIGN CORPORATION, PARTNERSHIP, LIMITED LIABILITY  
29 COMPANY OR OTHER FORM OF LEGAL ENTITY OWNING A RESTAURANT LIQUOR  
30 LICENSE OR RETAIL DISPENSER'S LICENSE SHALL NOT BE DEEMED TO

1 POSSESS A FINANCIAL OR BUSINESS INTEREST AND IS NOT SUBJECT TO ←  
2 THE PROVISIONS OF THIS SECTION, PROVIDED THAT THE PERSON IS NOT  
3 A LICENSED DIRECTOR AN OFFICER OF, EMPLOYE OF OR DOES NOT HAVE ←  
4 ANY INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED  
5 ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE RESTAURANT  
6 LIQUOR OR RETAIL DISPENSER LICENSEE IN WHICH THE PERSON HOLDS  
7 THE FIVE PER CENTUM (5%) OR LESS INTEREST. FOR PURPOSES OF THIS ←  
8 SUBSECTION, THE EXISTENCE OF THE INTEREST AND THE SIZE OF THE  
9 INTEREST SHALL BE DETERMINED PURSUANT TO THE PROVISIONS OF THIS  
10 ACT.

11 THE TERM "MANUFACTURER" AS USED IN THIS SECTION SHALL INCLUDE  
12 MANUFACTURERS OF MALT OR BREWED BEVERAGES AS DEFINED IN THIS ACT  
13 AND ANY PERSON MANUFACTURING ANY MALT OR BREWED BEVERAGES  
14 OUTSIDE OF THIS COMMONWEALTH.

15 SECTION 11. SECTION 445(B) OF THE ACT, AMENDED JUNE 28, 2011  
16 (P.L.55, NO.11), IS AMENDED TO READ:

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

18 (B) THE BOARD SHALL EMPLOY A MALT BEVERAGE COMPLIANCE  
19 OFFICER WHOSE DUTIES SHALL INCLUDE REVIEWING LABEL REGISTRATION  
20 TO ENSURE COMPLIANCE WITH THIS ACT AND INVESTIGATING REPORTS OF  
21 UNREGISTERED BRANDS OF MALT OR BREWED BEVERAGES BEING SOLD BY  
22 LICENSEES ~~AND INVESTIGATION OF WORTHLESS CHECKS~~ IN ADDITION TO ←  
23 [IN ADDITION TO] REPORTS OF WORTHLESS CHECKS AND ANY OTHER ←  
24 DUTIES THE BOARD SHALL ASSIGN THE OFFICER. IF THE MALT BEVERAGE  
25 COMPLIANCE OFFICER FINDS THAT A LICENSEE IS SELLING MALT OR  
26 BREWED BEVERAGES THAT ARE UNREGISTERED IN THIS COMMONWEALTH, HE  
27 SHALL GIVE THE MANUFACTURER OF THE MALT OR BREWED BEVERAGES  
28 WRITTEN NOTICE THAT THE MANUFACTURER HAS TEN DAYS TO REGISTER  
29 THE MALT OR BREWED BEVERAGES WITH THE BOARD. DURING THAT TEN-DAY  
30 PERIOD IN WHICH THE MANUFACTURER HAS TO COME INTO COMPLIANCE

1 WITH BRAND REGISTRATION, THE UNREGISTERED MALT OR BREWED  
2 BEVERAGES SHALL REMAIN ON THE LICENSEE'S PREMISES BUT MAY NOT BE  
3 SOLD. SHOULD THE MANUFACTURER FAIL TO REGISTER THE MALT OR  
4 BREWED BEVERAGES WITH THE BOARD WITHIN TEN DAYS, THE  
5 MANUFACTURER SHALL BE REQUIRED TO REMOVE THE UNREGISTERED MALT  
6 OR BREWED BEVERAGES FROM THE LICENSEE'S PREMISES AND REIMBURSE  
7 THE LICENSEE FOR ALL UNREGISTERED PRODUCTS THAT CANNOT BE SOLD  
8 IN THIS COMMONWEALTH. IF A MALT BEVERAGE COMPLIANCE OFFICER  
9 RECEIVES NOTIFICATION THAT A LICENSEE ISSUED A WORTHLESS CHECK,  
10 HE THE OFFICER SHALL GIVE THE LICENSEE WRITTEN NOTICE THAT THE ←  
11 LICENSEE HAS TEN DAYS FROM THE DATE THE NOTICE WAS MAILED TO ←  
12 HONOR THAT CHECK. SHOULD THE LICENSEE FAIL TO HONOR THE CHECK  
13 WITHIN TEN DAYS FROM THE DATE THE NOTICE WAS MAILED, THE MATTER ←  
14 WILL SHALL BE TURNED OVER TO THE ENFORCEMENT BUREAU FOR ←  
15 CITATION.

