

# Limited Winery Licensure

A Guide for Small Wineries



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# What is a Limited Winery

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According to the Pennsylvania Liquor Control Board a limited winery is any wine, mead, cider, or fermented fruit operation that produces between 200 and 200,000 gallons annually with a maximum of five board approved locations and two storage locations.

These locations may sell alcoholic beverages between the hours of 7am and 2am between Monday and Saturday and 11am and 2am on Sundays. A request can be made to the board's Chief Counsel with the details of the exact location, hours, dates, and reason for the proposed extended hours. Tastings may be held for free.

The requirements to open a limited winery include the limited winery license, completed board-approved location licenses, certified managers for each location, U.S. citizenship, monthly reports with the PA Department of Agriculture, and all associated fees



# Preparations



Before opening a limited winery, you will need to prepare for the application process to receive a permit.



## Review The Pennsylvania (PA) Liquor code

- To ensure your winery is meeting all the requirements and qualifications review this code thoroughly
  - Click this link to review the **CODE**
  - Write a checklist from this code to make sure you meet the stipulations
  - Consider the additional licenses you may need according to the location of your limited winery
  - Create a list of the specific needs associated with the sales of your limited winery



## Review the Functions of the PA Liquor Control Board

- .The Pennsylvania Liquor Control Board (PLCB) Bureau of Licensing is responsible for the granting and issuance of all licenses and permits authorized to be issued by the Pennsylvania Liquor Code (Liquor Code).
- The PLCB Office of Chief Counsel is responsible for issuance of legal opinions regarding any subject matter of the Liquor Code or the PLCB's regulations.
- The Pennsylvania State Police, Bureau of Liquor Control Enforcement, is responsible for enforcing the Liquor Code and any of the PLCB's regulations.
- The Office of the Administrative Law Judge, an autonomous office of the PLCB, is responsible for conducting and presiding at all citation and other enforcement hearings permitted under the Liquor Code for violations of the Liquor Code and the PLCB's regulations by licensees.

# Preparations



## Prior Approval for Application

- Create an account with the **PCLB Online Regulatory System**. Click the link to get started.
- Several applications are needed to start a limited winery
- Applications for prior approval should be indicated by marking the appropriate space on the application. You will need to show on 8.5 x 11 paper:
  - Floor plans of the establishment: each floor must have its own page
  - The submission of a site plan showing the location of the establishment in relation to property lines and surrounding landmarks
- If the application is approved by the PLCB, the premises should be completed within six months from the date of approval. The license Should be held by the PLCB until the premises are completed according to the plans submitted and all statutory requirements are met. No such license Should be transferable while it is being held by the PLCB unless full compliance is impossible for reasons beyond the licensee's control.



## Production and Labeling

- If you will be bottling wine, you must obtain label approval prior to bottling the wine. You may file electronically by accessing the **COLAs Online system**. You must first register for COLAs Online to get access to the Online System. You may also submit your application and other information via postal mail. For more information see the regulations at 27 CFR 24.255-260.

# Preparations



## Board Approval for Locations

- As previously mentioned, a limited winery can have up to FIVE board-approved locations
  - A “Board-approved location” is a location not physically attached to the licensed Limited Winery premises. It may be located in another municipality and is not required to have bottling or production requirements. Some examples of generally acceptable locations are a room within a building with its own entrance, an area within a farmer’s market or a kiosk in a shopping mall. Any location must receive approval from the Board before a Limited Winery licensee may sell there.
  - An investigation by the PLCB is required to determine that sales will be made in the licensed area, that the applicant/ licensee has control of the area and that sales are made.
  - Portions of an additional location Should be contiguous. The area Should be enclosed by soundly constructed walls and be accessible to the general public from a public thoroughfare with controlled points of access.
  - Applications for additional Board-approved locations may be submitted on a prior approval basis. If plans are approved, the necessary construction/alterations Should be completed within six months of the approval. Business may not be transacted until the premises have been re-inspected and the PLCB has approved the completed construction/alterations.

# Preparations



## Board Approval for Locations Continued

- Two or more Limited Winery licensees can operate a shared Board-approved location. Only one manager of this location is needed. Only one application fee is required for that manager. Also, designated specific or distinct areas for each Limited Winery licensee's licensed area are not required; however, each Limited Winery must file an application for the additional Board-approved location. A shared Board-approved location Should count as one location for each of them.
- Limited Winery licensees must notify the PLCB immediately when a Board-approved location is closed.



