

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 148 Session of
2011

INTRODUCED BY PAYNE, GEIST, KORTZ, MUSTIO, READSHAW, SONNEY,
WAGNER, STEVENSON, FARRY AND SABATINA, JANUARY 21, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 20, 2011

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for definitions, ~~for ISSUANCE, TRANSFER OR EXTENSION OF hotel, restaurant and club liquor licenses,~~ for sales by liquor licensees and restrictions and, FOR SALE OF MALT OR BREWED BEVERAGES BY LIQUOR LICENSEES, FOR MALT AND BREWED BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES, FOR DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC., FOR RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES, FOR MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH, FOR BRAND REGISTRATION, FOR LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED IN EACH COUNTY, FOR LICENSES NOT ASSIGNABLE AND TRANSFERS, FOR REVOCATION AND SUSPENSION OF LICENSES AND FINES AND, FOR LOCAL OPTION, for unlawful acts relative to liquor, malt and brewed beverages and licensees AND FOR LIMITED WINERIES.

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

Section 1. The definition of "eligible entity" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended June 25, 2010 (P.L.217, No.35), is amended and the section is amended by adding definitions to read:

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

* * *

"Catered event" FUNCTION shall mean the furnishing of prepared foods FOOD PREPARED ON THE PREMISES OR BROUGHT ONTO THE PREMISES ALREADY PREPARED in conjunction with alcoholic beverages for the accommodation of a PERSON OR AN IDENTIFIABLE group of people who made arrangements for the event FUNCTION at least forty-eight hours in advance and is paid for and sponsored by a third party.

* * *

"Eligible entity" shall mean a city of the third class, a hospital, a church, a synagogue, a volunteer fire company, a volunteer ambulance company, a volunteer rescue squad, a unit of a nationally chartered club which has been issued a club liquor license, a club in a city of the third class which has been issued a club liquor license and which, as of December 31, 2002, has been in existence for at least 100 years, a library, a nationally accredited Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, a nonprofit agricultural association in existence for at least ten years, a bona fide sportsmen's club in

existence for at least ten years, a nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, a fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, a museum operated by a nonprofit corporation in a city of the third class or township of the first class, a nonprofit corporation engaged in the performing arts in a city of the third class, borough or in an incorporated town, an arts council, a nonprofit corporation that operates an arts facility or museum in a city of the third class in the county of the fourth class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to protect the architectural heritage of boroughs or a township of the second class and which has been recognized as such by a municipal resolution, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of the second class with the permit to be used on State park grounds or conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for more than fifty years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the research and treatment of cystic fibrosis, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to educate the public on issues dealing with watershed conservation, a nonprofit organization as defined under section

501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine assisted activities for children and adults with special needs, a nonprofit economic development agency in a city of the second class with the primary function to serve as an economic generator for the greater southwestern Pennsylvania region by attracting and supporting film, television and related media industry projects and coordinating government and business offices in support of a production, a county tourist promotion agency as defined in section 3(1) of the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," and located in a city of the third class in a county of the fourth class or located in a township of the second class in a county of the fifth class, a junior league in a third class county that is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) that is comprised of women whose purpose is exclusively educational and charitable in promoting the volunteerism of women and developing and participating in community projects and that has been in existence for over seventy years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in counties of the second class A or of the third class and whose purpose is the education and promotion of American history, a nonprofit organization as defined under section 501(c)(6) of the Internal Revenue Code of 1986 [which is located in a city of the third class in a county of the third class and] whose purpose is to support business and industry, a brewery which has been issued a license to manufacture malt or brewed beverages and has been in existence for at least 100 years or a club recognized by Rotary

International which is located in a county of the fourth class and whose purpose is to provide service to others, to promote high ethical standards and to advance world understanding, goodwill and peace through its fellowship of business, professional and community leaders or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) which is located in a borough in a county of the third class and whose purpose is to promote mushrooms while supporting local and regional charities, A MUSEUM OPERATED BY A NOT-FOR-PROFIT CORPORATION IN A CITY OF THE SECOND CLASS A, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE SECOND CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to temporarily foster stray and unwanted animals and match them to suitable permanent homes, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 who operates either a Main Street Program or Elm Street Program recognized by the Commonwealth, the National Trust for Historic Preservation or both.

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"Happy hour" shall mean the period of time during which a licensee discounts alcoholic beverages.

