

# **LICENSEE HANDBOOK**

## **OFF-PREMISE BEER RETAILER**



**UTAH DEPARTMENT OF  
ALCOHOLIC BEVERAGE CONTROL**

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# TO ALL LICENSEES

As a licensee of the Utah Department of Alcoholic Beverage Control, you are required to be aware of the responsibilities, procedures, and potential liabilities regarding the sale of alcoholic beverages.

This handbook has been prepared to help you with the lawful handling of alcoholic beverages. Please review this information and keep the handbook available for reference. Previously issued handbooks should be discarded.

Our website, ([www.abc.utah.gov](http://www.abc.utah.gov)) has information about the liquor laws and rules (with direct links to the complete code and administrative rules), stores and agencies, products and prices, server training, and other interesting links. The website is regularly updated. Please review the website for information and services as they are developed.

It is our desire to be of service and assistance. If you have questions after consulting the handbook, please call (801) 977-6800, write or e-mail ([hotline@utah.gov](mailto:hotline@utah.gov)) the compliance division of this department.

# OFF-PREMISES BEER RETAILER LICENSE



**Allows businesses engaged in the storage and retail sales of beer to go and where no consumption of beer is allowed on the store premises**

Off-Premises beer retailer licenses run from March 1<sup>st</sup> to the last day of February. There is no quota and the Commission may issue licenses at places and in numbers that it considers proper. The renewal fee is \$175. License fees are not prorated, so full fees will be due even if a new license was issued at any time during the previous year.

*Be prepared to renew DABC licenses beginning January 1<sup>st</sup> through January 31<sup>st</sup> annually.*

## LICENSING

Both a local and a DABC license are now required for an off-premises beer retailer to sell beer to go from a retail store.

Previously, off-premises beer retailers only needed local licensing to sell beer to go from their retail stores.

However, that changed during 2018 legislative session when the new "Off-Premise Beer Retailer Act" was signed into law beginning July 1, 2018.



However, local authorities may still:

- Regulate the retail sale of beer - subject to state law
- Tax or prohibit the retail sale of beer
- Issue, suspend and revoke a local license
- Establish proximity requirements in relation to any community location



Minors may never be issued a local or state license to sell retail beer to go.

## TRAINING

Training IS REQUIRED to obtain and maintain a DABC license

- Retail managers and all employees must complete an alcohol training and education seminar (E.A.S.Y.) training within 30 days of the date of hire.



### ALSO

- Any managers or owners who manage operations at the premises of the retail store must also obtain a DABC Manager Training certification from the DABC in addition to the E.A.S.Y training.
- Manager training must also be completed within 30 days of hire or upon application for a license.

For more information about signing up for classes or printing a certificate visit our website at [abc.utah.gov](http://abc.utah.gov) and click the link for training.

## REMEMBER

Manager training must be completed before a DABC license will be issued.

<b>OPENING HOURS</b>	
<b>MONDAY</b>	<b>9.00 - 5.30</b>
<b>TUESDAY</b>	<b>9.00 - 5.30</b>
<b>WEDNESDAY</b>	<b>9.00 - 5.30</b>
<b>THURSDAY</b>	<b>9.00 - 5.30</b>
<b>FRIDAY</b>	<b>9.00 - 5.30</b>
<b>SATURDAY</b>	<b>9.00 - 12.00</b>
<b>SUNDAY</b>	<b>CLOSED</b>

## **DAYS AND HOURS OF BEER SALES**

Beer sales hours and days are determined by local authority. Contact them for this important information for your store hours.

## **DON'T CHANGE OWNERSHIP WITHOUT NOTIFYING DABC**

The commission may suspend or revoke a license if the retailer does not immediately notify the department of a change in ownership of the licensee's business.



## **MINORS**

- Minors may not be issued a retail off-premise license to sell beer.
- Minor cashiers must be at least 16 years old to sell beer, be under the supervision of a trained employee who is at least 21 years of age and present in the store with them.
- A minor cashier must have a current E.A.S.Y training certification.
- Minors under 21 who are NOT CASHIERS cannot handle alcoholic containers.

## **WHERE DO I BUY MY WHOLESALE BEER?**

An off-premises beer retailer may only purchase, acquire or possess beer for resale from a beer wholesaler licensee or a small brewer that manufactures beer. Go to the DABC website to find your [beer distributors](#):

- Beer retailers may only sell beer which is 5% alcohol by volume (ABV) or less. Higher point beer sold in liquor stores is not allowed in off-premises beer retailer stores.
- An off-premises beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two-liters.



## BEER RETAILER EMPLOYEES

Staff of an off-premises beer retailer while on duty may not:

- Consume an alcoholic product
- Be intoxicated

An off-premises beer retailer may not sell, offer for sale, or furnish an alcoholic product to a:

- Minor
- Person actually, apparently, or obviously intoxicated
- Known interdicted person
- Known habitual drunkard



## NOR CAN YOU:

- Deliver alcohol off the licensed premise - this includes delivery to vehicles in a parking lot unless the customer enters the store first to make the transaction. However, a beer retailer may sell beer through a drive through window.
- Allow alcohol in the self-checkout - unless your system requires an associate to check all IDs at the self-checkout registers.
- Allow promotions where the customer must purchase alcohol to participate.

