

152 **63J-1-201**, as last amended by Laws of Utah 2010, Chapter 415

153 ~~§→ [—63J-1-602.2, as enacted by Laws of Utah 2010, Chapter 265 and last amended by~~
154 ~~Coordination Clause, Laws of Utah 2010, Chapter 265] ←§~~

155 ENACTS:

156 **32B-1-206**, Utah Code Annotated 1953

157 **32B-2-209**, Utah Code Annotated 1953

158 **32B-2-305**, Utah Code Annotated 1953

159 **32B-6-409**, Utah Code Annotated 1953

160 **32B-6-801**, Utah Code Annotated 1953

161 **32B-6-802**, Utah Code Annotated 1953

162 **32B-6-803**, Utah Code Annotated 1953

163 **32B-6-804**, Utah Code Annotated 1953

164 **32B-6-805**, Utah Code Annotated 1953

165 **32B-6-901**, Utah Code Annotated 1953

166 **32B-6-902**, Utah Code Annotated 1953

167 **32B-6-903**, Utah Code Annotated 1953

168 **32B-6-904**, Utah Code Annotated 1953

169 **32B-6-905**, Utah Code Annotated 1953

170 **32B-8a-101**, Utah Code Annotated 1953

171 **32B-8a-102**, Utah Code Annotated 1953

172 **32B-8a-201**, Utah Code Annotated 1953

173 **32B-8a-202**, Utah Code Annotated 1953

174 **32B-8a-203**, Utah Code Annotated 1953

175 **32B-8a-301**, Utah Code Annotated 1953

176 **32B-8a-302**, Utah Code Annotated 1953

177 **32B-8a-303**, Utah Code Annotated 1953

178 **32B-8a-401**, Utah Code Annotated 1953

179 **32B-8a-402**, Utah Code Annotated 1953

180 **32B-8a-403**, Utah Code Annotated 1953

181 **32B-8a-404**, Utah Code Annotated 1953

182 **32B-8a-501**, Utah Code Annotated 1953

803 ~~[(H2)]~~ (118) "Winery manufacturing license" means a license issued in accordance
 804 with Chapter 11, Part 3, Winery Manufacturing License.

805 Section 2. Section **32B-1-201 (Effective 07/01/11)** is amended to read:

806 **32B-1-201 (Effective 07/01/11). Restrictions on number of retail licenses that may**
 807 **be issued -- Determining population -- Exempt licenses.**

808 (1) As used in this section:

809 (a) "Alcohol-related law enforcement officer" means a law enforcement officer
 810 employed by the Department of Public Safety that has as a primary responsibility for:

811 (i) the enforcement of this title; or

812 (ii) the enforcement of Title 41, Chapter 6a, Part 5, Driving Under the Influence and
 813 Reckless Driving.

814 (b) "Enforcement ratio" is the number calculated as follows:

815 (i) determine the quotient equal to the total number of quota retail licenses available
 816 divided by the total number of alcohol-related law enforcement officers; and

817 (ii) round the number determined in accordance with Subsection (1)(b)(ii) up to the
 818 nearest whole number.

819 (c) "Quota retail license" means:

820 (i) a full-service restaurant license;

821 (ii) a limited-service restaurant license;

822 (iii) a club license;

823 (iv) an on-premise banquet license;

824 (v) an on-premise beer retailer operating as a tavern; and

825 (vi) a reception center license.

826 (d) "Total number of alcohol-related law enforcement officers" means the total number

827 of ~~§~~→ positions designated as ~~←~~←~~§~~ alcohol-related law enforcement officers ~~§~~→ that are funded ~~←~~←~~§~~ as
 827a of a specified date

827a as certified by the Department

828 of Public Safety to the department.

829 (e) "Total number of quota retail licenses available" means the number calculated by:

830 (i) determining as of a specified date for each quota retail license the number of
 831 licenses that the commission may not exceed calculated by dividing the population of the state
 832 by the number specified in the relevant provision for the quota retail license; and

833 (ii) adding together the numbers determined under Subsection (1)(d)(i).

