

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 657 Session of 2015

INTRODUCED BY ENGLISH, MILLARD, D. COSTA, KOTIK, JAMES, READSHAW, KILLION, COHEN, METZGAR AND DeLUCA, FEBRUARY 26, 2015

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 4, 2015

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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,"
17 further providing for LOCAL OPTION AND FOR unlawful acts <--
18 relative to liquor, malt and brewed beverages and licensees.

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

21 Section 1. ~~Section 493(14) of the act of April 12, 1951 <--~~
22 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
23 ~~June 29, 1987 (P.L.32, No.14) and amended May 8, 2003 (P.L.1,~~
24 ~~No.1), is amended to read:~~

25 SECTION 1. SECTION 472 (A) OF THE ACT OF APRIL 12, 1951 <--

1 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED
2 JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED FEBRUARY 21, 2002
3 (P.L.103, NO.10), IS AMENDED TO READ:

4 SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY
5 PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT
6 EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN
7 ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), ON THE DATE OF
8 THE PRIMARY ELECTION IMMEDIATELY PRECEDING ANY MUNICIPAL
9 ELECTION, BUT NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE
10 THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR
11 LICENSES TO HOTELS, RESTAURANTS, RESORT FACILITIES AND CLUBS,
12 NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF
13 THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO
14 PUBLIC VENUES, TO PERFORMING ARTS FACILITIES, TO CONTINUING CARE
15 RETIREMENT COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY
16 AN ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
17 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, NOT
18 OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE
19 ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL
20 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE
21 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
22 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND
23 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO
24 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING
25 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO
26 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, NOT
27 OFTENER THAN ONCE IN TWO YEARS TO DETERMINE THE WILL OF THE
28 ELECTORS WITH RESPECT TO THE GRANTING OF SPECIAL OCCASION
29 PERMITS TO QUALIFIED ORGANIZATIONS, [OR] NOT MORE THAN ONCE IN
30 FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT

1 TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF
2 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH
3 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, OR NOT MORE THAN
4 ONCE IN TWO YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH
5 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO SKI RESORTS, UNDER
6 THE PROVISIONS OF THIS ACT: PROVIDED, HOWEVER, WHERE AN ELECTION
7 SHALL HAVE BEEN HELD AT THE PRIMARY PRECEDING A MUNICIPAL
8 ELECTION IN ANY YEAR, ANOTHER ELECTION MAY BE HELD UNDER THE
9 PROVISIONS OF THIS ACT AT THE PRIMARY OCCURRING THE FOURTH YEAR
10 AFTER SUCH PRIOR ELECTION: AND PROVIDED FURTHER, THAT AN
11 ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A STATE
12 LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES, OR
13 THAT PART OF A SPLIT MUNICIPALITY THAT SHALL HAVE VOTED AGAINST
14 THE GRANTING OF LIQUOR LICENSES; AND THAT AN ELECTION ON THE
15 QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING
16 DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE
17 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE
18 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S
19 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER
20 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE
21 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST
22 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY
23 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE
24 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE
25 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY
26 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE
27 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT THE
28 PRIMARY IMMEDIATELY PRECEDING THE MUNICIPAL ELECTION. SEPARATE
29 PETITIONS MUST BE FILED FOR EACH QUESTION TO BE VOTED ON. SAID
30 PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT TO THE PROVISIONS

1 OF THE ELECTION LAWS WHICH RELATE TO THE SIGNING, FILING AND
2 ADJUDICATION OF NOMINATION PETITIONS, INsofar AS SUCH PROVISIONS
3 ARE APPLICABLE.

