

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2267 Session of 2012

INTRODUCED BY GABLER, CAUSER, ELLIS, EVERETT, GEORGE, GRELL, HARHART, HESS, HORNAMAN, METZGAR, MILLER, MURT, READSHAW, ROAE, SAINATO, SONNEY AND VULAKOVICH, MARCH 19, 2012

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 9, 2012

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for DEFINITIONS, FOR SALES BY PENNSYLVANIA
18 LIQUOR STORES, FOR SALES BY LIQUOR LICENSEES AND
19 RESTRICTIONS, FOR SALES BY MANUFACTURERS OF MALT OR BREWED
20 BEVERAGES AND MINIMUM QUANTITIES, FOR RETAIL DISPENSERS'
21 RESTRICTIONS ON PURCHASES AND SALES, FOR BREWERIES, FOR
22 unlawful acts relative to liquor, alcohol and liquor
23 licensees, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
24 BREWED BEVERAGES AND LICENSEES, FOR RIGHTS OF MUNICIPALITIES
25 PRESERVED AND FOR LIMITED WINERIES.



26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 491(2) of the act of April 12, 1951



1 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
2 ~~June 29, 1987 (P.L.32, No.14) and amended July 7, 2006 (P.L.584,~~
3 ~~No.84), is amended to read:~~

4 ~~Section 491. Unlawful Acts Relative to Liquor, Alcohol and~~
5 ~~Liquor Licensees.—~~

6 ~~It shall be unlawful—~~

7 ~~* * *~~

8 ~~(2) Possession or Transportation of Liquor or Alcohol. For~~
9 ~~any person, except a manufacturer or the board or the holder of~~
10 ~~a sacramental wine license or of an importer's license, to~~
11 ~~possess or transport any liquor or alcohol within this~~
12 ~~Commonwealth which was not lawfully acquired prior to January~~
13 ~~first, one thousand nine hundred and thirty four, or has not~~
14 ~~been purchased from a Pennsylvania Liquor Store or a licensed~~
15 ~~limited winery in Pennsylvania, except in accordance with~~
16 ~~section 488 or the board's regulations. In addition, it shall be~~
17 ~~lawful for anyone to possess miniatures totaling less than one~~
18 ~~gallon purchased in another state or a foreign country. The~~
19 ~~burden shall be upon the person possessing or transporting such~~
20 ~~liquor or alcohol to prove that it was so acquired.—~~

21 ~~Notwithstanding this section or any other provision of the law,~~
22 ~~wine may be produced by any person without a license if the wine~~
23 ~~is not produced for sale and total production does not exceed~~
24 ~~two hundred gallons per calendar year. Wine produced in~~
25 ~~accordance with this clause may be used at organized affairs,~~
26 ~~exhibitions, competitions, contests, tastings or judgments if it~~
27 ~~is not sold or offered for sale.~~

28 ~~None of the provisions herein contained shall prohibit nor~~
29 ~~shall it be unlawful for any person to import into Pennsylvania,~~
30 ~~transport or have in his possession, an amount of liquor not~~

~~1 exceeding one gallon in volume upon which a State tax has not
2 been paid, if it can be shown to the satisfaction of the board
3 that such person purchased the liquor in a foreign country or
4 United States territory and was allowed to bring it into the
5 United States. Neither shall the provisions contained herein
6 prohibit nor make it unlawful for (i) any member of the armed
7 forces on active duty, or (ii) any retired member of the armed
8 forces, or (iii) any totally disabled veteran, or (iv) the
9 spouse of any person included in the foregoing classes of
10 persons to import into Pennsylvania, transport or have in his
11 possession an amount of liquor not exceeding one gallon per
12 month in volume upon which the State tax has not been paid, so
13 long as such liquor has been lawfully purchased from a package
14 store established and maintained under the authority of the
15 United States and is in containers identified in accordance with
16 regulations issued by the Department of Defense. Such liquor
17 shall not be possessed, offered for sale or sold on any licensed
18 premises. The term "package store" as used in this clause shall
19 mean those retail operations located on any of the United States
20 military installations, including an installation of the Army,
21 Navy, Air Force, Marine Corps or Coast Guard.~~

~~22 None of the provisions herein contained shall prohibit nor
23 shall it be unlawful for any consul general, consul or other
24 diplomatic officer of a foreign government to import into
25 Pennsylvania, transport or have in his possession liquor upon
26 which a State tax has not been paid, if it can be shown to the
27 satisfaction of the board that such person acquired the liquor
28 in a foreign country and was allowed to bring it into the United
29 States. Such liquor shall not be possessed, offered for sale or
30 sold on any licensed premises.~~

1 ~~Any person violating the provisions of this clause for a~~
2 ~~first offense involving the possession or transportation in~~
3 ~~Pennsylvania of any liquor in a package (bottle or other~~
4 ~~receptacle) or wine not purchased from a Pennsylvania Liquor~~
5 ~~Store or from a licensed limited winery in Pennsylvania, with~~
6 ~~respect to which satisfactory proof is produced that the~~
7 ~~required Federal tax has been paid and which was purchased,~~
8 ~~procured or acquired legally outside of Pennsylvania shall upon~~
9 ~~conviction thereof in a summary proceeding be sentenced to pay a~~
10 ~~fine of twenty five dollars (\$25) for each such package, plus~~
11 ~~costs of prosecution, or undergo imprisonment for a term not~~
12 ~~exceeding ninety (90) days. Each full quart or major fraction~~
13 ~~thereof shall be considered a separate package (bottle or other~~
14 ~~receptacle) for the purposes of this clause. Such packages of~~
15 ~~liquor shall be forfeited to the Commonwealth in the manner~~
16 ~~prescribed in Article VI of this act but the vehicle, boat,~~
17 ~~vessel, animal or aircraft used in the illegal transportation of~~
18 ~~such packages shall not be subject to forfeiture: Provided,~~
19 ~~however, That if it is a second or subsequent offense or if it~~
20 ~~is established that the illegal possession or transportation was~~
21 ~~in connection with a commercial transaction, then the other~~
22 ~~provisions of this act providing for prosecution as a~~
23 ~~misdemeanor and for the forfeiture of the vehicle, boat, vessel,~~
24 ~~animal or aircraft shall apply.~~

25 * * *

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

27 SECTION 1. THE DEFINITIONS OF "ALCOHOLIC CIDER," "CATERED
28 FUNCTION" AND "ELIGIBLE ENTITY" IN SECTION 102 OF THE ACT OF
29 APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE,
30 REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14), AND AMENDED



1 OR ADDED JUNE 18, 1998 (P.L.664, NO.86), JUNE 28, 2011 (P.L.55,
2 NO.11) AND DECEMBER 22, 2011 (P.L.530, NO.113), ARE AMENDED TO
3 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 "ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN
9 CARBONATION IN AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETY-TWO
10 ONE THOUSANDTHS OF A GRAM PER ONE HUNDRED MILLILITERS AND
11 FLAVORS, PRODUCED THROUGH ALCOHOLIC FERMENTATION OF [ONLY
12 APPLES] ANY FRUIT OR [APPLE] FRUIT JUICE, CONSISTING OF AT LEAST
13 ONE-HALF OF ONE PER CENTUM, BUT NOT GREATER THAN FIVE AND ONE-
14 HALF PER CENTUM, ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE
15 AS ALCOHOLIC CIDER AND NOT AS A WINE, A WINE PRODUCT OR AS A
16 SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER
17 SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE OF MALT OR
18 BREWED BEVERAGES IN THIS COMMONWEALTH.

