
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2467 Session of
2022

INTRODUCED BY O'NEAL, SMITH, ROTHMAN, BERNSTINE, GAYDOS,
MIHALEK, MOUL, MAJOR, KEEFER, RIGBY AND ROWE, MARCH 31, 2022

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 31, 2022

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 relating to liquor, alcohol
19 and malt and brewed beverages, further providing for
20 applications for hotel, restaurant and club liquor licenses,
21 for issuance, transfer or extension of hotel, restaurant and
22 club liquor licenses, for license fees, for sale of malt or
23 brewed beverages by liquor licensees and for malt and brewed
24 beverages manufacturers', distributors' and importing
25 distributors' licenses.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
29 No.21), known as the Liquor Code, is amended by adding a

1 definition to read:

2 Section 102. Definitions.--The following words or phrases,
3 unless the context clearly indicates otherwise, shall have the
4 meanings ascribed to them in this section:

5 * * *

6 "Convenience store" shall mean a business that sells gasoline
7 products in conjunction with a convenience store that sells a
8 range of everyday items such as coffee, groceries, snack foods,
9 confectionery, soft drinks, tobacco products, over-the-counter
10 drugs, toiletries, newspapers, magazines and other consumer
11 products to customers.

12 * * *

13 Section 2. Section 403(a) of the act is amended to read:

14 Section 403. Applications for Hotel, Restaurant [and], Club
15 Liquor and Convenience Store Licenses.--(a) Every applicant for
16 a hotel liquor license, restaurant liquor license [or], club
17 liquor or convenience store license or for the transfer of an
18 existing license to another premises not then licensed or to
19 another person shall file a written application with the board
20 in such form and containing such information as the board shall
21 from time to time prescribe, which shall be accompanied by a
22 filing fee and an annual license fee as prescribed in section
23 614-A of the act of April 9, 1929 (P.L.177, No.175), known as
24 "The Administrative Code of 1929." Every such application shall
25 contain a description of that part of the hotel, restaurant
26 [or], club or convenience store for which the applicant desires
27 a license and shall set forth such other material information,
28 description or plan of that part of the hotel, restaurant [or],
29 club or convenience store where it is proposed to keep and sell
30 liquor as may be required by the regulations of the board. The

1 descriptions, information and plans referred to in this
2 subsection shall show the hotel, restaurant, club, convenience
3 store or the proposed location for the construction of a hotel,
4 restaurant [or], club or convenience store, at the time the
5 application is made, and shall show any alterations proposed to
6 be made thereto, or the new building proposed to be constructed
7 after the approval by the board of the application for a license
8 or for the transfer of an existing license to another premises
9 not then licensed or to another person. No physical alterations,
10 improvements or changes shall be required to be made to any
11 hotel, restaurant [or], club or convenience store, nor shall any
12 new building for any such purpose, be required to be constructed
13 until approval of the application for license or for the
14 transfer of an existing license to another premises not then
15 licensed or to another person by the board. After approval of
16 the application, the licensee shall make the physical
17 alterations, improvements and changes to the licensed premises,
18 or shall construct the new building in the manner specified by
19 the board at the time of approval, and the licensee shall not
20 transact any business under the license until the board has
21 approved the completed physical alterations, improvements and
22 changes to the licensed premises, or the completed construction
23 of the new building as conforming to the specifications required
24 by the board at the time of issuance or transfer of the license,
25 and is satisfied that the establishment is a restaurant, hotel
26 [or], club or convenience store as defined by this act. The
27 board may require that all such alterations or construction or
28 conformity to definition be completed within six months from the
29 time of issuance or transfer of the license. Failure to comply
30 with these requirements shall be considered cause for revocation

1 of the license. No such license shall be transferable between
2 the time of issuance or transfer of the license and the approval
3 of the completed alterations or construction by the board and
4 full compliance by the licensee with the requirements of this
5 act, except in the case of death of the licensee prior to full
6 compliance with all of the aforementioned requirements or unless
7 full compliance is impossible for reasons beyond the licensee's
8 control, in which event, the license may be transferred by the
9 board as provided in this act.

