

LIQUOR CODE - ESTABLISHING THE STOP-AND-GO LEGISLATIVE TASK
FORCE, PUBLIC VENUE LICENSE AND LIMITING NUMBER OF RETAIL
LICENSES TO BE ISSUED IN EACH COUNTY

Act of Dec. 14, 2023, P.L. 414, No. 49

Cl. 47

Session of 2023

No. 2023-49

HB 1096

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," in preliminary provisions, further providing for definitions; in Pennsylvania Liquor Control Board, establishing the Stop-and-Go Legislative Task Force; and, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for public venue license and for limiting number of retail licenses to be issued in each county.

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

Section 1. The definition of "public venue" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended to read:

Section 102. Definitions.--The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"Public venue" shall mean a stadium, arena, convention center, museum, zoo, amphitheater or [similar structure.] **amusement park as defined in section 2 of the act of June 18, 1984 (P.L.384, No.81), known as the "Amusement Ride Inspection Act," situated on at least forty (40) acres of land regardless of seating capacity, or similar structure.** If the public venue is a cruise terminal owned or leased by a port authority created under the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the

powers of the Delaware River Bridge Joint Commission; and making an appropriation," it shall have no permanent seating requirement. If the public venue is an open-air amphitheater owned by a port authority created under the act of December 6, 1972 (P.L.1392, No.298), known as the "Third Class City Port Authority Act," it shall have no permanent seating requirement. If the public venue is owned by a political subdivision, a municipal authority, the Commonwealth, an authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," an authority created under Article XXV-A of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," an art museum established under the authority of the act of April 6, 1791 (3 Sm.L.20, No.1536), entitled "An act to confer on certain associations of the citizens of this commonwealth the powers and immunities of corporations, or bodies politic in law," or an authority created under Article XXIII (n) or (o) of the act of August 9, 1955 (P.L.323, No.130), known as "The County Code," it shall have permanent seating for at least one thousand (1,000) people; otherwise, it shall have permanent seating for at least two thousand (2,000) people. The term shall also mean any regional history center, multipurpose cultural and science facility, museum or convention or trade show center, regardless of owner and seating capacity, that has a floor area of at least sixty thousand (60,000) square feet in one building **or is comprised of no less than three hundred fifty (350) acres and is a member of the American Public Garden Association**. The term shall also mean a convention or conference center owned by a city of the third class or a university which is a member of the Pennsylvania State System of Higher Education which is operated by a university foundation or alumni association, regardless of seating capacity, that has a floor area of at least fifteen thousand (15,000) square feet in one building. The term shall also mean a visitor center, regardless of floor area or seating capacity, that was established under the authority of the Gateway Visitor Center Authorization Act of 1999 (Public Law 106-131, 113 Stat. 1678, 16 U.S.C. § 407m).

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Section 2. The act is amended by adding a section to read:

Section 218. Stop-and-Go Legislative Task Force.--(a) The Stop-and-Go Legislative Task Force is established.

(b) The task force shall:

(1) Review and analyze the law, procedures, practices, processes and rules relating to the issues involving stop-and-go establishments.

(2) Hold public hearings for the taking of testimony and the requesting of documents.

(3) Through the chair, administer oaths and affirmations to witnesses appearing before the task force.

(4) Accept and review written comments from individuals and organizations.

(5) Issue the report under subsection (f) no later than four months after the task force's initial meeting. In addition to any information that the task force deems appropriate, the report shall:

(i) Define and create a liquor license category for stop-and-go establishments located and operating within a city of the first class.

(ii) Provide recommendations for regulating stop-and-go establishments that are located and operating within a city of the first class.

(c) The task force shall consist of the following members who shall be appointed within twenty-five days after the effective date of this subsection:

(1) One member appointed by the Governor.

(2) One member appointed by the President pro tempore of the Senate.

(3) One member appointed by the Minority Leader of the Senate.

(4) One member appointed by the Speaker of the House of Representatives.

(5) One member appointed by the Minority Leader of the House of Representatives.

(6) An ex officio member from the board who shall not have voting rights.

(d) A chair of the task force shall be elected by a majority vote of the members of the task force.

(e) The task force shall conduct business as follows:

(1) The physical presence of a majority of the members shall constitute a quorum. The ex officio member of the task force shall not be considered for purposes of a quorum.

(2) Action of the task force must be authorized or ratified by a majority vote of the members.

(3) A member not physically present may participate by teleconference or video conference.

(4) The first public meeting of the task force shall be convened within forty-five days of the effective date of this paragraph. Additional public meetings may be called by the chair as necessary.

(5) The chair shall schedule a meeting upon written request of a two-thirds majority of the members.

(6) The task force shall hold public hearings as necessary.

(7) All meetings and hearings held by the task force shall be subject to 65 Pa.C.S. Ch. 7 (relating to open meetings).

(8) The board shall provide administrative or other assistance to the task force.

