

September 24, 2014

Sue Fulton

Re: Alcohol at a Wedding Reception

Dear Ms. Fulton:

ISSUE: This is in response to your e-mail sent on September 8, 2014, wherein you advise that your daughter is getting married and the wedding reception is taking place at a local bed and breakfast (“B & B”). The B & B has advised you that, in order to have liquor on the premises, you must obtain a special license for the day to cover liability. You advise that you are currently a tavern owner in Lancaster and you already have a liquor license for that location. You ask if you can use that same liquor license or if you need to get something else for the wedding reception.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Hildy’s Tavern Inc. holds Restaurant Liquor License No. R-15175 (LID 49055) for the premises at 448 West Frederick Street, Lancaster, Pennsylvania.

OPINION: If you plan to offer alcohol to your wedding guests without charge – typically referred to as an open bar – you would not need to obtain a liquor license for the wedding reception. You would only need a liquor license for the wedding reception if you plan to offer your guests a cash bar, where the guests would pay for each drink.

If you do plan on offering a cash bar, you would not be able to use your liquor license at the B & B location. Generally, liquor licenses are issued for a particular location and are not permitted to be used at other locations. There is an exception to this rule, where certain retail licenses may obtain an Off Premises Catering Permit (“OPCP”), which enables such licensees to use the liquor license at another, temporary location. However, the application for an OPCP must be filed by March 1st of each calendar year, and Board records indicate that your license did not apply for an OPCP. Therefore, another licensed establishment with an OPCP would have to operate the cash bar, as well as provide food, for the wedding reception.

You stated that the B & B advised that you must obtain a “special license for the day to cover liability.” The B & B may be referring to a requirement of the municipality for locations that are operating as a “bring your own beverage” establishment. The Liquor Code does not address issues of liability; this language seems to indicate the B & B is referring to some other type of licensure.

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. 14-526