



Spring

2021

PROTECTION
THROUGH
LEGISLATION
THROUGH
EDUCATION

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President

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The Bulletin

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2021 Convention Cancelled, Erie to Host in June, 2022

Even as we come out of (hopefully), the COVID-19 pandemic, PFFSO had to make the difficult decision again this year to cancel the annual convention, which would have been our 75th. The Erie County Unit, led by PFFSO president Bob Brzezicki, will finally get to host clubpersons from across the state on **June 3-5, 2022**, in beautiful Erie, PA.

In the absence of a convention business meeting, the PFFSO Board met on June 6, and re-elected the current slate of officers for a second term. Elected by the Board unanimously were: **Bob Brzezicki (Erie), President; Mike Snyder (Blair), First Vice President; Rick Olvitt (York), 2nd Vice President, and Patti Shafer, Secretary/Treasurer.** Also reappointed were **Ted Mowatt, Executive Director, and Jim Snell, Esq., Solicitor.** Congratulations and good luck to the re-elected officers and directors of the Federation.

Voters Approve Constitutional Amendments Limiting Governor's Emergency Powers

Voters have approved two constitutional amendments that will limit gubernatorial powers over disaster declarations. Pennsylvania is the first state in the nation to impose restrictions on the emergency powers of a governor in response to the COVID-19 pandemic. The amendments passed with more than 53 percent of the vote.

The two measures — which shorten the length of a disaster declaration from 90 days to 21 days and give the legislature exclusive authority to end or extend a declaration by a majority vote — arose out of frustrations from Republican leadership in the General Assembly. In late spring 2020, still the early days of the COVID-19 pandemic, the Republican majority in the legislature made multiple attempts to end Gov. Tom Wolf's emergency disaster declaration and do away with pandemic mitigation measures. When those efforts failed, Republicans began the amendment process.

House Speaker Bryan Cutler (R-Lancaster) and House Majority Leader Kerry Benninghoff (R-Centre) lauded the election results in a joint statement.

"[Pennsylvanians] have rejected the mutation of emergency authority into unilateral, one-person control that seeks expediency over the rule of law," the statement reads. "We stand ready to reasonably and responsibly manage Pennsylvania through this ongoing global pandemic, the scourge of opioid addiction, and other long-term challenges that may come to face this Commonwealth."

In the weeks leading up to Tuesday's election, members of the Wolf Administration warned that a preemptive end to a disaster declaration could hurt the state's ability to respond, both by relying on the more deliberative legislative process versus the speed of the executive branch and because a disaster declaration opens up various federal aid and flexibility options to the state.

Over the course of the pandemic, the COVID-19 disaster declaration has been renewed five times, with the latest renewal announced on May 20, though it will only last 21 days once the Department of State certifies the election results.

"The administration will soon connect with the General Assembly regarding the extension," **Lyndsay Kensinger**, Wolf's press secretary, said. "The disaster declaration allows for the suspension of regulations for medical professionals, gives the commonwealth the ability to access federal funding, and assists with the activation and payment of the National Guard, among other important operations. The vote on the disaster declaration constitutional amendments does not impact the past or current mitigation orders. We hope that the General Assembly will recognize the importance of the disaster declaration for first responders and Pennsylvanians who rely on federal funding during times of emergency."

Republican legislators did not say if they would immediately end the COVID-19 disaster declaration once the election is certified. All COVID-19 mitigation measures, including gathering and capacity limits but excluding the statewide mask mandate, expired May 31, Wolf previously announced.

While the pandemic disaster declaration was the catalyst for the constitutional amendments, it is not the only disaster declaration in the state. In early May, Wolf signed the 14th renewal of the state's opioid disaster declaration, which his administration says grants various waivers and loosens regulations in a way that makes addressing the opioid epidemic more efficient.

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.

Gov. Wolf Signs Renewal of COVID-19 Disaster Declaration to Aid in Recovery

Governor Tom Wolf signed a renewal of the Proclamation of Disaster Emergency for the COVID-19 pandemic on May 20.

"COVID-19 vaccinations have increased dramatically in recent weeks and we are making significant progress in the fight to stop the spread of COVID-19," said Governor Wolf. "As previously announced, we are lifting all mitigation measures on Memorial Day, but we need just a little more time under this current disaster declaration to ensure that we do not risk valuable resources that will help Pennsylvania recover from the pandemic.

"The disaster declaration allows more medical professionals to administer vaccines, ensures families harmed financially by the pandemic have access to healthy food through SNAP benefits and ensures Pennsylvania counties and businesses remain eligible for federal disaster recovery dollars.

"We will continue to monitor vaccination rates and adjust mitigation orders accordingly. I have been in touch with the General Assembly regarding this extension, and we will continue to collaborate on the future of this disaster declaration and any future declarations that become necessary to help Pennsylvanians in the midst of an emergency."

