LEGISLATIVE GENERAL COUNSEL
₵ Approved for Filing: P. Owen ₵
₵ 02-19-10 7:27 AM ₵

ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: _____

LONG TITLE

General Description:

This bill recodifies the Alcoholic Beverage Code and updates language related to the regulation of an alcoholic product.

Highlighted Provisions:

This bill:

- repeals Title 32A, Alcoholic Beverage Control Act, and replaces it with Title 32B, Alcoholic Beverage Control Act, including:
  - modifying terminology and inconsistency in use of terms;
  - removing outdated language;
  - clarifying that disciplinary action can be taken if certain actions are taken with a record required to be made or maintained under the title;
  - permitting a commissioner to serve until a successor is appointed with the consent of the Senate;
  - clarifying that the commission by rule may establish different types of package agencies;
  - clarifying the posting of bonds related to a package agency;
  - clarifying penalties that may be imposed by the commission against a person subject to administrative action;
  - clarifying when the department may make a claim against a bond;
  - clarifying the department's authority to require purchases to be made in cash by

28 persons who have payed with a dishonored check;
29 • clarifying when a violation of commission rules is not a criminal offense;
30 • clarifying that if an applicant for a license or permit is a government entity, it
31 may be exempted from certain requirements;
32 • renaming certain licenses and permits;
33 • removing certain price and posting requirements for an event permit; and
34 • removing the health care facility use permit; and
35 ▸ makes technical and conforming amendments.
36 **Monies Appropriated in this Bill:**
37 None
38 **Other Special Clauses:**
39 This bill provides an effective date.
40 **Utah Code Sections Affected:**
41 AMENDS:
42 **11-10-1**, as last amended by Laws of Utah 2009, Chapter 383
43 **13-7-2**, as last amended by Laws of Utah 1987, Chapter 92
44 **26-38-2**, as last amended by Laws of Utah 2009, Chapter 383
45 **29-2-102**, as enacted by Laws of Utah 1995, Chapter 231
46 **41-6a-526**, as renumbered and amended by Laws of Utah 2005, Chapter 2
47 **53-3-207**, as last amended by Laws of Utah 2009, Chapter 315
48 **53-3-219**, as last amended by Laws of Utah 2009, Chapter 390
49 **53-3-220**, as last amended by Laws of Utah 2009, Chapters 105, 291, 328, and 353
50 **53-3-229**, as last amended by Laws of Utah 2005, Chapter 197
51 **53-3-231**, as last amended by Laws of Utah 2009, Chapters 18, 40, and 390
52 **53-3-806**, as last amended by Laws of Utah 2009, Chapter 315
53 **53-3-810**, as last amended by Laws of Utah 2005, Chapter 197
54 **53-10-102**, as last amended by Laws of Utah 2009, Chapter 73
55 **53-10-112**, as renumbered and amended by Laws of Utah 1998, Chapter 263
56 **53-10-113**, as renumbered and amended by Laws of Utah 1998, Chapter 263
57 **53-10-304**, as last amended by Laws of Utah 2000, Chapter 1
58 **53-10-305**, as last amended by Laws of Utah 2009, Chapter 383

59 **53A-11-904**, as last amended by Laws of Utah 2007, Chapters 79 and 161
60 **58-37-2**, as last amended by Laws of Utah 2009, Chapter 42
61 **58-82-102 (Effective 07/01/12)**, as enacted by Laws of Utah 2009, Chapter 47
62 **59-15-101**, as last amended by Laws of Utah 2003, Chapter 307
63 **59-15-109**, as last amended by Laws of Utah 2003, Second Special Session, Chapter 5
64 **62A-15-401**, as last amended by Laws of Utah 2008, Chapter 382
65 **63G-4-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
66 **76-5-113**, as last amended by Laws of Utah 2008, Chapters 317 and 391
67 **76-10-1506**, as last amended by Laws of Utah 2005, Chapter 2
68 **76-10-1602**, as last amended by Laws of Utah 2008, Chapters 292, 298, 370, and 382
69 **77-39-101**, as last amended by Laws of Utah 2006, Chapter 342
70 **78A-6-117**, as renumbered and amended by Laws of Utah 2008, Chapter 3
71 **78A-6-606**, as last amended by Laws of Utah 2009, Chapters 353 and 390
72 **78A-6-1001**, as last amended by Laws of Utah 2009, Chapter 19
73 **78A-6-1202**, as renumbered and amended by Laws of Utah 2008, Chapter 3
74 **78B-6-1602**, as enacted by Laws of Utah 2009, Chapter 187
75 ENACTS:
76 **32B-1-101**, Utah Code Annotated 1953
77 **32B-1-102**, Utah Code Annotated 1953
78 **32B-1-103**, Utah Code Annotated 1953
79 **32B-1-104**, Utah Code Annotated 1953
80 **32B-1-201**, Utah Code Annotated 1953
81 **32B-1-202**, Utah Code Annotated 1953
82 **32B-1-203**, Utah Code Annotated 1953
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86 **32B-1-302**, Utah Code Annotated 1953
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88 **32B-1-304**, Utah Code Annotated 1953
89 **32B-1-305**, Utah Code Annotated 1953

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91 **32B-1-307**, Utah Code Annotated 1953
92 **32B-1-401**, Utah Code Annotated 1953
93 **32B-1-402**, Utah Code Annotated 1953
94 **32B-1-403**, Utah Code Annotated 1953
95 **32B-1-404**, Utah Code Annotated 1953
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97 **32B-1-406**, Utah Code Annotated 1953
98 **32B-1-407**, Utah Code Annotated 1953
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102 **32B-1-503**, Utah Code Annotated 1953
103 **32B-1-504**, Utah Code Annotated 1953
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120 **32B-2-205**, Utah Code Annotated 1953

121 **32B-2-206**, Utah Code Annotated 1953
122 **32B-2-207**, Utah Code Annotated 1953
123 **32B-2-208**, Utah Code Annotated 1953
124 **32B-2-301**, Utah Code Annotated 1953
125 **32B-2-302**, Utah Code Annotated 1953
126 **32B-2-303**, Utah Code Annotated 1953
127 **32B-2-304**, Utah Code Annotated 1953
128 **32B-2-401**, Utah Code Annotated 1953
129 **32B-2-402**, Utah Code Annotated 1953
130 **32B-2-403**, Utah Code Annotated 1953
131 **32B-2-404**, Utah Code Annotated 1953
132 **32B-2-405**, Utah Code Annotated 1953
133 **32B-2-501**, Utah Code Annotated 1953
134 **32B-2-502**, Utah Code Annotated 1953
135 **32B-2-503**, Utah Code Annotated 1953
136 **32B-2-504**, Utah Code Annotated 1953
137 **32B-2-601**, Utah Code Annotated 1953
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139 **32B-2-603**, Utah Code Annotated 1953
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141 **32B-2-605**, Utah Code Annotated 1953
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159 **32B-3-307**, Utah Code Annotated 1953
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179 **32B-4-404**, Utah Code Annotated 1953
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181 **32B-4-406**, Utah Code Annotated 1953
182 **32B-4-407**, Utah Code Annotated 1953

183 **32B-4-408**, Utah Code Annotated 1953
184 **32B-4-409**, Utah Code Annotated 1953
185 **32B-4-410**, Utah Code Annotated 1953
186 **32B-4-411**, Utah Code Annotated 1953
187 **32B-4-412**, Utah Code Annotated 1953
188 **32B-4-413**, Utah Code Annotated 1953
189 **32B-4-414**, Utah Code Annotated 1953
190 **32B-4-415**, Utah Code Annotated 1953
191 **32B-4-416**, Utah Code Annotated 1953
192 **32B-4-417**, Utah Code Annotated 1953
193 **32B-4-418**, Utah Code Annotated 1953
194 **32B-4-419**, Utah Code Annotated 1953
195 **32B-4-420**, Utah Code Annotated 1953
196 **32B-4-421**, Utah Code Annotated 1953
197 **32B-4-422**, Utah Code Annotated 1953
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209 **32B-4-602**, Utah Code Annotated 1953
210 **32B-4-603**, Utah Code Annotated 1953
211 **32B-4-701**, Utah Code Annotated 1953
212 **32B-4-702**, Utah Code Annotated 1953
213 **32B-4-703**, Utah Code Annotated 1953

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215 **32B-4-705**, Utah Code Annotated 1953
216 **32B-4-706**, Utah Code Annotated 1953
217 **32B-4-707**, Utah Code Annotated 1953
218 **32B-4-708**, Utah Code Annotated 1953
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222 **32B-5-202**, Utah Code Annotated 1953
223 **32B-5-203**, Utah Code Annotated 1953
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225 **32B-5-205**, Utah Code Annotated 1953
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236 **32B-5-310**, Utah Code Annotated 1953
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245 **32B-6-203**, Utah Code Annotated 1953
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247 **32B-6-205**, Utah Code Annotated 1953
248 **32B-6-205.1**, Utah Code Annotated 1953
249 **32B-6-301**, Utah Code Annotated 1953
250 **32B-6-302**, Utah Code Annotated 1953
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254 **32B-6-305.1**, Utah Code Annotated 1953
255 **32B-6-401**, Utah Code Annotated 1953
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261 **32B-6-406.1**, Utah Code Annotated 1953
262 **32B-6-407**, Utah Code Annotated 1953
263 **32B-6-408**, Utah Code Annotated 1953
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329 **32B-10-205**, Utah Code Annotated 1953
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349 **32B-10-702**, Utah Code Annotated 1953
350 **32B-10-703**, Utah Code Annotated 1953
351 **32B-10-704**, Utah Code Annotated 1953
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368 **32B-11-403**, Utah Code Annotated 1953

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375 **32B-11-604**, Utah Code Annotated 1953
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377 **32B-11-606**, Utah Code Annotated 1953
378 **32B-11-607**, Utah Code Annotated 1953
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380 **32B-11-609**, Utah Code Annotated 1953
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419 **32B-15-302**, Utah Code Annotated 1953
420 **32B-16-101**, Utah Code Annotated 1953
421 **32B-16-102**, Utah Code Annotated 1953
422 **32B-16-201**, Utah Code Annotated 1953
423 **32B-16-301**, Utah Code Annotated 1953
424 **32B-16-302**, Utah Code Annotated 1953
425 REPEALS:
426 **32A-1-101**, as renumbered and amended by Laws of Utah 1990, Chapter 23
427 **32A-1-102**, as last amended by Laws of Utah 2007, Chapter 284
428 **32A-1-103**, as renumbered and amended by Laws of Utah 1990, Chapter 23
429 **32A-1-104**, as last amended by Laws of Utah 2003, Chapter 314
430 **32A-1-105**, as last amended by Laws of Utah 2009, Chapter 383

431 **32A-1-106**, as last amended by Laws of Utah 2007, Chapter 284
432 **32A-1-107**, as last amended by Laws of Utah 2009, Chapters 190 and 383
433 **32A-1-108**, as last amended by Laws of Utah 2007, Chapter 284
434 **32A-1-109**, as last amended by Laws of Utah 2009, Chapter 383
435 **32A-1-110**, as renumbered and amended by Laws of Utah 1990, Chapter 23
436 **32A-1-111**, as last amended by Laws of Utah 2003, Chapter 314
437 **32A-1-112**, as renumbered and amended by Laws of Utah 1990, Chapter 23
438 **32A-1-113**, as last amended by Laws of Utah 2003, Chapter 314
439 **32A-1-115**, as last amended by Laws of Utah 2009, Chapter 383
440 **32A-1-116**, as last amended by Laws of Utah 2008, Chapter 391
441 **32A-1-117**, as last amended by Laws of Utah 2000, Chapter 1
442 **32A-1-118**, as last amended by Laws of Utah 2008, Chapter 382
443 **32A-1-119**, as last amended by Laws of Utah 2009, Chapters 190 and 383
444 **32A-1-119.5**, as last amended by Laws of Utah 2009, Chapters 356 and 383
445 **32A-1-120**, as last amended by Laws of Utah 2008, Chapters 317 and 382
446 **32A-1-121**, as last amended by Laws of Utah 2000, Chapter 1
447 **32A-1-122**, as last amended by Laws of Utah 2008, Chapters 98 and 391
448 **32A-1-123**, as last amended by Laws of Utah 2003, Chapter 314
449 **32A-1-301**, as last amended by Laws of Utah 2009, Chapter 353
450 **32A-1-302**, as last amended by Laws of Utah 2008, Chapter 391
451 **32A-1-303**, as last amended by Laws of Utah 2002, Chapters 5 and 161
452 **32A-1-304**, as last amended by Laws of Utah 2008, Chapters 322 and 391
453 **32A-1-304.5**, as enacted by Laws of Utah 2009, Chapter 383
454 **32A-1-305**, as last amended by Laws of Utah 2009, Chapter 353
455 **32A-1-401**, as last amended by Laws of Utah 2007, Chapter 284
456 **32A-1-601**, as enacted by Laws of Utah 2007, Chapter 284
457 **32A-1-602**, as enacted by Laws of Utah 2007, Chapter 284
458 **32A-1-603**, as last amended by Laws of Utah 2009, Chapter 383
459 **32A-1-604**, as enacted by Laws of Utah 2007, Chapter 284
460 **32A-1-701**, as enacted by Laws of Utah 2008, Chapter 391
461 **32A-1-702**, as enacted by Laws of Utah 2008, Chapter 391

462 **32A-1-703**, as enacted by Laws of Utah 2008, Chapter 391
463 **32A-1-704**, as enacted by Laws of Utah 2008, Chapter 391
464 **32A-1-801**, as enacted by Laws of Utah 2008, Chapter 391
465 **32A-1-802**, as enacted by Laws of Utah 2008, Chapter 391
466 **32A-1-803**, as enacted by Laws of Utah 2008, Chapter 391
467 **32A-1-804**, as enacted by Laws of Utah 2008, Chapter 391
468 **32A-1-805**, as enacted by Laws of Utah 2008, Chapter 391
469 **32A-1-806**, as enacted by Laws of Utah 2008, Chapter 391
470 **32A-1-807**, as enacted by Laws of Utah 2008, Chapter 391
471 **32A-1-808**, as enacted by Laws of Utah 2008, Chapter 391
472 **32A-1-809**, as enacted by Laws of Utah 2008, Chapter 391
473 **32A-2-101**, as last amended by Laws of Utah 2008, Chapter 391
474 **32A-2-102**, as renumbered and amended by Laws of Utah 1990, Chapter 23
475 **32A-2-103**, as last amended by Laws of Utah 2009, Chapter 383
476 **32A-2-104**, as renumbered and amended by Laws of Utah 1990, Chapter 23
477 **32A-3-101**, as last amended by Laws of Utah 2008, Chapter 391
478 **32A-3-102**, as last amended by Laws of Utah 2008, Chapter 391
479 **32A-3-103**, as last amended by Laws of Utah 2003, Chapter 314
480 **32A-3-104**, as last amended by Laws of Utah 1993, Chapter 4
481 **32A-3-105**, as last amended by Laws of Utah 1991, Chapter 132
482 **32A-3-106**, as last amended by Laws of Utah 2009, Chapter 383
483 **32A-3-107**, as renumbered and amended by Laws of Utah 1990, Chapter 23
484 **32A-3-108**, as last amended by Laws of Utah 2003, Chapter 314
485 **32A-4-101**, as last amended by Laws of Utah 2009, Chapter 383
486 **32A-4-102**, as last amended by Laws of Utah 2009, Chapter 383
487 **32A-4-103**, as last amended by Laws of Utah 2008, Chapters 26 and 382
488 **32A-4-104**, as last amended by Laws of Utah 2008, Chapter 391
489 **32A-4-105**, as last amended by Laws of Utah 2003, Chapter 314
490 **32A-4-106**, as last amended by Laws of Utah 2009, Chapter 383
491 **32A-4-201**, as last amended by Laws of Utah 2003, Chapter 314
492 **32A-4-202**, as last amended by Laws of Utah 2009, Chapter 383

493 **32A-4-203**, as last amended by Laws of Utah 2008, Chapter 382
494 **32A-4-204**, as enacted by Laws of Utah 1990, Chapter 23
495 **32A-4-205**, as enacted by Laws of Utah 1990, Chapter 23
496 **32A-4-206**, as last amended by Laws of Utah 2008, Chapter 391
497 **32A-4-301**, as enacted by Laws of Utah 2003, Chapter 314
498 **32A-4-302**, as last amended by Laws of Utah 2009, Chapter 383
499 **32A-4-303**, as last amended by Laws of Utah 2009, Chapter 383
500 **32A-4-304**, as last amended by Laws of Utah 2008, Chapter 382
501 **32A-4-305**, as last amended by Laws of Utah 2008, Chapter 391
502 **32A-4-306**, as enacted by Laws of Utah 2003, Chapter 314
503 **32A-4-307**, as last amended by Laws of Utah 2009, Chapter 383
504 **32A-4-401**, as last amended by Laws of Utah 2009, Chapter 383
505 **32A-4-402**, as last amended by Laws of Utah 2009, Chapter 383
506 **32A-4-403**, as last amended by Laws of Utah 2008, Chapter 382
507 **32A-4-404**, as enacted by Laws of Utah 2003, Chapter 314
508 **32A-4-405**, as enacted by Laws of Utah 2003, Chapter 314
509 **32A-4-406**, as last amended by Laws of Utah 2008, Chapters 266, 382, and 391
510 **32A-4a-101**, as enacted by Laws of Utah 2009, Chapter 383
511 **32A-4a-102**, as enacted by Laws of Utah 2009, Chapter 383
512 **32A-4a-201**, as enacted by Laws of Utah 2009, Chapter 383
513 **32A-4a-202**, as enacted by Laws of Utah 2009, Chapter 383
514 **32A-4a-203**, as enacted by Laws of Utah 2009, Chapter 383
515 **32A-4a-204**, as enacted by Laws of Utah 2009, Chapter 383
516 **32A-4a-205**, as enacted by Laws of Utah 2009, Chapter 383
517 **32A-4a-301**, as enacted by Laws of Utah 2009, Chapter 383
518 **32A-4a-302**, as enacted by Laws of Utah 2009, Chapter 383
519 **32A-4a-303**, as enacted by Laws of Utah 2009, Chapter 383
520 **32A-4a-304**, as enacted by Laws of Utah 2009, Chapter 383
521 **32A-4a-305**, as enacted by Laws of Utah 2009, Chapter 383
522 **32A-4a-401**, as enacted by Laws of Utah 2009, Chapter 383
523 **32A-4a-402**, as enacted by Laws of Utah 2009, Chapter 383

524 **32A-4a-501**, as enacted by Laws of Utah 2009, Chapter 383
525 **32A-4a-502**, as enacted by Laws of Utah 2009, Chapter 383
526 **32A-4a-503**, as enacted by Laws of Utah 2009, Chapter 383
527 **32A-5-101**, as last amended by Laws of Utah 2009, Chapter 383
528 **32A-5-102 (Subsec (1)(j) Superseded 07/01/10)**, as last amended by Laws of Utah
529 2009, Chapter 383
530 **32A-5-102 (Subsec (1)(j) Effective 07/01/10)**, as last amended by Laws of Utah 2009,
531 Chapter 383
532 **32A-5-103**, as last amended by Laws of Utah 2009, Chapter 383
533 **32A-5-104**, as last amended by Laws of Utah 2009, Chapter 383
534 **32A-5-106**, as last amended by Laws of Utah 2009, Chapter 383
535 **32A-5-107**, as last amended by Laws of Utah 2009, Chapters 356 and 383
536 **32A-5-109**, as enacted by Laws of Utah 2009, Chapter 383
537 **32A-5-110**, as enacted by Laws of Utah 2009, Chapter 190
538 **32A-6-101**, as renumbered and amended by Laws of Utah 1990, Chapter 23
539 **32A-6-102**, as last amended by Laws of Utah 2003, Chapter 314
540 **32A-6-103**, as last amended by Laws of Utah 2008, Chapter 382
541 **32A-6-104**, as renumbered and amended by Laws of Utah 1990, Chapter 23
542 **32A-6-105**, as last amended by Laws of Utah 2003, Chapter 314
543 **32A-6-201**, as last amended by Laws of Utah 2003, Chapter 314
544 **32A-6-202**, as last amended by Laws of Utah 2003, Chapter 314
545 **32A-6-301**, as last amended by Laws of Utah 2007, Chapter 284
546 **32A-6-302**, as last amended by Laws of Utah 2007, Chapter 284
547 **32A-6-401**, as last amended by Laws of Utah 2003, Chapter 314
548 **32A-6-501**, as last amended by Laws of Utah 2003, Chapter 314
549 **32A-6-502**, as enacted by Laws of Utah 2003, Chapter 314
550 **32A-6-503**, as enacted by Laws of Utah 2003, Chapter 314
551 **32A-6-601**, as last amended by Laws of Utah 1991, Chapter 5
552 **32A-6-602**, as renumbered and amended by Laws of Utah 1990, Chapter 23
553 **32A-6-603**, as enacted by Laws of Utah 2003, Chapter 314
554 **32A-7-101**, as last amended by Laws of Utah 2008, Chapters 108 and 391

555 **32A-7-102**, as last amended by Laws of Utah 2008, Chapter 108
556 **32A-7-103**, as last amended by Laws of Utah 2008, Chapter 382
557 **32A-7-104**, as last amended by Laws of Utah 2006, Chapter 162
558 **32A-7-105**, as renumbered and amended by Laws of Utah 1990, Chapter 23
559 **32A-7-106**, as last amended by Laws of Utah 2008, Chapters 266 and 391
560 **32A-8-101**, as last amended by Laws of Utah 2009, Chapters 160 and 356
561 **32A-8-102**, as last amended by Laws of Utah 2007, Chapter 284
562 **32A-8-103**, as last amended by Laws of Utah 2008, Chapter 382
563 **32A-8-104**, as renumbered and amended by Laws of Utah 1990, Chapter 23
564 **32A-8-105**, as renumbered and amended by Laws of Utah 1990, Chapter 23
565 **32A-8-106**, as last amended by Laws of Utah 2007, Chapter 284
566 **32A-8-201**, as last amended by Laws of Utah 1991, Chapter 277
567 **32A-8-301**, as renumbered and amended by Laws of Utah 1990, Chapter 23
568 **32A-8-401**, as last amended by Laws of Utah 2008, Chapter 391
569 **32A-8-501**, as last amended by Laws of Utah 2008, Chapter 391
570 **32A-8-502**, as last amended by Laws of Utah 2003, Chapter 314
571 **32A-8-503**, as last amended by Laws of Utah 2008, Chapters 382 and 391
572 **32A-8-504**, as enacted by Laws of Utah 1993, Chapter 20
573 **32A-8-505**, as last amended by Laws of Utah 2008, Chapter 391
574 **32A-9-101**, as last amended by Laws of Utah 1991, Chapter 241
575 **32A-9-102**, as last amended by Laws of Utah 2003, Chapter 314
576 **32A-9-103**, as last amended by Laws of Utah 2009, Chapter 383
577 **32A-9-104**, as renumbered and amended by Laws of Utah 1990, Chapter 23
578 **32A-9-105**, as renumbered and amended by Laws of Utah 1990, Chapter 23
579 **32A-9-106**, as last amended by Laws of Utah 2003, Chapter 314
580 **32A-10-101**, as last amended by Laws of Utah 2008, Chapter 391
581 **32A-10-102**, as last amended by Laws of Utah 2008, Chapter 391
582 **32A-10-103**, as last amended by Laws of Utah 2007, Chapter 284
583 **32A-10-201**, as last amended by Laws of Utah 2009, Chapter 383
584 **32A-10-202**, as last amended by Laws of Utah 2009, Chapter 383
585 **32A-10-203**, as last amended by Laws of Utah 2008, Chapter 382

586 **32A-10-204**, as last amended by Laws of Utah 2008, Chapter 391
587 **32A-10-205**, as last amended by Laws of Utah 2003, Chapter 314
588 **32A-10-206**, as last amended by Laws of Utah 2008, Chapter 391
589 **32A-10-207**, as enacted by Laws of Utah 2009, Chapter 190
590 **32A-10-301**, as enacted by Laws of Utah 2003, Chapter 314
591 **32A-10-302**, as last amended by Laws of Utah 2004, Chapter 268
592 **32A-10-303**, as last amended by Laws of Utah 2008, Chapter 382
593 **32A-10-304**, as last amended by Laws of Utah 2006, Chapter 162
594 **32A-10-305**, as enacted by Laws of Utah 2003, Chapter 314
595 **32A-10-306**, as last amended by Laws of Utah 2008, Chapter 391
596 **32A-11-101**, as last amended by Laws of Utah 2004, Chapter 268
597 **32A-11-102**, as last amended by Laws of Utah 2004, Chapter 268
598 **32A-11-103**, as last amended by Laws of Utah 2008, Chapter 382
599 **32A-11-104**, as last amended by Laws of Utah 1994, Chapter 88
600 **32A-11-105**, as renumbered and amended by Laws of Utah 1990, Chapter 23
601 **32A-11-106**, as last amended by Laws of Utah 2008, Chapter 391
602 **32A-11a-101**, as enacted by Laws of Utah 1998, Chapter 328
603 **32A-11a-102**, as last amended by Laws of Utah 2007, Chapter 272
604 **32A-11a-103**, as enacted by Laws of Utah 1998, Chapter 328
605 **32A-11a-104**, as enacted by Laws of Utah 1998, Chapter 328
606 **32A-11a-105**, as enacted by Laws of Utah 1998, Chapter 328
607 **32A-11a-106**, as last amended by Laws of Utah 2003, Chapter 314
608 **32A-11a-107**, as last amended by Laws of Utah 2004, Chapter 268
609 **32A-11a-108**, as last amended by Laws of Utah 2008, Chapter 3
610 **32A-11a-109**, as enacted by Laws of Utah 1998, Chapter 328
611 **32A-11a-110**, as enacted by Laws of Utah 1998, Chapter 328
612 **32A-11a-111**, as enacted by Laws of Utah 1998, Chapter 328
613 **32A-12-101**, as last amended by Laws of Utah 2009, Chapter 383
614 **32A-12-102**, as last amended by Laws of Utah 2009, Chapter 383
615 **32A-12-103**, as last amended by Laws of Utah 2003, Chapter 314
616 **32A-12-104**, as last amended by Laws of Utah 2009, Chapter 383

617 **32A-12-105**, as last amended by Laws of Utah 2003, Chapter 314
618 **32A-12-201**, as last amended by Laws of Utah 2004, Chapter 268
619 **32A-12-202**, as renumbered and amended by Laws of Utah 1990, Chapter 23
620 **32A-12-203**, as last amended by Laws of Utah 2003, Chapter 314
621 **32A-12-204**, as last amended by Laws of Utah 2003, Chapter 314
622 **32A-12-205**, as renumbered and amended by Laws of Utah 1990, Chapter 23
623 **32A-12-206**, as last amended by Laws of Utah 1991, Chapter 132
624 **32A-12-207**, as last amended by Laws of Utah 2003, Chapter 314
625 **32A-12-208**, as renumbered and amended by Laws of Utah 1990, Chapter 23
626 **32A-12-209**, as last amended by Laws of Utah 2009, Chapters 353 and 390
627 **32A-12-209.5**, as last amended by Laws of Utah 2009, Chapters 353, 383, and 390
628 **32A-12-210**, as last amended by Laws of Utah 2003, Chapter 314
629 **32A-12-211**, as renumbered and amended by Laws of Utah 1990, Chapter 23
630 **32A-12-212**, as last amended by Laws of Utah 2009, Chapter 383
631 **32A-12-213**, as last amended by Laws of Utah 2009, Chapter 383
632 **32A-12-214**, as last amended by Laws of Utah 1995, Chapter 20
633 **32A-12-215**, as last amended by Laws of Utah 2003, Chapter 314
634 **32A-12-216**, as last amended by Laws of Utah 2003, Chapter 314
635 **32A-12-217**, as enacted by Laws of Utah 1990, Chapter 23
636 **32A-12-219**, as last amended by Laws of Utah 2009, Chapter 383
637 **32A-12-220**, as renumbered and amended by Laws of Utah 1990, Chapter 23
638 **32A-12-221**, as last amended by Laws of Utah 2002, Chapter 161
639 **32A-12-222**, as last amended by Laws of Utah 2009, Chapter 383
640 **32A-12-223**, as enacted by Laws of Utah 2009, Chapter 353
641 **32A-12-301**, as last amended by Laws of Utah 2009, Chapter 383
642 **32A-12-302**, as renumbered and amended by Laws of Utah 1990, Chapter 23
643 **32A-12-303**, as last amended by Laws of Utah 2000, Chapter 1
644 **32A-12-304**, as last amended by Laws of Utah 2000, Chapter 1
645 **32A-12-305**, as last amended by Laws of Utah 2003, Chapter 314
646 **32A-12-306**, as last amended by Laws of Utah 2003, Chapter 314
647 **32A-12-307**, as last amended by Laws of Utah 2008, Chapter 391

648 **32A-12-308**, as last amended by Laws of Utah 2003, Chapter 314
649 **32A-12-310**, as last amended by Laws of Utah 2000, Chapter 1
650 **32A-12-401**, as last amended by Laws of Utah 2007, Chapter 284
651 **32A-12-501**, as last amended by Laws of Utah 2004, Chapter 268
652 **32A-12-502**, as last amended by Laws of Utah 1996, Chapter 170
653 **32A-12-504**, as last amended by Laws of Utah 2003, Chapter 314
654 **32A-12-505**, as last amended by Laws of Utah 2005, Chapter 71
655 **32A-12-506**, as last amended by Laws of Utah 1996, Chapter 170
656 **32A-12-601**, as last amended by Laws of Utah 2004, Chapter 268
657 **32A-12-602**, as last amended by Laws of Utah 2003, Chapter 314
658 **32A-12-603**, as last amended by Laws of Utah 2008, Chapter 391
659 **32A-12-604**, as last amended by Laws of Utah 2003, Chapter 314
660 **32A-12-605**, as last amended by Laws of Utah 2003, Chapter 314
661 **32A-12-606**, as last amended by Laws of Utah 2003, Chapter 314
662 **32A-13-101**, as last amended by Laws of Utah 1992, Chapter 30
663 **32A-13-102**, as last amended by Laws of Utah 1990, Chapter 163 and renumbered and
664 amended by Laws of Utah 1990, Chapter 23
665 **32A-13-103**, as last amended by Laws of Utah 2007, Chapters 153, 180, and 306
666 **32A-13-104**, as last amended by Laws of Utah 1993, Chapter 38
667 **32A-13-105**, as renumbered and amended by Laws of Utah 1990, Chapter 23
668 **32A-13-106**, as last amended by Laws of Utah 2008, Chapter 305
669 **32A-13-107**, as renumbered and amended by Laws of Utah 1990, Chapter 23
670 **32A-13-108**, as last amended by Laws of Utah 1990, Chapter 118 and renumbered and
671 amended by Laws of Utah 1990, Chapter 23
672 **32A-13-109**, as last amended by Laws of Utah 2000, Chapter 1
673 **32A-14a-101**, as enacted by Laws of Utah 2000, Chapter 197
674 **32A-14a-102**, as last amended by Laws of Utah 2009, Chapter 383
675 **32A-14a-103**, as last amended by Laws of Utah 2009, Chapter 383
676 **32A-14a-104**, as renumbered and amended by Laws of Utah 2000, Chapter 197
677 **32A-14a-105**, as enacted by Laws of Utah 2000, Chapter 197
678 **32A-14b-101**, as enacted by Laws of Utah 2009, Chapter 353

679 **32A-14b-102**, as enacted by Laws of Utah 2009, Chapter 353
680 **32A-14b-201**, as enacted by Laws of Utah 2009, Chapter 353
681 **32A-14b-202**, as enacted by Laws of Utah 2009, Chapter 353
682 **32A-14b-203**, as enacted by Laws of Utah 2009, Chapter 353
683 **32A-15a-101**, as enacted by Laws of Utah 2003, Chapter 314
684 **32A-15a-102**, as last amended by Laws of Utah 2007, Chapter 341
685 **32A-15a-103**, as last amended by Laws of Utah 2008, Chapter 382
686 **32A-15a-201**, as last amended by Laws of Utah 2008, Chapter 382
687 **32A-15a-202**, as enacted by Laws of Utah 2003, Chapter 314
688 **32A-15a-203**, as enacted by Laws of Utah 2003, Chapter 314
689

690 *Be it enacted by the Legislature of the state of Utah:*
691 Section 1. Section **11-10-1** is amended to read:
692 **11-10-1. Business license required -- Authorization for issuance, denial,**
693 **suspension, or revocation by local authority.**
694 (1) As used in this chapter, the following have the meaning set forth in Section
695 [~~32A-1-105~~] 32B-1-102:
696 (a) "alcoholic product";
697 [~~(a)~~] (b) "club [~~licensee"~~] license";
698 [~~(b)~~] (c) "local authority"; and
699 [~~(c) "person"; and~~]
700 (d) "restaurant."
701 (2) A person may not operate an association, a restaurant, a business similar to a
702 business operated under a club license, or other similar business that allows [~~customers,~~
703 ~~members, guests, or other persons~~] a person to possess or consume [~~alcoholic beverages~~] an
704 alcoholic product on the premises of the [~~club licensee,~~] association, restaurant, club, or similar
705 business premises without a business license.
706 (3) [~~Any~~] (a) A local authority may issue a business license to [~~any~~] a person who
707 owns or operates an association, restaurant, club [~~license premise~~], or similar business that
708 allows [~~the customers, members, guests, or other persons~~] a person to hold, store, possess, or
709 consume [~~alcoholic beverages~~] an alcoholic product on the premises. [~~This license~~]

710 (b) A business license issued under this Subsection (3) does not permit [~~any~~] a person
711 to hold, store, possess, or consume [~~alcoholic beverages~~] an alcoholic product on the premises
712 other than as provided in Title [~~32A~~] 32B, Alcoholic Beverage Control Act.
713 (4) [~~Any~~] A local authority may suspend or revoke a business license for a violation of
714 Title [~~32A~~] 32B, Alcoholic Beverage Control Act.
715 (5) [~~Each~~] A local authority shall set policy by written rules that establish criteria and
716 procedures for granting, denying, suspending, or revoking [~~licenses~~] a business license issued
717 under this chapter.
718 (6) A business license issued under this section constitutes written consent of the local
719 authority within the meaning of Title [~~32A~~] 32B, Alcoholic Beverage Control Act.
720 Section 2. Section **13-7-2** is amended to read:
721 **13-7-2. Definitions.**
722 (1) [~~The term "place~~] (a) "Place of public accommodation" includes every place,
723 establishment, or facility of whatever kind, nature, or class that caters or offers its services,
724 facilities, or goods to the general public for a fee or charge, except, [~~any~~] an establishment that
725 is:
726 (i) located within a building [~~which~~] that contains not more than five rooms for rent or
727 hire; and [~~which is~~]
728 (ii) actually occupied by the proprietor of [~~such~~] the establishment as [~~his~~] the
729 proprietor's residence[~~; provided that any~~].
730 (b) A place, establishment, or facility that caters or offers its services, facilities, or
731 goods to the general public gratuitously shall be within the definition of this term if it receives
732 any substantial governmental subsidy or support[~~; but the term shall~~].
733 (c) "Place of public accommodation" does not apply to any institution, church, any
734 apartment house, club, or place of accommodation which is in its nature distinctly private
735 except to the extent that it is open to the public.
736 (2) [~~The term "person"~~] "Person" includes one or more individuals, partnerships,
737 associations, organizations, corporations, labor unions, legal representatives, trustees, trustees
738 in bankruptcy, receivers, and other organized groups of persons.
739 (3) "Enterprises regulated by the state" means:
740 (a) [~~all institutions~~] an institution subject to regulation under Title 70C, Utah

741 Consumer Credit Code;
742 [~~(b) all places of business which sell beer to consumers or house a state liquor store, as~~
743 ~~permitted by Title 32A, Alcoholic Beverage Control Act;~~]
744 (b) a place of business that sells an alcoholic product at retail as provided in Title 32B,
745 Alcoholic Beverage Control Act;
746 (c) [~~all insurers~~] an insurer regulated by Title 31A, Insurance Code; and
747 (d) [~~all public utilities~~] a public utility subject to regulation under Title 54, Public
748 Utilities Act.
749 Section 3. Section **26-38-2** is amended to read:
750 **26-38-2. Definitions.**
751 As used in this chapter:
752 (1) "Place of public access" means any enclosed indoor place of business, commerce,
753 banking, financial service, or other service-related activity, whether publicly or privately owned
754 and whether operated for profit or not, to which persons not employed at the place of public
755 access have general and regular access or which the public uses, including:
756 (a) buildings, offices, shops, elevators, or restrooms;
757 (b) means of transportation or common carrier waiting rooms;
758 (c) restaurants, cafes, or cafeterias;
759 (d) taverns as defined in Section [~~32A-1-105~~] 32B-1-102, or cabarets;
760 (e) shopping malls, retail stores, grocery stores, or arcades;
761 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical
762 sites, auditoriums, or arenas;
763 (g) barber shops, hair salons, or laundromats;
764 (h) sports or fitness facilities;
765 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and
766 breakfast" lodging facilities, and other similar lodging facilities, including the lobbies,
767 hallways, elevators, restaurants, cafeterias, other designated dining areas, and restrooms of any
768 of these;
769 (j) (i) any child care facility or program subject to licensure or certification under this
770 title, including those operated in private homes, when any child cared for under that license is
771 present; and

772 (ii) any child care, other than child care as defined in Section 26-39-102, that is not
773 subject to licensure or certification under this title, when any child cared for by the provider,
774 other than the child of the provider, is present;
775 (k) public or private elementary or secondary school buildings and educational
776 facilities or the property on which those facilities are located;
777 (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or
778 religious organization when used solely by the organization members or their guests or
779 families;
780 (m) any facility rented or leased for private functions from which the general public is
781 excluded and arrangements for the function are under the control of the function sponsor;
782 (n) any workplace that is not a place of public access or a publicly owned building or
783 office but has one or more employees who are not owner-operators of the business;
784 (o) any area where the proprietor or manager of the area has posted a conspicuous sign
785 stating "no smoking", "thank you for not smoking", or similar statement; and
786 [~~(p) a club licensee under Title 32A, Chapter 5, Club Licenses.~~]
787 (p) a holder of a club license, as defined in Section 32B-1-102.
788 (2) "Publicly owned building or office" means any enclosed indoor place or portion of
789 a place owned, leased, or rented by any state, county, or municipal government, or by any
790 agency supported by appropriation of, or by contracts or grants from, funds derived from the
791 collection of federal, state, county, or municipal taxes.
792 (3) "Smoking" means the possession of any lighted tobacco product in any form.
793 Section 4. Section **29-2-102** is amended to read:
794 **29-2-102. Definitions.**
795 As used in this chapter:
796 (1) "Alcoholic beverage" has the same meaning as provided in Section [~~32A-1-105~~]
797 32B-1-102.
798 (2) "Controlled substance" has the same meaning as provided in Section 58-37-2.
799 (3) "Guest" means a person for whom an innkeeper was paid to provide temporary
800 sleeping accommodations in a lodging establishment.
801 (4) "Innkeeper" means the proprietor or designated employee of a proprietor of a
802 lodging establishment.

803 (5) "Lodging establishment" means a place providing temporary sleeping
804 accommodations to the public, including any of the following:
805 (a) a bed and breakfast establishment;
806 (b) a boarding house;
807 (c) a hotel;
808 (d) an inn;
809 (e) a lodging house;
810 (f) a motel;
811 (g) a resort; or
812 (h) a rooming house.
813 (6) "Minor" means an unemancipated person younger than 18 years of age.
814 Section 5. Section **32B-1-101** is enacted to read:
815 **TITLE 32B. ALCOHOLIC BEVERAGE CONTROL ACT**
816 **CHAPTER 1. ALCOHOLIC BEVERAGE CONTROL GENERAL PROVISIONS**
817 **Part 1. General Provisions**
818 **32B-1-101. Title.**
819 (1) This title is known as the "Alcoholic Beverage Control Act."
820 (2) This chapter is known as "Alcoholic Beverage Control General Provisions."
821 Section 6. Section **32B-1-102** is enacted to read:
822 **32B-1-102. Definitions.**
823 As used in this title:
824 (1) "Airport lounge" means a business location:
825 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
826 (b) that is located at an international airport with a United States Customs office on the
827 premises of the international airport.
828 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,
829 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
830 (3) "Alcoholic beverage" means the following:
831 (a) beer; or
832 (b) liquor.
833 (4) (a) "Alcoholic product" means a product that:

834 (i) contains at least .5% of alcohol by volume; and
835 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
836 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
837 in an amount equal to or greater than .5% of alcohol by volume.
838 (b) "Alcoholic product" includes an alcoholic beverage.
839 (c) "Alcoholic product" does not include any of the following common items that
840 otherwise come within the definition of an alcoholic product:
841 (i) except as provided in Subsection (4)(d), an extract;
842 (ii) vinegar;
843 (iii) cider;
844 (iv) essence;
845 (v) tincture;
846 (vi) food preparation; or
847 (vii) an over-the-counter medicine.
848 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
849 when it is used as a flavoring in the manufacturing of an alcoholic product.
850 (5) "Alcohol training and education seminar" means a seminar that is:
851 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and
852 (b) described in Section 62A-15-401.
853 (6) "Banquet" means an event:
854 (a) that is held at one or more designated locations approved by the commission in or
855 on the premises of a:
856 (i) hotel;
857 (ii) resort facility;
858 (iii) sports center; or
859 (iv) convention center;
860 (b) for which there is a contract:
861 (i) between a person operating a facility listed in Subsection (6)(a) and another person;
862 and
863 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to
864 provide an alcoholic product at the event; and

865 (c) at which food and alcoholic products may be sold, offered for sale, or furnished.
866 (7) (a) Subject to Subsection (7)(b), "bar" means a counter or similar structure:
867 (i) at which an alcoholic product is:
868 (A) stored; or
869 (B) dispensed; or
870 (ii) from which an alcoholic product is served.
871 (b) For purposes of a full-service restaurant license or a limited-service restaurant
872 license, "bar structure" means a surface or structure on the premises of a restaurant if on or at
873 any place of the surface or structure an alcoholic product is:
874 (i) stored; or
875 (ii) dispensed.
876 (8) (a) Subject to Subsection (8)(d), "beer" means a product that:
877 (i) contains at least .5% of alcohol by volume, but not more than 4% of alcohol by
878 volume or 3.2% by weight; and
879 (ii) is obtained by fermentation, infusion, or decoction of malted grain.
880 (b) "Beer" may or may not contain hops or other vegetable products.
881 (c) "Beer" includes a product that:
882 (i) contains alcohol in the percentages described in Subsection (8)(a); and
883 (ii) is referred to as:
884 (A) beer;
885 (B) ale;
886 (C) porter;
887 (D) stout;
888 (E) lager; or
889 (F) a malt or malted beverage.
890 (d) "Beer" does not include a flavored malt beverage.
891 (9) "Beer retailer" means a business:
892 (a) that is engaged, primarily or incidentally, in the retail sale of beer to a patron,
893 whether for consumption on or off the business premises; and
894 (b) to whom a license is issued:
895 (i) for an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-premise

896 Beer Retailer Local Authority; or
897 (ii) for an on-premise beer retailer, in accordance with Chapter 5, Retail License Act,
898 and Chapter 6, Part 7, On-Premise Beer Retailer License.
899 (10) "Beer wholesaling license" means a license:
900 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
901 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
902 retail licensees or off-premise beer retailers.
903 (11) "Billboard" means a public display used to advertise, including:
904 (a) a light device;
905 (b) a painting;
906 (c) a drawing;
907 (d) a poster;
908 (e) a sign;
909 (f) a signboard; or
910 (g) a scoreboard.
911 (12) "Brewer" means a person engaged in manufacturing:
912 (a) beer;
913 (b) heavy beer; or
914 (c) a flavored malt beverage.
915 (13) "Brewery manufacturing license" means a license issued in accordance with
916 Chapter 11, Part 5, Brewery Manufacturing License.
917 (14) "Certificate of approval" means a certificate of approval obtained from the
918 department under Subsection 32B-11-201(4).
919 (15) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
920 a bus company to a group of persons pursuant to a common purpose:
921 (a) under a single contract;
922 (b) at a fixed charge in accordance with the bus company's tariff; and
923 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
924 motor vehicle, and a driver to travel together to one or more specified destinations.
925 (16) "Church" means a building:
926 (a) set apart for worship;

927 (b) in which religious services are held;
928 (c) with which clergy is associated; and
929 (d) that is tax exempt under the laws of this state.
930 (17) (a) "Club license" means a license issued in accordance with Chapter 5, Retail
931 License Act, and Chapter 6, Part 4, Club License.
932 (b) "Club license" includes:
933 (i) a dining club license;
934 (ii) an equity club license;
935 (iii) a fraternal club license; or
936 (iv) a social club license.
937 (18) "Commission" means the Alcoholic Beverage Control Commission created in
938 Section 32B-2-201.
939 (19) "Commissioner" means a member of the commission.
940 (20) "Community location" means:
941 (a) a public or private school;
942 (b) a church;
943 (c) a public library;
944 (d) a public playground; or
945 (e) a public park.
946 (21) "Community location governing authority" means:
947 (a) the governing body of the community location; or
948 (b) if the commission does not know who is the governing body of a community
949 location, a person who appears to the commission to have been given on behalf of the
950 community location the authority to prohibit an activity at the community location.
951 (22) "Convention center" means a facility that is:
952 (a) in total at least 30,000 square feet; and
953 (b) otherwise defined as a "convention center" by the commission by rule.
954 (23) For purposes of a full-service restaurant license or limited-service restaurant
955 license:
956 (a) subject to Subsection (23)(b), "counter" means a surface or structure in a dining
957 area of a restaurant where seating is provided to a patron for service of food; and

958 (b) "counter" does not include a surface or structure if on or at any point of the surface
959 or structure an alcoholic product is:
960 (i) stored; or
961 (ii) dispensed.
962 (24) "Department" means the Department of Alcoholic Beverage Control created in
963 Section 32B-2-203.
964 (25) "Department compliance officer" means an individual who is:
965 (a) an auditor or inspector; and
966 (b) employed by the department.
967 (26) "Department sample" means liquor that is placed in the possession of the
968 department for testing, analysis, and sampling.
969 (27) "Dining club license" means a license issued in accordance with Chapter 5, Retail
970 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a
971 dining club license.
972 (28) "Director," unless the context requires otherwise, means the director of the
973 department.
974 (29) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
975 title:
976 (a) against a person subject to administrative action; and
977 (b) that is brought on the basis of a violation of this title.
978 (30) For purposes of a full-service restaurant license or a limited-service restaurant
979 license, "dispense" means:
980 (a) drawing of an alcoholic product:
981 (i) from an area where it is stored; or
982 (ii) as provided in Subsection 32B-6-205(12)(b)(ii) or 32B-6-305(12)(b)(ii); and
983 (b) using the alcoholic product described in Subsection (29)(a) on the premises of the
984 restaurant to mix or prepare an alcoholic product to be furnished to a patron of the restaurant.
985 (31) "Distillery manufacturing license" means a license issued in accordance with
986 Chapter 11, Part 4, Distillery Manufacturing License.
987 (32) "Distressed merchandise" means an alcoholic product in the possession of the
988 department that is saleable, but for some reason is unappealing to the public.

989 (33) "Educational facility" includes:
990 (a) a nursery school;
991 (b) an infant day care center; and
992 (c) a trade and technical school.
993 (34) "Equity club license" means a license issued in accordance with Chapter 5, Retail
994 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as an
995 equity club license.
996 (35) "Event permit" means:
997 (a) a single event permit; or
998 (b) a temporary beer event permit.
999 (36) (a) "Flavored malt beverage" means a beverage:
1000 (i) that contains at least .5% alcohol by volume;
1001 (ii) that is treated by processing, filtration, or another method of manufacture that is not
1002 generally recognized as a traditional process in the production of a beer as described in 27
1003 C.F.R. Sec. 25.55;
1004 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop
1005 extract; and
1006 (iv) (A) for which the producer is required to file a formula for approval with the
1007 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or
1008 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.
1009 (b) "Flavored malt beverage" is considered liquor for purposes of this title.
1010 (37) "Fraternal club license" means a license issued in accordance with Chapter 5,
1011 Retail License Act, and Chapter 6, Part 4, Club License, that is designated by the commission
1012 as a fraternal club license.
1013 (38) "Full-service restaurant license" means a license issued in accordance with
1014 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-service Restaurant License.
1015 (39) (a) "Furnish" means by any means to provide with, supply, or give an individual
1016 an alcoholic product, by sale or otherwise.
1017 (b) "Furnish" includes to:
1018 (i) serve;
1019 (ii) deliver; or

1020 (iii) otherwise make available.
1021 (40) "Guest" means an individual who meets the requirements of Subsection
1022 32B-6-407(9).
1023 (41) "Health care practitioner" means:
1024 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1025 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
1026 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
1027 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapist
1028 Practice Act;
1029 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
1030 Nurse Practice Act;
1031 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
1032 Practice Act;
1033 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
1034 Therapy Practice Act;
1035 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
1036 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
1037 Professional Practice Act;
1038 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
1039 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
1040 Practice Act;
1041 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
1042 Hygienist Practice Act; and
1043 (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.
1044 (42) (a) "Heavy beer" means a product that:
1045 (i) contains more than 4% alcohol by volume; and
1046 (ii) is obtained by fermentation, infusion, or decoction of malted grain.
1047 (b) "Heavy beer" is considered liquor for the purposes of this title.
1048 (43) "Hotel" is as defined by the commission by rule.
1049 (44) "Identification card" means an identification card issued under Title 53, Chapter 3,
1050 Part 8, Identification Card Act.

1051 (45) "Industry representative" means an individual who is compensated by salary,
1052 commission, or other means for representing and selling an alcoholic product of a
1053 manufacturer, supplier, or importer of liquor.
1054 (46) "Industry representative sample" means liquor that is placed in the possession of
1055 the department for testing, analysis, and sampling by a local industry representative on the
1056 premises of the department to educate the local industry representative of the quality and
1057 characteristics of the product.
1058 (47) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing
1059 of an alcoholic product is prohibited by:
1060 (a) law; or
1061 (b) court order.
1062 (48) "Intoxicated" means that a person:
1063 (a) is significantly impaired as to the person's mental or physical functions as a result of
1064 the use of:
1065 (i) an alcoholic product;
1066 (ii) a controlled substance;
1067 (iii) a substance having the property of releasing toxic vapors; or
1068 (iv) a combination of Subsections (48)(a)(i) through (iii); and
1069 (b) exhibits plain and easily observed outward manifestations of behavior or physical
1070 signs produced by the over consumption of an alcoholic product.
1071 (49) "Investigator" means an individual who is:
1072 (a) a department compliance officer; or
1073 (b) a nondepartment enforcement officer.
1074 (50) "Invitee" is as defined in Section 32B-8-102.
1075 (51) "License" means:
1076 (a) a retail license;
1077 (b) a license issued in accordance with Chapter 11, Manufacturing and Related
1078 Licenses Act;
1079 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
1080 or
1081 (d) a license issued in accordance with Chapter 13, Beer Wholesaling License Act.

1082 (52) "Licensee" means a person who holds a license.
1083 (53) "Limited-service restaurant license" means a license issued in accordance with
1084 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-service Restaurant License.
1085 (54) "Limousine" means a motor vehicle licensed by the state or a local authority, other
1086 than a bus or taxicab:
1087 (a) in which the driver and a passenger are separated by a partition, glass, or other
1088 barrier;
1089 (b) that is provided by a business entity to one or more individuals at a fixed charge in
1090 accordance with the business entity's tariff; and
1091 (c) to give the one or more individuals the exclusive use of the limousine and a driver
1092 to travel to one or more specified destinations.
1093 (55) (a) (i) "Liquor" means a liquid that:
1094 (A) is:
1095 (I) alcohol;
1096 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
1097 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
1098 (IV) other drink or drinkable liquid; and
1099 (B) (I) contains at least .5% alcohol by volume; and
1100 (II) is suitable to use for beverage purposes.
1101 (ii) "Liquor" includes:
1102 (A) heavy beer;
1103 (B) wine; and
1104 (C) a flavored malt beverage.
1105 (b) "Liquor" does not include beer.
1106 (56) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
1107 (57) "Liquor warehousing license" means a license that is issued:
1108 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
1109 (b) to a person, other than a licensed manufacturer, who engages in the importation for
1110 storage, sale, or distribution of liquor regardless of amount.
1111 (58) "Local authority" means:
1112 (a) for premises that are located in an unincorporated area of a county, the governing

1113 body of a county; or
1114 (b) for premises that are located in an incorporated city or a town, the governing body
1115 of the city or town.
1116 (59) "Lounge or bar area" is as defined by rule made by the commission.
1117 (60) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
1118 otherwise make an alcoholic product for personal use or for sale or distribution to others.
1119 (61) "Member" means an individual who, after paying regular dues, has full privileges
1120 in an equity club licensee or fraternal club licensee.
1121 (62) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
1122 or homeport facility for a ship:
1123 (i) (A) under the control of the United States Department of Defense; or
1124 (B) of the National Guard;
1125 (ii) that is located within the state; and
1126 (iii) including a leased facility.
1127 (b) "Military installation" does not include a facility used primarily for:
1128 (i) civil works;
1129 (ii) a rivers and harbors project; or
1130 (iii) a flood control project.
1131 (63) "Minor" means an individual under the age of 21 years.
1132 (64) "Nondepartment enforcement agency" means an agency that:
1133 (a) (i) is a state agency other than the department; or
1134 (ii) is an agency of a county, city, or town; and
1135 (b) has a responsibility to enforce one or more provisions of this title.
1136 (65) "Nondepartment enforcement officer" means an individual who is:
1137 (a) a peace officer, examiner, or investigator; and
1138 (b) employed by a nondepartment enforcement agency.
1139 (66) (a) "Off-premise beer retailer" means a beer retailer who is:
1140 (i) licensed in accordance with Chapter 7, Part 2, Off-premise Beer Retailer Local
1141 Authority; and
1142 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
1143 premises.

1144 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
1145 (67) "On-premise banquet license" means a license issued in accordance with Chapter
1146 5, Retail License Act, and Chapter 6, Part 6, On-premise Banquet License.
1147 (68) "On-premise beer retailer" means a beer retailer who is:
1148 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
1149 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-premise Beer
1150 License; and
1151 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
1152 premises, regardless of whether the beer retailer sells beer for consumption off the licensed
1153 premises.
1154 (69) "Package" means any of the following containing an alcoholic product:
1155 (a) a container;
1156 (b) a bottle;
1157 (c) a vessel; or
1158 (d) other receptacle.
1159 (70) "Package agency" means a retail liquor location operated:
1160 (a) under an agreement with the department; and
1161 (b) by a person:
1162 (i) other than the state; and
1163 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
1164 Agency, to sell packaged liquor for consumption off the premises of the package agency.
1165 (71) "Package agent" means a person who holds a package agency.
1166 (72) "Patron" means an individual to whom food, beverages, or services are sold,
1167 offered for sale, or furnished, or who consumes an alcoholic product including:
1168 (a) a customer;
1169 (b) a member;
1170 (c) a guest;
1171 (d) an attendee of a banquet or event;
1172 (e) an individual who receives room service;
1173 (f) a resident of a resort;
1174 (g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;

1175 or
1176 (h) an invitee.
1177 (73) "Permittee" means a person issued a permit under:
1178 (a) Chapter 9, Event Permit Act; or
1179 (b) Chapter 10, Special Use Permit Act.
1180 (74) "Person subject to administrative action" means:
1181 (a) a licensee;
1182 (b) a permittee;
1183 (c) a manufacturer;
1184 (d) a supplier;
1185 (e) an importer;
1186 (f) an out-of-state brewer holding a certificate of approval; or
1187 (g) staff of:
1188 (i) a person listed in Subsections (74)(a) through (g); or
1189 (ii) a package agent.
1190 (75) "Premises" means a building, enclosure, or room used in connection with the
1191 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
1192 unless otherwise defined in this title or rules made by the commission.
1193 (76) "Prescription" means an order issued by a health care practitioner when:
1194 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
1195 to prescribe a controlled substance, other drug, or device for medicinal purposes;
1196 (b) the order is made in the course of that health care practitioner's professional
1197 practice; and
1198 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
1199 (77) (a) "Private event" means a specific social, business, or recreational event:
1200 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
1201 group; and
1202 (ii) that is limited in attendance to people who are specifically designated and their
1203 guests.
1204 (b) "Private event" does not include an event to which the general public is invited,
1205 whether for an admission fee or not.

1206 (78) (a) "Proof of age" means:
1207 (i) an identification card;
1208 (ii) an identification that:
1209 (A) is substantially similar to an identification card;
1210 (B) is issued in accordance with the laws of a state other than Utah in which the
1211 identification is issued;
1212 (C) includes date of birth; and
1213 (D) has a picture affixed;
1214 (iii) a valid driver license certificate that:
1215 (A) includes date of birth;
1216 (B) has a picture affixed; and
1217 (C) is issued:
1218 (I) under Title 53, Chapter 3, Uniform Driver License Act; or
1219 (II) in accordance with the laws of the state in which it is issued;
1220 (iv) a military identification card that:
1221 (A) includes date of birth; and
1222 (B) has a picture affixed; or
1223 (v) a valid passport.
1224 (b) "Proof of age" does not include a driving privilege card issued in accordance with
1225 Section 53-3-207.
1226 (79) (a) "Public building" means a building or permanent structure that is:
1227 (i) owned or leased by:
1228 (A) the state; or
1229 (B) a local government entity; and
1230 (ii) used for:
1231 (A) public education;
1232 (B) transacting public business; or
1233 (C) regularly conducting government activities.
1234 (b) "Public building" does not include a building owned by the state or a local
1235 government entity when the building is used by a person, in whole or in part, for a proprietary
1236 function.

1237 (80) "Public conveyance" means a conveyance to which the public or a portion of the
1238 public has access to and a right to use for transportation, including an airline, railroad, bus,
1239 boat, or other public conveyance.
1240 (81) (a) "Record" means information that is:
1241 (i) inscribed on a tangible medium; or
1242 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
1243 (b) "Record" includes:
1244 (i) a book;
1245 (ii) a book of account;
1246 (iii) a paper;
1247 (iv) a contract;
1248 (v) an agreement;
1249 (vi) a document; or
1250 (vii) a recording in any medium.
1251 (82) "Residence" means a person's principal place of abode within Utah.
1252 (83) "Resident," in relation to a resort, is as defined in Section 32B-8-102.
1253 (84) "Resort" is as defined in Section 32B-8-102.
1254 (85) "Resort facility" is as defined by the commission by rule.
1255 (86) "Resort license" means a license issued in accordance with Chapter 5, Retail
1256 License Act, and Chapter 8, Resort License Act.
1257 (87) "Restaurant" means a business location:
1258 (a) at which a variety of foods are prepared;
1259 (b) at which complete meals are served to the general public; and
1260 (c) that is engaged primarily in serving meals to the general public.
1261 (88) "Retail license" means one of the following licenses issued under this title:
1262 (a) a full-service restaurant license;
1263 (b) a limited-service restaurant license;
1264 (c) a club license;
1265 (d) an airport lounge license;
1266 (e) an on-premise banquet license; or
1267 (f) an on-premise beer license.

1268 (89) "Room service" means furnishing an alcoholic product to a person in a guest room
1269 of a:
1270 (a) hotel; or
1271 (b) resort facility.
1272 (90) "Serve" means to place an alcoholic product before an individual.
1273 (91) (a) "School" means a building used primarily for the general education of minors.
1274 (b) "School" does not include an educational facility.
1275 (92) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
1276 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
1277 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
1278 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
1279 made by the commission.
1280 (93) "Sexually oriented entertainer" means a person who while in a state of seminudity
1281 appears at or performs:
1282 (a) for the entertainment of one or more patrons;
1283 (b) on the premises of:
1284 (i) a social club licensee; or
1285 (ii) a tavern;
1286 (c) on behalf of or at the request of the licensee described in Subsection (93)(b);
1287 (d) on a contractual or voluntary basis; and
1288 (e) whether or not the person is designated as:
1289 (i) an employee;
1290 (ii) an independent contractor;
1291 (iii) an agent of the licensee; or
1292 (iv) a different type of classification.
1293 (94) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
1294 Single Event Permit.
1295 (95) "Small brewer" means a brewer who manufactures less than 60,000 barrels of
1296 beer, heavy beer, and flavored malt beverages per year.
1297 (96) "Social club license" means a license issued in accordance with Chapter 5, Retail
1298 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a

1299 social club license.
1300 (97) "Special use permit" means a permit issued in accordance with Chapter 10,
1301 Special Use Permit Act.
1302 (98) (a) "Spirituous liquor" means liquor that is distilled.
1303 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
1304 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.
1305 (99) "Sports center" is as defined by the commission by rule.
1306 (100) (a) "Staff" means an individual who engages in activity governed by this title:
1307 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
1308 holder;
1309 (ii) at the request of the business, including a package agent, licensee, permittee, or
1310 certificate holder; or
1311 (iii) under the authority of the business, including a package agent, licensee, permittee,
1312 or certificate holder.
1313 (b) "Staff" includes:
1314 (i) an officer;
1315 (ii) a director;
1316 (iii) an employee;
1317 (iv) personnel management;
1318 (v) an agent of the licensee, including a managing agent;
1319 (vi) an operator; or
1320 (vii) a representative.
1321 (101) "State of nudity" means:
1322 (a) the appearance of:
1323 (i) the nipple or areola of a female human breast;
1324 (ii) a human genital;
1325 (iii) a human pubic area; or
1326 (iv) a human anus; or
1327 (b) a state of dress that fails to opaquely cover:
1328 (i) the nipple or areola of a female human breast;
1329 (ii) a human genital;

1330 (iii) a human pubic area; or
1331 (iv) a human anus.
1332 (102) "State of seminudity" means a state of dress in which opaque clothing covers no
1333 more than:
1334 (a) the nipple and areola of the female human breast in a shape and color other than the
1335 natural shape and color of the nipple and areola; and
1336 (b) the human genitals, pubic area, and anus:
1337 (i) with no less than the following at its widest point:
1338 (A) four inches coverage width in the front of the human body; and
1339 (B) five inches coverage width in the back of the human body; and
1340 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
1341 (103) (a) "State store" means a facility for the sale of packaged liquor:
1342 (i) located on premises owned or leased by the state; and
1343 (ii) operated by a state employee.
1344 (b) "State store" does not include:
1345 (i) a package agency;
1346 (ii) a licensee; or
1347 (iii) a permittee.
1348 (104) For purposes of a full-service restaurant license or a limited-service restaurant
1349 license:
1350 (a) "Storage area" means an area on licensed premises where the licensee stores an
1351 alcoholic product.
1352 (b) "Store" means to place or maintain in a location an alcoholic product from which a
1353 person draws to prepare an alcoholic product to be furnished to a patron of the restaurant,
1354 except as provided in Subsection 32B-6-205(12)(b)(ii) or 32B-6-305(12)(b)(ii).
1355 (105) "Sublicense" is as defined in Section 32B-8-102.
1356 (106) "Supplier" means a person who sells an alcoholic product to the department.
1357 (107) "Tavern" means an on-premise beer retailer who is:
1358 (a) issued a license by the commission in accordance with Chapter 5, Retail License
1359 Act, and Chapter 6, Part 7, On-premise Beer Retailer License; and
1360 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,

1361 On-premise Beer Retailer License.
1362 (108) "Temporary beer event permit" means a permit issued in accordance with
1363 Chapter 9, Part 4, Temporary Beer Event Permit.
1364 (109) "Temporary domicile" means the principal place of abode within Utah of a
1365 person who does not have a present intention to continue residency within Utah permanently or
1366 indefinitely.
1367 (110) "Unsaleable liquor merchandise" means a package that:
1368 (a) is unsaleable because the package is:
1369 (i) unlabeled;
1370 (ii) leaky;
1371 (iii) damaged;
1372 (iv) difficult to open; or
1373 (v) partly filled;
1374 (b) (i) has faded labels or defective caps or corks;
1375 (ii) has contents that are:
1376 (A) cloudy;
1377 (B) spoiled; or
1378 (C) chemically determined to be impure; or
1379 (iii) contains:
1380 (A) sediment; or
1381 (B) a foreign substance; or
1382 (c) is otherwise considered by the department as unfit for sale.
1383 (111) (a) "Wine" means an alcoholic product obtained by the fermentation of the
1384 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
1385 another ingredient is added.
1386 (b) "Wine" is considered liquor for purposes of this title, except as otherwise provided
1387 in this title.
1388 (112) "Winery manufacturing license" means a license issued in accordance with
1389 Chapter 11, Part 3, Winery Manufacturing License.
1390 Section 7. Section **32B-1-103** is enacted to read:
1391 **32B-1-103. Policy.**

1392 The policies of the state are as follows:
1393 (1) This title shall be administered in a manner that is nonpartisan and free of partisan
1394 political influence.
1395 (2) Alcoholic product control shall be operated as a public business using sound
1396 management principles and practices. This public business shall:
1397 (a) be governed by a commission;
1398 (b) be operated by a department; and
1399 (c) function with the intent of servicing the public demand for alcoholic products.
1400 (3) The commission and department may not promote or encourage the sale or
1401 consumption of alcoholic products.
1402 (4) The commission shall conduct, license, and regulate the sale of alcoholic products
1403 in a manner and at prices that:
1404 (a) reasonably satisfy the public demand and protect the public interest, including the
1405 rights of citizens who do not wish to be involved with alcoholic products; and
1406 (b) will promote the reduction of the harmful effects of:
1407 (i) over consumption of alcoholic products by adults; and
1408 (ii) consumption of alcoholic products by minors.
1409 Section 8. Section **32B-1-104** is enacted to read:
1410 **32B-1-104. Exercise of police powers -- Severability.**
1411 (1) This title is an exercise of the police powers of the state for the protection of the
1412 public health, peace, safety, welfare, and morals and regulates the storage, sale, offer for sale,
1413 furnishing, consumption, manufacture, and distribution of an alcoholic product. This title
1414 governs alcoholic product control unless otherwise provided in this title.
1415 (2) If a provision of this title or the application of a provision to a person or
1416 circumstance is held invalid, the remainder of this title shall be given effect without the invalid
1417 provision or application. The provisions of this title are severable.
1418 Section 9. Section **32B-1-201** is enacted to read:
1419 **Part 2. Miscellaneous Provisions**
1420 **32B-1-201. Determining population.**
1421 For purposes of determining the number of state stores that the commission may
1422 establish or the number of package agencies or retail licenses that the commission may issue,

1423 the commission shall determine population by:
1424 (1) the most recent United States decennial or special census; or
1425 (2) another population determination made by the United States or state governments.
1426 Section 10. Section **32B-1-202** is enacted to read:
1427 **32B-1-202. Proximity to community location.**
1428 (1) For purposes of this section, "outlet" means:
1429 (a) a state store;
1430 (b) a package agency; or
1431 (c) a retail licensee, except an airport lounge licensee.
1432 (2) Except as otherwise provided in this section, the premises of an outlet may not be
1433 located:
1434 (a) within 600 feet of a community location, as measured from the nearest entrance of
1435 the outlet by following the shortest route of ordinary pedestrian travel to the property boundary
1436 of the community location; or
1437 (b) within 200 feet of a community location, measured in a straight line from the
1438 nearest entrance of the outlet to the nearest property boundary of the community location.
1439 (3) With respect to the location of an outlet, the commission may authorize a variance
1440 to reduce the proximity requirement of Subsection (2) if:
1441 (a) when the variance reduces the proximity requirement of Subsection (2)(b), the
1442 community location at issue is:
1443 (i) a public library; or
1444 (ii) a public park;
1445 (b) except with respect to a state store, the local authority gives its written consent to
1446 the variance;
1447 (c) the commission finds that alternative locations for locating that type of outlet in the
1448 community are limited;
1449 (d) a public hearing is held in the city, town, or county, and when practical in the
1450 neighborhood concerned;
1451 (e) after giving full consideration to the attending circumstances and the policies stated
1452 in Subsections 32B-1-103(3) and (4), the commission determines that locating the outlet in that
1453 location would not be detrimental to the public health, peace, safety, and welfare of the

1454 community;
1455 (f) (i) the community location governing authority gives its written consent to the
1456 variance; or
1457 (ii) the community location governing authority does not give its written consent to a
1458 variance, the commission finds the following for a state store, or if the outlet is a package
1459 agency or retail licensee, the commission finds that the applicant establishes the following:
1460 (A) there is substantial unmet public demand to consume an alcoholic product:
1461 (I) within the geographic boundary of the local authority in which the outlet is to be
1462 located; and
1463 (II) for an outlet that is a retail licensee, in a public setting;
1464 (B) there is no reasonably viable alternative for satisfying the substantial unmet
1465 demand other than through locating that type of outlet in that location; and
1466 (C) there is no reasonably viable alternative location within the geographic boundary of
1467 the local authority in which the outlet is to be located for locating that type of outlet to satisfy
1468 the unmet demand.
1469 (4) With respect to the premises of a package agency or retail licensee that undergoes a
1470 change of ownership, the commission may waive or vary the proximity requirements of
1471 Subsection (2)(a) in considering whether to issue the package agency or same type of retail
1472 license to the new owner of the premises if:
1473 (a) the premises previously received a variance reducing the proximity requirement of
1474 Subsection (2)(a);
1475 (b) the premises received a variance reducing the proximity requirement of Subsection
1476 (2)(b) on or before May 4, 2008; or
1477 (c) a variance from proximity requirements was otherwise allowed under this title.
1478 (5) Nothing in this section prevents the commission from considering the proximity of
1479 an educational, religious, and recreational facility, or any other relevant factor in reaching a
1480 decision on a proposed location of an outlet.
1481 Section 11. Section **32B-1-203** is enacted to read:
1482 **32B-1-203. Licensee compliance with other laws.**
1483 (1) A licensee and a person applying for a license shall comply with the applicable
1484 federal and state laws pertaining to payment of taxes and contributions to unemployment and

1485 insurance funds to which the licensee or person may be subject.
1486 (2) The commission:
1487 (a) may not issue a license to a person who violates this section; and
1488 (b) may not renew, suspend, or revoke the license of a licensee who violates this
1489 section.
1490 Section 12. Section **32B-1-204** is enacted to read:
1491 **32B-1-204. Powers of local authority.**
1492 (1) If this title expressly addresses an issue related to alcoholic product control in this
1493 state, a local authority may not regulate in relation to that issue except when a local authority is
1494 expressly granted regulatory authority to regulate the issue by this title.
1495 (2) If this title does not expressly address an issue related to alcoholic product control,
1496 a local authority may regulate that issue if the regulation:
1497 (a) is of the sale, offer for sale, furnishing, or consumption of an alcoholic product; and
1498 (b) does not conflict with this title.
1499 Section 13. Section **32B-1-205** is enacted to read:
1500 **32B-1-205. Falsifying or taking other actions with records prohibited.**
1501 (1) A person required to make or maintain a record under this title or rules of the
1502 commission, or a person acting for that person, may not knowingly forge, falsify, alter, cancel,
1503 destroy, conceal, or remove the record for the purpose of deceiving the commission, a
1504 commissioner, the director, the department, a department employee, or a law enforcement
1505 officer.
1506 (2) A violation of this section may result in:
1507 (a) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
1508 Enforcement Act, if the person who violates this section is a person subject to administrative
1509 action; or
1510 (b) criminal prosecution if the violation is a criminal offense under Chapter 4, Criminal
1511 Offenses and Procedure Act.
1512 Section 14. Section **32B-1-301** is enacted to read:
1513 **Part 3. Qualifications and Background**
1514 **32B-1-301. Title.**
1515 This part is known as "Qualifications and Background."

1516 Section 15. Section **32B-1-302** is enacted to read:
1517 **32B-1-302. Definitions.**
1518 Reserved
1519 Section 16. Section **32B-1-303** is enacted to read:
1520 **32B-1-303. Qualifications related to employment with the department.**
1521 (1) The department may not employ a person if that person has been convicted of:
1522 (a) a felony under a federal law or state law;
1523 (b) a violation of a federal law, state law, or local ordinance concerning the sale, offer
1524 for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
1525 product;
1526 (c) a crime involving moral turpitude; or
1527 (d) on two or more occasions within the five years before the day on which the
1528 department employs the person, driving under the influence of alcohol, drugs, or the combined
1529 influence of alcohol and drugs.
1530 (2) The director may terminate a department employee or take other disciplinary action
1531 consistent with Title 67, Chapter 19, Utah State Personnel Management Act, if:
1532 (a) after the day on which the department employs the department employee, the
1533 department employee is found to have been convicted of an offense described in Subsection (1)
1534 before being employed by the department; or
1535 (b) on or after the day on which the department employs the department employee, the
1536 department employee:
1537 (i) is convicted of an offense described in Subsection (1)(a), (b), or (c); or
1538 (ii) (A) is convicted of driving under the influence of alcohol, drugs, or the combined
1539 influence of alcohol and drugs; and
1540 (B) was convicted of driving under the influence of alcohol, drugs, or the combined
1541 influence of alcohol and drugs within five years before the day on which the person is
1542 convicted of the offense described in Subsection (2)(b)(ii)(A).
1543 (3) The director may immediately suspend a department employee for the period
1544 during which a criminal matter is being adjudicated if the department employee:
1545 (a) is arrested on a charge for an offense described in Subsection (1)(a), (b), or (c); or
1546 (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol,

1547 drugs, or the combined influence of alcohol and drugs; and
1548 (ii) was convicted of driving under the influence of alcohol, drugs, or the combined
1549 influence of alcohol and drugs within five years before the day on which the person is arrested
1550 on a charge described in Subsection (3)(b)(i).
1551 Section 17. Section **32B-1-304** is enacted to read:
1552 **32B-1-304. Qualifications for a package agency, license, or permit -- Minors.**
1553 (1) (a) The commission may not issue a package agency, license, or permit to a person
1554 who has been convicted of:
1555 (i) a felony under a federal law or state law;
1556 (ii) a violation of a federal law, state law, or local ordinance concerning the sale, offer
1557 for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
1558 product;
1559 (iii) a crime involving moral turpitude; or
1560 (iv) on two or more occasions within the five years before the day on which the
1561 package agency, license, or permit is issued, driving under the influence of alcohol, drugs, or
1562 the combined influence of alcohol and drugs.
1563 (b) If the person is a partnership, corporation, or limited liability company, the
1564 proscription under Subsection (1)(a) applies if any of the following has been convicted of an
1565 offense described in Subsection (1)(a):
1566 (i) a partner;
1567 (ii) a managing agent;
1568 (iii) a manager;
1569 (iv) an officer;
1570 (v) a director;
1571 (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of
1572 the corporation; or
1573 (vii) a member who owns at least 20% of the limited liability company.
1574 (c) The proscription under Subsection (1)(a) applies if a person who is employed to act
1575 in a supervisory or managerial capacity for a package agency, licensee, or permittee has been
1576 convicted of an offense described in Subsection (1)(a).
1577 (2) The commission may immediately suspend or revoke a package agency, license, or

1578 permit, and terminate a package agency agreement, if a person described in Subsection (1):
1579 (a) after the day on which the package agency, license, or permit is issued, is found to
1580 have been convicted of an offense described in Subsection (1)(a) before the package agency,
1581 license, or permit is issued; or
1582 (b) on or after the day on which the package agency, license, or permit is issued:
1583 (i) is convicted of an offense described in Subsection (1)(a)(i), (ii), or (iii); or
1584 (ii) (A) is convicted of driving under the influence of alcohol, drugs, or the combined
1585 influence of alcohol and drugs; and
1586 (B) was convicted of driving under the influence of alcohol, drugs, or the combined
1587 influence of alcohol and drugs within five years before the day on which the person is
1588 convicted of the offense described in Subsection (2)(b)(ii)(A).
1589 (3) The director may take emergency action by immediately suspending the operation
1590 of the package agency, licensee, or permittee for the period during which a criminal matter is
1591 being adjudicated if a person described in Subsection (1):
1592 (a) is arrested on a charge for an offense described in Subsection (1)(a)(i), (ii), or (iii);
1593 or
1594 (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol,
1595 drugs, or the combined influence of alcohol and drugs; and
1596 (ii) was convicted of driving under the influence of alcohol, drugs, or the combined
1597 influence of alcohol and drugs within five years before the day on which the person is arrested
1598 on a charge described in Subsection (3)(b)(i).
1599 (4) (a) (i) The commission may not issue a package agency, license, or permit to a
1600 person who has had any type of agency, license, or permit issued under this title revoked within
1601 the last three years.
1602 (ii) The commission may not issue a package agency, license, or permit to a
1603 partnership, corporation, or limited liability company if a partner, managing agent, manager,
1604 officer, director, stockholder who holds at least 20% of the total issued and outstanding stock
1605 of the corporation, or member who owns at least 20% of the limited liability company is or
1606 was:
1607 (A) a partner or managing agent of a partnership that had any type of agency, license,
1608 or permit issued under this title revoked within the last three years;

1609 (B) a managing agent, officer, director, or stockholder who holds or held at least 20%
1610 of the total issued and outstanding stock of any corporation that had any type of agency,
1611 license, or permit issued under this title revoked within the last three years; or
1612 (C) a manager or member who owns or owned at least 20% of a limited liability
1613 company that had any type of agency, license, or permit issued under this title revoked within
1614 the last three years.
1615 (b) The commission may not issue a package agency, licence, or permit to a
1616 partnership, corporation, or limited liability company if any of the following had any type of
1617 agency, license, or permit issued under this title revoked while acting in that person's individual
1618 capacity within the last three years:
1619 (i) a partner or managing agent of a partnership;
1620 (ii) a managing agent, officer, director, or stockholder who holds at least 20% of the
1621 total issued and outstanding stock of a corporation; or
1622 (iii) a manager or member who owns at least 20% of a limited liability company.
1623 (c) The commission may not issue a package agency, license, or permit to a person
1624 acting in an individual capacity if that person was:
1625 (i) a partner or managing agent of a partnership that had any type of agency, license, or
1626 permit issued under this title revoked within the last three years;
1627 (ii) a managing agent, officer, director, or stockholder who held at least 20% of the
1628 total issued and outstanding stock of a corporation that had any type of agency, license, or
1629 permit issued under this title revoked within the last three years; or
1630 (iii) a manager or member who owned at least 20% of the limited liability company
1631 that had any type of agency, license, or permit issued under this title revoked within the last
1632 three years.
1633 (5) (a) The commission may not issue a package agency, license, or permit to a minor.
1634 (b) The commission may not issue a package agency, license, or permit to a
1635 partnership, corporation, or limited liability company if any of the following is a minor:
1636 (i) a partner or managing agent of the partnership;
1637 (ii) a managing agent, officer, director, or stockholder who holds at least 20% of the
1638 total issued and outstanding stock of the corporation; or
1639 (iii) a manager or member who owns at least 20% of the limited liability company.

1640 (6) If a package agent, licensee, or permittee no longer possesses the qualifications
1641 required by this title for obtaining a package agency, license, or permit, the commission may
1642 terminate the package agency agreement, or revoke the license or permit.
1643 Section 18. Section **32B-1-305** is enacted to read:
1644 **32B-1-305. Requirement for a criminal background check.**
1645 (1) The department shall require an individual listed in Subsection (2) to, in accordance
1646 with this part:
1647 (a) submit a fingerprint card in a form acceptable to the department; and
1648 (b) consent to a fingerprint criminal background check by:
1649 (i) the Utah Bureau of Criminal Identification; and
1650 (ii) the Federal Bureau of Investigation.
1651 (2) The following shall comply with Subsection (1):
1652 (a) an individual applying for employment with the department if:
1653 (i) the department makes the decision to offer the individual employment with the
1654 department; and
1655 (ii) once employed, the individual will receive benefits;
1656 (b) an individual applying to the commission to operate a package agency;
1657 (c) an individual applying to the commission for a license;
1658 (d) an individual who with regard to an entity that is applying to the commission to
1659 operate a package agency or for a license is:
1660 (i) a partner;
1661 (ii) a managing agent;
1662 (iii) a manager;
1663 (iv) an officer;
1664 (v) a director;
1665 (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of a
1666 corporation;
1667 (vii) a member who owns at least 20% of a limited liability company; or
1668 (viii) an individual employed to act in a supervisory or managerial capacity; or
1669 (e) an individual who becomes involved with an entity that operates a package agency
1670 or holds a license, if the individual is in a capacity listed in Subsection (2)(d) on or after the day

1671 on which the entity:
1672 (i) is approved to operate a package agency; or
1673 (ii) is licensed by the commission.
1674 (3) The department shall require compliance with Subsection (2)(e) as a condition of
1675 an entity's:
1676 (a) continued operation of a package agency; or
1677 (b) renewal of a license.
1678 (4) The department may require as a condition of continued employment that a
1679 department employee:
1680 (a) submit a fingerprint card in a form acceptable to the department; and
1681 (b) consent to a fingerprint criminal background check by:
1682 (i) the Utah Bureau of Criminal Identification; and
1683 (ii) the Federal Bureau of Investigation.
1684 Section 19. Section **32B-1-306** is enacted to read:
1685 **32B-1-306. Use of information from a criminal background check.**
1686 The commission or department may use information obtained pursuant to Section
1687 32B-1-305 only for one or more of the following purposes:
1688 (1) enforcing this title;
1689 (2) determining whether an individual is convicted of any of the following offenses
1690 that disqualify the individual under this title from acting in a capacity described in Subsection
1691 32B-1-305(2):
1692 (a) a felony under federal law or state law;
1693 (b) a violation of a federal law, state law, or local ordinance concerning the sale, offer
1694 for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
1695 product;
1696 (c) a crime involving moral turpitude; or
1697 (d) on two or more occasions within the previous five years, driving under the
1698 influence of alcohol, drugs, or the combined influence of alcohol and drugs;
1699 (3) determining whether an individual fails to accurately disclose the person's criminal
1700 history on an application or document filed with the department or commission;
1701 (4) approving or denying an application for employment with the department;

1702 (5) taking disciplinary action against a department employee, including possible
1703 termination of employment;
1704 (6) issuing or denying an application to operate a package agency;
1705 (7) issuing or denying an application for a license;
1706 (8) issuing or denying the renewal of a package agency agreement;
1707 (9) issuing or denying the renewal of a license;
1708 (10) suspending the operation of a package agency;
1709 (11) terminating a package agency contract; or
1710 (12) suspending or revoking a license.
1711 Section 20. Section **32B-1-307** is enacted to read:
1712 **32B-1-307. Criminal background check procedure.**
1713 (1) (a) An individual described in Subsections 32B-1-305(2)(b) through (e) shall
1714 submit a fingerprint card at the expense of the individual.
1715 (b) The department shall pay the expense of obtaining a fingerprint card required of:
1716 (i) an individual applying for employment with the department; or
1717 (ii) a department employee.
1718 (2) (a) The department shall obtain information from a criminal history record
1719 maintained by the Utah Bureau of Criminal Identification pursuant to Title 53, Chapter 10, Part
1720 2, Bureau of Criminal Identification, for a purpose outlined in Section 32B-1-306.
1721 (b) An individual described in Subsections 32B-1-305(2)(b) through (e) shall pay to the
1722 department the expense of obtaining the criminal history record described in Subsection (2)(a).
1723 (c) The department shall pay the expense of obtaining the criminal history record
1724 required for:
1725 (i) an individual applying for employment with the department; or
1726 (ii) a department employee.
1727 (3) (a) The department shall submit a fingerprint card obtained under Section
1728 32B-1-305 of an individual who has not resided in the state for at least two years before the day
1729 on which the fingerprint card is submitted to the Utah Bureau of Criminal Identification to be
1730 forwarded to the Federal Bureau of Investigation for a nationwide criminal history record
1731 check.
1732 (b) An individual described in Subsections 32B-1-305(2)(b) through (e) shall pay to the

1733 department the expense of obtaining the criminal history record described in Subsection (3)(a).
1734 (c) The department shall pay the expense of obtaining the criminal history record
1735 required for:
1736 (i) an individual applying for employment with the department; or
1737 (ii) a department employee.
1738 (4) The department shall pay the Utah Bureau of Criminal Identification the costs
1739 incurred in providing the department criminal background information.
1740 (5) (a) The following may not disseminate a criminal history record obtained under this
1741 part to any person except for a purpose described in Section 32B-1-306:
1742 (i) the commission;
1743 (ii) a commissioner;
1744 (iii) the director;
1745 (iv) the department; or
1746 (v) a department employee.
1747 (b) (i) Notwithstanding Subsection (5)(a), a criminal history record obtained under this
1748 part may be provided by the department to the individual who is the subject of the criminal
1749 history record.
1750 (ii) The department shall provide an individual who is the subject of a criminal history
1751 record and who requests the criminal history record an opportunity to:
1752 (A) review the criminal history record; and
1753 (B) respond to information in the criminal history record.
1754 (6) If an individual described in Subsection 32B-1-305(2) is determined to be
1755 disqualified under Subsection 32B-1-306(2)(b), the department shall provide the individual
1756 with:
1757 (a) notice of the reason for the disqualification; and
1758 (b) an opportunity to respond to the disqualification.
1759 (7) The department shall maintain the following in one or more separate files so that
1760 they may be accessed only for a purpose under Section 32B-1-306:
1761 (a) a fingerprint card submitted under this part; and
1762 (b) a criminal history record received from:
1763 (i) the Utah Bureau of Criminal Identification; and

1764 (ii) the Federal Bureau of Investigation.
1765 Section 21. Section **32B-1-401** is enacted to read:
1766 **Part 4. Proof of Age Act**
1767 **32B-1-401. Title.**
1768 This part is known as the "Proof of Age Act."
1769 Section 22. Section **32B-1-402** is enacted to read:
1770 **32B-1-402. Definitions.**
1771 As used in this part:
1772 (1) "Applicable licensee" means the following:
1773 (a) a dining club licensee; or
1774 (b) a social club licensee.
1775 (2) "Authorized person" means a person authorized by law to sell or otherwise handle
1776 an alcoholic product.
1777 (3) "Restricted area" means a place where an alcoholic product is sold or consumed,
1778 but where under this title a minor is not permitted.
1779 (4) "Statement of age" means a statement signed under Section 32B-1-405 verifying
1780 the age of the person signing the statement.
1781 Section 23. Section **32B-1-403** is enacted to read:
1782 **32B-1-403. Unlawful transfer or use of proof of age -- False information.**
1783 (1) (a) It is unlawful for a person to transfer that person's proof of age to another person
1784 to aid that person:
1785 (i) in procuring an alcoholic product;
1786 (ii) in gaining admittance to a restricted area; or
1787 (iii) in obtaining employment that under this title may not be obtained by a minor.
1788 (b) A person who permits that person's proof of age to be used by another for a purpose
1789 stated in Subsection (1)(a) is guilty of a class B misdemeanor.
1790 (2) (a) It is unlawful for a person to use a proof of age containing false information
1791 with the intent to:
1792 (i) procure an alcoholic product;
1793 (ii) gain admittance to a restricted area; or
1794 (iii) obtain employment that under this title may not be obtained by a minor.

