

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 829 Session of 2023

INTRODUCED BY GERGELY, SANCHEZ, MADDEN, DEASY, HILL-EVANS, KUZMA, GUZMAN, PISCIOTTANO, WEBSTER AND T. DAVIS, APRIL 4, 2023

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 27, 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 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
18 PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR SALES BY
19 PENNSYLVANIA LIQUOR STORES; in licenses and regulations and
20 liquor, alcohol and malt and brewed beverages, further
21 providing for SALES BY LIQUOR LICENSEES AND RESTRICTIONS, FOR <--
22 interlocking business prohibited and for unlawful acts <--
23 relative to liquor, malt and brewed beverages and licensees.
24 RELATING TO LIQUOR AND ALCOHOL (NOT INCLUDING MANUFACTURERS), <--
25 FOR EXTENSION OF LICENSED SERVICE AREA AND ISSUANCE OF OFF-
26 PREMISES CATERING PERMITS, FOR MALT AND BREWED BEVERAGES
27 MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
28 LICENSES, FOR INTERLOCKING BUSINESS PROHIBITED RELATING TO
29 MALT AND BREWED BEVERAGES (INCLUDING MANUFACTURERS) AND FOR
30 PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY PROMOTION
31 BOARD, REPEALING PROVISIONS RELATING TO SURRENDER OF CLUB
32 LICENSES FOR BENEFIT OF LICENSEES AND FURTHER PROVIDING FOR

1 SURRENDER OF RESTAURANT, EATING PLACE RETAIL DISPENSER,
2 HOTEL, IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSE FOR
3 BENEFIT OF LICENSEE, FOR PENNSYLVANIA WINE MARKETING AND
4 RESEARCH PROGRAM BOARD, FOR UNLAWFUL ACTS RELATIVE TO MALT OR
5 BREWED BEVERAGES AND LICENSEES, FOR HOURS OF OPERATION
6 RELATIVE TO MANUFACTURERS, IMPORTING DISTRIBUTORS AND
7 DISTRIBUTORS, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
8 BREWED BEVERAGES AND LICENSEES AND FOR PREMISES TO BE VACATED
9 BY PATRONS; AND, IN DISTILLERIES, WINERIES, BONDED
10 WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE,
11 FURTHER PROVIDING FOR LIMITED DISTILLERIES AND DISTILLERIES
12 AND PROVIDING FOR PENNSYLVANIA DISTILLED SPIRITS INDUSTRY
13 PROMOTION BOARD.

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

16 ~~Section 1. Section 411(e.1) of the act of April 12, 1951~~ <--
17 ~~(P.L.90, No.21), known as the Liquor Code, is amended and the~~
18 ~~section is amended by adding a subsection to read:~~

19 SECTION 1. THE DEFINITION OF "ELIGIBLE ENTITY" IN SECTION <--
20 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
21 LIQUOR CODE, IS AMENDED TO READ:

22 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
23 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
24 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

25 * * *

26 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
27 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
28 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
29 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
30 LICENSE, A CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE AND
31 WHICH, AS OF DECEMBER 31, 2002, HAS BEEN IN EXISTENCE FOR AT
32 LEAST 100 YEARS, A LIBRARY, A NATIONALLY ACCREDITED PENNSYLVANIA
33 NONPROFIT ZOOLOGICAL INSTITUTION LICENSED BY THE UNITED STATES
34 DEPARTMENT OF AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION
35 IN EXISTENCE FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S
36 CLUB IN EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED

1 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
2 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
3 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
4 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, ANY
5 NATIONALLY RECOGNIZED COMMUNITY-BASED VOLUNTARY HEALTH
6 ORGANIZATION COMMITTED TO FIGHTING CANCER, WHICH HAS BEEN IN
7 EXISTENCE FOR AT LEAST 100 YEARS, A MUSEUM OPERATED BY A
8 NONPROFIT CORPORATION, A NONPROFIT CORPORATION ENGAGED IN THE
9 PERFORMING ARTS, AN ARTS COUNCIL, A NONPROFIT CORPORATION THAT
10 OPERATES AN ARTS FACILITY OR MUSEUM, A NONPROFIT ORGANIZATION AS
11 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
12 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS
13 TO PROTECT THE ARCHITECTURAL HERITAGE OF A MUNICIPALITY AND
14 WHICH HAS BEEN RECOGNIZED AS SUCH BY A RESOLUTION OF THE
15 MUNICIPALITY, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
16 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-
17 514, 26 U.S.C. § 501(C)(3)) CONDUCTING A REGATTA IN A CITY OF
18 THE SECOND CLASS WITH THE PERMIT TO BE USED ON STATE PARK
19 GROUNDS OR CONDUCTING A FAMILY-ORIENTED CELEBRATION AS PART OF
20 WELCOME AMERICA IN A CITY OF THE FIRST CLASS ON PROPERTY LEASED
21 FROM THAT CITY FOR MORE THAN FIFTY YEARS, A NONPROFIT
22 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
23 REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO
24 RAISE FUNDS FOR THE RESEARCH AND TREATMENT OF CYSTIC FIBROSIS, A
25 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
26 INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) WHOSE
27 PURPOSE IS TO EDUCATE THE PUBLIC ON ISSUES DEALING WITH
28 WATERSHED CONSERVATION, A NONPROFIT ORGANIZATION AS DEFINED
29 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986
30 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO

1 PROVIDE EQUINE OR CANINE ASSISTED ACTIVITIES FOR CHILDREN AND
2 ADULTS WITH SPECIAL NEEDS, A NONPROFIT ECONOMIC DEVELOPMENT
3 AGENCY IN A CITY OF THE SECOND CLASS WITH THE PRIMARY FUNCTION
4 TO SERVE AS AN ECONOMIC GENERATOR FOR THE GREATER SOUTHWESTERN
5 PENNSYLVANIA REGION BY ATTRACTING AND SUPPORTING FILM,
6 TELEVISION AND RELATED MEDIA INDUSTRY PROJECTS AND COORDINATING
7 GOVERNMENT AND BUSINESS OFFICES IN SUPPORT OF A PRODUCTION, A
8 COUNTY TOURIST PROMOTION AGENCY AS DEFINED IN SECTION 2 OF THE
9 ACT OF JULY 4, 2008 (P.L.621, NO.50), KNOWN AS THE "TOURISM
10 PROMOTION ACT," A JUNIOR LEAGUE THAT IS A NONPROFIT ORGANIZATION
11 AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE
12 OF 1986 (26 U.S.C. § 501(C) (3)) THAT IS COMPRISED OF WOMEN WHOSE
13 PURPOSE IS EXCLUSIVELY EDUCATIONAL AND CHARITABLE IN PROMOTING
14 THE VOLUNTEERISM OF WOMEN AND DEVELOPING AND PARTICIPATING IN
15 COMMUNITY PROJECTS AND THAT HAS BEEN IN EXISTENCE FOR OVER
16 SEVENTY YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
17 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 AND WHOSE PURPOSE
18 IS THE EDUCATION AND PROMOTION OF AMERICAN HISTORY, A NONPROFIT
19 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (6) OF THE INTERNAL
20 REVENUE CODE OF 1986 WHOSE PURPOSE IS TO SUPPORT BUSINESS AND
21 INDUSTRY, A BREWERY WHICH HAS BEEN ISSUED A LICENSE TO
22 MANUFACTURE MALT OR BREWED BEVERAGES AND HAS BEEN IN EXISTENCE
23 FOR AT LEAST 100 YEARS OR A CLUB RECOGNIZED BY ROTARY
24 INTERNATIONAL AND WHOSE PURPOSE IS TO PROVIDE SERVICE TO OTHERS,
25 TO PROMOTE HIGH ETHICAL STANDARDS AND TO ADVANCE WORLD
26 UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS FELLOWSHIP OF
27 BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A NONPROFIT
28 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
29 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3))
30 WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND

