

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, CALTAGIRONE AND McNEILL, JUNE 3, 2019

SENATOR STEFANO, LAW AND JUSTICE, IN SENATE, AS AMENDED, NOVEMBER 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 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 AND FOR WINE AND SPIRITS AUCTION PERMITS. <--

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

23 Section 1. The definition of "eligible entity" in section
24 102 of the act of April 12, 1951 (P.L.90, No.21), known as the
25 Liquor Code, is amended to read:

1 Section 102. Definitions.--The following words or phrases,
2 unless the context clearly indicates otherwise, shall have the
3 meanings ascribed to them in this section:

4 * * *

5 "Eligible entity" shall mean a city of the third class, a
6 hospital, a church, a synagogue, a volunteer fire company, a
7 volunteer ambulance company, a volunteer rescue squad, a unit of
8 a nationally chartered club which has been issued a club liquor
9 license, a club which has been issued a club liquor license and
10 which, as of December 31, 2002, has been in existence for at
11 least 100 years, a library, a nationally accredited Pennsylvania
12 nonprofit zoological institution licensed by the United States
13 Department of Agriculture, a nonprofit agricultural association
14 in existence for at least ten years, a bona fide sportsmen's
15 club in existence for at least ten years, a nationally chartered
16 veterans' organization and any affiliated lodge or subdivision
17 of such organization, a fraternal benefit society that is
18 licensed to do business in this Commonwealth and any affiliated
19 lodge or subdivision of such fraternal benefit society, any
20 nationally recognized community-based voluntary health
21 organization committed to fighting cancer, which has been in
22 existence for at least 100 years, a museum operated by a
23 nonprofit corporation, a nonprofit corporation engaged in the
24 performing arts, an arts council, a nonprofit corporation that
25 operates an arts facility or museum, a nonprofit organization as
26 defined under section 501(c)(3) of the Internal Revenue Code of
27 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is
28 to protect the architectural heritage of a municipality and
29 which has been recognized as such by a resolution of the
30 municipality, a nonprofit organization as defined under section

1 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-
2 514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of
3 the second class with the permit to be used on State park
4 grounds or conducting a family-oriented celebration as part of
5 Welcome America in a city of the first class on property leased
6 from that city for more than fifty years, a nonprofit
7 organization as defined under section 501(c)(3) of the Internal
8 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to
9 raise funds for the research and treatment of cystic fibrosis, a
10 nonprofit organization as defined under section 501(c)(3) of the
11 Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose
12 purpose is to educate the public on issues dealing with
13 watershed conservation, a nonprofit organization as defined
14 under section 501(c)(3) of the Internal Revenue Code of 1986
15 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to
16 provide equine assisted activities for children and adults with
17 special needs, a nonprofit economic development agency in a city
18 of the second class with the primary function to serve as an
19 economic generator for the greater southwestern Pennsylvania
20 region by attracting and supporting film, television and related
21 media industry projects and coordinating government and business
22 offices in support of a production, a county tourist promotion
23 agency as defined in section 2 of the act of July 4, 2008
24 (P.L.621, No.50), known as the "Tourism Promotion Act," a junior
25 league that is a nonprofit organization as defined under section
26 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. §
27 501(c)(3)) that is comprised of women whose purpose is
28 exclusively educational and charitable in promoting the
29 volunteerism of women and developing and participating in
30 community projects and that has been in existence for over

1 seventy years, a nonprofit organization as defined under section
2 501(c)(3) of the Internal Revenue Code of 1986 and whose purpose
3 is the education and promotion of American history, a nonprofit
4 organization as defined under section 501(c)(6) of the Internal
5 Revenue Code of 1986 whose purpose is to support business and
6 industry, a brewery which has been issued a license to
7 manufacture malt or brewed beverages and has been in existence
8 for at least 100 years or a club recognized by Rotary
9 International and whose purpose is to provide service to others,
10 to promote high ethical standards and to advance world
11 understanding, goodwill and peace through its fellowship of
12 business, professional and community leaders or a nonprofit
13 organization as defined under section 501(c)(3) of the Internal
14 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3))
15 whose purpose is to promote mushrooms while supporting local and
16 regional charities, a museum operated by a not-for-profit
17 corporation in a city of the second class A, a nonprofit
18 organization as defined under section 501(c)(3) of the Internal
19 Revenue Code of 1986 which is located in a city of the second
20 class A and has as its purpose economic and community
21 development, a nonprofit organization as defined under section
22 501(c)(3) or (6) of the Internal Revenue Code of 1986 that is
23 located in a city of the third class in a county of the fifth
24 class, a nonprofit social service organization defined under
25 section 501(c)(3) of the Internal Revenue Code of 1986 located
26 in a county of the third class whose purpose is to serve
27 individuals and families in that county of the third class, a
28 nonprofit organization as defined under section 501(c)(3) of the
29 Internal Revenue Code of 1986 whose main purpose is to
30 temporarily foster stray and unwanted animals and match them to

