

**SB0328S02**

~~{Omitted text}~~ shows text that was in SB0328S02 but was omitted in SB0328S05

inserted text shows text that was not in SB0328S02 but was inserted into SB0328S05

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## Alcohol Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor:

# 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  
in proximity to a public park under certain conditions;
- ▶ clarifies the {~~Alcohol~~} Alcoholic Beverage Services Commission's authority when granting or  
renewing 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  
beer by using the "straw test";

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19       ▸ removes the requirement that dispensing locations under an equity license be connected by  
20       a private roadway;

21       ▸ provides that an equity license applies to all locations owned by an equity licensee;

22       ▸ provides that an amphitheater qualifies for a banquet license;

15       ▸ provides that the Department of Alcoholic Beverage Services may approve multiple locations in  
or on the licensed premises of an on-premise banquet licensee;

25       ▸ lowers the seating capacity threshold for a sport facility or concert venue for purposes of  
receiving an on-premises beer retailer license;

17       ▸ provides the circumstances under which an off-premise beer retailer may sell beer at a loading  
area or a designated parking stall;

19       ▸ requires that a person applying for an event permit post a surety bond; and

20       ▸ makes technical changes.

### 31 Money Appropriated in this Bill:

32       None

### 33 Other Special Clauses:

34       None

### 36 AMENDS:

37       **32B-1-102** , as last amended by Laws of Utah 2024, Chapters 438, 464 , as last amended by  
Laws of Utah 2024, Chapters 438, 464

38       **32B-1-202** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of  
Utah 2024, Chapter 94

39       **32B-1-603.5** , as enacted by Laws of Utah 2023, Chapter 371 , as enacted by Laws of Utah  
2023, Chapter 371

40       **32B-1-607** , as last amended by Laws of Utah 2021, Chapter 291 , as last amended by Laws  
of Utah 2021, Chapter 291

41       **32B-5-201** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah  
2024, Chapter 94

42       **32B-5-304** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah  
2024, Chapter 94

43       **32B-5-307** , as last amended by Laws of Utah 2022, Chapter 447 , as last amended by Laws  
of Utah 2022, Chapter 447

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44 **32B-5-308** , as last amended by Laws of Utah 2019, Chapter 403 , as last amended by Laws of Utah  
2019, Chapter 403

45 **32B-6-403** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of  
Utah 2024, Chapter 94

46 **32B-6-603** , as last amended by Laws of Utah 2023, Chapter 371 , as last amended by Laws  
of Utah 2023, Chapter 371

47 **32B-6-604** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah  
2024, Chapter 94

48 **32B-6-605** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of  
Utah 2024, Chapter 94

49 **32B-6-702** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of  
Utah 2024, Chapter 94

50 **32B-7-202** , as last amended by Laws of Utah 2024, Chapter 94 , as last amended by Laws of Utah  
2024, Chapter 94

51 **32B-9-203** , as enacted by Laws of Utah 2010, Chapter 276 , as enacted by Laws of Utah 2010,  
Chapter 276

52  
53 *Be it enacted by the Legislature of the state of Utah:*

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

55 **32B-1-102. Definitions.**

As used in this title:

- 57 (1) "Airport lounge" means a business location:  
58 (a) at which an alcoholic product is sold at retail for consumption on the premises; and  
59 (b) that is located at an international airport or domestic airport.  
60 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act,  
and Chapter 6, Part 5, Airport Lounge License.  
62 (3) "Alcoholic beverage" means the following:  
63 (a) beer; or  
64 (b) liquor.  
65 (4)  
(a) "Alcoholic product" means a product that:

