

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1196 Session of
2015

INTRODUCED BY PETRI, MAY 13, 2015

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES, JUNE
28, 2016

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," in- <--
17 ~~licenses and regulations and liquor, alcohol and malt and~~
18 ~~brewed beverages, providing for national event permit and~~
19 ~~further providing for malt and brewed beverages~~
20 ~~manufacturers', distributors' and importing distributors'~~
21 ~~licenses.~~ IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR <--
22 DEFINITIONS; IN PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER
23 PROVIDING FOR GENERAL POWERS OF BOARD; IN PENNSYLVANIA LIQUOR
24 STORES, FURTHER PROVIDING FOR SALES BY PENNSYLVANIA LIQUOR
25 STORES; IN LICENSES AND REGULATIONS AND LIQUOR, ALCOHOL AND
26 MALT AND BREWED BEVERAGES, FURTHER PROVIDING FOR SALES BY
27 LIQUOR LICENSEES AND RESTRICTIONS, PROVIDING FOR NATIONAL
28 EVENT PERMIT, FURTHER PROVIDING FOR WINE EXPANDED PERMITS,
29 FOR CASINO LIQUOR LICENSE, FOR MALT AND BREWED BEVERAGES
30 MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
31 LICENSES, FOR MALT AND BREWED BEVERAGE RETAIL LICENSES, FOR
32 BRAND REGISTRATION, FOR PENNSYLVANIA MALT AND BREWED
33 BEVERAGES INDUSTRY PROMOTION BOARD, FOR LICENSE AUCTION, FOR

1 UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND LIQUOR
2 LICENSEES AND FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
3 BREWED BEVERAGES AND LICENSEES; AND, IN DISTILLERIES,
4 WINERIES, BONDED WAREHOUSES, BAILEES FOR HIRE AND
5 TRANSPORTERS FOR HIRE, FURTHER PROVIDING FOR LIMITED
6 WINERIES; AND MAKING A RELATED REPEAL.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

12 SECTION 1. THE DEFINITIONS OF "ALCOHOLIC CIDER," "MALT OR <--
13 BREWED BEVERAGES" AND "MUG CLUB" IN SECTION 102 OF THE ACT OF
14 APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE,
15 REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14), AMENDED
16 JUNE 18, 1998 (P.L.664, NO.86) AND AMENDED OR ADDED JUNE 8, 2016
17 (P.L.273, NO.39), ARE AMENDED AND THE SECTION IS AMENDED BY
18 ADDING A DEFINITION TO READ:

19 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
20 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
21 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

22 * * *

23 "ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN
24 CARBONATION IN AN AMOUNT NOT TO EXCEED [THREE HUNDRED NINETY-TWO
25 ONE THOUSANDTHS OF A GRAM PER ONE HUNDRED MILLILITERS AND
26 FLAVORS] SIX AND FOUR TENTHS GRAMS PER LITER, PRODUCED THROUGH
27 ALCOHOLIC FERMENTATION OF ANY FRUIT OR FRUIT JUICE, CONSISTING
28 OF AT LEAST ONE-HALF OF ONE PER CENTUM, BUT NOT GREATER THAN
29 EIGHT AND ONE-HALF PER CENTUM, ALCOHOL BY VOLUME AND SOLD OR
30 OFFERED FOR SALE AS ALCOHOLIC CIDER AND NOT AS A WINE, A WINE
31 PRODUCT OR AS A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS,
32 CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE
33 OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

1 * * *

2 "MALT OR BREWED BEVERAGES" SHALL MEAN ANY BEER, LAGER BEER,
3 ALE, PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING ONE-
4 HALF OF ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY WHATEVER
5 NAME SUCH BEVERAGE MAY BE CALLED, AND SHALL MEAN ALCOHOLIC CIDER
6 AND MEAD.

7 * * *

8 "MEAD" SHALL MEAN AN ALCOHOLIC BEVERAGE PRODUCED BY
9 FERMENTING A SOLUTION OF AT LEAST FIFTY-ONE PER CENTUM HONEY,
10 WATER AND OTHER AGRICULTURAL PRODUCTS AND CONTAINING NOT MORE
11 THAN EIGHT AND ONE-HALF PER CENTUM ALCOHOL BY VOLUME AND SOLD OR
12 OFFERED FOR SALE AS MEAD AND NOT AS A WINE, A WINE PRODUCT OR AS
13 A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS, CANS OR OTHER
14 SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE OF MALT OR
15 BREWED BEVERAGES IN THIS COMMONWEALTH.

16 * * *

17 "MUG CLUB" SHALL MEAN A GROUP ORGANIZED BY A RETAIL LICENSEE
18 OR A BREWERY WHOSE MEMBERS ARE ENTITLED TO DISCOUNTED MALT OR
19 BREWED BEVERAGES. MEMBERSHIP SHALL BE BY WRITTEN APPLICATION AND
20 THE LICENSEE MUST MAINTAIN A WRITTEN LIST OF ACTIVE MEMBERS AS
21 PART OF ITS RECORDS. [MEMBERS SHALL PAY] LICENSEES MAY CHARGE AN
22 ANNUAL FEE AS WELL AS A RENEWAL FEE [AS SET BY THE LICENSEE.
23 MEMBERSHIP SHALL, AT A MINIMUM, ENTITLE THE MEMBER TO A MUG,
24 GLASS OR SIMILAR CONTAINER AND SAID CONTAINER MUST BE USED WHEN
25 THE MEMBER IS SERVED ANY DISCOUNTED MALT OR BREWED
26 BEVERAGES]. NO DISCOUNTED MALT OR BREWED BEVERAGES MAY BE
27 PROVIDED BETWEEN MIDNIGHT AND SEVEN O' CLOCK ANTEMERIDIAN.

28 * * *

29 SECTION 2. SECTION 207(B) (2) AND (L) OF THE ACT, AMENDED OR
30 ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED AND THE SECTION

1 IS AMENDED BY ADDING A SUBSECTION TO READ:

2 SECTION 207. GENERAL POWERS OF BOARD.--UNDER THIS ACT, THE
3 BOARD SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

4 * * *

5 (B) THE FOLLOWING SHALL APPLY:

6 * * *

7 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4), PRICES
8 SHALL BE PROPORTIONAL WITH PRICES PAID BY THE BOARD TO ITS
9 SUPPLIERS [AND MAY INCLUDE A HANDLING FEE]. THE BOARD SHALL NOT
10 ASSESS A HANDLING FEE ASIDE FROM THE LOGISTICS, TRANSPORTATION
11 AND MERCHANDISING FACTOR. THIS PROPORTIONAL PRICING PROVISION
12 SHALL NOT APPLY TO SPECIAL LIQUOR ORDERS AUTHORIZED UNDER
13 SECTION 305 (A) .

14 * * *

15 (L) TO BE LICENSED AS A LOTTERY SALES AGENT AS SET FORTH IN
16 SECTION 305 OF THE ACT OF AUGUST 26, 1971 (P.L.351, NO.91),
17 KNOWN AS THE STATE LOTTERY LAW, AND TO TAKE ANY ACTIONS
18 AUTHORIZED BY SUCH DESIGNATION EXCEPT THAT NO BOND, INSURANCE OR
19 INDEMNIFICATION MAY BE REQUIRED FROM THE BOARD. NOTWITHSTANDING
20 ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY PAY
21 THE HOLDER OF A WINNING TICKET UP TO AN AMOUNT THAT SHALL BE
22 ESTABLISHED JOINTLY BY THE BOARD AND THE DEPARTMENT OF REVENUE.
23 [ALL PROCEEDS RETAINED BY THE BOARD AS COMPENSATION FOR THE SALE
24 OF TICKETS, INCLUDING INCENTIVE AWARDS OR BONUSES, AS WELL AS
25 CREDIT FOR DIRECT PAYMENT OF PRIZES, SHALL BE DEPOSITED INTO THE
26 GENERAL FUND.]

27 * * *

28 (O) THE NAMES AND ADDRESSES OF INDIVIDUAL CONSUMERS WHO
29 PARTICIPATE IN A CUSTOMER RELATIONS MANAGEMENT PROGRAM OR
30 PURCHASE PRODUCTS FROM THE BOARD, AS WELL AS ANY RECORDS OR

1 INFORMATION THAT WOULD DISCLOSE THE PERSONAL PURCHASE CHOICES OF
2 INDIVIDUAL CONSUMERS, SHALL NOT BE SOLD OR OTHERWISE MADE
3 AVAILABLE TO THE PUBLIC UNDER ANY CIRCUMSTANCES, INCLUDING IN
4 RESPONSE TO A REQUEST MADE IN ACCORDANCE WITH THE ACT OF
5 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW
6 LAW."

