



# The Bulletin

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**PROTECTION  
THROUGH  
LEGISLATION  
THROUGH  
EDUCATION**

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## **Dowling Bill Aimed at Helping Liquor Licensees Signed Into Law by Wolf**

Gov. Tom Wolf has signed into law legislation that relaxes regulations for clubs, bars and restaurants. [House Bill 425](#), now Act 81, allows licensees that permanently close to sell their unused liquor products to other licensees. Under the old law, the closed restaurant or bars were only allowed to sell their liquor and wine to whoever bought their liquor licenses. In addition, the bill was amended to address another concern of the hospitality industry, specifically the establishments' ability to serve alcoholic beverages in outdoor seating areas. Under the new law, the Liquor Control Board can temporarily extend the licensed premises of bars and restaurants to allow more outdoor serving areas and remove restrictions on off-premises catering. These changes expire on Dec. 31, 2024.

## **House Liquor Control and Senate Law and Justice Committees Question LCB on Supply Chain Issues**

The committees held a joint public hearing with the Pennsylvania Liquor Control Board (PLCB) on the current supply chain disruption. House Liquor Control Committee Chairman Carl Metzgar (R-Somerset) opened the meeting by introducing the topic of PLCB supply chain disruption. He introduced the panelists that would include members from PLCB and the Distilled Spirits Council of the United States. Democrat Committee Chairman Deasy (D-Allegheny) recognized the liquor shortage occurring around the state and expressed that he looked forward to hearing how to solve these problems.

Tim Holden, chairman, Pennsylvania Liquor Control Board (PLCB), explained that on Friday, September 17, the PLCB implemented [a two-bottle purchase limit on 43 items](#). He noted that many of these items are the same liquor in various bottle sizes and added that PLCB will not receive another shipment of many of these items within this calendar year. He stated that their allocation for one product was 42 percent less than the forecasted demand. He highlighted PLCB has experienced product shortages before and they rarely have imposed bottle limits on products in which demand will exceed supply to distribute the product "as fairly as possible." He stated with the uncertainty of when more of these products will become available, they are unsure as to how long this limit will occur. He assured that as soon as supply increases, PLCB will lift its limit.

**Dave Wojnar, senior vice president and head of state policy, Distilled Spirits Council of the United States (DISCUS)**, recognized the supply chain problems that have been occurring across all sectors, but the spirits industry has been particularly impacted due to glass shortages as well. He included that many spirits need to be aged which makes shortages hard to keep up with. He stated the Dis-

titled Spirits Council believes it is fine to impose limits but stated they do not believe it is reasonable for PLCB to levy fines to suppliers due to products being out-of-stock and "subject them to a waiver process." He suggested suspending out-of-stock fees and recognized the many other states which have chosen to do this.

The legislature returns to session the week of June 7, where they are expected to discuss the future of Pennsylvania's disaster declarations, and begin in earnest the budget process.

**Rep. Natalie Mihalek (R-Allegheny)** recognized that COVID-19 has impacted every aspect of life, including the spirits industry. She asked what factors were made in the determination of limiting a spirit to two bottles and if the surrounding state's actions had anything to do with that decision. Holden assured Rep. Mihalek that this was not a "snap decision" and it was a discussion for months amongst PLCB. Deborah Rivera, chief merchandising officer, PLCB, responded that they monitor spirits on an ongoing basis for in-stock percentage compared to fill rates. She stated that since she joined PLCB in December, they have had supply-constrained products they monitor. She continued that by April, they noticed a "high degree of consistency across the items that were on these lists of low store and stock levels and low fill rates." She stated they began to reach out to their vendor and broker partners to discuss their concerns about these observations. She explained that from there, they smoothed out the supply they knew they had so they could best meet consumer demands. She continued that when they had no other options and knew there were no more products coming to them, they created the list of items that they applied the bottle limits to.

**Rep. Mihalek** asked if other states were experiencing similar shortages during the same time period and if they expect the number of spirits on the list to grow. Rivera replied that she was unsure if other states were experiencing the same number of product shortages, but stated that from working with their vendors, they are aware of company-wide and supply chain-wide shortages. Rep. Mihalek clarified that these are assumptions and they do not know for sure if other states are experiencing shortages. Rivera clarified she was not aware. Holden added he was recently at a conference with 16 other state liquor control boards and noted they are all experiencing similar shortages. Rep. Mihalek commented that she had not heard of any

shortages in other states and was unaware if other states took the initiative to ration certain bottles. Holden stated he was unsure if other states had a bottle limit but was sure they have the same problem.

