

October 9, 2014

Emily Szutar
Dining Room & Bar Manager
Carlisle Country Club
1242 Harrisburg Pike
Carlisle, PA 17013-1646

RE: BYOB at Catered Events

Dear Ms. Szutar:

ISSUE: This correspondence is in response to your e-mail dated September 17, 2014, wherein you inquire as to whether it is legal for someone who rents your club's ballroom for a catered event, such as a wedding, to bring his or her own alcohol to serve to his or her guests.

The Pennsylvania Liquor Control Board's ("Board") records indicate that Carlisle Country Club holds Catering Club Liquor License No. CC-2493 (LID 3299) for use at the premises located at 1242 Harrisburg Pike, Carlisle, 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, a practice commonly referred to as "BYOB," whether or not the establishment possesses a license issued by the Board. As such, your club is generally free to allow or disallow BYOB activities at its licensed premises, including during catering events.

However, please keep in mind that club licensees are required to adhere to their constitutions and bylaws. [40 Pa. Code § 5.81]. Therefore, if your club's constitution or bylaws have any provisions governing BYOB activities, those provisions must be followed or the licensee could be subject to citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

If your club chooses to allow BYOB activities, it is suggested that your club require persons bringing alcohol onto the premises to possess a receipt showing that the alcohol was lawfully procured in manner permitted under Pennsylvania Law. This practice will help to protect your club, as well as your club's customers, from potential citations for violations of the Liquor Code.

Moreover, please be advised that there is no requirement that any alcohol brought onto the licensed premises by patrons be handled or served by your club or its employees. Also, your club may, but is not required to, charge a corkage fee to handle any product brought onto the premises by patrons.

Additionally, please be advised that the local municipality in which your club is located may have ordinances banning BYOBs or laws concerning BYOBs or open containers of alcohol within the municipality. Therefore, you may wish to contact your local municipality regarding the same.

Furthermore, please be advised that, even when BYOB activities are occurring, your establishment remains responsible for ensuring that alcohol is not furnished or given to minors or visibly intoxicated persons, and failure to do so may result in a citation for violating section 493(1) of the Liquor Code. [47 P.S. § 4-493(1)].

Finally, it is important to note that if the party renting your club's facility for a catered event is bringing its own alcohol, such party would not be permitted to sell tickets to or charge an admission for the event, as this could be construed as the unlawful sale of alcohol. If the party hosting the catered event wants to sell tickets to or charge an admission for the event, then any alcohol made available or sold at the event must be provided by your licensed club.

Should you have any additional questions regarding this matter, 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.

Emily Szutar
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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. 14-538