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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2848 Session of  
2020

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INTRODUCED BY MASSER, SCHMITT, TOEPEL, CAUSER, KAUFFMAN, JAMES,  
ECKER, KNOWLES, HILL-EVANS, POLINCHOCK, SAINATO, COX,  
PICKETT, ROWE, CIRESI, SCHLEGEL CULVER, INNAMORATO, DRISCOLL  
AND MILLARD, SEPTEMBER 1, 2020

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 1, 2020

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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 issuance, transfer or  
19 extension of hotel, restaurant and club liquor licenses and  
20 for malt and brewed beverages retail licenses.

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

23 Section 1. Sections 404(a) and 432(d) of the act of April  
24 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended June  
25 5, 2020 (P.L. 213, No.29), are amended to read:

26 Section 404. Issuance, Transfer or Extension of Hotel,

1 Restaurant and Club Liquor Licenses.--(a) Upon receipt of the  
2 application and the proper fees, and upon being satisfied of the  
3 truth of the statements in the application that the applicant  
4 and management company or companies, if any, are the only  
5 persons in any manner pecuniarily interested in the business so  
6 asked to be licensed and that no other person will be in any  
7 manner pecuniarily interested therein during the continuance of  
8 the license, except as hereinafter permitted, and that the  
9 applicant is a person of good repute, that the premises applied  
10 for meet all the requirements of this act and the regulations of  
11 the board, that the applicant seeks a license for a hotel,  
12 restaurant or club, as defined in this act, and that the  
13 issuance of such license is not prohibited by any of the  
14 provisions of this act, the board shall, in the case of a hotel  
15 or restaurant, grant and issue to the applicant a liquor  
16 license, and in the case of a club may, in its discretion, issue  
17 or refuse a license: Provided, however, That in the case of any  
18 new license or the transfer of any license to a new location or  
19 the extension of an existing license to cover an additional area  
20 the board may, in its discretion, grant or refuse such new  
21 license, transfer or extension if such place proposed to be  
22 licensed is within three hundred feet of any church, hospital,  
23 charitable institution, school, or public playground, or if such  
24 new license, transfer or extension is applied for a place which  
25 is within two hundred feet of any other premises which is  
26 licensed by the board: And provided further, during the  
27 proclamation of disaster emergency issued by the Governor on  
28 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and  
29 any renewal of the proclamation of disaster emergency, the  
30 board's authority to refuse to grant a license because of its

1 proximity to a church, hospital, charitable institution, school,  
2 public playground or other licensed premises shall not be  
3 applicable if the place proposed to be licensed is within one  
4 hundred fifty feet of the church, hospital, charitable  
5 institution, school, public playground or other licensed  
6 premises: And provided further, That the board's authority to  
7 refuse to grant a license because of its proximity to a church,  
8 hospital, charitable institution, public playground or other  
9 licensed premises shall not be applicable to license  
10 applications submitted for public venues or performing arts  
11 facilities: And provided further, That the board shall refuse  
12 any application for a new license, the transfer of any license  
13 to a new location or the extension of an existing license to  
14 cover an additional area if, in the board's opinion, such new  
15 license, transfer or extension would be detrimental to the  
16 welfare, health, peace and morals of the inhabitants of the  
17 neighborhood within a radius of five hundred feet of the place  
18 proposed to be licensed: And provided further, That the board  
19 shall have the discretion to refuse a license to any person or  
20 to any corporation, partnership or association if such person,  
21 or any officer or director of such corporation, or any member or  
22 partner of such partnership or association shall have been  
23 convicted or found guilty of a felony within a period of five  
24 years immediately preceding the date of application for the said  
25 license. The board may enter into an agreement with the  
26 applicant concerning additional restrictions on the license in  
27 question. If the board and the applicant enter into such an  
28 agreement, such agreement shall be binding on the applicant.  
29 Failure by the applicant to adhere to the agreement will be  
30 sufficient cause to form the basis for a citation under section

