

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 17, 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 AND FOR <--
23 LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED IN EACH
24 COUNTY, PROVIDING FOR LIQUOR CODE SUSPENSION FOR DEFICIENCY, <--
25 AND FURTHER PROVIDING FOR LOCAL OPTION AND FOR UNLAWFUL ACTS <--
26 RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES AND LICENSEES;
27 IN DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR
28 HIRE 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; AND MAKING RELATED REPEALS. <--

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
25 IN A CITY OF THE THIRD CLASS, IT SHALL HAVE PERMANENT SEATING
26 FOR AT LEAST ONE THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL
27 HAVE PERMANENT SEATING FOR AT LEAST TWO THOUSAND (2,000) PEOPLE.
28 THE TERM SHALL ALSO MEAN ANY REGIONAL HISTORY CENTER,
29 MULTIPURPOSE CULTURAL AND SCIENCE FACILITY, MUSEUM OR CONVENTION
30 OR TRADE SHOW CENTER, REGARDLESS OF OWNER AND SEATING CAPACITY,

1 THAT HAS A FLOOR AREA OF AT LEAST SIXTY THOUSAND (60,000) SQUARE
2 FEET IN 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. PREMISES; FURTHER, <--
18 THE HOLDER OF A CASINO LIQUOR LICENSE MAY SELL OR SERVE LIQUOR
19 AND MALT OR BREWED BEVERAGES FROM SEVEN O'CLOCK ANTEMERIDIAN OF
20 ANY DAY UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY
21 ANYWHERE IN THE LICENSED FACILITY THAT IS NOT SUBJECT TO A
22 DIFFERENT LICENSE ISSUED BY THE BOARD.

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

27 (G) A CASINO LIQUOR LICENSE SHALL EXPIRE UNDER THE FOLLOWING
28 CIRCUMSTANCES:

29 (1) REVOCATION BY AN ADMINISTRATIVE LAW JUDGE UNDER SECTION
30 471;

- 1 (2) NONRENEWAL BY THE BOARD UNDER SECTION 470;
2 (3) NONRENEWAL OF THE LICENSE BY A SLOT MACHINE LICENSEE OR
3 ITS DESIGNEE; [OR]
4 (4) UPON REQUEST BY THE SLOT MACHINE LICENSEE[.]; OR
5 (5) THE CASINO LIQUOR LICENSEE FAILS TO PAY THE APPROPRIATE
6 FEE UNDER SUBSECTIONS (A.1) AND (C).

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

9 (1) BEEN REVOKED BY AN ADMINISTRATIVE LAW JUDGE UNDER
10 SECTION 471;

- 11 (2) NOT BEEN RENEWED BY THE BOARD UNDER SECTION 470;
12 (3) NOT BEEN RENEWED BY THE SLOT MACHINE LICENSEE; OR
13 (4) EXPIRED UPON REQUEST BY THE SLOT MACHINE LICENSEE.

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

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

22 ~~(1.1) A CASINO LIQUOR LICENSEE MAY SELL, FURNISH OR GIVE~~ <--
23 ~~LIQUOR OR MALT OR BREWED BEVERAGES AFTER SEVEN O'CLOCK~~
24 ~~ANTEMERIDIAN OF ANY DAY UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE~~
25 ~~FOLLOWING DAY ON THE UNLICENSED PORTION OF THE LICENSED FACILITY~~
26 ~~IF THE LIQUOR OR MALT OR BREWED BEVERAGES REMAIN ON THE LICENSED~~
27 ~~FACILITY.~~

28 (2) LIQUOR OR MALT OR BREWED BEVERAGES MAY BE TRANSPORTED
29 AND CONSUMED [OFF THE GAMING FLOOR] ANYWHERE ON THE PROPERTY ON
30 WHICH THE LICENSED FACILITY IS LOCATED IF THE LIQUOR OR MALT OR

1 BREWED BEVERAGE REMAINS [WITHIN THE PREMISES] ON THE PROPERTY OF
2 THE LICENSED FACILITY[.], EXCEPT THAT IT MAY NOT BE TRANSPORTED
3 TO AND CONSUMED WITHIN ANOTHER RESTAURANT LIQUOR OR EATING PLACE
4 RETAIL DISPENSER LICENSEE LOCATION WITHIN THE LICENSED FACILITY.

5 (3) SALES OF MALT OR BREWED BEVERAGES FOR OFF-PREMISES
6 CONSUMPTION ARE PROHIBITED, NOR SHALL THE LICENSE BE ELIGIBLE
7 FOR A WINE EXPANDED PERMIT.

