

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 896 Session of
2007

INTRODUCED BY SOLOBAY, DONATUCCI, RAYMOND, CALTAGIRONE, CONKLIN,
GEORGE, GODSHALL, GRUCELA, HARPER, HORNAMAN, KILLION,
MAHONEY, McCALL, MELIO, M. O'BRIEN, PAYNE, PETRONE, REICHLEY,
SCAVELLO, SIPTROTH, STABACK, SURRA AND FREEMAN,
MARCH 22, 2007

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 22, 2007

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for limited wineries.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 505.2(a)(4) and (c) of the act of April
21 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted
22 and amended June 29, 1987 (P.L.32, No.14), and amended December
23 8, 2004 (P.L.1810, No.239), are amended to read:

24 Section 505.2. Limited Wineries.--(a) In the interest of

1 promoting tourism and recreational development in Pennsylvania,
2 holders of a limited winery license may:

3 * * *

4 (4) At the discretion of the board, obtain a special permit
5 to participate in alcoholic cider, wine and food expositions off
6 the licensed premises. A special permit shall be issued upon
7 proper application and payment of a fee of thirty dollars (\$30)
8 per day for each day of permitted use, not to exceed five (5)
9 consecutive days. The total number of days for all the special
10 permits may not exceed forty (40) days in any calendar year. A
11 special permit shall entitle the holder to engage in the sale by
12 the glass, by the bottle or in case lots of alcoholic cider or
13 wine produced by the permittee under the authority of a limited
14 winery license. Holders of special permits may provide tasting
15 samples of wines in individual portions not to exceed one fluid
16 ounce. Samples at alcoholic cider, wine and food expositions may
17 be sold or offered free of charge. Except as provided herein,
18 limited wineries utilizing special permits shall be governed by
19 all applicable provisions of this act as well as by all
20 applicable regulations or conditions adopted by the board.

21 For the purposes of this clause, "alcoholic cider, wine and
22 food expositions" are defined as affairs held indoors or
23 outdoors with the primary intent of educating those in
24 attendance of the availability, nature and quality of
25 Pennsylvania-produced alcoholic ciders and wines in conjunction
26 with suitable food displays, demonstrations and sales. Alcoholic
27 cider, wine and food expositions may also include activities
28 other than alcoholic cider, wine and food displays, including
29 arts and crafts, musical activities, cultural exhibits,
30 agricultural exhibits and similar activities. Alcoholic cider,

1 wine and food expositions shall also include farmers markets.
2 Notwithstanding any other provision of law to the contrary, a
3 special permit may not be utilized in a supermarket, convenience
4 store or other similar location.

5 * * *

6 (c) [The term "agricultural commodity" as used in this
7 section] As used in this section:

8 "Agricultural commodity" shall include any of the following:
9 agricultural, apicultural, horticultural, silvicultural and
10 viticultural commodities.

11 "Farmers market" shall include any building, structure or
12 other place owned, leased or otherwise in the possession of a
13 person, municipal corporation or public or private organization,
14 used or intended to be used by two or more farmers or an
15 association of farmers for the purpose of selling agricultural
16 commodities directly to consumers and which is physically
17 located within this Commonwealth.

18 Section 2. This act shall take effect in 60 days.