

AMENDMENTS TO HOUSE BILL NO. 189

Sponsor: SENATOR BREWSTER

Printer's No. 1851

1 Amend Bill, page 1, lines 1 through 27, by striking out all
2 of said lines and inserting
3 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
4 reenacted, "An act relating to alcoholic liquors, alcohol and
5 malt and brewed beverages; amending, revising, consolidating
6 and changing the laws relating thereto; regulating and
7 restricting the manufacture, purchase, sale, possession,
8 consumption, importation, transportation, furnishing, holding
9 in bond, holding in storage, traffic in and use of alcoholic
10 liquors, alcohol and malt and brewed beverages and the
11 persons engaged or employed therein; defining the powers and
12 duties of the Pennsylvania Liquor Control Board; providing
13 for the establishment and operation of State liquor stores,
14 for the payment of certain license fees to the respective
15 municipalities and townships, for the abatement of certain
16 nuisances and, in certain cases, for search and seizure
17 without warrant; prescribing penalties and forfeitures;
18 providing for local option, and repealing existing laws," in
19 preliminary provisions, further providing for definitions; in
20 Pennsylvania Liquor Control Board, further providing for
21 general powers of board; in Pennsylvania Liquor Stores,
22 further providing for board to establish State liquor stores,
23 for when sales may be made at Pennsylvania Liquor Stores and
24 for sales by Pennsylvania Liquor Stores; and, in licenses and
25 regulations and liquor and alcohol and malt and brewed
26 beverages, further providing for authority to issue liquor
27 licenses to hotels, restaurants and clubs, for sale of malt
28 or brewed beverages by liquor licensees, for malt and brewed
29 beverages manufacturers', distributors' and importing
30 distributors' licenses, for distributors' and importing
31 distributors' restrictions on sales, storage, etc., for
32 retail dispensers' restrictions on purchases and sales and
33 for renewal of licenses and temporary provisions for
34 licensees in armed service, providing for license auction and
35 further providing for revocation and suspension of licenses
36 and fines and for shipment of wine into Commonwealth,
37 providing for direct shipment of wine and for unlawful acts
38 relative to liquor, malt and brewed beverages and licensees

1 and for premises to be vacated by patrons.

2 Amend Bill, page 2, lines 2 through 30; pages 3 through 18,
3 lines 1 through 30; page 19, lines 1 through 16; by striking out
4 all of said lines on said pages and inserting

5 Section 1. The definitions of "distributor," "holiday,"
6 "importing distributor" and "retail dispenser" in section 102 of
7 the act of April 12, 1951 (P.L.90, No.21), known as the Liquor
8 Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and
9 amended or added May 31, 1996 (P.L.312, No.49) and December 8,
10 2004 (P.L.1810, No.239), are amended to read:

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

14 * * *

15 "Distributor" shall mean any person licensed by the board to
16 engage in the purchase only from Pennsylvania manufacturers and
17 from importing distributors and the resale of malt or brewed
18 beverages, except to importing distributors and distributors, in
19 the original sealed containers as prepared for the market by the
20 manufacturer at the place of manufacture, but not for
21 consumption on the premises where sold, and in quantities of not
22 less than a case or original containers containing one hundred
23 twenty-eight ounces or more, or as provided in section 431(g),
24 which may be sold separately.

25 * * *

26 "Holiday" shall mean the first day of January, commonly known
27 as New Year's Day; [the third Monday of January, known as Dr.
28 Martin Luther King, Jr., Day; the third Monday in February,
29 known as Presidents' Day; the last Monday in May, known as
30 Memorial Day;] the fourth day of July, known as Independence
31 Day; [the first Monday of September, known as Labor Day;] the
32 fourth Thursday in November, known as Thanksgiving Day; and the
33 twenty-fifth day of December, known as Christmas Day.

34 * * *

35 "Importing distributor" shall mean any person licensed by the
36 board to engage in the purchase from manufacturers and other
37 persons located outside this Commonwealth and from persons
38 licensed as manufacturers of malt or brewed beverages and
39 importing distributors under this act, and the resale of malt or
40 brewed beverages in the original sealed containers as prepared
41 for the market by the manufacturer at the place of manufacture,
42 but not for consumption on the premises where sold, and in
43 quantities of not less than a case or original containers
44 containing one hundred twenty-eight ounces or more, or as
45 provided in section 431(g), which may be sold separately.

46 * * *

47 "Retail dispenser" shall mean any person licensed to engage
48 in the retail sale of malt or brewed beverages for consumption

1 on the premises of such licensee, with the privilege of selling
2 malt or brewed beverages in quantities not in excess of [one
3 hundred ninety-two fluid ounces in a single sale to one person]
4 three hundred eighty-four ounces in not more than twenty-four
5 original containers in a single sale to one person as provided
6 in section 407, provided the licensee may not sell a package as
7 prepared for sale or distribution by the manufacturer containing
8 more than twelve containers, to be carried from the premises by
9 the purchaser thereof.

10 * * *

11 Section 2. Section 207(a) and (b) of the act, amended
12 November 30, 2004 (P.L.1727, No.221) and December 8, 2004
13 (P.L.1810, No.239), are amended and the section is amended by
14 adding subsections to read:

15 Section 207. General Powers of Board.--Under this act, the
16 board shall have the power and its duty shall be:

17 (a) To buy, import or have in its possession for sale and
18 sell liquor, alcohol, corkscrews, wine and liquor accessories,
19 trade publications, gift cards, gift certificates, wine- or
20 liquor-scented candles and wine glasses in the manner set forth
21 in this act: Provided, however, That all purchases shall be made
22 subject to the approval of the State Treasurer, or his
23 designated deputy. The board shall buy liquor and alcohol at the
24 lowest price and in the greatest variety reasonably obtainable.
25 Such sales and purchases may be to or from persons or entities
26 located both in and outside this Commonwealth.

