

October 12, 2016

Legion Post 262

**VIA EMAIL:**

**Re: Small Games of Chance**

Dear Sir or Madam:

ISSUE: Your e-mail of August 9, 2016 requests clarification regarding a quoted section of an unidentified overview of rules regarding small games of chance; specifically, you inquire whether that section means that you “can pay for the actual games from the 60%.”

It is presumed for purposes of this response that you are inquiring on behalf of the holder of a liquor license.

OPINION: The Local Option Small Games of Chance Act (“The Act”), 10 P.S. §§ 311-327, regulates what type of games may be conducted by holders of a small games of chance permit, how they may be conducted, and what prizes may be awarded. The Pennsylvania Liquor Control Board (“PLCB”) does not regulate small games of chance, and interpretation of the Act falls outside of the scope of authority of the Board. Therefore, it is recommended that you contact your County Treasurer’s Office and/or the Pennsylvania Department of Revenue, Miscellaneous Tax Division, at (717) 787-8275 with any questions or concerns about small games of chance. You may find helpful information on the website for the Department of Revenue: <http://www.revenue.state.pa.us>. On the left side of the home page, click on the link labeled “Businesses,” and then on the link for “Small Games of Chance.”

Should you have any other questions and/or issues related to the Liquor Code or the PLCB’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.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-347