

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

SENATOR RAFFERTY, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
JUNE 6, 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 408.4 of the act of April 12, 1951~~ <—  
22 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~  
23 ~~June 29, 1987 (P.L.32, No.14), is amended by adding a subsection~~

1 ~~to read:~~

2 ~~Section 408.4. Special Occasion Permits.~~

3 ~~\* \* \*~~

4 ~~(r) Notwithstanding any provision of law to the contrary,~~  
5 ~~the board may issue a special occasion permit to an eligible~~  
6 ~~entity located in a dry municipality if the board is provided~~  
7 ~~with a copy of a resolution adopted by the municipality's~~  
8 ~~governing body confirming support for the issuance of the~~  
9 ~~special occasion permit.~~

10 ~~Section 1.1. Section 505.2(a)(4) and (c) of the act, amended~~  
11 ~~December 8, 2004 (P.L.1810, No.239), are amended to read:~~

12 SECTION 1. SECTION 505.2(A)(4) AND (C) OF THE ACT OF APRIL <—  
13 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED  
14 AND AMENDED JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED DECEMBER  
15 8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:

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

19 \* \* \*

20 (4) At the discretion of the board, obtain a special permit  
21 to participate in alcoholic cider, wine [and food], food and  
22 cultural expositions off the licensed premises. A special 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. The total number of days  
26 for all the special permits may not exceed forty (40) days in  
27 any calendar year. A special permit shall entitle the holder to  
28 engage in the sale by the glass, by the bottle or in case lots  
29 of alcoholic cider or wine produced by the permittee under the  
30 authority of a limited winery license. Holders of special

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

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

21 \* \* \*

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

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

27 "Farmers market" shall include any building, structure or  
28 other place owned, leased or otherwise in the possession of a  
29 person, municipal corporation or public or private organization,  
30 used or intended to be used by two or more farmers or an

1 association of farmers, WHO ARE CERTIFIED BY THE DEPARTMENT OF  
2 AGRICULTURE OF THE COMMONWEALTH TO PARTICIPATE IN THE FARMERS'  
3 MARKET NUTRITION PROGRAM SUBJECT TO 7 CFR PT. 249 (RELATING TO  
4 SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)), for the  
5 purpose of selling agricultural commodities directly to  
6 consumers and which is physically located within this  
7 Commonwealth.

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