

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 131 Session of 2019

INTRODUCED BY JOZWIAK, GREINER, BARRAR, MACKENZIE, M. K. KELLER, WARREN, KORTZ, RADER, SCHWEYER, GILLEN, HEFFLEY, DEASY, BURGOS, ECKER, ROTHMAN, MOUL, SANKEY, EVERETT, PASHINSKI, BERNSTINE, MEHAFFIE, NEILSON, BROOKS, WHEELAND AND MASSER, JANUARY 28, 2019

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 11, 2019

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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," in
17 preliminary provisions, further defining "~~alcoholic cider.~~" <--
18 PROVIDING FOR DEFINITIONS; IN LICENSES AND REGULATIONS AND <--
19 LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER
20 PROVIDING FOR MALT AND BREWED BEVERAGES MANUFACTURERS',
21 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES AND FOR
22 BREWERIES; IN DISTILLERIES, WINERIES, BONDED WAREHOUSES,
23 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE, FURTHER PROVIDING
24 FOR LIMITED WINERIES AND FOR DISTILLERIES; AND, IN
25 MISCELLANEOUS PROVISIONS, FURTHER PROVIDING FOR CONSTRUCTION
26 AND APPLICABILITY.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

1 Section 1. The definition of "alcoholic cider" in section
2 102 of the act of April 12, 1951 (P.L.90, No.21), known as the
3 Liquor Code, is amended AND THE SECTION IS AMENDED BY ADDING A <--
4 DEFINITION to read:

5 Section 102. Definitions.--The following words or phrases,
6 unless the context clearly indicates otherwise, shall have the
7 meanings ascribed to them in this section:

8 * * *

9 "Alcoholic cider" shall mean a beverage which may contain
10 carbonation in an amount not to exceed six and four tenths grams
11 per liter, produced through alcoholic fermentation [of any fruit
12 or fruit juice], which is primarily derived from apples, apple
13 juice concentrate and water or pears, pear juice concentrate and
14 water, consisting of at least one-half of one per centum, but
15 not greater than eight and one-half per centum, alcohol by
16 volume and sold or offered for sale as alcoholic cider and not
17 as a wine, a wine product or as a substitute for wine, in
18 bottles, cases, kegs, cans or other suitable containers of the
19 type used for the sale of malt or brewed beverages in this
20 Commonwealth.

21 * * *

22 "FERMENTED FRUIT BEVERAGE" SHALL MEAN A BEVERAGE WHICH MAY <--
23 CONTAIN CARBONATION IN AN AMOUNT NOT TO EXCEED SIX AND FOUR
24 TENTHS GRAMS PER LITER, PRODUCED THROUGH ALCOHOLIC FERMENTATION
25 OF FRUIT, FRUIT JUICE, FRUIT JUICE CONCENTRATE AND WATER WITH OR
26 WITHOUT FLAVORINGS, CONSISTING OF AT LEAST ONE-HALF OF ONE PER
27 CENTUM, BUT NOT GREATER THAN EIGHT AND ONE-HALF PER CENTUM,
28 ALCOHOL BY VOLUME AND SOLD OR OFFERED FOR SALE NOT AS A WINE, A
29 WINE PRODUCT OR A SUBSTITUTE FOR WINE, IN BOTTLES, CASES, KEGS,
30 CANS OR OTHER SUITABLE CONTAINERS OF THE TYPE USED FOR THE SALE

1 OF MALT OR BREWED BEVERAGES IN THIS COMMONWEALTH.

2 * * *

3 SECTION 2. SECTION 431 OF THE ACT IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
6 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

7 (G) (1) ANY NONALCOHOLIC MALT OR BREWED BEVERAGE PRODUCED
8 BY AN OUT-OF-STATE MANUFACTURER OF MALT OR BREWED BEVERAGES OR A
9 PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES WHICH HAS
10 DESIGNATED AN IMPORTING DISTRIBUTOR PURSUANT TO THIS SECTION
11 SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE PROVISIONS OF THIS
12 SECTION NOTWITHSTANDING THAT IT IS NOT A MALT OR BREWED BEVERAGE
13 AS DEFINED IN SECTION 102.

