



# **ServSafe® Alcohol Online Course:**

## **State of Utah Supplement**

*Revised October 2023*

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## SECTION 1 – ALCOHOL LAW AND YOUR RESPONSIBILITY

### Basic Alcoholic Beverage Policy

Utah is one of nineteen “control” jurisdictions, where the distribution of alcoholic beverages is controlled by state or county government, rather than by private enterprise. In Utah, all packaged liquor is sold through state-owned or state-authorized outlets at prices set by the state.

Alcoholic beverages fall into two categories: liquor and beer. Liquor means a liquid that is:

- alcohol
- an alcoholic, spirituous, vinous, fermented, malt, or other liquid
- a combination of liquids, a part of which is spirituous, vinous, or fermented
- other drink or drinkable liquid
- contains at least .5% alcohol by volume
- suitable to use for beverage purposes

Liquor includes: heavy beer, wine, and flavored malt beverages. It does not include beer.

“Beer” means a product that:

- contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight
- is obtained by fermentation, infusion, or decoction of malt or a malt substitute
- is clearly marketed, labeled, and identified as beer, ale, porter, stout, lager, a malt, a malted beverage, or a seltzer
- may contain hops extract or caffeine, if the caffeine is a natural constituent of an added ingredient

Beer does not include:

- a flavored malt beverage
- a product that contains alcohol derived from a spirituous liquor, wine, or a product that contains an additive masking or altering a physiological effect of alcohol including:
  - \* kratom
  - \* kava
  - \* cannabidiol
  - \* a natural or synthetic tetrahydrocannabinol

The term alcoholic beverages includes both liquor and beer.

The state legislature has established a basic alcoholic beverage policy. That policy is: to neither promote nor encourage the sale or consumption of alcoholic beverages, but to conduct, license and regulate the sale of such products so as to satisfy the public demand while protecting the public interest and rights of citizens who do not wish to be involved with such products. The state alcoholic beverage policy shall also promote the reduction of the harmful effects of overconsumption of alcoholic beverages by adults and consumption of alcoholic beverages by minors.

To meet the objectives of the policy, several types of outlets are authorized to be licensed by the state for the retail sale of alcoholic beverage products. These include:

- state stores
- package agencies

- restaurants (full service)
- restaurants (limited service)
- restaurants (beer only – effective March 1, 2012)
- resort licenses
- on-premise banquet and catering facilities
- reception center facilities (effective November 1, 2011)
- airport lounges
- clubs
- tavern on-premise beer retailers
- “recreational amenity” on-premise beer retailers

## **Servers’ Legal Responsibilities**

If followed, the guidelines set forth in this supplement will help you stay within the law as a server, and thus help avoid legal liability. Further study of the laws of the State of Utah as they pertain to the service of beverage alcohol would be in your best interest.

Please remember that the training information outlined in this supplement is not intended to take the fun out of serving, but rather to help you serve in a responsible manner that will allow you to serve for many years to come.

## **Required Alcohol Training and Education**

Employees who sell or furnish alcoholic beverages for consumption on the premises must:

- complete and pass an approved Alcohol Server Training every three years
- complete the training within 30 days of beginning employment

Retail managers must complete training no later than:

- 30 days after they were hired OR
- the day the retail license is obtained.

Off-premise clerks and retail managers must complete training before the day on which they begin to work as staff.

## **Legal Age**

A person must be 21 years old or older to purchase and consume alcohol in Utah. The serving of beverage alcohol to persons under the age of 21 is illegal and can result in:

- Criminal action against the server. Serving a minor can result in a Class A misdemeanor with a penalty of up to 1 year in jail and a maximum \$2500.00 fine.
- Administrative action against the server by the Department of Alcoholic Beverage Services. This could include a fine or suspension for the server.
- Administrative action against the licensee by the Department of Alcoholic Beverage Services. This can include a suspension or revocation of the liquor license and/or fines for the licensee.

It is important that the identification of every person who appears to be 35 years old or younger is checked. This is a safety precaution to make sure that no one under 21 is allowed to drink beverage alcohol.

Any employee who sells, serves, dispenses, or handles alcoholic beverages must be 21 years of age or older. Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer. Minor employees who are at least 16 years of age may ring up the sale of alcoholic beverages at a cash register or other point of sale system. However, they cannot take the alcohol order, handle, or serve it.

## Legal Definition of Intoxication

"Intoxicated" or "intoxication" means that an individual exhibits plain and easily observable outward manifestations of behavior or physical signs produced by or as a result of the use of: an alcoholic product; a controlled substance; a substance having the property of releasing toxic vapors; or a combination of products or substances. It is illegal to sell to someone who is intoxicated.

A person may not operate or be in physical control of a vehicle within the state of Utah if the person:

- Has a blood or breath alcohol concentration of 0.05 or higher
- Is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle

## Prohibited Sales

Employees may not serve an alcoholic beverage to a person who is:

- A minor
- Mentally incapacitated (interdicted)
- Actually, apparently, or obviously intoxicated
- A known habitual drunkard

In addition, the sale of beverage alcohol is also prohibited in the State of Utah when it is served:

- After hours
  - \* A person may not consume an alcoholic beverage on the licensed premises of a retail licensee one hour after the legal closing time for the sale of alcoholic beverages until the legal opening time for the type of license held
- From a liquor container that does not bear the state tax seal
- In establishments that are not licensed by the State of Utah

Keep in mind that a licensee, employee, or manager may not purchase an alcoholic beverage for a patron.

## Establishing House Rules for Regulating Beverage Alcohol

Establishing house rules and policies for regulating beverage alcohol is important so that everyone involved knows exactly what is expected. Maintaining continuity from server to server will keep problems from arising with repeat patrons.

## Third Party Liability and the Dram Shop Law

This supplement outlines in detail that a server has a great deal of responsibility and liability when serving beverage alcohol to a patron. This is referred to as third party liability, because even though you may not be involved in an accident or other incident involving a patron that you served beverage alcohol to, you are the one who is responsible to serve the patron beverage alcohol in a responsible manner.

Dram shop laws state that an establishment that serves beverage alcohol can be liable for the actions of a patron who has consumed beverage alcohol on the premises, even after the patron has left the premises. All liquor licensees in the State of Utah are required to carry dram shop coverage. This coverage provides insurance in the event that a judgment is brought against an establishment for serving beverage alcohol to an individual who is subsequently involved in an accident or other incident involving injury to himself, herself, or other members of the general public.

## Utah's Dram Shop Law

The basic provisions of Utah's dram shop law are as follows.

Any person who directly gives, sells, or otherwise provides liquor (or is at a location allowing consumption on the premises) or any beverage alcohol to the following persons, and by those actions causes the intoxication of that person, is liable for injuries to person, property, or means of support to any third person, or to the spouse, child, or parent of that third person, resulting from the intoxication of:

- Any person who is under 21 years old
- Any person who is apparently under the influence of an alcoholic product or drug
- Any person who the person furnishing the alcoholic beverage knew or should have known from the circumstances was under the influence of an alcoholic product or drug
- Anyone who is a known interdicted person

Utah's dram shop law has been updated as part of the House Bill 247 in the 2023 General Session to reflect changes to liability for injuries and damage related to the distribution of alcoholic products. A person is liable if they serve the last alcoholic product an individual consumes before death or injury when it occurs:

- Within 30 minutes after the time at which the individual leaves and
- Within a 10-mile radius of where the person provides the individual the alcoholic product.

All details of the amendment can be found in Utah's [House Bill 247](#).

An employer is liable for the actions of its employees in violation of the dram shop law.

If a person having rights or liabilities under Utah's dram shop law dies, the rights or liabilities survive to or against that person's estate.

An employer may not sanction or terminate an employee as a result of the employee having exercised his/her independent judgment to refuse to sell alcoholic beverages to a person that the employee considers to be intoxicated, or under the age of 21 years. Any employer who terminates an employee or imposes sanctions on the employee for the reasons stated above is considered to have discriminated against that employee and is subject to the conditions and penalties set forth in Title 34A, Chapter 5, Utah Antidiscrimination Act.

