
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1154 Session of
2021

INTRODUCED BY MASSER, ROTHMAN, T. DAVIS, POLINCHOCK, MILLARD,
KEEFER, COOK, SCHWEYER, ROWE, DOWLING, HERSHEY, SMITH AND
GUZMAN, APRIL 12, 2021

SENATOR REGAN, LAW AND JUSTICE, IN SENATE, AS AMENDED,
JUNE 15, 2021

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 sales by liquor~~
 19 ~~licensees and restrictions and repealing provisions related~~
 20 ~~to prepared beverages and mixed drinks for off premises~~
 21 ~~consumption during disaster emergency.~~

22 AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED "AN <--
 23 ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND
 24 BREWED BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND
 25 CHANGING THE LAWS RELATING THERETO; REGULATING AND
 26 RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION,
 27 CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING
 28 IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC
 29 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE
 30 PERSONS ENGAGED OR EMPLOYED THEREIN; DEFINING THE POWERS AND
 31 DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING

1 FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES,
2 FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE
3 MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN
4 NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE
5 WITHOUT WARRANT; PRESCRIBING PENALTIES AND FORFEITURES;
6 PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS," IN
7 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
8 PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR SALES BY
9 PENNSYLVANIA LIQUOR STORES; AND, IN LICENSES AND REGULATIONS,
10 LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER
11 PROVIDING FOR HEADING OF ARTICLE, FOR AUTHORITY TO ISSUE
12 LIQUOR LICENSES TO HOTELS, RESTAURANTS AND CLUBS, FOR SALES
13 BY LIQUOR LICENSEES AND RESTRICTIONS, FOR SECONDARY SERVICE
14 AREA, FOR SALE OF MALT OR BREWED BEVERAGES BY LIQUOR
15 LICENSEES, FOR PUBLIC SERVICE LIQUOR LICENSES, FOR LIQUOR
16 IMPORTERS' LICENSES, FEES, PRIVILEGES AND RESTRICTIONS, FOR
17 PUBLIC VENUE LICENSE, FOR PERFORMING ARTS FACILITY LICENSE,
18 FOR CONTINUING CARE RETIREMENT COMMUNITY RETAIL LICENSES,
19 FOR CASINO LIQUOR LICENSE, FOR PREPARED BEVERAGES AND MIXED
20 DRINKS FOR OFF-PREMISES CONSUMPTION DURING DISASTER
21 EMERGENCY, FOR MALT AND BREWED BEVERAGES MANUFACTURERS',
22 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES, FOR SALES
23 BY MANUFACTURERS OF MALT OR BREWED BEVERAGES AND MINIMUM
24 QUANTITIES AND FOR DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
25 RESTRICTIONS ON SALES, STORAGE, ETC, PROVIDING FOR
26 SAFEKEEPING AND FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE
27 TO MALT OR BREWED BEVERAGES AND LICENSEES.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 ~~Section 1. Section 406 of the act of April 12, 1951 (P.L.90, <--~~
31 ~~No.21), known as the Liquor Code, is amended by adding a~~
32 ~~subsection to read:~~

33 ~~Section 406. Sales by Liquor Licensees; Restrictions. * * *~~

34 ~~(j) Notwithstanding any provision of this act, a person~~
35 ~~holding and possessing a valid restaurant or hotel liquor~~
36 ~~license may sell prepared beverages and mixed drinks for off-~~
37 ~~premises consumption where meals prepared for pick up or~~
38 ~~curbside pick up are also available. The following shall apply:~~

39 ~~(1) Except as provided in this paragraph and paragraph (3),~~
40 ~~nothing in this section shall affect the ability of a licensee~~
41 ~~to operate within the scope of the licensee's current license as~~
42 ~~authorized by this act, provided, however, that no sales of~~
43 ~~prepared beverages and mixed drinks for off premises consumption~~

1 ~~may take place after eleven o'clock postmeridian of any day~~
2 ~~until the licensee's permitted hours of operation under this~~
3 ~~section of the next day, including Sundays if the licensee has a~~
4 ~~permit authorized under subsection (a) (3) and section 432(f).~~

5 ~~(2) The following licensees are prohibited from selling~~
6 ~~prepared beverages and mixed drinks for off premises consumption~~
7 ~~under this section:~~

8 ~~(i) A licensee whose underlying license is subject to a~~
9 ~~pending objection by the director of the Bureau of Licensing or~~
10 ~~the board under section 470(a.1), until the matter is decided.~~

11 ~~(ii) A licensee whose underlying license has been suspended~~
12 ~~under section 1799.6 E of the act of April 9, 1929 (P.L.343,~~
13 ~~No.176), known as "The Fiscal Code."~~

14 ~~(iii) A licensee that has an interior connection to a~~
15 ~~grocery store, convenience store or department store.~~

16 ~~(3) For purposes of selling prepared beverages and mixed~~
17 ~~drinks for off premises consumption, a licensed premises shall~~
18 ~~not be subject to section 493(14).~~

19 ~~(4) A licensee selling prepared beverages and mixed drinks~~
20 ~~for off premises consumption shall utilize a transaction scan~~
21 ~~device to verify the age of an individual who appears to be~~
22 ~~under thirty five (35) years of age before making a sale of~~
23 ~~prepared beverages and mixed drinks for off premises~~
24 ~~consumption. A licensee may not sell or share consumers'~~
25 ~~personal data from the use of a transaction scan device,~~
26 ~~provided that the licensee may share the data with the~~
27 ~~enforcement bureau of the board as evidence that the licensee is~~
28 ~~in compliance with this paragraph.~~

29 ~~(5) A licensee selling prepared beverages or mixed drinks~~
30 ~~for off premises consumption shall prominently post a warning~~

1 ~~sign in a manner that puts consumers on notice of the~~
2 ~~restrictions on alcoholic beverages under 75 Pa.C.S. § 3809~~
3 ~~(relating to restriction on alcoholic beverages), and that the~~
4 ~~prepared beverages and mixed drinks packaged for sale by the~~
5 ~~licensee are open containers and may only be transported by the~~
6 ~~driver of a motor vehicle in the vehicle's trunk or in some~~
7 ~~other area of the vehicle that is not occupied by the driver or~~
8 ~~passengers.~~

9 ~~(6) A prepared beverage or mixed drink for off premise~~
10 ~~consumption must be affixed with a label identifying that the~~
11 ~~product contains alcohol.~~

12 ~~(7) As used in this subsection, the following words and~~
13 ~~phrases shall have the meanings given to them in this paragraph~~
14 ~~unless the context clearly indicates otherwise:~~

15 ~~"Convenience store." A retail business that sells a range of~~
16 ~~everyday items, including coffee, groceries, snack foods,~~
17 ~~confectionery, soft drinks, tobacco products, over the counter~~
18 ~~drugs, toiletries, gasoline and magazines.~~

19 ~~"Department store." A retail establishment offering a wide~~
20 ~~range of consumer goods in different areas of the store, which~~
21 ~~may include food items.~~

22 ~~"Grocery store." A retail business that primarily sells a~~
23 ~~wide variety of fresh and packaged foods, beverages and other~~
24 ~~items to be consumed or used off of the store premises.~~

25 ~~"Transaction scan device." A device capable of deciphering,~~
26 ~~in an electronically readable format, the information encoded on~~
27 ~~the magnetic strip, chip or bar code of an identification card~~
28 ~~under section 495(a).~~

29 ~~Section 2. Section 417 of the act is repealed:~~

30 ~~{Section 417. Prepared Beverages and Mixed Drinks for Off~~

1 ~~Premises Consumption During Disaster Emergency. (a) The~~
2 ~~following shall apply:~~

3 ~~(1) Notwithstanding any provision of this act, a person~~
4 ~~holding and possessing a valid restaurant or hotel liquor~~
5 ~~license that lost more than twenty five per centum (25%) of the~~
6 ~~person's average monthly total sales, including alcohol sales,~~
7 ~~as a result of restrictions imposed during the COVID-19 disaster~~
8 ~~emergency, may sell prepared beverages and mixed drinks for off~~
9 ~~premises consumption where meals prepared for pickup or curbside~~
10 ~~pickup are also available.~~

11 ~~(2) Except as provided in this paragraph and paragraph (4),~~
12 ~~nothing in this section shall affect the ability of a licensee~~
13 ~~to operate within the scope of its current license as authorized~~
14 ~~by this act, provided, however, that no sales of prepared~~
15 ~~beverages and mixed drinks for off premises consumption shall~~
16 ~~take place after eleven o'clock postmeridian of any day until~~
17 ~~the licensee's permitted hours of operation under section 406 of~~
18 ~~the next day, including Sundays if the licensee has a permit~~
19 ~~authorized under sections 406(a)(3) and 432(f).~~

20 ~~(3) The following licensees are prohibited from selling~~
21 ~~prepared beverages and mixed drinks for off premises consumption~~
22 ~~under this section:~~

23 ~~(i) A licensee whose underlying license is subject to a~~
24 ~~pending objection by the director of the Bureau of Licensing or~~
25 ~~the board under section 470(a.1), until the matter is decided.~~

26 ~~(ii) A licensee whose underlying license has been suspended~~
27 ~~under section 1799.6 E of the act of April 9, 1929 (P.L.343,~~
28 ~~No.176), known as "The Fiscal Code."~~

29 ~~(4) For purposes of selling prepared beverages and mixed~~
30 ~~drinks for off premises consumption, a licensed premises shall~~

1 ~~not be subject to section 493(14).~~

2 ~~(5) Within sixty (60) days of the effective date of this~~
3 ~~section, a licensee selling prepared beverages and mixed drinks~~
4 ~~for off premises consumption shall begin utilizing a transaction~~
5 ~~scan device to verify the age of an individual who appears to be~~
6 ~~under thirty five (35) years of age before making a sale of~~
7 ~~prepared beverages and mixed drinks for off premises~~
8 ~~consumption. A licensee may not sell or share consumers'~~
9 ~~personal data from the use of a transaction scan device,~~
10 ~~provided that the licensee may share the data with the~~
11 ~~enforcement bureau of the board as evidence that the licensee is~~
12 ~~in compliance with this paragraph.~~

13 ~~(6) A licensee selling prepared beverages or mixed drinks~~
14 ~~for off premises consumption shall prominently post a warning~~
15 ~~sign in a manner that puts consumers on notice of the~~
16 ~~restrictions on alcoholic beverages under 75 Pa.C.S. § 3809~~
17 ~~(relating to restriction on alcoholic beverages), and that the~~
18 ~~prepared beverages and mixed drinks packaged for sale by the~~
19 ~~licensee are open containers and may only be transported by the~~
20 ~~driver of a motor vehicle in the vehicle's trunk or in some~~
21 ~~other area of the vehicle that is not occupied by the driver or~~
22 ~~passengers.~~

23 ~~(b) Notwithstanding any other provision of this section or~~
24 ~~provision of law to the contrary, a licensee selling prepared~~
25 ~~beverages and mixed drinks for off premises consumption may only~~
26 ~~do so during the COVID-19 disaster emergency and during the~~
27 ~~mitigation period after the termination of the disaster~~
28 ~~emergency in which a licensee is operating at less than sixty~~
29 ~~per centum (60%) capacity.~~

30 ~~(c) A licensee may sell liquor to another licensee qualified~~

1 ~~to sell prepared beverages and mixed drinks under this section.~~
2 ~~The licensee shall notify the board in writing advising it of~~
3 ~~the name of the licensee and identifying any product sold to~~
4 ~~that licensee, as well as the description of the liquor,~~
5 ~~including brand names, sizes and numbers of containers sold to~~
6 ~~another licensee. The sales may only occur during the COVID 19~~
7 ~~disaster emergency and during the mitigation period after the~~
8 ~~termination of the disaster emergency in which a licensee is~~
9 ~~operating at less than sixty per centum (60%) capacity.~~

10 ~~(d) As used in this section, the following words and phrases~~
11 ~~shall have the meanings given to them in this subsection unless~~
12 ~~the context clearly indicates otherwise:~~

13 ~~"COVID 19 disaster emergency" shall mean the proclamation of~~
14 ~~disaster emergency issued by the Governor on March 6, 2020,~~
15 ~~published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of~~
16 ~~the state of disaster emergency.~~

17 ~~"Licensee" shall mean a person holding and possessing a valid~~
18 ~~restaurant or hotel liquor license authorized to sell prepared~~
19 ~~beverages or mixed drinks for off premise consumption under~~
20 ~~subsection (a)(1).~~

21 ~~"Transaction scan device" shall mean a device capable of~~
22 ~~deciphering, in an electronically readable format, the~~
23 ~~information encoded on the magnetic strip, chip or bar code of~~
24 ~~an identification card under section 495(a).]~~

25 ~~Section 3. This act shall take effect immediately.~~

26 SECTION 1. SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, <--
27 NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED BY ADDING
28 DEFINITIONS TO READ:

29 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
30 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE

1 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

2 * * *

3 "READY-TO-DRINK COCKTAIL" SHALL MEAN A BEVERAGE, COMPOSED IN
4 PART OF SPIRITS, COMBINED WITH OTHER NONALCOHOLIC INGREDIENTS,
5 CARBONATED OR STILL, BY WHATEVER NAME SUCH BEVERAGE MAY BE
6 CALLED, PREMIXED AND PACKAGED IN ORIGINAL CONTAINERS, CONTAINING
7 NOT MORE THAN SIXTEEN OUNCES, PROVIDED THAT IT IS NOT MIXED OR
8 ADULTERATED ON THE LICENSED PREMISES OF A LICENSEE. IT SHALL
9 MEAN ANY BEVERAGE CONSISTING OF AT LEAST ONE-HALF OF ONE PER
10 CENTUM, BUT NOT GREATER THAN TWELVE AND ONE-HALF PER CENTUM,
11 ALCOHOL BY VOLUME. IT SHALL NOT MEAN ANY BEVERAGE COMPOSED, IN
12 PART, OF WINE OR MALT OR BREWED BEVERAGES. IT SHALL BE TREATED
13 LIKE LIQUOR UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE.