Rep. Mihalek referenced something she had read that outlined improvements to ensure bottles are being distributed to strictly residents of the commonwealth. She also provided a hypothetical situation in which someone could go to different stores and get two bottles from each store. She noted restaurant owners could also potentially send a different employee each time to get the same bottle. She asked if there is any way to prevent scenarios like this. Holden explained that in the restaurant scenario, they must show their liquor license for the discount and would not be able to get the discount more than once. Rep. Mihalek pointed out that many restaurant owners will not care about the discount if they are trying to keep customers satisfied. Holden explained that the board only has so many resources to police this, so to an extent, there is an honor system to this limit. Mike Negra, board member, PLCB, chimed in that they do not have the technology to determine who is buying bottles and going to another store to get more. **Chairman Metzgar** clarified that PLCB is saying there is no way to enforce this policy. Holden explained that a single store can easily enforce it, the problem is if an individual chooses to travel to another store. Board member Mike Negra explained that the alternative to this honor system limit is having no restrictions at all which causes hoarding. He continued that this list allows them to warn restaurant owners that they will not be able to buy a large supply of these spirits.

**Chairman Metzgar** stated that every product of PLCB is finite and noted that Holden's testimony mentioned they regularly limit numbers on their products. He asked what makes these 43 products they are limiting special and how does this impact the consumer demand for these products. Holden explained that some products are more difficult to supply due to the aging process and stated he did not believe implementing a limit on certain products will cause consumers to try to stock up. Rivera added that licensees were alerted the night before bottle limits were imposed. She explained they did this because they did not want to place the burden to announce this on store associates and they wanted to ensure they were being transparent with

their licensees to prepare for alternatives.

**Chairman Metzgar** expressed his concern that their definition of "good communication with licensees" is to notify them the evening before the limit was imposed. Holden clarified that although they were notified the evening before the limit, they were "well aware that we were facing difficulties, so they knew something had to be done."

**Senate Law & Justice Committee Chairman Mike Regan (R-York)** commented that it was "naive to think a discount is going to inhibit someone from trying to go to ulterior motives to get what they need to satisfy their customers." He explained that the impact of the pandemic has created an "every man for themselves" mentality in the bar and restaurant industry. He asked if PLCB has considered marketing additional Pennsylvania products that are similar to the products that are rationed. Holden responded that PLCB's team is "ready and proactive" to recommend 7,500 other products that are available and similar to products licensees are looking for. He emphasized that the 43 products on their list is less than one percent of PLCB's business. He highlighted that their retail stores have an exclusive Pennsylvania-only section.

**Chairman Regan** asked if PLCB has considered new product buys to create new inventory through the shortage. Holden answered that their marketing and merchandising team are constantly working with suppliers for alternative products. Rivera explained they have two different ways they review products: through one-time buys and the listing process. She stated the listing process occurs bi-annually and they carry on an ongoing basis.

She continued that their one-time buy process occurs by going to vendors and buying one to two deliveries. This occurs on an ongoing basis throughout the year. She included that PLCB has been expediting lists of certain items they feel need to get to their stores as soon as possible.

**Rep. Anita Kulik (D-Allegheny)** stated that as a consumer, she has no problem with rations because she understands the difficulty of obtaining these products. She expressed her feeling that these rations help people

purchase bottles they would normally not be able to get if there was no limit.

**Rep. Abby Major (R-Armstrong)** asked if there are parts of the state where these bottles may not need to be rationed and if PLCB could move the supply to where the demand may be higher. Rivera responded that they have already distributed the supply to the best of their ability considering where demand is higher. She clarified that many of the bottles on this list are not able to reach all the stores they are supposed to. She stated that if they work with a vendor partner to limit the distribution stores, they will prioritize the stores that do the largest volume of shipments. Negra added that they have their e-commerce can send anywhere and noted that of the 43 items, 15 of them are not limited in other sizes.

**Minority Chairman Deasy** asked if PLCB charges a warehouse fee like others in the industry. Holden responded that for the first ten months, PLCB charges no warehousing fee for vendors because of the pandemic. He explained they gave three months' notice when they began the process, allowing them the opportunity to explain why they are having bailment problems.

