

# UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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## Restaurant Liquor License Summary

*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 restaurant liquor license allows the storage, sale, service, and consumption of all types of alcoholic beverages on the premises of the restaurant. Licenses run from November 1 to October 31. The total number of licenses allowed by law is one per 4825 people in the state.

### Food Service Requirements

- Patrons may only purchase alcoholic beverages in connection with an order for food which is prepared, sold and served at the restaurant.
- Each restaurant shall maintain at least 70% of its total restaurant business from the sale of food.



- Expensive wines in excess of \$250 per bottle are not included in calculating the food to alcohol ratio.

### Grandfathered Bar Structures

- The dispensing, storage, service or consumption of alcoholic beverages is allowed at certain types of bar structures that existed in restaurants as of May 12, 2009 or in a restaurant that applied for a license as of May 12 and was granted the license prior to December 31, 2009. These bar structures are called "grandfathered" bar structures.

- A "bar structure" is defined as a surface or structure if on or at any place of the surface or structure an alcoholic beverage is stored or dispensed.

- A bar structure is "grandfathered" if as of May 11, 2009, the restaurant had patron seating at a bar structure that was divided by a partition along the width or length of the structure, or had an area adjacent to the bar structure that is visible to patrons sitting at the bar structure (i.e. a service bar near the bar structure), or was under construction as of May 12, 2009 and is granted a license by December 31, 2009. A grandfathered bar structure also includes a bar structure that as of May 12, 2009, had no patron seating at the bar (i.e. a service bar).

- If a restaurant remodels a "grandfathered" bar structure in such a way as to extend the length of the existing structure to increase seating or increase visibility of the storage and dispensing area, the restaurant loses the "grandfathering" benefit.

- If a restaurant loses or *wants* to eliminate a "grandfathered" bar structure, it must remodel in such a way as to dispense alcoholic beverages and store the in-service working inventory of alcoholic beverages in an area that is separated from the dining, staging, lobby, or waiting areas by a solid,



- translucent, permanent structural barrier so that the dispensing or storage of alcohol is not readily visible and accessible to restaurant patrons.

- The restaurant licensee can apply for a credit for liquor purchases from a state store or package agency for the actual costs of the remodel or \$30,000 whichever is less if the reconstruction is done by December 31, 2011 and the credit is applied for no later than April 1, 2012. The total amount appropriated for these credits (for both full service and limited restaurants) is \$1,090,000 and is awarded on a first come first served basis.

### Counters

- A "counter" includes a surface or structure in a dining area of a restaurant where seating is provided for service of food, but alcohol may not be stored or dispensed at a counter. Alcoholic beverages *may* be consumed at a counter.

- Beer and heavy beer in sealed containers, and wine may be opened and poured by the server at a counter.

### Service of Alcoholic Beverages to Patrons

- A patron may consume an alcoholic beverage at a table, counter, or “grandfathered bar structure” that was “grandfathered” as of May 12, 2009.
- Alcoholic beverages must be sold, served and delivered to a patron by an employee that is designated and trained by the restaurant licensee.
- Each server must keep a written beverage tab for each table or group that orders or consumes alcoholic beverages on the premises.

### Dispensing and Storage of Alcoholic Beverages

- Alcoholic beverages may only be dispensed from: (1) a “grandfathered” bar structure; (2) an area adjacent to a “grandfathered” bar structure that is visible to a patron sitting at the “grandfathered” bar structure if that area was used to dispense an alcoholic beverage as of May 12, 2009 (i.e. a service bar near the bar structure); or (3) an area that is separated from the dining, staging, lobby, or waiting areas by a solid, translucent, permanent structural barrier so that the dispensing or storage of alcohol is not readily visible and accessible to restaurant patrons.
- The in-service working inventory of alcoholic beverages may only be stored at (1) a “grandfathered” bar structure; (2) an area adjacent to a “grandfathered” bar structure that is visible to a patron sitting at the “grandfathered” bar structure if that area was used to dispense an alcoholic beverage as of May 12, 2009 (i.e. a service bar near the bar structure); or (3) an area that is separated from the dining, staging, lobby, or waiting areas by a solid, translucent, permanent structural barrier so that the dispensing or storage of alcohol is not readily visible and accessible to restaurant patrons.
- A restaurant whose license was applied for and granted *after* May 12, 2009, may only dispense alcoholic beverages and store the in-service working inventory of alcoholic beverages in an area that is separated from the dining, staging, lobby, or waiting areas by a solid, translucent, permanent structural barrier so that the dispensing or storage of alcohol is not readily visible and accessible to restaurant patrons.

