

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
30, 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; IN DISPOSITION OF MONEYS COLLECTED UNDER PROVISIONS <--
7 OF ACT, FURTHER PROVIDING FOR MONEYS PAID INTO STATE STORES
8 FUND FOR USE OF THE COMMONWEALTH; AND MAKING A RELATED
9 REPEAL.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

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

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

25 * * *

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

1 CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE
2 OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

3 * * *

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

9 * * *

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

18 * * *

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

30 * * *

1 SECTION 2. SECTION ~~207(B)(2) AND (L)~~ 207(L) OF THE ACT, <--
2 AMENDED OR ADDED JUNE 8, 2016 (P.L.273, NO.39), ARE AMENDED AND
3 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

6 * * *

7 ~~(B) THE FOLLOWING SHALL APPLY:~~ <--

8 * * *

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

16 * * *

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

29 * * *

30 (O) THE NAMES AND ADDRESSES OF INDIVIDUAL CONSUMERS WHO

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

9 SECTION 3. SECTION 305(J) AND (K) (3) OF THE ACT, ADDED JUNE
10 8, 2016 (P.L.273, NO.39), ARE AMENDED TO READ:

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

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

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

24 * * *

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

28 SECTION 4. (RESERVED).

29 SECTION 5. SECTION 406(A) (3) OF THE ACT, AMENDED JUNE 8,
30 2016 (P.L.273, NO.39), IS AMENDED TO READ:

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

2 * * *

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

22 * * *

23 SECTION 6. (RESERVED).

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

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

1 (b) The application shall include an application fee of
2 five-thousand dollars (\$5,000). No additional fee shall be
3 required for any subsequent application.

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

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

12 (1) The permit shall not be subject to the hours restriction
13 under section 408.4(k), the days restrictions under section
14 408(i) or the notice requirements under section 408.4(j).

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

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

28 (4) If the proposed location is subject to a conditional
29 licensing agreement that imposes additional conditions on the
30 sale and service of alcohol at that location, the board may in

1 its discretion waive some or all of those conditions while the
2 permit is in effect.

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

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

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

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

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

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

26 * * *

27 (E) * * *

28 (3) A WINE EXPANDED PERMIT HOLDER MAY, WHEN FILING ITS
29 REQUIRED RETURNS UNDER ARTICLE II OF THE TAX REFORM CODE OF
30 1971, REQUEST A [REFUND] CREDIT OF ANY TAXES PAID IN ACCORDANCE

1 WITH PARAGRAPH (1) FOR WINE SOLD FOR OFF-PREMISES CONSUMPTION
2 AND FOR WHICH TAXES WERE REMITTED TO THE DEPARTMENT UNDER
3 PARAGRAPH (2). [THE REQUEST FOR A REFUND SHALL INCLUDE THE
4 ORIGINAL RECEIPT FROM A PENNSYLVANIA LIQUOR STORE SHOWING THE
5 AMOUNT OF TAXES PAID UNDER PARAGRAPH (1) FOR WHICH THE TAXPAYER
6 IS REQUESTING A REFUND.

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

13 * * *

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

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

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

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

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

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

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

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

6 (B) EACH APPLICATION FOR A CASINO LICENSE UNDER THIS SECTION
7 SHALL BE ACCOMPANIED BY A FEE OF [ONE MILLION DOLLARS
8 (\$1,000,000)] FIVE HUNDRED THOUSAND DOLLARS (\$500,000).

9 (B.1) EACH RESTAURANT LICENSEE THAT DOES NOT HOLD A SLOT
10 MACHINE LICENSE BUT OPERATES WITHIN OR ADJACENT TO THE GAMING
11 FACILITY [MUST] SHALL PAY A ONE-TIME FEE OF TEN THOUSAND DOLLARS
12 (\$10,000) IN ORDER TO SELL OR SERVE LIQUOR AND MALT OR BREWED
13 BEVERAGES TWENTY-FOUR (24) HOURS A DAY SEVEN (7) DAYS A WEEK.

14 (C) THE FOLLOWING SHALL APPLY TO RENEWALS:

15 * * *

16 (2) FOR THE FIRST FOUR YEARS AFTER THE INITIAL ISSUE OF THE
17 CASINO LIQUOR LICENSE, THE CASINO LIQUOR LICENSE SHALL BE
18 SUBJECT TO AN ANNUAL RENEWAL FEE OF [ONE MILLION DOLLARS
19 (\$1,000,000)] TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).