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

13 (5) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT
14 TO:

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

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

18 (III) THE QUOTA RESTRICTIONS UNDER SECTION 461;

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

20 (V) THE PROHIBITION AGAINST MINORS FREQUENTING AS DESCRIBED
21 IN SECTION 493(14);

22 (VI) THE COST AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION
23 493(20) (I);

24 (VII) THE RESTRICTIONS ON EVENTS, TOURNAMENTS OR CONTESTS IN
25 40 PA. CODE § 5.32 (RELATING TO RESTRICTIONS/EXCEPTIONS) OR ANY
26 SUCCESSOR REGULATION; AND

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

30 [(J) MORE THAN ONE CASINO LIQUOR LICENSE ISSUED BY THE BOARD

1 MAY BE IN EFFECT AT A LICENSED FACILITY AT ANY ONE TIME, EXCEPT
2 THAT NO MORE THAN ONE CASINO LIQUOR LICENSE SHALL BE IN EFFECT
3 AT A SPECIFIC LOCATION WITHIN THE PREMISES OF A LICENSED
4 FACILITY AT THE SAME TIME.]

5 (K) IF A CASINO LIQUOR LICENSE IS REVOKED OR NONRENEWED BUT
6 THE SLOT MACHINE LICENSEE CONTINUES TO OPERATE THE LICENSED
7 FACILITY, THE SLOT MACHINE LICENSEE MAY APPLY FOR A NEW
8 RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER LICENSE UNDER
9 4 PA.C.S. § 1521 (RELATING TO LIQUOR LICENSES AT LICENSED
10 FACILITIES), OR IF THE SLOT MACHINE LICENSEE HAD PREVIOUSLY
11 SURRENDERED ITS RESTAURANT LIQUOR OR EATING PLACE RETAIL
12 DISPENSER LICENSE TO THE BOARD UNDER SUBSECTION (D) (1), THE
13 BOARD MAY REISSUE THE PREVIOUSLY SURRENDERED LICENSE.

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

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

20 "LICENSED FACILITY" SHALL HAVE THE MEANING GIVEN THE TERM
21 UNDER 4 PA.C.S. § 1103 AND THAT IS OPERATED BY A SLOT MACHINE
22 LICENSEE. THE TERM SHALL NOT INCLUDE A CATEGORY 4 LICENSED
23 FACILITY.

24 "SLOT MACHINE LICENSEE" SHALL MEAN THE HOLDER OF ANY OF THE
25 FOLLOWING:

26 (1) A CATEGORY 1 SLOT MACHINE LICENSE AS PROVIDED FOR UNDER
27 4 PA.C.S. § 1302 (RELATING TO CATEGORY 1 SLOT MACHINE LICENSE);

28 (2) A CATEGORY 2 SLOT MACHINE LICENSE AS PROVIDED FOR UNDER
29 4 PA.C.S. § 1304 (RELATING TO CATEGORY 2 SLOT MACHINE LICENSE);

30 OR

1 (3) A CATEGORY 3 SLOT MACHINE LICENSE AS PROVIDED FOR UNDER
2 4 PA.C.S. § 1305 (RELATING TO CATEGORY 3 SLOT MACHINE LICENSE).
3 THE TERM SHALL NOT INCLUDE A CATEGORY 4 SLOT MACHINE LICENSE AS
4 PROVIDED FOR IN 4 PA.C.S. § 1305.1 (RELATING TO CATEGORY 4 SLOT
5 MACHINE LICENSE).

6 SECTION 436. APPLICATION FOR DISTRIBUTORS', IMPORTING
7 DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES.--APPLICATION FOR
8 DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS'
9 LICENSES, OR FOR THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER
10 PREMISES NOT THEN LICENSED OR TO ANOTHER PERSON, SHALL CONTAIN
11 OR HAVE ATTACHED THERETO THE FOLLOWING INFORMATION AND
12 STATEMENTS:

13 * * *

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

1 OR SHALL CONSTRUCT THE NEW BUILDING IN THE MANNER SPECIFIED BY
2 THE BOARD AT THE TIME OF APPROVAL. THE LICENSEE SHALL NOT
3 TRANSACT ANY BUSINESS UNDER THE LICENSE UNTIL THE BOARD HAS
4 APPROVED THE COMPLETED PHYSICAL ALTERATIONS, IMPROVEMENTS AND
5 CHANGES OF THE LICENSED PREMISES OR THE COMPLETED CONSTRUCTION
6 OF THE NEW BUILDING AS CONFORMING TO THE SPECIFICATIONS REQUIRED
7 BY THE BOARD AT THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE
8 AND IS SATISFIED THAT THE PREMISES MEET THE REQUIREMENTS FOR A
9 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE AS SET FORTH IN
10 THIS ACT OR THAT THE ESTABLISHMENT IS AN EATING PLACE, HOTEL OR
11 CLUB AS DEFINED BY THIS ACT. THE BOARD MAY REQUIRE THAT ALL SUCH
12 ALTERATIONS OR CONSTRUCTION OR CONFORMITY TO DEFINITION BE
13 COMPLETED WITHIN SIX MONTHS FROM THE TIME OF ISSUANCE OR
14 TRANSFER OF THE LICENSE. THE TIME BETWEEN THE APPROVAL OF THE
15 INITIAL APPLICATION AND ISSUANCE OF OPERATING AUTHORITY TO THE
16 LICENSEE SHALL BE CONSIDERED AS TIME IN SAFEKEEPING. FAILURE TO
17 COMPLY WITH THESE REQUIREMENTS SHALL BE CONSIDERED CAUSE FOR
18 REVOCATION OF THE LICENSE. NO SUCH LICENSE SHALL BE TRANSFERABLE
19 BETWEEN THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE AND THE
20 APPROVAL OF THE COMPLETED ALTERATIONS OR CONSTRUCTION BY THE
21 BOARD AND FULL COMPLIANCE BY THE LICENSEE WITH THE REQUIREMENTS
22 OF THIS ACT, EXCEPT IN THE CASE OF DEATH OF THE LICENSEE PRIOR
23 TO FULL COMPLIANCE [WITH ALL OF THE AFOREMENTIONED REQUIREMENTS
24 OR UNLESS FULL COMPLIANCE IS IMPOSSIBLE FOR REASONS BEYOND THE
25 LICENSEE'S CONTROL, IN WHICH EVENT THE LICENSE MAY BE
26 TRANSFERRED BY THE BOARD AS PROVIDED IN THIS ACT.], UNLESS THE
27 TRANSFER APPLICATION IS ACCOMPANIED BY A SURCHARGE. THE
28 SURCHARGE SHALL BE TWENTY THOUSAND DOLLARS (\$20,000) IF THE
29 LICENSE IS LOCATED IN A COUNTY OF THE FIRST THROUGH FOURTH
30 CLASS, AND THE SURCHARGE SHALL BE FIVE THOUSAND DOLLARS (\$5,000)

1 IF THE LICENSE IS LOCATED IN A COUNTY OF THE FIFTH THROUGH
2 EIGHTH CLASS.

3 * * *

4 SECTION 446. BREWERIES.--(A) [HOLDERS] SUBJECT TO THE
5 RESTRICTIONS APPLICABLE TO ON-PREMISE CONSUMPTION SET FORTH IN
6 SECTION 472, HOLDERS OF A BREWERY LICENSE MAY:

7 * * *

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

30 * * *

1 ~~SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--~~
2 ~~SECTION 449. TAXES DUE ON SALES MADE BY A HOLDER OF A~~
3 ~~MANUFACTURER'S LICENSE. (A) NOTWITHSTANDING ANY LAW TO THE~~
4 ~~CONTRARY, SALES MADE BY A HOLDER OF A MANUFACTURER'S LICENSE~~
5 ~~ISSUED UNDER THIS ARTICLE WHO SELLS THE LICENSE HOLDER'S OWN~~
6 ~~MALT AND BREWED BEVERAGES UNDER THE LICENSE TO THE PUBLIC FOR~~
7 ~~CONSUMPTION ON PREMISES OR OFF PREMISES SHALL BE RESPONSIBLE FOR~~
8 ~~PAYING COLLECTING AND REMITTING THE SALES AND USE TAX IMPOSED BY <--~~
9 ~~SECTION 202 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS~~
10 ~~THE "TAX REFORM CODE OF 1971," IN THE FOLLOWING MANNER:~~

11 ~~(1) THE PURCHASE PRICE OF MALT OR BREWED BEVERAGES SOLD BY A~~
12 ~~MANUFACTURER DIRECTLY TO THE ULTIMATE CONSUMER FOR CONSUMPTION~~
13 ~~ON PREMISES SHALL BE THE WHOLESALE PRICE. AS USED IN THIS~~
14 ~~PARAGRAPH, THE TERM "WHOLESALE PRICE" SHALL BE THE PRICE AT~~
15 ~~WHICH THE MANUFACTURER SELLS THE SAME PRODUCT TO A DISTRIBUTOR~~
16 ~~OR IMPORTING DISTRIBUTOR.~~

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

29 ~~(B) NOTHING IN THIS SECTION SHALL PROHIBIT A HOLDER OF A~~
30 ~~MANUFACTURER'S LICENSE MAKING SALES UNDER SUBSECTION (A) FROM~~

1 ~~USING THE ACTUAL RETAIL PRICE OF THE MALT OR BREWED BEVERAGES~~
2 ~~SOLD TO CONSUMERS AS THE PURCHASE PRICE UPON WHICH THE SALES AND~~
3 ~~USE TAX IMPOSED BY SECTION 202 OF THE "TAX REFORM CODE OF 1971"~~
4 ~~MUST BE PAID TO THE COMMONWEALTH.~~

5 ~~(C) THE DEPARTMENT OF REVENUE MAY REQUIRE INFORMATION~~
6 ~~NECESSARY TO DOCUMENT THAT A HOLDER OF A MANUFACTURER'S LICENSE~~
7 ~~MAKING SALES UNDER SUBSECTION (A) IS IN COMPLIANCE WITH THIS~~
8 ~~SECTION.~~

9 ~~(D) WITHIN 180 DAYS FROM THE EFFECTIVE DATE OF THIS SECTION,~~
10 ~~THE DEPARTMENT OF REVENUE SHALL PROMULGATE WRITTEN GUIDELINES~~
11 ~~FOR THE IMPLEMENTATION OF THIS SECTION.~~