10 * * *

11 Section 3. Section 404(a) of the act, amended June 5, 2020
12 (P.L.213, No.29), is amended to read:

13 Section 404. Issuance, Transfer or Extension of Hotel,
14 Restaurant [~~and~~], Club Liquor and Convenience Store Liquor
15 Licenses.--(a) Upon receipt of the application and the proper
16 fees, and upon being satisfied of the truth of the statements in
17 the application that the applicant and management company or
18 companies, if any, are the only persons in any manner
19 pecuniarily interested in the business so asked to be licensed
20 and that no other person will be in any manner pecuniarily
21 interested therein during the continuance of the license, except
22 as hereinafter permitted, and that the applicant is a person of
23 good repute, that the premises applied for meet all the
24 requirements of this act and the regulations of the board, that
25 the applicant seeks a license for a hotel, restaurant [~~or~~], club
26 or convenience store, as defined in this act, and that the
27 issuance of such license is not prohibited by any of the
28 provisions of this act, the board shall, in the case of a hotel
29 [~~or~~], restaurant or convenience store, grant and issue to the
30 applicant a liquor license, and in the case of a club may, in

1 its discretion, issue or refuse a license: Provided, however,
2 That in the case of any new license or the transfer of any
3 license to a new location or the extension of an existing
4 license to cover an additional area the board may, in its
5 discretion, grant or refuse such new license, transfer or
6 extension if such place proposed to be licensed is within three
7 hundred feet of any church, hospital, charitable institution,
8 school, or public playground, or if such new license, transfer
9 or extension 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's authority to refuse to grant
12 a license because of its proximity to a church, hospital,
13 charitable institution, public playground or other licensed
14 premises shall not be applicable to license applications
15 submitted for public venues [or], performing arts facilities[:]
16 or convenience stores: And provided further, That the board's
17 authority to refuse to grant a license because of its proximity
18 to any other licensed premises shall not be applicable to
19 license applications submitted for a convenience store liquor
20 license: And provided further, That the board shall refuse any
21 application for a new license, the transfer of any license to a
22 new location or the extension of an existing license to cover an
23 additional area if, in the board's opinion, such new license,
24 transfer or extension would be detrimental to the welfare,
25 health, peace and morals of the inhabitants of the neighborhood
26 within a radius of five hundred feet of the place proposed to be
27 licensed: And provided further, That the board shall have the
28 discretion to refuse a license to any person or to any
29 corporation, partnership or association if such person, or any
30 officer or director of such corporation, or any member or

1 partner of such partnership or association shall have been
2 convicted or found guilty of a felony within a period of five
3 years immediately preceding the date of application for the said
4 license. The board may enter into an agreement with the
5 applicant concerning additional restrictions on the license in
6 question. If the board and the applicant enter into such an
7 agreement, such agreement shall be binding on the applicant.
8 Failure by the applicant to adhere to the agreement will be
9 sufficient cause to form the basis for a citation under section
10 471 and for the nonrenewal of the license under section 470. If
11 the board enters into an agreement with an applicant concerning
12 additional restrictions, those restrictions shall be binding on
13 subsequent holders of the license until the license is
14 transferred to a new location or until the board enters into a
15 subsequent agreement removing those restrictions. If the
16 application in question involves a location previously licensed
17 by the board, then any restrictions imposed by the board on the
18 previous license at that location shall be binding on the
19 applicant unless the board enters into a new agreement
20 rescinding those restrictions. The board may, in its discretion,
21 refuse an application for an economic development license under
22 section 461(b.1) or an application for an intermunicipal
23 transfer of a license if the board receives a protest from the
24 governing body of the receiving municipality. The receiving
25 municipality of an intermunicipal transfer or an economic
26 development license under section 461(b.1) may file a protest
27 against the transfer of a license into its municipality, and the
28 receiving municipality shall have standing in a hearing to
29 present testimony in support of or against the issuance or
30 transfer of a license. Upon any opening in any quota, an

1 application for a new license shall only be filed with the board
2 for a period of six months following said opening.

3 * * *

4 Section 4. Sections 405, 407 and 431 of the act are amended
5 by adding subsections to read:

6 Section 405. License Fees.--* * *

7 (b.1) License fees for a convenience store liquor license
8 shall be graduated according to the population of the
9 municipality as determined by the last preceding decennial
10 census of the United States in which the convenience store is
11 located, as prescribed in section 614-A of the act of April 9,
12 1929 (P.L.177, No.175), known as "The Administrative Code of
13 1929."