7 SECTION 3. SECTION 305(J) AND (K) (3) OF THE ACT, ADDED JUNE
8 8, 2016 (P.L.273, NO.39), ARE AMENDED TO READ:

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

10 (J) A PENNSYLVANIA LIQUOR STORE MAY CONTINUE TO SELL
11 ALCOHOLIC CIDER AND MEAD WITHIN THE PENNSYLVANIA LIQUOR STORE'S
12 INVENTORY AFTER THE EFFECTIVE DATE OF THIS SECTION UNTIL THE
13 ALCOHOLIC CIDER AND MEAD WITHIN THE PENNSYLVANIA LIQUOR STORE'S
14 CURRENT INVENTORY IS DEPLETED. THE BOARD MAY NOT PURCHASE
15 ADDITIONAL ALCOHOLIC CIDER AND MEAD AFTER THE EFFECTIVE DATE OF
16 THIS SECTION.

17 (K) NOTWITHSTANDING THE PROVISIONS OF THE ACT OF AUGUST 26,
18 1971 (P.L.351, NO.91), KNOWN AS THE STATE LOTTERY LAW, THE
19 FOLLOWING SHALL APPLY IF THE BOARD BECOMES A LICENSED LOTTERY
20 SALES AGENT, AS SET FORTH IN SECTION 305 OF THE STATE LOTTERY
21 LAW:

22 * * *

23 (3) [ANY] NO COMMISSIONS, COMPENSATION OR ANY TYPE OF
24 INCENTIVE AWARD BASED UPON THE SALE OF LOTTERY TICKETS AND GAMES
25 SHALL BE [DEPOSITED BY THE BOARD INTO THE GENERAL FUND] AWARDED.

26 SECTION 4. (RESERVED).

27 SECTION 5. SECTION 406(A) (3) OF THE ACT, AMENDED JUNE 8,
28 2016 (P.L.273, NO.39), IS AMENDED TO READ:

29 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)

30 * * *

1 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
2 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
3 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR
4 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF [ELEVEN] NINE
5 O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON
6 PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS
7 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
8 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
9 [NOTWITHSTANDING THIS PROVISION, A LICENSEE HOLDING SUCH A
10 PERMIT MAY BEGIN SELLING LIQUOR AND MALT OR BREWED BEVERAGES ON
11 SUNDAY BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN
12 O'CLOCK ANTEMERIDIAN PROVIDED THAT THE LICENSEE OFFERS A MEAL
13 BEGINNING AT NINE O'CLOCK ANTEMERIDIAN.] AIRPORT RESTAURANT
14 LIQUOR LICENSEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON
15 SUNDAY BETWEEN THE HOURS OF FIVE O'CLOCK ANTEMERIDIAN AND TWO
16 O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT
17 FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A
18 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
19 ADMINISTRATIVE CODE OF 1929."

20 * * *

21 SECTION 6. (RESERVED).

22 SECTION 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

23 Section 408.17. National Event Permit.--(a) Upon
24 application of the chief executive of a national political party
25 conducting its national convention in this Commonwealth, or his
26 or her designee, or the official host committee of the national
27 convention, the board may issue a national event permit or
28 permits for events directly connected to the convention.

29 (b) The application shall include an application fee of
30 five-thousand dollars (\$5,000). No additional fee shall be

1 required for any subsequent application.

2 (c) The board shall approve the application unless doing so
3 would clearly be against the public interest. If the board
4 approves the application, the board shall determine the
5 location, date and hours that the permit shall be in effect.
6 More than one location may be licensed at one time.

7 (d) The permit shall have the same rights and restrictions
8 as a special occasion permit issued under section 408.4, except
9 as follows:

10 (1) The permit shall not be subject to the hours restriction
11 under section 408.4(k), the days restrictions under section
12 408(i) or the notice requirements under section 408.4(j).

13 (2) The permit may be issued to a location that is already
14 licensed by the board so long as the board clearly states which
15 permit or license is in effect.

16 (3) The permit holder may accept, import, possess or resell
17 donated alcohol acquired from licensed and unlicensed entities
18 so long as it receives board approval prior to doing so. The
19 donated alcohol does not need to come to rest at a Pennsylvania
20 Liquor Store prior to its use by the permit holder, unless the
21 board so directs. Malt or brewed beverages donated under this
22 section shall not need to come to rest at a licensed importing
23 distributor prior to their use by the permit holder, so long as
24 the donated brands are registered with the board and the board
25 approves the arrangement.

26 (4) If the proposed location is subject to a conditional
27 licensing agreement that imposes additional conditions on the
28 sale and service of alcohol at that location, the board may in
29 its discretion waive some or all of those conditions while the
30 permit is in effect.

1 (5) No sales for off-premises consumption may occur unless
2 the premises is already licensed by the board. In those cases,
3 sales for off-premises consumption shall be subject to the same
4 rights and restrictions as are imposed on the underlying
5 license.

6 (e) A copy of each approved permit shall be made available
7 to the public on the board's publicly accessible Internet
8 website.

9 (f) This section shall expire on July 29, 2016, and no
10 permit shall remain in effect after that date.

11 SECTION 8. SECTIONS 415(A)(9) AND (E)(3) AND (4) OF THE ACT, <--
12 ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED TO READ:

13 SECTION 415. WINE EXPANDED PERMITS.-- (A) * * *

14 (9) A SALE OF WINE BY A WINE EXPANDED PERMIT HOLDER SHALL BE
15 MADE THROUGH A REGISTER, WHICH MALT OR BREWED BEVERAGES AND
16 RESTAURANT FOODS SALES ARE MADE ON THE LICENSED PREMISES, WHICH
17 IS WELL DESIGNATED WITH SIGNAGE, WHICH IS STAFFED AT ALL TIMES
18 WHEN PATRONS ARE ON THE LICENSED PREMISES, WHICH IS STAFFED BY A
19 SALES CLERK WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND HAS BEEN
20 TRAINED UNDER SECTION 471.1 AND WHICH UTILIZES A TRANSACTION
21 SCAN DEVICE FOR THE SALE. THE SALE OF WINE MAY NOT OCCUR AT A
22 POINT OF SALE WHERE THE CUSTOMER SCANS THE CUSTOMER'S OWN
23 PURCHASES.

24 * * *

25 (E) * * *

26 (3) A WINE EXPANDED PERMIT HOLDER MAY, WHEN FILING ITS
27 REQUIRED RETURNS UNDER ARTICLE II OF THE TAX REFORM CODE OF
28 1971, REQUEST A [REFUND] CREDIT OF ANY TAXES PAID IN ACCORDANCE
29 WITH PARAGRAPH (1) FOR WINE SOLD FOR OFF-PREMISES CONSUMPTION
30 AND FOR WHICH TAXES WERE REMITTED TO THE DEPARTMENT UNDER

1 PARAGRAPH (2). [THE REQUEST FOR A REFUND SHALL INCLUDE THE
2 ORIGINAL RECEIPT FROM A PENNSYLVANIA LIQUOR STORE SHOWING THE
3 AMOUNT OF TAXES PAID UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER
4 IS REQUESTING A REFUND.

5 (4) THE DEPARTMENT SHALL REFUND THE AMOUNT OF TAXES PAID TO
6 A PENNSYLVANIA LIQUOR STORE BY A WINE EXPANDED PERMIT HOLDER
7 UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER REMITTED TAXES
8 IMPOSED UNDER PARAGRAPH (2). THE DEPARTMENT MAY PROMULGATE RULES
9 OR REGULATIONS AND PRESCRIBE FORMS AS MAY BE NECESSARY TO
10 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.]

11 * * *

12 SECTION 9. SECTION 416(B), (B.1) AND (C) (2), (3) AND (4) OF
13 THE ACT, ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED AND
14 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

15 SECTION 416. CASINO LIQUOR LICENSE.--* * *

16 (A.1) NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION, A
17 NONPRIMARY LOCATION, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
18 DEFINITIONS), MAY APPLY TO THE BOARD FOR A CASINO LIQUOR
19 LICENSE. THE BOARD MAY ISSUE A CASINO LIQUOR LICENSE TO A
20 NONPRIMARY LOCATION FOR USE IN ACCORDANCE WITH THIS SECTION. THE
21 FOLLOWING APPLY:

22 (1) THE APPLICATION FEE FOR A CASINO LIQUOR LICENSE ISSUED
23 TO A NONPRIMARY LOCATION UNDER THIS SUBSECTION SHALL BE AS
24 FOLLOWS:

25 (I) ONE MILLION DOLLARS (\$1,000,000) IN COUNTIES OF THE
26 FIRST THROUGH THIRD CLASS.

