

## GAMBLING

*Please be advised that it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement (BLCE), and not the Pennsylvania Liquor Control Board (PLCB), which enforces the liquor laws in Pennsylvania. Further, information provided below is not binding on the BLCE and is offered for information and guidance only.*

[Section 5.32\(e\)\(2\)](#) of the PLCB's Regulations, 40 Pa. Code § 5.32(e)(2), provides that there may not be unlawful gambling directly or indirectly associated with any activity on the premises of an establishment which holds a liquor license.

If there is unlawful gambling on the licensed premises, the licensee will be held strictly liable for such activity and could be cited for violation of the Liquor Code and the PLCB's Regulations.

Because unlawful gambling is a violation of the Pennsylvania Crimes Code, the Office of Chief Counsel cannot provide a legal opinion regarding whether any proposed event, tournament, or contest constitutes unlawful gambling. 18 Pa. C.S. § 5513. However, be aware that the Commonwealth Court has held that unlawful gambling consists of the following elements: consideration (i.e., an entry fee or charge to play), an element of chance, and a reward or prize. Pennsylvania Liquor Control Bd. v. PPC Circus Bar, Inc., 96 Pa. Cmwlth. 115, 506 A.2d 521 (1986).

As to poker, the Pennsylvania Commonwealth Court has held that poker playing for money on a licensed premises is gambling, within the definition cited above. Pennsylvania Liquor Control Bd. v. Kehler, 114 Pa. Cmwlth. 310, 538 A.2d 979 (1988).

You may wish to contact your local police, the Pennsylvania State Police, or the District Attorney's Office of your county, who may be able to provide an official opinion concerning whether the activities that you are considering would constitute unlawful gambling.

Be advised that some gambling activities, while unlawful generally, are considered to be lawful if conducted by an entity that holds a small games of chance permit, pursuant to the Local Option Small Games of Chance Act, 10 P.S. §§ 311-327. You should contact your county treasurer or the Pennsylvania Department of Revenue, Miscellaneous Tax Division at (717) 783-9354 to determine what activities are permissible with such a permit.