

## 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, WHEELAND,  
MICCARELLI AND RADER, JUNE 5, 2017

SENATOR McILHINNEY, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
OCTOBER 15, 2018

## 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 businesses~~  
22 ~~prohibited, FOR PERFORMING ARTS FACILITY LICENSE, for malt~~  
23 ~~and brewed beverages manufacturers', distributors' and~~  
24 ~~importing distributors' licenses, for local option and for~~  
25 ~~unlawful acts relative to liquor, malt and brewed beverages~~  
26 ~~and licensees.~~  
27 AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED "AN <--  
28 ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND  
29 BREWED BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND  
30 CHANGING THE LAWS RELATING THERETO; REGULATING AND  
31 RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION,

1 CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING  
2 IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC  
3 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE  
4 PERSONS ENGAGED OR EMPLOYED THEREIN; DEFINING THE POWERS AND  
5 DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING  
6 FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES,  
7 FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE  
8 MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN  
9 NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE  
10 WITHOUT WARRANT; PRESCRIBING PENALTIES AND FORFEITURES;  
11 PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS," IN  
12 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN  
13 LICENSES AND REGULATIONS AND LIQUOR, ALCOHOL AND MALT AND  
14 BREWED BEVERAGES, FURTHER PROVIDING FOR APPLICATIONS FOR  
15 HOTEL, RESTAURANT AND CLUB LIQUOR LICENSES, FOR SALES BY  
16 LIQUOR LICENSEES AND RESTRICTIONS, FOR WINE AND SPIRITS  
17 AUCTION PERMITS, FOR PUBLIC VENUE LICENSE, FOR PERFORMING  
18 ARTS FACILITY LICENSE, FOR WINE EXPANDED PERMITS, FOR CASINO  
19 LIQUOR LICENSE, FOR APPLICATION FOR DISTRIBUTORS', IMPORTING  
20 DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES AND FOR  
21 BREWERIES, PROVIDING FOR TAXES DUE ON SALES MADE BY A HOLDER  
22 OF A MANUFACTURER'S LICENSE, FURTHER PROVIDING FOR LIMITING  
23 NUMBER OF RETAIL LICENSES TO BE ISSUED IN EACH COUNTY,  
24 PROVIDING FOR LIQUOR CODE SUSPENSION FOR DEFICIENCY, FURTHER  
25 PROVIDING FOR LOCAL OPTION AND FOR UNLAWFUL ACTS RELATIVE TO  
26 LIQUOR, MALT AND BREWED BEVERAGES AND LICENSEES; IN  
27 DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR HIRE  
28 AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING FOR LIMITED  
29 WINERIES AND FOR DISTILLERIES; AND, IN MISCELLANEOUS  
30 PROVISIONS, FURTHER PROVIDING FOR CONSTRUCTION AND  
31 APPLICABILITY.

32 The General Assembly of the Commonwealth of Pennsylvania  
33 hereby enacts as follows:

34 ~~Section 1. The definitions of "alcoholic cider" and "public <--~~  
35 ~~venue" in section 102 of the act of April 12, 1951 (P.L.90,~~  
36 ~~No.21), known as the Liquor Code, amended November 15, 2016~~  
37 ~~(P.L.1286, No.166), are amended to read:~~

38 ~~Section 102. Definitions. The following words or phrases,~~  
39 ~~unless the context clearly indicates otherwise, shall have the~~  
40 ~~meanings ascribed to them in this section:~~

41 \* \* \*

42 ~~"Alcoholic cider" shall mean a beverage which may contain~~  
43 ~~carbonation in an amount not to exceed six and four tenths grams~~  
44 ~~per liter, produced through alcoholic fermentation [of any fruit~~  
45 ~~or fruit juice], which is primarily derived from apples, apple~~

1 ~~juice concentrate and water, pears or pear juice concentrate and~~  
2 ~~water, consisting of at least one half of one per centum, but~~  
3 ~~not greater than eight and one half per centum, alcohol by~~  
4 ~~volume and sold or offered for sale as alcoholic cider and not~~  
5 ~~as a wine, a wine product or as a substitute for wine, in~~  
6 ~~bottles, cases, kegs, cans or other suitable containers of the~~  
7 ~~type used for the sale of malt or brewed beverages in this~~  
8 ~~Commonwealth.~~

9 \* \* \*

10 ~~"Public venue" shall mean a stadium, arena, convention~~  
11 ~~center, museum, zoo, amphitheater or similar structure. If the~~  
12 ~~public venue is a cruise terminal owned or leased by a port~~  
13 ~~authority created under the act of June 12, 1931 (P.L.575,~~  
14 ~~No.200), entitled "An act providing for joint action by~~  
15 ~~Pennsylvania and New Jersey in the development of the ports on~~  
16 ~~the lower Delaware River, and the improvement of the facilities~~  
17 ~~for transportation across the river; authorizing the Governor,~~  
18 ~~for these purposes, to enter into an agreement with New Jersey;~~  
19 ~~creating The Delaware River Joint Commission and specifying the~~  
20 ~~powers and duties thereof, including the power to finance~~  
21 ~~projects by the issuance of revenue bonds; transferring to the~~  
22 ~~new commission all the powers of the Delaware River Bridge Joint~~  
23 ~~Commission; and making an appropriation," it shall have no~~  
24 ~~permanent seating requirement. If the public venue is an open~~  
25 ~~air amphitheater owned by a port authority created under the act~~  
26 ~~of December 6, 1972 (P.L.1392, No.298), known as the "Third~~  
27 ~~Class City Port Authority Act," it shall have no permanent~~  
28 ~~seating requirement. If the public venue is owned by a political~~  
29 ~~subdivision, a municipal authority, the Commonwealth, an~~  
30 ~~authority created under the act of July 29, 1953 (P.L.1034,~~

1 ~~No.270), known as the "Public Auditorium Authorities Law," an~~  
2 ~~authority created under Article XXV A of the act of July 28,~~  
3 ~~1953 (P.L.723, No.230), known as the "Second Class County Code,"~~  
4 ~~an art museum established under the authority of the act of~~  
5 ~~April 6, 1791 (3 Sm.L.20, No.1536), entitled "An act to confer~~  
6 ~~on certain associations of the citizens of this commonwealth the~~  
7 ~~powers and immunities of corporations, or bodies politic in~~  
8 ~~law," [or] an authority created under Article XXIII (n) or (o)~~  
9 ~~of the act of August 9, 1955 (P.L.323, No.130), known as "The~~  
10 ~~County Code," or it is located in a neighborhood improvement~~  
11 ~~zone created under Article XIX B of the act of March 4, 1971~~  
12 ~~(P.L.6, No.2), known as the Tax Reform Code of 1971, located in~~  
13 ~~a city of the third class, it shall have permanent seating for~~  
14 ~~at least one thousand (1,000) people; otherwise, it shall have~~  
15 ~~permanent seating for at least two thousand (2,000) people. The~~  
16 ~~term shall also mean any regional history center, multipurpose~~  
17 ~~cultural and science facility, museum or convention or trade~~  
18 ~~show center, regardless of owner and seating capacity, that has~~  
19 ~~a floor area of at least sixty thousand (60,000) square feet in~~  
20 ~~one building. The term shall also mean a convention or~~  
21 ~~conference center owned by a city of the third class or a~~  
22 ~~university which is a member of the Pennsylvania State System of~~  
23 ~~Higher Education which is operated by a university foundation or~~  
24 ~~alumni association, regardless of seating capacity, that has a~~  
25 ~~floor area of at least fifteen thousand (15,000) square feet in~~  
26 ~~one building. The term shall also mean a visitor center,~~  
27 ~~regardless of floor area or seating capacity, that was~~  
28 ~~established under the authority of the Gateway Visitor Center~~  
29 ~~Authorization Act of 1999 (Public Law 106 131, 113 Stat. 1678,~~  
30 ~~16 U.S.C. § 407m).~~

1       ~~\*\*\*~~

2       ~~Section 2. Section 406(d) of the act is amended to read:~~

3       ~~Section 406. Sales by Liquor Licensees; Restrictions. \*\*\*~~

4       ~~(d) Subject to section 412, licensed public venues may sell~~  
5 ~~liquor and malt or brewed beverages on Sundays from eleven~~  
6 ~~o'clock antemeridian until midnight without the need to acquire~~  
7 ~~or qualify for a special permit. In addition, subject to section~~  
8 ~~413, licensed performing arts facilities may sell liquor and~~  
9 ~~malt or brewed beverages on Sundays from [one o'clock~~  
10 ~~postmeridian] ten o'clock antemeridian until ten o'clock~~  
11 ~~postmeridian without the need to acquire or qualify for a~~  
12 ~~special permit.~~

13       ~~\*\*\*~~

14       ~~section 3. sections 408.12(a)(6), (10), (11) and (12) and~~  
15 ~~411(d) and (e) of the act, amended november 15, 2016 (p.l.1286,~~  
16 ~~no.166), are amended to read:~~

17       ~~Section 408.12. Wine and Spirits Auction Permits. (a) Upon~~  
18 ~~application of:~~

19       ~~\*\*\*~~

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

23       ~~\*\*\*~~

24       ~~(10) institution of higher education; or~~

25       ~~(11) any nationally recognized community based health~~  
26 ~~organization committed to funding Type 1 Diabetes research; [or]~~

27       ~~{(12) any nationally recognized community based voluntary~~  
28 ~~health organization committed to fighting cancer which has been~~  
29 ~~in existence for at least twenty years;}~~

30       ~~and upon payment of a fee of thirty dollars (\$30) per day, the~~

1 ~~board shall issue a wine and spirits auction permit good for a~~  
2 ~~period of not more than four consecutive or nonconsecutive days~~  
3 ~~per calendar year.~~

4 ~~\*\*\*~~

5 ~~Section 411. Interlocking Business Prohibited. \*\*\*~~

6 ~~(d) Excepting as herein provided, no hotel licensee,~~  
7 ~~restaurant licensee or club licensee, and no officer, director,~~  
8 ~~stockholder, agent or employe of any such licensee shall in any~~  
9 ~~wise be interested, either directly or indirectly, [in the~~  
10 ~~ownership or leasehold of any property or the equipment of any~~  
11 ~~property or any mortgage lien against the same, used by a~~  
12 ~~manufacturer in manufacturing liquor or malt or brewed~~  
13 ~~beverages; nor shall any hotel, restaurant or club licensee, or~~  
14 ~~any officer, director, stockholder, agent or employe of any such~~  
15 ~~licensee, either directly or indirectly,] lend any moneys,~~  
16 ~~credit, or give anything of value or the equivalent thereof, to~~  
17 ~~any manufacturer for equipping, fitting out, or maintaining and~~  
18 ~~conducting, either in whole or in part, an establishment used~~  
19 ~~for the manufacture of liquor or malt or brewed beverages.~~

20 ~~(e) Except as herein provided, no hotel, restaurant, retail~~  
21 ~~dispenser or club licensee, and no officer, director or~~  
22 ~~stockholder, agent or employe of any such licensee shall in any~~  
23 ~~wise be interested, directly or indirectly, in the ownership or~~  
24 ~~leasehold of any property or the equipment of any property or~~  
25 ~~any mortgage lien against the same, used by a distributor,~~  
26 ~~importing distributor, or by an importer or sacramental wine~~  
27 ~~licensee, in the conduct of his business; nor shall any hotel,~~  
28 ~~restaurant, retail dispenser or club licensee, or any officer,~~  
29 ~~director, stockholder, agent or employe of any such licensee,~~  
30 ~~either directly or indirectly, lend any moneys, credit, or give~~

~~1 anything of value or the equivalent thereof, to any distributor,  
2 importing distributor, importer or sacramental wine licensee,  
3 for equipping, fitting out, or maintaining and conducting,  
4 either in whole or in part, an establishment used in the conduct  
5 of his business.~~

~~6 The purpose of this section is to require a separation of the  
7 financial and business interests between manufacturers and  
8 holders of hotel or restaurant liquor licenses and, as herein  
9 provided, of club licenses, issued under this article, and no  
10 person shall, by any device whatsoever, directly or indirectly,  
11 evade the provisions of the section. But in view of existing  
12 economic conditions, nothing contained in this section shall be  
13 construed to prohibit the ownership of property or conflicting  
14 interest by a manufacturer of any place occupied by a licensee  
15 under this article after the manufacturer has continuously owned  
16 and had a conflicting interest in such place for a period of at  
17 least five years prior to July eighteenth, one thousand nine  
18 hundred thirty five: Provided, however, That this clause shall  
19 not prohibit any hotel, restaurant or club liquor licensee, or  
20 any officer, director or stockholder of any such licensee, from  
21 owning land or buildings which are leased to a holder of a  
22 retail dispenser's license, [a distillery license or a limited  
23 distillery license] or a manufacturer's license: And, provided  
24 further, That nothing contained in this section shall be  
25 construed to prohibit any hotel, restaurant, retail dispenser or  
26 club licensee or any officer, director or stockholder, agent or  
27 employe of any such licensee from having a financial or other  
28 interest, directly or indirectly in [the ownership or leasehold  
29 of any property or] the equipment of any property or any  
30 mortgage lien against same, used, leased by an importer or~~

~~1 sacramental wine licensee for the exclusive purpose of  
2 maintaining commercial offices and on the condition that said  
3 property is not used for the storage or sale of liquor or malt  
4 or brewed beverages in any quantity: And, provided further, That  
5 nothing contained in this section shall prohibit an officer or  
6 member of a licensed privately owned private golf course  
7 catering club from having an interest in a limited winery  
8 license: And, provided further, That nothing contained in this  
9 section shall be construed to prohibit a member of the governing  
10 board of a public authority created under subdivision (n) of  
11 Article XXIII of the act of August 9, 1955 (P.L.323, No.130),  
12 known as "The County Code," from having an interest in a  
13 distributor or importing distributor license notwithstanding the  
14 fact that the public authority has an interest in one or more  
15 retail licenses or acts as a landlord for one or more retail  
16 licenses: And, provided further, That, nothing in this section  
17 may prohibit an employe of a hotel or restaurant licensee from  
18 having an interest in any property used by a limited winery  
19 licensee or in guaranteeing any loans, or lending any moneys,  
20 providing credit or giving anything of value to a limited winery  
21 licensee or its officers, directors and shareholders, provided  
22 that the person also is not an officer of or does not have any  
23 interest in or exercise any control over any other licensed  
24 entity that engages in any sales to or from the licensee: And,  
25 provided further, That, notwithstanding any other provision of  
26 this section, an entity may acquire both a manufacturer's  
27 license or a limited winery license and a hotel, restaurant or  
28 retail dispenser license for use at the same location and more  
29 than one location may be so licensed. And, provided further,  
30 That, notwithstanding any other provision of this section, an~~

1 ~~entity licensed as a limited winery may hold and operate a~~  
2 ~~restaurant liquor license at one of its additional, board-~~  
3 ~~approved locations instead of at its primary location where~~  
4 ~~manufacturing occurs. The licenses and a person's interest in~~  
5 ~~the licenses or in the entity holding the licenses shall not be~~  
6 ~~subject to this section. Provided further, That, a person who is~~  
7 ~~a holder of ten per centum (10%) or less of securities or other~~  
8 ~~interests in a publicly or privately held domestic or foreign~~  
9 ~~corporation, partnership, limited liability company or other~~  
10 ~~form of legal entity owning a retail license shall not be deemed~~  
11 ~~to possess a financial interest and is not subject to the~~  
12 ~~provisions of this section, provided that the person is not an~~  
13 ~~officer of, employe of or does not have any interest in or~~  
14 ~~exercise any control over any other licensed entity that engages~~  
15 ~~in any sales to or from the retail licensee in which the person~~  
16 ~~holds the ten per centum (10%) or less interest[.]: And,~~  
17 provided further, That nothing in this section shall prohibit a  
18 person who has an ownership interest in a limited winery license  
19 from being employed by an entity that holds a hotel, restaurant,  
20 eating place or club license so long as the person is not  
21 employed as an alcohol service personnel or as manager.