14 (2) FOR THE PURPOSES OF THIS SUBSECTION, "NONALCOHOLIC MALT
15 OR BREWED BEVERAGE" MEANS ANY BEVERAGE INTENDED TO BE MARKETED
16 OR SOLD AS NONALCOHOLIC BEER HAVING AT LEAST A TRACE AMOUNT OF
17 ALCOHOL CONTENT BUT WHICH DOES NOT CONTAIN ONE-HALF PER CENTUM
18 (0.5%) OR MORE ALCOHOL BY VOLUME.

19 SECTION 3. SECTIONS 446(A)(2), 505.2(A) AND (B), 505.4
20 HEADING, (B)(1) AND (8) AND (C)(1) AND 1001 OF THE ACT ARE
21 AMENDED TO READ:

22 SECTION 446. BREWERIES.--(A) HOLDERS OF A BREWERY LICENSE
23 MAY:

24 * * *

25 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED
26 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY
27 ENFORCE: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE
28 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED
29 PREMISES ARE AT A PUBLIC VENUE LOCATION. THE HOLDER OF A BREWERY
30 LICENSE MAY SELL WINES [AND], ALCOHOLIC CIDER AND FERMENTED

1 FRUIT BEVERAGES PRODUCED BY THE HOLDER OF A LIMITED WINERY
2 LICENSE, MALT OR BREWED BEVERAGES PRODUCED BY A MANUFACTURER
3 LICENSED BY THE BOARD AND LIQUOR PRODUCED BY A LIMITED
4 DISTILLERY OR DISTILLERY LICENSED BY THE BOARD: PROVIDED,
5 HOWEVER, THAT SAID WINES, MALT OR BREWED BEVERAGES PRODUCED BY
6 ANOTHER MANUFACTURER AND LIQUOR MUST BE CONSUMED AT THE LICENSED
7 PREMISES. IN ADDITION, THE COMBINED SALES OF WINE, MALT OR
8 BREWED BEVERAGES PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MAY
9 NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM (50%) OF THE ON-
10 PREMISES SALES OF THE BREWERY'S OWN MALT OR BREWED BEVERAGES FOR
11 THE PRECEDING CALENDAR YEAR: HOWEVER, IF A BREWERY DID NOT
12 OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING YEAR,
13 THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES
14 PRODUCED BY ANOTHER MANUFACTURER AND LIQUOR MAY NOT, ON A YEARLY
15 BASIS, EXCEED FIFTY PER CENTUM (50%) OF THE ON-PREMISES SALES OF
16 THE BREWERY'S OWN MALT OR BREWED BEVERAGES FOR THAT YEAR.

17 * * *

18 SECTION 505.2. LIMITED WINERIES.--(A) IN THE INTEREST OF
19 PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA,
20 HOLDERS OF A LIMITED WINERY LICENSE MAY:

21 (1) PRODUCE AND SELL ALCOHOLIC CIDERS, FERMENTED FRUIT
22 BEVERAGES, MEAD, WINES AND WINE COOLERS, SUBJECT TO THE
23 EXCEPTIONS PROVIDED UNDER THIS SECTION, ONLY FROM AN
24 AGRICULTURAL COMMODITY GROWN IN PENNSYLVANIA.

25 (2) SELL ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES, MEAD,
26 WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY OR
27 PURCHASED IN BULK IN BOND FROM ANOTHER PENNSYLVANIA LIMITED
28 WINERY ON THE LICENSED PREMISES, UNDER SUCH CONDITIONS AND
29 REGULATIONS AS THE BOARD MAY ENFORCE, TO THE BOARD, TO
30 INDIVIDUALS AND TO BREWERY, IMPORTING DISTRIBUTOR, DISTRIBUTOR,