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

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- 97 (iii) a person who has authority to direct or exercise control over the management or policy of each  
person who owns or manages a space in the enclosed building;
- 99 (b) that operates as a venue; and
- 100 (c) that has an occupancy capacity of at least 12,500.
- 101 ~~[(7)]~~ (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License Act, and  
Chapter 8c, Arena License Act.
- 103 ~~[(8)]~~ (9) "Banquet" means an event:
- 104 (a) that is a private event or a privately sponsored event;
- 105 (b) that is held at one or more designated locations approved by the commission in or on the premises  
of:
- 107 (i) a hotel;
- 108 (ii) a resort facility;
- 109 (iii) a sports center;
- 110 (iv) a convention center;
- 111 (v) a performing arts facility;
- 112 (vi) an arena;~~[-or]~~
- 113 (vii) a restaurant venue; or
- 114 (viii) an amphitheater;
- 115 (c) for which there is a contract:
- 116 (i) between a person operating a facility listed in Subsection ~~[(8)(b)]~~ (9)(b) and another person that has  
common ownership of less than 20% with the person operating the facility; and
- 119 (ii) under which the person operating a facility listed in Subsection ~~[(8)(b)]~~ (9)(b) is required to provide  
an alcoholic product at the event; and
- 121 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 122 ~~[(9)]~~ (10)
- (a) "Bar establishment license" means a license issued in accordance with Chapter 5, Retail License  
Act, and Chapter 6, Part 4, Bar Establishment License.
- 124 (b) "Bar establishment license" includes:
- 125 (i) a dining club license;
- 126 (ii) an equity license;
- 127 (iii) a fraternal license; or

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- 128 (iv) a bar license.
- 129 ~~[(10)]~~ (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act, and  
Chapter 6, Part 4, Bar Establishment License.
- 131 ~~[(11)]~~ (12)
- (a) "Beer" means a product that:
- 132 (i) contains:
- 133 (A) at least .5% of alcohol by volume; and
- 134 (B) no more than 5% of alcohol by volume or 4% by weight;
- 135 (ii) is obtained by fermentation, infusion, or decoction of:
- 136 (A) malt; or
- 137 (B) a malt substitute; and
- 138 (iii) is clearly marketed, labeled, and identified as:
- 139 (A) beer;
- 140 (B) ale;
- 141 (C) porter;
- 142 (D) stout;
- 143 (E) lager;
- 144 (F) a malt;
- 145 (G) a malted beverage; or
- 146 (H) seltzer.
- 147 (b) "Beer" may contain:
- 148 (i) hops extract;
- 149 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 150 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 151 (A) is used in the production of beer;
- 152 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade Bureau after the  
formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 154 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 155 (c) "Beer" does not include:
- 156 (i) a flavored malt beverage;
- 157 (ii) a product that contains alcohol derived from:

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- (A) except as provided in Subsection ~~[(11)(b)(iii)]~~ (12)(b)(iii), spirituous liquor; or
- (B) wine; or
- (iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- ~~[(12)]~~ (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- ~~[(13)]~~ (14) "Beer retailer" means a business that:
- (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the business premises; and
- (b) is licensed as:
- (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local Authority; or
- (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License.
- ~~[(14)]~~ (15) "Beer wholesaling license" means a license:
- (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail licensees or off-premise beer retailers.
- ~~[(15)]~~ (16) "Billboard" means a public display used to advertise, including:
- (a) a light device;
- (b) a painting;
- (c) a drawing;
- (d) a poster;
- (e) a sign;
- (f) a signboard; or
- (g) a scoreboard.
- ~~[(16)]~~ (17) "Brewer" means a person engaged in manufacturing:
- (a) beer;
- (b) heavy beer; or
- (c) a flavored malt beverage.

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190 [(17)] (18) "Brewery manufacturing license" means a license issued in accordance with Chapter 11, Part  
191 5, Brewery Manufacturing License.

192 [(18)] (19) "Certificate of approval" means a certificate of approval obtained from the department under  
193 Section 32B-11-201.

194 [(19)] (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a bus  
195 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 motor vehicle,  
199 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 Section  
206 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 location, a person who  
217 appears to the commission to have been given on behalf of the community location the authority to  
218 prohibit an activity at the community location.

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

(a) a bottle;



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

222 ~~[(26)]~~ (27) "Controlled group of manufacturers" means as the commission defines by rule made in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

224 ~~[(27)]~~ (28) "Convention center" means a facility that is:  
225 (a) in total at least 30,000 square feet; and  
226 (b) otherwise defined as a "convention center" by the commission by rule.

227 ~~[(28)]~~ (29)  
(a) "Counter" means a surface or structure in a dining area of a licensed premises where seating is  
provided to a patron for service of food.  
229 (b) "Counter" does not include a dispensing structure.

230 ~~[(29)]~~ (30) "Crime involving moral turpitude" is as defined by the commission by rule.

