

CHAPTER 11. PURCHASES, SALES AND RETURNS

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Authority

The provisions of this Chapter 11 issued under sections 207(i), 406, 493(2), 495 and 505(2) of the Liquor Code (47 P. S. §§ 2-207(i), 4-406, 4-493(2), 4-495 and 5-505(2)), unless otherwise noted.

Source

The provisions of this Chapter 11 adopted June 26, 1952, unless otherwise noted.

Subchapter A. GENERAL PROVISIONS**RETAIL AND WHOLESALE PURCHASE—GENERAL**

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Cross References

This subchapter cited in 40 Pa.Code § 11.51 (relating to applications and permits); and 40 Pa. Code § 11.62 (relating to applications for permits).

RETAIL AND WHOLESALE PURCHASE—GENERAL**§ 11.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Manufacturer—A person engaged in the manufacture, rectification or compounding of liquors, other than wines, or an agent or representative of the manufacturer.

Authority

The provisions of this § 11.1 amended under section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

Source

The provisions of this § 11.1 adopted June 26, 1952; amended through November 4, 1963; amended January 16, 1998, effective January 17, 1998, 28 Pa.B. 279; amended January 19, 2001, effective January 20, 2001, 31 Pa.B. 430; amended October 8, 2021, effective October 9, 2021, 51 Pa.B. 6397. Immediately preceding text appears at serial page (392946).

§ 11.2. [Reserved].**Source**

The provisions of this § 11.2 adopted June 26, 1952; amended through November 4, 1963; reserved January 19, 2001, effective January 20, 2001, 31 Pa.B. 430. Immediately preceding text appears at serial pages (239325) and (205165).

§ 11.3. Sales of ethyl alcohol at retail.

State liquor stores may stock ethyl alcohol, 190 proof, for retail sales subject to the following:

- (1) An individual or entity desiring to purchase ethyl alcohol shall file an application on forms provided by the Board.
- (2) The Board may approve the application of an individual or entity who swears or affirms that the alcohol will be purchased for nonpotable use only.

Authority

The provisions of this § 11.3 amended under section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

Source

The provisions of this § 11.3 adopted June 26, 1952; amended through November 4, 1963; amended January 19, 2001, effective January 20, 2001, 31 Pa.B. 430; amended October 8, 2021, effective October 9, 2021, 51 Pa.B. 6397. Immediately preceding text appears at serial page (392947).

§ 11.4. Sales at wholesale for United States Armed Forces facilities.

Under section 305(b) of the Liquor Code (47 P.S. § 3-305(b)), wholesale sales of liquor may be made to a United States Armed Forces facility which is located on a United States Armed Forces installation within this Commonwealth. The sales shall be conducted under the authority and regulations of the United States Armed Forces. The sales shall be made under terms and conditions agreed upon by the Board and United States Armed Forces facility representatives.

- (1) The Board may accept checks in payment for sales of liquor to a United States Armed Forces facility under terms and conditions as the Board deems appropriate.
- (2) Direct delivery of liquor to a United States Armed Forces facility may be accomplished under terms set forth by the Board.

Authority

The provisions of this § 11.4 issued under sections 207(i) and 305(b) of the Liquor Code (47 P.S. §§ 2-207(i) and 3-305(b)); and amended under section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

Source

The provisions of this § 11.4 adopted June 26, 1952; amended through November 4, 1963; amended July 25, 1986, effective July 26, 1986, 16 Pa.B. 2718; amended August 22, 1986, effective August 23, 1986, 16 Pa.B. 3114; amended October 8, 2021, effective October 9, 2021, 51 Pa.B. 6397. Immediately preceding text appears at serial pages (392947) to (392948).

Cross References

This section cited in 40 Pa. Code § 11.11 (relating to procurement of alcoholic beverages by military installations).

§ 11.5. Issuance of Wholesale Liquor Purchase Permit Cards.

As evidence of the privilege given to a retail liquor licensee and a United States Armed Forces facility to purchase liquor from State Liquor Stores at wholesale, the Board will issue to the licensee and a United States Armed Forces facility a Wholesale Liquor Purchase Permit Card, which allows the purchase of liquors at wholesale.

Authority

The provisions of this § 11.5 issued under sections 207(i) and 305 of the Liquor Code (47 P.S. §§ 2-207(i) and 3-305); and amended under section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

Source

The provisions of this § 11.5 adopted June 26, 1952; amended through November 4, 1963; amended April 2, 1976, effective April 3, 1976, 6 Pa.B. 832; amended July 25, 1986, effective July 26, 1986, 16 Pa.B. 2718; amended August 22, 1986, effective August 23, 1986, 16 Pa.B. 3117; amended October 8, 2021, effective October 9, 2021, 51 Pa.B. 6397. Immediately preceding text appears at serial pages (392948) to (392949).

Cross References

This section cited in 40 Pa. Code § 11.11 (relating to procurement of alcoholic beverages by military installations).

§ 11.6. Signature on cards.

The signature of the permit holder shall appear in ink on the Wholesale Liquor Purchase Permit Card, in the space provided. The signature shall conform to the following:

- (1) If the permit holder is a corporation or association, the signature shall be that of the president, vice president, secretary or treasurer, including his title. On a change of officers by a corporation or association, the signature of the permit holder may be changed on the Wholesale Liquor Purchase Permit Card, if the proper notice of change of officers has been filed under § 5.91 (relating to required report).
- (2) If the permit holder is a partnership, the signature of one or more partners shall be given.
- (3) If the permit holder is a United States Armed Forces facility, the signature of the manager of the military installation retail liquor operations shall be given.
- (4) If the permit holder is an individual, the signature of the individual shall be provided.

Authority

The provisions of this § 11.6 issued under sections 207(i) and 305(b) of the Liquor Code (47 P. S. §§ 2-207(i) and 3-305(b)).

Source

The provisions of this § 11.6 adopted June 26, 1952; amended through November 4, 1963; amended July 25, 1986, effective July 26, 1986, 16 Pa.B. 2718; amended August 22, 1986, effective August 23, 1986, 16 Pa.B. 3117. Immediately preceding text appears at serial page (72722).

Cross References

This section cited in 40 Pa. Code § 11.7 (relating to authorized agents of cardholder); and 40 Pa. Code § 11.11 (relating to procurement of alcoholic beverages by military installations).

§ 11.7. Authorized agents of cardholder.

- (a) A permit holder may authorize up to four agents to make purchases in his behalf for use in his business or establishment, subject to the following:
 - (1) Only individuals regularly employed in the business or establishment of a permit holder or licensed transporters-for-hire may be designated as agents.
 - (2) The signature of the agents must appear in ink on the Wholesale Liquor Purchase Permit Card in the space provided.
- (b) A permit holder may appoint authorized agents in place of those whose signatures originally appeared on the Wholesale Liquor Purchase Permit Card by

crossing out the name of the deposed agent in ink and having another party or parties properly sign the card.

(c) If a permit holder desires to make more changes in the designation of authorized agents than space permits on the Wholesale Liquor Purchase Permit Card, the permit holder shall obtain a duplicate Wholesale Liquor Purchase Permit Card by obtaining at the State Store, where the card is on deposit, a form as prescribed by the Board, which shall be completed by the permit holder and returned with a fee of \$10. The manager of the State Store will forward the form to the Bureau of Licensing of the Board. A new card will be forwarded to the store. During the time required for this transaction, purchase at wholesale may be made by the permit holder or an authorized agent at the store where the old card is on deposit. Upon receipt of the new card, the store manager shall immediately notify the permit holder. The old card will then become void and shall be forwarded to the Bureau of Licensing by the manager. The manager shall deliver the new Wholesale Liquor Purchase Permit Card to the permit holder when he visits the store and requests delivery. The new card is not valid until properly signed in accordance with § 11.6 (relating to signature on cards).

Source

The provisions of this § 11.7 adopted June 26, 1952; amended through November 4, 1963; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended November 12, 2004, effective November 13, 2004, 34 Pa.B. 6139. Immediately preceding text appears at serial pages (205167) to (205168).

Cross References

This section cited in 40 Pa. Code § 11.8 (relating to replacement of card).

§ 11.8. Replacement of card.

(a) Every effort shall be made to guard Wholesale Liquor Purchase Permit Cards from loss, destruction or unauthorized or illegal use.

(b) If a permit holder mutilates his card, the permit holder shall obtain a new card by proceeding in the same manner as when he desires to change his authorized agent, as provided in § 11.7 (relating to authorized agents of cardholder).

(c) If a permit holder loses his card, he shall obtain an application form for a duplicate card from a State Liquor Store. This form shall be returned to the store with a fee of \$10 and a letter explaining the loss of the original card. The store manager shall forward the application, the fee and letter in the manner provided in § 11.7. A duplicate card will then be issued as provided. During the time required for this transaction, purchases at wholesale may not be made by the permit holder.

Source

The provisions of this § 11.8 adopted June 26, 1952; amended through November 4, 1963; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145. Immediately preceding text appears at serial pages (149772) to (149773).

§ 11.9. Use of card.

(a) On presentation by the permit holder or his authorized agent at a State Liquor Store, the Wholesale Liquor Purchase Permit Card will allow the purchase of liquors at the wholesale prices established by the Board. The card shall be presented each time a purchase is to be made at wholesale.

(b) The Board may suspend or revoke the license or permit of a permit holder who allows his Wholesale Liquor Purchase Permit Card to be used for the purchase of liquors for use other than in the lawful conduct of his business or establishment. The Board may also require a permit holder to refund to the Board any discount granted in the purchase of liquors, if the liquors are used in violation of laws of the Commonwealth or the provisions of this part.

Source

The provisions of this § 11.9 adopted June 26, 1952; amended through November 4, 1963.

§ 11.10. Deposit of card.

(a) Whenever the Board deems the action necessary, it may require retail liquor licensees to deposit their Wholesale Liquor Purchase Permit Cards with one State Liquor Store of their own selection unless otherwise designated by the Board.

(b) Wholesale Liquor Purchase Permit Cards shall remain on file in the store until the Board grants permission for the transfer of the Permit Card to another store, or until the Board decides that Wholesale Liquor Purchase Permit Cards will be released to the respective licensees.

(c) Requests by licensees for transfer of Wholesale Liquor Purchase Permit Cards shall be directed to the manager of the State Liquor Store where the card is on file, stating the reasons for the transfer and shall be subject to Board approval.

