

## UNLAWFUL ACTIVITIES

The following is a list of unlawful activities as they apply to alcoholic beverage licensees. The list was 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”), to provide licensees with guidelines for operation within the law. The term “licensee” refers to the licensee, as well as the licensee’s servants, agents or employees. The term “liquor” refers to all forms of distilled spirits and wine products.

**This list does not reflect all possible violations. It is not intended to be, nor may it be used as, an official document or to supplant the law. Since the law is subject to periodic amendment and legal rulings, users of this information are advised to remain alert to any such changes.**

- 1. ACCEPTANCE OF UNLAWFULLY TRANSSHIPPED MALT OR BREWED BEVERAGES.** It is unlawful for any distributor or importing distributor to accept delivery of any malt or brewed beverages which have been sold or delivered in violation of geographical distribution rights conferred by a manufacturer upon an importing distributor. Any distributor or importing distributor or other licensee who accepts such unlawfully delivered malt or brewed beverages shall be subject to a license suspension of at least thirty (30) days. Distributors and importing distributors are required to sign all territorial schedules of the importing distributors from whom they purchase.
- 2. ADULTERATION.** It is unlawful to 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.** It is unlawful for any retail liquor or retail malt or brewed beverage licensee to 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 any such placard or sign advertising the product(s) exceeds six hundred (600) square inches. Licensees may display signs inside the licensed premises, show windows or doorways, advertising brand names of products sold; provided that the total cost of point-of-sale advertisements of any brand may not exceed a sum of three hundred dollars (\$300.00) 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 and may not contain statements that are false, deceptive, misleading, or disparaging of the products of a competitor, or refer to monetary comparison between brands. Advertisements must clearly identify the entity responsible for the advertisement.

No licensee may distribute or cause to be distributed by mail price lists, circulars or handbills off the licensed premises to the general public to advertise liquor or malt or brewed beverages. Advertisements in newspapers, defined as “a typically daily or weekly publication containing recent news, feature articles, editorials and usually advertising,” are permitted, as is advertising in community newspapers such as *The Pennysaver*.

Advertisements may not be directed at minors. An advertisement may not be obscene nor inconsistent with the spirit of safety or safe driving programs. In addition, no print advertisement is permitted within three hundred (300) feet of any church, school or public playground. Price advertising in windows is no longer limited to menus and wine lists.

For purposes of this subsection, the term “advertisement” shall mean: any advertising of alcoholic beverages through the medium of radio broadcast, television broadcast, newspapers, periodicals or other publication, outdoor advertisement, or any other printed, electronic transmissions, such as Internet, or graphic matter, including booklets, flyers or cards, or on the product label or attachment itself.

Until 2004, colleges and universities were considered to be subject to the print advertisement ban affecting educational institutions. However, the United States Court of Appeals for the Third Circuit has held that particular subsection of the law unconstitutional with regard to alcohol advertising in college-related newspapers. In *Pitt News v. Pappert*, 379 F.3d 96 (3rd Cir. 2004), the court (which covers federal appellate cases from Pennsylvania) enjoined the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”) from citing Pittsburgh-area licensees who advertised in the *Pitt News*, a publication affiliated with the University of Pittsburgh.

