

**Effective 5/8/2018**

**Superseded 5/12/2020**

**32B-6-406 Specific operational requirements for a bar establishment license.**

- (1)
  - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a bar establishment licensee and staff of the bar establishment 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 bar establishment licensee;
    - (ii) individual staff of a bar establishment licensee; or
    - (iii) both a bar establishment licensee and staff of the bar establishment licensee.
- (2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display in a conspicuous place at the entrance to the licensed premises a sign that:
  - (a) measures at least 8-1/2 inches long and 11 inches wide; and
  - (b) clearly states that the bar licensee is a bar and that no one under 21 years of age is allowed.
- (3)
  - (a) In addition to complying with Section 32B-5-302, a bar establishment licensee shall maintain for a minimum of three years:
    - (i) a record required by Section 32B-5-302; and
    - (ii) a record maintained or used by the bar establishment licensee, as the department requires.
  - (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (3).
  - (c) The department shall audit the records of a bar establishment licensee at least once annually.
- (4)
  - (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the licensed premises on any day during a period that:
    - (i) begins at 1 a.m.; and
    - (ii) ends at 9:59 a.m.
  - (b) A bar establishment 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 license.
- (c)
  - (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall keep its licensed premises open for one hour after the bar establishment licensee ceases the sale and furnishing of an alcoholic product during which time a patron of the bar establishment licensee may finish consuming:
    - (A) a single drink containing spirituous liquor;
    - (B) a single serving of wine not exceeding five ounces;
    - (C) a single serving of heavy beer;
    - (D) a single serving of beer not exceeding 26 ounces; or
    - (E) a single serving of a flavored malt beverage.
  - (ii) A bar establishment licensee is not required to remain open:
    - (A) after all patrons have vacated the premises; or
    - (B) during an emergency.
- (5)
  - (a) A minor may not be admitted into, use, or be in:
    - (i) a lounge or bar area of the premises of:
      - (A) an equity licensee;

- (B) a fraternal licensee; or
- (C) a dining club licensee; or
- (ii) the premises of:
  - (A) a dining club licensee unless accompanied by an individual who is 21 years of age or older; or
  - (B) a bar licensee, except to the extent provided for under Section 32B-6-406.1.
- (b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a minor to:
  - (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club licensee; or
  - (ii) handle an alcoholic product.
- (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed premises of a bar licensee.
- (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar establishment licensee.
- (6) A bar establishment licensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
- (7)
  - (a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.
  - (b) A patron may not have two spirituous liquor drinks before the bar establishment licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
  - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (7) (a).
- (8) A bar establishment licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the bar establishment licensee including:
  - (a) a set-up charge;
  - (b) a service charge; or
  - (c) a chilling fee.
- (9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
  - (a) the person to whom the bar establishment licensee rents or leases the premises agrees in writing to comply with this title as if the person is the bar establishment licensee, except for a requirement related to making or maintaining a record; and
  - (b) the bar establishment licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (9)(a).
- (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar establishment licensee shall comply with Section 32B-6-407.
- (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar establishment licensee shall comply with Section 32B-1-407.
- (12)
  - (a) A bar establishment licensee shall own or lease premises suitable for the bar establishment licensee's activities.
  - (b) A bar establishment licensee may not maintain licensed premises in a manner that barricades or conceals the bar establishment licensee's operation.