## Utah Liquor Distribution and Control

Utah is one of the many control states in the United States. This means that the state government controls the sale and distribution of liquor in Utah. All sales of liquor in the state are through state liquor stores (including state wine or “super” stores), state package agencies, or licensed outlets (restaurants, bars, clubs). A retail licensee may not purchase liquor except from a state store or package agency. Beer may only be purchased from a beer wholesaler, or a small brewer as defined by statute.

**State stores** are located in the more populous areas of the state and make available to the public a large selection of liquor products for consumption off of the store premises. Checks and credit cards are accepted. Purchasers must be twenty-one years of age or older. State stores are closed on Sundays, state, and federal holidays.

**Package agencies** are issued to individuals and/or companies on a contract basis with the Department of Alcoholic Beverage Services. These are liquor stores that offer a modest selection of products. They may be located in hotels, resorts and in the less populous cities and communities of the state. Products are sold for consumption off of the agency premises and purchasers must be twenty-one years of age or older.

Hours of operation vary to accommodate the specific needs of the area or location, but the general span of hours is from noon to 11:00 p.m. Package agencies are closed on Sundays, state and federal holidays.

### Pricing

Prices on all beverage alcohol purchased through state liquor stores and package agencies are to remain at the same price when sold to the consumer at a licensed liquor distribution facility. A service or corking fee may be added to mixed drinks. The licensed distributor determines these fees.

Discounting practices are prohibited that encourage over-consumption of alcohol (e.g., “happy hours”, “two for ones”, combination pricing, all you can drink for a set price, free alcohol, or selling at less than cost).

A licensee or employee may not purchase an alcoholic beverage for a patron.

Advertising **may** provide information regarding product availability and price, and factual information regarding product qualities.

Advertising **may not** contain any statement, design, device, or representation that is false or misleading, may not encourage over-consumption or intoxication, may not advertise any unlawful discounting practice, may not promote or encourage the sale to or use of alcohol by minors; may not be directed or appeal primarily to minors and may not require the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion, program, or other activity. (For a list of all restrictions on advertising, please review Department of Alcoholic Beverage Services Rule R82-1-104: Advertising.)

### Brown Bagging

Patrons cannot bring alcoholic products onto a retail licensee’s premises. The only exception is bottled wine, which can be brought onto the premises if the licensee permits it and is authorized to sell or furnish wine.

If patrons carry wine onto the premises, they must deliver it to a server or other representative when they enter the establishment.

Unfinished bottles of wine can be removed from the premises if they are re-corked or recapped.

Patrons may not leave the premises with an open container that contains an alcoholic product.



## Portion Control

**Spirituos Liqueur** may be served so long as the primary liqueur in a mixed drink is dispensed in quantities not to exceed 1.5 ounces through a department-approved calibrated metered dispensing system. Secondary alcoholic flavorings may then be added to a mixed drink as the recipe requires. The total amount of spirituous liqueur in a mixed drink (primary and flavorings) may not exceed 2.5 ounces.

**Wine** may be sold and served in a container not exceeding 1.5 liters to tables of four or more. For tables of less than four, the size cannot be larger than 750 ml. Wine may be served by the glass or individual portion in quantities not exceeding 5 ounces.

**Heavy Beer and Flavored Malt Beverages** may be served in an original container not to exceed one liter.

**Beer** may be sold in a container (open original container or draft container, e.g., pitcher) that does not exceed two liters. Beer cannot be sold to an individual patron in a container that exceeds one liter.

## General Licensee Requirements

If a licensee is closing for more than 240 hours they **must** contact the department (excluding on-premise beer retailers who are not taverns and airport lounges). Failure to do so will result in forfeiture of the license.

The Department of Alcoholic Beverage Services may authorize an initial closure or cessation of operation for up to 60 days. Upon written request of the retail licensee and showing good cause, the department may extend the initial period for 30 days or for the number of days until the commission's next regularly scheduled meeting.

Also, if there are any proposed changes in ownership the licensee must inform the department.

Keep in mind that certain criminal offenses disqualify individuals from holding an ownership interest or a position of manager. Owners and managers must submit fingerprints to the department for a background check. Additionally, the licensee must disclose any new criminal convictions for owners and managers each year as part of their renewal.

An alcohol license is not the property of the licensee. It has no value in the sale or transfer of a business entity or the business entity's assets.

A person may not:

- transfer an alcohol license from one location to another; or
- sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the alcohol license to another person whether for monetary gain or not.

Licenses will not automatically transfer with a building or business sale. Only the Alcoholic Beverage Services Commission has the authority to grant alcohol licenses.

## Prohibited Conduct on the Premises

### Lewd Behavior

Lewd acts, attire, and sexually-oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises. Sexually-oriented entertainers may be allowed in bar establishments and taverns but only after local and state approval and under strict rules and regulations.

## Gambling

Licensees may not engage in or permit any form of gambling on its premises.

## Illegal Drugs or Drug Paraphernalia

A retail licensee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance; or use, deliver, or possess with the intent to deliver drug paraphernalia.

## Staff Consumption of Alcohol

Staff may not consume alcoholic beverages or be intoxicated while on duty. This includes employees, managers, and owners.

## Recordkeeping

Licensees are required to keep and maintain the following records:

- Daily dispensing records for distilled spirits showing the number of portions dispensed in comparison to the portions sold, accounting for any variances
- Quarterly expenditures for purchases and sales of all alcoholic products and food
- ID scanner records—these must be kept for seven days

Upon the presentation of credentials, at any time during which a retail licensee is open for the transaction of business, the retail licensee shall immediately admit a commissioner, authorized department employee, or law enforcement officer to the retail licensee's premises and permit access to the entire premises and records (including electronic records).

## Restrictions by License Type

The table below provides an overview of the restrictions imposed by different types of licenses in Utah. To find additional information about each type of license go to the Department of Alcoholic Beverage Services website at: <https://abs.utah.gov/licenses-permits/license-information/> and review the *Licensee Handbooks* and other resources hosted there.

**Note:** Regarding hours of sale, keep in mind that the consumption of alcoholic beverages are prohibited one hour after the legal closing time for the sale of alcoholic beverages until the legal opening time.

## Overview of Differences in Restrictions by License Type

License Types	Minors Allowed?	Service Hours	Alcoholic Products Available	Drink Limitations	Food Sale Requirement	Other
<b>Restaurants: Full-Service; Limited-Service; Beer Only</b>	No minors seated or standing within the 10-foot buffer area or in the 5-foot pony wall area.  Minors may temporarily pass through the 10-foot buffer or 5-foot pony wall area, if there is no other alternative path to get to an area where they are allowed.	Liquor Products (spirits, wine, and heavy beer): 11:30 a.m. to midnight M–F.  10:30 a.m. to midnight Sat–Sun, Holidays.  4% beer: 11:30 a.m. to 1 a.m. M–F; 10:30 a.m. to 1 a.m., on Saturdays, Sundays and Holidays.	<b>Full</b> —All types.  <b>Limited</b> —Wine, heavy beer, and 4% beer.  <b>Beer only</b> —4% Beer.	2 alcoholic products. Full-service restaurants are limited to only one of the two alcoholic products being spirituous.	70% food requirement and confirmation of intent to dine to purchase alcohol.	Patrons may only consume alcohol where food is served.  All storage and dispensing must be at an approved dispensing structure (backroom; 10-foot buffer; 5-foot pony wall).  Consumption may only occur at a table or counter.
<b>Clubs: Equity and Fraternal</b>	Minors may not be in the lounge/bar area.	10 a.m. to 1 a.m.	All types	2 alcoholic products. If two spirituous drinks, one may not be a “shot-on-the-side” and the two drinks cannot contain a total of more than 2.5 ounces of liquor.	Social clubs must have food available when alcohol is sold or consumed.	Electronic age verification of patrons 35 and younger to gain access to social club.
<b>On-Premise Beer—Recreational Amenity</b>	Yes	10 a.m. to 1 a.m.	Beer (4% only)	No limit on number of drinks in front of customer.	70% food or 70% from business related to the amenity.	No self-service
<b>Tavern</b>	No	10 a.m. to 1 a.m.	Beer (4% only)	No limit on number of drinks in front of customer.	None	Electronic age verification of patrons 35 and younger to gain access to a Tavern.  Taverns must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming any single drink purchased before sales ended.