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~~Section 2. Section 404 of the act, amended January 6, 2006 (P.L.1, No.1), is amended to read:~~

~~Section 404. Issuance, Transfer or Extension of Hotel, Restaurant and Club Liquor Licenses. Upon receipt of the application and the proper fees, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location or the extension of an existing license to cover an additional area the board may, in its discretion, grant or refuse such new license, transfer or extension if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license, transfer or extension is applied for a place which is within two hundred feet of any other premises which is~~

~~licensed by the board: And provided further, That the board's authority to refuse to grant a license because of its proximity to a church, hospital, charitable institution, public playground or other licensed premises shall not be applicable to license applications submitted for public venues or performing arts facilities: And provided further, That the board shall refuse any application for a new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if, in the board's opinion, such new license, transfer or extension would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. The board shall refuse any application for a new license, the transfer of any license to a new location or the extension of any license to cover an additional area where the sale of liquid fuels or oil is conducted. The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under section 470. If the board enters into an agreement with an~~

~~applicant concerning additional restrictions, those restrictions shall be binding on subsequent holders of the license until the license is transferred to a new location or until the board enters into a subsequent agreement removing those restrictions. If the application in question involves a location previously licensed by the board, then any restrictions imposed by the board on the previous license at that location shall be binding on the applicant unless the board enters into a new agreement rescinding those restrictions. The board may, in its discretion, refuse an application for an economic development license under section 461(b.1) or an application for an intermunicipal transfer of a license if the board receives a protest from the governing body of the receiving municipality. The receiving municipality of an intermunicipal transfer or an economic development license under section 461(b.1) may file a protest against the transfer of a license into its municipality, and the receiving municipality shall have standing in a hearing to present testimony in support of or against the issuance or transfer of a license. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.~~

Notwithstanding another provision of law, the board may not refuse to transfer or renew a license previously issued for premises located in a township of the second class within a county of the third class that is a dry municipality based on the fact that the municipality is a dry municipality if the premises for which the license is being transferred or renewed have been continuously licensed by the board for a period of fifty years or more.

Section 3 2. Section 406(a)(1) of the act, amended July 6,

2005 (P.L.135, No.39), is amended and the section 406(A)(3) OF THE ACT, AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), is amended AND THE SECTION IS AMENDED by adding subsections to read:

Section 406. Sales by Liquor Licensees; Restrictions.--(a)
~~(1) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, or, in the case of a restaurant, hotel or eating place licensee, at a catered event off the licensed premises, or in a bowling alley that is immediately adjacent to and under the same roof as a restaurant, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. The holder of a restaurant license located in a hotel may sell liquor or malt or brewed beverages for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club. For the purpose of this paragraph, any person who is an active member of any volunteer firefighting company, association or group of this Commonwealth, whether incorporated or unincorporated, shall upon the approval of any club composed of volunteer firemen licensed~~

~~under this act, have the same social rights and privileges as members of such licensed club. For the purposes of this paragraph, the term "active member" shall not include a social member. Any club licensee which is either an incorporated unit of a national veterans' organization or an affiliated organization as defined in section 461.1 shall be permitted to sell liquor or malt or brewed beverages to any active member of another unit which is chartered by the same national veterans' organization or to any member of a nationally chartered auxiliary associated with the same national veterans' organization.* * *~~

(3) HOTEL AND RESTAURANT LIQUOR LICENSEES, [AIRPORT RESTAURANT LIQUOR LICENSEES,] MUNICIPAL GOLF COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF SEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

* * *

(f) The holder of a hotel license or a restaurant OR RESTAURANT LIQUOR license may obtain an off-premises catering permit subject to section 493(33) to hold a catered event,

FUNCTION off the licensed premises and on otherwise unlicensed premises where the licensee may sell wine, liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption on those premises solely used for catering purposes so long as the liquor and malt or brewed beverages were purchased in conjunction with a meal which will be consumed on the catered premises. The holder of an eating place license may obtain an off premises catering permit subject to section 493(33) to hold a catered event off the licensed premises and on otherwise unlicensed premises where the licensee may sell malt or brewed beverages by the glass, open bottle or other container for consumption on those premises solely used for catering purposes so long as the malt or brewed beverages were purchased in conjunction with a meal which will be consumed on the catered premises. There shall be no limitation on the number of off premises catered events a licensee may hold at any given time. At no time may an off premises catering permittee agree to hold a catered event that includes the sale of alcohol at a location within a dry municipality. In addition, the off premises catering permittee shall give the local police department or the Pennsylvania State Police, if there is no local police department, written notice at least forty eight hours prior to each off premises catered event. Written notice shall consist of notifying the police of the date, time and place of the impending sale of alcoholic beverages. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE FOLLOWING:

- (1) ALCOHOL MAY BE PROVIDED ONLY DURING THE DAYS AND HOURS THAT THE LICENSE HOLDER MAY OTHERWISE SELL ALCOHOL;
- (2) ALL SERVERS AT THE OFF PREMISES CATERED FUNCTION SHALL

BE IN COMPLIANCE WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
PROVISIONS UNDER SECTION 471.1;

~~(3) EACH PERMIT SHALL BE VALID FOR ONE DAY AND NOT MORE THAN
FIFTY PERMITS MAY BE ISSUED EACH CALENDAR YEAR TO EACH LICENSE
HOLDER FOR USE WITH A PARTICULAR LICENSE;~~

(3) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY
AND NOT MORE THAN FIFTY CATERED FUNCTIONS MAY BE HELD EACH
CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A PARTICULAR
LICENSE;