The emergency disaster declaration renewed this month provides for increased support to state agencies involved in the continued response to the virus and recovery for the state during reopening. The disaster declaration has allowed for waivers and extensions to continue to provide for Pennsylvanians and businesses under the unprecedented circumstances of the pandemic, including the ability to waive the one-week waiting period to receive unemployment compensation and the registration requirement with PA CareerLink for applicants; and allowing the commonwealth to suspend numerous training requirements and certification and licensure renewals for health care professionals, child care workers, direct care workers, direct support professionals, among other professional groups who provide life-sustaining services to our children, seniors, and vulnerable residents. The flexibilities available because of the disaster declaration have allowed many more health care professionals to provide services virtually during the pandemic, expanding opportunities for

individuals to seek needed physical and mental health services. It allows the commonwealth to increase the number of vaccine providers and improve vaccine distribution.

Through the disaster declaration, PEMA has been able to assign the National Guard to provide various types of support for long term care facilities, including providing direct patient care support, ancillary support, and testing, and at community-based testing sites. It also provides PEMA with the ability to leverage continued federal support such as non-congregate sheltering.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-21/792.html>

Lawmakers End Disaster Declaration But Preserve Many of Its Provisions

Using their newly awarded but still uncertified powers over emergency disaster declarations, the Pennsylvania General Assembly voted Thursday to end Gov. Tom Wolf's COVID-19 emergency disaster declaration, which has been in place since March 2020. In an extra session day called specifically for the legislation, both the House and Senate passed both a resolution ([HR 106](#)) ending the Governor's COVID-19 disaster declaration and a companion bill ([HB 854](#)) that will carry most of the governor's regulatory waivers — which were put in place as part of the disaster declaration last year — through September. While the bill extending regulatory waivers passed both chambers unanimously, the resolution to end the disaster declaration fell largely along party lines.

Republicans, who have been searching for ways to end the disaster declaration since spring 2020, celebrated the resolution's passage.

"For all practical purposes, the state of emergency in our Commonwealth is over," Senate Majority Leader Kim Ward (R-Westmoreland) said. "...We came up with a solution to address the most pressing needs and these waivers will protect our health care waivers, it will protect our most vulnerable, it will protect our families and it will help protect our businesses."

Many of the COVID-19 mitigation measures that Republicans have taken issue with, including business closures, are powers of the Department of Health and will not be affected by the end of the disaster declaration.

Republicans in the Senate advanced a separate bill, [SB 618](#), earlier this week to curtail the Secretary of Health's powers.

All but one Democrat voted against the resolution, calling it political theater and expressing concern that while most of the provisions of the disaster declaration would remain thanks to the regulatory bill, questions remain about the state's eligibility for federal unemployment and food aid.

The legislature's ability to pass the resolution came voters approved a constitutional amendment during the May 18 primary to shorten the length of disaster declarations from 90 days to 21 days and to give the General Assembly greater power to end a governor's order. The election results are yet to be certified, as two counties are still not officially reported.

With regard to clubs and other liquor licensees, the PA LCB has issued a notice explaining what the current status of regulations, including masking, indoor and outdoor seating, and others is on the PLCB website: <https://www.lcb.pa.gov/Legal/Documents/Guidance%20for%20all%20Counties%2005-31-21.pdf>

Pyle Chairs House Liquor Control Committee for Final Time, Announces Retirement

The committee met on March 16 to consider legislation. At the end of the meeting, **Chairman Jeff Pyle (R-Armstrong)**, announced he would be stepping down from his post, and his seat in the 60th legislative district, to tend to his health issues. The Committee reported several bills to the House floor.

Chairman Pyle then announced he is retiring. He thanked the committee for their professionalism.

Rep. Barry Jozwiak (R-Berks) said Chairman Pyle will be missed and noted that he did an "excellent job as a chairman."

Pyle asserted that the bills will "fare better in the Senate this session," noting that he had discussions with **Sen. Mike Regan (R-Cumberland)**.

Chairman Deasy thanked Chairman Pyle for his work. He said he has always found common ground with the majority Chairman. He offered his appreciation for Chairman Pyle's willingness to run Democratic bills and amendments in the committee meeting today. He stressed that the bills regarding discounts will "keep a

lot of small businesses in operation."

Chairman Pyle thanked Chairman Deasy and emphasized the need for Democrats and Republicans to work together.

Rep. Isaacson thanked Chairman Pyle for ensuring "that her district will be taken care of."

Rep. Carl Metzgar (R-Somerset/Bedford) was appointed by House Speaker Bryan Cutler to serve as chairman of the House Liquor Control Committee for the duration of 2021-22 Legislative Session.

