



# VIEW FROM THE BAR

by Marc Reisman, Esq.



## WHEN IT'S SOMEONE ELSE'S BOTTLE

In this time of rising prices, inflation and unemployment, patrons of licensed establishments are showing up with their own alcoholic beverages a bit more frequently. In response to questions from liquor licensees that periodically come up regarding this issue, I offer the following:

- The short answer is yes, you may permit patrons to bring their own alcoholic beverages. But, if you do not want to permit the practice, you may prohibit your patrons from doing so.
- You are permitted to charge a corkage fee.
- The Pennsylvania Liquor Code requires that wine or liquor be purchased through a State Store or licensed limited winery.
- When patrons bring their own alcoholic beverages, generally they may leave the premises with leftovers. However, some municipalities have so-called "open container" laws that prohibit carrying an open container of an alcoholic beverage in public – something for patrons to keep in mind when dinner is finished but their beverages are not.

Keep in mind that there are limitations in the Liquor Code on removing unfinished alcoholic beverages purchased at a licensed establishment. Liquor may not be removed, but a re-sealed bottle of wine may be removed when purchased with a meal. As to beer, it is the Liquor Control Board's opinion that there is no prohibition in the Liquor Code against carrying open containers off-prem-

ises, but, once again, check your local open container laws. Note that in Northampton County, by decision of its Court of Common Pleas, no open containers of any alcoholic beverage purchased on-premises, including beer, may be taken off premises.

- Be aware that you can be held liable for any violations of the Liquor Code on your premises, even if you did not serve or sell the alcoholic beverages involved to your patrons.
- The question of civil liability of liquor licensees involving a patron's consumption of alcoholic beverages not purchased on the premises is outside the scope of this column.

As always, if you have any questions on the above or on any issue related to alcoholic beverages, 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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