

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 566 Session of 2021

INTRODUCED BY REGAN, J. WARD, MARTIN, BOSCOLA, STEFANO, BROWNE, YAW AND KEARNEY, APRIL 16, 2021

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 15, 2021

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 for liquor, alcohol and malt and <--
18 brewed beverages, further providing for license auction. IN <--
19 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
20 PENNSYLVANIA LIQUOR STORES, FURTHER PROVIDING FOR SALES BY
21 PENNSYLVANIA LIQUOR STORES; AND, IN LICENSES AND REGULATIONS
22 AND LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER
23 PROVIDING FOR AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,
24 RESTAURANTS AND CLUBS, FOR SALES BY LIQUOR LICENSEES AND
25 RESTRICTIONS, FOR SECONDARY SERVICE AREA, FOR SALE OF MALT OR
26 BREWED BEVERAGES BY LIQUOR LICENSEES, FOR PUBLIC SERVICE
27 LIQUOR LICENSES, FOR LIQUOR IMPORTERS' LICENSES, FEES,
28 PRIVILEGES AND RESTRICTIONS, FOR PUBLIC VENUE LICENSE, FOR
29 PERFORMING ARTS FACILITY LICENSE, FOR CONTINUING CARE
30 RETIREMENT COMMUNITY RETAIL LICENSES, FOR CASINO LIQUOR
31 LICENSE, FOR MALT AND BREWED BEVERAGES MANUFACTURERS',
32 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES, FOR SALES
33 BY MANUFACTURERS OF MALT OR BREWED BEVERAGES AND MINIMUM
34 QUANTITIES, FOR DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'

1 RESTRICTIONS ON SALES, STORAGE, ETC AND FOR LICENSE AUCTION,
2 ADDING PROVISIONS RELATING TO FEES AND TAXATION OF READY-TO-
3 DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION, FURTHER
4 PROVIDING FOR UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
5 BEVERAGES AND LICENSEES AND MAKING EDITORIAL CHANGES.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Section 470.3(a.1)(2), (h), (i) and (k) of the~~ <--
9 ~~act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,~~
10 ~~are amended and the section is amended by adding a subsection to~~
11 ~~read:~~

12 SECTION 1. SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, <--
13 NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED BY ADDING
14 DEFINITIONS TO READ:

15 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
16 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
17 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

18 * * *

19 "READY-TO-DRINK COCKTAIL" SHALL MEAN A BEVERAGE, COMPOSED IN
20 PART OF SPIRITS, COMBINED WITH OTHER NONALCOHOLIC INGREDIENTS,
21 CARBONATED OR STILL, BY WHATEVER NAME SUCH BEVERAGE MAY BE
22 CALLED, PREMIXED AND PACKAGED IN ORIGINAL CONTAINERS, CONTAINING
23 NOT MORE THAN SIXTEEN OUNCES, PROVIDED THAT IT IS NOT MIXED OR
24 ADULTERATED ON THE LICENSED PREMISES OF A LICENSEE. IT SHALL
25 MEAN ANY BEVERAGE CONSISTING OF AT LEAST ONE-HALF OF ONE PER
26 CENTUM, BUT NOT GREATER THAN TWELVE AND ONE-HALF PER CENTUM,
27 ALCOHOL BY VOLUME. IT SHALL NOT MEAN ANY BEVERAGE COMPOSED, IN
28 PART, OF WINE OR MALT OR BREWED BEVERAGES. IT SHALL BE TREATED
29 LIKE LIQUOR UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE.

30 * * *

31 "SPIRITS" SHALL MEAN ANY BEVERAGE WHICH CONTAINS ALCOHOL
32 OBTAINED BY DISTILLATION, MIXED WITH WATER OR OTHER SUBSTANCES

1 IN SOLUTION, AND INCLUDES BRANDY, RUM, WHISKEY, GIN OR OTHER
2 SPIRITUOUS LIQUORS AND SUCH LIQUORS WHEN RECTIFIED, BLENDED OR
3 OTHERWISE MIXED WITH ALCOHOL OR OTHER SUBSTANCES.

4 * * *

5 SECTION 2. SECTION 305(B) OF THE ACT IS AMENDED AND THE
6 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

7 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

8 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
9 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
10 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
11 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
12 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
13 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
14 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A
15 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
16 PRICE; EXCEPT THAT SPECIAL ORDER SALES TO LICENSEES AUTHORIZED
17 IN SUBSECTION (A) SHALL NOT BE SUBJECT TO THE TEN PER CENTUM
18 DISCOUNT. READY-TO-DRINK COCKTAILS AS DEFINED IN SECTION 102
19 SHALL NOT BE SUBJECT TO THE TEN PER CENTUM DISCOUNT. THE BOARD
20 MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS AS CONFORM
21 TO THE PHARMACOPOEIA OF THE UNITED STATES, THE NATIONAL
22 FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA. THE BOARD
23 MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF THE BOARD,
24 TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE LOCATED ON
25 UNITED STATES ARMED FORCES INSTALLATIONS AND ARE CONDUCTED
26 PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE UNITED STATES
27 ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL BE AT RETAIL,
28 EXCEPT THAT INCENTIVES, SUCH AS COUPONS OR DISCOUNTS ON CERTAIN
29 PRODUCTS, MAY BE OFFERED TO UNLICENSED CUSTOMERS OF THE BOARD AS
30 PROVIDED UNDER SECTIONS 207(M) AND 493(24)(II)(B). A PERSON

1 ENTITLED TO PURCHASE LIQUOR AT WHOLESALE PRICES MAY PURCHASE THE
2 LIQUOR AT ANY PENNSYLVANIA LIQUOR STORE UPON TENDERING CASH,
3 CHECK OR CREDIT CARD FOR THE FULL AMOUNT OF THE PURCHASE. FOR
4 THIS PURPOSE, THE BOARD SHALL ISSUE A DISCOUNT CARD TO EACH
5 LICENSEE IDENTIFYING SUCH LICENSEE AS A PERSON AUTHORIZED TO
6 PURCHASE LIQUOR AT WHOLESALE PRICES. SUCH DISCOUNT CARD SHALL BE
7 RETAINED BY THE LICENSEE. THE BOARD MAY CONTRACT THROUGH THE
8 COMMONWEALTH BIDDING PROCESS FOR DELIVERY TO WHOLESALE LICENSEES
9 AT THE EXPENSE OF THE LICENSEE RECEIVING THE DELIVERY.

10 * * *

11 (L) PENNSYLVANIA LIQUOR STORES MAY SELL READY-TO-DRINK
12 COCKTAILS.

13 SECTION 3. ARTICLE IV HEADING AND SECTIONS 401(A), 406(A),
14 (C), (D), (E) AND (F) INTRODUCTORY PARAGRAPH AND 406.1(A) OF THE
15 ACT ARE AMENDED TO READ:

16 ARTICLE IV.

17 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND
18 MALT AND BREWED BEVERAGES
19 AND READY-TO-DRINK COCKTAILS.

20 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,
21 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS
22 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL
23 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES
24 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN
25 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE
26 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE
27 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT
28 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO
29 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR
30 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH

1 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR
2 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN
3 QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES
4 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407.
5 IN ADDITION, SUCH LICENSEES, OTHER THAN CLUBS, SHALL BE
6 PERMITTED TO SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
7 CONSUMPTION WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE
8 HUNDRED NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON
9 IN THE SAME MANNER AS MALT OR BREWED BEVERAGES AS PROVIDED FOR
10 IN SECTION 407. SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR
11 LICENSES, RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,
12 RESPECTIVELY. NO PERSON WHO HOLDS ANY PUBLIC OFFICE THAT
13 INVOLVES THE DUTY TO ENFORCE ANY OF THE PENAL LAWS OF THE UNITED
14 STATES, THIS COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION OF
15 THIS COMMONWEALTH MAY HAVE ANY INTEREST IN A HOTEL OR RESTAURANT
16 LIQUOR LICENSE. THIS PROHIBITION APPLIES TO ANYONE WITH ARREST
17 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, UNITED STATES
18 ATTORNEYS, STATE ATTORNEYS GENERAL, DISTRICT ATTORNEYS, SHERIFFS
19 AND POLICE OFFICERS. THIS PROHIBITION SHALL ALSO APPLY TO
20 MAGISTERIAL DISTRICT JUDGES, JUDGES OR ANY OTHER INDIVIDUALS WHO
21 CAN IMPOSE A CRIMINAL SENTENCE. THIS PROHIBITION DOES NOT APPLY
22 TO MEMBERS OF THE GENERAL ASSEMBLY, TOWNSHIP SUPERVISORS, CITY
23 COUNCILPERSONS, MAYORS WITHOUT ARREST AUTHORITY AND ANY OTHER
24 PUBLIC OFFICIAL WHO DOES NOT HAVE THE ABILITY TO ARREST OR THE
25 ABILITY TO IMPOSE A CRIMINAL SENTENCE. THIS SECTION DOES NOT
26 APPLY IF THE PROPOSED PREMISES ARE LOCATED OUTSIDE THE
27 JURISDICTION OF THE INDIVIDUAL IN QUESTION.

28 * * *

29 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.-- (A)
30 (1) EVERY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE MAY SELL

1 LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES BY
2 THE GLASS, OPEN BOTTLE OR OTHER CONTAINER, AND IN ANY MIXTURE,
3 FOR CONSUMPTION ONLY IN THAT PART OF THE HOTEL OR RESTAURANT
4 HABITUALLY USED FOR THE SERVING OF FOOD TO GUESTS OR PATRONS, OR
5 IN A BOWLING ALLEY THAT IS IMMEDIATELY ADJACENT TO AND UNDER THE
6 SAME ROOF AS A RESTAURANT, AND IN THE CASE OF HOTELS, TO GUESTS,
7 AND IN THE CASE OF CLUBS, TO MEMBERS, IN THEIR PRIVATE ROOMS IN
8 THE HOTEL OR CLUB. NO CLUB LICENSEE NOR ITS OFFICERS, SERVANTS,
9 AGENTS OR EMPLOYES, OTHER THAN ONE HOLDING A CATERING LICENSE,
10 SHALL SELL ANY LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR
11 BREWED BEVERAGES TO ANY PERSON EXCEPT A MEMBER OF THE CLUB. THE
12 HOLDER OF A RESTAURANT LICENSE LOCATED IN A HOTEL MAY SELL
13 LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FOR
14 CONSUMPTION IN THAT PART OF THE RESTAURANT HABITUALLY USED FOR
15 THE SERVING OF MEALS TO PATRONS AND ALSO TO GUESTS IN PRIVATE
16 GUEST ROOMS IN THE HOTEL. FOR THE PURPOSE OF THIS PARAGRAPH, ANY
17 PERSON WHO IS AN ACTIVE MEMBER OF ANOTHER CLUB WHICH IS
18 CHARTERED BY THE SAME STATE OR NATIONAL ORGANIZATION SHALL HAVE
19 THE SAME RIGHTS AND PRIVILEGES AS MEMBERS OF THE PARTICULAR
20 CLUB. FOR THE PURPOSE OF THIS PARAGRAPH, ANY PERSON WHO IS AN
21 ACTIVE MEMBER OF ANY VOLUNTEER FIREFIGHTING COMPANY, ASSOCIATION
22 OR GROUP OF THIS COMMONWEALTH, WHETHER INCORPORATED OR
23 UNINCORPORATED, SHALL UPON THE APPROVAL OF ANY CLUB COMPOSED OF
24 VOLUNTEER FIREMEN LICENSED UNDER THIS ACT, HAVE THE SAME SOCIAL
25 RIGHTS AND PRIVILEGES AS MEMBERS OF SUCH LICENSED CLUB. FOR THE
26 PURPOSES OF THIS PARAGRAPH, THE TERM "ACTIVE MEMBER" SHALL NOT
27 INCLUDE A SOCIAL MEMBER. ANY CLUB LICENSEE WHICH IS EITHER AN
28 INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AN
29 AFFILIATED ORGANIZATION AS DEFINED IN SECTION 461.1 SHALL BE
30 PERMITTED TO SELL LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR

1 BREWED BEVERAGES TO ANY ACTIVE MEMBER OF ANOTHER UNIT WHICH IS
2 CHARTERED BY THE SAME NATIONAL VETERANS' ORGANIZATION OR TO ANY
3 MEMBER OF A NATIONALLY CHARTERED AUXILIARY ASSOCIATED WITH THE
4 SAME NATIONAL VETERANS' ORGANIZATION.

