

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1256 Session of 2023

INTRODUCED BY MAJOR AND SMITH, MAY 24, 2023

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 24, 2023

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 relating to liquor, alcohol
 19 and malt and brewed beverages, further providing for
 20 applications for hotel, restaurant and club liquor licenses,
 21 for issuance, transfer or extension of hotel, restaurant and
 22 club liquor licenses, for license fees, for sale of malt or
 23 brewed beverages by liquor licensees and for malt and brewed
 24 beverages manufacturers', distributors' and importing
 25 distributors' licenses.

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

28 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
 29 No.21), known as the Liquor Code, is amended by adding a
 30 definition to read:

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

4 * * *

5 "Convenience store" shall mean a business that sells gasoline
6 products in conjunction with a store that sells a range of
7 everyday items such as coffee, groceries, snack foods,
8 confectionery, soft drinks, tobacco products, over-the-counter
9 drugs, toiletries, newspapers, magazines and other consumer
10 products to customers.

11 * * *

12 Section 2. Sections 403 heading and (a) and 404 heading and
13 (a) of the act are amended to read:

14 Section 403. Applications for Hotel, Restaurant [and] Club
15 Liquor and Convenience Store Licenses.--(a) Every applicant for
16 a hotel liquor license, restaurant liquor license [or] club
17 liquor or convenience store license or for the transfer of an
18 existing license to another premises not then licensed or to
19 another person shall file a written application with the board
20 in such form and containing such information as the board shall
21 from time to time prescribe, which shall be accompanied by a
22 filing fee and an annual license fee as prescribed in section
23 614-A of the act of April 9, 1929 (P.L.177, No.175), known as
24 "The Administrative Code of 1929." Every such application shall
25 contain a description of that part of the hotel, restaurant
26 [or] club or convenience store for which the applicant desires
27 a license and shall set forth such other material information,
28 description or plan of that part of the hotel, restaurant [or] club
29 or convenience store where it is proposed to keep and sell
30 liquor as may be required by the regulations of the board. The

1 descriptions, information and plans referred to in this
2 subsection shall show the hotel, restaurant, club, convenience
3 store or the proposed location for the construction of a hotel,
4 restaurant [or], club or convenience store, at the time the
5 application is made, and shall show any alterations proposed to
6 be made thereto, or the new building proposed to be constructed
7 after the approval by the board of the application for a license
8 or for the transfer of an existing license to another premises
9 not then licensed or to another person. No physical alterations,
10 improvements or changes shall be required to be made to any
11 hotel, restaurant [or], club or convenience store, nor shall any
12 new building for any such purpose, be required to be constructed
13 until approval of the application for license or for the
14 transfer of an existing license to another premises not then
15 licensed or to another person by the board. After approval of
16 the application, the licensee shall make the physical
17 alterations, improvements and changes to the licensed premises,
18 or shall construct the new building in the manner specified by
19 the board at the time of approval, and the licensee shall not
20 transact any business under the license until the board has
21 approved the completed physical alterations, improvements and
22 changes to the licensed premises, or the completed construction
23 of the new building as conforming to the specifications required
24 by the board at the time of issuance or transfer of the license,
25 and is satisfied that the establishment is a restaurant, hotel
26 [or], club or convenience store as defined by this act. The
27 board may require that all such alterations or construction or
28 conformity to definition be completed within six months from the
29 time of issuance or transfer of the license. Failure to comply
30 with these requirements shall be considered cause for revocation

1 of the license. No such license shall be transferable between
2 the time of issuance or transfer of the license and the approval
3 of the completed alterations or construction by the board and
4 full compliance by the licensee with the requirements of this
5 act, except in the case of death of the licensee prior to full
6 compliance with all of the aforementioned requirements or unless
7 full compliance is impossible for reasons beyond the licensee's
8 control, in which event, the license may be transferred by the
9 board as provided in this act.

