

**Effective 7/1/2014**

**Superseded 5/10/2016**

**32B-2-402 Definitions -- Calculations.**

- (1) As used in this part:
  - (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account created in Section 32B-2-403.
  - (b) "Advisory council" means the Utah Substance Abuse Advisory Council created in Section 63M-7-301.
  - (c) "Alcohol-related offense" means:
    - (i) a violation of:
      - (A) Section 41-6a-502; or
      - (B) an ordinance that complies with the requirements of:
        - (I) Subsection 41-6a-510(1); or
        - (II) Section 76-5-207; or
    - (ii) an offense involving the illegal:
      - (A) sale of an alcoholic product;
      - (B) consumption of an alcoholic product;
      - (C) distribution of an alcoholic product;
      - (D) transportation of an alcoholic product; or
      - (E) possession of an alcoholic product.
  - (d) "Annual conviction time period" means the time period that:
    - (i) begins on July 1 and ends on June 30; and
    - (ii) immediately precedes the fiscal year for which an appropriation under this part is made.
  - (e) "Municipality" means:
    - (i) a city; or
    - (ii) a town.
  - (f)
    - (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the Division of Substance Abuse and Mental Health within the Department of Human Services.
    - (ii) In defining the term "prevention," the Division of Substance Abuse and Mental Health shall:
      - (A) include only evidence-based or evidence-informed programs; and
      - (B) provide for coordination with local substance abuse authorities designated to provide substance abuse services in accordance with Section 17-43-201.
- (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located within the limits of a municipality or county:
  - (a) is the number determined by the department to be so located;
  - (b) includes the aggregate number of premises of the following:
    - (i) a state store;
    - (ii) a package agency; and
    - (iii) a retail licensee; and
  - (c) for a county, consists only of the number located within an unincorporated area of the county.
- (3) The department shall determine:
  - (a) a population figure according to the most current population estimate prepared by the Utah Population Estimates Committee;
  - (b) a county's population for the 25% distribution to municipalities and counties under Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated areas of the county; and

- (c) a county's population for the 25% distribution to counties under Subsection 32B-2-404(1)(b)
  - (iv) only with reference to the total population in the county, including that of a municipality.
- (4)
  - (a) A conviction occurs in the municipality or county that actually prosecutes the offense to judgment.
  - (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in the municipality or county that, except for the guilty plea, would have prosecuted the offense.