
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1345 Session of
2015

INTRODUCED BY PAYNE, D. COSTA, DeLUCA, DIAMOND, FLYNN, GIBBONS,
KORTZ, McNEILL, MILLARD, O'NEILL, SANKEY AND THOMAS,
JUNE 25, 2015

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 25, 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," in
17 licenses and regulations, liquor, alcohol and malt and brewed
18 beverages, further providing for license districts, license
19 period and hearings, for applications for hotel, restaurant
20 and club liquor licenses, for issuance, transfer or extension
21 of hotel, restaurant and club liquor licenses and for license
22 fees, for sales by liquor licensees and restrictions;
23 providing for casino liquor license; further providing for
24 limiting number of retail licenses to be issued in each
25 county, for revocation and suspension of licenses and fines
26 and for unlawful acts relative to liquor, malt and brewed
27 beverages and licensees.

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

30 Section 1. Section 402(c) of the act of April 12, 1951

1 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
2 June 29, 1987 (P.L.32, No.14), amended December 20, 2000
3 (P.L.992, No.141), is amended to read:

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

5 * *

6 (c) This section shall not be construed so as to grant
7 standing to residents residing within five hundred (500) feet of
8 a public venue, slot machine facility or performing arts
9 facility.

10 Section 2. Section 403(g) of the act, amended December 9,
11 2002 (P.L.1653, No.272), is amended to read:

12 Section 403. Applications for Hotel, Restaurant and Club
13 Liquor Licenses.--* * *

14 (g) Every applicant for a new license or for the transfer of
15 an existing license shall post, for a period of at least thirty
16 days beginning with the day the application is filed with the
17 board, in a conspicuous place on the outside of the premises or
18 at the proposed new location for which the license is applied, a
19 notice of such application. The notice shall indicate whether
20 the applicant is applying for the amusement permit required by
21 section 493(10). The notice shall be in such form, be of such
22 size, and contain such provisions as the board may require by
23 its regulations. Proof of the posting of such notice shall be
24 filed with the board. The posting requirement imposed by this
25 subsection shall not apply to license applications submitted for
26 public venues or slot machine facilities.

27 * * *

28 Section 3. Section 404 of the act, amended January 6, 2006
29 (P.L.1, No.1), is amended to read:

30 Section 404. Issuance, Transfer or Extension of Hotel,

1 Restaurant and Club Liquor Licenses.--Upon receipt of the
2 application and the proper fees, and upon being satisfied of the
3 truth of the statements in the application that the applicant is
4 the only person in any manner pecuniarily interested in the
5 business so asked to be licensed and that no other person will
6 be in any manner pecuniarily interested therein during the
7 continuance of the license, except as hereinafter permitted, and
8 that the applicant is a person of good repute, that the premises
9 applied for meet all the requirements of this act and the
10 regulations of the board, that the applicant seeks a license for
11 a hotel, restaurant or club, as defined in this act, and that
12 the issuance of such license is not prohibited by any of the
13 provisions of this act, the board shall, in the case of a hotel
14 or restaurant, grant and issue to the applicant a liquor
15 license, and in the case of a club may, in its discretion, issue
16 or refuse a license: Provided, however, That in the case of any
17 new license or the transfer of any license to a new location or
18 the extension of an existing license to cover an additional area
19 the board may, in its discretion, grant or refuse such new
20 license, transfer or extension if such place proposed to be
21 licensed is within three hundred feet of any church, hospital,
22 charitable institution, school, or public playground, or if such
23 new license, transfer or extension is applied for a place which
24 is within two hundred feet of any other premises which is
25 licensed by the board: And provided further, That the board's
26 authority to refuse to grant a license because of its proximity
27 to a church, hospital, charitable institution, public playground
28 or other licensed premises shall not be applicable to license
29 applications submitted for public venues, slot machine
30 facilities or performing arts facilities: And provided further,