1795 (b) Except as provided in Section 32B-4-411, a person who violates this Subsection (2)
1796 is guilty of a class A misdemeanor.
1797 Section 24. Section **32B-1-404** is enacted to read:
1798 **32B-1-404. Presentation of proof of age upon request.**
1799 (1) To obtain one or more of the following, an individual shall present proof of age at
1800 the request of a person listed in Subsection (2):
1801 (a) an alcoholic product;
1802 (b) admittance to a restricted area; or
1803 (c) employment that under this title may not be obtained by a minor.
1804 (2) To determine whether the individual described in Subsection (1) is 21 years of age,
1805 the following may request a person described in Subsection (1) to present proof of age:
1806 (a) an authorized person;
1807 (b) a peace officer;
1808 (c) a representative of the State Bureau of Investigation of the Department of Public
1809 Safety, established in Section 53-10-301; or
1810 (d) an authorized department employee.
1811 Section 25. Section **32B-1-405** is enacted to read:
1812 **32B-1-405. Additional requirements when age is in question.**
1813 (1) (a) In addition to requesting the presentation of proof of age under Section
1814 32B-1-404, an authorized person shall require an individual whose age is in question to sign a
1815 statement of age on the form provided under Subsection (1)(b) that includes:
1816 (i) the date the statement of age is signed; and
1817 (ii) the number assigned to the individual's proof of age by the issuing authority.
1818 (b) At the request of a retail licensee, the commissioner of public safety shall provide
1819 to a retail licensee the form for the statement of age described in this Subsection (1).
1820 (2) (a) An authorized person shall:
1821 (i) file in alphabetical order a statement of age obtained under Subsection (1) by no
1822 later than the close of business on the day on which the statement of age is executed; and
1823 (ii) maintain a statement of age on file for three years.
1824 (b) A statement of age is subject to examination by:
1825 (i) a peace officer;

1826 (ii) a representative of the State Bureau of Investigation of the Department of Public
1827 Safety, established in Section 53-10-301; or
1828 (iii) an authorized department employee.
1829 Section 26. Section **32B-1-406** is enacted to read:
1830 **32B-1-406. Acceptance of identification.**
1831 (1) An authorized person may accept as evidence of the legal age of the individual
1832 presenting the following:
1833 (a) proof of age; or
1834 (b) if a statement of age is required under Section 32B-1-405:
1835 (i) proof of age; and
1836 (ii) a statement of age.
1837 (2) A statement of age, if properly completed, signed, and filed in accordance with
1838 Section 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:
1839 (a) selling, offering for sale, or furnishing an alcoholic product to the individual who
1840 signed the statement of age;
1841 (b) admitting the individual who signed the statement of age into a restricted area; or
1842 (c) allowing the individual who signed the statement of age to be employed in
1843 employment that under this title may not be obtained by a minor.
1844 (3) An authorized person may not accept a driving privilege card issued in accordance
1845 with Section 53-3-207 as evidence of the legal age of an individual.
1846 Section 27. Section **32B-1-407** is enacted to read:
1847 **32B-1-407. Verification of proof of age by applicable licensees.**
1848 (1) Notwithstanding any other provision of this part, an applicable licensee shall
1849 require that an authorized person under the applicable licensee verify proof of age as provided
1850 in this section.
1851 (2) An authorized person is required to verify proof of age under this section before an
1852 individual who appears to be 35 years of age or younger:
1853 (a) gains admittance to the premises of a social club licensee; or
1854 (b) procures an alcoholic product on the premises of a dining club licensee.
1855 (3) To comply with Subsection (2), an authorized person shall:
1856 (a) request the individual present proof of age; and

1857 (b) (i) verify the validity of the proof of age electronically under the verification
1858 program created in Subsection (4); or
1859 (ii) if the proof of age cannot be electronically verified as provided in Subsection
1860 (3)(b)(i), request that the individual comply with a process established by the commission by
1861 rule.
1862 (4) The commission shall establish by rule an electronic verification program that
1863 includes the following:
1864 (a) the specifications for the technology used by the applicable licensee to
1865 electronically verify proof of age, including that the technology display to the person described
1866 in Subsection (1) no more than the following for the individual who presents the proof of age:
1867 (i) the name;
1868 (ii) the age;
1869 (iii) the number assigned to the individual's proof of age by the issuing authority;
1870 (iv) the birth date;
1871 (v) the gender; and
1872 (vi) the status and expiration date of the individual's proof of age; and
1873 (b) the security measures that must be used by an applicable licensee to ensure that
1874 information obtained under this section is:
1875 (i) used by the applicable licensee only for purposes of verifying proof of age in
1876 accordance with this section; and
1877 (ii) retained by the applicable licensee for seven days after the day on which the
1878 applicable licensee obtains the information.
1879 (5) (a) An applicable licensee may not disclose information obtained under this section
1880 except as provided under this title.
1881 (b) Information obtained under this section is considered a record for any purpose
1882 under Chapter 5, Part 3, Retail Licensee Operational Requirements.
1883 Section 28. Section **32B-1-408** is enacted to read:
1884 **32B-1-408. Penalty.**
1885 (1) Unless otherwise provided in this title, including Section 32B-4-411, a person who
1886 violates this part is guilty of a class B misdemeanor.
1887 (2) A person is not subject to a penalty for a violation of this part if it is proved to the

1888 commission or the court hearing the matter that the person charged with the violation acted in
1889 good faith.
1890 Section 29. Section **32B-1-501** is enacted to read:
1891 **Part 5. Attire, Conduct, and Entertainment Act**
1892 **32B-1-501. Title.**
1893 This part is known as the "Attire, Conduct, and Entertainment Act."
1894 Section 30. Section **32B-1-502** is enacted to read:
1895 **32B-1-502. Purpose -- Application to other laws.**
1896 (1) This part establishes reasonable and uniform time, place, and manner of operation
1897 requirements relating to attire, conduct, and sexually oriented entertainers on premises or at an
1898 event at which an alcoholic product is sold, offered for sale, furnished, or allowed to be
1899 consumed under a retail license or permit issued by the commission so as to:
1900 (a) reduce the adverse secondary effects that the attire, conduct, and sexually oriented
1901 entertainers may have upon communities of this state; and
1902 (b) protect the health, peace, safety, welfare, and morals of the residents of
1903 communities of this state.
1904 (2) Nothing in this part allows the showing or display of any matter that is contrary to:
1905 (a) applicable federal or state statutes prohibiting obscenity; or
1906 (b) state statutes relating to lewdness or indecent public displays.
1907 (3) A local authority may be more restrictive of attire, conduct, or sexually oriented
1908 entertainers of the type prohibited in this part.
1909 Section 31. Section **32B-1-503** is enacted to read:
1910 **32B-1-503. Definitions.**
1911 Reserved
1912 Section 32. Section **32B-1-504** is enacted to read:
1913 **32B-1-504. General requirements on attire and conduct.**
1914 The following attire and conduct on premises or at an event regulated by the
1915 commission under this title are considered contrary to the public health, peace, safety, welfare,
1916 and morals, and are prohibited:
1917 (1) employing or using a person in the sale, offer for sale, or furnishing of an alcoholic
1918 product while the person is in:

1919 (a) a state of nudity;
1920 (b) a state of seminudity; or
1921 (c) performance attire or clothing that exposes to view any portion of:
1922 (i) the female breast below the top of the areola; or
1923 (ii) the cleft of the buttocks;
1924 (2) employing or using the services of a person to mingle with patrons while the person
1925 is in:
1926 (a) a state of nudity;
1927 (b) a state of seminudity; or
1928 (c) performance attire or clothing that exposes to view any portion of:
1929 (i) the female breast below the top of the areola; or
1930 (ii) the cleft of the buttocks;
1931 (3) encouraging or permitting a person to:
1932 (a) engage in or simulate an act of:
1933 (i) sexual intercourse;
1934 (ii) masturbation;
1935 (iii) sodomy;
1936 (iv) bestiality;
1937 (v) oral copulation;
1938 (vi) flagellation; or
1939 (vii) a sexual act that is prohibited by Utah law; or
1940 (b) touch, caress, or fondle the breast, buttocks, anus, or genitals of any other person;
1941 (4) permitting a person to wear or use a device or covering that:
1942 (a) is exposed to view; and
1943 (b) simulates all or any portion of the human genitals, anus, pubic area, or female
1944 breast;
1945 (5) permitting a person to use an artificial device or inanimate object to depict an act
1946 prohibited by this section;
1947 (6) permitting a person to remain on premises or at an event who exposes to public
1948 view any portion of that person's:
1949 (a) genitals, pubic area, or anus; or

1950 (b) in the case of a female, the areola and nipple of the breast; or
1951 (7) showing a film, still picture, electronic reproduction, or other visual reproduction
1952 depicting:
1953 (a) an act or simulated act of:
1954 (i) sexual intercourse;
1955 (ii) masturbation;
1956 (iii) sodomy;
1957 (iv) bestiality;
1958 (v) oral copulation;
1959 (vi) flagellation; or
1960 (vii) a sexual act that is prohibited by Utah law;
1961 (b) a person being touched, caressed, or fondled on the breast, buttocks, anus, or
1962 genitals;
1963 (c) a scene wherein an artificial device or inanimate object is employed to depict, or a
1964 drawing is employed to portray, an act prohibited by this section; or
1965 (d) a scene wherein a person displays the genitals or anus.
1966 Section 33. Section **32B-1-505** is enacted to read:
1967 **32B-1-505. Sexually oriented entertainer.**
1968 (1) Subject to the requirements of this part, live entertainment is permitted on premises
1969 or at an event regulated by the commission.
1970 (2) Notwithstanding Subsection (1), a retail licensee or permittee may not permit a
1971 person to:
1972 (a) appear or perform in a state of nudity;
1973 (b) perform or simulate an act of:
1974 (i) sexual intercourse;
1975 (ii) masturbation;
1976 (iii) sodomy;
1977 (iv) bestiality;
1978 (v) oral copulation;
1979 (vi) flagellation; or
1980 (vii) a sexual act that is prohibited by Utah law; or

1981 (c) touch, caress, or fondle the breast, buttocks, anus, or genitals.
1982 (3) A sexually oriented entertainer may perform in a state of seminudity:
1983 (a) only in:
1984 (i) a tavern; or
1985 (ii) a social club license premises; and
1986 (b) only if:
1987 (i) the windows, doors, and other apertures to the premises are darkened or otherwise
1988 constructed to prevent anyone outside the premises from seeing the performance; and
1989 (ii) the outside entrance doors of the premises remain unlocked.
1990 (4) A sexually oriented entertainer may perform only upon a stage or in a designated
1991 performance area that is:
1992 (a) approved by the commission in accordance with rules made by the commission;
1993 (b) configured so as to preclude a patron from:
1994 (i) touching the sexually oriented entertainer; or
1995 (ii) placing any money or object on or within the performance attire or the person of the
1996 sexually oriented entertainer; and
1997 (c) configured so as to preclude the sexually oriented entertainer from touching a
1998 patron.
1999 (5) A sexually oriented entertainer may not touch a patron:
2000 (a) during the sexually oriented entertainer's performance; or
2001 (b) while the sexually oriented entertainer is dressed in performance attire.
2002 (6) A sexually oriented entertainer, while in the portion of the premises used by
2003 patrons, must be dressed in opaque clothing which covers and conceals the sexually oriented
2004 entertainer's performance attire from the top of the breast to the knee.
2005 (7) A patron may not be on the stage or in the performance area while a sexually
2006 oriented entertainer is appearing or performing on the stage or in the performance area.
2007 (8) A patron may not:
2008 (a) touch a sexually oriented entertainer:
2009 (i) during the sexually oriented entertainer's performance; or
2010 (ii) while the sexually oriented entertainer is dressed in performance attire; or
2011 (b) place money or any other object on or within the performance attire or the person of

2012 the sexually oriented entertainer.
2013 (9) A minor may not be on premises described in Subsection (3).
2014 (10) A person who appears or performs for the entertainment of patrons on premises or
2015 at an event regulated by the commission that is not a tavern or social club licensee:
2016 (a) may not appear or perform in a state of nudity or a state of seminudity; and
2017 (b) may appear or perform in opaque clothing that completely covers the person's
2018 genitals, pubic area, and anus if the covering:
2019 (i) is not less than the following at its widest point:
2020 (A) four inches coverage width in the front of the human body; and
2021 (B) five inches coverage width in the back of the human body;
2022 (ii) does not taper to less than one inch wide at the narrowest point; and
2023 (iii) if covering a female, completely covers the breast below the top of the areola.
2024 Section 34. Section **32B-1-506** is enacted to read:
2025 **32B-1-506. Compliance -- Administrative enforcement.**
2026 (1) A retail licensee, a permittee, and staff of a licensee or permittee shall comply with
2027 this part.
2028 (2) Failure to comply with this part may result in a disciplinary proceeding pursuant to
2029 Chapter 3, Disciplinary Actions and Enforcement Act, against:
2030 (a) a licensee or permittee;
2031 (b) staff of the licensee or permittee;
2032 (c) both a licensee and staff of the licensee; or
2033 (d) both a permittee and staff of the permittee.
2034 Section 35. Section **32B-1-601** is enacted to read:
2035 **Part 6. Malted Beverage Act**
2036 **32B-1-601. Title.**
2037 This part is known as the "Malted Beverage Act."
2038 Section 36. Section **32B-1-602** is enacted to read:
2039 **32B-1-602. Definitions.**
2040 As used in this part:
2041 (1) "Malted beverage" means:
2042 (a) beer;

2043 (b) a flavored malt beverage; and
2044 (c) heavy beer.
2045 (2) "Packaging" means the outer packaging that is visible to a consumer such as a
2046 carton, case, or other wrapper of a package.
2047 Section 37. Section **32B-1-603** is enacted to read:
2048 **32B-1-603. Power of the commission and department to classify flavored malt**
2049 **beverages.**
2050 (1) The commission and department shall regulate a flavored malt beverage as liquor.
2051 (2) (a) The department shall make available to the public on the Internet a list of the
2052 flavored malt beverages authorized to be sold in this state as liquor.
2053 (b) The list described in Subsection (2)(a) shall be updated at least quarterly.
2054 (3) (a) A manufacturer shall file, under penalty of perjury, a report with the department
2055 listing each flavored malt beverage manufactured by the manufacturer that the manufacturer
2056 wants to distribute in this state subject to the manufacturer holding:
2057 (i) a brewery manufacturing license issued in accordance with Chapter 11, Part 5,
2058 Brewery Manufacturing License; or
2059 (ii) a certificate of approval.
2060 (b) A manufacturer may not distribute or sell in this state a flavored malt beverage if
2061 the manufacturer does not list the flavored malt beverage in a filing with the department in
2062 accordance with this Subsection (3) before distributing or selling the flavored malt beverage.
2063 (4) The department may require a manufacturer of a flavored malt beverage to provide
2064 the department with a copy of the following filed with the federal Alcohol and Tobacco Tax
2065 and Trade Bureau, pursuant to 27 C.F.R. Sec. 25.55:
2066 (a) a statement of process; or
2067 (b) a formula.
2068 (5) (a) A manufacturer of an alcoholic product that the department is classifying or
2069 proposes to classify as a flavored malt beverage may submit evidence to the department that its
2070 alcoholic product should not be treated as liquor under this section because the alcoholic
2071 product:
2072 (i) is obtained by fermentation, infusion, or decoction of a malted grain;
2073 (ii) is produced by processing, filtration, or another method of manufacture that is

2074 generally recognized as a traditional process in the production of beer as described in 27 C.F.R.
2075 Sec. 25.55;
2076 (iii) does not have added to it a flavor or other ingredient containing alcohol, except for
2077 a hop extract; and
2078 (iv) (A) is not one for which the producer is required to file a formula for approval with
2079 the federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or
2080 (B) is exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.
2081 (b) The department shall review the evidence submitted by the manufacturer under this
2082 Subsection (5).
2083 (c) The department shall make available to the public on the Internet a list of the
2084 alcoholic products authorized under this Subsection (5) to be sold as beer in this state.
2085 (d) A decision of the department under this Subsection (5) may be appealed to the
2086 commission.
2087 Section 38. Section **32B-1-604** is enacted to read:
2088 **32B-1-604. Requirements for labeling and packaging -- Authority of the**
2089 **commission and department.**
2090 (1) A manufacturer may not distribute or sell a malted beverage:
2091 (a) unless the label and packaging of the malted beverage:
2092 (i) complies with the federal label requirements of 27 C.F.R. Parts 7, 13, and 16; and
2093 (ii) clearly gives notice to the public that the malted beverage is an alcoholic product;
2094 and
2095 (b) until the day on which the department in accordance with this title and rules of the
2096 commission approves the label and packaging of the malted beverage.
2097 (2) The department shall review the label and packaging of a malted beverage to ensure
2098 that the label and packaging meet the requirements of Subsection (1)(a).
2099 (3) A manufacturer may comply with the requirement of Subsection (1)(a)(ii) by
2100 including on a label and packaging for a malted beverage any of the following terms:
2101 (a) beer;
2102 (b) ale;
2103 (c) porter;
2104 (d) stout;

2105 (e) lager;
2106 (f) lager beer; or
2107 (g) another class or type designation commonly applied to a malted beverage that
2108 conveys by a recognized term that the product contains alcohol.
2109 Section 39. Section **32B-1-605** is enacted to read:
2110 **32B-1-605. General procedure for approval.**
2111 (1) To obtain approval of the label and packaging of a malted beverage, the
2112 manufacturer of the malted beverage shall submit an application to the department for
2113 approval.
2114 (2) The application described in Subsection (1) shall be on a form approved by the
2115 department and include the following:
2116 (a) a copy of a federal certificate of label approval from the Department of Treasury,
2117 Tax and Trade Bureau, for each brand and label for which the manufacturer is seeking
2118 approval;
2119 (b) a complete set of original labels for each size of package of the malted beverage;
2120 (c) a description of the size of the package on which a label will be placed;
2121 (d) a description of each type of package of the malted beverage; and
2122 (e) a description of any packaging for the malted beverage.
2123 (3) The department may assess a reasonable fee for reviewing a label and packaging for
2124 approval.
2125 (4) (a) The department shall notify a manufacturer within 30 days after the day on
2126 which the manufacturer submits an application whether the label and packaging is approved or
2127 denied.
2128 (b) If the department determines that an unusual circumstance requires additional time,
2129 the department may extend the time period described in Subsection (4)(a).
2130 (5) A manufacturer shall obtain the approval of the department of a revision of a
2131 previously approved label and packaging before a malted beverage using the revised label and
2132 packaging may be distributed or sold in this state.
2133 (6) (a) The department may revoke a label and packaging previously approved upon a
2134 finding that the label and packaging is not in compliance with this title or rules of the
2135 commission.

2136 (b) The department shall notify the person who applies for the approval of a label and
2137 packaging at least five business days before the day on which a label and packaging approval is
2138 considered revoked.
2139 (c) After receiving notice under Subsection (6)(b), a manufacturer may present written
2140 argument or evidence to the department on why the revocation should not occur.
2141 (7) A manufacturer that applies for approval of a label and packaging may appeal a
2142 denial or revocation of a label and packaging approval to the commission.
2143 Section 40. Section **32B-1-606** is enacted to read:
2144 **32B-1-606. Special procedure for flavored malt beverages.**
2145 (1) If a flavored malt beverage is labeled or packaged in a manner that is similar to a
2146 label or packaging used for a nonalcoholic beverage, a manufacturer of the flavored malt
2147 beverage may not distribute or sell the flavored malt beverage in this state until the day on
2148 which the manufacturer receives approval of the labeling and packaging from the department in
2149 accordance with:
2150 (a) Sections 32B-1-604 and 32B-1-605; and
2151 (b) this section.
2152 (2) The department may not approve the labeling and packaging of a flavored malt
2153 beverage described in Subsection (1) unless in addition to the requirements of Section
2154 32B-1-604 the labeling and packaging complies with the following:
2155 (a) The label on the flavored malt beverage shall bear a prominently displayed label or
2156 a firmly affixed sticker that provides the following information:
2157 (i) the statement:
2158 (A) "alcoholic beverage"; or
2159 (B) "contains alcohol"; and
2160 (ii) the alcohol content of the flavored malt beverage.
2161 (b) Packaging of a flavored malt beverage shall prominently include, either imprinted
2162 on the packaging or imprinted on a sticker firmly affixed to the packaging, the statement:
2163 (i) "alcoholic beverage"; or
2164 (ii) "contains alcohol".
2165 (c) A statement required by Subsection (2)(a) or (b) shall appear in a format required
2166 by rule made by the commission.

2167 (d) A statement of alcohol content required by Subsection (2)(a)(ii):
2168 (i) shall state the alcohol content as a percentage of alcohol by volume or by weight;
2169 (ii) may not use an abbreviation, but shall use the complete words "alcohol," "volume,"
2170 or "weight"; and
2171 (iii) shall be in a format required by rule made by the commission.
2172 (3) The department may reject a label or packaging that appears designed to obscure
2173 the information required by Subsection (2).
2174 (4) To determine whether a flavored malt beverage is described in Subsection (1) and
2175 subject to this section, the department may consider in addition to other factors one or more of
2176 the following factors:
2177 (a) whether the coloring, carbonation, and packaging of the flavored malt beverage:
2178 (i) is similar to those of a nonalcoholic beverage or product; or
2179 (ii) can be confused with a nonalcoholic beverage;
2180 (b) whether the flavored malt beverage possesses a character and flavor distinctive
2181 from a traditional malted beverage;
2182 (c) whether the flavored malt beverage:
2183 (i) is prepackaged;
2184 (ii) contains high levels of caffeine and other additives; and
2185 (iii) is marketed as a beverage that is specifically designed to provide energy;
2186 (d) whether the flavored malt beverage contains added sweetener or sugar substitutes;
2187 or
2188 (e) whether the flavored malt beverage contains an added fruit flavor or other flavor
2189 that masks the taste of a traditional malted beverage.
2190 Section 41. Section **32B-1-607** is enacted to read:
2191 **32B-1-607. Rulemaking authority.**
2192 The commission may adopt rules necessary to implement this part.
2193 Section 42. Section **32B-1-608** is enacted to read:
2194 **32B-1-608. Disciplinary proceeding for violation.**
2195 A person who violates this part is subject to a disciplinary proceeding under Chapter 3,
2196 Disciplinary Actions and Enforcement Act.
2197 Section 43. Section **32B-2-101** is enacted to read:

2198 **CHAPTER 2. ALCOHOLIC BEVERAGE CONTROL ADMINISTRATION ACT**
2199 **Part 1. General Provisions**
2200 **32B-2-101. Title.**
2201 This chapter is known as the "Alcoholic Beverage Control Administration Act."
2202 Section 44. Section **32B-2-102** is enacted to read:
2203 **32B-2-102. Definitions.**
2204 Reserved
2205 Section 45. Section **32B-2-201** is enacted to read:
2206 **Part 2. Organization and Operations of Commission and Department**
2207 **32B-2-201. Alcoholic Beverage Control Commission created.**
2208 (1) There is created the "Alcoholic Beverage Control Commission." The commission is
2209 the governing board over the department.
2210 (2) (a) The commission is composed of five part-time commissioners appointed by the
2211 governor with the consent of the Senate.
2212 (b) No more than three commissioners may be of the same political party.
2213 (3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the
2214 governor shall appoint each new commissioner or reappointed commissioner to a four-year
2215 term.
2216 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
2217 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no
2218 more than two commissioners expire in a fiscal year.
2219 (4) (a) When a vacancy occurs on the commission for any reason, the governor shall
2220 appoint a replacement for the unexpired term with the consent of the Senate.
2221 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on
2222 the commission after the expiration of a term until a successor is appointed by the governor,
2223 with the consent of the Senate.
2224 (5) (a) A commissioner shall:
2225 (i) take the oath of office; and
2226 (ii) give a bond to the state for faithful performance of duties:
2227 (A) in an amount determined by the Division of Finance; and
2228 (B) in a form approved by the attorney general.

2229 (b) The state shall pay the premium for a bond required by this Subsection (5).
2230 (6) (a) The governor may remove a commissioner from the commission for cause after
2231 a public hearing conducted by:
2232 (i) the governor; or
2233 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.
2234 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor
2235 shall provide the commissioner notice of:
2236 (i) the date, time, and place of the hearing; and
2237 (ii) the alleged grounds for the removal.
2238 (c) The commissioner shall have an opportunity to:
2239 (i) attend the hearing;
2240 (ii) present witnesses and other evidence; and
2241 (iii) confront and cross examine witnesses.
2242 (d) After a hearing under this Subsection (6):
2243 (i) the person conducting the hearing shall prepare written findings of fact and
2244 conclusions of law; and
2245 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the
2246 commissioner.
2247 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing
2248 examiner shall issue a written recommendation to the governor in addition to complying with
2249 Subsection (6)(d).
2250 (f) A commissioner has five days from the day on which the commissioner receives the
2251 findings and conclusions described in Subsection (6)(d) to file written objections to the
2252 recommendation before the governor issues a final order.
2253 (g) The governor shall:
2254 (i) issue the final order under this Subsection (6) in writing; and
2255 (ii) serve the final order upon the commissioner.
2256 (7) (a) A commissioner may not receive compensation or benefits for the
2257 commissioner's service, but may receive per diem and expenses incurred in the performance of
2258 the commissioner's official duties at the rates established by the Division of Finance under
2259 Sections 63A-3-106 and 63A-3-107.

2260 (b) A commissioner may decline to receive per diem and expenses for the
2261 commissioner's service.
2262 (8) (a) (i) The commission shall elect:
2263 (A) one commissioner to serve as chair;
2264 (B) another commissioner to serve as vice chair; and
2265 (C) other commission officers as the commission considers advisable.
2266 (ii) A commissioner shall serve in the office to which the commissioner is elected
2267 under Subsection (8)(a)(i) at the pleasure of the commission.
2268 (b) Each commissioner has equal voting rights on a commission matter when in
2269 attendance at a commission meeting.
2270 (c) Three commissioners is a quorum for conducting commission business.
2271 (d) A majority vote of the quorum present at a meeting is required for the commission
2272 to act.
2273 (9) (a) The commission shall meet at least monthly, but may hold other meetings at
2274 times and places as scheduled by:
2275 (i) the commission;
2276 (ii) the chair; or
2277 (iii) three commissioners upon filing a written request for a meeting with the chair.
2278 (b) Notice of the time and place of a commission meeting shall be given to each
2279 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public
2280 Meetings Act. A commission meeting is open to the public, except for a commission meeting
2281 or portion of a commission meeting that is closed by the commission as authorized by Sections
2282 52-4-204 and 52-4-205.
2283 Section 46. Section **32B-2-202** is enacted to read:
2284 **32B-2-202. Powers and duties of the commission.**
2285 (1) The commission shall:
2286 (a) act as a general policymaking body on the subject of alcoholic product control;
2287 (b) adopt and issue policies, rules, and procedures;
2288 (c) set policy by written rules that establish criteria and procedures for:
2289 (i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
2290 permit, or certificate of approval; and

2291 (ii) determining the location of a state store, package agency, or retail licensee;
2292 (d) decide within the limits, and under the conditions imposed by this title, the number
2293 and location of state stores, package agencies, and retail licensees in the state;
2294 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
2295 permits, or certificates of approval for the purchase, storage, sale, offer for sale, furnishing,
2296 consumption, manufacture, and distribution of an alcoholic product:
2297 (i) a package agency;
2298 (ii) a full-service restaurant license;
2299 (iii) a limited-service restaurant license;
2300 (iv) a club license;
2301 (v) an airport lounge license;
2302 (vi) an on-premise banquet license;
2303 (vii) a resort license, under which four or more sublicenses may be included;
2304 (viii) an on-premise beer retailer license;
2305 (ix) a single event permit;
2306 (x) a temporary beer event permit;
2307 (xi) a special use permit;
2308 (xii) a manufacturing license;
2309 (xiii) a liquor warehousing license;
2310 (xiv) a beer wholesaling license; and
2311 (xv) an out-of-state brewer certificate of approval;
2312 (f) in accordance with Section 32B-5-205, issue, deny, suspend, or revoke one of the
2313 following conditional licenses for the purchase, storage, sale, furnishing, consumption,
2314 manufacture, and distribution of an alcoholic product:
2315 (i) a conditional full-service restaurant license; or
2316 (ii) a conditional limited-service restaurant license;
2317 (g) prescribe the duties of the department in assisting the commission in issuing a
2318 package agency, license, permit, or certificate of approval under this title;
2319 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
2320 in accordance with Section 63J-1-504;
2321 (i) fix prices at which liquor is sold that are the same at all state stores, package

2322 agencies, and retail licensees;
2323 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
2324 class, variety, or brand of liquor kept for sale by the department;
2325 (k) (i) require the director to follow sound management principles; and
2326 (ii) require periodic reporting from the director to ensure that:
2327 (A) sound management principles are being followed; and
2328 (B) policies established by the commission are being observed;
2329 (l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
2330 and matters submitted by the director to the commission; and
2331 (ii) do the things necessary to support the department in properly performing the
2332 department's duties;
2333 (m) obtain temporarily and for special purposes the services of an expert or person
2334 engaged in the practice of a profession, or a person who possess a needed skill if:
2335 (i) considered expedient; and
2336 (ii) approved by the governor;
2337 (n) prescribe the conduct, management, and equipment of premises upon which an
2338 alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
2339 (o) make rules governing the credit terms of beer sales within the state to retail
2340 licensees; and
2341 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
2342 disciplinary action against a person subject to administrative action.
2343 (2) The power of the commission to do the following is plenary, except as otherwise
2344 provided by this title, and not subject to review:
2345 (a) establish a state store;
2346 (b) issue authority to act as a package agent or operate a package agency; and
2347 (c) issue or deny a license, permit, or certificate of approval.
2348 (3) If the commission is authorized or required to make a rule under this title, the
2349 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
2350 Rulemaking Act.
2351 Section 47. Section **32B-2-203** is enacted to read:
2352 **32B-2-203. Department of Alcoholic Beverage Control created.**

2353 (1) There is created the Department of Alcoholic Beverage Control. The department is
2354 governed by the commission.
2355 (2) The director of alcoholic beverage control appointed under Section 32B-2-205 shall
2356 administer the department.
2357 (3) The director shall allocate the duties within the department into the divisions,
2358 bureaus, sections, offices, and committees as the director considers necessary for the
2359 administration of this title.
2360 (4) The department shall cooperate with any other recognized agency in the
2361 administration of this title and in the enforcement of a policy or rule of the commission or
2362 policy of the director.
2363 Section 48. Section **32B-2-204** is enacted to read:
2364 **32B-2-204. Powers and duties of the department -- Immunity.**
2365 (1) The department shall control liquor merchandise inventory including:
2366 (a) listing and delisting a product;
2367 (b) the procedures for testing a new product;
2368 (c) purchasing policy;
2369 (d) turnover requirements for a regularly coded product to be continued; and
2370 (e) the disposition of discontinued, distressed, or unsaleable merchandise.
2371 (2) (a) The department shall report to the governor on the administration of this title:
2372 (i) as the governor may require; and
2373 (ii) annually by no later than November 30, for the fiscal year ending June 30 of the
2374 year in which the report is made.
2375 (b) A report under this Subsection (2) shall contain:
2376 (i) a statement of the nature and amount of the business transacted by the department
2377 during the year;
2378 (ii) a statement of the department's assets and liabilities including a profit and loss
2379 account, and other accounts and matters necessary to show the results of operations of the
2380 department for the year;
2381 (iii) general information on the application of this title in the state; and
2382 (iv) any other information requested by the governor.
2383 (c) The department shall submit a copy of a report described in this Subsection (2) to

2384 the Legislature.
2385 (3) The department shall maintain insurance against loss on each motor vehicle
2386 operated by it on any public highway. A motor vehicle shall be covered for:
2387 (a) liability imposed by law upon the department for damages from bodily injuries
2388 suffered by one or more persons by reason of the ownership, maintenance, or use of the motor
2389 vehicle; and
2390 (b) liability or loss from damage to or destruction of property of any description,
2391 including liability of the department for the resultant loss of use of the property, which results
2392 from accident due to the ownership, maintenance, or use of the motor vehicle.
2393 (4) (a) The department may sue, be sued, and defend in a proceeding, in a court of law
2394 or otherwise, in the name of the department.
2395 (b) An action may not be taken:
2396 (i) against the commission; or
2397 (ii) in the name of a commissioner.
2398 (5) The department is liable to respond in damages in a case if a private corporation
2399 under the same circumstances would be liable.
2400 (6) (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies in an action
2401 commenced against the department for damages sustained as a result of department ownership,
2402 maintenance, or use of a motor vehicle under Subsections (4) and (5).
2403 (b) In an action described in Subsection (6)(a), the commission and each commissioner
2404 are immune from suit.
2405 Section 49. Section **32B-2-205** is enacted to read:
2406 **32B-2-205. Director of alcoholic beverage control.**
2407 (1) (a) The commission by a vote of four of the five commissioners, and with the
2408 approval of the governor, shall appoint a director of alcoholic beverage control who is the
2409 administrative head of the department.
2410 (b) The director serves at the pleasure of the commission, except that the director may
2411 only be removed from office by a vote of four commissioners.
2412 (c) The director may not be a commissioner.
2413 (d) The director shall:
2414 (i) be qualified in administration;

2415 (ii) be knowledgeable by experience and training in the field of business management;
2416 and
2417 (iii) possess any other qualification prescribed by the commission.
2418 (2) The governor shall establish the director's compensation within the salary range
2419 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
2420 (3) The director shall:
2421 (a) carry out the policies of the commission;
2422 (b) carry out the policies of the department;
2423 (c) fully inform the commission of the operations and administrative activities of the
2424 department; and
2425 (d) assist the commission in the proper discharge of the commission's duties.
2426 Section 50. Section **32B-2-206** is enacted to read:
2427 **32B-2-206. Powers and duties of the director.**
2428 Subject to the powers and responsibilities of the commission under this title, the
2429 director:
2430 (1) (a) shall prepare and propose to the commission general policies, rules, and
2431 procedures governing the administrative activities of the department; and
2432 (b) may submit other recommendations to the commission as the director considers in
2433 the interest of the commission's or the department's business;
2434 (2) within the general policies, rules, and procedures of the commission, shall:
2435 (a) provide day-to-day direction, coordination, and delegation of responsibilities in the
2436 administrative activities of the department's business; and
2437 (b) make internal department policies and procedures relating to:
2438 (i) department personnel matters; and
2439 (ii) the day-to-day operation of the department;
2440 (3) subject to Section 32B-2-207, shall appoint or employ personnel as considered
2441 necessary in the administration of this title, and with regard to the personnel shall:
2442 (a) prescribe the conditions of employment;
2443 (b) define the respective duties and powers;
2444 (c) fix the remuneration in accordance with Title 67, Chapter 19, Utah State Personnel
2445 Management Act;

2446 (d) designate those employees required to give a bond; and
2447 (e) specify the bond amounts;
2448 (4) shall establish and secure adherence to a system of reports, controls, and
2449 performance in matters relating to personnel, security, department property management, and
2450 operation of:
2451 (a) a department office;
2452 (b) a warehouse;
2453 (c) a state store; and
2454 (d) a package agency;
2455 (5) within the policies, rules, and procedures approved by the commission and
2456 provisions of law, shall purchase, store, keep for sale, sell, import, and control the storage, sale,
2457 furnishing, transportation, or delivery of an alcoholic product;
2458 (6) shall prepare for commission approval:
2459 (a) recommendations regarding the location, establishment, relocation, and closure of a
2460 state store or package agency;
2461 (b) recommendations regarding the issuance, denial, nonrenewl, suspension, or
2462 revocation of a license, permit, or certificate of approval;
2463 (c) an annual budget, proposed legislation, and reports as required by law and sound
2464 business principles;
2465 (d) plans for reorganizing divisions of the department and the functions of the
2466 divisions;
2467 (e) manuals containing commission and department policies, rules, and procedures;
2468 (f) an inventory control system;
2469 (g) any other report or recommendation requested by the commission;
2470 (h) rules described in Subsection 32B-2-202(1)(o) governing the credit terms of the
2471 sale of beer;
2472 (i) rules governing the calibration, maintenance, and regulation of a calibrated metered
2473 dispensing system;
2474 (j) rules governing the display of a list of types and brand names of liquor furnished
2475 through a calibrated metered dispensing system;
2476 (k) price lists issued and distributed showing the price to be paid for each class, variety,

2477 or brand of liquor kept for sale at a state store, package agency, or retail licensee;
2478 (l) policies or rules prescribing the books of account maintained by the department and
2479 by a state store, package agency, or retail licensee; and
2480 (m) a policy prescribing the manner of giving and serving a notice required by this title
2481 or rules made under this title;
2482 (7) shall make available through the department to any person, upon request, a copy of
2483 a policy made by the director;
2484 (8) shall make and maintain a current copy of a manual that contains the rules and
2485 policies of the commission and department available for public inspection;
2486 (9) (a) after consultation with the governor, shall determine whether an alcoholic
2487 product should not be sold, offered for sale, or otherwise furnished in an area of the state
2488 during a period of emergency that is proclaimed by the governor to exist in that area; and
2489 (b) shall issue a necessary public announcement or policy with respect to the
2490 determination described in Subsection (9)(a); and
2491 (10) shall perform any other duty required by the commission or by law.
2492 Section 51. Section **32B-2-207** is enacted to read:
2493 **32B-2-207. Department employees -- Requirements.**
2494 (1) Subject to this title, including the requirements of Chapter 1, Part 3, Qualifications
2495 and Background, the director may prescribe the qualifications of a department employee.
2496 (2) (a) A person who seeks employment with the department shall file with the
2497 department an application under oath or affirmation in a form prescribed by the commission.
2498 (b) Upon receiving an application, the department shall determine whether the
2499 individual is:
2500 (i) of good moral character; and
2501 (ii) qualified for the position sought.
2502 (c) The department shall select an individual for employment or advancement with the
2503 department in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.
2504 (3) The following are not considered a department employee:
2505 (a) a package agent;
2506 (b) a licensee;
2507 (c) a staff member of a package agent; or

2508 (d) staff of a licensee.
2509 (4) The department may not employ a minor to:
2510 (a) work in:
2511 (i) a state store; or
2512 (ii) a departmental warehouse; or
2513 (b) engage in an activity involving the handling of an alcoholic product.
2514 Section 52. Section **32B-2-208** is enacted to read:
2515 **32B-2-208. Services of State Health Laboratory.**
2516 The State Health Laboratory shall make its services available to the department when
2517 necessary. The department shall pay for the services from the Liquor Control Fund to the
2518 Department of Health.
2519 Section 53. Section **32B-2-301** is enacted to read:
2520 **Part 3. Fiscal Matters**
2521 **32B-2-301. State property -- Liquor Control Fund.**
2522 (1) The following are property of the state:
2523 (a) the money received by the department in the administration of this title, except as
2524 otherwise provided; and
2525 (b) property acquired, administered, possessed, or received by the department.
2526 (2) (a) There is created an enterprise fund known as the "Liquor Control Fund."
2527 (b) Except as provided in Section 32B-3-205, money received in the administration of
2528 this title shall be paid to the department and transferred to the Liquor Control Fund.
2529 (c) The state treasurer shall by warrant draw from the Liquor Control Fund the
2530 expenses, debts, and liabilities incurred by the department in connection with the
2531 administration of this title or any other expense necessary for the administration of this title,
2532 including:
2533 (i) salaries;
2534 (ii) premiums, if any, on a bond for which the department pays premiums; and
2535 (iii) an expenditure incurred in establishing, operating, or maintaining a state store or
2536 package agency.
2537 (d) The department shall transfer annually from the Liquor Control Fund to the General
2538 Fund a sum equal to the amount of net profit earned from the sale of liquor since the preceding

2539 transfer of money under this Subsection (2)(d). The transfer shall be made by no later than
2540 September 30 after a fiscal year.
2541 (3) (a) By the end of each day, the department shall:
2542 (i) make a deposit to a qualified depository, as defined in Section 51-7-3; and
2543 (ii) report the deposit to the state treasurer.
2544 (b) A commissioner or department employee is not personally liable for a loss caused
2545 by the default or failure of a qualified depository.
2546 (c) Money deposited in a qualified depository is entitled to the same priority of
2547 payment as other public funds of the state.
2548 (4) If the cash balance of the Liquor Control Fund is not adequate to cover a warrant
2549 drawn against the Liquor Control Fund by the state treasurer, the cash resources of the General
2550 Fund may be used to the extent necessary. At no time may the fund equity of the Liquor
2551 Control Fund fall below zero.
2552 Section 54. Section **32B-2-302** is enacted to read:
2553 **32B-2-302. Exempt from Division of Finance -- Annual audits.**
2554 (1) The laws that govern the Division of Finance are not applicable to the department
2555 in the purchase and sale of an alcoholic product.
2556 (2) (a) The state auditor, or a person appointed by the state auditor, shall annually audit
2557 the department's accounts.
2558 (b) If an audit is conducted by a person appointed by the state auditor, the person shall
2559 make the audit report to the state auditor.
2560 (c) The state auditor shall submit a copy of an audit report to the Legislature by no later
2561 than the January 1 following the close of the fiscal year for which the audit report is made.
2562 Section 55. Section **32B-2-303** is enacted to read:
2563 **32B-2-303. Purchase of liquor.**
2564 (1) The department may not purchase or stock spirituous liquor in a package smaller
2565 than 200 milliliters, except as otherwise allowed by the commission.
2566 (2) (a) An order by the department for the purchase of liquor, or a cancellation by the
2567 department of an order of liquor:
2568 (i) shall be executed in writing by the department; and
2569 (ii) is not valid or binding unless executed in writing.

2570 (b) The department shall maintain a copy of an order or cancellation on file for at least
2571 three years.
2572 (c) An electronic record satisfies Subsections (2)(a) and (b) pursuant to Title 46,
2573 Chapter 4, Uniform Electronic Transactions Act.
2574 Section 56. Section **32B-2-304** is enacted to read:
2575 **32B-2-304. Liquor prices -- School lunch program.**
2576 (1) For purposes of this section:
2577 (a) (i) "Landed case cost" means:
2578 (A) the cost of the product; and
2579 (B) inbound shipping costs incurred by the department.
2580 (ii) "Landed case cost" does not include the outbound shipping cost from a warehouse
2581 of the department to a state store.
2582 (b) "Proof gallon" has the same meaning as in 26 U.S.C. Sec. 5002.
2583 (c) Notwithstanding Section 32B-1-102, "small brewer" means a brewer who
2584 manufactures in a calendar year less than 40,000 barrels of beer, heavy beer, and flavored malt
2585 beverage.
2586 (2) Except as provided in Subsection (3):
2587 (a) spirituous liquor sold by the department within the state shall be marked up in an
2588 amount not less than 86% above the landed case cost to the department;
2589 (b) wine sold by the department within the state shall be marked up in an amount not
2590 less than 86% above the landed case cost to the department;
2591 (c) heavy beer sold by the department within the state shall be marked up in an amount
2592 not less than 64.5% above the landed case cost to the department; and
2593 (d) a flavored malt beverage sold by the department within the state shall be marked up
2594 in an amount not less than 86% above the landed case cost to the department.
2595 (3) (a) Liquor sold by the department to a military installation in Utah shall be marked
2596 up in an amount not less than 15% above the landed case cost to the department.
2597 (b) Except for spirituous liquor sold by the department to a military installation in
2598 Utah, spirituous liquor that is sold by the department within the state shall be marked up 47%
2599 above the landed case cost to the department if:
2600 (i) the spirituous liquor is manufactured by a manufacturer producing less than 30,000

2601 proof gallons of spirituous liquor in a calendar year; and
2602 (ii) the manufacturer applies to the department for a reduced markup.
2603 (c) Except for wine sold by the department to a military installation in Utah, wine that
2604 is sold by the department within the state shall be marked up 47% above the landed case cost to
2605 the department if:
2606 (i) the wine is manufactured by a manufacturer producing less than 20,000 gallons of
2607 wine in a calendar year; and
2608 (ii) the manufacturer applies to the department for a reduced markup.
2609 (d) Except for heavy beer sold by the department to a military installation in Utah,
2610 heavy beer that is sold by the department within the state shall be marked up 30% above the
2611 landed case cost to the department if:
2612 (i) a small brewer manufactures the heavy beer; and
2613 (ii) the small brewer applies to the department for a reduced markup.
2614 (e) The department shall verify an amount described in Subsection (3)(b) or (c)
2615 pursuant to a federal or other verifiable production report.
2616 (4) The department shall deposit 10% of the total gross revenue from sales of liquor
2617 with the state treasurer to be credited to the Uniform School Fund and used to support the
2618 school lunch program administered by the State Board of Education under Section
2619 53A-19-201.
2620 (5) This section does not prohibit the department from selling discontinued items at a
2621 discount.
2622 Section 57. Section **32B-2-401** is enacted to read:
2623 **Part 4. Alcoholic Beverage Enforcement and Treatment Restricted Account Act**
2624 **32B-2-401. Title.**
2625 This part is known as the "Alcoholic Beverage Enforcement and Treatment Restricted
2626 Account Act."
2627 Section 58. Section **32B-2-402** is enacted to read:
2628 **32B-2-402. Definitions -- Calculations.**
2629 (1) As used in this part:
2630 (a) "Account" means the Alcoholic Beverage Enforcement and Treatment Restricted
2631 Account created in Section 32B-2-403.

2632 (b) "Alcohol-related offense" means:
2633 (i) a violation of:
2634 (A) Section 41-6a-502; or
2635 (B) an ordinance that complies with the requirements of:
2636 (I) Subsection 41-6a-510(1); or
2637 (II) Section 76-5-207; or
2638 (ii) an offense involving the illegal:
2639 (A) sale of an alcoholic product;
2640 (B) consumption of an alcoholic product;
2641 (C) distribution of an alcoholic product;
2642 (D) transportation of an alcoholic product; or
2643 (E) possession of an alcoholic product.
2644 (c) "Annual conviction time period" means the time period that:
2645 (i) begins on July 1 and ends on June 30; and
2646 (ii) immediately precedes the fiscal year for which an appropriation under this part is
2647 made.
2648 (d) "Coordinating council" means the Utah Substance Abuse and Anti-Violence
2649 Coordinating Council created in Section 63M-7-301.
2650 (e) "Municipality" means:
2651 (i) a city; or
2652 (ii) a town.
2653 (2) For purposes of this part, the number of state stores, package agencies, and retail
2654 licensees located within the limits of a municipality or county:
2655 (a) is the number determined by the department to be so located;
2656 (b) includes the aggregate number of premises of the following:
2657 (i) a state store;
2658 (ii) a package agency; and
2659 (iii) a retail licensee, except for an on-premise beer retailer; and
2660 (c) for a county, consists only of the number located within an unincorporated area of
2661 the county.
2662 (3) The department shall determine:

2663 (a) a population figure according to the most current population estimate prepared by
2664 the Utah Population Estimates Committee;
2665 (b) a county's population for the 25% distribution to municipalities and counties under
2666 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated
2667 areas of the county; and
2668 (c) a county's population for the 25% distribution to counties under Subsection
2669 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of
2670 a municipality.
2671 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
2672 offense to judgment.
2673 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
2674 the municipality or county that, except for the guilty plea, would have prosecuted the offense.
2675 Section 59. Section **32B-2-403** is enacted to read:
2676 **32B-2-403. Alcoholic Beverage Enforcement and Treatment Restricted Account**
2677 **created.**
2678 (1) (a) There is created in the General Fund a restricted account known as the
2679 "Alcoholic Beverage Enforcement and Treatment Restricted Account."
2680 (b) The account is funded from:
2681 (i) money deposited by the state treasurer in accordance with Section 59-15-109;
2682 (ii) appropriations made to the account by the Legislature; and
2683 (iii) interest described in Subsection (1)(c).
2684 (c) Interest earned on the account shall be deposited into the account.
2685 (2) (a) Consistent with the policies provided in Subsection 32B-1-103(4)(b), money in
2686 the account shall be used for statewide public purposes, including promoting the reduction of
2687 the harmful effects of over consumption of alcoholic products by an adult and alcohol
2688 consumption by minors, by exclusively funding programs or projects related to prevention,
2689 treatment, detection, prosecution, and control of violations of this title and other offenses in
2690 which alcohol is a contributing factor except as provided in Subsection (2)(b).
2691 (b) The portion distributed under this part to a county may also be used for the
2692 confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a
2693 contributing factor.

2694 (c) A municipality or county entitled to receive money shall use the money exclusively
2695 as required by this Subsection (2).
2696 (3) The appropriations provided for under Section 32B-2-404 are:
2697 (a) intended to supplement the budget of the appropriate agencies of each municipality
2698 and county within the state to enable the municipalities and counties to more effectively fund
2699 the programs and projects described in Subsection (2); and
2700 (b) not intended to replace money that would otherwise be allocated for the programs
2701 and projects in Subsection (2).
2702 Section 60. Section **32B-2-404** is enacted to read:
2703 **32B-2-404. Alcoholic Beverage Enforcement and Treatment Restricted Account**
2704 **distribution.**
2705 (1) (a) The money deposited into the account under Section 32B-2-403 shall be
2706 distributed to municipalities and counties:
2707 (i) to the extent appropriated by the Legislature, except that the Legislature shall
2708 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
2709 accordance with Section 59-15-109; and
2710 (ii) as provided in this Subsection (1).
2711 (b) The amount appropriated from the account shall be distributed as follows:
2712 (i) 25% to municipalities and counties on the basis of the percentage of the state
2713 population residing in each municipality and county;
2714 (ii) 30% to municipalities and counties on the basis of each municipality's and county's
2715 percentage of the statewide convictions for all alcohol-related offenses;
2716 (iii) 20% to municipalities and counties on the basis of the percentage of the state
2717 stores, package agencies, liquor licensees, and beer licensees in the state that are located in
2718 each municipality and county; and
2719 (iv) 25% to the counties for confinement and treatment purposes authorized by this part
2720 on the basis of the percentage of the state population located in each county.
2721 (c) (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law
2722 enforcement agency:
2723 (A) the municipality may not receive money under this part; and
2724 (B) the State Tax Commission:

2725 (I) may not distribute the money the municipality would receive but for the
2726 municipality not having a law enforcement agency to that municipality; and
2727 (II) shall distribute the money that the municipality would have received but for it not
2728 having a law enforcement agency to the county in which the municipality is located for use by
2729 the county in accordance with this part.
2730 (ii) If the coordinating council finds that a municipality described in Subsection
2731 (1)(c)(i) demonstrates that the municipality can use the money that the municipality is
2732 otherwise eligible to receive in accordance with this part, the coordinating council may direct
2733 the State Tax Commission to distribute the money to the municipality.
2734 (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax
2735 Commission shall annually:
2736 (a) for an annual conviction time period:
2737 (i) multiply by two the total number of convictions in the state obtained during the
2738 annual conviction time period for violation of:
2739 (A) Section 41-6a-502; or
2740 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or
2741 Section 76-5-207; and
2742 (ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions
2743 obtained during the annual conviction time period for the alcohol-related offenses other than
2744 the alcohol-related offenses described in Subsection (2)(a)(i);
2745 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
2746 obtained in Subsection (2)(a); and
2747 (c) multiply the amount calculated under Subsection (2)(b), by the number of
2748 convictions obtained in each municipality and county during the annual conviction time period
2749 for alcohol-related offenses.
2750 (3) By not later than September 1 each year:
2751 (a) the state court administrator shall certify to the State Tax Commission the number
2752 of convictions obtained for alcohol-related offenses in each municipality or county in the state
2753 during the annual conviction time period; and
2754 (b) the coordinating council shall notify the State Tax Commission of any municipality
2755 that does not have a law enforcement agency.

2756 (4) By not later than December 1 of each year, the coordinating council shall notify the
2757 State Tax Commission for the fiscal year of appropriation of:
2758 (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);
2759 (b) a county that may receive a distribution allocated to a municipality described in
2760 Subsection (1)(c)(i);
2761 (c) a municipality or county that may not receive a distribution because the
2762 coordinating council has suspended the payment under Subsection 32B-2-405(2)(a); and
2763 (d) a municipality or county that receives a distribution because the suspension of
2764 payment has been cancelled under Subsection 32B-2-405(2).
2765 (5) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
2766 Commission shall annually distribute to each municipality and county the portion of the
2767 appropriation that the municipality or county is eligible to receive under this part, except for
2768 any municipality or county that the coordinating council notifies the State Tax Commission in
2769 accordance with Subsection (4) may not receive a distribution in that fiscal year.
2770 (b) (i) The State Tax Commission shall prepare forms for use by a municipality or
2771 county in applying for a distribution under this part.
2772 (ii) A form described in this Subsection (5) may require the submission of information
2773 the State Tax Commission considers necessary to enable the State Tax Commission to comply
2774 with this part.
2775 Section 61. Section **32B-2-405** is enacted to read:
2776 **32B-2-405. Reporting by municipalities and counties -- Grants.**
2777 (1) A municipality or county that receives money under this part during a fiscal year
2778 shall by no later than October 1 following the fiscal year:
2779 (a) report to the coordinating council:
2780 (i) the programs or projects of the municipality or county that receive money under this
2781 part;
2782 (ii) if the money for programs or projects were exclusively used as required by
2783 Subsection 32B-2-403(2);
2784 (iii) indicators of whether the programs or projects that receive money under this part
2785 are effective; and
2786 (iv) if money received under this part was not expended by the municipality or county;

2787 and
2788 (b) provide the coordinating council a statement signed by the chief executive officer
2789 of the county or municipality attesting that the money received under this part was used in
2790 addition to money appropriated or otherwise available for the county's or municipality's law
2791 enforcement and was not used to supplant that money.
2792 (2) The coordinating council may, by a majority vote:
2793 (a) suspend future payments under Subsection 32B-2-404(4) to a municipality or
2794 county that:
2795 (i) does not file a report that meets the requirements of Subsection (1); or
2796 (ii) the coordinating council finds does not use the money as required by Subsection
2797 32B-2-403(2) on the basis of the report filed by the municipality or county under Subsection
2798 (1); and
2799 (b) cancel a suspension under Subsection (2)(a).
2800 (3) The State Tax Commission shall:
2801 (a) retain money that a municipality or county does not receive under Subsection
2802 (2)(a); and
2803 (b) notify the coordinating council of the balance of retained money under this
2804 Subsection (3) after the annual distribution under Subsection 32B-2-404(5).
2805 (4) (a) Subject to the requirements of this Subsection (4), the coordinating council shall
2806 award the balance of retained money under Subsection (3):
2807 (i) as prioritized by majority vote of the coordinating council; and
2808 (ii) as grants to:
2809 (A) a county;
2810 (B) a municipality;
2811 (C) the department;
2812 (D) the Department of Human Services;
2813 (E) the Department of Public Safety; or
2814 (F) the Utah State Office of Education.
2815 (b) By not later than May 30 of the fiscal year of the appropriation, the coordinating
2816 council shall notify the State Tax Commission of grants awarded under this Subsection (4).
2817 (c) The State Tax Commission shall make payments of a grant:

2818 (i) upon receiving notice as provided under Subsection (4)(b); and
2819 (ii) by not later than June 30 of the fiscal year of the appropriation.
2820 (d) An entity that receives a grant under this Subsection (4) shall use the grant money
2821 exclusively for programs or projects described in Subsection 32B-2-403(2).
2822 Section 62. Section **32B-2-501** is enacted to read:
2823 **Part 5. State Store**
2824 **32B-2-501. Commission's power to establish a state store.**
2825 (1) The commission may establish state stores in the numbers and at places, owned or
2826 leased by the department, that the commission considers proper for the sale of liquor by
2827 employees of the state, in accordance with this title and the rules made under this title.
2828 (2) The commission may not establish a total number of state stores that at any time
2829 exceeds the number determined by dividing the population of the state by 48,000.
2830 (3) The commission may not establish a state store at premises that do not meet the
2831 proximity requirements of Section 32B-1-202.
2832 (4) An employee of a state store is considered a department employee and shall meet
2833 the qualification requirements for employment in Sections 32B-1-303 and 32B-2-207.
2834 Section 63. Section **32B-2-502** is enacted to read:
2835 **32B-2-502. Commission and department duties before establishing a state store.**
2836 (1) (a) Before the commission may establish a state store, the department shall conduct
2837 an investigation and may hold public hearings to gather information and make
2838 recommendations to the commission to assure appropriate service to the general population of
2839 the state.
2840 (b) The department shall forward the information and recommendations described in
2841 Subsection (1)(a) to the commission to aid in the commission's determination.
2842 (2) Before establishing a state store, the commission shall:
2843 (a) determine that the local authority of the locality where the state store will be located
2844 is consulted;
2845 (b) determine that the state store complies with the zoning ordinances of the locality
2846 where the state store will be located;
2847 (c) consider the locality within which the proposed state store will be located
2848 including:

2849 (i) economic factors, such as:
2850 (A) bid price;
2851 (B) lease terms;
2852 (C) operating costs; and
2853 (D) local taxes;
2854 (ii) physical characteristics, such as:
2855 (A) condition of the premises;
2856 (B) space availability;
2857 (C) parking;
2858 (D) common areas;
2859 (E) conformance to building and safety codes;
2860 (F) delivery access; and
2861 (G) expandability; and
2862 (iii) operational factors, such as:
2863 (A) tourist traffic;
2864 (B) access to the public;
2865 (C) demographics;
2866 (D) population to be served;
2867 (E) the nature of surrounding establishments;
2868 (F) proximity to and density of other state stores, package agencies, and retail
2869 licensees;
2870 (G) proximity to residential communities; and
2871 (H) proximity to educational, religious, and recreational facilities; and
2872 (d) consider any other factor the commission considers necessary.
2873 Section 64. Section **32B-2-503** is enacted to read:
2874 **32B-2-503. Operational requirements for a state store.**
2875 (1) A state store shall display in a prominent place in the store a sign in large letters
2876 stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is
2877 prosecuted aggressively in Utah."
2878 (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by
2879 the commission.

2880 (3) A state store may not sell, offer for sale, or furnish liquor to:
2881 (a) a minor;
2882 (b) a person actually, apparently, or obviously intoxicated;
2883 (c) a known interdicted person; or
2884 (d) a known habitual drunkard.
2885 (4) (a) A state store employee may not:
2886 (i) consume an alcoholic product on the premises of a state store; or
2887 (ii) allow any person to consume an alcoholic product on the premises of a state store.
2888 (b) A violation of this Subsection (4) is a class B misdemeanor.
2889 (5) (a) Sale or delivery of liquor may not be made on or from the premises of a state
2890 store, and a state store may not be kept open for the sale of liquor:
2891 (i) on Sunday; or
2892 (ii) on a state or federal legal holiday.
2893 (b) Sale or delivery of liquor may be made on or from the premises of a state store, and
2894 a state store may be open for the sale of liquor, only on a day and during hours that the
2895 commission directs by rule or order.
2896 (6) (a) A minor may not be admitted into, or be on the premises of a state store unless
2897 accompanied by a person who is:
2898 (i) 21 years of age or older; and
2899 (ii) the minor's parent, legal guardian, or spouse.
2900 (b) A state store employee that has reason to believe that a person who is on the
2901 premises of a state store is under the age of 21 and is not accompanied by a person described in
2902 Subsection (6)(a) may:
2903 (i) ask the suspected minor for proof of age;
2904 (ii) ask the person who accompanies the suspected minor for proof of age; and
2905 (iii) ask the suspected minor or the person who accompanies the suspected minor for
2906 proof of parental, guardianship, or spousal relationship.
2907 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the
2908 person who accompanies the suspected minor into the state store if the suspected minor or
2909 person fails to provide information specified in Subsection (6)(b).
2910 (d) A state store employee shall require a suspected minor and the person who

2911 accompanies the suspected minor into the state store to immediately leave the premises of the
2912 state store if the suspected minor or person fails to provide information specified in Subsection
2913 (6)(b).
2914 (7) (a) A state store may not sell, offer for sale, or furnish liquor except in a sealed
2915 package.
2916 (b) A person may not open a sealed package on the premises of a state store.
2917 Section 65. Section **32B-2-504** is enacted to read:
2918 **32B-2-504. Delivery of liquor to state store.**
2919 (1) Liquor to be sold from a state store may be transported from a warehouse
2920 authorized by the department to the state store if transported by a person authorized by the
2921 department to transport the liquor to the state store, including a common carrier.
2922 (2) A person, while in or about a vehicle in which liquor is being transported, may not
2923 open, break, or allow to be opened or broken, a package containing liquor.
2924 (3) A person may not drink, use, or allow to be drunk or used, liquor while it is in
2925 transit under this section.
2926 Section 66. Section **32B-2-601** is enacted to read:
2927 **Part 6. Package Agency**
2928 **32B-2-601. Commission's power to issue package agency.**
2929 (1) (a) The commission may, when the commission considers proper, issue authority to
2930 operate as a package agency by directing the department to enter into a package agency
2931 agreement with a person to sell, offer for sale, or furnish liquor in sealed packages from
2932 premises other than those owned or leased by the state.
2933 (b) The commission shall authorize a person to operate a package agency by issuing a
2934 record that designates the person in charge of the package agency as a "package agent."
2935 (2) (a) Subject to this Subsection (2), the commission may not issue a total number of
2936 package agencies that at any time exceeds the number determined by dividing the population of
2937 the state by 18,000.
2938 (b) (i) The commission may issue a seasonal package agency in an area the commission
2939 considers proper.
2940 (ii) A seasonal package agency shall be for a period of six consecutive months.
2941 (iii) A seasonal package agency issued for operation during a summer time period is

2942 known as a "Seasonal A" package agency. The period of operation for a "Seasonal A" package
2943 agency shall:
2944 (A) begin on May 1; and
2945 (B) end on October 31.
2946 (iv) A seasonal package agency issued for operation during a winter time period is
2947 known as a "Seasonal B" package agency. The period of operation for a "Seasonal B" package
2948 agency shall:
2949 (A) begin on November 1; and
2950 (B) end on April 30.
2951 (v) In determining the number of package agencies that the commission may issue
2952 under this section:
2953 (A) a seasonal package agency is counted as one-half of one package agency; and
2954 (B) each "Seasonal A" package agency shall be paired with a "Seasonal B" package
2955 agency.
2956 (c) (i) If the location, design, and construction of a hotel may require more than one
2957 package agency sales location to serve the public convenience, the commission may authorize a
2958 single package agent to sell liquor at as many as three locations within the hotel under one
2959 package agency if:
2960 (A) the hotel has a minimum of 150 guest rooms; and
2961 (B) all locations under the package agency are:
2962 (I) within the same hotel; and
2963 (II) on premises that are managed or operated, and owned or leased, by the package
2964 agent.
2965 (ii) A facility other than a hotel shall have a separate package agency for each location
2966 where liquor may be sold, offered for sale, or furnished.
2967 (3) (a) A package agent, under the direction of the department, is responsible for
2968 implementing and enforcing this title and the rules adopted under this title to the extent this
2969 title and the rules relate to the conduct of the package agency and a package agency's sale of
2970 liquor.
2971 (b) A package agent may not be a state employee. A package agent may not be
2972 construed to be a state employee or otherwise entitled to any benefit of employment from the

2973 state.
2974 (c) A package agent, when selling liquor from a package agency, is considered an agent
2975 of the state only to the extent specifically expressed in the package agency agreement.
2976 (4) The commission may prescribe by rule one or more types of package agencies
2977 issued under this part that are consistent with this title.
2978 Section 67. Section **32B-2-602** is enacted to read:
2979 **32B-2-602. Application requirements for a package agency.**
2980 (1) Before a person may store, sell, offer for sale, or furnish liquor in a sealed package
2981 on its premises under a package agency, the person shall first obtain a package agency issued
2982 by the commission in accordance with this part.
2983 (2) To obtain a package agency, a person seeking to be the package agent under this
2984 part shall submit to the department:
2985 (a) a written application in a form prescribed by the department;
2986 (b) a nonrefundable application fee of $100;
2987 (c) written consent of the local authority;
2988 (d) evidence of proximity to any community location, with proximity requirements
2989 being governed by Section 32B-1-202;
2990 (e) a bond as specified by Section 32B-2-604;
2991 (f) a floor plan of the premises, including a description and highlighting of that part of
2992 the premises in which the person proposes that the package agency be located;
2993 (g) evidence that the package agency is carrying public liability insurance in an amount
2994 and form satisfactory to the department;
2995 (h) a signed consent form stating that the package agent permits any authorized
2996 representative of the commission, department, or any law enforcement officer to have
2997 unrestricted right to enter the premises of the package agency;
2998 (i) if the person applying is an entity, verification that a person who signs the package
2999 agency application is authorized to sign on behalf of the entity; and
3000 (j) any other information the commission or department may require.
3001 (3) The commission may not issue a package agency to a person who is disqualified
3002 under Section 32B-1-304.
3003 (4) The commission may not issue a package agency for premises that do not meet the

3004 proximity requirements of Section 32B-1-202.
3005 Section 68. Section **32B-2-603** is enacted to read:
3006 **32B-2-603. Commission and department duties before issuing a package agency.**
3007 (1) (a) Before the commission may issue a package agency, the department shall
3008 conduct an investigation and may hold public hearings to gather information and make
3009 recommendations to the commission to assure appropriate service to the general population of
3010 the state.
3011 (b) The department shall forward the information and recommendations described in
3012 Subsection (1)(a) to the commission to aid in the commission's determination.
3013 (2) Before issuing a package agency, the commission shall:
3014 (a) determine that the person filed a complete application and is in compliance with
3015 Section 32B-2-602;
3016 (b) determine that the person is not disqualified under Section 32B-1-304;
3017 (c) determine that the package agency premises complies with the zoning ordinances of
3018 the locality where the package agency will be located;
3019 (d) consider the locality within which the proposed package agency will be located,
3020 including:
3021 (i) physical characteristics, such as:
3022 (A) condition of the premises;
3023 (B) square footage;
3024 (C) parking; and
3025 (D) delivery access; and
3026 (ii) operational factors, such as:
3027 (A) tourist traffic;
3028 (B) access to the public;
3029 (C) demographics;
3030 (D) population to be served;
3031 (E) the nature of surrounding establishments;
3032 (F) proximity to and density of other state stores, package agencies, and retail
3033 licensees;
3034 (G) proximity to residential communities; and

3035 (H) the extent of and proximity to educational, religious, and recreational facilities;
3036 (e) consider the person's ability to manage and operate a package agency, including:
3037 (i) management experience;
3038 (ii) past retail liquor experience;
3039 (iii) the type of establishment or business in which the package agency may be located;
3040 (iv) hours of operation; and
3041 (v) ability to maintain inventory levels as set by the department; and
3042 (f) consider any other factor the commission considers necessary.
3043 Section 69. Section **32B-2-604** is enacted to read:
3044 **32B-2-604. Bond related to package agency.**
3045 (1) (a) A package agent who has a consignment liquor inventory owned by the state
3046 shall post a consignment surety bond payable to the department in the amount of the
3047 consignment inventory.
3048 (b) A consignment surety bond shall be conditioned upon a package agent's return of
3049 the unsold consignment liquor inventory at the termination of a package agency agreement.
3050 (2) (a) A package agent that owns the package agency's liquor inventory shall post a
3051 cash bond or surety bond:
3052 (i) in the penal amount of fixed by the department, except that the penal amount shall
3053 be at least $1,000; and
3054 (ii) payable to the department.
3055 (3) A package agent shall procure and maintain the bond required under this section for
3056 as long as the package agent continues to operate as a package agent.
3057 (2) A bond required under this section shall be:
3058 (a) in a form approved by the attorney general; and
3059 (b) conditioned upon the package agent's faithful compliance with this title, the rules of
3060 the commission, and the package agency agreement.
3061 Section 70. Section **32B-2-605** is enacted to read:
3062 **32B-2-605. Operational requirements for package agency.**
3063 (1) (a) A person may not operate a package agency until a package agency agreement is
3064 entered into by the package agent and the department.
3065 (b) A package agency agreement shall state the conditions of operation by which the

3066 package agent and the department are bound.
3067 (c) (i) If a package agent or staff of the package agent violates this title, rules under this
3068 title, or the package agency agreement, the department may take any action against the package
3069 agent that is allowed by the package agency agreement.
3070 (ii) An action against a package agent is governed solely by its package agency
3071 agreement and may include suspension or revocation of the package agency.
3072 (iii) Notwithstanding that this part refers to "package agency" or "package agent," staff
3073 of the package agency or package agent is subject to the same requirement or prohibition.
3074 (2) (a) A package agency shall be operated by an individual who is either:
3075 (i) the package agent; or
3076 (ii) an individual designated by the package agent.
3077 (b) An individual who is a designee under this Subsection (2) shall be:
3078 (i) an employee of the package agent; and
3079 (ii) responsible for the operation of the package agency.
3080 (c) The conduct of the designee is attributable to the package agent.
3081 (d) A package agent shall submit the name of the person operating the package agency
3082 to the department for the department's approval.
3083 (e) A package agent shall state the name and title of a designee on the application for a
3084 package agency.
3085 (f) A package agent shall:
3086 (i) inform the department of a proposed change in the individual designated to operate
3087 a package agency; and
3088 (ii) receive prior approval from the department before implementing the change
3089 described in this Subsection (2)(f).
3090 (g) Failure to comply with the requirements of this Subsection (2) may result in the
3091 immediate termination of a package agency agreement.
3092 (3) A package agent shall display in a prominent place in the package agency:
3093 (a) the record issued by the commission that designates the package agency; and
3094 (b) a sign in large letters stating: "Warning: Driving under the influence of alcohol or
3095 drugs is a serious crime that is prosecuted aggressively in Utah."
3096 (4) A package agency may not display liquor or a price list in a window or showcase

3097 that is visible to passersby.
3098 (5) (a) A package agency may not purchase liquor from a person except from the
3099 department.
3100 (b) At the discretion of the department, liquor may be provided by the department to a
3101 package agency for sale on consignment.
3102 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place
3103 other than as designated in the package agent's application, unless the package agent first
3104 applies for and receives approval from the department for a change of location within the
3105 package agency premises.
3106 (7) A package agency may not sell, offer for sale, or furnish liquor except at a price
3107 fixed by the commission.
3108 (8) A package agency may not sell, offer for sale, or furnish liquor to:
3109 (a) a minor;
3110 (b) a person actually, apparently, or obviously intoxicated;
3111 (c) a known interdicted person;
3112 (d) a known habitual drunkard.
3113 (9) (a) A package agency may not employ a minor to handle liquor.
3114 (b) (i) Staff of a package agency may not:
3115 (A) consume an alcoholic product on the premises of a package agency; or
3116 (B) allow any person to consume an alcoholic product on the premises of a package
3117 agency.
3118 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
3119 (10) (a) A package agency may not close or cease operation for a period longer than 72
3120 hours, unless:
3121 (i) the package agency notifies the department in writing at least seven days before the
3122 closing; and
3123 (ii) the closure or cessation of operation is first approved by the department.
3124 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package
3125 agency shall immediately notify the department by telephone.
3126 (c) (i) The department may authorize a closure or cessation of operation for a period
3127 not to exceed 60 days.

3128 (ii) The department may extend the initial period an additional 30 days upon written
3129 request of the package agency and upon a showing of good cause.
3130 (iii) A closure or cessation of operation may not exceed a total of 90 days without
3131 commission approval.
3132 (d) The notice required by Subsection (10)(a) shall include:
3133 (i) the dates of closure or cessation of operation;
3134 (ii) the reason for the closure or cessation of operation; and
3135 (iii) the date on which the package agency will reopen or resume operation.
3136 (e) Failure of a package agency to provide notice and to obtain department
3137 authorization before closure or cessation of operation results in an automatic termination of the
3138 package agency agreement effective immediately.
3139 (f) Failure of a package agency to reopen or resume operation by the approved date
3140 results in an automatic termination of the package agency agreement effective on that date.
3141 (11) A package agency may not transfer its operations from one location to another
3142 location without prior written approval of the commission.
3143 (12) (a) A person, having been issued a package agency, may not sell, transfer, assign,
3144 exchange, barter, give, or attempt in any way to dispose of the package agency to another
3145 person, whether for monetary gain or not.
3146 (b) A package agency has no monetary value for any type of disposition.
3147 (13) (a) Subject to the other provisions of this Subsection (13):
3148 (i) sale or delivery of liquor may not be made on or from the premises of a package
3149 agency, and a package agency may not be kept open for the sale of liquor:
3150 (A) on Sunday; or
3151 (B) on a state or federal legal holiday.
3152 (ii) Sale or delivery of liquor may be made on or from the premises of a package
3153 agency, and a package agency may be open for the sale of liquor, only on a day and during
3154 hours that the commission directs by rule or order.
3155 (b) Subsection (13)(a) governs unless:
3156 (i) the package agency is located at a winery licensed in accordance with Chapter 11,
3157 Manufacturing and Related Licenses Act;
3158 (ii) the winery licensed in accordance with Chapter 11, Manufacturing and Related

3159 Licenses Act, holds:
3160 (A) a full-service restaurant license; or
3161 (B) a limited-service restaurant license;
3162 (iii) the restaurant is located at the winery;
3163 (iv) the restaurant sells wines produced at the winery;
3164 (v) the winery:
3165 (A) owns the restaurant; or
3166 (B) operates the restaurant;
3167 (vi) the package agency only sells wine produced at the winery; and
3168 (vii) the package agency's days and hours of sale are the same as the days and hours of
3169 sale at the restaurant.
3170 (c) (i) Subsection (13)(a) does not apply to a package agency held by a resort licensee if
3171 the package agent that holds the package agency to sell liquor at the resort does not sell liquor
3172 in a manner similar to a state store.
3173 (ii) The commission may by rule define what constitutes a package agency that sells
3174 liquor "in a manner similar to a state store."
3175 (14) (a) Except to the extent authorized by commission rule, a minor may not be
3176 admitted into, or be on the premises of a package agency unless accompanied by a person who
3177 is:
3178 (i) 21 years of age or older; and
3179 (ii) the minor's parent, legal guardian, or spouse.
3180 (b) A package agent or staff of a package agency that has reason to believe that a
3181 person who is on the premises of a package agency is under the age of 21 and is not
3182 accompanied by a person described in Subsection (14)(a) may:
3183 (i) ask the suspected minor for proof of age;
3184 (ii) ask the person who accompanies the suspected minor for proof of age; and
3185 (iii) ask the suspected minor or the person who accompanies the suspected minor for
3186 proof of parental, guardianship, or spousal relationship.
3187 (c) A package agent or staff of a package agency shall refuse to sell liquor to the
3188 suspected minor and to the person who accompanies the suspected minor into the package
3189 agency if the minor or person fails to provide any information specified in Subsection (14)(b).

3190 (d) A package agent or staff of a package agency shall require the suspected minor and
3191 the person who accompanies the suspected minor into the package agency to immediately leave
3192 the premises of the package agency if the minor or person fails to provide information specified
3193 in Subsection (14)(b).
3194 (15) (a) A package agency may not sell, offer for sale, or furnish liquor except in a
3195 sealed package.
3196 (b) A person may not open a sealed package on the premises of a package agency.
3197 (16) The department may pay or otherwise remunerate a package agent on any basis,
3198 including sales or volume of business done by the package agency.
3199 (17) The commission may prescribe by policy or rule general operational requirements
3200 of a package agency that are consistent with this title and relate to:
3201 (a) physical facilities;
3202 (b) conditions of operation;
3203 (c) hours of operation;
3204 (d) inventory levels;
3205 (e) payment schedules;
3206 (f) methods of payment;
3207 (g) premises security; and
3208 (h) any other matter considered appropriate by the commission.
3209 Section 71. Section **32B-2-606** is enacted to read:
3210 **32B-2-606. Delivery of liquor to package agency.**
3211 (1) Liquor to be sold from a package agency may be transported from a warehouse or
3212 state store authorized by the department to the package agency if transported by a person
3213 authorized by the department to transport the liquor to the package agency, including a
3214 common carrier.
3215 (2) A person, while in or about a vehicle in which liquor is being transported, may not
3216 open, break, or allow to be opened or broken, a package containing liquor.
3217 (3) A person may not drink, use, or allow to be drunk or used, any liquor while the
3218 liquor is in transit under this section.
3219 Section 72. Section **32B-2-607** is enacted to read:
3220 **32B-2-607. Return of inventory by package agent.**

3221 A package agent shall immediately return to the department liquor previously received
3222 from the department on consignment that remains unsold at the time the package agent's
3223 package agency agreement terminates or the liquor is subject to immediate seizure by the
3224 department.
3225 Section 73. Section **32B-3-101** is enacted to read:
3226 **CHAPTER 3. DISCIPLINARY ACTIONS AND ENFORCEMENT ACT**
3227 **Part 1. General Provisions**
3228 **32B-3-101. Title.**
3229 This chapter is known as the "Disciplinary Actions and Enforcement Act."
3230 Section 74. Section **32B-3-102** is enacted to read:
3231 **32B-3-102. Definitions.**
3232 As used in this chapter, "final adjudication" means an adjudication for which a final
3233 judgment or order is issued that:
3234 (1) is not appealed, and the time to appeal the judgment has expired; or
3235 (2) is appealed, and is affirmed, in whole or in part, on appeal.
3236 Section 75. Section **32B-3-201** is enacted to read:
3237 **Part 2. Disciplinary Proceedings**
3238 **32B-3-201. Nature of adjudicative proceedings under title.**
3239 (1) An adjudicative proceeding under this title, including a disciplinary proceeding, is a
3240 civil action, notwithstanding whether at issue in the adjudicative proceeding is a violation of
3241 statute that can be prosecuted criminally.
3242 (2) Unless specifically adopted in this title, a procedure or principal that is applicable
3243 to a criminal proceeding does not apply to an adjudicative proceeding permitted under this title
3244 including:
3245 (a) Title 76, Chapter 1, General Provisions;
3246 (b) Title 76, Chapter 2, Principles of Criminal Responsibility;
3247 (c) Title 76, Chapter 3, Punishments; and
3248 (d) Title 76, Chapter 4, Inchoate Offenses.
3249 (3) (a) The burden of proof in an adjudicative proceeding under this title is by a
3250 preponderance of the evidence.
3251 (b) If the subject of an adjudicative proceeding under this title asserts an affirmative

3252 defense, the subject has the burden of proof to establish the affirmative defense by the
3253 preponderance of the evidence.
3254 (4) In an adjudicative proceeding under this title, to find a violation of this title the
3255 commission:
3256 (a) is required to determine whether the conduct that constitutes the violation occurred;
3257 and
3258 (b) is not required to make a finding of knowledge or intent unless knowledge or intent
3259 is expressly made an element of the violation by statute.
3260 Section 76. Section **32B-3-202** is enacted to read:
3261 **32B-3-202. Timing of reporting violations.**
3262 Except when the person subject to administrative action is staff:
3263 (1) A disciplinary proceeding may not be initiated or maintained by the commission or
3264 department on the basis, in whole or in part, of a violation of this title unless a person subject to
3265 administrative action against whom the violation is alleged is notified by the department of the
3266 violation in accordance with this section.
3267 (2) (a) A nondepartment enforcement agency or nondepartment enforcement officer
3268 may not report a violation of this title to the department more than eight business days after the
3269 day on which a nondepartment enforcement officer or agency completes an investigation that
3270 finds a violation of this title.
3271 (b) If the commission or department wants the right to initiate or maintain a
3272 disciplinary proceeding on the basis, in whole or in part, of a violation of this title alleged in a
3273 report described in Subsection (2)(a), the department shall notify a person subject to
3274 administrative action who is alleged by the report to have violated this title:
3275 (i) by no later than eight business days of the day on which the department receives the
3276 report described in Subsection (2)(a); and
3277 (ii) that the commission or department may initiate or maintain a disciplinary
3278 proceeding on the basis, in whole or in part, of the violation.
3279 (3) If the commission or department wants the right to initiate or maintain a
3280 disciplinary proceeding on the basis, in whole or in part, of a violation of this title alleged by a
3281 report of a department compliance officer, the department shall notify a person subject to
3282 administrative action who is alleged by the report to have violated this title:

3283 (a) by no later than eight business days of the day on which the department compliance
3284 officer completes an investigation that finds a violation of this title; and
3285 (b) that the commission or department may initiate or maintain a disciplinary
3286 proceeding on the basis, in whole or in part, of the violation.
3287 (4) (a) A notice required by this section may be done orally, if after the oral notification
3288 the department provides written notification.
3289 (b) The written notification described in Subsection (4)(a) may be sent outside the time
3290 periods required by this section.
3291 (5) The department shall maintain a record of a notification required by this section
3292 that includes:
3293 (a) the name of the person notified; and
3294 (b) the date of the notification.
3295 Section 77. Section **32B-3-203** is enacted to read:
3296 **32B-3-203. Initiating a disciplinary proceeding.**
3297 Subject to Section 32B-3-202:
3298 (1) The department may initiate a disciplinary proceeding described in Subsection (2)
3299 if the department receives:
3300 (a) a report from an investigator alleging that a person subject to administrative action
3301 violated this title or the rules of the commission;
3302 (b) a final adjudication of criminal liability against a person subject to administrative
3303 action on the basis of an alleged violation of this title; or
3304 (c) a final adjudication of civil liability in accordance with Chapter 15, Alcoholic
3305 Beverage Liability Act, against a person subject to administrative action on the basis of an
3306 alleged violation of this title.
3307 (2) If the condition of Subsection (1) is met, the department may initiate a disciplinary
3308 proceeding to determine:
3309 (a) whether a person subject to administrative action violated this title or rules of the
3310 commission; and
3311 (b) if a violation is found, the appropriate sanction to be imposed.
3312 (3) (a) Unless waived by the respondent, a disciplinary proceeding shall be held:
3313 (i) if required by law;

3314 (ii) before revoking or suspending a license, permit, or certificate of approval issued
3315 under this title; or
3316 (iii) before imposing a fine against a person subject to administrative action.
3317 (b) Inexcusable failure of a respondent to appear at a scheduled disciplinary proceeding
3318 hearing after receiving proper notice is an admission of the charged violation.
3319 (c) The validity of a disciplinary proceeding is not affected by the failure of a person to
3320 attend or remain in attendance.
3321 Section 78. Section **32B-3-204** is enacted to read:
3322 **32B-3-204. Disciplinary proceeding procedure.**
3323 (1) (a) Subject to Section 32B-3-202, the following may conduct an adjudicative
3324 proceeding to inquire into a matter necessary and proper for the administration of this title and
3325 rules adopted under this title:
3326 (i) the commission;
3327 (ii) a hearing examiner appointed by the commission to conduct a suspension or
3328 revocation hearing required by law;
3329 (iii) the director; and
3330 (iv) the department.
3331 (b) Except as provided in this section or Section 32B-2-605, a person described in
3332 Subsection (1)(a) shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in an
3333 adjudicative proceeding.
3334 (c) Except when otherwise provided by law, an adjudicative proceeding before the
3335 commission or a hearing examiner appointed by the commission shall be:
3336 (i) video or audio recorded; and
3337 (ii) subject to Subsection (3)(b), conducted in accordance with Title 52, Chapter 4,
3338 Open and Public Meetings Act.
3339 (d) A person listed in Subsection (1)(a) shall conduct an adjudicative proceeding
3340 concerning departmental personnel in accordance with Title 67, Chapter 19, Utah State
3341 Personnel Management Act.
3342 (e) A hearing that is informational, fact gathering, and nonadversarial in nature shall be
3343 conducted in accordance with rules, policies, and procedures made by the commission,
3344 director, or department.