He recognized they could have charged \$12 million in bailment penalties this year, but only charged \$2 million because of the explanations they allowed.

**Chairman Deasy** referenced refunds that were mentioned and asked if other privatized states are giving refunds. Holden replied that he was not aware of any other states doing this. Rivera elaborated on the bailment process and explained that bailment is vendor-owned inventory that sits in the PLCB distribution center and is pulled out based on store demand. She clarified that when it is in the warehouse, it is owned by the vendor, and it becomes PLCB's ownership when it is shipped to stores. She added that therefore, they could charge **bailment fees** but have not charged as much as they could. She explained that a fill rate penalty is a penalty placed on vendors when there is a lack of inventory because PLCB needs to be aware of these shortages and work to fill shelves with alternative products. She assured that when they work with a vendor experiencing supply constraints, they only ask for transparent communication about what their short-

ages are and what their future perception of Pennsylvania's allocation will be. Holden noted that the review process to not penalize vendors goes up to board level approval and clarified that vendors simply need to communicate with them to avoid penalization. He noted other states charge when supplies are low and do not consider vendor circumstances like PLCB does.

**Deasy** referenced the glass shortage and noted some companies are choosing to go with a plastic bottle while others are not, and it is factors like these that no one can control. Rivera mentioned that Jim Beam is a company that chose to go to plastic bottles, so they can supply more versus Jack Daniel's that has chosen to not transition to plastic bottles.

**Chairman Regan** asked the panel who made the decision to implement rations. **Michael Demko, executive director, PLCB**, responded that the ration decision came to the board for discussion and it was brought forward by Holden, board member Mary Isenhour, and himself. He noted this was at the request of Rivera's team that they decided this. Chairman Regan clarified this was an informal decision. Demko replied this is correct and was a policy decision for PLCB to move forward and research was done through Rivera's team. Chairman Regan asked when decisions reach the level of a formal hearing and vote. Demko responded that it is up to the board but expressed this was an operational decision. Negra added that there are specific aspects of the board's responsibilities that require a formal vote such as licensure approvals and personnel decisions. He explained that business decisions do not require a formal decision. Chairman Regan recognized that **rationing** has been used throughout history in negative terms and stated his belief that there should be a formal vote when using this language. Mary Isenhour, board member, PLCB, commented on the challenges they have faced over the pandemic and stated, "it is very safe to say that we have been involved and engaged in every decision because of the crisis we have been in the past 18 months." Holden added that the word "ration" was never used by the PLCB, the phrasing was "equal distribution."

**Minority Senate Chairman Jim Brewster (D-Allegheny)** said that in states without liquor control

the supply chain probably dictated

what was available to customers. He said that PLCB had acted to prevent immediate shortages throughout Pennsylvania. He called any assertion that the decision was unfounded "disingenuous." Chairman Brewster said **PLCB is an asset to Pennsylvania** and asked what PLCB's revenue was for the past year. Holden responded \$2.91 billion. Chairman Brewster said supply chain issues are not unique to PLCB, and that there was "no blueprint" for how to handle the disruption of the pandemic. He said that he has not heard constituent complaints about the decision, and applauded PLCB for their decision to implement bottle limits.

**Rep. Valerie Gaydos (R-Allegheny)** asked if any of the rationed products had similarities, such as being owned by a single entity. Holden responded negatively. Rivera mentioned that Hennessy was particularly affected. Rep. Gaydos remarked that the shortage was **an opportunity to "let the shelves go bare" and support Pennsylvania-made products**. She asked if PLCB had limited sales of items before. Rivera said eight of the items on the list had been, specifically bourbon since before her tenure at PLCB. She mentioned that there are procedures for removing items from the bottle limitation list, and that they would not be rationed indefinitely. Rep. Gaydos asked if there was a quantity of product necessary for a supplier to have to be listed in PLCB. Rivera said PLCB works with vendors to ensure supply when listing an item and asked if Rep. Gaydos was asking for specific requirements. **Rep. Gaydos said it was her understanding that some small businesses are having trouble meeting demand and may no longer be carried by PLCB as a result**. She asked that if large businesses are having trouble meeting demand, why they are not being removed from shelves. Demko said products with limited supplies are moved to e-commerce so they are available to anyone in the state. Rep. Gaydos asked if a company with a small supply in high demand could lose its shelf space. Rivera responded negatively and said that in such a situation, PLCB would reduce the number of stores the product is available in or move the product to e-commerce. Holden said that products can be delisted for low demand. Rep. Gaydos asked if one criterion for removing a product was a failure to meet demand. Holden and Rivera responded negatively, saying

the criterion was low sales. Demko added that PLCB also de-lists products at vendor request if the product has been discontinued.