Senate Law and Justice Committee Moves Several Bills

The committee met on April 27 to consider several bills, including:

HB 425 (Dowling) - Amends the Liquor Code, in licenses and regulations providing for a permanently closed business with a liquor license to sell their inventory of liquor and wine to an active licensee. The act provides that the buyer must notify the Pennsylvania Liquor Control Board of all product purchased. And amendment was offered by Minority Chairman Jim Brewster, which allows for licensees to provide alcohol and food service to non-contiguous areas within 1,000 feet of the licensed premise; uncap the number of off premise catering events a licensee can hold a year; waives all fees related to safe keeping for one additional year to help licensee holders who had to shut down due to the pandemic and have been unable to sell their license. **Chairman Mike Regan (R-Cumberland)** explained that the legislation allows the holder of a liquor license to sell their stock of liquor and wine to another license holder when they close their business. Chairman Regan urged an affirmative vote on the amendment. "This amendment will continue to help restaurants and has the support of the Pennsylvania Lodging and Restaurant Association (PLRA). **The amendment was unanimously adopted. The bill was unanimously reported as amended.**

HB 427 (Pyle) - Amends the Liquor Code, in Pennsylvania liquor stores, providing for Pennsylvania liquor stores to sell products to licensees that do not hold a wine expanded permit at discount of 15 percent from the retail price. Establishes that restaurant licensees

that hold a wine expanded permit but do not have an interior connection to a grocery store, convenience store, department store or similar business, or hotel licensee with a wine expanded permit, regardless of any interior connections, shall have a 15 percent discount from the retail price. Provides that restaurant licensees holding a wine expanded permit and having an interior connection to a grocery store, convenience store, department store, or similar business shall have a 10 percent discount from the retail price. Establishes that special order sales to licensees shall not be subject to any discount. Provides that the 15 percent discount shall revert to a 10 percent discount three years after the expiration or termination of the proclamation of disaster emergency. Establishes definitions for grocery store, convenience store, and department store. Chairman Regan said the bill **increases the licensee discount from 10 to 15 percent** with a sunset date of three years. **The bill was unanimously reported as committed.**

SB 566 (Regan) - Amends the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, providing that no more than 50 licenses shall be auctioned in any county per year. Establishes license payment within six months of being awarded a license and if the winning bidder does not pay the bid amount within six months, the second highest bidder shall be awarded the right to file an application for the license. Provides for license transfer unless the license was awarded in an excess auction. Chairman Regan said the bill establishes a yearly excess auction for licenses that did not receive bids during the regular auction process.

Sen. Anthony Williams (D-Phila.) offered an amendment that requires the (PLCB) to promulgate regulations related to stop and go's. **The amendment failed with Republican members and Sen. John Yudichak (I-Luzerne) voting in the negative.**

The bill was unanimously reported as committed.

House Liquor Control and Senate Law & Justice Committees Hold Joint Public Hearing on Ready-To-Drink Beverages

Senate Law & Justice Committee Chairman **Mike**

Regan (R-Cumberland) opened the meeting, stating it was to discuss the “concept” of allowing expanded availability of “ready to drink” beverages (RTD). No legislation has been introduced, though Regan has circulated a co-sponsorship memo on the subject. Several members expressed concerns with expanding the availability of these products, ostensibly through distributors, but potentially in other retail locations. Proponents noted that the PLCB has not been aggressively marketing these products, and lacks, in many locations, the refrigerated space to make them a viable product option. More discussions will be held, before any legislation is advanced, Regan noted.

The hearing can be viewed here: <https://www.pasenategop.com/blog/lj-043021/>

Senator Mike Regan, Majority Chair

Representative Carl Metzgar, Majority Chair

Senator Jim Brewster, Minority Chair

Representative Dan Deasy, Democratic Chair

Panel #1

Tom Bowman, Chief of Product Selection, PLCB

Michael Demko, Executive Director, PLCB

Rod Diaz, Chief Counsel, PLCB

Deborah Rivera, Chief Merchandising Officer, PLCB
[Combined Testimony](#)

10:30 a.m.

Panel #2

Alex Baloga, President and CEO, Pennsylvania Food

Merchants Association – [Testimony](#)

Chris Reed, General Counsel, The Rutter’s Companies – [Testimony](#)

11:00 a.m.

Panel #3

Reid Teschner, State Government Affairs, Anheuser-Busch – [Testimony](#)

David Wojnar, Senior Vice President & Head of State Public Policy, Distilled Spirits Council of the United States – [Testimony](#)

Ryan Laverty, Chief Executive Officer, VIDE – [Testimony](#)

11:30 a.m.

Panel #4

Tim Strickler, Secretary and Treasurer, Ace Distributing – [Testimony](#)

John DiMario, III, President, Allegheny Beverage Company – [Testimony](#)

Randy Barnhart, Vice President Government Affairs, Southern Glazer’s Wine & Spirits – [Testimony](#) – [Attachment](#)

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 290 RE: Internet SGO C (by Rep. Ryan Warner, et al)

Amends the Local Option Small Games of Chance Act adding a new section allowing a licensed eligible organization, during the COVID-19 disaster emergency, to conduct or operate games of chance at the licensed organization's operating site or other authorized premises or location or via a publicly accessible internet website or social media platform and to accept debit cards, credit cards or other electronic payment methods for playing games of chance on a publicly accessible internet website or social media platform.

