

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1412 Session of 2011

INTRODUCED BY WATERS, V. BROWN, MURT, SANTONI, BISHOP, CALTAGIRONE, CLYMER, D. COSTA, DONATUCCI, FABRIZIO, JOSEPHS, SABATINA, STURLA AND SWANGER, APRIL 28, 2011

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 11, 2011

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for DEFINITIONS AND FOR responsible alcohol ←
18 management.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 471.1 of the act of April 12, 1951 (P.L. ←~~
22 ~~90, No.21), known as the Liquor Code, reenacted and amended June~~
23 ~~29, 1987 (P.L.32, No.14), is amended by adding a subsection to~~
24 ~~read:~~

25 SECTION 1. THE DEFINITION OF "ELIGIBLE ENTITY" IN SECTION ←

1 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
2 LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14)
3 AND AMENDED JUNE 25, 2010 (P.L.217, NO.35), IS AMENDED TO READ:

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

7 * * *

8 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
9 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
10 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
11 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
12 LICENSE, A CLUB IN A CITY OF THE THIRD CLASS WHICH HAS BEEN
13 ISSUED A CLUB LIQUOR LICENSE AND WHICH, AS OF DECEMBER 31, 2002,
14 HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS, A LIBRARY, A
15 NATIONALLY ACCREDITED PENNSYLVANIA NONPROFIT ZOOLOGICAL
16 INSTITUTION LICENSED BY THE UNITED STATES DEPARTMENT OF
17 AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE
18 FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S CLUB IN
19 EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
20 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
21 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
22 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
23 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
24 OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE THIRD CLASS
25 OR TOWNSHIP OF THE FIRST CLASS, A NONPROFIT CORPORATION ENGAGED
26 IN THE PERFORMING ARTS IN A CITY OF THE THIRD CLASS, BOROUGH OR
27 IN AN INCORPORATED TOWN, AN ARTS COUNCIL, A NONPROFIT
28 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM IN A CITY
29 OF THE THIRD CLASS IN THE COUNTY OF THE FOURTH CLASS, A
30 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE

1 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
2 501(C) (3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
3 HERITAGE OF BOROUGHES OR A TOWNSHIP OF THE SECOND CLASS AND WHICH
4 HAS BEEN RECOGNIZED AS SUCH BY A MUNICIPAL RESOLUTION, 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)) CONDUCTING A REGATTA IN A CITY OF THE SECOND CLASS
8 WITH THE PERMIT TO BE USED ON STATE PARK GROUNDS OR CONDUCTING A
9 FAMILY-ORIENTED CELEBRATION AS PART OF WELCOME AMERICA IN A CITY
10 OF THE FIRST CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE
11 THAN FIFTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER
12 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (26
13 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO RAISE FUNDS FOR THE
14 RESEARCH AND TREATMENT OF CYSTIC FIBROSIS, A NONPROFIT
15 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
16 REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO
17 EDUCATE THE PUBLIC ON ISSUES DEALING WITH WATERSHED
18 CONSERVATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
19 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
20 99-514, 26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO PROVIDE
21 EQUINE ASSISTED ACTIVITIES FOR CHILDREN AND ADULTS WITH SPECIAL
22 NEEDS, A NONPROFIT ECONOMIC DEVELOPMENT AGENCY IN A CITY OF THE
23 SECOND CLASS WITH THE PRIMARY FUNCTION TO SERVE AS AN ECONOMIC
24 GENERATOR FOR THE GREATER SOUTHWESTERN PENNSYLVANIA REGION BY
25 ATTRACTING AND SUPPORTING FILM, TELEVISION AND RELATED MEDIA
26 INDUSTRY PROJECTS AND COORDINATING GOVERNMENT AND BUSINESS
27 OFFICES IN SUPPORT OF A PRODUCTION, A COUNTY TOURIST PROMOTION
28 AGENCY AS DEFINED IN SECTION 3(1) OF THE ACT OF APRIL 28, 1961
29 (P.L.111, NO.50), KNOWN AS THE "TOURIST PROMOTION LAW," AND
30 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FOURTH

