TO ALL LICENSEES

As a licensee of the Utah Department of Alcoholic Beverage Control, you are required to be aware of the responsibilities, procedures, and potential liabilities regarding the sale and service of alcoholic beverages.

This handbook has been prepared to help you with the lawful handling of alcoholic beverages. Please review this information and keep the handbook available for reference. Previously issued handbooks should be discarded.

Our website, (www.abc.utah.gov) has information about the liquor laws and rules (with direct links to the complete code and administrative rules), stores and agencies, products and prices, server training, and other interesting links. The website is regularly updated. Please review the website for information and services as they are developed.

It is our responsibility and desire to be of service and assistance. If you have questions after consulting the handbook, please call 977-6800, write or e-mail (hotline@utah.gov) the compliance division of this department.
A FULL SERVICE RESTAURANT LIQUOR LICENSE

Allows the storage, sale, service, and consumption of all types of alcoholic beverages on the premises of the restaurant.

Restaurant Licenses run from November 1\textsuperscript{st} to October 31\textsuperscript{st}. All license renewals are due by September 30\textsuperscript{th} every year. License fees are not prorated, so full fees will be due even if a new license was issued at any time during the previous year.

All restaurant licensees, please be prepared for renewal by September 30\textsuperscript{th} annually.
OPERATIONAL REQUIREMENTS:

DISPLAY SIGNS - A Restaurant licensee must display:

1. The “Warning” sign – The template may be downloaded from our website HERE . . .

The warning sign contains two messages, each of which must be in a different font. It may be used as is, or custom made, but the size of the sign and the size of the fonts may not be any smaller than the template. The color of the print does not have to be red, and the sign does not have to be white, but it has to be easily readable and posted in a prominent place (obviously, not behind the pickle jar or in the office) in the licensed premises.

2. Post the DABC License and the city licenses in a prominent place as well.

SALES AND CONSUMPTION HOURS

Wine and heavy beer may be sold on a weekday from 11:30 a.m. until 11:59 pm. On a weekend, a state or federal legal holiday, or for a private event, alcohol may be served beginning at 10:30 a.m. 3.2% Beer may be sold during the same hours as other alcohol beverages, but unlike other types of alcohol, beer may be served until 12:59 p.m.

NOTE: Wine and heavy beer storage must remain locked at times when alcohol sales are not permitted. However, the licensee may open the storage area during hours otherwise prohibited for the limited purpose of inventory, restocking, repair, and cleaning.
Restaurants are required to keep current, detailed quarterly records for expenses and sales of alcohol and food. All restaurants are required to maintain at least 70% of their total business from the sale of food, which does not include:

(a) mix for an alcoholic product; or
(b) a service charge.

Expensive wines in excess of $175 per bottle or $30 a glass are not included in calculating the food to alcohol ratio.

**CAREFUL! Restaurant Licensees whose food sales drop lower than 70% may have their license REVOKED.**

Licensees who drop lower than 70% food sales for any quarterly period shall immediately be put on a probationary status. They will be closely monitored for food sales during the next quarterly period. Failure of the licensee to provide satisfactory proof of the required food percentage may have their license revoked by the DABC Commission.

Dispensing liquor through an approved dispensing system is required for any licensee selling spirituous liquor. Dispensing records must also be kept and matched daily to the sales records of all primary liquor beverages sold. Spills, misclicks, returned beverages etc. must all be accounted for on a dispensing record. Your DABC compliance officer can help you with questions you may have or formulating an appropriate form.

Licensees shall maintain records for at least three years. Remember, falsifying records is illegal.

**PURCHASE AND STORAGE OF ALCOHOL**

- Wine and heavy beer must be purchased at the Utah state liquor stores or package agencies. Purchasing alcohol from outside of the state of Utah is unlawful.

**Procedures for ordering alcohol are as follows:**

- The licensee must call, fax or order on-line in advance to allow department personnel sufficient time to assemble the order. Include your business name, DABC license number, and list the products by Code. You can find the code numbers [HERE](#).

Please Note; the licensees may not pick merchandise directly off the shelves of a state store or package agency to fill their order.
**ALLOW AT LEAST 4 HOURS** for department personnel to assemble the order for pick-up.

When the order is complete, the licensee will be notified by phone and given the total cost of the order. The licensee may pay for the product in cash, company check or cashier's check. You will have to examine and sign for the order before it leaves the store to verify that the product has been received.

**LIQUOR RETURNS**

Spirituos liquor may be returned by the licensee for the original purchase price if:

- The bottle has not been opened
- The seal remains intact
- The label remains intact and
- Showing the original cash register receipt.

NOTE - Orders that exceed $1,000 will require a restocking fee of 10%. All spirituous liquor returned that is based on a single purchase on a single cash register receipt must be returned at the same time.

**WINE AND BEER MAY NOT BE RETURNED** . . . unless it can be shown that the product was spoiled or non-consumable.

**3.2% BEER**

Beer must be purchased from beer distributors, and not from any other retail outlet (i.e. grocery or convenience stores etc.) Licensees must call and set up an account with the appropriate distributor for their area. [GO HERE](#) for a list of distributors.

