

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 107 Session of 2023

INTRODUCED BY CIRESI, MADDEN, JAMES, SANCHEZ, PROBST,
D. WILLIAMS, McNEILL, HILL-EVANS AND ORTITAY, MARCH 7, 2023

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 7, 2023

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws," in
17 distilleries, wineries, bonded warehouses, bailees for hire
18 and transporters for hire, further providing for limited
19 wineries.

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

22 Section 1. Section 505.2(a) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, is amended by adding
24 a clause and subsection (c) is amended by adding a definition to
25 read:

26 Section 505.2. Limited Wineries.--(a) In the interest of

1 promoting tourism and recreational development in Pennsylvania,
2 holders of a limited winery license may:

3 * * *

4 (7) Obtain an off-premises wine catering permit to use off
5 the licensed premises in partnership with an otherwise
6 unlicensed BYOB restaurant where the licensee may sell wine, by
7 the glass, open bottle or other container and in any mixture
8 together with food, for consumption on those premises. The
9 following shall apply:

10 (i) The licensee may be issued no more than three off-
11 premises wine catering permits to be used in partnership with a
12 BYOB restaurant.

13 (ii) Any licensee that wishes to obtain an off-premises wine
14 catering permit for use at a BYOB restaurant must notify the
15 board and pay an initial fee of five hundred dollars (\$500) per
16 permit application and, upon approval, shall be subject to an
17 annual renewal fee of five hundred dollars (\$500).

18 (iii) The fees under subclause (ii) shall be paid into The
19 State Stores Fund.

20 (iv) The board may approve or disapprove each permit if the
21 applicant fails to meet the requirements of this act or has
22 previously conducted a function that did not meet the
23 requirements of this act. Any violation of this act or the
24 board's regulations relating to this clause may be the basis for
25 the issuance of a citation under section 471, the nonrenewal of
26 the license under section 470 or the refusal by the board to
27 issue subsequent permits. This penalty shall be in addition to
28 any other remedies available to the enforcement bureau or the
29 board.

30 (v) Alcohol may only be served at the permitted location

1 between the hours of noon and nine o'clock postmeridian.

2 (vi) All servers shall be certified under the board's
3 responsible alcohol management program as required under section
4 471.1.

5 (vii) A permit shall not be held at a location that is
6 already subject to the applicant's or another licensee's off-
7 premises wine catering permit.

8 (viii) A permit shall not be issued to an applicant whose
9 license is in safekeeping.

10 (ix) A permit shall not be issued to a location that is
11 subject to a pending objection by the Director of the Bureau of
12 Licensing or the board under section 470(a.1).

13 (x) A permit shall not be issued to a location that is
14 subject to a pending license suspension under section 471 or the
15 one-year prohibition on the issuance or transfer of a license
16 under section 471(b).

17 (xi) Alcohol may not be taken from the permitted location by
18 any patron, but the applicant may transport alcohol to and from
19 the applicant's licensed premises to the proposed premises.

20 (xii) Written notice of the off-premises wine catering
21 permit as enumerated in subclause (xiii) shall be provided to
22 the local police and the enforcement bureau at least fourteen
23 (14) days in advance of the event.

24 (xiii) Written notice shall be provided to the board and
25 must include the location of the BYOB restaurant, dates and
26 times that the permit will be used, authorization by the local
27 municipality where the permit is being utilized, as well as any
28 information the board shall prescribe. The board may, in its
29 discretion, accept notice in an electronic format.

30 (xiv) If a permit is located on private property, the owner

1 of the property is deemed to have submitted to the jurisdiction
2 of the enforcement bureau, and the warrant required by section
3 211(a)(2) shall not be necessary for the enforcement bureau to
4 enter and search the premises during the function or any
5 activity related to the function.

6 (xv) The off-premises wine catering permit location shall be
7 subject to section 493(34).

8 (xvi) A permit shall not be issued to locations that are
9 subject to a pending, protested transfer application.

10 (xvii) A permit may not be issued to a license holder whose
11 license is subject to a pending objection by the Director of the
12 Bureau of Licensing or the board under section 470(a.1).

13 (xviii) A permit shall not be issued to a licensee for use
14 in a location that is mobile.

15 * * *

16 (c) As used in this section:

17 * * *

18 "BYOB restaurant" shall mean a restaurant, eating place or
19 café not licensed by the board that offers on-premises dining,
20 has a valid health permit and allows patrons who are at least 21
21 years of age to bring wine, beer or spirits to consume while
22 dining at the premises.

23 * * *

24 Section 2. This act shall take effect in 60 days.