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

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

28 * * *

29 Section ~~2~~ 10. Section 431(d)(2) of the act, amended December <--
30 20, 1996 (P.L.1513, No.196), is amended to read:

1 Section 431. Malt and Brewed Beverages Manufacturers',
2 Distributors' and Importing Distributors' Licenses.--* * *

3 (d) * * *

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

23 * * *

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

25 SECTION 11. SECTIONS 432 AND 445 OF THE ACT ARE AMENDED BY <--
26 ADDING SUBSECTIONS TO READ:

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

28 *

29 ~~(I) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL ALL~~ <--
30 FEES COLLECTED OR RECEIVED BY THE BOARD UNDER SUBSECTION (H)

1 ~~SHALL BE PAID INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF~~ <--
2 ~~REVENUE FOR DEPOSIT INTO THE GENERAL STORES FUND.~~ <--

3 SECTION 445. BRAND REGISTRATION.--* * *

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

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

22 SECTION 446.1. PENNSYLVANIA MALT AND BREWED BEVERAGES
23 INDUSTRY PROMOTION BOARD.--* * *

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

30 ~~SECTION 13. SECTION 470.3 OF THE ACT, ADDED JUNE 8, 2016~~ <--

1 ~~(P.L.273, NO.39), IS AMENDED TO READ:~~

2 ~~SECTION 470.3. LICENSE AUCTION. (A) A RESTAURANT LIQUOR~~
3 ~~LICENSE SHALL BECOME AVAILABLE FOR AUCTION BY THE BOARD UNDER~~
4 ~~THE FOLLOWING CONDITIONS:~~

5 ~~(1) THE LICENSE HAS NOT BEEN RENEWED UNDER SECTION 470;~~

6 ~~(2) THE LICENSE HAS BEEN REVOKED UNDER SECTION 471; OR~~

7 ~~(3) THE LICENSEE HAS FAILED TO MEET THE REQUIREMENTS UNDER~~
8 ~~474.1.~~

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

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

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

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

23 ~~(C.1) EACH AUCTION SHALL CONSIST OF A MAXIMUM OF FIFTY~~
24 ~~LICENSES AND THE FOLLOWING SHALL APPLY:~~

25 ~~(1) NO MORE THAN FIVE LICENSES SHALL BE AWARDED TO ANY~~
26 ~~COUNTY PER AUCTION.~~

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

29 ~~(I) TO A COUNTY LOCATED IN THE NORTHWEST, WHICH SHALL~~
30 ~~INCLUDE ERIE, CRAWFORD, MERCER, LAWRENCE, VENANGO, CLARION,~~

1 ~~FOREST, WARREN, MCKEAN, ELK, JEFFERSON, CLEARFIELD AND CAMERON~~
2 ~~COUNTIES.~~

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

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

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

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

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

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

29 ~~(F) A PERSON WHO WOULD BE PRECLUDED FROM ACQUIRING A LICENSE~~
30 ~~UNDER SECTIONS 411 OR 443 OR WHO, IN THE BOARD'S OPINION IS NOT~~

1 ~~OF GOOD REPUTE, MAY NOT APPLY FOR A LICENSE UNDER THIS SECTION~~
2 ~~AND THE BOARD SHALL REFUSE ANY APPLICATIONS SUBMITTED BY THE~~
3 ~~PERSON.~~

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

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

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

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

1 BY THE GOVERNING BODY OF THE MUNICIPALITY.

2 ~~(J) ONCE A LICENSE HAS BECOME AVAILABLE AS SET FORTH IN THIS~~
3 ~~SECTION, IT MAY NO LONGER BE SUBJECT TO ANY UNPAID FINES,~~
4 ~~UNSERVED SUSPENSIONS, LIENS OR JUDGMENTS ACCRUED BY THE PREVIOUS~~
5 ~~LICENSE HOLDER. A WINNING BIDDER UNDER THIS SECTION SHALL NOT BE~~
6 ~~REQUIRED TO SUPPLY ANY INFORMATION ABOUT OR SECURE ANY~~
7 ~~INFORMATION FROM THE PREVIOUS LICENSE HOLDER DURING THE~~
8 ~~APPLICATION PROCESS.~~