1 REGIONAL CHARITIES, A MUSEUM OPERATED BY A NOT-FOR-PROFIT
2 CORPORATION IN A CITY OF THE SECOND CLASS A, A NONPROFIT
3 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
4 REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE SECOND
5 CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
6 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
7 501(C) (3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
8 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
9 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
10 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
11 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
12 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A
13 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
14 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO
15 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO
16 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED
17 UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHO
18 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM
19 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC
20 PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER
21 OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC
22 TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC
23 TELEVISION NETWORK OR A NONPROFIT ORGANIZATION AS DEFINED UNDER
24 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
25 PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH AND TO
26 PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA AND THEIR
27 FAMILIES THROUGH A NATIONAL RESOURCE NETWORK, A NONPROFIT
28 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
29 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO STIMULATE
30 COMMUNITY DEVELOPMENT BY FACILITATING RESIDENTIAL AND RETAIL

1 GROWTH IN A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF THE
2 SECOND CLASS OR A NONPROFIT COMMUNITY DEVELOPMENT CORPORATION
3 ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
4 OF 1986 THAT SERVES AN ADJOINING BOROUGH AND TOWNSHIP IN A
5 COUNTY OF THE SECOND CLASS AND WHOSE MAIN PURPOSE IS TO
6 FACILITATE COMMERCIAL DEVELOPMENT AND FOSTER NEIGHBORHOOD
7 STABILIZATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
8 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS
9 TO PROVIDE YOUNG PEOPLE WITH A PROGRAM TO BUILD CHARACTER, TO
10 TEACH THE RESPONSIBILITIES OF CITIZENSHIP AND TO DEVELOP
11 PERSONAL FITNESS WITH A GOAL OF CREATING FUTURE LEADERS, A
12 NONPROFIT AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL
13 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO ASSIST CHILDREN
14 AND THEIR FAMILIES WHO ARE FACING FINANCIAL HARDSHIP DUE TO THE
15 DEATH OF A PARENT, A NONPROFIT AS DEFINED UNDER SECTION 501(C)
16 (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO
17 ALLOCATE FUNDS FOR RESEARCH TO EXPEDITE A CURE ACHROMATOPSIA, A
18 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
19 INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE
20 FIRST CLASS, WAS ORGANIZED AS A COMMUNITY DEVELOPMENT
21 ORGANIZATION TO PROMOTE HEALTH, SAFETY AND WELFARE OF THE
22 RESIDENTS, BUSINESSES AND INSTITUTIONS OF A NEIGHBORHOOD OF A
23 CITY OF THE FIRST CLASS, AND WHOSE WORKS INCLUDE PUBLIC
24 PROMOTIONS, NEIGHBORHOOD IMPROVEMENT PROJECTS AND COMMERCIAL
25 CORRIDOR IMPROVEMENTS, INCLUDING A BUSINESS IMPROVEMENT
26 DISTRICT, OR A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
27 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
28 RESPONSIBLE FOR PROVIDING SERVICES TO MEMBERS OF THE ARMED
29 FORCES OF THE UNITED STATES AND RELIEF TO DISASTER VICTIMS IN
30 THE UNITED STATES AND ABROAD, OR ANY NEIGHBORHOOD IMPROVEMENT

1 DISTRICT MANAGEMENT ASSOCIATION AS DEFINED IN SECTION 3 OF THE
2 ACT OF DECEMBER 20, 2000 (P.L.949, NO.130), KNOWN AS THE
3 "NEIGHBORHOOD IMPROVEMENT DISTRICT ACT," THAT HAS BEEN
4 ESTABLISHED AS A 501(C)(3) NONPROFIT ORGANIZATION UNDER SECTION
5 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, A NONPROFIT
6 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
7 REVENUE CODE OF 1986 LOCATED IN A CITY OF THE FIRST CLASS WHOSE
8 PURPOSE IS TO SUPPORT INITIATIVES TO ENRICH THE LIVES OF
9 CHILDREN, TEENS AND FAMILIES ESPECIALLY THOSE IN NEED, TO REACH
10 THEIR FULL POTENTIAL AS PRODUCTIVE AND RESPONSIBLE CITIZENS AND
11 HAS BEEN IN EXISTENCE FOR AT LEAST SEVENTY-FIVE YEARS, OR A
12 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
13 INTERNAL REVENUE CODE OF 1986 LOCATED IN A CITY OF THE SECOND
14 CLASS AND INCORPORATED AS A NONPROFIT IN 1982 THAT OFFERS ADULT
15 EDUCATION AND FAMILY LITERACY, OR A NONPROFIT ORGANIZATION AS
16 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
17 1986 LOCATED IN A CITY OF THE THIRD CLASS AND COUNTY OF THE
18 SIXTH CLASS, WHOSE PURPOSE IS PRIMARY AND SECONDARY EDUCATION
19 AND EDUCATIONAL MINISTRY OF THE DIOCESE OF ERIE, A NONPROFIT
20 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
21 REVENUE CODE LOCATED IN A COUNTY OF THE FOURTH CLASS THAT HAD A
22 POPULATION BETWEEN 142,000 AND 144,000 BASED ON THE 2010
23 DECENNIAL CENSUS OF THE BUREAU OF THE CENSUS AND PROVIDES
24 REWARDS FOR INFORMATION THAT LEADS TO THE ARREST OF INDIVIDUALS
25 THAT MAY HAVE COMMITTED A CRIME OR A NONPROFIT ORGANIZATION AS
26 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
27 1986 WHICH IS LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY
28 OF THE FIFTH CLASS WHOSE MISSION IS TO IMPROVE THE QUALITY OF
29 LIFE FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THE
30 FAMILIES OF THE INDIVIDUALS THROUGH ADVOCACY, EDUCATION, SUPPORT

1 AND SOCIALIZATION AND THAT HAS BEEN IN EXISTENCE FOR OVER SIXTY
2 YEARS.

3 * * *

4 SECTION 2. SECTION 305 (B) OF THE ACT IS AMENDED TO READ:

5 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

6 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
7 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
8 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
9 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
10 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
11 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
12 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A
13 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
14 PRICE; EXCEPT THAT SPECIAL ORDER SALES TO LICENSEES AUTHORIZED
15 IN SUBSECTION (A) SHALL NOT BE SUBJECT TO THE TEN PER CENTUM
16 DISCOUNT. THE BOARD MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH
17 LIQUORS AS CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES,
18 THE NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC
19 PHARMACOPOEIA. THE BOARD MAY SELL AT SPECIAL PRICES UNDER THE
20 REGULATIONS OF THE BOARD, TO UNITED STATES ARMED FORCES
21 FACILITIES WHICH ARE LOCATED ON UNITED STATES ARMED FORCES
22 INSTALLATIONS AND ARE CONDUCTED PURSUANT TO THE AUTHORITY AND
23 REGULATIONS OF THE UNITED STATES ARMED FORCES. ALL OTHER SALES
24 BY SUCH STORES SHALL BE AT RETAIL, EXCEPT THAT INCENTIVES, SUCH
25 AS COUPONS OR DISCOUNTS ON CERTAIN PRODUCTS, MAY BE OFFERED TO
26 UNLICENSED CUSTOMERS OF THE BOARD AS PROVIDED UNDER SECTIONS
27 207 (M) AND 493 (24) (II) (B). A PERSON ENTITLED TO PURCHASE LIQUOR
28 AT WHOLESALE PRICES MAY PURCHASE THE LIQUOR AT ANY PENNSYLVANIA
29 LIQUOR STORE UPON TENDERING CASH, CHECK OR CREDIT CARD FOR THE
30 FULL AMOUNT OF THE PURCHASE. FOR THIS PURPOSE, THE BOARD SHALL

1 ISSUE A DISCOUNT CARD TO EACH LICENSEE IDENTIFYING SUCH LICENSEE
2 AS A PERSON AUTHORIZED TO PURCHASE LIQUOR AT WHOLESALE PRICES.
3 SUCH DISCOUNT CARD SHALL BE RETAINED BY THE LICENSEE. THE BOARD
4 MAY CONTRACT THROUGH THE COMMONWEALTH BIDDING PROCESS FOR
5 DELIVERY TO WHOLESALE LICENSEES AT THE EXPENSE OF THE LICENSEE
6 RECEIVING THE DELIVERY. IN ADDITION, THE BOARD SHALL ESTABLISH A
7 PROGRAM UNDER WHICH WHOLESALE LICENSES ARE PROVIDED A DISCOUNT
8 IF THE LICENSEE PICKS UP ITS PURCHASES AT BOARD-SPECIFIED
9 LOCATIONS, INCLUDING ITS WAREHOUSE. THE BOARD MAY SET WHATEVER
10 PARAMETERS THAT IT DEEMS APPROPRIATE, INCLUDING THE AMOUNT OF
11 THE DISCOUNT OR DISCOUNTS AND MINIMUM PURCHASE REQUIREMENTS.

