

741 (2)(b) on or before May 4, 2008; or

742 (c) a variance from proximity requirements was otherwise allowed under this title.

743 (5) With respect to a package agency or retail license that undergoes a change of
 744 ownership, the commission may waive or vary the proximity requirements of Subsection (2) in
 745 considering whether to issue a package agency or the same type of retail license to the new
 746 owner of the premises if:

747 (a) the package agency or retail license premises is located in a city of the fifth class or
 748 a town;

749 (b) when the package agency or retail license was issued to a previous owner, the
 750 premises met the proximity requirements of Subsection (2);

751 (c) the premises has had a package agency or the same type of retail license at all times
 752 since the package agency or retail license described in Subsection (5)(b) was issued without a
 753 variance;

754 (d) the community location is located within the proximity requirements of Subsection
 755 (2) after the day on which the package agency or retail license described in Subsection (5)(b)
 756 was issued; and

757 (e) the community location has not moved from the location described in Subsection
 758 (5)(d).

759 (6) The commission may grant a variance to a person seeking a retail license from the
 760 requirements of Subsection (2)(b) if:

761 (a) the premises to be licensed is located in a city of the fifth class or a town;

762 (b) on or before May 4, 2008, the premises was licensed ~~§~~ → [and had a variance from the
 763 requirements of Subsection (2)(b)] ← ~~§~~ ;

764 (c) the operations at the premises to be licensed ceased for a period not to exceed three
 765 years; and

766 (d) the person is operating and otherwise qualified to obtain the retail license that the
 767 person is seeking.

768 ~~[(5)]~~ (7) Nothing in this section prevents the commission from considering the
 769 proximity of an educational, religious, and recreational facility, or any other relevant factor in
 770 reaching a decision on a proposed location of an outlet.

771 Section 3. Section **32B-1-207** is amended to read:

1144 Subsection (8)(a)(i) for a period determined by the commission.

1145 (b) The commission may take the action described in Subsection (8)(a) if:

1146 (i) a manufacturer, supplier, or importer of liquor or its staff or representative violates
1147 this title; and

1148 (ii) the manufacturer, supplier, or importer:

1149 (A) directly commits the violation; or

1150 (B) solicits, requests, commands, encourages, or intentionally aids another to engage in
1151 the violation.

1152 (9) If the commission makes a finding that the brewer holding a certificate of approval
1153 violates this title or rules of the commission, the commission may take an action against the
1154 brewer holding a certificate of approval that the commission could take against a licensee
1155 including:

1156 (a) suspension or revocation of the certificate of approval; and

1157 (b) imposition of a fine.

1158 (10) Notwithstanding the other provisions of this title, the commission may not order a
1159 disciplinary action or fine in accordance with this section if the disciplinary action or fine is
1160 ordered on the basis of a violation:

1161 (a) of a provision in this title related to intoxication or becoming intoxicated; and

1162 (b) if the violation is first investigated by a law enforcement officer, as defined in
1163 Section 53-13-103, who has not received training regarding the requirements of this title
1164 related to responsible alcoholic product sale or service.

1165 (11) (a) The commission shall impose, at a minimum, the following penalties for a
1166 violation related to service of an alcoholic product to a minor ~~§→~~ **that occurs during an operation under**
Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age Persons, or similar operation by a
peace officer, as defined by Title 53, Chapter 13, Peace Officer Classifications ~~←~~§ :

1167 (i) for a first violation ~~§→~~ [] :

1167a (A) ~~←~~§ a mandatory minimum fine of ~~§→~~ [~~\$3,000~~] **\$2,500** ~~←~~§ : ~~§→~~ and

1167b (B) mandatory training under Chapter 5, Part 4, Alcohol Training and Education Act.
1167c of anyone who is required to be trained under Chapter 5, Part 4, but who has completed the
1167d training more than 11 months before the day on which the fine described in Subsection
1167e (11)(a)(i)(A) is imposed; ~~←~~§

1168 (ii) for a second violation that occurs within ~~§→~~ [~~three years~~] **18 months** ~~←~~§ of the day on
1168a which the penalty
1169 is imposed for the first violation:

1175 (A) a mandatory minimum suspension of 14 days, served in successive days, including
 1176 two weekends; and

1177 (B) a mandatory minimum fine of \$15,000.