22 \* \* \*

23 section 4. section 413(f) (1) of the act is amended to read:

24 Section 413. Performing Arts Facility License. \* \* \*

25 (f) Licenses issued under this section are to be considered  
26 restaurant liquor licenses. However, the following additional  
27 restrictions and privileges apply:

28 (1) Sales of liquor and malt or brewed beverages may be made  
29 two hours before, during and one hour after any performance at  
30 the facility; however, sales may not be made from two o'clock

1 ~~antemeridian to seven o'clock antemeridian. In addition, sales~~  
2 ~~may not occur prior to [one o'clock postmeridian] ten o'clock~~  
3 ~~antemeridian or after ten o'clock postmeridian on Sundays.~~  
4 ~~However, facilities that had been licensed under former section~~  
5 ~~408.3(a) and 408.3(a.2) may sell liquor and malt or brewed~~  
6 ~~beverages anytime except from two o'clock antemeridian to seven~~  
7 ~~o'clock antemeridian or prior to one o'clock postmeridian or~~  
8 ~~after ten o'clock postmeridian on Sundays, regardless of whether~~  
9 ~~there is a performance at the facility.~~

10 ~~\* \* \*~~

11 ~~section 5. section 431(b) of the act, reenacted and amended~~  
12 ~~november 15, 2016 (P.L.1286, No.166), is amended to read:~~

13 ~~Section 431. Malt and Brewed Beverages Manufacturers',~~  
14 ~~Distributors' and Importing Distributors' Licenses. \* \* \*~~

15 ~~(b) The board shall issue to any reputable person who~~  
16 ~~applies therefor, and pays the license fee hereinafter~~  
17 ~~prescribed, a distributor's or importing distributor's license~~  
18 ~~for the place which such person desires to maintain for the sale~~  
19 ~~of malt or brewed beverages, not for consumption on the premises~~  
20 ~~where sold, and in quantities of not less than a case or~~  
21 ~~original containers containing one hundred twenty eight ounces~~  
22 ~~or more which may be sold separately as prepared for the market~~  
23 ~~by the manufacturer at the place of manufacture. In addition, a~~  
24 ~~distributor license holder may sell malt or brewed beverages in~~  
25 ~~any amount to a person not licensed by the board for off-~~  
26 ~~premises consumption. The sales shall not be required to be in~~  
27 ~~the package configuration designated by the manufacturer and may~~  
28 ~~be sold in refillable growlers. The board shall have the~~  
29 ~~discretion to refuse a license to any person or to any~~  
30 ~~corporation, partnership or association if such person, or any~~

~~1 officer or director of such corporation, or any member or  
2 partner of such partnership or association shall have been  
3 convicted or found guilty of a felony within a period of five  
4 years immediately preceding the date of application for the said  
5 license: And provided further, That, in the case of any new  
6 license or the transfer of any license to a new location, the  
7 board may, in its discretion, grant or refuse such new license  
8 or transfer if such place proposed to be licensed is within  
9 three hundred feet of any church, hospital, charitable  
10 institution, school or public playground, or if such new license  
11 or transfer is applied for a place which is within two hundred  
12 feet of any other premises which is licensed by the board: And  
13 provided further, That the board shall refuse any application  
14 for a new license or the transfer of any license to a new  
15 location if, in the board's opinion, such new license or  
16 transfer would be detrimental to the welfare, health, peace and  
17 morals of the inhabitants of the neighborhood within a radius of  
18 five hundred feet of the place proposed to be licensed. The  
19 board shall not license the area where liquid fuels or oil is  
20 sold. No sales of liquid fuels or oil may be made from a  
21 licensee's licensed premises. A licensed premises may not have  
22 an interior connection with a location that sells liquid fuels  
23 or oil unless it first receives permission from the board for  
24 the interior connection. The approval shall be required  
25 regardless of whether the licensee or another party is the  
26 entity selling the liquid fuels or oil. The board may enter into  
27 an agreement with the applicant concerning additional  
28 restrictions on the license in question. If the board and the  
29 applicant enter into such an agreement, such agreement shall be  
30 binding on the applicant. Failure by the applicant to adhere to~~

~~1 the agreement will be sufficient cause to form the basis for a  
2 citation under section 471 and for the nonrenewal of the license  
3 under section 470. If the board enters into an agreement with an  
4 applicant concerning additional restrictions, those restrictions  
5 shall be binding on subsequent holders of the license until the  
6 license is transferred to a new location or until the board  
7 enters into a subsequent agreement removing those restrictions.  
8 If the application in question involves a location previously  
9 licensed by the board, then any restrictions imposed by the  
10 board on the previous license at that location shall be binding  
11 on the applicant unless the board enters into a new agreement  
12 rescinding those restrictions. The board shall require notice to  
13 be posted on the property or premises upon which the licensee or  
14 proposed licensee will engage in sales of malt or brewed  
15 beverages. This notice shall be similar to the notice required  
16 of hotel, restaurant and club liquor licensees.~~

~~17 Except as hereinafter provided, such license shall authorize  
18 the holder thereof to sell or deliver malt or brewed beverages  
19 in quantities above specified anywhere within the Commonwealth  
20 of Pennsylvania, which, in the case of distributors, have been  
21 purchased only from persons licensed under this act as  
22 manufacturers or importing distributors, and in the case of  
23 importing distributors, have been purchased from manufacturers  
24 or persons outside this Commonwealth engaged in the legal sale  
25 of malt or brewed beverages or from manufacturers or importing  
26 distributors licensed under this article. In the case of an  
27 importing distributor, the holder of such a license shall be  
28 authorized to store and repackage malt or brewed beverages owned  
29 by a manufacturer at a segregated portion of a warehouse or  
30 other storage facility authorized by section 441(d) and operated~~

1 ~~by the importing distributor within its appointed territory and~~  
2 ~~deliver such beverages to another importing distributor who has~~  
3 ~~been granted distribution rights by the manufacturer as provided~~  
4 ~~herein. The importing distributor shall be permitted to receive~~  
5 ~~a fee from the manufacturer for any related storage, repackaging~~  
6 ~~or delivery services. In the case of a bailee for hire hired by~~  
7 ~~a manufacturer, the holder of such a permit shall be authorized:~~  
8 ~~to receive, store and repackage malt or brewed beverages~~  
9 ~~produced by that manufacturer for sale by that manufacturer to~~  
10 ~~importing distributors to whom that manufacturer has given~~  
11 ~~distribution rights pursuant to this subsection or to purchasers~~  
12 ~~outside this Commonwealth for delivery outside this~~  
13 ~~Commonwealth; or to ship to that manufacturer's storage~~  
14 ~~facilities outside this Commonwealth. The bailee for hire shall~~  
15 ~~be permitted to receive a fee from the manufacturer for any~~  
16 ~~related storage, repackaging or delivery services. The bailee~~  
17 ~~for hire shall, as required in Article V of this act, keep~~  
18 ~~complete and accurate records of all transactions, inventory,~~  
19 ~~receipts and shipments and make all records and the licensed~~  
20 ~~areas available for inspection by the board and for the~~  
21 ~~Pennsylvania State Police, Bureau of Liquor Control Enforcement,~~  
22 ~~during normal business hours.~~

23 ~~Each out of State manufacturer of malt or brewed beverages~~  
24 ~~whose products are sold and delivered in this Commonwealth shall~~  
25 ~~give distributing rights for such products in designated~~  
26 ~~geographical areas to specific importing distributors, and such~~  
27 ~~importing distributor shall not sell or deliver malt or brewed~~  
28 ~~beverages manufactured by the out of State manufacturer to any~~  
29 ~~person issued a license under the provisions of this act whose~~  
30 ~~licensed premises are not located within the geographical area~~

~~1 for which he has been given distributing rights by such  
2 manufacturer. In addition, the holder of a distributor license  
3 may not sell or deliver malt or brewed beverages to any licensee  
4 whose licensed premises is located within the designated  
5 geographical area granted to an importing distributor other than  
6 the importing distributor that sold the malt or brewed beverages  
7 to the distributor. If the licensee purchasing the malt or  
8 brewed beverages from the distributor license holder holds  
9 multiple licenses or operates at more than one location, then  
10 the malt or brewed beverages may not be consumed or sold at  
11 licensed premises located within the designated geographical  
12 area granted to an importing distributor other than the  
13 importing distributor that sold the malt or brewed beverages to  
14 the distributor. Should a licensee accept the delivery of malt  
15 or brewed beverages or transfer malt or brewed beverages in  
16 violation of this section, said licensee shall be subject to a  
17 suspension of his license for at least thirty days: Provided,  
18 That the importing distributor holding such distributing rights  
19 for such product shall not sell or deliver the same to another  
20 importing distributor without first having entered into a  
21 written agreement with the said secondary importing distributor  
22 setting forth the terms and conditions under which such products  
23 are to be resold within the territory granted to the primary  
24 importing distributor by the manufacturer.~~

~~25 When a Pennsylvania manufacturer of malt or brewed beverages  
26 licensed under this article names or constitutes a distributor  
27 or importing distributor as the primary or original supplier of  
28 his product, he shall also designate the specific geographical  
29 area for which the said distributor or importing distributor is  
30 given distributing rights, and such distributor or importing~~

~~1 distributor shall not sell or deliver the products of such  
2 manufacturer to any person issued a license under the provisions  
3 of this act whose licensed premises are not located within the  
4 geographical area for which distributing rights have been given  
5 to the distributor and importing distributor by the said  
6 manufacturer. In addition, the holder of a distributor license  
7 may not sell or deliver malt or brewed beverages to a licensee  
8 whose licensed premises is located within the designated  
9 geographical area granted to an importing distributor other than  
10 the importing distributor that sold the malt or brewed beverages  
11 to the distributor. If the licensee purchasing the malt or  
12 brewed beverages from the distributor license holder holds  
13 multiple licenses or operates at more than one location, the  
14 malt or brewed beverages may not be consumed or sold at licensed  
15 premises located within the designated geographical area granted  
16 to an importing distributor other than the importing distributor  
17 that sold the malt or brewed beverages to the distributor. [If a  
18 licensee accepts the delivery of malt or brewed beverages or  
19 transfers malt or brewed beverages in violation of this section,  
20 the licensee shall be subject to suspension of his license for  
21 at least thirty days: Provided, That the] The importing  
22 distributor holding such distributing rights for such product  
23 shall not sell or deliver the same to another importing  
24 distributor without first having entered into a written  
25 agreement with the said secondary importing distributor setting  
26 forth the terms and conditions under which such products are to  
27 be resold within the territory granted to the primary importing  
28 distributor by the manufacturer. Nothing herein contained shall  
29 be construed to prevent any manufacturer from authorizing the  
30 importing distributor holding the distributing rights for a~~

1 ~~designated geographical area from selling the products of such~~  
2 ~~manufacturer to another importing distributor also holding~~  
3 ~~distributing rights from the same manufacturer for another~~  
4 ~~geographical area, providing such authority be contained in~~  
5 ~~writing and a copy thereof be given to each of the importing~~  
6 ~~distributors so affected.~~

7 ~~A distributor who violates the provisions of this section and~~  
8 ~~delivers to a licensee outside of the designated geographical~~  
9 ~~area shall be subject to citation by the enforcement bureau of~~  
10 ~~the board which shall result in penalties as follows: The~~  
11 ~~receipt of a first citation will result in a fine of not less~~  
12 ~~than five hundred dollars (\$500), nor more than one thousand~~  
13 ~~dollars (\$1,000); the receipt of a second citation will result~~  
14 ~~in a fine of not less than one thousand dollars (\$1,000), nor~~  
15 ~~more than two thousand five hundred dollars (\$2,500) and~~  
16 ~~suspension of operating privileges for at least two days; the~~  
17 ~~receipt of a third or subsequent citation will result in a fine~~  
18 ~~of not less than two thousand five hundred dollars (\$2,500), nor~~  
19 ~~more than five thousand (\$5,000) and suspension of operating~~  
20 ~~privileges for seven days.~~

21 ~~A licensee who accepts product in violation of the provisions~~  
22 ~~of this section shall be subject to citation by the enforcement~~  
23 ~~bureau of the board, which shall result in penalties as follows:~~  
24 ~~the receipt of a first citation will result in a warning and~~  
25 ~~will serve as official notice that the licensee is accepting~~  
26 ~~product in violation of this act; the receipt of a second~~  
27 ~~citation will result in a fine of not less than five hundred~~  
28 ~~dollars (\$500), nor more than one thousand dollars (\$1,000); the~~  
29 ~~receipt of a third citation will result in a fine of not less~~  
30 ~~than one thousand dollars (\$1,000), nor more than two thousand~~

1 ~~five hundred dollars (\$2,500) and suspension of operating~~  
2 ~~privileges for at least two days; the receipt of a fourth or~~  
3 ~~subsequent citation will result in a fine of not less than two~~  
4 ~~thousand five hundred dollars (\$2,500), nor more than five~~  
5 ~~thousand (\$5,000) and suspension of operating privileges for~~  
6 ~~seven days.~~

7 \* \* \*

8 section 6. section 472(a) of the act, amended november 15,  
9 2016 (P.L.1286, no.166), is amended to read:

10 Section 472. Local Option. (a) In any municipality or any  
11 part of a municipality where such municipality is split so that  
12 each part thereof is separated by another municipality, an  
13 election may be held, subject to subsection (c), not oftener  
14 than once in four years, to determine the will of the electors  
15 with respect to the granting of liquor licenses to hotels,  
16 restaurants, resort facilities and clubs, not oftener than once  
17 in four years, to determine the will of the electors with  
18 respect to the granting of liquor licenses to public venues, to  
19 performing arts facilities, to continuing care retirement  
20 communities, to hotels located on property owned by an  
21 accredited college or university, to privately owned private  
22 golf courses or to privately owned public golf courses, not  
23 oftener than once in four years, to determine the will of the  
24 electors with respect to the granting of licenses to retail  
25 dispensers of malt and brewed beverages, not oftener than once  
26 in four years, to determine the will of the electors with  
27 respect to granting of licenses to wholesale distributors and  
28 importing distributors, not more than once in two years, to  
29 determine the will of the electors with respect to the granting  
30 of club liquor licenses or club retail dispenser licenses to

~~1 incorporated units of national veterans' organizations, not  
2 oftener than once in two years to determine the will of the  
3 electors with respect to the granting of special occasion  
4 permits to qualified organizations, not more than once in four  
5 years, to determine the will of the electors with respect to the  
6 establishment, operation and maintenance by the board of  
7 Pennsylvania liquor stores, within the limits of such  
8 municipality or part of a split municipality, or not more than  
9 once in two years, to determine the will of the electors with  
10 respect to the granting of liquor licenses to ski resort  
11 facilities, under the provisions of this act: Provided, That an  
12 election on the question of establishing and operating a State  
13 liquor store shall be initiated only in those municipalities, or  
14 that part of a split municipality that shall have voted against  
15 the granting of liquor licenses; and that an election on the  
16 question of granting wholesale distributor and importing  
17 distributor licenses shall be initiated only in those  
18 municipalities or parts of split municipalities that shall have  
19 at a previous election voted against the granting of dispenser's  
20 licenses. Whenever electors equal to at least twenty five per  
21 centum of the highest vote cast for any office in the  
22 municipality or part of a split municipality at the last  
23 preceding general election shall file a petition with the county  
24 board of elections of the county for a referendum on the  
25 question of granting any of said classes of licenses or the  
26 establishment of Pennsylvania liquor stores, the said county  
27 board of elections shall cause a question to be placed on the  
28 ballots or on the voting machine board and submitted at any  
29 election, except a special election. Separate petitions must be  
30 filed for each question to be voted on. Said proceedings shall~~

1 ~~be in the manner and subject to the provisions of the election-~~  
2 ~~laws which relate to the signing, filing and adjudication of-~~  
3 ~~nomination petitions, with respect to a question to be placed on-~~  
4 ~~the ballot in a primary election, and nomination papers, with-~~  
5 ~~respect to a question to be placed on the ballot in a municipal-~~  
6 ~~or general election, in each case insofar as such provisions are-~~  
7 ~~applicable.~~

8 ~~When the question is in respect to the granting of liquor-~~  
9 ~~licenses, it shall be in the following form:~~

10 ~~Do you favor the granting of liquor licenses for the-~~  
11 ~~sale of liquor in..... Yes~~  
12 ~~of.....? No~~

13 ~~When the question is in respect to the granting of liquor-~~  
14 ~~licenses to resort facilities in those municipalities that do-~~  
15 ~~not already allow the retail sale of liquor, it shall be in the-~~  
16 ~~following form:~~

17 ~~Do you favor the granting of liquor licenses to resort-~~  
18 ~~facilities for the sale of liquor in the..... Yes~~  
19 ~~of.....? No~~

20 ~~When the question is in respect to the granting of liquor-~~  
21 ~~licenses to ski resorts in those municipalities that do not-~~  
22 ~~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 ski-~~  
25 ~~resort facilities for the sale of liquor in the Yes~~  
26 ~~.....of .....? No~~

27 ~~When the question is in respect to the granting of restaurant-~~  
28 ~~liquor licenses for use at public venues in those municipalities-~~  
29 ~~that do not already allow the retail sale of liquor, it shall be-~~  
30 ~~in the following form:~~

1 ~~Do you favor the granting of liquor licenses to public~~  
2 ~~venues for the sale of liquor in the.....~~ Yes  
3 ~~of.....?~~ No

4 ~~When the question is in respect to the granting of restaurant~~  
5 ~~liquor licenses for use at performing arts facilities in those~~  
6 ~~municipalities that do not already allow the retail sale of~~  
7 ~~alcohol, it shall be in the following form:~~

8 ~~Do you favor the granting of liquor licenses to~~  
9 ~~performing arts facilities for the sale of liquor in~~  
10 ~~the.....~~ Yes  
11 ~~of.....?~~ No

12 ~~When the question is in respect to the granting of liquor~~  
13 ~~licenses for hotels located on property owned by an accredited~~  
14 ~~college or university in those municipalities that do not~~  
15 ~~already allow the granting of liquor licenses, it shall be in~~  
16 ~~the following form:~~

17 ~~Do you favor the granting of liquor licenses to hotels~~  
18 ~~on property owned by an accredited college or~~  
19 ~~university in the.....~~ Yes  
20 ~~of.....?~~ No

21 ~~When the question is in respect to the granting of liquor~~  
22 ~~licenses, for privately owned private golf courses, it shall be~~  
23 ~~in the following form:~~

24 ~~Do you favor the granting of liquor licenses for~~  
25 ~~privately owned private golf courses for the sale of~~  
26 ~~liquor in.....by.....~~ Yes  
27 ~~of.....?~~ No

28 ~~When the question is in respect to the granting of liquor~~  
29 ~~licenses, for privately owned public golf courses, it shall be~~  
30 ~~in the following form:~~

1 ~~Do you favor the granting of liquor licenses for~~  
2 ~~privately owned public golf courses for the sale of~~  
3 ~~liquor in.....by.....~~ Yes  
4 ~~of.....?~~ No

5 ~~When the question is in respect to the granting of liquor~~  
6 ~~licenses to continuing care retirement communities in those~~  
7 ~~municipalities that have not already approved the granting of~~  
8 ~~liquor licenses, it shall be in the following form:~~

9 ~~Do you favor the granting of liquor licenses for~~  
10 ~~continuing care retirement communities~~  
11 ~~in.....by.....~~ Yes  
12 ~~of.....?~~ No

13 ~~When the question is in respect to the granting of licenses~~  
14 ~~to retail dispensers of malt and brewed beverages, it shall be~~  
15 ~~in the following form:~~