<b>License Types</b>	<b>Minors Allowed?</b>	<b>Service Hours</b>	<b>Alcoholic Products Available</b>	<b>Drink Limitations</b>	<b>Food Sale Requirement</b>	<b>Other</b>
<b>On-Premise Banquet Catering</b>	Yes	10 a.m. to 1 a.m.	All types	2 alcoholic products, but limited to only one spirituous product.	At least 50% of the annual banquet gross receipts from sale of food	Events must have a contract and be a private event, not open to general public. No alcohol may leave premises of event. Room service allowed.
<b>Reception Center</b>	Yes, as long as food is available at the event.	10 a.m. to 1 a.m.	All types	2 alcoholic products, but limited to only one spirituous product.	No food requirement unless minors are present.  Alcohol cannot exceed 30% of gross receipts.	Storage and dispensing behind a permanent structural barrier (portable bar allowed/patrons cannot be seated at bar).  Events must have a contract for a private event (limited non-profit exception).
<b>Airport Lounge</b>	Yes	8 a.m. to 12 a.m.	All types	2 alcoholic products. If two spirituous drinks, one may not be a "shot-on-the-side" and the two drinks cannot contain a total of more than 2.5 ounces of liquor.	None	May not bring wine onto or remove from the premises.
<b>Bar</b>	No. Minors may not be admitted into, use, or be on the premises of a bar.	10 a.m. to 1 a.m.	All types	2 alcoholic products. If two spirituous drinks, one may not be a "shot-on-the-side" and the two drinks cannot contain a total of more than 2.5 ounces of liquor.	Bar establishments must offer a variety of food prepared and served in connection with dining accommodations and food must be available at all times when alcohol is sold, served, or consumed.	Electronic age verification of patrons 35 and younger to gain access to a Bar.  Bars must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming any single drink purchased before sales ended.

## Hotel & Resort Licenses

A hotel may not sell, offer for sale, or furnish an alcoholic product except:

- when licensed to do so
- on a sublicensed premises
- under a package agency agreement

A resort must be licensed to sell, furnish, or allow the consumption of alcohol on the premise. "Resort" means a location on which one resort building is located and is affiliated with a ski area that physically touches the boundary of the resort building. Resort licensees provide many amenities such as lodging, bars, and restaurants within their footprint. There are now eight total resort licenses allowed in the state of Utah.

A resort license:

- consists of a general resort license
- four or more sublicenses
- designates the boundary of the resort building.

Resort and hotel license holders are required to hold sub-licenses for individual establishments within their licensed areas.

- Bar sub-licenses within a hotel or resort license no longer count toward the quota of total allowable bar licenses in the state. This action makes nine additional bar licenses (plus a summer or winter seasonal license) available.
- A "Spa-sublicense" is a sub-license to a resort license or hotel license that has been issued by the Alcoholic Beverage Service Commission.
  - \* Hotels that are licensed to sell alcohol can serve in their spa areas with the required sublicense.
  - \* Hotels that are licensed to sell alcohol on-premise may also serve within their spas, in a designated service area.

## Confirmation of Intent to Order Food

In May 2013, legislation was passed to codify a safe harbor that allows a patron to be served an alcoholic product once the restaurant has confirmed the patron's intent to order food.

It is clear that the statute requires some action on the part of the licensee. Therefore, intent should never be presumed. The restaurant must make some effort to determine the patron's intent to order food. For example, walking into a restaurant, signage stating that food is required and/or having a menu available is not sufficient to obtain safe harbor under the statute.

If a patron says he or she is not hungry, and just wants to have some drinks, the server needs to promptly explain the food requirement for alcohol service in restaurants. If the patron persists, the server should not serve the alcohol, and should notify other employees and supervisors of the situation.

That said, many licensees have asked: what is the minimum standard required to ensure compliance with the statute? A "minimum" would demonstrate to a reasonable person observing the situation that the restaurant had confirmed the patron's intent. The simplest way to accomplish this goal is to verbally establish the patron's intent to order food. The most obvious examples are by asking the patron when they order an alcoholic beverage, "Will you be dining with us this

evening?," or by having the hostess greet each party and ask, "How many in your party will be dining with us?" upon entry into the establishment.

Restaurants cannot offer free food in order to serve alcoholic beverages. Patrons must order food prepared, sold, and furnished at the licensed premises in order to be served alcoholic beverages.

## Utah Permits

### Single Event Permits

Single event permits are available for a group that wants to sell liquor, wine, beer, or heavy beer (over 4% effective November 1, 2019) at a temporary event. The permit allows for cash bars and the sale of alcoholic beverages to the general public, or to the organization's own invited guests for the duration of the event.

Single event permits are available to the following organizations if they have been in existence for at least one year prior to the date of application:

- bona fide partnership
- corporation
- limited liability company
- church
- political organization
- incorporated association
- recognized subordinate lodge, chapter, or other local unit that is conducting a civic or community enterprise or convention

The organization can have:

- up to 24 permits a year that are valid for no longer than 3 consecutive days (72 hours) or
- up to 4 permits that can last no longer than five consecutive days (120 hours)

### Temporary Special Event Beer Permits

A temporary beer permit allows the sale of beer at retail for on-premise consumption at a temporary event that does not last longer than 30 days. The sale of beer under a series of permits issued to the same person may not exceed 90 days in any one calendar year.

## Beer Regulation

In Utah, all stores that wish to sell beer for off-premise consumption must obtain a State Off Premise License in addition to any local licenses and requirements. Local entities have the authority to license, tax, regulate (including the hours and days of sale), and/or prohibit the sale of beer for off-premise consumption. State law requires stores that sell beer for off-premise consumption to do the following:

- Display all beer products in an "area that is visibly separate and distinct" from the area where nonalcoholic beverages are displayed and to post a sign that reads, *"These beverages contain alcohol. Please read the label carefully."*
- All managers of off-premise beer sales establishments must take a Department of Alcoholic Beverage Services created training in addition to the regular EASY training required of all clerks and managers.

Restaurants and bars that are licensed to sell alcohol may sell beer in sealed containers to-go in amounts that do not exceed two liters.

In establishments with restaurant licenses, customers must have eaten at the restaurant before taking beer to-go.

Hospitality, hotel, and banquet license holders may not allow customers to leave their alcohol-licensed premises with a beer to-go.

### Beer To Go Chart\*\*

Activity	Bar	Tavern	Restaurant	Beer Rec.	Type 5 P.A.	Off-Prem Beer
Beer (5% or less) to go in sealed container (cans/bottles)	Yes	Yes	Yes***	Yes	No	Yes
Beer (5% or less) to go in crowlers & growlers	Yes	Yes	Yes***	Yes	No	No
Heavy beer (over 5%) to go in sealed container (cans/bottles)	No	No	No	No	Yes	No
Heavy beer (over 5%) to go in crowlers & growlers	No	No	No	No	No	No

\*\*To Go means: The patron makes an in-person purchase on the licensed premises, after having shown valid I.D.

\*\*This chart addresses beer only. Sealed containers must not exceed 2 liters.

\*\*Curbside purchases/transactions are not legal now and were not legal prior to COVID-19.

\*\*Online orders (where a credit card or other payment method is actually processed/finalized online) are not legal now and were not legal prior to COVID-19. See Utah Code Ann. §32B-5-306(2)(a): A person may only purchase an alcoholic product in the licensed premises of a retail licensee.

Authority: 32B-6-706(4) & 32B-6-707(1) (On-premise beer retailer operational requirements & the application to other retail license types that sell beer)

\*\*\*A restaurant may sell 5% ABV or less beer to go in a sealed container only after a patron has consumed food on the premises. If on-premises dining is prohibited due to COVID-related (or other) restrictions, then a restaurant may not sell beer to go. Hospitality, hotel and banquet licensees may not allow a patron to leave the premises with beer to-go.

