

August 24, 2015

Mike Moll  
Operations Manager  
Molly Pitcher Brewing Company

**RE: Satellite Locations of Brewery**

Dear Mr. Moll:

ISSUE: This is in response to your e-mail of July 3, 2015, wherein you state that you currently hold Pennsylvania Brewery License No. G-531. You inquire as to the parameters of operations at satellite locations, specifically as to the sharing of space with another licensed brewery or winery. You reference Castlerigg as an operational example. For clarity, on its website at [www.castleriggwineshop.com](http://www.castleriggwineshop.com), it is identified as “downtown Carlisle’s exclusive retailer of fine Pennsylvania wines...through partnerships established with the finest Pennsylvania wineries”. You inquire if you would be permitted to partner on a lease with another licensed brewery or winery and share the same serving space as long all other license criteria are maintained.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Molly Pitcher Brewing Company holds Malt Beverage Manufacturing License No. G-531 (LID 69203) and Brew Pub License No. GP-531 (LID 69206) for use by it at 10 East South Street, Carlisle, Pennsylvania.

OPINION: Under section 505.2(a)(3) of the Liquor Code, limited winery licensees may, at an approved satellite location, apply to operate in conjunction with each other. [47 P.S. § 5-502(a)(3)(a.2)]. There is no similar provision enacted that would allow a brewery licensee to do the same. Accordingly, your reference to the partnering/sharing of space by Castlerigg, in which limited wineries jointly operate, is not permissible for a brewery licensee.

Manufacturers are not afforded the use of satellite locations, but rather storage locations. A Pennsylvania manufacturer may maintain no more than two (2) storage licenses to cover storage facilities, separate from the location of the manufacturing facility, and those storage facilities may be used to receive, store, repackage, sell, and distribute malt or brewed beverages in the same manner as they can at their place of manufacture. [47 P.S. § 4-431(a.2)].

As to the sharing of space, section 3.52(b) of the Board's Regulations [40 Pa. Code § 3.52(b)] prohibits a licensed premises from having an interior connection with another business, unless the connection is approved by the Board. Likewise, pursuant to section 3.52(c) of the Board's Regulations, a licensee is prohibited from conducting another business on the licensed premises without Board approval. [40 Pa. Code § 3.52(c)]. These regulations apply to a brewery licensee's licensed premises as well as its storage locations.

Further, section 3.53 of the Board's Regulations [40 Pa. Code § 3.53] states that when the Board has approved an inside passage or communication between the licensed premises and another business, storage and sales of liquor and malt or brewed beverages shall be confined strictly to the premises covered by the license. Section 3.54 of the Board's Regulations [40 Pa. Code § 3.54] states that when the Board has approved an inside passage or communication between the licensed premises and another business, the extent of the licensed area shall be clearly indicated by a permanent partition at least four (4) feet in height. Finally, section 3.56 of the Board's Regulations [40 Pa. Code § 3.56] states that the licensed portion of the premises must meet all requirements of the Liquor Code for that particular license.

Should you have any other questions and/or issues related to the Liquor Code or the Board's Regulations, please feel free to once 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 W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

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