1 That the board shall refuse any application for a new license,
2 the transfer of any license to a new location or the extension
3 of an existing license to cover an additional area if, in the
4 board's opinion, such new license, transfer or extension would
5 be detrimental to the welfare, health, peace and morals of the
6 inhabitants of the neighborhood within a radius of five hundred
7 feet of the place proposed to be licensed: And provided further,
8 That the board shall have the discretion to refuse a license to
9 any person or to any corporation, partnership or association if
10 such person, or any officer or director of such corporation, or
11 any member or partner of such partnership or association shall
12 have been convicted or found guilty of a felony within a period
13 of five years immediately preceding the date of application for
14 the said license. The board shall refuse any application for a
15 new license, the transfer of any license to a new location or
16 the extension of any license to cover an additional area where
17 the sale of liquid fuels or oil is conducted. The board may
18 enter into an agreement with the applicant concerning additional
19 restrictions on the license in question. If the board and the
20 applicant enter into such an agreement, such agreement shall be
21 binding on the applicant. Failure by the applicant to adhere to
22 the agreement will be sufficient cause to form the basis for a
23 citation under section 471 and for the nonrenewal of the license
24 under section 470. If the board enters into an agreement with an
25 applicant concerning additional restrictions, those restrictions
26 shall be binding on subsequent holders of the license until the
27 license is transferred to a new location or until the board
28 enters into a subsequent agreement removing those restrictions.
29 If the application in question involves a location previously
30 licensed by the board, then any restrictions imposed by the

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

16 Section 4. Section 405 of the act is amended by adding a
17 subsection to read:

18 Section 405. License Fees.--* * *

19 (f) Every application for a casino license under section 415
20 shall be accompanied by an applicant's fee of one million
21 dollars (\$1,000,000). Thereafter, the license must be renewed on
22 an annual basis. For the first four (4) years after the initial
23 issue of the license, the license shall be subject to an annual
24 renewal fee of one million dollars (\$1,000,000). Thereafter, the
25 licensee shall be subject to an annual renewal fee of two
26 hundred fifty thousand dollars (\$250,000). All fees collected or
27 received by the board under this subsection shall be paid into
28 the State Treasury through the Department of Revenue into the
29 General Fund.

30 Section 5. Section 406(e) (1) and (g) of the act, amended

1 December 22, 2011 (P.L.530, No.113), are amended to read:

2 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

3 (e) (1) The holder of a hotel license or the holder of a
4 restaurant license located in a hotel may allow persons to
5 transport liquor or malt or brewed beverages from the licensed
6 portion of the premises to the unlicensed portion of the
7 premises, so long as the liquor or malt or brewed beverages
8 remain on the hotel property. In addition, a holder of a
9 restaurant or club license located on a golf course may sell,
10 furnish or give liquor or malt or brewed beverages on the
11 unlicensed portion of the golf course so long as the liquor or
12 malt or brewed beverages remain on the restaurant, club or golf
13 course. The holder of a restaurant license located immediately
14 adjacent to and under the same roof of a bowling center may
15 allow persons to transport liquor or malt or brewed beverages
16 from the licensed portion of the premises to the unlicensed
17 portion of the premises, so long as the liquor or malt or brewed
18 beverages remain within the bowling center. The holder of a slot
19 machine license may allow liquor or malt or brewed beverages to
20 be transported and consumed off of the licensed portion of the
21 premises so long as it remains within the facility that houses
22 the slot machine license. In addition, the holder of a hotel
23 license or a restaurant license may allow persons who have
24 purchased but only partially consumed a bottle of wine on the
25 premises to remove the bottle from the premises so long as the
26 bottle was purchased in conjunction with a meal which was
27 consumed on the premises and so long as the bottle is resealed.
28 For purposes of this subsection, "wine" shall have the meaning
29 given to it under section 488(i). For purposes of this section
30 and section 432, "meal" shall mean food prepared on the

1 premises, sufficient to constitute breakfast, lunch or dinner;
2 it shall not mean a snack, such as pretzels, popcorn, chips or
3 similar food.

