

No. 2011-11

AN ACT

HB 148

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for definitions, for sales by liquor licensees and restrictions, for sale of malt or brewed beverages by liquor licensees, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for distributors' and importing distributors' restrictions on sales, storage, etc., for retail dispensers' restrictions on purchases and sales, for malt or brewed beverages manufactured outside this Commonwealth, for brand registration, for limiting number of retail licenses to be issued in each county, for licenses not assignable and transfers, for revocation and suspension of licenses and fines, for local option, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries.

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

Section 1. The definition of "eligible entity" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended June 25, 2010 (P.L.217, No.35), is amended and the section is amended by adding definitions to read:

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

* * *

"Catered function" shall mean the furnishing of food prepared on the premises or brought onto the premises already prepared in conjunction with alcoholic beverages for the accommodation of a person or an identifiable group of people who made arrangements for the function at least forty-eight hours in advance .

* * *

"Eligible entity" shall mean a city of the third class, a hospital, a church, a synagogue, a volunteer fire company, a volunteer ambulance company, a volunteer rescue squad, a unit of a nationally chartered club which has been issued a club liquor license, a club in a city of the third class which has been issued a club liquor license and which, as of December 31, 2002, has been in existence for at least 100 years, a library, a nationally accredited

Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, a nonprofit agricultural association in existence for at least ten years, a bona fide sportsmen's club in existence for at least ten years, a nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, a fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, a museum operated by a nonprofit corporation in a city of the third class or township of the first class, a nonprofit corporation engaged in the performing arts in a city of the third class, borough or in an incorporated town, an arts council, a nonprofit corporation that operates an arts facility or museum in a city of the third class in the county of the fourth class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to protect the architectural heritage of boroughs or a township of the second class and which has been recognized as such by a municipal resolution, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of the second class with the permit to be used on State park grounds or conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for more than fifty years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the research and treatment of cystic fibrosis, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to educate the public on issues dealing with watershed conservation, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine assisted activities for children and adults with special needs, a nonprofit economic development agency in a city of the second class with the primary function to serve as an economic generator for the greater southwestern Pennsylvania region by attracting and supporting film, television and related media industry projects and coordinating government and business offices in support of a production, a county tourist promotion agency as defined in section 3(1) of the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," and located in a city of the third class in a county of the fourth class or located in a township of the second class in a county of the fifth class, a junior league in a third class county that is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) that is comprised of women whose purpose is exclusively educational and charitable in promoting the volunteerism of women and developing and participating in community projects and that has been in existence for over seventy years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in counties of the second class A or of the third class and whose purpose is the education and promotion of American history, a nonprofit organization as defined under section 501(c)(6) of the Internal Revenue Code of 1986 **[which is located in a city**

of the third class in a county of the third class and] whose purpose is to support business and industry, a brewery which has been issued a license to manufacture malt or brewed beverages and has been in existence for at least 100 years or a club recognized by Rotary International which is located in a county of the fourth class and whose purpose is to provide service to others, to promote high ethical standards and to advance world understanding, goodwill and peace through its fellowship of business, professional and community leaders or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) which is located in a borough in a county of the third class and whose purpose is to promote mushrooms while supporting local and regional charities, *a museum operated by a not-for-profit corporation in a city of the second class A, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in a city of the second class A and has as its purpose economic and community development, a nonprofit organization as defined under section 501(c)(3) or (6) of the Internal Revenue Code of 1986 that is located in a city of the third class in a county of the fifth class, a nonprofit social service organization defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a county of the third class whose purpose is to serve individuals and families in that county of the third class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to temporarily foster stray and unwanted animals and match them to suitable permanent homes or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 who operates either a Main Street Program or Elm Street Program recognized by the Commonwealth, the National Trust for Historic Preservation or both.*

* * *

"Happy hour" shall mean the period of time during which a licensee discounts alcoholic beverages.

