

# UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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## Beer Only Restaurant License Summary Effective March 1, 2011

*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 beer only restaurant license allows the storage, sale, service, and consumption of beer on the premises of the restaurant. Licenses run from March 1 to February 28 (29). There is no quota on these licenses and the commission may issue licenses at places and in numbers it considers proper. Only one beer only restaurant 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.

### 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.

### Grandfathered Bar Structures

- The dispensing, storage, service or consumption of beer is allowed at certain types of bar structures that existed in on-premise beer retailers licensed and operational as of August 1, 2011. 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.
  - If a restaurant remodels a “grandfathered” bar structure, the restaurant loses the “grandfathering” benefit.

### Counters

- A “counter” includes a surface or structure in a dining area of a restaurant where seating is provided for service of food, but beer may not be stored or dispensed at a counter. Beer *may* be consumed at a counter.

### Service of Alcoholic Beverages to Patrons

- A patron may consume beer at a table, counter, or “grandfathered bar structure” that was “grandfathered” as of August 1, 2011.
- Beer must be sold and served 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 beer on the premises.

### Dispensing and Storage of Beer

- *Allowable dispensing area:* Beer may only be dispensed from either a “grandfathered” bar structure; or 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 beer may only be stored in the allowable dispensing area.
- Beer stored elsewhere on the premises, if to be used for dispensing, must be taken to the allowable dispensing area before it is opened and dispensed.
- Any beer dispensing instrument or equipment must be located in an allowable dispensing area.
- A restaurant whose license was applied for and granted *after* August 1, 2011, may only dispense beer and store the in-service working inventory of beer 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 beer is not readily visible and accessible to restaurant patrons.

## **Display of Beer**

- Display bottles of beer (not dispensing inventory) may be displayed in areas 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 Beer**

- Beer may be sold and served in any size container not exceeding two 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 two beers before the patron at a time.

## **Discounting Practices Prohibited**

- Beer 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.

## **Advertising**

- Beer may be listed on the food menu.
- Alcoholic beverage menus such as table tents or beer lists may be located on the patron’s table.
- Servers may ask a patron if they would like to order a beer.
- Signs advertising the availability of beer may be displayed both inside and outside the restaurant.
- Advertising in newspapers, magazines, phone book yellow pages, other print media, and on radio, television and billboards may reference the availability of beer.
- 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>

## **Sales and Consumption Hours**

- Beer may be sold on any day from 11:30 a.m. until 1 a.m..
  - *Hours of Consumption:* Patrons may not consume beer on the restaurant premises after 2 a.m. and before 11:30 a.m.

## **Employees**

- Any employee who sells, serves, or dispenses beer 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.

### **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 - Restaurants 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)