

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 265 Session of 2023

INTRODUCED BY R. MACKENZIE, SCHLOSSBERG, CIRESI, SCHLEGEL  
 CULVER, FREEMAN, HEFFLEY, HOHENSTEIN, JOZWIAK, LEADBETER,  
 M. MACKENZIE, ROWE, SANCHEZ AND SMITH, MARCH 10, 2023

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 10, 2023

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,

1 unless the context clearly indicates otherwise, shall have the  
2 meanings ascribed to them in this section:

3 \* \* \*

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

1 Class County Code," an art museum established under the  
2 authority of the act of April 6, 1791 (3 Sm.L.20, No.1536),  
3 entitled "An act to confer on certain associations of the  
4 citizens of this commonwealth the powers and immunities of  
5 corporations, or bodies politic in law," or an authority created  
6 under Article XXIII (n) or (o) of the act of August 9, 1955  
7 (P.L.323, No.130), known as "The County Code," it shall have  
8 permanent seating for at least one thousand (1,000) people;  
9 otherwise, it shall have permanent seating for at least two  
10 thousand (2,000) people. The term shall also mean any regional  
11 history center, multipurpose cultural and science facility,  
12 museum or convention or trade show center, regardless of owner  
13 and seating capacity, that has a floor area of at least sixty  
14 thousand (60,000) square feet in one building. The term shall  
15 also mean a convention or conference center owned by a city of  
16 the third class or a university which is a member of the  
17 Pennsylvania State System of Higher Education which is operated  
18 by a university foundation or alumni association, regardless of  
19 seating capacity, that has a floor area of at least fifteen  
20 thousand (15,000) square feet in one building. The term shall  
21 also mean a visitor center, regardless of floor area or seating  
22 capacity, that was established under the authority of the  
23 Gateway Visitor Center Authorization Act of 1999 (Public Law  
24 106-131, 113 Stat. 1678, 16 U.S.C. § 407m).

25 \* \* \*

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

28 Section 412. Public Venue License.--\* \* \*

29 (f) Licenses issued under this section are to be considered  
30 restaurant liquor licenses. However, the following additional

1 restrictions and privileges apply:

2 (1) Sales may only be made one hour before, during and one  
3 hour after any athletic performance, performing arts event,  
4 trade show, convention, banquet or any other performance at the  
5 facility; however, sales may not be made from two o'clock  
6 antemeridian to seven o'clock antemeridian. In addition, sales  
7 may not occur prior to eleven o'clock antemeridian on Sundays or  
8 seven o'clock antemeridian on Mondays. Notwithstanding this  
9 [section, facilities that had been licensed under former  
10 sections] section:

11 (i) Facilities that had been licensed under former sections  
12 408.9 and 408.14 may sell liquor and/or malt or brewed beverages  
13 anytime except from two o'clock antemeridian to seven o'clock  
14 antemeridian or prior to eleven o'clock antemeridian on Sundays  
15 or seven o'clock antemeridian on Mondays, regardless of whether  
16 there is a performance at the facility.

17 (ii) Amusement parks may sell liquor and malt or brewed  
18 beverages from eleven o'clock antemeridian to eleven o'clock  
19 postmeridian.

20 \* \* \*

21 (h) An amusement park that holds a restaurant license before  
22 January 1, 2022, and seeks to obtain a public venue license  
23 shall exchange one existing restaurant license to the board in  
24 return for a public venue license at no cost. A restaurant  
25 license exchanged under this subsection shall be subject to a  
26 license auction under section 470.3.

27 (i) An amusement park that holds a public venue license  
28 shall utilize a transaction scan device to verify the age of an  
29 individual who appears to be under thirty-five years of age  
30 before making a sale of liquor and malt or brewed beverages,

1 however, an acceptable form of identification under section  
2 495(a) that cannot be scanned may be accepted by the licensee.  
3 An amusement park may not sell or share data from the use of a  
4 transaction scan device, provided that the licensee may use the  
5 data to show the enforcement bureau of the board that the  
6 licensee is in compliance with this act. As used in this  
7 subsection, the term "transaction scan device" means a device  
8 capable of deciphering, in an electronically readable format,  
9 the information encoded on the magnetic strip or bar code of an  
10 identification card under section 495(a).

11 (j) As used in this section, the term "amusement park" shall  
12 have the same meaning as defined in section 2 of the act of June  
13 18, 1984 (P.L.384, No.81), known as the "Amusement Ride  
14 Inspection Act."

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