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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 423 Session of  
2019

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INTRODUCED BY TOPPER, HILL-EVANS, IRVIN, KEEFER, B. MILLER,  
MURT, ROTHMAN, TOOHIL AND KORTZ, FEBRUARY 11, 2019

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SENATOR STEFANO, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
JUNE 18, 2019

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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 general provisions applying to both liquor and malt and  
18 brewed beverages, further providing for local option.

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

21 Section 1. Section 472(a) of the act of April 12, 1951  
22 (P.L.90, No.21), known as the Liquor Code, is amended to read:

23 Section 472. Local Option.--(a) In any municipality or any  
24 part of a municipality where such municipality is split so that  
25 each part thereof is separated by another municipality, an

1 election may be held, subject to subsection (c), not oftener  
2 than once in four years, to determine the will of the electors  
3 with respect to the granting of liquor licenses to hotels,  
4 restaurants, resort facilities and clubs, not oftener than once  
5 in four years, to determine the will of the electors with  
6 respect to the granting of liquor licenses 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, not  
11 oftener than once in four years, to determine the will of the  
12 electors with respect to the granting of licenses to retail  
13 dispensers of malt and brewed beverages, not oftener than once  
14 in four years, to determine the will of the electors with  
15 respect to granting of licenses to wholesale distributors and  
16 importing distributors, not more than once in two years, to  
17 determine the will of the electors with respect to the granting  
18 of club liquor licenses or club retail dispenser licenses to  
19 incorporated units of national veterans' organizations, not  
20 oftener than once in two years to determine the will of the  
21 electors with respect to the granting of special occasion  
22 permits to qualified organizations, not more than once in four  
23 years, to determine the will of the electors with respect to the  
24 establishment, operation and maintenance by the board of  
25 Pennsylvania liquor stores, within the limits of such  
26 municipality or part of a split municipality, or not more than  
27 once in two years, to determine the will of the electors with  
28 respect to the granting of liquor licenses to ski resort  
29 facilities, under the provisions of this act: Provided, That an  
30 election on the question of establishing and operating a State

1 liquor store shall be initiated only in those municipalities, or  
2 that part of a split municipality that shall have voted against  
3 the granting of liquor licenses; and that an election on the  
4 question of granting wholesale distributor and importing  
5 distributor licenses shall be initiated only in those  
6 municipalities or parts of split municipalities that shall have  
7 at a previous election voted against the granting of dispenser's  
8 licenses. [Whenever] EXCEPT FOR A MUNICIPALITY OR PART OF A <--  
9 SPLIT MUNICIPALITY LOCATED IN A COUNTY OF THE SECOND CLASS A,  
10 WHENEVER electors equal to at least twenty-five per centum of  
11 the highest vote cast for any office in the municipality or part  
12 of a split municipality at the last preceding general election  
13 shall file a petition with the county board of elections of the  
14 county for a referendum on the question of granting any of said  
15 classes of licenses or the establishment of Pennsylvania liquor  
16 stores, the said county board of elections shall cause a  
17 question to be placed on the ballots or on the voting machine  
18 board and submitted at any election. IN A COUNTY OF THE SECOND <--  
19 CLASS A, WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER  
20 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN A MUNICIPALITY  
21 OR PART OF A SPLIT MUNICIPALITY AT THE LAST PRECEDING GENERAL  
22 ELECTION, OR WHENEVER FIVE HUNDRED ELECTORS OF A MUNICIPALITY OR  
23 PART OF A SPLIT MUNICIPALITY, WHICHEVER IS LESS, SIGN A PETITION  
24 FOR A REFERENDUM ON THE QUESTION OF GRANTING ANY OF THE SAID  
25 CLASSES OF LICENSES OR THE ESTABLISHMENT OF PENNSYLVANIA LIQUOR  
26 STORES AND FILE THE PETITION WITH THE COUNTY BOARD OF ELECTIONS,  
27 THE SAID COUNTY BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE  
28 PLACED ON THE BALLOTS OR ON THE VOTING MACHINE BOARD AND  
29 SUBMITTED AT ANY ELECTION. Separate petitions must be filed for  
30 each question to be voted on. Said proceedings shall be in the

1 manner and subject to the provisions of the election laws which  
2 relate to the signing, filing and adjudication of nomination  
3 petitions, insofar as such provisions 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 resort facilities 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  
15 university 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  
13 to allow the sale of liquor by qualified organizations  
14 in 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  
22 to 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  
29 maintenance of Pennsylvania liquor stores in  
30 the..... Yes

1 of.....? No

2 When the question is in respect to the granting of liquor  
3 licenses to an airport authority in those municipalities that do  
4 not already allow the retail sale of liquor, it shall be in the  
5 following form:

6 Do you favor the granting of liquor licenses to an  
7 airport authority for the sale of liquor in  
8 the..... Yes

9 of.....? No

10 When the question is in respect to the granting of brewery  
11 licenses, it shall be in the following form:

12 Do you favor the granting of brewery licenses for the  
13 sale of malt or brewed beverages by the case, by the keg  
14 and by the glass for consumption on premises, plus the  
15 sale of wine and spirits by the glass for consumption on  
16 premises, in..... Yes

17 by.....? No

18 When the question is in respect to the granting of brewery  
19 storage licenses, it shall be in the following form:

20 Do you favor the granting of brewery storage licenses  
21 for the sale of malt or brewed beverages by the case, by  
22 the keg and by the glass for consumption on premises,  
23 plus the sale of wine and spirits by the glass for  
24 consumption on premises, in..... Yes

25 by.....? No

26 When the question is in respect to the granting of limited  
27 distillery licenses, it shall be in the following form:

28 Do you favor the granting of limited distillery licenses  
29 for the sale of spirits by the bottle to go and by the  
30 glass for consumption on premises, plus the sale of wine Yes



1 and malt or brewed beverages for consumption on  
2 premises, in.....  
3 by.....? No

4 When the question is in respect to the granting of additional  
5 licenses for board-approved limited distillery locations, it  
6 shall be in the following form:

7 Do you favor the granting of additional licenses for  
8 board-approved limited distillery locations for the sale  
9 of spirits by the bottle to go and by the glass for  
10 consumption on premises, plus the sale of wine and malt  
11 or brewed beverages for consumption on premises,  
12 in..... Yes  
13 by.....? No

14 When the question is in respect to the granting of limited  
15 winery licenses, it shall be in the following form:

16 Do you favor the granting of limited winery licenses for  
17 the sale of wine by the bottle to go and by the glass  
18 for consumption on premises, plus the sale of spirits  
19 and malt or brewed beverages for consumption on premises  
20 in..... Yes  
21 by.....? No

22 When the question is in respect to the granting of additional  
23 licenses for board-approved limited winery locations, it shall  
24 be in the following form:

25 Do you favor the granting of additional licenses for  
26 board-approved limited winery locations for the sale of  
27 wine by the bottle to go and by the glass for  
28 consumption on premises, plus the sale of spirits and  
29 malt or brewed beverages for consumption on premises Yes  
30 in..... No

1 by.....?

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. The amendment of section 472(a) of the act shall  
7 not apply to brewery licenses, brewery storage licenses, limited  
8 distillery licenses, board-approved limited distillery  
9 locations, limited winery licenses and board-approved limited  
10 winery locations granted before the effective date of this act.

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