19 * * *

20 "CATERED FUNCTION" SHALL MEAN THE FURNISHING OF FOOD PREPARED
21 ON THE PREMISES OR BROUGHT ONTO THE PREMISES ALREADY PREPARED IN
22 CONJUNCTION WITH ALCOHOLIC BEVERAGES FOR THE ACCOMMODATION OF A
23 PERSON OR AN IDENTIFIABLE GROUP OF PEOPLE, NOT THE GENERAL
24 PUBLIC, WHO MADE ARRANGEMENTS FOR THE FUNCTION AT LEAST [FORTY-
25 EIGHT HOURS] THIRTY DAYS IN ADVANCE.

26 * * *

27 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
28 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
29 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
30 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR

1 LICENSE, A CLUB IN A CITY OF THE THIRD CLASS WHICH HAS BEEN
2 ISSUED A CLUB LIQUOR LICENSE AND WHICH, AS OF DECEMBER 31, 2002,
3 HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS, A LIBRARY, A
4 NATIONALLY ACCREDITED PENNSYLVANIA NONPROFIT ZOOLOGICAL
5 INSTITUTION LICENSED BY THE UNITED STATES DEPARTMENT OF
6 AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE
7 FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S CLUB IN
8 EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
9 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
10 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
11 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
12 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
13 OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE THIRD CLASS
14 OR TOWNSHIP OF THE FIRST CLASS, A NONPROFIT CORPORATION ENGAGED
15 IN THE PERFORMING ARTS IN A CITY OF THE THIRD CLASS, BOROUGH OR
16 IN AN INCORPORATED TOWN, AN ARTS COUNCIL, A NONPROFIT
17 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM IN A CITY
18 OF THE THIRD CLASS IN THE COUNTY OF THE FOURTH CLASS, A
19 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
20 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
21 501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
22 HERITAGE OF BOROUGH OR A TOWNSHIP OF THE SECOND CLASS AND WHICH
23 HAS BEEN RECOGNIZED AS SUCH BY A MUNICIPAL RESOLUTION, A
24 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
25 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
26 501(C)(3)) CONDUCTING A REGATTA IN A CITY OF THE SECOND CLASS
27 WITH THE PERMIT TO BE USED ON STATE PARK GROUNDS OR CONDUCTING A
28 FAMILY-ORIENTED CELEBRATION AS PART OF WELCOME AMERICA IN A CITY
29 OF THE FIRST CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE
30 THAN FIFTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER

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

1 AND PROMOTION OF AMERICAN HISTORY, A NONPROFIT ORGANIZATION AS
2 DEFINED UNDER SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE OF
3 1986 WHOSE PURPOSE IS TO SUPPORT BUSINESS AND INDUSTRY, A
4 BREWERY WHICH HAS BEEN ISSUED A LICENSE TO MANUFACTURE MALT OR
5 BREWED BEVERAGES AND HAS BEEN IN EXISTENCE FOR AT LEAST 100
6 YEARS OR A CLUB RECOGNIZED BY ROTARY INTERNATIONAL WHICH IS
7 LOCATED IN A COUNTY OF THE FOURTH CLASS AND WHOSE PURPOSE IS TO
8 PROVIDE SERVICE TO OTHERS, TO PROMOTE HIGH ETHICAL STANDARDS AND
9 TO ADVANCE WORLD UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS
10 FELLOWSHIP OF BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A
11 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
12 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
13 501(C)(3)) WHICH IS LOCATED IN A BOROUGH IN A COUNTY OF THE
14 THIRD CLASS AND WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE
15 SUPPORTING LOCAL AND REGIONAL CHARITIES, A MUSEUM OPERATED BY A
16 NOT-FOR-PROFIT CORPORATION IN A CITY OF THE SECOND CLASS A, A
17 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
18 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE
19 SECOND CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
20 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
21 501(C)(3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
22 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
23 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
24 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
25 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
26 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A
27 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
28 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO
29 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO
30 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED

1 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHO
2 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM
3 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC
4 PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER
5 OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC
6 TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC
7 TELEVISION NETWORK [OR], A NONPROFIT ORGANIZATION AS DEFINED
8 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986
9 WHOSE PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH
10 AND TO PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA
11 AND THEIR FAMILIES THROUGH A NATIONAL RESOURCE NETWORK OR A
12 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
13 INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO FOSTER OPEN
14 SPACE CONSERVATION AND HISTORIC PRESERVATION.

15 * * *

16 SECTION 2. SECTION 305(I) OF THE ACT, ADDED DECEMBER 8, 2004
17 (P.L.1810, NO.239), IS AMENDED TO READ:

18 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

19 (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
20 CONTRARY, THE BOARD MAY SELL WINE IN CONTAINERS HAVING A
21 CAPACITY OF [SIX] SIXTY LITERS OR LESS.

22 SECTION 3. SECTION 406(F) OF THE ACT, ADDED JUNE 28, 2011
23 (P.L.55, NO.11), IS AMENDED TO READ:

24 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--* * *

25 (F) THE HOLDER OF A HOTEL OR RESTAURANT LIQUOR LICENSE MAY
26 OBTAIN AN OFF-PREMISES CATERING PERMIT SUBJECT TO SECTION
27 493(33) TO HOLD A CATERED FUNCTION OFF THE LICENSED PREMISES AND
28 ON OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL
29 WINE, LIQUOR AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN
30 BOTTLE OR OTHER CONTAINER, AND IN ANY MIXTURE TOGETHER WITH

1 FOOD, FOR CONSUMPTION ON THOSE PREMISES. FUNCTIONS CONDUCTED
2 UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE
3 FOLLOWING:

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

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

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

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

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

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

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

25 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION BY
26 ANY PATRON, BUT THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM
27 ITS LICENSED PREMISES TO THE PROPOSED PREMISES; [AND]

28 (9) WRITTEN NOTICE [OF THE DATE, TIME AND LOCATION] OF THE
29 CATERED FUNCTION AS ENUMERATED IN PARAGRAPH (10) SHALL BE
30 PROVIDED TO THE LOCAL POLICE [OR IF THERE IS NO LOCAL POLICE

1 FORCE TO THE ENFORCEMENT BUREAU] AND THE ENFORCEMENT BUREAU AT
2 LEAST [FORTY-EIGHT HOURS] SEVEN DAYS IN ADVANCE OF THE EVENT[.];
3 (10) WRITTEN NOTICE SHALL BE PROVIDED TO THE BOARD AT LEAST
4 THIRTY DAYS PRIOR TO A CATERED FUNCTION. WRITTEN NOTICE MUST
5 INCLUDE THE LOCATION OF THE FUNCTION, TIME OF THE FUNCTION, HOST
6 OF THE FUNCTION, GENERAL INFORMATION REGARDING THE GUESTS
7 EXPECTED AT THE FUNCTION AS WELL AS ANY INFORMATION THE BOARD
8 SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD MAY, IN ITS
9 DISCRETION, ACCEPT NOTICE IN AN ELECTRONIC FORMAT. THE BOARD
10 MAY, IN ITS DISCRETION, WAIVE THE THIRTY-DAY NOTICE PERIOD FOR A
11 CATERED FUNCTION IF:

12 (I) THE APPLICANT HAS PREVIOUSLY CONDUCTED FUNCTIONS THAT
13 MEET THE REQUIREMENTS OF THIS ACT;

14 (II) THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE
15 BOARD;

16 (III) NOTIFICATION WAS RECEIVED AT LEAST FOURTEEN DAYS PRIOR
17 TO THE CATERED FUNCTION; AND

18 (IV) THE APPLICANT PAYS A LATE FEE OF ONE HUNDRED DOLLARS
19 (\$100);

20 (11) THE BOARD SHALL, IN ITS DISCRETION, APPROVE OR
21 DISAPPROVE A CATERED FUNCTION IF THE APPLICANT FAILS TO PROVIDE
22 TIMELY NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO
23 CONDUCT A FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR
24 HAS PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
25 REQUIREMENTS OF THIS ACT;

26 (12) IF A CATERED FUNCTION IS SCHEDULED TO OCCUR ON PRIVATE
27 PROPERTY, THE OWNER OF THAT PROPERTY IS DEEMED TO HAVE SUBMITTED
28 TO THE JURISDICTION OF THE ENFORCEMENT BUREAU AND THE WARRANT
29 REQUIRED BY SECTION 211(A) (2) OF THIS ACT SHALL NOT BE NECESSARY
30 FOR THE ENFORCEMENT BUREAU TO ENTER AND SEARCH THE PREMISES

1 DURING THE FUNCTION OR ANY ACTIVITIES RELATED TO THE FUNCTION;

2 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN FIVE
3 HOURS PER DAY AND MUST END BY MIDNIGHT;

4 (14) NEITHER THE OWNER OF THE PROPERTY NOR THE APPLICANT MAY
5 SELL TICKETS TO A CATERED FUNCTION UNLESS ONE OF THE FOLLOWING
6 CONDITIONS IS MET:

7 (I) THE APPLICANT HAS CONTRACTED WITH AN ELIGIBLE ENTITY FOR
8 THE FUNCTION AND THE FUNCTION IS BEING USED TO RAISE MONEY FOR
9 THE ELIGIBLE ENTITY'S ORGANIZATION;

10 (II) THE APPLICANT HAS CONTRACTED WITH A NONPROFIT
11 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
12 REVENUE CODE OF 1986 (PUBLIC LAW 99-114, 26 U.S.C. § 501(C) (3)),
13 FOR AN EVENT WHICH HAS THE SOLE PURPOSE OF RAISING FUNDS FOR
14 THAT NONPROFIT ORGANIZATION; OR

15 (III) THE APPLICANT HAS CONTRACTED WITH AN ORGANIZATION THAT
16 HOLDS TAX EXEMPT STATUS UNDER SECTION 527 OF THE INTERNAL
17 REVENUE CODE OF 1986;

18 (15) THE CATERED FUNCTION LOCATION SHALL BE SUBJECT TO
19 SECTION 493(34) OF THIS ACT;

20 (16) CATERED FUNCTIONS MAY NOT BE HELD IN LOCATIONS THAT ARE
21 SUBJECT TO A PENDING, PROTESTED TRANSFER APPLICATION;

22 (17) A PERMIT MAY NOT BE ISSUED TO A LICENSE HOLDER WHOSE
23 LICENSE IS SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE
24 BUREAU OF LICENSING OR THE BOARD UNDER SECTION 470(A.1);

25 (18) A PERMIT SHALL NOT BE ISSUED TO A LICENSEE FOR USE IN
26 ANY LOCATION THAT IS MOBILE; AND

27 (19) A PERMIT SHALL NOT BE ISSUED FOR USE ON ANY LOCATION
28 USED FOR PARKING AT A SPORTS EVENT OR CONCERT EVENT.

29 * * *

30 SECTION 4. SECTION 440 OF THE ACT, AMENDED DECEMBER 22, 2011

1 (P.L.530, NO.113), IS AMENDED TO READ:

2 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED
3 BEVERAGES; MINIMUM QUANTITIES.--A MANUFACTURER MAY SELL MALT OR
4 BREWED BEVERAGES PRODUCED AND OWNED BY THE MANUFACTURER TO
5 INDIVIDUALS ON THE LICENSED PREMISES FOR CONSUMPTION ON THE
6 LICENSED PREMISES WHERE SOLD ONLY IF IT COMPLIES WITH THE
7 CONDITIONS AND REGULATIONS PLACED UPON HOLDERS OF BREWERY
8 LICENSES UNDER SECTION [446(1)] 446(A)(1). A MANUFACTURER ALSO
9 MAY SELL ANY MALT OR BREWED BEVERAGES PRODUCED AND OWNED BY THE
10 MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR
11 CONSUMPTION OFF THE LICENSED PREMISES IN CONTAINERS OR PACKAGES
12 OF UNLIMITED QUANTITY AND OF ANY VOLUME. NO MANUFACTURER MAY
13 MAINTAIN OR OPERATE WITHIN THE COMMONWEALTH ANY PLACE OR PLACES
14 OTHER THAN THE PLACE OR PLACES COVERED BY HIS OR ITS LICENSE
15 WHERE MALT OR BREWED BEVERAGES ARE SOLD OR WHERE ORDERS ARE
16 TAKEN.

17 SECTION 5. SECTION 442(F) OF THE ACT, ADDED JUNE 28, 2011
18 (P.L.55, NO.11), IS AMENDED TO READ:

19 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
20 AND SALES.--* * *

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

29 (1) MALT OR BREWED BEVERAGES MAY ONLY BE PROVIDED DURING THE
30 DAYS AND HOURS THAT THE LICENSE HOLDER MAY OTHERWISE SELL MALT

1 OR BREWED BEVERAGES;

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

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

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

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

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

18 (7) NO MALT OR BREWED BEVERAGES MAY BE TAKEN FROM THE
19 PERMITTED LOCATION BY A PATRON, BUT THE APPLICANT MAY TRANSPORT
20 MALT OR BREWED BEVERAGES TO AND FROM ITS LICENSED PREMISES TO
21 THE PROPOSED PREMISES; [AND]

22 (8) WRITTEN NOTICE [OF THE DATE, TIME AND LOCATION] OF THE
23 CATERED FUNCTION AS ENUMERATED IN PARAGRAPH (9) SHALL BE
24 PROVIDED TO THE LOCAL POLICE[, OR IF THERE IS NO LOCAL POLICE
25 FORCE TO THE ENFORCEMENT BUREAU,] AND THE ENFORCEMENT BUREAU AT
26 LEAST [FORTY-EIGHT HOURS] SEVEN DAYS IN ADVANCE OF THE EVENT[.];

27 (9) WRITTEN NOTICE SHALL BE PROVIDED TO THE BOARD AT LEAST
28 THIRTY DAYS PRIOR TO A CATERED FUNCTION. WRITTEN NOTICE MUST
29 INCLUDE THE LOCATION OF THE FUNCTION, TIME OF THE FUNCTION, HOST
30 OF THE FUNCTION, GENERAL INFORMATION REGARDING THE GUESTS