1178 (b) The commission may not waive the penalties imposed under this Subsection (11).

1179 (12) (a) For a violation of Section 32B-1-407 or admitting a minor to a place where an
 1180 alcoholic product is sold or consumed, but where under this title a minor is not permitted, ~~§~~→that
 1180a occurs during an operation under Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age
 1180b Persons, or similar operation by a peace officer, as defined by Title 53, Chapter 13, Peace Officer
 1180c Classifications, ←§ the
 1181 commission shall impose, at a minimum, a suspension of five days or a fine of \$1,000.

1182 (b) The commission may not waive the penalties imposed under this Subsection (12).

1183 Section 9. Section **32B-5-205** is amended to read:

1184 **32B-5-205. Conditional retail license.**

1185 (1) As used in this section:

1186 (a) "Conditional retail license" means a retail license that:

1187 [~~(i) is for one of the following:~~]

1188 [~~(A) a full-service restaurant license; or~~]

1189 [~~(B) a limited-service restaurant license;~~]

1190 [~~(iii)~~] (i) conditions the holder's ability to sell, offer for sale, furnish, or allow the
 1191 consumption of an alcoholic product on its licensed premises on the person submitting to the
 1192 department a copy of the holder's current business license before obtaining a valid retail
 1193 license; and

1194 [~~(iii)~~] (ii) provides that the holder will be issued a valid retail license if the holder
 1195 complies with the requirements of Subsection (3).

1196 (b) "Valid retail license" means a retail license issued pursuant to this part under which
 1197 the holder is permitted to sell, offer for sale, furnish, or allow the consumption of an alcoholic
 1198 product on its licensed premises.

1199 (2) Subject to the requirements of this section, the commission may issue a conditional
 1200 retail license to a person if the person:

1201 (a) meets the requirements to obtain the retail license for which the person is applying
 1202 except the requirement to submit a copy of the person's current business license; and

1203 (b) agrees not to sell, offer for sale, furnish, or allow the consumption of an alcoholic
 1204 product on its licensed premises before obtaining a valid retail license.

1205 (3) (a) A conditional retail license becomes a valid retail license on the day on which

1206 the department notifies the person who holds the conditional retail license that the department
1207 finds that the person has complied with Subsection (3)(b).

1208 (b) For a conditional retail license to become a valid retail license, a person who holds
1209 the conditional retail license shall:

1210 (i) submit to the department a copy of the person's current business license; and

1211 (ii) provide to the department evidence satisfactory to the department that:

1212 (A) there has been no change in the information submitted to the commission as part of
1213 the person's application for a retail license; and

1214 (B) the person continues to qualify for the retail license.

1215 (4) (a) A conditional retail license expires six months after the day on which the
1216 commission issues the conditional retail license, unless the conditional retail license becomes a
1217 valid retail license before that day.

1218 (b) Notwithstanding Subsection (4)(a), the commission may extend the time period of a
1219 conditional retail license an additional three months if the holder of the conditional license can
1220 show to the satisfaction of the commission that the holder of the conditional license:

1221 (i) has an active building permit related to the licensed premises; and

1222 (ii) is engaged in a good faith effort to pursue completion within the three-month
1223 period.

1224 Section 10. Section **32B-5-207** is enacted to read:

1225 **32B-5-207. Multiple retail licenses at same building.**

1226 (1) (a) The commission may not issue to one or more retail licensees more than one
1227 type of retail license for the same building unless the commission determines that:

1228 (i) the licensed premises for each retail license is in a separate room within the
1229 building; and

1230 (ii) the requirements for each retail license are met.

1231 (b) The commission may define "separate room" by rule made in accordance with Title
1232 63G, Chapter 3, Utah Administrative Rulemaking Act.