834 (2) (a) Beginning on July 1, 2012, the department shall annually determine the
 835 enforcement ratio as of July 1 of that year.

836 (b) If the enforcement ratio is greater than ~~§~~ → [56] 52 ← ~~§~~ , the commission may not issue a
 836a quota
 837 retail license for the 12-month period beginning on the July 1 for which the enforcement ratio
 838 is greater than 52.

839 (c) Notwithstanding Subsection (2)(b), the commission may issue a quota retail license
 840 during the 12-month period described in Subsection (2)(b) beginning on the day on which a
 841 sufficient number of alcohol-related law enforcement officers are employed so that if the
 842 enforcement ratio is calculated, the enforcement ratio would be equal to or less than ~~§~~ → [56:] 52

842a **(d) Once the Department of Public Safety certifies under Subsection (1)(d) the total number of**
 842b **positions designated as alcohol-related law enforcement officers that are funded as of July 1,**
 842c **the Department of Public Safety may not use the funding for the designated alcohol-related**
 842d **law enforcement officers for a purpose other than funding those positions. ←§**

843 (3) For purposes of determining the number of state stores that the commission may
 844 establish or the number of package agencies or retail licenses that the commission may issue,
 845 the commission shall determine population by:

846 [(+)] (a) the most recent United States decennial or special census; or

847 [(2)] (b) another population determination made by the United States or state
 848 governments.

849 (4) The commission may not consider a retail license that meets the following
 850 conditions in determining the total number of licenses available for that type of retail license
 851 that the commission may issue at any time:

852 (a) the retail license was issued to a club licensee designated as a dining club as of July
 853 1, 2011; and

854 (b) the dining club license is converted to another type of retail license in accordance
 855 with Section 32B-6-709.

856 Section 3. Section **32B-1-206** is enacted to read:

857 **32B-1-206. Calculation of ratio of gross receipts of food to alcoholic product.**

858 In calculating the annual gross receipts of a retail license or sublicense for purposes of
 859 determining the percentage of gross receipts from the sale, offer for sale, or furnishing of food
 860 or an alcoholic product, a retail licensee may not include in the calculation the money from the
 861 sale of a bottle of wine by the retail licensee or under a sublicense that is in excess of \$250.

862 Section 4. Section **32B-1-402 (Effective 07/01/11)** is amended to read:

863 **32B-1-402 (Effective 07/01/11). Definitions.**

864 As used in this part:

1113 (1) (a) The commission by a vote of four of the five commissioners, [~~and~~] with the
 1114 approval of the governor, and with the consent of the Senate, shall appoint a director of
 1115 alcoholic beverage control who is the administrative head of the department.

1116 (b) The director serves at the pleasure of the commission, except that the director may
 1117 only be removed from office by a vote of four commissioners.

1118 (c) The director may not be a commissioner.

1119 (d) The director shall:

1120 (i) be qualified in administration;

1121 (ii) be knowledgeable by experience and training in the field of business management;

1122 and

1123 (iii) possess any other qualification prescribed by the commission.

1124 (2) The governor shall establish the director's compensation within the salary range
 1125 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1126 (3) The director shall:

1127 (a) carry out the policies of the commission;

1128 (b) carry out the policies of the department;

1129 (c) fully inform the commission of the operations and administrative activities of the
 1130 department; and

1131 (d) assist the commission in the proper discharge of the commission's duties.

1132 Section 11. Section **32B-2-209** is enacted to read:

1133 **32B-2-209. Prohibited interests, relationships, and actions.**

1134 (1) As used in this section ~~§→~~ [~~,"immediate"~~] :

1134a **(a) "Applicable department employee" means a department employee who is:**

1134b **(i) designated as a deputy or assistant director;**

1134c **(ii) a chief administrative officer of a division within the department;**

1134d **(iii) a department compliance officer; or**

1134e **(iv) an employee directly performing licensing or compliance functions of the department.**

