



VIEW FROM THE BAR

by Marc Reisman, Esq.



Questions on the Minds of Licensees

The following items represent issues about which I have received a number of inquiries over the years from my clients. I am presenting them here in the hope that they may also be helpful to you in the operation of your licensed business:

- The Board's regulations provide that a restaurant licensee may not conduct "another business" (that is, providing items other than food) on its premises without Board approval. Unfortunately, the phrase "another business" is not defined in the Liquor Code. The Board's Bureau of Licensing deals with inquiries about selling items other than food on a case-by-case basis.
- I have also received a number of inquiries about barring patrons from licensed premises. Generally speaking, there is nothing in the law that prohibits a licensee from barring a patron for any reason or no reason, except that you may not do so for reasons that would constitute illegal discrimination under the Pennsylvania Human Relations Act, such as race, religion or gender. Your municipality may have a similar, more restrictive law in place.
- Licensees frequently inquire as to whether they may permit patrons to leave their premises with an open container of beer, wine, or liquor. Nothing in the Liquor Code prohibits patrons from doing so with beer. However, your municipality may have an "open container" law that prohibits this practice. As to wine, the Liquor Code provides that patrons may leave the premises with an unfinished resealed bottle of wine that was purchased to accompany a meal prepared on the premises. "Meal" is defined as "food...sufficient to constitute breakfast, lunch or dinner" and not a "snack, such as pretzels, popcorn, chips or similar food."

• Summer is here, and with it, outdoor drinking and dining on decks and patios. Often enough, licensees provide live entertainment in these areas. Unfortunately, loudspeakers used in conjunction with such entertainment are prohibited by Board regulation. The Liquor Code provides an exception in which a municipality may apply to exclude an identified area from the regulation, provided that the municipality passes its own noise ordinance.

If you have any question on compliance with the above items, please telephone 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, Law & Finance Building, 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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