**R82. Alcoholic Beverage Services, Administration.**

**R82-6. Specific Retail Provisions.**

**R82-6-101. General Provisions.**

Reserved.

**R82-6-201. Restaurants -- Grandfathered Bar Structures.**

(1) Authority. This rule is made pursuant to the general authority described in section 32B-1-102; the authority to make rules regarding full restaurants in sections 32B-6-202 and 32B-6-205; the authority to make rules regarding limited restaurants in sections 32B-6-302 and 32B-6-305; and the authority to make rules regarding for beer only restaurants found in section 32B-6-905.

(2) The purpose of this rule is to define terms for full service, limited, and beer only restaurant licenses as required by Title 32B, Chapter 6.

(3) Definitions.

(a) "Actively engaged in the construction of the restaurant" means that:

(i) a building permit has been obtained to build the restaurant; and

(ii) a construction contract has been executed and the contract includes an estimated date that the restaurant will be completed; or

(iii) work has commenced by the applicant on the construction of the restaurant and a good faith effort is made to complete the construction in a timely manner.

(b) "Remodels the grandfathered bar structure" means that:

(i) the grandfathered bar structure has been altered or reconfigured to:

(A) extend the length of the existing structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons.

(c) "Remodels the grandfathered bar structure" does not:

(i) preclude making cosmetic changes or enhancements to the existing structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(d) Pursuant to subsection 32B-5-303(3), the licensee must first apply for and receive approval from the Department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage and dispensing area at a "grandfathered bar structure" must first be reviewed and approved by the Department to determine whether it is:

(i) an acceptable use of an existing bar structure; or

(ii) a remodel of a "grandfathered bar structure".

(e) "remodels the grandfathered bar structure or dining area" for purposes of subsection 32B-6-205.3(4)(a)(ii) means that:

(i) the grandfathered bar structure or dining area has been altered or reconfigured to:

(A) extend the length of the existing bar structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons from the dining area.

(f) "remodels the grandfathered bar structure or dining area" does not:

(i) preclude making cosmetic changes or enhancements to the existing bar structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(g) Pursuant to subsection 32B-5-303(3), the licensee must first apply for and receive approval from the Department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage, dispensing, or consumption area must first be reviewed and approved by the Department to determine whether it is:

(i) an acceptable use of an existing bar structure or dining area; or

(ii) a remodel of a "grandfathered bar structure or dining area".

**R82-6-202. Restaurants -- Alcoholic Flavorings.**

(1) Authority. This rule is made pursuant to the authority described in section 32B-1-102 and the authority to make rules regarding full restaurants in sections 32B-6-202 and 32B-6-205; the express authority to make rules regarding limited restaurants in sections 32B-6-302 and 32B-6-305; and the express authority to make rules regarding for beer only restaurants found in section 32B-6-905.

(2) Purpose. The purpose of this rule is to clarify the use of alcoholic products in food production.

(3) Restaurant licensees may use alcoholic products as in beverages only during the authorized selling hours under the restaurant liquor license.

(4) Alcoholic product flavoring may be used in the preparation of food items at any time if plainly and conspicuously labeled "cooking flavoring."

(5) No licensee employee under the age of 21 years may handle alcoholic product flavorings except when engaged in food preparation.

(6) Nothing in this rule authorizes a finished food product to contain alcohol in excess of 0.5% alcohol by volume, which would render it an alcoholic product subject to Title 32B.

**R82-6-301. Reserved.**

Reserved.

**R82-6-401. Bars -- Bar Licensing.**

(1)(a) At the time the Commission grants a bar establishment license the Commission must designate whether the bar establishment qualifies to operate as an equity, fraternal, or bar based on criteria in sections 32B-6-404 and 405.

(b) After any bar establishment license is granted, a bar establishment may request that the Commission approve a change in the bar establishment's classification in writing supported by evidence to establish that the bar establishment qualifies to operate under the new class designation based on the criteria in sections 32B-6-404 and 405.

(c) The Department shall conduct an investigation for the purpose of gathering information and making a recommendation to the Commission as to whether or not the request should be granted. The information shall be forwarded to the Commission to aid in its determination.

