

June 4, 2014

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Shari Gass

RE: Guest paying

Dear Ms. Gass:

ISSUE: This is in response to your e-mail sent May 19, 2014, wherein you inquire whether it is permissible for guests of members at a private club to purchase alcoholic beverages, or if the purchase must be made by a member. Your e-mail does not specify whether the private club in question has a club liquor license or a catering club liquor license; therefore, both types of licenses will be discussed.

OPINION: 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)]. As such, one must 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 purchase alcoholic beverages, the beverages must be purchased by and paid for by the club member, since non-members cannot purchase alcoholic beverages.

Patrons of a catering club licensee may purchase alcoholic beverages from the club even if they are non-members, as long as they are present on the licensed premises as part of a catered event. A catered event is one involving the furnishing of liquor or malt or brewed beverages, or both, to be served with food prepared on the premises or brought onto the premises already prepared, for accommodation of groups of non-members who are using the facilities of the club by prior arrangement, made at least twenty-four (24) hours in advance of the time of the function, and which is paid for by the non-members. [40 Pa. Code § 5.83(a)]. Records must be kept showing the date and time catering arrangements were made, the name of the person or the organization making the arrangements, and the approximate number of persons to be accommodated. [40 Pa. Code § 5.83(b)]. The catering club cannot self-sponsor a catered event.

Please do not hesitate to contact this office if you have any additional questions.

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. 14-247