

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 11]

Five Liter Wine Containers

The Liquor Control Board (Board) under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), adopts amendments to §§ 11.83, 11.104 and 11.111 (relating to containers; wine in kegs; and sale by limited winery licenses).

These amendments permit the sale of 5 liter containers of wine by State-owned liquor stores, limited wineries and sacramental wine licensees.

Comments

Notice of proposed rulemaking was published at 25 Pa.B. 5251 (November 25, 1995), with a 30-day public written comment period. The Independent Regulatory Review Commission (IRRC) suggested the Board amend these sections in order to permit the sale of wine in sizes greater than the 5 liters requested in the proposed rulemaking.

Although the 6 liter or 6.5 liter containers may have some consumer appeal, there does not exist a significant consumer demand for wine or champagne in these sizes. The same could be said for wine or hard cider in kegs.

Because the Commonwealth is a control state, the Board shoulders a greater responsibility than our neighboring private enterprise states. The Board has the dual responsibility of providing quality service and products to our consumers and licensees while not encouraging increased consumption of alcoholic beverages.

It is because of the aforesaid that the Board enters into this final rulemaking with a 5 liter limit on wine containers.

No other comments either in support of, or in opposition to, the proposed amendments were received by the Board during the public comment period.

Fiscal Impact

These amendments will impose no additional costs on limited wineries, sacramental wine licensees or the Board. They will have no impact upon State or local government costs.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking on November 14, 1995, to IRRC and the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice for review and comment. The final-form rulemaking was

transmitted to the Chairpersons of the Senate Committee on Law and Justice and the House Committee on Liquor Control and IRRC on February 9, 1996.

These final-form regulations were deemed approved by the Senate Committee on Law and Justice on February 29, 1996, were deemed approved by the House Committee on Liquor Control on February 29, 1996, and were approved by IRRC on March 6, 1996, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

Anyone requiring an explanation of the amendments or information related thereto should contact Jerry Danyluk, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Findings

The Board finds that:

(1) The public notice of intention to adopt amendments to the administrative regulations by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments set forth in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Board, acting under the enabling statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 11, are amended by amending §§ 11.83, 11.104 and 11.111 to read as set forth at 25 Pa.B. 5251 (November 25, 1995).

(b) The Board shall submit this order and 25 Pa.B. 5251 to the Office of the Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and 25 Pa.B. 5251 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN E. JONES, III,

Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 1313 (March 23, 1996).)

Fiscal Note: Fiscal Note 54-49 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 96-478. Filed for public inspection March 29, 1996, 9:00 a.m.]