



## **Legal - Frequently Asked Questions and Answers: Ready-to-Drink Cocktails (RTDC)**

*The following questions and answers legal matters regarding RTDC as provided for in Act 86 of 2024. For information about the RTDC permitting process, please refer to the [Licensing FAQs](#), and for information about acquiring RTDC from the PLCB for purposes of resale, please refer to the [Wholesale FAQs](#).*

### **1. What qualifies as a RTDC?**

A RTDC is a pre-mixed drink made from distilled liquor and other nonalcoholic liquids, packaged by the manufacturer in containers of up to 16 ounces. RTDC shall have alcohol by volume in the range of 0.5% to 12.5%. RTDC shall not include wine or malt or brewed beverages and shall be considered “liquor.”

*Note: RTDCs do not include cocktails mixed on-premises; they must come pre-packaged and properly labeled by the manufacturer prior to resale by the PLCB or a RTDC permit holder.*

### **2. Who qualifies to apply for the RTDC permit?**

Restaurant, hotel, distributor and importing distributor licensees may apply for and obtain RTDC permits.

*Note: Eligible restaurant licensees include Airport Restaurant Liquor (AR), Economic Development Restaurant Liquor (EDR), Municipal Golf Course Liquor (GR), Off-Track Wagering Restaurant Liquor (OWR), Privately-Owned Public Golf Course Restaurant Liquor (PGR) and Restaurant Liquor (R) licensees.*

### **3. Who does not qualify for the RTDC permit?**

Eating place retail dispenser, club, catering club, performing arts facility restaurant, public venue restaurant, brewery, brewery pub, limited winery, distillery and limited distillery licensees, as well as any other licensees not listed in response to Question 2, are not eligible to obtain a RTDC permit.

Additionally, a RTDC permit cannot be issued to any otherwise eligible licensee whose license is subject to a pending objection. However, if the licensee already holds the permit, it can continue to use it while the licensing matter is pending.

**4. Where can I apply for the RTDC permit? How much does it cost?**

Applications for the RTDC permit are being accepted through [PLCB+](#), the PLCB's online regulatory system. Under the law, the cost for the permit is \$2,500.

RTDC permits are also subject to an annual renewal fee. See Question 7, herein.

**5. Must a RTDC Permit holder obtain Responsible Alcohol Management Program (RAMP) certification?**

Yes. A licensee must become RAMP-certified in order to be eligible for the RTDC permit.

**6. What is required to become RAMP certified?**

Licensees applying for RAMP certification must complete the following prerequisites:

1. Owner/manager training.
2. Server/seller training.
3. New employee orientation.
4. Display of responsible alcohol service signage.

After a licensee has completed the prerequisites of RAMP certification, the licensee may file an application with the PLCB for RAMP certification. There is no fee for applying for certification or recertification.

If the PLCB finds that the licensee has satisfied the prerequisites, the PLCB will approve the application for certification of the licensee. RAMP certification is valid for 2 years. The PLCB will issue a notice of certification to the licensee that will advise the licensee of the date that the certification will expire.

The licensee must continually satisfy the certification requirements during that period or certification may be rescinded. If the PLCB finds that the licensee has not satisfied the prerequisites, the PLCB will deny the application for certification of the licensee.

Please review the [RAMP website](#), and for more details, see the PLCB's Regulations at [40 Pa. Code Sections 5.201—5.271](#).

**7. What is the renewal fee for the RTDC permit? How is it calculated?**

There is an annual renewal fee of 2% of the cost of RTDC purchased for off-premises consumption, whether purchased from the PLCB or a licensed Pennsylvania manufacturer.

**8. What does an RTDC permit allow the holder to sell?**

A RTDC permit allows the holder to sell RTDC for off-premises consumption, or on a “to-go” basis.

**9. To whom may RTDC permit holders sell RTDC?**

The holder of a RTDC permit may sell RTDC to retail consumers only.

RTDC permit holders, including distributor and importing distributor licensees, are not authorized to sell RTDC to other licensees.