4 * * *

5 (g) Notwithstanding any other provision of law or
6 regulation, the holder of a retail license may hold happy hours
7 up to four consecutive or nonconsecutive hours per day and up to
8 fourteen hours per week during which the holder discounts the
9 price of alcoholic beverages. No discounts may be given between
10 the hours of midnight and the legal closing time. Notice of all
11 happy hours shall be visibly posted on the licensed premises
12 seven days prior to the happy hour. Except as provided in this
13 subsection, a licensee shall comply with the provisions of 40
14 Pa. Code § 13.102 (relating to discount pricing practices).
15 Events conducted under the authority of 40 Pa. Code § 13.102(b)
16 shall not be counted against the four-hour per day or fourteen-
17 hour per week limit. The holder of a slot machine license shall
18 not be subject to the restrictions set forth in this subsection
19 or the restrictions set forth in 40 Pa. Code § 13.102.

20 Section 6. The act is amended by adding a section to read:

21 Section 415. Casino liquor license.--(a) The board is
22 authorized to issue a casino liquor license to any person
23 approved to hold a slot machine license under 4 Pa.C.S. Part II
24 (relating to gaming) for use at a facility that houses a slot
25 machine license.

26 (b) An application for a casino liquor license under this
27 section may be made by the holder of a slot machine license
28 pursuant to 4 Pa.C.S. Pt. II or its affiliate, intermediary,
29 subsidiary, holding company or otherwise under common ownership
30 with a person approved to hold a slot machine license or

1 conditional slot machine license.

2 (c) The application and issuance of a casino liquor license
3 is subject to sections 403 and 404 unless otherwise stated. The
4 licensing period shall be set forth by the board under section
5 402. The application, renewal and filing fees may be as provided
6 in section 614-A(25) of the act of April 9, 1929 (P.L.177,
7 No.175), known as the "The Administrative Code of 1929," and as
8 set forth in section 405.

9 (d) An applicant under this section that currently holds a
10 restaurant liquor or eating place retail dispenser license
11 issued under the authority of 4 Pa.C.S. Part II may continue to
12 utilize that license until such time as the casino liquor
13 license is issued by the board. Upon the issuance of a license
14 under this section, the applicant must surrender the restaurant
15 liquor or eating place retail dispenser license to the board.

16 (e) An applicant under this section that currently holds a
17 restaurant liquor or eating place retail dispenser license
18 purchased through private sale may continue to utilize that
19 license until such time as the casino liquor license is issued
20 by the board. Upon issuance of a license under this section, the
21 applicant may sell the previously purchased restaurant liquor or
22 eating place retail dispenser license.

23 (f) Notwithstanding any other provision of this article to
24 the contrary, a holder of a casino license may sell or serve
25 liquor and malt or brewed beverages twenty-four hours a day,
26 seven days a week.

27 (g) In addition to the provisions of section 493(24)(ii),
28 the holder of a casino license may give liquor and malt or
29 brewed beverages free of charge to any person attending an
30 invitation only event held anywhere on the premises of the

1 licensed facility, as that term is defined in 4 Pa.C.S. § 1103
2 (relating to definitions).

3 (h) Licenses issued under this section are nontransferable,
4 provided that nothing in this subsection shall preclude a
5 transfer of ownership of a casino license to anyone approved
6 under subsection (a) to be used at the same licensed premises.

7 (i) Licenses under this section shall expire upon:

8 (1) revocation by an administrative law judge under section
9 471;

10 (2) nonrenewal by the board under section 470;

11 (3) nonrenewal of the license by the license holder; or

12 (4) upon request by the slot machine license holder.

13 (j) The board may issue a license under this section at any
14 time to a new applicant even if the previous license had:

15 (1) been revoked by an administrative law judge under
16 section 471;

17 (2) not been renewed by the board under section 470;

18 (3) not been renewed by the license holder; or

19 (4) expired upon request by the slot machine license holder.

20 (k) Licenses issued under this section are subject to the
21 following additional restrictions and privileges:

22 (1) Sales may be made at any time the facility is open to
23 the public.

24 (2) Liquor or malt or brewed beverages may be transported
25 and consumed off of the licensed portion of the premises so long
26 as it remains within the facility that houses the slot machine
27 license.