27 (b) To control the manufacture, possession, sale,
28 consumption, importation, use, storage, transportation and
29 delivery of liquor, alcohol and malt or brewed beverages in
30 accordance with the provisions of this act, and to fix the
31 wholesale and retail prices at which liquors and alcohol shall
32 be sold at Pennsylvania Liquor Stores. Prices shall be
33 [proportional with prices paid by the board to its suppliers and
34 shall reflect any advantage obtained through volume purchases by
35 the board. The board may establish a preferential price
36 structure for wines produced within this Commonwealth for the
37 promotion of such wines, as long as the price structure is
38 uniform within each class of wine purchased by the board.] as
39 set forth by the board so long as the price of a particular item
40 is uniform throughout this Commonwealth. The board shall require
41 each Pennsylvania manufacturer and each nonresident manufacturer
42 of liquors, other than wine, selling such liquors to the board,
43 which are not manufactured in this Commonwealth, to make
44 application for and be granted a permit by the board before such
45 liquors not manufactured in this Commonwealth shall be purchased
46 from such manufacturer. Each such manufacturer shall pay for
47 such permit a fee which, in the case of a manufacturer of this
48 Commonwealth, shall be equal to that required to be paid, if
49 any, by a manufacturer or wholesaler of the state, territory or
50 country of origin of the liquors, for selling liquors
51 manufactured in Pennsylvania, and in the case of a nonresident

1 manufacturer, shall be equal to that required to be paid, if
2 any, in such state, territory or country by Pennsylvania
3 manufacturers doing business in such state, territory or
4 country. In the event that any such manufacturer shall, in the
5 opinion of the board, sell or attempt to sell liquors to the
6 board through another person for the purpose of evading this
7 provision relating to permits, the board shall require such
8 person, before purchasing liquors from him or it, to take out a
9 permit and pay the same fee as hereinbefore required to be paid
10 by such manufacturer. All permit fees so collected shall be paid
11 into the State Stores Fund. The board shall not purchase any
12 alcohol or liquor fermented, distilled, rectified, compounded or
13 bottled in any state, territory or country, the laws of which
14 result in prohibiting the importation therein of alcohol or
15 liquor, fermented, distilled, rectified, compounded or bottled
16 in Pennsylvania.

17 * * *

18 (l) To be licensed as a lottery sales agent, as set forth in
19 section 305 of the act of August 26, 1971 (P.L.351, No.91),
20 known as the "State Lottery Law," and to take any actions
21 authorized by such designation, except that no bond, insurance
22 or indemnification may be required from the board.

23 (m) To establish and implement a customer relations
24 management program for the purpose of offering incentives, such
25 as coupons or discounts on certain products, to unlicensed
26 customers of the board.

27 Section 3. Section 301(b) of the act is amended to read:

28 Section 301. Board to Establish State Liquor Stores.--* * *

29 (b) The board may lease the necessary premises for such
30 stores or establishments, but all such leases shall be made
31 through the Department of General Services as agent of the
32 board. Notwithstanding any other provision of law to the
33 contrary, the Department of General Services shall have no more
34 than ninety days from the date the board officially approves a
35 lease recommendation to send the final lease packet to the
36 appropriate agencies for further processing. The Department of
37 General Services shall be required to submit quarterly reports
38 to the chairman and minority chairman of the Law and Justice
39 Committee of the Senate and the chairman and minority chairman
40 of the Liquor Control Committee of the House of Representatives
41 indicating the number of lease recommendations approved by the
42 board during the preceding quarter and whether the corresponding
43 final lease packets were sent to the appropriate agencies within
44 the ninety-day deadline. If the Department of General Services
45 fails to regularly submit these quarterly reports or fails to
46 regularly meet the ninety-day deadline imposed by this
47 subsection, then the General Assembly may consider legislation
48 that would allow the board to lease premises for its stores
49 without the involvement of the Department of General Services.
50 The board, through the Department of General Services, shall
51 have authority to purchase such equipment and appointments as

1 may be required in the operation of such stores or
2 establishments.

3 Section 4. Section 304 of the act, amended December 8, 2004
4 (P.L.1810, No.239), is amended to read:

5 Section 304. When Sales May Be Made at Pennsylvania Liquor
6 Stores.--(a) Except as provided for in subsection (b), every
7 Pennsylvania Liquor Store shall be open for business week days,
8 except holidays as that term is defined in section 102. The
9 board may, with the approval of the Governor, temporarily close
10 any store in any municipality.

11 (b) Certain Pennsylvania Liquor Stores operated by the board
12 [shall] may be open for Sunday retail sales between the hours of
13 [noon] nine o'clock antemeridian and [five] nine o'clock
14 postmeridian, except that no Sunday sales shall occur on Easter
15 Sunday or Christmas day. The board shall open [up to twenty-five
16 per centum of the total number of Pennsylvania Liquor Stores at
17 its discretion], at its discretion, as many Pennsylvania Liquor
18 Stores as it deems necessary for Sunday sales as provided for in
19 this subsection. The board shall submit yearly reports to the
20 Appropriations and the Law and Justice Committees of the Senate
21 and the Appropriations and the Liquor Control Committees of the
22 House of Representatives summarizing the total dollar value of
23 sales under this section.

24 Section 5. Section 305(b) of the act, amended July 6, 2005
25 (P.L.135, No.39), is amended and the section is amended by
26 adding a subsection to read:

27 Section 305. Sales by Pennsylvania Liquor Stores.--* * *

28 (b) Every Pennsylvania Liquor Store shall sell liquors at
29 wholesale to hotels, restaurants, clubs, and railroad, pullman
30 and steamship companies licensed under this act; and, under the
31 regulations of the board, to pharmacists duly licensed and
32 registered under the laws of the Commonwealth, and to
33 manufacturing pharmacists, and to reputable hospitals approved
34 by the board, or chemists. Sales to licensees shall be made at a
35 price that includes a discount of ten per centum from the retail
36 price. The board may sell to registered pharmacists only such
37 liquors as conform to the Pharmacopoeia of the United States,
38 the National Formulary, or the American Homeopathic
39 Pharmacopoeia. The board may sell at special prices under the
40 regulations of the board, to United States Armed Forces
41 facilities which are located on United States Armed Forces
42 installations and are conducted pursuant to the authority and
43 regulations of the United States Armed Forces. All other sales
44 by such stores shall be at retail[.], except that incentives,
45 such as coupons or discounts on certain products, may be offered
46 to unlicensed customers of the board as provided for under
47 sections 207(m) and 493(24)(iii). A person entitled to purchase
48 liquor at wholesale prices may purchase the liquor at any
49 Pennsylvania Liquor Store upon tendering cash, check or credit
50 card for the full amount of the purchase. For this purpose, the
51 board shall issue a discount card to each licensee identifying

1 such licensee as a person authorized to purchase liquor at
2 wholesale prices. Such discount card shall be retained by the
3 licensee. The board may contract through the Commonwealth
4 bidding process for delivery to wholesale licensees at the
5 expense of the licensee receiving the delivery.