5 (2) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
6 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
7 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR, READY-TO-DRINK
8 COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK
9 ANTEMERIDIAN OF ANY DAY UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE
10 FOLLOWING DAY, EXCEPT SUNDAY, AND EXCEPT AS HEREINAFTER
11 PROVIDED, MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
12 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK
13 MIDNIGHT AND TWO O'CLOCK ANTEMERIDIAN. NO SALES OF READY-TO-
14 DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE PLACE
15 AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE
16 LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF
17 THE FOLLOWING DAY.

18 (2.1) AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,
19 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ONLY AFTER
20 FIVE O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK
21 ANTEMERIDIAN OF THE FOLLOWING DAY.

22 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
23 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
24 GOLF COURSE RESTAURANT LICENSEES MAY SELL LIQUOR, READY-TO-DRINK
25 COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE
26 HOURS OF NINE O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN
27 MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN
28 ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
29 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
30 1929." AIRPORT RESTAURANT LIQUOR LICENSEES MAY SELL LIQUOR,

1 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON SUNDAY
2 BETWEEN THE HOURS OF FIVE O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK
3 ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE
4 BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT
5 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
6 CODE OF 1929." NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-
7 PREMISES CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK
8 POSTMERIDIAN OF ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF
9 OPERATION UNDER THIS SECTION OF THE FOLLOWING DAY.

10 (4) HOTEL AND RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF
11 COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC
12 GOLF COURSE RESTAURANT LICENSEES WHICH DO NOT QUALIFY FOR AND
13 PURCHASE SUCH SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR EMPLOYES
14 MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
15 BEVERAGES ONLY AFTER SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY AND
16 UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY, AND SHALL
17 NOT SELL AFTER TWO O'CLOCK ANTEMERIDIAN ON SUNDAY. NO CLUB
18 LICENSEE OR ITS SERVANTS, AGENTS OR EMPLOYES MAY SELL LIQUOR,
19 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES BETWEEN THE
20 HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK
21 ANTEMERIDIAN ON ANY DAY. NO PUBLIC SERVICE LIQUOR LICENSEE OR
22 ITS SERVANTS, AGENTS, OR EMPLOYES MAY SELL LIQUOR, READY-TO-
23 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF
24 TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY
25 DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
26 CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF
27 ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER
28 THIS SECTION OF THE FOLLOWING DAY.

29 (6) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER
30 THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A SUNDAY, EVERY HOTEL

1 OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR
2 EMPLOYES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
3 BREWED BEVERAGES ON ANY SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN
4 AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO
5 SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION
6 MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY
7 UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS
8 SECTION OF THE FOLLOWING DAY.

9 (6.1) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY,
10 WHENEVER SAINT PATRICK'S DAY FALLS ON A SUNDAY, EVERY HOTEL OR
11 RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR EMPLOYES
12 MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
13 BEVERAGES ON ANY SUCH DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN AND
14 UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO SALES OF
15 READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY TAKE
16 PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY UNTIL THE
17 LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS SECTION OF
18 THE FOLLOWING DAY.

19 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF
20 GROUNDHOG DAY FALLS ON A SUNDAY, A HOTEL OR RESTAURANT LICENSEE
21 OR THE HOTEL OR RESTAURANT LICENSEE'S SERVANTS, AGENTS OR
22 EMPLOYES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
23 BREWED BEVERAGES ON THAT DAY AFTER SEVEN O'CLOCK ANTEMERIDIAN
24 AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY. NO
25 SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION
26 MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY
27 UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER THIS
28 SECTION OF THE FOLLOWING DAY.

29 * * *

30 (C) NOTWITHSTANDING ANY PROVISION OF THIS ACT, ON THE SUNDAY

1 ON WHICH THE SPORTING EVENT COMMONLY REFERRED TO AS THE "SUPER
2 BOWL" IS CONDUCTED, LICENSEES WHO DO NOT POSSESS THE SPECIAL
3 ANNUAL PERMIT PROVIDED FOR IN SUBSECTION (A) (3), THEIR SERVANTS,
4 AGENTS OR EMPLOYEES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND
5 MALT OR BREWED BEVERAGES ON SUCH SUNDAY AFTER ONE O'CLOCK
6 POSTMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING
7 DAY. NO SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
8 CONSUMPTION MAY TAKE PLACE AFTER ELEVEN O'CLOCK POSTMERIDIAN OF
9 ANY DAY UNTIL THE LICENSEE'S PERMITTED HOURS OF OPERATION UNDER
10 THIS SECTION OF THE FOLLOWING DAY.

11 (D) SUBJECT TO SECTION 412, LICENSED PUBLIC VENUES MAY SELL
12 LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES ON
13 SUNDAYS FROM ELEVEN O'CLOCK ANTEMERIDIAN UNTIL MIDNIGHT WITHOUT
14 THE NEED TO ACQUIRE OR QUALIFY FOR A SPECIAL PERMIT. IN
15 ADDITION, SUBJECT TO SECTION 413, LICENSED PERFORMING ARTS
16 FACILITIES MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
17 BREWED BEVERAGES ON SUNDAYS FROM TEN O'CLOCK ANTEMERIDIAN UNTIL
18 TEN O'CLOCK POSTMERIDIAN WITHOUT THE NEED TO ACQUIRE OR QUALIFY
19 FOR A SPECIAL PERMIT.

20 (E) (1) THE HOLDER OF A HOTEL LICENSE OR THE HOLDER OF A
21 RESTAURANT LICENSE LOCATED IN A HOTEL MAY ALLOW PERSONS TO
22 TRANSPORT LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
23 BEVERAGES FROM THE LICENSED PORTION OF THE PREMISES TO THE
24 UNLICENSED PORTION OF THE PREMISES, SO LONG AS THE LIQUOR,
25 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON
26 THE HOTEL PROPERTY. IN ADDITION, A HOLDER OF A RESTAURANT OR
27 CLUB LICENSE LOCATED ON A GOLF COURSE MAY SELL, FURNISH OR GIVE
28 LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES ON
29 THE UNLICENSED PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR,
30 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON

1 THE RESTAURANT, CLUB OR GOLF COURSE. THE HOLDER OF A RESTAURANT
2 LICENSE LOCATED IMMEDIATELY ADJACENT TO AND UNDER THE SAME ROOF
3 OF A BOWLING CENTER MAY ALLOW PERSONS TO TRANSPORT LIQUOR,
4 READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES FROM THE
5 LICENSED PORTION OF THE PREMISES TO THE UNLICENSED PORTION OF
6 THE PREMISES, SO LONG AS THE LIQUOR, READY-TO-DRINK COCKTAILS OR
7 MALT OR BREWED BEVERAGES REMAIN WITHIN THE BOWLING CENTER. IN
8 ADDITION, THE HOLDER OF A HOTEL LICENSE OR A RESTAURANT LICENSE
9 MAY ALLOW PERSONS WHO HAVE PURCHASED BUT ONLY PARTIALLY CONSUMED
10 A BOTTLE OF WINE ON THE PREMISES TO REMOVE THE BOTTLE FROM THE
11 PREMISES SO LONG AS THE BOTTLE WAS PURCHASED IN CONJUNCTION WITH
12 A MEAL WHICH WAS CONSUMED ON THE PREMISES AND SO LONG AS THE
13 BOTTLE IS RESEALED. FOR PURPOSES OF THIS SUBSECTION, "WINE"
14 SHALL HAVE THE MEANING GIVEN TO IT UNDER SECTION 488(I). FOR
15 PURPOSES OF THIS SECTION AND SECTION 432, "MEAL" SHALL MEAN FOOD
16 PREPARED ON THE PREMISES, SUFFICIENT TO CONSTITUTE BREAKFAST,
17 LUNCH OR DINNER; IT SHALL NOT MEAN A SNACK, SUCH AS PRETZELS,
18 POPCORN, CHIPS OR SIMILAR FOOD.

19 (2) A HOLDER OF A RESTAURANT OR CLUB LICENSE LOCATED ON A
20 GOLF COURSE MAY STORE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT
21 OR BREWED BEVERAGES IN A PERMANENT FACILITY ON THE UNLICENSED
22 PORTION OF THE GOLF COURSE SO LONG AS THE LIQUOR, READY-TO-DRINK
23 COCKTAILS OR MALT OR BREWED BEVERAGES REMAIN ON THE RESTAURANT,
24 CLUB OR GOLF COURSE WITHOUT REGARD TO WHETHER THERE IS ANY
25 INTERVENING PUBLIC THOROUGHFARE.

26 (F) THE HOLDER OF A HOTEL OR RESTAURANT LIQUOR LICENSE MAY
27 OBTAIN AN OFF-PREMISES CATERING PERMIT SUBJECT TO SECTION
28 493(33) TO HOLD A CATERED FUNCTION OFF THE LICENSED PREMISES AND
29 ON OTHERWISE UNLICENSED PREMISES WHERE THE LICENSEE MAY SELL
30 WINE, LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED

1 BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER CONTAINER, AND IN
2 ANY MIXTURE TOGETHER WITH FOOD, FOR CONSUMPTION ON THOSE
3 PREMISES. FUNCTIONS CONDUCTED UNDER THE AUTHORITY OF THE PERMIT
4 SHALL BE SUBJECT TO THE FOLLOWING:

5 * * *

6 SECTION 406.1. SECONDARY SERVICE AREA.--(A) UPON
7 APPLICATION OF ANY RESTAURANT, HOTEL, CLUB, MUNICIPAL GOLF
8 COURSE LIQUOR LICENSEE OR MANUFACTURER OF MALT OR BREWED
9 BEVERAGES OR MANUFACTURER OF READY-TO-DRINK COCKTAILS, AND
10 PAYMENT OF THE APPROPRIATE FEE, THE BOARD MAY APPROVE A
11 SECONDARY SERVICE AREA BY EXTENDING THE LICENSED PREMISES TO
12 INCLUDE ONE ADDITIONAL PERMANENT STRUCTURE WITH DIMENSIONS OF AT
13 LEAST ONE HUNDRED SEVENTY-FIVE SQUARE FEET, ENCLOSED ON THREE
14 SIDES AND HAVING ADEQUATE SEATING. SUCH SECONDARY SERVICE AREA
15 MUST BE LOCATED ON PROPERTY HAVING A MINIMUM AREA OF ONE (1)
16 ACRE, AND MUST BE ON LAND WHICH IS IMMEDIATE, ABUTTING, ADJACENT
17 OR CONTIGUOUS TO THE LICENSED PREMISES WITH NO INTERVENING
18 PUBLIC THOROUGHFARE; HOWEVER, THE ORIGINAL LICENSED PREMISES AND
19 THE SECONDARY SERVICE AREA MUST BE LOCATED ON THE SAME TRACT OF
20 LAND. THE BOARD SHALL HAVE DISCRETION TO REFUSE THE APPLICATION
21 FOR A SECONDARY SERVICE AREA IN THE SAME MANNER IT HAS
22 DISCRETION TO REFUSE AN APPLICATION FOR TRANSFER OF THE LICENSE
23 TO A NEW LOCATION AS SET FORTH IN SECTION 404. THERE SHALL BE NO
24 REQUIREMENT THAT THE SECONDARY SERVICE AREA BE PHYSICALLY
25 CONNECTED TO THE ORIGINAL LICENSED PREMISES. IN ADDITION, THERE
26 SHALL BE NO REQUIREMENT THAT THE SECONDARY SERVICE AREA BE
27 LOCATED IN THE SAME MUNICIPALITY AS THE ORIGINAL LICENSED
28 PREMISES, PROVIDED, HOWEVER, THAT THE BOARD SHALL NOT APPROVE A
29 SECONDARY SERVICE AREA IN THIS CASE IF THAT SECONDARY SERVICE
30 AREA IS LOCATED IN ANY MUNICIPALITY WHERE THE GRANTING OF LIQUOR

1 LICENSES HAS BEEN PROHIBITED AS PROVIDED IN THIS ARTICLE.
2 NOTWITHSTANDING 40 PA. CODE § 7.21, THE LICENSEE SHALL BE
3 PERMITTED TO STORE, SERVE, SELL OR DISPENSE FOOD, LIQUOR, READY-
4 TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES AT THE BOARD
5 APPROVED SECONDARY SERVICE AREA.

