

## UNLAWFUL ACTIVITIES

These unlawful activities apply to alcoholic beverage licensees. The list, prepared by the Pennsylvania Liquor Control Board (PLCB) at the request of and in cooperation with the Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE), is meant to offer licensees basic guidelines for lawful operation. This is not a complete list of all possible violations. It is not intended to be nor may it be used as an official document or used to supplant the law. Since the law is subject to periodic amendment and legal rulings, licensees are advised to remain alert for any changes.

In this document, “licensee” refers to the licensee and its servants, agents or employees. “Liquor” refers to all forms of distilled spirits and wine products. “Advertisement” means any advertising of alcoholic beverages through radio broadcast, television broadcast, newspapers, periodicals or other publication, outdoor advertisement or any other printed material, electronic transmissions such as the Internet, or graphic matter, including booklets, flyers, or cards, or on the product label or attachment itself.

**1. ACCEPTANCE OF UNLAWFULLY TRANSSHIPPED MALT OR BREWED BEVERAGES.** No licensee can accept delivery of any malt or brewed beverages that have been sold or delivered in violation of geographical distribution rights conferred by a manufacturer upon an importing distributor. A distributor cannot sell or deliver malt or brewed beverages to any licensee whose licensed premises is in the designated geographical area granted to an importing distributor other than the importing distributor that sold the beer to the distributor.

If the licensee purchasing the beer from the distributor holds multiple licenses or operates at more than one location, the beer may not be consumed or sold at the licensed premises within the designated geographical area granted to an importing distributor other than the importing distributor that sold the beer to the distributor.

A licensee accepting delivery and/or transferring malt or brewed beverages in violation of this provision shall be subject to a suspension of at least 30 days. Distributors and importing distributors must sign all territorial schedules of the importing distributors from whom they purchase.

**2. ADULTERATION.** No licensee can adulterate, fortify, contaminate, or in any way change the character or purity of liquor or malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture except as permitted by the regulations of the PLCB.

**3. ADVERTISING - INTERIOR SIGNS.** Retail liquor and retail malt or brewed beverage licensees cannot display or permit the display in the show window or doorways of the licensed premises any placard or sign advertising the brands of liquor or malt or brewed beverages if the total display area of the sign(s) exceed(s) 600 square inches.

Licensees may display signs inside the licensed premises, show windows, or doorways advertising brand names of products sold if the total cost of point-of-sale advertisements of any brand does not exceed \$300 at any one time. Public venue licensees and certain licensees who also hold licenses issued by the Pennsylvania Gaming Control Board are exempt from the cost and size limits on point-of-sale advertising.

**4. ADVERTISING - UNLAWFUL ADVERTISING.** Prices that are advertised or displayed on the licensed premises must be those that are in effect at the time of advertisement or display. Advertisements or displays may not contain statements that are false, deceptive, misleading, or disparaging of the products of a competitor, and they cannot refer to monetary comparisons between brands. Each advertisement must clearly identify the entity responsible for it.

No licensee can mail or cause to be mailed any price lists, circulars, or handbills advertising liquor or malt or brewed beverages to the general public.

Advertisements in newspapers, defined as “a typically daily or weekly publication containing recent news, feature articles, editorials, and usually advertising,” and advertising in community newspapers such as “The Pennysaver” are permitted.

Advertisements may not be directed at minors.

An advertisement may not be obscene or inconsistent with the spirit of safety or safe driving programs.

No print advertisement is permitted within 300 feet of any church, school, or public playground.

The U.S. Court of Appeals for the Third Circuit determined banning alcohol advertising in college-related newspapers was unconstitutional. Pitt News v. Pappert 379 F.3d 96 (3rd Cir. 2004)

Price advertising in windows is no longer limited to menus and wine lists.

