

Lincoln Fillmore proposes the following substitute bill:

Alcohol Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends provisions relating to alcohol.

Highlighted Provisions:

This bill:

- defines terms;
- permits a local government to authorize an outlet or restaurant with an alcohol license to be in proximity to a public park under certain conditions;
- clarifies the Alcoholic Beverage Services Commission's authority when granting or denying an application for a retail license;
- provides that a hotel may serve spirituous liquor in a container that is not the spirituous liquor's original container;
- provides that a patron of a facility with multiple licenses may transport beer between the premises under certain conditions;
- authorizes staff of a retail licensee that are 21 years old or older to test the quality and taste of liquor using the "straw test";
- removes the requirement that dispensing locations under an equity license be connected by a private roadway;
- provides that an equity license applies to all locations owned by an equity licensee;
- provides that an amphitheater qualifies for a banquet license;
- provides that the Department of Alcoholic Beverage Services may approve multiple locations in or on the licensed premises of an on-premise banquet licensee;
- lowers the seating capacity threshold for a sport facility or concert venue for purposes of receiving an on-premises beer retailer license;
- provides the circumstances under which an off-premise beer retailer may sell beer at a loading area or a designated parking stall;

- 29 ▸ requires that a person applying for an event permit post a surety bond; and
- 30 ▸ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 32B-1-102, as last amended by Laws of Utah 2024, Chapters 438, 464
- 32B-1-202, as last amended by Laws of Utah 2024, Chapter 94
- 32B-1-407, as last amended by Laws of Utah 2018, Chapter 249
- 32B-1-603.5, as enacted by Laws of Utah 2023, Chapter 371
- 32B-1-607, as last amended by Laws of Utah 2021, Chapter 291
- 32B-5-201, as last amended by Laws of Utah 2024, Chapter 94
- 32B-5-304, as last amended by Laws of Utah 2024, Chapter 94
- 32B-5-307, as last amended by Laws of Utah 2022, Chapter 447
- 32B-5-308, as last amended by Laws of Utah 2019, Chapter 403
- 32B-6-403, as last amended by Laws of Utah 2024, Chapter 94
- 32B-6-603, as last amended by Laws of Utah 2023, Chapter 371
- 32B-6-604, as last amended by Laws of Utah 2024, Chapter 94
- 32B-6-605, as last amended by Laws of Utah 2024, Chapter 94
- 32B-6-702, as last amended by Laws of Utah 2024, Chapter 94
- 32B-7-202, as last amended by Laws of Utah 2024, Chapter 94
- 32B-9-203, as enacted by Laws of Utah 2010, Chapter 276

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

Section 1. Section **32B-1-102** is amended to read:

32B-1-102 . Definitions.

As used in this title:

- (1) "Airport lounge" means a business location:
 - (a) at which an alcoholic product is sold at retail for consumption on the premises; and
 - (b) that is located at an international airport or domestic airport.
- (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

- 63 (3) "Alcoholic beverage" means the following:
- 64 (a) beer; or
- 65 (b) liquor.
- 66 (4)(a) "Alcoholic product" means a product that:
- 67 (i) contains at least .5% of alcohol by volume; and
- 68 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 69 process that uses liquid or combinations of liquids, whether drinkable or not, to
- 70 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 71 (b) "Alcoholic product" includes an alcoholic beverage.
- 72 (c) "Alcoholic product" does not include any of the following common items that
- 73 otherwise come within the definition of an alcoholic product:
- 74 (i) except as provided in Subsection (4)(d), an extract;
- 75 (ii) vinegar;
- 76 (iii) preserved nonintoxicating cider;
- 77 (iv) essence;
- 78 (v) tincture;
- 79 (vi) food preparation; or
- 80 (vii) an over-the-counter medicine.
- 81 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 82 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 83 (5) "Alcohol training and education seminar" means a seminar that is:
- 84 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 85 (b) described in Section 26B-5-205.
- 86 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:
- 87 (i) is primarily used to present live entertainment, including music, dance, comedy,
- 88 and theater;
- 89 (ii) has the capacity to hold over 10,000 patrons; and
- 90 (iii) is located in a county of the first class.
- 91 (b) "Amphitheater" does not include a space that is used to present sporting events or
- 92 sporting competitions.
- 93 [(6)] (7) "Arena" means an enclosed building:
- 94 (a) that is managed by:
- 95 (i) the same person who owns the enclosed building;
- 96 (ii) a person who has a majority interest in each person who owns or manages a space

- 97 in the enclosed building; or
- 98 (iii) a person who has authority to direct or exercise control over the management or
- 99 policy of each person who owns or manages a space in the enclosed building;
- 100 (b) that operates as a venue; and
- 101 (c) that has an occupancy capacity of at least 12,500.

102 ~~[(7)]~~ (8) "Arena license" means a license issued in accordance with Chapter 5, Retail

103 License Act, and Chapter 8c, Arena License Act.

104 ~~[(8)]~~ (9) "Banquet" means an event:

- 105 (a) that is a private event or a privately sponsored event;
- 106 (b) that is held at one or more designated locations approved by the commission in or on
- 107 the premises of:
- 108 (i) a hotel;
- 109 (ii) a resort facility;
- 110 (iii) a sports center;
- 111 (iv) a convention center;
- 112 (v) a performing arts facility;
- 113 (vi) an arena;~~[-or]~~
- 114 (vii) a restaurant venue; or
- 115 (viii) an amphitheater;

116 (c) for which there is a contract:

- 117 (i) between a person operating a facility listed in Subsection ~~[(8)(b)]~~ (9)(b) and
- 118 another person that has common ownership of less than 20% with the person
- 119 operating the facility; and
- 120 (ii) under which the person operating a facility listed in Subsection ~~[(8)(b)]~~ (9)(b) is
- 121 required to provide an alcoholic product at the event; and

122 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.

123 ~~[(9)]~~ (10)(a) "Bar establishment license" means a license issued in accordance with

124 Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

125 (b) "Bar establishment license" includes:

- 126 (i) a dining club license;
- 127 (ii) an equity license;
- 128 (iii) a fraternal license; or
- 129 (iv) a bar license.

130 ~~[(10)]~~ (11) "Bar license" means a license issued in accordance with Chapter 5, Retail

131 License Act, and Chapter 6, Part 4, Bar Establishment License.

132 [~~(11)~~] (12)(a) "Beer" means a product that:

133 (i) contains:

134 (A) at least .5% of alcohol by volume; and

135 (B) no more than 5% of alcohol by volume or 4% by weight;

136 (ii) is obtained by fermentation, infusion, or decoction of:

137 (A) malt; or

138 (B) a malt substitute; and

139 (iii) is clearly marketed, labeled, and identified as:

140 (A) beer;

141 (B) ale;

142 (C) porter;

143 (D) stout;

144 (E) lager;

145 (F) a malt;

146 (G) a malted beverage; or

147 (H) seltzer.

148 (b) "Beer" may contain:

149 (i) hops extract;

150 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or

151 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:

152 (A) is used in the production of beer;

153 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade

154 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and

155 (C) does not contribute more than 10% of the overall alcohol content of the beer.

156 (c) "Beer" does not include:

157 (i) a flavored malt beverage;

158 (ii) a product that contains alcohol derived from:

159 (A) except as provided in Subsection [~~(11)(b)(iii)~~] (12)(b)(iii), spirituous liquor; or

160 (B) wine; or

161 (iii) a product that contains an additive masking or altering a physiological effect of

162 alcohol, including kratom, kava, cannabidiol, or natural or synthetic

163 tetrahydrocannabinol.

164 [~~(12)~~] (13) "Beer-only restaurant license" means a license issued in accordance with Chapter

- 165 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 166 [~~(13)~~] (14) "Beer retailer" means a business that:
- 167 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
- 168 consumption on or off the business premises; and
- 169 (b) is licensed as:
- 170 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
- 171 Beer Retailer Local Authority; or
- 172 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 173 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 174 [~~(14)~~] (15) "Beer wholesaling license" means a license:
- 175 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 176 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
- 177 licensees or off-premise beer retailers.
- 178 [~~(15)~~] (16) "Billboard" means a public display used to advertise, including:
- 179 (a) a light device;
- 180 (b) a painting;
- 181 (c) a drawing;
- 182 (d) a poster;
- 183 (e) a sign;
- 184 (f) a signboard; or
- 185 (g) a scoreboard.
- 186 [~~(16)~~] (17) "Brewer" means a person engaged in manufacturing:
- 187 (a) beer;
- 188 (b) heavy beer; or
- 189 (c) a flavored malt beverage.
- 190 [~~(17)~~] (18) "Brewery manufacturing license" means a license issued in accordance with
- 191 Chapter 11, Part 5, Brewery Manufacturing License.
- 192 [~~(18)~~] (19) "Certificate of approval" means a certificate of approval obtained from the
- 193 department under Section 32B-11-201.
- 194 [~~(19)~~] (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided
- 195 by a bus company to a group of persons pursuant to a common purpose:
- 196 (a) under a single contract;
- 197 (b) at a fixed charge in accordance with the bus company's tariff; and
- 198 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other

199 motor vehicle, and a driver to travel together to one or more specified destinations.

200 [~~(20)~~] (21) "Church" means a building:

- 201 (a) set apart for worship;
- 202 (b) in which religious services are held;
- 203 (c) with which clergy is associated; and
- 204 (d) that is tax exempt under the laws of this state.

205 [~~(21)~~] (22) "Commission" means the Alcoholic Beverage Services Commission created in
206 Section 32B-2-201.

207 [~~(22)~~] (23) "Commissioner" means a member of the commission.

208 [~~(23)~~] (24) "Community location" means:

- 209 (a) a public or private school as defined in Subsection [~~32B-1-102(115)~~] (116); or
- 210 (b) a church;
- 211 (c) a public library;
- 212 (d) a public playground; or
- 213 (e) a public park.

214 [~~(24)~~] (25) "Community location governing authority" means:

- 215 (a) the governing body of the community location; or
- 216 (b) if the commission does not know who is the governing body of a community
217 location, a person who appears to the commission to have been given on behalf of the
218 community location the authority to prohibit an activity at the community location.

219 [~~(25)~~] (26) "Container" means a receptacle that contains an alcoholic product, including:

- 220 (a) a bottle;
- 221 (b) a vessel; or
- 222 (c) a similar item.

223 [~~(26)~~] (27) "Controlled group of manufacturers" means as the commission defines by rule
224 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

225 [~~(27)~~] (28) "Convention center" means a facility that is:

- 226 (a) in total at least 30,000 square feet; and
- 227 (b) otherwise defined as a "convention center" by the commission by rule.

228 [~~(28)~~] (29)(a) "Counter" means a surface or structure in a dining area of a licensed
229 premises where seating is provided to a patron for service of food.

