



CIDER REGULATION 101 - State Survey of Regulations

8/8/2014

Prepared by William Cheek of Bone McAllester Norton PLLC of Nashville, TN for NCSLA 2014 Annual Conference

Jurisdiction	1. Brand/Label Registration Required? Renewals?	2. Packaging Restrictions?	3. Distribution Restrictions?	4. Off-Premise Outlet Restrictions?	5. Is Cider Defined?	6. ABV Limit?	7. Limits on Carbonation?	8. How Classified for Taxation?	9. Excise Tax Rate	10. Classified Differently for Trade Practices?	11. Is Pear Cider Treated the Same as Apple Cider?
Louisiana	Registration required with La. Dept. of Health and Hospitals, just as required for all alcoholic beverages. Registration is valid for 12 months and must be renewed every year.	No	Must be distributed through licensed wholesaler, as any other alcoholic beverage product.	Must be sold in factory sealed containers.	No	There is no maximum ABV limitation on cider.	No	If cider contains not more than 6% alcohol, it is classified as a beverage of low alcoholic content for taxation. If it contains 6% of alcohol or more, it is classified as a beverage of high alcoholic content for taxation.	If cider contains not more than 6% alcohol, it is classified as a beverage of low alcoholic content for taxation. If it contains 6% of alcohol or more, it is classified as a beverage of high alcoholic content for taxation.	No	Yes
Maine	No response										
Maryland	No	No	In Accordance with Maryland's Beer Franchise Fair Dealing Act	No; sold in the same outlets as beer	Yes	<7% ABV	No	Beer	\$0.09/gallon	No	Yes-effective 7/1/2014
Maryland - Montgomery County	No	No	In Accordance with Maryland's Beer Franchise Fair Dealing Act	No; sold in the same outlets as beer	Yes	<7% ABV	No	Beer	\$0.09/gallon	No	Yes-effective 7/1/2014
Massachusetts	No response										
Michigan	No response										
Minnesota	No response										
Mississippi	No	No	Cider products over 5% ABW (6.25% ABV) must comply with alcoholic beverage distribution regulations.	Light wine (including, cider at or below 5% ABW), may be sold in the same outlets as beer so long as the outlets hold a permit that authorizes the sale of beer and light wine	No	5% ABW (6.25% ABV) for light wine	No	If at or below 5% ABW, classified as light wine. If above 5% ABW, classified as wine	\$0.4268/gallon for light wine \$0.35/gallon for wine	No	No
Missouri	Yes-Renew Annually	No	Wholesale Appointment Required	No	Yes, follow TTB	No	No	Wine	\$0.42/gallon	No	Yes
Montana	No response										
Nebraska	No	No	Must hold Spirits and Wine License	Must hold Spirits and Wine Retail License	Wine	No	No	Wine	\$ .95 per gallon	No	Yes
Nevada	Nevada requires a brand be designated to a specific importer/wholesaler. There are no renewals for that designation.	There are no packaging restrictions in Nevada beyond those imposed by the Federal Government.	Nevada employs a three-tier system; all products must be sold to a licensed importer/wholesaler in our state.	Local government handles retail law in Nevada; there are no state laws regarding this.	Cider is not specifically defined.	There is no ABV limit specifically set to Cider.	There are no limits on carbonation.	Tax on all alcohol except for malt beverages is taxed by ABV	Unless it is stronger than 14% ABV: \$0.70	No	Yes
New Hampshire	Yes; renewal not required	No	Cider product under 6% at 60 degrees Fahrenheit is distributed through the beer wholesale network. Cider products over 6% at 60 degrees Fahrenheit is sold through the NH Liquor Commission	If cider is classified as a beverage, sold in the same outlets as beer. If classified as a wine, may be sold in the same outlets as beer and the NH Liquor Commission outlets	Yes	Cider Under 6% as a beverage Cider Over 6% as a wine	No	If alcohol content is below 6% at 60 degrees Fahrenheit, cider is classified as a beverage. Commission may approve apple ciders over 6% as a beverage. If alcohol content is over 6% of 60 degrees Fahrenheit, cider is classified as wine.	Beverage 30 cents per gallon. In-state wine manufacturers 5% of retail price	No	No
New Jersey	No response										
New Mexico	Yes; renewal not required	No	NM is a franchise state. One distributor per brand.	No. Sold in same outlets as beer or spirits.	No		No	Cider	\$0.41/gallon	No	Yes
New York	No response										
North Carolina	No response										
North Dakota	No	No	Yes	N/A	No	Less than 17%	No	Wine	\$ .50/Gallon	No	No
Ohio					"Cider" means all liquids fit to use for beverage purposes that contain one-half of 1% of alcohol by volume, but not more than 6% of alcohol by weight, and that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including without limitation, flavored, sparkling, or carbonated cider and cider made from purse condensed apple must.	One-half of 1% of alcohol by volume, but not more than 6% at of alcohol by weight	None	As Cider	Twenty-four cents per wine gallon. "Wine gallon" means one hundred twenty-eight fluid ounces.	Yes-Exempted from the minimum markup at wholesale and retail.	Yes
Oklahoma	No response										
Oregon	Not required	No	No	No	Yes: ORS 471.023	7.00	No	Classified as cider (ORS 473.035)	\$2.60/31-gallon barrel Cider >7.0% ABV taxed at \$0.65/gallon	No	Yes

