

December 5, 2014

Mr. Peter Gaeth  
13388 Leslie Road  
Meadville, Pennsylvania 16335-8038  
**E: Shipping Beer Out-of-State**

Dear Mr. Gaeth:

ISSUE: This is in response to your e-mail of October 7, 2014, wherein you ask if a restaurant licensee can ship a six (6)-pack of craft beer to out-of-state customers from the licensed premises.

Pennsylvania Liquor Control Board (“Board”) records indicate that Bayfront Brewing Co, t/a Roff School, holds Restaurant Liquor License No. R-19563 (LID 60261) for use by it at premises located at 13388 Leslie Road, Meadville, PA 16335-8038.

OPINION: The Liquor Code limits your ability to sell beer for off premises consumption to no more than one hundred ninety-two (192) ounces. [47, P.S. § 4-407]. Further, your license does not authorize you to transport someone else’s beer. Only the holder of a transporter-for-hire license may transport beer within Pennsylvania. [47 P.S. § 5-501].

Section 501 of the Liquor Code requires a license issued by the Board in order to transport-for-hire any alcoholic beverages within the Commonwealth. [47 P.S. § 5-501]. There are three (3) types of transporter-for-hire licenses issued by the Board. [40 Pa. Code § 9.11]. The transporter-for-hire Class A license authorizes the holder to engage in the commercial transportation of liquor, malt or brewed beverages or alcohol to or from points located in the Commonwealth. [40 Pa. Code § 9.1]. A transporter-for-hire Class B license allows the holder to engage in the commercial transportation of malt or brewed beverages only to or from points located in Commonwealth. [Id.]. A transporter-for-hire Class C license is a fleet license that authorizes the holder to engage in the commercial transportation of liquor parcels within the Commonwealth. [Id.]. A licensee may not transport both malt or brewed beverages and a commodity that is hawked or peddled by the licensee in the same vehicle at the same time. [40 Pa. Code § 9.92(b)]. While a licensed transporter-for-

hire would be permitted to charge for delivery services, it would not be permitted to sell any alcoholic beverages.

After consultation with the Director of Licensing and Director of Regulatory Affairs, this office has confirmed that retail licensees, such as restaurant liquor licensees, hotel liquor licensees, and eating place malt beverage licensees, may obtain a transporter-for-hire license to transport a third party's alcohol.

Please note that exporting beer from Pennsylvania to another state would require compliance with the requirements of that state. You should contact the appropriate liquor regulatory agency in the receiving state before you attempt to send shipments of beer there. You also may wish to contact the United States Alcohol and Tobacco Tax and Trade Bureau at the following web address: <http://www.ttb.treas.gov>.

Should you have any further questions or concerns, please do not hesitate to again 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 Waters, Sr., Director of Regulatory Affairs  
Tisha Albert, Director of Licensing  
Jeff Lawrence, Assistant Director of Licensing

LCB Advisory Opinion No. 14-603