

ALCOHOL AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies and enacts provisions related to alcohol.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides a tolerance for the alcohol content of beer;
- ▶ modifies which individuals associated with an applicant are subject to a criminal background check by the Alcoholic Beverage Control Commission;
- ▶ amends the deadline for a retail manager or an off-premise retail manager to complete the department's manager training program;
- ▶ clarifies how the department determines eligibility for the small manufacturer markup;
- ▶ prohibits a person from maintaining a minibar in a hotel guest room;
- ▶ authorizes interim alcoholic beverage management agreements and inventory transfer agreements, under certain circumstances;
- ▶ requires each employee of a retail license who sells, offers for sale, or furnishes an alcoholic product to wear an identification badge;
- ▶ allows a retail licensee to unlock a liquor storage area for the purpose of performing inventory, restocking, repairing, or cleaning;
- ▶ provides that a retail licensee may sell, offer for sale, or furnish beer to a patron in



- 28 more than one container;
- 29 ▶ provides that a closing retail licensee may transfer its inventory of alcoholic product
- 30 to another retail licensee owned by the same person;
- 31 ▶ permits a minor who is at least 16 years of age and employed by the restaurant to be
- 32 present in the restaurant's dispensing area;
- 33 ▶ provides that a performing arts facility may hold an on-premise banquet license;
- 34 ▶ allows certain manufacturing package agencies to hold an off-premise beer retailer
- 35 state license for the same premises, provided the licensee only sells beer that is the
- 36 product of the manufacturing licensee that holds the package agency;
- 37 ▶ creates a master off-premise beer retailer state license and a master brewery
- 38 manufacturing license;
- 39 ▶ enacts the Liquor Transport License Act, which authorizes the commission to issue
- 40 liquor transport licenses under which a person may transport liquor from a state
- 41 store or package agency to a retail licensee; and
- 42 ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

- 49 **32B-1-102**, as last amended by Laws of Utah 2018, Chapters 249 and 313
- 50 **32B-1-305**, as last amended by Laws of Utah 2017, Chapter 455
- 51 **32B-1-606**, as last amended by Laws of Utah 2018, Chapter 249
- 52 **32B-2-202**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 7
- 53 **32B-2-204**, as enacted by Laws of Utah 2010, Chapter 276
- 54 **32B-2-304**, as last amended by Laws of Utah 2018, Chapters 313, 329, and 415
- 55 **32B-2-605**, as last amended by Laws of Utah 2018, Chapter 249
- 56 **32B-5-102**, as enacted by Laws of Utah 2010, Chapter 276
- 57 **32B-5-207**, as last amended by Laws of Utah 2018, Chapter 249
- 58 **32B-5-301**, as last amended by Laws of Utah 2011, Chapter 334

- 59 **32B-5-303**, as last amended by Laws of Utah 2011, Chapter 307
- 60 **32B-5-304**, as last amended by Laws of Utah 2011, Chapters 307 and 334
- 61 **32B-5-306**, as enacted by Laws of Utah 2010, Chapter 276
- 62 **32B-5-310**, as enacted by Laws of Utah 2010, Chapter 276
- 63 **32B-6-203**, as last amended by Laws of Utah 2017, Chapter 471
- 64 **32B-6-205**, as last amended by Laws of Utah 2018, Chapter 249
- 65 **32B-6-205.2**, as last amended by Laws of Utah 2018, Chapters 249 and 281
- 66 **32B-6-206**, as enacted by Laws of Utah 2013, Chapter 349
- 67 **32B-6-303**, as last amended by Laws of Utah 2017, Chapter 471
- 68 **32B-6-305**, as last amended by Laws of Utah 2018, Chapter 249
- 69 **32B-6-305.2**, as last amended by Laws of Utah 2018, Chapters 249 and 281
- 70 **32B-6-603**, as last amended by Laws of Utah 2016, Chapter 82
- 71 **32B-6-605**, as last amended by Laws of Utah 2018, Chapter 249
- 72 **32B-6-702**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2
- 73 **32B-6-803**, as last amended by Laws of Utah 2016, Chapter 82
- 74 **32B-6-805**, as last amended by Laws of Utah 2012, Chapter 365
- 75 **32B-6-903**, as last amended by Laws of Utah 2017, Chapter 471
- 76 **32B-6-905**, as last amended by Laws of Utah 2018, Chapter 249
- 77 **32B-6-905.1**, as last amended by Laws of Utah 2018, Chapters 249 and 281
- 78 **62A-15-401**, as last amended by Laws of Utah 2018, Chapters 249 and 281

79 ENACTS:

- 80 **32B-7-407**, Utah Code Annotated 1953
- 81 **32B-7-408**, Utah Code Annotated 1953
- 82 **32B-11-504**, Utah Code Annotated 1953
- 83 **32B-17-101**, Utah Code Annotated 1953
- 84 **32B-17-201**, Utah Code Annotated 1953
- 85 **32B-17-202**, Utah Code Annotated 1953
- 86 **32B-17-203**, Utah Code Annotated 1953
- 87 **32B-17-204**, Utah Code Annotated 1953
- 88 **32B-17-205**, Utah Code Annotated 1953
- 89 **32B-17-206**, Utah Code Annotated 1953

90 **32B-17-301**, Utah Code Annotated 1953

91 **32B-17-302**, Utah Code Annotated 1953

92 RENUMBERS AND AMENDS:

93 **32B-1-701**, (Renumbered from 32B-5-402, as last amended by Laws of Utah 2017,
94 Chapter 455)

95 **32B-1-702**, (Renumbered from 32B-5-403, as last amended by Laws of Utah 2017,
96 Chapter 455)

97 **32B-1-703**, (Renumbered from 32B-5-404, as last amended by Laws of Utah 2017,
98 Chapter 455)

99 **32B-1-704**, (Renumbered from 32B-5-405, as last amended by Laws of Utah 2018,
100 Chapter 249)

101 **32B-1-705**, (Renumbered from 32B-5-406, as last amended by Laws of Utah 2018,
102 Chapter 249)

103 REPEALS:

104 **32B-5-401**, as enacted by Laws of Utah 2010, Chapter 276



106 *Be it enacted by the Legislature of the state of Utah:*

107 Section 1. Section **32B-1-102** is amended to read:

108 **32B-1-102. Definitions.**

109 As used in this title:

110 (1) "Airport lounge" means a business location:

111 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

112 (b) that is located at an international airport with a United States Customs office on the
113 premises of the international airport.

114 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,
115 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

116 (3) "Alcoholic beverage" means the following:

117 (a) beer; or

118 (b) liquor.

119 (4) (a) "Alcoholic product" means a product that:

120 (i) contains at least .5% of alcohol by volume; and

121 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
122 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
123 in an amount equal to or greater than .5% of alcohol by volume.

124 (b) "Alcoholic product" includes an alcoholic beverage.

125 (c) "Alcoholic product" does not include any of the following common items that
126 otherwise come within the definition of an alcoholic product:

127 (i) except as provided in Subsection (4)(d), an extract;

128 (ii) vinegar;

129 (iii) preserved nonintoxicating cider;

130 (iv) essence;

131 (v) tincture;

132 (vi) food preparation; or

133 (vii) an over-the-counter medicine.

134 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
135 when it is used as a flavoring in the manufacturing of an alcoholic product.

136 (5) "Alcohol training and education seminar" means a seminar that is:

137 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and

138 (b) described in Section [62A-15-401](#).

139 (6) "Banquet" means an event:

140 (a) that is held at one or more designated locations approved by the commission in or
141 on the premises of a:

142 (i) hotel;

143 (ii) resort facility;

144 (iii) sports center; ~~[or]~~

145 (iv) convention center; or

146 (v) performing arts facility;

147 (b) for which there is a contract:

148 (i) between a person operating a facility listed in Subsection (6)(a) and another person;

149 and

150 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to
151 provide an alcoholic product at the event; and

152 (c) at which food and alcoholic products may be sold, offered for sale, or furnished.

153 (7) "Bar structure" means a surface or structure on a licensed premises if on or at any
154 place of the surface or structure an alcoholic product is:

155 (a) stored; or

156 (b) dispensed.

157 (8) (a) "Bar establishment license" means a license issued in accordance with Chapter
158 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

159 (b) "Bar establishment license" includes:

160 (i) a dining club license;

161 (ii) an equity license;

162 (iii) a fraternal license; or

163 (iv) a bar license.

164 (9) "Bar license" means a license issued in accordance with Chapter 5, Retail License
165 Act, and Chapter 6, Part 4, Bar Establishment License.

166 (10) (a) Subject to Subsection (10)(d), "beer" means a product that:

167 (i) contains at least .5% of alcohol by volume, but not more than:

168 (A) 4% of alcohol by volume, plus a tolerance of 0.18%; or

169 (B) 3.2% by weight, plus a tolerance of 0.15%; and

170 (ii) is obtained by fermentation, infusion, or decoction of malted grain.

171 (b) "Beer" may or may not contain hops or other vegetable products.

172 (c) "Beer" includes a product that:

173 (i) contains alcohol in the percentages described in Subsection (10)(a); and

174 (ii) is referred to as:

175 (A) beer;

176 (B) ale;

177 (C) porter;

178 (D) stout;

179 (E) lager; or

180 (F) a malt or malted beverage.

181 (d) "Beer" does not include a flavored malt beverage.

182 (11) "Beer-only restaurant license" means a license issued in accordance with Chapter

183 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

184 (12) "Beer retailer" means a business that:

185 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
186 for consumption on or off the business premises; and

187 (b) is licensed as:

188 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
189 Retailer Local Authority; or

190 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
191 Chapter 6, Part 7, On-Premise Beer Retailer License.

192 (13) "Beer wholesaling license" means a license:

193 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and

194 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
195 retail licensees or off-premise beer retailers.

196 (14) "Billboard" means a public display used to advertise, including:

197 (a) a light device;

198 (b) a painting;

199 (c) a drawing;

200 (d) a poster;

201 (e) a sign;

202 (f) a signboard; or

203 (g) a scoreboard.

204 (15) "Brewer" means a person engaged in manufacturing:

205 (a) beer;

206 (b) heavy beer; or

207 (c) a flavored malt beverage.

208 (16) "Brewery manufacturing license" means a license issued in accordance with
209 Chapter 11, Part 5, Brewery Manufacturing License.

210 (17) "Certificate of approval" means a certificate of approval obtained from the
211 department under Section [32B-11-201](#).

212 (18) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
213 a bus company to a group of persons pursuant to a common purpose:

- 214 (a) under a single contract;
- 215 (b) at a fixed charge in accordance with the bus company's tariff; and
- 216 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 217 motor vehicle, and a driver to travel together to one or more specified destinations.

218 (19) "Church" means a building:

- 219 (a) set apart for worship;
- 220 (b) in which religious services are held;
- 221 (c) with which clergy is associated; and
- 222 (d) that is tax exempt under the laws of this state.

223 (20) "Commission" means the Alcoholic Beverage Control Commission created in

224 Section [32B-2-201](#).

225 (21) "Commissioner" means a member of the commission.

226 (22) "Community location" means:

- 227 (a) a public or private school;
- 228 (b) a church;
- 229 (c) a public library;
- 230 (d) a public playground; or
- 231 (e) a public park.

232 (23) "Community location governing authority" means:

- 233 (a) the governing body of the community location; or
- 234 (b) if the commission does not know who is the governing body of a community
- 235 location, a person who appears to the commission to have been given on behalf of the
- 236 community location the authority to prohibit an activity at the community location.

237 (24) "Container" means a receptacle that contains an alcoholic product, including:

- 238 (a) a bottle;
- 239 (b) a vessel; or
- 240 (c) a similar item.

241 (25) "Convention center" means a facility that is:

- 242 (a) in total at least 30,000 square feet; and
- 243 (b) otherwise defined as a "convention center" by the commission by rule.

244 (26) (a) "Counter" means a surface or structure in a dining area of a licensed premises

245 where seating is provided to a patron for service of food.

246 (b) "Counter" does not include a dispensing structure.

247 (27) "Crime involving moral turpitude" is as defined by the commission by rule.

248 [~~(27)~~] (28) "Department" means the Department of Alcoholic Beverage Control created
249 in Section [32B-2-203](#).

250 [~~(28)~~] (29) "Department compliance officer" means an individual who is:

251 (a) an auditor or inspector; and

252 (b) employed by the department.

253 [~~(29)~~] (30) "Department sample" means liquor that is placed in the possession of the
254 department for testing, analysis, and sampling.

255 [~~(30)~~] (31) "Dining club license" means a license issued in accordance with Chapter 5,
256 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
257 commission as a dining club license.

258 [~~(31)~~] (32) "Director," unless the context requires otherwise, means the director of the
259 department.

260 [~~(32)~~] (33) "Disciplinary proceeding" means an adjudicative proceeding permitted
261 under this title:

262 (a) against a person subject to administrative action; and

263 (b) that is brought on the basis of a violation of this title.

264 [~~(33)~~] (34) (a) Subject to Subsection [~~(33)~~] (34)(b), "dispense" means:

265 (i) drawing an alcoholic product; and

266 (ii) using the alcoholic product at the location from which it was drawn to mix or
267 prepare an alcoholic product to be furnished to a patron of the retail licensee.

268 (b) The definition of "dispense" in this Subsection [~~(33)~~] (34) applies only to:

269 (i) a full-service restaurant license;

270 (ii) a limited-service restaurant license;

271 (iii) a reception center license; and

272 (iv) a beer-only restaurant license.

273 [~~(34)~~] (35) "Dispensing structure" means a surface or structure on a licensed premises:

274 (a) where an alcoholic product is dispensed; or

275 (b) from which an alcoholic product is served.

276 [~~(35)~~] (36) "Distillery manufacturing license" means a license issued in accordance
277 with Chapter 11, Part 4, Distillery Manufacturing License.

278 [~~(36)~~] (37) "Distressed merchandise" means an alcoholic product in the possession of
279 the department that is saleable, but for some reason is unappealing to the public.

280 [~~(37)~~] (38) "Educational facility" includes:

- 281 (a) a nursery school;
- 282 (b) an infant day care center; and
- 283 (c) a trade and technical school.

284 [~~(38)~~] (39) "Equity license" means a license issued in accordance with Chapter 5,
285 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
286 commission as an equity license.

287 [~~(39)~~] (40) "Event permit" means:

- 288 (a) a single event permit; or
- 289 (b) a temporary beer event permit.

290 [~~(40)~~] (41) "Exempt license" means a license exempt under Section 32B-1-201 from
291 being considered in determining the total number of retail licenses that the commission may
292 issue at any time.

293 [~~(41)~~] (42) (a) "Flavored malt beverage" means a beverage:

- 294 (i) that contains at least .5% alcohol by volume;
- 295 (ii) that is treated by processing, filtration, or another method of manufacture that is not
296 generally recognized as a traditional process in the production of a beer as described in 27
297 C.F.R. Sec. 25.55;
- 298 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop
299 extract; and

300 (iv) (A) for which the producer is required to file a formula for approval with the
301 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or

302 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

303 (b) "Flavored malt beverage" is considered liquor for purposes of this title.

304 [~~(42)~~] (43) "Fraternal license" means a license issued in accordance with Chapter 5,
305 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
306 commission as a fraternal license.

307 [~~(43)~~] (44) "Full-service restaurant license" means a license issued in accordance with
308 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

309 [~~(44)~~] (45) (a) "Furnish" means by any means to provide with, supply, or give an
310 individual an alcoholic product, by sale or otherwise.

311 (b) "Furnish" includes to:

312 (i) serve;

313 (ii) deliver; or

314 (iii) otherwise make available.

315 [~~(45)~~] (46) "Guest" means an individual who meets the requirements of Subsection
316 [32B-6-407\(9\)](#).

317 [~~(46)~~] (47) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

318 [~~(47)~~] (48) "Health care practitioner" means:

319 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

320 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

321 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

322 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
323 Act;

324 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
325 Nurse Practice Act;

326 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
327 Practice Act;

328 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
329 Therapy Practice Act;

330 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

331 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
332 Professional Practice Act;

333 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

334 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
335 Practice Act;

336 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
337 Hygienist Practice Act; and

338 (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

339 [~~(48)~~] (49) (a) "Heavy beer" means a product that:

340 (i) contains more than:

341 (A) 4% alcohol by volume[~~;~~ and], less a tolerance of 0.18%; or

342 (B) 3.2% alcohol by weight, less a tolerance of 0.15%; and

343 (ii) is obtained by fermentation, infusion, or decoction of malted grain.

344 (b) "Heavy beer" is considered liquor for the purposes of this title.

345 [~~(49) "Hotel" is as defined by the commission by rule.]~~

346 (50) "Hotel" means a commercial lodging establishment that:

347 (a) offers at least 30 temporary sleeping accommodations for compensation;

348 (b) is capable of hosting conventions, conferences, and food and beverage functions

349 under a banquet contract; and

350 (c) (i) has adequate kitchen or culinary facilities on the premises to provide complete
351 meals; or

352 (ii) (A) has at least 1,000 square feet of function space consisting of meeting or dining
353 rooms that can be reserved for private use under a banquet contract that can accommodate a
354 least 75 individuals; or

355 (B) if the establishment is located in a small or unincorporated locality, has an
356 appropriate amount of function space consisting of meeting or dining rooms that can be
357 reserved for private use under a banquet contract, as determined by the commission.

358 [~~(50)~~] (51) "Hotel license" means a license issued in accordance with Chapter 5, Retail
359 License Act, and Chapter 8b, Hotel License Act.

360 [~~(51)~~] (52) "Identification card" means an identification card issued under Title 53,
361 Chapter 3, Part 8, Identification Card Act.

362 [~~(52)~~] (53) "Industry representative" means an individual who is compensated by
363 salary, commission, or other means for representing and selling an alcoholic product of a
364 manufacturer, supplier, or importer of liquor.

365 [~~(53)~~] (54) "Industry representative sample" means liquor that is placed in the
366 possession of the department for testing, analysis, and sampling by a local industry
367 representative on the premises of the department to educate the local industry representative of
368 the quality and characteristics of the product.

369 [~~(54)~~] (55) "Interdicted person" means a person to whom the sale, offer for sale, or
370 furnishing of an alcoholic product is prohibited by:
371 (a) law; or
372 (b) court order.

373 [~~(55)~~] (56) "Intoxicated" means that a person:
374 (a) is significantly impaired as to the person's mental or physical functions as a result of
375 the use of:
376 (i) an alcoholic product;
377 (ii) a controlled substance;
378 (iii) a substance having the property of releasing toxic vapors; or
379 (iv) a combination of Subsections [~~(55)~~] (56)(a)(i) through (iii); and
380 (b) exhibits plain and easily observed outward manifestations of behavior or physical
381 signs produced by the overconsumption of an alcoholic product.

382 [~~(56)~~] (57) "Investigator" means an individual who is:
383 (a) a department compliance officer; or
384 (b) a nondepartment enforcement officer.

385 [~~(57)~~] (58) "Invitee" means the same as that term is defined in Section [32B-8-102](#).

386 [~~(58)~~] (59) "License" means:
387 (a) a retail license;
388 (b) a license issued in accordance with Chapter 11, Manufacturing and Related
389 Licenses Act;
390 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
391 [~~or~~]
392 (d) a license issued in accordance with Chapter 13, Beer Wholesaling License Act~~[-]~~;
393 or
394 (e) a license issued in accordance with Chapter 17, Liquor Transport License Act.

395 [~~(59)~~] (60) "Licensee" means a person who holds a license.
396 [~~(60)~~] (61) "Limited-service restaurant license" means a license issued in accordance
397 with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
398 [~~(61)~~] (62) "Limousine" means a motor vehicle licensed by the state or a local
399 authority, other than a bus or taxicab:

400 (a) in which the driver and a passenger are separated by a partition, glass, or other
401 barrier;

402 (b) that is provided by a business entity to one or more individuals at a fixed charge in
403 accordance with the business entity's tariff; and

404 (c) to give the one or more individuals the exclusive use of the limousine and a driver
405 to travel to one or more specified destinations.

406 [~~62~~] (63) (a) (i) "Liquor" means a liquid that:

407 (A) is:

408 (I) alcohol;

409 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

410 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

411 (IV) other drink or drinkable liquid; and

412 (B) (I) contains at least .5% alcohol by volume; and

413 (II) is suitable to use for beverage purposes.

414 (ii) "Liquor" includes:

415 (A) heavy beer;

416 (B) wine; and

417 (C) a flavored malt beverage.

418 (b) "Liquor" does not include beer.

419 [~~63~~] (64) "Liquor Control Fund" means the enterprise fund created by Section
420 32B-2-301.

421 (65) "Liquor transport license" means a license issued in accordance with Chapter 17,
422 Liquor Transport License Act.

423 [~~64~~] (66) "Liquor warehousing license" means a license that is issued:

424 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

425 (b) to a person, other than a licensed manufacturer, who engages in the importation for
426 storage, sale, or distribution of liquor regardless of amount.

427 [~~65~~] (67) "Local authority" means:

428 (a) for premises that are located in an unincorporated area of a county, the governing
429 body of a county; or

430 (b) for premises that are located in an incorporated city, town, or metro township, the

431 governing body of the city, town, or metro township.

432 ~~[(66)]~~ (68) "Lounge or bar area" is as defined by rule made by the commission.

433 ~~[(67)]~~ (69) "Manufacture" means to distill, brew, rectify, mix, compound, process,
434 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to
435 others.

436 ~~[(68)]~~ (70) "Member" means an individual who, after paying regular dues, has full
437 privileges in an equity licensee or fraternal licensee.

438 ~~[(69)]~~ (71) (a) "Military installation" means a base, air field, camp, post, station, yard,
439 center, or homeport facility for a ship:

440 (i) (A) under the control of the United States Department of Defense; or

441 (B) of the National Guard;

442 (ii) that is located within the state; and

443 (iii) including a leased facility.

