

REFERENCE GUIDE

OFF-PREMISE BEER RETAILER



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Website: www.abs.utah.gov

Effective Date February 2024

TO ALL LICENSEES

As a licensee of the Utah Department of Alcoholic Beverage Services, you are required to be aware of the responsibilities, procedures, and potential liabilities regarding the sale of alcoholic beverages.

This reference guide has been prepared to help you legally handle alcoholic beverages. Please learn the information and keep the guide available for later review. This version of the reference guide is issued in February 2024. Previously issued reference guides should be discarded as they may contain outdated information

Our website <https://abs.utah.gov/> has information about the alcohol laws and rules with direct links to the complete code and administrative rules and 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 reference guide, please call 801-977-6800, write or e-mail the DABS Licensing & Compliance Division at DABScompliance@utah.gov.

OFF-PREMISE BEER RETAILER LICENSE



Allows businesses engaged in the storage and retail sales of beer to go and where no consumption of beer is allowed on the store premises

Off-Premise beer retailer 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 \$175. 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 DABS licenses beginning January 1st through January 31st annually.

LICENSING

Both a local and a DABS license are now required for an off-Premise beer retailer to sell beer to go from a retail store.

Previously, off-Premise beer retailers only needed local licensing to sell beer to-go from their retail stores.

However, that changed during the 2018 legislative session when the new “Off-Premise Beer Retailer Act” was signed into law beginning July 1, 2018.



However, local authorities may still:

- Regulate the retail sale of beer - subject to state law
- Tax or prohibit the retail sale of beer
- Issue, suspend and revoke a local license
- Establish proximity requirements in relation to any community location



Minors may never be issued a local or state license to sell retail beer to go.

TRAINING

Training IS REQUIRED to obtain and maintain a DABS license.

- Retail managers and all employees must complete an alcohol training and education seminar (E.A.S.Y.) training before commencing employment.

ALSO:

- Any managers or owners who manage operations at the premises of the retail store must also obtain a DABS Manager Training certification from the DABS in addition to the E.A.S.Y training.

- Manager training must be completed within 30 days of hire or upon application for a license.



For more information about signing up for classes or printing a certificate visit our website at abs.utah.gov and click the link for training.

REMEMBER

Manager training must be completed before a DABS license will be issued.

OPENING HOURS	
MONDAY	9.00 - 5.30
TUESDAY	9.00 - 5.30
WEDNESDAY	9.00 - 5.30
THURSDAY	9.00 - 5.30
FRIDAY	9.00 - 5.30
SATURDAY	9.00 - 12.00
SUNDAY	CLOSED

DAYS AND HOURS OF BEER SALES

Beer sales hours and days are determined by the local authority. Contact them for this important information for your store hours.

DON'T CHANGE OWNERSHIP WITHOUT NOTIFYING DABS

The commission may suspend or revoke a license if the retailer does not immediately notify the department of a change in ownership of the licensee's business.



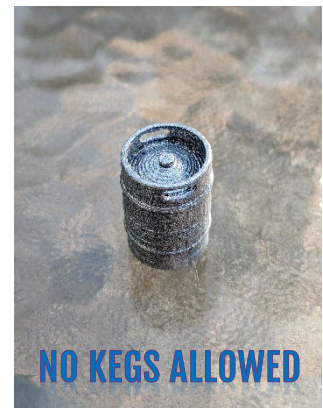
MINORS

- Minors may not be issued a retail off-premise license to sell beer.
- Minor cashiers must be at least 16 years old to sell beer, be under the supervision of a trained employee who is at least 21 years of age, and present in the store with them.
- A minor cashier must have a current E.A.S.Y training certification.
- Minors under 21 who are NOT CASHIERS cannot handle alcoholic containers.

WHERE DO I BUY MY WHOLESALE BEER?

An off-Premise beer retailer may only purchase, acquire or possess beer for resale from a beer wholesaler licensee or a small brewer that manufactures beer. Go to the DABS website to find your [beer distributors](#):

