

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1497 Session of 2017

INTRODUCED BY JOZWIAK, TALLMAN, ROTHMAN, BARBIN, M. K. KELLER, MILLARD, A. HARRIS, GROVE, WENTLING, WARD, SONNEY AND WHEELAND, JUNE 5, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 28, 2017

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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 preliminary provisions, further defining "alcoholic cider"
18 and "public venue"; and, in licenses and regulations for
19 liquor, alcohol and malt and brewed beverages, further
20 providing FOR SALES BY LIQUOR LICENSEES AND RESTRICTIONS, for <--
21 wine and spirits auction permits-, FOR INTERLOCKING <--
22 BUSINESSES PROHIBITED, FOR PERFORMING ARTS FACILITY LICENSE,
23 FOR MALT AND BREWED BEVERAGES MANUFACTURERS', DISTRIBUTORS'
24 AND IMPORTING DISTRIBUTORS' LICENSES, FOR LOCAL OPTION AND
25 FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND BREWED
26 BEVERAGES AND LICENSEES.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 Section 1. The definitions of "alcoholic cider" and "public

1 venue" in section 102 of the act of April 12, 1951 (P.L.90,
2 No.21), known as the Liquor Code, amended November 15, 2016
3 (P.L.1286, No.166), are amended to read:

4 Section 102. Definitions.--The following words or phrases,
5 unless the context clearly indicates otherwise, shall have the
6 meanings ascribed to them in this section:

7 * * *

8 "Alcoholic cider" shall mean a beverage which may contain
9 carbonation in an amount not to exceed six and four tenths grams
10 per liter, produced through alcoholic fermentation [of any fruit
11 or fruit juice], which is primarily derived from apples, apple
12 juice concentrate and water, pears or pear juice concentrate and
13 water, consisting of at least one-half of one per centum, but
14 not greater than eight and one-half per centum, alcohol by
15 volume and sold or offered for sale as alcoholic cider and not
16 as a wine, a wine product or as a substitute for wine, in
17 bottles, cases, kegs, cans or other suitable containers of the
18 type used for the sale of malt or brewed beverages in this
19 Commonwealth.

20 * * *

21 "Public venue" shall mean a stadium, arena, convention
22 center, museum, zoo, amphitheater or similar structure. If the
23 public venue is a cruise terminal owned or leased by a port
24 authority created under the act of June 12, 1931 (P.L.575,
25 No.200), entitled "An act providing for joint action by
26 Pennsylvania and New Jersey in the development of the ports on
27 the lower Delaware River, and the improvement of the facilities
28 for transportation across the river; authorizing the Governor,
29 for these purposes, to enter into an agreement with New Jersey;
30 creating The Delaware River Joint Commission and specifying the

1 powers and duties thereof, including the power to finance
2 projects by the issuance of revenue bonds; transferring to the
3 new commission all the powers of the Delaware River Bridge Joint
4 Commission; and making an appropriation," it shall have no
5 permanent seating requirement. If the public venue is an open-
6 air amphitheater owned by a port authority created under the act
7 of December 6, 1972 (P.L.1392, No.298), known as the "Third
8 Class City Port Authority Act," it shall have no permanent
9 seating requirement. If the public venue is owned by a political
10 subdivision, a municipal authority, the Commonwealth, an
11 authority created under the act of July 29, 1953 (P.L.1034,
12 No.270), known as the "Public Auditorium Authorities Law," an
13 authority created under Article XXV-A of the act of July 28,
14 1953 (P.L.723, No.230), known as the "Second Class County Code,"
15 an art museum established under the authority of the act of
16 April 6, 1791 (3 Sm.L.20, No.1536), entitled "An act to confer
17 on certain associations of the citizens of this commonwealth the
18 powers and immunities of corporations, or bodies politic in
19 law," [or] an authority created under Article XXIII (n) or (o)
20 of the act of August 9, 1955 (P.L.323, No.130), known as "The
21 County Code," or it is located in a neighborhood improvement
22 zone created under Article XIX-B of the act of March 4, 1971
23 (P.L.6, No.2), known as the Tax Reform Code of 1971, located in
24 a city of the third class, it shall have permanent seating for
25 at least one thousand (1,000) people; otherwise, it shall have
26 permanent seating for at least two thousand (2,000) people. The
27 term shall also mean any regional history center, multipurpose
28 cultural and science facility, museum or convention or trade
29 show center, regardless of owner and seating capacity, that has
30 a floor area of at least sixty thousand (60,000) square feet in

1 one building. The term shall also mean a convention or
2 conference center owned by a city of the third class or a
3 university which is a member of the Pennsylvania State System of
4 Higher Education which is operated by a university foundation or
5 alumni association, regardless of seating capacity, that has a
6 floor area of at least fifteen thousand (15,000) square feet in
7 one building. The term shall also mean a visitor center,
8 regardless of floor area or seating capacity, that was
9 established under the authority of the Gateway Visitor Center
10 Authorization Act of 1999 (Public Law 106-131, 113 Stat. 1678,
11 16 U.S.C. § 407m).