- 5. ADVERTISING - STRENGTH OF BEER.** While it is permissible to reference alcohol content by volume on the label of malt or brewed beverages, the words “full strength,” “extra strength,” “high test,” “high proof,” etc., cannot be used in any advertisement or label describing a malt or brewed beverage.
- 6. ADVERTISING - WITHOUT SUFFICIENT QUANTITY.** It is unlawful to advertise liquor or malt or brewed beverages by trade name unless there is a sufficient quantity on hand and for sale to meet normal requirements.
- 7. BEER TAPS.** The brand label must be located somewhere in full sight of the customer.
- 8. BONAFIDE HOTEL/RESTAURANT/EATING PLACE.** All hotel, restaurant, and/or eating place licensed establishments must continuously comply with the conditions under which they were originally licensed. These operations must be reputable places where food is regularly and customarily prepared and sold, within a building and not less than 400 square feet of serving area for hotels and restaurants and not less than 300 square feet of serving area for eating places, with permanent tables and seating, including seats at the bar, for at least 30 persons at one time. Proper seating is table space at least 18 inches wide by 12 inches deep, which is suitable for a service setting of a plate, utensils, and a drink for each seat. These licensees must have a properly validated health certificate issued by the appropriate state agency or local municipality and posted in a conspicuous place. Licensees must have a sufficient supply of food and be properly equipped with adequate utensils and facilities for food service to demonstrate a legitimate food business. Hotels must have a kitchen separate from the dining room(s) and provide guest rooms for sleeping accommodations as originally licensed; certain hotels with grandfathered status can apply to the PLCB to no longer maintain bedrooms for public accommodation. Generally, hotels licensed before Jan. 1, 1949, are exempt from the room requirements. Generally, hotels that were granted exemptions before Jan. 1, 1965, in municipalities with less than 10,000 residents during the 2000 Federal Decennial Census are also exempt from the room requirements. Upon application to and subject to inspection by the PLCB, the hotels granted exemptions prior to Jan. 1, 1965, may be used as licensed storage areas consistent with the law and existing regulations.
- 9. BRAND REGISTRATION.** It is unlawful to sell, offer for sale, or deliver any brand of malt or brewed beverages that has not been registered with the PLCB by the manufacturer or its franchised agent. If a beer manufacturer fails to register a brand of beer, the beer will be left on the licensed premises until the manufacturer registers the brand, or until the licensee holding the illegal beer can return it to the manufacturer and be fully reimbursed. It may not be sold until it is registered. The PLCB Malt Beverage Compliance Officer (MBCO) investigates reports of unregistered brands of beer. If the beer is registered within 10 days of receipt of a violation notice from the MBCO, no further action will be taken against the licensee. If the beer is not registered within those 10 days, the MBCO will notify the BLCE, which will proceed with the citation process.
- 10. CASHING CHECKS.** A licensee cannot cash payroll checks or cash, receive, handle, or negotiate in any way Public Assistance, Unemployment Compensation, or other relief checks.
- 11. CHANGE OF OFFICERS OR MANAGER.** All licensees except clubs must notify the PLCB of a change in manager, officer, director, or stockholder (involving 10 percent or more of outstanding voting stock) within 15 days of the change. Clubs must notify the PLCB of a change in manager, steward, officer, or director when filing for the renewal of the license. Clubs may also report a change in manager or steward at the time of their validations.

Except for nonprofit clubs, if the change of officer(s)/stockholders(s) result(s) in a change in control of the corporation or club, public notice of such change will be required. Unless successfully completed prior to his/her appointment, a manager appointed by a restaurant, eating place retail dispenser, hotel, club, limited distillery, or distributor licensee must complete the PLCB's Responsible Alcohol Management Program (RAMP) Owner/Manager training within 180 days of PLCB approval of the appointment.

- 12. CLEANING BEER DISPENSING SYSTEMS.** A licensee must clean its malt or brewed beverage dispensing system in accordance with the PLCB's Regulations. The method of cleaning must leave the entire beverage dispensing system in a clean and sanitary condition. The faucets must be cleaned at least once every seven days.

The dispensing lines, valves, joints, couplers, hose fittings, washers, O-rings, empty beer detectors (known as “FOBS”), and draft foam control units must be cleaned at least once every seven days, unless the licensee has an operating ultrasonic, electromagnetic, or other system that retards the growth of yeast and bacteria in the dispensing lines. If such a system is installed and operating, the licensee must follow the cleaning frequency and cleaning method guidelines of the system's manufacturer.

Licensees who fail to maintain the appropriate records of cleaning or whose malt or brewed beverage systems are found to be unsanitary are subject to citation.

**13. CONSUMPTION BY LICENSEES/EMPLOYEES.** Neither licensees nor their employees, agents or servants can consume alcoholic beverages while tending bar or otherwise serving alcoholic beverages.

**14. DISCOUNT PRICING PRACTICES - (HAPPY HOURS).** Licensees cannot engage in discount pricing practices, with the following exception: Retail licensees may discount the price of alcoholic beverages for a consecutive or non-consecutive period of time not to exceed four hours in any business day and not to exceed 14 hours per week. Discount pricing is not permitted between midnight and the end of legal serving time. The happy hour schedule must be posted on the licensed premises where it can be seen at least seven days before that period commences.

