

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2541 Session of 2018

INTRODUCED BY TOPPER, KORTZ, B. MILLER AND DAVIS, JULY 2, 2018

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JULY 2, 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 general provisions applying to both liquor and malt and
 18 brewed beverages, further providing for local option.

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

21 Section 1. Section 472(a) of the act of April 12, 1951
 22 (P.L.90, No.21), known as the Liquor Code, is amended 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

1 than once in four years, to determine the will of the electors
2 with respect to the granting of liquor licenses to hotels,
3 restaurants, resort facilities and clubs, not oftener than once
4 in four years, to determine the will of the electors with
5 respect to the granting of liquor licenses to public venues, to
6 performing arts facilities, to continuing care retirement
7 communities, to hotels located on property owned by an
8 accredited college or university, to privately-owned private
9 golf courses or to privately-owned public golf courses, not
10 oftener than once in four years, to determine the will of the
11 electors with respect to the granting of licenses to retail
12 dispensers of malt and brewed beverages, not oftener than once
13 in four years, to determine the will of the electors with
14 respect to granting of licenses to wholesale distributors and
15 importing distributors, not more than once in two years, to
16 determine the will of the electors with respect to the granting
17 of club liquor licenses or club retail dispenser licenses to
18 incorporated units of national veterans' organizations, not
19 oftener than once in two years to determine the will of the
20 electors with respect to the granting of special occasion
21 permits to qualified organizations, not more than once in four
22 years, to determine the will of the electors with respect to the
23 establishment, operation and maintenance by the board of
24 Pennsylvania liquor stores, within the limits of such
25 municipality or part of a split municipality, or not more than
26 once in two years, to determine the will of the electors with
27 respect to the granting of liquor licenses to ski resort
28 facilities, under the provisions of this act: Provided, That an
29 election on the question of establishing and operating a State
30 liquor store shall be initiated only in those municipalities, or

1 that part of a split municipality that shall have voted against
2 the granting of liquor licenses; and that an election on the
3 question of granting wholesale distributor and importing
4 distributor licenses shall be initiated only in those
5 municipalities or parts of split municipalities that shall have
6 at a previous election voted against the granting of dispenser's
7 licenses. Whenever electors equal to at least twenty-five per
8 centum of the highest vote cast for any office in the
9 municipality or part of a split municipality at the last
10 preceding general election shall file a petition with the county
11 board of elections of the county for a referendum on the
12 question of granting any of said classes of licenses or the
13 establishment of Pennsylvania liquor stores, the said county
14 board of elections shall cause a question to be placed on the
15 ballots or on the voting machine board and submitted at any
16 election. Separate petitions must be filed for each question to
17 be voted on. Said proceedings shall be in the manner and subject
18 to the provisions of the election laws which relate to the
19 signing, filing and adjudication of nomination petitions,
20 insofar as such provisions are applicable.

21 When the question is in respect to the granting of liquor
22 licenses, it shall be in the following form:

23 Do you favor the granting of liquor licenses for the
24 sale of liquor in..... Yes
25 of.....? No

26 When the question is in respect to the granting of liquor
27 licenses to resort facilities in those municipalities that do
28 not already allow the retail sale of liquor, it shall be in the
29 following form:

30 Do you favor the granting of liquor licenses to resort

1 facilities for the sale of liquor in the..... Yes
2 of.....? No

3 When the question is in respect to the granting of liquor
4 licenses to ski resorts in those municipalities that do not
5 already allow the retail sale of liquor, it shall be in the
6 following form:

7 Do you favor the granting of liquor licenses to ski
8 resort facilities for the sale of liquor in the Yes
9of? No

10 When the question is in respect to the granting of restaurant
11 liquor licenses for use at public venues in those municipalities
12 that do not already allow the retail sale of liquor, it shall be
13 in the following form:

14 Do you favor the granting of liquor licenses to public
15 venues for the sale of liquor in the..... Yes
16 of.....? No

