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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 392 Session of  
2021

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INTRODUCED BY DOWLING, BOBACK, RYAN, DUNBAR, STEPHENS, TOPPER,  
ROWE, CIRESI, JOZWIAK, JAMES, NEILSON AND MOUL,  
FEBRUARY 3, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 3, 2021

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AN ACT

1 Repealing the act of October 25, 1973 (P.L.314, No.99), entitled  
2 "An act relating to the conducting, staging, managing,  
3 operating and engaging in sport, musical, theatrical and  
4 dramatic performances, exhibitions and contests other than  
5 motion picture exhibitions on Sundays and providing for a  
6 referendum in connection therewith in municipalities and  
7 townships and the suspension of certain laws."

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of October 25, 1973 (P.L.314, No.99),  
11 entitled "An act relating to the conducting, staging, managing,  
12 operating and engaging in sport, musical, theatrical and  
13 dramatic performances, exhibitions and contests other than  
14 motion picture exhibitions on Sundays and providing for a  
15 referendum in connection therewith in municipalities and  
16 townships and the suspension of certain laws," is repealed:

17 [AN ACT

18 Relating to the conducting, staging, managing, operating and  
19 engaging in sport, musical, theatrical and dramatic  
20 performances, exhibitions and contests other than motion

1 picture exhibitions on Sundays and providing for a referendum  
2 in connection therewith in municipalities and townships and  
3 the suspension of certain laws.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Except as otherwise provided in this act, all  
7 acts and parts of acts presently prohibiting the conducting,  
8 staging, managing, operating or engaging in sport, musical,  
9 theatrical and dramatic performances, exhibitions, contests and  
10 similar activities other than motion picture exhibitions for  
11 public entertainment, enjoyment or recreation on Sunday after  
12 the hour of one o'clock postmeridian in any municipality or  
13 township are hereby suspended.

14 Section 2. (a) Whenever electors equal to at least ten per  
15 cent of the highest vote cast for any office in any municipality  
16 or township at the last preceding municipal or general election  
17 shall file a petition with the county board of elections of the  
18 county for a referendum on the question of the will of the  
19 electors with respect to the suspension of all acts or parts of  
20 acts presently prohibiting the conducting, staging, managing,  
21 operating or engaging in sport, musical, theatrical and dramatic  
22 performances, exhibitions, contests and similar activities other  
23 than motion picture exhibitions on Sunday after the hour of one  
24 o'clock postmeridian, but not oftener than once every five  
25 years, the county board of elections shall cause the question to  
26 be placed on the ballot or on the voting machine board and  
27 submitted at the next municipal primary election more than sixty  
28 days after the petition is filed. These proceedings shall be in  
29 the same manner and subject to the provisions of the election  
30 laws in so far as such provisions are applicable.

1 (b) The question shall be in the following form:

2 Do you favor the staging, managing, operating  
3 or engaging in sport, musical, theatrical and  
4 dramatic performances, exhibitions, contests or yes  
5 similar activities other than motion picture  
6 exhibitions on Sunday after the hour of one no  
7 o'clock postmeridian?

8 (c) If a majority of the voting electors vote "No," then the  
9 provisions of all acts or parts of acts presently prohibiting  
10 the conducting, staging, managing, operating or engaging in  
11 sport, musical, theatrical and dramatic performances,  
12 exhibitions, contests, similar activities other than motion  
13 picture exhibitions for public entertainment, enjoyment or  
14 recreation on Sunday after the hour of one o'clock postmeridian  
15 in municipalities and townships shall not be suspended in the  
16 municipality or township so voting.

17 Section 3. The provisions of this act shall not in any  
18 manner change, modify, alter or amend any provision of the  
19 following acts:

20 (1) The act of August 31, 1955 (P.L.531, No.131), known as  
21 the "Pennsylvania Athletic Code."

22 (2) The act of December 22, 1959 (P.L.1978, No.728),  
23 entitled, as amended, "An act providing for and regulating  
24 harness racing with pari-mutuel wagering on the results thereof;  
25 creating the State Harness Racing Commission as a departmental  
26 administrative commission within the Department of Agriculture  
27 and defining its powers and duties; providing for the  
28 establishment and operation of harness racing plants subject to  
29 local option; imposing taxes on revenues of such plants;  
30 disposing of all moneys received by the commission and all

1 moneys collected from the taxes; authorizing penalties; and  
2 making appropriations."

3 (3) The act of December 11, 1967 (P.L.707, No.331), entitled  
4 "An act providing for and regulating thoroughbred horse racing  
5 with pari-mutuel wagering on the results thereof, creating the  
6 State Horse Racing Commission as an independent administrative  
7 commission and defining its powers and duties; providing for the  
8 establishment and operation of thoroughbred horse racing plants;  
9 imposing taxes on revenues of such plants; disposing of all  
10 moneys received by the commission and all moneys collected from  
11 the taxes; authorizing penalties; and making appropriations."]

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