10 * * *

11 Section 404. Issuance, Transfer or Extension of Hotel,
12 Restaurant [and], Club Liquor and Convenience Store Liquor
13 Licenses.--(a) Upon receipt of the application and the proper
14 fees, and upon being satisfied of the truth of the statements in
15 the application that the applicant and management company or
16 companies, if any, are the only persons in any manner
17 pecuniarily interested in the business so asked to be licensed
18 and that no other person will be in any manner pecuniarily
19 interested therein during the continuance of the license, except
20 as hereinafter permitted, and that the applicant is a person of
21 good repute, that the premises applied for meet all the
22 requirements of this act and the regulations of the board, that
23 the applicant seeks a license for a hotel, restaurant [or], club
24 or convenience store, as defined in this act, and that the
25 issuance of such license is not prohibited by any of the
26 provisions of this act, the board shall, in the case of a hotel
27 [or], restaurant or convenience store, grant and issue to the
28 applicant a liquor license, and in the case of a club may, in
29 its discretion, issue or refuse a license: Provided, however,
30 That in the case of any new license or the transfer of any

1 license to a new location or the extension of an existing
2 license to cover an additional area the board may, in its
3 discretion, grant or refuse such new license, transfer or
4 extension if such place proposed to be licensed is within three
5 hundred feet of any church, hospital, charitable institution,
6 school, or public playground, or if such new license, transfer
7 or extension is applied for a place which is within two hundred
8 feet of any other premises which is licensed by the board: And
9 provided further, That the board's authority to refuse to grant
10 a license because of its proximity to a church, hospital,
11 charitable institution, public playground or other licensed
12 premises shall not be applicable to license applications
13 submitted for public venues [or], performing arts facilities[:]
14 or convenience stores: And provided further, That the board's
15 authority to refuse to grant a license because of its proximity
16 to any other licensed premises shall not be applicable to
17 license applications submitted for a convenience store liquor
18 license: And provided further, That the board shall refuse any
19 application for a new license, the transfer of any license to a
20 new location or the extension of an existing license to cover an
21 additional area if, in the board's opinion, such new license,
22 transfer or extension would be detrimental to the welfare,
23 health, peace and morals of the inhabitants of the neighborhood
24 within a radius of five hundred feet of the place proposed to be
25 licensed: And provided further, That the board shall have the
26 discretion to refuse a license to any person or to any
27 corporation, partnership or association if such person, or any
28 officer or director of such corporation, or any member or
29 partner of such partnership or association shall have been
30 convicted or found guilty of a felony within a period of five

1 years immediately preceding the date of application for the said
2 license. The board may enter into an agreement with the
3 applicant concerning additional restrictions on the license in
4 question. If the board and the applicant enter into such an
5 agreement, such agreement shall be binding on the applicant.
6 Failure by the applicant to adhere to the agreement will be
7 sufficient cause to form the basis for a citation under section
8 471 and for the nonrenewal of the license under section 470. If
9 the board enters into an agreement with an applicant concerning
10 additional restrictions, those restrictions shall be binding on
11 subsequent holders of the license until the license is
12 transferred to a new location or until the board enters into a
13 subsequent agreement removing those restrictions. If the
14 application in question involves a location previously licensed
15 by the board, then any restrictions imposed by the board on the
16 previous license at that location shall be binding on the
17 applicant unless the board enters into a new agreement
18 rescinding those restrictions. The board may, in its discretion,
19 refuse an application for an economic development license under
20 section 461(b.1) or an application for an intermunicipal
21 transfer of a license if the board receives a protest from the
22 governing body of the receiving municipality. The receiving
23 municipality of an intermunicipal transfer or an economic
24 development license under section 461(b.1) may file a protest
25 against the transfer of a license into its municipality, and the
26 receiving municipality shall have standing in a hearing to
27 present testimony in support of or against the issuance or
28 transfer of a license. Upon any opening in any quota, an
29 application for a new license shall only be filed with the board
30 for a period of six months following said opening.

1 * * *

2 Section 3. Sections 405, 407 and 431 of the act are amended
3 by adding subsections to read:

4 Section 405. License Fees.--* * *

5 (b.1) License fees for a convenience store liquor license
6 shall be graduated according to the population of the
7 municipality as determined by the last preceding decennial
8 census of the United States in which the convenience store is
9 located, as prescribed under section 614-A of the act of April
10 9, 1929 (P.L.177, No.175), known as "The Administrative Code of
11 1929."