(d) If the Commission determines that the bar establishment has provided credible evidence to establish that it meets the statutory criteria to operate under the new class designation, the Commission shall approve the request.

**R82-6-402. Bars -- Membership Fees and Monthly Dues.**

(1) Authority. This rule is pursuant to the Commission's powers and duties under section 32B-2-202 general licensing procedures and section 32B-6-405 for issuing an equity or fraternal bar establishment licenses, which authorizes the Commission to refuse to issue a license if the bylaws are not reasonable and consistent with the purpose of the type of license.

(2) Purpose. This rule furthers the intent of section 32B-6-407 that equity and fraternal clubs operate in a manner that preserves the concept that they are private and not open to the general public.

(3) Application of Rule.

(a) Each equity and fraternal club shall establish in its by-laws membership application fees and monthly membership dues in amounts determined by the club.

(b) An equity or fraternal club, its employees, agents, or members, or any person under a contract or agreement with the club, may not, as part of an advertising or promotional scheme, offer to pay or pay for membership application fees or membership dues in full or in part for a member of the general public.

**R82-6-403. Bars -- Minors in Lounge or Bar Areas of Equity or Fraternal Licensees.**

(1) Authority. This rule is made pursuant to Section 32B-2-202.

(2) Purpose. The purpose of this rule is to clarify the meaning of "lounge or bar area" as used in Section 32B-6-406.

(3) Application. Under Section 32B-6-406, a minor may not be admitted into, use, or be in the lounge or bar area of an equity or fraternal licensee's licensed premises, which includes:

(a) the dispensing structure as defined in Section 32B-1-102;

(b) any area in the immediate vicinity of the dispensing structure where the sale, service, display, and advertising of alcoholic beverages is emphasized; and

(c) any area that is in the nature of or has the ambience or atmosphere of a bar, parlor, lounge, cabaret, or night club.

**R82-6-404. Bars -- Sexually Oriented Entertainers and Stage Approvals.**

(1) Authority. This rule is pursuant to sections 32B-1-501 through 32B-1-506, which prescribe the attire and conduct of sexually-oriented entertainers in premises regulated by the Commission and require them to appear or perform only in a tavern or bar and only upon a stage or in a designated area approved by the Commission.

(2) Purpose. This rule establishes guidelines used by the Commission to approve stages and designated performance areas in a tavern or bar where sexually oriented entertainers may appear or perform in a state of seminudity.

(3) Definitions.

(a) "Seminude", "seminudity, or "state of seminudity" means a state of dress as defined in section 32B-1-102.

(b) "Sexually-oriented entertainer" has the same meaning as that term is defined in section 32B-1-102.

(4) Application of Rule.

(a) A sexually oriented entertainer may appear or perform seminude only on the premises of a tavern or bar.

(b) A tavern or bar licensee, or an employee, independent contractor, or agent of the licensee shall not allow:

(i) a sexually oriented entertainer to appear or perform seminude except in compliance with the conditions and attire and conduct restrictions of sections 32B-1-502 through 32B-1-506;

(ii) a patron to be on the stage or in the performance area while a sexually oriented entertainer is appearing or performing on the stage or in the performance area; and

(iii) a sexually-oriented entertainer to appear or perform seminude except on a stage or in a designated performance area that has been approved by the Commission.

(c) Stage and designated performance area requirements.

(i) The following shall submit for Commission approval a floorplan containing the location of any stage or designated performance area where sexually-oriented entertainers appear or perform:

(A) an applicant for a tavern or bar license from the Commission who intends to have sexually-oriented entertainment on the premises;

(B) a current tavern or bar licensee of the Commission that did not have sexually-oriented entertainment on the premises when application was made for the license or permit, but now intends to have such entertainment on the premises; or

(C) a current tavern or bar licensee of the Commission that has sexually-oriented entertainment on the premises, but has not previously had the stage or performance area approved by the Commission.