14 * * *

15 "SPIRITS" SHALL MEAN ANY BEVERAGE WHICH CONTAINS ALCOHOL
16 OBTAINED BY DISTILLATION, MIXED WITH WATER OR OTHER SUBSTANCES
17 IN SOLUTION, AND INCLUDES BRANDY, RUM, WHISKEY, GIN OR OTHER
18 SPIRITUOUS LIQUORS AND SUCH LIQUORS WHEN RECTIFIED, BLENDED OR
19 OTHERWISE MIXED WITH ALCOHOL OR OTHER SUBSTANCES.

20 * * *

21 SECTION 2. SECTION 305 (B) OF THE ACT IS AMENDED AND THE
22 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

23 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

24 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
25 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
26 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
27 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
28 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
29 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
30 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A

1 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
2 PRICE; EXCEPT THAT SPECIAL ORDER SALES TO LICENSEES AUTHORIZED
3 IN SUBSECTION (A) SHALL NOT BE SUBJECT TO THE TEN PER CENTUM
4 DISCOUNT. READY-TO-DRINK COCKTAILS AS DEFINED IN SECTION 102
5 SHALL NOT BE SUBJECT TO THE TEN PER CENTUM DISCOUNT. THE BOARD
6 MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS AS CONFORM
7 TO THE PHARMACOPOEIA OF THE UNITED STATES, THE NATIONAL
8 FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA. THE BOARD
9 MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF THE BOARD,
10 TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE LOCATED ON
11 UNITED STATES ARMED FORCES INSTALLATIONS AND ARE CONDUCTED
12 PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE UNITED STATES
13 ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL BE AT RETAIL,
14 EXCEPT THAT INCENTIVES, SUCH AS COUPONS OR DISCOUNTS ON CERTAIN
15 PRODUCTS, MAY BE OFFERED TO UNLICENSED CUSTOMERS OF THE BOARD AS
16 PROVIDED UNDER SECTIONS 207(M) AND 493(24)(II)(B). A PERSON
17 ENTITLED TO PURCHASE LIQUOR AT WHOLESALE PRICES MAY PURCHASE THE
18 LIQUOR AT ANY PENNSYLVANIA LIQUOR STORE UPON TENDERING CASH,
19 CHECK OR CREDIT CARD FOR THE FULL AMOUNT OF THE PURCHASE. FOR
20 THIS PURPOSE, THE BOARD SHALL ISSUE A DISCOUNT CARD TO EACH
21 LICENSEE IDENTIFYING SUCH LICENSEE AS A PERSON AUTHORIZED TO
22 PURCHASE LIQUOR AT WHOLESALE PRICES. SUCH DISCOUNT CARD SHALL BE
23 RETAINED BY THE LICENSEE. THE BOARD MAY CONTRACT THROUGH THE
24 COMMONWEALTH BIDDING PROCESS FOR DELIVERY TO WHOLESALE LICENSEES
25 AT THE EXPENSE OF THE LICENSEE RECEIVING THE DELIVERY.

26 * * *

27 (L) PENNSYLVANIA LIQUOR STORES MAY SELL READY-TO-DRINK
28 COCKTAILS BUT ARE NOT RESTRICTED TO THE READY-TO-DRINK COCKTAIL
29 CONTAINER LIMITS OR ALCOHOL BY VOLUME LIMITS PER THE DEFINITION
30 IN SECTION 102.

1 SECTION 3. ARTICLE IV HEADING AND SECTION 401(A) OF THE ACT
2 ARE AMENDED TO READ:

3 ARTICLE IV.
4 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND
5 MALT AND BREWED BEVERAGES
6 AND READY-TO-DRINK COCKTAILS.

7 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,
8 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS
9 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL
10 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES
11 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN
12 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE
13 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE
14 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT
15 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO
16 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR
17 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH
18 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR
19 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN
20 QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES
21 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407.
22 IN ADDITION, SUCH LICENSEES, OTHER THAN CLUBS, SHALL BE
23 PERMITTED TO SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
24 CONSUMPTION WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE
25 HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON
26 IN THE SAME MANNER AS MALT OR BREWED BEVERAGES AS PROVIDED FOR
27 IN SECTION 407. SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR
28 LICENSES, RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,
29 RESPECTIVELY. NO PERSON WHO HOLDS ANY PUBLIC OFFICE THAT
30 INVOLVES THE DUTY TO ENFORCE ANY OF THE PENAL LAWS OF THE UNITED

1 STATES, THIS COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF
2 THIS COMMONWEALTH MAY HAVE ANY INTEREST IN A HOTEL OR RESTAURANT
3 LIQUOR LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST
4 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES
5 ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS
6 AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO
7 MAGISTERIAL DISTRICT JUDGES, JUDGES OR ANY OTHER INDIVIDUALS WHO
8 CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT APPLY
9 TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS, CITY
10 COUNCILPERSONS, MAYORS WITHOUT ARREST AUTHORITY AND ANY OTHER
11 PUBLIC OFFICIAL WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE
12 ABILITY TO IMPOSE A CRIMINAL SENTENCE. THIS SECTION DOES NOT
13 APPLY IF THE PROPOSED PREMISES ARE LOCATED OUTSIDE THE
14 JURISDICTION OF THE INDIVIDUAL IN QUESTION.

15 * * *

16 SECTION 4. SECTION 406(A), (C), (D), (E) AND (F)
17 INTRODUCTORY PARAGRAPH OF THE ACT ARE AMENDED AND THE SECTION IS
18 AMENDED BY ADDING SUBSECTIONS TO READ:

19 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)
20 (1) EVERY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE MAY SELL
21 LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES BY
22 THE GLASS, OPEN BOTTLE OR OTHER CONTAINER, AND IN ANY MIXTURE,
23 FOR CONSUMPTION ONLY IN THAT PART OF THE HOTEL OR RESTAURANT
24 HABITUALLY USED FOR THE SERVING OF FOOD TO GUESTS OR PATRONS, OR
25 IN A BOWLING ALLEY THAT IS IMMEDIATELY ADJACENT TO AND UNDER THE
26 SAME ROOF AS A RESTAURANT, AND IN THE CASE OF HOTELS, TO GUESTS,
27 AND IN THE CASE OF CLUBS, TO MEMBERS, IN THEIR PRIVATE ROOMS IN
28 THE HOTEL OR CLUB. NO CLUB LICENSEE NOR ITS OFFICERS, SERVANTS,
29 AGENTS OR EMPLOYES, OTHER THAN ONE HOLDING A CATERING LICENSE,
30 SHALL SELL ANY LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR

1 BREWED BEVERAGES TO ANY PERSON EXCEPT A MEMBER OF THE CLUB. THE
2 HOLDER OF A RESTAURANT LICENSE LOCATED IN A HOTEL MAY SELL
3 LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FOR
4 CONSUMPTION IN THAT PART OF THE RESTAURANT HABITUALLY USED FOR
5 THE SERVING OF MEALS TO PATRONS AND ALSO TO GUESTS IN PRIVATE
6 GUEST ROOMS IN THE HOTEL. FOR THE PURPOSE OF THIS PARAGRAPH, ANY
7 PERSON WHO IS AN ACTIVE MEMBER OF ANOTHER CLUB WHICH IS
8 CHARTERED BY THE SAME STATE OR NATIONAL ORGANIZATION SHALL HAVE
9 THE SAME RIGHTS AND PRIVILEGES AS MEMBERS OF THE PARTICULAR
10 CLUB. FOR THE PURPOSE OF THIS PARAGRAPH, ANY PERSON WHO IS AN
11 ACTIVE MEMBER OF ANY VOLUNTEER FIREFIGHTING COMPANY, ASSOCIATION
12 OR GROUP OF THIS COMMONWEALTH, WHETHER INCORPORATED OR
13 UNINCORPORATED, SHALL UPON THE APPROVAL OF ANY CLUB COMPOSED OF
14 VOLUNTEER FIREMEN LICENSED UNDER THIS ACT, HAVE THE SAME SOCIAL
15 RIGHTS AND PRIVILEGES AS MEMBERS OF SUCH LICENSED CLUB. FOR THE
16 PURPOSES OF THIS PARAGRAPH, THE TERM "ACTIVE MEMBER" SHALL NOT
17 INCLUDE A SOCIAL MEMBER. ANY CLUB LICENSEE WHICH IS EITHER AN
18 INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AN
19 AFFILIATED ORGANIZATION AS DEFINED IN SECTION 461.1 SHALL BE
20 PERMITTED TO SELL LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR
21 BREWED BEVERAGES TO ANY ACTIVE MEMBER OF ANOTHER UNIT WHICH IS
22 CHARTERED BY THE SAME NATIONAL VETERANS' ORGANIZATION OR TO ANY
23 MEMBER OF A NATIONALLY CHARTERED AUXILIARY ASSOCIATED WITH THE
24 SAME NATIONAL VETERANS' ORGANIZATION.

25 (2) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
26 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
27 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR, READY-TO-DRINK
28 COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK
29 ANTEMERIDIAN OF ANY DAY UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE
30 FOLLOWING DAY, EXCEPT SUNDAY, AND EXCEPT AS HEREINAFTER

1 PROVIDED, MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
2 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK
3 MIDNIGHT AND TWO O'CLOCK ANTEMERIDIAN. NO SALES OF READY-TO-
4 DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE
5 AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE
6 LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF
7 THE FOLLOWING DAY.

8 (2.1) AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,
9 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER
10 FIVE O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK
11 ANTEMERIDIAN OF THE FOLLOWING DAY.

12 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
13 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
14 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR, READY-TO-DRINK
15 COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE
16 HOURS OF NINE O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN
17 MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN
18 ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
19 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
20 1929." AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,
21 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAY
22 BETWEEN THE HOURS OF FIVE O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK
23 ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE
24 BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT
25 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
26 CODE OF 1929." NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-
27 PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK
28 POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF
29 OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

30 (4) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF

1 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
2 GOLF COURSE RESTAURANT LICENSEES WHICH DO NOT QUALIFY FOR AND
3 PURCHASE SUCH SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR EMPLOYEES
4 MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
5 BEVERAGES ONLY AFTER SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY AND
6 UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY, AND SHALL
7 NOT SELL AFTER TWO O'CLOCK ANTEMERIDIAN ON SUNDAY. NO CLUB
8 LICENSEE OR ITS SERVANTS, AGENTS OR EMPLOYEES MAY SELL LIQUOR, __
9 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES BETWEEN THE
10 HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK
11 ANTEMERIDIAN ON ANY DAY. NO PUBLIC SERVICE LIQUOR LICENSEE OR
12 ITS SERVANTS, AGENTS, OR EMPLOYEES MAY SELL LIQUOR, READY-TO-
13 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF
14 TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY
15 DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
16 CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF
17 ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER
18 THIS SECTION OF THE FOLLOWING DAY.

19 (6) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER
20 THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A SUNDAY, EVERY HOTEL
21 OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR
22 EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
23 BREWED BEVERAGES ON ANY SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN
24 AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO
25 SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION
26 MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY
27 UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS
28 SECTION OF THE FOLLOWING DAY.

29 (6.1) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY,
30 WHENEVER SAINT PATRICK'S DAY FALLS ON A SUNDAY, EVERY HOTEL OR

1 RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR EMPLOYEES
2 MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
3 BEVERAGES ON ANY SUCH DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN AND
4 UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO SALES OF
5 READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE
6 PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE
7 LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF
8 THE FOLLOWING DAY.