12 * * *

13 SECTION 3. SECTIONS 406(G) AND 411(E.1) OF THE ACT ARE
14 AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO
15 READ:

16 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--* * *

17 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION
18 AND EXCEPT AS OTHERWISE PROVIDED, THE HOLDER OF A RETAIL LICENSE
19 MAY HOLD HAPPY HOURS UP TO FOUR CONSECUTIVE OR NONCONSECUTIVE
20 HOURS PER DAY AND UP TO [**FOURTEEN**] TWENTY-FOUR HOURS PER WEEK
21 DURING WHICH THE HOLDER DISCOUNTS THE PRICE OF ALCOHOLIC
22 BEVERAGES[.] AND FOOD AND ALCOHOL BEVERAGE COMBINATIONS.

23 DISCOUNTS MAY INCLUDE FOOD AND DRINK COMBINATION SPECIALS FOR NO
24 MORE THAN TWO COMBINATIONS ON ANY DAY. NO DISCOUNTS MAY BE GIVEN
25 BETWEEN THE HOURS OF MIDNIGHT AND THE LEGAL CLOSING TIME. NOTICE
26 OF ALL HAPPY HOURS SHALL BE VISIBLY POSTED ON THE LICENSED
27 PREMISES SEVEN DAYS PRIOR TO THE HAPPY HOUR. EXCEPT AS PROVIDED
28 IN THIS SUBSECTION, A LICENSEE SHALL COMPLY WITH THE PROVISIONS
29 OF 40 PA. CODE § 13.102 (RELATING TO DISCOUNT PRICING
30 PRACTICES). NEITHER EVENTS CONDUCTED UNDER THE AUTHORITY OF 40

1 PA. CODE § 13.102(B) NOR DISCOUNTS PROVIDED TO MUG CLUB MEMBERS
2 SHALL BE COUNTED AGAINST THE FOUR-HOUR PER DAY OR [FOURTEEN-
3 HOUR] TWENTY-FOUR-HOUR PER WEEK LIMIT.

4 * * *

5 (K) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
6 REGULATION, A HOTEL, RESTAURANT OR CLUB LICENSEE THAT SELF-
7 SPONSORS AN EVENT MAY INCLUDE THE PRICE OF A DRINK NOT TO EXCEED
8 TWO ALCOHOLIC BEVERAGES IN THE COST OF THE TICKET, PROVIDED THE
9 EVENT IS SCHEDULED MORE THAN TWENTY-FOUR HOURS IN ADVANCE.

10 Section 411. Interlocking Business Prohibited.--* * *

11 [(e.1) Nothing in subsection (e) shall prohibit any of the
12 following:

13 (1) A person who has an ownership interest in a limited
14 winery license from being employed by an entity that holds a
15 hotel, restaurant, eating place or club license if the person is
16 not employed as alcohol service personnel or as manager.

17 (2) A person who has an ownership interest in a brewery
18 license from being employed by an entity that holds a hotel,
19 restaurant, eating place or club license if the person has no
20 job duties or responsibilities on, or connected with, the
21 licensed premises in any capacity.]

22 * * *

23 (g) Nothing in this section shall prohibit a person who has
24 an ownership interest in a manufacturer from being employed by
25 an entity that holds a hotel, restaurant, eating place or club
26 license so long as the person is not employed as the manager or
27 as alcohol service personnel.

28 ~~Section 2. Section 493(11) of the act is amended to read: <--~~

29 SECTION 4. SECTIONS 417(A.1) AND (A.3), 431(G)(2) AND 443(D) <--
30 OF THE ACT ARE AMENDED TO READ:

1 SECTION 417. EXTENSION OF LICENSED SERVICE AREA AND ISSUANCE
2 OF OFF-PREMISES CATERING PERMITS.--* * *

3 (A.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
4 FOLLOWING SHALL APPLY TO THE TEMPORARY EXTENSION OF THE LICENSED
5 PREMISES TO COVER AN OUTSIDE SERVING AREA:

6 (1) UPON RECEIPT OF A REQUEST FROM A LICENSED CLUB, CATERING
7 CLUB, RESTAURANT, RETAIL DISPENSER, HOTEL, LIMITED DISTILLERY,
8 DISTILLERY, BREWERY OR LIMITED WINERY, THE BOARD MAY TEMPORARILY
9 EXTEND THE LICENSED PREMISES OF THE APPLICANT TO INCLUDE ANY
10 OUTSIDE SERVING AREA THAT IS:

11 (I) IMMEDIATELY ADJACENT TO THE EXISTING LICENSED AREAS; OR

12 (II) WITHIN ONE THOUSAND FEET OF THE MAIN LICENSED BUILDING,
13 NOTWITHSTANDING THAT THE AREA TO BE TEMPORARILY LICENSED AND THE
14 MAIN LICENSED BUILDING ARE SEPARATED BY A PUBLIC THOROUGHFARE.

15 (2) THE BOARD SHALL GRANT IMMEDIATE OPERATING AUTHORITY TO
16 THE APPLICANT TO USE THE OUTSIDE AREA SUBJECT TO THE REQUEST
17 WHILE THE BOARD PROCESSES THE REQUEST.

18 (3) THE OPERATING AUTHORITY UNDER THIS SUBSECTION SHALL BE
19 TERMINATED IF:

20 (I) A VALID PROTEST IS RECEIVED; OR

21 (II) THE BOARD DETERMINES THAT THE PROPOSED AREA DOES NOT
22 MEET THE REQUIREMENTS OF THIS ACT AND BOARD REGULATIONS FOR THE
23 LICENSING OF THE AREA IN QUESTION.

24 (4) A FILING FEE MAY [NOT] BE REQUIRED FROM AN APPLICANT
25 UNDER THIS SUBSECTION.

26 (5) THE BOARD MAY REQUIRE THE APPLICANT TO PROVIDE ANY
27 INFORMATION THAT THE BOARD DEEMS RELEVANT.

28 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,
29 TEMPORARY EXTENSIONS OF LICENSED PREMISES AUTHORIZED BY THIS
30 SUBSECTION SHALL REMAIN VALID FOR THE REMAINDER OF THE

1 VALIDATION OR RENEWAL PERIOD DURING WHICH THE APPLICATION IS
2 FILED.

3 (7) TEMPORARY EXTENSIONS OF LICENSED PREMISES AUTHORIZED BY
4 THIS SUBSECTION MAY BE RENEWED AT THE EXPIRATION OF THE
5 VALIDATION OR RENEWAL PERIOD, SUBJECT TO THE FILING OF AN
6 APPLICATION AND PAYMENT OF A FILING FEE AS MAY BE REQUIRED BY
7 THE BOARD.

8 (8) AS USED IN THIS SUBSECTION, THE TERM "VALIDATION OR
9 RENEWAL PERIOD" SHALL MEAN THE VALIDATION OR RENEWAL PERIOD FOR
10 THE UNDERLYING LICENSE HELD BY THE APPLICANT.

11 * * *

12 (A.3) [SUBSECTIONS (A.1) AND (A.2)] SUBSECTION (A.2) SHALL
13 EXPIRE DECEMBER 31, 2024.

14 * * *

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

17 (G) * * *

18 (2) FOR THE PURPOSES OF THIS SUBSECTION, "NONALCOHOLIC MALT
19 OR BREWED BEVERAGE" MEANS ANY BEVERAGE INTENDED TO BE MARKETED
20 OR SOLD AS NONALCOHOLIC BEER HAVING AT LEAST A TRACE AMOUNT OF
21 ALCOHOL CONTENT BUT WHICH DOES NOT CONTAIN ONE-HALF OF ONE PER
22 CENTUM (0.5%) OR MORE ALCOHOL BY VOLUME[.] AND SHALL INCLUDE A
23 BEVERAGE THAT, DURING PRODUCTION, HAD THE ALCOHOL BY VOLUME
24 LEVEL OF A MALT OR BREWED BEVERAGE STATED IN SECTION 102, BUT
25 THE BEVERAGE ALCOHOL LEVEL WAS REDUCED DURING FURTHER PRODUCTION
26 BELOW ONE-HALF OF ONE PER CENTUM (0.5%) ALCOHOL BY VOLUME.