230 (b) "Counter" does not include a dispensing structure.

231 [~~(29)~~] (30) "Crime involving moral turpitude" is as defined by the commission by rule.

232 [~~(30)~~] (31) "Department" means the Department of Alcoholic Beverage Services created in

233 Section 32B-2-203.

234 [~~(31)~~] (32) "Department compliance officer" means an individual who is:

- 235 (a) an auditor or inspector; and
236 (b) employed by the department.

237 [~~(32)~~] (33) "Department sample" means liquor that is placed in the possession of the
238 department for testing, analysis, and sampling.

239 [~~(33)~~] (34) "Dining club license" means a license issued in accordance with Chapter 5,
240 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated
241 by the commission as a dining club license.

242 [~~(34)~~] (35) "Director," unless the context requires otherwise, means the director of the
243 department.

244 [~~(35)~~] (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
245 title:

- 246 (a) against a person subject to administrative action; and
247 (b) that is brought on the basis of a violation of this title.

248 [~~(36)~~] (37)(a) Subject to Subsection [~~(36)~~](b) (37)(b), "dispense" means:

- 249 (i) drawing an alcoholic product; and
250 (ii) using the alcoholic product at the location from which it was drawn to mix or
251 prepare an alcoholic product to be furnished to a patron of the retail licensee.

252 (b) The definition of "dispense" in this Subsection [~~(36)~~] (37) applies only to:

- 253 (i) a full-service restaurant license;
254 (ii) a limited-service restaurant license;
255 (iii) a reception center license;
256 (iv) a beer-only restaurant license;
257 (v) a bar license;
258 (vi) an on-premise beer retailer;
259 (vii) an airport lounge license;
260 (viii) an on-premise banquet license; and
261 (ix) a hospitality amenity license.

262 [~~(37)~~] (38) "Dispensing structure" means a surface or structure on a licensed premises:

- 263 (a) where an alcoholic product is dispensed; or
264 (b) from which an alcoholic product is served.

265 [~~(38)~~] (39) "Distillery manufacturing license" means a license issued in accordance with
266 Chapter 11, Part 4, Distillery Manufacturing License.

- 267 ~~[(39)]~~ (40) "Distressed merchandise" means an alcoholic product in the possession of the
268 department that is saleable, but for some reason is unappealing to the public.
- 269 ~~[(40)]~~ (41) "Domestic airport" means an airport that:
- 270 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 271 (b) receives scheduled commercial passenger aircraft service; and
- 272 (c) is not an international airport.
- 273 ~~[(41)]~~ (42) "Equity license" means a license issued in accordance with Chapter 5, Retail
274 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
275 commission as an equity license.
- 276 ~~[(42)]~~ (43) "Event permit" means:
- 277 (a) a single event permit; or
- 278 (b) a temporary beer event permit.
- 279 ~~[(43)]~~ (44) "Exempt license" means a license exempt under Section 32B-1-201 from being
280 considered in determining the total number of retail licenses that the commission may
281 issue at any time.
- 282 ~~[(44)]~~ (45)(a) "Flavored malt beverage" means a beverage:
- 283 (i) that contains at least .5% alcohol by volume;
- 284 (ii) for which the producer is required to file a formula for approval with the federal
285 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
286 the beverage is treated by processing, filtration, or another method of manufacture
287 that is not generally recognized as a traditional process in the production of a beer,
288 ale, porter, stout, lager, or malt liquor; and
- 289 (iii) for which the producer is required to file a formula for approval with the federal
290 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
291 the beverage includes an ingredient containing alcohol.
- 292 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
293 ethanol-based flavoring agent that contributes to the overall alcohol content of the
294 beverage.
- 295 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 296 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 297 ~~[(45)]~~ (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail
298 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
299 commission as a fraternal license.
- 300 ~~[(46)]~~ (47) "Full-service restaurant license" means a license issued in accordance with

301 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

302 [~~(47)~~] (48)(a) "Furnish" means by any means to provide with, supply, or give an
303 individual an alcoholic product, by sale or otherwise.

304 (b) "Furnish" includes to:

305 (i) serve;

306 (ii) deliver; or

307 (iii) otherwise make available.

308 [~~(48)~~] (49) "Guest" means an individual who meets the requirements of Subsection
309 32B-6-407(9).

310 [~~(49)~~] (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

311 [~~(50)~~] (51) "Health care practitioner" means:

312 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

313 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

314 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

315 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
316 Act;

317 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
318 Nurse Practice Act;

319 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
320 Practice Act;

321 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
322 Therapy Practice Act;

323 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

324 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
325 Professional Practice Act;

326 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

327 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
328 Act;

329 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
330 Hygienist Practice Act; and

331 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
332 Act.

333 [~~(51)~~] (52)(a) "Heavy beer" means a product that:

334 (i)(A) contains more than 5% alcohol by volume;

- 335 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
 336 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
 337 ethanol-based flavoring agent that contributes more than 10% of the overall
 338 alcohol content of the product; or
- 339 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
 340 volume or 4% by weight, and has a label or packaging that is rejected under
 341 Subsection 32B-1-606(3)(b); and
- 342 (ii) is obtained by fermentation, infusion, or decoction of:
- 343 (A) malt; or
- 344 (B) a malt substitute.
- 345 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
 346 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
 347 contributes to the overall alcohol content of the heavy beer.
- 348 (c) "Heavy beer" does not include:
- 349 (i) a flavored malt beverage;
- 350 (ii) a product that contains alcohol derived from:
- 351 (A) except as provided in Subsections ~~[(51)(a)(i)(B)]~~ (52)(a)(i)(B) and ~~[(51)(b)]~~
 352 (52)(b), spirituous liquor; or
- 353 (B) wine; or
- 354 (iii) a product that contains an additive masking or altering a physiological effect of
 355 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
 356 tetrahydrocannabinol.
- 357 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 358 ~~[(52)]~~ (53) "Hospitality amenity license" means a license issued in accordance with Chapter
 359 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 360 ~~[(53)]~~ (54)(a) "Hotel" means a commercial lodging establishment that:
- 361 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 362 (ii) is capable of hosting conventions, conferences, and food and beverage functions
 363 under a banquet contract; and
- 364 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
 365 complete meals;
- 366 (B) has at least 1,000 square feet of function space consisting of meeting or dining
 367 rooms that can be reserved for a banquet and can accommodate at least 75
 368 individuals; or

- 369 (C) if the establishment is located in a small or unincorporated locality, has an
370 appropriate amount of function space consisting of meeting or dining rooms
371 that can be reserved for private use under a banquet contract, as determined by
372 the commission.
- 373 (b) "Hotel" includes a commercial lodging establishment that:
374 (i) meets the requirements under Subsection [~~(53)~~(a)] (54)(a); and
375 (ii) has one or more privately owned dwelling units.
- 376 [~~(54)~~] (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail
377 License Act, and Chapter 8b, Hotel License Act.
- 378 [~~(55)~~] (56) "Identification card" means an identification card issued under Title 53, Chapter
379 3, Part 8, Identification Card Act.
- 380 [~~(56)~~] (57) "Industry representative" means an individual who is compensated by salary,
381 commission, or other means for representing and selling an alcoholic product of a
382 manufacturer, supplier, or importer of liquor.
- 383 [~~(57)~~] (58) "Industry representative sample" means liquor that is placed in the possession of
384 the department for testing, analysis, and sampling by a local industry representative on
385 the premises of the department to educate the local industry representative of the quality
386 and characteristics of the product.
- 387 [~~(58)~~] (59) "Interdicted person" means a person to whom the sale, offer for sale, or
388 furnishing of an alcoholic product is prohibited by:
389 (a) law; or
390 (b) court order.
- 391 [~~(59)~~] (60) "International airport" means an airport:
392 (a) with a United States Customs and Border Protection office on the premises of the
393 airport; and
394 (b) at which international flights may enter and depart.
- 395 [~~(60)~~] (61) "Intoxicated" or "intoxication" means that
396 an individual exhibits plain and easily observable outward manifestations of behavior or
397 physical signs produced by or as a result of the use of:
398 (a) an alcoholic product;
399 (b) a controlled substance;
400 (c) a substance having the property of releasing toxic vapors; or
401 (d) a combination of products or substances described in Subsections [~~(60)~~(a)] (61)(a)
402 through (c).

- 403 ~~[(61)]~~ (62) "Investigator" means an individual who is:
- 404 (a) a department compliance officer; or
- 405 (b) a nondepartment enforcement officer.
- 406 ~~[(62)]~~ (63) "License" means:
- 407 (a) a retail license;
- 408 (b) a sublicense;
- 409 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
- 410 License;
- 411 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
- 412 Act;
- 413 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 414 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- 415 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 416 ~~[(63)]~~ (64) "Licensee" means a person who holds a license.
- 417 ~~[(64)]~~ (65) "Limited-service restaurant license" means a license issued in accordance with
- 418 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant
- 419 License.
- 420 ~~[(65)]~~ (66) "Limousine" means a motor vehicle licensed by the state or a local authority,
- 421 other than a bus or taxicab:
- 422 (a) in which the driver and a passenger are separated by a partition, glass, or other
- 423 barrier;
- 424 (b) that is provided by a business entity to one or more individuals at a fixed charge in
- 425 accordance with the business entity's tariff; and
- 426 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
- 427 travel to one or more specified destinations.
- 428 ~~[(66)]~~ (67)(a)(i) "Liquor" means a liquid that:
- 429 (A) is:
- 430 (I) alcohol;
- 431 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 432 (III) a combination of liquids a part of which is spirituous, vinous, or
- 433 fermented; or
- 434 (IV) other drink or drinkable liquid; and
- 435 (B)(I) contains at least .5% alcohol by volume; and
- 436 (II) is suitable to use for beverage purposes.

- 437 (ii) "Liquor" includes:
- 438 (A) heavy beer;
- 439 (B) wine; and
- 440 (C) a flavored malt beverage.
- 441 (b) "Liquor" does not include beer.
- 442 [(67)] (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 443 [(68)] (69) "Liquor transport license" means a license issued in accordance with Chapter 17,
- 444 Liquor Transport License Act.
- 445 [(69)] (70) "Liquor warehousing license" means a license that is issued:
- 446 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 447 (b) to a person, other than a licensed manufacturer, who engages in the importation for
- 448 storage, sale, or distribution of liquor regardless of amount.
- 449 [(70)] (71) "Local authority" means:
- 450 (a) for premises that are located in an unincorporated area of a county, the governing
- 451 body of a county;
- 452 (b) for premises that are located in an incorporated city or town, the governing body of
- 453 the city or town; or
- 454 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
- 455 a project area plan adopted by the Military Installation Development Authority under
- 456 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
- 457 Installation Development Authority.
- 458 [(71)] (72) "Lounge or bar area" is as defined by rule made by the commission.
- 459 [(72)] (73) "Malt substitute" means:
- 460 (a) rice;
- 461 (b) grain;
- 462 (c) bran;
- 463 (d) glucose;
- 464 (e) sugar; or
- 465 (f) molasses.
- 466 [(73)] (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment,
- 467 or otherwise make an alcoholic product for personal use or for sale or distribution to
- 468 others.
- 469 [(74)] (75) "Member" means an individual who, after paying regular dues, has full privileges
- 470 in an equity licensee or fraternal licensee.