27 (II) SIX HUNDRED THOUSAND DOLLARS (\$600,000) IN COUNTIES OF
28 THE FOURTH AND FIFTH CLASS.

29 (III) TWO HUNDRED THOUSAND DOLLARS (\$200,000) IN COUNTIES OF
30 THE SIXTH THROUGH EIGHTH CLASS.

1 (2) A NONPRIMARY LOCATION HOLDING A CASINO LIQUOR LICENSE
2 SHALL BE SUBJECT TO AN ANNUAL RENEWAL FEE OF TEN THOUSAND
3 DOLLARS (\$10,000).

4 (B) EACH APPLICATION FOR A CASINO LICENSE UNDER THIS SECTION
5 SHALL BE ACCOMPANIED BY A FEE OF [ONE MILLION DOLLARS
6 (\$1,000,000)] FIVE HUNDRED THOUSAND DOLLARS (\$500,000).

7 (B.1) EACH RESTAURANT LICENSEE THAT DOES NOT HOLD A SLOT
8 MACHINE LICENSE BUT OPERATES WITHIN OR ADJACENT TO THE GAMING
9 FACILITY [MUST] SHALL PAY A ONE-TIME FEE OF TEN THOUSAND DOLLARS
10 (\$10,000) IN ORDER TO SELL OR SERVE LIQUOR AND MALT OR BREWED
11 BEVERAGES TWENTY-FOUR (24) HOURS A DAY SEVEN (7) DAYS A WEEK.

12 (C) THE FOLLOWING SHALL APPLY TO RENEWALS:

13 * * *

14 (2) FOR THE FIRST FOUR YEARS AFTER THE INITIAL ISSUE OF THE
15 CASINO LIQUOR LICENSE, THE CASINO LIQUOR LICENSE SHALL BE
16 SUBJECT TO AN ANNUAL RENEWAL FEE OF [ONE MILLION DOLLARS
17 (\$1,000,000)] TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).

18 (3) AFTER THE PERIOD UNDER PARAGRAPH (2), THE CASINO LIQUOR
19 LICENSE SHALL BE SUBJECT TO AN ANNUAL RENEWAL FEE OF [TWO
20 HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000)] TWENTY-FIVE
21 THOUSAND DOLLARS (\$25,000).

22 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
23 COLLECTED OR RECEIVED BY THE BOARD UNDER THIS [SUBSECTION]
24 SECTION SHALL BE PAID INTO THE STATE TREASURY THROUGH THE
25 DEPARTMENT OF REVENUE FOR DEPOSIT INTO THE GENERAL FUND.

26 * * *

27 Section ~~2~~ 10. Section 431(d)(2) of the act, amended December <--
28 20, 1996 (P.L.1513, No.196), is amended to read:

29 Section 431. Malt and Brewed Beverages Manufacturers',
30 Distributors' and Importing Distributors' Licenses.--* * *

1 (d) * * *

2 (2) After January 1, 1980, no manufacturer shall enter into
3 any agreement with more than one distributor or importing
4 distributor for the purpose of establishing more than one
5 agreement for designated brand or brands of malt or brewed
6 beverages in any one territory. Each franchise territory which
7 is granted by a manufacturer shall be geographically contiguous
8 or in counties which are contiguous with one another. All
9 importing distributors shall maintain sufficient records to
10 evidence compliance of this section. With regard to any
11 territorial distribution authority granted to an importing
12 distributor by a manufacturer of malt or brewed beverages after
13 January 1, 1996, the records shall establish that each and every
14 case of a brand of malt or brewed beverages for which the
15 importing distributor is assigned was sold, resold, stored,
16 delivered or transported by the importing distributor, either
17 from a point or to a point with the assigned geographically
18 contiguous territory or in counties which are contiguous with
19 one another, to any person or persons, whether such person or
20 persons are licensed by this act or not licensed by this act.

21 * * *

22 ~~Section 3. This act shall take effect in immediately.~~ <--

23 SECTION 11. SECTIONS 432 AND 445 OF THE ACT ARE AMENDED BY <--

24 ADDING SUBSECTIONS TO READ:

25 SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--* *

26 *

27 (I) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
28 COLLECTED OR RECEIVED BY THE BOARD UNDER SUBSECTION (H) SHALL BE
29 PAID INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF REVENUE
30 FOR DEPOSIT INTO THE GENERAL FUND.

1 SECTION 445. BRAND REGISTRATION.--* * *

2 (C) ANY PERSON SELLING MALT OR BREWED BEVERAGES AT
3 WHOLESALE, AND ANY PERSON SELLING AT RETAIL MALT OR BREWED
4 BEVERAGES THAT WERE NOT SOLD AT WHOLESALE, SHALL REPORT TO THE
5 PENNSYLVANIA LIQUOR CONTROL BOARD THE VOLUME OF SUCH PACKAGED
6 AND DRAFT MALT OR BREWED BEVERAGES SOLD. THE REPORT, IN THE FORM
7 AND MANNER DETERMINED BY THE BOARD, SHALL BE MADE FOR EACH
8 CALENDAR MONTH NO LATER THAN SIXTY DAYS AFTER THE END OF EACH
9 CALENDAR MONTH AND SHALL SHOW PRODUCT VOLUMES, BROKEN DOWN BY
10 BREWER. ALL VOLUMES SHALL BE REPORTED IN THIRTY-ONE-GALLON
11 BARREL EQUIVALENTS, REGARDLESS OF PACKAGE SIZE. THE BOARD SHALL,
12 WITHIN FOURTEEN DAYS OF THE RECEIPT OF THE REPORT, PLACE THE
13 REPORTS ON THE INTERNET IN A MANNER ACCESSIBLE TO THE GENERAL
14 PUBLIC. THE BOARD SHALL MAINTAIN THE REPORTS ON THE INTERNET IN
15 A MANNER ACCESSIBLE TO THE GENERAL PUBLIC FOR A PERIOD OF AT
16 LEAST TWO YEARS AND SHALL ARCHIVE THE REPORTS FOR A PERIOD OF AT
17 LEAST TEN YEARS.

18 SECTION 12. SECTION 446.1(G), ADDED JUNE 8, 2016 (P.L.273,
19 NO.39), IS AMENDED TO READ:

20 SECTION 446.1. PENNSYLVANIA MALT AND BREWED BEVERAGES
21 INDUSTRY PROMOTION BOARD.--* * *

22 (G) ANNUALLY, THE BOARD SHALL ALLOCATE THE AMOUNT OF ONE
23 MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF AWARDING GRANTS
24 UNDER SUBSECTION (E) (1). THE DEPARTMENT OF AGRICULTURE MAY BILL
25 FOR ANY ADMINISTRATIVE EXPENSES NECESSARY TO PERFORM ITS DUTIES
26 UNDER THIS SECTION AND SHALL BE REIMBURSED FOR ANY NECESSARY
27 EXPENSES FROM THE ALLOCATION.

28 SECTION 13. SECTION 470.3 OF THE ACT, ADDED JUNE 8, 2016
29 (P.L.273, NO.39), IS AMENDED TO READ:

30 SECTION 470.3. LICENSE AUCTION.--(A) A RESTAURANT LIQUOR

1 LICENSE SHALL BECOME AVAILABLE FOR AUCTION BY THE BOARD UNDER
2 THE FOLLOWING CONDITIONS:

- 3 (1) THE LICENSE HAS NOT BEEN RENEWED UNDER SECTION 470;
- 4 (2) THE LICENSE HAS BEEN REVOKED UNDER SECTION 471; OR
- 5 (3) THE LICENSEE HAS FAILED TO MEET THE REQUIREMENTS UNDER
6 474.1.

7 (A.1) (1) SUBSECTION (A) SHALL APPLY TO ALL RESTAURANT
8 LIQUOR LICENSES THAT BECAME AVAILABLE AFTER DECEMBER 31, 1999.

9 (2) ANY LICENSES NOT SOLD SHALL BE AVAILABLE FOR SALE AT
10 FUTURE AUCTIONS[, PROVIDED, HOWEVER, THAT NO MORE THAN FIFTY
11 LICENSES SHALL BE AUCTIONED IN ANY COUNTY PER YEAR].

12 (B) A LICENSE BECOMES AVAILABLE FOR AUCTION BY THE BOARD THE
13 DAY AFTER THE DEADLINE HAS PASSED FOR APPEALING A DECISION
14 REVOKING OR NOT RENEWING THE LICENSE OR THE DAY AFTER THE TWO-
15 YEAR WINDOW TO FILE A RENEWAL APPLICATION NUNC PRO TUNC UNDER
16 SECTION 470 HAS PASSED.