1 HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES, AND
2 TO PENNSYLVANIA WINERY LICENSEES: PROVIDED, THAT A LIMITED
3 WINERY SHALL NOT, IN ANY CALENDAR YEAR, PURCHASE ALCOHOLIC
4 CIDER, FERMENTED FRUIT BEVERAGES, MEAD OR WINE PRODUCED BY OTHER
5 LIMITED WINERIES IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF
6 THE ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD OR WINE
7 PRODUCED BY THE PURCHASING LIMITED WINERY IN THE PRECEDING
8 CALENDAR YEAR. IN ADDITION, THE HOLDER OF A LIMITED WINERY
9 LICENSE MAY PURCHASE WINE IN BOTTLES FROM ANOTHER PENNSYLVANIA
10 LIMITED WINERY IF THESE WINES UNDERGO A SECOND FERMENTATION
11 PROCESS. SUCH WINE MAY BE SOLD IN BOTTLES BEARING THE PURCHASING
12 LIMITED WINERY'S LABEL OR THE PRODUCING LIMITED WINERY'S LABEL.
13 SUCH WINES, IF SOLD BY THE BOARD, MAY BE SOLD BY THE PRODUCING
14 LIMITED WINERY TO THE PURCHASING LIMITED WINERY AT A PRICE LOWER
15 THAN THE PRICE CHARGED BY THE BOARD.

16 (2.1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR LAW
17 TO THE CONTRARY, ONLY SHIP WINE IN ACCORDANCE WITH THE
18 PROVISIONS OF SECTION 488.

19 (3) SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED
20 WINERIES, SELL ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES, MEAD,
21 WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY ON NO MORE
22 THAN FIVE (5) BOARD-APPROVED LOCATIONS OTHER THAN THE LICENSED
23 PREMISES, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE
24 ADDITIONAL BOARD-APPROVED LOCATIONS AND UNDER SUCH CONDITIONS
25 AND REGULATIONS AS THE BOARD MAY ENFORCE, TO THE BOARD, TO
26 INDIVIDUALS AND TO BREWERY, HOTEL, RESTAURANT, CLUB AND PUBLIC
27 SERVICE LIQUOR LICENSEES. IF TWO OR MORE LIMITED WINERIES APPLY
28 TO OPERATE AN ADDITIONAL BOARD-APPROVED LOCATION IN CONJUNCTION
29 WITH EACH OTHER, THE WINERIES NEED ONLY HAVE ONE BOARD-APPROVED
30 MANAGER FOR THE LOCATION, NEED ONLY PAY ONE APPLICATION FEE AND

1 NEED NOT DESIGNATE SPECIFIC OR DISTINCT AREAS FOR EACH WINERY'S
2 LICENSED AREA. EACH LIMITED WINERY MUST FILE AN APPLICATION FOR
3 SUCH AN ADDITIONAL BOARD-APPROVED LOCATION, AND SUCH LOCATION
4 SHALL COUNT AS ONE OF THE FIVE PERMITTED FOR EACH LIMITED
5 WINERY. EACH LIMITED WINERY IS RESPONSIBLE FOR KEEPING ONLY ITS
6 OWN COMPLETE RECORDS. A LIMITED WINERY MAY BE CITED FOR A
7 VIOLATION OF THE RECORDKEEPING REQUIREMENTS OF SECTIONS 512 AND
8 513 PERTAINING TO ITS OWN RECORDS ONLY.

9 (4) AT THE DISCRETION OF THE BOARD, OBTAIN A SPECIAL PERMIT
10 TO PARTICIPATE IN ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE,
11 MEAD, WINE AND FOOD EXPOSITIONS OFF THE LICENSED PREMISES. A
12 SPECIAL PERMIT SHALL BE ISSUED UPON PROPER APPLICATION AND
13 PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY FOR EACH DAY OF
14 PERMITTED USE, NOT TO EXCEED THIRTY (30) CONSECUTIVE DAYS. THE
15 TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL PERMITS MAY NOT EXCEED
16 ONE HUNDRED (100) DAYS IN ANY CALENDAR YEAR. A SPECIAL PERMIT
17 SHALL ENTITLE THE HOLDER TO ENGAGE IN THE SALE BY THE GLASS, BY
18 THE BOTTLE OR IN CASE LOTS OF ALCOHOLIC CIDER, FERMENTED FRUIT
19 BEVERAGE, MEAD OR WINE PRODUCED BY THE PERMITTEE UNDER THE
20 AUTHORITY OF A LIMITED WINERY LICENSE. HOLDERS OF SPECIAL
21 PERMITS MAY PROVIDE TASTING SAMPLES OF WINES IN INDIVIDUAL
22 PORTIONS NOT TO EXCEED ONE FLUID OUNCE. SAMPLES AT ALCOHOLIC
23 CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND FOOD EXPOSITIONS
24 MAY BE SOLD OR OFFERED FREE OF CHARGE. EXCEPT AS PROVIDED
25 HEREIN, LIMITED WINERIES UTILIZING SPECIAL PERMITS SHALL BE
26 GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY
27 ALL APPLICABLE REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD.