1134f **(b) "Immediate ←§ family" means an individual's:**

1135 ~~§→~~ [~~(a)~~] **(i) ←§ spouse; or**

1136 ~~§→~~ [~~(b)~~] **(ii) ←§ child who is younger than 18 years of age.**

1137 (2) In addition to being subject to Title 67, Chapter 16, Utah Public Officers' and

1138 Employees' Ethics Act, an individual who is a commissioner, the director, or ~~§→~~ [~~a~~] **an applicable ←§**
 1138a **department**

1139 **employee may not:**

1140 **(a) have a pecuniary interest, whether as the holder of stock or other securities other**
 1141 **than a mutual fund, in a person who applies for or holds a package agency, license, permit, or**
 1142 **certificate under this title;**

1143 **(b) otherwise have a conflict of interest with a person who applies for or holds a**

1144 package agency, license, permit, or certificate under this title;

1145 (c) have an office, position, or relationship, or be engaged in a business or avocation
 1146 that interferes or is incompatible with the effective and objective fulfillment of the duties of
 1147 office or employment;

1148 (d) have a direct business relationship with a person subject to administrative action
 1149 under this title;

1150 (e) accept a gift, gratuity, emolument, or employment from:

1151 (i) a person who applies for or holds a package agency, license, permit, or certificate
 1152 under this title; or

1153 (ii) an officer, agent, or employee of a person who applies for or holds a package
 1154 agency, license, permit, or certificate under this title, except that a commissioner, the director,
 1155 or ~~§~~ [a] an applicable ~~←~~ department employee may accept a gift from an officer, agent, or
 1155a employee if the gift is

1156 equal to or less than \$50; or

1157 (f) solicit, suggest, request, or recommend, directly or indirectly, the appointment of
 1158 any person to any office or employment with a person who applies for or holds a package
 1159 agency, license, permit, or certificate under this title.

1160 (3) An immediate family member of a commissioner, the director, or ~~§~~ [a] an applicable ~~←~~
 1160a department

1161 employee may not:

1162 (a) have a pecuniary interest, whether as the holder of stock or other securities ~~§~~ other
 1162a than a mutual fund ~~←~~ , in a

1163 person who applies for or holds a package agency, license, permit, or certificate under this title;

1164 (b) otherwise have a conflict of interest with a person who applies for or holds a
 1165 package agency, license, permit, or certificate under this title;

1166 (c) have an office, position, or relationship, or be engaged in a business or avocation
 1167 that interferes or is incompatible with the effective and objective fulfillment of the duties of
 1168 office or employment of the commissioner, director, or ~~§~~ applicable ~~←~~ department employee
 1168a for whom the

1169 person is immediate family;

1170 (d) accept a gift, gratuity, emolument, or employment from:

1171 (i) a person who applies for or holds a package agency, license, permit, or certificate
 1172 under this title; or

1173 (ii) an officer, agent, or employee of a person who applies for or holds a package
 1174 agency, license, permit, or certificate under this title, except that an immediate family member

2229 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
 2230 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
 2231 shall comply with this section.

2232 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
 2233 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2234 (i) a full-service restaurant licensee;

2235 (ii) individual staff of a full-service restaurant licensee; or

2236 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
 2237 licensee.

2238 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant
 2239 licensee shall display in a prominent place in the restaurant a list of the types and brand names
 2240 of liquor being furnished through the full-service restaurant licensee's calibrated metered
 2241 dispensing system.

2242 (3) In addition to complying with Section 32B-5-303, a full-service restaurant licensee
 2243 shall store an alcoholic product in a storage area described in Subsection (12)(a).

2244 (4) (a) An individual who serves an alcoholic product in a full-service restaurant
 2245 licensee's premises shall make a written beverage tab for each table or group that orders or
 2246 consumes an alcoholic product on the premises.

2247 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
 2248 alcoholic product ordered or consumed.

2249 (5) A person's willingness to serve an alcoholic product may not be made a condition
 2250 of employment as a server with a full-service restaurant licensee.

2251 (6) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish liquor at
 2252 the licensed premises on any day during the period that:

2253 (i) begins at midnight; and

2254 (ii) ends at [~~11:59~~] 11:29 a.m.

