

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 423 Session of 2019

INTRODUCED BY TOPPER, HILL-EVANS, IRVIN, KEEFER, B. MILLER, MURT, ROTHMAN AND TOOHIL, FEBRUARY 11, 2019

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 8, 2019

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

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

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

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

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

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

1 Do you favor the granting of liquor licenses to resort
2 facilities for the sale of liquor in the..... Yes
3 of.....? No

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

8 Do you favor the granting of liquor licenses to ski
9 resort facilities for the sale of liquor in the Yes
10of? No

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

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

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

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

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

1 Do you favor the granting of liquor licenses to hotels
2 on property owned by an accredited college or
3 university in the..... Yes
4 of.....? No

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

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

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

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

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

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

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

30 Do you favor the granting of malt and brewed beverage

1 retail dispenser licenses for consumption on premises
2 where sold in the..... Yes
3 of.....? No

4 When the question is in respect to the granting of licenses
5 to wholesale distributors of malt or brewed beverages and
6 importing distributors, it shall be in the following form:

7 Do you favor the granting of malt and brewed beverage
8 wholesale distributor's and importing distributor's
9 licenses not for consumption on premises where sold in
10 the..... Yes
11 of.....? No

12 When the question is in respect to the granting of club
13 liquor licenses to incorporated units of national veterans'
14 organizations, it shall be in the following form:

15 Do you favor the granting of club liquor licenses to
16 incorporated units of national veterans' organizations
17 in the..... Yes
18 of.....? No

19 When the question is in respect to the granting of club
20 retail dispenser licenses to incorporated units of national
21 veterans' organizations, it shall be in the following form:

22 Do you favor the granting of club retail dispenser
23 licenses to incorporated units of national veterans'
24 organizations in the..... Yes
25 of.....? No

26 When the question is in respect to the granting of special
27 occasion permits allowing the sale of liquor by qualified
28 organizations in municipalities that do not already allow the
29 retail sale of liquor, it shall be in the following form:

30 Do you favor the granting of special occasion permits Yes

1 to allow the sale of liquor by qualified organizations
2 in the.....
3 of.....? No

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

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

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

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

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

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

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

30 Do you favor the granting of brewery licenses for the

1 sale of malt or brewed beverages by the case, by the keg
2 and by the glass for consumption on premises, plus the
3 sale of wine and spirits by the glass for consumption on
4 premises, in..... Yes
5 by.....? No

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

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

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

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

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

25 Do you favor the granting of additional licenses for
26 board-approved limited distillery locations for the sale
27 of spirits by the bottle to go and by the glass for
28 consumption on premises, plus the sale of wine and malt
29 or brewed beverages for consumption on premises,
30 in..... Yes

1 by.....? No

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

4 Do you favor the granting of limited winery licenses for
5 the sale of wine by the bottle to go and by the glass
6 for consumption on premises, plus the sale of spirits
7 and malt or brewed beverages for consumption on premises
8 in..... Yes

9 by.....? No

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

13 Do you favor the granting of additional licenses for
14 board-approved limited winery locations for the sale of
15 wine by the bottle to go and by the glass for
16 consumption on premises, plus the sale of spirits and
17 malt or brewed beverages for consumption on premises
18 in..... Yes

19 by.....? No

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

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

23 * * *

24 SECTION 2. THE AMENDMENT OF SECTION 472(A) OF THE ACT SHALL <--
25 NOT APPLY TO BREWERY LICENSES, BREWERY STORAGE LICENSES, LIMITED
26 DISTILLERY LICENSES, BOARD-APPROVED LIMITED DISTILLERY
27 LOCATIONS, LIMITED WINERY LICENSES AND BOARD-APPROVED LIMITED
28 WINERY LOCATIONS GRANTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

29 Section ~~2~~ 3. This act shall take effect in 60 days. <--