The purpose of a holiday newsletter is to keep licensee’s updated on the events in the state of Utah. The holidays are a good time to reflect on what we hope was a successful and safe year for you and your employees. We enjoy seeing your success and appreciate the opportunity to serve you in your alcohol related compliance questions. We enjoy having done our jobs in helping you to do yours… however it is our policy as an agency to not accept ANY gifts, even from those we serve. We want always to appear to be the professionals the public expects us to be.

Wishing you much success with your business endeavors, The D.A.B.C.

Happy holidays from our D.A.B.C. family to yours!

Questions & Answers on the subject of scanners

Do I need to use my scanner every day or just during the busy times? The answer is every day. Social clubs must electronically verify the identification of anyone who appears 35 years of age or younger to enter the club. Dining clubs 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 cannot 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.

Sale of Liquor "to go"

A patron may not leave the premise with an open container of an alcoholic beverage. However, a licensee may sell 3.2% beer to go in a container(s) that does not exceed two liters (must be in connection with an order of food consumed on the premise of a restaurant). Unconsumed wine that has been re-corked after a meal may also be taken from the premise.

Unopened wine and/or heavy beer may not be sold "to go" from any on-premise license.
**Drink Specials?**

32B-6-305 [Pricing of alcoholic product -- Other charge] has not changed. While a lawsuit agreement clarified that menu prices may change daily, rules related to specials and discounting are still in place.

The clarification provides licensees may change their prices daily provided that they are reflected on a printed menu. The prices or menus may not be advertised in a way that violates the statute.

*A retail licensee may not sell an alcoholic product:*
- at a discount price on any date or at any time.
- at less than the cost of the alcoholic product to the retail licensee.
- at a special or reduced price that encourages over consumption or intoxication.
- at a special or reduced price for only certain hours of the retail licensee's business day, such as a “happy hour.”
- for the price of a single alcoholic product when more than one product is furnished (no “two for one” specials)
- at an indefinite or unlimited number during a set period for a fixed price.

**A retail licensee may not engage in a promotion involving or offering a free alcoholic product to the general public.**

What is a printed menu? “Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and the list is readily available to the patron.” R81-5-11(2). The menu change may provide information regarding the availability and price of a product, but cannot contain a statement that is misleading or advertise an unlawful discounting practice. R81-1-17(6)

For example: a weekly menu cannot be handed to a patron which shows a draft beer for $2 on Tuesdays and $3 all other days. An insert menu cannot be provided stating two drafts when the regular menu (also viewable by patron) shows a price of $3. The daily price changes are a change in regular price and therefore, should be printed if the price changes, even if each day has a different menu.

**Speaking of Specials, A reminder about party Packages…**

As a reminder, those who want to drink alcohol on New Year’s Eve will most likely do so without any extra encouragement. We advise licensees who want to promote a “value added” New Year’s Eve package (or any holiday package) not to emphasize the drinking part, but to promote the value in the food and entertainment (or in any lodging deal if it applies).

Licensees who are planning party packages for the holidays may not include, pre-sell, or give away alcoholic beverages as part of a package, because: The club and restaurant laws specifically require liquor, wine, and heavy beer to be listed on a separate price list and sold by the glass or bottle.

The advertising rules prohibit promotions that encourage over-consumption or promote increased consumption. Promotions are not allowed that require the purchase or consumption of alcoholic beverages in order to participate.

Licensees may not engage in a promotion that offers free alcoholic beverages to patrons. Remember: A “midnight toast,” a bottle of champagne, or any other alcoholic beverages may not be included in the price of a New Year’s Eve Package.

- Alcoholic beverages may not be pre-sold.
- Alcoholic beverages must be priced and charged for separately.
- A printed price list must be made available for patrons.
- All servers are required to be trained to keep track of the number of drinks served to a patron and not to over-serve a patron.

So our advice is to promote the food, festivities, favors, and fun. Be wise, do your best to keep your patrons safe, don’t over-serve, and have a happy New Year!