2255 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer during the
 2256 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer ~~§~~ ,
 2256a **except that a full-service restaurant licensee may not sell, offer for sale, or furnish beer before**
 2256b **11:30 a.m. on any day** ~~←§~~ .

2257 (7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant
 2258 business from the sale of food, which does not include:

2259 (a) mix for an alcoholic product; or

2477 of employment as a server with a limited-service restaurant licensee.

2478 (6) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish wine
2479 or heavy beer at the licensed premises on any day during the period that:

2480 (i) begins at midnight; and

2481 (ii) ends at [~~11:59~~] 11:29 a.m.

2482 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during
2483 the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer ~~§~~→ ,
2483a **except that a limited-service restaurant licensee may not sell, offer for sale, or furnish beer**
2483b **before 11:30 a.m. on any day** ←~~§~~ .

2484 (7) A limited-service restaurant licensee shall maintain at least 70% of its total
2485 restaurant business from the sale of food, which does not include a service charge.

2486 (8) (a) A limited-service restaurant may not sell, offer for sale, or furnish an alcoholic
2487 product except in connection with an order for food prepared, sold, and furnished at the
2488 licensed premises.

2489 (b) A limited-service restaurant shall maintain on the licensed premises adequate
2490 culinary facilities for food preparation and dining accommodations.

2491 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
2492 more than two alcoholic products of any kind at a time before the patron.

2493 (b) An individual portion of wine is considered to be one alcoholic product under
2494 Subsection (9)(a).

2495 (10) A patron may consume an alcoholic product only:

2496 (a) at:

2497 (i) the patron's table;

2498 (ii) a counter; or

2499 (iii) a seating grandfathered bar structure; and

2500 (b) where food is served.

2501 (11) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an
2502 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
2503 structure that is not a seating grandfathered bar structure.

2504 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
2505 may:

2506 (i) sit;

2507 (ii) be furnished an alcoholic product; and

3004 under this section shall define "recreational amenity" to be one or more of the following or an
3005 activity substantially similar to one of the following:

- 3006 (1) a billiard parlor;
- 3007 (2) a pool parlor;
- 3008 (3) a bowling facility;
- 3009 (4) a golf course;
- 3010 (5) miniature golf;
- 3011 (6) a golf driving range; \$→ \$→ [f] or [f] ←\$ ←\$
- 3012 (7) a tennis club \$→ \$→ [f] . \$→ [f]; or
- 3012a ~~———— (8) ski resort. ←\$] ←\$~~

3013 Section 49. Section **32B-6-703 (Effective 07/01/11)** is amended to read:

3014 **32B-6-703 (Effective 07/01/11). Commission's power to issue on-premise beer**
3015 **retailer license.**

3016 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
3017 beer on the premises as an on-premise beer retailer, the person shall first obtain an on-premise
3018 beer retailer license from the commission in accordance with this part.

3019 (2) (a) The commission may issue an on-premise beer retailer license to establish
3020 on-premise beer retailer licensed premises at places and in numbers as the commission
3021 considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on
3022 premises operated as an on-premise beer retailer.

3023 (b) At the time that the commission issues an on-premise beer retailer license, the
3024 commission shall designate whether the on-premise beer retailer is a tavern.

3025 (c) The commission may change its designation of whether an on-premise beer retailer
3026 is a tavern in accordance with rules made by the commission.

3027 (d) (i) In determining whether an on-premise beer retailer is a tavern, the commission
3028 shall determine whether the on-premise beer retailer will engage primarily in the retail sale of
3029 beer for consumption on the establishment's premises.

