

May 13, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Elizabeth Smith

Re: Spit Cups

Dear Ms. Smith:

ISSUE: This is in response to your telephone call to this office on April 25, 2014, wherein you asked if it is legal to have “spit cups” in a bar. You explained that many of your customers chew tobacco and request cups to spit in. You have provided such cups on the condition that the customers dispose of the cups on their way out of the bar.

However, an employee at another licensed establishment told you that her licensed establishment, Sliderz, was fined five hundred dollars (\$500.00) because a customer sitting at the bar had a spit cup. The Sliderz employee informed you that the owner of Sliderz was also fined five hundred dollars (\$500.00), and that both fines were issued by the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”). As a result of what you were told by the employee at Sliderz, you have contacted this office to find out if spit cups are not permitted in a licensed establishment, and you have requested an Advisory Opinion for future reference.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Dale J. Enterprises, Inc., trading as Spencer’s Western Cafe, holds Restaurant Liquor License No. R-15167 (LID 38605) for the premises at 756 State Route 118, Sweet Valley, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the Board’s Regulations that would prohibit the presence or use of spit cups in a licensed premises. A review of the Board’s records did not reveal a citation by the Bureau for such an offense.

If you have any further questions regarding this issue or any other matter pertaining to the Liquor Code, please do not hesitate to contact this office.

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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. 14-208