

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 926 Session of
1997INTRODUCED BY BRIGHTBILL, AFFLERBACH, EARLL, PICCOLA, HART,
THOMPSON, WOZNIAK, HECKLER AND O'PAKE, APRIL 16, 1997

AS AMENDED ON SECOND CONSIDERATION, DECEMBER 8, 1997

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 PROVIDING FOR ALCOHOLIC CIDER; further providing for
18 breweries and for limited wineries; providing for
19 construction and applicability; and making repeals.

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20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The definition of "malt or brewed beverages" in
23 section 102 of the act of April 12, 1951 (P.L.90, No.21), known
24 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
25 No.14), is amended and the section is amended by adding a
26 definition to read:

1 Section 102. Definitions.--The following words or phrases,
2 unless the context clearly indicates otherwise, shall have the
3 meanings ascribed to them in this section:

4 * * *

5 "Alcoholic cider" shall mean a beverage which may contain
6 carbonation in an amount not to exceed three hundred ninety-two
7 one thousandths (.392) of a gram per one hundred (100)
8 milliliters and flavors, produced through alcoholic fermentation
9 of only apples or apple juice, consisting of at least one-half
10 of one (.5%) per centum, but less than seven (7%) per centum,
11 alcohol by volume and sold or offered for sale as alcoholic
12 cider and not as a wine, a wine product, or as a substitute for
13 wine, in bottles, cases, kegs, cans or other suitable containers
14 of the type used for the sale of malt or brewed beverages in
15 this Commonwealth.

16 * * *

17 "Malt or Brewed Beverages" [means] shall mean any beer, lager
18 beer, ale, porter or similar fermented malt beverage containing
19 one-half of one (.5%) per centum or more of alcohol by volume,
20 by whatever name such beverage may be called, and shall mean
21 alcoholic cider.

22 * * *

23 Section 2. Section 446(2) of the act is amended to read:

24 Section 446. Breweries.--Holders of a brewery license may:

25 * * *

26 (2) Operate a restaurant or brewery pub on the licensed
27 premises under such conditions and regulations as the board may
28 enforce[.]: Provided, however, That sales on Sunday may be made
29 between the hours of one o'clock postmeridian and ten o'clock
30 postmeridian, irrespective of the volume of food sales if the

1 licensed premises are at a stadium or arena location.

2 * * *

3 Section 3. Section 505.2 of the act, amended April 29, 1994
4 (P.L.212, No.30) and May 31, 1996 (P.L.312, No.49), is amended
5 to read:

6 Section 505.2. Limited Wineries.--In the interest of
7 promoting tourism and recreational development in Pennsylvania,
8 holders of a limited winery license may:

9 (1) Produce alcoholic ciders, wines and wine coolers only
10 from fruits grown in Pennsylvania in an amount not to exceed two
11 hundred thousand (200,000) gallons per year.

12 (2) Sell alcoholic cider, wine and wine coolers produced by
13 the limited winery or purchased in bulk in bond from another
14 Pennsylvania limited winery on the licensed premises, under such
15 conditions and regulations as the board may enforce, to the
16 board, to individuals and to hotel, restaurant, club and public
17 service liquor licensees, and to Pennsylvania winery licensees:
18 Provided, That a limited winery shall not, in any calendar year,
19 purchase alcoholic cider or wine produced by other limited
20 wineries in an amount in excess of fifty (50%) per centum of the
21 alcoholic cider or wine produced by the purchasing limited
22 winery in the preceding calendar year.

23 (3) Separately or in conjunction with other limited
24 wineries, sell alcoholic cider, wine and wine coolers produced
25 by the limited winery on no more than five (5) board-approved
26 locations other than the licensed premises, with no bottling or
27 production requirement at those additional board-approved
28 locations and under such conditions and regulations as the board
29 may enforce, to the board, to individuals and to hotel,
30 restaurant, club and public service liquor licensees.

1 (4) At the discretion of the board, obtain a special [wine]
2 permit to participate in alcoholic cider, wine and food
3 expositions off the licensed premises. A special [wine] permit
4 shall be issued upon proper application and payment of a fee of
5 thirty dollars (\$30) per day for each day of permitted use, not
6 to exceed five (5) consecutive days. A limited winery may not
7 obtain more than five (5) special [wine] permits in any calendar
8 year. The total number of days for all the special permits may
9 not exceed ten (10) days in any calendar year. A special [wine]
10 permit shall entitle the holder to engage in the sale of
11 alcoholic cider or wine produced by the bottle or in case lots
12 by the permittee under the authority of a limited winery
13 license. Holders of special [wine] permits may provide tasting
14 samples of wines in individual portions not to exceed one (1)
15 fluid ounce. Samples at alcoholic cider, wine and food
16 expositions may be sold or offered free of charge. Except as
17 provided herein, limited wineries utilizing special [wine]
18 permits shall be governed by all applicable provisions of this
19 act as well as by all applicable regulations or conditions
20 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. [Wine]
27 Alcoholic cider, wine and food expositions may also include
28 activities other than alcoholic cider, wine and food displays,
29 including arts and crafts, musical activities, cultural
30 exhibits, agricultural exhibits and similar activities.

1 (5) Apply for and hold a hotel liquor license, a restaurant
2 liquor license or a malt and brewed beverages retail license to
3 sell for consumption at the restaurant or limited winery on the
4 licensed winery premises, liquor, wine and malt or brewed
5 beverages regardless of the place of manufacture under the same
6 conditions and regulations as any other hotel liquor license,
7 restaurant liquor license or malt and brewed beverages retail
8 license.

9 Section 4. The act is amended by adding an article to read:

10 ARTICLE X.

11 MISCELLANEOUS PROVISIONS.

12 Section 1001. Construction and Applicability.--(a) Except
13 as provided in subsection (b), unless the context clearly
14 indicates otherwise, a reference to "malt or brewed beverages"
15 in a statute shall be construed to include alcoholic cider.

16 (b) Regardless of context, a reference to "malt or brewed
17 beverages" in Article XX of the act of March 4, 1971 (P.L.6,
18 No.2), known as the "Tax Reform Code of 1971," shall be
19 construed to include alcoholic cider.

20 (c) Except as provided in subsection (d), unless the context
21 clearly indicates otherwise, a reference to "wine" in a statute
22 shall be construed to exclude alcoholic cider.

23 (d) Regardless of context, a reference to "wine" in the act
24 of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the
25 "Spirituous and Vinous Liquor Tax Law," shall be construed to
26 exclude alcoholic cider.

27 Section 5. The following acts and parts of acts are repealed
28 insofar as they are inconsistent with this act:

29 Act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as
30 the Spirituous and Vinous Liquor Tax Law.

1 Article XX of the act of March 4, 1971 (P.L.6, No.2), known
2 as the Tax Reform Code of 1971.
3 Section 6. This act shall take effect in 60 days.