

LICENSEE HANDBOOK
ON-PREMISES BEER RETAILER LICENSE



UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

P.O. Box 30408
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Telephone: 801-977-6800 Fax: 801-977-6889
Website: www.abc.utah.gov

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 and service 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. This version of the handbook is issued in September 2020. Previously issued handbooks should be discarded as they may contain outdated information.

Our website (www.abc.utah.gov) has information about the liquor laws and rules with direct links to the complete code and administrative rules, as well as information about 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 responsibility and desire to be of service and assistance. If you have questions after consulting the handbook, please call 977-6800, write or e-mail (dabccompliance@utah.gov) the compliance division of this department.

BEER RECREATIONAL AMENITY LICENSE



Allows the storage, sale, service, and consumption of beer in establishments that are tied to a recreational amenity that directly adjoins the licensed premises.

Beer recreational licenses run from March 1st 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 \$350. 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 licenses beginning January 1st through January 31st annually.

A "RECREATIONAL AMENITY" is a commission approved activity or one of the following:



- A billiard parlor
- A pool parlor
- A bowling facility
- A golf course
- Miniature golf
- A golf driving range
- A tennis club
- A sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 6,500
- Concert venue that has a seating capacity equal to or greater than 6,500
- One of the following if owned by a government agency:
 - a. a convention center
 - b. a fair facility
 - c. an equestrian park
 - d. a theater
 - e. concert venue
- An amusement park with one or more permanent amusement rides located on at least 50 acres
- A ski resort
- A venue for live entertainment if the venue:
 - a. is not regularly open for more than five hours on any day
 - b. is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue
 - c. is operated so that no more than 15% of its total annual receipts are from the sale of beer;
- Concessions operated within the boundary of a state or National Park
- A venue for Karaoke



A recreational amenity license does not allow the use of a dangerous weapon . . .
 Except for those recreational venues that were licensed before May 12, 2020



SHARING SPACE

WITH RESTAURANTS, BANQUETS, HOSPITALITY AMENITIES & RECEPTION CENTERS

If a business holds more than one type of license, a beer recreational CAN be held on the same licensed premises of a restaurant, banquet, hospitality amenity, and a reception center as long as they are NOT operating at the same time. All requirements for each license type must be satisfied.

It is also required that a sign be posted in a conspicuous location at the entrance stating what type of license is currently operating in that space. The sign must measure at least 8 ½ by 11 inches.

**This premises is
currently operating
as a Restaurant**

**This premises is
currently operating
as a Beer Recreational**

DISPLAY OTHER SIGNS

A beer recreational licensee must display:

A Warning Sign - The template may be downloaded from our website at abc.utah.gov.

The warning sign contains two messages, each of which must be in a different font. It may be used as-is or custom made, but the size of the sign and the size of the fonts may not be any smaller than the template. The color of the print does not have to be red, and the sign does not have to be white, but it has to be easily readable and *posted in a prominent place* on the banquet premises.



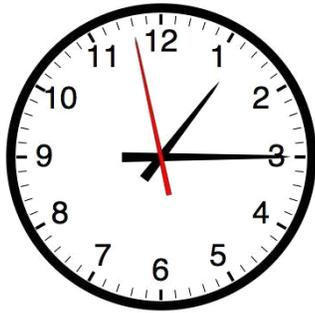
DABC and local licenses also need to be posted in a prominent place.



LOCAL CITY LICENSE

SOMEWHERE REC LLC
1234 SOMEWHERE STREET
SOMEWHERE CITY, UT 84000

SALES AND CONSUMPTION HOURS



Beer may be sold from 10 a.m. until 1 a.m. No consumption of beer is allowed on the premises after 2 a.m. and before 10:00 a.m. An open container of beer may not be removed from the premises. Liquor, wine, and heavy beer must never be on the premises of a beer recreational license.

Beer may be sold and served in open containers in any size not exceeding two liters and on draft. Beer may be sold to an individual patron only in a container that does not exceed one liter. Beer may be sold by the pitcher (larger than one liter and up to two liters) to two or more patrons. Beer sold in sealed containers may be removed from the beer retailer's premises.

BEER STORAGE

Beer doesn't need to be locked up after consumption hours, however, it is highly recommended.

RECORDKEEPING

Each sublicense is required to keep current, detailed quarterly records for expenses and sales of alcohol and food. The Hotel License is required to ***maintain at least 70% of its total business from the sale of food***, which does not include:

Licensees who drop lower than 70% of food sales for any quarterly period may be put on probationary status, during which time they will be closely monitored by their compliance officer for food sales during the next quarterly period. Failure of the licensee to provide satisfactory proof of the required food percentage may have their license revoked by the DABC Commission. Licensees who are substantially lower than 70%, or who have repeatedly been on a probationary status in the past, however, may be required to immediately come before the Commission and show why they should keep their license.