(4) A PERMIT CATERED FUNCTION SHALL NOT BE ISSUED TO HELD AT
A LOCATION THAT IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER
LICENSEE'S LICENSE;

(5) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE
LICENSE IS IN SAFEKEEPING;

(6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF
LICENSING OR THE BOARD UNDER SECTION 470(A.1);

(7) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS
SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE
ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE
UNDER SECTION 471(B);

(8) NO ALCOHOL MAY BE TAKEN FROM THE PERMITTED LOCATION, BUT
THE APPLICANT MAY TRANSPORT ALCOHOL TO AND FROM ITS LICENSED
PREMISES TO THE PROPOSED PREMISES; AND

(9) WRITTEN NOTICE OF THE DATE, TIME AND LOCATION OF THE
CATERED FUNCTION SHALL BE PROVIDED TO THE LOCAL POLICE OR IF
THERE IS NO LOCAL POLICE FORCE TO THE ENFORCEMENT BUREAU AT
LEAST 48 HOURS IN ADVANCE OF THE EVENT.

(g) Notwithstanding any other provision of law or
regulation, the holder of a retail license may have HOLD HAPPY

HOURS up to four hours per day and up to fourteen hours per week during which the holder discounts the price of alcoholic beverages. The licensee may use up to four hours per day so long as the hours do not exceed fourteen hours in any given week and so long as no NO discounts are MAY BE given between the hours of midnight and the legal closing time and so long as notice. NOTICE of all happy hours is SHALL BE visibly posted on the licensed premises seven days prior to the happy hour. EXCEPT AS PROVIDED IN THIS SUBSECTION, A LICENSEE SHALL COMPLY WITH THE PROVISIONS OF 40 PA. CODE § 13-102 (RELATING TO DISCOUNT PRICING PRACTICES).

SECTION ~~3-1~~ 3. SECTION 407(A) OF THE ACT, AMENDED JULY 7, 2006 (P.L.584, NO.84), IS AMENDED TO READ:

SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR LICENSEES.-- (A) EVERY LIQUOR LICENSE ISSUED TO A HOTEL, RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN CLUBS MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON. THE SALES MAY BE MADE IN EITHER OPEN OR CLOSED CONTAINERS, UNLESS; PROVIDED, HOWEVER, THAT A MUNICIPALITY HAS ON MAY ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINER SALES CONTAINERS IN PUBLIC PLACES. NO LICENSEE UNDER THIS SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY.

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SECTION 4. SECTION 431(C) OF THE ACT, AMENDED MAY 5, 1970
(P.L.342, NO.110), IS AMENDED TO READ:

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

(C) THE AFORESAID LICENSES SHALL BE ISSUED ONLY TO REPUTABLE
INDIVIDUALS, PARTNERSHIPS AND ASSOCIATIONS WHO ARE, OR WHOSE
MEMBERS ARE, CITIZENS OF THE UNITED STATES AND [HAVE FOR TWO
YEARS PRIOR TO THE DATE OF THEIR APPLICATIONS BEEN] ARE
RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA OR TO REPUTABLE
CORPORATIONS ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE
COMMONWEALTH OF PENNSYLVANIA. SUCH LICENSES SHALL BE ISSUED TO
CORPORATIONS DULY ORGANIZED OR REGISTERED UNDER THE LAWS OF THE
COMMONWEALTH OF PENNSYLVANIA ONLY WHEN IT APPEARS THAT ALL OF
THE OFFICERS AND DIRECTORS OF THE CORPORATION ARE CITIZENS OF
THE UNITED STATES AND [HAVE BEEN] ARE RESIDENTS OF THE
COMMONWEALTH OF PENNSYLVANIA [FOR A PERIOD OF AT LEAST TWO YEARS
PRIOR TO THE DATE OF APPLICATION], AND THAT AT LEAST FIFTY-ONE
PER CENTUM OF THE CAPITAL STOCK OF SUCH CORPORATION IS ACTUALLY
OWNED BY INDIVIDUALS WHO ARE CITIZENS OF THE UNITED STATES AND
[HAVE BEEN] ARE RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA
[FOR A PERIOD OF AT LEAST TWO YEARS PRIOR TO THE DATE OF
APPLICATION]: PROVIDED, THAT THE PROVISIONS OF THIS SUBSECTION
WITH RESPECT TO RESIDENCE REQUIREMENTS SHALL NOT APPLY TO
INDIVIDUALS, PARTNERS, OFFICERS, DIRECTORS AND OWNERS OF CAPITAL
STOCK, OF CORPORATIONS LICENSED OR APPLYING FOR LICENSES AS
MANUFACTURERS OF MALT OR BREWED BEVERAGES, NOR SHALL THE
PROVISIONS OF THIS SUBSECTION WITH RESPECT TO STOCKHOLDER
REQUIREMENTS APPLY TO CORPORATIONS LICENSED OR APPLYING FOR
LICENSES AS MANUFACTURERS OF MALT OR BREWED BEVERAGES.

