

32B-6-406 Specific operational requirements for a club license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a club licensee and staff of the club 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) a club licensee;
 - (ii) individual staff of a club licensee; or
 - (iii) both a club licensee and staff of the club licensee.
- (2) In addition to complying with Subsection 32B-5-301(3), a club licensee shall display in a prominent place in the club licensed premises a list of the types and brand names of liquor being furnished through the club licensee's calibrated metered dispensing system.
- (3)
 - (a) In addition to complying with Section 32B-5-302, a club licensee shall maintain for a minimum of three years:
 - (i) a record required by Section 32B-5-302; and
 - (ii) a record maintained or used by the club licensee, as the department requires.
 - (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (3).
 - (c) The department shall audit the records of a club licensee at least once annually.
- (4)
 - (a) A club licensee may not sell, offer for sale, or furnish liquor on the licensed premises on any day during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b) A club licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer license.
 - (c)
 - (i) Notwithstanding Subsections (4)(a) and (b), a club licensee shall keep its licensed premises open for one hour after the club licensee ceases the sale and furnishing of an alcoholic product during which time a patron of the club licensee may finish consuming:
 - (A) a single drink containing spirituous liquor;
 - (B) a single serving of wine not exceeding five ounces;
 - (C) a single serving of heavy beer;
 - (D) a single serving of beer not exceeding 26 ounces; or
 - (E) a single serving of a flavored malt beverage.
 - (ii) A club licensee is not required to remain open:
 - (A) after all patrons have vacated the premises; or
 - (B) during an emergency.
- (5)
 - (a) A minor may not be admitted into, use, or be in:
 - (i) a lounge or bar area of the premises of:
 - (A) an equity club licensee;
 - (B) a fraternal club licensee; or
 - (C) a dining club licensee; or
 - (ii) the premises of:
 - (A) a dining club licensee unless accompanied by an individual who is 21 years of age or older; or

- (B) a social club licensee, except to the extent provided for under Section 32B-6-406.1.
- (b) Notwithstanding Section 32B-5-308, a club licensee may not employ a minor to:
 - (i) work in a lounge or bar area of an equity club licensee, fraternal club licensee, or dining club licensee; or
 - (ii) handle an alcoholic product.
- (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed premises of a social club licensee.
- (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a club licensee.
- (6) A club licensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
- (7)
 - (a) Subject to the other provisions of this Subsection (7), 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 two spirituous liquor drinks before the club licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (7) (a).
- (8) A club licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the club licensee including:
 - (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (9) Subject to Section 32B-5-309, a club licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
 - (a) the person to whom the club licensee rents or leases the premises agrees in writing to comply with this title as if the person is the club licensee, except for a requirement related to making or maintaining a record; and
 - (b) the club licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (9)(a).
- (10) If a club licensee is an equity club licensee or fraternal club licensee, the club licensee shall comply with Section 32B-6-407.
- (11) If a club licensee is a dining club licensee or social club licensee, the club licensee shall comply with Section 32B-1-407.
- (12)
 - (a) A club licensee shall own or lease premises suitable for the club licensee's activities.
 - (b) A club licensee may not maintain licensed premises in a manner that barricades or conceals the club licensee's operation.

Amended by Chapter 334, 2011 General Session