

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

REFERRED TO LAW AND JUSTICE, APRIL 16, 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 further providing for limited wineries.

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

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

25 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the  
2 meanings ascribed to them in this section:

3 \* \* \*

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

15 \* \* \*

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

21 \* \* \*

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

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

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

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

12       (3) Separately or in conjunction with other limited  
13 wineries, sell alcoholic cider, wine and wine coolers produced  
14 by the limited winery on no more than five (5) board-approved  
15 locations other than the licensed premises, with no bottling or  
16 production requirement at those additional board-approved  
17 locations and under such conditions and regulations as the board  
18 may enforce, to the board, to individuals and to hotel,  
19 restaurant, club and public service liquor licensees.

20       (4) At the discretion of the board, obtain a special [wine]  
21 permit to participate in alcoholic cider, wine and food  
22 expositions off the licensed premises. A special [wine] permit  
23 shall be issued upon proper application and payment of a fee of  
24 thirty dollars (\$30) per day for each day of permitted use, not  
25 to exceed five (5) consecutive days. A limited winery may not  
26 obtain more than five (5) special [wine] permits in any calendar  
27 year. The total number of days for all the special permits may  
28 not exceed ten (10) days in any calendar year. A special [wine]  
29 permit shall entitle the holder to engage in the sale of  
30 alcoholic cider or wine produced by the bottle or in case lots

1 by the permittee under the authority of a limited winery  
2 license. Holders of special [wine] permits may provide tasting  
3 samples of wines in individual portions not to exceed one (1)  
4 fluid ounce. Samples at alcoholic cider, wine and food  
5 expositions may be sold or offered free of charge. Except as  
6 provided herein, limited wineries utilizing special [wine]  
7 permits shall be governed by all applicable provisions of this  
8 act as well as by all applicable regulations or conditions  
9 adopted by the board.

10 For the purposes of this clause, "alcoholic cider, wine and  
11 food expositions" are defined as affairs held indoors or  
12 outdoors with the primary intent of educating those in  
13 attendance of the availability, nature and quality of  
14 Pennsylvania-produced alcoholic ciders and wines in conjunction  
15 with suitable food displays, demonstrations and sales. [Wine]  
16 Alcoholic cider, wine and food expositions may also include  
17 activities other than alcoholic cider, wine and food displays,  
18 including arts and crafts, musical activities, cultural  
19 exhibits, agricultural exhibits and similar activities.

20 (5) Apply for and hold a hotel liquor license, a restaurant  
21 liquor license or a malt and brewed beverages retail license to  
22 sell for consumption at the restaurant or limited winery on the  
23 licensed winery premises, liquor, wine and malt or brewed  
24 beverages regardless of the place of manufacture under the same  
25 conditions and regulations as any other hotel liquor license,  
26 restaurant liquor license or malt and brewed beverages retail  
27 license.

28 Section 3. This act shall take effect in 60 days.