17 (C) [THE] AN AUCTION SHALL OCCUR NO LATER THAN [JUNE 1 OF]
18 THE 25TH DAY OF JANUARY, APRIL, JUNE AND OCTOBER IN THE CALENDAR
19 YEAR AFTER [THE] A LICENSE BECOMES AVAILABLE FOR AUCTION AND ON
20 A DATE TO BE DETERMINED BY THE BOARD.

21 (C.1) EACH AUCTION SHALL CONSIST OF A MAXIMUM OF FIFTY
22 LICENSES AND THE FOLLOWING SHALL APPLY:

23 (1) NO MORE THAN FIVE LICENSES SHALL BE AWARDED TO ANY
24 COUNTY PER AUCTION.

25 (2) ONE LICENSE SHALL BE GRANTED EACH AUCTION TO THE HIGHEST
26 BIDDER IN A COUNTY AS FOLLOWS:

27 (I) TO A COUNTY LOCATED IN THE NORTHWEST, WHICH SHALL
28 INCLUDE ERIE, CRAWFORD, MERCER, LAWRENCE, VENANGO, CLARION,
29 FOREST, WARREN, MCKEAN, ELK, JEFFERSON, CLEARFIELD AND CAMERON
30 COUNTIES.

1 (II) TO A COUNTY LOCATED IN THE SOUTHWEST, WHICH SHALL
2 INCLUDE BEAVER, BUTLER, ARMSTRONG, INDIANA, CAMBRIA, BLAIR,
3 FULTON, BEDFORD, SOMERSET, WESTMORELAND, ALLEGHENY, WASHINGTON,
4 GREENE AND FAYETTE COUNTIES.

5 (III) TO A COUNTY CENTRALLY LOCATED, WHICH SHALL INCLUDE
6 CENTRE, UNION, NORTHUMBERLAND, MONTOUR, SCHUYLKILL, SNYDER,
7 MIFFLIN, JUNIATA, HUNTINGDON, PERRY, DAUPHIN, LEBANON,
8 LANCASTER, YORK, ADAMS, CUMBERLAND AND FRANKLIN COUNTIES.

9 (IV) TO A COUNTY LOCATED IN THE NORTHEAST, WHICH SHALL
10 INCLUDE POTTER, TIOGA, BRADFORD, SUSQUEHANNA, WAYNE, PIKE,
11 MONROE, CARBON, LACKAWANNA, LUZERNE, COLUMBIA, SULLIVAN,
12 WYOMING, CLINTON AND LYCOMING COUNTIES.

13 (V) TO A COUNTY LOCATED IN THE SOUTHEAST, WHICH SHALL
14 INCLUDE BERKS, CHESTER, DELAWARE, PHILADELPHIA, MONTGOMERY,
15 BUCKS, LEHIGH AND NORTHAMPTON COUNTIES.

16 (D) [BY MARCH 1 OF EACH YEAR, THE] THE BOARD SHALL POST ON
17 ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE A LISTING OF ALL THE
18 LICENSES THAT ARE TO BE AVAILABLE FOR AUCTION [IN JUNE OF THAT
19 YEAR]. THE LIST SHALL ALSO BE AVAILABLE UPON REQUEST.

20 (E) THE BOARD SHALL ACCEPT APPLICATIONS FROM PERSONS
21 INTERESTED IN BIDDING AT [THE] AN AUCTION [BEGINNING MARCH 1].
22 THE APPLICATION SHALL BE IN WRITING AND SHALL CONTAIN
23 INFORMATION AS THE BOARD SHALL FROM TIME TO TIME PRESCRIBE. THE
24 BOARD SHALL ACCEPT APPLICATIONS [UNTIL MAY 15 AND MAY, IN ITS
25 DISCRETION, ACCEPT APPLICATIONS AFTER THAT DATE] ON A CONTINUING
26 BASIS.

27 (F) A PERSON WHO WOULD BE PRECLUDED FROM ACQUIRING A LICENSE
28 UNDER SECTIONS 411 OR 443 OR WHO, IN THE BOARD'S OPINION IS NOT
29 OF GOOD REPUTE, MAY NOT APPLY FOR A LICENSE UNDER THIS SECTION
30 AND THE BOARD SHALL REFUSE ANY APPLICATIONS SUBMITTED BY THE

1 PERSON.

2 (G) THE AUCTION SHALL BE CONDUCTED IN THE MANNER SET FORTH
3 BY THE BOARD AND AT THE DATE AND TIME APPOINTED BY THE BOARD.
4 AFTER THE AUCTION, THE BOARD SHALL PROVISIONALLY AWARD TO THE
5 PERSON MAKING THE HIGHEST BID FOR THE LICENSE, THE RIGHT TO FILE
6 AN APPLICATION FOR THE LICENSE. THE BOARD SHALL NOT ACCEPT A BID
7 LOWER THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000).

8 (G.1) A LICENSE MAY BE BID ON AND AWARDED TO THE HIGHEST
9 BIDDER IN ANY COUNTY WITHOUT REGARD TO THE RESTRICTIONS SET
10 FORTH IN SECTION 461(A). HOWEVER, NO MORE THAN FIVE LICENSES
11 SHALL BE AWARDED TO ANY COUNTY PER AUCTION.

12 (H) THE WINNING BIDDER SHALL PAY TO THE BOARD THE BID AMOUNT
13 WITHIN TWO WEEKS. PAYMENT SHALL BE BY CASHIER'S CHECK, CERTIFIED
14 CHECK OR ANY OTHER METHOD ACCEPTABLE TO THE BOARD. IF THE
15 WINNING BIDDER DOES NOT PAY THE BID AMOUNT WITHIN TWO WEEKS, THE
16 SECOND HIGHEST BIDDER SHALL BE AWARDED THE RIGHT TO FILE AN
17 APPLICATION FOR THE LICENSE, SO LONG AS THE BID AMOUNT IS IN
18 ACCORDANCE WITH SUBSECTION (G). THE BOARD SHALL HOLD THE BID
19 AMOUNT IN ESCROW UNTIL THE LICENSE IS APPROVED.

20 (I) WITHIN SIX MONTHS OF BEING AWARDED THE LICENSE, THE
21 BIDDER OR ITS ASSIGNEE SHALL FILE AN APPLICATION TO TRANSFER THE
22 LICENSE. THE APPLICATION SHALL BE PROCESSED IN THE SAME MANNER
23 AS ANY OTHER TRANSFER APPLICATION AND SHALL BE SUBJECT TO THE
24 SAME RESTRICTIONS AS ANY OTHER TRANSFER APPLICATION, INCLUDING
25 ANY CONDITIONAL LICENSING AGREEMENTS [AND COUNTY QUOTA
26 RESTRICTIONS UNDER SECTION 461]. THE BOARD SHALL ONLY APPROVE
27 THE TRANSFER OF A LICENSE UNDER THIS SECTION TO A MUNICIPALITY,
28 OTHER THAN THE MUNICIPALITY IT LAST OPERATED IN, UPON APPROVAL
29 BY THE GOVERNING BODY OF THE MUNICIPALITY.

30 (J) ONCE A LICENSE HAS BECOME AVAILABLE AS SET FORTH IN THIS

1 SECTION, IT MAY NO LONGER BE SUBJECT TO ANY UNPAID FINES,
2 UNSERVED SUSPENSIONS, LIENS OR JUDGMENTS ACCRUED BY THE PREVIOUS
3 LICENSE HOLDER. A WINNING BIDDER UNDER THIS SECTION SHALL NOT BE
4 REQUIRED TO SUPPLY ANY INFORMATION ABOUT OR SECURE ANY
5 INFORMATION FROM THE PREVIOUS LICENSE HOLDER DURING THE
6 APPLICATION PROCESS.

7 (K) A LICENSE ACQUIRED UNDER THIS SECTION MAY SUBSEQUENTLY
8 BE TRANSFERRED SUBJECT TO ANY RESTRICTIONS THAT WOULD OTHERWISE
9 BE APPLICABLE TO THE TRANSFER OF THE LICENSE.

10 (L) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
11 COLLECTED OR RECEIVED BY THE BOARD UNDER THIS SECTION SHALL BE
12 DEPOSITED IN THE GENERAL FUND.

