

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2267 Session of 2012

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 19, 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 LOCAL ←
22 OPTION, for unlawful acts relative to liquor, alcohol and
23 liquor licensees, for unlawful acts relative to liquor, malt ←
24 and brewed beverages and licensees, AND for rights of ←
25 municipalities preserved and for limited wineries. ←

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

28 Section 1. The definitions of "alcoholic cider," "catered

1 function" and "eligible entity" in section 102 of the act of  
2 April 12, 1951 (P.L.90, No.21), known as the Liquor Code,  
3 reenacted and amended June 29, 1987 (P.L.32, No.14), and amended  
4 or added June 18, 1998 (P.L.664, No.86), June 28, 2011 (P.L.55,  
5 No.11) and December 22, 2011 (P.L.530, No.113), are amended to  
6 read:

7 Section 102. Definitions.--The following words or phrases,  
8 unless the context clearly indicates otherwise, shall have the  
9 meanings ascribed to them in this section:

10 \* \* \*

11 "Alcoholic cider" shall mean a beverage which may contain  
12 carbonation in an amount not to exceed three hundred ninety-two  
13 one thousandths of a gram per one hundred milliliters and  
14 flavors, produced through alcoholic fermentation of [only  
15 apples] any fruit or [apple] fruit juice, consisting of at least  
16 one-half of one per centum, but not greater than five and one-  
17 half per centum, alcohol by volume and sold or offered for sale  
18 as alcoholic cider and not as a wine, a wine product or as a  
19 substitute for wine, in bottles, cases, kegs, cans or other  
20 suitable containers of the type used for the sale of malt or  
21 brewed beverages in this Commonwealth.

22 \* \* \*

23 "Catered function" shall mean the furnishing of food prepared  
24 on the premises or brought onto the premises already prepared in  
25 conjunction with alcoholic beverages for the accommodation of a  
26 person or an identifiable group of people, not the general  
27 public, who made arrangements for the function at least [forty-  
28 eight hours] thirty days in advance.

29 \* \* \*

30 "Eligible entity" shall mean a city of the third class, a

1 hospital, a church, a synagogue, a volunteer fire company, a  
2 volunteer ambulance company, a volunteer rescue squad, a unit of  
3 a nationally chartered club which has been issued a club liquor  
4 license, a club [in a city of the third class] which has been ←  
5 issued a club liquor license and which, as of December 31, 2002,  
6 has been in existence for at least 100 years, a library, a  
7 nationally accredited Pennsylvania nonprofit zoological  
8 institution licensed by the United States Department of  
9 Agriculture, a nonprofit agricultural association in existence  
10 for at least ten years, a bona fide sportsmen's club in  
11 existence for at least ten years, a nationally chartered  
12 veterans' organization and any affiliated lodge or subdivision  
13 of such organization, a fraternal benefit society that is  
14 licensed to do business in this Commonwealth and any affiliated  
15 lodge or subdivision of such fraternal benefit society, a museum  
16 operated by a nonprofit corporation [in a city of the third ←  
17 class or township of the first class], a nonprofit corporation ←  
18 engaged in the performing arts [in a city of the third class, ←  
19 borough or in an incorporated town], an arts council, a ←  
20 nonprofit corporation that operates an arts facility or museum  
21 [in a city of the third class in the county of the fourth ←  
22 class], a nonprofit organization as defined under section 501(c) ←  
23 (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26  
24 U.S.C. § 501(c)(3)) whose purpose is to protect the  
25 architectural heritage of boroughs or a township of the second  
26 class and which has been recognized as such by a municipal  
27 resolution, a nonprofit organization as defined under section  
28 501(c)(3) of the Internal Revenue Code of 1986 (Public Law  
29 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of  
30 the second class with the permit to be used on State park

1 grounds or conducting a family-oriented celebration as part of  
2 Welcome America in a city of the first class on property leased  
3 from that city for more than fifty years, 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 raise funds for the research and treatment of cystic fibrosis, a  
7 nonprofit organization as defined under section 501(c)(3) of the  
8 Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose  
9 purpose is to educate the public on issues dealing with  
10 watershed conservation, a nonprofit organization as defined  
11 under section 501(c)(3) of the Internal Revenue Code of 1986  
12 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to  
13 provide equine assisted activities for children and adults with  
14 special needs, a nonprofit economic development agency in a city  
15 of the second class with the primary function to serve as an  
16 economic generator for the greater southwestern Pennsylvania  
17 region by attracting and supporting film, television and related  
18 media industry projects and coordinating government and business  
19 offices in support of a production, a county tourist promotion  
20 agency as defined in section 3(1) of the act of April 28, 1961  
21 (P.L.111, No.50), known as the "Tourist Promotion Law," [and ←  
22 located in a city of the third class in a county of the fourth  
23 class or located in a township of the second class in a county  
24 of the fifth class,] a junior league [in a third class county] ←  
25 that is a nonprofit organization as defined under section 501(c)  
26 (3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3))  
27 that is comprised of women whose purpose is exclusively  
28 educational and charitable in promoting the volunteerism of  
29 women and developing and participating in community projects and  
30 that has been in existence for over seventy years, a nonprofit