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

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

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

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

21 * * *

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

1 LAWFUL FOR ANYONE TO POSSESS MINIATURES TOTALING LESS THAN ONE
2 GALLON PURCHASED IN ANOTHER STATE OR A FOREIGN COUNTRY. THE
3 BURDEN SHALL BE UPON THE PERSON POSSESSING OR TRANSPORTING SUCH
4 LIQUOR OR ALCOHOL TO PROVE THAT IT WAS SO ACQUIRED.
5 NOTWITHSTANDING THIS SECTION OR ANY OTHER PROVISION OF THE LAW,
6 WINE MAY BE PRODUCED BY ANY PERSON WITHOUT A LICENSE IF THE WINE
7 IS NOT PRODUCED FOR SALE AND TOTAL PRODUCTION DOES NOT EXCEED
8 TWO HUNDRED GALLONS PER CALENDAR YEAR. WINE PRODUCED IN
9 ACCORDANCE WITH THIS CLAUSE MAY BE USED AT ORGANIZED AFFAIRS,
10 EXHIBITIONS, COMPETITIONS, CONTESTS, TASTINGS OR JUDGINGS IF IT
11 IS NOT SOLD OR OFFERED FOR SALE.

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

1 LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR SOLD ON ANY
2 LICENSED PREMISES. THE TERM "PACKAGE STORE" AS USED IN THIS
3 CLAUSE SHALL MEAN THOSE RETAIL OPERATIONS LOCATED ON ANY OF THE
4 UNITED STATES MILITARY INSTALLATIONS, INCLUDING AN INSTALLATION
5 OF THE ARMY, NAVY, AIR FORCE, MARINE CORPS OR COAST GUARD.

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

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

1 TO THE PERSON IF THE PERSON PAYS ALL STATE TAXES ON THE LIQUOR
2 TO THE DEPARTMENT OF REVENUE. THE VEHICLE, BOAT, VESSEL, ANIMAL
3 OR AIRCRAFT USED IN THE ILLEGAL TRANSPORTATION OF SUCH PACKAGES
4 SHALL NOT BE SUBJECT TO FORFEITURE: PROVIDED, HOWEVER, THAT IF
5 IT IS A SECOND OR SUBSEQUENT OFFENSE OR IF IT IS ESTABLISHED
6 THAT THE ILLEGAL POSSESSION OR TRANSPORTATION WAS IN CONNECTION
7 WITH A COMMERCIAL TRANSACTION, THEN THE OTHER PROVISIONS OF THIS
8 ACT PROVIDING FOR PROSECUTION AS A MISDEMEANOR AND FOR THE
9 FORFEITURE OF THE VEHICLE, BOAT, VESSEL, ANIMAL OR AIRCRAFT
10 SHALL APPLY.

11 * * *

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

22 * * *

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

30 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT

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

9 SECTION ~~15~~ 14. SECTION 493(6) AND (33) OF THE ACT, AMENDED <--
10 JUNE 8, 2016 (P.L.273, NO.39), ARE REENACTED AND AMENDED TO
11 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 (6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS
20 AGENTS, SERVANTS OR EMPLOYES, TO FURNISH OR SERVE ANY MALT OR
21 BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING
22 APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED
23 SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER [AND IN LEGIBLE
24 LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS].

25 * * *

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

1 APPLY:

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

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

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

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

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

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

29 (VII) THE BOARD MAY CHARGE A FEE OF FIVE HUNDRED DOLLARS
30 (\$500) EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE INITIAL

1 PERMIT ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO FURTHER FEE
2 SHALL BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED TO THE
3 APPLICANT FOR THE LICENSE DURING THE SAME CALENDAR YEAR.

4 (VIII) THE APPLICANT SHALL SUBMIT WRITTEN NOTICE TO THE
5 BOARD THIRTY DAYS PRIOR TO EACH CATERED EVENT, UNLESS THIS TIME
6 FRAME HAS BEEN WAIVED BY THE BOARD, AND THE BOARD MAY APPROVE OR
7 DISAPPROVE EACH EVENT IF THE APPLICANT FAILS TO PROVIDE TIMELY
8 NOTICE OF THE CATERED FUNCTION, DOES NOT INTEND TO CONDUCT A
9 FUNCTION THAT MEETS THE REQUIREMENTS OF THIS ACT OR HAS
10 PREVIOUSLY CONDUCTED A FUNCTION THAT DID NOT MEET THE
11 REQUIREMENTS OF THIS ACT.