PFFSO Position: SUPPORT

Passed House, 4/7/2021 (193-8)

Received in the Senate and referred to Senate Community, Economic & Recreational Development Committee, 4/13/2021

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

Passed House, 4/5/2021 (201-0)

Received in the Senate and referred to Senate Law and Justice Committee, 4/13/2021

Reported as amended from Senate Law and Justice Committee, read first time, 4/27/2021

Amended on Senate floor, read second time, and

re-referred to Senate Appropriations Committee, 5/11/2021

HB 427 RE: Licensee Discounts (by Rep. Jeff Pyle, et al) Amends the Liquor Code, in Pennsylvania liquor stores, providing for Pennsylvania liquor stores to sell products to licensees that do not hold a wine expanded permit at discount of 15 percent from the retail price. Establishes that restaurant licensees that hold a wine expanded permit but do not have an interior connection to a grocery store, convenience store, department store or similar business, or hotel licensee with a wine expended permit, regardless of any interior connections, shall have a 15 percent discount from the retail price. Provides that restaurant licensees holding a wine expanded permit and having an interior connection to a grocery store, convenience store, department store, or similar business shall have a 10 percent discount from the retail price. Establishes that special order sales to licensees shall not be subject to any discount. Provides that the 15 percent discount shall revert to a 10 percent discount three years after the expiration or termination of the proclamation of disaster emergency. Establishes definitions for grocery store, convenience store, and department store.

PFFSO Position: SUPPORT

Reported as committed from House Appropriations Committee, read third time, and passed House, 4/5/2021 (201-0)

Received in the Senate and referred to Senate Law and Justice Committee, 4/9/2021

Reported as committed from Senate Law and Justice Committee, and read first time, 4/27/2021

Read second time, and rereferred to Senate Appropriations Committee, 4/28/2021

HB 452 RE: [Flexibility for Outdoor Dining](#) (by Rep. Dan Deasy, et al) Amends the Liquor Code, in brewed beverages, providing that during the disaster emergency related to the COVID-19 pandemic, the Liquor Control Board, upon request, may temporarily extend the licensed premise of the applicant to include any outside serving area if it is immediately adjacent to the existing licensed areas or within 1,000 feet of the main licensed building. Provides the board shall grant immediate operating au-

thority to the applicant to use the outside area subject to the request while the board processes the request. Provides for the expiration of the operating authority. No filing fee shall be required from the applicant, and the board may require the applicant to provide any information that the board deems relevant. Establishes provisions related to the issuance of off-premises catering permits including that the board may authorize an unlimited number of off-premises catered functions to qualifying entities; no application fee shall be required from entities requesting a catering permit under the related section; an application for a catering permit under this paragraph does not need to be submitted prior to March 1 of the calendar year; the five-hour limit on catered functions shall not apply to a catering permit under this paragraph; and the authority of the board to issue permits under this paragraph shall expire one year after the termination of the disaster emergency. Establishes safe-keeping provisions during the 2020 disaster emergency stating that the additional year of safekeeping shall start on the date of a renewal or validation of the license that occurs on or after January 1, 2022.

PFFSO Position: SUPPORT

Reported as amended from House Liquor Control Committee, read first time, and laid on the table, 3/16/2021

HB 537 RE: Regional Small Business Grant Program (by Rep. Joe Ciresi, et al) Amends the Fiscal Code providing for small business grant program, imposing duties on the Department of Community and Economic Development; and making an appropriation. Requires the department to provide grants in accordance with this article to regional networks for the purpose of administering and funding a regional small business grant program pursuant to which grants will be provided to small businesses that are adversely affected financially due to the coronavirus pandemic and the proclamation of disaster emergency. Appropriates \$50,000,000 to the department from the Budget Stabilization Reserve Fund to administer and fund the grant program.

PFFSO Position: SUPPORT

Reported as amended in House Commerce Committee, read first time, and laid on the table, 5/5/2021

[HB 772](#) RE: [Mixed Drinks to Go](#) (by Rep. Greg Rothman, et al)

Amends the Liquor Code, in preliminary provisions, providing the definitions for mixed drink or cocktail, ready-to-drink cocktail and spirits; in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing for the issuance of limited spirit expanded permits, providing for the sale of ready-to-drink cocktails and permitting distributor license holders to sell manufactured ready-to-drink cocktails; and, in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, providing for a limited distillery license holder to manufacture and sell ready-to-drink cocktails. Establishes procedures for the sale of ready-to-go cocktails for limited spirit expanded permit holders, distributor license holders and limited distillery license holders.

PFFSO Position: OPPOSE

Introduced and referred to House Liquor Control Committee, 3/3/2021

[HB 854](#) RE: Maintaining Temporary Regulations (by Rep. Torren Ecker, et al)

Amends the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for COVID-19 record retention and for temporary regulatory flexibility authority. Continues current waivers through September, despite the termination of the disaster declaration.

