
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1690 Session of
2015

INTRODUCED BY TURZAI, BLOOM, CUTLER, PAYNE, HICKERNELL, GREINER,
A. HARRIS, MILNE, MOUL, SAYLOR, SANKEY, CORBIN, ROAE,
EVERETT, LAWRENCE, DUNBAR, TRUITT, QUIGLEY, LEWIS AND
MACKENZIE, NOVEMBER 12, 2015

REFERRED TO COMMITTEE ON LIQUOR CONTROL, NOVEMBER 12, 2015

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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," as
17 follows:

18 In preliminary provisions, further providing for definitions.

19 In Pennsylvania Liquor Control Board, further providing for
20 general powers of board.

21 In licenses and regulations, liquor, alcohol and malt and
22 brewed beverages, further providing for license districts,
23 license period and hearings and for issuance, transfer or
24 extension of hotel, restaurant and club liquor licenses,
25 providing for wholesale permit, for wholesale licenses, for wine
26 or liquor expanded permits, for wine or liquor enhanced permits
27 and for grocery store retail permits; further providing for malt
28 and brewed beverages manufacturers', distributors' and importing
29 distributors' licenses, for malt and brewed beverages retail
30 licenses, for application for distributors', importing

1 distributors' and retail dispensers' licenses, for prohibitions
2 against the grant of licenses, for interlocking business
3 prohibited, for licenses not assignable and transfers, for
4 surrender of restaurant, eating place retail dispenser, hotel,
5 importing distributor and distributor license for benefit of
6 licensee and for unlawful acts relative to malt or brewed
7 beverages and licensees.

8 In miscellaneous provisions, providing for transition
9 assistance committee, for preference in public employment
10 hiring, career training and post-secondary education grant
11 eligibility, for reemployment tax credit and for protection of
12 existing benefits.

13 The General Assembly finds and declares as follows:

14 (1) It is the purpose of this act to reform and
15 privatize the system by which alcohol is dispensed and
16 controlled within this Commonwealth to reflect changes in the
17 marketplace while continuing to protect the welfare, health,
18 peace and morals of the citizens of this Commonwealth.

19 (2) The 21st amendment to the Constitution of the United
20 States dictates that the laws of the states shall govern the
21 transportation and importation of intoxicating liquors into
22 the state for delivery and use within the state.

23 (3) Further, the United States Supreme Court has opined
24 in interpreting the 21st amendment that "the states'
25 regulatory power over this segment of commerce is largely
26 unfettered by the Constitution's commerce clause."

27 (4) Revenues derived from the operation of a system for
28 the manufacture, transportation, distribution and sale of
29 alcohol are necessary to implement and sustain a regulated
30 marketplace to continue to protect the welfare, health, peace
31 and morals of the citizens of this Commonwealth and to
32 contribute to the overall economic stability of the
33 Commonwealth.

34 (5) In order to adapt to the changing marketplace, this

1 act will:

2 (i) Permit private industry to offer additional
3 products for sale while ensuring that the laws of this
4 Commonwealth are thoroughly enforced.

5 (ii) Ensure that the value of licenses held by small
6 businesses are not devalued, but are enhanced through the
7 opportunity to expand operations and sales.

8 (iii) Provide for the operation of a retail system
9 that promotes competition and convenience to ensure that
10 the residents of this Commonwealth purchase products
11 within this Commonwealth.

12 (iv) Establish a system by which these increased
13 opportunities will continue to contribute to overall
14 fiscal stability of the Commonwealth.

15 (6) Recognizing the benefits of allowing the private
16 market to offer products directly to licensees and retailers,
17 the General Assembly intends to fully divest of the
18 Commonwealth's wholesale liquor business in order to allow
19 additional products into the marketplace, establish a more
20 reliable system for the distribution of products and provide
21 additional convenience for licensees and retailers.

22 (7) Recognition and furtherance of all these elements is
23 essential to the welfare, health, peace and morals of the
24 citizens of this Commonwealth.

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

27 Section 1. The definitions of "distributor," "importing
28 distributor" and "liquor" in section 102 of the act of April 12,
29 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and
30 amended June 29, 1987 (P.L.32, No.14) and amended May 31, 1996

1 (P.L.312, No.49), are amended and the section is amended by
2 adding definitions to read:

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

6 * * *

7 "Displaced employee" shall mean a salaried employee of the
8 board whose employment is terminated as a sole and direct result
9 of the implementation of section 207. The term shall not include
10 a person who is terminated for cause or who retires or resigns,
11 is furloughed or is otherwise separated from employment for any
12 other reason. The term shall not include intermittent liquor
13 store clerks and seasonal liquor store clerks.

14 * * *

15 "Distributor" shall mean any person licensed or holding a
16 permit authorized by the board to sell wine, sell liquor or to
17 engage in the purchase only from Pennsylvania manufacturers and
18 from importing distributors and the resale of malt or brewed
19 beverages, except to importing distributors and distributors, in
20 the original sealed containers as prepared for the market by the
21 manufacturer at the place of manufacture, but not for
22 consumption on the premises where sold, and in quantities of not
23 less than a case or original containers containing one hundred
24 twenty-eight ounces or more which may be sold separately.

25 * * *

26 "Grocery store" shall mean a reputable place operated by
27 persons of good repute, which primarily sells food, supplies for
28 the table and food products for human consumption off the
29 premises and which has an area under one roof of ten thousand
30 square feet or more.

1 * * *

2 "Importing distributor" shall mean any person licensed or
3 holding a permit authorized by the board to sell wine, sell
4 liquor and to engage in the purchase from manufacturers and
5 other persons located outside this Commonwealth and from persons
6 licensed as manufacturers of malt or brewed beverages and
7 importing distributors under this act, and the resale of malt or
8 brewed beverages in the original sealed containers as prepared
9 for the market by the manufacturer at the place of manufacture,
10 but not for consumption on the premises where sold, and in
11 quantities of not less than a case or original containers
12 containing one hundred twenty-eight ounces or more which may be
13 sold separately.

14 "Licensed premises" shall mean the premises covered by the
15 license as approved by the board and shall include the term
16 "location" as used in sections 404, 431(b) and 432(d).

17 * * *

18 "Liquor" except as provided in sections 207(a.1), 410.1(c),
19 415(f) and 416(l), shall mean and include any alcoholic,
20 spirituous, vinous, fermented or other alcoholic beverage, or
21 combination of liquors and mixed liquor a part of which is
22 spirituous, vinous, fermented or otherwise alcoholic, including
23 all drinks or drinkable liquids, preparations or mixtures, and
24 reused, recovered or redistilled denatured alcohol usable or
25 taxable for beverage purposes which contain more than one-half
26 of one per cent of alcohol by volume, except pure ethyl alcohol
27 and malt or brewed beverages.

28 * * *

29 "Unlicensed entity" shall mean a person not holding a license
30 issued pursuant to this act that possesses a valid wine enhanced

1 permit or liquor enhanced permit under section 416(f).

2 Section 2. Section 207(b) of the act is amended and the
3 section is amended by adding a subsection to read:

4 Section 207. General Powers of Board.--Under this act, the
5 board shall have the power and its duty shall be:

6 * * *

7 (a.1) (1) To close Pennsylvania Liquor Stores. Before
8 making a determination to close a Pennsylvania Liquor Store, the
9 board shall take into consideration the availability and
10 accessibility of liquor to the public through the private retail
11 market, the pricing of liquor in the area and the profitability
12 of the store.

13 (2) Availability and accessibility of liquor shall be
14 determined by the proximity of the closest holder of a wine and
15 liquor enhanced permit under section 416. The board shall
16 identify the two closest distributors or importing distributors.
17 If one of the distributors or importing distributors is selling
18 wine and liquor under section 416 or, if there is an unlicensed
19 entity selling wine and liquor under section 416 within the same
20 proximity of the two closest distributors or importing
21 distributors, then the board shall close the store.

22 (3) A Pennsylvania Liquor Store designated for closure shall
23 cease operations within sixty days.

24 (4) The board shall arrange for the disposition of the
25 liquor remaining in inventory at a designated store. In order to
26 effectuate this subsection, the board may, in consultation with
27 the Department of General Services, do any of the following:

28 (i) Coordinate with the vendor of record for the repurchase
29 of products by the vendor of record.

30 (ii) Sell products to holders of wine or liquor expanded or

1 enhanced permits or an unlicensed wine or liquor enhanced permit
2 holder.

3 (iii) Transport products for sale at another operating
4 Pennsylvania Liquor Store.

5 (5) The Department of General Services, in consultation with
6 the board, shall establish a procedure for the sale of the
7 nonliquor inventory, property and fixtures of all Pennsylvania
8 Liquor Stores consistent with 62 Pa.C.S. Ch. 15 (relating to
9 supply management). The holders of wine or liquor enhanced
10 permits shall have the opportunity to bid on the items to be
11 sold or otherwise participate in the sale. All proceeds from the
12 sales shall be deposited into the State Store Fund.

13 (6) The board shall provide immediate notice to the lessor
14 upon receipt of notice to close a designated Pennsylvania Liquor
15 Store issued by the Department of General Services. The board
16 shall reimburse the lessor for any outstanding renovation costs
17 that were incurred during the term of the current lease as of
18 the effective date of the act.