6 * * *

7 (j) If the board becomes a licensed lottery sales agent, as
8 set forth in section 305 of the act of August 26, 1971 (P.L.351,
9 No.91), known as the "State Lottery Law," then the following
10 shall apply, notwithstanding the provisions of the "State
11 Lottery Law":

12 (i) The Secretary of Revenue shall permit the board to
13 operate and maintain Pennsylvania lottery instant ticket vending
14 machines, player-activated terminals and technologies or systems
15 subsequently approved by the Department of Revenue for the self-
16 service sale of lottery tickets and games in Pennsylvania Liquor
17 Stores. The board and the Secretary of Revenue shall mutually
18 agree upon the number and location of the stores authorized to
19 conduct self-service sales of lottery tickets and games.

20 (ii) The board shall not be required to post any type of
21 bond prior to conducting self-service sales of lottery tickets
22 and games.

23 (iii) Any commissions, compensation or any type of incentive
24 award based upon the sale of lottery tickets and games shall be
25 deposited by the board into the State Stores Fund.

26 Section 6. Section 401(a) of the act, amended December 22,
27 2011 (P.L.530, No.113), is amended to read:

28 Section 401. Authority to Issue Liquor Licenses to Hotels,
29 Restaurants and Clubs.--(a) Subject to the provisions of this
30 act and regulations promulgated under this act, the board shall
31 have authority to issue a retail liquor license for any premises
32 kept or operated by a hotel, restaurant or club and specified in
33 the license entitling the hotel, restaurant or club to purchase
34 liquor from a Pennsylvania Liquor Store and to keep on the
35 premises such liquor and, subject to the provisions of this act
36 and the regulations made thereunder, to sell the same and also
37 malt or brewed beverages to guests, patrons or members for
38 consumption on the hotel, restaurant or club premises. Such
39 licensees, other than clubs, shall be permitted to sell malt or
40 brewed beverages for consumption off the premises where sold in
41 quantities of not more than [one hundred ninety-two fluid ounces
42 in a single sale to one person as provided for in section 407.]
43 three hundred eighty-four ounces in not more than twenty-four
44 original containers in a single sale to one person as provided
45 for in section 407, provided the licensee may not sell a package
46 as prepared for sale or distribution by the manufacturer
47 containing more than twelve containers. Such licenses shall be
48 known as hotel liquor licenses, restaurant liquor licenses and
49 club liquor licenses, respectively. No person who holds any
50 public office that involves the duty to enforce any of the penal
51 laws of the United States, this Commonwealth or of any political

1 subdivision of this Commonwealth may have any interest in a
2 hotel or restaurant liquor license. This prohibition applies to
3 anyone with arrest authority, including, but not limited to,
4 United States attorneys, State attorneys general, district
5 attorneys, sheriffs and police officers. This prohibition shall
6 also apply to magisterial district judges, judges or any other
7 individuals who can impose a criminal sentence. This prohibition
8 does not apply to members of the General Assembly, township
9 supervisors, city councilpersons, mayors without arrest
10 authority and any other public official who does not have the
11 ability to arrest or the ability to impose a criminal sentence.
12 This section does not apply if the proposed premises are located
13 outside the jurisdiction of the individual in question.

14 * * *

15 Section 7. Section 407(a) of the act, amended June 28, 2011
16 (P.L.55, No.11), is amended to read:

17 Section 407. Sale of Malt or Brewed Beverages by Liquor
18 Licensees.--(a) Every liquor license issued to a hotel,
19 restaurant, club, or a railroad, pullman or steamship company
20 under this subdivision (A) for the sale of liquor shall
21 authorize the licensee to sell malt or brewed beverages at the
22 same places but subject to the same restrictions and penalties
23 as apply to sales of liquor, except that licensees other than
24 clubs may sell malt or brewed beverages for consumption off the
25 premises where sold in quantities of not more than [one hundred
26 ninety-two fluid ounces in a single sale to one person.] three
27 hundred eighty-four ounces in not more than twenty-four original
28 containers in a single sale to one person, provided the licensee
29 may not sell a package as prepared for sale or distribution by
30 the manufacturer containing more than twelve containers. The
31 sales may be made in either open or closed containers, Provided,
32 however, That a municipality may adopt an ordinance restricting
33 open containers in public places. No licensee under this
34 subdivision (A) shall at the same time be the holder of any
35 other class of license, except a retail dispenser's license
36 authorizing the sale of malt or brewed beverages only.

37 * * *

38 Section 8. Section 431(b) of the act, amended December 8,
39 2004 (P.L.1810, No.239), is amended and the section is amended
40 by adding a subsection to read:

41 Section 431. Malt and Brewed Beverages Manufacturers',
42 Distributors' and Importing Distributors' Licenses.--* * *

43 (b) The board shall issue to any reputable person who
44 applies therefor, and pays the license fee hereinafter
45 prescribed, a distributor's or importing distributor's license
46 for the place which such person desires to maintain for the sale
47 of malt or brewed beverages, not for consumption on the premises
48 where sold, and except as provided for under subsection (g), in
49 quantities of not less than a case or original containers
50 containing one hundred twenty-eight ounces or more which may be
51 sold separately as prepared for the market by the manufacturer