5. **ADVERTISING - STRENGTH OF BEER.** It is unlawful to use the words “full strength,” “extra strength,” “high test,” “high proof,” etc., in any advertisement or label describing a malt or brewed beverage. However, it is permissible to reference alcoholic content by volume on the label of malt or brewed beverages.
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 of that particular liquor or malt or brewed beverage to meet normal requirements.
7. **BEER SPIGOT - IDENTIFICATION.** It is unlawful to furnish or serve any malt or brewed beverages from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet, spigot or dispensing apparatus.
8. **BONAFIDE HOTEL/RESTAURANT/EATING PLACE.** It is unlawful for any hotel, restaurant, or eating place licensed establishment to remain in operation without continuously complying with the conditions under which it was originally licensed. These licensed operations must be reputable places where food is regularly and customarily prepared and sold, with a permanent seating requirement of at least thirty (30) chairs at tables, including bar seats at the bar. These licensed operations must have a properly validated health certificate issued by the appropriate state agency or local municipality posted in a conspicuous place. Licensees must have a sufficient supply of food and be properly equipped with adequate utensils and facilities for the service of food so as to demonstrate a legitimate food business. Hotels must have a kitchen apart from the dining room(s) and provide guest rooms for sleeping accommodations as originally licensed, except that certain hotels with grandfathered status can apply to the PLCB to no longer maintain bedrooms for public accommodation. In essence, hotels licensed prior to January 1, 1949, are exempt from the room requirements.
9. **BRAND REGISTRATION.** It is unlawful to sell, offer for sale or deliver any brand of malt or brewed beverages unless such brand has been registered by the manufacturer or franchised agent thereof with the PLCB. Effective at the end of June, 2011, 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 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’s Malt Beverage Compliance Officer (“MBCO”) is responsible to investigate reports of unregistered brands of beer. The MBCO will give written notice to each licensee who might be in violation. If the beer is registered within ten (10) days of receipt of this notice, no further action will be taken against the licensee. If the beer is not registered within the ten (10) days, the MBCO will notify the BLCE, which will proceed with the citation process.
10. **CASHING CHECKS.** It is unlawful for any licensee to cash payroll checks or to cash, receive, handle or negotiate in any way Public Assistance, Unemployment Compensation or any other relief checks.
11. **CHANGE OF OFFICERS OR MANAGER.** All licensees except clubs must notify the PLCB of a change in manager, steward, officer, director or stockholder (involving 10% or more of outstanding voting stock) within fifteen (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 to the manager/steward at the time of their validation. Except for nonprofit clubs, if the change of officer(s)/stockholders(s) results in a change in control of the corporation or club, public notice of such change will be required. Effective February 20, 2012, unless successfully completed prior to appointment, a manager appointed by a restaurant, eating place retail dispenser, hotel, club, limited distillery, or distributor licensee must complete the Board’s RAMP manager/owner training within one hundred eighty (180) days of the Board’s approval of the appointment.
12. **CLEANING BEER/WINE DISPENSING SYSTEMS.** It is unlawful for a licensee to fail to clean its malt or brewed beverage dispensing system in accordance with the Board’s Regulations. The method of cleaning must leave the entire malt or brewed beverage dispensing system in a clean and sanitary condition. The faucets must be cleaned at least once every seven (7) 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 (7) 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 for such cleaning or whose malt or brewed beverage systems are found to be unsanitary are subject to citation in the same manner as any other licensee.

13. **CONSUMPTION BY LICENSEES/EMPLOYEES.** It is unlawful for licensees, their employees, agents or servants, to consume alcoholic beverages while tending bar or otherwise serving alcoholic beverages.
14. **DISCOUNT PRICING PRACTICES - (HAPPY HOURS).** It is unlawful for licensees to engage in discount pricing practices except in accord with the following. Retail licensees may discount the price of alcoholic beverages for a consecutive or non-consecutive period of time not to exceed four (4) hours in any business day and not to exceed fourteen (14) hours per week. Discount pricing is not permitted between 12:00 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 (7) days before the happy hour period.

Also, licensees may not:

- a. Sell or serve more than one (1) alcoholic beverage drink at any one (1) time to any one (1) person for the price of one (1) drink.
- b. Sell or serve an increased volume of one (1) alcoholic beverage drink without a corresponding and proportionate increase in the price.
- c. Sell or serve unlimited or indefinite amounts of alcoholic beverages for a set price.
- d. Change the discounted price of drinks within the four (4) hour period from that originally set as the discounted price.

Licensees may also feature one (1) specific type or brand of alcoholic beverage or drink per day or a portion of the day at a reduced price, so long as such offering remains in compliance with all the above noted restrictions except for the four (4) 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, which have been arranged at least twenty-four (24) hours in advance.

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.