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SECTION 5. SECTION 441(D) OF THE ACT IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC.--* * *

(D) (1) NO DISTRIBUTOR [OR IMPORTING DISTRIBUTOR] SHALL MAINTAIN ANY PLACE FOR THE STORAGE OF MALT OR BREWED BEVERAGES EXCEPT IN THE SAME MUNICIPALITY IN WHICH THE LICENSED PREMISES IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD. IN THE EVENT THERE IS NO PLACE OF COLD STORAGE IN THE SAME MUNICIPALITY, THE BOARD MAY APPROVE A PLACE OF COLD STORAGE IN THE NEAREST MUNICIPALITY.

(2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR THE STORAGE OF MALT OR BREWED BEVERAGES EXCEPT IN THE FRANCHISE TERRITORY IN WHICH THE LICENSED PREMISES IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD. THE BOARD SHALL ISSUE NO MORE THAN ONE STORAGE FACILITY LICENSE TO AN IMPORTING DISTRIBUTOR. THE STORAGE LOCATION SHALL BE DESIGNATED SOLELY AS A STORAGE FACILITY, FROM WHICH ONLY SALES TO OTHER LICENSEES ARE PERMITTED. RETAIL SALES MAY BE MADE AT THE LICENSED LOCATION PURSUANT TO SUBSECTION (C). IF THE IMPORTING DISTRIBUTOR MAINTAINS A STORAGE LOCATION FOR COLD STORAGE IN THE SAME MUNICIPALITY IN WHICH THE IMPORTING DISTRIBUTOR IS LICENSED OR A NEARBY MUNICIPALITY, THE IMPORTING DISTRIBUTOR MAY CONTINUE TO MAINTAIN THAT COLD STORAGE LOCATION IN ADDITION TO ANOTHER STORAGE LOCATION WITHIN THEIR FRANCHISE TERRITORY.

* * *

(H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY" SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR

RESALE OF MALT OR BREWED BEVERAGES.

SECTION 5.1 6. SECTION 442(A)(1) OF THE ACT, AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES.--(A) (1) NO RETAIL DISPENSER SHALL PURCHASE OR RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED[: PROVIDED, HOWEVER, THAT NO]. NO RETAIL DISPENSER MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES IN QUANTITIES IN EXCESS OF ONE HUNDRED NINETY-TWO FLUID OUNCES[: PROVIDED, FURTHER, THAT NO]. SALES MAY BE MADE IN OPEN OR CLOSED CONTAINERS, UNLESS; PROVIDED, HOWEVER, THAT A MUNICIPALITY HAS MAY ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINER SALES CONTAINERS IN PUBLIC PLACES. NO CLUB LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE CLUB.

* * *

(F) THE HOLDER OF AN EATING PLACE RETAIL DISPENSER LICENSE MAY OBTAIN AN OFF-PREMISES CATERING PERMIT UNDER SECTION 493(33) TO HOLD A CATERED EVENT FUNCTION OFF OF THE LICENSED PREMISES AND ON OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR ANY OTHER CONTAINER, FOR CONSUMPTION ON THOSE PREMISES SOLELY USED FOR CATERING PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT SHALL BE SUBJECT TO THE FOLLOWING:

(1) MALT OR BREWED BEVERAGES MAY ONLY BE PROVIDED DURING THE

DAYS AND HOURS THAT THE LICENSE HOLDER MAY OTHERWISE SELL MALT OR BREWED BEVERAGES;

~~(2) EACH PERMIT SHALL BE VALID FOR ONE DAY AND NOT MORE THAN FIFTY PERMITS MAY BE ISSUED EACH CALENDAR YEAR TO EACH LICENSE HOLDER FOR USE WITH A PARTICULAR LICENSE;~~

(2) EACH CATERED FUNCTION SHALL LAST NO LONGER THAN ONE DAY AND NOT MORE THAN FIFTY CATERED FUNCTIONS MAY BE HELD EACH CALENDAR YEAR BY EACH LICENSE HOLDER FOR USE WITH A PARTICULAR LICENSE;

(3) A PERMIT CATERED FUNCTION SHALL NOT BE ISSUED TO BE HELD AT A LOCATION THAT IS ALREADY SUBJECT TO THE APPLICANT'S OR ANOTHER LICENSEE'S LICENSE;

(4) A PERMIT SHALL NOT BE ISSUED TO AN APPLICANT WHOSE LICENSE IS IN SAFEKEEPING;

(5) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS SUBJECT TO A PENDING OBJECTION BY THE DIRECTOR OF THE BUREAU OF LICENSING OR THE BOARD UNDER SECTION 470(A.1);