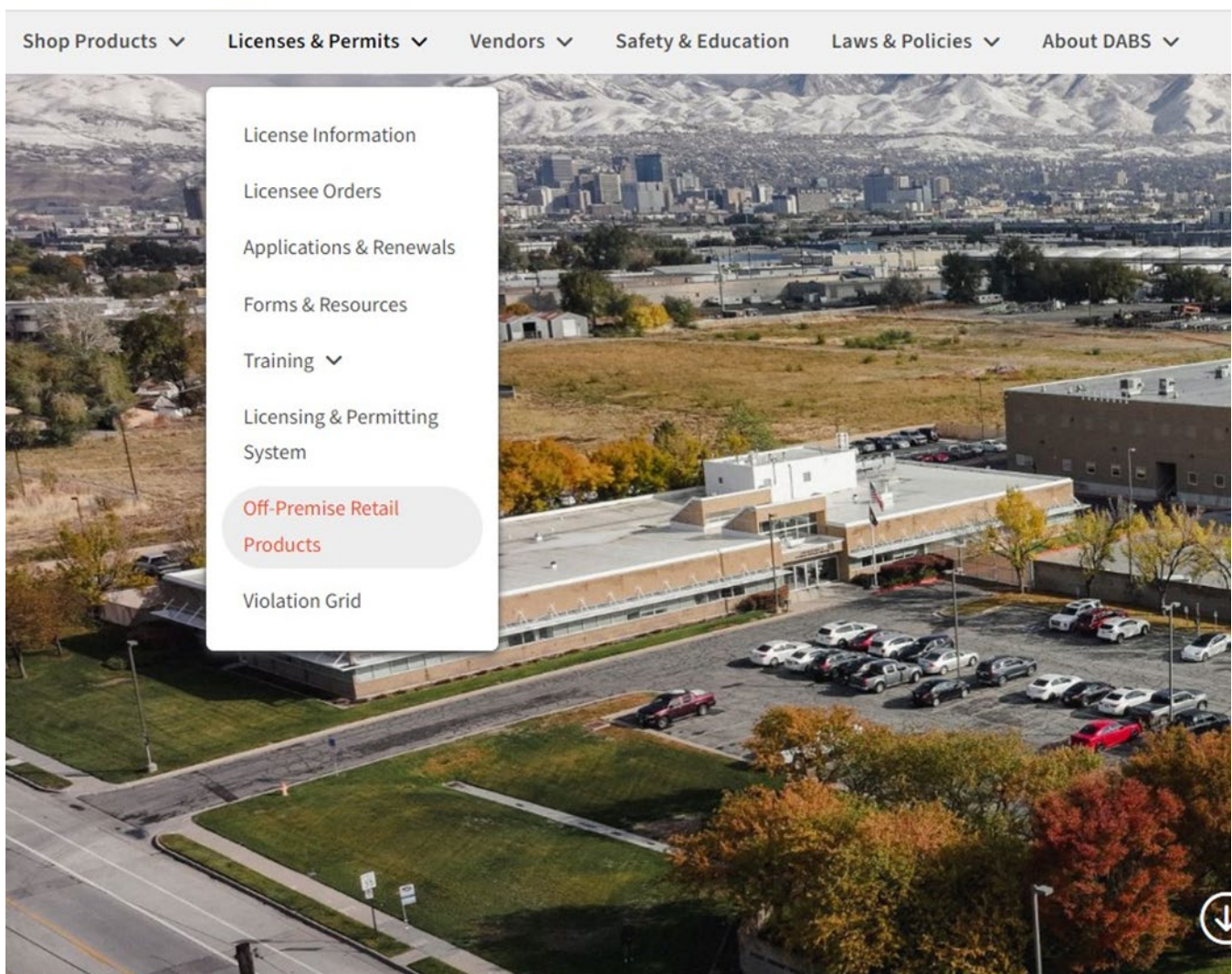
- Beer retailers may only sell beer that is 5% alcohol by volume (ABV) or less. Higher point beer sold in liquor stores is not allowed in off-Premise beer retailer stores.
- An off-Premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters.



APPROVED OFF-PREMISE ALCOHOL BEVERAGE PRODUCTS

Only DABS approved alcoholic beverages may be sold to go from convenience stores, grocery stores and other off-premises retail stores. The list of alcoholic products that have received approval for sale in off-premise licensed stores is available on the DABS website. (See link below).

New products that receive approval may be purchased from your local beer distributor or directly from licensed Utah small breweries. This list will be updated each Friday and all products sold off-premise must be on this list. Click on the link below to go to the website.



NOTE: Beginning March 1st, the DABS off-premise team will conduct alcohol product audits throughout the state to see if the beer on the shelves at off-premise licensees is on the approved list.

BEER RETAILER EMPLOYEES

The staff of an off-Premise beer retailer while on duty may not:

- Consume an alcoholic product
- Be intoxicated

An off-Premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to a:

- Minor
- Person actually, apparently, or obviously intoxicated
- Known interdicted person
- Known habitual drunkard



NOR CAN YOU:

- Deliver alcohol off the licensed premise - this includes delivery to vehicles in a parking lot unless the customer enters the store first to make the transaction. However, a beer retailer may sell beer through a drive-through window.
- Allow alcohol in the self-checkout - unless your system requires an associate to check all IDs at the self-checkout registers.
- Allow promotions where the customer must purchase alcohol to participate.

