

June 22, 2016

Deb Hubler
VIA EMAIL

RE: Smoking in New Addition to Restaurant

Dear Ms. Hubler:

ISSUE: Your e-mail of May 27, 2016 inquires whether you can construct a new addition to allow smoking, with proper ventilation and a separate entrance. You indicate that the Department of Health (“DOH”) has advised you that an exemption is available, but that the deadline was in 2008.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate Estate of Jackson H. Hubler holds Restaurant Liquor License No. R-17390 (LID 37947) for use by it at premises located at Main Street, Winburne, Pennsylvania.

OPINION: Issues related to smoking are governed by the Clean Indoor Air Act (“CIAA”), administered, interpreted, and enforced by the DOH, and not the PLCB. Accordingly, this office defers to the information you have been provided by the DOH.

Should you ultimately determine to construct a new addition, you may need to file an application for extension of premises, if the addition is intended to be licensed for sales, service or storage of alcohol, or seek approval for an interior connection to another business, if applicable, with the PLCB’s Bureau of Licensing. 47 P.S. § 4-404, 40 Pa. Code § 3.52(b).

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

Very truly yours,



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. 16-223