

February 6, 2014

Telephone: (717) 783-9454

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Christian

Re: Limited Distillery

Dear Christian:

ISSUE: Your e-mails of January 27, 2014 state that you own an unidentified brewery in Pennsylvania and would like to add a limited distillery on the same site. You ask for confirmation regarding the documents and fees required to apply for a limited distillery license, and whether there is any way to save money on the forms since you already hold a license. You also request information on all the “tracking, documenting and tax forms” you will need to fill out while operating the distillery.

OPINION: The Board’s Bureau of Licensing (“Licensing”) will not typically dual-license a location, absent specific statutory authority. Thus, only one (1) license may be in effect at one (1) time at any particular portion or location.

That being said, the Board has, in the past entered into a Conditional Licensing Agreement (“CLA”) with a licensee that wishes to place two (2) manufacturing licenses at the same location. However, such an arrangement would require the consent of both Licensing and the Board, and a decision on whether such an arrangement is acceptable is not a decision made by this office. Thus, this office cannot provide any further guidance other than suggesting that if you wish to pursue this matter, you should submit an application to Licensing.

The application form for a limited distillery license is PLCB Form 1350, Application for License Manufacture, Storage or Transportation. Forms are available on the Board’s website at www.lcb.state.pa.us. Click on the link labeled “Licensees” and then “Forms.”

The application fee for a limited distillery license is seven hundred dollars (\$700.00) and a renewal fee of thirty dollars (\$30.00). The license fee for a limited distillery is one thousand, five hundred dollars (\$1,500.00). There is no reduction applied for current licensees.

It is not clear what is meant by “tracking, documenting and tax forms” in your inquiry. Licensing can assist you regarding the requirements for documentation to be submitted to the Board during operation pursuant to a limited distillery license. Tax matters, generally, are under the authority of various Commonwealth agencies such as the Department of Revenue and the Department of Labor and Industry. The Liquor Code requires that applicants for the issuance and renewal of licenses have clearance from those agencies. You may wish to contact those agencies directly with any specific questions.

If you have any further questions or concerns regarding this matter, please do not hesitate to contact this office.

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.

Very truly yours,

FAITH S. DIEHL
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

LCB Advisory Opinion No. 14-023