

April 1, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Luiza Roitshtein, President
P&R Beverages, Inc. dba Beer, Etc.

RE: Permission to Sell and Exchange Propane Tanks

Dear Ms. Roitshtein:

ISSUE: This is in response to your e-mail of March 27, 2014, in which you ask for permission for your distributorship to sell pre-filled propane tanks and to accept empty tanks in exchange, which will be stored in a locked cage outside of the premises.

Pennsylvania Liquor Control Board (“Board”) records indicate that P&R Beverages Inc., trading as Beer, Etc. holds Distributor License No. D-3246 (LID 68121) for premises located at 1540 Cowpath Road, #104, Hatfield, Pennsylvania.

OPINION: Although section 492(12) of the Liquor Code [47 P.S. § 4-492(12)] prohibits any distributor or importing distributor or its servants, agents, or employees, from engaging in any other business whatsoever except the business of distributing malt or brewed beverages, in April 2012, Advisory Notice No. 9 regarding the sale or rental of items other than malt or brewed beverages by all malt beverage distributor and importing distributors was revised. In particular, distributors and importing distributors may sell grilling equipment and supplies, such as charcoal, propane, lighter fluid, and utensils, although only to the general public. A copy of the Advisory Notice No. 9 (5th Revision) is attached for your convenience. Therefore, your request for Board approval to sell propane tanks at your licensed distributorship is granted. Please note that propane cylinders must be stored outdoors. [34 Pa. Code § 13.15(a)].

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

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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, Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeff Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 14-115

Enclosure: Advisory Notice No. 9 (5th Revision)