

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 189

Sponsor:

Printer's No. 181

1 Amend Bill, page 1, line 22, by inserting after "for"

2 breweries and for

3 Amend Bill, page 7, by inserting between lines 27 and 28

4 Section 4. Section 446 of the act is amended by adding a
5 subsection to read:

6 Section 446. Breweries.--* * *

7 (c) (1) The holder of a brewery license may, at the
8 discretion of the board, obtain a farmers market permit. The
9 permit shall entitle the holder to participate in more than one
10 farmers market at any given time and an unlimited number
11 throughout the year and sell malt or brewed beverages produced
12 under the authority of the underlying brewery license by the
13 growler, the bottle or package not to exceed one hundred forty-
14 four ounces. Samples not to exceed four fluid ounces per brand
15 of malt or brewed beverages may be offered free of charge. A
16 farmers market permit shall be issued upon proper application
17 and payment of an annual fee of two hundred fifty dollars
18 (\$250.00). A permit holder may participate in more than one
19 farmers market at any given time. Sales by permit holders shall
20 take place during the standard hours of operation of the farmers
21 market. Written notice of the date, times and location the
22 permit is to be used at shall be provided by the permit holder
23 to the enforcement bureau at least two (2) weeks prior to the
24 event. Except as provided in this subsection, breweries
25 utilizing farmers market permits shall be governed by all
26 applicable provisions of this act as well as by all applicable
27 regulations adopted by the board.

28 (2) The permit authorized by this section is only available
29 to a brewery that qualifies as a manufacturer as authorized
30 under section 431(a) and has not named or constituted a
31 distributor or importing distributor as a primary or original
32 supplier of the product under section 431(b). Only malt or
33 brewed beverages for which the brewery is responsible for paying
34 the malt beverage tax shall be considered in calculating the
35 total number of barrels produced each year. All brands of malt
36 or brewed beverages sold or provided under the authority of the
37 farmers market permit must be registered as set forth by this

1 act.

2 The term "farmers market" as used in this section shall
3 include a building, structure or other place:

4 (i) owned, leased or otherwise in the possession of a
5 person, municipal corporation or public or private organization;

6 (ii) used or intended to be used by two or more farmers or
7 an association of farmers, who are certified by the Department
8 of Agriculture to participate in the Farmers Market Nutrition
9 Program subject to 7 CFR Pt. 249 (relating to Senior Farmers'
10 Market Nutrition Program (SFMNP)), for the purpose of selling
11 agricultural commodities produced in this Commonwealth directly
12 to consumers;

13 (iii) which is physically located within this Commonwealth;
14 and

15 (iv) which is not open for business more than twelve hours
16 each day.

17 The term "growler" as used in this section shall mean a
18 refillable container that holds a minimum of thirty-two fluid
19 ounces of malt and brewed beverages.

20 Amend Bill, page 7, line 28, by striking out "4" and
21 inserting

22 5

23 Amend Bill, page 12, line 5, by striking out "5" and
24 inserting

25 6

26 Amend Bill, page 12, line 15, by striking out "6" and
27 inserting

28 7

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1 Amend Bill, page 1, lines 27 and 28; page 2, lines 1 and 2;
2 by striking out all of said lines on said pages and inserting
3 Section 1. The definitions of "eligible entity" and
4 "performing arts facilities" in section 102 of the act of April
5 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted
6 and amended June 29, 1987 (P.L.32, No.14) and amended June 25,
7 2010 (P.L.217, No.35) and July 5, 2012 (P.L.1007, No.116), are
8 amended to read:

9 Amend Bill, page 5, by inserting between lines 16 and 17

10 "Performing arts facilities" shall mean those halls or
11 theaters in which live musical, concert, dance, ballet and
12 legitimate play book-length productions are performed.
13 Performing arts facilities shall not mean those halls or
14 theaters in which burlesque shows or reviews are performed. If
15 the operator of the performing arts facility is a nonprofit
16 entity, the facility must have permanently affixed seating for
17 at least [two hundred fifty (250)] one hundred fifty (150)
18 people; otherwise, the facility must have permanently affixed
19 seating for at least twenty-five hundred (2,500) people.