28 (3) Sales of malt or brewed beverages for off-premises
29 consumption are prohibited.

30 (4) Licenses issued under this section shall not be subject

1 to:

2 (i) the proximity provisions of sections 402 and 404;

3 (ii) the restrictions on discount pricing practices set
4 forth in section 406(g);

5 (iii) the quota restrictions of section 461;

6 (iv) the provisions of section 493(10) except as related to
7 lewd, immoral or improper entertainment;

8 (v) the prohibition against minors frequenting as described
9 in section 493(14);

10 (vi) the cost and total display area limitations of section
11 493(20) (i);

12 (vii) the restrictions on events, tournaments or contests
13 set forth in 40 Pa. Code § 5.32 (relating to
14 restrictions/exceptions); and

15 (viii) the restrictions on the awarding of trophies, prizes
16 or premiums set forth in 40 Pa. Code § 5.32.

17 (l) More than one license issued under this article may be
18 in effect at a facility that houses the slot machine license at
19 any one time. However, no more than one license issued under
20 this section shall be in effect at any specific location at the
21 same time.

22 (m) A license issued under this section shall be subject to
23 an application surcharge of seven hundred dollars (\$700) per
24 year, payable at the same time as the license application,
25 renewal and validation fees. The application surcharge shall be
26 paid into The State Stores Fund.

27 Section 7. Section 461(a) of the act, amended October 24,
28 2012 (P.L.1203, No.149), is amended to read:

29 Section 461. Limiting Number of Retail Licenses To Be Issued
30 In Each County.--(a) No additional restaurant, eating place

1 retail dispenser or club licenses shall be issued within a
2 county if the total number of restaurant and eating place retail
3 dispenser licenses is greater than one license for each three
4 thousand inhabitants in the county, except the board may issue
5 licenses to public venues, slot machine facilities, performing
6 arts facilities, continuing care retirement communities, airport
7 restaurants, municipal golf courses, hotels, privately-owned
8 private golf courses, privately-owned public golf courses,
9 racetracks, automobile racetracks, nonprimary pari-mutuel
10 wagering locations, privately-owned ski resorts and to any other
11 entity which this act specifically exempts from the limitations
12 provided in this section, and the board may issue a license to a
13 club situated in a borough having a population less than eight
14 thousand inhabitants which is located in a county of the second
15 class A whose application is filed on or before February 28,
16 2001. In addition, the board may issue an eating place retail
17 dispenser license for on-premises sales only to the owner or
18 operator of a facility having a minimum of a one-half mile
19 asphalt track and having a permanent seating capacity of at
20 least six thousand people used principally for holding
21 automobile races, regardless of the number of restaurant and
22 eating place retail dispenser licenses already issued in that
23 county. When determining the number of restaurant and eating
24 place retail dispenser licenses issued in a county for the
25 purposes of this section, licenses exempted from this limitation
26 and club licenses shall not be considered. Inhabitants of dry
27 municipalities shall be considered when determining the
28 population in a county. Licenses shall not be issued or
29 transferred into municipalities where such licenses are
30 prohibited pursuant to local referendum in accordance with

1 section 472. Licenses approved for intermunicipal transfer may
2 not be transferred from the receiving municipality for a period
3 of five years after the date that the licensed premises are
4 operational in the receiving municipality.

