

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 61 Session of 2019

INTRODUCED BY J. WARD, PHILLIPS-HILL, FOLMER AND K. WARD, JANUARY 14, 2019

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 22, 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 THE DEFINITION
18 OF "ELIGIBLE ENTITY"; AND, in licenses and regulations and
19 liquor, alcohol and malt and brewed beverages, further
20 providing for wine and spirits auction permits.

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

23 ~~Section 1. Section 408.12(a), (g) and (i) of the act of~~ <--
24 ~~April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are~~
25 ~~amended to read:~~

26 SECTION 1. THE DEFINITION OF "ELIGIBLE ENTITY" IN SECTION <--
27 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE

1 LIQUOR CODE, IS AMENDED TO READ:

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

5 * * *

6 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A
7 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A
8 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF
9 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR
10 LICENSE, A CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR LICENSE AND
11 WHICH, AS OF DECEMBER 31, 2002, HAS BEEN IN EXISTENCE FOR AT
12 LEAST 100 YEARS, A LIBRARY, A NATIONALLY ACCREDITED PENNSYLVANIA
13 NONPROFIT ZOOLOGICAL INSTITUTION LICENSED BY THE UNITED STATES
14 DEPARTMENT OF AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION
15 IN EXISTENCE FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S
16 CLUB IN EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED
17 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION
18 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS
19 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED
20 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM
21 OPERATED BY A NONPROFIT CORPORATION, A NONPROFIT CORPORATION
22 ENGAGED IN THE PERFORMING ARTS, AN ARTS COUNCIL, A NONPROFIT
23 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM, A
24 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE
25 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
26 501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL
27 HERITAGE OF A MUNICIPALITY AND WHICH HAS BEEN RECOGNIZED AS SUCH
28 BY A RESOLUTION OF THE MUNICIPALITY, A NONPROFIT ORGANIZATION AS
29 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF
30 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) CONDUCTING A

1 REGATTA IN A CITY OF THE SECOND CLASS WITH THE PERMIT TO BE USED
2 ON STATE PARK GROUNDS OR CONDUCTING A FAMILY-ORIENTED
3 CELEBRATION AS PART OF WELCOME AMERICA IN A CITY OF THE FIRST
4 CLASS ON PROPERTY LEASED FROM THAT CITY FOR MORE THAN FIFTY
5 YEARS, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)
6 (3) OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3))
7 WHOSE PURPOSE IS TO RAISE FUNDS FOR THE RESEARCH AND TREATMENT
8 OF CYSTIC FIBROSIS, A NONPROFIT ORGANIZATION AS DEFINED UNDER
9 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (26
10 U.S.C. § 501(C)(3)) WHOSE PURPOSE IS TO EDUCATE THE PUBLIC ON
11 ISSUES DEALING WITH WATERSHED CONSERVATION, A NONPROFIT
12 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
13 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3))
14 WHOSE PURPOSE IS TO PROVIDE EQUINE ASSISTED ACTIVITIES FOR
15 CHILDREN AND ADULTS WITH SPECIAL NEEDS, A NONPROFIT ECONOMIC
16 DEVELOPMENT AGENCY IN A CITY OF THE SECOND CLASS WITH THE
17 PRIMARY FUNCTION TO SERVE AS AN ECONOMIC GENERATOR FOR THE
18 GREATER SOUTHWESTERN PENNSYLVANIA REGION BY ATTRACTING AND
19 SUPPORTING FILM, TELEVISION AND RELATED MEDIA INDUSTRY PROJECTS
20 AND COORDINATING GOVERNMENT AND BUSINESS OFFICES IN SUPPORT OF A
21 PRODUCTION, A COUNTY TOURIST PROMOTION AGENCY AS DEFINED IN
22 SECTION 2 OF THE ACT OF JULY 4, 2008 (P.L.621, NO.50), KNOWN AS
23 THE "TOURISM PROMOTION ACT," A JUNIOR LEAGUE THAT IS A NONPROFIT
24 ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL
25 REVENUE CODE OF 1986 (26 U.S.C. § 501(C)(3)) THAT IS COMPRISED
26 OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY EDUCATIONAL AND CHARITABLE
27 IN PROMOTING THE VOLUNTEERISM OF WOMEN AND DEVELOPING AND
28 PARTICIPATING IN COMMUNITY PROJECTS AND THAT HAS BEEN IN
29 EXISTENCE FOR OVER SEVENTY YEARS, A NONPROFIT ORGANIZATION AS
30 DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF

1 1986 AND WHOSE PURPOSE IS THE EDUCATION AND PROMOTION OF
2 AMERICAN HISTORY, A NONPROFIT ORGANIZATION AS DEFINED UNDER
3 SECTION 501(C) (6) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
4 PURPOSE IS TO SUPPORT BUSINESS AND INDUSTRY, A BREWERY WHICH HAS
5 BEEN ISSUED A LICENSE TO MANUFACTURE MALT OR BREWED BEVERAGES
6 AND HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS OR A CLUB
7 RECOGNIZED BY ROTARY INTERNATIONAL AND WHOSE PURPOSE IS TO
8 PROVIDE SERVICE TO OTHERS, TO PROMOTE HIGH ETHICAL STANDARDS AND
9 TO ADVANCE WORLD UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS
10 FELLOWSHIP OF BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS OR A
11 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
12 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
13 501(C)(3)) WHOSE PURPOSE IS TO PROMOTE MUSHROOMS WHILE
14 SUPPORTING LOCAL AND REGIONAL CHARITIES, A MUSEUM OPERATED BY A
15 NOT-FOR-PROFIT CORPORATION IN A CITY OF THE SECOND CLASS A, A
16 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
17 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE
18 SECOND CLASS A AND HAS AS ITS PURPOSE ECONOMIC AND COMMUNITY
19 DEVELOPMENT, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
20 501(C) (3) OR (6) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
21 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FIFTH
22 CLASS, A NONPROFIT SOCIAL SERVICE ORGANIZATION DEFINED UNDER
23 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 LOCATED
24 IN A COUNTY OF THE THIRD CLASS WHOSE PURPOSE IS TO SERVE
25 INDIVIDUALS AND FAMILIES IN THAT COUNTY OF THE THIRD CLASS, A
26 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
27 INTERNAL REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO
28 TEMPORARILY FOSTER STRAY AND UNWANTED ANIMALS AND MATCH THEM TO
29 SUITABLE PERMANENT HOMES OR A NONPROFIT ORGANIZATION AS DEFINED
30 UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHO

1 OPERATES EITHER A MAIN STREET PROGRAM OR ELM STREET PROGRAM
2 RECOGNIZED BY THE COMMONWEALTH, THE NATIONAL TRUST FOR HISTORIC
3 PRESERVATION OR BOTH, A NONPROFIT RADIO STATION THAT IS A MEMBER
4 OF THE NATIONAL PUBLIC RADIO NETWORK, A NONPROFIT PUBLIC
5 TELEVISION STATION THAT IS A MEMBER OF THE PENNSYLVANIA PUBLIC
6 TELEVISION NETWORK OR A NONPROFIT ORGANIZATION AS DEFINED UNDER
7 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE
8 PURPOSE IS TO PROMOTE AWARENESS, EDUCATION AND RESEARCH AND TO
9 PROVIDE A SUPPORT SYSTEM FOR PATIENTS WITH NEUTROPENIA AND THEIR
10 FAMILIES THROUGH A NATIONAL RESOURCE NETWORK, A NONPROFIT
11 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
12 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO STIMULATE
13 COMMUNITY DEVELOPMENT BY FACILITATING RESIDENTIAL AND RETAIL
14 GROWTH IN A CITY OF THE SECOND CLASS LOCATED IN A COUNTY OF THE
15 SECOND CLASS OR A NONPROFIT COMMUNITY DEVELOPMENT CORPORATION
16 ORGANIZED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE
17 OF 1986 THAT SERVES AN ADJOINING BOROUGH AND TOWNSHIP IN A
18 COUNTY OF THE SECOND CLASS AND WHOSE MAIN PURPOSE IS TO
19 FACILITATE COMMERCIAL DEVELOPMENT AND FOSTER NEIGHBORHOOD
20 STABILIZATION, A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
21 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS
22 TO PROVIDE YOUNG PEOPLE WITH A PROGRAM TO BUILD CHARACTER, TO
23 TEACH THE RESPONSIBILITIES OF CITIZENSHIP AND TO DEVELOP
24 PERSONAL FITNESS WITH A GOAL OF CREATING FUTURE LEADERS, A
25 NONPROFIT AS DEFINED IN SECTION 501(C) (3) OF THE INTERNAL
26 REVENUE CODE OF 1986 WHOSE MAIN PURPOSE IS TO ASSIST CHILDREN
27 AND THEIR FAMILIES WHO ARE FACING FINANCIAL HARDSHIP DUE TO THE
28 DEATH OF A PARENT, A NONPROFIT AS DEFINED UNDER SECTION 501(C)
29 (3) OF THE INTERNAL REVENUE CODE OF 1986 WHOSE PURPOSE IS TO
30 ALLOCATE FUNDS FOR RESEARCH TO EXPEDITE A CURE ACHROMATOPSIA, A