28 FOR THE PURPOSES OF THIS CLAUSE, "ALCOHOLIC CIDER, FERMENTED
29 FRUIT BEVERAGE, MEAD, WINE AND FOOD EXPOSITIONS" ARE DEFINED AS
30 AFFAIRS HELD INDOORS OR OUTDOORS WITH THE INTENT OF PROMOTING

1 PENNSYLVANIA PRODUCTS BY EDUCATING THOSE IN ATTENDANCE OF THE
2 AVAILABILITY, NATURE AND QUALITY OF PENNSYLVANIA-PRODUCED
3 ALCOHOLIC CIDERS, FERMENTED FRUIT BEVERAGES, MEAD AND WINES IN
4 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND
5 SALES. ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND
6 FOOD EXPOSITIONS MAY ALSO INCLUDE ACTIVITIES OTHER THAN
7 ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGE, MEAD, WINE AND FOOD
8 DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,
9 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

10 (4.1) AT THE DISCRETION OF THE BOARD, OBTAIN A FARMERS
11 MARKET PERMIT. THE PERMIT SHALL ENTITLE THE HOLDER TO
12 PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT ANY GIVEN TIME
13 AND AN UNLIMITED NUMBER THROUGHOUT THE YEAR AND SELL ALCOHOLIC
14 CIDER, FERMENTED FRUIT BEVERAGES, MEAD OR WINE PRODUCED UNDER
15 THE AUTHORITY OF THE UNDERLYING LIMITED WINERY LICENSE BY THE
16 BOTTLE OR IN CASE LOTS. SAMPLES NOT TO EXCEED ONE FLUID OUNCE PER
17 BRAND OF MEAD OR WINE MAY BE OFFERED FREE OF CHARGE. A FARMERS
18 MARKET PERMIT SHALL BE ISSUED UPON PROPER APPLICATION AND
19 PAYMENT OF AN ANNUAL FEE OF TWO HUNDRED FIFTY DOLLARS (\$250). A
20 PERMIT HOLDER MAY PARTICIPATE IN MORE THAN ONE FARMERS MARKET AT
21 ANY GIVEN TIME. SALES BY PERMIT HOLDERS SHALL TAKE PLACE DURING
22 THE STANDARD HOURS OF OPERATION OF THE FARMERS MARKET. WRITTEN
23 NOTICE OF THE DATE, TIMES AND LOCATION THE PERMIT IS TO BE USED
24 SHALL BE PROVIDED BY THE PERMIT HOLDER TO THE ENFORCEMENT BUREAU
25 AT LEAST TWO (2) WEEKS PRIOR TO THE EVENT. EXCEPT AS PROVIDED IN
26 THIS SUBSECTION, LIMITED WINERIES UTILIZING FARMERS MARKET
27 PERMITS SHALL BE GOVERNED BY ALL APPLICABLE PROVISIONS OF THIS
28 ACT AS WELL AS BY ALL APPLICABLE REGULATIONS ADOPTED BY THE
29 BOARD.

30 (5) DO EITHER OF THE FOLLOWING:

1 (I) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT
2 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO
3 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE
4 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED
5 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE UNDER THE SAME
6 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,
7 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL
8 LICENSE.

9 (II) APPLY FOR AND HOLD A RESTAURANT LIQUOR LICENSE FOR USE
10 AT ONE OF THE ADDITIONAL BOARD-APPROVED LOCATIONS REFERENCED
11 UNDER CLAUSE (3), AS LONG AS SUCH LOCATION DOES NOT SERVE AS AN
12 ADDITIONAL BOARD-APPROVED LOCATION FOR ANY OTHER MANUFACTURER.

13 (6) (I) SECURE A PERMIT FROM THE BOARD TO ALLOW THE HOLDER
14 OF A LIMITED WINERY LICENSE TO USE UP TO TWENTY-FIVE PER CENTUM
15 PERMITTED FRUIT, NOT WINE, IN THE CURRENT YEAR'S PRODUCTION.
16 EACH PERMIT IS VALID ONLY FOR THE CALENDAR YEAR IN WHICH IT IS
17 ISSUED.

