

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 BROWNE, APPROPRIATIONS, IN SENATE, AS AMENDED,
JUNE 16, 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; ADDING PROVISIONS RELATING TO FEES AND TAXATION <--
27 OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION; AND
28 FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE TO MALT OR
29 BREWED BEVERAGES AND LICENSEES.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

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

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

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

41 ~~(1) Except as provided in this paragraph and paragraph (3),~~
42 ~~nothing in this section shall affect the ability of a licensee~~
43 ~~to operate within the scope of the licensee's current license as~~
44 ~~authorized by this act, provided, however, that no sales of~~

~~1 prepared beverages and mixed drinks for off premises consumption~~
~~2 may take place after eleven o'clock postmeridian of any day~~
~~3 until the licensee's permitted hours of operation under this~~
~~4 section of the next day, including Sundays if the licensee has a~~
~~5 permit authorized under subsection (a) (3) and section 432(f).~~

~~6 (2) The following licensees are prohibited from selling~~
~~7 prepared beverages and mixed drinks for off premises consumption~~
~~8 under this section:~~

~~9 (i) A licensee whose underlying license is subject to a~~
~~10 pending objection by the director of the Bureau of Licensing or~~
~~11 the board under section 470(a.1), until the matter is decided.~~

~~12 (ii) A licensee whose underlying license has been suspended~~
~~13 under section 1799.6 E of the act of April 9, 1929 (P.L.343,~~
~~14 No.176), known as "The Fiscal Code."~~

~~15 (iii) A licensee that has an interior connection to a~~
~~16 grocery store, convenience store or department store.~~

~~17 (3) For purposes of selling prepared beverages and mixed~~
~~18 drinks for off premises consumption, a licensed premises shall~~
~~19 not be subject to section 493(14).~~

~~20 (4) A licensee selling prepared beverages and mixed drinks~~
~~21 for off premises consumption shall utilize a transaction scan~~
~~22 device to verify the age of an individual who appears to be~~
~~23 under thirty five (35) years of age before making a sale of~~
~~24 prepared beverages and mixed drinks for off premises~~
~~25 consumption. A licensee may not sell or share consumers'~~
~~26 personal data from the use of a transaction scan device,~~
~~27 provided that the licensee may share the data with the~~
~~28 enforcement bureau of the board as evidence that the licensee is~~
~~29 in compliance with this paragraph.~~

~~30 (5) A licensee selling prepared beverages or mixed drinks~~

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

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

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

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

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

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

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

~~30 Section 2. Section 417 of the act is repealed:~~

~~{Section 417. Prepared Beverages and Mixed Drinks for Off-Premises Consumption During Disaster Emergency. (a) The following shall apply:~~

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

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

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

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

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

~~(4) For purposes of selling prepared beverages and mixed~~

1 ~~drinks for off premises consumption, a licensed premises shall~~
2 ~~not be subject to section 493(14).~~

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

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

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

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

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

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

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

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

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

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

30 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,

1 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
2 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

3 * * *

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

15 * * *

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

21 * * *

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

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

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

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

27 * * *

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

1 IN SECTION 102.

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

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

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

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

16 * * *

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

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

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

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

1 FOLLOWING DAY, EXCEPT SUNDAY, AND EXCEPT AS HEREINAFTER
2 PROVIDED, MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
3 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK
4 MIDNIGHT AND TWO O'CLOCK ANTEMERIDIAN. NO SALES OF READY-TO-
5 DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE
6 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 (2.1) AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,
10 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER
11 FIVE O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK
12 ANTEMERIDIAN OF THE FOLLOWING DAY.

