

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, FREEMAN, J. WHITE, KORTZ
AND PALLONE, MARCH 22, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 23, 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 SPECIAL OCCASION PERMITS AND FOR
18 limited wineries. <—

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

21 ~~Section 1. Section 505.2(a)(4) and (c) of the act of April~~ <—
22 ~~12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted~~
23 ~~and amended June 29, 1987 (P.L.32, No.14), and amended December~~
24 ~~8, 2004 (P.L.1810, No.239), are amended to read:~~

<—

SECTION 1. SECTION 408.4 OF THE ACT OF APRIL 12, 1951
(P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED
JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED BY ADDING A SUBSECTION
TO READ:

SECTION 408.4. SPECIAL OCCASION PERMITS.--

* * *

(R) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
THE BOARD MAY ISSUE A SPECIAL OCCASION PERMIT TO AN ELIGIBLE
ENTITY LOCATED IN A DRY MUNICIPALITY IF THE BOARD IS PROVIDED
WITH A COPY OF A RESOLUTION ADOPTED BY THE MUNICIPALITY'S
GOVERNING BODY CONFIRMING SUPPORT FOR THE ISSUANCE OF THE
SPECIAL OCCASION PERMIT.

SECTION 1.1. SECTION 505.2(A)(4) AND (C) OF THE ACT, AMENDED
DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:

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

* * *

(4) At the discretion of the board, obtain a special permit
to participate in alcoholic cider, wine [and food], FOOD AND
CULTURAL expositions off the licensed premises. A special permit
shall be issued upon proper application and payment of a fee of
thirty dollars (\$30) per day for each day of permitted use, not
to exceed five (5) consecutive days. The total number of days
for all the special permits may not exceed forty (40) days in
any calendar year. A special permit shall entitle the holder to
engage in the sale by the glass, by the bottle or in case lots
of alcoholic cider or wine produced by the permittee under the
authority of a limited winery license. Holders of special
permits may provide tasting samples of wines in individual

<—

1 portions not to exceed one fluid ounce. Samples at alcoholic
2 cider, wine [and food], FOOD AND CULTURAL expositions may be <—
3 sold or offered free of charge. Except as provided herein,
4 limited wineries utilizing special permits shall be governed by
5 all applicable provisions of this act as well as by all
6 applicable regulations or conditions adopted by the board.

7 For the purposes of this clause, "alcoholic cider, wine [and <—
8 food], FOOD AND CULTURAL expositions" are defined as affairs <—
9 held indoors or outdoors with the [primary intent of] INTENT OF <—
10 PROMOTING PENNSYLVANIA PRODUCTS AND CULTURE BY educating those
11 in attendance of the availability, nature and quality of
12 Pennsylvania-produced alcoholic ciders and wines in conjunction
13 with suitable food displays, demonstrations and sales. Alcoholic
14 cider, wine and food expositions may also include activities
15 other than alcoholic cider, wine [and food], FOOD AND CULTURAL <—
16 displays, including arts and crafts, musical activities,
17 cultural exhibits, agricultural exhibits and similar activities.
18 Alcoholic cider, wine and food, FOOD AND CULTURAL expositions <—
19 shall also include farmers markets. Notwithstanding any other <—
20 provision of law to the contrary, a special permit may not be
21 utilized in a supermarket, convenience store or other similar
22 location.

23 * * *

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

26 "Agricultural commodity" shall include any of the following:
27 agricultural, apicultural, horticultural, silvicultural and
28 viticultural commodities.

29 "Farmers market" shall include any building, structure or
30 other place owned, leased or otherwise in the possession of a

1 person, municipal corporation or public or private organization,
2 used or intended to be used by two or more farmers or an
3 association of farmers for the purpose of selling agricultural
4 commodities directly to consumers and which is physically
5 located within this Commonwealth.

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