12 * * *

13 ~~Section 2. Section SECTIONS 406(D) 408.12(A) (6), (10), (11) <--~~
14 ~~and (12), 411(E) AND 413(F) (1) 472(A) of the act, amended~~
15 ~~November 15, 2016 (P.L.1286, No.166), are amended to read:~~

16 SECTION 2. SECTION 406(D) OF THE ACT IS AMENDED TO READ: <--

17 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--* * *

18 (D) SUBJECT TO SECTION 412, LICENSED PUBLIC VENUES MAY SELL
19 LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAYS FROM ELEVEN
20 O'CLOCK ANTEMERIDIAN UNTIL MIDNIGHT WITHOUT THE NEED TO ACQUIRE
21 OR QUALIFY FOR A SPECIAL PERMIT. IN ADDITION, SUBJECT TO SECTION
22 413, LICENSED PERFORMING ARTS FACILITIES MAY SELL LIQUOR AND
23 MALT OR BREWED BEVERAGES ON SUNDAYS FROM [ONE O'CLOCK
24 POSTMERIDIAN] TEN O'CLOCK ANTEMERIDIAN UNTIL TEN O'CLOCK
25 POSTMERIDIAN WITHOUT THE NEED TO ACQUIRE OR QUALIFY FOR A
26 SPECIAL PERMIT.

27 * * *

28 SECTION 3. SECTIONS 408.12(A) (6), (10), (11) AND (12) AND
29 411(D) AND (E) OF THE ACT, AMENDED NOVEMBER 15, 2016 (P.L.1286,
30 NO.166), ARE AMENDED TO READ:

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

3 * * *

4 (6) any [nationally recognized] community-based voluntary
5 health organization committed to fighting cancer [which has been
6 in existence for at least ninety years];

7 * * *

8 (10) institution of higher education; or

9 (11) any nationally recognized community-based health
10 organization committed to funding Type 1 Diabetes research; [or]
11 [(12) any nationally recognized community-based voluntary
12 health organization committed to fighting cancer which has been
13 in existence for at least twenty years;]

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

18 * * *

19 SECTION 411. INTERLOCKING BUSINESS PROHIBITED.--* * *

20 (D) EXCEPTING AS HEREIN PROVIDED, NO HOTEL LICENSEE,
21 RESTAURANT LICENSEE OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR,
22 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE SHALL IN ANY
23 WISE BE INTERESTED, EITHER DIRECTLY OR INDIRECTLY, [IN THE
24 OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY
25 PROPERTY OR ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A
26 MANUFACTURER IN MANUFACTURING LIQUOR OR MALT OR BREWED
27 BEVERAGES; NOR SHALL ANY HOTEL, RESTAURANT OR CLUB LICENSEE, OR
28 ANY OFFICER, DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH
29 LICENSEE, EITHER DIRECTLY OR INDIRECTLY,] LEND ANY MONEYS,
30 CREDIT, OR GIVE ANYTHING OF VALUE OR THE EQUIVALENT THEREOF, TO

1 ANY MANUFACTURER FOR EQUIPPING, FITTING OUT, OR MAINTAINING AND
2 CONDUCTING, EITHER IN WHOLE OR IN PART, AN ESTABLISHMENT USED
3 FOR THE MANUFACTURE OF LIQUOR OR MALT OR BREWED BEVERAGES.

4 (E) EXCEPT AS HEREIN PROVIDED, NO HOTEL, RESTAURANT, RETAIL
5 DISPENSER OR CLUB LICENSEE, AND NO OFFICER, DIRECTOR OR
6 STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE SHALL IN ANY
7 WISE BE INTERESTED, DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR
8 LEASEHOLD OF ANY PROPERTY OR THE EQUIPMENT OF ANY PROPERTY OR
9 ANY MORTGAGE LIEN AGAINST THE SAME, USED BY A DISTRIBUTOR,
10 IMPORTING DISTRIBUTOR, OR BY AN IMPORTER OR SACRAMENTAL WINE
11 LICENSEE, IN THE CONDUCT OF HIS BUSINESS; NOR SHALL ANY HOTEL,
12 RESTAURANT, RETAIL DISPENSER OR CLUB LICENSEE, OR ANY OFFICER,
13 DIRECTOR, STOCKHOLDER, AGENT OR EMPLOYE OF ANY SUCH LICENSEE,
14 EITHER DIRECTLY OR INDIRECTLY, LEND ANY MONEYS, CREDIT, OR GIVE
15 ANYTHING OF VALUE OR THE EQUIVALENT THEREOF, TO ANY DISTRIBUTOR,
16 IMPORTING DISTRIBUTOR, IMPORTER OR SACRAMENTAL WINE LICENSEE,
17 FOR EQUIPPING, FITTING OUT, OR MAINTAINING AND CONDUCTING,
18 EITHER IN WHOLE OR IN PART, AN ESTABLISHMENT USED IN THE CONDUCT
19 OF HIS BUSINESS.