9 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF
10 GROUNDHOG DAY FALLS ON A SUNDAY, A HOTEL OR RESTAURANT LICENSEE
11 OR THE HOTEL OR RESTAURANT LICENSEE'S SERVANTS, AGENTS OR
12 EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
13 BREWED BEVERAGES ON THAT DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN
14 AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO
15 SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION
16 MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY
17 UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS
18 SECTION OF THE FOLLOWING DAY.

19 * * *

20 (C) NOTWITHSTANDING ANY PROVISION OF THIS ACT, ON THE SUNDAY
21 ON WHICH THE SPORTING EVENT COMMONLY REFERRED TO AS THE "SUPER
22 BOWL" IS CONDUCTED, LICENSEES WHO DO NOT POSSESS THE SPECIAL
23 ANNUAL PERMIT PROVIDED FOR IN SUBSECTION (A) (3), THEIR SERVANTS,
24 AGENTS OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND
25 MALT OR BREWED BEVERAGES ON SUCH SUNDAY AFTER ONE O'CLOCK
26 POSTMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING
27 DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
28 CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF
29 ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER
30 THIS SECTION OF THE FOLLOWING DAY.

1 (D) SUBJECT TO SECTION 412, LICENSED PUBLIC VENUES MAY SELL
2 LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON
3 SUNDAYS FROM ELEVEN O'CLOCK ANTEMERIDIAN UNTIL MIDNIGHT WITHOUT
4 THE NEED TO ACQUIRE OR QUALIFY FOR A SPECIAL PERMIT. IN
5 ADDITION, SUBJECT TO SECTION 413, LICENSED PERFORMING ARTS
6 FACILITIES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
7 BREWED BEVERAGES ON SUNDAYS FROM TEN O'CLOCK ANTEMERIDIAN UNTIL
8 TEN O'CLOCK POSTMERIDIAN WITHOUT THE NEED TO ACQUIRE OR QUALIFY
9 FOR A SPECIAL PERMIT.

10 (E) (1) THE HOLDER OF A HOTEL LICENSE OR THE HOLDER OF A
11 RESTAURANT LICENSE LOCATED IN A HOTEL MAY ALLOW PERSONS TO
12 TRANSPORT LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
13 BEVERAGES FROM THE LICENSED PORTION OF THE PREMISES TO THE
14 UNLICENSED PORTION OF THE PREMISES, SO LONG AS THE LIQUOR, ____
15 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON
16 THE HOTEL PROPERTY. IN ADDITION, A HOLDER OF A RESTAURANT OR
17 CLUB LICENSE LOCATED ON A GOLF COURSE MAY SELL, FURNISH OR GIVE
18 LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES ON
19 THE UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR, ____
20 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON
21 THE RESTAURANT, CLUB OR GOLF COURSE. THE HOLDER OF A RESTAURANT
22 LICENSE LOCATED IMMEDIATELY ADJACENT TO AND UNDER THE SAME ROOF
23 OF A BOWLING CENTER MAY ALLOW PERSONS TO TRANSPORT LIQUOR, ____
24 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FROM THE
25 LICENSED PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF
26 THE PREMISES, SO LONG AS THE LIQUOR, READY-TO-DRINK COCKTAILS OR
27 MALT OR BREWED BEVERAGES REMAIN WITHIN THE BOWLING CENTER. IN
28 ADDITION, THE HOLDER OF A HOTEL LICENSE OR A RESTAURANT LICENSE
29 MAY ALLOW PERSONS WHO HAVE PURCHASED BUT ONLY PARTIALLY CONSUMED
30 A BOTTLE OF WINE ON THE PREMISES TO REMOVE THE BOTTLE FROM THE

1 PREMISES SO LONG AS THE BOTTLE WAS PURCHASED IN CONJUNCTION WITH
2 A MEAL WHICH WAS CONSUMED ON THE PREMISES AND SO LONG AS THE
3 BOTTLE IS RESEALED. FOR PURPOSES OF THIS SUBSECTION, "WINE"
4 SHALL HAVE THE MEANING GIVEN TO IT UNDER SECTION 488(I). FOR
5 PURPOSES OF THIS SECTION AND SECTION 432, "MEAL" SHALL MEAN FOOD
6 PREPARED ON THE PREMISES, SUFFICIENT TO CONSTITUTE BREAKFAST,
7 LUNCH OR DINNER; IT SHALL NOT MEAN A SNACK, SUCH AS PRETZELS,
8 POPCORN, CHIPS OR SIMILAR FOOD.

9 (2) A HOLDER OF A RESTAURANT OR CLUB LICENSE LOCATED ON A
10 GOLF COURSE MAY STORE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT
11 OR BREWED BEVERAGES IN A PERMANENT FACILITY ON THE UNLICENSED
12 PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR, READY-TO-DRINK
13 COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON THE RESTAURANT,
14 CLUB OR GOLF COURSE WITHOUT REGARD TO WHETHER THERE IS ANY
15 INTERVENING PUBLIC THOROUGHFARE.

16 (F) THE HOLDER OF A HOTEL OR RESTAURANT LIQUOR LICENSE MAY
17 OBTAIN AN OFF-PREMISES CATERING PERMIT SUBJECT TO SECTION
18 493(33) TO HOLD A CATERED FUNCTION OFF THE LICENSED PREMISES AND
19 ON OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL
20 WINE, LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
21 BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER, AND IN
22 ANY MIXTURE TOGETHER WITH FOOD, FOR CONSUMPTION ON THOSE
23 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT
24 SHALL BE SUBJECT TO THE FOLLOWING:

25 * * *

26 (J) NOTWITHSTANDING ANY PROVISION OF THIS ACT, A PERSON
27 HOLDING AND POSSESSING A VALID RESTAURANT OR HOTEL LIQUOR
28 LICENSE MAY SELL PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-
29 PREMISES CONSUMPTION WHERE MEALS PREPARED FOR PICK-UP OR
30 CURBSIDE PICK-UP ARE ALSO AVAILABLE. THE FOLLOWING SHALL APPLY:

1 (1) EXCEPT AS PROVIDED IN THIS PARAGRAPH AND PARAGRAPH (3),
2 NOTHING IN THIS SECTION SHALL AFFECT THE ABILITY OF A LICENSEE
3 TO OPERATE WITHIN THE SCOPE OF THE LICENSEE'S CURRENT LICENSE AS
4 AUTHORIZED BY THIS ACT, PROVIDED, HOWEVER, THAT NO SALES OF
5 PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-PREMISES CONSUMPTION
6 MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY
7 UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS
8 SECTION OF THE NEXT DAY, INCLUDING SUNDAYS IF THE LICENSEE HAS A
9 PERMIT AUTHORIZED UNDER SUBSECTION (A) (3).

10 (2) THE FOLLOWING LICENSEES ARE PROHIBITED FROM SELLING
11 PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-PREMISES CONSUMPTION
12 UNDER THIS SECTION:

13 (I) A LICENSEE WHOSE UNDERLYING LICENSE IS SUBJECT TO A
14 PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF LICENSING OR
15 THE BOARD UNDER SECTION 470(A.1), UNTIL THE MATTER IS DECIDED.

16 (II) A LICENSEE WHOSE UNDERLYING LICENSE HAS BEEN SUSPENDED
17 UNDER SECTION 1799.6-E OF THE ACT OF APRIL 9, 1929 (P.L.343,
18 NO.176), KNOWN AS "THE FISCAL CODE."

19 (III) A LICENSEE THAT HAS AN INTERIOR CONNECTION TO A
20 GROCERY STORE, CONVENIENCE STORE OR DEPARTMENT STORE.

21 (3) FOR PURPOSES OF SELLING PREPARED BEVERAGES AND MIXED
22 DRINKS FOR OFF-PREMISES CONSUMPTION, A LICENSED PREMISES SHALL
23 NOT BE SUBJECT TO SECTION 493(14).

24 (4) A LICENSEE SELLING PREPARED BEVERAGES AND MIXED DRINKS
25 FOR OFF-PREMISES CONSUMPTION SHALL UTILIZE A TRANSACTION SCAN
26 DEVICE TO VERIFY THE AGE OF AN INDIVIDUAL WHO APPEARS TO BE
27 UNDER THIRTY-FIVE (35) YEARS OF AGE BEFORE MAKING A SALE OF
28 PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-PREMISES
29 CONSUMPTION. A LICENSEE MAY NOT SELL OR SHARE CONSUMERS'
30 PERSONAL DATA FROM THE USE OF A TRANSACTION SCAN DEVICE,

1 PROVIDED THAT THE LICENSEE MAY SHARE THE DATA WITH THE
2 ENFORCEMENT BUREAU OF THE BOARD AS EVIDENCE THAT THE LICENSEE IS
3 IN COMPLIANCE WITH THIS PARAGRAPH.

4 (5) A LICENSEE SELLING PREPARED BEVERAGES OR MIXED DRINKS
5 FOR OFF-PREMISES CONSUMPTION SHALL PROMINENTLY POST A WARNING
6 SIGN IN A MANNER THAT PUTS CONSUMERS ON NOTICE OF THE
7 RESTRICTIONS ON ALCOHOLIC BEVERAGES UNDER 75 PA.C.S. § 3809
8 (RELATING TO RESTRICTION ON ALCOHOLIC BEVERAGES), AND THAT THE
9 PREPARED BEVERAGES AND MIXED DRINKS PACKAGED FOR SALE BY THE
10 LICENSEE ARE OPEN CONTAINERS AND MAY ONLY BE TRANSPORTED BY THE
11 DRIVER OF A MOTOR VEHICLE IN THE VEHICLE'S TRUNK OR IN SOME
12 OTHER AREA OF THE VEHICLE THAT IS NOT OCCUPIED BY THE DRIVER OR
13 PASSENGERS.

14 (6) A PREPARED BEVERAGE OR MIXED DRINK FOR OFF-PREMISE
15 CONSUMPTION MUST BE AFFIXED WITH A LABEL IDENTIFYING THAT THE
16 PRODUCT CONTAINS ALCOHOL.

17 (7) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
18 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS PARAGRAPH
19 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

20 "CONVENIENCE STORE" SHALL MEAN A RETAIL BUSINESS THAT SELLS A
21 RANGE OF EVERYDAY ITEMS, INCLUDING COFFEE, GROCERIES, SNACK
22 FOODS, CONFECTIONERY, SOFT DRINKS, TOBACCO PRODUCTS, OVER-THE-
23 COUNTER DRUGS, TOILETRIES, GASOLINE AND MAGAZINES.

24 "DEPARTMENT STORE" SHALL MEAN A RETAIL ESTABLISHMENT OFFERING
25 A WIDE RANGE OF CONSUMER GOODS IN DIFFERENT AREAS OF THE STORE,
26 WHICH MAY INCLUDE FOOD ITEMS.

27 "GROCERY STORE" SHALL MEAN A RETAIL BUSINESS THAT PRIMARILY
28 SELLS A WIDE VARIETY OF FRESH AND PACKAGED FOODS, BEVERAGES AND
29 OTHER ITEMS TO BE CONSUMED OR USED OFF OF THE STORE PREMISES.

30 "TRANSACTION SCAN DEVICE" SHALL MEAN A DEVICE CAPABLE OF

1 DECIPHERING, IN AN ELECTRONICALLY READABLE FORMAT, THE
2 INFORMATION ENCODED ON THE MAGNETIC STRIP, CHIP OR BAR CODE OF
3 AN IDENTIFICATION CARD UNDER SECTION 495 (A).

4 (K) LIQUOR AND WINE IN THE POSSESSION OF A LICENSEE AT THE
5 TIME THE LICENSED BUSINESS CLOSES PERMANENTLY MAY BE SOLD TO
6 ANOTHER LICENSEE QUALIFIED TO SELL SUCH PRODUCTS. THE LICENSEE
7 SHALL NOTIFY THE BOARD IN WRITING ADVISING THE BOARD OF THE NAME
8 OF THE LICENSEE AND IDENTIFYING ANY PRODUCT SOLD TO THAT
9 LICENSEE, AS WELL AS THE DESCRIPTION OF THE LIQUOR, INCLUDING
10 BRAND NAMES, SIZES AND NUMBERS OF CONTAINERS SOLD TO ANOTHER
11 LICENSEE.