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

20 * * *

21 SECTION ~~46~~ 15. SECTION 505.2 OF THE ACT, AMENDED DECEMBER 8, <--
22 2004 (P.L.1810, NO.239), JULY 16, 2007 (P.L.107, NO.34), JUNE
23 25, 2010 (P.L.217, NO.35), JUNE 28, 2011 (P.L.55, NO.11),
24 DECEMBER 22, 2011 (P.L.530, NO.113) AND JUNE 8, 2016 (P.L.273,
25 NO.39), IS AMENDED TO READ:

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

29 (1) PRODUCE ALCOHOLIC CIDERS, MEAD, WINES AND WINE COOLERS,
30 SUBJECT TO THE EXCEPTIONS PROVIDED UNDER THIS SECTION, ONLY FROM

1 AN AGRICULTURAL COMMODITY GROWN IN PENNSYLVANIA.

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

21 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
22 TO THE CONTRARY, ONLY SHIP WINE IN ACCORDANCE WITH THE
23 PROVISIONS OF SECTION 488.

24 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED
25 WINERIES, SELL ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
26 PRODUCED BY THE LIMITED WINERY ON NO MORE THAN FIVE (5) BOARD-
27 APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES, WITH NO
28 BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL BOARD-
29 APPROVED LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS AS
30 THE BOARD MAY ENFORCE, TO THE BOARD, TO INDIVIDUALS AND TO

1 BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR
2 LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY TO OPERATE AN
3 ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION WITH EACH
4 OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED MANAGER
5 FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND NEED NOT
6 DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S LICENSED
7 AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR SUCH AN
8 ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION SHALL
9 COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED WINERY. EACH
10 LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE
11 RECORDS. A LIMITED WINERY MAY BE CITED FOR A VIOLATION OF THE
12 RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO
13 ITS OWN RECORDS ONLY.

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

1 REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD.

2 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, MEAD, WINE
3 AND FOOD EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR
4 OUTDOORS WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY
5 EDUCATING THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND
6 QUALITY OF PENNSYLVANIA-PRODUCED ALCOHOLIC CIDERS, MEAD AND
7 WINES IN CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS
8 AND SALES. ALCOHOLIC CIDER, MEAD, WINE AND FOOD EXPOSITIONS MAY
9 ALSO INCLUDE ACTIVITIES OTHER THAN ALCOHOLIC CIDER, MEAD, WINE
10 AND FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL
11 ACTIVITIES, CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS
12 MARKETS.

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

1 WELL AS BY ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

2 (5) DO EITHER OF THE FOLLOWING:

3 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
4 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
5 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE
6 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
7 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME
8 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
9 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
10 LICENSE.

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

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

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

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

30 (IV) THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS

1 REQUIRING THE FILING OF PERIODIC REPORTS BY LIMITED WINERIES TO
2 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

3 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
4 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
5 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
6 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE, MEAD
7 MEAD AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE
8 BOTTLE. IN ADDITION, THE HOLDER OF A LIMITED WINERY LICENSE MAY
9 SELL FOR CONSUMPTION ON THE LICENSED PREMISES AND AT THE LIMITED
10 WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, LIQUOR PRODUCED BY
11 A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED
12 BEVERAGES PRODUCED BY A LICENSED BREWERY.

13 (6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR
14 PRODUCED BY THE LIMITED WINERY.

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

25 (6.4) STORE ALCOHOLIC CIDER, MEAD, WINE AND WINE COOLERS
26 PRODUCED BY THE LIMITED WINERY AT NO MORE THAN TWO (2) BOARD-
27 APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES AND THOSE
28 PREMISES REFERENCED IN CLAUSE (3) PERTAINING TO THE FIVE (5)
29 BOARD-APPROVED LOCATIONS FOR THE SALE OF WINE, WITH NO BOTTLING
30 OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL LOCATIONS AND

1 UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE.
2 IF TWO (2) OR MORE BUSINESSES WILL OPERATE OUT OF THE SAME
3 STORAGE FACILITY, THE LIMITED WINERY MUST DESIGNATE SPECIFIC AND
4 DISTINCT AREAS FOR ITS STORAGE. THE LIMITED WINERY'S DESIGNATED
5 STORAGE AREA MUST BE SECURED AND NO ONE OTHER THAN THE LICENSEE
6 AND HIS EMPLOYEES MAY BE ALLOWED ACCESS TO THE STORAGE AREA. NO
7 BOARD-APPROVED MANAGER WILL BE NECESSARY FOR THE STORAGE
8 FACILITY. THE LIMITED WINERY MUST FILL OUT AN APPLICATION FOR
9 SUCH AN ADDITIONAL BOARD-APPROVED STORAGE LOCATION, AND SUCH
10 LOCATION SHALL COUNT AS ONE OF THE TWO PERMITTED FOR EACH
11 LIMITED WINERY. THE LIMITED WINERY IS RESPONSIBLE FOR KEEPING
12 ONLY ITS OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR
13 A VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512
14 AND 513 PERTAINING TO ITS OWN RECORDS ONLY.