1 suitable permanent homes or a nonprofit organization as defined
2 under section 501(c)(3) of the Internal Revenue Code of 1986 who
3 operates either a Main Street Program or Elm Street Program
4 recognized by the Commonwealth, the National Trust for Historic
5 Preservation or both, a nonprofit radio station that is a member
6 of the National Public Radio network, a nonprofit public
7 television station that is a member of the Pennsylvania Public
8 Television Network or a nonprofit organization as defined under
9 section 501(c)(3) of the Internal Revenue Code of 1986 whose
10 purpose is to promote awareness, education and research and to
11 provide a support system for patients with neutropenia and their
12 families through a national resource network, a nonprofit
13 organization as defined under section 501(c)(3) of the Internal
14 Revenue Code of 1986 whose main purpose is to stimulate
15 community development by facilitating residential and retail
16 growth in a city of the second class located in a county of the
17 second class or a nonprofit community development corporation
18 organized under section 501(c)(3) of the Internal Revenue Code
19 of 1986 that serves an adjoining borough and township in a
20 county of the second class and whose main purpose is to
21 facilitate commercial development and foster neighborhood
22 stabilization, a nonprofit organization as defined under section
23 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is
24 to provide young people with a program to build character, to
25 teach the responsibilities of citizenship and to develop
26 personal fitness with a goal of creating future leaders, a
27 nonprofit as defined in section 501(c)(3) of the Internal
28 Revenue Code of 1986 whose main purpose is to assist children
29 and their families who are facing financial hardship due to the
30 death of a parent, a nonprofit as defined under section 501(c)

1 (3) of the Internal Revenue Code of 1986 whose purpose is to
2 allocate funds for research to expedite a cure achromatopsia, a
3 nonprofit organization as defined under section 501(c)(3) of the
4 Internal Revenue Code of 1986 that is located in a city of the
5 first class, was organized [in 1995] as a community development
6 [corporation] organization to promote health, safety and welfare
7 of the residents, businesses and institutions of a neighborhood
8 of a city of the first class, and whose works include public
9 promotions, neighborhood improvement projects and commercial
10 corridor improvements, including a business improvement
11 district, or a nonprofit organization as defined under section
12 501(c)(3) of the Internal Revenue Code of 1986 that is
13 responsible for providing services to members of the armed
14 forces of the United States and relief to disaster victims in
15 the United States and abroad, or any neighborhood improvement
16 district management association as defined in section 3 of the
17 act of December 20, 2000 (P.L.949, No.130), known as the
18 "Neighborhood Improvement District Act," that has been
19 established as a 501(c)(3) nonprofit organization under section
20 501(c)(3) of the Internal Revenue Code of 1986, a nonprofit
21 organization as defined under section 501(c)(3) of the Internal
22 Revenue Code of 1986 located in a city of the first class whose
23 purpose is to support initiatives to enrich the lives of
24 children, teens and families especially those in need, to reach
25 their full potential as productive and responsible citizens and
26 has been in existence for at least seventy-five years, or a
27 nonprofit organization as defined under section 501(c)(3) of the
28 Internal Revenue Code of 1986 located in a city of the second
29 class and incorporated as a nonprofit in 1982 that offers adult
30 education and family literacy, or a nonprofit organization as

1 defined under section 501(c)(3) of the Internal Revenue Code of
2 1986 located in a city of the third class and county of the
3 sixth class, whose purpose is primary and secondary education
4 and educational ministry of the Diocese of Erie, [or] a <--
5 nonprofit organization as defined under section 501(c)(3) of the
6 Internal Revenue Code located in a county of the fourth class
7 that had a population between 142,000 and 144,000 based on the
8 2010 Decennial Census of the Bureau of the Census and provides
9 rewards for information that leads to the arrest of individuals
10 that may have committed a crime[.] OR A NONPROFIT ORGANIZATION <--
11 AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
12 OF 1986 WHICH IS LOCATED IN A CITY OF THE THIRD CLASS IN A
13 COUNTY OF THE FIFTH CLASS WHOSE MISSION IS TO IMPROVE THE
14 QUALITY OF LIFE FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES
15 AND THE FAMILIES OF THE INDIVIDUALS THROUGH ADVOCACY, EDUCATION,
16 SUPPORT AND SOCIALIZATION AND THAT HAS BEEN IN EXISTENCE FOR
17 OVER SIXTY YEARS.