13 SECTION 14. SECTION 491 INTRODUCTORY PARAGRAPH, (2) AND (10)
14 OF THE ACT, AMENDED JULY 5, 2012 (P.L.1007, NO.116), ARE AMENDED
15 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

16 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND
17 LIQUOR LICENSEES.--(A) IT SHALL BE UNLAWFUL--

18 * * *

19 (2) (I) POSSESSION OR TRANSPORTATION OF LIQUOR OR ALCOHOL.
20 FOR ANY PERSON, EXCEPT A MANUFACTURER OR THE BOARD OR THE HOLDER
21 OF A SACRAMENTAL WINE LICENSE OR OF AN IMPORTER'S LICENSE, TO
22 POSSESS OR TRANSPORT ANY LIQUOR OR ALCOHOL WITHIN THIS
23 COMMONWEALTH WHICH WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY
24 FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR, OR HAS NOT
25 BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE OR A LICENSED
26 LIMITED WINERY IN PENNSYLVANIA, EXCEPT IN ACCORDANCE WITH
27 SECTION 488 OR THE BOARD'S REGULATIONS. IN ADDITION, IT SHALL BE
28 LAWFUL FOR ANYONE TO POSSESS MINIATURES TOTALING LESS THAN ONE
29 GALLON PURCHASED IN ANOTHER STATE OR A FOREIGN COUNTRY. THE
30 BURDEN SHALL BE UPON THE PERSON POSSESSING OR TRANSPORTING SUCH

1 LIQUOR OR ALCOHOL TO PROVE THAT IT WAS SO ACQUIRED.
2 NOTWITHSTANDING THIS SECTION OR ANY OTHER PROVISION OF THE LAW,
3 WINE MAY BE PRODUCED BY ANY PERSON WITHOUT A LICENSE IF THE WINE
4 IS NOT PRODUCED FOR SALE AND TOTAL PRODUCTION DOES NOT EXCEED
5 TWO HUNDRED GALLONS PER CALENDAR YEAR. WINE PRODUCED IN
6 ACCORDANCE WITH THIS CLAUSE MAY BE USED AT ORGANIZED AFFAIRS,
7 EXHIBITIONS, COMPETITIONS, CONTESTS, TASTINGS OR JUDGINGS IF IT
8 IS NOT SOLD OR OFFERED FOR SALE.

9 (II) NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT
10 NOR SHALL IT BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO
11 PENNSYLVANIA, TRANSPORT OR HAVE IN HIS POSSESSION, AN AMOUNT OF
12 LIQUOR NOT EXCEEDING ONE GALLON IN VOLUME UPON WHICH A STATE TAX
13 HAS NOT BEEN PAID, IF IT CAN BE SHOWN TO THE SATISFACTION OF THE
14 BOARD THAT SUCH PERSON PURCHASED THE LIQUOR IN A FOREIGN COUNTRY
15 OR UNITED STATES TERRITORY AND WAS ALLOWED TO BRING IT INTO THE
16 UNITED STATES. NEITHER SHALL THE PROVISIONS CONTAINED HEREIN
17 PROHIBIT NOR MAKE IT UNLAWFUL FOR [(I)] (A) ANY MEMBER OF THE
18 ARMED FORCES ON ACTIVE DUTY, OR [(II)] (B) ANY RETIRED MEMBER OF
19 THE ARMED FORCES, OR [(III)] (C) ANY TOTALLY DISABLED VETERAN,
20 OR [(IV)] (D) THE SPOUSE OF ANY PERSON INCLUDED IN THE FOREGOING
21 CLASSES OF PERSONS TO IMPORT INTO PENNSYLVANIA, TRANSPORT OR
22 HAVE IN HIS POSSESSION AN AMOUNT OF LIQUOR NOT EXCEEDING ONE
23 GALLON PER MONTH IN VOLUME UPON WHICH THE STATE TAX HAS NOT BEEN
24 PAID, SO LONG AS SUCH LIQUOR HAS BEEN LAWFULLY PURCHASED FROM A
25 PACKAGE STORE ESTABLISHED AND MAINTAINED UNDER THE AUTHORITY OF
26 THE UNITED STATES AND IS IN CONTAINERS IDENTIFIED IN ACCORDANCE
27 WITH REGULATIONS ISSUED BY THE DEPARTMENT OF DEFENSE. SUCH
28 LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR SOLD ON ANY
29 LICENSED PREMISES. THE TERM "PACKAGE STORE" AS USED IN THIS
30 CLAUSE SHALL MEAN THOSE RETAIL OPERATIONS LOCATED ON ANY OF THE

1 UNITED STATES MILITARY INSTALLATIONS, INCLUDING AN INSTALLATION
2 OF THE ARMY, NAVY, AIR FORCE, MARINE CORPS OR COAST GUARD.

3 (III) NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT
4 NOR SHALL IT BE UNLAWFUL FOR ANY CONSUL GENERAL, CONSUL OR OTHER
5 DIPLOMATIC OFFICER OF A FOREIGN GOVERNMENT TO IMPORT INTO
6 PENNSYLVANIA, TRANSPORT OR HAVE IN HIS POSSESSION LIQUOR UPON
7 WHICH A STATE TAX HAS NOT BEEN PAID, IF IT CAN BE SHOWN TO THE
8 SATISFACTION OF THE BOARD THAT SUCH PERSON ACQUIRED THE LIQUOR
9 IN A FOREIGN COUNTRY AND WAS ALLOWED TO BRING IT INTO THE UNITED
10 STATES. SUCH LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR
11 SOLD ON ANY LICENSED PREMISES.

12 (IV) ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE FOR
13 A FIRST OFFENSE INVOLVING THE POSSESSION OR TRANSPORTATION IN
14 PENNSYLVANIA OF ANY LIQUOR IN A PACKAGE (BOTTLE OR OTHER
15 RECEPTACLE) OR WINE NOT PURCHASED FROM A PENNSYLVANIA LIQUOR
16 STORE OR FROM A LICENSED LIMITED WINERY IN PENNSYLVANIA, WITH
17 RESPECT TO WHICH SATISFACTORY PROOF IS PRODUCED THAT THE
18 REQUIRED FEDERAL TAX HAS BEEN PAID AND WHICH WAS PURCHASED,
19 PROCURED OR ACQUIRED LEGALLY OUTSIDE OF PENNSYLVANIA SHALL UPON
20 CONVICTION THEREOF IN A SUMMARY PROCEEDING BE SENTENCED TO PAY A
21 FINE OF TWENTY-FIVE DOLLARS (\$25) FOR EACH SUCH PACKAGE, PLUS
22 COSTS OF PROSECUTION, OR UNDERGO IMPRISONMENT FOR A TERM NOT
23 EXCEEDING NINETY (90) DAYS. EACH FULL QUART OR MAJOR FRACTION
24 THEREOF SHALL BE CONSIDERED A SEPARATE PACKAGE (BOTTLE OR OTHER
25 RECEPTACLE) FOR THE PURPOSES OF THIS CLAUSE. SUCH PACKAGES OF
26 LIQUOR SHALL BE FORFEITED TO THE COMMONWEALTH IN THE MANNER
27 PRESCRIBED IN ARTICLE VI OF THIS ACT BUT [THE] SHALL BE RETURNED
28 TO THE PERSON IF THE PERSON PAYS ALL STATE TAXES ON THE LIQUOR
29 TO THE DEPARTMENT OF REVENUE. THE VEHICLE, BOAT, VESSEL, ANIMAL
30 OR AIRCRAFT USED IN THE ILLEGAL TRANSPORTATION OF SUCH PACKAGES

1 SHALL NOT BE SUBJECT TO FORFEITURE: PROVIDED, HOWEVER, THAT IF
2 IT IS A SECOND OR SUBSEQUENT OFFENSE OR IF IT IS ESTABLISHED
3 THAT THE ILLEGAL POSSESSION OR TRANSPORTATION WAS IN CONNECTION
4 WITH A COMMERCIAL TRANSACTION, THEN THE OTHER PROVISIONS OF THIS
5 ACT PROVIDING FOR PROSECUTION AS A MISDEMEANOR AND FOR THE
6 FORFEITURE OF THE VEHICLE, BOAT, VESSEL, ANIMAL OR AIRCRAFT
7 SHALL APPLY.

8 * * *

9 (10) FORTIFYING, ADULTERATING OR CONTAMINATING LIQUOR. FOR
10 ANY LICENSEE OR ANY EMPLOYE OR AGENT OF A LICENSEE OR OF THE
11 BOARD, TO FORTIFY, ADULTERATE OR CONTAMINATE ANY LIQUOR, EXCEPT
12 AS PERMITTED BY THE REGULATIONS OF THE BOARD, OR TO REFILL
13 WHOLLY OR IN PART, WITH ANY LIQUID OR SUBSTANCE WHATSOEVER, ANY
14 LIQUOR BOTTLE OR OTHER LIQUOR CONTAINER. NOTWITHSTANDING ANY
15 OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARD SHALL
16 PROMULGATE REGULATIONS THAT PRESCRIBE THE TERMS AND CONDITIONS
17 UNDER WHICH LICENSEES MAY INFUSE, STORE AND SELL FLAVORED
18 DISTILLED SPIRITS.