15. **DISPOSAL OF EMPTY LIQUOR CONTAINERS.** It is unlawful for any licensee to fail to break empty liquor or wine bottles within twenty-four (24) hours after their contents have been removed (except for decorative decanters) unless the licensee is a participant in a municipal or voluntary recycling program.
16. **DISTRIBUTION OF MALT OR BREWED BEVERAGES FROM UNLICENSED LOCATIONS.** It is unlawful for a distributor or importing distributor to 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.** It is unlawful to employ any person for the purpose of enticing customers, or to encourage them to drink alcoholic beverages, or to make assignments for improper purposes.
18. **EMPLOYMENT OF A LICENSEE OR EMPLOYEES.** It is unlawful for any restaurant, hotel, club, retail dispenser licensee, or any officer, servant, agent or employee of such licensee, to 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. It is also unlawful for any manufacturer, importer or vendor licensee or any out-of-state manufacturer, or any officer, servant, agent or employee of those entities, to 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. Further, it is unlawful for any distributor or importing distributor, or any officer, servant, agent or employee of such a licensee to 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 located at the manufacturer or limited winery premises.

- 19. EMPLOYMENT OF MINORS.** It is unlawful for any distributor or importing distributor to employ minors under the age of eighteen (18). Further, it is unlawful for any hotel, restaurant, club or retail dispenser licensee to employ or permit minors under the age of eighteen (18) to serve alcoholic beverages, or to employ or permit minors under age sixteen (16) to render any service whatever in or about the licensed premises. Minors between sixteen (16) and eighteen (18) years of age may be employed to serve food, clear tables and perform other such duties on retail licensed premises, but they may not dispense or serve alcoholic beverages. Minors fourteen (14) and fifteen (15) years of age may be employed at ski resorts, golf courses and amusement parks as long as the minors 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 fourteen (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 a performing art 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 prior to the performance.
- 20. ENTERTAINMENT - PERMITTING.** It is unlawful for any licensee, except clubs, public venues and performing arts facilities, to permit dancing, theatricals, floor shows or motion pictures other than television of any sort in any licensed establishment, unless the licensee has first obtained from the PLCB an amusement permit. A licensee may use its amusement permit in conjunction with its extended hours food permit, and have entertainment at any time its establishment is open. Licensees without an extended hours food permit which hold an amusement permit may permit entertainment only during the hours when the sale of alcoholic beverages is permitted and between 11:00 AM on Sunday and 2:00 AM on the following Monday regardless of whether the licensee holds a Sunday sales permit.
- 21. FALSIFICATION OF APPLICATION FORMS/DOCUMENTS.** It is unlawful for any licensee to 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.** It is unlawful for a licensee to maintain gambling devices or to 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 permitted to operate slot machines and table games on the licensed premises.
- 25. INDUCEMENTS - GIFTS.** It is unlawful for any licensee to give or permit to be given, directly or indirectly, money or anything of substantial value in an effort to induce employees, agents or representatives of customers, or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift, or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees.
- 26. INDUCEMENTS - THINGS OF VALUE, ALLOWANCES OR REBATES.** It is unlawful for any licensee to offer or give, or to 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 of an individual wholesale value of fifteen dollars (\$15.00) or less. Manufacturers' coupons that offer monetary rebates on the retail purchase of wines and spirits may be redeemed by the PLCB through its wine and 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.** It is unlawful to refuse any authorized employee of the PLCB or the BLCE the right to inspect completely the licensed premises at any time during which the premises are open for the transaction of business, or when patrons, guests or members are in the portion of the licensed premises wherein 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 exceeding ten (10) feet in width. However, licensees with previously-approved interior connections greater than ten (10) feet wide are exempt from this requirement. There may be an interior connection to a residence of the licensee, corporate officer or manager only. No other person may conduct another business on the licensed area(s). However, 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.** It is unlawful for any licensee, or any officer, director, stockholder, servant, agent or employee of any licensee, to own any interest, directly or indirectly, in or be employed or engaged in any business which involves the manufacture or sale of any equipment, furnishing, or fixtures to any hotel, restaurant, club, retail dispenser, importing distributor or distributor licensee except that 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.** It is unlawful for restaurant, hotel, club and retail dispenser licensees to fail to maintain sufficient illumination to insure clear visibility and to permit patrons to read a menu or newsprint with ease within the interior of the licensed premises.
- 31. LOUDSPEAKERS.** It is unlawful to use or permit the use of any loudspeaker or similar device inside or outside the licensed premises so as to allow the sound of music or entertainment, or the advertisement thereof, to be heard beyond the licensee's property line. This statutory provision supersedes the current Board regulation pertaining to noise. Municipalities may file an application with the Board to consider an exemption from this statute and have a local ordinance apply in its place. Certain licensees previously exempted from the Board's noise regulation may also be exempted from the noise statute.
- 32. MINORS FREQUENTING LICENSED PREMISES.** It shall be unlawful for any restaurant, hotel, club or retail dispenser licensee, or its servants, agents or employees, to permit persons of ill repute, prostitutes or minors to frequent the licensed premises or any premises operated in connection therewith, except minors employed by licensees, minors accompanied by parents or guardians, minors attending a "social gathering," or minors under "proper supervision." However, the law provides that minors without proper supervision or accompaniment by parent/guardian may be permitted on restaurant or retail dispenser eating place licensed premises if the licensed establishment has combined food and non-alcoholic beverage sales equal to fifty percent (50%) or more of the combined gross sales of food and alcoholic beverages on the conditions that alcoholic beverages may not be served at the table or booth where minors are seated (except when said minors are accompanied by a parent or legal guardian or are under "proper supervision") and that only table service of alcoholic beverages or take-out service of beer shall be permitted in the room where the minors are located. Minors are also permitted on licensed premises for social gatherings, on the conditions that no alcoholic beverages may be sold, given, furnished to or consumed by any minor, and the area of the gathering must be segregated from the remainder of the licensed premises, or 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 forty-eight (48) hours in advance of the gathering.
- "Proper supervision," as it relates to minors, means a person twenty-five years of age or older who is directly responsible for the care and conduct of such minor or minors while on the licensed premises and the minor or minors within his or her sight or hearing. In Philadelphia, each proper supervisor can supervise up to five (5) minors; in the rest of the Commonwealth, each proper supervisor can supervise up to twenty (20) minors. If minors are on the premises as part of a school-endorsed function, however, then each supervisor can supervise fifty (50) minors.
- 33. PYROTECHNICS.** It is unlawful to store, handle, use or display any pyrotechnics within a building on the licensed premises, unless the display is performed by a federally-licensed operator and was approved by a municipal fire official.
- 34. OFF-PREMISES CONSUMPTION.** It is unlawful for any restaurant, hotel or club licensee to sell any liquor or wine for consumption off the premises where sold. However, it is permissible for licensees other than clubs to sell malt or