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

18 (C) AS USED IN THIS SECTION:

19 "AGRICULTURAL COMMODITY" SHALL INCLUDE ANY OF THE FOLLOWING:
20 AGRICULTURAL, APICULTURAL, HORTICULTURAL, SILVICULTURAL AND
21 VITICULTURAL COMMODITIES.

22 "FARMERS MARKET" SHALL INCLUDE ANY BUILDING, STRUCTURE OR
23 OTHER PLACE:

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

26 (2) USED OR INTENDED TO BE USED BY TWO OR MORE FARMERS OR AN
27 ASSOCIATION OF FARMERS, WHO ARE CERTIFIED BY THE DEPARTMENT OF
28 AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'
29 MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO
30 SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), FOR THE

1 PURPOSE OF SELLING AGRICULTURAL COMMODITIES PRODUCED IN THIS
2 COMMONWEALTH DIRECTLY TO CONSUMERS;

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

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

7 SECTION 16. SECTION 802 OF THE ACT IS AMENDED BY ADDING A <--
8 SUBSECTION TO READ:

9 SECTION 802. MONEYS PAID INTO THE STATE STORES FUND FOR USE
10 OF THE COMMONWEALTH.--* * *

11 (H) ALL MONIES COLLECTED UNDER SECTIONS 416, 432(H) AND
12 470.3 SHALL BE TRANSFERRED FROM THE STATE STORES FUND TO THE
13 GENERAL FUND ON A QUARTERLY BASIS.

14 SECTION 17. REPEALS ARE AS FOLLOWS:

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

17 (2) SECTION 28 OF THE ACT OF JUNE 8, 2016 (P.L.273,
18 NO.39) ENTITLED "AMENDING THE ACT OF APRIL 12, 1951 (P.L.90,
19 NO.21), ENTITLED, AS REENACTED, 'AN ACT RELATING TO ALCOHOLIC
20 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES; AMENDING,
21 REVISING, CONSOLIDATING AND CHANGING THE LAWS RELATING
22 THERETO; REGULATING AND RESTRICTING THE MANUFACTURE,
23 PURCHASE, SALE, POSSESSION, CONSUMPTION, IMPORTATION,
24 TRANSPORTATION, FURNISHING, HOLDING IN BOND, HOLDING IN
25 STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS, ALCOHOL AND
26 MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED OR EMPLOYED
27 THEREIN; DEFINING THE POWERS AND DUTIES OF THE PENNSYLVANIA
28 LIQUOR CONTROL BOARD; PROVIDING FOR THE ESTABLISHMENT AND
29 OPERATION OF STATE LIQUOR STORES, FOR THE PAYMENT OF CERTAIN
30 LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES AND TOWNSHIPS,

1 FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN CERTAIN CASES,
2 FOR SEARCH AND SEIZURE WITHOUT WARRANT; PRESCRIBING PENALTIES
3 AND FORFEITURES; PROVIDING FOR LOCAL OPTION, AND REPEALING
4 EXISTING LAWS', AS FOLLOWS:

5 IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR
6 DEFINITIONS.

7 IN PENNSYLVANIA LIQUOR CONTROL BOARD, FURTHER PROVIDING
8 FOR GENERAL POWERS OF BOARD.

9 IN PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR WHEN
10 SALES MAY BE MADE AT PENNSYLVANIA LIQUOR STORES AND FOR SALES
11 BY PENNSYLVANIA LIQUOR STORES.

12 IN LICENSES AND REGULATIONS, LIQUOR, ALCOHOL AND MALT AND
13 BREWED BEVERAGES,

14 FURTHER PROVIDING FOR LICENSE DISTRICTS, LICENSE PERIOD
15 AND HEARINGS, FOR ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,
16 RESTAURANT AND CLUB LIQUOR LICENSES, FOR SALES BY LIQUOR
17 LICENSEES AND RESTRICTIONS, FOR SPECIAL OCCASION PERMITS, FOR
18 WINE OPTION PERMITS, FOR LIQUOR IMPORTERS' LICENSES, FEES,
19 PRIVILEGES AND RESTRICTIONS AND FOR INTERLOCKING BUSINESS
20 PROHIBITED;