3345 (2) (a) Subject to Section 32B-3-202, a disciplinary proceeding shall be conducted
3346 under the authority of the commission, which is responsible for rendering a final decision and
3347 order on a disciplinary matter.
3348 (b) (i) The commission may appoint a necessary officer, including a hearing examiner,
3349 from within or without the department, to administer the disciplinary proceeding process.
3350 (ii) A hearing examiner appointed by the commission:
3351 (A) may conduct a disciplinary proceeding hearing on behalf of the commission; and
3352 (B) shall submit to the commission a report including:
3353 (I) findings of fact determined on the basis of a preponderance of the evidence
3354 presented at the hearing;
3355 (II) conclusions of law; and
3356 (III) recommendations.
3357 (iii) A report of a hearing examiner under this Subsection (2)(b) may not recommend a
3358 penalty more severe than that initially sought by the department in the notice of agency action.
3359 (iv) A copy of a hearing examiner report under this Subsection (2)(b) shall be served
3360 upon the respective parties.
3361 (v) Before final commission action, the commission shall give a respondent and the
3362 department reasonable opportunity to file a written objection to a hearing examiner report.
3363 (3) (a) The commission or an appointed hearing examiner shall preside over a
3364 disciplinary proceeding hearing.
3365 (b) A disciplinary proceeding hearing may be closed only after the commission or
3366 hearing examiner makes a written finding that the public interest in an open hearing is clearly
3367 outweighed by factors enumerated in the closure order.
3368 (c) (i) The commission or its hearing examiner as part of a disciplinary proceeding
3369 hearing may:
3370 (A) administer an oath or affirmation;
3371 (B) take evidence;
3372 (C) take a deposition within or without this state; and
3373 (D) require by subpoena from a place within this state:
3374 (I) the testimony of a person at a hearing; and
3375 (II) the production of a record or other evidence considered relevant to the inquiry.

3376 (ii) A person subpoenaed in accordance with this Subsection (3)(c) shall testify and
3377 produce a record or tangible thing as required in the subpoena.
3378 (iii) A witness subpoenaed, called to testify, or called to produce evidence who claims
3379 a privilege against self-incrimination may not be compelled to testify, but the commission or
3380 the hearing examiner shall file a written report with the county attorney or district attorney in
3381 the jurisdiction where the privilege is claimed or where the witness resides setting forth the
3382 circumstance of the claimed privilege.
3383 (iv) (A) A person is not excused from obeying a subpoena without just cause.
3384 (B) A district court within the judicial district in which a person alleged to be guilty of
3385 willful contempt of court or refusal to obey a subpoena is found or resides, upon application by
3386 the party issuing the subpoena, may issue an order requiring the person to:
3387 (I) appear before the issuing party; and
3388 (II) (Aa) produce documentary evidence if so ordered; or
3389 (Bb) give evidence regarding the matter in question.
3390 (C) Failure to obey an order of the court may be punished by the court as contempt.
3391 (d) In a case heard by the commission, the commission shall issue its final decision and
3392 order in accordance with Subsection (2).
3393 (4) (a) The commission shall:
3394 (i) render a final decision and order on a disciplinary action; and
3395 (ii) cause its final order to be prepared in writing, issued, and served on all parties.
3396 (b) An order of the commission is final on the date the order is issued.
3397 (c) The commission, after the commission renders its final decision and order, may
3398 require the director to prepare, issue, and cause to be served on the parties the final written
3399 order on behalf of the commission.
3400 (5) (a) If a respondent requests a disciplinary proceeding hearing, the hearing held by
3401 the commission or a hearing examiner appointed by the commission shall proceed formally in
3402 accordance with Sections 63G-4-204 through 63G-4-209 if:
3403 (i) the alleged violation poses, or potentially poses, a grave risk to public safety, health,
3404 and welfare;
3405 (ii) the alleged violation involves:
3406 (A) selling or furnishing an alcoholic product to a minor;

3407 (B) attire, conduct, or entertainment prohibited by Chapter 1, Part 5, Attire, Conduct,
3408 and Entertainment Act;
3409 (C) fraud, deceit, willful concealment, or misrepresentation of the facts by or on behalf
3410 of the respondent;
3411 (D) interfering or refusing to cooperate with:
3412 (I) an authorized official of the department or the state in the discharge of the official's
3413 duties in relation to the enforcement of this title; or
3414 (II) a peace officer in the discharge of the peace officer's duties in relation to the
3415 enforcement of this title;
3416 (E) an unlawful trade practice under Chapter 4, Part 7, Trade Practices Act;
3417 (F) unlawful importation of an alcoholic product; or
3418 (G) unlawful supply of liquor by a liquor industry member, as defined in Section
3419 32B-4-702, to a person other than the department or a military installation, except to the extent
3420 permitted by this title; or
3421 (iii) the department determines to seek in a disciplinary proceeding hearing:
3422 (A) an administrative fine exceeding $3,000;
3423 (B) a suspension of a license, permit, or certificate of approval of more than 10 days; or
3424 (C) a revocation of a license, permit, or certificate of approval.
3425 (b) If a respondent does not request a disciplinary proceeding hearing, a hearing shall
3426 proceed informally unless it is designated as a formal proceeding pursuant to rules adopted by
3427 the commission in accordance with Subsection (5)(c).
3428 (c) The commission shall make rules to provide a procedure to implement this
3429 Subsection (5).
3430 Section 79. Section **32B-3-205** is enacted to read:
3431 **32B-3-205. Penalties.**
3432 (1) If the commission is satisfied that a person subject to administrative action violates
3433 this title or the commission's rules, in accordance with Title 63G, Chapter 4, Administrative
3434 Procedures Act, the commission may:
3435 (a) suspend or revoke the person's license, permit, or certificate of approval;
3436 (b) subject to Subsection (2), impose a fine against the person, including individual
3437 staff of a licensee, permittee, or certificate holder;

3438 (c) assess the administrative costs of a disciplinary proceeding to the person if the
3439 person is a licensee, permittee, or certificate holder; or
3440 (d) take a combination of actions described in this Subsection (1).
3441 (2) (a) A fine imposed may not exceed $25,000 in the aggregate for:
3442 (i) a single notice of agency action; or
3443 (ii) a single action against a package agency.
3444 (b) The commission shall by rule establish a schedule setting forth a range of fines for
3445 each violation.
3446 (3) The commission shall transfer the costs assessed under this section into the General
3447 Fund in accordance with Section 32B-2-301.
3448 (4) (a) If a license or permit is suspended under this section, the licensee or permittee
3449 shall prominently display a sign provided by the department:
3450 (i) during the suspension; and
3451 (ii) at the entrance of the premises of the licensee or permittee.
3452 (b) The sign required by this Subsection (4) shall:
3453 (i) read "The Utah Alcoholic Beverage Control Commission has suspended the
3454 alcoholic product license or permit of this establishment. An alcoholic product may not be
3455 sold, offered for sale, furnished, or consumed on these premises during the period of
3456 suspension."; and
3457 (ii) include the dates of the suspension period.
3458 (c) A licensee or permittee may not remove, alter, obscure, or destroy a sign required to
3459 be displayed under this Subsection (4) during the suspension period.
3460 (5) (a) If a license or permit is revoked, the commission may order the revocation of a
3461 bond posted by the licensee or permittee under this title.
3462 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
3463 bond posted by a licensee or permittee for money owed the department under this title without
3464 the commission first revoking the license or permit.
3465 (6) A licensee or permittee whose license or permit is revoked may not reapply for a
3466 license or permit under this title for three years from the date on which the license or permit is
3467 revoked.
3468 (7) If a staff member of a licensee, permittee, or certificate holder is found to have

3469 violated this title, in addition to imposing another penalty authorized by this title, the
3470 commission may prohibit the staff member from handling, selling, furnishing, distributing,
3471 manufacturing, wholesaling, or warehousing an alcoholic product in the course of acting as
3472 staff with a licensee, permittee, or certificate holder under this title for a period determined by
3473 the commission.
3474 (8) (a) If the commission makes the finding described in Subsection (8)(b), in addition
3475 to other penalties prescribed by this title, the commission may order:
3476 (i) the removal of an alcoholic product of the manufacturer's, supplier's, or importer's
3477 from the department's sales list; and
3478 (ii) a suspension of the department's purchase of an alcoholic product described in
3479 Subsection (8)(a)(i) for a period determined by the commission.
3480 (b) The commission may take the action described in Subsection (8)(a) if:
3481 (i) a manufacturer, supplier, or importer of liquor or its staff or representative violates
3482 this title; and
3483 (ii) the manufacturer, supplier, or importer:
3484 (A) directly commits the violation; or
3485 (B) solicits, requests, commands, encourages, or intentionally aids another to engage in
3486 the violation.
3487 (9) If the commission makes a finding that the brewer holding a certificate of approval
3488 violates this title or rules of the commission, the commission may take an action against the
3489 brewer holding a certificate of approval that the commission could take against a licensee
3490 including:
3491 (a) suspension or revocation of the certificate of approval; and
3492 (b) imposition of a fine.
3493 (10) Notwithstanding the other provisions of this title, the commission may not order a
3494 disciplinary action or fine in accordance with this section if the disciplinary action or fine is
3495 ordered on the basis of a violation:
3496 (a) of a provision in this title related to intoxication or becoming intoxicated; and
3497 (b) if the violation is first investigated by a law enforcement officer, as defined in
3498 Section 53-13-103, who has not received training regarding the requirements of this title
3499 related to responsible alcoholic product sale or service.

3500 Section 80. Section **32B-3-206** is enacted to read:
3501 **32B-3-206. Dishonored checks.**
3502 (1) If a check issued in payment of a fee or cost authorized or required by this title is
3503 returned to the department as dishonored:
3504 (a) the department may assess a service charge in an amount set by commission rule
3505 against the person on whose behalf the check was tendered;
3506 (b) if the check that is returned to the department is from a package agent, licensee, or
3507 permittee, the commission may:
3508 (i) suspend or revoke the license or permit; or
3509 (ii) suspend or terminate the operation of the package agency;
3510 (c) the department may require that the person who payed with the dishonored check
3511 only pay money owed to the department under this title with cash for the time period
3512 determined by the department; or
3513 (d) the department or commission may take a combination of actions as provided in
3514 this Subsection (1).
3515 (2) (a) If a license or permit is revoked under this section, the commission may require
3516 the forfeiture of the bond of the licensee or permittee.
3517 (b) Notwithstanding Subsection (2)(a), the department may make a claim against a
3518 bond posted by a licensee or permittee for money owed the department under this title without
3519 the commission first revoking the license or permit.
3520 (3) (a) If the operation of a package agency is terminated under this section and the
3521 department has posted a bond for the package agency, the commission may require the
3522 forfeiture of the bond.
3523 (b) Notwithstanding Subsection (3)(a), the department may make a claim against a
3524 bond posted for a package agency without the commission first terminating the operation of the
3525 package agency.
3526 Section 81. Section **32B-3-207** is enacted to read:
3527 **32B-3-207. Judicial review -- Enforcement.**
3528 (1) In a disciplinary proceeding, a respondent found in a final order of the commission
3529 to have violated this title or rules of the commission made under this title may seek judicial
3530 review in a court of competent jurisdiction pursuant to the judicial review provisions of

3531 Sections 63G-4-401 through 63G-4-405.
3532 (2) Notwithstanding Subsection 63G-4-403(4)(g), an appellate court may not grant
3533 relief on the basis that a finding of fact by the commission in a formal disciplinary proceeding
3534 is not supported, if the commission's finding of fact is supported by any evidence of substance
3535 in the record of the formal disciplinary proceeding when viewed in light of the whole record
3536 before the court.
3537 (3) In addition to another remedy provided by law, the commission may seek
3538 enforcement of a commission order in a disciplinary proceeding by seeking civil enforcement
3539 in a state district court in accordance with Section 63G-4-501.
3540 Section 82. Section **32B-3-301** is enacted to read:
3541 **Part 3. Nuisance Retail Licensee Act**
3542 **32B-3-301. Title.**
3543 This part is known as the "Nuisance Retail Licensee Act."
3544 Section 83. Section **32B-3-302** is enacted to read:
3545 **32B-3-302. Definitions.**
3546 As used in this part:
3547 (1) "Nuisance activity" means:
3548 (a) a judicial finding that a licensed establishment is a nuisance under Section
3549 32B-4-208; or
3550 (b) an act described in Section 32B-3-303.
3551 (2) "Objecting governmental entity" means:
3552 (a) a local government entity;
3553 (b) a prosecutor's office; or
3554 (c) a law enforcement agency.
3555 Section 84. Section **32B-3-303** is enacted to read:
3556 **32B-3-303. Acts making a person subject to this part.**
3557 (1) One or more of the following acts constitute a nuisance activity:
3558 (a) a single felony conviction within the last two years of:
3559 (i) a retail licensee; or
3560 (ii) supervisory or managerial level staff of the retail licensee;
3561 (b) a single conviction under Title 58, Chapter 37, Utah Controlled Substances Act:

3562 (i) (A) of a retail licensee; or
3563 (B) staff of the retail licensee;
3564 (ii) within the last two years; and
3565 (iii) made on the basis of an act that occurs on the licensed premises;
3566 (c) three or more convictions of patrons of a retail licensee under Title 58, Chapter 37,
3567 Utah Controlled Substances Act, if:
3568 (i) the convictions are made on the basis of an act that occurs on the licensed premises;
3569 and
3570 (ii) there is evidence that the retail licensee knew or should have known of the illegal
3571 activity;
3572 (d) a single conviction within the last two years of a retail licensee or staff of the retail
3573 licensee that is made on the basis of:
3574 (i) pornographic and harmful materials:
3575 (A) that violate Title 76, Chapter 10, Part 12, Pornographic and Harmful Materials and
3576 Performances; and
3577 (B) if the violation occurs on the licensed premises;
3578 (ii) prostitution;
3579 (iii) engaging in or permitting gambling, as defined and proscribed in Title 76, Chapter
3580 10, Part 11, Gambling, on the licensed premises;
3581 (iv) having any video gaming device, as defined and proscribed by Title 76, Chapter
3582 10, Part 11, Gambling, on the licensed premises;
3583 (v) on the licensed premises engaging in or permitting a contest, game, gaming
3584 scheme, or gaming device that requires the risking of something of value for a return or for an
3585 outcome when the return or outcome is based upon an element of chance, excluding the playing
3586 of an amusement device that confers only an immediate and unrecorded right of replay not
3587 exchangeable for value;
3588 (vi) a disturbance of the peace that occurs on the licensed premises; or
3589 (vii) disorderly conduct that occurs on the licensed premises; or
3590 (e) three or more adjudicated violations of this title within the last two years by a retail
3591 licensee or by staff of the retail licensee that result in a criminal citation or an administrative
3592 referral to the department relating to:

3593 (i) the sale, offer for sale, or furnishing of alcohol to a minor;
3594 (ii) the sale, offer for sale, or furnishing of alcohol to a person actually, apparently, or
3595 obviously intoxicated;
3596 (iii) the sale, offer for sale, or furnishing of alcohol after the lawful hours for the sale or
3597 furnishing; or
3598 (iv) acts or conduct on the licensed premises contrary to the public welfare and morals
3599 involving lewd acts or lewd entertainment prohibited by this title.
3600 (2) For purposes of Subsection (1), in the case of a retail licensee that is a partnership,
3601 corporation, or limited liability company, a conviction under Subsection (1)(c) includes a
3602 conviction of any of the following for an offense described in Subsection (1)(c):
3603 (a) a partner;
3604 (b) a managing agent;
3605 (c) a manager;
3606 (d) an officer;
3607 (e) a director;
3608 (f) a stockholder who holds at least 20% of the total issued and outstanding stock of a
3609 corporate licensee; or
3610 (g) a member who owns at least 20% of a limited liability company licensee.
3611 Section 85. Section **32B-3-304** is enacted to read:
3612 **32B-3-304. Rulemaking.**
3613 In accordance with this chapter, the commission may make rules that govern the filing
3614 under this chapter of:
3615 (1) a formal objection to the renewal of a retail license; and
3616 (2) a request for hearing filed by a retail licensee.
3617 Section 86. Section **32B-3-305** is enacted to read:
3618 **32B-3-305. Commission to prohibit nuisance activity by licensee -- License not**
3619 **renewed.**
3620 (1) In accordance with Section 32B-1-104, the commission shall require a retail
3621 licensee as a condition of being licensed under this title to operate in a manner so as not to
3622 endanger the public health, peace, safety, welfare, or morals of the community.
3623 (2) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, and

3624 Sections 32B-3-306 and 32B-3-307, the commission may deny the renewal of a retail license
3625 if:
3626 (i) a formal objection to the renewal is filed; and
3627 (ii) the commission determines that the retail licensee has engaged in a nuisance
3628 activity to such an extent that the nuisance activity has adversely impacted the public health,
3629 peace, safety, welfare, or morals of the neighboring community of the licensed premises.
3630 (b) In making a determination under this Subsection (2), the commission may consider:
3631 (i) the type of nuisance activity in which a retail licensee engages;
3632 (ii) the frequency or pattern of the nuisance activity; and
3633 (iii) the retail licensee's notice of and failure to abate or correct the nuisance activity.
3634 Section 87. Section **32B-3-306** is enacted to read:
3635 **32B-3-306. Formal objections to renewal.**
3636 (1) The department shall notify governmental entities that in accordance with this part
3637 an objecting governmental entity may file with the commission an objection to the renewal of a
3638 retail licensee's license in the objecting governmental entity's community.
3639 (2) The department or an objecting governmental entity may file with the commission a
3640 formal objection to a retail license being renewed by the commission if the formal objection:
3641 (a) is filed on the basis of a nuisance activity;
3642 (b) is filed no later than 60 days before the expiration date of the retail licensee's
3643 license; and
3644 (c) states with particularity all relevant facts and circumstances relating to the nuisance
3645 activity that forms the basis for the formal objection.
3646 Section 88. Section **32B-3-307** is enacted to read:
3647 **32B-3-307. Hearing on formal objections to renewal.**
3648 (1) Upon receipt of a formal objection that meets the requirements of Section
3649 32B-3-306, the department shall:
3650 (a) issue a notice of agency action; and
3651 (b) serve on the retail licensee no later than 30 days before the expiration of the retail
3652 licensee's license:
3653 (i) the notice of agency action; and
3654 (ii) a copy of the formal objection.

3655 (2) (a) A retail licensee against whom a notice of agency action is served under
3656 Subsection (1) may request a hearing.
3657 (b) The request for hearing described in Subsection (2)(a) shall be:
3658 (i) in writing; and
3659 (ii) filed with the commission within 10 days of the day on which the notice of agency
3660 action is served on the retail licensee.
3661 (c) If a retail licensee fails to file a request for hearing in accordance with this
3662 Subsection (2), the commission may not renew the license of the retail licensee.
3663 (3) (a) Upon receipt of a request for hearing meeting the requirements of Subsection
3664 (2), the department shall immediately schedule a hearing that shall be:
3665 (i) held no later than 10 days before the expiration date of the retail licensee's license;
3666 and
3667 (ii) electronically recorded by the department.
3668 (b) The retail licensee or an objecting governmental entity, at its own expense, may
3669 have a reporter approved by the department prepare a transcript from the department's record of
3670 the hearing.
3671 (c) (i) The department shall present information at the hearing that supports a finding
3672 that a nuisance activity occurred.
3673 (ii) The information described in Subsection (3)(c)(i) shall be made a part of the record
3674 of the hearing.
3675 (d) A retail licensee shall:
3676 (i) have the opportunity to challenge or explain whether any of the nuisance activity
3677 that forms the basis for the formal objection occurred; and
3678 (ii) be permitted to:
3679 (A) testify;
3680 (B) present evidence; and
3681 (C) comment on the issues at the hearing.
3682 (4) (a) A hearing held under this chapter shall be conducted under the authority of the
3683 commission.
3684 (b) The commission is responsible for rendering a final order on whether a retail
3685 licensee's license shall be renewed.

3686 (c) Notwithstanding Subsections (4)(a) and (b), the commission may appoint a
3687 necessary hearing examiner to administer the hearing process.
3688 (d) The commission or the hearing examiner appointed by the commission shall serve
3689 as the presiding officer at a hearing held under this section.
3690 (e) The presiding officer at a hearing held under this section:
3691 (i) shall evaluate:
3692 (A) the information presented at the hearing in support of the formal objection; and
3693 (B) any explanation and evidence offered by the retail licensee; and
3694 (ii) may consider such factors as:
3695 (A) the length of time the retail licensee has operated the licensed premises;
3696 (B) the condition of the licensed premises;
3697 (C) whether the retail licensee knew or should have known of the nuisance activity in
3698 question;
3699 (D) whether the retail licensee failed to:
3700 (I) make a substantial effort to correct the nuisance activity; and
3701 (II) work with law enforcement to curtail the nuisance activity;
3702 (E) whether the nuisance activity has been ongoing or temporary;
3703 (F) whether the retail licensee or the retail licensee's staff:
3704 (I) initiated contact with the law enforcement agency on the nuisance activity; and
3705 (II) cooperated with the law enforcement agency's investigation; and
3706 (G) whether prior efforts to stop the nuisance activity by the community or the retail
3707 licensee have been unsuccessful.
3708 (5) An order issued under this section shall:
3709 (a) be based on the evidence presented at the hearing; and
3710 (b) state whether:
3711 (i) the continued operation of the licensed premises will endanger the public health,
3712 peace, safety, welfare, or morals of the community; and
3713 (ii) the retail license should or should not be renewed.
3714 (6) (a) If the presiding officer is a hearing examiner appointed by the commission, the
3715 hearing officer shall issue a signed order in writing that:
3716 (i) complies with Subsection (5);

3717 (ii) recommends to the commission whether the retail license should or should not be
3718 renewed;
3719 (iii) states the reasons for the hearing officer's decision; and
3720 (iv) notifies the retail licensee and the objecting governmental entity that the hearing
3721 examiner's order will be considered by the commission at the next regularly scheduled meeting
3722 of the commission.
3723 (b) The department shall promptly mail a copy of the hearing examiner's order to:
3724 (i) the retail licensee; and
3725 (ii) any objecting governmental entity.
3726 (c) The commission at its next regularly scheduled meeting after receipt of a hearing
3727 examiner's order, shall decide whether to renew or not renew the retail license on the basis of:
3728 (i) the record and evidence presented at the hearing; and
3729 (ii) the hearing examiner's recommendation.
3730 (7) (a) As an alternative to ordering that a retail license not be renewed under this
3731 section, the commission may conditionally renew a retail license by requiring that:
3732 (i) the retail licensee and the licensed premises be closely monitored during the
3733 licensing year by:
3734 (A) the department;
3735 (B) local government officials; and
3736 (C) law enforcement; and
3737 (ii) the matter be reviewed before the next renewal period.
3738 (b) The commission may conditionally renew a retail license contingent on a person
3739 listed in Subsection (7)(b)(ii) divesting all interest in the retail licensed business if:
3740 (i) the retail licensee is a partnership, corporation, or limited liability company; and
3741 (ii) the formal objection filed under this section if filed solely on the basis of a felony
3742 conviction:
3743 (A) of:
3744 (I) a partner;
3745 (II) a managing agent;
3746 (III) a manager;
3747 (IV) an officer;

3748 (V) a director;
3749 (VI) a stockholder who holds at least 20% of the total issued and outstanding stock of a
3750 corporate licensee; or
3751 (VII) a member who owns at least 20% of a limited liability company licensee; and
3752 (B) for illegal activity that occurred off of the licensed premises.
3753 (8) (a) In accordance with this section, the commission shall issue a written order
3754 setting forth the commission's decision and the reason for the commission's decision.
3755 (b) The order described in Subsection (8)(a) is considered final on the date the order
3756 becomes effective.
3757 (c) The department shall serve a copy of the order on the retail licensee.
3758 (9) A retail licensee whose retail license is not renewed by order of the commission
3759 may seek judicial review under the procedures provided in Section 32B-3-207.
3760 (10) A retail licensee whose retail license is not renewed may not reapply for a license
3761 under this title for three years from the date the retail license is not renewed.
3762 Section 89. Section **32B-4-101** is enacted to read:
3763 **CHAPTER 4. CRIMINAL OFFENSES AND PROCEDURE ACT**
3764 **Part 1. General Provisions**
3765 **32B-4-101. Title.**
3766 This chapter is known as the "Criminal Offenses and Procedure Act."
3767 Section 90. Section **32B-4-102** is enacted to read:
3768 **32B-4-102. Definitions.**
3769 Reserved
3770 Section 91. Section **32B-4-201** is enacted to read:
3771 **Part 2. Criminal Procedure**
3772 **32B-4-201. Applicability of Utah Code of Criminal Procedure.**
3773 Except as otherwise provided in this title, the procedure in a criminal case arising under
3774 this title is governed by Title 77, Utah Code of Criminal Procedure, and any other rules adopted
3775 by the Utah Supreme Court.
3776 Section 92. Section **32B-4-202** is enacted to read:
3777 **32B-4-202. Duties to enforce this title.**
3778 (1) It is the duty of the following to diligently enforce this title in their respective

3779 capacities:
3780 (a) the governor;
3781 (b) a commissioner;
3782 (c) the director;
3783 (d) an official, inspector, or department employee;
3784 (e) a prosecuting official of the state or its political subdivisions;
3785 (f) a county, city, or town;
3786 (g) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement
3787 official;
3788 (h) a state health official; and
3789 (i) a clerk of the court.
3790 (2) Immediately upon conviction of a person for violation of this title or of a local
3791 ordinance relating to an alcoholic product, it is the duty of the clerk of the court to notify the
3792 department of the conviction in writing on forms supplied by the department.
3793 Section 93. Section **32B-4-203** is enacted to read:
3794 **32B-4-203. Authority to inspect.**
3795 (1) (a) This Subsection (1) applies to:
3796 (i) a commissioner;
3797 (ii) an authorized representative of the commission or department; or
3798 (iii) a law enforcement or peace officer.
3799 (b) An individual described in Subsection (1)(a):
3800 (i) shall be given access, ingress, and egress to and from premises or a conveyance
3801 used in the storage, sale, furnishing, manufacture, or transportation of an alcoholic product;
3802 (ii) may open a package containing, or supposed to contain, an article sold, or exposed
3803 for sale, held in possession, or manufactured with intent to sell in violation of this title or
3804 commission rules; and
3805 (iii) may inspect the contents and take samples of the contents for analysis from a
3806 package described in this Subsection (1).
3807 (2) The following shall assist, when requested by a person described in Subsection (1),
3808 in tracing, finding, or discovering the presence of an article prohibited by this title or
3809 commission rules to the extent assistance would not infringe upon the person's federal and state

3810 constitutional rights:
3811 (a) a dealer;
3812 (b) a clerk;
3813 (c) a bookkeeper;
3814 (d) an express agent;
3815 (e) a railroad or airline official;
3816 (f) a common or other carrier; and
3817 (g) an employee of a person listed in this Subsection (2).
3818 Section 94. Section **32B-4-204** is enacted to read:
3819 **32B-4-204. Arrests.**
3820 (1) Except as otherwise provided in this chapter, an arrest of a person for a violation of
3821 this title shall be made in accordance with:
3822 (a) Title 77, Chapter 7, Arrest, by Whom, and How Made; and
3823 (b) Rules 6 and 7, Utah Rules of Criminal Procedure.
3824 (2) A summons in lieu of a warrant of arrest shall be in accordance with Rule 6, Utah
3825 Rules of Criminal Procedure.
3826 Section 95. Section **32B-4-205** is enacted to read:
3827 **32B-4-205. Prosecutions.**
3828 (1) (a) A prosecution for a violation of this title shall be in the name of the state.
3829 (b) A criminal action for violation of a county or municipal ordinance enacted in
3830 furtherance of this title shall be in the name of the governmental entity involved.
3831 (2) (a) A prosecution for violation of this title shall be brought by the county attorney
3832 of the county or district attorney of the prosecution district where the violation occurs. If a
3833 county attorney or district attorney fails to initiate or diligently pursue a prosecution authorized
3834 and warranted under this title, the attorney general shall exercise supervisory authority over the
3835 county attorney or district attorney to ensure prosecution is initiated and diligently pursued.
3836 (b) If a violation occurs within a city or town, prosecution may be brought by either the
3837 county, district, or city attorney, notwithstanding any provision of law limiting the powers of a
3838 city attorney.
3839 (c) A city or town prosecutor has the responsibility of initiating and diligently pursuing
3840 prosecutions for a violation of a local ordinance enacted in furtherance of this title or

3841 commission rules.
3842 (3) (a) A prosecution for a violation of this title shall be commenced by the return of an
3843 indictment or the filing of an information with the district court of the county in which the
3844 offense occurs or where the premises are located upon which an alcoholic product is seized, if
3845 the offense involves an alcoholic product.
3846 (b) An offense prescribed by this title that is not described in Subsection (3)(a) shall be
3847 filed before a court having jurisdiction of the offense committed.
3848 (4) (a) Unless otherwise provided by law, an information may not be filed charging the
3849 commission of a felony or class A misdemeanor under this title unless authorized by a
3850 prosecuting attorney.
3851 (b) This Subsection (4) does not apply if the magistrate has reasonable cause to believe
3852 that the person to be charged may avoid apprehension or escape before approval can be
3853 obtained.
3854 (5) (a) In describing an offense respecting the sale, keeping for sale, or other disposal
3855 of an alcoholic product, or the possessing, keeping, purchasing, consumption, or giving of an
3856 alcoholic product in an information, indictment, summons, judgment, warrant, or proceeding
3857 under this title, it is sufficient to state the possessing, purchasing, keeping, sale, keeping for
3858 sale, giving, consumption, or disposal of the alcoholic product without stating:
3859 (i) the name or kind of alcoholic product;
3860 (ii) the price of the alcoholic product;
3861 (iii) any person to whom the alcoholic product is sold or disposed of;
3862 (iv) by whom the alcoholic product is taken or consumed; or
3863 (v) from whom the alcoholic product is purchased or received.
3864 (b) It is not necessary to state the quantity of alcoholic product possessed, purchased,
3865 kept, kept for sale, sold, given, consumed, or disposed of, except in the case of an offense when
3866 the quantity is essential, and then it is sufficient to allege the sale or disposal of more or less
3867 than the quantity.
3868 (6) If an offense is committed under a local ordinance enacted to carry out this title, it
3869 is sufficient if the charging document refers to the chapter and section of the ordinance under
3870 which the offense is committed.
3871 Section 96. Section **32B-4-206** is enacted to read:

3872 **32B-4-206. Searches, seizures, forfeitures, and fines.**
3873 (1) The following are subject to forfeiture pursuant to Title 24, Chapter 1, Utah
3874 Uniform Forfeiture Procedures Act:
3875 (a) an alcoholic product possessed, purchased, used, stored, sold, offered for sale,
3876 furnished, given, received, warehoused, manufactured, distributed, shipped, carried,
3877 transported, or adulterated in violation of this title or commission rules;
3878 (b) a package or property used or intended for use as a package for an alcoholic product
3879 in violation of this title or commission rules;
3880 (c) raw materials, products, and equipment used, or intended for use, in manufacturing,
3881 processing, delivering, importing, exporting, or adulterating an alcoholic product in violation
3882 of this title or commission rules;
3883 (d) implements, furniture, fixtures, or other personal property used or kept for a
3884 violation of this title or commission rules;
3885 (e) conveyances including an aircraft, vehicle, or vessel used or intended for use, to
3886 transport or in any manner facilitate the transportation, sale, receipt, possession, or
3887 concealment of property described in Subsection (1)(a), (b), (c), or (d); and
3888 (f) a record used or intended for use in violation of this title or commission rules.
3889 (2) (a) Property subject to forfeiture under this title may be seized by a peace officer of
3890 this state or any other person authorized by law upon process issued by a court having
3891 jurisdiction over the property in accordance with the Utah Rules of Criminal Procedure relating
3892 to search warrants or administrative warrants.
3893 (b) Notwithstanding Subsection (2)(a), seizure without process may be made when:
3894 (i) the seizure is incident to an arrest or search under a search warrant or an inspection
3895 under an administrative inspection warrant;
3896 (ii) the property subject to seizure has been the subject of a prior judgment in favor of
3897 the state in a criminal injunction or forfeiture proceeding under this title;
3898 (iii) the peace officer or other person authorized by law has probable cause to believe
3899 that the property is directly or indirectly dangerous to health or safety; or
3900 (iv) the peace officer or other person authorized by law has probable cause to believe
3901 that the property is being or has been used, intended to be used, held, or kept in violation of this
3902 title or commission rules.

3903 (3) If property is seized pursuant to a search or administrative warrant, a peace officer
3904 or other person authorized by law shall comply with the requirements of the Utah Rules of
3905 Criminal Procedure.
3906 (4) (a) If property is seized without process:
3907 (i) the peace officer or other person authorized by law shall make a return of the peace
3908 officer's or person's acts without delay directly to the district court of the county in which the
3909 property was located; and
3910 (ii) the district court shall have jurisdiction of the case.
3911 (b) A return shall describe:
3912 (i) the property seized;
3913 (ii) the place where the property is seized; and
3914 (iii) any person in apparent possession of the property.
3915 (c) A peace officer or other person described in Subsection (4)(a) shall promptly:
3916 (i) deliver a written inventory of anything seized to any person in apparent authority at
3917 the premises where the seizure is made; or
3918 (ii) post a written inventory of anything seized in a conspicuous place at the premises.
3919 (d) A written inventory under this Subsection (4) shall state the place where the
3920 property is being held.
3921 (5) Property taken or detained under this section is not repleviable but is considered in
3922 custody of the law enforcement agency making the seizure subject only to the orders of the
3923 court or the official having jurisdiction. When property is seized under this title, the
3924 appropriate person or agency may:
3925 (a) place the property under seal;
3926 (b) remove the property to a place designated by:
3927 (i) the person or agency; or
3928 (ii) the warrant under which the property is seized; or
3929 (c) take custody of the property and remove the property to an appropriate location for
3930 disposition in accordance with law.
3931 (6) When property is subject to forfeiture under this section, a proceeding shall be
3932 instituted in accordance with Title 24, Chapter 1, Utah Uniform Forfeiture Procedures Act.
3933 (7) When property is ordered forfeited under Title 24, Chapter 1, Utah Uniform

3934 Forfeiture Procedures Act, by a finding of a court that no person is entitled to recover the
3935 property, the property, if an alcohol package or product used as a package for an alcoholic
3936 product, shall be disposed of as follows:
3937 (a) An alcoholic product shall be sold in accordance with Section 24-1-17 if the
3938 alcoholic product is:
3939 (i) unadulterated, pure, and free from crude, unrectified, or impure form of ethylic
3940 alcohol, or any other deleterious substance or liquid; and
3941 (ii) otherwise in saleable condition.
3942 (b) If the alcoholic product is impure, adulterated, or otherwise unfit for sale, the
3943 department shall destroy the alcoholic product and its package under competent supervision.
3944 (8) Except when otherwise provided, a fine or forfeiture levied under this title shall be
3945 paid to the county treasurer of the county in which the prosecution occurred.
3946 Section 97. Section **32B-4-207** is enacted to read:
3947 **32B-4-207. Right of appeal.**
3948 In a case arising under this title, the commission or the state has the right of appeal as to
3949 a question of law.
3950 Section 98. Section **32B-4-208** is enacted to read:
3951 **32B-4-208. Nuisances.**
3952 (1) As used in this section, "nuisance" means:
3953 (a) a room, house, building, structure, place, aircraft, vehicle, vessel, or other
3954 conveyance where an alcoholic product is possessed, purchased, used, kept, stored, sold,
3955 offered for sale, furnished, given, received, warehoused, manufactured, distributed, shipped,
3956 carried, transported, or adulterated in violation of this title; or
3957 (b) an alcoholic product, package, equipment, or other property kept or used in
3958 maintaining an item or property described in Subsection (1)(a).
3959 (2) A person who maintains or assists in maintaining a nuisance is guilty of a class B
3960 misdemeanor.
3961 (3) If a person has knowledge that, or has reason to believe that the person's room,
3962 house, building, structure, place, aircraft, vehicle, vessel, or other conveyance is occupied or
3963 used as a nuisance, or allows it to be occupied or used as a nuisance, the nuisance property is
3964 subject to a lien for and may be sold to pay the fines and costs assessed against the person

3965 guilty of the common nuisance. This lien may be enforced by action in a court having
3966 jurisdiction.
3967 (4) (a) The department shall bring an action to abate a nuisance in the name of the
3968 department in a court having jurisdiction.
3969 (b) An action brought under this Subsection (4) is an action in equity.
3970 (c) The department may not be required to post a bond to initiate an action under this
3971 Subsection (4).
3972 (d) A court may issue:
3973 (i) if it appears that a nuisance exists, a temporary writ of injunction restraining the
3974 defendant from conducting or permitting the continuance of the nuisance until the conclusion
3975 of the trial; and
3976 (ii) an order restraining the defendant and any other person from removing or
3977 interfering with an alcoholic product, package, equipment, or other property kept or used in
3978 violation of this title or commission rules.
3979 (e) In an action to abate or enjoin a nuisance, the court need not find that the property
3980 involved is being unlawfully used at the time of the hearing.
3981 (f) On finding that a material allegation of a petition or complaint is true, the court
3982 shall order that an alcoholic product may not be possessed, purchased, used, kept, stored, sold,
3983 offered for sale, furnished, given, received, warehoused, manufactured, distributed, shipped,
3984 carried, transported, or adulterated, in any portion of the room, house, building, structure,
3985 place, aircraft, vehicle, vessel, or other conveyance.
3986 (g) Upon judgment of a court ordering abatement of the nuisance, the court may order
3987 that the premises or conveyance in question may not be occupied or used for any purpose for
3988 one year, except under Subsection (4)(h).
3989 (h) A court may permit premises or conveyance described in Subsection (4)(g) to be
3990 occupied or used:
3991 (i) if its owner, lessee, tenant, or occupant gives bond in an appropriate amount with
3992 sufficient surety, approved by the court, payable to the state;
3993 (ii) on the condition that an alcoholic product will not be present in or on the premises
3994 or the conveyance; and
3995 (iii) on the condition that payment of the fines, costs, and damages assessed for

3996 violation of this title or commission rules will be made.
3997 (5) If a tenant of the premises uses the premises or any part of the premises in
3998 maintaining a nuisance, or knowingly permits use by another, the lease is void and the right to
3999 possession reverts to the owner or lessor who is entitled to the remedy provided by law for
4000 forcible detention of the premises.
4001 (6) A person is guilty of assisting in maintaining a nuisance as provided in Section
4002 76-10-804, if that person:
4003 (a) knowingly permits a building or premises owned or leased by the person, or under
4004 the person's control, or any part of a building or premises, to be used in maintaining a nuisance;
4005 or
4006 (b) after being notified in writing by a prosecutor or other citizen of the unlawful use,
4007 fails to take all proper measures to:
4008 (i) abate the nuisance; or
4009 (ii) remove the one or more persons from the premises.
4010 Section 99. Section **32B-4-209** is enacted to read:
4011 **32B-4-209. Lawful detention.**
4012 (1) (a) To inform a peace officer of a suspected violation and subject to the
4013 requirements of Subsection (1)(c), a person described in Subsection (1)(b) may:
4014 (i) detain a person; and
4015 (ii) hold any form of identification presented by the person.
4016 (b) The following may take an action described in Subsection (1)(a):
4017 (i) a state store employee;
4018 (ii) a package agent;
4019 (iii) a licensee or permittee;
4020 (iv) a beer retailer; or
4021 (v) staff of a person described in Subsections (1)(b)(ii) through (iv).
4022 (c) A person described in Subsection (1)(b) may take an action described in Subsection
4023 (1)(a) only:
4024 (i) if that person has reason to believe that the person against whom the action is taken
4025 is:
4026 (A) in a facility where liquor or beer is sold; and

4027 (B) in violation of Section 32B-4-409, 32B-4-412, or 32B-4-413;
4028 (ii) in a reasonable manner; and
4029 (iii) for a reasonable length of time.
4030 (2) Unless the detention is unreasonable under all circumstances, the detention or
4031 failure to detain does not create criminal or civil liability for:
4032 (a) false arrest;
4033 (b) false imprisonment;
4034 (c) slander; or
4035 (d) unlawful detention.
4036 Section 100. Section **32B-4-301** is enacted to read:
4037 **Part 3. Criminal Offenses in General**
4038 **32B-4-301. Applicability of Utah Criminal Code.**
4039 Except as otherwise provided, Title 76, Chapters 1, 2, 3, and 4, apply to the prosecution
4040 of a criminal offense defined in this chapter or expressly identified as a criminal offense in this
4041 title.
4042 Section 101. Section **32B-4-302** is enacted to read:
4043 **32B-4-302. Criminal responsibility for conduct of another.**
4044 In addition to Title 76, Chapter 2, Part 2, Criminal Responsibility for Conduct of
4045 Another, the following principles apply to a violation of this title:
4046 (1) (a) If a violation of this title is committed by a person in the employ of the occupant
4047 of premises in which the offense is committed, or by a person who is required by the occupant
4048 to be or remain in or upon the premises, or to act in any way for the occupant, notwithstanding
4049 the fact that the offense is committed by a person who is not proved to have committed it under
4050 or by the direction of the occupant, the occupant is:
4051 (i) prima facie considered a party to the offense committed; and
4052 (ii) liable as a principal offender.
4053 (b) This section does not relieve the person actually committing the offense from
4054 liability.
4055 (2) (a) If a violation of this title is committed by a corporation, association, partnership,
4056 or limited liability company, an officer or agent of the corporation or association, a partner of
4057 the partnership, or a manager or member of the limited liability company in charge of the

4058 premises in which the offense is committed is:
4059 (i) prima facie considered a party to the offense committed; and
4060 (ii) personally liable to the penalties prescribed for the offense as a principal offender.
4061 (b) This section does not relieve the corporation, association, partnership, or limited
4062 liability company, or the person who actually committed the offense from liability.
4063 Section 102. Section **32B-4-303** is enacted to read:
4064 **32B-4-303. Special burdens of proof -- Inferences and presumptions.**
4065 (1) In a prosecution of an offense defined in this title or in a proceeding brought to
4066 enforce this title:
4067 (a) it is not necessary that the state or commission establish:
4068 (i) the precise description or quantity of an alcoholic product; or
4069 (ii) the precise consideration, if any, given or received for an alcoholic product;
4070 (b) there is an inference, absent proof to the contrary, that an alcoholic product in
4071 question is an alcoholic product if the witness describes it:
4072 (i) as an alcoholic product;
4073 (ii) by a name that is commonly applied to an alcoholic product; or
4074 (iii) as intoxicating;
4075 (c) if it is alleged that an entity for which a record is required to be filed with the
4076 Division of Corporations and Commercial Code to be organized or conduct business in this
4077 state has violated this title, the fact of the entity is presumed absent proof to the contrary;
4078 (d) a record signed or purporting to be signed by a state chemist, assistant state
4079 chemist, or state crime laboratory chemist, as to the analysis or ingredients of an alcoholic
4080 product is:
4081 (i) prima facie evidence:
4082 (A) of the facts stated in that record; and
4083 (B) of the authority of the person giving or making the record; and
4084 (ii) admissible in evidence without proof of appointment or signature absent proof to
4085 the contrary; and
4086 (e) a copy of an entry made in a record of the United States internal revenue collector,
4087 certified by the collector or a qualified notary public, showing the payment of the United States
4088 internal revenue special tax for the manufacture or sale of an alcoholic product is prima facie

4089 evidence of the manufacture or sale by the party named in the entry within the period set forth
4090 in the record.
4091 (2) (a) In proving the unlawful purchase, sale, gift, or disposal, gratuitous or otherwise,
4092 or consumption of an alcoholic product, it is not necessary that the state or commission
4093 establish that money or other consideration actually passed or that an alcoholic product is
4094 actually consumed if the court or trier of fact is satisfied that:
4095 (i) a transaction in the nature of a purchase, sale, gift, or disposal actually occurs; or
4096 (ii) consumption of an alcoholic product is about to occur.
4097 (b) Proof of consumption or intended consumption of an alcoholic product on premises
4098 on which consumption is prohibited, by some person not authorized to consume an alcoholic
4099 product on those premises, is evidence that an alcoholic product is sold, given to, or purchased
4100 by the person consuming, about to consume, or carrying away the alcoholic product as against
4101 the occupant of the premises.
4102 (3) For purposes of a provision applicable under this chapter to a retail licensee or staff
4103 of a retail licensee, the provision is applicable to a resort licensee or a person operating under a
4104 sublicense of the resort licensee.
4105 (4) Notwithstanding the other provisions of this chapter, a criminal offense identified
4106 in this title as a criminal offense may not be enforced under this chapter if the criminal offense
4107 relates to a violation:
4108 (a) of a provision in this title related to intoxication or becoming intoxicated; and
4109 (b) if the violation is first investigated by a law enforcement officer, as defined in
4110 Section 53-13-103, who has not received training regarding the requirements of this title
4111 related to responsible alcoholic product sale or furnishing.
4112 Section 103. Section **32B-4-304** is enacted to read:
4113 **32B-4-304. Violation of title a misdemeanor.**
4114 (1) Unless otherwise provided in this title, a person is guilty of a class B misdemeanor
4115 if that person violates:
4116 (a) this chapter; or
4117 (b) a provision of this title that is expressly identified as a criminal offense.
4118 (2) This section is not applicable to an adjudicative proceeding under Chapter 3,
4119 Disciplinary Actions and Enforcement Act, but only:

4120 (a) makes a violation described in Subsection (1) a criminal offense; and
4121 (b) establishes a penalty for a violation described in Subsection (1) that is prosecuted
4122 criminally.
4123 Section 104. Section **32B-4-305** is enacted to read:
4124 **32B-4-305. Additional criminal penalties.**
4125 (1) (a) For purposes of this section, "business entity" means a corporation, partnership,
4126 association, limited liability company, or similar entity.
4127 (b) In addition to the penalties provided in Title 76, Chapter 3, Punishments, this
4128 section applies.
4129 (2) Upon a defendant's conviction of an offense defined in this title, the court may
4130 order the defendant to make restitution or pay costs in accordance with Title 77, Chapter 32a,
4131 Defense Costs.
4132 (3) (a) Upon a business entity's conviction of an offense defined in this title, and a
4133 failure of the business entity to pay a fine imposed upon it:
4134 (i) if it is a domestic business entity, the powers, rights, and privileges of the business
4135 entity may be suspended or revoked; and
4136 (ii) if it is a foreign business entity, it forfeits its right to do intrastate business in this
4137 state.
4138 (b) The department shall transmit the name of a business entity described in Subsection
4139 (3)(a) to the Division of Corporations and Commercial Code. Upon receipt of the information,
4140 the Division of Corporations and Commercial Code shall immediately record the action in a
4141 manner that makes the information available to the public.
4142 (c) A suspension, revocation, or forfeiture under this Subsection (3) is effective from
4143 the day on which the Division of Corporations and Commercial Code records the information.
4144 (d) A certificate of the Division of Corporations and Commercial Code is prima facie
4145 evidence of a suspension, revocation, or forfeiture.
4146 (e) This section may not be construed as affecting, limiting, or restricting a proceeding
4147 that otherwise may be taken for the imposition of any other punishment or the modes of
4148 enforcement or recovery of fines or penalties.
4149 (4) (a) Upon the conviction of a business entity required to have a business license to
4150 operate its business activities, or upon the conviction of any of its staff of any offense defined

4151 in this title, with the knowledge, consent, or acquiescence of the business entity, the department
4152 shall forward a copy of the judgment of conviction to the appropriate governmental entity
4153 responsible for issuing and revoking the business license.
4154 (b) A governmental entity that receives a copy of a judgment under this Subsection (4)
4155 may institute appropriate proceedings to revoke the business license.
4156 (c) Upon revocation under this Subsection (4), a governmental entity may not issue a
4157 business license to the business entity for at least one year from the date of revocation.
4158 (d) Upon the conviction for a second or other offense, the governmental entity may not
4159 issue a business license for at least two years from the date of revocation.
4160 (5) (a) Upon conviction of one of the following of an offense defined in this title, the
4161 department shall forward a certified copy of the judgment of conviction to the Division of
4162 Occupational and Professional Licensing:
4163 (i) a health care practitioner; or
4164 (ii) an individual licensed as a veterinarian under Title 58, Chapter 28, Veterinary
4165 Practice Act.
4166 (b) The Division of Occupational and Professional Licensing may bring a proceeding
4167 in accordance with Title 58, Occupations and Professions, to revoke the license issued under
4168 Title 58 of an individual described in Subsection (5)(a).
4169 (c) Upon revocation of a license under Subsection (5)(b):
4170 (i) the Division of Occupational and Professional Licensing may not issue a license to
4171 the individual under Title 58 for at least one year from the date of revocation; and
4172 (ii) if the individual is convicted of a second or subsequent offense, the Division of
4173 Occupational and Professional Licensing may not issue a license to the individual under Title
4174 58 for at least two years from the date of revocation.
4175 Section 105. Section **32B-4-401** is enacted to read:
4176 **Part 4. Sale, Purchase, Possession, and Consumption**
4177 **32B-4-401. Unlawful sale or furnishing.**
4178 (1) It is unlawful for a retail licensee, a permittee, or staff of a retail licensee or
4179 permittee to keep for sale, or to directly or indirectly, sell, offer for sale, or furnish to another,
4180 an alcoholic product, except as otherwise provided by this title.
4181 (2) It is unlawful for a person in the business of selling liquor, a manufacturer, a

4182 supplier, an importer of liquor, or staff of the person, manufacturer, supplier, or importer to
4183 sell, ship, transport, or cause to be sold, shipped, or transported liquor from an out-of-state
4184 location directly or indirectly into this state except to the extent authorized by this title to:
4185 (a) the department;
4186 (b) a military installation;
4187 (c) a holder of a special use permit, to the extent authorized in the special use permit;
4188 or
4189 (d) a liquor warehouser licensee licensed to distribute and transport liquor to:
4190 (i) the department; or
4191 (ii) an out-of-state wholesaler or retailer.
4192 (3) (a) It is unlawful for a person in the business of selling beer, a manufacturer, a
4193 supplier, an importer of beer, or staff of the person, manufacturer, or importer to sell, ship,
4194 transport, or cause to be sold, shipped, or transported beer from an out-of-state location directly
4195 or indirectly into this state except to the extent authorized by this title to:
4196 (i) a beer wholesaler licensee;
4197 (ii) a military installation; or
4198 (iii) a holder of a special use permit, to the extent authorized in the special use permit.
4199 (b) Subsection (3)(a) does not preclude a small brewer that holds a certificate of
4200 approval from selling, shipping, or transporting beer to the extent authorized by Subsection
4201 32B-11-503(5) directly to:
4202 (i) a beer retailer; or
4203 (ii) an event permittee.
4204 (4) (a) It is unlawful for a manufacturer, supplier, or importer of liquor in this state, or
4205 staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold,
4206 shipped, or transported liquor directly or indirectly to a person in this state except to the extent
4207 authorized by this title to:
4208 (i) the department;
4209 (ii) a military installation;
4210 (iii) a holder of a special use permit, to the extent authorized in the special use permit;
4211 or
4212 (iv) a liquor warehouser licensee who is licensed to distribute and transport liquor to:

4213 (A) the department; or
4214 (B) an out-of-state wholesaler or retailer.
4215 (b) Subsection (4)(a) does not preclude a winery manufacturing licensee located in this
4216 state from selling wine to a person on its winery premises:
4217 (i) to the extent authorized by Subsection 32B-11-303(4)(c); or
4218 (ii) under a package agency issued by the commission on the winery premises.
4219 (5) (a) It is unlawful for a manufacturer, supplier, or importer of beer in this state, or
4220 staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold,
4221 shipped, or transported beer directly or indirectly to a person in this state except to the extent
4222 authorized by this title to:
4223 (i) a beer wholesaler licensee;
4224 (ii) a military installation; or
4225 (iii) a holder of a special use permit, to the extent authorized in the special use permit.
4226 (b) Subsection (5)(a) does not preclude:
4227 (i) a small brewer who is a brewery manufacturing licensee located in this state from
4228 selling, shipping, and transporting beer to the extent authorized by Subsection 32B-11-503(5)
4229 directly to one of the following in this state:
4230 (A) a beer retailer; or
4231 (B) an event permittee; or
4232 (ii) a brewery manufacturing licensee from selling beer to a person on its
4233 manufacturing premises under Subsection 32B-11-503(4)(c).
4234 (6) It is unlawful for a person other than a person described in Subsection (2) or (3) to
4235 sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product from an
4236 out-of-state location directly or indirectly into this state, except as otherwise provided by this
4237 title.
4238 (7) It is unlawful for a person in this state other than a person described in Subsection
4239 (4) or (5) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic
4240 product directly or indirectly to another person in this state, except as otherwise provided by
4241 this title.
4242 (8) (a) A violation of Subsection (1) is a class B misdemeanor, except when otherwise
4243 provided by this title.

4244 (b) A violation of Subsection (2), (3), (4), or (5) is a third degree felony.
4245 (c) A violation of Subsection (6) or (7) is a class B misdemeanor.
4246 Section 106. Section **32B-4-402** is enacted to read:
4247 **32B-4-402. Unauthorized sale, offer for sale, or furnishing.**
4248 A person authorized by this title to sell an alcoholic product and staff of that person
4249 may not sell, offer for sale, or furnish, an alcoholic product in any place, or at any day or time
4250 other than as authorized by this title or the rules of the commission.
4251 Section 107. Section **32B-4-403** is enacted to read:
4252 **32B-4-403. Unlawful sale, offer for sale, or furnishing to minor.**
4253 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a minor.
4254 (2) (a) (i) Except as provided in Subsection (3), a person is guilty of a class B
4255 misdemeanor if the person who violates Subsection (1) negligently or recklessly fails to
4256 determine whether the recipient of the alcoholic product is a minor.
4257 (ii) As used in this Subsection (2)(a), "negligently" means with simple negligence.
4258 (b) Except as provided in Subsection (3), a person is guilty of a class A misdemeanor if
4259 the person who violates Subsection (1) knows the recipient of the alcoholic product is a minor.
4260 (3) This section does not apply to the furnishing of an alcoholic product to a minor in
4261 accordance with this title:
4262 (a) for medicinal purposes by:
4263 (i) the parent or guardian of the minor; or
4264 (ii) the health care practitioner of the minor, if the health care practitioner is authorized
4265 by law to write a prescription; or
4266 (b) as part of a religious organization's religious services.
4267 Section 108. Section **32B-4-404** is enacted to read:
4268 **32B-4-404. Unlawful sale, offer for sale, or furnishing to intoxicated person.**
4269 (1) A person may not sell, offer for sale, or furnish an alcoholic product to:
4270 (a) a person who is actually or apparently intoxicated; or
4271 (b) a person whom the person furnishing the alcoholic product knows or should know
4272 from the circumstances is actually or apparently intoxicated.
4273 (2) (a) A person who negligently or recklessly violates Subsection (1) is guilty of a
4274 class B misdemeanor.

4275 (b) A person who knowingly violates Subsection (1) is guilty of a class A
4276 misdemeanor.
4277 (3) As used in Subsection (2)(a), "negligently" means with simple negligence.
4278 Section 109. Section **32B-4-405** is enacted to read:
4279 **32B-4-405. Unlawful sale, offer for sale, or furnishing to interdicted person.**
4280 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
4281 interdicted person.
4282 (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
4283 product to an interdicted person:
4284 (a) under an order of a health care practitioner who is authorized by law to write a
4285 prescription; or
4286 (b) administered by a hospital or health care practitioner authorized by law to
4287 administer the alcoholic product for medicinal purposes.
4288 Section 110. Section **32B-4-406** is enacted to read:
4289 **32B-4-406. Unlawful sale, offer for sale, or furnishing of beer.**
4290 (1) Except as provided in Subsection (2):
4291 (a) a person may not sell, offer for sale, or furnish beer to the general public in a
4292 package that exceeds two liters; and
4293 (b) a person may not purchase or possess beer in a package that exceeds two liters.
4294 (2) (a) A retail licensee may sell, offer for sale, or furnish beer on draft subject to the
4295 requirements of Section 32B-5-304.
4296 (b) A retail licensee may purchase or possess beer in a package that exceeds two liters
4297 to be dispensed on draft for consumption subject to the requirements of Section 32B-5-304.
4298 (c) A beer wholesaler licensee may sell, offer for sale, or furnish beer in a package that
4299 exceeds two liters to a retail licensee described in Subsection (2)(a).
4300 Section 111. Section **32B-4-407** is enacted to read:
4301 **32B-4-407. Unlawful sale, offer for sale, or furnishing during emergency.**
4302 During a period of emergency proclaimed by the governor to exist in an area of the
4303 state, it is unlawful for a person to sell, offer for sale, or furnish an alcoholic product in that
4304 area if the director publicly announces and directs that in that area a person may not sell, offer
4305 for sale, or furnish an alcoholic product in that area during the period of emergency.

4306 Section 112. Section **32B-4-408** is enacted to read:
4307 **32B-4-408. Unlawful purchase or acceptance.**
4308 (1) It is unlawful for a person or the person's staff to purchase, take, or accept an
4309 alcoholic product from another person, except as provided by this title or the rules of the
4310 commission adopted under this title.
4311 (2) An act is unlawful under Subsection (1) if it is taken:
4312 (a) directly or indirectly; or
4313 (b) upon a pretense or device.
4314 Section 113. Section **32B-4-409** is enacted to read:
4315 **32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable**
4316 **amounts in body.**
4317 (1) Unless specifically authorized by this title, it is unlawful for a minor to:
4318 (a) purchase an alcoholic product;
4319 (b) attempt to purchase an alcoholic product;
4320 (c) solicit another person to purchase an alcoholic product;
4321 (d) possess an alcoholic product;
4322 (e) consume an alcoholic product; or
4323 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.
4324 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
4325 product for a minor for:
4326 (a) a minor to misrepresent the minor's age; or
4327 (b) any other person to misrepresent the age of a minor.
4328 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding
4329 in a limousine or chartered bus.
4330 (4) If a minor is found by a court to have violated this section and the violation is the
4331 minor's second or subsequent violation of this section, the court:
4332 (a) shall order the minor to participate in an educational series as defined in Section
4333 41-6a-501; and
4334 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.
4335 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
4336 found by a court to have violated this section, except as provided in Section 32B-4-411, the

4337 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
4338 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the
4339 suspension period required under Section 53-3-219 if:
4340 (i) the violation is the minor's first violation of this section; and
4341 (ii) the minor completes an educational series as defined in Section 41-6a-501.
4342 (6) When a minor who is at least 13 years old, but younger than 18 years old, is found
4343 by the court to have violated this section, Section 78A-6-606 applies to the violation.
4344 (7) When a court issues an order suspending a person's driving privileges for a
4345 violation of this section, the Driver License Division shall suspend the person's license under
4346 Section 53-3-219.
4347 (8) When the Department of Public Safety receives the arrest or conviction record of a
4348 person for a driving offense committed while the person's license is suspended pursuant to this
4349 section, the Department of Public Safety shall extend the suspension for an additional like
4350 period of time.
4351 (9) This section does not apply to a minor's consumption of an alcoholic product in
4352 accordance with this title:
4353 (a) for medicinal purposes if:
4354 (i) the minor is at least 18 years old; or
4355 (ii) the alcoholic product is furnished by:
4356 (A) the parent or guardian of the minor; or
4357 (B) the minor's health care practitioner, if the health care practitioner is authorized by
4358 law to write a prescription; or
4359 (b) as part of a religious organization's religious services.
4360 Section 114. Section **32B-4-410** is enacted to read:
4361 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**
4362 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the
4363 premises of:
4364 (a) a tavern; or
4365 (b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.
4366 (2) A minor who violates this section is guilty of a class C misdemeanor.
4367 (3) If a minor is found by a court to have violated this section and the violation is the

4368 minor's second or subsequent violation of this section, the court:
4369 (a) shall order the minor to participate in an educational series as defined in Section
4370 41-6a-501; and
4371 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.
4372 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
4373 found by a court to have violated this section, except as provided in Section 32B-4-411, the
4374 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
4375 (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the
4376 suspension period required under Section 53-3-219 if:
4377 (i) the violation is the minor's first violation of this section; and
4378 (ii) the minor completes an educational series as defined in Section 41-6a-501.
4379 (5) When a minor who is at least 13 years old, but younger than 18 years old, is found
4380 by a court to have violated this section, Section 78A-6-606 applies to the violation.
4381 (6) When a court issues an order suspending a person's driving privileges for a
4382 violation of this section, the Driver License Division shall suspend the person's license under
4383 Section 53-3-219.
4384 (7) When the Department of Public Safety receives the arrest or conviction record of a
4385 person for a driving offense committed while the person's license is suspended pursuant to this
4386 section, the Department of Public Safety shall extend the suspension for an additional like
4387 period of time.
4388 Section 115. Section **32B-4-411** is enacted to read:
4389 **32B-4-411. Minor's unlawful use of proof of age.**
4390 (1) As used in this section, "proof of age violation" means a violation by a minor of:
4391 (a) Chapter 1, Part 4, Proof of Age Act; or
4392 (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1,
4393 Part 4, Proof of Age Act:
4394 (i) Section 32B-4-409; or
4395 (ii) Section 32B-4-410.
4396 (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the
4397 penalties provided for in Subsection (1):
4398 (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;

4399 (ii) for a second violation, the minor is guilty of a class A misdemeanor; and
4400 (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor,
4401 except that the court may impose:
4402 (A) a fine of up to $5,000;
4403 (B) screening, assessment, or substance abuse treatment, as defined in Section
4404 41-6a-501;
4405 (C) an educational series, as defined in Section 41-6a-501;
4406 (D) alcoholic product related community service or compensatory service work
4407 program hours;
4408 (E) fees for restitution and treatment costs;
4409 (F) defensive driver education courses; or
4410 (G) a combination of these penalties; and
4411 (b) (i) for a minor who is at least 13 years old, but younger than 18 years old:
4412 (A) the court shall forward to the Driver License Division a record of an adjudication
4413 under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and
4414 (B) the provisions regarding suspension of a driver license under Section 78A-6-606
4415 apply; and
4416 (ii) for a minor who is at least 18 years old, but younger than 21 years old:
4417 (A) the court shall forward to the Driver License Division a record of conviction for a
4418 violation under this section; and
4419 (B) the Driver License Division shall suspend the person's license under Section
4420 53-3-220.
4421 (3) When the Department of Public Safety receives the arrest or conviction record of an
4422 individual for a driving offense committed while the individual's license is suspended pursuant
4423 to this section, the Department of Public Safety shall extend the suspension for an additional
4424 like period of time.
4425 (4) A court may not fail to enter a judgment of conviction under this section under a
4426 plea in abeyance agreement.
4427 Section 116. Section **32B-4-412** is enacted to read:
4428 **32B-4-412. Unlawful purchase by intoxicated person.**
4429 A person may not purchase an alcoholic product if the person is intoxicated.

4430 Section 117. Section **32B-4-413** is enacted to read:
4431 **32B-4-413. Unlawful purchase by interdicted person.**
4432 A person may not purchase or possess an alcoholic product if that person is an
4433 interdicted person, except:
4434 (1) under an order of a health care practitioner who is authorized by law to write a
4435 prescription; or
4436 (2) when administered by a hospital or health care practitioner authorized by law to
4437 administer the alcoholic product for medicinal purposes.
4438 Section 118. Section **32B-4-414** is enacted to read:
4439 **32B-4-414. Unlawful possession -- Exceptions.**
4440 (1) A person may not possess liquor within this state unless authorized by this title or
4441 the rules of the commission, except that:
4442 (a) a person who clears United States Customs when entering this country may possess
4443 for personal consumption and not for sale or resale, a maximum of two liters of liquor
4444 purchased from without the United States;
4445 (b) a person who moves the person's residence to this state from outside of this state
4446 may possess for personal consumption and not for sale or resale, liquor previously purchased
4447 outside the state and brought into this state during the move, if the person:
4448 (i) obtains department approval before moving the liquor into the state; and
4449 (ii) pays the department a reasonable administrative handling fee as determined by the
4450 commission;
4451 (c) a person who inherits liquor as a beneficiary of an estate that is located outside the
4452 state, may possess the liquor and transport or cause the liquor to be transported into the state if
4453 the person:
4454 (i) obtains department approval before moving the liquor into the state;
4455 (ii) provides sufficient documentation to the department to establish the person's legal
4456 right to the liquor as a beneficiary; and
4457 (iii) pays the department a reasonable administrative handling fee as determined by the
4458 commission; or
4459 (d) a person may transport or possess liquor if:
4460 (i) the person transports or possesses the liquor:

4461 (A) for personal household use and consumption; and
4462 (B) not for:
4463 (I) sale;
4464 (II) resale;
4465 (III) gifting to another; or
4466 (IV) consumption on premises licensed by the commission;
4467 (ii) the liquor is purchased from a store or facility on a military installation; and
4468 (iii) the maximum amount the person transports or possesses under this Subsection
4469 (1)(d) is:
4470 (A) two liters of:
4471 (I) spirituous liquor;
4472 (II) wine; or
4473 (III) a combination of spirituous liquor and wine; and
4474 (B) (I) one case of heavy beer that does not exceed 288 ounces; or
4475 (II) one case of a flavored malt beverage that does not exceed 288 ounces.
4476 (2) (a) Approval under Subsection (1)(b) may be obtained by a person who:
4477 (i) is transferring the person's permanent residence to this state; or
4478 (ii) maintains separate residences both in and out of this state.
4479 (b) A person may not obtain approval to transfer liquor under Subsection (1)(b) more
4480 than one time.
4481 Section 119. Section **32B-4-415** is enacted to read:
4482 **32B-4-415. Unlawful bringing onto premises for consumption.**
4483 (1) Except as provided in Subsection (4), a person may not bring an alcoholic product
4484 for on-premise consumption onto the premises of:
4485 (a) a retail licensee or person required to be licensed under this title as a retail licensee;
4486 (b) an establishment that conducts a business similar to a retail licensee;
4487 (c) an event where an alcoholic product is sold, offered for sale, or furnished under a
4488 single event permit or temporary beer event permit issued under this title; or
4489 (d) an establishment open to the general public.
4490 (2) Except as provided in Subsection (4), the following may not allow a person to bring
4491 onto its premises an alcoholic product for on-premise consumption or allow consumption of an

4492 alcoholic product brought onto its premises in violation of this section:
4493 (a) a retail licensee or a person required to be licensed under this title as a retail
4494 licensee;
4495 (b) an establishment that conducts a business similar to a retail licensee;
4496 (c) a single event permittee or temporary beer event permittee;
4497 (d) an establishment open to the general public; or
4498 (e) staff of a person listed in Subsections (2)(a) through (d).
4499 (3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an
4500 alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a
4501 passenger at a location from which the passenger departs in a private vehicle.
4502 (4) (a) A person may bring bottled wine onto the premises of the following and
4503 consume the wine pursuant to Subsection 32B-5-307:
4504 (i) a full-service restaurant licensee;
4505 (ii) a limited restaurant licensee;
4506 (iii) a club licensee; or
4507 (iv) a person operating under a resort spa sublicense.
4508 (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic
4509 product on the limousine if:
4510 (i) the travel of the limousine begins and ends at:
4511 (A) the residence of the passenger;
4512 (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
4513 (C) the temporary domicile of the passenger; and
4514 (ii) the driver of the limousine is separated from the passengers by partition or other
4515 means approved by the department.
4516 (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic
4517 product on the chartered bus:
4518 (i) (A) but may consume only during travel to a specified destination of the chartered
4519 bus and not during travel back to the place where the travel begins; or
4520 (B) if the travel of the chartered bus begins and ends at:
4521 (I) the residence of the passenger;
4522 (II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or

4523 (III) the temporary domicile of the passenger; and
4524 (ii) if the chartered bus has a nondrinking designee other than the driver traveling on
4525 the chartered bus to monitor consumption.
4526 (5) A person may bring onto any premises, possess, and consume an alcoholic product
4527 at a private event.
4528 (6) The restrictions of Subsections (2) and (3) apply to a resort licensee or person
4529 operating under a sublicense in relationship to:
4530 (a) the boundary of a resort building; or
4531 (b) a sublicense premises.
4532 Section 120. Section **32B-4-416** is enacted to read:
4533 **32B-4-416. Unlawful permitting of consumption by minor.**
4534 (1) A person may not permit a minor to consume an alcoholic product in a chartered
4535 bus or limousine of which the person is the owner or operator.
4536 (2) A violation of Subsection (1) is an infraction.
4537 Section 121. Section **32B-4-417** is enacted to read:
4538 **32B-4-417. Unlawful possession by licensee or permittee.**
4539 Except as authorized by Section 32B-4-415, other provisions of this title, or the rules of
4540 the commission, a licensee or permittee may not possess, store, or allow consumption of liquor
4541 on its premises if the liquor is not purchased from:
4542 (1) the department;
4543 (2) a state store; or
4544 (3) a package agency.
4545 Section 122. Section **32B-4-418** is enacted to read:
4546 **32B-4-418. Unlawful storage.**
4547 It is unlawful for a person to store liquor on premises for which the person is authorized
4548 to sell beer for on-premise consumption, but for which the person is not licensed under this title
4549 to sell liquor.
4550 Section 123. Section **32B-4-419** is enacted to read:
4551 **32B-4-419. Unlawful permitting of intoxication.**
4552 (1) A person may not permit another person to become intoxicated or an intoxicated
4553 person to consume an alcoholic product in:

4554 (a) premises of which the person is the owner, tenant, or occupant; or
4555 (b) a chartered bus or limousine of which the person is the owner or operator.
4556 (2) A violation of Subsection (1) is a class C misdemeanor.
4557 Section 124. Section **32B-4-420** is enacted to read:
4558 **32B-4-420. Unlawful adulteration.**
4559 (1) For purposes of this section, "tamper" means to do one or more of the following to
4560 the contents of a package:
4561 (a) fortify;
4562 (b) adulterate;
4563 (c) contaminate;
4564 (d) dilute;
4565 (e) change its character or purity; or
4566 (f) otherwise change.
4567 (2) A person may not, for any purpose, mix or allow to be mixed with an alcoholic
4568 product sold or supplied by the person as a beverage any of the following:
4569 (a) a drug;
4570 (b) methylic alcohol;
4571 (c) a crude, unrectified, or impure form of ethylic alcohol; or
4572 (d) another deleterious substance.
4573 (3) (a) The following may not engage in an act listed in Subsection (3)(b):
4574 (i) a package agent;
4575 (ii) a retail licensee;
4576 (iii) a permittee;
4577 (iv) a beer wholesaler licensee;
4578 (v) a liquor warehouser licensee;
4579 (vi) a supplier; or
4580 (vii) an importer.
4581 (b) A person listed in Subsection (3)(a) may not:
4582 (i) tamper with the contents of a package of alcoholic product as originally marketed by
4583 a manufacturer;
4584 (ii) refill or partly refill with any substance the contents of an original package of

4585 alcoholic product as originally marketed by a manufacturer;
4586 (iii) misrepresent the brand of an alcoholic product sold or offered for sale; or
4587 (iv) sell or furnish a brand of alcoholic product that is not the same as that ordered by a
4588 purchaser without first advising the purchaser of the difference.
4589 Section 125. Section **32B-4-421** is enacted to read:
4590 **32B-4-421. Unlawful consumption in public place.**
4591 (1) A person may not consume liquor in a public building, park, or stadium, except as
4592 provided by this title.
4593 (2) A violation of this section is a class C misdemeanor.
4594 Section 126. Section **32B-4-422** is enacted to read:
4595 **32B-4-422. Unlawful dispensing.**
4596 (1) For purposes of this section:
4597 (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
4598 (b) "Primary spirituous liquor" does not include a secondary alcoholic product used as
4599 a flavoring in conjunction with the primary distilled spirit in a beverage.
4600 (2) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous
4601 liquor for consumption on the licensed premises, or staff of the retail licensee may not:
4602 (a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed
4603 premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a
4604 calibrated metered dispensing system approved by the department;
4605 (b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per
4606 beverage;
4607 (c) allow a person on the licensed premises to have more than a total of 2.5 ounces of
4608 spirituous liquor at a time; or
4609 (d) (i) except as provided in Subsection (2)(d)(ii), allow a person to have more than
4610 two spirituous liquor beverages at a time; or
4611 (ii) allow a person on the premises of the following to have more than one spirituous
4612 liquor beverage at a time:
4613 (A) a full-service restaurant licensee;
4614 (B) a person operating under a full-service restaurant sublicense;
4615 (C) an on-premise banquet licensee;

4616 (D) a person operating under an on-premise banquet license; or
4617 (E) a single event permittee.
4618 (3) A violation of this section is a class C misdemeanor.
4619 Section 127. Section **32B-4-501** is enacted to read:
4620 **Part 5. Operations**
4621 **32B-4-501. Operating without a license or permit.**
4622 (1) A person may not operate the following businesses without first obtaining a license
4623 under this title if the business allows a person to purchase or consume an alcoholic product on
4624 the premises of the business:
4625 (a) a restaurant;
4626 (b) an airport lounge;
4627 (c) a business operated in the same manner as a club licensee;
4628 (d) a resort;
4629 (e) a business operated to sell, offer for sale, or furnish beer for on-premise
4630 consumption;
4631 (f) a business operated as an on-premise banquet licensee; or
4632 (g) a business similar to one listed in Subsections (1)(a) through (f).
4633 (2) A person conducting an event that is open to the general public may not directly or
4634 indirectly sell, offer for sale, or furnish an alcoholic product to a person attending the event
4635 without first obtaining an event permit under this title.
4636 (3) A person conducting a private event may not directly or indirectly sell or offer for
4637 sale an alcoholic product to a person attending the private event without first obtaining an
4638 event permit under this title.
4639 (4) A person may not operate the following businesses in this state without first
4640 obtaining a license under this title:
4641 (a) a winery manufacturer;
4642 (b) a distillery manufacturer;
4643 (c) a brewery manufacturer;
4644 (d) a local industry representative of:
4645 (i) a manufacturer of an alcoholic product;
4646 (ii) a supplier of an alcoholic product; or

4647 (iii) an importer of an alcoholic product;
4648 (e) a liquor warehouser; or
4649 (f) a beer wholesaler.
4650 (5) A person may not operate a public conveyance in this state without first obtaining a
4651 public service permit under this title if that public conveyance allows a person to purchase or
4652 consume an alcoholic product:
4653 (a) on the public conveyance; or
4654 (b) on the premises of a hospitality room located with a depot, terminal, or similar
4655 facility at which a service is provided to a patron of the public conveyance.
4656 Section 128. Section **32B-4-502** is enacted to read:
4657 **32B-4-502. Storing or possessing pursuant to federal stamp.**
4658 (1) Except as otherwise provided by this title, it is unlawful for a person who holds a
4659 stamp issued by the Bureau of Internal Revenue of the United States as a retail dealer in
4660 fermented malt liquor, or the person's operator or staff, to possess, hold, or store liquor in or on
4661 premises described in the stamp while the stamp remains in effect unless that person is:
4662 (a) acting for the commission; or
4663 (b) licensed under this title.
4664 (2) This section may not be construed to prevent a person from possessing and
4665 consuming, but not storing, liquor on premises described by the fermented malt liquor stamp, if
4666 that person is not:
4667 (a) an owner or operator of a retail dealer described in Subsection (1); or
4668 (b) a staff member of either the owner or operator.
4669 Section 129. Section **32B-4-503** is enacted to read:
4670 **32B-4-503. Tampering with a record.**
4671 (1) It is unlawful for a person who has custody of a record required to be filed or
4672 deposited with the commission or the department under this title to:
4673 (a) steal, falsify, alter, willfully destroy, mutilate, deface, remove, or conceal in whole
4674 or in part that record; or
4675 (b) knowingly permit another person to take an action described in Subsection (1)(a).
4676 (2) (a) Except as provided in Subsection (2)(b), a person is guilty of a class B
4677 misdemeanor.