5 * * *

6 Section 8. Section 471(b) of the act, amended July 6, 2005
7 (P.L.135, No.39), is amended to read:

8 Section 471. Revocation and Suspension of Licenses; Fines.--

9 * * *

10 (b) Hearing on such citations shall be held in the same
11 manner as provided herein for hearings on applications for
12 license. Upon such hearing, if satisfied that any such violation
13 has occurred or for other sufficient cause, the administrative
14 law judge shall immediately suspend or revoke the license, or
15 impose a fine of not less than fifty dollars (\$50) nor more than
16 one thousand dollars (\$1,000), or both, notifying the licensee
17 by registered letter addressed to his licensed premises.
18 However, if the license was issued pursuant to section 415, then
19 the administrative law judge, upon being satisfied that a
20 violation has occurred, shall immediately revoke the license or
21 impose a fine of not less than one thousand dollars (\$1,000) nor
22 more than five thousand dollars (\$5,000), or both. If the
23 licensee has been cited and found to have violated section
24 493(1) insofar as it relates to sales to minors or sales to a
25 visibly intoxicated person, section 493(10) insofar as it
26 relates to lewd, immoral or improper entertainment or section
27 493(14), (16) or (21), or has been found to be a public nuisance
28 pursuant to section 611, or if the owner or operator of the
29 licensed premises or any authorized agent of the owner or
30 operator has been convicted of any violation of the act of April

1 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
2 Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902
3 (relating to prostitution and related offenses) or 6301
4 (relating to corruption of minors), at or relating to the
5 licensed premises, the administrative law judge shall
6 immediately suspend or revoke the license, or impose a fine of
7 not less than one thousand dollars (\$1,000) nor more than five
8 thousand dollars (\$5,000), or both. However, [if a licensee] if
9 the license was issued pursuant to section 415, then the
10 administrative law judge, upon being satisfied that a violation
11 has occurred, shall immediately revoke the license or impose a
12 fine of not less than five thousand dollars (\$5,000) nor more
13 than fifty thousand dollars (\$50,000), or both. If any licensee,
14 except one whose license was issued pursuant to section 415, has
15 been cited and found to have violated section 493(1) as it
16 relates to sales to minors or sales to a visibly intoxicated
17 person but at the time of the sale the licensee was in
18 compliance with the requirements set forth in section 471.1 and
19 the licensee had not sold to minors or visibly intoxicated
20 persons in the previous four years, then the administrative law
21 judge shall immediately suspend or revoke the license, or impose
22 a fine of not less than fifty dollars (\$50) nor more than one
23 thousand dollars (\$1,000), or both. A licensee, whose license
24 was issued pursuant to section 415, that has been cited and
25 found to have violated section 493(1) as it relates to sales to
26 minors or sales to a visibly intoxicated person but at the time
27 of the sale the licensee was in compliance with the requirements
28 set forth in section 471.1 and the licensee had not sold to
29 minors or visibly intoxicated persons in the previous four
30 years, shall be subject to a fine of not less than one thousand

1 dollars (\$1,000) nor more than five thousand dollars (\$5,000),
2 or license revocation, or both. The administrative law judge
3 shall notify the licensee by registered mail, addressed to the
4 licensed premises, of such suspension, revocation or fine. In
5 the event the fine is not paid within twenty days of the
6 adjudication, the administrative law judge shall suspend or
7 revoke the license, notifying the licensee by registered mail
8 addressed to the licensed premises. Suspensions and revocations
9 shall not go into effect until thirty days have elapsed from the
10 date of the adjudication during which time the licensee may take
11 an appeal as provided for in this act, except that revocations
12 mandated in section 481(c) shall go into effect immediately. Any
13 licensee whose license is revoked shall be ineligible to have a
14 license under this act until the expiration of three years from
15 the date such license was revoked. In the event a license is
16 revoked, no license shall be granted for the premises or
17 transferred to the premises in which the said license was
18 conducted for a period of at least one year after the date of
19 the revocation of the license conducted in the said premises,
20 except in cases where the licensee or a member of his immediate
21 family is not the owner of the premises, in which case the board
22 may, in its discretion, issue or transfer a license within the
23 said year. In the event the bureau or the person who was fined
24 or whose license was suspended or revoked shall feel aggrieved
25 by the adjudication of the administrative law judge, there shall
26 be a right to appeal to the board. The appeal shall be based
27 solely on the record before the administrative law judge. The
28 board shall only reverse the decision of the administrative law
29 judge if the administrative law judge committed an error of law,
30 abused its discretion or if its decision is not based on

