



# **ServSafe® Alcohol Online Course:** **State of Utah Supplement**

*Revised June 2017*

## Table of Contents

<b>Section 1 – Alcohol Law and Your Responsibility</b> . . . . .	4
<b>Servers’ Legal Responsibilities</b> . . . . .	4
<b>Required Alcohol Training and Education</b> . . . . .	4
<b>Legal Age</b> . . . . .	4
<b>Legal Definition of Intoxication</b> . . . . .	4
<b>Prohibited Sales</b> . . . . .	5
<b>Establishing House Rules for Regulating Beverage Alcohol</b> . . . . .	5
<b>Third Party Liability and the Dram Shop Law</b> . . . . .	5
<b>Utah’s Dram Shop Law</b> . . . . .	5
<b>Utah Liquor Distribution and Control</b> . . . . .	6
<b>Liquor Dispensing Systems</b> . . . . .	7
<b>Portion Control</b> . . . . .	7
<b>General Licensee Requirements</b> . . . . .	8
<b>Prohibited Conduct on the Premises</b> . . . . .	8
<b>Recordkeeping</b> . . . . .	8
<b>Restaurant Licenses - Full service, Limited Service and Beer Only</b> . . . . .	8
<b>Airport Lounge Licenses</b> . . . . .	9
<b>Bar establishment Licenses – Social, Dining, Equity and Fraternal</b> . . . . .	9
<b>Recreational Amenity On-Premise Beer Retailer Licenses</b> . . . . .	10
<b>Tavern Licenses</b> . . . . .	11
<b>On-Premise Banquet and Catering Licenses</b> . . . . .	11
<b>Reception Center Licenses</b> . . . . .	11
<b>Utah Permits</b> . . . . .	12
<b>Beer Regulation</b> . . . . .	13
<b>Criminal Offenses</b> . . . . .	13
<b>Local Industry Representatives</b> . . . . .	14
<b>Section 2 – Recognizing and Preventing Intoxication</b> . . . . .	17
<b>What Is Alcohol?</b> . . . . .	17
<b>Alcohol: The Drug</b> . . . . .	17
<b>Alcohol’s Path through the Body</b> . . . . .	17

<b>Digestive Factors</b> . . . . .	17
<b>Alcohol’s Effects on the Body</b> . . . . .	17
<b>Health</b> . . . . .	18
<b>Alcohol’s Effects on Behavior</b> . . . . .	18
<b>Factors that Influence Alcohol’s Effects</b> . . . . .	18
<b>Recognizing Drinking Levels</b> . . . . .	19
<b>Techniques to Help Control Beverage Alcohol Consumption</b> . . . . .	20
<b>Facts about Beverage Alcohol</b> . . . . .	22
<b>Alcoholism</b> . . . . .	22
<b>The Cost of Beverage Alcohol Abuse</b> . . . . .	22
<b>Section 3 – Checking Identification</b> . . . . .	23
<b>Dealing with Minors</b> . . . . .	23
<b>Age Identification</b> . . . . .	23
<b>Checking ID</b> . . . . .	23
<b>Section 4 – Handling Difficult Situations</b> . . . . .	25
<b>Cutting Off Service</b> . . . . .	25
<b>Dealing with the Problem Patron</b> . . . . .	25
<b>Beverage Alcohol and the Road</b> . . . . .	25
<b>DUI Offenders</b> . . . . .	25
<b>Beverage Alcohol and Driving</b> . . . . .	26
<b>Getting the Patron Safely Home</b> . . . . .	26
<b>Management and Co-Workers’ Support</b> . . . . .	27
<b>Utah Alcohol Training and Education Seminar Test</b> . . . . .	28

## SECTION 1 – ALCOHOL LAW AND YOUR RESPONSIBILITY

### **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**

Managers, supervisors, and employees who serve alcohol must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

### **Legal Age**

The legal age for drinking beverage alcohol in the State of Utah is 21. 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 Control (DABC). This could include a fine or suspension for the server
- Administrative action against the licensee by the Department of Alcoholic Beverage Control (DABC). 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 under 26 years old is checked. This is a safety precaution to make sure that no one under 21 is allowed to drink beverage alcohol.

Any employee engaged in taking the order or handling alcoholic beverages must be twenty one 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.