## ONLY TWO BEER DISPLAYS ARE ALLOWED ON THE PREMISES

A beer retailer may have no more than two locations which are visible and accessible to patrons on the retail sales premises. These may include:



- Display cabinets
- Coolers
- Aisles
- Floor displays
- Rooms, such as beer caves, where beer is the only beverage displayed

**The Display may not be:**

- Adjacent to a display of non-alcoholic beverages, unless the location is a cooler with a door from which the non-alcoholic beverages are not accessible, or
- The beer is separated from the display of non-alcoholic beverages by a display of one or more non-beverage products or another physical divider.

## REQUIRED SIGNAGE

Signs must be prominently posted in all areas where beer is sold saying "These beverages contain alcohol. Please read the label carefully". The size of the sign and print must be sufficiently large so as to be readable and clearly and unambiguously convey to a consumer that the beverage product displayed contains alcohol. The signs must be:

- Easily readable by the consumer
- In print that is no smaller than .5 inches
- Printed in **BOLD** type
- The print on the sign must be clearly readable and on a solid contrasting background
- The sign has to be at least 8.5 inches x 3.5 inches
- Additional signs may be necessary depending on the size and type of display area. For example, an entire aisle devoted to beer products may require more than one sign to adequately inform the consumer.

At least 8.5 inches x 3.5 inches

**These beverages contain alcohol.  
Please read the label carefully.**

Font no smaller than .5 inches & bold type

Signs are often handed out by the beer distributors, but you can certainly make your own or have them made as long as they comply with the requirements listed above. You may also print them from our website or sample signs are found at the end of this handbook.

## IDENTIFICATION BADGE

Staff of an off-premises beer retailer who directly supervises the sale of beer or who sells beer to a patron shall wear a unique identification badge:



- On the front of the staff's clothing, visible above the waist
- First or last name, initials or unique identification in letters or numbers
- Badge must be sufficiently large enough to be clearly visible
- Must have a record of each current staff's identification badge that includes staff's full name, address and driver license number or similar identification number

The records need to be maintained and made available upon request for immediate inspection.

## PENALTIES FOR BAD BEER SALES

PLEASE! Do not ever sell beer to:

+ MINORS or

+ INTOXICATED PEOPLE



For any violations related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated person or a sale to a minor, just know that it is inherently always a really bad idea.

Besides being a bad idea, criminal and civil penalties will be imposed on the individual(s) and civil penalties on the licensee where the beer was sold. Penalties for the licensee may include fines and/or a suspension of the license, even for a first violation.

The individual(s) who sell alcohol in violation to code may be cited criminally with either a class B or a class A misdemeanor. What is the difference? A person is guilty of a class B misdemeanor if they negligently or recklessly sell alcohol, such as not thoroughly checking the I.D. or just not paying attention as one should. Class A misdemeanor violations occur if the sales person **KNOWS** the recipient of the alcoholic product is a minor, or is intoxicated, and sells to them anyway.

### If there is a second violation

If a retail licensee has a violation related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated person or a sale to a minor for the second time within 36 consecutive months, the violator AND ALL retail staff and each manager shall complete a violation training from the DABC. The cost is \$25 per person.

**SECOND VIOLATION** of a sale to a minor or to an intoxicated person within 3 years?

**EVERYBODY AT THE STORE** has to take a violation training class at DABC – not just the one who made the error.

### Third or subsequent violations

At some point in this progressive downward spiral, disciplinary actions against individuals and the licensee could result in longer suspensions of the DABC license or even a revocation of the license, and subsequently, the loss of jobs for many individuals.



Training your employees to watch for minors attempting to buy beer, and knowing the signs of intoxication are a far better prescription than paying for the mistakes later.

# ACCEPTABLE FORMS OF IDENTIFICATION

## For Purchase of Alcohol in Utah

1. AUTHORIZED IDENTIFICATION CARD - from Utah, another US state or Territory – but NOT Another Country.

An identification card is an authorized Identification Card *issued by the Driver License Division* or in accordance with the laws of another state. It must:

- a. Include the date of birth and
- b. has a picture affixed



Minor Identification



2. VALID DRIVER LICENSE – Issued by any State in the United States that:

- a. includes a date of birth
- b. has a picture affixed and
- c. is issued under by the Driver License Division or in accordance with the laws of the state in which it is issued.

3. VALID UNITED STATES MILITARY IDENTIFICATION CARD

- a. includes date of birth; and
- b. has a picture affixed



4. VALID PASSPORT

Note that there is no other acceptable identification for those outside of the United States except for the valid passport. (US Citizens may use the US passport card).



## ID NOT VALID for Proof of Age

- Driver Privilege Card issued is NOT valid for proof of age
- Concealed Carry Permit
- Euro Card or Driver License from outside of the United States
- Green Card, Consular Card, Non U.S. Passport Card, or any identification card that does not fit the statute specifically.



**ONE LAST THING** - Another key word in the proof of age laws is the word **VALID** and no identification is acceptable that is expired, or unlawfully gained or in any other way questionable.

**These Beverages Contain Alcohol**  
**Please Read the Label Carefully**

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