

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, liquor, alcohol and malt and brewed
18 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, amended November 15,
23 2016 (P.L.1286, No.166), is amended to read:

24 Section 472. Local Option.--(a) In any municipality or any
25 part of a municipality where such municipality is split so that

1 each part thereof is separated by another municipality, an
2 election may be held, subject to subsection (c), not oftener
3 than once in four years, to determine the will of the electors
4 with respect to the granting of liquor licenses to hotels,
5 restaurants, resort facilities and clubs, not oftener than once
6 in four years, to determine the will of the electors with
7 respect to the granting of liquor licenses to public venues, to
8 performing arts facilities, to continuing care retirement
9 communities, to hotels located on property owned by an
10 accredited college or university, to privately-owned private
11 golf courses or to privately-owned public golf courses, not
12 oftener than once in four years, to determine the will of the
13 electors with respect to the granting of licenses to retail
14 dispensers of malt and brewed beverages, not oftener than once
15 in four years, to determine the will of the electors with
16 respect to granting of licenses to wholesale distributors and
17 importing distributors, not more than once in two years, to
18 determine the will of the electors with respect to the granting
19 of club liquor licenses or club retail dispenser licenses to
20 incorporated units of national veterans' organizations, not
21 oftener than once in two years to determine the will of the
22 electors with respect to the granting of special occasion
23 permits to qualified organizations, not more than once in four
24 years, to determine the will of the electors with respect to the
25 establishment, operation and maintenance by the board of
26 Pennsylvania liquor stores, within the limits of such
27 municipality or part of a split municipality, or not more than
28 once in two years, to determine the will of the electors with
29 respect to the granting of liquor licenses to ski resort
30 facilities, under the provisions of this act: Provided, That an

1 election on the question of establishing and operating a State
2 liquor store shall be initiated only in those municipalities, or
3 that part of a split municipality that shall have voted against
4 the granting of liquor licenses; and that an election on the
5 question of granting wholesale distributor and importing
6 distributor licenses shall be initiated only in those
7 municipalities or parts of split municipalities that shall have
8 at a previous election voted against the granting of dispenser's
9 licenses. Whenever electors equal to at least twenty-five per
10 centum of the highest vote cast for any office in the
11 municipality or part of a split municipality at the last
12 preceding [general] election shall file a petition with the
13 county board of elections of the county for a referendum on the
14 question of granting any of said classes of licenses or the
15 establishment of Pennsylvania liquor stores, the said county
16 board of elections shall cause a question to be placed on the
17 ballots or on the voting machine board and submitted at any
18 election, except a special election. Separate petitions must be
19 filed for each question to be voted on. Said proceedings shall
20 be in the manner and subject to the provisions of the election
21 laws which relate to the signing, filing and adjudication of
22 nomination petitions, with respect to a question to be placed on
23 the ballot in a primary election, and nomination papers, with
24 respect to a question to be placed on the ballot in a municipal
25 or general election, in each case insofar as such provisions are
26 applicable.

27 When the question is in respect to the granting of liquor
28 licenses, it shall be in the following form:

29 Do you favor the granting of liquor licenses for the
30 sale of liquor in..... Yes

1 of.....? No

2 When the question is in respect to the granting of liquor
3 licenses to resort facilities 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 resort
7 facilities for the sale of liquor in the..... Yes

8 of.....? No

9 When the question is in respect to the granting of liquor
10 licenses to ski resorts in those municipalities that do not
11 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 ski
14 resort facilities for the sale of liquor in the Yes

15of? No

16 When the question is in respect to the granting of restaurant
17 liquor licenses for use at public venues in those municipalities
18 that do not already allow the retail sale of liquor, it shall be
19 in the following form:

20 Do you favor the granting of liquor licenses to public
21 venues 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 performing arts facilities in those
25 municipalities that do not already allow the retail sale of
26 alcohol, it shall be in the following form:

27 Do you favor the granting of liquor licenses to
28 performing arts facilities for the sale of liquor in
29 the..... Yes

30 of.....? No

1 When the question is in respect to the granting of liquor
2 licenses for hotels located on property owned by an accredited
3 college or university in those municipalities that do not
4 already allow the granting of liquor licenses, it shall be in
5 the following form:

6 Do you favor the granting of liquor licenses to hotels
7 on property owned by an accredited college or university
8 in the..... Yes
9 of.....? No

10 When the question is in respect to the granting of liquor
11 licenses, for privately-owned private golf courses, it shall be
12 in the following form:

13 Do you favor the granting of liquor licenses for
14 privately-owned private golf courses for the sale of
15 liquor in.....by..... Yes
16 of.....? No

