
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 926 Session of
1997

INTRODUCED BY BRIGHTBILL, AFFLERBACH, EARLL, PICCOLA, HART,
THOMPSON, WOZNIAK, HECKLER AND O'PAKE, APRIL 16, 1997

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 16, 1998

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. <—

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,

1 No.14), is amended and the section is amended by adding a
2 definition to read:

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

6 * * *

7 "Alcoholic cider" shall mean a beverage which may contain
8 carbonation in an amount not to exceed three hundred ninety-two
9 one thousandths (.392) of a gram per one hundred (100)
10 milliliters and flavors, produced through alcoholic fermentation
11 of only apples or apple juice, consisting of at least one-half
12 of one (.5%) per centum, but ~~not greater than five and one half~~ <—
13 ~~(5.5%)~~ NO MORE THAN SIX (6%) per centum, alcohol by volume and <—
14 sold or offered for sale as alcoholic cider and not as a wine, a
15 wine product, or as a substitute for wine, in bottles, cases,
16 kegs, cans or other suitable containers of the type used for the
17 sale of malt or brewed beverages in this Commonwealth.

18 * * *

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

24 * * *

25 ~~Section 2. Section 446(2) of the act is amended to read:~~ <—

26 ~~Section 446. Breweries. Holders of a brewery license may:~~

27 ~~* * *~~

28 ~~(2) Operate a restaurant or brewery pub on the licensed~~
29 ~~premises under such conditions and regulations as the board may~~
30 ~~enforce[.]: Provided, however, That sales on Sunday may be made~~

~~between the hours of one o'clock postmeridian and ten o'clock
postmeridian, irrespective of the volume of food sales if the
licensed premises are at a stadium or arena location.~~

~~* * *~~

Section 3 2. Section 505.2 of the act, amended April 29, 1994 (P.L.212, No.30) and May 31, 1996 (P.L.312, No.49), is amended to read:

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

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

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

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board

1 may enforce, to the board, to individuals and to hotel,
2 restaurant, club and public service liquor licensees.

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

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

1 including arts and crafts, musical activities, cultural
2 exhibits, agricultural exhibits and similar activities.

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

11 Section 4 3. The act is amended by adding an article to
12 read:

13 ARTICLE X.

14 MISCELLANEOUS PROVISIONS.

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

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

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

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

30 Section 5 4. The following acts and parts of acts are

1 repealed insofar as they are inconsistent with this act:

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

4 Article XX of the act of March 4, 1971 (P.L.6, No.2), known
5 as the Tax Reform Code of 1971.

6 Section ~~6~~ 5. Pennsylvania Liquor Stores may continue to sell <—
7 alcoholic cider within its inventory after the effective date of
8 this act, until the alcoholic cider within its current inventory
9 is depleted. The Pennsylvania Liquor Control Board shall not
10 purchase additional alcoholic cider after the effective date of
11 this act.

12 Section ~~7~~ 6. This act shall take effect in 60 days. <—