4678 (b) A person who violates Subsection (1) is guilty of a third degree felony if that
4679 person is a commissioner, the director, or a department employee.
4680 Section 130. Section **32B-4-504** is enacted to read:
4681 **32B-4-504. Making false statements.**
4682 (1) (a) A person who makes a false material statement under oath or affirmation in an
4683 official proceeding before the commission or the department is guilty of a second degree
4684 felony.
4685 (b) As used in Subsection (1)(a), "material" statement is as defined in Section
4686 76-8-501.
4687 (2) A person is guilty of a class B misdemeanor if that person knowingly:
4688 (a) makes a false statement under oath or affirmation in an official proceeding before
4689 the commission or the department;
4690 (b) makes a false statement with a purpose to mislead a public servant in performing
4691 that public servant's official functions under this title;
4692 (c) makes a false statement and the statement is required by this title to be sworn or
4693 affirmed before a notary or other person authorized to administer oaths;
4694 (d) makes a false written statement on or pursuant to a record required by this title;
4695 (e) creates a false impression in a record required by this title by omitting information
4696 necessary to prevent a statement in them from being misleading;
4697 (f) makes a false written statement with intent to deceive a public servant in the
4698 performance of that public servant's official functions under this title; or
4699 (g) submits or invites reliance on a record required under this title which that person
4700 knows to lack authenticity.
4701 (3) A person is not guilty under Subsection (2) if that person retracts the falsification
4702 before it becomes apparent that the falsification is or will be exposed.
4703 Section 131. Section **32B-4-505** is enacted to read:
4704 **32B-4-505. Obstructing a search, official proceeding, or investigation.**
4705 (1) A person who is in the premises or has charge over premises may not refuse or fail
4706 to admit to the premises or obstruct the entry of any of the following who demands entry when
4707 acting under this title:
4708 (a) a commissioner;

4709 (b) an authorized representative of the commission or department; or
4710 (c) a law enforcement officer.
4711 (2) A person who is in the premises or has charge of the premises may not interfere
4712 with any of the following who is conducting an investigation under this title at the premises:
4713 (a) a commissioner;
4714 (b) an authorized representative of the commission or department; or
4715 (c) a law enforcement officer.
4716 (3) A person is guilty of a second degree felony if, believing that an official proceeding
4717 or investigation is pending or about to be instituted under this title, that person:
4718 (a) alters, destroys, conceals, or removes a record with a purpose to impair its verity or
4719 availability in the proceeding or investigation; or
4720 (b) makes, presents, or uses anything that the person knows to be false with a purpose
4721 to deceive any of the following who may be engaged in a proceeding or investigation under this
4722 title:
4723 (i) a commissioner;
4724 (ii) an authorized representative of the commission or department;
4725 (iii) a law enforcement officer; or
4726 (iv) other person.
4727 Section 132. Section **32B-4-506** is enacted to read:
4728 **32B-4-506. Conflicting interests.**
4729 (1) A commissioner, the director, or a department employee may not be directly or
4730 indirectly interested or engaged in another business or undertaking dealing in an alcoholic
4731 product:
4732 (a) as:
4733 (i) an owner;
4734 (ii) a part-owner;
4735 (iii) a partner;
4736 (iv) a member of syndicate;
4737 (v) a shareholder;
4738 (vi) an agent; or
4739 (vii) an employee; or

4740 (b) (i) for the commissioner's, director's, or department employee's own benefit; or
4741 (ii) in a fiduciary capacity for another person.
4742 (2) A commissioner, the director, or a department employee may not enter into or
4743 participate in a business transaction with staff of a supplier of an alcoholic product to the
4744 department as:
4745 (a) a partner;
4746 (b) a co-owner;
4747 (c) a joint venturer; or
4748 (d) a shareholder.
4749 (3) The following are governed by Title 67, Chapter 16, Utah Public Officers' and
4750 Employees' Ethics Act:
4751 (a) a commissioner;
4752 (b) the director; or
4753 (c) a department employee.
4754 (4) This section does not prevent the purchase of an alcoholic product as authorized by
4755 this title by a commissioner, the director, or a department employee.
4756 Section 133. Section **32B-4-507** is enacted to read:
4757 **32B-4-507. Interfering with manufacturer, supplier, or importer.**
4758 (1) Except as provided in Subsection (2), a commissioner, the director, or a department
4759 employee may not directly or indirectly participate in any manner, by recommendation or
4760 otherwise, in the appointment, employment, or termination of appointment or employment of
4761 staff by:
4762 (a) a manufacturer of liquor;
4763 (b) a supplier of liquor; or
4764 (c) importer of liquor to the department.
4765 (2) A person described in Subsection (1) may participate in the appointment,
4766 employment, or termination of appointment or employment to:
4767 (a) determine qualifications for licensing in accordance with Chapter 11,
4768 Manufacturing and Related Licenses Act; or
4769 (b) enforce compliance with this title.
4770 Section 134. Section **32B-4-508** is enacted to read:

4771 **32B-4-508. Offering or soliciting bribe, gift, or profits.**
4772 (1) If a person sold, sells, offered for sale, or offers to sell an alcoholic product to the
4773 commission or department, that person may not offer, make, tender, or in any way deliver or
4774 transfer to a commissioner, the director, a department employee, or a law enforcement officer
4775 responsible for the enforcement of this title the following:
4776 (a) a bribe;
4777 (b) a gift, as defined in Section 67-16-5; or
4778 (c) a share of profits.
4779 (2) A commissioner, the director, a department employee, or a law enforcement officer
4780 responsible for the enforcement of this title may not knowingly solicit, receive, accept, take, or
4781 seek, directly or indirectly, any of the following from a person who sold, sells, offered for sale,
4782 or offers to sell an alcoholic product:
4783 (a) a commission;
4784 (b) compensation, as defined in Section 67-16-3;
4785 (c) a gift, as defined in Section 67-16-5; or
4786 (d) a loan.
4787 (3) A violation of this section is punishable under Section 67-16-12.
4788 Section 135. Section **32B-4-509** is enacted to read:
4789 **32B-4-509. Forgery.**
4790 (1) (a) A person who with a purpose to defraud the commission or the department, or
4791 who with knowledge that the person is facilitating a fraud to be perpetrated by anyone, forges a
4792 record required under this title, is guilty of forgery as provided under Section 76-6-501.
4793 (b) A violation of Subsection (1)(a) is a second degree felony.
4794 (2) A person who with intent to defraud the commission or the department knowingly
4795 possesses a record that is a forgery as defined in Section 76-6-501 is guilty of a third degree
4796 felony.
4797 Section 136. Section **32B-4-510** is enacted to read:
4798 **32B-4-510. Advertising prohibited -- Exceptions.**
4799 (1) (a) The department may not advertise liquor, except:
4800 (i) the department may provide for an appropriate sign in the window or on the front of
4801 a state store or package agency denoting that it is a state authorized liquor retail facility;

4802 (ii) the department or a package agency may provide printed price lists to the public;
4803 (iii) the department may authorize the use of price posting and floor stacking of liquor
4804 within a state store;
4805 (iv) subject to Subsection (1)(b), the department may provide a listing of the address
4806 and telephone number of a state store in one or more printed or electronic directories available
4807 to the general public; and
4808 (v) subject to Subsection (1)(b), a package agency may provide a listing of its address
4809 and telephone number in one or more printed or electronic directories available to the general
4810 public.
4811 (b) A listing under Subsection (1)(a)(iv) or (v) in the business or yellow pages of a
4812 telephone directory may not be displayed in an advertisement or other promotional format.
4813 (2) (a) The department may not advertise an alcoholic product on a billboard.
4814 (b) A package agency may not advertise an alcoholic product on a billboard, except to
4815 the extent allowed by the commission by rule.
4816 (3) (a) The department may not display liquor or price lists in a window or showcase
4817 visible to passersby.
4818 (b) A package agency may not display liquor or price lists in a window or showcase
4819 visible to passersby, except to the extent allowed by the commission by rule.
4820 (4) Except to the extent prohibited by this title, the advertising of an alcoholic product
4821 is allowed under guidelines established by the commission by rule.
4822 (5) The advertising or use of any means or media to offer an alcoholic product to the
4823 general public without charge is prohibited.
4824 Section 137. Section **32B-4-601** is enacted to read:
4825 **Part 6. Transportation and Distribution**
4826 **32B-4-601. Unlawful removal from conveyance or diversion of shipment.**
4827 (1) It is unlawful for a person transporting an alcoholic product, including a motor
4828 carrier, in interstate or other commerce intended for, or consigned to, or claimed to be intended
4829 for or consigned to a person outside of this state, to remove or to permit a person to remove the
4830 alcoholic product or any part of the alcoholic product from the conveyance in which it is
4831 carried while within this state.
4832 (2) Notwithstanding Subsection (1), removal of an alcoholic product from a

4833 conveyance may be allowed if the person described in Subsection (1) notifies the department in
4834 writing at least 24 hours before the intended removal and complies with the instructions given
4835 by the department.
4836 (3) It is unlawful for a person to receive for storage or another purpose, or to possess an
4837 alcoholic product, that is removed from a vehicle or other conveyance in violation of this
4838 section.
4839 (4) It is unlawful for a person, including a motor vehicle, to divert to any place within
4840 this state, or to deliver to any person in this state, an alcoholic product that is consigned for
4841 shipment to any place without this state, unless the person:
4842 (a) first notifies the department in writing at least 24 hours before the intended
4843 diversion or delivery; and
4844 (b) complies with the instructions given by the department.
4845 (5) Upon receiving a notice under Subsection (2) or (4), the department shall take
4846 precautions as necessary to ensure compliance with the laws of this state relating to an
4847 alcoholic product.
4848 Section 138. Section **32B-4-602** is enacted to read:
4849 **32B-4-602. Unlawful transportation.**
4850 (1) It is unlawful for a person, including a motor carrier, or staff of the person to order
4851 or purchase an alcoholic product or to cause an alcoholic product to be shipped, carried, or
4852 transported into this state, or from one place to another within this state except as otherwise
4853 authorized by this title.
4854 (2) This section does not prohibit a person, including a motor carrier, from:
4855 (a) transporting an alcoholic product in the course of export from the state; or
4856 (b) transporting an alcoholic product across any part of this state while in transit
4857 pursuant to a bona fide consignment of the an alcoholic product to a person outside of this
4858 state.
4859 Section 139. Section **32B-4-603** is enacted to read:
4860 **32B-4-603. Carriers' records.**
4861 (1) (a) A person, including a motor carrier, transporting an alcoholic product into or
4862 within this state shall make and maintain a record in which is entered, immediately on the
4863 receipt of an alcoholic product:

4864 (i) the name of every person to whom the alcoholic product is consigned;
4865 (ii) the amount and kind of alcoholic product received; and
4866 (iii) the date when the alcoholic product is delivered.
4867 (b) (i) Except as provided in Subsection (1)(b)(ii), a consignee shall sign the
4868 consignee's name.
4869 (ii) If the consignee is a corporation, partnership, or limited liability company, an agent
4870 authorized in writing, shall sign the record described in Subsection (1)(a).
4871 (2) A person described in Subsection (1) shall make the record open to inspection by
4872 an authorized official of the state or local authority at any time during the person's business
4873 hours.
4874 (3) A record under this section constitutes prima facie evidence of the facts stated in
4875 the record and is admissible as evidence in a court proceeding to enforce this title.
4876 Section 140. Section **32B-4-701** is enacted to read:
4877 **Part 7. Trade Practices Act**
4878 **32B-4-701. Title.**
4879 This part is known as the "Trade Practices Act."
4880 Section 141. Section **32B-4-702** is enacted to read:
4881 **32B-4-702. Definitions.**
4882 As used in this part:
4883 (1) (a) For purposes of Section 32B-4-703, "exclusion" is as defined in 27 C.F.R. Sec.
4884 8.51 through 8.54.
4885 (b) For purposes of Section 32B-4-704, "exclusion" is as defined in 27 C.F.R. Sec.
4886 6.151 through 6.153.
4887 (2) (a) "Industry member" means:
4888 (i) an alcoholic product manufacturer;
4889 (ii) a producer;
4890 (iii) a supplier;
4891 (iv) an importer;
4892 (v) a wholesaler;
4893 (vi) a bottler;
4894 (vii) a warehouser and bottler; or

4895 (viii) for a person described in Subsections (2)(a)(i) through (vii), any of its:
4896 (A) affiliates;
4897 (B) subsidiaries;
4898 (C) officers;
4899 (D) directors;
4900 (E) partners;
4901 (F) agents;
4902 (G) employees; or
4903 (H) representatives.
4904 (b) "Industry member" does not include:
4905 (i) the commission;
4906 (ii) a commissioner;
4907 (iii) the director;
4908 (iv) the department; or
4909 (v) a department employee.
4910 (3) "Product" means an alcoholic product or item associated with an alcoholic product.
4911 (4) "Retailer" means:
4912 (a) the holder of a license or permit issued by the commission or by a local authority to
4913 allow the holder to engage in the sale of an alcoholic product to a patron whether for
4914 consumption on or off the premises; or
4915 (b) an agent, officer, director, shareholder, partner, or employee of a holder described
4916 in Subsection (4)(a).
4917 Section 142. Section **32B-4-703** is enacted to read:
4918 **32B-4-703. Exclusive outlets.**
4919 (1) It is unlawful for an industry member, directly or indirectly, or through an affiliate,
4920 to require, by agreement or otherwise, that the department or a retailer purchase a product from
4921 the industry member or the department to the exclusion in whole or in part of a product that is
4922 sold or offered for sale by another person.
4923 (2) (a) Subsection (1) applies only to a transaction between:
4924 (i) one or more industry members; and
4925 (ii) (A) the department; or

4926 (B) one or more retailers.
4927 (b) Subsection (1) does not apply to a transaction between two or more industry
4928 members, including between a manufacturer and a wholesaler.
4929 (3) Subsection (1) includes purchases coerced by an industry member through an act or
4930 threat of physical or economic harm, as well as through a voluntary industry member-retailer
4931 purchase agreement.
4932 (4) (a) Subsection (1) includes a contract or agreement, written or unwritten, that has
4933 the effect of requiring the department or retailer to purchase an alcoholic product from the
4934 industry member beyond a single sales transaction.
4935 (b) Examples of a contract or agreement described in Subsection (4)(a) include:
4936 (i) an advertising contract between an industry member and a retailer with the express
4937 or implied requirement of the purchase of the advertiser's product; or
4938 (ii) a sales contract awarded on a competitive bid basis that has the effect of prohibiting
4939 the department or retailer from purchasing from another industry member by:
4940 (A) requiring that the retailer purchase a product or line of products exclusively from
4941 the industry member for the period of the agreement; or
4942 (B) requiring that the retailer purchase a specific or minimum quantity during the
4943 period of the agreement.
4944 (5) (a) Subsection (1) includes a contract, agreement, or other arrangement between an
4945 industry member and a third party nonretailer that requires the department or a retailer to
4946 purchase the industry member's product to the exclusion in whole or in part of a product sold or
4947 offered for sale by another person.
4948 (b) This Subsection (5) applies whether a contract, agreement, or other arrangement
4949 originates with the industry member or the third party.
4950 (c) Examples of a contract, agreement, or other arrangement described in this
4951 Subsection (5) include:
4952 (i) a contract, agreement, or arrangement:
4953 (A) with a third party, such as a ball club or municipal or private corporation, that is
4954 not a retailer;
4955 (B) under which the third party leases the concession rights and is able to control the
4956 purchasing decisions of a retailer; and

4957 (C) that requires the retailer to purchase the industry member's product to the exclusion
4958 in whole or in part of a product sold or offered for sale by another person; or
4959 (ii) a contract, agreement, or arrangement with a third party nonretailer that requires a
4960 retailer to purchase the industry member's product to the exclusion in whole or in part of a
4961 product sold or offered for sale by another person in return for which the third party provides a
4962 service or other thing of value such as:
4963 (A) sponsoring radio or television broadcasting;
4964 (B) paying for advertising; or
4965 (C) providing other services or things of value.
4966 Section 143. Section **32B-4-704** is enacted to read:
4967 **32B-4-704. Tied house -- Prohibitions.**
4968 (1) (a) It is unlawful for an industry member, directly or indirectly, or through an
4969 affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from
4970 the department to the exclusion in whole or in part of a product sold or offered for sale by
4971 another person by acquiring or holding an interest in a license with respect to the premises of a
4972 retailer, except when the license is held by a retailer that is completely owned by the industry
4973 member.
4974 (b) Interest in a retail license includes an interest acquired by a corporate official,
4975 partner, employee, or other representative of the industry member.
4976 (c) An interest in a retail license acquired by a separate corporation in which the
4977 industry member or the industry member's officials hold ownership or are otherwise affiliated
4978 is an interest in a retail license.
4979 (d) Less than complete ownership of a retail business by an industry member
4980 constitutes an interest in a retail license within the meaning of Subsection (1)(a).
4981 (2) (a) It is unlawful for an industry member, directly or indirectly, or through an
4982 affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from
4983 the department to the exclusion in whole or in part of a product sold or offered for sale by
4984 another person by acquiring an interest in real or personal property owned, occupied, or used
4985 by the retailer in the conduct of the retailer's business.
4986 (b) For purposes of Subsection (2)(a):
4987 (i) "interest" does not include complete ownership of a retail business by an industry

4988 member;
4989 (ii) interest in retail property includes an interest acquired by a corporate official,
4990 partner, employee, or other representative of the industry member;
4991 (iii) any interest in a retail license acquired by a separate corporation in which the
4992 industry member or its officials hold ownership or are otherwise affiliated is an interest in the
4993 retailer's property;
4994 (iv) less than complete ownership of a retail business by an industry member
4995 constitutes an interest in retail property;
4996 (v) the acquisition of a mortgage on a retailer's real or personal property by an industry
4997 member constitutes an interest in the retailer's property; and
4998 (vi) the renting of display space by an industry member at a retail establishment
4999 constitutes an interest in the retailer's property.
5000 (3) (a) Subject to Section 32B-4-705, it is unlawful for an industry member, directly or
5001 indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the
5002 industry member or from the department to the exclusion in whole or in part of a product sold
5003 or offered for sale by another person by furnishing, giving, renting, lending, or selling to the
5004 retailer equipment, a fixture, a sign, supplies, money, a service, or other thing of value.
5005 (b) (i) For purposes of this Subsection (3), indirect inducement includes:
5006 (A) furnishing a thing of value to a third party when the benefit resulting from the thing
5007 of value flows to an individual retailer; and
5008 (B) making a payment for advertising to a retailer association or a display company
5009 when the resulting benefits flow to an individual retailer.
5010 (ii) Notwithstanding Subsection (3)(b)(i), an indirect inducement does not arise if:
5011 (A) the thing of value is furnished to a retailer by the third party without the knowledge
5012 or intent of the industry member; or
5013 (B) the industry member does not reasonably foresee that the thing of value would be
5014 furnished to a retailer.
5015 (c) Anything that may lawfully be furnished, given, rented, lent, or sold by industry
5016 members to retailers under Section 32B-4-705 may be furnished directly by a third party to a
5017 retailer.
5018 (d) (i) A transaction in which equipment is sold to a retailer by an industry member,

5019 except as provided in Section 32B-4-705, is the selling of equipment within the meaning of
5020 Subsection (3)(a) regardless of how the equipment is sold.
5021 (ii) The negotiation by an industry member of a special price to a retailer for equipment
5022 from an equipment company is the furnishing of a thing of value within the meaning of
5023 Subsection (3)(a).
5024 (e) The furnishing of free warehousing by delaying delivery of an alcoholic product
5025 beyond the time that payment for the product is received, or if a retailer is purchasing on credit,
5026 delaying final delivery of products beyond the close of the period of time for which credit is
5027 lawfully extended, is the furnishing of a service or thing of value within the meaning of
5028 Subsection (3)(a).
5029 (f) A financial, legal, administrative, or influential assistance given a retailer by an
5030 industry member in the retailer's acquisition of the retailer's license is the furnishing of a
5031 service or thing of value within the meaning of Subsection (3)(a).
5032 (4) It is unlawful for an industry member, directly or indirectly, or through an affiliate,
5033 to induce a retailer to purchase an alcoholic product from the industry member or from the
5034 department to the exclusion in whole or in part of a product sold or offered for sale by another
5035 person by paying or crediting the retailer for an advertising, display, or distribution service:
5036 (a) as defined in and to the extent restricted by 27 C.F.R. Sec. 6.51 through 6.56; and
5037 (b) subject to the exceptions:
5038 (i) for newspaper cuts listed in 27 C.F.R. Sec. 6.92; and
5039 (ii) for advertising services listed in 27 C.F.R. Sec. 6.98.
5040 (5) It is unlawful for an industry member, directly or indirectly, or through an affiliate,
5041 to induce a retailer to purchase an alcoholic product from the industry member or from the
5042 department to the exclusion in whole or in part of a product sold or offered for sale by another
5043 person by guaranteeing a loan or the repayment of a financial obligation of the retailer.
5044 (6) (a) It is unlawful for an industry member, directly or indirectly, or through an
5045 affiliate, to induce a retailer to purchase beer from the industry member to the exclusion in
5046 whole or in part of a beer product sold or offered for sale by another person by extending to a
5047 retailer credit for a period in excess of 15 days from the date of delivery to the date of full legal
5048 discharge from all indebtedness arising from the transaction by the retailer paying cash or its
5049 equivalent, unless:

5050 (i) beer purchased or delivered during the first 15 days of any month is paid for in cash
5051 or its equivalent on or before the 25th day of the same month; and
5052 (ii) beer purchased or delivered after the 15th day of any month is paid for in cash or its
5053 equivalent on or before the 10th day of the next succeeding month.
5054 (b) A first party in-state check is considered cash payment if the check is:
5055 (i) honored on presentment; and
5056 (ii) received under the terms prescribed in Subsection (6)(a).
5057 (c) An extension of credit for product purchased by an industry member to a retailer
5058 whose account is in arrears does not constitute a violation of Subsection (6)(a) if the retailer
5059 pays in advance or on delivery an amount equal to or greater than the value of each order,
5060 regardless of the manner in which the industry member applies the payment in its records.
5061 (7) (a) It is unlawful for an industry member, directly or indirectly, or through an
5062 affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from
5063 the department to the exclusion in whole or in part of a product sold or offered for sale by
5064 another person by requiring:
5065 (i) the department to take and dispose of a certain quota of a product; or
5066 (ii) a beer retailer to take and dispose of a certain quota of a beer product.
5067 (b) (i) It is an unlawful means to induce to require:
5068 (A) the department to purchase one product in order to purchase another product; or
5069 (B) a beer retailer to purchase one beer product in order to purchase another beer
5070 product.
5071 (ii) This Subsection (7)(b) includes:
5072 (A) the requirement to take a minimum quantity of a product in standard packaging in
5073 order to obtain the same product in some type of premium package such as:
5074 (I) a distinctive decanter; or
5075 (II) a wooden or tin box; or
5076 (B) combination sales if one or more products may be purchased only in combination
5077 with another product and not individually.
5078 (c) This Subsection (7) does not preclude the selling, at a special combination price, of
5079 two or more kinds or brands of products so long as the department or beer retailer:
5080 (i) has the option of purchasing either product at the usual price; and

5081 (ii) is not required to purchase a product the department or beer retailer does not want.
5082 (d) An industry member may package and distribute an alcoholic product in
5083 combination with other nonalcoholic items.
5084 (e) A combination package shall be designed to be delivered intact to the consumer and
5085 the additional cost incurred by the industry member shall be included in the cost to the
5086 department or beer retailer.
5087 Section 144. Section **32B-4-705** is enacted to read:
5088 **32B-4-705. Exclusions from tied house prohibitions.**
5089 (1) Notwithstanding Subsection 32B-4-704(3), a thing of value may be furnished by an
5090 industry member to a retailer under the conditions and within the limitations prescribed in:
5091 (a) this section; and
5092 (b) the applicable federal laws cited in this section.
5093 (2) The following may be furnished by an industry member:
5094 (a) a product display as provided in 27 C.F.R. Sec. 6.83;
5095 (b) point of sale advertising material or a consumer advertising specialty as provided in
5096 27 C.F.R. Sec. 6.84;
5097 (c) a thing of value to a temporary retailer to the extent allowed in 27 C.F.R. Sec. 6.85;
5098 (d) equipment and supplies as provided in 27 C.F.R. Sec. 6.88;
5099 (e) combination packaging as provided in 27 C.F.R. Sec. 6.93;
5100 (f) an educational seminar as provided in 27 C.F.R. Sec. 6.94;
5101 (g) a consumer promotion as provided in 27 C.F.R. Sec. 6.96;
5102 (h) an advertising service as provided in 27 C.F.R. Sec. 6.98;
5103 (i) stocking, rotation, and pricing service as provided in 27 C.F.R. Sec. 6.99;
5104 (j) merchandise as provided in 27 C.F.R. Sec. 6.101; and
5105 (k) an outside sign as provided in 27 C.F.R. Sec. 6.102.
5106 (3) The following exceptions provided in federal law are not applicable:
5107 (a) the exception for a sample as provided in 27 C.F.R. Sec. 6.91;
5108 (b) the exception for a consumer tasting or sampling at a retail establishment as
5109 provided in 27 C.F.R. Sec. 6.95; and
5110 (c) the exception for participation in a retailer association activity provided in 27
5111 C.F.R. Sec. 6.100.

5112 (4) To the extent required by 27 C.F.R. Sec. 6.81(b) an industry member shall maintain
5113 a record:
5114 (a) of an item furnished to a retailer;
5115 (b) on the premises of the industry member; and
5116 (c) for a three-year period.
5117 (5) A sample of liquor may be provided to the department under the following
5118 conditions:
5119 (a) With the department's permission, an industry member may submit a department
5120 sample to the department for product testing, analysis, and sampling.
5121 (b) No more than two department samples of a particular type, vintage, and production
5122 lot of a particular branded product may be submitted to the department for department testing,
5123 analysis, and sampling within a consecutive 120-day period.
5124 (c) (i) A department sample may not exceed 1 liter.
5125 (ii) Notwithstanding Subsection (5)(c)(i), a department sample of the following may
5126 not exceed 1.5 liters unless that exact alcoholic product is only commercially packaged in a
5127 larger size, not to exceed 5 liters:
5128 (A) wine;
5129 (B) heavy beer; or
5130 (C) a flavored malt beverage.
5131 (d) A department sample submitted to the department:
5132 (i) shall be shipped prepaid by the industry member by common carrier; and
5133 (ii) may not be shipped by United States mail directly to the department's central
5134 administrative warehouse office.
5135 (e) A department sample may not be shipped to any other location within the state.
5136 (f) The industry member shall submit with a department sample submitted to the
5137 department a letter from the industry member that clearly:
5138 (i) identifies the product as a "department sample"; and
5139 (ii) states the FOB case price of the product.
5140 (g) (i) The department may transfer a listed item from current stock:
5141 (A) for use as a comparison control sample; or
5142 (B) to verify product spoilage as considered appropriate.

5143 (ii) The department shall charge back a sample transferred under this Subsection (5)(g)
5144 to the respective industry member.
5145 (h) The department shall:
5146 (i) account for, label, and record a department sample received or transferred;
5147 (ii) account for the department sample's disposition; and
5148 (iii) maintain a record of the sample and its disposition for a two-year period.
5149 (i) The department shall affix to each package of a department sample a label clearly
5150 identifying the product as a "department sample".
5151 (j) The department shall dispose of a department sample delivered to the department or
5152 transferred from the department's current stock in one of the following ways as chosen by the
5153 department:
5154 (i) test and analyze the department sample, with the remaining contents destroyed
5155 under controlled and audited conditions established by the department;
5156 (ii) destroy the entire contents of the department sample under controlled and audited
5157 conditions established by the department; or
5158 (iii) add the department sample to the inventory of the department for sale to the
5159 public.
5160 (k) A person other than an authorized department official may not be in possession of a
5161 department sample except as otherwise provided.
5162 (l) The department shall handle a liquor item received by the department from a
5163 supplier that is not designated as a sample by the supplier, but that is an item not specifically
5164 listed on a department purchase order, in accordance with this Subsection (5).
5165 (m) The department may not use its money to pay freight or charges on a sample or a
5166 liquor item:
5167 (i) shipped to the department by a supplier; and
5168 (ii) not listed on a department purchase order.
5169 (6) A sample of beer may be provided by a beer industry member to a retailer under the
5170 conditions listed in this Subsection (6).
5171 (a) A sample of beer may be provided by an industry member only to a retailer who has
5172 not purchased the brand of beer from that industry member within the last 12 months.
5173 (b) For each retailer, the industry member may give not more than three gallons of any

5174 brand of beer, except that if a particular product is not available in a size within the quantity
5175 limitation an industry member may furnish the next largest size.
5176 (7) An educational seminar may involve an industry member under the conditions
5177 listed in this Subsection (7).
5178 (a) An industry member may provide or participate in an educational seminar:
5179 (i) involving:
5180 (A) the department;
5181 (B) a retailer;
5182 (C) a holder of a scientific or educational special use permit;
5183 (D) another industry member; or
5184 (E) an employee of a persons listed in Subsections (7)(a)(i)(A) through (D); and
5185 (ii) regarding a topic such as:
5186 (A) merchandising and product knowledge;
5187 (B) use of equipment; and
5188 (C) a tour of an alcoholic product manufacturing facility.
5189 (b) An industry member may not pay the expenses of or compensate a person who is a
5190 department employee, a retailer, or permittee for attending a seminar or tour described in
5191 Subsection (7)(a).
5192 (8) (a) A liquor industry member may conduct a tasting of a liquor product of the
5193 industry member:
5194 (i) for the department, at the department's request; and
5195 (ii) for a licensed industry representative, but only at the department's central
5196 administrative warehouse office.
5197 (b) A liquor industry member may only use a department sample or industry
5198 representative sample when conducting a tasting of the industry member's liquor product.
5199 (c) A beer industry member may conduct a tasting of a beer product for a beer retailer
5200 either at:
5201 (i) the industry member's premises; or
5202 (ii) a retail establishment.
5203 (d) Except to the extent authorized by commission rule, an alcoholic product industry
5204 member may not conduct tasting or sampling activities with:

5205 (i) a retailer; or
5206 (ii) a member of the general public.
5207 (9) A beer industry member may participate in a beer retailer association activity to the
5208 extent authorized by 27 C.F.R. Sec. 6.100.
5209 (10) (a) An industry member may contribute to a charitable, civic, religious, fraternal,
5210 educational, or community activity, except the contribution may not be given to influence a
5211 retailer in the selection of a product that may be sold at the activity.
5212 (b) An industry member or retailer violates this Subsection (10) if:
5213 (i) the industry member's contribution influences, directly or indirectly, the retailer in
5214 the selection of a product; and
5215 (ii) a competitor's product is excluded in whole or in part from sale at the activity.
5216 (11) (a) An industry member may lease or furnish equipment listed in Subsection
5217 (11)(b) to a retailer if:
5218 (i) the equipment is leased or furnished for a special event;
5219 (ii) a reasonable rental or service fee is charged for the equipment; and
5220 (iii) the period for which the equipment is leased or furnished does not exceed 30 days.
5221 (b) This Subsection (11) applies to the following equipment:
5222 (i) a picnic pump;
5223 (ii) a cold plate;
5224 (iii) a tub;
5225 (iv) a keg box;
5226 (v) a refrigerated trailer;
5227 (vi) a refrigerated van; or
5228 (vii) a refrigerated draft system.
5229 (12) (a) A liquor industry member may assist the department in:
5230 (i) ordering, shipping, and delivering merchandise;
5231 (ii) new product notification;
5232 (iii) listing and delisting information;
5233 (iv) price quotations;
5234 (v) product sales analysis;
5235 (vi) shelf management; and

5236 (vii) an educational seminar.
5237 (b) (i) A liquor industry member may, to acquire a new listing:
5238 (A) solicit an order from the department; and
5239 (B) submit to the department a sample of the liquor industry member's products under
5240 Subsection (5) and price lists.
5241 (ii) (A) An industry member is confined to the customer areas when the industry
5242 member visits a state store or package agency unless otherwise approved.
5243 (B) An industry member is confined to the office area of a state warehouse when the
5244 industry member visits a state warehouse unless otherwise approved.
5245 (13) A beer industry member may assist a beer retailer in:
5246 (a) ordering, shipping, and delivering beer merchandise;
5247 (b) new product notification;
5248 (c) listing and delisting information;
5249 (d) price quotations;
5250 (e) product sales analysis;
5251 (f) shelf management; and
5252 (g) an educational seminar.
5253 (14) A beer industry member may, to acquire a new listing:
5254 (a) solicit an order from a beer retailer; and
5255 (b) submit to a beer retailer a sample of the beer industry member's beer products under
5256 Subsection (5) and price lists.
5257 Section 145. Section **32B-4-706** is enacted to read:
5258 **32B-4-706. Commercial bribery.**
5259 This section adopts and makes applicable to an industry member, including a beer
5260 industry member, doing business in this state, 27 U.S.C. Sec. 205(c) and 27 C.F.R. Sec. 10.1
5261 through 10.54, which make it unlawful for an industry member, directly or indirectly, or
5262 through an affiliate, to induce a wholesaler or retailer engaged in the sale of an alcoholic
5263 product to purchase the industry member's products, to the complete or partial exclusion of
5264 alcoholic beverages sold or offered for sale by other persons, by commercial bribery, or by
5265 offering or giving a bonus, premium, compensation, or other thing of value, to any officer,
5266 employee, or representative of the wholesaler or retailer.

5267 Section 146. Section **32B-4-707** is enacted to read:
5268 **32B-4-707. Consignment sale.**
5269 (1) This section adopts and makes applicable to an industry member, including a beer
5270 industry member, doing business in this state, 27 U.S.C. Sec. 205(d) and 27 C.F.R. Sec. 11.1
5271 through 11.46, which make it unlawful for an industry member, directly or indirectly, or
5272 through an affiliate to sell, offer for sale, or contract to sell to any wholesaler or retailer
5273 engaged in the sale of an alcoholic product, or for any wholesaler or retailer to purchase, offer
5274 to purchase, or contract to purchase any of those products on consignment or under conditional
5275 sale or with the privilege of return or on any basis otherwise than a bona fide sale, or where any
5276 part of the transaction involves, directly or indirectly, the acquisition by that person from the
5277 wholesaler or retailer or that person's agreement to acquire from the wholesaler or retailer other
5278 alcoholic beverages, if the sale, purchase, offer, or contract is made in the course of interstate
5279 or foreign commerce, or if the person or wholesaler or retailer engages in such practice to an
5280 extent so as substantially to restrain or prevent transactions in interstate or foreign commerce in
5281 any of those products or if the direct effect of the sale, purchase, offer, or contract is to prevent,
5282 deter, hinder, or restrict other persons from selling or offering for sale any of those products to
5283 the wholesaler or retailer in interstate or foreign commerce.
5284 (2) This section does not apply to a transaction involving solely the bona fide return of
5285 merchandise for ordinary and usual commercial reasons arising after the merchandise has been
5286 sold.
5287 Section 147. Section **32B-4-708** is enacted to read:
5288 **32B-4-708. Unlawful act involving consumers.**
5289 (1) (a) It is unlawful for an industry member, directly or indirectly, or through an
5290 affiliate, to give away any of its product to a person except for testing, analysis, and sampling
5291 purposes by the department or local industry representative licensee to the extent authorized by
5292 this title.
5293 (b) This Subsection (1) does not preclude an industry member from serving its product
5294 to others at a private event hosted by the industry member in the industry member's home or
5295 elsewhere so long as the product is not served:
5296 (i) as part of a promotion of the industry member's product; or
5297 (ii) as a subterfuge to provide a sample to a person for product testing, analysis, or

5298 sampling purposes.
5299 (2) It is unlawful for an industry member or retailer, directly or indirectly, or through
5300 an affiliate, to engage in an advertisement or promotional scheme that requires the purchase or
5301 sale of an alcoholic product, or consumption of an alcoholic product, in order to participate in a
5302 promotion, program, or other activity.
5303 (3) It is unlawful for an industry member or retailer, directly or indirectly, or through
5304 an affiliate, to pay, give, or deliver to a person money or any other thing of value, including a
5305 rebate, refund, or prize, on the basis of the purchase, display, use, sale, or consumption of an
5306 alcoholic product.
5307 (4) It is unlawful for an industry member or retailer to sponsor or underwrite an
5308 athletic, theatrical, scholastic, artistic, or scientific event that:
5309 (a) overtly promotes the consumption of a product;
5310 (b) offers a product to the general public without charge; or
5311 (c) takes place on the premises of a school, college, university, or other educational
5312 institution.
5313 Section 148. Section **32B-5-101** is enacted to read:
5314 **CHAPTER 5. RETAIL LICENSE ACT**
5315 **Part 1. General Provisions**
5316 **32B-5-101. Title.**
5317 This chapter is known as the "Retail License Act."
5318 Section 149. Section **32B-5-102** is enacted to read:
5319 **32B-5-102. Definitions.**
5320 Reserved
5321 Section 150. Section **32B-5-201** is enacted to read:
5322 **Part 2. Retail Licensing Process**
5323 **32B-5-201. Application requirements for retail license.**
5324 (1) (a) Before a person may store, sell, offer for sale, furnish, or permit consumption of
5325 an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a
5326 retail license issued by the commission, notwithstanding whether the person holds a local
5327 license or a permit issued by a local authority.
5328 (b) Violation of this Subsection (1) is a class B misdemeanor.

5329 (2) To obtain a retail license under this title, a person shall submit to the department:
5330 (a) a written application in a form prescribed by the department;
5331 (b) a nonrefundable application fee in the amount specified in the relevant part under
5332 Chapter 6, Specific Retail License Act, for the type of retail license for which the person is
5333 applying;
5334 (c) an initial license fee:
5335 (i) in the amount specified in the relevant part under Chapter 6, Specific Retail License
5336 Act, for the type of retail license for which the person is applying; and
5337 (ii) that is refundable if a retail license is not issued;
5338 (d) written consent of the local authority;
5339 (e) a copy of the person's current business license;
5340 (f) evidence of proximity to any community location, with proximity requirements
5341 being governed by Section 32B-1-202;
5342 (g) a bond as specified by Section 32B-5-204;
5343 (h) a floor plan, and boundary map where applicable, of the premises of the retail
5344 license, including any:
5345 (i) consumption area; and
5346 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
5347 beverage;
5348 (i) evidence that the retail licensee is carrying public liability insurance in an amount
5349 and form satisfactory to the department;
5350 (j) evidence that the retail licensee is carrying dramshop insurance coverage of at least
5351 $1,000,000 per occurrence and $2,000,000 in the aggregate;
5352 (k) a signed consent form stating that the retail licensee will permit any authorized
5353 representative of the commission, department, or any law enforcement officer to have
5354 unrestricted right to enter the premises of the retail licensee;
5355 (l) if the person is an entity, proper verification evidencing that a person who signs the
5356 application is authorized to sign on behalf of the entity; and
5357 (m) any other information the commission or department may require.
5358 (3) The commission may not issue a retail license to a person who:
5359 (a) is disqualified under Section 32B-1-304; or

5360 (b) is not lawfully present in the United States.
5361 (4) Unless otherwise provided in the relevant part under Chapter 6, Specific Retail
5362 License Act, the commission may not issue a retail license to a person if the licensed premises
5363 does not meet the proximity requirements of Section 32B-1-202.
5364 Section 151. Section **32B-5-202** is enacted to read:
5365 **32B-5-202. Renewal requirements.**
5366 (1) A retail license expires each year on the day specified in the relevant part under
5367 Chapter 6, Specific Retail License Act, for that type of retail license.
5368 (2) To renew a person's retail license, a retail licensee shall, by no later than the day
5369 specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail
5370 license that is being renewed, submit:
5371 (a) a completed renewal application to the department in a form prescribed by the
5372 department; and
5373 (b) a renewal fee in the amount specified in the relevant part under Chapter 6, Specific
5374 Retail License Act, for the type of retail license that is being renewed.
5375 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
5376 retail license effective on the date the existing retail license expires.
5377 Section 152. Section **32B-5-203** is enacted to read:
5378 **32B-5-203. Commission and department duties before issuing a retail license.**
5379 (1) (a) Before the commission may issue a retail license, the department shall conduct
5380 an investigation and may hold public hearings to gather information and make
5381 recommendations to the commission as to whether a retail license should be issued.
5382 (b) The department shall forward the information and recommendations described in
5383 Subsection (1)(a) to the commission to aid in the commission's determination.
5384 (2) Before issuing a retail license, the commission shall:
5385 (a) determine that the person filed a complete application and is in compliance with:
5386 (i) Section 32B-5-201; and
5387 (ii) the specific licensing requirements specified in the relevant part under Chapter 6,
5388 Specific Retail License Act, for the type of retail license for which the person is applying;
5389 (b) determine that the person is not disqualified under Section 32B-1-304;
5390 (c) consider the locality within which the proposed licensed premises is located,

5391 including:
5392 (i) physical characteristics such as:
5393 (A) condition of the licensed premises;
5394 (B) square footage; and
5395 (C) parking availability; and
5396 (ii) operational factors such as:
5397 (A) tourist traffic;
5398 (B) demographics;
5399 (C) population to be served;
5400 (D) proximity to and density of other state stores, package agencies, and retail
5401 licensees; and
5402 (E) the extent of and proximity to any community location;
5403 (d) consider the person's ability to manage and operate a retail license of the type for
5404 which the person is applying, including:
5405 (i) management experience;
5406 (ii) past retail alcoholic product experience; and
5407 (iii) the type of management scheme to be used by the retail licensee;
5408 (e) consider the nature or type of retail licensee operation of the proposed retail
5409 licensee, including:
5410 (i) the type of menu items that will be offered and emphasized;
5411 (ii) whether the retail licensee will emphasize service to an adult clientele or to minors;
5412 (iii) the proposed hours of operation;
5413 (iv) the seating capacity of the premises; and
5414 (v) the estimated gross sales of food items; and
5415 (f) consider any other factor the commission considers necessary.
5416 Section 153. Section **32B-5-204** is enacted to read:
5417 **32B-5-204. Bond for retail license.**
5418 (1) (a) A retail licensee shall post a cash bond or surety bond:
5419 (i) in the amount specified in the relevant part under Chapter 6, Specific Retail License
5420 Act, for the type of retail license for which the person is applying; and
5421 (ii) payable to the department.

5422 (b) A retail licensee shall procure and maintain the bond required under this section for
5423 as long as the retail licensee continues to operate as a retail licensee.
5424 (2) A bond required under this section shall be:
5425 (a) in a form approved by the attorney general; and
5426 (b) conditioned upon the retail licensee's faithful compliance with this title and the
5427 rules of the commission.
5428 (3) (a) If a surety bond posted by a retail licensee under this section is canceled due to
5429 the retail licensee's negligence, the department may assess a $300 reinstatement fee.
5430 (b) No part of a bond posted by a retail licensee under this section may be withdrawn:
5431 (i) during the period the retail license is in effect; or
5432 (ii) while a revocation proceeding is pending against the retail licensee.
5433 (4) (a) A bond posted under this section by a retail licensee may be forfeited if the
5434 retail license is revoked.
5435 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a
5436 bond posted by a retail licensee for money owed the department under this title without the
5437 commission first revoking the retail license.
5438 Section 154. Section **32B-5-205** is enacted to read:
5439 **32B-5-205. Conditional retail license.**
5440 (1) As used in this section:
5441 (a) "Conditional retail license" means a retail license that:
5442 (i) is for one of the following:
5443 (A) a full-service restaurant license; or
5444 (B) a limited-service restaurant license;
5445 (ii) conditions the holder's ability to sell, offer for sale, furnish, or allow the
5446 consumption of an alcoholic product on its licensed premises on the person submitting to the
5447 department a copy of the holder's current business license before obtaining a valid retail
5448 license; and
5449 (iii) provides that the holder will be issued a valid retail license if the holder complies
5450 with the requirements of Subsection (3).
5451 (b) "Valid retail license" means a retail license issued pursuant to this part under which
5452 the holder is permitted to sell, offer for sale, furnish, or allow the consumption of an alcoholic

5453 product on its licensed premises.
5454 (2) Subject to the requirements of this section, the commission may issue a conditional
5455 retail license to a person if the person:
5456 (a) meets the requirements to obtain the retail license for which the person is applying
5457 except the requirement to submit a copy of the person's current business license; and
5458 (b) agrees not to sell, offer for sale, furnish, or allow the consumption of an alcoholic
5459 product on its licensed premises before obtaining a valid retail license.
5460 (3) (a) A conditional retail license becomes a valid retail license on the day on which
5461 the department notifies the person who holds the conditional retail license that the department
5462 finds that the person has complied with Subsection (3)(b).
5463 (b) For a conditional retail license to become a valid retail license, a person who holds
5464 the conditional retail license shall:
5465 (i) submit to the department a copy of the person's current business license; and
5466 (ii) provide to the department evidence satisfactory to the department that:
5467 (A) there has been no change in the information submitted to the commission as part of
5468 the person's application for a retail license; and
5469 (B) the person continues to qualify for the retail license.
5470 (4) A conditional retail license expires six months after the day on which the
5471 commission issues the conditional retail license, unless the conditional retail license becomes a
5472 valid retail license before that day.
5473 Section 155. Section **32B-5-206** is enacted to read:
5474 **32B-5-206. Seasonal retail license.**
5475 (1) If authorized in the relevant part under Chapter 6, Specific Retail License Act, for
5476 the type of retail license, the commission may in accordance with this section issue a seasonal
5477 retail license located in an area the commission considers proper.
5478 (2) (a) A seasonal retail license shall be for a period of six consecutive months.
5479 (b) A seasonal retail license issued for operation during a summer time period is
5480 known as a "Seasonal A" retail license. The period of operation for a "Seasonal A" retail
5481 license:
5482 (i) begins on May 1; and
5483 (ii) ends on October 31.

5484 (c) A seasonal retail license issued for operation during a winter time period is known
5485 as a "Seasonal B" retail license. The period of operation for a "Seasonal B" retail license:
5486 (i) begins on November 1; and
5487 (ii) ends on April 30.
5488 (3) In determining the number of each type of retail license that the commission may
5489 issue under the relevant part under Chapter 6, Specific Retail License Act:
5490 (a) a seasonal retail license is counted as one-half of one retail license of the specific
5491 type of retail license; and
5492 (b) each "Seasonal A" retail license shall be paired with a "Seasonal B" retail license of
5493 the same type of retail license.
5494 Section 156. Section **32B-5-301** is enacted to read:
5495 **Part 3. Retail Licensee Operational Requirements**
5496 **32B-5-301. General operational requirements.**
5497 (1) (a) A retail licensee and staff of a retail licensee shall comply with this title and the
5498 rules of the commission, including the relevant part under Chapter 6, Specific Retail License
5499 Act, for the specific type of retail license.
5500 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
5501 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
5502 (i) a retail licensee;
5503 (ii) individual staff of a retail licensee; or
5504 (iii) both a retail licensee and staff of the retail licensee.
5505 (2) (a) If there is a conflict between this part and the relevant part under Chapter 6,
5506 Specific Retail License Act, for the specific type of retail license, the relevant part under
5507 Chapter 6 governs.
5508 (b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail
5509 licensee may only sell, offer for sale, furnish, or allow the consumption of an alcoholic product
5510 specifically authorized by the relevant part under Chapter 6, Specific Retail License Act.
5511 (c) Notwithstanding that this part or the relevant part under Chapter 6, Specific Retail
5512 License Act, refers to "retail licensee," staff of the retail licensee is subject to the same
5513 requirement or prohibition.
5514 (3) A retail licensee shall display in a prominent place in the licensed premises:

5515 (a) the retail license that is issued by the department; and
5516 (b) a sign in large letters stating: "Warning: Driving under the influence of alcohol or
5517 drugs is a serious crime that is prosecuted aggressively in Utah."
5518 (4) A retail licensee may not on the licensed premises:
5519 (a) engage in or permit any form of gambling, as defined and proscribed in Title 76,
5520 Chapter 10, Part 11, Gambling;
5521 (b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10,
5522 Part 11, Gambling; or
5523 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
5524 the risking of something of value for a return or for an outcome when the return or outcome is
5525 based upon an element of chance, excluding the playing of an amusement device that confers
5526 only an immediate and unrecorded right of replay not exchangeable for value.
5527 (5) A retail licensee may not knowingly allow a person on the licensed premises to, in
5528 violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug
5529 Paraphernalia Act:
5530 (a) sell, distribute, possess, or use a controlled substance, as defined in Section
5531 58-37-2; or
5532 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
5533 Section 58-37a-3.
5534 (6) Upon the presentation of credentials, at any time during which a retail licensee is
5535 open for the transaction of business, the retail licensee shall immediately:
5536 (a) admit a commissioner, authorized department employee, or law enforcement officer
5537 to the retail licensee's premises; and
5538 (b) permit, without hindrance or delay, the person described in Subsection (6)(a) to
5539 inspect completely:
5540 (i) the entire premises of the retail licensee; and
5541 (ii) the records of the retail licensee.
5542 Section 157. Section **32B-5-302** is enacted to read:
5543 **32B-5-302. Recordkeeping.**
5544 (1) A retail licensee shall make and maintain a record showing in detail:
5545 (a) quarterly expenditures made separately for:

5546 (i) malt or brewed beverages;
5547 (ii) liquor;
5548 (iii) set-ups;
5549 (iv) food; and
5550 (v) any other item required by the department; and
5551 (b) sales made separately for:
5552 (i) malt or brewed beverages;
5553 (ii) set-ups;
5554 (iii) food; and
5555 (iv) any other item required by the department.
5556 (2) A retail licensee shall make and maintain a record required by Subsection (1):
5557 (a) in a form approved by the department; and
5558 (b) current for each three-month period.
5559 (3) A retail licensee shall support an expenditure by:
5560 (a) a delivery ticket;
5561 (b) an invoice;
5562 (c) a receipted bill;
5563 (d) a canceled check;
5564 (e) a petty cash voucher; or
5565 (f) other sustaining datum or memorandum.
5566 (4) In addition to a record required under Subsection (1), a retail licensee shall make
5567 and maintain any other record the department may require.
5568 (5) (a) A record of a retail licensee is subject to inspection by an authorized
5569 representative of the commission and the department.
5570 (b) A retail licensee shall allow the department, through an auditor or examiner of the
5571 department, to audit the records of the retail licensee at times the department considers
5572 advisable.
5573 (6) Section 32B-1-205 applies to a record required to be made or maintained in
5574 accordance with this section.
5575 Section 158. Section **32B-5-303** is enacted to read:
5576 **32B-5-303. Purchase and storage of an alcoholic product by a retail licensee.**

5577 (1) (a) A retail licensee may not purchase liquor except from a state store or package
5578 agency.
5579 (b) A retail licensee may transport liquor purchased from a state store or package
5580 agency from the place of purchase to the licensed premises.
5581 (c) A retail licensee shall pay for liquor in accordance with rules established by the
5582 commission.
5583 (2) (a) (i) A beer retailer may not purchase, acquire, possess for the purpose of resale,
5584 or sell beer except beer that the beer retailer purchases from:
5585 (A) a beer wholesaler licensee; or
5586 (B) a small brewer that manufactures the beer.
5587 (ii) Violation of this Subsection (2)(a) is a class A misdemeanor.
5588 (b) (i) If a beer retailer purchases beer under Subsection (2)(a) from a beer wholesaler
5589 licensee, the beer retailer shall purchase beer only from a beer wholesaler licensee who is
5590 designated by the manufacturer to sell beer in the geographical area in which the beer retailer is
5591 located, unless an alternate wholesaler is authorized by the department to sell to the beer
5592 retailer as provided in Section 32B-13-301.
5593 (ii) Violation of Subsection (2)(b) is a class B misdemeanor.
5594 (3) A retail licensee may not store, sell, offer for sale, or furnish an alcoholic product in
5595 a place other than as designated in the retail licensee's application, unless the retail licensee
5596 first applies for and receives approval from the department for a change of location within the
5597 licensed premises.
5598 (4) A liquor storage area shall remain locked at all times other than those hours and
5599 days when liquor sales are authorized by law.
5600 Section 159. Section **32B-5-304** is enacted to read:
5601 **32B-5-304. Portions in which alcoholic product may be sold.**
5602 (1) A retail licensee may sell, offer for sale, or furnish a primary spirituous liquor only
5603 in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated
5604 metered dispensing system approved by the department in accordance with commission rules
5605 adopted under this title, except that:
5606 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing
5607 system if used as a secondary flavoring ingredient in a beverage subject to the following

5608 requirements:
5609 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of
5610 a primary spirituous liquor;
5611 (ii) the secondary ingredient may not be the only spirituous liquor in the beverage;
5612 (iii) the retail licensee shall designate a location where flavorings are stored on the
5613 floor plan submitted to the department; and
5614 (iv) a flavoring container shall be plainly and conspicuously labeled "flavorings";
5615 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing
5616 system if used:
5617 (i) as a flavoring on a dessert; and
5618 (ii) in the preparation of a flaming food dish, drink, or dessert; and
5619 (c) a patron may have no more than 2.5 ounces of spirituous liquor at a time.
5620 (2) (a) (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
5621 individual portion that does not exceed five ounces per glass or individual portion.
5622 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to
5623 a patron in more than one glass if the total amount of wine does not exceed five ounces.
5624 (b) (i) A retail licensee may sell, offer for sale, or furnish wine in a package not
5625 exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.
5626 (ii) A retail licensee may sell, offer for sale, or furnish wine in a package not to exceed
5627 750 milliliters at a price fixed by the commission to a table of less than four persons.
5628 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original
5629 package at a price fixed by the commission, except that the original package may not exceed
5630 one liter.
5631 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
5632 original package at a price fixed by the commission, except that the original package may not
5633 exceed one liter.
5634 (5) (a) Subject to Subsection (5)(b), a retail licensee may sell, offer for sale, or furnish
5635 beer for on-premise consumption:
5636 (i) in an open original package; and
5637 (ii) in a package on draft.
5638 (b) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a):

5639 (i) in a size of package that exceeds two liters; or
5640 (ii) to an individual patron in a size of package that exceeds one liter.
5641 Section 160. Section **32B-5-305** is enacted to read:
5642 **32B-5-305. Pricing of alcoholic product - Other charge.**
5643 (1) (a) A retail licensee may sell, offer for sale, or furnish liquor only at a price fixed by
5644 the commission.
5645 (b) A retail licensee may not sell liquor at a discount price on any date or at any time.
5646 (2) (a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at
5647 less than the cost of the alcoholic product to the retail licensee.
5648 (b) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a
5649 special or reduced price that encourages over consumption or intoxication.
5650 (c) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a
5651 special or reduced price for only certain hours of the retail licensee's business day, such as a
5652 "happy hour."
5653 (d) A retail licensee may not sell, offer for sale, or furnish more than one alcoholic
5654 product for the price of a single alcoholic product.
5655 (e) A retail licensee may not sell, offer for sale, or furnish an indefinite or unlimited
5656 number of alcoholic products during a set period for a fixed price.
5657 (f) A retail licensee may not engage in a promotion involving or offering a free
5658 alcoholic product to the general public.
5659 (3) As authorized by commission rule, a retail licensee may charge a patron for
5660 providing:
5661 (a) a service related to liquor purchased at the licensed premises; or
5662 (b) wine service performed for wine carried in by a patron in accordance with Section
5663 32B-5-307.
5664 Section 161. Section **32B-5-306** is enacted to read:
5665 **32B-5-306. Purchasing or selling alcoholic product.**
5666 (1) A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:
5667 (a) a minor;
5668 (b) a person actually, apparently, or obviously intoxicated;
5669 (c) a known interdicted person; or

5670 (d) a known habitual drunkard.
5671 (2) (a) A patron may only purchase an alcoholic product in the licensed premises of a
5672 retail licensee from and be served by an individual who is:
5673 (i) staff of the retail licensee; and
5674 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
5675 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron
5676 only if the individual is:
5677 (i) staff of the retail licensee; and
5678 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
5679 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
5680 staff of the retail licensee or carries bottled wine onto the licensee's premises pursuant to
5681 Section 32B-5-307 may thereafter serve wine from the bottle to the patron or others at the
5682 patron's table.
5683 (3) The following may not purchase an alcoholic product for a patron:
5684 (a) a retail licensee; or
5685 (b) staff of a retail licensee.
5686 Section 162. Section **32B-5-307** is enacted to read:
5687 **32B-5-307. Bringing onto or removing alcoholic product from premises.**
5688 (1) Except as provided in Subsection (3):
5689 (a) A person may not bring onto the licensed premises of a retail licensee an alcoholic
5690 product for on-premise consumption.
5691 (b) A retail licensee may not allow a person to:
5692 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or
5693 (ii) consume an alcoholic product brought onto the licensed premises by a person other
5694 than the retail licensee.
5695 (2) Except as provided in Subsection (3):
5696 (a) A person may not carry from a licensed premises of a retail licensee an open
5697 package that:
5698 (i) is used primarily for drinking purposes; and
5699 (ii) contains an alcoholic product.
5700 (b) A retail licensee may not permit a patron to carry from the licensed premises an

5701 open package described in Subsection (2)(a).
5702 (3) (a) A patron may bring a bottled wine onto the premises of a retail licensee for
5703 on-premise consumption if:
5704 (i) permitted by the retail licensee; and
5705 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
5706 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
5707 patron shall deliver the bottled wine to a server or other representative of the retail licensee
5708 upon entering the licensed premises.
5709 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
5710 wine service for a bottled wine carried under the licensed premises in accordance with this
5711 Subsection (3).
5712 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
5713 of wine purchased in the licensed premises, or brought onto the licensed premises in
5714 accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.
5715 Section 163. Section **32B-5-308** is enacted to read:
5716 **32B-5-308. Requirements on staff or others on premises -- Employing a minor.**
5717 (1) Staff of a retail licensee, while on duty, may not:
5718 (a) consume an alcoholic product; or
5719 (b) be intoxicated.
5720 (2) (a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or
5721 dispense an alcoholic product.
5722 (b) Notwithstanding Subsection (2)(a), unless otherwise in the provisions related to the
5723 specific type of retail license, a retail licensee may employ a minor who is at least 16 years of
5724 age to enter the sale at a cash register or other sales recording device.
5725 Section 164. Section **32B-5-309** is enacted to read:
5726 **32B-5-309. Ceasing operation -- Prohibiting transfer of license.**
5727 (1) (a) Except as provided in Subsection (1)(h), a retail licensee may not close or cease
5728 operation for a period longer than 240 hours, unless:
5729 (i) the retail licensee notifies the department in writing at least seven days before the
5730 day on which the retail licensee closes or ceases operation; and
5731 (ii) the closure or cessation of operation is first approved by the department.

5732 (b) Notwithstanding Subsection (1)(a), in the case of emergency closure, a retail
5733 licensee shall immediately notify the department by telephone.
5734 (c) (i) The department may authorize a closure or cessation of operation of a retail
5735 licensee for a period not to exceed 60 days.
5736 (ii) The department may extend the initial period an additional 30 days upon:
5737 (A) written request of the retail licensee; and
5738 (B) a showing of good cause.
5739 (d) A closure or cessation of operation may not exceed a total of 90 days without
5740 commission approval.
5741 (e) A notice required under this Subsection (1) shall include:
5742 (i) the dates of closure or cessation of operation;
5743 (ii) the reason for the closure or cessation of operation; and
5744 (iii) the date on which the retail licensee will reopen or resume operation.
5745 (f) Failure of a retail licensee to provide notice and to obtain department approval
5746 before closure or cessation of operation results in an automatic forfeiture of:
5747 (i) the retail license; and
5748 (ii) the unused portion of the retail license fee for the remainder of the retail license
5749 year effective immediately.
5750 (g) Failure of a retail licensee to reopen or resume operation by the approved date
5751 results in an automatic forfeiture of:
5752 (i) the retail license; and
5753 (ii) the unused portion of the retail license fee for the remainder of the retail license
5754 year.
5755 (h) This Subsection (1) does not apply to:
5756 (i) an on-premise beer retailer who is not a tavern; or
5757 (ii) an airport lounge licensee.
5758 (2) A retail licensee may not transfer a retail license from one location to another
5759 location, without prior written approval of the commission.
5760 (3) (a) A person, having been issued a retail license may not sell, transfer, assign,
5761 exchange, barter, give, or attempt in any way to dispose of the retail license to another person
5762 whether for monetary gain or not.

5763 (b) A retail license has no monetary value for any type of disposition.
5764 Section 165. Section **32B-5-310** is enacted to read:
5765 **32B-5-310. Notifying department of change in ownership.**
5766 The commission may suspend or revoke a retail license if the retail licensee does not
5767 immediately notify the department of a change in:
5768 (1) ownership of the premises of the retail license;
5769 (2) for a corporate owner, the:
5770 (a) corporate officers or directors of the retail licensee; or
5771 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
5772 corporation; or
5773 (3) for a limited liability company:
5774 (a) managers of the limited liability company; or
5775 (b) members owning at least 20% of the limited liability company.
5776 Section 166. Section **32B-5-401** is enacted to read:
5777 **Part 4. Alcohol Training and Education Act**
5778 **32B-5-401. Title.**
5779 This part is known as the "Alcohol Training and Education Act."
5780 Section 167. Section **32B-5-402** is enacted to read:
5781 **32B-5-402. Definitions.**
5782 Reserved
5783 Section 168. Section **32B-5-403** is enacted to read:
5784 **32B-5-403. Alcohol training and education -- Revocation, suspension, or**
5785 **nonrenewal of retail license.**
5786 (1) The commission may suspend, revoke, or not renew a license of a retail licensee if
5787 any of the following individuals, as defined in Section 62A-15-401, fail to complete an alcohol
5788 training and education seminar:
5789 (a) an individual who manages operations at the licensed premises for consumption on
5790 the licensed premises;
5791 (b) an individual who supervises the furnishing of an alcoholic product to a patron for
5792 consumption on the licensed premises; or
5793 (c) an individual who serves an alcoholic product to a patron for consumption on the

5794 licensed premises.
5795 (2) A city, town, or county in which an retail licensee conducts its business may
5796 suspend, revoke, or not renew the business license of the retail licensee if an individual
5797 described in Subsection (1) fails to complete an alcohol training and education seminar.
5798 (3) A local authority that issues an off-premise beer retailer license to a business that is
5799 engaged in the retail sale of beer for consumption off the beer retailer's premises may
5800 immediately suspend the off-premise beer retailer license if any of the following individuals
5801 fails to complete an alcohol training and education seminar, an individual who:
5802 (a) directly supervises the sale of beer to a patron for consumption off the premises of
5803 the off-premise beer retailer; or
5804 (b) sells beer to a patron for consumption off the premises of the off-premise beer
5805 retailer.
5806 Section 169. Section **32B-5-404** is enacted to read:
5807 **32B-5-404. Alcohol training and education for off-premise consumption.**
5808 (1) (a) A local authority that issues an off-premise beer retailer license to a business to
5809 sell beer at retail for off-premise consumption shall require the following to have a valid record
5810 that the individual completed an alcohol training and education seminar in the time periods
5811 required by Subsection (1)(b), an individual who:
5812 (i) directly supervises the sale of beer to a patron for consumption off the premises of
5813 the off-premise beer retailer; or
5814 (ii) sells beer to a patron for consumption off the premises of the off-premise beer
5815 retailer.
5816 (b) If an individual on the date the individual becomes staff to an off-premise beer
5817 retailer does not have a valid record that the individual has completed an alcohol training and
5818 education seminar for purposes of this part, the individual shall complete an alcohol training
5819 and education seminar within 30 days of the day on which the individual becomes staff of an
5820 off-premise beer retailer.
5821 (c) Section 62A-15-401 governs the validity of a record that an individual has
5822 completed an alcohol training and education seminar required by this part.
5823 (2) In accordance with Section 32B-5-403, a local authority may immediately suspend
5824 the license of an off-premise beer retailer that allows staff to directly supervise the sale of beer

5825 or to sell beer to a patron without having a valid record that the individual completed an
5826 alcohol training and education seminar in accordance with Subsection (1).
5827 Section 170. Section **32B-6-101** is enacted to read:
5828 **CHAPTER 6. SPECIFIC RETAIL LICENSE ACT**
5829 **Part 1. General Provisions**
5830 **32B-6-101. Title.**
5831 This chapter is known as the "Specific Retail License Act."
5832 Section 171. Section **32B-6-102** is enacted to read:
5833 **32B-6-102. Definitions.**
5834 As used in this chapter:
5835 (1) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a
5836 full-service restaurant licensee or limited-service restaurant licensee that:
5837 (i) as of May 11, 2009, has:
5838 (A) patron seating at the bar structure;
5839 (B) a partition at one or more locations on the bar structure that is along:
5840 (I) the width of the bar structure; or
5841 (II) the length of the bar structure; and
5842 (C) facilities for the dispensing or storage of an alcoholic product:
5843 (I) on the portion of the bar structure that is separated by the partition described in
5844 Subsection (1)(a)(i)(B); or
5845 (II) if the partition is described in Subsection (1)(a)(i)(B)(II), adjacent to the bar
5846 structure in a manner visible to a patron sitting at the bar structure;
5847 (ii) is not operational as of May 12, 2009, if:
5848 (A) a person applying for a full-service restaurant license or limited-service restaurant
5849 license:
5850 (I) has as of May 12, 2009, a building permit to construct the restaurant;
5851 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as
5852 defined by rule made by the commission; and
5853 (III) is issued the full-service restaurant license or limited-service restaurant license by
5854 no later than December 31, 2009; and
5855 (B) once constructed, the licensed premises has a bar structure described in Subsection

5856 (1)(a)(i);
5857 (iii) as of May 12, 2009, has no patron seating at the bar structure; or
5858 (iv) is not operational as of May 12, 2009, if:
5859 (A) a person applying for a full-service restaurant license or limited-service restaurant
5860 license:
5861 (I) has as of May 12, 2009, a building permit to construct the restaurant;
5862 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as
5863 defined by rule made by the commission; and
5864 (III) is issued a full-service restaurant license or limited-service restaurant license by no
5865 later than December 31, 2009; and
5866 (B) once constructed, the licensed premises has a bar structure with no patron seating.
5867 (b) "Grandfathered bar structure" does not include a grandfathered bar structure
5868 described in Subsection (1)(a) on or after the day on which a restaurant remodels the
5869 grandfathered bar structure, as defined by rule made by the commission.
5870 (c) Subject to Subsection (1)(b), a grandfathered bar structure remains a grandfathered
5871 bar structure notwithstanding whether a restaurant undergoes a change of ownership.
5872 (2) "Seating grandfathered bar structure" means a grandfathered bar structure described
5873 in Subsection (1)(a)(i) or (ii).
5874 Section 172. Section **32B-6-201** is enacted to read:
5875 **Part 2. Full-service Restaurant License**
5876 **32B-6-201. Title.**
5877 This part is known as "Full-service Restaurant License."
5878 Section 173. Section **32B-6-202** is enacted to read:
5879 **32B-6-202. Definitions.**
5880 Reserved
5881 Section 174. Section **32B-6-203** is enacted to read:
5882 **32B-6-203. Commission's power to issue full-service restaurant license.**
5883 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
5884 an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a
5885 full-service restaurant license from the commission in accordance with this part.
5886 (2) The commission may issue a full-service restaurant license to establish full-service

5887 restaurant licensed premises at places and in numbers the commission considers proper for the
5888 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises
5889 operated as a full-service restaurant.
5890 (3) (a) The commission may not issue a total number of full-service restaurant licenses
5891 that at any time exceeds the number determined by dividing the population of the state by
5892 5,200.
5893 (b) The commission may issue a seasonal full-service restaurant license in accordance
5894 with Section 32B-5-206.
5895 (c) (i) If the location, design, and construction of a hotel may require more than one
5896 full-service restaurant sales location within the hotel to serve the public convenience, the
5897 commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as
5898 many as three full-service restaurant locations within the hotel under one full-service restaurant
5899 license if:
5900 (A) the hotel has a minimum of 150 guest rooms; and
5901 (B) the locations under the full-service restaurant license are:
5902 (I) within the same hotel; and
5903 (II) on premises that are managed or operated, and owned or leased, by the full-service
5904 restaurant licensee.
5905 (ii) A facility other than a hotel shall have a separate full-service restaurant license for
5906 each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.
5907 (4) (a) Except as provided in Subsection (4)(b), the commission may not issue a
5908 full-service restaurant license for premises that do not meet the proximity requirements of
5909 Section 32B-1-202.
5910 (b) With respect to the premises of a full-service restaurant license issued by the
5911 commission that undergoes a change of ownership, the commission shall waive or vary the
5912 proximity requirements of Subsection 32B-1-202(2) in considering whether to issue a
5913 full-service restaurant license to the new owner of the premises if:
5914 (i) when a full-service restaurant license was issued to a previous owner, the premises
5915 met the proximity requirements of Subsection 32B-1-202(2);
5916 (ii) the premises has had a full-service restaurant license at all times since the
5917 full-service restaurant license described in Subsection (4)(b)(i) was issued without a variance;

5918 and
5919 (iii) the community location was located within the proximity requirements of
5920 Subsection 32B-1-202(2) after the day on which the full-service restaurant license described in
5921 Subsection (4)(b)(i) was issued.
5922 Section 175. Section **32B-6-204** is enacted to read:
5923 **32B-6-204. Specific licensing requirements for full-service restaurant license.**
5924 (1) To obtain a full-service restaurant license a person shall comply with Chapter 5,
5925 Part 2, Retail Licensing Process.
5926 (2) (a) A full-service restaurant license expires on October 31 of each year.
5927 (b) To renew a person's full-service restaurant license, a person shall comply with the
5928 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
5929 September 30.
5930 (3) (a) The nonrefundable application fee for a full-service restaurant license is $250.
5931 (b) The initial license fee for a full-service restaurant license is $1,750.
5932 (c) The renewal fee for a full-service restaurant license is in the following amount:

Gross Cost of Liquor in Previous License Year for the Licensee	Renewal Fee
under $5,000	$750
equals or exceeds $5,000 but less than $10,000	$900
equals or exceeds $10,000 but less than $25,000	$1,250
equals or exceeds $25,000	$1,500

5938 (4) The bond amount required for a full-service restaurant license is the penal sum of
5939 $10,000.
5940 Section 176. Section **32B-6-205** is enacted to read:
5941 **32B-6-205. Specific operational requirements for a full-service restaurant license.**
5942 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
5943 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
5944 shall comply with this section.
5945 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
5946 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
5947 (i) a full-service restaurant licensee;
5948 (ii) individual staff of a full-service restaurant licensee; or

5949 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
5950 licensee.
5951 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant
5952 licensee shall display in a prominent place in the restaurant a list of the types and brand names
5953 of liquor being furnished through the full-service restaurant licensee's calibrated metered
5954 dispensing system.
5955 (3) In addition to complying with Section 32B-5-303, a full-service restaurant licensee
5956 shall store an alcoholic product in a storage area described in Subsection (12)(a).
5957 (4) (a) An individual who serves an alcoholic product in a full-service restaurant
5958 licensee's premises shall make a written beverage tab for each table or group that orders or
5959 consumes an alcoholic product on the premises.
5960 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
5961 alcoholic product ordered or consumed.
5962 (5) A person's willingness to serve an alcoholic product may not be made a condition
5963 of employment as a server with a full-service restaurant licensee.
5964 (6) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish liquor at
5965 the licensed premises on any day during the period that:
5966 (i) begins at midnight; and
5967 (ii) ends at 11:59 a.m.
5968 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer during the
5969 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer.
5970 (7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant
5971 business from the sale of food, which does not include:
5972 (a) mix for an alcoholic product; or
5973 (b) a service charge.
5974 (8) (a) A full-service restaurant may not sell, offer for sale, or furnish an alcoholic
5975 product except in connection with an order for food prepared, sold, and furnished at the
5976 licensed premises.
5977 (b) A full-service restaurant shall maintain on the licensed premises adequate culinary
5978 facilities for food preparation and dining accommodations.
5979 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have

5980 more than two alcoholic products of any kind at a time before the patron.
5981 (b) A patron may not have more than one spirituous liquor drink at a time before the
5982 patron.
5983 (c) An individual portion of wine is considered to be one alcoholic product under
5984 Subsection (9)(a).
5985 (10) A patron may consume an alcoholic product only:
5986 (a) at:
5987 (i) the patron's table;
5988 (ii) a counter; or
5989 (iii) a seating grandfathered bar structure; and
5990 (b) where food is served.
5991 (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
5992 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
5993 structure that is not a seating grandfathered bar structure.
5994 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
5995 may:
5996 (i) sit;
5997 (ii) be furnished an alcoholic product; and
5998 (iii) consume an alcoholic product.
5999 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a
6000 full-service restaurant licensee may not permit a minor to, and a minor may not:
6001 (i) sit; or
6002 (ii) consume food or beverages.
6003 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed
6004 by a full-service restaurant licensee:
6005 (A) as provided in Subsection 32B-5-308(2); or
6006 (B) to perform maintenance and cleaning services during an hour when the full-service
6007 restaurant licensee is not open for business.
6008 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
6009 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's
6010 premises in which the minor is permitted to be.

6011 (12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee
6012 may dispense an alcoholic product only if:
6013 (a) the alcoholic product is dispensed from:
6014 (i) a grandfathered bar structure;
6015 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
6016 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
6017 12, 2009; or
6018 (iii) an area that is:
6019 (A) separated from an area for the consumption of food by a patron by a solid, opaque,
6020 permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic
6021 product are:
6022 (I) not readily visible to a patron; and
6023 (II) not accessible by a patron; and
6024 (B) apart from an area used:
6025 (I) for dining;
6026 (II) for staging; or
6027 (III) as a lobby or waiting area;
6028 (b) the full-service restaurant licensee uses an alcoholic product that is:
6029 (i) stored in an area described in Subsection (12)(a); or
6030 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
6031 (A) immediately before the alcoholic product is dispensed it is in an unopened
6032 package;
6033 (B) the unopened package is taken to an area described in Subsection (12)(a) before it
6034 is opened; and
6035 (C) once opened, the package is stored in an area described in Subsection (12)(a); and
6036 (c) any instrument or equipment used to dispense alcoholic product is located in an
6037 area described in Subsection (12)(a).
6038 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a
6039 charge or fee made in connection with the sale, service, or consumption of liquor including:
6040 (a) a set-up charge;
6041 (b) a service charge; or

6042 (c) a chilling fee.
6043 Section 177. Section **32B-6-205.1** is enacted to read:
6044 **32B-6-205.1. Credit for grandfathered bar structures of full-service restaurant.**
6045 (1) A full-service restaurant licensee that has a grandfathered bar structure may receive
6046 a credit for purchases from a state store or package agency if:
6047 (a) the full-service restaurant licensee completes a remodel of the grandfathered bar
6048 structure by no later than December 31, 2011;
6049 (b) the remodeling described in Subsection (1)(a) results in the full-service restaurant
6050 licensee engaging in an activity described in Subsection 32B-6-205(12) only in an area
6051 described in Subsection 32B-6-205(12)(a)(iii);
6052 (c) the full-service restaurant licensee requests the credit by no later than April 1, 2012;
6053 (d) the department determines that the full-service restaurant licensee has completed a
6054 remodel described in Subsections (1)(a) and (b); and
6055 (e) the department authorizes the credit, including the amount of the credit under
6056 Subsection (2), on the basis that:
6057 (i) the full-service restaurant licensee complied with this section; and
6058 (ii) the aggregate of credits authorized under this section and Section 32B-6-305.1
6059 before the current authorization does not exceed the amount described in Subsection (5)(a).
6060 (2) The amount of the credit described in this section is the lesser of:
6061 (a) the actual costs of the remodel as evidenced by receipts, copies of which are
6062 submitted to the department as part of the request for the credit; or
6063 (b) $30,000.
6064 (3) For a full-service restaurant licensee, a credit under this section:
6065 (a) begins on the day on which the department authorizes the credit under Subsection
6066 (1); and
6067 (b) ends the day on which the full-service restaurant licensee uses all of the credit.
6068 (4) The department shall by contract provide for how a package agency accounts for a
6069 credit purchase made at the package agency by a full-service restaurant licensee under this
6070 section.
6071 (5) (a) Notwithstanding the other provisions of this section, the department may not
6072 authorize a credit if the aggregate of credits authorized under this section and Section

6073 32B-6-305.1 before the department authorizes the credit exceeds:
6074 (i) $1,000,000, for the aggregate of credits under this section and Section 32B-6-305.1,
6075 if the credit could be used on or before June 30, 2010; and
6076 (ii) subject to Subsection (5)(a)(i), $1,090,000 for the aggregate of all credits that can
6077 be authorized under this section and Section 32B-6-305.1.
6078 (b) The department shall authorize credits in the order that the department receives a
6079 request described in Subsection (1)(c) from a full-service restaurant licensee requesting a credit
6080 under this section.
6081 Section 178. Section **32B-6-301** is enacted to read:
6082 **Part 3. Limited-service Restaurant License**
6083 **32B-6-301. Title.**
6084 This part is known as "Limited-service Restaurant License."
6085 Section 179. Section **32B-6-302** is enacted to read:
6086 **32B-6-302. Definitions.**
6087 For purposes of this part, wine includes an alcoholic beverage defined as wine under 27
6088 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10, including the following alcoholic beverages made
6089 in the manner of wine containing not less than 7% and not more than 24% of alcohol by
6090 volume:
6091 (1) sparkling and carbonated wine;
6092 (2) wine made from condensed grape must;
6093 (3) wine made from other agricultural products than the juice of sound, ripe grapes;
6094 (4) imitation wine;
6095 (5) compounds sold as wine;
6096 (6) vermouth;
6097 (7) cider;
6098 (8) perry; and
6099 (9) sake.
6100 Section 180. Section **32B-6-303** is enacted to read:
6101 **32B-6-303. Commission's power to issue limited-service restaurant license.**
6102 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
6103 wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall first

6104 obtain a limited-service restaurant license from the commission in accordance with this part.
6105 (2) (a) The commission may issue a limited-service restaurant license to establish
6106 limited-service restaurant licensed premises at places and in numbers the commission considers
6107 proper for the storage, sale, offer for sale, furnishing, and consumption of wine, heavy beer, or
6108 beer on premises operated as a limited-service restaurant.
6109 (b) A person may not sell, offer for sale, furnish, or allow the consumption of the
6110 following on the licensed premises of a limited-service restaurant licensee:
6111 (i) spirituous liquor; or
6112 (ii) a flavored malt beverage.
6113 (3) (a) The commission may not issue a total number of limited-service restaurant
6114 licenses that at any time exceeds the number determined by dividing the population of the state
6115 by 9,300.
6116 (b) The commission may issue a seasonal limited-service restaurant license in
6117 accordance with Section 32B-5-206.
6118 (c) (i) If the location, design, and construction of a hotel may require more than one
6119 limited-service restaurant sales location within the hotel to serve the public convenience, the
6120 commission may authorize the sale of wine, heavy beer, and beer at as many as three
6121 limited-service restaurant locations within the hotel under one limited-service restaurant license
6122 if:
6123 (A) the hotel has a minimum of 150 guest rooms; and
6124 (B) the locations under the limited-service restaurant license are:
6125 (I) within the same hotel; and
6126 (II) on premises that are managed or operated, and owned or leased by the
6127 limited-service restaurant licensee.
6128 (ii) A facility other than a hotel shall have a separate limited-service restaurant license
6129 for each limited-service restaurant where wine, heavy beer, or beer is sold, offered for sale, or
6130 furnished.
6131 (4) (a) Except as provided in Subsection (4)(b), the commission may not issue a
6132 limited-service restaurant license for premises that do not meet the proximity requirements of
6133 Section 32B-1-202.
6134 (b) With respect to the premises of a limited-service restaurant license issued by the

6135 commission that undergoes a change of ownership, the commission shall waive or vary the
6136 proximity requirements of Subsection 32B-1-202(2) in considering whether to issue a
6137 limited-service restaurant license to the new owner of the premises if:
6138 (i) when a limited-service restaurant license was issued to a previous owner, the
6139 premises met the proximity requirements of Subsection 32B-1-202(2);
6140 (ii) the premises has had a limited-service restaurant license at all times since the
6141 limited-service restaurant license described in Subsection (4)(b)(i) was issued without a
6142 variance; and
6143 (iii) the community location was located within the proximity requirements of
6144 Subsection 32B-1-202(2) after the day on which the limited-service restaurant license
6145 described in Subsection (4)(b)(i) was issued.
6146 Section 181. Section **32B-6-304** is enacted to read:
6147 **32B-6-304. Specific licensing requirements for limited-service restaurant license.**
6148 (1) To obtain a limited-service restaurant license a person shall comply with Chapter 5,
6149 Part 2, Retail Licensing Process.
6150 (2) (a) A limited-service restaurant license expires on October 31 of each year.
6151 (b) To renew a person's limited-service restaurant license, a person shall comply with
6152 the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
6153 September 30.
6154 (3) (a) The nonrefundable application fee for a limited-service restaurant license is
6155 $250.
6156 (b) The initial license fee for a limited-service restaurant license is $500.
6157 (c) The renewal fee for a limited-service restaurant license is $300.
6158 (4) The bond amount required for a limited-service restaurant license is the penal sum
6159 of $5,000.
6160 Section 182. Section **32B-6-305** is enacted to read:
6161 **32B-6-305. Specific operational requirements for a limited-service restaurant**
6162 **license.**
6163 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
6164 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
6165 licensee shall comply with this section.

6166 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
6167 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
6168 (i) a limited-service restaurant licensee;
6169 (ii) individual staff of a limited-service restaurant licensee; or
6170 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
6171 licensee.
6172 (2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer
6173 for sale, furnish, or allow consumption of:
6174 (i) spirituous liquor; or
6175 (ii) a flavored malt beverage.
6176 (b) A product listed in Subsection (2)(a) may not be on the premises of a
6177 limited-service restaurant licensee except for use:
6178 (i) as a flavoring on a dessert; and
6179 (ii) in the preparation of a flaming food dish, drink, or dessert.
6180 (3) In addition to complying with Section 32B-5-303, a limited-service restaurant
6181 licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).
6182 (4) (a) An individual who serves an alcoholic product in a limited-service restaurant
6183 licensee's premises shall make a written beverage tab for each table or group that orders or
6184 consumes an alcoholic product on the premises.
6185 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
6186 alcoholic product ordered or consumed.
6187 (5) A person's willingness to serve an alcoholic product may not be made a condition
6188 of employment as a server with a limited-service restaurant licensee.
6189 (6) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish wine
6190 or heavy beer at the licensed premises on any day during the period that:
6191 (i) begins at midnight; and
6192 (ii) ends at 11:59 a.m.
6193 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during
6194 the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer.
6195 (7) A limited-service restaurant licensee shall maintain at least 70% of its total
6196 restaurant business from the sale of food, which does not include a service charge.

6197 (8) (a) A limited-service restaurant may not sell, offer for sale, or furnish an alcoholic
6198 product except in connection with an order for food prepared, sold, and furnished at the
6199 licensed premises.
6200 (b) A limited-service restaurant shall maintain on the licensed premises adequate
6201 culinary facilities for food preparation and dining accommodations.
6202 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
6203 more than two alcoholic products of any kind at a time before the patron.
6204 (b) An individual portion of wine is considered to be one alcoholic product under
6205 Subsection (9)(a).
6206 (10) A patron may consume an alcoholic product only:
6207 (a) at:
6208 (i) the patron's table;
6209 (ii) a counter; or
6210 (iii) a seating grandfathered bar structure; and
6211 (b) where food is served.
6212 (11) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an
6213 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
6214 structure that is not a seating grandfathered bar structure.
6215 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
6216 may:
6217 (i) sit;
6218 (ii) be furnished an alcoholic product; and
6219 (iii) consume an alcoholic product.
6220 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a
6221 limited-service restaurant licensee may not permit a minor to, and a minor may not:
6222 (i) sit; or
6223 (ii) consume food or beverages.
6224 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed
6225 by a limited-service restaurant licensee:
6226 (A) as provided in Subsection 32B-5-308(2); or
6227 (B) to perform maintenance and cleaning services during an hour when the

6228 limited-service restaurant licensee is not open for business.
6229 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
6230 remaining or sitting at the bar structure en route to an area of a limited-service restaurant
6231 licensee's premises in which the minor is permitted to be.
6232 (12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant
6233 licensee may dispense an alcoholic product only if:
6234 (a) the alcoholic product is dispensed from:
6235 (i) a grandfathered bar structure;
6236 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
6237 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
6238 12, 2009; or
6239 (iii) an area that is:
6240 (A) separated from an area for the consumption of food by a patron by a solid, opaque,
6241 permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic
6242 product are:
6243 (I) not readily visible to a patron; and
6244 (II) not accessible by a patron; and
6245 (B) apart from an area used:
6246 (I) for dining;
6247 (II) for staging; or
6248 (III) as a lobby or waiting area;
6249 (b) the limited-service restaurant licensee uses an alcoholic product that is:
6250 (i) stored in an area described in Subsection (12)(a); or
6251 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
6252 (A) immediately before the alcoholic product is dispensed it is in an unopened
6253 package;
6254 (B) the unopened package is taken to an area described in Subsection (12)(a) before it
6255 is opened; and
6256 (C) once opened, the package is stored in an area described in Subsection (12)(a); and
6257 (c) any instrument or equipment used to dispense alcoholic product is located in an
6258 area described in Subsection (12)(a).

6259 (13) A limited-service restaurant licensee may state in a food or alcoholic product
6260 menu a charge or fee made in connection with the sale, service, or consumption of wine or
6261 heavy beer including:
6262 (a) a set-up charge;
6263 (b) a service charge; or
6264 (c) a chilling fee.
6265 Section 183. Section **32B-6-305.1** is enacted to read:
6266 **32B-6-305.1. Credit for grandfathered bar structures for limited-service**
6267 **restaurant.**
6268 (1) A limited-service restaurant licensee that has a grandfathered bar structure may
6269 receive a credit for purchases from a state store or package agency if:
6270 (a) the limited-service restaurant licensee completes a remodel of the grandfathered bar
6271 structure by no later than December 31, 2011;
6272 (b) the remodeling described in Subsection (1)(a) results in the limited-service
6273 restaurant licensee engaging in an activity described in Subsection 32B-6-305(12) only in an
6274 area described in Subsection 32B-6-305(12)(a)(iii);
6275 (c) the limited-service restaurant licensee requests the credit by no later than April 1,
6276 2012;
6277 (d) the department determines that the limited-service restaurant licensee has
6278 completed a remodel described in Subsections (1)(a) and (b); and
6279 (e) the department authorizes the credit, including the amount of the credit under
6280 Subsection (2), on the basis that:
6281 (i) the limited-service restaurant licensee complied with this section; and
6282 (ii) the aggregate of credits authorized under this section and Section 32B-6-205.1
6283 before the current authorization does not exceed the amount described in Subsection (5)(a).
6284 (2) The amount of the credit described in this section is the lesser of:
6285 (a) the actual costs of the remodel as evidenced by receipts, copies of which are
6286 submitted to the department as part of the request for the credit; or
6287 (b) $30,000.
6288 (3) For a limited-service restaurant licensee, a credit under this section:
6289 (a) begins on the day on which the department authorizes the credit under Subsection

6290 (1); and
6291 (b) ends the day on which the limited-service restaurant licensee uses all of the credit.
6292 (4) The department shall by contract provide for how a package agency accounts for a
6293 credit purchase made at the package agency by a limited-service restaurant licensee under this
6294 section.
6295 (5) (a) Notwithstanding the other provisions of this section, the department may not
6296 authorize a credit if the aggregate of credits authorized under this section and Section
6297 32B-6-205.1 before the department authorizes the credit exceeds:
6298 (i) $1,000,000, for the aggregate of credits under this section and Section 32B-6-205.1,
6299 if the credit could be used on or before June 30, 2010; and
6300 (ii) subject to Subsection (5)(a)(i), $1,090,000 for the aggregate of all credits that can
6301 be authorized under this section and Section 32B-6-205.1.
6302 (b) The department shall authorize credits in the order that the department receives a
6303 request described in Subsection (1)(c) from a limited-service restaurant licensee requesting a
6304 credit under this section.
6305 Section 184. Section **32B-6-401** is enacted to read:
6306 **Part 4. Club License**
6307 **32B-6-401. Title.**
6308 This part is known as "Club License."
6309 Section 185. Section **32B-6-402** is enacted to read:
6310 **32B-6-402. Definitions.**
6311 Reserved
6312 Section 186. Section **32B-6-403** is enacted to read:
6313 **32B-6-403. Commission's power to issue club license.**
6314 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
6315 an alcoholic product on its premises as a club licensee, the person shall first obtain a club
6316 license from the commission in accordance with this part.
6317 (2) The commission may issue a club license to establish club licensed premises at
6318 places and in numbers the commission considers proper for the storage, sale, offer for sale,
6319 furnishing, and consumption of an alcoholic product on premises operated by a club licensee.
6320 (3) (a) The commission may not issue a total number of club licenses that at any time

6321 exceeds the number determined by dividing the population of the state by 7,850.
6322 (b) The commission may issue a seasonal club license in accordance with Section
6323 32B-5-206 to:
6324 (i) a dining club licensee; or
6325 (ii) a social club licensee.
6326 (c) (i) If the location, design, and construction of a hotel may require more than one
6327 dining club license or social club license location within the hotel to serve the public
6328 convenience, the commission may authorize as many as three club license locations within the
6329 hotel under one club license if:
6330 (A) the hotel has a minimum of 150 guest rooms; and
6331 (B) all locations under the club license are:
6332 (I) within the same hotel; and
6333 (II) on premises that are managed or operated, and owned or leased, by the club
6334 licensee.
6335 (ii) A facility other than a hotel shall have a separate club license for each club license
6336 location where an alcoholic product is sold, offered for sale, or furnished.
6337 Section 187. Section **32B-6-404** is enacted to read:
6338 **32B-6-404. Types of club license.**
6339 (1) To obtain an equity club license, in addition to meeting the other requirements of
6340 this part, a person shall:
6341 (a) whether incorporated or unincorporated:
6342 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal
6343 purpose;
6344 (ii) have members;
6345 (iii) limit access to its licensed premises to a member or a guest of the member; and
6346 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold
6347 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
6348 (b) own, maintain, or operate a substantial recreational facility in conjunction with a
6349 club house such as:
6350 (i) a golf course; or
6351 (ii) a tennis facility;

6352 (c) have at least 50% of the total membership having:
6353 (i) full voting rights; and
6354 (ii) an equal share of the equity of the club; and
6355 (d) if there is more than one class of membership, have at least one class of
6356 membership that entitles each member in that class to:
6357 (i) full voting rights; and
6358 (ii) an equal share of the equity of the club.
6359 (2) To obtain a fraternal club license, in addition to meeting the other requirements of
6360 this part, a person shall:
6361 (a) whether incorporated or unincorporated:
6362 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal
6363 purpose;
6364 (ii) have members;
6365 (iii) limit access to its licensed premises to a member or a guest of the member; and
6366 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold
6367 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
6368 (b) have no capital stock;
6369 (c) exist solely for:
6370 (i) the benefit of its members and their beneficiaries; and
6371 (ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal,
6372 patriotic, or religious purpose for the benefit of its members or the public, carried on through
6373 voluntary activity of its members in their local lodges;
6374 (d) have a representative form of government;
6375 (e) have a lodge system in which:
6376 (i) there is a supreme governing body;
6377 (ii) subordinate to the supreme governing body are local lodges, however designated,
6378 into which individuals are admitted as members in accordance with the laws of the fraternal;
6379 (iii) the local lodges are required by the laws of the fraternal to hold regular meetings at
6380 least monthly; and
6381 (iv) the local lodges regularly engage in one or more programs involving member
6382 participation to implement the purposes of Subsection (2)(c); and

6383 (f) own or lease a building or space in a building used for lodge activities.
6384 (3) To obtain a dining club license, in addition to meeting the other requirements of
6385 this part, a person shall:
6386 (a) maintain at least 50% of its total club business from the sale of food, not including:
6387 (i) mix for alcoholic products; or
6388 (ii) service charges; and
6389 (b) obtain a determination by the commission that the person will operate as a dining
6390 club licensee, as part of which the commission may consider:
6391 (i) the square footage and seating capacity of the premises;
6392 (ii) what portion of the square footage and seating capacity will be used for a dining
6393 area in comparison to the portion that will be used as a lounge or bar area;
6394 (iii) whether full meals including appetizers, main courses, and desserts are served;
6395 (iv) whether the person will maintain adequate on-premise culinary facilities to prepare
6396 full meals, except a person who is located on the premise of a hotel or resort facility may use
6397 the culinary facilities of the hotel or resort facility;
6398 (v) whether the entertainment provided at the club is suitable for minors; and
6399 (vi) the club management's ability to manage and operate a dining club license
6400 including:
6401 (A) management experience;
6402 (B) past dining club licensee or restaurant management experience; and
6403 (C) the type of management scheme used by the dining club license.
6404 (4) To obtain a social club license, a person is required to meet the requirements of this
6405 part except those listed in Subsection (1), (2), or (3).
6406 (5) (a) At the time that the commission issues a club license, the commission shall
6407 designate the type of club license for which the person qualifies.
6408 (b) If requested by a club licensee, the commission may approve a change in the type of
6409 club license in accordance with rules made by the commission.
6410 (6) To the extent not prohibited by law, this part does not prevent a dining club
6411 licensee or social club licensee from restricting access to the club's licensed premises on the
6412 basis of an individual:
6413 (a) paying a fee; or

6414 (b) agreeing to being on a list of individuals who have access to the club's licensed
6415 premises.
6416 Section 188. Section **32B-6-405** is enacted to read:
6417 **32B-6-405. Specific licensing requirements for club license.**
6418 (1) To obtain a club license, in addition to complying with Chapter 5, Part 2, Retail
6419 Licensing Process, a person shall submit with the written application:
6420 (a) (i) a statement as to whether the person is seeking to qualify as:
6421 (A) an equity club licensee;
6422 (B) a fraternal club licensee;
6423 (C) a dining club licensee; or
6424 (D) a social club licensee; and
6425 (ii) evidence that the person meets the requirements for the type of club license for
6426 which the person is applying;
6427 (b) evidence that the person operates club premises where a variety of food is prepared
6428 and served in connection with dining accommodations; and
6429 (c) if the person is applying for an equity club license or fraternal club license, a copy
6430 of the club's bylaws or house rules, and an amendment to those records.
6431 (2) The commission may refuse to issue a club license to a person for an equity club
6432 license or fraternal club license if the commission determines that a provision of the person's
6433 bylaws or house rules, or amendments to those records is not:
6434 (a) reasonable; and
6435 (b) consistent with:
6436 (i) the declared nature and purpose of the club licensee; and
6437 (ii) the purposes of this part.
6438 (3) (a) A club license expires on June 30 of each year.
6439 (b) To renew a club license, a person shall comply with the requirements of Chapter 5,
6440 Part 2, Retail Licensing Process, by no later than May 31.
6441 (4) (a) The nonrefundable application fee for a club license is $250.
6442 (b) The initial license fee for a club license is $2,500.
6443 (c) The renewal fee for a club license is $1,600.
6444 (5) The bond amount required for a full-service restaurant license is the penal sum of

6445 $10,000.
6446 Section 189. Section **32B-6-406** is enacted to read:
6447 **32B-6-406. Specific operational requirements for a club license.**
6448 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
6449 Requirements, a club licensee and staff of the club licensee shall comply with this section.
6450 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
6451 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
6452 (i) a club licensee;
6453 (ii) individual staff of a club licensee; or
6454 (iii) both a club licensee and staff of the club licensee.
6455 (2) In addition to complying with Subsection 32B-5-301(3), a club licensee shall
6456 display in a prominent place in the club licensed premises a list of the types and brand names of
6457 liquor being furnished through the club licensee's calibrated metered dispensing system.
6458 (3) (a) In addition to complying with Section 32B-5-302, a club licensee shall maintain
6459 for a minimum of three years:
6460 (i) a record required by Section 32B-5-302; and
6461 (ii) a record maintained or used by the club licensee, as the department requires.
6462 (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in
6463 accordance with this Subsection (3).
6464 (c) The department shall audit the records of a club licensee at least once annually.
6465 (4) (a) A club licensee may not sell, offer for sale, or furnish liquor on the licensed
6466 premises on any day during a period that:
6467 (i) begins at 1 a.m.; and
6468 (ii) ends at 9:59 a.m.
6469 (b) A club licensee may sell, offer for sale, or furnish beer during the hours specified in
6470 Part 7, On-premise Beer Retailer License, for an on-premise beer retailer license.
6471 (c) (i) Notwithstanding Subsections (4)(a) and (b), a club licensee shall keep its
6472 licensed premises open for one hour after the club licensee ceases the sale and furnishing of an
6473 alcoholic product during which time a patron of the club licensee may finish consuming:
6474 (A) a single drink containing spirituous liquor;
6475 (B) a single serving of wine not exceeding five ounces;

6476 (C) a single serving of heavy beer;
6477 (D) a single serving of beer not exceeding 26 ounces; or
6478 (E) a single serving of a flavored malt beverage.
6479 (ii) A club licensee is not required to remain open:
6480 (A) after all patrons have vacated the premises; or
6481 (B) during an emergency.
6482 (d) A club licensee may not allow a patron to remain on the licensed premises of the
6483 club licensee to consume an alcoholic product on the licensed premises during a period that:
6484 (i) begins at 2 a.m.; and
6485 (ii) ends at 9:59 a.m.
6486 (5) (a) A minor may not be admitted into, use, or be in:
6487 (i) a lounge or bar area of the premises of:
6488 (A) an equity club licensee;
6489 (B) a fraternal club licensee; or
6490 (C) a dining club licensee; or
6491 (ii) the premises of:
6492 (A) a dining club licensee unless accompanied by an individual who is 21 years of age
6493 or older; or
6494 (B) a social club licensee, except to the extent provided for under Section 32B-6-406.1.
6495 (b) Notwithstanding Section 32B-5-308, a club licensee may not employ a minor to:
6496 (i) work in a lounge or bar area of an equity club licensee, fraternal club licensee, or
6497 dining club licensee; or
6498 (ii) handle an alcoholic product.
6499 (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed
6500 premises of a social club licensee.
6501 (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being
6502 more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a
6503 club licensee.
6504 (6) A club licensee shall have food available at all times when an alcoholic product is
6505 sold, offered for sale, furnished, or consumed on the licensed premises.
6506 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have

6507 more than two alcoholic products of any kind at a time before the patron.
6508 (b) A patron may not have two spirituous liquor drinks before the club licensee patron
6509 if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other
6510 spirituous liquor drink.
6511 (c) An individual portion of wine is considered to be one alcoholic product under
6512 Subsection (7)(a).
6513 (8) A club licensee shall have available on the premises for a patron to review at the
6514 time that the patron requests it, a written alcoholic product price list or a menu containing the
6515 price of an alcoholic product sold, offered for sale, or furnished by the club licensee including:
6516 (a) a set-up charge;
6517 (b) a service charge; or
6518 (c) a chilling fee.
6519 (9) Subject to Section 32B-5-309, a club licensee may not temporarily rent or
6520 otherwise temporarily lease its premises to a person unless:
6521 (a) the person to whom the club licensee rents or leases the premises agrees in writing
6522 to comply with this title as if the person is the club licensee, except for a requirement related to
6523 making or maintaining a record; and
6524 (b) the club licensee takes reasonable steps to ensure that the person complies with this
6525 section as provided in Subsection (9)(a).
6526 (10) If a club licensee is an equity club licensee or fraternal club licensee, the club
6527 licensee shall comply with Section 32B-6-407.
6528 (11) If a club licensee is a dining club licensee or social club licensee, the club licensee
6529 shall comply with Section 32B-1-407.
6530 (12) (a) A club licensee shall own or lease premises suitable for the club licensee's
6531 activities.
6532 (b) A club licensee may not maintain licensed premises in a manner that barricades or
6533 conceals the club licensee's operation.
6534 Section 190. Section **32B-6-406.1** is enacted to read:
6535 **32B-6-406.1. Specific operational restrictions related to dance or concert hall.**
6536 (1) A minor who is at least 18 years of age may be admitted into, use, or be on the
6537 premises of a dance or concert hall if:

6538 (a) the dance or concert hall is located:
6539 (i) on the licensed premises of a social club licensee; or
6540 (ii) on the property that immediately adjoins the licensed premises of and is operated
6541 by a social club licensee; and
6542 (b) the social club licensee holds a permit to operate a dance or concert hall that was
6543 issued on or before May 11, 2009:
6544 (i) on the basis of the operational requirements described in Subsection (2); and
6545 (ii) when the social club licensee was licensed as a class D private club.
6546 (2) A social club licensee that holds a dance or concert hall permit shall operate in such
6547 a way that:
6548 (a) the social club licensee's lounge, bar, or other area for alcoholic product
6549 consumption is:
6550 (i) not accessible to a minor;
6551 (ii) clearly defined; and
6552 (iii) separated from the dance or concert hall area by one or more walls, multiple floor
6553 levels, or other substantial physical barriers;
6554 (b) a bar or dispensing area is not visible to a minor;
6555 (c) consumption of an alcoholic product may not occur in:
6556 (i) the dance or concert hall area; or
6557 (ii) an area of the social club license premises accessible to a minor;
6558 (d) the social club licensee maintains sufficient security personnel to prevent the
6559 passing of beverages from the social club licensee's lounge, bar, or other area for alcoholic
6560 product consumption to:
6561 (i) the dance or concert hall area; or
6562 (ii) an area of the social club licensee premises accessible to a minor;
6563 (e) there are one or more separate entrances, exits, and restroom facilities from the
6564 social club licensee's lounge, bar, or other area for alcoholic product consumption than for:
6565 (i) the dance or concert hall area; or
6566 (ii) an area accessible to a minor; and
6567 (f) the social club licensee complies with any other requirements imposed by the
6568 commission by rule.