16 ~~Do you favor the granting of malt and brewed beverage~~  
17 ~~retail dispenser licenses for consumption on premises~~  
18 ~~where sold in the.....~~ Yes  
19 ~~of.....?~~ No

20 ~~When the question is in respect to the granting of licenses~~  
21 ~~to wholesale distributors of malt or brewed beverages and~~  
22 ~~importing distributors, it shall be in the following form:~~

23 ~~Do you favor the granting of malt and brewed beverage~~  
24 ~~wholesale distributor's and importing distributor's~~  
25 ~~licenses not for consumption on premises where sold in~~  
26 ~~the.....~~ Yes  
27 ~~of.....?~~ No

28 ~~When the question is in respect to the granting of club~~  
29 ~~liquor licenses to incorporated units of national veterans'~~  
30 ~~organizations, it shall be in the following form:~~

1 ~~Do you favor the granting of club liquor licenses to~~  
2 ~~incorporated units of national veterans' organizations~~  
3 ~~in the.....~~ Yes  
4 ~~of.....?~~ No

5 ~~When the question is in respect to the granting of club~~  
6 ~~retail dispenser licenses to incorporated units of national~~  
7 ~~veterans' organizations, it shall be in the following form:~~

8 ~~Do you favor the granting of club retail dispenser~~  
9 ~~licenses to incorporated units of national veterans'~~  
10 ~~organizations in the.....~~ Yes  
11 ~~of.....?~~ No

12 ~~When the question is in respect to the granting of special~~  
13 ~~occasion permits allowing the sale of liquor by qualified~~  
14 ~~organizations in municipalities that do not already allow the~~  
15 ~~retail sale of liquor, it shall be in the following form:~~

16 ~~Do you favor the granting of special occasion permits~~  
17 ~~to allow the sale of liquor by qualified organizations~~  
18 ~~in the.....~~ Yes  
19 ~~of.....?~~ No

20 ~~When the question is in respect to the granting of special~~  
21 ~~occasion permits allowing the sale of malt or brewed beverages~~  
22 ~~only by qualified organizations in municipalities that do not~~  
23 ~~already allow the retail sale of malt or brewed beverages, it~~  
24 ~~shall be in the following form:~~

25 ~~Do you favor the granting of special occasion permits~~  
26 ~~to allow the sale of malt or brewed beverages only by~~  
27 ~~qualified organizations in the.....~~ Yes  
28 ~~of.....?~~ No

29 ~~When the question is in respect to the establishment,~~  
30 ~~operation and maintenance of Pennsylvania liquor stores it shall~~

1 ~~be in the following form:~~

2 ~~Do you favor the establishment, operation and~~  
3 ~~maintenance of Pennsylvania liquor stores in~~  
4 ~~the..... Yes~~  
5 ~~of.....? No~~

6 ~~When the question is in respect to the granting of liquor~~  
7 ~~licenses to an airport authority in those municipalities that do~~  
8 ~~not already allow the retail sale of liquor, it shall be in the~~  
9 ~~following form:~~

10 ~~Do you favor the granting of liquor licenses to an~~  
11 ~~airport authority for the sale of liquor in~~  
12 ~~the..... Yes~~  
13 ~~of.....? No~~

14 ~~In case of a tie vote, the status quo shall obtain. If a~~  
15 ~~majority of the voting electors on any such question vote "yes,"~~  
16 ~~then liquor licenses shall be granted by the board to hotels,~~  
17 ~~restaurants, ski resorts, resort facilities and clubs, or liquor~~  
18 ~~licenses shall be granted by the board to public venues, to~~  
19 ~~performing arts facilities, to continuing care retirement~~  
20 ~~communities, to hotels located on property owned by an~~  
21 ~~accredited college or university, to privately owned private~~  
22 ~~golf courses or to privately owned public golf courses, or malt~~  
23 ~~and brewed beverage retail dispenser licenses or wholesale~~  
24 ~~distributor's and importing distributor's license for the sale~~  
25 ~~of malt or brewed beverages shall be granted by the board, or~~  
26 ~~club liquor licenses or club retail dispenser licenses shall be~~  
27 ~~granted by the board to incorporated units of national veterans'~~  
28 ~~organizations, or special occasion permits may be issued to~~  
29 ~~qualified organizations, or the board may establish, operate and~~  
30 ~~maintain Pennsylvania liquor stores, as the case may be, in such~~

1 ~~municipality or part of a split municipality, as provided by~~  
2 ~~this act; but if a majority of the electors voting on any such~~  
3 ~~question vote "no," then the board shall have no power to grant~~  
4 ~~or to renew upon their expiration any licenses of the class so~~  
5 ~~voted upon in such municipality or part of a split municipality;~~  
6 ~~or if the negative vote is on the question in respect to the~~  
7 ~~establishment, operation and maintenance of Pennsylvania liquor~~  
8 ~~stores, the board shall not open and operate a Pennsylvania~~  
9 ~~liquor store in such municipality or part of a split~~  
10 ~~municipality, nor continue to operate a then existing~~  
11 ~~Pennsylvania liquor store in the municipality or part of a split~~  
12 ~~municipality for more than two years thereafter or after the~~  
13 ~~expiration of the term of the lease on the premises occupied by~~  
14 ~~such store, whichever period is less, unless and until at a~~  
15 ~~later election a majority of the voting electors vote "yes" on~~  
16 ~~such question.~~

17       ~~\* \* \*~~

18       ~~section 7. section 493(11) of the act is amended to read:~~

19       ~~Section 493. Unlawful Acts Relative to Liquor, Malt and~~  
20 ~~Brewed Beverages and Licensees. The term "licensee," when used~~  
21 ~~in this section, shall mean those persons licensed under the~~  
22 ~~provisions of Article IV, unless the context clearly indicates~~  
23 ~~otherwise.~~

24       ~~It shall be unlawful—~~

25       ~~\* \* \*~~

26       ~~(11) Licensees Employed by Others. For any hotel, restaurant~~  
27 ~~or club liquor licensee, or any malt or brewed beverage~~  
28 ~~licensee, or any officer, servant, agent or employe of such~~  
29 ~~licensee, to be at the same time employed, directly or~~  
30 ~~indirectly, by any distributor, importing distributor,~~

~~1 manufacturer, importer or vendor licensee or any out of State  
2 manufacturer. It shall also be unlawful for any distributor or  
3 importing distributor, or any officer, servant, agent or employe  
4 of such licensee, to be at the same time employed, directly or  
5 indirectly, by any other distributor, importing distributor,  
6 manufacturer, importer, vendor, out of State manufacturer, hotel  
7 restaurant, malt or brewed beverage licensee, or club liquor  
8 licensee. It shall also be unlawful for any manufacturer,  
9 importer, or vendor licensee, or any out of State manufacturer,  
10 or any officer, servant, agent or employe of such licensee or  
11 manufacturer, to be at the same time employed, directly or  
12 indirectly, by any hotel, restaurant or club liquor licensee or  
13 any malt or brewed beverage licensee or any distributor or  
14 importing distributor licensee. Nothing in this subsection shall  
15 be construed to prohibit a manufacturer or limited winery  
16 licensee, or any officer, servant, agent or employe of such  
17 licensee, to be employed at the same time by a hotel, restaurant  
18 or retail dispenser licensee if the hotel, restaurant or retail  
19 dispenser licensee is located at the manufacturer or limited  
20 winery premises pursuant to section 443. For the purposes of  
21 this subsection, an officer, servant, agent or employe of a  
22 licensee or manufacturer is an individual who has either an  
23 ownership interest in the licensee or manufacturer or who  
24 receives compensation for his or her work on behalf of the  
25 licensee or manufacturer[.]; Provided further, That nothing in  
26 this section shall prohibit a person who has an ownership  
27 interest in a limited winery license from being employed by an  
28 entity that holds a hotel, restaurant, eating place or club  
29 license so long as the person is not employed as an alcohol  
30 service personnel or as manager.~~

1       \* \* \*

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

3       SECTION 1. THE DEFINITIONS OF "ALCOHOLIC CIDER," "MIXED-USE <--  
4 TOWN CENTER DEVELOPMENT PROJECT" AND "PUBLIC VENUE" IN SECTION  
5 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE  
6 LIQUOR CODE, ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A  
7 DEFINITION TO READ:

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

11       \* \* \*

12       "ALCOHOLIC CIDER" SHALL MEAN A BEVERAGE WHICH MAY CONTAIN  
13 CARBONATION IN AN AMOUNT NOT TO EXCEED SIX AND FOUR TENTHS GRAMS  
14 PER LITER, PRODUCED THROUGH ALCOHOLIC FERMENTATION [OF ANY FRUIT  
15 OR FRUIT JUICE] WHICH IS PRIMARILY DERIVED FROM APPLES, APPLE  
16 JUICE CONCENTRATE AND WATER, PEARS OR PEAR JUICE CONCENTRATE AND  
17 WATER, CONSISTING OF AT LEAST ONE-HALF OF ONE PER CENTUM, BUT  
18 NOT GREATER THAN EIGHT AND ONE-HALF PER CENTUM, ALCOHOL BY  
19 VOLUME AND SOLD OR OFFERED FOR SALE AS ALCOHOLIC CIDER AND NOT  
20 AS A WINE, A WINE PRODUCT OR AS A SUBSTITUTE FOR WINE, IN  
21 BOTTLES, CASES, KEGS, CANS OR OTHER SUITABLE CONTAINERS OF THE  
22 TYPE USED FOR THE SALE OF MALT OR BREWED BEVERAGES IN THIS  
23 COMMONWEALTH.

24       \* \* \*

25       "FERMENTED FRUIT BEVERAGE" SHALL MEAN A BEVERAGE WHICH MAY  
26 CONTAIN CARBONATION IN AN AMOUNT NOT TO EXCEED SIX AND FOUR  
27 TENTHS GRAM PER LITER, PRODUCED THROUGH ALCOHOLIC FERMENTATION  
28 OF FRUIT, FRUIT JUICE, FRUIT JUICE CONCENTRATE AND WATER WITH OR  
29 WITHOUT FLAVORINGS, CONSISTING OF AT LEAST ONE-HALF OF ONE PER  
30 CENTUM, BUT NOT GREATER THAN EIGHT AND ONE-HALF PER CENTUM,

1 ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE NOT AS A WINE, A  
2 WINE PRODUCT OR AS A SUBSTITUTE FOR WINE, IN BOTTLES, CASES,  
3 KEGS, CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE  
4 SALE OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

5 \* \* \*

6 "MIXED-USE TOWN CENTER DEVELOPMENT PROJECT" SHALL MEAN A  
7 PLANNED DEVELOPMENT, WITH NO BUILDING CONSTRUCTION COMMENCED  
8 PRIOR TO JULY 1, 2006, SITUATED ON NO FEWER THAN ONE HUNDRED  
9 CONTIGUOUS ACRES, WITH AT LEAST ONE MILLION SQUARE FEET OF  
10 ACTUAL OR PROPOSED DEVELOPMENT, WITH A MIX OF RETAIL,  
11 HOSPITALITY, COMMERCIAL [AND] OR RESIDENTIAL USES, WITH  
12 COMMUNITY FACILITIES AND WHICH HAS BEEN DESIGNATED AS A MIXED-  
13 USE TOWN CENTER DEVELOPMENT PROJECT BY THE MUNICIPALITY IN WHICH  
14 IT IS LOCATED. A MIXED-USE TOWN CENTER DEVELOPMENT PROJECT MAY  
15 HAVE ONE OR MULTIPLE OWNERS AND MAY BE DEVELOPED IN ONE OR MORE  
16 PHASES, ALL OF WHICH SHALL BE INCLUDED IN DETERMINING THE ACTUAL  
17 OR PROPOSED DEVELOPMENT. IF THE SITE MEETS ADDITIONAL CRITERIA  
18 STATED IN SECTION 461(B.4)(5), A PROJECT COMPRISING NINETY-FIVE  
19 CONTIGUOUS ACRES WILL MEET THE SIZE REQUIREMENT IN THIS  
20 DEFINITION.

21 \* \* \*

22 "PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION  
23 CENTER, MUSEUM, ZOO, AMPHITHEATER OR SIMILAR STRUCTURE. IF THE  
24 PUBLIC VENUE IS A CRUISE TERMINAL OWNED OR LEASED BY A PORT  
25 AUTHORITY CREATED UNDER THE ACT OF JUNE 12, 1931 (P.L.575,  
26 NO.200), ENTITLED "AN ACT PROVIDING FOR JOINT ACTION BY  
27 PENNSYLVANIA AND NEW JERSEY IN THE DEVELOPMENT OF THE PORTS ON  
28 THE LOWER DELAWARE RIVER, AND THE IMPROVEMENT OF THE FACILITIES  
29 FOR TRANSPORTATION ACROSS THE RIVER; AUTHORIZING THE GOVERNOR,  
30 FOR THESE PURPOSES, TO ENTER INTO AN AGREEMENT WITH NEW JERSEY;

1 CREATING THE DELAWARE RIVER JOINT COMMISSION AND SPECIFYING THE  
2 POWERS AND DUTIES THEREOF, INCLUDING THE POWER TO FINANCE  
3 PROJECTS BY THE ISSUANCE OF REVENUE BONDS; TRANSFERRING TO THE  
4 NEW COMMISSION ALL THE POWERS OF THE DELAWARE RIVER BRIDGE JOINT  
5 COMMISSION; AND MAKING AN APPROPRIATION," IT SHALL HAVE NO  
6 PERMANENT SEATING REQUIREMENT. IF THE PUBLIC VENUE IS AN OPEN-  
7 AIR AMPHITHEATER OWNED BY A PORT AUTHORITY CREATED UNDER THE ACT  
8 OF DECEMBER 6, 1972 (P.L.1392, NO.298), KNOWN AS THE "THIRD  
9 CLASS CITY PORT AUTHORITY ACT," IT SHALL HAVE NO PERMANENT  
10 SEATING REQUIREMENT. IF THE PUBLIC VENUE IS OWNED BY A POLITICAL  
11 SUBDIVISION, A MUNICIPAL AUTHORITY, THE COMMONWEALTH, AN  
12 AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953 (P.L.1034,  
13 NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW," AN  
14 AUTHORITY CREATED UNDER ARTICLE XXV-A OF THE ACT OF JULY 28,  
15 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND CLASS COUNTY CODE,"  
16 AN ART MUSEUM ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF  
17 APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER  
18 ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE  
19 POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN  
20 LAW," [OR] AN AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O)  
21 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE  
22 COUNTY CODE," OR IT IS LOCATED IN A NEIGHBORHOOD IMPROVEMENT  
23 ZONE CREATED UNDER ARTICLE XIX-B OF THE ACT OF MARCH 4, 1971  
24 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, LOCATED IN  
25 A CITY OF THE THIRD CLASS, IT SHALL HAVE PERMANENT SEATING FOR  
26 AT LEAST ONE THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL HAVE  
27 PERMANENT SEATING FOR AT LEAST TWO THOUSAND (2,000) PEOPLE. THE  
28 TERM SHALL ALSO MEAN ANY REGIONAL HISTORY CENTER, MULTIPURPOSE  
29 CULTURAL AND SCIENCE FACILITY, MUSEUM OR CONVENTION OR TRADE  
30 SHOW CENTER, REGARDLESS OF OWNER AND SEATING CAPACITY, THAT HAS

1 A FLOOR AREA OF AT LEAST SIXTY THOUSAND (60,000) SQUARE FEET IN  
2 ONE BUILDING. THE TERM SHALL ALSO MEAN A CONVENTION OR  
3 CONFERENCE CENTER OWNED BY A CITY OF THE THIRD CLASS OR A  
4 UNIVERSITY WHICH IS A MEMBER OF THE PENNSYLVANIA STATE SYSTEM OF  
5 HIGHER EDUCATION WHICH IS OPERATED BY A UNIVERSITY FOUNDATION OR  
6 ALUMNI ASSOCIATION, REGARDLESS OF SEATING CAPACITY, THAT HAS A  
7 FLOOR AREA OF AT LEAST FIFTEEN THOUSAND (15,000) SQUARE FEET IN  
8 ONE BUILDING. THE TERM SHALL ALSO MEAN A VISITOR CENTER,  
9 REGARDLESS OF FLOOR AREA OR SEATING CAPACITY, THAT WAS  
10 ESTABLISHED UNDER THE AUTHORITY OF THE GATEWAY VISITOR CENTER  
11 AUTHORIZATION ACT OF 1999 (PUBLIC LAW 106-131, 113 STAT. 1678,  
12 16 U.S.C. § 407M).