444 (b) "Military installation" does not include a facility used primarily for:

445 (i) civil works;

446 (ii) a rivers and harbors project; or

447 (iii) a flood control project.

448 (72) "Minibar" means an area of a hotel guest room where one or more alcoholic
449 products are kept and offered for self-service sale or consumption.

450 ~~[(70)]~~ (73) "Minor" means an individual under the age of 21 years.

451 ~~[(71)]~~ (74) "Nondepartment enforcement agency" means an agency that:

452 (a) (i) is a state agency other than the department; or

453 (ii) is an agency of a county, city, town, or metro township; and

454 (b) has a responsibility to enforce one or more provisions of this title.

455 ~~[(72)]~~ (75) "Nondepartment enforcement officer" means an individual who is:

456 (a) a peace officer, examiner, or investigator; and

457 (b) employed by a nondepartment enforcement agency.

458 ~~[(73)]~~ (76) (a) "Off-premise beer retailer" means a beer retailer who is:

459 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and

460 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
461 premises.

462 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

463 ~~[(74)]~~ (77) "Off-premise beer retailer state license" means a state license issued in
464 accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.

465 ~~[(75)]~~ (78) "On-premise banquet license" means a license issued in accordance with
466 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

467 ~~[(76)]~~ (79) "On-premise beer retailer" means a beer retailer who is:

468 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
469 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
470 Retailer License; and

471 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
472 premises:

473 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
474 premises; and

475 (ii) on and after March 1, 2012, operating:

476 (A) as a tavern; or

477 (B) in a manner that meets the requirements of Subsection [32B-6-703\(2\)\(e\)\(i\)](#).

478 ~~[(77)]~~ (80) "Opaque" means impenetrable to sight.

479 ~~[(78)]~~ (81) "Package agency" means a retail liquor location operated:

480 (a) under an agreement with the department; and

481 (b) by a person:

482 (i) other than the state; and

483 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
484 Agency, to sell packaged liquor for consumption off the premises of the package agency.

485 ~~[(79)]~~ (82) "Package agent" means a person who holds a package agency.

486 ~~[(80)]~~ (83) "Patron" means an individual to whom food, beverages, or services are sold,
487 offered for sale, or furnished, or who consumes an alcoholic product including:

488 (a) a customer;

489 (b) a member;

490 (c) a guest;

491 (d) an attendee of a banquet or event;

492 (e) an individual who receives room service;

- 493 (f) a resident of a resort;
- 494 (g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;
- 495 or
- 496 (h) an invitee.
- 497 (84) (a) "Performing arts facility" means a multi-use performance space that:
- 498 (i) is primarily used to present various types of performing arts, including dance,
- 499 music, and theater;
- 500 (ii) contains over 2,500 seats;
- 501 (iii) is owned and operated by a governmental entity; and
- 502 (iv) is located in a city of the first class.
- 503 (b) "Performing arts facility" does not include a space that is used to present sporting
- 504 events or sporting competitions.
- 505 ~~[(81)]~~ (85) "Permittee" means a person issued a permit under:
- 506 (a) Chapter 9, Event Permit Act; or
- 507 (b) Chapter 10, Special Use Permit Act.
- 508 ~~[(82)]~~ (86) "Person subject to administrative action" means:
- 509 (a) a licensee;
- 510 (b) a permittee;
- 511 (c) a manufacturer;
- 512 (d) a supplier;
- 513 (e) an importer;
- 514 (f) one of the following holding a certificate of approval:
- 515 (i) an out-of-state brewer;
- 516 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 517 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 518 (g) staff of:
- 519 (i) a person listed in Subsections ~~[(82)]~~ (86)(a) through (f); or
- 520 (ii) a package agent.
- 521 ~~[(83)]~~ (87) "Premises" means a building, enclosure, or room used in connection with
- 522 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
- 523 product, unless otherwise defined in this title or rules made by the commission.

524 [~~(84)~~] (88) "Prescription" means an order issued by a health care practitioner when:

525 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
526 to prescribe a controlled substance, other drug, or device for medicinal purposes;

527 (b) the order is made in the course of that health care practitioner's professional
528 practice; and

529 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

530 [~~(85)~~] (89) (a) "Private event" means a specific social, business, or recreational event:

531 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
532 group; and

533 (ii) that is limited in attendance to people who are specifically designated and their
534 guests.

535 (b) "Private event" does not include an event to which the general public is invited,
536 whether for an admission fee or not.

537 [~~(86)~~] (90) (a) "Proof of age" means:

538 (i) an identification card;

539 (ii) an identification that:

540 (A) is substantially similar to an identification card;

541 (B) is issued in accordance with the laws of a state other than Utah in which the
542 identification is issued;

543 (C) includes date of birth; and

544 (D) has a picture affixed;

545 (iii) a valid driver license certificate that:

546 (A) includes date of birth;

547 (B) has a picture affixed; and

548 (C) is issued:

549 (I) under Title 53, Chapter 3, Uniform Driver License Act; or

550 (II) in accordance with the laws of the state in which it is issued;

551 (iv) a military identification card that:

552 (A) includes date of birth; and

553 (B) has a picture affixed; or

554 (v) a valid passport.

555 (b) "Proof of age" does not include a driving privilege card issued in accordance with
556 Section [53-3-207](#).

557 ~~[(87)]~~ [\(91\)](#) (a) "Public building" means a building or permanent structure that is:

558 (i) owned or leased by:

559 (A) the state; or

560 (B) a local government entity; and

561 (ii) used for:

562 (A) public education;

563 (B) transacting public business; or

564 (C) regularly conducting government activities.

565 (b) "Public building" does not include a building owned by the state or a local
566 government entity when the building is used by a person, in whole or in part, for a proprietary
567 function.

568 ~~[(88)]~~ [\(92\)](#) "Public conveyance" means a conveyance that the public or a portion of the
569 public has access to and a right to use for transportation, including an airline, railroad, bus,
570 boat, or other public conveyance.

571 ~~[(89)]~~ [\(93\)](#) "Reception center" means a business that:

572 (a) operates facilities that are at least 5,000 square feet; and

573 (b) has as its primary purpose the leasing of the facilities described in Subsection ~~[(89)]~~
574 [\(93\)](#)(a) to a third party for the third party's event.

575 ~~[(90)]~~ [\(94\)](#) "Reception center license" means a license issued in accordance with
576 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

577 ~~[(91)]~~ [\(95\)](#) (a) "Record" means information that is:

578 (i) inscribed on a tangible medium; or

579 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

580 (b) "Record" includes:

581 (i) a book;

582 (ii) a book of account;

583 (iii) a paper;

584 (iv) a contract;

585 (v) an agreement;

- 586 (vi) a document; or
- 587 (vii) a recording in any medium.
- 588 [~~92~~] (96) "Residence" means a person's principal place of abode within Utah.
- 589 [~~93~~] (97) "Resident," in relation to a resort, means the same as that term is defined in
- 590 Section [32B-8-102](#).
- 591 [~~94~~] (98) "Resort" means the same as that term is defined in Section [32B-8-102](#).
- 592 [~~95~~] (99) "Resort facility" is as defined by the commission by rule.
- 593 [~~96~~] (100) "Resort license" means a license issued in accordance with Chapter 5,
- 594 Retail License Act, and Chapter 8, Resort License Act.
- 595 [~~97~~] (101) "Responsible alcohol service plan" means a written set of policies and
- 596 procedures that outlines measures to prevent employees from:
 - 597 (a) over-serving alcoholic beverages to customers;
 - 598 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
 - 599 intoxicated; and
 - 600 (c) serving alcoholic beverages to minors.
- 601 [~~98~~] (102) "Restaurant" means a business location:
 - 602 (a) at which a variety of foods are prepared;
 - 603 (b) at which complete meals are served; and
 - 604 (c) that is engaged primarily in serving meals.
- 605 [~~99~~] (103) "Retail license" means one of the following licenses issued under this title:
 - 606 (a) a full-service restaurant license;
 - 607 (b) a master full-service restaurant license;
 - 608 (c) a limited-service restaurant license;
 - 609 (d) a master limited-service restaurant license;
 - 610 (e) a bar establishment license;
 - 611 (f) an airport lounge license;
 - 612 (g) an on-premise banquet license;
 - 613 (h) an on-premise beer license;
 - 614 (i) a reception center license;
 - 615 (j) a beer-only restaurant license;
 - 616 (k) a resort license; or

617 (l) a hotel license.

618 ~~[(100)]~~ (104) "Room service" means furnishing an alcoholic product to a person in a
619 guest room of a:

620 (a) hotel; or

621 (b) resort facility.

622 ~~[(101)]~~ (105) (a) "School" means a building used primarily for the general education of
623 minors.

624 (b) "School" does not include an educational facility.

625 ~~[(102)]~~ (106) "Sell" or "offer for sale" means a transaction, exchange, or barter
626 whereby, for consideration, an alcoholic product is either directly or indirectly transferred,
627 solicited, ordered, delivered for value, or by a means or under a pretext is promised or
628 obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise
629 defined in this title or the rules made by the commission.

630 ~~[(103)]~~ (107) "Serve" means to place an alcoholic product before an individual.

631 ~~[(104)]~~ (108) "Sexually oriented entertainer" means a person who while in a state of
632 seminudity appears at or performs:

633 (a) for the entertainment of one or more patrons;

634 (b) on the premises of:

635 (i) a bar licensee; or

636 (ii) a tavern;

637 (c) on behalf of or at the request of the licensee described in Subsection ~~[(104)]~~
638 (108)(b);

639 (d) on a contractual or voluntary basis; and

640 (e) whether or not the person is designated as:

641 (i) an employee;

642 (ii) an independent contractor;

643 (iii) an agent of the licensee; or

644 (iv) a different type of classification.

645 ~~[(105)]~~ (109) "Single event permit" means a permit issued in accordance with Chapter
646 9, Part 3, Single Event Permit.

647 ~~[(106)]~~ (110) "Small brewer" means a brewer who manufactures less than 60,000

648 barrels of beer, heavy beer, and flavored malt beverages per year.

649 (111) "Small or unincorporated locality" means:

650 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;

651 (b) a town, as classified under Section 10-2-301; or

652 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
653 under Section 17-50-501.

654 [~~107~~] (112) "Special use permit" means a permit issued in accordance with Chapter
655 10, Special Use Permit Act.

656 [~~108~~] (113) (a) "Spirituous liquor" means liquor that is distilled.

657 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
658 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

659 [~~109~~] (114) "Sports center" is as defined by the commission by rule.

660 [~~110~~] (115) (a) "Staff" means an individual who engages in activity governed by this
661 title:

662 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
663 holder;

664 (ii) at the request of the business, including a package agent, licensee, permittee, or
665 certificate holder; or

666 (iii) under the authority of the business, including a package agent, licensee, permittee,
667 or certificate holder.

668 (b) "Staff" includes:

669 (i) an officer;

670 (ii) a director;

671 (iii) an employee;

672 (iv) personnel management;

673 (v) an agent of the licensee, including a managing agent;

674 (vi) an operator; or

675 (vii) a representative.

676 [~~111~~] (116) "State of nudity" means:

677 (a) the appearance of:

678 (i) the nipple or areola of a female human breast;

- 679 (ii) a human genital;
- 680 (iii) a human pubic area; or
- 681 (iv) a human anus; or
- 682 (b) a state of dress that fails to opaquely cover:
 - 683 (i) the nipple or areola of a female human breast;
 - 684 (ii) a human genital;
 - 685 (iii) a human pubic area; or
 - 686 (iv) a human anus.

687 [~~H2~~] (117) "State of seminudity" means a state of dress in which opaque clothing
688 covers no more than:

- 689 (a) the nipple and areola of the female human breast in a shape and color other than the
690 natural shape and color of the nipple and areola; and
- 691 (b) the human genitals, pubic area, and anus:
 - 692 (i) with no less than the following at its widest point:
 - 693 (A) four inches coverage width in the front of the human body; and
 - 694 (B) five inches coverage width in the back of the human body; and
 - 695 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

696 [~~H3~~] (118) (a) "State store" means a facility for the sale of packaged liquor:

- 697 (i) located on premises owned or leased by the state; and
- 698 (ii) operated by a state employee.

699 (b) "State store" does not include:

- 700 (i) a package agency;
- 701 (ii) a licensee; or
- 702 (iii) a permittee.

703 [~~H4~~] (119) (a) "Storage area" means an area on licensed premises where the licensee
704 stores an alcoholic product.

705 (b) "Store" means to place or maintain in a location an alcoholic product.

706 [~~H5~~] (120) "Sublicense" means the same as that term is defined in Section
707 [32B-8-102](#) or [32B-8b-102](#).

708 [~~H6~~] (121) "Supplier" means a person who sells an alcoholic product to the
709 department.

710 [~~(117)~~] (122) "Tavern" means an on-premise beer retailer who is:

711 (a) issued a license by the commission in accordance with Chapter 5, Retail License
712 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

713 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
714 On-Premise Beer Retailer License.

715 [~~(118)~~] (123) "Temporary beer event permit" means a permit issued in accordance with
716 Chapter 9, Part 4, Temporary Beer Event Permit.

717 [~~(119)~~] (124) "Temporary domicile" means the principal place of abode within Utah of
718 a person who does not have a present intention to continue residency within Utah permanently
719 or indefinitely.

720 [~~(120)~~] (125) "Translucent" means a substance that allows light to pass through, but
721 does not allow an object or person to be seen through the substance.

722 [~~(121)~~] (126) "Unsaleable liquor merchandise" means a container that:

723 (a) is unsaleable because the container is:

724 (i) unlabeled;

725 (ii) leaky;

726 (iii) damaged;

727 (iv) difficult to open; or

728 (v) partly filled;

729 (b) (i) has faded labels or defective caps or corks;

730 (ii) has contents that are:

731 (A) cloudy;

732 (B) spoiled; or

733 (C) chemically determined to be impure; or

734 (iii) contains:

735 (A) sediment; or

736 (B) a foreign substance; or

737 (c) is otherwise considered by the department as unfit for sale.

738 [~~(122)~~] (127) (a) "Wine" means an alcoholic product obtained by the fermentation of
739 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or
740 not another ingredient is added.

741 (b) "Wine" includes:

742 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.
743 4.10; and

744 (ii) hard cider.

745 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided
746 in this title.

747 [~~(123)~~] (128) "Winery manufacturing license" means a license issued in accordance
748 with Chapter 11, Part 3, Winery Manufacturing License.

749 Section 2. Section **32B-1-305** is amended to read:

750 **32B-1-305. Requirement for a background check.**

751 (1) The department shall require an individual listed in Subsection (2), in accordance
752 with this part, to:

753 (a) provide a signed waiver from the individual whose fingerprints may be registered in
754 the Federal Bureau of Investigation Rap Back system that notifies the signee:

755 (i) that a criminal history background check will be conducted;

756 (ii) who will see the information; and

757 (iii) how the information will be used;

758 (b) submit to a background check in a form acceptable to the department; and

759 (c) consent to a background check by:

760 (i) the Utah Bureau of Criminal Identification; and

761 (ii) the Federal Bureau of Investigation.

762 (2) The following shall comply with Subsection (1):

763 (a) an individual applying for employment with the department if:

764 (i) the department makes the decision to offer the individual employment with the
765 department; and

766 (ii) once employed, the individual will receive benefits;

767 (b) an individual applying to the commission to operate a package agency;

768 (c) an individual applying to the commission for a license, unless the license is an
769 off-premise beer retailer state license;

770 (d) an individual who with regard to an entity that is applying to the commission to
771 operate a package agency or for a license is:

- 772 (i) a partner;
- 773 (ii) a managing agent;
- 774 (iii) a manager;
- 775 (iv) an officer;
- 776 (v) a director;
- 777 (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of a
- 778 corporation;

- 779 (vii) a member who owns at least 20% of a limited liability company; or
- 780 (viii) an individual employed to act in a supervisory or managerial capacity; or
- 781 (e) an individual who becomes involved with an entity that operates a package agency
- 782 or holds a license, if the individual is in a capacity listed in Subsection (2)(d) on or after the day
- 783 on which the entity:

- 784 (i) is approved to operate a package agency; or
- 785 (ii) is licensed by the commission.

786 (3) (a) Except as provided in Subsection (3)(b), the commission may not require an
 787 individual to comply with Subsection (1) based on the individual's position with or ownership
 788 interest in an entity that has an ownership interest in the entity that is applying for the package
 789 agency or license.

790 (b) The commission may require an individual described in Subsection (3)(a) to
 791 comply with Subsection (1) if the individual exercises direct decision making control over the
 792 day-to-day operations of the licensee.

793 ~~[(3)]~~ (4) The department shall require compliance with Subsection (2)(e) as a condition
 794 of an entity's:

- 795 (a) continued operation of a package agency; or
- 796 (b) renewal of a license.

797 ~~[(4)]~~ (5) The department may require as a condition of continued employment that a
 798 department employee:

- 799 (a) submit to a background check in a form acceptable to the department; and
- 800 (b) consent to a fingerprint criminal background check by:
- 801 (i) the Utah Bureau of Criminal Identification; and
- 802 (ii) the Federal Bureau of Investigation.

803 Section 3. Section **32B-1-606** is amended to read:

804 **32B-1-606. Special procedure for certain malted beverages.**

805 (1) A manufacturer of a malted beverage may not distribute or sell the malted beverage
806 in the state until the day on which the manufacturer receives approval of the labeling and
807 packaging from the department in accordance with:

808 (a) Sections **32B-1-604** and **32B-1-605**; and

809 (b) this section, if the malted beverage is labeled or packaged in a manner that is:

810 (i) similar to a label or packaging used for a nonalcoholic beverage; or

811 (ii) likely to confuse or mislead a patron to believe the malted beverage is a
812 nonalcoholic beverage.

813 (2) The department may not approve the labeling and packaging of a malted beverage
814 described in Subsection (1) unless in addition to the requirements of Section **32B-1-604** the
815 labeling and packaging complies with the following:

816 (a) the front of the label on the malted beverage bears a prominently displayed label or
817 a firmly affixed sticker that provides the following information in a font that measures at least
818 three millimeters high:

819 (i) the statement:

820 (A) "alcoholic beverage"; or

821 (B) "contains alcohol"; and

822 (ii) subject to Subsection (3), the alcohol content of the malted beverage, if the alcohol
823 content is not otherwise provided:

824 (A) in a serving facts statement on the container; and

825 (B) in a format allowed by the Federal Alcohol and Tobacco Tax Trade Bureau;

826 (b) the packaging of the malted beverage prominently includes, either imprinted on the
827 packaging or imprinted on a sticker firmly affixed to the packaging in a font that measures at
828 least three millimeters high, the statement:

829 (i) "alcoholic beverage"; or

830 (ii) "contains alcohol";

831 (c) a statement required by Subsection (2)(a) or (b) appears in a format required by rule
832 made by the commission; and

833 (d) a statement of alcohol content required by Subsection (2)(a)(ii):

834 (i) states the alcohol content as a percentage of alcohol by volume or by weight; and

835 (ii) is in a format required by rule made by the commission.

836 (3) (a) A label satisfies the requirement described in Subsection (2)(a)(ii) if the alcohol
837 content stated on the label is:

838 (i) 0.18% or less above or below the actual alcohol content of the malted beverage, if
839 stated by volume; or

840 (ii) 0.15% or less above or below the actual alcohol content of the malted beverage, if
841 stated by weight.

842 (b) Notwithstanding Subsection (3)(a), if the label states that the alcohol content is
843 0.5% by volume, the malted beverage may not contain less than 0.5% alcohol by volume.

844 ~~[(3)]~~ (4) The department may reject a label or packaging that appears designed to
845 obscure the information required by Subsection (2).

846 ~~[(4)]~~ (5) To determine whether a malted beverage is described in Subsection (1) and
847 subject to this section, the department may consider in addition to other factors one or more of
848 the following factors:

849 (a) whether the coloring, carbonation, and packaging of the malted beverage:

850 (i) is similar to those of a nonalcoholic beverage or product; or

851 (ii) can be confused with a nonalcoholic beverage;

852 (b) whether the malted beverage possesses a character and flavor distinctive from a
853 traditional malted beverage;

854 (c) whether the malted beverage:

855 (i) is prepackaged;

856 (ii) contains high levels of caffeine and other additives; and

857 (iii) is marketed as a beverage that is specifically designed to provide energy;

858 (d) whether the malted beverage contains added sweetener or sugar substitutes; or

859 (e) whether the malted beverage contains an added fruit flavor or other flavor that
860 masks the taste of a traditional malted beverage.

861 Section 4. Section **32B-1-701**, which is renumbered from Section 32B-5-402 is
862 renumbered and amended to read:

Part 7. Alcohol Training and Education Act

863 ~~[32B-5-402].~~ **32B-1-701. Definitions.**

865 As used in this part:

866 (1) "Off-premise retail manager" means an individual who~~[-(a)]~~ manages operations at
867 a premises that is licensed under Chapter 7, Off-Premise Beer Retailer Act~~[-or]~~.

868 ~~[(b) supervises the sale of beer at a premises that is licensed under Chapter 7,
869 Off-Premise Beer Retailer Act.]~~

870 (2) (a) "Off-premise retail staff" means an individual who sells beer at a premises that
871 is licensed under Chapter 7, Off-Premise Beer Retailer Act.

872 (b) "Off-premise retail staff" does not include an off-premise retail manager.

873 (3) "Retail manager" means an individual who:

874 (a) manages operations at a premises that is licensed under this chapter; or

875 (b) supervises the furnishing of an alcoholic product at a premises that is licensed
876 under this chapter.

877 (4) (a) "Retail staff" means an individual who serves an alcoholic product at a premises
878 licensed under this chapter.

879 (b) "Retail staff" does not include a retail manager.