## Criminal Offenses

It is unlawful to sell, keep for sale, possess, furnish, or supply any beverage alcohol or product except as provided by Title 32A of the Utah Code (The Alcoholic Beverage Control Act).

- A person may not sell, offer to sell, supply, or furnish beverage alcohol products to an actually or apparently intoxicated person or a known interdicted person.
- A person who knowingly sells, offers to sell or supply, or furnishes beverage alcohol products to any person under the age of 21 is guilty of a class A misdemeanor. Maximum penalty is one year imprisonment and/or a \$2,500 fine. Other sales to minors, such as negligent sales, are class B misdemeanors.
- It is unlawful for any person under the age of 21 to purchase, possess, or consume any beverage alcohol except as otherwise provided by the Utah Code.
- It is unlawful for any person to misrepresent his or her age, or for any other person to misrepresent the age of a minor for the purpose of purchasing or otherwise obtaining beverage alcohol for a minor.
- A person may not permit a minor to consume any beverage alcohol on a chartered bus or limousine of which the person is the owner or operator.
- A person may not sell, purchase, possess, or otherwise furnish or supply beer to the general public for off-premise consumption in containers larger than two liters.

- In the State of Utah, it is unlawful to possess any liquor not purchased in the state, unless
  - \* You brought two liters in through U.S. Customs; or
  - \* You obtained approval and brought it into Utah when you moved here from out of state and paid an administrative handling fee that the Department of Alcoholic Beverage Services requires; or
  - \* You inherited, as part of an estate, liquor that is located outside the state and brought it into Utah after obtaining approval from the Department of Alcoholic Beverage Services and paying the required administrative handling fee.
- It is unlawful for any person to possess any liquor unless it is in its original package and the package has the official commission label affixed to it.
- A person may bring onto any premises, have, and consume any alcoholic product at a privately hosted event that is not open to the general public. A privately hosted event is defined as a specified social, business, or recreational event for which an entire room, area, or hall has been leased or rented in advance by an identifiable group. The function must be limited in attendance to people who have been specifically designated to attend and the seating arrangements for the function, if any, are under control of the sponsor of the function. Privately hosted events or private social functions do not include events or functions to which the general public is invited, whether for an admission price or not.
- A person may not permit anyone to become intoxicated, or any intoxicated person to consume any beverage alcohol on any premises of which the person is the owner, tenant or occupant, or in any chartered bus or limousine of which the person is the owner or operator.
- A person may not consume liquor in a public building, park, or stadium.
- It is unlawful to possess or transport in the passenger compartment of a motor vehicle any opened container of alcoholic beverages.
  - \* A passenger of a limousine may bring onto, have, and consume any beverage alcohol on the limousine if the travel begins and ends at the residence, hotel, or temporary domicile of the passenger; and the driver of the limousine is separated from the passengers by partition or other means approved by the department. A person cannot consume an alcoholic product in a limousine if they will be dropped off at a location from which they will depart in a private vehicle.
  - \* A passenger of a chartered bus may bring onto, have, and consume any beverage alcohol on the bus if the travel begins and ends at the residence, hotel, or temporary domicile of the passenger; and the bus has a nondrinking designee (other than the driver) to monitor consumption. If the bus drops off passengers at locations from which they depart in private vehicles, then consumption on the bus may only take place during travel to a specified destination and not during travel back to the place where travel began.
- It is unlawful to drive or be in physical control of a vehicle when the blood or breath alcohol concentration (BAC) is .05 or greater. Anyone who refuses to submit to a chemical test or tests after having been arrested for DUI may have his/her driver's license revoked for 18 months.
- It is unlawful to serve an intoxicated person. "Intoxicated" means that a person is significantly impaired as to the person's mental or physical functions as a result of the use of an alcoholic beverage, a controlled substance, a substance having the property of releasing toxic vapors, or a combination of these,

AND

exhibits plain and easily observed outward manifestations of behavior or physical signs produced by the over-consumption of an alcoholic beverage.



## Local Industry Representatives

A local industry representative is anyone who is compensated by any means for representing or selling the distilled spirits, wine, or heavy beer of a manufacturer, supplier, or importer. Local industry representatives must be licensed by the state.

Representatives may assist the department in ordering, shipping, and delivering merchandise. They may not provide new product notification, listing and de-listing information, price quotations, product sales analysis, shelf management, or educational seminars for the purpose of acquiring new listings. Representatives may not sell or ship liquor, wine, or heavy beer to anyone within the state other than the department and military installations, and may not solicit or canvass for orders from any retailer or anyone else in the state.

Representatives may call on retailers licensed by the commission, such as private bar establishments and restaurants, permittees (single event and special use permittees), and package agents and provide them with informational material concerning the products they carry. Representatives may provide to private clubs, airport lounges, public service permittees, and single event permittees:

- Inside advertising signs such as posters and point-of-sale advertising matter, such as table tents and menu clip-ons, if displayed so as not to be visible off the retailer's premises
- Advertising specialties used by retailers on the premises, such as trays coasters, mats, menu cards, meal checks, paper napkins, cork screws, thermometers, clocks, and calendars
- Glassware bearing advertising if sold at a price not less than cost and the price is collected within 30 days

Representatives may provide to clubs, restaurants, airport lounges, public service permittees, and single event permittees:

- Trade literature
- Recipes
- Brochures
- Wine lists and wine menus
- Beer and wine tapping accessories and coil-cleaning services

Wine tapping accessories must be sold at a price not less than the cost to the industry member, and the price must be collected within 30 days of the sale date. Product displays such as wine racks, bins, barrels, casks, and shelving may be provided to the department, package agencies, private club, airport lounge, public service permittee, and single event permittee to the extent allowed by federal law for display inside the premises.

Use of product samples in Utah is also restricted. Samples may only be shipped to the department for tasting and analysis by the department or for tasting and analysis by local industry representatives at the department only under controlled conditions.

Samples may also be shipped to the department for use in department-conducted trade shows which are attended by liquor, wine, and heavy beer retailers licensed by the department. These shows are intended to allow licensed retailers to sample and test products to help them determine which products they want to carry.

Representatives may provide or participate in educational seminars involving the department, licensed retailers, holders of educational or scientific special use permits, or other industry members regarding such topics as merchandising and product knowledge.

Representatives may attend and participate in retailer association activities, rent display booth space, pay for advertisements in programs and brochures distributed at a retailer convention or trade show (to the extent allowed by federal law), and provide their own hospitality independent from association-sponsored activities. However, they may only display their actual products at trade shows conducted by the department.

Representatives may contribute to charitable, civic, religious, fraternal, educational, or community activities. These contributions may not be given to influence a retailer in the selection of beverage alcohol products which might be sold at these activities and events.

However, industry members and their local representatives may not give away any of their beverage alcohol products. This does not preclude an industry member from serving his or her beverage alcohol products to others at private social functions hosted by the industry member in the member's home or elsewhere as long as the product is not served as part of a promotion of its products, or as a subterfuge to provide samples to others for product testing, analysis, or sampling purposes.

Industry members and their local representatives may not do the following:

- Engage in any advertisement or promotional scheme that requires the purchase or sale of a beverage or consumption of beverage alcohol in order to participate in any promotion, program, or other activity.
- Pay, give, or deliver to any person any money or other thing of value, including rebates, refunds, or prizes based on the purchase, display, use, sale, or consumption of beverage alcohol.
- Sponsor or underwrite any athletic, theatrical, scholastic, artistic, or scientific event that overtly promotes consumption, offers beverage alcohol products to the general public without charge, or takes place on the premises of a school, college, university, or other educational institution.
- Induce a retailer to purchase their products from the department to the exclusion of products sold by competitors by commercial bribery, or by offering or giving a bonus, premium, compensation, or other thing of value to any officer, employee, or representative of the wholesaler or retailer.
- Use billboards to advertise liquors.

## SECTION 2 – RECOGNIZING AND PREVENTING INTOXICATION

### What Is Alcohol?

The American Heritage Dictionary says that alcohol is “a colorless volatile flammable liquid, synthesized or obtained by fermentation of sugars and starches and widely used, either pure or denatured, as a solvent, in drugs, cleaning solutions, explosives, and intoxicating beverages.” Ethanol is used in beverage alcohol.

