

January 15, 2014

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Barbara Grill

RE: Guests of a Social Club

Dear Ms. Grill:

ISSUE: This office is in receipt of your e-mail dated January 1, 2014, in which you state that you are the secretary of an American Legion social club. You inquire whether there are limits to the number of guests that a member may bring into the club, and if the entry of those guests is required to be simultaneous with the entry of the member. For the purpose of this response, “social club” refers to the holder of either a club or catering club liquor license.

Also, for the purpose of this response, it is assumed that the social club holds either a club license or a catering club license issued by the Pennsylvania Liquor Control Board.

OPINION: It should be noted that section 406 of the Liquor Code provides that no club liquor licensee, nor its officers, servants, agents or employees, other than one holding a catering club liquor license, shall sell any liquor or malt or brewed beverages to any person except a member of that club. [47 P.S. § 4-406(a)(1)]. Although there are exceptions, a person must generally be a member of the club in order to purchase alcoholic beverages on its licensed premises. A club member may bring a guest or guests to the club, and the club may sell/serve the guests food and non-alcoholic beverages. However, if the guests wish to order alcoholic beverages, the beverages must be purchased by and paid for by the club member, since non-members are not permitted to purchase alcoholic beverages.

There is nothing in the Liquor Code or the Board’s Regulations that specifically restricts the number of guests of a member or that requires the entry of guests to be simultaneous with the member. Be advised, however, that section 5.81 of the Board’s Regulations requires a club licensee to adhere to the provisions of its constitution and/or bylaws. [40

Pa. Code § 5.81]. Therefore, if the club's constitution and/or bylaws have rules pertaining to guest entry, then these rules must be adhered to or there could be a violation of the Liquor Code.

If you have any further questions or concerns regarding the Liquor Code or the Board's Regulations, please do not hesitate to 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. 14-006