

# Test Your Knowledge

As you already know, working in a licensed establishment carries a lot of responsibility. What is sometimes a fun job can be very stressful and confusing when you're given misinformation. Many are confused about what laws are really in the Liquor Code. Often times, you're told what's legal and illegal from a number of people, including your patrons. In Pennsylvania, every establishment must follow the Liquor Code, PLCB Regulations and, if applicable, the terms of any conditional licensing agreement ("CLA") that the license may be subject to. However an establishment can also enforce its own rules, typically called house policies, as long as those policies are not illegally discriminatory or in conflict with the Liquor Code, PLCB Regulations or terms of a conditional licensing agreement.

Let's review some of the most commonly asked questions that are often times misinterpreted. Before we get started, you need to know what type of liquor license the establishment you work in has because some of the answers can vary based on liquor license type. Some of the questions will not pertain to your establishment.

## **What hours may licensees legally sell alcohol?**

- ✓ The Liquor Code provides the following permissible hours:
  - Club licensees: 7 a.m. to 3:00 a.m., Monday - Sunday
  - Distributor licensees: 8 a.m. to 11 p.m. Mon-Sat (to non-licensees), 9 a.m. to 9 p.m. Sunday by permit only.
  - Restaurant, Hotel and Eating Place Retail Dispenser licensees: 7 a.m. to 2:00 a.m. Mon-Sat, 11 a.m. to 2:00 a.m. Sunday \*\*\*

\*\*\*Sunday Sales with a Meal - Act 113 of 2011 allows 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, to 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. 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."

## **What time must patrons vacate the premises?**

- ✓ The Liquor Code requires the following:
  - Club licensees: patrons must vacate by 3:30 a.m.
  - Restaurant, Hotel and Eating Place Retail Dispenser licensees: patrons must vacate by 2:30 a.m.

*NOTE: Licensees holding an extended hours food permit, pursuant to section 499 of the Liquor Code [47 P.S. 4-499] may allow patrons to remain on the premises until 7:00 a.m. No alcohol may be served, however.*

*NOTE: Employees may remain on the premises after the legal closing hour, only if the employees are actively working. Once an employee finishes working, he/she must vacate.*

**May a minor sit at the bar?**

- ✓ Yes. There is nothing in the Liquor Code or Board's Regulations limiting where a minor may go on licensed premises, as long as they are on the licensed premises legally with a parent, legal guardian, or a proper supervisor. If a restaurant, hotel, or retail dispenser licensed premises has gross sales of food and non-alcoholic beverages equal to fifty percent (50%) or more of its combined gross sales of both food and alcoholic beverages, then minors are permitted on the premises. The presence of a parent, legal guardian, or proper supervisor is not necessary, but minors present under the Pizza Hut exception are not permitted to sit in the bar section of the premises. A licensee may implement a house policy prohibiting minors from sitting at the bar.

**How many drinks may you serve to a person at one time for on-premises consumption?**

- ✓ There is nothing in the Liquor Code or Board's Regulations limiting the number of drinks that may be sold to one person at one time. However, because a licensee may not sell, furnish or give, or permit to be sold, furnished or given, alcohol to a visibly intoxicated person, licensees should use care in selling more than one drink to one patron.

**May licensees refill smaller bottles of liquor with the same product/brand from a larger bottle?**

- ✓ No. The Liquor Code prohibits the refilling of any liquor bottle or container with any liquid whatsoever.

**How many ounces of beer may be sold "to go" in one transaction?**

- ✓ The Liquor Code provides that a Restaurant, Hotel or Eating Place Retail Dispenser licensee may sell up to 192 fl. oz. in a single sale.

**May a club sell beer "to go"?**

- ✓ No. The Liquor Code prohibits a club from selling alcohol for off-premises consumption.

**May a patron leave a restaurant with a partially consumed bottle of wine?**

- ✓ Yes. The Liquor Code permits a patron to leave with a partially consumed bottle of wine, providing it was purchased in conjunction with a meal. However, the bottle must be resealed.

*Note: Outside of the Liquor Code and the Board's Regulations, there are two (2) types of open container laws that may be implicated when removing a partially-consumed bottle of wine from a licensed premises. One (1) type involves local ordinances that are passed by some municipalities in an attempt to regulate the carrying of open containers of alcohol within that municipality. Local ordinances vary in their language and scope. The other type of open container law is a state law found in the Pennsylvania Vehicle Code, formerly found in the Pennsylvania Crimes Code, which makes it unlawful for persons in motor vehicles to possess an open alcoholic beverage container or to consume such while the vehicle is on a highway. [75 Pa. C.S. § 3809].*

**How long may a licensee's happy hour be?**

- ✓ Licensees may hold happy hours up to four (4) hours per day but no more than fourteen (14) hours per week. The hours need not be consecutive. Notice of all happy hours must be posted on the licensed premises seven (7) days in advance.

**May a licensee have a happy hour after midnight?**

- ✓ No. All happy hours must end before midnight.

**May a licensee run a daily drink special until 2:00 a.m.?**

- ✓ No. Daily specials must end before midnight.

**May a licensee discount all draft beer as a daily special?**

- ✓ No. A retail licensee is permitted to offer one (1) specific type of alcoholic beverage at a discounted price all day, or for a portion of the day, if it chooses. [40 Pa. Code § 13.102(b)(2)]. A specific type of alcoholic beverage means either a specific registered brand of malt or brewed beverage, a type of wine, a type of distilled spirits or a mixed drink. [Id.]. As a daily drink special, a specific brand of beer such as "Blue Hound Pilsner" or "Brendan's Cream Stout" or "Oil City Light" may be discounted, but not "all draft" or "all bottled" beer or "all Blue Hound products." Daily wine drink specials could be "Chardonnay" or "Merlot," but not "all white wine" or "all red wine" or "all Kendall's wines." Permissible spirits specials would be "Rum and Cola" or "all brandy drinks," but not "all well drinks" or "all Jackson's products." [See Board Advisory Notice No. 16 (Amended)].

**May a licensee serve a pitcher of beer to someone sitting at the bar?**

- ✓ Yes. There is nothing in the Liquor Code or Board's Regulations prohibiting the sale of a pitcher of beer to someone at the Bar. A licensee may choose to implement a house policy prohibiting this, since a licensee is strictly liable if a visibly intoxicated patron continues to drink at the premises.

**Must take-out beer be bagged?**

- ✓ No. There is nothing in the Liquor Code or Board's Regulations requiring beer to be placed in a bag prior to lawfully removing it from licensed premises. A licensee may have its own house policy requiring the bagging of take-out beer.

**May a minor enter a distributor unsupervised?**

- ✓ Yes. There is nothing in the Liquor Code or Board's Regulations prohibiting a minor from frequenting a distributor licensee. However, a licensee may implement its own house policy to restrict access to minors.

**On the day of someone's 21st birthday, what time may he or she legally be served alcohol?**

- ✓ Midnight. For example, if an individual is born on November 9, he/she may be served on the evening of November 8, once it becomes midnight.