

January 9, 2017

Rebecca McKee  
Theodoratos Quality Imports, Inc.  
DBA Beverage Express  
1021 Ritner Highway  
Carlisle, PA 17013  
**VIA E-MAIL**

**RE: Importing Distributors and Act 166 of 2016**

Dear Ms. McKee:

ISSUE: This correspondence is in response to your e-mail of December 18, 2016, wherein you request a legal advisory opinion regarding whether the recent amendments to the Liquor Code will allow importing distributors, in addition to distributors, to sell malt or brewed beverages in six-packs and lesser quantities.

The Pennsylvania Liquor Control Board's ("PLCB") records indicate that Theodoratos Quality Imports, Inc., t/a Beverage Express, holds Importing Distributor License No. ID-1233 (LID 8764) for use at the premises located at 1021 Ritner Highway, Carlisle, Pennsylvania.

OPINION: As you are aware, the Legislature recently voted to pass House Bill 1196, which was signed by Governor Wolf and designated as Act 166 of 2016 ("Act 166") on November 15, 2016. Act 166 will become effective on January 17, 2017.

Among other things, Act 166 amends the Liquor Code to allow distributors and importing distributors to sell malt or brewed beverages in any package configuration to a non-licensee for off-premises consumption.<sup>1</sup> 47 P.S. §§ 1-102, 4-431(b). These sales do not have to be in the manufacturer's original configuration and can be sold in refillable growlers that can be resealed. Id. However, Act 166 did not change the packaging rules for distributor and importing distributor sales to licensees.

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<sup>1</sup>While the Legislature only used the term "distributor" when amending section 431(b), in conferring with the legislative staffers, it is the intent of the Legislature to have the provision apply to both distributors and importing distributors. This would be consistent with how the term "distributor" is used in sections 471.1(g) and 472(d)(3) of the Liquor Code.

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Thank you for your inquiry. If you have any further questions or concerns regarding this matter, the Liquor Code, or the PLCB's Regulations, please do not hesitate to 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.

Sincerely,



RODRIGO J. DIAZ  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Tisha Albert, Director of Regulatory Affairs  
B.L. Peifer, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-567