### **Legal Definition of Intoxication**

The legal definition of intoxication in the State of Utah is a blood alcohol content (BAC) of 0.08 or higher. Testing for BAC levels is usually accomplished through the use of a breath analyzer or breathalyzer. The accuracy and dependability of the breathalyzer has been an issue for many years, and some law enforcement officials are in favor of introducing saliva testing since it more accurately reflects BAC.

## 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 or employee 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 gives, sells, or 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 the age of 21
- Any person who is apparently under the influence of intoxicating beverage alcohol or drugs

- Any person who the person furnishing the alcoholic beverage knew or should have known from the circumstances was under the influence of intoxicating alcoholic beverages or products or drugs
- Anyone who is a known interdicted person

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.

## 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.

Utah law categorizes beverage alcohol into two categories: liquor and beer. Liquor means distilled spirits, wine and wine-based products, flavored malt beverages, and beer that contains more than 3.2 percent alcohol by weight (heavy beer). The term beer and light beer mean all beer and beer-based products that contain 3.2 percent or less of alcohol by weight. The term beverage alcohol means both liquor and beer.

State control extends to service hours, storage locations of liquor in a licensed facility, and price control at the retail level. All beverage alcohol served in a licensed facility in Utah must bear the state tax seal showing that taxes have been paid on that beverage alcohol.

Legal service hours for licensed liquor distributors are:

- 3.2% beer--11:30 a.m. to 1:00 a.m.
- Liquor, wine, and heavy beer--11:30 a.m. to midnight

Liquor and wine may not be served until after election polls are closed on election days. Some local ordinances, such as county or city, may regulate the days of allowable beer sales in different parts of the state.

Storage locations on the premises of licensed facilities must be approved by the state (Utah Department of Alcoholic Beverage Control [UDABC]). Such storage facilities are to remain locked during non-serving hours.

### 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.

Each licensee shall have readily available for its patrons a printed alcoholic beverage price list, or menu containing current prices of all mixed drinks, wine, beer, and heavy beer. This list shall include any charges for the service of packaged wines or heavy beer.

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 Commission Rule R81-1-17).

### **Brown Bagging**

Patrons may not bring in or store spirituous liquor, heavy beer, or beer (3.2% alcohol by weight) on the premises. However, at the licensee’s discretion a patron may bring in bottled wine for consumption on the premises of a Limited/Full Restaurant or Bar establishment License.

Patrons may not leave the premise with an open container of liquor. The only exception is a wine bottle that has been re-corked or recapped.

Sealed containers of 3.2% beer may be sold for off premise consumption. However, restaurants have to confirm a purchaser’s intent to order food in order to sell beer to go.

## **Liquor Dispensing Systems**

All liquor licensees in the State of Utah must use a state-approved dispensing or metering system. Minibottles are not allowed to be served. A patron may only have one beverage alcohol on the table at a given time. All beverages must be served to the patron at the table. A patron may not go to the bar and pick up his or her own beverage alcohol in a licensed restaurant.

### **Portion Control**

**Spirituos Liquor** may be served so long as the primary liquor in a mixed drink is dispensed in quantities not to exceed 1.5 ounces through a department approved calibrated metered dispensing system or device. The total amount of spirituous liquor in a mixed drink (primary and flavorings) may not exceed 2.5 ounces.

**Wine** may be sold and served by the bottle or container in sizes 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 served in any size container not exceeding 2 liters and on draft. Beer may be sold by the pitcher (up to two liters) to two or more patrons, but may be sold to an individual patron only in a container that does not exceed one liter.

## General Licensee Requirements

If a licensee is closing for more than 10 days they **must** contact the department (excluding on-premise beer recreationals and airport lounges). Failure to do so will result in forfeiture of the license.

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.

## 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 who have received the necessary stage approvals from the commission.

### 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).

## Restaurant Licenses - Full service, Limited Service and Beer Only

Restaurant liquor licenses are issued for the storage, sale, service, and consumption of alcoholic beverages on the premises of a restaurant that is engaged primarily in serving meals to the general public. There must be adequate culinary facilities for food preparation and dining accommodations and each restaurant must maintain 70% of its total restaurant business from the sale of food.



