

December 17, 2018

Deb Hubler
VIA E-MAIL

Re: Selling HempBombs' Products

Dear Ms. Hubler:

ISSUE: This is in response to your e-mail dated November 7, 2018, wherein you advise that you were contacted by "Liquor Enforcement" and you ask if you may sell a product manufactured by a company called HempBombs. You reference information provided by HempBombs' attorney Rod Kight regarding the purported legality of hemp products in Pennsylvania. You state that after some research, you felt that selling hemp products was equivalent to selling Tylenol or Tums and that you assumed it was okay since you saw these products being sold in gas stations, supermarkets, and other stores. You ask if you may sell HempBombs' products or if you must apply for some type of license.

Records of the Pennsylvania Liquor Control Board ("PLCB") indicate that the Estate of Jackson H. Hubler, Deborah K. Hubler Administratrix, d.b.n.c.t.a., holds Restaurant Liquor License No. R-17390 (LID 37947) for the premises located at Main Street, P.O. Box 172, Winburne, Pennsylvania.

OPINION: As you may know, citations under the Liquor Code are issued by the Pennsylvania State Police, Bureau of Liquor Control Enforcement ("BLCE"), and not the PLCB. The BLCE is charged with the duty of enforcing the Liquor Code and the PLCB's Regulations. The PLCB acts as an appellate body if a licensee or the BLCE appeals from an adverse ruling on a citation matter.

Because of its role as an appellate body in citation cases, the PLCB refrains from commenting on any pending citation or violation. Therefore, the following information is provided pursuant to your request for general guidance going forward, rather than as it may relate to the facts alleged in any pending citation(s) for past conduct.

The PLCB's Regulations provide that a licensee may not conduct another business on the licensed premises without the approval of the three-member Board. 40 Pa. Code § 3.52(c). Therefore, you should request the approval of the three-member Board for selling drugstore items on your licensed premises if you have not already done so.

This office cannot advise you on whether HempBombs' products are legal in Pennsylvania. It is recommended that you contact your county district attorney's office for guidance on that issue.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB'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.

Sincerely,



RODRIGO J. DIAZ
CHIEF COUNSEL

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

LCB Advisory Opinion No. 18-449