- 471 [~~(75)~~] (76)(a) "Military installation" means a base, air field, camp, post, station, yard,
472 center, or homeport facility for a ship:
- 473 (i)(A) under the control of the United States Department of Defense; or
 - 474 (B) of the National Guard;
 - 475 (ii) that is located within the state; and
 - 476 (iii) including a leased facility.
- 477 (b) "Military installation" does not include a facility used primarily for:
- 478 (i) civil works;
 - 479 (ii) a rivers and harbors project; or
 - 480 (iii) a flood control project.
- 481 [~~(76)~~] (77) "Minibar" means an area of a hotel guest room where one or more alcoholic
482 products are kept and offered for self-service sale or consumption.
- 483 [~~(77)~~] (78) "Minor" means an individual under 21 years old.
- 484 [~~(78)~~] (79) "Nondepartment enforcement agency" means an agency that:
- 485 (a)(i) is a state agency other than the department; or
 - 486 (ii) is an agency of a county, city, or town; and
 - 487 (b) has a responsibility to enforce one or more provisions of this title.
- 488 [~~(79)~~] (80) "Nondepartment enforcement officer" means an individual who is:
- 489 (a) a peace officer, examiner, or investigator; and
 - 490 (b) employed by a nondepartment enforcement agency.
- 491 [~~(80)~~] (81)(a) "Off-premise beer retailer" means a beer retailer who is:
- 492 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
 - 493 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
494 premises.
- 495 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 496 [~~(81)~~] (82) "Off-premise beer retailer state license" means a state license issued in
497 accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 498 [~~(82)~~] (83) "On-premise banquet license" means a license issued in accordance with Chapter
499 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 500 [~~(83)~~] (84) "On-premise beer retailer" means a beer retailer who is:
- 501 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
502 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
503 License; and
 - 504 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's

- 505 premises:
- 506 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
- 507 premises; and
- 508 (ii) on and after March 1, 2012, operating:
- 509 (A) as a tavern; or
- 510 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 511 ~~[(84)]~~ (85) "Opaque" means impenetrable to sight.
- 512 ~~[(85)]~~ (86) "Package agency" means a retail liquor location operated:
- 513 (a) under an agreement with the department; and
- 514 (b) by a person:
- 515 (i) other than the state; and
- 516 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
- 517 Package Agency, to sell packaged liquor for consumption off the premises of the
- 518 package agency.
- 519 ~~[(86)]~~ (87) "Package agent" means a person who holds a package agency.
- 520 ~~[(87)]~~ (88) "Patron" means an individual to whom food, beverages, or services are sold,
- 521 offered for sale, or furnished, or who consumes an alcoholic product including:
- 522 (a) a customer;
- 523 (b) a member;
- 524 (c) a guest;
- 525 (d) an attendee of a banquet or event;
- 526 (e) an individual who receives room service;
- 527 (f) a resident of a resort; or
- 528 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 529 license.
- 530 ~~[(88)]~~ (89)(a) "Performing arts facility" means a multi-use performance space that:
- 531 (i) is primarily used to present various types of performing arts, including dance,
- 532 music, and theater;
- 533 (ii) contains over 2,500 seats;
- 534 (iii) is owned and operated by a governmental entity; and
- 535 (iv) is located in a city of the first class.
- 536 (b) "Performing arts facility" does not include a space that is used to present sporting
- 537 events or sporting competitions.
- 538 ~~[(89)]~~ (90) "Permittee" means a person issued a permit under:

- 539 (a) Chapter 9, Event Permit Act; or
 540 (b) Chapter 10, Special Use Permit Act.
- 541 ~~[(90)]~~ (91) "Person subject to administrative action" means:
- 542 (a) a licensee;
 543 (b) a permittee;
 544 (c) a manufacturer;
 545 (d) a supplier;
 546 (e) an importer;
 547 (f) one of the following holding a certificate of approval:
 548 (i) an out-of-state brewer;
 549 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
 550 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
 551 (g) staff of:
 552 (i) a person listed in Subsections ~~[(90)(a)]~~ (91)(a) through (f); or
 553 (ii) a package agent.
- 554 ~~[(91)]~~ (92) "Premises" means a building, enclosure, or room used in connection with the
 555 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
 556 product, unless otherwise defined in this title or rules made by the commission.
- 557 ~~[(92)]~~ (93) "Prescription" means an order issued by a health care practitioner when:
- 558 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
 559 to prescribe a controlled substance, other drug, or device for medicinal purposes;
 560 (b) the order is made in the course of that health care practitioner's professional practice;
 561 and
 562 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 563 ~~[(93)]~~ (94)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
 564 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 565 ~~[(94)]~~ (95) "Principal license" means:
- 566 (a) a resort license;
 567 (b) a hotel license; or
 568 (c) an arena license.
- 569 ~~[(95)]~~ (96)(a) "Private event" means a specific social, business, or recreational event:
 570 (i) for which an entire room, area, or hall is leased or rented in advance by an
 571 identified group; and
 572 (ii) that is limited in attendance to people who are specifically designated and their

573 guests.

574 (b) "Private event" does not include an event to which the general public is invited,
575 whether for an admission fee or not.

576 [(96)] (97) "Privately sponsored event" means a specific social, business, or recreational
577 event:

578 (a) that is held in or on the premises of an on-premise banquet licensee; and

579 (b) to which entry is restricted by an admission fee.

580 [(97)] (98)(a) "Proof of age" means:

581 (i) an identification card;

582 (ii) an identification that:

583 (A) is substantially similar to an identification card;

584 (B) is issued in accordance with the laws of a state other than Utah in which the
585 identification is issued;

586 (C) includes date of birth; and

587 (D) has a picture affixed;

588 (iii) a valid driver license certificate that:

589 (A) includes date of birth;

590 (B) has a picture affixed; and

591 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in

592 accordance with the laws of the state in which it is issued, or in accordance with
593 federal law by the United States Department of State;

594 (iv) a military identification card that:

595 (A) includes date of birth; and

596 (B) has a picture affixed; or

597 (v) a valid passport.

598 (b) "Proof of age" does not include a driving privilege card issued in accordance with
599 Section 53-3-207.

600 [(98)] (99) "Provisions applicable to a sublicense" means:

601 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
602 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;

603 (b) for a limited-service restaurant sublicense, the provisions applicable to a
604 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
605 License;

606 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment

- 607 license under Chapter 6, Part 4, Bar Establishment License;
- 608 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
609 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 610 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
611 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 612 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
613 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 614 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
615 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 616 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
617 Part 2, Resort Spa Sublicense.

618 ~~[(99)]~~ (100)(a) "Public building" means a building or permanent structure that is:

619 (i) owned or leased by:

620 (A) the state; or

621 (B) a local government entity; and

622 (ii) used for:

623 (A) public education;

624 (B) transacting public business; or

625 (C) regularly conducting government activities.

626 (b) "Public building" does not include a building owned by the state or a local
627 government entity when the building is used by a person, in whole or in part, for a
628 proprietary function.

629 ~~[(100)]~~ (101) "Public conveyance" means a conveyance that the public or a portion of the
630 public has access to and a right to use for transportation, including an airline, railroad,
631 bus, boat, or other public conveyance.

632 ~~[(101)]~~ (102) "Reception center" means a business that:

633 (a) operates facilities that are at least 5,000 square feet; and

634 (b) has as its primary purpose the leasing of the facilities described in Subsection [
635 ~~(101)(a)]~~ (102)(a) to a third party for the third party's event.

636 ~~[(102)]~~ (103) "Reception center license" means a license issued in accordance with Chapter
637 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

638 ~~[(103)]~~ (104)(a) "Record" means information that is:

639 (i) inscribed on a tangible medium; or

640 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

- 641 (b) "Record" includes:
- 642 (i) a book;
- 643 (ii) a book of account;
- 644 (iii) a paper;
- 645 (iv) a contract;
- 646 (v) an agreement;
- 647 (vi) a document; or
- 648 (vii) a recording in any medium.
- 649 ~~[(104)]~~ (105) "Residence" means a person's principal place of abode within Utah.
- 650 ~~[(105)]~~ (106) "Resident," in relation to a resort, means the same as that term is defined in
- 651 Section 32B-8-102.
- 652 ~~[(106)]~~ (107) "Resort" means the same as that term is defined in Section 32B-8-102.
- 653 ~~[(107)]~~ (108) "Resort facility" is as defined by the commission by rule.
- 654 ~~[(108)]~~ (109) "Resort license" means a license issued in accordance with Chapter 5, Retail
- 655 License Act, and Chapter 8, Resort License Act.
- 656 ~~[(109)]~~ (110) "Responsible alcohol service plan" means a written set of policies and
- 657 procedures that outlines measures to prevent employees from:
- 658 (a) over-serving alcoholic beverages to customers;
- 659 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
- 660 intoxicated; and
- 661 (c) serving alcoholic beverages to minors.
- 662 ~~[(110)]~~ (111) "Restaurant" means a business location:
- 663 (a) at which a variety of foods are prepared;
- 664 (b) at which complete meals are served; and
- 665 (c) that is engaged primarily in serving meals.
- 666 ~~[(111)]~~ (112) "Restaurant license" means one of the following licenses issued under this title:
- 667 (a) a full-service restaurant license;
- 668 (b) a limited-service restaurant license; or
- 669 (c) a beer-only restaurant license.
- 670 ~~[(112)]~~ (113) "Restaurant venue" means a room within a restaurant that:
- 671 (a) is located on the licensed premises of a restaurant licensee;
- 672 (b) is separated from the area within the restaurant for a patron's consumption of food by
- 673 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
- 674 visible to a patron in the area within the restaurant for a patron's consumption of

675 food; and

676 (c)(i) has at least 1,000 square feet that:

677 (A) may be reserved for a banquet; and

678 (B) accommodates at least 75 individuals; or

679 (ii) if the restaurant is located in a small or unincorporated locality, has an
680 appropriate amount of space, as determined by the commission, that may be
681 reserved for a banquet.

