

LICENSEE'S HOURS OF OPERATION

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.

1. What are the permissible hours of operation for retail establishments (restaurants, hotels, municipal golf course restaurant, privately-owned public golf course restaurant licensees) (retail licensees) with a liquor license?

Section 499(a) of the Liquor Code, 47 P.S. § 4-499(a), provides that all patrons must vacate the licensed premises no later than one-half hour after legal alcoholic beverage service time expires.

Retail licensees are permitted to sell alcoholic beverages between the hours of 7:00 a.m. of any weekday and 2:00 a.m. of the following day. 47 P.S. § 4-406(a)(2). If a Sunday sales permit is held by a licensee, alcoholic beverages may be sold on Sundays between the hours of 9:00 a.m. and 2:00 a.m. of the following day. 47 P.S. § 4-406(a)(3). Therefore, the premises of a retail liquor licensee must be vacated no later than 2:30 a.m., which is one-half hour after legal alcoholic beverage service time. Please note that certain holidays have special hours. 47 P.S. §§ 4-406(a), 4-499(e).

However, a retail liquor licensee may remain open between the hours of 2:00 a.m. and 7:00 a.m. for the purpose of serving food on any day, if such licensee either possesses or is eligible to purchase a Sunday sales permit and receives an extended hours food permit. 47 P.S. § 4-499(b). This permit does not extend the hours of sale for alcoholic beverages; nor does it preclude or replace the Sunday sales permit. Further, if the licensee also holds an amusement permit, entertainment, including dancing, may be provided whenever the licensee is open. 47 P.S. § 4-493(10); 40 Pa. Code § 5.31(a).

Note that airport restaurant liquor licensees may sell alcoholic beverages between 5:00 a.m. and 2:00 a.m. the following day, including Sundays with a Sunday sales permit. 47 P.S. §§ 4-406(a)(2.1), (3), 4-461(d).

2. What are the operating hours for eating place malt beverage licensees?

Section 499(a) of the Liquor Code, 47 P.S. § 4-499(a), provides that all patrons must vacate the licensed premises no later than one-half hour after legal alcoholic beverage

service time expires. Therefore, the premises of a retail liquor licensee must be vacated no later than 2:30 a.m., which is one-half hour after legal alcoholic beverage service time.

Eating place malt beverage licensees are permitted to sell alcoholic beverages between the hours of 7:00 a.m. of any weekday and 2:00 a.m. of the following day. 47 P.S. §§ 4-492(5), 492.1. If a Sunday sales permit is held by a licensee, alcoholic beverages may be sold on Sundays between the hours of 11:00 a.m. and 2:00 a.m. of the following day. However, said licensees may start selling malt or brewed beverages at 9:00 a.m. if they provide a meal at that time. 47 P.S. §§ 4-432(f), 4-492(5). Please note that certain holidays have special hours. 47 P.S. §§ 4-492(5), 4-499(e).

However, a retail liquor licensee may remain open between the hours of 2:00 a.m. and 7:00 a.m. for the purpose of serving food on any day, if such licensee either possesses or is eligible to purchase a Sunday sales permit and receives an extended hours food permit. 47 P.S. § 4-499(b). This permit does not extend the hours of sale for alcoholic beverages; nor does it preclude or replace the Sunday sales permit. Further, if the licensee also holds an amusement permit, entertainment, including dancing, may be provided whenever the licensee is open. 47 P.S. § 4-493(10); 40 Pa. Code § 5.31(a).

3. What are the operating hours for club and catering club licensees?

Section 499(a) of the Liquor Code, 47 P.S. § 4-499(a), provides that all patrons must vacate the licensed premises no later than one-half hour after legal alcoholic beverage service time expires.

Club liquor licenses may be open for the sale of liquor and malt or brewed beverages daily from 7:00 a.m. until 3:00 a.m. the following day. 47 P.S. § 4-406(a). No club licensee may sell liquor or malt or brewed beverages between the hours of 3:00 a.m. and 7:00 a.m. on any day. Id. Thus, patrons must vacate a club's premises by 3:30 a.m.

With regard to the extended hours service of food, section 499(b.1) of the Liquor Code provides that upon application of any club, the board shall issue a club extended hours food permit for a period of six days during the term of its license. The PLCB shall issue regulations governing terms of the application. The permits shall be used solely for the purpose of serving food between the hours of 3:00 a.m. and 7:00 a.m. All patrons of the licensee shall be required to leave that part of the premises habitually used for the serving of liquor or malt or brewed beverages to guests or patrons no later than one-half hour after the time the licensee is required by this act to cease serving liquor or malt or brewed beverages and shall not be permitted to have any previously served liquor or malt or brewed beverages in their possession, nor shall they be permitted to remove any previously served liquor or malt or brewed beverages from that part of the premises. 47 P.S. § 4-499(b.1).

Please note that a licensed club must adhere to the provisions of its constitution and bylaws. 40 Pa. Code § 5.81.

4. What are the operating hours for distillery and limited distillery licensees?

Sections 505.4(b)(1) and 505.4(c)(1) of the Liquor Code provide that limited distilleries and distilleries, respectively, may operate only between the hours of 9:00 a.m. and 12:00 a.m. (midnight) Mondays through Saturdays, and on Sundays between 9:00 a.m. and 11:00 p.m. 47 P.S. §§ 5-505.4(b)(1), 5-505.4(c)(1).

5. What are the operating hours for a limited winery licensee?

Section 505.2(a)(6.3) of the Liquor Code provides that limited wineries may operate only between the hours of 9:00 a.m. and 11:00 p.m. 47 P.S. § 5-505.2(a)(6.3); 40 Pa. Code § 11.111(a)(4). However, the Board is empowered to expand these hours by written request. Pursuant to Board Action of February 19, 2014, Board approval was given to limited wineries to operate on weekdays between 7:00 a.m. and 2:00 a.m.