1 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
2 INTERNAL REVENUE CODE OF 1986 THAT IS LOCATED IN A CITY OF THE
3 FIRST CLASS, WAS ORGANIZED IN 1995 AS A COMMUNITY DEVELOPMENT
4 CORPORATION TO PROMOTE HEALTH, SAFETY AND WELFARE OF THE
5 RESIDENTS, BUSINESSES AND INSTITUTIONS OF A NEIGHBORHOOD OF A
6 CITY OF THE FIRST CLASS, AND WHOSE WORKS INCLUDE PUBLIC
7 PROMOTIONS, NEIGHBORHOOD IMPROVEMENT PROJECTS AND COMMERCIAL
8 CORRIDOR IMPROVEMENTS, INCLUDING A BUSINESS IMPROVEMENT
9 DISTRICT, OR A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION
10 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 THAT IS
11 RESPONSIBLE FOR PROVIDING SERVICES TO MEMBERS OF THE ARMED
12 FORCES OF THE UNITED STATES AND RELIEF TO DISASTER VICTIMS IN
13 THE UNITED STATES AND ABROAD, OR ANY NEIGHBORHOOD IMPROVEMENT
14 DISTRICT MANAGEMENT ASSOCIATION AS DEFINED IN SECTION 3 OF THE
15 ACT OF DECEMBER 20, 2000 (P.L.949, NO.130), KNOWN AS THE
16 "NEIGHBORHOOD IMPROVEMENT DISTRICT ACT," THAT HAS BEEN
17 ESTABLISHED AS A 501(C) (3) NONPROFIT ORGANIZATION UNDER SECTION
18 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986, A NONPROFIT
19 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL
20 REVENUE CODE OF 1986 LOCATED IN A CITY OF THE FIRST CLASS WHOSE
21 PURPOSE IS TO SUPPORT INITIATIVES TO ENRICH THE LIVES OF
22 CHILDREN, TEENS AND FAMILIES ESPECIALLY THOSE IN NEED, TO REACH
23 THEIR FULL POTENTIAL AS PRODUCTIVE AND RESPONSIBLE CITIZENS AND
24 HAS BEEN IN EXISTENCE FOR AT LEAST SEVENTY-FIVE YEARS, OR A
25 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
26 INTERNAL REVENUE CODE OF 1986 LOCATED IN A CITY OF THE SECOND
27 CLASS AND INCORPORATED AS A NONPROFIT IN 1982 THAT OFFERS ADULT
28 EDUCATION AND FAMILY LITERACY, OR A NONPROFIT ORGANIZATION AS
29 DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF
30 1986 LOCATED IN A CITY OF THE THIRD CLASS AND COUNTY OF THE

1 SIXTH CLASS, WHOSE PURPOSE IS PRIMARY AND SECONDARY EDUCATION
2 AND EDUCATIONAL MINISTRY OF THE DIOCESE OF ERIE, [OR] A
3 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE
4 INTERNAL REVENUE CODE LOCATED IN A COUNTY OF THE FOURTH CLASS
5 THAT HAD A POPULATION BETWEEN 142,000 AND 144,000 BASED ON THE
6 2010 DECENNIAL CENSUS OF THE BUREAU OF THE CENSUS AND PROVIDES
7 REWARDS FOR INFORMATION THAT LEADS TO THE ARREST OF INDIVIDUALS
8 THAT MAY HAVE COMMITTED A CRIME[.] OR A NONPROFIT ORGANIZATION
9 AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE
10 OF 1986 WHICH IS LOCATED IN A CITY OF THE THIRD CLASS IN A
11 COUNTY OF THE FIFTH CLASS WHOSE MISSION IS TO IMPROVE THE
12 QUALITY OF LIFE FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES
13 AND THE FAMILIES OF THE INDIVIDUALS THROUGH ADVOCACY, EDUCATION,
14 SUPPORT AND SOCIALIZATION AND THAT HAS BEEN IN EXISTENCE FOR
15 OVER SIXTY YEARS.