Also, licensees may not:

- Sell or serve more than one alcoholic beverage drink at any one time to any one person for the price of one drink.
- Sell or serve an increased volume of one alcoholic beverage drink without a corresponding and proportionate increase in the price.
- Sell or serve unlimited or indefinite amounts of alcoholic beverages for a set price.
- Change the discounted price of drinks within the four-hour period from that originally set as the discounted price.

Licensees may also feature one specific type or brand of alcoholic beverage or drink per day or a portion of the day at a reduced price if the offering remains in compliance with all of the noted restrictions except the four-hour limitation. Discount pricing restrictions do not prohibit the sale or service of an unlimited or indefinite amount of alcoholic beverages for a fixed price for catered events, such as weddings, that have been arranged at least 24 hours in advance.

Casinos: The holder of a restaurant license that is also approved to hold a slot machine license or a conditional slot machine license may give liquor and malt or brewed beverages free of charge to any person actively engaged in playing a slot machine or a table game.

Mug clubs: A “mug club” is defined as a group organized by a retail licensee or a brewery whose members are entitled to discounted malt or brewed beverages. Membership in the mug club must be by written application and the licensee must maintain a written list of active members as part of its records. Members must pay an annual fee and a renewal fee set by the licensee. At a minimum, membership must entitle the member to a mug, glass, or similar container that must be used when the member is served any discounted malt or brewed beverages. No discounted malt or brewed beverages may be provided between midnight and 7:00 A.M. Mug club discounts are not counted against a licensee’s maximum number of hours during which it may offer happy hour pricing

**15. DISPOSAL OF EMPTY LIQUOR CONTAINERS.** Any restaurant, hotel or club licensee must break empty liquor and/or wine bottles within 24 hours after their contents have been removed (except for decorative decanters) unless the licensee participates in a municipal or voluntary recycling program.

**16. DISTRIBUTION OF MALT OR BREWED BEVERAGES FROM UNLICENSED LOCATIONS.** A distributor or importing distributor cannot distribute malt or brewed beverages from any location other than its licensed premises. Sales may only be made at the licensee’s principal office or place of business. Distributors and importing distributors may conduct tastings on their licensed premises.

**17. EMPLOYMENT FOR IMPROPER PURPOSE.** Licensees cannot employ anyone to entice customers or encourage them to drink alcoholic beverages, or to make assignations for improper purposes.

**18. EMPLOYMENT OF A LICENSEE OR EMPLOYEES.** Neither restaurant, hotel, club, nor retail dispenser licensees nor any officer, servant, agent, or employee of those licensees can be at the same time employed, directly or indirectly, by any distributor, importing distributor, manufacturer, importer, or vendor licensee or any out-of-state manufacturer.

No manufacturer, importer, or vendor licensee or any out-of-state manufacturer or any officer, servant, agent, or employee of those entities can be at the same time employed, directly or indirectly, by any hotel, restaurant, or club liquor licensee or any malt or brewed beverage licensee or any distributor or importing distributor licensee.

No distributor or importing distributor or any officer, servant, agent, or employee of such a licensee can be at the same time employed, directly or indirectly, by any other distributor, importing distributor, manufacturer, importer, vendor, out-of-state manufacturer, hotel, restaurant, malt or brewed beverage licensee, or club licensee.

However, a manufacturer or limited winery licensee or any officer, servant, agent, or employee of such licensee may be employed at the same time by a hotel, restaurant, or retail dispenser licensee if that licensee is located at the manufacturer or on the limited winery’s premises.

**19. EMPLOYMENT OF MINORS.** No distributor or importing distributor can employ anyone under the age of 18.

No hotel, restaurant, club, or retail dispenser licensee can employ or permit anyone under the age of 18 to serve alcoholic beverages, or to employ or permit anyone under age 16 to render any service in or about the licensed premises. Minors between 16 and 18 years of age may be employed to serve food, clear tables, and perform other such duties on the retail licensed premises, but they may not dispense or serve alcoholic beverages. Minors 14 and 15 years of age may be employed at ski resorts, golf courses, and amusement parks as long as they do not perform duties in any rooms or areas in which alcohol is concurrently being dispensed, served, or stored in a non-secure manner.

Continuing care facilities licensed by the PLCB may also employ minors as young as 14 years of age for services other than dispensing or serving alcoholic beverages.

Notwithstanding any provisions of law to the contrary, a hotel, restaurant, or club liquor licensee or any retail dispenser may allow students receiving instruction in the performing arts to perform an exhibition if the students are not compensated and are under proper supervision. Written notice of the performance must be provided to the BLCE before the performance.