12 SECTION 5. SECTION 406.1(A) OF THE ACT IS AMENDED TO READ:

13 SECTION 406.1. SECONDARY SERVICE AREA.--(A) UPON
14 APPLICATION OF ANY RESTAURANT, HOTEL, CLUB, MUNICIPAL GOLF
15 COURSE LIQUOR LICENSEE, DISTILLERY, LIMITED DISTILLERY OR
16 MANUFACTURER OF MALT OR BREWED BEVERAGES OR MANUFACTURER OF
17 READY-TO-DRINK COCKTAILS, AND PAYMENT OF THE APPROPRIATE FEE,
18 THE BOARD MAY APPROVE A SECONDARY SERVICE AREA BY EXTENDING THE
19 LICENSED PREMISES TO INCLUDE ONE ADDITIONAL PERMANENT STRUCTURE
20 WITH DIMENSIONS OF AT LEAST ONE HUNDRED SEVENTY-FIVE SQUARE
21 FEET, ENCLOSED ON THREE SIDES AND HAVING ADEQUATE SEATING. SUCH
22 SECONDARY SERVICE AREA MUST BE LOCATED ON PROPERTY HAVING A
23 MINIMUM AREA OF ONE (1) ACRE, AND MUST BE ON LAND WHICH IS
24 IMMEDIATE, ABUTTING, ADJACENT OR CONTIGUOUS TO THE LICENSED
25 PREMISES WITH NO INTERVENING PUBLIC THOROUGHFARE; HOWEVER, THE
26 ORIGINAL LICENSED PREMISES AND THE SECONDARY SERVICE AREA MUST
27 BE LOCATED ON THE SAME TRACT OF LAND. THE BOARD SHALL HAVE
28 DISCRETION TO REFUSE THE APPLICATION FOR A SECONDARY SERVICE
29 AREA IN THE SAME MANNER IT HAS DISCRETION TO REFUSE AN
30 APPLICATION FOR TRANSFER OF THE LICENSE TO A NEW LOCATION AS SET

1 FORTH IN SECTION 404. THERE SHALL BE NO REQUIREMENT THAT THE
2 SECONDARY SERVICE AREA BE PHYSICALLY CONNECTED TO THE ORIGINAL
3 LICENSED PREMISES. IN ADDITION, THERE SHALL BE NO REQUIREMENT
4 THAT THE SECONDARY SERVICE AREA BE LOCATED IN THE SAME
5 MUNICIPALITY AS THE ORIGINAL LICENSED PREMISES, PROVIDED,
6 HOWEVER, THAT THE BOARD SHALL NOT APPROVE A SECONDARY SERVICE
7 AREA IN THIS CASE IF THAT SECONDARY SERVICE AREA IS LOCATED IN
8 ANY MUNICIPALITY WHERE THE GRANTING OF LIQUOR LICENSES HAS BEEN
9 PROHIBITED AS PROVIDED IN THIS ARTICLE. NOTWITHSTANDING 40 PA.
10 CODE § 7.21, THE LICENSEE SHALL BE PERMITTED TO STORE, SERVE,
11 SELL OR DISPENSE FOOD, LIQUOR, READY-TO-DRINK COCKTAILS AND MALT
12 OR BREWED BEVERAGES AT THE BOARD APPROVED SECONDARY SERVICE
13 AREA.

14 * * *

15 SECTION 6. SECTION 407 HEADING AND (A) (1) AND (2) OF THE
16 ACT, AMENDED JUNE 5, 2020 (P.L.213, NO.29), ARE AMENDED TO READ:

17 SECTION 407. SALE OF MALT OR BREWED BEVERAGES AND READY-TO-
18 DRINK COCKTAILS BY LIQUOR LICENSEES.-- (A) (1) EVERY LIQUOR
19 LICENSE ISSUED TO A HOTEL, RESTAURANT, CLUB, OR A RAILROAD,
20 PULLMAN OR STEAMSHIP COMPANY UNDER THIS SUBDIVISION (A) FOR THE
21 SALE OF LIQUOR SHALL AUTHORIZE THE LICENSEE TO SELL MALT OR
22 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS AT THE SAME PLACES
23 BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES AS APPLY TO
24 SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN CLUBS MAY SELL
25 MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE
26 SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID
27 OUNCES IN A SINGLE SALE TO ONE PERSON. THE SALES MAY BE MADE IN
28 EITHER OPEN OR CLOSED CONTAINERS, PROVIDED, HOWEVER, THAT A
29 MUNICIPALITY MAY ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINERS
30 IN PUBLIC PLACES. IN ADDITION, LICENSEES, OTHER THAN CLUBS, MAY

1 SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION WHERE
2 SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID
3 OUNCES IN A SINGLE SALE TO ONE PERSON. NO LICENSEE UNDER THIS
4 SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY
5 OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE
6 AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY. SALES OF
7 MALT OR BREWED BEVERAGES MUST OCCUR ON THE LICENSED PREMISES.

8 (2) IF A RESTAURANT LIQUOR LICENSE HOLDER HAS AN INTERIOR
9 CONNECTION TO ANOTHER BUSINESS THAT IT OPERATES, THE RESTAURANT
10 LIQUOR LICENSE HOLDER MAY USE ONE OR MORE OF THE REGISTERS IN
11 THE OTHER BUSINESS TO SELL MALT OR BREWED BEVERAGES AND READY-
12 TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION UNDER THE
13 FOLLOWING CONDITIONS:

14 (I) THE BUILDING IS ELEVEN THOUSAND SQUARE FEET OR LESS;

15 (II) THE REGISTERS ARE LOCATED IN THE SAME BUILDING AS THE
16 LICENSED PREMISES;

17 (III) THE REGISTERS COMPLY WITH THE SIGNAGE, STAFFING,
18 TRAINING, CARDING, SCANNING AND PROHIBITION ON THE SHARING OF
19 DATA PROVISIONS OF SECTION 415 (A) (8) AND (9); AND

20 (IV) THE BOARD HAS BEEN PROVIDED NOTICE OF COMPLIANCE WITH
21 THIS PARAGRAPH BY THE RESTAURANT LIQUOR LICENSE HOLDER,
22 INCLUDING SQUARE FOOTAGE OF THE BUILDING AND THE LOCATION OF THE
23 SPECIFIC REGISTERS TO BE USED PRIOR TO THEIR USE.

24 * * *

25 SECTION 7. SECTION 408 (A) AND (E) OF THE ACT ARE AMENDED TO
26 READ:

27 SECTION 408. PUBLIC SERVICE LIQUOR LICENSES.-- (A) SUBJECT
28 TO THE PROVISIONS OF THIS ACT AND REGULATIONS PROMULGATED UNDER
29 THIS ACT, THE BOARD, UPON APPLICATION, SHALL ISSUE RETAIL LIQUOR
30 LICENSES TO RAILROAD OR PULLMAN COMPANIES PERMITTING LIQUOR,

1 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES TO BE SOLD
2 IN DINING, CLUB OR BUFFET CARS TO PASSENGERS FOR CONSUMPTION
3 WHILE ENROUTE ON SUCH RAILROAD, AND MAY ISSUE RETAIL LIQUOR
4 LICENSES TO STEAMSHIP COMPANIES PERMITTING LIQUOR, READY-TO-
5 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES TO BE SOLD IN THE
6 DINING COMPARTMENTS OF STEAMSHIPS OR VESSELS WHEREVER OPERATED
7 IN THE COMMONWEALTH, EXCEPT WHEN STANDING OR MOORED IN STATIONS,
8 TERMINALS OR DOCKS WITHIN A MUNICIPALITY WHEREIN SALES OF LIQUOR
9 FOR CONSUMPTION ON THE PREMISES ARE PROHIBITED, AND MAY FURTHER
10 ISSUE RETAIL LIQUOR LICENSES TO AIRLINE COMPANIES PERMITTING
11 LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES TO
12 BE SOLD TO PASSENGERS FOR CONSUMPTION WHILE ENROUTE ON SUCH
13 AIRLINE. SUCH LICENSES SHALL BE KNOWN AS PUBLIC SERVICE LIQUOR
14 LICENSES. THE BOARD MAY ISSUE A MASTER LICENSE TO RAILROAD OR
15 PULLMAN COMPANIES TO COVER THE MAXIMUM NUMBER OF CARS WHICH THE
16 COMPANY SHALL ESTIMATE THAT IT WILL OPERATE WITHIN THE
17 COMMONWEALTH ON ANY ONE DAY. SUCH LICENSEES SHALL FILE MONTHLY
18 REPORTS WITH THE BOARD SHOWING THE MAXIMUM NUMBER OF CARS
19 OPERATED IN ANY ONE DAY DURING THE PRECEDING MONTH, AND IF IT
20 APPEARS THAT MORE CARS HAVE BEEN OPERATED THAN COVERED BY ITS
21 LICENSE IT SHALL FORTHWITH REMIT TO THE BOARD THE SUM OF TWENTY
22 DOLLARS FOR EACH EXTRA CAR SO OPERATED.

23 * * *

24 (E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, SALES OF
25 LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES BY
26 THE AFORESAID PUBLIC SERVICE COMPANY LICENSEES SHALL BE MADE IN
27 ACCORDANCE WITH, AND SHALL BE SUBJECT TO, THE PROVISIONS OF THIS
28 ACT RELATING TO THE SALE OF LIQUORS BY RESTAURANT LICENSEES.

29 SECTION 8. SECTION 410(E) OF THE ACT IS AMENDED AND THE
30 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

1 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
2 RESTRICTIONS.--* * *

3 (E) IMPORTERS' LICENSES SHALL PERMIT THE HOLDERS THEREOF TO
4 BRING OR IMPORT LIQUOR AND READY-TO-DRINK COCKTAILS FROM OTHER
5 STATES, FOREIGN COUNTRIES, OR INSULAR POSSESSIONS OF THE UNITED
6 STATES, AND PURCHASE LIQUOR FROM MANUFACTURERS LOCATED WITHIN
7 THIS COMMONWEALTH, TO BE SOLD OUTSIDE OF THIS COMMONWEALTH OR TO
8 PENNSYLVANIA LIQUOR STORES WITHIN THIS COMMONWEALTH, OR WHEN IN
9 ORIGINAL CONTAINERS OF TEN GALLONS OR GREATER CAPACITY, TO
10 LICENSED MANUFACTURERS WITHIN THIS COMMONWEALTH.

11 ALL IMPORTATIONS OF LIQUOR INTO PENNSYLVANIA BY THE LICENSED
12 IMPORTER SHALL BE CONSIGNED TO THE BOARD OR THE PRINCIPAL PLACE
13 OF BUSINESS OR AUTHORIZED PLACE OF STORAGE MAINTAINED BY THE
14 LICENSEE.

15 * * *

16 (I) THE HOLDER OF AN IMPORTER'S LICENSE MAY SELL AND DELIVER
17 READY-TO-DRINK COCKTAILS TO LICENSED IMPORTERS, DISTRIBUTORS,
18 IMPORTING DISTRIBUTORS, HOTELS, RESTAURANTS AND CLUBS. THE SALE
19 OF READY-TO-DRINK COCKTAILS SHALL BE SUBJECT TO SECTION 431.

20 SECTION 9. SECTIONS 412(F) AND (G), 413(F), 414(B)(1), (2),
21 (3) AND (4) AND 416(A), (E) AND (I)(1), (2), (3) AND (4) OF THE
22 ACT ARE AMENDED TO READ:

23 SECTION 412. PUBLIC VENUE LICENSE.--* * *

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

27 (1) SALES MAY ONLY BE MADE ONE HOUR BEFORE, DURING AND ONE
28 HOUR AFTER ANY ATHLETIC PERFORMANCE, PERFORMING ARTS EVENT,
29 TRADE SHOW, CONVENTION, BANQUET OR ANY OTHER PERFORMANCE AT THE
30 FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK

1 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES
2 MAY NOT OCCUR PRIOR TO ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAYS OR
3 SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS. NOTWITHSTANDING THIS
4 SECTION, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTIONS
5 408.9 AND 408.14 MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS
6 AND/OR MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK
7 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO ELEVEN
8 O'CLOCK ANTEMERIDIAN ON SUNDAYS OR SEVEN O'CLOCK ANTEMERIDIAN ON
9 MONDAYS, REGARDLESS OF WHETHER THERE IS A PERFORMANCE AT THE
10 FACILITY.