* * *

Section 2. Section 406(a)(3) of the act, amended November 29, 2006 (P.L.1421, No.155), is amended and the section is amended by adding subsections to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) * * *

(3) **Hotel and restaurant liquor licensees, [airport restaurant liquor licensees,]** municipal golf course restaurant liquor licensees and privately-owned public golf course restaurant licensees may sell liquor and malt or brewed beverages on Sunday between the hours of eleven o'clock antemeridian and two o'clock antemeridian Monday upon purchase of a special permit from the board at an annual fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." *Airport restaurant liquor licensees may sell liquor and malt or brewed beverages on Sunday between the hours of seven o'clock antemeridian and two o'clock antemeridian Monday upon purchase of a special permit from the board at an annual fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."*

* * *

(f) The holder of a hotel or restaurant liquor license may obtain an off-premises catering permit subject to section 493(33) to hold a catered function off the licensed premises and on otherwise unlicensed premises where the licensee may sell wine, liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption on those premises. Functions conducted under the authority of the permit shall be subject to the following:

(1) alcohol may be provided only during the days and hours that the license holder may otherwise sell alcohol;

(2) all servers at the off premises catered function shall be in compliance with the responsible alcohol management provisions under section 471.1;

(3) each catered function shall last no longer than one day and not more than fifty catered functions may be held each calendar year by each license holder for use with a particular license;

(4) a catered function shall not be held at a location that is already subject to the applicant's or another licensee's license;

(5) a permit shall not be issued to an applicant whose license is in safekeeping;

(6) a permit shall not be issued to a location that is subject to a pending objection by the director of the Bureau of Licensing or the board under section 470(a.1);

(7) a permit shall not be issued to a location that is subject to a pending license suspension under section 471 or the one-year prohibition on the issuance or transfer of a license under section 471(b);

(8) no alcohol may be taken from the permitted location, but the applicant may transport alcohol to and from its licensed premises to the proposed premises; and

(9) written notice of the date, time and location of the catered function shall be provided to the local police or if there is no local police force to the enforcement bureau at least forty-eight hours in advance of the event.

(g) Notwithstanding any other provision of law or regulation, the holder of a retail license may hold happy hours up to four hours per day and up to fourteen hours per week during which the holder discounts the price of alcoholic beverages. No discounts may be given between the hours of midnight and the legal closing time. Notice of all happy hours shall be visibly posted on the licensed premises seven days prior to the happy hour. Except as provided in this subsection, a licensee shall comply with the provisions of 40 Pa. Code § 13.102 (relating to discount pricing practices).

Section 3. Section 407(a) of the act, amended July 7, 2006 (P.L.584, No.84), is amended to read:

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.—
(a) Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not

more than one hundred ninety-two fluid ounces in a single sale to one person. *The sales may be made in either open or closed containers, Provided, however, That a municipality may adopt an ordinance restricting open containers in public places.* No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only.

* * *

Section 4. Section 431(c) of the act, amended May 5, 1970 (P.L.342, No.110), is amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—* * *

(c) The aforesaid licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States and **[have for two years prior to the date of their applications been] are** residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and **[have been] are** residents of the Commonwealth of Pennsylvania **[for a period of at least two years prior to the date of application]**, and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and **[have been] are** residents of the Commonwealth of Pennsylvania **[for a period of at least two years prior to the date of application]**: Provided, That the provisions of this subsection with respect to residence requirements shall not apply to individuals, partners, officers, directors and owners of capital stock, of corporations licensed or applying for licenses as manufacturers of malt or brewed beverages, nor shall the provisions of this subsection with respect to stockholder requirements apply to corporations licensed or applying for licenses as manufacturers of malt or brewed beverages.

* * *

Section 5. Section 441(d) of the act is amended and the section is amended by adding a subsection to read:

Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc.—* * *

(d) (1) No distributor **[or importing distributor]** shall maintain any place for the storage of malt or brewed beverages except in the same municipality in which the licensed premises is located and unless the same has been approved by the board. In the event there is no place of cold storage in the same municipality, the board may approve a place of cold storage in the nearest municipality.

(2) *No importing distributor shall maintain any place for the storage of malt or brewed beverages except in the franchise territory in which the licensed premises is located and unless the same has been approved by the board. The board shall issue no more than one storage facility license to an importing distributor. The storage location shall be designated solely as*

a storage facility, from which only sales to other licensees are permitted. Retail sales may be made at the licensed location pursuant to subsection (c). If the importing distributor maintains a storage location for cold storage in the same municipality in which the importing distributor is licensed or a nearby municipality, the importing distributor may continue to maintain that cold storage location in addition to another storage location within their franchise territory.