16 SECTION 12. SECTION 446 OF THE ACT, AMENDED JUNE 30, 1992  
17 (P.L.327, NO.66), MAY 31, 1996 (P.L.312, NO.49) AND JANUARY 6,  
18 2006 (P.L.1, NO.1), IS AMENDED TO READ:

19 SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE  
20 MAY:

21 (1) SELL MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE  
22 BREWERY [ON THE LICENSED PREMISES] UNDER SUCH CONDITIONS AND  
23 REGULATIONS AS THE BOARD MAY ENFORCE, TO INDIVIDUALS FOR  
24 CONSUMPTION ON THE LICENSED PREMISES IN ANY CONTAINER OR PACKAGE  
25 OF ANY VOLUME AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE  
26 LIQUOR LICENSEES.

27 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED  
28 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY  
29 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE  
30 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED

1 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY  
2 LICENSE MAY SELL AT ITS BREWERY PUB PREMISES PENNSYLVANIA WINES  
3 IT HAS PURCHASED FROM EITHER THE HOLDER OF A PENNSYLVANIA  
4 LIMITED WINERY LICENSE OR FROM THE BOARD: PROVIDED, HOWEVER,  
5 THAT SAID WINES MUST BE CONSUMED AT THE LICENSED BREWERY PUB  
6 PREMISES.

7 (3) USE BREWERY STORAGE AND DISTRIBUTION FACILITIES FOR THE  
8 PURPOSE OF RECEIVING, STORING AND DISTRIBUTING MALT OR BREWED  
9 BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH IF THE  
10 BEVERAGES ARE DISTRIBUTED IN THIS COMMONWEALTH ONLY THROUGH  
11 SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL HAVE FIRST BEEN GIVEN  
12 DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL  
13 AREAS THROUGH THE DISTRIBUTION SYSTEM REQUIRED FOR OUT-OF-STATE  
14 MANUFACTURERS UNDER SECTION 431(B) AS WELL AS ALL OTHER  
15 PERTINENT SECTIONS OF THIS ACT. THE MANUFACTURER OF THE  
16 BEVERAGES MUST COMPLY WITH SECTION 444.

17 (4) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT  
18 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO  
19 SELL FOR CONSUMPTION AT THE RESTAURANT OR BREWERY PUB ON THE  
20 LICENSED BREWERY PREMISES, LIQUOR, WINE AND MALT OR BREWED  
21 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME  
22 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,  
23 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL  
24 LICENSE, BUT MUST BREW AT LEAST TWO HUNDRED FIFTY BARRELS PER  
25 YEAR. EACH HOLDER OF A BREWERY LICENSE WHO RECEIVES A HOTEL  
26 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT OR BREWED  
27 BEVERAGES RETAIL LICENSE TO OPERATE A BREW PUB SHALL NOT SELL  
28 DIRECTLY TO ANY PERSON LICENSED BY THIS ACT, EXCEPT IF ANY MALT  
29 OR BREWED BEVERAGE IS TO BE DISTRIBUTED IN THIS COMMONWEALTH IT  
30 SHALL BE ONLY THROUGH SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL

1 HAVE FIRST BEEN GIVEN DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN  
2 DESIGNATED GEOGRAPHICAL AREAS THROUGH THE DISTRIBUTION SYSTEM  
3 REQUIRED FOR OUT-OF-STATE MANUFACTURERS UNDER SECTION 431(B) AS  
4 WELL AS ALL OTHER PERTINENT SECTIONS OF THIS ACT.