**Rep. Manuel Guzman (D-Berks)** asked what products PLCB expected to lack through the end of the year. Rivera mentioned Hennessy as "one of the most severely supply strained items." Rep. Guzman asked if PLCB could estimate how quickly products would become unavailable without bottle limits. Holden said he was unable to give an estimate but said PLCB made the decision to protect consumers. Rep. Guzman asked for a general estimate. Rivera said it would depend on specific factors like existing supply by store. Rep. Guzman said that Wojnar said DISCUS would be unable to increase production "overnight" but also said that there were not enough outlets for products. He asked what the point of more shelf space was if DISCUS was unable to fill existing space. Wojnar said he was referring to luxury products, and that DISCUS hoped the supply issues were temporary. He remarked that **"the fundamentals of the PLCB are shaky,"** since there is only one liquor store for every 10,000 residents, below the national average and the average among liquor control states. He said that PLCB's decision was "reasonable" given the circumstances but DISCUS is looking further ahead. Wojnar said that demand existed for increased distribution of products, and he believed he was not contradictory. Rep. Guzman asked what DISCUS was doing to address supply issues. Wojnar said suppliers were doing "the best they can." He reiterated that his focus was to meet demand in the long term.

**Rep. Russ Diamond (R-Lebanon)** asked about the procedures PLCB used to determine fair distribution. Holden said PLCB removed the items from stores where they would sell quickly and thus "shut out" rural areas and did not let those with liquor licenses have advantages over regular consumers. Rivera said PLCB uses historical demand to determine fair distribution. Rep. Diamond asked if inventory was being reallocated between stores. Rivera said that reallocation was not currently in progress but had been done until this point.

**Rep. Mary Isaacson (D-Philadelphia)** remarked that it is "fascinating" that only 43 products were restricted.

She commended PLCB for their management of the situation. She asked if there was anything the General Assembly could do to assist PLCB. Holden said he would defer to Demko, but there was nothing PLCB needed at the time.

**Sen. Devlin Robinson (R-Allegheny)** commented that most of the supply chain issues came from a small number of companies. Holden said there were a few companies, most of which were imports, and mentioned the glass issue with Kentucky bourbon. Sen. Robinson remarked that the **bottle limits seemed mostly to protect foreign companies instead of products from Pennsylvania.** Holden said that PLCB's store staff already offer Pennsylvania products as alternatives to missing inventory, and every store has a Pennsylvania-only section. Negra remarked Pennsylvania alternatives often did not exist for high-end products. "It's very difficult to find a Pennsylvania equivalent to Dom Pérignon," he said. He reiterated that store staff redirects customers to Pennsylvania products when others are in short supply. Sen. Robinson opined that **it may not be wise to protect companies that did not prepare for post-pandemic demand.**

**Rep. Barry Jozwiak (R-Berks)** asked if PLCB anticipated the list of limited products to grow as a result of people buying alternatives. Rivera said it was hard to say since demand can be unpredictable, but that PLCB did not anticipate such a situation. Negra said demand is accelerating, but there are other factors beyond the demand that can cause shortages, such as agricultural and manufacturing concerns. Rep. Jozwiak noted that there were no limitations on wines and asked about PLCB's supply of wine. Rivera replied that no wine products were experiencing a shortage to the same degree as the limited products. Rep. Jozwiak asked why some wines were only available in 10 locations. Negra said Rep. Jozwiak was referring to the **Pennsylvania Preferred program**, where domestic manufacturers are guaranteed 10 stores for their product. He said if there is demand for the product, then the number of stores can increase, but if sales are poor, then shelf space can decrease. He added that there were wines on the limited items list, mentioning champagne and that cognac is wine-based.