19 * * *

20 (B) (1) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
21 PROHIBIT ANY RESIDENT OF THIS COMMONWEALTH NOT LICENSED UNDER
22 THIS ACT TO PURCHASE LIQUOR OUTSIDE OF THIS COMMONWEALTH SO
23 LONG AS THE RESIDENT PAYS ALL STATE TAXES ON THE LIQUOR TO
24 THE DEPARTMENT OF REVENUE AND THE LIQUOR IS NOT SHIPPED INTO
25 THIS COMMONWEALTH. THE AMOUNT OF LIQUOR PURCHASED UNDER THIS
26 SUBSECTION MAY NOT EXCEED FIVE GALLONS IN VOLUME.

27 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
28 ANY RESIDENT OF THIS COMMONWEALTH NOT LICENSED UNDER THIS ACT
29 FROM BEING REIMBURSED FOR THE PRICE OF LIQUOR PURCHASED IN
30 ANOTHER STATE FROM ANOTHER RESIDENT OF THIS COMMONWEALTH AS

1 PROVIDED IN CLAUSE (1) SO LONG AS THE AMOUNT REIMBURSED IS NO
2 MORE THAN THE PURCHASE PRICE OF THE LIQUOR AND THE LIQUOR IS NOT
3 SHIPPED INTO THIS COMMONWEALTH. NO FEE, COMMISSION OR OTHER FORM
4 OF REMUNERATION SHALL BE CHARGED BY ANY RESIDENT IN EXCESS OF
5 THE REIMBURSEMENT AMOUNT FOR THE PURCHASE OF THE LIQUOR.

6 SECTION 15. SECTION 493(6) AND (33) OF THE ACT, AMENDED JUNE
7 8, 2016 (P.L.273, NO.39), ARE REENACTED AND AMENDED TO READ:

8 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
9 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
10 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
11 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
12 OTHERWISE.

13 IT SHALL BE UNLAWFUL--

14 * * *

15 (6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS
16 AGENTS, SERVANTS OR EMPLOYES, TO FURNISH OR SERVE ANY MALT OR
17 BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING
18 APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED
19 SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER [AND IN LEGIBLE
20 LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS].

21 * * *

22 (33) OFF-PREMISES CATERING PERMIT; FEES. FOR ANY LICENSEE,
23 HIS SERVANTS, AGENTS OR EMPLOYES TO SELL ALCOHOL AT A LOCATION
24 OTHER THAN ITS LICENSED PREMISES, UNLESS THE SALE IS
25 SPECIFICALLY AUTHORIZED UNDER THIS ACT, OR UNLESS THE LICENSEE
26 RECEIVES A SPECIAL PERMIT FROM THE BOARD TO DO SO. THE FOLLOWING
27 APPLY:

28 (I) ONLY THOSE LICENSEES HOLDING A CURRENT AND VALID
29 RESTAURANT, HOTEL, BREW PUB OR EATING PLACE LICENSE SHALL BE
30 ALLOWED TO APPLY FOR SUCH A PERMIT.

1 (II) ANY LICENSEE THAT WISHES TO OBTAIN AN OFF-PREMISES
2 CATERING PERMIT MUST NOTIFY THE BOARD AND PAY THE PERMITTING FEE
3 BY MARCH OF EACH CALENDAR YEAR REGARDLESS OF WHETHER THE
4 LICENSEE HAS SCHEDULED CATERED EVENTS. ANY LICENSEE THAT FAILS
5 TO NOTIFY THE BOARD AND PAY THE PERMIT FEE BY MARCH 1 SHALL BE
6 PRECLUDED FROM OBTAINING THE PERMIT FOR THAT CALENDAR YEAR.

7 (III) IF A LICENSEE NOTIFIES THE BOARD AND PAYS THE
8 PERMITTING FEE BY MARCH 1 AND DOES NOT THEN USE THE PERMIT
9 THROUGHOUT THE CALENDAR YEAR, THE LICENSEE SHALL NOT BE ENTITLED
10 TO A RETURN OF THE PERMITTING FEE.

11 (IV) ANY LICENSEE NOT GRANTED A LICENSE UNTIL AFTER MARCH 1
12 OF THE CALENDAR YEAR SHALL HAVE SIXTY DAYS FROM THE DATE OF THE
13 LICENSE TRANSFER TO NOTIFY THE BOARD OF THE LICENSEE'S INTENTION
14 TO USE AN OFF-PREMISES CATERING PERMIT AND PAY THE PERMITTING
15 FEE.

16 (V) THE BOARD SHALL HAVE THE DISCRETION TO ALLOW THE
17 ISSUANCE OF THE PERMIT AFTER THE MARCH 1 DEADLINE IF THE
18 APPLICANT IS A LICENSEE IN GOOD STANDING WITH THE BOARD AND
19 COMPLIES WITH ALL OTHER REQUIREMENTS FOR THE OFF-PREMISES
20 CATERING PERMIT. A LICENSEE SHALL APPLY FOR THE PERMIT AT LEAST
21 SIXTY DAYS PRIOR TO THE FIRST CATERED FUNCTION.

22 (VI) ALL SERVERS AT THE OFF-PREMISES CATERED FUNCTION SHALL
23 BE CERTIFIED UNDER THE BOARD'S RESPONSIBLE ALCOHOL MANAGEMENT
24 PROGRAM AS REQUIRED UNDER SECTION 471.1.

25 (VII) THE BOARD MAY CHARGE A FEE OF FIVE HUNDRED DOLLARS
26 (\$500) EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE INITIAL
27 PERMIT ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO FURTHER FEE
28 SHALL BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED TO THE
29 APPLICANT FOR THE LICENSE DURING THE SAME CALENDAR YEAR.

30 (VIII) THE APPLICANT SHALL SUBMIT WRITTEN NOTICE TO THE

1 BOARD THIRTY DAYS PRIOR TO EACH CATERED EVENT, UNLESS THIS TIME
2 FRAME HAS BEEN WAIVED BY THE BOARD, AND THE BOARD MAY APPROVE OR
3 DISAPPROVE EACH EVENT IF THE APPLICANT FAILS TO PROVIDE TIMELY
4 NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO CONDUCT A
5 FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR HAS
6 PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
7 REQUIREMENTS OF THIS ACT.

8 (IX) THE FEES SHALL BE PAID INTO THE STATE STORES FUND. ANY
9 VIOLATION OF THIS ACT OR THE BOARD'S REGULATIONS FOR GOVERNING
10 ACTIVITY OCCURRING UNDER THE AUTHORITY OF THIS PERMIT MAY BE THE
11 BASIS FOR THE ISSUANCE OF A CITATION UNDER SECTION 471, THE
12 NONRENEWAL OF THE LICENSE UNDER SECTION 470 OR THE REFUSAL BY
13 THE BOARD TO ISSUE SUBSEQUENT PERMITS OR HONOR SUBSEQUENT DATES
14 ON THE EXISTING PERMIT. THIS PENALTY SHALL BE IN ADDITION TO ANY
15 OTHER REMEDIES AVAILABLE TO THE ENFORCEMENT BUREAU OR THE BOARD.

16 * * *

17 SECTION 16. SECTION 505.2 OF THE ACT, AMENDED DECEMBER 8,
18 2004 (P.L.1810, NO.239), JULY 16, 2007 (P.L.107, NO.34), JUNE
19 25, 2010 (P.L.217, NO.35), JUNE 28, 2011 (P.L.55, NO.11),
20 DECEMBER 22, 2011 (P.L.530, NO.113) AND JUNE 8, 2016 (P.L.273,
21 NO.39), IS AMENDED TO READ:

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

25 (1) PRODUCE ALCOHOLIC CIDERS, MEAD, WINES AND WINE COOLERS,
26 SUBJECT TO THE EXCEPTIONS PROVIDED UNDER THIS SECTION, ONLY FROM
27 AN AGRICULTURAL COMMODITY GROWN IN PENNSYLVANIA.