19 (b) To control the manufacture, possession, sale,
20 consumption, importation, use, storage, transportation and
21 delivery of liquor, alcohol and malt or brewed beverages in
22 accordance with the provisions of this act, and to fix the
23 wholesale and retail prices at which liquors and alcohol shall
24 be sold at Pennsylvania Liquor Stores.

25 (1) Prices shall be proportional with prices paid by the
26 board to its suppliers and shall reflect any advantage obtained
27 through volume purchases by the board.

28 (2) The board may establish a preferential price structure
29 for wines produced within this Commonwealth for the promotion of
30 such wines, as long as the price structure is uniform within

1 each class of wine purchased by the board.

2 (3) The board shall require each Pennsylvania manufacturer
3 and each nonresident manufacturer of liquors, other than wine,
4 selling such liquors to the board, which are not manufactured in
5 this Commonwealth, to make application for and be granted a
6 permit by the board before such liquors not manufactured in this
7 Commonwealth shall be purchased from such manufacturer. Each
8 such manufacturer shall pay for such permit a fee which, in the
9 case of a manufacturer of this Commonwealth, shall be equal to
10 that required to be paid, if any, by a manufacturer or
11 wholesaler of the state, territory or country of origin of the
12 liquors, for selling liquors manufactured in Pennsylvania, and
13 in the case of a nonresident manufacturer, shall be equal to
14 that required to be paid, if any, in such state, territory or
15 country by Pennsylvania manufacturers doing business in such
16 state, territory or country. In the event that any such
17 manufacturer shall, in the opinion of the board, sell or attempt
18 to sell liquors to the board through another person for the
19 purpose of evading this provision relating to permits, the board
20 shall require such person, before purchasing liquors from him or
21 it, to take out a permit and pay the same fee as hereinbefore
22 required to be paid by such manufacturer. All permit fees so
23 collected shall be paid into the State Stores Fund.

24 (4) The board shall not purchase any alcohol or liquor
25 fermented, distilled, rectified, compounded or bottled in any
26 state, territory or country, the laws of which result in
27 prohibiting the importation therein of alcohol or liquor,
28 fermented, distilled, rectified, compounded or bottled in
29 Pennsylvania.

30 (5) The board's authority to exercise the powers granted

1 pursuant to this subsection is subject to the limitations set
2 forth in sections 207(a.1), 410.1 and 410.2.

3 * * *

4 Section 3. Section 402 of the act is amended by adding a
5 subsection to read:

6 Section 402. License Districts; License Period; Hearings.--*

7 * *

8 (d) This section shall not apply to permit holders holding a
9 valid wine or liquor expanded or wine or liquor enhanced permit
10 or grocery store retail permit under section 415, 416 or 417.

11 Section 4. Section 404 of the act, amended January 6, 2006
12 (P.L.1, No.1), is amended to read:

13 Section 404. Issuance, Transfer or Extension of Hotel,
14 Restaurant and Club Liquor Licenses.--Upon receipt of the
15 application and the proper fees, and upon being satisfied of the
16 truth of the statements in the application that the applicant is
17 the only person in any manner pecuniarily interested in the
18 business so asked to be licensed and that no other person will
19 be in any manner pecuniarily interested therein during the
20 continuance of the license, except as hereinafter permitted, and
21 that the applicant is a person of good repute, that the premises
22 applied for meet all the requirements of this act and the
23 regulations of the board, that the applicant seeks a license for
24 a hotel, restaurant or club, as defined in this act, and that
25 the 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, grant and issue to the applicant a liquor
28 license, and in the case of a club may, in its discretion, issue
29 or refuse a license: Provided, however, That in the case of any
30 new license or the transfer of any license to a new location or

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

1 license the area where liquid fuels or oil is sold. No sales of
2 liquid fuels or oil may be made from a licensee's licensed
3 premises. A licensed premises may not have an interior
4 connection with a location that sells liquid fuels or oils
5 unless it first receives permission from the board for the
6 interior connection. The approval shall be required regardless
7 of whether the licensee or another party is the entity selling
8 the liquid fuels or oils. The board may enter into an agreement
9 with the applicant concerning additional restrictions on the
10 license in question. If the board and the applicant enter into
11 such an agreement, such agreement shall be binding on the
12 applicant. Failure by the applicant to adhere to the agreement
13 will be sufficient cause to form the basis for a citation under
14 section 471 and for the nonrenewal of the license under section
15 470. If the board enters into an agreement with an applicant
16 concerning additional restrictions, those restrictions shall be
17 binding on subsequent holders of the license until the license
18 is transferred to a new location or until the board enters into
19 a subsequent agreement removing those restrictions. If the
20 application in question involves a location previously licensed
21 by the board, then any restrictions imposed by the board on the
22 previous license at that location shall be binding on the
23 applicant unless the board enters into a new agreement
24 rescinding those restrictions. The board may, in its discretion,
25 refuse an application for an economic development license under
26 section 461(b.1) or an application for an intermunicipal
27 transfer of a license if the board receives a protest from the
28 governing body of the receiving municipality. The receiving
29 municipality of an intermunicipal transfer or an economic
30 development license under section 461(b.1) may file a protest

1 against the transfer of a license into its municipality, and the
2 receiving municipality shall have standing in a hearing to
3 present testimony in support of or against the issuance or
4 transfer of a license. Upon any opening in any quota, an
5 application for a new license shall only be filed with the board
6 for a period of six months following said opening.

7 Section 5. The act is amended by adding sections to read:

8 Section 410.1. Wholesale Permit.--(a) Notwithstanding any
9 other provision of law, an importer licensed under Article V may
10 make application to the board on forms prescribed by the board
11 for a wholesale permit for the purpose of selling and
12 distributing wholesale wine or liquor to licensees, unlicensed
13 wine or liquor enhanced permit holders and to United States
14 Armed Forces facilities located on United States Armed Forces
15 installations within this Commonwealth. Within 30 days of the
16 effective date of this section, the board shall accept
17 applications, and the board shall approve the issuance of a
18 wholesale permit within 60 days of receipt of the application if
19 the applicant meets the requirements under this section.
20 Applicants shall submit the initial permit fee with their
21 application to the board. The Department of Revenue shall audit
22 retailers to determine whether wholesale permit holders,
23 licensees or unlicensed wine or liquor enhanced permit holders
24 are remitting the tax imposed under sections 415 and 416 and
25 Article II of the act of March 4, 1971 (P.L.6, No.2), known as
26 the "Tax Reform Code of 1971," for products sold for consumption
27 on and off the premises. The following shall apply:

28 (1) The wholesale permit holder shall:

29 (i) Provide to the board a list of the brands of wine or
30 liquor it will distribute.

1 (ii) Serve all licensees or unlicensed wine or liquor
2 enhanced permit holders authorized to purchase and resell wine
3 or liquor under this act and make wine or liquor available for
4 sale to those licensees or unlicensed wine or liquor enhanced
5 permit holders under the same pricing structure.

6 (iii) Post prices with the board and give written notice of
7 price changes to the board at least 30 days before the effective
8 date of the price change. All price changes shall be effective
9 on the first day of the month.

10 (iv) Keep a detailed log of wholesale wine or liquor
11 transactions, including sales to licensees or unlicensed wine or
12 liquor enhanced permit holders under this act.

13 (2) The wholesale permit holder may sell and distribute more
14 than one brand of wine or liquor under the same permit and shall
15 provide any contractual agreements between the wholesale permit
16 holder and the licensed manufacturer to the board.

17 (3) The wholesale permit holder may amend the list of brands
18 of wine or liquor it distributes to include additional brands of
19 wine or liquor. The following shall apply:

20 (i) For brands of liquor that have not been sold by the
21 board at Pennsylvania Liquor Stores or through special liquor
22 orders, the wholesale permit holders shall apply to the board
23 for permission to add that brand to the permit holder's list of
24 brands permitted to be sold under the permit.

25 (ii) For each new brand of liquor, an application filing fee
26 of two thousand five hundred dollars (\$2,500) shall be submitted
27 with the application.

28 (4) The wine or liquor products shipped into this
29 Commonwealth must be delivered to the wholesale permit holder's
30 licensed premises. Upon delivery, the products shall be

1 unloaded, inventoried and remain on the licensed premises for
2 forty-eight hours before delivery is made to licensees or
3 unlicensed wine or liquor enhanced permit holders. During that
4 time period, the board may inspect and inventory importer
5 warehouses.

6 (5) The wholesale permit holder may not engage in conduct
7 that would constitute any of the following:

8 (i) Variable pricing.

9 (ii) Unfair or deceptive trade practices proscribed under
10 Federal or State law or regulation.

11 (iii) Intentional exclusion of competing brands of wine or
12 liquor from the marketplace.

13 (6) The wholesale permit holder may only sell and distribute
14 those products in this Commonwealth that are subject to a
15 contractual relationship between the wholesale permit holder and
16 one or more licensed manufacturers or suppliers of wine or
17 liquor.