20 * * *

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1 Amend Bill, page 2, lines 7 through 30; pages 3 and 4, lines
2 1 through 30; page 5, lines 1 through 15; by striking out all of
3 said lines on said pages and inserting

4 "Eligible entity" shall mean a city of the third class, a
5 hospital, a church, a synagogue, a volunteer fire company, a
6 volunteer ambulance company, a volunteer rescue squad, a unit of
7 a nationally chartered club which has been issued a club liquor
8 license, a club which has been issued a club liquor license and
9 which, as of December 31, 2002, has been in existence for at
10 least 100 years, a library, a nationally accredited Pennsylvania
11 nonprofit zoological institution licensed by the United States
12 Department of Agriculture, a nonprofit agricultural association
13 in existence for at least ten years, a bona fide sportsmen's
14 club in existence for at least ten years, a nationally chartered
15 veterans' organization and any affiliated lodge or subdivision
16 of such organization, a fraternal benefit society that is
17 licensed to do business in this Commonwealth and any affiliated
18 lodge or subdivision of such fraternal benefit society, a museum
19 operated by a nonprofit corporation, a nonprofit corporation
20 engaged in the performing arts, an arts council, a nonprofit
21 corporation that operates an arts facility or museum, a
22 nonprofit organization as defined under section 501(c)(3) of the
23 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
24 501(c)(3)) whose purpose is to protect the architectural
25 heritage of boroughs or a township of the second class and which
26 has been recognized as such by a municipal resolution, a
27 nonprofit organization as defined under section 501(c)(3) of the
28 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
29 501(c)(3)) conducting a regatta in a city of the second class
30 with the permit to be used on State park grounds or conducting a
31 family-oriented celebration as part of Welcome America in a city
32 of the first class on property leased from that city for more
33 than fifty years, a nonprofit organization as defined under
34 section 501(c)(3) of the Internal Revenue Code of 1986 (26
35 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the
36 research and treatment of cystic fibrosis, a nonprofit
37 organization as defined under section 501(c)(3) of the Internal

1 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to
2 educate the public on issues dealing with watershed
3 conservation, a nonprofit organization as defined under section
4 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-
5 514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine
6 assisted activities for children and adults with special needs,
7 a nonprofit economic development agency in a city of the second
8 class with the primary function to serve as an economic
9 generator for the greater southwestern Pennsylvania region by
10 attracting and supporting film, television and related media
11 industry projects and coordinating government and business
12 offices in support of a production, a county tourist promotion
13 agency as defined in section 3(1) of the act of April 28, 1961
14 (P.L.111, No.50), known as the "Tourist Promotion Law," a junior
15 league that is a nonprofit organization as defined under section
16 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. §
17 501(c)(3)) that is comprised of women whose purpose is
18 exclusively educational and charitable in promoting the
19 volunteerism of women and developing and participating in
20 community projects and that has been in existence for over
21 seventy years, a nonprofit organization as defined under section
22 501(c)(3) of the Internal Revenue Code of 1986 and whose purpose
23 is the education and promotion of American history, a nonprofit
24 organization as defined under section 501(c)(6) of the Internal
25 Revenue Code of 1986 whose purpose is to support business and
26 industry, a brewery which has been issued a license to
27 manufacture malt or brewed beverages and has been in existence
28 for at least 100 years or a club recognized by Rotary
29 International and whose purpose is to provide service to others,
30 to promote high ethical standards and to advance world
31 understanding, goodwill and peace through its fellowship of
32 business, professional and community leaders or a nonprofit
33 organization as defined under section 501(c)(3) of the Internal
34 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3))
35 whose purpose is to promote mushrooms while supporting local and
36 regional charities, a museum operated by a not-for-profit
37 corporation in a city of the second class A, a nonprofit
38 organization as defined under section 501(c)(3) of the Internal
39 Revenue Code of 1986 which is located in a city of the second
40 class A and has as its purpose economic and community
41 development, a nonprofit organization as defined under section
42 501(c)(3) or (6) of the Internal Revenue Code of 1986 that is
43 located in a city of the third class in a county of the fifth
44 class, a nonprofit social service organization defined under
45 section 501(c)(3) of the Internal Revenue Code of 1986 located
46 in a county of the third class whose purpose is to serve
47 individuals and families in that county of the third class, a
48 nonprofit organization as defined under section 501(c)(3) of the
49 Internal Revenue Code of 1986 whose main purpose is to
50 temporarily foster stray and unwanted animals and match them to
51 suitable permanent homes or a nonprofit organization as defined