682 [~~(113)~~] (114) "Retail license" means one of the following licenses issued under this title:

683 (a) a full-service restaurant license;

684 (b) a master full-service restaurant license;

685 (c) a limited-service restaurant license;

686 (d) a master limited-service restaurant license;

687 (e) a bar establishment license;

688 (f) an airport lounge license;

689 (g) an on-premise banquet license;

690 (h) an on-premise beer license;

691 (i) a reception center license;

692 (j) a beer-only restaurant license;

693 (k) a hospitality amenity license;

694 (l) a resort license;

695 (m) a hotel license; or

696 (n) an arena license.

697 [~~(114)~~] (115) "Room service" means furnishing an alcoholic product to a person in a guest
698 room or privately owned dwelling unit of a:

699 (a) hotel; or

700 (b) resort facility.

701 [~~(115)~~] (116)(a) "School" means a building in which any part is used for more than three
702 hours each weekday during a school year as a public or private:

703 (i) elementary school;

704 (ii) secondary school; or

705 (iii) kindergarten.

706 (b) "School" does not include:

707 (i) a nursery school;

708 (ii) a day care center;

709 (iii) a trade and technical school;

710 (iv) a preschool;

711 (v) a home school;

712 (vi) a home-based microschool as defined in Section 53G-6-201; or

713 (vii) a micro-education entity as defined in Section 53G-6-201.

714 ~~[(116)]~~ (117) "Secondary flavoring ingredient" means any spirituous liquor added to a
715 beverage for additional flavoring that is different in type, flavor, or brand from the
716 primary spirituous liquor in the beverage.

717 ~~[(117)]~~ (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
718 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
719 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
720 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
721 in this title or the rules made by the commission.

722 ~~[(118)]~~ (119) "Serve" means to place an alcoholic product before an individual.

723 ~~[(119)]~~ (120) "Sexually oriented entertainer" means a person who while in a state of
724 seminudity appears at or performs:

725 (a) for the entertainment of one or more patrons;

726 (b) on the premises of:

727 (i) a bar licensee; or

728 (ii) a tavern;

729 (c) on behalf of or at the request of the licensee described in Subsection ~~[(119)(b)]~~
730 (120)(b);

731 (d) on a contractual or voluntary basis; and

732 (e) whether or not the person is designated as:

733 (i) an employee;

734 (ii) an independent contractor;

735 (iii) an agent of the licensee; or

736 (iv) a different type of classification.

737 ~~[(120)]~~ (121) "Shared seating area" means the licensed premises of two or more restaurant
738 licensees that the restaurant licensees share as an area for alcoholic beverage
739 consumption in accordance with Subsection 32B-5-207(3).

740 ~~[(121)]~~ (122) "Single event permit" means a permit issued in accordance with Chapter 9,
741 Part 3, Single Event Permit.

742 ~~[(122)]~~ (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of

- 743 beer, heavy beer, and flavored malt beverage per year, as the department calculates by:
- 744 (a) if the brewer is part of a controlled group of manufacturers, including the combined
- 745 volume totals of production for all breweries that constitute the controlled group of
- 746 manufacturers; and
- 747 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
- 748 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
- 749 determines by rule made in accordance with Title 63G, Chapter 3, Utah
- 750 Administrative Rulemaking Act; and
- 751 (ii) does not sell for consumption as, or in, a beverage.
- 752 ~~[(123)]~~ (124) "Small or unincorporated locality" means:
- 753 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 754 (b) a town, as classified under Section 10-2-301; or
- 755 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
- 756 under Section 17-50-501.
- 757 ~~[(124)]~~ (125) "Spa sublicense" means a sublicense:
- 758 (a) to a resort license or hotel license; and
- 759 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
- 760 Sublicense.
- 761 ~~[(125)]~~ (126) "Special use permit" means a permit issued in accordance with Chapter 10,
- 762 Special Use Permit Act.
- 763 ~~[(126)]~~ (127)(a) "Spirituous liquor" means liquor that is distilled.
- 764 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
- 765 U.S.C. Sec. 211 and 27 C.F.R. [See] Secs. 5.11 through 5.23.
- 766 ~~[(127)]~~ (128) "Sports center" is as defined by the commission by rule.
- 767 ~~[(128)]~~ (129)(a) "Staff" means an individual who engages in activity governed by this
- 768 title:
- 769 (i) on behalf of a business, including a package agent, licensee, permittee, or
- 770 certificate holder;
- 771 (ii) at the request of the business, including a package agent, licensee, permittee, or
- 772 certificate holder; or
- 773 (iii) under the authority of the business, including a package agent, licensee,
- 774 permittee, or certificate holder.
- 775 (b) "Staff" includes:
- 776 (i) an officer;

- 777 (ii) a director;
778 (iii) an employee;
779 (iv) personnel management;
780 (v) an agent of the licensee, including a managing agent;
781 (vi) an operator; or
782 (vii) a representative.

783 ~~[(129)]~~ (130) "State of nudity" means:

- 784 (a) the appearance of:
785 (i) the nipple or areola of a female human breast;
786 (ii) a human genital;
787 (iii) a human pubic area; or
788 (iv) a human anus; or
789 (b) a state of dress that fails to opaquely cover:
790 (i) the nipple or areola of a female human breast;
791 (ii) a human genital;
792 (iii) a human pubic area; or
793 (iv) a human anus.

794 ~~[(130)]~~ (131) "State of seminudity" means a state of dress in which opaque clothing covers
795 no more than:

- 796 (a) the nipple and areola of the female human breast in a shape and color other than the
797 natural shape and color of the nipple and areola; and
798 (b) the human genitals, pubic area, and anus:
799 (i) with no less than the following at its widest point:
800 (A) four inches coverage width in the front of the human body; and
801 (B) five inches coverage width in the back of the human body; and
802 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

803 ~~[(131)]~~ (132)(a) "State store" means a facility for the sale of packaged liquor:

- 804 (i) located on premises owned or leased by the state; and
805 (ii) operated by a state employee.

806 (b) "State store" does not include:

- 807 (i) a package agency;
808 (ii) a licensee; or
809 (iii) a permittee.

810 ~~[(132)]~~ (133)(a) "Storage area" means an area on licensed premises where the licensee

- 811 stores an alcoholic product.
- 812 (b) "Store" means to place or maintain in a location an alcoholic product.
- 813 ~~[(133)]~~ (134) "Sublicense" means:
- 814 (a) any of the following licenses issued as a subordinate license to, and contingent on the
- 815 issuance of, a principal license:
- 816 (i) a full-service restaurant license;
- 817 (ii) a limited-service restaurant license;
- 818 (iii) a bar establishment license;
- 819 (iv) an on-premise banquet license;
- 820 (v) an on-premise beer retailer license;
- 821 (vi) a beer-only restaurant license; or
- 822 (vii) a hospitality amenity license; or
- 823 (b) a spa sublicense.
- 824 ~~[(134)]~~ (135) "Supplier" means a person who sells an alcoholic product to the department.
- 825 ~~[(135)]~~ (136) "Tavern" means an on-premise beer retailer who is:
- 826 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
- 827 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 828 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
- 829 On-Premise Beer Retailer License.
- 830 ~~[(136)]~~ (137) "Temporary beer event permit" means a permit issued in accordance with
- 831 Chapter 9, Part 4, Temporary Beer Event Permit.
- 832 ~~[(137)]~~ (138) "Temporary domicile" means the principal place of abode within Utah of a
- 833 person who does not have a present intention to continue residency within Utah
- 834 permanently or indefinitely.
- 835 ~~[(138)]~~ (139) "Translucent" means a substance that allows light to pass through, but does not
- 836 allow an object or person to be seen through the substance.
- 837 ~~[(139)]~~ (140) "Unsaleable liquor merchandise" means a container that:
- 838 (a) is unsaleable because the container is:
- 839 (i) unlabeled;
- 840 (ii) leaky;
- 841 (iii) damaged;
- 842 (iv) difficult to open; or
- 843 (v) partly filled;
- 844 (b)(i) has faded labels or defective caps or corks;

- 845 (ii) has contents that are:
- 846 (A) cloudy;
- 847 (B) spoiled; or
- 848 (C) chemically determined to be impure; or
- 849 (iii) contains:
- 850 (A) sediment; or
- 851 (B) a foreign substance; or
- 852 (c) is otherwise considered by the department as unfit for sale.
- 853 [(140)] (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the
- 854 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether
- 855 or not another ingredient is added.
- 856 (b) "Wine" includes:
- 857 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
- 858 Sec. 4.10; and
- 859 (ii) hard cider.
- 860 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
- 861 this title.
- 862 [(141)] (142) "Winery manufacturing license" means a license issued in accordance with
- 863 Chapter 11, Part 3, Winery Manufacturing License.
- 864 Section 2. Section **32B-1-202** is amended to read:
- 865 **32B-1-202 . Proximity to community location.**
- 866 (1) As used in this section:
- 867 (a) "Designated project area zone" means the area that is:
- 868 (i) bounded by:
- 869 (A) South Temple Street;
- 870 (B) 100 South Street;
- 871 (C) West Temple Street; and
- 872 (D) 400 West Street; and
- 873 (ii) within a project area as defined in Section 63N-3-1401.
- 874 (b)(i) "Outlet" means:
- 875 (A) a state store;
- 876 (B) a package agency; or
- 877 (C) a retail licensee.
- 878 (ii) "Outlet" does not include:

879 (A) an airport lounge licensee; or

880 (B) a restaurant.

881 (c) "Restaurant" means:

882 (i) a full-service restaurant licensee;

883 (ii) a limited-service restaurant licensee;

884 (iii) a beer-only restaurant licensee; or

885 (iv) a restaurant venue on-premise banquet licensee.

886 (2)(a) Except as otherwise provided in this section or Section 32B-1-202.1, the
887 commission may not issue a license for an outlet if, on the date the commission takes
888 final action to approve or deny the application, there is a community location:

889 (i) within 600 feet of the proposed outlet, as measured from the nearest patron
890 entrance of the proposed outlet by following the shortest route of ordinary
891 pedestrian travel to the property boundary of the community location; or

892 (ii) within 200 feet of the proposed outlet, measured in a straight line from the
893 nearest patron entrance of the proposed outlet to the nearest property boundary of
894 the community location.

895 (b) Except as otherwise provided in this section or Section 32B-1-202.1, the commission
896 may not issue a license for a restaurant if, on the date the commission takes final
897 action to approve or deny the application, there is a community location:

898 (i) within 300 feet of the proposed restaurant, as measured from the nearest patron
899 entrance of the proposed restaurant by following the shortest route of ordinary
900 pedestrian travel to the property boundary of the community location; or

901 (ii) within 200 feet of the proposed restaurant, measured in a straight line from the
902 nearest patron entrance of the proposed restaurant to the nearest property
903 boundary of the community location.