1 at the place of manufacture. The board shall have the discretion
2 to refuse a license to any person or to any corporation,
3 partnership or association if such person, or any officer or
4 director of such corporation, or any member or partner of such
5 partnership or association shall have been convicted or found
6 guilty of a felony within a period of five years immediately
7 preceding the date of application for the said license: And
8 provided further, That, in the case of any new license or the
9 transfer of any license to a new location, the board may, in its
10 discretion, grant or refuse such new license or transfer if such
11 place proposed to be licensed is within three hundred feet of
12 any church, hospital, charitable institution, school or public
13 playground, or if such new license or transfer is applied for a
14 place which is within two hundred feet of any other premises
15 which is licensed by the board: And provided further, That the
16 board shall refuse any application for a new license or the
17 transfer of any license to a new location if, in the board's
18 opinion, such new license or transfer would be detrimental to
19 the welfare, health, peace and morals of the inhabitants of the
20 neighborhood within a radius of five hundred feet of the place
21 proposed to be licensed. The board shall refuse any application
22 for a new license or the transfer of any license to a location
23 where the sale of liquid fuels or oil is conducted. The board
24 may enter into an agreement with the applicant concerning
25 additional restrictions on the license in question. If the board
26 and the applicant enter into such an agreement, such agreement
27 shall be binding on the applicant. Failure by the applicant to
28 adhere to the agreement will be sufficient cause to form the
29 basis for a citation under section 471 and for the nonrenewal of
30 the license under section 470. If the board enters into an
31 agreement with an applicant concerning additional restrictions,
32 those restrictions shall be binding on subsequent holders of the
33 license until the license is transferred to a new location or
34 until the board enters into a subsequent agreement removing
35 those restrictions. If the application in question involves a
36 location previously licensed by the board, then any restrictions
37 imposed by the board on the previous license at that location
38 shall be binding on the applicant unless the board enters into a
39 new agreement rescinding those restrictions. The board shall
40 require notice to be posted on the property or premises upon
41 which the licensee or proposed licensee will engage in sales of
42 malt or brewed beverages. This notice shall be similar to the
43 notice required of hotel, restaurant and club liquor licensees.
44 Except as hereinafter provided, such license shall authorize
45 the holder thereof to sell or deliver malt or brewed beverages
46 in quantities above specified anywhere within the Commonwealth
47 of Pennsylvania, which, in the case of distributors, have been
48 purchased only from persons licensed under this act as
49 manufacturers or importing distributors, and in the case of
50 importing distributors, have been purchased from manufacturers
51 or persons outside this Commonwealth engaged in the legal sale

1 of malt or brewed beverages or from manufacturers or importing
2 distributors licensed under this article. In the case of an
3 importing distributor, the holder of such a license shall be
4 authorized to store and repackage malt or brewed beverages owned
5 by a manufacturer at a segregated portion of a warehouse or
6 other storage facility authorized by section 441(d) and operated
7 by the importing distributor within its appointed territory and
8 deliver such beverages to another importing distributor who has
9 been granted distribution rights by the manufacturer as provided
10 herein. The importing distributor shall be permitted to receive
11 a fee from the manufacturer for any related storage, repackaging
12 or delivery services. In the case of a bailee for hire hired by
13 a manufacturer, the holder of such a permit shall be authorized:
14 to receive, store and repackage malt or brewed beverages
15 produced by that manufacturer for sale by that manufacturer to
16 importing distributors to whom that manufacturer has given
17 distribution rights pursuant to this subsection or to purchasers
18 outside this Commonwealth for delivery outside this
19 Commonwealth; or to ship to that manufacturer's storage
20 facilities outside this Commonwealth. The bailee for hire shall
21 be permitted to receive a fee from the manufacturer for any
22 related storage, repackaging or delivery services. The bailee
23 for hire shall, as required in Article V of this act, keep
24 complete and accurate records of all transactions, inventory,
25 receipts and shipments and make all records and the licensed
26 areas available for inspection by the board and for the
27 Pennsylvania State Police, Bureau of Liquor Control Enforcement,
28 during normal business hours.

29 Each out of State manufacturer of malt or brewed beverages
30 whose products are sold and delivered in this Commonwealth shall
31 give distributing rights for such products in designated
32 geographical areas to specific importing distributors, and such
33 importing distributor shall not sell or deliver malt or brewed
34 beverages manufactured by the out of State manufacturer to any
35 person issued a license under the provisions of this act whose
36 licensed premises are not located within the geographical area
37 for which he has been given distributing rights by such
38 manufacturer. Should a licensee accept the delivery of such malt
39 or brewed beverages in violation of this section, said licensee
40 shall be subject to a suspension of his license for at least
41 thirty days: Provided, That the importing distributor holding
42 such distributing rights for such product shall not sell or
43 deliver the same to another importing distributor without first
44 having entered into a written agreement with the said secondary
45 importing distributor setting forth the terms and conditions
46 under which such products are to be resold within the territory
47 granted to the primary importing distributor by the
48 manufacturer.

49 When a Pennsylvania manufacturer of malt or brewed beverages
50 licensed under this article names or constitutes a distributor
51 or importing distributor as the primary or original supplier of

1 his product, he shall also designate the specific geographical
2 area for which the said distributor or importing distributor is
3 given distributing rights, and such distributor or importing
4 distributor shall not sell or deliver the products of such
5 manufacturer to any person issued a license under the provisions
6 of this act whose licensed premises are not located within the
7 geographical area for which distributing rights have been given
8 to the distributor and importing distributor by the said
9 manufacturer: Provided, That the importing distributor holding
10 such distributing rights for such product shall not sell or
11 deliver the same to another importing distributor without first
12 having entered into a written agreement with the said secondary
13 importing distributor setting forth the terms and conditions
14 under which such products are to be resold within the territory
15 granted to the primary importing distributor by the
16 manufacturer. Nothing herein contained shall be construed to
17 prevent any manufacturer from authorizing the importing
18 distributor holding the distributing rights for a designated
19 geographical area from selling the products of such manufacturer
20 to another importing distributor also holding distributing
21 rights from the same manufacturer for another geographical area,
22 providing such authority be contained in writing and a copy
23 thereof be given to each of the importing distributors so
24 affected.

25 * * *

26 (g) (1) In addition to being able to sell in case
27 quantities as provided under subsection (b), a distributor or
28 importing distributor may break the bulk of a case and sell
29 units of any case in quantities of not less than forty-two
30 ounces, provided the distributor or importing distributor sells
31 a package as prepared for sale by the manufacturer.

32 (2) Before a distributor or importing distributor breaks the
33 bulk of a case for the purpose of selling units, the distributor
34 or importing distributor shall inspect the case for damage and
35 appropriate production date. When the distributor or importing
36 distributor breaks the bulk of a case for the purpose of selling
37 units of the case, the distributor or importing distributor
38 bears the risk of loss and is responsible for the destruction of
39 any malt and brewed beverages that violate the manufacturer's
40 specifications relating to sales by a certain date or within a
41 number of days of the production date.

42 (3) The term "unit" as used in this subsection means an
43 undamaged bottle or can from a case.

