

October 28, 2016

John A. Smith  
**VIA E-MAIL**

**RE: Wholesale Cards for Brewery Pub Licensees**

Dear Mr. Smith:

ISSUE: This office is in receipt of your e-mail of September 9, 2016, wherein you ask whether brewery pub licensees will be issued discount cards for the Pennsylvania Liquor Control Board (“PLCB”) wine and spirits stores, since Act 39 of 2016 (“Act 39”) now permits brewery pub licensees to sell wine and spirits for on-premises consumption.

Records of the PLCB indicate that Reclamation Brewing Company holds Malt Beverage Manufacturing License No. G-561 (LID 70470) and Brewery Pub License No. GP-561 (LID 70472) for use at the premises located at 221 South Main Street, Butler, Pennsylvania.

OPINION: Initially, Act 39 allows brewery and brewery pub licensees to sell wines produced by a PLCB-licensed limited winery licensee, or spirits produced by a PLCB-licensed limited distillery licensee or a PLCB-licensed distillery licensee for on-premises consumption. 47 P.S. § 446(a)(2).

With regard to your question, section 305(b) of the Liquor Code in part states:

Every Pennsylvania Liquor Store shall sell liquors at wholesale to **hotels, restaurants, clubs, and railroad, pullman and steamship companies** licensed under this act . . . ; and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. . . .

47 P.S. § 3-305(b) (emphasis added).

Therefore, since brewery pub licensees are not listed in section 305(b), said licensees may not be issued wholesale liquor purchase permits for the PLCB's wine and spirits stores.

Please note that brewery pub licensees do not have to purchase the wine and spirits directly from a PLCB wine and spirits store; the licensees may also purchase said product from PLCB-licensed limited wineries, limited distilleries, and distilleries.

Please do not hesitate to contact this office should you have additional 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.**

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. 16-417