17 When the question is in respect to the granting of restaurant
18 liquor licenses for use at performing arts facilities in those
19 municipalities that do not already allow the retail sale of
20 alcohol, it shall be in the following form:

21 Do you favor the granting of liquor licenses to
22 performing arts facilities for the sale of liquor in
23 the..... Yes
24 of.....? No

25 When the question is in respect to the granting of liquor
26 licenses for hotels located on property owned by an accredited
27 college or university in those municipalities that do not
28 already allow the granting of liquor licenses, it shall be in
29 the following form:

30 Do you favor the granting of liquor licenses to hotels Yes

1 on property owned by an accredited college or
2 university in the.....
3 of.....? No

4 When the question is in respect to the granting of liquor
5 licenses, for privately-owned private golf courses, it shall be
6 in the following form:

7 Do you favor the granting of liquor licenses for
8 privately-owned private golf courses for the sale of
9 liquor in.....by..... Yes
10 of.....? No

11 When the question is in respect to the granting of liquor
12 licenses, for privately-owned public golf courses, it shall be
13 in the following form:

14 Do you favor the granting of liquor licenses for
15 privately-owned public golf courses for the sale of
16 liquor in.....by..... Yes
17 of.....? No

18 When the question is in respect to the granting of liquor
19 licenses to continuing care retirement communities in those
20 municipalities that have not already approved the granting of
21 liquor licenses, it shall be in the following form:

22 Do you favor the granting of liquor licenses for
23 continuing care retirement communities
24 in.....by..... Yes
25 of.....? No

26 When the question is in respect to the granting of licenses
27 to retail dispensers of malt and brewed beverages, it shall be
28 in the following form:

29 Do you favor the granting of malt and brewed beverage
30 retail dispenser licenses for consumption on premises

1 where sold in the..... Yes
2 of.....? No
3 When the question is in respect to the granting of licenses
4 to wholesale distributors of malt or brewed beverages and
5 importing distributors, it shall be in the following form:
6 Do you favor the granting of malt and brewed beverage
7 wholesale distributor's and importing distributor's
8 licenses not for consumption on premises where sold in
9 the..... Yes
10 of.....? No
11 When the question is in respect to the granting of club
12 liquor licenses to incorporated units of national veterans'
13 organizations, it shall be in the following form:
14 Do you favor the granting of club liquor licenses to
15 incorporated units of national veterans' organizations
16 in the..... Yes
17 of.....? No
18 When the question is in respect to the granting of club
19 retail dispenser licenses to incorporated units of national
20 veterans' organizations, it shall be in the following form:
21 Do you favor the granting of club retail dispenser
22 licenses to incorporated units of national veterans'
23 organizations in the..... Yes
24 of.....? No
25 When the question is in respect to the granting of special
26 occasion permits allowing the sale of liquor by qualified
27 organizations in municipalities that do not already allow the
28 retail sale of liquor, it shall be in the following form:
29 Do you favor the granting of special occasion permits Yes
30 to allow the sale of liquor by qualified organizations No

1 in the.....
2 of.....?

3 When the question is in respect to the granting of special
4 occasion permits allowing the sale of malt or brewed beverages
5 only by qualified organizations in municipalities that do not
6 already allow the retail sale of malt or brewed beverages, it
7 shall be in the following form:

8 Do you favor the granting of special occasion permits
9 to allow the sale of malt or brewed beverages only by
10 qualified organizations in the..... Yes
11 of.....? No

12 When the question is in respect to the establishment,
13 operation and maintenance of Pennsylvania liquor stores it shall
14 be in the following form:

15 Do you favor the establishment, operation and
16 maintenance of Pennsylvania liquor stores in
17 the..... Yes
18 of.....? No

19 When the question is in respect to the granting of liquor
20 licenses to an airport authority in those municipalities that do
21 not already allow the retail sale of liquor, it shall be in the
22 following form:

23 Do you favor the granting of liquor licenses to an
24 airport authority for the sale of liquor in
25 the..... Yes
26 of.....? No

