

July 27, 2016

Jonathan Seiler
Assistant General Manager
Hilton Garden Inn Uniontown
555 Synergy Drive
Uniontown, PA 15401
VIA E-MAIL

Re: Hotel Guests Consuming Own Alcohol

Dear Mr. Seiler:

ISSUE: This office is in receipt of your e-mail of July 6, 2016, in which you ask whether it is permissible for guests of a licensed hotel to consume their own alcohol in various parts of the hotel, e.g., on the licensed premises or in “any public space in the hotel.” You further ask whether the hotel would be responsible if a minor consumed alcohol in this manner.

Records of the Pennsylvania Liquor Control Board (“PLCB”) reflect that Prospera Hospitality LLC t/a Hilton Garden Inn Uniontown is the holder of Hotel Liquor License No. H-6498 (LID 72086) for premises located at 555 Synergy Drive, Uniontown, 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 (a practice commonly referred to as “BYOB”) into any establishment, whether or not the establishment possesses a license issued by the PLCB. An establishment is, therefore, free to allow or disallow patrons from bringing their own alcohol onto its premises, and may charge a corkage fee to handle any product brought onto the premises by its patrons. Please note, however, that it is unlawful for any person to possess any wine or liquor within Pennsylvania that has not been lawfully acquired through a Pennsylvania wine and spirits store or a licensee authorized to sell for off-premises consumption, such as a limited winery, limited distillery, or wine expanded permit holder. 47 P.S. §§ 4-491(2), 5-505.4; Act of June 8, 2016, No. 39, § 415.

As to your second question, regarding liability, it is important to be aware that the licensee remains responsible for any service of alcoholic beverages upon the licensed premises. As you know, it is unlawful for any person to sell, furnish, or give any liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any person visibly intoxicated or to any minor. 47 P.S. § 4-493(1). Therefore, a licensee would be in violation of the Liquor Code if a minor consumed alcoholic beverages on the licensed premises, regardless of where the minor acquired the alcohol. As to any additional liability outside the Liquor Code, you may wish to consult private counsel experienced in Pennsylvania liquor law.

If you have any further questions or concerns regarding the Liquor Code or the PLCB's Regulations, please feel free 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.

Sincerely,



RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director, Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-265