1 organization as defined under section 501(c)(3) of the Internal  
2 Revenue Code of 1986 [which is located in counties of the second ←  
3 class A or of the third class] and whose purpose is the ←  
4 education and promotion of American history, a nonprofit  
5 organization as defined under section 501(c)(6) of the Internal  
6 Revenue Code of 1986 whose purpose is to support business and  
7 industry, a brewery which has been issued a license to  
8 manufacture malt or brewed beverages and has been in existence  
9 for at least 100 years or a club recognized by Rotary  
10 International [which is located in a county of the fourth class] ←  
11 and whose purpose is to provide service to others, to promote  
12 high ethical standards and to advance world understanding,  
13 goodwill and peace through its fellowship of business,  
14 professional and community leaders or a nonprofit organization  
15 as defined under section 501(c)(3) of the Internal Revenue Code  
16 of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) [which is ←  
17 located in a borough in a county of the third class and] whose ←  
18 purpose is to promote mushrooms while supporting local and  
19 regional charities, a museum operated by a not-for-profit  
20 corporation in a city of the second class A, a nonprofit  
21 organization as defined under section 501(c)(3) of the Internal  
22 Revenue Code of 1986 which is located in a city of the second  
23 class A and has as its purpose economic and community  
24 development, a nonprofit organization as defined under section  
25 501(c)(3) or (6) of the Internal Revenue Code of 1986 that is  
26 located in a city of the third class in a county of the fifth  
27 class, a nonprofit social service organization defined under  
28 section 501(c)(3) of the Internal Revenue Code of 1986 located  
29 in a county of the third class whose purpose is to serve  
30 individuals and families in that county of the third class, a

1 nonprofit organization as defined under section 501(c)(3) of the  
2 Internal Revenue Code of 1986 whose main purpose is to  
3 temporarily foster stray and unwanted animals and match them to  
4 suitable permanent homes or a nonprofit organization as defined  
5 under section 501(c)(3) of the Internal Revenue Code of 1986 who  
6 operates either a Main Street Program or Elm Street Program  
7 recognized by the Commonwealth, the National Trust for Historic  
8 Preservation or both, a nonprofit radio station that is a member  
9 of the National Public Radio network, a nonprofit public  
10 television station that is a member of the Pennsylvania Public  
11 Television Network ~~for~~ a nonprofit organization as defined ←  
12 under section 501(c)(3) of the Internal Revenue Code of 1986  
13 whose purpose is to promote awareness, education and research  
14 and to provide a support system for patients with neutropenia  
15 and their families through a national resource network ~~or a~~ ←  
16 ~~nonprofit organization as defined under section 501(c)(3) of the~~  
17 ~~Internal Revenue Code of 1986 whose purpose is to foster open~~  
18 ~~space conservation and historic preservation.~~

19 \* \* \*

20 Section 2. Section 305(i) of the act, added December 8, 2004  
21 (P.L.1810, No.239), is amended to read:

22 Section 305. Sales by Pennsylvania Liquor Stores.--\* \* \*

23 (i) Notwithstanding any other provision of law to the  
24 contrary, the board may sell wine in containers having a  
25 capacity of [six] sixty liters or less.

26 Section 3. Section 406(f) of the act, added June 28, 2011  
27 (P.L.55, No.11), is amended to read:

28 Section 406. Sales by Liquor Licensees; Restrictions.--\* \* \*

29 (f) The holder of a hotel or restaurant liquor license may  
30 obtain an off-premises catering permit subject to section

1 493(33) to hold a catered function off the licensed premises and  
2 on otherwise unlicensed premises where the licensee may sell  
3 wine, liquor and malt or brewed beverages by the glass, open  
4 bottle or other container, and in any mixture together with  
5 food, for consumption on those premises. Functions conducted  
6 under the authority of the permit shall be subject to the  
7 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, accept notice in an electronic format. The board  
14 may, in its discretion, waive the thirty-day notice period for a  
15 catered function if:

16 (i) the applicant has previously conducted functions that  
17 meet the requirements of this act;

18 (ii) the applicant is a licensee in good standing with the  
19 board;

20 (iii) notification was received at least fourteen days prior  
21 to the catered function; and

22 (iv) the applicant pays a late fee of one hundred dollars  
23 (\$100);

24 (11) the board shall, in its discretion, approve or  
25 disapprove a catered function if the applicant fails to provide  
26 timely notice of the catered function, does not intend to  
27 conduct a function that meets the requirements of this act or  
28 has previously conducted a function that did not meet the  
29 requirements of this act;

30 (12) if a catered function is scheduled to occur on private



1 property, the owner of that property is deemed to have submitted  
2 to the jurisdiction of the enforcement bureau and the warrant  
3 required by section 211(a)(2) of this act shall not be necessary  
4 for the enforcement bureau to enter and search the premises  
5 during the function or any activities related to the function;