12 (b.2) Every applicant for a convenience store liquor license
13 shall pay to the board a one-time license fee of two thousand
14 five hundred dollars (\$2,500) with an annual renewal fee of
15 seven hundred fifty dollars (\$750).

16 * * *

17 Section 407. Sale of Malt or Brewed Beverages by Liquor
18 Licensees.--* * *

19 (a.1) (1) Every liquor license issued to a convenience
20 store under this subdivision (A) for the sale of beer 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. Convenience store licensees are
24 authorized to sell malt or brewed beverages for consumption off
25 the premises and sold in quantities of not more than one hundred
26 ninety-two fluid ounces in a single sale to one person. The
27 sales shall be made in closed containers.

28 (2) If a convenience store liquor license holder has an
29 interior connection to another business that it operates, the
30 convenience store liquor license holder may use one or more of

1 the registers in the other business to sell malt or brewed
2 beverages for off-premises consumption under the following
3 conditions:

4 (i) the building is eleven thousand square feet or less;

5 (ii) the registers are located in the same building as the
6 licensed premises;

7 (iii) the registers comply with the signage, staffing,
8 training, carding, scanning and prohibition on the sharing of
9 data provisions of section 415(a)(8) and (9); and

10 (iv) the board has been provided notice of compliance with
11 this paragraph by the convenience store liquor license holder,
12 including square footage of the building and the location of the
13 specific registers to be used prior to their use.

14 (3) The registers used under paragraph (2) shall be deemed
15 to be licensed areas but no formal application beyond notice to
16 the board shall be required.

17 * * *

18 Section 431. Malt and Brewed Beverages Manufacturers',
19 Distributors' and Importing Distributors' Licenses.--* * *

20 (b.2) The board shall issue to any reputable person who
21 applies therefor, and pays the license fee hereinafter
22 prescribed, a convenience store liquor license for the place
23 which such person desires to maintain for the sale of malt or
24 brewed beverages, not for consumption on the premises where
25 sold, and in quantities of not more than one hundred ninety-two
26 fluid ounces in a single sale to one person. The board shall
27 have the discretion to refuse a license to any person or to any
28 corporation, partnership or association if such person, or any
29 officer or director of such corporation, or any member or
30 partner of such partnership or association shall have been

1 convicted or found guilty of a felony within a period of five
2 years immediately preceding the date of application for the said
3 license: And provided further, That, in the case of any new
4 license or the transfer of any license to a new location, the
5 board may, in its discretion, grant or refuse such new license
6 or transfer if such place proposed to be licensed is within
7 three hundred feet of any church, hospital, charitable
8 institution, school or public playground. And provided further,
9 That the board shall refuse any application for a new license or
10 the transfer of any license to a new location if, in the board's
11 opinion, such new license or transfer would be detrimental to
12 the welfare, health, peace and morals of the inhabitants of the
13 neighborhood within a radius of five hundred feet of the place
14 proposed to be licensed. If the application in question involves
15 a location previously licensed by the board, then any
16 restrictions imposed by the board on the previous license at
17 that location shall be binding on the applicant unless the board
18 enters into a new agreement rescinding those restrictions. The
19 board shall require notice to be posted on the property or
20 premises upon which the licensee or proposed licensee will
21 engage in sales of malt or brewed beverages. This notice shall
22 be similar to the notice required of hotel, restaurant and club
23 liquor licensees.

24 Except as hereinafter provided, such convenience store liquor
25 license shall authorize the holder thereof to sell or deliver
26 malt or brewed beverages in quantities not more than one hundred
27 ninety-two fluid ounces in a single sale to one person anywhere
28 within this Commonwealth, which have been purchased from
29 manufacturers or persons outside this Commonwealth engaged in
30 the legal sale of malt or brewed beverages or from manufacturers

1 or importing distributors licensed under this article.

2 * * *

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