(d) The Director of State Stores, the Division Superintendents, and/or the District Supervisor may permit the temporary release of the Wholesale Liquor Purchase Permit Cards for purchase at another store or stores of merchandise not available or restricted in quantity at the store where a card is on file. The card shall be returned promptly to the original store.

Source

The provisions of this § 11.10 adopted June 26, 1952; amended through November 4, 1963.

§ 11.11. Procurement of alcoholic beverages by military installations.

United States Armed Forces facilities located on United States Armed Forces installations within this Commonwealth and conducted under the authority and regulations of the United States Armed Forces may procure alcoholic beverages within this Commonwealth from the following authorized sources as licensed under the Liquor Code:

- (1) Licensed Pennsylvania importers for wines and spirits.
- (2) Licensed Pennsylvania manufacturers for wines, spirits and malt/brewed beverages.
- (3) Licensed importing distributors and distributors for malt/brewed beverages.

(4) State liquor stores for wines and spirits—under §§ 11.4—11.6 (relating to sales at wholesale; issuance of Wholesale Liquor Purchase Permit Cards; and signature on cards).

Authority

The provisions of this § 11.11 issued under sections 207(i) and 305(b) of the Liquor Code (47 P. S. §§ 2-207(i) and 3-305(b)).

Source

The provisions of this § 11.11 adopted January 15, 1988, effective January 16, 1988, 18 Pa.B. 255.

§ 11.13. Gift card transactions by minors prohibited.

Gift cards authorized by section 305(h) of the Liquor Code (47 P. S. § 3-305(h)) for sale and redemption by the Board may not be purchased or redeemed by minors.

Authority

The provisions of this § 11.13 issued under section 207(i) of the Liquor Code (47 P. S. § 2-207(i)).

Source

The provisions of this § 11.13 adopted January 5, 2007, effective January 6, 2007, 37 Pa.B. 16.

WHOLESALE ALCOHOL PURCHASE PERMITS

§ 11.21. Classification, fees and requirements.

(a) *Classes.* Wholesale Alcohol Purchase Permits are divided into the following three classes:

- (1) AB Permits (beverage).
- (2) AN Permits (nonbeverage).
- (3) AE Permits (tax-exempt).

(b) *Duration.* Permits issued in calendar year 1997 expire December 31, 1997. Permits issued in calendar years 1998, 1999 and 2000 expire December 31, 2000. Thereafter, 4-year terms shall be established whereby all permits issued within a term expire December 31, of the fourth year.

(c) *Fees.* Fees shall be charged in accordance with the following:

- (1) AB and AN Permits are issued for a nonrefundable fee of \$10 for each calendar year or part thereof.
- (2) AE Permits are issued free of charge.
- (3) A fee is not required for a permit issued to a State-owned institution, department, board or commission of the Commonwealth or to a political subdivision thereof or to an agency of the United States Government.

(d) *Restrictions.* There are no restrictions upon the quantity of alcohol which may be purchased under any class of permit.

(e) *Issuance and privileges.*

- (1) AB Permits will be issued only to resident distillery licensees. The holder of the permit may purchase alcohol at wholesale either directly or by special order through the State Store system, from other resident distillery licensees, from legal vendors or manufacturers located outside of this Commonwealth or import alcohol manufactured by its own distilleries located outside of this Commonwealth.

(2) AN Permits will be issued only to physicians, dentists, veterinarians and pharmacists licensed and registered under the laws of the Commonwealth, manufacturing pharmacists and chemists, manufacturers of products for non-beverage purposes, hospitals, sanitoriums, eleemosynary institutions, dispensaries, governmental agencies, laboratories, universities and colleges of learning, located in this Commonwealth or for the use of their branches or subdivisions located in this Commonwealth. Permits shall be issued only for the address at which the alcohol is to be stored. An address requires a separate permit. The holder of the permit may purchase alcohol at wholesale either directly or by special order through the State Store system, from resident licensed distillers designated in their application or from distillers outside this Commonwealth, as provided in § 11.33 (relating to purchase of alcohol by AN and AE permittees).

(3) AE Permits will be issued only to the holders of Federal Tax-Free Permits. The holder of the permit may purchase alcohol in the same manner as provided for the holder of an AN Permit.

Source

The provisions of this § 11.21 adopted June 26, 1952; amended through November 4, 1963; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial pages (205170) to (205171).

Cross References

This section cited in 40 Pa. Code § 11.42 (relating to renewal of permits).

§ 11.22. Application for permits.

(a) Application for a Wholesale Alcohol Purchase Permit shall be made in writing on forms provided by the Board.

(b) An application for a natural person shall be made by and in the name of that person; an application for a partnership shall be made by and in the name of the partnership, by an authorized partner; and an application for a corporation shall be made by and in the name of the corporation, by its properly designated officer.

(c) The Board may, in its discretion, issue the permit applied for, provided the permit fee has been paid.

Source

The provisions of this § 11.22 adopted June 26, 1952; amended through November 4, 1963; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1890. Immediately preceding text appears at serial pages (4199) to (4200).

§ 11.23. Issuance of card.

(a) A Wholesale Alcohol Purchase Permit Card will be issued for each approved application. The card will allow the permittee and not more than two agents to purchase alcohol at wholesale from State Liquor Stores. An agent shall

be directly employed by the permittee and, for identification purposes, shall sign the purchase permit card in the space provided.

(b) At the time a purchase is made, the card shall be presented by the permittee or his agent, and the quantity of each purchase shall be recorded on the reverse side of the card by the clerk.

(c) When a change in agents is desired, a new Wholesale Alcohol Purchase Permit Card shall be obtained by applying to the Board on forms provided by the Board. A nonrefundable fee of \$10 for each calendar year or part thereof is required with each application. Forms may be obtained at a State Liquor Store.

Source

The provisions of this § 11.23 adopted June 26, 1952; amended through November 4, 1963; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial page (205171).

RIGHTS AND DUTIES OF PERMITTEES

§ 11.31. Restrictions on use of alcohol.

Alcohol purchased by permittees in accordance with this subchapter may be used only for the following categorical purposes:

- (1) In the professional practice of physicians, dentists and veterinarians.
- (2) In the compounding of prescriptions and sterilizing of equipment by pharmacists.
- (3) In the manufacture and compounding of products unfit for beverage purposes by manufacturing pharmacists and chemists, and other manufacturers of nonbeverage products.
- (4) In the rectification of the products of distillery licensees.
- (5) For medical, mechanical and scientific purposes and treatment of patients by governmental agencies, hospitals, sanitariums, eleemosynary institutions and dispensaries.
- (6) For scientific research by laboratories.
- (7) For medical, mechanical and scientific purposes in infirmaries at universities and colleges of learning.

Source

The provisions of this § 11.31 adopted June 26, 1952; amended through November 4, 1963.

§ 11.32. Purchase and importation of alcohol by AB permittees from other distilleries.

(a) The holder of an AB Permit engaged in this Commonwealth in the manufacture, rectification or blending of liquor, and the holder of an AB Permit who also manufactures alcohol under license in this State or another state, may import the alcohol into this Commonwealth, and may purchase alcohol from resident

distillery licensees, purchase and import alcohol from legal vendors located outside of this Commonwealth and, in the case of affiliated companies, may purchase alcohol from its affiliates or subsidiaries in the manner and for the purposes set forth in § 11.34 (relating to prohibited purchases and sales).

(b) A consignment of alcohol purchased or imported under this section shall be shipped in bond and shall, upon arrival at its destination, be placed in a bonded warehouse holding a Bonded Warehouse License, unless the permittee maintains and operates its own bonded warehouse under its Distillery License.

(c) Where the alcohol imported is stored in a bonded warehouse not maintained by the permittee, the alcohol so stored may be delivered only to the permittee. Except as provided in § 11.34, alcohol so imported or purchased by the permittee may not be resold as such but shall be used only by the permittee in the manufacture, rectification or blending of liquor under its Distillery License.

Source

The provisions of this § 11.32 adopted June 26, 1952; amended through November 4, 1963.

§ 11.33. Purchase of alcohol by AN and AE permittees.

(a) AN and AE permittees may purchase their alcohol requirements from State Liquor Stores.

(b) AN and AE permittees may also purchase alcohol from distillery licensees who manufacture alcohol, if the distilleries are designated in their application. Upon approval of the application, the Board will notify the distillers that deliveries of alcohol may be made direct to the permittee during the calendar year. The names of the distillers may be added to or deleted from the application at any time during the term for which the purchase permit is effective, and alcohol may be shipped direct to the purchase permittee upon notice by the Board of specific approval for each addition or deletion.

(c) Alcohol may be purchased in bulk by AN or AE permittees from distillers located outside this Commonwealth through the Board, subject to the following:

(1) AN and AE Permittees desiring to purchase alcohol in bulk shall submit their order for the purchases, in duplicate, to the Board on forms provided by the Board, obtainable from the Purchasing Division of the Board. Bulk purchases of 190 proof alcohol by AN permittees will be allowed only in quantities of 25 wine gallons or more and in containers of at least 5-gallon capacity. AE permittees may purchase alcohol in bulk, without restrictions as to size of containers or quantity purchased. Immediately upon receipt from a permittee of a bulk purchase order for alcohol, the Board will, if approved, note thereon its approval and send it to the designated distiller, notifying the distiller to make shipment to the Board at the destination indicated in the order.

(2) The Board will furnish the permittee with a notice of release, in duplicate, both copies of which shall be signed by the permittee and surrendered to

the carrier upon delivery of the shipment. The carrier shall then forward one copy of the notice to the Board.

(3) The Board will not be liable to a distiller for the purchase price of alcohol purchased in bulk by a permittee, but will allow the payment of the purchase price by the permittee directly to the distiller upon the terms agreed between them.

Source

The provisions of this § 11.33 adopted June 26, 1952; amended through November 4, 1963; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1890; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended November 12, 2004, effective November 13, 2004, 34 Pa.B. 6139. Immediately preceding text appears at serial pages (234113) to (234114).

Cross References

This section cited in 40 Pa. Code § 11.21 (relating to classification, fees and requirements).

§ 11.34. Prohibited purchases and sales.

(a) A permittee or other person may not purchase alcohol for repackaging or resale in its original state, except as provided in subsection (b).