ONLY TWO BEER DISPLAYS ARE ALLOWED ON THE PREMISES

A beer retailer may have no more than two locations that are visible and accessible to patrons on the retail sales premises. These may include:



- Display cabinets
- Coolers
- Aisles
- Floor displays
- Rooms, such as beer caves, where beer is the only beverage displayed

The Display may not be:

- Adjacent to a display of non-alcoholic beverages, unless the location is a cooler with a door from which the non-alcoholic beverages are not accessible, or
- The beer is separated from the display of non-alcoholic beverages by a display of one or more non-beverage products or another physical divider.

REQUIRED SIGNAGE

Signs must be prominently posted in all areas where beer is sold saying “These beverages contain alcohol. Please read the label carefully”. The size of the sign and print must be sufficiently large so as to be readable and clearly and unambiguously convey to a consumer that the beverage product displayed contains alcohol. The signs must be:

- Easily readable by the consumer
- In print that is no smaller than .5 inches
- Printed in **BOLD** type
- The print on the sign must be clearly readable and on a solid contrasting background
- The sign has to be at least 8.5 inches x 3.5 inches
- Additional signs may be necessary depending on the size and type of display area. For example, an entire aisle devoted to beer products may require more than one sign to adequately inform the consumer.

At least 8.5 inches x 3.5 inches

**These beverages contain alcohol.
Please read the label carefully.**

Font no smaller than .5 inches & bold type

Signs are often handed out by the beer distributors, but you can certainly make your own or have them made as long as they comply with the requirements listed above. You may also print them from our website or sample signs are found at the end of this handbook.

IDENTIFICATION BADGE

Staff of an off-Premise beer retailer who directly supervises the sale of beer or who sells beer to a patron shall wear a unique identification badge:



- On the front of the staff's clothing, visible above the waist
- First or last name, initials, or unique identification in letters or numbers
- Badge must be sufficiently large enough to be clearly visible
- Must have a record of each current staff's identification badge that includes staff's full name, address, and driver's license number or similar identification number

The records need to be maintained and made available upon request for immediate inspection.

PENALTIES FOR BAD BEER SALES

PLEASE! Do not ever sell beer to:

 **MINORS or**

 **INTOXICATED PEOPLE**



For any violations related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated person or a sale to a minor, just know that it is inherently always a really bad idea.

Besides being a bad idea, criminal and civil penalties will be imposed on the individual(s) and civil penalties on the licensee where the beer was sold. Penalties for the licensee may include fines and/or a suspension of the license, even for a first violation.

The individual(s) who sell alcohol in violation of the code may be cited criminally with either a class B or a class A misdemeanor. What is the difference? A person is guilty of a class B misdemeanor if they negligently or recklessly sell alcohol, such as not thoroughly checking the I.D. or just not paying attention as one should. Class A misdemeanor violations occur if the salesperson **KNOWS** the recipient of the alcoholic product is a minor, or is intoxicated, and sells to them anyway.

If there is a second violation

If a retail licensee has a violation related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated person or a sale to a minor for the second time within 36 consecutive months, the violator AND ALL retail staff and each manager shall complete a violation training from the DABS. The cost is \$25 per person.

SECOND VIOLATION of a sale to a minor or to an intoxicated person within 3 years?

EVERYBODY AT THE STORE has to take a violation training class at DABS – not just the one who made the error.

Third or subsequent violations

At some point in this progressive downward spiral, disciplinary actions against individuals and the licensee could result in longer suspensions of the DABS license or even a revocation of the license, and subsequently, the loss of jobs for many individuals.



for the mistakes later.

Training your employees to watch for minors attempting to buy beer, and knowing the signs of intoxication are a far better prescription than paying

ACCEPTABLE FORMS OF IDENTIFICATION

For Purchase of Alcohol in Utah

1. AUTHORIZED IDENTIFICATION CARD - from Utah, another US state or Territory – but NOT Another Country.
An identification card is an authorized Identification Card *issued by the Driver License Division* or in accordance with the laws of another state. It must:

- a. Include the date of birth and
- b. has a picture affixed



2. VALID DRIVER LICENSE – Issued by any State in the United States that:
 - a. includes a date of birth
 - b. has a picture affixed and
 - c. is issued by the Driver License Division or in accordance with the laws of the state in which it is issued.

3. VALID UNITED STATES MILITARY IDENTIFICATION CARD

- a. includes the date of birth; and
- b. has a picture affixed



4. VALID PASSPORT

Note that there is no other acceptable identification for those outside of the United States except for a valid passport. (US Citizens may use the US passport card).

5. United States Department of State Driver's License

ID NOT VALID for Proof of Age

- Driver Privilege Card issued is NOT valid for proof of age
- Concealed Carry Permit
- Euro Card or Driver License from outside of the United States
- Green Card, Consular Card, Non-U.S. Passport Card, or any identification card that does not fit the statute specifically.



ONE LAST THING - Another key word in the proof of age laws is the word **VALID** and no identification is acceptable that is expired, or unlawfully gained or in any other way questionable.