



September 21, 2020

Joel Normand  
Luminary Distilling  
**VIA E-MAIL**

**Re: Sale of Non-alcoholic Cider Before Hours**

Dear Mr. Normand:

**ISSUE:** This is in response to your e-mail sent on August 24, 2020, wherein you advise that your licensed limited distillery has obtained approval from the Pennsylvania Liquor Control Board (“PLCB”) to conduct another business on the licensed premises. The approval was obtained pursuant to section 3.52(c) of the PLCB’s Regulations. The other business is the production, manufacturing, and sale of non-alcoholic cider.

You understand that the permitted business hours for the licensed premises is 9:00 a.m. to 11:00 p.m. You ask if you are permitted to sell the non-alcoholic cider on the licensed premises before 9:00 a.m. You stress that you would not be selling anything with alcohol. If selling non-alcoholic cider before 9:00 a.m. is not permissible, you ask what would be needed to make it permissible, such as de-licensing a certain area or obtaining a separate register for cider sales.

Records of the PLCB indicate that Luminary Distilling LLC holds Limited Distillery License No. AL-75 (LID 73311) for the premises at 8270 Peach Street, Suite 100, in Erie, Pennsylvania.

**OPINION:** It would not be permissible to sell anything from the licensed premises outside the hours of 9:00 a.m. to 11:00 p.m. 47 P.S. § 5-505.4(b). Therefore, in order to sell non-alcoholic cider before 9:00 a.m., the area where the cider sales would occur would need to be de-licensed, i.e., removed from the licensed premises. You will need to contact the PLCB’s Bureau of Licensing to arrange the de-licensing.

You will also need to obtain the approval of the three-member Board for an interior connection to another business, pursuant to section 3.52(b) of the PLCB's regulations. 40 Pa. Code § 3.52(b). With that approval, you would be permitted to sell the non-alcoholic cider on the de-licensed premises at whatever hours you choose.

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. 20-224