18 (7) A wholesale permit holder shall remit to the Department
19 of Revenue all applicable taxes. A wholesale permit holder shall
20 be considered a State Liquor Store for the purpose of collecting
21 and remitting taxes under Article II of the "Tax Reform Code of
22 1971" for products sold by licensees for on-premises
23 consumption.

24 (8) The emergency State tax imposed under the act of June 9,
25 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act imposing an
26 emergency State tax on liquor, as herein defined, sold by the
27 Pennsylvania Liquor Control Board; providing for the collection
28 and payment of such tax; and imposing duties upon the Department
29 of Revenue and the Pennsylvania Liquor Control Board," shall be
30 included in the retail price of wine or liquor offered for sale

1 by a wine or liquor expanded permit holder under section 415 or
2 by a wine or liquor enhanced permit holder under section 416.
3 The tax may not be assessed at the point of sale to consumers.
4 Licensees or unlicensed wine or liquor enhanced permit holders
5 selling wine or liquor at retail shall be required to remit the
6 taxes to the Department of Revenue.

7 (9) No wholesale permit holder under this section may hold a
8 license or permit to engage in any sales of wine or liquor at
9 retail to residents of this Commonwealth and no licensee or
10 permit holder selling wine or liquor at retail in this
11 Commonwealth may obtain a wholesale permit from the board. No
12 wholesale permit may be issued to any wine or liquor
13 manufacturer or producer.

14 (10) Any licensed importer that wishes to obtain a wholesale
15 permit shall do all of the following:

16 (i) Notify the board in writing.

17 (ii) Pay the permitting fees specified under paragraph (11).

18 (iii) Provide a statement to the board indicating that the
19 licensed importer plans to continuously operate under the
20 wholesale permit for the duration of the permit. The wholesale
21 permit shall be in effect for ten years from the date of
22 issuance and shall be renewed yearly with the board unless
23 suspended, revoked or not renewed.

24 (11) Wholesale permit fees shall be as follows:

25 (i) A licensed importer shall submit an initial fee equal to
26 fifteen per centum (15%) of the cost of goods sold with the
27 application. For purposes of this paragraph, "cost of goods
28 sold" shall be determined as the purchase price the board paid
29 to the licensed importer for products sold by the board in the
30 most recent twelve (12) month period.

1 (ii) A wholesale permit holder shall pay a renewal fee equal
2 to fifteen per centum (15%) of its gross receipts for each
3 calendar quarter upon commencement of its wholesale operations.

4 (iii) The renewal fee shall be due and payable on the
5 twentieth day of April, July, October and January. The permit
6 holder shall file a return and remit payment on the form as
7 prescribed by the board.

8 (iv) For purposes of this paragraph, gross receipts shall be
9 determined as the total of all sales of wine and liquor made to
10 the board, licensees and unlicensed wine or liquor enhanced
11 permit holders.

12 (12) Any violation of this act or the board's regulations
13 for governing activity occurring under the authority of the
14 wholesale permit may be the basis for any of the following:

15 (i) A fine, suspension or wholesale permit revocation.

16 (ii) Nonrenewal of the importer license.

17 (iii) Other penalties authorized under section 471.

18 (13) The board shall have no authority to do any of the
19 following once wholesale permits have been issued and permit
20 holders have commenced providing wholesale products to licensees
21 and permit holders:

22 (i) Determine what wines or liquor products may be sold in
23 this Commonwealth.

24 (ii) Set the price at which products may be sold at
25 wholesale or retail in this Commonwealth.

26 (iii) Sell products at wholesale to retail licensees or
27 unlicensed wine or liquor enhanced permit holders.

28 (b) All fees paid to the board under this section shall be
29 deposited into the General Fund.

30 (c) For the purposes of this section, the term "liquor"

1 shall not include wine.

2 Section 410.2. Wholesale Licenses.--(a) At the conclusion
3 of the ten-year wholesale permit under section 410.1., the
4 Commonwealth's wholesale wine and liquor system shall be
5 divested.

6 (b) At the conclusion of the ten-year wholesale permit, the
7 holder of a wholesale permit shall be granted a wholesale
8 license to continue operations and shall continue to operate
9 under the requirements of section 410.1 in addition to the
10 following requirements:

11 (1) A wholesale license shall be in effect unless suspended,
12 revoked or not renewed under this act. A wholesale license in
13 good standing shall be renewed every year as follows:

14 (i) Wholesale licenses issued under this section shall be
15 subject to renewal every year.

16 (ii) The application for renewal shall be submitted, on a
17 form prescribed by the board, at least thirty days prior to the
18 expiration of the wholesale license and shall include, at a
19 minimum, an update of the information contained in the initial
20 and prior renewal applications and the payment of any renewal
21 fee required under this section.

22 (iii) A renewal fee of five per centum (5%) of the wholesale
23 licensee's gross receipts shall be due upon application for the
24 renewal of a wine and spirits retail license. For the purposes
25 of this subparagraph, gross receipts shall be determined as the
26 total of all sales of wine and liquor made to licensees and
27 unlicensed permit holders.

28 (iv) The board may revoke a wholesale license issued under
29 this section if it finds that the licensee or any of its
30 affiliates, executive officers, directors or general or limited

1 partners or persons holding a controlling interest in the
2 licensee:

3 (A) is in violation of any provision of this act;

4 (B) has furnished the board with false or misleading
5 information; or

6 (C) is no longer reputable or suitable for licensure.

7 (2) (Reserved).

8 (c) All fees paid to the board under this section shall be
9 deposited in the General Fund.

10 Section 415. Wine or Liquor Expanded Permits.--(a) (1) The
11 board shall issue a wine or liquor expanded permit to a person
12 holding and possessing a valid restaurant liquor license or
13 hotel liquor license. Nothing in this section shall be construed
14 to prohibit a person possessing a valid restaurant or hotel
15 liquor license from acquiring both a wine expanded permit and a
16 liquor expanded permit.

17 (2) Nothing in this section may affect the ability of an
18 existing licensee to operate within the scope of its current
19 license as authorized by this act, except that no sales of wine
20 or liquor for consumption off the premises may take place by a
21 wine or liquor expanded permit holder after eleven o'clock
22 postmeridian of any day until eight o'clock antemeridian of the
23 next day, including Sundays if the licensee has a permit
24 authorized under sections 406(a)(3) and 432(f).

25 (3) No wine or liquor expanded permit may be issued to a
26 license holder whose underlying license is subject to a pending
27 objection by the director of the Bureau of Licensing or the
28 board under section 470(a.1), until the matter is decided.
29 Notwithstanding any other provision of law, a holder of a wine
30 or liquor expanded permit may continue to operate under the

1 permit if its underlying license is objected to by the director
2 of the Bureau of Licensing or the board under section 470(a.1),
3 until the matter is decided.

4 (4) If the board has approved the operation of another
5 business which has an inside passage or communication to or with
6 the licensed premises, the sale and purchase of wine and liquor
7 shall be confined strictly to the premises, in a specifically
8 designated area covered by the license. The purchase of goods
9 obtained from the unlicensed area of the premises shall be
10 permitted in the licensed area.

11 (5) For purposes of selling wine or liquor for off-premises
12 consumption, a holder of a wine or liquor expanded permit is not
13 subject to section 493(14).

14 (6) A wine or liquor expanded permit holder shall comply
15 with the responsible alcohol management provisions under section
16 471.1.

17 (7) A wine or liquor expanded permit holder may store wine
18 or liquor in a noncontiguous area that is not accessible to the
19 public and is:

20 (i) locked at all times when not being accessed by the
21 licensees' employees;

22 (ii) not accessible to employees eighteen years of age or
23 younger; and

24 (iii) identified by dimensions and locations on forms
25 submitted to the board.

26 (8) A wine or liquor expanded permit holder shall utilize a
27 transaction scan device to verify the age of an individual who
28 appears to be under thirty-five years of age before making a
29 sale of wine or liquor. A wine or liquor expanded permit holder
30 may not sell or share data from the use of a transaction scan

1 device, provided that the licensee may use the data to show the
2 enforcement bureau of the board that the licensee is in
3 compliance with this act. As used in this paragraph, the term
4 "transaction scan device" means a device capable of deciphering,
5 in an electronically readable format, the information encoded on
6 the magnetic strip or bar code of an identification card under
7 section 495(a).

8 (9) A sale of wine or liquor by a wine or liquor expanded
9 permit holder shall be made through a register which is well
10 designated with signage, which is staffed at all times, which is
11 staffed by a sales clerk who is at least eighteen years of age
12 and has been trained under section 471.1 and which utilizes a
13 transaction scan device for the sale. The sale of wine or liquor
14 may not occur at a point of sale where the customer scans the
15 customer's own purchases.

16 (b) The application and renewal fee for a wine expanded
17 permit shall be as follows:

18 (1) For a wine expanded permit issued to licensees, an
19 initial application fee of two thousand five hundred dollars
20 (\$2,500) and annual renewal fees as follows:

21 (i) One thousand dollars (\$1,000) for a licensee whose total
22 annual wine sales are less than one hundred thousand dollars
23 (\$100,000) in the prior calendar year.

24 (ii) Two thousand dollars (\$2,000) for a licensee whose
25 total annual wine sales are equal to or greater than one hundred
26 thousand dollars (\$100,000) but less than two hundred thousand
27 dollars (\$200,000) in the prior calendar year.

