

October 25, 2016

Ronald Liput  
Summit Beer, LLC  
800 Morgan Highway  
Clarks Summit, PA 18411  
**VIA E-MAIL**

**RE: Sales of Beer and Wine for Off-Premises Consumption**

Dear Mr. Liput:

ISSUE: This office is in receipt of your e-mail, dated September 29, 2016, wherein you indicate that you hold a restaurant liquor license and have recently obtained a wine expanded permit. You ask if a customer can purchase 192 ounces of beer and three 750 milliliter bottles of wine for off-premises consumption in a single transaction.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Summit Beer, LLC (“the Summit”) holds Restaurant Liquor License No. R-7957 (LID 69767) for use by it at premises located at 800 Morgan Highway, South Abington Township, Pennsylvania. The Summit also holds a Wine Expanded Permit for this location.

OPINION: As you are aware, restaurant liquor licensees are permitted to sell malt or brewed beverages for consumption off the licensed premises in quantities not to exceed 192 ounces in a single sale to one person. 47 P.S. § 4-407. Restaurant liquor licensees that also hold wine expanded permits (“WEP”) are permitted to sell up to 3,000 ml (3 liters) of wine for off-premises consumption (“wine-to-go”) in a single transaction. 47 P.S. § 4-415(d).

Be advised that a WEP holder’s sales of wine-to-go must occur at a cash register that is specifically designated and identified for the sale of wine-to-go. 47 P.S. § 4-415(a)(8), (9). This designated cash register must be staffed at all times by a cashier who is at least eighteen years old and this cashier must be RAMP-certified. Id. Also, a WEP holder is required to use a transaction scan device to check the identification of a patron who is purchasing wine-to-go and appears to be under thirty-five years old. Id.

There is nothing in the Liquor Code or the PLCB's Regulations that would prohibit the sale of malt or brewed beverages for *off-premises consumption* at the same cash register that is designated for the sale of wine-to-go. Therefore, a customer could purchase 192 ounces of beer and three 750 milliliter bottles of wine for off-premises consumption in a single transaction.

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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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 No. 16-423