

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, MASSER, DELLOSO AND T. DAVIS, JANUARY 28, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 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 providing for definitions; in
18 licenses and regulations and liquor, alcohol and malt and
19 brewed beverages, further providing FOR WINE AND SPIRITS <--
20 AUCTION PERMITS, for malt and brewed beverages
21 manufacturers', distributors' and importing distributors'
22 licenses and, for breweries AND FOR RIGHTS OF MUNICIPALITIES <--
23 PRESERVED; in distilleries, wineries, bonded warehouses,
24 bailees for hire and transporters for hire, further providing
25 for limited wineries and, for distilleries AND FOR RECORDS TO <--
26 BE KEPT; and, in miscellaneous provisions, further providing <--
27 for construction and applicability; AND ABROGATING <--
28 REGULATIONS.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The definition of "alcoholic cider" in section
3 102 of the act of April 12, 1951 (P.L.90, No.21), known as the
4 Liquor Code, is amended and the section is amended by adding a
5 definition to read:

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

9 * * *

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

22 * * *

23 "Fermented fruit beverage" shall mean a beverage which may
24 contain carbonation in an amount not to exceed six and four
25 tenths grams per liter, produced through alcoholic fermentation
26 of fruit, fruit juice, fruit juice concentrate and water with or
27 without flavorings, consisting of at least one-half of one per
28 centum, but not greater than eight and one-half per centum,
29 alcohol by volume and sold or offered for sale not as a wine, a
30 wine product or a substitute for wine, in bottles, cases, kegs,

1 cans or other suitable containers of the type used for the sale
2 of malt or brewed beverages in this Commonwealth.

3 * * *

4 SECTION 2. SECTION 408.12(G) AND (I) OF THE ACT ARE AMENDED <--
5 TO READ:

6 SECTION 408.12. WINE AND SPIRITS AUCTION PERMITS.--* * *

7 (G) ANY WINE AND SPIRITS SOLD UNDER THIS SECTION SHALL BE
8 PURCHASED FROM A PENNSYLVANIA LIQUOR STORE, A PENNSYLVANIA
9 LIMITED WINERY, LIMITED DISTILLERY OR ANY SELLER AUTHORIZED TO
10 SELL WINE OR SPIRITS BY THE BOTTLE OR CASE IN THIS COMMONWEALTH
11 OR SHALL BE DONATED BY A PERSON [WHO IS NEITHER A LICENSEE NOR A
12 PERMITTEE] WHO HAS LEGALLY ACQUIRED THE WINE OR SPIRITS AND
13 LEGALLY POSSESSES IT IN THIS COMMONWEALTH. IF THE DONATED WINE
14 OR SPIRITS IS FROM A LOCATION OUTSIDE OF THIS COMMONWEALTH, THE
15 WINE OR SPIRITS MAY BE IMPORTED AS A GIFT AND SUBJECT TO THE
16 PROCEDURES AND FEES IMPOSED BY THE BOARD.

17 * * *

18 (I) [THE] IF THE WINE OR SPIRITS IS PURCHASED FROM AN ENTITY
19 OTHER THAN THE BOARD, THE PERMITTEE SHALL BE RESPONSIBLE FOR
20 PAYING TO THE BOARD AN AMOUNT EQUAL TO ALL TAXES WHICH WOULD
21 HAVE BEEN PAID ON SUCH WINE OR SPIRITS IF IT HAD BEEN PURCHASED
22 FROM A PENNSYLVANIA LIQUOR STORE, TOGETHER WITH A PROCESSING FEE
23 TO BE DETERMINED BY THE BOARD.

24 * * *

25 Section 2 3. Section 431 of the act is amended by adding a <--
26 subsection to read:

27 Section 431. Malt and Brewed Beverages Manufacturers',
28 Distributors' and Importing Distributors' Licenses.--* * *

29 (g) (1) Any nonalcoholic malt or brewed beverage produced
30 by an out-of-State manufacturer of malt or brewed beverages or a

1 Pennsylvania manufacturer of malt or brewed beverages which has
2 designated an importing distributor pursuant to this section
3 shall be distributed in accordance with the provisions of this
4 section notwithstanding that it is not a malt or brewed beverage
5 as defined in section 102.

6 (2) For the purposes of this subsection, "nonalcoholic malt
7 or brewed beverage" means any beverage intended to be marketed
8 or sold as nonalcoholic beer having at least a trace amount of
9 alcohol content but which does not contain one-half per centum
10 (0.5%) or more alcohol by volume.

