

July 6, 1999

Mr. Jack Del Conte
President
ORDER SONS OF ITALY IN AMERICA
LOGGIA SANTE FURNARI NO. 413
5th Street & Kenilworth Avenue
Lansdale, PA 19446

Dear Mr. Del Conte:

ISSUE: This is in response to your letter of June 8, 1999 to this office in which you ask several questions regarding the admission of minors to your licensed club, holder of liquor license No. CC-3900. On your bingo night, you apparently have an age limit of eighteen years old and a rule requiring adults to accompany the minors. You ask if you must lock up the liquor under these circumstances. You also ask if members may bring their grandchildren, nieces, nephews or other minors unrelated to that person into the club for a meal. Finally, you ask if you must inquire of all persons who enter the club with a minor if they are the minor's parent or legal guardian.

OPINION: Although Pennsylvania's liquor laws allow a minor eighteen years of age or older to work in and serve alcohol in a retail establishment, the laws concerning minors frequenting a licensed establishment as customers or patrons are more stringent. Section 493(14) of the Liquor Code [47 P.S. Section 4-493(14)], a copy of which I have enclosed, provides the basic rules. A retail licensee, which includes a club licensee, is permitted to serve food and nonalcoholic drinks to minors which, under Pennsylvania's liquor laws, are all persons under twenty-one years of age. However, in order for a minor to legally be present on licensed premises, that minor must be accompanied by a parent, guardian, or under 'proper supervision.' 'Proper supervision' is defined as '... the presence, on that portion of the licensed premises where a minor or minors are present, of one person twenty-five years of age or older for every fifty minors or part thereof who is directly responsible for the care and conduct of such minor or minors while on the licensed premises and in such proximity that the minor or minors are constantly within his sight or hearing. The presence of the licensee or any employe or security officer of the licensee shall not constitute proper supervision.' [47 P.S. Section 4-493(14)].

Therefore, a club licensee is permitted to have minors present on its licensed premises only if they are accompanied by a parent, guardian, under the proper supervision of an adult, twenty-five or older, who is directly responsible for their care and conduct while there. Assuming that the adult in question is either the parent, guardian, or fits the definition of 'proper supervision' mentioned above, the minors can be seated and served food and nonalcoholic drinks, and the licensee would be permitted to serve alcohol to that adult at the same table. If the adult is not a member of one of these groups, the licensee

would not be permitted to serve alcoholic beverages if there are minors at that table. Further, the licensee might be subject to citation for allowing minors to frequent the licensed premises.

Thus, your members may bring minors into the club as long as they fit into one of the categories of parent, legal guardian or twenty-five or older. Assuming that the member is at least twenty-five years of age and otherwise fits the definition of proper supervision, he or she may bring in grandchildren, nieces and nephews, or friends' children. You are not required by the liquor laws to question the members as to their relationship with the minors, although with a young-looking member, it might be a good idea. Finally, you do not need to lock up the alcoholic beverages when there are minors and adults present. That rule only applies for events such as under twenty-one dances/parties, when all patrons present are under twenty-one, in which case, the gathering area of the minors must be segregated from the rest of the licensed premises or else all alcoholic beverages must be segregated from the rest of the licensed premises or else all alcoholic beverages must be removed from the premises or placed under lock and key.

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

cc: Bureau of Liquor Control Enforcement,
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