

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2410 Session of 2012

INTRODUCED BY MARSHALL, CHRISTIANA, BOYD, CALTAGIRONE,
 DENLINGER, DIGIROLAMO, FARRY, GIBBONS, HUTCHINSON, KILLION,
 KOTIK, LAWRENCE, MATZIE, MCGEEHAN, MICCARELLI, MUSTIO,
 M. O'BRIEN, PETRI, QUIGLEY, READSHAW, REED, SACCONI, SANTONI,
 TAYLOR AND VULAKOVICH, MAY 31, 2012

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 31, 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 local option.

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

20 Section 1. Section 472(a) and (d) of the act of April 12,
 21 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and
 22 amended June 29, 1987 (P.L.32, No.14), amended February 21, 2002
 23 (P.L.103, No.10) and June 28, 2011 (P.L.55, No.11), are amended
 24 to read:

1 Section 472. Local Option.--(a) In any municipality or any
2 part of a municipality where such municipality is split so that
3 each part thereof is separated by another municipality, an
4 election may be held, subject to subsection (c), on the date of
5 the primary election immediately preceding any municipal
6 election, but not oftener than once in four years, to determine
7 the will of the electors with respect to the granting of liquor
8 licenses to hotels, restaurants, resort facilities and clubs,
9 not oftener than once in four years, to determine the will of
10 the electors with respect to the granting of liquor licenses to
11 public venues, to performing arts facilities, to continuing care
12 retirement communities, to hotels located on property owned by
13 an accredited college or university, to privately-owned private
14 golf courses or to privately-owned public golf courses, not
15 oftener than once in four years, to determine the will of the
16 electors with respect to the granting of licenses to retail
17 dispensers of malt and brewed beverages, not oftener than once
18 in four years, to determine the will of the electors with
19 respect to granting of licenses to wholesale distributors and
20 importing distributors, not more than once in two years, to
21 determine the will of the electors with respect to the granting
22 of club liquor licenses or club retail dispenser licenses to
23 incorporated units of national veterans' organizations, not
24 oftener than once in two years to determine the will of the
25 electors with respect to the granting of special occasion
26 permits to qualified organizations, or not more than once in
27 four years, to determine the will of the electors with respect
28 to the establishment, operation and maintenance by the board of
29 Pennsylvania liquor stores, within the limits of such
30 municipality or part of a split municipality, under the

1 provisions of this act: Provided, however, Where an election
2 shall have been held at the primary preceding a municipal
3 election in any year, another election may be held under the
4 provisions of this act at the primary occurring the fourth year
5 after such prior election: And provided further, That an
6 election on the question of establishing and operating a State
7 liquor store shall be initiated only in those municipalities, or
8 that part of a split municipality that shall have voted against
9 the granting of liquor licenses; and that an election on the
10 question of granting wholesale distributor and importing
11 distributor licenses shall be initiated only in those
12 municipalities or parts of split municipalities that shall have
13 at a previous election voted against the granting of dispenser's
14 licenses. Whenever electors equal to at least twenty-five per
15 centum of the highest vote cast for any office in the
16 municipality or part of a split municipality at the last
17 preceding general election shall file a petition with the county
18 board of elections of the county for a referendum on the
19 question of granting any of said classes of licenses or the
20 establishment of Pennsylvania liquor stores, the said county
21 board of elections shall cause a question to be placed on the
22 ballots or on the voting machine board and submitted at the
23 primary immediately preceding the municipal election. Separate
24 petitions must be filed for each question to be voted on.
25 Provided, however, That in the case where two or more
26 municipalities have merged and the resulting municipality
27 prohibits the issuance of any such classes of licenses or the
28 establishment of Pennsylvania liquor stores, the county board of
29 elections shall cause questions of granting any such classes of
30 licenses or the establishment of Pennsylvania liquor stores to

1 be placed on the ballots or on the voting machine board and
2 submitted at the primary immediately preceding the municipal
3 election without a petition being filed by the electors. The
4 municipality shall provide notice to the electors prior to the
5 primary detailing the questions which will appear on the ballot.

6 Said proceedings shall be in the manner and subject to the
7 provisions of the election laws which relate to the signing,
8 filing and adjudication of nomination petitions, insofar as such
9 provisions are applicable.

10 When the question is in respect to the granting of liquor
11 licenses, it shall be in the following form:

12 Do you favor the granting of liquor licenses for the
13 sale of liquor in..... Yes
14 of.....? No

15 When the question is in respect to the granting of liquor
16 licenses to resort facilities in those municipalities that do
17 not already allow the retail sale of liquor, it shall be in the
18 following form:

19 Do you favor the granting of liquor licenses to resort
20 facilities for the sale of liquor in the..... Yes
21 of.....? No

22 When the question is in respect to the granting of restaurant
23 liquor licenses for use at public venues in those municipalities
24 that do not already allow the retail sale of liquor, it shall be
25 in the following form:

26 Do you favor the granting of liquor licenses to public
27 venues for the sale of liquor in the..... Yes
28 of.....? No

29 When the question is in respect to the granting of restaurant
30 liquor licenses for use at performing arts facilities in those

1 municipalities that do not already allow the retail sale of
2 alcohol, it shall be in the following form:

3 Do you favor the granting of liquor licenses to
4 performing arts facilities for the sale of liquor in
5 the..... Yes
6 of.....? No

7 When the question is in respect to the granting of liquor
8 licenses for hotels located on property owned by an accredited
9 college or university in those municipalities that do not
10 already allow the granting of liquor licenses, it shall be in
11 the following form:

12 Do you favor the granting of liquor licenses to hotels
13 on property owned by an accredited college or university
14 in the..... Yes
15 of.....? No