1 471 and for the nonrenewal of the license under section 470. If  
2 the board enters into an agreement with an applicant concerning  
3 additional restrictions, those restrictions shall be binding on  
4 subsequent holders of the license until the license is  
5 transferred to a new location or until the board enters into a  
6 subsequent agreement removing those restrictions. If the  
7 application in question involves a location previously licensed  
8 by the board, then any restrictions imposed by the board on the  
9 previous license at that location shall be binding on the  
10 applicant unless the board enters into a new agreement  
11 rescinding those restrictions. The board may, in its discretion,  
12 refuse an application for an economic development license under  
13 section 461(b.1) or an application for an intermunicipal  
14 transfer of a license if the board receives a protest from the  
15 governing body of the receiving municipality. The receiving  
16 municipality of an intermunicipal transfer or an economic  
17 development license under section 461(b.1) may file a protest  
18 against the transfer of a license into its municipality, and the  
19 receiving municipality shall have standing in a hearing to  
20 present testimony in support of or against the issuance or  
21 transfer of a license. Upon any opening in any quota, an  
22 application for a new license shall only be filed with the board  
23 for a period of six months following said opening.

24 \* \* \*

25 Section 432. Malt and Brewed Beverages Retail Licenses.--\* \*

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27 (d) The board shall, in its discretion, grant or refuse any  
28 new license, the transfer of any license to a new location or  
29 the extension of an existing license to cover an additional area  
30 if such place proposed to be licensed is within three hundred

1 feet of any church, hospital, charitable institution, school, or  
2 public playground, or if such new license, transfer or extension  
3 is applied for a place which is within two hundred feet of any  
4 other premises which is licensed by the board. During the  
5 proclamation of disaster emergency issued by the Governor on  
6 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and  
7 any renewal of the proclamation of disaster emergency, the board  
8 may not refuse to grant a license because of its proximity to a  
9 church, hospital, charitable institution, school, public  
10 playground or other licensed premises if the place proposed to  
11 be licensed is within fifty feet of the church, hospital,  
12 charitable institution, school, public playground or other  
13 licensed premises. The board shall refuse any application for a  
14 new license, the transfer of any license to a new location or  
15 the extension of an existing license to cover an additional area  
16 if, in the board's opinion, such new license, transfer or  
17 extension would be detrimental to the welfare, health, peace and  
18 morals of the inhabitants of the neighborhood within a radius of  
19 five hundred feet of the place to be licensed. The board may  
20 enter into an agreement with the applicant concerning additional  
21 restrictions on the license in question. If the board and the  
22 applicant enter into such an agreement, such agreement shall be  
23 binding on the applicant. Failure by the applicant to adhere to  
24 the agreement will be sufficient cause to form the basis for a  
25 citation under section 471 and for the nonrenewal of the license  
26 under section 470. If the board enters into an agreement with an  
27 applicant concerning additional restrictions, those restrictions  
28 shall be binding on subsequent holders of the license until the  
29 license is transferred to a new location or until the board  
30 enters into a subsequent agreement removing those restrictions.

1 If the application in question involves a location previously  
2 licensed by the board, then any restrictions imposed by the  
3 board on the previous license at that location shall be binding  
4 on the applicant unless the board enters into a new agreement  
5 rescinding those restrictions. The board shall have the  
6 discretion to refuse a license to any person or to any  
7 corporation, partnership or association if such person, or any  
8 officer or director of such corporation, or any member or  
9 partner of such partnership or association shall have been  
10 convicted or found guilty of a felony within a period of five  
11 years immediately preceding the date of application for the said  
12 license. The board may, in its discretion, refuse an application  
13 for an economic development license under section 461(b.1) or an  
14 application for an intermunicipal transfer or a license if the  
15 board receives a protest from the governing body of the  
16 receiving municipality. The receiving municipality of an  
17 intermunicipal transfer or an economic development license under  
18 section 461(b.1) may file a protest against the approval for  
19 issuance of a license for economic development or an  
20 intermunicipal transfer of a license into its municipality, and  
21 such municipality shall have standing in a hearing to present  
22 testimony in support of or against the issuance or transfer of a  
23 license. Upon any opening in any quota, an application for a new  
24 license shall only be filed with the board for a period of six  
25 months following said opening.

26 \* \* \*

27 Section 2. This act shall take effect immediately.