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The Alcoholic Beverage Control Commission meets once a month toward the end of each month. Meeting dates and times are subject to change.

The meetings are open to the public and are held in the board room at the DABC office building: 1625 South 900 West, Salt Lake City. Call 801-977-6800 for the current schedule.

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Governor: **Gary R. Herbert** • Director: **Dennis R, Kellen**,
Newsletter Editor: **Earl F. Dorius**
Newsletter Coordinator: **Neil Cohen**, Contributing Editors:
Chris Johnson, Abe Kader, Stephne Pilling, Al Potvien, Keith Zuspan, Rob Hansen, Margaret Hardie

Legislative Update

By Earl Dorius

Unlike the 2009 legislative session that included significant changes to Utah's alcohol laws, the 2010 session was much calmer. Four bills were introduced and three of them passed, but the subject matter of the bills that passed was not controversial.

S.B. 167 sponsored by Senator John Valentine "recodifies" the current Alcoholic Beverage Control Act. The bill attempts to shorten and streamline current laws, but without making any substantive changes to those laws. The bill repeals the current Title 32A and replaces it with a new Title 32B. However, the bill does not become effective until July 1, 2011. At that time, all of the statutory references in the Act will change. This will give the DABC sufficient time to make the transition and update all of our informational materials, website, etc.

H.B. 299 sponsored by Rep. Ronda Rudd Menlove modifies the language of the "Warning Signs" that must be posted in states stores, package agencies, and all alcohol retail establishments licensed by the DABC. It takes effect on July 1, 2011.

At that time, each new sign must include two warnings. The first must be in large letters and read: "WARNING - Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child." This warning must be followed by: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information."

The second warning is the DUI warning that has been required on the signs for many years. However, the new law requires that this warning be in a different font style than the pregnancy warning. Both warning statements must be in the same font size.

H.B. 419 sponsored by Rep. Kraig Powell requires that signs installed or replaced at or near a state store on or after May 11, 2010 include the words "state" or "State of Utah" in lettering equal to or larger than the size of any text that refers to "liquor" or "wine."

The bill that did not pass (H.B. 223) would have created 20 more full-service restaurant licenses and 20 more limited restaurant licenses under the statewide quotas, and would have reduced the number of beer tavern licenses by 40. It passed the House but not the Senate. ♦

The DABC Commission Opens the Suggestion Box

At its March meeting, the DABC commission asked for input from the public regarding any changes they would like to see made regarding the alcoholic beverage laws or rules. The commission wants to receive written suggestions on either personal or company letterhead. No topic is off limits. Send to: The Utah Department of Alcoholic Beverage Control, Attention Vickie Ashby, PO Box 30408, Salt Lake City UT 84130.

Club License Renewals

by Keith Zuspan, Neil Cohen, and Abe Kader
 Club licensees can choose to renew their license online or the conventional (paper) method.

All licensees will receive a renewal packet in the mail by the end of April. If for some reason you do not receive this packet by the first week in May, please call us. The packets contain forms A, B, and, C (with preprinted license data), D (alcohol server training/ID badge information), E (financial spreadsheet), and instructions for completing your renewal on-line.

Whether you file a paper renewal or an online renewal, you must mail in or hand deliver:

- a copy of your local city, town, or county business/alcohol license(s),
- an ACORD type Certificate of Insurance (for general and liquor liability coverage), and
- the alcohol server training/ID badge records (form D).

Higher limits are now required for liquor liability coverage.

Effective July 1, 2010, clubs must have liquor liability coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. In this renewal cycle, all clubs will need to provide the DABC with a "certificate of insurance" showing liquor liability insurance coverage for at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate *effective July 1, 2010*.

Online Renewal

The system allows you to submit your renewal application electronically beginning May 1, 2010 through June 1, 2010. **Remember the deadline to complete your renewal is Tuesday, June 1.**

Renewing your license online is simple and efficient. The process requires you to enter online information from the renewal materials mailed to you by DABC, verify and update your unique license information, answer a few questions, pay your renewal fees and print a copy of your submission and payment. The payment feature accepts debit/credit card (Visa, Mastercard, American Express, Discover) or an electronic check.

