

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 2002** Session of  
2015

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INTRODUCED BY MUSTIO, KILLION, DeLUCA, PICKETT, MOUL, THOMAS,  
KOTIK, ORTITAY, JAMES AND COHEN, APRIL 19, 2016

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 19, 2016

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## 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, further providing for wine auction  
18 permits.

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

21 Section 1. Section 408.12 of the act of April 12, 1951  
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
23 June 29, 1987 (P.L.32, No.14) and amended or added July 1, 1994  
24 (P.L.402, No.61) and July 16, 2007 (P.L.107, No.34), is amended  
25 to read:

1 Section 408.12. Wine and Spirits Auction Permits.--(a) Upon  
2 application of:

3 (1) any nonprofit hospital;

4 (2) any nonprofit public television station which is a  
5 member of the Pennsylvania Public Television Network;

6 (3) any orchestra located in a county of the first, second  
7 or third class which is operated by a nonprofit corporation;

8 (4) any museum located in a county of the first, second or  
9 third class which is operated by a nonprofit corporation;

10 (5) any nonprofit corporation located in any county of the  
11 third class which trains and places dogs for people who are  
12 physically handicapped;

13 (6) any nationally recognized community-based voluntary  
14 health organization committed to fighting cancer which has been  
15 in existence for at least ninety years;

16 (7) any nationally recognized emergency response  
17 organization that offers humanitarian care to victims of war or  
18 natural disaster and has been in existence for at least one  
19 hundred twenty-five years;

20 (8) any nationally recognized organization whose purpose is  
21 to serve as an agent to collect funds for local charities, as  
22 well as to coordinate relief services, counsel and refer clients  
23 to cooperating agencies and make emergency assistance grants and  
24 has been in existence for at least one hundred twenty years;

25 [or]

26 (9) any hospice as defined under section 802.1 of the act of  
27 July 19, 1979 (P.L.130, No.48), known as the "Health Care  
28 Facilities Act"; or

29 (10) any nationally recognized community-based health  
30 organization committed to funding Type 1 Diabetes research;

1 and upon payment of a fee of thirty dollars (\$30) per day, the  
2 board shall issue a wine and spirits auction permit good for a  
3 period of not more than four consecutive or nonconsecutive days  
4 per calendar year.

5 (b) Subject to clause (1) of section 493 of this act, such  
6 wine and spirits auction permit shall authorize the permittee to  
7 sell, by auction, wine and spirits by the bottle or case to any  
8 person on any day for which the permit is issued, provided,  
9 however, that such permit shall only be issued in any city,  
10 borough, incorporated town or township in which the sale of  
11 liquor and/or malt or brewed beverages has been approved by the  
12 electorate. Any wine and spirits purchased under this section  
13 shall not be consumed at the place of purchase.

14 (c) The wine and spirits auction permit shall only be valid  
15 for the number of days stated in the permit.

16 (d) Wine and spirits auction permits shall only be issued  
17 for use at an event which is used by the permittee as a means of  
18 raising funds for its operation.

19 (e) The hours during which the holder of a wine and spirits  
20 auction permit may sell wine and spirits shall be limited to the  
21 hours set forth in section 406 of this act which are applicable  
22 to hotel and restaurant licensees, provided, however, that wine  
23 and spirits auction permittees may sell wine and spirits on  
24 Sunday between the hours of seven o'clock antemeridian and until  
25 two o'clock antemeridian Monday.

26 (f) Wine and spirits auction permits may be issued for sales  
27 on premises which are either licensed or unlicensed under this  
28 act.

29 (g) Any wine and spirits sold under this section shall be  
30 purchased from a Pennsylvania Liquor Store, a Pennsylvania

1 limited winery or any seller authorized to sell wine or spirits  
2 by the bottle or case in this Commonwealth or shall be donated  
3 by a person who is neither a licensee nor a permittee who has  
4 legally acquired the wine or spirits and legally possesses it in  
5 this Commonwealth.

6 (h) If any wine or spirits sold under this section is  
7 purchased from a seller other than a Pennsylvania Liquor Store  
8 or a Pennsylvania limited winery, the permittee shall provide  
9 thirty days' notice to the board of its intent to purchase such  
10 wine or spirits. The notice shall include a description of the  
11 wine or spirits to be purchased, the quantity to be purchased,  
12 the name of the seller and any other information which the board  
13 may require. The permittee shall comply with all board  
14 regulations regarding taxes and fees.

15 (i) The permittee shall be responsible for paying to the  
16 board an amount equal to all taxes which would have been paid on  
17 such wine or spirits if it had been purchased from a  
18 Pennsylvania Liquor Store, together with a processing fee to be  
19 determined by the board.

20 (j) As a condition of the permit, the permittee shall not  
21 broadcast by way of radio or television or disseminate by print  
22 media nor cause the broadcast by way of radio, television or  
23 dissemination by the print media of the price of any wine or  
24 spirits sold or to be sold under this section.

25 (k) Any person selling wine or spirits in violation of this  
26 section shall, upon summary conviction, be sentenced to pay a  
27 fine of two hundred fifty dollars (\$250) for the first offense  
28 and a fine of five hundred dollars (\$500) for each subsequent  
29 offense. This fine shall be in addition to any other penalty  
30 imposed by law for the illegal sale of liquor or malt or brewed

1 beverages.

2 (1) "Auction," as used in this section, shall mean the offer  
3 to sell wine and spirits by the permittee to the members of an  
4 audience congregated for the purpose of making bids for the  
5 purchase of the wine and spirits in an effort by the permittee  
6 to advance the amount of the bids to obtain the highest or most  
7 favorable offer.

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