

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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On-Premise Beer Tavern 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 state on-premise beer retailer tavern license allows the sale of beer at retail for on-premise consumption at a tavern. The state license is in addition to any beer license required by a local government. A tavern includes the following establishments that are engaged primarily in the retail sale of beer for consumption on the establishment's premises: a beer bar, a parlor, a lounge, a cabaret, or a nightclub. Only one tavern license is required for each building or resort facility owned or leased by the same applicant. Licenses run from March 1 to the last day of February. There is a quota on the number of tavern licenses of one per 54,147 people in the state. Liquor and flavored malt beverages may not be stored or sold on the premises of a tavern.

Purchases of Beer

- Tavern licensees 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 tavern 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.
- Taverns must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming any single serving of beer not exceeding 26 ounces purchased before sales ended. Taverns do not have to remain open after all patrons have vacated the premises, or during an emergency.
- *Hours of Consumption.* Consumption of beer in taverns is prohibited between the hours of 2 a.m. and 10 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 alcohol (i.e. "happy hours", "two for ones", combination pricing, "all you can drink for a set price", free alcohol, or selling at less than cost).
- A tavern 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 not be employed by or allowed on the premises of a tavern.

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.



Electronic Age Verification by Tavern Licensees (ID Scanners)

- Taverns must electronically verify age before anyone who appears to be 35 years of age or younger may gain admittance.
- Taverns must be able to read, print, or download the data in the ID scanners. Tavern owners/managers should have the knowledge and capability to produce the data upon request of a peace officer or authorized representative of the DABC.
- The DABC does not provide a list of approved scanners. ID scanners (electronic age verification devices) are available from multiple manufacturers and vendors. An ID scanner selected by a tavern licensee must meet the requirements of rule R81-5-18 (<http://www.rules.utah.gov/publicat/code/r081/r081-05.htm#T16>) and is summarized below.
- An electronic age verification device:
 - a) must be able to read a magnetic stripe and a two dimensional (“2d”) bar code, or an alternate technology capable of electronically verifying the proof of age; and
 - b) shall be able to read a valid state issued driver’s license or identification card, a valid military identification card, or a valid passport;
 - c) shall have a screen that displays no more than a person’s name, age, ID number, birth date, gender, ID status & expiration date; and
 - d) shall be able to electronically store the name, age, ID number, birth date, gender, ID status & expiration date for seven days (168 hours) including the time and date the proof of age was scanned.
- If the proof of age cannot be scanned electronically, an alternative method of verifying an individual’s proof of age shall include a record or log showing the type, number, and expiration date of the ID; the date the ID was presented, the individual’s name and date of birth.
- Any data collected either electronically or otherwise, may only be used for the purpose of verifying an individual’s proof of age and may not be retained by the licensee in a data base for mailing, advertising, or promotional activity, to acquire personal information to make inappropriate personal contact with the individual, and shall be retained for a period of seven days from the date on which it was acquired, after which it must be deleted. The data collected may be acquired by law enforcement, or other investigative agencies.

“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:
<http://www.rules.utah.gov/publicat/code/r081/r081-01.htm#T16>

Warning Sign



- Each tavern 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 32B-1-501 through 506:
<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 32B-5-301(5):
http://le.utah.gov/~code/TITLE32B/htm/32B05_030100.htm