

## 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

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 5, 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~~

1 ~~to read:~~

2 SECTION 1. SECTION 472(D) OF THE ACT OF APRIL 12, 1951 ←  
3 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED  
4 JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED JUNE 28, 2011 (P.L.55,  
5 NO.11), IS AMENDED TO READ:

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

~~1 permits to qualified organizations, or not more than once in  
2 four years, to determine the will of the electors with respect  
3 to the establishment, operation and maintenance by the board of  
4 Pennsylvania liquor stores, within the limits of such  
5 municipality or part of a split municipality, under the  
6 provisions of this act: Provided, however, Where an election  
7 shall have been held at the primary preceding a municipal  
8 election in any year, another election may be held under the  
9 provisions of this act at the primary occurring the fourth year  
10 after such prior election: And provided further, That an  
11 election on the question of establishing and operating a State  
12 liquor store shall be initiated only in those municipalities, or  
13 that part of a split municipality that shall have voted against  
14 the granting of liquor licenses; and that an election on the  
15 question of granting wholesale distributor and importing  
16 distributor licenses shall be initiated only in those  
17 municipalities or parts of split municipalities that shall have  
18 at a previous election voted against the granting of dispenser's  
19 licenses. Whenever electors equal to at least twenty five per  
20 centum of the highest vote cast for any office in the  
21 municipality or part of a split municipality at the last  
22 preceding general election shall file a petition with the county  
23 board of elections of the county for a referendum on the  
24 question of granting any of said classes of licenses or the  
25 establishment of Pennsylvania liquor stores, the said county  
26 board of elections shall cause a question to be placed on the  
27 ballots or on the voting machine board and submitted at the  
28 primary immediately preceding the municipal election. Separate  
29 petitions must be filed for each question to be voted on.  
30 Provided, however, That in the case where two or more~~

~~1 municipalities have merged and the resulting municipality  
2 prohibits the issuance of any such classes of licenses or the  
3 establishment of Pennsylvania liquor stores, the county board of  
4 elections shall cause questions of granting any such classes of  
5 licenses or the establishment of Pennsylvania liquor stores to  
6 be placed on the ballots or on the voting machine board and  
7 submitted at the primary immediately preceding the municipal  
8 election without a petition being filed by the electors. The  
9 municipality shall provide notice to the electors prior to the  
10 primary detailing the questions which will appear on the ballot.  
11 Said proceedings shall be in the manner and subject to the  
12 provisions of the election laws which relate to the signing,  
13 filing and adjudication of nomination petitions, insofar as such  
14 provisions are applicable.~~

~~15 When the question is in respect to the granting of liquor  
16 licenses, it shall be in the following form:~~

~~17 Do you favor the granting of liquor licenses for the  
18 sale of liquor in..... Yes  
19 of.....? No~~

~~20 When the question is in respect to the granting of liquor  
21 licenses to resort facilities in those municipalities that do  
22 not already allow the retail sale of liquor, it shall be in the  
23 following form:~~

~~24 Do you favor the granting of liquor licenses to resort  
25 facilities for the sale of liquor in the..... Yes  
26 of.....? No~~

~~27 When the question is in respect to the granting of restaurant  
28 liquor licenses for use at public venues in those municipalities  
29 that do not already allow the retail sale of liquor, it shall be  
30 in the following form:~~

1 ~~Do you favor the granting of liquor licenses to public~~  
2 ~~venues for the sale of liquor in the.....~~ Yes  
3 ~~of.....?~~ No

4 ~~When the question is in respect to the granting of restaurant~~  
5 ~~liquor licenses for use at performing arts facilities in those~~  
6 ~~municipalities that do not already allow the retail sale of~~  
7 ~~alcohol, it shall be in the following form:~~

8 ~~Do you favor the granting of liquor licenses to~~  
9 ~~performing arts facilities for the sale of liquor in~~  
10 ~~the.....~~ Yes  
11 ~~of.....?~~ No

12 ~~When the question is in respect to the granting of liquor~~  
13 ~~licenses for hotels located on property owned by an accredited~~  
14 ~~college or university in those municipalities that do not~~  
15 ~~already allow the granting of liquor licenses, it shall be in~~  
16 ~~the following form:~~

17 ~~Do you favor the granting of liquor licenses to hotels~~  
18 ~~on property owned by an accredited college or university~~  
19 ~~in the.....~~ Yes  
20 ~~of.....?~~ No

21 ~~When the question is in respect to the granting of liquor~~  
22 ~~licenses, for privately owned private golf courses, it shall be~~  
23 ~~in the following form:~~

24 ~~Do you favor the granting of liquor licenses for~~  
25 ~~privately owned private golf courses for the sale of~~  
26 ~~liquor in.....by.....~~ Yes  
27 ~~of.....?~~ No

28 ~~When the question is in respect to the granting of liquor~~  
29 ~~licenses, for privately owned public golf courses, it shall be~~  
30 ~~in the following form:~~

1 ~~Do you favor the granting of liquor licenses for~~  
2 ~~privately owned public golf courses for the sale of~~  
3 ~~liquor in.....by.....~~ Yes  
4 ~~of.....?~~ No

5 ~~When the question is in respect to the granting of liquor~~  
6 ~~licenses to continuing care retirement communities in those~~  
7 ~~municipalities that have not already approved the granting of~~  
8 ~~liquor licenses, it shall be in the following form:~~

9 ~~Do you favor the granting of liquor licenses for~~  
10 ~~continuing care retirement communities~~  
11 ~~in.....by.....~~ Yes  
12 ~~of.....?~~ No

13 ~~When the question is in respect to the granting of licenses~~  
14 ~~to retail dispensers of malt and brewed beverages, it shall be~~  
15 ~~in the following form:~~