6 * * *

7 SECTION 4. SECTION 407 HEADING AND (A) (1) AND (2) OF THE
8 ACT, AMENDED JUNE 5, 2020 (P.L.213, NO.29), ARE AMENDED TO READ:

9 SECTION 407. SALE OF MALT OR BREWED BEVERAGES AND READY-TO-
10 DRINK COCKTAILS BY LIQUOR LICENSEES.-- (A) (1) EVERY LIQUOR
11 LICENSE ISSUED TO A HOTEL, RESTAURANT, CLUB, OR A RAILROAD,
12 PULLMAN OR STEAMSHIP COMPANY UNDER THIS SUBDIVISION (A) FOR THE
13 SALE OF LIQUOR SHALL AUTHORIZE THE LICENSEE TO SELL MALT OR
14 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS AT THE SAME PLACES
15 BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES AS APPLY TO
16 SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN CLUBS MAY SELL
17 MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE
18 SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID
19 OUNCES IN A SINGLE SALE TO ONE PERSON. THE SALES MAY BE MADE IN
20 EITHER OPEN OR CLOSED CONTAINERS, PROVIDED, HOWEVER, THAT A
21 MUNICIPALITY MAY ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINERS
22 IN PUBLIC PLACES. IN ADDITION, LICENSEES, OTHER THAN CLUBS, MAY
23 SELL READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION WHERE
24 SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID
25 OUNCES IN A SINGLE SALE TO ONE PERSON. NO LICENSEE UNDER THIS
26 SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY
27 OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE
28 AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY. SALES OF
29 MALT OR BREWED BEVERAGES MUST OCCUR ON THE LICENSED PREMISES.

30 (2) IF A RESTAURANT LIQUOR LICENSE HOLDER HAS AN INTERIOR

1 CONNECTION TO ANOTHER BUSINESS THAT IT OPERATES, THE RESTAURANT
2 LIQUOR LICENSE HOLDER MAY USE ONE OR MORE OF THE REGISTERS IN
3 THE OTHER BUSINESS TO SELL MALT OR BREWED BEVERAGES AND READY-
4 TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION UNDER THE
5 FOLLOWING CONDITIONS:

6 (I) THE BUILDING IS ELEVEN THOUSAND SQUARE FEET OR LESS;

7 (II) THE REGISTERS ARE LOCATED IN THE SAME BUILDING AS THE
8 LICENSED PREMISES;

9 (III) THE REGISTERS COMPLY WITH THE SIGNAGE, STAFFING,
10 TRAINING, CARDING, SCANNING AND PROHIBITION ON THE SHARING OF
11 DATA PROVISIONS OF SECTION 415 (A) (8) AND (9); AND

12 (IV) THE BOARD HAS BEEN PROVIDED NOTICE OF COMPLIANCE WITH
13 THIS PARAGRAPH BY THE RESTAURANT LIQUOR LICENSE HOLDER,
14 INCLUDING SQUARE FOOTAGE OF THE BUILDING AND THE LOCATION OF THE
15 SPECIFIC REGISTERS TO BE USED PRIOR TO THEIR USE.

16 * * *

17 SECTION 5. SECTION 408 (A) AND (E) OF THE ACT ARE AMENDED TO
18 READ:

19 SECTION 408. PUBLIC SERVICE LIQUOR LICENSES.-- (A) SUBJECT
20 TO THE PROVISIONS OF THIS ACT AND REGULATIONS PROMULGATED UNDER
21 THIS ACT, THE BOARD, UPON APPLICATION, SHALL ISSUE RETAIL LIQUOR
22 LICENSES TO RAILROAD OR PULLMAN COMPANIES PERMITTING LIQUOR,
23 READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES TO BE SOLD
24 IN DINING, CLUB OR BUFFET CARS TO PASSENGERS FOR CONSUMPTION
25 WHILE ENROUTE ON SUCH RAILROAD, AND MAY ISSUE RETAIL LIQUOR
26 LICENSES TO STEAMSHIP COMPANIES PERMITTING LIQUOR, READY-TO-
27 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES TO BE SOLD IN THE
28 DINING COMPARTMENTS OF STEAMSHIPS OR VESSELS WHEREVER OPERATED
29 IN THE COMMONWEALTH, EXCEPT WHEN STANDING OR MOORED IN STATIONS,
30 TERMINALS OR DOCKS WITHIN A MUNICIPALITY WHEREIN SALES OF LIQUOR

1 FOR CONSUMPTION ON THE PREMISES ARE PROHIBITED, AND MAY FURTHER
2 ISSUE RETAIL LIQUOR LICENSES TO AIRLINE COMPANIES PERMITTING
3 LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES TO
4 BE SOLD TO PASSENGERS FOR CONSUMPTION WHILE ENROUTE ON SUCH
5 AIRLINE. SUCH LICENSES SHALL BE KNOWN AS PUBLIC SERVICE LIQUOR
6 LICENSES. THE BOARD MAY ISSUE A MASTER LICENSE TO RAILROAD OR
7 PULLMAN COMPANIES TO COVER THE MAXIMUM NUMBER OF CARS WHICH THE
8 COMPANY SHALL ESTIMATE THAT IT WILL OPERATE WITHIN THE
9 COMMONWEALTH ON ANY ONE DAY. SUCH LICENSEES SHALL FILE MONTHLY
10 REPORTS WITH THE BOARD SHOWING THE MAXIMUM NUMBER OF CARS
11 OPERATED IN ANY ONE DAY DURING THE PRECEDING MONTH, AND IF IT
12 APPEARS THAT MORE CARS HAVE BEEN OPERATED THAN COVERED BY ITS
13 LICENSE IT SHALL FORTHWITH REMIT TO THE BOARD THE SUM OF TWENTY
14 DOLLARS FOR EACH EXTRA CAR SO OPERATED.

15 * * *

16 (E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, SALES OF
17 LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED BEVERAGES BY
18 THE AFORESAID PUBLIC SERVICE COMPANY LICENSEES SHALL BE MADE IN
19 ACCORDANCE WITH, AND SHALL BE SUBJECT TO, THE PROVISIONS OF THIS
20 ACT RELATING TO THE SALE OF LIQUORS BY RESTAURANT LICENSEES.

21 SECTION 6. SECTION 410(E) OF THE ACT IS AMENDED AND THE
22 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

23 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
24 RESTRICTIONS.--* * *

25 (E) IMPORTERS' LICENSES SHALL PERMIT THE HOLDERS THEREOF TO
26 BRING OR IMPORT LIQUOR AND READY-TO-DRINK COCKTAILS FROM OTHER
27 STATES, FOREIGN COUNTRIES, OR INSULAR POSSESSIONS OF THE UNITED
28 STATES, AND PURCHASE LIQUOR FROM MANUFACTURERS LOCATED WITHIN
29 THIS COMMONWEALTH, TO BE SOLD OUTSIDE OF THIS COMMONWEALTH OR TO
30 PENNSYLVANIA LIQUOR STORES WITHIN THIS COMMONWEALTH, OR WHEN IN

1 ORIGINAL CONTAINERS OF TEN GALLONS OR GREATER CAPACITY, TO
2 LICENSED MANUFACTURERS WITHIN THIS COMMONWEALTH.

3 ALL IMPORTATIONS OF LIQUOR INTO PENNSYLVANIA BY THE LICENSED
4 IMPORTER SHALL BE CONSIGNED TO THE BOARD OR THE PRINCIPAL PLACE
5 OF BUSINESS OR AUTHORIZED PLACE OF STORAGE MAINTAINED BY THE
6 LICENSEE.

7 * * *

8 (I) THE HOLDER OF AN IMPORTER'S LICENSE MAY SELL AND DELIVER
9 READY-TO-DRINK COCKTAILS TO LICENSED IMPORTERS, DISTRIBUTORS,
10 IMPORTING DISTRIBUTORS, HOTELS, RESTAURANTS AND CLUBS. THE SALE
11 OF READY-TO-DRINK COCKTAILS SHALL BE SUBJECT TO SECTION 431.

12 SECTION 7. SECTIONS 412(F) AND (G), 413(F), 414(B)(1), (2),
13 (3) AND (4) AND 416(A), (E) AND (I)(1), (2), (3) AND (4) OF THE
14 ACT ARE AMENDED TO READ:

15 SECTION 412. PUBLIC VENUE LICENSE.--* * *

16 (F) LICENSES ISSUED UNDER THIS SECTION ARE TO BE CONSIDERED
17 RESTAURANT LIQUOR LICENSES. HOWEVER, THE FOLLOWING ADDITIONAL
18 RESTRICTIONS AND PRIVILEGES APPLY:

19 (1) SALES MAY ONLY BE MADE ONE HOUR BEFORE, DURING AND ONE
20 HOUR AFTER ANY ATHLETIC PERFORMANCE, PERFORMING ARTS EVENT,
21 TRADE SHOW, CONVENTION, BANQUET OR ANY OTHER PERFORMANCE AT THE
22 FACILITY; HOWEVER, SALES MAY NOT BE MADE FROM TWO O'CLOCK
23 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES
24 MAY NOT OCCUR PRIOR TO ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAYS OR
25 SEVEN O'CLOCK ANTEMERIDIAN ON MONDAYS. NOTWITHSTANDING THIS
26 SECTION, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER SECTIONS
27 408.9 AND 408.14 MAY SELL LIQUOR, READY-TO-DRINK COCKTAILS
28 AND/OR MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO O'CLOCK
29 ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO ELEVEN
30 O'CLOCK ANTEMERIDIAN ON SUNDAYS OR SEVEN O'CLOCK ANTEMERIDIAN ON

1 MONDAYS, REGARDLESS OF WHETHER THERE IS A PERFORMANCE AT THE
2 FACILITY.

3 (2) SALES OF ALCOHOLIC BEVERAGES BEFORE, DURING AND AFTER
4 PROFESSIONAL AND AMATEUR ATHLETIC EVENTS, PERFORMING ARTS EVENTS
5 OR OTHER ENTERTAINMENT EVENTS MAY CONSIST OF LIQUOR, READY-TO-
6 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES IN SHATTERPROOF
7 CONTAINERS. SALES DURING TRADE SHOWS, CONVENTIONS, BANQUETS OR
8 AT OTHER EVENTS, OR SALES MADE IN THE CLUB SEATS OR AT A
9 RESTAURANT FACILITY, MAY CONSIST OF LIQUOR, READY-TO-DRINK
10 COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER;
11 HOWEVER, ANY LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
12 BEVERAGES SOLD IN THE CLUB SEATS OR RESTAURANT FACILITY MUST
13 REMAIN IN THE CLUB SEATING LEVEL OR RESTAURANT FACILITY. FOR
14 PURPOSES OF THIS SECTION, A CLUB SEAT IS ANY SEATING LOCATED ON
15 THE DESIGNATED CLUB SEATING LEVEL AND PARTITIONED FROM GENERAL
16 SEATING BY A WALL, DIVIDER, PARTIAL WALL OR RAILING. THE CLUB
17 SEATING LEVEL MUST NOT BE ACCESSIBLE BY THE GENERAL PUBLIC.
18 SALES AT ZOOS DURING PRIVATE BANQUETS AND OTHER EVENTS MAY BE AT
19 ANY SITE WITHIN ZOO PROPERTY AND MAY CONSIST OF ANY TYPE OF
20 ALCOHOL IN ANY TYPE OF CONTAINER. THE BOARD'S RECORDS SHALL
21 CLEARLY DELINEATE WHERE THE SALE OF LIQUOR, READY-TO-DRINK
22 COCKTAILS OR MALT OR BREWED BEVERAGES IN ANY TYPE OF CONTAINER
23 MAY OCCUR.

