
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 947 Session of
2019

INTRODUCED BY SCHWEYER, FREEMAN, OTTEN, HILL-EVANS, SCHLOSSBERG,
MADDEN, KULIK, DEASY, RAVENSTAHL, MALAGARI, KORTZ, KENYATTA,
ZABEL, DELLOSO AND DONATUCCI, MARCH 25, 2019

SENATOR STEFANO, LAW AND JUSTICE, IN SENATE, AS AMENDED,
JUNE 18, 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 licenses and regulations, liquor, alcohol and malt and brewed
18 beverages, further providing for SALES BY LIQUOR LICENSEES <--
19 AND RESTRICTIONS, FOR PERFORMING ARTS FACILITY LICENSE AND
20 FOR hours of operation relative to manufacturers, importing
21 distributors and distributors; and, in distilleries,
22 wineries, bonded warehouses, bailees for hire and
23 transporters for hire, further providing for distilleries.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 ~~Section 1. Sections 492.1(a) and 505.4(b)(1) and (5) and (c) <--~~
27 ~~of the act of April 12, 1951 (P.L.90, No.21), known as the~~

1 ~~Liquor Code, are amended to read:~~

2 SECTION 1. SECTIONS 406(D), 413(F)(1), 492.1(A) AND 505.4(B) <--
3 (1) AND (5) AND (C) OF THE ACT OF APRIL 12, 1951 (P.L.90,
4 NO.21), KNOWN AS THE LIQUOR CODE, ARE AMENDED TO READ:

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

6 (D) SUBJECT TO SECTION 412, LICENSED PUBLIC VENUES MAY SELL
7 LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAYS FROM ELEVEN
8 O'CLOCK ANTEMERIDIAN UNTIL MIDNIGHT WITHOUT THE NEED TO ACQUIRE
9 OR QUALIFY FOR A SPECIAL PERMIT. IN ADDITION, SUBJECT TO SECTION
10 413, LICENSED PERFORMING ARTS FACILITIES MAY SELL LIQUOR AND
11 MALT OR BREWED BEVERAGES ON SUNDAYS FROM [ONE O'CLOCK
12 POSTMERIDIAN] TEN O'CLOCK ANTEMERIDIAN UNTIL TEN O'CLOCK
13 POSTMERIDIAN WITHOUT THE NEED TO ACQUIRE OR QUALIFY FOR A
14 SPECIAL PERMIT.

15 * * *

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

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

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

26 HOWEVER, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTION
27 408.3(A) AND 408.3(A.2) MAY SELL LIQUOR AND MALT OR BREWED
28 BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN
29 O'CLOCK ANTEMERIDIAN OR PRIOR TO ONE O'CLOCK POSTMERIDIAN OR
30 AFTER TEN O'CLOCK POSTMERIDIAN ON SUNDAYS, REGARDLESS OF WHETHER

1 THERE IS A PERFORMANCE AT THE FACILITY.

2 * * *

3 Section 492.1. Hours of Operation Relative to Manufacturers,
4 Importing Distributors and Distributors.--(a) (1)

5 Manufacturers may sell or deliver malt or brewed beverages
6 between two o'clock antemeridian of any Monday and twelve
7 o'clock midnight of the following Saturday.

8 (2) Notwithstanding any other provision of law,
9 manufacturers may sell malt and brewed beverages and alcohol
10 subject to section 446(a)(2) for on-premises consumption between
11 the hours of nine o'clock antemeridian and twelve o'clock
12 antemeridian Monday through Saturday and Sunday between the
13 hours of nine o'clock antemeridian and eleven o'clock
14 postmeridian.