20 THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION OF THE
21 FINANCIAL AND BUSINESS INTERESTS BETWEEN MANUFACTURERS AND
22 HOLDERS OF HOTEL OR RESTAURANT LIQUOR LICENSES AND, AS HEREIN
23 PROVIDED, OF CLUB LICENSES, ISSUED UNDER THIS ARTICLE, AND NO
24 PERSON SHALL, BY ANY DEVICE WHATSOEVER, DIRECTLY OR INDIRECTLY,
25 EVADE THE PROVISIONS OF THE SECTION. BUT IN VIEW OF EXISTING
26 ECONOMIC CONDITIONS, NOTHING CONTAINED IN THIS SECTION SHALL BE
27 CONSTRUED TO PROHIBIT THE OWNERSHIP OF PROPERTY OR CONFLICTING
28 INTEREST BY A MANUFACTURER OF ANY PLACE OCCUPIED BY A LICENSEE
29 UNDER THIS ARTICLE AFTER THE MANUFACTURER HAS CONTINUOUSLY OWNED
30 AND HAD A CONFLICTING INTEREST IN SUCH PLACE FOR A PERIOD OF AT

1 LEAST FIVE YEARS PRIOR TO JULY EIGHTEENTH, ONE THOUSAND NINE
2 HUNDRED THIRTY-FIVE: PROVIDED, HOWEVER, THAT THIS CLAUSE SHALL
3 NOT PROHIBIT ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE, OR
4 ANY OFFICER, DIRECTOR OR STOCKHOLDER OF ANY SUCH LICENSEE, FROM
5 OWNING LAND OR BUILDINGS WHICH ARE LEASED TO A HOLDER OF A
6 RETAIL DISPENSER'S LICENSE, [A DISTILLERY LICENSE OR A LIMITED
7 DISTILLERY LICENSE] OR A MANUFACTURER'S LICENSE: AND, PROVIDED
8 FURTHER, THAT NOTHING CONTAINED IN THIS SECTION SHALL BE
9 CONSTRUED TO PROHIBIT ANY HOTEL, RESTAURANT, RETAIL DISPENSER OR
10 CLUB LICENSEE OR ANY OFFICER, DIRECTOR OR STOCKHOLDER, AGENT OR
11 EMPLOYE OF ANY SUCH LICENSEE FROM HAVING A FINANCIAL OR OTHER
12 INTEREST, DIRECTLY OR INDIRECTLY IN [THE OWNERSHIP OR LEASEHOLD
13 OF ANY PROPERTY OR] THE EQUIPMENT OF ANY PROPERTY OR ANY
14 MORTGAGE LIEN AGAINST SAME, USED, LEASED BY AN IMPORTER OR
15 SACRAMENTAL WINE LICENSEE FOR THE EXCLUSIVE PURPOSE OF
16 MAINTAINING COMMERCIAL OFFICES AND ON THE CONDITION THAT SAID
17 PROPERTY IS NOT USED FOR THE STORAGE OR SALE OF LIQUOR OR MALT
18 OR BREWED BEVERAGES IN ANY QUANTITY: AND, PROVIDED FURTHER, THAT
19 NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT AN OFFICER OR
20 MEMBER OF A LICENSED PRIVATELY OWNED PRIVATE GOLF COURSE
21 CATERING CLUB FROM HAVING AN INTEREST IN A LIMITED WINERY
22 LICENSE: AND, PROVIDED FURTHER, THAT NOTHING CONTAINED IN THIS
23 SECTION SHALL BE CONSTRUED TO PROHIBIT A MEMBER OF THE GOVERNING
24 BOARD OF A PUBLIC AUTHORITY CREATED UNDER SUBDIVISION (N) OF
25 ARTICLE XXIII OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
26 KNOWN AS "THE COUNTY CODE," FROM HAVING AN INTEREST IN A
27 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE NOTWITHSTANDING THE
28 FACT THAT THE PUBLIC AUTHORITY HAS AN INTEREST IN ONE OR MORE
29 RETAIL LICENSES OR ACTS AS A LANDLORD FOR ONE OR MORE RETAIL
30 LICENSES: AND, PROVIDED FURTHER, THAT, NOTHING IN THIS SECTION

