July 18, 2014

Telephone: (717) 783-9454
FAX: (717) 787-8820

Daniel G. Froble
Re: Alcohol for Renters

Dear Mr. Froble:

ISSUE: This is in response to your e-mail dated June 27, 2014, in which you ask whether it is legal for a catered club licensed establishment to permit someone that has rented the hall to supply his/her own alcohol for an event.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that you are the manager/steward for B.P.O.E Scottdale Lodge No. 777, which holds Catering Club Liquor License No. CC-2515 (LID 3302) for the premises located at 149 Pittsburgh Street, P.O. Box 373, Scottdale, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the Board's Regulations that prohibits 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. Section 491 of the Liquor Code makes it unlawful for any person to possess any wine or liquor within Pennsylvania that has not been purchased through a Pennsylvania wine and spirits store, a licensed limited winery, a licensed limited distillery, or a licensed distillery. [47 P.S. §§ 4-491(2), 5-505.4]. It is unlawful to possess malt or brewed beverages in Pennsylvania upon which the state tax has not been paid. [72 P.S. § 9011]. Since a licensee is responsible for any violation of the Liquor Code and the Board's regulations that occurs on the license premises, you may want to encourage the renter of your hall to bring receipts to establish that any alcohol brought to the premises was lawfully procured. Also, please be advised that the renter cannot charge his/her guests for any alcohol that he/she brings onto the premises. In other words, the alcohol provided by the renter at the event must truly be free and cannot be predicated upon the purchase of an admission ticket, a donation or payment of any other fee.

Club licensees must adhere to their constitution and bylaws. [40 Pa. Code § 5.81]. Therefore, if a licensed club has a provision of its constitution or bylaws regarding individuals bringing their own alcohol into the club, it must be followed. If your bylaws permit, an establishment may, but need not, charge a corkage fee to handle any product brought onto the premises by its patrons.

If you have any further questions or concerns regarding this matter, please feel free 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. 14-429