44 Section 9. Section 441(a) and (b) of the act, amended June
45 18, 1998 (P.L.664, No.86) and December 9, 2002 (P.L.1653,
46 No.212), are amended to read:

47 Section 441. Distributors' and Importing Distributors'
48 Restrictions on Sales, Storage, Etc.--(a) No distributor or
49 importing distributor shall purchase, receive or resell any malt
50 or brewed beverages except:

51 (1) in the original containers as prepared for the market by

1 the manufacturer at the place of manufacture;

2 (2) in the case of identical containers repackaged in the
3 manner described by subsection (f); or

4 (3) as provided in section 431(b) and (g).

5 (b) [No] Except as provided for in section 431(g), no
6 distributor or importing distributor shall sell any malt or
7 brewed beverages in quantities of less than a case or original
8 containers containing one hundred twenty-eight ounces or more
9 which may be sold separately: Provided, That no malt or brewed
10 beverages sold or delivered shall be consumed upon the premises
11 of the distributor or importing distributor, or in any place
12 provided for such purpose by such distributor or importing
13 distributor. Notwithstanding any other provision of this section
14 or act, malt or brewed beverages which are part of a tasting
15 conducted pursuant to the board's regulations may be consumed on
16 licensed premises.

17 * * *

18 Section 10. Section 442(a)(1) of the act, amended June 28,
19 2011 (P.L.55, No.11), is amended to read:

20 Section 442. Retail Dispensers' Restrictions on Purchases
21 and Sales.--(a) (1) No retail dispenser shall purchase or
22 receive any malt or brewed beverages except in original
23 containers as prepared for the market by the manufacturer at the
24 place of manufacture. The retail dispenser may thereafter break
25 the bulk upon the licensed premises and sell or dispense the
26 same for consumption on or off the premises so licensed. No
27 retail dispenser may sell malt or brewed beverages for
28 consumption off the premises in quantities in excess of [one
29 hundred ninety-two fluid ounces.] three hundred eighty-four
30 ounces in not more than twenty-four original containers in a
31 single sale to one person as provided in section 407, provided
32 the licensee may not sell a package as prepared for sale or
33 distribution by the manufacturer containing more than twelve
34 containers. Sales may be made in open or closed containers,
35 Provided, however, That a municipality may adopt an ordinance
36 restricting open containers in public places. No club licensee
37 may sell any malt or brewed beverages for consumption off the
38 premises where sold or to persons not members of the club.

39 * * *

40 Section 10.1. Section 470(a) of the act, amended December
41 22, 2011 (P.L.530, No.113), is amended to read:

42 Section 470. Renewal of Licenses; Temporary Provisions for
43 Licensees in Armed Service.--(a) All applications for renewal
44 or validation of licenses under the provisions of this article
45 shall be filed with tax clearance from the Department of Revenue
46 and the Department of Labor and Industry and requisite license
47 and filing fees, including an application surcharge of seven
48 hundred dollars (\$700.00), at least sixty days before the
49 expiration date of same: Provided, however, That the board, in
50 its discretion, may accept nunc pro tunc a renewal application
51 filed less than sixty days before the expiration date of the

1 license with the required fees, upon reasonable cause shown and
2 the payment of an additional filing fee of one hundred dollars
3 (\$100.00) for late filing: And provided further, That except
4 where the failure to file a renewal application on or before the
5 expiration date has created a license quota vacancy after said
6 expiration date which has been filled by the issuance of a new
7 license, after such expiration date, but before the board has
8 received a renewal application nunc pro tunc within the time
9 prescribed herein the board, in its discretion, may, after
10 hearing, accept a renewal application filed within two years
11 after the expiration date of the license with the required fees
12 upon the payment of an additional filing fee of two hundred
13 fifty dollars (\$250.00) for late filing. Where any such renewal
14 application is filed less than sixty days before the expiration
15 date, or subsequent to the expiration date, no license shall
16 issue upon the filing of the renewal application until the
17 matter is finally determined by the board and if an appeal is
18 taken from the board's action the courts shall not order the
19 issuance of the renewal license until final determination of the
20 matter by the courts. The board may enter into an agreement with
21 the applicant concerning additional restrictions on the license
22 in question. If the board and the applicant enter into such an
23 agreement, such agreement shall be binding on the applicant.
24 Failure by the applicant to adhere to the agreement will be
25 sufficient cause to form the basis for a citation under section
26 471 and for the nonrenewal of the license under this section. A
27 renewal application will not be considered filed unless
28 accompanied by the requisite filing [and], license and
29 administrative fees and any additional filing fee required by
30 this section. Unless the board shall have given ten days'
31 previous notice to the applicant of objections to the renewal of
32 his license, based upon violation by the licensee or his
33 servants, agents or employees of any of the laws of the
34 Commonwealth or regulations of the board relating to the
35 manufacture, transportation, use, storage, importation,
36 possession or sale of liquors, alcohol or malt or brewed
37 beverages, or the conduct of a licensed establishment, or unless
38 the applicant has by his own act become a person of ill repute,
39 or unless the premises do not meet the requirements of this act
40 or the regulations of the board, the license of a licensee shall
41 be renewed. Notwithstanding any other provision of this act, a
42 noise violation shall not be the sole basis for objection by the
43 board to the renewal of a license unless the licensee has
44 received six prior adjudicated noise citations within a twenty-
45 four-month period.

46 * * *

47 Section 10.2. The act is amended by adding a section to
48 read:

49 Section 470.3. License Auction.--(a) A restaurant liquor
50 license or eating place retail dispenser license which is
51 subject to the quota restrictions set forth in section 461(a)

1 and which has not been renewed as required by section 470, has
2 been revoked under section 471 or as required by section 474.1,
3 or which the board refused to renew under section 470, shall be
4 offered for auction by the board. The auction shall occur in
5 July of the calendar year after the license becomes available
6 for auction, on a date to be determined by the board. For
7 purposes of this section, a license becomes available for
8 auction the day after the deadline has passed for appealing a
9 decision revoking or nonrenewing the license or the day after
10 the two-year window to file a renewal application nunc pro tunc
11 set forth in section 470, has passed.

12 (b) By March 1 of each year, the board shall post on its
13 Internet website a listing of all the licenses that shall be
14 available for auction in July of that year. The list shall also
15 be available upon request.