231 ~~[(30)]~~ (31) "Department" means the Department of Alcoholic Beverage Services created in Section  
32B-2-203.

233 ~~[(31)]~~ (32) "Department compliance officer" means an individual who is:  
234 (a) an auditor or inspector; and  
235 (b) employed by the department.

236 ~~[(32)]~~ (33) "Department sample" means liquor that is placed in the possession of the department for  
testing, analysis, and sampling.

238 ~~[(33)]~~ (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail License  
Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a  
dining club license.

241 ~~[(34)]~~ (35) "Director," unless the context requires otherwise, means the director of the department.

243 ~~[(35)]~~ (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:  
245 (a) against a person subject to administrative action; and  
246 (b) that is brought on the basis of a violation of this title.

247 ~~[(36)]~~ (37)  
(a) Subject to Subsection ~~[(36)(b)]~~ (37)(b), "dispense" means:  
248 (i) drawing an alcoholic product; and  
249 (ii) using the alcoholic product at the location from which it was drawn to mix or prepare an  
alcoholic product to be furnished to a patron of the retail licensee.

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- 251 (b) The definition of "dispense" in this Subsection ~~[(36)]~~ (37) applies only to:
- 252 (i) a full-service restaurant license;
- 253 (ii) a limited-service restaurant license;
- 254 (iii) a reception center license;
- 255 (iv) a beer-only restaurant license;
- 256 (v) a bar license;
- 257 (vi) an on-premise beer retailer;
- 258 (vii) an airport lounge license;
- 259 (viii) an on-premise banquet license; and
- 260 (ix) a hospitality amenity license.
- 261 ~~[(37)]~~ (38) "Dispensing structure" means a surface or structure on a licensed premises:
- 262 (a) where an alcoholic product is dispensed; or
- 263 (b) from which an alcoholic product is served.
- 264 ~~[(38)]~~ (39) "Distillery manufacturing license" means a license issued in accordance with Chapter 11,  
Part 4, Distillery Manufacturing License.
- 266 ~~[(39)]~~ (40) "Distressed merchandise" means an alcoholic product in the possession of the department  
that is saleable, but for some reason is unappealing to the public.
- 268 ~~[(40)]~~ (41) "Domestic airport" means an airport that:
- 269 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 270 (b) receives scheduled commercial passenger aircraft service; and
- 271 (c) is not an international airport.
- 272 ~~[(41)]~~ (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act,  
and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity  
license.
- 275 ~~[(42)]~~ (43) "Event permit" means:
- 276 (a) a single event permit; or
- 277 (b) a temporary beer event permit.
- 278 ~~[(43)]~~ (44) "Exempt license" means a license exempt under Section 32B-1-201 from being considered  
in determining the total number of retail licenses that the commission may issue at any time.
- 281 ~~[(44)]~~ (45)
- (a) "Flavored malt beverage" means a beverage:

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- 282 (i) that contains at least .5% alcohol by volume;
- 283 (ii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt liquor; and
- 288 (iii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage includes an ingredient containing alcohol.
- 291 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the beverage.
- 294 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 295 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 296 ~~[(45)]~~ (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a fraternal license.
- 299 ~~[(46)]~~ (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 301 ~~[(47)]~~ (48)
- (a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product, by sale or otherwise.
- 303 (b) "Furnish" includes to:
- 304 (i) serve;
- 305 (ii) deliver; or
- 306 (iii) otherwise make available.
- 307 ~~[(48)]~~ (49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 309 ~~[(49)]~~ (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 310 ~~[(50)]~~ (51) "Health care practitioner" means:
- 311 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 312 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 313 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 314 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;

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- 316 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice  
Act;
- 318 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy Practice Act;
- 320 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;
- 322 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 323 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health Professional Practice  
Act;
- 325 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 326 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 328 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental Hygienist  
Practice Act; and
- 330 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 332 [~~(51)~~] (52)
- (a) "Heavy beer" means a product that:
- 333 (i)
- (A) contains more than 5% alcohol by volume;
- 334 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by  
weight, and a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes  
more than 10% of the overall alcohol content of the product; or
- 338 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by  
weight, and has a label or packaging that is rejected under Subsection 32B-1-606(3)(b); and
- 341 (ii) is obtained by fermentation, infusion, or decoction of:
- 342 (A) malt; or
- 343 (B) a malt substitute.
- 344 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume, contain a propylene  
glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol  
content of the heavy beer.
- 347 (c) "Heavy beer" does not include:
- 348 (i) a flavored malt beverage;
- 349 (ii) a product that contains alcohol derived from:
- 350

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(A) except as provided in Subsections [~~(51)(a)(i)(B)~~] (52)(a)(i)(B) and [~~(51)(b)~~] (52)(b), spirituous liquor; or

(B) wine; or

(iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.