(9) Members may not receive compensation but shall be reimbursed for reasonable and necessary expenses incurred in service.

(f) The task force shall compile a report of recommendations under subsection (b) within four months after the task force's initial meeting and deliver the report to each member of the General Assembly who represents residents of a city of the first class, the board, the chairman and minority chairman of the Law and Justice Committee of the Senate and the chairman and minority chairman of the Liquor Control Committee of the House of Representatives.

(g) The task force shall expire thirty days after delivery of the final report under subsection (f).

(h) As used in this section:

(1) The term "stop-and-go establishment" means establishments that are:

(i) legal holders of restaurant or R-licenses; and

(ii) a convenience store or deli that sells beer and liquor, sometimes in quantities as low as a single shot, that may be consumed on premises or immediately outside the establishment.

(2) The term "task force" means the Stop-and-Go Legislative Task Force established under this section.

Section 3. Section 412(f)(1) of the act is amended and the section is amended by adding subsections to read:

Section 412. Public Venue License.--* * *

(f) Licenses issued under this section are to be considered restaurant liquor licenses. However, the following additional restrictions and privileges apply:

(1) Sales may only be made one hour before, during and one hour after any athletic performance, performing arts event, trade show, convention, banquet or any other performance at the facility; however, sales may not be made from two o'clock antemeridian to seven o'clock antemeridian. In addition, sales may not occur prior to eleven o'clock antemeridian on Sundays or seven o'clock antemeridian on Mondays. Notwithstanding this [section, facilities that had been licensed under former sections] **section:**

(i) Facilities that had been licensed under former sections 408.9 and 408.14 may sell liquor and/or malt or brewed beverages anytime except from two o'clock antemeridian to seven o'clock antemeridian or prior to eleven o'clock antemeridian on Sundays or seven o'clock antemeridian on Mondays, regardless of whether there is a performance at the facility.

(ii) Amusement parks may sell liquor and malt or brewed beverages from eleven o'clock antemeridian to eleven o'clock postmeridian.

* * *

(h) An amusement park that holds a restaurant license before January 1, 2022, and seeks to obtain a public venue license shall exchange one existing restaurant license to the board in return for a public venue license at no cost. A restaurant license exchanged under this subsection shall be subject to a license auction under section 470.3.

(i) An amusement park that holds a public venue license shall utilize a transaction scan device to verify the age of an individual who appears to be under thirty-five years of age before making a sale of liquor and malt or brewed beverages, however, an acceptable form of identification under section 495(a) that cannot be scanned may be accepted by the licensee. An amusement park may not sell or share data from the use of a transaction scan device, provided that the licensee may use the data to show the enforcement bureau of the board that the licensee is in compliance with this act. As used in this subsection, the term "transaction scan device" means a device capable of deciphering, in an electronically readable format, the information encoded on the magnetic strip or bar code of an identification card under section 495(a).

(j) As used in this section, the term "amusement park" shall have the same meaning as defined in section 2 of the act of June 18, 1984 (P.L.384, No.81), known as the "Amusement Ride Inspection Act."

Section 4. Section 461(c)(9.2) of the act is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each County.--* * *

(c) The word "hotel" as used in this section shall mean any reputable place operated by a responsible person of good reputation where the public may, for a consideration, obtain sleeping accommodations, and which shall have the following number of bedrooms and requirements in each case--at least one-half of the required number of bedrooms shall be regularly available to transient guests seven days weekly, except in resort areas; at least one-third of such bedrooms shall be equipped with hot and cold water, a lavatory, commode, bathtub or shower and a clothes closet; and an additional one-third of

the total of such required rooms shall be equipped with lavatory and commode:

* * *

(9.2) [For two years after the effective date of this clause, upon application to the board] **Upon application filed with the board by February 27, 2026**, and payment of a fee of thirty thousand dollars (\$30,000) by a hotel licensee, the board shall convert a hotel license [under clause (8) of this subsection for a hotel licensee that applied for an exemption under clause (9) or (9.1) of this subsection before January 1, 2019,] **referenced under clause (8) or (8.1) of this subsection** to a restaurant license without regard to the quota restrictions set forth in subsection (a). This clause shall not apply to a hotel license with a pending objection by the director of the Bureau of Licensing or the board under section 470(a.1) until the application for renewal of the hotel license is approved. This clause shall not apply to hotel licenses in a city of the first class. An application to transfer a restaurant license that was converted from a hotel license under this clause in accordance with section 404 within five years after the board received the application for the restaurant license shall be subject to a fee of twenty-five per centum (25%) or thirty thousand dollars (\$30,000), whichever is greater, of the transactional cost for the transfer of the restaurant license to be paid by the seller of the license. As used in this paragraph, the term "transactional cost" shall mean the cost of the restaurant license.

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Section 5. This act shall take effect in 60 days.

APPROVED--The 14th day of December, A.D. 2023.

JOSH SHAPIRO