

April 1, 2016

Ryan Merrill
Strasburg Rail Road Company
VIA E-MAIL

Re: Free Drinks in Dry Township

Dear Mr. Merrill:

ISSUE: This is in response to your e-mail sent on March 18, 2016, in which you state that a business association wishes to hold a meeting at your establishment in late May 2016. The business association would like to have complimentary beer and wine available to attendees. In a follow-up telephone call with this office, you clarified that your company would procure and serve the alcohol; that is, the alcohol would not be provided or served by the business association. You further clarified that the meeting would be held in your railroad station in Strasburg and not on a train car in transit.

You ask whether you may offer alcoholic beverages as described to attendees of the meeting, without charge to those attendees, noting that your township is dry. If this is permitted, you ask if there is a limit on how many alcoholic beverages could be dispensed to a guest free of charge and whether there are any limitations on the variety of drinks that you would be permitted to serve.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Strasburg Rail Road Company holds Public Service Liquor License No. P-128 (LID 56179), with an address of P.O. Box 96, Strasburg, Pennsylvania.

OPINION: The public service liquor license held by Strasburg Rail Road Company permits the sale and service of liquor, including both spirits and wine and malt or brewed beverages such as beer, to passengers between the hours of 7:00 a.m. and 2:00 a.m. for consumption on the premises, except in stations or docks within municipalities prohibiting such sales. 47 P.S. § 4-408.

Public service liquor licensees are prohibited from selling alcohol while standing in stations or terminals within a municipality that prohibits on-premises consumption

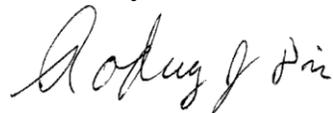
of alcohol. 47 P.S. § 4-408(a). Sales and service of liquor, including wine, and malt or brewed beverages by a public service liquor licensee shall be made in accordance with the laws related to the sales of alcohol by restaurant licensees. 47 P.S. § 4-408(e).

Section 472 of the Liquor Code provides a local option regarding the ability of the electorate of a municipality to vote on the issue of allowing the placement of a licensed premises to sell liquor, including wine, as well as malt or brewed beverages within the particular municipality. 47 P.S. § 4-472. As you know, Strasburg Township is dry for the sale of liquor.

In the scenario presented, you seek to sell and/or serve alcohol at your station in a dry township, which action is expressly prohibited by the Liquor Code. 47 P.S. § 4-408. Therefore, although the intention is that no charge would be imposed upon the business association or its meeting attendees for the alcohol, you may not serve alcohol except for consumption on a rail car in transit.

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.

Sincerely,



RODRIGO J. DIAZ
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. 16-095