

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1542 Session of 2019

INTRODUCED BY SAYLOR, PYLE, GILLESPIE, GROVE, JONES, KEEFER, KLUNK, BERNSTINE, DeLUCA, GLEIM, MILLARD, MOUL, PICKETT, ROTHMAN, STAATS AND CALTAGIRONE, JUNE 3, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 25, 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 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS;
18 AND, in licenses and regulations relating to liquor, alcohol
19 and malt and brewed beverages, further providing for special
20 occasion permits.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. Section 408.4(i) and (m) of the act of April 12, <--~~
24 ~~1951 (P.L.90, No.21), known as the Liquor Code, are amended to~~
25 ~~read:~~

26 SECTION 1. THE DEFINITION OF "ELIGIBLE ENTITY" IN SECTION <--

1 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE  
2 LIQUOR CODE, IS AMENDED TO READ:

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

6 \* \* \*

7 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A  
8 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A  
9 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF  
10 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR  
11 LICENSE, A CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE AND  
12 WHICH, AS OF DECEMBER 31, 2002, HAS BEEN IN EXISTENCE FOR AT  
13 LEAST 100 YEARS, A LIBRARY, A NATIONALLY ACCREDITED PENNSYLVANIA  
14 NONPROFIT ZOOLOGICAL INSTITUTION LICENSED BY THE UNITED STATES  
15 DEPARTMENT OF AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION  
16 IN EXISTENCE FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S  
17 CLUB IN EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED  
18 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION  
19 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS  
20 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED  
21 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, ANY  
22 NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY HEALTH  
23 ORGANIZATION COMMITTED TO FIGHTING CANCER, WHICH HAS BEEN IN  
24 EXISTENCE FOR AT LEAST 100 YEARS, A MUSEUM OPERATED BY A  
25 NONPROFIT CORPORATION, A NONPROFIT CORPORATION ENGAGED IN THE  
26 PERFORMING ARTS, AN ARTS COUNCIL, A NONPROFIT CORPORATION THAT  
27 OPERATES AN ARTS FACILITY OR MUSEUM, A NONPROFIT ORGANIZATION AS  
28 DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF  
29 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS  
30 TO PROTECT THE ARCHITECTURAL HERITAGE OF A MUNICIPALITY AND

1 WHICH HAS BEEN RECOGNIZED AS SUCH BY A RESOLUTION OF THE  
2 MUNICIPALITY, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
3 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-  
4 514, 26 U.S.C. § 501(C) (3)) CONDUCTING A REGATTA IN A CITY OF  
5 THE SECOND CLASS WITH THE PERMIT TO BE USED ON STATE PARK  
6 GROUNDS OR CONDUCTING A FAMILY-ORIENTED CELEBRATION AS PART OF  
7 WELCOME AMERICA IN A CITY OF THE FIRST CLASS ON PROPERTY LEASED  
8 FROM THAT CITY FOR MORE THAN FIFTY YEARS, A NONPROFIT  
9 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
10 REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO  
11 RAISE FUNDS FOR THE RESEARCH AND TREATMENT OF CYSTIC FIBROSIS, A  
12 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE  
13 INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3)) WHOSE  
14 PURPOSE IS TO EDUCATE THE PUBLIC ON ISSUES DEALING WITH  
15 WATERSHED CONSERVATION, A NONPROFIT ORGANIZATION AS DEFINED  
16 UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986  
17 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO  
18 PROVIDE EQUINE ASSISTED ACTIVITIES FOR CHILDREN AND ADULTS WITH  
19 SPECIAL NEEDS, A NONPROFIT ECONOMIC DEVELOPMENT AGENCY IN A CITY  
20 OF THE SECOND CLASS WITH THE PRIMARY FUNCTION TO SERVE AS AN  
21 ECONOMIC GENERATOR FOR THE GREATER SOUTHWESTERN PENNSYLVANIA  
22 REGION BY ATTRACTING AND SUPPORTING FILM, TELEVISION AND RELATED  
23 MEDIA INDUSTRY PROJECTS AND COORDINATING GOVERNMENT AND BUSINESS  
24 OFFICES IN SUPPORT OF A PRODUCTION, A COUNTY TOURIST PROMOTION  
25 AGENCY AS DEFINED IN SECTION 2 OF THE ACT OF JULY 4, 2008  
26 (P.L.621, NO.50), KNOWN AS THE "TOURISM PROMOTION ACT," A JUNIOR  
27 LEAGUE THAT IS A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
28 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. §  
29 501(C) (3)) THAT IS COMPRISED OF WOMEN WHOSE PURPOSE IS  
30 EXCLUSIVELY EDUCATIONAL AND CHARITABLE IN PROMOTING THE

