

**STATE STORES PILOT PROGRAM FOR DAYS OF SALE  
OF LIQUOR**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patrice M. Arent**

Senate Sponsor: Ross I. Romero

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**LONG TITLE**

**General Description:**

This bill modifies the Alcoholic Beverage Control Act to address days of operation of state stores.

**Highlighted Provisions:**

This bill:

- ▶ permits state stores to be open on a holiday as part of a pilot program; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**32B-2-503**, as last amended by Laws of Utah 2011, Chapters 307 and 334

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **32B-2-503** is amended to read:

**32B-2-503. Operational requirements for a state store.**

(1) (a) A state store shall display in a prominent place in the store a sign in large letters



28 that consists of text in the following order:

29 (i) a header that reads: "WARNING";

30 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy  
31 can cause birth defects and permanent brain damage for the child.";

32 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at  
33 [insert most current toll-free number] with questions or for more information.";

34 (iv) a header that reads: "WARNING"; and

35 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a  
36 serious crime that is prosecuted aggressively in Utah."

37 (b) (i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different  
38 font style than the text described in Subsections (1)(a)(iv) and (v).

39 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the  
40 same font size.

41 (c) The Department of Health shall work with the commission and department to  
42 facilitate consistency in the format of a sign required under this section.

43 (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by  
44 the commission.

45 (3) A state store may not sell, offer for sale, or furnish liquor to:

46 (a) a minor;

47 (b) a person actually, apparently, or obviously intoxicated;

48 (c) a known interdicted person; or

49 (d) a known habitual drunkard.

50 (4) (a) A state store employee may not:

51 (i) consume an alcoholic product on the premises of a state store; or

52 (ii) allow any person to consume an alcoholic product on the premises of a state store.

53 (b) A violation of this Subsection (4) is a class B misdemeanor.

54 (5) (a) Sale or delivery of liquor may not be made on or from the premises of a state  
55 store, and a state store may not be kept open for the sale of liquor~~[-(i)]~~ on Sunday~~[-or]~~.

56 ~~[(ii) on a]~~ (b) Sale or delivery of liquor may not be made on or from the premises of a  
57 state store, and a state store may not be kept open for the sale of liquor on a state or federal  
58 legal holiday, unless the commission allows by rule or order the sale or delivery of liquor on or

59 from the premises of a state store, or allows a state store to be kept open for sale of liquor on  
60 the state or federal legal holiday[-]:

61 (i) through a pilot program established by rule or order; and

62 (ii) with the concurrence of the director.

63 ~~(b)~~ (c) Sale or delivery of liquor may be made on or from the premises of a state  
64 store, and a state store may be open for the sale of liquor, only on a day and during hours that  
65 the commission directs by rule or order.

66 (6) (a) A minor may not be admitted into, or be on the premises of a state store unless  
67 accompanied by a person who is:

68 (i) 21 years of age or older; and

69 (ii) the minor's parent, legal guardian, or spouse.

70 (b) A state store employee that has reason to believe that a person who is on the  
71 premises of a state store is under the age of 21 and is not accompanied by a person described in  
72 Subsection (6)(a) may:

73 (i) ask the suspected minor for proof of age;

74 (ii) ask the person who accompanies the suspected minor for proof of age; and

75 (iii) ask the suspected minor or the person who accompanies the suspected minor for  
76 proof of parental, guardianship, or spousal relationship.

77 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the  
78 person who accompanies the suspected minor into the state store if the suspected minor or  
79 person fails to provide information specified in Subsection (6)(b).

80 (d) A state store employee shall require a suspected minor and the person who  
81 accompanies the suspected minor into the state store to immediately leave the premises of the  
82 state store if the suspected minor or person fails to provide information specified in Subsection  
83 (6)(b).

84 (7) (a) A state store may not sell, offer for sale, or furnish liquor except in a sealed  
85 container.

86 (b) A person may not open a sealed container on the premises of a state store.

87 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish  
88 heavy beer in a sealed container that exceeds two liters.

89 (9) The director shall report to the Business and Labor Interim Committee by no later

90 than November 30, 2012, about the implementation of the pilot program authorized by  
91 Subsection (5)(b).

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**Legislative Review Note**  
as of **1-20-12 2:14 PM**

**Office of Legislative Research and General Counsel**