17 When the question is in respect to the granting of liquor
18 licenses, for privately-owned public golf courses, it shall be
19 in the following form:

20 Do you favor the granting of liquor licenses for
21 privately-owned public 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 to continuing care retirement communities in those
26 municipalities that have not already approved the granting of
27 liquor licenses, it shall be in the following form:

28 Do you favor the granting of liquor licenses for
29 continuing care retirement communities
30 in.....by..... Yes

1 of.....? No

2 When the question is in respect to the granting of licenses
3 to retail dispensers of malt and brewed beverages, it shall be
4 in the following form:

5 Do you favor the granting of malt and brewed beverage
6 retail dispenser licenses for consumption on premises
7 where sold in the..... Yes

8 of.....? No

9 When the question is in respect to the granting of licenses
10 to wholesale distributors of malt or brewed beverages and
11 importing distributors, it shall be in the following form:

12 Do you favor the granting of malt and brewed beverage
13 wholesale distributor's and importing distributor's
14 licenses not for consumption on premises where sold in
15 the..... Yes

16 of.....? No

17 When the question is in respect to the granting of club
18 liquor licenses to incorporated units of national veterans'
19 organizations, it shall be in the following form:

20 Do you favor the granting of club liquor licenses to
21 incorporated units of national veterans' organizations
22 in the..... Yes

23 of.....? No

24 When the question is in respect to the granting of club
25 retail dispenser licenses to incorporated units of national
26 veterans' organizations, it shall be in the following form:

27 Do you favor the granting of club retail dispenser
28 licenses to incorporated units of national veterans'
29 organizations in the..... Yes

30 of.....? No

1 When the question is in respect to the granting of special
2 occasion permits allowing the sale of liquor by qualified
3 organizations in municipalities that do not already allow the
4 retail sale of liquor, it shall be in the following form:

5 Do you favor the granting of special occasion permits to
6 allow the sale of liquor by qualified organizations in
7 the..... Yes
8 of.....? No

9 When the question is in respect to the granting of special
10 occasion permits allowing the sale of malt or brewed beverages
11 only by qualified organizations in municipalities that do not
12 already allow the retail sale of malt or brewed beverages, it
13 shall be in the following form:

14 Do you favor the granting of special occasion permits to
15 allow the sale of malt or brewed beverages only by
16 qualified organizations in the..... Yes
17 of.....? No

18 When the question is in respect to the establishment,
19 operation and maintenance of Pennsylvania liquor stores it shall
20 be in the following form:

21 Do you favor the establishment, operation and
22 maintenance of Pennsylvania liquor stores in
23 the..... Yes
24 of.....? No

25 When the question is in respect to the granting of liquor
26 licenses to an airport authority in those municipalities that do
27 not already allow the retail sale of liquor, it shall be in the
28 following form:

29 Do you favor the granting of liquor licenses to an
30 airport authority for the sale of liquor in

1 the..... Yes
2 of.....? No

3 In case of a tie vote, the status quo shall obtain. If a
4 majority of the voting electors on any such question vote "yes,"
5 then liquor licenses shall be granted by the board to hotels,
6 restaurants, ski resorts, resort facilities and clubs, or liquor
7 licenses shall be granted by the board to public venues, to
8 performing arts facilities, to continuing care retirement
9 communities, to hotels located on property owned by an
10 accredited college or university, to privately-owned private
11 golf courses or to privately-owned public golf courses, or malt
12 and brewed beverage retail dispenser licenses or wholesale
13 distributor's and importing distributor's license for the sale
14 of malt or brewed beverages shall be granted by the board, or
15 club liquor licenses or club retail dispenser licenses shall be
16 granted by the board to incorporated units of national veterans'
17 organizations, or special occasion permits may be issued to
18 qualified organizations, or the board may establish, operate and
19 maintain Pennsylvania liquor stores, as the case may be, in such
20 municipality or part of a split municipality, as provided by
21 this act; but if a majority of the electors voting on any such
22 question vote "no," then the board shall have no power to grant
23 or to renew upon their expiration any licenses of the class so
24 voted upon in such municipality or part of a split municipality;
25 or if the negative vote is on the question in respect to the
26 establishment, operation and maintenance of Pennsylvania liquor
27 stores, the board shall not open and operate a Pennsylvania
28 liquor store in such municipality or part of a split
29 municipality, nor continue to operate a then existing
30 Pennsylvania liquor store in the municipality or part of a split

1 municipality for more than two years thereafter or after the
2 expiration of the term of the lease on the premises occupied by
3 such store, whichever period is less, unless and until at a
4 later election a majority of the voting electors vote "yes" on
5 such question.

6 * * *

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