

April 25, 2016

Athena Aardweg
Northern Columbia Community & Cultural Center
VIA E-MAIL

RE: Special Occasion Permit and Wine Exposition

Dear Ms. Aardweg:

ISSUE: This is in response to your April 9, 2016 e-mail to this office in which you state that your organization has obtained a Special Occasion Permit (“SOP”) and intends to have wineries provide tastings and sell wine at your event. You ask if there is a minimum number of wineries that must be present in order for all the wineries to be allowed to sell wine at the event.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Northern Columbia Community & Cultural Center is the holder of SOP No. SO-9865 (LID 70875) for use on May 14, 2016 at the premises located at 42 Community Drive, Benton, Pennsylvania.

OPINION: As you may know, pursuant to section 408.4 of the Liquor Code, the PLCB may issue SOPs to eligible entities. 47 P.S. § 4-408.4. Entities that qualify may obtain an SOP that would authorize them to sell liquor and/or malt or brewed beverages to persons twenty-one years of age or older who are not visibly intoxicated. 47 P.S. §§ 4-408.4, 4-493(1). SOPs are generally issued for a period of not more than six consecutive or non-consecutive days during a calendar year. 47 P.S. § 4-408(i). The SOP is to be used as a means of raising funds for the holder, but can be used in conjunction with activities or events involving other entities. 47 P.S. § 4-408.4(m). The holder of an SOP may sell alcoholic beverages during the hours of 7:00 a.m. until 2:00 a.m. the following day. 47 P.S. § 4-408.4(k).

Please note that the holder of an SOP is the only entity which can sell alcohol under the auspices of the SOP. A limited winery is not permitted to sell alcohol off its licensed premises unless it obtains a license or permit which would authorize such sales.

Therefore, if a winery wants to sell alcohol at your SOP event, it must obtain a wine exposition permit. Wine exposition permits allow limited wineries to participate in wine and food expositions off their licensed premises and sell wine by the glass, bottle or in case lots, and sell or give away samples in individual portions not to exceed one fluid ounce. In response to your specific question, there is no minimum number of wineries that must participate in a wine exposition.

The wineries are responsible for obtaining these permits in advance of the event. For your general information, a limited winery can obtain a number of wine exposition permits per calendar year, but each permit can be used for only up to thirty consecutive days and the total number of days for all of the wine exposition permits for each licensed limited winery cannot exceed 100 days per year. The fee for each wine exposition permit is \$30.00 per day, and applications for the permit are available from Licensing at 717-783-8250, or via the PLCB's website at www.lcb.state.pa.us.

Alternatively, wineries may provide free tastings at the event being held pursuant to your SOP (noting that the event is scheduled to take place on May 14, 2016). "Tastings" are different than the "samples" that are described above. The PLCB's Regulations provide that tastings may be conducted by sponsors on licensed or unlicensed premises. 40 Pa. Code § 13.211(a). A sponsor may be any licensed vendor, importer, distributor, importing distributor or manufacturer or its agent or employee who is twenty-one years of age or older. 40 Pa. Code § 13.201. The products used must be legally procured, properly registered, and taxes paid. 40 Pa. Code § 13.211(b)(1). No more than one standard-sized alcoholic beverage of each product shall be provided to each tasting participant. A standard-sized serving of wine is four ounces. 40 Pa. Code § 13.211(b)(3). The winery may not impose any purchase requirement in order for attendees of your event to participate in the tasting. 40 Pa. Code § 13.211(b)(2).

In sum, although you hold an SOP, you may not permit wineries to sell any wine at your event unless each winery holds a valid wine exposition permit for the event. Wineries may provide free tastings at the event in accordance with the above procedures.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE

PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

PLCB Advisory Opinion No. 16-139