18 (II) THE FEE FOR A PERMIT TO IMPORT AND USE PERMITTED FRUIT
19 SHALL BE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.

20 (III) THE PURPOSE OF THIS SECTION IS TO INCREASE THE
21 PRODUCTIVITY OF LIMITED WINERIES WHILE AT THE SAME TIME
22 PROTECTING THE INTEGRITY AND UNIQUE CHARACTERISTICS OF WINE
23 PRODUCED FROM FRUIT PRIMARILY GROWN IN THIS COMMONWEALTH.
24 PREVAILING CLIMATIC CONDITIONS HAVE A SIGNIFICANT IMPACT ON THE
25 CHARACTER OF THE FRUIT. ACCORDINGLY, "PERMITTED FRUIT" SHALL
26 MEAN FRUIT GROWN OR JUICE DERIVED FROM FRUIT GROWN WITHIN THREE
27 HUNDRED FIFTY (350) MILES OF THE WINERY.

28 (IV) THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS
29 REQUIRING THE FILING OF PERIODIC REPORTS BY LIMITED WINERIES TO
30 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

1 (6.1) SELL FOOD FOR CONSUMPTION ON OR OFF THE LICENSED
2 PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED
3 LOCATIONS AND SELL BY THE GLASS, AT THE LICENSED PREMISES AND AT
4 THE LIMITED WINERY'S ADDITIONAL BOARD-APPROVED LOCATIONS, WINE,
5 MEAD [AND], ALCOHOLIC CIDERS AND FERMENTED FRUIT BEVERAGES THAT
6 MAY OTHERWISE BE SOLD BY THE BOTTLE. IN ADDITION, THE HOLDER OF
7 A LIMITED WINERY LICENSE MAY SELL FOR CONSUMPTION ON THE
8 LICENSED PREMISES AND AT THE LIMITED WINERY'S ADDITIONAL BOARD-
9 APPROVED LOCATIONS, LIQUOR PRODUCED BY A LICENSED DISTILLERY OR
10 LIMITED DISTILLERY, WINE [AND], ALCOHOLIC CIDER AND FERMENTED
11 FRUIT BEVERAGES PRODUCED BY ANOTHER LIMITED WINERY AND MALT OR
12 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY. THE COMBINED
13 SALES OF WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT
14 BEVERAGES PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED
15 BEVERAGES AND LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY
16 PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN
17 SALES OF WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT
18 BEVERAGES FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED
19 WINERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE
20 PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE AND ALCOHOL
21 PRODUCED BY ANOTHER LIMITED WINERY, MALT OR BREWED BEVERAGES AND
22 LIQUOR MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF
23 THE ON-PREMISES SALES OF THE LIMITED WINERY'S OWN WINE [AND],
24 ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES FOR THAT YEAR.

25 (6.2) SELL WINE- OR LIQUOR-SCENTED CANDLES ACQUIRED OR
26 PRODUCED BY THE LIMITED WINERY.

27 (6.3) SELL ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES, MEAD,
28 WINE AND WINE COOLERS ONLY BETWEEN THE HOURS OF NINE O'CLOCK
29 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN. A LIMITED WINERY
30 ALSO MAY REQUEST APPROVAL FROM THE BOARD TO EXTEND SALES HOURS

1 IN INDIVIDUAL LOCATIONS AT OTHER TIMES DURING THE YEAR OR BEYOND
2 THE LIMITS SET FORTH IN THIS CLAUSE. THE REQUEST SHALL BE MADE
3 IN WRITING TO THE BOARD'S OFFICE OF THE CHIEF COUNSEL AND SHALL
4 DETAIL THE EXACT LOCATIONS WHERE SALES HOURS ARE PROPOSED TO BE
5 EXTENDED, THE PROPOSED HOURS AND DATES OF EXTENDED OPERATION AND
6 THE REASON FOR THE PROPOSED EXTENDED HOURS.