16 (c) The board shall accept applications from persons
17 interested in bidding at the auction beginning March 1. The
18 application shall be in writing and shall contain such
19 information as the board shall from time to time prescribe. The
20 board shall accept applications until June 15th and may, in its
21 discretion, accept applications after that date.

22 (d) A person who would be precluded from acquiring a license
23 by sections 411 or 443, or who, in the board's opinion, is not
24 of good repute may not apply for a license under this section.

25 (e) The auction shall be conducted in the manner set forth
26 by the board, in July at the date and time appointed by the
27 board. After the auction, the board shall provisionally award to
28 the person making the highest bid for the license the right to
29 file an application for the license. However, the board may not
30 accept a bid lower than the following amounts:

31 (1) In counties of the first through fourth class, one
32 hundred thousand dollars (\$100,000).

33 (2) In counties of the fifth through eighth class, fifty
34 thousand dollars (\$50,000).

35 (f) The winning bidder shall pay to the board the bid amount
36 within two weeks. Payment shall be by cashier's check, certified
37 check or any other method acceptable to the board. If the
38 winning bidder does not pay the bid amount within two weeks, the
39 second highest bidder shall be awarded the right to file an
40 application for the license, so long as the bid amount is in
41 accordance with subsection (e).

42 (g) If there are no bids for a license or if there are no
43 bids that meet the bid amounts set forth in subsection (f), the
44 license shall be revoked and may not be reissued.

45 (h) Within six months of a bidder being informed that he is
46 the winning bidder and that the winning bid has been processed,
47 the winning bidder shall file an application to transfer the
48 license to itself or to an assignee. The application shall be
49 processed in the same manner as any other transfer application
50 and shall be subject to the same restrictions as any other
51 transfer application, including any conditional licensing

agreements, but not including any unpaid fines or unserved suspensions accrued by the previous license holder. The application may be filed on a prior approval basis.

Section 10.3. Section 471(b) of the act, amended July 6, 2005 (P.L.135, No.39), is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.--
* * *

(b) Hearing on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than [fifty dollars (\$50)] one hundred dollars (\$100) nor more than [one thousand dollars (\$1,000)] two thousand dollars (\$2,000), or both, notifying the licensee by registered letter addressed to his licensed premises. If the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors or sales to a visibly intoxicated person, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than [one thousand dollars (\$1,000)] two thousand dollars (\$2,000) nor more than [five thousand dollars (\$5,000)] ten thousand dollars (\$10,000), or both. However, if a licensee has been cited and found to have violated section 493(1) as it relates to sales to minors or sales to a visibly intoxicated person but at the time of the sale the licensee was in compliance with the requirements set forth in section 471.1 and the licensee had not sold to minors or visibly intoxicated persons in the previous four years, then the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than [fifty dollars (\$50)] one hundred dollars (\$100) nor more than [one thousand dollars (\$1,000)] two thousand dollars (\$2,000), or both. The administrative law judge shall notify the licensee by registered mail, addressed to the licensed premises, of such suspension, revocation or fine. In the event the fine is not paid within twenty days of the adjudication, the administrative law judge shall suspend or revoke the license, notifying the licensee by registered mail addressed to the licensed premises. Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication during which time the licensee may take

1 an appeal as provided for in this act, except that revocations
2 mandated in section 481(c) shall go into effect immediately. Any
3 licensee whose license is revoked shall be ineligible to have a
4 license under this act until the expiration of three years from
5 the date such license was revoked. In the event a license is
6 revoked, no license shall be granted for the premises or
7 transferred to the premises in which the said license was
8 conducted for a period of at least one year after the date of
9 the revocation of the license conducted in the said premises,
10 except in cases where the licensee or a member of his immediate
11 family is not the owner of the premises, in which case the board
12 may, in its discretion, issue or transfer a license within the
13 said year. In the event the bureau or the person who was fined
14 or whose license was suspended or revoked shall feel aggrieved
15 by the adjudication of the administrative law judge, there shall
16 be a right to appeal to the board. The appeal shall be based
17 solely on the record before the administrative law judge. The
18 board shall only reverse the decision of the administrative law
19 judge if the administrative law judge committed an error of law,
20 abused its discretion or if its decision is not based on
21 substantial evidence. In the event the bureau or the person who
22 was fined or whose license was suspended or revoked shall feel
23 aggrieved by the decision of the board, there shall be a right
24 to appeal to the court of common pleas in the same manner as
25 herein provided for appeals from refusals to grant licenses.
26 Each of the appeals shall act as a supersedeas unless, upon
27 sufficient cause shown, the reviewing authority shall determine
28 otherwise; however, if the licensee has been cited and found to
29 have violated section 493(1) insofar as it relates to sales to
30 minors or sales to a visibly intoxicated person, section 493(10)
31 insofar as it relates to lewd, immoral or improper entertainment
32 or section 493(14), (16) or (21), or has been found to be a
33 public nuisance pursuant to section 611, or if the owner or
34 operator of the licensed premises or any authorized agent of the
35 owner or operator has been convicted of any violation of "The
36 Controlled Substance, Drug, Device and Cosmetic Act," or of 18
37 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,
38 or if the license has been revoked under section 481(c), its
39 appeal shall not act as a supersedeas unless the reviewing
40 authority determines otherwise upon sufficient cause shown. In
41 any hearing on an application for a supersedeas under this
42 section, the reviewing authority may consider, in addition to
43 other relevant evidence, documentary evidence, including records
44 of the bureau, showing the prior history of citations, fines,
45 suspensions or revocations against the licensee; and the
46 reviewing authority may also consider, in addition to other
47 relevant evidence, evidence of any recurrence of the unlawful
48 activity occurring between the date of the citation which is the
49 subject of the appeal and the date of the hearing. If the
50 reviewing authority is the board, no hearing shall be held on
51 the application for a supersedeas; however, a decision shall be

1 made based on the application, answer and documentary evidence
2 under this subsection. If the application for a supersedeas is
3 for a license that has been revoked under section 481(c), the
4 reviewing authority shall grant the supersedeas only if it finds
5 that the licensee will likely prevail on the merits. No penalty
6 provided by this section shall be imposed for any violations
7 provided for in this act unless the bureau notifies the licensee
8 of its nature within thirty days of the completion of the
9 investigation.

