

Jack J. Steiner, Esquire
Steiner Law Office
160 North McKean Street
Suite 1
P.O. Box 789
Kittanning, PA 16201

RE: Mini Bars in Hotel Rooms on Restaurant Licensed Premises

Dear Steiner:

ISSUE: Your letter of December 2, 2013 follows a telephone call to this office. You represent a restaurant liquor licensee which operates a restaurant/bar at a golf course. The licensee recently extended its license to cover a new hotel constructed at the facility. Your client seeks to place "mini bars or refrigerators" in each of the twenty (20) guest rooms of the hotel. The mini bars or refrigerators will be stocked and restocked when needed by the hotel staff. The "desk" for the hotel room is in the office/restaurant building. The cost of the charges for the use of the mini bars will be added to the bill. The bill will be settled at the office desk. You indicate that the hotel and the desk are both included in the licensed area. You inquire whether the service of alcohol from the mini bars or refrigerators located in the hotel rooms is permissible under these circumstances.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Herkules Golf and Entertainment, LLC, holds Restaurant Liquor License No. R-19841 (LID 59865) for use by it at premises located at 950 Golf Course Road, Ford City, Pennsylvania.

OPINION: The holder of a restaurant license located in a hotel may sell liquor or malt or brewed beverages for consumption in that part of the restaurant habitually used for the serving of meals to patrons **and also to guests in private guest rooms in the hotel**. 47 P.S. Section 4-406(a)(1) (emphasis added). Assuming that your client meets the definition of "hotel" in section 102 of the Liquor Code [47 P.S. Section 1-102], it would be permissible to sell liquor or malt or brewed beverages to guests in private guest rooms in the hotel, including via mini bars or refrigerators with payment at the desk, as described in your correspondence. See section 461 of the Liquor Code [47 P.S. Section 4-461], which sets forth specific requirements regarding the number of rooms required in a certain municipality. For your reference, the basic requirement for Manor Township, Armstrong County, the municipality where your client's premises is located, is sixteen (16) rooms.

Licensees are strictly liability for the furnishing of alcohol to minors and visibly intoxicated persons. 47 P.S. Section 4-493(1).

Should you have any questions and/or issues related to the Liquor Code or the Board's Regulations, please feel free to once again contact this office.

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. 13-545