4 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
5 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

6 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR THE
7 SALE OF LIQUOR IN..... YES
8 OF.....? NO

9 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
10 LICENSES TO RESORT FACILITIES IN THOSE MUNICIPALITIES THAT DO
11 NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
12 FOLLOWING FORM:

13 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO RESORT
14 FACILITIES FOR THE SALE OF LIQUOR IN THE..... YES
15 OF.....? NO

16 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
17 LICENSES TO SKI RESORTS IN THOSE MUNICIPALITIES THAT DO NOT
18 ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE IN THE
19 FOLLOWING FORM:

20 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO SKI
21 RESORTS FOR THE SALE OF LIQUOR IN THE..... YES
22 OF.....? NO

23 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT
24 LIQUOR LICENSES FOR USE AT PUBLIC VENUES IN THOSE MUNICIPALITIES
25 THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF LIQUOR, IT SHALL BE
26 IN THE FOLLOWING FORM:

27 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO PUBLIC
28 VENUES FOR THE SALE OF LIQUOR IN THE..... YES
29 OF.....? NO

30 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF RESTAURANT

1 LIQUOR LICENSES FOR USE AT PERFORMING ARTS FACILITIES IN THOSE
2 MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE RETAIL SALE OF
3 ALCOHOL, IT SHALL BE IN THE FOLLOWING FORM:

4 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO
5 PERFORMING ARTS FACILITIES FOR THE SALE OF LIQUOR IN
6 THE..... YES
7 OF.....? NO

8 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
9 LICENSES FOR HOTELS LOCATED ON PROPERTY OWNED BY AN ACCREDITED
10 COLLEGE OR UNIVERSITY IN THOSE MUNICIPALITIES THAT DO NOT
11 ALREADY ALLOW THE GRANTING OF LIQUOR LICENSES, IT SHALL BE IN
12 THE FOLLOWING FORM:

13 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES TO HOTELS
14 ON PROPERTY OWNED BY AN ACCREDITED COLLEGE OR UNIVERSITY
15 IN THE..... YES
16 OF.....? NO

17 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
18 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE
19 IN THE FOLLOWING FORM:

20 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
21 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE OF
22 LIQUOR IN.....BY..... YES
23 OF.....? NO

24 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
25 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE
26 IN THE FOLLOWING FORM:

27 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
28 PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE OF
29 LIQUOR IN.....BY..... YES
30 OF.....? NO

1 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
2 LICENSES TO CONTINUING CARE RETIREMENT COMMUNITIES IN THOSE
3 MUNICIPALITIES THAT HAVE NOT ALREADY APPROVED THE GRANTING OF
4 LIQUOR LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

5 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR
6 CONTINUING CARE RETIREMENT COMMUNITIES
7 IN.....BY..... YES
8 OF.....? NO

9 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
10 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
11 IN THE FOLLOWING FORM:

12 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
13 RETAIL DISPENSER LICENSES FOR CONSUMPTION ON PREMISES
14 WHERE SOLD IN THE..... YES
15 OF.....? NO

16 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
17 TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND
18 IMPORTING DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:

19 DO YOU FAVOR THE GRANTING OF MALT AND BREWED BEVERAGE
20 WHOLESALE DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S
21 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE SOLD IN
22 THE..... YES
23 OF.....? NO

24 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
25 LIQUOR LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
26 ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

27 DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES TO
28 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS
29 IN THE..... YES
30 OF.....? NO

1 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB
2 RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL
3 VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

4 DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER
5 LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
6 ORGANIZATIONS IN THE..... YES
7 OF.....? NO

8 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
9 OCCASION PERMITS ALLOWING THE SALE OF LIQUOR BY QUALIFIED
10 ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT ALREADY ALLOW THE
11 RETAIL SALE OF LIQUOR, IT SHALL BE IN THE FOLLOWING FORM:

12 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS TO
13 ALLOW THE SALE OF LIQUOR BY QUALIFIED ORGANIZATIONS IN
14 THE..... YES
15 OF.....? NO

16 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF SPECIAL
17 OCCASION PERMITS ALLOWING THE SALE OF MALT OR BREWED BEVERAGES
18 ONLY BY QUALIFIED ORGANIZATIONS IN MUNICIPALITIES THAT DO NOT
19 ALREADY ALLOW THE RETAIL SALE OF MALT OR BREWED BEVERAGES, IT
20 SHALL BE IN THE FOLLOWING FORM:

21 DO YOU FAVOR THE GRANTING OF SPECIAL OCCASION PERMITS TO
22 ALLOW THE SALE OF MALT OR BREWED BEVERAGES ONLY BY
23 QUALIFIED ORGANIZATIONS IN THE..... YES
24 OF.....? NO

25 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
26 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
27 BE IN THE FOLLOWING FORM:

28 DO YOU FAVOR THE ESTABLISHMENT, OPERATION AND YES
29 MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IN NO
30 THE.....