1 substantial evidence. In the event the bureau or the person who
2 was fined or whose license was suspended or revoked shall feel
3 aggrieved by the decision of the board, there shall be a right
4 to appeal to the court of common pleas in the same manner as
5 herein provided for appeals from refusals to grant licenses.
6 Each of the appeals shall act as a supersedeas unless, upon
7 sufficient cause shown, the reviewing authority shall determine
8 otherwise; however, if the licensee has been cited and found to
9 have violated section 493(1) insofar as it relates to sales to
10 minors or sales to a visibly intoxicated person, section 493(10)
11 insofar as it relates to lewd, immoral or improper entertainment
12 or section 493(14), (16) or (21), or has been found to be a
13 public nuisance pursuant to section 611, or if the owner or
14 operator of the licensed premises or any authorized agent of the
15 owner or operator has been convicted of any violation of "The
16 Controlled Substance, Drug, Device and Cosmetic Act," or of 18
17 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,
18 or if the license has been revoked under section 481(c), its
19 appeal shall not act as a supersedeas unless the reviewing
20 authority determines otherwise upon sufficient cause shown. In
21 any hearing on an application for a supersedeas under this
22 section, the reviewing authority may consider, in addition to
23 other relevant evidence, documentary evidence, including records
24 of the bureau, showing the prior history of citations, fines,
25 suspensions or revocations against the licensee; and the
26 reviewing authority may also consider, in addition to other
27 relevant evidence, evidence of any recurrence of the unlawful
28 activity occurring between the date of the citation which is the
29 subject of the appeal and the date of the hearing. If the
30 reviewing authority is the board, no hearing shall be held on

1 the application for a supersedeas; however, a decision shall be
2 made based on the application, answer and documentary evidence
3 under this subsection. If the application for a supersedeas is
4 for a license that has been revoked under section 481(c), the
5 reviewing authority shall grant the supersedeas only if it finds
6 that the licensee will likely prevail on the merits. No penalty
7 provided by this section shall be imposed for any violations
8 provided for in this act unless the bureau notifies the licensee
9 of its nature within thirty days of the completion of the
10 investigation.

11 * * *

12 Section 9. Section 493(10) and (24)(ii) of the act, amended
13 November 29, 2006 (P.L.1421, No.155) and June 28, 2011 (P.L.55,
14 No.11), are amended to read:

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

20 It shall be unlawful--

21 * * *

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

1 twenty-four by thirty inches and which forms part of the
2 machine, unless the licensee shall first have obtained from the
3 board a special permit to provide such entertainment, or for any
4 licensee, under any circumstances, to permit in any licensed
5 premises or in any place operated in connection therewith any
6 lewd, immoral or improper entertainment, regardless of whether a
7 permit to provide entertainment has been obtained or not. The
8 special permit may be used only during the hours when the sale
9 of liquor or malt or brewed beverages is permitted, unless the
10 licensee holds an extended hours food license under section
11 499(b) which license would allow the special permit to be used
12 while the establishment is open, and between eleven o'clock
13 antemeridian on Sunday and two o'clock antemeridian on the
14 following Monday, regardless of whether the licensee possesses a
15 Sunday sales permit. The board shall have power to provide for
16 the issue of such special permits, and to collect an annual fee
17 for such permits as prescribed in section 614-A of the act of
18 April 9, 1929 (P.L.177, No.175), known as "The Administrative
19 Code of 1929." All such fees shall be paid into the State Stores
20 Fund. No such permit shall be issued in any municipality which,
21 by ordinance, prohibits amusements in licensed places. Any
22 violation of this clause shall, in addition to the penalty
23 herein provided, subject the licensee to suspension or
24 revocation of his permit and his license.

25 * * *

26 (24) * * *

27 (ii) Notwithstanding subclause (i) or any other provision of
28 law, a holder of a restaurant license that is also approved to
29 hold a slot machine license or a conditional slot machine
30 license under 4 Pa.C.S. Part II (relating to gaming) or the

1 holder of a casino liquor license issued pursuant to section 415
2 may give liquor and malt or brewed beverages free of charge, so
3 long as the recipient is not a minor or visibly intoxicated, to
4 any person actively engaged in playing a slot machine.

5 * * *

6 Section 10. This act shall take effect in 60 days.