

LICENSEE GUIDANCE REGARDING UNLAWFUL ACTIVITIES

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 sold or delivered in violation of geographical distribution rights conferred by a manufacturer upon an importing distributor. Any distributor, importing distributor or other licensee who accepts such unlawfully delivered malt or brewed beverages shall be subject to a license suspension of at least 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.
- 3. ADVERTISING – INTERIOR SIGNS.**
 - Price advertising in windows is not limited to menus and wine lists.
 - It is unlawful for any retail liquor licensee 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 600 square inches.
 - Licensees may display signs inside the licensed premises, show windows and doorways that advertise brand names of products sold, provided the total cost of point-of-sale advertisements of any brand does not exceed \$300 at any one time.
 - NOTE: 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.** Advertising, as discussed in this section, includes any advertising of alcoholic beverages through media such as radio broadcast; television broadcast; newspapers; periodicals or other publications; outdoor displays; the Internet or electronic channels including all forms of social media; printed materials including booklets, flyers, cards, etc.; and the product label or attachment itself.
- 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 refer to monetary comparison between brands or contain statements that are false, deceptive, misleading or disparaging of the products of a competitor.
 - Advertisements must clearly identify the entity responsible for the advertisement.
 - No licensee may distribute, or cause to be distributed, unsolicited advertisements – including price lists, circulars or handbills - about liquor or malt or brewed beverages, whether by mail or by handing out to members of the general public.
 - Advertisements in daily and weekly newspapers are permitted, as is advertising in community newspapers such as *The Pennysaver*.
 - Advertisements may not be directed at minors, and no print advertisement is permitted within 300 feet of any church, school or public playground. Following a 2004 court decision, however, licensees are permitted to run alcohol advertising in college- or university-related newspapers.
 - An advertisement may not be obscene or inconsistent with the spirit of safety or safe-driving programs.
- 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 consumer demand.
- 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 appears 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 30 chairs at tables, including bar seats at the bar.
- Each of 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 licensed prior to Jan. 1, 1949, can apply to the PLCB to no longer maintain bedrooms for public accommodation.

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.

- If a beer manufacturer has failed to register a brand of beer, that brand may not be sold until it is registered. In such cases, the beer may 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.
- 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 10 days of receipt of this notice, no further action will be taken against the licensee. If the beer is not registered within 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 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 applying for license renewal. Clubs may also report a change to the manager/steward at the time of 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 is required.

- A manager appointed by a restaurant, eating place retail dispenser, hotel, club, limited distillery or distributor licensee must complete the PLCB's RAMP manager/owner training within 180 days of the PLCB's approval of the appointment, unless the manager successfully completed RAMP owner/manager training prior to 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 PLCB regulations. 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.

- 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 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.

13. CONSUMPTION BY LICENSEES/EMPLOYEES. It is unlawful for licensees and their employees, agents and 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 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 the happy hour period.

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, so long as such offering remains in compliance with all the above noted restrictions except for 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, which have been arranged at least 24 hours in advance, with notice to the BLCE.

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 24 hours after their contents have been removed (except for decorative decanters), unless the licensee is a participant in a 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.

- In addition, an importing distributor may sell malt or brewed beverages from its warehouse location to licensed buyers.
- 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.

18. EMPLOYMENT OF A LICENSEE OR EMPLOYEES.

- It is unlawful for any restaurant, hotel, club or retail dispenser licensee – or any officer, servant, agent or employee of such licensee – to be directly or indirectly employed at the same time 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; any out-of-state manufacturer; or any officer, servant, agent or employee of any of those entities to be directly or indirectly employed at the same time by any hotel,

restaurant or club liquor licensee; 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 licensee – to be at the same time directly or indirectly employed 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 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 the hotel, restaurant or retail dispenser licensee is located at the manufacturer premises.

19. EMPLOYMENT OF MINORS.

- It is unlawful for any distributor or importing distributor to employ minors under the age of 18.
- It is unlawful for any hotel, restaurant, club or retail dispenser licensee to employ or permit minors under the age of 18 to serve alcoholic beverages, or to employ or permit minors under age 16 to render any service whatever 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 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 the minors do not perform duties in any rooms or areas where alcohol is being dispensed, served or non-securely stored during the minors' service.
- 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 minor students receiving instruction in a performing art to perform an exhibition on the licensed premises, 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 an Amusement Permit from the PLCB.