* * *

(h) As used in this section, the term "franchise territory" shall mean the geographically contiguous area in which an importing distributor has been given rights for the sale or resale of malt or brewed beverages.

Section 6. Section 442(a)(1) of the act, amended November 29, 2006 (P.L.1421, No.155), is amended and the section is amended by adding a subsection to read:

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.—(a)
 (1) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed[: **Provided, however, That no].** No retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred ninety-two fluid ounces[: **Provided, further, That no].** *Sales may be made in open or closed containers, Provided, however, That a municipality may adopt an ordinance restricting open containers in public places.* No club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

* * *

(f) The holder of an eating place retail dispenser license may obtain an off-premises catering permit under section 493(33) to hold a catered function off of the licensed premises and on otherwise unlicensed premises where the licensee may sell malt or brewed beverages by the glass, open bottle or any other container, for consumption on those premises solely used for catering premises. Functions conducted under the authority of the permit shall be subject to the following:

(1) malt or brewed beverages may only be provided during the days and hours that the license holder may otherwise sell malt or brewed beverages;

(2) each catered function shall last no longer than one day and not more than fifty catered functions may be held each calendar year by each license holder for use with a particular license;

(3) a catered function shall not be held at a location that is already subject to the applicant's or another licensee's license;

(4) a permit shall not be issued to an applicant whose license is in safekeeping;

(5) a permit shall not be issued to a location that is subject to a pending objection by the director of the Bureau of Licensing or the board under section 470(a.1);

(6) a permit shall not be issued to a location that is subject to a pending license suspension under section 471 or the one-year prohibition on the issuance or transfer of a license under section 471(b);

(7) no malt or brewed beverages may be taken from the permitted location, but the applicant may transport malt or brewed beverages to and from its licensed premises to the proposed premises; and

(8) written notice of the date, time and location of the catered function shall be provided to the local police, or if there is no local police force to the enforcement bureau, at least forty-eight hours in advance of the event.

Section 7. Sections 444(c) and 445 of the act are amended to read:

Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—* * *

(c) Any malt or brewed beverages manufactured outside of Pennsylvania which are sold, transported or possessed in Pennsylvania contrary to any such regulations or orders of the board, or without the payment of the fees herein required, shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages, provided that, if the potential violation is of section 445 or any associated regulation, such malt or brewed beverages shall be left on the licensed premises where found under orders not to sell such contraband until such time as the malt or brewed beverage manufacturer comes into compliance with Pennsylvania's regulations or until the licensee holding the contraband can return it to the manufacturer and be fully reimbursed.

* * *

Section 445. Brand Registration.—***(a) No brand or brands of malt or brewed beverages shall be offered, sold or delivered to any trade buyer within this Commonwealth unless the manufacturer thereof shall first submit an application in the form and manner prescribed by the board for the registration of the said brand or brands of malt beverages, together [with an annual filing fee not to exceed twenty-five dollars (\$25) for each brand registration requested.] with an annual filing fee not to exceed seventy-five dollars (\$75) for each brand registration requested as set forth in section 614-A(35) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." Notwithstanding section 614-A(35) of that act, up to twenty brands may be registered for a single annual fee of one hundred fifty dollars (\$150.00), so long as one hundred barrels or less of each brand is produced on an annual basis. Any brand or brands of malt or brewed beverages that are produced by a manufacturer but not offered for sale because of additional aging of the beverages shall only be registered at the time the brand or brands are offered for sale.*** In the event an out-of-State or foreign manufacturer of malt or brewed beverages has granted franchise rights to any person for the sale and distribution of its brand products but which person is not licensed to sell and distribute the same in this Commonwealth, said such person shall nevertheless be required to register the involved brand before offering the same for sale in Pennsylvania. It is further conditioned that the person holding such franchise rights shall, together with its application for brand registration, file with the board copies of all agreements between it and the Pennsylvania importing

distributor appointed by such person to sell and distribute the brands of malt or brewed beverages as provided by sections 431 and 492. Such agreement shall contain the manufacturer's consent and approval to the appointment of the Pennsylvania importing distributor and the rights conferred thereunder.