12 SECTION 4 3. SECTION 461(B.3) AND (B.4) OF THE ACT ARE <--
13 AMENDED TO READ:

14 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
15 IN EACH COUNTY.--* * *

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

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

29 (B.4) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT
30 TO THE CONTRARY, THE BOARD MAY [APPROVE THE TRANSFER OF A

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

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

30 (II) THE PROPOSED LOCATION IS LOCATED WITHIN A MIXED-USE

1 TOWN CENTER DEVELOPMENT PROJECT AS THE TERM IS DEFINED IN
2 SECTION 102.

3 (III) THE APPLICATION TO THE BOARD IS ACCOMPANIED BY A
4 RESOLUTION OR ORDINANCE INDICATING THAT THE MUNICIPALITY HAS
5 DESIGNATED THE LOCATION IN QUESTION AS BEING WITHIN THE CONFINES
6 OF A DESIGNATED MIXED-USE TOWN CENTER DEVELOPMENT PROJECT.

7 (IV) THE ISSUANCE OR TRANSFER OF A RESTAURANT LIQUOR OR
8 EATING PLACE RETAIL DISPENSER LICENSE IS PERMISSIBLE UNDER
9 SECTION 472.

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

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

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

1 SUBCLAUSE (III), SUCH COMPARABLE PRICE BEING REFERRED TO AS THE
2 "RELATIVE MARKET PRICE" FOR THE RESPECTIVE COUNTY. SAID
3 AFFIRMATION SHALL SET FORTH ANY MEASURES TAKEN TO SECURE AN
4 EXISTING LICENSE, INCLUDING THE TIME PERIOD DURING WHICH THE
5 APPLICANT ATTEMPTED TO SECURE A LICENSE, AS WELL AS ANY OTHER
6 PERTINENT INFORMATION. THE BOARD SHALL NOT APPROVE THE ISSUANCE
7 OF A LICENSE UNDER THIS SECTION WHERE IT REASONABLY DETERMINES
8 AN EXISTING LICENSE WAS AVAILABLE TO THE APPLICANT AT THE
9 RELATIVE MARKET PRICE PRIOR TO THE APPLICANT FILING A REQUEST
10 FOR A LICENSE UNDER THIS SECTION.]

11 (VIII) A TRANSFER APPLICATION SUBMITTED UNDER THIS
12 SUBSECTION MUST BE FILED WITH THE BOARD PRIOR TO THE EFFECTIVE
13 DATE OF THIS SUBCLAUSE.

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

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

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

1 ANY REGULATION ISSUED BY THE BOARD PURSUANT HERETO OR IN
2 FURTHERANCE HEREOF. ANY RESTAURANT ("R"), EATING PLACE ("E") OR
3 HOTEL ("H") LICENSE TRANSFERRED TO OR ISSUED FOR PREMISES
4 LOCATED WITHIN A MIXED-USE TOWN CENTER DEVELOPMENT SHALL HAVE
5 THE PRIVILEGES OF THIS SUBSECTION SO LONG AS SUCH LICENSE
6 REMAINS WITHIN THE MIXED-USE TOWN CENTER DEVELOPMENT.
7 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, LICENSES ISSUED BY
8 THE BOARD UNDER THIS SUBSECTION SHALL NOT HAVE THE AUTHORITY TO
9 SELL ALCOHOL FOR OFF-PREMISES CONSUMPTION, NOR SHALL THE LICENSE
10 BE ELIGIBLE FOR WINE EXPANDED PERMITS. PATRONS MAY TAKE WINE AND
11 MALT OR BREWED BEVERAGES OFF OF THE LICENSED PREMISES SO LONG AS
12 THE WINE AND MALT OR BREWED BEVERAGES REMAIN IN THE AREA
13 PREVIOUSLY DESIGNATED BY THE BOARD AS PART OF THE MIXED-USE TOWN
14 CENTER DEVELOPMENT PROJECT.

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

19 (I) AT LEAST SEVENTY-FIVE ACRES OF THE PROJECT WERE SECURED,
20 WHETHER BY PURCHASE OR LEASE, BY THE DEVELOPER PRIOR TO JULY 1,
21 2004;

22 (II) AT LEAST SIXTY ACRES OF THE PROJECT HAVE BEEN ENTERED
23 INTO THE PROGRAM OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
24 RELATING TO LAND RECYCLING AND ENVIRONMENTAL REMEDIATION
25 STANDARDS;