28 (iii) Three thousand dollars (\$3,000) for a licensee whose
29 total annual wine sales are equal to or greater than two hundred
30 thousand (\$200,000) in the prior calendar year.

1 (2) (Reserved).

2 (c) The application and renewal fee for a liquor expanded
3 permit shall be as follows:

4 (1) For a liquor expanded permit issued to licensees, an
5 initial application fee of two thousand five hundred dollars
6 (\$2,500) and annual renewal fees as follows:

7 (i) One thousand dollars (\$1,000) for a licensee whose total
8 annual liquor sales are less than one hundred thousand dollars
9 (\$100,000) in the prior calendar year.

10 (ii) Two thousand dollars (\$2,000) for a licensee whose
11 total annual liquor sales are equal to or greater than one
12 hundred thousand dollars (\$100,000) but less than two hundred
13 thousand dollars (\$200,000) in the prior calendar year.

14 (iii) Three thousand dollars (\$3,000) for a licensee whose
15 total annual liquor sales are equal to or greater than two
16 hundred thousand dollars (\$200,000) in the prior calendar year.

17 (2) (Reserved).

18 (d) All fees paid to the board under this section shall be
19 deposited into the General Fund.

20 (e) A wine or liquor expanded permit holder may sell for
21 consumption off the premises, in a single transaction, up to:

22 (1) one hundred ninety-two ounces of wine; and

23 (2) one and seventy-five one hundredths liters of liquor.

24 (f) A wine or liquor expanded permit holder selling wine or
25 liquor for consumption off the premises shall be considered a
26 Pennsylvania Liquor Store for purposes of collecting and
27 remitting taxes under Article II of the act of March 4, 1971
28 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

29 (g) For the purposes of this section, the term "liquor"
30 shall not include wine.

1 Section 416. Wine or Liquor Enhanced Permits.--(a) (1) The
2 board shall issue a wine or liquor enhanced permit to a person
3 holding and possessing a valid distributor or importing
4 distributor license or to an unlicensed entity. Nothing in this
5 section shall be construed to prohibit a person possessing a
6 valid distributor or importing distributor license or an
7 unlicensed entity from acquiring both a wine enhanced permit and
8 a liquor enhanced permit.

9 (2) Nothing in this section may affect the ability of an
10 existing licensee to operate within the scope of its current
11 license as authorized by this act, except that no sales of wine
12 or liquor for consumption off the premises may take place by a
13 wine enhanced permit holder after eleven o'clock postmeridian of
14 any day until eight o'clock antemeridian of the next day.

15 (3) No wine or liquor enhanced permit may be issued to a
16 license holder whose underlying license is subject to a pending
17 objection by the director of the Bureau of Licensing or the
18 board under section 470(a.1), until the matter is decided.
19 Notwithstanding any other provision of law, a holder of a wine
20 or liquor enhanced permit may continue to operate under the
21 permit if its underlying license is objected to by the director
22 of the Bureau of Licensing or the board under section 470(a.1),
23 until the matter is decided.

24 (4) If the board has approved the operation of another
25 business which has an inside passage or communication to or with
26 the licensed premises, the sale and purchase of wine or liquor
27 shall be confined strictly to the premises, in a specifically
28 designated area covered by the license. The purchase of a good
29 obtained from the unlicensed area of the premises shall be
30 permitted in the licensed area. Notwithstanding this paragraph,

1 a distributor or importing distributor with a valid wine or
2 liquor enhanced permit may sell wine or liquor at a location not
3 covered by the distributor's or importing distributor's license
4 as approved by the board.

5 (5) A wine or liquor enhanced permit holder must be in
6 compliance with the responsible alcohol management provisions
7 under section 471.1.

8 (6) A wine or liquor enhanced permit holder shall utilize a
9 transaction scan device to verify the age of an individual who
10 appears to be under thirty-five years of age before making a
11 sale of liquor. A wine or liquor enhanced permit holder may not
12 sell or share data from the use of a transaction scan device,
13 provided that the licensee may use the data to show the
14 enforcement bureau of the board that the licensee is in
15 compliance with this act. As used in this paragraph, the term
16 "transaction scan device" means a device capable of deciphering,
17 in an electronically readable format, the information encoded on
18 the magnetic strip or bar code of an identification card under
19 section 495(a).

20 (b) The initial application fee and renewal fees shall be as
21 follows:

22 (1) The initial application fee for a wine enhanced permit
23 issued to a licensee:

24 (i) For a county of the first class or second class, thirty
25 thousand dollars (\$30,000).

26 (ii) For a county of the second class A or third class,
27 thirty-seven thousand five hundred dollars (\$37,500).

28 (iii) For a county of the fourth class or fifth class,
29 twenty-two thousand five hundred dollars (\$22,500).

30 (iv) For a county of the sixth class or seventh class,

1 fifteen thousand dollars (\$15,000).

2 (v) For a county of the eighth class, seven thousand five
3 hundred dollars (\$7,500).

4 (2) The annual renewal fee for a wine enhanced permit shall
5 be as follows:

6 (i) Two thousand dollars (\$2,000) for licensees whose total
7 annual wine sales are less than one hundred thousand dollars
8 (\$100,000) in the prior calendar year.

9 (ii) Four thousand dollars (\$4,000) for licensees whose
10 total annual wine sales are equal to or greater than one hundred
11 thousand dollars (\$100,000) but less than two hundred thousand
12 dollars (\$200,000) in the prior calendar year.

13 (iii) Six thousand dollars (\$6,000) for licensees whose
14 total annual wine sales are equal to or greater than two hundred
15 thousand dollars (\$200,000) in the prior calendar year.

16 (3) The initial application fee for a liquor enhanced permit
17 issued to a licensee:

18 (i) For a county of the first class or second class, fifty-
19 two thousand five hundred dollars (\$52,500).

20 (ii) For a county of the second class A or third class,
21 sixty thousand dollars (\$60,000).

22 (iii) For a county of the fourth class or fifth class,
23 forty-five thousand dollars (\$45,000).

24 (iv) For a county of the sixth class or seventh class,
25 thirty-seven thousand five hundred dollars (\$37,500).

26 (v) For a county of the eighth class, thirty thousand
27 dollars (\$30,000).

28 (4) The annual renewal fee for a liquor enhanced permit
29 shall be as follows:

30 (i) Two thousand dollars (\$2,000) for licensees whose total

1 annual liquor sales are less than one hundred thousand dollars
2 (\$100,000) in the prior calendar year.

3 (ii) Four thousand dollars (\$4,000) for licensees whose
4 total annual liquor sales are equal to or greater than one
5 hundred thousand dollars (\$100,000) but less than two hundred
6 thousand dollars (\$200,000) in the prior calendar year.

7 (iii) Six thousand dollars (\$6,000) for licensees whose
8 total annual liquor sales are equal to or greater than two
9 hundred thousand (\$200,000) in the prior calendar year.

10 (c) (Reserved).

11 (d) A wine or liquor enhanced permit holder may sell
12 unlimited quantities of wine or liquor for consumption off the
13 premises.

14 (e) (Reserved).

15 (f) The board shall issue wine enhanced permits and liquor
16 enhanced permits in a number equal to the number of licensed
17 distributors and importing distributors in a county and in
18 existence on the effective date of this section. If there are
19 wine or liquor enhanced permits remaining six months after the
20 effective date of this section, the board shall auction permits
21 to a person who does not possess a distributor or importing
22 distributor license. The permitted facility shall meet all of
23 the conditions imposed on a licensed distributor under this act,
24 including the provisions in section 436 relating to the issuance
25 of a distributor or importing distributor license. The issuance
26 of a wine or liquor enhanced permit shall be subject to the
27 quota and county restrictions under section 437(f).

28 (f.1) For the purposes of auctioning wine and liquor
29 enhanced permits, the board shall post a listing of all
30 remaining permits on the board's Internet website within sixty

1 days after the close of the six-month period in subsection (f).
2 The board shall accept applications from persons interested in
3 bidding at an auction for all remaining permits. The application
4 shall contain information as the board prescribes. The auction
5 shall occur sixty days following the date a permit was posted on
6 the board's Internet website. An applicant, who would be
7 precluded from acquiring a license under section 443, shall not
8 be eligible to participate in an auction or acquire a wine or
9 liquor enhanced permit. An auction shall be conducted in the
10 manner set forth by the board and at a date and time set by the
11 board. The minimum bid for a wine or liquor enhanced permit
12 shall be \$150,000. Following an auction, the board shall
13 provisionally award a wine or liquor enhanced permit to a person
14 making the highest bid for that permit. The highest bidder shall
15 then submit to the board information required by the board,
16 including the information required under section 436 relating to
17 the issuance of a distributor or importing distributor license.
18 Payment shall be made to the board within fourteen days of the
19 auction and in a manner prescribed by the board. If the highest
20 bidder does not make payment to the board within fourteen days
21 of the auction, the second highest bidder shall be awarded the
22 right to file an application for the wine or liquor enhanced
23 permit.