7 (6.4) STORE ALCOHOLIC CIDER, FERMENTED FRUIT BEVERAGES,
8 MEAD, WINE AND WINE COOLERS PRODUCED BY THE LIMITED WINERY AT NO
9 MORE THAN TWO (2) BOARD-APPROVED LOCATIONS OTHER THAN THE
10 LICENSED PREMISES AND THOSE PREMISES REFERENCED IN CLAUSE (3)
11 PERTAINING TO THE FIVE (5) BOARD-APPROVED LOCATIONS FOR THE SALE
12 OF WINE, WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE
13 ADDITIONAL LOCATIONS AND UNDER SUCH CONDITIONS AND REGULATIONS
14 AS THE BOARD MAY ENFORCE. IF TWO (2) OR MORE BUSINESSES WILL
15 OPERATE OUT OF THE SAME STORAGE FACILITY, THE LIMITED WINERY
16 MUST DESIGNATE SPECIFIC AND DISTINCT AREAS FOR ITS STORAGE. THE
17 LIMITED WINERY'S DESIGNATED STORAGE AREA MUST BE SECURED AND NO
18 ONE OTHER THAN THE LICENSEE AND HIS EMPLOYEES MAY BE ALLOWED
19 ACCESS TO THE STORAGE AREA. NO BOARD-APPROVED MANAGER WILL BE
20 NECESSARY FOR THE STORAGE FACILITY. THE LIMITED WINERY MUST FILL
21 OUT AN APPLICATION FOR SUCH AN ADDITIONAL BOARD-APPROVED STORAGE
22 LOCATION, AND SUCH LOCATION SHALL COUNT AS ONE OF THE TWO
23 PERMITTED FOR EACH LIMITED WINERY. THE LIMITED WINERY IS
24 RESPONSIBLE FOR KEEPING ONLY ITS OWN COMPLETE RECORDS. A LIMITED
25 WINERY MAY BE CITED FOR A VIOLATION OF THE RECORDKEEPING
26 REQUIREMENTS OF SECTIONS 512 AND 513 PERTAINING TO ITS OWN
27 RECORDS ONLY.

28 (B) THE TOTAL PRODUCTION OF ALCOHOLIC CIDERS, FERMENTED
29 FRUIT BEVERAGES, MEAD, WINE AND WINE COOLERS BY A LIMITED WINERY
30 MAY NOT EXCEED TWO HUNDRED THOUSAND (200,000) GALLONS PER YEAR.

1 * * *

2 SECTION 505.4. LIMITED DISTILLERIES AND DISTILLERIES.--* * *

3 (B) (1) THE BOARD MAY ISSUE A LIMITED DISTILLERY LICENSE
4 THAT WILL ALLOW THE HOLDER THEREOF TO OPERATE A DISTILLERY THAT
5 SHALL NOT EXCEED PRODUCTION OF ONE HUNDRED THOUSAND (100,000)
6 GALLONS OF DISTILLED LIQUOR PER YEAR. THE HOLDER OF THE LICENSE
7 MAY MANUFACTURE AND SELL BOTTLED LIQUORS PRODUCED ON THE
8 LICENSED PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE
9 BOARD AND TO THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK
10 ANTEMERIDIAN AND ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A
11 SPECIFIC CODE OF DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A
12 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES MAY NOT BE
13 OFFERED FOR SALE AT A LICENSED LIMITED DISTILLERY LOCATION AT A
14 PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
15 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
16 HOLDER OF A LIMITED DISTILLERY LICENSE MAY NOT SELL A PRODUCT OR
17 A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS LISTED FOR SALE AS A
18 STOCK ITEM BY THE BOARD IN STATE LIQUOR STORES TO A LICENSEE AT
19 A PRICE WHICH IS LOWER THAN THAT CHARGED BY THE BOARD AND UNDER
20 SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY ENFORCE. THE
21 HOLDER OF A LIMITED DISTILLERY LICENSE MAY ALSO SELL WINE [AND],
22 ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES PRODUCED BY A
23 LICENSED LIMITED WINERY, LIQUOR PRODUCED BY A LICENSED
24 DISTILLERY OR LIMITED DISTILLERY AND MALT OR BREWED BEVERAGES
25 PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES CONSUMPTION. THE
26 COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES AND LIQUOR
27 PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED DISTILLERY
28 MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM OF THE ON-
29 PREMISES SALES OF THE LIMITED DISTILLERY'S OWN SALES OF LIQUOR
30 FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A LIMITED

1 DISTILLERY DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING
2 THE PRECEDING YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR
3 BREWED BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED
4 DISTILLERY OR LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS,
5 EXCEED FIFTY PER CENTUM OF THE ON-PREMISES SALES OF THE LIMITED
6 DISTILLERY'S OWN LIQUOR FOR THAT YEAR.