5 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-  
6 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A  
7 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE  
8 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE, LIQUOR ←  
9 PRODUCED BY A LICENSED LIMITED WINERY AND MALT OR BREWED ←  
10 BEVERAGES PRODUCED BY THE BREWERY BY THE GLASS, OPEN BOTTLE OR ←  
11 OTHER CONTAINER, AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE  
12 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT  
13 SHALL BE SUBJECT TO THE FOLLOWING:

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

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

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

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

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

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



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

5 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION, BUT  
6 THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM ITS LICENSED  
7 PREMISES TO THE PROPOSED PREMISES; AND

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

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

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

15 ~~(E) BOARD APPROVED INTERIOR CONNECTIONS BETWEEN LICENSED AND~~ ←  
16 ~~UNLICENSED PREMISES SHALL NOT BE GREATER THAN TEN FEET WIDE.~~

17 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD ←  
18 MAY NOT APPROVE AN INTERIOR CONNECTION THAT IS GREATER THAN TEN  
19 FEET WIDE BETWEEN A LICENSED BUSINESS AND ANOTHER BUSINESS. THIS  
20 SUBSECTION SHALL NOT PROHIBIT THE BOARD FROM APPROVING A RENEWAL  
21 APPLICATION OF A LICENSE, EVEN IF THE LICENSED BUSINESS HAS AN  
22 INTERIOR CONNECTION THAT IS GREATER THAN TEN FEET WIDE TO AN  
23 UNLICENSED BUSINESS, IF THE BOARD HAD APPROVED THE INTERIOR  
24 CONNECTION PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

25 SECTION 14. SECTION 470(A) OF THE ACT, AMENDED DECEMBER 9,  
26 2002 (P.L.1653, NO.212), IS AMENDED TO READ:

27 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR  
28 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR RENEWAL  
29 OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED  
30 WITH TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE AND THE

1 DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE LICENSE AND  
2 FILING FEES AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE OF  
3 SAME: PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION, MAY  
4 ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED LESS THAN SIXTY  
5 DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED  
6 FEES, UPON REASONABLE CAUSE SHOWN AND THE PAYMENT OF AN  
7 ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR LATE  
8 FILING: AND PROVIDED FURTHER, THAT EXCEPT WHERE THE FAILURE TO  
9 FILE A RENEWAL APPLICATION ON OR BEFORE THE EXPIRATION DATE HAS  
10 CREATED A LICENSE QUOTA VACANCY AFTER SAID EXPIRATION DATE WHICH  
11 HAS BEEN FILLED BY THE ISSUANCE OF A NEW LICENSE, AFTER SUCH  
12 EXPIRATION DATE, BUT BEFORE THE BOARD HAS RECEIVED A RENEWAL  
13 APPLICATION NUNC PRO TUNC WITHIN THE TIME PRESCRIBED HEREIN THE  
14 BOARD, IN ITS DISCRETION, MAY, AFTER HEARING, ACCEPT A RENEWAL  
15 APPLICATION FILED WITHIN TWO YEARS AFTER THE EXPIRATION DATE OF  
16 THE LICENSE WITH THE REQUIRED FEES UPON THE PAYMENT OF AN  
17 ADDITIONAL FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR  
18 LATE FILING. WHERE ANY SUCH RENEWAL APPLICATION IS FILED LESS  
19 THAN SIXTY DAYS BEFORE THE EXPIRATION DATE, OR SUBSEQUENT TO THE  
20 EXPIRATION DATE, NO LICENSE SHALL ISSUE UPON THE FILING OF THE  
21 RENEWAL APPLICATION UNTIL THE MATTER IS FINALLY DETERMINED BY  
22 THE BOARD AND IF AN APPEAL IS TAKEN FROM THE BOARD'S ACTION THE  
23 COURTS SHALL NOT ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL  
24 FINAL DETERMINATION OF THE MATTER BY THE COURTS. THE BOARD MAY  
25 ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL  
26 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE  
27 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE  
28 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO  
29 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A  
30 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE

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

19 \* \* \*

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

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

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

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

1 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND  
2 LIQUOR LICENSEES.--