(d) "Heavy beer" is considered liquor for the purposes of this title.

[~~(52)~~] (53) "Hospitality amenity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

[~~(53)~~] (54)

(a) "Hotel" means a commercial lodging establishment that:

(i) offers at least 40 rooms as temporary sleeping accommodations for compensation;

(ii) is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract; and

(iii)

(A) has adequate kitchen or culinary facilities on the premises to provide complete meals;

(B) has at least 1,000 square feet of function space consisting of meeting or dining rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or

(C) if the establishment is located in a small or unincorporated locality, has an appropriate amount of function space consisting of meeting or dining rooms that can be reserved for private use under a banquet contract, as determined by the commission.

(b) "Hotel" includes a commercial lodging establishment that:

(i) meets the requirements under Subsection [~~(53)(a)~~] (54)(a); and

(ii) has one or more privately owned dwelling units.

[~~(54)~~] (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8b, Hotel License Act.

[~~(55)~~] (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act.

[~~(56)~~] (57) "Industry representative" means an individual who is compensated by salary, commission, or other means for representing and selling an alcoholic product of a manufacturer, supplier, or importer of liquor.

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[~~(57)~~] (58) "Industry representative sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling by a local industry representative on the premises of the department to educate the local industry representative of the quality and characteristics of the product.

[~~(58)~~] (59) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing of an alcoholic product is prohibited by:

- (a) law; or
- (b) court order.

[~~(59)~~] (60) "International airport" means an airport:

- (a) with a United States Customs and Border Protection office on the premises of the airport; and
- (b) at which international flights may enter and depart.

[~~(60)~~] (61) "Intoxicated" or "intoxication" means that

an individual exhibits plain and easily observable outward manifestations of behavior or physical signs produced by or as a result of the use of:

- (a) an alcoholic product;
- (b) a controlled substance;
- (c) a substance having the property of releasing toxic vapors; or
- (d) a combination of products or substances described in Subsections [~~(60)~~](a) (61)(a) through (c).

[~~(61)~~] (62) "Investigator" means an individual who is:

- (a) a department compliance officer; or
- (b) a nondepartment enforcement officer.

[~~(62)~~] (63) "License" means:

- (a) a retail license;
- (b) a sublicense;
- (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License;
- (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses Act;
- (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

[~~(63)~~] (64) "Licensee" means a person who holds a license.

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419 ~~[(64)]~~ (65) "Limited-service restaurant license" means a license issued in accordance with Chapter 5,  
Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

421 ~~[(65)]~~ (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other than a  
bus or taxicab:

423 (a) in which the driver and a passenger are separated by a partition, glass, or other barrier;

425 (b) that is provided by a business entity to one or more individuals at a fixed charge in accordance with  
the business entity's tariff; and

427 (c) to give the one or more individuals the exclusive use of the limousine and a driver to 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 fermented; or

433 (IV) other drink or drinkable liquid; and

434 (B)

(I) contains at least .5% alcohol by volume; and

435 (II) is suitable to use for beverage purposes.

436 (ii) "Liquor" includes:

437 (A) heavy beer;

438 (B) wine; and

439 (C) a flavored malt beverage.

440 (b) "Liquor" does not include beer.

441 ~~[(67)]~~ (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.

442 ~~[(68)]~~ (69) "Liquor transport license" means a license issued in accordance with Chapter 17, Liquor  
Transport License Act.

444 ~~[(69)]~~ (70) "Liquor warehousing license" means a license that is issued:

445 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

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(b) to a person, other than a licensed manufacturer, who engages in the importation for storage, sale, or distribution of liquor regardless of amount.