904 (3)(a) For an outlet or a restaurant that holds a license on May 9, 2017, and operates
905 under a previously approved variance to one or more proximity requirements in
906 effect before May 9, 2017, subject to the other provisions of this title, that outlet or
907 restaurant, or another outlet or restaurant with the same type of license as that outlet
908 or restaurant, may operate under the previously approved variance regardless of
909 whether:

910 (i) the outlet or restaurant changes ownership;

911 (ii) the property on which the outlet or restaurant is located changes ownership; or

912 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the

913 same type of license, unless during the lapse, the property is used for a different
914 purpose.

915 (b) An outlet or a restaurant that has continuously operated at a location since before
916 January 1, 2007, is considered to have a previously approved variance.

917 (4) An outlet or restaurant that holds a license on May 12, 2020, and operates in accordance
918 with the proximity requirements in effect at the time the commission issued the license
919 or operates under a previously approved variance described in Subsection (3), subject to
920 the other provisions of this title, that outlet or restaurant or an outlet or a restaurant with
921 the same type of license as that outlet or restaurant may operate at the premises
922 regardless of whether:

923 (a) the outlet or restaurant changes ownership;

924 (b) the property on which the outlet or restaurant is located changes ownership; or

925 (c) there is a lapse of one year or less in the use of the property as an outlet or a
926 restaurant with the same type of license, unless during the lapse the property is used
927 for a different purpose.

928 (5)(a) If, after an outlet or a restaurant obtains a license under this title, a person
929 establishes a community location on a property that puts the outlet or restaurant in
930 violation of the proximity requirements in effect at the time the license is issued or a
931 previously approved variance described in Subsection (3), subject to the other
932 provisions of this title, that outlet or restaurant, or an outlet or a restaurant with the
933 same type of license as that outlet or restaurant, may operate at the premises
934 regardless of whether:

935 (i) the outlet or restaurant changes ownership;

936 (ii) the property on which the outlet or restaurant is located changes ownership; or

937 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the
938 same type of license, unless during the lapse the property is used for a different
939 purpose.

940 (b) The provisions of this Subsection (5) apply regardless of when the outlet's or
941 restaurant's license is issued.

942 (6) The proximity requirements described in Subsection (2) do not apply[-] :

943 (a) if the proposed outlet or proposed restaurant and the community location are located
944 within the boundaries of a designated project area zone[-] ; or

945 (b) if a local authority includes in the written consent of the local authority an
946 acknowledgment and authorization of the outlet's or the restaurant's proximity to a

947 public park ~~is~~ , **including any connected trail system** ~~is~~ , if the ~~is~~ **public** ~~is~~ park ~~is~~
 947a **and connected trail system** ~~is~~ ~~is~~ **[is] are** ~~is~~ ;
 948 (i) at least ~~is~~ **[15] 12** ~~is~~ acres in size;
 949 (ii) on land the state owns; and
 950 (iii) managed by the Point of the Mountain State Land Authority created in Section
 951 11-59-201 ~~is~~ ~~is~~ . ~~is~~

- 952 (7) Nothing in this section prevents the commission from considering the proximity of an
 953 educational, religious, and recreational facility, or any other relevant factor in reaching a
 954 decision on a proposed location of an outlet.

955 Section 3. Section **32B-1-407** is amended to read:

956 **32B-1-407 . Verification of proof of age by applicable licensees.**

- 957 (1) As used in this section, "applicable licensee" means:
 958 (a) a dining club;
 959 (b) a bar;
 960 (c) a tavern;
 961 (d) a full-service restaurant;
 962 (e) a limited-service restaurant;~~or~~
 963 (f) a beer-only restaurant~~;~~ or
 964 (g) [-] an off-premise beer retailer selling, offering for sale, or furnishing beer as
 965 described in Subsection 32B-7-202(8).
- 966 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
 967 that an authorized person for the applicable licensee verify proof of age as provided in
 968 this section.
- 969 (3) An authorized person is required to verify proof of age under this section before an
 970 individual who appears to be 35 years of age or younger:
 971 (a) gains admittance to the premises of a bar licensee or tavern;
 972 (b) procures an alcoholic product on the premises of a dining club licensee; or
 973 (c) procures an alcoholic product in a dispensing area in the premises of a full-service
 974 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant
 975 licensee.
- 976 (4) To comply with Subsection (3), an authorized person shall:
 977 (a) request the individual present proof of age; and
 978 (b)(i) verify the validity of the proof of age electronically under the verification
 979 program created in Subsection (5); or

- 980 (ii) if the proof of age cannot be electronically verified as provided in Subsection
981 (4)(b)(i), request that the individual comply with a process established by the
982 commission by rule.
- 983 (5) The commission shall establish by rule an electronic verification program that includes
984 the following:
- 985 (a) the specifications for the technology used by the applicable licensee to electronically
986 verify proof of age, including that the technology display to the person described in
987 Subsection (2) no more than the following for the individual who presents the proof
988 of age:
- 989 (i) the name;
- 990 (ii) the age;
- 991 (iii) the number assigned to the individual's proof of age by the issuing authority;
- 992 (iv) the birth date;
- 993 (v) the gender; and
- 994 (vi) the status and expiration date of the individual's proof of age; and
- 995 (b) the security measures that shall be used by an applicable licensee to ensure that
996 information obtained under this section is:
- 997 (i) used by the applicable licensee only for purposes of verifying proof of age in
998 accordance with this section; and
- 999 (ii) retained by the applicable licensee for seven days after the day on which the
1000 applicable licensee obtains the information.
- 1001 (6)(a) An applicable licensee may not disclose information obtained under this section
1002 except as provided under this title.
- 1003 (b) Information obtained under this section is considered a record for any purpose under
1004 Chapter 5, Part 3, Retail Licensee Operational Requirements.
- 1005 Section 4. Section **32B-1-603.5** is amended to read:
- 1006 **32B-1-603.5 . Requirements for beer flavorings -- Procedure for approval --**
1007 **Department review.**
- 1008 (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or
1009 ethanol-based flavoring agent as described in Subsection [~~32B-1-102(11)(b)(iii)]~~
1010 32B-1-102(12)(b)(iii) may not sell or distribute the beer in the state unless the
1011 manufacturer obtains:
- 1012 (a) the department's approval to sell or distribute the beer under this section; and
- 1013 (b) the department's approval of the label and packaging of the beer under Sections

- 1014 32B-1-604 through 32B-1-606.
- 1015 (2)(a) To obtain approval to sell or distribute a beer that contains a propylene glycol-,
1016 ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection [
1017 ~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii), the manufacturer of the beer shall
1018 submit an application to the department for approval.
- 1019 (b) The application shall require:
- 1020 (i) a copy of:
- 1021 (A) the statement of process and formula filed with the federal Alcohol and
1022 Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 for the beer; and
- 1023 (B) the formula approval from the federal Alcohol and Tobacco Tax and Trade
1024 Bureau for the beer;
- 1025 (ii) a complete list of each propylene glycol-, ethyl alcohol-, or ethanol-based
1026 flavoring agent in the beer;
- 1027 (iii) a description of the total amount of alcohol each propylene glycol-, ethyl
1028 alcohol-, or ethanol-based flavoring agent contributes to the beer; and
- 1029 (iv) other information required by the department to determine whether the beer
1030 complies with Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 1031 (3) The department may:
- 1032 (a) assess a fee established under Section 63J-1-504 for reviewing an application for
1033 approval under this section; and
- 1034 (b) approve a manufacturer's application to sell or distribute a beer that contains a
1035 propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent after determining
1036 that the beer complies with Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 1037 (4) If a manufacturer of a beer revises the formula for the beer that the department approved
1038 for sale or distribution, the manufacturer shall obtain the department's approval for the
1039 revised formula before selling or distributing the beer.
- 1040 (5)(a) The department may revoke a previous approval under this section upon
1041 determining that the beer is not in compliance with this title or the rules of the
1042 commission.
- 1043 (b) The department shall notify the manufacturer that applied for an approval under this
1044 section at least 30 business days before the day on which the approval is revoked.
- 1045 (c) Within 20 business days after the day on which a manufacturer receives the notice
1046 under Subsection (5)(b), the manufacturer may present a written argument or
1047 evidence to the department regarding why the revocation should not occur.

- 1048 (6)(a) A manufacturer that applies for approval under this section may appeal a denial or
1049 revocation of the approval to the commission.
- 1050 (b) During the period in which a manufacturer appeals a denial or revocation to the
1051 commission under Subsection (6)(a), the denial or revocation remains in force.
- 1052 Section 5. Section **32B-1-607** is amended to read:
- 1053 **32B-1-607 . Rulemaking authority.**
- 1054 (1) The commission may adopt rules necessary to implement this part.
- 1055 (2) Notwithstanding Subsections [~~32B-1-102(12)~~] 32B-1-102(13) and [~~(51)~~] (52), in
1056 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1057 commission may make rules that allow for a tolerance in the alcohol content of beer or
1058 heavy beer as follows:
- 1059 (a) up to 0.18% above or below when measured by volume; or
1060 (b) up to 0.15% above or below when measured by weight.
- 1061 Section 6. Section **32B-5-201** is amended to read:
- 1062 **32B-5-201 . Application requirements for retail license.**
- 1063 (1)(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of
1064 an alcoholic product on licensed premises as a retail licensee, the person shall first
1065 obtain a retail license issued by the commission, notwithstanding whether the person
1066 holds a local license or a permit issued by a local authority.
- 1067 (b) Violation of this Subsection (1) is a class B misdemeanor.
- 1068 (2) To obtain a retail license under this title, a person shall submit to the department:
- 1069 (a) a written application in a form prescribed by the department;
1070 (b) a nonrefundable application fee in the amount specified in the relevant chapter or
1071 part for the type of retail license for which the person is applying;
1072 (c) an initial license fee:
1073 (i) in the amount specified in the relevant chapter or part for the type of retail license
1074 for which the person is applying; and
1075 (ii) that is refundable if a retail license is not issued;
- 1076 (d) written consent of the local authority, including, if applicable, consent for each
1077 proposed sublicense;
- 1078 (e) a copy of:
1079 (i) every license the local authority requires, including the person's current business
1080 license; and
1081 (ii) if the person is applying for a principal license, the current business license for

- 1082 each proposed sublicense, except if the local authority determines that the
1083 business license for a proposed sublicense is included in the person's current
1084 business license;
- 1085 (f) evidence of the proposed retail licensee's proximity to any community location, with
1086 proximity requirements being governed by Section 32B-1-202;
- 1087 (g) a bond as specified by Section 32B-5-204;
- 1088 (h) a floor plan, and boundary map where applicable, of the premises of the retail license
1089 and each, if any, accompanying sublicense, including any:
- 1090 (i) consumption area; and
1091 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
1092 beverage;
- 1093 (i) evidence that the retail licensee carries public liability insurance in an amount and
1094 form satisfactory to the department;
- 1095 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
- 1096 (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
1097 (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per
1098 occurrence and \$2,000,000 in the aggregate to cover both the principal license and
1099 all accompanying sublicenses; or
1100 (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and
1101 \$20,000,000 in the aggregate to cover both the arena license and all accompanying
1102 sublicenses;
- 1103 (k) a signed consent form stating that the retail licensee will permit any authorized
1104 representative of the commission, department, or any law enforcement officer to have
1105 unrestricted right to enter:
- 1106 (i) the premises of the retail licensee; and
1107 (ii) if applicable, the premises of each of the retail licensee's accompanying
1108 sublicenses;
- 1109 (l) if the person is an entity, proper verification evidencing that a person who signs the
1110 application is authorized to sign on behalf of the entity;
- 1111 (m) a responsible alcohol service plan;
- 1112 (n) evidence that each individual the person has hired to work as a retail manager, as
1113 defined in Section 32B-1-701, has completed the alcohol training and education
1114 seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
1115 (o) any other information the commission or department may require.