Beer may also be purchased from any licensed Utah small brewer that manufactures beer.

**ALCOHOL STORAGE**

Alcohol may only be stored in a designated place approved by DABC on the initial application floorplan. *Any changes of the storage area(s) must first be approved by DABC.*

All liquor storage areas shall remain locked at all times except hours and days authorized by law.
**FOOD SERVICE REQUIREMENTS**

Patrons may only purchase alcoholic beverages after they have been seated at a table, counter, or bar in the dining or dispensing area of the restaurant where food is served and the server has verified the patron has intent to dine where they are seated.

If a seated patron at a counter, bar, etc. in a dispensing area is waiting to be seated in the dining area:

- The patron may be served one (1) single serving of an alcoholic beverage.
- Servers must carry any alcohol beverage for the patrons to their new table when it becomes available.
- The licensee must confirm that the patron intends to purchase and consume food at the same location where the patron is seated. (More on intent to dine polices for your restaurant can be found [HERE](#).)
- The server must make a beverage tab for each table or group that orders or consumes an alcoholic beverage on the premises.
- Alcoholic beverages must be sold, served and delivered to a patron by an employee that is designated and properly trained, having first obtained their training certificate from the Utah Department of substance abuse. [Alcohol Server Education Programs](#)

**NOTE:** There is no alcohol service allowed in a waiting area.

**VISIBLE STORAGE & DISPENSING**

As of July 1, 2017, visible storage and dispensing is allowed in restaurants under certain conditions and restrictions. Licensees may choose to apply for a visible dispensing area, or choose to have storage and dispensing areas which are not visible.

Licensee floorplans which were approved prior to July 1, 2017 may apply for a visible dispensing area with DABC, but any changes must first be approved.

**NOTE:** Grandfathered bar structures must also begin adhering to new dispensing laws on July 1, 2018.
THE NEW FLOORPLAN MUST INCLUDE THE FOLLOWING DEFINED AREAS FOR STORAGE, DISPENSING AND CONSUMPTION:

1. Define your dispensing structure (bar). Please indicate any surfaces or structures where an alcoholic product is
   (a) Stored
   (b) Dispensed and / or
   (c) Otherwise used as an area to prepare an alcoholic beverage for service to patrons.

2. Define your dispensing area. The dispensing area includes the dispensing structure and a buffer zone in-between the dispensing structure (defined in 1 above) and the dining and waiting area (defined in 3 below). The buffer zone is either:
   (a) Any area within 10 feet of the dispensing area where a patron can view dispensing;
   OR
   (b) An area that is physically separated from the dining area and any waiting area by a permanent physical structure (pony wall or railing) that measures at least 42 inches high; and at least 60 inches (five feet) from the inside edge of the barrier to the nearest edge of the dispensing structure.

   It is important to include either the 10 foot buffer zone or the 5 foot pony wall or rail on the floorplan (including measurements) as well as all tables and seating located within the dispensing area.

3. Define your dining area and waiting area. This dining area is the remainder of the restaurant that is used primarily for consumption of food. Please include all tables and seating located within the dining area. The waiting area includes any lobby or other area where patrons may wait to be seated.

4. Define all other areas of the licensed premise, including any other alcohol storage, kitchen, bathrooms, entry/exit points etc.

5. An I.D. Scanner will now also be required in the bar area of a restaurant.

GO HERE!

To apply for a new visible bar structure, go to the DABC website and download an application. To inquire about a grandfathered bar structure (laws are changing) or for other questions, call DABC @ 801-977-6800.
MINOR PATRONS

As of July 1, 2017, minors may not sit or be served food or beverages within the dispensing area of a restaurant.

The dispensing area is any area within 10 feet of a bar structure, or 5 feet if the bar is separated by a rail or pony wall at least 42” tall.

Minors may temporarily pass through a dispensing area en route to an area in which the minor is permitted to be (i.e. restrooms) only if there is no other way.

Grandfathered Bars have an exception until July 1, 2018. At that time, a minor may not sit, remain, or consume food or beverages within 10 feet of a grandfathered bar structure, unless:

a. seating within 10 feet of the grandfathered bar structure is the only seating available in the licensed premises; and
b. the minor is accompanied by an individual who is 21 years of age or older.

MINOR EMPLOYEES

- Minors may be employed by a restaurant, but may not take the order for, dispense, or serve alcoholic beverages.
- Minors (who are at least 16 years of age) may ring up the sale of alcoholic beverages at a cash register or other point of sale system.
- Minor employees may not be in the dispensing area unless it is to ring up a sale (as mentioned above) or when the restaurant is not open for business to perform maintenance and cleaning services.
- Minors who are at least 18 years old may bus alcohol and alcohol paraphernalia from the tables. Younger minors are prohibited from doing so.