27 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--* * *

28 (D) EXCEPTING AS HEREINAFTER PROVIDED, NO MALT OR BREWED
29 BEVERAGE MANUFACTURER, IMPORTING DISTRIBUTOR OR DISTRIBUTOR
30 SHALL IN ANY WISE BE INTERESTED, EITHER DIRECTLY OR INDIRECTLY,

1 IN THE OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR IN ANY MORTGAGE
2 AGAINST THE SAME, FOR WHICH A LIQUOR OR RETAIL DISPENSER'S
3 LICENSE IS GRANTED; NOR SHALL ANY SUCH MANUFACTURER, IMPORTING
4 DISTRIBUTOR OR DISTRIBUTOR, EITHER DIRECTLY OR INDIRECTLY, LEND
5 ANY MONEYS, CREDIT OR EQUIVALENT THEREOF TO, OR GUARANTEE THE
6 PAYMENT OF ANY BOND, MORTGAGE, NOTE OR OTHER OBLIGATION OF, ANY
7 LIQUOR LICENSEE OR RETAIL DISPENSER, IN EQUIPPING, FITTING OUT,
8 OR MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN PART, AN
9 ESTABLISHMENT OR BUSINESS OPERATED UNDER A LIQUOR OR RETAIL
10 DISPENSER'S LICENSE, EXCEPTING ONLY THE USUAL AND CUSTOMARY
11 CREDITS ALLOWED FOR RETURNING ORIGINAL CONTAINERS IN WHICH MALT
12 OR BREWED BEVERAGES WERE PACKAGED FOR MARKET BY THE MANUFACTURER
13 AT THE PLACE OF MANUFACTURE: PROVIDED, HOWEVER, THAT A HOLDER OF
14 A MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO
15 OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY
16 AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE
17 UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A
18 MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S
19 OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE
20 OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
21 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
22 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
23 FOR EACH RESPECTIVE LICENSE. NOTWITHSTANDING ANY OTHER PROVISION
24 OF THIS SECTION, NOTHING SHALL PRECLUDE AN IMPORTING DISTRIBUTOR
25 OR DISTRIBUTOR FROM SELLING OR RENTING ITEMS TO OTHER LICENSEES
26 AT FAIR MARKET VALUE AS OTHERWISE AUTHORIZED BY THIS ACT.

27 SECTION 5. SECTION 446.1(E) (1) INTRODUCTORY PARAGRAPH AND
28 (F) OF THE ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING
29 A SUBSECTION TO READ:

30 SECTION 446.1. PENNSYLVANIA MALT AND BREWED BEVERAGES

1 INDUSTRY PROMOTION BOARD.--* * *

2 (E) THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
3 PROMOTION BOARD HAS THE FOLLOWING POWERS AND DUTIES:

4 (1) MAKE RECOMMENDATIONS TO THE [BOARD] SECRETARY OF
5 AGRICULTURE TO AWARD GRANTS TO ENTITIES FOR THE PURPOSE OF
6 INCREASING THE PRODUCTION OF PENNSYLVANIA-MADE MALT AND BREWED
7 BEVERAGES AND ENHANCING THE PENNSYLVANIA MALT AND BREWED
8 BEVERAGES INDUSTRY THROUGH PROMOTION, MARKETING AND RESEARCH-
9 BASED PROGRAMS AND PROJECTS. GRANTS SHALL BE AWARDED THROUGH A
10 COMPETITIVE GRANT REVIEW PROCESS. THE APPLICATION FOR A GRANT
11 SHALL INCLUDE THE FOLLOWING INFORMATION:

12 * * *

13 (F) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE ASSISTANCE
14 TO [ASSIST] THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
15 PROMOTION BOARD IN CARRYING OUT ITS POWERS AND DUTIES. FINAL
16 DECISIONS FOR AWARDING GRANTS UNDER SUBSECTION (E) (1) SHALL BE
17 MADE BY THE SECRETARY OF AGRICULTURE.

18 * * *

19 (H) THE BOARD SHALL TRANSFER THE ANNUAL ALLOCATION
20 AUTHORIZED UNDER THIS SECTION TO THE PENNSYLVANIA MALT AND
21 BREWED BEVERAGES INDUSTRY PROMOTION BOARD ACCOUNT. THE
22 PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY PROMOTION BOARD
23 SHALL ALLOCATE MONEY UNDER THIS SUBSECTION FOR THE PURPOSE OF
24 AWARDING GRANTS UNDER SUBSECTION (E) (1). THE FOLLOWING SHALL
25 APPLY:

26 (1) THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
27 PROMOTION BOARD MAY DEDUCT MONEY FROM THE ALLOCATION UNDER THIS
28 SUBSECTION TO COVER THE DEPARTMENT OF AGRICULTURE'S EXPENSES IN
29 ASSISTING THE PENNSYLVANIA MALT AND BREWED BEVERAGES INDUSTRY
30 PROMOTION BOARD.

1 (2) IN ANY FISCAL YEAR WHEN GRANT MONEY AUTHORIZED UNDER
2 THIS SECTION REMAINS UNALLOCATED, THE REMAINING AMOUNT OF MONEY
3 SHALL BE MADE AVAILABLE FOR GRANTS IN SUBSEQUENT FISCAL YEARS.

4 (3) NOTWITHSTANDING ANY PROVISION OF LAW, ALL OF THE
5 OBLIGATIONS OF THE BOARD UNDER THIS SECTION ARE FULFILLED BY
6 VIRTUE OF THE TRANSFER OF THE ANNUAL ALLOCATION UNDER THIS
7 SUBSECTION TO THE PENNSYLVANIA MALT AND BREWED BEVERAGES
8 INDUSTRY PROMOTION BOARD.

9 SECTION 6. SECTION 474 OF THE ACT IS REPEALED:

10 [SECTION 474. SURRENDER OF CLUB LICENSES FOR BENEFIT OF
11 LICENSEES.--WHENEVER A CLUB LICENSE HAS BEEN RETURNED TO THE
12 BOARD FOR THE BENEFIT OF THE LICENSEE DUE TO THE LICENSED
13 ESTABLISHMENT NOT HAVING BEEN IN OPERATION FOR ANY REASON
14 WHATSOEVER FOR A PERIOD OF TIME NOT EXCEEDING FIFTEEN DAYS, THE
15 LICENSE SHALL BE HELD BY THE BOARD FOR THE BENEFIT OF THE
16 LICENSEE FOR A PERIOD OF TIME NOT EXCEEDING ONE YEAR, OR, UPON
17 PROPER APPLICATION TO THE BOARD, FOR AN ADDITIONAL YEAR, AND THE
18 LICENSE SHALL BE REVOKED AT THE TERMINATION OF THE PERIOD, AND
19 TRANSFER OF THE LICENSE SHALL NOT BE PERMITTED AFTER THE
20 TERMINATION OF THE PERIOD.]

21 SECTION 7. SECTION 474.1 HEADING, (A) AND (G) OF THE ACT ARE
22 AMENDED TO READ:

23 SECTION 474.1. SURRENDER OF RESTAURANT, EATING PLACE RETAIL
24 DISPENSER, HOTEL, CLUB, CATERING CLUB, IMPORTING DISTRIBUTOR AND
25 DISTRIBUTOR LICENSE FOR BENEFIT OF LICENSEE.-- (A) A RESTAURANT,
26 EATING PLACE RETAIL DISPENSER, HOTEL, CLUB, CATERING CLUB,
27 IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSEE WHOSE LICENSED
28 ESTABLISHMENT IS NOT IN OPERATION FOR FIFTEEN CONSECUTIVE DAYS
29 SHALL RETURN ITS LICENSE FOR SAFEKEEPING WITH THE BOARD NO LATER
30 THAN AT THE EXPIRATION OF THE FIFTEEN-DAY PERIOD. THE LICENSE

