

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2150 Session of 2024

INTRODUCED BY FREEMAN, DEASY, HARKINS, SIEGEL, CERRATO, VITALI, SANCHEZ, HOHENSTEIN, KHAN, CONKLIN, D. WILLIAMS, CIRESI, ROWE, DALEY, NEILSON, MALAGARI, GREEN, GIRAL AND WEBSTER, MARCH 25, 2024

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 30, 2024

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 hours of operation
19 relative to manufacturers, importing distributors and
20 distributors-; AND, IN DISTILLERIES, WINERIES, BONDED <--
21 WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE,
22 FURTHER PROVIDING FOR LIMITED DISTILLERIES AND DISTILLERIES.

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

25 ~~Section 1. Section 492.1(a) of the act of April 12, 1951 <--~~
26 ~~(P.L.90, No.21), known as the Liquor Code, is amended to read:~~

1 SECTION 1. SECTIONS 492.1(A) AND 505.4(B) (1) AND (C) (1) OF
2 THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR
3 CODE, ARE AMENDED TO READ:

4 Section 492.1. Hours of Operation Relative to Manufacturers,
5 Importing Distributors and Distributors.--(a) (1)

6 ~~[Manufacturers]~~ Except as otherwise provided, manufacturers may
7 sell or deliver malt or brewed beverages between two o'clock
8 antemeridian of any Monday and twelve o'clock midnight of the
9 following Saturday. Manufacturers may operate extended hours on
10 December 31 of each calendar year until two o'clock antemeridian
11 January 1 of the following calendar year.

12 (2) Notwithstanding any other provision of law,
13 manufacturers may sell malt and brewed beverages and alcohol
14 subject to section 446(a) (2) for on-premises consumption between
15 the hours of nine o'clock antemeridian and twelve o'clock
16 antemeridian Monday through Saturday and Sunday between the
17 hours of nine o'clock antemeridian and eleven o'clock
18 postmeridian. Manufacturers may operate extended hours on
19 December 31 of each calendar year until two o'clock antemeridian
20 January 1 of the following calendar year.

21 (3) The board may issue a manufacturer an extended hours
22 permit permitting the manufacturer to remain open and sell
23 alcohol until two o'clock antemeridian the following calendar
24 day. Following a fifty-dollar (\$50) fee, a manufacturer must
25 submit a written application for an extended hours permit under
26 this paragraph to the board in a form prescribed by the board.
27 The following shall apply:

28 (i) Only one manufacturer extended hours permit may be
29 issued to a manufacturer per calendar year and may only be used
30 for one day in that calendar year at all the manufacturer's

1 locations.

2 (ii) The manufacturer shall provide written notice to the
3 local police department, or Pennsylvania State Police if no
4 local police department is available, at least forty-eight hours
5 prior to each use of the manufacturer extended hours permit.
6 Written notice shall include notifying the police of the date,
7 time and place of the extended sale of alcoholic beverages.

8 * * *

9 SECTION 505.4. LIMITED DISTILLERIES AND DISTILLERIES.--* * * <--

10 (B) (1) [THE] (I) EXCEPT AS OTHERWISE PROVIDED, THE BOARD
11 MAY ISSUE A LIMITED DISTILLERY LICENSE THAT WILL ALLOW THE
12 HOLDER THEREOF TO OPERATE A DISTILLERY THAT SHALL NOT EXCEED
13 PRODUCTION OF ONE HUNDRED THOUSAND (100,000) GALLONS OF
14 DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE MAY
15 MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED
16 PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO
17 THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND
18 TWELVE O'CLOCK ANTEMERIDIAN MONDAY THROUGH SATURDAY AND SUNDAY
19 BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN THROUGH ELEVEN
20 O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF DISTILLED
21 LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN
22 STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A LICENSED
23 LIMITED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT
24 CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS
25 AS THE BOARD MAY ENFORCE. THE HOLDER OF A LIMITED DISTILLERY
26 LICENSE MAY NOT SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR
27 PRODUCT WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN
28 STATE LIQUOR STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN
29 THAT CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND
30 REGULATIONS AS THE BOARD MAY ENFORCE. THE HOLDER OF A LIMITED

1 DISTILLERY LICENSE MAY ALSO SELL WINE, ALCOHOLIC CIDER AND
2 FERMENTED FRUIT BEVERAGES PRODUCED BY A LICENSED LIMITED WINERY,
3 LIQUOR PRODUCED BY A LICENSED DISTILLERY OR LIMITED DISTILLERY
4 AND MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR
5 ON-PREMISES CONSUMPTION. THE COMBINED SALES OF WINE, MALT OR
6 BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED
7 DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS,
8 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED
9 DISTILLERY'S OWN SALES OF LIQUOR FOR THE PRECEDING CALENDAR
10 YEAR: HOWEVER, IF A LIMITED DISTILLERY DID NOT OPERATE FOR AN
11 ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS
12 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
13 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
14 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
15 PREMISES SALES OF THE LIMITED DISTILLERY'S OWN LIQUOR FOR THAT
16 YEAR.

17 (II) A LIMITED DISTILLERY MAY OPERATE EXTENDED HOURS ON
18 DECEMBER 31 OF EACH CALENDAR YEAR UNTIL TWO O'CLOCK ANTEMERIDIAN
19 JANUARY 1 OF THE FOLLOWING CALENDAR YEAR.