**Full service restaurants** may sell spirituous liquor, wine, flavored malt beverages, heavy beer and 3.2% beer

**Limited service restaurants** may sell wine, heavy beer and 3.2% beer. Liquor is not allowed on the premises except for dessert flavorings and food preparation.

**Beer-only restaurants** may sell 3.2% beer. Liquor is not allowed on the premises except for dessert flavorings and food preparation.

- Service hours are from 11:30 a.m. to midnight for liquor, wine, flavored malt beverages, and heavy beer.
- Service hours on weekends and legal holidays are from 10:30 a.m. to 12:59 a.m. for liquor, wine, flavored malt beverages and heavy beer.
- Service hours for 3.2% beer are from 11:30 a.m. to 1:00 a.m.
- A restaurant licensee may not **sell, offer for sale, or furnish** an alcoholic product except after the **restaurant licensee confirms** that the patron has the intent to order food **prepared, sold, and furnished** at the licensed premises. The licensee may not offer free food to ensure the sale of alcoholic beverages.
- Alcohol must be consumed at the patron's table, the counter or a grandfathered bar structure. Minors may not sit at a grandfathered bar structure.
- Dispensing and storage of beer may only be from an area not visible to a patron and separated by a solid, translucent or opaque barrier or from a grandfathered bar.
- Display bottles may be displayed in areas visible to patrons.
- Other than a **spirituous** liquor drink, each restaurant patron may have no more than two alcoholic beverages of any kind at a time before the patron.
- Patrons may not consume an alcoholic beverage from one hour after the ending sales time to the opening time for alcohol sales
- Restaurants (full and limited service), may serve wine by the glass (5 ounces) or by the bottle.

## Airport Lounge Licenses

An airport lounge liquor license is issued to a person for the storage, sale, service, and consumption of alcoholic beverages on the premises of a public airport lounge.

- Service hours for liquor, wine, heavy beer, and beer may be sold from 8:00 a.m. until midnight.
- Each bar establishment patron may have no more than two alcoholic beverages of any kind at a time before the patron. If two spirituous drinks are in front of a patron, one may not be the same primary liquor dispensed as a shot-on-the-side (previously referred to as a "side car"). Also the two drinks cannot contain a total of more than 2.5 ounces of liquor at a time before the patron.
- An airport lounge licensee may not permit a patron to bring on to or remove a bottled wine from the premises of the retail licensee.

## Bar establishment Licenses--Bar, Dining, Equity and Fraternal

The storage, sale, service, and consumption of alcoholic beverages are allowed on the premises of a licensed bar establishment. There are four classifications of clubs: **Bar**--a primarily drinking establishment that is not required to maintain a percentage of sales of food. Food must be available and minors may not be on the premise; **dining clubs (this license type will expire in July 2018)**--a club that maintains at least 60% of its sales from food; **equity clubs**--such as a country

club; or **fraternal clubs**--a club for the mutual benefit or patriotic association that is organized under a lodge system.

- Service hours for liquor, wine, heavy beer, and beer may be sold from 10:00 a.m. until 1:00 a.m.
- Bar establishments 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.
- Consumption of alcohol in bar establishments is prohibited between the hours of 2:00 a.m. and 10:00 a.m.
- Each bar establishment patron may have no more than two alcoholic beverages of any kind at a time before the patron. If two spirituous drinks are in front of a patron, one may not be the same primary liquor dispensed as a shot-on-the-side (previously referred to as a "side car"). Also the two drinks cannot contain a total of more than 2.5 ounces of liquor at a time before the patron.
- 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.
- Bars and dining clubs must electronically verify age before anyone who appears to be 35 years of age or younger may gain admittance to a social club, or obtain an alcoholic beverage in a dining club.
  - \* Identification which cannot be scanned (e.g., passports, military identification cards, or ID cards with bar code damage) must be manually reviewed and a daily log maintained with the following:
    - Date the identification is presented
    - Individuals name
    - Date of birth
    - Type of identification (such as driver's license, passport, state ID card)
    - ID's expiration date
    - ID number issued by the issuing authority
- Minors may not be admitted into, use, or be on the premises of a bar.
- Minors may not be on the premises of a dining club unless accompanied by an individual who is 21 years of age or older.
- Minors may not be on the premises of a lounge or bar area of a dining, equity, or fraternal club.
- Fraternal and equity licenses are private clubs with membership requirements. Fraternal clubs may admit patrons without a host if they meet 60% food sales and allow the practice in their bylaws.