(b) The board shall employ a malt beverage compliance officer whose duties shall include reviewing label registration to ensure compliance with this act and investigating reports of unregistered brands of malt or brewed beverages being sold by licensees in addition to any other duties the board shall assign the officer. If the malt beverage compliance officer finds that a licensee is selling malt or brewed beverages that are unregistered in this Commonwealth, he shall give the manufacturer of the malt or brewed beverages written notice that the manufacturer has ten days to register the malt or brewed beverages with the board. During that ten-day period in which the manufacturer has to come into compliance with brand registration, the unregistered malt or brewed beverages shall remain on the licensee's premises but may not be sold. Should the manufacturer fail to register the malt or brewed beverages with the board within ten days, the manufacturer shall be required to remove the unregistered malt or brewed beverages from the licensee's premises and reimburse the licensee for all unregistered products that cannot be sold in this Commonwealth.

Section 8. Section 461(d) of the act, amended December 21, 1998 (P.L.1202, No.155), is amended to read:

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

(d) "Airport restaurant," as used in this section, shall mean restaurant facilities at any airport for public accommodation, which are owned or operated directly or through lessees by the Commonwealth of Pennsylvania, by any municipal authority, county or city, either severally or jointly, with any other municipal authority, county or city, but shall not include any such restaurant facilities at any airport situated in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is not permitted. An airport restaurant is not subject to the seating requirements nor to the square footage requirements of the definition of restaurant in section 102. An airport restaurant may have unlimited extensions of service areas providing all extended service areas are inside the airport terminal building or buildings, notwithstanding any intervening thoroughfares. In addition to the privileges granted under sections 406 and 407 relative to malt or brewed beverages, airport restaurant liquor licensees may also sell wine by the glass, open bottle or other container for consumption off the licensed premises and within the airport terminal building. ***Notwithstanding any provision to the contrary, an airport restaurant licensee that has acquired a Sunday sales permit may commence sales at seven o'clock antemeridian.***

* * *

Section 9. Section 468(a)(1) of the act, amended November 29, 2006 (P.L.1421, No.155), is amended to read:

Section 468. Licenses Not Assignable; Transfers.—(a) (1) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one

place to another, or both. **[If] Except for restaurant liquor and eating place retail dispenser licenses transferred under section 461(b.4), if the license is a retail license, [then] the new location must be within the same county as the existing location [except for restaurant liquor and eating place retail dispenser licenses transferred under section 461(b.4)] or, if the municipality is located in more than one county, within the same municipality as the existing location.**

* * *

Section 10. Section 471 of the act is amended by adding a subsection to read:

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

(f) Upon becoming aware of a potential violation of section 445 or any associated regulation, the enforcement bureau shall give written notice to each licensee who might be in violation of this section or its corresponding regulation. If the potential violation has been cured within ten days of receipt of the written notice, the enforcement bureau shall take no further action against the licensee. If the potential violation has not been cured within ten days of receipt of the notice, the enforcement bureau shall proceed in accordance with subsection (a).

Section 11. Section 472(d) of the act, added December 20, 2000 (P.L.992, No.141), is amended to read:

Section 472. Local Option.—* * *

(d) Nothing in this section shall prohibit the board from approving **[the]**:

(1) The transfer of a retail license from a municipality which has voted to prohibit the issuance of such a license to a location in another municipality in the same county that allows the issuance of that type of license.

(2) The renewal or transfer of a restaurant liquor license in a municipality which has voted to prohibit the issuance of such a license if:

(i) the license is located in a township of the second class within a county of the third class;

(ii) the license was originally issued prior to 1950; and

(iii) the premises have been licensed for at least fifty years.