11 (2) SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER
12 PROFESSIONAL AND AMATEUR ATHLETIC EVENTS, PERFORMING ARTS EVENTS
13 OR OTHER ENTERTAINMENT EVENTS MAY CONSIST OF LIQUOR, READY-TO-
14 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES IN SHATTERPROOF
15 CONTAINERS. SALES DURING TRADE SHOWS, CONVENTIONS, BANQUETS OR
16 AT OTHER EVENTS, OR SALES MADE IN THE CLUB SEATS OR AT A
17 RESTAURANT FACILITY, MAY CONSIST OF LIQUOR, READY-TO-DRINK
18 COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER;
19 HOWEVER, ANY LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
20 BEVERAGES SOLD IN THE CLUB SEATS OR RESTAURANT FACILITY MUST
21 REMAIN IN THE CLUB SEATING LEVEL OR RESTAURANT FACILITY. FOR
22 PURPOSES OF THIS SECTION, A CLUB SEAT IS ANY SEATING LOCATED ON
23 THE DESIGNATED CLUB SEATING LEVEL AND PARTITIONED FROM GENERAL
24 SEATING BY A WALL, DIVIDER, PARTIAL WALL OR RAILING. THE CLUB
25 SEATING LEVEL MUST NOT BE ACCESSIBLE BY THE GENERAL PUBLIC.
26 SALES AT ZOOS DURING PRIVATE BANQUETS AND OTHER EVENTS MAY BE AT
27 ANY SITE WITHIN ZOO PROPERTY AND MAY CONSIST OF ANY TYPE OF
28 ALCOHOL IN ANY TYPE OF CONTAINER. THE BOARD'S RECORDS SHALL
29 CLEARLY DELINEATE WHERE THE SALE OF LIQUOR, READY-TO-DRINK
30 COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER

1 MAY OCCUR.

2 (3) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
3 BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

4 (4) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT
5 TO: (I) THE PROXIMITY PROVISIONS OF SECTIONS 402 AND 404; (II)
6 THE QUOTA RESTRICTIONS OF SECTION 461; (IV) THE PROVISIONS OF
7 SECTION 493(10) EXCEPT AS THEY RELATE TO LEWD, IMMORAL OR
8 IMPROPER ENTERTAINMENT; (V) THE PROHIBITION AGAINST MINORS
9 FREQUENTING AS DESCRIBED IN SECTION 493(14) AND (VI) THE COST
10 AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION 493(20) (I). IN
11 ADDITION, LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE
12 SUBJECT TO THE PROVISIONS DEFINING "RESTAURANT" IN SECTION 102.

13 (G) THE BOARD MAY ISSUE MULTIPLE LICENSES UNDER THIS SECTION
14 FOR USE IN A PUBLIC VENUE WITH PERMANENT SEATING OF AT LEAST
15 THIRTY-FIVE THOUSAND PEOPLE. IF THE BOARD DOES ISSUE MORE THAN
16 ONE LICENSE FOR A SPECIFIC PUBLIC VENUE, WRITTEN NOTICE OF THE
17 EVENT MUST BE PROVIDED TO THE ENFORCEMENT BUREAU AT LEAST FORTY-
18 EIGHT HOURS IN ADVANCE OF THE DISPENSING OF ANY LIQUOR, READY-
19 TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES. THE NOTICE SHALL
20 INCLUDE THE DATE, TIME AND SPECIFIC LICENSED AREAS TO BE USED.
21 NO MORE THAN ONE LICENSE ISSUED UNDER THIS SECTION SHALL BE IN
22 EFFECT AT ANY LOCATION AT ANY TIME OF DAY AT THE SAME TIME.

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

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

27 (1) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
28 BREWED BEVERAGES MAY BE MADE TWO HOURS BEFORE, DURING AND ONE
29 HOUR AFTER ANY PERFORMANCE AT THE FACILITY; HOWEVER, SALES MAY
30 NOT BE MADE FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK

1 ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR PRIOR TO TEN
2 O'CLOCK ANTEMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON
3 SUNDAYS. HOWEVER, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER
4 SECTION 408.3(A) AND 408.3(A.2) MAY SELL LIQUOR, READY-TO-DRINK
5 COCKTAILS AND MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO
6 O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO
7 ONE O'CLOCK POSTMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON
8 SUNDAYS, REGARDLESS OF WHETHER THERE IS A PERFORMANCE AT THE
9 FACILITY.

10 (2) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
11 BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

12 * * *

13 SECTION 414. CONTINUING CARE RETIREMENT COMMUNITY RETAIL
14 LICENSES.--* * *

15 (B) LICENSES ISSUED UNDER THIS SECTION ARE RESTAURANT LIQUOR
16 LICENSES FOR ALL PURPOSES EXCEPT AS PROVIDED HEREIN. HOWEVER,
17 THE FOLLOWING ADDITIONAL RESTRICTIONS AND PRIVILEGES APPLY:

18 (1) LICENSES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO
19 THE QUOTA RESTRICTIONS OF SECTION 461.

20 (2) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
21 BREWED BEVERAGES MAY NOT OCCUR FROM TWO O'CLOCK ANTEMERIDIAN TO
22 SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR
23 PRIOR TO ONE O'CLOCK POSTMERIDIAN OR AFTER TEN O'CLOCK
24 POSTMERIDIAN ON SUNDAY.

25 (3) LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
26 BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE POSSESSED
27 ANYWHERE WITHIN THE CONTINUING CARE RETIREMENT COMMUNITY
28 REGARDLESS OF WHETHER THAT PORTION OF THE PREMISES IS LICENSED.
29 HOWEVER, NO LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
30 BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE TAKEN BEYOND

1 THE CONFINES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

2 (4) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR
3 BREWED BEVERAGES MAY OCCUR IN THOSE PORTIONS OF THE PREMISES
4 LICENSED BY THE BOARD AS WELL AS IN ROOMS THAT ARE LIVED IN OR
5 USED BY RESIDENTS OF THE CONTINUING CARE RETIREMENT COMMUNITY.
6 SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
7 BEVERAGES ARE LIMITED TO RESIDENTS OF THE CONTINUING CARE
8 RETIREMENT COMMUNITY AND THE GUESTS OF RESIDENTS IN CONJUNCTION
9 WITH THE NORMAL, REGULARLY SCHEDULED DINING, ENTERTAINMENT OR
10 SOCIAL ACTIVITIES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

11 * * *

12 SECTION 416. CASINO LIQUOR LICENSE.-- (A) NOTWITHSTANDING
13 ANY PROVISION OF LAW OR REGULATION, A SLOT MACHINE LICENSEE OR
14 AN AFFILIATED DESIGNEE HOLDING A RESTAURANT LIQUOR OR EATING
15 PLACE RETAIL DISPENSER LICENSE AND WHICH SELLS LIQUOR, READY-TO-
16 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES AT OR ADJACENT TO A
17 GAMING FACILITY UNDER THIS ACT MAY APPLY TO THE BOARD FOR A
18 CASINO LIQUOR LICENSE. THE BOARD MAY ISSUE A CASINO LIQUOR
19 LICENSE TO A SLOT MACHINE LICENSEE FOR USE AT THE CASINO LIQUOR
20 LICENSEE'S LICENSED FACILITY IN ACCORDANCE WITH THIS SECTION.

21 * * *

22 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF
23 A CASINO LIQUOR LICENSE MAY SELL OR SERVE LIQUOR, READY-TO-DRINK
24 COCKTAILS AND MALT OR BREWED BEVERAGES TWENTY-FOUR (24) HOURS A
25 DAY, SEVEN (7) DAYS A WEEK.

26 * * *

27 (I) IN ADDITION TO ANY OTHER RESTRICTIONS AND PRIVILEGES, A
28 CASINO LIQUOR LICENSE SHALL BE SUBJECT TO THE FOLLOWING:

29 (1) SALES MAY BE MADE AT ANY TIME THE FACILITY IS OPEN TO
30 THE PUBLIC.

1 (2) LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
2 BEVERAGES MAY BE TRANSPORTED AND CONSUMED OFF THE GAMING FLOOR
3 IF THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
4 BEVERAGE REMAINS WITHIN THE PREMISES OF THE LICENSED FACILITY.

5 (3) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
6 BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

7 (4) IN ADDITION TO THE PROVISIONS OF SECTION 493(24) (II),
8 THE HOLDER OF A CASINO LIQUOR LICENSE MAY GIVE LIQUOR, READY-TO-
9 DRINK COCKTAILS AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO
10 ANY PERSON ATTENDING AN INVITATION-ONLY EVENT HELD ANYWHERE ON
11 THE PREMISES OF THE LICENSED FACILITY.

12 * * *

13 SECTION 10. THE HEADING OF SECTION 417 OF THE ACT, ADDED MAY
14 21, 2020 (P.L.149, NO.21), IS AMENDED AND THE SECTION IS AMENDED
15 BY ADDING SUBSECTIONS TO READ:

16 SECTION 417. [PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-
17 PREMISES CONSUMPTION DURING] COVID-19 DISASTER EMERGENCY.--* * *

18 (A.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
19 FOLLOWING SHALL APPLY TO THE TEMPORARY EXTENSION OF THE LICENSED
20 PREMISES:

21 (1) UPON RECEIPT OF A REQUEST FROM A LICENSED CLUB, CATERING
22 CLUB, RESTAURANT, RETAIL DISPENSER, HOTEL, LIMITED DISTILLERY,
23 DISTILLERY, BREWERY OR LIMITED WINERY, THE BOARD MAY TEMPORARILY
24 EXTEND THE LICENSED PREMISES OF THE APPLICANT TO INCLUDE ANY
25 OUTSIDE SERVING AREA THAT IS:

26 (I) IMMEDIATELY ADJACENT TO THE EXISTING LICENSED AREAS; OR

27 (II) WITHIN ONE THOUSAND FEET OF THE MAIN LICENSED BUILDING,
28 NOTWITHSTANDING THAT THE AREA TO BE TEMPORARILY LICENSED AND THE
29 MAIN LICENSED BUILDING ARE SEPARATED BY A PUBLIC THOROUGHFARE.

30 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY TO

1 THE APPLICANT TO USE THE OUTSIDE AREA SUBJECT TO THE REQUEST
2 WHILE THE BOARD PROCESSES THE REQUEST.

3 (3) THE OPERATING AUTHORITY UNDER THIS SUBSECTION SHALL BE
4 TERMINATED IF:

5 (I) A VALID PROTEST IS RECEIVED; OR

6 (II) THE BOARD DETERMINES THAT THE PROPOSED AREA DOES NOT
7 MEET THE REQUIREMENTS OF THIS ACT AND BOARD REGULATIONS FOR THE
8 LICENSING OF THE AREA IN QUESTION.

9 (4) A FILING FEE MAY NOT BE REQUIRED FROM AN APPLICANT UNDER
10 THIS SUBSECTION.

11 (5) THE BOARD MAY REQUIRE THE APPLICANT TO PROVIDE ANY
12 INFORMATION THAT THE BOARD DEEMS RELEVANT.

13 (A.2) THE FOLLOWING SHALL APPLY TO THE ISSUANCE OF OFF-
14 PREMISES CATERING PERMITS:

15 (1) THE BOARD MAY AUTHORIZE AN UNLIMITED NUMBER OF OFF-
16 PREMISES CATERED FUNCTIONS TO ENTITIES THAT QUALIFY FOR THE
17 PERMITS UNDER THIS ACT.

18 (2) AN APPLICATION FEE MAY NOT BE REQUIRED FROM AN ENTITY
19 REQUESTING A CATERING PERMIT UNDER THIS SUBSECTION.

20 (3) AN APPLICATION FOR A CATERING PERMIT UNDER THIS
21 SUBSECTION SHALL NOT NEED TO BE SUBMITTED PRIOR TO MARCH 1 OF
22 THAT CALENDAR YEAR.

23 (4) A FIVE-HOUR LIMIT ON CATERED FUNCTIONS SHALL NOT APPLY
24 TO A CATERING PERMIT UNDER THIS SUBSECTION.

25 (5) EACH REQUIREMENT UNDER THIS ACT APPLICABLE TO A CATERED
26 FUNCTION THAT IS NOT SPECIFICALLY WAIVED UNDER THIS SUBSECTION
27 SHALL APPLY.

28 (A.3) SUBSECTIONS (A.1) AND (A.2) SHALL EXPIRE DECEMBER 31,
29 2022.

30 * * *

1 SECTION 11. THE HEADING OF SUBDIVISION (B) OF ARTICLE IV OF
2 THE ACT IS AMENDED TO READ:

3 (B) MALT AND BREWED BEVERAGES AND
4 READY-TO-DRINK COCKTAILS (INCLUDING MANUFACTURERS).

5 SECTION 12. SECTION 431(B), (B.1), (C), (D) AND (F) OF THE
6 ACT, AMENDED JUNE 5, 2020 (P.L.213, NO.29), ARE AMENDED AND THE
7 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

8 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
9 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

10 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
11 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
12 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
13 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
14 OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS, NOT
15 FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF
16 NOT LESS THAN A CASE OR ORIGINAL CONTAINERS CONTAINING ONE
17 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY
18 AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF
19 MANUFACTURE. IN ADDITION, A DISTRIBUTOR LICENSE HOLDER MAY SELL
20 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN ANY
21 AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-PREMISES
22 CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN THE
23 PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY BE
24 SOLD IN REFILLABLE GROWLERS; HOWEVER, READY-TO-DRINK COCKTAILS
25 SHALL ONLY BE SOLD IN THE ORIGINAL CONTAINER. THE BOARD SHALL
26 HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
27 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
28 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
29 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
30 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE

1 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
2 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
3 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
4 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
5 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
6 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
7 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
8 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
9 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
10 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
11 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
12 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
13 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
14 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
15 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
16 BOARD MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING
17 ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD
18 AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT
19 SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO
20 ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE
21 BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF
22 THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS INTO AN
23 AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL RESTRICTIONS,
24 THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE
25 LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW LOCATION OR
26 UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING
27 THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION INVOLVES A
28 LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY RESTRICTIONS
29 IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION
30 SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A

1 NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL
2 REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON
3 WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF
4 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS. THIS
5 NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED OF HOTEL,
6 RESTAURANT AND CLUB LIQUOR LICENSEES.