**20. ENTERTAINMENT - PERMITTING.** No licensees except clubs, public venues, and performing arts facilities can permit dancing, theatricals, floor shows, or motion pictures, other than television, of any sort in any licensed establishment unless the licensee has first obtained an amusement permit from the PLCB. A licensee may use its amusement permit in conjunction with its extended hours food permit and have entertainment whenever the establishment is open. Licensees without an extended hours food permit but with an amusement permit may permit entertainment only during the hours when the sale of alcoholic beverages is permitted and between 9:00 A.M. Sunday and 2:00 A.M. Monday, regardless of whether the licensee holds a Sunday sales permit.

**21. FALSIFICATION OF APPLICATION FORMS/DOCUMENTS.** No licensee can willfully and/or knowingly provide false information on any application form or document to any government agency.

**22. GENERAL PROHIBITION.** A licensee may be cited under the provisions of the Liquor Code for any unlawful activity prohibited by any federal or state law occurring on the licensed premises or which involves the licensee, its servants, agents, or employees (e.g., prostitution, illegal drug activities, unlawful gambling, etc.). Sales or purchases of controlled substances or drug paraphernalia by licensees and their servants, agents, and employees are also violations of the Liquor Code.

**23. HAWKING AND PEDDLING.** It is unlawful to hawk or peddle any liquor or malt or brewed beverages.

**24. ILLEGAL GAMBLING.** A licensee cannot maintain gambling devices or permit illegal gambling on the licensed premises. Authorized Pennsylvania Lottery transactions are permitted, as are properly sanctioned bingo games or small games of chance, as permitted by law. The holder of a slot machine license is allowed to operate slot machines and table games on the licensed premises.

**25. INDUCEMENTS - GIFTS TO EMPLOYEES.** Licensees cannot give or permit to be given, directly or indirectly, money or anything of substantial value to induce employees, agents, or representatives of customers/prospective customers to influence their employer/principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of the gift, or to influence the employers/principals to refrain from dealing or contracting to deal with other licensees.

**26. INDUCEMENTS - THINGS OF VALUE, ALLOWANCES OR REBATES.** Licensees cannot offer, give, solicit, or receive anything of value or any allowance or rebate as a direct inducement to purchase liquor or malt or brewed beverages, except for advertising novelties with an individual wholesale value of \$15 or less or through a mug club (see 14 above).

Manufacturers' coupons that offer monetary rebates on the retail purchase of wines and spirits may be redeemed by the PLCB through its Fine Wine & Good Spirits stores at the time of purchase, or by the manufacturer or its agent with proof of purchase. Manufacturers' coupons that offer monetary rebates on the retail purchase of malt or brewed beverages from a distributor or importing distributor may be redeemed by the manufacturer or its agent with proof of purchase.

**27. INSPECTION OF LICENSED PREMISES.** Licensees cannot refuse an authorized employee of the PLCB or the BLCE the right to completely inspect the licensed premises at any time the premises are open for business or when patrons, guests, or members are in the portion of the licensed premises where alcoholic beverages are sold.

**28. CONNECTION WITH ANOTHER BUSINESS.** There may be no inside passage or communication between a licensed premises and any other business except as approved by the PLCB. The PLCB may not approve an inside passage or communication wider than 10 feet. However, licensees with previously approved interior connections wider than 10 feet are exempt from this requirement.

There may be an interior connection to a residence of the licensee, corporate officer, or manager only.

If the premises are, in whole or in part, licensed by the Pennsylvania Gaming Control Board, a licensee may allow the holder of a slot machine license to operate on its licensed premises.

**29. LICENSEE SELLING EQUIPMENT.** No licensee or any officer, director, stockholder, servant, agent, or employee of a licensee can own any interest, directly or indirectly, or be employed or engaged in any business that involves the manufacture or sale of any equipment, furnishing, or fixtures to any hotel, restaurant, club, retail dispenser, importing distributor, or distributor licensee. There is one exception: licensees may sell glasses (at not less than cost), metal keg connectors, and tap knobs to other licensees and to holders of special occasion permits.

**30. LIGHTING CONDITIONS.** Restaurant, hotel, club, and retail dispenser licensees must maintain sufficient illumination to ensure clear visibility and to permit patrons to read a menu or newsprint with ease within the licensed premises.

**31. LOUDSPEAKERS.** Licensees, except limited wineries, cannot use or permit the use of any loudspeaker or similar device inside or outside the licensed premises that allows the sound of music or entertainment, or the advertisement thereof, to be heard beyond the licensee's property line. Municipalities may file an application with the PLCB to consider an exemption from this statute and have a local noise ordinance apply in its place. Any licensee that is located in an area which is subject to an exemption from the PLCB's Regulation regarding amplified music being heard off the licensed premises shall be exempt from compliance with this regulation until the expiration of the PLCB's order granting the exemption.