### Display of Alcoholic Beverages

- Alcoholic Beverages may be displayed in areas visible to restaurant patrons.
- In restaurants with “grandfathered bar structures”, the displayed bottles may be unopened or opened and may be used for dispensing at the “grandfathered bar structure”.
- A restaurant whose license was applied for and granted *after* May 12, 2009, may only display unopened bottles. Such bottles may be used for dispensing, but once opened, must be stored in the separate storage/dispensing area that is not visible to restaurant patrons.

### Minors

- Minors *may not* sit or be served food or beverages at a “grandfathered bar structure”
- Minors *may* be seated at a table or “counter”.
- Minors may be employed by a restaurant, but may not sell or dispense alcoholic beverages.
- Minors (who are at least 16 years of age) may work at a cash register to ring up the sale of alcoholic beverages.
- Minors may perform maintenance and cleaning services at bar structures when the restaurant is not open for business.

### Sale and Service of Alcoholic Beverages

#### (1) Liquor Sales

- (a) 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. The restaurant must post a list of types and brands of liquor dispensed through the dispensing system.
- (b) 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”.

- (c) 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 liquor.

## (2) Wine Sales

- (a) Wine may be sold and served by the bottle or container in sizes not exceeding 1.5 liters to tables of four or more. For tables of less than four, the size can not be larger than 750 ml.
- (b) 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.
- (c) Wine may be poured by the glass from any size bottle or container and need not be dispensed through a dispensing device.
- (d) A patron who has purchased bottled wine may serve themselves or others at the table.
- (e) Unfinished wine may be removed from a restaurant by a patron if the bottle is re-corked or re-capped.

**(3) Heavy Beer Sales:** Heavy beer may be sold and served in original containers not exceeding one liter.

**(4) Flavored Malt Beverage Sales:** Flavored malt beverages may be sold and served in original containers not exceeding one liter.

**(5) Beer Sales:** Beer may be sold and served in any size container 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. 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 go in sealed containers to patrons who have dined in the restaurant.

## Limitation on Total Number of Drinks

- Each restaurant patron may have no more than one spirituous liquor drink before the patron at a time.
- Other than spirituous liquor drinks, each restaurant patron may have no more than two alcoholic beverages 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.

## “Brown Bagging”

- 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

- Alcoholic beverages may be listed on the food menu or an alcoholic beverage menu.
- Alcoholic beverage menus such as wine lists may be located on the patron’s table.
- Servers may ask a patron if they would like an alcoholic beverage.
- 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 at: <http://www.rules.utah.gov/publicat/code/r081/r081-01.htm#T16>
- Alcoholic beverages *may* be displayed in areas visible to patrons.

## Sales and Consumption Hours

-  Liquor, wine, flavored malt beverages, and heavy beer may be sold on any day from 11:30 a.m. until midnight.
- A liquor, wine, flavored malt beverage, and heavy beer storage area must remain locked at times when liquor sales are not permitted.
-  The hours of beer sales are from 11:30 a.m. to 1 a.m.
- *Hours of Consumption:*  Patrons may not consume liquor, wine, flavored malt beverage, and heavy beer on the restaurant premises after 1 a.m. and before 11:30 a.m. However, they may consume beer until 2 a.m. and no consumption of beer is allowed on the premises after 2 a.m. and before 11:30 a.m.

## 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.
- 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.

## Warning Sign

-  Each restaurant 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.

## 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. 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 – Restaurant 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)