PFFSO Position: SUPPORT

Amended on House floor, read second time, and rereferred to Senate Appropriations Committee, 6/9/2021

Reported as committed from Senate Appropriations Committee, read third time, and passed Senate, 6/10/2021 (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, 6/10/2021 (202-0)

Signed in the House and in the Senate, 6/10/2021

Approved by the Governor, 6/11/2021 (Act No. [21](#) of 2021)

[HB 977](#) RE: Pandemic Restaurant Restrictions (by Rep.

David Millard, et al)

Amends Title 35 (Health and Safety), in Commonwealth services, providing that during a disaster emergency neither the commonwealth nor any municipality may restrict or impose a limitation through an executive order, proclamation, regulation, resolution, ordinance or other official action on the number of people who may gather in a restaurant or the time periods for the sale or service of alcohol. Establishes that the provisions do not apply to occupancy permits or restrictions under the Liquor Code or other laws issued prior to March 6, 2020.

PFFSO Position: SUPPORT

Reported as amended from House Commerce Committee, read first time, and laid on the table, 5/5/2021

[HB 1084](#) RE: [Spirit-To-Go Sales by Restaurants and Hotels](#) (by Rep. Tim O'Neal, et al)

Amends the Liquor Code, in preliminary provisions, further providing for definitions; and, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing for spirit expanded permits.

Introduced and referred to House Liquor Control Committee, 4/5/2021

[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

Reported as amended from House Liquor Control Committee, read first time, and Laid on the table, 5/4/2021

Removed from the table, 5/5/2021

Read second time, and rereferred to House Appropriations Committee, 5/24/2021

Reported as committed from House Appropriations

Committee, read third time, and passed House, 5/25/2021 (187-14)

Received in the Senate and referred to Senate Law and Justice Committee, 5/25/2021

Reported as committed from Senate Law and Justice Committee, and read first time, 5/26/2021

Amended in the Senate, and passed Senate, 6/16/2021 (26-24)

Received as amended in House and rereferred to House Rules Committee, 6/16/2021

[HB 1162](#) RE: [Safe Online Ordering and Local Delivery of Beer and Wine](#) (by Rep. Greg Rothman, et al)

Amends the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, providing restaurant licensees with Wine Expanded Permits the ability for online delivery of beer and wine and establishing that distributors shall not deliver frozen or partially frozen malt or brewed beverage products unless the products are delivered in the original package as provided by the manufacturer; and, in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, providing that a transporter for hire may deliver wine sold by the licensee in the licensee's licensed premises or by a telephonic, web-based or other electronic ordering system transaction. The legislation provides for the timing and location of transactions as well as age verification, along with licensee responsibility with confirming a transporter for hire's authority to deliver.

PFFSO Position: PFFSO OPPOSES further expansion of other licensed sales until clubs can at least sell six packs to members

Introduced and referred to House Liquor Control Committee, 4/12/2021

[HB 1203](#) RE: Performances by Minors (by Rep. Sheryl Delozier, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees. The bill establishes that a hotel, restaurant or club licensee may permit a minor of any age to perform music if the minor is not compensated and the minor is under the supervision of a parent or guardian.

PFFSO Position: SUPPORT

Introduced and referred to House Liquor Control Committee, 4/16/2021

[HB 1216](#) RE: SGOC License Fees (by Rep. Barry Jozwiak, et al)

Amends the Local Option Small Games of Chance Act, in games of chance, providing that the licensing authority may not charge a licensing fee to an eligible organization during the COVID-19 disaster emergency. Establishes that the licensing authority may not collect a fee under special permits from an eligible organization during the COVID-19 disaster emergency. Provides that the amended sections shall apply retroactively to March 6, 2020. Effective immediately.

PFFSO Position: SUPPORT

Introduced and referred to House Gaming Oversight Committee, 4/19/2021

[HB 1252](#) RE: [Liquor License Renewal Fees](#) (by Rep. Chris Quinn, et al)

Amends the Liquor Code adding language authorizing the Liquor Control Board to permit, during the governor's March 6 proclamation of disaster emergency and any renewal of the proclamation, the relief of renewal and permit fees for the 2022 and 2023 renewal periods for persons holding and possessing a valid club, eatery, hotel or restaurant liquor license that lost more than 20 percent of the person's average monthly total sales, including alcohol sales, as a result of the restrictions imposed during the COVID-19 disaster emergency. Further provides if the licensee holder has paid the renewal and permit fees for 2022, the fees shall be applied for the new renewal period in which the fees are due.

PFFSO Position: SUPPORT

Introduced and referred to House Liquor Control Committee, 4/20/2021

[HB 1256](#) RE: Social Card Games (by Rep. Sheryl Delozier, et al)

Amends the Local Option Small Games of Chance Act providing for social card games by establishing social card games may be played at a licensed and eligible organization in accordance with certain requirements. It also authorizes eligible organizations to hold non-banking card game tournaments and establishes required postings.