Limited wineries located in Class 2A through Class 8 counties (all counties except Philadelphia and Allegheny) may have amplified music as long as the music/entertainment does not exceed 75 decibels beyond the limited winery's property line. This only applies from 10:00 A.M. to 8:00 P.M. on Sunday through Thursday, and from 10:00 A.M. to 10:00 P.M. on Fridays and Saturdays. Municipalities retain the right to allow their own noise ordinances to supersede the Liquor Code.

**32. MINORS FREQUENTING LICENSED PREMISES.** No restaurant, hotel, club, or retail dispenser licensee or its servants, agents, or employees can permit persons of ill repute, prostitutes, or minors to frequent the licensed premises or any premises operated in connection with those premises.

However, minors employed by licensees, minors accompanied by parents or guardians, minors attending a "social gathering," or minors under "proper supervision" are allowed on certain licensed premises. "Proper supervision" means a person at least 25 years of age who is directly responsible for the care and conduct of the minor/minors while on the licensed premises, with the minor/minors within his/her sight or hearing. In Philadelphia, each proper supervisor can supervise up to five minors; in the rest of the commonwealth, each proper supervisor can supervise up to 20 minors. If minors are on the premises as part of a school-endorsed function, however, each supervisor can supervise 50 minors.

The law provides that minors without proper supervision or accompaniment by parent/guardian may be permitted on restaurant or retail dispenser licensed premises if the licensed establishment has combined food and non-alcoholic beverage sales of at least 50 percent of the combined gross sales of food and alcoholic beverages.

Alcoholic beverages may not be served at the table or booth where minors are seated (except when those minors are accompanied by a parent or legal guardian or are under "proper supervision"), and only table service of alcoholic beverages or take-out service of beer is permitted in the room where the minors are located.

Minors are also permitted on licensed premises for social gatherings if no alcoholic beverages are sold, given, furnished to, or consumed by any minor, and the area of the gathering must be segregated from the rest of the licensed premises. Otherwise, all alcoholic beverages must be removed from the licensed premises or placed under lock and key during the time the gathering takes place. Written notice must be given to the BLCE at least 48 hours in advance of the gathering.

**33. PYROTECHNICS.** Pyrotechnics cannot be stored, handled, used, or displayed within a building on the licensed premises unless the display is performed by a federally licensed operator and approved by a municipal fire official.

**34. OFF-PREMISES CONSUMPTION.** No retail licensee can sell any liquor or wine for off-premises consumption, except if a restaurant or hotel licensee holds a Wine Expanded Permit which allows the permit holder to sell up to 3 liters of wine in a single transaction for off-premises consumption.

Retail licensees other than clubs, can sell malt or brewed beverages for off-premises consumption in quantities not exceeding 192 fluid ounces in a single sale to one person. In addition, patrons of restaurant or hotel liquor licensees who have purchased but only partially consumed a bottle of wine on the premises can take the unconsumed portion of the bottle with them when they leave; the bottle must have been purchased in conjunction with a meal that was consumed on the premises, and the bottle must be resealed (recorked). For purposes of this law, a "meal" means food prepared on the premises, sufficient to constitute breakfast, lunch, or dinner; it does not mean a snack, such as pretzels, popcorn, chips, or similar food.

Restaurant, hotel, and eating place retail dispenser licensees located in a hotel, golf course, or bowling center may permit patrons to carry alcoholic beverages from the licensed area of the premises to the unlicensed areas of the premises as long as the alcoholic beverages remain on the location's property. Restaurant, club, and eating place retail dispenser licensees located on a golf course may also sell alcoholic beverages or malt or brewed beverages on the unlicensed portion of the golf course as long as the alcohol remains on the golf course.

**35. OFF-PREMISES CATERED FUNCTION.** Hotel, restaurant, eating place retail dispenser, and brewery pub licensees can obtain an off-premises catering permit that will allow them to hold a catered function off the licensed premises and on otherwise unlicensed premises. A "catered function" means "the furnishing of food prepared on the premises or brought onto the premises already prepared, in conjunction with alcohol beverages, for the accommodation of a person or an identifiable group of people, not the general public, who made arrangements for the function at least 30 days in advance."

At a catered function, the licensee holding an off-premises catering permit may sell liquor or malt or brewed beverages by the glass, open bottle, or other container, together with food, for consumption on the catered premises. Beverage alcohol "to go" cannot be sold.

A brewery pub may sell only the malt or brewed beverages produced by the brewery with which it is affiliated, as well as wine produced by licensed limited wineries, at catered functions.

