

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 296 Session of 2013

INTRODUCED BY AUMENT, LONGIETTI, EVANKOVICH, STURLA, CUTLER, GROVE, MULLERY, MURT AND WHITE, JANUARY 23, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 23, 2013

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 nano-brewery licenses.

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

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

23 Section 431.2. Nano-brewery license.--(a) The board shall
 24 issue to any person who is a resident of this Commonwealth in
 25 good repute who applies therefor, and pays the license fee

1 prescribed in this section, a nano-brewery license to produce
2 and manufacture no more than one hundred fifty barrels of malt
3 or brewed beverages and to transport, sell and deliver malt or
4 brewed beverages from the place of manufacture only in original
5 containers, in quantities of not less than a case or original
6 containers containing one hundred twenty-eight ounces or more
7 that may be sold separately anywhere in this Commonwealth. The
8 application for the license shall be in such form and contain
9 such information as the board shall require. The licenses shall
10 be granted for a license period to be determined by the board.
11 Every manufacturer shall keep at his or its principal place of
12 business, within this Commonwealth, daily permanent records that
13 shall show:

14 (1) the quantities of raw materials received and used in the
15 manufacture of malt or brewed beverages and the quantities of
16 malt or brewed beverages manufactured and stored;

17 (2) the sales of malt or brewed beverage;

18 (3) the quantities of malt or brewed beverages stored for
19 hire or transported for hire by or for the licensee; and

20 (4) the names and addresses of the purchases or other
21 recipients of the malt or brewed beverages.

22 A place licensed as a manufacturer shall be subject to
23 inspection by members of the board or by persons duly authorized
24 and designated by the board, at any and all times of the day or
25 night, as they may deem necessary, for the detection of
26 violations of this act or of the rules and regulations of the
27 board or for the purpose of ascertaining the correctness of the
28 records required to be kept by licensees. The books and records
29 of the licensees shall, at all times, be open to be inspected by
30 members of the board or by persons duly authorized and

1 designated by the board. Members of the board and its duly
2 authorized agents shall have the right, without hindrance, to
3 enter any place that is subject to inspection under this section
4 or any place where the records are kept for the purpose of
5 making inspections and for making transcriptions of the records.
6 Whenever any checks issued in payment of filing or license fees
7 shall be returned to the board as dishonored, the board shall
8 charge a fee of five dollars (\$5.00) per one hundred dollars
9 (\$100.00) or fractional part thereof, plus all protest fees, to
10 the maker of the check submitted to the board. Failure to make
11 full payment or pay the face amount of the check in full and all
12 charges on the check as required under this section within ten
13 days after demand has been made by the board upon the maker of
14 the check or upon notification to the board by the Department of
15 Revenue or the Department of Labor and Industry of its
16 objection, the license of the person shall immediately become
17 invalid and shall remain invalid until payment of all charges
18 are received by the board.

19 (b) The holder of a nano-brewery license shall have all the
20 rights and be subject to the same conditions and qualifications
21 as those imposed on holders of a malt or brewed beverage
22 manufacturer's license.

23 (c) Holders of a nano-brewery may:

24 (1) Sell malt or brewed beverages produced and owned by the
25 brewery under such conditions and regulations as the board may
26 enforce, to individuals for consumption on or off the licensed
27 premises in any container or package of any volume and to hotel,
28 restaurant, club and public service liquor licensees.

29 (2) Operate a restaurant or brewery pub on the licensed
30 premises under such conditions and regulations as the board may

1 enforce, provided, however, that sales on Sunday may be made
2 irrespective of the volume of food sales if the licensed
3 premises are at a public venue location. The holder of a brewery
4 license may sell at its brewery pub premises Pennsylvania wines
5 it has purchased from either the holder of a Pennsylvania
6 limited winery license or from the board, provided, however,
7 that the wines must be consumed at the licensed brewery pub
8 premises.

9 (3) Apply for and hold a hotel liquor license, a restaurant
10 liquor license or a malt and brewed beverages retail license to
11 sell for consumption at the restaurant or brewery pub on the
12 licensed brewery premises, liquor, wine and malt or brewed
13 beverages regardless of the place of manufacture, under the same
14 conditions and regulations as any other hotel liquor license,
15 restaurant liquor license or malt or brewed beverages retail
16 license, but must brew at least two hundred fifty barrels per
17 year. A holder of a brewery license who receives a hotel liquor
18 license, a restaurant liquor license or a malt or brewed
19 beverages retail license to operate a brew pub may not sell
20 directly to a person licensed by this act, except if any malt or
21 brewed beverage is to be distributed in this Commonwealth, it
22 shall be only through specific importing distributors who shall
23 have first been given distributing rights for those products in
24 designated geographical areas through the distribution system
25 required for out-of-State manufacturers under section 431(b) as
26 well as all other pertinent sections of this act.

27 (d) The fee for the nano-brewery license shall be in an
28 amount to be determined by the board but shall not exceed five
29 hundred dollars (\$500.00).

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