14 (b.2) Every applicant for a convenience store liquor license
15 shall pay to the board a one-time license fee of two thousand
16 five hundred dollars (\$2,500) with an annual renewal fee of
17 seven hundred fifty dollars (\$750).

18 * * *

19 Section 407. Sale of Malt or Brewed Beverages by Liquor
20 Licensees.--* * *

21 (a.1) (1) Every liquor license issued to a convenience
22 store under this subdivision (A) for the sale of beer shall
23 authorize the licensee to sell beer, malt or brewed beverages at
24 the same places but subject to the same restrictions and
25 penalties as apply to sales of liquor. Convenience store
26 licensees are authorized to sell malt or brewed beverages for
27 consumption off the premises and sold in quantities of not more
28 than one hundred ninety-two fluid ounces in a single sale to one
29 person. The sales must be made in closed containers.

30 (2) If a convenience store liquor license holder has an

1 interior connection to another business that it operates, the
2 convenience store liquor license holder may use one or more of
3 the registers in the other business to sell beer, malt or brewed
4 beverages for off-premises consumption under the following
5 conditions:

6 (i) the building is eleven thousand square feet or less;

7 (ii) the registers are located in the same building as the
8 licensed premises;

9 (iii) the registers comply with the signage, staffing,
10 training, carding, scanning and prohibition on the sharing of
11 data provisions of section 415(a)(8) and (9); and

12 (iv) the board has been provided notice of compliance with
13 this paragraph by the convenience store liquor license holder,
14 including square footage of the building and the location of the
15 specific registers to be used prior to their use.

16 (3) The registers used under paragraph (2) shall be deemed
17 to be licensed areas but no formal application beyond notice to
18 the board shall be required.

19 * * *

20 Section 431. Malt and Brewed Beverages Manufacturers',
21 Distributors' and Importing Distributors' Licenses.--* * *

22 (b.2) The board shall issue to any reputable person who
23 applies therefor, and pays the license fee hereinafter
24 prescribed, a convenience store license for the place which such
25 person desires to maintain for the sale of beer, malt or brewed
26 beverages, not for consumption on the premises where sold, and
27 in quantities of not more than one hundred ninety-two fluid
28 ounces in a single sale to one person. The board shall have the
29 discretion to refuse a license to any person or to any
30 corporation, partnership or association if such person, or any

1 officer or director of such corporation, or any member or
2 partner of such partnership or association shall have been
3 convicted or found guilty of a felony within a period of five
4 years immediately preceding the date of application for the said
5 license: And provided further, That, in the case of any new
6 license or the transfer of any license to a new location, the
7 board may, in its discretion, grant or refuse such new license
8 or transfer if such place proposed to be licensed is within
9 three hundred feet of any church, hospital, charitable
10 institution, school or public playground. And provided further,
11 That the board shall refuse any application for a new license or
12 the transfer of any license to a new location if, in the board's
13 opinion, such new license or transfer would be detrimental to
14 the welfare, health, peace and morals of the inhabitants of the
15 neighborhood within a radius of five hundred feet of the place
16 proposed to be licensed. If the application in question involves
17 a location previously licensed by the board, then any
18 restrictions imposed by the board on the previous license at
19 that location shall be binding on the applicant unless the board
20 enters into a new agreement rescinding those restrictions. The
21 board shall require notice to be posted on the property or
22 premises upon which the licensee or proposed licensee will
23 engage in sales of malt or brewed beverages. This notice shall
24 be similar to the notice required of hotel, restaurant and club
25 liquor licensees.

26 Except as hereinafter provided, such convenience store
27 license shall authorize the holder thereof to sell or deliver
28 beer, malt or brewed beverages in quantities not more than one
29 hundred ninety-two fluid ounces in a single sale to one person
30 anywhere within this Commonwealth, which have been purchased

1 from manufacturers or persons outside this Commonwealth engaged
2 in the legal sale of malt or brewed beverages or from
3 manufacturers or importing distributors licensed under this
4 article.

5 * * *

6 Section 5. This act shall take effect in 60 days.