7 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
8 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
9 AND READY-TO-DRINK COCKTAILS IN QUANTITIES ABOVE SPECIFIED
10 ANYWHERE WITHIN THE COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE
11 CASE OF DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS
12 LICENSED UNDER THIS ACT AS MANUFACTURERS OR IMPORTING
13 DISTRIBUTORS, AND IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE
14 BEEN PURCHASED FROM MANUFACTURERS OR PERSONS OUTSIDE THIS
15 COMMONWEALTH ENGAGED IN THE LEGAL SALE OF MALT OR BREWED
16 BEVERAGES AND READY-TO-DRINK COCKTAILS OR FROM MANUFACTURERS OR
17 IMPORTING DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE
18 OF AN IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL
19 BE AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES
20 AND READY-TO-DRINK COCKTAILS OWNED BY A MANUFACTURER AT A
21 SEGREGATED PORTION OF A WAREHOUSE OR OTHER STORAGE FACILITY
22 AUTHORIZED BY SECTION 441(D) AND OPERATED BY THE IMPORTING
23 DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND DELIVER SUCH
24 BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS BEEN GRANTED
25 DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED HEREIN. THE
26 IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE A FEE FROM
27 THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING OR
28 DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY A
29 MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
30 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES AND

1 READY-TO-DRINK COCKTAILS PRODUCED BY THAT MANUFACTURER FOR SALE
2 BY THAT MANUFACTURER TO IMPORTING DISTRIBUTORS TO WHOM THAT
3 MANUFACTURER HAS GIVEN DISTRIBUTION RIGHTS PURSUANT TO THIS
4 SUBSECTION OR TO PURCHASERS OUTSIDE THIS COMMONWEALTH FOR
5 DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO THAT
6 MANUFACTURER'S STORAGE FACILITIES OUTSIDE THIS COMMONWEALTH. THE
7 BAILEE FOR HIRE SHALL BE PERMITTED TO RECEIVE A FEE FROM THE
8 MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING OR DELIVERY
9 SERVICES. THE BAILEE FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF
10 THIS ACT, KEEP COMPLETE AND ACCURATE RECORDS OF ALL
11 TRANSACTIONS, INVENTORY, RECEIPTS AND SHIPMENTS AND MAKE ALL
12 RECORDS AND THE LICENSED AREAS AVAILABLE FOR INSPECTION BY THE
13 BOARD AND FOR THE PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR
14 CONTROL ENFORCEMENT, DURING NORMAL BUSINESS HOURS.

15 EACH OUT OF STATE MANUFACTURER [OF] AND MANUFACTURER OF
16 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES WHOSE
17 PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL GIVE
18 DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL
19 AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH IMPORTING
20 DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED BEVERAGES
21 AND READY-TO-DRINK COCKTAILS MANUFACTURED BY THE OUT OF STATE
22 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
23 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
24 GEOGRAPHICAL AREA FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING
25 RIGHTS BY SUCH MANUFACTURER. IN ADDITION, THE HOLDER OF A
26 DISTRIBUTOR LICENSE MAY NOT SELL OR DELIVER MALT OR BREWED
27 BEVERAGES AND READY-TO-DRINK COCKTAILS TO ANY LICENSEE WHOSE
28 LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL
29 AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE
30 IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO

1 THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR BREWED
2 BEVERAGES AND READY-TO-DRINK COCKTAILS FROM THE DISTRIBUTOR
3 LICENSE HOLDER HOLDS MULTIPLE LICENSES OR OPERATES AT MORE THAN
4 ONE LOCATION, THEN THE MALT OR BREWED BEVERAGES AND READY-TO-
5 DRINK COCKTAILS MAY NOT BE CONSUMED OR SOLD AT LICENSED PREMISES
6 LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN
7 IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT
8 SOLD THE MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
9 TO THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE DELIVERY OF
10 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS OR
11 TRANSFER MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
12 IN VIOLATION OF THIS SECTION, SAID LICENSEE SHALL BE SUBJECT TO
13 A SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS: PROVIDED,
14 THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS
15 FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER
16 IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A
17 WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR
18 SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS
19 ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY
20 IMPORTING DISTRIBUTOR BY THE MANUFACTURER.

21 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
22 OR MANUFACTURER OF READY-TO-DRINK COCKTAILS LICENSED UNDER THIS
23 ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR OR IMPORTING
24 DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF HIS PRODUCT,
25 HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL AREA FOR WHICH
26 THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS GIVEN
27 DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
28 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
29 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
30 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE

1 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
2 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
3 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
4 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES AND READY-TO-
5 DRINK COCKTAILS TO A LICENSEE WHOSE LICENSED PREMISES IS LOCATED
6 WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN IMPORTING
7 DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT SOLD THE
8 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS TO THE
9 DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR BREWED
10 BEVERAGES AND READY-TO-DRINK COCKTAILS FROM THE DISTRIBUTOR
11 LICENSE HOLDER HOLDS MULTIPLE LICENSES OR OPERATES AT MORE THAN
12 ONE LOCATION, THE MALT OR BREWED BEVERAGES AND READY-TO-DRINK
13 COCKTAILS MAY NOT BE CONSUMED OR SOLD AT LICENSED PREMISES
14 LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN
15 IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT
16 SOLD THE MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
17 TO THE DISTRIBUTOR. IF A LICENSEE ACCEPTS THE DELIVERY OF MALT
18 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS OR TRANSFERS
19 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN
20 VIOLATION OF THIS SECTION, THE LICENSEE SHALL BE SUBJECT TO
21 SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS: PROVIDED,
22 THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS
23 FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER
24 IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A
25 WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR
26 SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS
27 ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY
28 IMPORTING DISTRIBUTOR BY THE MANUFACTURER. NOTHING HEREIN
29 CONTAINED SHALL BE CONSTRUED TO PREVENT ANY MANUFACTURER FROM
30 AUTHORIZING THE IMPORTING DISTRIBUTOR HOLDING THE DISTRIBUTING

1 RIGHTS FOR A DESIGNATED GEOGRAPHICAL AREA FROM SELLING THE
2 PRODUCTS OF SUCH MANUFACTURER TO ANOTHER IMPORTING DISTRIBUTOR
3 ALSO HOLDING DISTRIBUTING RIGHTS FROM THE SAME MANUFACTURER FOR
4 ANOTHER GEOGRAPHICAL AREA, PROVIDING SUCH AUTHORITY BE CONTAINED
5 IN WRITING AND A COPY THEREOF BE GIVEN TO EACH OF THE IMPORTING
6 DISTRIBUTORS SO AFFECTED.

7 (B.1) (1) ANY PERSON IN THIS COMMONWEALTH OR ELSEWHERE WHO
8 SHALL PURCHASE OR IN ANY MANNER WHATSOEVER ACQUIRE OR OTHERWISE
9 SUCCEED TO THE BUSINESS OF A MANUFACTURER, ASSETS OR RIGHTS TO
10 IMPORT, MARKET, SHIP INTO THIS COMMONWEALTH OR DISTRIBUTE A
11 BRAND OF BEER OR READY-TO-DRINK COCKTAIL, OR TO USE AND EXPLOIT
12 ANY TRADEMARK INCORPORATED AS PART OF A BRAND OF BEER OR READY-
13 TO-DRINK COCKTAIL PRODUCED BY SUCH A MANUFACTURER SHALL BE
14 OBLIGATED TO ALL TERMS OF THE MANUFACTURER'S FRANCHISE
15 AGREEMENTS IN EFFECT ON THE EFFECTIVE DATE OF THE PURCHASE,
16 ACQUISITION OR SUCCESSION, OR, IF EARLIER, AT THE TIME THE
17 AGREEMENT CONTEMPLATING THE PURCHASE, ACQUISITION OR SUCCESSION
18 IS ACTUALLY MADE.

19 (2) "PURCHASE" OR "ACQUISITION," FOR PURPOSES OF THIS
20 SECTION, INCLUDES, BUT IS NOT LIMITED TO, A PURCHASE,
21 ACQUISITION, LEASE, LICENSE OR ASSIGNMENT OF ALL OR A
22 CONTROLLING INTEREST IN THE CAPITAL STOCK OR OPERATING ASSETS,
23 INCLUDING BRAND TRADEMARKS RIGHTS; MERGER; ANY CORPORATE
24 REORGANIZATION OR CONSOLIDATION; AND ALSO, WITHOUT LIMITATION,
25 ANY LICENSE, CROSS-LICENSE, JOINT VENTURE OR OTHER AGREEMENT OR
26 ARRANGEMENT, DIRECTLY OR INDIRECTLY, TRANSFERRING, SUBSTITUTING
27 OR MATERIALLY CHANGING THE PERSON OR PERSONS AUTHORIZED BY THE
28 ONE OWNING OR CONTROLLING A BRAND OR ANY TRADEMARK AS PART OF A
29 BRAND, TO PRODUCE, IMPORT, SHIP, MARKET OR DISTRIBUTE THE BRAND
30 OF BEER INTO OR WITHIN THIS COMMONWEALTH.

1 (3) "MANUFACTURER," AS USED IN THIS SUBSECTION, SHALL MEAN
2 ANY PERSON, INCLUDING ANY AGENT OF SUCH PERSON, WHO (I) IS
3 LICENSED AS A MANUFACTURER OF MALT OR BREWED BEVERAGES OR
4 MANUFACTURER OF READY-TO-DRINK COCKTAILS LOCATED WITHIN THE
5 COMMONWEALTH OF PENNSYLVANIA, (II) HOLDS A DISTRIBUTOR OR
6 IMPORTING DISTRIBUTOR LICENSE, OR (III) MANUFACTURES ANY MALT
7 BEVERAGE AND READY-TO-DRINK COCKTAIL, HAS TITLE TO ANY MALT
8 BEVERAGE AND READY-TO-DRINK COCKTAIL PRODUCTS OR HAS THE
9 CONTRACTUAL RIGHT TO DISTRIBUTE ANY MALT BEVERAGE PRODUCT AND
10 READY-TO-DRINK COCKTAIL, WHETHER LICENSED IN THIS COMMONWEALTH
11 OR NOT, WHO ENTERS INTO AN "AGREEMENT" WITH ANY IMPORTING
12 DISTRIBUTOR LICENSED TO DO BUSINESS IN THIS COMMONWEALTH.

13 (C) THE AFORESAID LICENSES SHALL BE ISSUED ONLY TO REPUTABLE
14 INDIVIDUALS, PARTNERSHIPS AND ASSOCIATIONS WHO ARE, OR WHOSE
15 MEMBERS ARE, CITIZENS OF THE UNITED STATES AND ARE RESIDENTS OF
16 THE COMMONWEALTH OF PENNSYLVANIA OR TO REPUTABLE CORPORATIONS
17 ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE COMMONWEALTH
18 OF PENNSYLVANIA. SUCH LICENSES SHALL BE ISSUED TO CORPORATIONS
19 DULY ORGANIZED OR REGISTERED UNDER THE LAWS OF THE COMMONWEALTH
20 OF PENNSYLVANIA ONLY WHEN IT APPEARS THAT ALL OF THE OFFICERS
21 AND DIRECTORS OF THE CORPORATION ARE CITIZENS OF THE UNITED
22 STATES AND ARE RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA,
23 AND THAT AT LEAST FIFTY-ONE PER CENTUM OF THE CAPITAL STOCK OF
24 SUCH CORPORATION IS ACTUALLY OWNED BY INDIVIDUALS WHO ARE
25 CITIZENS OF THE UNITED STATES AND ARE RESIDENTS OF THE
26 COMMONWEALTH OF PENNSYLVANIA: PROVIDED, THAT THE PROVISIONS OF
27 THIS SUBSECTION WITH RESPECT TO RESIDENCE REQUIREMENTS SHALL NOT
28 APPLY TO INDIVIDUALS, PARTNERS, OFFICERS, DIRECTORS AND OWNERS
29 OF CAPITAL STOCK, OF CORPORATIONS LICENSED OR APPLYING FOR
30 LICENSES AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND READY-

1 TO-DRINK COCKTAILS, NOR SHALL THE PROVISIONS OF THIS SUBSECTION
2 WITH RESPECT TO STOCKHOLDER REQUIREMENTS APPLY TO CORPORATIONS
3 LICENSED OR APPLYING FOR LICENSES AS MANUFACTURERS OF MALT OR
4 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

