

December 28, 1999

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James F. Weaver  
American Legion Home Association of Ebensburg, PA  
213 West High Street  
Ebensburg, PA 15931

Dear Mr. Weaver:

ISSUE: This is in response to your December 12, 1999 letter which you wrote on behalf of the American Legion Home Association of Ebensburg, Pennsylvania. Our records indicate that you are a holder of club liquor license No. C-2703. In your letter, you ask whether the passage of House Bill 1692, otherwise known as Act 47 of 1999, in any way affected your requirement that members receive two membership cards, one from the national organization and one from the home association.

OPINION: Act 47 amended the Liquor Code so that any incorporated unit of a national veterans' organization, such as a post, or any affiliated organization, such as a home association, could sell alcohol to any active member of another unit of the same national veterans' organization, such as another post, or to any member of a nationally chartered auxiliary which is associated with that same national veterans' organization. In layman's terms, your home association can now sell alcohol to members of other posts and members of an affiliated nationally chartered auxiliary. It does not in any way affect the number of membership cards your members are required to have.

Please note that, in fact, the Liquor Code does not require that a club use membership cards to identify its members; rather, the Liquor Code only requires that you sell alcohol only to members of your own organization and the individuals already mentioned. The Board's regulations require that a club follow its own bylaws, so if your bylaws, in fact, require two membership cards then you must continue to do so. If your bylaws do not require two membership cards, or if you wish to amend your bylaws to eliminate a membership card requirement, membership cards would no longer be necessary. Please note, however, that regardless of whether you issue membership cards to your members, club licensees would be held strictly liable for sales to nonmembers unless that nonmember falls into one of the categories mentioned earlier. The club must also keep complete records of its membership. [40 Pa. Code Section 5.72].

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

LCB Advisory Opinion No. 99-401