(b) The prohibition does not apply to sales or transfers of alcohol between affiliates or subsidiaries holding Manufacturer Licenses and alcohol permits as required in this subchapter where the alcohol is used by the licensees solely for the blending and rectification of liquor.

(c) Distillers may not sell alcohol to anyone in this Commonwealth, except to alcohol permittees in accordance with this subchapter, or to the Board.

Source

The provisions of this § 11.34 adopted June 26, 1952; amended through November 4, 1963.

Cross References

This section cited in 40 Pa. Code § 11.32 (relating to purchase and importation of alcohol by AB permittees from other distilleries).

§ 11.35. Records and reports.

(a) *Records.* Under section 207(h) of the Liquor Code (47 P. S. § 2-207(h)), alcohol permittees shall maintain and keep on the premises where the alcohol is used, for a period of 2 years, complete and accurate records in hard copy or electronic media, consistent with generally accepted accounting procedures, covering the purchase, importation and use of the alcohol. The records shall consist of a stock ledger maintained on a perpetual inventory basis, showing withdrawals from stock and setting forth in detail the purpose for which the alcohol is used. The records and the premises where alcohol is stored and used shall be open to inspection, during normal business hours by authorized representatives of the Board and the State Police, Bureau of Liquor Control Enforcement, under sections 207(h) and 211 of the Liquor Code (47 P. S. §§ 2-207(h) and 2-211). A

recordkeeping system utilized by the licensee shall have the capability to provide for the reconciling of required data. Entries shall be verifiable by supporting documentation—original documents. Records shall be clearly identifiable to the licensed operation.

(b) *Federal and State government reports and forms.* Copies of reports or forms required by Federal or State governmental agencies related to the licensed operation shall be maintained for a period of 2 years unless required to be maintained for a longer period by the Federal or State agencies. The reports or forms shall also be open to inspection by authorized representatives of the Board and the Pennsylvania State Police, Bureau of Liquor Control Enforcement, and shall constitute a satisfactory record if they contain the information required in subsection (a).

Source

The provisions of this § 11.35 adopted June 26, 1952; amended through November 4, 1963; amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3492. Immediately preceding text appears at serial page (4203).

TRANSFER, RENEWAL, REVOCATION OR SUSPENSION

§ 11.41. Transfer of permits prohibited.

- (a) An alcohol permit may not be transferred from one person to another.
- (b) An alcohol permittee whose address changes from that shown on his Wholesale Alcohol Purchase Permit Card shall file an application for correction of the permit within 15 days.
- (c) Where a change in the ownership of the business of the permittee occurs, the alcohol permit will automatically terminate and a new application shall be filed by the successor.

Source

The provisions of this § 11.41 adopted June 26, 1952; amended through November 4, 1963.

§ 11.42. Renewal of permits.

Permits shall be renewed in accordance with § 11.21(b) (relating to classification, fees and requirements).

Source

The provisions of this § 11.42 adopted June 26, 1952; amended through November 4, 1963; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial page (205175).

§ 11.43. Revocation or suspension of permits.

The Board may revoke or suspend a permit issued under this subchapter if, after notice and hearing, it appears to the Board that the permittee has violated

any law of the United States or of this Commonwealth, or any provision of this part. An action of the Board in revoking or suspending a permit will be final.

Source

The provisions of this § 11.43 adopted June 26, 1952; amended through November 4, 1963.

Subchapter B. SPECIAL PURCHASES OF LIQUOR

PHARMACISTS, HOSPITALS AND STATE INSTITUTIONS

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PHARMACISTS, HOSPITALS AND STATE INSTITUTIONS

§ 11.51. Applications and permits.

(a) A registered pharmacist operating a drug store or pharmacy who desires to purchase liquor from a State Liquor Store at wholesale, and sell or dispense the liquor or prescription, or use the liquor in compounding of prescriptions, shall

apply to the Board for a Wholesale Liquor Purchase Permit, on the form provided by the Board, and shall include a nonrefundable fee of \$10 for each calendar year or part thereof.

(b) Hospitals and State-owned institutions which desire to purchase liquor from a State Liquor Store at wholesale, and sell or dispense the liquor to patients upon the prescription of a physician, or use the liquor in the compounding of prescriptions, shall apply to the Board for a Wholesale Liquor Purchase Permit, on the form provided by the Board. A fee will not be required.

(c) Upon receipt of an application in proper form, the Board may issue a Wholesale Purchase Permit as provided in Subchapter A (relating to general provisions), authorizing the purchase of liquor at wholesale in accordance with § 11.52 (relating to sales on prescription only).

(d) Wholesale Purchase Permits issued to pharmacists, hospitals and State-owned institutions in calendar year 1997 expire December 31, 1997. Permits issued in calendar years 1998, 1999 and 2000 expire December 31, 2000. Thereafter, 4-year terms shall be established whereby all permits issued within a term expire December 31, of the fourth year, and in the case of pharmacists only, payment of a fee of \$10 for each calendar year or part thereof will be required.

(e) The Board may refuse to issue or renew a Wholesale Liquor Purchase Permit under this section if it is of the opinion that this title or the laws of the Commonwealth relating to liquor, malt or brewed beverages, or alcohol have not been complied with.

Source

The provisions of this § 11.51 adopted June 26, 1952; amended through November 4, 1963; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial pages (205176) to (205177).

§ 11.52. Sales on prescription only.

The holder of a permit under this subchapter may purchase at wholesale and sell, dispense or use in the compounding of prescriptions and medicines only, whiskey, brandy, Holland gin, champagne and port and sherry wines (referred to as "liquor"). A pharmacist may only sell or dispense the liquor on the premises of his drug store or pharmacy, and then only upon the signed written prescription of a licensed physician, dentist or veterinarian. Every prescription shall also be dated and contain the name and address of the person for whom the liquor is prescribed. A prescription for liquor may not be written, prepared or executed in or on the premises of a drug store or pharmacy. A prescription for liquor shall be filled only once and shall not entitle the person named to more than 1 quart of the liquor specified.

Source

The provisions of this § 11.52 adopted June 26, 1952; amended through November 4, 1963.

Cross References

This section cited in 40 Pa. Code § 11.51 (relating to applications and permits).

§ 11.53. Retention of prescriptions.

Prescriptions upon which liquor has been sold or dispensed by a pharmacist, or in a hospital or State-owned institution, shall be retained for at least 2 years on the premises of the drug store, pharmacy, hospital or State-owned institution, and shall be available for inspection by an authorized representative of the Board.

Source

The provisions of this § 11.53 adopted June 26, 1952; amended through November 4, 1963.

§ 11.54. Inspection of premises.

Premises where liquor is sold or dispensed under this subchapter shall be subject to inspection by authorized representatives of the Board at any time during normal business hours.

Source

The provisions of this § 11.54 adopted June 26, 1952; amended through November 4, 1963.

§ 11.55. Records.

(a) Permittees under this subchapter shall maintain and keep upon the premises records which shall show all of the following:

- (1) The quantity of liquor, location of the State Liquor Store where, and date, purchased.
- (2) The name and address of the person to whom sold or dispensed, and the quantity and date of the sale.
- (3) The quantity of liquor used in compounding the prescriptions or medicines.

(b) The records shall be available for inspection by authorized representatives of the Board at any time during normal business hours.

Source

The provisions of this § 11.55 adopted June 26, 1952; amended through November 4, 1963.

Cross References

This section cited in 40 Pa. Code § 11.57 (relating to penalties).

§ 11.56. Consumption in pharmacy prohibited.

Liquor purchased under this subchapter may not be consumed on the premises of a pharmacy or drug store.

Source

The provisions of this § 11.56 adopted June 26, 1952; amended through November 4, 1963.

§ 11.57. Penalties.

Failure to maintain the records specified in § 11.55 (relating to records), or the sale, furnishing or dispensing of liquor by a permittee contrary to this subchapter and the Liquor Code, is sufficient cause for the suspension or revocation of the Wholesale Liquor Purchase Permit and will be construed as a violation of the Liquor Code.

Source

The provisions of this § 11.57 adopted June 26, 1952; amended through November 4, 1963.

CHEMISTS AND MANUFACTURING PHARMACISTS**§ 11.61. Requirement for liquor.**

(a) Chemists and manufacturing pharmacists may obtain liquors customarily used in the operation of their business through State Liquor Stores or through the Bureau of Purchases of the Board.

(b) Chemists desiring to obtain liquor solely for experimental purposes from manufacturers or vendors within or outside this Commonwealth shall apply to the Board for permission, which may be granted at the discretion of the Board.

Source

The provisions of this § 11.61 adopted October 10, 1952.

Cross References

This section cited in 40 Pa. Code § 11.71 (relating to requirement for liquor).

§ 11.62. Applications for permits.

(a) A chemist and manufacturing pharmacist who desires to purchase liquor under this subchapter shall apply to the Board for a permit.

(b) Application for the permit shall be made by and in the name of the owner, if a natural person; by an authorized partner, if a partnership; or by a principal officer, if a corporation. An application shall be accompanied by a permit fee of \$10 for each calendar year or part thereof and shall include the following:

(1) The name under which the business of the applicant is operated.

(2) The address, including street and number, of the principal place of business of the applicant in this Commonwealth.

(3) The name and description of each product or process in which liquor is to be used.

(4) The name, type and quantity of liquor customarily and actually used in each product or process.

(5) Other information the Board may require.

(c) Every application shall be verified by the oath or affirmation of the applicant that the liquors described will be used solely for the listed purposes.

(d) Upon receipt of the application in proper form, the Board may issue to the person a Wholesale Liquor Purchase Permit Card authorizing the purchase of the required types of liquor.

(e) The card will be subject to the provisions of Subchapter A (relating to general provisions).

(f) Permittees may purchase the liquor designated in their permits in either manner prescribed in this subchapter.

(g) Permits issued in calendar year 1997 expire December 31, 1997. Permits issued in calendar years 1998, 1999 and 2000 expire December 31, 2000. Thereafter 4-year terms shall be established whereby all permits issued within a term expire December 31, of the fourth year. Permits may be renewed by filing an application with a nonrefundable fee of \$10 for each calendar year or part thereof.

Source

The provisions of this § 11.62 adopted October 10, 1952; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial pages (205178) to (205179).

