

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 242** Session of
2011

INTRODUCED BY EVERETT, BARRAR, COHEN, D. COSTA, GROVE,
HENNESSEY, KORTZ, MANN, MUSTIO, PAYTON, PYLE, REICHLEY,
STURLA, TOEPEL, VULAKOVICH, HARHAI, MILLER, SONNEY AND
KILLION, JANUARY 26, 2011

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 13, 2011

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 distilleries.

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

20 Section 1. Section 505.4 of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
22 June 29, 1987 (P.L.32, No.14) and added December 8, 2004
23 (P.L.1810, No.239), is amended to read:

24 Section 505.4. Distilleries.--(a) The board may issue a

1 distillery of historical significance license to any distillery
2 which was established prior to January 1, 1875. The holder of
3 the license may manufacture and sell liquor produced on the
4 licensed premises to the board, to entities licensed by the
5 board and to the public under such conditions and regulations as
6 the board may enforce. Production at the distillery of
7 historical significance shall be limited to an amount not to
8 exceed twenty thousand (20,000) gallons per year. The distillery
9 does not need to establish continuous operation since January 1,
10 1875, in order to qualify for a license under this section.

11 (b) (1) The board may issue a limited distillery license
12 that will allow the holder thereof to operate a distillery that
13 shall not exceed production of forty thousand (40,000) gallons
14 of distilled liquor per year. The holder of the license may
15 manufacture and sell bottled liquors produced on the licensed
16 premises to the board, to entities licensed by the board and to ←
17 the public between the hours of nine o'clock antemeridian and
18 nine o'clock postmeridian SO LONG AS A SPECIFIC CODE OF ←
19 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE
20 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A
21 LICENSED LIMITED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER
22 THAN THAT CHARGED BY THE BOARD and under such conditions and
23 regulations as the board may enforce.

24 (2) The holder of a limited distillery license may,
25 separately or in conjunction with other limited distillery
26 licensees, sell bottled liquors produced by the distillery at no
27 more than two (2) board-approved locations other than the
28 licensed premises, with no bottling or production requirement at
29 those additional board-approved locations and under such
30 conditions and regulations as the board may enforce to the

1 board, to individuals and to entities licensed by the board.

2 (3) The holder of a limited distillery license may apply for
3 and hold a hotel liquor license, a restaurant liquor license or
4 a malt and brewed beverages retail license to sell for
5 consumption at the restaurant or limited distillery on the
6 licensed distillery 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 (4) The holder of a limited distillery license may sell food
12 for consumption on or off the licensed premises and sell by the
13 glass only liquor that may otherwise be sold by the bottle.

14 (5) The holder of a limited distillery license may provide
15 tasting samples of liquor in individual portions not to exceed
16 one (1) fluid ounce on the licensed premises and at the two (2)
17 board-approved locations. Samples may be sold or provided free
18 of charge and may only be provided between the hours of nine
19 o'clock antemeridian and nine o'clock postmeridian.

20 (6) The fee for the limited distillery license shall be in
21 an amount to be determined by the board but shall not exceed one
22 thousand five hundred dollars (\$1,500).

23 (7) THE BOARD MAY ISSUE TO THE HOLDER OF A DISTILLERY
24 LICENSE A LIMITED DISTILLERY LICENSE IN EXCHANGE FOR THE
25 DISTILLERY LICENSE PROVIDED THAT THE APPLICANT HAS NOT
26 MANUFACTURED MORE THAN FORTY THOUSAND (40,000) GALLONS OF
27 DISTILLED LIQUOR IN THE PRIOR CALENDAR YEAR. AN APPLICANT UNDER
28 THIS SUBSECTION SHALL SURRENDER HIS DISTILLERY LICENSE FOR
29 CANCELLATION PRIOR TO THE ISSUANCE OF THE NEW LIMITED DISTILLERY
30 LICENSE. THE AUTHORITY OF THE BOARD TO EXCHANGE A DISTILLERY



1 LICENSE FOR A LIMITED DISTILLERY LICENSE UNDER THIS SUBSECTION
2 AND THIS SUBSECTION SHALL EXPIRE DECEMBER 31, 2012.

3 (c) (1) The holder of a distillery license as issued under
4 section 505 may sell bottled liquors produced on the licensed
5 premises to the board, to entities licensed by the board and to
6 the public between the hours of nine o'clock antemeridian and
7 nine o'clock postmeridian SO LONG AS A SPECIFIC CODE OF ←
8 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE
9 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A
10 LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT
11 CHARGED BY THE BOARD and under such conditions and regulations
12 as the board may enforce.

13 (2) The holder of a distillery license as issued under
14 section 505 may provide tasting samples of liquor in individual
15 portions not to exceed one (1) fluid ounce. Samples may be sold
16 or provided free of charge between the hours of nine o'clock
17 antemeridian and nine o'clock postmeridian.

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