brewed beverages for off-premises consumption in quantities not exceeding one hundred ninety-two (192) fluid ounces in a single sale to one (1) person.

It is also permissible for patrons of restaurant or hotel liquor licensees who have purchased, but only partially consumed, a bottle of wine on the premises, to take the unconsumed portion of the bottle with them when they leave, as long as the bottle was purchased in conjunction with a meal which was consumed on the premises, and so long as the bottle is 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 persons 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 hotel, golf course or bowling center 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.** It is permissible for hotel, restaurant, eating place retail dispenser, and brewery pub licensees to obtain an off-premises catering permit, which will allow such licensees 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 thirty 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. 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. No sales for take-out are permitted. Any licensee holding an off-premises catering permit may transport the alcohol to and from their licensed premises to the site of the catered function.

The following additional restrictions apply (see “What Licensees Need to Know About Act 116 of 2012”):

- Alcoholic beverages may only be provided during the hours the licensee can normally sell such beverages.
- All servers at the catered site must be RAMP-certified.
- A catered function cannot last longer than five (5) hours, must end by 12:00 midnight, and no more than fifty (50) such events may be held by a particular licensee in a calendar year.
- A catered function cannot be held on already-licensed premises.
- No permits can be issued to a location that is subject to a pending license renewal objection by Licensing/PLCB, or a pending license suspension or the one (1)-year prohibition on the issuance or transfer of a license due to a citation action, or to a licensee for use in a mobile location, or for use on any location used for parking at a sports or concert event.
- The BLCE may conduct a warrantless search of private property on which a catered event is held.
- A catered function is subject to the noise statute, which prohibits the use of a loudspeaker or similar device whereby the sound of music or other entertainment is heard beyond the property line.
- Written notice of the catered function must be provided to the local police and to the BLCE, at least seven (7) days in advance, and to the Board at least thirty (30) days in advance, unless waived by the Board. The notice must include the location, time, and host of the function, and general information regarding expected guests.
- Licensees who want to obtain a permit must notify the Board and pay the permit fee by March 1 of each calendar year.