## **Recreational Amenity On-Premise Beer Retailer Licenses**

A "recreational amenity" establishment is defined as one or more of the following or an activity substantially similar to one of the following: a billiard parlor; pool parlor; bowling facility; golf course; miniature golf; golf driving range; tennis club; sports facility that hosts professional sporting events and has a seating capacity of 6500 or greater; concert venue with a seating capacity of 6500 or greater; certain government-owned establishments; amusement park; ski resort; venue for live entertainment; or concessions operated within the boundary of a park administered by the Division of Parks and Recreation or the National Parks Service.

- Service hours for beer are from 10:00 am until 1:00 am.
- Beer sold in a sealed container by an on-premise beer retailer may be removed from the on-premise beer retailer premises in the sealed container.
- Recreational amenity establishments must maintain 70% of its total gross revenues from a recreational amenity that is on or directly adjoins the licensed premises of the beer retailer.

## Tavern Licenses

“Taverns” are defined as beer bars, parlors, lounges, cabarets, and night clubs where the revenue from the sale of beer exceeds the revenue from the sale of food, although food need not be sold in such establishments.

- Service hours for beer are from 10:00 am until 1:00 am.
- Beer sold in a sealed container by an on-premise beer retailer may be removed from the on-premise beer retailer premises in the sealed container.
- Taverns must electronically verify age before anyone who appears to be 35 years of age or younger may gain admittance 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 serving of beer not exceeding 26 ounces purchased before sales ended. Taverns do not have to remain open after all patrons have vacated the premises, or during an emergency.

## On-Premise Banquet and Catering Licenses

An on-premise banquet license allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. An on-premise banquet licensee may serve alcoholic beverages pursuant to a contract with the host of a banquet in a variety of formats. Each on-premise banquet licensee shall maintain at least 50% of its total annual banquet receipts from the sale of food.

- Service hours for liquor, wine, heavy beer, and beer may be sold from 10:00 a.m. until 1:00 a.m.
- Other than a **spirituous** liquor drink, each restaurant patron may have no more than two alcoholic beverages of any kind at a time before the patron.
- An on-premise banquet licensee may only serve alcoholic beverages pursuant to a contract for a private banquet function. A banquet contract is an agreement between an on-premise banquet licensee and a host of a banquet to provide alcoholic beverages at a meal, reception, or other private banquet function at a defined location on a specific date and time for a pre-arranged, guaranteed number of attendees at a negotiated price.
- Banquet licensees shall file with the department at the beginning of each quarter a report containing advance notice of events or functions to be held under a banquet contract that have been scheduled for that quarter.
- A licensee’s employee must remain at a banquet when alcoholic beverages are being sold, served, and consumed.
- This license type provides for room service delivery of alcoholic beverages.

## Reception Center Licenses

The "reception center" license is for small banquet venues that want to sell, offer for sale, or furnish alcohol on their premises. The license is not required for those venues that do not want to sell or furnish alcohol, but merely rent their facilities to private groups for private social functions where the group provides their own alcoholic beverages. The reception center must be at least 5000 square feet and have culinary facilities that are adequate to prepare full meals. Events must be under a contract between the center and a third party host of the event. The center may not maintain in excess of 30% of its total annual receipts from the sale of alcohol which includes mix and any service charge.

- Service hours for liquor, wine, heavy beer and beer may be sold from 10:00 a.m. until 1:00 a.m.
- Other than a **spirituous** liquor drink, each restaurant patron may have no more than two alcoholic beverages of any kind at a time before the patron.
- A reception center licensee may only serve alcoholic beverages pursuant to a contract for a **private** banquet function. With the exception of an event hosted once a year by a non-profit organization, events may not be open to the public.
- Reception center licensees shall file with the department at the beginning of each quarter a report containing advance notice of events or functions that have been scheduled for that quarter.
- A licensee's employee must remain at a banquet when alcoholic beverages are being sold, served, and consumed.
- Minors may not be employed at an event if no food is available.
- Patrons may not consume at a bar structure, and dispensing may only be from an area not visible to a patron separated by a solid, opaque, or translucent barrier.
- The center may dispense from a mobile serving area that is moved only by staff of the center, can be moved by one person, and is no larger than 6' long and 30" wide.