1 CLASS OR LOCATED IN A TOWNSHIP OF THE SECOND CLASS IN A COUNTY
2 OF THE FIFTH CLASS, A JUNIOR LEAGUE IN A THIRD CLASS COUNTY THAT
3 IS A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3)
4 OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3))
5 THAT IS COMPRISED OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY
6 EDUCATIONAL AND CHARITABLE IN PROMOTING THE VOLUNTEERISM OF
7 WOMEN AND DEVELOPING AND PARTICIPATING IN COMMUNITY PROJECTS AND
8 THAT HAS BEEN IN EXISTENCE FOR OVER SEVENTY YEARS, A NONPROFIT
9 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
10 REVENUE CODE OF 1986 WHICH IS LOCATED IN COUNTIES OF THE SECOND
11 CLASS A OR OF THE THIRD CLASS AND WHOSE PURPOSE IS THE EDUCATION
12 AND PROMOTION OF AMERICAN HISTORY, A NONPROFIT ORGANIZATION AS
13 DEFINED UNDER SECTION 501(C) (6) OF THE INTERNAL REVENUE CODE OF
14 1986 WHICH IS LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY
15 OF THE THIRD CLASS AND WHOSE PURPOSE IS TO SUPPORT BUSINESS AND
16 INDUSTRY, A BREWERY WHICH HAS BEEN ISSUED A LICENSE TO
17 MANUFACTURE MALT OR BREWED BEVERAGES AND HAS BEEN IN EXISTENCE
18 FOR AT LEAST 100 YEARS OR A CLUB RECOGNIZED BY ROTARY
19 INTERNATIONAL WHICH IS LOCATED IN A COUNTY OF THE FOURTH CLASS
20 AND WHOSE PURPOSE IS TO PROVIDE SERVICE TO OTHERS, TO PROMOTE
21 HIGH ETHICAL STANDARDS AND TO ADVANCE WORLD UNDERSTANDING,
22 GOODWILL AND PEACE THROUGH ITS FELLOWSHIP OF BUSINESS,
23 PROFESSIONAL AND COMMUNITY LEADERS OR A NONPROFIT ORGANIZATION
24 AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE
25 OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3)) WHICH IS
26 LOCATED IN A BOROUGH IN A COUNTY OF THE THIRD CLASS AND WHOSE
27 PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND
28 REGIONAL CHARITIES, OR A NONPROFIT SOCIAL SERVICE ORGANIZATION
29 AS DEFINED UNDER SECTION 503(C) (3) OF THE INTERNAL REVENUE CODE
30 OF 1986 WHICH IS LOCATED IN A COUNTY OF THE THIRD CLASS AND

1 WHOSE PURPOSE IS TO SERVE INDIVIDUALS AND FAMILIES OF
2 NORTHEASTERN BERKS COUNTY.

3 * * *

4 SECTION 2. SECTION 471.1 OF THE ACT, ADDED DECEMBER 20, 2000
5 (P.L.992, NO.141), IS AMENDED BY ADDING A SUBSECTION TO READ:

6 Section 471.1. Responsible Alcohol Management.--* * *

7 (g) Unless successfully completed prior to appointment, a
8 manager appointed by any restaurant, eating place retail
9 dispenser, hotel, club or distributor licensee shall be required
10 to complete the manager/owner training under subsection (c)
11 within one hundred eighty days of approval of appointment by the
12 board.

13 Section ~~2~~ 3. The addition of section 471.1(g) of the act ←
14 shall apply to the appointment of managers made pursuant to
15 applications for appointment, license transfer and applications
16 for new licenses filed with the Pennsylvania Liquor Control
17 Board after the effective date of this section.

18 Section ~~3~~ 4. This act shall take effect in 60 days. ←