1233 (2) Notwithstanding Subsection (1), the commission may issue more than one type of
1234 retail license for the same ~~S~~→ [building] room ←~~S~~ if:

1235 (a) each retail license operates at a different day or time;

1236 (b) the requirements for each retail license are met; and

- 1237 (c) the types of retail licenses issued are:
- 1238 (i) (A) on-premise beer retailer license associated with a ski resort;
- 1239 (B) a full-service restaurant license, a limited-service restaurant license, or a beer-only
- 1240 restaurant license; and
- 1241 (C) an on-premise banquet catering license; or
- 1242 (ii) (A) a full-service restaurant license, a limited-service restaurant license, or a
- 1243 beer-only restaurant license; and
- 1244 (B) an on-premise banquet ~~§~~ → [catering] ← ~~§~~ license.
- 1245 (3) (a) If on May 14, 2013, a building has more than one type of retail license within
- 1246 the building in a manner that violates Subsection (1) or (2), the one or more retail licensees
- 1247 may operate under the different types of retail licenses until January 1, 2015.
- 1248 (b) The commission shall establish by rule, made in accordance with Title 63G,
- 1249 Chapter 3, Utah Administrative Rulemaking Act, the process to be followed to determine
- 1250 which retail license described in Subsection (2) may continue to operate within the building on
- 1251 and after January 1, 2015.
- 1252 Section 11. Section **32B-5-301** is amended to read:
- 1253 **32B-5-301. General operational requirements.**
- 1254 (1) (a) A retail licensee and staff of a retail licensee shall comply with this title and the
- 1255 rules of the commission, including the relevant part under Chapter 6, Specific Retail License
- 1256 Act, for the specific type of retail license.
- 1257 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
- 1258 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 1259 (i) a retail licensee;
- 1260 (ii) individual staff of a retail licensee; or
- 1261 (iii) both a retail licensee and staff of the retail licensee.
- 1262 (2) (a) If there is a conflict between this part and the relevant part under Chapter 6,
- 1263 Specific Retail License Act, for the specific type of retail license, the relevant part under
- 1264 Chapter 6 governs.
- 1265 (b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail
- 1266 licensee may only sell, offer for sale, furnish, or allow the consumption of an alcoholic product
- 1267 specifically authorized by the relevant part under Chapter 6, Specific Retail License Act.

1446 furnished; and

1447 ~~§~~ ~~§~~ ~~(f)(4)~~ ~~(f)~~ ~~(d)~~ ~~§~~ ~~§~~ the retail licensee takes reasonable steps to ensure that the

1447a1 person complies

1447a with

1448 this section.

1448a ~~§~~ ~~(2)~~ ~~Subject to Sections 32B-5-309 and 32-6-505, a retail licensee may temporarily rent or~~

1448b ~~otherwise temporarily lease its premises for a private event during the hours the retail~~ ~~§~~

1448c ~~§~~→licensee may sell, offer for sale, or furnish an alcoholic product if:

1448d ~~(a) the person to whom the retail licensee rents or leases the premises agrees in writing to~~

1448e ~~comply with this title as if the person is the retail licensee, except for a requirement related to~~

1448f ~~making or maintaining a record; and~~

1448g ~~(b) the retail licensee takes reasonable steps to ensure that the person complies with this~~

1448h ~~section as provided in Subsection (2)(a).~~ ←§] ←§

1449 Section 15. Section **32B-6-203** is amended to read:

1450 **32B-6-203. Commission's power to issue full-service restaurant license.**

1451 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of

1452 an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a

1453 full-service restaurant license from the commission in accordance with this part.

1454 (2) The commission may issue a full-service restaurant license to establish full-service
 1455 restaurant licensed premises at places and in numbers the commission considers proper for the
 1456 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises
 1457 operated as a full-service restaurant.

1458 (3) Subject to Section 32B-1-201:

1459 (a) The commission may not issue a total number of full-service restaurant licenses that
 1460 at any time exceeds the number determined by dividing the population of the state by 4,534.

1461 (b) The commission may issue a seasonal full-service restaurant license in accordance
 1462 with Section 32B-5-206.