1 VOLUNTEERISM OF WOMEN AND DEVELOPING AND PARTICIPATING IN  
2 COMMUNITY PROJECTS AND THAT HAS BEEN IN EXISTENCE FOR OVER  
3 SEVENTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
4 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 AND WHOSE PURPOSE  
5 IS THE EDUCATION AND PROMOTION OF AMERICAN HISTORY, A NONPROFIT  
6 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (6) OF THE INTERNAL  
7 REVENUE CODE OF 1986 WHOSE PURPOSE IS TO SUPPORT BUSINESS AND  
8 INDUSTRY, A BREWERY WHICH HAS BEEN ISSUED A LICENSE TO  
9 MANUFACTURE MALT OR BREWED BEVERAGES AND HAS BEEN IN EXISTENCE  
10 FOR AT LEAST 100 YEARS OR A CLUB RECOGNIZED BY ROTARY  
11 INTERNATIONAL AND WHOSE PURPOSE IS TO PROVIDE SERVICE TO OTHERS,  
12 TO PROMOTE HIGH ETHICAL STANDARDS AND TO ADVANCE WORLD  
13 UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS FELLOWSHIP OF  
14 BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A NONPROFIT  
15 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
16 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3))  
17 WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND  
18 REGIONAL CHARITIES, A MUSEUM OPERATED BY A NOT-FOR-PROFIT  
19 CORPORATION IN A CITY OF THE SECOND CLASS A, A NONPROFIT  
20 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
21 REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE SECOND  
22 CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY  
23 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
24 501(C) (3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS  
25 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH  
26 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER  
27 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED  
28 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE  
29 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A  
30 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE

1 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO  
2 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO  
3 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED  
4 UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHO  
5 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM  
6 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC  
7 PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER  
8 OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC  
9 TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC  
10 TELEVISION NETWORK OR A NONPROFIT ORGANIZATION AS DEFINED UNDER  
11 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE  
12 PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH AND TO  
13 PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA AND THEIR  
14 FAMILIES THROUGH A NATIONAL RESOURCE NETWORK, A NONPROFIT  
15 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
16 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO STIMULATE  
17 COMMUNITY DEVELOPMENT BY FACILITATING RESIDENTIAL AND RETAIL  
18 GROWTH IN A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF THE  
19 SECOND CLASS OR A NONPROFIT COMMUNITY DEVELOPMENT CORPORATION  
20 ORGANIZED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE  
21 OF 1986 THAT SERVES AN ADJOINING BOROUGH AND TOWNSHIP IN A  
22 COUNTY OF THE SECOND CLASS AND WHOSE MAIN PURPOSE IS TO  
23 FACILITATE COMMERCIAL DEVELOPMENT AND FOSTER NEIGHBORHOOD  
24 STABILIZATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
25 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS  
26 TO PROVIDE YOUNG PEOPLE WITH A PROGRAM TO BUILD CHARACTER, TO  
27 TEACH THE RESPONSIBILITIES OF CITIZENSHIP AND TO DEVELOP  
28 PERSONAL FITNESS WITH A GOAL OF CREATING FUTURE LEADERS, A  
29 NONPROFIT AS DEFINED IN SECTION 501(C) (3) OF THE INTERNAL  
30 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO ASSIST CHILDREN