880 Section 5. Section **32B-1-702**, which is renumbered from Section 32B-5-403 is
881 renumbered and amended to read:

882 ~~[32B-5-403].~~ **32B-1-702. Alcohol training and education -- Revocation,**
883 **suspension, or nonrenewal of retail license.**

884 (1) The commission may suspend, revoke, or not renew a license of a retail licensee if
885 any of the following individuals fail to complete an alcohol training and education seminar:

886 (a) a retail manager; or

887 (b) retail staff.

888 (2) A city, town, metro township, or county in which a retail licensee conducts
889 business may suspend, revoke, or not renew the business license of the retail licensee if a retail
890 manager or retail staff fails to complete an alcohol training and education seminar.

891 ~~[(3) A local authority that issues an off-premise beer retailer license to a business that
892 is engaged in the retail sale of beer for consumption off the beer retailer's premises may
893 immediately suspend the off-premise beer retailer license if any of the following individuals
894 fails to complete an alcohol training and education seminar:]~~

895 ~~[(a) an off-premise retail manager; or]~~

896 ~~[(b) off-premise retail staff.]~~

897 Section 6. Section **32B-1-703**, which is renumbered from Section 32B-5-404 is
898 renumbered and amended to read:

899 ~~[32B-5-404].~~ **32B-1-703. Alcohol training and education for off-premise**
900 **consumption.**

901 (1) (a) A local authority that issues an off-premise beer retailer license to a business to
902 sell beer at retail for off-premise consumption shall require the following to have a valid record
903 that the individual completed an alcohol training and education seminar in the time periods
904 required by Subsection (1)(b):

905 (i) an off-premise retail manager; or

906 (ii) off-premise retail staff.

907 (b) If an individual on the date the individual becomes staff to an off-premise beer
908 retailer does not have a valid record that the individual has completed an alcohol training and
909 education seminar for purposes of this part, the individual shall complete an alcohol training
910 and education seminar within 30 days of the day on which the individual becomes staff of an
911 off-premise beer retailer.

912 (c) Section ~~62A-15-401~~ governs the validity of a record that an individual has
913 completed an alcohol training and education seminar required by this part.

914 (2) In accordance with Section ~~[32B-5-403]~~ 32B-1-702, a local authority may
915 immediately suspend the license of an off-premise beer retailer that allows an individual to
916 work as an off-premise retail manager without having a valid record that the individual
917 completed an alcohol training and education seminar in accordance with Subsection (1).

918 Section 7. Section **32B-1-704**, which is renumbered from Section 32B-5-405 is
919 renumbered and amended to read:

920 ~~[32B-5-405].~~ **32B-1-704. Department training programs.**

921 (1) No later than January 1, 2018, the department shall develop the following training
922 programs that are provided either in-person or online:

923 (a) a training program for retail managers that addresses:

924 (i) the statutes and rules that govern alcohol sales and consumption in the state;

925 (ii) the requirements for operating as a retail licensee;

926 (iii) using compliance assistance from the department; and

- 927 (iv) any other topic the department determines beneficial to a retail manager; and
928 (b) a training program for an individual employed by a retail licensee or an off-premise
929 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an
930 alcoholic beverage to an intoxicated individual or a minor, that addresses:
- 931 (i) the statutes and rules that govern the most common types of violations under this
932 title;
- 933 (ii) how to avoid common violations; and
934 (iii) any other topic the department determines beneficial to the training program.
- 935 (2) No later than January 1, 2019, the department shall develop a training program for
936 off-premise retail managers that is provided either in-person or online and addresses:
- 937 (a) the statutes and rules that govern sales at an off-premise beer retailer;
938 (b) the requirements for operating an off-premise beer retailer;
939 (c) using compliance assistance from the department; and
940 (d) any other topic the department determines beneficial to an off-premise retail
941 manager.
- 942 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
943 the provisions of this section, the department shall make rules to develop and implement the
944 training programs described in this section, including rules that establish:
- 945 (a) the requirements for each training program described in this section;
946 (b) measures that accurately identify each individual who takes and completes a
947 training program;
- 948 (c) measures that ensure an individual taking a training program is focused and actively
949 engaged in the training material throughout the training program;
- 950 (d) a record that certifies that an individual has completed a training program; and
951 (e) a fee for participation in a training program to cover the department's cost of
952 providing the training program.
- 953 (4) (a) Except as provided in Subsection (5), each retail manager shall complete the
954 training described in Subsection (1)(a) no later than the ~~earlier~~ later of:
- 955 (i) 30 days after the day on which the retail manager is hired; or
956 (ii) ~~before~~ 30 days after the day on which the retail licensee obtains a retail license
957 under this chapter.

958 (b) Except as provided in Subsection (5), each off-premise retail manager shall
959 complete the training described in Subsection (2) no later than the [~~earlier~~] later of:

960 (i) 30 days after the day on which the off-premise retail manager is hired; or

961 (ii) [~~before~~] 30 days after the day on which the off-premise beer retailer obtains an
962 off-premise beer retailer state license.

963 (c) (i) If the commission finds that a retail licensee violated a provision of this title
964 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual
965 or a minor for a second time within 36 consecutive months after the day on which the first
966 violation was adjudicated, the violator, all retail staff, and each retail manager shall complete
967 the training program described in Subsection (1)(b).

968 (ii) If the commission finds that an off-premise beer retailer violated a provision of this
969 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
970 individual or a minor for a second time within 36 consecutive months after the day on which
971 the first violation was adjudicated, the violator and each off-premise retail manager shall
972 complete the training program described in Subsection (1)(b).

973 (5) (a) For a person who holds a retail license on January 1, 2018, each retail manager
974 shall complete the training program described in Subsection (1)(a) for the first time as a
975 condition of renewing the licensee's retail license in 2018.

976 (b) For a person who holds an off-premise beer retailer state license on January 1,
977 2019, each off-premise retail manager shall complete the training program described in
978 Subsection (1)(b) for the first time as a condition of renewing the licensee's off-premise beer
979 retailer state license in 2019.

980 (6) If an individual fails to complete a required training program under this section:

981 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
982 beer retailer state license;

983 (b) a city, town, metro township, or county in which the retail licensee or off-premise
984 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise
985 beer retailer's business license; or

986 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
987 license.

988 Section 8. Section **32B-1-705**, which is renumbered from Section 32B-5-406 is

989 renumbered and amended to read:

990 ~~[32B-5-406].~~ **32B-1-705. Tracking certain enforcement actions.**

991 (1) For each violation of a provision of this title involving the sale of an alcoholic
992 product to a minor that staff of a retail licensee commits, the commission shall:

993 (a) maintain a record of the violation until the record is expunged in accordance with
994 Subsection (3);

995 (b) include in the record described in Subsection (1)(a):

996 (i) the name of the individual who committed the violation;

997 (ii) the name of the retail licensee; and

998 (iii) the date of the adjudication of the violation; and

999 (c) provide the information described in Subsection (1)(b) to the Department of Public
1000 Safety within 30 days after the day on which the violation is adjudicated.

1001 (2) (a) The Department of Public Safety shall develop and operate a system to collect,
1002 analyze, maintain, track, and disseminate the information that the Department of Public Safety
1003 receives in accordance with Subsection (1).

1004 (b) The Department of Public Safety shall make the system described in Subsection
1005 (2)(a) available to:

1006 (i) assist the commission in assessing penalties under this title; and

1007 (ii) inform a retail licensee of an individual who has a violation history in the system.

1008 (3) The commission and the Department of Public Safety shall expunge each record in
1009 the system described in Subsection (2) that relates to an individual if the individual does not
1010 violate a provision of this title related to the sale of an alcoholic product to a minor for a period
1011 of 36 consecutive months from the day on which the individual's last violation related to the
1012 sale of an alcoholic product to a minor was adjudicated.

1013 Section 9. Section **32B-2-202** is amended to read:

1014 **32B-2-202. Powers and duties of the commission.**

1015 (1) The commission shall:

1016 (a) consistent with the policy established by the Legislature by statute, act as a general
1017 policymaking body on the subject of alcoholic product control;

1018 (b) adopt and issue policies, rules, and procedures;

1019 (c) set policy by written rules that establish criteria and procedures for:

- 1020 (i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
1021 permit, or certificate of approval; and
- 1022 (ii) determining the location of a state store, package agency, or retail licensee;
- 1023 (d) decide within the limits, and under the conditions imposed by this title, the number
1024 and location of state stores, package agencies, and retail licensees in the state;
- 1025 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
1026 permits, or certificates of approval for the purchase, storage, sale, offer for sale, furnishing,
1027 consumption, manufacture, and distribution of an alcoholic product:
- 1028 (i) a package agency;
- 1029 (ii) a full-service restaurant license;
- 1030 (iii) a master full-service restaurant license;
- 1031 (iv) a limited-service restaurant license;
- 1032 (v) a master limited-service restaurant license;
- 1033 (vi) a bar establishment license;
- 1034 (vii) an airport lounge license;
- 1035 (viii) an on-premise banquet license;
- 1036 (ix) a resort license, under which at least four or more sublicenses may be included;
- 1037 (x) an on-premise beer retailer license;
- 1038 (xi) a reception center license;
- 1039 (xii) a beer-only restaurant license;
- 1040 (xiii) a hotel license, under which at least three or more sublicenses may be included;
- 1041 (xiv) subject to Subsection (4), a single event permit;
- 1042 (xv) subject to Subsection (4), a temporary beer event permit;
- 1043 (xvi) a special use permit;
- 1044 (xvii) a manufacturing license;
- 1045 (xviii) a master brewery manufacturing license;
- 1046 [~~(xviii)~~] (xix) a liquor warehousing license;
- 1047 [~~(xix)~~] (xx) a beer wholesaling license; [~~and~~]
- 1048 (xxi) a liquor transport license;
- 1049 (xxii) an off-premise beer retailer state license;
- 1050 (xxiii) a master off-premise beer retailer state license; and

- 1051 [~~xxx~~] (xxiv) one of the following that holds a certificate of approval:
- 1052 (A) an out-of-state brewer;
- 1053 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
- 1054 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages;
- 1055 (f) issue, deny, suspend, or revoke the following conditional licenses:
- 1056 (i) a conditional retail license as defined in Section [32B-5-205](#); and
- 1057 (ii) a conditional off-premise beer retailer state license as defined in Section
- 1058 [32B-7-406](#);
- 1059 (g) prescribe the duties of the department in assisting the commission in issuing a
- 1060 package agency, license, permit, or certificate of approval under this title;
- 1061 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
- 1062 in accordance with Section [63J-1-504](#);
- 1063 (i) fix prices at which liquor is sold that are the same at all state stores, package
- 1064 agencies, and retail licensees;
- 1065 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
- 1066 class, variety, or brand of liquor kept for sale by the department;
- 1067 (k) (i) require the director to follow sound management principles; and
- 1068 (ii) require periodic reporting from the director to ensure that:
- 1069 (A) sound management principles are being followed; and
- 1070 (B) policies established by the commission are being observed;
- 1071 (l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
- 1072 and matters submitted by the director to the commission; and
- 1073 (ii) do the things necessary to support the department in properly performing the
- 1074 department's duties;
- 1075 (m) obtain temporarily and for special purposes the services of an expert or person
- 1076 engaged in the practice of a profession, or a person who possesses a needed skill if:
- 1077 (i) considered expedient; and
- 1078 (ii) approved by the governor;
- 1079 (n) prescribe by rule the conduct, management, and equipment of premises upon which
- 1080 an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
- 1081 (o) make rules governing the credit terms of beer sales within the state to retail

1082 licensees; and

1083 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
1084 disciplinary action against a person subject to administrative action.

1085 (2) Consistent with the policy established by the Legislature by statute, the power of
1086 the commission to do the following is plenary, except as otherwise provided by this title, and
1087 not subject to review:

1088 (a) establish a state store;

1089 (b) issue authority to act as a package agent or operate a package agency; and

1090 (c) issue or deny a license, permit, or certificate of approval.

1091 (3) If the commission is authorized or required to make a rule under this title, the
1092 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
1093 Rulemaking Act.

1094 (4) Notwithstanding Subsections (1)(e)(xiv) and (xv), the director or deputy director
1095 may issue an event permit in accordance with Chapter 9, Event Permit Act.

1096 Section 10. Section **32B-2-204** is amended to read:

1097 **32B-2-204. Powers and duties of the department -- Immunity.**

1098 (1) The department shall control liquor merchandise inventory including:

1099 (a) listing and delisting a product;

1100 (b) the procedures for testing a new product;

1101 (c) purchasing policy;

1102 (d) turnover requirements for a regularly coded product to be continued; and

1103 (e) the disposition of discontinued, distressed, or unsaleable merchandise.

1104 (2) (a) The department shall report to the governor on the administration of this title:

1105 (i) as the governor may require; and

1106 (ii) annually by no later than November 30, for the fiscal year ending June 30 of the
1107 year in which the report is made.

1108 (b) A report under this Subsection (2) shall contain:

1109 (i) a statement of the nature and amount of the business transacted by the department
1110 during the year;

1111 (ii) a statement of the department's assets and liabilities including a profit and loss
1112 account, and other accounts and matters necessary to show the results of operations of the

1113 department for the year;

1114 (iii) general information on the application of this title in the state; and

1115 (iv) any other information requested by the governor.

1116 (c) The department shall submit a copy of a report described in this Subsection (2) to
1117 the Legislature.

1118 (3) The department shall maintain insurance against loss on each motor vehicle
1119 operated by it on any public highway. A motor vehicle shall be covered for:

1120 (a) liability imposed by law upon the department for damages from bodily injuries
1121 suffered by one or more persons by reason of the ownership, maintenance, or use of the motor
1122 vehicle; and

1123 (b) liability or loss from damage to or destruction of property of any description,
1124 including liability of the department for the resultant loss of use of the property, which results
1125 from accident due to the ownership, maintenance, or use of the motor vehicle.

1126 (4) (a) The department may sue, be sued, and defend in a proceeding, in a court of law
1127 or otherwise, in the name of the department.

1128 (b) An action may not be taken:

1129 (i) against the commission; or

1130 (ii) in the name of a commissioner.

1131 (5) The department is liable to respond in damages in a case if a private corporation
1132 under the same circumstances would be liable.

1133 (6) (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies in an action
1134 commenced against the department for damages sustained as a result of department ownership,
1135 maintenance, or use of a motor vehicle under Subsections (4) and (5).

1136 (b) In an action described in Subsection (6)(a), the commission and each commissioner
1137 are immune from suit.

1138 (7) In executing the department's duties under this title, the department may accept
1139 payment by credit card.

1140 Section 11. Section **32B-2-304** is amended to read:

1141 **32B-2-304. Liquor price -- School lunch program -- Remittance of markup.**

1142 (1) For purposes of this section:

1143 (a) (i) "Landed case cost" means:

- 1144 (A) the cost of the product; and
- 1145 (B) inbound shipping costs incurred by the department.
- 1146 (ii) "Landed case cost" does not include the outbound shipping cost from a warehouse
- 1147 of the department to a state store.
- 1148 (b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.
- 1149 (c) Notwithstanding Section [32B-1-102](#), "small brewer" means a brewer who
- 1150 manufactures in a calendar year less than 40,000 barrels of beer, heavy beer, and flavored malt
- 1151 beverage.
- 1152 (2) Except as provided in Subsection (3):
- 1153 (a) spirituous liquor sold by the department within the state shall be marked up in an
- 1154 amount not less than 88% above the landed case cost to the department;
- 1155 (b) wine sold by the department within the state shall be marked up in an amount not
- 1156 less than 88% above the landed case cost to the department;
- 1157 (c) heavy beer sold by the department within the state shall be marked up in an amount
- 1158 not less than 66.5% above the landed case cost to the department; and
- 1159 (d) a flavored malt beverage sold by the department within the state shall be marked up
- 1160 in an amount not less than 88% above the landed case cost to the department.
- 1161 (3) (a) Liquor sold by the department to a military installation in Utah shall be marked
- 1162 up in an amount not less than 17% above the landed case cost to the department.
- 1163 (b) Except for spirituous liquor sold by the department to a military installation in
- 1164 Utah, spirituous liquor that is sold by the department within the state shall be marked up 49%
- 1165 above the landed case cost to the department if:
- 1166 (i) the spirituous liquor is manufactured by a manufacturer producing less than 30,000
- 1167 proof gallons of spirituous liquor in a calendar year; and
- 1168 (ii) the manufacturer applies to the department for a reduced markup.
- 1169 (c) Except for wine sold by the department to a military installation in Utah, wine that
- 1170 is sold by the department within the state shall be marked up 49% above the landed case cost to
- 1171 the department if:
- 1172 (i) (A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a
- 1173 manufacturer producing less than 20,000 gallons of wine in a calendar year; or
- 1174 (B) for hard cider, the hard cider is manufactured by a manufacturer producing less

1175 than 620,000 gallons of hard cider in a calendar year; and

1176 (ii) the manufacturer applies to the department for a reduced markup.

1177 (d) Except for heavy beer sold by the department to a military installation in Utah,
1178 heavy beer that is sold by the department within the state shall be marked up 32% above the
1179 landed case cost to the department if:

1180 (i) a small brewer manufactures the heavy beer; and

1181 (ii) the small brewer applies to the department for a reduced markup.

1182 (e) The department shall verify an amount described in Subsection (3)(b), (c), or (d)
1183 pursuant to a federal or other verifiable production report.

1184 (f) For purposes of determining whether an alcoholic product qualifies for a markup
1185 under this Subsection (3), the department shall evaluate whether the manufacturer satisfies the
1186 applicable production requirement without considering the manufacturer's production of any
1187 other type of alcoholic product.

1188 (4) The department shall deposit 10% of the total gross revenue from sales of liquor
1189 with the state treasurer to be credited to the Uniform School Fund and used to support the
1190 school lunch program administered by the State Board of Education under Section 53E-3-510.

1191 (5) This section does not prohibit the department from selling discontinued items at a
1192 discount.

1193 Section 12. Section 32B-2-605 is amended to read:

1194 **32B-2-605. Operational requirements for package agency.**

1195 (1) (a) A person may not operate a package agency until a package agency agreement is
1196 entered into by the package agent and the department.

1197 (b) A package agency agreement shall state the conditions of operation by which the
1198 package agent and the department are bound.

1199 (c) (i) If a package agent or staff of the package agent violates this title, rules under this
1200 title, or the package agency agreement, the department may take any action against the package
1201 agent that is allowed by the package agency agreement.

1202 (ii) An action against a package agent is governed solely by its package agency
1203 agreement and may include suspension or revocation of the package agency.

1204 (iii) A package agency agreement shall provide procedures to be followed if a package
1205 agent fails to pay money owed to the department including a procedure for replacing the

1206 package agent or operator of the package agency.

1207 (iv) A package agency agreement shall provide that the package agency is subject to
1208 covert investigations for selling an alcoholic product to a minor.

1209 (v) Notwithstanding that this part refers to "package agency" or "package agent," staff
1210 of the package agency or package agent is subject to the same requirement or prohibition.

1211 (2) (a) A package agency shall be operated by an individual who is either:

1212 (i) the package agent; or

1213 (ii) an individual designated by the package agent.

1214 (b) An individual who is a designee under this Subsection (2) shall be:

1215 (i) an employee of the package agent; and

1216 (ii) responsible for the operation of the package agency.

1217 (c) The conduct of the designee is attributable to the package agent.

1218 (d) A package agent shall submit the name of the person operating the package agency
1219 to the department for the department's approval.

1220 (e) A package agent shall state the name and title of a designee on the application for a
1221 package agency.

1222 (f) A package agent shall:

1223 (i) inform the department of a proposed change in the individual designated to operate
1224 a package agency; and

1225 (ii) receive prior approval from the department before implementing the change
1226 described in this Subsection (2)(f).

1227 (g) Failure to comply with the requirements of this Subsection (2) may result in the
1228 immediate termination of a package agency agreement.

1229 (3) (a) A package agent shall display in a prominent place in the package agency the
1230 record issued by the commission that designates the package agency.

1231 (b) A package agent that displays or stores liquor at a location visible to the public
1232 shall display in a prominent place in the package agency a sign in large letters that consists of
1233 text in the following order:

1234 (i) a header that reads: "WARNING";

1235 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1236 can cause birth defects and permanent brain damage for the child.";

- 1237 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at
1238 [insert most current toll-free number] with questions or for more information.";
- 1239 (iv) a header that reads: "WARNING"; and
- 1240 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a
1241 serious crime that is prosecuted aggressively in Utah."
- 1242 (c) (i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
1243 font style than the text described in Subsections (3)(b)(iv) and (v).
- 1244 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
1245 same font size.
- 1246 (d) The Department of Health shall work with the commission and department to
1247 facilitate consistency in the format of a sign required under this section.
- 1248 (4) A package agency may not display liquor or a price list in a window or showcase
1249 that is visible to passersby.
- 1250 (5) (a) A package agency may not purchase liquor from a person except from the
1251 department.
- 1252 (b) At the discretion of the department, liquor may be provided by the department to a
1253 package agency for sale on consignment.
- 1254 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place
1255 other than as designated in the package agent's application, unless the package agent first
1256 applies for and receives approval from the department for a change of location within the
1257 package agency premises.
- 1258 (7) A package agency may not sell, offer for sale, or furnish liquor except at a price
1259 fixed by the commission.
- 1260 (8) A package agency may not sell, offer for sale, or furnish liquor to:
- 1261 (a) a minor;
- 1262 (b) a person actually, apparently, or obviously intoxicated;
- 1263 (c) a known interdicted person; or
- 1264 (d) a known habitual drunkard.
- 1265 (9) (a) A package agency may not employ a minor to handle liquor.
- 1266 (b) (i) Staff of a package agency may not:
- 1267 (A) consume an alcoholic product on the premises of a package agency; or

1268 (B) allow any person to consume an alcoholic product on the premises of a package
1269 agency.

1270 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.

1271 (10) (a) A package agency may not close or cease operation for a period longer than 72
1272 hours, unless:

1273 (i) the package agency notifies the department in writing at least seven days before the
1274 closing; and

1275 (ii) the closure or cessation of operation is first approved by the department.