1 MAY PROHIBIT AN EMPLOYE OF A HOTEL OR RESTAURANT LICENSEE FROM
2 HAVING AN INTEREST IN ANY PROPERTY USED BY A LIMITED WINERY
3 LICENSEE OR IN GUARANTEEING ANY LOANS, OR LENDING ANY MONEYS,
4 PROVIDING CREDIT OR GIVING ANYTHING OF VALUE TO A LIMITED WINERY
5 LICENSEE OR ITS OFFICERS, DIRECTORS AND SHAREHOLDERS, PROVIDED
6 THAT THE PERSON ALSO IS NOT AN OFFICER OF OR DOES NOT HAVE ANY
7 INTEREST IN OR EXERCISE ANY CONTROL OVER ANY OTHER LICENSED
8 ENTITY THAT ENGAGES IN ANY SALES TO OR FROM THE LICENSEE: AND,
9 PROVIDED FURTHER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF
10 THIS SECTION, AN ENTITY MAY ACQUIRE BOTH A MANUFACTURER'S
11 LICENSE OR A LIMITED WINERY LICENSE AND A HOTEL, RESTAURANT OR
12 RETAIL DISPENSER LICENSE FOR USE AT THE SAME LOCATION AND MORE
13 THAN ONE LOCATION MAY BE SO LICENSED. AND, PROVIDED FURTHER,
14 THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN
15 ENTITY LICENSED AS A LIMITED WINERY MAY HOLD AND OPERATE A
16 RESTAURANT LIQUOR LICENSE AT ONE OF ITS ADDITIONAL, BOARD-
17 APPROVED LOCATIONS INSTEAD OF AT ITS PRIMARY LOCATION WHERE
18 MANUFACTURING OCCURS. THE LICENSES AND A PERSON'S INTEREST IN
19 THE LICENSES OR IN THE ENTITY HOLDING THE LICENSES SHALL NOT BE
20 SUBJECT TO THIS SECTION. PROVIDED FURTHER, THAT, A PERSON WHO IS
21 A HOLDER OF TEN PER CENTUM (10%) OR LESS OF SECURITIES OR OTHER
22 INTERESTS IN A PUBLICLY OR PRIVATELY HELD DOMESTIC OR FOREIGN
23 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER
24 FORM OF LEGAL ENTITY OWNING A RETAIL LICENSE SHALL NOT BE DEEMED
25 TO POSSESS A FINANCIAL INTEREST AND IS NOT SUBJECT TO THE
26 PROVISIONS OF THIS SECTION, PROVIDED THAT THE PERSON IS NOT AN
27 OFFICER OF, EMPLOYE OF OR DOES NOT HAVE ANY INTEREST IN OR
28 EXERCISE ANY CONTROL OVER ANY OTHER LICENSED ENTITY THAT ENGAGES
29 IN ANY SALES TO OR FROM THE RETAIL LICENSEE IN WHICH THE PERSON
30 HOLDS THE TEN PER CENTUM (10%) OR LESS INTEREST[.]: AND,

1 PROVIDED FURTHER, THAT NOTHING IN THIS SECTION SHALL PROHIBIT A
2 PERSON WHO HAS AN OWNERSHIP INTEREST IN A LIMITED WINERY LICENSE
3 FROM BEING EMPLOYED BY AN ENTITY THAT HOLDS A HOTEL, RESTAURANT,
4 EATING PLACE OR CLUB LICENSE SO LONG AS THE PERSON IS NOT
5 EMPLOYED AS AN ALCOHOL SERVICE PERSONNEL OR AS MANAGER.

6 * * *

7 SECTION 4. SECTION 413(F) (1) OF THE ACT IS AMENDED TO READ:

8 SECTION 413. PERFORMING ARTS FACILITY LICENSE.--* * *

9 (F) LICENSES ISSUED UNDER THIS SECTION ARE TO BE CONSIDERED
10 RESTAURANT LIQUOR LICENSES. HOWEVER, THE FOLLOWING ADDITIONAL
11 RESTRICTIONS AND PRIVILEGES APPLY:

12 (1) SALES OF LIQUOR AND MALT OR BREWED BEVERAGES MAY BE MADE
13 TWO HOURS BEFORE, DURING AND ONE HOUR AFTER ANY PERFORMANCE AT
14 THE FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK
15 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES
16 MAY NOT OCCUR PRIOR TO [ONE O'CLOCK POSTMERIDIAN] TEN O'CLOCK
17 ANTEMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON SUNDAYS.

