

Alcohol Beverage Menus *WITH PRICES* Required

The Alcoholic Beverage Control Act and accompanying rules require alcohol beverage menu *with prices* for all retail licensees. Not only are consumers entitled to know what the prices for an alcohol beverage are, a menu with prices is also necessary for DABC and law enforcement to ensure the licensee is in compliance with the following laws:

32B-5-305 - Pricing of alcoholic product.

A retail Licensee may:

- sell, offer for sale, or furnish liquor only at a price fixed by the commission.
- not sell an alcoholic product at a discount price on any date or at any time.
- not sell, offer for sale, or furnish an alcoholic product at less than the cost of the alcoholic product to the retail licensee.
- may not sell, offer for sale, or furnish an alcoholic product at a special or reduced price that encourages overconsumption or intoxication.
- may not sell, offer for sale, or furnish an alcoholic product at a special or reduced price for only certain hours of the retail licensee's business day, such as a "happy hour."
- may not sell, offer for sale, or furnish more than one alcoholic product for the price of a single alcoholic product.
- may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price.
- may not engage in a promotion involving or offering a free alcoholic product to the general public.



In addition, full restaurants who must use a metered dispensing system (32b-6-205) (2) and other license types who are required to use a dispensing system (R82-1-102) are required to **display in a prominent place** on the premises a list of the types and brand names of liquor being furnished through the licensee's calibrated metered dispensing system. The rule says **this requirement may be satisfied either by printing the list on an alcoholic beverage menu or by wall posting or both.**

We have, at DABC considered that if the liquor list is displayed on the regular restaurant menu it is obviously "being displayed in a prominent place" as most customers will be looking at the menu. However, having only a list "readily available" somewhere would not accomplish what that law requires as being "posted in a prominent place". Staff at DABC have often recommended the entire alcohol menu, including prices be posted on the main menu for that reason. If not in the main menu, however, posting the "liquor dispensed" will have to be posted prominently where *customers can actually see and read it.*

Bars and other retail license types are also specifically required by statute (as well as rule) to have menus with prices:

32B-6-406 (8) A bar establishment licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the bar establishment licensee including:

- (a) a set-up charge;
- (b) a service charge; or
- (c) a chilling fee.

HERE ARE THE RULES GOVERNING PRICE LISTS:

R82-5-108 Menus; Price Lists:

Contents of Alcoholic Beverage Menu:

- Each licensee shall have *readily available* for its patrons a printed alcoholic beverage price list, or menu containing current prices of all liquor, mixed drinks, wine, beer, and heavy beer. This list shall include any charges for the service of packaged wines or heavy beer.
- Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and it meets the requirements of this rule.
- Customers shall be notified of the price charged for any packaged wine or heavy beer and any service charges for the supply of glasses, chilling, or wine service.
- A licensee or his employee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the licensed premises.

The following situations are NOT considered as having a menu readily available:

1. A menu with no prices



2. An alcohol beverage menu no server can find when asked for one



3. Menus only in the server's computer. (Electronic menus for customers at the table are fine).



4. A Corporate book with many prices and liquors that are NOT EVEN AVAILABLE IN UTAH or in which the customer would not be able to understand the myriad of prices and menu items.

5. Posted prices that are too obscurely placed or too small to read!