24 (3) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
25 BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

26 (4) LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE SUBJECT
27 TO: (I) THE PROXIMITY PROVISIONS OF SECTIONS 402 AND 404; (II)
28 THE QUOTA RESTRICTIONS OF SECTION 461; (IV) THE PROVISIONS OF
29 SECTION 493(10) EXCEPT AS THEY RELATE TO LEWD, IMMORAL OR
30 IMPROPER ENTERTAINMENT; (V) THE PROHIBITION AGAINST MINORS

1 FREQUENTING AS DESCRIBED IN SECTION 493(14) AND (VI) THE COST
2 AND TOTAL DISPLAY AREA LIMITATIONS OF SECTION 493(20) (I). IN
3 ADDITION, LICENSES ISSUED UNDER THIS SECTION SHALL NOT BE
4 SUBJECT TO THE PROVISIONS DEFINING "RESTAURANT" IN SECTION 102.

5 (G) THE BOARD MAY ISSUE MULTIPLE LICENSES UNDER THIS SECTION
6 FOR USE IN A PUBLIC VENUE WITH PERMANENT SEATING OF AT LEAST
7 THIRTY-FIVE THOUSAND PEOPLE. IF THE BOARD DOES ISSUE MORE THAN
8 ONE LICENSE FOR A SPECIFIC PUBLIC VENUE, WRITTEN NOTICE OF THE
9 EVENT MUST BE PROVIDED TO THE ENFORCEMENT BUREAU AT LEAST FORTY-
10 EIGHT HOURS IN ADVANCE OF THE DISPENSING OF ANY LIQUOR, READY-
11 TO-DRINK COCKTAILS OR MALT OR BREWED BEVERAGES. THE NOTICE SHALL
12 INCLUDE THE DATE, TIME AND SPECIFIC LICENSED AREAS TO BE USED.
13 NO MORE THAN ONE LICENSE ISSUED UNDER THIS SECTION SHALL BE IN
14 EFFECT AT ANY LOCATION AT ANY TIME OF DAY AT THE SAME TIME.

15 SECTION 413. PERFORMING ARTS FACILITY LICENSE.--* * *

16 (F) LICENSES ISSUED UNDER THIS SECTION ARE TO BE CONSIDERED
17 RESTAURANT LIQUOR LICENSES. HOWEVER, THE FOLLOWING ADDITIONAL
18 RESTRICTIONS AND PRIVILEGES APPLY:

19 (1) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
20 BREWED BEVERAGES MAY BE MADE TWO HOURS BEFORE, DURING AND ONE
21 HOUR AFTER ANY PERFORMANCE AT THE FACILITY; HOWEVER, SALES MAY
22 NOT BE MADE FROM TWO O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK
23 ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR PRIOR TO TEN
24 O'CLOCK ANTEMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON
25 SUNDAYS. HOWEVER, FACILITIES THAT HAD BEEN LICENSED UNDER FORMER
26 SECTION 408.3(A) AND 408.3(A.2) MAY SELL LIQUOR, READY-TO-DRINK
27 COCKTAILS AND MALT OR BREWED BEVERAGES ANYTIME EXCEPT FROM TWO
28 O'CLOCK ANTEMERIDIAN TO SEVEN O'CLOCK ANTEMERIDIAN OR PRIOR TO
29 ONE O'CLOCK POSTMERIDIAN OR AFTER TEN O'CLOCK POSTMERIDIAN ON
30 SUNDAYS, REGARDLESS OF WHETHER THERE IS A PERFORMANCE AT THE

1 FACILITY.

2 (2) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
3 BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

4 * * *

5 SECTION 414. CONTINUING CARE RETIREMENT COMMUNITY RETAIL
6 LICENSES.--* * *

7 (B) LICENSES ISSUED UNDER THIS SECTION ARE RESTAURANT LIQUOR
8 LICENSES FOR ALL PURPOSES EXCEPT AS PROVIDED HEREIN. HOWEVER,
9 THE FOLLOWING ADDITIONAL RESTRICTIONS AND PRIVILEGES APPLY:

10 (1) LICENSES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO
11 THE QUOTA RESTRICTIONS OF SECTION 461.

12 (2) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR
13 BREWED BEVERAGES MAY NOT OCCUR FROM TWO O'CLOCK ANTEMERIDIAN TO
14 SEVEN O'CLOCK ANTEMERIDIAN. IN ADDITION, SALES MAY NOT OCCUR
15 PRIOR TO ONE O'CLOCK POSTMERIDIAN OR AFTER TEN O'CLOCK
16 POSTMERIDIAN ON SUNDAY.

17 (3) LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
18 BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE POSSESSED
19 ANYWHERE WITHIN THE CONTINUING CARE RETIREMENT COMMUNITY
20 REGARDLESS OF WHETHER THAT PORTION OF THE PREMISES IS LICENSED.
21 HOWEVER, NO LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
22 BEVERAGES SOLD OR FURNISHED BY THE LICENSEE MAY BE TAKEN BEYOND
23 THE CONFINES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

24 (4) SALES OF LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR
25 BREWED BEVERAGES MAY OCCUR IN THOSE PORTIONS OF THE PREMISES
26 LICENSED BY THE BOARD AS WELL AS IN ROOMS THAT ARE LIVED IN OR
27 USED BY RESIDENTS OF THE CONTINUING CARE RETIREMENT COMMUNITY.
28 SALES OF LIQUOR, READY-TO-DRINK COCKTAILS AND MALT OR BREWED
29 BEVERAGES ARE LIMITED TO RESIDENTS OF THE CONTINUING CARE
30 RETIREMENT COMMUNITY AND THE GUESTS OF RESIDENTS IN CONJUNCTION

1 WITH THE NORMAL, REGULARLY SCHEDULED DINING, ENTERTAINMENT OR
2 SOCIAL ACTIVITIES OF THE CONTINUING CARE RETIREMENT COMMUNITY.

3 * * *

4 SECTION 416. CASINO LIQUOR LICENSE.-- (A) NOTWITHSTANDING
5 ANY PROVISION OF LAW OR REGULATION, A SLOT MACHINE LICENSEE OR
6 AN AFFILIATED DESIGNEE HOLDING A RESTAURANT LIQUOR OR EATING
7 PLACE RETAIL DISPENSER LICENSE AND WHICH SELLS LIQUOR, READY-TO-
8 DRINK COCKTAILS OR MALT OR BREWED BEVERAGES AT OR ADJACENT TO A
9 GAMING FACILITY UNDER THIS ACT MAY APPLY TO THE BOARD FOR A
10 CASINO LIQUOR LICENSE. THE BOARD MAY ISSUE A CASINO LIQUOR
11 LICENSE TO A SLOT MACHINE LICENSEE FOR USE AT THE CASINO LIQUOR
12 LICENSEE'S LICENSED FACILITY IN ACCORDANCE WITH THIS SECTION.

13 * * *

14 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF
15 A CASINO LIQUOR LICENSE MAY SELL OR SERVE LIQUOR, READY-TO-DRINK
16 COCKTAILS AND MALT OR BREWED BEVERAGES TWENTY-FOUR (24) HOURS A
17 DAY, SEVEN (7) DAYS A WEEK.

18 * * *

19 (I) IN ADDITION TO ANY OTHER RESTRICTIONS AND PRIVILEGES, A
20 CASINO LIQUOR LICENSE SHALL BE SUBJECT TO THE FOLLOWING:

21 (1) SALES MAY BE MADE AT ANY TIME THE FACILITY IS OPEN TO
22 THE PUBLIC.

23 (2) LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
24 BEVERAGES MAY BE TRANSPORTED AND CONSUMED OFF THE GAMING FLOOR
25 IF THE LIQUOR, READY-TO-DRINK COCKTAILS OR MALT OR BREWED
26 BEVERAGE REMAINS WITHIN THE PREMISES OF THE LICENSED FACILITY.

27 (3) SALES OF READY-TO-DRINK COCKTAILS AND MALT OR BREWED
28 BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PROHIBITED.

29 (4) IN ADDITION TO THE PROVISIONS OF SECTION 493(24) (II),
30 THE HOLDER OF A CASINO LIQUOR LICENSE MAY GIVE LIQUOR, READY-TO-

1 DRINK COCKTAILS AND MALT OR BREWED BEVERAGES FREE OF CHARGE TO
2 ANY PERSON ATTENDING AN INVITATION-ONLY EVENT HELD ANYWHERE ON
3 THE PREMISES OF THE LICENSED FACILITY.

4 * * *

5 SECTION 8. THE HEADING OF SUBDIVISION (B) OF ARTICLE IV OF
6 THE ACT IS AMENDED TO READ:

7 (B) MALT AND BREWED BEVERAGES AND
8 READY-TO-DRINK COCKTAILS (INCLUDING MANUFACTURERS).

9 SECTION 9. SECTION 431(B), (B.1), (C), (D) AND (F) OF THE
10 ACT, AMENDED JUNE 5, 2020 (P.L.213, NO.29), ARE AMENDED AND THE
11 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

12 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
13 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

14 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
15 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
16 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
17 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
18 OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS, NOT
19 FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF
20 NOT LESS THAN A CASE OR ORIGINAL CONTAINERS CONTAINING ONE
21 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY
22 AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF
23 MANUFACTURE. IN ADDITION, A DISTRIBUTOR LICENSE HOLDER MAY SELL
24 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN ANY
25 AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-PREMISES
26 CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN THE
27 PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY BE
28 SOLD IN REFILLABLE GROWLERS; HOWEVER, READY-TO-DRINK COCKTAILS
29 SHALL ONLY BE SOLD IN THE ORIGINAL CONTAINER. THE BOARD SHALL
30 HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY

1 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
2 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
3 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
4 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
6 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
7 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
8 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
9 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
10 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
11 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
12 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
13 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
14 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
15 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
16 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
17 TRANSFER 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 PROPOSED TO BE LICENSED. THE
20 BOARD MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING
21 ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD
22 AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT
23 SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO
24 ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE
25 BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF
26 THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS INTO AN
27 AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL RESTRICTIONS,
28 THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE
29 LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW LOCATION OR
30 UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING

1 THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION INVOLVES A
2 LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY RESTRICTIONS
3 IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION
4 SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A
5 NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL
6 REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON
7 WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF
8 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS. THIS
9 NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED OF HOTEL,
10 RESTAURANT AND CLUB LIQUOR LICENSEES.