### Alcohol: The Drug

Alcohol is a depressant and like any other drug, it affects the body and human behavior. Unlike other drugs, however, alcohol has calories. The calories are empty calories for the most part, but they do give the body energy and can contribute to the behaviors outlined later in this supplement.

### Alcohol’s Path through the Body

Once alcohol has been absorbed into the bloodstream, it travels through the body until it is metabolized or otherwise excreted. A very small amount of alcohol may leave the body before it is metabolized through sweat or urine, but this accounts for only up to five percent of consumed alcohol. The rest is metabolized by the liver. The liver can only metabolize one ounce of alcohol per hour.

### Digestive Factors

Alcohol passes quickly into the bloodstream and does not require digestion. Food consumption also plays a major role in determining some of alcohol’s effects and the severity of those effects on the body.

Carbonation-sparkling wines, otherwise known as champagnes, can hasten the effects of alcohol on the body, and drinks mixed with carbonated sodas can speed up the time in which a person feels alcohol’s effects.

Using BAC is a way to determine the effects alcohol has on the body. It is somewhat of a relative scaling technique when other factors are taken into consideration, such as tolerance, period of time over which the BAC was reached, and the amount of time since the last drink was consumed. It is important to note that alcohol’s effects on the body at a given BAC will be more extreme when the BAC is rising than when it is falling.

As the body becomes accustomed to alcohol, the way that it metabolizes alcohol and the effects that alcohol has on behavior will change. As tolerance increases, a person requires more alcohol in their system to feel the same effects that he or she once felt when consuming smaller amounts of alcohol.

### Alcohol’s Effects on the Body

The consumption of alcohol inhibits the brain’s functions and the body’s motor skills. These effects can vary with a person’s body size and beverage alcohol tolerance, but one thing holds true for everyone—the greater the amount of alcohol consumed, the more exaggerated the effects.

## Health

For most healthy individuals, the occasional drink does not present any particular health risks. If the consumption of beverage alcohol becomes excessive, however, some negative health effects can result. When consumed in excess, alcohol can irritate the stomach lining and cause pain or bleeding. When beverage alcohol consumption becomes chronic, cirrhosis of the liver can result. This is when scars replace destroyed liver cells. When this happens, the liver is no longer able to remove toxic substances from the body.

## Alcohol's Effects on Behavior

Alcohol affects people's behaviors in different ways. Some individuals become depressed; others become very friendly and talkative, while other individuals become loud and obnoxious. Coordination is also affected. This can be observed in the staggering or clumsiness of an intoxicated person.

## Factors that Influence Alcohol's Effects

### Food and Digestion

Alcohol's effects on the body are not as marked when there is food in the digestive system. Food absorbs alcohol therefore slowing alcohol's absorption into the bloodstream. Foods that are high in protein, such as meat, nuts, and cheese, are especially effective in slowing alcohol's absorption.

### Weight, Physical Fitness, and Gender

The below guidelines do not take food into account (people will have food in their stomachs since it is a Utah state law under a restaurant's license). The guidelines also do not take into account alcohol tolerance. It is important to remember that these guidelines are just guidelines and that all related factors need to be combined to effectively determine the number of drinks that an individual may have in his or her system before he or she reaches the legal level of intoxication.

In a male-versus-female comparison, given relative weights and physical fitness determinants, a man may have more alcohol in his system before he reaches intoxication.

Number of drinks in the system before reaching intoxication:

Men		Women	
Small (up to 130 lbs.)	2 drinks	Small (up to 105 lbs.)	1 drink
Medium (up to 160 lbs.)	2-3 drinks	Medium (up to 135 lbs.)	1-2 drinks
Large (over 160 lbs.)	3-4 drinks	Large (over 135 lbs.)	2-3 drinks

### State of Mind

The reasons why people drink beverage alcohol can also make a difference in how alcohol affects the body. People drink to socialize, celebrate, and cope with depression; because of habit or peer pressure; because they enjoy the effects, enjoy the taste, are thirsty, or perhaps because they feel that they need to alter their state of consciousness. All of these can be valid reasons in the mind of the drinker.

## Tolerance

Tolerance can be a factor in how alcohol affects the body. A first-time drinker's tolerance may be low, and an experienced drinker may be able to exceed the recommended number of drinks for his or her size without showing signs of intoxication. It is very important for a server to count every drink and pay attention to a patron's behavior to determine if he or she is becoming intoxicated. Such determinations should be used to make intelligent decisions as to whether a patron should be served more beverage alcohol.

## Beverage Alcohol Used in Combination with Other Drugs

When beverage alcohol is used in combination with other drugs, the effects may be minor but they may also be fatal. The presence of alcohol in the stomach makes it very sensitive to aspirin. Beverage alcohol combined with barbiturates can cause respiratory failure resulting in death. Another problem can be complications of diabetes control for insulin users.

## Time

Time is a key factor in determining how alcohol will affect the body. The liver can only metabolize one ounce of alcohol per hour. This does not vary with body size or gender. Figuring out the number of drinks a patron has in his or her system is relatively easy. Simply count how many drinks the patron has had and subtract the number of hours that it has taken him or her to consume the drinks. The number you come up with will be the number of drinks in the patron's system. Keep in mind that not all drinks are equal. When counting drinks, always refer to the drink equivalencies outlined in the course.

## Recognizing Drinking Levels

### Behavioral Signs and Indications of Impairment

Paying attention to behavioral signs is important during all stages of beverage alcohol service. As an individual enters the establishment, watch for signs that indicate if a person is under the influence of drugs or if he or she is intoxicated. Signs can include clumsiness, lack of coordination, loud or unruly behavior, and the scent of beverage alcohol. If a person displays such signs upon entering the establishment, that person is a high-risk patron and probably should not be served beverage alcohol.

### Classification of Behavioral Signs

Behavioral signs change as an individual becomes intoxicated. The following chart is a guideline to help determine a patron's BAC.

Drinks per Hour	Behavioral Signs	Probable BAC
1	Physical relaxation	0.025
2	Decrease in fine motor skills <b>(Legal level of intoxication)</b>	<b>0.050</b>
3	Talkative, outgoing, loss of good judgment, drinks more quickly	0.075
4	Clumsy, loud, moody, serious loss of judgment and coordination, glassy eyed, may spill drinks	0.10
5	Uncoordinated, argumentative, lapses in short-term memory, may vomit	0.125
6	Very uncoordinated, holds onto objects for balance, serious memory loss	0.150
7	Impairment of all physical and mental faculties	0.175

## **Defining Intoxication**

Intoxication can be broken down into two categories: apparent intoxication and legal intoxication. Apparent intoxication is a level of impairment that is evident when observing a patron. It involves watching for signs that they have become intoxicated, like loud behavior or having glassy or red eyes. Legal intoxication in the state of Utah can be defined as having a BAC of 0.05 or higher. This holds true regardless of the apparent condition of the individual. It is important to differentiate these two since a person may not show signs of intoxication at a BAC of 0.05 or higher.

## **Techniques to Help Control Beverage Alcohol Consumption**

### **Use of a Classification System**

Using the BAC Chart available in the Resources section of the online course will help you determine the approximate BAC that an individual has reached. Another way this classification system can help is when an individual already has alcohol in his or her system, but does not show any signs upon entering the establishment. If this is the case and you serve the patron as if he or she has had no previous beverage alcohol, they may leave the establishment with a BAC above the legal limit, placing you in a situation of potential legal liability. For this reason, you should never be shy about following intervention techniques when you feel that a person is reaching a state of intoxication, even if the number of drinks he or she has consumed while under your service supervision would not seem to be enough to cause intoxication. Remember, you are in control.

### **Use of Beverage Alcohol Facts**

Knowing as much as possible about beverage alcohol—its heritage, religious uses, social impacts, rituals, customs, effects, uses, and abuses can help you more properly serve your patrons. Being able to share helpful and fun information with a patron concerning the beverage that he or she is drinking will help you provide your patron with the best possible service while helping them stay within the drinking policies and laws that have been established by the State of Utah and the establishment you work for.