24 (g) The annual renewal fee for a wine or liquor enhanced
25 permit for unlicensed entities shall be as follows:

26 (1) For a wine enhanced permit, as follows:

27 (i) Two thousand dollars (\$2,000) for permit holders whose
28 total annual wine sales are less than one hundred thousand
29 dollars (\$100,000) in the prior calendar year.

30 (ii) Four thousand dollars (\$4,000) for permit holders whose

1 total wine sales are equal to or greater than one hundred
2 thousand dollars (\$100,000) but less than two hundred thousand
3 dollars (\$200,000) in the prior calendar year.

4 (iii) Six thousand dollars (\$6,000) for permit holders whose
5 total annual wine sales are equal to or greater than two hundred
6 thousand dollars (\$200,000) in the prior calendar year.

7 (2) For a liquor enhanced permit, as follows:

8 (i) Two thousand dollars (\$2,000) for permit holders whose
9 total annual liquor sales are less than one hundred thousand
10 dollars (\$100,000) in the prior calendar year.

11 (ii) Four thousand dollars (\$4,000) for permit holders whose
12 total annual liquor sales are equal to or greater than one
13 hundred thousand dollars (\$100,000) but less than two hundred
14 thousand dollars (\$200,000) in the prior calendar year.

15 (iii) Six thousand dollars (\$6,000) for permit holders whose
16 total annual liquor sales are equal to or greater than two
17 hundred thousand dollars (\$200,000) in the prior calendar year.

18 (h) A wine or liquor enhanced permit holder selling wine or
19 liquor for consumption off the premises shall be required to
20 obtain a sales tax permit from the Department of Revenue.

21 (i) All fees paid to the board under this section shall be
22 deposited into the General Fund.

23 (j) An unlicensed entity may not hold, directly or
24 indirectly, more than three wine enhanced permits or three
25 liquor enhanced permits within this Commonwealth or more than
26 one wine enhanced permit or one liquor enhanced permit per
27 county.

28 (k) A wine or liquor enhanced permit holder selling wine or
29 liquor for consumption off the premises shall be considered a
30 Pennsylvania Liquor Store for purposes of collecting and

1 remitting the taxes under Article II of the "Tax Reform Code of
2 1971."

3 (1) For the purposes of this section, the term "liquor," as
4 defined in section 102, shall not include wine.

5 Section 417. Grocery Store Retail Permits.--(a) The board
6 shall issue a retail permit to any premises kept or operated by
7 a grocery store for the premises specified in the permit.

8 (a.1) An additional grocery store retail permit may not be
9 issued within a county if the total number of grocery store
10 retail permits is greater than one permit for every fifteen
11 thousand inhabitants in the county, except that a total of two
12 grocery store retail permits may be granted in a county in this
13 Commonwealth.

14 (b) Every applicant for a grocery store retail permit shall
15 file a written application containing information as the board
16 prescribes which shall include, but not be limited to, the
17 following:

18 (1) A description of the part of the grocery store for which
19 the applicant proposes to keep and sell wine.

20 (2) Descriptions, information and plans showing the grocery
21 store and any alterations proposed to be made to the grocery
22 store or any proposed construction to be completed after
23 approval of the permit.

24 (c) Every application shall also be accompanied by the
25 initial application fee as follows:

26 (1) For grocery stores located in counties of the first
27 class or second class, one hundred sixty-five thousand dollars
28 (\$165,000).

29 (2) For grocery stores located in counties of the second
30 class A or third class, one hundred eighty-seven thousand five

1 hundred dollars (\$187,500).

2 (3) For grocery stores located in counties of the fourth
3 class or fifth class, one hundred forty-two thousand five
4 hundred dollars (\$142,500).

5 (4) For grocery stores located in counties of the sixth
6 class or seventh class, one hundred twenty thousand dollars
7 (\$120,000).

8 (5) For grocery stores located in counties of the eighth
9 class, ninety-seven thousand five hundred dollars (\$97,500).

10 (d) The annual renewal fee for a grocery store retail permit
11 shall be as follows:

12 (1) Two thousand dollars (\$2,000) for a grocery store retail
13 permit holder whose total annual wine sales are less than one
14 hundred thousand dollars (\$100,000) in the prior calendar year.

15 (2) Four thousand dollars (\$4,000) for a grocery store
16 retail permit holder whose total annual wine sales are equal to
17 or greater than one hundred thousand (\$100,000) but less than
18 two hundred thousand dollars (\$200,000) in the prior calendar
19 year.

20 (3) Six thousand dollars (\$6,000) for a grocery store retail
21 permit holder whose total annual wine sales are equal to or
22 greater than two hundred thousand (\$200,000) in the prior
23 calendar year.

24 (e) A grocery store retail permit holder may sell for
25 consumption off the premises, in a single transaction, up to
26 twelve (12) bottles of wine.

27 (f) Every applicant for a permit shall post, for a period of
28 at least thirty days beginning with the day the application is
29 filed with the board, in a conspicuous place on the outside of
30 the premises, a notice of the application. The notice shall be

1 in the form, size and contain provisions as required by the
2 board by regulation. Proof of the posting of the notice shall be
3 filed with the board.

4 (g) Upon receipt of an application for a permit under this
5 section, the board shall immediately notify, in writing, the
6 municipality in which the premises proposed to be licensed are
7 located.

8 (h) Every grocery store retail permit holder may sell wine
9 for consumption off the licensed premises from any location
10 within the licensed premises. Educational information regarding
11 the types of products sold by the grocery store retail permit
12 holder and regarding the responsible consumption of alcohol
13 shall be displayed and readily available wherever alcohol is
14 displayed. Permit holders under this section may display the
15 alcohol products the permit holders offer for sale on shelving
16 units and systems, and in or on refrigerated cases and
17 equipment, within the discretion of the grocery store retail
18 permit holder, if the displays are not designed to attract
19 minors and the manner and method of display allows access by all
20 customers, including the physically dependent.

21 (i) Grocery store retail permit holders may not charge a
22 membership fee in order for customers to make purchases from the
23 grocery store.

24 (j) A grocery store retail permit holder shall utilize a
25 transaction scan device to verify the age of an individual who
26 appears to be under thirty-five (35) years of age before making
27 a sale of wine. A grocery store retail permit holder may not
28 sell or share data from the use of a transaction scan device,
29 provided that the grocery store retail permit holder may use the
30 data to show the enforcement bureau of the board that the permit

1 holder is in compliance with this act. As used in this
2 paragraph, the term "transaction scan device" means a device
3 capable of deciphering, in an electronically readable format,
4 the information encoded on the magnetic strip or bar code of an
5 identification card under section 495(a).

6 (k) A sale of wine shall be made through a register which is
7 well designated with signage, which is staffed at all times,
8 which is staffed by a sales clerk who is at least eighteen years
9 of age (18) and has been trained under section 471.1 and which
10 utilizes a transaction scan device for the sale. The sale of
11 wine may not occur at a point of sale where the customer scans
12 the customer's own purchases.

13 (l) Grocery store retail permit holders may store alcohol in
14 a storage area or storage areas not accessible to the public,
15 provided such storage areas are:

16 (1) locked at all times when not being accessed by the
17 grocery store retail permit holder's employees;

18 (2) not accessible to employees eighteen years of age (18)
19 or younger; and

20 (3) identified by dimensions and location on forms submitted
21 in advance to the board.

22 (m) Grocery store retail permit holders may sell wine from
23 eight o'clock antemeridian until eleven o'clock postmeridian
24 every day except Sunday.

25 (n) Grocery store retail permit holders may sell wine from
26 nine o'clock antemeridian until eleven o'clock postmeridian on
27 Sundays upon submission to the board of a Sunday sales permit
28 application and fee of one thousand five hundred dollars
29 (\$1,500) per year.

30 (o) Grocery store retail permit holders shall be permitted

1 to hold:

2 (1) Tastings at any location in the grocery store, if the
3 tastings are in compliance with the provisions and regulations
4 regarding tastings held on restaurant licensed premises.

5 (2) Educational classes, including cooking classes, how-to
6 classes, seminars and similar classes, regarding the proper or
7 recommended use, consumption, identification, pairing,
8 appellation, aging, storage, characteristics, service,
9 presentation and similar subjects, of the alcohol products that
10 the grocery store permit holder offers for sale, during which
11 the incidental consumption of alcohol by registered participants
12 of lawful age shall be permitted. The classes may be free of
13 charge to participants or may be at a fee.

14 (p) Grocery store retail permit holders shall be permitted
15 to hold restaurant licenses issued for areas within the same
16 building for which the grocery store retail permit has been
17 issued or for a different building. Grocery store retail permits
18 and restaurant licenses issued for areas within the same grocery
19 stores may be issued for areas that are adjacent, abutting and
20 contiguous and the board shall approve interior connections
21 between the areas. If a grocery store retail permit and a
22 restaurant license are issued for the same grocery store, wine
23 may only be sold for off-premises consumption in the area
24 licensed for grocery store retail sales.

25 (g) Grocery store retail permit holders may not sell wine at
26 a price less than the wine's underlying cost.

27 (r) All fees paid to the board under this section shall be
28 deposited into the General Fund.

