

BOTTLE SERVICE – PROHIBITIONS

WHAT IS BOTTLE SERVICE?

Once upon a time, DABC found that some retail licensees (usually bars) were advertising and engaging in a practice known as V.I. P. "table service" or "bottle service" offering very important people (or even just regular people who didn't mind paying more) for what was advertised as first class service or at least a cool personal experience.



It might have been a cool experience, however, what bottle service really did was unlawfully allow either the patron or the server to break the law. Servers would leave the whole liquor bottle at the patron's table. Most of the time the liquor had been pre-paid by the customer, and often included the bottle and the V.I.P services bundled together. They purchased the bundled deal from advertisements, usually found on websites or social media. Sometimes

the bar would lock the bottle in an interesting "bird cage" so that only the server could dispense the liquor. This was an attempt to be compliant with Utah liquor laws but it never *really worked* within the law.

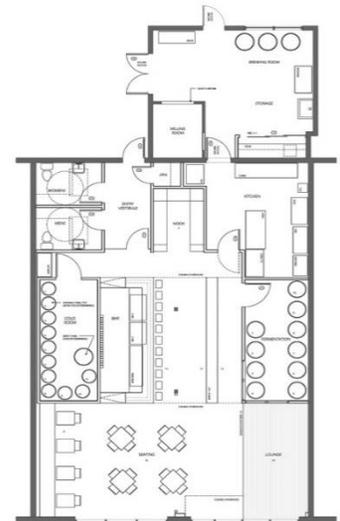
Here's why a number of things went wrong from a legal standpoint – violation of express language laws (32B-1-104), storage and dispensing location requirements (32B-5-301(9)(b)(ii), (32B-5-201(h), (32B-5-303), portion limitations (32B-5-304, 32B-4-422), allowing over-service (32B-1-102 (107)(a), 32B-4-404, 32B-5-306), unlawful advertising schemes (32B-4-708) and more:

WHAT DOES THE APPROVED FLOOR PLAN SAY?

When an applicant applies for a DABC retail license, they are required to submit a floor plan which indicates the location of any bar structure and any other areas where alcohol will be stored. Bar structures are the only place that allows dispensing of liquor. **DABC will not approve a patron's table to be a bar structure and unapproved bar structures are prohibited.**

You May Change or Add Bar Structures:

The DABC will approve changes to a bar structure if a licensee decides to remodel or relocate its bar, or add additional bar structure(s). But they must be **permanent, lockable, and not available to anyone but properly trained staff.** Your compliance officer must approve the new floorplan.



A patron's table cannot be used as a bar structure

AND THEN THERE ARE THESE THINGS:

1. Bottle Service (of liquor) is not expressly permitted by law

Title 32B does not provide an avenue by which bottle service may occur:

- a. DABC is required to follow the "express language" of the title.
- b. Unlike wine service, which is expressly authorized in Section 32B-5-304, there is no statutory authority for the service of spirits directly at a patron's table.
- c. A dispensing system is prohibited at a patrons table

IF THERE NOTHING IN THE LAW THAT EXPRESSLY SAYS YOU CAN, YOU CAN'T

2. Pre-paid liquor is unlawful and must be paid for separately at the time of service

- a. All beverages must be separately priced and on the menu
- b. All sales of alcohol must be conducted on the DABC licensed premises

3. Alcohol can't be bundled with the V.I.P. Service.

- a. Must not purchase liquor offerings in a bundled deal.
- b. Can't do unlawful promotional schemes that promote consumption

4. Only 1.5 ounces of liquor is allowed at a time and must be metered through an approved dispensing system

5. Over-service of alcohol - YOU MUST NOT ALLOW SOMEONE TO GET DRUNK!

... A whole bottle of liquor will accomplish that



- 6. ONLY TRAINED STAFF OF THE LICENSEE MAY BE DISPENSING alcohol or handling alcohol from storage ... except for those wine exceptions mentioned earlier.**

**BOTTOM LINE
You can still deliver great V.I.P. service, just not with BOTTLE SERVICE**