10 * * *

11 Section 11. Section 488 of the act, added February 21, 2002
12 (P.L.103, No.10), is amended to read:

13 Section 488. Shipment of Wine [into Commonwealth.--(a) The
14 shipment of wine from out-of-State to residents of this
15 Commonwealth is prohibited, except as otherwise provided for in
16 this section.] to Pennsylvania Liquor Stores.--

17 (b) Notwithstanding any other provision of this act or law
18 to the contrary, a person licensed by another state as a
19 producer, supplier, importer, wholesaler, distributor or
20 retailer of wine and who obtains a [direct wine shipper] direct-
21 to-store wine shipper license as provided for in this section
22 may ship up to nine liters per month of any wine [not included
23 on the list provided for in subsection (c)] on the [Internet]
24 order of any resident of this Commonwealth who is at least
25 twenty-one (21) years of age for such resident's personal use
26 and not for resale.

27 [(c) Each month, the board shall publish on the Internet a
28 list of all classes, varieties and brands of wine available for
29 sale in the Pennsylvania Liquor Stores. A person holding a
30 direct shipper license may ship only those classes, varieties
31 and brands of wine not included on the list at the time an
32 Internet order is placed.]

33 (d) [An out-of-State] A direct-to-store wine shipper shall:

34 (1) Not ship more than nine liters per month on the Internet
35 order of any person in this Commonwealth.

36 (2) Report to the board each year the total amount of wine
37 shipped [into this Commonwealth] to Pennsylvania Liquor Stores
38 in the preceding calendar year.

39 (3) Permit the board, the enforcement bureau or the
40 Secretary of Revenue, or their designated representatives, to
41 perform an audit of the [out-of-State] direct-to-store wine
42 shipper's records upon request.

43 (4) Be deemed to have submitted to the jurisdiction of the
44 board, any other State agency and the courts of this
45 Commonwealth for purposes of enforcement of this section and any
46 related laws, rules or regulations.

47 (e) A [direct] direct-to-store wine shipper may ship wine on
48 the [Internet] order of a resident into this Commonwealth
49 provided that the wine is shipped to a Pennsylvania Liquor Store
50 selected by the resident. The wine will be subject to taxes in
51 the same manner as wine sold directly by the board. The wine

1 will not be released by the State store until all moneys due,
2 including all taxes and fees, have been paid by the resident.

3 (f) A person shall sign an affidavit provided by the
4 Pennsylvania Liquor Store where the wine was delivered to
5 stating that the wine will only be used for the person's
6 personal use. Any person who resells wine obtained under this
7 section commits a misdemeanor of the second degree.

8 (g) The board may promulgate such rules and regulations as
9 are necessary to implement and enforce the provisions of this
10 section. The board may charge the resident a fee to cover the
11 cost associated with processing the [Internet] order.

12 (h) The board shall submit [monthly] annual reports to the
13 Appropriations Committee and the Law and Justice Committee of
14 the Senate and to the Appropriations Committee and the Liquor
15 Control Committee of the House of Representatives summarizing
16 the number of [direct] direct-to-store wine shipper licenses
17 issued by the board, the quantity of wine sold and shipped by
18 direct-to-store wine shipper licensees pursuant to this section
19 and the total dollar value of sales under this section.

20 (i) The term "wine" as used in this section shall mean
21 liquor which is fermented from [grapes and other fruits, having
22 alcoholic content of twenty-four per centum or less. The term
23 "wine" shall not include malt or brewed beverages nor shall wine
24 include any products containing alcohol derived from malt,
25 grain, cereal, molasses or cactus] an agricultural commodity as
26 that term is defined in section 505.2(c).

27 Section 12. The act is amended by adding a section to read:

28 Section 489. Direct Shipment of Wine.--(a) Notwithstanding
29 any other provision of law, a person licensed by the board or
30 another state as a producer of wine, and who obtains a license
31 as provided for in this section, may ship up to eighteen liters
32 per month of any wine on the order of any resident of this
33 Commonwealth who is at least twenty-one years of age for such
34 resident's personal use and not for resale.

35 (b) Prior to issuing such a license, the board shall require
36 the person seeking the license to:

37 (1) File an application with the board.

38 (2) Pay a registration fee of one hundred dollars (\$100).

39 (3) Provide to the board a copy of the applicant's current
40 alcoholic beverage license issued by the board or another state,
41 if applicable.

42 (4) Provide documentation to the board which evidences that
43 the applicant has obtained a sales tax license from the
44 Department of Revenue.

45 (5) Obtain a tax bond, in the amount of one thousand dollars
46 (\$1,000), such that if the licensee does not pay the taxes
47 imposed under this section when due, the surety of the bond
48 shall pay all taxes and any related penalties, and any interest
49 that may be due or become due.

50 (6) Provide the board with any other information that the
51 board deems necessary and appropriate.

1 (c) The licensee shall:

2 (1) Require proof of age of the recipient, in a manner or
3 format approved by the board, before any wine is shipped to a
4 resident of this Commonwealth.

5 (2) Ensure that all boxes or exterior containers of wine
6 shipped directly to a resident of this Commonwealth are
7 conspicuously labeled with the words "CONTAINS ALCOHOL:
8 SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR
9 DELIVERY."

10 (3) Ensure that shipments shall be delivered by an entity
11 holding a valid transporter-for-hire license issued by the board
12 and that such transporter-for-hire shall not deliver any wine
13 unless it does all of the following:

14 (i) Obtains the signature of the recipient of the wine upon
15 delivery.

16 (ii) Verifies by inspecting a valid form of photo
17 identification, as provided for in section 495(a), that the
18 recipient is at least twenty-one (21) years of age.

19 (iii) Determines that the recipient is not visibly
20 intoxicated at the time of delivery.

21 (4) On a quarterly basis, remit to the Department of Revenue
22 all taxes due on sales to residents of this Commonwealth.

23 (5) Permit the board, the enforcement bureau or the
24 Secretary of Revenue, or their designated representatives, to
25 perform an audit of the licensee's records upon request.

26 (6) Be deemed to have submitted to the jurisdiction of the
27 board, any other State agency and the courts of this
28 Commonwealth for purposes of enforcement of this section and any
29 related laws, rules or regulations, including the collection and
30 remission of taxes as required under this section.

31 (7) Annually renew its license by paying a renewal fee
32 established by the board and report to the board, at the time of
33 renewal, the total amount of wine shipped to residents of this
34 Commonwealth in the preceding calendar year.

