

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 61 Session of 2019

INTRODUCED BY J. WARD, PHILLIPS-HILL, FOLMER AND K. WARD, JANUARY 14, 2019

SENATOR STEFANO, LAW AND JUSTICE, 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 and liquor, alcohol and malt and
18 brewed beverages, further providing for wine and spirits
19 auction permits.

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

22 Section 1. Section 408.12(a), (G) AND (I) of the act of <--
23 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is ARE <--
24 amended to read:

25 Section 408.12. Wine and Spirits Auction Permits.--(a) Upon
26 application of:

- 1 (1) any nonprofit hospital;
- 2 (2) any nonprofit public television station which is a
3 member of the Pennsylvania Public Television Network;
- 4 (3) any orchestra located in a county of the first, second
5 or third class which is operated by a nonprofit corporation;
- 6 (4) any museum located in a county of the first, second,
7 third or fourth class which is operated by a nonprofit
8 corporation;
- 9 (5) any nonprofit corporation located in any county of the
10 third class which trains and places dogs for people who are
11 physically handicapped;
- 12 (6) any nationally recognized community-based voluntary
13 health organization committed to fighting cancer which has been
14 in existence for at least ninety years;
- 15 (7) any nationally recognized emergency response
16 organization that offers humanitarian care to victims of war or
17 natural disaster and has been in existence for at least one
18 hundred twenty-five years;
- 19 (8) any nationally recognized organization whose purpose is
20 to serve as an agent to collect funds for local charities, as
21 well as to coordinate relief services, counsel and refer clients
22 to cooperating agencies and make emergency assistance grants and
23 has been in existence for at least one hundred twenty years;
- 24 (9) any hospice as defined under section 802.1 of the act of
25 July 19, 1979 (P.L.130, No.48), known as the "Health Care
26 Facilities Act";
- 27 (10) institution of higher education;
- 28 (11) any nationally recognized community-based health
29 organization committed to funding Type 1 Diabetes research; [or]
- 30 (12) any nationally recognized community-based voluntary

1 health organization committed to fighting cancer which has been
2 in existence for at least twenty years; ~~or~~ <--

3 (13) any nonprofit organization as defined in section 501(c)
4 (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26
5 U.S.C. § 501(c)(3)) and that is registered with the Pennsylvania
6 Bureau of Corporations and Charitable Organizations of the
7 Department of State, recognized as a community-based voluntary
8 organization committed to fighting cancer and has been in
9 existence for at least five years; OR <--

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

13 and upon payment of a fee of thirty dollars (\$30) per day, the
14 board shall issue a wine and spirits auction permit good for a
15 period of not more than four consecutive or nonconsecutive days
16 per calendar year.

17 * * *

18 (G) ANY WINE AND SPIRITS SOLD UNDER THIS SECTION SHALL BE <--
19 PURCHASED FROM A PENNSYLVANIA LIQUOR STORE, A PENNSYLVANIA
20 LIMITED WINERY, LIMITED DISTILLERY OR ANY SELLER AUTHORIZED TO
21 SELL WINE OR SPIRITS BY THE BOTTLE OR CASE IN THIS COMMONWEALTH
22 OR SHALL BE DONATED BY A PERSON [WHO IS NEITHER A LICENSEE NOR A
23 PERMITTEE] WHO HAS LEGALLY ACQUIRED THE WINE OR SPIRITS AND
24 LEGALLY POSSESSES IT IN THIS COMMONWEALTH. IF THE DONATED WINE
25 OR SPIRITS ARE LOCATED OUTSIDE THIS COMMONWEALTH, THE DONATED
26 WINE OR SPIRITS MAY BE IMPORTED INTO THIS COMMONWEALTH AS GIFT
27 ALCOHOL, SUBJECT TO THE PROCEDURES AND FEES THE BOARD IMPOSES ON
28 DONATED WINE OR SPIRITS.

29 * * *

30 (I) [THE] IF THE WINE OR SPIRITS ARE PURCHASED FROM AN

1 ENTITY OTHER THAN THE BOARD, THE PERMITTEE SHALL BE RESPONSIBLE
2 FOR PAYING TO THE BOARD AN AMOUNT EQUAL TO ALL TAXES WHICH WOULD
3 HAVE BEEN PAID ON SUCH WINE OR SPIRITS IF IT HAD BEEN PURCHASED
4 FROM A PENNSYLVANIA LIQUOR STORE, TOGETHER WITH A PROCESSING FEE
5 TO BE DETERMINED BY THE BOARD.

6 * * *

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