# Application Process



Now that you have reviewed all of the necessary preparations to begin the application process, this guide will now provide a list of forms and the associated fees with each application.

*Be aware, if you are wanting to sell food at your limited winery, you will need additional licensure if the items you serve are outside of a designated PCLB approved list.*





# Forms and Fees



To file for a limited winery license, visit the Pennsylvania Liquor Control Board website or can call the Information Center at (717) 783 8250 and forms will be mailed to you.



## To Apply for a New Limited Winery License

### Complete and submit:

- PLCB-1350 (Application for Limited Winery)
- PLCB-1773 (Social Security Appendix)
- PLCB-2018 (Criminal History Record Check) •PLCB-1685 (Application for Additional Board- Approved Location ) (if applicable)
- Individual & premises photographs
- Site plan(s) on an 8 1/2 "x11" paper
- **Required Fee: \$700**
  - License fee (pro-rated quarterly based on when the application is filed): January through March – \$385
  - April through June – \$288.75
  - July through September – \$192.50
  - October through December – \$ 96.25
- Criminal history check: \$10 for each manager



## To apply for a Board-approved location

### Required forms:

- PLCB-1685 (Application for Board-Approved Location)
- PLCB-1773 (Social Security Appendix)
- PLCB-2018 (Request for Criminal History Record Check)
- **Required fees:**
  - \$220 - license fee for each location
  - \$10 - fee for a criminal history check for each manager
  - \$75 - annual permit fee for license renewal or validation for each location

# Forms and Fees



To file for a limited winery license, visit the Pennsylvania Liquor Control Board website or can call the Information Center at (717) 783 8250 and forms will be mailed to you.



## To Renew or Validate Limited Winery License

- Limited Winery licenses are renewed online via a link at [www.lcb.state.pa.us](http://www.lcb.state.pa.us).
- The license period runs from Jan. 1 to Dec. 31 each year. Every year, a Limited Winery licensee is required to either renew or validate the license.
- Fees for license renewal:
  - \$385 license fee and \$30 filing fee.
  - Renewal and validation fees are not pro-rated.



## To Transfer a Limited Winery License

### Complete and Submit:

- PLCB-21 (Application for Transfer of license)
- PLCB-1350 (Application for Limited Winery)
- PLCB-1773 (Social Security Appendix)
- PLCB-2018 (Criminal History Record Check) •PLCB-1685 (Application for Additional Board-Approved Location) (if applicable)
- **Fees required to transfer a license are:**
  - Place to Place transfer – \$550
  - Person to Person transfer – \$650
  - Person and Place (double) transfer – \$700
  - Criminal history check: \$10 for each manager
- Fees paid in conjunction with transfers are retained by the commonwealth whether the application is approved, refused or cancelled.

# Forms and Fees



To file for a limited winery license, visit the Pennsylvania Liquor Control Board website or can call the Information Center at (717) 783 8250 and forms will be mailed to you.



## To Apply for an Additional Board-Approved Location

Complete and Submit:

- PLCB-1685 (Application for Additional Board-Approved Location)
- PLCB-1773 (Social Security Appendix) for the location's manager
- PLCB-2018 (Criminal History Record Check) for the location's manager
- Individual & location photographs
- Fee associated with additional location
  - \$220 per location
  - Criminal history check: \$10 for each manager



# Invoices & Reports



**A limited winery must maintain and keep daily permanent records to conform to the requirements of section 512 of the Liquor Code (47 P.S. § 5-12). These records must be held on-site!**

The following apply:

- The records need to include complete details concerning the source of any agricultural commodity used in the production of limited winery products.
- Electronic media record-keeping is allowed as long as they are maintained and kept in accordance with general accounting principles
- The record-keeping system being used by the limited winery must have the capability to provide consistency for the required data and transactions
- Entries should be verifiable by supporting original documents, however- hard copies are not necessary.



**In addition to the records described in the previous paragraph, the limited winery must prepare a sales receipt at the licensed premises for each sale to a private individual when the purchase is for greater than 16 liters in a single transaction.**

The sales receipt must include all of the following:

- The name and address of the limited winery.
- The name and address of the recipient of the winery products if the winery products are being delivered off the licensed premises to the recipient.
- The winery products' name, the date of sale, the size of the package in milliliters, number of units sold, the price per unit of the winery products, the Commonwealth sales tax and any other taxes applicable and the total amount paid by the customer.
- Items other than winery products that are sold by the limited winery, which should be listed on the receipt separately from the winery products

# Invoices & Reports



**Winery products that are delivered must be accompanied by two copies of a sales receipt that includes and is guided by the following information:**

- The limited winery must require the person who is delivering the winery products to obtain the signature of the recipient
- The recipient must be 21 years of age or older and sign one copy of the sales receipt.
- The person delivering the winery products must give an unsigned copy of the sales receipt to the the limited winery licensee, or a transporter-for-hire acting on behalf of a limited winery licensee,
- The limited winery must keep the signed copy of the sales receipt on the licensed premises for 2 years.