5 (D) (1) ALL DISTRIBUTING RIGHTS AS HEREINABOVE REQUIRED
6 SHALL BE IN WRITING, SHALL BE EQUITABLE IN THEIR PROVISIONS AND
7 SHALL BE SUBSTANTIALLY SIMILAR AS TO TERMS AND CONDITIONS WITH
8 ALL OTHER DISTRIBUTING RIGHTS AGREEMENTS BETWEEN THE
9 MANUFACTURER GIVING SUCH AGREEMENT AND ITS OTHER IMPORTING
10 DISTRIBUTORS AND DISTRIBUTORS SHALL NOT BE MODIFIED, CANCELLED,
11 TERMINATED OR RESCINDED BY THE MANUFACTURER WITHOUT GOOD CAUSE,
12 AND SHALL CONTAIN A PROVISION IN SUBSTANCE OR EFFECT AS FOLLOWS:
13 "THE MANUFACTURER RECOGNIZES THAT THE IMPORTING DISTRIBUTOR AND
14 DISTRIBUTOR ARE FREE TO MANAGE THEIR BUSINESS IN THE MANNER THE
15 IMPORTING DISTRIBUTOR AND DISTRIBUTOR DEEM BEST AND THAT THIS
16 PREROGATIVE VESTS IN THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR
17 THE EXCLUSIVE RIGHT TO ESTABLISH A SELLING PRICE, TO SELECT THE
18 BRANDS OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
19 THEY WISH TO HANDLE AND TO DETERMINE THE EFFORTS AND RESOURCES
20 WHICH THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR WILL EXERT TO
21 DEVELOP AND PROMOTE THE SAME OF THE MANUFACTURER'S PRODUCTS
22 HANDLED BY THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR. HOWEVER,
23 THE MANUFACTURER EXPECTS THAT THE IMPORTING DISTRIBUTOR AND
24 DISTRIBUTOR WILL PRICE COMPETITIVELY THE PRODUCTS HANDLED BY
25 THEM, DEVOTE REASONABLE EFFORT AND RESOURCES TO THE SALE OF SUCH
26 PRODUCTS AND MAINTAIN A REASONABLE SALES LEVEL." "GOOD CAUSE"
27 SHALL MEAN THE FAILURE BY ANY PARTY TO AN AGREEMENT, WITHOUT
28 REASONABLE EXCUSE OR JUSTIFICATION, TO COMPLY SUBSTANTIALLY WITH
29 AN ESSENTIAL, REASONABLE AND COMMERCIALY ACCEPTABLE REQUIREMENT
30 IMPOSED BY THE OTHER PARTY UNDER THE TERMS OF AN AGREEMENT.

1 (2) AFTER JANUARY 1, 1980, NO MANUFACTURER SHALL ENTER INTO
2 ANY AGREEMENT WITH MORE THAN ONE DISTRIBUTOR OR IMPORTING
3 DISTRIBUTOR FOR THE PURPOSE OF ESTABLISHING MORE THAN ONE
4 AGREEMENT FOR DESIGNATED BRAND OR BRANDS OF MALT OR BREWED
5 BEVERAGES AND READY-TO-DRINK COCKTAILS IN ANY ONE TERRITORY.
6 EACH FRANCHISE TERRITORY WHICH IS GRANTED BY A MANUFACTURER
7 SHALL BE GEOGRAPHICALLY CONTIGUOUS OR IN COUNTIES WHICH ARE
8 CONTIGUOUS WITH ONE ANOTHER. ALL IMPORTING DISTRIBUTORS SHALL
9 MAINTAIN SUFFICIENT RECORDS TO EVIDENCE COMPLIANCE OF THIS
10 SECTION. WITH REGARD TO ANY TERRITORIAL DISTRIBUTION AUTHORITY
11 GRANTED TO AN IMPORTING DISTRIBUTOR BY A MANUFACTURER OF MALT OR
12 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS AFTER JANUARY 1,
13 1996, THE RECORDS SHALL ESTABLISH THAT EACH AND EVERY CASE OF A
14 BRAND OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
15 FOR WHICH THE IMPORTING DISTRIBUTOR IS ASSIGNED WAS SOLD,
16 RESOLD, STORED, DELIVERED OR TRANSPORTED BY THE IMPORTING
17 DISTRIBUTOR, EITHER FROM A POINT OR TO A POINT WITH THE ASSIGNED
18 GEOGRAPHICALLY CONTIGUOUS TERRITORY OR IN COUNTIES WHICH ARE
19 CONTIGUOUS WITH ONE ANOTHER, TO ANY PERSON OR PERSONS, WHETHER
20 SUCH PERSON OR PERSONS ARE LICENSED BY THIS ACT OR NOT LICENSED
21 BY THIS ACT.

22 (3) EXCEPT FOR DISCONTINUANCE OF A BRAND OR A VALID
23 TERMINATION FOR GOOD CAUSE, THE PURCHASER OF THE ASSETS OF THE
24 MANUFACTURER AS DEFINED IN THIS ACT SHALL BECOME OBLIGATED TO
25 ALL THE TERRITORIAL AND BRAND DESIGNATIONS OF THE AGREEMENT IN
26 EFFECT ON THE DATE OF PURCHASE. PURCHASE OF ASSETS AS DEFINED
27 FOR THE PURPOSES OF THIS ACT SHALL INCLUDE, BUT NOT BE LIMITED
28 TO, THE SALE OF STOCK, SALE OF ASSETS, MERGER, LEASE, TRANSFER
29 OR CONSOLIDATION.

30 (4) THE COURT OF COMMON PLEAS OF THE COUNTY WHEREIN THE

1 LICENSED PREMISES OF THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR
2 ARE LOCATED IS HEREBY VESTED WITH JURISDICTION AND POWER TO
3 ENJOIN THE MODIFICATION, RESCISSION, CANCELLATION OR TERMINATION
4 OF A FRANCHISE OR AGREEMENT BETWEEN A MANUFACTURER AND AN
5 IMPORTING DISTRIBUTOR OR DISTRIBUTOR AT THE INSTANCE OF SUCH
6 IMPORTING DISTRIBUTOR OR DISTRIBUTOR WHO IS OR MIGHT BE
7 ADVERSELY AFFECTED BY SUCH MODIFICATION, RESCISSION,
8 CANCELLATION OR TERMINATION, AND IN GRANTING AN INJUNCTION THE
9 COURT SHALL PROVIDE THAT NO MANUFACTURER SHALL SUPPLY THE
10 CUSTOMERS OR TERRITORY OF THE IMPORTING DISTRIBUTOR OR
11 DISTRIBUTOR BY SERVICING THE TERRITORY OR CUSTOMERS THROUGH
12 OTHER IMPORTING DISTRIBUTORS OR DISTRIBUTORS OR ANY OTHER MEANS
13 WHILE THE INJUNCTION IS IN EFFECT: PROVIDED, HOWEVER, THAT ANY
14 INJUNCTION ISSUED UNDER THIS SUBSECTION SHALL REQUIRE THE
15 POSTING OF SUFFICIENT BOND AGAINST DAMAGES ARISING FROM AN
16 INJUNCTION IMPROVIDENTLY GRANTED AND A SHOWING THAT THE DANGER
17 OF IRREVOCABLE LOSS OR DAMAGE IS IMMEDIATE AND THAT DURING THE
18 PENDENCY OF SUCH INJUNCTION THE IMPORTING DISTRIBUTOR OR
19 DISTRIBUTOR SHALL CONTINUE TO SERVICE THE ACCOUNTS OF THE
20 MANUFACTURER IN GOOD FAITH.

21 (5) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
22 PENNSYLVANIA MANUFACTURERS WHOSE PRINCIPAL PLACE OF BUSINESS IS
23 LOCATED IN PENNSYLVANIA UNLESS THEY NAME OR CONSTITUTE A
24 DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS A PRIMARY OR ORIGINAL
25 SUPPLIER OF THEIR PRODUCTS SUBSEQUENT TO THE EFFECTIVE DATE OF
26 THIS ACT, OR UNLESS SUCH PENNSYLVANIA MANUFACTURERS HAVE NAMED
27 OR CONSTITUTED A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS A
28 PRIMARY OR ORIGINAL SUPPLIER OF THEIR PRODUCTS PRIOR TO THE
29 EFFECTIVE DATE OF THIS ACT, AND WHICH STATUS IS CONTINUING WHEN
30 THIS ACT BECOMES EFFECTIVE.

1 * * *

2 (F) (1) ANY MALT OR BREWED BEVERAGE AND READY-TO-DRINK
3 COCKTAIL PRODUCED OUTSIDE THIS COMMONWEALTH THAT IS REPACKAGED
4 BY A BAILEE FOR HIRE OR IMPORTING DISTRIBUTOR ON BEHALF OF AN
5 OUT OF STATE MANUFACTURER MUST BE RETURNED TO THE OUT OF STATE
6 MANUFACTURER AND COME TO REST OUT OF STATE BEFORE IT MAY REENTER
7 THIS COMMONWEALTH. SUCH REPACKAGED MALT OR BREWED BEVERAGES AND
8 READY-TO-DRINK COCKTAILS MUST BE DISTRIBUTED THROUGH THE THREE-
9 TIER SYSTEM. ANY MALT OR BREWED BEVERAGE OR READY-TO-DRINK
10 COCKTAIL THAT IS REPACKAGED BY A BAILEE FOR HIRE OR IMPORTING
11 DISTRIBUTOR ON BEHALF OF AN IN STATE MANUFACTURER MUST BE
12 RETURNED TO THE IN STATE MANUFACTURER AND COME TO REST AT THE IN
13 STATE MANUFACTURER'S LICENSED FACILITY.

14 (2) FOR PURPOSES OF THIS SECTION, "REPACKAGE" SHALL MEAN ANY
15 CHANGE OR ALTERATION TO THE CONTAINERS OR CONTAINER
16 CONFIGURATION OF A CASE.

17 * * *

18 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SALES MADE
19 TO THE PENNSYLVANIA LIQUOR CONTROL BOARD AND SALES MADE BY THE
20 PENNSYLVANIA LIQUOR CONTROL BOARD TO LICENSEES AND NONLICENSEES
21 SHALL NOT BE SUBJECT TO THIS SECTION.

22 SECTION 13. SECTIONS 440 AND 441 OF THE ACT ARE AMENDED TO
23 READ:

24 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED
25 BEVERAGES; MINIMUM QUANTITIES.--A MANUFACTURER MAY SELL MALT OR
26 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS PRODUCED AND OWNED
27 BY THE MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR
28 CONSUMPTION ON THE LICENSED PREMISES WHERE SOLD ONLY IF IT
29 COMPLIES WITH THE CONDITIONS AND REGULATIONS PLACED UPON HOLDERS
30 OF BREWERY LICENSES UNDER SECTION 446(A)(1). A MANUFACTURER ALSO

1 MAY SELL ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK
2 COCKTAILS PRODUCED AND OWNED BY THE MANUFACTURER TO INDIVIDUALS
3 ON THE LICENSED PREMISES FOR CONSUMPTION OFF THE LICENSED
4 PREMISES IN CONTAINERS OR PACKAGES OF UNLIMITED QUANTITY AND OF
5 ANY VOLUME. NO MANUFACTURER MAY MAINTAIN OR OPERATE WITHIN THE
6 COMMONWEALTH ANY PLACE OR PLACES OTHER THAN THE PLACE OR PLACES
7 COVERED BY HIS OR ITS LICENSE WHERE MALT OR BREWED BEVERAGES AND
8 READY-TO-DRINK COCKTAILS ARE SOLD OR WHERE ORDERS ARE TAKEN.

9 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
10 RESTRICTIONS ON SALES, STORAGE, ETC.-- (A) NO DISTRIBUTOR OR
11 IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT
12 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS EXCEPT:

13 (1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY
14 THE MANUFACTURER AT THE PLACE OF MANUFACTURE;

15 (2) IN THE CASE OF IDENTICAL CONTAINERS REPACKAGED IN THE
16 MANNER DESCRIBED BY SUBSECTION (F); OR

17 (3) AS PROVIDED IN SECTION 431 (B).

18 (B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY
19 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN
20 QUANTITIES OF LESS THAN A CASE OR MALT AND BREWED BEVERAGES IN
21 ORIGINAL CONTAINERS CONTAINING LESS THAN ONE HUNDRED TWENTY-
22 EIGHT OUNCES [OR MORE WHICH MAY BE SOLD SEPARATELY]: PROVIDED,
23 THAT NO MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
24 SOLD OR DELIVERED SHALL BE CONSUMED UPON THE PREMISES OF THE
25 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR IN ANY PLACE PROVIDED
26 FOR SUCH PURPOSE BY SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR.
27 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ACT, MALT
28 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS WHICH ARE PART
29 OF A TASTING CONDUCTED PURSUANT TO THE BOARD'S REGULATIONS MAY
30 BE CONSUMED ON LICENSED PREMISES.

1 (C) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL MAINTAIN
2 OR OPERATE ANY PLACE WHERE SALES ARE MADE OTHER THAN THAT FOR
3 WHICH THE LICENSE IS GRANTED.