The information you provide is for the sole use of the DABC. Personal information submitted online is protected. The State of Utah and Utah.gov take your internet security very seriously. Our technology and policies

are designed to make your online transactions safe, private, and secure. Rigorous policies and procedures are utilized to safeguard your personal information, such as social security numbers, banking information, and personal data.

You may *not* renew your license online if there are any changes in operating entity, changes of corporate officers/directors, or a relocation of your business. If that is the case, please complete the paper renewal form (see below).

Paper Renewal

All licensees will receive a paper renewal packet with forms A, B, and, C (with preprinted license data), D (alcohol server training information), E (financial spreadsheet), and the online instructions.

Forms A, B, and C will be pre-printed with data that you submitted for last year's renewal or in your initial application. You will only need to make changes to those forms if the data has changed or is incomplete.

Please remember, you must mail or hand in your completed renewal application by **Tuesday, June 1**. You may either hand deliver (**by 6:00 pm on June 1**) the completed renewal or **we will accept a postmark** up to and including **June 1** as timely.

The Renewal Due Date

The due date is set by the legislature and we cannot extend it. If you miss this deadline, you may not *renew*. You will have to *re-apply* for your license. This means you will have to pay an additional application fee and initial license fee. Please do not wait until the last minute.

Tax Delinquencies

Licenses cannot be renewed unless tax delinquencies are cleared. The law specifies that, "Each applicant for a license and each licensee shall comply with all applicable federal and state laws pertaining to payment of taxes and contributions to unemployment and insurance funds to which it may be subject." (32A-1-123 Utah Code)

If you have a delinquency, you will receive a notice directly from:

- the Tax Commission regarding sales tax or payroll withholding tax,
- the Labor Commission, Division of Industrial Accidents regarding workers compensation coverage, or
- the Department of Workforce Services regarding unemployment insurance tax.

If you have any deficiencies with these departments, they will let you know who to call and what you need to do to bring your account back into good standing. ♦

Club Owners . . . “May I have a Sandwich with my cocktail please?”

By Margaret Hardie

Not too long ago, a club patron complained, “When I asked for a food menu, the waitress told me they didn’t serve food because they were a drinking club.”

Remember, all clubs (not just dining clubs) must have a variety of food “*prepared and served in connection with dining accommodations.*” A food menu could be made available to patrons too, so they actually *know* that they can dine (and that there is evidence that you actually have food).

Utah Code 32A-5-102(1)(f). We do hear these firsthand accounts and other rumors from people from time to time.



One patron asked for a menu at a club and she was handed a takeout menu from the pizza place across the street. Then there was the time when a patron asked for a food menu and his server just busily pointed to the vending machine in the corner. But neither the pizza menu from the takeout place across the street, nor the

vending machine is enough to meet your responsibility. Although any extra food accommodation may be helpful, it is still *your* dining accommodations that must meet the “variety of food” requirement available to patrons.

There is another food violation that we find happening at clubs. Yet another patron complained that they attempted to order a food item *from* the club’s food

menu, and the server replied “Sorry, our kitchen is closed at ten.”

All clubs (not just dining clubs) must have a variety of food “*prepared and served in connection with dining accommodations.*”

Social club licensees, remember! Your cuisine, whether it is chili heated in a microwave and beer brats rolling on a hot dog cooker, or your full gourmet meals prepared in your pampered kitchen, food must be available to your patrons the *entire* time your club is selling alcohol. Your kitchen should not close down early. Utah Code 32A-5-107(5).

“Why serve food,” you ask? In the bigger picture, drinking patrons who are also eating will have a slower absorption of alcohol. Since intoxication is slowed down, it will help you be a more responsible licensee in preventing over-consumption - the greater law in this case. Serving food could save you from a possible expensive over-service violation and your bottom line. Better yet, you will be keeping the safety and well being of the public at heart. ♦

Clubs are now required to update their bond to the new “Club Bond” form. The same bond form is used for an Equity, Fraternal, Dining or Social club, The current form is on our website at http://abc.utah.gov/Forms/Club_Bond.pdf

On the Subject of ID Scanners

We’ve been Asked...