28 (2) SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
29 PRODUCED BY THE LIMITED WINERY OR PURCHASED IN BULK IN BOND FROM
30 ANOTHER PENNSYLVANIA LIMITED WINERY ON THE LICENSED PREMISES,

1 UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE,
2 TO THE BOARD, TO INDIVIDUALS AND TO BREWERY, IMPORTING
3 DISTRIBUTOR, DISTRIBUTOR, HOTEL, RESTAURANT, CLUB AND PUBLIC
4 SERVICE LIQUOR LICENSEES, AND TO PENNSYLVANIA WINERY LICENSEES:
5 PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY CALENDAR YEAR,
6 PURCHASE ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY OTHER LIMITED
7 WINERIES IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE
8 ALCOHOLIC CIDER, MEAD OR WINE PRODUCED BY THE PURCHASING LIMITED
9 WINERY IN THE PRECEDING CALENDAR YEAR. IN ADDITION, THE HOLDER
10 OF A LIMITED WINERY LICENSE MAY PURCHASE WINE IN BOTTLES FROM
11 ANOTHER PENNSYLVANIA LIMITED WINERY IF THESE WINES UNDERGO A
12 SECOND FERMENTATION PROCESS. SUCH WINE MAY BE SOLD IN BOTTLES
13 BEARING THE PURCHASING LIMITED WINERY'S LABEL OR THE PRODUCING
14 LIMITED WINERY'S LABEL. SUCH WINES, IF SOLD BY THE BOARD, MAY BE
15 SOLD BY THE PRODUCING LIMITED WINERY TO THE PURCHASING LIMITED
16 WINERY AT A PRICE LOWER THAN THE PRICE CHARGED BY THE BOARD.

17 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
18 TO THE CONTRARY, ONLY SHIP WINE IN ACCORDANCE WITH THE
19 PROVISIONS OF SECTION 488.

20 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED
21 WINERIES, SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
22 PRODUCED BY THE LIMITED WINERY ON NO MORE THAN FIVE (5) BOARD-
23 APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES, WITH NO
24 BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL BOARD-
25 APPROVED LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS AS
26 THE BOARD MAY ENFORCE, TO THE BOARD, TO INDIVIDUALS AND TO
27 BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR
28 LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY TO OPERATE AN
29 ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION WITH EACH
30 OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED MANAGER

1 FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND NEED NOT
2 DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S LICENSED
3 AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR SUCH AN
4 ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION SHALL
5 COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED WINERY. EACH
6 LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE
7 RECORDS. A LIMITED WINERY MAY BE CITED FOR A VIOLATION OF THE
8 RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO
9 ITS OWN RECORDS ONLY.

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

28 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, MEAD, WINE
29 AND FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR
30 OUTDOORS WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY

1 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND
2 QUALITY OF PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS, MEAD AND
3 WINES IN CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS
4 AND SALES. ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS MAY
5 ALSO INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, MEAD, WINE
6 AND FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL
7 ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS
8 MARKETS.

9 (4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS
10 MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO
11 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME
12 AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC
13 CIDER, MEAD OR WINE PRODUCED UNDER THE AUTHORITY OF THE
14 UNDERLYING LIMITED WINERY LICENSE BY THE BOTTLE OR IN CASE LOTS.
15 SAMPLES NOT TO EXCEED ONE FLUID ONCE PER BRAND OF MEAD OR WINE
16 MAY BE OFFERED FREE OF CHARGE. A FARMERS MARKET PERMIT SHALL BE
17 ISSUED UPON PROPER APPLICATION AND PAYMENT OF AN ANNUAL FEE OF
18 TWO HUNDRED FIFTY DOLLARS (\$250). A PERMIT HOLDER MAY
19 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME.
20 SALES BY PERMIT HOLDERS SHALL TAKE PLACE DURING THE STANDARD
21 HOURS OF OPERATION OF THE FARMERS MARKET. WRITTEN NOTICE OF THE
22 DATE, TIMES AND LOCATION THE PERMIT IS TO BE USED SHALL BE
23 PROVIDED BY THE PERMIT HOLDER TO THE ENFORCEMENT BUREAU AT LEAST
24 TWO (2) WEEKS PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN THIS
25 SUBSECTION, LIMITED WINERIES UTILIZING FARMERS MARKET PERMITS
26 SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS
27 WELL AS BY ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

28 (5) DO EITHER OF THE FOLLOWING:

29 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
30 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO

1 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE
2 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
3 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME
4 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
5 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
6 LICENSE.

7 (II) APPLY FOR AND HOLD A RESTAURANT LIQUOR LICENSE FOR USE
8 AT ONE OF THE ADDITIONAL BOARD-APPROVED LOCATIONS REFERENCED
9 UNDER CLAUSE (3), AS LONG AS SUCH LOCATION DOES NOT SERVE AS AN
10 ADDITIONAL BOARD-APPROVED LOCATION FOR ANY OTHER MANUFACTURER.

11 (6) (I) SECURE A PERMIT FROM THE BOARD TO ALLOW THE HOLDER
12 OF A LIMITED WINERY LICENSE TO USE UP TO TWENTY-FIVE PER CENTUM
13 PERMITTED FRUIT, NOT WINE, IN THE CURRENT YEAR'S PRODUCTION.
14 EACH PERMIT IS VALID ONLY FOR THE CALENDAR YEAR IN WHICH IT IS
15 ISSUED.

16 (II) THE FEE FOR A PERMIT TO IMPORT AND USE PERMITTED FRUIT
17 SHALL BE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.

18 (III) THE PURPOSE OF THIS SECTION IS TO INCREASE THE
19 PRODUCTIVITY OF LIMITED WINERIES WHILE AT THE SAME TIME
20 PROTECTING THE INTEGRITY AND UNIQUE CHARACTERISTICS OF WINE
21 PRODUCED FROM FRUIT PRIMARILY GROWN IN THIS COMMONWEALTH.
22 PREVAILING CLIMATIC CONDITIONS HAVE A SIGNIFICANT IMPACT ON THE
23 CHARACTER OF THE FRUIT. ACCORDINGLY, "PERMITTED FRUIT" SHALL
24 MEAN FRUIT GROWN OR JUICE DERIVED FROM FRUIT GROWN WITHIN THREE
25 HUNDRED FIFTY (350) MILES OF THE WINERY.

26 (IV) THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS
27 REQUIRING THE FILING OF PERIODIC REPORTS BY LIMITED WINERIES TO
28 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

29 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
30 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED

1 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
2 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE,
3 MEAD AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
4 BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY
5 SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED
6 WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY
7 A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED
8 BEVERAGES PRODUCED BY A LICENSED BREWERY.

9 (6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR
10 PRODUCED BY THE LIMITED WINERY.

11 (6.3) SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS ONLY
12 BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN
13 O'CLOCK POSTMERIDIAN. A LIMITED WINERY ALSO MAY REQUEST APPROVAL
14 FROM THE BOARD TO EXTEND SALES HOURS IN INDIVIDUAL LOCATIONS AT
15 OTHER TIMES DURING THE YEAR OR BEYOND THE LIMITS SET FORTH IN
16 THIS CLAUSE. THE REQUEST SHALL BE MADE IN WRITING TO THE BOARD'S
17 OFFICE OF THE CHIEF COUNSEL AND SHALL DETAIL THE EXACT LOCATIONS
18 WHERE SALES HOURS ARE PROPOSED TO BE EXTENDED, THE PROPOSED
19 HOURS AND DATES OF EXTENDED OPERATION AND THE REASON FOR THE
20 PROPOSED EXTENDED HOURS.

21 (6.4) STORE ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
22 PRODUCED BY THE LIMITED WINERY AT NO MORE THAN TWO (2) BOARD-
23 APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES AND THOSE
24 PREMISES REFERENCED IN CLAUSE (3) PERTAINING TO THE FIVE (5)
25 BOARD-APPROVED LOCATIONS FOR THE SALE OF WINE, WITH NO BOTTLING
26 OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL LOCATIONS AND
27 UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE.
28 IF TWO (2) OR MORE BUSINESSES WILL OPERATE OUT OF THE SAME
29 STORAGE FACILITY, THE LIMITED WINERY MUST DESIGNATE SPECIFIC AND
30 DISTINCT AREAS FOR ITS STORAGE. THE LIMITED WINERY'S DESIGNATED

1 STORAGE AREA MUST BE SECURED AND NO ONE OTHER THAN THE LICENSEE
2 AND HIS EMPLOYEES MAY BE ALLOWED ACCESS TO THE STORAGE AREA. NO
3 BOARD-APPROVED MANAGER WILL BE NECESSARY FOR THE STORAGE
4 FACILITY. THE LIMITED WINERY MUST FILL OUT AN APPLICATION FOR
5 SUCH AN ADDITIONAL BOARD-APPROVED STORAGE LOCATION, AND SUCH
6 LOCATION SHALL COUNT AS ONE OF THE TWO PERMITTED FOR EACH
7 LIMITED WINERY. THE LIMITED WINERY IS RESPONSIBLE FOR KEEPING
8 ONLY ITS OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR
9 A VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512
10 AND 513 PERTAINING TO ITS OWN RECORDS ONLY.