6 (13) no catered function may be held for more than five  
7 hours per day and must end by midnight;

8 (14) neither the owner of the property nor the applicant may  
9 sell tickets to a catered function unless one of the following  
10 conditions is met:

11 (i) the applicant has contracted with an eligible entity for  
12 the function and the function is being used to raise money for  
13 the eligible entity's organization;

14 (ii) the applicant has contracted with a nonprofit  
15 organization as defined under section 501(c)(3) of the Internal  
16 Revenue Code of 1986 (Public Law 99-114, 26 U.S.C. § 501(c)(3)),  
17 for an event which has the sole purpose of raising funds for  
18 that nonprofit organization; or

19 (iii) the applicant has contracted with an organization that  
20 holds tax exempt status under section 527 of the Internal  
21 Revenue Code of 1986;

22 (15) the catered function location shall be subject to  
23 section 493(34) of this act;

24 (16) catered functions may not be held in locations that are  
25 subject to a pending, protested transfer application;

26 (17) a permit may not be issued to a license holder whose  
27 license is subject to a pending objection by the director of the  
28 Bureau of Licensing or the board under section 470(a.1);

29 (18) a permit shall not be issued to a licensee for use in  
30 any location that is mobile; and

1 (19) a permit shall not be issued for use on any location  
2 used for parking at a sports event or concert event.

3 \* \* \*

4 Section 4. Section 440 of the act, amended December 22, 2011  
5 (P.L.530, No.113), is amended to read:

6 Section 440. Sales by Manufacturers of Malt or Brewed  
7 Beverages; Minimum Quantities.--A manufacturer may sell malt or  
8 brewed beverages produced and owned by the manufacturer to  
9 individuals on the licensed premises for consumption on the  
10 licensed premises where sold only if it complies with the  
11 conditions and regulations placed upon holders of brewery  
12 licenses under section [446(1)] 446(a)(1). A manufacturer also  
13 may sell any malt or brewed beverages produced and owned by the  
14 manufacturer to individuals on the licensed premises for  
15 consumption off the licensed premises in containers or packages  
16 of unlimited quantity and of any volume. No manufacturer may  
17 maintain or operate within the Commonwealth any place or places  
18 other than the place or places covered by his or its license  
19 where malt or brewed beverages are sold or where orders are  
20 taken.

21 Section 5. Section 442(f) of the act, added June 28, 2011  
22 (P.L.55, No.11), is amended to read:

23 Section 442. Retail Dispensers' Restrictions on Purchases  
24 and Sales.--\* \* \*

25 (f) The holder of an eating place retail dispenser license  
26 may obtain an off-premises catering permit under section 493(33)  
27 to hold a catered function off of the licensed premises and on  
28 otherwise unlicensed premises where the licensee may sell malt  
29 or brewed beverages by the glass, open bottle or any other  
30 container together with food, for consumption on those premises

1 solely used for catering premises. Functions conducted under the  
2 authority of the permit shall be subject to the following:

3 (1) malt or brewed beverages may only be provided during the  
4 days and hours that the license holder may otherwise sell malt  
5 or brewed beverages;

6 (2) each catered function shall last no longer than one day  
7 and not more than fifty catered functions may be held each  
8 calendar year by each license holder for use with a particular  
9 license;

10 (3) a catered function shall not be held at a location that  
11 is already subject to the applicant's or another licensee's  
12 license;

13 (4) a permit shall not be issued to an applicant whose  
14 license is in safekeeping;

15 (5) a permit shall not be issued to a location that is  
16 subject to a pending objection by the director of the Bureau of  
17 Licensing or the board under section 470(a.1);

18 (6) a permit shall not be issued to a location that is  
19 subject to a pending license suspension under section 471 or the  
20 one-year prohibition on the issuance or transfer of a license  
21 under section 471(b);

22 (7) no malt or brewed beverages may be taken from the  
23 permitted location by a patron, but the applicant may transport  
24 malt or brewed beverages to and from its licensed premises to  
25 the proposed premises; [and]

26 (8) written notice [of the date, time and location] of the  
27 catered function as enumerated in paragraph (9) shall be  
28 provided to the local police[, or if there is no local police  
29 force to the enforcement bureau,] and the enforcement bureau at  
30 least [forty-eight hours] seven days in advance of the event[.];

1 (9) written notice shall be provided to the board at least  
2 thirty days prior to a catered function. Written notice must  
3 include the location of the function, time of the function, host  
4 of the function, general information regarding the guests  
5 expected at the function as well as any information the board  
6 shall from time to time prescribe. The board may, in its  
7 discretion, accept notice in an electronic format. The board  
8 may, in its discretion, waive the thirty-day notice period for a  
9 catered function if:

10 (i) the applicant has previously conducted functions that  
11 meet the requirements of this act;

12 (ii) the applicant is a licensee in good standing with the  
13 board;

