

Licensed on-premises retailers:
Food Sale Amounts Required by Title 28-A

Establishment	Statutorily Required Amount of Food Sales																			
Hotel	≥ 10% of gross annual income must be from the sale of food, §1061(3) . <i>Exception: hotels with Class I-A licenses are not required to sell food. §1002.</i>																			
Restaurant	≥ 10% of gross annual income must be from the sale of food, §1062(3) .																			
Bowling centers	≥ 10% of gross annual income must be from the sale of food, §1073(2) .																			
Class A restaurant or Class A restaurant/lounge	Must sell a specified dollar-amount of food based on location, §1063(2) : <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>Municipal population</i></th> <th style="text-align: left;"><i>Required gross annual income from food</i></th> </tr> </thead> <tbody> <tr> <td>> 50,000 persons</td> <td>\$50,000</td> </tr> <tr> <td>30,001 - 50,000 persons</td> <td>\$40,000</td> </tr> <tr> <td>20,001 - 30,000 persons</td> <td>\$30,000</td> </tr> <tr> <td>≤ 20,000 persons</td> <td>\$20,000</td> </tr> </tbody> </table>	<i>Municipal population</i>	<i>Required gross annual income from food</i>	> 50,000 persons	\$50,000	30,001 - 50,000 persons	\$40,000	20,001 - 30,000 persons	\$30,000	≤ 20,000 persons	\$20,000									
<i>Municipal population</i>	<i>Required gross annual income from food</i>																			
> 50,000 persons	\$50,000																			
30,001 - 50,000 persons	\$40,000																			
20,001 - 30,000 persons	\$30,000																			
≤ 20,000 persons	\$20,000																			
Qualified catering services	Must sell a specified dollar-amount of food based on location, §1076(3) : <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>Municipal population</i></th> <th style="text-align: left;"><i>Required gross annual income from food</i></th> </tr> </thead> <tbody> <tr> <td rowspan="3">> 50,000 persons</td> <td>\$50,000 if operate year-round</td> </tr> <tr> <td>\$30,000 if operate 3-6 months per year</td> </tr> <tr> <td>\$20,000 if operate ≤ 3 months per year</td> </tr> <tr> <td rowspan="3">30,001 - 50,000 persons</td> <td>\$40,000 if operate year-round</td> </tr> <tr> <td>\$25,000 if operate 3-6 months per year</td> </tr> <tr> <td>\$20,000 if operate ≤ 3 months per year</td> </tr> <tr> <td rowspan="2">20,001 - 30,000 persons</td> <td>\$30,000 if operate year round</td> </tr> <tr> <td>\$20,000 if operate 3-6 months per year ¹</td> </tr> <tr> <td rowspan="2">7,501 - 20,000 persons</td> <td>\$15,000 if operate year round</td> </tr> <tr> <td>\$10,000 if operate ≤ 6 months per year</td> </tr> <tr> <td rowspan="2">≤ 7,500 persons</td> <td>\$5,000 if operate year round</td> </tr> <tr> <td>\$2,500 if operate ≤ 6 months per year</td> </tr> </tbody> </table>	<i>Municipal population</i>	<i>Required gross annual income from food</i>	> 50,000 persons	\$50,000 if operate year-round	\$30,000 if operate 3-6 months per year	\$20,000 if operate ≤ 3 months per year	30,001 - 50,000 persons	\$40,000 if operate year-round	\$25,000 if operate 3-6 months per year	\$20,000 if operate ≤ 3 months per year	20,001 - 30,000 persons	\$30,000 if operate year round	\$20,000 if operate 3-6 months per year ¹	7,501 - 20,000 persons	\$15,000 if operate year round	\$10,000 if operate ≤ 6 months per year	≤ 7,500 persons	\$5,000 if operate year round	\$2,500 if operate ≤ 6 months per year
<i>Municipal population</i>	<i>Required gross annual income from food</i>																			
> 50,000 persons	\$50,000 if operate year-round																			
	\$30,000 if operate 3-6 months per year																			
	\$20,000 if operate ≤ 3 months per year																			
30,001 - 50,000 persons	\$40,000 if operate year-round																			
	\$25,000 if operate 3-6 months per year																			
	\$20,000 if operate ≤ 3 months per year																			
20,001 - 30,000 persons	\$30,000 if operate year round																			
	\$20,000 if operate 3-6 months per year ¹																			
7,501 - 20,000 persons	\$15,000 if operate year round																			
	\$10,000 if operate ≤ 6 months per year																			
≤ 7,500 persons	\$5,000 if operate year round																			
	\$2,500 if operate ≤ 6 months per year																			

The following types of on-premises retailer are also required by law to sell food, but there is no required dollar amount of food sales or requirement that a specific percentage of income be from food sales:

- Bed and Breakfasts
- Class A lounges
- Indoor racquet clubs, ice skating clubs, golf courses, and curling clubs
- Auxiliary premises located at ski areas, golf courses, and disc golf courses

¹ The lack of a gross-annual-income-from-food requirement for qualified catering services that operate for less than three months per year in municipalities that have between 20,001 to 30,000 persons appears to be an error. This omission would have been addressed in [LD 2131](#) in the 129th Legislature (the “errors bill”), but that bill was not finally enacted.