**L & I Publishes Proposed Minimum Wage Regulations and Tipped Employees and Overtime for Sala-**

## ried Employees

The Department of Labor and Industry proposed regulations related to tipped employees and overtime for salaried employees. Additional information is available on the Pennsylvania Bulletin. Effective 60 days after publication of the final form rulemaking. Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Bryan M. Smolock, director, L&I, Bureau of Labor Law Compliance, 651 Boas Street, Harrisburg, PA 17121 or by e-mail to bsmolock@pa.gov within 30 days.

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-47/1921.html>

## Legislative Activity

**The following bills of interest were introduced and acted upon in the General Assembly since the last Bulletin.**

**HB 287** RE: Clubs Six Packs Sales (by Rep. Tim O'Neal, et al)  
Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, establishing that clubs may sell malt or brewed beverages not exceeding 192 fluid ounces in any one sale to their members at off-site locations except for between 2 a.m. to 7 a.m. on any day.

**PFFSO Position: SUPPORT**

### No activity

**HB 425** RE: Inventory Sales by Closed Clubs (by Rep. Matthew Dowling, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing for a permanently closed business with a liquor license to sell their inventory of liquor, wine, malt or brewed beverages to an active licensee. The act provides that the buyer must notify the Pennsylvania Liquor Control Board of all product purchased.

**PFFSO Position: SUPPORT**

**Reported as committed from Senate Appropriations Committee, amended on Senate floor, read third time, and passed Senate, 10/26/2021 (50-0)**

**Received as amended in House and rereferred to House Rules Committee, re-reported on concurrence as committed from House Rules, and House concurred in Senate amendments, 10/27/2021 (199-0)**

**Signed in the House and in the Senate, 10/27/2021**

**Approved by the Governor, 11/5/2021 (Act No. 81 of 2021)**

**HB 1154** RE: Mixed Drinks to Go, Ready to Drink Cocktails, Safekeeping (by Rep. Kurt Masser, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing for permanent sales of to-go mixed drinks and prepared beverages by liquor licensees and repealing temporary provisions. Repeals language regarding additional seal for sealed container with sipping holes for straws and provides additional regulations on the sale of to-go cocktails and prepared beverages.

**PFFSO Position: PFFSO Opposes Ready to Drink Sales, Supports the Safekeeping Provision**

**Re-reported on concurrence as amended from House Rules Committee, and House concurred in Senate amendments as amended, 6/24/2021**

**Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, 6/25/2021**

**HB 1497** RE: Noise Ordinances (by Rep. Mike Jones, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, permitting an amplified sound device that does not exceed 75 decibels beyond the licensee's property line for bars and restaurants and extends the amplified sound provision from 10:00 a.m. to 8:00 p.m. Sunday through Thursday and from 10:00 a.m. to 10:00 p.m. Friday and Saturday. Provisions in the bill do not extend to any city of the first class (Philadelphia).

**PFFSO Position: SUPPORT, as long as it includes Club licenses**

**Reported as committed from House Rules Committee, laid on the table, and removed from the table, 10/26/2021**

**HB 1733** RE: WEPs (by Rep. Brian Smith, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing that wine expanded permit holder sales for off-premises consumption may occur at any time the permit holder is authorized to sell alcohol for on-premises consumption.

**PFFSO Position: Oppose**

**Introduced and referred to House Liquor Control Committee, 7/21/2021**

**Reported as committed from House Liquor Control Committee, read first time, and laid on the table, 10/27/2021**

**HB 1861** RE: COVID-19 Regulatory Flexibility Restoration (by Rep. Andrew Lewis, et al)

Amends the Administrative Code, in temporary regulatory flexibility authority, further providing for definitions and for temporary regulatory flexibility authority. This legislation provides that a regulatory suspension that was extended related to the COVID-19 declaration of disaster emergency and was in effect until September 30, 2021, shall be retroactive to the last day that the COVID-19 declaration of disaster emergency was in effect. The legislation further provides for

a final report to be issued by November 1, 2021, by each authority that authorized a suspension. Effective immediately.

