

PROPOSED RULEMAKINGS

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 3]

Brewery Pub Location; Advanced Notice of Final-Omitted Rulemaking

The Liquor Control Board (Board) intends to adopt a change to 40 Pa. Code § 3.92 (relating to brewery pubs) to allow a brewery pub to sell beer produced and owned by the brewery with which it is licensed, without regard to the location in this Commonwealth where the beer is produced.

Background

This regulatory change recognizes the growth and evolution of "craft" brewing of beer in this Commonwealth. As a result of the growth, certain breweries have reached the point where demand for their beer at their brewery pubs has outstripped their capacity to produce beer at the adjacent brewery. While the logical solution would be for the brewery to open another brewery to address the demand for beer at the brewery pub, the Board's regulations currently preclude the sale of beer produced at the second brewery by the original brewery pub because the second brewery would not be deemed adjacent to the original brewery pub. This regulatory change resolves this issue.

Affected Parties

The rulemaking will affect licensed breweries. As of the date of this submission, there are 83 active licensed breweries in this Commonwealth. Of these licensed breweries, 19 also have brewery pubs with active licenses. All potentially affected parties have been or will be given notice of this rulemaking, either by e-mail or United States Postal Service mail.

Fiscal Impact

The Board does not anticipate that this regulatory change will affect the costs or savings of the regulated community. If this change produces increased business opportunities, it should positively affect the revenues of the regulated community. The regulatory change is not expected to have a cost or savings impact on local or State government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Attention: James F. Maher, Harrisburg, PA 17124. Comments received within 30 days will be reviewed and considered for any subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY users) or (800) 654-5988 (voice users).

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 11-1274. Filed for public inspection July 29, 2011, 9:00 a.m.]

[40 PA. CODE CH. 3]

Casino Exception; Advanced Notice of Final-Omitted Rulemaking

The Liquor Control Board (Board) intends to adopt a change to 40 Pa. Code § 3.52 (relating to connection with other business) to allow certain businesses licensed by both the Board and the Pennsylvania Gaming Control Board (PGCB) to keep their liquor licenses and their gaming licenses in different subsidiaries.

Background

This regulatory change recognizes that 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act) and the Liquor Code (47 P.S. §§ 1-101—8-803) contemplate the sale of alcohol by locations licensed by both the Board and the PGCB. The regulation is being amended to reflect the fact that certain businesses licensed by both the Board and the PGCB intend to keep their liquor license and their gaming license in different subsidiaries. As currently written, § 3.52 would make this structure a violation. This regulatory change has been requested by the industry and will resolve this issue.

Affected Parties

The rulemaking will affect the ten casinos licensed by the PGCB. All potentially affected parties have been or will be given notice of this rulemaking, either by e-mail or United States Postal Service mail.

Fiscal Impact

The Board does not anticipate that this regulatory change will affect the costs or savings of the regulated community. The regulatory change is not expected to have a cost or savings impact on local or State government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Attention: Norina K. Blynn, Esquire, Harrisburg, PA 17124. Comments received within 30 days will be reviewed and considered for any subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY users) or (800) 654-5988 (voice users).

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 11-1275. Filed for public inspection July 29, 2011, 9:00 a.m.]

[40 PA. CODE CH. 5]

Limited Winery Reporting; Advanced Notice of Final-Omitted Rulemaking

The Liquor Control Board (Board) intends to adopt a change to 40 Pa. Code § 5.103 (relating to limited wineries) to reduce paperwork associated with production reporting by licensed limited wineries.

Background

This regulatory change simplifies the production reporting procedure for licensed limited wineries. Section 102 of the Liquor Code (47 P.S. § 1-102) defines a "limited winery" as a winery which has an annual production of less than 200,000 gallons. Under the current regulations, which were last amended in 1984, monthly reports shall be submitted. This change will convert the reporting system to an annual basis, permit the use of electronic reporting and coordinate production reporting with the license renewal and validation cycles. The information in these reports also is used by the Department of Agriculture.

Affected Parties

This regulatory change has been requested by the industry. The people who will first benefit from this change are the licensed limited wineries. As of the date of this submission, there are 170 active licensed limited wineries. All potentially affected parties have been or will be given notice of this rulemaking, either by e-mail or United States Postal Service mail.

Fiscal Impact

The Board anticipates that this regulatory change will reduce the administrative costs of the regulated community. The regulatory change is not expected to have a cost or savings impact on local or State government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Attention: James F. Maher, Esquire, Harrisburg, PA 17124. Comments received within 30 days will be reviewed and considered for any subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY users) or (800) 654-5988 (voice users).

PATRICK J. STAPLETON, III,
Chairperson

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