

# Definitions

**Legal Guardian** — an individual to whom the court has conferred legal authority to care for a minor.

**Proper Supervision** — a person who is 25 years of age or older, who is directly responsible for the care and conduct of the minor or minors while on the licensed premises and who keeps the minor or minors within his or her sight or hearing at all times. If the licensee, employee, or anyone else paid by the licensee is performing as proper supervisor, then that person may not perform any other employment-related duties; otherwise proper supervision shall consist of unpaid volunteers.

1. If a minor is frequenting a licensed premises with proper supervision, each supervisor can supervise up to 20 minors.
2. If licensees are located in cities of the first class, each supervisor can supervise up to five minors.
3. If the minors are on the licensed premises as part of a school-endorsed function, then each supervisor can supervise up to 50 minors.

The Pennsylvania Liquor Control Board (PLCB) offers a way for licensees to reduce the risks associated with the service of alcohol through its Responsible Alcohol Management Program (RAMP). By working together, the PLCB and licensees can make a difference in improving the safety of our highways and communities across the commonwealth.

# LICENSEES, MINORS & THE LAW



[www.lcb.pa.gov](http://www.lcb.pa.gov)

Or call  
**866.275.8237**

Hearing Impaired:  
**TTD/TTY 717.772.3725**

Responsible  
Alcohol  
Management  
Program  
**RAMP**



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# Know the Law

As a licensee or alcohol beverage server, it is important to know and understand the law as it relates to minors. It is illegal for those under the age of 21 to purchase, attempt to purchase, possess, or consume alcohol in your establishment. When the law regarding minors is violated, both the licensee and the server may be held liable for the minor's actions. Licensee/server liability may be categorized as administrative, criminal, and/or civil. You can be prosecuted administratively and/or criminally, as well as sued civilly because of one incident of selling or furnishing alcoholic beverages to a minor.

## Administrative Liability

The Pennsylvania Liquor Code makes it illegal for licensees or their servants, agents or employees to serve alcoholic beverages to a minor. Violations of the law regarding minors under the Pennsylvania Liquor Code may result in a citation against the license. Penalties under the Liquor Code for furnishing alcohol to minors include fines of up to \$5,000, imprisonment for three months to one year, and the suspension or revocation of the license.

## Criminal Liability

Persons who sell alcohol to minors can also be prosecuted criminally under the Pennsylvania Crimes Code. Anyone convicted of willfully and knowingly furnishing or selling alcoholic beverages to a minor faces a minimum fine of \$1,000 for the first offense and \$2,500 for each subsequent offense, as well as a possible jail term of up to one year for each offense.

## Civil Liability

Licensees and servers can be held liable under dram shop laws for death, injury, or damage caused by a minor who was unlawfully served alcoholic beverages. The cost to those found responsible in civil liability cases can be quite extensive. People who have unlawfully served minors have been successfully sued for everything they owned, including their businesses and homes.

# Minors Frequenting

Not only is it illegal to sell or furnish alcohol to minors, it is generally unlawful for any hotel, restaurant, club licensee, or any retail dispenser licensee to permit minors to be present on or frequent the licensed premises or any premises operated in connection therewith for any reason whatsoever. The exceptions to this general rule are:

### A. Chaperoned Minors

Minors may be permitted on the premises of a hotel, restaurant, club liquor licensee, or any retail dispenser licensee if the minor is in the company of a parent or legal guardian or is under "proper supervision."

### B. Social Gathering Exception

Additionally, minors are permitted to be on retail licensed premises if they are attending a "social gathering." A "social gathering" is an event marketed to or catering to minors, in whole or in part, and which meets ALL of the following conditions:

1. No alcohol is served to anyone, even adults, anywhere on the licensed premises;
2. All alcohol is removed from the premises or secured under lock and key during the event; and

3. Written notice is given to the Pennsylvania State Police, Bureau of Liquor Control Enforcement, at least 48 hours in advance of the event.

Provided that the above conditions have been met, no other adult supervision is required for the event.

### C. "Pizza Hut" Exception

The final exception to the prohibition against minors frequenting applies to restaurant, hotel, and retail dispenser licensees. For minors to be present under this exception, ALL of the following conditions must be met:

1. The licensee's gross sales of food and non-alcoholic beverages must total 50 percent or more of its combined gross sales of both food and alcoholic beverages for the preceding 12-month licensing period;
2. Minors cannot sit at the bar section of the premises; and
3. Alcoholic beverages cannot be served to any adult at the table or booth where the minor is seated, unless the minor is also there with a parent, legal guardian, or proper supervisor.

**Know and obey the law when it comes to minors frequenting and/or being served. Observing the law can save you a lot of grief, a great deal of money, and maybe even your livelihood.**