11 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
12 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
13 AND READY-TO-DRINK COCKTAILS IN QUANTITIES ABOVE SPECIFIED
14 ANYWHERE WITHIN THE COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE
15 CASE OF DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS
16 LICENSED UNDER THIS ACT AS MANUFACTURERS OR IMPORTING
17 DISTRIBUTORS, AND IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE
18 BEEN PURCHASED FROM MANUFACTURERS OR PERSONS OUTSIDE THIS
19 COMMONWEALTH ENGAGED IN THE LEGAL SALE OF MALT OR BREWED
20 BEVERAGES AND READY-TO-DRINK COCKTAILS OR FROM MANUFACTURERS OR
21 IMPORTING DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE
22 OF AN IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL
23 BE AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES
24 AND READY-TO-DRINK COCKTAILS OWNED BY A MANUFACTURER AT A
25 SEGREGATED PORTION OF A WAREHOUSE OR OTHER STORAGE FACILITY
26 AUTHORIZED BY SECTION 441 (D) AND OPERATED BY THE IMPORTING
27 DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND DELIVER SUCH
28 BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS BEEN GRANTED
29 DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED HEREIN. THE
30 IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE A FEE FROM

1 THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING OR
2 DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY A
3 MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
4 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES AND
5 READY-TO-DRINK COCKTAILS PRODUCED BY THAT MANUFACTURER FOR SALE
6 BY THAT MANUFACTURER TO IMPORTING DISTRIBUTORS TO WHOM THAT
7 MANUFACTURER HAS GIVEN DISTRIBUTION RIGHTS PURSUANT TO THIS
8 SUBSECTION OR TO PURCHASERS OUTSIDE THIS COMMONWEALTH FOR
9 DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO THAT
10 MANUFACTURER'S STORAGE FACILITIES OUTSIDE THIS COMMONWEALTH. THE
11 BAILEE FOR HIRE SHALL BE PERMITTED TO RECEIVE A FEE FROM THE
12 MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING OR DELIVERY
13 SERVICES. THE BAILEE FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF
14 THIS ACT, KEEP COMPLETE AND ACCURATE RECORDS OF ALL
15 TRANSACTIONS, INVENTORY, RECEIPTS AND SHIPMENTS AND MAKE ALL
16 RECORDS AND THE LICENSED AREAS AVAILABLE FOR INSPECTION BY THE
17 BOARD AND FOR THE PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR
18 CONTROL ENFORCEMENT, DURING NORMAL BUSINESS HOURS.

19 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
20 AND EACH OUT OF STATE MANUFACTURER OF READY-TO-DRINK COCKTAILS
21 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
22 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
23 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
24 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
25 BEVERAGES AND READY-TO-DRINK COCKTAILS MANUFACTURED BY THE OUT
26 OF STATE MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE
27 PROVISIONS OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED
28 WITHIN THE GEOGRAPHICAL AREA FOR WHICH HE HAS BEEN GIVEN
29 DISTRIBUTING RIGHTS BY SUCH MANUFACTURER. IN ADDITION, THE
30 HOLDER OF A DISTRIBUTOR LICENSE MAY NOT SELL OR DELIVER MALT OR

1 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS TO ANY LICENSEE
2 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
3 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
4 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
5 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
6 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS FROM THE
7 DISTRIBUTOR LICENSE HOLDER HOLDS MULTIPLE LICENSES OR OPERATES
8 AT MORE THAN ONE LOCATION, THEN THE MALT OR BREWED BEVERAGES AND
9 READY-TO-DRINK COCKTAILS MAY NOT BE CONSUMED OR SOLD AT LICENSED
10 PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED
11 TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR
12 THAT SOLD THE MALT OR BREWED BEVERAGES AND READY-TO-DRINK
13 COCKTAILS TO THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE
14 DELIVERY OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
15 COCKTAILS OR TRANSFER MALT OR BREWED BEVERAGES AND READY-TO-
16 DRINK COCKTAILS IN VIOLATION OF THIS SECTION, SAID LICENSEE
17 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
18 THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
19 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
20 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
21 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
22 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
23 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
24 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
25 MANUFACTURER.

26 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
27 OR A PENNSYLVANIA MANUFACTURER OF READY-TO-DRINK COCKTAILS
28 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
29 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
30 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL

1 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
2 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
3 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
4 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
5 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
6 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
7 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
8 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
9 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES AND READY-TO-
10 DRINK COCKTAILS TO A LICENSEE WHOSE LICENSED PREMISES IS LOCATED
11 WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN IMPORTING
12 DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT SOLD THE
13 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS TO THE
14 DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR BREWED
15 BEVERAGES AND READY-TO-DRINK COCKTAILS FROM THE DISTRIBUTOR
16 LICENSE HOLDER HOLDS MULTIPLE LICENSES OR OPERATES AT MORE THAN
17 ONE LOCATION, THE MALT OR BREWED BEVERAGES AND READY-TO-DRINK
18 COCKTAILS MAY NOT BE CONSUMED OR SOLD AT LICENSED PREMISES
19 LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO AN
20 IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR THAT
21 SOLD THE MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
22 TO THE DISTRIBUTOR. IF A LICENSEE ACCEPTS THE DELIVERY OF MALT
23 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS OR TRANSFERS
24 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN
25 VIOLATION OF THIS SECTION, THE LICENSEE SHALL BE SUBJECT TO
26 SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS: PROVIDED,
27 THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS
28 FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER
29 IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A
30 WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR

1 SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS
2 ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY
3 IMPORTING DISTRIBUTOR BY THE MANUFACTURER. NOTHING HEREIN
4 CONTAINED SHALL BE CONSTRUED TO PREVENT ANY MANUFACTURER FROM
5 AUTHORIZING THE IMPORTING DISTRIBUTOR HOLDING THE DISTRIBUTING
6 RIGHTS FOR A DESIGNATED GEOGRAPHICAL AREA FROM SELLING THE
7 PRODUCTS OF SUCH MANUFACTURER TO ANOTHER IMPORTING DISTRIBUTOR
8 ALSO HOLDING DISTRIBUTING RIGHTS FROM THE SAME MANUFACTURER FOR
9 ANOTHER GEOGRAPHICAL AREA, PROVIDING SUCH AUTHORITY BE CONTAINED
10 IN WRITING AND A COPY THEREOF BE GIVEN TO EACH OF THE IMPORTING
11 DISTRIBUTORS SO AFFECTED.

12 (B.1) (1) ANY PERSON IN THIS COMMONWEALTH OR ELSEWHERE WHO
13 SHALL PURCHASE OR IN ANY MANNER WHATSOEVER ACQUIRE OR OTHERWISE
14 SUCCEED TO THE BUSINESS OF A MANUFACTURER, ASSETS OR RIGHTS TO
15 IMPORT, MARKET, SHIP INTO THIS COMMONWEALTH OR DISTRIBUTE A
16 BRAND OF BEER OR READY-TO-DRINK COCKTAIL, OR TO USE AND EXPLOIT
17 ANY TRADEMARK INCORPORATED AS PART OF A BRAND OF BEER OR READY-
18 TO-DRINK COCKTAIL PRODUCED BY SUCH A MANUFACTURER SHALL BE
19 OBLIGATED TO ALL TERMS OF THE MANUFACTURER'S FRANCHISE
20 AGREEMENTS IN EFFECT ON THE EFFECTIVE DATE OF THE PURCHASE,
21 ACQUISITION OR SUCCESSION, OR, IF EARLIER, AT THE TIME THE
22 AGREEMENT CONTEMPLATING THE PURCHASE, ACQUISITION OR SUCCESSION
23 IS ACTUALLY MADE.

24 (2) "PURCHASE" OR "ACQUISITION," FOR PURPOSES OF THIS
25 SECTION, INCLUDES, BUT IS NOT LIMITED TO, A PURCHASE,
26 ACQUISITION, LEASE, LICENSE OR ASSIGNMENT OF ALL OR A
27 CONTROLLING INTEREST IN THE CAPITAL STOCK OR OPERATING ASSETS,
28 INCLUDING BRAND TRADEMARKS RIGHTS; MERGER; ANY CORPORATE
29 REORGANIZATION OR CONSOLIDATION; AND ALSO, WITHOUT LIMITATION,
30 ANY LICENSE, CROSS-LICENSE, JOINT VENTURE OR OTHER AGREEMENT OR

1 ARRANGEMENT, DIRECTLY OR INDIRECTLY, TRANSFERRING, SUBSTITUTING
2 OR MATERIALLY CHANGING THE PERSON OR PERSONS AUTHORIZED BY THE
3 ONE OWNING OR CONTROLLING A BRAND OR ANY TRADEMARK AS PART OF A
4 BRAND, TO PRODUCE, IMPORT, SHIP, MARKET OR DISTRIBUTE THE BRAND
5 OF BEER INTO OR WITHIN THIS COMMONWEALTH.

6 (3) "MANUFACTURER," AS USED IN THIS SUBSECTION, SHALL MEAN
7 ANY PERSON, INCLUDING ANY AGENT OF SUCH PERSON, WHO (I) IS
8 LICENSED AS A MANUFACTURER OF MALT OR BREWED BEVERAGES OR
9 MANUFACTURER OF READY-TO-DRINK COCKTAILS LOCATED WITHIN THE
10 COMMONWEALTH OF PENNSYLVANIA, (II) HOLDS A DISTRIBUTOR OR
11 IMPORTING DISTRIBUTOR LICENSE, OR (III) MANUFACTURES ANY MALT
12 BEVERAGE AND READY-TO-DRINK COCKTAIL, HAS TITLE TO ANY MALT
13 BEVERAGE AND READY-TO-DRINK COCKTAIL PRODUCTS OR HAS THE
14 CONTRACTUAL RIGHT TO DISTRIBUTE ANY MALT BEVERAGE PRODUCT AND
15 READY-TO-DRINK COCKTAIL, WHETHER LICENSED IN THIS COMMONWEALTH
16 OR NOT, WHO ENTERS INTO AN "AGREEMENT" WITH ANY IMPORTING
17 DISTRIBUTOR LICENSED TO DO BUSINESS IN THIS COMMONWEALTH.

18 (C) THE AFORESAID LICENSES SHALL BE ISSUED ONLY TO REPUTABLE
19 INDIVIDUALS, PARTNERSHIPS AND ASSOCIATIONS WHO ARE, OR WHOSE
20 MEMBERS ARE, CITIZENS OF THE UNITED STATES AND ARE RESIDENTS OF
21 THE COMMONWEALTH OF PENNSYLVANIA OR TO REPUTABLE CORPORATIONS
22 ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE COMMONWEALTH
23 OF PENNSYLVANIA. SUCH LICENSES SHALL BE ISSUED TO CORPORATIONS
24 DULY ORGANIZED OR REGISTERED UNDER THE LAWS OF THE COMMONWEALTH
25 OF PENNSYLVANIA ONLY WHEN IT APPEARS THAT ALL OF THE OFFICERS
26 AND DIRECTORS OF THE CORPORATION ARE CITIZENS OF THE UNITED
27 STATES AND ARE RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA,
28 AND THAT AT LEAST FIFTY-ONE PER CENTUM OF THE CAPITAL STOCK OF
29 SUCH CORPORATION IS ACTUALLY OWNED BY INDIVIDUALS WHO ARE
30 CITIZENS OF THE UNITED STATES AND ARE RESIDENTS OF THE

1 COMMONWEALTH OF PENNSYLVANIA: PROVIDED, THAT THE PROVISIONS OF
2 THIS SUBSECTION WITH RESPECT TO RESIDENCE REQUIREMENTS SHALL NOT
3 APPLY TO INDIVIDUALS, PARTNERS, OFFICERS, DIRECTORS AND OWNERS
4 OF CAPITAL STOCK, OF CORPORATIONS LICENSED OR APPLYING FOR
5 LICENSES AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND READY-
6 TO-DRINK COCKTAILS, NOR SHALL THE PROVISIONS OF THIS SUBSECTION
7 WITH RESPECT TO STOCKHOLDER REQUIREMENTS APPLY TO CORPORATIONS
8 LICENSED OR APPLYING FOR LICENSES AS MANUFACTURERS OF MALT OR
9 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