## Utah Permits

### Single Event Permits

Single event permits may be issued to a bona fide corporation, partnerships, church, limited liability company, political organization, or incorporated association, or to a recognized subordinate lodge, chapter, or other local unit thereof that is conducting a civic or community enterprise or convention. And would like to sell liquor, wine, beer, or heavy beer (over 3.2%) at a temporary event. These permits provide for the legal storage, sale, service, and consumption of liquor at conventions, civic, or community enterprises at prices approved by the commission.

A single-event permit is required if:

- Direct sales of liquor are to be part of the event, such as cash bars where mixed drinks are prepared, sold, and served to paying patrons of the general public or to the organization's own invited patron for the duration of event.

The basic factors pertaining to single-event permits are:

- The organization must have been in existence as a bona-fide (listings previously mentioned) organization for at least one year prior to the date of application.
- Not more than 12 permits that are valid for no longer than 3 consecutive days (72 hours) or up to 4 permits each for no longer than 5 consecutive days (120 hours) may be issued to the qualified organization in the same calendar year.
- The organization may not hold or be affiliated with the holder of any other license issued by the department.

- Written consent of the local governing authority (city, town, county) must be obtained.
- No minor shall be granted a single event permit or be employed by a single event permittee to handle liquor.
- No permit will be issued to any person or business that has had any liquor license or permit revoked within the last three years.
- Applications must be made to and on file with the department by the tenth of each month. Primary liquor may be dispensed in one-ounce quantities and wine may be dispensed in quantities not to exceed five ounces; however, metered dispensing systems are not required.

### 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, the retail sale of beer for off-premise consumption, such as for sale by general food stores and convenience stores, is regulated by incorporated cities and towns, and by counties in which retailer is located. These entities have the authority to license, tax, regulate (including the hours and days of sale), and prohibit the sale of beer for off-premise consumption.

State law general restrictions for off-premise beer retailers are:

- Beer may not be served in containers larger than two liters and on draft.
- A minor may not be granted a beer retailer license.
- A minor may not sell beer unless 21 years of age or older.
- Requires displaying all beer products in an “area that is visibly separate and distinct” from the area where non alcoholic beverages are displayed and to post a sign that reads, *“These beverages contain alcohol. Please read the label carefully.”*

## 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 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. A violation of this law is a class B misdemeanor.
- 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 violation of this law is a class B misdemeanor.
- 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 violation of this law is an infraction.

- 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, except for the following instances.
  - \* A person who clears United States customs when entering this country may have or possess, for personal consumption, a maximum of two liters purchased from outside the United States.
  - \* A person who moves his or her personal residence to this state from outside Utah may have, for personal consumption, any liquor that was previously purchased outside of Utah if prior to the move, approval is obtained from the department and reasonable administrative fees are paid to the department for handling and affixing the official state label. A person may not be granted approval for this exception more than once.
  - \* A person who inherited, as part of an estate, liquor that is located outside the state and brought it into Utah after obtaining the approval from the department and paying the required administrative handling fee(s).
- 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 not bring onto the premises of any licensed or unlicensed restaurant, airport lounge, private club on-premise beer retailer licensee, or any establishment open to the general public, any beverage alcohol for on-premise consumption except:
  - \* A person may, at the discretion of the proprietor, bring cork-finished wines onto the premises of any restaurant liquor licensee or private club liquor licensee for consumption on the premises.
  - \* 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 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.
- A person may bring onto any premises, have, and consume any beverage alcohol 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.
- A person may not possess or use firearms in the pursuit of any kind of wildlife while under the influence of narcotic drugs or beverage alcohol.

- A person may not operate any recreational vehicle, such as a snowmobile, boat, vessel, water skis, or aquaplane, while under the influence of narcotic drugs or beverage alcohol.

## 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 involves the display of drinking scenes, 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.)	3 drinks	Small (up to 105 lbs.)	2 drinks
Medium (up to 160 lbs.)	3 drinks	Medium (up to 135 lbs.)	3 drinks
Large (over 160 lbs.)	4 drinks	Large (over 135 lbs.)	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 becoming intoxicated. 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.