Cross References

This section cited in 40 Pa. Code § 11.71 (relating to requirement for liquor); and 40 Pa. Code § 11.72 (relating to applications for permits).

§ 11.63. Wholesale purchases at State Liquor Stores.

Upon presentation of a permit, permittees may purchase liquor at wholesale from stock merchandise or through special order at a State Liquor Store. Sales at wholesale may be made only in containers not exceeding 1 gallon each and will be at the rates the Board may establish.

Source

The provisions of this § 11.63 adopted October 10, 1952.

Cross References

This section cited in 40 Pa. Code § 11.71 (relating to requirement for liquor).

§ 11.64. Bulk purchases.

(a) Bulk purchases are allowed under this subchapter only in quantities of 50 gallons or more per order, consisting of at least 12 gallons per type in containers of 1 gallon or large capacity. If operating conditions do not permit supplying the sizes, the Board may, upon receipt of a written application setting forth satisfactory reasons, permit the use of smaller sizes. The Board will not approve applications for sizes smaller than 1 gallon if the same brands are listed for sale in State Liquor Stores. Permittees shall place their orders with the Bureau of Purchases of the Board. Every order shall include the following:

- (1) The name and address of the purchaser.

- (2) The name and address of the person or firm to whom the order is directed.
- (3) The brand name or description of the liquor desired.
- (4) The manner in which the liquor is to be packed, including the size and number of containers.
- (5) The manner in which the liquor is to be shipped, including the name of the carrier. If the carrier is a trucking company, the carrier shall hold a valid Transporter-for-Hire License issued by the Board.
- (6) The destination to which the shipment is to be made.
- (b) An order shall be accompanied by a remittance in the amount of \$5.
- (c) Upon approval by the Board of an order from a permittee, the order will be forwarded to the specified vendor who will be notified to make shipment to the Board at the destination given in the order.
- (d) The Board will also furnish the purchaser with a notice of release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier shall then sign the original in the space provided and forward it to the Board, retaining the other copy for his file.
- (e) The Board will not be liable to a vendor for the purchase price of liquor purchased, nor for transportation charges, or claims, in connection therewith.
- (f) The Board reserves the right to inspect purchases made under this subchapter, as well as records covering transactions thereunder.

Source

The provisions of this § 11.64 adopted October 10, 1952; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1890; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145. Immediately preceding text appears at serial pages (149785) to (149786).

Cross References

This section cited in 40 Pa. Code § 11.71 (relating to requirement for liquor); and 40 Pa. Code § 11.73 (relating to bulk purchases).

§ 11.65. Refusal of Board to purchase liquor and revocation of permit.

The Board may in any case refuse to purchase or import liquor for a permittee, and may revoke a permit issued if after notice and hearing it appears to the Board that the permittee has used liquor so purchased for a purpose other than that set forth in his application, or has violated a law of the Commonwealth or provision of this title, relating to liquor, malt or brewed beverages or alcohol. The action of the Board in refusing to purchase liquor or revoking a permit will be final.

Source

The provisions of this § 11.65 adopted October 10, 1952.

Cross References

This section cited in 40 Pa. Code § 11.71 (relating to requirement for liquor).

NONBEVERAGE MANUFACTURERS**§ 11.71. Requirement for liquor.**

(a) Persons who manufacture a product wherein liquor is used and changed into other chemical substances and does not appear in the finished product as liquor, may obtain necessary liquor for the use in the following manner:

(1) At State Liquor Stores from stock merchandise or on special order both requiring no permit.

(2) Under authority of a bulk purchase permit in quantities of 50 gallons or more in containers of 1 gallon or larger capacity, except where operating conditions do not permit supplying the sizes.

(b) This subchapter does not apply to chemists and manufacturing pharmacists who are subject to §§ 11.61—11.65 (relating to chemists and manufacturing pharmacists).

Source

The provisions of this § 11.71 adopted October 10, 1952.

Cross References

This section cited in 40 Pa. Code § 11.74 (relating to use of liquor).

§ 11.72. Applications for permits.

(a) Application for a bulk purchase permit shall be made by and in the name of the owner, if a natural person; by an authorized partner, if a partnership; or by a principal officer, if a corporation. An application shall be accompanied by a nonrefundable permit fee of \$20 for each calendar year or part thereof and shall contain the information specified in § 11.62(b) (relating to applications for permits).

(b) An application shall be verified by the oath or affirmation of the applicant that the information submitted is correct and that the liquor described will be used solely for the listed purposes.

(c) Upon receipt of the application in proper form, the Board may issue a bulk purchase permit authorizing the purchase of the required types of liquor. Permits issued in calendar year 1997 expire December 31, 1997. Permits issued in calendar years 1998, 1999 and 2000 expire December 31, 2000. Thereafter, 4-year terms shall be established whereby all permits issued within a term expire December 31, of the fourth year.

Source

The provisions of this § 11.72 adopted October 10, 1952; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial page (205182).

Cross References

This section cited in 40 Pa. Code § 11.74 (relating to use of liquor).

§ 11.73. Bulk purchases.

Bulk purchases of liquor by nonbeverage manufacturers shall conform to the same requirements governing the purchases by chemists and manufacturing pharmacists, as set forth in § 11.64 (relating to bulk purchases).

Source

The provisions of this § 11.73 adopted October 10, 1952.

Cross References

This section cited in 40 Pa. Code § 11.74 (relating to use of liquor).

§ 11.74. Use of liquor.

Liquor purchased under §§ 11.71—11.73 (relating to requirement for liquor; applications for permits; and bulk purchases) shall be used only in the specified manufacturing process or in the manufacture of specified products and may not be used for another purpose.

Source

The provisions of this § 11.74 adopted October 10, 1952.

§ 11.75. Records.

A holder of a permit shall maintain and keep records showing purchases of liquor made under authority of their permit, and withdrawals, for a period of 2 years. The withdrawal record shall indicate the quantity withdrawn and actually used in the particular product or process. The Board reserves the right to inspect the premises of the permittee and to examine the records. The inspection may be at any time when the establishment is open for business.

Source

The provisions of this § 11.75 adopted October 10, 1952.

§ 11.76. Refusal of Board to purchase liquor and revocation of permit.

The Board may refuse to approve the purchase of liquor by a permittee, and may revoke any permit issued where it appears that the permittee has used liquor purchased for a purpose other than that set forth in his application, or has vio-

lated a law of the Commonwealth or provision of this part. The action of the Board in refusing approval to purchase liquor or revoking a permit will be final.

Source

The provisions of this § 11.76 adopted October 10, 1952.

Subchapter C. WINES

SACRAMENTAL WINE LICENSEES

- Sec.
- 11.81. Purchase and importation of sacramental wine.
 - 11.82. Sale and delivery.
 - 11.83. Containers.
 - 11.84. Records.

AGENTS OF SACRAMENTAL WINE LICENSEES

- 11.91. Employment of agents.
- 11.92. [Reserved].
- 11.93. Privileges of agents.
- 11.94. Cancellation, revocation or suspension of registration.

DISPENSING OF WINE

- 11.101. Use of decanters or similar receptacles.
- 11.102. Identifying brand or trade name.
- 11.103. Dispensing system sanitation.
- 11.104. Wine in kegs.
- 11.111. [Reserved].
- 11.112. [Reserved].

SACRAMENTAL WINE LICENSEES

§ 11.81. Purchase and importation of sacramental wine.

The holder of a Sacramental Wine License may purchase from manufacturers within, or import into, this Commonwealth, only wine to be used for sacramental or religious purposes. The purchases shall be consigned and delivered to the licensee.

Source

The provisions of this § 11.81 adopted October 10, 1952.

§ 11.82. Sale and delivery.

(a) Sales of sacramental wine may be made only to an ordained priest, clergyman or rabbi in charge of a congregation, for use in the cathedral, church, synagogue or temple.

(b) Sales of sacramental wine may be made only to an ordained priest, clergyman or rabbi in charge of a congregation, for the uses of sustaining members of the congregation or members of the faith who attend religious services where religious rites require the use of sacramental wine in the home.

(c) The priest, clergyman or rabbi purchasing the wine shall furnish to the licensee the name and address of the member or family and the quantity of wine to be delivered. A sale or delivery may not occur until the names and addresses have been certified to the licensee.

(d) The sales are limited to 40 liters annually per family.

(e) Deliveries shall be made by the licensee, directly to the home address, as certified by the purchasing priest, clergyman or rabbi.

Source

The provisions of this § 11.82 adopted October 10, 1952; amended September 29, 1978, effective September 30, 1978, 8 Pa.B. 2689. Immediately preceding text appears at serial page (4213).

Cross References

This section cited in 40 Pa. Code § 11.83 (relating to containers).

§ 11.83. Containers.

(a) Containers for wine sold for use in a cathedral, church, synagogue or temple may be constructed of glass or wood and of unlimited capacity.

(b) Containers for wine sold for use in the homes of members, under § 11.82(b) (relating to sale and delivery), may not exceed 5 liters.

(c) A container shall be capped or corked by the manufacturer or the holder of a Sacramental Wine License.

Source

The provisions of this § 11.83 adopted October 10, 1952; amended September 29, 1978, effective September 30, 1978, 8 Pa.B. 2689; amended March 29, 1996, effective March 30, 1996, 26 Pa.B. 1353. Immediately preceding text appears at serial page (205185).

§ 11.84. Records.

(a) The holder of a Sacramental Wine License shall maintain and keep on the licensed premises, under section 409 of the Liquor Code (47 P. S. § 4-409), in hard copy or electronic media consistent with generally accepted accounting procedures, complete and accurate daily records containing the following:

- (1) The date of purchase.
 - (2) The name and address of the person from whom purchased.
 - (3) The date of sale.
 - (4) The name and address of the priest, clergyman or rabbi to whom sold.
 - (5) The type, quantity and price of wine sold.
 - (6) The name and address of members to whom wine is delivered directly, and the quantity.
- (b) A copy of all sales records shall be retained in the records of the licensee on the licensed premises for 2 years.
- (c) All stock of wine on hand shall be reconciled with the records by means of a physical inventory taken at the close of business each month, at which time proper claim shall be made for any unusual losses of wine through theft, evaporation, absorption or other conditions. No retroactive claims for losses will be allowed.
- (d) The records maintained by licensees under this section shall be open to inspection by authorized representatives of the Board and the State Police, Bureau of Liquor Control Enforcement, under sections 211 and 493(21) of the Liquor Code (47 P. S. §§ 2-211 and 4-493(21)). A recordkeeping system utilized by the licensee shall have the capability to provide for the reconciling of required data. Entries shall be verifiable by supporting documentation—original documents. Records shall be clearly identifiable to the licensed operation.
- (e) *Federal and State government reports and forms.* Copies of reports or forms required by Federal or State governmental agencies related to the licensed operation shall be maintained for a period of 2 years unless required to be maintained for a longer period by the Federal or State agencies. The reports or forms shall also be open to inspection by authorized representatives of the Board and the State Police, Bureau of Liquor Control Enforcement, and shall constitute a satisfactory record if they contain the information required in subsections (a)—(c).

