

Confirming the Intent to Order Food

Restaurant Licensee

"Restaurant" is defined for us in the Alcoholic Beverage Control Act, 32B-1-102 (102) which says:



A restaurant means a business location:

- (a) at which a variety of foods are prepared;
- (b) at which complete meals are served; and
- (c) that is engaged primarily in serving meals.

The intent, of course, is that restaurants look and act as one whose primary business is serving meals. The laws made around this premise are intended to help keep a restaurant looking and acting as a restaurant and that patrons who wish to also drink alcoholic beverages are still primarily engaged in dining.

One of those laws requires a DABS restaurant licensee to only serve or sell alcoholic beverages *after the licensee confirms that the patron has the intent to order food* from the restaurant's own food menu. (See 32B-6-205, 305, & 905).

It is required that if the customer orders an alcoholic beverage, the server verbally inquires if they are also intending to order food. What verbiage is used is not as important as establishing that they are going to order food. Servers might simply ask "are you planning to dine with us tonight?" or anything that will establish the fact.



Remember:

- Every person must order food off the menu and dine if ordering an alcoholic beverage in a restaurant.
- Just because a patron is already perusing a food menu or a sign is posted in the restaurant, the server will still have to ask the question to establish intent. NEVER ASSUME.
- Alcohol may never be consumed in any other area of the restaurant except seated in the dining area or the dispensing area (the bar).
- If a patron says they "just want to have some drinks" the server needs to promptly explain the food requirement for alcohol service in their restaurant.
- Patrons may only be furnished one drink at the bar while they are waiting for a permanent table.
- The server must carry any unfinished drink from the bar to the patron's table.
- If a patron wants to order food to-go they may not order alcohol to-go and a patron cannot sit and drink while waiting for a to-go order.

It is entirely possible to be both an excellent host and still effectively steer the customer to the food menu, or help them find a suitable bar.