6569 (3) (a) A minor under 18 years of age who is accompanied at all times by a parent or
6570 legal guardian may be admitted into, use, or be on the premises of a concert hall described in
6571 Subsection (1) if:
6572 (i) the requirements of Subsection (2) are met; and
6573 (ii) signage, product, and dispensing equipment containing recognition of an alcoholic
6574 product is not visible to the minor.
6575 (b) A minor under 18 years of age but who is 14 years of age or older who is not
6576 accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of
6577 a concert hall described in Subsection (1) if:
6578 (i) the requirements of Subsections (2) and (3)(a) are met; and
6579 (ii) there is no alcoholic product, sales, furnishing, or consumption on the premises of
6580 the social club licensee.
6581 (4) The commission may suspend or revoke a dance or concert permit issued to a social
6582 club licensee and suspend or revoke the license of the social club licensee if:
6583 (a) the social club licensee fails to comply with the requirements in this section;
6584 (b) the social club licensee sells, offers for sale, or furnishes an alcoholic product to a
6585 minor;
6586 (c) the social club licensee or a supervisory or managerial level staff of the social club
6587 licensee is convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis
6588 of an activity that occurs on:
6589 (i) the licensed premises; or
6590 (ii) the dance or concert hall that is located on property that immediately adjoins the
6591 licensed premises of and is operated by the social club licensee;
6592 (d) there are three or more convictions of patrons of the social club licensee under Title
6593 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities that occur on:
6594 (i) the licensed premises; or
6595 (ii) the dance or concert hall that is located on property that immediately adjoins the
6596 licensed premises of and is operated by the social club licensee;
6597 (iii) there is more than one conviction:
6598 (A) of:
6599 (I) the social club licensee;

6600 (II) staff of the social club licensee;
6601 (III) an entertainer contracted by the social club licensee; or
6602 (IV) a patron of the social club licensee; and
6603 (B) made on the basis of a lewd act or lewd entertainment prohibited by this title that
6604 occurs on:
6605 (I) the licensed premises; or
6606 (II) the dance or concert hall that is located on property that immediately adjoins the
6607 licensed premises of and is operated by the social club licensee; or
6608 (e) the commission finds acts or conduct contrary to the public welfare and morals
6609 involving lewd acts or lewd entertainment prohibited by this title that occurs on:
6610 (i) the licensed premises; or
6611 (ii) the dance or concert hall that is located on property that immediately adjoins the
6612 licensed premises of and is operated by the social club licensee.
6613 (5) Nothing in this section prohibits a social club licensee from selling, offering for
6614 sale, or furnishing an alcoholic product in a dance or concert area located on the social club
6615 licensed premises on days and times when the social club licensee does not allow a minor into
6616 those areas.
6617 Section 191. Section **32B-6-407** is enacted to read:
6618 **32B-6-407. Specific operational requirements for equity club license or fraternal**
6619 **club license.**
6620 (1) For purposes of this section only:
6621 (a) "Club licensee" means an equity club licensee or fraternal club licensee.
6622 (b) "Club licensee" does not include a dining club licensee or social club licensee.
6623 (2) (a) A club licensee shall have a governing body that:
6624 (i) consists of three or more members of the club; and
6625 (ii) holds regular meetings to:
6626 (A) review membership applications; and
6627 (B) conduct other business as required by the bylaws or house rules of the club.
6628 (b) (i) A club licensee shall maintain a minute book that is posted currently by the club
6629 licensee.
6630 (ii) The minute book required by this Subsection (2) shall contain the minutes of a

6631 regular or special meeting of the governing body.
6632 (3) A club licensee may admit an individual as a member only on written application
6633 signed by the person, subject to:
6634 (a) the person paying an application fee; and
6635 (b) investigation, vote, and approval of a quorum of the governing body.
6636 (4) A club licensee shall:
6637 (a) record an admission of a member in the official minutes of a regular meeting of the
6638 governing body; and
6639 (b) whether approved or disapproved, file an application as a part of the official records
6640 of the club licensee.
6641 (5) The spouse of a member of a club licensee has the rights and privileges of the
6642 member:
6643 (a) to the extent permitted by the bylaws or house rules of the club licensee; and
6644 (b) except to the extent restricted by this title.
6645 (6) A minor child of a member of a club licensee has the rights and privileges of the
6646 member:
6647 (a) to the extent permitted by the bylaws or house rules of the club licensee; and
6648 (b) except to the extent restricted by this title.
6649 (7) A club licensee shall maintain:
6650 (a) a current and complete membership record showing:
6651 (i) the date of application of a proposed member;
6652 (ii) a member's address;
6653 (iii) the date the governing body approved a member's admission;
6654 (iv) the date initiation fees and dues are assessed and paid; and
6655 (v) the serial number of the membership card issued to a member;
6656 (b) a membership list; and
6657 (c) a current record indicating when a member is removed as a member or resigns.
6658 (8) (a) A club licensee shall have bylaws or house rules that include provisions
6659 respecting the following:
6660 (i) standards of eligibility for members;
6661 (ii) limitation of members, consistent with the nature and purpose of the club;

6662 (iii) the period for which dues are paid, and the date upon which the period expires;
6663 (iv) provisions for removing a member from the club membership for the nonpayment
6664 of dues or other cause;
6665 (v) provisions for guests; and
6666 (vi) application fees and membership dues.
6667 (b) A club licensee shall maintain a current copy of the club licensee's current bylaws
6668 and current house rules.
6669 (c) A club licensee shall maintain its bylaws or house rules, and any amendments to
6670 those records, on file with the department at all times.
6671 (9) A club licensee may, in its discretion, allow an individual to be admitted to or use
6672 the club licensed premises as a guest subject to the following conditions:
6673 (a) the individual is allowed to use the club licensee premises only to the extent
6674 permitted by the club licensee's bylaws or house rules;
6675 (b) the individual must be previously authorized by a member of the club who agrees to
6676 host the individual as a guest into the club;
6677 (c) the individual has only those privileges derived from the individual's host for the
6678 duration of the individual's visit to the club licensee premises; and
6679 (d) a club licensee or staff of the club licensee may not enter into an agreement or
6680 arrangement with a club member to indiscriminately host a member of the general public into
6681 the club licensee premises as a guest.
6682 (10) Notwithstanding Subsection (9), an individual may be allowed as a guest in a club
6683 licensed premises without a host if:
6684 (a) (i) the club licensee is an equity club licensee; and
6685 (ii) the individual is a member of an equity club licensee that has reciprocal guest
6686 privileges with the equity club licensee for which the individual is a guest; or
6687 (b) (i) the club licensee is a fraternal club licensee; and
6688 (ii) the individual is a member of the same fraternal organization as the fraternal club
6689 licensee for which the individual is a guest.
6690 (11) Unless the patron is a member or guest, a club licensee may not:
6691 (a) sell, offer for sale, or furnish an alcoholic product to the patron; or
6692 (b) allow the patron to be admitted to or use the licensed premises.

6693 (12) A minor may not be a member, officer, director, or trustee of a club licensee.
6694 (13) Public advertising related to a club licensee by the following shall clearly identify
6695 a club as being "a club for members":
6696 (a) the club licensee;
6697 (b) staff of the club licensee; or
6698 (c) a person under a contract or agreement with the club licensee.
6699 Section 192. Section **32B-6-408** is enacted to read:
6700 **32B-6-408. Information obtained by investigator.**
6701 (1) Subject to Subsection (2), if an investigator is permitted by another provision of
6702 this title to inspect a record of a club licensee, in addition to any other rights under this title, the
6703 investigator may inspect, have a copy of, or otherwise review any record of the club licensee
6704 that is a visual recording of the operations of the club licensee.
6705 (2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise
6706 review a visual recording described in Subsection (1) without probable cause.
6707 Section 193. Section **32B-6-501** is enacted to read:
6708 **Part 5. Airport Lounge License**
6709 **32B-6-501. Title.**
6710 This part is known as "Airport Lounge License."
6711 Section 194. Section **32B-6-502** is enacted to read:
6712 **32B-6-502. Definitions.**
6713 Reserved
6714 Section 195. Section **32B-6-503** is enacted to read:
6715 **32B-6-503. Commission's power to issue airport lounge license.**
6716 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
6717 an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain
6718 an airport lounge license from the commission in accordance with this part.
6719 (2) The commission may issue an airport lounge license to establish airport lounge
6720 licensed premises at an international airport and in the numbers the commission considers
6721 proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product
6722 on licensed premises operated as an airport lounge.
6723 (3) The commission may not issue a total number of airport lounge licenses that at any

6724 time exceed one lounge per terminal plus one lounge per concourse located beyond the security
6725 point at that international airport.
6726 Section 196. Section **32B-6-504** is enacted to read:
6727 **32B-6-504. Specific licensing requirements for airport lounge license.**
6728 (1) To obtain an airport lounge license, in addition to complying with Chapter 5, Part
6729 2, Retail Licensing Process, a person shall submit with the written application:
6730 (a) both the written consent of the local authority and the written consent of the airport
6731 authority; and
6732 (b) a copy of the sign proposed to be used by the airport lounge licensee on its licensed
6733 premises to inform the public that alcoholic products are sold and consumed on the licensed
6734 premises.
6735 (2) (a) An airport lounge license expires on October 31 of each year.
6736 (b) To renew a person's airport lounge license, a person shall comply with the renewal
6737 requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
6738 (3) (a) The nonrefundable application fee for an airport lounge license is $250.
6739 (b) The initial license fee for an airport lounge license is $7,000.
6740 (c) The renewal fee for an airport lounge license is $5,000.
6741 (4) The bond amount required for an airport lounge license is the penal sum of
6742 $10,000.
6743 (5) An airport lounge license is not subject to the proximity requirements of Section
6744 32B-1-202.
6745 Section 197. Section **32B-6-505** is enacted to read:
6746 **32B-6-505. Specific operational requirements for an airport lounge license.**
6747 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
6748 Requirements, an airport lounge licensee and staff of the airport lounge licensee shall comply
6749 with this section.
6750 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
6751 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
6752 (i) an airport lounge licensee;
6753 (ii) individual staff of an airport lounge licensee; or
6754 (iii) both an airport lounge licensee and staff of the airport lounge licensee.

6755 (2) In addition to complying with Subsection 32B-5-301(3), an airport lounge licensee
6756 shall display in a prominent place in the airport lounge:
6757 (a) a list of the types and brand names of liquor being furnished through airport lounge
6758 licensee's calibrated metered dispensing system; and
6759 (b) a sign to inform the public that alcoholic products are sold and consumed on the
6760 licensed premises.
6761 (3) Notwithstanding Section 32B-5-307:
6762 (a) An airport lounge licensee may not permit a patron to bring a bottled wine onto the
6763 premises of the retail licensee.
6764 (b) An airport lounge licensee may not permit a patron to remove an alcoholic product
6765 from the licensed premises.
6766 (4) (a) A server of an alcoholic product in an airport lounge licensee's premises shall
6767 make a written beverage tab for each table or group that orders or consumes an alcoholic
6768 product on the premises.
6769 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
6770 alcoholic product ordered or consumed.
6771 (5) An airport lounge licensee may not sell, offer for sale, or furnish an alcoholic
6772 product at an airport lounge on any day during a period that:
6773 (a) begins at midnight; and
6774 (b) ends at 7:59 a.m.
6775 (6) (a) Subject to the other provisions of this Subsection (6), a patron may not have
6776 more than two alcoholic products of any kind at a time before the patron.
6777 (b) A patron may not have two spirituous liquor drinks before the patron if one of the
6778 spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous
6779 liquor drink.
6780 (c) An individual portion of wine is considered to be one alcoholic product under this
6781 Subsection (6).
6782 (7) An airport lounge licensee may state in a food or alcoholic product menu a charge
6783 or fee made in connection with the sale, furnishing, or consumption of liquor menu including:
6784 (a) a set-up charge;
6785 (b) a service charge; or

6786 (c) a chilling fee.
6787 (8) An airport lounge liquor licensee's premises may not be leased for a private event.
6788 Section 198. Section **32B-6-601** is enacted to read:
6789 **Part 6. On-premise Banquet License**
6790 **32B-6-601. Title.**
6791 This part is known as "On-premise Banquet License."
6792 Section 199. Section **32B-6-602** is enacted to read:
6793 **32B-6-602. Definitions.**
6794 Reserved
6795 Section 200. Section **32B-6-603** is enacted to read:
6796 **32B-6-603. Commission's power to issue on-premise banquet license -- Contracts**
6797 **as host.**
6798 (1) (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption
6799 of an alcoholic product in connection with the person's banquet and room service activities at
6800 one of the following, the person shall first obtain an on-premise banquet license in accordance
6801 with this part:
6802 (i) a hotel;
6803 (ii) a resort facility;
6804 (iii) a sports center; or
6805 (iv) a convention center.
6806 (b) This part does not prohibit an alcoholic product on the premises of a person listed
6807 in Subsection (1)(a) to the extent otherwise permitted by this title.
6808 (c) This section does not prohibit a person who applies for an on-premise banquet
6809 license to also apply for a package agency if otherwise qualified.
6810 (2) The commission may issue an on-premise banquet license to establish on-premise
6811 banquet licensees in the numbers the commission considers proper for the storage, sale, offer
6812 for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room
6813 service activities operated by an on-premise banquet licensee.
6814 (3) The commission may not issue a total number of on-premise banquet licenses that
6815 at any time exceed the number determined by dividing the population of the state by 30,000.
6816 (4) (a) As used in this Subsection (4), "grandfathered facility" means a facility:

6817 (i) for which the commission issued an on-premise banquet license that is in effect on
6818 May 11, 2009, on the basis that the facility is a convention center; and
6819 (ii) that no longer qualifies as a convention center as defined in Section 32B-1-102
6820 solely because it is in total less than 30,000 square feet.
6821 (b) Notwithstanding the definition of "convention center" in Section 32B-1-102, an
6822 on-premise banquet license applicable to a grandfathered facility may be renewed until October
6823 31, 2011, if the on-premise banquet licensee is qualified for an on-premise banquet license
6824 except for the requirement that the facility be in total at least 30,000 square feet.
6825 (5) Pursuant to a contract between the host of a banquet and an on-premise banquet
6826 licensee:
6827 (a) the host of the banquet may request an on-premise banquet licensee to provide an
6828 alcoholic product served at the banquet; and
6829 (b) an on-premise banquet licensee may provide an alcoholic product served at the
6830 banquet.
6831 (6) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
6832 (a) without charge; or
6833 (b) with a charge to a patron at the banquet.
6834 Section 201. Section **32B-6-604** is enacted to read:
6835 **32B-6-604. Specific licensing requirements for an on-premise banquet license.**
6836 (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part
6837 2, Retail Licensing Process.
6838 (2) (a) An on-premise banquet license expires on October 31 of each year.
6839 (b) To renew a person's on-premise banquet license, a person shall comply with the
6840 requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
6841 (3) (a) The nonrefundable application fee for an on-premise banquet license is $250.
6842 (b) The initial license fee for an on-premise banquet license is $500.
6843 (c) The renewal fee for an on-premise banquet license is $500.
6844 (4) The bond amount required for an on-premise banquet license is the penal sum of
6845 $10,000.
6846 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or
6847 political subdivision of the state it is not required to:

6848 (a) pay an application fee, initial license fee, or renewal fee;
6849 (b) obtain the written consent of the local authority;
6850 (c) submit a copy of the applicant's current business license; or
6851 (d) post a bond as specified by Section 32B-5-204.
6852 (6) Notwithstanding Subsection 32B-5-303(3), the department may approve an
6853 additional location in or on the licensed premises of an on-premise banquet licensee from
6854 which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the
6855 consumption of an alcoholic product that is not included in its original application only:
6856 (a) upon proper application by an on-premise banquet licensee; and
6857 (b) in accordance with guidelines approved by the commission.
6858 Section 202. Section **32B-6-605** is enacted to read:
6859 **32B-6-605. Specific operational requirements for on-premise banquet license.**
6860 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
6861 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
6862 shall comply with this section.
6863 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
6864 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
6865 (i) an on-premise banquet licensee;
6866 (ii) individual staff of an on-premise banquet licensee; or
6867 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
6868 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and
6869 (5) for the entire premises of the hotel, resort facility, sports center, or convention center that is
6870 the basis for the on-premise banquet license.
6871 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
6872 shall provide the department with advance notice of a scheduled banquet in accordance with
6873 rules made by the commission.
6874 (b) Any of the following may conduct a random inspection of a banquet:
6875 (i) an authorized representative of the commission or the department; or
6876 (ii) a law enforcement officer.
6877 (4) (a) An on-premise banquet licensee is not subject to Section 32B-5-302, but shall
6878 make and maintain the records the commission or department require.

6879 (b) Section 32B-1-205 applies to a record required to be made or maintained in
6880 accordance with this Subsection (4).
6881 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
6882 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
6883 location of the banquet.
6884 (b) A host of a banquet, a patron, or a person other than the on-premise banquet
6885 licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from
6886 the premises of the banquet.
6887 (c) Notwithstanding Section 32B-5-307, a patron at a banquet may not bring an
6888 alcoholic product into or onto, or remove an alcoholic product from the premises of a banquet.
6889 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
6890 the banquet following the conclusion of the banquet.
6891 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:
6892 (i) destroy an opened and unused alcoholic product that is not saleable, under
6893 conditions established by the department; and
6894 (ii) return to the on-premise banquet licensee's approved locked storage area any:
6895 (A) opened and unused alcoholic product that is saleable; and
6896 (B) unopened package of an alcoholic product.
6897 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed package of
6898 an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:
6899 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
6900 locked storage area; and
6901 (ii) may use the alcoholic product at more than one banquet.
6902 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not
6903 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
6904 on-premise banquet licensee's banquet and room service activities.
6905 (8) An on-premise banquet licensee may not sell, offer for sale, or furnish an alcoholic
6906 product at a banquet or in connection with room service any day during a period that:
6907 (a) begins at 1 a.m.; and
6908 (b) ends at 9:59 a.m.
6909 (9) An on-premise banquet licensee shall maintain at least 50% of its total annual

6910 banquet gross receipts from the sale of food, not including:
6911 (a) mix for an alcoholic product; and
6912 (b) a charge in connection with the furnishing of an alcoholic product.
6913 (10) (a) Subject to the other provisions of this Subsection (10), a patron may not have
6914 more than two alcoholic products of any kind at a time before the patron.
6915 (b) A patron may not have more than one spirituous liquor drink at a time before the
6916 patron.
6917 (c) An individual portion of wine is considered to be one alcoholic product under
6918 Subsection (10)(a).
6919 (11) (a) An on-premise banquet licensee shall supervise and direct a person involved in
6920 the sale, offer for sale, or furnishing of an alcoholic product.
6921 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
6922 shall complete an alcohol training and education seminar.
6923 (12) A staff person of an on-premise banquet licensee shall remain at the banquet at all
6924 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
6925 banquet.
6926 (13) (a) Room service of an alcoholic product to a guest room of a hotel or resort
6927 facility shall be provided in person by staff of an on-premise banquet licensee only to an adult
6928 guest in the guest room.
6929 (b) An alcoholic product may not be left outside a guest room for retrieval by a guest.
6930 (c) An on-premise banquet licensee may only provide an alcoholic product for room
6931 service in a sealed package.
6932 Section 203. Section **32B-6-701** is enacted to read:
6933 **Part 7. On-premise Beer Retailer License**
6934 **32B-6-701. Title.**
6935 This part is known as "On-premise Beer Retailer License."
6936 Section 204. Section **32B-6-702** is enacted to read:
6937 **32B-6-702. Definitions.**
6938 Reserved
6939 Section 205. Section **32B-6-703** is enacted to read:
6940 **32B-6-703. Commission's power to issue on-premise beer retailer license.**

6941 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
6942 beer on the premises as an on-premise beer retailer, the person shall first obtain an on-premise
6943 beer retailer license from the commission in accordance with this part.
6944 (2) (a) The commission may issue an on-premise beer retailer license to establish
6945 on-premise beer retailer licensed premises at places and in numbers as the commission
6946 considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on
6947 premises operated as an on-premise beer retailer.
6948 (b) At the time that the commission issues an on-premise beer retailer license, the
6949 commission shall designate whether the on-premise beer retailer is a tavern.
6950 (c) The commission may change its designation of whether an on-premise beer retailer
6951 is a tavern in accordance with rules made by the commission.
6952 (d) (i) In determining whether an on-premise beer retailer is a tavern, the commission
6953 shall determine whether the on-premise beer retailer will engage primarily in the retail sale of
6954 beer for consumption on the establishment's premises.
6955 (ii) In making a determination under this Subsection (2)(d), the commission shall
6956 consider:
6957 (A) whether the on-premise beer retailer will operate as one of the following:
6958 (I) a beer bar;
6959 (II) a parlor;
6960 (III) a lounge;
6961 (IV) a cabaret; or
6962 (V) a nightclub;
6963 (B) if the on-premise beer retailer will operate as described in Subsection (2)(d)(ii)(A):
6964 (I) whether the on-premise beer retailer will sell food in the establishment; and
6965 (II) if the on-premise beer retailer sells food, whether the revenue from the sale of beer
6966 will exceed the revenue of the sale of food;
6967 (C) whether full meals including appetizers, main courses, and desserts will be served;
6968 (D) the square footage and seating capacity of the premises;
6969 (E) what portion of the square footage and seating capacity will be used for a dining
6970 area in comparison to the portion that will be used as a lounge or bar area;
6971 (F) whether the person will maintain adequate on-premise culinary facilities to prepare

6972 full meals, except a person that is located on the premises of a hotel or resort facility may use
6973 the culinary facilities of the hotel or resort facility;
6974 (G) whether the entertainment provided on the premises of the beer retailer will be
6975 suitable for minors; and
6976 (H) the beer retailer management's ability to manage and operate an on-premise beer
6977 retailer license including:
6978 (I) management experience;
6979 (II) past beer retailer management experience; and
6980 (III) the type of management scheme that will be used by the beer retailer.
6981 (3) (a) The commission may not issue a total number of on-premise beer retailer
6982 licenses that are taverns that at any time exceeds the number determined by dividing the
6983 population of the state by 30,500.
6984 (b) The commission may issue a seasonal on-premise beer retailer license for a tavern
6985 in accordance with Section 32B-5-206.
6986 (4) (a) Unless otherwise provided in Subsection (4)(b):
6987 (i) only one on-premise beer retailer license is required for each building or resort
6988 facility owned or leased by the same person; and
6989 (ii) a separate license is not required for each retail beer dispensing location in the
6990 same building or on the same resort premises owned or operated by the same person.
6991 (b) (i) Subsection (4)(a) applies only if each retail beer dispensing location in the
6992 building or resort facility operates in the same manner.
6993 (ii) If each retail beer dispensing location does not operate in the same manner:
6994 (A) one on-premise beer retailer license designated as a tavern is required for the
6995 locations in the same building or on the same resort premises that operate as a tavern; and
6996 (B) one on-premise beer retailer license is required for the locations in the same
6997 building or on the same resort premises that do not operate as a tavern.
6998 Section 206. Section **32B-6-704** is enacted to read:
6999 **32B-6-704. Local authority to issue a license.**
7000 (1) A local authority may issue a license to operate as an on-premise beer retailer,
7001 subject to:
7002 (a) the requirement under this part that a person obtain an on-premise beer retailer

7003 license issued by the commission to operate as an on-premise beer retailer; and
7004 (b) subject to Title 11, Chapter 10, Businesses Allowing Consumption of an Alcoholic
7005 Product on Premises.
7006 (2) For a violation of this title, rules of the commission, or a local ordinance, a local
7007 authority may suspend or revoke a business license described in Subsection (1).
7008 (3) (a) If the commission suspends or revokes an on-premise beer retailer license
7009 issued by the commission under this title, the on-premise beer retailer may not continue to
7010 operate under a license issued by a local authority.
7011 (b) If a local authority suspends or revokes a business license described in Subsection
7012 (1), an on-premise beer retailer may not continue to operate under the on-premise beer retailer
7013 license issued by the commission.
7014 (4) A person issued a business license issued by a local authority as described in
7015 Subsection (1) shall comply with this title, including a provision related to the storage, sale,
7016 offer for sale, furnishing, consumption, warehousing, or distribution of beer.
7017 Section 207. Section **32B-6-705** is enacted to read:
7018 **32B-6-705. Specific licensing requirements for on-premise beer retailer license.**
7019 (1) To obtain an on-premise beer retailer license a person shall comply with Chapter 5,
7020 Part 2, Retail Licensing Process, except that an on-premise beer retailer is required to carry
7021 dramshop insurance coverage in accordance with Section 32B-5-201 only if the on-premise
7022 beer retailer sells more than $5,000 of beer annually.
7023 (2) (a) An on-premise beer retailer license expires on the last day of February each
7024 year.
7025 (b) To renew a person's on-premise beer retailer license, a person shall comply with the
7026 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January
7027 31.
7028 (3) (a) The nonrefundable application fee for an on-premise beer retailer license is
7029 $250.
7030 (b) (i) The initial license fee for an on-premise beer retailer license that is not a tavern
7031 is $150.
7032 (ii) The initial license fee for an on-premise beer retailer license that is a tavern is
7033 $1,250.

7034 (c) (i) The renewal fee for an on-premise beer retailer license that is not a tavern is
7035 $200.
7036 (ii) The renewal fee for an on-premise beer retailer license that is a tavern is $1,000.
7037 (4) The bond amount required for an on-premise beer retailer license is the penal sum
7038 of $2,000.
7039 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or
7040 political subdivision of the state it is not required to:
7041 (a) pay an application fee, initial license fee, or renewal fee;
7042 (b) obtain the written consent of the local authority;
7043 (c) submit a copy of the applicant's current business license; or
7044 (d) post a bond as specified by Section 32B-5-204.
7045 Section 208. Section **32B-6-706** is enacted to read:
7046 **32B-6-706. Specific operational requirements for on-premise beer retailer license.**
7047 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
7048 Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply
7049 with this section.
7050 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
7051 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
7052 (i) an on-premise beer retailer;
7053 (ii) individual staff of an on-premise beer retailer; or
7054 (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.
7055 (2) (a) An on-premise beer retailer is not subject to Section 32B-5-302, but shall make
7056 and maintain the records the department requires.
7057 (b) Section 32B-1-205 applies to a record required to be made or maintained in
7058 accordance with this Subsection (2).
7059 (3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or
7060 sell liquor on its licensed premises.
7061 (4) Beer sold in a sealed package by an on-premise beer retailer may be removed from
7062 the on-premise beer retailer premises in the sealed package.
7063 (5) (a) Only an on-premise beer retailer that operates as a tavern is subject to
7064 Subsection 32B-5-309(1).

7065 (b) An on-premise beer retailer is subject to Subsections 32B-5-309(2) and (3)
7066 regardless of whether it operates as a tavern.
7067 (6) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at its
7068 licensed premises during a period that:
7069 (i) begins at 1 a.m.; and
7070 (ii) ends at 9:59 a.m.
7071 (b) (i) Notwithstanding Subsection (5)(a), a tavern shall remain open for one hour after
7072 the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may
7073 finish consuming a single serving of beer not exceeding 26 ounces.
7074 (ii) A tavern is not required to remain open:
7075 (A) after all patrons have vacated the premises; or
7076 (B) during an emergency.
7077 (c) A tavern may not allow a patron to remain on the licensed premises to consume
7078 beer on the licensed premises during a period that:
7079 (i) begins at 2 a.m.; and
7080 (ii) ends at 9:59 a.m.
7081 (7) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a
7082 tavern.
7083 (8) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the
7084 purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases
7085 from:
7086 (A) a beer wholesaler licensee; or
7087 (B) a small brewer that manufactures the beer.
7088 (ii) Violation of Subsection (8)(a) is a class A misdemeanor.
7089 (b) (i) If an on-premise beer retailer purchases beer under this Subsection (8) from a
7090 beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer
7091 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
7092 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by
7093 the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.
7094 (ii) Violation of Subsection (2)(b) is a class B misdemeanor.
7095 Section 209. Section **32B-6-707** is enacted to read:

7096 **32B-6-707. Application of part to other retail license type.**
7097 (1) A retail licensee who is not an on-premise beer retailer, but who sells, offers for
7098 sale, or furnishes beer pursuant to a different part under this chapter:
7099 (a) may sell, offer for sale, or furnish beer without obtaining a separate on-premise beer
7100 retailer license from the commission; and
7101 (b) shall comply with the operational requirements under this part that apply to an
7102 on-premise beer retailer, except when a requirement of this part is inconsistent with or less
7103 restrictive than an operational requirement under the relevant part under this chapter for the
7104 type of retail license.
7105 (2) Failure of a retail licensee or staff of the retail licensee to comply with a
7106 requirement of this part may result in disciplinary action in accordance with Chapter 3,
7107 Disciplinary Actions and Enforcement Act, against:
7108 (a) a retail licensee;
7109 (b) individual staff of a retail licensee; or
7110 (c) both a retail licensee and staff of the retail licensee.
7111 Section 210. Section **32B-6-708** is enacted to read:
7112 **32B-6-708. Information obtained by investigator.**
7113 (1) Subject to Subsection (2), if an investigator is permitted by another provision of
7114 this title to inspect a record of an on-premise beer retailer that is a tavern, in addition to any
7115 other rights under this title, the investigator may inspect, have a copy of, or otherwise review
7116 any record of the tavern that is a visual recording of the operations of the tavern.
7117 (2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise
7118 review a visual recording described in Subsection (1) without probable cause.
7119 Section 211. Section **32B-7-101** is enacted to read:
7120 **CHAPTER 7. OFF-PREMISE BEER RETAILER ACT**
7121 **Part 1. General Provisions**
7122 **32B-7-101. Title.**
7123 This chapter is known as the "Off-premise Beer Retailer Act."
7124 Section 212. Section **32B-7-102** is enacted to read:
7125 **32B-7-102. Definitions.**
7126 Reserved

7127 Section 213. Section **32B-7-201** is enacted to read:

7128 **Part 2. Off-premise Beer Retailer Local Authority**

7129 **32B-7-201. State and local licensing -- Limitations.**

7130 (1) Subject to the other provisions of this title, a local authority may:

7131 (a) tax or prohibit the retail sale of beer;

7132 (b) subject to this part, issue, suspend, and revoke a local license to sell beer at retail

7133 for off-premise consumption;

7134 (c) establish proximity requirements for establishing premises where beer is sold at

7135 retail for off-premise consumption in relation to any community location; and

7136 (d) otherwise regulate the retail sale of beer for off-premise consumption subject to the

7137 requirements of Section 32B-7-202 and Part 3, Off-premise Beer Retailer Enforcement Act.

7138 (2) A local authority may not issue to a minor a local license to sell beer at retail for

7139 off-premise consumption.

7140 Section 214. Section **32B-7-202** is enacted to read:

7141 **32B-7-202. General operational requirements for off-premise beer retailer.**

7142 (1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply

7143 with this section.

7144 (b) Failure to comply with this section may result in a suspension or revocation of a

7145 local license.

7146 (2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the

7147 purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases

7148 from:

7149 (A) a beer wholesaler licensee; or

7150 (B) a small brewer that manufactures the beer.

7151 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

7152 (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a

7153 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer

7154 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area

7155 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by

7156 the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.

7157 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

7158 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
7159 package larger than two liters.
7160 (4) A minor may not sell beer on the licensed premises of an off-premise beer retailer
7161 unless:
7162 (a) the sale is done under the supervision of a person 21 years of age or older who is on
7163 the licensed premises; and
7164 (b) the minor is at least 16 years of age.
7165 (5) (a) Subject to the other provisions of this Subsection (5), an off-premise beer
7166 retailer shall:
7167 (i) display beer sold by the off-premise beer retailer in an area that is visibly separate
7168 and distinct from the area where nonalcoholic beverages are displayed; and
7169 (ii) display a sign in the area described in Subsection (5)(a)(i) that:
7170 (A) is prominent;
7171 (B) is easily readable by a consumer;
7172 (C) meets the requirements for format established by the commission by rule; and
7173 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain
7174 alcohol. Please read the label carefully."
7175 (b) Notwithstanding Subsection (5)(a), a nonalcoholic beer may be displayed with beer
7176 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
7177 (c) The requirements of this Subsection (5) apply to beer notwithstanding that it is
7178 labeled, packaged, or advertised as:
7179 (i) a malt cooler; or
7180 (ii) a beverage that may provide energy.
7181 (d) The commission shall define by rule what constitutes an "area that is visibly
7182 separate and distinct from the area where a nonalcoholic beverage is displayed."
7183 (e) A violation of this Subsection (5) is an infraction.
7184 (6) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
7185 who sells beer to a patron for consumption off the premises of the off-premise beer retailer
7186 shall wear a unique identification badge:
7187 (i) on the front of the staff's clothing;
7188 (ii) visible above the waist;

7189 (iii) bearing the staff's:
7190 (A) first or last name;
7191 (B) initials; or
7192 (C) unique identification in letters or numbers; and
7193 (iv) with the number or letters on the unique identification badge being sufficiently
7194 large to be clearly visible and identifiable while engaging in or directly supervising the retail
7195 sale of beer.
7196 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
7197 unique identification badge assigned by the off-premise beer retailer that includes the staff's:
7198 (i) full name;
7199 (ii) address; and
7200 (iii) (A) driver license number; or
7201 (B) similar identification number.
7202 (c) An off-premise beer retailer shall make available a record required to be made or
7203 maintained under this Subsection (6) for immediate inspection by:
7204 (i) a peace officer; or
7205 (ii) a representative of the local authority that issues the off-premise beer retailer
7206 license.
7207 (d) A local authority may impose a fine of up to $250 against an off-premise beer
7208 retailer that does not comply or require its staff to comply with this Subsection (6).
7209 Section 215. Section **32B-7-301** is enacted to read:
7210 **Part 3. Off-premise Beer Retailer Enforcement Act**
7211 **32B-7-301. Title.**
7212 This part is known as the "Off-premise Beer Retailer Enforcement Act."
7213 Section 216. Section **32B-7-302** is enacted to read:
7214 **32B-7-302. Definitions.**
7215 Reserved
7216 Section 217. Section **32B-7-303** is enacted to read:
7217 **32B-7-303. Penalties related to sales to minors.**
7218 (1) (a) In addition to any criminal penalty that may be imposed, an individual is subject
7219 to the administrative penalties described in Subsection (1)(b) imposed by a local authority if:

7220 (i) the individual completes an alcohol training and education seminar;
7221 (ii) after completing the alcohol training and education seminar, the individual is found
7222 in violation of a law involving the sale of an alcoholic product to a minor;
7223 (iii) the violation described in Subsection (1)(a)(ii) is based on conduct that occurs
7224 while the individual is on duty as staff of an off-premise beer retailer; and
7225 (iv) the local authority brings an adjudicative proceeding against the individual.
7226 (b) If the conditions of Subsection (1)(a) are met, a local authority shall impose the
7227 following administrative penalties:
7228 (i) upon a first violation, the individual may not sell or directly supervise the sale of
7229 beer to a patron for consumption off the premises of the off-premise beer retailer until the
7230 individual retakes and completes an alcohol training and education seminar;
7231 (ii) upon a second violation, the individual may not sell or directly supervise the sale of
7232 beer to a patron for consumption off the premises of the off-premise beer retailer until the later
7233 of:
7234 (A) 90 days from the day on which the administrative penalty is imposed; and
7235 (B) the day on which the individual:
7236 (I) retakes and completes the alcohol training and education seminar; and
7237 (II) completes any additional training that the local authority may require; and
7238 (iii) upon a third or subsequent violation, the individual may not sell or directly
7239 supervise the sale of beer to a patron for consumption off the premises of the off-premise beer
7240 retailer until the later of:
7241 (A) one year from the day on which the administrative penalty is imposed; and
7242 (B) the day on which the individual:
7243 (I) retakes and completes an alcohol training and education seminar; and
7244 (II) completes any additional training that the local authority may require.
7245 (2) (a) During the time period in which an individual is prohibited from selling or
7246 directly supervising the sale of beer under Subsection (1)(b), an off-premise beer retailer may
7247 not allow that individual to:
7248 (i) directly supervise the sale of beer for the off-premise beer retailer; or
7249 (ii) sell beer for the off-premise beer retailer.
7250 (b) A violation of this Subsection (2) is grounds for the immediate suspension of the

7251 off-premise beer retailer's license.
7252 (3) (a) In addition to any criminal penalty that may be imposed, an off-premise beer
7253 retailer is subject to the administrative penalties imposed by a local authority described in
7254 Subsection (3)(b) if:
7255 (i) staff of the off-premise beer retailer is found in violation of a law involving the sale
7256 of an alcoholic product to a minor;
7257 (ii) the violation described in Subsection (3)(a)(i) occurs while the staff is on duty for
7258 the off-premise beer retailer; and
7259 (iii) the local authority brings an adjudicative proceeding against the off-premise beer
7260 retailer.
7261 (b) If the conditions of Subsection (3)(a) are met, a local authority shall impose the
7262 following administrative penalties:
7263 (i) upon a first violation, the local authority shall issue a written warning against an
7264 off-premise beer retailer;
7265 (ii) upon a second violation, an off-premise beer retailer shall pay a civil fine of $250;
7266 (iii) upon a third violation, an off-premise beer retailer shall pay a civil fine of $500;
7267 (iv) upon a fourth or subsequent violation, an off-premise beer retailer shall:
7268 (A) pay a civil fine of $500;
7269 (B) have its off-premise beer retailer license suspended for a period of 30 consecutive
7270 days from the date on which the administrative penalty is imposed; and
7271 (C) be placed on probation for a period of one year from the date on which the
7272 administrative penalty is imposed; and
7273 (v) upon any violation by the off-premise beer retailer or any on-duty staff of the
7274 off-premise beer retailer during the period of probation specified in Subsection (3)(b)(iv)(C):
7275 (A) the off-premise beer retailer's license to sell beer shall be revoked; and
7276 (B) the off-premise beer retailer may not reapply for a new license for at least six
7277 months from the date of revocation.
7278 (4) (a) An off-premise beer retailer's failure to pay a fine imposed under Subsection (3)
7279 within 30 days of the day on which a fine is imposed is grounds for the immediate suspension
7280 of the off-premise beer retailer's license to sell beer until payment is made.
7281 (b) An off-premise beer retailer's failure to pay the fine described in Subsection (4)(a)

7282 within the time period described in Subsection (4)(a) is grounds for revocation of the
7283 off-premise beer retailer's license.
7284 Section 218. Section **32B-7-304** is enacted to read:
7285 **32B-7-304. Hearings.**
7286 (1) A local authority shall conduct a hearing under this part if one of the following
7287 requests a hearing before the local authority:
7288 (a) an off-premise beer retailer;
7289 (b) an individual who directly supervises the sale of beer to a patron for consumption
7290 off the premises of the off-premise beer retailer; or
7291 (c) an individual who sells beer to a patron for consumption off the premises of the
7292 off-premise beer retailer.
7293 (2) A local authority conducting a hearing under this section shall provide the person
7294 requesting the hearing:
7295 (a) notice of the hearing; and
7296 (b) an opportunity to be heard at the hearing.
7297 Section 219. Section **32B-7-305** is enacted to read:
7298 **32B-7-305. Tracking of enforcement actions -- Costs of enforcement actions.**
7299 (1) A local authority that pursuant to this part adjudicates an administrative penalty for
7300 a violation of a law involving the sale of an alcoholic product to a minor, shall:
7301 (a) maintain a record of an adjudicated violation until the record is expunged under
7302 Subsection (3);
7303 (b) include in the record described in Subsection (1)(a):
7304 (i) the name of the individual who commits the violation;
7305 (ii) the name of the off-premise beer retailer for whom the individual is a staff member
7306 at the time of the violation; and
7307 (iii) the date of the adjudication of the violation; and
7308 (c) provide the information described in Subsection (1)(b) to the Highway Safety
7309 Office of the Department of Public Safety within 30 days of the date on which a violation is
7310 adjudicated.
7311 (2) (a) The Highway Safety Office shall develop and operate a system to collect,
7312 analyze, maintain, track, and disseminate the violation history information received under

7313 Subsection (1).
7314 (b) The Highway Safety Office shall make the system described in Subsection (2)(a)
7315 available to:
7316 (i) assist a local authority in assessing administrative penalties under Section
7317 32B-7-303; and
7318 (ii) inform an off-premise beer retailer of an individual who has an administrative
7319 violation history under Section 32B-7-303.
7320 (c) The Highway Safety Office shall maintain a record of violation history information
7321 received pursuant to Subsection (1) until the record is expunged under Subsection (3).
7322 (3) (a) A local authority and the Highway Safety Office shall expunge from the records
7323 maintained an administrative penalty imposed under Section 32B-7-303 for purposes of
7324 determining future administrative penalties under Section 32B-7-303 if the individual has not
7325 been found in violation of any law involving the sale of an alcoholic product to a minor for a
7326 period of 36 consecutive months from the day on which the individual is last adjudicated as
7327 violating a law involving the sale of an alcoholic product to a minor.
7328 (b) A local authority shall expunge from the records maintained by the local authority
7329 an administrative penalty imposed under Section 32B-7-303 against an off-premise beer
7330 retailer for purposes of determining future administrative penalties under Section 32B-7-303 if
7331 the off-premise beer retailer or any staff of that off-premise beer retailer has not been found in
7332 violation of any law involving the sale of an alcoholic product to a minor for a period of 36
7333 consecutive months from the day on which the off-premise beer retailer or staff of the
7334 off-premise beer retailer is last adjudicated as violating a law involving the sale of an alcoholic
7335 product to a minor.
7336 (4) The Highway Safety Office shall administer a program to reimburse a municipal or
7337 county law enforcement agency:
7338 (a) for the actual costs of an alcohol-related compliance check investigation conducted
7339 pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;
7340 (b) for administrative costs associated with reporting the compliance check
7341 investigation described in Subsection (4)(a);
7342 (c) if the municipal or county law enforcement agency completes and submits to the
7343 Highway Safety Office a report within 90 days of the compliance check investigation described

7344 in Subsection (4)(a) in a format required by the Highway Safety Office; and
7345 (d) in the order that the municipal or county law enforcement agency submits the report
7346 required by Subsection (4)(c) until the amount allocated by the Highway Safety Office to
7347 reimburse a municipal or county law enforcement agency is spent.
7348 (5) The Highway Safety Office shall report to the Utah Substance Abuse and
7349 Anti-Violence Coordinating Council by no later than October 1 following a fiscal year on the
7350 following funded during the prior fiscal year:
7351 (a) compliance check investigations reimbursed under Subsection (4); and
7352 (b) the collection, analysis, maintenance, tracking, and dissemination of violation
7353 history information described in Subsection (2).
7354 Section 220. Section **32B-8-101** is enacted to read:
7355 **CHAPTER 8. RESORT LICENSE ACT**
7356 **Part 1. General Provisions**
7357 **32B-8-101. Title.**
7358 This chapter is known as the "Resort License Act."
7359 Section 221. Section **32B-8-102** is enacted to read:
7360 **32B-8-102. Definitions.**
7361 As used in this chapter:
7362 (1) "Boundary of a resort building" means the physical boundary of the land reasonably
7363 related to a resort building and any structure or improvement to that land as determined by the
7364 commission.
7365 (2) "Dwelling" means a portion of a resort building:
7366 (a) owned by one or more individuals;
7367 (b) that is used or designated for use as a residence by one or more persons; and
7368 (c) that may be rented, loaned, leased, or hired out for a period of no longer than 30
7369 consecutive days by a person who uses it for a residence.
7370 (3) "Engaged in the management of the resort" may be defined by the commission by
7371 rule.
7372 (4) "Invitee" means an individual who in accordance with Subsection 32B-8-304(12) is
7373 authorized to use a resort spa by a host who is:
7374 (a) a resident; or

7375 (b) a public customer.
7376 (5) "Provisions applicable to a sublicense" means:
7377 (a) for a full-service restaurant sublicense, Chapter 6, Part 2, Full-service Restaurant
7378 License;
7379 (b) for a limited-service restaurant sublicense, Chapter 6, Part 3, Limited-service
7380 Restaurant License;
7381 (c) for a club sublicense, Chapter 6, Part 4, Club License;
7382 (d) for an on-premise banquet sublicense, Chapter 6, Part 6, On-premise Banquet
7383 License;
7384 (e) for an on-premise beer retailer sublicense, Chapter 6, Part 7, On-premise Beer
7385 Retailer License; and
7386 (f) for a resort spa sublicense, Part 3, Resort Spa Sublicense.
7387 (6) "Public customer" means an individual who holds a customer card in accordance
7388 with Subsection 32B-8-304(13).
7389 (7) "Resident" means an individual who:
7390 (a) owns a dwelling located within a resort building; or
7391 (b) rents lodging accommodations for 30 consecutive days or less from:
7392 (i) an owner of a dwelling described in Subsection (7)(a); or
7393 (ii) the resort licensee.
7394 (8) "Resort" means a location:
7395 (a) on which is located one resort building; and
7396 (b) that is affiliated with a ski area that physically touches the boundary of the resort
7397 building.
7398 (9) "Resort building" means a building:
7399 (a) that is primarily operated to provide dwellings or lodging accommodations;
7400 (b) that has at least 150 units that consist of a dwelling or lodging accommodations;
7401 (c) that consists of at least 400,000 square feet:
7402 (i) including only the building itself; and
7403 (ii) not including areas such as above ground surface parking; and
7404 (d) of which at least 50% of the units described in Subsection (9)(b) consist of
7405 dwellings owned by a person other than the resort licensee.

7406 (10) "Resort spa" means a spa, as defined by rule by the commission, that is within the
7407 boundary of a resort building.
7408 (11) "Sublicense" means:
7409 (a) a full-service restaurant sublicense;
7410 (b) a limited-service restaurant sublicense;
7411 (c) a club sublicense;
7412 (d) an on-premise banquet sublicense;
7413 (e) an on-premise beer retailer sublicense; and
7414 (f) a resort spa sublicense.
7415 (12) "Sublicense premises" means a building, enclosure, or room used pursuant to a
7416 sublicense in connection with the storage, sale, furnishing, or consumption of an alcoholic
7417 product, unless otherwise defined in this title or in the rules made by the commission.
7418 Section 222. Section **32B-8-201** is enacted to read:
7419 **Part 2. Resort Licensing Process**
7420 **32B-8-201. Commission's power to issue a resort license.**
7421 (1) Before a person as a resort may store, sell, offer for sale, furnish, or allow the
7422 consumption of an alochol product on sublicense premises, the person shall first obtain a resort
7423 license from the commission in accordance with this part.
7424 (2) (a) The commission may issue to a person a resort license to allow the storage, sale,
7425 offer for sale, furnishing, and consumption of an alcoholic product in connection with a resort
7426 designated in the resort license if the person operates at least four sublicenses under the resort
7427 license.
7428 (b) A resort license shall:
7429 (i) consist of:
7430 (A) a general resort license; and
7431 (B) the four or more sublicenses; and
7432 (ii) designate the boundary of the resort building.
7433 (c) This chapter does not prohibit an alcoholic product on the boundary of the resort
7434 building to the extent otherwise permitted by this title.
7435 (d) The commission may not issue a sublicense that is separate from a resort license.
7436 (3) (a) The commission may not issue a total number of resort licenses that at any time

7437 totals more than four.
7438 (b) Subject to Subsection (3)(c), when determining the total number of licenses the
7439 commission has issued for each type of retail license, the commission may not include a
7440 sublicense as one of the retail licenses issued under the provisions applicable to the sublicense.
7441 (c) If a resort license issued under this chapter includes a sublicense that before the
7442 issuance of the resort license was a retail licensee under this chapter, the commission shall
7443 include the sublicense as one of the retail licenses issued under the provisions applicable to the
7444 sublicense in determining if the total number of licenses issued under the provisions applicable
7445 to the sublicense exceeds the number calculated by dividing the population of the state by the
7446 number specified in the provisions applicable to the sublicense.
7447 Section 223. Section **32B-8-202** is enacted to read:
7448 **32B-8-202. Specific licensing requirements for a resort license.**
7449 (1) To obtain a resort license, in addition to complying with Chapter 5, Part 2, Retail
7450 Licensing Process, a person shall submit with the written application:
7451 (a) the current business license for each sublicense, if the business license is separate
7452 from the person's business license;
7453 (b) evidence:
7454 (i) of proximity of the resort building to any community location, with proximity
7455 requirements being governed by Section 32B-1-202;
7456 (ii) that each of the four or more sublicense premises is entirely within the boundaries
7457 of the resort building; and
7458 (iii) that the building designated in the application as the resort building qualifies as a
7459 resort building;
7460 (c) a description and boundary map of the resort building;
7461 (d) a description, floor plan, and boundary map of each sublicense premises
7462 designating:
7463 (i) any location at which the person proposes that an alcoholic product be stored; and
7464 (ii) a designated location on the sublicense premises from which the person proposes
7465 that an alcoholic product be sold, furnished, or consumed;
7466 (e) evidence that the resort license person carries dramshop insurance coverage equal
7467 to the sum of at least $1,000,000 per occurrence and $2,000,000 in the aggregate to cover both

7468 the general resort license and each sublicense; and
7469 (f) a signed consent form stating that the person will permit any authorized
7470 representative of the commission, department, or any law enforcement officer to have
7471 unrestricted right to enter the boundary of the resort building and each sublicense premises.
7472 (2) (a) A resort license expires on October 31 of each year.
7473 (b) To renew a person's resort license, the person shall comply with the requirements of
7474 Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
7475 (3) (a) The nonrefundable application fee for a resort license is $250.
7476 (b) The initial license fee for a resort license is calculated as follows:
7477 (i) $10,000 if four sublicenses are being applied for under the resort license; or
7478 (ii) if more than four sublicenses are being applied for under the resort license, the sum
7479 of:
7480 (A) $10,000; and
7481 (B) $2,000 for each sublicense in excess of four sublicenses for which the person is
7482 applying.
7483 (c) The renewal fee for a resort license is $1,000 for each sublicense under the resort
7484 license.
7485 (4) (a) The bond amount required for a resort license is the penal sum of $25,000.
7486 (b) A resort licensee is not required to have a separate bond for each sublicense, except
7487 that the aggregate of the bonds posted by the resort licensee shall cover each sublicense under
7488 the resort license.
7489 (5) The commission may not issue a resort license for a resort building that does not
7490 meet the proximity requirements of Section 32B-1-202.
7491 Section 224. Section **32B-8-203** is enacted to read:
7492 **32B-8-203. Specific qualifications for a resort license.**
7493 (1) For purposes of this chapter, the commission shall apply:
7494 (a) Subsection 32B-1-304(1)(a) to a partnership, corporation, or limited liability
7495 company, only if an individual listed in Subsection 32B-1-304(1)(b) will engage in the
7496 management of the resort; and
7497 (b) Subsection 32B-1-304(1)(c) to an individual who is employed to act in a
7498 supervisory or managerial capacity for the resort licensee or in relation to a sublicense.

7499 (2) The following are subject to Section 32B-8-501:
7500 (a) an action of the commission under Subsection 32B-1-304(2);
7501 (b) an action of the director under Subsection 32B-1-304(3); and
7502 (c) termination of a resort license under Subsection 32B-1-304(6).
7503 (3) (a) A person employed to act in a supervisory or managerial capacity for a
7504 sublicense is subject to the qualification requirements in the provisions applicable to the
7505 sublicense.
7506 (b) If a person described under Subsection (3)(a) no longer possesses the qualifications
7507 required by this Subsection (3), the commission may suspend or revoke the sublicense that is
7508 part of the resort license.
7509 Section 225. Section **32B-8-204** is enacted to read:
7510 **32B-8-204. Commission and department duties before issuing resort license.**
7511 (1) Before the issuance of a resort license, the department shall comply with the
7512 requirements of Subsection 32B-8-202(1) in relation to the resort license and each sublicense.
7513 (2) Before issuing a resort license, in addition to considering the factors described in
7514 Section 32B-8-202, the commission shall:
7515 (a) consider the resort license person's ability to manage and operate a resort license
7516 and the ability of any individual who will act in a supervisory or managerial capacity for a
7517 sublicense, including:
7518 (i) past management experience;
7519 (ii) past alcoholic product license experience; and
7520 (iii) the type of management scheme to be used by the resort license person;
7521 (b) consider the nature or type of:
7522 (i) the person's business operation of the resort license; and
7523 (ii) the business operation of each sublicense; and
7524 (c) subject to Subsection (3), determine that each sublicense meets the requirements
7525 imposed under the provisions applicable to each sublicense.
7526 (3) (a) Subject to Subsection (3)(b), notwithstanding the requirements to obtain a retail
7527 license under the provisions applicable to a sublicense, a sublicense of a resort license is not
7528 subject to:
7529 (i) a requirement to submit an application or renewal application that is separate from

7530 the resort license application;
7531 (ii) a requirement to carry public liability insurance or dramshop insurance coverage
7532 that is separate from that carried by the resort licensee; or
7533 (iii) a requirement to post a bond that is separate from the bond posted by the resort
7534 licensee.
7535 (b) If a resort licensee seeks to add a sublicense after its resort license is issued, the
7536 resort licensee shall file with the department:
7537 (i) a nonrefundable $250 application fee;
7538 (ii) an initial license fee of $2,000, which is refundable if the sublicense is not issued;
7539 (iii) written consent of the local authority;
7540 (iv) a copy of:
7541 (A) the resort licensee's current business license; and
7542 (B) the current business license for the sublicense, if the business licensee is separate
7543 from the resort licensee's business license;
7544 (v) evidence that the sublicense premises is entirely within the boundary of the resort
7545 building;
7546 (vi) a description, floor plan, and boundary map of the sublicense premises
7547 designating:
7548 (A) any location at which the person proposes that an alcoholic product be stored; and
7549 (B) any designated location on the sublicense premises from which the person proposes
7550 that an alcoholic product be sold, furnished, or consumed;
7551 (vii) evidence that the person carries public liability insurance in an amount and form
7552 satisfactory to the department;
7553 (viii) evidence that the person carries dramshop insurance coverage in the amount
7554 required by Section 32B-8-202 that covers the sublicense to be added;
7555 (ix) a signed consent form stating that the resort licensee will permit any authorized
7556 representative of the commission, department, or any law enforcement officer to have
7557 unrestricted right to enter the sublicense premises;
7558 (x) if the resort licensee is an entity, proper verification evidencing that a person who
7559 signs the application is authorized to sign on behalf of the entity; and
7560 (xi) any other information the commission or department may require.

7561 Section 226. Section **32B-8-301** is enacted to read:

7562 **Part 3. Resort Spa Sublicense**

7563 **32B-8-301. Commission's power to issue resort spa sublicense.**

7564 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
7565 an alcoholic product on its premises as a resort spa sublicensee, a resort licensee or a person
7566 applying for a resort license shall first obtain a resort spa sublicense from the commission in
7567 accordance with this part.

7568 (2) The commission may issue a resort spa sublicense to establish a resort spa license
7569 within the boundary of a resort building for the storage, sale, offer for sale, furnishing, and
7570 consumption of liquor on premises operated as a resort spa.

7571 (3) The resort spa sublicense premises shall fall entirely within the boundary of a resort
7572 building.

7573 Section 227. Section **32B-8-302** is enacted to read:

7574 **32B-8-302. Specific licensing requirements for a resort spa sublicense.**

7575 (1) A person may not file a written application with the department to obtain a resort
7576 spa sublicense that is separate from the application of the resort license, unless the resort spa
7577 sublicense is being sought after the issuing of a resort license.

7578 (2) If a resort licensee seeks to add a resort spa sublicense after its resort license is
7579 issued, the resort licensee shall comply with Subsection 32B-8-204(3)(b).

7580 (3) (a) A resort spa sublicense expires on October 31 of each year.

7581 (b) A resort licensee desiring to renew the resort licensee's resort spa sublicense shall
7582 renew the resort spa sublicense as part of renewing the resort license.

7583 (c) Failure to meet the renewal requirements for a resort license results in an automatic
7584 forfeiture of the resort spa sublicense effective on the date the resort license expires.

7585 Section 228. Section **32B-8-303** is enacted to read:

7586 **32B-8-303. Specific qualifications for resort spa sublicense.**

7587 (1) A person employed to act in a supervisory or managerial capacity for the resort spa
7588 sublicense is subject to qualification requirements of Section 32B-8-203.

7589 (2) If a person no longer possesses the qualifications required by Section 32B-8-203 for
7590 obtaining the resort license or resort spa sublicense, the commission may suspend or revoke the
7591 resort spa sublicense that is part of the resort license.

7592 Section 229. Section **32B-8-304** is enacted to read:
7593 **32B-8-304. Specific operational requirements for resort spa sublicense.**
7594 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
7595 Requirements, a resort licensee, staff of the resort licensee, or a person otherwise related to a
7596 resort spa sublicense shall comply with this section.
7597 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
7598 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
7599 Enforcement Act, against:
7600 (i) a retail licensee;
7601 (ii) staff of the retail licensee;
7602 (iii) a person otherwise related to a resort spa sublicense; or
7603 (iv) any combination of the persons listed in this Subsection (1)(b).
7604 (2) A person operating under a resort spa sublicense shall display in a prominent place
7605 in the resort spa a list of the types and brand names of liquor being furnished through its
7606 calibrated metered dispensing system.
7607 (3) (a) For purposes of the resort spa sublicense, the resort licensee shall ensure that a
7608 record required by this title is maintained, and a record is maintained or used for the resort spa
7609 sublicense:
7610 (i) as the department requires; and
7611 (ii) for a minimum period of three years.
7612 (b) A record is subject to inspection by an authorized representative of the commission
7613 and the department.
7614 (c) A resort licensee shall allow the department, through an auditor or examiner of the
7615 department, to audit the records for a resort spa sublicense at the times the department
7616 considers advisable.
7617 (d) The department shall audit the records for a resort spa sublicense at least once
7618 annually.
7619 (e) Section 32B-1-205 applies to a record required to be made, maintained, or used in
7620 accordance with this Subsection (3).
7621 (4) (a) A person operating under a resort spa sublicense may not sell, offer for sale, or
7622 furnish liquor at a resort spa during a period that:

7623 (i) begins at 1 a.m.; and
7624 (ii) ends at 9:59 a.m.
7625 (b) A person operating under a resort spa sublicense may sell, offer for sale, or furnish
7626 beer during the hours specified in Chapter 6, Part 7, On-premise Beer Retailer License, for an
7627 on-premise beer retailer.
7628 (c) (i) Notwithstanding Subsections (4)(a) and (b), a resort spa shall remain open for
7629 one hour after the resort spa ceases the sale and furnishing of an alcoholic product during
7630 which time a person at the resort spa may finish consuming:
7631 (A) a single drink containing spirituous liquor;
7632 (B) a single serving of wine not exceeding five ounces;
7633 (C) a single serving of heavy beer;
7634 (D) a single serving of beer not exceeding 26 ounces; or
7635 (E) a single serving of a flavored malt beverage.
7636 (ii) A resort spa is not required to remain open:
7637 (A) after all persons have vacated the resort spa sublicense premises; or
7638 (B) during an emergency.
7639 (d) A person operating under a resort spa sublicense may not allow a person to remain
7640 on the resort spa sublicense premises to consume an alcoholic product on the resort spa
7641 sublicense premises during a period that:
7642 (i) begins at 2 a.m.; and
7643 (ii) ends at 9:59 a.m.
7644 (5) A minor may not be admitted into, use, or be on:
7645 (a) the sublicense premises of a resort spa unless accompanied by a person 21 years of
7646 age or older; or
7647 (b) a lounge or bar area of the resort spa sublicense premises.
7648 (6) A resort spa shall have food available at all times when an alcoholic product is sold,
7649 offered for sale, furnished, or consumed on the resort spa sublicense premises.
7650 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not more
7651 than two alcoholic products of any kind at a time before the patron.
7652 (b) A resort spa patron may not have two spirituous liquor drinks before the resort spa
7653 patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for

7654 the other spirituous liquor drink
7655 (c) An individual portion of wine is considered to be one alcoholic product under this
7656 Subsection (7).
7657 (8) (a) An alcoholic product may only be consumed at a table or counter.
7658 (b) An alcoholic product may not be served to or consumed by a patron at a bar.
7659 (9) (a) A person operating under a resort spa sublicense shall have available on the
7660 resort spa sublicense premises for a patron to review at the time that the patron requests it, a
7661 written alcoholic product price list or a menu containing the price of an alcoholic product sold
7662 or furnished by the resort spa including:
7663 (i) a set-up charge;
7664 (ii) a service charge; or
7665 (iii) a chilling fee.
7666 (b) A charge or fee made in connection with the sale, service, or consumption of liquor
7667 may be stated in food or alcoholic product menus including:
7668 (i) a set-up charge;
7669 (ii) a service charge; or
7670 (iii) a chilling fee.
7671 (10) (a) A resort licensee shall own or lease premises suitable for the resort spa's
7672 activities.
7673 (b) A resort licensee may not maintain premises in a manner that barricades or conceals
7674 the resort spa sublicense's operation.
7675 (11) Subject to the other provisions of this section, a person operating under a resort
7676 spa sublicense may not sell an alcoholic product to or allow a person to be admitted to or use
7677 the resort spa sublicense premises other than:
7678 (a) a resident;
7679 (b) a public customer who holds a valid customer card issued under Subsection (13); or
7680 (c) an invitee.
7681 (12) A person operating under a resort spa sublicense may allow an individual to be
7682 admitted to or use the resort spa sublicense premises as an invitee subject to the following
7683 conditions:
7684 (a) the individual must be previously authorized by one of the following who agrees to

7685 host the individual as an invitee into the resort spa:
7686 (i) a resident; or
7687 (ii) a public customer as described in Subsection (11);
7688 (b) the individual has only those privileges derived from the individual's host for the
7689 duration of the invitee's visit to the resort spa; and
7690 (c) a resort licensee, resort spa, or staff of the resort licensee or resort spa may not enter
7691 into an agreement or arrangement with a resident or public customer to indiscriminately host a
7692 member of the general public into the resort spa as an invitee.
7693 (13) A person operating under a resort spa sublicense may issue a customer card to
7694 allow an individual to enter and use the resort spa sublicense premises on a temporary basis
7695 under the following conditions:
7696 (a) the resort spa may not issue a customer card for a time period that exceeds three
7697 weeks;
7698 (b) the resort spa shall assess a fee to a public customer for a customer card;
7699 (c) the resort spa may not issue a customer card to a minor; and
7700 (d) a public customer may not host more than seven invitees at one time.
7701 Section 230. Section **32B-8-401** is enacted to read:
7702 **Part 4. Operational Requirements**
7703 **32B-8-401. Specific operational requirements for resort license.**
7704 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
7705 Requirements, a resort licensee, staff of the resort licensee, and a person otherwise operating
7706 under a sublicense shall comply with this section.
7707 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
7708 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
7709 Enforcement Act, against:
7710 (i) a resort licensee;
7711 (ii) individual staff of a resort licensee;
7712 (iii) a person otherwise operating under a sublicense;
7713 (iv) individual staff of a person otherwise operating under a sublicense; or
7714 (v) any combination of the persons listed in this Subsection (1)(b).
7715 (2) (a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product

7716 except:
7717 (i) on a sublicense premises;
7718 (ii) pursuant to a permit issued under this title; or
7719 (iii) under a package agency agreement with the department, subject to Chapter 2, Part
7720 6, Package Agency.
7721 (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as
7722 provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:
7723 (i) if on a sublicense premises, in accordance with the operational requirements under
7724 the provisions applicable to the sublicense, except as provided in Section 32B-8-402;
7725 (ii) if under a permit issued under this title, in accordance with the operational
7726 requirements under the provisions applicable to the permit; and
7727 (iii) if as a package agency, in accordance with the contract with the department and
7728 Chapter 2, Part 6, Package Agency.
7729 (3) A resort licensee shall comply with Subsections 32B-5-301(4) and (5) within the
7730 boundary of the resort building.
7731 (4) (a) Subject to Subsection (4)(b), a resort licensee shall operate in a manner so that
7732 at least 70% of the annual aggregate of the gross receipts related to the sale of food or
7733 beverages for the resort license and each of its sublicenses is from the sale of food, not
7734 including:
7735 (i) mix for an alcoholic product; and
7736 (ii) a charge in connection with the service of an alcoholic product.
7737 (b) In calculating the annual aggregate of the gross receipts described in Subsection
7738 (4)(a), a resort licensee is not required to include in the calculation money from the sale of a
7739 bottle of wine by the resort licensee or under a sublicense in excess of $250.
7740 (5) (a) A resort licensee shall supervise and direct a person involved in the sale, offer
7741 for sale, or furnishing of an alcoholic product under a resort license.
7742 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
7743 under a resort license shall complete the alcohol training and education seminar.
7744 (6) (a) Room service of an alcoholic product to a lodging accommodation of a resort
7745 licensee shall be provided in person by staff of a resort licensee only to an adult occupant in the
7746 lodging accommodation.

7747 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
7748 by an occupant.
7749 (c) A resort licensee may only provide an alcoholic product for room service in a
7750 sealed package.
7751 Section 231. Section **32B-8-402** is enacted to read:
7752 **32B-8-402. Specific operational requirements for a sublicense.**
7753 (1) A person operating under a sublicense is subject to the operational requirements
7754 under the provisions applicable to the sublicense except that, notwithstanding a requirement in
7755 the provisions applicable to the sublicense, a person operating under the sublicense is not
7756 subject to a requirement that a certain percentage of the gross receipts for the sublicense be
7757 from the sale of food, except to the extent that the gross receipts for the sublicense are included
7758 in calculating the percentages under Subsection 32B-8-401(4).
7759 (2) Subject to Section 32B-8-502, for purposes of interpreting an operational
7760 requirement imposed by the provisions applicable to a sublicense:
7761 (a) a requirement imposed on a person operating under a sublicense applies to the
7762 resort licensee; and
7763 (b) a requirement imposed on staff of a person operating under a sublicense applies to
7764 staff of the resort licensee.
7765 Section 232. Section **32B-8-501** is enacted to read:
7766 **Part 5. Enforcement**
7767 **32B-8-501. Enforcement of qualifications for a resort license or sublicense.**
7768 (1) The commission or department may not take an action described in Subsection (2)
7769 with regard to a resort license unless the person who is found not to meet the qualifications of
7770 Section 32B-8-203 is one of the following who is engaged in the management of the resort:
7771 (a) a partner;
7772 (b) a managing agent;
7773 (c) a manager;
7774 (d) an officer;
7775 (e) a director;
7776 (f) a stockholder who holds at least 20% of the total issued and outstanding stock of the
7777 corporation;

7778 (g) a member who owns at least 20% of the limited liability company; or
7779 (h) a person employed to act in a supervisory or managerial capacity for the resort
7780 licensee.
7781 (2) Subsection (1) applies to:
7782 (a) the commission immediately suspending or revoking a resort license, if after the
7783 day on which the resort license is issued, a person described in Subsection 32B-8-203(1):
7784 (i) is found to have been convicted of an offense described in Subsection
7785 32B-1-304(1)(a) before the resort license is issued; or
7786 (ii) on or after the day on which the resort license is issued:
7787 (A) is convicted of an offense described in Subsection 32B-1-304(1)(a)(i), (ii), or (iii);
7788 or
7789 (B) (I) is convicted of driving under the influence of alcohol, a drug, or the combined
7790 influence of alcohol and a drug; and
7791 (II) was convicted of driving under the influence of alcohol, a drug, or the combined
7792 influence of alcohol and a drug within five years before the day on which the person is
7793 convicted of the offense described in Subsection (2)(b)(ii)(A);
7794 (b) the director taking an emergency action by immediately suspending the operation of
7795 a resort license in accordance with Title 63G, Chapter 4, Administrative Procedures Act, for
7796 the period during which the criminal matter is being adjudicated if a person described in
7797 Subsection 32B-8-203(1):
7798 (i) is arrested on a charge for an offense described in Subsection 32B-1-304(1)(a)(i),
7799 (ii), or (iii); or
7800 (ii) (A) is arrested on a charge for the offense of driving under the influence of alcohol,
7801 a drug, or the combined influence of alcohol and a drug; and
7802 (B) was convicted of driving under the influence of alcohol, a drug, or the combined
7803 influence of alcohol and a drug within five years before the day on which the person is arrested
7804 on a charge described in Subsection (2)(b)(ii)(A); and
7805 (c) the commission suspending or revoking a resort license because a person to whom a
7806 resort license is issued under this chapter no longer possesses the qualifications required by this
7807 title for obtaining the resort license.
7808 (3) This section does not prevent the commission from suspending or revoking a

7809 sublicense that is part of a resort license if a person employed to act in a supervisory or
7810 managerial capacity for a sublicense no longer meets the qualification requirements in the
7811 provisions applicable to the sublicense.
7812 Section 233. Section **32B-8-502** is enacted to read:
7813 **32B-8-502. Enforcement of operational requirements for a resort license or**
7814 **sublicense.**
7815 (1) (a) Except as provided in Subsection (2) and in addition to Subsection (3), failure
7816 by a person described in Subsection (1)(b) to comply with this chapter or an operational
7817 requirement under a provision applicable to a sublicense may result in disciplinary action in
7818 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
7819 (i) a resort licensee;
7820 (ii) individual staff of a resort licensee;
7821 (iii) a person otherwise operating under a sublicense;
7822 (iv) individual staff of a person otherwise operating under a sublicense; or
7823 (v) any combination of the persons listed in this Subsection (1)(a).
7824 (b) This Subsection (1) applies to:
7825 (i) a resort licensee;
7826 (ii) a person operating under a sublicense; or
7827 (iii) staff of a resort licensee or other person operating under a sublicense.
7828 (2) (a) Notwithstanding the other provisions of this title, if the failure to comply with
7829 this chapter described in Subsection (1) relates to a sale, offer for sale, or furnishing of an
7830 alcoholic product on a sublicense premises, a resort licensee or an individual member of the
7831 resort licensee's management personnel is subject to a sanction described in Subsection (1),
7832 only if the commission finds that:
7833 (i) during the three years before the day on which the commission makes the finding,
7834 there are three or more disciplinary proceedings against any person operating under a
7835 sublicense of the resort licensee for failure to comply with an operational requirement
7836 applicable to the sublicense; and
7837 (ii) the resort licensee has not taken reasonable steps to prevent persons operating
7838 under a sublicense of the resort licensee from failing to comply with operational requirements
7839 applicable to the sublicense.

7840 (b) This Subsection (2) applies if the three or more disciplinary proceedings described
7841 in Subsection (2)(a) are against:
7842 (i) the same person operating under a sublicense of the resort licensee; or
7843 (ii) two or more different persons operating under a sublicense of the resort licensee.
7844 (3) An operational requirement applicable to a person operating under a sublicense is
7845 enforced as provided by the provisions applicable to the sublicense.
7846 Section 234. Section **32B-8-503** is enacted to read:
7847 **32B-8-503. Enforcement of Nuisance Retail Licensee Act.**
7848 Chapter 3, Part 3, Nuisance Retail Licensee Act, applies to a resort license only if three
7849 or more of the sublicenses of the resort license have not been renewed in accordance with
7850 Chapter 3, Part 3, Nuisance Retail Licensee Act, within three years from the day on which a
7851 resort licensee applies for the renewal of its resort license.
7852 Section 235. Section **32B-9-101** is enacted to read:
7853 **CHAPTER 9. EVENT PERMIT ACT**
7854 **Part 1. General Provisions**
7855 **32B-9-101. Title.**
7856 This chapter is known as the "Event Permit Act."
7857 Section 236. Section **32B-9-102** is enacted to read:
7858 **32B-9-102. Definitions.**
7859 As used in this chapter:
7860 (1) "Single event permit" means an event permit issued in accordance with Part 3,
7861 Single Event Permit.
7862 (2) "Temporary beer event permit" means an event permit issued in accordance with
7863 Part 4, Temporary Beer Event Permit.
7864 Section 237. Section **32B-9-201** is enacted to read:
7865 **Part 2. Event Permitting General Provisions**
7866 **32B-9-201. Application requirements for event permit.**
7867 (1) To obtain an event permit, a person shall submit to the department:
7868 (a) a written application in a form that the department prescribes;
7869 (b) an event permit fee:
7870 (i) in the amount specified in the relevant part under this chapter for the type of event

7871 permit for which the person is applying; and
7872 (ii) that is refundable if an event permit is not issued;
7873 (c) written consent of the local authority;
7874 (d) a bond as specified by Section 32B-9-203;
7875 (e) the times, dates, location, estimated attendance, nature, and purpose of the event;
7876 (f) a description or floor plan designating:
7877 (i) the area in which the person proposes that an alcoholic product be stored;
7878 (ii) the site from which the person proposes that an alcoholic product be sold, offered
7879 for sale, or furnished; and
7880 (iii) the area in which the person proposes that an alcoholic product be allowed to be
7881 consumed;
7882 (g) a signed consent form stating that the event permittee will permit any authorized
7883 representative of the commission, department, or any law enforcement officer to have
7884 unrestricted right to enter the premises of the during the event;
7885 (h) if the person is an entity, proper verification evidencing that a person who signs the
7886 application is authorized to sign on behalf of the entity; and
7887 (i) any other information as the commission or department may require.
7888 (2) An entity applying for a permit need not meet the requirements of Subsections
7889 (1)(b), (c), and (d) if the entity is:
7890 (a) a state agency; or
7891 (b) a political subdivision of the state.
7892 (3) The commission may not issue an event permit to a person who is disqualified
7893 under Section 32B-1-304.
7894 (4) (a) The proximity requirements of Section 32B-1-202 do not apply to an event
7895 permit.
7896 (b) Notwithstanding Subsection (4)(a), nothing in this section prevents the commission
7897 from considering the proximity of an educational, religious, or recreational facility, or any other
7898 relevant factor in deciding whether to issue an event permit.
7899 Section 238. Section **32B-9-202** is enacted to read:
7900 **32B-9-202. Commission and department duties before issuing event permit.**
7901 (1) (a) Before the commission may issue an event permit, the department shall conduct

7902 an investigation and may hold public hearings to gather information and make
7903 recommendations to the commission as to whether the commission should issue an event
7904 permit.
7905 (b) The department shall forward the information and recommendations described in
7906 Subsection (1)(a) to the commission to aid in the commission's determination.
7907 (2) Before issuing an event permit, the commission shall:
7908 (a) determine that the person filed a complete application and is in compliance with:
7909 (i) Section 32B-9-201; and
7910 (ii) the relevant part under this chapter for the type of permit for which the person is
7911 applying;
7912 (b) determine that the person is not disqualified under Section 32B-1-304;
7913 (c) consider the purpose of the organization or its local lodge, chapter, or other local
7914 unit;
7915 (d) consider the times, dates, location, estimated attendance, nature, and purpose of the
7916 event;
7917 (e) to minimize the risk of minors being sold or furnished alcohol or adults being
7918 overserved alcohol at the event, assess the adequacy of control measures for:
7919 (i) a large-scale public event when the estimated attendance is in excess of 1,000
7920 people; or
7921 (ii) an outdoor public event; and
7922 (f) consider any other factor the commission considers necessary.
7923 (3) Once the commission issues an event permit, the department shall send a copy of
7924 the approved application and the event permit to the state and local law enforcement authorities
7925 before the scheduled event.
7926 Section 239. Section **32B-9-203** is enacted to read:
7927 **32B-9-203. Bond for event permit.**
7928 (1) (a) A person applying for an event permit shall post a cash bond or surety bond:
7929 (i) in the amount specified in the relevant part under this chapter for the type of event
7930 permit for which the person is applying; and
7931 (ii) payable to the department.
7932 (b) An event permittee shall procure and maintain a bond required under this section

7933 for as long as the event permit is in effect.
7934 (2) A bond posted by an event permittee under this section shall be:
7935 (a) in a form approved by the attorney general; and
7936 (b) conditioned upon the event permittee's faithful compliance with this title and the
7937 rules of the commission.
7938 (3) No part of a bond posted by an event permittee under this section may be
7939 withdrawn during the period the event permit is in effect.
7940 (4) (a) A bond posted by an event permittee under this section may be forfeited if the
7941 event permit is revoked.
7942 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a
7943 bond posted by an event permittee for money owed the department under this title without the
7944 commission first revoking the event permit.
7945 Section 240. Section **32B-9-204** is enacted to read:
7946 **32B-9-204. General operational requirements for an event permit.**
7947 (1) (a) An event permittee and a person involved in the storage, sale, offer for sale, or
7948 furnishing of an alcoholic product at an event for which an event permit is issued, shall comply
7949 with this title and rules of the commission.
7950 (b) Failure to comply as provided in Subsection (1)(a):
7951 (i) may result in:
7952 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
7953 Enforcement Act, against:
7954 (I) an event permittee;
7955 (II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic
7956 product at the event; or
7957 (III) any combination of the persons listed in this Subsection (1)(b);
7958 (B) immediate revocation of the event permit;
7959 (C) forfeiture of a bond; or
7960 (D) immediate seizure of an alcoholic product present at the event; and
7961 (ii) if the event permit is revoked, disqualifies the event permittee from applying for an
7962 event permit for a period of three years from the date of revocation of the event permit.
7963 (c) An alcoholic product seized under this Subsection (1) shall be returned to the event

7964 permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.
7965 (2) (a) If there is a conflict between this part and the relevant part under this chapter for
7966 the specific type of special use permit held by the special use permittee, the relevant part
7967 governs.
7968 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an
7969 event permittee may only sell, offer for sale, or furnish an alcoholic product specified in the
7970 relevant part under this chapter for the type of event permit that is held by the event permittee.
7971 (c) Notwithstanding that this part or the relevant part under this chapter for the type of
7972 event permit held by an event permittee refers to "event permittee," a person involved in the
7973 storage, sale, offer for sale, or furnishing of an alcoholic product at the event for which the
7974 event permit is issued is subject to the same requirement or prohibition.
7975 (3) An event permittee shall display a copy of the event permit in a prominent place in
7976 the area in which an alcoholic product is sold, offered for sale, furnished, and consumed.
7977 (4) An event permittee may not on the premises of the event:
7978 (a) engage in or allow any form of gambling, as defined and proscribed in Title 76,
7979 Chapter 10, Part 11, Gambling;
7980 (b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10,
7981 Part 11, Gambling; or
7982 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
7983 the risking of something of value for a return or for an outcome when the return or outcome is
7984 based upon an element of chance, excluding the playing of an amusement device that confers
7985 only an immediate and unrecorded right of replay not exchangeable for value.
7986 (5) An event permittee may not knowingly allow a person at an event to, in violation of
7987 Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug
7988 Paraphernalia Act:
7989 (a) sell, distribute, possess, or use a controlled substance, as defined in Section
7990 58-37-2; or
7991 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
7992 Section 58-37a-3.
7993 (6) An event permittee may not sell, offer for sale, or furnish beer except beer
7994 purchases from:

7995 (a) a beer wholesaler licensee;
7996 (b) a beer retailer; or
7997 (c) a small brewer.
7998 (7) An event permittee may not store, sell, offer for sale, furnish, or allow the
7999 consumption of an alcoholic product purchased for an event in a location other than that
8000 described in the application and designated on the event permit unless the event permittee first
8001 applies for and receives approval from the commission for a change of location.
8002 (8) (a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or
8003 furnish beer for on-premise consumption:
8004 (i) in an open original package; and
8005 (ii) in a package on draft.
8006 (b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to
8007 Subsection (8)(a):
8008 (i) in a size of package that exceeds two liters; or
8009 (ii) to an individual patron in a size of package that exceeds one liter.
8010 (9) (a) An event permittee may not sell or offer for sale an alcoholic product at less
8011 than the cost of the alcoholic product to the event permittee.
8012 (b) An event permittee may not sell or offer for sale an alcoholic product at a price that
8013 encourages over consumption or intoxication.
8014 (c) An event permittee may not sell or offer for sale an alcoholic product at a special or
8015 reduced price for only certain hours of the day of an event.
8016 (d) An event permittee may not sell, offer for sale, or furnish more than one alcoholic
8017 product at the price of a single alcoholic product.
8018 (e) An event permittee may not engage in a public promotion involving or offering a
8019 free alcoholic product to the general public.
8020 (10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
8021 (a) a minor;
8022 (b) a person actually, apparently, or obviously intoxicated;
8023 (c) a known interdicted person; or
8024 (d) a known habitual drunkard.
8025 (11) (a) An alcoholic product is considered under the control of the event permittee

8026 during an event.
8027 (b) A patron at an event may not bring an alcoholic product onto the premises of the
8028 event.
8029 (12) An event permittee may not permit a patron to carry from the premises an open
8030 package that:
8031 (a) is used primarily for drinking purposes; and
8032 (b) contains an alcoholic product.
8033 (13) (a) A person involved in the storage, sale, or furnishing of an alcoholic product at
8034 an event is considered under the supervision and direction of the event permittee.
8035 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at
8036 an event may not, while on duty:
8037 (i) consume an alcoholic product; or
8038 (ii) be intoxicated.
8039 (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an
8040 event.
8041 (15) The location specified in an event permit may not be changed without prior
8042 written approval of the commission.
8043 (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or
8044 attempt in any way to dispose of the event permit to another person whether for monetary gain
8045 or not.
8046 (17) (a) An event permittee may not sell, offer for sale, furnish, or allow the
8047 consumption of an alcoholic product during a period that:
8048 (i) begins at 1 a.m.; and
8049 (ii) ends at 9:59 a.m.
8050 (b) This Subsection (17) does not preclude a local authority from being more restrictive
8051 with respect to the hours of sale, offer for sale, furnishing, or consumption of an alcoholic
8052 product at an event.
8053 (18) A patron may have no more than one alcoholic product of any kind at a time
8054 before the patron.
8055 Section 241. Section **32B-9-301** is enacted to read:
8056 **Part 3. Single Event Permit**

8057 **32B-9-301. Title.**
8058 This part is known as "Single Event Permit."
8059 Section 242. Section **32B-9-302** is enacted to read:
8060 **32B-9-302. Definitions.**
8061 As used in this chapter:
8062 (1) "120 hour single event permit" means a single event permit that authorizes under
8063 this part the storage, sale, offering for sale, furnishing, and consumption of liquor for a period
8064 not to exceed 120 consecutive hours.
8065 (2) "72 hour single event permit" means a single event permit that authorizes under this
8066 part the storage, sale, offering for sale, furnishing, and consumption of liquor for a period not
8067 to exceed 72 consecutive hours.
8068 (3) "Single event permit" means:
8069 (a) a 120 hour single event permit; and
8070 (b) a 72 hour single event permit.
8071 Section 243. Section **32B-9-303** is enacted to read:
8072 **32B-9-303. Commission's power to issue single event permit.**
8073 (1) Before a person may sell, offer for sale, or furnish liquor at retail for on-premise
8074 consumption at an event, the person shall first obtain a single event permit from the
8075 commission in accordance with this part.
8076 (2) (a) The commission may issue a single event permit to any of the following that is
8077 conducting a convention, civic, or community enterprise, a bona fide:
8078 (i) partnership;
8079 (ii) corporation;
8080 (iii) limited liability company;
8081 (iv) religious organization;
8082 (v) political organization;
8083 (vi) incorporated association;
8084 (vii) recognized subordinate lodge, chapter, or other local unit of an entity described in
8085 this Subsection (2)(a);
8086 (viii) state agency; or
8087 (ix) political subdivision of the state.