CAREFUL! Beer recreational Licensees whose food sales drop lower than 70% may have their license **REVOKED**. Sales from the recreational amenity may be used in the calculation. All records must be kept for a minimum of three years.



PURCHASING BEER

Beer must be purchased from beer distributors. Licensees must call and set up an account with the appropriate distributor for their area. Go to our website at abc.utah.gov for a list of distributors. Beer may also be purchased from any licensed Utah small brewer that manufactures beer.

Licensees may not purchase beer from any other retail outlet (i.e. grocery or convenience stores, etc.) for resale at the licensed establishment.



EMPLOYEES

Any employee who sells, serves, dispenses, or handles beer must be twenty-one years of age or older.



- Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer and must be worn above the waist.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.

TRAINING

SERVER TRAINING:

The Utah Division of Substance Abuse and Mental Health Server training is required for all owners, managers, supervisors, and employees who serve (or manage those who serve) alcohol. They must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment. Go to our website at abc.utah.gov for state-approved training programs.

DABC MANAGER TRAINING:

EVERY MANAGER must complete the DABC "Manager Training Program" as a condition of obtaining their DABC license. Any new manager must take the training within 30 days of hire.

- A manager includes owners and employees that act in a supervisory or managerial capacity over the furnishing of an alcoholic product or the employees who serve alcoholic products.
- Training will be conducted by the DABC and the fee is \$25 per manager.

Employees can be FINED for violations.

The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.



Please be careful off-duty owners or employees who have been drinking must not step back in and perform any on-duty type functions.

MINOR EMPLOYEES

- Minors may be employed, but **may not handle, take the order for, dispense, or serve alcoholic beverages.**
- Minors who are at least 16 years of age may ring up the sale of alcoholic beverages at a cash register or other point of sale system. But remember, they cannot take the order, check the I.D.'s, or serve or handle the beer.

NO BROWN BAGGING

Patrons may not bring in their own alcoholic beverages onto the premises of a beer recreational license. For example, bringing your own coolers of beer to a golf course or concert venue would not be legal. Nor could you bring any alcoholic beverage with you. Beer must be purchased from the licensed venue.

DISCOUNTING PRACTICES PROHIBITED

Alcoholic beverages may not be sold at a discount at any time.

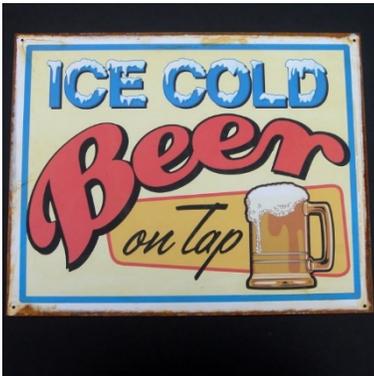
Other discounting practices are prohibited that encourage over-consumption of alcohol such as happy hours, two for ones, all you can drink for a set price, free alcohol, or selling at less than cost. Furthermore, six-packs can't be sold for less than six individual cans of beer. That practice would also be considered discounting.

A licensee or employee may not purchase an alcoholic beverage for a patron—nor “comp” alcoholic beverages for patrons for any reason.



ADVERTISING

An alcoholic beverage menu with prices is required. The menu may be listed on the food menu or a separate alcoholic beverage menu and may be located on the patron's table or readily available.



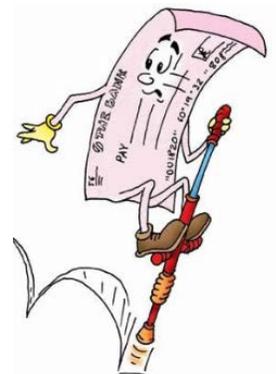
Signs advertising the availability of alcoholic beverages may be displayed both inside and outside the recreational amenity

Advertising in newspapers, magazines, phone book yellow pages, other print media, and on radio, television, and billboards may reference the availability of alcoholic beverages.

Alcohol advertising by the restaurant must comply with legal requirements. Alcoholic beverages may be displayed in areas visible to patrons.

BAD CHECKS

The DABC may immediately suspend the license if it receives a bad check as payment for liquor, licensing or bond fees, fines and costs for violations, etc. A fee will also be assessed for bad checks and the licensee will be required to pay the full amount plus the fee.



PROHIBITED CONDUCT

- **LEWD ACTS**, attire, and sexually-oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.
- **GAMBLING** – *NO "paying" to "play a game of chance" to "win money or a prize."*
Licensees may not engage in or permit any form of gambling on its premises including contests or gaming schemes that require risking something of value for a chance of a return - including raffles, bingo, poker, etc.
- **ILLEGAL DRUGS** or drug paraphernalia - A retail licensee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance; or use, deliver, or possess with the intent to deliver drug paraphernalia