Source

The provisions of this § 11.84 adopted October 10, 1952; amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3492. Immediately preceding text appears at serial page (72737).

AGENTS OF SACRAMENTAL WINE LICENSEES

§ 11.91. Employment of agents.

A sacramental wine licensee may employ individuals to solicit orders for sacramental wines or to promote the sale of the wines.

Source

The provisions of this § 11.91 adopted October 10, 1952; amended October 16, 1981, effective January 1, 1982, 11 Pa.B. 3552; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145; amended December 17, 1999, effective December 18, 1999, 29 Pa.B. 6337. Immediately preceding text appears at serial page (213908).

§ 11.92. [Reserved].**Source**

The provisions of this § 11.92 adopted October 10, 1952; amended October 16, 1981, effective January 1, 1982, 11 Pa.B. 3552; reserved December 17, 1999, effective December 18, 1999, 29 Pa.B. 6337. Immediately preceding text appears at serial pages (213908) and (248689).

§ 11.93. Privileges of agents.

An agent of a sacramental wine licensee may only solicit and obtain orders for sacramental wine and then only from priests, clergymen or rabbis. An agent of a sacramental wine licensee is not permitted to have in his possession or on his truck a sacramental wine for which he does not have an order in his possession. An agent of the sacramental wine licensee may not take orders for an alcoholic beverage except wine to be used for sacramental or religious purposes, unless the agent has been registered in accordance with this title, nor may he deliver other types of merchandise. A truck or vehicle used by a sacramental wine licensee or his agent shall be registered with the Board, in accordance with the Liquor Code and the provisions of this part.

Source

The provisions of this § 11.93 adopted October 10, 1952.

§ 11.94. Cancellation, revocation or suspension of registration.

(a) A licensee may request the cancellation of the registration of an agent by returning the identification card issued to the agent. The Board will cancel the registration. Where the employment of an agent is terminated, the licensee shall immediately notify the Board, and the identification card issued to the agent shall be surrendered.

(b) Upon learning of the violation of a provision of this part or a law of the Commonwealth relating to liquor, malt or brewed beverages, and alcohol, by the agent of the sacramental wine licensee, the Board may summon the agent to appear before it or its examiner, not less than 10 days nor more than 15 days from the date of sending to such agent, by registered mail, a notice to show cause why his agent's registration should not be suspended or revoked. Upon the hearing, if satisfied that the violation has occurred, the Board will immediately suspend or revoke the registration, notifying the licensee and the agent by registered mail. An agent whose registration has been revoked shall be ineligible for reregistration for the period of time as the Board may determine. The action of the Board will be final.

Source

The provisions of this § 11.94 adopted October 10, 1952; amended October 16, 1981, effective January 1, 1982, 11 Pa.B. 3552. Immediately preceding text appears at serial pages (4216) and (38679).

DISPENSING OF WINE**§ 11.101. Use of decanters or similar receptacles.**

Retail liquor licensees may dispense wine from decanters or similar receptacles including receptacles forming a part of a dispensing system.

Source

The provisions of this § 11.101 adopted October 10, 1952; amended September 13, 1974, effective September 14, 1974, 4 Pa.B. 1948; amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4284. Immediately preceding text appears at serial page (81469).

§ 11.102. Identifying brand or trade name.

The brand or trade name of wine served by a dispensing system shall be identified, in legible lettering, in one of the following ways or in any combination:

- (1) On the dispensing system in sight of patrons.
- (2) On a menu, wine list or other beverage list.
- (3) On the licensed premises in a location accessible to and in sight of patrons.

Source

The provisions of this § 11.102 adopted October 10, 1952; amended September 13, 1974, effective September 14, 1974, 4 Pa.B. 1948; amended through November 23, 1984, effective November 24, 1984, 14 Pa.B. 4284. Immediately preceding text appears at serial pages (81469) to (81470).

§ 11.103. Dispensing system sanitation.

(a) Coils, taps, connections, siphons, spigots or other parts of a wine dispensing system shall be cleaned at least once every 30 days by a method which thoroughly cleans the system and leaves it in a sanitary condition.

(b) Records shall be kept on the licensed premises indicating the date of each cleaning and the method used.

Source

The provisions of this § 11.103 amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4284. Immediately preceding text appears at serial page (81470).

Cross References

This section cited in 40 Pa. Code § 5.404 (relating to sales for on-premises consumption).

§ 11.104. Wine in kegs.

Wine in kegs of any capacity will not be purchased or sold by the Board. No wine will be sold through the Board in containers exceeding a capacity of 5 liters except that the Board may sell sparkling grape wine (as defined in 27 CFR 4.21(b)(1)—(3) (relating to the standards of identity)) in glass containers larger than 5 liters.

Source

The provisions of this § 11.104 adopted October 10, 1952; amended September 29, 1978, effective September 30, 1978, 8 Pa.B. 2689; amended March 29, 1996, effective March 30, 1996, 26 Pa.B. 1353; amended October 9, 1998, effective October 10, 1998, 28 Pa.B. 5103. Immediately preceding text appears at serial page (213910).

LIMITED WINERIES**§ 11.111. [Reserved].****Authority**

The provisions of this § 11.111 issued under sections 207(g) and (i) and 505.2(2) and (3) of the Liquor Code (47 P.S. §§ 2-207(g) and (i) and 5-505.2(2) and (3)); amended under section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

Source

The provisions of this § 11.111 adopted March 11, 1969; amended July 23, 1971, effective July 24, 1971, 1 Pa.B. 1562; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 11, 1983, effective January 1, 1984, 13 Pa.B. 984; amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3511; corrected December 30, 1988, effective March 1, 1986, 18 Pa.B. 5757; amended December 22, 1995, effective December 23, 1995, 25 Pa. B. 5957; amended March 29, 1996, effective March 30, 1996, 26 Pa.B. 1353; amended October 9, 1998, effective October 10, 1998, 28 Pa.B. 5103; amended July 13, 2012, effective July 14, 2012, 42 Pa.B. 4465; amended February 28, 2014, effective March 1, 2014, 44 Pa.B. 1233; deleted July 22, 2022, effective July 23, 2022, 52 Pa.B. 4090. Immediately preceding text appears at serial pages (392971) to (392973).

§ 11.112. [Reserved].**Source**

The provisions of this § 11.112 adopted March 11, 1969; amended July 23, 1971, effective July 24, 1971, 1 Pa.B. 1562; amended June 9, 1978, effective June 10, 1978, 8 Pa.B. 1563; amended September 29, 1978, effective September 30, 1978, 8 Pa.B. 2689; amended October 30, 1981, effective October 31, 1981, 11 Pa.B. 3689; reserved March 11, 1983, effective March 12, 1983, 13 Pa.B. 984. Immediately preceding text appears at serial pages (65196) to (65197).

Subchapter D. BRANDIES FOR RELIGIOUS USE**Sec.**

- 11.121. Procurement of brandies.
- 11.122. Special orders.
- 11.123. Listings.
- 11.124. Seals.
- 11.125. Violations.

§ 11.121. Procurement of brandies.

(a) Members of a religious denomination who require for religious use specially prepared brandies not stocked in State Liquor Stores may obtain the brandies only during the months of March and April on special order solely from permittees, as provided in subsection (b).

(b) Resident importers, manufacturers and rectifiers, licensed by the Board, who desire to accept orders for brandies described in subsection (a), shall obtain from the Board, upon application accompanied by a remittance of \$20, special permit cards for the purpose, for themselves only. Registered agents of the licensee may not solicit nor accept special orders for the merchandise. The special permit card shall be exhibited at the State Liquor Store each time the special orders are placed.

Source

The provisions of this § 11.121 adopted June 26, 1952; amended through November 4, 1963; amended June 18, 1982, effective July 1, 1982, 12 Pa.B. 1860; amended March 12, 1993, effective March 13, 1993, 23 Pa.B. 1145. Immediately preceding text appears at serial pages (149797) to (149798).

§ 11.122. Special orders.

(a) Orders for not less than 1 pint of brandies for religious use may be accepted by permittees and shall be written on forms furnished by the Board.

(b) The total of orders received from individuals, when transmitted to a State Liquor Store, shall aggregate a full case and shall be paid for in full when placed.

(c) It is not necessary for a permittee to ship the merchandise to a State Liquor Store, but no deliveries of individual bottle orders may be made until a purchase order has been received by the permittee from the Board.

§ 11.123. Listings.

Applications for the establishment of selling prices for brandies for religious use shall be submitted on forms provided by the Board to the Purchasing Division of the Board.

Source

The provisions of this § 11.123 adopted June 26, 1952; amended through November 4, 1963.

§ 11.124. Seals.

The use of "Official Seals" on containers of liquor and alcohol was discontinued by act of the General Assembly as of October 11, 1972.

Source

The provisions of this § 11.124 adopted June 26, 1952; amended through November 4, 1963; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1889. Immediately preceding text appears at serial page (4220).

§ 11.125. Violations.

A permittee who violates the provisions of this subchapter shall be subject to the penalties provided in the Liquor Code.

Source

The provisions of this § 11.125 adopted June 26, 1952; amended through November 4, 1963.

[Next page is 11-31].

Subchapter E. DISTILLERY CERTIFICATE BROKERS

Sec.

11.131. Records to be maintained.

11.132. Samples for brokers.

§ 11.131. Records to be maintained.

(a) Licensed distillery certificate brokers shall maintain and keep on the licensed premises complete records covering their operations as brokers in this Commonwealth. The records shall include the name and address of the distillery or person from whom Distillery Bonded Warehouse Certificates are purchased, the serial numbers thereof, purchase price, date of purchase and number of barrels, with their serial numbers and the age of the whiskey, covered by the certificates.

