

# UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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## On-Premise Beer License Summary (for retailers that are not taverns)

Note: This is general information only and should not be considered conclusive.

For further detail, please consult Title 32B of the Utah Code (<http://le.utah.gov/UtahCode/chapter.jsp?code=32B>)

or the Rules of the Commission (<http://www.rules.utah.gov/publicat/code/r081/r081.htm>)

A state on-premise beer retailer license allows the sale of beer at retail for on-premise consumption. These establishments include restaurants, cafes, bowling center or golf course food and beverage facilities, snack bars, etc. Special licensing conditions apply to on-premise beer retailers who are *taverns* (see separate Tavern License Summary). Liquor, wine, heavy beer, and flavored malt beverages may not be stored or sold on the premises of an on-premise beer retailer.

Licenses run from March 1 to the last day of February. For on-premise beer retailers that are *not* taverns, there is no quota and the commission may issue licenses at places and in numbers it considers proper. Only one state beer license is required for each building or resort facility owned or leased by the same applicant. The state license is in addition to any beer license required by a local government.

### Purchases of Beer

- The on-premise retailer must purchase, acquire, possess for resale, or sell beer that has been lawfully purchased from a Utah wholesaler who is authorized to sell beer in the geographical area in which the beer retailer is located, or from a small brewer (manufactures less than 60,000 barrels per year).

### Sale and Service of Beer

- Beer may be sold and served in open containers in any size not exceeding 2 liters and on draft. Beer may be sold to an individual patron only in a container that does not exceed one liter. Beer may be sold by the pitcher (larger than one liter and up to two liters) to two or more patrons.
- Beer sold in sealed containers may be removed from the beer retailer's premise.

### Sales and Consumption Hours

- Beer may be sold from 10 a.m. until 1 a.m.

- *Hours of Consumption:*  No consumption of beer is allowed on the premises after 2 a.m. and before 10:00 a.m.

### Discounting Practices Prohibited

-  Beer may not be sold at a discount at any time.
- Discounting practices are prohibited that encourage over-consumption of beer (i.e. reduced or special prices for certain hours of the day, "happy hours", "two for ones", "all you can drink for a set price", free beer, or selling at less than cost).
- A beer 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 beer may not be removed from the premises.

### Minors

- Minors may be employed by an on-premise beer retailer, but may not sell, dispense, or furnish beer.
- Minors may work at a cash register to ring up the sale of beer.

## Employees

- Any employee who sells, serves, dispenses, or handles beer must be twenty one years of age or older.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.
- Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer.
- Managers, supervisors, and employees who serve alcohol must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

## Employee Fines

- 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.

## “Brown Bagging”

- Patrons may not bring in or store alcoholic beverages on the premises.

## Advertising

- Beer advertising must comply with the guidelines in Rule R81-1-17 which may be viewed at: <http://www.rules.utah.gov/publicat/code/r081/r081-01.htm#T16>

## Warning sign

-  Each on-premise beer retailer licensee shall display, in a prominent place, a sign no smaller than eight and one half inches high by eleven inches wide stating: *“WARNING - Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child. Call the Utah Department of Health at 1-800-822-2229 with questions or for more information. Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.”* The two warning messages shall be in the same font size but different font styles that are no smaller than 36 point bold. The font size for the health department contact information shall be no smaller than 20 point bold.

## 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. See Utah Code Section 32B-1-501 through 506 which may be viewed at: <http://www.le.utah.gov/UtahCode/section.jsp?code=32B-1>
- Gambling – Licensees may not engage in or permit any form of gambling on its premises.
- 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 Section 32B-5-301(5) which may be viewed at: [http://le.utah.gov/~code/TITLE32B/htm/32B05\\_030100.htm](http://le.utah.gov/~code/TITLE32B/htm/32B05_030100.htm)