

**Effective 5/1/2024**

**Superseded 5/7/2025**

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

- (1)
  - (a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is 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.
  - (b) A retail license is not required to dispense spirituous liquor through a calibrated metered dispensing system if the spirituous liquor is:
    - (i) a secondary flavoring ingredient;
    - (ii) used as a flavoring on a dessert;
    - (iii) used to set aflame a food dish, drink, or dessert; or
    - (iv) in a beverage that:
      - (A) is served to a patron in the original, sealed container;
      - (B) is not more than 12 ounces;
      - (C) contains no more than 10% alcohol by volume or 8% by weight; and
      - (D) is in a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high.
  - (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring ingredient shall:
    - (i) designate a location where the retail licensee stores secondary flavoring ingredients on the floor plan the retail licensee submits to the department; and
    - (ii) clearly and conspicuously label each secondary flavoring ingredient's container "flavorings".
  - (d)
    - (i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
    - (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection (1)(b)(iv).
- (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.
  - (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale, or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed container not to exceed 16 ounces.
- (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)

- (i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or furnish beer for on-premise consumption:
  - (A) in an open original container; and
  - (B) in a container on draft.
- (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a)(i):
  - (A) in a size of container that exceeds two liters; or
  - (B) to an individual patron in a size of container that exceeds one liter.
- (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:
  - (i) in a sealed container; and
  - (ii) in a size of container that does not exceed two liters.
- (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual patron if the total amount of beer does not exceed 16 ounces.