**36. PECUNIARY INTEREST.** It is unlawful for any person or persons, other than those approved by the PLCB, to 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% or more of the proceeds of the licensed business or when control is exercised by one or more of the following:

- (i) Employing a majority of the employees of the licensee.
- (ii) Independently making day-to-day decisions about the operation of the business.

(iii) 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.** It is unlawful for any distributor, importing distributor or retail dispenser licensee, or their servants, agents or employees, to possess or to permit the storage of any liquor or alcohol on the licensed premises, or any place contiguous or adjacent thereto accessible to the public or used in the operation of the licensed business.
38. **POSSESSION OF LIQUOR UNLAWFULLY ACQUIRED.** It is unlawful to possess any liquor which has not been purchased from a PLCB wine and spirits store, a sacramental wine dealer, a licensed distillery or limited distillery, a licensed limited winery or which has not been lawfully imported.
39. **PREMISES TO BE VACATED BY PATRONS.** It is unlawful to permit patrons to remain on retail licensed premises later than one-half (1/2) hour after legal beverage servicing time has expired (2:00 AM for all licensees except for clubs which must stop sales by 3:00 AM). Required "legal closing times" when premises must be vacated by patrons are 2:30 AM for all licensees, except clubs, which may remain open until 3:30 AM. Patrons are prohibited from possessing or removing from the licensed premises any alcoholic beverages after legal closing time. 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 open on Sunday from 7:00 AM until 2:00 AM on Mondays to sell food and non-alcoholic beverages, whether or not they have a Sunday sales permit.
40. **PURCHASE OF LIQUOR.** It is unlawful for any person within this Commonwealth to purchase any alcohol or liquor from a source other than a PLCB wine and spirits store, a sacramental wine dealer, a licensed distillery or limited distillery, or licensed limited winery, except in accordance with the Liquor Code or PLCB Regulations.
41. **SALES/PURCHASES ON CREDIT.** It is unlawful for any licensee to sell or purchase any liquor or malt or brewed beverages on credit, excepting credit extended by a hotel or club licensee to a bona fide guest or member, or by restaurant, hotel, retail dispenser eating place, public service, importing distributor licensees and distributors, to non-licensed customers holding credit cards issued by banking institutions.
42. **SALES FOR CASH.** It is unlawful for a holder of a distributor or importing distributor license to 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, however, so long as it is done at the distributors' or importing distributors' premises prior to the delivery. Prepayment in cash to employees of distributors and importing distributors, while they are off the licensed premises, is unlawful.
43. **RECORDS ON LICENSED PREMISES.** It is unlawful to fail to keep on the licensed premises complete and truthful records covering the operation of the licensed business or to refuse authorized employees of the PLCB or BLCE access thereto or the opportunity to make requested copies during business hours. Effective February 20, 2012, a licensee is only required to maintain, on its licensed premises, business records for the most recent six (6) months, and may only remove those records from the licensed premises for "a lawful business purpose," and must return those records after such business has been concluded. A licensee may maintain records off the licensed premises that are between six (6) months and two (2) years old, provided that such records are returned to the licensed premises within twenty-four (24) hours of a request by the PLCB or the BLCE.
44. **REFILLING LIQUOR BOTTLES.** It is unlawful to refill, wholly or in part, with any liquid or substance whatsoever, any liquor bottle or other liquor container.
45. **SALE/SERVICE/FURNISHING - HOURS LIMITED.** It is unlawful to sell, give, furnish, trade, barter, serve or deliver any alcoholic beverages to any person, except during the hours and days prescribed in the Liquor Code. Generally for on-premises licenses, except clubs, 7:00 AM to 2:00 AM of the next day, Sunday sales between 11:00 AM and 2:00 AM of following Monday authorized only for holders of Sunday sales permits; club hours - 7:00 AM to 3:00 AM of next day all week including Sunday. However, all restaurant, hotel, and eating place retail dispenser licensees can open on Sunday from 7:00 AM until 2:00 AM on Mondays to sell food and non-alcoholic beverages, whether or not they have a Sunday sales permit. The holder of a hotel, restaurant, municipal golf course restaurant, privately-owned public