1 OF.....?

2 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A
3 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
4 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,
5 RESTAURANTS, SKI RESORTS, RESORT FACILITIES AND CLUBS, OR LIQUOR
6 LICENSES SHALL BE GRANTED BY THE BOARD TO PUBLIC VENUES, TO
7 PERFORMING ARTS FACILITIES, TO CONTINUING CARE RETIREMENT
8 COMMUNITIES, TO HOTELS LOCATED ON PROPERTY OWNED BY AN
9 ACCREDITED COLLEGE OR UNIVERSITY, TO PRIVATELY-OWNED PRIVATE
10 GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT
11 AND BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE
12 DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE
13 OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR
14 CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES SHALL BE
15 GRANTED BY THE BOARD TO INCORPORATED UNITS OF NATIONAL VETERANS'
16 ORGANIZATIONS, OR SPECIAL OCCASION PERMITS MAY BE ISSUED TO
17 QUALIFIED ORGANIZATIONS, OR THE BOARD MAY ESTABLISH, OPERATE AND
18 MAINTAIN PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY BE, IN SUCH
19 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS PROVIDED BY
20 THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING ON ANY SUCH
21 QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO POWER TO GRANT
22 OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF THE CLASS SO
23 VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY;
24 OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN RESPECT TO THE
25 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR
26 STORES, THE BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA
27 LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A SPLIT
28 MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING
29 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT
30 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE

1 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY
2 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A
3 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON
4 SUCH QUESTION.

5 * * *

6 SECTION 2. SECTION 493(14) OF THE ACT, AMENDED MAY 8, 2003
7 (P.L.1, NO.1), IS AMENDED TO READ:

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

13 It shall be unlawful--

14 * * *

15 (14) Permitting Undesirable Persons or Minors to Frequent
16 Premises. For any hotel, restaurant or club liquor licensee, or
17 any retail dispenser, his servants, agents or employes, to
18 permit persons of ill repute or prostitutes to frequent his
19 licensed premises or any premises operated in connection
20 therewith. Minors may only frequent licensed premises if: (a)
21 they are accompanied by a parent; (b) they are accompanied by a
22 legal guardian; (c) they are under proper supervision; (d) they
23 are attending a social gathering; or (e) the hotel, restaurant
24 or retail dispenser licensee has gross sales of food and
25 nonalcoholic beverages equal to fifty per centum or more of its
26 combined gross sale of both food and alcoholic beverages. If a
27 minor is frequenting a hotel, restaurant or retail dispenser
28 licensee under subsection (e), then the minor may not sit at the
29 bar section of the premises, nor may any alcoholic beverages be
30 served at the table or booth at which the said minor is seated

1 unless said minor is with a parent, legal guardian or under
2 proper supervision. Further, if a hotel, restaurant, club liquor
3 licensee or retail dispenser is hosting a social gathering under
4 subsection (d), then written notice at least forty-eight hours
5 in advance of such gathering shall be given to the Bureau of
6 Enforcement. If a minor is frequenting licensed premises with
7 proper supervision under subsection (c), each supervisor can
8 supervise up to twenty minors, except for premises located in
9 cities of the first class, where each supervisor can supervise
10 up to five minors. Notwithstanding any other provisions of this
11 section, if the minors are on the premises as part of a school-
12 endorsed function, then each supervisor can supervise fifty
13 minors. Nothing in this clause shall be construed to make it
14 unlawful for minors to frequent public venues [or], performing
15 arts facilities or ski resorts.

16 * * *

17 Section 2 3. This act shall take effect in 60 days.

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