1 EXPECTED AT THE FUNCTION AS WELL AS ANY INFORMATION THE BOARD
2 SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD MAY, IN ITS
3 DISCRETION, ACCEPT NOTICE IN AN ELECTRONIC FORMAT. THE BOARD
4 MAY, IN ITS DISCRETION, WAIVE THE THIRTY-DAY NOTICE PERIOD FOR A
5 CATERED FUNCTION IF:

6 (I) THE APPLICANT HAS PREVIOUSLY CONDUCTED FUNCTIONS THAT
7 MEET THE REQUIREMENTS OF THIS ACT;

8 (II) THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE
9 BOARD;

10 (III) NOTIFICATION WAS RECEIVED AT LEAST FOURTEEN DAYS PRIOR
11 TO THE CATERED FUNCTION; AND

12 (IV) THE APPLICANT PAYS A LATE FEE OF ONE HUNDRED DOLLARS
13 (\$100);

14 (10) THE BOARD SHALL, IN ITS DISCRETION, APPROVE OR
15 DISAPPROVE A CATERED FUNCTION IF THE APPLICANT FAILS TO PROVIDE
16 TIMELY NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO
17 CONDUCT A FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR
18 HAS PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
19 REQUIREMENTS OF THIS ACT;

20 (11) IF A CATERED FUNCTION IS SCHEDULED TO OCCUR ON PRIVATE
21 PROPERTY, THE OWNER OF THAT PROPERTY IS DEEMED TO HAVE SUBMITTED
22 TO THE JURISDICTION OF THE ENFORCEMENT BUREAU AND THE WARRANT
23 REQUIRED BY SECTION 211(A) (2) OF THIS ACT SHALL NOT BE NECESSARY
24 FOR THE ENFORCEMENT BUREAU TO ENTER AND SEARCH THE PREMISES
25 DURING THE FUNCTION OR ANY ACTIVITIES RELATED TO THE FUNCTION;

26 (12) ALL SERVERS AT THE OFF-PREMISES CATERED FUNCTION SHALL
27 BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
28 PROVISIONS UNDER SECTION 471.1 OF THIS ACT;

29 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN FIVE
30 HOURS PER DAY AND MUST END BY MIDNIGHT;

1 (14) NEITHER THE OWNER OF THE PROPERTY NOR THE APPLICANT MAY
2 SELL TICKETS TO A CATERED FUNCTION UNLESS ONE OF THE FOLLOWING
3 CONDITIONS IS MET:

4 (I) THE APPLICANT HAS CONTRACTED WITH AN ELIGIBLE ENTITY FOR
5 THE FUNCTION AND THE FUNCTION IS BEING USED TO RAISE MONEY FOR
6 THE ELIGIBLE ENTITY'S ORGANIZATION;

7 (II) THE APPLICANT HAS CONTRACTED WITH A NONPROFIT
8 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
9 REVENUE CODE OF 1986 (PUBLIC LAW 99-114, 26 U.S.C. § 501(C)(3)),
10 FOR AN EVENT WHICH HAS THE SOLE PURPOSE OF RAISING FUNDS FOR
11 THAT NONPROFIT ORGANIZATION;

12 (III) THE APPLICANT HAS CONTRACTED WITH AN ORGANIZATION THAT
13 HOLDS TAX EXEMPT STATUS UNDER SECTION 527 OF THE INTERNAL
14 REVENUE CODE OF 1986;

15 (15) CATERED FUNCTIONS HELD ON UNLICENSED PREMISES SHALL BE
16 SUBJECT TO SECTION 493(34) OF THIS ACT;

17 (16) CATERED FUNCTIONS MAY NOT BE HELD IN LOCATIONS THAT ARE
18 SUBJECT TO A PENDING, PROTESTED TRANSFER APPLICATION;

19 (17) A PERMIT MAY NOT BE ISSUED TO A LICENSEE WHO IS SUBJECT
20 TO OBJECTION UNDER THE BOARD'S NUISANCE BAR PROGRAM;

21 (18) A PERMIT SHALL NOT BE ISSUED TO A LICENSEE FOR USE IN
22 ANY LOCATION THAT IS MOBILE; AND

23 (19) A PERMIT SHALL NOT BE ISSUED FOR USE ON ANY LOCATION
24 USED FOR PARKING AT A SPORTS EVENT OR CONCERT EVENT.

25 * * *

26 SECTION 6. SECTION 446(B) OF THE ACT, AMENDED DECEMBER 22,
27 2011 (P.L.530, NO.113), IS AMENDED TO READ:

28 SECTION 446. BREWERIES.--* * *

29 (B) THE HOLDER OF A BREW PUB LICENSE MAY OBTAIN AN OFF-
30 PREMISES CATERING PERMIT SUBJECT TO SECTION 493(33) TO HOLD A

1 CATERED FUNCTION OFF THE LICENSED PREMISES AND ON OTHERWISE
2 UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL WINE PRODUCED BY
3 A LICENSED LIMITED WINERY AND MALT OR BREWED BEVERAGES PRODUCED
4 BY THE BREWERY BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER
5 TOGETHER WITH FOOD, AND IN ANY MIXTURE, FOR CONSUMPTION ON THOSE
6 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT
7 SHALL BE SUBJECT TO THE FOLLOWING:

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

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

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

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

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

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

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

29 (8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION BY
30 ANY PATRON, BUT THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM

1 ITS LICENSED PREMISES TO THE PROPOSED PREMISES; [AND]

2 (9) WRITTEN NOTICE [OF THE DATE, TIME AND LOCATION] OF THE
3 CATERED FUNCTION AS ENUMERATED IN PARAGRAPH (10) SHALL BE
4 PROVIDED TO THE LOCAL POLICE [OR IF THERE IS NO LOCAL POLICE
5 FORCE TO THE ENFORCEMENT BUREAU] AND THE ENFORCEMENT BUREAU AT
6 LEAST [FORTY-EIGHT HOURS] SEVEN DAYS IN ADVANCE OF THE EVENT[.];

7 (10) WRITTEN NOTICE SHALL BE PROVIDED TO THE BOARD AT LEAST
8 THIRTY DAYS PRIOR TO A CATERED FUNCTION. WRITTEN NOTICE MUST
9 INCLUDE THE LOCATION OF THE FUNCTION, TIME OF THE FUNCTION, HOST
10 OF THE FUNCTION, GENERAL INFORMATION REGARDING THE GUESTS
11 EXPECTED AT THE FUNCTION AS WELL AS ANY INFORMATION THE BOARD
12 SHALL FROM TIME TO TIME PRESCRIBE. THE BOARD MAY, IN ITS
13 DISCRETION, WAIVE THE THIRTY-DAY NOTICE PERIOD FOR A CATERED
14 FUNCTION IF:

15 (I) THE APPLICANT HAS PREVIOUSLY CONDUCTED FUNCTIONS THAT
16 MEET THE REQUIREMENTS OF THIS ACT;

17 (II) THE APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE
18 BOARD;

19 (III) NOTIFICATION WAS RECEIVED AT LEAST FOURTEEN DAYS PRIOR
20 TO THE CATERED FUNCTION; AND

21 (IV) THE APPLICANT PAYS A LATE FEE OF ONE HUNDRED DOLLARS
22 (\$100);

