

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of 2021

INTRODUCED BY R. MACKENZIE, BROOKS, ECKER, M. MACKENZIE, MILLARD, ORTITAY, SILVIS, SMITH AND CIRESI, NOVEMBER 4, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 20, 2022

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;
18 and, in licenses and regulations and liquor, alcohol and malt
19 and brewed beverages, further providing for public venue
20 license.

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

23 Section 1. The definition of "public venue" in section 102
24 of the act of April 12, 1951 (P.L.90, No.21), known as the
25 Liquor Code, is amended to read:

26 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 * * *

4 "Public venue" shall mean a stadium, arena, convention
5 center, museum, zoo, amphitheater or [similar structure.]
6 amusement park as defined in section 2 of the act of June 18,
7 1984 (P.L.384, No.81), known as the Amusement Ride Inspection
8 Act, situated on at least 40 acres of land regardless of seating
9 capacity or similar structure. If the public venue is a cruise
10 terminal owned or leased by a port authority created under the
11 act of June 12, 1931 (P.L.575, No.200), entitled "An act
12 providing for joint action by Pennsylvania and New Jersey in the
13 development of the ports on the lower Delaware River, and the
14 improvement of the facilities for transportation across the
15 river; authorizing the Governor, for these purposes, to enter
16 into an agreement with New Jersey; creating The Delaware River
17 Joint Commission and specifying the powers and duties thereof,
18 including the power to finance projects by the issuance of
19 revenue bonds; transferring to the new commission all the powers
20 of the Delaware River Bridge Joint Commission; and making an
21 appropriation," it shall have no permanent seating requirement.
22 If the public venue is an open-air amphitheater owned by a port
23 authority created under the act of December 6, 1972 (P.L.1392,
24 No.298), known as the "Third Class City Port Authority Act," it
25 shall have no permanent seating requirement. If the public venue
26 is owned by a political subdivision, a municipal authority, the
27 Commonwealth, an authority created under the act of July 29,
28 1953 (P.L.1034, No.270), known as the "Public Auditorium
29 Authorities Law," an authority created under Article XXV-A of
30 the act of July 28, 1953 (P.L.723, No.230), known as the "Second

1 Class County Code," an art museum established under the
2 authority of the act of April 6, 1791 (3 Sm.L.20, No.1536),
3 entitled "An act to confer on certain associations of the
4 citizens of this commonwealth the powers and immunities of
5 corporations, or bodies politic in law," or an authority created
6 under Article XXIII (n) or (o) of the act of August 9, 1955
7 (P.L.323, No.130), known as "The County Code," it shall have
8 permanent seating for at least one thousand (1,000) people;
9 otherwise, it shall have permanent seating for at least two
10 thousand (2,000) people. The term shall also mean any regional
11 history center, multipurpose cultural and science facility,
12 museum or convention or trade show center, regardless of owner
13 and seating capacity, that has a floor area of at least sixty
14 thousand (60,000) square feet in one building. The term shall
15 also mean a convention or conference center owned by a city of
16 the third class or a university which is a member of the
17 Pennsylvania State System of Higher Education which is operated
18 by a university foundation or alumni association, regardless of
19 seating capacity, that has a floor area of at least fifteen
20 thousand (15,000) square feet in one building. The term shall
21 also mean a visitor center, regardless of floor area or seating
22 capacity, that was established under the authority of the
23 Gateway Visitor Center Authorization Act of 1999 (Public Law
24 106-131, 113 Stat. 1678, 16 U.S.C. § 407m).

25 * * *

26 Section 2. Section 412(f) (1) of the act is amended and the
27 section is amended by adding subsections to read:

28 Section 412. Public Venue License.--* * *

29 (f) Licenses issued under this section are to be considered
30 restaurant liquor licenses. However, the following additional

1 restrictions and privileges apply:

2 (1) Sales may only be made one hour before, during and one
3 hour after any athletic performance, performing arts event,
4 trade show, convention, banquet or any other performance at the
5 facility; however, sales may not be made from two o'clock
6 antemeridian to seven o'clock antemeridian. In addition, sales
7 may not occur prior to eleven o'clock antemeridian on Sundays or
8 seven o'clock antemeridian on Mondays. Notwithstanding this

9 ~~[section, facilities that had been licensed under former~~ <--
10 ~~sections]~~ SECTION: <--

11 (I) FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTIONS
12 408.9 and 408.14 ~~and amusement parks~~ may sell liquor and/or malt <--
13 or brewed beverages anytime except from two o'clock antemeridian
14 to seven o'clock antemeridian or prior to eleven o'clock
15 antemeridian on Sundays or seven o'clock antemeridian on
16 Mondays, regardless of whether there is a performance at the
17 facility.

18 (II) AMUSEMENT PARKS MAY SELL LIQUOR AND MALT OR BREWED <--
19 BEVERAGES FROM ELEVEN O'CLOCK ANTEMERIDIAN TO ELEVEN O'CLOCK
20 POSTMERIDIAN.

21 * * *

22 (h) An amusement park that holds a restaurant license before
23 January 1, 2021, and seeks to obtain a public venue license
24 shall exchange one existing restaurant license to the board in
25 return for a public venue license at no cost. A restaurant
26 license exchanged under this subsection shall be subject to a
27 license auction under section 470.3.

28 (I) AN AMUSEMENT PARK THAT HOLDS A PUBLIC VENUE LICENSE <--
29 SHALL UTILIZE A TRANSACTION SCAN DEVICE TO VERIFY THE AGE OF AN
30 INDIVIDUAL WHO APPEARS TO BE UNDER THIRTY-FIVE YEARS OF AGE

1 BEFORE MAKING A SALE OF LIQUOR AND MALT OR BREWED BEVERAGES,
2 HOWEVER, AN ACCEPTABLE FORM OF IDENTIFICATION UNDER SECTION
3 495(A) THAT CANNOT BE SCANNED MAY BE ACCEPTED BY THE LICENSEE.
4 AN AMUSEMENT PARK MAY NOT SELL OR SHARE DATA FROM THE USE OF A
5 TRANSACTION SCAN DEVICE, PROVIDED THAT THE LICENSEE MAY USE THE
6 DATA TO SHOW THE ENFORCEMENT BUREAU OF THE BOARD THAT THE
7 LICENSEE IS IN COMPLIANCE WITH THIS ACT. AS USED IN THIS
8 SUBSECTION, THE TERM "TRANSACTION SCAN DEVICE" MEANS A DEVICE
9 CAPABLE OF DECIPHERING, IN AN ELECTRONICALLY READABLE FORMAT,
10 THE INFORMATION ENCODED ON THE MAGNETIC STRIP OR BAR CODE OF AN
11 IDENTIFICATION CARD UNDER SECTION 495(A).

12 ~~(i)~~ (J) As used in this section, the term "amusement park" <--
13 shall have the same meaning as defined in section 2 of the act
14 of June 18, 1984 (P.L.384, No.81), known as the Amusement Ride
15 Inspection Act.

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