Standard Sunday hours are from 11:00 a.m. to 2:00 a.m. However, said licensees may begin serving alcohol at 9:00 a.m. if food is provided. 47 P.S. § 5-505.2(a)(6.3); Board Action of February 19, 2014.

6. What are the operating hours for an importing distributor or distributor to sell or deliver malt or brewed beverages?

Sales Hours to Holders of License or Permit Issued by PLCB

Section 492.1(b)(1) of the Liquor Code provides that importing distributors (ID) and distributors (D) may sell malt or brewed beverages between Monday at 2:00 a.m. and Saturday at 12:00 a.m. 47 P.S. § 4-492.1(b)(2).

Delivery Hours to Holders of License or Permit Issued by PLCB

Section 492.1(b)(1) of the Liquor Code provides that IDs and Ds may deliver malt or brewed beverages between Monday at 2:00 a.m. and Saturday at 12:00 a.m. 47 P.S. § 4-492.1(b)(2).

Sales Hours to Non-Licensees and Holders of Special Occasion Permits

Section 492.1(b)(2) of the Liquor Code provides that an ID and D may sell malt or brewed beverages between the hours of 8:00 a.m. and 11:00 p.m. of any day, except Sundays, to persons that are not licensed or permitted under the Liquor Code. 47

P.S. § 4-492.1(b)(2). IDs or Ds that hold a Sunday sales permit may sell malt or brewed beverages on Sundays between 9:00 a.m. and 9:00 p.m. 47 P.S. § 492.1(c).

Delivery Hours to Non-Licensees and Holders of Special Occasion Permits

With regard to delivery of malt or brewed beverages by an ID or D, such beverages may be delivered to any person not licensed or permitted under the Liquor Code, between the hours of 8:00 a.m. and 11:00 p.m. of any day, except Sunday. 47 P.S. § 4-492.1(b)(2).

An ID or D may deliver to non-licensed persons under the Liquor Code or to holders of special occasion permits on Sundays between 9:00 a.m. and 12:00 p.m. (noon), 47 P.S. § 4-492.1(d)(2), (d)(3). However, such Sunday deliveries may only be accomplished through prior arrangement. 47 P.S. § 4-492.1(d). “Prior arrangement” is defined as malt or brewed beverages having a total sale price, excluding any deposits or credits, exceeding \$250.00, which have been ordered, invoiced and paid for in full at the seller’s licensed premises before the Sunday of delivery. 47 P.S. § 4-492.1(f).

7. What are the operating hours for a manufacturer (brewery) to sell or deliver malt or brewed beverages?

Sales for On-Premises Consumption

Manufacturers who qualify may sell malt or brewed beverages for on-premises consumption Mondays through Saturdays from 9:00 a.m. to 12:00 a.m. (midnight), and Sundays from 9:00 a.m. to 11:00 p.m. 40 Pa. Code § 3.93(c)(1), 47 P.S. § 4-492.1 (a)(2).

Sales Hours to Licensees

Manufacturers may sell malt or brewed beverages between Monday at 2:00 a.m. and Saturday at 12:00 a.m. (midnight) to licensees or non-licensees. 47 P.S. § 4-492.1(a)(1).

Delivery Hours for Licensees

Manufacturers may deliver malt or brewed beverages between Monday at 2:00 a.m. and Saturday at 12:00 a.m. (midnight) to licensees. 47 P.S. § 4-492.1(a).

A manufacturer may deliver to any ID or D to which the manufacturer has granted wholesale distribution rights for the manufacturer’s product on Sunday. 47 P.S. § 4-492(d)(1). However, such Sunday deliveries may only be accomplished through

prior arrangement. 47 P.S. § 4-492.1(d). “Prior arrangement” is defined as malt or brewed beverages having a total sale price, excluding any deposits or credits, exceeding \$250.00, which have been ordered, invoiced and paid for in full at the seller’s licensed premises before the Sunday of delivery. 47 P.S. § 4-492.1(f).

Sales Hours for Office-Premises Consumption to Non-Licensees and Holders of Special Occasion Permits

Manufacturers may sell malt or brewed beverages to non-licensees for off-premises consumption between Monday at 2:00 a.m. and Saturday at 12:00 a.m. (midnight). 47 P.S. § 4-492.1(a).

A manufacturer may purchase a permit (i.e., Sunday sales permit) from the PLCB, at an annual fee of \$100.00, and thereafter may sell malt or brewed beverages for off-premises consumption to non-licensed buyers or holders of special occasion permits on Sundays between the hours of 9:00 a.m. and 9:00 p.m. 47 P.S. § 4-492.1(c).

Delivery Hours for Non-Licensees

Manufacturers may deliver malt or brewed beverages between Monday at 2:00 a.m. and Saturday at 12:00 a.m. to non-licensees. 47 P.S. § 4-492.1(a).

8. What impact does the time change in the spring and fall have on a licensee’s operating hours?

The conversion from Daylight Saving Time to Eastern Standard Time in the fall occurs at 2:00 a.m., at which time the establishment must turn back its clock, thus, making it 1:00 a.m. As such, a licensee will be entitled to remain open one additional hour.

When the time conversion from Eastern Standard Time to Daylight Saving Time occurs in the spring at 2:00 a.m., then the clocks will be set forward to 3:00 a.m. Therefore, since the retail licensees’ premises (excluding clubs) must be vacated no later than 2:30 a.m., which is one-half hour after legal alcoholic beverage service time, the licensee must ensure that all patrons have vacated the premises when the time changes from 2:00 a.m. to 3:00 a.m. As such, on that night, a retail licensee will lose one hour of operational time.