23 (11) THE BOARD SHALL, IN ITS DISCRETION, APPROVE OR
24 DISAPPROVE A CATERED FUNCTION IF THE APPLICANT FAILS TO PROVIDE
25 TIMELY NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO
26 CONDUCT A FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR
27 HAS PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
28 REQUIREMENTS OF THIS ACT;

29 (12) IF A CATERED FUNCTION IS SCHEDULED TO OCCUR ON PRIVATE
30 PROPERTY, THE OWNER OF THAT PROPERTY IS DEEMED TO HAVE SUBMITTED

1 TO THE JURISDICTION OF THE ENFORCEMENT BUREAU AND THE WARRANT
2 REQUIRED BY SECTION 211(A) (2) OF THIS ACT SHALL NOT BE NECESSARY
3 FOR THE ENFORCEMENT BUREAU TO ENTER AND SEARCH THE PREMISES
4 DURING THE FUNCTION OR ANY ACTIVITIES RELATED TO THE FUNCTION;

5 (13) NO CATERED FUNCTION MAY BE HELD FOR MORE THAN FIVE
6 HOURS PER DAY AND MUST END BY MIDNIGHT;

7 (14) NEITHER THE OWNER OF THE PROPERTY NOR THE APPLICANT MAY
8 SELL TICKETS TO A CATERED FUNCTION UNLESS ONE OF THE FOLLOWING
9 CONDITIONS IS MET:

10 (I) THE APPLICANT HAS CONTRACTED WITH AN ELIGIBLE ENTITY FOR
11 THE FUNCTION AND THE FUNCTION IS BEING USED TO RAISE MONEY FOR
12 THE ELIGIBLE ENTITY'S ORGANIZATION;

13 (II) THE APPLICANT HAS CONTRACTED WITH A NONPROFIT
14 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
15 REVENUE CODE OF 1986 (PUBLIC LAW 99-114, 26 U.S.C. § 501(C) (3)),
16 FOR AN EVENT WHICH HAS THE SOLE PURPOSE OF RAISING FUNDS FOR
17 THAT NONPROFIT ORGANIZATION; OR

18 (III) THE APPLICANT HAS CONTRACTED WITH AN ORGANIZATION THAT
19 HOLDS TAX EXEMPT STATUS UNDER SECTION 527 OF THE INTERNAL
20 REVENUE CODE OF 1986;

21 (15) THE CATERED FUNCTION LOCATION SHALL BE SUBJECT TO
22 SECTION 493(34) OF THIS ACT;

23 (16) CATERED FUNCTIONS MAY NOT BE HELD IN LOCATIONS THAT ARE
24 SUBJECT TO A PENDING, PROTESTED TRANSFER APPLICATION;

25 (17) A PERMIT MAY NOT BE ISSUED TO A LICENSE HOLDER WHOSE
26 LICENSE IS SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE
27 BUREAU OF LICENSING OR THE BOARD UNDER SECTION 470(A.1);

28 (18) A PERMIT SHALL NOT BE ISSUED TO A LICENSEE FOR USE IN
29 ANY LOCATION THAT IS MOBILE; AND

30 (19) A PERMIT SHALL NOT BE ISSUED FOR USE ON ANY LOCATION

1 USED FOR PARKING AT A SPORTS EVENT OR CONCERT EVENT.

2 SECTION 7. SECTION 491(2), (8) AND (11) OF THE ACT, AMENDED
3 FEBRUARY 21, 2002 (P.L.103, NO.10), DECEMBER 9, 2002 (P.L.1653,
4 NO.212) AND JULY 7, 2006 (P.L.584, NO.84), ARE AMENDED TO READ:

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

7 IT SHALL BE UNLAWFUL--

8 * * *

9 (2) POSSESSION OR TRANSPORTATION OF LIQUOR OR ALCOHOL. FOR
10 ANY PERSON, EXCEPT A MANUFACTURER OR THE BOARD OR THE HOLDER OF
11 A SACRAMENTAL WINE LICENSE OR OF AN IMPORTER'S LICENSE, TO
12 POSSESS OR TRANSPORT ANY LIQUOR OR ALCOHOL WITHIN THIS
13 COMMONWEALTH WHICH WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY
14 FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR, OR HAS NOT
15 BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE OR A LICENSED
16 LIMITED WINERY IN PENNSYLVANIA, EXCEPT IN ACCORDANCE WITH
17 SECTION 488 OR THE BOARD'S REGULATIONS. IN ADDITION, IT SHALL BE
18 LAWFUL FOR ANYONE TO POSSESS MINIATURES TOTALING LESS THAN ONE
19 GALLON PURCHASED IN ANOTHER STATE OR A FOREIGN COUNTRY. THE
20 BURDEN SHALL BE UPON THE PERSON POSSESSING OR TRANSPORTING SUCH
21 LIQUOR OR ALCOHOL TO PROVE THAT IT WAS SO ACQUIRED.

22 NOTWITHSTANDING THIS SECTION OR ANY OTHER PROVISION OF THE LAW,
23 WINE MAY BE PRODUCED BY ANY PERSON WITHOUT A LICENSE IF THE WINE
24 IS NOT PRODUCED FOR SALE AND TOTAL PRODUCTION DOES NOT EXCEED
25 TWO HUNDRED GALLONS PER CALENDAR YEAR. WINE PRODUCED IN
26 ACCORDANCE WITH THIS CLAUSE MAY BE USED AT ORGANIZED AFFAIRS,
27 EXHIBITIONS, COMPETITIONS, CONTESTS, TASTINGS OR JUDGINGS IF IT
28 IS NOT SOLD OR OFFERED FOR SALE.

29 NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR
30 SHALL IT BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO PENNSYLVANIA,

1 TRANSPORT OR HAVE IN HIS POSSESSION, AN AMOUNT OF LIQUOR NOT
2 EXCEEDING ONE GALLON IN VOLUME UPON WHICH A STATE TAX HAS NOT
3 BEEN PAID, IF IT CAN BE SHOWN TO THE SATISFACTION OF THE BOARD
4 THAT SUCH PERSON PURCHASED THE LIQUOR IN A FOREIGN COUNTRY OR
5 UNITED STATES TERRITORY AND WAS ALLOWED TO BRING IT INTO THE
6 UNITED STATES. NEITHER SHALL THE PROVISIONS CONTAINED HEREIN
7 PROHIBIT NOR MAKE IT UNLAWFUL FOR (I) ANY MEMBER OF THE ARMED
8 FORCES ON ACTIVE DUTY, OR (II) ANY RETIRED MEMBER OF THE ARMED
9 FORCES, OR (III) ANY TOTALLY DISABLED VETERAN, OR (IV) THE
10 SPOUSE OF ANY PERSON INCLUDED IN THE FOREGOING CLASSES OF
11 PERSONS TO IMPORT INTO PENNSYLVANIA, TRANSPORT OR HAVE IN HIS
12 POSSESSION AN AMOUNT OF LIQUOR NOT EXCEEDING ONE GALLON PER
13 MONTH IN VOLUME UPON WHICH THE STATE TAX HAS NOT BEEN PAID, SO
14 LONG AS SUCH LIQUOR HAS BEEN LAWFULLY PURCHASED FROM A PACKAGE
15 STORE ESTABLISHED AND MAINTAINED UNDER THE AUTHORITY OF THE
16 UNITED STATES AND IS IN CONTAINERS IDENTIFIED IN ACCORDANCE WITH
17 REGULATIONS ISSUED BY THE DEPARTMENT OF DEFENSE. SUCH LIQUOR
18 SHALL NOT BE POSSESSED, OFFERED FOR SALE OR SOLD ON ANY LICENSED
19 PREMISES. THE TERM "PACKAGE STORE" AS USED IN THIS CLAUSE SHALL
20 MEAN THOSE RETAIL OPERATIONS LOCATED ON ANY OF THE UNITED STATES
21 MILITARY INSTALLATIONS, INCLUDING AN INSTALLATION OF THE ARMY,
22 NAVY, AIR FORCE, MARINE CORPS OR COAST GUARD.

