

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1589 Session of
2019

INTRODUCED BY SAMUELSON, McNEILL, DEASY, FREEMAN, HILL-EVANS,
KINSEY, KULIK, MILLARD, RAVENSTAHL, SAINATO, SCHLOSSBERG,
SCHWEYER, VITALI, STURLA, CIRESI, FRANKEL AND KIM,
JUNE 7, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 25, 2019

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 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS;
18 AND, in licenses and regulations, liquor, alcohol and malt
19 and brewed beverages, further providing for sales by liquor
20 licensees, restrictions, for public venue license and for
21 performing acts facility license.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 ~~Section 1. Sections 406(d), 412(f)(1) and 413(f)(1) of the~~ <--
25 ~~act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,~~
26 ~~are amended to read:~~

1 SECTION 1. THE DEFINITION OF "PERFORMING ARTS FACILITIES" IN <--
2 SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN
3 AS THE LIQUOR CODE, IS AMENDED TO READ:

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

7 * * *

8 "PERFORMING ARTS FACILITIES" SHALL MEAN [~~THOSE~~] ANY OF THE
9 FOLLOWING:

10 (1) THOSE HALLS OR THEATERS IN WHICH LIVE MUSICAL, CONCERT,
11 DANCE, BALLET AND LEGITIMATE PLAY BOOK-LENGTH PRODUCTIONS ARE
12 PERFORMED. PERFORMING ARTS FACILITIES SHALL NOT MEAN THOSE HALLS
13 OR THEATERS IN WHICH BURLESQUE SHOWS OR REVIEWS ARE PERFORMED.
14 IF THE OPERATOR OF THE PERFORMING ARTS FACILITY IS A NONPROFIT
15 ENTITY, THE FACILITY MUST HAVE SEATING FOR AT LEAST ONE HUNDRED
16 FIFTY (150) PEOPLE; OTHERWISE, THE FACILITY MUST HAVE SEATING
17 FOR AT LEAST TWENTY-FIVE HUNDRED (2,500) PEOPLE.

18 (2) SMALL MOVIE THEATERS THAT HAVE PERMANENT SEATING IN THE
19 FACILITY FOR AT LEAST ONE HUNDRED (100) PEOPLE, BUT NO MORE THAN
20 THREE HUNDRED FIFTY (350) PEOPLE, AND WHICH SCREEN INDEPENDENT
21 FILMS, FOREIGN FILMS, CLASSIC FILMS AND SECOND-RUN FILMS ON NO
22 MORE THAN FOUR MOVIE SCREENS. AS USED IN THIS DEFINITION, THE
23 TERM "INDEPENDENT FILMS" INCLUDES FEATURE FILMS PRODUCED OUTSIDE
24 THE MAJOR FILM STUDIO SYSTEM OR BY INDEPENDENT ENTERTAINMENT
25 AGENCIES.

26 (3) A HALL OR THEATER THAT MEETS THE REQUIREMENTS OF
27 PARAGRAPHS (1) AND (2).

28 * * *

29 SECTION 2. SECTIONS 406(D), 412(F) (1) AND 413(F) (1) OF THE
30 ACT ARE AMENDED TO READ:

1 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

2 (d) Subject to section 412, licensed public venues may sell
3 liquor and malt or brewed beverages on Sundays from [eleven] ten
4 o'clock antemeridian until midnight without the need to acquire
5 or qualify for a special permit. In addition, subject to section
6 413, licensed performing arts facilities may sell liquor and
7 malt or brewed beverages on Sundays from [one o'clock
8 postmeridian] ten o'clock antemeridian until ten o'clock
9 postmeridian without the need to acquire or qualify for a
10 special permit.

11 * * *

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

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

16 (1) Sales may only be made one hour before, during and one
17 hour after any athletic performance, performing arts event,
18 trade show, convention, banquet or any other performance at the
19 facility; however, sales may not be made from two o'clock
20 antemeridian to seven o'clock antemeridian. In addition, sales
21 may not occur prior to [eleven] ten o'clock antemeridian on
22 Sundays or seven o'clock antemeridian on Mondays.

23 Notwithstanding this section, facilities that had been licensed
24 under former sections 408.9 and 408.14 may sell liquor and/or
25 malt or brewed beverages anytime except from two o'clock
26 antemeridian to seven o'clock antemeridian or prior to eleven
27 o'clock antemeridian on Sundays or seven o'clock antemeridian on
28 Mondays, regardless of whether there is a performance at the
29 facility.

30 * * *

1 Section 413. Performing Arts Facility License.--* * *

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

5 (1) Sales of liquor and malt or brewed beverages may be made
6 two hours before, during and one hour after any performance at
7 the facility; however, sales may not be made from two o'clock
8 antemeridian to seven o'clock antemeridian. In addition, sales
9 may not occur prior to [one o'clock postmeridian] ten o'clock
10 antemeridian or after ten o'clock postmeridian on Sundays.

11 However, facilities that had been licensed under former section
12 408.3(a) and 408.3(a.2) may sell liquor and malt or brewed
13 beverages anytime except from two o'clock antemeridian to seven
14 o'clock antemeridian or prior to one o'clock postmeridian or
15 after ten o'clock postmeridian on Sundays, regardless of whether
16 there is a performance at the facility. IN ADDITION, SALES OF <--
17 LIQUOR AND MALT OR BREWED BEVERAGES AT A MOVIE THEATER AS
18 DEFINED UNDER PARAGRAPH (2) OR (3) OF THE DEFINITION OF
19 "PERFORMING ARTS FACILITIES" IN SECTION 102 MAY BE MADE ONE HOUR
20 BEFORE, DURING AND ONE HOUR AFTER THE SCREENING OF ANY
21 INDEPENDENT, FOREIGN, CLASSIC OR SECOND-RUN FILM AT THE MOVIE
22 THEATER.

23 * * *

24 Section 2 3. This act shall take effect in 60 days. <--