- 1116 (3) The commission may not issue a retail license to a person who:
- 1117 (a) is disqualified under Section 32B-1-304; or
- 1118 (b) is not lawfully present in the United States.
- 1119 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for
- 1120 which the person is applying, the commission may not issue a retail license to a person if
- 1121 the proposed licensed premises does not meet the proximity requirements of Section
- 1122 32B-1-202.
- 1123 (5) [The] Subject to Subsection (6), the commission may not deny an application for a retail
- 1124 license, an application for a conditional retail license under Section 32B-5-205, or an
- 1125 application for a sublicense under Chapter 8d, Sublicense Act, if:
- 1126 (a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail
- 1127 License Act; and
- 1128 (b) for a retail license or a conditional retail license, granting the retail license or the
- 1129 conditional retail license would not cause the commission to exceed the maximum
- 1130 number of licenses of that retail license type that the commission is authorized to
- 1131 issue under this chapter.
- 1132 (6)(a) The commission may deny an application for a retail license, an application for a
- 1133 conditional retail license under Section 32B-5-205, or an application for a sublicense
- 1134 under Chapter 8d, Sublicense Act, if the commission determines that the applicant's
- 1135 violation history warrants the denial.
- 1136 (b) The commission, when making a determination under this Subsection (6), shall treat
- 1137 applicants with substantially similar violation histories consistently.
- 1138 Section 7. Section **32B-5-304** is amended to read:
- 1139 **32B-5-304 . Portions in which alcoholic product may be sold.**
- 1140 (1)(a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a
- 1141 primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per
- 1142 beverage dispensed through a calibrated metered dispensing system approved by the
- 1143 department in accordance with commission rules adopted under this title.
- 1144 (b) A retail license is not required to dispense spirituous liquor through a calibrated
- 1145 metered dispensing system if the spirituous liquor is:
- 1146 (i) a secondary flavoring ingredient;
- 1147 (ii) used as a flavoring on a dessert;
- 1148 (iii) used to set aflame a food dish, drink, or dessert;~~[-or]~~
- 1149 (iv) in a beverage that:

- 1150 (A) is served to a patron in the original, sealed container;
1151 (B) is not more than 12 ounces;
1152 (C) contains no more than 10% alcohol by volume or 8% by weight; and
1153 (D) is in a container that has the alcohol by volume percentage on the front label
1154 and in a font that measures at least three millimeters high[-] ; or

1155 (v) in a beverage that:

- 1156 (A) is served to a patron by pouring the beverage from the original sealed
1157 container, into a different container as required under Subsection
1158 32B-8d-104(5)(b):
1159 (B) is not more than 12 ounces;
1160 (C) contains no more than 10% alcohol by volume or 8% by weight; and
1161 (D) originates from a container that has the alcohol by volume percentage on the
1162 front label and in a font that measures at least three millimeters high.

1163 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring
1164 ingredient shall:

- 1165 (i) designate a location where the retail licensee stores secondary flavoring
1166 ingredients on the floor plan the retail licensee submits to the department; and
1167 (ii) clearly and conspicuously label each secondary flavoring ingredient's container
1168 "flavorings".

1169 (d)(i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.

1170 (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection
1171 (1)(b)(iv).

1172 (2)(a)(i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
1173 individual portion that does not exceed 5 ounces per glass or individual portion.

1174 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine
1175 to a patron in more than one glass if the total amount of wine does not exceed 5
1176 ounces.

1177 (b)(i) A retail licensee may sell, offer for sale, or furnish wine in a container not
1178 exceeding 1.5 liters at a price fixed by the commission to a table of four or more
1179 persons.

1180 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
1181 exceed 750 milliliters at a price fixed by the commission to a table of less than
1182 four persons.

1183 (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale,

1184 or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed
1185 container not to exceed 16 ounces.

1186 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original container at
1187 a price fixed by the commission, except that the original container may not exceed one
1188 liter.

1189 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
1190 original container at a price fixed by the commission, except that the original container
1191 may not exceed one liter.

1192 (5)(a)(i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or
1193 furnish beer for on-premise consumption:

1194 (A) in an open original container; and

1195 (B) in a container on draft.

1196 (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection

1197 (5)(a)(i):

1198 (A) in a size of container that exceeds two liters; or

1199 (B) to an individual patron in a size of container that exceeds one liter.

1200 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:

1201 (i) in a sealed container; and

1202 (ii) in a size of container that does not exceed two liters.

1203 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
1204 patron if the total amount of beer does not exceed 16 ounces.

1205 Section 8. Section **32B-5-307** is amended to read:

1206 **32B-5-307 . Bringing alcoholic product onto or removing alcoholic product from**
1207 **premises.**

1208 (1) Except as provided in Subsections (3)~~[-and]~~ , (4), and (6):

1209 (a) ~~[a person]~~ an individual may not bring onto the licensed premises of a retail licensee
1210 an alcoholic product for on-premise consumption;

1211 (b) a retail licensee may not allow a person to:

1212 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or

1213 (ii) consume an alcoholic product brought onto the licensed premises by a person

1214 other than the retail licensee; and

1215 (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a
1216 window or door to a location off the licensed premises or to a vehicular traffic area.

1217 (2) Except as provided in Subsections (3)~~[-and]~~ , (4), and (6) and Subsection 32B-4-415(5):

- 1218 (a) [~~a person~~] an individual may not carry from the licensed premises of a retail licensee
1219 an open container that:
- 1220 (i) is used primarily for drinking purposes; and
1221 (ii) contains an alcoholic product;
- 1222 (b) a retail licensee may not permit a patron to carry from the licensed premises an open
1223 container described in Subsection (2)(a); and
- 1224 (c)(i) [~~a person~~] an individual may not carry from the licensed premises of a retail
1225 licensee a sealed container of liquor that has been purchased from the retail
1226 licensee; and
- 1227 (ii) a retail licensee may not permit a patron to carry from the licensed premises of
1228 the retail licensee a sealed container of liquor that has been purchased from the
1229 retail licensee.
- 1230 (3)(a) A patron may bring a bottled wine onto the premises of a retail licensee for
1231 on-premise consumption if:
- 1232 (i) permitted by the retail licensee; and
1233 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
- 1234 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
1235 patron shall deliver the bottled wine to a server or other representative of the retail
1236 licensee upon entering the licensed premises.
- 1237 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
1238 wine service for a bottled wine carried onto the licensed premises in accordance with
1239 this Subsection (3) or a bottled wine purchased at the licensed premises.
- 1240 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
1241 of wine purchased at the licensed premises, or brought onto the licensed premises in
1242 accordance with this Subsection (3), only if before removal the bottle is recorked or
1243 recapped.
- 1244 (4) Neither a patron nor a retail licensee violates this section if:
- 1245 (a) the patron is in shared seating; and
1246 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee
1247 whose licensed premises include the shared seating area the patron is in.
- 1248 (5)(a) A patron may carry from a retail licensee's licensed premises a sealed container of
1249 beer that has been purchased from the retail licensee.
- 1250 (b) A retail licensee may permit a patron to carry from the retail licensee's licensed
1251 premises a sealed container of beer that has been purchased from the retail licensee.

1252 (6) A patron may transport beer between the licensed areas of a facility with both an
 1253 on-premise beer retailer license and an on-premise banquet license if the patron
 1254 transports the beer to and from an area of each licensed premises:

1255 (a) if the premises are contiguous; and

1256 (b) where the consumption of beer is permitted.

1257 Section 9. Section **32B-5-308** is amended to read:

1258 **32B-5-308 . Requirements on staff or others on premises -- Employing a minor.**

1259 (1) As used in this section, "straw test" means a technique used by staff of a retail licensee
 1260 to taste liquor to ensure the quality, flavor, and alcohol content of the liquor by:

1261 (a) dipping the straw into the liquor;

1262 (b) removing the straw in a manner that a small amount of liquor remains in the straw;
 1263 and

1264 (c) tasting the small amount of liquor from the straw.

1265 [~~(1)~~] (2) [~~Staff~~] Except as provided in Subsection (5), staff of a retail licensee, while on duty,
 1266 may not:

1267 (a) consume an alcoholic product; or

1268 (b) be intoxicated.

1269 [~~(2)~~] (3)(a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or
 1270 dispense an alcoholic product.

1271 (b) Notwithstanding Subsection [~~(2)~~](a)] (3)(a), unless otherwise prohibited in the
 1272 provisions related to the specific type of retail license, a retail licensee may employ a
 1273 minor who is at least 16 years [~~of age]~~ old to enter the sale at a cash register or other
 1274 sales recording device.

1275 [~~(3)~~] (4) A full-service restaurant licensee, limited-service restaurant licensee, or beer-only
 1276 restaurant licensee may employ a minor who is at least 16 years [~~of age]~~ old to bus
 1277 tables, including containers that contain an alcoholic product.

1278 (5) A staff member of a retail licensee may conduct a straw test if the staff member is not a
 1279 minor.

1280 Section 10. Section **32B-6-403** is amended to read:

1281 **32B-6-403 . Commission's power to issue bar establishment license.**

1282 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an
 1283 alcoholic product on the person's premises as a bar establishment licensee, the person
 1284 shall first obtain a bar establishment license from the commission in accordance with
 1285 this part.