10 (D) (1) ALL DISTRIBUTING RIGHTS AS HEREINABOVE REQUIRED
11 SHALL BE IN WRITING, SHALL BE EQUITABLE IN THEIR PROVISIONS AND
12 SHALL BE SUBSTANTIALLY SIMILAR AS TO TERMS AND CONDITIONS WITH
13 ALL OTHER DISTRIBUTING RIGHTS AGREEMENTS BETWEEN THE
14 MANUFACTURER GIVING SUCH AGREEMENT AND ITS OTHER IMPORTING
15 DISTRIBUTORS AND DISTRIBUTORS SHALL NOT BE MODIFIED, CANCELLED,
16 TERMINATED OR RESCINDED BY THE MANUFACTURER WITHOUT GOOD CAUSE,
17 AND SHALL CONTAIN A PROVISION IN SUBSTANCE OR EFFECT AS FOLLOWS:
18 "THE MANUFACTURER RECOGNIZES THAT THE IMPORTING DISTRIBUTOR AND
19 DISTRIBUTOR ARE FREE TO MANAGE THEIR BUSINESS IN THE MANNER THE
20 IMPORTING DISTRIBUTOR AND DISTRIBUTOR DEEM BEST AND THAT THIS
21 PREROGATIVE VESTS IN THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR
22 THE EXCLUSIVE RIGHT TO ESTABLISH A SELLING PRICE, TO SELECT THE
23 BRANDS OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
24 THEY WISH TO HANDLE AND TO DETERMINE THE EFFORTS AND RESOURCES
25 WHICH THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR WILL EXERT TO
26 DEVELOP AND PROMOTE THE SAME OF THE MANUFACTURER'S PRODUCTS
27 HANDLED BY THE IMPORTING DISTRIBUTOR AND DISTRIBUTOR. HOWEVER,
28 THE MANUFACTURER EXPECTS THAT THE IMPORTING DISTRIBUTOR AND
29 DISTRIBUTOR WILL PRICE COMPETITIVELY THE PRODUCTS HANDLED BY
30 THEM, DEVOTE REASONABLE EFFORT AND RESOURCES TO THE SALE OF SUCH

1 PRODUCTS AND MAINTAIN A REASONABLE SALES LEVEL." "GOOD CAUSE"
2 SHALL MEAN THE FAILURE BY ANY PARTY TO AN AGREEMENT, WITHOUT
3 REASONABLE EXCUSE OR JUSTIFICATION, TO COMPLY SUBSTANTIALLY WITH
4 AN ESSENTIAL, REASONABLE AND COMMERCIALY ACCEPTABLE REQUIREMENT
5 IMPOSED BY THE OTHER PARTY UNDER THE TERMS OF AN AGREEMENT.

6 (2) AFTER JANUARY 1, 1980, NO MANUFACTURER SHALL ENTER INTO
7 ANY AGREEMENT WITH MORE THAN ONE DISTRIBUTOR OR IMPORTING
8 DISTRIBUTOR FOR THE PURPOSE OF ESTABLISHING MORE THAN ONE
9 AGREEMENT FOR DESIGNATED BRAND OR BRANDS OF MALT OR BREWED
10 BEVERAGES AND READY-TO-DRINK COCKTAILS IN ANY ONE TERRITORY.
11 EACH FRANCHISE TERRITORY WHICH IS GRANTED BY A MANUFACTURER
12 SHALL BE GEOGRAPHICALLY CONTIGUOUS OR IN COUNTIES WHICH ARE
13 CONTIGUOUS WITH ONE ANOTHER. ALL IMPORTING DISTRIBUTORS SHALL
14 MAINTAIN SUFFICIENT RECORDS TO EVIDENCE COMPLIANCE OF THIS
15 SECTION. WITH REGARD TO ANY TERRITORIAL DISTRIBUTION AUTHORITY
16 GRANTED TO AN IMPORTING DISTRIBUTOR BY A MANUFACTURER OF MALT OR
17 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS AFTER JANUARY 1,
18 1996, THE RECORDS SHALL ESTABLISH THAT EACH AND EVERY CASE OF A
19 BRAND OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
20 FOR WHICH THE IMPORTING DISTRIBUTOR IS ASSIGNED WAS SOLD,
21 RESOLD, STORED, DELIVERED OR TRANSPORTED BY THE IMPORTING
22 DISTRIBUTOR, EITHER FROM A POINT OR TO A POINT WITH THE ASSIGNED
23 GEOGRAPHICALLY CONTIGUOUS TERRITORY OR IN COUNTIES WHICH ARE
24 CONTIGUOUS WITH ONE ANOTHER, TO ANY PERSON OR PERSONS, WHETHER
25 SUCH PERSON OR PERSONS ARE LICENSED BY THIS ACT OR NOT LICENSED
26 BY THIS ACT.

27 (3) EXCEPT FOR DISCONTINUANCE OF A BRAND OR A VALID
28 TERMINATION FOR GOOD CAUSE, THE PURCHASER OF THE ASSETS OF THE
29 MANUFACTURER AS DEFINED IN THIS ACT SHALL BECOME OBLIGATED TO
30 ALL THE TERRITORIAL AND BRAND DESIGNATIONS OF THE AGREEMENT IN

1 EFFECT ON THE DATE OF PURCHASE. PURCHASE OF ASSETS AS DEFINED
2 FOR THE PURPOSES OF THIS ACT SHALL INCLUDE, BUT NOT BE LIMITED
3 TO, THE SALE OF STOCK, SALE OF ASSETS, MERGER, LEASE, TRANSFER
4 OR CONSOLIDATION.

5 (4) THE COURT OF COMMON PLEAS OF THE COUNTY WHEREIN THE
6 LICENSED PREMISES OF THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR
7 ARE LOCATED IS HEREBY VESTED WITH JURISDICTION AND POWER TO
8 ENJOIN THE MODIFICATION, RESCISSION, CANCELLATION OR TERMINATION
9 OF A FRANCHISE OR AGREEMENT BETWEEN A MANUFACTURER AND AN
10 IMPORTING DISTRIBUTOR OR DISTRIBUTOR AT THE INSTANCE OF SUCH
11 IMPORTING DISTRIBUTOR OR DISTRIBUTOR WHO IS OR MIGHT BE
12 ADVERSELY AFFECTED BY SUCH MODIFICATION, RESCISSION,
13 CANCELLATION OR TERMINATION, AND IN GRANTING AN INJUNCTION THE
14 COURT SHALL PROVIDE THAT NO MANUFACTURER SHALL SUPPLY THE
15 CUSTOMERS OR TERRITORY OF THE IMPORTING DISTRIBUTOR OR
16 DISTRIBUTOR BY SERVICING THE TERRITORY OR CUSTOMERS THROUGH
17 OTHER IMPORTING DISTRIBUTORS OR DISTRIBUTORS OR ANY OTHER MEANS
18 WHILE THE INJUNCTION IS IN EFFECT: PROVIDED, HOWEVER, THAT ANY
19 INJUNCTION ISSUED UNDER THIS SUBSECTION SHALL REQUIRE THE
20 POSTING OF SUFFICIENT BOND AGAINST DAMAGES ARISING FROM AN
21 INJUNCTION IMPROVIDENTLY GRANTED AND A SHOWING THAT THE DANGER
22 OF IRREVOCABLE LOSS OR DAMAGE IS IMMEDIATE AND THAT DURING THE
23 PENDENCY OF SUCH INJUNCTION THE IMPORTING DISTRIBUTOR OR
24 DISTRIBUTOR SHALL CONTINUE TO SERVICE THE ACCOUNTS OF THE
25 MANUFACTURER IN GOOD FAITH.

26 (5) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
27 PENNSYLVANIA MANUFACTURERS WHOSE PRINCIPAL PLACE OF BUSINESS IS
28 LOCATED IN PENNSYLVANIA UNLESS THEY NAME OR CONSTITUTE A
29 DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS A PRIMARY OR ORIGINAL
30 SUPPLIER OF THEIR PRODUCTS SUBSEQUENT TO THE EFFECTIVE DATE OF

1 THIS ACT, OR UNLESS SUCH PENNSYLVANIA MANUFACTURERS HAVE NAMED
2 OR CONSTITUTED A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS A
3 PRIMARY OR ORIGINAL SUPPLIER OF THEIR PRODUCTS PRIOR TO THE
4 EFFECTIVE DATE OF THIS ACT, AND WHICH STATUS IS CONTINUING WHEN
5 THIS ACT BECOMES EFFECTIVE.

6 * * *

7 (F) (1) ANY MALT OR BREWED BEVERAGE AND READY-TO-DRINK
8 COCKTAIL PRODUCED OUTSIDE THIS COMMONWEALTH THAT IS REPACKAGED
9 BY A BAILEE FOR HIRE OR IMPORTING DISTRIBUTOR ON BEHALF OF AN
10 OUT OF STATE MANUFACTURER MUST BE RETURNED TO THE OUT OF STATE
11 MANUFACTURER AND COME TO REST OUT OF STATE BEFORE IT MAY REENTER
12 THIS COMMONWEALTH. SUCH REPACKAGED MALT OR BREWED BEVERAGES AND
13 READY-TO-DRINK COCKTAILS MUST BE DISTRIBUTED THROUGH THE THREE-
14 TIER SYSTEM. ANY MALT OR BREWED BEVERAGE OR READY-TO-DRINK
15 COCKTAIL THAT IS REPACKAGED BY A BAILEE FOR HIRE OR IMPORTING
16 DISTRIBUTOR ON BEHALF OF AN IN STATE MANUFACTURER MUST BE
17 RETURNED TO THE IN STATE MANUFACTURER AND COME TO REST AT THE IN
18 STATE MANUFACTURER'S LICENSED FACILITY.

19 (2) FOR PURPOSES OF THIS SECTION, "REPACKAGE" SHALL MEAN ANY
20 CHANGE OR ALTERATION TO THE CONTAINERS OR CONTAINER
21 CONFIGURATION OF A CASE.

22 * * *

23 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SALES MADE
24 TO THE PENNSYLVANIA LIQUOR CONTROL BOARD AND SALES MADE BY THE
25 PENNSYLVANIA LIQUOR CONTROL BOARD TO LICENSEES AND NONLICENSEES
26 SHALL NOT BE SUBJECT TO THIS SECTION.

27 SECTION 10. SECTIONS 440 AND 441 OF THE ACT ARE AMENDED TO
28 READ:

29 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED
30 BEVERAGES; MINIMUM QUANTITIES.--A MANUFACTURER MAY SELL MALT OR

1 BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS PRODUCED AND OWNED
2 BY THE MANUFACTURER TO INDIVIDUALS ON THE LICENSED PREMISES FOR
3 CONSUMPTION ON THE LICENSED PREMISES WHERE SOLD ONLY IF IT
4 COMPLIES WITH THE CONDITIONS AND REGULATIONS PLACED UPON HOLDERS
5 OF BREWERY LICENSES UNDER SECTION 446(A)(1). A MANUFACTURER ALSO
6 MAY SELL ANY MALT OR BREWED BEVERAGES AND READY-TO-DRINK
7 COCKTAILS PRODUCED AND OWNED BY THE MANUFACTURER TO INDIVIDUALS
8 ON THE LICENSED PREMISES FOR CONSUMPTION OFF THE LICENSED
9 PREMISES IN CONTAINERS OR PACKAGES OF UNLIMITED QUANTITY AND OF
10 ANY VOLUME. NO MANUFACTURER MAY MAINTAIN OR OPERATE WITHIN THE
11 COMMONWEALTH ANY PLACE OR PLACES OTHER THAN THE PLACE OR PLACES
12 COVERED BY HIS OR ITS LICENSE WHERE MALT OR BREWED BEVERAGES AND
13 READY-TO-DRINK COCKTAILS ARE SOLD OR WHERE ORDERS ARE TAKEN.