13 \* \* \*

14 SECTION 2. SECTIONS 403(A), 406(D), 408.12(A), 412(F)(1),  
15 413(F)(1), 415(F), 416, 436(B) AND 446(A) INTRODUCTORY PARAGRAPH  
16 AND (2) OF THE ACT ARE AMENDED TO READ:

17 SECTION 403. APPLICATIONS FOR HOTEL, RESTAURANT AND CLUB  
18 LIQUOR LICENSES.--(A) EVERY APPLICANT FOR A HOTEL LIQUOR  
19 LICENSE, RESTAURANT LIQUOR LICENSE OR CLUB LIQUOR LICENSE OR FOR  
20 THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN  
21 LICENSED OR TO ANOTHER PERSON SHALL FILE A WRITTEN APPLICATION  
22 WITH THE BOARD IN SUCH FORM AND CONTAINING SUCH INFORMATION AS  
23 THE BOARD SHALL FROM TIME TO TIME PRESCRIBE, WHICH SHALL BE  
24 ACCOMPANIED BY A FILING FEE AND AN ANNUAL LICENSE FEE AS  
25 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929  
26 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."  
27 EVERY SUCH APPLICATION SHALL CONTAIN A DESCRIPTION OF THAT PART  
28 OF THE HOTEL, RESTAURANT OR CLUB FOR WHICH THE APPLICANT DESIRES  
29 A LICENSE AND SHALL SET FORTH SUCH OTHER MATERIAL INFORMATION,  
30 DESCRIPTION OR PLAN OF THAT PART OF THE HOTEL, RESTAURANT OR

1 CLUB WHERE IT IS PROPOSED TO KEEP AND SELL LIQUOR AS MAY BE  
2 REQUIRED BY THE REGULATIONS OF THE BOARD. THE DESCRIPTIONS,  
3 INFORMATION AND PLANS REFERRED TO IN THIS SUBSECTION SHALL SHOW  
4 THE HOTEL, RESTAURANT, CLUB, OR THE PROPOSED LOCATION FOR THE  
5 CONSTRUCTION OF A HOTEL, RESTAURANT OR CLUB, AT THE TIME THE  
6 APPLICATION IS MADE, AND SHALL SHOW ANY ALTERATIONS PROPOSED TO  
7 BE MADE THERETO, OR THE NEW BUILDING PROPOSED TO BE CONSTRUCTED  
8 AFTER THE APPROVAL BY THE BOARD OF THE APPLICATION FOR A LICENSE  
9 OR FOR THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES  
10 NOT THEN LICENSED OR TO ANOTHER PERSON. NO PHYSICAL ALTERATIONS,  
11 IMPROVEMENTS OR CHANGES SHALL BE REQUIRED TO BE MADE TO ANY  
12 HOTEL, RESTAURANT OR CLUB, NOR SHALL ANY NEW BUILDING FOR ANY  
13 SUCH PURPOSE, BE REQUIRED TO BE CONSTRUCTED UNTIL APPROVAL OF  
14 THE APPLICATION FOR LICENSE OR FOR THE TRANSFER OF AN EXISTING  
15 LICENSE TO ANOTHER PREMISES NOT THEN LICENSED OR TO ANOTHER  
16 PERSON BY THE BOARD. AFTER APPROVAL OF THE APPLICATION, THE  
17 LICENSEE SHALL MAKE THE PHYSICAL ALTERATIONS, IMPROVEMENTS AND  
18 CHANGES TO THE LICENSED PREMISES, OR SHALL CONSTRUCT THE NEW  
19 BUILDING IN THE MANNER SPECIFIED BY THE BOARD AT THE TIME OF  
20 APPROVAL, AND THE LICENSEE SHALL NOT TRANSACT ANY BUSINESS UNDER  
21 THE LICENSE UNTIL THE BOARD HAS APPROVED THE COMPLETED PHYSICAL  
22 ALTERATIONS, IMPROVEMENTS AND CHANGES TO THE LICENSED PREMISES,  
23 OR THE COMPLETED CONSTRUCTION OF THE NEW BUILDING AS CONFORMING  
24 TO THE SPECIFICATIONS REQUIRED BY THE BOARD AT THE TIME OF  
25 ISSUANCE OR TRANSFER OF THE LICENSE, AND IS SATISFIED THAT THE  
26 ESTABLISHMENT IS A RESTAURANT, HOTEL OR CLUB AS DEFINED BY THIS  
27 ACT. THE BOARD MAY REQUIRE THAT ALL SUCH ALTERATIONS OR  
28 CONSTRUCTION OR CONFORMITY TO DEFINITION BE COMPLETED WITHIN SIX  
29 MONTHS FROM THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE. THE  
30 TIME BETWEEN THE APPROVAL OF THE INITIAL APPLICATION AND

1 ISSUANCE OF OPERATING AUTHORITY TO THE LICENSEE SHALL BE  
2 CONSIDERED AS TIME IN SAFEKEEPING. FAILURE TO COMPLY WITH THESE  
3 REQUIREMENTS SHALL BE CONSIDERED CAUSE FOR REVOCATION OF THE  
4 LICENSE. NO SUCH LICENSE SHALL BE TRANSFERABLE BETWEEN THE TIME  
5 OF ISSUANCE OR TRANSFER OF THE LICENSE AND THE APPROVAL OF THE  
6 COMPLETED ALTERATIONS OR CONSTRUCTION BY THE BOARD AND FULL  
7 COMPLIANCE BY THE LICENSEE WITH THE REQUIREMENTS OF THIS ACT,  
8 EXCEPT IN THE CASE OF DEATH OF THE LICENSEE PRIOR TO FULL  
9 COMPLIANCE [WITH ALL OF THE AFOREMENTIONED REQUIREMENTS OR  
10 UNLESS FULL COMPLIANCE IS IMPOSSIBLE FOR REASONS BEYOND THE  
11 LICENSEE'S CONTROL, IN WHICH EVENT, THE LICENSE MAY BE  
12 TRANSFERRED BY THE BOARD AS PROVIDED IN THIS ACT.], UNLESS THE  
13 TRANSFER APPLICATION IS ACCOMPANIED BY A SURCHARGE. THE  
14 SURCHARGE SHALL BE TWENTY THOUSAND DOLLARS (\$20,000) IF THE  
15 LICENSE IS LOCATED IN A COUNTY OF THE FIRST THROUGH FOURTH  
16 CLASS, AND THE SURCHARGE SHALL BE FIVE THOUSAND DOLLARS (\$5,000)  
17 IF THE LICENSE IS LOCATED IN A COUNTY OF THE FIFTH THROUGH  
18 EIGHTH CLASS.

19 \* \* \*

20 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--\* \* \*

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

30 \* \* \*

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,  
9 THIRD OR FOURTH CLASS WHICH IS OPERATED BY A NONPROFIT  
10 CORPORATION;

11 (5) ANY NONPROFIT CORPORATION LOCATED IN ANY COUNTY OF THE  
12 THIRD CLASS WHICH TRAINS AND PLACES DOGS FOR PEOPLE WHO ARE  
13 PHYSICALLY HANDICAPPED;

14 (6) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY  
15 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER [WHICH HAS BEEN  
16 IN EXISTENCE FOR AT LEAST NINETY YEARS];

17 (7) ANY NATIONALLY RECOGNIZED EMERGENCY RESPONSE  
18 ORGANIZATION THAT OFFERS HUMANITARIAN CARE TO VICTIMS OF WAR OR  
19 NATURAL DISASTER AND HAS BEEN IN EXISTENCE FOR AT LEAST ONE  
20 HUNDRED TWENTY-FIVE YEARS;

21 (8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHOSE PURPOSE IS  
22 TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS  
23 WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS  
24 TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND  
25 HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS;

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";

29 (10) INSTITUTION OF HIGHER EDUCATION;

30 (11) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED HEALTH

1 ORGANIZATION COMMITTED TO FUNDING TYPE 1 DIABETES RESEARCH; [OR  
2 (12) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY  
3 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN  
4 IN EXISTENCE FOR AT LEAST TWENTY YEARS;]

5 (13) ANY COMMUNITY-BASED VOLUNTARY HEALTH ORGANIZATION IN A  
6 COUNTY OF THE SECOND CLASS WHICH ENRICHES THE LIVES OF CHILDREN  
7 AND ADULTS WITH DISABILITIES AND CHRONIC ILLNESSES; OR

8 (14) ANY NONPROFIT ORGANIZATION LOCATED IN ANY COUNTY OF THE  
9 THIRD CLASS ESTABLISHED TO PROVIDE GENERAL SUPPORT AND FOOD  
10 ASSISTANCE FOR STUDENTS IN PRE-KINDERGARTEN THROUGH TWELFTH  
11 GRADE;

12 AND UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE  
13 BOARD SHALL ISSUE A WINE AND SPIRITS AUCTION PERMIT GOOD FOR A  
14 PERIOD OF NOT MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS  
15 PER CALENDAR YEAR.

16 \* \* \*

17 SECTION 412. PUBLIC VENUE LICENSE.--\* \* \*

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

21 (1) SALES MAY ONLY BE MADE ONE HOUR BEFORE, DURING AND ONE  
22 HOUR AFTER ANY ATHLETIC PERFORMANCE, PERFORMING ARTS EVENT,  
23 TRADE SHOW, CONVENTION, BANQUET OR ANY OTHER PERFORMANCE AT THE  
24 FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK  
25 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES  
26 MAY NOT OCCUR PRIOR TO [ELEVEN] TEN O'CLOCK ANTEMERIDIAN ON  
27 SUNDAYS OR SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS.

28 NOTWITHSTANDING THIS SECTION, FACILITIES THAT HAD BEEN LICENSED  
29 UNDER FORMER SECTIONS 408.9 AND 408.14 MAY SELL LIQUOR AND/OR  
30 MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK

1 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO ELEVEN  
2 O'CLOCK ANTEMERIDIAN ON SUNDAYS OR SEVEN O'CLOCK ANTEMERIDIAN ON  
3 MONDAYS, REGARDLESS OF WHETHER THERE IS A PERFORMANCE AT THE  
4 FACILITY.

5 \* \* \*

6 SECTION 413. PERFORMING ARTS FACILITY LICENSE.--\* \* \*

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

10 (1) SALES OF LIQUOR AND MALT OR BREWED BEVERAGES MAY BE MADE  
11 TWO HOURS BEFORE, DURING AND ONE HOUR AFTER ANY PERFORMANCE AT  
12 THE FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK  
13 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES  
14 MAY NOT OCCUR PRIOR TO [ONE O'CLOCK POSTMERIDIAN] TEN O'CLOCK  
15 ANTEMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON SUNDAYS.  
16 HOWEVER, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTION  
17 408.3 (A) AND 408.3 (A.2) MAY SELL LIQUOR AND MALT OR BREWED  
18 BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN  
19 O'CLOCK ANTEMERIDIAN OR PRIOR TO ONE O'CLOCK POSTMERIDIAN OR  
20 AFTER TEN O'CLOCK POSTMERIDIAN ON SUNDAYS, REGARDLESS OF WHETHER  
21 THERE IS A PERFORMANCE AT THE FACILITY.

22 \* \* \*

23 SECTION 415. WINE EXPANDED PERMITS.--\* \* \*

24 (F) A WINE EXPANDED PERMIT HOLDER MAY SELL A WINE PRODUCT  
25 FOR OFF-PREMISES CONSUMPTION AT A PRICE THAT IS DIFFERENT THAN  
26 THE PRICE IT CHARGES FOR THE WINE PRODUCT FOR ON-PREMISES  
27 CONSUMPTION; HOWEVER, IT MAY NOT SELL A WINE PRODUCT FOR OFF-  
28 PREMISES CONSUMPTION AT A PRICE LESS THAN THE LICENSEE'S  
29 PURCHASE PRICE FROM THE BOARD OF THE WINE PRODUCT.

30 \* \* \*

1 SECTION 416. CASINO LIQUOR LICENSE.-- (A) NOTWITHSTANDING  
2 ANY PROVISION OF LAW OR REGULATION, [A SLOT MACHINE LICENSEE OR  
3 AN AFFILIATED DESIGNEE HOLDING A RESTAURANT LIQUOR OR EATING  
4 PLACE RETAIL DISPENSER LICENSE AND WHICH SELLS LIQUOR OR MALT OR  
5 BREWED BEVERAGES AT OR ADJACENT TO A GAMING FACILITY UNDER THIS  
6 ACT MAY APPLY TO THE BOARD FOR A CASINO LIQUOR LICENSE. THE  
7 BOARD MAY ISSUE A CASINO LIQUOR LICENSE TO A SLOT MACHINE  
8 LICENSEE FOR USE AT THE CASINO LIQUOR LICENSEE'S LICENSED  
9 FACILITY IN ACCORDANCE WITH THIS SECTION.] THE BOARD MAY ISSUE A  
10 CASINO LIQUOR LICENSE TO A SLOT MACHINE LICENSEE IN ACCORDANCE  
11 WITH THIS SECTION. A CASINO LIQUOR LICENSE SHALL AUTHORIZE THE  
12 HOLDER TO SELL LIQUOR OR MALT OR BREWED BEVERAGES AS PROVIDED  
13 FOR IN THIS SECTION.

14 (A.1) A SLOT MACHINE LICENSEE MAY APPLY TO THE BOARD FOR A  
15 CASINO LIQUOR LICENSE TO SELL LIQUOR OR MALT OR BREWED BEVERAGES  
16 AS PROVIDED FOR IN THIS SECTION. A SLOT MACHINE LICENSEE SHALL  
17 FILE A SEPARATE APPLICATION AND PAY A SEPARATE FEE FOR EACH  
18 CASINO LIQUOR LICENSE THAT IS SOUGHT FOR EACH LICENSED FACILITY.  
19 UPON ISSUANCE OF EACH CASINO LIQUOR LICENSE TO A SLOT MACHINE  
20 LICENSEE UNDER THIS SECTION, THE SLOT MACHINE LICENSEE SHALL PAY  
21 A FEE OF ONE MILLION DOLLARS (\$1,000,000), WHICH SHALL BE PAID  
22 TO THE BOARD IN NONREFUNDABLE, EQUAL INSTALLMENTS OF TWO HUNDRED  
23 FIFTY THOUSAND DOLLARS (\$250,000) FOR A PERIOD OF FOUR YEARS  
24 IMMEDIATELY FOLLOWING THE ISSUANCE OF THE LICENSE. THE FIRST  
25 PAYMENT SHALL BE MADE AT THE TIME THE CASINO LIQUOR LICENSE IS  
26 ISSUED. NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES  
27 COLLECTED OR RECEIVED BY THE BOARD UNDER THIS SUBSECTION SHALL  
28 BE PAID INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF  
29 REVENUE FOR DEPOSIT INTO THE GENERAL FUND.

30 (B) [EACH APPLICATION FOR A CASINO LICENSE UNDER THIS

1 SECTION SHALL BE ACCOMPANIED BY A FEE OF ONE MILLION DOLLARS  
2 (\$1,000,000).] (RESERVED).

3 (B.1) [EACH RESTAURANT LICENSEE THAT DOES NOT HOLD A SLOT  
4 MACHINE LICENSE BUT OPERATES WITHIN OR ADJACENT TO THE GAMING  
5 FACILITY MUST PAY A ONE-TIME FEE OF TEN THOUSAND DOLLARS  
6 (\$10,000).] (RESERVED).

7 (C) THE FOLLOWING SHALL APPLY TO RENEWALS:

8 (1) A CASINO LIQUOR LICENSE MUST BE RENEWED ON AN ANNUAL  
9 BASIS.

10 (2) [FOR THE FIRST FOUR YEARS AFTER THE INITIAL ISSUE OF THE  
11 CASINO LIQUOR LICENSE, THE CASINO LIQUOR LICENSE SHALL BE  
12 SUBJECT TO AN ANNUAL RENEWAL FEE OF ONE MILLION DOLLARS  
13 (\$1,000,000).] (RESERVED).

14 (3) AFTER THE [PERIOD UNDER PARAGRAPH (2), THE] INSTALLMENT  
15 PAYMENT PERIOD UNDER SUBSECTION (A.1), A CASINO LIQUOR LICENSE  
16 SHALL BE SUBJECT TO AN ANNUAL RENEWAL FEE OF [TWO HUNDRED AND  
17 FIFTY THOUSAND DOLLARS (\$250,000)] TWO THOUSAND FIVE HUNDRED  
18 DOLLARS (\$2,500).

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

23 (D) THE FOLLOWING SHALL APPLY TO THE DISPOSITION OF A  
24 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER [LICENSES]  
25 LICENSE HELD BY A SLOT MACHINE LICENSEE THAT RECEIVES A CASINO  
26 LIQUOR LICENSE:

27 (1) [AN APPLICANT] A SLOT MACHINE LICENSEE SEEKING A CASINO  
28 LIQUOR LICENSE UNDER THIS SECTION THAT CURRENTLY HOLDS A  
29 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE MAY  
30 CONTINUE TO UTILIZE THE LICENSE UNTIL THE CASINO LIQUOR LICENSE

1 IS ISSUED BY THE BOARD. UPON ISSUANCE OF A CASINO LIQUOR  
2 LICENSE, THE [APPLICANT] SLOT MACHINE LICENSEE MUST SURRENDER  
3 THE RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE  
4 TO THE BOARD.

5 (2) [AN APPLICANT] A SLOT MACHINE LICENSEE SEEKING A CASINO  
6 LIQUOR LICENSE UNDER THIS SECTION THAT CURRENTLY HOLDS A  
7 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE THAT  
8 IS SUBJECT TO THE QUOTA RESTRICTIONS UNDER SECTION 461(A) MAY  
9 CONTINUE TO UTILIZE THAT LICENSE UNTIL THE CASINO LIQUOR LICENSE  
10 IS ISSUED BY THE BOARD. UPON ISSUANCE OF A CASINO LIQUOR  
11 LICENSE, THE APPLICANT MAY SELL THE RESTAURANT LIQUOR OR EATING  
12 PLACE RETAIL DISPENSER LICENSE.

13 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF  
14 A CASINO LIQUOR LICENSE MAY SELL OR SERVE LIQUOR AND MALT OR  
15 BREWED BEVERAGES TWENTY-FOUR (24) HOURS A DAY, SEVEN (7) DAYS A  
16 WEEK ANYWHERE WITHIN THE LICENSED FACILITY THAT IS NOT SUBJECT  
17 TO A DIFFERENT LICENSE ISSUED BY THE BOARD.

18 (F) A CASINO LIQUOR LICENSE SHALL BE NONTRANSFERABLE, EXCEPT  
19 THAT NOTHING IN THIS SUBSECTION SHALL PRECLUDE A TRANSFER OF  
20 OWNERSHIP OF A CASINO LIQUOR LICENSE TO ANOTHER ELIGIBLE PERSON  
21 TO BE USED AT THE SAME LICENSED FACILITY.