20 (III) THE BOARD MAY ISSUE AN EXTENDED HOURS PERMIT
21 PERMITTING THE HOLDER OF A LIMITED DISTILLERY LICENSE TO REMAIN
22 OPEN AND SELL ALCOHOL UNTIL TWO O'CLOCK ANTEMERIDIAN THE
23 FOLLOWING CALENDAR DAY. FOLLOWING A FIFTY-DOLLAR (\$50) FEE, A
24 HOLDER OF A LIMITED DISTILLERY LICENSE MUST SUBMIT A WRITTEN
25 APPLICATION FOR AN EXTENDED HOURS PERMIT UNDER THIS SUBCLAUSE TO
26 THE BOARD IN A FORM PRESCRIBED BY THE BOARD. THE FOLLOWING SHALL
27 APPLY:

28 (A) ONLY ONE EXTENDED HOURS PERMIT MAY BE ISSUED TO A HOLDER
29 OF A LIMITED DISTILLERY LICENSE PER CALENDAR YEAR AND MAY ONLY
30 BE USED FOR ONE DAY IN THAT CALENDAR YEAR AT ALL OF THE HOLDER

1 OF A LIMITED DISTILLERY LICENSE'S LOCATIONS.

2 (B) THE HOLDER OF A LIMITED DISTILLERY LICENSE SHALL PROVIDE
3 WRITTEN NOTICE TO THE LOCAL POLICE DEPARTMENT, OR PENNSYLVANIA
4 STATE POLICE IF NO LOCAL POLICE DEPARTMENT IS AVAILABLE, AT
5 LEAST FORTY-EIGHT HOURS PRIOR TO EACH USE OF THE EXTENDED HOURS
6 PERMIT. WRITTEN NOTICE SHALL INCLUDE NOTIFYING THE POLICE OF THE
7 DATE, TIME AND PLACE OF THE EXTENDED SALE OF ALCOHOLIC
8 BEVERAGES.

9 * * *

10 (C) (1) ~~[THE]~~ (I) EXCEPT AS OTHERWISE PROVIDED, THE HOLDER
11 OF A DISTILLERY LICENSE AS ISSUED UNDER SECTION 505 MAY SELL
12 BOTTLED LIQUORS PRODUCED ON THE LICENSED PREMISES TO THE BOARD,
13 TO ENTITIES LICENSED BY THE BOARD AND TO THE PUBLIC BETWEEN THE
14 HOURS OF NINE O'CLOCK ANTEMERIDIAN AND TWELVE O'CLOCK
15 ANTEMERIDIAN MONDAY THROUGH SATURDAY AND SUNDAY BETWEEN THE
16 HOURS OF NINE O'CLOCK ANTEMERIDIAN THROUGH ELEVEN O'CLOCK
17 POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF DISTILLED LIQUOR
18 WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE
19 LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A LICENSED
20 DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT CHARGED
21 BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE
22 BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY NOT
23 SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS
24 LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR
25 STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED
26 BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE
27 BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY ALSO
28 SELL ITS LIQUOR, WINE, ALCOHOLIC CIDER AND FERMENTED FRUIT
29 BEVERAGES PRODUCED BY A LICENSED LIMITED WINERY, LIQUOR PRODUCED
30 BY A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR

1 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES
2 CONSUMPTION. THE COMBINED SALES OF WINE, MALT OR BREWED
3 BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR
4 LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER
5 CENTUM OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN SALES OF
6 LIQUOR FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A DISTILLERY
7 DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING
8 YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES
9 AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED
10 DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM
11 OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN LIQUOR FOR THAT
12 YEAR.

13 (II) A DISTILLERY MAY OPERATE EXTENDED HOURS ON DECEMBER 31
14 OF EACH CALENDAR YEAR UNTIL TWO O'CLOCK ANTEMERIDIAN JANUARY 1
15 OF THE FOLLOWING CALENDAR YEAR.

16 (III) THE BOARD MAY ISSUE AN EXTENDED HOURS PERMIT
17 PERMITTING THE HOLDER OF A DISTILLERY LICENSE TO REMAIN OPEN AND
18 SELL ALCOHOL UNTIL TWO O'CLOCK ANTEMERIDIAN THE FOLLOWING
19 CALENDAR DAY. FOLLOWING A FIFTY-DOLLAR (\$50) FEE, A HOLDER OF A
20 DISTILLERY LICENSE MUST SUBMIT A WRITTEN APPLICATION FOR AN
21 EXTENDED HOURS PERMIT UNDER THIS SUBCLAUSE TO THE BOARD IN A
22 FORM PRESCRIBED BY THE BOARD. THE FOLLOWING SHALL APPLY:

23 (A) ONLY ONE EXTENDED HOURS PERMIT MAY BE ISSUED TO A HOLDER
24 OF A DISTILLERY LICENSE PER CALENDAR YEAR AND MAY ONLY BE USED
25 FOR ONE DAY IN THAT CALENDAR YEAR AT ALL OF THE HOLDER OF A
26 DISTILLERY LICENSE'S LOCATIONS.

27 (B) THE HOLDER OF A DISTILLERY LICENSE SHALL PROVIDE WRITTEN
28 NOTICE TO THE LOCAL POLICE DEPARTMENT, OR PENNSYLVANIA STATE
29 POLICE IF NO LOCAL POLICE DEPARTMENT IS AVAILABLE, AT LEAST
30 FORTY-EIGHT HOURS PRIOR TO EACH USE OF THE EXTENDED HOURS

1 PERMIT. WRITTEN NOTICE SHALL INCLUDE NOTIFYING THE POLICE OF THE
2 DATE, TIME AND PLACE OF THE EXTENDED SALE OF ALCOHOLIC
3 BEVERAGES.

4 * * *

5 Section 2. All regulations are abrogated to the extent of
6 any inconsistency with this act.

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