

# S.B. 250

## ALCOHOLIC BEVERAGE POLICY AMENDMENTS

Senator **Jerry W. Stevenson** proposes the following amendments:

1. *Page 1, Lines 16 through 19:*

- 16           ▶       addresses licensing fees;  
17           { ~~amends operational provisions for retail licensees and for an off-premise beer~~  
18 ~~retailer;~~ }  
19           ▶       amends the operational requirements for transferees;

2. *Page 2, Lines 37 through 39:*

- 37           32B-6-803, as enacted by Laws of Utah 2011, Chapter 334  
38           { ~~32B-7-202, as last amended by Laws of Utah 2011, Chapter 307~~ }  
39           32B-8a-202, as enacted by Laws of Utah 2011, Chapter 334 and further amended by

3. *Page 11, Line 335 through Page 14, Line 405:*

- 335           { ~~Section 8. Section 32B-7-202 is amended to read:~~  
336 ~~32B-7-202. General operational requirements for off-premise beer retailer:~~  
337 ~~(1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply~~  
338 ~~with this section.~~  
339 ~~(b) Failure to comply with this section may result in a suspension or revocation of a~~  
340 ~~local license.~~  
341 ~~(2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the~~  
342 ~~purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases~~  
343 ~~from:~~  
344 ~~(A) a beer wholesaler licensee; or~~  
345 ~~(B) a small brewer that manufactures the beer.~~  
346 ~~(ii) A violation of Subsection (2)(a) is a class A misdemeanor.~~  
347 ~~(b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a~~  
348 ~~beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer~~  
349 ~~wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area~~  
350 ~~in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by~~  
351 ~~the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.~~  
352 ~~(ii) A violation of Subsection (2)(b) is a class B misdemeanor.~~  
353 ~~(3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a~~  
354 ~~container larger than two liters.~~

355 ~~—— (4) A minor may not sell beer on the licensed premises of an off-premise beer retailer~~  
356 ~~unless:~~  
357 ~~—— (a) the sale is done under the supervision of a person 21 years of age or older who is on~~  
358 ~~the licensed premises; and~~  
359 ~~—— (b) the minor is at least 16 years of age.~~  
360 ~~—— (5) (a) Subject to the other provisions of this Subsection (5), an off-premise beer~~  
361 ~~retailer shall:~~  
362 ~~—— (i) display beer sold by the off-premise beer retailer in an area that is visibly separate~~  
363 ~~and distinct from the area where nonalcoholic beverages are displayed; and~~  
364 ~~—— (ii) display a sign in the area described in Subsection (5)(a)(i) that:~~  
365 ~~—— (A) is prominent;~~  
366 ~~—— (B) is easily readable by a consumer;~~  
367 ~~—— (C) meets the requirements for format established by the commission by rule; and~~  
368 ~~—— (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain~~  
369 ~~alcohol. Please read the label carefully."~~  
370 ~~—— (b) Notwithstanding Subsection (5)(a), a nonalcoholic beer may be displayed with beer~~  
371 ~~if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.~~  
372 ~~—— (c) The requirements of this Subsection (5) apply to beer notwithstanding that it is~~  
373 ~~labeled, packaged, or advertised as:~~  
374 ~~—— (i) a malt cooler; or~~  
375 ~~—— (ii) a beverage that may provide energy.~~  
376 ~~—— (d) The commission shall define by rule what constitutes an "area that is visibly~~  
377 ~~separate and distinct from the area where a nonalcoholic beverage is displayed."~~  
378 ~~—— (e) A violation of this Subsection (5) is an infraction.~~  
379 ~~—— (6) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or~~  
380 ~~who sells beer to a patron for consumption off the premises of the off-premise beer retailer~~  
381 ~~shall wear a unique identification badge:~~  
382 ~~—— (i) on the front of the staff's clothing;~~  
383 ~~—— (ii) visible above the waist;~~  
384 ~~—— (iii) bearing the staff's:~~  
385 ~~—— (A) first or last name;~~  
386 ~~—— (B) initials; or~~  
387 ~~—— (C) unique identification in letters or numbers; and~~  
388 ~~—— (iv) with the number or letters on the unique identification badge being sufficiently~~  
389 ~~large to be clearly visible and identifiable while engaging in or directly supervising the retail~~  
390 ~~sale of beer.~~  
391 ~~—— (b) An off-premise beer retailer shall make and maintain a record of each current staff's~~  
392 ~~unique identification badge assigned by the off-premise beer retailer that includes the staff's:~~  
393 ~~—— (i) full name;~~  
394 ~~—— (ii) address; and~~

395 ~~—— (iii) (A) driver license number; or~~  
396 ~~—— (B) similar identification number.~~  
397 ~~—— (c) An off-premise beer retailer shall make available a record required to be made or~~  
398 ~~maintained under this Subsection (6) for immediate inspection by:~~  
399 ~~—— (i) a peace officer; or~~  
400 ~~—— (ii) a representative of the local authority that issues the off-premise beer retailer~~  
401 ~~license.~~  
402 ~~—— (d) A local authority may impose a fine of up to \$250 against an off-premise beer~~  
403 ~~retailer that does not comply or require its staff to comply with this Subsection (6).~~  
404 ~~—— (7) An off-premise beer retailer may not sell, offer for sale, or furnish a beer through a~~  
405 ~~window or door to a location off the licensed premises or to a vehicular traffic area. }~~

**Renumber remaining sections accordingly**