**A limited winery needs to file reports, in the manner set forth by the Board, covering operations of their licensed business during the preceding calendar year.**

The following apply:

- The reports should be signed and sworn to by the limited winery or his authorized agent and filed with the Board at the time of the renewal or validation of the license.
  - A copy of each report should be retained on the licensed premises for at least 2 years from the date of filing.
    - Failure to file the reports will prevent the Board from renewing or validating the license in question.
- These reports are in addition to information or reports the limited winery may be required to provide to the Department of Agriculture
  - For more details regarding this subject please review:
    - 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act)

# Other Licenses and Permits



Now that you have reviewed all of the necessary preparations to begin the application process, this guide will now provide a list of forms and the associated fees with each application.

*Be aware, if you are wanting to sell food at your limited winery, you will need additional licensure if the items you serve are outside of a designated PCLB approved list.*





Additional licenses and permits may be needed in the case of operations at a farmers market, exposition, or needing an additional storage site. This also applies to Limited Wineries that have food operations.



### **Limited Wineries that Sell Items Outside of this List will need an additional Permit or Food License**

- Pennsylvania-grown fruits and products produced from the fruits, including juice, juice concentrates, jellies, jams and preserves.
- Pennsylvania-grown mushrooms
- Home winemaking equipment and supplies
- Wine serving and storage accessories, including cork removers, wine glasses and decanters, wine racks, serving baskets and buckets, and bottle stoppers
- Publications dealing with wine and winemaking
- Cheese, crackers, breads, nuts and preserved meats for consumption off the premises
- Gift packages of any combination of items listed above
- Promotional items advertising the Limited Winery licensee, such as T-shirts, glassware, caps, etc.



### **To Apply for a Limited Winery Exposition Permit**

- PLCB-2318 (Application for Limited Winery Exposition Permit) must be filed.
- Fee: \$30 for each day of the permit. For example, the fee for a five-day permit would be \$150.
- Site plans on an 8<sup>1</sup>/<sub>2</sub>"x11" paper depicting the location of the Limited Winery licensee relative to other vendors must be filed.
- Applications must be filed at least 30 days in advance of the scheduled event.

# Other Licenses and Permits



Additional licenses and permits may be needed in the case of operations at a farmers market, exposition, or needing an additional storage site. This also applies to Limited Wineries that have food operations.



## Farmers Market Permit

If the Limited Winery licensee wishes to participate in farmers markets, a Farmers Market Permit must be obtained. This permit entitles the holder to participate in more than one farmers market at any given time and an unlimited number throughout the year. A permittee can sell alcoholic cider or wine produced by the Limited Winery licensee. Sales can be by the bottle or in case lots. Samples not exceeding 1 fluid ounce per brand of wine may be offered free of charge. Sales by permit holders shall take place during the standard hours of operation of the farmers market. A farmers market is defined as any building, structure or other place that is:

- Owned, leased, or otherwise in the possession of a person, municipality, or organization;
  - Located in Pennsylvania;
  - Not open for business for more than 12 hours a day; and
  - Used or intended to be used by 2 or more farmers who are certified by the PA Dept. of Agriculture to participate in the Farmers Market Nutrition Program for the purpose of selling, to consumers, agricultural commodities produced in Pennsylvania.
- 5 Written notice of the date, times and location the permit is to be used must be provided by the permit holder to the Pennsylvania State Police, Bureau of Liquor Control Enforcement, at least two weeks prior to the event.

### To Apply for a Farmers Market Permit

- PLCB-2404 (Applications for Limited Winery Farmers Market Permit) must be filed.
  - **Fee: \$250**



# Resources



## & References

- [PCLB 1350 Form](#)
- [PCLB Website](#)
- [PennState Extension: Starting a Winery](#)
- [Pennsylvania Limited Winery Liquor Code](#)
- [PCLB Limited Winery Booklet](#)
- [Requirements for the Winery Operations as directed by Alcohol and Tobacco Trade Bureau](#)