16 * * *

17 SECTION 2. SECTION 408.12(A) OF THE ACT IS AMENDED TO READ:

18 Section 408.12. Wine and Spirits Auction Permits.--(a) Upon
19 application of:

20 (1) any nonprofit hospital;

21 (2) any nonprofit public television station which is a
22 member of the Pennsylvania Public Television Network;

23 (3) any orchestra located in a county of the first, second
24 or third class which is operated by a nonprofit corporation;

25 (4) any museum located in a county of the first, second,
26 third or fourth class which is operated by a nonprofit
27 corporation;

28 (5) any nonprofit corporation located in any county of the
29 third class which trains and places dogs for people who are
30 physically handicapped;

1 (6) any nationally recognized community-based voluntary
2 health organization committed to fighting cancer which has been
3 in existence for at least ninety years;

4 (7) any nationally recognized emergency response
5 organization that offers humanitarian care to victims of war or
6 natural disaster and has been in existence for at least one
7 hundred twenty-five years;

8 (8) any nationally recognized organization whose purpose is
9 to serve as an agent to collect funds for local charities, as
10 well as to coordinate relief services, counsel and refer clients
11 to cooperating agencies and make emergency assistance grants and
12 has been in existence for at least one hundred twenty years;

13 (9) any hospice as defined under section 802.1 of the act of
14 July 19, 1979 (P.L.130, No.48), known as the "Health Care
15 Facilities Act";

16 (10) institution of higher education;

17 (11) any nationally recognized community-based health
18 organization committed to funding Type 1 Diabetes research; [or]

19 (12) any nationally recognized community-based voluntary
20 health organization committed to fighting cancer which has been
21 in existence for at least twenty years;

22 (13) any nonprofit organization as defined in section 501(c)
23 (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26
24 U.S.C. § 501(c)(3)) and that is registered with the Pennsylvania
25 Bureau of Corporations and Charitable Organizations of the
26 Department of State, recognized as a community-based voluntary
27 organization committed to fighting cancer and has been in
28 existence for at least five years; or

29 (14) any community-based voluntary health organization in a
30 county of the second class which enriches the lives of children

1 and young adults with disabilities and chronic illnesses;
2 and upon payment of a fee of thirty dollars (\$30) per day, the
3 board shall issue a wine and spirits auction permit good for a
4 period of not more than four consecutive or nonconsecutive days
5 per calendar year.

6 * * *

7 ~~(g) Any wine and spirits sold under this section shall be~~ <--
8 ~~purchased from a Pennsylvania Liquor Store, a Pennsylvania~~
9 ~~limited winery, limited distillery or any seller authorized to~~
10 ~~sell wine or spirits by the bottle or case in this Commonwealth~~
11 ~~or shall be donated by a person [who is neither a licensee nor a~~
12 ~~permittee] who has legally acquired the wine or spirits and~~
13 ~~legally possesses it in this Commonwealth. If the donated wine~~
14 ~~or spirits are located outside this Commonwealth, the donated~~
15 ~~wine or spirits may be imported into this Commonwealth as gift~~
16 ~~alcohol, subject to the procedures and fees the board imposes on~~
17 ~~donated wine or spirits.~~

18 * * *

19 ~~(i) [The] If the wine or spirits are purchased from an~~
20 ~~entity other than the board, the permittee shall be responsible~~
21 ~~for paying to the board an amount equal to all taxes which would~~
22 ~~have been paid on such wine or spirits if it had been purchased~~
23 ~~from a Pennsylvania Liquor Store, together with a processing fee~~
24 ~~to be determined by the board.~~

25 * * *

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