1 AND THEIR FAMILIES WHO ARE FACING FINANCIAL HARDSHIP DUE TO THE  
2 DEATH OF A PARENT, A NONPROFIT AS DEFINED UNDER SECTION 501(C)  
3 (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO  
4 ALLOCATE FUNDS FOR RESEARCH TO EXPEDITE A CURE ACHROMATOPSIA, A  
5 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE  
6 INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE  
7 FIRST CLASS, WAS ORGANIZED [IN 1995] AS A COMMUNITY DEVELOPMENT  
8 [CORPORATION] ORGANIZATION TO PROMOTE HEALTH, SAFETY AND WELFARE  
9 OF THE RESIDENTS, BUSINESSES AND INSTITUTIONS OF A NEIGHBORHOOD  
10 OF A CITY OF THE FIRST CLASS, AND WHOSE WORKS INCLUDE PUBLIC  
11 PROMOTIONS, NEIGHBORHOOD IMPROVEMENT PROJECTS AND COMMERCIAL  
12 CORRIDOR IMPROVEMENTS, INCLUDING A BUSINESS IMPROVEMENT  
13 DISTRICT, OR A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION  
14 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS  
15 RESPONSIBLE FOR PROVIDING SERVICES TO MEMBERS OF THE ARMED  
16 FORCES OF THE UNITED STATES AND RELIEF TO DISASTER VICTIMS IN  
17 THE UNITED STATES AND ABROAD, OR ANY NEIGHBORHOOD IMPROVEMENT  
18 DISTRICT MANAGEMENT ASSOCIATION AS DEFINED IN SECTION 3 OF THE  
19 ACT OF DECEMBER 20, 2000 (P.L.949, NO.130), KNOWN AS THE  
20 "NEIGHBORHOOD IMPROVEMENT DISTRICT ACT," THAT HAS BEEN  
21 ESTABLISHED AS A 501(C) (3) NONPROFIT ORGANIZATION UNDER SECTION  
22 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986, A NONPROFIT  
23 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
24 REVENUE CODE OF 1986 LOCATED IN A CITY OF THE FIRST CLASS WHOSE  
25 PURPOSE IS TO SUPPORT INITIATIVES TO ENRICH THE LIVES OF  
26 CHILDREN, TEENS AND FAMILIES ESPECIALLY THOSE IN NEED, TO REACH  
27 THEIR FULL POTENTIAL AS PRODUCTIVE AND RESPONSIBLE CITIZENS AND  
28 HAS BEEN IN EXISTENCE FOR AT LEAST SEVENTY-FIVE YEARS, OR A  
29 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE  
30 INTERNAL REVENUE CODE OF 1986 LOCATED IN A CITY OF THE SECOND

1 CLASS AND INCORPORATED AS A NONPROFIT IN 1982 THAT OFFERS ADULT  
2 EDUCATION AND FAMILY LITERACY, OR A NONPROFIT ORGANIZATION AS  
3 DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF  
4 1986 LOCATED IN A CITY OF THE THIRD CLASS AND COUNTY OF THE  
5 SIXTH CLASS, WHOSE PURPOSE IS PRIMARY AND SECONDARY EDUCATION  
6 AND EDUCATIONAL MINISTRY OF THE DIOCESE OF ERIE, OR A NONPROFIT  
7 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
8 REVENUE CODE LOCATED IN A COUNTY OF THE FOURTH CLASS THAT HAD A  
9 POPULATION BETWEEN 142,000 AND 144,000 BASED ON THE 2010  
10 DECENNIAL CENSUS OF THE BUREAU OF THE CENSUS AND PROVIDES  
11 REWARDS FOR INFORMATION THAT LEADS TO THE ARREST OF INDIVIDUALS  
12 THAT MAY HAVE COMMITTED A CRIME.

13 \* \* \*

14 SECTION 2. SECTION 408.4(I) AND (M) OF THE ACT ARE AMENDED  
15 TO READ:

16 Section 408.4. Special Occasion Permits.--

17 \* \* \*

18 (i) Only one special occasion permit shall be issued to each  
19 eligible entity per calendar year. Each permit may only be used  
20 for [~~six~~] nine consecutive or nonconsecutive days[~~; or~~] and an  
21 additional ten consecutive days.

22 \* \* \*

23 (m) The following apply:

24 (1) The purpose of a special occasion permit is to provide  
25 the eligible entity with a means of raising funds for itself.

26 The permit may be used in conjunction with activities and events  
27 involving other entities; however, no one other than the holder  
28 of the special occasion permit may acquire a pecuniary interest  
29 in the permit.

30 (2) An entity operating in conjunction with a special

1 occasion permit holder may collect and manage funds raised using  
2 a special occasion permit if:  
3 (i) the special occasion permit holder is the primary host  
4 of the activity or event; and  
5 (ii) the funds raised are used for the benefit of the  
6 special occasion permit holder.

7 \* \* \*

8 Section 2 3. This act shall take effect in 60 days.

<--