

Part 6 On-Premise Banquet License

32B-6-601 Title.

This part is known as "On-premise Banquet License."

Enacted by Chapter 276, 2010 General Session

32B-6-602 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-6-603 Commission's power to issue on-premise banquet license -- Contracts as host.

- (1)
 - (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product in connection with the person's banquet and room service activities at one of the following, the person shall first obtain an on-premise banquet license in accordance with this part:
 - (i) a hotel;
 - (ii) a resort facility;
 - (iii) a sports center; or
 - (iv) a convention center.
 - (b) This part does not prohibit an alcoholic product on the premises of a person listed in Subsection (1)(a) to the extent otherwise permitted by this title.
 - (c) This section does not prohibit a person who applies for an on-premise banquet license to also apply for a package agency if otherwise qualified.
- (2) The commission may issue an on-premise banquet license to establish on-premise banquet licensees in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room service activities operated by an on-premise banquet licensee.
- (3) Subject to Section 32B-1-201, the commission may not issue a total number of on-premise banquet licenses that at any time exceed the number determined by dividing the population of the state by 28,765.
- (4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:
 - (a) the host of the banquet may request an on-premise banquet licensee to provide an alcoholic product served at the banquet; and
 - (b) an on-premise banquet licensee may provide an alcoholic product served at the banquet.
- (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
 - (a) without charge to a patron at a banquet, except that the host of the banquet shall pay for an alcoholic product furnished at the banquet; or
 - (b) with a charge to a patron at the banquet.

Amended by Chapter 82, 2016 General Session

32B-6-604 Specific licensing requirements for an on-premise banquet license.

- (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
 - (a) An on-premise banquet license expires on October 31 of each year.
 - (b) To renew a person's on-premise banquet license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (3)
 - (a) The nonrefundable application fee for an on-premise banquet license is \$300.
 - (b) The initial license fee for an on-premise banquet license is \$750.
 - (c) The renewal fee for an on-premise banquet license is \$750.
- (4) The bond amount required for an on-premise banquet license is the penal sum of \$10,000.
- (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:
 - (a) pay an application fee, initial license fee, or renewal fee;
 - (b) obtain the written consent of the local authority;
 - (c) submit a copy of the applicant's current business license; or
 - (d) post a bond as specified by Section 32B-5-204.
- (6) Notwithstanding Subsection 32B-5-303(3), the department may approve an additional location in or on the licensed premises of an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original application only:
 - (a) upon proper application by an on-premise banquet licensee; and
 - (b) in accordance with guidelines approved by the commission.

Amended by Chapter 334, 2011 General Session

32B-6-605 Specific operational requirements for on-premise banquet license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee shall comply with this section.
 - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) an on-premise banquet licensee;
 - (ii) individual staff of an on-premise banquet licensee; or
 - (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
- (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5) for the entire premises of the hotel, resort facility, sports center, or convention center that is the basis for the on-premise banquet license.
- (3)
 - (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee shall provide the department with advance notice of a scheduled banquet in accordance with rules made by the commission.
 - (b) Any of the following may conduct a random inspection of a banquet:
 - (i) an authorized representative of the commission or the department; or
 - (ii) a law enforcement officer.
- (4)

- (a) An on-premise banquet licensee is not subject to Section 32B-5-302, but shall make and maintain the records the commission or department requires.
 - (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).
- (5)
- (a) Except as otherwise provided in this title, an on-premise banquet licensee may sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the location of the banquet.
 - (b) A host of a banquet, a patron, or a person other than the on-premise banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from the premises of the banquet.
 - (c) Notwithstanding Section 32B-5-307, a patron at a banquet may not bring an alcoholic product into or onto, or remove an alcoholic product from, the premises of a banquet.
- (6)
- (a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following the conclusion of the banquet.
 - (b) At the conclusion of a banquet, an on-premise banquet licensee shall:
 - (i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and
 - (ii) return to the on-premise banquet licensee's approved locked storage area any:
 - (A) opened and unused alcoholic product that is saleable; and
 - (B) unopened container of an alcoholic product.
 - (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:
 - (i) shall store the alcoholic product in the on-premise banquet licensee's approved locked storage area; and
 - (ii) may use the alcoholic product at more than one banquet.
- (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a minor to sell, furnish, or dispense an alcoholic product in connection with the on-premise banquet licensee's banquet and room service activities.
- (8) An on-premise banquet licensee may not sell, offer for sale, or furnish an alcoholic product at a banquet or in connection with room service any day during a period that:
- (a) begins at 1 a.m.; and
 - (b) ends at 9:59 a.m.
- (9) An on-premise banquet licensee shall maintain at least 50% of its total annual banquet gross receipts from the sale of food, not including:
- (a) mix for an alcoholic product; and
 - (b) a charge in connection with the furnishing of an alcoholic product.
- (10)
- (a) Subject to the other provisions of this Subsection (10), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) A patron may not have more than one spirituous liquor drink at a time before the patron.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (10)
 - (a).
- (11)
- (a) An on-premise banquet licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.

- (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.
- (12) A staff person of an on-premise banquet licensee shall remain at the banquet at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the banquet.
- (13)
 - (a) Room service of an alcoholic product to a guest room of a hotel or resort facility shall be provided in person by staff of an on-premise banquet licensee only to an adult guest in the guest room.
 - (b) An alcoholic product may not be left outside a guest room for retrieval by a guest.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session