1276 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package
1277 agency shall immediately notify the department by telephone.

1278 (c) (i) The department may authorize a closure or cessation of operation for a period
1279 not to exceed 60 days.

1280 (ii) The department may extend the initial period an additional 30 days upon written
1281 request of the package agency and upon a showing of good cause.

1282 (iii) A closure or cessation of operation may not exceed a total of 90 days without
1283 commission approval.

1284 (d) The notice required by Subsection (10)(a) shall include:

1285 (i) the dates of closure or cessation of operation;

1286 (ii) the reason for the closure or cessation of operation; and

1287 (iii) the date on which the package agency will reopen or resume operation.

1288 (e) Failure of a package agency to provide notice and to obtain department
1289 authorization before closure or cessation of operation results in an automatic termination of the
1290 package agency agreement effective immediately.

1291 (f) Failure of a package agency to reopen or resume operation by the approved date
1292 results in an automatic termination of the package agency agreement effective on that date.

1293 (11) A package agency may not transfer its operations from one location to another
1294 location without prior written approval of the commission.

1295 (12) (a) A person, having been issued a package agency, may not sell, transfer, assign,
1296 exchange, barter, give, or attempt in any way to dispose of the package agency to another
1297 person, whether for monetary gain or not.

1298 (b) A package agency has no monetary value for any type of disposition.

- 1299 (13) (a) Subject to the other provisions of this Subsection (13):
- 1300 (i) sale or delivery of liquor may not be made on or from the premises of a package
- 1301 agency, and a package agency may not be kept open for the sale of liquor:
- 1302 (A) on Sunday; or
- 1303 (B) on a state or federal legal holiday.
- 1304 (ii) Sale or delivery of liquor may be made on or from the premises of a package
- 1305 agency, and a package agency may be open for the sale of liquor, only on a day and during
- 1306 hours that the commission directs by rule or order.
- 1307 (b) A package agency located at a manufacturing facility is not subject to Subsection
- 1308 (13)(a) if:
- 1309 (i) the package agency is located at a manufacturing facility licensed in accordance
- 1310 with Chapter 11, Manufacturing and Related Licenses Act;
- 1311 (ii) the manufacturing facility licensed in accordance with Chapter 11, Manufacturing
- 1312 and Related Licenses Act, holds:
- 1313 (A) a full-service restaurant license;
- 1314 (B) a limited-service restaurant license;
- 1315 (C) a beer-only restaurant license;
- 1316 (D) a dining club license; or
- 1317 (E) a bar license;
- 1318 (iii) the restaurant, dining club, or bar is located at the manufacturing facility;
- 1319 (iv) the restaurant, dining club, or bar sells an alcoholic product produced at the
- 1320 manufacturing facility;
- 1321 (v) the manufacturing facility:
- 1322 (A) owns the restaurant, dining club, or bar; or
- 1323 (B) operates the restaurant, dining club, or bar;
- 1324 (vi) the package agency only sells an alcoholic product produced at the manufacturing
- 1325 facility; and
- 1326 (vii) the package agency's days and hours of sale are the same as the days and hours of
- 1327 sale at the restaurant, dining club, or bar.
- 1328 (c) (i) Subsection (13)(a) does not apply to a package agency held by the following if
- 1329 the package agent that holds the package agency to sell liquor at a resort or hotel does not sell

1330 liquor in a manner similar to a state store:

1331 (A) a resort licensee; or

1332 (B) a hotel licensee.

1333 (ii) The commission may by rule define what constitutes a package agency that sells

1334 liquor "in a manner similar to a state store."

1335 (14) (a) Except to the extent authorized by commission rule, a minor may not be

1336 admitted into, or be on the premises of, a package agency unless accompanied by a person who

1337 is:

1338 (i) 21 years of age or older; and

1339 (ii) the minor's parent, legal guardian, or spouse.

1340 (b) A package agent or staff of a package agency that has reason to believe that a

1341 person who is on the premises of a package agency is under the age of 21 and is not

1342 accompanied by a person described in Subsection (14)(a) may:

1343 (i) ask the suspected minor for proof of age;

1344 (ii) ask the person who accompanies the suspected minor for proof of age; and

1345 (iii) ask the suspected minor or the person who accompanies the suspected minor for

1346 proof of parental, guardianship, or spousal relationship.

1347 (c) A package agent or staff of a package agency shall refuse to sell liquor to the

1348 suspected minor and to the person who accompanies the suspected minor into the package

1349 agency if the minor or person fails to provide any information specified in Subsection (14)(b).

1350 (d) A package agent or staff of a package agency shall require the suspected minor and

1351 the person who accompanies the suspected minor into the package agency to immediately leave

1352 the premises of the package agency if the minor or person fails to provide information specified

1353 in Subsection (14)(b).

1354 (15) (a) A package agency shall sell, offer for sale, or furnish liquor in a sealed

1355 container.

1356 (b) A person may not open a sealed container on the premises of a package agency.

1357 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or

1358 furnish liquor in other than a sealed container:

1359 (i) if the package agency is the type of package agency that authorizes the package

1360 agency to sell, offer for sale, or furnish the liquor as part of room service;

1361 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and

1362 (iii) subject to:

1363 (A) staff of the package agency providing the liquor in person only to an adult guest in
1364 the guest room;

1365 (B) staff of the package agency not leaving the liquor outside a guest room for retrieval
1366 by a guest; and

1367 (C) the same limits on the portions in which an alcoholic product may be sold by a
1368 retail licensee under Section 32B-5-304.

1369 (16) On or after October 1, 2011, a package agency may not sell, offer for sale, or
1370 furnish heavy beer in a sealed container that exceeds two liters.

1371 (17) The department may pay or otherwise remunerate a package agent on any basis,
1372 including sales or volume of business done by the package agency.

1373 (18) The commission may prescribe by policy or rule general operational requirements
1374 of a package agency that are consistent with this title and relate to:

1375 (a) physical facilities;

1376 (b) conditions of operation;

1377 (c) hours of operation;

1378 (d) inventory levels;

1379 (e) payment schedules;

1380 (f) methods of payment;

1381 (g) premises security; and

1382 (h) any other matter considered appropriate by the commission.

1383 (19) A package agency may not maintain a minibar.

1384 Section 13. Section **32B-5-102** is amended to read:

1385 **32B-5-102. Definitions.**

1386 [Reserved]

1387 As used in this chapter:

1388 (1) "Interim alcoholic beverage management agreement" means an agreement:

1389 (a) in connection with:

1390 (i) the transfer of a retail license; and

1391 (ii) (A) an asset sale of a retail licensee; or

- 1392 (B) a transfer of the management of a retail licensee to a new entity; and
1393 (b) under which the purchaser or the new management entity agrees to perform the
1394 operations of the retail licensee during the period that:
1395 (i) begins when:
1396 (A) the asset sale closes; or
1397 (B) the new management agreement is executed; and
1398 (ii) ends on the day after the day on which the commission approves the transfer of the
1399 retail license.
- 1400 (2) "Inventory transfer agreement" means an agreement under which a retail licensee
1401 agrees to sell or otherwise transfer all or part of the retail licensee's inventory of alcoholic
1402 product.
- 1403 Section 14. Section **32B-5-207** is amended to read:
1404 **32B-5-207. Multiple retail licenses on same premises.**
- 1405 (1) As used in this section, "sublicense premises" means the same as that term is
1406 defined in Sections [32B-8-102](#) and [32B-8b-102](#).
- 1407 (2) (a) The commission may not issue and one or more licensees may not hold more
1408 than one type of retail license for the same premises.
- 1409 (b) Notwithstanding Subsection (2)(a), the commission may issue and one or more
1410 licensees may hold more than one type of retail license for the same premises if:
1411 (i) the applicant or licensee satisfies the requirements for each retail license;
1412 (ii) the types of retail licenses issued or held are two or more of the following:
1413 (A) a restaurant license;
1414 (B) an on-premise beer retailer license that is not a tavern; and
1415 (C) an on-premise banquet license or a reception center license; and
1416 (iii) the retail licenses do not operate at the same time on the same day.
- 1417 (3) When one or more licensees hold more than one type of retail license for the same
1418 premises under Subsection (2)(b), the one or more licensees shall post in a conspicuous
1419 location at the entrance of the room a sign that:
1420 (a) measures 8-1/2 inches by 11 inches; and
1421 (b) states whether the premises is currently operating as:
1422 (i) a restaurant;

- 1423 (ii) an on-premise beer retailer that is not a tavern; or
1424 (iii) a banquet or a reception center.
- 1425 (4) (a) The commission may not issue and one or more licensees may not hold a bar
1426 license or a tavern license in the same room as a restaurant license.
- 1427 (b) For purposes of Subsection (4)(a), two licenses are not considered in the same room
1428 if:
- 1429 (i) each shared permanent wall between the premises licensed as a bar or a tavern and
1430 the premises licensed as a restaurant measures at least eight feet high;
- 1431 (ii) the premises for each license has a separate entryway that does not require a patron
1432 to pass through the premises licensed as a bar or a tavern to access the premises licensed as a
1433 restaurant; and
- 1434 (iii) if a patron must pass through the premises licensed as a restaurant to access the
1435 entryway to the premises licensed as a bar or a tavern, a patron on the premises licensed as a
1436 restaurant cannot see a dispensing structure on the premises licensed as a bar or a tavern.
- 1437 (5) (a) If, on May 9, 2017, one or more licensees hold more than one type of retail
1438 license in violation of Subsection (2) or (4), the one or more licensees may operate under the
1439 different types of retail licenses through June 30, 2018.
- 1440 (b) A licensee may not operate in violation of Subsection (2) or (4) on or after July 1,
1441 2018.
- 1442 (c) Before July 1, 2018, each licensee described in Subsection (5)(a) shall notify the
1443 commission of each retail license that the licensee will surrender effective July 1, 2018, to
1444 comply with the provisions of Subsection (2) or (4).
- 1445 ~~[(d) The commission shall establish by rule, made in accordance with Title 63G,~~
1446 ~~Chapter 3, Utah Administrative Rulemaking Act, a procedure by which a licensee surrenders a~~
1447 ~~retail license under this Subsection (5).]~~
- 1448 (6) (a) The commission may issue more than one type of sublicense to a resort licensed
1449 under Chapter 8, Resort License Act, or a hotel licensed under Chapter 8b, Hotel License Act,
1450 for the same room if the sublicense premises are clearly delineated by one or more permanent
1451 physical structures, such as a wall or other architectural feature, that separate the sublicense
1452 premises.
- 1453 (b) A patron may not transport an alcoholic beverage between two sublicense premises

1454 located in the same room in accordance with Subsection (6)(a).

1455 (c) Notwithstanding any provision to the contrary, a minor may momentarily pass
1456 through a sublicense premises that is a bar to reach another location where a minor may
1457 lawfully be, if there is no practical alternative route to the location.

1458 Section 15. Section **32B-5-301** is amended to read:

1459 **32B-5-301. General operational requirements.**

1460 (1) (a) A retail licensee and staff of a retail licensee shall comply with this title and the
1461 rules of the commission, including the relevant part under Chapter 6, Specific Retail License
1462 Act, for the specific type of retail license.

1463 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1464 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 1465 (i) a retail licensee;
- 1466 (ii) individual staff of a retail licensee; or
- 1467 (iii) both a retail licensee and staff of the retail licensee.

1468 (2) (a) If there is a conflict between this part and the relevant part under Chapter 6,
1469 Specific Retail License Act, for the specific type of retail license, the relevant part under
1470 Chapter 6 governs.

1471 (b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail
1472 licensee may only sell, offer for sale, furnish, or allow the consumption of an alcoholic product
1473 specifically authorized by the relevant part under Chapter 6, Specific Retail License Act.

1474 (c) Notwithstanding that this part or the relevant part under Chapter 6, Specific Retail
1475 License Act, refers to "retail licensee," staff of the retail licensee is subject to the same
1476 requirement or prohibition.

1477 (3) (a) A retail licensee shall display in a prominent place in the licensed premises the
1478 retail license that is issued by the department.

1479 (b) A retail licensee shall display in a prominent place a sign in large letters that
1480 consists of text in the following order:

- 1481 (i) a header that reads: "WARNING";
- 1482 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1483 can cause birth defects and permanent brain damage for the child.";
- 1484 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at

- 1485 [insert most current toll-free number] with questions or for more information.";
- 1486 (iv) a header that reads: "WARNING"; and
- 1487 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a
1488 serious crime that is prosecuted aggressively in Utah."
- 1489 (c) (i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
1490 font style than the text described in Subsections (3)(b)(iv) and (v).
- 1491 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
1492 same font size.
- 1493 (d) The Department of Health shall work with the commission and department to
1494 facilitate consistency in the format of a sign required under this section.
- 1495 (4) A retail licensee may not on the licensed premises:
- 1496 (a) engage in or permit any form of gambling, as defined and proscribed in Title 76,
1497 Chapter 10, Part 11, Gambling;
- 1498 (b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10,
1499 Part 11, Gambling; or
- 1500 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
1501 the risking of something of value for a return or for an outcome when the return or outcome is
1502 based upon an element of chance, excluding the playing of an amusement device that confers
1503 only an immediate and unrecorded right of replay not exchangeable for value.
- 1504 (5) A retail licensee may not knowingly allow a person on the licensed premises to, in
1505 violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug
1506 Paraphernalia Act:
- 1507 (a) sell, distribute, possess, or use a controlled substance, as defined in Section
1508 58-37-2; or
- 1509 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
1510 Section 58-37a-3.
- 1511 (6) Upon the presentation of credentials, at any time during which a retail licensee is
1512 open for the transaction of business, the retail licensee shall immediately:
- 1513 (a) admit a commissioner, authorized department employee, or law enforcement officer
1514 to the retail licensee's premises; and
- 1515 (b) permit, without hindrance or delay, the person described in Subsection (6)(a) to

1516 inspect completely:

1517 (i) the entire premises of the retail licensee; and

1518 (ii) the records of the retail licensee.

1519 (7) An individual may not consume an alcoholic product on the licensed premises of a
1520 retail licensee on any day during the period:

1521 (a) beginning one hour after the time of day that the period during which a retail
1522 licensee may not sell, offer for sale, or furnish an alcoholic product on the licensed premises
1523 begins; and

1524 (b) ending at the time specified in the relevant part under Chapter 6, Specific Retail
1525 License Act, for the type of retail license when the retail licensee may first sell, offer for sale,
1526 or furnish an alcoholic product on the licensed premises on that day.

1527 (8) (a) An employee of a retail licensee who sells, offers for sale, or furnishes an
1528 alcoholic product to a patron shall wear an identification badge.

1529 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1530 commission shall make rules related to the requirement described in Subsection (8)(a).

1531 Section 16. Section **32B-5-303** is amended to read:

1532 **32B-5-303. Purchase and storage of an alcoholic product by a retail licensee.**

1533 (1) (a) A retail licensee may not purchase liquor except from a state store or package
1534 agency.

1535 (b) A retail licensee may transport liquor purchased from a state store or package
1536 agency from the place of purchase to the licensed premises.

1537 (c) A retail licensee shall pay for liquor in accordance with rules established by the
1538 commission.

1539 (2) (a) (i) A retail licensee may not purchase, acquire, possess for the purpose of resale,
1540 or sell beer except beer that the retail licensee purchases from:

1541 (A) a beer wholesaler licensee; or

1542 (B) a small brewer that manufactures the beer.

1543 (ii) Violation of this Subsection (2)(a) is a class A misdemeanor.

1544 (b) (i) If a retail licensee purchases beer under Subsection (2)(a) from a beer wholesaler
1545 licensee, the retail licensee shall purchase beer only from a beer wholesaler licensee who is
1546 designated by the manufacturer to sell beer in the geographical area in which the retail licensee

1547 is located, unless an alternate wholesaler is authorized by the department to sell to the retail
1548 licensee as provided in Section 32B-13-301.

1549 (ii) Violation of Subsection (2)(b) is a class B misdemeanor.

1550 (3) A retail licensee may not store, sell, offer for sale, or furnish an alcoholic product in
1551 a place other than as designated in the retail licensee's application, unless the retail licensee
1552 first applies for and receives approval from the department for a change of location within the
1553 licensed premises.

1554 (4) A liquor storage area shall remain locked at all times [~~other than those hours and~~
1555 ~~days when~~] except when:

1556 (a) liquor sales are authorized by law[-]; or

1557 (b) the licensee:

1558 (i) inventories or restocks the alcoholic product in the liquor storage area; or

1559 (ii) repairs or cleans the liquor storage area.

1560 Section 17. Section 32B-5-304 is amended to read:

1561 **32B-5-304. Portions in which alcoholic product may be sold.**

1562 (1) A retail licensee may sell, offer for sale, or furnish a primary spirituous liquor only
1563 in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated
1564 metered dispensing system approved by the department in accordance with commission rules
1565 adopted under this title, except that:

1566 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing
1567 system if used as a secondary flavoring ingredient in a beverage subject to the following
1568 requirements:

1569 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of
1570 a primary spirituous liquor;

1571 (ii) the secondary ingredient may not be the only spirituous liquor in the beverage;

1572 (iii) the retail licensee shall designate a location where flavorings are stored on the
1573 floor plan submitted to the department; and

1574 (iv) a flavoring container shall be plainly and conspicuously labeled "flavorings";

1575 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing
1576 system if used:

1577 (i) as a flavoring on a dessert; and

- 1578 (ii) in the preparation of a flaming food dish, drink, or dessert; and
- 1579 (c) a patron may have no more than 2.5 ounces of spirituous liquor at a time.
- 1580 (2) (a) (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
- 1581 individual portion that does not exceed 5 ounces per glass or individual portion.
- 1582 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to
- 1583 a patron in more than one glass if the total amount of wine does not exceed 5 ounces.
- 1584 (b) (i) A retail licensee may sell, offer for sale, or furnish wine in a container not
- 1585 exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.
- 1586 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
- 1587 exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.
- 1588 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original
- 1589 container at a price fixed by the commission, except that the original container may not exceed
- 1590 one liter.
- 1591 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
- 1592 original container at a price fixed by the commission, except that the original container may not
- 1593 exceed one liter.
- 1594 (5) (a) Subject to Subsection (5)(b), a retail licensee may sell, offer for sale, or furnish
- 1595 beer for on-premise consumption:
- 1596 (i) in an open original container; and
- 1597 (ii) in a container on draft.
- 1598 (b) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a):
- 1599 (i) in a size of container that exceeds two liters; or
- 1600 (ii) to an individual patron in a size of container that exceeds one liter.
- 1601 (c) A retail licensee may sell, offer for sale, or furnish beer to an individual patron in
- 1602 more than one container if the total amount of beer does not exceed 16 ounces.
- 1603 Section 18. Section **32B-5-306** is amended to read:
- 1604 **32B-5-306. Purchasing or selling alcoholic product.**
- 1605 (1) A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:
- 1606 (a) a minor;
- 1607 (b) a person actually, apparently, or obviously intoxicated;
- 1608 (c) a known interdicted person; or

1609 (d) a known habitual drunkard.

1610 (2) (a) A patron may only purchase an alcoholic product in the licensed premises of a
1611 retail licensee from and be served by an individual who is:

1612 (i) staff of the retail licensee; and

1613 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

1614 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron
1615 only if the individual is:

1616 (i) staff of the retail licensee; and

1617 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

1618 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
1619 staff of the retail licensee or carries bottled wine onto the retail licensee's premises pursuant to
1620 Section [32B-5-307](#) may thereafter serve wine from the bottle to the patron or others at the
1621 patron's table.

1622 (3) The following may not purchase an alcoholic product for a patron:

1623 (a) a retail licensee; or

1624 (b) staff of a retail licensee.

1625 (4) After a retail licensee closes the retail licensee's business at the licensed premises,
1626 the retail licensee may transfer the retail licensee's inventory of alcoholic product from that
1627 premises to another premises licensed under this chapter that is owned by the same retail
1628 licensee.

1629 Section 19. Section **32B-5-310** is amended to read:

1630 **32B-5-310. Notifying department of change in ownership -- Inventory transfers --**
1631 **Interim alcoholic beverage management agreements.**

1632 (1) The commission may suspend or revoke a retail license if the retail licensee does
1633 not immediately notify the department of a change in:

1634 [~~(1)~~] (a) ownership of [~~the premises of~~] the retail license;

1635 (b) the entity that manages the retail licensee or a premises licensed under this chapter;

1636 [~~(2)~~] (c) for a corporate owner, the:

1637 [~~(a)~~] (i) corporate officers or directors of the retail licensee; or

1638 [~~(b)~~] (ii) shareholders holding at least 20% of the total issued and outstanding stock of
1639 the corporation; or

- 1640 ~~[(3)]~~ (d) for a limited liability company:
- 1641 ~~[(a)]~~ (i) managers of the limited liability company; or
- 1642 ~~[(b)]~~ (ii) members owning at least 20% of the limited liability company.
- 1643 (2) In connection with an event described in Section 32B-8a-202 or an asset sale of a
- 1644 retail licensee, the parties to the transaction may enter into an inventory transfer agreement.
- 1645 (3) A retail licensee may enter into an interim alcoholic beverage management
- 1646 agreement previously approved by the department that provides:
- 1647 (a) the purchaser or new management entity may not profit from the sale of alcohol;
- 1648 (b) all profits from the sale of alcohol shall accrue to the current retail licensee; and
- 1649 (c) for the duration of the agreement, the current retail licensee:
- 1650 (i) shall comply with the requirements of this title that are applicable to the retail
- 1651 license; and
- 1652 (ii) in accordance with this title, is subject to disciplinary action by the commission for
- 1653 any violation of this title.
- 1654 Section 20. Section **32B-6-203** is amended to read:
- 1655 **32B-6-203. Commission's power to issue full-service restaurant license.**
- 1656 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
- 1657 an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a
- 1658 full-service restaurant license from the commission in accordance with this part.
- 1659 (2) The commission may issue a full-service restaurant license to establish full-service
- 1660 restaurant licensed premises at places and in numbers the commission considers proper for the
- 1661 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises
- 1662 operated as a full-service restaurant.
- 1663 (3) Subject to Section **32B-1-201**:
- 1664 (a) The commission may not issue a total number of full-service restaurant licenses that
- 1665 at any time exceeds the number determined by dividing the population of the state by 4,467.
- 1666 (b) The commission may issue a seasonal full-service restaurant license in accordance
- 1667 with Section **32B-5-206**.
- 1668 (c) (i) If the location, design, and construction of a hotel may require more than one
- 1669 full-service restaurant sales location within the hotel to serve the public convenience, the
- 1670 commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as

1671 many as three full-service restaurant locations within the hotel under one full-service restaurant
1672 license if:

1673 (A) the hotel has a minimum of 150 guest rooms; and

1674 (B) the locations under the full-service restaurant license are:

1675 (I) within the same hotel; and

1676 (II) on premises that are managed or operated, and owned or leased, by the full-service
1677 restaurant licensee.

