

**32B-5-304 Portions in which alcoholic product may be sold.**

- (1) A retail licensee may sell, offer for sale, or furnish a primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title, except that:
  - (a) spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following requirements:
    - (i) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary spirituous liquor;
    - (ii) the secondary ingredient may not be the only spirituous liquor in the beverage;
    - (iii) the retail licensee shall designate a location where flavorings are stored on the floor plan submitted to the department; and
    - (iv) a flavoring container shall be plainly and conspicuously labeled "flavorings";
  - (b) spirituous liquor need not be dispensed through a calibrated metered dispensing system if used:
    - (i) as a flavoring on a dessert; and
    - (ii) in the preparation of a flaming food dish, drink, or dessert; and
  - (c) a patron may have no more than 2.5 ounces of spirituous liquor at a time.
- (2)
  - (a)
    - (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an individual portion that does not exceed 5 ounces per glass or individual portion.
    - (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to a patron in more than one glass if the total amount of wine does not exceed 5 ounces.
  - (b)
    - (i) A retail licensee may sell, offer for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.
    - (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.
- (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original container at a price fixed by the commission, except that the original container may not exceed one liter.
- (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an original container at a price fixed by the commission, except that the original container may not exceed one liter.
- (5)
  - (a) Subject to Subsection (5)(b), a retail licensee may sell, offer for sale, or furnish beer for on-premise consumption:
    - (i) in an open original container; and
    - (ii) in a container on draft.
  - (b) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a):
    - (i) in a size of container that exceeds two liters; or
    - (ii) to an individual patron in a size of container that exceeds one liter.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session