1463 (c) (i) If the location, design, and construction of a hotel may require more than one
 1464 full-service restaurant sales location within the hotel to serve the public convenience, the
 1465 commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as
 1466 many as three full-service restaurant locations within the hotel under one full-service restaurant
 1467 license if:

1468 (A) the hotel has a minimum of 150 guest rooms; and

1469 (B) the locations under the full-service restaurant license are:

1470 (I) within the same hotel; and

1471 (II) on premises that are managed or operated, and owned or leased, by the full-service
 1472 restaurant licensee.

1473 (ii) A facility other than a hotel shall have a separate full-service restaurant license for
 1474 each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.

1475 (d) The commission may not issue a single full-service restaurant license to a
 1476 full-service restaurant that would have licensed premises in more than one building ~~§~~ **→ unless**
 1476a **there is continuity in the premises between the multiple buildings after considering one or**
 1476b **more of the following:**
 1476c **(i) whether a patron would go through an unlicensed area to move from one part of the**
 1476d **licensed premises to a different part of the licensed premises;**
 1476e **(ii) whether the buildings share common food preparation facilities;**
 1476f **(iii) whether there is a common entrance to the licensed premises with multiple buildings; and**
 1476g **(iv) any other factor the commission considers relevant** ~~←§~~ .

1477 (4) (a) Except as provided in Subsection (4)(b), the commission may not issue a
 1478 full-service restaurant license for premises that do not meet the proximity requirements of
 1479 Section 32B-1-202.

1480 (b) With respect to the premises of a full-service restaurant license issued by the

1516 (6) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish liquor at
1517 the licensed premises on any day during the period that:

1518 (i) begins at midnight; and

1519 (ii) ends at 11:29 a.m.

1520 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer during the
1521 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer,
1522 except that a full-service restaurant licensee may not sell, offer for sale, or furnish beer before
1523 11:30 a.m. on any day.

1524 (7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant
1525 business from the sale of food, which does not include:

1526 (a) mix for an alcoholic product; or

1527 (b) a service charge.

1528 (8) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
1529 alcoholic product except in connection with an order for food prepared, sold, and furnished at
1530 the licensed premises.

1531 (b) A full-service restaurant licensee shall maintain on the licensed premises adequate
1532 culinary facilities for food preparation and dining accommodations.

1533 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
1534 more than two alcoholic products of any kind at a time before the patron.

1535 (b) A patron may not have more than one spirituous liquor drink at a time before the
1536 patron.

1537 (c) An individual portion of wine is considered to be one alcoholic product under
1538 Subsection (9)(a).

1539 (10) ~~§~~ ~~(a)~~ ~~←~~ ~~§~~ A patron may consume an alcoholic product only:

1540 ~~§~~ ~~(f)~~ (a) ~~(i)~~ ~~while seated~~ ~~←~~ ~~§~~ at:

1541 ~~§~~ ~~(f)~~ (i) ~~(i)~~ ~~←~~ ~~§~~ the patron's table;

1542 ~~§~~ ~~(f)~~ (ii) ~~(i)~~ ~~←~~ ~~§~~ a counter; or

1543 ~~§~~ ~~(f)~~ (iii) ~~(i)~~ ~~←~~ ~~§~~ a seating grandfathered bar structure; and

1544 ~~§~~ ~~(f)~~ (b) ~~(i)~~ ~~←~~ ~~§~~ where food is served.

1545 ~~§~~ ~~(b)~~ ~~A patron may not be served or consume an alcoholic product anywhere on the~~
1546 ~~licensed premises other than at a location described in Subsection (10)(a) regardless of its~~ ~~←~~ ~~§~~

1547 ~~§→proximity to a location described in Subsection (10)(a).]~~ ←§

1548 (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
 1549 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
 1550 structure that is not a seating grandfathered bar structure.

1551 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
 1552 may:

1553 (i) sit;

1554 (ii) be furnished an alcoholic product; and

1555 (iii) consume an alcoholic product.

1556 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a
 1557 full-service restaurant licensee may not permit a minor to, and a minor may not:

1558 (i) sit; or

1559 (ii) consume food or beverages.

