

Off-Premise Retail Beer Summary

Retailers that have been in business prior to July 1, 2018 shall obtain an off-premise beer retailers state license before March 1, 2019.

Effective July 1, 2018 before a person may purchase, store, sell or offer for sale beer for consumption off the premises will now need to obtain an off-premise beer retailer state license from the DABC (new business').

The off-premise beer retailer will also need a license from the city and or county.

Retailers that have been in business and selling beer prior to July 1st may continue to operate without an off-premise beer retailer state license through February 28, 2019.

A minor may not be issued a retail off-premise license to sell beer.

An off-premise beer retailer may only purchase, acquire or possess beer for resale from a beer wholesaler licensee or a small brewer that manufactures beer.

Off-premise beer retailers may only sell 4% of alcohol by volume or 3.2% by weight.

An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two-liters. No kegs

Definitions 32B-5-402

"Off-premise retail manager" mean an individual who:

- manages operations
- supervises the sale of beer at a premises

"Off-premise retail staff" means an individual who sells beer

"Off-premise retail staff" does not include an off-premise retail manager

General Operations

Hours of beer sales are set by local jurisdiction.

Staff of an off-premise beer retailer, while on duty, may not:

- consume an alcoholic product, or
- be intoxicated

A minor may not sell beer on the license premises of an off-premise beer retailer unless:

- the sale is done under the supervision of a person 21 years of age or older who is on the licensed premises; and
- the minor is at least 16 years of age

An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to

- a minor
- a person actually, apparently, or obviously intoxicated
- a known interdicted person
- a known habitual drunkard

Displays 32B-7-202 6(a)

Display all beer accessible by and visible to a patron in no more than two locations on the retail sales floor, each of which is:

- a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage displayed; and
- not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a door from which the nonalcoholic beverages are not accessible, or the beer is separated from the display of nonalcoholic beverages by a display of one or more non-beverage products or another physical divider.

Required Signage 32B-7-202 6 (a) (ii)

A sign must be displayed that is prominent and easily readable by a consumer and must be posted where beer is displayed and read in print:

“These beverages contain alcohol. Please read the label carefully”

The sign must read in print and no smaller than .5 inches, bold type.

Identification Badge 32B-7-202 (7)

Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to a patron shall wear a unique identification badge:

- on the front of the staff’s clothing, visible above the waist
- first or last name, initials or unique identification in letters or numbers
- badge must be sufficiently large enough to be clearly visible
- must have a record of each current staff’s identification badge that includes staff’s full name, address and driver license number or similar identification number

The records need to be maintained and made available upon request for immediate inspection.

A local authority may impose a fine of up to \$250 against an off-premise beer retailer that does not comply or require its staff to comply with this section.

Required Training 32B-5-404 & 405

An off-premise retail manager and staff must complete an alcohol training and education seminar within 30 days of the date of hire

The Department of Alcoholic Beverage Control will have a required training in addition to the E.A.S.Y training (coming soon).

Change in ownership

The commission may suspend or revoke a license if the retailer does not immediately notify the department of a change in:

- ownership of the licensee's business
- for corporate owner, shareholder holding at least 20% of the total issued and outstanding stock of the corporation; or
- for a limited liability company, a member owning at least 20% of the limited liability company

License Renewal

An off-premise beer retailer state license expires on the last day of February of each year. Renewal fee is \$175

Renewal forms need to be submitted no later than January 31.

License will automatically be forfeited if the off-premise beer licensee fails to satisfy the renewal requirements.

Penalties related to sales to minors 32B-7-303

In addition to any criminal penalty that may be imposed, an individual is subject to the administrative penalties imposed by local authority.

First violation, the individual may not sell or directly supervise the sale of beer to a patron until the individual retakes the alcohol training and education seminar. Local authority shall issue a written warning.

Second violation, the individual may not sell or directly supervise the sale of beer to a patron until the later of:

- 90 days from the day on which the administrative penalty is imposed
- The day on which the individual retakes and completes the alcohol training and education seminar and completes any additional training that the local authority may require. Fine of \$250
- If a retail licensee for a second time has a violation related to the sale, service, or furnishing an alcoholic beverage to an intoxicated person or a sale to a minor for the second time within 36 consecutive months, the violator, all retail staff and each manager shall complete a Violation Training from the DABC; \$25 per person.

Third or subsequent violation, the individual may not sell or directly supervise the sale of beer until the later of;

- One year from the day on which the administrative penalty is imposed
- The day on which the individual retakes and completes an alcohol training and education seminar and completes any additional training that the local authority may require.
- Fine of \$500

During the time period in which an individual is prohibited from selling or supervising the sale of beer, the off-premise retailer may not allow that individual to

- directly supervise the sale of beer or
- sell beer for the off-premise retailer

A violation of this is grounds for the immediate suspension of the off-premise beer retailer's license.

Upon a fourth violation or subsequent violation:

- pay a civil fine of \$500
- license suspension for a period of 30 days from the date on which the administrative penalty is imposed; and
- probation for a period of one year from the date on which the administrative penalty is imposed; and
- upon any violation by the off-premise beer retailer or any on-duty staff of the off-premise beer retailer during the period of probation:
 - the off premise beer retailer's license to sell beer shall be revoked; and
 - the off premise beer retailer may not reapply for a new license for at least six months from the date of revocation.

Failure to pay a fine within 30 days is grounds for immediate suspension of the off-premise beer license until payment is made.

Failure to pay a fine within a described time period is grounds for revocation of off premise beer license.