

January 23, 2014

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Jerry Weaver
Group Sales Manager
Four Points by Sheraton Pittsburgh North

Re: Homebrewers' Meeting

Dear Mr. Weaver:

ISSUE: This is in response to your e-mail sent on December 4, 2013, wherein you advise that the East Coast Breweriana Association ("ECBA") wants to have their meeting in your hotel from July 16 to July 19, 2014. The purpose of the meeting is to sample members' beer. The function would only be for adult (over twenty-one (21)) members bringing in their own home-brewed beer. There would be no fee to attend, nor money exchanged for tasting the beer. The event is planned for Friday, July 18, 2014, and is closed to the public.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Warrendale Hotel Associates, trading as Four Points Sheraton Pittsburgh North, holds Hotel Liquor License No. H-5337 for the premises at 910 Sheraton Drive, Mars, Pennsylvania.

OPINION: Section 492(1) of the Liquor Code permits a person to produce up to two hundred (200) gallons per calendar year of malt or brewed beverages without a license, as long as such beverages are not produced for sale. Even though the beverages cannot be sold or offered for sale, they can be used at organized affairs, exhibitions, competitions, contests, tastings, or judgments. [47 P.S. § 4-492(1)].

There are no provisions in the Liquor Code or the Board's Regulations that prohibit an individual from bringing his or her own alcohol 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.

The alcohol dispensed, however, must be legally procured in the Commonwealth of Pennsylvania. Therefore, the beer brought to the event by ECBA members

would have to be brewed in the Commonwealth of Pennsylvania. [47 P.S. § 4-492]. Members of the ECBA would not be permitted to bring malt or brewed beverages that were brewed in another state, e.g. the State of Maryland, as the Tax Reform Code of 1971 prohibits the importation of untaxed beer. [72 P.S. § 9011].

Please note that a licensee will be held strictly liable for any violations of the Liquor Code or the Board's Regulations that occur on its premises, regardless of whether they involve alcohol provided by the licensee or brought onto the premises by a customer.

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

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