golf course restaurant, eating place retail dispenser, or municipal golf course retail dispenser license, which also holds a Sunday sales permit, may sell alcohol on Sundays between 9:00 a.m. and 11:00 a.m., provided that the licensee offers a “meal” beginning at 9:00 a.m. Otherwise, such licensees holding a Sunday sales permit may not begin selling alcohol until 11:00 a.m. on Sunday. A “meal” is defined as “food prepared on the premises, sufficient to constitute breakfast, lunch or dinner; it shall not mean a snack, such as pretzels, popcorn, chips, or similar food.” Notwithstanding the above, the holder of an airport restaurant liquor license that acquires a Sunday sales permit may begin Sunday sales of alcohol at 7:00 a.m.

- 46. SALES TO NON-MEMBERS (CLUBS).** It is unlawful for any club licensee to sell alcoholic beverages to persons who are not bona fide members, except that holders of catering club licenses may conduct sales to non-members in the course of catered functions prearranged at least twenty-four (24) hours in advance.
- 47. SALES VIA THE INTERNET.** Generally, wine cannot be shipped to a Pennsylvania resident from out-of-state or in-state unless the seller holds a limited winery license issued by the PLCB. However, licensed direct shippers are allowed to sell via the Internet and send up to nine (9) liters per month to consumers in Pennsylvania. Such alcohol may not be resold. The wine must be for personal use only and cannot be something already available for sale in the PLCB wine and spirits stores. The wine is shipped to a wine and spirits store selected by the customer, who must then pick it up by showing identification, and paying a fee and all state taxes. PLCB licensees cannot order products by this method.
- 48. SALES WITHOUT A LICENSE.** It is unlawful to sell any liquor and/or malt or brewed beverages unless such person holds a valid license or permit issued by the PLCB permitting such sales.
- 49. 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 any person less than twenty-one (21) years of age.

- 50. TOURNAMENTS, CONTESTS, EVENTS, PRIZES.** It is unlawful for any hotel, restaurant, club or retail dispenser eating place licensee to 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 within Board regulations. Board regulations permit the conduct of events, tournaments and contests on licensed premises under limited circumstances to include: (1) boxing and wrestling events sanctioned by the Pennsylvania State Athletic Commission, (2) bowling tournaments, (3) league competitions, (4) tournaments and contests officially sponsored by and for the benefit of properly registered and qualified charitable organizations, and (5) self-sponsored tournaments, events and contests, with maximum prize values of five hundred dollars (\$500.00) each, not to exceed five thousand dollars (\$5,000.00) in any seven (7)-day period.
- 51. WORTHLESS CHECKS.** It is unlawful for any retail liquor licensee, retail dispenser, distributor or importing distributor to make, draw, issue or deliver, or cause to be so done, any checks, draft or similar orders in payment for any purchase of malt or brewed beverages, when the licensee has not sufficient funds in or credit with a banking institution, trust company, or other depository for payment of such checks.

A licensee which receives a worthless check from another licensee for payment of malt or brewed beverages must notify the licensee which issued the check, and the PLCB’s Malt Beverage Compliance Officer (“MBCO”), of the dishonored check by certified mail within five (5) days of receipt of notice of such dishonor. The MBCO will provide the offending licensee written notice that the licensee has ten (10) days from the date the notice is mailed to honor the check it issued. Unless the licensee honors the check within ten (10) days of the mailing date of the notice, the MBCO will turn the matter over to the BLCE.

Notice must be given to the PLCB’s MBCO within five (5) days of when the distributor/importing distributor is notified that the check will not be honored.

***For answers to legal inquiries, contact:***

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*PA Liquor Control Board*

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