

FYI for your business that serve Food and Alcohol

March 18, 2020

Licensees,

The PLCB today issued Advisory Notice 26, which mandates the temporary cessation of the sale of food and alcohol for on-premises consumption relative to the COVID-19 public health emergency.

For your convenience, the advisory notice, which appears at www.lcb.pa.gov under the "Advisory Notices" heading within the "Legal" section, is copied and pasted below.

Thank you for your cooperation as we all work to protect public health and safety during these unprecedented times.

ADVISORY NOTICE NO. 26

TEMPORARY CESSATION OF THE SALE OF FOOD AND ALCOHOL FOR ON-PREMISES CONSUMPTION RELATIVE TO COVID-19 PUBLIC HEALTH EMERGENCY

March 18, 2020

TO: All License Holders

The PLCB, upon authorization from the Governor, has the authority under the Liquor Code (47 P.S. §4-462) to mandate the closure of licensed establishments in times of emergency. Section 7101 of the Emergency Management Services Code (35 Pa.C.S. § 7101) gives the Governor wide latitude in dealing with disasters such as the public health crisis precipitated by the outbreak of the COVID-19 coronavirus. As part of that authority and in response to the current public health emergency, the Wolf Administration had previously asked all retail establishments to cease selling food and alcohol for on-premises consumption. The PLCB had indicated that, pursuant to the Governor's directive, licensees no longer needed to sell food and alcohol for on-premises consumption as a precondition to sell alcohol for off-premise consumption.

In that the crisis continues, and in consultation with the Wolf Administration and public health officials, the PLCB now directs that **all retail licensees, clubs, permittees and producers must cease the sale of food and alcohol for on premises consumption, effective Wednesday, March 18, 2020 at 8 p.m. and until further notice**, in the interest of slowing the spread of the COVID-19 virus and mitigating the unprecedented public health crisis the commonwealth faces.

Any licensee that fails to comply with this mandate risks citation by the Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE). Further, BLCE has agreed to notify the PLCB if any citations are issued relative to this issue. The PLCB may suspend a licensee's operating authority under section 462 based on the circumstances. A licensee who continues to operate after its operating privileges have been suspended risks further enforcement action by the BLCE.

Ultimately, citations may put the business's liquor license at risk, both through the citation process and upon application for renewal to the PLCB. Further, licensees are reminded that, pursuant to section 494(a) of the Liquor Code, any person who violates the applicable sections of Article IV of the Liquor Code may be charged criminally with a misdemeanor. Impacts of this mandate on specific license types, effective Wednesday, March 18, 2020 at 8 p.m. are as follows:

- Restaurant, retail dispenser and hotel licensees may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted, as are hotel sales of food and alcohol for consumption in a private room.
- Licensees holding wine expanded permits authorizing the sale of wine to go may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted, as are the operation of a grocery store, convenience store or gas station next to the licensed premises.
- Airport restaurant license holders may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted.
- Clubs and catering clubs may not allow the service or consumption of food or alcohol on the licensed premises, and such licensees are not authorized to sell any alcohol to go. They may continue selling food to go.
- Permittees including special occasion, off-premise catering, exposition and farmers markets may not allow the service or consumption of food or alcohol on the licensed premises or at public gatherings.
- Breweries, distilleries/limited distilleries, and limited wineries may not allow the service or consumption of food or alcohol on the licensed premises. Sales of the producer's own alcohol for off premises consumption is permitted.
- Sacramental wine licensees may not allow food or beverage consumption on premise but may sell sacramental wine for consumption off premise.

Additionally, the PLCB has received a number of inquiries as to how beer distributors should react to business closure guidance. As suppliers to grocery stores, convenience stores and other retail licensees permitted to sell beer to go, distributors' continued operation will preserve beer accessibility for consumers. As such, the PLCB is not limiting distributors' operations at this time, but encourages these businesses to employ social distancing best practices and avoid public gatherings of 10 or more people.

Complaints regarding licensees not complying with these mandates may be directed to the Bureau of Liquor Control Enforcement at 1-800-932-0602 or reported through the BLCE's [online complaint form](#).

The PLCB will constantly re-evaluate this policy, guided by the strategy developed by the Governor's Office and the Pennsylvania Department of Health, and lift restrictions at the appropriate time.

Any issues not covered by this Advisory Notice may be resolved by writing to the Office of Chief Counsel, ra-lblegal@pa.gov.

**BY ORDER OF:
PENNSYLVANIA LIQUOR CONTROL BOARD**

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