22 (G) A CASINO LIQUOR LICENSE SHALL EXPIRE UNDER THE FOLLOWING  
23 CIRCUMSTANCES:

24 (1) REVOCATION BY AN ADMINISTRATIVE LAW JUDGE UNDER SECTION  
25 471;

26 (2) NONRENEWAL BY THE BOARD UNDER SECTION 470;

27 (3) NONRENEWAL OF THE LICENSE BY A SLOT MACHINE LICENSEE OR  
28 ITS DESIGNEE; [OR]

29 (4) UPON REQUEST BY THE SLOT MACHINE LICENSEE[.]; OR

30 (5) THE CASINO LIQUOR LICENSEE FAILS TO PAY THE APPROPRIATE

1 FEE UNDER SUBSECTIONS (A.1) AND (C).

2 (H) THE BOARD MAY ISSUE A CASINO LIQUOR LICENSE AT ANY TIME  
3 TO A NEW APPLICANT EVEN IF THE PREVIOUS LICENSE HAD:

4 (1) BEEN REVOKED BY AN ADMINISTRATIVE LAW JUDGE UNDER  
5 SECTION 471;

6 (2) NOT BEEN RENEWED BY THE BOARD UNDER SECTION 470;

7 (3) NOT BEEN RENEWED BY THE SLOT MACHINE LICENSEE; OR

8 (4) EXPIRED UPON REQUEST BY THE SLOT MACHINE LICENSEE.

9 (I) IN ADDITION TO ANY OTHER RESTRICTIONS AND PRIVILEGES, A  
10 CASINO LIQUOR LICENSE SHALL BE SUBJECT TO THE FOLLOWING:

11 (1) [SALES MAY BE MADE AT ANY TIME THE FACILITY IS OPEN TO  
12 THE PUBLIC.] EXCEPT AS PROVIDED UNDER THIS SECTION AND SUBJECT  
13 TO SECTION 472, A CASINO LIQUOR LICENSE SHALL BE TREATED AS A  
14 RESTAURANT LIQUOR LICENSE OR, IF RESTAURANT LIQUOR LICENSES MAY  
15 NOT BE ISSUED IN THE MUNICIPALITY, AS AN EATING PLACE RETAILER  
16 DISPENSER LICENSE.

17 (1.1) A CASINO LIQUOR LICENSEE MAY SELL, FURNISH OR GIVE  
18 LIQUOR OR MALT OR BREWED BEVERAGES AFTER SEVEN O'CLOCK  
19 ANTEMERIDIAN OF ANY DAY UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE  
20 FOLLOWING DAY ON THE UNLICENSED PORTION OF THE LICENSED FACILITY  
21 IF THE LIQUOR OR MALT OR BREWED BEVERAGES REMAIN ON THE LICENSED  
22 FACILITY.

23 (2) LIQUOR OR MALT OR BREWED BEVERAGES MAY BE TRANSPORTED  
24 AND CONSUMED [OFF THE GAMING FLOOR] ANYWHERE ON THE PROPERTY ON  
25 WHICH THE LICENSED FACILITY IS LOCATED IF THE LIQUOR OR MALT OR  
26 BREWED BEVERAGE REMAINS [WITHIN THE PREMISES] ON THE PROPERTY OF  
27 THE LICENSED FACILITY[.], EXCEPT THAT IT MAY NOT BE TRANSPORTED  
28 TO AND CONSUMED WITHIN ANOTHER RESTAURANT LIQUOR OR EATING PLACE  
29 RETAIL DISPENSER LICENSEE LOCATION WITHIN THE LICENSED FACILITY.

30 (3) SALES OF MALT OR BREWED BEVERAGES FOR OFF-PREMISES

1 CONSUMPTION ARE PROHIBITED, NOR SHALL THE LICENSE BE ELIGIBLE  
2 FOR A WINE EXPANDED PERMIT.

3 (4) IN ADDITION TO THE PROVISIONS OF SECTION 493(24) (II),  
4 THE HOLDER OF A CASINO LIQUOR LICENSE MAY GIVE LIQUOR AND MALT  
5 OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON ATTENDING AN  
6 INVITATION-ONLY EVENT HELD ANYWHERE ON THE PREMISES OF THE  
7 LICENSED FACILITY.

8 (5) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT  
9 TO:

10 (I) THE PROXIMITY PROVISIONS OF SECTIONS 402 AND 404;

11 (II) THE RESTRICTIONS ON DISCOUNT PRICING PRACTICES SET  
12 FORTH IN SECTIONS 406(G) AND 442(G);

13 (III) THE QUOTA RESTRICTIONS UNDER SECTION 461;

14 (IV) THE PROVISIONS OF SECTION 493(10);

15 (V) THE PROHIBITION AGAINST MINORS FREQUENTING AS DESCRIBED  
16 IN SECTION 493(14);

17 (VI) THE COST AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION  
18 493(20) (I);

19 (VII) THE RESTRICTIONS ON EVENTS, TOURNAMENTS OR CONTESTS IN  
20 40 PA. CODE § 5.32 (RELATING TO RESTRICTIONS/EXCEPTIONS) OR ANY  
21 SUCCESSOR REGULATION; AND

22 (VIII) THE RESTRICTIONS ON THE AWARDING OF TROPHIES, PRIZES  
23 OR PREMIUMS SET FORTH IN 40 PA. CODE § 5.32 OR ANY SUCCESSOR  
24 REGULATION.

25 [(J) MORE THAN ONE CASINO LIQUOR LICENSE ISSUED BY THE BOARD  
26 MAY BE IN EFFECT AT A LICENSED FACILITY AT ANY ONE TIME, EXCEPT  
27 THAT NO MORE THAN ONE CASINO LIQUOR LICENSE SHALL BE IN EFFECT  
28 AT A SPECIFIC LOCATION WITHIN THE PREMISES OF A LICENSED  
29 FACILITY AT THE SAME TIME.]

30 (K) IF A CASINO LIQUOR LICENSE IS REVOKED OR NONRENEWED BUT

1 THE SLOT MACHINE LICENSEE CONTINUES TO OPERATE THE LICENSED  
2 FACILITY, THE SLOT MACHINE LICENSEE MAY APPLY FOR A NEW  
3 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE UNDER  
4 4 PA.C.S. § 1521 (RELATING TO LIQUOR LICENSES AT LICENSED  
5 FACILITIES), OR IF THE SLOT MACHINE LICENSEE HAD PREVIOUSLY  
6 SURRENDERED ITS RESTAURANT LIQUOR OR EATING PLACE RETAIL  
7 DISPENSER LICENSE TO THE BOARD UNDER SUBSECTION (D) (1), THE  
8 BOARD MAY REISSUE THE PREVIOUSLY SURRENDERED LICENSE.

9 (L) THE ADDITIONAL RESTRICTIONS AND PRIVILEGES GRANTED TO A  
10 CASINO LIQUOR LICENSE ISSUED UNDER THIS SECTION SHALL NOT AFFECT  
11 THE RESTRICTIONS AND PRIVILEGES OF ANY OTHER LICENSES OR PERMITS  
12 ISSUED FOR USE AT LOCATIONS WITHIN THE LICENSED FACILITY.

13 (M) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

15 "LICENSED FACILITY" SHALL HAVE THE MEANING GIVEN THE TERM  
16 UNDER 4 PA.C.S. § 1103 AND THAT IS OPERATED BY A SLOT MACHINE  
17 LICENSEE. THE TERM SHALL NOT INCLUDE A CATEGORY 4 LICENSED  
18 FACILITY.

19 "SLOT MACHINE LICENSEE" SHALL MEAN THE HOLDER OF ANY OF THE  
20 FOLLOWING:

21 (1) A CATEGORY 1 SLOT MACHINE LICENSE AS PROVIDED FOR UNDER  
22 4 PA.C.S. § 1302 (RELATING TO CATEGORY 1 SLOT MACHINE LICENSE);

23 (2) A CATEGORY 2 SLOT MACHINE LICENSE AS PROVIDED FOR UNDER  
24 4 PA.C.S. § 1304 (RELATING TO CATEGORY 2 SLOT MACHINE LICENSE);

25 OR

26 (3) A CATEGORY 3 SLOT MACHINE LICENSE AS PROVIDED FOR UNDER  
27 4 PA.C.S. § 1305 (RELATING TO CATEGORY 3 SLOT MACHINE LICENSE).

28 THE TERM SHALL NOT INCLUDE A CATEGORY 4 SLOT MACHINE LICENSE AS  
29 PROVIDED FOR IN 4 PA.C.S. § 1305.1 (RELATING TO CATEGORY 4 SLOT  
30 MACHINE LICENSE).

1 SECTION 436. APPLICATION FOR DISTRIBUTORS', IMPORTING  
2 DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES.--APPLICATION FOR  
3 DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS'  
4 LICENSES, OR FOR THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER  
5 PREMISES NOT THEN LICENSED OR TO ANOTHER PERSON, SHALL CONTAIN  
6 OR HAVE ATTACHED THERETO THE FOLLOWING INFORMATION AND  
7 STATEMENTS:

8 \* \* \*

9 (B) THE PARTICULAR PLACE FOR WHICH THE LICENSE IS DESIRED  
10 AND A DETAILED DESCRIPTION THEREOF. THE DESCRIPTION, INFORMATION  
11 AND PLANS REFERRED TO IN THIS SUBSECTION SHALL SHOW THE PREMISES  
12 OR THE PROPOSED LOCATION FOR THE CONSTRUCTION OF THE PREMISES AT  
13 THE TIME THE APPLICATION IS MADE, AND SHALL SHOW ANY ALTERATIONS  
14 PROPOSED TO BE MADE THERETO, OR THE NEW BUILDING PROPOSED TO BE  
15 CONSTRUCTED AFTER THE APPROVAL BY THE BOARD OF THE APPLICATION  
16 FOR A LICENSE, OR FOR THE TRANSFER OF AN EXISTING LICENSE TO  
17 ANOTHER PREMISES NOT THEN LICENSED OR TO ANOTHER PERSON. NO  
18 PHYSICAL ALTERATIONS, IMPROVEMENTS OR CHANGES SHALL BE REQUIRED  
19 TO BE MADE TO ANY HOTEL, EATING PLACE OR CLUB, NOR SHALL ANY NEW  
20 BUILDING FOR ANY SUCH PURPOSE BE REQUIRED TO BE CONSTRUCTED  
21 UNTIL APPROVAL OF THE APPLICATION FOR LICENSE OR FOR THE  
22 TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN  
23 LICENSED OR TO ANOTHER PERSON BY THE BOARD. AFTER APPROVAL OF  
24 THE APPLICATION, THE LICENSEE SHALL MAKE THE PHYSICAL  
25 ALTERATIONS, IMPROVEMENTS AND CHANGES TO THE LICENSED PREMISES,  
26 OR SHALL CONSTRUCT THE NEW BUILDING IN THE MANNER SPECIFIED BY  
27 THE BOARD AT THE TIME OF APPROVAL. THE LICENSEE SHALL NOT  
28 TRANSACT ANY BUSINESS UNDER THE LICENSE UNTIL THE BOARD HAS  
29 APPROVED THE COMPLETED PHYSICAL ALTERATIONS, IMPROVEMENTS AND  
30 CHANGES OF THE LICENSED PREMISES OR THE COMPLETED CONSTRUCTION

1 OF THE NEW BUILDING AS CONFORMING TO THE SPECIFICATIONS REQUIRED  
2 BY THE BOARD AT THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE  
3 AND IS SATISFIED THAT THE PREMISES MEET THE REQUIREMENTS FOR A  
4 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE AS SET FORTH IN  
5 THIS ACT OR THAT THE ESTABLISHMENT IS AN EATING PLACE, HOTEL OR  
6 CLUB AS DEFINED BY THIS ACT. THE BOARD MAY REQUIRE THAT ALL SUCH  
7 ALTERATIONS OR CONSTRUCTION OR CONFORMITY TO DEFINITION BE  
8 COMPLETED WITHIN SIX MONTHS FROM THE TIME OF ISSUANCE OR  
9 TRANSFER OF THE LICENSE. THE TIME BETWEEN THE APPROVAL OF THE  
10 INITIAL APPLICATION AND ISSUANCE OF OPERATING AUTHORITY TO THE  
11 LICENSEE SHALL BE CONSIDERED AS TIME IN SAFEKEEPING. FAILURE TO  
12 COMPLY WITH THESE REQUIREMENTS SHALL BE CONSIDERED CAUSE FOR  
13 REVOCATION OF THE LICENSE. NO SUCH LICENSE SHALL BE TRANSFERABLE  
14 BETWEEN THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE AND THE  
15 APPROVAL OF THE COMPLETED ALTERATIONS OR CONSTRUCTION BY THE  
16 BOARD AND FULL COMPLIANCE BY THE LICENSEE WITH THE REQUIREMENTS  
17 OF THIS ACT, EXCEPT IN THE CASE OF DEATH OF THE LICENSEE PRIOR  
18 TO FULL COMPLIANCE [WITH ALL OF THE AFOREMENTIONED REQUIREMENTS  
19 OR UNLESS FULL COMPLIANCE IS IMPOSSIBLE FOR REASONS BEYOND THE  
20 LICENSEE'S CONTROL, IN WHICH EVENT THE LICENSE MAY BE  
21 TRANSFERRED BY THE BOARD AS PROVIDED IN THIS ACT.], UNLESS THE  
22 TRANSFER APPLICATION IS ACCOMPANIED BY A SURCHARGE. THE  
23 SURCHARGE SHALL BE TWENTY THOUSAND DOLLARS (\$20,000) IF THE  
24 LICENSE IS LOCATED IN A COUNTY OF THE FIRST THROUGH FOURTH  
25 CLASS, AND THE SURCHARGE SHALL BE FIVE THOUSAND DOLLARS (\$5,000)  
26 IF THE LICENSE IS LOCATED IN A COUNTY OF THE FIFTH THROUGH  
27 EIGHTH CLASS.

28 \* \* \*

29 SECTION 446. BREWERIES.-- (A) [HOLDERS] SUBJECT TO THE  
30 RESTRICTIONS APPLICABLE TO ON-PREMISE CONSUMPTION SET FORTH IN

1 SECTION 472, HOLDERS OF A BREWERY LICENSE MAY:

2 \* \* \*

3 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED  
4 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY  
5 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE  
6 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED  
7 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY  
8 LICENSE MAY SELL WINES [AND], ALCOHOLIC CIDER AND FERMENTED  
9 FRUIT BEVERAGES PRODUCED BY THE HOLDER OF A LIMITED WINERY  
10 LICENSE, MALT OR BREWED BEVERAGES PRODUCED BY A MANUFACTURER  
11 LICENSED BY THE BOARD AND LIQUOR PRODUCED BY A LIMITED  
12 DISTILLERY OR DISTILLERY LICENSED BY THE BOARD: PROVIDED,  
13 HOWEVER, THAT SAID WINES, MALT OR BREWED BEVERAGES PRODUCED BY  
14 ANOTHER MANUFACTURER AND LIQUOR MUST BE CONSUMED AT THE LICENSED  
15 PREMISES. IN ADDITION, THE COMBINED SALES OF WINE, MALT OR  
16 BREWED BEVERAGES PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MAY  
17 NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM (50%) OF THE ON-  
18 PREMISES SALES OF THE BREWERY'S OWN MALT OR BREWED BEVERAGES FOR  
19 THE PRECEDING CALENDAR YEAR: HOWEVER, IF A BREWERY DID NOT  
20 OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR,  
21 THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES  
22 PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MAY NOT, ON A YEARLY  
23 BASIS, EXCEED FIFTY PER CENTUM (50%) OF THE ON-PREMISES SALES OF  
24 THE BREWERY'S OWN MALT OR BREWED BEVERAGES FOR THAT YEAR.

25 \* \* \*

26 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
27 SECTION 449. TAXES DUE ON SALES MADE BY A HOLDER OF A  
28 MANUFACTURER'S LICENSE.--(A) NOTWITHSTANDING ANY LAW TO THE  
29 CONTRARY, SALES MADE BY A HOLDER OF A MANUFACTURER'S LICENSE  
30 ISSUED UNDER THIS ARTICLE WHO SELLS THE LICENSE HOLDER'S OWN

1 MALT AND BREWED BEVERAGES UNDER THE LICENSE TO THE PUBLIC FOR  
2 CONSUMPTION ON-PREMISES OR OFF-PREMISES SHALL BE RESPONSIBLE FOR  
3 PAYING AND REMITTING THE SALES AND USE TAX IMPOSED BY SECTION  
4 202 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX  
5 REFORM CODE OF 1971," IN THE FOLLOWING MANNER:

6 (1) THE PURCHASE PRICE OF MALT OR BREWED BEVERAGES SOLD BY A  
7 MANUFACTURER DIRECTLY TO THE ULTIMATE CONSUMER FOR CONSUMPTION  
8 ON PREMISES SHALL BE THE WHOLESALE PRICE. AS USED IN THIS  
9 PARAGRAPH, THE TERM "WHOLESALE PRICE" SHALL BE THE PRICE AT  
10 WHICH THE MANUFACTURER SELLS THE SAME PRODUCT TO A DISTRIBUTOR  
11 OR IMPORTING DISTRIBUTOR.

12 (2) IF THE MANUFACTURER DOES NOT SELL THE PRODUCT TO A  
13 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, THEN THE MANUFACTURER  
14 SHALL DETERMINE A CONSTRUCTIVE PURCHASE PRICE FOR THE  
15 MANUFACTURER'S OWN PRODUCTS IN A MANNER CONSISTENT WITH SECTION  
16 201(G) (3) OF THE "TAX REFORM CODE OF 1971." IN DETERMINING A  
17 CONSTRUCTIVE PURCHASE PRICE UNDER THIS SUBSECTION, A HOLDER OF A  
18 MANUFACTURER'S LICENSE MAKING SALES UNDER THIS SUBSECTION SHALL  
19 DETERMINE A PURCHASE PRICE WHICH WOULD NATURALLY AND FAIRLY BE  
20 CHARGED IN AN ARMS-LENGTH TRANSACTION TO PURCHASE MALT AND  
21 BREWED BEVERAGES FROM ANOTHER MANUFACTURER IN WHICH NO COMMON  
22 INTEREST EXISTS AND ANY OTHER ELEMENT CAUSING A DISTORTION OF  
23 THE PRICE OR VALUE IS ABSENT.