1678 (ii) A facility other than a hotel shall have a separate full-service restaurant license for
1679 each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.

1680 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue
1681 a full-service restaurant license for premises that do not meet the proximity requirements of
1682 Subsection 32B-1-202(2).

1683 (5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of
1684 the restaurant's gross revenues from the sale of food, which does not include:

1685 (a) mix for an alcoholic product; or

1686 (b) a service charge.

1687 Section 21. Section 32B-6-205 is amended to read:

1688 **32B-6-205. Specific operational requirements for a full-service restaurant license**
1689 **-- Before July 1, 2018, or July 1, 2022.**

1690 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1691 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
1692 shall comply with this section.

1693 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1694 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1695 (i) a full-service restaurant licensee;

1696 (ii) individual staff of a full-service restaurant licensee; or

1697 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
1698 licensee.

1699 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant
1700 licensee shall display in a prominent place in the restaurant a list of the types and brand names
1701 of liquor being furnished through the full-service restaurant licensee's calibrated metered

1702 dispensing system.

1703 (3) In addition to complying with Section [32B-5-303](#), a full-service restaurant licensee
1704 shall store an alcoholic product in a storage area described in Subsection ~~[(12)]~~ (11)(a).

1705 (4) (a) An individual who serves an alcoholic product in a full-service restaurant
1706 licensee's premises shall make a written beverage tab for each table or group that orders or
1707 consumes an alcoholic product on the premises.

1708 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
1709 alcoholic product ordered or consumed.

1710 (5) A person's willingness to serve an alcoholic product may not be made a condition
1711 of employment as a server with a full-service restaurant licensee.

1712 (6) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
1713 licensed premises during the following time periods only:

1714 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1715 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1716 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1717 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
1718 licensed premises during the following time periods only:

1719 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1720 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1721 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1722 ~~[(7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant
1723 business from the sale of food, which does not include:]~~

1724 ~~[(a) mix for an alcoholic product, or]~~

1725 ~~[(b) a service charge.]~~

1726 ~~[(8)]~~ (7) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
1727 alcoholic product except after the full-service restaurant licensee confirms that the patron has
1728 the intent to order food prepared, sold, and furnished at the licensed premises.

1729 (b) A full-service restaurant licensee shall maintain on the licensed premises adequate
1730 culinary facilities for food preparation and dining accommodations.

1731 ~~[(9)]~~ (8) (a) Subject to the other provisions of this Subsection ~~[(9)]~~ (8), a patron may
1732 not have more than two alcoholic products of any kind at a time before the patron.

1733 (b) A patron may not have more than one spirituous liquor drink at a time before the
1734 patron.

1735 (c) An individual portion of wine is considered to be one alcoholic product under
1736 Subsection ~~[(9)]~~ (8)(a).

1737 ~~[(10)]~~ (9) A patron may consume an alcoholic product only:

1738 (a) at:

1739 (i) the patron's table;

1740 (ii) a counter; or

1741 (iii) a seating grandfathered bar structure; and

1742 (b) where food is served.

1743 ~~[(11)]~~ (10) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish
1744 an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
1745 structure that is not a seating grandfathered bar structure.

1746 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
1747 may:

1748 (i) sit;

1749 (ii) be furnished an alcoholic product; and

1750 (iii) consume an alcoholic product.

1751 (c) Except as provided in Subsection ~~[(12)]~~ (10)(d), at a seating grandfathered bar
1752 structure a full-service restaurant licensee may not permit a minor to, and a minor may not:

1753 (i) sit; or

1754 (ii) consume food or beverages.

1755 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is
1756 employed by a full-service restaurant licensee:

1757 (A) as provided in Subsection [32B-5-308\(2\)](#); or

1758 (B) to perform maintenance and cleaning services during an hour when the full-service
1759 restaurant licensee is not open for business.

1760 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
1761 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's
1762 premises in which the minor is permitted to be.

1763 ~~[(13)]~~ (11) Except as provided in Subsection [32B-5-307\(3\)](#), a full-service restaurant

1764 licensee may dispense an alcoholic product only if:

1765 (a) the alcoholic product is dispensed from:

1766 (i) a grandfathered bar structure;

1767 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at

1768 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May

1769 12, 2009; or

1770 (iii) an area that is:

1771 (A) separated from an area for the consumption of food by a patron by a solid,

1772 translucent, permanent structural barrier such that the facilities for the storage or dispensing of

1773 an alcoholic product are:

1774 (I) not readily visible to a patron; and

1775 (II) not accessible by a patron; and

1776 (B) apart from an area used:

1777 (I) for dining;

1778 (II) for staging; or

1779 (III) as a lobby or waiting area;

1780 (b) the full-service restaurant licensee uses an alcoholic product that is:

1781 (i) stored in an area described in Subsection ~~[(12)]~~ (11)(a); or

1782 (ii) in an area not described in Subsection ~~[(12)]~~ (11)(a) on the licensed premises and:

1783 (A) immediately before the alcoholic product is dispensed it is in an unopened

1784 container; (B) the unopened container is taken to an area described in Subsection ~~[(12)]~~ (11)(a)

1785 before it is opened; and (C) once opened, the container is stored in an area described in

1786 Subsection ~~[(12)]~~ (11)(a); and

1787 (c) any instrument or equipment used to dispense alcoholic product is located in an

1788 area described in Subsection ~~[(12)]~~ (11)(a).

1789 ~~[(13)]~~ (12) A full-service restaurant licensee may state in a food or alcoholic product

1790 menu a charge or fee made in connection with the sale, service, or consumption of liquor

1791 including:

1792 (a) a set-up charge;

1793 (b) a service charge; or

1794 (c) a chilling fee.

1795 [~~(14)~~] (13) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
1796 beverages within 10 feet of a grandfathered bar structure, unless:

1797 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
1798 in the licensed premises; and

1799 (b) the minor is accompanied by an individual who is 21 years of age or older.

1800 [~~(15)~~] (14) Except as provided in Subsection 32B-6-205.2[~~(16)~~](15) and Section
1801 32B-6-205.3, the provisions of this section apply before July 1, 2018.

1802 Section 22. Section 32B-6-205.2 is amended to read:

1803 **32B-6-205.2. Specific operational requirements for a full-service restaurant**
1804 **license -- On and after July 1, 2018, or July 1, 2022.**

1805 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1806 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
1807 shall comply with this section.

1808 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1809 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1810 (i) a full-service restaurant licensee;

1811 (ii) individual staff of a full-service restaurant licensee; or

1812 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
1813 licensee.

1814 (2) (a) An individual who serves an alcoholic product in a full-service restaurant
1815 licensee's premises shall make a beverage tab for each table or group that orders or consumes
1816 an alcoholic product on the premises.

1817 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
1818 each alcoholic product ordered or consumed.

1819 (3) A full-service restaurant licensee may not make an individual's willingness to serve
1820 an alcoholic product a condition of employment with a full-service restaurant licensee.

1821 (4) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
1822 licensed premises during the following time periods only:

1823 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1824 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1825 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1826 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
1827 licensed premises during the following time periods only:

1828 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1829 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1830 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1831 [~~(5) A full-service restaurant licensee shall maintain at least 70% of the full-service~~
1832 ~~restaurant licensee's total restaurant business from the sale of food, which does not include:]~~

1833 [~~(a) mix for an alcoholic product; or]~~

1834 [~~(b) a service charge.]~~

1835 [~~(6)~~] (5) (a) A full-service restaurant licensee may not furnish an alcoholic product
1836 except after:

1837 (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic
1838 product is seated at:

1839 (A) a table that is located in a dining area or a dispensing area;

1840 (B) a counter that is located in a dining area or a dispensing area; or

1841 (C) a dispensing structure that is located in a dispensing area; and

1842 (ii) the full-service restaurant licensee confirms that the patron intends to:

1843 (A) order food prepared, sold, and furnished at the licensed premises; and

1844 (B) except as provided in Subsection [~~(6)~~] (5)(b), consume the food at the same
1845 location where the patron is seated and furnished the alcoholic product.

1846 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1847 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or
1848 furnish to the patron one drink that contains a single portion of an alcoholic product as
1849 described in Section [32B-5-304](#) if:

1850 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1851 structure; and

1852 (B) the full-service restaurant licensee first confirms that after the patron is seated in
1853 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1854 premises.

1855 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
1856 in the dining area, an employee of the full-service restaurant licensee who is qualified to sell

1857 and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion
1858 of the patron's alcoholic product to the patron's seat in the dining area.

1859 (iii) For purposes of Subsection ~~[(6)]~~ [\(5\)](#)(b)(i) a single portion of wine is 5 ounces or
1860 less.

1861 (c) A full-service restaurant licensee shall maintain on the licensed premises adequate
1862 culinary facilities for food preparation and dining accommodations.

1863 ~~[(7)]~~ [\(6\)](#) A patron may consume an alcoholic product only if the patron is seated at:

1864 (a) a table that is located in a dining area or dispensing area;

1865 (b) a counter that is located in a dining area or dispensing area; or

1866 (c) a dispensing structure located in a dispensing area.

1867 ~~[(8)]~~ [\(7\)](#) (a) Subject to the other provisions of this Subsection ~~[(8)]~~ [\(7\)](#), a patron may
1868 not have more than two alcoholic products of any kind at a time before the patron.

1869 (b) A patron may not have more than one spirituous liquor drink at a time before the
1870 patron.

1871 (c) An individual portion of wine is considered to be one alcoholic product under
1872 Subsection ~~[(8)]~~ [\(7\)](#)(a).

1873 ~~[(9)]~~ [\(8\)](#) In accordance with the provisions of this section, an individual who is at least
1874 21 years of age may consume food and beverages in a dispensing area.

1875 ~~[(10)]~~ [\(9\)](#) (a) Except as provided in Subsection ~~[(10)]~~ [\(9\)](#)(b), a minor may not sit,
1876 remain, or consume food or beverages in a dispensing area.

1877 (b) (i) A minor may be in a dispensing area if the minor is ~~[employed by the~~
1878 ~~full-service restaurant licensee]:~~

1879 ~~[(A) in accordance with Subsection [32B-5-308](#)(2); or]~~

1880 (A) at least 16 years of age and working as an employee of the full-service restaurant
1881 licensee; or

1882 (B) ~~[to perform]~~ performing maintenance and cleaning services as an employee of the
1883 full-service restaurant licensee when the full-service restaurant licensee is not open for
1884 business.

1885 (ii) If there is no alternative route available, a minor may momentarily pass through a
1886 dispensing area without remaining or sitting in the dispensing area en route to an area of the
1887 full-service restaurant licensee's premises in which the minor is permitted to be.

1888 ~~[(11)]~~ (10) Except as provided in Subsection [32B-5-307\(3\)](#), a full-service restaurant
1889 licensee may dispense an alcoholic product only if:

1890 (a) the alcoholic product is dispensed from:

1891 (i) a dispensing structure that is located in a dispensing area;

1892 (ii) an area that is:

1893 (A) separated from an area for the consumption of food by a patron by a solid,

1894 translucent, permanent structural barrier such that the facilities for the dispensing of an

1895 alcoholic product are not readily visible to a patron and not accessible by a patron; and

1896 (B) apart from an area used for dining, for staging, or as a waiting area; or

1897 (iii) the premises of a bar licensee that is:

1898 (A) owned by the same person or persons as the full-service restaurant licensee; and

1899 (B) located immediately adjacent to the premises of the full-service restaurant licensee;

1900 and

1901 (b) any instrument or equipment used to dispense alcoholic product is located in an

1902 area described in Subsection ~~[(11)]~~ (10)(a).

1903 ~~[(12)]~~ (11) (a) A full-service restaurant licensee may have more than one dispensing
1904 area in the licensed premises.

1905 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1906 dispensing area under Subsection [32B-6-202\(2\)\(a\)\(i\)](#), (ii), or (iii), regardless of how any other
1907 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1908 ~~[(13)]~~ (12) A full-service restaurant licensee may not:

1909 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1910 (b) display an alcoholic product or a product intended to appear like an alcoholic
1911 product by moving a cart or similar device around the licensed premises.

1912 ~~[(14)]~~ (13) A full-service restaurant licensee may state in a food or alcoholic product
1913 menu a charge or fee made in connection with the sale, service, or consumption of liquor,
1914 including:

1915 (a) a set-up charge;

1916 (b) a service charge; or

1917 (c) a chilling fee.

1918 ~~[(15)]~~ (14) (a) In addition to the requirements described in Section [32B-5-302](#), a

1919 full-service restaurant licensee shall maintain each of the following records for at least three
1920 years:

1921 (i) a record required by Section 32B-5-302; and

1922 (ii) a record that the commission requires a full-service restaurant licensee to use or
1923 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1924 Rulemaking Act.

1925 (b) The department shall audit the records of a full-service restaurant licensee at least
1926 once each calendar year.

1927 ~~[(16)]~~ (15) (a) In accordance with Section 32B-6-205.3, a full-service restaurant
1928 licensee:

1929 (i) may comply with the provisions of this section beginning on or after July 1, 2017;
1930 and

1931 (ii) shall comply with the provisions of this section:

1932 (A) for a full-service restaurant licensee that does not have a grandfathered bar
1933 structure, on and after July 1, 2018; or

1934 (B) for a full-service restaurant licensee that has a grandfathered bar structure, on and
1935 after July 1, 2022.

1936 (b) A full-service restaurant licensee that elects to comply with the provisions of this
1937 section before the latest applicable date described in Subsection ~~[(16)]~~ (15)(a)(ii):

1938 (i) shall comply with each provision of this section; and

1939 (ii) is not required to comply with the provisions of Section 32B-6-205.

1940 Section 23. Section 32B-6-206 is amended to read:

1941 **32B-6-206. Master full-service restaurant license.**

1942 (1) (a) The commission may issue a master full-service restaurant license that
1943 authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an
1944 alcoholic product on premises at multiple locations as full-service restaurants if the person
1945 applying for the master full-service restaurant license:

1946 (i) owns each of the full-service restaurants;

1947 (ii) except for the fee requirements, establishes to the satisfaction of the commission
1948 that each location of a full-service restaurant under the master full-service restaurant license
1949 separately meets the requirements of this part; and

1950 (iii) the master full-service restaurant license includes at least five full-service
1951 restaurant locations.

1952 (b) The person seeking a master full-service restaurant license shall designate which
1953 full-service restaurant locations the person seeks to have under the master full-service
1954 restaurant license.

1955 (c) A full-service restaurant location under a master full-service restaurant license is
1956 considered separately licensed for purposes of this title, except as provided in this section.

1957 (2) A master full-service restaurant license and each location designated under
1958 Subsection (1) are considered a single full-service restaurant license for purposes of Subsection
1959 [32B-6-203\(3\)\(a\)](#).

1960 (3) (a) A master full-service restaurant license expires on October 31 of each year.

1961 (b) To renew a person's master full-service restaurant license, a person shall comply
1962 with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1963 September 30.

1964 (4) (a) The nonrefundable application fee for a master full-service restaurant license is
1965 \$330.

1966 (b) The initial license fee for a master full-service restaurant license is \$10,000 plus a
1967 separate initial license fee for each newly licensed full-service restaurant license under the
1968 master full-service restaurant license determined in accordance with Subsection
1969 [32B-6-204\(3\)\(b\)](#).

1970 (c) The renewal fee for a master full-service restaurant license is \$1,000 plus a separate
1971 renewal fee for each full-service license under the master full-service restaurant license
1972 determined in accordance with Subsection [32B-6-204\(3\)\(c\)](#).

1973 (5) A new location may be added to a master full-service restaurant license after the
1974 master full-service restaurant license is issued if:

1975 (a) the master full-service restaurant licensee pays a nonrefundable application fee of
1976 \$330; and

1977 (b) including payment of the initial license fee, the location separately meets the
1978 requirements of this part.

1979 (6) (a) A master full-service restaurant licensee shall notify the department of a change
1980 in the persons managing a location covered by a master full-service restaurant license:

1981 (i) immediately, if the management personnel is not management personnel at a
1982 location covered by the master full-service restaurant licensee at the time of the change; or
1983 (ii) within 30 days of the change, if the master full-service restaurant licensee is
1984 transferring management personnel from one location to another location covered by the master
1985 full-service restaurant licensee.

1986 (b) A location covered by a master full-service restaurant license shall keep its own
1987 records on its premises so that the department may audit the records.

1988 (c) A master full-service restaurant licensee may not transfer alcoholic products
1989 between different locations covered by the master full-service restaurant license.

1990 (7) (a) If there is a violation of this title at a location covered by a master full-service
1991 restaurant license, the violation may result in disciplinary action in accordance with Chapter 3,
1992 Disciplinary Actions and Enforcement Act, against:

1993 (i) the single location under a master full-service restaurant license;
1994 (ii) individual staff of the location under the master full-service restaurant license; or
1995 (iii) a combination of persons or locations described in Subsections (7)(a)(i) and (ii).

1996 (b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in
1997 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a
1998 master full-service restaurant licensee or individual staff of the master full-service restaurant
1999 licensee if during a period beginning on November 1 and ending October 31:

2000 (i) at least 25% of the locations covered by the master full-service restaurant license
2001 have been found by the commission to have committed a serious or grave violation of this title,
2002 as defined by rule made by the commission; or

2003 (ii) at least 50% of the locations covered by the master full-service restaurant license
2004 have been found by the commission to have violated this title.

2005 (8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah
2006 Administrative Rulemaking Act, to establish how a person may apply for a master full-service
2007 restaurant license under this section.

2008 Section 24. Section **32B-6-303** is amended to read:

2009 **32B-6-303. Commission's power to issue limited-service restaurant license.**

2010 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
2011 wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall first

2012 obtain a limited-service restaurant license from the commission in accordance with this part.

2013 (2) (a) The commission may issue a limited-service restaurant license to establish
2014 limited-service restaurant licensed premises at places and in numbers the commission considers
2015 proper for the storage, sale, offer for sale, furnishing, and consumption of wine, heavy beer, or
2016 beer on premises operated as a limited-service restaurant.

2017 (b) A person may not sell, offer for sale, furnish, or allow the consumption of the
2018 following on the licensed premises of a limited-service restaurant licensee:

2019 (i) spirituous liquor; or

2020 (ii) a flavored malt beverage.

2021 (3) Subject to Section [32B-1-201](#):

2022 (a) The commission may not issue a total number of limited-service restaurant licenses
2023 that at any time exceeds the number determined by dividing the population of the state by
2024 6,817.

2025 (b) The commission may issue a seasonal limited-service restaurant license in
2026 accordance with Section [32B-5-206](#).

2027 (c) (i) If the location, design, and construction of a hotel may require more than one
2028 limited-service restaurant sales location within the hotel to serve the public convenience, the
2029 commission may authorize the sale of wine, heavy beer, and beer at as many as three
2030 limited-service restaurant locations within the hotel under one limited-service restaurant license
2031 if:

2032 (A) the hotel has a minimum of 150 guest rooms; and

2033 (B) the locations under the limited-service restaurant license are:

2034 (I) within the same hotel; and

2035 (II) on premises that are managed or operated, and owned or leased, by the
2036 limited-service restaurant licensee.

2037 (ii) A facility other than a hotel shall have a separate limited-service restaurant license
2038 for each limited-service restaurant where wine, heavy beer, or beer is sold, offered for sale, or
2039 furnished.

2040 (4) Except as otherwise provided in Section [32B-1-202](#), the commission may not issue
2041 a limited-service restaurant license for premises that do not meet the proximity requirements of
2042 Subsection [32B-1-202\(2\)](#).

2043 (5) To be licensed as a limited-service restaurant, a person shall maintain at least 70%
2044 of the restaurant's gross revenues from the sale of food, which does not include:

2045 (a) mix for an alcoholic product; or

2046 (b) a service charge.

2047 Section 25. Section **32B-6-305** is amended to read:

2048 **32B-6-305. Specific operational requirements for a limited-service restaurant**
2049 **license -- Before July 1, 2018, or July 1, 2022.**

2050 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2051 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
2052 licensee shall comply with this section.

2053 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2054 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2055 (i) a limited-service restaurant licensee;

2056 (ii) individual staff of a limited-service restaurant licensee; or

2057 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
2058 licensee.

2059 (2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer
2060 for sale, furnish, or allow consumption of:

2061 (i) spirituous liquor; or

2062 (ii) a flavored malt beverage.

2063 (b) A product listed in Subsection (2)(a) may not be on the premises of a
2064 limited-service restaurant licensee except for use:

2065 (i) as a flavoring on a dessert; and

2066 (ii) in the preparation of a flaming food dish, drink, or dessert.

2067 (3) In addition to complying with Section **32B-5-303**, a limited-service restaurant
2068 licensee shall store an alcoholic product in a storage area described in Subsection [~~(12)~~]

2069 (11)(a).

2070 (4) (a) An individual who serves an alcoholic product in a limited-service restaurant
2071 licensee's premises shall make a written beverage tab for each table or group that orders or
2072 consumes an alcoholic product on the premises.