### **Continuity of Service**

Maintaining continuity in service can help a server control a patron's beverage alcohol consumption. If service is good, a patron will put more stock in what a server tells him or her. If a patron feels confidence in the server when the server needs to slow down service or offer a nonalcoholic drink, the patron will be more likely to cooperate and feel good about the server's suggestion. On the other hand, if good service has not been continuous, the patron may feel that he or she is not getting what he or she came to the restaurant for. Such feelings can only lead to a confrontation between the patron and the server when the server enforces house rules or personal service decisions concerning beverage alcohol service.

If good service is continuous, a server has more opportunities to provide food and drinks, such as appetizers, desserts, soups, salads, sodas, nonalcoholic beverages, specialty drinks, and mineral waters, to fill up the patron so that beverage alcohol consumption remains safe. Allowing you to pace the beverage alcohol consumption of a patron makes maintaining house policies and upholding the law easier and more enjoyable for everyone. Reliable, friendly, gracious, and continuous service will be your best preparation in avoiding beverage alcohol-related confrontations with your patrons.

## Drink Counting

Drink counting is necessary to keep track of a patron's beverage alcohol consumption. Company policies should be set forth that outline the method by which drink counting will take place.

Drink counting is important for a number of reasons. It allows a server to know exactly who has consumed what during the evening. It provides a means for servers to show that they are staying within the guidelines set by the establishment and by the state in the event that their judgment is called into question. Counting drinks also assures that all drinks have been paid for.

## Intervention Techniques

The techniques discussed in this section are all good ways of helping a patron stay within the consumption policies of the establishment and the state. Different techniques will be effective in different situations, depending on the patron and other factors related to each situation.

- **Slowing down service:** If a patron's beverage alcohol consumption will cause him or her to become legally intoxicated, it is the responsibility of the server to pace the patron's consumption so that the patron does not become intoxicated. Slowing down service does not mean offering inferior or poor service, but rather paced service. By using the information that has been discussed in this training program, figure out how many drinks a patron should be able to handle, determine whether or not he or she already has noticeable levels of alcohol in his or her system, and then serve him or her responsibly. If the establishment you work for has established per-patron maximums for beverage alcohol consumption, you should make sure that if a patron drinks the maximum amount it will not make him or her intoxicated. Simply staying within the house policy for maximum consumption does not alleviate your legal liability.
- **Offering food or nonalcoholic beverages:** Food in the stomach slows the effects of alcohol by absorbing it before it is absorbed into the bloodstream. Consumption of food with beverage alcohol can increase the number of drinks that a person can have in his or her system before reaching a given BAC. Therefore, offering additional food to a patron will do two things to help them stay within a safe BAC level: 1) it will cause them to be fuller and therefore have less of a desire to drink more, and 2) it will cause the alcohol that is consumed to act more slowly upon the body. Nonalcoholic beverages can satisfy a patron's thirst without putting additional alcohol in the person's system. Suggestive selling of nonalcoholic drinks will help you maintain the level of service that your patron expects without putting you in a position of legal liability.
- **Serving water with beverage alcohol:** Water with beverage alcohol will do the same thing as serving other nonalcoholic drinks. If a patron does not want to spend additional money on other drinks, water is a good alternative. If money is not an issue and the patron would like water, you may want to offer specialty or sparkling waters that are available. Once again, this shows your concern for offering the best service and widest array of options to your patron and will help you maintain the status of a knowledgeable server.
- **Not encouraging reorders:** When a patron is coming close to his or her limit (whether that is apparent intoxication, legal intoxication, or a drink limit set by the establishment), it is important to be careful not to encourage reorders. If you feel that the patron would enjoy something more to drink, offer nonalcoholic beverages. Also remember that in the State of Utah you may not encourage the consumption of beverage alcohol through suggestive selling.

## Facts about Beverage Alcohol

- 200,000 deaths occur each year due, at least in part, to beverage alcohol consumption, beverage alcohol misuse, beverage alcohol abuse, and alcoholism.
- As many as 44 percent of civilian plane crashes involve beverage alcohol.
- As many as 83 percent of drowning victims show BACs above the legal limit.
- Forty-four percent of all fatal boating accidents involve beverage alcohol.
- In 1983, 64 percent of all drivers killed in single car crashes, 55 percent of drivers involved in fatal pedestrian/automobile accidents, and 22 percent of drivers killed in multiple-vehicle crashes had BAC levels of 0.09 or higher at the time of the accident.
- Seventy-seven percent of fatal home accidents involve beverage alcohol. Some accidents include falls off ladders, falls down stairs, and electrocutions.
- Seventy percent of all fatal falls are linked to beverage alcohol.
- As many as 82 percent of fire deaths are related to beverage alcohol.
- Forty percent of fatal industrial accidents are linked to beverage alcohol use.
- Sixty-five percent of murders, 40 percent of assaults, 35 percent of rapes, 30 percent of other sex crimes, and 60 percent of child abuse incidents involve beverage alcohol.
- At least 30 percent of suicides involve beverage alcohol.

## Alcoholism

The National Council on Alcoholism reports that, "Over 100,000,000 Americans over the age of 15 consume beverage alcohol. Of those consumers, 10,000,000 are alcoholics."

## The Cost of Beverage Alcohol Abuse

The National Institute of Alcohol Abuse and Alcoholism computes the cost of alcohol in terms of lost production, health and medical care, motor vehicle accidents, violent crime, social responses (counseling, etc.), and fire losses at \$42,750,000 each year in the United States.

Consumption Ratios\*

<b>Percent of US Adult Population</b>	<b>Level of Consumption</b>	<b>Percent of Total Beverage Alcohol Sales in US</b>
5%	Very Heavy	49%
6%	Heavy	18%
22%	Moderate	26%
32%	Light	7%

Approximately 35% of the adult population in the U.S. abstains from the use of beverage alcohol.

\*These percentages are estimates based on statistics gathered from various sources.



## SECTION 3 – CHECKING IDENTIFICATION

### Dealing with Minors

If a minor tries to purchase beverage alcohol and is, of course, turned down, the server should handle the situation in a professional and courteous manner. State laws prohibit the sale of beverage alcohol to minors, but there are alternatives to consider. A competent server will suggest nonalcoholic beverages that are similar to the beverage alcohol that was requested. If minor patrons become difficult because they are not served beverage alcohol, they should be dealt with in the same considerate way that adults are dealt with. The way you handle them now can determine their future patronage of your establishment.

### Age Identification

Look for physical and behavioral characteristics that would indicate that an individual is underage. Some physical characteristics can include style of clothing, beards on young men, girlish nail polish on young women, acne, and “peach fuzz” facial hair. Behavioral characteristics can include nervousness, trying to make the voice deep, acting older than appearance would dictate, avoiding eye contact, defensiveness, ordering with a group of people who are obviously of legal age, and not knowing drink types or prices.

### Checking ID

When checking identification, remember to act in a professional, hospitable manner. Do not do anything that would make an individual feel put down or unnecessarily uncomfortable. When action is necessary, be calm yet firm. Let the individual know that if you allow them to illegally drink, your position with the establishment and with state authorities will be in jeopardy. Most people will respect this approach.

Check the following items on a driver’s license or state ID:

- The photograph on the ID should be that of the person presenting the ID.
- The lamination on the ID should not be excessively worn or show signs of having been tampered with.
- The color of the background in the photo should be consistent with all other licenses and ID cards.
- The seal and public safety authority’s signature should overlap the photo and the information section of the ID.
- The patron’s signature should be legible and match a signature that they are able to produce, if needed.
- The descriptions of height, weight, hair color, and eye color on the ID should match those of the individual.
- All printing on the ID should be the same. Check names, expiration dates, and birthdates.

If you suspect that a driver’s license or state ID has been tampered with, follow through by discussing it with the manager. If an out-of-state ID is presented, look for the same things that you would look for on an in-state ID. If an ID-checking guide is available, consult it.