**PFFSO Position: No position**

**Introduced and referred to House State Government Committee, 9/14/2021**

**Reported as committed from House State Government Committee, read first time, laid on the table, and Removed from the table, 9/20/2021**

**Read second time, and rereferred to House Appropriations Committee, 9/21/2021**

**Reported as committed from House Appropriations Committee, read third time, and passed House, 9/22/2021 (200-0)**

**Received in the Senate and referred to Senate Health and Human Services Committee, 9/23/2021**

**Reported as committed from Senate Health and Human Services Committee and read first time, 9/27/**

**Read second time, Recommitted to Senate Health and Human Services Committee, and reported as amended from Senate Health and Human Services Committee, 9/28/2021**

**Rereferred to Senate Appropriations Committee, Reported as committed from Senate Appropriations, read third time, and passed Senate, 9/29/2021 (48-0)**

**Received as amended in the House and rereferred House Rules Committee, re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 9/29/2021 (199-0)**

**Signed in the House and in the Senate, 9/29/2021**

**Approved by the Governor, 9/30/2021 Act No. 73 of 2021**

**HB 1876** RE: [Allowing Limited Wineries to Partner with BYOBs](#) (by Rep. Joe Ciresi, et al)

Amends the Liquor Code, in distilleries, wineries, bonded warehouse, bailees for hire and transporters for hire, providing that a limited winery can partner with bring your own bottle (BYOB) restaurants to sell wine with food for on-premises consumption. Provides stipulations for licensees regarding the sale of wine.

**PFFSO Position: No position**

**Introduced and referred to House Liquor Control Committee, 9/20/2021**

**HB 1934** RE: [Constitutional Amendment to Expand Disabled Veterans' Real Estate Tax Exemption](#) (by Rep. Chris Sainato, et al)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance to provide for exemptions and special provi-

sions. This bill changes the language of veterans eligible for exemptions of real property taxes from those who served in any war or armed conflict, to any member that served on armed forces, including a reserve component or National Guard and who were discharged for any reason other than dishonorable. Spouses of those members who are deceased may also be eligible for such exemptions. Constitutional amendments require approval in two consecutive legislative sessions and then approval by the voters through a referendum.

**PFFSO Position: SUPPORT**

**Introduced and referred to House Finance Committee, 9/29/2021**

**HB 2077** RE: COVID-19 Vaccine Exemption Options Act (by Rep. Paul Schemel, et al)

Provides exemptions to the COVID-19 vaccine mandate if certain conditions are met. Nothing in this act shall be construed to affect the authority of a state agency, state official, local governing body, or local to enact a state or local order to mandate the vaccine. Expires on November 30, 2023. Effective immediately.

**PFFSO Position: No position**

**Reported as committed from House Health Committee, read first time, and laid on the table, 11/16/2021**

**SB 194** RE: Clubs Six Packs Sales (by Sen. Judy Ward, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, establishing a club licensee may sell malt beverages for off-premise consumption during the state of disaster emergency related to COVID-19. Provides no club licensee may sell liquor or malt or brewed beverages for off-premise consumption between 2:00 a.m. to 7:00 a.m.

**PFFSO Position: SUPPORT**

**Laid on the table (Pursuant to Senate Rule 9), 6/23/2021**

**SB 243** RE: Electronic SGOC (by Sen. Joe Pittman, et al)

Amends the Local Option Small Games of Chance Act, in games of chance, providing during a disaster emergency a licensed eligible organization may conduct games of chance through a publicly accessible website, social media platform or mobile application and accept electronic payment via credit card, debit card, mobile electronic payment application or other electronic payment methods for playing games of chance. Requires licensed eligible organizations to verify the purchaser using an electronic payment method is 18 years old and is a resident of Pennsylvania. Provides a winner of a game of chance must claim the prize at the licensed eligible organization's operating site or

other authorized premises. Provides prize winnings may not be distributed via U.S. mail, electronically, or via any other messaging service. Provides verification requires prior to disbursing a prize. Effective immediately.

**PFFSO Position: SUPPORT, but should be made permanent**

**No new action**

**SB 302** RE: Firefighting Foam Management Act (by Sen. Gene Yaw, et al)

Establishes that no person or firefighting entity and neither the commonwealth nor a municipality may discharge or otherwise use a class B firefighting foam that contains a PFAS chemical for testing or training beginning July 1, 2021. A person or fire department who administers a training program in violation of this section is subject to a civil penalty not to exceed \$5,000 for a first offense, and for subsequent offenses not to exceed \$10,000. The Pennsylvania Emergency Management Agency shall enforce the provisions of this act. Nothing in this act shall be construed to restrict the manufacture, sale or distribution of class B firefighting foam that contains a PFAS chemical; or the discharge or other use of class B firefighting foam that contains a PFAS chemical purchased prior to July 1, 2021, in emergency firefighting or fire prevention operations.