11 ~~Section 3. Sections 446(a)(2), 505.2(a) and (b), 505.4~~ <--
12 ~~heading, (b)(1) and (8) and (c)(1) and 1001 of the act are~~
13 ~~amended to read:~~

14 SECTION 4. SECTION 446(A)(2) OF THE ACT IS AMENDED TO READ: <--

15 Section 446. Breweries.--(a) Holders of a brewery license
16 may:

17 * * *

18 (2) Operate a restaurant or brewery pub on the licensed
19 premises under such conditions and regulations as the board may
20 enforce: Provided, however, That sales on Sunday may be made
21 irrespective of the volume of food sales if the licensed
22 premises are at a public venue location. The holder of a brewery
23 license may sell wines [and], alcoholic cider and fermented
24 fruit beverages produced by the holder of a limited winery
25 license, malt or brewed beverages produced by a manufacturer
26 licensed by the board and liquor produced by a limited
27 distillery or distillery licensed by the board: Provided,
28 however, That said wines, malt or brewed beverages produced by
29 another manufacturer and liquor must be consumed at the licensed
30 premises. In addition, the combined sales of wine, malt or

1 brewed beverages produced by another manufacturer and liquor may
2 not, on a yearly basis, exceed fifty per centum (50%) of the on-
3 premises sales of the brewery's own malt or brewed beverages for
4 the preceding calendar year: however, if a brewery did not
5 operate for an entire calendar year during the preceding year,
6 then its combined sales of wine, malt or brewed beverages
7 produced by another manufacturer and liquor may not, on a yearly
8 basis, exceed fifty per centum (50%) of the on-premises sales of
9 the brewery's own malt or brewed beverages for that year.

10 * * *

11 SECTION 5. SECTION 493.1 OF THE ACT IS AMENDED BY ADDING A <--
12 SUBSECTION TO READ:

13 SECTION 493.1 RIGHTS OF MUNICIPALITIES PRESERVED.--* * *

14 (E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
15 CONTRARY, THE HOLDER OF A LIMITED WINERY LICENSE THAT IS LOCATED
16 IN A CLASS 2A THROUGH 8 COUNTY MAY USE OR PERMIT TO BE USED
17 INSIDE OR OUTSIDE OF THE LICENSED PREMISES A LOUDSPEAKER OR
18 SIMILAR DEVICE WHEREBY THE SOUND OF MUSIC OR OTHER
19 ENTERTAINMENT, OR THE ADVERTISEMENT THEREOF, DOES NOT EXCEED 75
20 DECIBELS BEYOND THE LICENSEE'S PROPERTY LINE.

21 (2) THE PROVISIONS OF SUBSECTION (A) SHALL ONLY APPLY:

22 (I) FROM TEN O'CLOCK ANTEMERIDIAN UNTIL EIGHT O'CLOCK
23 POSTMERIDIAN ON EVERY DAY EXCEPT FRIDAYS AND SATURDAYS; AND

24 (II) FROM TEN O'CLOCK ANTEMERIDIAN UNTIL TEN O'CLOCK
25 POSTMERIDIAN ON FRIDAYS OR SATURDAYS.

26 (3) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE
27 RIGHTS OF A MUNICIPALITY UNDER SUBSECTION (A).

28 SECTION 6. SECTIONS 505.2(A) AND (B), 505.4 HEADING, (B) (1)
29 AND (8) AND (C) (1), 512 AND 1001 OF THE ACT ARE AMENDED TO READ:

30 Section 505.2. Limited Wineries.--(a) In the interest of

1 promoting tourism and recreational development in Pennsylvania,
2 holders of a limited winery license may:

3 (1) Produce and sell alcoholic ciders, fermented fruit
4 beverages, mead, wines and wine coolers, subject to the
5 exceptions provided under this section, only from an
6 agricultural commodity grown in Pennsylvania.

7 (2) Sell alcoholic cider, fermented fruit beverages, mead,
8 wine and wine coolers produced by the limited winery or
9 purchased in bulk in bond from another Pennsylvania limited
10 winery on the licensed premises, under such conditions and
11 regulations as the board may enforce, to the board, to
12 individuals and to brewery, importing distributor, distributor,
13 hotel, restaurant, club and public service liquor licensees, and
14 to Pennsylvania winery licensees: Provided, That a limited
15 winery shall not, in any calendar year, purchase alcoholic
16 cider, fermented fruit beverages, mead or wine produced by other
17 limited wineries in an amount in excess of fifty per centum of
18 the alcoholic cider, fermented fruit beverage, mead or wine
19 produced by the purchasing limited winery in the preceding
20 calendar year. In addition, the holder of a limited winery
21 license may purchase wine in bottles from another Pennsylvania
22 limited winery if these wines undergo a second fermentation
23 process. Such wine may be sold in bottles bearing the purchasing
24 limited winery's label or the producing limited winery's label.
25 Such wines, if sold by the board, may be sold by the producing
26 limited winery to the purchasing limited winery at a price lower
27 than the price charged by the board.

