

Dry municipalities, or those that don't allow the sale of wine, spirits and/or malt and brewed beverages, have existed in Pennsylvania since the 19th Century. At the end of Prohibition in 1933, all Pennsylvania municipalities were deemed "wet" for alcohol sales, but state law made allowing alcohol sales a local option: voters in each municipality could ban the sale of alcohol (stay or go "dry").

As of November 2020, [681 of 2,560 Pennsylvania municipalities are at least partially dry](#).

Act 48 of 2019 gives municipalities the option to vote on whether or not to allow certain manufacturing licenses to be permitted to operate within their municipality. The new ballot questions are for the following types of licenses: Brewery (G), Brewery Storage (GS), Limited Distillery (AL), Limited Distillery satellite locations, Limited Winery (LK), and Limited Winery satellite locations. Distillery licenses and certain permits, such as Farmers Market Permits (FMPs) and Exposition Permits (EPs), are not affected by this change. The new ballot questions do not apply to any of these licenses that were granted prior to Aug. 31, 2019.

## Is wet-or-dry an all-or-nothing proposition?

No. A municipality can allow certain alcohol sales while prohibiting others. In fact, dozens of municipalities in Pennsylvania are partially dry and partially wet. Some allow retail beer sales (you can buy a six-pack at a pizza parlor, for example) while prohibiting retail liquor sales (you cannot buy a mixed drink or a glass of wine at that same pizza parlor). Some prohibit the sale of retail liquor and beer while allowing beer distributors or Fine Wine & Good Spirits stores to operate. And some are totally dry but have made an exception for a golf course or a performing arts facility.

## How does a municipality change from dry to wet or vice versa?

According to Section 472 of the Pennsylvania Liquor Code, a local option referendum to change what alcohol sales a municipality allows or prohibits may be voted on during any election. Typically, a particular question may only be voted on once every four years, but there are several questions that may be voted upon on a more frequent basis.

A referendum can be broad – for example, allowing all forms of alcohol sales in a municipality –

or it can be very narrow, for example, allowing only a specific golf course to sell alcohol.

Before a referendum may be placed on the ballot, a petition with a number of signatures equal to at least 25 percent of the highest vote cast for any office in that municipality in the preceding general election must be filed with the local board of elections.

In 2019, legislation modified referendum requirements for municipalities or part of a split municipality in Class 2A counties (Bucks, Delaware, and Montgomery). In those places, the number of signers to a petition required for a ballot question on any local option matter is the lesser of 25 percent of the highest votes cast in the last preceding general election or 500 voters.

The PLCB does not maintain statistics regarding the success/failure rate of local option referendums.

## What happens to existing licenses when a wet municipality goes dry?

If a majority votes to prohibit the granting of retail liquor and/or retail dispenser licenses in their municipality, the PLCB cannot issue or renew those types of licenses when they expire. An existing license may be transferred to a wet municipality in the same county, or it could be put into safekeeping.

There is one exception to this – the so-called "50-year" or "1950" exception: In order to be eligible, a licensee must be located in a [second-class township](#) in a [third-class county](#), have a license issued prior to 1950 and be licensed for at least 50 years.

## What happens when a dry municipality goes wet?

Once it receives certified election results, the PLCB will accept liquor license applications for establishments in the newly wet municipality. However, residents of those municipalities could challenge the results, which might affect the issuing of licenses.

The PLCB cannot issue new retail liquor licenses or malt beverage distributor licenses if the county in which the newly wet municipality is at or over its quota. Licenses existing in other municipalities in the county would have to be transferred into the newly wet municipality. Generally speaking, retail liquor and malt beverage distributor licenses cannot be transferred across county lines.