

February 18, 2015

Ryan Johnstonbaugh

**E: Off-site Brew Pub**

Dear Mr. Johnstonbaugh:

ISSUE: This office is in receipt of your e-mail dated January 22, 2015, wherein you ask whether you may open a brew pub off-site from your existing brewery. You explain that the brew pub would be at a separate location from your current brewery premises.

Pennsylvania Liquor Control Board (“Board”) records indicate that Crystal Ball Brewing Co., LLC holds Brewery License No. G-533 (LID 22870) for use by it at premises located at 1612 West King Street, York, Pennsylvania.

OPINION: The scenario you propose would not be permissible. A brewery pub license allows the holder of a brewery license to operate a restaurant or brew pub within or immediately adjacent to the brewery premises. [47 P.S. § 4-446]. It allows sales for on-premises consumption of the beer produced and owned by the brewery, and sales for off-premises consumption of its products. Since your proposed brew pub is not immediately adjacent to the brewery, your proposed structure is not permitted. However, if you obtained a brewery license for the new location and produced some quantity of malt or brewed beverage, you would be permitted to operate a brew pub at the new location provided that the brew pub is within or immediately adjacent to the new brewery premises.

Should you have any additional questions, 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,

Ryan Johnstonbaugh  
February 18, 2015  
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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. 15-048