**PFFSO Position: NO POSITION**

**Reported as committed from Senate Appropriations Committee, read third time, and passed Senate, 9/21/2021 (39-10)**

**Received in the House and referred to House Veterans Affairs & Emergency Preparedness Committee, 9/22/2021**

**SB 504** RE: Veterans Vehicle Fees Exemption (by Sen. Pat Stefano, et al)

Amends Title 75 (Vehicles), in fees, further providing for exemption of persons, entities and vehicles from fees. Provides no fee shall be charged for titling or registration of vehicles registered to an individual who has served in the United States Armed Forces, including a reserve component of the National Guard, and who was discharged or released from service under conditions other than dishonorable.

**PFFSO Position:**

**Reported as committed from Senate Transportation Committee, and read first time, 10/27/2021**

**SB 533** RE: [State Agency / Regulatory Action During a Disaster Emergency](#) (by Sen. Gene Yaw, et al)

Amends Title 35 (Health and Safety), in Commonwealth services, providing that the consideration, adoption, or publication within the Pennsylvania Bulletin of a proposed regulation, a final-form regulation, or a final-omitted regulation subject to the Regulatory Review Act and conducting a department or agency advisory committee meeting are prohibited during a period of disaster emergency as declared by the governor that involves the statewide closure of any government offices or businesses for a period of more than five days unless directly related to responding to the disaster emergency or adhering to a federal or state statutory timeline or court order. Establishes provisions for waiver.

**PFFSO Position: No Position**

**Reported as amended from House State Government Committee, read first time, and laid on the table, 9/27/2021**

**SB 594** RE: Nonprofit Economic Emergency Delivery System Grants (by Sen. Judy Ward, et al)

Amends the Fiscal Code, in emergency COVID-19 response, appropriating \$200 million to the Commonwealth Financing Authority for the Nonprofit Economic Emergency Delivery System Grants program. Establishes the grant program to award grants to eligible community-based nonprofit organizations and provides for its application, deadline and guidelines. Provides that grants awarded by the authority to eligible organizations may not exceed \$500,000. **Does not apply to clubs.**

**PFFSO Position: Neutral**

**Rereferred to Senate Appropriations Committee, 6/25/2021**

**SB 739** RE: Definition of Fire Company (by Sen. Pat Stefano, et al)

Amends Title 35 (Health and Safety), in commonwealth services, providing for the definition of fire company to include a volunteer non-profit chartered fire company or municipal-owned fire company or department. Provides for an application review committee to review loan applications and specifications for the composition of the committee.



**PFFSO Position: SUPPORT**

**Reported as committed from Senate Appropriations Committee, and amended on Senate floor, 9/21/2021**

**Read third time, and passed Senate, 9/22/2021 (49-0)**

**Received in the House and referred to House Veterans Affairs & Emergency Preparedness Committee, 9/23/2021**

**SB 830** RE: Veteran-owned Business Loan Guarantee Program (by Sen. John Yudichak, et al)

Amends Title 64 (Public Authorities and Quasi-Public Corporations), in Commonwealth Financing Authority, adding a new section establishing the Veteran-owned Business Loan Guarantee Program to provide loan guarantees to commercial lending institutions that make loans to veteran-owned businesses. The legislation provides application guidelines and limitations. A guarantee may not exceed 50 percent of the outstanding principal amount of a loan during the term of a loan for which a guaranteed certificate has been issued, and a guarantee may not exceed \$250,000 for any one loan. The sum of \$5 million shall be allocated from the Second Stage Loan Program under section 1553 (relating to Second Stage Loan Program) under the new section.

**PFFSO Position: SUPPORT**

**Introduced and referred to Senate Community, Economic & Recreational Development Committee, 7/26/2021**

**Reported as amended from Senate Community, Economic & Recreational Development Committee, and read first time, 9/29/2021**