- 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 that hold an Amusement Permit may permit entertainment only during the hours when the sale of alcoholic beverages is permitted and between 11 a.m. on Sunday and 2 a.m. 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 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 that occurs on the licensed premises or involves the licensee, its servants, agents or employees. Such unlawful activity also citable for violation of the Liquor Code includes, for example, prostitution, illegal drug activities, unlawful gambling, etc.

23. HAWKING AND PEDDLING. It is unlawful to hawk or peddle any liquor or malt or brewed beverages, which generally means orally promoting for sale or selling liquor or malt or brewed beverages off a licensed premises, including from vehicles, is prohibited.

24. ILLEGAL GAMBLING. It is unlawful for a licensee to 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 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
- 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, 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 of an individual wholesale value of \$15 or less.
- Manufacturers' coupons offering monetary rebates on the retail purchase of wines and spirits may be redeemed at Fine Wine & Good Spirits stores at the time of purchase, or by the manufacturer or its agent with proof of purchase.
- Manufacturers' coupons offering 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 completely inspect the licensed premises at any time 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 10 feet in width. However, licensees with previously approved interior connections greater than 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).
- 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 directly or indirectly own any interest in 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. The only exception to this prohibition is that 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 interior lighting that ensures clear visibility and permits patrons to easily read a menu or newsprint within 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 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 requesting exemption from this statutory requirement and application of a local ordinance instead. Certain licensees previously exempted from the PLCB's noise regulation may also be exempted from the noise statute.

32. MINORS FREQUENTING LICENSED PREMISES. Generally, minors under 21 years of age may not be present in an establishment licensed to sell alcoholic beverages. There are, however, exceptions to the general rule:

- Minors employed by licensees and minors accompanied by parents or guardians are permitted on the premises.
- Minors attending a social gathering that is marketed or catered to minors are permitted on the licensed premises. Advance notice of the event must be provided to the BLCE, no alcohol can be served to anyone at the social gathering (even adults) and alcohol must be removed from or secured at the licensed premises during the event.
- Minors under proper supervision (by someone at least 25 years old who is directly responsible for the care and conduct of the minor while on the premises and who keeps the minor within his or her sight or hearing) are permitted on the premises. 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, then each supervisor can supervise 50 minors.
- Minors not accompanied by a parent/guardian or under proper supervision 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 50 percent or more of the combined gross sales of food and alcoholic beverages. In such cases, alcoholic beverages may not be served at the table or booth where minors are seated, except when the minors are accompanied by a parent or legal guardian or are under proper supervision. Additionally, only table service of alcoholic beverages or take-out service of beer is permitted in the room where the minors are located.

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 192 fluid ounces (two six-packs) in a single sale to one 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 consumed on the premises and the bottle is resealed (recorked). The meal must have been food prepared on the premises sufficient to constitute breakfast, lunch or dinner; snacks such as pretzels, popcorn, chips or similar food do not qualify as a meal.
- 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 a 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 may obtain an Off-Premises Catering Permit, which allows such licensees to hold a catered function off the licensed premises and on otherwise unlicensed premises. A catered function includes 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.
- 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 its licensed premises to the site of the catered function.
- The following additional restrictions apply to off-premises catered functions:
 - 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 hours, must end by midnight, and no more than 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 permit can be issued to a location that is subject to a pending license renewal objection by the PLCB Bureau of Licensing, a pending license suspension, or the one-year prohibition on the issuance or transfer of a license due to a citation action.
 - No permit may be used in a mobile location (food truck or other vehicle) or 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 days in advance. Written notice of the catered function must be provided to the PLCB at least 30 days in advance, unless the notification requirement is waived by the PLCB. 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 PLCB 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. Generally, pecuniary interest is presumed to exist 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. 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 that is 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 that has not been lawfully imported or purchased from the PLCB, a sacramental wine dealer, a licensed or limited distillery or a licensed limited winery.

