

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of 2021

INTRODUCED BY R. MACKENZIE, BROOKS, ECKER, M. MACKENZIE,
MILLARD, ORTITAY, SILVIS AND SMITH, NOVEMBER 4, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, NOVEMBER 4, 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 preliminary provisions, further providing for definitions;
18 and, in licenses and regulations and liquor, alcohol and malt
19 and brewed beverages, further providing for public venue
20 license.

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

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

26 Section 102. Definitions.--The following words or phrases,
27 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 * * *

3 "Public venue" shall mean a stadium, arena, convention
4 center, museum, zoo, amphitheater or [similar structure.]
5 amusement park as defined in section 2 of the act of June 18,
6 1984 (P.L.384, No.81), known as the Amusement Ride Inspection
7 Act, situated on at least 40 acres of land regardless of seating
8 capacity or similar structure. If the public venue is a cruise
9 terminal owned or leased by a port authority created under the
10 act of June 12, 1931 (P.L.575, No.200), entitled "An act
11 providing for joint action by Pennsylvania and New Jersey in the
12 development of the ports on the lower Delaware River, and the
13 improvement of the facilities for transportation across the
14 river; authorizing the Governor, for these purposes, to enter
15 into an agreement with New Jersey; creating The Delaware River
16 Joint Commission and specifying the powers and duties thereof,
17 including the power to finance projects by the issuance of
18 revenue bonds; transferring to the new commission all the powers
19 of the Delaware River Bridge Joint Commission; and making an
20 appropriation," it shall have no permanent seating requirement.
21 If the public venue is an open-air amphitheater owned by a port
22 authority created under the act of December 6, 1972 (P.L.1392,
23 No.298), known as the "Third Class City Port Authority Act," it
24 shall have no permanent seating requirement. If the public venue
25 is owned by a political subdivision, a municipal authority, the
26 Commonwealth, an authority created under the act of July 29,
27 1953 (P.L.1034, No.270), known as the "Public Auditorium
28 Authorities Law," an authority created under Article XXV-A of
29 the act of July 28, 1953 (P.L.723, No.230), known as the "Second
30 Class County Code," an art museum established under the

1 authority of the act of April 6, 1791 (3 Sm.L.20, No.1536),
2 entitled "An act to confer on certain associations of the
3 citizens of this commonwealth the powers and immunities of
4 corporations, or bodies politic in law," or an authority created
5 under Article XXIII (n) or (o) of the act of August 9, 1955
6 (P.L.323, No.130), known as "The County Code," it shall have
7 permanent seating for at least one thousand (1,000) people;
8 otherwise, it shall have permanent seating for at least two
9 thousand (2,000) people. The term shall also mean any regional
10 history center, multipurpose cultural and science facility,
11 museum or convention or trade show center, regardless of owner
12 and seating capacity, that has a floor area of at least sixty
13 thousand (60,000) square feet in one building. The term shall
14 also mean a convention or conference center owned by a city of
15 the third class or a university which is a member of the
16 Pennsylvania State System of Higher Education which is operated
17 by a university foundation or alumni association, regardless of
18 seating capacity, that has a floor area of at least fifteen
19 thousand (15,000) square feet in one building. The term shall
20 also mean a visitor center, regardless of floor area or seating
21 capacity, that was established under the authority of the
22 Gateway Visitor Center Authorization Act of 1999 (Public Law
23 106-131, 113 Stat. 1678, 16 U.S.C. § 407m).

24 * * *

25 Section 2. Section 412(f) (1) of the act is amended and the
26 section is amended by adding subsections to read:

27 Section 412. Public Venue License.--* * *

28 (f) Licenses issued under this section are to be considered
29 restaurant liquor licenses. However, the following additional
30 restrictions and privileges apply:

1 (1) Sales may only be made one hour before, during and one
2 hour after any athletic performance, performing arts event,
3 trade show, convention, banquet or any other performance at the
4 facility; however, sales may not be made from two o'clock
5 antemeridian to seven o'clock antemeridian. In addition, sales
6 may not occur prior to eleven o'clock antemeridian on Sundays or
7 seven o'clock antemeridian on Mondays. Notwithstanding this
8 section, facilities that had been licensed under former sections
9 408.9 and 408.14 and amusement parks may sell liquor and/or malt
10 or brewed beverages anytime except from two o'clock antemeridian
11 to seven o'clock antemeridian or prior to eleven o'clock
12 antemeridian on Sundays or seven o'clock antemeridian on
13 Mondays, regardless of whether there is a performance at the
14 facility.

15 * * *

16 (h) An amusement park that holds a restaurant license before
17 January 1, 2021, and seeks to obtain a public venue license
18 shall exchange one existing restaurant license to the board in
19 return for a public venue license at no cost. A restaurant
20 license exchanged under this subsection shall be subject to a
21 license auction under section 470.3.

22 (i) As used in this section, the term "amusement park" shall
23 have the same meaning as defined in section 2 of the act of June
24 18, 1984 (P.L.384, No.81), known as the Amusement Ride
25 Inspection Act.

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