29 (s) A grocery store retail permit holder selling wine and
30 liquor for off-premises consumption shall be considered a

1 Pennsylvania Liquor Store for purposes of collecting and
2 remitting taxes under Article II of the act of March 4, 1971
3 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

4 (r) For the purposes of this section, the term "liquor"
5 shall not include wine.

6 Section 6. Section 431(b) of the act, amended December 8,
7 2004 (P.L.1810, No.239), is amended to read:

8 Section 431. Malt and Brewed Beverages Manufacturers',
9 Distributors' and Importing Distributors' Licenses.--* * *

10 (b) The board shall issue to any reputable person who
11 applies therefor, and pays the license fee hereinafter
12 prescribed, a distributor's or importing distributor's license
13 for the place which such person desires to maintain for the sale
14 of malt or brewed beverages, not for consumption on the premises
15 where sold, and in quantities of not less than a case or
16 original containers containing one hundred twenty-eight ounces
17 or more which may be sold separately as prepared for the market
18 by the manufacturer at the place of manufacture. The board shall
19 have the discretion to refuse a license to any person or to any
20 corporation, partnership or association if such person, or any
21 officer or director of such corporation, or any member or
22 partner of such partnership or association shall have been
23 convicted or found guilty of a felony within a period of five
24 years immediately preceding the date of application for the said
25 license: And provided further, That, in the case of any new
26 license or the transfer of any license to a new location, the
27 board may, in its discretion, grant or refuse such new license
28 or transfer if such place proposed to be licensed is within
29 three hundred feet of any church, hospital, charitable
30 institution, school or public playground, or if such new license

1 or transfer is applied for a place which is within two hundred
2 feet of any other premises which is licensed by the board: And
3 provided further, That the board shall refuse any application
4 for a new license or the transfer of any license to a new
5 location if, in the board's opinion, such new license or
6 transfer would be detrimental to the welfare, health, peace and
7 morals of the inhabitants of the neighborhood within a radius of
8 five hundred feet of the place proposed to be licensed. [The
9 board shall refuse any application for a new license or the
10 transfer of any license to a location where the sale of liquid
11 fuels or oil is conducted.] The board shall not license the area
12 where liquid fuels or oil is sold. No sales of liquid fuels or
13 oil may be made from a licensee's licensed premises. A licensed
14 premises may not have an interior connection with a location
15 that sells liquid fuels or oils unless it first receives
16 permission from the board for the interior connection. The
17 approval shall be required regardless of whether the licensee or
18 another party is the entity selling the liquid fuels or oils.
19 The board may enter into an agreement with the applicant
20 concerning additional restrictions on the license in question.
21 If the board and the applicant enter into such an agreement,
22 such agreement shall be binding on the applicant. Failure by the
23 applicant to adhere to the agreement will be sufficient cause to
24 form the basis for a citation under section 471 and for the
25 nonrenewal of the license under section 470. If the board enters
26 into an agreement with an applicant concerning additional
27 restrictions, those restrictions shall be binding on subsequent
28 holders of the license until the license is transferred to a new
29 location or until the board enters into a subsequent agreement
30 removing those restrictions. If the application in question

1 involves a location previously licensed by the board, then any
2 restrictions imposed by the board on the previous license at
3 that location shall be binding on the applicant unless the board
4 enters into a new agreement rescinding those restrictions. The
5 board shall require notice to be posted on the property or
6 premises upon which the licensee or proposed licensee will
7 engage in sales of malt or brewed beverages. This notice shall
8 be similar to the notice required of hotel, restaurant and club
9 liquor licensees.

10 Except as hereinafter provided, such license shall authorize
11 the holder thereof to sell or deliver malt or brewed beverages
12 in quantities above specified anywhere within the Commonwealth
13 of Pennsylvania, which, in the case of distributors, have been
14 purchased only from persons licensed under this act as
15 manufacturers or importing distributors, and in the case of
16 importing distributors, have been purchased from manufacturers
17 or persons outside this Commonwealth engaged in the legal sale
18 of malt or brewed beverages or from manufacturers or importing
19 distributors licensed under this article. If the holder of a
20 distributor or importing distributor license has applied for and
21 received a wine or liquor enhanced permit pursuant to section
22 416, that distributor or importing distributor may sell liquor
23 on the same premises where malt or brewed beverages are sold. In
24 the case of an importing distributor, the holder of such a
25 license shall be authorized to store and repackage malt or
26 brewed beverages owned by a manufacturer at a segregated portion
27 of a warehouse or other storage facility authorized by section
28 441(d) and operated by the importing distributor within its
29 appointed territory and deliver such beverages to another
30 importing distributor who has been granted distribution rights

1 by the manufacturer as provided herein. The importing
2 distributor shall be permitted to receive a fee from the
3 manufacturer for any related storage, repackaging or delivery
4 services. In the case of a bailee for hire hired by a
5 manufacturer, the holder of such a permit shall be authorized:
6 to receive, store and repackage malt or brewed beverages
7 produced by that manufacturer for sale by that manufacturer to
8 importing distributors to whom that manufacturer has given
9 distribution rights pursuant to this subsection or to purchasers
10 outside this Commonwealth for delivery outside this
11 Commonwealth; or to ship to that manufacturer's storage
12 facilities outside this Commonwealth. The bailee for hire shall
13 be permitted to receive a fee from the manufacturer for any
14 related storage, repackaging or delivery services. The bailee
15 for hire shall, as required in Article V of this act, keep
16 complete and accurate records of all transactions, inventory,
17 receipts and shipments and make all records and the licensed
18 areas available for inspection by the board and for the
19 Pennsylvania State Police, Bureau of Liquor Control Enforcement,
20 during normal business hours.

21 Each out of State manufacturer of malt or brewed beverages
22 whose products are sold and delivered in this Commonwealth shall
23 give distributing rights for such products in designated
24 geographical areas to specific importing distributors, and such
25 importing distributor shall not sell or deliver malt or brewed
26 beverages manufactured by the out of State manufacturer to any
27 person issued a license under the provisions of this act whose
28 licensed premises are not located within the geographical area
29 for which he has been given distributing rights by such
30 manufacturer. Should a licensee accept the delivery of such malt

1 or brewed beverages in violation of this section, said licensee
2 shall be subject to a suspension of his license for at least
3 thirty days: Provided, That the importing distributor holding
4 such distributing rights for such product shall not sell or
5 deliver the same to another importing distributor without first
6 having entered into a written agreement with the said secondary
7 importing distributor setting forth the terms and conditions
8 under which such products are to be resold within the territory
9 granted to the primary importing distributor by the
10 manufacturer.

11 When a Pennsylvania manufacturer of malt or brewed beverages
12 licensed under this article names or constitutes a distributor
13 or importing distributor as the primary or original supplier of
14 his product, he shall also designate the specific geographical
15 area for which the said distributor or importing distributor is
16 given distributing rights, and such distributor or importing
17 distributor shall not sell or deliver the products of such
18 manufacturer to any person issued a license under the provisions
19 of this act whose licensed premises are not located within the
20 geographical area for which distributing rights have been given
21 to the distributor and importing distributor by the said
22 manufacturer: Provided, That the importing distributor holding
23 such distributing rights for such product shall not sell or
24 deliver the same to another importing distributor without first
25 having entered into a written agreement with the said secondary
26 importing distributor setting forth the terms and conditions
27 under which such products are to be resold within the territory
28 granted to the primary importing distributor by the
29 manufacturer. Nothing herein contained shall be construed to
30 prevent any manufacturer from authorizing the importing

1 distributor holding the distributing rights for a designated
2 geographical area from selling the products of such manufacturer
3 to another importing distributor also holding distributing
4 rights from the same manufacturer for another geographical area,
5 providing such authority be contained in writing and a copy
6 thereof be given to each of the importing distributors so
7 affected.

8 * * *

9 Section 6.1. Section 432(d) of the act, amended January 6,
10 2006 (P.L.1, No.1), is amended to read:

11 Section 432. Malt and Brewed Beverages Retail Licenses.--* *
12 *

13 (d) The board shall, in its discretion, grant or refuse any
14 new license, the transfer of any license to a new location or
15 the extension of an existing license to cover an additional area
16 if such place proposed to be licensed is within three hundred
17 feet of any church, hospital, charitable institution, school, or
18 public playground, or if such new license, transfer or extension
19 is applied for a place which is within two hundred feet of any
20 other premises which is licensed by the board. The board shall
21 refuse any application for a new license, the transfer of any
22 license to a new location or the extension of an existing
23 license to cover an additional area if, in the board's opinion,
24 such new license, transfer or extension would be detrimental to
25 the welfare, health, peace and morals of the inhabitants of the
26 neighborhood within a radius of five hundred feet of the place
27 to be licensed. The board may enter into an agreement with the
28 applicant concerning additional restrictions on the license in
29 question. If the board and the applicant enter into such an
30 agreement, such agreement shall be binding on the applicant.