2073 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an

2074 alcoholic product ordered or consumed.

2075 (5) A person's willingness to serve an alcoholic product may not be made a condition
2076 of employment as a server with a limited-service restaurant licensee.

2077 (6) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
2078 heavy beer at the licensed premises during the following time periods only:

2079 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

2080 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2081 period that begins at 10:30 a.m. and ends at 11:59 p.m.

2082 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
2083 licensed premises during the following time periods only:

2084 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2085 (ii) on a weekend or state or federal legal holiday or for a private event, during the
2086 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2087 ~~[(7) A limited-service restaurant licensee shall maintain at least 70% of its total
2088 restaurant business from the sale of food, which does not include a service charge.]~~

2089 ~~[(8)]~~ (7) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish
2090 an alcoholic product except after the limited-service restaurant licensee confirms that the
2091 patron has the intent to order food prepared, sold, and furnished at the licensed premises.

2092 (b) A limited-service restaurant licensee shall maintain on the licensed premises
2093 adequate culinary facilities for food preparation and dining accommodations.

2094 ~~[(9)]~~ (8) (a) Subject to the other provisions of this Subsection ~~[(9)]~~ (8), a patron may
2095 not have more than two alcoholic products of any kind at a time before the patron.

2096 (b) An individual portion of wine is considered to be one alcoholic product under
2097 Subsection ~~[(9)]~~ (8)(a).

2098 ~~[(10)]~~ (9) A patron may consume an alcoholic product only:

2099 (a) at:

2100 (i) the patron's table;

2101 (ii) a counter; or

2102 (iii) a seating grandfathered bar structure; and

2103 (b) where food is served.

2104 ~~[(11)]~~ (10) (a) A limited-service restaurant licensee may not sell, offer for sale, or

2105 furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at
2106 a bar structure that is not a seating grandfathered bar structure.

2107 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
2108 may:

2109 (i) sit;

2110 (ii) be furnished an alcoholic product; and

2111 (iii) consume an alcoholic product.

2112 (c) Except as provided in Subsection [~~(11)~~] (10)(d), at a seating grandfathered bar
2113 structure a limited-service restaurant licensee may not permit a minor to, and a minor may not:

2114 (i) sit; or

2115 (ii) consume food or beverages.

2116 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is
2117 employed by a limited-service restaurant licensee:

2118 (A) as provided in Subsection 32B-5-308(2); or

2119 (B) to perform maintenance and cleaning services during an hour when the
2120 limited-service restaurant licensee is not open for business.

2121 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
2122 remaining or sitting at the bar structure en route to an area of a limited-service restaurant
2123 licensee's premises in which the minor is permitted to be.

2124 [~~(12)~~] (11) Except as provided in Subsection 32B-5-307(3), a limited-service
2125 restaurant licensee may dispense an alcoholic product only if:

2126 (a) the alcoholic product is dispensed from:

2127 (i) a grandfathered bar structure;

2128 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
2129 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
2130 12, 2009; or

2131 (iii) an area that is:

2132 (A) separated from an area for the consumption of food by a patron by a solid,

2133 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
2134 an alcoholic product are:

2135 (I) not readily visible to a patron; and

- 2136 (II) not accessible by a patron; and
- 2137 (B) apart from an area used:
- 2138 (I) for dining;
- 2139 (II) for staging; or
- 2140 (III) as a lobby or waiting area;
- 2141 (b) the limited-service restaurant licensee uses an alcoholic product that is:
- 2142 (i) stored in an area described in Subsection ~~[(12)]~~ (11)(a); or
- 2143 (ii) in an area not described in Subsection ~~[(12)]~~ (11)(a) on the licensed premises and:
- 2144 (A) immediately before the alcoholic product is dispensed it is in an unopened
- 2145 container;
- 2146 (B) the unopened container is taken to an area described in Subsection ~~[(12)]~~ (11)(a)
- 2147 before it is opened; and
- 2148 (C) once opened, the container is stored in an area described in Subsection ~~[(12)]~~
- 2149 (11)(a); and
- 2150 (c) any instrument or equipment used to dispense alcoholic product is located in an
- 2151 area described in Subsection ~~[(12)]~~ (11)(a).

2152 ~~[(13)]~~ (12) A limited-service restaurant licensee may state in a food or alcoholic
 2153 product menu a charge or fee made in connection with the sale, service, or consumption of
 2154 wine or heavy beer including:

- 2155 (a) a set-up charge;
- 2156 (b) a service charge; or
- 2157 (c) a chilling fee.

2158 ~~[(14)]~~ (13) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
 2159 beverages within 10 feet of a grandfathered bar structure, unless:

- 2160 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
- 2161 in the licensed premises; and
- 2162 (b) the minor is accompanied by an individual who is 21 years of age or older.

2163 ~~[(15)]~~ (14) Except as provided in Subsection 32B-6-305.2~~[(16)]~~(15) and Section
 2164 32B-6-305.3, the provisions of this section apply before July 1, 2018.

2165 Section 26. Section 32B-6-305.2 is amended to read:

2166 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**

2167 **license -- On and after July 1, 2018, or July 1, 2022.**

2168 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2169 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
2170 licensee shall comply with this section.

2171 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
2172 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2173 (i) a limited-service restaurant licensee;

2174 (ii) individual staff of a limited-service restaurant licensee; or

2175 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
2176 licensee.

2177 (2) (a) An individual who serves an alcoholic product in a limited-service restaurant
2178 licensee's premises shall make a beverage tab for each table or group that orders or consumes
2179 an alcoholic product on the premises.

2180 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
2181 each alcoholic product ordered or consumed.

2182 (3) A limited-service restaurant licensee may not make an individual's willingness to
2183 serve an alcoholic product a condition of employment with a limited-service restaurant
2184 licensee.

2185 (4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
2186 heavy beer at the licensed premises during the following time periods only:

2187 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

2188 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2189 period that begins at 10:30 a.m. and ends at 11:59 p.m.

2190 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
2191 licensed premises during the following time periods only:

2192 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2193 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2194 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2195 [~~(5) A limited-service restaurant licensee shall maintain at least 70% of the~~
2196 ~~limited-service restaurant licensee's total restaurant business from the sale of food, which does~~
2197 ~~not include a service charge.]~~

2198 ~~[(6)]~~ (5) (a) A limited-service restaurant licensee may not furnish an alcoholic product
2199 except after:

2200 (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic
2201 product is seated at:

2202 (A) a table that is located in a dining area or a dispensing area;

2203 (B) a counter that is located in a dining area or a dispensing area; or

2204 (C) a dispensing structure that is located in a dispensing area; and

2205 (ii) the limited-service restaurant licensee confirms that the patron intends to:

2206 (A) order food prepared, sold, and furnished at the licensed premises; and

2207 (B) except as provided in Subsection ~~[(6)]~~ (5)(b), consume the food at the same

2208 location where the patron is seated and furnished the alcoholic product.

2209 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
2210 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for
2211 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as
2212 described in Section [32B-5-304](#) if:

2213 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
2214 structure; and

2215 (B) the limited-service restaurant licensee first confirms that after the patron is seated
2216 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
2217 premises.

2218 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
2219 in the dining area, an employee of the limited-service restaurant licensee who is qualified to
2220 sell and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished
2221 portion of the patron's alcoholic product to the patron's seat in the dining area.

2222 (iii) For purposes of Subsection ~~[(6)]~~ (5)(b)(i) a single portion of wine is 5 ounces or
2223 less.

2224 (c) A limited-service restaurant licensee shall maintain on the licensed premises
2225 adequate culinary facilities for food preparation and dining accommodations.

2226 ~~[(7)]~~ (6) A patron may consume an alcoholic product only if the patron is seated at:

2227 (a) a table that is located in a dining area or a dispensing area;

2228 (b) a counter that is located in a dining area or a dispensing area; or

- 2229 (c) a dispensing structure located in a dispensing area.
- 2230 ~~[(8)]~~ (7) (a) Subject to the other provisions of this Subsection ~~[(8)]~~ (7), a patron may
- 2231 not have more than two alcoholic products of any kind at a time before the patron.
- 2232 (b) An individual portion of wine is considered to be one alcoholic product under
- 2233 Subsection ~~[(8)]~~ (7)(a).
- 2234 ~~[(9)]~~ (8) In accordance with the provisions of this section, an individual who is at least
- 2235 21 years of age may consume food and beverages in a dispensing area.
- 2236 ~~[(10)]~~ (9) (a) Except as provided in Subsection ~~[(10)]~~ (9)(b), a minor may not sit,
- 2237 remain, or consume food or beverages in a dispensing area.
- 2238 (b) (i) A minor may be in a dispensing area if the minor is ~~[employed by the~~
- 2239 ~~limited-service restaurant licensee]~~:
- 2240 ~~[(A) in accordance with Subsection 32B-5-308(2); or]~~
- 2241 (A) at least 16 years of age and working as an employee of the limited-service
- 2242 restaurant licensee; or
- 2243 (B) ~~[to perform]~~ performing maintenance and cleaning services as an employee of the
- 2244 limited-service restaurant licensee when the limited-service restaurant licensee is not open for
- 2245 business.
- 2246 (ii) If there is no alternative route available, a minor may momentarily pass through a
- 2247 dispensing area without remaining or sitting in the dispensing area en route to an area of the
- 2248 limited-service restaurant licensee's premises in which the minor is permitted to be.
- 2249 ~~[(11)]~~ (10) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant
- 2250 licensee may dispense an alcoholic product only if:
- 2251 (a) the alcoholic product is dispensed from:
- 2252 (i) a dispensing structure that is located in a dispensing area;
- 2253 (ii) an area that is:
- 2254 (A) separated from an area for the consumption of food by a patron by a solid,
- 2255 translucent, permanent structural barrier such that the facilities for the dispensing of an
- 2256 alcoholic product are not readily visible to a patron and not accessible by a patron; and
- 2257 (B) apart from an area used for dining, for staging, or as a waiting area; or
- 2258 (iii) the premises of a bar licensee that is:
- 2259 (A) owned by the same person or persons as the limited-service restaurant licensee; and

2260 (B) located immediately adjacent to the premises of the limited-service restaurant
2261 licensee; and

2262 (b) any instrument or equipment used to dispense alcoholic product is located in an
2263 area described in Subsection ~~[(11)]~~ (10)(a).

2264 ~~[(12)]~~ (11) (a) A limited-service restaurant licensee may have more than one
2265 dispensing area in the licensed premises.

2266 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
2267 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
2268 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

2269 ~~[(13)]~~ (12) A limited-service restaurant licensee may not:

2270 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

2271 (b) display an alcoholic product or a product intended to appear like an alcoholic
2272 product by moving a cart or similar device around the licensed premises.

2273 ~~[(14)]~~ (13) A limited-service restaurant licensee may state in a food or alcoholic
2274 product menu a charge or fee made in connection with the sale, service, or consumption of
2275 wine or heavy beer, including:

2276 (a) a set-up charge;

2277 (b) a service charge; or

2278 (c) a chilling fee.

2279 ~~[(15)]~~ (14) (a) In addition to the requirements described in Section 32B-5-302, a
2280 limited-service restaurant licensee shall maintain each of the following records for at least three
2281 years:

2282 (i) a record required by Section 32B-5-302; and

2283 (ii) a record that the commission requires a limited-service restaurant licensee to use or
2284 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2285 Rulemaking Act.

2286 (b) The department shall audit the records of a limited-service restaurant licensee at
2287 least once each calendar year.

2288 ~~[(16)]~~ (15) (a) In accordance with Section 32B-6-305.3, a limited-service restaurant
2289 licensee:

2290 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

2291 and

2292 (ii) shall comply with the provisions of this section:

2293 (A) for a limited-service restaurant licensee that does not have a grandfathered bar
2294 structure, on and after July 1, 2018; or

2295 (B) for a limited-service restaurant licensee that has a grandfathered bar structure, on
2296 and after July 1, 2022.

2297 (b) A limited-service restaurant licensee that elects to comply with the provisions of
2298 this section before the latest applicable date described in Subsection [(16)] (15)(a)(ii):

2299 (i) shall comply with each provision of this section; and

2300 (ii) is not required to comply with the provisions of Section 32B-6-305.

2301 Section 27. Section 32B-6-603 is amended to read:

2302 **32B-6-603. Commission's power to issue on-premise banquet license -- Contracts**
2303 **as host.**

2304 (1) (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption
2305 of an alcoholic product in connection with the person's banquet and room service activities at
2306 one of the following, the person shall first obtain an on-premise banquet license in accordance
2307 with this part:

2308 (i) a hotel;

2309 (ii) a resort facility;

2310 (iii) a sports center; [or]

2311 (iv) a convention center[-]; or

2312 (v) a performing arts facility.

2313 (b) This part does not prohibit an alcoholic product on the premises of a person listed
2314 in Subsection (1)(a) to the extent otherwise permitted by this title.

2315 (c) This section does not prohibit a person who applies for an on-premise banquet
2316 license to also apply for a package agency if otherwise qualified.

2317 (2) The commission may issue an on-premise banquet license to establish on-premise
2318 banquet licensees in the numbers the commission considers proper for the storage, sale, offer
2319 for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room
2320 service activities operated by an on-premise banquet licensee.

2321 (3) Subject to Section 32B-1-201, the commission may not issue a total number of

2322 on-premise banquet licenses that at any time exceed the number determined by dividing the
2323 population of the state by 28,765.

2324 (4) Pursuant to a contract between the host of a banquet and an on-premise banquet
2325 licensee:

2326 (a) the host of the banquet may request an on-premise banquet licensee to provide an
2327 alcoholic product served at the banquet; and

2328 (b) an on-premise banquet licensee may provide an alcoholic product served at the
2329 banquet.

2330 (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:

2331 (a) without charge to a patron at a banquet, except that the host of the banquet shall pay
2332 for an alcoholic product furnished at the banquet; or

2333 (b) with a charge to a patron at the banquet.

2334 (6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of
2335 the person's total annual banquet gross receipts from the sale of food, which does not include:

2336 (a) mix for an alcoholic product; or

2337 (b) a charge in connection with the furnishing of an alcoholic product.

2338 Section 28. Section **32B-6-605** is amended to read:

2339 **32B-6-605. Specific operational requirements for on-premise banquet license.**

2340 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2341 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
2342 shall comply with this section.

2343 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2344 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2345 (i) an on-premise banquet licensee;

2346 (ii) individual staff of an on-premise banquet licensee; or

2347 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

2348 (2) An on-premise banquet licensee shall comply with Subsections **32B-5-301(4)** and
2349 (5) for the entire premises of the hotel, resort facility, sports center, [or] convention center, or
2350 performing arts facility that is the basis for the on-premise banquet license.

2351 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
2352 shall provide the department with advance notice of a scheduled banquet in accordance with

2353 rules made by the commission.

2354 (b) Any of the following may conduct a random inspection of a banquet:

2355 (i) an authorized representative of the commission or the department; or

2356 (ii) a law enforcement officer.

2357 (4) (a) An on-premise banquet licensee is not subject to Section 32B-5-302, but shall
2358 make and maintain the records the commission or department requires.

2359 (b) Section 32B-1-205 applies to a record required to be made or maintained in
2360 accordance with this Subsection (4).

2361 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
2362 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
2363 location of the banquet.

2364 (b) Except as provided in Subsection 32B-5-307(4), a host of a banquet, a patron, or a
2365 person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,
2366 may not remove an alcoholic product from the premises of the banquet.

2367 (c) Notwithstanding Subsection 32B-5-307(3) and except as provided in Subsection
2368 32B-5-307(4), a patron at a banquet may not bring an alcoholic product into or onto, or remove
2369 an alcoholic product from, the premises of a banquet.

2370 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
2371 the banquet following the conclusion of the banquet.

2372 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

2373 (i) destroy an opened and unused alcoholic product that is not saleable, under
2374 conditions established by the department; and

2375 (ii) return to the on-premise banquet licensee's approved locked storage area any:

2376 (A) opened and unused alcoholic product that is saleable; and

2377 (B) unopened container of an alcoholic product.

2378 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
2379 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

2380 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
2381 locked storage area; and

2382 (ii) may use the alcoholic product at more than one banquet.

2383 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not

2384 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
 2385 on-premise banquet licensee's banquet and room service activities.

2386 (8) An on-premise banquet licensee may not sell, offer for sale, or furnish an alcoholic
 2387 product at a banquet or in connection with room service any day during a period that:

2388 (a) begins at 1 a.m.; and

2389 (b) ends at 9:59 a.m.

2390 ~~[(9) An on-premise banquet licensee shall maintain at least 50% of its total annual~~
 2391 ~~banquet gross receipts from the sale of food, not including:]~~

2392 ~~[(a) mix for an alcoholic product, and]~~

2393 ~~[(b) a charge in connection with the furnishing of an alcoholic product.]~~

2394 ~~[(10)]~~ (9) (a) Subject to the other provisions of this Subsection ~~[(10)]~~ (9), a patron may
 2395 not have more than two alcoholic products of any kind at a time before the patron.

2396 (b) A patron may not have more than one spirituous liquor drink at a time before the
 2397 patron.

2398 (c) An individual portion of wine is considered to be one alcoholic product under
 2399 Subsection ~~[(10)]~~ (9)(a).

2400 ~~[(11)]~~ (10) (a) An on-premise banquet licensee shall supervise and direct a person
 2401 involved in the sale, offer for sale, or furnishing of an alcoholic product.

2402 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
 2403 shall complete an alcohol training and education seminar.

2404 ~~[(12)]~~ (11) A staff person of an on-premise banquet licensee shall remain at the
 2405 banquet at all times when an alcoholic product is sold, offered for sale, furnished, or consumed
 2406 at the banquet.

2407 ~~[(13)]~~ (12) (a) Room service of an alcoholic product to a guest room of a hotel or resort
 2408 facility shall be provided in person by staff of an on-premise banquet licensee only to an adult
 2409 guest in the guest room.

2410 (b) An alcoholic product may not be left outside a guest room for retrieval by a guest.

2411 (13) An on-premise banquet licensee may not maintain a minibar.

2412 Section 29. Section **32B-6-702** is amended to read:

2413 **32B-6-702. Definitions.**

2414 As used in this part, "recreational amenity" ~~[is defined by the commission by rule made~~

2415 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. A rule made~~
2416 ~~under this section shall define "recreational amenity" to be one or more of the following or an~~
2417 ~~activity substantially similar to one of the following]~~ means:

- 2418 (1) a billiard parlor;
- 2419 (2) a pool parlor;
- 2420 (3) a bowling facility;
- 2421 (4) a golf course;
- 2422 (5) miniature golf;
- 2423 (6) a golf driving range;
- 2424 (7) a tennis club;
- 2425 (8) a sports facility that hosts professional sporting events and has a seating capacity
2426 equal to or greater than 6,500;
- 2427 (9) a concert venue that has a seating capacity equal to or greater than 6,500;
- 2428 (10) one of the following if owned by a government agency:
- 2429 (a) a convention center;
- 2430 (b) a fair facility;
- 2431 (c) an equestrian park;
- 2432 (d) a theater; or
- 2433 (e) a concert venue;
- 2434 (11) an amusement park:
- 2435 (a) with one or more permanent amusement rides; and
- 2436 (b) located on at least 50 acres;
- 2437 (12) a ski resort;
- 2438 (13) a venue for live entertainment if the venue:
- 2439 (a) is not regularly open for more than five hours on any day;
- 2440 (b) is operated so that food is available whenever beer is sold, offered for sale, or
2441 furnished at the venue; and
- 2442 (c) is operated so that no more than 15% of its total annual receipts are from the sale of
2443 beer; or
- 2444 (14) concessions operated within the boundary of a park administered by the:
- 2445 (a) Division of Parks and Recreation; or

2446 (b) National Parks Service.

2447 Section 30. Section **32B-6-803** is amended to read:

2448 **32B-6-803. Commission's power to issue reception center license.**

2449 (1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on its
2450 premises as a reception center, the person shall first obtain a reception center license from the
2451 commission in accordance with this part.

2452 (2) The commission may issue a reception center license to establish reception center
2453 licensed premises at places and in numbers the commission considers proper for the storage,
2454 sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated
2455 as a reception center.

2456 (3) Subject to Section **32B-1-201**, the commission may not issue a total number of
2457 reception center licenses that at any time exceeds the number determined by dividing the
2458 population of the state by 251,693.

2459 (4) The commission may not issue a reception center license for premises that do not
2460 meet the proximity requirements of Section **32B-1-202**.

2461 (5) (a) To be licensed as a reception center, a person may not maintain in excess of
2462 30% of its total annual receipts from the sale of an alcoholic product, which includes:

2463 (i) mix for an alcoholic product; or

2464 (ii) a charge in connection with the furnishing of an alcoholic product.

2465 (b) A reception center licensee shall report the information necessary to show
2466 compliance with this Subsection (5) to the department on an annual basis.

2467 Section 31. Section **32B-6-805** is amended to read:

2468 **32B-6-805. Specific operational requirements for a reception center license.**

2469 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2470 Requirements, a reception center licensee and staff of the reception center licensee shall
2471 comply with this section.

2472 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2473 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2474 (i) a reception center licensee;

2475 (ii) individual staff of a reception center licensee; or

2476 (iii) both a reception center licensee and staff of the reception center licensee.

2477 (2) In addition to complying with Section 32B-5-303, a reception center licensee shall
2478 store an alcoholic product in a storage area described in Subsection ~~[(15)]~~ (14)(a).

2479 (3) (a) For the purpose described in Subsection (3)(b), a reception center licensee shall
2480 provide the following with advance notice of a scheduled event in accordance with rules made
2481 by the commission:

2482 (i) the department; and

2483 (ii) the local law enforcement agency responsible for the enforcement of this title in the
2484 jurisdiction where the reception center is located.