4 (D) (1) NO DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR THE
5 STORAGE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
6 EXCEPT IN THE SAME MUNICIPALITY IN WHICH THE LICENSED PREMISES
7 IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD.
8 IN THE EVENT THERE IS NO PLACE OF COLD STORAGE IN THE SAME
9 MUNICIPALITY, THE BOARD MAY APPROVE A PLACE OF COLD STORAGE IN
10 THE NEAREST MUNICIPALITY.

11 (2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR
12 THE STORAGE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
13 COCKTAILS EXCEPT IN THE FRANCHISE TERRITORY IN WHICH THE
14 LICENSED PREMISES IS LOCATED AND UNLESS THE SAME HAS BEEN
15 APPROVED BY THE BOARD. THE BOARD SHALL ISSUE NO MORE THAN FOUR
16 STORAGE FACILITIES LICENSE TO AN IMPORTING DISTRIBUTOR. THE
17 STORAGE LOCATION SHALL BE DESIGNATED SOLELY AS A STORAGE
18 FACILITY, FROM WHICH ONLY SALES TO OTHER LICENSEES ARE
19 PERMITTED. RETAIL SALES MAY BE MADE AT THE LICENSED LOCATION
20 PURSUANT TO SUBSECTION (C). IF THE IMPORTING DISTRIBUTOR
21 MAINTAINS A STORAGE LOCATION FOR COLD STORAGE IN THE SAME
22 MUNICIPALITY IN WHICH THE IMPORTING DISTRIBUTOR IS LICENSED OR A
23 NEARBY MUNICIPALITY, THE IMPORTING DISTRIBUTOR MAY CONTINUE TO
24 MAINTAIN THAT COLD STORAGE LOCATION IN ADDITION TO ANOTHER
25 STORAGE LOCATION WITHIN THEIR FRANCHISE TERRITORY.

26 (E) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL PURCHASE,
27 SELL, RESELL, RECEIVE OR DELIVER ANY MALT OR BREWED BEVERAGES
28 AND READY-TO-DRINK COCKTAILS, EXCEPT IN STRICT COMPLIANCE WITH
29 THE PROVISIONS OF SUBSECTION (B) OF SECTION 431 OF THIS ACT.

30 (F) (1) TO SALVAGE ONE OR MORE SALABLE CASES FROM ONE OR

1 MORE DAMAGED CASES, CARTONS OR PACKAGES OF MALT OR BREWED
2 BEVERAGES AND READY-TO-DRINK COCKTAILS, A DISTRIBUTOR OR
3 IMPORTING DISTRIBUTOR MAY REPACKAGE CONSEQUENT TO INADVERTENT
4 DAMAGE AND SELL A CASE, CARTON OR PACKAGE OF IDENTICAL UNITS OF
5 MALT OR BREWED BEVERAGES.

6 (2) REPACKAGING IS PERMISSIBLE ONLY TO THE EXTENT MADE
7 NECESSARY BY INADVERTENT DAMAGE. REPACKAGING NOT CONSEQUENT TO
8 DAMAGE IS PROHIBITED.

9 (3) THE TERM "IDENTICAL UNITS" AS USED IN THIS SUBSECTION
10 MEANS UNDAMAGED BOTTLES OR CANS OF IDENTICAL BRAND, PACKAGE AND
11 VOLUME.

12 (G) ALL MALT OR BREWED BEVERAGES AND READY-TO-DRINK
13 COCKTAILS PURCHASED BY AN IMPORTING DISTRIBUTOR FROM A
14 PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES OR READY-
15 TO-DRINK COCKTAILS OR FROM ANY PERSON LOCATED OUTSIDE THIS
16 COMMONWEALTH FOR RESALE SHALL BE INVOICED TO THE IMPORTING
17 DISTRIBUTOR, SHALL COME PHYSICALLY INTO THE POSSESSION OF SUCH
18 IMPORTING DISTRIBUTOR AND SHALL BE UNLOADED INTO AND DISTRIBUTED
19 FROM THE LICENSED PREMISES OF SUCH IMPORTING DISTRIBUTOR. THE
20 BOARD MAY ACT TO FURTHER DEFINE AND CONTROL THE STORAGE AND
21 DISTRIBUTION OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
22 COCKTAILS IN CONFORMITY WITH THIS SECTION AND THIS ACT.

23 (H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY"
24 SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN
25 IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR
26 RESALE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

27 (I) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,
28 WHEN MAKING A SALE OF MALT OR BREWED BEVERAGES AND READY-TO-
29 DRINK COCKTAILS TO A PRIVATE INDIVIDUAL, NO DISTRIBUTOR OR
30 IMPORTING DISTRIBUTOR MAY BE REQUIRED TO COLLECT THE NAME,

1 ADDRESS OR ANY OTHER IDENTIFYING INFORMATION OF THE PRIVATE
2 INDIVIDUAL FOR THE PURPOSE OF KEEPING A RECORD OF THE QUANTITY
3 OF CASES OR VOLUME OF MALT OR BREWED BEVERAGES OR READY-TO-DRINK
4 COCKTAILS PURCHASED.

5 SECTION 14. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

6 SECTION 462.1. SAFEKEEPING.--IN ADDITION TO THE AUTHORITY
7 UNDER SECTION 462 AND NOTWITHSTANDING ANY OTHER PROVISION OF
8 THIS ACT, THE BOARD SHALL DO THE FOLLOWING:

9 (1) PROVIDE AN ADDITIONAL YEAR OF SAFEKEEPING FOR A CLUB OR
10 CATERING CLUB LICENSE THAT WAS IN SAFEKEEPING DURING THE
11 PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER THIS
12 PARAGRAPH MAY NOT BE SUBJECT TO A RENEWAL, VALIDATION OR LATE
13 FEE THAT WOULD BE DUE DURING THE ADDITIONAL YEAR, EXCEPT THAT
14 THE LICENSEE MUST FILE A RENEWAL OR VALIDATION THAT BECOMES DUE.
15 AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS PARAGRAPH SHALL
16 START ON THE DATE OF A RENEWAL OR VALIDATION OF THE LICENSE THAT
17 OCCURS AFTER DECEMBER 31, 2021, AND SHALL BE IN ADDITION TO THE
18 TWO YEARS AUTHORIZED UNDER SECTION 474.

19 (2) PROVIDE AN ADDITIONAL YEAR OF SAFEKEEPING FOR A
20 RESTAURANT, EATING PLACE RETAIL DISPENSER, HOTEL, IMPORTING
21 DISTRIBUTOR AND DISTRIBUTOR LICENSE THAT WAS IN SAFEKEEPING
22 DURING THE PROCLAMATION OF DISASTER EMERGENCY. A LICENSE UNDER
23 THIS PARAGRAPH MAY NOT BE SUBJECT TO A RENEWAL, VALIDATION, LATE
24 OR SAFEKEEPING FEE THAT WOULD BE DUE DURING THE ADDITIONAL YEAR,
25 EXCEPT THAT THE LICENSEE MUST FILE A RENEWAL OR VALIDATION THAT
26 BECOMES DUE. AN ADDITIONAL YEAR OF SAFEKEEPING UNDER THIS
27 PARAGRAPH SHALL START ON THE DATE OF A RENEWAL OR VALIDATION OF
28 THE LICENSE THAT OCCURS AFTER DECEMBER 31, 2021.

29 SECTION 15. SECTION 492(11), (12), (13), (14), (18) AND (21)
30 OF THE ACT ARE AMENDED TO READ:

1 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
2 BEVERAGES AND LICENSEES.--

3 IT SHALL BE UNLAWFUL--

4 * * *

5 (11) DELIVERY OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
6 COCKTAILS WITH OTHER COMMODITIES. FOR ANY MANUFACTURER,
7 IMPORTING DISTRIBUTOR OR DISTRIBUTOR, OR HIS SERVANTS, AGENTS OR
8 EMPLOYES, EXCEPT WITH BOARD APPROVAL, TO DELIVER OR TRANSPORT
9 ANY MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS IN ANY
10 VEHICLE IN WHICH ANY OTHER COMMODITY IS BEING TRANSPORTED.

11 (12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN
12 OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR
13 HIS SERVANTS, AGENTS OR EMPLOYES, WITHOUT THE APPROVAL OF THE
14 BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO
15 ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF
16 DISTRIBUTING MALT OR BREWED BEVERAGES AND READY-TO-DRINK
17 COCKTAILS, EXCEPT THAT THE SALE OF THE FOLLOWING GOODS SHALL BE
18 PERMITTED ON THE LICENSED PREMISES OF A DISTRIBUTOR OR IMPORTING
19 DISTRIBUTOR:

20 (I) ANY BOOK, MAGAZINE OR OTHER PUBLICATION RELATED TO MALT
21 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

22 (II) ANY EQUIPMENT, INGREDIENTS OR OTHER SUPPLIES NECESSARY
23 FOR THE UNLICENSED MANUFACTURE OF MALT OR BREWED BEVERAGES AS
24 DESCRIBED IN PARAGRAPH (1), COMMONLY KNOWN AS "HOMEBREWING."

25 (13) POSSESSION OR STORAGE OF LIQUOR OR ALCOHOL BY CERTAIN
26 LICENSEES. FOR ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL
27 DISPENSER, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO HAVE IN HIS
28 POSSESSION, OR TO PERMIT THE STORAGE OF ON THE LICENSED PREMISES
29 OR IN ANY PLACE CONTIGUOUS OR ADJACENT THERETO ACCESSIBLE TO THE
30 PUBLIC OR USED IN CONNECTION WITH THE OPERATION OF THE LICENSED

1 PREMISES, ANY ALCOHOL OR LIQUOR[.], EXCEPT IMPORTING
2 DISTRIBUTORS AND DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
3 THEIR EMPLOYES MAY POSSESS AND STORE READY-TO-DRINK COCKTAILS.

4 (14) MALT OR BREWED BEVERAGE AND READY-TO-DRINK COCKTAIL
5 LICENSEES DEALING IN LIQUOR OR ALCOHOL. FOR ANY MALT OR BREWED
6 BEVERAGE LICENSEE, OTHER THAN A MANUFACTURER, OR THE SERVANTS,
7 AGENTS OR EMPLOYES THEREOF, TO MANUFACTURE, IMPORT, SELL,
8 TRANSPORT, STORE, TRADE OR BARTER IN ANY LIQUOR OR ALCOHOL[.],
9 EXCEPT IMPORTING DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
10 THEIR EMPLOYES MAY IMPORT SELL, TRANSPORT AND STORE READY-TO-
11 DRINK COCKTAILS AND DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
12 THEIR EMPLOYES MAY SELL, TRANSPORT AND STORE READY-TO-DRINK
13 COCKTAILS.

14 * * *

15 (18) COERCING DISTRIBUTORS AND IMPORTING DISTRIBUTORS. FOR
16 ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF ANY
17 MANUFACTURER TO COERCE OR PERSUADE OR ATTEMPT TO COERCE OR
18 PERSUADE ANY PERSON LICENSED TO SELL OR DISTRIBUTE MALT OR
19 BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS AT WHOLESALE OR
20 RETAIL TO ESTABLISH SELLING PRICES FOR ITS PRODUCTS OR TO ENTER
21 INTO ANY CONTRACTS OR AGREEMENTS, WHETHER WRITTEN OR ORAL, OR
22 TAKE ANY ACTION WHICH WILL VIOLATE OR TEND TO VIOLATE ANY
23 PROVISIONS OF THIS ACT OR ANY OF THE RULES OR REGULATIONS
24 PROMULGATED BY THE BOARD PURSUANT THERETO.

25 * * *

26 (21) INDUCING OR COERCING DISTRIBUTORS OR IMPORTING
27 DISTRIBUTORS TO ACCEPT UNORDERED PRODUCTS OR COMMIT ILLEGAL
28 ACTS. FOR ANY MANUFACTURER TO COMPEL OR ATTEMPT TO COMPEL ANY
29 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ACCEPT DELIVERY OF ANY
30 MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS OR ANY

1 OTHER COMMODITY WHICH SHALL NOT HAVE BEEN ORDERED BY THE
2 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO DO ANY ILLEGAL ACT
3 BY ANY MEANS WHATSOEVER INCLUDING, BUT NOT LIMITED TO,
4 THREATENING TO AMEND, CANCEL, TERMINATE, RESCIND OR REFUSE TO
5 RENEW ANY AGREEMENT EXISTING BETWEEN MANUFACTURER AND THE
6 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO REQUIRE A
7 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ASSENT TO ANY CONDITION,
8 STIPULATION OR PROVISION LIMITING THE DISTRIBUTOR OR IMPORTING
9 DISTRIBUTOR IN HIS RIGHT TO SELL THE PRODUCTS OF ANY OTHER
10 MANUFACTURER.

11 * * *

12 SECTION 16. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.