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

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

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

30 (6.1) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY,

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

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

20 * * *

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

1 THIS SECTION OF THE FOLLOWING DAY.

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

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

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

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

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

26 * * *

27 (J) NOTWITHSTANDING ANY PROVISION OF THIS ACT, A PERSON
28 HOLDING AND POSSESSING A VALID RESTAURANT OR HOTEL LIQUOR
29 LICENSE MAY SELL PREPARED BEVERAGES AND MIXED DRINKS FOR OFF-
30 PREMISES CONSUMPTION WHERE MEALS PREPARED FOR PICK-UP OR

1 CURBSIDE PICK-UP ARE ALSO AVAILABLE. THE FOLLOWING SHALL APPLY:

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

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

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

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

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

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

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

1 PERSONAL DATA FROM THE USE OF A TRANSACTION SCAN DEVICE,
2 PROVIDED THAT THE LICENSEE MAY SHARE THE DATA WITH THE
3 ENFORCEMENT BUREAU OF THE BOARD AS EVIDENCE THAT THE LICENSEE IS
4 IN COMPLIANCE WITH THIS PARAGRAPH.

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

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

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

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

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

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

1 "TRANSACTION SCAN DEVICE" SHALL MEAN A DEVICE CAPABLE OF
2 DECIPHERING, IN AN ELECTRONICALLY READABLE FORMAT, THE
3 INFORMATION ENCODED ON THE MAGNETIC STRIP, CHIP OR BAR CODE OF
4 AN IDENTIFICATION CARD UNDER SECTION 495 (A).

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

13 SECTION 5. SECTION 406.1(A) OF THE ACT IS AMENDED TO READ:
14 SECTION 406.1. SECONDARY SERVICE AREA.--(A) UPON
15 APPLICATION OF ANY RESTAURANT, HOTEL, CLUB, MUNICIPAL GOLF
16 COURSE LIQUOR LICENSEE, DISTILLERY, LIMITED DISTILLERY OR
17 MANUFACTURER OF MALT OR BREWED BEVERAGES OR MANUFACTURER OF
18 READY-TO-DRINK COCKTAILS, AND PAYMENT OF THE APPROPRIATE FEE,
19 THE BOARD MAY APPROVE A SECONDARY SERVICE AREA BY EXTENDING THE
20 LICENSED PREMISES TO INCLUDE ONE ADDITIONAL PERMANENT STRUCTURE
21 WITH DIMENSIONS OF AT LEAST ONE HUNDRED SEVENTY-FIVE SQUARE
22 FEET, ENCLOSED ON THREE SIDES AND HAVING ADEQUATE SEATING. SUCH
23 SECONDARY SERVICE AREA MUST BE LOCATED ON PROPERTY HAVING A
24 MINIMUM AREA OF ONE (1) ACRE, AND MUST BE ON LAND WHICH IS
25 IMMEDIATE, ABUTTING, ADJACENT OR CONTIGUOUS TO THE LICENSED
26 PREMISES WITH NO INTERVENING PUBLIC THOROUGHFARE; HOWEVER, THE
27 ORIGINAL LICENSED PREMISES AND THE SECONDARY SERVICE AREA MUST
28 BE LOCATED ON THE SAME TRACT OF LAND. THE BOARD SHALL HAVE
29 DISCRETION TO REFUSE THE APPLICATION FOR A SECONDARY SERVICE
30 AREA IN THE SAME MANNER IT HAS DISCRETION TO REFUSE AN

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

15 * * *

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

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

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

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

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

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

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

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

25 * * *

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

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

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

24 * * *

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

30 SECTION 8. SECTION 410(E) OF THE ACT IS AMENDED AND THE

1 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

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

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

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

16 * * *

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

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

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

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

28 (1) SALES MAY ONLY BE MADE ONE HOUR BEFORE, DURING AND ONE
29 HOUR AFTER ANY ATHLETIC PERFORMANCE, PERFORMING ARTS EVENT,
30 TRADE SHOW, CONVENTION, BANQUET OR ANY OTHER PERFORMANCE AT THE

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

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

1 COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER
2 MAY OCCUR.

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

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

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

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

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

28 (1) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
29 BREWED BEVERAGES MAY BE MADE TWO HOURS BEFORE, DURING AND ONE
30 HOUR AFTER ANY PERFORMANCE AT THE FACILITY; HOWEVER, SALES MAY

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

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

13 * * *

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

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

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

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

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

1 BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE TAKEN BEYOND
2 THE CONFINES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

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

12 * * *

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

22 * * *

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

27 * * *

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

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

1 THE PUBLIC.

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

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

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

13 * * *

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

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

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

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

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

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

1 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY TO
2 THE APPLICANT TO USE THE OUTSIDE AREA SUBJECT TO THE REQUEST
3 WHILE THE BOARD PROCESSES THE REQUEST.

