

Summary of Limited Wineries Regulation Changes

The Pennsylvania Liquor Control Board's ("PLCB") Regulations for [Limited Wineries](#) have been updated effective July 23, 2022.

Subchapter K of Chapter 5 (relating to limited wineries) has been added to the PLCB's Regulations and it incorporates existing regulations dealing with limited wineries from Chapters 3, 5, and 11 (relating to license applications; duties and rights of licensees; and purchases, sales and returns) of the PLCB's Regulations. In addition, these regulations were updated to be consistent with legislative changes.

Subchapter K of Chapter 5 has the following sections: 5.401 (Definitions), 5.402 (Tasting samples), 5.403 (Sales generally), 5.404 (Sales for on-premises consumption), 5.405 (Sales for off-premises consumption), 5.406 (Sales of other items), 5.407 (Delivery of products), 5.408 (Additional Board-approved locations), and 5.409 (Records, receipts, and reports). The following provides an overview of each section:

- Section 5.401 provides definitions for words and terms used in the limited winery regulations.
- Section 5.402 addresses the topic of tasting samples, in particular, the conflict between section 505.2(a)(4) of the Liquor Code, 47 P.S. § 505.2(a)(4), and section 13.211 of the PLCB's Regulations, 40 Pa. Code § 13.211. To the extent possible, section 505.2 of the Liquor Code and section 13.211 will be construed together. When there is a conflict between these two sections, with regard to locations where tasting samples may be provided, the volume of each tasting sample that may be provided and whether a fee may be charged for a tasting sample, the provisions of section 505.2 of the Liquor Code will prevail. Also, section 5.402 clarifies that tasting samples may not be provided at a limited winery's storage facilities.
- Section 5.403 provides that a limited winery may sell winery products during the time periods or circumstances set forth in section 505.2(a)(6.3) of the Liquor Code, 47 P.S. § 505.2(a)(6.3). Also, this section provides the types of payment that a limited winery may accept from licensees and unlicensed individuals.

Additionally, this section provides guidance for limited wineries that are selling alcoholic cider, fermented fruit beverages and mead, which are defined as "malt or brewed beverages" under section 102 of the Liquor Code, 47 P.S. § 1-102. Also, this section states that malt or brewed beverages are subject to the brand registration requirements set forth in section 445 of the Liquor Code, 47 P.S. § 4-445.

Finally, this section states that a limited winery can sell malt or brewed beverages to importing distributors, distributors or other licensees authorized to sell, possess, or store malt or brewed beverages, but the limited winery cannot sell wine or wine coolers to those same types of entities.

- Section 5.404 provides the types of liquor or malt or brewed beverages that a limited winery may sell for consumption on its licensed premises. If the limited winery licensee sells malt or brewed beverages through a draft beer system, or wine or wine coolers through a wine dispensing system, it must comply with sections 5.51 through 5.54 (i.e., cleaning of malt or brewed beverage systems) and 11.103 (i.e., dispensing system sanitation) of the PLCB's Regulations, 40 Pa. Code §§ 5.51, 5.52, 5.53, 5.54, 11.103, respectively.
- Section 5.405 provides that limited wineries may accept orders of its products for off-premises consumption in person, as well as by mail, telephone, or the Internet. Guidance is provided regarding the use of agents to solicit orders or promote the sale of winery products. Finally, this section states who may sell winery products at wine expositions and farmers markets, as well as where those sales must occur.
- Section 5.406 provides a list of items that limited wineries may sell. Additionally, this section provides guidance with regard to the process that a limited winery must follow in order to sell something that is not listed.
- Section 5.407 provides guidance with regard to the delivery of a limited winery's products, whether the limited winery is using its own vehicles or a transporter-for-hire licensee. With regard to shipping its products to consumers located in Pennsylvania, a limited winery licensee must obtain a direct wine shipping license before shipping wine or wine coolers to consumers; however, the delivery of alcoholic cider, fermented fruit beverages, or mead to consumers does not require a direct wine shipping license. Furthermore, a direct wine shipping license is not required for the delivery of a limited winery's products to other Board licensees. Finally, limited wineries are responsible for ensuring that winery products are not delivered to minors or visibly intoxicated persons.
- Section 5.408 provides guidance to limited wineries with regard to applying for and the requirements of additional Board-approved locations. This section also offers guidance with regard to having multiple manufacturer licensees who want to collectively operate at an additional Board-approved location.
- Section 5.409 provides guidance to limited wineries with regard to maintaining records, receipts, and reports.

Questions about these changes, or any other provisions of the Liquor Code or the PLCB Regulations may be directed to the PLCB's Office of Chief Counsel at 717-783-9454 or ra-lblegal@pa.gov.