8088 (b) The commission may not issue a single event permit to an entity that has not been
8089 in existence as a bona fide entity for at least one year before the day on which the entity applies
8090 for a single event permit.
8091 (3) (a) A single event permit may authorize:
8092 (i) the storage, sale, offering for sale, furnishing, and consumption of liquor at an event
8093 at which the storage, sale, offering for sale, furnishing, or consumption of liquor is otherwise
8094 prohibited by this title under either:
8095 (A) a 120 hour single event permit; or
8096 (B) a 72 hour single event permit; and
8097 (ii) the storage, sale, offer for sale, furnishing, and consumption of beer at the same
8098 event for the period that the storage, sale, offer for sale, furnishing, or consumption of liquor is
8099 authorized under Subsection (3)(a)(i) for the single event permit.
8100 (b) The single event permit shall state in writing whether it is:
8101 (i) a 120 hour single event permit; or
8102 (ii) a 72 hour single event permit.
8103 (4) The commission may not issue more than:
8104 (a) four single event permits in any one calendar year to the same person listed in
8105 Subsection (2) if one or more of the single event permits is a 120 hour single event permit; or
8106 (b) 12 single event permits in any one calendar year to the same person listed in
8107 Subsection (2) if each of the single event permits issued to that person is a 72 hour single event
8108 permit.
8109 Section 244. Section **32B-9-304** is enacted to read:
8110 **32B-9-304. Specific permitting requirements for a single event permit.**
8111 (1) To obtain a single event permit, in addition to complying with Part 2, Event
8112 Permitting General Provisions, an entity described in Subsection 32B-9-303(2)(a) shall state in
8113 its written application:
8114 (a) the purpose of the entity described in Subsection 32B-9-303(2)(a);
8115 (b) the time period under Subsection 32B-9-303(3)(a)(i)(A) or (B) for which the entity
8116 is applying; and
8117 (c) if submitting the first request for single event permit in a calendar year, whether it is
8118 requesting to be under Subsection 32B-9-303(4)(a) or (b).

8119 (2) The application fee for a single event permit is $100.
8120 (3) The bond amount required for a single event permit is the penal sum of $1,000.
8121 Section 245. Section **32B-9-305** is enacted to read:
8122 **32B-9-305. Specific operational requirements for a single event permit.**
8123 (1) (a) In addition to complying with Section 32B-9-204, a single event permittee or a
8124 person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the
8125 event shall comply with this section.
8126 (b) Failure to comply as provided in Subsection (1)(a):
8127 (i) may result in:
8128 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
8129 Enforcement Act, against:
8130 (I) a single event permittee;
8131 (II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic
8132 product at the event; or
8133 (III) any combination of persons listed in this Subsection (1)(b);
8134 (B) immediate revocation of the single event permit;
8135 (C) forfeiture of a bond; or
8136 (D) immediate seizure of an alcoholic product present at the event; and
8137 (ii) if the single event permit is revoked, disqualifies the single event permittee from
8138 applying for a single event permit or temporary beer event permit for a period of three years
8139 from the date of revocation of the single event permit.
8140 (c) An alcoholic product seized under this Subsection (1) shall be returned to the single
8141 event permittee after an event if forfeiture proceedings are not instituted under Section
8142 32B-4-206.
8143 (2) (a) A single event permittee shall make and maintain an expense and revenue
8144 ledger or record showing:
8145 (i) expenditures made for:
8146 (A) liquor;
8147 (B) beer;
8148 (C) set-ups; and
8149 (D) an ingredient or component of an alcoholic product other than a set-up; and

8150 (ii) the revenue from the sale of an alcoholic product.
8151 (b) Section 32B-1-205 applies to a record required to be made or maintained in
8152 accordance with this Subsection (2).
8153 (3) A single event permittee shall purchase liquor stored, sold, offered for sale,
8154 furnished, or consumed at an event from a state store or package agency.
8155 (4) (a) A single event permittee may not sell, offer for sale, or furnish a primary
8156 spirituous liquor in a quantity that exceeds 1.5 ounces per beverage, except that additional
8157 spirituous liquor may be used in a beverage if:
8158 (i) used as a secondary flavoring ingredient;
8159 (ii) used in conjunction with the primary spirituous liquor;
8160 (iii) the secondary ingredient is not the only spirituous liquor in the beverage;
8161 (iv) a patron has no more than 2.5 ounces of spirituous liquor at a time before the
8162 patron; and
8163 (v) a patron has no more than one spirituous liquor drink at a time before the patron.
8164 (b) Spirituous liquor need not be dispensed through a calibrated metered dispensing
8165 system.
8166 (5) (a) A single event permittee may sell, offer for sale, or furnish wine by the glass or
8167 an individual portion, except that a glass or individual portion may not exceed five ounces.
8168 (b) A single event permittee may furnish an individual portion served to a patron in
8169 more than one glass if the total amount of wine does not exceed five ounces.
8170 (c) An individual portion of wine is considered to be one alcoholic product under
8171 Subsection 32B-9-204(12).
8172 (d) A single event permittee may sell, offer for sale, or furnish wine in a package not
8173 exceeding 1.5 liters at a price fixed by the commission.
8174 (6) A single event permittee may sell, offer for sale, or furnish heavy beer in an original
8175 package at a price fixed by the commission, except that the original package may not exceed
8176 one liter.
8177 (7) A single event permittee may sell, offer for sale, or furnish a flavored malt beverage
8178 in an original package at a price fixed by the commission, except that the original package may
8179 not exceed one liter.
8180 (8) (a) A single event permittee may sell liquor only at a price fixed by the

8181 commission.
8182 (b) A single event permittee may not sell liquor at a discount price on any date or at
8183 any time.
8184 (9) A single event permittee may perform a service and assess a service charge as
8185 authorized by commission rule for liquor purchased at an event.
8186 Section 246. Section **32B-9-401** is enacted to read:
8187 **Part 4. Temporary Beer Event Permit**
8188 **32B-9-401. Title.**
8189 This part is known as "Temporary Beer Event Permit."
8190 Section 247. Section **32B-9-402** is enacted to read:
8191 **32B-9-402. Definitions.**
8192 Reserved
8193 Section 248. Section **32B-9-403** is enacted to read:
8194 **32B-9-403. Commission's power to issue temporary beer event permit.**
8195 (1) Before a person may sell, offer for sale, or furnish beer at retail for on-premise
8196 consumption at an event, the person shall obtain in accordance with this part:
8197 (a) a single event permit; or
8198 (b) (i) a temporary beer event permit; and
8199 (ii) (A) a beer permit issued by the local authority as provided in Section 32B-9-404; or
8200 (B) written consent of the local authority to sell beer at retail for on-premise
8201 consumption at the event.
8202 (2) (a) The commission may issue a temporary beer event permit to allow the sale,
8203 offering for sale, or furnishing of beer for on-premise consumption only at an event that does
8204 not last longer than 30 days.
8205 (b) A temporary beer event permit authorizes, for a period not to exceed 30 days, the
8206 storage, sale, offer for sale, furnishing, and consumption of beer at an event.
8207 (c) If a person obtains a temporary beer event permit for an event that lasts no longer
8208 than 30 days, an on-premise beer retailer license is not required for the sale of beer at the event.
8209 (3) (a) The commission may not issue a temporary beer event permit to a person if the
8210 aggregate of the days that the person is authorized to store, sell, offer for sale, or furnish an
8211 alcoholic product under a temporary beer event permit will exceed a total of 90 days in any one

8212 calendar year.
8213 (b) The commission may not issue, and a person may not obtain, a temporary beer
8214 event permit to avoid or attempt to avoid the requirement to be licensed under Chapter 6, Part
8215 7, On-premise Beer Retailer License.
8216 Section 249. Section **32B-9-404** is enacted to read:
8217 **32B-9-404. Local authority's power to issue temporary beer event permit.**
8218 (1) A local authority may issue, suspend, and revoke a temporary permit to sell, offer
8219 for sale, or furnish beer for on-premise consumption at an event, except that the local authority
8220 may not issue a temporary permit if the event lasts longer than 30 days.
8221 (2) Suspension or revocation of a temporary beer event permit issued by the
8222 commission under Section 32B-9-403 or a temporary permit issued by a local authority under
8223 this section prohibits the temporary beer event permittee who has a permit suspended or
8224 revoked by either the commission or local authority from continuing to operate under the other
8225 state or local permit.
8226 Section 250. Section **32B-9-405** is enacted to read:
8227 **32B-9-405. Specific permitting requirements for a temporary beer event permit**
8228 **issued by commission.**
8229 (1) To obtain a temporary beer event permit, in addition to complying with Part 2,
8230 Event Permitting General Provisions, a person shall state in the person's written application the
8231 purpose of the event for which the person seeks a temporary beer event permit.
8232 (2) The application fee for a beer permit is $75.
8233 (3) The bond amount required for a beer permit is the penal sum of $500.
8234 Section 251. Section **32B-9-406** is enacted to read:
8235 **32B-9-406. Specific operational requirements for temporary beer event permit.**
8236 (1) (a) In addition to complying with the requirements of Section 32B-9-204, a
8237 temporary beer event permittee or a person involved in the storage, sale, offer for sale, or
8238 furnishing of beer at the event shall comply with this section.
8239 (b) Failure to comply as provided in Subsection (1)(a):
8240 (i) may result in:
8241 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
8242 Enforcement Act, against:

8243 (I) a temporary beer event permittee;
8244 (II) a person involved in the storage, sale, offer for sale, or furnishing of beer at the
8245 event; or
8246 (III) any combination of persons listed in this Subsection (1)(b);
8247 (B) immediate revocation of the temporary beer event permit;
8248 (C) forfeiture of a bond; or
8249 (D) immediate seizure of beer present at the event; and
8250 (ii) if the temporary beer event permit is revoked, disqualifies the temporary beer event
8251 permittee from applying for a temporary beer event permit or single event permit for a period
8252 of three years from the date of revocation of the temporary beer event permit.
8253 (c) Beer seized under this Subsection (1) shall be returned to the event permittee after
8254 an event if forfeiture proceedings are not instituted under Section 32B-4-206.
8255 (2) A temporary beer event permittee may not sell, offer for sale, or furnish an
8256 alcoholic product other than beer pursuant to a temporary beer event permit.
8257 (3) (a) A temporary beer event permittee shall make and maintain an expense and
8258 revenue ledger or record showing:
8259 (i) expenditures made for beer; and
8260 (ii) the revenue from sale of beer.
8261 (b) Section 32B-1-205 applies to a record required to be made or maintained in
8262 accordance with this Subsection (3).
8263 Section 252. Section **32B-10-101** is enacted to read:
8264 **CHAPTER 10. SPECIAL USE PERMIT ACT**
8265 **Part 1. General Provisions**
8266 **32B-10-101. Title.**
8267 This chapter is known as the "Special Use Permit Act."
8268 Section 253. Section **32B-10-102** is enacted to read:
8269 **32B-10-102. Definitions.**
8270 As used in this chapter, "special use permit" means a special use permit issued under
8271 this chapter, including:
8272 (1) a religious wine use permit;
8273 (2) an industrial or manufacturing use permit;

8274 (3) a scientific or educational use permit; and
8275 (4) a public service permit.
8276 Section 254. Section **32B-10-201** is enacted to read:
8277 **Part 2. Special Use Permitting General Provisions**
8278 **32B-10-201. Commission's power to issue special use permit.**
8279 (1) Before a person may purchase, use, store, sell, offer for sale, allow consumption, or
8280 manufacture an alcoholic product in a manner that requires a special use permit, the person
8281 shall first obtain a special use permit in accordance with this chapter.
8282 (2) (a) The commission may issue a special use permit for the purchase, use, storage,
8283 sale, offer for sale, consumption, or manufacture of an alcoholic product for a limited purpose
8284 specified by this chapter and the rules of the commission.
8285 (b) A special use permit authorizes the special use permittee to purchase, use, store,
8286 sell, offer for sale, consume, or manufacture an alcoholic product only in the quantity, in a type,
8287 and for a purpose stated in the special use permit.
8288 Section 255. Section **32B-10-202** is enacted to read:
8289 **32B-10-202. Application for special use permit -- Qualifications.**
8290 (1) To obtain a special use permit, a person shall submit to the department:
8291 (a) a written application in a form prescribed by the department;
8292 (b) a nonrefundable application fee, if required by the relevant part of this chapter
8293 applicable to the type of special use permit for which the person applies;
8294 (c) an initial permit fee:
8295 (i) if required by the relevant part of this chapter applicable to the type of special use
8296 permit for which the person applies; and
8297 (ii) that is refundable if a special use permit is not issued;
8298 (d) a one-time special use permit fee if required by a section of this chapter:
8299 (i) applicable to the type of special use permit for which the person applies; and
8300 (ii) that is refundable if a special use permit is not issued;
8301 (e) a statement of the purpose for which the person applies for the special use permit;
8302 (f) a description of the types of alcoholic product the person intends to use under
8303 authority of the special use permit;
8304 (g) written consent of the local authority;

8305 (h) if required, a bond as provided in Section 32B-10-205;
8306 (i) a floor plan of the immediate area within the premises in which the person proposes
8307 that an alcoholic product will be used, mixed, stored, sold, or consumed if required by the
8308 relevant part of this chapter applicable to the type of special use permit for which the person
8309 applies;
8310 (j) a signed consent form stating that the special use permittee will permit any
8311 authorized representative of the commission, department, or any other law enforcement officer
8312 to have unrestricted right to enter the special use permittee's premises;
8313 (k) if the person is an entity, proper verification evidencing that a person who signs the
8314 application is authorized to sign on behalf of the entity; and
8315 (l) any other information the commission or department may require.
8316 (2) (a) The commission may issue a special use permit only to a person who qualifies
8317 as follows:
8318 (i) the commission may issue a religious wine use permit to a religious organization;
8319 (ii) the commission may issue an industrial or manufacturing use permit to a person
8320 engaged in an industrial or manufacturing pursuit;
8321 (iii) the commission may issue a scientific or educational use permit to a person
8322 engaged in a scientific or educational pursuit; and
8323 (iv) the commission may issue a public service permit to an operator of an airline,
8324 railroad, or other public conveyance.
8325 (b) The commission may not issue a special use permit to a person who is disqualified
8326 under Section 32B-1-304.
8327 (c) If a person to whom a special use permit is issued no longer possesses the
8328 qualifications required by this title for obtaining that special use permit, the commission may
8329 suspend or revoke that special use permit.
8330 Section 256. Section **32B-10-203** is enacted to read:
8331 **32B-10-203. Renewal of a special use permit.**
8332 (1) A special use permit expires on December 31 of each year unless otherwise
8333 provided on the special use permit.
8334 (2) To renew a renewable special use permit, a person shall submit a completed
8335 renewal application to the department:

8336 (a) no later than November 30; and
8337 (b) in a form prescribed by the department.
8338 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
8339 special use permit, effective on the date the existing special use permit expires.
8340 Section 257. Section **32B-10-204** is enacted to read:
8341 **32B-10-204. Duties of commission and department before issuing a special use**
8342 **permit.**
8343 (1) (a) Before the commission issues a special use permit, the department shall conduct
8344 an investigation and may hold public hearings to gather information and make
8345 recommendations to the commission as to whether a special use permit should be issued.
8346 (b) The department shall forward the information it gathers and its recommendations to
8347 the commission to aid in the commission's determination.
8348 (2) Before issuing a special use permit, the commission shall:
8349 (a) determine that the person filed a complete application and is in compliance with:
8350 (i) Section 32B-10-202; and
8351 (ii) the relevant part under this chapter that applies to the special use permit for which
8352 the person is applying;
8353 (b) determine that the person is not disqualified under Section 32B-1-304;
8354 (c) consider the physical characteristics of the premises where an alcoholic product is
8355 proposed to be used, mixed, stored, sold, offered for sale, or furnished such as:
8356 (i) the condition of the premises;
8357 (ii) public visibility; and
8358 (iii) safety considerations;
8359 (d) consider the person's ability to properly use the special use permit within the
8360 requirements of this title and the commission rules including:
8361 (i) the proposed use of the special use permit; and
8362 (ii) the nature and type of person making use of the special use permit;
8363 (e) consider specific factors regarding the specific type of special use permit sought by
8364 the person;
8365 (f) approve of the location and equipment used by the person to distill alcohol for
8366 experimental testing purposes or use as a fuel; and

8367 (g) consider any other factor the commission considers necessary.
8368 Section 258. Section **32B-10-205** is enacted to read:
8369 **32B-10-205. Bond for special use permit.**
8370 (1) A special use permittee shall post a cash bond or surety bond only if the relevant
8371 part under this chapter for the type of special use permit requires posting of a bond.
8372 (2) (a) If a special use permittee is required to post a bond as provided in Subsection
8373 (1), the special use permittee shall procure and maintain the bond for as long as the special use
8374 permittee continues to operate under the special use permit.
8375 (b) A bond required under this section shall be:
8376 (i) in a form approved by the attorney general; and
8377 (ii) conditioned upon the special use permittee's faithful compliance with this title and
8378 the rules of the commission.
8379 (3) If a surety bond posted by a special use permittee under this section is canceled due
8380 to a special use permittee's negligence, the department may assess $300 reinstatement fee.
8381 (4) No part of a bond posted by a special use permittee under this section may be
8382 withdrawn during the period that the special use permit is in effect.
8383 (5) (a) A bond posted by a special use permittee under this section may be forfeited if
8384 the special use permit is revoked.
8385 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
8386 bond posted by a special use permittee for money owed the department under this title without
8387 the commission first revoking the special use permit.
8388 Section 259. Section **32B-10-206** is enacted to read:
8389 **32B-10-206. General operational requirements for a special use permit.**
8390 (1) (a) A special use permittee and staff of the special use permittee shall comply with
8391 this title and rules of the commission, including the relevant part of th chapter that applies to
8392 the type of special use permit held by the special use permittee.
8393 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
8394 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
8395 (i) a special use permittee;
8396 (ii) individual staff of a special use permittee; or
8397 (iii) a special use permittee and staff of the special use permittee.

8398 (c) The commission may suspend or revoke a special use permit with or without cause.
8399 (2) (a) If there is a conflict between this part and the relevant part under this chapter for
8400 the specific type of special use permit, the relevant part under this chapter governs.
8401 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," a
8402 special use permittee may only purchase, use, store, sell, offer for sale, allow consumption, or
8403 manufacture an alcoholic product authorized for the special use permit that is held by the
8404 special use permittee.
8405 (c) Notwithstanding that this part or the relevant part under this chapter for the type of
8406 special use permit held by an special use permittee refers to "special use permittee," a person
8407 involved in the purchase, use, store, sell, offer for sale, allow consumption, or manufacture of
8408 an alcoholic product for which the special use permit is issued is subject to the same
8409 requirement or prohibition.
8410 (3) (a) A special use permittee shall make and maintain a record, as required by
8411 commission rule, of any alcoholic product purchased, used, sold, or manufactured.
8412 (b) Section 32B-1-205 applies to a record required to be made or maintained in
8413 accordance with this Subsection (3).
8414 (4) (a) Except as otherwise provided in this title, a special use permittee may not
8415 purchase liquor except from a state store or package agency.
8416 (b) A special use permittee may transport liquor purchased by the special use permittee
8417 in accordance with this Subsection (4) from the place of purchase to the special use permittee's
8418 premises.
8419 (c) A special use permittee shall purchase liquor at prices set by the commission.
8420 (d) When authorized by a special use permit, a special use permittee may purchase and
8421 receive an alcoholic product directly from a manufacturer for a purpose that is industrial,
8422 educational, scientific, or manufacturing.
8423 (e) A health care facility may purchase and receive an alcoholic product directly from a
8424 manufacturer for use at the health care facility.
8425 (5) A special use permittee may not use, mix, store, sell, offer for sale, furnish,
8426 manufacture, or allow consumption of an alcoholic product in a location other than as
8427 designated in a special use permittee's application.
8428 (6) Except as otherwise provided, a special use permittee may not sell, offer for sale, or

8429 furnish an alcoholic product to:
8430 (a) a minor;
8431 (b) a person actually, apparently, or obviously intoxicated;
8432 (c) a known interdicted person; or
8433 (d) a known habitual drunkard.
8434 (7) A special use permittee may not employ a minor to handle an alcoholic product.
8435 (8) (a) The location specified in a special use permit may not be transferred from one
8436 location to another location, without prior written approval of the commission.
8437 (b) A special use permittee may not sell, transfer, assign, exchange, barter, give, or
8438 attempt in any way to dispose of the permit to another person whether for monetary gain or not.
8439 (9) A special use permittee may not purchase, use, mix, store, sell, offer for sale,
8440 furnish, consume, or manufacture an alcoholic product for a purpose other than that authorized
8441 by the special use permit.
8442 (10) The commission may prescribe by policy or rule consistent with this title, the
8443 general operational requirements of a special use permittee relating to:
8444 (a) physical facilities;
8445 (b) conditions of purchase, use, storage, sale, consumption, or manufacture of an
8446 alcoholic product;
8447 (c) purchase, storage, and sales quantity limitations; and
8448 (d) other matters considered appropriate by the commission.
8449 Section 260. Section **32B-10-207** is enacted to read:
8450 **32B-10-207. Notifying department of change of ownership.**
8451 The commission may suspend or revoke a special use permit if a special use permittee
8452 does not immediately notify the department of a change in:
8453 (1) ownership of the permittee's business;
8454 (2) for a corporate owner, the:
8455 (a) corporate officers or directors; or
8456 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
8457 corporation; or
8458 (3) for a limited liability company:
8459 (a) managers; or

8460 (b) members owning at least 20% of the limited liability company.
8461 Section 261. Section **32B-10-301** is enacted to read:
8462 **Part 3. Public Service Permit**
8463 **32B-10-301. Title.**
8464 This part is known as "Public Service Permit."
8465 Section 262. Section **32B-10-302** is enacted to read:
8466 **32B-10-302. Definitions.**
8467 Reserved
8468 Section 263. Section **32B-10-303** is enacted to read:
8469 **32B-10-303. Specific application and renewal requirements for a public service**
8470 **permit.**
8471 (1) To obtain a public service permit, in addition to complying with Section
8472 32B-10-202, a person shall submit to the department:
8473 (a) a statement of the total of regularly numbered flights, trains, buses, boats, or other
8474 types of public conveyance for which the person plans to use the special use permit;
8475 (b) a floor plan of any room or facility in which the person plans to establish a
8476 hospitality room where the sale, offer for sale, or furnishing of an alcoholic product is made to
8477 a patron then in transit, using the host company's airline, railroad, bus, boat, or other public
8478 conveyance; and
8479 (c) evidence of proximity of a proposed hospitality room to the arrival and departure
8480 area used by a person traveling on the host company's airline, railroad, bus, boat, or other
8481 public conveyance.
8482 (2) (a) The nonrefundable application fee for a public service permit is $50.
8483 (b) The initial permit fee for a public service permit is $200.
8484 (c) The bond amount required for a public service permittee is the penal sum of $1,000.
8485 (3) (a) To renew a public service permit, a person shall comply with Section
8486 32B-10-203.
8487 (b) The renewal fee for a public service permit is $30 for each regularly numbered
8488 passenger airplane flight, passenger train, bus, boat, or any other regularly scheduled public
8489 conveyance upon which an alcoholic product is sold, offered for sale, or furnished.
8490 Section 264. Section **32B-10-304** is enacted to read:

8491 **32B-10-304. Specific operational requirements for a public service permit.**
8492 (1) (a) In addition to complying with Section 32B-10-206, a public service permittee
8493 and staff of the public service permittee shall comply with this section.
8494 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
8495 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
8496 (i) a public service permittee;
8497 (ii) individual staff of a public service permittee; or
8498 (iii) both a public service permittee and staff of the public service permittee.
8499 (2) (a) A public service permittee whose public conveyances operate on an interstate
8500 basis may do the following:
8501 (i) purchase an alcoholic product outside of the state;
8502 (ii) bring an alcoholic product purchased outside of the state into the state; and
8503 (iii) sell, offer for sale, and furnish an alcoholic product purchased outside of the state
8504 to a passenger traveling on the public service permittee's public conveyance for consumption
8505 while en route on the public conveyance.
8506 (b) A public service permittee whose public conveyance operates solely within the
8507 state, to sell, offer for sale, or furnish to a passenger traveling on the public service permittee's
8508 public conveyance for consumption while en route on the public conveyance, shall purchase:
8509 (i) liquor from a state store or package agency; and
8510 (ii) beer from a beer wholesaler licensee.
8511 (3) (a) A public service permittee may establish a hospitality room in which an
8512 alcoholic product may be stored, sold, offered for sale, furnished, and consumed, if:
8513 (i) the room is located within a depot, terminal, or similar facility adjacent to and
8514 servicing the public service permittee's airline, railroad, bus, boat, or other public conveyance;
8515 (ii) the room is completely enclosed and the interior is not visible to the public;
8516 (iii) the sale, offer for sale, or furnishing of an alcoholic product is made only to a
8517 person:
8518 (A) then in transit using the host company's airline, railroad, bus line, or other public
8519 conveyance; and
8520 (B) holding a valid boarding pass or similar travel document issued by the host
8521 company; and

8522 (iv) (A) liquor is purchased from:
8523 (I) a state store; or
8524 (II) a package agency; and
8525 (B) beer is purchased from a beer wholesaler licensee.
8526 (b) A public service permittee operating a hospitality room shall display in a prominent
8527 place in the hospitality room, a sign in large letters stating: "Warning: Driving under the
8528 influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
8529 (c) A hospitality room shall be operated in accordance with this chapter and rules
8530 adopted by the commission.
8531 Section 265. Section **32B-10-401** is enacted to read:
8532 **Part 4. Industrial or Manufacturing Use Permit**
8533 **32B-10-401. Title.**
8534 This part is known as "Industrial or Manufacturing Use Permit."
8535 Section 266. Section **32B-10-402** is enacted to read:
8536 **32B-10-402. Definitions.**
8537 Reserved
8538 Section 267. Section **32B-10-403** is enacted to read:
8539 **32B-10-403. Specific application requirements for industrial or manufacturing**
8540 **use permit.**
8541 (1) To obtain an industrial or manufacturing use permit, in addition to complying with
8542 Section 32B-10-202, a person shall submit to the department:
8543 (a) a floor plan of the immediate area within the premises in which the person proposes
8544 that an alcoholic product be used, mixed, stored, sold, offered for sale, furnished, or consumed;
8545 and
8546 (b) if the person is applying for an industrial or manufacturing use permit to produce
8547 gasohol or any alcoholic product, evidence that the person has:
8548 (i) an approved Notice of Registration of Distilled Spirits Plant; and
8549 (ii) the appropriate permit from the federal Alcohol and Tobacco Tax and Trade
8550 Bureau.
8551 (2) (a) The nonrefundable application fee for an industrial or manufacturing use permit
8552 is $50.

8553 (b) The one-time special use permit fee for an industrial or manufacturing use permit is
8554 $200.
8555 (c) The bond amount required for an industrial or manufacturing use permit is the
8556 penal sum of $1,000.
8557 Section 268. Section **32B-10-404** is enacted to read:
8558 **32B-10-404. Specific operational requirements for industrial or manufacturing**
8559 **use permit.**
8560 (1) (a) In addition to complying with Section 32B-10-206, an industrial or
8561 manufacturing use permittee and staff of the industrial or manufacturing use permittee shall
8562 comply with this section.
8563 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
8564 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
8565 (i) an industrial or manufacturing use permittee;
8566 (ii) individual staff of an industrial or manufacturing use permittee; or
8567 (iii) an industrial or manufacturing use permittee and staff of the industrial or
8568 manufacturing use permittee.
8569 (2) An industrial or manufacturing use permittee may produce for lawful use and sale
8570 the following:
8571 (a) vinegar;
8572 (b) preserved nonintoxicating cider;
8573 (c) a food preparation;
8574 (d) a United States Pharmacopoeia or national formulary preparation in conformity
8575 with Title 58, Chapters 17b, 37, 37a, 37b, and 37c, if the preparation:
8576 (i) conforms to standards established by:
8577 (A) the Department of Agriculture and Food; and
8578 (B) the Department of Health; and
8579 (ii) contains no more alcohol than is necessary to preserve or extract the medicinal,
8580 flavoring, or perfumed properties of the treated substances; and
8581 (e) wood and denatured alcohol if manufactured in compliance with the formulas and
8582 regulations under Title 27, C.F.R. Parts 19, 20, and 21.
8583 (3) (a) An industrial or manufacturing use permittee that produces patent or proprietary

8584 medicines containing alcohol may sell or offer for sale the medicines in the original and
8585 unbroken package if the medicine contains sufficient medication to prevent its use as an
8586 alcoholic product.
8587 (b) An industrial or manufacturing use permittee described in this Subsection (3) shall,
8588 upon request by the department, provide a sufficient sample of the medicine to enable the
8589 department to have the medicine analyzed for purposes of this section.
8590 Section 269. Section **32B-10-501** is enacted to read:
8591 **Part 5. Scientific or Educational Use Permit**
8592 **32B-10-501. Title.**
8593 This part is known as "Scientific or Educational Use Permit."
8594 Section 270. Section **32B-10-502** is enacted to read:
8595 **32B-10-502. Definitions.**
8596 Reserved
8597 Section 271. Section **32B-10-503** is enacted to read:
8598 **32B-10-503. Specific application requirements for scientific or educational use**
8599 **permit.**
8600 (1) To obtain a scientific or educational use permit, a person shall comply with Section
8601 32B-10-202.
8602 (2) The one-time special use permit fee for a scientific or educational use permit is
8603 $100.
8604 Section 272. Section **32B-10-601** is enacted to read:
8605 **Part 6. Religious Use of Alcoholic Products**
8606 **32B-10-601. Title.**
8607 This part is known as "Religious Use of Alcoholic Products."
8608 Section 273. Section **32B-10-602** is enacted to read:
8609 **32B-10-602. Definitions.**
8610 Reserved
8611 Section 274. Section **32B-10-603** is enacted to read:
8612 **32B-10-603. Specific application requirements for a religious wine use permit.**
8613 (1) To purchase an alcoholic product from the department at the department's cost plus
8614 freight charges, a religious organization shall obtain a religious wine use permit.

8615 (2) To obtain a religious wine permit, a person shall comply with Section 32B-10-202.
8616 (3) The one-time special use permit fee for a religious wine use permit is $100.
8617 Section 275. Section **32B-10-604** is enacted to read:
8618 **32B-10-604. Specific operational requirements for a religious wine use permit.**
8619 (1) (a) In addition to complying with Section 32B-10-207, a religious wine permittee
8620 and staff of the religious wine permittee shall comply with this section.
8621 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
8622 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
8623 (i) a religious wine permittee;
8624 (ii) individual staff of a religious wine permittee; or
8625 (iii) a religious wine permittee and staff of the religious wine permittee.
8626 (2) A religious wine use permittee may purchase wine from a state store as the
8627 department may designate at the department's cost plus freight charges.
8628 (3) A religious wine use permittee may not use wine purchased under a religious wine
8629 use permit for a purpose other than a religious purpose.
8630 Section 276. Section **32B-10-605** is enacted to read:
8631 **32B-10-605. Religious organization exemption.**
8632 (1) A religious organization that provides or allows to be provided an alcoholic product
8633 to a person as part of the religious organization's religious services:
8634 (a) does not violate this title by providing or allowing the provision of an alcoholic
8635 product as part of a religious service; and
8636 (b) is not required to hold a license or special use permit to provide or allow the
8637 provision of an alcoholic product for a religious services.
8638 (2) This exemption does not exempt a religious organization from complying with this
8639 title with respect to an alcoholic product purchased by the religious organization for a purpose
8640 other than one purpose stated in Subsection (1).
8641 Section 277. Section **32B-10-701** is enacted to read:
8642 **Part 7. Health Care Facility or Practitioner Use of Alcoholic Products**
8643 **32B-10-701. Title.**
8644 This part is known as "Health Care Facility or Practitioner Use of Alcoholic Products."
8645 Section 278. Section **32B-10-702** is enacted to read:

8646 **32B-10-702. Definitions.**
8647 As used in this part, "health care facility" means a facility that is licensed by the
8648 Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and
8649 Inspection Act.
8650 Section 279. Section **32B-10-703** is enacted to read:
8651 **32B-10-703. Health care facility exemption.**
8652 (1) (a) This Subsection (1) applies to a health care facility that administers or allows to
8653 be administered an alcoholic product to a patient of the health care facility if the alcoholic
8654 product is prescribed by a person licensed by the state to write a prescription.
8655 (b) A health care facility described in Subsection (1)(a):
8656 (i) is not in violation of this title; and
8657 (ii) is not required to hold a license or special use permit to make or allow the
8658 administration of an alcoholic product.
8659 (2) This exemption does not apply to an alcoholic product purchased by a health care
8660 facility for administration to a patient or a use other than one stated in Subsection (1).
8661 Section 280. Section **32B-10-704** is enacted to read:
8662 **32B-10-704. Health care practitioner exemption.**
8663 (1) This section applies to an individual who:
8664 (a) (i) is a health care practitioner; or
8665 (ii) is a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act;
8666 (b) is acting within the scope of individual's professional responsibility; and
8667 (c) in a professional capacity, prescribes, prepares, or administers an alcoholic product
8668 to a person being treated or within the scope of the health care practitioner's license authority.
8669 (2) A person described in Subsection (1):
8670 (a) is not in violation of this title; and
8671 (b) is not required to hold any type of license or permit to use an alcoholic product
8672 professionally.
8673 Section 281. Section **32B-11-101** is enacted to read:
8674 **CHAPTER 11. MANUFACTURING AND RELATED LICENSES ACT**
8675 **Part 1. General Provisions**
8676 **32B-11-101. Title.**

8677 This chapter is known as the "Manufacturing and Related Licenses Act."
8678 Section 282. Section **32B-11-102** is enacted to read:
8679 **32B-11-102. Definitions.**
8680 As used in this chapter, "manufacturing license" means an alcoholic product
8681 manufacturing license issued under this chapter.
8682 Section 283. Section **32B-11-201** is enacted to read:
8683 **Part 2. Manufacturing Licensing General Provisions**
8684 **32B-11-201. Commission's power to issue a manufacturing license -- Certificates**
8685 **of approval.**
8686 (1) (a) Except as provided in Section 32B-11-202, before a person may manufacture an
8687 alcoholic product in this state, the person shall obtain an alcoholic product manufacturing
8688 license issued by the commission in accordance with this part.
8689 (b) A separate license is required for each place of storage, sale, and manufacture of an
8690 alcoholic product.
8691 (c) A violation of this Subsection (1) is a class B misdemeanor.
8692 (2) The commission may issue an alcoholic product manufacturing license to a
8693 manufacturer whose business is located in this state for the storage, sale, and manufacture of an
8694 alcoholic product for each type of manufacturing license provided by this chapter.
8695 (3) The types of manufacturing licenses issued under this chapter are known as:
8696 (a) a winery manufacturing license;
8697 (b) a distillery manufacturing license; and
8698 (c) a brewery manufacturing license.
8699 (4) (a) A brewer located outside the state is not required to be licensed under this
8700 chapter.
8701 (b) A brewer described in Subsection (4)(a) shall obtain a certificate of approval from
8702 the department before selling or delivering:
8703 (i) beer to a beer wholesaler licensee in this state;
8704 (ii) a flavored malt beverage to:
8705 (A) the department; or
8706 (B) a military installation; or
8707 (iii) if a small brewer, beer to one of the following in the state:

8708 (A) a beer wholesaler licensee;
8709 (B) a beer retailer; or
8710 (C) an event permittee.
8711 (c) To obtain a certificate of approval, a brewer shall submit to the department:
8712 (i) a written application in a form prescribed by the department;
8713 (ii) a nonrefundable $50 application fee;
8714 (iii) an initial certificate of approval fee of $250 that is refundable if a certificate of
8715 approval is not issued;
8716 (iv) evidence of authority from the federal Alcohol and Tobacco Tax and Trade Bureau
8717 to brew beer, heavy beer, or a flavored malt beverage; and
8718 (v) any other information the commission or department may require.
8719 (d) (i) A written application under this Subsection (4) shall be signed and verified by
8720 oath or affirmation by:
8721 (A) a partner if the brewer is a partnership; or
8722 (B) an executive officer, manager, or person specifically authorized by a corporation or
8723 limited liability company to sign the application.
8724 (ii) A brewer filing an application shall attach to the application written evidence of the
8725 authority of the person described in Subsection (4)(d)(i) to sign the application.
8726 (e) (i) A certificate of approval expires on December 31 of each year.
8727 (ii) A brewer desiring to renew its certificate of approval shall submit to the
8728 department by no later than November 30 of the year the certificate of approval expires:
8729 (A) a completed renewal application in the form prescribed by the department; and
8730 (B) a renewal feel of $200.
8731 (iii) Failure to meet the renewal requirements results in an automatic forfeiture of the
8732 certificate of approval effective on the date the existing certificate of approval expires.
8733 Section 284. Section **32B-11-202** is enacted to read:
8734 **32B-11-202. Exemption for manufacture in personal residence of fermented**
8735 **beverage.**
8736 (1) As used in this section, "fermented alcoholic beverage" means:
8737 (a) beer;
8738 (b) heavy beer; or

8739 (c) wine.
8740 (2) An individual may without being licensed under this chapter manufacture in the
8741 individual's personal residence a fermented alcoholic beverage if:
8742 (a) the individual is 21 years of age or older;
8743 (b) the individual manufactures no more than:
8744 (i) 100 gallons in a calendar year, if there is one individual that is 21 years of age or
8745 older residing in the household; or
8746 (ii) 200 gallons in a calendar year, if there are two or more individuals who are 21
8747 years of age or older residing in the household;
8748 (c) the fermented alcoholic beverage is manufactured and used for personal or family
8749 use and consumption, including use at an organized event where fermented alcoholic beverages
8750 are judged as to taste and quality; and
8751 (d) the fermented alcoholic beverage is not for:
8752 (i) sale or offering for sale; or
8753 (ii) consumption on a licensed premise.
8754 (3) An individual may store a fermented alcoholic beverage manufactured as provided
8755 in Subsection (2) in the individual's personal residence.
8756 (4) A fermented alcoholic beverage manufactured in accordance with Subsection (2)
8757 may be removed from the premises where it is manufactured:
8758 (a) for personal or family use, including use at an organized event where fermented
8759 alcoholic beverages are judged as to taste and quality;
8760 (b) if the fermented alcoholic beverage is transported in compliance with Section
8761 41-6a-526; and
8762 (c) if the fermented alcoholic beverage is removed only in the following quantities:
8763 (i) for personal and family use that is unrelated to an organized event where fermented
8764 alcoholic beverages are judged as to taste and quality, the quantity that may be possessed at one
8765 time is:
8766 (A) one liter of wine for each individual who is 21 years of age or older residing in the
8767 household;
8768 (B) 72 ounces of heavy beer for each individual who is 21 years of age or older
8769 residing in the household; or

8770 (C) 72 ounces of beer for each individual who is 21 years of age or older residing in the
8771 household; and
8772 (ii) for on-premise consumption at an organized event where fermented alcoholic
8773 beverages are judged as to taste and quality, the quantity that may be removed for each
8774 organized event is:
8775 (A) one liter of wine for each wine category in which the individual enters, except that
8776 the individual may not remove wine for more than three categories for the same organized
8777 event;
8778 (B) 72 ounces of heavy beer for each heavy beer category in which the individual
8779 enters, except that the individual may not remove heavy beer for more than three categories for
8780 the same organized event; or
8781 (C) 72 ounces of beer for each beer category in which the individual enters, except that
8782 the individual may not remove beer for more than three categories for the same organized
8783 event.
8784 (5) A partnership, corporation, or association may not manufacture a fermented
8785 alcoholic beverage under this section for personal or family use and consumption without
8786 obtaining a license under this chapter, except that an individual who operates a brewery under
8787 this chapter as an individual owner or in partnership with others, may remove beer from the
8788 brewery for personal or family use in the amounts described in Subsection (2)(b).
8789 Section 285. Section **32B-11-203** is enacted to read:
8790 **32B-11-203. Application requirements for a manufacturing license.**
8791 To obtain an alcoholic product manufacturing license, a person shall submit to the
8792 department:
8793 (1) a written application in a form prescribed by the department;
8794 (2) a nonrefundable application fee of $250;
8795 (3) an initial license fee of $3,250:
8796 (a) unless otherwise provided in this chapter; and
8797 (b) that is refundable if a license is not issued;
8798 (4) written consent of the local authority;
8799 (5) a statement of the purpose for which the person has applied for the manufacturing
8800 license;

8801 (6) evidence that the person is authorized by the United States to manufacture an
8802 alcoholic product;
8803 (7) a bond as specified by Section 32B-11-207;
8804 (8) evidence that the person is carrying public liability insurance in an amount and
8805 form satisfactory to the department;
8806 (9) a signed consent form stating that the manufacturing licensee will permit any
8807 authorized representative of the commission, department, or any law enforcement officer to
8808 have unrestricted right to enter the licensed premises;
8809 (10) if the person is an entity, proper verification evidencing that a person who signs
8810 the application is authorized to sign on behalf of the entity; and
8811 (11) any other information the commission or department may require.
8812 Section 286. Section **32B-11-204** is enacted to read:
8813 **32B-11-204. Renewal requirements for a manufacturing license.**
8814 (1) A manufacturing license expires on December 31 of each year.
8815 (2) To renew a manufacturing license, a person shall submit by no later than November
8816 30 of the year the license expires:
8817 (a) a completed renewal application to the department, in a form prescribed by the
8818 department; and
8819 (b) a renewal fee in the following amount of:
8820 (i) $2,500, except for a wine manufacturing license described in Subsection (2)(b)(ii);
8821 or
8822 (ii) $1,200 for a winery manufacturing license if the winery manufacturing licensee
8823 produces less than 20,000 gallons of wine in the calendar year preceding the year in which the
8824 manufacturing licensee seeks renewal.
8825 (3) Failure to meet the renewal requirements results in an automatic forfeiture of a
8826 manufacturing license effective on the date the existing manufacturing license expires.
8827 Section 287. Section **32B-11-205** is enacted to read:
8828 **32B-11-205. Specific qualifications for a manufacturing license.**
8829 (1) The commission may not issue a manufacturing license to a person who:
8830 (a) is disqualified under Section 32B-1-304; or
8831 (b) has not met an applicable federal requirement for the operation of a winery,

8832 distillery, or brewery.
8833 (2) If a person to whom a manufacturing license is issued under this chapter no longer
8834 possesses the qualifications required by this title for obtaining that manufacturing license, the
8835 commission may suspend or revoke that manufacturing license.
8836 Section 288. Section **32B-11-206** is enacted to read:
8837 **32B-11-206. Duties of commission and department before issuing manufacturing**
8838 **license.**
8839 (1) (a) Before the commission may issue a manufacturing license, the department shall
8840 conduct an investigation and may hold public hearings to gather information and make
8841 recommendations to the commission as to whether a manufacturing license should be issued.
8842 (b) The department shall forward to the commission the information and
8843 recommendations under Subsection (1)(a) to aid in the commission's determination.
8844 (2) Before issuing a manufacturing license, the commission shall:
8845 (a) determine that the person filed a complete application and is in compliance with:
8846 (i) Sections 32B-11-203 and 32B-11-205; and
8847 (ii) the relevant part under this chapter for the specific type of manufacturing license;
8848 (b) determine that the person is not disqualified under Section 32B-1-304;
8849 (c) consider the physical characteristics of the premises where an alcoholic product is
8850 proposed to be stored, mixed, or manufactured such as:
8851 (i) condition of the premises; and
8852 (ii) safety and security considerations;
8853 (d) consider the person's ability to properly use the manufacturing license within the
8854 requirements of this title and the commission rules including:
8855 (i) manufacturing capacity;
8856 (ii) extent of product distribution; and
8857 (iii) the nature and type of entity making use of the manufacturing license;
8858 (e) consider any special factor as provided in this chapter that may be unique to the
8859 specific type of manufacturing license sought by the person;
8860 (f) approve of the location and equipment used by the person to manufacture an
8861 alcoholic product; and
8862 (g) consider any other factor the commission considers necessary.

8863 Section 289. Section **32B-11-207** is enacted to read:
8864 **32B-11-207. Bond for manufacturing license.**
8865 (1) (a) A manufacturing licensee shall post a cash bond or surety bond in the penal sum
8866 of $10,000 payable to the department.
8867 (b) A manufacturing licensee shall procure and maintain a bond required by this
8868 section for as long as the manufacturing licensee continues to operate as a manufacturing
8869 licensee.
8870 (2) A bond posted under this section shall be:
8871 (a) in a form approved by the attorney general; and
8872 (b) conditioned upon a manufacturing licensee's faithful compliance with this title and
8873 the rules of the commission.
8874 (3) If a surety bond posted by a manufacturing licensee under this section is cancelled
8875 due to a manufacturing licensee's negligence, the department may assess a $300 reinstatement
8876 fee.
8877 (4) No part of a bond posted under this section may be withdrawn during the period the
8878 manufacturing license is in effect.
8879 (5) (a) A bond posted by a manufacturing licensee under this section may be forfeited
8880 if the manufacturing license is revoked.
8881 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
8882 bond posted by a manufacturing licensee for money owed the department under this title
8883 without the commission first revoking the manufacturing license.
8884 Section 290. Section **32B-11-208** is enacted to read:
8885 **32B-11-208. General operational requirements for manufacturing license.**
8886 (1) (a) A manufacturing licensee and staff of the manufacturing licensee shall comply
8887 with this title and the rules of the commission, including the relevant part of this chapter
8888 applicable to the type of manufacturing license held by the manufacturing licensee.
8889 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
8890 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
8891 (i) a manufacturing licensee;
8892 (ii) individual staff of a manufacturing licensee; or
8893 (iii) a manufacturing licensee and staff of the manufacturing licensee.

8894 (2) A manufacturing licensee shall prominently display the manufacturing license on
8895 the licensed premises.
8896 (3) (a) A manufacturing licensee shall make and maintain the records required by the
8897 department.
8898 (b) Section 32B-1-205 applies to a record required to be made or maintained in
8899 accordance with this Subsection (3).
8900 (4) A manufacturing licensee may not sell liquor within the state except to:
8901 (a) the department; or
8902 (b) a military installation.
8903 (5) A manufacturing license may not be transferred from one location to another
8904 location, without prior written approval of the commission.
8905 (6) (a) A manufacturing licensee may not sell, transfer, assign, exchange, barter, give,
8906 or attempt in any way to dispose of the license to another person, whether for monetary gain or
8907 not.
8908 (b) A manufacturing license has no monetary value for any type of disposition.
8909 (7) A manufacturing licensee may not advertise its product in violation of this title or
8910 any other federal or state law, except that nothing in this title prohibits the advertising or
8911 solicitation of an order for industrial alcohol from a holder of a special use permit.
8912 (8) A manufacturing licensee shall from time to time, on request of the department,
8913 furnish for analytical purposes a sample of the alcoholic product that the manufacturing
8914 licensee has:
8915 (a) for sale; or
8916 (b) in the course of manufacture for sale in this state.
8917 (9) The commission may prescribe by policy or rule, consistent with this title, the
8918 general operational requirements of a manufacturing licensee relating to:
8919 (a) physical facilities;
8920 (b) conditions of storage, sale, or manufacture of an alcoholic product;
8921 (c) storage and sales quantity limitations; and
8922 (d) other matters considered appropriate by the commission.
8923 Section 291. Section **32B-11-209** is enacted to read:
8924 **32B-11-209. Notifying department of change in ownership.**

8925 The commission may suspend or revoke a manufacturing license if the manufacturing
8926 licensee does not immediately notify the department of a change in:
8927 (1) ownership of the manufacturing licensee;
8928 (2) for a corporate owner, the:
8929 (a) corporate officers or directors; or
8930 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
8931 corporation; or
8932 (3) for a limited liability company:
8933 (a) managers; or
8934 (b) members owning at least 20% of the limited liability company.
8935 Section 292. Section **32B-11-301** is enacted to read:
8936 **Part 3. Winery Manufacturing License**
8937 **32B-11-301. Title.**
8938 This part is known as "Winery Manufacturing License."
8939 Section 293. Section **32B-11-302** is enacted to read:
8940 **32B-11-302. Definitions.**
8941 Reserved
8942 Section 294. Section **32B-11-303** is enacted to read:
8943 **32B-11-303. Specific authority and operational requirements for winery**
8944 **manufacturing license.**
8945 (1) A winery manufacturing license allows a winery manufacturing licensee to:
8946 (a) store, manufacture, transport, import, or export wine;
8947 (b) sell wine at wholesale to the department and to out-of-state customers;
8948 (c) purchase liquor for fortifying wine, if the department is notified of the purchase and
8949 date of delivery; and
8950 (d) warehouse on the licensed premises liquor that is manufactured or purchased for
8951 manufacturing purposes.
8952 (2) (a) A wine, brandy, wine spirit, or other liquor imported under authority of a winery
8953 manufacturing license shall conform to the standards of identity and quality established in the
8954 regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.
8955 (b) The federal definitions, standards of identity, and quality and labeling requirements

8956 for wine, in regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201
8957 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with the
8958 laws of this state.
8959 (3) If considered necessary, the commission or department may require:
8960 (a) the alteration of the plant, equipment, or licensed premises;
8961 (b) the alteration or removal of unsuitable wine-making equipment or material;
8962 (c) a winery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve
8963 the sanitary and working conditions of the plant, licensed premises, and wine-making
8964 equipment;
8965 (d) that a marc, pomace, or fruit be destroyed, denatured, or removed from the licensed
8966 premises because it is considered:
8967 (i) unfit for wine making; or
8968 (ii) as producing or likely to produce an unsanitary condition;
8969 (e) a winery manufacturing licensee to distill or cause to be distilled or disposed of
8970 under the department's supervision:
8971 (i) any unsound, poor quality finished wine; or
8972 (ii) unfinished wine that will not be satisfactory when finished; or
8973 (f) that a record pertaining to the grapes and other materials and ingredients used in the
8974 manufacture of wine be available to the commission or department upon request.
8975 (4) A winery manufacturing licensee may not permit wine to be consumed on its
8976 premises, except under the following circumstances:
8977 (a) A winery manufacturing licensee may allow its staff to consume on the licensed
8978 premises wine as the winery manufacturing licensee furnishes to the staff without charge.
8979 (b) A winery manufacturing licensee may allow a person who can lawfully purchase
8980 wine for wholesale or retail distribution to consume a bona fide sample of the winery
8981 manufacturing licensee's product on the licensed premises.
8982 (c) A winery manufacturing licensee may operate on its licensed premises a retail
8983 facility allowing consumption of a sample on the licensed premises of wine as long as food is
8984 also available. This type of retail facility located on the licensed premises shall be operated or
8985 supervised by the winery manufacturing licensee.
8986 Section 295. Section **32B-11-401** is enacted to read:

8987 **Part 4. Distillery Manufacturing License**

8988 **32B-11-401. Title.**

8989 This part is known as "Distillery Manufacturing License."

8990 Section 296. Section **32B-11-402** is enacted to read:

8991 **32B-11-402. Definitions.**

8992 Reserved

8993 Section 297. Section **32B-11-403** is enacted to read:

8994 **32B-11-403. Specific authority and operational requirements for distillery**
8995 **manufacturing license.**

8996 (1) A distillery manufacturing license allows a distillery manufacturing licensee to:

8997 (a) store, manufacture, transport, import, or export liquor;

8998 (b) sell liquor to:

8999 (i) the department;

9000 (ii) an out-of-state customer; and

9001 (iii) as provided in Subsection (2);

9002 (c) purchase an alcoholic product for mixing and manufacturing purposes if the
9003 department is notified of:

9004 (i) the purchase; and

9005 (ii) the date of delivery; and

9006 (d) warehouse on its licensed premises an alcoholic product that the distillery
9007 manufacturing licensee manufactures or purchases for manufacturing purposes.

9008 (2) (a) Subject to the other provisions of this Subsection (2), a distillery manufacturing
9009 licensee may directly sell an alcoholic product to a person engaged within the state in:

9010 (i) a mechanical or industrial business that requires the use of an alcoholic product; or

9011 (ii) scientific pursuits that require the use of an alcoholic product.

9012 (b) A person who purchases an alcoholic product under Subsection (2)(a) shall hold a
9013 valid special use permit issued in accordance with Chapter 10, Special Use Permit Act,
9014 authorizing the use of the alcoholic product.

9015 (c) A distillery manufacturing licensee may sell to a special use permittee described in
9016 Subsection (2)(b) an alcoholic product only in the type for which the special use permit
9017 provides.

9018 (d) The sale of an alcoholic product under this Subsection (2) is subject to rules
9019 prescribed by the department and the federal government.
9020 (3) The federal definitions, standards of identity and quality, and labeling requirements
9021 for distilled liquor, in the regulations issued under Federal Alcohol Administration Act, 27
9022 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or
9023 inconsistent with laws of this state.
9024 (4) If considered necessary, the commission or department may require:
9025 (a) the alteration of the plant, equipment, or licensed premises;
9026 (b) the alteration or removal of unsuitable alcoholic product-making equipment or
9027 material;
9028 (c) a distillery manufacturing licensee to clean, disinfect, ventilate, or otherwise
9029 improve the sanitary and working conditions of the plant, licensed premises, and equipment; or
9030 (d) that a record pertaining to the materials and ingredients used in the manufacture of
9031 an alcoholic product be made available to the commission or department upon request.
9032 (5) A distillery manufacturing licensee may not permit an alcoholic product to be
9033 consumed on its premises, except that:
9034 (a) a distillery manufacturing licensee may allow its staff to consume on the licensed
9035 premises an alcoholic product that the distillery furnishes to the staff without charge; and
9036 (b) a distillery manufacturing licensee may allow a person who can lawfully purchase
9037 an alcoholic product for wholesale or retail distribution to consume a bona fide sample of the
9038 distillery manufacturing licensee's product on the licensed premises.
9039 Section 298. Section **32B-11-501** is enacted to read:
9040 **Part 5. Brewery Manufacturing License**
9041 **32B-11-501. Title.**
9042 This part is known as "Brewery Manufacturing License."
9043 Section 299. Section **32B-11-502** is enacted to read:
9044 **32B-11-502. Definitions.**
9045 Reserved
9046 Section 300. Section **32B-11-503** is enacted to read:
9047 **32B-11-503. Specific authority and operational requirements for brewery**
9048 **manufacturing license.**

9049 (1) A brewery manufacturing license allows a brewery manufacturing licensee to:
9050 (a) store, manufacture, brew, transport, or export beer, heavy beer, and flavored malt
9051 beverages;
9052 (b) sell heavy beer and a flavored malt beverage to:
9053 (i) the department;
9054 (ii) a military installation; or
9055 (iii) an out-of-state customer;
9056 (c) sell beer to a beer wholesaler licensee;
9057 (d) in the case of a small brewer, in accordance with Subsection (5), sell beer
9058 manufactured by the small brewer to:
9059 (i) a retail licensee;
9060 (ii) an off-premise beer retailer; or
9061 (iii) an event permittee; and
9062 (e) warehouse on its premises an alcoholic product that the brewery manufacturing
9063 licensee manufactures or purchases for manufacturing purposes.
9064 (2) A brewery manufacturing licensee may not sell the following to a person within the
9065 state except the department or a military installation:
9066 (a) heavy beer; or
9067 (b) a flavored malt beverage.
9068 (3) If considered necessary, the commission or department may require:
9069 (a) the alteration of the plant, equipment, or licensed premises;
9070 (b) the alteration or removal of any unsuitable alcoholic product-making equipment or
9071 material;
9072 (c) a brewery manufacturing licensee to clean, disinfect, ventilate, or otherwise
9073 improve the sanitary and working conditions of the plant, licensed premises, and equipment; or
9074 (d) that a record pertaining to the materials and ingredients used in the manufacture of
9075 an alcoholic product be available to the commission or department upon request.
9076 (4) A brewery manufacturing licensee may not permit any beer, heavy beer, or flavored
9077 malt beverage to be consumed on the licensed premises, except under the circumstances
9078 described in this Subsection (4).
9079 (a) A brewery manufacturing licensee may allow its off-duty staff to consume beer,

9080 heavy beer, or a flavored malt beverage on its premises without charge.
9081 (b) A brewery manufacturing licensee may allow a person who can lawfully purchase
9082 the following for wholesale or retail distribution to consume a bona fide sample of the brewery
9083 manufacturing licensee's product on the licensed premises:
9084 (i) beer;
9085 (ii) heavy beer; or
9086 (iii) a flavored malt beverage.
9087 (c) (i) A brewery manufacturing licensee may operate on its licensed premises a retail
9088 facility allowing consumption on premises of beer in a bottle or on draft if food is also
9089 available.
9090 (ii) A retail facility located on the licensed premises of a brewery manufacturing
9091 licensee shall be operated or supervised by the brewery manufacturing licensee.
9092 (iii) In operating a retail facility under this Subsection (4)(c), a brewery manufacturing
9093 licensee shall comply with the requirements of Chapter 7, Part 2, Off-premise Beer Retailer
9094 Local Authority.
9095 (5) (a) A small brewer shall own, lease, or maintain and control a warehouse facility
9096 located in this state for the storage of beer to be sold to a person described in Subsection (1)(d)
9097 if the small brewer:
9098 (i) (A) (I) is located in this state; and
9099 (II) holds a brewery manufacturing license; or
9100 (B) (I) is located outside this state; and
9101 (II) holds a certificate of approval to sell beer in this state; and
9102 (ii) sells beer manufactured by the small brewer directly to a person described in
9103 Subsection (1)(d).
9104 (b) A small brewer may not sell beer to a person described in Subsection (1)(d) unless
9105 the beer:
9106 (i) is manufactured by the small brewer; and
9107 (ii) is first placed in the small brewer's warehouse facility in this state.
9108 (c) (i) A small brewer warehouse shall make and maintain complete beer importation,
9109 inventory, tax, distribution, sales records, and other records as the department and State Tax
9110 Commission may require.

9111 (ii) The records described in Subsection (5)(c)(i) are subject to inspection by:
9112 (A) the department; and
9113 (B) the State Tax Commission.
9114 (iii) Section 32B-1-205 applies to a record required to be made or maintained in
9115 accordance with this Subsection (5), except that the provision is considered to include an action
9116 described in Section 32B-1-205 made for the purpose of deceiving the State Tax Commission,
9117 or an official or employee of the State Tax Commission.
9118 Section 301. Section **32B-11-601** is enacted to read:
9119 **Part 6. Local Industry Representative License Act**
9120 **32B-11-601. Title.**
9121 This part is known as the "Local Industry Representative License Act."
9122 Section 302. Section **32B-11-602** is enacted to read:
9123 **32B-11-602. Definitions.**
9124 Reserved
9125 Section 303. Section **32B-11-603** is enacted to read:
9126 **32B-11-603. Commission's power to issue local industry representative license.**
9127 (1) (a) Before a person described in Subsection (2) may represent an alcoholic product
9128 of a manufacturer, supplier, or importer, the person shall obtain a local industry representative
9129 license from the commission in accordance with this part.
9130 (b) A violation of this Subsection (1) is a class B misdemeanor.
9131 (2) The commission may issue a local industry representative license to a person who
9132 is:
9133 (a) (i) an individual resident of Utah;
9134 (ii) a Utah partnership;
9135 (iii) a Utah corporation; or
9136 (iv) a Utah limited liability company; and
9137 (b) employed by a manufacturer, supplier, or importer, to represent a liquor product
9138 with the department, a package agency, licensee, or permittee under this title, whether
9139 compensated by salary, commission, or another means.
9140 (3) An individual staff member of a local industry representative licensee is not
9141 required to be separately licensed.

9142 (4) A local industry representative may represent more than one manufacturer,
9143 supplier, or importer at a time.
9144 (5) (a) A manufacturer, supplier, or importer is not required to use a local industry
9145 representative to represent its products with the department, a package agency, licensee, or
9146 permittee, except that staff of a manufacturer, supplier, or importer who is not a local industry
9147 representative shall register with the department, on a form provided by the department, before
9148 the staff represents an alcoholic product while in the state with the department, a package
9149 agency, licensee, or permittee.
9150 (b) A manufacturer, supplier, or importer described in Subsection (5)(a) and its staff
9151 are subject to the same operational requirements of this part and Chapter 4, Criminal Offenses
9152 and Procedure Act.
9153 Section 304. Section **32B-11-604** is enacted to read:
9154 **32B-11-604. Application for local industry representative license.**
9155 (1) To obtain a local industry representative license, a person shall submit to the
9156 department:
9157 (a) a written application in a form prescribed by the department;
9158 (b) a nonrefundable $50 application fee;
9159 (c) an initial license fee of $100, which is refundable if a local industry representative
9160 license is not issued;
9161 (d) verification that the person is:
9162 (i) a resident of Utah;
9163 (ii) a Utah partnership;
9164 (iii) a Utah corporation; or
9165 (iv) a Utah limited liability company;
9166 (e) an affidavit stating the name and address of any manufacturer, supplier, or importer
9167 the person will represent;
9168 (f) a signed consent form stating that the local industry representative will permit any
9169 authorized representative of the commission, department, or any law enforcement officer to
9170 have an unrestricted right to enter, during normal business hours, the specific premises where
9171 the local industry representative conducts business;
9172 (g) if the person is an entity, proper verification evidencing that a person who signs the

9173 application is authorized to sign on behalf of the entity; and
9174 (h) any other information the commission or department may require.
9175 (2) A local industry representative licensee is not required to pay an additional license
9176 fee to represent more than one manufacturer, supplier, or importer.
9177 Section 305. Section **32B-11-605** is enacted to read:
9178 **32B-11-605. Renewal requirements for local industry representative license.**
9179 (1) A local industry representative license expires on December 31 of each year.
9180 (2) To renew a local industry representative license, a person shall submit to the
9181 department by no later than November 30 of the year the license expires:
9182 (a) a completed renewal application in a form prescribed by the department;
9183 (b) a renewal fee of $100; and
9184 (c) an affidavit stating the name and address of any manufacturer, supplier, or importer
9185 the local industry representative licensee represents at the time of submitting the renewal
9186 application.
9187 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
9188 local industry representative license effective on the date the existing local industry
9189 representative license expires.
9190 Section 306. Section **32B-11-606** is enacted to read:
9191 **32B-11-606. Specific qualifications for local industry representative.**
9192 (1) The commission may not issue a local industry representative license to:
9193 (a) a person who is disqualified under Section 32B-1-304; or
9194 (b) unless otherwise provided:
9195 (i) a retail licensee that sells, offers for sale, or furnishes liquor;
9196 (ii) staff of a retail licensee that sells, offers for sale, or furnishes liquor; or
9197 (iii) an individual, partnership, corporation, or limited liability company who holds an
9198 interest in a retail licensee that sells, offers for sale, or furnishes liquor.
9199 (2) If a person to whom a local industry representative license is issued under this part
9200 no longer possesses the qualifications required by this title for obtaining that local industry
9201 representative license, the commission may suspend or revoke that local industry representative
9202 license.
9203 Section 307. Section **32B-11-607** is enacted to read:

9204 **32B-11-607. Commission and department duties before issuing local**
9205 **representative license.**
9206 (1) (a) Before the commission may issue a local industry representative license, the
9207 department shall conduct an investigation and may hold public hearings to gather information
9208 and make recommendations to the commission as to whether a local industry representative
9209 license should be issued.
9210 (b) The department shall forward the information and recommendations described in
9211 Subsection (1)(a) to the commission to aid in the commission's determination.
9212 (2) Before issuing a local industry representative license, the commission shall:
9213 (a) determine that the person filed a complete application and is in compliance with
9214 Sections 32B-11-604 and 32B-11-606;
9215 (b) determine that the person is not disqualified under Section 32B-1-304; and
9216 (c) consider any other factor the commission considers necessary.
9217 Section 308. Section **32B-11-608** is enacted to read:
9218 **32B-11-608. Operational requirements for local industry representative license.**
9219 (1) (a) A local industry representative licensee, staff of the local industry representative
9220 licensee, or staff of a manufacturer, supplier, or importer who is conducting business in the
9221 state, shall comply with this title and rules of the commission.
9222 (b) If a person knowingly violates Subsection (1)(a):
9223 (i) the violation may result in disciplinary action in accordance with Chapter 3,
9224 Disciplinary Actions and Enforcement Act, against:
9225 (A) a local industry representative licensee;
9226 (B) individual staff of a local industry representative licensee; or
9227 (C) both a local industry representative licensee and staff of the local industry
9228 representative licensee; and
9229 (ii) if the conditions of Subsection (1)(c) are met, the commission may order:
9230 (A) the removal of the manufacturer's, supplier's, or importer's products from the
9231 department's sales list; and
9232 (B) a suspension of the department's purchase of those products for a period
9233 determined by the commission.
9234 (c) Subsection (1)(b)(ii) applies if the manufacturer, supplier, or importer:

9235 (i) directly commits the violation; or
9236 (ii) solicits, requests, commands, encourages, or intentionally aides another to engage
9237 in the violation.
9238 (2) A local industry representative licensee shall display its license in the local industry
9239 representative licensee's principal place of business.
9240 (3) (a) A local industry representative licensee shall maintain on file with the
9241 department a current accounts list of the names and addresses of the manufacturers, suppliers,
9242 and importers the local industry representative licensee represents.
9243 (b) A local industry representative licensee shall notify the department in writing of a
9244 change to its accounts list within 14 days from the date the local industry representative
9245 licensee:
9246 (i) acquires the account of a manufacturer, supplier, or importer; or
9247 (ii) loses the account of a manufacturer, supplier, or importer.
9248 (4) (a) A local industry representative licensee shall make and maintain the records the
9249 department requires for at least three years.
9250 (b) Section 32B-1-205 applies to a record required to be made or maintained in
9251 accordance with this Subsection (4).
9252 (5) Staff of a local industry representative licensee may not be:
9253 (a) a retail licensee that sells, offers for sale, or furnishes liquor;
9254 (b) staff of a retail licensee that sells, offers for sale, or furnishes liquor; or
9255 (c) a minor.
9256 (6) (a) A local representative licensee may not sell, transfer, assign, exchange, barter,
9257 give, or attempt in any way to dispose of the license to another person, whether for monetary
9258 gain or not.
9259 (b) A local industry representative license has no monetary value for any type of
9260 disposition.
9261 (7) A local industry representative licensee, staff of the local industry representative
9262 licensee, or staff of a manufacturer, supplier, or importer who is conducting business in the
9263 state:
9264 (a) only to the extent authorized by Chapter 4, Criminal Offenses and Procedure Act,
9265 may:

9266 (i) assist the department in:
9267 (A) ordering, shipping, and delivering merchandise;
9268 (B) providing new product notification;
9269 (C) obtaining listing and delisting information;
9270 (D) receiving price quotations;
9271 (E) providing product sales analysis;
9272 (F) conducting shelf management; and
9273 (G) conducting educational seminars; and
9274 (ii) to acquire new listings:
9275 (A) solicit orders from the department; and
9276 (B) submit to the department price lists and samples of the products of the
9277 manufacturer, supplier, or importer;
9278 (b) may not sell liquor within the state except to:
9279 (i) the department; and
9280 (ii) a military installation;
9281 (c) may not ship or transport, or cause to be shipped or transported, liquor into this
9282 state or from one place to another within this state;
9283 (d) may not sell or furnish any liquor to any person within this state other than to:
9284 (i) the department; or
9285 (ii) a military installation;
9286 (e) except as otherwise provided, may not advertise a product the local industry
9287 representative licensee represents in violation of this title or any other federal or state law;
9288 (f) shall comply with the trade practices provided in Chapter 4, Part 7, Trade Practices
9289 Act; and
9290 (g) may only provide a sample of a product of the manufacturer, supplier, or importer
9291 for tasting and sampling purposes as provided in Section 32B-4-705 by the department.
9292 (8) A local industry representative licensee may, to become educated as to the quality
9293 and characteristics of a liquor that the licensee represents, taste and analyze an industry
9294 representative sample under the conditions listed in this Subsection (8).
9295 (a) A local industry representative licensee may not receive more than two industry
9296 representative samples of a particular type, vintage, and production lot of a particular branded

9297 product within a consecutive 120-day period.
9298 (b) (i) An industry representative sample of liquor may not exceed one liter.
9299 (ii) Notwithstanding Subsection (8)(b)(i), an industry representative sample of the
9300 following may not exceed 1.5 liters unless that exact product is only commercially packaged in
9301 a larger size, not to exceed 5 liters:
9302 (A) wine;
9303 (B) heavy beer; or
9304 (C) a flavored malt beverage.
9305 (c) An industry representative sample may only be of a product not presently listed on
9306 the department's sales list.
9307 (d) (i) An industry representative sample shall be shipped:
9308 (A) prepaid by the manufacturer, supplier, or importer;
9309 (B) by common carrier and not via United States mail; and
9310 (C) directly to the department's central administrative warehouse office.
9311 (ii) An industry representative sample may not be shipped to any other location within
9312 the state.
9313 (e) An industry representative sample shall be accompanied by a letter from the
9314 manufacturer, supplier, or importer:
9315 (i) clearly identifying the product as an "industry representative sample"; and
9316 (ii) clearly stating:
9317 (A) the FOB case price of the product; and
9318 (B) the name of the local industry representative for whom it is intended.
9319 (f) The department shall assess a reasonable handling, labeling, and storage fee for
9320 each industry representative sample received.
9321 (g) The department shall affix to a package a label clearly identifying the product as an
9322 "industry representative sample."
9323 (h) The department shall:
9324 (i) account for and record each industry representative sample received;
9325 (ii) account for the industry representative sample's disposition; and
9326 (iii) maintain a record of the industry representative sample and its disposition for a
9327 two-year period.

9328 (i) An industry representative sample may not leave the premises of the department's
9329 central administrative warehouse office.
9330 (j) A local industry representative licensee's and a local industry representative
9331 licensee's staff may, at regularly scheduled days and times established by the department, taste
9332 and analyze one or more industry representative samples on the premises of the department's
9333 central administrative warehouse office.
9334 (k) The department shall destroy the unused contents of an opened product remaining
9335 after a product is sampled under controlled and audited conditions established by the
9336 department.
9337 (l) An industry representative sample that is not tasted within 30 days of receipt by the
9338 department shall be disposed of at the discretion of the department in one of the following
9339 ways:
9340 (i) the contents destroyed under controlled and audited conditions established by the
9341 department; or
9342 (ii) added to the inventory of the department for sale to the public.
9343 Section 309. Section **32B-11-609** is enacted to read:
9344 **32B-11-609. Notifying department of change in ownership.**
9345 The commission may suspend or revoke a local industry representative license if a local
9346 industry representative licensee does not immediately notify the department of a change in:
9347 (1) ownership of the business;
9348 (2) for a corporate owner, the:
9349 (a) corporate officers or directors; or
9350 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
9351 corporation; or
9352 (3) for a limited liability company:
9353 (a) managers; or
9354 (b) members owning at least 20% of the limited liability company.
9355 Section 310. Section **32B-12-101** is enacted to read:
9356 **CHAPTER 12. LIQUOR WAREHOUSING LICENSE ACT**
9357 **Part 1. General Provisions**
9358 **32B-12-101. Title.**

9359 This chapter is known as the "Liquor Warehousing License Act."
9360 Section 311. Section **32B-12-102** is enacted to read:
9361 **32B-12-102. Definitions.**
9362 Reserved
9363 Section 312. Section **32B-12-201** is enacted to read:
9364 **Part 2. Liquor Warehousing License Process**
9365 **32B-12-201. Commission's power to issue a liquor warehousing license.**
9366 (1) (a) Before a person may warehouse, distribute, or transport liquor for resale to a
9367 wholesale or retail customers, the person shall first obtain a liquor warehousing license issued
9368 by the commission in accordance with this chapter.
9369 (b) A separate liquor warehousing license is required for each warehousing facility.
9370 (c) A violation of this Subsection (1) is a class B misdemeanor.
9371 (2) The commission may issue a liquor warehousing license in accordance with this
9372 chapter for the warehousing, distribution, and transportation of liquor.
9373 Section 313. Section **32B-12-202** is enacted to read:
9374 **32B-12-202. Application requirements for liquor warehousing license.**
9375 To obtain a liquor warehousing license, a person shall submit to the department:
9376 (1) a written application in a form prescribed by the department;
9377 (2) a nonrefundable $250 application fee;
9378 (3) an initial license fee of $750, which is refundable if a liquor warehousing license is
9379 not issued;
9380 (4) written consent of the local authority;
9381 (5) a copy of the person's current business license;
9382 (6) a bond as specified by Section 32B-12-206;
9383 (7) a floor plan of the person's warehouse, including the area in which the person
9384 proposes that liquor be stored;
9385 (8) evidence that the person is carrying public liability insurance in an amount and
9386 form satisfactory to the department;
9387 (9) a signed consent form stating that the liquor warehousing licensee will permit any
9388 authorized representative of the commission, department, or any law enforcement officer to
9389 have unrestricted right to enter the licensed premises;

9390 (10) if the person is an entity, proper verification evidencing that a person who signs
9391 the application is authorized to sign on behalf of the entity; and
9392 (11) any other information the commission or department may require.
9393 Section 314. Section **32B-12-203** is enacted to read:
9394 **32B-12-203. Renewal requirements for liquor warehousing license.**
9395 (1) A liquor warehousing license expires on December 31 of each year.
9396 (2) To renew a liquor warehousing license, a person shall submit to the department by
9397 no later than November 30 of the year the license expires:
9398 (a) a completed renewal application in a form prescribed by the department; and
9399 (b) a renewal fee of $1,000.
9400 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
9401 liquor warehousing license effective on the date the existing liquor warehousing license
9402 expires.
9403 Section 315. Section **32B-12-204** is enacted to read:
9404 **32B-12-204. Specific qualifications for liquor warehousing license.**
9405 (1) The commission may not issue a liquor warehousing license to a person who is
9406 disqualified under Section 32B-1-304.
9407 (2) A person, through its staff, or otherwise, either directly or indirectly, may not hold
9408 at the same time both a liquor warehousing license and another kind of package agency,
9409 license, or permit issued under this title except:
9410 (a) a temporary beer event permit;
9411 (b) a manufacturing license issued in accordance with Chapter 11, Manufacturing and
9412 Related Licenses Act; or
9413 (c) a beer wholesaling license issued in accordance with this chapter.
9414 (3) If a person to whom a liquor warehousing license is issued under this chapter no
9415 longer possesses the qualifications required by this title for obtaining that liquor warehousing
9416 license, the commission may suspend or revoke that liquor warehousing license.
9417 Section 316. Section **32B-12-205** is enacted to read:
9418 **32B-12-205. Duties of commission and department before issuing a liquor**
9419 **warehousing license.**
9420 (1) (a) Before the commission may issue a warehousing license, the department shall

9421 conduct an investigation and may hold public hearings to gather information and make
9422 recommendations to the commission as to whether a liquor warehousing license should be
9423 issued.
9424 (b) The department shall forward the information and recommendations described in
9425 Subsection (1)(a) to the commission to aid in the commission's determination.
9426 (2) Before issuing a liquor warehousing license, the commission shall:
9427 (a) determine that the person filed a complete application and has complied with
9428 Sections 32B-12-202 and 32B-12-204;
9429 (b) determine that the person is not disqualified under Section 32B-1-304;
9430 (c) consider the physical characteristics of the premises where it is proposed that liquor
9431 be warehoused, such as:
9432 (i) location;
9433 (ii) proximity to transportation; and
9434 (iii) condition, size, and security of the licensed premises;
9435 (d) consider the person's ability to properly use the liquor warehousing license within
9436 the requirements of this title and the commission rules including:
9437 (i) the types of products other than liquor that the person is warehousing;
9438 (ii) the brands of liquor the person intends to warehouse; and
9439 (iii) the means the person intends to use to distribute the liquor; and
9440 (e) consider any other factor the commission considers necessary.
9441 Section 317. Section **32B-12-206** is enacted to read:
9442 **32B-12-206. Bond for liquor warehousing license.**
9443 (1) (a) A liquor warehouser licensee shall post a cash bond or surety bond in the penal
9444 sum of $10,000 payable to the department.
9445 (b) A liquor warehouser licensee shall procure and maintain the bond required by this
9446 section for as long as the liquor warehouser licensee continues to operate as a liquor
9447 warehouser licensee.
9448 (2) A bond posted under this section shall be:
9449 (a) in a form approved by the attorney general; and
9450 (b) conditioned upon the liquor warehouser licensee's faithful compliance with this title
9451 and the rules of the commission.