23 NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR
24 SHALL IT BE UNLAWFUL FOR ANY CONSUL GENERAL, CONSUL OR OTHER
25 DIPLOMATIC OFFICER OF A FOREIGN GOVERNMENT TO IMPORT INTO
26 PENNSYLVANIA, TRANSPORT OR HAVE IN HIS POSSESSION LIQUOR UPON
27 WHICH A STATE TAX HAS NOT BEEN PAID, IF IT CAN BE SHOWN TO THE
28 SATISFACTION OF THE BOARD THAT SUCH PERSON ACQUIRED THE LIQUOR
29 IN A FOREIGN COUNTRY AND WAS ALLOWED TO BRING IT INTO THE UNITED
30 STATES. SUCH LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR

1 SOLD ON ANY LICENSED PREMISES.

2 NOTWITHSTANDING THIS SECTION OR ANY OTHER PROVISION OF LAW,
3 WINE MAY BE IMPORTED INTO AND TRANSPORTED WITHIN THIS
4 COMMONWEALTH BY OUT-OF-STATE WINERIES WHICH HOLD A PERMIT AS
5 PROVIDED IN SECTION 505.2(A)(4).

6 ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE FOR A
7 FIRST OFFENSE INVOLVING THE POSSESSION OR TRANSPORTATION IN
8 PENNSYLVANIA OF ANY LIQUOR IN A PACKAGE (BOTTLE OR OTHER
9 RECEPTACLE) OR WINE NOT PURCHASED FROM A PENNSYLVANIA LIQUOR
10 STORE OR FROM A LICENSED LIMITED WINERY IN PENNSYLVANIA, WITH
11 RESPECT TO WHICH SATISFACTORY PROOF IS PRODUCED THAT THE
12 REQUIRED FEDERAL TAX HAS BEEN PAID AND WHICH WAS PURCHASED,
13 PROCURED OR ACQUIRED LEGALLY OUTSIDE OF PENNSYLVANIA SHALL UPON
14 CONVICTION THEREOF IN A SUMMARY PROCEEDING BE SENTENCED TO PAY A
15 FINE OF TWENTY-FIVE DOLLARS (\$25) FOR EACH SUCH PACKAGE, PLUS
16 COSTS OF PROSECUTION, OR UNDERGO IMPRISONMENT FOR A TERM NOT
17 EXCEEDING NINETY (90) DAYS. EACH FULL QUART OR MAJOR FRACTION
18 THEREOF SHALL BE CONSIDERED A SEPARATE PACKAGE (BOTTLE OR OTHER
19 RECEPTACLE) FOR THE PURPOSES OF THIS CLAUSE. SUCH PACKAGES OF
20 LIQUOR SHALL BE FORFEITED TO THE COMMONWEALTH IN THE MANNER
21 PRESCRIBED IN ARTICLE VI OF THIS ACT BUT THE VEHICLE, BOAT,
22 VESSEL, ANIMAL OR AIRCRAFT USED IN THE ILLEGAL TRANSPORTATION OF
23 SUCH PACKAGES SHALL NOT BE SUBJECT TO FORFEITURE: PROVIDED,
24 HOWEVER, THAT IF IT IS A SECOND OR SUBSEQUENT OFFENSE OR IF IT
25 IS ESTABLISHED THAT THE ILLEGAL POSSESSION OR TRANSPORTATION WAS
26 IN CONNECTION WITH A COMMERCIAL TRANSACTION, THEN THE OTHER
27 PROVISIONS OF THIS ACT PROVIDING FOR PROSECUTION AS A
28 MISDEMEANOR AND FOR THE FORFEITURE OF THE VEHICLE, BOAT, VESSEL,
29 ANIMAL OR AIRCRAFT SHALL APPLY.

30 * * *

1 (8) IMPORTATION AND SALES OF ALCOHOL. FOR ANY PERSON, TO
2 IMPORT ALCOHOL INTO THIS COMMONWEALTH, OR TO SELL ALCOHOL TO ANY
3 PERSON, EXCEPT IN ACCORDANCE WITH SECTION 488 AND THE
4 REGULATIONS OF THE BOARD. NOTWITHSTANDING THIS SECTION OR ANY
5 OTHER PROVISION OF LAW, WINE MAY BE IMPORTED INTO AND
6 TRANSPORTED WITHIN THIS COMMONWEALTH BY OUT-OF-STATE WINERIES
7 WHICH HOLD A PERMIT AS PROVIDED IN SECTION 505.2(A)(4).

8 * * *

9 (11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE
10 BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE, AN IMPORTER'S
11 LICENSE OR A DIRECT SHIPPER'S LICENSE, TO IMPORT ANY LIQUOR
12 WHATSOEVER INTO THIS COMMONWEALTH, BUT THIS SECTION SHALL NOT BE
13 CONSTRUED TO PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM
14 PURCHASING AND SELLING LIQUORS PURCHASED OUTSIDE THE
15 COMMONWEALTH IN THEIR DINING, CLUB AND BUFFET CARS WHICH ARE
16 COVERED BY PUBLIC SERVICE LIQUOR LICENSES AND WHICH ARE OPERATED
17 IN THIS COMMONWEALTH. NOTWITHSTANDING THIS SECTION OR ANY OTHER
18 PROVISION OF LAW, WINE MAY BE IMPORTED INTO AND TRANSPORTED
19 WITHIN THE COMMONWEALTH BY OUT-OF-STATE WINERIES WHICH HOLD A
20 PERMIT AS PROVIDED IN SECTION 505.2(A)(4).