39. PREMISES TO BE VACATED BY PATRONS. It is unlawful to permit patrons to remain on retail licensed premises later than one-half hour after legal beverage servicing time has expired (2 a.m. for all licensees except for clubs, which must stop sales by 3 a.m.). Legal closing times by which a premises must be vacated by patrons are 2:30 a.m. for all licensees except clubs, which may remain open until 3:30 a.m. 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.

- All restaurant, hotel and eating place retail dispensers may be open from 7 a.m. on Sundays until 2 a.m. on Mondays to sell food and non-alcoholic beverages, regardless of whether they have a Sunday Sales Permit.

40. PURCHASE OF LIQUOR. It is generally unlawful for anyone in Pennsylvania to purchase alcohol or liquor from a source other than the PLCB, a sacramental wine dealer, a licensed or limited distillery or licensed limited winery, although limited exceptions apply.

41. SALES/PURCHASES ON CREDIT. It is unlawful for any licensee to sell or purchase liquor or malt or brewed beverages on credit, except in cases where:

- Credit is extended by a hotel or club licensee to a bona fide guest or member; or
- Licensees and distributors accept credit cards issued by banking institutions as acceptable forms of payment.

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, so long as it is done at the distributors' or importing distributors' premises prior to 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. It is also unlawful to refuse authorized employees of the PLCB or the BLCE access to such records and/or copies during business hours.

- A licensee is required to maintain on its licensed premises business records for the most recent six months, it may only remove those records from the licensed premises for a lawful business purpose, and it must return the records after such business has been concluded.
- A licensee may maintain records off the licensed premises that are between six months and two years old, provided that such records are returned to the licensed premises within 24 hours of a request by the PLCB or the BLCE.

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

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), these hours are as follows: 7 a.m. to 2 a.m. of the next day; Sunday sales between 11 a.m. and 2 a.m. of the following Monday (authorized only for holders of Sunday Sales Permits)
- Club hours are as follows: 7 a.m. to 3 a.m. of next day all week, including Sunday.
- All restaurant, hotel and eating place retail dispenser licensees can open on Sunday from 7 a.m. until 2 a.m. on Mondays to sell food and non-alcoholic beverages, regardless of 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 that also holds a Sunday Sales Permit may sell alcohol on Sundays between 9 a.m. and 11 a.m., provided that the licensee offers a meal beginning at 9 a.m. Otherwise, such licensees holding a Sunday Sales Permit may not begin selling alcohol until 11 a.m. on Sunday. The meal must be food prepared on the premises sufficient to constitute breakfast, lunch or dinner; snacks such as pretzels, popcorn, chips or similar food do not qualify as a meal.
- 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 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 arranged at least 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 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 from the PLCB. The wine is shipped to a Fine Wine & Good 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 liquor or malt or brewed beverages – or to permit the sale, furnishing or giving of any liquor or malt or brewed beverages – to minors or visibly intoxicated persons. 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 21 years of age.

50. TOURNAMENTS, CONTESTS, EVENTS, PRIZES. Only the following events, tournaments and contests are permitted by PLCB regulation to take place on licensed premises:

- 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.

The total value of all prizes for any given event, tournament or contest may not exceed \$1,000. The total value of all prizes awarded in any seven-day period may not exceed \$25,000.

All other events, tournaments, contests and prize awards are prohibited on licensed premises of hotel, restaurant, club and retailer dispenser eating place licensees.

WORTHLESS CHECKS. It is unlawful for any retail liquor licensee, retail dispenser, distributor or importing distributor to offer payment for malt or brewed beverage purchases with insufficient funds or credit to cover the full amount of payment due.

- A licensee that receives insufficient payment or a worthless check from another licensee for purchase of malt or brewed beverages must notify the licensee that issued the payment and the PLCB's Malt Beverage Compliance Officer (MBCO) of the bad payment by certified mail within five days of receipt of notice of such dishonor.
- The MBCO will provide the offending licensee written notice that it has 10 days to honor in full the payment it issued. If the licensee fails to provide full payment within 10 days of the mailing date of the notice, the MBCO will turn the matter over to the BLCE.

For answers to legal inquiries, contact the PLCB Office of Chief Counsel:

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