- 1286 (2) The commission may issue a bar establishment license to establish bar establishment
1287 licensed premises at places and in numbers the commission considers proper for the
1288 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on
1289 premises operated by a bar establishment licensee.
- 1290 (3) Subject to Section 32B-1-201:
- 1291 (a) the commission may not issue a total number of bar establishment licenses that at
1292 any time exceeds the sum of:
- 1293 (i) 15; and
- 1294 (ii) the number determined by dividing the population of the state by:
- 1295 (A) before fiscal July 1, 2024, 10,200;
- 1296 (B) in fiscal year 2025, 9,778;
- 1297 (C) in fiscal year 2026, 9,356;
- 1298 (D) in fiscal year 2027, 8,934;
- 1299 (E) in fiscal year 2028, 8,512;
- 1300 (F) in fiscal year 2029, 8,090;
- 1301 (G) in fiscal year 2030, 7,668; and
- 1302 (H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;
- 1303 (b) the commission may issue a seasonal bar establishment license in accordance with
1304 Section 32B-5-206 to a bar licensee;
- 1305 (c) the commission may authorize as many as three bar establishment license locations
1306 within a hotel under one bar establishment license if:
- 1307 (i) the location, design, and construction of the hotel requires more than one bar
1308 license location within the hotel to serve the public convenience;
- 1309 (ii) the hotel has a minimum of 150 guest rooms;
- 1310 (iii) all locations under the bar establishment license are:
- 1311 (A) within the same hotel; and
- 1312 (B) on premises that are managed or operated, and owned or leased, by the bar
1313 establishment licensee;
- 1314 (d) the commission may authorize up to five dispensing locations under one equity
1315 license if the locations under the equity license:
- 1316 ~~[(i) are connected by a private roadway to which the equity licensee, each member of~~
1317 ~~the equity licensee, and each guest has a legal right of access; and]~~
- 1318 ~~[(ii)]~~ (i) are located on premises managed or operated, and owned or leased, by the
1319 equity licensee;

- 1320 (ii) the locations are under the same leadership or management; and
- 1321 (iii) an individual who is a member of at least one location that the equity licensee
- 1322 operates has access to all locations the equity licensee operates;
- 1323 (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a
- 1324 facility shall have a separate bar establishment license for each bar establishment
- 1325 license location where an alcoholic product is sold, offered for sale, or furnished;
- 1326 (f) when a business establishment undergoes a change of ownership, the commission
- 1327 may issue a bar establishment license to the new owner of the business establishment
- 1328 notwithstanding that there is no bar establishment license available under Subsection
- 1329 (3)(a) if:
- 1330 (i) the primary business activity at the business establishment before and after the
- 1331 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic
- 1332 product;
- 1333 (ii) before the change of ownership there are two or more licensed premises on the
- 1334 business establishment that operate under a retail license, with at least one of the
- 1335 retail licenses being a bar establishment license;
- 1336 (iii) subject to Subsection (3)(g) the licensed premises of the bar establishment
- 1337 license issued under this Subsection (3)(f) is at the same location where the bar
- 1338 establishment license licensed premises was located before the change of
- 1339 ownership; and
- 1340 (iv) the person who is the new owner of the business establishment qualifies for the
- 1341 bar establishment license, except for there being no bar establishment license
- 1342 available under Subsection (3)(a); and
- 1343 (g) if a bar establishment licensee of a bar establishment license issued under Subsection
- 1344 (3)(f) requests a change of location, the bar establishment licensee may retain the bar
- 1345 establishment license after the change of location only if on the day on which the bar
- 1346 establishment licensee seeks a change of location a bar establishment license is
- 1347 available under Subsection (3)(a).

1348 Section 11. Section **32B-6-603** is amended to read:

1349 **32B-6-603 . Commission's power to issue on-premise banquet license -- Contracts**
1350 **as host.**

- 1351 (1)(a) Before a person may store, sell, offer for sale, furnish, or allow the consumption
- 1352 of an alcoholic product in connection with the person's banquet and room service
- 1353 activities at one of the following, the person shall first obtain an on-premise banquet

- 1354 license in accordance with this part:
- 1355 (i) a hotel;
- 1356 (ii) a resort facility;
- 1357 (iii) a sports center;
- 1358 (iv) a convention center;
- 1359 (v) a performing arts facility;
- 1360 (vi) an arena;~~[-or]~~
- 1361 (vii) a restaurant venue[-] ; or
- 1362 (viii) an amphitheater.
- 1363 (b) This part does not prohibit an alcoholic product on the premises of a person listed in
- 1364 Subsection (1)(a) to the extent otherwise permitted by this title.
- 1365 (c) This section does not prohibit a person who applies for an on-premise banquet
- 1366 license to also apply for a package agency if otherwise qualified.
- 1367 (2) The commission may issue an on-premise banquet license to establish on-premise
- 1368 banquet licensees in the numbers the commission considers proper for the storage, sale,
- 1369 offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as
- 1370 part of room service activities operated by an on-premise banquet licensee.
- 1371 (3) Subject to Section 32B-1-201, the commission:
- 1372 (a) may not issue a total number of restaurant venue on-premise banquet licenses that at
- 1373 any time exceeds 25; and
- 1374 (b) may not issue a total number of on-premise banquet licenses that at any time exceeds
- 1375 the number determined by dividing the population of the state by 28,765.
- 1376 (4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:
- 1377 (a) the host of the banquet may request an on-premise banquet licensee to provide an
- 1378 alcoholic product served at the banquet; and
- 1379 (b) an on-premise banquet licensee may provide an alcoholic product served at the
- 1380 banquet.
- 1381 (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
- 1382 (a) without charge to a patron at a banquet, except that the host of the banquet shall pay
- 1383 for an alcoholic product furnished at the banquet; or
- 1384 (b) with a charge to a patron at the banquet.
- 1385 (6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of the
- 1386 person's total annual banquet gross receipts from the sale of food, which does not
- 1387 include:

1388 (a) mix for an alcoholic product; or

1389 (b) a charge in connection with the furnishing of an alcoholic product.

1390 Section 12. Section **32B-6-604** is amended to read:

1391 **32B-6-604 . Specific licensing requirements for an on-premise banquet license.**

1392 (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2,
1393 Retail Licensing Process.

1394 (2)(a) An on-premise banquet license expires on October 31 of each year.

1395 (b) To renew a person's on-premise banquet license, a person shall comply with the
1396 requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1397 September 30.

1398 (3)(a) The nonrefundable application fee for an on-premise banquet license is \$300.

1399 (b)(i) The initial license fee for an on-premise banquet license is \$750.

1400 (ii) The department shall prorate the \$750 initial license fee for the period that begins
1401 the day on which the initial license fee is paid and ends the day on which the
1402 on-premise banquet license expires.

1403 (c) The renewal fee for an on-premise banquet license is \$750.

1404 (4) The bond amount required for an on-premise banquet license is the penal sum of
1405 \$10,000.

1406 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or
1407 political subdivision of the state it is not required to:

1408 (a) pay an application fee, initial license fee, or renewal fee;

1409 (b) obtain the written consent of the local authority;

1410 (c) submit a copy of the applicant's current business license; or

1411 (d) post a bond as specified by Section 32B-5-204.

1412 (6) Notwithstanding Subsection 32B-5-303(3), the department may approve [~~an additional~~
1413 ~~location~~] one or more additional locations in accordance with Subsection (7), in or on the
1414 licensed premises of an on-premise banquet licensee from which the on-premise banquet
1415 licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic
1416 product that is not included in its original application only:

1417 (a) upon proper application by an on-premise banquet licensee; and

1418 (b) in accordance with guidelines approved by the commission.

1419 (7) The department may approve one or more additional locations under Subsection (6),

1420 whether or not the locations are contiguous to one another or to the location included in

1421 the original application for the on-premise banquet licensee.

1422 Section 13. Section **32B-6-605** is amended to read:

1423 **32B-6-605 . Specific operational requirements for on-premise banquet license.**

1424 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1425 Requirements, an on-premise banquet licensee and staff of the on-premise banquet
1426 licensee shall comply with this section.

1427 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1428 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1429 (i) an on-premise banquet licensee;

1430 (ii) individual staff of an on-premise banquet licensee; or

1431 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

1432 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5)
1433 for the entire premises of the hotel, resort facility, sports center, convention center,
1434 performing arts facility, arena, ~~[or]~~restaurant venue, or ampitheater that is the basis for
1435 the on-premise banquet license.

1436 (3)(a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
1437 shall provide the department with advance notice of a scheduled banquet in
1438 accordance with rules made by the commission.

1439 (b) Any of the following may conduct a random inspection of a banquet:

1440 (i) an authorized representative of the commission or the department; or

1441 (ii) a law enforcement officer.

1442 (4)(a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but
1443 shall make and maintain the records described in Subsection 32B-5-302(2) and the
1444 records the commission or department requires.

1445 (b) Section 32B-1-205 applies to a record required to be made or maintained in
1446 accordance with this Subsection (4).

1447 (5)(a) Except as otherwise provided in this title, an on-premise banquet licensee may
1448 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption
1449 at the location of the banquet.

1450 (b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:

1451 (i) a person at a banquet other than the on-premise banquet licensee or staff of the
1452 on-premise banquet licensee, may not remove an alcoholic product from the
1453 premises of the banquet; and

1454 (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises
1455 of the banquet.

- 1456 (6)(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the
1457 banquet following the conclusion of the banquet.
- 1458 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:
- 1459 (i) destroy an opened and unused alcoholic product that is not saleable, under
1460 conditions established by the department; and
- 1461 (ii) return to the on-premise banquet licensee's approved locked storage area any:
- 1462 (A) opened and unused alcoholic product that is saleable; and
- 1463 (B) unopened container of an alcoholic product.
- 1464 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of
1465 an alcoholic product not sold or consumed at a banquet, an on-premise banquet
1466 licensee:
- 1467 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
1468 locked storage area; and
- 1469 (ii) may use the alcoholic product at more than one banquet.
- 1470 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a
1471 minor to sell, furnish, or dispense an alcoholic product in connection with the
1472 on-premise banquet licensee's banquet and room service activities.
- 1473 (8) An on-premise banquet licensee:
- 1474 (a) may provide room service in portions described in Section 32B-5-304;
- 1475 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
1476 connection with room service any day during a period that:
- 1477 (i) begins at 1 a.m.; and
- 1478 (ii) ends at 9:59 a.m.; and
- 1479 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
1480 product free of charge per guest reservation, per guest room, if the alcoholic product:
- 1481 (i) is not a spirituous liquor; and
- 1482 (ii) is in an unopened container not to exceed 750 milliliters.
- 1483 (9)(a) Subject to the other provisions of this Subsection (9), a patron may not have more
1484 than two alcoholic products of any kind at a time before the patron.
- 1485 (b) A patron may not have more than one spirituous liquor drink at a time before the
1486 patron.
- 1487 (c) An individual portion of wine is considered to be one alcoholic product under
1488 Subsection (9)(a).
- 1489 (10)(a) An on-premise banquet licensee shall supervise and direct a person involved in