(b) The name and address of persons to whom certificates are sold and the selling price thereof, the date of sale and profits and commissions earned by the broker on the sale of certificates, whether the certificates were actually owned by the broker or not, shall also be included.

(c) Records shall also be maintained covering the receipt and disposition of samples obtained in accordance with § 11.132 (relating to samples for brokers).

(d) Records maintained by distillery certificate brokers shall be subject to inspection by authorized representatives of the Board during normal business hours.

Source

The provisions of this § 11.131 adopted June 26, 1952; amended through November 4, 1963.

§ 11.132. Samples for brokers.

(a) Licensed distillery certificate brokers may obtain samples of liquor, as required, from distillers in or outside of this Commonwealth, in the following manner:

(1) A written request on the form prescribed by the Board shall be made by the broker to the distillery from which the samples are desired and a copy of the letter shall be submitted at the same time to the Bureau of Liquor Purchases of the Board.

(2) The Bureau of Liquor Purchases will, if the request is approved, assign a release number to the transaction and notify the distillery from which the samples have been requested, by letter, that shipment may be made.

(3) A release under the same number will then be issued to the broker, which shall be presented in duplicate to the State Liquor Store to obtain possession of the samples.

(b) Samples shipped to brokers in accordance with this section shall be packaged in 4 ounce bottles bearing labels, including at least the following information:

- (1) The name and location of the distillery.
 - (2) The exact date of distillation.
 - (3) Proof of when entered into bond.
 - (4) The date withdrawn from bond.
 - (5) Proof of when withdrawn from bond.
 - (6) The serial number of containers from which withdrawn.
- (c) In order that the merchandise may be properly identified when it reaches the State Liquor Store, the distiller shall mark plainly on the package the release number as assigned by the Bureau of Liquor Purchases and the name of the distillery certificate broker.

Source

The provisions of this § 11.132 adopted June 26, 1952; amended through November 4, 1963; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1890. Immediately preceding text appears at serial pages (4221) to (4222).

Cross References

This section cited in 40 Pa. Code § 11.131 (relating to records to be maintained).

Subchapter F. SALE OF LIQUOR TO THE BOARD

Sec.

- 11.141. Sales to the Board.
11.142. Listing proposals.

§ 11.141. Sales to the Board.

Persons desiring to sell liquors other than wines not manufactured in this Commonwealth to the Board shall make application for a permit before the liquor will be purchased. Forms for application will be furnished by the Board upon request. The fee for the permit shall be on a reciprocal basis, as provided in the Liquor Code. A licensed importer is not required to obtain a permit if the liquor is wholly owned by the importer. Persons holding Importer Licenses who desire to sell to the Board liquors other than wine manufactured outside of this Commonwealth and not wholly owned by the importer shall obtain a permit and pay to the Board the reciprocal fee, if any, if not previously paid by or for the manufacturer.

Source

The provisions of this § 11.141 adopted June 26, 1952; amended through November 4, 1963; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1890. Immediately preceding text appears at serial page (15275).

§ 11.142. Listing proposals.

(a) A listing proposal for stock items submitted to the Board for its consideration shall be submitted on forms provided by the Board accompanied by additional information the Board may require.

(b) A listing proposal will be accompanied by a \$150 fee which is nonrefundable.

(c) This fee will be waived if the Board invites a vendor to submit a proposal for a product.

Source

The provisions of this § 11.142 adopted March 22, 1985, effective April 1, 1985, 15 Pa.B. 1081; amended June 9, 1989, effective July 1, 1989, 19 Pa.B. 2446. Immediately preceding text appears at serial page (131455).

Subchapter G. CREDIT CARDS

Sec.

11.151. General.

§ 11.151. General.

(a) The Board will provide for and authorize certain credit cards to be honored in Pennsylvania Liquor Stores.

(b) The Board will establish conditions of purchase applicable to credit card transactions.

Authority

The provisions of this § 11.151 issued under section 305(b) of the Liquor Code (47 P. S. § 3-305(b)).

Source

The provisions of this § 11.151 adopted November 18, 1988, effective November 19, 1988, 18 Pa.B. 5161.

Subchapter H. [Reserved]

Sec.

11.161. [Reserved].

11.162. [Reserved].

11.163. [Reserved].

11.164. [Reserved].

§ 11.161. [Reserved].**Source**

The provisions of this § 11.161 adopted October 21, 1961; amended through April 14, 1972, 2 Pa.B. 665; amended October 28, 1977, effective October 29, 1977, 7 Pa.B. 3198; reserved November 22, 1996, effective November 23, 1996, 26 Pa.B. 5699. Immediately preceding text appears at serial pages (205195) to (205196).

§ 11.162. [Reserved].**Source**

The provisions of this § 11.162 adopted October 21, 1961; amended through April 14, 1972, 2 Pa.B. 665; reserved November 22, 1996, effective November 23, 1996, 26 Pa.B. 5699. Immediately preceding text appears at serial pages (205196) to (205197).

§ 11.163. [Reserved].**Source**

The provisions of this § 11.163 adopted October 21, 1961; amended through April 14, 1972, 2 Pa.B. 665; reserved November 22, 1996, effective November 23, 1996, 26 Pa.B. 5699. Immediately preceding text appears at serial page (205197).

§ 11.164. [Reserved].**Source**

The provisions of this § 11.164 adopted October 21, 1961; amended through April 14, 1972, 2 Pa.B. 665; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1889; reserved November 22, 1996, effective November 23, 1996, 26 Pa.B. 5699. Immediately preceding text appears at serial page (205197).

Subchapter I. SALE OF ALCOHOLIC BEVERAGES ON SUNDAY**Sec.**

- 11.171. Statutory provisions.
- 11.172. Application for Sunday sales permit.
- 11.173. Issuance.
- 11.174. Provisional Sunday sales permit.
- 11.175. Duration of Sunday sales permit.
- 11.176. Renewal.

§ 11.171. Statutory provisions.

(a) Under sections 406 and 492(5) of the Liquor Code (47 P. S. §§ 4-406 and 4-492(5)), the sale of liquor and malt or brewed beverages by a licensee who qualifies under the act is authorized on Sunday between the hours of 11 a.m. and 2 a.m. Monday.

(b) Section 406 of the Liquor Code provides that hotel and certain restaurant licensees whose sales of food and nonalcoholic beverages equal 30% or more of the combined sales of both food and alcoholic beverages may sell beverages under the conditions described in subsection (a) upon the purchase of a special annual permit from the Board.

(c) Section 492(5) of the Liquor Code provides that hotel and eating place retail dispenser licensees may sell beverages under the conditions described in subsection (a) upon the purchase of a special annual permit from the Board.

Source

The provisions of this § 11.171 adopted July 23, 1971, effective July 24, 1971, 1 Pa.B. 1561; amended November 22, 1996, effective November 23, 1996, 26 Pa.B. 5699. Immediately preceding text appears at serial page (205198).

§ 11.172. Application for Sunday sales permit.

(a) A licensee who wishes to make Sunday sales of alcoholic beverages shall file an application in the form as may be prescribed by the Board for a Sunday sales permit. The application for a Sunday sales permit shall contain:

- (1) The name and address of the licensee.
- (2) The address of the licensed premises.
- (3) The license number.
- (4) Information to support the application's assertion that for at least 90-consecutive days during the 12 months immediately preceding the date of application, sales of food and nonalcoholic beverages by the applicant at the licensed premises were equal to or exceed 30% of the combined gross sale of both food and alcoholic beverages.

(b) The licensee shall be strictly liable for the accuracy of the information contained in the application and any inaccuracy shall be cause to show why the license should not be suspended or revoked or a fine imposed.

Source

The provisions of this § 11.172 adopted July 23, 1971, effective July 24, 1971, 1 Pa.B. 1561; amended August 22, 1986, effective October 1, 1986, 16 Pa.B. 3114; corrected September 5, 1986, effective October 1, 1986, 16 Pa.B. 3292; amended November 22, 1996, effective November 23, 1996, 26 Pa.B. 5699; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial page (222623).

Notes of Decisions*Administrative Law Judges*

An administrative law judge may suspend or revoke a liquor license for violations of the Liquor Code or these regulations. Because issuance of a liquor license was a prerequisite to the issuance of a Sunday Sales Permit, and such a permit only related to a licensee's ability to sell liquor between certain hours on Sunday and Monday mornings, there was inherent in an administrative law judge's power to suspend or revoke a liquor license the power to suspend or revoke a Sunday Sales Permit. *Shenanigans of Lake Harmony, Inc. v. Liquor Control Board*, 654 A.2d 166 (Pa. Cmwlth. 1995).

As the liquor licensee furnished false information on its Sunday Sales Permit renewal application and failed to meet the minimum required sales ratios, the order imposing a fine and revocation of the permit was supported by substantial evidence. *State Police v. Boots & Bonnet, Inc.*, 630 A.2d 541 (Pa. Cmwlth. 1993).

A licensee must fill out an application to make Sunday sales and certify that sales of food and non-alcoholic beverages equals 40% of the food and alcoholic beverage sales. Falsifying information on the application resulted in a \$400 fine and revocation of the Sunday sales permit. *State Police v. Boots*, 630 A.2d 541 (Pa. Cmwlth. 1993).

Cross References

This section cited in 40 Pa. Code § 11.174 (relating to provisional Sunday sales permit); and 40 Pa. Code § 11.176 (relating to renewal).

§ 11.173. Issuance.

Upon receipt of the application and appropriate fee, the Board will grant and issue a Sunday sales permit. The permit shall be in the size and form prescribed by the Board and shall be posted in a conspicuous place next to the license.

Source

The provisions of this § 11.173 adopted July 23, 1971, effective July 24, 1971, 1 Pa.B. 1561; amended August 22, 1986, effective October 1, 1986, 16 Pa.B. 3114; corrected September 5, 1986, effective October 1, 1986, 16 Pa.B. 3292. Immediately preceding text appears at serial page (45498).

§ 11.174. Provisional Sunday sales permit.

(a) Sunday sales permits are personal and not subject to transfer. The Board may, upon receipt of the appropriate application and fee, grant and cause to be issued a provisional Sunday sales permit to a qualified licensee:

- (1) To whom the Board has approved the issuance of a new license.
- (2) To whom the Board has approved the transfer of an existing license.
- (3) Whose primary license has been in safekeeping with the Board for a period of not less than 90 days.