1 Failure by the applicant to adhere to the agreement will be
2 sufficient cause to form the basis for a citation under section
3 471 and for the nonrenewal of the license under section 470. If
4 the board enters into an agreement with an applicant concerning
5 additional restrictions, those restrictions shall be binding on
6 subsequent holders of the license until the license is
7 transferred to a new location or until the board enters into a
8 subsequent agreement removing those restrictions. If the
9 application in question involves a location previously licensed
10 by the board, then any restrictions imposed by the board on the
11 previous license at that location shall be binding on the
12 applicant unless the board enters into a new agreement
13 rescinding those restrictions. [The board shall refuse any
14 application for a new license, the transfer of any license to a
15 location where the sale of liquid fuels or oil is conducted or
16 the extension of an existing license to cover an additional
17 area] The board shall not license the area where liquid fuels or
18 oil is sold. No sales of liquid fuels or oil may be made from a
19 licensee's licensed premises. A licensed premises may not have
20 an interior connection with a location that sells liquid fuels
21 or oils unless it first receives permission from the board for
22 the interior connection. The approval shall be required
23 regardless of whether the licensee or another party is the
24 entity selling the liquid fuels or oils: And provided further,
25 That the board shall have the discretion to refuse a license to
26 any person or to any corporation, partnership or association if
27 such person, or any officer or director of such corporation, or
28 any member or partner of such partnership or association shall
29 have been convicted or found guilty of a felony within a period
30 of five years immediately preceding the date of application for

1 the said license. The board may, in its discretion, refuse an
2 application for an economic development license under section
3 461(b.1) or an application for an intermunicipal transfer or a
4 license if the board receives a protest from the governing body
5 of the receiving municipality. The receiving municipality of an
6 intermunicipal transfer or an economic development license under
7 section 461(b.1) may file a protest against the approval for
8 issuance of a license for economic development or an
9 intermunicipal transfer of a license into its municipality, and
10 such municipality shall have standing in a hearing to present
11 testimony in support of or against the issuance or transfer of a
12 license. Upon any opening in any quota, an application for a new
13 license shall only be filed with the board for a period of six
14 months following said opening.

15 * * *

16 Section 7. Sections 436(e) and 437(e) of the act are amended
17 to read:

18 Section 436. Application for Distributors', Importing
19 Distributors' and Retail Dispensers' Licenses.--Application for
20 distributors', importing distributors' and retail dispensers'
21 licenses, or for the transfer of an existing license to another
22 premises not then licensed or to another person, shall contain
23 or have attached thereto the following information and
24 statements:

25 * * *

26 (e) That the applicant is not, or in case of a partnership
27 or association, that the members or partners are not, and in the
28 case of a corporation, that the officers and directors are not,
29 in any manner pecuniarily interested, either directly or
30 indirectly, in the profits of any other class of business

1 regulated under this article, except as hereinafter permitted.
2 The requirements of this section shall not prohibit a
3 distributor or importing distributor from holding a wine or
4 liquor enhanced permit pursuant to section 416.

5 * * *

6 Section 437. Prohibitions Against the Grant of Licenses.--*
7 * *

8 (e) No distributor's or importing distributor's license
9 shall be issued for any premises in any part of which there is
10 operated any retail license for the sale of liquor or malt or
11 brewed beverages. The requirements of this section shall not
12 prohibit a distributor or importing distributor from holding a
13 wine or liquor enhanced permit pursuant to section 416.

14 * * *

15 Section 8. Section 443(b) of the act, amended May 31, 1996
16 (P.L.312, No.49), is amended to read:

17 Section 443. Interlocking Business Prohibited.--* * *

18 (b) No distributor or importing distributor and no officer
19 or director of any distributor or importing distributor shall at
20 the same time be a manufacturer, a retail dispenser or a liquor
21 licensee, or be an officer, director, stockholder or creditor of
22 a manufacturer, a retail dispenser or a liquor licensee, or,
23 directly or indirectly, own any stock of, or have any financial
24 interest in, or be the owner, proprietor or lessor of, any place
25 covered by any other malt or brewed beverage or liquor license.
26 The requirements of this section may not prohibit a distributor
27 or importing distributor from holding a wine or liquor enhanced
28 permit pursuant to section 416.

29 * * *

30 Section 8.1. Section 468(a)(3) of the act, amended December

1 20, 2000 (P.L.992, No.141), is amended to read:

2 Section 468. Licenses Not Assignable; Transfers.--(a) * * *

3 [(3) No license shall be transferred to any place or
4 property upon which is located as a business the sale of liquid
5 fuels and oil. Except in cases of emergency such as death,
6 serious illness, or circumstances beyond the control of the
7 licensee, as the board may determine such circumstances to
8 justify its action, transfers of licenses may be made only at
9 times fixed by the board. In the case of the death of a
10 licensee, the board may transfer the license to the surviving
11 spouse or personal representative or to a person designated by
12 him. From any refusal to grant a transfer or upon the grant of
13 any transfer, the party aggrieved shall have the right of appeal
14 to the proper court in the manner hereinbefore provided.]

15 * * *

16 Section 9. Section 474.1(b), (c) and (g) of the act, amended
17 November 29, 2006 (P.L.1421, No.155), are amended to read:

18 Section 474.1. Surrender of Restaurant, Eating Place Retail
19 Dispenser, Hotel, Importing Distributor and Distributor License
20 for Benefit of Licensee.--* * *

21 (b) The board may hold the license in safekeeping for a
22 period not to exceed [three] two consecutive years. Any license
23 remaining in safekeeping for more than [three] two consecutive
24 years shall be immediately revoked by the Bureau of Licensing
25 unless a transfer application or request for reissue from
26 safekeeping has been filed prior to the expiration of the
27 [three-year] two-year period or unless the board has approved a
28 request to extend the safekeeping for an additional year as set
29 forth in subsection (g). In addition, the board shall extend the
30 period for an additional year if, at the end of the [three-year]

1 two-year period, the licensed premises are unavailable due to
2 fire, flood or other similar natural disaster; no further
3 extension beyond one additional year shall be granted by the
4 board regardless of whether the licensed premises are
5 unavailable due to fire, flood or other similar natural disaster
6 unless an application is made as set forth in subsection (g).

7 (c) In the event a transfer application filed prior to the
8 expiration of the [three-year] two-year period is disapproved by
9 the board, then the license may remain in safekeeping so long as
10 the licensee has submitted and the board has approved a request
11 to extend the safekeeping for an additional year as set forth in
12 subsection (g). Such request must be submitted within thirty
13 days of the board's decision notwithstanding any appeal filed in
14 the matter; however, the fee set forth in subsection (g) shall
15 be refunded if the board's decision is overturned.

16 * * *

17 (g) (1) A licensee whose license is subject to this section
18 may, upon written request, apply to the board to allow the
19 license to remain in safekeeping for an additional one year. The
20 written request must be accompanied by a [five thousand dollar
21 (\$5,000)] ten thousand dollar (\$10,000) fee for licenses placed
22 in safekeeping from counties of the first class, second class,
23 second class A, third class and fourth class and a fee of [two
24 thousand five hundred dollars (\$2,500)] five thousand dollars
25 (\$5,000) for licenses placed in safekeeping from counties of the
26 fifth through eighth classes. For each subsequent year in
27 safekeeping, the fees set forth in this paragraph shall be
28 doubled over the amount charged for the previous year's fee. No
29 fee shall be required if the licensee can prove that he or she
30 is unable to use the license through no fault of his or her own,

1 including a fire, flood or other event that renders the licensed
2 premises unusable. The board shall approve the request unless
3 the license or licensee no longer meets the requirements of this
4 act or the board's regulations. The fee collected shall be paid
5 into the State Treasury through the Department of Revenue into
6 the State Store Fund.

7 [(2) A licensee whose license remains in safekeeping after
8 the expiration of an approved additional one-year period may
9 submit a written request for additional one-year periods;
10 however, each such request must be accompanied by a five
11 thousand dollar (\$5,000) fee for licenses placed in safekeeping
12 from counties of the first class, second class, second class A,
13 third class and fourth class and a fee of two thousand five
14 hundred dollars (\$2,500) for licenses placed in safekeeping from
15 counties of the fifth through eighth classes.]

16 Section 10. Section 492(12), (13) and (14) of the act,
17 amended December 22, 2011 (P.L.530, No.113), are amended to
18 read:

19 Section 492. Unlawful Acts Relative to Malt or Brewed
20 Beverages and Licensees.--

21 It shall be unlawful--

22 * * *

23 (12) Distributors and Importing Distributors Engaging in
24 Other Business. For any distributor or importing distributor, or
25 his servants, agents or employees, without the approval of the
26 board, and then only in accordance with board regulations, to
27 engage in any other business whatsoever, except the business of
28 distributing malt or brewed beverages, except that the sale of
29 the following goods shall be permitted on the licensed premises
30 of a distributor or importing distributor:

1 (i) Any book, magazine or other publication related to malt
2 or brewed beverages.

3 (ii) Any equipment, ingredients or other supplies necessary
4 for the unlicensed manufacture of malt or brewed beverages as
5 described in paragraph (1), commonly known as "homebrewing."

6 (iii) If the holder of a distributor or importing
7 distributor license acquires a wine or liquor enhanced permit
8 pursuant to section 416 for use at its licensed premises, it may
9 engage in the sale of wine or liquor, so long as the licensee
10 meets all of the requirements of this act.