14 (iii) notification was received at least fourteen days prior  
15 to the catered function; and

16 (iv) the applicant pays a late fee of one hundred dollars  
17 (\$100);

18 (10) the board shall, in its discretion, approve or  
19 disapprove a catered function if the applicant fails to provide  
20 timely notice of the catered function, does not intend to  
21 conduct a function that meets the requirements of this act or  
22 has previously conducted a function that did not meet the  
23 requirements of this act;

24 (11) if a catered function is scheduled to occur on private  
25 property, the owner of that property is deemed to have submitted  
26 to the jurisdiction of the enforcement bureau and the warrant  
27 required by section 211(a)(2) of this act shall not be necessary  
28 for the enforcement bureau to enter and search the premises  
29 during the function or any activities related to the function;

30 (12) all servers at the off-premises catered function shall

1 be in compliance with the responsible alcohol management  
2 provisions under section 471.1 of this act;

3 (13) no catered function may be held for more than five  
4 hours per day and must end by midnight;

5 (14) neither the owner of the property nor the applicant may  
6 sell tickets to a catered function unless one of the following  
7 conditions is met:

8 (i) the applicant has contracted with an eligible entity for  
9 the function and the function is being used to raise money for  
10 the eligible entity's organization;

11 (ii) the applicant has contracted with a nonprofit  
12 organization as defined under section 501(c)(3) of the Internal  
13 Revenue Code of 1986 (Public Law 99-114, 26 U.S.C. § 501(c)(3)),  
14 for an event which has the sole purpose of raising funds for  
15 that nonprofit organization;

16 (iii) the applicant has contracted with an organization that  
17 holds tax exempt status under section 527 of the Internal  
18 Revenue Code of 1986;

19 (15) catered functions held on unlicensed premises shall be  
20 subject to section 493(34) of this act;

21 (16) catered functions may not be held in locations that are  
22 subject to a pending, protested transfer application;

23 (17) a permit may not be issued to a licensee who is subject  
24 to objection under the board's nuisance bar program;

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 6. Section 446(b) of the act, amended December 22,

1 2011 (P.L.530, No.113), is amended to read:

2 Section 446. Breweries.--\* \* \*

3 (b) The holder of a brew pub license may obtain an off-  
4 premises catering permit subject to section 493(33) to hold a  
5 catered function off the licensed premises and on otherwise  
6 unlicensed premises where the licensee may sell wine produced by  
7 a licensed limited winery and malt or brewed beverages produced  
8 by the brewery by the glass, open bottle or other container  
9 together with food, and in any mixture, for consumption on those  
10 premises. Functions conducted under the authority of the permit  
11 shall be subject to the following:

12 (1) alcohol may be provided only during the days and hours  
13 that the license holder may otherwise sell alcohol;

14 (2) all servers at the off premises catered function shall  
15 be in compliance with the responsible alcohol management  
16 provisions under section 471.1;

17 (3) each catered function shall last no longer than one day  
18 and not more than fifty catered functions may be held each  
19 calendar year by each license holder for use with a particular  
20 license;

21 (4) a catered function shall not be held at a location that  
22 is already subject to the applicant's or another licensee's  
23 license;

24 (5) a permit shall not be issued to an applicant whose  
25 license is in safekeeping;

26 (6) a permit shall not be issued to a location that is  
27 subject to a pending objection by the director of the Bureau of  
28 Licensing or the board under section 470(a.1);

29 (7) a permit shall not be issued to a location that is  
30 subject to a pending license suspension under section 471 or the

1 one-year prohibition on the issuance or transfer of a license  
2 under section 471(b);

3 (8) no alcohol may be taken from the permitted location by  
4 any patron, but the applicant may transport alcohol to and from  
5 its licensed premises to the proposed premises; [and]

6 (9) written notice [of the date, time and location] of the  
7 catered function as enumerated in paragraph (10) shall be  
8 provided to the local police [or if there is no local police  
9 force to the enforcement bureau] and the enforcement bureau at  
10 least [forty-eight hours] seven days in advance of the event[.];

11 (10) written notice shall be provided to the board at least  
12 thirty days prior to a catered function. Written notice must  
13 include the location of the function, time of the function, host  
14 of the function, general information regarding the guests  
15 expected at the function as well as any information the board  
16 shall from time to time prescribe. The board may, in its  
17 discretion, waive the thirty-day notice period for a catered  
18 function if:

19 (i) the applicant has previously conducted functions that  
20 meet the requirements of this act;

21 (ii) the applicant is a licensee in good standing with the  
22 board;

23 (iii) notification was received at least fourteen days prior  
24 to the catered function; and

25 (iv) the applicant pays a late fee of one hundred dollars  
26 (\$100);

27 (11) the board shall, in its discretion, approve or  
28 disapprove a catered function if the applicant fails to provide  
29 timely notice of the catered function, does not intend to  
30 conduct a function that meets the requirements of this act or

1 has previously conducted a function that did not meet the  
2 requirements of this act;