9452 (3) If a surety bond posted by a liquor warehouser licensee under this section is
9453 canceled due to a liquor warehouser licensee's negligence, the department may assess a $300
9454 reinstatement fee.
9455 (4) No part of a bond posted under this section may be withdrawn during the period the
9456 liquor warehousing license is in effect.
9457 (5) (a) A bond posted by a liquor warehouser licensee may be forfeited if the liquor
9458 warehousing license is revoked.
9459 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
9460 bond posted by a liquor warehouser licensee for money owed the department under this title
9461 without the commission first revoking the liquor warehousing license.
9462 Section 318. Section **32B-12-301** is enacted to read:
9463 **Part 3. Operational Requirements for Liquor Warehousing License**
9464 **32B-12-301. General operational requirements for liquor warehousing license.**
9465 (1) (a) A liquor warehouser licensee and staff of the liquor warehouser licensee shall
9466 comply with this title and the rules of the commission.
9467 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
9468 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
9469 (i) a liquor warehouser licensee;
9470 (ii) individual staff of a liquor warehouser licensee; or
9471 (iii) both a liquor warehouser licensee and staff of the liquor warehouser licensee.
9472 (2) (a) A liquor warehouser licensee shall make and maintain records required by the
9473 department.
9474 (b) Section 32B-1-205 applies to a record required to be made or maintained in
9475 accordance with this Subsection (2).
9476 (3) A liquor warehousing license may not be transferred from one location to another
9477 location, without prior written approval of the commission.
9478 (4) (a) A liquor warehouser licensee may not sell, transfer, assign, exchange, barter,
9479 give, or attempt in any way to dispose of the license to another person, whether for monetary
9480 gain or not.
9481 (b) A liquor warehousing license has no monetary value for any type of disposition.
9482 (5) A liquor warehouser licensee may not employ a minor to handle an alcoholic

9483 product.
9484 (6) Liquor that is warehoused in this state and sold to an out-of-state consignee, may be
9485 transported out of the state only by a motor carrier regulated under Title 72, Chapter 9, Motor
9486 Carrier Safety Act.
9487 (7) Liquor that is warehoused in this state and sold to the department may be
9488 transported only by a motor carrier approved by the department.
9489 (8) Liquor transported to or from a liquor warehouser licensee's licensed premises shall
9490 be carried in a sealed conveyance that is made available for inspection by the department while
9491 en route within the state.
9492 (9) A liquor warehouser licensee may not ship, convey, distribute, or remove liquor
9493 from a warehouse in less than a full case lot.
9494 (10) A liquor warehouser licensee may not ship, convey, distribute, or remove liquor
9495 from a warehouse to a consignee outside the state that is not licensed as a liquor wholesaler or
9496 retailer by the state in which the consignee is domiciled.
9497 (11) A liquor warehouser licensee may not receive, warehouse, distribute, transport,
9498 ship, or convey liquor that the commission has not authorized the liquor warehouser licensee to
9499 handle through its warehouse.
9500 (12) The commission may prescribe by policy or rule, consistent with this title, the
9501 general operational requirements of licensees relating to:
9502 (a) physical facilities;
9503 (b) conditions of storage, distribution, or transport of liquor; and
9504 (c) other matters considered appropriate by the commission.
9505 Section 319. Section **32B-12-302** is enacted to read:
9506 **32B-12-302. Notifying the department of change in ownership.**
9507 The commission may suspend or revoke a liquor warehousing license if a liquor
9508 warehouser licensee does not immediately notify the department of a change in:
9509 (1) ownership of the liquor warehouser licensee;
9510 (2) for a corporate owner, the:
9511 (a) corporate officers or directors; or
9512 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
9513 corporation; or

9514 (3) for a limited liability company:
9515 (a) managers; or
9516 (b) members owning at least 20% of the limited liability company.
9517 Section 320. Section **32B-13-101** is enacted to read:
9518 **CHAPTER 13. BEER WHOLESALING LICENSE ACT**
9519 **Part 1. General Provisions**
9520 **32B-13-101. Title.**
9521 This chapter is known as the "Beer Wholesaling License Act."
9522 Section 321. Section **32B-13-102** is enacted to read:
9523 **32B-13-102. Definitions.**
9524 Reserved
9525 Section 322. Section **32B-13-201** is enacted to read:
9526 **Part 2. Beer Wholesaling License Process**
9527 **32B-13-201. Commission's power to issue a beer wholesaling license.**
9528 (1) Before a person may purchase, store, sell, offer for sale, distribute, or import beer to
9529 a person who sells at retail or acts in any way as a beer wholesaler, the person shall first obtain
9530 a beer wholesaling license issued by the commission in accordance with this chapter.
9531 (2) (a) The commission may issue a beer wholesaling license for the purchase, storage,
9532 sale, distribution, transportation, and import of beer.
9533 (b) A beer wholesaling license entitles the beer wholesaler licensee to:
9534 (i) purchase and import beer into the state;
9535 (ii) store beer in an approved warehouse; and
9536 (iii) sell and distribute beer directly to:
9537 (A) a beer retailer; or
9538 (B) an event permittee.
9539 (c) A violation of Subsection (2)(a) is a class A misdemeanor.
9540 (3) Nothing in this section precludes a small brewer from selling beer the small brewer
9541 manufactures directly to:
9542 (a) a retail licensee;
9543 (b) off-premise beer retailer; or
9544 (c) event permittee.

9545 Section 323. Section **32B-13-202** is enacted to read:
9546 **32B-13-202. Application requirements for beer wholesaling license.**
9547 To obtain a beer wholesaling license, a person shall submit to the department:
9548 (1) a written application in a form prescribed by the department;
9549 (2) a nonrefundable $250 application fee;
9550 (3) an initial license fee of $2,000 that is refundable if a beer wholesaling license is not
9551 issued;
9552 (4) written consent of the local authority;
9553 (5) a copy of the person's current business license;
9554 (6) a bond as specified in Section 32B-13-206;
9555 (7) a statement of the brands of beer the person is authorized to sell and distribute;
9556 (8) a statement of the geographical areas in which the person is authorized by the beer
9557 manufacturer to sell and distribute beer;
9558 (9) evidence that the person is carrying public liability insurance in an amount and
9559 form satisfactory to the department;
9560 (10) a signed consent form stating that the beer wholesaling licensee will permit any
9561 authorized representative of the commission, department, or any law enforcement officer to
9562 have unrestricted right to enter the licensed premises;
9563 (11) if the person is an entity, proper verification evidencing that a person who signs
9564 the application is authorized to sign on behalf of the entity; and
9565 (12) any other information that the commission or department may require.
9566 Section 324. Section **32B-13-203** is enacted to read:
9567 **32B-13-203. Renewal requirements for beer wholesaling license.**
9568 (1) A beer wholesaling license expires on December 31 of each year.
9569 (2) To renew a beer wholesaling license, a person shall submit to the department by no
9570 later than November 30 of the year the license expires:
9571 (a) a completed renewal application in a form prescribed by the department; and
9572 (b) a renewal fee in the following amount:

9573 Case Sales in Previous License Year for the Licensee	Renewal Fee
9574 under 500,000 cases	$1,000
9575 equals or exceeds 500,000 cases but less than 1,000,000 cases	$2,000

9576 equals or exceeds 1,000,000 cases $3,000.
9577 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
9578 beer wholesaling license effective on the date the existing beer wholesaling license expires.
9579 Section 325. Section **32B-13-204** is enacted to read:
9580 **32B-13-204. Specific qualifications for beer wholesaling license.**
9581 (1) The commission may not issue a beer wholesaling license to a person who:
9582 (a) is disqualified under Section 32B-1-304; or
9583 (b) does not meet any applicable federal requirement for beer wholesaling.
9584 (2) (a) The commission may not issue one of the following licenses to a beer
9585 wholesaler licensee simultaneously with the beer wholesaling license, and a beer wholesaler
9586 licensee may not, directly or indirectly, hold, through a wholly or partially owned subsidiary or
9587 otherwise, one of the following licenses:
9588 (i) a brewery manufacturing license; or
9589 (ii) a beer retailer license.
9590 (b) The commission may not issue to a beer retailer, and a beer retailer, directly or
9591 indirectly, may not hold, through a wholly or partially owned subsidiary or otherwise, a beer
9592 wholesaling license.
9593 (3) If a person to whom a beer wholesaling license is issued under this chapter no
9594 longer possesses the qualifications required by this title for obtaining that beer wholesaling
9595 license, the commission may suspend or revoke that beer wholesaling license.
9596 Section 326. Section **32B-13-205** is enacted to read:
9597 **32B-13-205. Commission and department duties before issuing beer wholesaling**
9598 **license.**
9599 (1) (a) Before the commission may issue a beer wholesaling license, the department
9600 shall conduct an investigation and may hold public hearings to gather information and make
9601 recommendations to the commission as to whether a beer wholesaling license should be issued.
9602 (b) The department shall forward the information and recommendations described in
9603 Subsection (1)(a) to the commission to aid in the commission's determination.
9604 (2) Before issuing a beer wholesaling license, the commission shall:
9605 (a) determine that the person filed a complete application and is in compliance with
9606 Sections 32B-13-202 and 32B-13-204;

9607 (b) determine that the person is not disqualified under Section 32B-1-304;
9608 (c) consider the physical characteristics of the licensed premises where it is proposed
9609 that beer be stored by the person, such as:
9610 (i) location;
9611 (ii) proximity to transportation; and
9612 (iii) condition, size, and security of the licensed premises;
9613 (d) consider the person's ability to manage and operate a beer wholesaling operation,
9614 including:
9615 (i) management experience;
9616 (ii) past wholesaling experience;
9617 (iii) the brands the person intends to wholesale; and
9618 (iv) the means the person intends to use to distribute beer; and
9619 (e) consider any other factor that the commission considers necessary.
9620 Section 327. Section **32B-13-206** is enacted to read:
9621 **32B-13-206. Bond for a beer wholesaling license.**
9622 (1) (a) A beer wholesaler licensee shall post a cash bond or surety bond in the penal
9623 sum of $10,000 payable to the department.
9624 (b) A beer wholesaler licensee shall procure and maintain a bond required by this
9625 section for as long as the beer wholesaler licensee continues to operate as a beer wholesaler
9626 licensee.
9627 (2) A bond posted under this section shall be:
9628 (a) in a form approved by the attorney general; and
9629 (b) conditioned upon a beer wholesaler licensee's faithful compliance with this title and
9630 the rules of the commission.
9631 (3) If a surety bond posted by a beer wholesaler licensee under this section is canceled
9632 due to a beer wholesaler licensee's negligence, the department may assess a $300 reinstatement
9633 fee.
9634 (4) No part of a bond posted under this section may be withdrawn during the period the
9635 beer wholesaling license is in effect.
9636 (5) (a) A bond posted under this section by a beer wholesaler licensee may be forfeited
9637 if the beer wholesaling license is revoked.

9638 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
9639 bond posted by a beer wholesaler licensee for money owed the department under this title
9640 without the commission first revoking the beer wholesaling license.
9641 Section 328. Section **32B-13-301** is enacted to read:
9642 **Part 3. Operational Requirements for Beer Wholesaling License**
9643 **32B-13-301. General operational requirements for beer wholesaling license.**
9644 (1) (a) A beer wholesaler licensee and staff of the beer wholesaler licensee, shall
9645 comply with this title and the rules of the commission.
9646 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
9647 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
9648 (i) a beer wholesaler licensee;
9649 (ii) individual staff of a beer wholesaler licensee; or
9650 (iii) both a beer wholesaler licensee and staff of the beer wholesaler licensee.
9651 (2) (a) A beer wholesaler licensee shall make and maintain the records required by the
9652 department.
9653 (b) Section 32B-1-205 applies to a record required to be made or maintained in
9654 accordance with this Subsection (2).
9655 (3) A beer wholesaler licensee may not employ a minor to handle an alcoholic product.
9656 (4) A beer wholesaler licensee may not sell, transfer, assign, exchange, barter, give, or
9657 attempt in any way to dispose of the beer wholesaling license to a person, whether for monetary
9658 gain or not, unless it is done:
9659 (a) in accordance with the commission rules; and
9660 (b) after written consent is given by the commission.
9661 (5) A beer wholesaler licensee may not wholesale a beer manufactured within the state
9662 by a brewer who is not licensed by the commission as a brewery manufacturing licensee.
9663 (6) A beer wholesaler licensee may not wholesale a beer manufactured out of state by a
9664 brewer who has not obtained a certificate of approval from the department.
9665 (7) (a) A beer wholesaler licensee may not sell or distribute beer to a person within the
9666 state except to:
9667 (i) a retail licensee;
9668 (ii) an off-premise beer retailer; or

9669 (iii) an event permittee.
9670 (b) A violation of this Subsection (7) is a class A misdemeanor.
9671 (8) (a) A beer wholesaler licensee may not sell or distribute a beer to a person who sells
9672 the beer at retail outside of the geographic area designated on its application, except that if a
9673 beer wholesaler licensee is temporarily unable to supply a person within the beer wholesaler
9674 licensee's authorized geographical area, the department may grant temporary authority to
9675 another beer wholesaler licensee who distributes the same brand in another area to supply:
9676 (i) a retail licensee; or
9677 (ii) an off-premise beer retailer.
9678 (b) A violation of this Subsection (8) is a class B misdemeanor.
9679 (9) (a) A beer wholesaler licensee shall own, lease, or otherwise control and maintain a
9680 warehouse facility located in this state for the receipt, storage, and further distribution of beer
9681 sold by the beer wholesaler licensee to a person within the state.
9682 (b) A beer wholesaler licensee may not sell beer to a person in this state, other than the
9683 department, unless the beer is first:
9684 (i) physically removed from the vehicle used to transport the beer from the supplier to
9685 the beer wholesaler licensee; and
9686 (ii) delivered into the actual possession and control of the beer wholesaler licensee in
9687 its warehouse or other facility.
9688 (10) A beer wholesaler licensee may not sell or distribute an alcoholic product that has
9689 not had its label and packaging approved by the department in accordance with Chapter 1, Part
9690 6, Malted Beverage Act.
9691 (11) The commission may prescribe by policy or rule, consistent with this title, the
9692 general operational requirements of a beer wholesaling licensee relating to:
9693 (a) physical facilities; and
9694 (b) the conditions of importation, purchase, storage, sale, offering for sale, distribution,
9695 or transportation of beer within the state.
9696 Section 329. Section **32B-13-302** is enacted to read:
9697 **32B-13-302. Notifying the department of a change of ownership.**
9698 The commission may suspend or revoke a beer wholesaling license if a beer wholesaler
9699 licensee does not immediately notify the department of change in:

9700 (1) ownership of the beer wholesaler licensee;
9701 (2) for a corporate owner, the:
9702 (a) corporate officers or directors; or
9703 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
9704 corporation; or
9705 (3) for a limited liability company:
9706 (a) managers; or
9707 (b) members owning at least 20% of the limited liability company.
9708 Section 330. Section **32B-14-101** is enacted to read:
9709 **CHAPTER 14. UTAH BEER INDUSTRY DISTRIBUTION ACT**
9710 **Part 1. General Provisions**
9711 **32B-14-101. Title -- Legislative intent.**
9712 (1) This chapter is known as the "Utah Beer Industry Distribution Act."
9713 (2) (a) It is the policy of the Legislature to regulate and control the importation, sale,
9714 and distribution of beer within the state in the exercise of its powers under the Twenty-first
9715 Amendment to the Constitution of the United States and pursuant to the Utah Constitution.
9716 (b) In furtherance of the policy described in Subsection (2)(a), this chapter is enacted
9717 to:
9718 (i) promote good faith and fair dealing in the business relationships between suppliers,
9719 wholesalers, and retailers of beer; and
9720 (ii) provide for the establishment and maintenance of an orderly system for the
9721 distribution of beer in accordance with the laws of the state regulating the sale and distribution
9722 of beer to the public.
9723 Section 331. Section **32B-14-102** is enacted to read:
9724 **32B-14-102. Definitions.**
9725 As used in this chapter:
9726 (1) "Affected party" means a supplier or wholesaler who is a party to a distributorship
9727 agreement that a terminating party seeks to terminate or not renew.
9728 (2) (a) "Distributorship agreement" means a written agreement between a supplier and
9729 a wholesaler pursuant to which the wholesaler has the right to purchase, resell, and distribute in
9730 a designated geographical area any brand of beer manufactured, imported, or distributed by the

9731 supplier.
9732 (b) For purposes of this chapter, a separate agreement between a supplier and a
9733 wholesaler is considered to be part of a distributorship agreement if it relates to:
9734 (i) the relationship between the supplier and the wholesaler; or
9735 (ii) the duties of either the supplier or the wholesaler under a distributorship agreement.
9736 (3) "Good cause" means the material failure by a supplier or a wholesaler to comply
9737 with an essential, reasonable, and lawful requirement imposed by a distributorship agreement if
9738 the failure occurs after the supplier or wholesaler acting in good faith provides notice of
9739 deficiency and an opportunity to correct in accordance with Part 2, Termination.
9740 (4) "Good faith" is as defined in Subsection 70A-1a-201(2)(t).
9741 (5) "Retailer" means a beer retailer.
9742 (6) "Sales territory" means the geographic area of distribution and sale responsibility
9743 designated by a distributorship agreement.
9744 (7) "Supplier," notwithstanding Section 32B-1-102, means a brewer or other person
9745 who sells beer to a wholesaler for resale in this state.
9746 (8) "Terminating party" means a supplier or wholesaler who:
9747 (a) is a party to a distributorship agreement; and
9748 (b) seeks to terminate or not renew the distributorship agreement.
9749 Section 332. Section **32B-14-103** is enacted to read:
9750 **32B-14-103. Modifying statutory requirements not permitted.**
9751 (1) Nothing in this chapter is intended to restrict the right of a supplier to contractually
9752 require its wholesaler to comply with the supplier's operational standards of performance that
9753 are:
9754 (a) consistent with this chapter; and
9755 (b) uniformly established for its wholesalers according to the supplier's good faith
9756 business judgment.
9757 (2) Notwithstanding Subsection (1), the requirements of this chapter may not be
9758 modified by agreement.
9759 (3) An agreement that by its terms modifies the requirements of this chapter is void and
9760 unenforceable to the extent it attempts to modify the requirements of this chapter.
9761 Section 333. Section **32B-14-201** is enacted to read:

9762 **Part 2. Termination**

9763 **32B-14-201. Termination of distributorship agreements.**

9764 (1) Except as provided in Subsection (2) or (3), a supplier or wholesaler may not:

9765 (a) terminate a distributorship agreement; or

9766 (b) fail to renew a distributorship agreement.

9767 (2) A supplier or wholesaler may take an action prohibited by Subsection (1) if:

9768 (a) the supplier or wholesaler has good cause for the action; and

9769 (b) if notification is required by Section 32B-14-202:

9770 (i) the terminating party provides the affected party prior notification in accordance

9771 with Section 32B-14-202; and

9772 (ii) the affected party has not eliminated the reasons specified in the notification as the

9773 reasons for the action within 90 days after the date the notification is mailed in accordance with

9774 Section 32B-14-202.

9775 (3) A supplier may take an action prohibited by Subsection (1) if:

9776 (a) the supplier gives the wholesaler 30 days written notice before termination or

9777 nonrenewal;

9778 (b) the supplier discontinues production or discontinues distribution throughout the

9779 state of all brands of beer sold by the supplier to the wholesaler; and

9780 (c) the termination or nonrenewal does not violate the distributorship agreement.

9781 Section 334. Section **32B-14-202** is enacted to read:

9782 **32B-14-202. Notice of termination.**

9783 (1) Except as provided in Subsection (3), a terminating party may not take an action

9784 described in Subsection 32B-14-201(1) unless the terminating party provides prior notification

9785 in accordance with Subsection (2) to the affected party.

9786 (2) (a) A terminating party shall provide the notification required under Subsection (1):

9787 (i) in writing;

9788 (ii) by registered mail, return receipt requested; and

9789 (iii) to the affected party not less than 90 days before the date on which the

9790 distributorship agreement will be terminated or not renewed.

9791 (b) A terminating party shall state in the notification required under Subsection (1):

9792 (i) the intention to terminate or not renew;

9793 (ii) the reasons for the termination or nonrenewal; and
9794 (iii) the date, not less than 90 days from the date of mailing, on which the termination
9795 or nonrenewal shall take effect if the reasons for the action are not eliminated by that date.
9796 (3) A supplier or wholesaler may take an action described in Subsection 32B-14-201(1)
9797 without furnishing prior notification if:
9798 (a) the affected party is insolvent, bankrupt, in dissolution, or in liquidation;
9799 (b) the affected party makes an assignment for the benefit of creditors or similar
9800 disposition of substantially all of the assets of the affected party's business; or
9801 (c) the affected party or a person owning more than 10% of the stock or other
9802 ownership interest in the affected party:
9803 (i) is convicted of, pleads guilty to, or pleads no contest to a felony under federal law or
9804 a law of this state that in the reasonable, good faith judgment of the terminating party
9805 materially and adversely affects the good will or business of the terminating party;
9806 (ii) has its license or permit revoked or suspended for a period of 31 days or more; or
9807 (iii) engages in intentional fraudulent conduct in its dealings with the terminating party
9808 that in the reasonable, good faith judgment of the terminating party materially and adversely
9809 affects the good will or business of the terminating party.
9810 (4) Notwithstanding Subsection (3)(c)(i), a supplier may not take an action under
9811 Subsection (3)(c)(i) because of a conviction or plea by an owner of the affected party, if:
9812 (a) any other approved owner of the affected party purchases the ownership interest of
9813 the offending owner;
9814 (b) the offending owner was not materially involved in the management of the affected
9815 party; and
9816 (c) the purchase described in Subsection (4)(a) is completed within 90 days after the
9817 conviction or plea.
9818 (5) Subsection (3)(c)(iii) does not apply to conduct by a non-owner employee or
9819 representative of the affected party if the conduct occurred without the prior knowledge or
9820 consent of an owner of the affected party.
9821 Section 335. Section **32B-14-301** is enacted to read:
9822 **Part 3. Operational Provisions**
9823 **32B-14-301. Distributorship agreements in general.**

9824 A distributorship agreement may be for a definite or indefinite period.
9825 Section 336. Section **32B-14-302** is enacted to read:
9826 **32B-14-302. Prohibited conduct of supplier.**
9827 (1) A supplier may not:
9828 (a) induce or coerce, or attempt to induce or coerce, a wholesaler to engage in an illegal
9829 act or course of conduct;
9830 (b) impose a requirement that is discriminatory by its terms or in the methods of
9831 enforcement as compared to requirements imposed by the supplier on similarly situated
9832 wholesalers;
9833 (c) prohibit a wholesaler from selling a product of another supplier;
9834 (d) fix or maintain the price at which a wholesaler may resell beer;
9835 (e) fail to execute with each wholesaler of its brands a written distributorship
9836 agreement;
9837 (f) require a wholesaler to accept delivery of beer or any other item that is not
9838 voluntarily ordered by the wholesaler;
9839 (g) restrict or inhibit, directly or indirectly, the right of a wholesaler to participate in an
9840 organization representing interests of wholesalers for a lawful purpose;
9841 (h) require a wholesaler to participate in or contribute to a local, regional, or national
9842 advertising fund or other promotional activity that:
9843 (i) is not used for an advertising or promotional activity in the wholesaler's sales
9844 territory; or
9845 (ii) would require a contribution by the wholesaler in excess of the amounts specified
9846 in the distributorship agreement;
9847 (i) retaliate against a wholesaler that files a complaint with the department or the
9848 applicable federal agency regarding an alleged violation by the supplier of a state or federal
9849 statute or administrative rule;
9850 (j) require without good cause a change in the manager of a wholesaler who has
9851 previously been approved by the supplier;
9852 (k) if a wholesaler changes its approved manager, prohibit the change unless the new
9853 manager fails to meet the reasonable standards for similarly situated wholesalers of the supplier
9854 as stated in the distributorship agreement; or

9855 (l) refuse to deliver a beer product covered by a distributorship agreement to the
9856 wholesaler:
9857 (i) in a reasonable quantity; and
9858 (ii) within a reasonable time after receipt of the wholesaler's order.
9859 (2) Notwithstanding Subsection (1)(l), the supplier may refuse to deliver a beer product
9860 if the refusal is due to:
9861 (a) the wholesaler's failure to pay the supplier pursuant to the distributorship
9862 agreement;
9863 (b) an unforeseeable event beyond the supplier's control;
9864 (c) a work stoppage or delay due to a strike or labor problem;
9865 (d) a bona fide shortage of materials; or
9866 (e) a freight embargo.
9867 Section 337. Section **32B-14-303** is enacted to read:
9868 **32B-14-303. Prohibited conduct of wholesaler.**
9869 (1) A wholesaler may not:
9870 (a) induce or coerce, or attempt to induce or coerce, a retailer to engage in an illegal act
9871 or course of conduct;
9872 (b) impose a requirement that is discriminatory by its terms or in the methods of
9873 enforcement as compared to requirements imposed by the wholesaler on similarly situated
9874 retailers;
9875 (c) prohibit a retailer from selling a product of another wholesaler;
9876 (d) fix or maintain the price at which a retailer may resell beer;
9877 (e) require a retailer to accept delivery of beer or any other item that is not voluntarily
9878 ordered by the retailer;
9879 (f) restrict or inhibit, directly or indirectly, the right of a retailer to participate in an
9880 organization representing interests of retailers for a lawful purpose;
9881 (g) require a retailer to participate in or contribute to a local, regional, or national
9882 advertising fund or other promotional activity;
9883 (h) retaliate against a retailer that files a complaint with the department or the
9884 applicable federal agency regarding an alleged violation by the wholesaler of a state or federal
9885 statute or administrative rule; and

9886 (i) refuse to deliver a beer product carried by the wholesaler to a properly licensed
9887 retailer who resides within the wholesaler's sales territory:
9888 (i) in a reasonable quantity; and
9889 (ii) within a reasonable time after receipt of the retailer's order.
9890 (2) Notwithstanding Subsection (1)(i), the wholesaler may refuse to deliver a beer
9891 product if the refusal is due to:
9892 (a) the retailer's failure to pay the wholesaler pursuant to Subsection 32B-4-704(6);
9893 (b) an unforeseeable event beyond the wholesaler's control;
9894 (c) a work stoppage or delay due to a strike or labor problem;
9895 (d) a bona fide shortage of materials; or
9896 (e) a freight embargo.
9897 Section 338. Section **32B-14-304** is enacted to read:
9898 **32B-14-304. Sale or transfer of business assets or ownership.**
9899 (1) Without the prior written approval of a sale or transfer by the supplier:
9900 (a) a wholesaler may not sell or transfer its business, or any portion of its business,
9901 including the distributorship agreement, to a successor in interest; and
9902 (b) the owner of an interest in a wholesaler may not sell or transfer all or part of the
9903 owner's interest in the wholesaler to a successor in interest.
9904 (2) A supplier may not unreasonably withhold or delay its approval of a sale or
9905 transfer, including the wholesaler's rights and obligations under the terms of the distributorship
9906 agreement, if the person to be substituted meets reasonable standards that are imposed:
9907 (a) by the supplier pursuant to the distributorship agreement; and
9908 (b) on other wholesalers of that supplier of the same general class, taking into account
9909 the size and location of the sales territory and market to be served.
9910 (3) Notwithstanding Subsection (1), a wholesaler may not violate Subsection
9911 32B-13-301(8).
9912 Section 339. Section **32B-14-305** is enacted to read:
9913 **32B-14-305. Sale or transfer of supplier's business.**
9914 (1) (a) For purposes of this section, "successor" means a supplier who obtains a
9915 distribution right of a brand that a wholesaler distributes in this state pursuant to a
9916 distributorship agreement with another supplier who previously had the distribution rights of

9917 the brand.
9918 (b) For purposes of Subsection (1)(a), the successor may obtain a distribution right:
9919 (i) by any means, including:
9920 (A) merger;
9921 (B) purchase of corporate shares; or
9922 (C) purchase of assets; and
9923 (ii) from:
9924 (A) a supplier; or
9925 (B) a person acting in an official capacity who is not a supplier including a nominee,
9926 representative, or fiduciary.
9927 (2) (a) A successor to a supplier that acquires a supplier's product or brand in this state
9928 is bound by the terms and conditions of each distributorship agreement with a wholesaler in
9929 this state that was in effect on the date on which the successor receives the assets or rights of
9930 the previous supplier.
9931 (b) Notwithstanding Subsection (2)(a), if the requirements of Subsection (2)(c) are met,
9932 a successor may contractually require the wholesaler to:
9933 (i) execute a new distributorship agreement; and
9934 (ii) comply with the successor's operational standards of performance.
9935 (c) A successor may impose a requirement under Subsection (2)(b) if:
9936 (i) the operational standards of performance being required are consistent with this
9937 chapter;
9938 (ii) the operational standards of performance being required are uniformly imposed by
9939 the successor on similarly situated wholesalers; and
9940 (iii) the successor provides the wholesaler at least one year to:
9941 (A) execute a new distributorship agreement; and
9942 (B) comply with the operational standards of performance.
9943 Section 340. Section **32B-14-401** is enacted to read:
9944 **Part 4. Remedies**
9945 **32B-14-401. Reasonable compensation -- Arbitration.**
9946 (1) (a) If a supplier violates Section 32B-14-201 or 32B-14-304, the supplier is liable
9947 to the wholesaler for the sum of:

9948 (i) the laid-in cost of inventory of the affected brands; and
9949 (ii) any diminution in the fair market value of the wholesaler's business with relation to
9950 an affected brand.
9951 (b) In determining fair market value, consideration shall be given to all elements of
9952 value, including good will and going concern value.
9953 (2) (a) A distributorship agreement may require that any or all disputes between a
9954 supplier and a wholesaler be submitted to binding arbitration.
9955 (b) In the absence of an applicable arbitration provision in a distributorship agreement,
9956 either the supplier or the wholesaler may request arbitration if a supplier and a wholesaler are
9957 unable to mutually agree on:
9958 (i) whether good cause exists for termination or nonrenewal;
9959 (ii) whether the supplier unreasonably withheld approval of a sale or transfer under
9960 Section 32B-14-304; or
9961 (iii) the reasonable compensation to be paid for the value of the wholesaler's business
9962 in accordance with Subsection (1).
9963 (c) If a supplier or wholesaler requests arbitration under Subsection (2)(b) and the other
9964 party agrees to submit the matter to arbitration, an arbitration panel shall be created with the
9965 following members:
9966 (i) one member selected by the supplier in a writing delivered to the wholesaler within
9967 10 business days of the date arbitration was requested under Subsection (2)(b);
9968 (ii) one member selected by the wholesaler in a writing delivered to the supplier within
9969 10 business days of the date arbitration was requested under Subsection (2)(b); and
9970 (iii) one member selected by the two arbitrators appointed under Subsections (2)(c)(i)
9971 and (ii).
9972 (d) If the arbitrators fail to choose a third arbitrator under Subsection (2)(c)(iii) within
9973 10 business days of the day on which the arbitrators under Subsections (2)(c)(i) and (ii) are
9974 selected, a judge of a district court in the county in which the wholesaler's principal place of
9975 business is located shall select the third arbitrator.
9976 (e) Arbitration costs shall be divided equally between the wholesaler and the supplier.
9977 (f) The award of the arbitration panel is binding on the parties unless appealed within
9978 20 days from the date of the award.

9979 (g) Subject to the requirements of this chapter, arbitration and a proceeding on appeal
9980 are governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
9981 Section 341. Section **32B-14-402** is enacted to read:
9982 **32B-14-402. Judicial remedies.**
9983 (1) A supplier or wholesaler who is a party to a distributorship agreement may
9984 maintain a civil action against the supplier or wholesaler in a court of competent jurisdiction in
9985 the county in which the wholesaler's principal place of business is located if:
9986 (a) the supplier or wholesaler violates this chapter; or
9987 (b) (i) the supplier and wholesaler are not able to mutually agree on reasonable
9988 compensation under Section 32B-14-401; and
9989 (ii) the parties do not agree to submit the matter to arbitration in accordance with
9990 Section 32B-14-401 before or within 20 days following service of process on the electing party
9991 in the civil action.
9992 (2) (a) The prevailing party in an action under Subsection (1) shall recover:
9993 (i) actual damages, including the value of the wholesaler's business as specified in
9994 Section 32B-14-401 if applicable; and
9995 (ii) reasonable attorney fees and court costs.
9996 (b) In addition to the amount awarded under Subsection (2)(a), the court may grant
9997 such relief in law or equity as the court determines to be necessary or appropriate considering
9998 the purposes of this chapter.
9999 (3) If either party elects arbitration under Subsection (1)(b)(ii) following service of
10000 process, the civil action is stayed pending a decision by the arbitration panel.
10001 Section 342. Section **32B-15-101** is enacted to read:
10002 **CHAPTER 15. ALCOHOLIC PRODUCT LIABILITY ACT**
10003 **Part 1. General Provisions**
10004 **32B-15-101. Title.**
10005 This chapter is known as the "Alcoholic Product Liability Act."
10006 Section 343. Section **32B-15-102** is enacted to read:
10007 **32B-15-102. Definitions.**
10008 As used in this chapter:
10009 (1) "Death of a third person" includes recovery for all damages, special and general,

10010 resulting from the death, except punitive damages.
10011 (2) (a) "Injury" includes injury in person, property, or means of support.
10012 (b) "Injury" also includes recovery for intangibles such as:
10013 (i) mental and emotional injuries;
10014 (ii) loss of affection; and
10015 (iii) loss of companionship.
10016 Section 344. Section **32B-15-201** is enacted to read:
10017 **Part 2. Liability**
10018 **32B-15-201. Liability for injuries and damage resulting from distribution of**
10019 **alcoholic products.**
10020 (1) (a) Except as provided in Subsections 32B-15-202(2) and (3), a person described in
10021 Subsection (1)(b) is liable for:
10022 (i) any and all injury and damage, except punitive damages to:
10023 (A) a third person; or
10024 (B) the heir, as defined in Section 78B-3-105, of that third person; or
10025 (ii) the death of a third person.
10026 (b) A person is liable under Subsection (1)(a) if:
10027 (i) the person directly gives, sells, or otherwise provides an alcoholic product:
10028 (A) to a person described in Subsection (1)(b)(ii); and
10029 (B) as part of the commercial sale, storage, service, manufacture, distribution, or
10030 consumption of an alcoholic product;
10031 (ii) those actions cause the intoxication of:
10032 (A) an individual under the age of 21 years;
10033 (B) an individual who is apparently under the influence of intoxicating alcoholic
10034 products or drugs;
10035 (C) an individual whom the person furnishing the alcoholic product knew or should
10036 have known from the circumstances was under the influence of intoxicating alcoholic products
10037 or drugs; or
10038 (D) an individual who is a known interdicted person; and
10039 (iii) the injury or death described in Subsection (1)(a) results from the intoxication of
10040 the individual who is provided the alcoholic product.

10041 (2) (a) A person 21 years of age or older who is described in Subsection (2)(b) is liable
10042 for:
10043 (i) any and all injury and damage, except punitive damages to:
10044 (A) a third person; or
10045 (B) the heir, as defined in Section 78B-3-105, of that third person; or
10046 (ii) the death of the third person.
10047 (b) A person is liable under Subsection (2)(a) if:
10048 (i) that person directly gives or otherwise provides an alcoholic product to an
10049 individual who the person knows or should have known is under the age of 21 years;
10050 (ii) those actions caused the intoxication of the individual provided the alcoholic
10051 product;
10052 (iii) the injury or death described in Subsection (2)(a) results from the intoxication of
10053 the individual who is provided the alcoholic product; and
10054 (iv) the person is not liable under Subsection (1), because the person did not directly
10055 give or provide the alcoholic product as part of the commercial sale, storage, service,
10056 manufacture, distribution, or consumption of an alcoholic product.
10057 (3) This section does not apply to a business licensed in accordance with Chapter 7,
10058 Off-premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.
10059 Section 345. Section **32B-15-202** is enacted to read:
10060 **32B-15-202. Liability for employees -- Employee protected in exercising**
10061 **judgment.**
10062 (1) (a) Except for a violation of Subsection 32B-15-201(2), an employer is liable for
10063 the actions of its staff in violation of this chapter.
10064 (b) This Subsection (1) does not apply to a business licensed in accordance with
10065 Chapter 7, Off-premise Beer Retailer Act, to sell beer at retail only for off-premise
10066 consumption.
10067 (2) An employer may not sanction or terminate the employment of individual staff of a
10068 retail licensee or other establishment serving an alcoholic product as a result of the staff having
10069 exercised the staff's independent judgment to refuse to sell an alcoholic product to a person the
10070 staff considers to meet one or more of the conditions described in Subsection
10071 32B-15-201(1)(b).

10072 (3) An employer who terminates an employee or imposes sanctions on the employee
10073 contrary to this section is considered to have discriminated against that employee and is subject
10074 to the conditions and penalties set forth in Title 34A, Chapter 5, Utah Antidiscrimination Act.
10075 Section 346. Section **32B-15-203** is enacted to read:
10076 **32B-15-203. Governmental immunity.**
10077 This title does not create civil liability on the part of the following arising out of one of
10078 the following's actions in regulating, controlling, authorizing, or otherwise being involved in
10079 the sale or other distribution of an alcoholic product:
10080 (1) the state;
10081 (2) a state agency;
10082 (3) a state employee;
10083 (4) the commission;
10084 (5) the department; or
10085 (6) a political subdivision.
10086 Section 347. Section **32B-15-301** is enacted to read:
10087 **Part 3. Civil Action**
10088 **32B-15-301. Cause of action -- Statute of limitations.**
10089 (1) (a) A person who suffers an injury under Subsection 32B-15-201 has a cause of
10090 action against the person who provided the alcoholic product in violation of Section
10091 32B-15-201.
10092 (b) If a person having rights or liabilities under this chapter dies, the rights or liabilities
10093 provided by this chapter survive to or against that person's estate.
10094 (2) The total amount that may be awarded to any person pursuant to a cause of action
10095 for injury and damage under this chapter that arises after January 1, 2010, is limited to
10096 $1,000,000 and the aggregate amount which may be awarded to all persons injured as a result
10097 of one occurrence is limited to $2,000,000.
10098 (3) An action based upon a cause of action under this chapter shall be commenced
10099 within two years after the date of the injury and damage.
10100 (4) (a) Nothing in this chapter precludes any cause of action or additional recovery
10101 against the person causing the injury.
10102 (b) A cause of action or additional recovery against the person causing the injury and

10103 damage, which action is not brought under this chapter, is exempt from the damage cap in
10104 Subsection (2).
10105 (c) A cause of action brought under this chapter is exempt from Sections 78B-5-817
10106 through 78B-5-823.
10107 (5) This section does not apply to a business licensed in accordance with Chapter 7,
10108 Off-premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.
10109 Section 348. Section **32B-15-302** is enacted to read:
10110 **32B-15-302. Action for contribution by provider of an alcoholic product.**
10111 (1) (a) Except as provided in Subsections (2) and (3), a person, as defined under
10112 Section 32B-15-201 or Subsection 32B-15-202(1), against whom an award is made under this
10113 chapter, may bring a separate cause of action for contribution against any person causing the
10114 injury and damage.
10115 (b) The maximum amount for which a person causing the injury and damage may be
10116 liable to a person seeking contribution is that percentage or proportion of the damages
10117 equivalent to the percentage or proportion of fault attributed to that person causing the injury
10118 and damage.
10119 (2) This action for contribution under this section may not be brought against:
10120 (a) a person entitled to recovery as described in Subsection 32B-15-201(1)(a)(i) or (ii);
10121 or
10122 (b) a person entitled to recover as described in Subsection 32B-15-201(2)(a)(i) or (ii).
10123 (3) An action for contribution under this section may not diminish the amount of
10124 recovery for injury or damages awarded and received to a person entitled to recover as
10125 described in Subsection 32B-15-201(1)(a)(i) or (ii) or 32B-15-201(2)(a)(i) or (ii):
10126 (a) in a cause of action brought under this chapter; or
10127 (b) in a separate cause of action for injury and damage that is not brought under this
10128 chapter.
10129 Section 349. Section **32B-16-101** is enacted to read:
10130 **CHAPTER 16. MINOR LIABILITY ACT**
10131 **Part 1. General Provisions**
10132 **32B-16-101. Title.**
10133 This chapter is known as the "Minor Liability Act."

10134 Section 350. Section **32B-16-102** is enacted to read:
10135 **32B-16-102. Definitions.**
10136 As used in this chapter:
10137 (1) "Applicable fine" means the sum of the following imposed or assessed under this
10138 title by the commission for a violation related to a minor:
10139 (a) a fine; and
10140 (b) administrative costs of a disciplinary proceeding.
10141 (2) "Violation related to a minor" means a violation under this title:
10142 (a) that is, in whole or in part, based on a retail licensee, or staff of the retail licensee:
10143 (i) selling, offering for sale, or furnishing an alcoholic product to a minor;
10144 (ii) purchasing or otherwise obtaining an alcoholic product for a minor;
10145 (iii) permitting a minor to consume an alcoholic product;
10146 (iv) permitting a minor to gain admittance to an area into which a minor is not
10147 permitted under this title; or
10148 (v) offering or providing employment to a minor that under this title may not be
10149 obtained by a minor; and
10150 (b) if as part of the violation the minor uses proof of age in violation of Chapter 1, Part
10151 4, Proof of Age Act.
10152 Section 351. Section **32B-16-201** is enacted to read:
10153 **Part 2. Liability to Retail Licensee**
10154 **32B-16-201. Liability related to applicable fine.**
10155 (1) A minor is liable to a retail licensee in an amount described in Subsection (2) if:
10156 (a) the commission imposes an applicable fine against the retail licensee on the basis of
10157 a violation related to a minor; and
10158 (b) the minor, as part of the minor's involvement in the violation described in
10159 Subsection (1)(a), uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.
10160 (2) If the conditions of Subsection (1) are met, a minor is liable to a retail licensee for
10161 an amount equal to the sum of:
10162 (a) one-half of the amount of the applicable fine imposed against the retail licensee;
10163 and
10164 (b) the costs and attorney fees incurred by the retail licensee under Section 32B-16-301

10165 to collect the amount owed under this section.
10166 Section 352. Section **32B-16-301** is enacted to read:
10167 **Part 3. Civil Action**
10168 **32B-16-301. Bringing an action.**
10169 (1) Subject to the other provisions of this section, a retail licensee to whom a minor is
10170 liable under Section 32B-16-201 may bring an action in a court of competent jurisdiction to
10171 collect the amount described in Section 32B-16-201.
10172 (2) The action allowed under this section may be brought against:
10173 (a) the minor; or
10174 (b) if the minor is less than 18 years of age, a parent or guardian of the minor.
10175 (3) An action under this chapter may not be commenced more than two years after the
10176 day on which the applicable fine is imposed by the commission.
10177 (4) Nothing in this chapter precludes a cause of action or additional recovery against a
10178 minor under law other than this chapter.
10179 (5) Notwithstanding the other provisions of this part:
10180 (a) the state or an agency of the state is not liable under this part when a state agency
10181 has legal or protective custody of, or has guardianship of a minor at the time:
10182 (i) the minor engages in conduct with regard to a violation related to a minor; or
10183 (ii) an applicable fine is imposed on the retail licensee by the commission; and
10184 (b) a retail licensee may not bring an action against the state or an agency of the state
10185 under the circumstances described in Subsection (5)(a).
10186 Section 353. Section **32B-16-302** is enacted to read:
10187 **32B-16-302. Action for contribution.**
10188 (1) (a) Subject to Subsections (2) and (3), a minor liable under Section 32B-16-201
10189 against whom an award is made under this chapter, may bring a separate cause of action for
10190 contribution against a person causing the liability under Section 32B-16-201.
10191 (b) The maximum amount for which a person described in Subsection (1)(a) may be
10192 liable to a minor seeking contribution is that percentage or proportion of the amount described
10193 in Section 32B-16-201 equivalent to the percentage or proportion of fault attributed to that
10194 person causing the liability under Section 32B-16-201.
10195 (2) An action for contribution under this section may not be brought against:

10196 (a) the retail licensee to whom the minor is liable; or
10197 (b) staff of the retail licensee.
10198 (3) An action for contribution under this section may not diminish the amount collected
10199 by a retail licensee under this chapter.
10200 Section 354. Section **41-6a-526** is amended to read:
10201 **41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle**
10202 **prohibited -- Definitions -- Exceptions.**
10203 (1) As used in this section:
10204 (a) "Alcoholic beverage" has the same meaning as defined in Section [~~32A-1-105~~]
10205 32B-1-102.
10206 (b) "Chartered bus" has the same meaning as defined in Section [~~32A-1-105~~]
10207 32B-1-102.
10208 (c) "Limousine" has the same meaning as defined in Section [~~32A-1-105~~] 32B-1-102.
10209 (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by
10210 the operator and passengers.
10211 (ii) "Passenger compartment" includes areas accessible to the operator and passengers
10212 while traveling, including a utility or glove compartment.
10213 (iii) "Passenger compartment" does not include a separate front or rear trunk
10214 compartment or other area of the vehicle not accessible to the operator or passengers while
10215 inside the vehicle.
10216 (2) A person may not drink any alcoholic beverage while operating a motor vehicle or
10217 while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any
10218 highway.
10219 (3) A person may not keep, carry, possess, transport, or allow another to keep, carry,
10220 possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on
10221 any highway, any container which contains any alcoholic beverage if the container has been
10222 opened, its seal broken, or the contents of the container partially consumed.
10223 (4) Subsections (2) and (3) do not apply to a passenger:
10224 (a) in the living quarters of a motor home or camper;
10225 (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in
10226 compliance with Subsections [~~32A-12-213(3)~~] 32B-4-415(4)(b) and (c); or

10227 (c) in a motorboat or on the waters of this state as these terms are defined in Section
10228 73-18-2.
10229 (5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.
10230 Section 355. Section **53-3-207** is amended to read:
10231 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
10232 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
10233 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**
10234 (1) As used in this section:
10235 (a) "driving privilege" means the privilege granted under this chapter to drive a motor
10236 vehicle;
10237 (b) "governmental entity" means the state and its political subdivisions as defined in
10238 this Subsection (1);
10239 (c) "political subdivision" means any county, city, town, school district, public transit
10240 district, community development and renewal agency, special improvement or taxing district,
10241 local district, special service district, an entity created by an interlocal agreement adopted under
10242 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
10243 corporation; and
10244 (d) "state" means this state, and includes any office, department, agency, authority,
10245 commission, board, institution, hospital, college, university, children's justice center, or other
10246 instrumentality of the state.
10247 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
10248 regular license certificate, a limited-term license certificate, or a driving privilege card
10249 indicating the type or class of motor vehicle the person may drive.
10250 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
10251 class.
10252 (3) (a) Every regular license certificate, limited-term license certificate, or driving
10253 privilege card shall bear:
10254 (i) the distinguishing number assigned to the person by the division;
10255 (ii) the name, birth date, and Utah residence address of the person;
10256 (iii) a brief description of the person for the purpose of identification;
10257 (iv) any restrictions imposed on the license under Section 53-3-208;

10258 (v) a photograph of the person;
10259 (vi) a photograph or other facsimile of the person's signature; and
10260 (vii) an indication whether the person intends to make an anatomical gift under Title
10261 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
10262 under Subsection 53-3-214(3).
10263 (b) A new license certificate issued by the division may not bear the person's Social
10264 Security number.
10265 (c) (i) The regular license certificate, limited-term license certificate, or driving
10266 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
10267 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
10268 license certificate, limited-term license certificate, or driving privilege card shall be as
10269 prescribed by the commissioner.
10270 (iii) The commissioner may also prescribe the issuance of a special type of limited
10271 regular license certificate, limited-term license certificate, or driving privilege card under
10272 Subsection 53-3-220(4).
10273 (4) (a) (i) The division, upon determining after an examination that an applicant is
10274 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
10275 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
10276 license certificate.
10277 (ii) The receipt serves as a temporary regular license certificate or limited-term license
10278 certificate allowing the person to drive a motor vehicle while the division is completing its
10279 investigation to determine whether the person is entitled to be granted a driving privilege.
10280 (b) The receipt shall be in the person's immediate possession while driving a motor
10281 vehicle, and it is invalid when the person's regular license certificate or limited-term license
10282 certificate has been issued or when, for good cause, the privilege has been refused.
10283 (c) The division shall indicate on the receipt a date after which it is not valid as a
10284 temporary license.
10285 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt
10286 that serves as a temporary driving privilege card or other temporary permit to an applicant for a
10287 driving privilege card.
10288 (ii) The division may issue a learner permit issued in accordance with Section

10289 53-3-210.5 to an applicant for a driving privilege card.
10290 (5) (a) The division shall distinguish learner permits, temporary permits, regular
10291 license certificates, limited-term license certificates, and driving privilege cards issued to any
10292 person younger than 21 years of age by use of plainly printed information or the use of a color
10293 or other means not used for other regular license certificates, limited-term license certificates,
10294 or driving privilege cards.
10295 (b) The division shall distinguish a regular license certificate, limited-term license
10296 certificate, or driving privilege card issued to any person:
10297 (i) younger than 21 years of age by use of a portrait-style format not used for other
10298 regular license certificates, limited-term license certificates, or driving privilege cards and by
10299 plainly printing the date the regular license certificate, limited-term license certificate, or
10300 driving privilege card holder is 21 years of age, which is the legal age for purchasing an
10301 alcoholic beverage or alcoholic product under Section [~~32A-12-203~~] 32B-14-403; and
10302 (ii) younger than 19 years of age, by plainly printing the date the regular license
10303 certificate, limited-term license certificate, or driving privilege card holder is 19 years of age,
10304 which is the legal age for purchasing tobacco products under Section 76-10-104.
10305 (6) The division shall distinguish a limited-term license certificate by clearly indicating
10306 on the document:
10307 (a) that it is temporary; and
10308 (b) its expiration date.
10309 (7) (a) The division shall only issue a driving privilege card to a person whose privilege
10310 was obtained without providing evidence of lawful presence in the United States as required
10311 under Subsection 53-3-205(8).
10312 (b) The division shall distinguish a driving privilege card from a license certificate by:
10313 (i) use of a format, color, font, or other means; and
10314 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
10315 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".
10316 (8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary
10317 permit, or any other temporary permit or receipt issued by the division.
10318 (9) The division shall issue temporary license certificates of the same nature, except as
10319 to duration, as the license certificates that they temporarily replace, as are necessary to

10320 implement applicable provisions of this section and Section 53-3-223.
10321 (10) (a) A governmental entity may not accept a driving privilege card as proof of
10322 personal identification.
10323 (b) A driving privilege card may not be used as a document providing proof of a
10324 person's age for any government required purpose.
10325 (11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.
10326 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,
10327 fees, restrictions, and sanctions under this code apply to a:
10328 (a) driving privilege in the same way as a license or limited-term license issued under
10329 this chapter; and
10330 (b) limited-term license certificate or driving privilege card in the same way as a
10331 regular license certificate issued under this chapter.
10332 Section 356. Section **53-3-219** is amended to read:
10333 **53-3-219. Suspension of minor's driving privileges.**
10334 (1) The division shall immediately suspend all driving privileges of any person upon
10335 receipt of an order suspending driving privileges under Section [~~32A-12-209~~] 32B-4-409,
10336 Section [~~32A-12-209.5~~] 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606.
10337 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), upon receipt of the first order
10338 suspending a person's driving privileges under Section [~~32A-12-209 or 32A-12-209.5~~]
10339 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606 for a violation
10340 that was committed on or after July 1, 2009, the division shall:
10341 (A) impose a suspension for a period of one year;
10342 (B) if the person has not been issued an operator license, deny the person's application
10343 for a license or learner's permit for a period of one year; or
10344 (C) if the person is under the age of eligibility for a driver license, deny the person's
10345 application for a license or learner's permit beginning on the date of conviction and continuing
10346 for one year beginning on the date of eligibility for a driver license.
10347 (ii) Upon receipt of the first order suspending a person's driving privileges under this
10348 section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or
10349 (C) if ordered by the court in accordance with Subsection [~~32A-12-209~~] 32B-4-409(5)(b),
10350 [~~32A-12-209.5~~] 32B-4-410(4)(b), 76-9-701(4)(b), or 78A-6-606(3)(b).

10351 (b) Upon receipt of a second or subsequent order suspending a person's driving
10352 privileges under Section [~~32A-12-209 or 32A-12-209.5~~] 32B-4-409, Section 32B-4-410,
10353 Subsection 76-9-701(1), or Section 78A-6-606 for a violation that was committed on or after
10354 July 1, 2009, the division shall:
10355 (i) impose a suspension for a period of two years; or
10356 (ii) if the person has not been issued an operator license or is under the age of
10357 eligibility for a driver license, deny the person's application for a license or learner's permit for
10358 a period of two years.
10359 (c) The Driver License Division shall impose a suspension for the suspension period in
10360 effect prior to July 1, 2009, if the order suspending driving privileges under Section
10361 [~~32A-12-209 or 32A-12-209.5,~~] 32B-4-409, Section 32B-4-410 Subsection 76-9-701(1), or
10362 Section 78A-6-606 is for a violation committed prior to July 1, 2009.
10363 (3) The Driver License Division shall subtract from any suspension or revocation
10364 period for a conviction of a violation of Section [~~32A-12-209~~] 32B-4-409 the number of days
10365 for which a license was previously suspended under Section 53-3-231, if the previous sanction
10366 was based on the same occurrence upon which the record of conviction is based.
10367 (4) After reinstatement of the license [~~under~~] described in Subsection (1)[~~(a)~~], a report
10368 authorized under Section 53-3-104 may not contain evidence of the suspension of a minor's
10369 license under this section if the minor has not been convicted of any other offense for which the
10370 suspension under Subsection (1)[~~(a)~~] may be extended.
10371 Section 357. Section **53-3-220** is amended to read:
10372 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
10373 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
10374 **Limited driving privileges.**
10375 (1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter
10376 6a, Traffic Code, specifically provides for denial, suspension, or disqualification, the division
10377 shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's
10378 conviction for:
10379 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
10380 automobile homicide under Section 76-5-207 or 76-5-207.5;
10381 (ii) driving or being in actual physical control of a motor vehicle while under the

10382 influence of alcohol, any drug, or combination of them to a degree that renders the person
10383 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
10384 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
10385 (iii) driving or being in actual physical control of a motor vehicle while having a blood
10386 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
10387 that complies with the requirements of Subsection 41-6a-510(1);
10388 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
10389 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
10390 regulating driving on highways;
10391 (v) any felony under the motor vehicle laws of this state;
10392 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
10393 (vii) failure to stop and render aid as required under the laws of this state if a motor
10394 vehicle accident results in the death or personal injury of another;
10395 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
10396 driving and impaired driving committed within a period of 12 months; but if upon a first
10397 conviction of reckless driving or impaired driving the judge or justice recommends suspension
10398 of the convicted person's license, the division may after a hearing suspend the license for a
10399 period of three months;
10400 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
10401 required in Section 41-6a-210;
10402 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
10403 requires disqualification;
10404 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
10405 allowing the discharge of a firearm from a vehicle;
10406 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
10407 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
10408 (xiii) operating or being in actual physical control of a motor vehicle while having any
10409 measurable controlled substance or metabolite of a controlled substance in the person's body in
10410 violation of Section 41-6a-517;
10411 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
10412 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

10413 (xv) operating or being in actual physical control of a motor vehicle while having any
10414 measurable or detectable amount of alcohol in the person's body in violation of Section
10415 41-6a-530;
10416 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
10417 violation of Section 41-6a-606; or
10418 (xvii) operating or being in actual physical control of a motor vehicle in this state
10419 without an ignition interlock system in violation of Section 41-6a-518.2.
10420 (b) The division shall immediately revoke the license of a person upon receiving a
10421 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:
10422 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
10423 allowing the discharge of a firearm from a vehicle; or
10424 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
10425 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
10426 (c) Except when action is taken under Section 53-3-219 for the same offense, the
10427 division shall immediately suspend for six months the license of a person upon receiving a
10428 record of conviction for:
10429 (i) any violation of:
10430 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
10431 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
10432 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
10433 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
10434 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
10435 (ii) any criminal offense that prohibits:
10436 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
10437 that is prohibited under the acts described in Subsection (1)(c)(i); or
10438 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
10439 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
10440 (d) (i) The division shall immediately suspend a person's driver license for conviction
10441 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
10442 (A) an order from the sentencing court requiring that the person's driver license be
10443 suspended; and

10444 (B) a record of the conviction.
10445 (ii) An order of suspension under this section is at the discretion of the sentencing
10446 court, and may not be for more than 90 days for each offense.
10447 (e) (i) The division shall immediately suspend for one year the license of a person upon
10448 receiving a record of:
10449 (A) conviction for the first time for a violation under Section [~~32A-12-223~~] 32B-4-411;
10450 or
10451 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a
10452 violation under Section [~~32A-12-223~~] 32B-4-411.
10453 (ii) The division shall immediately suspend for a period of two years the license of a
10454 person upon receiving a record of:
10455 (A) (I) conviction for a second or subsequent violation under Section [~~32A-12-223~~]
10456 32B-4-411; and
10457 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior
10458 conviction for a violation under Section [~~32A-12-223~~] 32B-4-411; or
10459 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
10460 Act of 1996, for a violation under Section [~~32A-12-223~~] 32B-4-411; and
10461 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior
10462 adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under
10463 Section [~~32A-12-223~~] 32B-4-411.
10464 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
10465 (A) for a conviction or adjudication described in Subsection (1)(e)(i):
10466 (I) impose a suspension for one year beginning on the date of conviction; or
10467 (II) if the person is under the age of eligibility for a driver license, impose a suspension
10468 that begins on the date of conviction and continues for one year beginning on the date of
10469 eligibility for a driver license; or
10470 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
10471 (I) impose a suspension for a period of two years; or
10472 (II) if the person is under the age of eligibility for a driver license, impose a suspension
10473 that begins on the date of conviction and continues for two years beginning on the date of
10474 eligibility for a driver license.

10475 (2) The division shall extend the period of the first denial, suspension, revocation, or
10476 disqualification for an additional like period, to a maximum of one year for each subsequent
10477 occurrence, upon receiving:
10478 (a) a record of the conviction of any person on a charge of driving a motor vehicle
10479 while the person's license is denied, suspended, revoked, or disqualified;
10480 (b) a record of a conviction of the person for any violation of the motor vehicle law in
10481 which the person was involved as a driver;
10482 (c) a report of an arrest of the person for any violation of the motor vehicle law in
10483 which the person was involved as a driver; or
10484 (d) a report of an accident in which the person was involved as a driver.
10485 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
10486 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
10487 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
10488 or revocation originally imposed under Section 53-3-221.
10489 (4) (a) The division may extend to a person the limited privilege of driving a motor
10490 vehicle to and from the person's place of employment or within other specified limits on
10491 recommendation of the judge in any case where a person is convicted of any of the offenses
10492 referred to in Subsections (1) and (2) except:
10493 (i) automobile homicide under Subsection (1)(a)(i);
10494 (ii) those offenses referred to in Subsections (1)(a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
10495 (1)(b), and (1)(c); and
10496 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
10497 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
10498 41-6a-517, a local ordinance which complies with the requirements of Subsection
10499 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
10500 was charged with violating as a result of a plea bargain after having been originally charged
10501 with violating one or more of these sections or ordinances, unless:
10502 (A) the person has had the period of the first denial, suspension, revocation, or
10503 disqualification extended for a period of at least three years;
10504 (B) the division receives written verification from the person's primary care physician
10505 that:

10506 (I) to the physician's knowledge the person has not used any narcotic drug or other
10507 controlled substance except as prescribed by a licensed medical practitioner within the last
10508 three years; and
10509 (II) the physician is not aware of any physical, emotional, or mental impairment that
10510 would affect the person's ability to operate a motor vehicle safely; and
10511 (C) for a period of one year prior to the date of the request for a limited driving
10512 privilege:
10513 (I) the person has not been convicted of a violation of any motor vehicle law in which
10514 the person was involved as the operator of the vehicle;
10515 (II) the division has not received a report of an arrest for a violation of any motor
10516 vehicle law in which the person was involved as the operator of the vehicle; and
10517 (III) the division has not received a report of an accident in which the person was
10518 involved as an operator of a vehicle.
10519 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
10520 authorized in this Subsection (4):
10521 (A) is limited to when undue hardship would result from a failure to grant the
10522 privilege; and
10523 (B) may be granted only once to any person during any single period of denial,
10524 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
10525 or disqualification.
10526 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):
10527 (A) is limited to when the limited privilege is necessary for the person to commute to
10528 school or work; and
10529 (B) may be granted only once to any person during any single period of denial,
10530 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
10531 or disqualification.
10532 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
10533 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
10534 denied under this chapter.
10535 Section 358. Section **53-3-229** is amended to read:
10536 **53-3-229. Prohibited uses of license certificate -- Penalty.**

10537 (1) It is a class C misdemeanor for a person to:
10538 (a) lend or knowingly permit the use of a license certificate issued to the person, by a
10539 person not entitled to it;
10540 (b) display or to represent as the person's own a license certificate not issued to the
10541 person;
10542 (c) refuse to surrender to the division or a peace officer upon demand any license
10543 certificate issued by the division;
10544 (d) use a false name or give a false address in any application for a license or any
10545 renewal or duplicate of the license certificate, or to knowingly make a false statement, or to
10546 knowingly conceal a material fact or otherwise commit a fraud in the application;
10547 (e) display a canceled, denied, revoked, suspended, or disqualified driver license
10548 certificate as a valid driver license certificate;
10549 (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic
10550 driver license certificate issued by a governmental entity if the item is not an authentic driver
10551 license certificate issued by that governmental entity; or
10552 (g) alter any information on an authentic driver license certificate so that it no longer
10553 represents the information originally displayed.
10554 (2) The provisions of Subsection (1)(e) do not prohibit the use of a person's driver
10555 license certificate as a means of personal identification.
10556 (3) It is a class A misdemeanor to:
10557 (a) knowingly issue a driver license certificate with false or fraudulent information;
10558 (b) knowingly issue a driver license certificate to a person younger than 21 years of age
10559 if the driver license certificate is not distinguished as required for a person younger than 21
10560 years of age under Section 53-3-207; or
10561 (c) knowingly acquire, use, display, or transfer a false or altered driver license
10562 certificate to procure cigarettes, tobacco, or tobacco products.
10563 (4) A person may not use, display, or transfer a false or altered driver license certificate
10564 to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold
10565 or consumed, or obtain employment that may not be obtained by a minor in violation of
10566 Section [~~32A-1-301~~] 32B-1-403.
10567 (5) It is a third degree felony if a person's acquisition, use, display, or transfer of a false

10568 or altered driver license certificate:
10569 (a) aids or furthers the person's efforts to fraudulently obtain goods or services; or
10570 (b) aids or furthers the person's efforts to commit a violent felony.
10571 Section 359. Section **53-3-231** is amended to read:
10572 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
10573 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
10574 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
10575 **Referral to local substance abuse authority or program.**
10576 (1) (a) As used in this section:
10577 (i) "Local substance abuse authority" has the same meaning as provided in Section
10578 62A-15-102.
10579 (ii) "Substance abuse program" means any substance abuse program licensed by the
10580 Department of Human Services or the Department of Health and approved by the local
10581 substance abuse authority.
10582 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
10583 be made in accordance with the procedures in Subsection 41-6a-502(1).
10584 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
10585 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
10586 concentration in the person's body as shown by a chemical test.
10587 (b) A person who violates Subsection (2)(a), in addition to any other applicable
10588 penalties arising out of the incident, shall have the person's operator license denied or
10589 suspended as provided in Subsection (8).
10590 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
10591 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
10592 person for a violation of Section [~~32A-12-209~~] 32B-4-409, request that the person submit to a
10593 chemical test or tests to be administered in compliance with the standards under Section
10594 41-6a-520.
10595 (b) The peace officer shall advise a person prior to the person's submission to a
10596 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or
10597 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.
10598 (c) If the person submits to a chemical test and the test results indicate a blood, breath,

10599 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
10600 determination, based on reasonable grounds, that the person is otherwise in violation of
10601 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
10602 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
10603 vehicle or refusal to issue a license under this section.
10604 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:
10605 (a) take the Utah license certificate or permit, if any, of the operator;
10606 (b) issue a temporary license certificate effective for only 29 days from the date of
10607 arrest if the driver had a valid operator's license; and
10608 (c) supply to the operator, in a manner specified by the division, basic information
10609 regarding how to obtain a prompt hearing before the division.
10610 (5) A citation issued by a peace officer may, if provided in a manner specified by the
10611 division, also serve as the temporary license certificate under Subsection (4)(b).
10612 (6) As a matter of procedure, a peace officer shall send to the division within 10
10613 calendar days after the day on which notice is provided:
10614 (a) the person's driver license certificate, if any;
10615 (b) a copy of the citation issued for the offense;
10616 (c) a signed report in a manner specified by the Driver License Division indicating the
10617 chemical test results, if any; and
10618 (d) any other basis for a peace officer's determination that the person has violated
10619 Subsection (2).
10620 (7) (a) (i) Upon request in a manner specified by the division, the Driver License
10621 Division shall grant to the person an opportunity to be heard within 29 days after the date of
10622 arrest under Section [~~32A-12-209~~] 32B-4-409.
10623 (ii) The request shall be made within 10 calendar days of the day on which notice is
10624 provided.
10625 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the
10626 division in:
10627 (A) the county in which the arrest occurred; or
10628 (B) a county that is adjacent to the county in which the arrest occurred.
10629 (ii) The division may hold a hearing in some other county if the division and the person

10630 both agree.
10631 (c) The hearing shall be documented and shall cover the issues of:
10632 (i) whether a peace officer had reasonable grounds to believe the person was operating
10633 a motor vehicle or motorboat in violation of Subsection (2)(a);
10634 (ii) whether the person refused to submit to the test; and
10635 (iii) the test results, if any.
10636 (d) In connection with a hearing, the division or its authorized agent may administer
10637 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
10638 books and papers and records as defined in Section 46-4-102.
10639 (e) One or more members of the division may conduct the hearing.
10640 (f) Any decision made after a hearing before any number of the members of the
10641 division is as valid as if made after a hearing before the full membership of the division.
10642 (8) If, after a hearing, the division determines that a peace officer had reasonable
10643 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),
10644 if the person fails to appear before the division as required in the notice, or if the person does
10645 not request a hearing under this section, the division shall:
10646 (a) deny the person's license until the person is 21 years of age or for a period of 120
10647 days, whichever is longer, beginning on the 30th day after the date of arrest for a first offense
10648 under Subsection (2)(a) committed on or after July 1, 2009;
10649 (b) suspend the person's license until the person is 21 years of age or for a period of
10650 two years, whichever is longer, beginning on the 30th day after the date of arrest for a second
10651 or subsequent offense under Subsection (2)(a):
10652 (i) within 10 years of a prior denial or suspension; and
10653 (ii) committed on or after July 1, 2009;
10654 (c) deny the person's application for a license or learner's permit until the person is 21
10655 years of age or for a period of one year, whichever is longer, if:
10656 (i) the person has not been issued an operator license; and
10657 (ii) the suspension is for a first offense under Subsection (2)(a) committed on or after
10658 July 1, 2009;
10659 (d) deny the person's application for a license or learner's permit until the person is 21
10660 years of age or for a period of two years, whichever is longer, if:

10661 (i) the person has not been issued an operator license; and
10662 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a):
10663 (A) within 10 years of a prior denial or suspension; and
10664 (B) committed on or after July 1, 2009; or
10665 (e) deny or suspend a person's license for the denial and suspension periods in effect
10666 prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1,
10667 2009.
10668 (9) (a) (i) Following denial or suspension the division shall assess against a person, in
10669 addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105,
10670 which shall be paid before the person's driving privilege is reinstated, to cover administrative
10671 costs.
10672 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or
10673 court decision that the suspension was not proper.
10674 (b) A person whose operator license has been denied, suspended, or postponed by the
10675 division under this section following an administrative hearing may file a petition within 30
10676 days after the suspension for a hearing on the matter which, if held, is governed by Section
10677 53-3-224.
10678 (10) After reinstatement of an operator license for a first offense under this section, a
10679 report authorized under Section 53-3-104 may not contain evidence of the denial or suspension
10680 of the person's operator license under this section if the person has not been convicted of any
10681 other offense for which the denial or suspension may be extended.
10682 (11) (a) In addition to the penalties in Subsection (8), a person who violates Subsection
10683 (2)(a) shall:
10684 (i) obtain an assessment and recommendation for appropriate action from a substance
10685 abuse program, but any associated costs shall be the person's responsibility; or
10686 (ii) be referred by the division to the local substance abuse authority for an assessment
10687 and recommendation for appropriate action.
10688 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
10689 license within five years of the effective date of the license sanction under Subsection (8) is
10690 contingent upon successful completion of the action recommended by the local substance
10691 abuse authority or the substance abuse program.

10692 (ii) The local substance abuse authority's or the substance abuse program's
10693 recommended action shall be determined by an assessment of the person's alcohol abuse and
10694 may include:
10695 (A) a targeted education and prevention program;
10696 (B) an early intervention program; or
10697 (C) a substance abuse treatment program.
10698 (iii) Successful completion of the recommended action shall be determined by
10699 standards established by the Division of Substance Abuse and Mental Health.
10700 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
10701 substance abuse authority or the substance abuse program shall notify the division of the
10702 person's status regarding completion of the recommended action.
10703 (d) The local substance abuse authorities and the substance abuse programs shall
10704 cooperate with the division in:
10705 (i) conducting the assessments;
10706 (ii) making appropriate recommendations for action; and
10707 (iii) notifying the division about the person's status regarding completion of the
10708 recommended action.
10709 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
10710 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
10711 authority.
10712 (ii) The local substance abuse authority or a substance abuse program selected by a
10713 person is responsible for:
10714 (A) conducting an assessment of the person's alcohol abuse; and
10715 (B) for making a referral to an appropriate program on the basis of the findings of the
10716 assessment.
10717 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
10718 associated with the recommended program to which the person selected or is referred.
10719 (B) The costs and fees under Subsection (11)(e)(iii)(A) shall be based on a sliding scale
10720 consistent with the local substance abuse authority's policies and practices regarding fees for
10721 services or determined by the substance abuse program.
10722 Section 360. Section **53-3-806** is amended to read:

10723 **53-3-806. Portrait-style format -- Minor's card distinguishable.**
10724 (1) The division shall use a portrait-style format for all identification cards, similar to
10725 the format used for license certificates issued to a person younger than 21 years of age under
10726 Section 53-3-207.
10727 (2) The identification card issued to a person younger than 21 years of age shall be
10728 distinguished by use of plainly printed information or by the use of a color or other means not
10729 used for the identification card issued to a person 21 years of age or older.
10730 (3) The division shall distinguish an identification card issued to any person:
10731 (a) younger than 21 years of age by plainly printing the date the identification card
10732 holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or
10733 alcoholic product under Section [~~32A-12-203~~] 32B-4-403; and
10734 (b) younger than 19 years of age by plainly printing the date the identification card
10735 holder is 19 years of age, which is the legal age for purchasing tobacco products under Section
10736 76-10-104.
10737 (4) The division shall distinguish a limited-term identification card by clearly
10738 indicating on the card:
10739 (a) that it is temporary; and
10740 (b) its expiration date.
10741 Section 361. Section **53-3-810** is amended to read:
10742 **53-3-810. Prohibited uses of identification card -- Penalties.**
10743 (1) It is a class C misdemeanor to:
10744 (a) lend or knowingly permit the use of an identification card issued to the person, by a
10745 person not entitled to it;
10746 (b) display or to represent as the person's own an identification card not issued to the
10747 person;
10748 (c) refuse to surrender to the division or a peace officer upon demand any identification
10749 card issued by the division;
10750 (d) use a false name or give a false address in any application for an identification card
10751 or any renewal or duplicate of the identification card, or to knowingly make a false statement,
10752 or to knowingly conceal a material fact in the application;
10753 (e) display a revoked identification card as a valid identification card;

10754 (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic
10755 identification card issued by a governmental entity if the item is not an authentic identification
10756 card issued by that governmental entity; or
10757 (g) alter any information contained on an authentic identification card so that it no
10758 longer represents the information originally displayed.
10759 (2) It is a class A misdemeanor to:
10760 (a) knowingly issue an identification card with false or fraudulent information;
10761 (b) knowingly issue an identification card to any person younger than 21 years of age if
10762 the identification card is not distinguished as required for a person younger than 21 years of age
10763 under Section 53-3-806; or
10764 (c) knowingly acquire, use, display, or transfer a false or altered identification card to
10765 procure cigarettes, tobacco, or tobacco products.
10766 (3) A person may not knowingly use, display, or transfer a false or altered
10767 identification card to procure alcoholic beverages, gain admittance to a place where alcoholic
10768 beverages are sold or consumed, or obtain employment that may not be obtained by a minor in
10769 violation of Section [~~32A-1-301~~] 32B-1-403.
10770 (4) It is a third degree felony if a person's acquisition, use, display, or transfer of a false
10771 or altered identification card:
10772 (a) aids or furthers the person's efforts to fraudulently obtain goods or services; or
10773 (b) aids or furthers the person's efforts to commit a violent felony.
10774 Section 362. Section **53-10-102** is amended to read:
10775 **53-10-102. Definitions.**
10776 As used in this chapter:
10777 (1) "Administration of criminal justice" means performance of any of the following:
10778 detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication,
10779 correctional supervision, or rehabilitation of accused persons or criminal offenders.
10780 (2) "Alcoholic beverage" is as defined in Section [~~32A-1-105~~] 32B-1-102.
10781 (3) "Alcoholic product" is as defined in Section [~~32A-1-105~~] 32B-1-102.
10782 (4) "Commission" means the Alcoholic Beverage Control Commission.
10783 (5) "Communications services" means the technology of reception, relay, and
10784 transmission of information required by public safety agencies in the performance of their duty.

10785 (6) "Conviction record" means criminal history information indicating a record of a
10786 criminal charge which has led to a declaration of guilt of an offense.
10787 (7) "Criminal history record information" means information on individuals consisting
10788 of identifiable descriptions and notations of:
10789 (a) arrests, detentions, indictments, informations, or other formal criminal charges, and
10790 any disposition arising from any of them; and
10791 (b) sentencing, correctional supervision, and release.
10792 (8) "Criminalist" means the scientific discipline directed to the recognition,
10793 identification, individualization, and evaluation of physical evidence by application of the
10794 natural sciences in law-science matters.
10795 (9) "Criminal justice agency" means courts or a government agency or subdivision of a
10796 government agency that administers criminal justice under a statute, executive order, or local
10797 ordinance and that allocates greater than 50% of its annual budget to the administration of
10798 criminal justice.
10799 (10) "Department" means the Department of Public Safety.
10800 (11) "Director" means the division director appointed under Section 53-10-103.
10801 (12) "Division" means the Criminal Investigations and Technical Services Division
10802 created in Section 53-10-103.
10803 (13) "Executive order" means an order of the president of the United States or the chief
10804 executive of a state that has the force of law and that is published in a manner permitting
10805 regular public access to it.
10806 (14) "Forensic" means dealing with the application of scientific knowledge relating to
10807 criminal evidence.
10808 (15) "Missing child" means any person under the age of 18 years who is missing from
10809 [~~his or her~~] the person's home environment or a temporary placement facility for any reason
10810 and whose location cannot be determined by the person responsible for the child's care.
10811 (16) "Missing person" is as defined in Section 26-2-27.
10812 (17) "Pathogens" means disease-causing agents.
10813 (18) "Physical evidence" means something submitted to the bureau to determine the
10814 truth of a matter using scientific methods of analysis.
10815 (19) "Qualifying entity" means a business, organization, or a governmental entity that

10816 employs persons or utilizes volunteers who deal with:
10817 (a) national security interests;
10818 (b) care, custody, or control of children;
10819 (c) fiduciary trust over money;
10820 (d) health care to children or vulnerable adults; or
10821 (e) the provision of any of the following to a vulnerable adult:
10822 (i) care;
10823 (ii) protection;
10824 (iii) food, shelter, or clothing;
10825 (iv) assistance with the activities of daily living; or
10826 (v) assistance with financial resource management.
10827 Section 363. Section **53-10-112** is amended to read:
10828 **53-10-112. Director and officers to have peace officer powers.**
10829 The director and enforcement officers:
10830 (1) are vested with the powers of peace officers throughout the several counties of the
10831 state, with the exception of the power to serve civil process;
10832 (2) have the powers and duties of inspectors under Title [~~32A~~] 32B, Alcoholic
10833 Beverage Control Act;
10834 (3) may serve criminal process and arrest and prosecute violators of any law of this
10835 state; and
10836 (4) have the same rights as other peace officers to require aid in executing their duties.
10837 Section 364. Section **53-10-113** is amended to read:
10838 **53-10-113. Other agencies to cooperate with division.**
10839 (1) All agencies of the state and local governments shall cooperate with the division in
10840 discharging its responsibilities under:
10841 (a) this chapter[~~,~~];
10842 (b) Title [~~32A~~] 32B, Alcoholic Beverage Control Act[~~,~~];
10843 (c) Title 58, Chapter 37, Utah Controlled Substance Act[~~,~~];
10844 (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act[~~,~~];
10845 (e) Title 58, Chapter 37b, Imitation Controlled Substances Act[~~,~~]; and
10846 (f) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act.

