



# VIEW FROM THE BAR

by Marc Reisman, Esq.

## One for the Road? It Depends...

From time to time, I receive calls from clients asking whether a patron may remove alcoholic beverages from a licensed establishment. The short answer is, it depends on the type of alcoholic beverage.

In Pennsylvania, regarding liquor, the answer is most definitely no, which holds true whether or not the liquor is in an open container or in a closed bottle. And, of course, licensed establishments other than stores run by the Commonwealth of Pennsylvania are prohibited from selling full bottles of liquor.

Regarding beer, a patron can purchase up to two six-packs to go. As for leaving the premises with an open container of beer – whether a glass, can or bottle – that’s a little more complicated. The Pennsylvania Liquor Control Board (PLCB) and the Bureau of Liquor Control Enforcement agree that the Pennsylvania Liquor Code itself does not prohibit it. However, there is another consideration: Some municipalities have so-called “Open Container” laws which prohibit removing open containers of alcoholic beverages from the premises. Therefore, be sure to check local laws.



Photo by Dave Aschkenas

What about wine? Simply put, a patron is not permitted to remove a poured glass of wine from the premises. And, of course, retail-licensed establishments cannot sell wine to go by the bottle. However, under limited circumstances, a patron can take home a bottle of wine. If the patron purchases it in connection with a meal,

which is defined as “food prepared on the premises, sufficient to constitute breakfast, lunch or dinner,” he or she can take the partially consumed bottle home. Keep in mind that the Liquor Code specifically excludes snack foods from the definition of meal, stating that “pretzels, popcorn or chips or similar food” are not sufficient. Finally, before the patron can remove that bottle from the premises, it must be re-sealed. (The complexity of wine is infinite!)

If you need legal assistance on these issues, or on any other issues related to the sale or service of alcoholic beverages, please contact me.

*This column is brought to you as a public service by Marc Reisman, a partner in the law firm of Gelman & Reisman. If you have an issue you would like to see addressed, or if you would like a reprint of a previous column, write to him at 429 4th Avenue, Suite 1701, Pittsburgh, PA 15219, or call 1-800-883-1LAW. This column is intended for informational purposes only. Consult Mr. Reisman for legal advice specific to your situation.*

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