* * *

Section 12. Section 493(10) of the act, amended December 20, 2000 (P.L.992, No.141), is amended and the section is amended by adding a paragraph to read:

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

It shall be unlawful—

* * *

(10) Entertainment on Licensed Premises (Except Clubs); Permits; Fees. For any licensee, his servants, agents or employes, except club licensees, public venue licensees or performing arts facility licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size

twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises or in any place operated in connection therewith any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The special permit may be used only during the hours when the sale of liquor or malt or brewed beverages is permitted, *unless the licensee holds an extended hours food license under section 499(b) which license would allow the special permit to be used while the establishment is open*, and between eleven o'clock antemeridian on Sunday and two o'clock antemeridian on the following Monday, regardless of whether the licensee possesses a Sunday sales permit. The board shall have power to provide for the issue of such special permits, and to collect an annual fee for such permits as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.

* * *

(33) Off-premises Catering Permit; Fees. For any licensee, his servants, agents or employes to sell alcohol at a location other than its licensed premises, unless the sale is specifically authorized under this act, or unless the licensee receives a special permit from the board to do so. Only those licensees holding a current and valid restaurant, hotel or eating place license shall be allowed to apply for such a permit. All servers at the off-premises catered function shall be certified under the board's responsible alcohol management program as required under section 471.1. The board may charge a fee of five hundred dollars (\$500) each calendar year, to each applicant for the initial permit associated with a particular license, but no further fee shall be charged for any subsequent permits issued to the applicant for the license during the same calendar year. The fees shall be paid into the State Stores Fund. Any violation of this act or the board's regulations for governing activity occurring under the authority of this permit may be the basis for the issuance of a citation under section 471, the nonrenewal of the license under section 470 or the refusal by the board to issue subsequent permits or honor subsequent dates on the existing permit. This penalty shall be in addition to any other remedies available to the enforcement bureau or the board.

Section 13. Section 505.2(a)(6.1) and (6.3) of the act, amended December 8, 2004 (P.L.1810, No.239), are amended and the section is amended by adding a clause to read:

Section 505.2. Limited Wineries.—(a) In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

* * *

(4.1) At the discretion of the board, obtain a farmers market permit. The permit shall entitle the holder to participate in more than one farmers

market at any given time and an unlimited number throughout the year and sell alcoholic cider or wine produced under the authority of the underlying limited winery license by the bottle or in case lots. Samples not to exceed one fluid ounce per brand of wine may be offered free of charge. A farmers market permit shall be issued upon proper application and payment of an annual fee of two hundred fifty dollars (\$250). A permit holder may participate in more than one farmers market at any given time. Sales by permit holders shall take place during the standard hours of operation of the farmers market. Written notice of the date, times and location the permit is to be used shall be provided by the permit holder to the enforcement bureau at least two (2) weeks prior to the event. Except as provided in this subsection, limited wineries utilizing farmers market permits shall be governed by all applicable provisions of this act as well as by all applicable regulations adopted by the board.

* * *

(6.1) Sell food for consumption on or off the licensed premises *and at the limited winery's additional board-approved locations* and sell by the glass, *at the licensed premises and at the limited winery's additional board-approved locations*, only wine and alcoholic ciders that may otherwise be sold by the bottle.

* * *

(6.3) Sell alcoholic cider, wine and wine coolers only between the hours of nine o'clock antemeridian and ~~[nine o'clock]~~ *eleven o'clock* postmeridian. *[During the period from Thanksgiving Day through New Year's Day, limited winery sales locations may remain open to conform with the closing times of neighboring mall or shopping district businesses but no later than ten o'clock postmeridian.]* A limited winery also may request approval from the board to extend sales hours in individual locations at other times during the year or beyond the limits set forth in this clause. The request shall be made in writing to the board's Office of the Chief Counsel and shall detail the exact locations where sales hours are proposed to be extended, the proposed hours and dates of extended operation and the reason for the proposed extended hours.

* * *

Section 14. All acts and parts of acts are repealed insofar as they are inconsistent with section 445 of the act.

Section 15. This act shall take effect as follows:

(1) The amendment of sections 441, 445 and 471 of the act shall take effect in 60 days.

(2) The amendment or addition of sections 406 and 505.2(a)(4.1) of the act shall take effect in 30 days.

(3) The remainder of this act shall take effect immediately.

APPROVED—The 28th day of June, A.D. 2011

TOM CORBETT