An eating place retail dispenser licensee may sell only malt or brewed beverages.

Any licensee holding an off-premises catering permit may transport the alcohol to and from its licensed premises to the site of the catered function. Licensees who want to obtain a permit must notify the PLCB and pay the permit fee by March 1 of each calendar year.

Functions conducted under the authority of the permit shall be subject to the following:

- Alcohol may be provided only during the days and hours that the license holder may otherwise sell alcohol;
- All servers at the off-premises catered function shall be in compliance with the responsible alcohol management provisions in the Liquor Code;
- Each catered function shall last no longer than one day and not more than 52 catered functions may be held each calendar year by each license holder for use with a particular license;
- A catered function shall not be held at a location that is already subject to the applicant's or another licensee's license;
- A permit shall not be issued to an applicant whose license is in safekeeping;
- A permit shall not be issued to a location that is subject to a pending objection by the director or the Bureau of Licensing or the PLCB in accordance with the Liquor Code;
- A permit shall not be issued to a location that is subject to a pending license suspension or the one-year prohibition on the issuance or transfer of a license in accordance with the Liquor Code;
- No alcohol may be taken from the permitted location by any patron, but the applicant may transport alcohol to and from its licensed premises to the proposed premises;
- Written notice of the catered function shall be provided to the local police and the enforcement bureau at least seven days in advance of the event;
- Written notice shall be provided to the PLCB at least 14 days prior to a catered function. Written notice must include the location of the function, time of the function, host of the function, general information regarding the guests expected at the function as well as any information the PLCB shall from time to time prescribe. The PLCB may, in its discretion, accept notice in an electronic format. The PLCB may, in its discretion, waive the 14-day notice period for a catered function as prescribed if the applicant previously conducted functions that met the requirements, the applicant is a licensee in good standing with the PLCB, notification was received at least seven days prior to the catered event, and the applicant pays a late fee of \$100;
- The PLCB shall, in its discretion, approve or disapprove a catered function if the applicant fails to provide timely notice of the catered function, does not intend to conduct a function that meets the requirements of this act or has previously conducted a function that did not meet the requirements;

- If a catered function is scheduled to occur on private property, the owner of that property is deemed to have submitted to the jurisdiction of the enforcement bureau, and the warrant required by the Liquor Code shall not be necessary for the enforcement bureau to enter and search the premises during the function or any activities related to the function;
- No catered function may be held for more than five hours per day and must end by 12:00 A.M. unless the catered function occurs on December 31 on which date the catered function must end by 2:00 A.M.;
- Neither the property owner nor the applicant may sell tickets to the catered function unless one of the following conditions is met:
  - The applicant has contracted with an eligible entity for the function, and the function is being used to raise money for the eligible entity's organization;
  - The applicant has contracted with a nonprofit organization as defined under 501(c)(3) of the Internal Revenue Code of 1986, for an event which has the sole purpose of raising funds for that nonprofit organization; or
  - The applicant has contracted with an organization that holds tax-exempt status under section 527 of the Internal Revenue Code of 1986.
- The catered function is subject to the noise statute, which prohibits the use of a loudspeaker or similar device enabling the sound of music or other entertainment to be heard beyond the property line;
- Catered functions may not be held in locations that are subject to a pending, protested transfer application;
- A permit may not be issued to a license holder whose license is subject to a pending objection by the director of the Bureau of Licensing or the PLCB in accordance with the Liquor Code;
- A permit shall not be issued to a licensee for use in any location that is mobile; and
- A permit shall not be issued for use on any location used for parking at a sports event or concert event.

**36. PECUNIARY INTEREST.** No person(s) or entities other than those approved by the PLCB can have any pecuniary interest in a licensed business. A "pecuniary interest" is defined as an interest that sounds in the attributes of proprietorship. There is a rebuttable presumption of a pecuniary interest when a person receives 10 percent or more of the proceeds of the licensed business or when control is exercised by one or more of the following:

- Employing a majority of the employees of the licensee.
- Independently making day-to-day decisions about the operation of the business.
- Having final authority to decide how the licensed business is conducted.

**37. POSSESSION OF LIQUOR OR ALCOHOL ON PREMISES LICENSED ONLY FOR SALE OF MALT/BREWED BEVERAGES.** No distributor, importing distributor, or retail dispenser licensee or their servants, agents, or employees can possess or permit the storage of any liquor or alcohol on the licensed premises or any place contiguous or adjacent to the premises, or accessible to the public or used in the operation of the licensed business.