28 (2.1) Notwithstanding any other provision of this act or law
29 to the contrary, only ship wine in accordance with the
30 provisions of section 488.

1 (3) Separately or in conjunction with other limited
2 wineries, sell alcoholic cider, fermented fruit beverages, mead,
3 wine and wine coolers produced by the limited winery on no more
4 than five (5) board-approved locations other than the licensed
5 premises, with no bottling or production requirement at those
6 additional board-approved locations and under such conditions
7 and regulations as the board may enforce, to the board, to
8 individuals and to brewery, hotel, restaurant, club and public
9 service liquor licensees. If two or more limited wineries apply
10 to operate an additional board-approved location in conjunction
11 with each other, the wineries need only have one board-approved
12 manager for the location, need only pay one application fee and
13 need not designate specific or distinct areas for each winery's
14 licensed area. Each limited winery must file an application for
15 such an additional board-approved location, and such location
16 shall count as one of the five permitted for each limited
17 winery. Each limited winery is responsible for keeping only its
18 own complete records. A limited winery may be cited for a
19 violation of the recordkeeping requirements of sections 512 and
20 513 pertaining to its own records only.

21 (4) At the discretion of the board, obtain a special permit
22 to participate in alcoholic cider, fermented fruit beverage,
23 mead, wine and food expositions off the licensed premises. A
24 special permit shall be issued upon proper application and
25 payment of a fee of thirty dollars (\$30) per day for each day of
26 permitted use, not to exceed thirty (30) consecutive days. The
27 total number of days for all the special permits may not exceed
28 one hundred (100) days in any calendar year. A special permit
29 shall entitle the holder to engage in the sale by the glass, by
30 the bottle or in case lots of alcoholic cider, fermented fruit

1 beverage, mead or wine produced by the permittee under the
2 authority of a limited winery license. Holders of special
3 permits may provide tasting samples of wines in individual
4 portions not to exceed one fluid ounce. Samples at alcoholic
5 cider, fermented fruit beverage, mead, wine and food expositions
6 may be sold or offered free of charge. Except as provided
7 herein, limited wineries utilizing special permits shall be
8 governed by all applicable provisions of this act as well as by
9 all applicable regulations or conditions adopted by the board.

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

22 (4.1) At the discretion of the board, obtain a farmers
23 market permit. The permit shall entitle the holder to
24 participate in more than one farmers market at any given time
25 and an unlimited number throughout the year and sell alcoholic
26 cider, fermented fruit beverages, mead or wine produced under
27 the authority of the underlying limited winery license by the
28 bottle or in case lots. Samples not to exceed one fluid once per
29 brand of mead or wine may be offered free of charge. A farmers
30 market permit shall be issued upon proper application and

1 payment of an annual fee of two hundred fifty dollars (\$250). A
2 permit holder may participate in more than one farmers market at
3 any given time. Sales by permit holders shall take place during
4 the standard hours of operation of the farmers market. Written
5 notice of the date, times and location the permit is to be used
6 shall be provided by the permit holder to the enforcement bureau
7 at least two (2) weeks prior to the event. Except as provided in
8 this subsection, limited wineries utilizing farmers market
9 permits shall be governed by all applicable provisions of this
10 act as well as by all applicable regulations adopted by the
11 board.

12 (5) Do either of the following:

13 (i) Apply for and hold a hotel liquor license, a restaurant
14 liquor license or a malt and brewed beverages retail license to
15 sell for consumption at the restaurant or limited winery on the
16 licensed winery premises, liquor, wine and malt or brewed
17 beverages regardless of the place of manufacture under the same
18 conditions and regulations as any other hotel liquor license,
19 restaurant liquor license or malt and brewed beverages retail
20 license.

21 (ii) Apply for and hold a restaurant liquor license for use
22 at one of the additional board-approved locations referenced
23 under clause (3), as long as such location does not serve as an
24 additional board-approved location for any other manufacturer.