(6) A PERMIT SHALL NOT BE ISSUED TO A LOCATION THAT IS SUBJECT TO A PENDING LICENSE SUSPENSION UNDER SECTION 471 OR THE ONE-YEAR PROHIBITION ON THE ISSUANCE OR TRANSFER OF A LICENSE UNDER SECTION 471(B);

(7) NO MALT OR BREWED BEVERAGES MAY BE TAKEN FROM THE PERMITTED LOCATION, BUT THE APPLICANT MAY TRANSPORT MALT OR BREWED BEVERAGES TO AND FROM ITS LICENSED PREMISES TO THE PROPOSED PREMISES; AND

(8) WRITTEN NOTICE OF THE DATE, TIME AND LOCATION OF THE CATERED FUNCTION SHALL BE PROVIDED TO THE LOCAL POLICE, OR IF THERE IS NO LOCAL POLICE FORCE TO THE ENFORCEMENT BUREAU, AT LEAST FORTY-EIGHT HOURS IN ADVANCE OF THE EVENT.

SECTION 6 7. SECTIONS 444(C) AND 445 OF THE ACT ARE AMENDED

TO READ:

SECTION 444. MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE THIS COMMONWEALTH.--* * *

(C) ANY MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE OF PENNSYLVANIA WHICH ARE SOLD, TRANSPORTED OR POSSESSED IN PENNSYLVANIA CONTRARY TO ANY SUCH REGULATIONS OR ORDERS OF THE BOARD, OR WITHOUT THE PAYMENT OF THE FEES HEREIN REQUIRED, SHALL BE CONSIDERED CONTRABAND AND SHALL BE CONFISCATED BY THE BOARD AND DISPOSED OF IN THE SAME MANNER AS ANY OTHER ILLEGAL LIQUOR OR MALT OR BREWED BEVERAGES, PROVIDED THAT, IF THE POTENTIAL VIOLATION IS OF SECTION 445 OR ANY ASSOCIATED REGULATION, SUCH MALT OR BREWED BEVERAGES SHALL BE LEFT ON THE LICENSED PREMISES WHERE FOUND UNDER ORDERS NOT TO SELL SUCH CONTRABAND UNTIL SUCH TIME AS THE MALT OR BREWED BEVERAGE MANUFACTURER COMES INTO COMPLIANCE WITH PENNSYLVANIA'S REGULATIONS OR UNTIL THE LICENSEE HOLDING THE CONTRABAND CAN RETURN IT TO THE MANUFACTURER AND BE FULLY REIMBURSED.

* * *

SECTION 445. BRAND REGISTRATION.--(A) NO BRAND OR BRANDS OF MALT OR BREWED BEVERAGES SHALL BE OFFERED, SOLD OR DELIVERED TO ANY TRADE BUYER WITHIN THIS COMMONWEALTH UNLESS THE MANUFACTURER THEREOF SHALL FIRST SUBMIT AN APPLICATION IN THE FORM AND MANNER PRESCRIBED BY THE BOARD FOR THE REGISTRATION OF THE SAID BRAND OR BRANDS OF MALT BEVERAGES, TOGETHER [WITH AN ANNUAL FILING FEE NOT TO EXCEED TWENTY-FIVE DOLLARS (\$25) FOR EACH BRAND REGISTRATION REQUESTED.] WITH AN ANNUAL FILING FEE NOT TO EXCEED SEVENTY-FIVE DOLLARS (\$75) FOR EACH BRAND REGISTRATION REQUESTED. ANY BRAND PRODUCED IN QUANTITIES OF ONE HUNDRED BREWER'S BARRELS ANNUALLY OR LESS MAY BE REGISTERED TOGETHER WITH OTHER BRANDS PRODUCED BY THE SAME MANUFACTURER IN SUCH

~~QUANTITIES WITH AN ANNUAL FILING FEE NOT TO EXCEED ONE HUNDRED AND FIFTY DOLLARS (\$150) IN TOTAL FOR UP TO TWENTY INDIVIDUAL BRANDS.~~ REQUESTED AS SET FORTH IN SECTION 614-A(35) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929." NOTWITHSTANDING SECTION 614-A(35) OF THAT ACT, UP TO TWENTY BRANDS MAY BE REGISTERED FOR A SINGLE ANNUAL FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00), SO LONG AS ONE HUNDRED BARRELS OR LESS OF EACH BRAND IS PRODUCED ON AN ANNUAL BASIS. ANY BRAND OR BRANDS OF MALT OR BREWED BEVERAGES THAT ARE PRODUCED BY A MANUFACTURER BUT NOT OFFERED FOR SALE BECAUSE OF ADDITIONAL AGING OF THE BEVERAGES SHALL ONLY BE REGISTERED AT THE TIME THE BRAND OR BRANDS ARE OFFERED FOR SALE. IN THE EVENT AN OUT-OF-STATE OR FOREIGN MANUFACTURER OF MALT OR BREWED BEVERAGES HAS GRANTED FRANCHISE RIGHTS TO ANY PERSON FOR THE SALE AND DISTRIBUTION OF ITS BRAND PRODUCTS BUT WHICH PERSON IS NOT LICENSED TO SELL AND DISTRIBUTE THE SAME IN THIS COMMONWEALTH, SAID SUCH PERSON SHALL NEVERTHELESS BE REQUIRED TO REGISTER THE INVOLVED BRAND BEFORE OFFERING THE SAME FOR SALE IN PENNSYLVANIA. IT IS FURTHER CONDITIONED THAT THE PERSON HOLDING SUCH FRANCHISE RIGHTS SHALL, TOGETHER WITH ITS APPLICATION FOR BRAND REGISTRATION, FILE WITH THE BOARD COPIES OF ALL AGREEMENTS BETWEEN IT AND THE PENNSYLVANIA IMPORTING DISTRIBUTOR APPOINTED BY SUCH PERSON TO SELL AND DISTRIBUTE THE BRANDS OF MALT OR BREWED BEVERAGES AS PROVIDED BY SECTIONS 431 AND 492. SUCH AGREEMENT SHALL CONTAIN THE MANUFACTURER'S CONSENT AND APPROVAL TO THE APPOINTMENT OF THE PENNSYLVANIA IMPORTING DISTRIBUTOR AND THE RIGHTS CONFERRED THEREUNDER.