3 (12) if a catered function is scheduled to occur on private  
4 property, the owner of that property is deemed to have submitted  
5 to the jurisdiction of the enforcement bureau and the warrant  
6 required by section 211(a)(2) of this act shall not be necessary  
7 for the enforcement bureau to enter and search the premises  
8 during the function or any activities related to the function;

9 (13) no catered function may be held for more than five  
10 hours per day and must end by midnight;

11 (14) neither the owner of the property nor the applicant may  
12 sell tickets to a catered function unless one of the following  
13 conditions is met:

14 (i) the applicant has contracted with an eligible entity for  
15 the function and the function is being used to raise money for  
16 the eligible entity's organization;

17 (ii) the applicant has contracted with a nonprofit  
18 organization as defined under section 501(c)(3) of the Internal  
19 Revenue Code of 1986 (Public Law 99-114, 26 U.S.C. § 501(c)(3)),  
20 for an event which has the sole purpose of raising funds for  
21 that nonprofit organization; or

22 (iii) the applicant has contracted with an organization that  
23 holds tax exempt status under section 527 of the Internal  
24 Revenue Code of 1986;

25 (15) the catered function location shall be subject to  
26 section 493(34) of this act;

27 (16) catered functions may not be held in locations that are  
28 subject to a pending, protested transfer application;

29 (17) a permit may not be issued to a license holder whose  
30 license is subject to a pending objection by the director of the



1 Bureau of Licensing or the board under section 470(a.1);  
2 (18) a permit shall not be issued to a licensee for use in  
3 any location that is mobile; and

4 (19) a permit shall not be issued for use on any location  
5 used for parking at a sports event or concert event.

6 SECTION 6.1. SECTION 472(D) OF THE ACT IS AMENDED BY ADDING ←  
7 A PARAGRAPH TO READ:

8 SECTION 472. LOCAL OPTION.--\* \* \*

9 (D) NOTHING IN THIS SECTION SHALL PROHIBIT THE BOARD FROM  
10 APPROVING:

11 \* \* \*

12 (3) THE RENEWAL OR TRANSFER OF A RESTAURANT LIQUOR LICENSE,  
13 AN EATING PLACE RETAIL DISPENSER LICENSE, A HOTEL LICENSE, A  
14 CLUB LICENSE OR A DISTRIBUTOR LICENSE IN A LOCATION IN WHICH TWO  
15 OR MORE MUNICIPALITIES HAVE MERGED AND THE RESULTING  
16 MUNICIPALITY PROHIBITS THE ISSUANCE OF SUCH LICENSES.

17 \* \* \*

18 Section 7. Section 491(2), ~~(8) and (11)~~ of the act, amended ←  
19 ~~February 21, 2002 (P.L.103, No.10), December 9, 2002 (P.L.1653,~~ ←  
20 ~~No.212) and July 7, 2006 (P.L.584, No.84), are~~ IS amended to ←  
21 read:

22 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
23 Liquor Licensees.--

24 It shall be unlawful--

25 \* \* \*

26 (2) Possession or Transportation of Liquor or Alcohol. For  
27 any person, except a manufacturer or the board or the holder of  
28 a sacramental wine license or of an importer's license, to  
29 possess or transport any liquor or alcohol within this  
30 Commonwealth which was not lawfully acquired prior to January

1 first, one thousand nine hundred and thirty-four, or has not  
2 been purchased from a Pennsylvania Liquor Store or a licensed  
3 limited winery in Pennsylvania, except in accordance with  
4 section 488 or the board's regulations. In addition, it shall be  
5 lawful for anyone to possess miniatures totaling less than one  
6 gallon purchased in another state or a foreign country. The  
7 burden shall be upon the person possessing or transporting such  
8 liquor or alcohol to prove that it was so acquired.

9 Notwithstanding this section or any other provision of the law,  
10 wine may be produced by any person without a license if the wine  
11 is not produced for sale and total production does not exceed  
12 two hundred gallons per calendar year. Wine produced in  
13 accordance with this clause may be used at organized affairs,  
14 exhibitions, competitions, contests, tastings or judgments if it  
15 is not sold or offered for sale.

16 None of the provisions herein contained shall prohibit nor  
17 shall it be unlawful for any person to import into Pennsylvania,  
18 transport or have in his possession, an amount of liquor not  
19 exceeding one gallon in volume upon which a State tax has not  
20 been paid, if it can be shown to the satisfaction of the board  
21 that such person purchased the liquor in a foreign country or  
22 United States territory and was allowed to bring it into the  
23 United States. Neither shall the provisions contained herein  
24 prohibit nor make it unlawful for (i) any member of the armed  
25 forces on active duty, or (ii) any retired member of the armed  
26 forces, or (iii) any totally disabled veteran, or (iv) the  
27 spouse of any person included in the foregoing classes of  
28 persons to import into Pennsylvania, transport or have in his  
29 possession an amount of liquor not exceeding one gallon per  
30 month in volume upon which the State tax has not been paid, so

1 long as such liquor has been lawfully purchased from a package  
2 store established and maintained under the authority of the  
3 United States and is in containers identified in accordance with  
4 regulations issued by the Department of Defense. Such liquor  
5 shall not be possessed, offered for sale or sold on any licensed  
6 premises. The term "package store" as used in this clause shall  
7 mean those retail operations located on any of the United States  
8 military installations, including an installation of the Army,  
9 Navy, Air Force, Marine Corps or Coast Guard.