3030 (ii) In making a determination under this Subsection (2)(d), the commission shall
3031 consider:

- 3032 (A) whether the on-premise beer retailer will operate as one of the following:
- 3033 (I) a beer bar;
- 3034 (II) a parlor;

- 3128 (ii) individual staff of an on-premise beer retailer; or
- 3129 (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.
- 3130 (2) (a) An on-premise beer retailer is not subject to Section 32B-5-302, but shall make
- 3131 and maintain the records the department requires.
- 3132 (b) Section 32B-1-205 applies to a record required to be made or maintained in
- 3133 accordance with this Subsection (2).
- 3134 (3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or
- 3135 sell liquor on its licensed premises.
- 3136 (4) Beer sold in a sealed ~~[package]~~ container by an on-premise beer retailer may be
- 3137 removed from the on-premise beer retailer premises in the sealed ~~[package]~~ container.
- 3138 (5) ~~[(a)]~~ Only an on-premise beer retailer that operates as a tavern is subject to
- 3139 ~~[Subsection]~~ Section 32B-5-309~~[(1)]~~.
- 3140 ~~[(b) An on-premise beer retailer is subject to Subsections 32B-5-309(2) and (3)~~
- 3141 ~~regardless of whether it operates as a tavern.]~~
- 3142 (6) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at its
- 3143 licensed premises during a period that:
- 3144 (i) begins at 1 a.m.; and
- 3145 (ii) ends at ~~§~~ ~~[f]~~ ~~←§~~ **9:59** ~~[+11:29]~~ ~~←§~~ a.m.
- 3146 (b) (i) Notwithstanding Subsection ~~[(5)]~~ (6)(a), a tavern shall remain open for one hour
- 3147 after the tavern ceases the sale and furnishing of beer during which time a patron of the tavern
- 3148 may finish consuming a single serving of beer not exceeding 26 ounces.
- 3149 (ii) A tavern is not required to remain open:
- 3150 (A) after all patrons have vacated the premises; or
- 3151 (B) during an emergency.
- 3152 ~~[(c) A tavern may not allow a patron to remain on the licensed premises to consume~~
- 3153 ~~beer on the licensed premises during a period that:]~~
- 3154 ~~[(i) begins at 2 a.m.; and]~~
- 3155 ~~[(ii) ends at 9:59 a.m.]~~
- 3156 (7) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a
- 3157 tavern.
- 3158 (8) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the

3159 purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases
3160 from:

3161 (A) a beer wholesaler licensee; or

3162 (B) a small brewer that manufactures the beer.

3163 (ii) Violation of Subsection (8)(a) is a class A misdemeanor.

3164 (b) (i) If an on-premise beer retailer purchases beer under this Subsection (8) from a
3165 beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer
3166 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
3167 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by
3168 the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.

3169 (ii) Violation of Subsection (8)(b)(i) is a class B misdemeanor.

3170 (9) A tavern shall comply with Section 32B-1-407.

3171 Section 52. Section **32B-6-801** is enacted to read:

3172 **Part 8. Reception Center License**

3173 **32B-6-801. Title.**

3174 This part is known as "Reception Center License."

3175 Section 53. Section **32B-6-802** is enacted to read:

3176 **32B-6-802. Definitions.**

3177 Reserved

3178 Section 54. Section **32B-6-803** is enacted to read:

3179 **32B-6-803. Commission's power to issue reception center license.**

3180 (1) Before a person may store, sell, offer for sale, ~~§~~ or ~~§~~ furnish ~~§~~ [; or allow the
3180a consumption of] ~~§~~

3181 an alcoholic product on its premises as a reception center, the person shall first obtain a
3182 reception center license from the commission in accordance with this part.

3183 (2) The commission may issue a reception center license to establish reception center
3184 licensed premises at places and in numbers the commission considers proper for the storage,
3185 sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated
3186 as a reception center.

3187 (3) Subject to Section 32B-1-201, the commission may not issue a total number of
3188 reception center licenses that at any time exceeds the number determined by dividing the
3189 population of the state by 56,313.

3221 (ii) the local law enforcement agency responsible for the enforcement of this title in the
3222 jurisdiction where the reception center is located.

3223 (b) Any of the following may conduct a random inspection of an event:

3224 (i) an authorized representative of the commission or the department; or

3225 (ii) a law enforcement officer.

