

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 11]

Wine in Kegs; Sale by Limited Winery Licensees

The Liquor Control Board (Board) under the authority of section 207(i) of the Pennsylvania Liquor Code (47 P. S. § 2-207(i)), proposes to amend §§ 11.104 and 11.111 (relating to wine in kegs; and sale by limited winery licensees).

Purpose

In accordance with Executive Order 1996-1, the Board has reviewed its regulations and determined that the regulations prohibit the sale of wine in containers larger than 5 liters in this Commonwealth. These proposed amendments would permit the sale of sparkling grape wines, as defined in 27 CFR 4.21(b)(1)–(3) (relating to the standards of identity), in glass containers larger than 5 liters by the Board's liquor stores and by limited wineries for sale within this Commonwealth.

Summary of Amendments

Section 11.104. This proposal permits the Board to sell sparkling grape wines as defined in 27 CFR 4.21(b)(1)–(3), in glass containers larger than 5 liters.

Section 11.111. This proposal permits limited winery licensees to sell sparkling grape wines as defined in 27 CFR 4.21(b)(1)–(3), in glass containers larger than 5 liters. Size restrictions do not apply to wines sold for delivery outside of this Commonwealth.

Affected Parties

These proposed amendments would affect liquor stores, wine consumers, retail liquor licensees and limited winery licensees in this Commonwealth to the extent that they choose to sell, purchase or manufacture, as the case might be, sparkling wines in glass containers larger than 5 liters.

Paperwork Requirements

The proposed amendments will not increase paperwork requirements for the Board, retail liquor licensees or limited wineries.

Fiscal Impact

These proposed amendments would have no fiscal impact on the regulated community, the State or local governments.

Effective Date/Sunset Date

The proposed amendments will become effective upon their publication in final form in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed amendments in the *Pennsylvania Bulletin*. Comments should be addressed to Jerry Danyluk, Regulatory Coordinator, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 11, 1998, the Board submitted a copy of the proposed rulemaking to the Independent

Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Board, the Governor and the General Assembly prior to final publication of the amendments.

JOHN E. JONES, III,
Chairperson

Fiscal Note: 54-54. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

CHAPTER 11. PURCHASES AND SALES

Subchapter C. WINES

DISPENSING OF WINE

§ 11.104. Wine in kegs.

Wine in kegs of any capacity will not be purchased or sold by the Board. [A] No wine will [not] be sold through the Board in containers exceeding a capacity of 5 liters **except that the Board may sell sparkling grape wine (as defined in 27 CFR 4.21(b)(1)–(3) (relating to the standards of identity)) in glass containers larger than 5 liters.**

LIMITED WINERIES

§ 11.111. Sale by limited winery licensees.

(a) A limited winery licensee, licensed under § 3.62 (relating to creation), may sell wines produced on the licensed premises in accordance with the Liquor Code and this part, under the conditions of this subsection.

* * * * *

(3) Wine sold and destined to points within this Commonwealth shall be in sealed original containers of not less than 3/16 liters nor more than 5 liters **except that sparkling grape wine (as defined in 27 CFR 4.21(b)(1)–(3) (relating to the standards of identity)) may be sold in glass containers larger than 5 liters.** These container size restrictions do not apply to wines sold for delivery outside this Commonwealth.

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