**Read second time, and rereferred to Senate Appropriations Committee, 10/18/2021**

**Reported as committed from Senate Appropriations Committee, and amended on Senate floor, 11/9/2021**

**Read third time, and passed Senate, 11/10/2021 (49-0)**

**SB 843** RE: Tavern Sports Wagering (by Sen. Wayne Fontana, et al)

Amends Title 4 (Amusements), in sports wagering,

for sports wagering certificate, providing for tavern sports wagering kiosk placement agreements and further providing for authorized locations for operation. This legislation establishes petition requirements regarding tavern sports wagering and the information required to be included in a petition. The legislation further provides that the board shall approve a petition if the petitioner establishes by clear and convincing evidence that the conduct of tavern sports wagering at a licensed tavern detailed in the petition will increase revenues and employment opportunities, the petitioner possesses adequate funds to fund any necessary expansion or modification of the licensed tavern to accommodate tavern sports wagering, and the proposed internal and external security and proposed surveillance measures within the area of the licensed tavern where the petitioner seeks to conduct tavern sports wagering are adequate. The legislation establishes requirements for tavern sports wagering kiosk placement agreements and provides that each slot machine licensee issued a tavern sports wagering certificate shall pay a one-time authorization fee of \$10,000 and a renewal fee of \$2,000 for a tavern sports wagering certificate.

***Does not apply to clubs.***

**PFFSO Position: Neutral**

**Introduced and referred to Senate Community, Economic & Recreational Development Committee, 8/30/2021**

**Cosponsor Memos**

**The following memos have been circulated in the House and Senate for future legislation.**

**HCO2396** (Gary Day) - [Amending the Sports Raffles Charities Act for Fire Grants and Lottery Fund](#)

Amends the Sports Raffles Charities Act to further distribute the raffle money for Fire Grants and the Lottery Fund.

**Filed, 10/19/2021**

**HCO2468** (Major) - [Eligibility For Special Occasion Permits In The Liquor Code](#) Considers 501 c3 or 501 c6 nonprofit organizations as eligible to sell alcohol during fundraising events without being specifically referenced in the Liquor Code.

**Filed, 10/19/2021**

**SCO1078** (Regan) - [PLCB Flexible Pricing Repeal](#) Repeals the flexible pricing provision from the Liquor Code in order to reinstitute much needed consumer protections.

**Filed, 6/23/2021**

**SCO1265** (Brooks) - [Extension of Act 118 of 2020 \(Small Games of Chance – 60% for General Operating Expenses for Clubs\)](#) Extends Act 118 of 2020 from June 19, 2022 to Dec. 31, 2022 and gives clubs and service organizations more time to recover from the COVID-19 pandemic.

**Filed, 11/5/2021**

**Upcoming meetings of Interest**

Some House Committee meetings and session can be viewed online at: <http://www.pahousegop.com/>

Senate Committee meetings and session can be streamed at: <http://www.pasenategop.com/>

**UPDATED 2021 SENATE SESSION SCHEDULE**

November 8, 9, 10, 15 (canceled), 16(canceled), 17 (canceled)

December 13, 14, 15

**UPDATED 2021 HOUSE SESSION SCHEDULE**

November 8, 9, 10, 15, 16, 17

December 13, 14, 15

**House 2022 Session Days**

**\*\*Subject to Change\*\***

January: 4 (NV), 10, 11, 12, 24, 25, 26

February: 7, 8, 9

March: 21, 22, 23, 28, 29, 30

April: 11, 12, 13, 25, 26, 27

May: 23, 24, 25

June: 7, 8, 9, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

September: 12, 13, 14, 19, 20, 21

October: 24, 25, 26

November: 14, 15, 16

**Senate Spring 2022 Session Days**

**\*\*Subject to Change\*\***

January: 4, 18, 19, 24, 25, 26

February: 7, 8, 9

**March: 28, 29, 30**

**April: 4, 5, 6, 11, 12, 13**

**May: 23, 24, 25**

**June: 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30**

Note: Thank you for paying your 2021 membership dues. Dues Bills for clubs and units for 2022 will be mailed shortly. Direct member dues are \$75 annually, Unit Dues are up to the County Unit. If you know a club that should be a direct or Unit member, please have them contact the PFFSO office, or direct them to the PFFSO website: [www.pffso.org](http://www.pffso.org). All PA clubs have been mailed a solicitation to join the federation. Your help in bringing them in the fold is appreciated!

Thank you all for your continued support of the Federation. We still have a lot of work to do, and we do it better together!

**Would you like to receive this Bulletin in electronic format, to speed up dissemination to other clubs? Send an email to our State Executive Director, Ted Mowatt, at: [tmowatt@wannerassoc.com](mailto:tmowatt@wannerassoc.com). Thanks.**

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