21 * * *

22 SECTION 8. SECTION 493(33) AND (34) OF THE ACT, ADDED JUNE
23 28, 2011 (P.L.55, NO.11) AND DECEMBER 22, 2011 (P.L.530,
24 NO.113), ARE AMENDED 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 (33) OFF-PREMISES CATERING PERMIT; FEES. FOR ANY LICENSEE,
3 HIS SERVANTS, AGENTS OR EMPLOYEES TO SELL ALCOHOL AT A LOCATION
4 OTHER THAN ITS LICENSED PREMISES, UNLESS THE SALE IS
5 SPECIFICALLY AUTHORIZED UNDER THIS ACT, OR UNLESS THE LICENSEE
6 RECEIVES A SPECIAL PERMIT FROM THE BOARD TO DO SO. ONLY THOSE
7 LICENSEES HOLDING A CURRENT AND VALID RESTAURANT, HOTEL, BREW
8 PUB OR EATING PLACE LICENSE SHALL BE ALLOWED TO APPLY FOR SUCH A
9 PERMIT. ANY LICENSEE THAT WISHES TO OBTAIN AN OFF-PREMISES
10 CATERING PERMIT MUST NOTIFY THE BOARD AND PAY THE PERMITTING FEE
11 BY MARCH OF EACH CALENDAR YEAR REGARDLESS OF WHETHER THE
12 LICENSEE HAS SCHEDULED CATERED EVENTS. ANY LICENSEE THAT FAILS
13 TO NOTIFY THE BOARD AND PAY THE PERMIT FEE BY MARCH 1 SHALL BE
14 PRECLUDED FROM OBTAINING THE PERMIT FOR THAT CALENDAR YEAR. IF A
15 LICENSEE NOTIFIES THE BOARD AND PAYS THE PERMITTING FEE BY MARCH
16 1 AND DOES NOT THEN USE THE PERMIT THROUGHOUT THE CALENDAR YEAR,
17 THE LICENSEE SHALL NOT BE ENTITLED TO A RETURN OF THE PERMITTING
18 FEE. ANY LICENSEE NOT GRANTED A LICENSE UNTIL AFTER MARCH 1 OF
19 THE CALENDAR YEAR SHALL HAVE SIXTY DAYS FROM THE DATE OF THE
20 LICENSE TRANSFER TO NOTIFY THE BOARD OF THE LICENSEE'S INTENTION
21 TO USE AN OFF-PREMISES CATERING PERMIT AND PAY THE PERMITTING
22 FEE. ALL SERVERS AT THE OFF-PREMISES CATERED FUNCTION SHALL BE
23 CERTIFIED UNDER THE BOARD'S RESPONSIBLE ALCOHOL MANAGEMENT
24 PROGRAM AS REQUIRED UNDER SECTION 471.1. THE BOARD MAY CHARGE A
25 FEE OF FIVE HUNDRED DOLLARS (\$500) EACH CALENDAR YEAR, TO EACH
26 APPLICANT FOR THE INITIAL PERMIT ASSOCIATED WITH A PARTICULAR
27 LICENSE, BUT NO FURTHER FEE SHALL BE CHARGED FOR ANY SUBSEQUENT
28 PERMITS ISSUED TO THE APPLICANT FOR THE LICENSE DURING THE SAME
29 CALENDAR YEAR. THE APPLICANT SHALL SUBMIT WRITTEN NOTICE TO THE
30 BOARD THIRTY DAYS PRIOR TO EACH CATERED EVENT, UNLESS THIS TIME

1 FRAME HAS BEEN WAIVED BY THE BOARD AND THE BOARD MAY APPROVE OR
2 DISAPPROVE EACH EVENT IF THE APPLICANT FAILS TO PROVIDE TIMELY
3 NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO CONDUCT A
4 FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR HAS
5 PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
6 REQUIREMENTS OF THIS ACT. THE FEES SHALL BE PAID INTO THE STATE
7 STORES FUND. ANY VIOLATION OF THIS ACT OR THE BOARD'S
8 REGULATIONS FOR GOVERNING ACTIVITY OCCURRING UNDER THE AUTHORITY
9 OF THIS PERMIT MAY BE THE BASIS FOR THE ISSUANCE OF A CITATION
10 UNDER SECTION 471, THE NONRENEWAL OF THE LICENSE UNDER SECTION
11 470 OR THE REFUSAL BY THE BOARD TO ISSUE SUBSEQUENT PERMITS OR
12 HONOR SUBSEQUENT DATES ON THE EXISTING PERMIT. THIS PENALTY
13 SHALL BE IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE
14 ENFORCEMENT BUREAU OR THE BOARD.

15 (34) NOISE. NOTWITHSTANDING ANY LAW OR REGULATION TO THE
16 CONTRARY, A LICENSEE MAY NOT USE OR PERMIT TO BE USED INSIDE OR
17 OUTSIDE OF THE LICENSED PREMISES A LOUDSPEAKER OR SIMILAR DEVICE
18 WHEREBY THE SOUND OF MUSIC OR OTHER ENTERTAINMENT, OR THE
19 ADVERTISEMENT THEREOF, CAN BE HEARD BEYOND THE LICENSEE'S
20 PROPERTY LINE[.]; HOWEVER, ANY LICENSEE THAT IS LOCATED IN AN
21 AREA WHICH IS SUBJECT TO AN EXEMPTION FROM THE BOARD'S
22 REGULATION REGARDING AMPLIFIED MUSIC BEING HEARD OFF THE
23 LICENSED PREMISES SHALL BE EXEMPT FROM COMPLIANCE WITH THIS
24 PARAGRAPH UNTIL THE EXPIRATION OF THE BOARD'S ORDER GRANTING THE
25 EXEMPTION. THE BOARD'S REGULATION REGARDING AMPLIFIED MUSIC
26 BEING HEARD OFF THE LICENSED PREMISES IS OTHERWISE SUPERSEDED BY
27 THIS PARAGRAPH.

28 SECTION 9. SECTION 493.1 OF THE ACT, AMENDED DECEMBER 9,
29 2002 (P.L.1653, NO.212), JULY 17, 2003 (P.L.63, NO.15) AND
30 DECEMBER 22, 2011 (P.L.530, NO.113), IS AMENDED TO READ:

1 SECTION 493.1. RIGHTS OF MUNICIPALITIES PRESERVED.-- (A)
2 NOTHING IN THIS ACT SHALL BE CONSTRUED TO PREEMPT THE RIGHT OF
3 ANY MUNICIPALITY TO REGULATE ZONING AND ENFORCE ANY OTHER LOCAL
4 ORDINANCES AND CODES DEALING WITH HEALTH AND WELFARE ISSUES.

5 (B) A MUNICIPALITY MAY FILE A PETITION WITH THE BOARD FOR AN
6 EXEMPTION [FROM THE BOARD'S REGULATIONS REGARDING AMPLIFIED
7 MUSIC BEING HEARD OFF THE LICENSED PREMISES] SECTION 493(34) OF
8 THIS ACT FOR ALL THE LICENSEES WITHIN AN IDENTIFIABLE AREA IN
9 THE MUNICIPALITY. PRIOR TO SUBMITTING A PETITION, THE
10 MUNICIPALITY SHALL ADOPT A LOCAL NOISE ORDINANCE AND A
11 RESOLUTION ADOPTED BY ITS GOVERNING BODY CONFIRMING SUPPORT OF
12 THE PETITION, CITING THE NOISE ORDINANCE AND ITS INTENTION TO
13 ENFORCE THE ORDINANCE IN PLACE OF [THE BOARD'S REGULATIONS]
14 SECTION 493(34) OF THIS ACT. UPON RECEIPT OF A PETITION,
15 INCLUDING A COPY OF THE NOISE ORDINANCE, A MAP OF THE AREA TO BE
16 EXEMPTED AND RESOLUTION, THE BOARD SHALL HOLD AT LEAST ONE (1)
17 PUBLIC HEARING ON THE PETITION. THE HEARING MAY BE HELD BEFORE A
18 HEARING EXAMINER. THE HEARING SHALL TAKE PLACE WITHIN THE
19 IDENTIFIED AREA AND MUST COMPLY WITH THE NOTICE, RECORDING AND
20 PUBLIC PARTICIPATION REQUIREMENTS OF 65 PA.C.S. CH. 7 (RELATING
21 TO OPEN MEETINGS). WITHIN SIXTY (60) DAYS AFTER RECEIPT OF THE
22 PETITION, THE BOARD SHALL DISAPPROVE THE PETITION FOR AN
23 EXEMPTION IN ITS ENTIRETY OR MAY APPROVE AN AREA MORE LIMITED
24 FOR WHICH THE EXEMPTION WILL BE GRANTED IF THE BOARD FINDS THAT
25 GRANTING THE PETITION SHALL HAVE AN ADVERSE EFFECT ON THE
26 WELFARE, HEALTH, PEACE AND MORALS OF THE RESIDENTS LIVING IN THE
27 VICINITY OF THE IDENTIFIED AREA; OTHERWISE, THE BOARD SHALL
28 APPROVE THE PETITION. THE BOARD MAY PLACE ADDITIONAL CONDITIONS
29 ON ITS APPROVAL SUCH AS LIMITING THE DURATION OF THE APPROVAL
30 AND ANY OTHER CONDITION THE BOARD DEEMS APPROPRIATE. THERE SHALL