10847 (2) This part does not relieve local law enforcement agencies or officers of the
10848 responsibility of enforcing laws relating to alcoholic beverages and alcoholic products or any
10849 other laws.
10850 (3) The powers and duties conferred upon the director and the officers of the division
10851 are not a limitation upon the powers and duties of other peace officers in the state.
10852 Section 365. Section **53-10-304** is amended to read:
10853 **53-10-304. Narcotics and alcoholic product enforcement -- Responsibility and**
10854 **jurisdiction.**
10855 The bureau shall:
10856 (1) have specific responsibility for the enforcement of all laws of the state pertaining to
10857 alcoholic beverages and alcoholic products;
10858 (2) have general law enforcement jurisdiction throughout the state;
10859 (3) have concurrent law enforcement jurisdiction with all local law enforcement
10860 agencies and their officers;
10861 (4) cooperate and exchange information with any other state agency and with other law
10862 enforcement agencies of government, both within and outside this state, to obtain information
10863 that may achieve more effective results in the prevention, detection, and control of crime and
10864 apprehension of criminals;
10865 (5) sponsor or supervise programs or projects related to prevention, detection, and
10866 control of violations of:
10867 (a) Title [~~32A~~] 32B, Alcoholic Beverage Control Act;
10868 (b) Title 58, Chapter 37, Utah Controlled Substance Act;
10869 (c) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
10870 (d) Title 58, Chapter 37b, Imitation Controlled Substances Act;
10871 (e) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and
10872 (f) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
10873 (6) assist the governor in an emergency or as the governor may require.
10874 Section 366. Section **53-10-305** is amended to read:
10875 **53-10-305. Duties of bureau chief.**
10876 The bureau chief, with the consent of the commissioner, shall do the following:
10877 (1) conduct in conjunction with the state boards of education and higher education in

10878 state schools, colleges, and universities, an educational program concerning alcoholic
10879 beverages and alcoholic products, and work in conjunction with civic organizations, churches,
10880 local units of government, and other organizations in the prevention of alcoholic beverage,
10881 alcoholic product, and drug violations;
10882 (2) coordinate law enforcement programs throughout the state and accumulate and
10883 disseminate information related to the prevention, detection, and control of violations of this
10884 chapter and Title [~~32A~~] 32B, Alcoholic Beverage Control Act, as it relates to storage or
10885 consumption of [~~alcoholic beverages~~] an alcoholic beverage or alcoholic product on premises
10886 maintained by a club licensee, or a person required to [~~be licensed as a club licensee~~] obtain a
10887 club license, as defined in Section [~~32A-1-105~~] 32B-1-102;
10888 (3) make inspections and investigations as required by the commission and the
10889 Department of Alcoholic Beverage Control;
10890 (4) perform other acts as may be necessary or appropriate concerning control of the use
10891 of [~~alcoholic beverages and products~~] an alcoholic beverage or alcoholic product and drugs;
10892 and
10893 (5) make reports and recommendations to the Legislature, the governor, the
10894 commissioner, the commission, and the Department of Alcoholic Beverage Control as may be
10895 required or requested.
10896 Section 367. Section **53A-11-904** is amended to read:
10897 **53A-11-904. Grounds for suspension or expulsion from a public school.**
10898 (1) A student may be suspended or expelled from a public school for any of the
10899 following reasons:
10900 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
10901 behavior, including the use of foul, profane, vulgar, or abusive language;
10902 (b) willful destruction or defacing of school property;
10903 (c) behavior or threatened behavior which poses an immediate and significant threat to
10904 the welfare, safety, or morals of other students or school personnel or to the operation of the
10905 school;
10906 (d) possession, control, or use of an alcoholic beverage as defined in Section
10907 [~~32A-1-105~~] 32B-1-102;
10908 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the

10909 school or school property, to a person associated with the school, or property associated with
10910 that person, regardless of where it occurs; or
10911 (f) possession or use of pornographic material on school property.
10912 (2) (a) A student shall be suspended or expelled from a public school for any of the
10913 following reasons:
10914 (i) any serious violation affecting another student or a staff member, or any serious
10915 violation occurring in a school building, in or on school property, or in conjunction with any
10916 school activity, including:
10917 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or
10918 noxious or flammable material;
10919 (B) the actual or threatened use of a look alike weapon with intent to intimidate another
10920 person or to disrupt normal school activities; or
10921 (C) the sale, control, or distribution of a drug or controlled substance as defined in
10922 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug
10923 paraphernalia as defined in Section 58-37a-3; or
10924 (ii) the commission of an act involving the use of force or the threatened use of force
10925 which if committed by an adult would be a felony or class A misdemeanor.
10926 (b) A student who commits a violation of Subsection (2)(a) involving a real or look
10927 alike weapon, explosive, or flammable material shall be expelled from school for a period of
10928 not less than one year subject to the following:
10929 (i) within 45 days after the expulsion the student shall appear before the student's local
10930 school board superintendent, the superintendent's designee, chief administrative officer of a
10931 charter school, or the chief administrative officer's designee, accompanied by a parent or legal
10932 guardian; and
10933 (ii) the superintendent, chief administrator, or designee shall determine:
10934 (A) what conditions must be met by the student and the student's parent for the student
10935 to return to school;
10936 (B) if the student should be placed on probation in a regular or alternative school
10937 setting consistent with Section 53A-11-907, and what conditions must be met by the student in
10938 order to ensure the safety of students and faculty at the school the student is placed in; and
10939 (C) if it would be in the best interest of both the school district or charter school, and

10940 the student, to modify the expulsion term to less than a year, conditioned on approval by the
10941 local school board or governing board of a charter school and giving highest priority to
10942 providing a safe school environment for all students.
10943 (3) A student may be denied admission to a public school on the basis of having been
10944 expelled from that or any other school during the preceding 12 months.
10945 (4) A suspension or expulsion under this section is not subject to the age limitations
10946 under Subsection 53A-11-102(1).
10947 (5) Each local school board and governing board of a charter school shall prepare an
10948 annual report for the State Board of Education on:
10949 (a) each violation committed under this section; and
10950 (b) each action taken by the school district against a student who committed the
10951 violation.
10952 Section 368. Section **58-37-2** is amended to read:
10953 **58-37-2. Definitions.**
10954 (1) As used in this chapter:
10955 (a) "Administer" means the direct application of a controlled substance, whether by
10956 injection, inhalation, ingestion, or any other means, to the body of a patient or research subject
10957 by:
10958 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent;
10959 or
10960 (ii) the patient or research subject at the direction and in the presence of the
10961 practitioner.
10962 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a
10963 manufacturer, distributor, or practitioner but does not include a motor carrier, public
10964 warehouseman, or employee of any of them.
10965 (c) "Consumption" means ingesting or having any measurable amount of a controlled
10966 substance in a person's body, but this Subsection (1)(c) does not include the metabolite of a
10967 controlled substance.
10968 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,
10969 partnership, corporation, business trust, association, or other legal entity, and any union or
10970 groups of individuals associated in fact although not a legal entity, and includes illicit as well

10971 as licit entities created or maintained for the purpose of engaging in conduct which constitutes
10972 the commission of episodes of activity made unlawful by Title 58, Chapters 37, 37a, 37b, 37c,
10973 or 37d, which episodes are not isolated, but have the same or similar purposes, results,
10974 participants, victims, methods of commission, or otherwise are interrelated by distinguishing
10975 characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct
10976 and be related either to each other or to the enterprise.
10977 (e) "Control" means to add, remove, or change the placement of a drug, substance, or
10978 immediate precursor under Section 58-37-3.
10979 (f) (i) "Controlled substance" means a drug or substance included in Schedules I, II, III,
10980 IV, or V of Section 58-37-4, and also includes a drug or substance included in Schedules I, II,
10981 III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513, or any controlled
10982 substance analog.
10983 (ii) "Controlled substance" does not include:
10984 (A) distilled spirits, wine, or malt beverages, as those terms are defined or used in Title
10985 [~~32A~~] 32B, Alcoholic Beverage Control Act, regarding tobacco or food;
10986 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or
10987 prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine,
10988 norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold,
10989 transferred, or furnished as an over-the-counter medication without prescription; or
10990 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
10991 including concentrates or extracts, which are not otherwise regulated by law, which may
10992 contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules
10993 adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
10994 (g) (i) "Controlled substance analog" means a substance the chemical structure of
10995 which is substantially similar to the chemical structure of a controlled substance listed in
10996 Schedules I and II of Section 58-37-4, or in Schedules I and II of the federal Controlled
10997 Substances Act, Title II, P.L. 91-513:
10998 (A) which has a stimulant, depressant, or hallucinogenic effect on the central nervous
10999 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
11000 nervous system of controlled substances in the schedules set forth in Subsection (1)(f); or
11001 (B) which, with respect to a particular individual, is represented or intended to have a

11002 stimulant, depressant, or hallucinogenic effect on the central nervous system substantially
11003 similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of
11004 controlled substances in the schedules set forth in this Subsection (1).
11005 (ii) "Controlled substance analog" does not include:
11006 (A) a controlled substance currently scheduled in Schedules I through V of Section
11007 58-37-4;
11008 (B) a substance for which there is an approved new drug application;
11009 (C) a substance with respect to which an exemption is in effect for investigational use
11010 by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355,
11011 to the extent the conduct with respect to the substance is permitted by the exemption;
11012 (D) any substance to the extent not intended for human consumption before an
11013 exemption takes effect with respect to the substance;
11014 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or
11015 prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine,
11016 norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold,
11017 transferred, or furnished as an over-the-counter medication without prescription; or
11018 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances
11019 including concentrates or extracts, which are not otherwise regulated by law, which may
11020 contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules
11021 adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
11022 (h) "Conviction" means a determination of guilt by verdict, whether jury or bench, or
11023 plea, whether guilty or no contest, for any offense proscribed by Title 58, Chapters 37, 37a,
11024 37b, 37c, or 37d, or for any offense under the laws of the United States and any other state
11025 which, if committed in this state, would be an offense under Title 58, Chapters 37, 37a, 37b,
11026 37c, or 37d.
11027 (i) "Counterfeit substance" means:
11028 (i) any substance or container or labeling of any substance that without authorization
11029 bears the trademark, trade name, or other identifying mark, imprint, number, device, or any
11030 likeness of them, of a manufacturer, distributor, or dispenser other than the person or persons
11031 who in fact manufactured, distributed, or dispensed the substance which falsely purports to be a
11032 controlled substance distributed by, any other manufacturer, distributor, or dispenser; or

11033 (ii) any substance that is represented to be a controlled substance.
11034 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
11035 controlled substance or a listed chemical, whether or not an agency relationship exists.
11036 (k) "Department" means the Department of Commerce.
11037 (l) "Depressant or stimulant substance" means:
11038 (i) a drug which contains any quantity of barbituric acid or any of the salts of barbituric
11039 acid;
11040 (ii) a drug which contains any quantity of:
11041 (A) amphetamine or any of its optical isomers;
11042 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
11043 (C) any substance which the Secretary of Health and Human Services or the Attorney
11044 General of the United States after investigation has found and by regulation designated
11045 habit-forming because of its stimulant effect on the central nervous system;
11046 (iii) lysergic acid diethylamide; or
11047 (iv) any drug which contains any quantity of a substance which the Secretary of Health
11048 and Human Services or the Attorney General of the United States after investigation has found
11049 to have, and by regulation designated as having, a potential for abuse because of its depressant
11050 or stimulant effect on the central nervous system or its hallucinogenic effect.
11051 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an
11052 ultimate user pursuant to the lawful order or prescription of a practitioner, and includes
11053 distributing to, leaving with, giving away, or disposing of that substance as well as the
11054 packaging, labeling, or compounding necessary to prepare the substance for delivery.
11055 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
11056 (o) "Distribute" means to deliver other than by administering or dispensing a controlled
11057 substance or a listed chemical.
11058 (p) "Distributor" means a person who distributes controlled substances.
11059 (q) "Division" means the Division of Occupational and Professional Licensing created
11060 in Section 58-1-103.
11061 (r) "Drug" means:
11062 (i) articles recognized in the official United States Pharmacopoeia, Official
11063 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any

11064 supplement to any of them;
11065 (ii) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention
11066 of disease in man or other animals;
11067 (iii) articles, other than food, intended to affect the structure or function of man or
11068 other animals; and
11069 (iv) articles intended for use as a component of any articles specified in Subsection
11070 (1)(r)(i), (ii), or (iii); but does not include devices or their components, parts, or accessories.
11071 (s) "Drug dependent person" means any individual who unlawfully and habitually uses
11072 any controlled substance to endanger the public morals, health, safety, or welfare, or who is so
11073 dependent upon the use of controlled substances as to have lost the power of self-control with
11074 reference to the individual's dependency.
11075 (t) "Food" means:
11076 (i) any nutrient or substance of plant, mineral, or animal origin other than a drug as
11077 specified in this chapter, and normally ingested by human beings; and
11078 (ii) foods for special dietary uses as exist by reason of a physical, physiological,
11079 pathological, or other condition including but not limited to the conditions of disease,
11080 convalescence, pregnancy, lactation, allergy, hypersensitivity to food, underweight, and
11081 overweight; uses for supplying a particular dietary need which exist by reason of age including
11082 but not limited to the ages of infancy and childbirth, and also uses for supplementing and for
11083 fortifying the ordinary or unusual diet with any vitamin, mineral, or other dietary property for
11084 use of a food. Any particular use of a food is a special dietary use regardless of the nutritional
11085 purposes.
11086 (u) "Immediate precursor" means a substance which the Attorney General of the United
11087 States has found to be, and by regulation designated as being, the principal compound used or
11088 produced primarily for use in the manufacture of a controlled substance, or which is an
11089 immediate chemical intermediary used or likely to be used in the manufacture of a controlled
11090 substance, the control of which is necessary to prevent, curtail, or limit the manufacture of the
11091 controlled substance.
11092 (v) "Indian" means a member of an Indian tribe.
11093 (w) "Indian religion" means any religion:
11094 (i) the origin and interpretation of which is from within a traditional Indian culture or

11095 community; and
11096 (ii) which is practiced by Indians.
11097 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
11098 community of Indians, including any Alaska Native village, which is legally recognized as
11099 eligible for and is consistent with the special programs, services, and entitlements provided by
11100 the United States to Indians because of their status as Indians.
11101 (y) "Manufacture" means the production, preparation, propagation, compounding, or
11102 processing of a controlled substance, either directly or indirectly by extraction from substances
11103 of natural origin, or independently by means of chemical synthesis or by a combination of
11104 extraction and chemical synthesis.
11105 (z) "Manufacturer" includes any person who packages, repackages, or labels any
11106 container of any controlled substance, except pharmacists who dispense or compound
11107 prescription orders for delivery to the ultimate consumer.
11108 (aa) "Marijuana" means all species of the genus cannabis and all parts of the genus,
11109 whether growing or not; the seeds of it; the resin extracted from any part of the plant; and every
11110 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or
11111 resin. The term does not include the mature stalks of the plant, fiber produced from the stalks,
11112 oil or cake made from the seeds of the plant, any other compound, manufacture, salt,
11113 derivative, mixture, or preparation of the mature stalks, except the resin extracted from them,
11114 fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. Any
11115 synthetic equivalents of the substances contained in the plant cannabis sativa or any other
11116 species of the genus cannabis which are chemically indistinguishable and pharmacologically
11117 active are also included.
11118 (bb) "Money" means officially issued coin and currency of the United States or any
11119 foreign country.
11120 (cc) "Narcotic drug" means any of the following, whether produced directly or
11121 indirectly by extraction from substances of vegetable origin, or independently by means of
11122 chemical synthesis, or by a combination of extraction and chemical synthesis:
11123 (i) opium, coca leaves, and opiates;
11124 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or
11125 opiates;

11126 (iii) opium poppy and poppy straw; or
11127 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of the
11128 substance, which is chemically identical with any of the substances referred to in Subsection
11129 (1)(cc)(i), (ii), or (iii), except narcotic drug does not include decocainized coca leaves or
11130 extracts of coca leaves which do not contain cocaine or ecgonine.
11131 (dd) "Negotiable instrument" means documents, containing an unconditional promise
11132 to pay a sum of money, which are legally transferable to another party by endorsement or
11133 delivery.
11134 (ee) "Opiate" means any drug or other substance having an addiction-forming or
11135 addiction-sustaining liability similar to morphine or being capable of conversion into a drug
11136 having addiction-forming or addiction-sustaining liability.
11137 (ff) "Opium poppy" means the plant of the species papaver somniferum L., except the
11138 seeds of the plant.
11139 (gg) "Person" means any corporation, association, partnership, trust, other institution or
11140 entity or one or more individuals.
11141 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after
11142 mowing.
11143 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
11144 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection,
11145 or consumption, as distinguished from distribution, of controlled substances and includes
11146 individual, joint, or group possession or use of controlled substances. For a person to be a
11147 possessor or user of a controlled substance, it is not required that the person be shown to have
11148 individually possessed, used, or controlled the substance, but it is sufficient if it is shown that
11149 the person jointly participated with one or more persons in the use, possession, or control of
11150 any substances with knowledge that the activity was occurring, or the controlled substance is
11151 found in a place or under circumstances indicating that the person had the ability and the intent
11152 to exercise dominion and control over it.
11153 (jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,
11154 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed, registered, or
11155 otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use
11156 in teaching or chemical analysis a controlled substance in the course of professional practice or

11157 research in this state.
11158 (kk) "Prescribe" means to issue a prescription orally or in writing.
11159 (ll) "Prescription" means an order issued by a licensed practitioner, in the course of that
11160 practitioner's professional practice, for a controlled substance, other drug, or device which it
11161 dispenses or administers for use by a patient or an animal. The order may be issued by word of
11162 mouth, written document, telephone, facsimile transmission, computer, or other electronic
11163 means of communication as defined by rule.
11164 (mm) "Production" means the manufacture, planting, cultivation, growing, or
11165 harvesting of a controlled substance.
11166 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
11167 property.
11168 (oo) "State" means the state of Utah.
11169 (pp) "Ultimate user" means any person who lawfully possesses a controlled substance
11170 for the person's own use, for the use of a member of the person's household, or for
11171 administration to an animal owned by the person or a member of the person's household.
11172 (2) If a term used in this chapter is not defined, the definition and terms of Title 76,
11173 Utah Criminal Code, shall apply.
11174 Section 369. Section **58-82-102 (Effective 07/01/12)** is amended to read:
11175 **58-82-102 (Effective 07/01/12). Definitions.**
11176 As used in this chapter:
11177 (1) "Drug" is as defined in Section 58-37-2.
11178 (2) "Electronic prescribing" means the electronic generation and transmission of a
11179 prescription between a practitioner and a pharmacy.
11180 (3) "Existing patient" means a person who a practitioner has:
11181 (a) obtained information regarding, in the usual course of professional practice, that is
11182 sufficient to:
11183 (i) establish a diagnoses;
11184 (ii) identify conditions; and
11185 (iii) identify contraindications to potential treatment; and
11186 (b) accepted as a patient.
11187 (4) (a) "Federal controlled substance" means a drug or substance included in Schedules

11188 I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513, or any federal
11189 controlled substance analog.
11190 (b) "Federal controlled substance" does not include:
11191 (i) distilled spirits, wine, or malt beverages, as those terms are defined or used in Title
11192 [~~32A~~] 32B, Alcoholic Beverage Control Act, regarding tobacco or food;
11193 (ii) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or
11194 prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine,
11195 norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold,
11196 transferred, or furnished as an over-the-counter medication without prescription; or
11197 (iii) dietary supplements, vitamins, minerals, herbs, or other similar substances
11198 including concentrates or extracts, which are not otherwise regulated by law, which may
11199 contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules
11200 adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
11201 (5) (a) "Federal controlled substance analog" means a substance the chemical structure
11202 of which is substantially similar to the chemical structure of a controlled substance listed in
11203 Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513:
11204 (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous
11205 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
11206 nervous system of controlled substances in the schedules set forth in Subsection (4); or
11207 (ii) which, with respect to a particular individual, is represented or intended to have a
11208 stimulant, depressant, or hallucinogenic effect on the central nervous system substantially
11209 similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of
11210 controlled substances in the schedules set forth in Subsection (4).
11211 (b) "Federal controlled substance analog" does not include:
11212 (i) a controlled substance currently scheduled in Schedules I through V of Section
11213 58-37-4;
11214 (ii) a substance for which there is an approved new drug application;
11215 (iii) a substance with respect to which an exemption is in effect for investigational use
11216 by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355,
11217 to the extent the conduct with respect to the substance is permitted by the exemption;
11218 (iv) any substance to the extent not intended for human consumption before an

11219 exemption takes effect with respect to the substance;
11220 (v) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or
11221 prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine,
11222 norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold,
11223 transferred, or furnished as an over-the-counter medication without prescription; or
11224 (vi) dietary supplements, vitamins, minerals, herbs, or other similar substances
11225 including concentrates or extracts, which are not otherwise regulated by law, which may
11226 contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules
11227 adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
11228 (6) "Pharmacy" is as defined in Section 58-17b-102.
11229 (7) "Practitioner" means an individual currently licensed, registered, or otherwise
11230 authorized by the state to prescribe and administer a drug in the course of professional practice.
11231 (8) "Prescription" is as defined in Section 58-37-2.
11232 Section 370. Section **59-15-101** is amended to read:
11233 **59-15-101. Tax basis -- Rate.**
11234 (1) (a) A tax is imposed at the rate specified in Subsection (1)(b) on all beer, as defined
11235 in Section [~~32A-1-105~~] 32B-1-102, that is imported or manufactured for sale, use, or
11236 distribution in this state.
11237 (b) The tax described in Subsection (1)(a) shall be imposed at a rate of:
11238 (i) $11 per 31-gallon barrel for beer imported or manufactured:
11239 (A) before July 1, 2003; and
11240 (B) for sale, use, or distribution in this state; and
11241 (ii) $12.80 per 31-gallon barrel for beer imported or manufactured:
11242 (A) on or after July 1, 2003; and
11243 (B) for sale, use, or distribution in this state.
11244 (c) The tax imposed under this Subsection (1):
11245 (i) shall be imposed at a proportionate rate for:
11246 (A) any quantity of beer other than a 31-gallon barrel; or
11247 (B) the fractional parts of a 31-gallon barrel; and
11248 (ii) may not be imposed more than once on the same beer.
11249 (2) A tax may not be imposed on beer:

11250 (a) sold to the United States and its agencies; or
11251 (b) (i) manufactured or imported for sale, use, or distribution outside the state; and
11252 (ii) exported from the state.
11253 Section 371. Section **59-15-109** is amended to read:
11254 **59-15-109. Tax moneys to be paid to state treasurer.**
11255 (1) Taxes collected under this chapter shall be paid by the commission to the state
11256 treasurer daily for deposit as follows:
11257 [~~(a) for fiscal year 2003-04:~~]
11258 [~~(i) $2,525,666 shall be deposited into the Alcoholic Beverage Enforcement and~~
11259 ~~Treatment Restricted Account created in Section 32A-1-115; and~~]
11260 [~~(ii) the revenue collected in excess of $2,525,666 shall be deposited into the General~~
11261 ~~Fund;~~]
11262 [~~(b) for fiscal year 2004-05:~~]
11263 [~~(i) $3,133,777 shall be deposited into the Alcoholic Beverage Enforcement and~~
11264 ~~Treatment Restricted Account created in Section 32A-1-115; and~~]
11265 [~~(ii) the revenue collected in excess of $3,133,777 shall be deposited into the General~~
11266 ~~Fund;~~]
11267 [~~(c) for fiscal year 2005-06:~~]
11268 [~~(i) $3,741,888 shall be deposited into the Alcoholic Beverage Enforcement and~~
11269 ~~Treatment Restricted Account created in Section 32A-1-115; and~~]
11270 [~~(ii) the revenue collected in excess of $3,741,888 shall be deposited into the General~~
11271 ~~Fund;~~]
11272 [~~(d) for fiscal year 2006-07:~~]
11273 [~~(i) $4,350,000 shall be deposited into the Alcoholic Beverage Enforcement and~~
11274 ~~Treatment Restricted Account created in Section 32A-1-115; and~~]
11275 [~~(ii) the revenue collected in excess of $4,350,000 shall be deposited into the General~~
11276 ~~Fund; and~~]
11277 [~~(e) beginning with fiscal year 2007-08:~~]
11278 [~~(i)~~] (a) the greater of the following shall be deposited into the Alcoholic Beverage
11279 Enforcement and Treatment Restricted Account created in Section [~~32A-1-115~~] 32B-2-403:
11280 [~~(A)~~] (i) 40% of the revenue collected for the fiscal year two years preceding the fiscal

11281 year for which the deposit is made; or
11282 [~~(B)~~] (ii) $4,350,000; and
11283 [~~(ii)~~] (b) the revenue collected in excess of the amount deposited in accordance with
11284 Subsection (1)[~~(c)(i)~~](a) shall be deposited into the General Fund.
11285 (2) (a) [~~Beginning with September 1, 2006, the~~] The commission shall notify the
11286 entities described in Subsection (2)(b) not later than the September 1 preceding the fiscal year
11287 of the deposit of:
11288 (i) the amount of the proceeds of the beer excise tax collected in accordance with this
11289 section for the fiscal year two years preceding the fiscal year of deposit; and
11290 (ii) an amount equal to 40% of the amount listed in Subsection (2)(a)(i).
11291 (b) The notification required by Subsection (2)(a) shall be sent to:
11292 (i) the Governor's Office of Planning and Budget; and
11293 (ii) the Legislative Fiscal Analyst.
11294 Section 372. Section **62A-15-401** is amended to read:
11295 **62A-15-401. Alcohol training and education seminar.**
11296 (1) As used in this part:
11297 (a) "Instructor" means a person that directly provides the instruction during an alcohol
11298 training and education seminar for a seminar provider.
11299 (b) "Licensee" means a person who is:
11300 (i) (A) a new or renewing licensee under Title [~~32A~~] 32B, Alcoholic Beverage Control
11301 Act; and
11302 (B) engaged in the retail sale of [~~alcoholic beverages~~] an alcoholic product for
11303 consumption on the premises of the licensee; or
11304 (ii) a business that is:
11305 (A) a new or renewing licensee licensed by a city, town, or county; and
11306 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.
11307 (c) "Off-premise beer retailer" is as defined in Section [~~32A-1-105~~] 32B-1-102.
11308 (d) "Seminar provider" means a person other than the division who provides an alcohol
11309 training and education seminar meeting the requirements of this section.
11310 (2) (a) This section applies to an individual who, as defined by the board by rule:
11311 (i) manages operations at the premises of a licensee engaged in the retail sale of

11312 [~~alcoholic beverages~~] an alcoholic product for consumption on the premises of the licensee;
11313 (ii) supervises the serving of [~~alcoholic beverages~~] an alcoholic product to a customer
11314 for consumption on the premises of a licensee;
11315 (iii) serves [~~alcoholic beverages~~] an alcoholic product to a customer for consumption
11316 on the premises of a licensee;
11317 (iv) directly supervises the sale of beer to a customer for consumption off the premises
11318 of an off-premise beer retailer [~~licensee~~]; or
11319 (v) sells beer to a customer for consumption off the premises of an off-premise beer
11320 retailer [~~licensee~~].
11321 (b) If the individual does not have a valid [~~certificate~~] record that the individual has
11322 completed an alcohol training and education seminar, an individual described in Subsection
11323 (2)(a) shall:
11324 (i) (A) complete an alcohol training and education seminar within 30 days of the
11325 following if the individual is described in Subsections (2)(a)(i) through (iii):
11326 (I) if the individual is an employee, the day the individual begins employment;
11327 (II) if the individual is an independent contractor, the day the individual is first hired;
11328 or
11329 (III) if the individual holds an ownership interest in the licensee, the day that the
11330 individual first engages in an activity that would result in that individual being required to
11331 complete an alcohol training and education seminar; or
11332 (B) complete an alcohol training and education seminar within the time periods
11333 specified in Subsection [~~32A-10-103~~] 32B-5-404(1) if the individual is described in
11334 Subsections (2)(a)(iv) and (v); and
11335 (ii) pay a fee:
11336 (A) to the seminar provider; and
11337 (B) that is equal to or greater than the amount established under Subsection (4)(h).
11338 (c) An individual shall have a valid [~~certificate~~] record that the individual completed an
11339 alcohol training and education seminar within the time period provided in this Subsection (2)
11340 to engage in an activity described in Subsection (2)(a).
11341 (d) A [~~certificate~~] record that an individual has completed an alcohol training and
11342 education seminar is valid for:

11343 (i) three years from the day on which the [~~certificate~~] record is issued for an individual
11344 described in Subsection (2)(a)(i), (ii), or (iii); and
11345 (ii) five years from the day on which the [~~certificate~~] record is issued for an individual
11346 described in Subsection (2)(a)(iv) or (v).
11347 (3) (a) A licensee may not permit an individual who is not in compliance with
11348 Subsection (2) to:
11349 (i) serve or supervise the serving of [~~alcoholic beverages~~] an alcoholic product to a
11350 customer for consumption on the premises of the licensee;
11351 (ii) engage in any activity that would constitute managing operations at the premises of
11352 a licensee that engages in the retail sale of [~~alcoholic beverages~~] an alcoholic product for
11353 consumption on the premises of the licensee;
11354 (iii) directly supervise the sale of beer to a customer for consumption off the premises
11355 of an off-premise beer retailer [~~licensee~~]; or
11356 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
11357 retailer [~~licensee~~].
11358 (b) A licensee that violates Subsection (3)(a) is subject to Section [~~32A-1-401~~]
11359 32B-5-403.
11360 (4) The division shall:
11361 (a) (i) provide alcohol training and education seminars; or
11362 (ii) certify one or more seminar providers;
11363 (b) establish the curriculum for an alcohol training and education seminar that includes
11364 the following subjects:
11365 (i) (A) alcohol as a drug; and
11366 (B) alcohol's effect on the body and behavior;
11367 (ii) recognizing the problem drinker or signs of intoxication;
11368 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
11369 as determined in consultation with the Department of Alcoholic Beverage Control;
11370 (iv) dealing with the problem customer, including ways to terminate sale or service;
11371 and
11372 (v) for those supervising or engaging in the retail sale of [~~alcoholic beverages~~] an
11373 alcoholic product for consumption on the premises of a licensee, alternative means of

11374 transportation to get the customer safely home;
11375 (c) recertify each seminar provider every three years;
11376 (d) monitor compliance with the curriculum described in Subsection (4)(b);
11377 (e) maintain for at least five years a record of every person who has completed an
11378 alcohol training and education seminar;
11379 (f) provide the information described in Subsection (4)(e) on request to:
11380 (i) the Department of Alcoholic Beverage Control;
11381 (ii) law enforcement; or
11382 (iii) a person licensed by the state or a local government to sell [~~alcoholic beverages~~]
11383 an alcoholic product;
11384 (g) provide the Department of Alcoholic Beverage Control on request a list of any
11385 seminar provider certified by the division; and
11386 (h) establish a fee amount for each person attending an alcohol training and education
11387 seminar that is sufficient to offset the division's cost of administering this section.
11388 (5) The board shall by rule made in accordance with Title 63G, Chapter 3, Utah
11389 Administrative Rulemaking Act:
11390 (a) define what constitutes under this section an individual who:
11391 (i) manages operations at the premises of a licensee engaged in the retail sale of
11392 [~~alcoholic beverages~~] an alcoholic product for consumption on the premises of the licensee;
11393 (ii) supervises the serving of [~~alcoholic beverages~~] an alcoholic product to a customer
11394 for consumption on the premises of a licensee;
11395 (iii) serves [~~alcoholic beverages~~] an alcoholic product to a customer for consumption
11396 on the premises of a licensee;
11397 (iv) directly supervises the sale of beer to a customer for consumption off the premises
11398 of an off-premise beer retailer [~~beer licensee~~]; or
11399 (v) sells beer to a customer for consumption off the premises of an off-premise beer
11400 retailer [~~licensee~~];
11401 (b) establish criteria for certifying and recertifying a seminar provider; and
11402 (c) establish guidelines for the manner in which an instructor provides an alcohol
11403 education and training seminar.
11404 (6) A seminar provider shall:

11405 (a) obtain recertification by the division every three years;
11406 (b) ensure that an instructor used by the seminar provider:
11407 (i) follows the curriculum established under this section; and
11408 (ii) conducts an alcohol training and education seminar in accordance with the
11409 guidelines established by rule;
11410 (c) ensure that any information provided by the seminar provider or instructor of a
11411 seminar provider is consistent with:
11412 (i) the curriculum established under this section; and
11413 (ii) this section;
11414 (d) provide the division with the names of all persons who complete an alcohol training
11415 and education seminar provided by the seminar provider;
11416 (e) (i) collect a fee for each person attending an alcohol training and education seminar
11417 in accordance with Subsection (2); and
11418 (ii) forward to the division the portion of the fee that is equal to the amount described
11419 in Subsection (4)(h); and
11420 (f) issue a [~~certificate~~] record to an individual that completes an alcohol training and
11421 education seminar provided by the seminar provider.
11422 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
11423 Administrative Procedures Act, the division finds that a seminar provider violates this section
11424 or that an instructor of the seminar provider violates this section, the division may:
11425 (i) suspend the certification of the seminar provider for a period not to exceed 90 days;
11426 (ii) revoke the certification of the seminar provider;
11427 (iii) require the seminar provider to take corrective action regarding an instructor; or
11428 (iv) prohibit the seminar provider from using an instructor until such time that the
11429 seminar provider establishes to the satisfaction of the division that the instructor is in
11430 compliance with Subsection (6)(b).
11431 (b) The division may certify a seminar provider whose certification is revoked:
11432 (i) no sooner than 90 days from the date the certification is revoked; and
11433 (ii) if the seminar provider establishes to the satisfaction of the division that the
11434 seminar provider will comply with this section.
11435 Section 373. Section **63G-4-201** is amended to read:

11436 **63G-4-201. Commencement of adjudicative proceedings.**
11437 (1) Except as otherwise permitted by Section 63G-4-502, all adjudicative proceedings
11438 shall be commenced by either:
11439 (a) a notice of agency action, if proceedings are commenced by the agency; or
11440 (b) a request for agency action, if proceedings are commenced by persons other than
11441 the agency.
11442 (2) A notice of agency action shall be filed and served according to the following
11443 requirements:
11444 (a) The notice of agency action shall be in writing, signed by a presiding officer, and
11445 shall include:
11446 (i) the names and mailing addresses of all persons to whom notice is being given by the
11447 presiding officer, and the name, title, and mailing address of any attorney or employee who has
11448 been designated to appear for the agency;
11449 (ii) the agency's file number or other reference number;
11450 (iii) the name of the adjudicative proceeding;
11451 (iv) the date that the notice of agency action was mailed;
11452 (v) a statement of whether the adjudicative proceeding is to be conducted informally
11453 according to the provisions of rules adopted under Sections 63G-4-202 and 63G-4-203, or
11454 formally according to the provisions of Sections 63G-4-204 through 63G-4-209;
11455 (vi) if the adjudicative proceeding is to be formal, a statement that each respondent
11456 must file a written response within 30 days of the mailing date of the notice of agency action;
11457 (vii) if the adjudicative proceeding is to be formal, or if a hearing is required by statute
11458 or rule, a statement of the time and place of any scheduled hearing, a statement of the purpose
11459 for which the hearing is to be held, and a statement that a party who fails to attend or
11460 participate in the hearing may be held in default;
11461 (viii) if the adjudicative proceeding is to be informal and a hearing is required by
11462 statute or rule, or if a hearing is permitted by rule and may be requested by a party within the
11463 time prescribed by rule, a statement that the parties may request a hearing within the time
11464 provided by the agency's rules;
11465 (ix) a statement of the legal authority and jurisdiction under which the adjudicative
11466 proceeding is to be maintained;

11467 (x) the name, title, mailing address, and telephone number of the presiding officer; and
11468 (xi) a statement of the purpose of the adjudicative proceeding and, to the extent known
11469 by the presiding officer, the questions to be decided.
11470 (b) When adjudicative proceedings are commenced by the agency, the agency shall:
11471 (i) mail the notice of agency action to each party;
11472 (ii) publish the notice of agency action, if required by statute; and
11473 (iii) mail the notice of agency action to any other person who has a right to notice
11474 under statute or rule.
11475 (3) (a) Where the law applicable to the agency permits persons other than the agency to
11476 initiate adjudicative proceedings, that person's request for agency action shall be in writing and
11477 signed by the person invoking the jurisdiction of the agency, or by that person's representative,
11478 and shall include:
11479 (i) the names and addresses of all persons to whom a copy of the request for agency
11480 action is being sent;
11481 (ii) the agency's file number or other reference number, if known;
11482 (iii) the date that the request for agency action was mailed;
11483 (iv) a statement of the legal authority and jurisdiction under which agency action is
11484 requested;
11485 (v) a statement of the relief or action sought from the agency; and
11486 (vi) a statement of the facts and reasons forming the basis for relief or agency action.
11487 (b) The person requesting agency action shall file the request with the agency and shall
11488 mail a copy to each person known to have a direct interest in the requested agency action.
11489 (c) An agency may, by rule, prescribe one or more forms eliciting the information
11490 required by Subsection (3)(a) to serve as the request for agency action when completed and
11491 filed by the person requesting agency action.
11492 (d) The presiding officer shall promptly review a request for agency action and shall:
11493 (i) notify the requesting party in writing that the request is granted and that the
11494 adjudicative proceeding is completed;
11495 (ii) notify the requesting party in writing that the request is denied and, if the
11496 proceeding is a formal adjudicative proceeding, that the party may request a hearing before the
11497 agency to challenge the denial; or

11498 (iii) notify the requesting party that further proceedings are required to determine the
11499 agency's response to the request.
11500 (e) (i) Any notice required by Subsection (3)(d)(ii) shall contain the information
11501 required by Subsection 63G-4-203(1)(i) in addition to disclosure required by Subsection
11502 (3)(d)(ii).
11503 (ii) The agency shall mail any notice required by Subsection (3)(d) to all parties, except
11504 that any notice required by Subsection (3)(d)(iii) may be published when publication is
11505 required by statute.
11506 (iii) The notice required by Subsection (3)(d)(iii) shall:
11507 (A) give the agency's file number or other reference number;
11508 (B) give the name of the proceeding;
11509 (C) designate whether the proceeding is one of a category to be conducted informally
11510 according to the provisions of rules enacted under Sections 63G-4-202 and 63G-4-203, with
11511 citation to the applicable rule authorizing that designation, or formally according to Sections
11512 63G-4-204 through 63G-4-209;
11513 (D) in the case of a formal adjudicative proceeding, and where respondent parties are
11514 known, state that a written response must be filed within 30 days of the date of the agency's
11515 notice if mailed, or within 30 days of the last publication date of the agency's notice, if
11516 published;
11517 (E) if the adjudicative proceeding is to be formal, or if a hearing is to be held in an
11518 informal adjudicative proceeding, state the time and place of any scheduled hearing, the
11519 purpose for which the hearing is to be held, and that a party who fails to attend or participate in
11520 a scheduled and noticed hearing may be held in default;
11521 (F) if the adjudicative proceeding is to be informal, and a hearing is required by statute
11522 or rule, or if a hearing is permitted by rule and may be requested by a party within the time
11523 prescribed by rule, state the parties' right to request a hearing and the time within which a
11524 hearing may be requested under the agency's rules; and
11525 (G) give the name, title, mailing address, and telephone number of the presiding
11526 officer.
11527 (4) When initial agency determinations or actions are not governed by this chapter, but
11528 agency and judicial review of those initial determinations or actions are subject to the

11529 provisions of this chapter, the request for agency action seeking review must be filed with the
11530 agency within the time prescribed by the agency's rules.
11531 (5) For designated classes of adjudicative proceedings, an agency may, by rule, provide
11532 for a longer response time than allowed by this section, and may provide for a shorter response
11533 time if required or permitted by applicable federal law.
11534 (6) Unless the agency provides otherwise by rule or order, an application for a package
11535 agency, license, permit, or certificate of approval filed under authority of Title [~~32A~~] 32B,
11536 Alcoholic Beverage Control Act, is not considered to be a request for agency action under this
11537 chapter.
11538 (7) If the purpose of the adjudicative proceeding is to award a license or other privilege
11539 as to which there are multiple competing applicants, the agency may, by rule or order, conduct
11540 a single adjudicative proceeding to determine the award of that license or privilege.
11541 Section 374. Section **76-5-113** is amended to read:
11542 **76-5-113. Surreptitious administration of certain substances -- Definitions --**
11543 **Penalties -- Defenses.**
11544 (1) As used in this section:
11545 (a) "Administer" means the introduction of a substance into the body by injection,
11546 inhalation, ingestion, or by any other means.
11547 (b) "Alcoholic beverage" has the same meaning as "alcoholic beverage" in Section
11548 [~~32A-1-105~~] 32B-1-102.
11549 (c) "Bodily injury" has the same definition as in Section 76-1-601.
11550 (d) "Controlled substance" has the same definition as in Section 58-37-2.
11551 (e) "Deleterious substance" means a substance which, if administered, would likely
11552 cause bodily injury.
11553 (f) "Poisonous" means a substance which, if administered, would likely cause serious
11554 bodily injury or death.
11555 (g) "Prescription drug" has the same definition as in Section 58-17b-102.
11556 (h) "Serious bodily injury" has the same definition as in Section 19-2-115.
11557 (i) "Substance" means a controlled substance, poisonous substance, or deleterious
11558 substance as defined in this Subsection (1).
11559 (2) In addition to any other offense the actor's conduct may constitute, it is a criminal

11560 offense for a person, surreptitiously or by means of fraud, deception, or misrepresentation, to
11561 cause another person to unknowingly consume or receive the administration of:
11562 (a) any poisonous, deleterious, or controlled substance; or
11563 (b) any alcoholic beverage.
11564 (3) A violation of Subsection (2) is:
11565 (a) a second degree felony if the substance is a poisonous substance, regardless of
11566 whether the substance is a controlled substance or a prescription drug;
11567 (b) a third degree felony if the substance is not within the scope of Subsection (3)(a),
11568 and is a controlled substance or a prescription drug; and
11569 (c) a class A misdemeanor if the substance is a deleterious substance or an alcoholic
11570 beverage.
11571 (4) (a) It is an affirmative defense to a prosecution under Subsection (2) that the actor:
11572 (i) provided the appropriate administration of a prescription drug; and
11573 (ii) acted on the reasonable belief that [~~his~~] the actor's conduct was in the best interest
11574 of the well-being of the person to whom the prescription drug was administered.
11575 (b) (i) The defendant shall file and serve on the prosecuting attorney a notice in writing
11576 of [~~his~~] the defendant's intention to claim a defense under Subsection (4)(a) not fewer than 20
11577 days before the trial.
11578 (ii) The notice shall specifically identify the factual basis for the defense and the names
11579 and addresses of the witnesses the defendant proposes to examine to establish the defense.
11580 (c) The prosecuting attorney shall file and serve the defendant with a notice containing
11581 the names and addresses of the witnesses the prosecutor proposes to examine in order to
11582 contradict or rebut the defendant's claim of an affirmative defense under Subsection (4)(a).
11583 This notice shall be filed or served not more than 10 days after receipt of the defendant's notice
11584 under Subsection (4)(b), or at another time as the court may direct.
11585 (d) (i) Failure of a party to comply with the requirements of Subsection (4)(b) or (4)(c)
11586 entitles the opposing party to a continuance to allow for preparation.
11587 (ii) If the court finds that a party's failure to comply is the result of bad faith, it may
11588 impose appropriate sanctions.
11589 (5) This section does not diminish the scope of authorized health care by a health care
11590 provider as defined in Section 26-23a-1.

11591 Section 375. Section **76-10-1506** is amended to read:
11592 **76-10-1506. Threatening breach of peace -- Disorderly conduct -- Foul language**
11593 **-- Refusing requests -- Use of controlled substance, liquor, or tobacco -- Ejection of**
11594 **passenger.**
11595 (1) A person is guilty of a class C misdemeanor, if the person:
11596 (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar
11597 language on a bus;
11598 (b) is in or upon any bus while unlawfully under the influence of a controlled substance
11599 as defined in Section 58-37-2;
11600 (c) fails to obey a reasonable request or order of a bus driver, bus company
11601 representative, a nondrinking designee other than the driver as provided in Subsection
11602 [~~32A-12-213(3)~~] 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or terminal;
11603 (d) ingests any controlled substance, unless prescribed by a physician or medical
11604 facility, in or upon any bus, or drinks intoxicating liquor in or upon any bus, except a chartered
11605 bus as defined and provided in Sections [~~32A-1-105~~] 32B-1-102 and 41-6a-526; or
11606 (e) smokes tobacco or other products in or upon any bus, except a chartered bus.
11607 (2) If any person violates Subsection (1), the driver of the bus or person in charge
11608 thereof may stop at the place where the offense is committed or at the next regular or
11609 convenient stopping place and remove such person, using only such force as may be necessary
11610 to accomplish the removal, and the driver or person in charge may request the assistance of
11611 passengers to assist in the removal.
11612 (3) The driver or person in charge may cause the person so removed to be detained and
11613 delivered to the proper authorities.
11614 Section 376. Section **76-10-1602** is amended to read:
11615 **76-10-1602. Definitions.**
11616 As used in this part:
11617 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
11618 business trust, association, or other legal entity, and any union or group of individuals
11619 associated in fact although not a legal entity, and includes illicit as well as licit entities.
11620 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
11621 commission of at least three episodes of unlawful activity, which episodes are not isolated, but

11622 have the same or similar purposes, results, participants, victims, or methods of commission, or
11623 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
11624 demonstrate continuing unlawful conduct and be related either to each other or to the
11625 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
11626 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
11627 activity as defined by this part shall have occurred within five years of the commission of the
11628 next preceding act alleged as part of the pattern.
11629 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
11630 interest in property, including state, county, and local governmental entities.
11631 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
11632 command, encourage, or intentionally aid another person to engage in conduct which would
11633 constitute any offense described by the following crimes or categories of crimes, or to attempt
11634 or conspire to engage in an act which would constitute any of those offenses, regardless of
11635 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
11636 or a felony:
11637 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized
11638 Recording Practices Act;
11639 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
11640 Code, Sections 19-1-101 through 19-7-109;
11641 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary
11642 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, Wildlife Resources
11643 Code of Utah, or Section 23-20-4;
11644 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title
11645 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;
11646 (e) any act prohibited by the criminal provisions of [~~Title 32A, Chapter 12, Criminal~~
11647 ~~Offenses~~] Title 32B, Chapter 4, Criminal Offenses and Procedure Act;
11648 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform
11649 Land Sales Practices Act;
11650 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah
11651 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,
11652 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,

11653 Clandestine Drug Lab Act;
11654 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
11655 Securities Act;
11656 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6 Utah
11657 Procurement Code;
11658 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;
11659 (k) a terroristic threat, Section 76-5-107;
11660 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;
11661 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
11662 (n) sexual exploitation of a minor, Section 76-5a-3;
11663 (o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
11664 (p) causing a catastrophe, Section 76-6-105;
11665 (q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
11666 (r) burglary of a vehicle, Section 76-6-204;
11667 (s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
11668 (t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
11669 (u) theft, Section 76-6-404;
11670 (v) theft by deception, Section 76-6-405;
11671 (w) theft by extortion, Section 76-6-406;
11672 (x) receiving stolen property, Section 76-6-408;
11673 (y) theft of services, Section 76-6-409;
11674 (z) forgery, Section 76-6-501;
11675 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;
11676 (bb) deceptive business practices, Section 76-6-507;
11677 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or
11678 criticism of goods, Section 76-6-508;
11679 (dd) bribery of a labor official, Section 76-6-509;
11680 (ee) defrauding creditors, Section 76-6-511;
11681 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;
11682 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;
11683 (hh) bribery or threat to influence contest, Section 76-6-514;

11684 (ii) making a false credit report, Section 76-6-517;
11685 (jj) criminal simulation, Section 76-6-518;
11686 (kk) criminal usury, Section 76-6-520;
11687 (ll) fraudulent insurance act, Section 76-6-521;
11688 (mm) retail theft, Section 76-6-602;
11689 (nn) computer crimes, Section 76-6-703;
11690 (oo) identity fraud, Section 76-6-1102;
11691 (pp) mortgage fraud, Section 76-6-1203;
11692 (qq) sale of a child, Section 76-7-203;
11693 (rr) bribery to influence official or political actions, Section 76-8-103;
11694 (ss) threats to influence official or political action, Section 76-8-104;
11695 (tt) receiving bribe or bribery by public servant, Section 76-8-105;
11696 (uu) receiving bribe or bribery for endorsement of person as public servant, Section
11697 76-8-106;
11698 (vv) official misconduct, Sections 76-8-201 and 76-8-202;
11699 (ww) obstruction of justice, Section 76-8-306;
11700 (xx) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
11701 (yy) false or inconsistent material statements, Section 76-8-502;
11702 (zz) false or inconsistent statements, Section 76-8-503;
11703 (aaa) written false statements, Section 76-8-504;
11704 (bbb) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
11705 (ccc) retaliation against a witness, victim, or informant, Section 76-8-508.3;
11706 (ddd) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
11707 (eee) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
11708 76-8-1205;
11709 (fff) unemployment insurance fraud, Section 76-8-1301;
11710 (ggg) intentionally or knowingly causing one animal to fight with another, Subsection
11711 76-9-301(2)(d) or (e), or Section 76-9-301.1;
11712 (hhh) possession, use, or removal of explosives, chemical, or incendiary devices or
11713 parts, Section 76-10-306;
11714 (iii) delivery to common carrier, mailing, or placement on premises of an incendiary

11715 device, Section 76-10-307;
11716 (jjj) possession of a deadly weapon with intent to assault, Section 76-10-507;
11717 (kkk) unlawful marking of pistol or revolver, Section 76-10-521;
11718 (lll) alteration of number or mark on pistol or revolver, Section 76-10-522;
11719 (mmm) forging or counterfeiting trademarks, trade name, or trade device, Section
11720 76-10-1002;
11721 (nnn) selling goods under counterfeited trademark, trade name, or trade devices,
11722 Section 76-10-1003;
11723 (ooo) sales in containers bearing registered trademark of substituted articles, Section
11724 76-10-1004;
11725 (ppp) selling or dealing with article bearing registered trademark or service mark with
11726 intent to defraud, Section 76-10-1006;
11727 (qqq) gambling, Section 76-10-1102;
11728 (rrr) gambling fraud, Section 76-10-1103;
11729 (sss) gambling promotion, Section 76-10-1104;
11730 (ttt) possessing a gambling device or record, Section 76-10-1105;
11731 (uuu) confidence game, Section 76-10-1109;
11732 (vvv) distributing pornographic material, Section 76-10-1204;
11733 (www) inducing acceptance of pornographic material, Section 76-10-1205;
11734 (xxx) dealing in harmful material to a minor, Section 76-10-1206;
11735 (yyy) distribution of pornographic films, Section 76-10-1222;
11736 (zzz) indecent public displays, Section 76-10-1228;
11737 (aaaa) prostitution, Section 76-10-1302;
11738 (bbbb) aiding prostitution, Section 76-10-1304;
11739 (cccc) exploiting prostitution, Section 76-10-1305;
11740 (dddd) aggravated exploitation of prostitution, Section 76-10-1306;
11741 (eeee) communications fraud, Section 76-10-1801;
11742 (ffff) any act prohibited by the criminal provisions of Chapter 10, Part 19, Money
11743 Laundering and Currency Transaction Reporting Act;
11744 (gggg) vehicle compartment for contraband, Section 76-10-2801;
11745 (hhhh) any act prohibited by the criminal provisions of the laws governing taxation in

11746 this state; and
11747 (iiii) any act illegal under the laws of the United States and enumerated in [~~Title 18,~~
11748 ~~Section~~] 18 U.S.C. Sec. 1961 (1)(B), (C), and (D) [~~of the United States Code~~].
11749 Section 377. Section **77-39-101** is amended to read:
11750 **77-39-101. Investigation of sales of alcohol and tobacco to under age persons.**
11751 (1) (a) A peace officer, as defined by Title 53, Chapter 13, Peace Officer
11752 Classifications, may investigate the possible violation of:
11753 (i) Section [~~32A-12-203~~] 32B-4-403 by requesting an individual under the age of 21
11754 years to enter into and attempt to purchase or make a purchase of alcohol from a retail
11755 establishment; or
11756 (ii) Section 76-10-104 by requesting an individual under the age of 19 years to enter
11757 into and attempt to purchase or make a purchase from a retail establishment of:
11758 (A) a cigar;
11759 (B) a cigarette; or
11760 (C) tobacco in any form.
11761 (b) A peace officer who is present at the site of a proposed purchase shall direct,
11762 supervise, and monitor the individual requested to make the purchase.
11763 (c) Immediately following a purchase or attempted purchase or as soon as practical the
11764 supervising peace officer shall inform the cashier and the proprietor or manager of the retail
11765 establishment that the attempted purchaser was under the legal age to purchase:
11766 (i) alcohol; or
11767 (ii) (A) a cigar;
11768 (B) a cigarette; or
11769 (C) tobacco in any form.
11770 (d) If a citation or information is issued, it shall be issued within seven days of the
11771 purchase.
11772 (2) (a) If an individual under the age of 18 years old is requested to attempt a purchase,
11773 a written consent of that individual's parent or guardian shall be obtained prior to that
11774 individual participating in any attempted purchase.
11775 (b) An individual requested by the peace officer to attempt a purchase may:
11776 (i) be a trained volunteer; or

11777 (ii) receive payment, but may not be paid based on the number of successful purchases
11778 of alcohol or tobacco.
11779 (3) The individual requested by the peace officer to attempt a purchase and anyone
11780 accompanying the individual attempting a purchase may not during the attempted purchase
11781 misrepresent the age of the individual by false or misleading identification documentation in
11782 attempting the purchase.
11783 (4) An individual requested to attempt to purchase or make a purchase pursuant to this
11784 section is immune from prosecution, suit, or civil liability for the purchase of, attempted
11785 purchase of, or possession of alcohol, a cigar, a cigarette, or tobacco in any form if a peace
11786 officer directs, supervises, and monitors the individual.
11787 (5) (a) Except as provided in Subsection (5)(b), a purchase attempted under this section
11788 shall be conducted:
11789 (i) on a random basis; and
11790 (ii) within a 12-month period at any one retail establishment location not more often
11791 than:
11792 (A) four times for the attempted purchase of:
11793 (I) a cigar;
11794 (II) a cigarette; or
11795 (III) tobacco in any form; and
11796 (B) four times for the attempted purchase of alcohol.
11797 (b) Nothing in this section shall prohibit an investigation under this section if:
11798 (i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a
11799 cigar, a cigarette, or tobacco in any form to an individual under the age established by Section
11800 [~~32A-12-203~~] 32B-4-403 or 76-10-104; and
11801 (ii) the supervising peace officer makes a written record of the grounds for the
11802 reasonable suspicion.
11803 (6) (a) The peace officer exercising direction, supervision, and monitoring of the
11804 attempted purchase shall make a report of the attempted purchase, whether or not a purchase
11805 was made.
11806 (b) The report required by this Subsection (6) shall include:
11807 (i) the name of the supervising peace officer;

11808 (ii) the name of the individual attempting the purchase;
11809 (iii) a photograph of the individual attempting the purchase showing how that
11810 individual appeared at the time of the attempted purchase;
11811 (iv) the name and description of the cashier or proprietor from whom the individual
11812 attempted the purchase;
11813 (v) the name and address of the retail establishment; and
11814 (vi) the date and time of the attempted purchase.
11815 Section 378. Section **78A-6-117** is amended to read:
11816 **78A-6-117. Adjudication of jurisdiction of juvenile court -- Disposition of cases --**
11817 **Enumeration of possible court orders -- Considerations of court -- Obtaining DNA**
11818 **sample.**
11819 (1) (a) When a minor is found to come within the provisions of Section 78A-6-103, the
11820 court shall so adjudicate. The court shall make a finding of the facts upon which it bases its
11821 jurisdiction over the minor. However, in cases within the provisions of Subsection
11822 78A-6-103(1), findings of fact are not necessary.
11823 (b) If the court adjudicates a minor for a crime of violence or an offense in violation of
11824 Title 76, Chapter 10, Part 5, Weapons, it shall order that notice of the adjudication be provided
11825 to the school superintendent of the district in which the minor resides or attends school. Notice
11826 shall be made to the district superintendent within three days of the adjudication and shall
11827 include:
11828 (i) the specific offenses for which the minor was adjudicated; and
11829 (ii) if available, if the victim:
11830 (A) resides in the same school district as the minor; or
11831 (B) attends the same school as the minor.
11832 (2) Upon adjudication the court may make the following dispositions by court order:
11833 (a) (i) The court may place the minor on probation or under protective supervision in
11834 the minor's own home and upon conditions determined by the court, including compensatory
11835 service as provided in Subsection (2)(m)(iii).
11836 (ii) The court may place the minor in state supervision with the probation department
11837 of the court, under the legal custody of:
11838 (A) the minor's parent or guardian;

11839 (B) the Division of Juvenile Justice Services; or
11840 (C) the Division of Child and Family Services.
11841 (iii) If the court orders probation or state supervision, the court shall direct that notice
11842 of its order be provided to designated persons in the local law enforcement agency and the
11843 school or transferee school, if applicable, that the minor attends. The designated persons may
11844 receive the information for purposes of the minor's supervision and student safety.
11845 (iv) Any employee of the local law enforcement agency and the school that the minor
11846 attends who discloses the court's order of probation is not:
11847 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
11848 provided in Section 63G-7-202; and
11849 (B) civilly or criminally liable except when the disclosure constitutes a knowing
11850 violation of Section 63G-2-801.
11851 (b) The court may place the minor in the legal custody of a relative or other suitable
11852 person, with or without probation or protective supervision, but the juvenile court may not
11853 assume the function of developing foster home services.
11854 (c) (i) The court may:
11855 (A) vest legal custody of the minor in the Division of Child and Family Services,
11856 Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health;
11857 and
11858 (B) order the Department of Human Services to provide dispositional
11859 recommendations and services.
11860 (ii) For minors who may qualify for services from two or more divisions within the
11861 Department of Human Services, the court may vest legal custody with the department.
11862 (iii) (A) A minor who is committed to the custody of the Division of Child and Family
11863 Services on grounds other than abuse or neglect is subject to the provisions of Title 78A,
11864 Chapter 6, Part 4, Minors in Custody on Grounds Other Than Abuse or Neglect, and Title 62A,
11865 Chapter 4a, Part 2A, Minors in Custody on Grounds Other Than Abuse or Neglect.
11866 (B) Prior to the court entering an order to place a minor in the custody of the Division
11867 of Child and Family Services on grounds other than abuse or neglect, the court shall provide
11868 the division with notice of the hearing no later than five days before the time specified for the
11869 hearing so the division may attend the hearing.

11870 (C) Prior to committing a child to the custody of the Division of Child and Family
11871 Services, the court shall make a finding as to what reasonable efforts have been attempted to
11872 prevent the child's removal from the child's home.
11873 (d) (i) The court may commit a minor to the Division of Juvenile Justice Services for
11874 secure confinement.
11875 (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect,
11876 or dependency under Subsection 78A-6-103(1)(c) may not be committed to the Division of
11877 Juvenile Justice Services.
11878 (e) The court may commit a minor, subject to the court retaining continuing
11879 jurisdiction over the minor, to the temporary custody of the Division of Juvenile Justice
11880 Services for observation and evaluation for a period not to exceed 45 days, which period may
11881 be extended up to 15 days at the request of the director of the Division of Juvenile Justice
11882 Services.
11883 (f) (i) The court may commit a minor to a place of detention or an alternative to
11884 detention for a period not to exceed 30 days subject to the court retaining continuing
11885 jurisdiction over the minor. This commitment may be stayed or suspended upon conditions
11886 ordered by the court.
11887 (ii) This Subsection (2)(f) applies only to a minor adjudicated for:
11888 (A) an act which if committed by an adult would be a criminal offense; or
11889 (B) contempt of court under Section 78A-6-1101.
11890 (g) The court may vest legal custody of an abused, neglected, or dependent minor in
11891 the Division of Child and Family Services or any other appropriate person in accordance with
11892 the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and
11893 Dependency Proceedings.
11894 (h) The court may place a minor on a ranch or forestry camp, or similar facility for care
11895 and also for work, if possible, if the person, agency, or association operating the facility has
11896 been approved or has otherwise complied with all applicable state and local laws. A minor
11897 placed in a forestry camp or similar facility may be required to work on fire prevention,
11898 forestation and reforestation, recreational works, forest roads, and on other works on or off the
11899 grounds of the facility and may be paid wages, subject to the approval of and under conditions
11900 set by the court.

11901 (i) (i) The court may order a minor to repair, replace, or otherwise make restitution for
11902 damage or loss caused by the minor's wrongful act, including costs of treatment as stated in
11903 Section 78A-6-321 and impose fines in limited amounts.
11904 (ii) The court may also require a minor to reimburse an individual, entity, or
11905 governmental agency who offered and paid a reward to a person or persons for providing
11906 information resulting in a court adjudication that the minor is within the jurisdiction of the
11907 juvenile court due to the commission of a criminal offense.
11908 (iii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
11909 court may order the minor to make restitution for costs expended by any governmental entity
11910 for the return.
11911 (j) The court may issue orders necessary for the collection of restitution and fines
11912 ordered by the court, including garnishments, wage withholdings, and executions.
11913 (k) (i) The court may through its probation department encourage the development of
11914 employment or work programs to enable minors to fulfill their obligations under Subsection
11915 (2)(i) and for other purposes considered desirable by the court.
11916 (ii) Consistent with the order of the court, the probation officer may permit a minor
11917 found to be within the jurisdiction of the court to participate in a program of work restitution or
11918 compensatory service in lieu of paying part or all of the fine imposed by the court.
11919 (l) (i) In violations of traffic laws within the court's jurisdiction, the court may, in
11920 addition to any other disposition authorized by this section:
11921 (A) restrain the minor from driving for periods of time the court considers necessary;
11922 and
11923 (B) take possession of the minor's driver license.
11924 (ii) The court may enter any other disposition under Subsection (2)(l)(i)[~~; however,~~]. <u>However,</u> the suspension of driving privileges for an offense under Section 78A-6-606 [~~are~~] <u>is</u>
11925
11926 governed only by Section 78A-6-606.
11927 (m) (i) When a minor is found within the jurisdiction of the juvenile court under
11928 Section 78A-6-103 because of violating Section 58-37-8, Title 58, Chapter 37a, Utah Drug
11929 Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, the court
11930 shall, in addition to any fines or fees otherwise imposed, order that the minor perform a
11931 minimum of 20 hours, but no more than 100 hours, of compensatory service. Satisfactory

11932 completion of an approved substance abuse prevention or treatment program may be credited
11933 by the court as compensatory service hours.
11934 (ii) When a minor is found within the jurisdiction of the juvenile court under Section
11935 78A-6-103 because of a violation of Section [~~32A-12-209~~] 32B-4-409 or Subsection
11936 76-9-701(1), the court may, upon the first adjudication, and shall, upon a second or subsequent
11937 adjudication, order that the minor perform a minimum of 20 hours, but no more than 100 hours
11938 of compensatory service, in addition to any fines or fees otherwise imposed. Satisfactory
11939 completion of an approved substance abuse prevention or treatment program may be credited
11940 by the court as compensatory service hours.
11941 (iii) When a minor is found within the jurisdiction of the juvenile court under Section
11942 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may
11943 order the minor to clean up graffiti created by the minor or any other person at a time and place
11944 within the jurisdiction of the court. Compensatory service required under this section may be
11945 performed in the presence and under the direct supervision of the minor's parent or legal
11946 guardian. The parent or legal guardian shall report completion of the order to the court. The
11947 minor or the minor's parent or legal guardian, if applicable, shall be responsible for removal
11948 costs as determined under Section 76-6-107, unless waived by the court for good cause. The
11949 court may also require the minor to perform other alternative forms of restitution or repair to
11950 the damaged property pursuant to Subsection 77-18-1(8).
11951 (A) For a first adjudication, the court may require the minor to clean up graffiti for not
11952 less than eight hours.
11953 (B) For a second adjudication, the court may require the minor to clean up graffiti for
11954 not less than 16 hours.
11955 (C) For a third adjudication, the court may require the minor to clean up graffiti for not
11956 less than 24 hours.
11957 (n) (i) Subject to Subsection (2)(n)(iii), the court may order that a minor:
11958 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or
11959 (B) receive other special care.
11960 (ii) For purposes of receiving the examination, treatment, or care described in
11961 Subsection (2)(n)(i), the court may place the minor in a hospital or other suitable facility.
11962 (iii) In determining whether to order the examination, treatment, or care described in

11963 Subsection (2)(n)(i), the court shall consider:
11964 (A) the desires of the minor;
11965 (B) if the minor is under the age of 18, the desires of the parents or guardian of the
11966 minor; and
11967 (C) whether the potential benefits of the examination, treatment, or care outweigh the
11968 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
11969 function impairment, or emotional or physical harm resulting from the compulsory nature of
11970 the examination, treatment, or care.
11971 (o) (i) The court may appoint a guardian for the minor if it appears necessary in the
11972 interest of the minor, and may appoint as guardian a public or private institution or agency in
11973 which legal custody of the minor is vested.
11974 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
11975 private agency or institution, the court shall give primary consideration to the welfare of the
11976 minor. When practicable, the court may take into consideration the religious preferences of the
11977 minor and of a child's parents.
11978 (p) (i) In support of a decree under Section 78A-6-103, the court may order reasonable
11979 conditions to be complied with by a minor's parents or guardian, a minor, a minor's custodian,
11980 or any other person who has been made a party to the proceedings. Conditions may include:
11981 (A) parent-time by the parents or one parent;
11982 (B) restrictions on the minor's associates;
11983 (C) restrictions on the minor's occupation and other activities; and
11984 (D) requirements to be observed by the parents or custodian.
11985 (ii) A minor whose parents or guardians successfully complete a family or other
11986 counseling program may be credited by the court for detention, confinement, or probation time.
11987 (q) The court may order the child to be committed to the physical custody of a local
11988 mental health authority, in accordance with the procedures and requirements of Title 62A,
11989 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
11990 Mental Health.
11991 (r) (i) The court may make an order committing a minor within the court's jurisdiction
11992 to the Utah State Developmental Center if the minor has mental retardation in accordance with
11993 the provisions of Title 62A, Chapter 5, Part 3, Admission to Mental Retardation Facility.

11994 (ii) The court shall follow the procedure applicable in the district courts with respect to
11995 judicial commitments to the Utah State Developmental Center when ordering a commitment
11996 under Subsection (2)(r)(i).
11997 (s) The court may terminate all parental rights upon a finding of compliance with the
11998 provisions of Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.
11999 (t) The court may make any other reasonable orders for the best interest of the minor or
12000 as required for the protection of the public, except that a child may not be committed to jail or
12001 prison.
12002 (u) The court may combine the dispositions listed in this section if they are compatible.
12003 (v) Before depriving any parent of custody, the court shall give due consideration to the
12004 rights of parents concerning their child. The court may transfer custody of a minor to another
12005 person, agency, or institution in accordance with the requirements and procedures of Title 78A,
12006 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.
12007 (w) Except as provided in Subsection (2)(y)(i), an order under this section for
12008 probation or placement of a minor with an individual or an agency shall include a date certain
12009 for a review of the case by the court. A new date shall be set upon each review.
12010 (x) In reviewing foster home placements, special attention shall be given to making
12011 adoptable children available for adoption without delay.
12012 (y) (i) The juvenile court may enter an order of permanent custody and guardianship
12013 with an individual or relative of a child where the court has previously acquired jurisdiction as
12014 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
12015 order for child support on behalf of the child against the natural or adoptive parents of the
12016 child.
12017 (ii) Orders under Subsection (2)(y)(i):
12018 (A) shall remain in effect until the child reaches majority;
12019 (B) are not subject to review under Section 78A-6-118; and
12020 (C) may be modified by petition or motion as provided in Section 78A-6-1103.
12021 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
12022 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
12023 of the juvenile court.
12024 (3) In addition to the dispositions described in Subsection (2), when a minor comes

12025 within the court's jurisdiction, the minor may be given a choice by the court to serve in the
12026 National Guard in lieu of other sanctions, provided:
12027 (a) the minor meets the current entrance qualifications for service in the National
12028 Guard as determined by a recruiter, whose determination is final;
12029 (b) the minor is not under the jurisdiction of the court for any act that:
12030 (i) would be a felony if committed by an adult;
12031 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
12032 (iii) was committed with a weapon; and
12033 (c) the court retains jurisdiction over the minor under conditions set by the court and
12034 agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.
12035 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
12036 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
12037 designated employees of the court or, if the minor is in the legal custody of the Division of
12038 Juvenile Justice Services, then by designated employees of the division under Subsection
12039 53-10-404(5)(b).
12040 (b) The responsible agency shall ensure that employees designated to collect the saliva
12041 DNA specimens receive appropriate training and that the specimens are obtained in accordance
12042 with accepted protocol.
12043 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
12044 Specimen Restricted Account created in Section 53-10-407.
12045 (d) Payment of the reimbursement is second in priority to payments the minor is
12046 ordered to make for restitution under this section and treatment under Section 78A-6-321.
12047 Section 379. Section **78A-6-606** is amended to read:
12048 **78A-6-606. Suspension of license for certain offenses.**
12049 (1) This section applies to a minor who is at least 13 years of age when found by the
12050 court to be within its jurisdiction by the commission of an offense under:
12051 (a) Section [~~32A-12-209~~] 32B-4-409;
12052 (b) Section [~~32A-12-209.5~~] 32B-4-410;
12053 (c) Section [~~32A-12-223~~] 32B-4-411;
12054 (d) Section 58-37-8;
12055 (e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

12056 (f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
12057 (g) Subsection 76-9-701(1).
12058 (2) If the court hearing the case determines that the minor committed an offense under
12059 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver
12060 License Division of the Department of Public Safety an order to suspend that minor's driving
12061 privileges.
12062 (3) (a) The court hearing the case shall suspend the minor's driving privileges if:
12063 (i) the minor violated Section [~~32A-12-209 or 32A-12-209.5~~] 32B-4-409, Section
12064 32B-4-410, or Subsection 76-9-701(1); and
12065 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
12066 2009.
12067 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the
12068 suspension period required under Section 53-3-219 if:
12069 (i) the violation is the minor's first violation of Section [~~32A-12-209 or 32A-12-209.5~~]
12070 32B-4-409, Section 32B-4-410, or Subsection 76-9-701(1); and
12071 (ii) the minor completes an educational series as defined in Section 41-6a-501.
12072 (c) The suspension periods and requirements that were in effect prior to July 1, 2009,
12073 apply:
12074 (i) to a minor that violated Section [~~32A-12-209 or 32A-12-209.5~~] 32B-4-409, Section
12075 32B-4-410, or Subsection 76-9-701(1); and
12076 (ii) for a violation that was committed prior to July 1, 2009.
12077 (d) If a minor commits a proof of age violation, as defined in Section [~~32A-12-223~~]
12078 32B-4-411:
12079 (i) the court shall forward a record of adjudication to the Department of Public Safety
12080 for a first or subsequent violation; and
12081 (ii) the minor's driving privileges will be suspended:
12082 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
12083 violation of Section [~~32A-12-223~~] 32B-4-411; or
12084 (B) for a period of two years for a second or subsequent conviction for a violation of
12085 Section [~~32A-12-223~~] 32B-4-411.
12086 (4) A minor's license shall be suspended under Section 53-3-219 when a court issues

12087 an order suspending the minor's driving privileges for a violation of:
12088 (a) Section [~~32A-12-209~~] 32B-4-409;
12089 (b) Section [~~32A-12-209.5~~] 32B-4-410;
12090 (c) Section 58-37-8;
12091 (d) Title 58, Chapter 37a or 37b; or
12092 (e) Subsection 76-9-701(1).
12093 (5) When the Department of Public Safety receives the arrest or conviction record of a
12094 person for a driving offense committed while the person's license is suspended under this
12095 section, the Department of Public Safety shall extend the suspension for a like period of time.
12096 Section 380. Section **78A-6-1001** is amended to read:
12097 **78A-6-1001. Jurisdiction over adults for offenses against minors -- Proof of**
12098 **delinquency not required for conviction.**
12099 (1) The court shall have jurisdiction, concurrent with the district court or justice court
12100 otherwise having subject matter jurisdiction, to try adults for the following offenses committed
12101 against minors:
12102 (a) unlawful sale or [~~supply of alcohol beverage or product~~] furnishing of an alcoholic
12103 product to minors in violation of Section [~~32A-12-203~~] 32B-4-403;
12104 (b) failure to report abuse or neglect, as required by Title 62A, Chapter 4a, Part 4,
12105 Child Abuse or Neglect Reporting Requirements;
12106 (c) harboring a runaway in violation of Section 62A-4a-501;
12107 (d) misdemeanor custodial interference in violation of Section 76-5-303;
12108 (e) contributing to the delinquency of a minor in violation of Section 76-10-2301; and
12109 (f) failure to comply with compulsory education requirements in violation of Section
12110 53A-11-101.5.
12111 (2) It is not necessary for the minor to be found to be delinquent or to have committed
12112 a delinquent act for the court to exercise jurisdiction under Subsection (1).
12113 Section 381. Section **78A-6-1202** is amended to read:
12114 **78A-6-1202. Definitions.**
12115 (1) "Adult" means a person 18 years of age or older.
12116 (2) "Gang activity" means any criminal activity that is conducted as part of an
12117 organized youth gang. It includes any criminal activity that is done in concert with other gang

12118 members, or done alone if it is to fulfill gang purposes. "Gang activity" does not include
12119 graffiti.
12120 (3) "Minor offense" means any unlawful act that is a status offense or would be a class
12121 B or C misdemeanor, infraction, or violation of a municipal or county ordinance if the youth
12122 were an adult. "Minor offense" does not include:
12123 (a) class A misdemeanors;
12124 (b) felonies of any degree;
12125 (c) any offenses that are committed as part of gang activity;
12126 (d) any of the following offenses which would carry mandatory dispositions if referred
12127 to the juvenile court under Section 78A-6-606:
12128 (i) a second violation of Section [~~32A-12-209~~] 32B-4-409, Unlawful Purchase,
12129 Possession or Consumption by Minors -- Measurable Amounts in Body;
12130 (ii) a violation of Section 41-6a-502, Driving Under the Influence;
12131 (iii) a violation of Section 58-37-8, Controlled Substances Act;
12132 (iv) a violation of Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
12133 (v) a violation of Title 58, Chapter 37b, Imitation Controlled Substances Act; or
12134 (vi) a violation of Section 76-9-701, Intoxication; or
12135 (e) any offense where a dangerous weapon, as defined in Subsection 76-1-601(5), is
12136 used in the commission of the offense.
12137 (4) "Sponsoring entity" means any political subdivision of the state, including a school
12138 or school district, juvenile court, law enforcement agency, prosecutor's office, county, city, or
12139 town.
12140 (5) "Status offense" means a violation of the law that would not be a violation but for
12141 the age of the offender.
12142 (6) "Youth" means a person under the age of 18 years or who is 18 but still attending
12143 high school.
12144 Section 382. Section **78B-6-1602** is amended to read:
12145 **78B-6-1602. Definitions.**
12146 As used in this part:
12147 (1) "Alcoholic beverage" is as defined in Section [~~32A-1-105~~] 32B-1-102.
12148 (2) "Emergency response provider" means an individual providing services on behalf

12149 of:
12150 (a) a law enforcement agency;
12151 (b) a fire suppression agency; or
12152 (c) another agency or a political subdivision of the state.
12153 (3) "Law enforcement officer" is as defined in Section 53-13-103.
12154 (4) "Local entity" means the political subdivision for which an emergency response
12155 provider provides emergency services.
12156 (5) "Minor" means an individual under the age of 18 years old.
12157 (6) (a) Subject to Subsection (6)(b), "response costs" means the actual costs directly
12158 associated with an emergency response provider responding to, remaining at, or otherwise
12159 dealing with an underage drinking gathering, including:
12160 (i) the costs of medical treatment to or for an emergency response provider injured
12161 because of an activity described in this Subsection (6)(a); and
12162 (ii) the cost of repairing damage to equipment or property of a local entity that is
12163 attributable to an activity described in this Subsection (6)(a).
12164 (b) "Response costs" does not include:
12165 (i) the salary and benefits of an emergency response provider for the amount of time
12166 spent responding to, remaining at, or otherwise dealing with an underage drinking gathering; or
12167 (ii) the administrative costs attributable to an activity described in Subsection (6)(b)(i).
12168 (7) "Underage drinking gathering" means a gathering of two or more individuals:
12169 (a) at which an individual knowingly serves, aids in the service of, or allows the
12170 service of an alcoholic beverage to an underage person; and
12171 (b) to which an emergency response provider is required to respond, except for a
12172 response related solely to providing medical care at the location of the gathering.
12173 (8) "Underage person" means an individual under the age of 21 years old.
12174 Section 383. **Repealer.**
12175 This bill repeals:
12176 Section **32A-1-101, Short title.**
12177 Section **32A-1-102, Application of title -- Severability.**
12178 Section **32A-1-103, Exercise of police powers.**
12179 Section **32A-1-104, Policy.**

12180 Section **32A-1-105, Definitions.**
12181 Section **32A-1-106, Alcoholic Beverage Control Commission -- Membership --**
12182 **Oaths and bond -- Per diem -- Offices -- Removal -- Meetings.**
12183 Section **32A-1-107, Powers and duties of the commission.**
12184 Section **32A-1-108, Director of alcoholic beverage control.**
12185 Section **32A-1-109, Powers and duties of the director.**
12186 Section **32A-1-110, Department of Alcoholic Beverage Control -- Created --**
12187 **Organization.**
12188 Section **32A-1-111, Department employees -- Requirements.**
12189 Section **32A-1-112, Services of State Health Laboratory.**
12190 Section **32A-1-113, Department expenditures and revenues -- Liquor Control Fund**
12191 **-- Exempt from Division of Finance -- Annual audits.**
12192 Section **32A-1-115, Alcoholic Beverage Enforcement and Treatment Restricted**
12193 **Account -- Distribution.**
12194 Section **32A-1-116, Purchase of liquor.**
12195 Section **32A-1-117, Department may sue and be sued.**
12196 Section **32A-1-118, Liability insurance -- Governmental immunity.**
12197 Section **32A-1-119, Disciplinary proceedings -- Procedure.**
12198 Section **32A-1-119.5, Timing of reporting violations.**
12199 Section **32A-1-120, Judicial review -- Enforcement.**
12200 Section **32A-1-121, Reports.**
12201 Section **32A-1-122, Liquor prices -- School lunch program.**
12202 Section **32A-1-123, Licensee compliance with other laws.**
12203 Section **32A-1-301, Unlawful transfer or use of proof of age -- False information.**
12204 Section **32A-1-302, Presentation of proof of age upon request.**
12205 Section **32A-1-303, Additional requirements when age is in question.**
12206 Section **32A-1-304, Acceptance of identification -- Evidence.**
12207 Section **32A-1-304.5, Verification of proof of age by certain club licensees.**
12208 Section **32A-1-305, Penalty.**
12209 Section **32A-1-401, Alcohol training and education -- Revocation, suspension, or**
12210 **nonrenewal of licenses.**

12211 Section **32A-1-601, Title -- Purpose -- Application to other laws.**
12212 Section **32A-1-602, General restrictions on attire and conduct.**
12213 Section **32A-1-603, Sexually oriented entertainer.**
12214 Section **32A-1-604, Compliance -- Disciplinary proceeding.**
12215 Section **32A-1-701, Title.**
12216 Section **32A-1-702, Requirement for a criminal background check.**
12217 Section **32A-1-703, Use of information from a criminal background check.**
12218 Section **32A-1-704, Criminal background check procedure.**
12219 Section **32A-1-801, Title.**
12220 Section **32A-1-802, Definitions.**
12221 Section **32A-1-803, Power of the commission and department to classify flavored**
12222 **malt beverages.**
12223 Section **32A-1-804, Requirements for labeling and packaging -- Authority of the**
12224 **commission and department.**
12225 Section **32A-1-805, General procedure for approval.**
12226 Section **32A-1-806, Special procedure for flavored malt beverages.**
12227 Section **32A-1-807, Rulemaking authority.**
12228 Section **32A-1-808, Disciplinary proceeding for violation.**
12229 Section **32A-1-809, Transition protections.**
12230 Section **32A-2-101, Commission's power to establish state stores -- Limitations.**
12231 Section **32A-2-102, State store -- Commission and department duties before**
12232 **establishing.**
12233 Section **32A-2-103, Operational restrictions.**
12234 Section **32A-2-104, Delivery of liquor to state stores.**
12235 Section **32A-3-101, Commission's power to establish package agencies --**
12236 **Limitations.**
12237 Section **32A-3-102, Application requirements.**
12238 Section **32A-3-103, Qualifications.**
12239 Section **32A-3-104, Commission and department duties before establishing.**
12240 Section **32A-3-105, Bond.**
12241 Section **32A-3-106, Operational restrictions.**

12242 Section **32A-3-107, Delivery of liquor to package agencies.**
12243 Section **32A-3-108, Return of inventory.**
12244 Section **32A-4-101, Commission's power to grant licenses -- Limitations.**
12245 Section **32A-4-102, Application and renewal requirements.**
12246 Section **32A-4-103, Qualifications.**
12247 Section **32A-4-104, Commission and department duties before granting licenses.**
12248 Section **32A-4-105, Bond.**
12249 Section **32A-4-106, Operational restrictions.**
12250 Section **32A-4-201, Commission's power to grant licenses -- Limitations.**
12251 Section **32A-4-202, Application and renewal requirements.**
12252 Section **32A-4-203, Qualifications.**
12253 Section **32A-4-204, Commission and department duties before granting licenses.**
12254 Section **32A-4-205, Bond.**
12255 Section **32A-4-206, Operational restrictions.**
12256 Section **32A-4-301, Definitions.**
12257 Section **32A-4-302, Commission's power to grant licenses -- Limitations.**
12258 Section **32A-4-303, Application and renewal requirements.**
12259 Section **32A-4-304, Qualifications.**
12260 Section **32A-4-305, Commission and department duties before granting licenses.**
12261 Section **32A-4-306, Bond.**
12262 Section **32A-4-307, Operational restrictions.**
12263 Section **32A-4-401, Definitions -- Commission's power to grant licenses --**
12264 **Limitations.**
12265 Section **32A-4-402, Application and renewal requirements.**
12266 Section **32A-4-403, Qualifications.**
12267 Section **32A-4-404, Commission and department duties before granting licenses.**
12268 Section **32A-4-405, Bond.**
12269 Section **32A-4-406, Operational restrictions.**
12270 Section **32A-4a-101, Title.**
12271 Section **32A-4a-102, Definitions.**
12272 Section **32A-4a-201, Commission's power to license a resort -- Limitations.**

12273 Section **32A-4a-202, Application and renewal requirements.**
12274 Section **32A-4a-203, Qualifications.**
12275 Section **32A-4a-204, Commission and department duties before granting resort**
12276 **license.**
12277 Section **32A-4a-205, Bond.**
12278 Section **32A-4a-301, Commission's power to grant resort spa sublicense --**
12279 **Limitations.**
12280 Section **32A-4a-302, Application and renewal requirements.**
12281 Section **32A-4a-303, Qualifications.**
12282 Section **32A-4a-304, Commission and department duties before granting a resort**
12283 **spa sublicense.**
12284 Section **32A-4a-305, Operational restrictions.**
12285 Section **32A-4a-401, Operational restrictions for resort license.**
12286 Section **32A-4a-402, Operational restrictions for a sublicense.**
12287 Section **32A-4a-501, Enforcement of qualifications for a resort license or**
12288 **sublicense.**
12289 Section **32A-4a-502, Enforcement of operational restrictions for a resort license or**
12290 **sublicense.**
12291 Section **32A-4a-503, Enforcement of Nuisance Licensee Act.**
12292 Section **32A-5-101, Commission's power to license clubs -- Limitations.**
12293 Section **32A-5-102 (Subsec (1)(j) Superseded 07/01/10), Application and renewal**
12294 **requirements.**
12295 Section **32A-5-102 (Subsec (1)(j) Effective 07/01/10), Application and renewal**
12296 **requirements.**
12297 Section **32A-5-103, Qualifications.**
12298 Section **32A-5-104, Commission and department duties before granting licenses.**
12299 Section **32A-5-106, Bond.**
12300 Section **32A-5-107, Operational restrictions.**
12301 Section **32A-5-109, Transition in types of clubs.**
12302 Section **32A-5-110, Information obtained by investigator.**
12303 Section **32A-6-101, Commission's power to issue permits -- Limitations.**

12304 Section **32A-6-102, Application and renewal requirements.**
12305 Section **32A-6-103, Qualifications.**
12306 Section **32A-6-104, Duties of commission and department before issuing permits.**
12307 Section **32A-6-105, Operational restrictions.**
12308 Section **32A-6-201, Application and renewal requirements.**
12309 Section **32A-6-202, Operational restrictions.**
12310 Section **32A-6-301, Application requirements.**
12311 Section **32A-6-302, Operational restrictions.**
12312 Section **32A-6-401, Application requirements.**
12313 Section **32A-6-501, Operational restrictions.**
12314 Section **32A-6-502, Church or religious organization exemption.**
12315 Section **32A-6-503, Application requirements.**
12316 Section **32A-6-601, Licensed health care facility exemption.**
12317 Section **32A-6-602, Health professions exemption.**
12318 Section **32A-6-603, Application requirements.**
12319 Section **32A-7-101, Commission's power to issue permits -- Limitations.**
12320 Section **32A-7-102, Application requirements.**
12321 Section **32A-7-103, Qualifications.**
12322 Section **32A-7-104, Commission and department duties before granting permits.**
12323 Section **32A-7-105, Bond.**
12324 Section **32A-7-106, Operational restrictions.**
12325 Section **32A-8-101, Commission's power to grant licenses -- Limitations --**
12326 **Exceptions.**
12327 Section **32A-8-102, Application and renewal requirements.**
12328 Section **32A-8-103, Qualifications.**
12329 Section **32A-8-104, Duties of commission and department before issuing licenses.**
12330 Section **32A-8-105, Bond.**
12331 Section **32A-8-106, Operational restrictions.**
12332 Section **32A-8-201, Authority and operational restrictions.**
12333 Section **32A-8-301, Distillery license -- Specific authority and restrictions.**
12334 Section **32A-8-401, Authority and operational restrictions.**

12335 Section **32A-8-501, Commission's power to grant licenses.**
12336 Section **32A-8-502, Application and renewal requirements.**
12337 Section **32A-8-503, Qualifications.**
12338 Section **32A-8-504, Commission and department duties before granting licenses,**
12339 **and in issuing licenses.**
12340 Section **32A-8-505, Operational restrictions.**
12341 Section **32A-9-101, Commission's power to issue licenses.**
12342 Section **32A-9-102, Application and renewal requirements.**
12343 Section **32A-9-103, Qualifications.**
12344 Section **32A-9-104, Duties of commission and department before issuing licenses.**
12345 Section **32A-9-105, Bond.**
12346 Section **32A-9-106, Operational restrictions.**
12347 Section **32A-10-101, State and local licensing -- Limitations.**
12348 Section **32A-10-102, General restrictions.**
12349 Section **32A-10-103, Alcohol training and education for off-premise consumption --**
12350 **Requirements on off-premise beer retailer licensees -- Penalties related to sales to minors**
12351 **-- Hearings -- Tracking.**
12352 Section **32A-10-201, Commission's power to grant licenses -- Limitations.**
12353 Section **32A-10-202, Application and renewal requirements.**
12354 Section **32A-10-203, Qualifications.**
12355 Section **32A-10-204, Commission and department duties before granting licenses.**
12356 Section **32A-10-205, Bond.**
12357 Section **32A-10-206, Operational restrictions.**
12358 Section **32A-10-207, Information obtained by investigator.**
12359 Section **32A-10-301, Commission's power to grant temporary special event beer**
12360 **permits -- Limitations.**
12361 Section **32A-10-302, Application requirements.**
12362 Section **32A-10-303, Qualifications.**
12363 Section **32A-10-304, Commission and department duties before granting permits.**
12364 Section **32A-10-305, Bond.**
12365 Section **32A-10-306, Operational restrictions.**

12366 Section **32A-11-101, Commission's power to issue licenses.**
12367 Section **32A-11-102, Application and renewal requirements.**
12368 Section **32A-11-103, Qualifications.**
12369 Section **32A-11-104, Commission and department duties before issuing licenses.**
12370 Section **32A-11-105, Bond.**
12371 Section **32A-11-106, Operational restrictions.**
12372 Section **32A-11a-101, Title -- Legislative intent.**
12373 Section **32A-11a-102, Definitions.**
12374 Section **32A-11a-103, Termination of distributorship agreements.**
12375 Section **32A-11a-104, Notice of termination.**
12376 Section **32A-11a-105, Prohibited conduct of supplier.**
12377 Section **32A-11a-106, Prohibited conduct of wholesaler.**
12378 Section **32A-11a-107, Sale or transfer of business assets or ownership.**
12379 Section **32A-11a-108, Reasonable compensation -- Arbitration.**
12380 Section **32A-11a-109, Sale or transfer of supplier's business.**
12381 Section **32A-11a-110, Judicial remedies.**
12382 Section **32A-11a-111, Modifying statutory requirements not permitted.**
12383 Section **32A-12-101, Applicability of Utah Criminal Code.**
12384 Section **32A-12-102, Special burdens of proof -- Inferences and presumptions.**
12385 Section **32A-12-103, Criminal responsibility for conduct of another.**
12386 Section **32A-12-104, Violation of title a misdemeanor.**
12387 Section **32A-12-105, Additional criminal penalties.**
12388 Section **32A-12-201, Unlawful sale or furnishing.**
12389 Section **32A-12-202, Unauthorized sale or supply.**
12390 Section **32A-12-203, Unlawful sale or furnishing to minors.**
12391 Section **32A-12-204, Unlawful sale or furnishing to intoxicated persons.**
12392 Section **32A-12-205, Unlawful sale or supply to interdicted persons.**
12393 Section **32A-12-206, Unlawful sale or supply of beer.**
12394 Section **32A-12-207, Unlawful sale or furnishing during emergency.**
12395 Section **32A-12-208, Unlawful purchase or acceptance.**
12396 Section **32A-12-209, Unlawful purchase, possession, consumption by minors --**

12397 **Measurable amounts in body.**
12398 Section **32A-12-209.5, Unlawful admittance or attempt to gain admittance by**
12399 **minor.**
12400 Section **32A-12-210, Unlawful purchase by intoxicated persons.**
12401 Section **32A-12-211, Unlawful purchase by interdicted persons.**
12402 Section **32A-12-212, Unlawful possession -- Exceptions.**
12403 Section **32A-12-213, Unlawful bringing onto premises for consumption.**
12404 Section **32A-12-214, Unlawful possession by licensees or permittees.**
12405 Section **32A-12-215, Unlawful storage.**
12406 Section **32A-12-216, Unlawful permitting of intoxication.**
12407 Section **32A-12-217, Unlawful permitting of consumption by minors.**
12408 Section **32A-12-219, Unlawful adulteration -- Licensing tampering.**
12409 Section **32A-12-220, Unlawful consumption in public places.**
12410 Section **32A-12-221, Lawful detention.**
12411 Section **32A-12-222, Unlawful dispensing.**
12412 Section **32A-12-223, Minor's unlawful use of proof of age.**
12413 Section **32A-12-301, Operating without a license or permit.**
12414 Section **32A-12-302, Storing or possessing pursuant to federal stamp.**
12415 Section **32A-12-303, Tampering with records.**
12416 Section **32A-12-304, Making false statements.**
12417 Section **32A-12-305, Obstructing an officer making a search or an official**
12418 **proceeding or investigation.**
12419 Section **32A-12-306, Conflicting interests.**
12420 Section **32A-12-307, Interfering with suppliers.**
12421 Section **32A-12-308, Offering or soliciting bribes or gifts.**
12422 Section **32A-12-310, Forgery.**
12423 Section **32A-12-401, Advertising prohibited -- Exceptions.**
12424 Section **32A-12-501, Disposition of liquor items shipped to the department.**
12425 Section **32A-12-502, Unlawful removal from conveyance or diversion of shipments.**
12426 Section **32A-12-504, Unlawful transportation.**
12427 Section **32A-12-505, Lawful transportation.**

12428 Section **32A-12-506, Carriers' records.**
12429 Section **32A-12-601, Definitions.**
12430 Section **32A-12-602, Exclusive outlets.**
12431 Section **32A-12-603, Tied house -- Prohibitions.**
12432 Section **32A-12-604, Commercial bribery.**
12433 Section **32A-12-605, Consignment sales.**
12434 Section **32A-12-606, Unlawful acts involving consumers.**
12435 Section **32A-13-101, Utah Code of Criminal Procedure applicable.**
12436 Section **32A-13-102, Arrests.**
12437 Section **32A-13-103, Searches, seizures, and forfeitures.**
12438 Section **32A-13-104, Prosecutions.**
12439 Section **32A-13-105, Fines and forfeitures.**
12440 Section **32A-13-106, Nuisances.**
12441 Section **32A-13-107, Right of appeal.**
12442 Section **32A-13-108, Duties to enforce this title.**
12443 Section **32A-13-109, Authority to inspect.**
12444 Section **32A-14a-101, Definitions.**
12445 Section **32A-14a-102, Liability for injuries and damage resulting from distribution**
12446 **of alcoholic beverages -- Causes of action -- Statute of limitations -- Employee protections.**
12447 Section **32A-14a-103, Employee protected in exercising judgment.**
12448 Section **32A-14a-104, Governmental immunity.**
12449 Section **32A-14a-105, Action for contribution by provider of alcoholic beverages.**
12450 Section **32A-14b-101, Title.**
12451 Section **32A-14b-102, Definitions.**
12452 Section **32A-14b-201, Liability related to applicable fine.**
12453 Section **32A-14b-202, Bringing an action.**
12454 Section **32A-14b-203, Action for contribution.**
12455 Section **32A-15a-101, Title.**
12456 Section **32A-15a-102, Definitions.**
12457 Section **32A-15a-103, Rulemaking.**
12458 Section **32A-15a-201, Commission to prohibit nuisance activities by licensees --**

12459 **License not renewed.**

12460 Section **32A-15a-202, Formal objections to renewal.**

12461 Section **32A-15a-203, Hearing on formal objections to renewal.**

12462 Section 384. **Effective date.**

12463 This bill takes effect on July 1, 2011, except the amendments to Section

12464 58-82-102(Effective 07/01/12) take effect on July 1, 2012.

Legislative Review Note
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Office of Legislative Research and General Counsel