3226 (4) (a) Except as otherwise provided in this title, a reception center licensee may sell,
3227 offer for sale, or furnish an alcoholic product at an event only for consumption at the reception

3228 ↗ [center] center's licensed premises ↖ .

3229 (b) A host of an event, a patron, or a person other than the reception center licensee or
3230 staff of the reception center licensee, may not remove an alcoholic product from the reception

3231 ↗ [center] center's licensed premises ↖ .

3232 (c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an
3233 alcoholic product into or onto, or remove an alcoholic product from, the reception center.

3234 (5) (a) A reception center licensee may not leave an unsold alcoholic product at an
3235 event following the conclusion of the event.

3236 (b) At the conclusion of an event, a reception center licensee shall:

3237 (i) destroy an opened and unused alcoholic product that is not saleable, under
3238 conditions established by the department; and

3239 (ii) return to the reception center licensee's approved locked storage area any:

3240 (A) opened and unused alcoholic product that is saleable; and

3241 (B) unopened container of an alcoholic product.

3242 (c) Except as provided in Subsection (5)(b) with regard to an open or sealed container
3243 of an alcoholic product not sold or consumed at an event, a reception center licensee:

3244 (i) shall store the alcoholic product in accordance with Subsection (2); and

3245 (ii) may use the alcoholic product at more than one event.

3246 (6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a
3247 minor in connection with an event at the reception center at which food is not made available.

3248 (7) A person's willingness to serve an alcoholic product may not be made a condition
3249 of employment as a server with a reception center licensee.

3250 (8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic
3251 product at the licensed premises on any day during the period that:

3407 (b) A beverage tab required by this Subsection (4) shall list the type and amount of
3408 beer ordered or consumed.

3409 (5) A person's willingness to serve beer may not be made a condition of employment as
3410 a server with a beer-only restaurant licensee.

3411 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during the
3412 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer ~~§~~ ,
3412a except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before
3412b 11:30 a.m. on any day ~~§~~ .

3413 (7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant
3414 business from the sale of food, which does not include a service charge.

3415 (8) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except in
3416 connection with an order for food prepared, sold, and furnished at the licensed premises.

3417 (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary
3418 facilities for food preparation and dining accommodations.

3419 (9) A patron may not have more than two beers at a time before the patron.

3420 (10) A patron may consume a beer only:

3421 (a) at:

3422 (i) the patron's table;

3423 (ii) a grandfathered bar structure; or

3424 (iii) a counter; and

3425 (b) where food is served.

3426 (11) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to
3427 a patron, and a patron may not consume an alcoholic product at a bar structure.

3428 (b) Notwithstanding Subsection (11)(a), at a grandfathered bar structure, a patron who
3429 is 21 years of age or older may:

3430 (i) sit;

3431 (ii) be furnished a beer; and

3432 (iii) consume a beer.

3433 (c) Except as provided in Subsection (11)(d), at a grandfathered bar structure, a
3434 beer-only restaurant licensee may not permit a minor to, and a minor may not:

3435 (i) sit; or

3436 (ii) consume food or beverages.

3437 (d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a

3748 **32B-8a-102. Definitions.**

3749 As used in this chapter:

3750 (1) "Business entity" means a corporation, partnership, limited liability company, sole
 3751 proprietorship, or similar entity.

3752 (2) "Transfer fee" means a fee described in Section 32B-8a-303.

3753 (3) "Transferee" means a person who intends to hold a retail license after the transfer of
 3754 the retail license if the transfer is approved by the commission under this chapter.

3755 (4) "Transferor" means a retail licensee who intends to transfer a retail license held by
 3756 the retail licensee if the transfer is approved by the commission under this chapter.

3757 Section 69. Section **32B-8a-201** is enacted to read:

3758 **Part 2. Transferability of Retail License**

3759 **32B-8a-201. Transferability of retail license.**

3760 (1) (a) A retail license is separate from other property of a retail licensee.

3761 (b) Notwithstanding Subsection (1)(a), the Legislature may terminate or modify the
 3762 existence of any type of retail license.