7 * * *

8 (8) AT THE DISCRETION OF THE BOARD THE HOLDER OF A LIMITED
9 DISTILLERY LICENSE MAY OBTAIN A SPECIAL PERMIT TO PARTICIPATE IN
10 [ALCOHOLIC CIDER,] LIQUOR AND FOOD EXPOSITIONS OFF THE LICENSED
11 PREMISES. A SPECIAL PERMIT SHALL BE ISSUED UPON PROPER
12 APPLICATION AND PAYMENT OF A FEE OF THIRTY DOLLARS (\$30) PER DAY
13 FOR EACH DAY OF PERMITTED USE, NOT TO EXCEED THIRTY (30)
14 CONSECUTIVE DAYS. THE TOTAL NUMBER OF DAYS FOR ALL THE SPECIAL
15 PERMITS MAY NOT EXCEED ONE HUNDRED (100) DAYS IN ANY CALENDAR
16 YEAR. A SPECIAL PERMIT SHALL ENTITLE THE HOLDER TO ENGAGE IN THE
17 SALE BY THE GLASS, BY THE BOTTLE OR IN CASE LOTS OF LIQUOR
18 PRODUCED BY THE PERMITTEE UNDER THE AUTHORITY OF A LIMITED
19 DISTILLERY LICENSE. HOLDERS OF SPECIAL PERMITS MAY PROVIDE
20 TASTING SAMPLES OF LIQUOR IN INDIVIDUAL PORTIONS NOT TO EXCEED
21 ONE AND ONE-HALF (1.5) FLUID OUNCES. SAMPLES AT [ALCOHOLIC
22 CIDER,] LIQUOR AND FOOD EXPOSITIONS MAY BE SOLD OR OFFERED FREE
23 OF CHARGE. EXCEPT AS PROVIDED IN THIS CLAUSE, LIMITED
24 DISTILLERIES UTILIZING SPECIAL PERMITS SHALL BE GOVERNED BY ALL
25 APPLICABLE PROVISIONS OF THIS ACT AS WELL AS BY ALL APPLICABLE
26 REGULATIONS OR CONDITIONS ADOPTED BY THE BOARD. FOR THE PURPOSES
27 OF THIS CLAUSE, ["ALCOHOLIC CIDER, LIQUOR] "LIQUOR AND FOOD
28 EXPOSITIONS" ARE DEFINED AS AFFAIRS HELD INDOORS OR OUTDOORS
29 WITH THE INTENT OF PROMOTING PENNSYLVANIA PRODUCTS BY EDUCATING
30 THOSE IN ATTENDANCE OF THE AVAILABILITY, NATURE AND QUALITY OF

1 PENNSYLVANIA-PRODUCED [ALCOHOLIC CIDERS AND] LIQUORS IN
2 CONJUNCTION WITH SUITABLE FOOD DISPLAYS, DEMONSTRATIONS AND
3 SALES. [ALCOHOLIC CIDER, LIQUOR] LIQUOR AND FOOD EXPOSITIONS MAY
4 ALSO INCLUDE ACTIVITIES OTHER THAN [ALCOHOLIC CIDER,] LIQUOR AND
5 FOOD DISPLAYS, INCLUDING ARTS AND CRAFTS, MUSICAL ACTIVITIES,
6 CULTURAL EXHIBITS, AGRICULTURAL EXHIBITS AND FARMERS MARKETS.

