

- 28 ▶ modifies the commission's power to issue a liquor warehousing license;
- 29 ▶ modifies the commission's power to issue a beer wholesaling license;
- 30 ▶ changes application requirements for a beer wholesaling license;
- 31 ▶ modifies general operational requirements for a beer wholesaling license;
- 32 ▶ amends the Utah Beer Industry Distribution Act to include heavy beer; and
- 33 ▶ makes technical and conforming amendments.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 ~~Ĥ~~→ [None] This bill takes effect on July 1, 2013. ←~~Ĥ~~

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **32B-1-102**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2
- 41 **32B-2-202**, as last amended by Laws of Utah 2012, Chapter 365
- 42 **32B-2-204**, as enacted by Laws of Utah 2010, Chapter 276
- 43 **32B-2-206**, as last amended by Laws of Utah 2012, Chapter 365
- 44 **32B-4-401**, as enacted by Laws of Utah 2010, Chapter 276
- 45 **32B-4-417**, as enacted by Laws of Utah 2010, Chapter 276
- 46 **32B-5-303**, as last amended by Laws of Utah 2011, Chapter 307
- 47 **32B-9-305**, as last amended by Laws of Utah 2011, Chapters 307 and 334
- 48 **32B-10-206**, as enacted by Laws of Utah 2010, Chapter 276
- 49 **32B-10-304**, as last amended by Laws of Utah 2011, Chapter 334
- 50 **32B-11-201**, as last amended by Laws of Utah 2011, Chapter 334
- 51 **32B-11-208**, as enacted by Laws of Utah 2010, Chapter 276
- 52 **32B-11-503**, as last amended by Laws of Utah 2011, Chapter 334
- 53 **32B-11-608**, as last amended by Laws of Utah 2011, Chapters 307 and 334
- 54 **32B-12-201**, as enacted by Laws of Utah 2010, Chapter 276
- 55 **32B-13-201**, as last amended by Laws of Utah 2011, Chapter 334
- 56 **32B-13-202**, as last amended by Laws of Utah 2011, Chapter 334
- 57 **32B-13-301**, as last amended by Laws of Utah 2011, Chapter 334
- 58 **32B-14-101**, as enacted by Laws of Utah 2010, Chapter 276

1795 voluntarily ordered by the retailer;

1796 (f) restrict or inhibit, directly or indirectly, the right of a retailer to participate in an
1797 organization representing interests of retailers for a lawful purpose;

1798 (g) require a retailer to participate in or contribute to a local, regional, or national
1799 advertising fund or other promotional activity;

1800 (h) retaliate against a retailer that files a complaint with the department or the
1801 applicable federal agency regarding an alleged violation by the wholesaler of a state or federal
1802 statute or administrative rule; and

1803 (i) refuse to deliver a beer product or heavy beer product carried by the wholesaler to a
1804 properly licensed retailer who resides within the wholesaler's sales territory:

1805 (i) in a reasonable quantity; and

1806 (ii) within a reasonable time after receipt of the retailer's order.

1807 (2) Notwithstanding Subsection (1)(i), the wholesaler may refuse to deliver a beer
1808 product or heavy beer product if the refusal is due to:

1809 (a) the retailer's failure to pay the wholesaler pursuant to Subsection 32B-4-704(6);

1810 (b) an unforeseeable event beyond the wholesaler's control;

1811 (c) a work stoppage or delay due to a strike or labor problem;

1812 (d) a bona fide shortage of materials; or

1813 (e) a freight embargo.

1813a **⚡→ Section 29. Effective date.**

1813b **This bill takes effect on July 1, 2013. ←⚡**

Legislative Review Note
as of 2-19-13 5:32 PM

Office of Legislative Research and General Counsel