3 IT SHALL BE UNLAWFUL--

4 \* \* \*

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

12 \* \* \*

13 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED  
14 BEVERAGES AND LICENSEES.--

15 IT SHALL BE UNLAWFUL--

16 \* \* \*

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

24 \* \* \*

25 (12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN  
26 OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR  
27 HIS SERVANTS, AGENTS OR EMPLOYES, WITHOUT THE APPROVAL OF THE  
28 BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO  
29 ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF  
30 DISTRIBUTING MALT OR BREWED BEVERAGES[.], EXCEPT THAT THE SALE

1 OF THE FOLLOWING GOODS SHALL BE PERMITTED ON THE LICENSED  
2 PREMISES OF A DISTRIBUTOR OR IMPORTING DISTRIBUTOR:

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

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

8 \* \* \*

9 SECTION 17. SECTION 492.1(C) OF THE ACT, AMENDED JANUARY 6,  
10 2006 (P.L.1, NO.1), IS AMENDED TO READ:

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

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

21 \* \* \*

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

25 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
26 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED  
27 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE  
28 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES  
29 OTHERWISE.

30 IT SHALL BE UNLAWFUL--

1 \* \* \*

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

28 \* \* \*

29 (26) WORTHLESS CHECKS. FOR ANY RETAIL LIQUOR LICENSEE OR ANY  
30 RETAIL DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO MAKE,

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

26 \* \* \*

27 (34) NOISE. A NOTWITHSTANDING ANY LAW OR REGULATION TO THE  
28 CONTRARY, A LICENSEE MAY NOT USE OR PERMIT TO BE USED INSIDE OR  
29 OUTSIDE OF THE LICENSED PREMISES A LOUDSPEAKER OR SIMILAR DEVICE  
30 WHEREBY THE SOUND OF MUSIC OR OTHER ENTERTAINMENT, OR THE



1 ADVERTISEMENT THEREOF, CAN BE HEARD AT AN UNREASONABLE LEVEL  
2 BEYOND THE LICENSEE'S PROPERTY LINE.

3 SECTION 18.1. SECTION 493.1(D) OF THE ACT, ADDED APRIL 13,  
4 2006 (P.L.78, NO.26), IS AMENDED TO READ:

5 SECTION 493.1. RIGHTS OF MUNICIPALITIES PRESERVED.--\* \* \*

6 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
7 CONTRARY, A RESTAURANT LIQUOR LICENSE LOCATED ON PREMISES OWNED  
8 BY A CITY OF THE FIRST CLASS, LISTED ON THE NATIONAL REGISTER OF  
9 HISTORIC PLACES AND WHICH CONTAINS A STRUCTURE THAT IS AT LEAST  
10 ONE HUNDRED (100) YEARS OLD SHALL NOT BE SUBJECT TO THE BOARD'S  
11 REGULATIONS REGARDING AMPLIFIED MUSIC.

12 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
13 CONTRARY, A LIMITED WINERY LICENSE THAT IS LOCATED IN A SECOND  
14 CLASS TOWNSHIP IN A CLASS 2A COUNTY THAT HAS A STATE HISTORIC  
15 SITE OWNED AND OPERATED BY THE COMMONWEALTH UNDER THE DIRECTION  
16 OF THE PENNSYLVANIA HISTORIC AND MUSEUM COMMISSION AND IS  
17 LOCATED ON PROPERTY THAT ALSO CONTAINS A BUILDING THAT IS LISTED  
18 ON THE REGISTRY OF HISTORIC PLACES OF A CLASS 2A COUNTY SHALL  
19 NOT BE SUBJECT TO THE BOARD'S REGULATIONS REGARDING AMPLIFIED  
20 MUSIC.