3763 (c) Except as provided in this chapter, a person may not:

3764 (i) transfer a retail license from one location to another location; or

3765 (ii) sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the
 3766 retail license to another person whether for monetary gain or not.

3767 (d) If approved by the commission and subject to the requirements of this chapter, a
 3768 retail licensee may transfer a retail license:

3769 (i) from the retail licensee to another person, regardless of whether it is for the same
 3770 premises; and

3771 (ii) from one premises of the retail licensee to another premises of the retail licensee.

3772 (2) ~~§~~→ (a) ←~~§~~ The commission may not approve the transfer of a retail license that results
 3772a in a

3773 transferee holding a different type of retail license than is held by the transferor.

3773a **§→ (b) **The commission may not approve the transfer of a retail license from one location to**
 3773b **another location, if the location of the premises to which the retail license would be transferred**
 3773c **is in a different county than the location of the licensed premises of the retail license being**
 3773d **transferred.** ←~~§~~**

3774 (3) The commission may not approve the transfer of a retail license if the transferee:

3775 (a) is not eligible to hold the same type of retail license as the retail license to be
 3776 transferred at the premises to which the retail license would be transferred; or

3777 (b) is delinquent in the payment of any of the following that arises in full or in part out
 3778 of the operation of a retail license:

5081 Subsection (2)(a)(iv) or (v).

5082 (e) On and after July 1, 2011, ~~§~~→ [to be considered as having completed an alcohol training

5083 and education seminar] ~~←§~~ an individual shall ~~§~~→ [attend] complete any test required to

5083a demonstrate completion of ~~←§~~ the alcohol training and education seminar in

5084 the physical presence of an instructor ~~§~~→ [of the seminar provider] who is authorized to

5084a administer the test ~~←§~~ .

5085 (3) (a) A licensee may not permit an individual who is not in compliance with

5086 Subsection (2) to:

5087 (i) serve or supervise the serving of an alcoholic product to a customer for

5088 consumption on the premises of the licensee;

5089 (ii) engage in any activity that would constitute managing operations at the premises of

5090 a licensee that engages in the retail sale of an alcoholic product for consumption on the

5091 premises of the licensee;

5092 (iii) directly supervise the sale of beer to a customer for consumption off the premises

5093 of an off-premise beer retailer; or

5094 (iv) sell beer to a customer for consumption off the premises of an off-premise beer

5095 retailer.

5096 (b) A licensee that violates Subsection (3)(a) is subject to Section 32B-5-403.

5097 (4) The division shall:

5098 (a) (i) provide alcohol training and education seminars; or

5099 (ii) certify one or more seminar providers;

5100 (b) establish the curriculum for an alcohol training and education seminar that includes

5101 the following subjects:

5102 (i) (A) alcohol as a drug; and

5103 (B) alcohol's effect on the body and behavior;

5104 (ii) recognizing the problem drinker or signs of intoxication;

5105 (iii) an overview of state alcohol laws related to responsible beverage sale or service,

5106 as determined in consultation with the Department of Alcoholic Beverage Control;

5107 (iv) dealing with the problem customer, including ways to terminate sale or service;

5108 and

5109 (v) for those supervising or engaging in the retail sale of an alcoholic product for

5110 consumption on the premises of a licensee, alternative means of transportation to get the

5111 customer safely home;