18 HOWEVER, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTION
19 408.3(A) AND 408.3(A.2) MAY SELL LIQUOR AND MALT OR BREWED
20 BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN
21 O'CLOCK ANTEMERIDIAN OR PRIOR TO ONE O'CLOCK POSTMERIDIAN OR
22 AFTER TEN O'CLOCK POSTMERIDIAN ON SUNDAYS, REGARDLESS OF WHETHER
23 THERE IS A PERFORMANCE AT THE FACILITY.

24 * * *

25 SECTION 5. SECTION 431(B) OF THE ACT, REENACTED AND AMENDED
26 NOVEMBER 15, 2016 (P.L.1286, NO.166), IS AMENDED TO READ:

27 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
28 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

29 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
30 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER

1 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
2 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
3 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
4 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR
5 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
6 OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET
7 BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. IN ADDITION, A
8 DISTRIBUTOR LICENSE HOLDER MAY SELL MALT OR BREWED BEVERAGES IN
9 ANY AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-
10 PREMISES CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN
11 THE PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY
12 BE SOLD IN REFILLABLE GROWLERS. THE BOARD SHALL HAVE THE
13 DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
14 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
15 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
16 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
17 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
18 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
19 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
20 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
21 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
22 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
23 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
24 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
25 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
26 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
27 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
28 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
29 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
30 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND

1 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
2 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
3 BOARD SHALL NOT LICENSE THE AREA WHERE LIQUID FUELS OR OIL IS
4 SOLD. NO SALES OF LIQUID FUELS OR OIL MAY BE MADE FROM A
5 LICENSEE'S LICENSED PREMISES. A LICENSED PREMISES MAY NOT HAVE
6 AN INTERIOR CONNECTION WITH A LOCATION THAT SELLS LIQUID FUELS
7 OR OIL UNLESS IT FIRST RECEIVES PERMISSION FROM THE BOARD FOR
8 THE INTERIOR CONNECTION. THE APPROVAL SHALL BE REQUIRED
9 REGARDLESS OF WHETHER THE LICENSEE OR ANOTHER PARTY IS THE
10 ENTITY SELLING THE LIQUID FUELS OR OIL. THE BOARD MAY ENTER INTO
11 AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
12 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
13 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
14 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
15 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
16 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
17 UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN
18 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS
19 SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE
20 LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD
21 ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS.
22 IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY
23 LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE
24 BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING
25 ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
26 RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL REQUIRE NOTICE TO
27 BE POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
28 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
29 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
30 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

1 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
2 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
3 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
4 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
5 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
6 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
7 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
8 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
9 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
10 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
11 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
12 AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES OWNED
13 BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
14 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
15 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
16 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
17 BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED
18 HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE
19 A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING
20 OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY
21 A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
22 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES
23 PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO
24 IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN
25 DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS
26 OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS
27 COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE
28 FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL
29 BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY
30 RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE

1 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP
2 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,
3 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED
4 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE
5 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,
6 DURING NORMAL BUSINESS HOURS.

7 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
8 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
9 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
10 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
11 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
12 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
13 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
14 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
15 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
16 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
17 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO ANY LICENSEE
18 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
19 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
20 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
21 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
22 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
23 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THEN
24 THE MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT
25 LICENSED PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL
26 AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE
27 IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO
28 THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE DELIVERY OF MALT
29 OR BREWED BEVERAGES OR TRANSFER MALT OR BREWED BEVERAGES IN
30 VIOLATION OF THIS SECTION, SAID LICENSEE SHALL BE SUBJECT TO A

1 SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS: PROVIDED,
2 THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS
3 FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER
4 IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A
5 WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR
6 SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS
7 ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY
8 IMPORTING DISTRIBUTOR BY THE MANUFACTURER.