18 * * *

19 Section 2. ~~Section~~ SECTIONS 408.4(i) and (m) AND 408.12(A) <--
20 of the act are amended to read:

21 Section 408.4. Special Occasion Permits.--

22 * * *

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

27 * * *

28 (m) The following apply:

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

1 The permit may be used in conjunction with activities and events
2 involving other entities; however, no one other than the holder
3 of the special occasion permit may acquire a pecuniary interest
4 in the permit.

5 (2) An entity operating in conjunction with a special
6 occasion permit holder may collect and manage funds raised using
7 a special occasion permit if:

8 (i) the special occasion permit holder is the primary host
9 of the activity or event; and

10 (ii) the funds raised are used for the benefit of the
11 special occasion permit holder.

12 * * *

13 SECTION 408.12. WINE AND SPIRITS AUCTION PERMITS.--(A) UPON <--
14 APPLICATION OF:

15 (1) ANY NONPROFIT HOSPITAL;

16 (2) ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A
17 MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK;

18 (3) ANY ORCHESTRA LOCATED IN A COUNTY OF THE FIRST, SECOND
19 OR THIRD CLASS WHICH IS OPERATED BY A NONPROFIT CORPORATION;

20 (4) ANY MUSEUM LOCATED IN A COUNTY OF THE FIRST, SECOND,
21 THIRD OR FOURTH CLASS WHICH IS OPERATED BY A NONPROFIT
22 CORPORATION;

23 (5) ANY NONPROFIT CORPORATION LOCATED IN ANY COUNTY OF THE
24 THIRD CLASS WHICH TRAINS AND PLACES DOGS FOR PEOPLE WHO ARE
25 PHYSICALLY HANDICAPPED;

26 (6) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY
27 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN
28 IN EXISTENCE FOR AT LEAST NINETY YEARS;

29 (7) ANY NATIONALLY RECOGNIZED EMERGENCY RESPONSE
30 ORGANIZATION THAT OFFERS HUMANITARIAN CARE TO VICTIMS OF WAR OR

1 NATURAL DISASTER AND HAS BEEN IN EXISTENCE FOR AT LEAST ONE
2 HUNDRED TWENTY-FIVE YEARS;

3 (8) ANY NATIONALLY RECOGNIZED ORGANIZATION WHOSE PURPOSE IS
4 TO SERVE AS AN AGENT TO COLLECT FUNDS FOR LOCAL CHARITIES, AS
5 WELL AS TO COORDINATE RELIEF SERVICES, COUNSEL AND REFER CLIENTS
6 TO COOPERATING AGENCIES AND MAKE EMERGENCY ASSISTANCE GRANTS AND
7 HAS BEEN IN EXISTENCE FOR AT LEAST ONE HUNDRED TWENTY YEARS;

8 (9) ANY HOSPICE AS DEFINED UNDER SECTION 802.1 OF THE ACT OF
9 JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE "HEALTH CARE
10 FACILITIES ACT";

11 (10) INSTITUTION OF HIGHER EDUCATION;

12 (11) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED HEALTH
13 ORGANIZATION COMMITTED TO FUNDING TYPE 1 DIABETES RESEARCH; [OR]

14 (12) ANY NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY
15 HEALTH ORGANIZATION COMMITTED TO FIGHTING CANCER WHICH HAS BEEN
16 IN EXISTENCE FOR AT LEAST TWENTY YEARS;

17 (13) ANY NONPROFIT ORGANIZATION AS DEFINED IN SECTION 501(C)
18 (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
19 U.S.C. § 501(C)(3)) AND THAT IS REGISTERED WITH THE PENNSYLVANIA
20 BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS OF THE
21 DEPARTMENT OF STATE, RECOGNIZED AS A COMMUNITY-BASED VOLUNTARY
22 ORGANIZATION COMMITTED TO FIGHTING CANCER AND HAS BEEN IN
23 EXISTENCE FOR AT LEAST FIVE YEARS; OR

24 (14) ANY COMMUNITY-BASED VOLUNTARY HEALTH ORGANIZATION IN A
25 COUNTY OF THE SECOND CLASS WHICH ENRICHES THE LIVES OF CHILDREN
26 AND YOUNG ADULTS WITH DISABILITIES AND CHRONIC ILLNESSES;

27 AND UPON PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY, THE
28 BOARD SHALL ISSUE A WINE AND SPIRITS AUCTION PERMIT GOOD FOR A
29 PERIOD OF NOT MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE DAYS
30 PER CALENDAR YEAR.

1 * * *

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