15 * * *

16 Section 505.4. Distilleries.--* * *

17 (b) (1) The board may issue a limited distillery license
18 that will allow the holder thereof to operate a distillery that
19 shall not exceed production of one hundred thousand (100,000)
20 gallons of distilled liquor per year. The holder of the license
21 may manufacture and sell bottled liquors produced on the
22 licensed premises to the board, to entities licensed by the
23 board and to the public between the hours of nine o'clock
24 antemeridian and [eleven o'clock postmeridian] twelve o'clock
25 antemeridian Monday through Saturday and Sunday between the
26 hours of nine o'clock antemeridian through eleven o'clock
27 postmeridian so long as a specific code of distilled liquor
28 which is listed for sale as a stock item by the board in State
29 liquor stores may not be offered for sale at a licensed limited
30 distillery location at a price which is lower than that charged

1 by the board and under such conditions and regulations as the
2 board may enforce. The holder of a limited distillery license
3 may not sell a product or a substantially similar product which
4 is listed for sale as a stock item by the board in State Liquor
5 Stores to a licensee at a price which is lower than that charged
6 by the board and under such conditions and regulations as the
7 board may enforce. The holder of a limited distillery license
8 may also sell wine and alcoholic cider produced by a licensed
9 limited winery, liquor produced by a licensed distillery or
10 limited distillery and malt or brewed beverages produced by a
11 licensed brewery for on-premises consumption. The combined sales
12 of wine, malt or brewed beverages and liquor produced by another
13 licensed distillery or limited distillery may not, on a yearly
14 basis, exceed fifty per centum of the on-premises sales of the
15 limited distillery's own sales of liquor for the preceding
16 calendar year: however, if a limited distillery did not operate
17 for an entire calendar year during the preceding year, then its
18 combined sales of wine, malt or brewed beverages and liquor
19 produced by another licensed distillery or limited distillery
20 may not, on a yearly basis, exceed fifty per centum of the on-
21 premises sales of the limited distillery's own liquor for that
22 year.

23 * * *

24 (5) The holder of a limited distillery license may provide
25 tasting samples of liquor that in total do not exceed one and
26 one-half (1.5) fluid ounces per person on the licensed premises
27 and at the two (2) board-approved locations. Samples may be sold
28 or provided free of charge and may only be provided between the
29 hours of nine o'clock antemeridian and [eleven o'clock
30 postmeridian] twelve o'clock antemeridian Monday through

1 Saturday and Sunday between the hours of nine o'clock
2 antemeridian through eleven o'clock postmeridian.

3 * * *

4 (c) (1) The holder of a distillery license as issued under
5 section 505 may sell bottled liquors produced on the licensed
6 premises to the board, to entities licensed by the board and to
7 the public between the hours of nine o'clock antemeridian and
8 [eleven o'clock postmeridian] twelve o'clock antemeridian Monday
9 through Saturday and Sunday between the hours of nine o'clock
10 antemeridian through 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 distillery location at a price
14 which is lower than that charged by the board and under such
15 conditions and regulations as the board may enforce. The holder
16 of a distillery license may not sell a product or a
17 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 distillery license may also sell its liquor, wine
22 and alcoholic cider produced by a licensed limited winery,
23 liquor produced by a licensed distillery or limited distillery
24 and malt or brewed beverages produced by a licensed brewery for
25 on-premises consumption. The combined sales of wine, malt or
26 brewed beverages and liquor produced by another licensed
27 distillery or limited distillery may not, on a yearly basis,
28 exceed fifty per centum of the on-premises sales of the
29 distillery's own sales of liquor for the preceding calendar
30 year: however, if a distillery did not operate for an entire

1 calendar year during the preceding year, then its combined sales
2 of wine, malt or brewed beverages and liquor produced by another
3 licensed distillery or limited distillery may not, on a yearly
4 basis, exceed fifty per centum of the on-premises sales of the
5 distillery's own liquor for that year.

6 (2) The holder of a distillery license as issued under
7 section 505 may provide tasting samples of liquor that in total
8 do not exceed one and one-half (1.5) fluid ounces. Samples may
9 be sold or provided free of charge between the hours of nine
10 o'clock antemeridian and [eleven o'clock postmeridian] twelve
11 o'clock antemeridian Monday through Saturday and Sunday between
12 the hours of nine o'clock antemeridian through eleven o'clock
13 postmeridian.

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