(B) THE BOARD SHALL EMPLOY A MALT BEVERAGE COMPLIANCE OFFICER WHOSE DUTIES SHALL INCLUDE REVIEWING LABEL REGISTRATION TO ENSURE COMPLIANCE WITH THIS ACT AND INVESTIGATING REPORTS OF

UNREGISTERED BRANDS OF MALT OR BREWED BEVERAGES BEING SOLD BY
LICENSEES IN ADDITION TO ANY OTHER DUTIES THE BOARD SHALL ASSIGN
THE OFFICER. IF THE MALT BEVERAGE COMPLIANCE OFFICER FINDS THAT
A LICENSEE IS SELLING MALT OR BREWED BEVERAGES THAT ARE
UNREGISTERED IN THIS COMMONWEALTH, HE SHALL GIVE THE
MANUFACTURER OF THE MALT OR BREWED BEVERAGES WRITTEN NOTICE THAT
THE MANUFACTURER HAS TEN DAYS TO REGISTER THE MALT OR BREWED
BEVERAGES WITH THE BOARD. DURING THAT TEN-DAY PERIOD IN WHICH
THE MANUFACTURER HAS TO COME INTO COMPLIANCE WITH BRAND
REGISTRATION, THE UNREGISTERED MALT OR BREWED BEVERAGES SHALL
REMAIN ON THE LICENSEE'S PREMISES BUT MAY NOT BE SOLD. SHOULD
THE MANUFACTURER FAIL TO REGISTER THE MALT OR BREWED BEVERAGES
WITH THE BOARD WITHIN TEN DAYS, THE MANUFACTURER SHALL BE
REQUIRED TO REMOVE THE UNREGISTERED MALT OR BREWED BEVERAGES
FROM THE LICENSEE'S PREMISES AND REIMBURSE THE LICENSEE FOR ALL
UNREGISTERED PRODUCTS THAT CANNOT BE SOLD IN THIS COMMONWEALTH.

SECTION 7 8. SECTION 461(D) OF THE ACT, AMENDED DECEMBER 21,
1998 (P.L.1202, NO.155), IS AMENDED TO READ:

SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
IN EACH COUNTY.--* * *

(D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL
MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC
ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH
LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL
AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY
OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE
ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A
MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF
LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT
RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE

SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE THE AIRPORT TERMINAL BUILDING OR BUILDINGS, NOTWITHSTANDING ANY INTERVENING THOROUGHFARES. IN ADDITION TO THE PRIVILEGES GRANTED UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED BEVERAGES, AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL WINE BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR CONSUMPTION OFF THE LICENSED PREMISES AND WITHIN THE AIRPORT TERMINAL BUILDING. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, AN AIRPORT RESTAURANT LICENSEE THAT HAS ACQUIRED A SUNDAY SALES PERMIT MAY COMMENCE SALES AT SEVEN O'CLOCK ANTEMERIDIAN.

* * *

SECTION 9. SECTION 468(A)(1) OF THE ACT, AMENDED NOVEMBER 29, 2006 (P.L.1421, NO.155), IS AMENDED TO READ:

SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) (1) LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE, IS HEREBY AUTHORIZED TO TRANSFER ANY LICENSE ISSUED BY IT UNDER THE PROVISIONS OF THIS ARTICLE FROM ONE PERSON TO ANOTHER OR FROM ONE PLACE TO ANOTHER, OR BOTH. [IF] EXCEPT FOR RESTAURANT LIQUOR AND EATING PLACE RETAIL DISPENSER LICENSES TRANSFERRED UNDER SECTION 461(B.4), IF THE LICENSE IS A RETAIL LICENSE, [THEN] THE NEW LOCATION MUST BE WITHIN THE SAME COUNTY AS THE EXISTING LOCATION [EXCEPT FOR RESTAURANT LIQUOR AND EATING PLACE RETAIL DISPENSER LICENSES TRANSFERRED UNDER SECTION 461(B.4)] OR, IF THE MUNICIPALITY IS LOCATED IN MORE THAN ONE COUNTY, WITHIN THE SAME MUNICIPALITY AS THE EXISTING LOCATION.