(b) An application for a provisional Sunday sales permit shall be filed within 90 days of the grant of a new license, the transfer of an existing license or the release of a license from safekeeping, whichever applies. The provisional Sunday sales permit is valid for a period of 120 days from the date of issuance, exclusive of periods of safekeeping. After 90 days from the date of issuance, the licensee has the right to file an application for a Sunday sales permit under § 11.172 (relating to application for Sunday sales permit). The licensee will be required to pay an additional full fee in order to renew the provisional Sunday sales permit when the 120-day period extends into a new license year. If the licensee qualifies for a Sunday sales permit, the provisional Sunday sales permit fee submitted for the license year in question shall be applied in full. If the licensee fails to qualify for a Sunday sales permit, the fee submitted with the application for a provisional Sunday sales permit is forfeited.

Source

The provisions of this § 11.174 adopted July 23, 1971, effective July 24, 1971, 1 Pa.B. 1561; amended October 28, 1977, effective October 29, 1977, 7 Pa.B. 3198; amended September 28, 1979, effective September 29, 1979, 9 Pa.B. 3320; amended August 22, 1986, effective October 1, 1986, 16 Pa.B. 3114; corrected September 5, 1986, effective October 1, 1986, 16 Pa.B. 3292. Immediately preceding text appears at serial pages (45498) to (45499).

§ 11.175. Duration of Sunday sales permit.

Sunday sales permits issued by the Board shall be valid only for the license year during which issued.

Source

The provisions of this § 11.175 adopted July 23, 1971, effective July 24, 1971, 1 Pa.B. 1561.

§ 11.176. Renewal.

Renewals of Sunday sales permits shall be accomplished as set forth in § 11.172 (relating to application for Sunday sales permit), except that the information required by § 11.172(a)(4) shall be for the 12-month period or portion thereof immediately preceding the date of the application for renewal.

Source

The provisions of this § 11.176 adopted July 23, 1971, effective July 24, 1971, 1 Pa.B. 1561; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial page (222625).

Subchapter J. REPORTING OF DISHONORED INSTRUMENTS

Sec.

- 11.181. Notification of the Board.
- 11.182. Notification of the maker.
- 11.183. Instructions to the depository regarding notification of the licensee.
- 11.184. Copies to be kept on premises.

§ 11.181. Notification of the Board.

(a) A person licensed by the Board under Article IV of the Liquor Code (47 P. S. §§ 4-401—4-497) who receives in payment for malt or brewed beverages any check, draft or similar order for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository upon which drawn, for any reason, shall so notify the Board within 20 days of dishonor, by letter, through the United States mail, addressed to the Investigative Unit, Liquor Control Board, Harrisburg, Pennsylvania 17124.

(b) A separate letter or notice shall be submitted for each dishonored instrument and shall contain all of the following:

- (1) The name and business address of the licensee giving the notice.
- (2) The name and business address of the maker of the instrument.
- (3) The date and amount of the instrument and institution upon which drawn.
- (4) The date received in payment for malt or brewed beverages.
- (5) The date of notice of nonpayment or dishonor and the reason therefor.
- (6) The name of the payee on the instrument.

- (7) A list of endorsements, if any.
- (8) Other relevant remarks.

Source

The provisions of this § 11.181 adopted June 22, 1961; amended July 17, 1963; amended August 29, 1997, effective August 30, 1997, 27 Pa.B. 4432. Immediately preceding text appears at serial page (222625).

§ 11.182. Notification of the maker.

A person licensed by the Board under the provisions of Article IV of the Liquor Code (47 P. S. §§ 4-401—4-497) and who receives in payment for malt or brewed beverages any check, draft or similar order for the payment of money which is subsequently dishonored by the bank, banking institution, trust company or other depository upon which drawn, for any reason, shall so notify the person who presented the worthless check, draft or similar order within 5 days of the receipt of notice of the dishonor, by United States certified mail.

Source

The provisions of this § 11.182 adopted June 22, 1961; amended July 17, 1963.

§ 11.183. Instructions to the depository regarding notification of the licensee.

A person licensed by the Liquor Control Board under the provisions of Article IV of the Liquor Code (47 P. S. §§ 4-401—4-497) who receives in payment for malt or brewed beverages sold by him a check, draft or similar order for the payment of money shall give instructions in writing to the banking institution or other depositories in which he shall deposit instruments that the banking institution or other depositories shall give notice to him when an instrument has been dishonored by the banking institution or depository upon which it was drawn.

Source

The provisions of this § 11.183 adopted June 22, 1961; amended July 17, 1963.

§ 11.184. Copies to be kept on premises.

A copy of each notice required in this subchapter shall be maintained on the licensed premises.

Source

The provisions of this § 11.184 adopted June 22, 1961; amended July 17, 1963.

Subchapter K. EXTENSION OF CREDIT BY LICENSEES

- Sec.
11.191. Applicability.
11.192. Credit cards issued by licensees.
11.193. Credit cards not issued by licensees.

§ 11.191. Applicability.

This subchapter applies to credit cards other than those issued by banking institutions subject to State or Federal regulation, under section 493(2) of the Liquor Code (47 P. S. § 4-493(2)), permitting the extension of credit in certain cases.

Source

The provisions of this § 11.191 adopted February 26, 1970.

§ 11.192. Credit cards issued by licensees.

A hotel, restaurant or public service licensee may extend credit to customers by the issuance of credit cards where the person to whom the card is issued has filed a written application retained in the records of the licensee.

Source

The provisions of this § 11.192 adopted February 26, 1970.

§ 11.193. Credit cards not issued by licensees.

A hotel, restaurant or public service licensee may extend credit to customers holding credit cards issued by companies other than licensees which guarantee payment of the credit, provided the licensee has entered into a written agreement to honor the credit cards of the particular company and the agreement is retained in the records of the licensee.

Source

The provisions of this § 11.193 adopted February 26, 1970; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1890. Immediately preceding text appears at serial page (11817).

Subchapter L. [Reserved]

- Sec.
11.201. [Reserved].
11.202. [Reserved].
11.203. [Reserved].
11.204 and 11.205. [Reserved].

§ 11.201. [Reserved].**Source**

The provisions of this § 11.201 adopted July 21, 1972, effective July 22, 1972, 2 Pa.B. 1394; amended January 16, 1998, effective January 17, 1998, 28 Pa.B. 279; reserved January 19, 2001, effective January 20, 2001, 31 Pa.B. 430. Immediately preceding text appears at serial pages (239327) to (239328).

§ 11.202. [Reserved].**Source**

The provisions of this § 11.202 adopted July 21, 1972, effective July 22, 1972, 2 Pa.B. 1394; reserved January 16, 1998, effective January 17, 1998, 28 Pa.B. 279. Immediately preceding text appears at serial page (234131).

§ 11.203. [Reserved].**Source**

The provisions of this § 11.203 adopted January 16, 1998, effective January 17, 1998, 28 Pa.B. 279; reserved January 19, 2001, effective January 20, 2001, 31 Pa.B. 430. Immediately preceding text appears at serial pages (239327) to (239329).

§§ 11.204 and 11.205. [Reserved].**Source**

The provisions of these §§ 11.204 and 11.205 adopted January 16, 1998, effective January 17, 1998, 28 Pa.B. 279; reserved January 19, 2001, effective January 20, 2001, 31 Pa.B. 430. Immediately preceding text appears at serial pages (239329) to (239330).

**Subchapter M. LICENSED DISTILLERIES OF
HISTORICAL SIGNIFICANCE**

Sec.

11.211. Sale by licensed distilleries of historical significance.

11.212. Additional conditions.

§ 11.211. Sale by licensed distilleries of historical significance.

(a) A licensed distillery of historical significance may sell on the licensed premises liquor produced on the premises in accordance with the Liquor Code and this title.

(b) The employment of agents by licensed distilleries of historical significance is governed by § 3.73 (relating to agents).

(c) Records, sales, invoices and reports shall be kept, as prescribed in § 5.104 (relating to licensed distilleries of historical significance).

Source

The provisions of this § 11.211 adopted February 20, 1976, effective February 21, 1976, 6 Pa.B. 365.

Cross References

This section cited in 40 Pa. Code § 3.72 (relating to creation); and 40 Pa. Code § 11.212 (relating to additional conditions).

§ 11.212. Additional conditions.

In addition to the requirements set forth in § 11.211 (relating to sale by licensed distilleries of historical significance), the sale of liquor shall conform to all of the following:

- (1) Liquor produced by a licensed distillery of historical significance may be shipped by common carrier or transporter-for-hire, as provided in Chapter 9 Subchapter A (relating to transportation of liquor, malt or brewed beverages or alcohol).
- (2) There shall be no sales for consumption of liquor on the licensed premises.
- (3) Liquor sold shall be in sealed containers of not less than 6 ounces nor more than 1 gallon.
- (4) A licensed distillery of historical significance may accept checks drawn by the purchaser on his account, and from retail customers, credit cards issued by banking or financial institutions, subject to State or Federal regulations.
- (5) Sales may be made only between the hours of 9 a.m. and 9 p.m. Monday to Saturday inclusive and 10 a.m. to 6 p.m. on Sunday.
- (6) Mail or telephone orders may be accepted. Delivery of products shall be accomplished through the use of vehicles properly registered by the distillery of historical significance or through properly licensed transporters. It shall be the responsibility of the distillery licensee to insure that liquor is not delivered to minors and that proper invoices are maintained in accordance with § 5.104 (relating to licensed distilleries of historical significance).

Source

The provisions of this § 11.212 adopted February 20, 1976, effective February 21, 1976, 6 Pa.B. 365; amended September 28, 1979, effective September 29, 1979, 9 Pa.B. 3320; amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4284. Immediately preceding text appears at serial pages (45502) to (45503).

Cross References

This section cited in 40 Pa. Code § 3.72 (relating to creation).

Subchapter N. LICENSED LIMITED DISTILLERIES AND DISTILLERIES

Sec.

- 11.221. Sale by licensed limited distilleries and distilleries.
11.222. Additional conditions.

Authority

The provisions of this Subchapter N issued under sections 207(i) and 505.4 of the Liquor Code (47 P. S. §§ 2-207(i) and 5-505.4), unless otherwise noted.