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Pennsylvania					Yes: Section 102 of the Liquor Code states that "Alcoholic cider" shall mean a beverage which may contain carbonation in an amount not to exceed three hundred ninety-two one thousandths of a of a gram per one hundred milliliters and flavors, produced through alcoholic fermentation of any fruit or fruit juice, consisting of at least one-half of one per centum, but not greater than five and one-half per centum, alcohol by volume and sold or offered for sale as alcoholic cider and not as a wine, a wine product or as a substitute for wine, in bottles, cans, kegs, and/or other suitable containers of the type used for the sale of malt or brewed beverages in this Commonwealth. Also in section 102: "Malt or Brewed Beverages" shall mean any beer, lager beer, ale porter or similar fermented malt beverage contain in one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called, and shall mean alcoholic cider.	Minimum of one-half of one percent (.5%) ABV, maximum of five and one-half percent (5.5%) ABV. If the cider has an ABV of greater than 5.5%, it is considered a wine.	May contain carbonation in an amount not to exceed three hundred ninety-two one thousandths of a gram per one hundred milliliters.	Classified as beer or wine, depending on ABV	Beer tax: eight cents (\$ .08) per gallon. Wine tax: eighteen percent (18%) if sold by or to the PLCB. No excise tax if sold by the manufacturer.	Classified as beer or wine, depending on ABV.	Yes; cider can be made of any fruit or fruit juice.
Rhode Island	No response										
South Carolina	No response										
South Dakota	No response										
Tennessee	No response										
Texas	No response										
Utah	Must have TTB label approval	No	Cider is included in the definition of wine, which is classified as liquor (includes wine, heavy beer and spirits). Liquor is distributed through the state system.	Cider is included in the definition of wine, which is classified as liquor (includes wine, heavy beer and spirits). Liquor may be sold only through the state store system for off-premise consumption.	No-it is included in the definition of wine.	Treated the same as wine	No	Classified as liquor (includes spirits and wine)	86% mark-up	No	No
Vermont	No	No	Per Vermont Franchise Law	No	No. Cider is classified as vinous	No	No	Taxed as vinous	\$ .55 per gallon	N/A	N/A
Virginia	Yes, renewal not required	No less than 12 oz., no greater than 1 gal.	Wine Wholesaler	Beer only or Beer and Wine licenses	Yes	10% without Chaptization, 7% regardless	No	Cider	\$0.08/liter	No	All the same
Washington	No response										
West Virginia	Yes, Reg. Required Renewals req. Every 3 years	No	Only permit 1 wine wholesaler for entire state per brand including extensions. Wholesaler must sell to at minimum of 2 wine distributors. Must be sold by WV licensed wine distributor.	May sell on off premise locations as long as location has proper wine license classification.	Hard Ciders: fermented alcoholic beverage made by crushing fruits; apples, Sweet Ciders: unfermented alcoholic beverage made from Apple juice.	No	No	WV State Tax Dept.	WV State Tax Dept.	No, Classified as wine	Yes
Wisconsin	REQUIRED	None	MUST REGISTER WITH DEPT OF REVENUE, NOT RESTRICTED. S. 125.54 (5)	No	s. 125.02 (22)-wine; for tax purposes-139.01 (2m)-apple cider taxed differently than wine.	NOT MORE THAN 21% ALCOHOL BY VOLUME (Cider 0.5% to 7.0% abv under 139.01 (2m)	No	139.03(2n) - 6.605 cents/ltr. 14% or less; 1.71 cent/ltr. Apple cider; 11.89 cents/ltr > 14% but less than 21% alcohol by volume.	139.03(2n) - 6.605 cents/ltr. 14% or less; 1.71 cent/ltr. apple cider; 11.89 cents/ltr >14% but less than 21% alcohol by volume.	No	No, FOR TAX PURPOSES
Wyoming	No	No	No. They must come through the Wyoming Liquor Division like Wines.	No		No	No	Wine	\$0.075 per liter	No	Yes