By Keith Zuspan

Do I need to use my scanner every day or just during the busy times?

The answer is every day. Social clubs (formerly class D) must electronically verify the identification of anyone who appears 35 years of age or younger *to enter the club*. Dining clubs (formerly class C) are required to electronically verify the identification of anyone who appears 35 years of age or younger *to purchase an alcoholic beverage*.

What if an ID can not be scanned?

Identification which cannot be scanned i.e. passports or military identification cards must be manually

reviewed and a daily log maintained with the:

- date the identification is presented,
- individuals name,
- date of birth,
- type of identification (such as driver license, passport, state ID card),
- ID’s expiration date and
- ID number issued by the issuing authority.

A state driver license or identification card which cannot be scanned due to bar code damage must follow the same process as passports. These logs are considered records and must be maintained for 7 days and then must be destroyed. In addition to the logs, the scanner contains data which is considered a “record”. You may be required to provide the information from your scanner to the department as part of our normal audit visit process or by law enforcement agencies in conducting an investigation. ♦

Free training....

Free liquor law training is available to all licensees and their employees. This training helps licensees to understand the alcoholic beverage laws, prevent violations, and to provide better and consistent service to patrons. It gives licensees and employees the opportunity for a one-on-one session with the DABC to deal with specific questions and concerns. We will tailor our training to fit your needs and schedule. If you are interested in having one of our Compliance Specialists present a training session to your staff, please call at (801) 977-6800. ♦

Lockable Storage, Dispensing and Labeling Open Bottles of Liquor

By Al Potvien

It is important for all liquor licensees to have lockable storage for liquor, wine and heavy beer, and to have dispensing systems and devices properly affixed to open bottles, and to properly label bottles used as flavorings.

During on site visits done by DABC compliance staff, requirements for storage, dispensing and labeling of alcohol are reviewed and the licensee is notified of any discrepancies and instructed how to be in compliance. However, when an inspection is done by a law enforcement agency, if a violation is found, it may actually be referred to the DABC resulting in administrative action and a possible fine or suspension for the licensee.

To avoid having a possible violation in this area, please be aware of the following:

1. If your establishment holds a liquor license, liquor, wine and heavy beer must remain in a lockable area and kept locked during hours when sales are not allowed (12:00 midnight to 12:00 noon for restaurants; 1:00 a.m. to 10:00 a.m. for clubs). Storage may include cabinets, refrigerated coolers, back rooms or closets. Just locking the doors to the licensed premises at the end of the business day is not considered proper "lockable storage".

Just locking the doors to the licensed premises at the end of the business day is not considered proper "lockable storage"

A licensee may open the liquor storage area during hours otherwise prohibited but only for the limited purpose of inventory, restocking, repairing and cleaning. Licensees shall designate all locations where alcoholic products are stored on the floor plan provided to the department for approval.

2. The law does not require 3.2 beer storage to be locked and 3.2 beer can be sold from 10:00 a.m. until 1:00 a.m. for on premise consumption. But if any liquor, wine or heavy beer is stored in the same cooler in a restaurant, it would need to be locked separately within the cooler or relocated to a lockable area during those times when 3.2 beer sales are allowed, but liquor, wine and heavy beer sales are not allowed (i.e. between 10:00 a.m. and 12:00 noon).

3. If any liquor, wine or heavy beer bottles are used as a display and they contain alcohol, they must also be placed in a lockable storage area during prohibited sales hours. Only empty bottles may be left out on display.

4. Liquor used to dispense the primary portion of a mixed drink (up to 1.5 ounces) must be poured through a calibrated metered dispensing system or device. Therefore, once a bottle has been opened, it must be hooked up to a dispensing system or have the appropriate device affixed.

If a certain shape bottle won't work with an approved dispensing device, you may not use it as a primary pour.

If a certain shape bottle won't work with an approved dispensing device, you may not use it as a primary pour. Measuring it with a shot glass, or putting a "flavoring" label on it is not allowed because there would be no metering of the primary portion. Likewise, if you don't have enough dispensing devices such as clickers or if one is broken, an open bottle may not be used as a primary pour.