10 None of the provisions herein contained shall prohibit nor  
11 shall it be unlawful for any consul general, consul or other  
12 diplomatic officer of a foreign government to import into  
13 Pennsylvania, transport or have in his possession liquor upon  
14 which a State tax has not been paid, if it can be shown to the  
15 satisfaction of the board that such person acquired the liquor  
16 in a foreign country and was allowed to bring it into the United  
17 States. Such liquor shall not be possessed, offered for sale or  
18 sold on any licensed premises.

19 ~~Notwithstanding this section or any other provision of law,~~ ←  
20 ~~wine may be imported into and transported within this~~  
21 ~~Commonwealth by out of State wineries which hold a permit as~~  
22 ~~provided in section 505.2(a)(4).~~

23 Any person violating the provisions of this clause for a  
24 first offense involving the possession or transportation in  
25 Pennsylvania of any liquor in a package (bottle or other  
26 receptacle) or wine not purchased from a Pennsylvania Liquor  
27 Store or from a licensed limited winery in Pennsylvania, with  
28 respect to which satisfactory proof is produced that the  
29 required Federal tax has been paid and which was purchased,  
30 procured or acquired legally outside of Pennsylvania shall upon

1 conviction thereof in a summary proceeding be sentenced to pay a  
2 fine of twenty-five dollars (\$25) for each such package, plus  
3 costs of prosecution, or undergo imprisonment for a term not  
4 exceeding ninety (90) days. Each full quart or major fraction  
5 thereof shall be considered a separate package (bottle or other  
6 receptacle) for the purposes of this clause. Such packages of  
7 liquor shall be forfeited to the Commonwealth in the manner  
8 prescribed in Article VI of this act but the vehicle, boat,  
9 vessel, animal or aircraft used in the illegal transportation of  
10 such packages shall not be subject to forfeiture: Provided,  
11 however, That if it is a second or subsequent offense or if it  
12 is established that the illegal possession or transportation was  
13 in connection with a commercial transaction, then the other  
14 provisions of this act providing for prosecution as a  
15 misdemeanor and for the forfeiture of the vehicle, boat, vessel,  
16 animal or aircraft shall apply.

17 \* \* \*

18 ~~(8) Importation and Sales of Alcohol. For any person, to~~ ←  
19 ~~import alcohol into this Commonwealth, or to sell alcohol to any~~  
20 ~~person, except in accordance with section 488 and the~~  
21 ~~regulations of the board. Notwithstanding this section or any~~  
22 ~~other provision of law, wine may be imported into and~~  
23 ~~transported within this Commonwealth by out of State wineries~~  
24 ~~which hold a permit as provided in section 505.2(a)(4).~~

25 \* \* \*

26 ~~(11) Importation of Liquor. For any person, other than the~~  
27 ~~board or the holder of a sacramental wine license, an importer's~~  
28 ~~license or a direct shipper's license, to import any liquor~~  
29 ~~whatsoever into this Commonwealth, but this section shall not be~~  
30 ~~construed to prohibit railroad and pullman companies from~~

1 ~~purchasing and selling liquors purchased outside the~~  
2 ~~Commonwealth in their dining, club and buffet cars which are~~  
3 ~~covered by public service liquor licenses and which are operated~~  
4 ~~in this Commonwealth. Notwithstanding this section or any other~~  
5 ~~provision of law, wine may be imported into and transported~~  
6 ~~within the Commonwealth by out of State wineries which hold a~~  
7 ~~permit as provided in section 505.2(a)(4).~~

8 \* \* \*

9 Section 8. Section 493(33) and (34) of the act, added June  
10 28, 2011 (P.L.55, No.11) and December 22, 2011 (P.L.530,  
11 No.113), are amended to read:

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

17 It shall be unlawful--

18 \* \* \*

19 (33) Off-premises Catering Permit; Fees. For any licensee,  
20 his servants, agents or employes to sell alcohol at a location  
21 other than its licensed premises, unless the sale is  
22 specifically authorized under this act, or unless the licensee  
23 receives a special permit from the board to do so. Only those  
24 licensees holding a current and valid restaurant, hotel, brew  
25 pub or eating place license shall be allowed to apply for such a  
26 permit. Any licensee that wishes to obtain an off-premises  
27 catering permit must notify the board and pay the permitting fee  
28 by March of each calendar year regardless of whether the  
29 licensee has scheduled catered events. Any licensee that fails  
30 to notify the board and pay the permit fee by March 1 shall be