24 (B) NOTHING IN THIS SECTION SHALL PROHIBIT A HOLDER OF A  
25 MANUFACTURER'S LICENSE MAKING SALES UNDER SUBSECTION (A) FROM  
26 USING THE ACTUAL RETAIL PRICE OF THE MALT OR BREWED BEVERAGES  
27 SOLD TO CONSUMERS AS THE PURCHASE PRICE UPON WHICH THE SALES AND  
28 USE TAX IMPOSED BY SECTION 202 OF THE "TAX REFORM CODE OF 1971"  
29 MUST BE PAID TO THE COMMONWEALTH.

30 (C) THE DEPARTMENT OF REVENUE MAY REQUIRE INFORMATION

1 NECESSARY TO DOCUMENT THAT A HOLDER OF A MANUFACTURER'S LICENSE  
2 MAKING SALES UNDER SUBSECTION (A) IS IN COMPLIANCE WITH THIS  
3 SECTION.

4 (D) WITHIN 180 DAYS FROM THE EFFECTIVE DATE OF THIS SECTION,  
5 THE DEPARTMENT OF REVENUE SHALL PROMULGATE WRITTEN GUIDELINES  
6 FOR THE IMPLEMENTATION OF THIS SECTION.

7 SECTION 4. SECTION 461(B.3) AND (B.4) OF THE ACT ARE AMENDED  
8 TO READ:

9 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED  
10 IN EACH COUNTY.--\* \* \*

11 (B.3) AN INTERMUNICIPAL TRANSFER OF A LICENSE [OR], ISSUANCE  
12 OF A LICENSE FOR ECONOMIC DEVELOPMENT UNDER SUBSECTION (B.1) (2)  
13 (I) OR ISSUANCE OF A LICENSE FOR USE AT A MIXED-USE TOWN CENTER  
14 DEVELOPMENT PROJECT UNDER SUBSECTION (B.4) MUST FIRST BE  
15 APPROVED BY THE GOVERNING BODY OF THE RECEIVING MUNICIPALITY  
16 WHEN THE TOTAL NUMBER OF EXISTING RESTAURANT LIQUOR LICENSES AND  
17 EATING PLACE RETAIL DISPENSER LICENSES IN THE RECEIVING  
18 MUNICIPALITY EQUAL OR EXCEED ONE LICENSE PER THREE THOUSAND  
19 INHABITANTS. UPON REQUEST FOR APPROVAL OF AN INTERMUNICIPAL  
20 TRANSFER OF A LICENSE [OR], ISSUANCE OF AN ECONOMIC DEVELOPMENT  
21 LICENSE OR ISSUANCE OF A LICENSE FOR USE AT A MIXED-USE TOWN  
22 CENTER DEVELOPMENT PROJECT BY AN APPLICANT, AT LEAST ONE PUBLIC  
23 HEARING SHALL BE HELD BY THE MUNICIPAL GOVERNING BODY FOR THE  
24 PURPOSE OF RECEIVING COMMENTS AND RECOMMENDATIONS OF INTERESTED  
25 INDIVIDUALS RESIDING WITHIN THE MUNICIPALITY CONCERNING THE  
26 APPLICANT'S INTENT TO TRANSFER A LICENSE INTO THE MUNICIPALITY  
27 [OR], ACQUIRE AN ECONOMIC DEVELOPMENT LICENSE OR ACQUIRE A  
28 LICENSE FOR USE AT A MIXED-USE TOWN CENTER DEVELOPMENT PROJECT  
29 FROM THE PENNSYLVANIA LIQUOR CONTROL BOARD. THE GOVERNING BODY  
30 SHALL, WITHIN FORTY-FIVE DAYS OF A REQUEST FOR APPROVAL, RENDER

1 A DECISION BY ORDINANCE OR RESOLUTION TO APPROVE OR DISAPPROVE  
2 THE APPLICANT'S REQUEST [FOR AN INTERMUNICIPAL TRANSFER OF A  
3 LICENSE OR ISSUANCE OF AN ECONOMIC DEVELOPMENT LICENSE]. THE  
4 MUNICIPALITY MAY APPROVE THE REQUEST. A DECISION BY THE  
5 GOVERNING BODY OF THE MUNICIPALITY TO DENY THE REQUEST MAY NOT  
6 BE APPEALED. A COPY OF THE APPROVAL MUST BE SUBMITTED WITH THE  
7 LICENSE APPLICATION. THE APPROVAL REQUIREMENT SHALL NOT APPLY TO  
8 LICENSES TRANSFERRED INTO A TAX INCREMENT DISTRICT CREATED  
9 PURSUANT TO THE ACT OF JULY 11, 1990 (P.L.465, NO.113), KNOWN AS  
10 THE "TAX INCREMENT FINANCING ACT," LOCATED IN A TOWNSHIP OF THE  
11 SECOND CLASS THAT IS LOCATED WITHIN A COUNTY OF THE SECOND CLASS  
12 IF THE DISTRICT WAS CREATED PRIOR TO DECEMBER 31, 2002, AND THE  
13 GOVERNING BODY OF THE TOWNSHIP HAS ADOPTED AN AGREEMENT AT A  
14 PUBLIC MEETING THAT CONSENTS TO THE TRANSFER OF LICENSES INTO  
15 THE TAX INCREMENT DISTRICT. FAILURE BY THE GOVERNING BODY OF THE  
16 MUNICIPALITY TO RENDER A DECISION WITHIN FORTY-FIVE DAYS OF THE  
17 APPLICANT'S REQUEST FOR APPROVAL SHALL BE DEEMED AN APPROVAL OF  
18 THE APPLICATION IN TERMS AS PRESENTED UNLESS THE GOVERNING BODY  
19 HAS NOTIFIED THE APPLICANT IN WRITING OF THEIR ELECTION FOR AN  
20 EXTENSION OF TIME NOT TO EXCEED SIXTY DAYS. FAILURE BY THE  
21 GOVERNING BODY OF THE MUNICIPALITY TO RENDER A DECISION WITHIN  
22 THE EXTENDED TIME PERIOD SHALL BE DEEMED AN APPROVAL OF THE  
23 APPLICATION IN TERMS AS PRESENTED.

24 (B.4) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT  
25 TO THE CONTRARY, THE BOARD MAY [APPROVE THE TRANSFER OF A  
26 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE FROM  
27 A CITY OF THE FIRST CLASS TO A COUNTY DESIGNATED AS A SECOND  
28 CLASS A COUNTY OR A COUNTY OF THE THIRD CLASS FOR THE PURPOSE OF  
29 ECONOMIC DEVELOPMENT,] ISSUE A RESTAURANT LIQUOR LICENSE OR  
30 EATING PLACE RETAIL DISPENSER LICENSE FOR USE AT A MIXED-USE

1 TOWN CENTER DEVELOPMENT PROJECT THAT IS LOCATED IN A COUNTY OF  
2 THE FOURTH CLASS. THE BOARD MAY ALSO ISSUE A RESTAURANT LIQUOR  
3 LICENSE OR EATING PLACE RETAIL DISPENSER LICENSE FOR USE AT A  
4 MIXED-USE TOWN CENTER DEVELOPMENT PROJECT LOCATED IN A COUNTY OF  
5 THE SECOND CLASS A THAT IS PART OF A MIXED-USE TOWN CENTER  
6 DEVELOPMENT PROJECT PREVIOUSLY ACKNOWLEDGED AS SUCH BY THE  
7 BOARD, SO LONG AS A PETITION AND FEE IS FILED IN ACCORDANCE WITH  
8 THIS SECTION. PRIOR TO ISSUING ANY LICENSES, AN INTERESTED PARTY  
9 MUST FIRST PETITION THE BOARD TO HAVE A SPECIFIC AREA DESIGNATED  
10 AS A MIXED-USE TOWN CENTER DEVELOPMENT PROJECT. THE BOARD SHALL  
11 DETERMINE WHAT INFORMATION MUST BE CONTAINED IN THE PETITION AND  
12 THE PETITION MUST BE ACCOMPANIED BY A FEE OF ONE MILLION DOLLARS  
13 (\$1,000,000), WITH SAID FEE TO BE PLACED IN THE STATE STORES  
14 FUND. THE BOARD SHALL GRANT THE PETITION UNLESS THE PROPOSED  
15 LOCATION DOES NOT MEET THE DEFINITION OF A MIXED-USE TOWN CENTER  
16 DEVELOPMENT PROJECT, THE APPLICANT FAILS TO PROVIDE THE  
17 INFORMATION REQUIRED IN THE PETITION OR THE BOARD FINDS THAT  
18 GRANTING THE PETITION WOULD BE DETRIMENTAL TO THE WELFARE,  
19 HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE PROPOSED  
20 LOCATION. LICENSES APPLIED FOR UNDER THIS SECTION ARE NOT  
21 LIMITED TO THE PERSON WHO PETITIONED THE BOARD AND ARE SUBJECT  
22 TO THE FOLLOWING CONDITIONS:

23 (I) THE APPLICATION TO THE BOARD IS ACCOMPANIED BY MUNICIPAL  
24 APPROVAL AS SET FORTH IN SUBSECTION [(B.1) (2) (II)] (B.3).

25 (II) THE PROPOSED LOCATION IS LOCATED WITHIN A MIXED-USE  
26 TOWN CENTER DEVELOPMENT PROJECT AS THE TERM IS DEFINED IN  
27 SECTION 102.

28 (III) THE APPLICATION TO THE BOARD IS ACCOMPANIED BY A  
29 RESOLUTION OR ORDINANCE INDICATING THAT THE MUNICIPALITY HAS  
30 DESIGNATED THE LOCATION IN QUESTION AS BEING WITHIN THE CONFINES

1 OF A DESIGNATED MIXED-USE TOWN CENTER DEVELOPMENT PROJECT.

2 (IV) THE ISSUANCE OR TRANSFER OF A RESTAURANT LIQUOR OR  
3 EATING PLACE RETAIL DISPENSER LICENSE IS PERMISSIBLE UNDER  
4 SECTION 472.

5 (V) THE APPLICATION IS ACCOMPANIED BY AN APPLICATION  
6 SURCHARGE OF FIFTY THOUSAND DOLLARS (\$50,000), WHICH SHALL BE  
7 PLACED IN THE STATE STORES FUND.

8 [(VI) THE APPLICANT HAS DEMONSTRATED TO THE BOARD THAT IT  
9 HAS EXHAUSTED REASONABLE MEANS FOR OBTAINING A SUITABLE LICENSE  
10 WITHIN THE COUNTY. THIS REQUIREMENT SHALL BE DEEMED SATISFIED IF  
11 THE APPLICANT SUBMITS AN INTRA-COUNTY AFFIRMATION AS PROVIDED IN  
12 SUBCLAUSE (VII).

13 (VII) THE APPLICATION TO THE BOARD IS ACCOMPANIED BY THE  
14 APPLICANT'S WRITTEN INTRA-COUNTY AFFIRMATION THAT DEMONSTRATES  
15 THAT THE APPLICANT, ITS AGENTS, EMPLOYEES OR BROKERS ARE UNABLE  
16 TO SECURE, AT A PRICE THAT IS, TO THE BEST OF THE APPLICANT'S  
17 KNOWLEDGE, INFORMATION AND BELIEF, THE RELATIVE MARKET PRICE, AS  
18 DEFINED IN THIS SECTION, AN EXISTING LICENSE IN THE COUNTY IN  
19 WHICH THE APPLICANT'S PROPOSED PREMISES ARE TO BE LOCATED. SAID  
20 AFFIRMATION SHALL BE ACCOMPANIED BY AN AFFIDAVIT FROM A REAL  
21 ESTATE AGENT, LICENSE BROKER OR OTHER SIMILAR PROFESSIONAL  
22 ATTESTING TO THE UNAVAILABILITY OF A LIQUOR LICENSE TO THE  
23 APPLICANT AT A PRICE THAT IS COMPARABLE TO PRICES PAID BY BONA  
24 FIDE PURCHASERS FOR VALUE FOR LIQUOR LICENSES IN THE RESPECTIVE  
25 COUNTY IMMEDIATELY PRIOR TO OBTAINING MUNICIPAL APPROVAL UNDER  
26 SUBCLAUSE (III), SUCH COMPARABLE PRICE BEING REFERRED TO AS THE  
27 "RELATIVE MARKET PRICE" FOR THE RESPECTIVE COUNTY. SAID  
28 AFFIRMATION SHALL SET FORTH ANY MEASURES TAKEN TO SECURE AN  
29 EXISTING LICENSE, INCLUDING THE TIME PERIOD DURING WHICH THE  
30 APPLICANT ATTEMPTED TO SECURE A LICENSE, AS WELL AS ANY OTHER

1 PERTINENT INFORMATION. THE BOARD SHALL NOT APPROVE THE ISSUANCE  
2 OF A LICENSE UNDER THIS SECTION WHERE IT REASONABLY DETERMINES  
3 AN EXISTING LICENSE WAS AVAILABLE TO THE APPLICANT AT THE  
4 RELATIVE MARKET PRICE PRIOR TO THE APPLICANT FILING A REQUEST  
5 FOR A LICENSE UNDER THIS SECTION.]

6 (VIII) A TRANSFER APPLICATION SUBMITTED UNDER THIS  
7 SUBSECTION MUST BE FILED WITH THE BOARD PRIOR TO THE EFFECTIVE  
8 DATE OF THIS SUBCLAUSE.

9 (2) A RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER  
10 LICENSE THAT HAS BEEN TRANSFERRED FROM A CITY OF THE FIRST CLASS  
11 TO A COUNTY DESIGNATED AS A SECOND CLASS A COUNTY OR A COUNTY OF  
12 THE THIRD CLASS UNDER THIS SECTION MAY NOT BE SUBSEQUENTLY  
13 TRANSFERRED TO ANY LOCATION OUTSIDE OF THE MIXED-USE TOWN CENTER  
14 DEVELOPMENT PROJECT. A RESTAURANT LIQUOR OR EATING PLACE RETAIL  
15 DISPENSER LICENSE THAT HAS BEEN ISSUED UNDER THIS SUBSECTION MAY  
16 NOT BE SUBSEQUENTLY TRANSFERRED TO ANY LOCATION OUTSIDE OF THE  
17 MIXED-USE TOWN CENTER DEVELOPMENT PROJECT.

18 [(3) NO MORE THAN ONE LICENSE FOR EACH FIFTY THOUSAND SQUARE  
19 FEET OF PROPOSED OR ACTUAL CONSTRUCTION MAY BE TRANSFERRED INTO  
20 A MIXED-USE TOWN CENTER DEVELOPMENT PROJECT UNDER THE PROVISIONS  
21 OF THIS SECTION. THE APPLICANT SHALL DEMONSTRATE THAT THIS  
22 REQUIREMENT HAS BEEN MET BY PROVIDING DOCUMENTATION ON ITS  
23 APPLICATION TO THE BOARD THAT THE DEVELOPMENT HAS SUFFICIENT  
24 PROPOSED OR ACTUAL SQUARE FOOTAGE TO SUPPORT THE TRANSFER OF  
25 LICENSES UNDER THIS SECTION.]

26 (4) THE BOARD MAY APPROVE LICENSURE OF EXTERIOR SERVING  
27 AREAS FOR PREMISES TO BE LOCATED WITHIN A MIXED-USE TOWN CENTER  
28 DEVELOPMENT PROJECT WHERE SUCH EXTERIOR SERVING AREAS ARE  
29 SITUATED ON MUNICIPAL-OWNED OR PRIVATE-OWNED PROPERTY,  
30 REGARDLESS OF WHETHER SUCH EXTERIOR SERVING AREAS ARE LOCATED

1 IMMEDIATELY ADJACENT, ABUTTING OR CONTIGUOUS TO THE BUILDING TO  
2 BE LICENSED, PROVIDED THAT THE EMPLOYES OF LICENSEES IN A  
3 QUALIFIED MIXED-USE TOWN CENTER DEVELOPMENT PROJECT MAY TRAVERSE  
4 UNLICENSED AREAS IN ORDER TO DELIVER ALCOHOL TO PATRONS WHO ARE  
5 SEATED IN ANY SUCH LICENSED SERVING AREA THAT IS NOT IMMEDIATE,  
6 ADJACENT, ABUTTING AND CONTIGUOUS TO THE LICENSEE'S PRIMARY  
7 LICENSED PREMISES; AND PROVIDED FURTHER THAT ANY SUCH LICENSED  
8 SERVING AREA IS DELINEATED FROM ALL ADJACENT PUBLIC AREAS BY A  
9 RAILING, BARRIER OR OTHER PARTITION FOR THE PURPOSE OF TABLE  
10 SERVICE ONLY; AND PROVIDED FURTHER THAT THE ENTIRETY OF SUCH  
11 NONCONTIGUOUS LICENSED EXTERIOR SERVING AREA OR AREAS IS NOT  
12 LOCATED MORE THAN THIRTY-FIVE FEET FROM THE NEAREST POINT OF THE  
13 LICENSED STRUCTURE; AND PROVIDED FURTHER THAT SUCH NONCONTIGUOUS  
14 LICENSED EXTERIOR SERVING AREAS SHALL NOT INCLUDE ANY ADDITIONAL  
15 ENCLOSED STRUCTURE WITH FOUR WALLS AND A ROOF OTHER THAN THE  
16 PRIMARY LICENSED BUILDING; AND PROVIDED FURTHER THAT ANY AND ALL  
17 PUBLIC THOROUGHFARE OR THOROUGHFARES SITUATED BETWEEN THE  
18 LICENSED BUILDING AND THE NONCONTIGUOUS EXTERIOR LICENSED  
19 SERVING AREA IS OR ARE USED PRIMARILY FOR PEDESTRIAN FOOT  
20 TRAFFIC AND NOT VEHICULAR TRAFFIC; AND PROVIDED FURTHER THAT THE  
21 LOCAL MUNICIPALITY HAS APPROVED, BY ORDINANCE OR RESOLUTION, THE  
22 USE OF SUCH AREAS BY THE APPLICANT; AND PROVIDED FURTHER THAT,  
23 IN THE CASE OF MUNICIPAL-OWNED PROPERTY, A SIDEWALK CAFE OR  
24 SIMILAR PERMIT, AS APPLICABLE, IS FIRST OBTAINED BY THE  
25 APPLICANT; AND PROVIDED FURTHER THAT THE APPLICANT COMPLIES WITH  
26 ANY REGULATION ISSUED BY THE BOARD PURSUANT HERETO OR IN  
27 FURTHERANCE HEREOF. ANY RESTAURANT ("R"), EATING PLACE ("E") OR  
28 HOTEL ("H") LICENSE TRANSFERRED TO OR ISSUED FOR PREMISES  
29 LOCATED WITHIN A MIXED-USE TOWN CENTER DEVELOPMENT SHALL HAVE  
30 THE PRIVILEGES OF THIS SUBSECTION SO LONG AS SUCH LICENSE

1 REMAINS WITHIN THE MIXED-USE TOWN CENTER DEVELOPMENT.  
2 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, LICENSES ISSUED BY  
3 THE BOARD UNDER THIS SUBSECTION SHALL NOT HAVE THE AUTHORITY TO  
4 SELL ALCOHOL FOR OFF-PREMISES CONSUMPTION, NOR SHALL THE LICENSE  
5 BE ELIGIBLE FOR WINE EXPANDED PERMITS. PATRONS MAY TAKE WINE AND  
6 MALT OR BREWED BEVERAGES OFF OF THE LICENSED PREMISES SO LONG AS  
7 THE WINE AND MALT OR BREWED BEVERAGES REMAIN IN THE AREA  
8 PREVIOUSLY DESIGNATED BY THE BOARD AS PART OF THE MIXED-USE TOWN  
9 CENTER DEVELOPMENT PROJECT.