- 5329 (C) the annual Medical Care Consumer Price Index;
- 5330 (D) the annual base budget for the pool established by the Commerce and Revenue
- 5331 Appropriations Subcommittee for each fiscal year;
- 5332 (E) the growth or decline in insurance premium taxes and fees collected by the tax
- 5333 commission and the insurance department from the previous fiscal year; and
- 5334 (F) the availability of surplus General Fund revenue under Section 63J-1-312 and
- 5335 Subsection 59-14-204(5)(b).
- 5336 (iii) The funds appropriated by the Legislature to fund the Utah Comprehensive Health
- 5337 Insurance Pool as determined under Subsection (5)(b)(i):
- 5338 (A) shall be deposited into the fund established by Section 31A-29-120; and
- 5339 (B) are restricted and are to be used to maintain the operation, administration, and
- 5340 management of the Utah Comprehensive Health Insurance Pool created by Section
- 5341 31A-29-104.
- 5342 (6) If any item of the budget as enacted is held invalid upon any ground, the invalidity
- 5343 does not affect the budget itself or any other item in it.
- 5344 **§→ [Section 106. Section 63J-1-602.2 is amended to read:**
- 5345 ~~———— 63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.~~
- 5346 ~~———— (1) Appropriations from the Technology Development Restricted Account created in~~
- 5347 ~~Section 31A-3-104.~~
- 5348 ~~———— (2) Appropriations from the Criminal Background Check Restricted Account created in~~
- 5349 ~~Section 31A-3-105.~~
- 5350 ~~———— (3) Appropriations from the Captive Insurance Restricted Account created in Section~~
- 5351 ~~31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that~~
- 5352 ~~section free revenue.~~
- 5353 ~~———— (4) Appropriations from the Title Licensee Enforcement Restricted Account created in~~
- 5354 ~~Section 31A-23a-415.~~
- 5355 ~~———— (5) The fund for operating the state's Federal Health Care Tax Credit Program, as~~
- 5356 ~~provided in Section 31A-38-104.~~
- 5357 ~~———— (6) The Alcoholic Beverage Control Act Enforcement Fund created in Section~~
- 5358 ~~32B-2-305.~~
- 5359 ~~———— [(6)] (7) The Special Administrative Expense Account created in Section 35A-4-506.] ←§~~

- 5360 ~~§→ [(7)] (8) Funding for a new program or agency that is designated as nonlapsing under~~
5361 ~~Section 36-24-101.~~
- 5362 ~~[(8)] (9) The Oil and Gas Conservation Account created in Section 40-6-14.5.~~
5363 ~~[(9)] (10) The Off-Highway Access and Education Restricted Account created in~~
5364 ~~Section 41-22-19.5.] ←§~~
- 5365 Section ~~§→ [107] 106 ←§~~ . Repealer.
- 5366 This bill repeals:
- 5367 Section 26-7-6 (Effective 07/01/11), Alcohol retailers to post warnings related to
5368 **consumption of alcohol and pregnancy.**
- 5369 Section 32B-4-506 (Effective 07/01/11), **Conflicting interests.**
- 5370 Section 32B-4-507 (Effective 07/01/11), **Interfering with manufacturer, supplier, or**
5371 **importer.**
- 5372 Section ~~§→ [108] 107 ←§~~ . **Effective date.**
- 5373 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2011.
- 5374 (2) (a) The repeal of Subsection 32B-6-603(4) ~~§→ (Effective 07/01/11) ←§~~ in this bill
5374a takes effect on November 1,
5375 2011.
- 5376 (b) Title 32B, Chapter 6, Part 8, Reception Center License, enacted by this bill takes
5377 effect on November 1, 2011.
- 5378 (c) Title 32B, Chapter 6, Part 9, Beer-only Restaurant License, enacted by this bill
5379 takes effect on March 1, 2012.
- 5380 (d) ~~§→~~ **The following take effect on July 1, 2012:**
- 5380a **(i) Section 32B-2-209, enacted by this bill;**
- 5380b **(ii) the repeal in this bill of Section 32B-4-506 (Effective 07/01/11);**
- 5380c **(iii) the repeal in this bill of Section 32B-4-507(Effective 07/01/11);**
- 5380d **(iv) Section 32B-5-309 (Effective 07/01/11) as amended by this bill; and**
- 5380e **(v) ←§ Title 32B, Chapter 8a, Transfer of Retail License Act, enacted by this bill ~~§→~~ [takes**
5381 **effect on July 1, 2012.**
- 5382 ~~[(e) Section 32B-5-309 as amended by this bill takes effect on July 1, 2012.] ←§~~

Legislative Review Note
as of 2-17-11 5:09 PM

Office of Legislative Research and General Counsel