

A New Sheriff in Town — PA Liquor Control Board Institutes License Compliance Program

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A recent change to the Pennsylvania Liquor Code has resulted in the creation of a new investigation and suspension process for Pennsylvania liquor licensees. Beginning in January 2018, the Liquor Control Board will begin implementing a License Compliance Program (“LCP”) as a way to ensure liquor licensees are satisfying the basic eligibility requirements for their liquor licenses. Although this new measure was intended to target “Stop-and-Gos” (bars, corner stores, etc. that have liquor licenses but little or no food) in the Philadelphia area, the LCP will be rolled out state-wide in the New Year.

What does it mean for liquor licensees?

The LCP will function much like a Department of Health inspection. Licensees will be added to an inspection schedule for periodic, unannounced inspections. The Liquor Control Board will also send an inspector to inspect the licensee if it receives a complaint from certain government officials or employees regarding a licensee’s operations. The investigators will be focused on ensuring that a liquor licensee is maintaining its basic eligibility requirements, such as minimum square footage, food, room, and bathroom requirements, as well as confirming that a valid health license is posted. For example, restaurant, eating place, and hotel licensees must have at least 30 seats and food for at least 30 people.

Like a significant Department of Health violation, an LCP investigator can immediately shut down a licensee if the inspection uncovers a deficiency. Licensees will be given an opportunity to correct the deficiency on the spot if it can be done quickly; however, if the deficiency cannot be corrected promptly, the licensee will receive a Notice of Suspension and it will not be permitted to sell alcohol. After receiving the Notice of Suspension and correcting the deficiency, a licensee can request a re-investigation, which will be conducted within 1 to 5 business days after the request. Any amount of time without the ability to sell alcohol could be devastating to a licensee’s business; therefore, this is a significant process that should be taken seriously.

For additional information and guidance, please contact any member of our Hospitality Practice Group.