**38. POSSESSION OF LIQUOR AND POSSESSION OF LIQUOR UNLAWFULLY ACQUIRED.** It is unlawful for anyone in Pennsylvania to purchase alcohol or liquor from a source other than a Fine Wine & Good Spirits store, a sacramental wine licensee, a licensed distillery or limited distillery, or licensed limited winery, except in accordance with the Liquor Code or PLCB Regulations.

**39. PREMISES TO BE VACATED BY PATRONS.** Patrons cannot remain on the retail licensed premises later than 30 minutes after the legal beverage servicing time has expired. Patrons cannot possess or remove from the licensed premises any alcoholic beverages after the legal closing time.

For all retail and limited winery licensees except clubs, legal beverage servicing time expires at 2:00 A.M. Patrons must vacate these premises by 2:30 A.M.

For clubs, legal beverage servicing time expires at 3:00 A.M. Patrons of clubs must vacate these premises by 3:30 A.M.

For breweries without a brew pub license, legal beverage servicing time expires at 12:00 A.M. Monday through Saturday and 11:00 P.M. on Sunday with a Sunday sales permit. Patrons must vacate these premises by 12:30 A.M. and 11:30 P.M. respectively.

For limited distilleries, legal beverage servicing time expires at 12:00 A.M. Monday through Saturday and 11:00 P.M. on Sunday. Patrons must vacate these premises by 12:30 A.M. and 11:30 P.M. respectively.

For distributors, legal beverage servicing time expires at 11:00 P.M. Monday through Saturday and 9:00 P.M. on Sunday. Patrons must vacate these premises by 11:30 P.M. and 9:30 P.M. respectively.

Hotel, retail dispenser, and restaurant licensees who possess or who are eligible to possess a Sunday sales permit and who wish to remain open for food service after legal closing times must obtain an extended hours food permit from the PLCB.

Clubs may also apply for a limited extended hours food permit.

However, all restaurant, hotel, and eating place retail dispensers can be open from 7:00 A.M. Sunday until 2:00 A.M. Monday to sell food and non-alcoholic beverages even if they do not have a Sunday sales permit.

**40. SALES/PURCHASES ON CREDIT.** No licensee can sell or purchase any liquor or malt or brewed beverages on credit.

Hotel and club licensees can extend credit to a bona-fide guest or member.

Restaurant, hotel, retail dispenser eating place, public service, distributor, and importing distributor licensees can honor credit cards issued by banking institutions held by non-licensed customers.

Distributors and importing distributors are permitted but not required to accept payment by credit card from licensees for the purchase of malt or brewed beverages.

**41. SALES FOR CASH.** Distributor and importing distributor licensees cannot accept cash for payment of malt or brewed beverages by anyone licensed by the PLCB. Money orders and cashier's checks are permitted. Prepayment in cash is permitted if it is made at the distributors' or importing distributors' premises before the delivery. Prepayment in cash to employees of distributors and importing distributors who are away from the licensed premises is unlawful.

**42. RECORDS ON LICENSED PREMISES.** Licensees must keep on the licensed premises complete and truthful records covering the operation of the licensed business, and licensees, their servants, agents, or employees cannot refuse authorized employees of the PLCB or BLCE access to those records or grant the PLCB/BLCE employees the opportunity to make requested copies during business hours.

A licensee is required to maintain on its licensed premises business records for only the most recent six months. A licensee may only remove those records from the licensed premises for "a lawful business purpose," and must return those records after that business is concluded. A licensee may maintain records that are between six months and two years old away from the licensed premises, as long as those records are returned to the licensed premises within 24 hours of a request by the PLCB/BLCE.

**43. REFILLING LIQUOR BOTTLES.** It is unlawful to refill, wholly or in part, any liquor bottle or other liquor container with any liquid or substance whatsoever.

**44. SALE/SERVICE/FURNISHING TO NON-LICENSEES - HOURS LIMITED.** It is unlawful to sell, give, furnish, trade, barter, or deliver any alcoholic beverages to anyone except during the hours and days prescribed in the Liquor Code.

Generally, for on-premises retail and limited winery licenses (except clubs), those hours are 7:00 A.M. to 2:00 A.M. of the next day. If the licensee holds a Sunday sales permit, sales are allowed between 9:00 A.M. Sunday and 2:00 A.M. Monday.

Club hours are 7:00 A.M. to 3:00 A.M. of the next day all week, including Sunday.

Breweries without a brew pub license, hours for on-premises consumption are Monday through Saturday from 9:00 A.M. to 12:00 A.M. and with a Sunday sales permit Sundays between 9:00 A.M. and 11:00 P.M.