25 (6) (i) Secure a permit from the board to allow the holder
26 of a limited winery license to use up to twenty-five per centum
27 permitted fruit, not wine, in the current year's production.
28 Each permit is valid only for the calendar year in which it is
29 issued.

30 (ii) The fee for a permit to import and use permitted fruit

1 shall be in an amount to be determined by the board.

2 (iii) The purpose of this section is to increase the
3 productivity of limited wineries while at the same time
4 protecting the integrity and unique characteristics of wine
5 produced from fruit primarily grown in this Commonwealth.
6 Prevailing climatic conditions have a significant impact on the
7 character of the fruit. Accordingly, "permitted fruit" shall
8 mean fruit grown or juice derived from fruit grown within three
9 hundred fifty (350) miles of the winery.

10 (iv) The department is authorized to promulgate regulations
11 requiring the filing of periodic reports by limited wineries to
12 ensure compliance with the provisions of this section.

13 (6.1) Sell food for consumption on or off the licensed
14 premises and at the limited winery's additional board-approved
15 locations and sell by the glass, at the licensed premises and at
16 the limited winery's additional board-approved locations, wine,
17 mead [and], alcoholic ciders and fermented fruit beverages that
18 may otherwise be sold by the bottle. In addition, the holder of
19 a limited winery license may sell for consumption on the
20 licensed premises and at the limited winery's additional board-
21 approved locations, liquor produced by a licensed distillery or
22 limited distillery, wine [and], alcoholic cider and fermented
23 fruit beverages produced by another limited winery and malt or
24 brewed beverages produced by a licensed brewery. The combined
25 sales of wine [and], alcoholic cider and fermented fruit
26 beverages produced by another limited winery, malt or brewed
27 beverages and liquor may not, on a yearly basis, exceed fifty
28 per centum of the on-premises sales of the limited winery's own
29 sales of wine [and], alcoholic cider and fermented fruit
30 beverages for the preceding calendar year: however, if a limited

1 winery did not operate for an entire calendar year during the
2 preceding year, then its combined sales of wine and alcohol
3 produced by another limited winery, malt or brewed beverages and
4 liquor may not, on a yearly basis, exceed fifty per centum of
5 the on-premises sales of the limited winery's own wine [and],
6 alcoholic cider and fermented fruit beverages for that year.

7 (6.2) Sell wine- or liquor-scented candles acquired or
8 produced by the limited winery.

9 (6.3) Sell alcoholic cider, fermented fruit beverages, mead,
10 wine and wine coolers only between the hours of nine o'clock
11 antemeridian and eleven o'clock postmeridian. A limited winery
12 also may request approval from the board to extend sales hours
13 in individual locations at other times during the year or beyond
14 the limits set forth in this clause. The request shall be made
15 in writing to the board's Office of the Chief Counsel and shall
16 detail the exact locations where sales hours are proposed to be
17 extended, the proposed hours and dates of extended operation and
18 the reason for the proposed extended hours.

19 (6.4) Store alcoholic cider, fermented fruit beverages,
20 mead, wine and wine coolers produced by the limited winery at no
21 more than two (2) board-approved locations other than the
22 licensed premises and those premises referenced in clause (3)
23 pertaining to the five (5) board-approved locations for the sale
24 of wine, with no bottling or production requirement at those
25 additional locations and under such conditions and regulations
26 as the board may enforce. If two (2) or more businesses will
27 operate out of the same storage facility, the limited winery
28 must designate specific and distinct areas for its storage. The
29 limited winery's designated storage area must be secured and no
30 one other than the licensee and his employees may be allowed

1 access to the storage area. No board-approved manager will be
2 necessary for the storage facility. The limited winery must fill
3 out an application for such an additional board-approved storage
4 location, and such location shall count as one of the two
5 permitted for each limited winery. The limited winery is
6 responsible for keeping only its own complete records. A limited
7 winery may be cited for a violation of the recordkeeping
8 requirements of sections 512 and 513 pertaining to its own
9 records only.

10 (b) The total production of alcoholic ciders, fermented
11 fruit beverages, mead, wine and wine coolers by a limited winery
12 may not exceed two hundred thousand (200,000) gallons per year.

