

32B-6-305 Specific operational requirements for a limited-service restaurant license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant licensee shall comply with this section.
 - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a limited-service restaurant licensee;
 - (ii) individual staff of a limited-service restaurant licensee; or
 - (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant licensee.
- (2)
 - (a) A limited-service restaurant licensee on the licensed premises may not sell, offer for sale, furnish, or allow consumption of:
 - (i) spirituous liquor; or
 - (ii) a flavored malt beverage.
 - (b) A product listed in Subsection (2)(a) may not be on the premises of a limited-service restaurant licensee except for use:
 - (i) as a flavoring on a dessert; and
 - (ii) in the preparation of a flaming food dish, drink, or dessert.
- (3) In addition to complying with Section 32B-5-303, a limited-service restaurant licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).
- (4)
 - (a) An individual who serves an alcoholic product in a limited-service restaurant licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab required by this Subsection (4) shall list the type and amount of an alcoholic product ordered or consumed.
- (5) A person's willingness to serve an alcoholic product may not be made a condition of employment as a server with a limited-service restaurant licensee.
- (6)
 - (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish wine or heavy beer at the licensed premises on any day during the period that:
 - (i) begins at midnight; and
 - (ii) ends at 11:29 a.m.
 - (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer, except that a limited-service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.
- (7) A limited-service restaurant licensee shall maintain at least 70% of its total restaurant business from the sale of food, which does not include a service charge.
- (8)
 - (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an alcoholic product except after the limited-service restaurant licensee confirms that the patron has the intent to order food prepared, sold, and furnished at the licensed premises.
 - (b) A limited-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.
- (9)

- (a) Subject to the other provisions of this Subsection (9), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).
- (10) A patron may consume an alcoholic product only:
- (a) at:
 - (i) the patron's table;
 - (ii) a counter; or
 - (iii) a seating grandfathered bar structure; and
 - (b) where food is served.
- (11)
- (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar structure that is not a seating grandfathered bar structure.
 - (b) At a seating grandfathered bar structure a patron who is 21 years of age or older may:
 - (i) sit;
 - (ii) be furnished an alcoholic product; and
 - (iii) consume an alcoholic product.
 - (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a limited-service restaurant licensee may not permit a minor to, and a minor may not:
 - (i) sit; or
 - (ii) consume food or beverages.
 - (d)
 - (i) A minor may be at a seating grandfathered bar structure if the minor is employed by a limited-service restaurant licensee:
 - (A) as provided in Subsection 32B-5-308(2); or
 - (B) to perform maintenance and cleaning services during an hour when the limited-service restaurant licensee is not open for business.
 - (ii) A minor may momentarily pass by a seating grandfathered bar structure without remaining or sitting at the bar structure en route to an area of a limited-service restaurant licensee's premises in which the minor is permitted to be.
- (12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant licensee may dispense an alcoholic product only if:
- (a) the alcoholic product is dispensed from:
 - (i) a grandfathered bar structure;
 - (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at the grandfathered bar structure if that area is used to dispense an alcoholic product as of May 12, 2009; or
 - (iii) an area that is:
 - (A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are:
 - (I) not readily visible to a patron; and
 - (II) not accessible by a patron; and
 - (B) apart from an area used:
 - (I) for dining;
 - (II) for staging; or
 - (III) as a lobby or waiting area;

- (b) the limited-service restaurant licensee uses an alcoholic product that is:
 - (i) stored in an area described in Subsection (12)(a); or
 - (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
 - (A) immediately before the alcoholic product is dispensed it is in an unopened container;
 - (B) the unopened container is taken to an area described in Subsection (12)(a) before it is opened; and
 - (C) once opened, the container is stored in an area described in Subsection (12)(a); and
 - (c) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (12)(a).
- (13) A limited-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of wine or heavy beer including:
 - (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.

Amended by Chapter 353, 2013 General Session