14 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
15 RESTRICTIONS ON SALES, STORAGE, ETC.--(A) NO DISTRIBUTOR OR
16 IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT
17 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS EXCEPT:

18 (1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY
19 THE MANUFACTURER AT THE PLACE OF MANUFACTURE;

20 (2) IN THE CASE OF IDENTICAL CONTAINERS REPACKAGED IN THE
21 MANNER DESCRIBED BY SUBSECTION (F); OR

22 (3) AS PROVIDED IN SECTION 431(B).

23 (B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY
24 MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS IN
25 QUANTITIES OF LESS THAN A CASE OR MALT AND BREWED BEVERAGES IN
26 ORIGINAL CONTAINERS CONTAINING LESS THAN ONE HUNDRED TWENTY-
27 EIGHT OUNCES [OR MORE WHICH MAY BE SOLD SEPARATELY]: PROVIDED,
28 THAT NO MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
29 SOLD OR DELIVERED SHALL BE CONSUMED UPON THE PREMISES OF THE
30 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR IN ANY PLACE PROVIDED

1 FOR SUCH PURPOSE BY SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR.
2 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ACT, MALT
3 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS WHICH ARE PART
4 OF A TASTING CONDUCTED PURSUANT TO THE BOARD'S REGULATIONS MAY
5 BE CONSUMED ON LICENSED PREMISES.

6 (C) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL MAINTAIN
7 OR OPERATE ANY PLACE WHERE SALES ARE MADE OTHER THAN THAT FOR
8 WHICH THE LICENSE IS GRANTED.

9 (D) (1) NO DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR THE
10 STORAGE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS
11 EXCEPT IN THE SAME MUNICIPALITY IN WHICH THE LICENSED PREMISES
12 IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD.
13 IN THE EVENT THERE IS NO PLACE OF COLD STORAGE IN THE SAME
14 MUNICIPALITY, THE BOARD MAY APPROVE A PLACE OF COLD STORAGE IN
15 THE NEAREST MUNICIPALITY.

16 (2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR
17 THE STORAGE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
18 COCKTAILS EXCEPT IN THE FRANCHISE TERRITORY IN WHICH THE
19 LICENSED PREMISES IS LOCATED AND UNLESS THE SAME HAS BEEN
20 APPROVED BY THE BOARD. THE BOARD SHALL ISSUE NO MORE THAN FOUR
21 STORAGE FACILITIES LICENSE TO AN IMPORTING DISTRIBUTOR. THE
22 STORAGE LOCATION SHALL BE DESIGNATED SOLELY AS A STORAGE
23 FACILITY, FROM WHICH ONLY SALES TO OTHER LICENSEES ARE
24 PERMITTED. RETAIL SALES MAY BE MADE AT THE LICENSED LOCATION
25 PURSUANT TO SUBSECTION (C). IF THE IMPORTING DISTRIBUTOR
26 MAINTAINS A STORAGE LOCATION FOR COLD STORAGE IN THE SAME
27 MUNICIPALITY IN WHICH THE IMPORTING DISTRIBUTOR IS LICENSED OR A
28 NEARBY MUNICIPALITY, THE IMPORTING DISTRIBUTOR MAY CONTINUE TO
29 MAINTAIN THAT COLD STORAGE LOCATION IN ADDITION TO ANOTHER
30 STORAGE LOCATION WITHIN THEIR FRANCHISE TERRITORY.

1 (E) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL PURCHASE,
2 SELL, RESELL, RECEIVE OR DELIVER ANY MALT OR BREWED BEVERAGES
3 AND READY-TO-DRINK COCKTAILS, EXCEPT IN STRICT COMPLIANCE WITH
4 THE PROVISIONS OF SUBSECTION (B) OF SECTION 431 OF THIS ACT.

5 (F) (1) TO SALVAGE ONE OR MORE SALABLE CASES FROM ONE OR
6 MORE DAMAGED CASES, CARTONS OR PACKAGES OF MALT OR BREWED
7 BEVERAGES AND READY-TO-DRINK COCKTAILS, A DISTRIBUTOR OR
8 IMPORTING DISTRIBUTOR MAY REPACKAGE CONSEQUENT TO INADVERTENT
9 DAMAGE AND SELL A CASE, CARTON OR PACKAGE OF IDENTICAL UNITS OF
10 MALT OR BREWED BEVERAGES.

11 (2) REPACKAGING IS PERMISSIBLE ONLY TO THE EXTENT MADE
12 NECESSARY BY INADVERTENT DAMAGE. REPACKAGING NOT CONSEQUENT TO
13 DAMAGE IS PROHIBITED.

14 (3) THE TERM "IDENTICAL UNITS" AS USED IN THIS SUBSECTION
15 MEANS UNDAMAGED BOTTLES OR CANS OF IDENTICAL BRAND, PACKAGE AND
16 VOLUME.

17 (G) ALL MALT OR BREWED BEVERAGES AND READY-TO-DRINK
18 COCKTAILS PURCHASED BY AN IMPORTING DISTRIBUTOR FROM A
19 PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES OR READY-
20 TO-DRINK COCKTAILS OR FROM ANY PERSON LOCATED OUTSIDE THIS
21 COMMONWEALTH FOR RESALE SHALL BE INVOICED TO THE IMPORTING
22 DISTRIBUTOR, SHALL COME PHYSICALLY INTO THE POSSESSION OF SUCH
23 IMPORTING DISTRIBUTOR AND SHALL BE UNLOADED INTO AND DISTRIBUTED
24 FROM THE LICENSED PREMISES OF SUCH IMPORTING DISTRIBUTOR. THE
25 BOARD MAY ACT TO FURTHER DEFINE AND CONTROL THE STORAGE AND
26 DISTRIBUTION OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK
27 COCKTAILS IN CONFORMITY WITH THIS SECTION AND THIS ACT.

28 (H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY"
29 SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN
30 IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR

1 RESALE OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

2 (I) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,
3 WHEN MAKING A SALE OF MALT OR BREWED BEVERAGES AND READY-TO-
4 DRINK COCKTAILS TO A PRIVATE INDIVIDUAL, NO DISTRIBUTOR OR
5 IMPORTING DISTRIBUTOR MAY BE REQUIRED TO COLLECT THE NAME,
6 ADDRESS OR ANY OTHER IDENTIFYING INFORMATION OF THE PRIVATE
7 INDIVIDUAL FOR THE PURPOSE OF KEEPING A RECORD OF THE QUANTITY
8 OF CASES OR VOLUME OF MALT OR BREWED BEVERAGES OR READY-TO-DRINK
9 COCKTAILS PURCHASED.

10 SECTION 10.1. SECTION 470.3(A.1)(2), (H), (I) AND (K) OF THE
11 ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
12 SUBSECTION TO READ:

13 Section 470.3. License Auction.--* * *

14 (a.1) * * *

15 (2) [Any licenses not sold shall be available for sale at
16 future auctions, provided, however, that no] No more than fifty
17 licenses shall be auctioned in any county per year.

18 * * *

19 (h) [The winning bidder shall pay to the board the bid
20 amount within two weeks. Payment] Within six months of being
21 awarded a license, payment shall be by cashier's check,
22 certified check or any other method acceptable to the board. If
23 the winning bidder does not pay the bid amount within [two
24 weeks] six months, the second highest bidder shall be awarded
25 the right to file an application for the license, so long as the
26 bid amount is in accordance with subsection (g). [The board
27 shall hold the bid amount in escrow until the license is
28 approved.]

29 (i) Within six months of being awarded the license, the
30 bidder or its assignee shall file an application to transfer the

1 license. The application shall be processed in the same manner
2 as any other transfer application and shall be subject to the
3 same restrictions as any other transfer application, including
4 any conditional licensing agreements and county quota
5 restrictions under section 461. The board shall only approve the
6 transfer of a license under this section to a municipality,
7 other than the municipality it last operated in, upon approval
8 by the governing body of the municipality as provided under
9 section 461(b.3).

10 * * *

11 (k) A license acquired under this section may subsequently
12 be transferred subject to any restrictions that would otherwise
13 be applicable to the transfer of the license[.], unless the
14 license was awarded in an excess auction under subsection (l). A
15 license awarded in an excess auction and subsequently
16 transferred to a different county than the county of origination
17 may not be transferred from the receiving municipality for a
18 period of five years after the date the licensed premises are
19 operational.

20 (l) A license not receiving a bid at an initial auction
21 shall be eligible to be bid upon at the discretion of the board
22 and awarded at an excess auction as follows:

23 (1) the board shall hold one excess auction every calendar
24 year;

25 (2) the license shall be awarded to the highest bidder in
26 any county, regardless of the original location of the licensed
27 premises. No more than one license shall be awarded per county
28 in an excess auction;

29 (3) the winning bidder may transfer the license without
30 regard to the restrictions under section 461(a) upon approval

1 from the governing body of the municipality where the license
2 will be transferred as provided under section 461(b.3); and
3 (4) a request to transfer the winning license to a different
4 county shall be made in writing to the board and shall be
5 subject to an application fee of twenty-five thousand dollars
6 (\$25,000).

7 ~~Section 2. This act shall take effect immediately.~~ <--

8 SECTION 11. ARTICLE IV OF THE ACT IS AMENDED BY ADDING A <--
9 SUBARTICLE TO READ:

10 (C.2) FEES AND TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-
11 PREMISES CONSUMPTION.

12 SECTION 489. FEES FOR LICENSEES IMPORTING, DISTRIBUTING AND
13 SELLING READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION.--

14 (A) IN ADDITION TO ANY OTHER FEE CHARGED, AN IMPORTER LICENSEE
15 AND IMPORTING DISTRIBUTOR LICENSEE SHALL PAY AN INITIAL
16 APPLICATION FEE AND AN ANNUAL RENEWAL FEE TO SELL READY-TO-DRINK
17 COCKTAILS FOR OFF-PREMISES CONSUMPTION AS FOLLOWS:

18 (1) AN INITIAL APPLICATION FEE OF FIVE THOUSAND DOLLARS
19 (\$5,000).

20 (2) AN ANNUAL RENEWAL FEE OF THREE PER CENTUM (3%) OF THE
21 LICENSEE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-
22 PREMISES CONSUMPTION.

23 (B) IN ADDITION TO ANY OTHER FEE CHARGED, A LICENSEE WITH AN
24 INTERIOR CONNECTION TO A CONVENIENCE STORE, GROCERY STORE OR
25 DEPARTMENT STORE SHALL PAY AN INITIAL APPLICATION FEE AND AN
26 ANNUAL RENEWAL FEE TO SELL READY-TO-DRINK COCKTAILS FOR OFF-
27 PREMISES CONSUMPTION AS FOLLOWS:

28 (1) AN INITIAL APPLICATION FEE OF TWO THOUSAND FIVE HUNDRED
29 DOLLARS (\$2,500).

30 (2) AN ANNUAL RENEWAL FEE OF TWO PER CENTUM (2%) OF THE

1 STORE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES
2 CONSUMPTION.

3 (C) IN ADDITION TO ANY OTHER FEE CHARGED, A RESTAURANT
4 LICENSEE, HOTEL LICENSEE AND DISTRIBUTOR LICENSEE WHO IS NOT
5 SUBJECT TO SUBSECTION (B) SHALL PAY AN INITIAL APPLICATION FEE
6 AND AN ANNUAL RENEWAL FEE TO SELL READY-TO-DRINK COCKTAILS FOR
7 OFF-PREMISES CONSUMPTION AS FOLLOWS:

8 (1) AN INITIAL APPLICATION FEE OF ONE THOUSAND DOLLARS
9 (\$1,000).

10 (2) AN ANNUAL RENEWAL FEE OF TWO PER CENTUM (2%) OF THE
11 LICENSEE'S GROSS SALES OF READY-TO-DRINK COCKTAILS FOR OFF-
12 PREMISES CONSUMPTION.

