

February 27, 2015

Deanna Force

Re: BYOB

Dear Ms. Force:

ISSUE: This is in response to your e-mail of February 6, 2015, wherein you state that the Home Association of Goodwill Hose Company No. 4 does not have a Sunday sales permit and is not open on Sundays. However, the hall is rented for private parties. You inquire if private parties are permitted to bring their own alcohol (BYOB) and state that the fire company would not be purchasing or selling beer. For purposes of this response, you, in your capacity as president, represent the licensee.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that the Home Association of Goodwill Hose Company No. 4 of Danville, Pa., Inc. holds Restaurant Liquor License No. R-7800 (LID 36521) for the premises located at 407 East Center Street, Danville, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the Board’s Regulations that prohibits individuals from bringing their own alcohol into any establishment, whether or not the establishment possesses a license issued by the Board. The fire company is, therefore, free to allow or disallow persons renting its premises to bring their own alcohol onto the premises. However, since the local municipality in which your premises is located may have ordinances banning BYOBs or laws concerning BYOBs or open containers of alcohol, you may wish to contact your local municipality regarding the same. Also, it is advisable for individuals that do bring alcohol on the premises to have the appropriate receipts from the purchase of such alcohol as evidence that the alcohol was purchased from a source other than your restaurant. 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)].

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Should you have any other questions and/or issues related to the Liquor Code or the Board's Regulations, please feel free to once 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. 15-067