SALE AND SERVICE OF ALCOHOLIC BEVERAGES

LIQUOR SALES

The primary liquor in a mixed drink may be dispensed from any size bottle, but only in quantities not to exceed 1.5 ounces through a department approved calibrated metered dispensing system or device.

https://abc.utah.gov/license/dispensing.html
LIQUOR SALES (Continued)

The restaurant must post a list of the types and brands of liquor dispensed through the dispensing system.

Liquor used as a secondary flavoring need not be dispensed through the dispensing system.

Liquor stored and used as flavorings must be clearly labeled "flavoring".

The total amount of spirituous liquor in a beverage (including both the primary liquor and any secondary flavorings) may not exceed 2.5 ounces of spirituous alcohol.

WINE SALES

Wine may be sold and served by the bottle or container in sizes not exceeding 1.5 liters (Magnum) to tables of four or more.

For tables of less than four, the size cannot be larger than 750 ml.

Wine may be sold and served by the glass or individual portion in quantities not exceeding 5 ounces.

An individual portion may be served to a patron in more than one glass (as a flight) as long as the total amount of wine in all of the glasses does not exceed the individual portion size of 5 ounces.

Wine may be poured by the glass from any size bottle or container and need not be dispensed through a dispensing device.

A patron who has purchased bottled wine may serve themselves or others at the table.

Unfinished wine may be removed from a restaurant by a patron if the bottle is re-corked or re-capped.

BEER, HEAVY BEER, AND FLAVORED MALT BEVERAGES

Beer may be sold and served in any size container not exceeding 2 liters and on draft. However, a pitcher (larger than one liter and up to two liters) may only be sold to parties of two or more.

Beer may be sold to an individual patron only in a container that does not exceed one liter.

Beer may be sold to go in sealed containers only if the patrons have already dined in the restaurant.

FLAVORED MALT BEVERAGES

May be sold and served in original containers not exceeding one liter.
**Limitation on Total Number of Drinks**

Each restaurant patron may only have one spirituous liquor drink before them at a time.

Other than spirituous liquor drinks, each restaurant patron may have no more than two servings of an alcoholic beverage of any kind at a time before the patron.

**Discounting Practices Prohibited**

Alcoholic beverages may not be sold at a discount at any time.

Other discounting practices are prohibited that encourage over-consumption of alcohol (i.e. happy hours, two for ones, all you can drink for a set price, free alcohol or selling at less than cost).

A restaurant licensee or employee may not purchase an alcoholic beverage for a patron.

**Consumption on the Premises**

An open container primarily used for drinking purposes and containing an alcoholic beverage, may not be removed from the restaurant premises.

**No Brown Bagging – Wine Exception**

Patrons may not bring in or store alcoholic beverages on the premises; however at the licensee’s discretion a patron may bring in bottled wine for consumption on the premises.

Wine brought in must be immediately delivered to a server or an employee of the restaurant.

A wine service may then be performed, and patrons may serve themselves or others at the table.

**Advertising**

An alcoholic beverage menu, with prices (including shot prices) is required. The menu may be listed on the food menu or a separate alcoholic beverage menu and may be located on the patron’s table or readily available.

Servers may ask a patron if they would like an alcoholic beverage.

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**WINE LIST.**

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ADVERTISING (CONTINUED)

Signs advertising the availability of alcoholic beverages may be displayed both inside and outside the restaurant.

Restaurant advertising in newspapers, magazines, phone book yellow pages, other print media, and on radio, television and billboards may reference the availability of alcoholic beverages.

Alcohol advertising by the restaurant must comply with the guidelines in Rule R81-1-17 which may be viewed HERE

Alcoholic beverages may be displayed in areas visible to patrons.

Employees

- Any employee handling alcoholic beverages must be twenty one years of age or older.

- Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer.

- Employees may not consume or be under the influence of alcoholic beverages while on duty.

  Please be careful.
  Off-duty owners or employees who have been drinking must not step back in and perform any on-duty type functions.

Employees can be FINED for violations.

The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.

Effective January 2018

- EVERY MANAGER must complete the “Manager Training Program” as a condition of obtaining or renewing their DABC license.

- A manager includes owners and employees that act in a supervisory or managerial capacity over the furnishing of an alcoholic product or the employees who serve alcoholic products.

- Trainings will be conducted by the DABC and the fee is $25 per manager.
EMPLOYEES (CONTINUED)

The Utah Division of Substance Abuse and Mental Health Training:

Server training is also still required for:

- All owners, managers, supervisors, and employees who serve (or manage those who serve) alcohol.
- They must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

GO HERE FOR STATE APPROVED TRAINING PROGRAMS

BAD CHECKS

The DABC may immediately suspend the license if it receives a bad check as payment for liquor, licensing or bond fees, fines and costs for violations, etc.

PROHIBITED CONDUCT

- Lewd acts, attire, and sexually oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.
- Gambling – NO “paying” to “play a game of chance” to “win money or a prize”. Licensees may not engage in or permit any form of gambling on its premises including contests or gaming schemes that requires risking something of value for a chance of a return - including raffles, bingo, poker etc.
- Illegal drugs or drug paraphernalia - A retail licensee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance; or use, deliver, or possess with the intent to deliver drug paraphernalia. See Utah Code