

August 17, 2017

Thomas Raymond  
Executive Chef  
Nemacolin Woodlands, Inc.  
**VIA E-MAIL**

**RE: Service Area Question**

Dear Mr. Raymond:

ISSUE: This is in response to your e-mail sent June 17, 2016, wherein you seek to confirm that Nemacolin Woodlands, Inc. (“Nemacolin”) is authorized to serve alcohol from a banquet bar set up in its high limit card room. You have worked in other states and jurisdictions that allow alcohol to be served anywhere within a building as long as the building is licensed, and you assume that the laws are the same in Pennsylvania.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Nemacolin holds Hotel Liquor License No. H-5263 (LID 49580) for use at the premises located 1001 Lafayette Drive, Farmington, Pennsylvania.

OPINION: In Pennsylvania, the issuance of a liquor license for use at a particular building does not automatically entitle the license holder to serve alcohol from any room within that building. Rather, the service of alcohol is generally only permitted in the rooms that have been identified to and are approved by the PLCB as service areas.

Hotel liquor licensees are authorized to sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of a hotel habitually used for the serving of food to guests or patrons, and to guests in their private hotel rooms. 47 P.S. § 4-406(a)(1). Moreover, hotel liquor licenses (or holders of restaurant liquor licenses located in a hotel) may allow persons to transport liquor or malt or brewed beverages from the licensed portions of their premises to the unlicensed portions of their premises, so long as the liquor or malt or brewed beverages remain on hotel property. 47 P.S. § 4-406(e). Records reflecting the approved service areas relative to Nemacolin’s hotel liquor license are attached herewith for your convenience.

However, please be advised that section 1521(b) of the Pennsylvania Race Horse Development and Gaming Act creates an exception to the general rules, which provides as follows:

Notwithstanding any other provision of law, a person holding a slot machine license which is also licensed to sell liquor or malt or brewed beverages pursuant to the Liquor Code shall be permitted to sell, furnish or give liquor or malt or brewed beverages on the unlicensed portion of the licensed gaming facility so long as the liquor or malt or brewed beverages remain on the facility.

4 Pa. C.S. §1521(b). Thus, assuming that the high limit card room is part of a licensed gaming facility, alcohol service would be permitted to occur in that area, even if it is not currently listed as an approved service area with the PLCB.

If you have any further questions or concerns regarding this matter, the Liquor Code, or the PLCB's Regulations, please do not hesitate 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

Attachments

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

PLCB Advisory Opinion No. 16-302