The following forms of ID are legally accepted as “proof of age” in Utah:

- An identification card issued by Utah or a state other than Utah that includes a date of birth and photo
- A valid driver’s license issued by Utah, a state other than Utah that includes a date of birth and photo, or the U.S. State Department
- A military identification card that includes a date of birth and photo
- A valid passport

Proof of age does not include a driving privilege card. If you accept anything else, like an immigration card, driving privilege card, or concealed carry permit, you are placing yourself in a position of potential liability. These cards are not acceptable as proof of age to purchase beer and/or alcohol. As with driver’s licenses and state ID cards, carefully check the photos and information on the military IDs and passports to see that they have not been tampered with and that the person presenting the ID to you matches the descriptions on the identification.

Remember that you are in control of the situation and that you have the final right to refuse service if you do not feel that a person is truly over 21. Do not take chances. Leave the burden of proof in the hands of the patron.

### **ID Scanners**

Certain licensees are required to check the IDs of patrons who appear to be 35 years of age or younger using an ID scanner.

- Bars and Taverns: Patrons must have their IDs scanned prior to gaining admittance to a bar or tavern. (Fraternal and Equity establishments do not have this requirement.)
- Full-service, Limited-service, and Beer-only restaurants: Patrons who order an alcoholic beverage and are seated in the dispensing area of a restaurant (the area within 10' of the outside edge of the bar OR 5' from the bar and inside a wall) must have their IDs scanned. Remember, no one under 21 can be seated in the dispensing area.

Identification which cannot be scanned, such as some passports, military identification cards, or ID cards with bar code damage, must be manually reviewed and a hand-written daily log maintained with these requirements:

- The date the identification is presented
- The individual’s name
- The individual’s date of birth
- Type of identification (such as driver’s license, passport, state ID card)
- The ID’s expiration date
- The ID’s number (as listed on the card by the issuing authority)

This daily log, as with the scanner, must be continually maintained with 7 days of information. Older information should be destroyed.

### **Compliance Checks**

Covert underage buyers (CUBS) can use fake identification during a compliance check. However, the ID must bear their photo and correct age.

Fake ID must be created by the Department of Public Safety and retained by law enforcement at all times except when in actual use during the check.

## SECTION 4 – HANDLING DIFFICULT SITUATIONS

### Cutting Off Service

At times, you may have a patron who comes into the establishment intoxicated or who has reached a drink limit set by the establishment. At these times it will become necessary to discontinue beverage alcohol service. If you have maintained good service throughout the patron's meal and have kept the patron informed of any information that he or she should be aware of, such as what the house drink limit is, you should not have a problem in discontinuing beverage alcohol service. If the patron does raise objections, you may want to take a moment to explain your reason for discontinuing beverage alcohol service. Letting the patron know that you have discontinued service because you care about him or her may also be appropriate. Most people do not want to get others into trouble, so if no other technique works, you may want to let the patron know about your legal liabilities and the possibility of you losing your job if you act outside of house policies. If you continue to have a problem, you will probably want to get the manager involved. Remember, however, that you should not get into a difficult situation if you responsibly serve beverage alcohol. Maintaining a responsible attitude from the moment you walk through the front door will be your best assurance that you will not enter into any uncomfortable confrontations.

### Dealing with the Problem Patron

Regardless of how perfect your service is, how wonderful the food is, or how much a patron enjoys the beverage alcohol, you will occasionally encounter a patron who becomes a problem as he or she becomes intoxicated. When a patron becomes unruly or loud and distracts other patrons, it is important to remember that the patron needs to receive the same respect that everyone else receives. The way in which a patron is treated at a time like this is crucial. It is advisable to involve management in any situation involving a difficult patron. Decisions need to be made as to what would be in the best interest of the patron as well as the other patrons in the restaurant. It may be best to work with the patron, and it may be best to excuse the patron from the premises in order to keep other patrons comfortable. This is a touchy decision and should be approached with caution. If the patron has consumed beverage alcohol on your premises, your liability is increased and careful consideration should be given to how and if the patron is allowed to leave the premises.

### Beverage Alcohol and the Road

On a weekend night in Utah, as many as one out of ten drivers on the road is legally intoxicated. Between 2:00 a.m. and 6:00 a.m., the ratio can increase to one out of four.

### DUI Offenders

When caught, 51.8 percent of first-time DUI offenders said that they had been drinking at a licensed restaurant or bar. Seventy percent of them became intoxicated by drinking beer.

## Beverage Alcohol and Driving

It is unlawful to drive or be in physical control of a vehicle when the blood or breath alcohol concentration (BAC) is .05 or greater.

- Anyone who operates a motor vehicle is considered to have given his or her consent to submit to a chemical test or tests of his or her breath, blood, or urine if he or she is arrested for operating a vehicle under the influence of beverage alcohol.
- Anyone who refuses to submit to a chemical test or tests after having been arrested for DUI may have his or her driver's license revoked for 18 months.
- A person may not drink any beverage alcohol while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway.
- A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle any container which contains any beverage alcohol if the container has been opened, its seal broken, or the contents of the container partially consumed.

\* The provisions above do not apply to passengers in the living quarters of a motor home or camper or to passengers who have carried their own beverage alcohol onto a limousine or chartered bus.

## Getting the Patron Safely Home

### Ask the Patron to Arrange Alternate Transportation

If you follow the techniques outlined in your training, patrons should not be leaving the establishment intoxicated. If a patron becomes intoxicated and can not operate a vehicle, you should confront the patron and work with him or her in arranging for alternate transportation. If the patron is willing to take care of the arrangements by himself or herself, let the patron do it. It is best if he or she can take this responsibility. If it is not possible for the patron to take care of the arrangements, take steps to make sure that the patron does not illegally operate a vehicle.

### Call a Taxi for Transportation Service

If a patron feels that he or she has control of the situation, the patron is more likely to cooperate. Helping the patron call for taxi service is probably the easiest way to help the patron home. Assure the patron that his or her vehicle will be safe until he or she can return for it and then take steps to see that the vehicle is protected. When the patron becomes sober and realizes what extent you have gone to help him or her remain safe, the patron will most likely appreciate your genuine concern.

### Accommodations for the Night

If the patron is impaired badly enough that he or she is not able to tell you where to send him or her in a taxi, or if you are not sure that the patron would be safe once at home, you may want to consider personally seeing that the patron has accommodations for the night. Once again, chances are good that when the patron becomes sober he or she will appreciate your genuine concern. In the case that you do arrange for accommodations for a patron, make sure that the company is ready to cover the bill in the event that the patron can not pay in the morning.

## Telephone the Police

Even when you have tried to do everything you can to provide responsible service and to work with a patron who has become intoxicated, there may be a time when a patron is completely unwilling to work with you. If an intoxicated patron insists that he or she is fine and is going to drive, your best defense is to call the police. If the police are made aware of the situation, including receiving a description of the vehicle, your liability as a server may be reduced. This is a last resort, however, and should only be used after you and the management have taken every responsible action that you can to work with this patron.

## Management and Co-Workers' Support

Upholding house policies and state laws can be easily accomplished if the management team and co-workers support each other at all times. The biggest problems that can arise between a patron and an establishment can be the direct result of inconsistency of information from different employees. If a server has made a decision concerning beverage alcohol service to a patron based on the information that has been presented in this training program, the worst thing that can happen is for that server's decision not to be upheld. If the decision is not upheld, the patron feels that the server is not as interested in him or her as another server or manager might be, the server feels that he or she is not in control, and it becomes apparent that the manager makes inconsistent decisions. If a server makes a call that the manager or another server does not agree with, the situation should be discussed between the servers and the manager. The server should always be in control.

The only situations that should not be handled in this way are ones that would put the establishment at legal risk. In such cases, the manager needs to handle the situation in the interest of the establishment. Such cases should be rare. If a server is not handling beverage alcohol service in a responsible enough manner, that server should probably not be serving beverage alcohol.

## For Further Information

If you have additional questions about the laws in Utah, there are other resources available to you from the Department of Alcoholic Beverage Services.

