

## Part 4 Operational Requirements

### **32B-8-401 Specific operational requirements for resort license.**

- (1)
  - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a resort licensee, staff of the resort licensee, and a person otherwise operating under a sublicense shall comply with this section.
  - (b) Subject to Section 32B-8-502, 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 resort licensee;
    - (ii) individual staff of a resort licensee;
    - (iii) a person otherwise operating under a sublicense;
    - (iv) individual staff of a person otherwise operating under a sublicense; or
    - (v) any combination of the persons listed in this Subsection (1)(b).
- (2)
  - (a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product except:
    - (i) on a sublicense premises;
    - (ii) pursuant to a permit issued under this title; or
    - (iii) under a package agency agreement with the department, subject to Chapter 2, Part 6, Package Agency.
  - (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:
    - (i) if on a sublicense premises, in accordance with the operational requirements under the provisions applicable to the sublicense, except as provided in Section 32B-8-402;
    - (ii) if under a permit issued under this title, in accordance with the operational requirements under the provisions applicable to the permit; and
    - (iii) if as a package agency, in accordance with the contract with the department and Chapter 2, Part 6, Package Agency.
- (3) A resort licensee shall comply with Subsections 32B-5-301(4) and (5) within the boundary of the resort building.
- (4) A resort licensee shall operate in a manner so that at least 70% of the annual aggregate of the gross receipts related to the sale of food or beverages for the resort license and each of its sublicenses is from the sale of food, not including:
  - (a) mix for an alcoholic product; and
  - (b) a charge in connection with the service of an alcoholic product.
- (5)
  - (a) A resort licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product under a resort license.
  - (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product under a resort license shall complete the alcohol training and education seminar.
- (6)
  - (a) Room service of an alcoholic product to a lodging accommodation of a resort licensee shall be provided in person by staff of a resort licensee only to an adult occupant in the lodging accommodation.

- (b) An alcoholic product may not be left outside a lodging accommodation for retrieval by an occupant.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

**32B-8-402 Specific operational requirements for a sublicense.**

- (1) A person operating under a sublicense is subject to the operational requirements under the provisions applicable to the sublicense except that:
  - (a) notwithstanding a requirement in the provisions applicable to the sublicense, a person operating under the sublicense is not subject to a requirement that a certain percentage of the gross receipts for the sublicense be from the sale of food, except to the extent that the gross receipts for the sublicense are included in calculating the percentages under Subsection 32B-8-401(4); and
  - (b) notwithstanding Section 32B-6-202 or 32B-6-302, a bar structure in a licensed premises operated under a full-service restaurant sublicense or limited-service restaurant sublicense is considered a grandfathered bar structure if the resort license that includes the full-service restaurant sublicense or limited-service restaurant sublicense is issued by no later than December 31, 2010.
- (2) Subject to Section 32B-8-502, for purposes of interpreting an operational requirement imposed by the provisions applicable to a sublicense:
  - (a) a requirement imposed on a person operating under a sublicense applies to the resort licensee; and
  - (b) a requirement imposed on staff of a person operating under a sublicense applies to staff of the resort licensee.

Amended by Chapter 334, 2011 General Session