

March 17, 2016

Debra Grady  
Mindful Ventures LLC  
**VIA E-MAIL**

**RE: Brewery Storage Locations**

Dear Ms. Brady:

ISSUE: This office is in receipt of your e-mail of February 8, 2016, wherein you note recent changes to the Pennsylvania Liquor Control Board's ("PLCB") Regulations as they pertain to licensed breweries having satellite locations for storage and on-site taproom sales, with certain restrictions, of that brewery's own products. You describe Mindful Ventures LLC's current structure and ask if a Philadelphia-based brewery may have a storage/taproom location in another county.

PLCB records indicate that Mindful Ventures LLC is the holder of Malt Beverage Manufacturer License No. G-381 (LID 69329) for use at the premises located at 117-121 Chestnut Street, Philadelphia, Pennsylvania. John Wible is the approved manager/steward.

OPINION: There is nothing in the Liquor Code or PLCB Regulations that specifically addresses distance between a licensed manufacturer and its approved storage locations. If desired, application for a storage location should be made to the PLCB's Bureau of Licensing, which will conduct an investigation and make a recommendation to the three-member Board. Actions on applications are ultimately at the Board's discretion.

Next, as you noted, section 3.93 of the Regulations was amended in May 2015 to allow brewery licensees to sell their own products for on-premises consumption, subject to the following conditions:

- 1) Consumption may only occur between 10:00 a.m. and midnight;
- 2) The only alcohol that may be consumed on the licensed premises is beer produced and owned by the brewery;

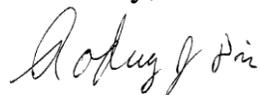
- 3) There must be at least ten seats on the licensed premises for use by patrons while they are drinking beer; and
- 4) The brewery must make food available to each patron who is drinking beer on the licensed premises. Such food shall, at a minimum, consist of potato chips, pretzels, and other similar foods, and may be prepared by the brewery or by a third party.

40 Pa. Code § 3.93.

Finally, a Pennsylvania brewery may maintain no more than two 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) (emphasis added). Thus, if the product in question is lawfully manufactured, it may be sold at the brewery's licensed premises and also at the licensed storage facility.

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.

Sincerely,



RODRIGO J. DIAZ  
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. 16-070