11 (B) THE TOTAL PRODUCTION OF ALCOHOLIC CIDERS, MEAD, WINE AND
12 WINE COOLERS BY A LIMITED WINERY MAY NOT EXCEED TWO HUNDRED
13 THOUSAND (200,000) GALLONS PER YEAR.

14 (C) AS USED IN THIS SECTION:

15 "AGRICULTURAL COMMODITY" SHALL INCLUDE ANY OF THE FOLLOWING:
16 AGRICULTURAL, APICULTURAL, HORTICULTURAL, SILVICULTURAL AND
17 VITICULTURAL COMMODITIES.

18 "FARMERS MARKET" SHALL INCLUDE ANY BUILDING, STRUCTURE OR
19 OTHER PLACE:

20 (1) OWNED, LEASED OR OTHERWISE IN THE POSSESSION OF A
21 PERSON, MUNICIPAL CORPORATION OR PUBLIC OR PRIVATE ORGANIZATION;

22 (2) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR AN
23 ASSOCIATION OF FARMERS, WHO ARE CERTIFIED BY THE DEPARTMENT OF
24 AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'
25 MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO
26 SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), FOR THE
27 PURPOSE OF SELLING AGRICULTURAL COMMODITIES PRODUCED IN THIS
28 COMMONWEALTH DIRECTLY TO CONSUMERS;

29 (3) WHICH IS PHYSICALLY LOCATED WITHIN THIS COMMONWEALTH;
30 AND

1 (4) WHICH IS NOT OPEN FOR BUSINESS MORE THAN TWELVE HOURS
2 EACH DAY.

3 SECTION 17. REPEALS ARE AS FOLLOWS:

4 (1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER
5 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

6 (2) SECTION 28 OF THE ACT OF JUNE 8, 2016 (P.L.273,
7 NO.39) ENTITLED "AMENDING THE ACT OF APRIL 12, 1951 (P.L.90,
8 NO.21), ENTITLED, AS REENACTED, 'AN ACT RELATING TO ALCOHOLIC
9 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES; AMENDING,
10 REVISING, CONSOLIDATING AND CHANGING THE LAWS RELATING
11 THERETO; REGULATING AND RESTRICTING THE MANUFACTURE,
12 PURCHASE, SALE, POSSESSION, CONSUMPTION, IMPORTATION,
13 TRANSPORTATION, FURNISHING, HOLDING IN BOND, HOLDING IN
14 STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS, ALCOHOL AND
15 MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED OR EMPLOYED
16 THEREIN; DEFINING THE POWERS AND DUTIES OF THE PENNSYLVANIA
17 LIQUOR CONTROL BOARD; PROVIDING FOR THE ESTABLISHMENT AND
18 OPERATION OF STATE LIQUOR STORES, FOR THE PAYMENT OF CERTAIN
19 LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES AND TOWNSHIPS,
20 FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN CERTAIN CASES,
21 FOR SEARCH AND SEIZURE WITHOUT WARRANT; PRESCRIBING PENALTIES
22 AND FORFEITURES; PROVIDING FOR LOCAL OPTION, AND REPEALING
23 EXISTING LAWS', AS FOLLOWS:

24 IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR
25 DEFINITIONS.

26 IN PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING
27 FOR GENERAL POWERS OF BOARD.

28 IN PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR WHEN
29 SALES MAY BE MADE AT PENNSYLVANIA LIQUOR STORES AND FOR SALES
30 BY PENNSYLVANIA LIQUOR STORES.

1 IN LICENSES AND REGULATIONS, LIQUOR, ALCOHOL AND MALT AND
2 BREWED BEVERAGES,

3 FURTHER PROVIDING FOR LICENSE DISTRICTS, LICENSE PERIOD
4 AND HEARINGS, FOR ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,
5 RESTAURANT AND CLUB LIQUOR LICENSES, FOR SALES BY LIQUOR
6 LICENSEES AND RESTRICTIONS, FOR SPECIAL OCCASION PERMITS, FOR
7 WINE OPTION PERMITS, FOR LIQUOR IMPORTERS' LICENSES, FEES,
8 PRIVILEGES AND RESTRICTIONS AND FOR INTERLOCKING BUSINESS
9 PROHIBITED;

10 PROVIDING FOR WINE EXPANDED PERMITS AND FOR CASINO LIQUOR
11 LICENSE;

12 FURTHER PROVIDING FOR MALT AND BREWED BEVERAGES
13 MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
14 LICENSES, FOR MALT AND BREWED BEVERAGES RETAIL LICENSES, FOR
15 APPLICATION FOR DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND
16 RETAIL DISPENSERS' LICENSES, FOR DISTRIBUTORS' AND IMPORTING
17 DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC., FOR
18 RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES, FOR
19 INTERLOCKING BUSINESS PROHIBITED AND FOR BREWERIES;

20 ESTABLISHING THE PENNSYLVANIA MALT AND BREWED BEVERAGES
21 INDUSTRY PROMOTION BOARD;

22 FURTHER PROVIDING FOR LIMITING NUMBER OF RETAIL LICENSES
23 TO BE ISSUED IN EACH COUNTY, FOR INCORPORATED UNITS OF
24 NATIONAL VETERANS' ORGANIZATIONS, FOR LICENSES NOT ASSIGNABLE
25 AND TRANSFERS AND FOR RENEWAL OF LICENSES AND TEMPORARY
26 PROVISIONS FOR LICENSEES IN ARMED SERVICE;

27 PROVIDING FOR LICENSE AUCTION;

28 FURTHER PROVIDING FOR RESPONSIBLE ALCOHOL MANAGEMENT, FOR
29 LOCAL OPTION, FOR PUBLIC RECORD, FOR SURRENDER OF RESTAURANT,
30 EATING PLACE RETAIL DISPENSER, HOTEL, IMPORTING DISTRIBUTOR

1 AND DISTRIBUTOR LICENSE FOR BENEFIT OF LICENSEE AND FOR
2 SHIPMENT OF WINE INTO COMMONWEALTH;

3 PROVIDING FOR PENNSYLVANIA WINE MARKETING AND RESEARCH
4 BOARD; AND

5 FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE TO LIQUOR,
6 ALCOHOL AND LIQUOR LICENSEES, FOR UNLAWFUL ACTS RELATIVE TO
7 LIQUOR, MALT AND BREWED BEVERAGES AND LICENSEES AND FOR
8 IDENTIFICATION CARDS, LICENSEES AND STATE LIQUOR STORE
9 EMPLOYEES SAVED FROM PROSECUTION.

10 IN DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR
11 HIRE AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING FOR LIMITED
12 WINERIES AND FOR DISTILLERIES.

13 ESTABLISHING A WINE AND SPIRITS WHOLESALE AND RETAIL
14 PRIVATIZATION COMMISSION," IS REPEALED.

15 (3) SECTION 29 OF THE ACT OF JUNE 8, 2016 (P.L.273,
16 NO.39) IS REPEALED INsofar AS IT IS INCONSISTENT WITH THE
17 REENACTMENT AND AMENDMENT OF SECTION 493(33)(V).

18 SECTION 18. THE FOLLOWING SHALL APPLY:

19 (1) IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF
20 THIS ACT, DURING THE TWO-YEAR PERIOD FOLLOWING THE EFFECTIVE
21 DATE OF THIS SECTION, THE PENNSYLVANIA LIQUOR CONTROL BOARD
22 SHALL PROMULGATE TEMPORARY REGULATIONS NOT INCONSISTENT WITH
23 THIS ACT AS IT MAY DEEM NECESSARY FOR THE ADMINISTRATION OF
24 THIS ACT. THE TEMPORARY REGULATIONS SHALL EXPIRE FOUR YEARS
25 FROM THE EFFECTIVE DATE OF THIS SECTION AND SHALL BE EXEMPT
26 FROM THE FOLLOWING:

27 (I) SECTIONS 201, 202, 203 AND 204 OF THE ACT OF
28 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
29 COMMONWEALTH DOCUMENTS LAW.

30 (II) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),

1 KNOWN AS THE REGULATORY REVIEW ACT.

2 (2) THE AUTHORITY OF THE BOARD TO PROMULGATE TEMPORARY
3 REGULATIONS UNDER PARAGRAPH (1) SHALL EXPIRE TWO YEARS FROM
4 THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS ADOPTED AFTER
5 THE TWO-YEAR PERIOD SHALL BE PROMULGATED AS PROVIDED BY
6 STATUTE.

7 SECTION 19. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
9 IMMEDIATELY:

10 (I) THIS SECTION.

11 (II) SECTION 17(3) OF THIS ACT.

12 (III) THE ADDITION OF SECTION 408.17 OF THE ACT.

13 (IV) THE REENACTMENT OF SECTION 493(33)(V) OF THE
14 ACT.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
16 DAYS.