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

30 (IV) THE PROJECT SITE IS BOUNDED BY A TOWNSHIP ROAD AND A

1 STATE ROAD.

2 * * *

3 SECTION 5 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

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

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

6 EMPLOYEE, THAT A LICENSEE DOES NOT MEET A REQUIREMENT UNDER THIS

7 ACT OR THE BOARD'S REGULATIONS THAT RENDERS THE LICENSEE

8 INELIGIBLE FOR THE LICENSE, INCLUDING INSTANCES WHEN THE

9 LICENSEE NO LONGER MEETS THE SEATING, SQUARE FOOTAGE, FOOD,

10 HEALTH LICENSE OR ROOM REQUIREMENTS FOR THE LICENSE, THE BOARD

11 MAY IMMEDIATELY IMPOSE AN ADMINISTRATIVE SUSPENSION OF THE

12 OPERATING PRIVILEGES OF THE LICENSEE AND SHALL GIVE WRITTEN

13 NOTICE TO THE LICENSEE AS TO THE EXACT DEFICIENCY OBSERVED. THE

14 OPERATING PRIVILEGES SHALL REMAIN SUSPENDED UNTIL THE LICENSEE

15 CAN ESTABLISH TO THE BOARD'S SATISFACTION THAT THE LICENSEE IS

16 AGAIN ELIGIBLE FOR THE LICENSE.

17 (2) IF AN EMPLOYEE OF THE ENFORCEMENT BUREAU, A COUNTY

18 DEPARTMENT OF PUBLIC HEALTH OR A COUNTY DEPARTMENT OF LICENSES

19 AND INSPECTIONS OR A SIMILAR EMPLOYEE OF THE COMMONWEALTH OR A

20 MUNICIPALITY FINDS THAT A LICENSEE DOES NOT MEET THE

21 REQUIREMENTS OF EITHER THIS ACT OR THE BOARD'S REGULATIONS AS

22 PROVIDED UNDER PARAGRAPH (1), THE EMPLOYEE MAY INFORM THE BOARD

23 OF THE DEFICIENCY SO THAT THE BOARD MAY PROCEED UNDER PARAGRAPH

24 (1).

25 (B) SECTION 464 AND 42 PA.C.S. § 933(A)(1)(V) (RELATING TO

26 APPEALS FROM GOVERNMENT AGENCIES) SHALL NOT APPLY TO AN

27 ADMINISTRATIVE SUSPENSION UNDER SUBSECTION (A)(1). IF THE BOARD

28 REFUSES TO REINSTATE A SUSPENDED LICENSEE'S OPERATING

29 PRIVILEGES, THE SUSPENDED LICENSEE MAY REQUEST A HEARING BEFORE

30 COMMONWEALTH COURT UNDER 42 PA.C.S. § 761(A)(4) (RELATING TO

1 ORIGINAL JURISDICTION) SOLELY ON THE ISSUE OF WHETHER THE
2 SUSPENDED LICENSEE IS ELIGIBLE FOR REINSTATEMENT OF OPERATING
3 PRIVILEGES. THE COMMONWEALTH COURT SHALL HOLD A HEARING WITHIN
4 TEN DAYS OF THE FILING OF THE REQUEST FOR A HEARING UNDER THIS
5 SUBSECTION.

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

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

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

21 SECTION 6 5. SECTION 472 (A) OF THE ACT IS AMENDED AND THE <--
22 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

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

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

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

28 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE
29 SALE OF LIQUOR IN..... YES
30 OF.....? NO

1 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
2 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO
3 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
4 FOLLOWING FORM:

5 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT
6 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
7 OF.....? NO

8 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
9 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT
10 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
11 FOLLOWING FORM:

12 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI
13 RESORT FACILITIES FOR THE SALE OF LIQUOR IN THE YES
14OF? NO

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

19 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC
20 VENUES FOR THE SALE OF LIQUOR IN THE..... YES
21 OF.....? NO

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

26 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO
27 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN
28 THE..... YES
29 OF.....? NO

30 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR

1 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED
2 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT
3 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN
4 THE FOLLOWING FORM:

5 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS
6 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR
7 UNIVERSITY IN THE..... YES
8 OF.....? NO

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

12 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
13 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF
14 LIQUOR IN.....BY..... YES
15 OF.....? NO

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

19 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
20 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF
21 LIQUOR IN.....BY..... YES
22 OF.....? NO

23 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
24 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE
25 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF
26 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

27 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
28 CONTINUING CARE RETIREMENT COMMUNITIES
29 IN.....BY..... YES
30 OF.....? NO

1 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
2 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
3 IN THE FOLLOWING FORM:

4 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
5 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES
6 WHERE SOLD IN THE..... YES
7 OF.....? NO

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

11 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
12 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S
13 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN
14 THE..... YES
15 OF.....? NO

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

19 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO
20 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS
21 IN THE..... YES
22 OF.....? NO

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

26 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER
27 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
28 ORGANIZATIONS IN THE..... YES
29 OF.....? NO

30 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL

1 OCCASION PERMITS ALLOWING THE SALE OF LIQUOR BY QUALIFIED
2 ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE
3 RETAIL SALE OF LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

4 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
5 TO ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS
6 IN THE..... YES
7 OF.....? NO

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

13 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS
14 TO ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY
15 QUALIFIED ORGANIZATIONS IN THE..... YES
16 OF.....? NO

