**Growler Information:** Many members have asked about Pennsylvania’s statutory and regulatory requirements for growler sales at beer distributors since the passage of Act 166. Generally speaking, the PLCB and PA Department of Agriculture are the state agencies which have jurisdiction over growler sales. While there are only a few official rulings and/or regulations from these agencies on the issue of growler sales, here are some we believe will be important for our members:

* The Department of Agriculture (“DOA”) will require distributors to register with them (and pay an application fee) in order to fill and sell growlers. For distributors who are already registered with the DOA, you should be able to treat this as a change in operations application. Here is a link to the DOA application: <http://www.agriculture.pa.gov/Protect/FoodSafety/Retail%20Food/Retail%20Foods%20Facilities%20and%20Restaurants/Documents/APPLICATION%20PACKET%20Retail%20Food%20Facilities%20and%20Restaurants%20.pdf>.
* Distributors will be required to install a 3 compartment sink and a separate hand washing sink near the growler area (although it may be possible to seek a variance to utilize the 3 compartment sink as the hand washing sink). The location of the sinks must be approved by the DOA. We have heard of instances where the DOA or local health department has approved a 2 compartment sink, so we suggest contacting the DOA or local health department to confirm.
* If you are filling growlers for your customers, you are required at a minimum to rinse the growler with hot water before filling. This can be done with a pressurized bottle washer or in the 3 compartment sink.
* If you choose to allow customers to fill their own growlers, you do not have to clean the growler prior to filling, but the sink must be available for customers to rinse with hot water. There are additional labeling and monitoring requirements for self-service growler stations, which can be provided to members upon request.
* All tap systems must be cleaned in accordance with PLCB Regulations (40 Pa Code §§5.50-5.54). Here is a link to these regulations: [http://www.pacode.com/secure/data/ 040/chapter5/subchapDtoc.html](http://www.pacode.com/secure/data/%20040/chapter5/subchapDtoc.html).
* Section 493(6) of the Liquor Code requires all licensees (including distributors) who sell malt or brewed beverages from a faucet, spigot or other dispensing apparatus to have the trade name or brand of the product served apparent in full sight of the customer.
* There is nothing in the Liquor Code or the Board’s Regulations which prohibit a distributor from filling a growler which bears a label for a particular brand of beer with a different type or brand of beer.
* There is no requirement to affix any sort of label to a growler once it is filled, but a distributor is responsible for maintaining accurate records that reflect what type of beer is being sold in a transaction in order to comply with 47 P.S. § 4-493(12). Growlers must be individually labeled if they are displayed and offered for sale as “pre-filled.”
* Employees serving and filling growlers must be RAMP certified, and they must refuse to fill growlers for patrons who are underage or visibly intoxicated.
* The Surgeon General’s Warning regarding alcohol consumption set forth in 27 U.S. Code § 215 (a) should be posted on all growlers: “GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.” Best practices dictate that a growler should not be filled unless the Surgeon General’s warning is in a conspicuous and prominent location on the container, or a label containing the warning (e.g., a sticker) can be affixed to the container by the distributor.

We have been asked about distributors selling other popular containers in addition to a traditional growler. While the new statutory language only references “growlers” specifically, we believe the changes to Section 431 of the Liquor Code are broad enough to authorize the sale of other popular containers at distributors, even though these containers may be referred to by other names, such as crowlers, mason jars, etc. We will advise members if we receive any additional information from the PLCB concerning these other containers.

If you intend to sell growlers at your distributor, you should contact the DOA as soon as possible to initiate the application and inspection process. Be advised that not all facilities are under the DOA’s jurisdiction. Six counties (Allegheny, Bucks, Chester, Erie, Montgomery and Philadelphia) have county health departments that handle inspections and licensing in their jurisdictions. Additionally, some local municipalities also do their own inspection and licensing. If your business is located in a county or local health department jurisdiction, you should contact your local health department for assistance with licensing and requirements.