

January 19, 2017

Ryan D'Agostino
Kelly's Steak and Seafood, LLC
316 Boal Avenue
Boalsburg, PA 16827-1447
VIA E-MAIL

RE: BYOB Inquiry

Dear Mr. D'Agostino:

ISSUE: This office is in receipt of your e-mail dated December 21, 2016, wherein you indicate that Kelly's Steak and Seafood, LLC permits patrons to bring their own alcohol ("BYOB") into the establishment. You seek clarification regarding whether or not a patron can bring an opened bottle of wine for BYOB purposes or, if the bottle has to be opened "on-premises."

Records of the Pennsylvania Liquor Control Board ("PLCB") indicate that Kelly's Steak and Seafood, LLC holds Restaurant Liquor License No. R-18364 (LID 59473) for the premises located at 316 Boal Avenue, Boalsburg, Pennsylvania.

OPINION: As you already appear to be aware, there is nothing in the Liquor Code or the PLCB's Regulations that prohibits an individual from bringing his or her own beer, wine, or liquor 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 to bring their own alcohol onto its premises. Moreover, nothing in the Liquor Code or the PLCB's Regulations prohibits a patron from bringing in an opened bottle of wine for BYOB purposes.

However, it is advisable for establishments that allow BYOB activities to require individuals to have with them the appropriate receipts evidencing that any alcohol in their possession has been lawfully procured in the Commonwealth of Pennsylvania. The possession of unlawfully procured alcohol is a violation of the Liquor Code, and licensees can be cited for any violation that occurs on their licensed premises. See 47 P.S. §§ 4-471; 4-491(2). In addition, some local municipalities may have ordinances banning or restricting BYOB activities and/or open containers

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of alcohol; therefore, you may want to contact the appropriate local municipality and/or local police department to inquire about the same.

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,



RODRIGO J. DIAZ

CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Tisha Albert, Director of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-577