1 under section 501(c)(3) of the Internal Revenue Code of 1986 who
2 operates either a Main Street Program or Elm Street Program
3 recognized by the Commonwealth, the National Trust for Historic
4 Preservation or both, a nonprofit radio station that is a member
5 of the National Public Radio network, a nonprofit public
6 television station that is a member of the Pennsylvania Public
7 Television Network [or], a nonprofit organization as defined
8 under section 501(c)(3) of the Internal Revenue Code of 1986
9 whose purpose is to promote awareness, education and research
10 and to provide a support system for patients with neutropenia
11 and their families through a national resource network[.], a
12 nonprofit organization as defined under section 501(c)(3) of the
13 Internal Revenue Code of 1986 whose main purpose is to stimulate
14 community development by facilitating residential and retail
15 growth in a city of the second class located in a county of the
16 second class or a nonprofit community development corporation
17 organized under section 501(c)(3) of the Internal Revenue Code
18 of 1986 that serves an adjoining borough and township in a
19 county of the second class and whose main purpose is to
20 facilitate commercial development and foster neighborhood
21 stabilization.

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- 1 Amend Bill, page 7, line 30, by inserting after
2 "Commonwealth]"
3 and Spirits
- 4 Amend Bill, page 8, line 5, by inserting a bracket before
5 "person"
- 6 Amend Bill, page 8, line 5, by striking out "the board or"
- 7 Amend Bill, page 8, line 6, by striking out the bracket
8 before the comma after "producer"
- 9 Amend Bill, page 8, line 7, by inserting after "retailer]"
10 brand owner or a person authorized by a brand owner
- 11 Amend Bill, page 8, line 7, by inserting after "wine" where
12 it occurs the first time
13 or spirits
- 14 Amend Bill, page 8, line 18, by striking out "wine"
- 15 Amend Bill, page 8, line 25, by striking out the period after
16 "applicable" and inserting
17 , or Federal permit; and, in the case of an exclusive agent
18 of the brand owner, provide written documentation evidencing
19 that the brand owner has certified that its product may be
20 shipped into the State by such person. Such documentation shall
21 be retained by the State for a minimum period of three years.
- 22 Amend Bill, page 12, by inserting between lines 1 and 2
23 (j) The term "brand owner," in the case of domestic
24 distilled spirits, as used in this section shall mean a
25 distiller, vintner, producer, owner of the product at the time

1 it becomes marketable, bottler or the exclusive agent for any
2 such person. In the case of distilled spirits and wine imported
3 into the United States, the term shall mean a foreign distiller,
4 vintner, producer, owner, bottler or the prime importer for, or
5 the exclusive agent in the United States of, the foreign
6 distiller, vintner, producer, owner or bottler.

7 (k) The term "authorization," in the case of a brand owner,
8 as used in this section shall mean written documentation
9 evidencing that the brand owner has certified that its product
10 may be shipped into this Commonwealth by such person.

11 Amend Bill, page 12, line 2, by striking out "(j)" and

12 inserting

13 (l)