1560 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed
 1561 by a full-service restaurant licensee:

1562 (A) as provided in Subsection 32B-5-308(2); or

1563 (B) to perform maintenance and cleaning services during an hour when the full-service
 1564 restaurant licensee is not open for business.

1565 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
 1566 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's
 1567 premises in which the minor is permitted to be.

1568 (12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee
 1569 may dispense an alcoholic product only if:

1570 (a) the alcoholic product is dispensed from:

1571 (i) a grandfathered bar structure;

1572 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
 1573 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
 1574 12, 2009; or

1575 (iii) an area that is:

1576 (A) separated from an area for the consumption of food by a patron by a solid,
 1577 translucent, permanent structural barrier such that the facilities for the storage or dispensing of

1578 an alcoholic product are:

1579 (I) not readily visible to a patron; and

1580 (II) not accessible by a patron; and

1581 (B) apart from an area used:

1582 (I) for dining;

1583 (II) for staging; or

1584 (III) as a lobby or waiting area;

1585 (b) the full-service restaurant licensee uses an alcoholic product that is:

1586 (i) stored in an area described in Subsection (12)(a); or

1587 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:

1588 (A) immediately before the alcoholic product is dispensed it is in an unopened

1589 container;

1590 (B) the unopened container is taken to an area described in Subsection (12)(a) before it
1591 is opened; and

1592 (C) once opened, the container is stored in an area described in Subsection (12)(a); and

1593 (c) any instrument or equipment used to dispense alcoholic product is located in an
1594 area described in Subsection (12)(a).

1595 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a
1596 charge or fee made in connection with the sale, service, or consumption of liquor including:

1597 (a) a set-up charge;

1598 (b) a service charge; or

1599 (c) a chilling fee.

1600 (14) Except as provided in Subsection 32B-5-307(3)(d) and notwithstanding

1601 Subsection 32B-6-706(4), a full-service restaurant licensee may not allow a patron to remove a

1602 container containing an alcoholic product from the licensed premises of the full-service

1603 restaurant unless the full-service restaurant licensee holds a package agency under which the

1604 full-service restaurant licensee may sell, offer for sale, or furnish sealed containers of an

1605 alcoholic product.

1605a **§→ (15) Subject to Section 32B-5-309, a full-service restaurant licensee may not temporarily**
1605b **rent or otherwise temporarily lease its premises to a person unless:**

1605c **(a) the person to whom the full-service restaurant licensee rents or leases the premises**

1605d **agrees in writing to comply with this title as if the person is the full-service restaurant licensee,**

1605e **except for a requirement related to making or maintaining a record; and**

1605f **(b) the full-service restaurant licensee takes reasonable steps to ensure that the**

1605g person complies with this title as provided in Subsection (15)(a). ←§

1606 Section 17. Section **32B-6-303** is amended to read:

1607 **32B-6-303. Commission's power to issue limited-service restaurant license.**

1608 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of

1609 wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall first
 1610 obtain a limited-service restaurant license from the commission in accordance with this part.

1611 (2) (a) The commission may issue a limited-service restaurant license to establish
 1612 limited-service restaurant licensed premises at places and in numbers the commission considers
 1613 proper for the storage, sale, offer for sale, furnishing, and consumption of wine, heavy beer, or
 1614 beer on premises operated as a limited-service restaurant.

1615 (b) A person may not sell, offer for sale, furnish, or allow the consumption of the
 1616 following on the licensed premises of a limited-service restaurant licensee:

- 1617 (i) spirituous liquor; or
- 1618 (ii) a flavored malt beverage.

1619 (3) Subject to Section 32B-1-201:

1620 (a) The commission may not issue a total number of limited-service restaurant licenses
 1621 that at any time exceeds the number determined by dividing the population of the state by
 1622 7,493.

1623 (b) The commission may issue a seasonal limited-service restaurant license in
 1624 accordance with Section 32B-5-206.