27 When the question is in respect to the granting of brewery
28 licenses, it shall be in the following form:

29 Do you favor the granting of brewery licenses for the
30 sale of malt or brewed beverages by the case, by the keg

1 and by the glass for consumption on premises, plus the
2 sale of wine and spirits by the glass for consumption on
3 premises, in..... Yes
4 by.....? No

5 When the question is in respect to the granting of brewery
6 storage licenses, it shall be in the following form:

7 Do you favor the granting of brewery storage licenses
8 for the sale of malt or brewed beverages by the case, by
9 the keg and by the glass for consumption on premises,
10 plus the sale of wine and spirits by the glass for
11 consumption on premises, in..... Yes
12 by.....? No

13 When the question is in respect to the granting of limited
14 distillery licenses, it shall be in the following form:

15 Do you favor the granting of limited distillery licenses
16 for the sale of spirits by the bottle to go and by the
17 glass for consumption on premises, plus the sale of wine
18 and malt or brewed beverages for consumption on
19 premises, in..... Yes
20 by.....? No

21 When the question is in respect to the granting of additional
22 licenses for board-approved limited distillery locations, it
23 shall be in the following form:

24 Do you favor the granting of additional licenses for
25 board-approved limited distillery locations for the sale
26 of spirits by the bottle to go and by the glass for
27 consumption on premises, plus the sale of wine and malt
28 or brewed beverages for consumption on premises,
29 in..... Yes
30 by.....? No

1 When the question is in respect to the granting of limited
2 winery licenses, it shall be in the following form:

3 Do you favor the granting of limited winery licenses for
4 the sale of wine by the bottle to go and by the glass
5 for consumption on premises, plus the sale of spirits
6 and malt or brewed beverages for consumption on premises
7 in..... Yes
8 by.....? No

9 When the question is in respect to the granting of additional
10 licenses for board-approved limited winery locations, it shall
11 be in the following form:

12 Do you favor the granting of additional licenses for
13 board-approved limited winery locations for the sale of
14 wine by the bottle to go and by the glass for
15 consumption on premises, plus the sale of spirits and
16 malt or brewed beverages for consumption on premises
17 in..... Yes
18 by.....? No

19 In case of a tie vote, the status quo shall obtain. If a
20 majority of the voting electors on any such question vote "yes,"
21 then liquor licenses shall be granted by the board to hotels,
22 restaurants, ski resorts, resort facilities and clubs, or liquor
23 licenses shall be granted by the board to public venues, to
24 performing arts facilities, to continuing care retirement
25 communities, to hotels located on property owned by an
26 accredited college or university, to privately-owned private
27 golf courses or to privately-owned public golf courses, or malt
28 and brewed beverage retail dispenser licenses or wholesale
29 distributor's and importing distributor's license for the sale
30 of malt or brewed beverages shall be granted by the board, or

1 club liquor licenses or club retail dispenser licenses shall be
2 granted by the board to incorporated units of national veterans'
3 organizations, or special occasion permits may be issued to
4 qualified organizations, or the board may establish, operate and
5 maintain Pennsylvania liquor stores, as the case may be, in such
6 municipality or part of a split municipality, as provided by
7 this act; but if a majority of the electors voting on any such
8 question vote "no," then the board shall have no power to grant
9 or to renew upon their expiration any licenses of the class so
10 voted upon in such municipality or part of a split municipality;
11 or if the negative vote is on the question in respect to the
12 establishment, operation and maintenance of Pennsylvania liquor
13 stores, the board shall not open and operate a Pennsylvania
14 liquor store in such municipality or part of a split
15 municipality, nor continue to operate a then existing
16 Pennsylvania liquor store in the municipality or part of a split
17 municipality for more than two years thereafter or after the
18 expiration of the term of the lease on the premises occupied by
19 such store, whichever period is less, unless and until at a
20 later election a majority of the voting electors vote "yes" on
21 such question.

22 * * *

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