## 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	0.050
3	Talkative, outgoing, loss of good judgment, drinks more quickly	0.075
***LEGAL BORDERLINE OF INTOXICATION***		
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: obvious intoxication and legal intoxication. Obvious intoxication can be defined as the point at which motor skills and speech are impaired. Other symptoms may include glassy or red eyes or loud behavior. Legal intoxication in the state of Utah can be defined as a BAC of 0.08 or greater. This holds true regardless of the apparent condition of the individual. It is important to differentiate these two since one person may not show signs of intoxication when his or her BAC is over 0.08.

## **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 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, deserts, 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 non-alcohol 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 obvious 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\*

Percent of US Adult Population	Level of Consumption	Percent of Total Beverage Alcohol Sales in US
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.

Acceptable forms of identification in Utah include a valid passport, a valid driver's license or military identification card with a date of birth and a photo, or an official state issued identification card. If you accept anything else, you are placing yourself in a position of potential liability. 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 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.



## 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 (BAC of 0.08 or greater). 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 while under the influence of beverage alcohol when the BAC is 0.08 or above.

- 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 after having been arrested for operating a vehicle under the influence of beverage alcohol 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.

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

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

## UTAH ALCOHOL TRAINING AND EDUCATION SEMINAR TEST

(each question has only one correct answer)

1. Utah law categorizes alcoholic beverages into two categories, "liquor" and "beer". Which statement is true?
  - a. Liquor includes wine, flavored malt beverages, distilled spirits, and beer that is over 3.2% alcohol by weight.
  - b. Beer means beer that is 3.2% or less alcohol by weight.
  - c. a & b.
  - d. None of the above.
  
2. The legal drinking age in Utah is
  - a. 18 for 3.2% beer only.
  - b. 19 for beer and wine only.
  - c. 21 for any and all alcoholic beverages.
  
3. It is unlawful to possess or transport in the passenger compartment of a motor vehicle, any opened container of
  - a. Red Bull.
  - b. Mountain Dew.
  - c. Potato chips.
  - d. Alcoholic beverages.
  
4. If a person or organization that sells or provides any alcoholic beverage to a person who is apparently under the influence of intoxicating beverages or products or drugs, and contributes to the intoxication of that person, then the organization or person who sold or provided the alcoholic beverage may be liable for injuries to persons or property resulting from the intoxication. This is a provision of
  - a. The U.S. Constitution.
  - b. The Utah Criminal Code.
  - c. Utah's Dram Shop Law.
  - d. The Bill of Rights.
  
5. The **primary** spirituous liquor in a drink may not exceed
  - a. 1.5 ounces
  - b. 2 ounces
  - c. 2.5 ounces
  - d. 2.75 ounces
  - e. 3 ounces

6. Allowable hours of sale of **beer** in an establishment licensed as an on-premise beer recreational amenity are
  - a. the same as for off-premise sale.
  - b. 10:00 a.m. to 1:00 a.m.
  - c. 7:00 a.m. to 2:00 a.m. (May 1 to October 31).
  - d. 7:00 a.m. to 1:00 a.m. (November 1 to April 30).
  - e. c & d
  
7. Allowable hours for the sale of **alcohol** in an establishment licensed as a bar establishment are
  - a. the same as for off-premise sale.
  - b. 10:00 a.m. to 1:00 a.m.
  - c. 7:00 a.m. to 2:00 a.m. (May 1 to October 31).
  - d. 7 a.m. to 1 a.m. (November 1 to April 30).
  - e. c & d
  
8. Allowable hours for the sale of **alcohol** in an establishment licensed as any restaurant are
  - a. the same as for off-premise sale.
  - b. 10:00 a.m. to 1:00 a.m.
  - c. 11:30 a.m to midnight.
  - d. 11:30 a.m. to 1:00 a.m for **beer** and 11:30 a.m. to midnight for **all other alcohol** and 10:30 am on Saturdays, Sundays, and legal holidays.
  
9. 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 any person the employee considers to be intoxicated, or under the age of 21 years.
  - a. True
  - b. False
  
10. Wine by the glass may be sold in quantities not exceeding
  - a. 3 ounces.
  - b. 4 ounces.
  - c. 5 ounces.
  - d. 6 ounces.
  