17 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
18 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
19 BE IN THE FOLLOWING FORM:

20 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND
21 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN
22 THE..... YES
23 OF.....? NO

24 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
25 LICENSES TO AN AIRPORT AUTHORITY IN THOSE MUNICIPALITIES THAT DO
26 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
27 FOLLOWING FORM:

28 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO AN
29 AIRPORT AUTHORITY FOR THE SALE OF LIQUOR IN
30 THE..... YES

1 OF.....? NO

2 WHEN THE QUESTION IS IN RESPECT TO ALLOWING THE SALE BY
3 MANUFACTURERS OF ALCOHOL FOR ON-PREMISES CONSUMPTION IN
4 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF
5 LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

6 DO YOU FAVOR ALLOWING MANUFACTURERS OF ALCOHOL TO SELL
7 ALCOHOL FOR ON-PREMISES
8 CONSUMPTION.....

9 IN THE..... YES

10 OF.....? NO

11 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A
12 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
13 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,
14 RESTAURANTS, SKI RESORTS, RESORT FACILITIES AND CLUBS, OR LIQUOR
15 LICENSES SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO
16 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT
17 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN
18 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
19 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT
20 AND BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE
21 DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE
22 OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR
23 CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES SHALL BE
24 GRANTED BY THE BOARD TO INCORPORATED UNITS OF NATIONAL VETERANS'
25 ORGANIZATIONS, OR SPECIAL OCCASION PERMITS MAY BE ISSUED TO
26 QUALIFIED ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND
27 MAINTAIN PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH
28 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY
29 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH
30 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT

1 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO
2 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;
3 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE
4 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR
5 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA
6 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT
7 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING
8 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT
9 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE
10 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY
11 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A
12 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON
13 SUCH QUESTION.

14 * * *

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

24 SECTION 7 6. SECTIONS 493(2) AND 505.2(A) AND (B) OF THE ACT <--
25 ARE AMENDED TO READ:

26 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
27 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
28 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
29 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
30 OTHERWISE.

1 IT SHALL BE UNLAWFUL--

2 * * *

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

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

1 SHALL PAY AND SHALL REQUIRE CASH DEPOSITS ON ALL RETURNABLE
2 ORIGINAL CONTAINERS AND ALL SUCH CASH DEPOSITS SHALL BE REFUNDED
3 UPON RETURN OF THE ORIGINAL CONTAINERS.

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

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

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

1 SUCH WINES, IF SOLD BY THE BOARD, MAY BE SOLD BY THE PRODUCING
2 LIMITED WINERY TO THE PURCHASING LIMITED WINERY AT A PRICE LOWER
3 THAN THE PRICE CHARGED BY THE BOARD.

4 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
5 TO THE CONTRARY, ONLY SHIP WINE TO NONLICENSEES IN ACCORDANCE
6 WITH THE PROVISIONS OF SECTION 488. DELIVERY OF WINE TO HOLDERS
7 OF LICENSES ISSUED BY THE BOARD AS WELL AS DELIVERY OF ALCOHOLIC
8 CIDER, FERMENTED FRUIT BEVERAGES AND MEAD TO ANY PURCHASER SHALL
9 BE THROUGH THE USE OF VEHICLES PROPERLY REGISTERED BY THE
10 LIMITED WINERY LICENSEE OR THROUGH PROPERLY LICENSED
11 TRANSPORTERS. A LIMITED WINERY LICENSEE MAY ACCEPT A CREDIT CARD
12 FOR PAYMENT UPON DELIVERY SO LONG AS THE PURCHASER HOLDS A
13 LICENSE ISSUED BY THE BOARD; THE TERMS OF THE SALE BETWEEN THE
14 PARTIES MUST BE FINALIZED BEFORE THE ALCOHOL LEAVES THE SELLER'S
15 LICENSED PREMISES.

16 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED
17 WINERIES, SELL ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES, MEAD,
18 WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY ON NO MORE
19 THAN FIVE (5) BOARD-APPROVED LOCATIONS OTHER THAN THE LICENSED
20 PREMISES, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE
21 ADDITIONAL BOARD-APPROVED LOCATIONS AND UNDER SUCH CONDITIONS
22 AND REGULATIONS AS THE BOARD MAY ENFORCE, TO THE BOARD, TO
23 INDIVIDUALS AND TO BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC
24 SERVICE LIQUOR LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY
25 TO OPERATE AN ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION
26 WITH EACH OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED
27 MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND
28 NEED NOT DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S
29 LICENSED AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR
30 SUCH AN ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION

1 SHALL COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED
2 WINERY. EACH LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS
3 OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR A
4 VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND
5 513 PERTAINING TO ITS OWN RECORDS ONLY.