PFFSO Position: SUPPORT

Introduced and referred to House Gaming Oversight Committee, 4/21/2021

[HB 1292](#) Tavern Gaming (by Rep. Kurt Masser, et al) Amends the Local Option Small Games of Chance Act, in preliminary provisions, providing definitions for tavern daily drawing and tavern raffle, and to include tavern weekly drawings to the definition of tavern games; in games of chance, providing exemptions in distributor licenses for tavern daily drawings, tavern weekly drawings and tavern raffles, and license requirements to conduct tavern games; in enforcement, further providing for penalties for violations; and in tavern gaming, providing further providing for definitions, for licenses, for application, for approval, for change in ownership, for tavern raffle, for distribution of net revenue, for tavern games tax, for host municipality tavern games tax, for reports, for enforcement and for prohibitions.

PFFSO Position: NO POSITION

Introduced and referred to House Gaming Oversight Committee, 4/27/2021

[HB 1297](#) RE: [Allowing licensees to deliver wine and mixed drinks permanently](#) (by Rep. Kurt Masser, et al)

Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing that unless presented with a valid armed forces of the U.S. identification card, a wine expanded permit holder shall use a transaction scan device to verify the age of a person who appears to be under 35 at the point of sale or point of delivery of wine. Provides that unless presented with a valid armed forces of the U.S. identification card, licensees selling prepared beverages and mixed drinks for off-premises consumption shall use a transaction scan device to verify the age of a person who appears to be under 35 at the point of sale of prepared beverages and mixed drinks or at the point of delivery of prepared beverages and mixed drinks.

PFFSO Position: NO POSITION

Introduced and referred to House Liquor Control Committee, 4/27/2021

[HB 1298](#) RE: [Waiving of minimum purchase of liquor](#) (by Rep. Kurt Masser, et al)

Amends the Liquor Code adding language providing the Liquor Control Board may not impose a minimum retail cost for an order to be purchased at wholesale under section 305 (b).

PFFSO Position: SUPPORT

Introduced and referred to House Liquor Control Committee, 4/27/2021

[HB 1417](#) RE: Safekeeping (by Rep. Marci Mustello, et al)

Amends the Liquor Code relating to applications for hotel, restaurant and club liquor licenses and to applications for distributors., importing distributors. and retail dispensers. licenses. Adds language providing the time between the approval of the initial applications and the issuance of operating authority to the licensee shall be considered as time in safekeeping. Further provides no such license shall be transferable between the time of issuance or transfer of the license and the approval of completed alterations or construction by the board and full compliance of the licensee with the requirement of the act unless the transfer application is accompanied by a surcharge. Provides the surcharge shall be \$15,000 if the license is located in a county of the first class through third class and the surcharge shall be \$5,000 if the license is located in a county of the fourth class through eighth class.

PFFSO Position: SUPPORT

Introduced and referred to House Liquor Control Committee, 5/14/2021

[HB 1485](#) RE: Active Volunteer First Responder Education Tax Credit Program (by Rep. Chris Quinn, et al)

Amends the Tax Reform Code establishing the Active Volunteer First Responder Education Tax Credit Program to assist active volunteer first responders with access to higher education by an approved institution of higher learning. Provides for the application of eligible organizations and restrictions on use of contributions, and provides that a business firm may apply for a tax credit for contributions made to an eligible organization. An eligible organization shall award an eligible student a scholarship of up to \$5,000 per eligible student to attend an approved

institution of higher learning. The award of a scholarship shall be based on enrollment status and requirements. Provides for tax grant certification. Provides that the total amount of tax credits may not exceed \$10 million in a fiscal year and provides further provisions regarding tax liability. A business firm may not apply for a tax credit after the seventh fiscal year following the effective date of this section. Article XVIII-I shall apply to taxable years commencing after December 31, 2020.

PFFSO Position: SUPPORT

Introduced and referred to House Veterans Affairs & Emergency Preparedness Committee, 5/26/2021

HB 1487 RE: Hospitality Industry Recovery Program (by Rep. Todd Polinchock, et al)

Amends the Fiscal Code, in emergency COVID-19 response, providing for the distribution of funds for the Hospitality Industry Recovery Program to counties on or before August 1. Further provides for deadlines related to the block grant program. Provides grants may not be awarded to pay for the same eligible operating expenses for which an eligible applicant receives or received payment, reimbursement or loan forgiveness from American Rescue Plan Act (ARPA) funds not required to be repaid to the federal government. Provides priority to an applicant that has not received an ARPA loan or grant. \$500 million of federal funds is appropriated to the Department of Community and Economic Development for the purpose of administering this act.

