

## **IDENTIFICATION INFORMATION**

*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.*

## **OVERVIEW**

Nothing in the Liquor Code or the PLCB's Regulations requires patrons to possess valid identification while on licensed premises. However, section 493 of the Liquor Code states that licensees are strictly liable for service to minors, including minors who may be on licensed premises with a parent, legal guardian, or under proper supervision. 47 P.S. § 4-493(1).

Verifying the age of a patron by checking identifications cards each and every time a patron is in the licensed establishment helps to ensure that a licensee will not be in violation of the law.

Although carding is generally not required, there is nothing in the Liquor Code or the PLCB's Regulations which prohibits a licensee from instituting certain house rules of carding persons as long as those rules are not based upon illegally discriminatory reasons, such as race, gender, or religion.

There are two exceptions to the general rule above. A wine expanded permit holder must use a transaction scan device to verify the age of anyone who appears to be under thirty-five years old. 47 P.S. § 4-415(a)(8),(9). Further, if a licensee is subject to a conditional licensing agreement which contains a provision requiring the use of a transaction scan device, then licensee must adhere to this requirement.

## **TYPES OF IDENTIFICATION**

Section 495(a) of the Liquor Code makes it clear that a valid photo driver's license or identification card issued by the Pennsylvania Department of Transportation or by any other state, a valid United States Armed Forces identification card, or a valid passport or travel visa issued by the United States or a foreign country that contains the holder's photograph, are all acceptable as identification cards. 47 P.S. § 4-495(a).

Also, Act 39 of 2016 added Canadian driver's licenses or other bona fide Canadian identification, such as a Canadian-issued passport, to the list of identification cards that may be accepted by licensees. 47 P.S. § 4-495(a).

## **PENALTIES**

Subsections 495(e) and (f) of the Liquor Code provide that no penalty shall be imposed on a licensee or its employees for serving alcohol to a minor if the licensee or employee can establish to the satisfaction of an Administrative Law Judge that the minor was required to produce an identification card, as described above; the minor completed and signed a declaration of age card or a photograph, photocopy, or other visual or video presentation was made of the form of identification; and these documents were relied upon in good faith. This defense applies to all civil and criminal prosecutions. 47 P.S. § 4-495(e)-(f).

Further, section 495(g) of the Liquor Code provides that no penalty shall be imposed on a licensee for a citation for sales to minors if a licensee or licensee's employees can establish to the satisfaction of an Administrative Law Judge that the minor was required to produce one of the authorized identification cards, and the identification was scanned by a transaction scan device and was found to be valid, and the result was relied upon in good faith. A "transaction scan device" is defined as a device capable of deciphering, in an electronically readable format, the information encoded on the magnetic strip or bar code of an identification card. 47 P.S. § 4-495(g).

## **LICENSEE'S POLICY**

A policy wherein a licensee checks the identification of each and every patron purchasing alcohol, regardless of age, gender, race or any other factor, is not discriminatory and is completely permissible under Pennsylvania law. Indeed, it should also be noted that so long as it is not done in an illegal discriminatory manner, a licensee may refuse to serve whomever it chooses.