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

25 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, FERMENTED
26 FRUIT BEVERAGE, MEAD, WINE AND FOOD EXPOSITIONS" ARE DEFINED AS
27 AFFAIRS HELD INDOORS OR OUTDOORS WITH THE INTENT OF PROMOTING
28 PENNSYLVANIA PRODUCTS BY EDUCATING THOSE IN ATTENDANCE OF THE
29 AVAILABILITY, NATURE AND QUALITY OF PENNSYLVANIA-PRODUCED
30 ALCOHOLIC CIDERS, FERMENTED FRUIT BEVERAGES, MEAD AND WINES IN

1 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND
2 SALES. ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND
3 FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES OTHER THAN
4 ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND FOOD
5 DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,
6 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

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

27 (5) DO EITHER OF THE FOLLOWING:

28 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
29 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
30 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE

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

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

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

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

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

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

28 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
29 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
30 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT

1 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE,
2 MEAD [AND], ALCOHOLIC CIDERS AND FERMENTED FRUIT BEVERAGES THAT
3 MAY OTHERWISE BE SOLD BY THE BOTTLE. IN ADDITION, THE HOLDER OF
4 A LIMITED WINERY LICENSE MAY SELL FOR CONSUMPTION ON THE
5 LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-
6 APPROVED LOCATIONS, LIQUOR PRODUCED BY A LICENSED DISTILLERY OR
7 LIMITED DISTILLERY, WINE [AND], ALCOHOLIC CIDER AND FERMENTED
8 FRUIT BEVERAGES PRODUCED BY ANOTHER LIMITED WINERY AND MALT OR
9 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY. THE COMBINED
10 SALES OF WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT
11 BEVERAGES PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED
12 BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY
13 PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN
14 SALES OF WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT
15 BEVERAGES FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED
16 WINERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE
17 PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE AND ALCOHOL
18 PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED BEVERAGES AND
19 LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF
20 THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN WINE [AND],
21 ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES FOR THAT YEAR.

22 (6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR
23 PRODUCED BY THE LIMITED WINERY.

24 (6.3) SELL ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES, MEAD,
25 WINE AND WINE COOLERS ONLY BETWEEN THE HOURS OF NINE O'CLOCK
26 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN. A LIMITED WINERY
27 ALSO MAY REQUEST APPROVAL FROM THE BOARD TO EXTEND SALES HOURS
28 IN INDIVIDUAL LOCATIONS AT OTHER TIMES DURING THE YEAR OR BEYOND
29 THE LIMITS SET FORTH IN THIS CLAUSE. THE REQUEST SHALL BE MADE
30 IN WRITING TO THE BOARD'S OFFICE OF THE CHIEF COUNSEL AND SHALL

1 DETAIL THE EXACT LOCATIONS WHERE SALES HOURS ARE PROPOSED TO BE
2 EXTENDED, THE PROPOSED HOURS AND DATES OF EXTENDED OPERATION AND
3 THE REASON FOR THE PROPOSED EXTENDED HOURS.

4 (6.4) STORE ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES,
5 MEAD, WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY AT NO
6 MORE THAN TWO (2) BOARD-APPROVED LOCATIONS OTHER THAN THE
7 LICENSED PREMISES AND THOSE PREMISES REFERENCED IN CLAUSE (3)
8 PERTAINING TO THE FIVE (5) BOARD-APPROVED LOCATIONS FOR THE SALE
9 OF WINE, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE
10 ADDITIONAL LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS
11 AS THE BOARD MAY ENFORCE. IF TWO (2) OR MORE BUSINESSES WILL
12 OPERATE OUT OF THE SAME STORAGE FACILITY, THE LIMITED WINERY
13 MUST DESIGNATE SPECIFIC AND DISTINCT AREAS FOR ITS STORAGE. THE
14 LIMITED WINERY'S DESIGNATED STORAGE AREA MUST BE SECURED AND NO
15 ONE OTHER THAN THE LICENSEE AND HIS EMPLOYEES MAY BE ALLOWED
16 ACCESS TO THE STORAGE AREA. NO BOARD-APPROVED MANAGER WILL BE
17 NECESSARY FOR THE STORAGE FACILITY. THE LIMITED WINERY MUST FILL
18 OUT AN APPLICATION FOR SUCH AN ADDITIONAL BOARD-APPROVED STORAGE
19 LOCATION, AND SUCH LOCATION SHALL COUNT AS ONE OF THE TWO
20 PERMITTED FOR EACH LIMITED WINERY. THE LIMITED WINERY IS
21 RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE RECORDS. A LIMITED
22 WINERY MAY BE CITED FOR A VIOLATION OF THE RECORDKEEPING
23 REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO ITS OWN
24 RECORDS ONLY.