11 (13) Possession or Storage of Liquor or Alcohol by Certain
12 Licensees. For any distributor, importing distributor or retail
13 dispenser, or his servants, agents or employes, to have in his
14 possession, or to permit the storage of on the licensed premises
15 or in any place contiguous or adjacent thereto accessible to the
16 public or used in connection with the operation of the licensed
17 premises, any alcohol or liquor. This section shall not prohibit
18 a licensed distributor or importing distributor that holds a
19 wine or liquor enhanced permit issued pursuant to section 416
20 from possessing or permitting the storage of wine or liquor on
21 the licensed premises used in connection with the operation of
22 the licensed premises.

23 (14) Malt or Brewed Beverage Licensees Dealing in Liquor or
24 Alcohol. For any malt or brewed beverage licensee, other than a
25 distributor or importing distributor that holds a wine or liquor
26 enhanced permit, manufacturer, or the servants, agents or
27 employes thereof, to manufacture, import, sell, transport,
28 store, trade or barter in any liquor or alcohol.

29 * * *

30 Section 11. The act is amended by adding sections to read:

1 Section 1002. Transition Assistance Committee.--(a) The
2 following shall apply to the transition assistance committee:

3 (1) On the effective date of this section, the Department of
4 General Services shall designate individuals to serve on a
5 committee for the purpose of managing the staffing transition
6 and displacement of employees during the divestiture process.

7 (2) The committee, which shall be chaired by a
8 representative from the department, shall involve the
9 participation of the Office of Administration, the Civil Service
10 Commission, the Department of Labor and Industry and the board's
11 Bureau of Human Resources, to ensure a coordinated approach to
12 allocating personnel and assisting displaced employees during
13 the transition to find an appropriate position.

14 (3) The department shall contract with advisors necessary to
15 assist the department and the board in administering the duties
16 under paragraph (2). The contracts shall not be subject to the
17 provisions of 62 Pa.C.S. Ch. 5 (relating to source selection and
18 contract formation).

19 (b) The committee shall coordinate with the Office of
20 Administration to provide counseling and other general
21 assistance to employees of the board who are displaced to
22 transition the employees to other employment in either the
23 public or private sector.

24 (c) The costs for the programs provided under this section
25 and sections 1003, 1004, 1005 and 1006 shall be transferred from
26 the State Stores Fund.

27 Section 1003. Preference in Public Employment Hiring.--(a)
28 The following shall apply to civil service examinations:

29 (1) A displaced employee who successfully passes a civil
30 service appointment examination shall be marked or graded an

1 additional three points above the mark or grade credited for the
2 examination if all of the following apply:

3 (i) The examination is for a paid position administered
4 under the act of August 5, 1941 (P.L.752, No.286), known as the
5 Civil Service Act, and in the classified service existing under
6 the commission's jurisdiction.

7 (ii) The employee establishes the qualifications required by
8 law for appointment to the position.

9 (2) The total mark or grade, including the markup under
10 paragraph (1), obtained by the displaced employee shall
11 represent the final mark or grade of the employee and shall
12 determine the employee's standing on any eligibility list
13 certified or furnished to the appointing power.

14 (3) The three additional points awarded under paragraph (1)
15 shall be in addition to any points that shall be afforded to a
16 veteran meeting the requirements of 51 Pa.C.S. § 7103 (relating
17 to additional points in grading civil service examinations).

18 (b) The commission shall require the board to certify a list
19 of displaced employees under subsection (a). Placement on the
20 list by the board shall establish eligibility for the preference
21 granted under subsection (a).

22 (c) If a paid State position does not require a civil
23 service examination, a displaced employee, possessing the
24 requisite qualifications and who is eligible for appointment to
25 a paid State position in offices under the Governor's
26 jurisdiction within the executive branch shall be given a
27 preference in the appointment by the appointing authority over
28 nonveteran candidates.

29 (d) (Reserved).

30 (e) The following shall apply:

1 (1) A displaced employee's eligibility for the markup
2 provided under subsection (a) and for the preference for
3 noncivil service positions provided under subsection (c) shall
4 cease upon the occurrence of one of the following:

5 (i) The displaced employee's appointment or hiring into a
6 position in the classified service existing under the
7 commission's jurisdiction or into a paid State position where no
8 civil service examination is required.

9 (ii) Four years from the effective date of this section.

10 (2) In order to be eligible for the markup provided under
11 subsection (a) and for the preference for noncivil service
12 positions provided under subsection (c), a displaced worker must
13 be terminated as a sole and direct result of the decision to
14 cease wholesale and retail operations under this section and
15 sections 1004, 1005 and 1006, and must work until the final day
16 set by the board for that employee's job function.

17 Section 1004. Career Training and Post-secondary Education
18 Grant Eligibility.--(a) A displaced employee shall be eligible
19 for a two-year grant for attending a program of instruction at
20 an institution of higher education, including career training
21 and adult education courses of study, within one year of the
22 date of displacement from State service in the following amount:

23 (1) two thousand dollars (\$2,000) per year for attendance on
24 a full-time basis; or

25 (2) one thousand dollars (\$1,000) per year for attendance on
26 a part-time basis.

27 (b) The board shall certify the list of displaced employees
28 to the Pennsylvania Higher Education Assistance Agency.

29 (c) The agency shall make a determination of grant
30 eligibility and shall pay the grant directly to the institution

1 of higher education attended by the displaced employee in a
2 manner consistent with the Pennsylvania Higher Education
3 Assistance Agency's regulations.

4 Section 1005. Reemployment Tax Credit.--(a) The following
5 shall apply:

6 (1) A displaced employee shall be eligible for a two-year
7 reemployment tax credit voucher in the amount of two thousand
8 dollars (\$2,000) per taxable year.

9 (2) The voucher under paragraph (1) shall be made available
10 to each displaced employee upon termination of employment.

11 (3) Each voucher under paragraph (1) shall be certified by
12 the board before the voucher is provided to the displaced
13 employee.

14 (4) The Department of Revenue shall be informed of each
15 displaced employee to whom a voucher under paragraph (1) has
16 been provided.

17 (b) An employer in this Commonwealth who employs a displaced
18 employee on a full-time basis may, upon transfer of the voucher
19 from the employee to the employer, use the voucher as a credit
20 against the State tax liability of the employer, if the employer
21 can demonstrate the following:

22 (1) The employee for whom the tax credit is being sought was
23 displaced from the board within 12 months of being employed by
24 the employer.

25 (2) The former board employee has been employed by the
26 employer seeking the tax credit on a full-time basis for a
27 period not less than one year.

28 (c) The employer shall submit the tax credit voucher to the
29 Department of Revenue with the information required under
30 subsection (b) (1) and (2) to claim a tax credit against the

1 employer's liability for a tax identified under subsection (d)
2 (2).

3 (d) The following shall apply:

4 (1) An employer may claim a reemployment tax credit for each
5 job filled by a displaced employee of two thousand dollars
6 (\$2,000) per taxable year for a maximum of two taxable years.

7 (2) An employer may apply the reemployment tax credit to
8 100% of the employer's:

9 (i) State corporate net income tax, capital stock and
10 franchise tax or the personal tax of a shareholder of the
11 company if the company is a Pennsylvania S corporation.

12 (ii) Insurance premiums tax, gross receipts tax, bank and
13 trust company shares tax, mutual thrift institutions tax or
14 title insurance companies shares tax.

15 (iii) Any combination of the taxes under subparagraphs (i)
16 and (ii).

17 (3) A displaced employee whose subsequent employment is
18 terminated with an employer and who has utilized the
19 reemployment tax credit voucher to claim a one-year two thousand
20 dollar (\$2,000) tax credit may transfer the voucher to a new
21 employer who may use the remaining two thousand dollar (\$2,000)
22 tax credit as a claim against the employer's tax liability for
23 taxes identified under paragraph (2).

24 (4) The term of the reemployment tax credit voucher may not
25 exceed two years from the date the voucher is provided to the
26 qualified displaced employee.

27 Section 1006. Protection of Existing Benefits.--(a) Nothing
28 under this section shall be deemed to affect:

29 (1) Pension benefits accrued prior to the date of separation
30 occurring as a sole and direct result of the divestiture of the

1 board's wholesale and retail operations under this article.

2 (2) Payment of an accrued benefit derived from the terms of
3 a preexisting collective bargaining agreement payable upon
4 separation from employment.

5 (b) As a result of the preferential hiring benefits, the tax
6 credit for subsequent employers and the protection of benefits
7 arising from an employee's pension or from a preexisting
8 collective bargaining agreement under this section, the board
9 shall be deemed to have satisfied all obligations to bargain
10 over the impact of the decision to cease wholesale and retail
11 operations under this article which may arise under the act of
12 July 23, 1970 (P.L.563, No.195), known as the Public Employe
13 Relations Act.

14 (c) The provisions of this section and sections 1002, 1003,
15 1004 and 1005 supersedes a local regulation, ordinance or
16 resolution of a political subdivision regarding notice to
17 displaced workers.

18 Section 12. The regulations of the board at 40 Pa. Code §§
19 3.52 and 3.53 are abrogated to the extent of any inconsistency
20 with this act.

21 Section 13. This act shall take effect in 60 days.