1 MAY ONLY BE REISSUED FROM SAFEKEEPING IN THE MANNER SET FORTH BY
2 THE BOARD THROUGH REGULATION.

3 * * *

4 (G) (1) A LICENSEE WHOSE LICENSE IS SUBJECT TO THIS SECTION
5 MAY, UPON WRITTEN REQUEST, APPLY TO THE BOARD TO ALLOW THE
6 LICENSE TO REMAIN IN SAFEKEEPING FOR AN ADDITIONAL ONE YEAR. THE
7 WRITTEN REQUEST MUST BE ACCOMPANIED BY A TEN THOUSAND DOLLAR
8 (\$10,000) FEE FOR LICENSES PLACED IN SAFEKEEPING FROM COUNTIES
9 OF THE FIRST CLASS, SECOND CLASS, SECOND CLASS A, THIRD CLASS
10 AND FOURTH CLASS AND A FEE OF FIVE THOUSAND DOLLARS (\$5,000) FOR
11 LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE FIFTH
12 THROUGH EIGHTH CLASSES[.], EXCEPT THAT THE FEES FOR CLUBS AND
13 CATERING CLUBS SHALL BE FIVE THOUSAND DOLLARS (\$5,000) FOR
14 LICENSES PLACED IN SAFEKEEPING FROM COUNTIES OF THE FIRST CLASS,
15 SECOND CLASS, SECOND CLASS A, THIRD CLASS AND FOURTH CLASS AND
16 ONE THOUSAND DOLLARS (\$1,000) FOR LICENSES PLACED IN SAFEKEEPING
17 FROM COUNTIES OF THE FIFTH THROUGH EIGHTH CLASSES. FOR EACH
18 SUBSEQUENT YEAR IN SAFEKEEPING, THE FEES SET FORTH IN THIS
19 PARAGRAPH SHALL BE DOUBLED OVER THE AMOUNT CHARGED FOR THE
20 PREVIOUS YEAR'S FEE. NO FEE SHALL BE REQUIRED IF THE LICENSEE
21 CAN PROVE THAT HE OR SHE IS UNABLE TO USE THE LICENSE THROUGH NO
22 FAULT OF HIS OR HER OWN, INCLUDING A FIRE, FLOOD OR OTHER EVENT,
23 WHICH INCLUDES THE INABILITY TO OBTAIN AN OCCUPANCY PERMIT FOR
24 THE LICENSED PREMISES FROM A MUNICIPALITY, THAT RENDERS THE
25 LICENSED PREMISES UNUSABLE. FACTORS SUCH AS ANOTHER BUSINESS
26 OPERATING AT THE LICENSED PREMISES, THE LICENSED BUSINESS BEING
27 NO LONGER VIABLE OR OTHER SIMILAR CIRCUMSTANCES SHALL NOT
28 JUSTIFY A FEE WAIVER. THE BOARD SHALL APPROVE THE REQUEST UNLESS
29 THE LICENSE OR LICENSEE NO LONGER MEETS THE REQUIREMENTS OF THIS
30 ACT OR THE BOARD'S REGULATIONS. THE FEE COLLECTED SHALL BE PAID

1 INTO THE STATE TREASURY THROUGH THE DEPARTMENT OF REVENUE INTO
2 THE STATE STORE FUND.

3 (2) (RESERVED).

4 SECTION 8. SECTION 488.1(D)(3)(I) OF THE ACT IS AMENDED AND
5 THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

6 SECTION 488.1. PENNSYLVANIA WINE MARKETING AND RESEARCH
7 PROGRAM BOARD.--* * *

8 (D) IN ADDITION TO DUTIES IMPOSED UNDER OTHER LAWS, THE
9 PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM BOARD SHALL DO
10 ALL OF THE FOLLOWING:

11 * * *

12 (3) HAVE THE FOLLOWING DUTIES AS TO AWARDING GRANTS:

13 (I) MAKE RECOMMENDATIONS TO THE [BOARD] SECRETARY OF
14 AGRICULTURE TO AWARD GRANTS TO ENTITIES FOR THE PURPOSE OF
15 INCREASING THE PRODUCTION OF PENNSYLVANIA-MADE WINES AND
16 ENHANCING THE PENNSYLVANIA WINE INDUSTRY THROUGH PROMOTION,
17 MARKETING AND RESEARCH-BASED PROGRAMS AND PROJECTS.

18 * * *

19 (E) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE ASSISTANCE
20 TO THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM BOARD IN
21 CARRYING OUT ITS POWERS AND DUTIES. FINAL DECISIONS FOR AWARDING
22 GRANTS UNDER SUBSECTION (D)(3) SHALL BE MADE BY THE SECRETARY OF
23 AGRICULTURE.

24 (F) (RESERVED).

25 (G) ANNUALLY, THE BOARD SHALL ALLOCATE THE AMOUNT OF ONE
26 MILLION DOLLARS (\$1,000,000), AS REQUIRED BY SECTION 488(K), FOR
27 THE PURPOSE OF AWARDING GRANTS UNDER SUBSECTION (D)(3).

28 (H) THE BOARD SHALL TRANSFER THE ALLOCATION UNDER SUBSECTION
29 (G) TO THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM
30 BOARD ACCOUNT. THE PENNSYLVANIA WINE MARKETING AND RESEARCH

1 PROGRAM BOARD SHALL ALLOCATE MONEY FOR THE PURPOSE OF AWARDING
2 GRANTS UNDER SUBSECTION (D) (3). THE FOLLOWING SHALL APPLY:

3 (1) THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM
4 BOARD MAY DEDUCT MONEY FROM THE ALLOCATION UNDER SUBSECTION (G)
5 TO COVER THE DEPARTMENT OF AGRICULTURE'S EXPENSES IN ASSISTING
6 THE PENNSYLVANIA WINE MARKETING AND RESEARCH PROGRAM BOARD.

7 (2) IN ANY FISCAL YEAR WHEN GRANT MONEY AUTHORIZED UNDER
8 THIS SECTION REMAINS UNALLOCATED, THE REMAINING AMOUNT OF MONEY
9 SHALL BE MADE AVAILABLE FOR GRANTS IN SUBSEQUENT FISCAL YEARS.

10 (3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
11 ALL OF THE BOARD'S OBLIGATIONS UNDER THIS SECTION AND SECTION
12 488(K) ARE FULFILLED BY VIRTUE OF THE TRANSFER OF THE ALLOCATION
13 UNDER SUBSECTION (G) TO THE PENNSYLVANIA WINE MARKETING AND
14 RESEARCH PROGRAM BOARD.

15 SECTION 9. SECTIONS 492(12) AND 492.1(A) OF THE ACT ARE
16 AMENDED TO READ:

17 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
18 BEVERAGES AND LICENSEES.--

19 IT SHALL BE UNLAWFUL--

20 * * *

21 (12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN
22 OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR
23 HIS SERVANTS, AGENTS OR EMPLOYEES, WITHOUT THE APPROVAL OF THE
24 BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO
25 ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF
26 DISTRIBUTING MALT OR BREWED BEVERAGES, EXCEPT THAT [THE SALE OF]
27 THE FOLLOWING [GOODS] SHALL BE EXPRESSLY PERMITTED ON THE
28 LICENSED PREMISES OF A DISTRIBUTOR OR IMPORTING DISTRIBUTOR:

29 (I) [ANY] THE SALE OF ANY BOOK, MAGAZINE OR OTHER
30 PUBLICATION RELATED TO MALT OR BREWED BEVERAGES.

1 (II) [ANY] THE SALE OF ANY EQUIPMENT, INGREDIENTS OR OTHER
2 SUPPLIES NECESSARY FOR THE UNLICENSED MANUFACTURE OF MALT OR
3 BREWED BEVERAGES AS DESCRIBED IN PARAGRAPH (1), COMMONLY KNOWN
4 AS "HOMEBREWING."

5 (III) THE RENTAL OF EQUIPMENT AND SUPPLIES NECESSARY TO
6 DISPENSE DRAFT BEER, AS MAY BE FURTHER DEFINED BY THE BOARD.

7 * * *

8 SECTION 492.1. HOURS OF OPERATION RELATIVE TO MANUFACTURERS,
9 IMPORTING DISTRIBUTORS AND DISTRIBUTORS.-- (A) (1)

10 [MANUFACTURERS] EXCEPT AS OTHERWISE PROVIDED, MANUFACTURERS MAY
11 SELL OR DELIVER MALT OR BREWED BEVERAGES BETWEEN TWO O'CLOCK
12 ANTEMERIDIAN OF ANY MONDAY AND TWELVE O'CLOCK MIDNIGHT OF THE
13 FOLLOWING SATURDAY. MANUFACTURERS MAY OPERATE EXTENDED HOURS ON
14 DECEMBER 31 OF EACH CALENDAR YEAR UNTIL TWO O'CLOCK ANTEMERIDIAN
15 JANUARY 1 OF THE FOLLOWING CALENDAR YEAR.