13 * * *

14 Section 505.4. Limited Distilleries and Distilleries.--* * *

15 (b) (1) The board may issue a limited distillery license
16 that will allow the holder thereof to operate a distillery that
17 shall not exceed production of one hundred thousand (100,000)
18 gallons of distilled liquor per year. The holder of the license
19 may manufacture and sell bottled liquors produced on the
20 licensed premises to the board, to entities licensed by the
21 board and to the public between the hours of nine o'clock
22 antemeridian and eleven o'clock postmeridian so long as a
23 specific code of distilled liquor which is listed for sale as a
24 stock item by the board in State liquor stores may not be
25 offered for sale at a licensed limited distillery location at a
26 price which is lower than that charged by the board and under
27 such conditions and regulations as the board may enforce. The
28 holder of a limited distillery license may not sell a product or
29 a substantially similar product which is listed for sale as a
30 stock item by the board in State Liquor Stores to a licensee at

1 a price which is lower than that charged by the board and under
2 such conditions and regulations as the board may enforce. The
3 holder of a limited distillery license may also sell wine [and],
4 alcoholic cider and fermented fruit beverages produced by a
5 licensed limited winery, liquor produced by a licensed
6 distillery or limited distillery and malt or brewed beverages
7 produced by a licensed brewery for on-premises consumption. The
8 combined sales of wine, malt or brewed beverages and liquor
9 produced by another licensed distillery or limited distillery
10 may not, on a yearly basis, exceed fifty per centum of the on-
11 premises sales of the limited distillery's own sales of liquor
12 for the preceding calendar year: however, if a limited
13 distillery did not operate for an entire calendar year during
14 the preceding year, then its combined sales of wine, malt or
15 brewed beverages and liquor produced by another licensed
16 distillery or limited distillery may not, on a yearly basis,
17 exceed fifty per centum of the on-premises sales of the limited
18 distillery's own liquor for that year.

19 * * *

20 (8) At the discretion of the board the holder of a limited
21 distillery license may obtain a special permit to participate in
22 [alcoholic cider,] liquor and food expositions off the licensed
23 premises. A special permit shall be issued upon proper
24 application and payment of a fee of thirty dollars (\$30) per day
25 for each day of permitted use, not to exceed thirty (30)
26 consecutive days. The total number of days for all the special
27 permits may not exceed one hundred (100) days in any calendar
28 year. A special permit shall entitle the holder to engage in the
29 sale by the glass, by the bottle or in case lots of liquor
30 produced by the permittee under the authority of a limited

1 distillery license. Holders of special permits may provide
2 tasting samples of liquor in individual portions not to exceed
3 one and one-half (1.5) fluid ounces. Samples at [alcoholic
4 cider,] liquor and food expositions may be sold or offered free
5 of charge. Except as provided in this clause, limited
6 distilleries utilizing special permits shall be governed by all
7 applicable provisions of this act as well as by all applicable
8 regulations or conditions adopted by the board. For the purposes
9 of this clause, ["alcoholic cider, liquor] "liquor and food
10 expositions" are defined as affairs held indoors or outdoors
11 with the intent of promoting Pennsylvania products by educating
12 those in attendance of the availability, nature and quality of
13 Pennsylvania-produced [alcoholic ciders and] liquors in
14 conjunction with suitable food displays, demonstrations and
15 sales. [Alcoholic cider, liquor] Liquor and food expositions may
16 also include activities other than [alcoholic cider,] liquor and
17 food displays, including arts and crafts, musical activities,
18 cultural exhibits, agricultural exhibits and farmers markets.

19 * * *

20 (c) (1) The holder of a distillery license as issued under
21 section 505 may sell bottled liquors produced on the licensed
22 premises to the board, to entities licensed by the board and to
23 the public between the hours of nine o'clock antemeridian and
24 eleven o'clock postmeridian so long as a specific code of
25 distilled liquor which is listed for sale as a stock item by the
26 board in State liquor stores may not be offered for sale at a
27 licensed distillery location at a price which is lower than that
28 charged by the board and under such conditions and regulations
29 as the board may enforce. The holder of a distillery license may
30 not sell a product or a substantially similar product which is

1 listed for sale as a stock item by the board in State Liquor
2 Stores to a licensee at a price which is lower than that charged
3 by the board and under such conditions and regulations as the
4 board may enforce. The holder of a distillery license may also
5 sell its liquor, wine [and], alcoholic cider and fermented fruit
6 beverages produced by a licensed limited winery, liquor produced
7 by a licensed distillery or limited distillery and malt or
8 brewed beverages produced by a licensed brewery for on-premises
9 consumption. The combined sales of wine, malt or brewed
10 beverages and liquor produced by another licensed distillery or
11 limited distillery may not, on a yearly basis, exceed fifty per
12 centum of the on-premises sales of the distillery's own sales of
13 liquor for the preceding calendar year: however, if a distillery
14 did not operate for an entire calendar year during the preceding
15 year, then its combined sales of wine, malt or brewed beverages
16 and liquor produced by another licensed distillery or limited
17 distillery may not, on a yearly basis, exceed fifty per centum
18 of the on-premises sales of the distillery's own liquor for that
19 year.

