

August 7, 2013

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Tess

**E: Follow-Up Question to Advisory Opinion No. 13-238**

Dear Tess:

ISSUE: This is in response to your July 19, 2013 e-mail to this office in which you asked a follow-up question to the Advisory Opinion No. 13-238 dated May 16, 2013. In your recent e-mail, you ask whether a patron may purchase a six (6)-pack of beer at your licensed restaurant, take that beer out onto the unlicensed golf course, and then return to the restaurant with any remaining unopened cans from that six (6)-pack. It is your understanding that absolutely no alcohol is permitted to be brought into the restaurant.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Lemondrop Lounge and Golf Links LLC is the holder of Restaurant Liquor License No. R-19879 (LID 67905) for the premises located at 260 Clubhouse Lane, Ebensburg, Pennsylvania. The golf course is not part of the licensed premises.

OPINION: As you were previously advised, restaurant licensees are only permitted to sell, for consumption off of the licensed premises, malt or brewed beverages “in quantities of not more than one hundred ninety-two (192) fluid ounces in a single sale to one person.” [47 P.S. § 4-401]. Restaurant licensees may not sell liquor, including wine, for consumption off its premises. [47 P.S. § 4-406(a)(1)].

There is nothing in the Liquor Code or the Board’s Regulations that prohibits an individual from bringing his or her own beer, wine or liquor (commonly called “BYOB”) into any establishment, whether or not the establishment possesses a license issued by the Board. An establishment is, therefore, free to allow or disallow patrons from bringing their own alcohol onto its premises. It would appear that your restaurant has a house policy of not allowing BYOB. As noted, such a practice is lawful, but not required under the Liquor Code or Board’s Regulations.

**THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR**

OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 13-363