16 When the question is in respect to the granting of liquor
17 licenses, for privately-owned private golf courses, it shall be
18 in the following form:

19 Do you favor the granting of liquor licenses for
20 privately-owned private golf courses for the sale of
21 liquor in.....by..... Yes
22 of.....? No

23 When the question is in respect to the granting of liquor
24 licenses, for privately-owned public golf courses, it shall be
25 in the following form:

26 Do you favor the granting of liquor licenses for
27 privately-owned public golf courses for the sale of
28 liquor in.....by..... Yes
29 of.....? No

30 When the question is in respect to the granting of liquor

1 licenses to continuing care retirement communities in those
2 municipalities that have not already approved the granting of
3 liquor licenses, it shall be in the following form:

4 Do you favor the granting of liquor licenses for
5 continuing care retirement communities
6 in.....by..... Yes
7 of.....? No

8 When the question is in respect to the granting of licenses
9 to retail dispensers of malt and brewed beverages, it shall be
10 in the following form:

11 Do you favor the granting of malt and brewed beverage
12 retail dispenser licenses for consumption on premises
13 where sold in the..... Yes
14 of.....? No

15 When the question is in respect to the granting of licenses
16 to wholesale distributors of malt or brewed beverages and
17 importing distributors, it shall be in the following form:

18 Do you favor the granting of malt and brewed beverage
19 wholesale distributor's and importing distributor's
20 licenses not for consumption on premises where sold in
21 the..... Yes
22 of.....? No

23 When the question is in respect to the granting of club
24 liquor licenses to incorporated units of national veterans'
25 organizations, it shall be in the following form:

26 Do you favor the granting of club liquor licenses to
27 incorporated units of national veterans' organizations
28 in the..... Yes
29 of.....? No

30 When the question is in respect to the granting of club
31

1 retail dispenser licenses to incorporated units of national
2 veterans' organizations, it shall be in the following form:

3 Do you favor the granting of club retail dispenser
4 licenses to incorporated units of national veterans'
5 organizations in the..... Yes
6 of.....? No

7 When the question is in respect to the granting of special
8 occasion permits allowing the sale of liquor by qualified
9 organizations in municipalities that do not already allow the
10 retail sale of liquor, it shall be in the following form:

11 Do you favor the granting of special occasion permits to
12 allow the sale of liquor by qualified organizations in
13 the..... Yes
14 of.....? No

15 When the question is in respect to the granting of special
16 occasion permits allowing the sale of malt or brewed beverages
17 only by qualified organizations in municipalities that do not
18 already allow the retail sale of malt or brewed beverages, it
19 shall be in the following form:

20 Do you favor the granting of special occasion permits to
21 allow the sale of malt or brewed beverages only by
22 qualified organizations in the..... Yes
23 of.....? No

24 When the question is in respect to the establishment,
25 operation and maintenance of Pennsylvania liquor stores it shall
26 be in the following form:

27 Do you favor the establishment, operation and
28 maintenance of Pennsylvania liquor stores in
29 the..... Yes
30 of.....? No

1 In case of a tie vote, the status quo shall obtain. If a
2 majority of the voting electors on any such question vote "yes,"
3 then liquor licenses shall be granted by the board to hotels,
4 restaurants, resort facilities and clubs, or liquor licenses
5 shall be granted by the board to public venues, to performing
6 arts facilities, to continuing care retirement communities, to
7 hotels located on property owned by an accredited college or
8 university, to privately-owned private golf courses or to
9 privately-owned public golf courses, or malt and brewed beverage
10 retail dispenser licenses or wholesale distributor's and
11 importing distributor's license for the sale of malt or brewed
12 beverages shall be granted by the board, or club liquor licenses
13 or club retail dispenser licenses shall be granted by the board
14 to incorporated units of national veterans' organizations, or
15 special occasion permits may be issued to qualified
16 organizations, or the board may establish, operate and maintain
17 Pennsylvania liquor stores, as the case may be, in such
18 municipality or part of a split municipality, as provided by
19 this act; but if a majority of the electors voting on any such
20 question vote "no," then the board shall have no power to grant
21 or to renew upon their expiration any licenses of the class so
22 voted upon in such municipality or part of a split municipality;
23 or if the negative vote is on the question in respect to the
24 establishment, operation and maintenance of Pennsylvania liquor
25 stores, the board shall not open and operate a Pennsylvania
26 liquor store in such municipality or part of a split
27 municipality, nor continue to operate a then existing
28 Pennsylvania liquor store in the municipality or part of a split
29 municipality for more than two years thereafter or after the
30 expiration of the term of the lease on the premises occupied by

1 such store, whichever period is less, unless and until at a
2 later election a majority of the voting electors vote "yes" on
3 such question.

4 * * *

5 (d) Nothing in this section shall prohibit the board from
6 approving:

7 (1) The transfer of a retail license from a municipality
8 which has voted to prohibit the issuance of such a license to a
9 location in another municipality in the same county that allows
10 the issuance of that type of license.

11 (2) The renewal or transfer of a restaurant liquor license
12 in a municipality which has voted to prohibit the issuance of
13 such a license if:

14 (i) the license is located in a township of the second class
15 within a county of the third class;

16 (ii) the license was originally issued prior to 1950; and

17 (iii) the premises have been licensed for at least fifty
18 years.

19 (3) The renewal or transfer of a restaurant liquor license,
20 an eating place retail dispenser license, a hotel license or a
21 distributor license in a location in which two or more
22 municipalities have merged and the resulting municipality
23 prohibits the issuance of such licenses.

24 * * *

25 Section 2. This act shall take effect in 60 days.