**10. Are there any volume restrictions for sales by RTDC permit holders?**

Restaurant and hotel licensees holding RTDC permits are limited to selling no more than 192 ounces in a single sale to one customer. These ounces shall not be combined with the amount of wine or malt or brewed beverages purchased for the purpose of calculating the maximum amounts that may be purchased in a single sale. In other words, a licensee with both a RTDC permit and a wine expanded permit may sell, in a single sale, 192 ounces of RTDC and/or 192 ounces of malt or brewed beverages and/or 3 liters of wine.

Distributor and importing distributor licensees holding RTDC permits may sell RTDC in any quantity.

*Note: Although RTDC are currently manufactured in metric-sized containers (most commonly 355 ml), the total volume of RTDC sold in a single transaction by restaurant or hotel licensees holding RTDC permits cannot*

*exceed 192 ounces even if only by a fraction of an ounce. For example, a total sales volume of 192.2 ounces in single transaction is prohibited.*

**11. Are there any limits on container sizes for RTDC?**

Yes. Pursuant to the Liquor Code, the permissible container sizes for RTDC can be no larger than 16 ounces. Additionally, any container used for RTDC must also comply with applicable federal laws governing permissible standards of fill for liquor or distilled spirits products. For more information on applicable federal law restrictions, you may wish to visit the [United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau \(TTB\) website](#).

**12. Can a RTDC permit holder break down a case or larger carton of RTDC to resell RTDC in smaller quantities?**

Yes. RTDC permit holders may break down a case or larger carton of RTDC to resell RTDC in smaller quantities. This includes reselling RTDC in single container quantities.

**13. Are there any limitations on the prices that a RTDC permit holder may charge for RTDC?**

Yes. RTDC permit holders may not sell RTDC at a price less than the acquisition cost for such product. RTDC are also subject to the unlawful inducement prohibitions set forth in section 493(24) of the Liquor Code, 47 P.S. § 4-494(24). Otherwise, RTDC permit holders are free to establish their own prices.

**14. At what times can RTDC be sold by a RTDC permit holder?**

RTDC permit holders may sell RTDC-to-go on Mondays through Saturdays until 11:00 p.m. Restaurant and hotel licensees with a Sunday sales permit may sell RTDC until 11:00 p.m. on Sundays. Distributor and importing distributor licensees with a Sunday sales permit may sell RTDC until 9:00 p.m. on Sundays.

**15. Are there any restrictions in terms of where an RTDC permit holder may conduct sales of RTDC on its licensed premises?**

Sales of RTDC must occur at a specifically designated area of the licensed premises, but other (non-alcoholic) items may be purchased at the same

location. Sales of RTDC must also occur at a designated register staffed at all times by a cashier who is at least 18 years old and RAMP-trained. No sales may occur elsewhere, including self-checkout lanes. With that said, the same exceptions applicable to holders of wine expanded permits also apply to RTDC permit holders.

**16. Are RTDC permit holders required to verify the age of persons attempting to purchase RTDC?**

RTDC permit holders must use a transaction scan device to verify the age of anyone who appears to be under 35 years old, and this must occur while the customer is physically present on the licensed premises prior to the sale being completed.

**17. Are RTDC permit holders required to collect sales tax when selling RTDC?**

Yes. RTDC permit holders must pay sales tax on purchases of RTDC made from the PLCB at the time of purchase, just as they would for any other product purchased from the PLCB. Permittees are also required to collect the sales tax from the consumers to whom they sell RTDC to-go. Permittees can then seek reimbursement from the Department of Revenue for the sales tax previously paid to the PLCB. Questions regarding the sales tax reporting and reimbursement process should be directed to the [Pennsylvania Department of Revenue](#).

**18. Are there any limits on where a RTDC permit holder may store RTDC?**

In addition to having RTDC on display in any of its licensed service areas, an RTDC permit holder may store RTDC in any continuous or non-contiguous licensed storage area that is not accessible to the public, is locked at all times, and is not accessible to employees under 18 years of age.