21 PROVIDING FOR WINE EXPANDED PERMITS AND FOR CASINO LIQUOR
22 LICENSE;

23 FURTHER PROVIDING FOR MALT AND BREWED BEVERAGES
24 MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
25 LICENSES, FOR MALT AND BREWED BEVERAGES RETAIL LICENSES, FOR
26 APPLICATION FOR DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND
27 RETAIL DISPENSERS' LICENSES, FOR DISTRIBUTORS' AND IMPORTING
28 DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC., FOR
29 RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES, FOR
30 INTERLOCKING BUSINESS PROHIBITED AND FOR BREWERIES;

1 ESTABLISHING THE PENNSYLVANIA MALT AND BREWED BEVERAGES
2 INDUSTRY PROMOTION BOARD;

3 FURTHER PROVIDING FOR LIMITING NUMBER OF RETAIL LICENSES
4 TO BE ISSUED IN EACH COUNTY, FOR INCORPORATED UNITS OF
5 NATIONAL VETERANS' ORGANIZATIONS, FOR LICENSES NOT ASSIGNABLE
6 AND TRANSFERS AND FOR RENEWAL OF LICENSES AND TEMPORARY
7 PROVISIONS FOR LICENSEES IN ARMED SERVICE;

8 PROVIDING FOR LICENSE AUCTION;

9 FURTHER PROVIDING FOR RESPONSIBLE ALCOHOL MANAGEMENT, FOR
10 LOCAL OPTION, FOR PUBLIC RECORD, FOR SURRENDER OF RESTAURANT,
11 EATING PLACE RETAIL DISPENSER, HOTEL, IMPORTING DISTRIBUTOR
12 AND DISTRIBUTOR LICENSE FOR BENEFIT OF LICENSEE AND FOR
13 SHIPMENT OF WINE INTO COMMONWEALTH;

14 PROVIDING FOR PENNSYLVANIA WINE MARKETING AND RESEARCH
15 BOARD; AND

16 FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE TO LIQUOR,
17 ALCOHOL AND LIQUOR LICENSEES, FOR UNLAWFUL ACTS RELATIVE TO
18 LIQUOR, MALT AND BREWED BEVERAGES AND LICENSEES AND FOR
19 IDENTIFICATION CARDS, LICENSEES AND STATE LIQUOR STORE
20 EMPLOYEES SAVED FROM PROSECUTION.

21 IN DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR
22 HIRE AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING FOR LIMITED
23 WINERIES AND FOR DISTILLERIES.

24 ESTABLISHING A WINE AND SPIRITS WHOLESALE AND RETAIL
25 PRIVATIZATION COMMISSION," IS REPEALED.

26 (3) SECTION 29 OF THE ACT OF JUNE 8, 2016 (P.L.273,
27 NO.39) IS REPEALED INSOFAR AS IT IS INCONSISTENT WITH THE
28 REENACTMENT AND AMENDMENT OF SECTION 493(33)(V) OF THE ACT.
29 SECTION 18. THE FOLLOWING SHALL APPLY:

30 (1) IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF

1 THIS ACT, DURING THE TWO-YEAR PERIOD FOLLOWING THE EFFECTIVE
2 DATE OF THIS SECTION, THE PENNSYLVANIA LIQUOR CONTROL BOARD
3 SHALL PROMULGATE TEMPORARY REGULATIONS NOT INCONSISTENT WITH
4 THIS ACT AS IT MAY DEEM NECESSARY FOR THE ADMINISTRATION OF
5 THIS ACT. THE TEMPORARY REGULATIONS SHALL EXPIRE FOUR YEARS
6 FROM THE EFFECTIVE DATE OF THIS SECTION AND SHALL BE EXEMPT
7 FROM THE FOLLOWING:

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

11 (II) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
12 KNOWN AS THE REGULATORY REVIEW ACT.

13 (2) THE AUTHORITY OF THE BOARD TO PROMULGATE TEMPORARY
14 REGULATIONS UNDER PARAGRAPH (1) SHALL EXPIRE TWO YEARS FROM
15 THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS ADOPTED AFTER
16 THE TWO-YEAR PERIOD SHALL BE PROMULGATED AS PROVIDED BY
17 STATUTE.

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

19 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
20 IMMEDIATELY:

21 (I) THIS SECTION.

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

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

24 (IV) THE REENACTMENT OF SECTION 493(33)(V) OF THE
25 ACT.

26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
27 DAYS.