1625 (c) (i) If the location, design, and construction of a hotel may require more than one
 1626 limited-service restaurant sales location within the hotel to serve the public convenience, the
 1627 commission may authorize the sale of wine, heavy beer, and beer at as many as three
 1628 limited-service restaurant locations within the hotel under one limited-service restaurant license
 1629 if:

1630 (A) the hotel has a minimum of 150 guest rooms; and

1631 (B) the locations under the limited-service restaurant license are:

1632 (I) within the same hotel; and

1633 (II) on premises that are managed or operated, and owned or leased, by the
 1634 limited-service restaurant licensee.

1635 (ii) A facility other than a hotel shall have a separate limited-service restaurant license
 1636 for each limited-service restaurant where wine, heavy beer, or beer is sold, offered for sale, or
 1637 furnished.

1638 (d) The commission may not issue a single limited-service restaurant license to a
 1639 limited-service restaurant that would have licensed premises in more than one building ~~§~~**→unless**
 1639a **there is continuity in the premises between the multiple buildings after considering one or**
 1639b **more of the following:**
 1639c **(i) whether a patron would go through an unlicensed area to move from one part of** ~~←~~**§**

- 1639d **§→the licensed premises to a different part of the licensed premises;**
- 1639e **(ii) whether the buildings share common food preparation facilities;**
- 1639f **(iii) whether there is a common entrance to the licensed premises with multiple buildings; and**
- 1639g **(iv) any other factor the commission considers relevant←§.**

1702 Subsection (9)(a).

1703 (10) ~~§~~→ ~~[(a)]~~ ←~~§~~ A patron may consume an alcoholic product only:

1704 ~~§~~→ [f] (a) [f] ~~(i) while seated~~ ←~~§~~ at:

1705 ~~§~~→ [f] (i) [f] ~~[(A)]~~ ←~~§~~ the patron's table;

1706 ~~§~~→ [f] (ii) [f] ~~[(B)]~~ ←~~§~~ a counter; or

1707 ~~§~~→ [f] (iii) [f] ~~[(C)]~~ ←~~§~~ a seating grandfathered bar structure; and

1708 ~~§~~→ [f] (b) [f] ~~[(ii)]~~ ←~~§~~ where food is served.

1709 ~~§~~→ ~~[(b) A patron may not be served or consume an alcoholic product anywhere on the~~

1710 ~~licensed premises other than at a location described in Subsection (10)(a) regardless of its~~

1711 ~~proximity to a location described in Subsection (10)(a).]~~ ←~~§~~

1712 (11) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an

1713 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar

1714 structure that is not a seating grandfathered bar structure.

1715 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older

1716 may:

1717 (i) sit;

1718 (ii) be furnished an alcoholic product; and

1719 (iii) consume an alcoholic product.

1720 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a

1721 limited-service restaurant licensee may not permit a minor to, and a minor may not:

1722 (i) sit; or

1723 (ii) consume food or beverages.

1724 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed

1725 by a limited-service restaurant licensee:

1726 (A) as provided in Subsection 32B-5-308(2); or

1727 (B) to perform maintenance and cleaning services during an hour when the

1728 limited-service restaurant licensee is not open for business.

1729 (ii) A minor may momentarily pass by a seating grandfathered bar structure without

1730 remaining or sitting at the bar structure en route to an area of a limited-service restaurant

1731 licensee's premises in which the minor is permitted to be.

1732 (12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant

1764 (c) a chilling fee.

1765 (14) Except as provided in Subsection 32B-5-307(3)(d) and notwithstanding
 1766 Subsection 32B-6-706(4), a limited-service restaurant licensee may not allow a patron to
 1767 remove a container containing an alcoholic product from the licensed premises of the
 1768 limited-service restaurant unless the limited-service restaurant licensee holds a package agency
 1769 under which the limited-service restaurant licensee may sell, offer for sale, or furnish sealed
 1770 containers of an alcoholic product.