PFFSO Position: PFFSO believes relief needs to be provided to clubs excluded from APRA funding

Introduced and referred to House Commerce Committee, 5/26/2021

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

Introduced and referred to House Veterans Affairs & Emergency Preparedness Committee, 5/26/2021

Reported as amended from House Liquor Control Committee, read first time, and rereferred to House Rules Committee, 6/15/2021

HB 1581 RE: Fraternal Beneficiary Societies (by Rep. Ed Neilson, et al)

Amends the Fiscal Code providing for certain fraternal organizations as institutions of purely public charity. The bill provides that fraternal beneficiary societies, orders or associations operating under the lodge system qualify for an exemption from taxation if the organization has been operating in the commonwealth for not less than 100 years, qualifies under section 501(c)(8) or (10) of the Internal Revenue Code of 1986, **and has not been issued a license under the Liquor Code.**

PFFSO Position: NO POSITION

Introduced and referred to House Finance Committee, 6/8/2021

HB 1627 RE: LCE Complaint Disclosure (by Rep. Kurt Masser, et al)

Requires the PSP/BLCE to disclose who makes a complaint against a bar or restaurant.

PFFSO Position: SHOULD INCLUDE CLUBS

Introduced and referred to House Liquor Control Committee, 6/14/2021

HR 106 RE: Termination of COVID-19 Declaration (by Rep. Kerry Benninghoff, et al)

A Concurrent Resolution (House and Senate) entirely terminating the March 6, 2020, proclamation of disaster emergency, as amended and renewed, issued under the hand and seal of the governor, Thomas Westerman Wolf. The General Assembly, in accordance with section 20 of Article IV of the Constitution of Pennsylvania, hereby terminates the disaster emergency declared on March 6, 2020, as amended and renewed, in response to COVID-19.

PFFSO Position: SUPPORT

Amended on House floor and Adopted, 6/8/2021 (113-90)

Received in the Senate and referred to Senate Veterans Affairs & Emergency Preparedness Committee, and re-reported as amended from Senate Veterans Affairs & Emergency Preparedness, 6/9/2021

Amended on Senate floor, and Adopted, 6/10/2021 [\(30 - 20\)](#)

Received as amended in House and rereferred to House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 6/10/2021 [\(121-81\)](#)

Signed in the House and in the Senate, 6/10/2021

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

Reported as amended from Senate Law and Justice Committee, and read first time, 5/26/2021

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 disburs-

ing a prize. Effective immediately.

PFFSO Position: SUPPORT, but should be made permanent

Passed Senate, 5/25/2021 (47-0)

Received in the House and referred to House Gaming Oversight Committee, 5/26/2021

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 amended from Senate Environmental Resources and Energy Committee, and read first time, 6/15/2021

SB 279 RE: Volunteer Fire Company Equipment Sales Tax Exemption (by Sen. Patrick Stefano, et al)

Amends the Tax Reform Code excluding from the sales and use tax the sale at retail or use of accessory equipment, communications equipment or protective equipment when purchased by a paid or volunteer firefighter who uses personal funds and, at the time of purchase, provided identification showing his or her status as a firefighter. This exclusion shall be included on any sales tax exclusion list made available to retailers and shall not apply if the cost of the accessory equipment, communications equipment or protective equipment is paid by the firefighter's fire company or any other entity.

PFFSO Position: SUPPORT

Reported as amended from Senate Finance Committee, and read first time, 5/11/2021

Read second time, and rereferred to Senate Appropriations Committee, 5/12/2021

[SB 331](#) RE: Minimum Wage Credit Card Gratuity Payment (by Sen. Christine Tartaglione, et al)
Amends the Minimum Wage Act further providing for definitions. The bill provides that an employer that permits a customer to pay a gratuity by credit card shall pay the employees the full amount of the gratuity that the customer indicated on the credit card slip without deduction for any credit card payment processing fee or cost that may be charged to the employer by the credit card company.

PFFSO Position: SUPPORT

Introduced and referred to Senate Labor and Industry Committee, 3/8/2021

[SB 513](#) RE: Purchases on Credit (by Sen. Lisa Boscola, et al)
Amends the Liquor Code, in Pennsylvania Liquor Stores, providing liquor licensees the ability to purchase wines and spirits from the Liquor Control Board on a credit basis with a maximum of no more than 30 days accrual without payment towards balance.

PFFSO Position: SUPPORT

Introduced and referred to Senate Law and Justice Committee, 4/9/2021

[SB 523](#) RE: Statutory Construction of Wage and Hour Laws Act (by Sen. Lisa Baker, et al)
Provides for aligning federal and state wage laws.

PFFSO Position: Neutral

Introduced and referred to Senate Labor and Industry Committee, 4/9/2021

[SB 566](#) RE: Liquor License Auctions (by Sen. Mike Regan, et al)
Amends the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, providing that no more than 50 licenses shall be auctioned in any county per year. Establishes license payment within six months of being awarded a license and if the winning bidder does not pay the bid amount within six months, the second highest bidder shall be

awarded the right to file an application for the license. Provides for license transfer unless the license was awarded in an excess auction.

