

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 846 Session of 2019

INTRODUCED BY TOMLINSON, SEPTEMBER 3, 2019

REFERRED TO LAW AND JUSTICE, SEPTEMBER 3, 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 and liquor, alcohol and malt
 19 and brewed beverages, further providing for performing arts
 20 facility license.

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

23 Section 1. The definition of "performing arts facilities" in
 24 section 102 of the act of April 12, 1951 (P.L.90, No.21), known
 25 as the Liquor Code, is amended to read:

26 Section 102. Definitions.--The following words or phrases,
 27 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 * * *

3 "Performing arts facilities" shall mean [those] any of the
4 following:

5 (1) Those halls or theaters in which live musical, concert,
6 dance, ballet and legitimate play book-length productions are
7 performed. Performing arts facilities shall not mean those halls
8 or theaters in which burlesque shows or reviews are performed.
9 If the operator of the performing arts facility is a nonprofit
10 entity, the facility must have seating for at least one hundred
11 fifty (150) people; otherwise, the facility must have seating
12 for at least twenty-five hundred (2,500) people.

13 (2) Indoor movie theaters that have permanent seating in the
14 facility for at least one hundred (100) people, but no more than
15 three hundred twenty-five (325) people, and which primarily
16 screen independent films, classic films and second-run films on
17 no more than four movie screens. As used in this definition, the
18 term "independent films" includes feature films produced outside
19 the major film studio system or by independent entertainment
20 agencies.

21 * * *

22 Section 2. Section 413(f) (1) of the act is amended to read:

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

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

27 (1) Sales of liquor and malt or brewed beverages may be made
28 two hours before, during and one hour after any performance at
29 the facility; however, sales may not be made from two o'clock
30 antemeridian to seven o'clock antemeridian. In addition, sales

1 may not occur prior to one o'clock postmeridian or after ten
2 o'clock postmeridian on Sundays. However, facilities that had
3 been licensed under former section 408.3(a) and 408.3(a.2) may
4 sell liquor and malt or brewed beverages anytime except from two
5 o'clock antemeridian to seven o'clock antemeridian or prior to
6 one o'clock postmeridian or after ten o'clock postmeridian on
7 Sundays, regardless of whether there is a performance at the
8 facility. Sales of liquor and malt or brewed beverages at a
9 movie theater as defined under paragraph (2) of the definition
10 of "performing arts facilities" in section 102 may be made one
11 hour before, during and one hour after the screening of a film
12 at the movie theater.

13 * * *

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