1770a **§→ (15) Subject to Section 32B-5-309, a limited-service restaurant licensee may not**
 1770b **temporarily rent or otherwise temporarily lease its premises to a person unless:**

1770c **(a) the person to whom the limited-service restaurant licensee rents or leases the**
 1770d **premises agrees in writing to comply with this title as if the person is the limited-service**

1770e **restaurant licensee, except for a requirement related to making or maintaining a record; and**

1770f **(b) the limited-service restaurant licensee takes reasonable steps to ensure that the**
 1770g **person complies with this title as provided in Subsection (15)(a). ←§**

1771 Section 19. Section 32B-6-903 is amended to read:

1772 **32B-6-903. Commission's power to issue beer-only restaurant license.**

1773 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
 1774 beer on its premises as a beer-only restaurant, the person shall first obtain a beer-only
 1775 restaurant license from the commission in accordance with this part.

1776 (2) (a) The commission may issue a beer-only restaurant license to establish beer-only
 1777 restaurant licensed premises at places and in numbers the commission considers proper for the
 1778 storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as a
 1779 beer-only restaurant.

1780 (b) A person may not sell, offer for sale, furnish, or allow the consumption of liquor on
 1781 the licensed premises of a beer-only restaurant licensee.

1782 (3) (a) Only one beer-only restaurant license is required for each building or resort
 1783 facility owned or leased by the same person.

1784 (b) A separate license is not required for each beer-only restaurant license dispensing
 1785 location in the same building or on the same resort premises owned or operated by the same
 1786 person.

1787 (c) Except as provided in Subsections (3)(a) and (b), the commission may not issue a
 1788 single beer-only restaurant license to a beer-only restaurant that would have licensed premises
 1789 in more than one building. §→ unless there is continuity in the premises between the multiple
 1789a **buildings after considering one or more of the following:**

1789b **(i) whether a patron would go through an unlicensed area to move from one part of the**
 1789c **licensed premises to a different part of the licensed premises;**

1789d **(ii) whether the buildings share common food preparation facilities;**

1789e **(iii) whether there is a common entrance to the licensed premises with multiple buildings; and**
1789f **(iv) any other factor the commission considers relevant** ←§.

1790 (4) (a) Except as provided in Subsection (4)(b) or (c), the commission may not issue a
1791 beer-only restaurant license for premises that do not meet the proximity requirements of
1792 Section 32B-1-202.

1793 (b) With respect to the premises of a beer-only restaurant license issued by the
1794 commission that undergoes a change of ownership, the commission shall waive or vary the

1826 shall store beer in a storage area described in Subsection (12)(a).

1827 (4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
1828 make a written beverage tab for each table or group that orders or consumes an alcoholic
1829 product on the premises.

1830 (b) A beverage tab required by this Subsection (4) shall list the type and amount of
1831 beer ordered or consumed.

1832 (5) A person's willingness to serve beer may not be made a condition of employment as
1833 a server with a beer-only restaurant licensee.

1834 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during the
1835 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer,
1836 except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before
1837 11:30 a.m. on any day.

1838 (7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant
1839 business from the sale of food, which does not include a service charge.

1840 (8) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except in
1841 connection with an order for food prepared, sold, and furnished at the licensed premises.

1842 (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary
1843 facilities for food preparation and dining accommodations.

1844 (9) A patron may not have more than two beers at a time before the patron.

1845 (10) ~~§~~→ [(a)] ←~~§~~ A patron may consume a beer only:

1846 ~~§~~→ [(f)] (a) [(f)] [~~(i) while seated~~] ←~~§~~ at:

1847 ~~§~~→ [(f)] (i) [(f)] [~~(A)~~] ←~~§~~ the patron's table;

1848 ~~§~~→ [(f)] (ii) [(f)] [~~(B)~~] ←~~§~~ a grandfathered bar structure; or

1849 ~~§~~→ [(f)] (iii) [(f)] [~~(C)~~] ←~~§~~ a counter; and

1850 ~~§~~→ [(f)] (b) [(f)] [~~(ii)~~] ←~~§~~ where food is served.

1851 ~~§~~→ [(b) A patron may not be served or consume an alcoholic product anywhere on the
1852 licensed premises other than at a location described in Subsection (10)(a) regardless of its
1853 proximity to a location described in Subsection (10)(a).] ←~~§~~

1854 (11) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to
1855 a patron, and a patron may not consume an alcoholic product at a bar structure.