1 precluded from obtaining the permit for that calendar year. If a  
2 licensee notifies the board and pays the permitting fee by March  
3 1 and does not then use the permit throughout the calendar year,  
4 the licensee shall not be entitled to a return of the permitting  
5 fee. Any licensee not granted a license until after March 1 of  
6 the calendar year shall have sixty days from the date of the  
7 license transfer to notify the board of the licensee's intention  
8 to use an off-premises catering permit and pay the permitting  
9 fee. All servers at the off-premises catered function shall be  
10 certified under the board's responsible alcohol management  
11 program as required under section 471.1. The board may charge a  
12 fee of five hundred dollars (\$500) each calendar year, to each  
13 applicant for the initial permit associated with a particular  
14 license, but no further fee shall be charged for any subsequent  
15 permits issued to the applicant for the license during the same  
16 calendar year. The applicant shall submit written notice to the  
17 board thirty days prior to each catered event, unless this time  
18 frame has been waived by the board and the board may approve or  
19 disapprove each event if the applicant fails to provide timely  
20 notice of the catered function, does not intend to conduct a  
21 function that meets the requirements of this act or has  
22 previously conducted a function that did not meet the  
23 requirements of this act. The fees shall be paid into the State  
24 Stores Fund. Any violation of this act or the board's  
25 regulations for governing activity occurring under the authority  
26 of this permit may be the basis for the issuance of a citation  
27 under section 471, the nonrenewal of the license under section  
28 470 or the refusal by the board to issue subsequent permits or  
29 honor subsequent dates on the existing permit. This penalty  
30 shall be in addition to any other remedies available to the

1 enforcement bureau or the board.

2 (34) Noise. Notwithstanding any law or regulation to the  
3 contrary, a licensee may not use or permit to be used inside or  
4 outside of the licensed premises a loudspeaker or similar device  
5 whereby the sound of music or other entertainment, or the  
6 advertisement thereof, can be heard beyond the licensee's  
7 property line[.]; however, any licensee that is located in an  
8 area which is subject to an exemption from the board's  
9 regulation regarding amplified music being heard off the  
10 licensed premises shall be exempt from compliance with this  
11 paragraph until the expiration of the board's order granting the  
12 exemption. The board's regulation regarding amplified music  
13 being heard off the licensed premises is otherwise superseded by  
14 this paragraph.

15 Section 9. Section 493.1 of the act, amended December 9,  
16 2002 (P.L.1653, No.212), July 17, 2003 (P.L.63, No.15) and  
17 December 22, 2011 (P.L.530, No.113), is amended to read:

18 Section 493.1. Rights of Municipalities Preserved.--(a)  
19 Nothing in this act shall be construed to preempt the right of  
20 any municipality to regulate zoning and enforce any other local  
21 ordinances and codes dealing with health and welfare issues.

22 (b) A municipality may file a petition with the board for an  
23 exemption [from the board's regulations regarding amplified  
24 music being heard off the licensed premises] section 493(34) of  
25 this act for all the licensees within an identifiable area in  
26 the municipality. Prior to submitting a petition, the  
27 municipality shall adopt a local noise ordinance and a  
28 resolution adopted by its governing body confirming support of  
29 the petition, citing the noise ordinance and its intention to  
30 enforce the ordinance in place of [the board's regulations]

1 section 493(34) of this act. Upon receipt of a petition,  
2 including a copy of the noise ordinance, a map of the area to be  
3 exempted and resolution, the board shall hold at least one (1)  
4 public hearing on the petition. The hearing may be held before a  
5 hearing examiner. The hearing shall take place within the  
6 identified area and must comply with the notice, recording and  
7 public participation requirements of 65 Pa.C.S. Ch. 7 (relating  
8 to open meetings). Within sixty (60) days after receipt of the  
9 petition, the board shall disapprove the petition for an  
10 exemption in its entirety or may approve an area more limited  
11 for which the exemption will be granted if the board finds that  
12 granting the petition shall have an adverse effect on the  
13 welfare, health, peace and morals of the residents living in the  
14 vicinity of the identified area; otherwise, the board shall  
15 approve the petition. The board may place additional conditions  
16 on its approval such as limiting the duration of the approval  
17 and any other condition the board deems appropriate. There shall  
18 be a right to appeal to the court of common pleas in the same  
19 manner as provided by this act for appeals from refusals to  
20 grant licenses.

21 (c) A municipality may rescind any existing exemption from  
22 [the board's regulations regarding amplified music] section  
23 493(34) of this act by notifying the board of its intent to do  
24 so in writing, fifteen (15) days prior to the rescission date.  
25 Such notice must be accompanied by an ordinance or resolution  
26 authorizing the rescission. A rescission of an existing  
27 exemption which does not rescind the entire exempted area shall  
28 be treated as a new petition for exemption with the board and  
29 shall follow the procedures set forth in subsection (b).

