

July 29, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Andrew Martin

Re: Deliveries by Limited Distilleries

Dear Mr. Martin:

ISSUE: This is in response to your e-mail sent on July 21, 2014, wherein you ask about the rights of limited distillery licensees in regards to delivering product to other retail license holders. Although you have received confirmation orally, you would like to have it in writing as well.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Thistle Finch Distilling LLC holds Limited Distillery License No. AL-5 (LID 67167) for the premises at 417 West Grant Street, Lancaster, Pennsylvania.

OPINION: The Board’s Regulations provide that a limited distillery licensee may have product delivered to a buyer – which may be a retail liquor licensee – either through properly licensed vehicles or through the use of a licensed transporter-for-hire. [40 Pa. Code § 11.222]. Therefore, as a holder of a limited distillery license, you may transport your product without the need to obtain a transporter-for-hire license. The Liquor Code provides that a liquor licensee that is permitted to deliver liquor may do so in its own vehicles bearing the licensee’s name, address and license number on each side of the vehicle in letters not smaller than two (2) inches in height. [47 P.S. § 4-491(12)].

If you decide to use the services of a transporter-for-hire, you may find such licensees on the Board’s website at www.lcb.state.pa.us. From the “Licensees” link, scroll down to “Licensing Search.” You will need to click on the “Start” button at the bottom of the disclaimer page. On the next screen, search for licenses with an “Active” status, and then search for Transporter-for-Hire Class A or Class C. These are the only types of licenses that can transport distilled spirits.

Please note that sales of your distilled spirits may only occur on the licensed premises or at a Board-approved additional location. The Liquor Code defines “sale” as “any transfer of liquor, alcohol or malt or brewed beverages for a

Andrew Martin

July 29, 2014

Page 2

consideration.” [47 P.S. § 1-102]. Therefore, if a retail licensee places an order for product that you receive on the licensed premises, and you receive payment with the order, that is considered a sale, even though the buyer does not yet have receipt of the purchased product.

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. 14-445