- Frequently Asked Questions: <https://abc.utah.gov/contact-us/faq/>
- Questions by email: <https://abc.utah.gov/contact-us/>
- The compliance officer assigned to your business

## UTAH ALCOHOL TRAINING AND EDUCATION SEMINAR TEST

(Each question has only one correct answer)

Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. Utah law categorizes alcoholic beverages into “liquor” and “beer.” Which of the following statements is true about liquor?
  - a. Includes wine, flavored malt beverages, distilled spirits, and heavy beer over 4.0% alcohol by volume.
  - b. Includes wine, flavored malt beverages, distilled spirits, and heavy beer over 5.0% alcohol by volume.
  - c. Includes wine, flavored malt beverages, and distilled spirits but not heavy beer over 4.0% alcohol by volume.
  - d. Includes wine, flavored malt beverages, and distilled spirits but not heavy beer over 5.0% alcohol by volume.
2. Utah law categorizes alcoholic beverages into “liquor” and “beer.” Which of the following statements is true about beer?
  - a. Includes beer over 5.0% alcohol by volume
  - b. Includes beer 5.0% and under alcohol by volume
3. The legal drinking age in Utah is:
  - a. 18 for heavy beer
  - b. 19 for beer and wine only
  - c. 21 for any and all alcoholic beverages
4. What forms of ID are statutorily accepted as official “proof of age” for purchasing alcoholic beverages in Utah?
  - a. Valid or expired U.S. state or U.S. territory driver license or issued ID, birth certificate, university ID with date of birth and picture, passport, tribal ID
  - b. Driving privilege card, concealed weapons permit, birth certificate, university ID with date of birth and picture, valid or expired Department of State driver license, valid or expired U.S. state or U.S. territory driver license or issued ID
  - c. Military ID with date of birth and picture, passport, concealed weapons permit, mobile driver license (mDL) if your establishment has the appropriate scanner to read it, U.S. state or foreign state driver license or issued ID
  - d. Valid U.S. state and U.S. territory driver license and issued ID, valid U.S. Department of State driver license, military ID with date of birth and picture, passport, mobile driver license (mDL) if your establishment has the appropriate scanner to read it, U.S. state or foreign state driver license or issued ID
5. Is a concealed weapons permit considered a valid official state ID card?
  - a. Yes
  - b. No
6. Which characteristics distinguish a minor’s Utah driver license from an adult Utah driver license?
  - a. The minor’s driver license is vertical/portrait
  - b. The minor’s driver license specifically states when the minor will turn 21
  - c. The adult driver license is horizontal/landscape
  - d. A & C only
  - e. A, B, & C

7. ID scanners are required in the following licensed locations and situations:
- All licensees must use an ID scanner to verify the proof of age of all patrons
  - Bars and restaurants must use an ID scanner to verify the proof of age of all patrons that appear 35 years of age or younger
  - Bars (except equity & fraternal) and taverns must use an ID scanner to verify the proof of age for all patrons who are not known to the bartender and appear to be 35 years of age or younger
  - A patron appearing 35 or younger when entering a bar (except equity & fraternal), tavern, or restaurant when ordering a drink inside the 5' wall or 10' buffer mixing zone.
8. If an ID does not scan, are you allowed to let the patron into the establishment?
- Yes, if you handwrite the required ID information down
  - Yes, if approved by management
  - No
9. The **primary** spirituous liquor in a drink may not exceed:
- 1.5 oz
  - 2 oz
  - 2.5 oz
  - 2.75 oz
10. The **total** amount of spirituous liquor in a mixed drink (primary and flavorings) may not exceed:
- 1.5 oz
  - 2 oz
  - 2.5 oz
  - 2.75 oz
11. The secondary (flavoring) spirituous liquor in a drink must be different from the primary spirituous liquor in the drink in the following ways:
- Type
  - Flavor
  - Brand
  - Any one of the reasons listed in A, B, or C
12. What is the maximum size container of beer that can be served to one person?
- 1 pint
  - 750 ml
  - 1 liter
  - 2 liters
  - No limit
13. What state statute dictates the sales of alcohol?
- §26 Utah Health Code
  - §32B Alcoholic Beverage Control Act
  - §53 Public Safety Code
  - §76 Utah Criminal Code
14. May a restaurant provide free food to satisfy the food requirement in order for a patron to purchase an alcoholic beverage?
- Yes
  - No

15. It is lawful to possess or transport in the passenger compartment of a motor vehicle any opened container of alcoholic beverages.
- True
  - False
16. It is unlawful to drive or be in physical control of a vehicle when the blood or breath alcohol concentration (BAC) is \_\_\_ or greater.
- .10 grams
  - .08 grams
  - .05 grams
  - .04 grams
17. Anyone who refuses to submit to a chemical test or tests after having been arrested for DUI may have their driver license revoked for \_\_\_ months.
- 12
  - 18
  - 24
  - 36
18. It is unlawful to sell, offer for sale, or furnish an alcoholic product directly to:
- A person who is actually or apparently intoxicated
  - A person whom the person furnishing the alcoholic product (licensee/employee) knows or should know from the circumstances is actually or apparently intoxicated
  - A & B
  - None of the above
19. "Intoxicated" means that an individual exhibits plain and easily observable outward behavior or physical signs of intoxication as a result of the use of:
- An alcoholic product
  - A controlled substance
  - A substance that releases toxic vapors
  - A & B
  - A, B, & C
20. If someone sells or gives alcohol to a visibly intoxicated person and that person causes harm to themselves or others as a result, the seller or provider of the alcohol can be held responsible. This is according to what?
- Utah Juvenile Code
  - Utah Criminal Code
  - Utah Dram Shop Law
  - Utah Public Safety Code
21. An employer is liable for the actions of its employees in violation of the Dram Shop Law.
- True
  - False
22. Selling alcohol to a minor can result in what penalties?
- Criminal citation for the server resulting in fines up to \$2,500, up to one year in jail, court costs, and a criminal record
  - DABS administrative action for the server resulting in fines and/or suspension
  - DABS administrative action for the licensee resulting in fines and/or suspension
  - All of the above



23. Which of the following information about Covert Underage Buyers (CUBs) is incorrect?
- a. The identification card was created and provided by the Department of Public Safety
  - b. The identification card inaccurately represents the CUBs age
  - c. The identification card will display a current photo of the CUB
  - d. A peace officer maintains control of the identification card at all times except when the CUB is actively using it to make a purchase
24. \_\_\_\_\_ are specifically authorized to use CUBs to conduct investigations to ensure that licensees are not selling alcohol to minors.
- a. Department of Alcoholic Beverage Services
  - b. Department of Health and Human Services
  - c. Law Enforcement Agencies
  - d. Alcohol Prevention Groups
25. An employer may sanction or terminate an employee as a result of the employee having exercised their independent judgment to refuse to sell alcoholic beverages to any person the employee considers to be intoxicated, or under the age of 21.
- a. True
  - b. False
26. Any person who is employed to sell or furnish alcoholic beverages to the public for consumption on the premises must:
- a. Complete the “Utah Alcohol Training and Education Seminar” **before** serving alcohol
  - b. Be 21 years of age or older
  - c. Be in possession of a personal State of Utah liquor license
  - d. A & B
27. An employee has 30 days from the date of hire to complete training to sell/serve alcohol.
- a. True
  - b. False
28. Can an employee, manager, or owner of a retail license buy an alcoholic beverage for a customer?
- a. Yes
  - b. No
29. May an employee or owner consume alcohol while on duty?
- a. Yes
  - b. Yes, when on break
  - c. Yes, as long as they pay for the drink
  - d. No
30. May a minor take an alcohol order?
- a. Yes
  - b. Yes, a minor may take and deliver an alcohol order as long as someone 21 or over prepares it
  - c. Yes, a minor may take an alcohol order as long as someone 21 or over prepares and delivers it
  - d. No

## UTAH ALCOHOL TRAINING AND EDUCATION ANSWER KEY

1. B
2. B
3. C
4. D
5. B
6. E
7. D
8. A
9. A
10. C
11. D
12. C
13. B
14. B
15. B
16. C
17. B
18. C
19. E
20. C
21. A
22. D
23. B
24. C
25. B
26. D
27. B
28. B
29. D
30. D