21 SECTION 19. SECTION 496 OF THE ACT, AMENDED FEBRUARY 21,  
22 2002 (P.L.103, NO.10), IS AMENDED TO READ:

23 SECTION 496. REPORTING OF WORTHLESS CHECKS.--ANY PERSON WHO  
24 IS A LICENSEE UNDER THE PROVISIONS OF THIS ARTICLE WHO SHALL  
25 RECEIVE IN PAYMENT FOR MALT OR BREWED BEVERAGES SOLD BY HIM ANY  
26 CHECK, DRAFT OR SIMILAR ORDER, FOR THE PAYMENT OF MONEY, WHICH  
27 IS SUBSEQUENTLY DISHONORED BY THE BANK, BANKING INSTITUTION,  
28 TRUST COMPANY OR OTHER DEPOSITORY, UPON WHICH DRAWN, FOR ANY  
29 REASON WHATSOEVER, AND WHICH VIOLATES THE PROVISIONS OF SECTION  
30 493(26), SHALL, WITHIN [TWENTY] FIVE DAYS OF RECEIPT OF NOTICE



1 OF SUCH DISHONOR, NOTIFY THE MALT BEVERAGE COMPLIANCE OFFICER OF  
2 THE BOARD THEREOF. SUCH NOTIFICATION TO THE [BOARD] MALT  
3 BEVERAGE COMPLIANCE OFFICE SHALL BE IN SUCH MANNER AND FORM AS  
4 THE BOARD SHALL DIRECT.

5 SECTION 20. SECTION 505.2(A)(4) OF THE ACT, AMENDED JULY 16,  
6 2007 (P.L.107, NO.34), IS AMENDED TO READ:

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

10 \* \* \*

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

29 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, WINE AND  
30 FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR

1 OUTDOORS WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY  
2 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND  
3 QUALITY OF PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS AND WINES IN  
4 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND  
5 SALES. ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS MAY ALSO  
6 INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, WINE AND FOOD  
7 DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,  
8 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

9 \* \* \*

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

12 Section 505.4. Distilleries.--(a) The board may issue a  
13 distillery of historical significance license to any distillery  
14 which was established prior to January 1, 1875. The holder of  
15 the license may manufacture and sell liquor produced on the  
16 licensed premises to the board, to entities licensed by the  
17 board and to the public under such conditions and regulations as  
18 the board may enforce. Production at the distillery of  
19 historical significance shall be limited to an amount not to  
20 exceed twenty thousand (20,000) gallons per year. The distillery  
21 does not need to establish continuous operation since January 1,  
22 1875, in order to qualify for a license under this section.

23 (b) (1) The board may issue a limited distillery license  
24 that will allow the holder thereof to operate a distillery that  
25 shall not exceed production of ~~forty thousand (40,000)~~ ONE ←  
26 HUNDRED THOUSAND (100,000) gallons of distilled liquor per year.  
27 The holder of the license may manufacture and sell bottled  
28 liquors produced on the licensed premises to the board, to  
29 entities licensed by the board and to the public between the  
30 hours of nine o'clock antemeridian and ~~nine~~ ELEVEN o'clock ←

1 postmeridian so long as a specific code of distilled liquor  
2 which is listed for sale as a stock item by the board in State  
3 liquor stores may not be offered for sale at a licensed limited  
4 distillery location at a price which is lower than that charged  
5 by the board and under such conditions and regulations as the  
6 board may enforce.

7 ~~(2)~~ The (2) (I) THE holder of a limited distillery license ←  
8 may, separately or in conjunction with other limited distillery  
9 licensees, sell bottled liquors produced by the distillery at no  
10 more than two (2) board-approved locations other than the  
11 licensed premises, with no bottling or production requirement at  
12 those additional board-approved locations and under such  
13 conditions and regulations as the board may enforce to the  
14 board, to individuals and to entities licensed by the board.

15 (II) IF TWO OR MORE LIMITED DISTILLERIES APPLY TO OPERATE AN ←  
16 ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION WITH EACH  
17 OTHER, THE DISTILLERIES NEED ONLY HAVE ONE BOARD-APPROVED  
18 MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND  
19 NEED NOT DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH  
20 DISTILLERY'S LICENSED AREA. A LIMITED DISTILLERY MUST FILE AN  
21 APPLICATION FOR THE ADDITIONAL BOARD-APPROVED LOCATION, AND THAT  
22 LOCATION SHALL COUNT AS ONE OF THE TWO PERMITTED FOR EACH  
23 LIMITED DISTILLERY. A LIMITED DISTILLERY IS RESPONSIBLE FOR  
24 KEEPING ONLY ITS OWN COMPLETE RECORDS. A LIMITED DISTILLERY MAY  
25 BE CITED FOR A VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF  
26 SECTIONS 512 AND 513 PERTAINING TO ITS OWN RECORDS ONLY.