9 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
10 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
11 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
12 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
13 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
14 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
15 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
16 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
17 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
18 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
19 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
20 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
21 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO A LICENSEE
22 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
23 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
24 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
25 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
26 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
27 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THE
28 MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT LICENSED
29 PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED
30 TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR

1 THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. [IF A
2 LICENSEE ACCEPTS THE DELIVERY OF MALT OR BREWED BEVERAGES OR
3 TRANSFERS MALT OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION,
4 THE LICENSEE SHALL BE SUBJECT TO SUSPENSION OF HIS LICENSE FOR
5 AT LEAST THIRTY DAYS: PROVIDED, THAT THE] THE IMPORTING
6 DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT
7 SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER IMPORTING
8 DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A WRITTEN
9 AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR SETTING
10 FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO
11 BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY IMPORTING
12 DISTRIBUTOR BY THE MANUFACTURER. NOTHING HEREIN CONTAINED SHALL
13 BE CONSTRUED TO PREVENT ANY MANUFACTURER FROM AUTHORIZING THE
14 IMPORTING DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A
15 DESIGNATED GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH
16 MANUFACTURER TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING
17 DISTRIBUTING RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER
18 GEOGRAPHICAL AREA, PROVIDING SUCH AUTHORITY BE CONTAINED IN
19 WRITING AND A COPY THEREOF BE GIVEN TO EACH OF THE IMPORTING
20 DISTRIBUTORS SO AFFECTED.

21 A DISTRIBUTOR WHO VIOLATES THE PROVISIONS OF THIS SECTION AND
22 DELIVERS TO A LICENSEE OUTSIDE OF THE DESIGNATED GEOGRAPHICAL
23 AREA SHALL BE SUBJECT TO CITATION BY THE ENFORCEMENT BUREAU OF
24 THE BOARD WHICH SHALL RESULT IN PENALTIES AS FOLLOWS: THE
25 RECEIPT OF A FIRST CITATION WILL RESULT IN A FINE OF NOT LESS
26 THAN FIVE HUNDRED DOLLARS (\$500), NOR MORE THAN ONE THOUSAND
27 DOLLARS (\$1,000); THE RECEIPT OF A SECOND CITATION WILL RESULT
28 IN A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS (\$1,000), NOR
29 MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) AND
30 SUSPENSION OF OPERATING PRIVILEGES FOR AT LEAST TWO DAYS; THE

1 RECEIPT OF A THIRD OR SUBSEQUENT CITATION WILL RESULT IN A FINE
2 OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), NOR
3 MORE THAN FIVE THOUSAND (\$5,000) AND SUSPENSION OF OPERATING
4 PRIVILEGES FOR SEVEN DAYS.

5 A LICENSEE WHO ACCEPTS PRODUCT IN VIOLATION OF THE PROVISIONS
6 OF THIS SECTION SHALL BE SUBJECT TO CITATION BY THE ENFORCEMENT
7 BUREAU OF THE BOARD, WHICH SHALL RESULT IN PENALTIES AS FOLLOWS:
8 THE RECEIPT OF A FIRST CITATION WILL RESULT IN A WARNING AND
9 WILL SERVE AS OFFICIAL NOTICE THAT THE LICENSEE IS ACCEPTING
10 PRODUCT IN VIOLATION OF THIS ACT; THE RECEIPT OF A SECOND
11 CITATION WILL RESULT IN A FINE OF NOT LESS THAN FIVE HUNDRED
12 DOLLARS (\$500), NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000); THE
13 RECEIPT OF A THIRD CITATION WILL RESULT IN A FINE OF NOT LESS
14 THAN ONE THOUSAND DOLLARS (\$1,000), NOR MORE THAN TWO THOUSAND
15 FIVE HUNDRED DOLLARS (\$2,500) AND SUSPENSION OF OPERATING
16 PRIVILEGES FOR AT LEAST TWO DAYS; THE RECEIPT OF A FOURTH OR
17 SUBSEQUENT CITATION WILL RESULT IN A FINE OF NOT LESS THAN TWO
18 THOUSAND FIVE HUNDRED DOLLARS (\$2,500), NOR MORE THAN FIVE
19 THOUSAND (\$5,000) AND SUSPENSION OF OPERATING PRIVILEGES FOR
20 SEVEN DAYS.

21 * * *

22 SECTION 6. SECTION 472(A) OF THE ACT, AMENDED NOVEMBER 15,
23 2016 (P.L.1286, NO.166), IS AMENDED TO READ:

24 SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY
25 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT
26 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN
27 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), NOT OFTENER
28 THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS
29 WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO HOTELS,
30 RESTAURANTS, RESORT FACILITIES AND CLUBS, NOT OFTENER THAN ONCE

1 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
2 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO PUBLIC VENUES, TO
3 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT
4 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN
5 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
6 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT
7 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE
8 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL
9 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE
10 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
11 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND
12 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO
13 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING
14 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO
15 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT
16 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE
17 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION
18 PERMITS TO QUALIFIED ORGANIZATIONS, NOT MORE THAN ONCE IN FOUR
19 YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE
20 ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF
21 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH
22 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, OR NOT MORE THAN
23 ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
24 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI RESORT
25 FACILITIES, UNDER THE PROVISIONS OF THIS ACT: PROVIDED, THAT AN
26 ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A STATE
27 LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES, OR
28 THAT PART OF A SPLIT MUNICIPALITY THAT SHALL HAVE VOTED AGAINST
29 THE GRANTING OF LIQUOR LICENSES; AND THAT AN ELECTION ON THE
30 QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING

1 DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE
2 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE
3 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S
4 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER
5 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE
6 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST
7 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY
8 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE
9 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE
10 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY
11 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE
12 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT ANY
13 ELECTION, EXCEPT A SPECIAL ELECTION. SEPARATE PETITIONS MUST BE
14 FILED FOR EACH QUESTION TO BE VOTED ON. SAID PROCEEDINGS SHALL
15 BE IN THE MANNER AND SUBJECT TO THE PROVISIONS OF THE ELECTION
16 LAWS WHICH RELATE TO THE SIGNING, FILING AND ADJUDICATION OF
17 NOMINATION PETITIONS, WITH RESPECT TO A QUESTION TO BE PLACED ON
18 THE BALLOT IN A PRIMARY ELECTION, AND NOMINATION PAPERS, WITH
19 RESPECT TO A QUESTION TO BE PLACED ON THE BALLOT IN A MUNICIPAL
20 OR GENERAL ELECTION, IN EACH CASE INSOFAR AS SUCH PROVISIONS ARE
21 APPLICABLE.

22 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
23 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

24 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE
25 SALE OF LIQUOR IN..... YES
26 OF.....? NO

27 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
28 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO
29 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
30 FOLLOWING FORM:

1 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT
2 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
3 OF.....? NO

4 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
5 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT
6 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
7 FOLLOWING FORM:

8 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI
9 RESORT FACILITIES FOR THE SALE OF LIQUOR IN THE YES
10OF? NO

11 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
12 LIQUOR LICENSES FOR USE AT PUBLIC VENUES IN THOSE MUNICIPALITIES
13 THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE
14 IN THE FOLLOWING FORM:

15 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC
16 VENUES FOR THE SALE OF LIQUOR IN THE..... YES
17 OF.....? NO

18 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
19 LIQUOR LICENSES FOR USE AT PERFORMING ARTS FACILITIES IN THOSE
20 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF
21 ALCOHOL, IT SHALL BE IN THE FOLLOWING FORM:

22 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO
23 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN
24 THE..... YES
25 OF.....? NO

26 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
27 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED
28 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT
29 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN
30 THE FOLLOWING FORM:

1 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS
2 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR
3 UNIVERSITY IN THE..... YES
4 OF.....? NO

5 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
6 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE
7 IN THE FOLLOWING FORM:

8 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
9 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF
10 LIQUOR IN.....BY..... YES
11 OF.....? NO

12 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
13 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE
14 IN THE FOLLOWING FORM:

15 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
16 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF
17 LIQUOR IN.....BY..... YES
18 OF.....? NO

19 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
20 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE
21 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF
22 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

23 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
24 CONTINUING CARE RETIREMENT COMMUNITIES
25 IN.....BY..... YES
26 OF.....? NO

27 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
28 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
29 IN THE FOLLOWING FORM:

30 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE

1 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES
2 WHERE SOLD IN THE..... YES
3 OF.....? NO

4 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
5 TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND
6 IMPORTING DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:

7 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
8 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S
9 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN
10 THE..... YES
11 OF.....? NO

12 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
13 LIQUOR LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
14 ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

15 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO
16 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS
17 IN THE..... YES
18 OF.....? NO

19 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
20 RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL
21 VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

22 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER
23 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
24 ORGANIZATIONS IN THE..... YES
25 OF.....? NO

26 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
27 OCCASION PERMITS ALLOWING THE SALE OF LIQUOR BY QUALIFIED
28 ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE
29 RETAIL SALE OF LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

30 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS YES

1 TO ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS
2 IN THE.....
3 OF.....? NO

4 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
5 OCCASION PERMITS ALLOWING THE SALE OF MALT OR BREWED BEVERAGES
6 ONLY BY QUALIFIED ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT
7 ALREADY ALLOW THE RETAIL SALE OF MALT OR BREWED BEVERAGES, IT
8 SHALL BE IN THE FOLLOWING FORM:

9 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
10 TO ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY
11 QUALIFIED ORGANIZATIONS IN THE..... YES
12 OF.....? NO

13 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
14 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
15 BE IN THE FOLLOWING FORM:

16 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND
17 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN
18 THE..... YES
19 OF.....? NO