(ii) The Commission may approve a stage or performance area where sexually-oriented entertainers may perform in a state of seminudity only if the stage or performance area:

(A) is horizontally separated from the portion of the premises on which patrons are allowed by a minimum of three (3) feet, which separation shall be delineated by a physical barrier or railing that is at least three (3) feet high from the floor;

(B) is configured so as to preclude a patron from:

(I) touching the sexually-oriented entertainer;

(II) placing any money or object on or within the costume or the person of any sexually-oriented entertainer;

(III) is configured so as to preclude a sexually-oriented entertainer from touching a patron; and

(IV) conforms to the requirements of any local ordinance of the jurisdiction where the premise is located relating to distance separation requirements between sexually-oriented entertainers and patrons that may be more restrictive than the requirements of subparts (4)(c)(i) and (ii) of this rule.

(iii) The person applying for approval of a stage or performance area shall submit with their application:

(A) a diagram, drawn to scale, of the premises of the business including the location of any stage or performance area where sexually-oriented entertainers will appear or perform;

(B) a copy of any applicable local ordinance relating to distance separation requirements between sexually-oriented entertainers and patrons; and

(C) evidence of compliance with any such applicable local ordinance.

**R82-6-501. Airport Lounge -- Reserved.**

Reserved.

**R82-6-601. On-Premise Banquet License Room Service -- 187 ml Wine Sales.**

(1) Authority. This rule is made pursuant to the Commission's powers and duties under Section 32B-2-202 to adopt and issue policies, rules, and procedures.

(2) Purpose.

(a) Pursuant to Section 32B-2-303, the Department may not purchase or stock spirituous liquor in containers smaller than 200 milliliters, except as described in Section 32B-2-303.

(b) Subject to Subsection (2)(a) and the conditions described in Subsection (3), the Commission allows the limited use of 187 milliliter bottles of wine as one form of room service sales by on-premise banquet licensees located in hotels and resorts.

(c) The conditions outlined in this section are imposed to ensure that the smaller bottle sales are limited to registered guests of sleeping rooms and are not offered to the general public.

(3) Application.

(a) The Department will not maintain a regular inventory of wine in the smaller bottle sizes, but will accept special orders for these products from an on-premise banquet licensee. Special orders may be placed with the Department's purchasing division, any state store, or any Type 2 or 3 package agency.

(b) The on-premise banquet licensee must order in full case lots and all sales are final.

(c) Sale and use of wine in the smaller bottle sizes is restricted to providing one form of room service to guests in sleeping rooms in the hotel or resort, and may not be used for other banquet catering services, kept in a minibar, or be sold to the general public.

(d) Failure of the on-premise banquet licensee to strictly adhere to the provisions of this rule is grounds for the Department to take disciplinary action against the on-premise banquet licensee.

**R82-6-602. On-premise Banquet -- Reporting Requirement for Banquet Licensees.**

(1) Authority. This rule is made pursuant to Section 32B-6-605.

(2) Purpose. This rule establishes:

(a) the notice that an on-premise banquet licensee or sublicensee must give to the Department in advance of a scheduled banquet event so that the Commission, the Department, or a law enforcement officer may conduct a random inspection of a banquet to monitor compliance with alcohol laws; and

(b) the records to be maintained by an on-premise banquet licensee and sublicensee.

(3) Application.

(a) An on-premise banquet licensee or an on-premise banquet sublicense shall provide the Department advance notice of scheduled banquets in an electronic format at least 14 days before the scheduled event or immediately upon booking events with less than 14 days until the scheduled event.

(b) The electronic advance notice must include the following information for each event:

(i) the name of the host;

(ii) the specific location;

(iii) the dates;

(iv) the beginning and ending times;

(v) the number of attendees expected to attend;

(vi) the designation as either a private event or a privately sponsored event, including the specific type of event; and

(vii) for banquet events with an anticipated attendance of over 500 people, the control measures that will be implemented to prevent:

(A) minors from obtaining alcohol;

(B) overconsumption of alcohol;

(C) the general public or an uninvited guest from entering a private event; and

(D) a person who has not paid an admission fee from entering a privately sponsored event.

(4) The licensee or sublicensee shall provide electronic notice of banquet event cancellations or modifications when the event is canceled or modified.

(5)(a) Upon request, the Department shall provide access to documents listing scheduled banquet events to a commissioner, authorized representative of the Department, or law enforcement officer for use as described in Subsection (2).