2485 (b) Any of the following may conduct a random inspection of an event:

2486 (i) an authorized representative of the commission or the department; or

2487 (ii) a law enforcement officer.

2488 (4) (a) Except as otherwise provided in this title, a reception center licensee may sell,
2489 offer for sale, or furnish an alcoholic product at an event only for consumption at the reception
2490 center's licensed premises.

2491 (b) A host of an event, a patron, or a person other than the reception center licensee or
2492 staff of the reception center licensee, may not remove an alcoholic product from the reception
2493 center's licensed premises.

2494 (c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an
2495 alcoholic product into or onto, or remove an alcoholic product from, the reception center.

2496 (5) (a) A reception center licensee may not leave an unsold alcoholic product at an
2497 event following the conclusion of the event.

2498 (b) At the conclusion of an event, a reception center licensee shall:

2499 (i) destroy an opened and unused alcoholic product that is not saleable, under
2500 conditions established by the department; and

2501 (ii) return to the reception center licensee's approved locked storage area any:

2502 (A) opened and unused alcoholic product that is saleable; and

2503 (B) unopened container of an alcoholic product.

2504 (c) Except as provided in Subsection (5)(b) with regard to an open or sealed container
2505 of an alcoholic product not sold or consumed at an event, a reception center licensee:

2506 (i) shall store the alcoholic product in accordance with Subsection (2); and

2507 (ii) may use the alcoholic product at more than one event.

2508 (6) Notwithstanding Section [32B-5-308](#), a reception center licensee may not employ a
2509 minor in connection with an event at the reception center at which food is not made available.

2510 (7) A person's willingness to serve an alcoholic product may not be made a condition
2511 of employment as a server with a reception center licensee.

2512 (8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic
2513 product at the licensed premises on any day during the period that:

2514 (a) begins at 1 a.m.; and

2515 (b) ends at 9:59 a.m.

2516 ~~[(9)(a) A reception center licensee may not maintain in excess of 30% of its total
2517 annual receipts from the sale of an alcoholic product, which includes:]~~

2518 ~~[(i) mix for an alcoholic product; or]~~

2519 ~~[(ii) a charge in connection with the furnishing of an alcoholic product.]~~

2520 ~~[(b) A reception center licensee shall report the information necessary to show
2521 compliance with this Subsection (9) to the department on an annual basis.]~~

2522 ~~[(10)]~~ (9) A reception center licensee may not sell, offer for sale, or furnish an
2523 alcoholic product at an event at which a minor is present unless the reception center licensee
2524 makes food available at all times when an alcoholic product is sold, offered for sale, furnished,
2525 or consumed during the event.

2526 ~~[(11)]~~ (10) (a) Subject to the other provisions of this Subsection ~~[(11)]~~ (10), a patron
2527 may not have more than two alcoholic products of any kind at a time before the patron.

2528 (b) An individual portion of wine is considered to be one alcoholic product under
2529 Subsection ~~[(11)]~~ (10)(a).

2530 ~~[(12)]~~ (11) (a) A reception center licensee shall supervise and direct a person involved
2531 in the sale, offer for sale, or furnishing of an alcoholic product.

2532 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2533 shall complete an alcohol training and education seminar.

2534 ~~[(13)]~~ (12) A staff person of a reception center licensee shall remain at an event at all
2535 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the event.

2536 ~~[(14)]~~ (13) A reception center licensee may not sell, offer for sale, or furnish an
2537 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
2538 structure.

2539 ~~[(15)]~~ (14) Except as provided in Subsection ~~[(16)]~~ (15), a reception center licensee
2540 may dispense an alcoholic product only if:

2541 (a) the alcoholic product is dispensed from an area that is:

2542 (i) separated from an area for the consumption of food by a patron by a solid,
2543 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
2544 an alcoholic product are:

2545 (A) not readily visible to a patron; and
2546 (B) not accessible by a patron; and

2547 (ii) apart from an area used:

2548 (A) for staging; or
2549 (B) as a lobby or waiting area;

2550 (b) the reception center licensee uses an alcoholic product that is:

2551 (i) stored in an area described in Subsection ~~[(15)]~~ (14)(a); or
2552 (ii) in an area not described in Subsection ~~[(15)]~~ (14)(a) on the licensed premises and:

2553 (A) immediately before the alcoholic product is dispensed it is in an unopened
2554 container;

2555 (B) the unopened container is taken to an area described in Subsection ~~[(15)]~~ (14)(a)
2556 before it is opened; and

2557 (C) once opened, the container is stored in an area described in Subsection ~~[(15)]~~
2558 (14)(a); and

2559 (c) any instrument or equipment used to dispense an alcoholic product is located in an
2560 area described in Subsection ~~[(15)]~~ (14)(a).

2561 ~~[(16)]~~ (15) A reception center licensee may dispense an alcoholic product from a
2562 mobile serving area that:

2563 (a) is moved only by staff of the reception center licensee;
2564 (b) is capable of being moved by only one individual; and
2565 (c) is no larger than 6 feet long and 30 inches wide.

2566 ~~[(17)]~~ (16) (a) A reception center licensee may not have an event on the licensed
2567 premises except pursuant to a contract between a third party host of the event and the reception
2568 center licensee under which the reception center licensee provides an alcoholic product sold,
2569 offered for sale, or furnished at an event.

- 2570 (b) At an event, a reception center licensee may furnish an alcoholic product:
2571 (i) without charge to a patron, except that the third party host of the event shall pay for
2572 an alcoholic product furnished at the event; or
2573 (ii) with a charge to a patron at the event.
- 2574 (c) The commission may by rule define what constitutes a "third-party host" for
2575 purposes of this Subsection [~~(17)~~] (16) so that a reception center licensee and the third-party
2576 host are not owned by or operated by the same persons, except that the rule shall permit a
2577 reception center licensee to host an event for an immediate family member of the reception
2578 center licensee.
- 2579 [~~(18)~~] (17) A reception center licensee shall have culinary facilities that are:
2580 (a) adequate to prepare a full meal; and
2581 (b) (i) located on the licensed premises; or
2582 (ii) under the same control as the reception center licensee.
- 2583 [~~(19)~~] (18) (a) Except as provided in Subsection [~~(19)~~] (18)(b), a reception center
2584 licensee may not operate an event:
2585 (i) that is open to the general public; and
2586 (ii) at which an alcoholic product is sold or offered for sale.
- 2587 (b) A reception center licensee may operate an event described in Subsection [~~(19)~~]
2588 (18)(a) if the event is hosted:
2589 (i) at the reception center no more frequently than once a calendar year; and
2590 (ii) by a nonprofit organization that is organized and qualified under Section 501(c),
2591 Internal Revenue Code.
- 2592 Section 32. Section **32B-6-903** is amended to read:
2593 **32B-6-903. Commission's power to issue beer-only restaurant license.**
2594 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
2595 beer on its premises as a beer-only restaurant, the person shall first obtain a beer-only
2596 restaurant license from the commission in accordance with this part.
- 2597 (2) (a) The commission may issue a beer-only restaurant license to establish beer-only
2598 restaurant licensed premises at places and in numbers the commission considers proper for the
2599 storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as a
2600 beer-only restaurant.

2601 (b) A person may not sell, offer for sale, furnish, or allow the consumption of liquor on
2602 the licensed premises of a beer-only restaurant licensee.

2603 (3) (a) Only one beer-only restaurant license is required for each building or resort
2604 facility owned or leased by the same person.

2605 (b) A separate license is not required for each beer-only restaurant license dispensing
2606 location in the same building or on the same resort premises owned or operated by the same
2607 person.

2608 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue
2609 a beer-only restaurant license for premises that do not meet the proximity requirements of
2610 Subsection 32B-1-202(2).

2611 (5) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of the
2612 restaurant's gross revenues from the sale of food, which does not include a service charge.

2613 Section 33. Section 32B-6-905 is amended to read:

2614 **32B-6-905. Specific operational requirements for a beer-only restaurant license --**
2615 **Before July 1, 2018, or July 1, 2022.**

2616 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2617 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
2618 shall comply with this section.

2619 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2620 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2621 (i) a beer-only restaurant licensee;

2622 (ii) individual staff of a beer-only restaurant licensee; or

2623 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

2624 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
2625 sale, furnish, or allow consumption of liquor.

2626 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

2627 (i) as a flavoring on a dessert; and

2628 (ii) in the preparation of a flaming food dish, drink, or dessert.

2629 (3) In addition to complying with Section 32B-5-303, a beer-only restaurant licensee
2630 shall store beer in a storage area described in Subsection [~~(12)~~] (11)(a).

2631 (4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall

2632 make a written beverage tab for each table or group that orders or consumes an alcoholic
2633 product on the premises.

2634 (b) A beverage tab required by this Subsection (4) shall list the type and amount of
2635 beer ordered or consumed.

2636 (5) A person's willingness to serve beer may not be made a condition of employment as
2637 a server with a beer-only restaurant licensee.

2638 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
2639 licensed premises during the following time periods only:

2640 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2641 (b) on a weekend or a state or federal legal holiday or for a private event, during the
2642 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2643 ~~[(7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant
2644 business from the sale of food, which does not include a service charge.]~~

2645 ~~[(8)]~~ (7) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except
2646 after the beer-only restaurant licensee confirms that the patron has the intent to order food
2647 prepared, sold, and furnished at the licensed premises.

2648 (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary
2649 facilities for food preparation and dining accommodations.

2650 ~~[(9)]~~ (8) A patron may not have more than two beers at a time before the patron.

2651 ~~[(10)]~~ (9) A patron may consume a beer only:

2652 (a) at:

2653 (i) the patron's table;

2654 (ii) a grandfathered bar structure; or

2655 (iii) a counter; and

2656 (b) where food is served.

2657 ~~[(11)]~~ (10) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a
2658 beer to a patron, and a patron may not consume an alcoholic product at a bar structure.

2659 (b) Notwithstanding Subsection ~~[(11)]~~ (10)(a), at a grandfathered bar structure, a
2660 patron who is 21 years of age or older may:

2661 (i) sit;

2662 (ii) be furnished a beer; and

2663 (iii) consume a beer.

2664 (c) Except as provided in Subsection [~~(11)~~] (10)(d), at a grandfathered bar structure, a
2665 beer-only restaurant licensee may not permit a minor to, and a minor may not:

2666 (i) sit; or

2667 (ii) consume food or beverages.

2668 (d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a
2669 beer-only restaurant licensee:

2670 (A) as provided in Subsection 32B-5-308(2); or

2671 (B) to perform maintenance and cleaning services during an hour when the beer-only
2672 restaurant licensee is not open for business.

2673 (ii) A minor may momentarily pass by a grandfathered bar structure without
2674 remaining or sitting at the bar structure en route to an area of a beer-only restaurant licensee's
2675 premises in which the minor is permitted to be.

2676 [~~(11)~~] (11) A beer-only restaurant licensee may dispense a beer only if:

2677 (a) the beer is dispensed from an area that is:

2678 (i) a grandfathered bar structure; or

2679 (ii) separated from an area for the consumption of food by a patron by a solid,
2680 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
2681 an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart
2682 from an area used for dining, for staging, or as a lobby or waiting area;

2683 (b) the beer-only restaurant licensee uses a beer that is:

2684 (i) stored in an area described in Subsection [~~(11)~~] (11)(a); or

2685 (ii) in an area not described in Subsection [~~(11)~~] (11)(a) on the licensed premises and:

2686 (A) immediately before the beer is dispensed it is in an unopened container;

2687 (B) the unopened container is taken to an area described in Subsection [~~(11)~~] (11)(a)
2688 before it is opened; and

2689 (C) once opened, the container is stored in an area described in Subsection [~~(11)~~]
2690 (11)(a); and

2691 (c) any instrument or equipment used to dispense the beer is located in an area
2692 described in Subsection [~~(11)~~] (11)(a).

2693 [~~(12)~~] (12) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or

2694 beverages within 10 feet of a grandfathered bar structure, unless:

2695 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
2696 in the licensed premises; and

2697 (b) the minor is accompanied by an individual who is 21 years of age or older.

2698 ~~[(14)]~~ (13) Except as provided in Subsection 32B-6-905.1~~[(16)]~~(15) and Section
2699 32B-6-905.2, the provisions of this section apply before July 1, 2018.

2700 Section 34. Section 32B-6-905.1 is amended to read:

2701 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**

2702 **-- On and after July 1, 2018, or July 1, 2022.**

2703 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2704 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
2705 shall comply with this section.

2706 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
2707 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2708 (i) a beer-only restaurant licensee;

2709 (ii) individual staff of a beer-only restaurant licensee; or

2710 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

2711 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
2712 sale, furnish, or allow consumption of liquor.

2713 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

2714 (i) as a flavoring on a dessert; or

2715 (ii) in the preparation of a flaming food dish, drink, or dessert.

2716 (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
2717 make a beverage tab for each table or group that orders or consumes beer on the premises.

2718 (b) A beverage tab described in this Subsection (3) shall state the type and amount of
2719 each beer ordered or consumed.

2720 (4) A beer-only restaurant licensee may not make an individual's willingness to serve
2721 beer a condition of employment as a server with a beer-only restaurant licensee.

2722 (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
2723 licensed premises during the following time periods only:

2724 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2725 (b) on a weekend or a state or federal legal holiday or for a private event, during the
2726 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2727 ~~[(6) A beer-only restaurant licensee shall maintain at least 70% of the beer-only~~
2728 ~~restaurant licensee's total restaurant business from the sale of food, which does not include a~~
2729 ~~service charge.]~~

2730 ~~[(7)] (6)~~ (a) A beer-only restaurant licensee may not furnish beer except after:

2731 (i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:

2732 (A) a table that is located in a dining area or a dispensing area;

2733 (B) a counter that is located in a dining area or a dispensing area; or

2734 (C) a dispensing structure that is located in a dispensing area; and

2735 (ii) the beer-only restaurant licensee confirms that the patron intends to:

2736 (A) order food prepared, sold, and furnished at the licensed premises; and

2737 (B) except as provided in Subsection ~~[(7)] (6)~~(b), consume the food at the same
2738 location where the patron is seated and furnished the beer.

2739 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
2740 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or
2741 furnish to the patron one portion of beer as described in Section [32B-5-304](#) if:

2742 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
2743 structure; and

2744 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the
2745 dining area, the patron intends to order food prepared, sold, and furnished at the licensed
2746 premises.

2747 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining
2748 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an
2749 alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion of the
2750 patron's beer to the patron's seat in the dining area.

2751 (c) A beer-only restaurant licensee shall maintain on the licensed premises adequate
2752 culinary facilities for food preparation and dining accommodations.

2753 ~~[(8)] (7)~~ A patron may consume a beer only at:

2754 (a) a table that is located in a dining area or a dispensing area;

2755 (b) a counter that is located in a dining area or a dispensing area; or

2756 (c) a dispensing structure located in a dispensing area.
2757 ~~[(9)]~~ (8) A patron may not have more than two beers at a time before the patron.
2758 ~~[(10)]~~ (9) In accordance with the provisions of this section, an individual who is at
2759 least 21 years of age may consume food and beverages in a dispensing area.
2760 ~~[(11)]~~ (10) (a) Except as provided in Subsection ~~[(11)]~~ (10)(b), a minor may not sit,
2761 remain, or consume food or beverages in a dispensing area.
2762 (b) (i) A minor may be in a dispensing area if the minor is ~~[employed by the beer-only~~
2763 ~~restaurant licensee]~~:
2764 ~~[(A) in accordance with Subsection 32B-5-308(2); or]~~
2765 (A) at least 16 years of age and working as an employee of the beer-only restaurant
2766 licensee; or
2767 (B) ~~[to perform]~~ performing maintenance and cleaning services as an employee of the
2768 beer-only restaurant licensee when the beer-only restaurant licensee is not open for business.
2769 (ii) If there is no alternative route available, a minor may momentarily pass through a
2770 dispensing area without remaining or sitting in the dispensing area en route to an area of the
2771 beer-only restaurant licensee's premises in which the minor is permitted to be.
2772 ~~[(12)]~~ (11) A beer-only restaurant licensee may dispense a beer only if:
2773 (a) the beer is dispensed from:
2774 (i) a dispensing structure that is located in a dispensing area;
2775 (ii) an area that is:
2776 (A) separated from an area for the consumption of food by a patron by a solid,
2777 translucent, permanent structural barrier such that the facilities for the dispensing of an
2778 alcoholic product are not readily visible to a patron and not accessible by a patron; and
2779 (B) apart from an area used for dining, for staging, or as a waiting area; or
2780 (iii) the premises of a bar licensee that is:
2781 (A) owned by the same person or persons as the beer-only restaurant licensee; and
2782 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;
2783 and
2784 (b) any instrument or equipment used to dispense the beer is located in an area
2785 described in Subsection ~~[(12)]~~ (11)(a).
2786 ~~[(13)]~~ (12) (a) A beer-only restaurant licensee may have more than one dispensing area

2787 in the licensed premises.

2788 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
2789 dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any
2790 other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

2791 ~~[(14)]~~ (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on
2792 or from a movable cart.

2793 ~~[(15)]~~ (14) (a) In addition to the requirements described in Section 32B-5-302, a
2794 beer-only restaurant licensee shall maintain each of the following records for at least three
2795 years:

2796 (i) a record required by Section 32B-5-302; and

2797 (ii) a record that the commission requires a beer-only restaurant licensee to use or
2798 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2799 Rulemaking Act.

2800 (b) The department shall audit the records of a beer-only restaurant licensee at least
2801 once each calendar year.

2802 ~~[(16)]~~ (15) (a) In accordance with Section 32B-6-905.2, a beer-only restaurant licensee:

2803 (i) may comply with the provisions of this section beginning on or after July 1, 2017;
2804 and

2805 (ii) shall comply with the provisions of this section:

2806 (A) for a beer-only restaurant licensee that does not have a grandfathered bar structure,
2807 on and after July 1, 2018; or

2808 (B) for a beer-only restaurant licensee that has a grandfathered bar structure, on and
2809 after July 1, 2022.

2810 (b) A beer-only restaurant licensee that elects to comply with the provisions of this
2811 section before the latest applicable date described in Subsection ~~[(16)]~~ (15)(a)(ii):

2812 (i) shall comply with each provision of this section; and

2813 (ii) is not required to comply with the provisions of Section 32B-6-905.

2814 Section 35. Section 32B-7-407 is enacted to read:

2815 **32B-7-407. Premises with multiple licenses prohibited -- Exception.**

2816 (1) Except as provided in this section, the commission may not issue an off-premise
2817 beer retailer state license to a person who:

2818 (a) holds another license under this title for the same premises; or

2819 (b) has a package agency for the same premises.

2820 (2) Subject to Subsection (3), the commission may issue an off-premise beer retailer

2821 state license for a premises that is a package agency described in Subsection [32B-2-605\(13\)\(b\)](#).

2822 (3) An off-premise beer retailer state licensee described in Subsection (2) may sell only
2823 beer that is the product of the manufacturing licensee that holds the package agency.

2824 Section 36. Section **32B-7-408** is enacted to read:

2825 **32B-7-408. Master off-premise beer retailer state license.**

2826 (1) (a) The commission may issue a master off-premise beer retailer state license that

2827 authorizes a person to store, sell, or offer for sale beer for consumption off the person's

2828 premises at multiple locations as off-premise beer retailers if the person applying for the master

2829 off-premise beer retailer state license:

2830 (i) owns each of the off-premise beer retailers;

2831 (ii) except for the fee requirements, establishes to the satisfaction of the commission

2832 that each location of an off-premise beer retailer under the master off-premise beer retailer state

2833 license separately meets the requirements of this part; and

2834 (iii) the master off-premise beer retailer state license includes at least five off-premise
2835 beer retailer locations.

2836 (b) The person seeking a master off-premise beer retailer state license shall designate

2837 which off-premise beer retailer locations the person seeks to have under the master off-premise

2838 beer retailer state license.

2839 (c) An off-premise beer retailer location under a master off-premise beer retailer state

2840 license is considered separately licensed for purposes of this title.

2841 (2) (a) A master off-premise beer retailer state license expires on the last day of

2842 February each year.

2843 (b) To renew a person's master off-premise beer retailer state license, a person shall

2844 comply with the renewal requirements of Section [32B-7-403](#) by no later than January 31 of the

2845 year in which the off-premise beer retailer state license expires.

2846 (3) (a) The nonrefundable application fee for a master off-premise beer retailer state
2847 license is \$75.

2848 (b) The initial license fee for a master off-premise beer retailer state license is:

2849 (i) \$1,100 plus a separate initial license fee for each newly licensed off-premise beer
2850 retailer state license under the master off-premise beer retailer state license determined in
2851 accordance with Subsection 32B-7-402(3); and

2852 (ii) refundable if the commission does not issue the master off-premise beer retailer
2853 state license.

2854 (c) The renewal fee for a master full-service restaurant license is \$300 plus a separate
2855 renewal fee for each off-premise beer retailer state license under the master off-premise beer
2856 retailer state license determined in accordance with Subsection 32B-7-403(2)(b).

2857 (4) A new location may be added to a master off-premise beer retailer state license
2858 after the master off-premise beer retailer state license is issued if, including payment of the
2859 initial license fee, the location separately meets the requirements of this part.

2860 (5) (a) A master off-premise beer retailer state licensee shall notify the department of a
2861 change in the persons managing a location covered by a master off-premise beer retailer state
2862 license:

2863 (i) immediately, if the management personnel is not management personnel at a
2864 location covered by the master off-premise beer retailer state licensee at the time of the change;
2865 or

2866 (ii) within 30 days of the change, if the off-premise beer retailer state licensee is
2867 transferring management personnel from one location to another location covered by the master
2868 off-premise beer retailer state license.

2869 (b) A location covered by a master off-premise beer retailer state license shall keep its
2870 own records on its premises so that the department may audit the records.

2871 (c) A master off-premise beer retailer state licensee may not transfer beer between
2872 different locations covered by the master off-premise beer retailer state license.