13 (D) NOTWITHSTANDING THE PROVISIONS OF SECTION 802, ALL FEES
14 PAID TO THE BOARD UNDER THIS SECTION SHALL BE PAID INTO THE
15 STATE STORES FUND.

16 (E) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
18 THE CONTEXT CLEARLY INDICATES OTHERWISE:

19 "CONVENIENCE STORE" SHALL MEAN A RETAIL BUSINESS THAT SELLS A
20 RANGE OF EVERYDAY ITEMS, INCLUDING COFFEE, GROCERIES, SNACK
21 FOODS, CONFECTIONERY, SOFT DRINKS, TOBACCO PRODUCTS, OVER-THE-
22 COUNTER DRUGS, TOILETRIES, GASOLINE AND MAGAZINES.

23 "DEPARTMENT STORE" SHALL MEAN A RETAIL ESTABLISHMENT OFFERING
24 A WIDE RANGE OF CONSUMER GOODS IN DIFFERENT AREAS OF THE STORE,
25 WHICH MAY INCLUDE FOOD ITEMS.

26 "GROCERY STORE" SHALL MEAN A RETAIL BUSINESS THAT PRIMARILY
27 SELLS A WIDE VARIETY OF FRESH AND PACKAGED FOODS, BEVERAGES AND
28 OTHER ITEMS TO BE CONSUMED OR USED OFF OF THE STORE PREMISES.

29 SECTION 489.1. TAXATION OF READY-TO-DRINK COCKTAILS FOR OFF-
30 PREMISES CONSUMPTION.-- (A) EXCEPT FOR SALES TO THE BOARD OR

1 FROM THE BOARD, THE FOLLOWING TAXES SHALL BE IMPOSED ON EACH
2 SALE IN THIS COMMONWEALTH OF READY-TO-DRINK COCKTAILS FOR OFF-
3 PREMISES CONSUMPTION:

4 (1) A TAX IN LIEU OF THE EMERGENCY STATE TAX IMPOSED UNDER
5 THE ACT OF JUNE 9, 1936 (1ST SP. SESS., P.L.13, NO.4), ENTITLED
6 "AN ACT IMPOSING AN EMERGENCY STATE TAX ON LIQUOR, AS HEREIN
7 DEFINED, SOLD BY THE PENNSYLVANIA LIQUOR CONTROL BOARD;
8 PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAX; AND
9 IMPOSING DUTIES UPON THE DEPARTMENT OF REVENUE AND THE
10 PENNSYLVANIA LIQUOR CONTROL BOARD" SHALL BE IMPOSED AND ASSESSED
11 AT A RATE OF EIGHTEEN PER CENTUM (18%) OF THE NET PRICE OF
12 READY-TO-DRINK COCKTAILS SOLD FOR OFF-PREMISES CONSUMPTION AND
13 IS SUBJECT TO THE FOLLOWING:

14 (I) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE COLLECTED
15 FROM THE PURCHASER AT THE TIME OF SALE AND SHALL BE PAID OVER TO
16 THE COMMONWEALTH AS PROVIDED IN THIS SUBSECTION.

17 (II) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE INCLUDED
18 IN THE PURCHASE PRICE OF ALL READY-TO-DRINK COCKTAILS SOLD FOR
19 OFF-PREMISES CONSUMPTION AND MAY NOT BE SEPARATELY STATED FROM
20 THE PURCHASE PRICE.

21 (III) THE TAX IMPOSED UNDER THIS PARAGRAPH SHALL BE PAID TO
22 AND RECEIVED BY THE DEPARTMENT OF REVENUE AND, ALONG WITH
23 INTEREST AND PENALTIES, SHALL BE DEPOSITED INTO THE GENERAL
24 FUND.

25 (2) THE TAX UNDER ARTICLE II OF THE ACT OF MARCH 4, 1971
26 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971," WHICH
27 SHALL BE IMPOSED ON THE PURCHASE PRICE OF READY-TO-DRINK
28 COCKTAILS SOLD FOR OFF-PREMISES CONSUMPTION.

29 (B) A SECOND OR SUBSEQUENT SELLER OF READY-TO-DRINK-
30 COCKTAILS FOR OFF-PREMISES CONSUMPTION MAY, WHEN FILING THE

1 SELLER'S REQUIRED RETURNS UNDER ARTICLE II OF THE "TAX REFORM
2 CODE OF 1971" AND THIS SECTION, REQUEST A CREDIT OF TAXES PAID
3 IN ACCORDANCE WITH SUBSECTION (A) FOR READY-TO-DRINK COCKTAILS
4 FOR OFF-PREMISES CONSUMPTION FOR WHICH TAXES WERE REMITTED TO
5 THE DEPARTMENT UNDER SUBSECTION (A). THE DEPARTMENT OF REVENUE
6 MAY PROMULGATE RULES OR REGULATIONS AND PRESCRIBE FORMS AS MAY
7 BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

8 (C) THE PROVISIONS OF PART VI OF ARTICLE II OF THE "TAX
9 REFORM CODE OF 1971" SHALL APPLY TO THE TAXES IMPOSED UNDER
10 SUBSECTION (A) (1).

11 (D) THE DEPARTMENT OF REVENUE SHALL SHARE INFORMATION WITH
12 THE BOARD DETAILING THE SALES AND TAXES PAID BY SELLERS OF
13 READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION UNDER THIS
14 SECTION.

15 (E) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE
16 SALE OF READY-TO-DRINK COCKTAILS FOR OFF-PREMISES CONSUMPTION BY
17 A LIMITED DISTILLERY OR DISTILLERY.

18 (F) A LICENSEE THAT SELLS A READY-TO-DRINK COCKTAIL FOR OFF-
19 PREMISES CONSUMPTION WITHOUT COLLECTING THE TAX OR ALLOWS A
20 PERSON TO LEAVE THE PREMISES WITH A READY-TO-DRINK COCKTAIL FOR
21 OFF-PREMISES CONSUMPTION THAT WAS SOLD OR PROVIDED WITHOUT THE
22 IMPOSITION OF THE TAX SHALL BE SUBJECT TO CITATION UNDER SECTION
23 471 OR NONRENEWAL UNDER SECTION 470.

24 SECTION 12. SECTION 492(11), (12), (13), (14), (18) AND (21)
25 OF THE ACT ARE AMENDED TO READ:

26 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
27 BEVERAGES AND LICENSEES.--

28 IT SHALL BE UNLAWFUL--

29 * * *

30 (11) DELIVERY OF MALT OR BREWED BEVERAGES AND READY-TO-DRINK

1 COCKTAILS WITH OTHER COMMODITIES. FOR ANY MANUFACTURER,
2 IMPORTING DISTRIBUTOR OR DISTRIBUTOR, OR HIS SERVANTS, AGENTS OR
3 EMPLOYES, EXCEPT WITH BOARD APPROVAL, TO DELIVER OR TRANSPORT
4 ANY MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS IN ANY
5 VEHICLE IN WHICH ANY OTHER COMMODITY IS BEING TRANSPORTED.

6 (12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN
7 OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR
8 HIS SERVANTS, AGENTS OR EMPLOYES, WITHOUT THE APPROVAL OF THE
9 BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO
10 ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF
11 DISTRIBUTING MALT OR BREWED BEVERAGES AND READY-TO-DRINK
12 COCKTAILS, EXCEPT THAT THE SALE OF THE FOLLOWING GOODS SHALL BE
13 PERMITTED ON THE LICENSED PREMISES OF A DISTRIBUTOR OR IMPORTING
14 DISTRIBUTOR:

15 (I) ANY BOOK, MAGAZINE OR OTHER PUBLICATION RELATED TO MALT
16 OR BREWED BEVERAGES AND READY-TO-DRINK COCKTAILS.

17 (II) ANY EQUIPMENT, INGREDIENTS OR OTHER SUPPLIES NECESSARY
18 FOR THE UNLICENSED MANUFACTURE OF MALT OR BREWED BEVERAGES AS
19 DESCRIBED IN PARAGRAPH (1), COMMONLY KNOWN AS "HOMEBREWING."

20 (13) POSSESSION OR STORAGE OF LIQUOR OR ALCOHOL BY CERTAIN
21 LICENSEES. FOR ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL
22 DISPENSER, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO HAVE IN HIS
23 POSSESSION, OR TO PERMIT THE STORAGE OF ON THE LICENSED PREMISES
24 OR IN ANY PLACE CONTIGUOUS OR ADJACENT THERETO ACCESSIBLE TO THE
25 PUBLIC OR USED IN CONNECTION WITH THE OPERATION OF THE LICENSED
26 PREMISES, ANY ALCOHOL OR LIQUOR[.], EXCEPT IMPORTING
27 DISTRIBUTORS AND DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
28 THEIR EMPLOYES MAY POSSESS AND STORE READY-TO-DRINK COCKTAILS.

29 (14) MALT OR BREWED BEVERAGE AND READY-TO-DRINK COCKTAIL
30 LICENSEES DEALING IN LIQUOR OR ALCOHOL. FOR ANY MALT OR BREWED

1 BEVERAGE LICENSEE, OTHER THAN A MANUFACTURER, OR THE SERVANTS,
2 AGENTS OR EMPLOYES THEREOF, TO MANUFACTURE, IMPORT, SELL,
3 TRANSPORT, STORE, TRADE OR BARTER IN ANY LIQUOR OR ALCOHOL[.],
4 EXCEPT IMPORTING DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
5 THEIR EMPLOYES MAY IMPORT SELL, TRANSPORT AND STORE READY-TO-
6 DRINK COCKTAILS AND DISTRIBUTORS AND THEIR SERVANTS, AGENTS AND
7 THEIR EMPLOYES MAY SELL, TRANSPORT AND STORE READY-TO-DRINK
8 COCKTAILS.

9 * * *

10 (18) COERCING DISTRIBUTORS AND IMPORTING DISTRIBUTORS. FOR
11 ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF ANY
12 MANUFACTURER TO COERCE OR PERSUADE OR ATTEMPT TO COERCE OR
13 PERSUADE ANY PERSON LICENSED TO SELL OR DISTRIBUTE MALT OR
14 BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS AT WHOLESALE OR
15 RETAIL TO ESTABLISH SELLING PRICES FOR ITS PRODUCTS OR TO ENTER
16 INTO ANY CONTRACTS OR AGREEMENTS, WHETHER WRITTEN OR ORAL, OR
17 TAKE ANY ACTION WHICH WILL VIOLATE OR TEND TO VIOLATE ANY
18 PROVISIONS OF THIS ACT OR ANY OF THE RULES OR REGULATIONS
19 PROMULGATED BY THE BOARD PURSUANT THERETO.

20 * * *

21 (21) INDUCING OR COERCING DISTRIBUTORS OR IMPORTING
22 DISTRIBUTORS TO ACCEPT UNORDERED PRODUCTS OR COMMIT ILLEGAL
23 ACTS. FOR ANY MANUFACTURER TO COMPEL OR ATTEMPT TO COMPEL ANY
24 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ACCEPT DELIVERY OF ANY
25 MALT OR BREWED BEVERAGES OR READY-TO-DRINK COCKTAILS OR ANY
26 OTHER COMMODITY WHICH SHALL NOT HAVE BEEN ORDERED BY THE
27 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO DO ANY ILLEGAL ACT
28 BY ANY MEANS WHATSOEVER INCLUDING, BUT NOT LIMITED TO,
29 THREATENING TO AMEND, CANCEL, TERMINATE, RESCIND OR REFUSE TO
30 RENEW ANY AGREEMENT EXISTING BETWEEN MANUFACTURER AND THE

1 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO REQUIRE A
2 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ASSENT TO ANY CONDITION,
3 STIPULATION OR PROVISION LIMITING THE DISTRIBUTOR OR IMPORTING
4 DISTRIBUTOR IN HIS RIGHT TO SELL THE PRODUCTS OF ANY OTHER
5 MANUFACTURER.

6 * * *

7 SECTION 13. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.