(b) The Department and law enforcement may use the scheduled banquet event documents only for the purposes stated in this rule.

(6) The Department shall retain a copy of any documents pertaining to scheduled banquet events for up to one year after the conclusion of the banquet event.

(7) The Department shall classify the documents containing the details of scheduled banquet events as protected under Section 63G-2-305 of the Government Records Management Act if, upon review, the Department determines that:

(a) the documents contain commercial information, the disclosure of which could reasonably be expected to result in unfair competitive injury to the licensee or sublicensee submitting the information, and the licensee or sublicensee submitting the information has a greater interest in prohibiting access than the public in obtaining access to the information; and

(b) the licensee or sublicensee claims business confidentiality and requests that the documents be classified as protected pursuant to Sections 63G-2-305 and 63G-2-309.

(9) An on-premise banquet licensee or sublicensee shall maintain a record of the following:

(a) the name and type of each event;

(b) the date and time of each event;

(c) the name of the third-party host of each event;

(d) the contract between the licensee or sublicensee and the host of each event;

(e) the percentage of ownership interest, if any, the host has in the banquet facility;

(f) the total number of guests attending each event;

(g) the total sales of spirituous liquor, wine, beer, heavy beer, and flavored malt beverages sold, served, or provided at each event;

(h) the price charged to the guests for each type of alcoholic product served at each event;

(i) the total sales of food served at each event;

(j) the purchase receipts for spirituous liquor, wine, heavy beer, beer, and flavored malt beverages; and

(k) the annual ratio of food sales to sales of spirituous liquor, wine, heavy beer, beer, and flavored malt beverages.

(10) Failure of an on-premise banquet licensee or sublicensee to timely file advance notice of scheduled banquet events or to retain the records as described in this rule may result in disciplinary action pursuant to Sections 32B-3-201 through 32B-3-207 and R82-3-102 and R82-3-103.

**R82-6-701. On-Premise Beer Retailer -- Commission-Approved Activity.**

(1) This rule is adopted pursuant to Section 32B-6-702, which authorizes the commission to define by rule "commission-approved activity" related to an on-premise beer retailer license that is not a tavern.

(2) A "commission-approved activity," for which the commission may grant an on-premise beer retailer license that is not a tavern, includes the following leisure activities that do not involve the use of a dangerous weapon:

(a) A virtual version of any sport or activity enumerated in Subsection 32B-6-702(2)(a);

(b) A video arcade;

(c) Trail bike park involving off-road trails;

(d) Historic and Scenic Railway;

(e) Recreational climbing facility;

(f) Pickleball;

(g) Badminton;

(h) Bocce ball;

(i) An activity similar to the foregoing activities or similar to those specifically enumerated in Subsection 32B-6-702(2)(a); and

(j) Any other activity that the commission deems recreational.

**R82-6-801. Reception Center -- Reporting Requirement for Reception Center Licensees.**

(1) Authority. This rule is made pursuant to Section 32B-6-805.

(2) Purpose. This rule implements the requirement of Section 32B-6-805, which requires the Commission to provide by rule procedures for reception center licensees to report scheduled events to the Department to allow random inspections of events by authorized representatives of the Commission, the Department, or a law enforcement officer to monitor compliance with Utah alcoholic beverage control laws.

(3) Application.

(a) A reception center licensee shall file with the Department at the beginning of each quarter a report containing advance notice of events that have been scheduled as of the reporting date for that quarter.

(b)(i) The quarterly reports are due on or before January 1, April 1, July 1, and October 1 of each year and may be hand-delivered, submitted by mail, or submitted electronically.

(ii) If the licensee adds an event for a quarter after the licensee has already turned in the report, the licensee shall promptly contract the licensee's compliance officer to supplement the report.

(c) The report shall include the name and specific location of each event and the name of the third-party host of the event.

(d)(i) Upon request, the Department shall provide access to the reports to a commissioner, authorized representative of the Department, or law enforcement officer for use as described in Subsection (2).

(ii) The Department and law enforcement may use the scheduled banquet event documents only for the purposes stated in this rule.

(e) The Department shall retain a copy of each report for up to one year after submission of the report.