5. Liquor bottles used as secondary flavorings that are added to a primary liquor poured through the dispensing system must be plainly and conspicuously labeled "flavoring". These flavoring bottles are not required to be metered. This can be done by use of a label or a permanent marker. Flavorings may be placed in the same lockable storage with other alcoholic products. Flavorings need not be marked if the metered dispensing system is designed to pour a flavoring portion.

6. If any alcohol is used for food preparation, these products need to be labeled "cooking flavoring". They are not required to be in lockable storage because they may be used at any time for cooking rather than for beverages. Cooking flavorings that are not properly marked would be a violation, and if unmarked they would need to be locked during unauthorized sales hours with regular liquor inventory.

If you have any questions about complying with these laws, don't hesitate to give us a call to review your storage and dispensing needs to ensure that they meet requirements. ♦

Free Beer at Pool Tournaments

By Abe Kader

The department has received inquiries from several club and tavern licensees who have been asked to sponsor pool tournaments on their premises. The tournament organizers are requiring that the licensees provide free alcoholic beverages to the tournament players as a condition of the sponsorship and getting the tournament business.

There are several laws in Utah's Alcoholic Beverage Control Act that prohibit this. One says that DABC licensees may not engage in any promotion that "involves or offers" free alcoholic beverages to their patrons or members of the general public – which the pool tournament players would be. Another prohibits DABC licensees and their employees and agents from purchasing

alcoholic beverages for patrons of the establishment. These two laws carry administrative penalties (administrative fines and/or possible license suspensions). However, a third law found in Utah's trade practice section also carries a criminal penalty. It prohibits a licensee from sponsoring any event that offers free alcoholic beverages to the general public.

These laws are found in Utah Code 32A-5-107(16) & (17) (clubs); 32A-10-206(5) & (6) (beer establishments); and 32A-12-606(4) (trade practices applicable to all licensees).

If licensees or their employees purchase alcoholic beverages for pool tournament players (long held traditions notwithstanding), they are violating these laws. We urge all licensees to comply with these laws which will result in them operating on a level playing field when sponsoring pool tournaments. ♦



Limited Alcohol Allowed in Limited Restaurants

By Rob Hansen

What types of alcohol can a limited restaurant license serve? A limited restaurant license allows the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of the restaurant. It does not allow the storage, sale or dispensing of distilled spirits and flavored malt beverages.

Items that fall under the wine category are port, sherry, perry (made from pears), vermouth, cider, sake, and champagne. "Wine" is defined in 32A-1-105(72) as "any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or any other like substance, whether or not other ingredients are added.

For purposes of the limited (beer/wine) restaurant license, "wine" is further defined in 32A-4-301 as all alcoholic beverages defined as wine under federal laws 27 U.S.C. 211 and 27 C.F.R. Section 4.10 including the following made in the manner of wine containing not less than 7% and not more than 24% alcohol by volume: (1) sparkling and carbonated wine; (2) wine made from condensed grape must; (3) wine made from other agricultural products than the juice of sound, ripe grapes; (4) imitation wine; (5) compounds sold as wine; (6) vermouth; (7) cider; (8) perry; and (9) sake.

Statutes and rules clearly allow full and limited service restaurants, clubs, airport lounges and on-premise banquet licensees to use spirituous liquor flavorings for cooking purposes, on desserts, in flaming food dishes, etc. provided the flavorings are plainly and conspicuously labeled "cooking flavoring" and no employee under the age of 21 years is allowed to handle them. These laws are designed to differentiate between liquor used for cooking and liquor sold to consumers as beverages.

Spirituous liquor may not be used as flavoring for limited restaurant license beverages. "Spirituous liquor" means liquor that is distilled. Products such as Chateau Monet, Triple Sec, and Whisky are considered spirituous liquor and may not be added to wines (such as Sake) as a flavoring under the limited restaurant license. ♦

Spirituous liquor may not be used as a beverage "flavoring" in limited restaurants.

....Sorry Jimmy, no Purple Haze.

