

H.B. 442 Alcohol Amendments RESTAURANT TIMELINE SUMMARY

EFFECTIVE MAY 9, 2017

- Restaurants may sell alcohol as early as 10:30 am on weekends (Saturday and Sunday) and legal holidays.
- Licensees are required to display the approved sign stating that it is a restaurant not a bar.
- A responsible alcohol service plan must be submitted when renewing a license. Instructions will be provided with your renewal notice.
- Licensees and permittees may only engage in behavior expressly allowed by Title 32B.
- The renewal fee for a FULL SERVICE restaurant is \$1650.
- Percentage of gross receipts for sale of food or wine excludes bottles of wine over \$175 and glasses of wine over \$30.

EFFECTIVE JULY 1, 2017

- With approval of DABC, a restaurant licensee *without a grandfathered bar* may define a visible dispensing area. The dispensing area includes a dispensing structure and a buffer zone in-between the dispensing structure and the dining area. The buffer zone is either:
 - any area within 10 feet of the dispensing structure where a patron can view dispensing,
 - or**
 - 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.
- **Once approved, the restaurant licensee will be required to comply with 32B-6-205.2**
(See Summary of NEW operational restrictions below)

EFFECTIVE JULY 1, 2018

- Restaurants with *grandfathered bars* must establish a 10 foot buffer around the bar where a minor may not be seated unless there is no other seating available and they are accompanied by someone 21 years or older.
- Dual licensed rooms are no longer allowed. Licensees must choose which license to keep in that room.

- Exceptions allow specific combinations i.e. licensees may combine two or more:
 - restaurant
 - on-premise beer (not a tavern)
 - banquet or
 - reception center
- The commission may define "room" by rule. Please email vickieashby@utah.gov if you have questions about the process.

EFFECTIVE DATES OF 32B-6-205.2 VARY

- **July 1, 2017** - New licensees and licensees with approved visible dispensing area.
- **July 1, 2018** - All remaining licensees, except those with grandfathered bars.
- **July 1, 2022** - All licensees with grandfathered bars.

Please note that a licensee must comply with 32B-6-205.2 upon remodel of the bar and/or upon a change in ownership.

SUMMARY OF NEW OPERATIONAL RESTRICTIONS OF 32B-6-205.2

- Electronic age verification (scanner) of individuals who appear 35 years or younger who order an alcoholic product in a dispensing area in a restaurant.
- A minor may not sit, remain, or consume food or beverages in a dispensing area of a restaurant. Except:
 - A minor may momentarily pass through a dispensing area while en-route to an area of the restaurant in which the minor is permitted to be, but only **if there is no alternative route available**.
 - A minor employee may ring up the sale of an alcoholic product or perform maintenance and cleaning **when the business is not open**.
- In ADDITION to confirming the patron's intention to order food, a restaurant licensee may not sell/serve an alcoholic product until the patron is either:
 - seated at the location where they plan to consume food; or,
 - seated in the dispensing area waiting for a table in the dining area.

Please note that the allowance for consumption in the dispensing area while waiting for a table is limited to ONE (single portion) drink and any unfinished portion is transported from the dispensing area to the dining area by a trained server.

- Requires retention of records for 3 years.

- Requires that DABC compliance staff audit restaurants annually.
- Restaurants must have a defined dispensing area that is:
 - physically separated and out of view from the dining and waiting area
 - or**
 - an area within 10 feet of the dispensing structure where a patron can view dispensing;
 - or**
 - 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.