20 * * *

21 SECTION 512. RECORDS TO BE KEPT.--EVERY PERSON HOLDING A <--
22 LICENSE ISSUED UNDER THE PROVISIONS OF THIS ARTICLE SHALL KEEP
23 ON THE LICENSED PREMISES DAILY PERMANENT RECORDS WHICH SHALL
24 SHOW, (A) THE QUANTITIES OF ANY ALCOHOL OR LIQUOR MANUFACTURED,
25 PRODUCED, DISTILLED, DEVELOPED, DENATURED, REDISTILLED,
26 RECOVERED, REUSED, STORED IN BOND, STORED AS BAILEE FOR HIRE,
27 RECEIVED OR USED IN THE PROCESS OF MANUFACTURE BY HIM, AND OF
28 ALL OTHER MATERIAL USED IN MANUFACTURING OR DEVELOPING ANY
29 ALCOHOL OR LIQUOR; (B) THE SALES OR OTHER DISPOSITION OF ANY
30 ALCOHOL, LIQUOR OR MALT OR BREWED BEVERAGES IF COVERED BY SAID

1 LICENSE; (C) THE QUANTITIES THEREOF, IF ANY, STORED IN BOND,
2 STORED FOR HIRE, OR TRANSPORTED FOR HIRE BY OR FOR THE LICENSEE;
3 AND (D) THE NAMES AND ADDRESSES OF THE PURCHASERS OR OTHER
4 RECIPIENTS THEREOF: PROVIDED, HOWEVER, THAT PERSONS HOLDING
5 LICENSES ISSUED UNDER THE PROVISIONS OF THIS ARTICLE FOR THE
6 TRANSPORTATION FOR HIRE OF ANY ALCOHOL, LIQUOR OR MALT OR BREWED
7 BEVERAGES SHALL NOT BE REQUIRED TO KEEP THE ABOVE RECORDS, BUT
8 SHALL KEEP DAILY PERMANENT RECORDS SHOWING THE NAMES AND
9 ADDRESSES OF THE PERSONS FROM WHOM ANY ALCOHOL, LIQUOR OR MALT
10 OR BREWED BEVERAGE WAS RECEIVED AND TO WHOM DELIVERED, AND SUCH
11 OTHER PERMANENT RECORDS AS THE BOARD SHALL PRESCRIBE[.]:
12 PROVIDED, HOWEVER, THAT A SALES INVOICE MAY NOT BE REQUIRED FOR
13 PURCHASES MADE AT A LIMITED WINERY BY A PRIVATE INDIVIDUAL
14 UNLESS THE PURCHASE IS FOR GREATER THAN 16 LITERS IN A SINGLE
15 TRANSACTION.

16 Section 1001. Construction and Applicability.--(a) Except
17 as provided in subsection (b), unless the context clearly
18 indicates otherwise, a reference to "malt or brewed beverages"
19 in a statute shall be construed to include alcoholic cider and
20 fermented fruit beverages.

21 (b) Regardless of context, a reference to "malt or brewed
22 beverages" in Article XX of the act of March 4, 1971 (P.L.6,
23 No.2), known as the "Tax Reform Code of 1971," shall be
24 construed to include alcoholic cider and fermented fruit
25 beverages.

26 (c) Except as provided in subsection (d), unless the context
27 clearly indicates otherwise, a reference to "wine" in a statute
28 shall be construed to exclude alcoholic cider and fermented
29 fruit beverages.

30 (d) Regardless of context, a reference to "wine" in the act

1 of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the
2 "Spirituous and Vinous Liquor Tax Law," shall be construed to
3 exclude alcoholic cider and fermented fruit beverages.

4 SECTION 7. THE PROVISIONS OF 40 PA. CODE § 5.103(B) ARE <--
5 ABROGATED INSOFAR AS THEY ARE INCONSISTENT WITH THE AMENDMENT OF
6 SECTION 512 OF THE ACT.

7 Section ~~4~~ 8. This act shall take effect ~~in 60 days~~. AS <--
8 FOLLOWS:

9 (1) THE AMENDMENT OR ADDITION OF SECTIONS 493.1(E) AND
10 512 SHALL TAKE EFFECT IMMEDIATELY.

11 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

12 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
13 DAYS.