* * *

SECTION 9 10. SECTION 471 OF THE ACT IS AMENDED BY ADDING A

SUBSECTION TO READ:

SECTION 471. REVOCATION AND SUSPENSION OF LICENSES;

FINES.--* * *

(F) UPON BECOMING AWARE OF A POTENTIAL VIOLATION OF SECTION 445 OR ANY ASSOCIATED REGULATION, THE ENFORCEMENT BUREAU SHALL GIVE WRITTEN NOTICE TO EACH LICENSEE WHO MIGHT BE IN VIOLATION OF THIS SECTION OR ITS CORRESPONDING REGULATION. IF THE POTENTIAL VIOLATION HAS BEEN CURED WITHIN TEN DAYS OF RECEIPT OF THE WRITTEN NOTICE, THE ENFORCEMENT BUREAU SHALL TAKE NO FURTHER ACTION AGAINST THE LICENSEE. IF THE POTENTIAL VIOLATION HAS NOT BEEN CURED WITHIN TEN DAYS OF RECEIPT OF THE NOTICE, THE ENFORCEMENT BUREAU SHALL PROCEED IN ACCORDANCE WITH SUBSECTION (A).

SECTION 11. SECTION 472(D) OF THE ACT, ADDED DECEMBER 20, 2000 (P.L.992, NO.141), IS AMENDED TO READ:

SECTION 472. LOCAL OPTION.--* * *

(D) NOTHING IN THIS SECTION SHALL PROHIBIT THE BOARD FROM APPROVING [THE]:)

(1) THE TRANSFER OF A RETAIL LICENSE FROM A MUNICIPALITY WHICH HAS VOTED TO PROHIBIT THE ISSUANCE OF SUCH A LICENSE TO A LOCATION IN ANOTHER MUNICIPALITY IN THE SAME COUNTY THAT ALLOWS THE ISSUANCE OF THAT TYPE OF LICENSE.

(2) THE RENEWAL OR TRANSFER OF A RESTAURANT LIQUOR LICENSE IN A MUNICIPALITY WHICH HAS VOTED TO PROHIBIT THE ISSUANCE OF SUCH A LICENSE IF:

(I) THE LICENSE IS LOCATED IN A TOWNSHIP OF THE SECOND CLASS WITHIN A COUNTY OF THE THIRD CLASS;

(II) THE LICENSE WAS ORIGINALLY ISSUED PRIOR TO 1950; AND

(III) THE PREMISES HAVE BEEN LICENSED FOR AT LEAST FIFTY YEARS.

* * *

Section 4 ~~10~~ 12. Section 493(10) of the act, amended December 20, 2000 (P.L. 992, No.141), is amended and the section is amended by adding a paragraph to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.--The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful--

* * *

(10) Entertainment on Licensed Premises (Except Clubs); Permits; Fees. For any licensee, his servants, agents or employes, except club licensees, public venue licensees or performing arts facility licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises or in any place operated in connection therewith any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The special permit may be used only during the hours when the sale of liquor or malt or brewed beverages is permitted, unless the licensee holds an extended hours food license under section 499(b) which

)
license would allow the special permit to be used while the establishment is open, and between eleven o'clock antemeridian on Sunday and two o'clock antemeridian on the following Monday, regardless of whether the licensee possesses a Sunday sales permit. The board shall have power to provide for the issue of such special permits, and to collect an annual fee for such permits as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.

* * *

(33) Off-premises Catering Permit; Fees. For any licensee, his servants, agents or employes to ~~eater an event that includes the sale and service of alcoholic beverages at a location other than the licensed premises, unless the licensee shall first have obtained from the board a special permit to provide such catering services~~ SELL ALCOHOL AT A LOCATION OTHER THAN ITS LICENSED PREMISES, UNLESS THE SALE IS SPECIFICALLY AUTHORIZED UNDER THIS ACT, OR UNLESS THE LICENSEE RECEIVES A SPECIAL PERMIT FROM THE BOARD TO DO SO. Only those licensees ~~currently holding a CURRENT AND valid restaurant, hotel or eating place license that has been certified under the board's responsible alcohol management program as required by section 471.1~~ shall be allowed to apply for such a permit. ALL SERVERS AT THE OFF-PREMISES CATERED EVENT FUNCTION SHALL BE CERTIFIED UNDER THE BOARD'S RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM AS REQUIRED UNDER SECTION

