

## Summary of Act 67 of 2022

On July 11, 2022, Governor Wolf signed House Bill No. 1615 into law, now known as [Act 67 of 2022](#) (Act 67).

Act 67 made changes to the Liquor Code dealing with contract brewing agreements and alternating proprietorships, as well as amplified sound being heard off a licensee's property. The changes are summarized below. References to the sections/subsections impacted can be found at the end of each paragraph. All changes are effective immediately.

Questions about these changes or any other provisions of the Liquor Code may be directed to the PLCB's Office of Chief Counsel at 717-783-9454 or [ra-lblegal@pa.gov](mailto:ra-lblegal@pa.gov).

### Contract Brewing Agreement or Alternating Proprietorship (Effective Immediately)

Act 67 made the following changes to section 446 of the Liquor Code:

Malt or brewed beverages produced by a brewery at the brewery's location in Pennsylvania, or under a contract brewing or alternating proprietorship arrangement with an **in-state manufacturer** in Pennsylvania may be sold by the brewery to non-licensees for on-premises or off-premises consumption and to licensees who are authorized to sell malt or brewed beverages. [47 P.S. § 4-446(1), (2)]. This is consistent with the existing law.

Malt or brewed beverages produced for a brewery under a contract brewing agreement or alternating proprietorship with an **out-of-state manufacturer** may only be distributed through the three-tier system. However, if the contract brewing agreement with the out-of-state manufacturer was effective prior to July 11, 2022, the brewery can continue to sell malt or brewed beverages produced under the contract brewing agreement to non-licensees for on-premises and off-premises consumption at its main location and at its brewery storage location(s). Furthermore, if a brewery that has a contract brewing agreement with an out-of-state manufacturer adds a brewery storage location(s), beyond the storage location(s) it is using prior to July 11, 2022, then it may only distribute the malt or brewed beverages produced out-of-state through the three-tier system. Please note, adding a storage location will not affect the manner in which malt or brewed beverages that are produced in-state, are distributed. [47 P.S. § 4-446(1), (3)].

## **Amplified Sound (Effective Immediately)**

Section 493(34) of the Liquor Code currently prohibits a licensee from using, inside or outside of its licensed premises, a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard beyond the licensee's property line. [47 P.S. § 4-493(34)].

Act 67 adds the following exception to this general prohibition for **all licensees** located in Class 2A through Class 8 counties (all counties except Philadelphia and Allegheny). Licensees in such counties may have amplified music/entertainment as long as the music/entertainment does not exceed 75 decibels beyond the licensee's property line. However, there are time restrictions to this exception. It only applies from 10:00 a.m. to 9:00 p.m. on Sundays through Thursdays, and from 10:00 a.m. to midnight on Fridays and Saturdays. Municipalities retain their authority under section 493.1(b) of the Liquor Code to petition the Board to allow their own noise ordinances to supersede the Liquor Code's provision regarding amplified sound, including the exception set forth above. [47 P.S. § 4-493.1(e)(1-2)]. While traditionally, the municipal exception loosens the rules dealing with amplified music/entertainment, Act 67 could result in situations where the municipality's noise ordinance is stricter than the standard found in the Liquor Code.

Act 67 further provides that the enforcement of this exception will be handled by the Pennsylvania State Police, Bureau of Liquor Control Enforcement ("BLCE"). [47 P.S. § 4-493.1(e)(4)].

Finally, Act 67 changed the minimum number of adjudicated noise citations, which could form the sole basis for the Pennsylvania Liquor Control Board's, Bureau of Licensing to object to a licensee's renewal application. The number of noise citations necessary is reduced from six citations to three citations. [47 P.S. § 4-470(a)(1)].