

ON-PREMISE BEER – EMPLOYEE

THIS IS A PARTIAL LIST OF CONDITIONS AND REQUIREMENTS. FOR A COMPLETE LIST SEE TITLE 32A ALCOHOLIC BEVERAGE CONTROL ACT AND R81 ALCOHOLIC BEVERAGE CONTROL, ADMINISTRATION

32A-10-206. Operational restrictions.

Each person granted an on-premise beer retailer license and the employees and management personnel of the on-premise beer retailer licensee shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

(1) (a) Subject to Subsection (1)(b), a beer retailer licensee may sell beer for on-premise consumption:

- (i) in an open container; and
- (ii) on draft.

(b) Beer sold pursuant to Subsection (1)(a) shall be in a size of container that does not exceed two liters, except that beer may not be sold to an individual patron in a size of container that exceeds one liter.

(2) Liquor may not be stored or sold on the premises of any on-premise beer retailer licensee.

(3) A patron of the on-premise beer retailer may only make purchases from and be served by a person employed, designated, and trained by the licensee to sell and serve beer.

(4) (a) Beer may not be sold, offered for sale, served, or otherwise furnished at any on-premise beer retailer establishment after 1 a.m. and before 10 a.m.

(b) Beer may not be sold, served, or otherwise furnished to any:

- (i) minor;
- (ii) person actually, apparently, or obviously intoxicated;
- (iii) known habitual drunkard; or
- (iv) known interdicted person.

(5) (a) Beer may not be sold at less than the cost of the beer to the licensee.

(b) Beer may not be sold at a special or reduced price that encourages over consumption or intoxication.

(c) Beer may not be sold at a special or reduced price for only certain hours of the beer retailer's business day such as a "happy hour."

(d) The sale or service of more than one alcoholic beverage for the price of a single alcoholic beverage is prohibited.

(e) The sale or service of an indefinite or unlimited number of alcoholic beverages during any set period for a fixed price is prohibited.

(f) An on-premise beer licensee may not engage in a public promotion involving or offering free alcoholic beverages to the general public.

(6) Beer sold in sealed containers by the on-premise beer retailer licensee may be removed from the on-premise beer retailer premises.

(7) (a) A person may not bring onto the premises of an on-premise beer retailer licensee any alcoholic beverage for on-premise consumption.

(8) An on-premise beer retailer licensee and its employees may not permit a patron to carry from the premises an open container that:

- (a) is used primarily for drinking purposes; and
- (b) contains any alcoholic beverage.

(9) (a) Except as provided in Subsection (9)(b), a minor may not be:

(i) employed by or be on the premises of an on-premise beer retailer licensee to sell, dispense, or otherwise furnish beer; or

(ii) on the premises of any tavern.

(b) Notwithstanding Subsection (9)(a), a minor may be employed to enter the sale at a cash register or other sales recording device on the premises of an on-premise beer retailer that is not a tavern.

(10) An employee of a licensee, while on duty, may not:

(a) consume an alcoholic beverage; or

(b) be intoxicated.

(11) Each on-premise beer retailer licensee shall display in a prominent place in the on-premise beer retailer licensee:

(a) the on-premise beer retailer license that is issued by the department; and

(b) a sign in large letters stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah." (15) An on-premise beer retailer licensee may not engage in or permit any form of gambling, or have any video gaming device, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling, on the premises of the on-premise beer retailer licensee.

(16) (a) Each on-premise beer retailer licensee shall maintain accounting and other records and documents as the department may require.

(b) Any on-premise beer retailer licensee or person acting for the on-premise beer retailer licensee, who knowingly forges, falsifies, alters, cancels, destroys, conceals, or removes the entries in any of the books of account or other documents of the on-premise beer retailer licensee required to be made, maintained, or preserved by this title or the rules of the commission for the purpose of deceiving the commission or the department, or any of their officials or employees, is subject to:

(i) the immediate suspension or revocation of the on-premise beer retailer license; and

(ii) possible criminal prosecution under Chapter 12, Criminal Offenses.

R81-4A-13. Identification Badge.

Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number.

ALL EMPLOYEES SHOULD READ AND UNDERSTAND THESE RESTRICTIONS AND RULES. IF AN EMPLOYEE DOES NOT UNDERSTAND ANY OF THESE RESTRICTIONS OR RULES, OR ANY OTHER LAWS, RESTRICTIONS, OR RULES THEY MUST DISCUSS THIS MISUNDERSTANDING WITH THEIR SUPERVISOR, MANAGER, OR THE OWNER OF THE OPERATION.

I HAVE READ AND UNDERSTAND THESE RESTRICTIONS AND RULES.

PRINT EMPLOYEE NAME

EMPLOYEE SIGNATURE

DATE