7 * * *

8 (C) (1) THE HOLDER OF A DISTILLERY LICENSE AS ISSUED UNDER
9 SECTION 505 MAY SELL BOTTLED LIQUORS PRODUCED ON THE LICENSED
10 PREMISES TO THE BOARD, TO ENTITIES LICENSED BY THE BOARD AND TO
11 THE PUBLIC BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND
12 ELEVEN O'CLOCK POSTMERIDIAN SO LONG AS A SPECIFIC CODE OF
13 DISTILLED LIQUOR WHICH IS LISTED FOR SALE AS A STOCK ITEM BY THE
14 BOARD IN STATE LIQUOR STORES MAY NOT BE OFFERED FOR SALE AT A
15 LICENSED DISTILLERY LOCATION AT A PRICE WHICH IS LOWER THAN THAT
16 CHARGED BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS
17 AS THE BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY
18 NOT SELL A PRODUCT OR A SUBSTANTIALLY SIMILAR PRODUCT WHICH IS
19 LISTED FOR SALE AS A STOCK ITEM BY THE BOARD IN STATE LIQUOR
20 STORES TO A LICENSEE AT A PRICE WHICH IS LOWER THAN THAT CHARGED
21 BY THE BOARD AND UNDER SUCH CONDITIONS AND REGULATIONS AS THE
22 BOARD MAY ENFORCE. THE HOLDER OF A DISTILLERY LICENSE MAY ALSO
23 SELL ITS LIQUOR, WINE [AND], ALCOHOLIC CIDER AND FERMENTED FRUIT
24 BEVERAGES PRODUCED BY A LICENSED LIMITED WINERY, LIQUOR PRODUCED
25 BY A LICENSED DISTILLERY OR LIMITED DISTILLERY AND MALT OR
26 BREWED BEVERAGES PRODUCED BY A LICENSED BREWERY FOR ON-PREMISES
27 CONSUMPTION. THE COMBINED SALES OF WINE, MALT OR BREWED
28 BEVERAGES AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR
29 LIMITED DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER
30 CENTUM OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN SALES OF

1 LIQUOR FOR THE PRECEDING CALENDAR YEAR: HOWEVER, IF A DISTILLERY
2 DID NOT OPERATE FOR AN ENTIRE CALENDAR YEAR DURING THE PRECEDING
3 YEAR, THEN ITS COMBINED SALES OF WINE, MALT OR BREWED BEVERAGES
4 AND LIQUOR PRODUCED BY ANOTHER LICENSED DISTILLERY OR LIMITED
5 DISTILLERY MAY NOT, ON A YEARLY BASIS, EXCEED FIFTY PER CENTUM
6 OF THE ON-PREMISES SALES OF THE DISTILLERY'S OWN LIQUOR FOR THAT
7 YEAR.

8 * * *

9 SECTION 1001. CONSTRUCTION AND APPLICABILITY.-- (A) EXCEPT
10 AS PROVIDED IN SUBSECTION (B), UNLESS THE CONTEXT CLEARLY
11 INDICATES OTHERWISE, A REFERENCE TO "MALT OR BREWED BEVERAGES"
12 IN A STATUTE SHALL BE CONSTRUED TO INCLUDE ALCOHOLIC CIDER AND
13 FERMENTED FRUIT BEVERAGES.

14 (B) REGARDLESS OF CONTEXT, A REFERENCE TO "MALT OR BREWED
15 BEVERAGES" IN ARTICLE XX OF THE ACT OF MARCH 4, 1971 (P.L.6,
16 NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971," SHALL BE
17 CONSTRUED TO INCLUDE ALCOHOLIC CIDER AND FERMENTED FRUIT
18 BEVERAGES.

19 (C) EXCEPT AS PROVIDED IN SUBSECTION (D), UNLESS THE CONTEXT
20 CLEARLY INDICATES OTHERWISE, A REFERENCE TO "WINE" IN A STATUTE
21 SHALL BE CONSTRUED TO EXCLUDE ALCOHOLIC CIDER AND FERMENTED
22 FRUIT BEVERAGES.

23 (D) REGARDLESS OF CONTEXT, A REFERENCE TO "WINE" IN THE ACT
24 OF DECEMBER 5, 1933 (SP.SESS., P.L.38, NO.6), KNOWN AS THE
25 "SPIRITUOUS AND VINOUS LIQUOR TAX LAW," SHALL BE CONSTRUED TO
26 EXCLUDE ALCOHOLIC CIDER AND FERMENTED FRUIT BEVERAGES.

27 Section 2 4. This act shall take effect in 60 days.

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