Limited distillery hours are Monday through Saturday from 9:00 A.M. to 12:00 A.M. and Sunday from 9:00 A.M. to 11:00 P.M.

Distributor hours are 8:00 A.M. to 11:00 P.M. Monday through Saturday and 9:00 A.M. to 9:00 P.M. on Sunday.

All restaurant, hotel, and eating place retail dispenser licensees can be open from 7:00 A.M. Sunday until 2:00 A.M. Monday to sell food and non-alcoholic beverages, even if they do not they have a Sunday sales permit.

Hotel, restaurant, municipal golf course restaurant, privately-owned public golf course restaurant, eating place retail dispenser, and municipal golf course retail dispenser licensees that also hold a Sunday sales permit may sell alcohol between 9:00 A.M. Sunday and 11:00 A.M. Sunday.

Notwithstanding the above, the holder of an airport restaurant liquor license that acquires a Sunday sales permit may begin Sunday sales of alcohol at 5:00 A.M.



**45. SALES TO NON-MEMBERS (CLUBS).** Club licensees cannot sell alcoholic beverages to people who are not bona-fide members. Holders of catering club licenses may conduct sales to non-members in the course of catered functions prearranged at least 24 hours in advance. They may also hold a maximum of 12 self-sponsored catered functions during the licensing period with no more than one function any calendar month. Additionally, catering clubs may conduct sales to non-members at events between participants of the club's membership and the participants from any other licensed entity as long as the club sanctions the event, the event is scheduled more than 24 hours in advance and non-member participants are listed on a roster.

**46. SALES WITHOUT A LICENSE.** In Pennsylvania, liquor and/or malt or brewed beverages cannot be sold without a valid license or permit issued by the PLCB. A business that is principally engaged in the sale of gift baskets within Pennsylvania is authorized to sell one bottle of wine with a gift basket containing non-liquor items. The bottle of wine must be purchased from a Fine Wine & Good Spirits store and it must be produced by a licensed limited winery. Said baskets must be shipped by a licensed transporter for hire. A bed-and-breakfast homestead or inn without a liquor license can provide one bottle of a licensed limited winery's wine to its paying guests at check-in as long as the guest is staying overnight. A "bed-and-breakfast homestead or inn" is defined as a private residence that contains 10 or fewer bedrooms used for providing overnight accommodations to the public where breakfast is the only meal served and is included in the charge for the room.

An executor or an administrator of a decedent's estate may sell liquor which was an asset of the decedent privately or at public auction.

**47. SERVICE OR SALES TO MINORS, AND VISIBLY INTOXICATED PERSONS.** It is unlawful to sell, furnish, or give or to permit the sale, furnishing, or giving of any liquor or malt or brewed beverages to minors or visibly intoxicated persons. NOTE: The Pennsylvania Crimes Code also makes it unlawful to sell or furnish any beverage intended to be sold as non-alcoholic beer, wine, or liquor to anyone less than 21 years of age.

**48. TOURNAMENTS, CONTESTS, EVENTS, PRIZES.** Hotel, restaurant, club, or retail dispenser eating place licensees cannot hold or permit to be held any event, tournament, or contest on the licensed premises or to advertise, offer, award, or permit the award on the licensed premises of any trophies, prizes, or premiums of any sort, except in strict compliance with conditions as established in PLCB Regulations, which permit the conduct of events, tournaments, and contests on licensed premises under limited circumstances, including:

- Boxing and wrestling events sanctioned by the Pennsylvania State Athletic Commission
- Bowling tournaments
- League competitions
- Tournaments and contests officially sponsored by and for the benefit of properly registered and qualified charitable organizations
- Self-sponsored tournaments, events and contests with maximum prize values of \$1,000 each, not exceeding \$25,000 in a seven-day period.

**49. WORTHLESS CHECKS.** Retail liquor, retail dispenser, distributor, or importing distributor licensees cannot make, draw, issue, or deliver, or cause to be so done, any checks, drafts, or similar orders in payment for any purchase of malt or brewed beverages when the licensee has insufficient funds in or credit with a banking institution, trust company, or other depository to make the payment.

A licensee that receives a worthless check from another licensee for payment of malt or brewed beverages must notify the licensee that issued the check and the PLCB MBCO of the dishonored check by certified mail within five days of receipt of notice of the dishonor. The MBCO will provide the offending licensee written notice that the licensee has 10 days from the date the notice is mailed to honor the check it issued. If the offending licensee fails to honor the check, the MBCO will turn the matter over to the BLCE.

Notice must be given to the MBCO within five days of when the distributor/importing distributor is notified the check will not be honored.

For answers to legal inquiries, contact:  
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