



D.A.B.C. Holiday Newsletter

STATE OF UTAH

The Licensing Newsletter is published twice a year by the State of Utah, Department of Alcoholic Beverage Control, P.O. Box 30408, Salt Lake City Utah, 84130-0408. Telephone: 801-977-6800, Fax: 801-977-6888, e-mail: hotline@utah.gov Website: www.abc.utah.gov

Governor: **Gary R. Herbert**,
Director: **Sal Petilos**

We are seeking representatives from each license type for the new **Alcohol Beverage Control Advisory Board**. Please see 32B-2-210 for qualifications and requirements. If you are interested in being a member of the board, please contact Vickie at [801-977-6801](tel:801-977-6801) or vickieashby@utah.gov.

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.



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Skiing in Utah, Thanksgiving Day!

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

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.*

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.

We Want to Help!

Whenever you or members of your service staff have questions about Utah Liquor Laws, remember that we at the D.A.B.C. are your experts! Please call or E-mail if you would like clarification on any alcohol related question.

And we do offer **FREE** training for your staff by your specific license type...

*WARNING!

We have seen an increase in these types of violations...

A restaurant licensee may not sell, offer for sale, or furnish an alcoholic product **except in connection with an order for food** prepared, sold, and furnished at the licensed premises.

The law **does not allow for an alcoholic drink to be served while a patron reviews the menu.** To avoid a violation of service without an order of food, the licensee should at the very least establish that the patron is dining at the restaurant, but **best practice would be to require that the food order be placed prior to service of the alcoholic beverage.**

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.*

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.

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 \$2 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.

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!