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

6 (I) A VALID PROTEST IS RECEIVED; OR

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

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

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

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

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

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

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

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

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

29 (A.3) SUBSECTIONS (A.1) AND (A.2) SHALL EXPIRE DECEMBER 31,
30 2022.

1 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 OF BEER INTO OR WITHIN THIS COMMONWEALTH.

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

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

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

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

1 IMPOSED BY THE OTHER PARTY UNDER THE TERMS OF AN AGREEMENT.

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

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

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

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

1 THIS ACT BECOMES EFFECTIVE.

2 * * *

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

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

18 * * *

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

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

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

1 OF BREWERY LICENSES UNDER SECTION 446(A)(1). A MANUFACTURER ALSO
2 MAY SELL ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK
3 COCKTAILS PRODUCED AND OWNED BY THE MANUFACTURER TO INDIVIDUALS
4 ON THE LICENSED PREMISES FOR CONSUMPTION OFF THE LICENSED
5 PREMISES IN CONTAINERS OR PACKAGES OF UNLIMITED QUANTITY AND OF
6 ANY VOLUME. NO MANUFACTURER MAY MAINTAIN OR OPERATE WITHIN THE
7 COMMONWEALTH ANY PLACE OR PLACES OTHER THAN THE PLACE OR PLACES
8 COVERED BY HIS OR ITS LICENSE WHERE MALT OR BREWED BEVERAGES AND
9 READY-TO-DRINK COCKTAILS ARE SOLD OR WHERE ORDERS ARE TAKEN.

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

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

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

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

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

1 BE CONSUMED ON LICENSED PREMISES.

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

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

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

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

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

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

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

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

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

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

1 IMPORTING DISTRIBUTOR MAY BE REQUIRED TO COLLECT THE NAME,
2 ADDRESS OR ANY OTHER IDENTIFYING INFORMATION OF THE PRIVATE
3 INDIVIDUAL FOR THE PURPOSE OF KEEPING A RECORD OF THE QUANTITY
4 OF CASES OR VOLUME OF MALT OR BREWED BEVERAGES OR READY-TO-DRINK
5 COCKTAILS PURCHASED.

6 SECTION 14. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
7 SECTION 462.1. SAFEKEEPING.--IN ADDITION TO THE AUTHORITY
8 UNDER SECTION 462 AND NOTWITHSTANDING ANY OTHER PROVISION OF
9 THIS ACT, THE BOARD SHALL DO THE FOLLOWING:

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

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

30 SECTION 15. ARTICLE IV OF THE ACT IS AMENDED BY ADDING A <--

1 SUBARTICLE TO READ:

2 (C.2) FEES AND TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-
3 PREMISES CONSUMPTION.

4 SECTION 489. FEES FOR LICENSEES IMPORTING, DISTRIBUTING AND
5 SELLING READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION.--

6 (A) IN ADDITION TO ANY OTHER FEE CHARGED, AN IMPORTER LICENSEE
7 AND IMPORTING DISTRIBUTOR LICENSEE SHALL PAY AN INITIAL
8 APPLICATION FEE AND AN ANNUAL RENEWAL FEE TO SELL READY-TO-DRINK
9 COCKTAILS FOR OFF-PREMISES CONSUMPTION AS FOLLOWS:

10 (1) AN INITIAL APPLICATION FEE OF FIVE THOUSAND DOLLARS
11 (\$5,000).

12 (2) AN ANNUAL RENEWAL FEE OF THREE PER CENTUM (3%) OF THE
13 LICENSEE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-
14 PREMISES CONSUMPTION.

15 (B) IN ADDITION TO ANY OTHER FEE CHARGED, A LICENSEE WITH AN
16 INTERIOR CONNECTION TO A CONVENIENCE STORE, GROCERY STORE OR
17 DEPARTMENT STORE, AS THOSE TERMS ARE DEFINED IN SECTION 406(J)
18 (7), SHALL PAY AN INITIAL APPLICATION FEE AND AN ANNUAL RENEWAL
19 FEE TO SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
20 CONSUMPTION AS FOLLOWS:

21 (1) AN INITIAL APPLICATION FEE OF TWO THOUSAND FIVE HUNDRED
22 DOLLARS (\$2,500).

