

BRING YOUR OWN ALCOHOLIC BEVERAGE (BYOB)

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.

There is nothing in the Liquor Code or the PLCB's Regulations that prohibits an individual from bringing his or her own alcohol into any establishment, as long the alcohol is legally procured, whether or not the establishment possesses a license issued by the PLCB. An establishment is, therefore, free to allow or disallow patrons from bringing their own alcohol onto its premises. Generally, an establishment may set its own "house rules" in permitting or prohibiting its guests to bring their own alcohol onto the premises. Such establishments may, but are not required to, charge a corkage fee to handle any product brought onto the premises.

Licensees are strictly liable for any violations of the Liquor Code and must ensure that alcohol is not being served to minors or visibly intoxicated patrons on the licensed premises. 47 P.S. § 4-493(1). Also, any wine, spirits, or malt or brewed beverages brought by the guests must be legally procured in Pennsylvania. Possession of unlawfully acquired alcohol is a violation of the Liquor Code and licensees can be cited for any violation that occurs on the licensed premises. Thus, it is advisable to require guests who bring their own alcohol to have the appropriate receipts available from the purchase of such alcohol as evidence that it was lawfully acquired.

Please be advised that licensees are not permitted to furnish, serve or allow people to consume any alcoholic beverages during hours they may not legally sell alcoholic beverages. Commonwealth v. Mignogna, 120 Pa. Cmwlth. 405, 548 A.2d 689 (1988).

Lastly, because local ordinances may restrict "bring your own bottle" establishments, you should check with your local municipality to see if any such ordinances exist.

As to club and catering club licensees, please note that section 5.81 of the PLCB's Regulations requires clubs to adhere to provisions of their constitution and bylaws. 40 Pa. Code § 5.81. Therefore, if the club's constitution and/or bylaws dictate individuals may not bring their own alcoholic beverages onto club premises, the club must comply with such provisions.