No Sidecars No Doubles

By The DABC Staff

In 2008, the legislature passed a law that allowed a primary portion of spirituous liquor to be sold "in a quantity not to exceed 1.5 ounces". This was a change from the previously allowed one ounce maximum. It was the legislature's intent, along with the increased size of the primary liquor portion, to eliminate the serving of a *sidecar* in clubs and airport lounges. A *sidecar* was the term being used for a shot on the side of the same liquor that was served in a spirituous drink so the patron could essentially get a *double* by combining the two drinks.

However, the legislature has long held a *no doubles* philosophy. When the legislature created the one ounce pour, it was a result of the discontinuance of the *mini bottle* era of dispensing drinks to a patron from a sealed container. That law was passed in 1990 and allowed a primary liquor to be poured from an open bottle (of any size) as long as it was affixed to a metered dispensing device "in one ounce quantities". Along with that change, the legislature's intent was *not* to allow the serving of *doubles*.

Although the legislative language did not use the actual word *doubles*, the language that was used to accomplish that was "no more than one ounce of primary liquor may be served...at a time." Clubs were quick to seize upon the "at a time" wording and soon began serving a shot on the side at a different time, frequently immediately after the first drink was served, thus working around the *no doubles* intent and giving birth to the now famous *sidecar*.

Fast forward to 2008. The new law allows a club or airport lounge to serve two spirituous drinks at a time to a

patron, but the language used to prohibit the *sidecar* (continuing the long held *no doubles* philosophy) was that a patron may not have two spirituous drinks before the patron if one of the two "consists *only* of the primary spirituous liquor for the other spirituous liquor drink." (Emphasis added). Unfortunately, some clubs are seizing on the word "only" and trying to justify the continuance of serving a *sidecar* or *double* by offering and/or serving a shot on the side with a splash of mixer or a small amount of ice, in an effort to accommodate a patron who wants to pour the second drink into the first drink.

Patrons can get a stronger drink if the club or airport lounge serves a primary portion in a 1.5 ounce size. For those that have chosen not to serve a 1.5 ounce portion, it is true that a patron may have two spirituous drinks at a time, but they both must be regular, standard mixed drinks such as *Scotch and soda* or *Scotch on-the-rocks*.

When a patron orders a spirituous liquor *on the rocks*, common practice is to serve it in a rocks glass with ice, not in a shot glass (or *up glass*) with a little ice. Likewise, when a patron orders a *vodka soda*, standard practice is to pour the vodka in a tumbler or hi-ball glass over ice with the soda mix added (and garnished appropriately), not in a shot glass (or cordial, sherry, or other *up glass*) with a quick hit of soda from the gun.

If a patron orders a *double* or a *side car*, the club or airport lounge should refuse. The practice of serving a second drink of the same primary as the first with a splash of mixer or piece of ice is a ruse and a violation of the statute's intent of prohibiting *sidecars* or *doubles*. It is an attempt to knowingly serve two spirituous drinks in a manner clearly intended by the legislature to be prohibited. ♦

Patrons can get a stronger drink if the club or airport lounge serves a primary portion in a 1.5 ounce size.

Violations and Penalties

by Chris Johnson

Below is a list of the most recent violations and penalties assessed for all licensees. Please review the violations listed below with your staff to prevent similar violations from occurring in your own establishment. As you can see by the number of alcoholic violations listed, law enforcement agencies have been very active. PLEASE BE CAREFUL!!

CL = Private Club Liquor BE = On-Premise Beer TV = Taverns * = Prior Violation History
 RE = Full Service Restaurant RL = Limited Service Restaurant TB = Temporary Beer Permittees
 SE = Single Event Permittees BW = Beer Wholesaler AL= Airport Lounge