23 (2) AN ANNUAL RENEWAL FEE OF TWO PER CENTUM (2%) OF THE
24 STORE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
25 CONSUMPTION.

26 (C) IN ADDITION TO ANY OTHER FEE CHARGED, A RESTAURANT
27 LICENSEE, HOTEL LICENSEE AND DISTRIBUTOR LICENSEE WHO IS NOT
28 SUBJECT TO SUBSECTION (B) SHALL PAY AN INITIAL APPLICATION FEE
29 AND AN ANNUAL RENEWAL FEE TO SELL READY-TO-DRINK COCKTAILS FOR
30 OFF-PREMISES CONSUMPTION AS FOLLOWS:

1 (1) AN INITIAL APPLICATION FEE OF ONE THOUSAND DOLLARS
2 (\$1,000).

3 (2) AN ANNUAL RENEWAL FEE OF TWO PER CENTUM (2%) OF THE
4 LICENSEE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-
5 PREMISES CONSUMPTION.

6 (D) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
7 PAID TO THE BOARD UNDER THIS SECTION SHALL BE PAID INTO THE
8 STATE STORES FUND.

9 SECTION 489.1. TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-
10 PREMISES CONSUMPTION.--(A) EXCEPT FOR SALES TO THE BOARD OR
11 FROM THE BOARD, THE FOLLOWING TAXES SHALL BE IMPOSED ON EACH
12 SALE IN THIS COMMONWEALTH OF READY-TO-DRINK COCKTAILS FOR OFF-
13 PREMISES CONSUMPTION:

14 (1) A TAX IN LIEU OF THE EMERGENCY STATE TAX IMPOSED UNDER
15 THE ACT OF JUNE 9, 1936 (1ST SP. SESS., P.L.13, NO.4), ENTITLED
16 "AN ACT IMPOSING AN EMERGENCY STATE TAX ON LIQUOR, AS HEREIN
17 DEFINED, SOLD BY THE PENNSYLVANIA LIQUOR CONTROL BOARD;
18 PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAX; AND
19 IMPOSING DUTIES UPON THE DEPARTMENT OF REVENUE AND THE
20 PENNSYLVANIA LIQUOR CONTROL BOARD" SHALL BE IMPOSED AND ASSESSED
21 AT A RATE OF EIGHTEEN PER CENTUM (18%) OF THE NET PRICE OF
22 READY-TO-DRINK COCKTAILS SOLD FOR OFF-PREMISES CONSUMPTION AND
23 IS SUBJECT TO THE FOLLOWING:

24 (I) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE COLLECTED
25 FROM THE PURCHASER AT THE TIME OF SALE AND SHALL BE PAID OVER TO
26 THE COMMONWEALTH AS PROVIDED IN THIS SUBSECTION.

27 (II) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE INCLUDED
28 IN THE PURCHASE PRICE OF ALL READY-TO-DRINK COCKTAILS SOLD FOR
29 OFF-PREMISES CONSUMPTION AND MAY NOT BE SEPARATELY STATED FROM
30 THE PURCHASE PRICE.

1 (III) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE PAID TO
2 AND RECEIVED BY THE DEPARTMENT OF REVENUE AND, ALONG WITH
3 INTEREST AND PENALTIES, SHALL BE DEPOSITED INTO THE GENERAL
4 FUND.

5 (2) THE TAX UNDER ARTICLE II OF THE ACT OF MARCH 4, 1971
6 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971," WHICH
7 SHALL BE IMPOSED ON THE PURCHASE PRICE OF READY-TO-DRINK
8 COCKTAILS SOLD FOR OFF-PREMISES CONSUMPTION.