10 (5) A DEVELOPMENT SITE OF AT LEAST NINETY-FIVE ACRES THAT  
11 MEETS THE FOLLOWING ADDITIONAL CRITERIA SHALL SATISFY THE SIZE  
12 REQUIREMENT TO QUALIFY AS A MIXED-USE TOWN CENTER DEVELOPMENT  
13 PROJECT:

14 (I) AT LEAST SEVENTY-FIVE ACRES OF THE PROJECT WERE SECURED,  
15 WHETHER BY PURCHASE OR LEASE, BY THE DEVELOPER PRIOR TO JULY 1,  
16 2004;

17 (II) AT LEAST SIXTY ACRES OF THE PROJECT HAVE BEEN ENTERED  
18 INTO THE PROGRAM OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
19 RELATING TO LAND RECYCLING AND ENVIRONMENTAL REMEDIATION  
20 STANDARDS;

21 (III) AT LEAST THIRTY-FIVE ACRES OF THE PROJECT HAVE BEEN  
22 DESIGNATED AS A BROWNFIELD ACTION TEAM SITE BY THE DEPARTMENT OF  
23 ENVIRONMENTAL PROTECTION AND OVERLAP, IN WHOLE OR PART, BETWEEN  
24 THE AREAS IN SUBCLAUSES (II) AND (III); AND

25 (IV) THE PROJECT SITE IS BOUNDED BY A TOWNSHIP ROAD AND A  
26 STATE ROAD.

27 \* \* \*

28 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

29 SECTION 470.4. LIQUOR CODE SUSPENSION FOR DEFICIENCY.-- (A)

30 (1) IF THE BOARD FINDS, THROUGH AN INSPECTION BY A BOARD

1 EMPLOYEE, THAT A LICENSEE DOES NOT MEET A REQUIREMENT UNDER THIS  
2 ACT OR THE BOARD'S REGULATIONS THAT RENDERS THE LICENSEE  
3 INELIGIBLE FOR THE LICENSE, INCLUDING INSTANCES WHEN THE  
4 LICENSEE NO LONGER MEETS THE SEATING, SQUARE FOOTAGE, FOOD,  
5 HEALTH LICENSE OR ROOM REQUIREMENTS FOR THE LICENSE, THE BOARD  
6 MAY IMMEDIATELY IMPOSE AN ADMINISTRATIVE SUSPENSION OF THE  
7 OPERATING PRIVILEGES OF THE LICENSEE AND SHALL GIVE WRITTEN  
8 NOTICE TO THE LICENSEE AS TO THE EXACT DEFICIENCY OBSERVED. THE  
9 OPERATING PRIVILEGES SHALL REMAIN SUSPENDED UNTIL THE LICENSEE  
10 CAN ESTABLISH TO THE BOARD'S SATISFACTION THAT THE LICENSEE IS  
11 AGAIN ELIGIBLE FOR THE LICENSE.

12 (2) IF AN EMPLOYEE OF THE ENFORCEMENT BUREAU, A COUNTY  
13 DEPARTMENT OF PUBLIC HEALTH OR A COUNTY DEPARTMENT OF LICENSES  
14 AND INSPECTIONS OR A SIMILAR EMPLOYEE OF THE COMMONWEALTH OR A  
15 MUNICIPALITY FINDS THAT A LICENSEE DOES NOT MEET THE  
16 REQUIREMENTS OF EITHER THIS ACT OR THE BOARD'S REGULATIONS AS  
17 PROVIDED UNDER PARAGRAPH (1), THE EMPLOYEE MAY INFORM THE BOARD  
18 OF THE DEFICIENCY SO THAT THE BOARD MAY PROCEED UNDER PARAGRAPH  
19 (1).

20 (B) SECTION 464 AND 42 PA.C.S. § 933(A)(1)(V) (RELATING TO  
21 APPEALS FROM GOVERNMENT AGENCIES) SHALL NOT APPLY TO AN  
22 ADMINISTRATIVE SUSPENSION UNDER SUBSECTION (A)(1). IF THE BOARD  
23 REFUSES TO REINSTATE A SUSPENDED LICENSEE'S OPERATING  
24 PRIVILEGES, THE SUSPENDED LICENSEE MAY REQUEST A HEARING BEFORE  
25 COMMONWEALTH COURT UNDER 42 PA.C.S. § 761(A)(4) (RELATING TO  
26 ORIGINAL JURISDICTION) SOLELY ON THE ISSUE OF WHETHER THE  
27 SUSPENDED LICENSEE IS ELIGIBLE FOR REINSTATEMENT OF OPERATING  
28 PRIVILEGES. THE COMMONWEALTH COURT SHALL HOLD A HEARING WITHIN  
29 TEN DAYS OF THE FILING OF THE REQUEST FOR A HEARING UNDER THIS  
30 SUBSECTION.

1 (C) AN ADMINISTRATIVE SUSPENSION UNDER SUBSECTION (A) (1)  
2 SHALL BE IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW.

3 (D) OTHER VIOLATIONS OF THIS ACT OR QUESTIONS AS TO THE  
4 CONTINUED FITNESS OF A LICENSEE, WHICH ARE CURRENTLY ADDRESSED  
5 THROUGH THE CITATION PROCESS UNDER SECTION 471 OR THE BOARD'S  
6 NONRENEWAL PROCESS UNDER SECTION 470 (A.1) SHALL CONTINUE TO BE  
7 ADDRESSED IN THAT MANNER AND NOT THROUGH THE ADMINISTRATIVE  
8 SUSPENSION PROCESS UNDER SUBSECTIONS (A) (1) AND (B).

9 (E) IN ADDITION TO THE ENFORCEMENT POWERS AND DUTIES UNDER  
10 SECTION 211 (A) OF THIS ACT, THE ENFORCEMENT BUREAU SHALL  
11 ESTABLISH AN INSPECTION SCHEDULE WHICH PROVIDES FOR THE  
12 INSPECTION OF A PREMISES LICENSED AS A RESTAURANT LIQUOR  
13 ESTABLISHMENT OR LICENSED AS AN EATING PLACE ESTABLISHMENT FOR  
14 COMPLIANCE AND ISSUE CITATIONS FOR VIOLATIONS OF THIS ACT  
15 DISCOVERED DURING THE INSPECTION.

16 SECTION 6. SECTION 472 (A) OF THE ACT IS AMENDED AND THE  
17 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

18 SECTION 472. LOCAL OPTION.-- (A) IN ANY MUNICIPALITY OR ANY  
19 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT  
20 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN  
21 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), NOT OFTENER  
22 THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS  
23 WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO HOTELS,  
24 RESTAURANTS, RESORT FACILITIES AND CLUBS, NOT OFTENER THAN ONCE  
25 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH  
26 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO PUBLIC VENUES, TO  
27 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT  
28 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN  
29 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE  
30 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT

1 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE  
2 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL  
3 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE  
4 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH  
5 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND  
6 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO  
7 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING  
8 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO  
9 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT  
10 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE  
11 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION  
12 PERMITS TO QUALIFIED ORGANIZATIONS, NOT OFTENER THAN ONCE IN TWO  
13 YEARS TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO  
14 ALLOWING MANUFACTURERS TO SELL FOR ON-PREMISES CONSUMPTION, NOT  
15 MORE THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE  
16 ELECTORS WITH RESPECT TO THE ESTABLISHMENT, OPERATION AND  
17 MAINTENANCE BY THE BOARD OF PENNSYLVANIA LIQUOR STORES, WITHIN  
18 THE LIMITS OF SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY,  
19 OR NOT MORE THAN ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE  
20 ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI  
21 RESORT FACILITIES, UNDER THE PROVISIONS OF THIS ACT: PROVIDED,  
22 THAT AN ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A  
23 STATE LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE  
24 MUNICIPALITIES, OR THAT PART OF A SPLIT MUNICIPALITY THAT SHALL  
25 HAVE VOTED AGAINST THE GRANTING OF LIQUOR LICENSES; THAT AN  
26 ELECTION ON ALLOWING MANUFACTURERS TO SELL FOR ON-PREMISES  
27 CONSUMPTION SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES OR  
28 PARTS OF MUNICIPALITIES THAT SHALL HAVE VOTED AGAINST THE  
29 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  
18 ON THE BALLOT IN A PRIMARY ELECTION, AND NOMINATION PAPERS WITH  
19 RESPECT TO A QUESTION TO BE PLACED ON A BALLOT IN MUNICIPAL OR  
20 GENERAL ELECTION, INsofar AS SUCH PROVISIONS ARE APPLICABLE.

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

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

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

30 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT

1 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES  
2 OF.....? NO

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

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

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

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

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

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

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

30 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS YES

1 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR  
2 UNIVERSITY IN THE.....  
3 OF.....? NO

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

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

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

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

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

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

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

29 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE  
30 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES

1 WHERE SOLD IN THE..... YES  
2 OF.....? NO

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

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

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

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

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

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

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

29 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS YES  
30 TO ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS NO

1 IN THE.....  
2 OF.....?

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

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

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

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

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

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

27 WHEN THE QUESTION IS IN RESPECT TO ALLOWING THE SALE BY YES  
28 MANUFACTURERS OF ALCOHOL FOR ON-PREMISES CONSUMPTION IN NO  
29 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF  
30 LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

1 DO YOU FAVOR ALLOWING MANUFACTURERS OF ALCOHOL TO SELL  
2 ALCOHOL FOR ON-PREMISES  
3 CONSUMPTION.....  
4 IN THE.....  
5 OF.....?

6 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A  
7 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"  
8 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,  
9 RESTAURANTS, SKI RESORTS, RESORT FACILITIES AND CLUBS, OR LIQUOR  
10 LICENSES SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO  
11 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT  
12 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN  
13 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE  
14 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT  
15 AND BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE  
16 DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE  
17 OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR  
18 CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES SHALL BE  
19 GRANTED BY THE BOARD TO INCORPORATED UNITS OF NATIONAL VETERANS'  
20 ORGANIZATIONS, OR SPECIAL OCCASION PERMITS MAY BE ISSUED TO  
21 QUALIFIED ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND  
22 MAINTAIN PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH  
23 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY  
24 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH  
25 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT  
26 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO  
27 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;  
28 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE  
29 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR  
30 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA

1 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT  
2 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING  
3 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT  
4 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE  
5 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY  
6 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A  
7 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON  
8 SUCH QUESTION.

9 \* \* \*

10 (G) IF THE ELECTORS OF A MUNICIPALITY HAVE VOTED AGAINST THE  
11 GRANTING OF RETAIL LIQUOR LICENSES, THEN MANUFACTURERS WHO WOULD  
12 OTHERWISE BE AUTHORIZED TO SELL ALCOHOL FOR ON-PREMISES  
13 CONSUMPTION MAY NOT DO SO UNLESS ELECTORS OF A MUNICIPALITY VOTE  
14 TO ALLOW MANUFACTURERS TO DO SO. A MANUFACTURER THAT BEGAN  
15 SELLING ALCOHOL FOR ON-PREMISES CONSUMPTION PRIOR TO THE  
16 EFFECTIVE DATE OF THIS ACT, MAY CONTINUE TO DO SO AND ITS  
17 AUTHORITY TO CONTINUE TO DO SO SHALL NOT BE SUBJECT TO ANY VOTES  
18 TAKEN UNDER THIS SECTION.

19 SECTION 7. SECTIONS 493(2) AND 505.2(A) AND (B) OF THE ACT  
20 ARE AMENDED TO READ:

21 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
22 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED  
23 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE  
24 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES  
25 OTHERWISE.

26 IT SHALL BE UNLAWFUL--

27 \* \* \*

28 (2) PURCHASE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES  
29 ON CREDIT; IMPORTING DISTRIBUTORS OR DISTRIBUTORS ACCEPTING  
30 CASH. FOR ANY LICENSEE, HIS AGENT, SERVANT OR EMPLOYE, TO SELL

1 OR OFFER TO SELL OR PURCHASE OR RECEIVE ANY LIQUOR OR MALT OR  
2 BREWED BEVERAGES EXCEPT FOR CASH, EXCEPTING CREDIT EXTENDED BY A  
3 HOTEL OR CLUB TO A BONA FIDE GUEST OR MEMBER, OR BY RAILROAD OR  
4 PULLMAN COMPANIES IN DINING, CLUB OR BUFFET CARS TO PASSENGERS,  
5 FOR CONSUMPTION WHILE ENROUTE, HOLDING AUTHORIZED CREDIT CARDS  
6 ISSUED BY RAILROAD OR RAILROAD CREDIT BUREAUS OR BY HOTEL,  
7 RESTAURANT, RETAIL DISPENSER EATING PLACE, CLUB AND PUBLIC  
8 SERVICE LICENSEES, IMPORTING DISTRIBUTORS OR DISTRIBUTORS TO  
9 CUSTOMERS NOT POSSESSING A LICENSE UNDER THIS ARTICLE AND  
10 HOLDING CREDIT CARDS ISSUED IN ACCORDANCE WITH REGULATIONS OF  
11 THE BOARD OR CREDIT CARDS ISSUED BY BANKING INSTITUTIONS SUBJECT  
12 TO STATE OR FEDERAL REGULATION: PROVIDED FURTHER, THAT NOTHING  
13 HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT THE USE OF  
14 CHECKS OR DRAFTS DRAWN ON A BANK, BANKING INSTITUTION, TRUST  
15 COMPANY OR SIMILAR DEPOSITORY, ORGANIZED AND EXISTING UNDER THE  
16 LAWS OF THE UNITED STATES OF AMERICA OR THE LAWS OF ANY STATE,  
17 TERRITORY OR POSSESSION THEREOF, IN PAYMENT FOR ANY LIQUOR OR  
18 MALT OR BREWED BEVERAGES IF THE PURCHASER IS THE PAYOR OF THE  
19 CHECK OR DRAFT AND THE LICENSEE IS THE PAYEE: PROVIDED FURTHER,  
20 THAT NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE  
21 CONTRARY, IT SHALL BE UNLAWFUL FOR AN IMPORTING DISTRIBUTOR OR  
22 DISTRIBUTOR TO ACCEPT CASH FOR PAYMENT OF ANY MALT OR BREWED  
23 BEVERAGES FROM ANYONE POSSESSING A LICENSE ISSUED UNDER THIS  
24 ARTICLE, EXCEPT IT SHALL BE PERMISSIBLE FOR THE IMPORTING  
25 DISTRIBUTOR OR DISTRIBUTOR TO ACCEPT CREDIT CARDS, MONEY ORDERS  
26 OR CASHIERS' CHECKS FOR PAYMENT OF ANY MALT OR BREWED BEVERAGES  
27 IN ADDITION TO ANY OTHER TYPE OF PAYMENT AUTHORIZED BY THE BOARD  
28 FROM ANYONE POSSESSING A LICENSE UNDER THIS ARTICLE.  
29 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,  
30 DISTRIBUTORS AND IMPORTING DISTRIBUTORS MAY ACCEPT CREDIT CARDS

1 FOR PAYMENT OF MALT OR BREWED BEVERAGES, BUT THEY ARE NOT  
2 REQUIRED TO ACCEPT CREDIT CARDS. A MANUFACTURER, IMPORTING  
3 DISTRIBUTOR OR DISTRIBUTOR THAT IS AUTHORIZED TO DELIVER ALCOHOL  
4 OR MALT OR BREWED BEVERAGES MAY ACCEPT A CREDIT CARD FOR PAYMENT  
5 UPON DELIVERY OF THE ALCOHOL OR MALT OR BREWED BEVERAGE SO LONG  
6 AS THE PURCHASER HOLDS A LICENSE ISSUED BY THE BOARD; THE TERMS  
7 OF THE SALE BETWEEN THE PARTIES MUST BE FINALIZED BEFORE THE  
8 ALCOHOL OR MALT OR BREWED BEVERAGES LEAVES THE SELLER'S LICENSED  
9 PREMISES. NO RIGHT OF ACTION SHALL EXIST TO COLLECT ANY CLAIM  
10 FOR CREDIT EXTENDED CONTRARY TO THE PROVISIONS OF THIS CLAUSE.  
11 NOTHING HEREIN CONTAINED SHALL PROHIBIT A LICENSEE FROM  
12 CREDITING TO A PURCHASER THE ACTUAL PRICE CHARGED FOR ORIGINAL  
13 CONTAINERS RETURNED BY THE ORIGINAL PURCHASER AS A CREDIT ON ANY  
14 SALE, OR FROM REFUNDING TO ANY PURCHASER THE AMOUNT PAID BY SUCH  
15 PURCHASER FOR SUCH CONTAINERS OR AS A DEPOSIT ON CONTAINERS WHEN  
16 TITLE IS RETAINED BY THE VENDOR, IF SUCH ORIGINAL CONTAINERS  
17 HAVE BEEN RETURNED TO THE LICENSEE. NOTHING HEREIN CONTAINED  
18 SHALL PROHIBIT A MANUFACTURER FROM EXTENDING USUAL AND CUSTOMARY  
19 CREDIT FOR LIQUOR OR MALT OR BREWED BEVERAGES SOLD TO CUSTOMERS  
20 OR PURCHASERS WHO LIVE OR MAINTAIN PLACES OF BUSINESS OUTSIDE OF  
21 THE COMMONWEALTH OF PENNSYLVANIA, WHEN THE LIQUOR OR MALT OR  
22 BREWED BEVERAGES SO SOLD ARE ACTUALLY TRANSPORTED AND DELIVERED  
23 TO POINTS OUTSIDE OF THE COMMONWEALTH: PROVIDED, HOWEVER, THAT  
24 AS TO ALL TRANSACTIONS AFFECTING MALT OR BREWED BEVERAGES TO BE  
25 RESOLD OR CONSUMED WITHIN THIS COMMONWEALTH, EVERY LICENSEE  
26 SHALL PAY AND SHALL REQUIRE CASH DEPOSITS ON ALL RETURNABLE  
27 ORIGINAL CONTAINERS AND ALL SUCH CASH DEPOSITS SHALL BE REFUNDED  
28 UPON RETURN OF THE ORIGINAL CONTAINERS.