**19. May a RTDC permit holder sell a private label product?**

No. A RTDC permittee may not sell a private label product, which is defined as a product made under contract by a manufacturer/its agent for the exclusive right of a retailer.

**20. Is a RTDC permit holder required to allow RTDC to be consumed on-premises?**

As with beer and wine, RTDC permit holders (other than distributors and importing distributors) are required to allow RTDC to be consumed on-premises; they cannot operate solely as off-premises retailers of RTDC.

**21. Is a RTDC permit required for a licensee to sell RTDC for on-premises consumption only?**

No. Any licensee that may sell liquor for on-premises consumption may sell RTDC for on-premises consumption, because RTDC are considered to be “liquor.” This includes restaurant and hotel liquor licensees, whether or not they have an RTDC permit. It also includes any Pennsylvania-licensed distillery or limited distillery, which is otherwise authorized to sell its own liquor products or liquor products produced by other Pennsylvania-licensed distillery or limited distillery licensees for on-premises consumption.

**22. From whom may a RTDC permit holder lawfully obtain RTDC for resale?**

A RTDC permit holder may purchase RTDC from the PLCB for purposes of resale on a to-go basis to consumers. However, RTDC permit holders may not purchase RTDC through the PLCB’s Special Order process under any circumstances. For more information on purchasing RTDC from the PLCB, permit holders may visit the [Licensee Online Order Portal \(LOOP\)](#) or contact the PLCB’s Bureau of Wholesale Operations at [RA-LBWHOLESALE@pa.gov](mailto:RA-LBWHOLESALE@pa.gov).

A RTDC permit holder may also purchase RTDC for purposes of resale from licensed Pennsylvania manufacturers.

**23. Who qualifies as a Licensed Pennsylvania Manufacturer?**

A licensed Pennsylvania manufacturer is an entity that holds an active limited distillery license or held an active limited distillery license prior to July 1, 2024, and subsequently acquired a distillery license.

**24. Are there any price restrictions for Licensed Pennsylvania Manufacturers that sell RTDC?**

Licensed Pennsylvania manufacturers must, upon request, offer to sell to the PLCB any RTDC that it sells. Licensed Pennsylvania manufacturers may not sell a RTDC to consumers or permittees at a price less than what the PLCB charges for the same RTDC.

**25. What are the reporting requirements for Licensed Pennsylvania Manufacturers?**

If selling to RTDC permit holders, licensed Pennsylvania manufacturers must file quarterly reports stating the quantity of product sold to each permittee, the purchase price to permittees and the name or brand of the product sold.

**26. Are RTDC permit holders permitted to conduct on-premises tastings of RTDC?**

Yes. RTDC permit holders, including distributors and importing distributors, may conduct tastings of RTDC in accordance with section 13.211 of the PLCB's Regulations, which provides:

- a. Tastings may be conducted by sponsors upon licensed or unlicensed premises.
- b. Sponsors conducting a tasting event shall adhere to the following requirements:
  1. Products used shall be legally procured and properly registered and taxes on the products shall be paid.
  2. Purchase requirements may not be associated with the tasting.
  3. Products offered will not exceed a standard size alcoholic beverage for that product.

A standard size alcoholic beverage is 12 fluid ounces of a malt or brewed beverage, 4 fluid ounces of wine (including fortified wine), or 1½ fluid ounces of spirits.

**27. Can a RTDC permit holder deliver RTDC to a purchaser?**

As previously noted, a RTDC permit holder must use a transaction scan device to verify the age of anyone who appears to be under the age of 35, and this must occur while the customer is physically present on the licensed premises prior to the sale being completed. Therefore, delivery of RTDC may be impractical in many instances.

With that said, there is a nothing that would preclude a restaurant or hotel licensee holding a RTDC permit and a transporter-for-hire (Class A) license, or a distributor or importing distributor licensee holding a RTDC permit, from

delivering RTDC to a customer after the customer has lawfully purchased the RTDC while being physically present on the licensed premises.