~~471.1. The board shall have the power to provide for the issue of such ISSUE THE special permits to qualified licensees and to collect an annual fee for such permits that shall not exceed five hundred dollars (\$500) per year~~ MAY CHARGE A FEE OF FIVE HUNDRED DOLLARS (\$500) EACH CALENDAR YEAR, TO EACH APPLICANT FOR THE INITIAL PERMIT ASSOCIATED WITH A PARTICULAR LICENSE, BUT NO FURTHER FEE SHALL BE CHARGED FOR ANY SUBSEQUENT PERMITS ISSUED TO THE APPLICANT FOR THE LICENSE DURING THE SAME CALENDAR YEAR. All such THE fees shall be paid into the State Stores Fund. Any violation of this act shall subject the licensee to suspension or revocation of his permit and preclude him from applying for a future off premises catering permit. OR THE BOARD'S REGULATIONS FOR GOVERNING ACTIVITY OCCURRING UNDER THE AUTHORITY OF THIS PERMIT MAY BE THE BASIS FOR THE ISSUANCE OF A CITATION UNDER SECTION 471, THE NONRENEWAL OF THE LICENSE UNDER SECTION 470 OR THE REFUSAL BY THE BOARD TO ISSUE SUBSEQUENT PERMITS OR HONOR SUBSEQUENT DATES ON THE EXISTING PERMIT. THIS PENALTY SHALL BE IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE ENFORCEMENT BUREAU OR THE BOARD.

SECTION ~~11~~ 13. SECTION 505.2(A) (6.1) AND (6.3) OF THE ACT, AMENDED DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A CLAUSE TO READ:

SECTION 505.2. LIMITED WINERIES.--(A) IN THE INTEREST OF PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA, HOLDERS OF A LIMITED WINERY LICENSE MAY:

* * *

(4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC

CIDER OR WINE PRODUCED UNDER THE AUTHORITY OF THE UNDERLYING LIMITED WINERY LICENSE BY THE BOTTLE OR IN CASE LOTS. SAMPLES NOT TO EXCEED ONE FLUID OUNCE PER BRAND OF WINE MAY BE OFFERED FREE OF CHARGE. A FARMERS MARKET PERMIT SHALL BE ISSUED UPON PROPER APPLICATION AND PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED FIFTY DOLLARS (\$250). A PERMIT HOLDER MAY PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME. SALES BY PERMIT HOLDERS SHALL TAKE PLACE DURING THE STANDARD HOURS OF OPERATION OF THE FARMERS MARKET. WRITTEN NOTICE OF THE DATE, TIMES AND LOCATION THE PERMIT IS TO BE USED SHALL BE PROVIDED BY THE PERMIT HOLDER TO THE ENFORCEMENT BUREAU AT LEAST TWO (2) WEEKS PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN THIS SUBSECTION, LIMITED WINERIES UTILIZING FARMERS MARKET PERMITS SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE REGULATIONS ADOPTED BY THE BOARD.

* * *

(6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, ONLY WINE AND ALCOHOLIC CIDERS THAT MAY OTHERWISE BE SOLD BY THE BOTTLE.

* * *

(6.3) SELL ALCOHOLIC CIDER, WINE AND WINE COOLERS ONLY BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND [NINE O'CLOCK] ELEVEN O'CLOCK POSTMERIDIAN. [DURING THE PERIOD FROM THANKSGIVING DAY THROUGH NEW YEAR'S DAY, LIMITED WINERY SALES LOCATIONS MAY REMAIN OPEN TO CONFORM WITH THE CLOSING TIMES OF NEIGHBORING MALL OR SHOPPING DISTRICT BUSINESSES BUT NO LATER THAN TEN O'CLOCK POSTMERIDIAN.] A LIMITED WINERY ALSO MAY

REQUEST APPROVAL FROM THE BOARD TO EXTEND SALES HOURS IN INDIVIDUAL LOCATIONS AT OTHER TIMES DURING THE YEAR OR BEYOND THE LIMITS SET FORTH IN THIS CLAUSE. THE REQUEST SHALL BE MADE IN WRITING TO THE BOARD'S OFFICE OF THE CHIEF COUNSEL AND SHALL DETAIL THE EXACT LOCATIONS WHERE SALES HOURS ARE PROPOSED TO BE EXTENDED, THE PROPOSED HOURS AND DATES OF EXTENDED OPERATION AND THE REASON FOR THE PROPOSED EXTENDED HOURS.

* * *

SECTION ~~12~~ 14. ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS THEY ARE INCONSISTENT WITH SECTION 445 OF THE ACT.

Section ~~5~~ ~~13~~ 15. This act shall take effect ~~in 60 days.~~ AS FOLLOWS:

(1) THE AMENDMENT OF SECTIONS 441, 445 AND 471 OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

(2) THE AMENDMENT OR ADDITION OF SECTIONS 406 AND 505.2(A)(4.1) OF THE ACT SHALL TAKE EFFECT IN 30 DAYS.

(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.