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

28 * * *

29 SECTION ~~8~~ 7. SECTION 505.4 HEADING, (B) (1) AND (8) AND (C) <--
30 (1) OF THE ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING

1 SUBSECTIONS TO READ:

2 SECTION 505.4. LIMITED DISTILLERIES AND DISTILLERIES.--* * *

3 (B) (1) THE BOARD MAY ISSUE A LIMITED DISTILLERY LICENSE
4 THAT WILL ALLOW THE HOLDER THEREOF TO OPERATE A DISTILLERY THAT
5 SHALL NOT EXCEED PRODUCTION OF ONE HUNDRED THOUSAND (100,000)
6 GALLONS OF DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE
7 MAY MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE
8 LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE
9 BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK
10 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A
11 SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A
12 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE
13 OFFERED FOR SALE AT A LICENSED LIMITED DISTILLERY LOCATION AT A
14 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 NOT SELL A PRODUCT OR
17 A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS LISTED FOR SALE AS A
18 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES TO A LICENSEE AT
19 A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
20 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
21 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINE [AND],
22 ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES PRODUCED BY A
23 LICENSED LIMITED WINERY, LIQUOR PRODUCED BY A LICENSED
24 DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES
25 PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES CONSUMPTION. THE
26 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
27 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
28 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
29 PREMISES SALES OF THE LIMITED DISTILLERY'S OWN SALES OF LIQUOR
30 FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED

1 DISTILLERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING
2 THE PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR
3 BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED
4 DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS,
5 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED
6 DISTILLERY'S OWN LIQUOR FOR THAT YEAR.

7 * * *

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

1 PENNSYLVANIA-PRODUCED [ALCOHOLIC CIDERS AND] LIQUORS IN
2 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND
3 SALES. [ALCOHOLIC CIDER, LIQUOR] LIQUOR AND FOOD EXPOSITIONS MAY
4 ALSO INCLUDE ACTIVITIES OTHER THAN [ALCOHOLIC CIDER,] LIQUOR AND
5 FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,
6 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

7 * * *

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

1 LIQUOR FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A DISTILLERY
2 DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING
3 YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES
4 AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED
5 DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM
6 OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN LIQUOR FOR THAT
7 YEAR.

8 * * *

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

12 (E) AGGREGATE SALES TO RETAIL LICENSES BY DISTILLERIES OF
13 HISTORICAL SIGNIFICANCE, LIMITED DISTILLERIES AND DISTILLERIES
14 MAY NOT EXCEED 50,000 GALLONS DURING A CALENDAR YEAR. A LICENSE
15 OR PERMIT HOLDER THAT WISHES TO ACQUIRE LIQUOR PRODUCED BY A
16 DISTILLERY OR LIMITED DISTILLERY LICENSE HOLDER AFTER THE
17 PRODUCER HAS REACHED ITS AGGREGATE 50,000-GALLON LIMIT MAY STILL
18 ACQUIRE THE PRODUCT IF IT IS AVAILABLE FROM THE BOARD. IF A
19 PERSON HOLDS ANY INTEREST IN MORE THAN ONE DISTILLERY OF
20 HISTORICAL SIGNIFICANCE, DISTILLERY OR LIMITED DISTILLERY
21 LICENSE, EITHER DIRECTLY OR INDIRECTLY, THE SALES FROM ALL SUCH
22 LICENSES SHALL BE CONSIDERED WHEN DETERMINING WHETHER THE
23 50,000-GALLON LIMIT HAS BEEN REACHED.

24 (F) DELIVERY OF LIQUOR BY DISTILLERIES OF HISTORICAL
25 SIGNIFICANCE, LIMITED DISTILLERIES AND DISTILLERIES SHALL BE
26 THROUGH THE USE OF VEHICLES PROPERLY REGISTERED BY THE LICENSEE
27 OR THROUGH PROPERLY LICENSED TRANSPORTERS. A DISTILLERY OF
28 HISTORICAL SIGNIFICANCE, LIMITED DISTILLERY OR DISTILLERY MAY
29 ACCEPT A CREDIT CARD FOR PAYMENT UPON DELIVERY SO LONG AS THE
30 PURCHASER HOLDS A LICENSE ISSUED BY THE BOARD; THE TERMS OF THE

1 SALE BETWEEN PARTIES MUST BE FINALIZED BEFORE THE LIQUOR LEAVES
2 THE SELLER'S LICENSED PREMISES.

3 SECTION ~~9~~ 8. SECTION 1001 OF THE ACT IS AMENDED TO READ: <--
4 SECTION 1001. CONSTRUCTION AND APPLICABILITY.-- (A) EXCEPT
5 AS PROVIDED IN SUBSECTION (B), UNLESS THE CONTEXT CLEARLY
6 INDICATES OTHERWISE, A REFERENCE TO "MALT OR BREWED BEVERAGES"
7 IN A STATUTE SHALL BE CONSTRUED TO INCLUDE ALCOHOLIC CIDER AND
8 FERMENTED FRUIT BEVERAGES.

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

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

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

22 SECTION ~~10~~ 9. REPEALS ARE AS FOLLOWS: <--

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

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

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

1 (4) SECTION 1799.6-E OF THE FISCAL CODE IS REPEALED.
2 SECTION ~~11~~ 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--
3 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:
4 (I) THIS SECTION.
5 (II) THE AMENDMENT OF SECTIONS 406(D) AND 413(F) (1)
6 OF THE ACT.
7 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 30
8 DAYS.