16 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
17 MANUFACTURERS MAY SELL MALT AND BREWED BEVERAGES AND ALCOHOL
18 SUBJECT TO SECTION 446 (A) (2) FOR ON-PREMISES CONSUMPTION BETWEEN
19 THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND TWELVE O'CLOCK
20 ANTEMERIDIAN MONDAY THROUGH SATURDAY AND SUNDAY BETWEEN THE
21 HOURS OF NINE O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK
22 POSTMERIDIAN. MANUFACTURERS MAY OPERATE EXTENDED HOURS ON
23 DECEMBER 31 OF EACH CALENDAR YEAR UNTIL TWO O'CLOCK ANTEMERIDIAN
24 JANUARY 1 OF THE FOLLOWING CALENDAR YEAR.

25 (3) THE BOARD MAY ISSUE A MANUFACTURER AN EXTENDED HOURS
26 PERMIT PERMITTING THE MANUFACTURER TO REMAIN OPEN AND SELL
27 ALCOHOL UNTIL TWO O'CLOCK ANTEMERIDIAN THE FOLLOWING CALENDAR
28 DAY. FOLLOWING A FIFTY-DOLLAR (\$50) FEE, A MANUFACTURER MUST
29 SUBMIT A WRITTEN APPLICATION FOR AN EXTENDED HOURS PERMIT UNDER
30 THIS PARAGRAPH TO THE BOARD IN A FORM PRESCRIBED BY THE BOARD.

1 THE FOLLOWING SHALL APPLY:

2 (I) ONLY ONE MANUFACTURER EXTENDED HOURS PERMIT MAY BE
3 ISSUED TO A MANUFACTURER PER CALENDAR YEAR AND MAY ONLY BE USED
4 FOR ONE DAY IN THAT CALENDAR YEAR AT ALL THE MANUFACTURER'S
5 LOCATIONS.

6 (II) THE MANUFACTURER SHALL PROVIDE WRITTEN NOTICE TO THE
7 LOCAL POLICE DEPARTMENT, OR PENNSYLVANIA STATE POLICE IF NO
8 LOCAL POLICE DEPARTMENT IS AVAILABLE, AT LEAST FORTY-EIGHT HOURS
9 PRIOR TO EACH USE OF THE MANUFACTURER EXTENDED HOURS PERMIT.
10 WRITTEN NOTICE SHALL INCLUDE NOTIFYING THE POLICE OF THE DATE,
11 TIME AND PLACE OF THE EXTENDED SALE OF ALCOHOLIC BEVERAGES.

12 * * *

13 SECTION 10. SECTION 493(11), (17), (20)(I) AND (24) OF THE
14 ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A CLAUSE TO
15 READ:

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

21 It shall be unlawful--

22 * * *

23 (11) Licensees Employed by Others. For any hotel, restaurant
24 or club liquor licensee, or any malt or brewed beverage
25 licensee, or any officer[, servant, agent or employe] or manager
26 of such licensee, to be at the same time employed, directly or
27 indirectly, by any distributor, importing distributor,
28 manufacturer, importer or vendor licensee or any out of State
29 manufacturer. It shall also be unlawful for any distributor or
30 importing distributor, or any officer[, servant, agent or

1 employe] or manager of such licensee, to be at the same time
2 employed, directly or indirectly, by any other distributor,
3 importing distributor, manufacturer, importer, vendor, out of
4 State manufacturer, hotel, restaurant, malt or brewed beverage <--
5 licensee, or club liquor licensee. [It] Except as provided under
6 section 411(g), it shall also be unlawful for any manufacturer,
7 importer, or vendor licensee, or any out of State manufacturer,
8 or any officer[, servant, agent or employe] or manager of such
9 licensee or manufacturer, to be at the same time employed,
10 directly or indirectly, by any hotel, restaurant or club liquor
11 licensee or any malt or brewed beverage licensee [or any
12 distributor or importing distributor licensee]. Nothing in this
13 subsection shall be construed to prohibit a manufacturer [or
14 limited winery] licensee, or any officer[, servant, agent or
15 employe] or manager of such licensee, to be employed at the same
16 time by a hotel, restaurant or retail dispenser licensee if the
17 hotel, restaurant or retail dispenser licensee is located at the
18 manufacturer [or limited winery] premises pursuant to section
19 443. For the purposes of this subsection, an officer[, servant,
20 agent or employe] or manager of a licensee or manufacturer is an
21 individual who has either an ownership interest in the licensee
22 or manufacturer or [who receives compensation for his or her
23 work on behalf of the licensee or manufacturer: Provided
24 further, That nothing in this section shall prohibit a person
25 who has an ownership interest in a limited winery license from
26 being employed by an entity that holds a hotel, restaurant,
27 eating place or club license if the person is not employed as
28 alcohol service personnel or as a manager: And, provided
29 further, That nothing in this section shall prohibit a person
30 who has an ownership interest in a brewery license from being

1 employed by an entity that holds a hotel, restaurant, eating
2 place or club license if the person has no job duties or
3 responsibilities on, or connected with, the licensed premises in
4 any capacity.] has been approved as the licensee's manager by
5 the board.

6 * * *

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

8 (17) LICENSEES, ETC., INTERESTED OR EMPLOYED IN <--

9 MANUFACTURING OR SALE OF EQUIPMENT OR FIXTURES. FOR ANY
10 LICENSEE, OR ANY OFFICER, DIRECTOR, STOCKHOLDER, SERVANT, AGENT
11 OR EMPLOYE OF ANY LICENSEE, TO OWN ANY INTEREST, DIRECTLY OR
12 INDIRECTLY, IN OR BE EMPLOYED OR ENGAGED IN ANY BUSINESS WHICH
13 INVOLVES THE MANUFACTURE OR SALE OF ANY EQUIPMENT, FURNISHINGS
14 OR FIXTURES TO ANY HOTEL, RESTAURANT OR CLUB LICENSEES, OR TO
15 ANY IMPORTING DISTRIBUTORS, DISTRIBUTORS OR RETAIL DISPENSERS.
16 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR THIS ACT,
17 LICENSEES MAY SELL GLASSES AT NOT LESS THAN COST AND TO PROVIDE
18 METAL KEG CONNECTORS AND TAP KNOBS TO OTHER LICENSEES AND TO
19 HOLDERS OF SPECIAL OCCASION PERMITS. ADDITIONALLY,
20 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ACT,
21 IMPORTING DISTRIBUTOR AND DISTRIBUTOR LICENSEES MAY RENT ALL
22 EQUIPMENT AND SUPPLIES NECESSARY TO DISPENSE DRAFT BEER, AS MAY
23 BE FURTHER DEFINED BY THE BOARD, TO OTHER LICENSEES.

24 * * *

25 (20) (I) RETAIL LIQUOR AND RETAIL MALT OR BREWED BEVERAGES
26 LICENSEE'S INSIDE ADVERTISEMENTS. FOR ANY RETAIL LIQUOR OR
27 RETAIL MALT OR BREWED BEVERAGES LICENSEE, TO DISPLAY OR PERMIT
28 THE DISPLAY IN THE SHOW WINDOW OR DOORWAYS OF HIS LICENSED
29 PREMISES, ANY PLACARD OR SIGN ADVERTISING THE BRANDS OF LIQUOR
30 OR MALT OR BREWED BEVERAGES, IF THE TOTAL DISPLAY AREA OF ANY

1 SUCH PLACARD OR SIGN ADVERTISING THE PRODUCT OR PRODUCTS EXCEEDS
2 SIX HUNDRED SQUARE INCHES. NOTHING HEREIN SHALL PROHIBIT A
3 LICENSEE FROM DISPLAYING INSIDE HIS LICENSED PREMISES POINT OF
4 SALE DISPLAYS ADVERTISING BRAND NAMES OF PRODUCTS SOLD BY HIM,
5 OTHER THAN A WINDOW OR DOOR DISPLAY: PROVIDED, THAT THE TOTAL
6 COST OF ALL SUCH POINT OF SALE ADVERTISING MATTER RELATING TO
7 ANY ONE BRAND SHALL NOT EXCEED [THE DOLLAR AMOUNT SET FORTH BY
8 THE BOARD THROUGH REGULATION] SEVEN HUNDRED-FIFTY DOLLARS
9 (\$750). ALL SUCH ADVERTISING MATERIAL, INCLUDING THE WINDOW AND
10 DOOR SIGNS, MAY BE FURNISHED BY A MANUFACTURER, DISTRIBUTOR OR
11 IMPORTING DISTRIBUTOR. THE RESTRICTIONS ON ADVERTISING SET FORTH
12 IN SUBCLAUSE (II) AND IN CLAUSES (20.1) AND (20.2) SHALL ALSO
13 APPLY TO THIS SUBCLAUSE.

