

April 17, 1998

American Legion, Post #957
640 Water Street
New Berlin, PA 17855

Dear Trustees:

ISSUE: This is in response to your letter of March 23, 1998 in which you ask what the law is regarding the Legion Auxiliary, Sons of Legion, and social members from other posts, being admitted to your club.

OPINION: Section 406(a)(1) of the Liquor Code [47 P.S. §4-406(a)(1)] provides that no club licensee, nor its officers, servants, agents or employees, shall sell any alcoholic beverages to any person except a member of the club. (This restriction does not apply to catered events if the club holds a catering license). Any person who is an active member of another club which is chartered by the same state or national organization has the same rights and privileges as members of the particular club. The term "active member" does not include a social member. Therefore, unless the Legion Auxiliary or the Sons of Legion is chartered by the identical national organization which charters your licensed club, active members of the Auxiliary or Sons of Legion do not have the same rights and privileges as an active member of your licensed club, and along with the social members of other American Legion posts, cannot purchase alcoholic beverages at your club.

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.

Very truly yours,

FAITH S. DIEHL
Chief Counsel

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454
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LCB Advisory Opinion No. 98-108