(f) Because any report filed under this rule contains commercial information, the disclosure of which could reasonably be expected to result in unfair competitive injury to the licensee submitting the information, and the licensee or sublicensee submitting the information has a greater interest in prohibiting access than the public in obtaining access to the report, the Department shall:

(i) deem a filed report to include a claim of business confidentiality and a request that the report be classified as protected pursuant to Sections 63G-2-305 and 63G-2-309; and

(ii) classify a filed report as protected pursuant to Section 63G-2-305.

(g) Failure of an on-premise banquet licensee or sublicensee to timely file a quarterly report under this rule may result in disciplinary action pursuant to Sections 32B-3-201 through 32B-3-207 and R82-3-102 and R82-3-103.

**R82-6-802. Reception Center -- Agreement For Alcoholic Beverage Service and Table Service.**

(1) Authority. This rule is pursuant to the Commission's powers and duties under section 32B-2-202 to act as a general policymaking body on the subject of alcoholic beverage control and to set policy by written rules that prescribe the conduct and management of any premises upon which alcoholic beverages may be sold, consumed, served, or stored, and pursuant to section 32B-6-805

(2) Definitions. "Third Party Host" is a party that contracts with the reception center licensee to provide alcoholic beverage service at an event to be held on a specific date and time for a pre-arranged, guaranteed number of attendees at a negotiated price.

(a) With the exception of a nonprofit organization holding an event as described in section 32B-6-805, the reception center licensee may not contract with a third party host to hold an event that is open to the public where an alcoholic product is sold or offered for sale.

(b) With the exception of a nonprofit organization holding an event as described in section 32B-6-805, a third-party host may not collect a cover charge or entry fee for admission to the private event.

(c) With the exception of a nonprofit organization holding an event as described in section 32B-6-805, a third-party host may not receive any proceeds from the sale of alcoholic product from the event.

(d) A Reception Center Licensee may host an event for an immediate family member provided that the event is not an event that is open to the public where an alcoholic product is sold or offered for sale, and the Reception Center Licensee does not collect a cover charge or entry fee to the event.

(3) A wine service may be performed by the server at the patron's table. The wine may be opened and poured by the server.

(4) Beer and heavy beer, if in sealed containers, may be opened and poured by the server at the patron's table.

(5) A patron's table may be located in waiting, patio, garden and dining areas that are on the premises of the reception center, previously approved by the Department.

**R82-6-901. Reserved.**

Reserved.

**R82-6-1005. Hospitality Amenity Licensee Notice and Records.**

(1) Authority. This rule is made pursuant to Section 32B-6-1005.

(2) Purpose. The purpose of this rule is to specify:

(a) the notice requirements for a hospitality amenity licensee when providing alcoholic products free of charge or at a reduced rate for a reoccurring event or multiple events;

(b) the records a hospitality amenity licensee must use or maintain; and

(c) the period the records must be retained.

(3)(a) Before holding reoccurring or multiple events where alcoholic products are furnished free of charge or at a reduced rate, a hospitality amenity licensee shall provide notice to the Department at least 14 days in advance of each event.

(b) The notice for each event shall include:

(i) the days, dates, and operating hours; and

(ii) the types of alcoholic products that will be furnished free of charge or at a reduced rate.

(4) A hospitality amenity licensee shall create a daily record with the following information:

(a) the name of each hospitality guest over 21 years old to whom the licensee:

(i) provides lodging for compensation, including money, hotel points, or other means; and

(ii) sells or furnishes an alcoholic product while the person is a guest;

(b) the total number of hospitality guests;

(c) the room number of each hospitality guest;

(d) the arrival and departure dates of each hospitality guest; and

(e) the amount of alcohol, wine, or heavy beer sold, served, or furnished to each hospitality guest.

(5) A hospitality amenity licensee shall:

(a) maintain the records described in Subsection (4) at the licensed premises for three years; and

(b) upon request, make the records described in Subsection (4) available to DABS or law enforcement for inspection.

**KEY: alcoholic beverages**

**Date of Last Change: November 22, 2024**

**Authorizing, and Implemented or Interpreted Law: 32B-1-102; 32B-2-202; 32B-2-303; 32B-6-605; 32B-6-805; 32B-6-1005**