1856 (b) Notwithstanding Subsection (11)(a), at a grandfathered bar structure, a patron who

1888 described in Subsection (12)(a).

1889 (13) Notwithstanding Subsection 32B-6-706(4), a beer-only restaurant licensee may
 1890 not allow a patron to remove a container containing an alcoholic product from the licensed
 1891 premises of the beer-only restaurant unless the beer-only restaurant licensee holds a package
 1892 agency under which the beer-only restaurant licensee may sell, offer for sale, or furnish sealed
 1893 containers of beer.

1893a **§→ (14) Subject to Section 32B-5-309, a beer-only restaurant licensee may not temporarily**
 1893b **rent or otherwise temporarily lease its premises to a person unless:**

1893c **(a) the person to whom the beer-only restaurant licensee rents or leases the premises**
 1893d **agrees in writing to comply with this title as if the person is the beer-only restaurant licensee,**
 1893e **except for a requirement related to making or maintaining a record; and**

1893f **(b) the beer-only restaurant licensee takes reasonable steps to ensure that the person**
 1893g **complies with this title as provided in Subsection (14)(a). ←§**

1894 Section 21. Section 32B-8-304 is amended to read:

1895 **32B-8-304. Specific operational requirements for resort spa sublicense.**

1896 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
 1897 Requirements, a resort licensee, staff of the resort licensee, or a person otherwise related to a
 1898 resort spa sublicense shall comply with this section.

1899 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
 1900 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
 1901 Enforcement Act, against:

- 1902 (i) a retail licensee;
- 1903 (ii) staff of the retail licensee;
- 1904 (iii) a person otherwise related to a resort spa sublicense; or
- 1905 (iv) any combination of the persons listed in this Subsection (1)(b).

1906 (2) (a) For purposes of the resort spa sublicense, the resort licensee shall ensure that a
 1907 record required by this title is maintained, and a record is maintained or used for the resort spa
 1908 sublicense:

- 1909 (i) as the department requires; and
- 1910 (ii) for a minimum period of three years.

1911 (b) A record is subject to inspection by an authorized representative of the commission
 1912 and the department.

1950 Subsection (6).

1951 (7) (a) An alcoholic product may only be consumed ~~§~~→ [while sitting] ←~~§~~ at a table or
1951a counter.

1952 ~~§~~→ [A patron may not consume an alcoholic product anywhere on the sublicensed premises other
1953 than at a location described in this Subsection (7)(a) regardless of its proximity to a location
1954 described in this Subsection (7)(a).] ←~~§~~

1955 (b) An alcoholic product may not be served to or consumed by a patron at a bar.

1956 (8) (a) A person operating under a resort spa sublicense shall have available on the
1957 resort spa sublicense premises for a patron to review at the time that the patron requests it, a
1958 written alcoholic product price list or a menu containing the price of an alcoholic product sold
1959 or furnished by the resort spa including:

- 1960 (i) a set-up charge;
- 1961 (ii) a service charge; or
- 1962 (iii) a chilling fee.

1963 (b) A charge or fee made in connection with the sale, service, or consumption of liquor
1964 may be stated in food or alcoholic product menus including:

- 1965 (i) a set-up charge;
- 1966 (ii) a service charge; or
- 1967 (iii) a chilling fee.

1968 (9) (a) A resort licensee shall own or lease premises suitable for the resort spa's
1969 activities.

1970 (b) A resort licensee may not maintain premises in a manner that barricades or conceals
1971 the resort spa sublicense's operation.

1972 (10) Subject to the other provisions of this section, a person operating under a resort
1973 spa sublicense may not sell an alcoholic product to or allow a person to be admitted to or use
1974 the resort spa sublicense premises other than:

- 1975 (a) a resident;
- 1976 (b) a public customer who holds a valid customer card issued under Subsection (12); or
- 1977 (c) an invitee.

1978 (11) A person operating under a resort spa sublicense may allow an individual to be
1979 admitted to or use the resort spa sublicense premises as an invitee subject to the following
1980 conditions: