

August 24, 2015

Elizabeth Brown  
Special Events Coordinator  
YWCA York  
320 East Market Street  
York, PA 17403

**RE: Special Occasion Permit and Incentives**

Dear Ms. Brown:

ISSUE: This is in response to your e-mail of July 9, 2015, wherein you state that the YWCA York has recently obtained a Special Occasion Permit (“SOP”) for your Walk A Mile In Her Shoes event on October 2, 2015. After speaking with your distributor, you are requesting an opinion as to operating the event, specifically, whether or not your plans fall within the parameters of the permit.

You state that the event is successful due to participants using peer fundraising. Because of this, it is vital to incentivize the participants to attain higher numbers. In regard to alcohol sales, you state that participants over the age of twenty-one (21) will be incentivized with free drink vouchers upon raising specific donation amounts. Other participants and attendees will be allowed to purchase beverages at a set cost on the day of the event. You request a legal assessment of the proposed incentive.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that YWCA York holds Special Occasion Permit No. SO-9780 (LID 70284) with an expiration Date of October 2, 2015 for use by it at 320 East Market Street, York, Pennsylvania.

OPINION: As you are aware, the holder of an SOP is authorized to sell liquor and/or malt or brewed beverages to persons of legal age, who are not visibly intoxicated, on any day for which the permit is issued, and in any municipality in which the electorate has approved the sale of liquor and/or malt or brewed beverages. [47 P.S. §§ 4-408.4, 4-493(1)]. This includes sales of any type of alcohol for consumption off the licensed premises. [Id.]. The SOP may be used for special events at which the permittee is raising funds for itself. [Id.]. The holder of an SOP may sell alcoholic beverages during the hours of 7:00 a.m. until 2:00 a.m. of the following day. [Id.]. Generally, SOPs may not be used upon premises which hold liquor licenses.

In addition, please note that the alcohol must be legally procured, properly registered, and taxes paid. 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 the Board's wine and spirits stores, a sacramental wine dealer, or a limited winery or limited distillery. [47 P.S. § 4-491(2), (3)]. It is unlawful in Pennsylvania to possess beer upon which the state tax has not been paid. [72 P.S. § 9011]. Beer may only be lawfully purchased from a distributor, an importing distributor, or from a brewery.

In compliance with the aforementioned and within the operation of an SOP, your proposed voucher system would be permissible.

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.: 15-358