11. The conditions that apply to the sale of wine in full service and limited restaurants are
  - a. to confirm the patron's intent to order food.
  - b. by the glass or bottle.
  - c. from 11:30 a.m. to midnight on weekdays, from 10:30 a.m. on Saturdays, Sundays and legal holidays.
  - d. a & c
  - e. a, b, & c

12. Any **person** who is employed to sell or furnish alcoholic beverages to the public for consumption on the premises must
- complete the Utah alcohol training and education seminar within 30 days of hire.
  - be 21 years of age or older.
  - be related to the owner or manager of the premises.
  - have a personal state liquor license.
  - a & b
  - a, b, & d
13. Can an employee, manager, or owner of a retail licensee buy an alcoholic beverage for a patron?
- Yes
  - No
14. The **total** amount of spirituous liquor in a mixed drink (primary and flavorings) may not exceed
- 1 ounce
  - 2 ounces
  - 2.5 ounces
  - 2.75 ounces
  - 3 ounces
15. Selling alcohol to a minor can result in what penalties?
- Criminal citation for the server resulting in fines up to \$2500, up to a year in jail, court costs, and a criminal record
  - DABC administrative action for the server resulting in fines and/or suspension
  - DABC administrative action for the licensee resulting in fines and/or suspension
  - All of the above
16. What are the four form(s) of ID statutorily accepted as official "proof of age" for the purchase of alcoholic beverages in Utah?
- Valid or expired driver license or state ID, birth certificate, and university ID with date of birth and picture
  - Driving privilege card, concealed weapons permit, birth certificate, and university ID
  - Birth certificate
  - Valid or expired driver license or state ID, concealed weapon permit, passport, military ID
  - Military ID with date of birth and picture, valid driver license, valid official state ID card, valid passport
17. Is a concealed weapons permit considered a valid official state ID card?
- Yes
  - No

18. What is the maximum size container of beer that can be served to one person?
- 750 ml
  - 1 liter
  - 2 liters
  - No limit
  - 1 pint
19. Taverns and bar establishments must remain open an extra hour after alcoholic beverage sales and service have ended to allow a patron to finish consuming any single drink purchased before sales ended.
- True
  - False
20. Consumption of alcohol beverages at all retail licensees is prohibited between the hours of
- 1:00 a.m. and 2:00 a.m.
  - one hour after the legal closing time for the sale of alcoholic beverages until the legal opening time.
  - midnight and 10:00 a.m.
  - 2:00 a.m. and 7:00 a.m.
21. A restaurant must verify a patron's intent to order food prior to serving an alcoholic product. Which scenario would lead to a citation for failure to verify the patron's intent to dine?
- A patron says they are not hungry and just want a drink. The server serves them an alcoholic product.
  - The hostess verbally establishes that all members of the party have the intent to order food prior to seating them by asking "how many will be dining with us this evening." The server serves the table alcoholic products prior to taking the food order. One or more patrons leave prior to ordering food.
  - Both - the patron must order food to obtain an alcoholic beverage.
22. ID scanners are required in which of the following licensed locations and situations?
- All licensees** must use scanners to verify proof of age of **all patrons**.
  - Bar establishments and restaurants** must use scanners to verify proof of age for **all patrons** that **appear 35 years or younger**.
  - A **bar and tavern** must use a scanner upon entry and a **dining club** (entire premises) and a restaurant (dispensing area) when ordering a drink for patrons **who are not known to the bartender and appear to be 35 years or younger**.
  - A **bar and tavern** must use a scanner upon entry and a **dining club** (entire premises) and a restaurant (dispensing area) when ordering a drink for **all patrons who appear 35 years or younger**.
23. If an ID does not scan, are you allowed to let the patron into the establishment?
- Yes, if you hand-write the required ID information down.
  - Yes, if approved by management
  - No

- 24.** May an employee or owner consume alcohol while on duty?
- a.** Yes
  - b.** Only on breaks
  - c.** No
  - d.** Yes as long as they pay for the drink
- 25.** May a restaurant provide free food to satisfy the food requirement in order for a patron to purchase an alcoholic beverage?
- a.** Yes
  - b.** No
- 26.** May a minor take an order of alcohol as long as someone 21 or over prepares and delivers the alcoholic beverage?
- a.** Yes
  - b.** No