9 (B) A SECOND OR SUBSEQUENT SELLER OF READY-TO-DRINK-
10 COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY, WHEN FILING THE
11 SELLER'S REQUIRED RETURNS UNDER ARTICLE II OF THE "TAX REFORM
12 CODE OF 1971" AND THIS SECTION, REQUEST A CREDIT OF TAXES PAID
13 IN ACCORDANCE WITH SUBSECTION (A) FOR READY-TO-DRINK COCKTAILS
14 FOR OFF-PREMISES CONSUMPTION FOR WHICH TAXES WERE REMITTED TO
15 THE DEPARTMENT UNDER SUBSECTION (A). THE DEPARTMENT OF REVENUE
16 MAY PROMULGATE RULES OR REGULATIONS AND PRESCRIBE FORMS AS MAY
17 BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

18 (C) THE PROVISIONS OF PART VI OF ARTICLE II OF THE "TAX
19 REFORM CODE OF 1971" SHALL APPLY TO THE TAXES IMPOSED UNDER
20 SUBSECTION (A) (1).

21 (D) THE DEPARTMENT OF REVENUE SHALL SHARE INFORMATION WITH
22 THE BOARD DETAILING THE SALES AND TAXES PAID BY SELLERS OF
23 READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION UNDER THIS
24 SECTION.

25 (E) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE
26 SALE OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION BY
27 A LIMITED DISTILLERY OR DISTILLERY.

28 (F) A LICENSEE THAT SELLS A READY-TO-DRINK COCKTAIL FOR OFF-
29 PREMISES CONSUMPTION WITHOUT COLLECTING THE TAX OR ALLOWS A
30 PERSON TO LEAVE THE PREMISES WITH A READY-TO-DRINK COCKTAIL FOR

1 OFF-PREMISES CONSUMPTION THAT WAS SOLD OR PROVIDED WITHOUT THE
2 IMPOSITION OF THE TAX SHALL BE SUBJECT TO CITATION UNDER SECTION
3 471 OR NONRENEWAL UNDER SECTION 470.

4 SECTION ~~15~~ 16. SECTION 492(11), (12), (13), (14), (18) AND <--
5 (21) OF THE ACT ARE AMENDED TO READ:

6 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
7 BEVERAGES AND LICENSEES.--

8 IT SHALL BE UNLAWFUL--

9 * * *

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

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

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

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

30 (13) POSSESSION OR STORAGE OF LIQUOR OR ALCOHOL BY CERTAIN

1 LICENSEES. FOR ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL
2 DISPENSER, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO HAVE IN HIS
3 POSSESSION, OR TO PERMIT THE STORAGE OF ON THE LICENSED PREMISES
4 OR IN ANY PLACE CONTIGUOUS OR ADJACENT THERETO ACCESSIBLE TO THE
5 PUBLIC OR USED IN CONNECTION WITH THE OPERATION OF THE LICENSED
6 PREMISES, ANY ALCOHOL OR LIQUOR[.], EXCEPT IMPORTING
7 DISTRIBUTORS AND DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
8 THEIR EMPLOYES MAY POSSESS AND STORE READY-TO-DRINK COCKTAILS.

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

19 * * *

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

30 * * *

1 (21) INDUCING OR COERCING DISTRIBUTORS OR IMPORTING
2 DISTRIBUTORS TO ACCEPT UNORDERED PRODUCTS OR COMMIT ILLEGAL
3 ACTS. FOR ANY MANUFACTURER TO COMPEL OR ATTEMPT TO COMPEL ANY
4 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ACCEPT DELIVERY OF ANY
5 MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS OR ANY
6 OTHER COMMODITY WHICH SHALL NOT HAVE BEEN ORDERED BY THE
7 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO DO ANY ILLEGAL ACT
8 BY ANY MEANS WHATSOEVER INCLUDING, BUT NOT LIMITED TO,
9 THREATENING TO AMEND, CANCEL, TERMINATE, RESCIND OR REFUSE TO
10 RENEW ANY AGREEMENT EXISTING BETWEEN MANUFACTURER AND THE
11 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO REQUIRE A
12 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ASSENT TO ANY CONDITION,
13 STIPULATION OR PROVISION LIMITING THE DISTRIBUTOR OR IMPORTING
14 DISTRIBUTOR IN HIS RIGHT TO SELL THE PRODUCTS OF ANY OTHER
15 MANUFACTURER.

16 * * *

17 SECTION ~~16~~ 17. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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