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
RL	Café Trang, Draper and Phong P Hong (employee)	1. Sale to minors (S)	1. 5 day license suspension plus costs
RE	Guadaluhonky's, Draper and Rebecca Hardman (employee)	1. Sale to minors (S)	1. 5 day license suspension plus costs
CL	Harry O's, Park City and Lance Field and Greg Woolsey (employees)	2 cases 2008-030-L: 1. Sale to intoxicated persons (G) 2. More than 2 A/B at a time & more than 2.75 oz of spirituous liquor at a time (S) 3. Non-member entry & sale (MD) 2009-029-L: 1. Non-member entry & sale (MD)	2008-030-L: 1. 10 day license suspension and a fine of \$2,500.00 2. Fine of \$600.00 3. Fine of \$250.00 2009-029-L: 1. Fine of \$750.00 plus costs
RE	Mi Ranchito Grill, South Salt Lake	1. Sale of A/B not in connection with an order of food (S) 2. Sale after hours (MD) 3. No ID badge (MI)	1. Fine of \$500.00 2. Fine of \$250.00 plus costs 3. Written warning
RL	New York Pizza & Delicatessan, Draper and Brandi Gabbias (employee)	1. Sale to minors (S)	1. Fine of \$1,000.00 plus costs
CL	Regis Club, Helper and Tino Guitierrez (employee)	1. Sale to minors & minors on the premise of a class "D" club (S)	1. 5 day license suspension plus costs
RE	Ruby Tuesday, Draper and Sontara Trujillo (employee)	1. Sale to minors (S)	1. Fine of \$1,000.00 plus costs
BE	Sand Hollow G.C., Hurricane and Lindsey Stucki (employee)	1. Sale to minors (S)	1. 5 day license suspension plus costs
BE	Sweet Home Chicago Pizzeria, Draper and Mark Merkley (employee)	1. Sale to minors (S)	1. 5 day license suspension plus costs
RL	Water Moon, Draper and Margaretha Kruniawan (employee)	1. Sale to minors (S)	1. Fine of \$1,000.00 plus costs
CL	R 35, West Valley	1. Sale to intoxicated persons (G) 2. Sale to minors & minors on the premise of a class "D" club (S) 3. Freepouring (S) 4. More than 2 A/B in front of a patron at a time (S) 5. Selling A/B after hours (MD) 6. No ID badge (MI)	1. 10 day license suspension 2. Fine of \$1,200.00 3. 5 day license suspension 4. Fine of \$500.00 5. Fine of \$250.00 plus costs 6. Written warning
TV	B & G Pool Hall, Salina and Troy Buchanan and Carol A Snyder (Employees)	1. Sale to minors (S) 2. Employee consuming on duty (S) 3. No ID badge (MI)	1. 6 day license suspension 2. 5 day license suspension 3. Written warning
RE	Lone Star Steakhouse, Centerville and Tyler S Jenkins (employee)	1. Sale to minors (S)	1. Fine of \$1,000.00 plus costs
RE	Iggy's Sports Grill, Centerville and William Hart (employee)	1. Sale to minors (S)	1. Fine of \$1,000.00 plus costs
CL	Kokomo Club, Ogden	1. Failure to use scanning device (S) 2. Freepouring (S) 3. Allowing patrons to leave with open containers (S) 4. No ID badge (MI)	1. Fine of \$1,000.00 2. Fine of \$500.00 3. Fine of \$750.00 plus costs 4. Written warning
BE	Maura Millard (former employee of Winger's Diner, Salt Lake)	1. Sale to minors (S) 2. Minor selling A/B (S)	1. Fine of \$100.00

Missing Employees

The DABC is attempting to locate the following individuals that either currently or previously worked for the licensees listed below. We have adjudicated violations with the licensees, but the employees either could not be located or did not attend the proceedings when the violations were adjudicated. If any of these employees are currently working for your business, please have them immediately contact Ed Lombard at the Utah Attorney General's Office at 801 366-0157.