30 (d) (1) Notwithstanding any other provision of law to the



1 contrary, a restaurant liquor license located on premises owned  
2 by a city of the first class, listed on the National Register of  
3 Historic Places and which contains a structure that is at least  
4 one hundred (100) years old shall not be subject to [the board's  
5 regulations regarding amplified music] section 493(34) of this  
6 act.

7 (2) Notwithstanding any other provision of law to the  
8 contrary, a limited winery license that is located in a second  
9 class township in a class 2A county that has a State historic  
10 site owned and operated by the Commonwealth under the direction  
11 of the Pennsylvania Historical and Museum Commission and is  
12 located on property that also contains a building that is listed  
13 on the registry of historic places of a class 2A county shall  
14 not be subject to [the board's regulations regarding amplified  
15 music] section 493(34) of this act.

16 ~~Section 10. Section 505.2(a)(4) of the act, amended December~~ ←  
17 ~~22, 2011 (P.L.530, No.113), is amended and the subsection is~~  
18 ~~amended by adding a paragraph to read:~~

19 ~~Section 505.2. Limited Wineries. (a) In the interest of~~  
20 ~~promoting tourism and recreational development in Pennsylvania,~~  
21 ~~holders of a limited winery license may:~~

22 \* \* \*

23 ~~(4) (i) At the discretion of the board, obtain a special~~  
24 ~~permit to participate in alcoholic cider, wine and food~~  
25 ~~expositions off the licensed premises. A special permit shall be~~  
26 ~~issued upon proper application and payment of a fee of thirty~~  
27 ~~dollars (\$30) per day for each day of permitted use, not to~~  
28 ~~exceed thirty (30) consecutive days. The total number of days~~  
29 ~~for all the special permits may not exceed one hundred (100)~~  
30 ~~days in any calendar year. A special permit shall entitle the~~

1 holder to engage in the sale by the glass, by the bottle or in-  
2 case lots of alcoholic cider or wine produced by the permittee-  
3 under the authority of a limited winery license. Holders of-  
4 special permits may provide tasting samples of wines in-  
5 individual portions not to exceed one fluid ounce. Samples at-  
6 alcoholic cider, wine and food expositions may be sold or-  
7 offered free of charge. Except as provided herein, limited-  
8 wineries utilizing special permits shall be governed by all-  
9 applicable provisions of this act as well as by all applicable-  
10 regulations or conditions adopted by the board.

11 For the purposes of this clause, "alcoholic cider, wine and-  
12 food expositions" are defined as affairs held indoors or-  
13 outdoors with the intent of [promoting Pennsylvania products by]-  
14 educating those in attendance of the availability, nature and-  
15 quality of [Pennsylvania produced] alcoholic ciders and wines in-  
16 conjunction with suitable food displays, demonstrations and-  
17 sales. Alcoholic cider, wine and food expositions may also-  
18 include activities other than alcoholic cider, wine and food-  
19 displays, including arts and crafts, musical activities,-  
20 cultural exhibits, agricultural exhibits and farmers markets.

21 (ii) At the discretion of the board, wineries located  
22 outside of Pennsylvania holding a valid winery or wine  
23 manufacturing license issued by another state and producing no  
24 more than two hundred thousand (200,000) gallons of wine per  
25 year may obtain a special permit to participate in alcoholic  
26 cider, wine and food expositions within this Commonwealth. A  
27 special permit shall be issued upon proper application and  
28 payment of a fee of thirty dollars (\$30) per day for each day of  
29 permitted use, not to exceed thirty (30) consecutive days. The  
30 total number of days for all special permits shall not exceed

1 ~~one hundred (100) days in any calendar year. A special permit~~  
2 ~~shall entitle the holder to engage in the sale by the glass, by~~  
3 ~~the bottle or in case lots of alcoholic cider or wine produced~~  
4 ~~by the permittee. Holders of special permits may provide tasting~~  
5 ~~samples of wine in individual portions not to exceed one fluid~~  
6 ~~ounce. Samples of alcoholic cider, wine and food expositions may~~  
7 ~~be sold or offered free of charge. Except as provided herein,~~  
8 ~~any out of State winery utilizing special permits issued by this~~  
9 ~~subsection shall be governed by all applicable provisions of~~  
10 ~~this act as well as by all applicable regulations or conditions~~  
11 ~~adopted by the board.~~

12 ~~For the purpose of this clause, alcoholic cider, wine and~~  
13 ~~food expositions are defined as affairs held indoors or outdoors~~  
14 ~~with the intent of educating those in attendance of the~~  
15 ~~availability, nature and quality of alcoholic ciders and wines~~  
16 ~~in conjunction with suitable food displays, including arts and~~  
17 ~~crafts, musical activities, cultural exhibits, agricultural~~  
18 ~~exhibits and farmers markets.~~

19 \* \* \*

20 Section 11 10. This act shall take effect as follows: ←

21 (1) The amendment of sections 493(34) and 493.1 of the  
22 act shall take effect immediately.

23 (2) This section shall take effect immediately.

24 (3) The remainder of this act shall take effect in 60  
25 days.