- 1490 the sale, offer for sale, or furnishing of an alcoholic product.
- 1491 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
- 1492 shall complete an alcohol training and education seminar.
- 1493 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
- 1494 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
- 1495 banquet.
- 1496 (12)(a) Room service of an alcoholic product to a guest room or privately owned
- 1497 dwelling unit of a hotel or resort facility shall be provided in person by staff of an
- 1498 on-premise banquet licensee only to an adult guest in the guest room or privately
- 1499 owned dwelling unit.
- 1500 (b) An alcoholic product may not be left outside a guest room or privately owned
- 1501 dwelling unit for retrieval by a guest or resident.
- 1502 (13) An on-premise banquet licensee may not maintain a minibar.
- 1503 Section 14. Section **32B-6-702** is amended to read:
- 1504 **32B-6-702 . Definitions.**
- 1505 As used in this part:
- 1506 (1) "Commission-approved activity" means a leisure activity that:
- 1507 (a) the commission approves by rule made in accordance with Title 63G, Chapter 3,
- 1508 Utah Administrative Rulemaking Act; and
- 1509 (b) does not involve the use of a dangerous weapon.
- 1510 (2)(a) "Recreational amenity" means:
- 1511 (i) a billiard parlor;
- 1512 (ii) a pool parlor;
- 1513 (iii) a bowling facility;
- 1514 (iv) a golf course;
- 1515 (v) miniature golf;
- 1516 (vi) a golf driving range;
- 1517 (vii) a tennis club;
- 1518 (viii) a sports facility that hosts professional sporting events and has a seating
- 1519 capacity equal to or greater than [~~5,000~~] 2,500;
- 1520 (ix) a concert venue that has a seating capacity equal to or greater than [~~5,000~~] 2,500;
- 1521 (x) one of the following if owned by a government agency:
- 1522 (A) a convention center;
- 1523 (B) a fair facility;

- 1524 (C) an equestrian park;
- 1525 (D) a theater; or
- 1526 (E) a concert venue;
- 1527 (xi) an amusement park:
- 1528 (A) with one or more permanent amusement rides; and
- 1529 (B) located on at least 50 acres;
- 1530 (xii) a ski resort;
- 1531 (xiii) a venue for live entertainment if the venue:
- 1532 (A) is not regularly open for more than five hours on any day;
- 1533 (B) is operated so that food is available whenever beer is sold, offered for sale, or
- 1534 furnished at the venue; and
- 1535 (C) is operated so that no more than 15% of its total annual receipts are from the
- 1536 sale of beer;
- 1537 (xiv) concessions operated within the boundary of a park administered by the:
- 1538 (A) Division of State Parks; or
- 1539 (B) National Parks Service;
- 1540 (xv) a facility or venue that is a recreational amenity for a person licensed under this
- 1541 part before May 12, 2020;
- 1542 (xvi) a venue for karaoke; or
- 1543 (xvii) an enterprise developed around a commission-approved activity.
- 1544 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if
- 1545 the item is tangential to an enterprise or activity that is not included in Subsection
- 1546 (2)(a).

1547 Section 15. Section **32B-7-202** is amended to read:

1548 **32B-7-202 . General operational requirements for off-premise beer retailer.**

- 1549 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
- 1550 with the provisions of this title and any applicable rules made by the commission.
- 1551 (b) Failure to comply with this section may result in a suspension or revocation of a
- 1552 local license and, on or after July 1, 2018, disciplinary action in accordance with
- 1553 Chapter 3, Disciplinary Actions and Enforcement Act.
- 1554 (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
- 1555 purpose of resale, or sell beer, except beer that the off-premise beer retailer
- 1556 lawfully purchases from:
- 1557 (A) a beer wholesaler licensee; or

- 1558 (B) a small brewer that manufactures the beer.
- 1559 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
- 1560 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
1561 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
1562 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
1563 in the geographical area in which the off-premise beer retailer is located, unless an
1564 alternate wholesaler is authorized by the department to sell to the off-premise beer
1565 retailer as provided in Section 32B-13-301.
- 1566 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.
- 1567 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
1568 container larger than two liters.
- 1569 (4)(a) Staff of an off-premise beer retailer, while on duty, may not:
- 1570 (i) consume an alcoholic product; or
1571 (ii) be intoxicated.
- 1572 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
1573 unless:
- 1574 (i) the sale is done under the supervision of a person 21 years old or older who is on
1575 the licensed premises; and
1576 (ii) the minor is at least 16 years old.
- 1577 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product
1578 to:
- 1579 (a) a minor;
1580 (b) a person actually, apparently, or obviously intoxicated;
1581 (c) a known interdicted person; or
1582 (d) a known habitual drunkard.
- 1583 (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer
1584 shall:
- 1585 (i) display all beer accessible by and visible to a patron in no more than two locations
1586 on the retail sales floor, each of which is:
- 1587 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
1588 beverage displayed; and
1589 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
1590 cooler with a door from which the nonalcoholic beverages are not accessible,
1591 or the beer is separated from the display of nonalcoholic beverages by a display

- 1592 of one or more nonbeverage products or another physical divider; and
- 1593 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 1594 (A) is prominent;
- 1595 (B) is easily readable by a consumer;
- 1596 (C) meets the requirements for format established by the commission by rule; and
- 1597 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
- 1598 contain alcohol. Please read the label carefully."
- 1599 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
- 1600 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 1601 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
- 1602 labeled, packaged, or advertised as:
- 1603 (i) a malt cooler; or
- 1604 (ii) a beverage that may provide energy.
- 1605 (d) A violation of this Subsection (6) is an infraction.
- 1606 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 1607 (6)(a)(i) apply on and after May 9, 2017.
- 1608 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 1609 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 1610 (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
- 1611 who sells beer to a patron for consumption off the premises of the off-premise beer
- 1612 retailer shall wear a unique identification badge:
- 1613 (i) on the front of the staff's clothing;
- 1614 (ii) visible above the waist;
- 1615 (iii) bearing the staff's:
- 1616 (A) first or last name;
- 1617 (B) initials; or
- 1618 (C) unique identification in letters or numbers; and
- 1619 (iv) with the number or letters on the unique identification badge being sufficiently
- 1620 large to be clearly visible and identifiable while engaging in or directly
- 1621 supervising the retail sale of beer.
- 1622 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 1623 unique identification badge assigned by the off-premise beer retailer that includes the
- 1624 staff's:
- 1625 (i) full name;

- 1626 (ii) address; and
- 1627 (iii)(A) driver license number; or
- 1628 (B) similar identification number.
- 1629 (c) An off-premise beer retailer shall make available a record required to be made or
- 1630 maintained under this Subsection (7) for immediate inspection by:
- 1631 (i) a peace officer;
- 1632 (ii) a representative of the local authority that issues the off-premise beer retailer
- 1633 license; or
- 1634 (iii) for an off-premise beer retailer state license, a representative of the commission
- 1635 or department.
- 1636 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 1637 retailer that does not comply or require its staff to comply with this Subsection (7).
- 1638 ~~[(8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer through a~~
- 1639 ~~drive-through window.]~~
- 1640 ~~[(b) Subsection (8)(a) does not modify the display limitations and requirements~~
- 1641 ~~described in Subsection (6).]~~
- 1642 (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 1643 (i) at a drive-through window;
- 1644 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
- 1645 off-premise beer retailer's licensed premises; or
- 1646 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 1647 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
- 1648 Subsection (8)(a)(iii) is:
- 1649 (A) located on property that the off-premise beer retailer owns or has a legal right
- 1650 to occupy;
- 1651 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
- 1652 and
- 1653 (C) labeled in a conspicuous manner that communicates the purpose described in
- 1654 Subsection (8)(b)(ii).
- 1655 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
- 1656 designated parking stall described in Subsection (8)(a)(iii) unless:
- 1657 (A) the off-premise beer retailer ensures that the individual purchasing the beer
- 1658 purchases the beer before parking in the designated parking stall;
- 1659 (B) the off-premise beer retailer delivers the beer directly from the off-premise

- 1660 beer retailer's licensed premises to the designated parking stall;
- 1661 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
- 1662 purchaser's age in accordance with Section 32B-1-407; and
- 1663 (D) the off-premise beer retailer maintains video surveillance of the designated
- 1664 parking stall.
- 1665 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 1666 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
- 1667 accordance with this Subsection (8) shall comply with the training requirements
- 1668 described in Section 32B-1-703.
- 1669 (9) An off-premise beer retailer may not on the licensed premises:
- 1670 (a) engage in or permit any form of:
- 1671 (i) gambling, as defined in Section 76-10-1101; or
- 1672 (ii) fringe gambling, as defined in Section 76-10-1101;
- 1673 (b) have any fringe gaming device, video gaming device, or gambling device or record
- 1674 as defined in Section 76-10-1101; or
- 1675 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
- 1676 the risking of something of value for a return or for an outcome when the return or
- 1677 outcome is based upon an element of chance, excluding the playing of an amusement
- 1678 device that confers only an immediate and unrecorded right of replay not
- 1679 exchangeable for value.
- 1680 (10) An off-premise beer retailer may not knowingly allow a person on the licensed
- 1681 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
- 1682 Chapter 37a, Utah Drug Paraphernalia Act:
- 1683 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
- 1684 or
- 1685 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
- 1686 Section 58-37a-3.
- 1687 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
- 1688 intended to be frozen and consumed in a manner other than as a beverage, including beer
- 1689 in the form of a freeze pop, popsicle, ice cream, or sorbet.
- 1690 Section 16. Section **32B-9-203** is amended to read:
- 1691 **32B-9-203 . Bond for event permit.**
- 1692 (1)(a) A person applying for an event permit shall post a [cash bond or] surety bond:
- 1693 (i) in the amount specified in [the relevant part under] this chapter for the type of

- 1694 event permit for which the person is applying; and
1695 (ii) payable to the department.
- 1696 (b) An event permittee shall procure and maintain a bond required under this section for
1697 as long as the event permit is in effect.
- 1698 (2) A bond posted by an event permittee under this section shall be:
1699 (a) in a form approved by the attorney general; and
1700 (b) conditioned upon the event permittee's faithful compliance with this title and the
1701 rules of the commission.
- 1702 (3) No part of a bond posted by an event permittee under this section may be withdrawn
1703 during the period the event permit is in effect.
- 1704 (4)(a) A bond posted by an event permittee under this section may be forfeited if the
1705 event permit is revoked.
- 1706 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond
1707 posted by an event permittee for money owed the department under this title without
1708 the commission first revoking the event permit.

1709 **Section 17. Effective Date.**

1710 This bill takes effect on May 7, 2025.