Stan G. Allen - The Standard
 Cynthia M Anderton - Applebee's (West Valley)
 Michael R. Arcaris - Squatter's Pub
 Braeden M. Brinton - The Standard
 Sara Bryson - Mimi's Café (Orem)
 Catherine Clark - Goldbar Saloon
 David Durrant - Tucci's (Salt Lake)
 Kristina M. Erskine - Asuka Japanese Sushi
 Robert J. Gardner - Juhl Haus Deli & Market
 David Homer - One & Only
 Charles Lamb - Jeremy Golf & Country Club
 George H. Lasater - Eddie McStiff's
 Lacey B. Miller - World Famous Woody's Tavern
 Bryce Pearson - Old Spaghetti Factory (Salt Lake)
 Courtney J Rios - Art's Place
 James D. Santini - P.F. Chang's (Orem)
 Kate Christianson - Chili's (St. George)
 Sean Hill - Chili's (St. George)
 Jared B Hileman - Shaggy's Livin Room
 Whitney Hathaway - Gladstan Golf Course
 "Sherry" - Lumpy's Downtown
 Danielle Sims - Sportsman's Lounge
 "Bubba" - Sportsmans' Lounge
 Vincent Laguardia - Alpine Internet Café
 Troy Mattinson - Applebee's (St George)
 Monica M. Salazar - Cheater's Lounge
 Susan Pontius - Applebee's (Orem)
 Alicia Bowman - Palms @ Holiday Inn
 Laurie A .Johnson - Don Jose Mexican Restaurant

Jason M. Green - Sunset West Bowling Center
 Jeffery S. Anderson - La Frontera (Bountiful)
 Clay Petty - World Famous Woody's Tavern
 "Julie" - Jessie's Bar & Grill
 Billie Jo Lange - Outback Steakhouse (St George)
 Brenda Conners - Papa Joe's
 Kathy Walton - Chili's, Midvale
 Natalie Oswald - Hog Wallow Pub
 Kristan Holeman - Jersey's Sports Grill
 "Mark" - Davis County Conference Center
 Bradley M Wood - Circle Inn
 Chase W Watson - Winger's (Draper)
 Hank McHenry - Mynt Martini Lounge
 Richard McHenry - Mynt Martini Lounge
 Langford O Meeks - Mynt Martini Lounge
 James Souder - Hogs Breath Bar
 Alisha Bowling - Red Robin (Washington)
 Kristopher Richardson - Red Robin (Washington)
 Christina Hille - Chili's (Orem)
 Sherry Gerry - Ruby Tuesday (St George)
 Aresilvia Silva - El Mexicano #2
 Rebecca Hardman - Guadalahonky's
 Lance Field - Harry O's
 Greg Woolsey - Harry O's
 Lindsey Stucki - Sand Hollow G.C
 Troy Buchanan - B & G Pool Hall
 Carol A Snyder - B & G Pool Hall
 Tyler Jenkins - Lone Star Steakhouse (Centerville)
 William Hart - Iggy's Sports Grill (Centerville)

This newsletter is sent to all holders of DABC liquor licenses. Owners and managers receive a copy in the mail. The current edition and several past issues are also published on the DABC website at:

http://www.abc.utah.gov/license_permit/newsletter_main.htm

We encourage licensees to make this website link known to their staff, especially those who supervise or sell and serve alcohol so that they may read the newsletter on-line.

The Confusion of Booze Infusion

By Stephne Pilling

Thinking of tossing some oranges, lemons, apples or even maybe some dried flowers in with some vodka to make an infusion? Seems harmless enough right?

Except for one big problem...it's prohibited by the Utah Code and the Federal Regulations (CFR) (okay, two big problems.)

Utah Code 32A-12-219 Unlawful Adulteration (states in part)... "Tamper" means to do one or more of the following to the contents of a package:

fortify, adulterate, contaminate, dilute, change its character or purity, or otherwise change.

The Code continues on with more good news of things you may not do; tamper with the contents of a package of alcohol beverage as originally marketed by a manufacturer; refill or partly refill with any substance the

contents of an original package of alcohol beverage as originally marketed by a manufacturer.

Utah rules and Federal regulations say that liquor must be dispensed from its original container or through a dispensing system where there is no re-use, refilling, or the addition of any substance whatsoever to alter the original contents contained in the liquor bottle.

To review:

- Liquor has to be dispensed from its original container and nothing can be put in to alter the contents.

- Mixing up a batch of infused liquor and dispensing from a crock, container, or carafe is not allowed either because dispensing has to be from the original container (bottle).

However, liquor manufacturers have responded to the demands of the marketplace for infused liquors by producing "pre-infused" or flavored liquors. Many of these products are available in the DABC liquor stores.♦





THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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