20 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
21 LICENSES TO AN AIRPORT AUTHORITY IN THOSE MUNICIPALITIES THAT DO
22 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
23 FOLLOWING FORM:

24 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO AN
25 AIRPORT AUTHORITY FOR THE SALE OF LIQUOR IN
26 THE..... YES
27 OF.....? NO

28 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A
29 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
30 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,

1 RESTAURANTS, SKI RESORTS, RESORT FACILITIES AND CLUBS, OR LIQUOR
2 LICENSES SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO
3 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT
4 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN
5 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
6 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT
7 AND BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE
8 DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE
9 OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR
10 CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES SHALL BE
11 GRANTED BY THE BOARD TO INCORPORATED UNITS OF NATIONAL VETERANS'
12 ORGANIZATIONS, OR SPECIAL OCCASION PERMITS MAY BE ISSUED TO
13 QUALIFIED ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND
14 MAINTAIN PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH
15 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY
16 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH
17 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT
18 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO
19 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;
20 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE
21 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR
22 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA
23 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT
24 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING
25 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT
26 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE
27 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY
28 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A
29 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON
30 SUCH QUESTION.

1 * * *

2 SECTION 7. SECTION 493(11) OF THE ACT IS AMENDED TO READ:

3 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
4 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
5 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
6 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
7 OTHERWISE.

8 IT SHALL BE UNLAWFUL--

9 * * *

10 (11) LICENSEES EMPLOYED BY OTHERS. FOR ANY HOTEL, RESTAURANT
11 OR CLUB LIQUOR LICENSEE, OR ANY MALT OR BREWED BEVERAGE
12 LICENSEE, OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF SUCH
13 LICENSEE, TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
14 INDIRECTLY, BY ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR,
15 MANUFACTURER, IMPORTER OR VENDOR LICENSEE OR ANY OUT OF STATE
16 MANUFACTURER. IT SHALL ALSO BE UNLAWFUL FOR ANY DISTRIBUTOR OR
17 IMPORTING DISTRIBUTOR, OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE
18 OF SUCH LICENSEE, TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
19 INDIRECTLY, BY ANY OTHER DISTRIBUTOR, IMPORTING DISTRIBUTOR,
20 MANUFACTURER, IMPORTER, VENDOR, OUT OF STATE MANUFACTURER, HOTEL
21 RESTAURANT, MALT OR BREWED BEVERAGE LICENSEE, OR CLUB LIQUOR
22 LICENSEE. IT SHALL ALSO BE UNLAWFUL FOR ANY MANUFACTURER,
23 IMPORTER, OR VENDOR LICENSEE, OR ANY OUT OF STATE MANUFACTURER,
24 OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF SUCH LICENSEE OR
25 MANUFACTURER, TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
26 INDIRECTLY, BY ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR
27 ANY MALT OR BREWED BEVERAGE LICENSEE OR ANY DISTRIBUTOR OR
28 IMPORTING DISTRIBUTOR LICENSEE. NOTHING IN THIS SUBSECTION SHALL
29 BE CONSTRUED TO PROHIBIT A MANUFACTURER OR LIMITED WINERY
30 LICENSEE, OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF SUCH

1 LICENSEE, TO BE EMPLOYED AT THE SAME TIME BY A HOTEL, RESTAURANT
2 OR RETAIL DISPENSER LICENSEE IF THE HOTEL, RESTAURANT OR RETAIL
3 DISPENSER LICENSEE IS LOCATED AT THE MANUFACTURER OR LIMITED
4 WINERY PREMISES PURSUANT TO SECTION 443. FOR THE PURPOSES OF
5 THIS SUBSECTION, AN OFFICER, SERVANT, AGENT OR EMPLOYE OF A
6 LICENSEE OR MANUFACTURER IS AN INDIVIDUAL WHO HAS EITHER AN
7 OWNERSHIP INTEREST IN THE LICENSEE OR MANUFACTURER OR WHO
8 RECEIVES COMPENSATION FOR HIS OR HER WORK ON BEHALF OF THE
9 LICENSEE OR MANUFACTURER[.]: PROVIDED FURTHER, THAT NOTHING IN
10 THIS SECTION SHALL PROHIBIT A PERSON WHO HAS AN OWNERSHIP
11 INTEREST IN A LIMITED WINERY LICENSE FROM BEING EMPLOYED BY AN
12 ENTITY THAT HOLDS A HOTEL, RESTAURANT, EATING PLACE OR CLUB
13 LICENSE SO LONG AS THE PERSON IS NOT EMPLOYED AS AN ALCOHOL
14 SERVICE PERSONNEL OR AS MANAGER.

15 * * *

16 Section 3 8. This act shall take effect in 60 days.

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