1 BE A RIGHT TO APPEAL TO THE COURT OF COMMON PLEAS IN THE SAME
2 MANNER AS PROVIDED BY THIS ACT FOR APPEALS FROM REFUSALS TO
3 GRANT LICENSES.

4 (C) A MUNICIPALITY MAY RESCIND ANY EXISTING EXEMPTION FROM
5 [THE BOARD'S REGULATIONS REGARDING AMPLIFIED MUSIC] SECTION
6 493(34) OF THIS ACT BY NOTIFYING THE BOARD OF ITS INTENT TO DO
7 SO IN WRITING, FIFTEEN (15) DAYS PRIOR TO THE RESCISSION DATE.
8 SUCH NOTICE MUST BE ACCOMPANIED BY AN ORDINANCE OR RESOLUTION
9 AUTHORIZING THE RESCISSION. A RESCISSION OF AN EXISTING
10 EXEMPTION WHICH DOES NOT RESCIND THE ENTIRE EXEMPTED AREA SHALL
11 BE TREATED AS A NEW PETITION FOR EXEMPTION WITH THE BOARD AND
12 SHALL FOLLOW THE PROCEDURES SET FORTH IN SUBSECTION (B).

13 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
14 CONTRARY, A RESTAURANT LIQUOR LICENSE LOCATED ON PREMISES OWNED
15 BY A CITY OF THE FIRST CLASS, LISTED ON THE NATIONAL REGISTER OF
16 HISTORIC PLACES AND WHICH CONTAINS A STRUCTURE THAT IS AT LEAST
17 ONE HUNDRED (100) YEARS OLD SHALL NOT BE SUBJECT TO [THE BOARD'S
18 REGULATIONS REGARDING AMPLIFIED MUSIC] SECTION 493(34) OF THIS
19 ACT.

20 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
21 CONTRARY, A LIMITED WINERY LICENSE THAT IS LOCATED IN A SECOND
22 CLASS TOWNSHIP IN A CLASS 2A COUNTY THAT HAS A STATE HISTORIC
23 SITE OWNED AND OPERATED BY THE COMMONWEALTH UNDER THE DIRECTION
24 OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION AND IS
25 LOCATED ON PROPERTY THAT ALSO CONTAINS A BUILDING THAT IS LISTED
26 ON THE REGISTRY OF HISTORIC PLACES OF A CLASS 2A COUNTY SHALL
27 NOT BE SUBJECT TO [THE BOARD'S REGULATIONS REGARDING AMPLIFIED
28 MUSIC] SECTION 493(34) OF THIS ACT.

29 SECTION 10. SECTION 505.2(A)(4) OF THE ACT, AMENDED DECEMBER
30 22, 2011 (P.L.530, NO.113), IS AMENDED AND THE SUBSECTION IS

1 AMENDED BY ADDING A PARAGRAPH TO READ:

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

5 * * *

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

24 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, WINE AND
25 FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR
26 OUTDOORS WITH THE INTENT OF [PROMOTING PENNSYLVANIA PRODUCTS BY]
27 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND
28 QUALITY OF [PENNSYLVANIA-PRODUCED] ALCOHOLIC CIDERS AND WINES IN
29 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND
30 SALES. ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS MAY ALSO

1 INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, WINE AND FOOD
2 DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,
3 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

4 (II) AT THE DISCRETION OF THE BOARD, WINERIES LOCATED
5 OUTSIDE OF PENNSYLVANIA HOLDING A VALID WINERY OR WINE
6 MANUFACTURING LICENSE ISSUED BY ANOTHER STATE AND PRODUCING NO
7 MORE THAN TWO HUNDRED THOUSAND (200,000) GALLONS OF WINE PER
8 YEAR MAY OBTAIN A SPECIAL PERMIT TO PARTICIPATE IN ALCOHOLIC
9 CIDER, WINE AND FOOD EXPOSITIONS WITHIN THIS COMMONWEALTH. A
10 SPECIAL PERMIT SHALL BE ISSUED UPON PROPER APPLICATION AND
11 PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY FOR EACH DAY OF
12 PERMITTED USE, NOT TO EXCEED THIRTY (30) CONSECUTIVE DAYS. THE
13 TOTAL NUMBER OF DAYS FOR ALL SPECIAL PERMITS SHALL NOT EXCEED
14 ONE HUNDRED (100) DAYS IN ANY CALENDAR YEAR. A SPECIAL PERMIT
15 SHALL ENTITLE THE HOLDER TO ENGAGE IN THE SALE BY THE GLASS, BY
16 THE BOTTLE OR IN CASE LOTS OF ALCOHOLIC CIDER OR WINE PRODUCED
17 BY THE PERMITTEE. HOLDERS OF SPECIAL PERMITS MAY PROVIDE TASTING
18 SAMPLES OF WINE IN INDIVIDUAL PORTIONS NOT TO EXCEED ONE FLUID
19 OUNCE. SAMPLES OF ALCOHOLIC CIDER, WINE AND FOOD EXPOSITIONS MAY
20 BE SOLD OR OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED HEREIN,
21 ANY OUT-OF-STATE WINERY UTILIZING SPECIAL PERMITS ISSUED BY THIS
22 SUBSECTION SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF
23 THIS ACT AS WELL AS BY ALL APPLICABLE REGULATIONS OR CONDITIONS
24 ADOPTED BY THE BOARD.

25 FOR THE PURPOSE OF THIS CLAUSE, ALCOHOLIC CIDER, WINE AND
26 FOOD EXPOSITIONS ARE DEFINED AS AFFAIRS HELD INDOORS OR OUTDOORS
27 WITH THE INTENT OF EDUCATING THOSE IN ATTENDANCE OF THE
28 AVAILABILITY, NATURE AND QUALITY OF ALCOHOLIC CIDERS AND WINES
29 IN CONJUNCTION WITH SUITABLE FOOD DISPLAYS, INCLUDING ARTS AND
30 CRAFTS, MUSICAL ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL

1 EXHIBITS AND FARMERS MARKETS.

2 * * *

3 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

4 (1) THE AMENDMENT OF SECTIONS 493(34) AND 493.1 OF THE
5 ACT SHALL TAKE EFFECT IMMEDIATELY.

6 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

7 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
8 DAYS.