14 * * *

15 (24) (I) THINGS OF VALUE OFFERED AS INDUCEMENT. EXCEPT AS
16 PROVIDED IN SUBCLAUSES (II) [~~AND (III)~~], ~~(III), (IV) AND, (V)~~ <--
17 AND (VI), FOR ANY LICENSEE UNDER THE PROVISIONS OF THIS ARTICLE, <--
18 OR THE BOARD OR ANY MANUFACTURER, OR ANY EMPLOYEE OR AGENT OF A
19 MANUFACTURER, LICENSEE OR OF THE BOARD, TO OFFER TO GIVE
20 ANYTHING OF VALUE OR TO SOLICIT OR RECEIVE ANYTHING OF VALUE AS
21 A PREMIUM FOR THE RETURN OF CAPS, STOPPERS, CORKS, STAMPS OR
22 LABELS TAKEN FROM ANY BOTTLE, CASE, BARREL OR PACKAGE CONTAINING
23 LIQUOR OR MALT OR BREWED BEVERAGE, OR TO OFFER OR GIVE OR
24 SOLICIT OR RECEIVE ANYTHING OF VALUE AS A PREMIUM OR PRESENT TO
25 INDUCE DIRECTLY THE PURCHASE OF LIQUOR OR MALT OR BREWED
26 BEVERAGE, OR FOR ANY LICENSEE, MANUFACTURER OR OTHER PERSON TO
27 OFFER OR GIVE TO TRADE OR CONSUMER BUYERS ANY PRIZE, PREMIUM,
28 GIFT OR OTHER INDUCEMENT TO PURCHASE LIQUOR OR MALT OR BREWED
29 BEVERAGES, EXCEPT ADVERTISING NOVELTIES OF NOMINAL VALUE WHICH
30 THE BOARD SHALL DEFINE. THIS SECTION SHALL NOT PREVENT ANY

1 MANUFACTURER OR ANY AGENT OF A MANUFACTURER FROM OFFERING AND
2 HONORING COUPONS WHICH OFFER MONETARY REBATES ON PURCHASES OF
3 WINES AND SPIRITS THROUGH STATE LIQUOR STORES OR PURCHASES OF
4 MALT OR BREWED BEVERAGES THROUGH DISTRIBUTORS AND IMPORTING
5 DISTRIBUTORS IN ACCORDANCE WITH CONDITIONS OR REGULATIONS
6 ESTABLISHED BY THE BOARD. THE BOARD MAY REDEEM COUPONS OFFERED
7 BY A MANUFACTURER OR AN AGENT OF A MANUFACTURER AT THE TIME OF
8 PURCHASE. COUPONS OFFERED BY A MANUFACTURER OR AN AGENT OF A
9 MANUFACTURER SHALL NOT BE REDEEMED WITHOUT PROOF OF PURCHASE.
10 THIS SECTION SHALL NOT APPLY TO THE RETURN OF ANY MONIES
11 SPECIFICALLY DEPOSITED FOR THE RETURN OF THE ORIGINAL CONTAINER
12 TO THE OWNERS THEREOF.

13 (II) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF
14 LAW:

15 (A) A HOLDER OF A RESTAURANT LICENSE THAT IS ALSO APPROVED
16 TO HOLD A SLOT MACHINE LICENSE OR A CONDITIONAL SLOT MACHINE
17 LICENSE UNDER 4 PA.C.S. PART II (RELATING TO GAMING) MAY GIVE
18 LIQUOR AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO ANY PERSON
19 ACTIVELY ENGAGED IN PLAYING A SLOT MACHINE.

20 (B) THE BOARD MAY ESTABLISH AND IMPLEMENT A CUSTOMER
21 RELATIONS MANAGEMENT PROGRAM FOR THE PURPOSE OF OFFERING TO
22 UNLICENSED CUSTOMERS OF THE BOARD INCENTIVES, SUCH AS COUPONS OR
23 DISCOUNTS ON CERTAIN PRODUCTS, WHICH MAY BE CONDITIONED ON THE
24 PURCHASE OF LIQUOR.

25 (III) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION
26 OF LAW, A RETAIL LICENSEE OR A BREWERY MAY OFFER A MUG CLUB TO
27 ITS PATRONS.

28 (IV) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF
29 LAW, A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY OFFER AND
30 ADVERTISE QUANTITY DISCOUNTS ON THE PURCHASE OF MALT OR BREWED

1 BEVERAGES.

2 (V) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF
3 LAW, A MANUFACTURER OR LICENSEE OF THE BOARD MAY PROVIDE A TRADE
4 BUYER WITH POINT-OF-SALE ADVERTISING FOR LIQUOR OR MALT OR
5 BREWED BEVERAGE PRODUCTS BEING SOLD BY THE MANUFACTURER OR
6 LICENSEE, SUBJECT TO THE LIMITS SPECIFIED IN CLAUSE (20) (I).

7 (VI) NOTWITHSTANDING SUBCLAUSE (I) OR ANY OTHER PROVISION OF <--
8 LAW, A LIMITED WINERY MAY OFFER TO NONLICENSEES DISCOUNTED
9 PRICING ON PRODUCTS THAT THE LIMITED WINERY MAY SELL FOR OFF-
10 PREMISES CONSUMPTION AND MAY CONDITION THE PRICING ON THE
11 PURCHASE OF A SPECIFIC AMOUNT OF ALCOHOL.

12 * * *

13 (35) DISPLAY OF NONALCOHOLIC BEVERAGES. FOR ANY CLASS OF
14 LICENSEE TO PLACE ANY ALCOHOLIC BEVERAGE WHICH THEY ARE
15 PERMITTED TO SELL UNDER THE SPECIFIC AUTHORITY OF THE LICENSE OR
16 PERMIT THEY HOLD IN AN AREA IMMEDIATELY ADJACENT TO WHERE
17 NONALCOHOLIC BEVERAGES CONTAINING THE SAME OR SIMILAR BRAND
18 NAME, LOGO OR PACKAGING AS THE ALCOHOLIC BEVERAGE ARE BEING
19 DISPLAYED WITHOUT POSTING CLEAR AND DISTINCT SIGNAGE IDENTIFYING
20 WHICH PRODUCTS ARE ALCOHOLIC PRODUCTS AND WHICH ARE
21 NONALCOHOLIC. FOR PURPOSES OF THIS CLAUSE, THE TERM
22 "NONALCOHOLIC BEVERAGES" SHALL MEAN ANY BEVERAGE INTENDED TO BE
23 MARKETED OR SOLD AS ANYTHING OTHER THAN AN ALCOHOLIC BEVERAGE.

24 SECTION 11. SECTIONS 499(B.1) AND 505.4(B) (1) AND (C) (1) OF
25 THE ACT ARE AMENDED TO READ:

26 SECTION 499. PREMISES TO BE VACATED BY PATRONS.--* * *

27 (B.1) UPON APPLICATION OF ANY CLUB, THE BOARD SHALL ISSUE A
28 CLUB EXTENDED HOURS FOOD PERMIT [FOR A PERIOD OF SIX (6) DAYS
29 DURING THE TERM OF ITS LICENSE]. THE BOARD SHALL ISSUE
30 REGULATIONS GOVERNING TERMS OF THE APPLICATION. THE PERMITS

1 SHALL BE USED SOLELY FOR THE PURPOSE OF SERVING FOOD BETWEEN THE
2 HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK
3 ANTEMERIDIAN. ALL PATRONS OF A LICENSEE SHALL BE REQUIRED TO
4 LEAVE THAT PART OF THE PREMISES HABITUALLY USED FOR THE SERVING
5 OF LIQUOR OR MALT OR BREWED BEVERAGES TO GUESTS OR PATRONS NOT
6 LATER THAN ONE-HALF HOUR AFTER THE TIME THE LICENSEE IS REQUIRED
7 BY THIS ACT TO CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES
8 AND SHALL NOT BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR
9 OR MALT OR BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY
10 BE PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
11 BREWED BEVERAGES FROM THAT PART OF THE PREMISES.