35 (d) Wine delivered under the authority of this section is
36 subject to the sales and use tax imposed by section 202 of the
37 act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform
38 Code of 1971," the sales and use tax imposed by Article XXXI-B
39 of the act of July 28, 1953 (P.L.723, No.230), known as the
40 "Second Class County Code," the sales and use tax imposed by the
41 act of February 12, 2004 (P.L.73, No.11), known as the
42 "Intergovernmental Cooperation Authority Act for Cities of the
43 Second Class," and the emergency State tax imposed on wines sold
44 by the board under the act of June 9, 1936 (1st Sp. Sess.,
45 P.L.13, No.4), entitled "An act imposing an emergency State tax
46 on liquor, as herein defined, sold by the Pennsylvania Liquor
47 Control Board; providing for the collection and payment of such
48 tax; and imposing duties upon the Department of Revenue and the
49 Pennsylvania Liquor Control Board."

50 (e) A transporter for hire shall:

51 (1) keep records as required under section 512 pertaining to

1 the direct shipment of wine; and

2 (2) permit the board and the enforcement bureau, or their
3 designated representatives, to inspect such records in
4 accordance with section 513.

5 (f) Any person who resells wine obtained under this section
6 commits a misdemeanor of the second degree.

7 (g) Shipments of wine to persons in this Commonwealth from
8 persons who do not possess a license from the board authorizing
9 such shipments are prohibited. Any person who knowingly makes,
10 participates in, transports, imports or receives such shipment
11 commits a misdemeanor.

12 (h) The board shall submit annual reports to the
13 Appropriations Committee of the Senate and the Law and Justice
14 Committee of the Senate and to the Appropriations Committee of
15 the House of Representatives and the Liquor Control Committee of
16 the House of Representatives summarizing the number of licenses
17 issued by the board under this section, the quantity of wine
18 sold and shipped by licensees pursuant to this section and the
19 total dollar value of sales under this section.

20 (i) The board may promulgate such rules and regulations as
21 are necessary to implement and enforce the provisions of this
22 section.

23 (j) The term "wine" as used in this section shall mean
24 liquor which is fermented from an agricultural commodity as that
25 term is defined in section 505.2(c).

26 Section 13. Section 493(24) of the act, amended November 29,
27 2006 (P.L.1421, No.155), is amended and the section is amended
28 by adding a paragraph to read:

29 Section 493. Unlawful Acts Relative to Liquor, Malt and
30 Brewed Beverages and Licensees.--The term "licensee," when used
31 in this section, shall mean those persons licensed under the
32 provisions of Article IV, unless the context clearly indicates
33 otherwise.

34 It shall be unlawful--

35 * * *

36 (24) (i) Things of Value Offered as Inducement. Except as
37 provided in subclause (ii), for any licensee under the
38 provisions of this article, or the board or any manufacturer, or
39 any employe or agent of a manufacturer, licensee or of the
40 board, to offer to give anything of value or to solicit or
41 receive anything of value as a premium for the return of caps,
42 stoppers, corks, stamps or labels taken from any bottle, case,
43 barrel or package containing liquor or malt or brewed beverage,
44 or to offer or give or solicit or receive anything of value as a
45 premium or present to induce directly the purchase of liquor or
46 malt or brewed beverage, or for any licensee, manufacturer or
47 other person to offer or give to trade or consumer buyers any
48 prize, premium, gift or other inducement to purchase liquor or
49 malt or brewed beverages, except advertising novelties of
50 nominal value which the board shall define. This section shall
51 not prevent any manufacturer or any agent of a manufacturer from

1 offering and honoring coupons which offer monetary rebates on
2 purchases of wines and spirits through State Liquor Stores or
3 purchases of malt or brewed beverages through distributors and
4 importing distributors in accordance with conditions or
5 regulations established by the board. The board may redeem
6 coupons offered by a manufacturer or an agent of a manufacturer
7 at the time of purchase. Coupons offered by a manufacturer or an
8 agent of a manufacturer shall not be redeemed without proof of
9 purchase. This section shall not apply to the return of any
10 monies specifically deposited for the return of the original
11 container to the owners thereof.

12 (ii) Notwithstanding subclause (i) or any other provision of
13 law, a holder of a restaurant license that is also approved to
14 hold a slot machine license or a conditional slot machine
15 license under 4 Pa.C.S. Part II (relating to gaming) may give
16 liquor and malt or brewed beverages free of charge to any person
17 actively engaged in playing a slot machine.

18 (iii) Notwithstanding subclause (i) or any other provision
19 of law, the board may establish and implement a customer
20 relations management program for the purpose of offering
21 incentives, such as coupons or discounts on certain products
22 which may be conditioned upon the purchase of liquor, to
23 unlicensed customers of the board.

24 * * *

25 (35) Sale of Wine Received by Direct-to-Store or Direct
26 Shipment. For any licensee to sell or offer to sell any wine
27 purchased or acquired, directly or indirectly, from a licensee
28 pursuant to the authority of section 488, or from a licensee
29 pursuant to the authority of section 489.

30 Section 14. Section 499(a.1) of the act, amended October 5,
31 1994 (P.L.522, No.77), is amended to read:

32 Section 499. Premises to be Vacated by Patrons.--* * *

33 (a.1) Subsection (a) shall not apply to sales of malt and
34 brewed beverages for consumption off the premises when the
35 following conditions are met:

36 (1) no licensee may sell malt or brewed beverages in excess
37 of [one hundred ninety-two fluid ounces] three hundred eighty-
38 four ounces in not more than twenty-four original containers in
39 a single sale to one person as provided in section 407, provided
40 the licensee may not sell a package as prepared for sale or
41 distribution by the manufacturer containing more than twelve
42 containers, in any one sale for consumption off the premises;

43 (2) sales and service of malt and brewed beverages for
44 consumption off the premises are made prior to the designated
45 time the licensee is required by this act to cease serving
46 liquor, malt or brewed beverages;

47 (3) persons who have purchased malt and brewed beverages for
48 consumption off the premises shall remove the malt and brewed
49 beverages from the premises by the designated time as contained
50 in this act that patrons are required to vacate the premises;

51 (4) no club licensee may sell any malt or brewed beverage

1 for consumption off the premises where sold or to any persons
2 who are not members of the club.

3 * * *

4 Section 15. This act shall take effect in 60 days.