PFFSO Position: Neutral

Introduced and referred to Senate Law and Justice Committee, 4/16/2021

Reported as committed from Senate Law and Justice Committee, read first time, 4/27/2021

Read second time, and rereferred to Senate Appropriations Committee, 5/10/2021

[SB 578](#) RE: Disabled Veterans' Real Estate Tax Exemption (by Sen. Camera Bartolotta, et al)
A Joint resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, further providing for exemptions and special provisions by allowing an exemption for a portion, instead of all, of real estate taxes for veterans that have a permanent disability of 50 percent or greater. The percentage of exemption from real property taxes shall be in direct proportion to the percentage of disability. 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 Senate Veterans Affairs & Emergency Preparedness Committee, 4/20/2021

[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

Introduced and referred to committee on Senate Community, Economic & Recreational Development Committee, 4/21/2021

Reported as amended from Senate Community, Economic & Recreational Development Committee, and

read first time, 6/15/2021

SB 618 RE: Vaccine Passports (by Sen. Kristin Phillips-Hill, et al)

Amends Title 35 (Health & Safety) adding language prohibiting a government entity from requiring proof of vaccination against COVID-19 to use any service, enter any building or undertake any activity within the territorial limits or the jurisdiction of the government entity.

PFFSO Position: Neutral

Amended on Senate floor, 6/8/2021

Read third time, and passed Senate, 6/9/2021 (29-20)

Received in the House and referred to House Health Committee, 6/10/2021

SB 623 RE: Lifetime Contracts in Beer Industry (by Sen. Dan Laughlin, et al)

Amends Liquor Code, in preliminary provisions for definitions; in licenses & regs, for malt & brewed beverages manufacturers' & distributors' licenses, & for unlawful acts relative to liquor, alcohol, liquor & malt or brewed beverage licensees.

PFFSO Position: SUPPORT

Introduced and referred to Senate Law and Justice Committee, 5/3/2021

SB 643 RE: SGOCC Proceeds (by Sen. Dan Laughlin, et al)

Amends the Local Option Small Games of Chance Act, in club licensees, further providing that 50 percent of the proceeds shall be paid for public interest purposes and 50 percent may be retained by a club licensee.

PFFSO Position: SUPPORT

Introduced and referred to committee on Senate Community, Economic & Recreational Development Committee, 5/3/2021

SB 677 RE: Preventing Veterans' Homelessness Act (by Sen. Katie Muth, et al)

Establishes the Veterans' Housing Assistance Program, tasked with identifying homeless veterans and coordinating with the agency to ensure that home-

less veterans are provided the opportunity to receive assistance from the agency's housing ombudsman or financial assistance from the agency; and makes an appropriation of \$12.5 million for the program and \$500,000 for the department from July 1, 2020, to June 30, 2021.

PFFSO Position: SUPPORT

Introduced and referred to Senate Veterans Affairs & Emergency Preparedness Committee, 5/11/2021

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

**Introduced and referred to Senate Veterans Affairs & Emergency Preparedness Committee, 6/7/2021
Reported as amended from Senate Veterans Affairs & Emergency Preparedness Committee, and read first time, 6/8/2021**

Read second time, and Rereferred to Senate Appropriations Committee, 6/9/2021

SB 740 RE: Emergency Medical Services Operating Fund (by Sen. Patrick Stefano, et al)

Amends Title 35 (Health and Safety), in emergency medical services system, providing that 75 percent of the money disbursed from the Emergency Medical Services Operating Fund may not be disbursed by the department for one year and shall be disbursed to emergency medical services (EMS) agencies with at least 10 percent of the funds to be allocated to provide additional financial assistance for EMS systems serving rural areas. Provides that the related paragraph shall expire one year from the effective date of the paragraph.

**Introduced and referred to Senate Veterans Affairs & Emergency Preparedness Committee, 6/7/2021
Reported as committed from Senate Veterans Affairs & Emergency Preparedness Committee, and**

read first time, 6/8/2021

Read second time, and Rereferred to Senate Appropriations Committee, 6/9/2021

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/>

The 2019/2020 Legislative Session Adjourned on November 30, Sine Die. The 2021/22 Legislature will be sworn in officially on January 5.

2021 SENATE SESSION SCHEDULE

June 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30

2021 HOUSE SESSION SCHEDULE

June 7, 8, 9, 14, 15, 16, 21, 22, 23, 24, 25, 28, 29, 30

September 13, 14, 15, 27, 28, 29

October 4, 5, 6, 25, 26, 27

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

December 13, 14, 15

Note: Dues Bills for clubs and units paid for 2021 have been mailed, and are **now due**. **Due to the fact that many clubs have been closed for months now, PFFSO has waived the May 1, 2021 deadline for dues**, and NO clubs will be dropped from membership. 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. 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. Thanks.



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Membership in the PFFSO has its benefits!

Are you a member of the PFFSO, or looking to become a member? We have put together a program to help save your club money, just for being a member of the PFFSO! Your membership could entitle you to a **10% discount** on multiple lines of insurance.

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