Source

The provisions of this Subchapter N adopted April 4, 2014, effective April 5, 2014, 44 Pa.B. 2056, unless otherwise noted.

§ 11.221. Sale by licensed limited distilleries and distilleries.

(a) A licensed limited distillery or distillery may sell on the licensed premises liquor produced on the premises in accordance with the Liquor Code and this title.

(b) In addition to the sale of liquor, the following items are permitted to be offered for sale on the licensed premises:

(1) Liquor accessories as follows:

- (i) Cork removers and other bottle openers.
- (ii) Glasses, shot glasses, decanters and flasks.
- (iii) Pourers and bottle stoppers.
- (iv) Cocktail mixers, shakers and other cocktail preparation accessories.
- (v) Cocktail forks, toothpicks, stirrers, napkins and gift bags.

(2) Publications dealing with liquor.

(3) Promotional items advertising the limited distillery or distillery such as tee shirts, glassware, caps, and the like.

(c) Sales on the licensed premises of merchandise not listed in subsection (b) are subject to Board approval. The approval shall be requested by letter addressed to the Board. A limited distillery or distillery licensee will be advised of approved items through an appropriate means of dissemination.

Cross References

This section cited in 40 Pa. Code § 11.222 (relating to additional conditions).

§ 11.222. Additional conditions.

In addition to the requirements in § 11.221 (relating to sale by licensed limited distilleries and distilleries), the sale of liquor shall conform to the following:

(1) Liquor produced by a licensed limited distillery or distillery may be shipped by transporter-for-hire as provided in Chapter 9, Subchapter A (relating to transportation of liquor, malt or brewed beverages or alcohol).

(2) A licensed limited distillery or distillery may accept checks drawn by the purchaser on his account and from retail customers, credit cards issued by banking or financial institutions, subject to State or Federal regulations.

(3) A licensed limited distillery or distillery may accept orders for the purchase of liquor produced on the licensed premises by mail, Internet or telephone. Delivery of products shall be accomplished through the use of vehicles properly registered by the limited distillery or distillery, as provided in section 491(12) of the Liquor Code (47 P.S. § 4-491(12)), or through a properly licensed transporter-for-hire, as provided in Chapter 9, Subchapter A. It is the responsibility of the limited distillery or distillery licensee to ensure that liquor is not delivered to minors and that proper records and invoices are maintained as set forth in § 5.104 (relating to licensed distilleries of historical significance).

**Subchapter O. RETURN OF LIQUOR TO THE BOARD BY LICENSEES
OR PERMIT HOLDERS**

Sec.

- 11.231. General provisions.
- 11.232. Defective products.
- 11.233. Error in products delivered.
- 11.234. Products that may no longer be lawfully sold.
- 11.235. Product subject to recall or withdrawal.
- 11.236. Change in product.
- 11.237. Discontinued products.
- 11.238. Permit holders.
- 11.239. Special order listings.

Source

The provisions of this Subchapter O adopted August 3, 2018, effective August 4, 2018, 48 Pa.B. 4616, unless otherwise noted.

§ 11.231. General provisions.

(a) The Board may accept the return of liquor purchased from the Board for ordinary and usual commercial reasons arising after the product has been sold. Sections 11.232—11.237 specify ordinary and usual commercial reasons for the return of products and outline the conditions and limitations for returns. If the Board accepts the returned product, the licensee will receive the price paid as evidenced by documentation of the transaction, as defined in subsection (d), less handling charges in accordance with subsection (e). The Board will not accept the return of product purchased from a third party, even if the third party purchased the product from the Board.

(b) The Board will not accept the return of product for reasons that do not constitute ordinary and usual commercial reasons, including all of the following:

- (1) Product sought to be returned because it is overstocked or slow-moving.
- (2) Product sought to be returned because there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles.
- (3) Product sought to be returned because the licensee changed its menu or for other similar business reasons.
- (4) Product sought to be returned because it was damaged after the product left the custody or control of the Board.
- (5) Product sought to be returned for any other reason that is not included in §§ 11.232—11.237.

(c) The repurchase of product related to the discontinuance or sale of a licensee's business is addressed in §§ 9.113 and 9.114 (relating to requests for repurchase by licensees who have discontinued business or sold their licensed business; information to be furnished; and repurchase of liquor presented to the Board).

(d) For purposes of this subchapter, "documentation of the transaction" may include, but is not limited to, a signed bill of lading, a licensee sales invoice or a point of sale receipt.

(e) The Board may refund the licensee for some or all of the liquor purchased from State Liquor Stores at the price paid by the licensee in accordance with this subchapter. A handling charge equal to the greater of 12.5% of the purchase price or \$50, whichever is greater, will only be assessed when 12 bottles or more are accepted for return.

(f) The return of liquor purchased as a special order listing, as defined in § 13.71 (relating to definitions), is subject to § 11.239 (relating to special order listings).

Cross References

This section cited in 40 Pa. Code § 11.233 (relating to error in products delivered); 40 Pa. Code § 11.236 (relating to change in product); 40 Pa. Code § 11.237 (relating to discontinued products); 40 Pa. Code § 11.238 (relating to permit holders); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.232. Defective products.

Products that are unmarketable at the time of delivery or pickup because of product deterioration, leaking containers, damaged labels, or missing or mutilated tamper evident closures may be returned for a refund within 30 days of purchase. Returns may be contingent upon verification of the alleged defect, including photographs of the damaged product or any other evidence required by the Board or the manufacturer of the product. The payment of a handling charge will be waived for returns under this section.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.233. Error in products delivered.

A discrepancy between products ordered and products delivered may be corrected, within 30 days of purchase, by returning the incorrect product for a refund. The licensee will be required to provide documentation of the transaction, as defined in § 11.231(d) (relating to general provisions), and the erroneous product. The payment of a handling charge will be waived for returns under this section.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.234. Products that may no longer be lawfully sold.

Products that may no longer be lawfully sold may be returned for a refund within 30 days of notification that the product may no longer lawfully be sold. This includes, but is not limited to, situations when, due to a change in statute, regulation or administrative procedure over which the licensee has no control, a particular size, brand or product is no longer permitted to be sold. The payment of a handling charge will be waived for returns under this section.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.235. Product subject to recall or withdrawal.

Products that have been recalled or withdrawn by the manufacturer may be returned for a refund within 30 days of notification that the product has been recalled or withdrawn. The payment of a handling charge will be waived for returns under this section.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.236. Change in product.

When a manufacturer changes a product in formula, proof, label or container, a licensee may return its existing inventory for a refund of that product within 30 days of notification that the product has been changed. A change in vintage does not constitute a change in product for purposes of this section. The licensee will be assessed a handling charge in accordance with § 11.231(e) (relating to general provisions) for returns under this section.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.237. Discontinued products.

When a manufacturer or importer discontinues the production or importation of a product, a licensee's inventory of that product may be returned for a refund within 30 days of notification that the product is being discontinued. The licensee will be assessed a handling charge in accordance with § 11.231(e) (relating to general provisions) for returns under this section.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.239 (relating to special order listings).

§ 11.238. Permit holders.

(a) The Board may accept the return of product from permit holders who sell alcohol less than 15 days in the course of a year, such as special occasion, wine auction or spirit auction permit holders.

(b) At the time product is picked up or delivered, permit holders will be made aware, through the provision of a pre-authorization form, of all of the following conditions for the return of liquor:

(1) If the product was picked up at a Pennsylvania liquor store, the permit holder shall return the product to that store and no other Board location.

(2) If the product was delivered by the Board to the event location, only 100% full, unopened cases will be accepted by the Board's delivery truck for

return. All other product shall be returned to a Pennsylvania liquor store or licensee service center as directed by the Board.

(3) The product must be saleable liquor in the original containers, unopened and unadulterated, as when originally sold by the State Liquor Stores. “Saleable” means that the products and containers must look as they did when originally purchased.

(4) At the time of the return, the permit holder shall provide the Board with documentation of the transaction, as defined in § 11.231(d) (relating to general provisions).

(5) The product shall be returned within 30 days of the date of purchase.

(6) The product must be kept out of direct sunlight and in a temperature-controlled environment, such as a refrigerator, temperature-controlled delivery truck or any other location where the temperature does not reach below 55° or above 75°.

(7) The return of liquor purchased as a special order listing, as that term is defined in § 13.71 (relating to definitions), is subject to § 11.239 (relating to special order listings).

(c) The permit holder will be required to acknowledge the pre-authorization form, which will be maintained on file with the Board.

(d) Permit holders who return product in accordance with the conditions in this section will receive a refund.

(1) Refunds will be in the amount of the price paid for the product, as evidenced by the documentation of the transaction, as defined in § 11.231(d).

(2) Refunds for a return of less than 12 bottles, regardless of type or brand, will not be assessed a handling charge.

(3) Refunds for a return of 12 bottles or more, regardless of type or brand, will be assessed a handling charge of 12.5% of the total amount refunded or \$50, whichever is greater.

(4) Fees for the services of a delivery truck are non-refundable.

§ 11.239. Special order listings.

(a) The Board may accept the return of liquor purchased as a special order listing, as defined in § 13.71 (relating to definitions), for ordinary and usual commercial reasons, as set forth in §§ 11.231—11.237.

(b) If a licensee wants to return liquor purchased as a special order listing, the licensee shall return it to a State Liquor Store within 30 days from the date of receipt of the product by the licensee or its agent.

(c) The supplier of the special order listing product may not pick up the product from the licensee.

(d) Returns of special order listing product will be handled by the Board’s Special Order Division. The supplier, not the Board, shall decide whether to authorize any returns or refunds for special order listing product.

(e) The supplier shall advise the Special Order Division which of the following will be done with the returned product:

- (1) The product may be picked up at the State Liquor Store by the supplier within 30 days of notifying the Special Order Division.
- (2) The product may be shipped back to the supplier by the Board if the supplier provides, within 30 days of notifying the Special Order Division, a return shipment label which must include payment for shipping.
- (3) The product may be destroyed by the Board for a fee, to be charged against the supplier.
- (f) If the supplier fails to pick up the product or fails to provide a return shipment label to the Board, the Board may destroy the product for a fee, to be charged against the supplier.

Cross References

This section cited in 40 Pa. Code § 11.231 (relating to general provisions); and 40 Pa. Code § 11.238 (relating to permit holders).

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