12 * * *

13 SECTION 505.4. LIMITED DISTILLERIES AND DISTILLERIES.--* * *

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

1 PRODUCT WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN
2 STATE LIQUOR STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN
3 THAT CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND
4 REGULATIONS AS THE BOARD MAY ENFORCE. THE HOLDER OF A LIMITED
5 DISTILLERY LICENSE MAY ALSO SELL WINE, ALCOHOLIC CIDER AND
6 FERMENTED FRUIT BEVERAGES PRODUCED BY A LICENSED LIMITED WINERY,
7 LIQUOR PRODUCED BY A LICENSED DISTILLERY OR LIMITED DISTILLERY
8 AND MALT OR BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR
9 ON-PREMISES CONSUMPTION. THE COMBINED SALES OF WINE, MALT OR
10 BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED
11 DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS,
12 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED
13 DISTILLERY'S OWN SALES OF LIQUOR FOR THE PRECEDING CALENDAR
14 YEAR: HOWEVER, IF A LIMITED DISTILLERY DID NOT OPERATE FOR AN
15 ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR, THEN ITS
16 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
17 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
18 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
19 PREMISES SALES OF THE LIMITED DISTILLERY'S OWN LIQUOR FOR THAT
20 YEAR.

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

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

1 APPLY:

2 (A) ONLY ONE EXTENDED HOURS PERMIT MAY BE ISSUED TO A HOLDER
3 OF A LIMITED DISTILLERY LICENSE PER CALENDAR YEAR AND MAY ONLY
4 BE USED FOR ONE DAY IN THAT CALENDAR YEAR AT ALL OF THE HOLDER
5 OF A LIMITED DISTILLERY LICENSE'S LOCATIONS.

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

13 * * *

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

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

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

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

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

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

8 * * *

9 SECTION 12. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
10 SECTION 505.5. PENNSYLVANIA DISTILLED SPIRITS INDUSTRY
11 PROMOTION BOARD.--(A) THE PENNSYLVANIA DISTILLED SPIRITS
12 INDUSTRY PROMOTION BOARD IS ESTABLISHED.

13 (B) THE PENNSYLVANIA DISTILLED SPIRITS INDUSTRY PROMOTION
14 BOARD SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

15 (1) ONE MEMBER APPOINTED BY THE GOVERNOR.

16 (2) FOUR MEMBERS APPOINTED BY THE GENERAL ASSEMBLY AS
17 FOLLOWS:

18 (I) ONE INDIVIDUAL APPOINTED BY THE PRESIDENT PRO TEMPORE OF
19 THE SENATE.

20 (II) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE OF
21 REPRESENTATIVES.

22 (III) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
23 SENATE.

24 (IV) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
25 HOUSE OF REPRESENTATIVES.

26 (C) EACH MEMBER MUST BE A RESIDENT OF THIS COMMONWEALTH AND
27 HAVE SUBSTANTIAL EXPERIENCE OR EXPERTISE IN THE PENNSYLVANIA
28 DISTILLERIES INDUSTRY.

29 (D) EACH MEMBER SHALL SERVE AT THE PLEASURE OF THE
30 APPOINTING AUTHORITY.

1 (E) THE PENNSYLVANIA DISTILLED SPIRITS INDUSTRY PROMOTION
2 BOARD HAS THE FOLLOWING POWERS AND DUTIES:

3 (1) MAKE RECOMMENDATIONS TO THE SECRETARY OF AGRICULTURE TO
4 AWARD GRANTS TO ENTITIES FOR THE PURPOSE OF INCREASING THE
5 PRODUCTION OF PENNSYLVANIA-MADE SPIRITS AND ENHANCING THE
6 PENNSYLVANIA DISTILLED SPIRITS INDUSTRY THROUGH PROMOTION,
7 MARKETING AND RESEARCH-BASED PROGRAMS AND PROJECTS. GRANTS SHALL
8 BE AWARDED THROUGH A COMPETITIVE GRANT REVIEW PROCESS. THE
9 APPLICATION FOR A GRANT SHALL INCLUDE THE FOLLOWING INFORMATION:

10 (I) PURPOSE FOR WHICH THE GRANT WILL BE UTILIZED.

11 (II) NEED FOR THE GRANT.

12 (III) ESTIMATED BUDGET.

13 (IV) METHOD FOR MEASURING OUTCOME.

14 (V) OTHER CRITERIA REQUIRED BY THE PENNSYLVANIA DISTILLED
15 SPIRITS INDUSTRY PROMOTION BOARD.

16 (2) REQUIRE EACH GRANT RECIPIENT TO PROVIDE FULL AND
17 COMPLETE ACCESS TO ALL RECORDS RELATING TO THE PERFORMANCE OF
18 THE GRANT AND TO SUBMIT ACCURATE INFORMATION.

19 (3) CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR
20 WHICH A GRANT UNDER THIS SECTION IS MADE.

21 (4) SEEK REPAYMENT OF MONEY UPON A DETERMINATION THAT THE
22 MONEY WAS NOT UTILIZED FOR THE ORIGINAL STATED PURPOSE.

23 (5) SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY
24 DETAILING ALL GRANTS AND OTHER ACTIONS.

25 (F) THE DEPARTMENT OF AGRICULTURE SHALL ASSIST THE
26 PENNSYLVANIA DISTILLED SPIRITS INDUSTRY PROMOTION BOARD IN
27 CARRYING OUT ITS POWERS AND DUTIES. FINAL DECISIONS FOR AWARDED
28 GRANTS UNDER SUBSECTION (E) (1) SHALL BE MADE BY THE SECRETARY OF
29 AGRICULTURE.

30 (G) ANNUALLY, THE BOARD SHALL ALLOCATE THE AMOUNT OF ONE

1 MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF AWARDING GRANTS
2 UNDER SUBSECTION (E) (1).

3 (H) THE BOARD SHALL TRANSFER THE ANNUAL ALLOCATION
4 AUTHORIZED UNDER THIS SECTION TO THE PENNSYLVANIA DISTILLED
5 SPIRITS INDUSTRY PROMOTION BOARD ACCOUNT. THE PENNSYLVANIA
6 DISTILLED SPIRITS INDUSTRY PROMOTION BOARD SHALL ALLOCATE MONEY
7 UNDER THIS SUBSECTION FOR THE PURPOSE OF AWARDING GRANTS UNDER
8 SUBSECTION (E) (1). THE FOLLOWING SHALL APPLY:

9 (1) THE PENNSYLVANIA DISTILLED SPIRITS INDUSTRY PROMOTION
10 BOARD MAY DEDUCT MONEY FROM THE ALLOCATION UNDER THIS SUBSECTION
11 TO COVER THE DEPARTMENT OF AGRICULTURE'S EXPENSES IN ASSISTING
12 THE PENNSYLVANIA DISTILLED SPIRITS PROMOTION BOARD.

13 (2) IN ANY FISCAL YEAR WHEN GRANT MONEY AUTHORIZED UNDER
14 THIS SECTION REMAINS UNALLOCATED, THE REMAINING AMOUNT OF MONEY
15 SHALL BE MADE AVAILABLE FOR GRANTS IN SUBSEQUENT FISCAL YEARS.

16 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OF THE
17 OBLIGATIONS OF THE BOARD UNDER THIS SECTION ARE FULFILLED BY
18 VIRTUE OF THE TRANSFER OF THE ANNUAL ALLOCATION UNDER THIS
19 SUBSECTION TO THE PENNSYLVANIA DISTILLED SPIRITS INDUSTRY
20 PROMOTION BOARD.

21 SECTION 13. ALL REGULATIONS AND PARTS OF REGULATIONS ARE
22 ABROGATED TO THE EXTENT OF ANY INCONSISTENCY WITH THIS ACT.

23 SECTION 14. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.