29 SECTION 505.2. LIMITED WINERIES.-- (A) IN THE INTEREST OF  
30 PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA,

1 HOLDERS OF A LIMITED WINERY LICENSE MAY:

2 (1) PRODUCE AND SELL ALCOHOLIC CIDERS, FERMENTED FRUIT  
3 BEVERAGES, MEAD, WINES AND WINE COOLERS, SUBJECT TO THE  
4 EXCEPTIONS PROVIDED UNDER THIS SECTION, ONLY FROM AN  
5 AGRICULTURAL COMMODITY GROWN IN PENNSYLVANIA[.], AND THE  
6 RESTRICTIONS APPLICABLE TO ON-PREMISE CONSUMPTION SET FORTH IN  
7 SECTION 472.

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

29 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW  
30 TO THE CONTRARY, ONLY SHIP WINE TO NONLICENSEES IN ACCORDANCE

1 WITH THE PROVISIONS OF SECTION 488. DELIVERY OF WINE TO HOLDERS  
2 OF LICENSES ISSUED BY THE BOARD AS WELL AS DELIVERY OF ALCOHOLIC  
3 CIDER, FERMENTED FRUIT BEVERAGES AND MEAD TO ANY PURCHASER SHALL  
4 BE THROUGH THE USE OF VEHICLES PROPERLY REGISTERED BY THE  
5 LIMITED WINERY LICENSEE OR THROUGH PROPERLY LICENSED  
6 TRANSPORTERS. A LIMITED WINERY LICENSEE MAY ACCEPT A CREDIT CARD  
7 FOR PAYMENT UPON DELIVERY SO LONG AS THE PURCHASER HOLDS A  
8 LICENSE ISSUED BY THE BOARD; THE TERMS OF THE SALE BETWEEN THE  
9 PARTIES MUST BE FINALIZED BEFORE THE ALCOHOL LEAVES THE SELLER'S  
10 LICENSED PREMISES.

11 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED  
12 WINERIES, SELL ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES, MEAD,  
13 WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY ON NO MORE  
14 THAN FIVE (5) BOARD-APPROVED LOCATIONS OTHER THAN THE LICENSED  
15 PREMISES, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE  
16 ADDITIONAL BOARD-APPROVED LOCATIONS AND UNDER SUCH CONDITIONS  
17 AND REGULATIONS AS THE BOARD MAY ENFORCE, TO THE BOARD, TO  
18 INDIVIDUALS AND TO BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC  
19 SERVICE LIQUOR LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY  
20 TO OPERATE AN ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION  
21 WITH EACH OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED  
22 MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND  
23 NEED NOT DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S  
24 LICENSED AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR  
25 SUCH AN ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION  
26 SHALL COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED  
27 WINERY. EACH LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS  
28 OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR A  
29 VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND  
30 513 PERTAINING TO ITS OWN RECORDS ONLY.

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

20 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, FERMENTED  
21 FRUIT BEVERAGE, MEAD, WINE AND FOOD EXPOSITIONS" ARE DEFINED AS  
22 AFFAIRS HELD INDOORS OR OUTDOORS WITH THE INTENT OF PROMOTING  
23 PENNSYLVANIA PRODUCTS BY EDUCATING THOSE IN ATTENDANCE OF THE  
24 AVAILABILITY, NATURE AND QUALITY OF PENNSYLVANIA-PRODUCED  
25 ALCOHOLIC CIDERS, FERMENTED FRUIT BEVERAGES, MEAD AND WINES IN  
26 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND  
27 SALES. ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND  
28 FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES OTHER THAN  
29 ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND FOOD  
30 DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,

1 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

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

22 (5) DO EITHER OF THE FOLLOWING:

23 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT  
24 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO  
25 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE  
26 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED  
27 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME  
28 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,  
29 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL  
30 LICENSE.

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

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

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

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

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

23 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED  
24 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED  
25 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT  
26 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE,  
27 MEAD [AND], ALCOHOLIC CIDERS AND FERMENTED FRUIT BEVERAGES THAT  
28 MAY OTHERWISE BE SOLD BY THE BOTTLE. IN ADDITION, THE HOLDER OF  
29 A LIMITED WINERY LICENSE MAY SELL FOR CONSUMPTION ON THE  
30 LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-

1 APPROVED LOCATIONS, LIQUOR PRODUCED BY A LICENSED DISTILLERY OR  
2 LIMITED DISTILLERY, WINE [AND], ALCOHOLIC CIDER AND FERMENTED  
3 FRUIT BEVERAGES PRODUCED BY ANOTHER LIMITED WINERY AND MALT OR  
4 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY. THE COMBINED  
5 SALES OF WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT  
6 BEVERAGES PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED  
7 BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY  
8 PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN  
9 SALES OF WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT  
10 BEVERAGES FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED  
11 WINERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE  
12 PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE AND ALCOHOL  
13 PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED BEVERAGES AND  
14 LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF  
15 THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN WINE [AND],  
16 ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES FOR THAT YEAR.

17 (6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR  
18 PRODUCED BY THE LIMITED WINERY.

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

29 (6.4) STORE ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES,  
30 MEAD, WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY AT NO

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

20 (B) THE TOTAL PRODUCTION OF ALCOHOLIC CIDERS, FERMENTED  
21 FRUIT BEVERAGES, MEAD, WINE AND WINE COOLERS BY A LIMITED WINERY  
22 MAY NOT EXCEED TWO HUNDRED THOUSAND (200,000) GALLONS PER YEAR.

23 \* \* \*

24 SECTION 8. SECTION 505.4 HEADING, (B) (1) AND (8) AND (C) (1)  
25 OF THE ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING  
26 SUBSECTIONS TO READ:

27 SECTION 505.4. LIMITED DISTILLERIES AND DISTILLERIES.--\* \* \*

28 (B) (1) THE BOARD MAY ISSUE A LIMITED DISTILLERY LICENSE  
29 THAT WILL ALLOW THE HOLDER THEREOF TO OPERATE A DISTILLERY THAT  
30 SHALL NOT EXCEED PRODUCTION OF ONE HUNDRED THOUSAND (100,000)

1 GALLONS OF DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE  
2 MAY MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE  
3 LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE  
4 BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK  
5 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A  
6 SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A  
7 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE  
8 OFFERED FOR SALE AT A LICENSED LIMITED DISTILLERY LOCATION AT A  
9 PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER  
10 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE  
11 HOLDER OF A LIMITED DISTILLERY LICENSE MAY NOT SELL A PRODUCT OR  
12 A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS LISTED FOR SALE AS A  
13 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES TO A LICENSEE AT  
14 A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER  
15 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE  
16 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINE [AND],  
17 ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES PRODUCED BY A  
18 LICENSED LIMITED WINERY, LIQUOR PRODUCED BY A LICENSED  
19 DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES  
20 PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES CONSUMPTION. THE  
21 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR  
22 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY  
23 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-  
24 PREMISES SALES OF THE LIMITED DISTILLERY'S OWN SALES OF LIQUOR  
25 FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED  
26 DISTILLERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING  
27 THE PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR  
28 BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED  
29 DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS,  
30 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED

1 DISTILLERY'S OWN LIQUOR FOR THAT YEAR.

2 \* \* \*

3 (8) AT THE DISCRETION OF THE BOARD THE HOLDER OF A LIMITED  
4 DISTILLERY LICENSE MAY OBTAIN A SPECIAL PERMIT TO PARTICIPATE IN  
5 [ALCOHOLIC CIDER,] LIQUOR AND FOOD EXPOSITIONS OFF THE LICENSED  
6 PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON PROPER  
7 APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY  
8 FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED THIRTY (30)  
9 CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL  
10 PERMITS MAY NOT EXCEED ONE HUNDRED (100) DAYS IN ANY CALENDAR  
11 YEAR. A SPECIAL PERMIT SHALL ENTITLE THE HOLDER TO ENGAGE IN THE  
12 SALE BY THE GLASS, BY THE BOTTLE OR IN CASE LOTS OF LIQUOR  
13 PRODUCED BY THE PERMITTEE UNDER THE AUTHORITY OF A LIMITED  
14 DISTILLERY LICENSE. HOLDERS OF SPECIAL PERMITS MAY PROVIDE  
15 TASTING SAMPLES OF LIQUOR IN INDIVIDUAL PORTIONS NOT TO EXCEED  
16 ONE AND ONE-HALF (1.5) FLUID OUNCES. SAMPLES AT [ALCOHOLIC  
17 CIDER,] LIQUOR AND FOOD EXPOSITIONS MAY BE SOLD OR OFFERED FREE  
18 OF CHARGE. EXCEPT AS PROVIDED IN THIS CLAUSE, LIMITED  
19 DISTILLERIES UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL  
20 APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE  
21 REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD. FOR THE PURPOSES  
22 OF THIS CLAUSE, ["ALCOHOLIC CIDER, LIQUOR] "LIQUOR AND FOOD  
23 EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR OUTDOORS  
24 WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY EDUCATING  
25 THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND QUALITY OF  
26 PENNSYLVANIA-PRODUCED [ALCOHOLIC CIDERS AND] LIQUORS IN  
27 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND  
28 SALES. [ALCOHOLIC CIDER, LIQUOR] LIQUOR AND FOOD EXPOSITIONS MAY  
29 ALSO INCLUDE ACTIVITIES OTHER THAN [ALCOHOLIC CIDER,] LIQUOR AND  
30 FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,

1 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

2 \* \* \*

3 (C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER  
4 SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED  
5 PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO  
6 THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND  
7 ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF  
8 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE  
9 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A  
10 LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT  
11 CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS  
12 AS THE BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY  
13 NOT SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS  
14 LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR  
15 STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED  
16 BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE  
17 BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY ALSO  
18 SELL ITS LIQUOR, WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT  
19 BEVERAGES PRODUCED BY A LICENSED LIMITED WINERY, LIQUOR PRODUCED  
20 BY A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR  
21 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES  
22 CONSUMPTION. THE COMBINED SALES OF WINE, MALT OR BREWED  
23 BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR  
24 LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER  
25 CENTUM OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN SALES OF  
26 LIQUOR FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A DISTILLERY  
27 DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING  
28 YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES  
29 AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED  
30 DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM

1 OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN LIQUOR FOR THAT  
2 YEAR.

3 \* \* \*

4 (D) SALES FOR ON-PREMISES CONSUMPTION BY DISTILLERIES OF  
5 HISTORICAL SIGNIFICANCE, LIMITED DISTILLERIES AND DISTILLERIES  
6 ARE SUBJECT TO THE RESTRICTIONS SET FORTH IN SECTION 472.

7 (E) AGGREGATE SALES TO RETAIL LICENSES BY DISTILLERIES OF  
8 HISTORICAL SIGNIFICANCE, LIMITED DISTILLERIES AND DISTILLERIES  
9 MAY NOT EXCEED 50,000 GALLONS DURING A CALENDAR YEAR. A LICENSE  
10 OR PERMIT HOLDER THAT WISHES TO ACQUIRE LIQUOR PRODUCED BY A  
11 DISTILLERY OR LIMITED DISTILLERY LICENSE HOLDER AFTER THE  
12 PRODUCER HAS REACHED ITS AGGREGATE 50,000-GALLON LIMIT MAY STILL  
13 ACQUIRE THE PRODUCT IF IT IS AVAILABLE FROM THE BOARD. IF A  
14 PERSON HOLDS ANY INTEREST IN MORE THAN ONE DISTILLERY OF  
15 HISTORICAL SIGNIFICANCE, DISTILLERY OR LIMITED DISTILLERY  
16 LICENSE, EITHER DIRECTLY OR INDIRECTLY, THE SALES FROM ALL SUCH  
17 LICENSES SHALL BE CONSIDERED WHEN DETERMINING WHETHER THE  
18 50,000-GALLON LIMIT HAS BEEN REACHED.

19 (F) DELIVERY OF LIQUOR BY DISTILLERIES OF HISTORICAL  
20 SIGNIFICANCE, LIMITED DISTILLERIES AND DISTILLERIES SHALL BE  
21 THROUGH THE USE OF VEHICLES PROPERLY REGISTERED BY THE LICENSEE  
22 OR THROUGH PROPERLY LICENSED TRANSPORTERS. A DISTILLERY OF  
23 HISTORICAL SIGNIFICANCE, LIMITED DISTILLERY OR DISTILLERY MAY  
24 ACCEPT A CREDIT CARD FOR PAYMENT UPON DELIVERY SO LONG AS THE  
25 PURCHASER HOLDS A LICENSE ISSUED BY THE BOARD; THE TERMS OF THE  
26 SALE BETWEEN PARTIES MUST BE FINALIZED BEFORE THE LIQUOR LEAVES  
27 THE SELLER'S LICENSED PREMISES.

28 SECTION 9. SECTION 1001 OF THE ACT IS AMENDED TO READ:

29 SECTION 1001. CONSTRUCTION AND APPLICABILITY.-- (A) EXCEPT  
30 AS PROVIDED IN SUBSECTION (B), UNLESS THE CONTEXT CLEARLY

1 INDICATES OTHERWISE, A REFERENCE TO "MALT OR BREWED BEVERAGES"  
2 IN A STATUTE SHALL BE CONSTRUED TO INCLUDE ALCOHOLIC CIDER AND  
3 FERMENTED FRUIT BEVERAGES.

4 (B) REGARDLESS OF CONTEXT, A REFERENCE TO "MALT OR BREWED  
5 BEVERAGES" IN ARTICLE XX OF THE ACT OF MARCH 4, 1971 (P.L.6,  
6 NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971," SHALL BE  
7 CONSTRUED TO INCLUDE ALCOHOLIC CIDER AND FERMENTED FRUIT  
8 BEVERAGES.

9 (C) EXCEPT AS PROVIDED IN SUBSECTION (D), UNLESS THE CONTEXT  
10 CLEARLY INDICATES OTHERWISE, A REFERENCE TO "WINE" IN A STATUTE  
11 SHALL BE CONSTRUED TO EXCLUDE ALCOHOLIC CIDER AND FERMENTED  
12 FRUIT BEVERAGES.

13 (D) REGARDLESS OF CONTEXT, A REFERENCE TO "WINE" IN THE ACT  
14 OF DECEMBER 5, 1933 (SP.SESS., P.L.38, NO.6), KNOWN AS THE  
15 "SPIRITUOUS AND VINOUS LIQUOR TAX LAW," SHALL BE CONSTRUED TO  
16 EXCLUDE ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES.

17 SECTION 10. REPEALS ARE AS FOLLOWS:

18 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE  
19 REPEAL UNDER PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE  
20 ADDITION OF SECTION 505.4(E) OF THE ACT.

21 (2) SECTION 1799.5-E OF THE ACT OF APRIL 9, 1929  
22 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

23 (3) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE  
24 REPEAL UNDER PARAGRAPH (4) IS NECESSARY TO EFFECTUATE THE  
25 ADDITION OF SECTION 470.4 OF THE ACT.

26 (4) SECTION 1799.6-E OF THE FISCAL CODE IS REPEALED.

27 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

28 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

29 (I) THIS SECTION.

30 (II) THE AMENDMENT OF SECTIONS 406(D) AND 413(F) (1)

1           OF THE ACT.

2           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 30  
3           DAYS.