2873 (6) (a) If there is a violation of this title at a location covered by a master off-premise
2874 beer retailer state license, the violation may result in disciplinary action in accordance with
2875 Chapter 3, Disciplinary Actions and Enforcement Act, against:

2876 (i) the single location under a master off-premise beer retailer state license;

2877 (ii) individual staff of the location under the master off-premise beer retailer state
2878 license; or

2879 (iii) a combination of persons or locations described in Subsections (6)(a)(i) and (ii).

2880 (b) In addition to disciplinary action under Subsection (6)(a), disciplinary action in
2881 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a
2882 master off-premise beer retailer state licensee or individual staff of the master off-premise beer
2883 retailer state licensee if during a period beginning on March 1 and ending the last day of
2884 February:

2885 (i) at least 25% of the locations covered by the master off-premise beer retailer state
2886 license have been found by the commission to have committed a serious or grave violation of
2887 this title, as defined by rule made by the commission; or

2888 (ii) at least 50% of the locations covered by the master off-premise beer retailer state
2889 license have been found by the commission to have violated this title.

2890 (7) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah
2891 Administrative Rulemaking Act, to establish how a person may apply for a master off-premise
2892 beer retailer state license under this section.

2893 Section 37. Section **32B-11-504** is enacted to read:

2894 **32B-11-504. Master brewery manufacturing license.**

2895 (1) (a) The commission may issue a master brewery manufacturing license that
2896 authorizes a person to engage in the actions described in Subsection [32B-11-503\(1\)](#) at multiple
2897 locations as brewery manufacturing licensees if the person applying for the master brewery
2898 manufacturing license:

2899 (i) owns each of the entities acting as a brewery manufacturing licensee under the
2900 master brewery manufacturing license;

2901 (ii) except for the fee requirements, establishes to the satisfaction of the commission
2902 that each location acting as a brewery manufacturing licensee under the master brewery
2903 manufacturing license separately meets the requirements of this chapter; and

2904 (iii) the master brewery manufacturing license includes at least two locations.

2905 (b) The person seeking a master brewery manufacturing license shall designate which
2906 locations the person seeks to have under the master brewery manufacturing license.

2907 (c) A location under a master brewery manufacturing license is considered separately
2908 licensed for purposes of this title.

2909 (2) (a) A master brewery manufacturing license expires on December 31 of each year.

2910 (b) To renew a person's master brewery manufacturing license, a person shall comply

2911 with the renewal requirements of Section 32B-11-204 by no later than November 30 of the year
2912 in which the master brewery manufacturing license expires.

2913 (3) (a) The nonrefundable application fee for a master brewery manufacturing license is
2914 \$300.

2915 (b) The initial license fee for a master brewery manufacturing license is:

2916 (i) \$10,000 plus a separate initial license fee of \$3,000 for each newly licensed brewery
2917 manufacturing license under the master brewery manufacturing license; and

2918 (ii) refundable if the commission does not issue the master brewery manufacturing
2919 license.

2920 (c) The renewal fee for a master brewery manufacturing license is \$1,000 plus a
2921 separate renewal fee of \$1,000 for each brewery manufacturing license under the master
2922 brewery manufacturing license.

2923 (4) A new location may be added to a master brewery manufacturing license after the
2924 master brewery manufacturing license is issued if, including payment of the initial license fee,
2925 the location separately meets the requirements of this chapter.

2926 (5) (a) A master brewery manufacturing licensee shall notify the department of a
2927 change in the persons managing a location covered by the master brewery manufacturing
2928 license:

2929 (i) immediately, if the management personnel is not management personnel at the
2930 location covered by the master brewery manufacturing license at the time of the change; or

2931 (ii) within 30 days of the change, if the master brewery manufacturing license is
2932 transferring management personnel from one location to another location covered by the master
2933 brewery manufacturing licensee.

2934 (b) A location covered by a master brewery manufacturing license shall keep its own
2935 records on its premises for audit by the department.

2936 (6) (a) If there is a violation of this title at a location covered by a master brewery
2937 manufacturing license, the violation may result in disciplinary action in accordance with
2938 Chapter 3, Disciplinary Actions and Enforcement Act, against:

2939 (i) the single location under a master brewery manufacturing license;

2940 (ii) individual staff of the location under the master brewery manufacturing license; or

2941 (iii) a combination of persons or locations described in Subsections (6)(a)(i) and (ii).

2942 (b) In addition to disciplinary action under Subsection (6)(a), disciplinary action in
2943 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a
2944 master brewery manufacturing licensee or individual staff of the master brewery manufacturing
2945 licensee if the master brewery manufacturing licensee demonstrates a pattern or practice of
2946 mismanagement of the persons or locations described in Subsection (6)(a).

2947 (7) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah
2948 Administrative Rulemaking Act, to establish how a person may apply for a master brewery
2949 manufacturing license under this section.

2950 Section 38. Section **32B-17-101** is enacted to read:

2951 **CHAPTER 17. LIQUOR TRANSPORT LICENSE ACT**

2952 **Part 1. General Provisions**

2953 **32B-17-101. Title.**

2954 This chapter is known as the "Liquor Transport License Act."

2955 Section 39. Section **32B-17-201** is enacted to read:

2956 **Part 2. Liquor Transport License Process**

2957 **32B-17-201. Commission's power to issue liquor transport license.**

2958 (1) (a) Before a person other than the retail licensee may pickup and deliver liquor to a
2959 retail licensee, the person shall obtain a liquor transport license issued by the commission in
2960 accordance with this chapter.

2961 (b) A violation of Subsection (1)(a) is a class A misdemeanor.

2962 (2) The commission may issue a liquor transport license for the pickup and delivery of
2963 liquor to a retail licensee.

2964 (3) A liquor transport license entitles the holder to:

2965 (a) pickup liquor from a package agency or state store on behalf of a retail licensee
2966 using the licensee's funds; and

2967 (b) transport and deliver the liquor directly to a retail licensee.

2968 Section 40. Section **32B-17-202** is enacted to read:

2969 **32B-17-202. Application requirements for liquor transport license.**

2970 To obtain a liquor transport license, a person shall submit to the department:

2971 (1) a written application in a form prescribed by the department;

2972 (2) a nonrefundable \$300 application fee;

2973 (3) an initial license fee of \$2,300 that is refundable if the commission does not issue a
2974 liquor transport license;

2975 (4) a copy of the person's current business license;

2976 (5) a bond as specified in Section [32B-17-206](#);

2977 (6) evidence that the person carries liability insurance in an amount and form
2978 satisfactory to the department; and

2979 (7) any other information the commission or department may require.

2980 Section 41. Section **32B-17-203** is enacted to read:

2981 **32B-17-203. Renewal requirements for liquor transport license.**

2982 (1) A liquor transport license expires on May 31 of each year.

2983 (2) To renew a liquor transport license, a person shall submit to the department by no
2984 later than April 30 of the year in which the license expires:

2985 (a) a completed renewal application in a form prescribed by the department;

2986 (b) a copy of the person's current business license;

2987 (c) a bond as specified in Section [32B-17-206](#);

2988 (d) evidence that the person carries liability insurance in an amount and form
2989 satisfactory to the department;

2990 (e) a report that includes the following information for the period since the liquor
2991 transport licensee obtained or renewed a liquor transport license:

2992 (i) the number of deliveries the liquor transport licensee made to each type of retail
2993 licensee;

2994 (ii) each state store and each package agency from which the liquor transport licensee
2995 picked up liquor as a liquor transport licensee;

2996 (iii) any breakage or shrinkage; and

2997 (iv) any other information required by the department; and

2998 (f) a \$1,200 renewal fee.

2999 (3) Failure to meet the renewal requirements described in this section results in an
3000 automatic forfeiture of the liquor transport license effective on the date the existing liquor
3001 transport license expires.

3002 Section 42. Section **32B-17-204** is enacted to read:

3003 **32B-17-204. Qualifications for liquor transport license.**

3004 (1) The commission may not issue a liquor transport license to a person who is
3005 disqualified under Section [32B-1-304](#).

3006 (2) If a person to whom a liquor transport license is issued under this chapter no longer
3007 possesses the qualifications required by this title for obtaining the liquor transport license, the
3008 commission may suspend or revoke the person's liquor transport license.

3009 Section 43. Section **32B-17-205** is enacted to read:

3010 **32B-17-205. Commission and department duties before issuing liquor transport**
3011 **license.**

3012 (1) (a) Before the commission may issue a liquor transport license, the department shall
3013 conduct an investigation and may hold public hearings to gather information and make
3014 recommendations to the commission as to whether a liquor transport license should be issued.

3015 (b) The department shall forward the information and recommendations described in
3016 Subsection (1)(a) to the commission to aid in the commission's determination.

3017 (2) Before issuing a liquor transport license, the commission shall:

3018 (a) determine that the person filed a complete application that complies with Sections
3019 [32B-17-202](#) and [32B-17-204](#);

3020 (b) determine that the person is not disqualified under Section [32B-1-304](#);

3021 (c) consider the person's ability to manage and operate a liquor transport operation,
3022 including:

3023 (i) management experience;

3024 (ii) past related experience; and

3025 (iii) the means the person intends to use to deliver liquor to retail licensees; and

3026 (d) consider any other factor that the commission considers necessary.

3027 Section 44. Section **32B-17-206** is enacted to read:

3028 **32B-17-206. Bond for liquor transport license.**

3029 (1) (a) A liquor transport licensee shall post a cash bond or surety bond in the penal
3030 sum of \$10,000 payable to the department.

3031 (b) A liquor transport licensee shall procure and maintain a bond in accordance with
3032 this section for as long as the liquor transport licensee operates as a liquor transport licensee.

3033 (2) A bond posted under this section shall be:

3034 (a) in a form approved by the attorney general; and

3035 (b) conditioned upon a liquor transport licensee's faithful compliance with this title and
3036 the rules of the commission.

3037 (3) If a surety bond posted by a liquor transport licensee under this section is canceled
3038 due to the liquor transport licensee's negligence, the department may assess a \$300
3039 reinstatement fee.

3040 (4) No part of a bond posted under this section may be withdrawn during the period the
3041 liquor transport license is in effect.

3042 (5) (a) A bond posted under this section may be forfeited if the liquor transport license
3043 is revoked.

3044 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
3045 bond posted by a liquor transport licensee for money owed the department under this title
3046 without the commission first revoking the liquor transport license.

3047 Section 45. Section **32B-17-301** is enacted to read:

3048 **Part 3. Operational Requirements for Liquor Transport License**

3049 **32B-17-301. General operational requirements for liquor transport license.**

3050 (1) (a) A liquor transport licensee and staff of the liquor transport licensee shall comply
3051 with this title and the rules of the commission.

3052 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
3053 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

3054 (i) a liquor transport licensee;

3055 (ii) individual staff of a liquor transport licensee; or

3056 (iii) both a liquor transport licensee and staff of the liquor transport licensee.

3057 (2) A liquor transport licensee may not employ a minor to handle an alcoholic product.

3058 (3) A liquor transport licensee may not sell, transfer, assign, exchange, barter, give, or
3059 attempt in any way to dispose of the liquor transport license to a person, regardless of whether
3060 done for monetary gain.

3061 (4) (a) A liquor transport licensee may not deliver liquor to a person within the state
3062 except to a retail licensee.

3063 (b) A violation of this Subsection (4) is a class A misdemeanor.

3064 (5) The commission may prescribe by rule, consistent with this title, the general
3065 operational requirements of a liquor transport licensee.

3066 Section 46. Section **32B-17-302** is enacted to read:

3067 **32B-17-302. Notifying the department of change of ownership.**

3068 The commission may suspend or revoke a liquor transport license if a liquor transport
3069 licensee does not immediately notify the department of a change in:

3070 (1) ownership of the liquor transport service;

3071 (2) for a corporate owner:

3072 (a) the corporate officers or directors; or

3073 (b) shareholders holding at least 20% of the total issued and outstanding stock of the

3074 corporation; or

3075 (3) for a limited liability company:

3076 (a) the managers; or

3077 (b) the members owing at least 20% of the limited liability company.

3078 Section 47. Section **62A-15-401** is amended to read:

3079 **62A-15-401. Alcohol training and education seminar.**

3080 (1) As used in this part:

3081 (a) "Instructor" means a person that directly provides the instruction during an alcohol
3082 training and education seminar for a seminar provider.

3083 (b) "Licensee" means a person who is:

3084 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;

3085 and

3086 (B) engaged in the retail sale of an alcoholic product for consumption on the premises
3087 of the licensee; or

3088 (ii) a business that is:

3089 (A) a new or renewing licensee licensed by a city, town, or county; and

3090 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

3091 (c) "Off-premise beer retailer" is as defined in Section [32B-1-102](#).

3092 (d) "Seminar provider" means a person other than the division who provides an alcohol
3093 training and education seminar meeting the requirements of this section.

3094 (2) (a) This section applies to:

3095 (i) a retail manager as defined in Section [~~32B-5-402~~] [32B-1-701](#);

3096 (ii) retail staff as defined in Section [~~32B-5-402~~] [32B-1-701](#); and

- 3097 (iii) an individual who, as defined by division rule:
- 3098 (A) directly supervises the sale of beer to a customer for consumption off the premises
- 3099 of an off-premise beer retailer; or
- 3100 (B) sells beer to a customer for consumption off the premises of an off-premise beer
- 3101 retailer.
- 3102 (b) If the individual does not have a valid record that the individual has completed an
- 3103 alcohol training and education seminar, an individual described in Subsection (2)(a) shall:
- 3104 (i) (A) complete an alcohol training and education seminar within 30 days of the
- 3105 following if the individual is described in Subsection (2)(a)(i) or (ii):
- 3106 (I) if the individual is an employee, the day the individual begins employment;
- 3107 (II) if the individual is an independent contractor, the day the individual is first hired;
- 3108 or
- 3109 (III) if the individual holds an ownership interest in the licensee, the day that the
- 3110 individual first engages in an activity that would result in that individual being required to
- 3111 complete an alcohol training and education seminar; or
- 3112 (B) complete an alcohol training and education seminar within the time periods
- 3113 specified in Subsection [~~32B-5-404~~(1)] 32B-1-703(1) if the individual is described in
- 3114 Subsection (2)(a)(iii)(A) or (B); and
- 3115 (ii) pay a fee:
- 3116 (A) to the seminar provider; and
- 3117 (B) that is equal to or greater than the amount established under Subsection (4)(h).
- 3118 (c) An individual shall have a valid record that the individual completed an alcohol
- 3119 training and education seminar within the time period provided in this Subsection (2) to engage
- 3120 in an activity described in Subsection (2)(a).
- 3121 (d) A record that an individual has completed an alcohol training and education
- 3122 seminar is valid for:
- 3123 (i) three years from the day on which the record is issued for an individual described in
- 3124 Subsection (2)(a)(i) or (ii); and
- 3125 (ii) five years from the day on which the record is issued for an individual described in
- 3126 Subsection (2)(a)(iii)(A) or (B).
- 3127 (e) On and after July 1, 2011, to be considered as having completed an alcohol training

3128 and education seminar, an individual shall:

3129 (i) attend the alcohol training and education seminar and take any test required to
3130 demonstrate completion of the alcohol training and education seminar in the physical presence
3131 of an instructor of the seminar provider; or

3132 (ii) complete the alcohol training and education seminar and take any test required to
3133 demonstrate completion of the alcohol training and education seminar through an online course
3134 or testing program that meets the requirements described in Subsection (2)(f).

3135 (f) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
3136 Administrative Rulemaking Act, establish one or more requirements for an online course or
3137 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of
3138 the online course or testing program. In developing the requirements by rule the division shall
3139 consider whether to require:

3140 (i) authentication that the an individual accurately identifies the individual as taking the
3141 online course or test;

3142 (ii) measures to ensure that an individual taking the online course or test is focused on
3143 training material throughout the entire training period;

3144 (iii) measures to track the actual time an individual taking the online course or test is
3145 actively engaged online;

3146 (iv) a seminar provider to provide technical support, such as requiring a telephone
3147 number, email, or other method of communication that allows an individual taking the online
3148 course or test to receive assistance if the individual is unable to participate online because of
3149 technical difficulties;

3150 (v) a test to meet quality standards, including randomization of test questions and
3151 maximum time limits to take a test;

3152 (vi) a seminar provider to have a system to reduce fraud as to who completes an online
3153 course or test, such as requiring a distinct online certificate with information printed on the
3154 certificate that identifies the person taking the online course or test, or requiring measures to
3155 inhibit duplication of a certificate;

3156 (vii) measures for the division to audit online courses or tests;

3157 (viii) measures to allow an individual taking an online course or test to provide an
3158 evaluation of the online course or test;

- 3159 (ix) a seminar provider to track the Internet protocol address or similar electronic
3160 location of an individual who takes an online course or test;
- 3161 (x) an individual who takes an online course or test to use an e-signature; or
3162 (xi) a seminar provider to invalidate a certificate if the seminar provider learns that the
3163 certificate does not accurately reflect the individual who took the online course or test.
- 3164 (3) (a) A licensee may not permit an individual who is not in compliance with
3165 Subsection (2) to:
- 3166 (i) serve or supervise the serving of an alcoholic product to a customer for
3167 consumption on the premises of the licensee;
- 3168 (ii) engage in any activity that would constitute managing operations at the premises of
3169 a licensee that engages in the retail sale of an alcoholic product for consumption on the
3170 premises of the licensee;
- 3171 (iii) directly supervise the sale of beer to a customer for consumption off the premises
3172 of an off-premise beer retailer; or
- 3173 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
3174 retailer.
- 3175 (b) A licensee that violates Subsection (3)(a) is subject to Section [~~32B-5-403~~]
3176 [32B-1-702](#).
- 3177 (4) The division shall:
- 3178 (a) (i) provide alcohol training and education seminars; or
3179 (ii) certify one or more seminar providers;
- 3180 (b) establish the curriculum for an alcohol training and education seminar that includes
3181 the following subjects:
- 3182 (i) (A) alcohol as a drug; and
3183 (B) alcohol's effect on the body and behavior;
- 3184 (ii) recognizing the problem drinker or signs of intoxication;
3185 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
3186 as determined in consultation with the Department of Alcoholic Beverage Control;
- 3187 (iv) dealing with the problem customer, including ways to terminate sale or service;
3188 and
- 3189 (v) for those supervising or engaging in the retail sale of an alcoholic product for

3190 consumption on the premises of a licensee, alternative means of transportation to get the
3191 customer safely home;

3192 (c) recertify each seminar provider every three years;

3193 (d) monitor compliance with the curriculum described in Subsection (4)(b);

3194 (e) maintain for at least five years a record of every person who has completed an
3195 alcohol training and education seminar;

3196 (f) provide the information described in Subsection (4)(e) on request to:

3197 (i) the Department of Alcoholic Beverage Control;

3198 (ii) law enforcement; or

3199 (iii) a person licensed by the state or a local government to sell an alcoholic product;

3200 (g) provide the Department of Alcoholic Beverage Control on request a list of any
3201 seminar provider certified by the division; and

3202 (h) establish a fee amount for each person attending an alcohol training and education
3203 seminar that is sufficient to offset the division's cost of administering this section.

3204 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
3205 Administrative Rulemaking Act:

3206 (a) define what constitutes under this section an individual who:

3207 (i) manages operations at the premises of a licensee engaged in the retail sale of an
3208 alcoholic product for consumption on the premises of the licensee;

3209 (ii) supervises the serving of an alcoholic product to a customer for consumption on the
3210 premises of a licensee;

3211 (iii) serves an alcoholic product to a customer for consumption on the premises of a
3212 licensee;

3213 (iv) directly supervises the sale of beer to a customer for consumption off the premises
3214 of an off-premise beer retailer; or

3215 (v) sells beer to a customer for consumption off the premises of an off-premise beer
3216 retailer;

3217 (b) establish criteria for certifying and recertifying a seminar provider; and

3218 (c) establish guidelines for the manner in which an instructor provides an alcohol
3219 education and training seminar.

3220 (6) A seminar provider shall:

- 3221 (a) obtain recertification by the division every three years;
- 3222 (b) ensure that an instructor used by the seminar provider:
- 3223 (i) follows the curriculum established under this section; and
- 3224 (ii) conducts an alcohol training and education seminar in accordance with the
- 3225 guidelines established by rule;
- 3226 (c) ensure that any information provided by the seminar provider or instructor of a
- 3227 seminar provider is consistent with:
- 3228 (i) the curriculum established under this section; and
- 3229 (ii) this section;
- 3230 (d) provide the division with the names of all persons who complete an alcohol training
- 3231 and education seminar provided by the seminar provider;
- 3232 (e) (i) collect a fee for each person attending an alcohol training and education seminar
- 3233 in accordance with Subsection (2); and
- 3234 (ii) forward to the division the portion of the fee that is equal to the amount described
- 3235 in Subsection (4)(h); and
- 3236 (f) issue a record to an individual that completes an alcohol training and education
- 3237 seminar provided by the seminar provider.
- 3238 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
- 3239 Administrative Procedures Act, the division finds that a seminar provider violates this section
- 3240 or that an instructor of the seminar provider violates this section, the division may:
- 3241 (i) suspend the certification of the seminar provider for a period not to exceed 90 days;
- 3242 (ii) revoke the certification of the seminar provider;
- 3243 (iii) require the seminar provider to take corrective action regarding an instructor; or
- 3244 (iv) prohibit the seminar provider from using an instructor until such time that the
- 3245 seminar provider establishes to the satisfaction of the division that the instructor is in
- 3246 compliance with Subsection (6)(b).
- 3247 (b) The division may certify a seminar provider whose certification is revoked:
- 3248 (i) no sooner than 90 days from the date the certification is revoked; and
- 3249 (ii) if the seminar provider establishes to the satisfaction of the division that the
- 3250 seminar provider will comply with this section.

3251 Section 48. **Repealer.**

3252 This bill repeals:
3253 Section **32B-5-401**, Title.