

October 19, 2016

Joseph Casey
Media VFW 3460 Home Association, Inc.
VIA E-MAIL

RE: Act 39 Changes to Catering Club License Rules

Dear Mr. Casey:

ISSUE: This office is in receipt of your e-mail dated August 3, 2016, wherein you ask for an opinion concerning the changes promulgated by Act 39 of 2016 (“Act 39”) insofar as they pertain to the way in which catering club licensees are permitted to furnish alcoholic beverages with food, prepared on the premises or brought onto the premises by groups of non-members who are using the facilities of the club by prior arrangement. You indicate that the pertinent provisions of Act 39 conflict with the information contained in the Pennsylvania Liquor Control Board’s (“PLCB”) publication, LCB-119 Information Booklet for Retail Club Licensees.

Records of the PLCB indicate that Media VFW 3460 Home Association, Inc., holds Catering Club Liquor License No. CC-5438 (LID 53218) for the premises located at 11 Hilltop Road, Media, Pennsylvania.

OPINION: As you appear to be aware, on June 8, 2016, Governor Wolf signed into law Act 39, making various changes to the Liquor Code. The changes made by Act 39 went into effect on August 8, 2016, and are as follows:

Act 39 permits catering club licensees to hold a maximum of twelve self-sponsored catered events during its two-year licensing term, with no more than one event in any calendar month. 47 P.S. § 4-406(h).

As an aside, catering club licensees could already sell alcohol to non-members at events scheduled at least twenty-four hours in advance, as long as the event was arranged as a catered event.

As a VFW, you should also note that Act 39 increases the number of incorporated units of national veterans’ organizations that can acquire a catering club license

outside of the quota by reducing the minimum number of paid members such units must have from 100 to 50. 47 P.S. § 4-461.1(b).

Although the PLCB's pamphlets and booklets have not yet been updated to reflect the many changes to the Liquor Code resulting from the enactment of Act 39, the PLCB's website, www.lcb.pa.gov, has up-to-date information and FAQs concerning Act 39 and its impact on various aspects of licensure.

Please do not hesitate to contact this office should you have additional questions.

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. 16-413