

May 21, 2015

Greg Schertzer

E: Storage Facility Selling Pints

Dear Mr. Schertzer:

ISSUE: Your e-mail of April 17, 2015 inquires whether an approved additional storage facility operated in conjunction with a brewery would be permitted to sell pints, if the facility maintains at least ten (10) seats and sufficient food on hand to meet “the newly approved IRRC brewery regulations.”

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Howling Henrys Brewery, LLC, holds Brewery License No. G-563 (LID 70499) for use by it at premises located at 119 North Duke Street, Hummelstown, Pennsylvania.

OPINION: The regulation to which you refer has been approved by the Independent Regulatory Review Commission, but it does not have the force and effect of law until it is published in the Pennsylvania Bulletin. If fully approved as currently drafted, the regulation will permit an approved additional storage facility operated in conjunction with a brewery to sell pints, if the facility maintains at least ten (10) seats and sufficient food on hand as detailed therein. Final action on the pending regulation is expected at the end of May 2015.

Please do not hesitate to contact this office again, should you have any further questions.

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.

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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. 15-227