

RECEIVING A GIFT OF LIQUOR FROM OUTSIDE PENNSYLVANIA

Please be advised that it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement (BLCE), and not the Pennsylvania Liquor Control Board (PLCB), which enforces the liquor laws in Pennsylvania. Further, information provided below is not binding on the BLCE and is offered for information and guidance only.

It is generally unlawful for anyone, other than the PLCB or the holder of a sacramental wine license, an importer's license, or a direct wine shipper license, to import any liquor (including wine) into Pennsylvania. 47 P.S. §§ 4-491(8), (11). It is also generally unlawful for anyone, other than a manufacturer, the PLCB, the holder of a sacramental wine license, or the holder of an importer license, to possess or transport any liquor or alcohol within the Commonwealth that was not lawfully acquired from the PLCB, a PLCB-licensed limited winery, a PLCB-licensed distillery, a PLCB-licensed limited distillery, a PLCB-licensed direct wine shipper, or a PLCB-licensed retailer holding a wine expanded permit. 47 P.S. §§ 4-415, 4-488, 4-491(2), 5-505.2, 5-505.4. There are several exceptions to these general prohibitions found in the Liquor Code and the PLCB's Regulations; however, such exceptions are very limited in scope. See 47 P.S. § 4-491(2); 40 Pa. Code §§ 9.41 – 9.47.

One of the exceptions found in the PLCB's Regulations allows for liquor given to persons residing in this Commonwealth by nonresidents to be imported into Pennsylvania at the discretion of the PLCB. 40 Pa. Code § 9.41. In order to lawfully import liquor into Pennsylvania pursuant to this exception, an application for importation and an application for the payment of tax on the liquor must be filed with the PLCB's Bureau of Product Selection by the intended gift recipient (i.e., the person importing the liquor). 40 Pa. Code § 9.51. In addition, a service charge must be paid to the PLCB and any state taxes must be paid. 40 Pa. Code §§ 9.52, 9.54. After receiving the application and the corresponding fees, and upon being satisfied as to the truth of the statements contained in the application, the PLCB may, in its discretion, grant and issue a consent certification permitting the importation of liquor. 40 Pa. Code § 9.53.

Applicants may contact the Bureau of Product Selection, at ra-lbconsumeroffers@pa.gov or (717) 787-7965, to obtain the necessary forms and to determine what fees would be owed to the PLCB. Because the state taxes on the liquor would be levied by the Department of Revenue, applicants should contact that agency at (717) 783-9354 to determine the amount of taxes that would be owed on the gift, if any.

Any liquor imported pursuant to the gift liquor exception must be transported by a licensed transporter-for-hire authorized to transport liquor. 40 Pa. Code §§ 9.53-9.54. To view a list of the businesses licensed to transport alcoholic beverages in Pennsylvania, place your cursor over the "Licensing" menu tab, select "PLCB+," followed by "Search for Licenses,"

and then select the link for “CSV Download of All Licenses.” Once the list populates, you can alphabetically sort the license type column, and then scroll through the list until you reach the “Transporter for Hire” licensees. Please note that only “Transporter for Hire Class A” and Transporter for Hire Class C” licensees are authorized to transport liquor.

Furthermore, any liquor imported pursuant to the gift liquor exception must be for personal use only and may not be sold in the Commonwealth, except by the PLCB or in other rare circumstances as authorized by section 215 of the Liquor Code, 47 P.S. § 2-215. 40 Pa. Code § 9.72.

Finally, please note that the gift liquor exception described above only applies to liquor. The importation of malt or brewed beverages is governed by different sections of the Liquor Code, 47 P.S. §§ 4-431, 4-492(8), and no exception currently exists that would allow for the importation of gift malt or brewed beverages outside the otherwise authorized channels of distribution.