27 (3) The holder of a limited distillery license may apply for  
28 and hold a hotel liquor license, a restaurant liquor license or  
29 a malt and brewed beverages retail license to sell for  
30 consumption at the restaurant or limited distillery on the

1 licensed distillery premises liquor, wine and malt or brewed  
2 beverages regardless of the place of manufacture under the same  
3 conditions and regulations as any other hotel liquor license,  
4 restaurant liquor license or malt and brewed beverages retail  
5 license.

6 (4) The holder of a limited distillery license may sell food ←  
7 for consumption on or off the licensed premises and sell by the  
8 glass only liquor that may otherwise be sold by the bottle. THE ←  
9 HOLDER OF A LIMITED DISTILLERY LICENSE MAY SELL FOOD FOR  
10 CONSUMPTION ON OR OFF THE LICENSED PREMISES AND AT THE LIMITED  
11 DISTILLERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, AND MAY SELL  
12 BY THE GLASS, AT THE LICENSED PREMISES AND AT THE LIMITED  
13 DISTILLERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, ONLY LIQUOR  
14 THAT MAY OTHERWISE BE SOLD BY THE BOTTLE.

15 (5) The holder of a limited distillery license may provide  
16 tasting samples of liquor THAT in individual portions not to ←  
17 TOTAL DO NOT exceed one (1) fluid ounce ONE AND ONE-HALF (1.5) ←  
18 FLUID OUNCES PER PERSON on the licensed premises and at the two  
19 (2) board-approved locations. Samples may be sold or provided  
20 free of charge and may only be provided between the hours of  
21 nine o'clock antemeridian and nine ELEVEN o'clock postmeridian. ←

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

25 (7) The board may issue to the holder of a distillery  
26 license a limited distillery license in exchange for the  
27 distillery license provided that the applicant has not  
28 manufactured more than forty ONE HUNDRED thousand (40,000) ←  
29 (100,000) gallons of distilled liquor in the prior calendar ←  
30 year. THE BOARD MAY NOT CHARGE A FEE FOR THIS EXCHANGE. An ←

1 applicant under this subsection shall surrender his distillery  
2 license for cancellation prior to the issuance of the new  
3 limited distillery license. The authority of the board to  
4 exchange a distillery license for a limited distillery license  
5 under this subsection and this subsection shall expire December  
6 31, 2012.

7 (c) (1) The holder of a distillery license as issued under  
8 section 505 may sell bottled liquors produced on the licensed  
9 premises to the board, to entities licensed by the board and to  
10 the public between the hours of nine o'clock antemeridian and  
11 ~~nine~~ ELEVEN o'clock postmeridian so long as a specific code of ←  
12 distilled liquor which is listed for sale as a stock item by the  
13 board in State liquor stores may not be offered for sale at a  
14 licensed distillery location at a price which is lower than that  
15 charged by the board and under such conditions and regulations  
16 as the board may enforce.

17 (2) The holder of a distillery license as issued under  
18 section 505 may provide tasting samples of liquor ~~in individual~~ ←  
19 ~~portions not to~~ THAT IN TOTAL DO NOT exceed ~~one (1) fluid ounce~~ ←  
20 ONE AND ONE-HALF (1.5) FLUID OUNCES. Samples may be sold or ←  
21 provided free of charge between the hours of nine o'clock  
22 antemeridian and ~~nine~~ ELEVEN o'clock postmeridian. ←

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

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

25 (1) THE AMENDMENT OR ADDITION OF THE DEFINITIONS OF  
26 "ELIGIBLE ENTITY" AND "PUBLIC VENUE" IN SECTION 102 AND  
27 SECTIONS 401(A), ~~412(B)~~, 412(F)(2), 437(D), 440, 445(B), 446, ←  
28 471.1(G), 492(12), 493(12) AND (26), 496 AND 505.4 OF THE ACT  
29 SHALL TAKE EFFECT IN 60 DAYS.

30 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

1 IMMEDIATELY.