16 ~~Do you favor the granting of malt and brewed beverage<sup>47</sup>~~  
17 ~~retail dispenser licenses for consumption on premises~~  
18 ~~where sold in the.....~~ Yes  
19 ~~of.....?~~ No

21 ~~When the question is in respect to the granting of licenses~~  
22 ~~to wholesale distributors of malt or brewed beverages and~~  
23 ~~importing distributors, it shall be in the following form:~~

24 ~~Do you favor the granting of malt and brewed beverage~~  
25 ~~wholesale distributor's and importing distributor's~~  
26 ~~licenses not for consumption on premises where sold in~~  
27 ~~the.....~~ Yes  
28 ~~of.....?~~ No

29 ~~When the question is in respect to the granting of club~~  
30 ~~liquor licenses to incorporated units of national veterans'~~  
31 ~~organizations, it shall be in the following form:~~

1 ~~Do you favor the granting of club liquor licenses to~~  
2 ~~incorporated units of national veterans' organizations~~  
3 ~~in the.....~~ Yes  
4 ~~of.....?~~ No

5 ~~When the question is in respect to the granting of club~~  
6 ~~retail dispenser licenses to incorporated units of national~~  
7 ~~veterans' organizations, it shall be in the following form:~~

8 ~~Do you favor the granting of club retail dispenser~~  
9 ~~licenses to incorporated units of national veterans'~~  
10 ~~organizations in the.....~~ Yes  
11 ~~of.....?~~ No

12 ~~When the question is in respect to the granting of special~~  
13 ~~occasion permits allowing the sale of liquor by qualified~~  
14 ~~organizations in municipalities that do not already allow the~~  
15 ~~retail sale of liquor, it shall be in the following form:~~

16 ~~Do you favor the granting of special occasion permits to~~  
17 ~~allow the sale of liquor by qualified organizations in~~  
18 ~~the.....~~ Yes  
19 ~~of.....?~~ No

20 ~~When the question is in respect to the granting of special~~  
21 ~~occasion permits allowing the sale of malt or brewed beverages~~  
22 ~~only by qualified organizations in municipalities that do not~~  
23 ~~already allow the retail sale of malt or brewed beverages, it~~  
24 ~~shall be in the following form:~~

25 ~~Do you favor the granting of special occasion permits to~~  
26 ~~allow the sale of malt or brewed beverages only by~~  
27 ~~qualified organizations in the.....~~ Yes  
28 ~~of.....?~~ No

29 ~~When the question is in respect to the establishment,~~  
30 ~~operation and maintenance of Pennsylvania liquor stores it shall~~

1 ~~be in the following form:~~

2 ~~Do you favor the establishment, operation and~~  
3 ~~maintenance of Pennsylvania liquor stores in~~  
4 ~~the..... Yes~~  
5 ~~of.....? No~~

6 ~~In case of a tie vote, the status quo shall obtain. If a~~  
7 ~~majority of the voting electors on any such question vote "yes,"~~  
8 ~~then liquor licenses shall be granted by the board to hotels,~~  
9 ~~restaurants, resort facilities and clubs, or liquor licenses~~  
10 ~~shall be granted by the board to public venues, to performing~~  
11 ~~arts facilities, to continuing care retirement communities, to~~  
12 ~~hotels located on property owned by an accredited college or~~  
13 ~~university, to privately owned private golf courses or to~~  
14 ~~privately owned public golf courses, or malt and brewed beverage~~  
15 ~~retail dispenser licenses or wholesale distributor's and~~  
16 ~~importing distributor's license for the sale of malt or brewed~~  
17 ~~beverages shall be granted by the board, or club liquor licenses~~  
18 ~~or club retail dispenser licenses shall be granted by the board~~  
19 ~~to incorporated units of national veterans' organizations, or~~  
20 ~~special occasion permits may be issued to qualified~~  
21 ~~organizations, or the board may establish, operate and maintain~~  
22 ~~Pennsylvania liquor stores, as the case may be, in such~~  
23 ~~municipality or part of a split municipality, as provided by~~  
24 ~~this act; but if a majority of the electors voting on any such~~  
25 ~~question vote "no," then the board shall have no power to grant~~  
26 ~~or to renew upon their expiration any licenses of the class so~~  
27 ~~voted upon in such municipality or part of a split municipality;~~  
28 ~~or if the negative vote is on the question in respect to the~~  
29 ~~establishment, operation and maintenance of Pennsylvania liquor~~  
30 ~~stores, the board shall not open and operate a Pennsylvania~~



1 ~~liquor store in such municipality or part of a split-~~  
2 ~~municipality, nor continue to operate a then existing-~~  
3 ~~Pennsylvania liquor store in the municipality or part of a split-~~  
4 ~~municipality for more than two years thereafter or after the-~~  
5 ~~expiration of the term of the lease on the premises occupied by-~~  
6 ~~such store, whichever period is less, unless and until at a-~~  
7 ~~later election a majority of the voting electors vote "yes" on-~~  
8 ~~such question.~~

9 \* \* \* \* \*



10 (d) Nothing in this section shall prohibit the board from  
11 approving:

12 (1) The transfer of a retail license from a municipality  
13 which has voted to prohibit the issuance of such a license to a  
14 location in another municipality in the same county that allows  
15 the issuance of that type of license.

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

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

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

22 (iii) the premises have been licensed for at least fifty  
23 years.

24 (3) The renewal or transfer of a restaurant liquor license,  
25 an eating place retail dispenser license, a hotel license or a  
26 distributor license in a location in which two or more  
27 municipalities have merged and the resulting municipality  
28 prohibits the issuance of such licenses.

29 \* \* \*

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