

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

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 11, 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  
 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  
9 .....of .....? 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.