

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 100 Session of 2013

INTRODUCED BY McILHINNEY, ALLOWAY, WHITE, YAW, SCARNATI,
YUDICHAK, BROWNE, MENSCH AND CORMAN, FEBRUARY 13, 2013

REFERRED TO LAW AND JUSTICE, FEBRUARY 13, 2013

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 providing for wine and spirits retail license; and further
18 providing for interlocking business prohibited.

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

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

24 Section 415. Wine and Spirits Retail License.--(a) The
25 board is authorized to issue one wine and spirits retail license
26 to each person, association or corporation holding and

1 possessing a hotel liquor license or restaurant liquor license
2 in good standing.

3 (b) A license shall authorize the sale at retail of wine and
4 spirits on the licensed premises, during normal business hours,
5 for up to seven days a week. A licensee may sell, for
6 consumption off premises, wine and spirits in any quantity. No
7 sales may take place after twelve o'clock midnight of any day
8 until seven o'clock antemeridian of the same day.

9 (c) An applicant shall file a written application with the
10 board in the manner determined by the board. The application
11 shall include a description or plan of the part of the hotel or
12 restaurant where the storage and sales of wine and spirits for
13 retail are proposed.

14 (d) The board shall impose an annual license fee in the
15 amount of ten thousand dollars (\$10,000) for a wine and spirits
16 retail license. No other fees shall apply to a wine and spirits
17 retail licensee.

18 (e) Each Pennsylvania Liquor Store shall sell wine and
19 spirits at ten per centum (10%) above the board's actual
20 purchase price, plus applicable taxes, to wine and spirits
21 retail licensees.

22 (f) A person, association or corporation may apply for only
23 one wine and spirits retail license to be used at one location.

24 Section 2. Section 443(b) of the act, amended May 31, 1996
25 (P.L.312, No.49), is amended to read:

26 Section 443. Interlocking Business Prohibited.--* * *

27 (b) No distributor or importing distributor and no officer
28 or director of any distributor or importing distributor shall at
29 the same time be a manufacturer, a retail dispenser or a liquor
30 licensee, or be an officer, director, stockholder or creditor of

1 a manufacturer, a retail dispenser or a liquor licensee, or,
2 directly or indirectly, own any stock of, or have any financial
3 interest in, or be the owner, proprietor or lessor of, any place
4 covered by any other malt or brewed beverage or liquor
5 license[.], except that the holder of a distributor license may
6 also hold and operate one retail dispenser license as provided
7 under section 432 for use at premises adjoining and open to the
8 distributor's licensed premises. All requirements for each
9 respective license must be satisfied. The board shall assess a
10 one-time license fee in the amount of ten thousand dollars
11 (\$10,000) for the additional license and all other applicable
12 filing and license fees shall be as prescribed under section
13 614-A of the act of April 9, 1929 (P.L.177, No.175), known as
14 "The Administrative Code of 1929."

15 * * *

16 Section 3. This act shall take effect in 60 days.