448 [(70)] (71) "Local authority" means:

449 (a) for premises that are located in an unincorporated area of a county, the governing body of a county;

451 (b) for premises that are located in an incorporated city or town, the governing body of the city or town;  
or

453 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in a project  
area plan adopted by the Military Installation Development Authority under Title 63H, Chapter 1,  
Military Installation Development Authority Act, the Military Installation Development Authority.

457 [(71)] (72) "Lounge or bar area" is as defined by rule made by the commission.

458 [(72)] (73) "Malt substitute" means:

459 (a) rice;

460 (b) grain;

461 (c) bran;

462 (d) glucose;

463 (e) sugar; or

464 (f) molasses.

465 [(73)] (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or  
otherwise make an alcoholic product for personal use or for sale or distribution to others.

468 [(74)] (75) "Member" means an individual who, after paying regular dues, has full privileges in an  
equity licensee or fraternal licensee.

470 [(75)] (76)

(a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility  
for a ship:

472 (i)

(A) under the control of the United States Department of Defense; or

473 (B) of the National Guard;

474 (ii) that is located within the state; and

475 (iii) including a leased facility.

476 (b) "Military installation" does not include a facility used primarily for:

477 (i) civil works;



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478 (ii) a rivers and harbors project; or  
479 (iii) a flood control project.

480 ~~[(76)]~~ (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products are  
kept and offered for self-service sale or consumption.

482 ~~[(77)]~~ (78) "Minor" means an individual under 21 years old.

483 ~~[(78)]~~ (79) "Nondepartment enforcement agency" means an agency that:

484 (a)  
(i) is a state agency other than the department; or  
485 (ii) is an agency of a county, city, or town; and  
486 (b) has a responsibility to enforce one or more provisions of this title.

487 ~~[(79)]~~ (80) "Nondepartment enforcement officer" means an individual who is:

488 (a) a peace officer, examiner, or investigator; and  
489 (b) employed by a nondepartment enforcement agency.

490 ~~[(80)]~~ (81)  
(a) "Off-premise beer retailer" means a beer retailer who is:

491 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and  
492 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's premises.

494 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

495 ~~[(81)]~~ (82) "Off-premise beer retailer state license" means a state license issued in accordance with  
Chapter 7, Part 4, Off-premise Beer Retailer State License.

497 ~~[(82)]~~ (83) "On-premise banquet license" means a license issued in accordance with Chapter 5, Retail  
License Act, and Chapter 6, Part 6, On-Premise Banquet License.

499 ~~[(83)]~~ (84) "On-premise beer retailer" means a beer retailer who is:

500 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance with Chapter 5,  
Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and  
503 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's premises:

505 (i) regardless of whether the beer retailer sells beer for consumption off the licensed premises; and  
507 (ii) on and after March 1, 2012, operating:

508 (A) as a tavern; or  
509 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).

510 ~~[(84)]~~ (85) "Opaque" means impenetrable to sight.

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- 511     ~~[(85)]~~ (86) "Package agency" means a retail liquor location operated:
- 512     (a) under an agreement with the department; and
- 513     (b) by a person:
- 514         (i) other than the state; and
- 515         (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package Agency, to sell  
packaged liquor for consumption off the premises of the package agency.
- 518     ~~[(86)]~~ (87) "Package agent" means a person who holds a package agency.
- 519     ~~[(87)]~~ (88) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale,  
or furnished, or who consumes an alcoholic product including:
- 521         (a) a customer;
- 522         (b) a member;
- 523         (c) a guest;
- 524         (d) an attendee of a banquet or event;
- 525         (e) an individual who receives room service;
- 526         (f) a resident of a resort; or
- 527         (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity license.
- 529     ~~[(88)]~~ (89)
- 530         (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, music, and  
theater;
- 532             (ii) contains over 2,500 seats;
- 533             (iii) is owned and operated by a governmental entity; and
- 534             (iv) is located in a city of the first class.
- 535         (b) "Performing arts facility" does not include a space that is used to present sporting events or sporting  
competitions.
- 537     ~~[(89)]~~ (90) "Permittee" means a person issued a permit under:
- 538         (a) Chapter 9, Event Permit Act; or
- 539         (b) Chapter 10, Special Use Permit Act.
- 540     ~~[(90)]~~ (91) "Person subject to administrative action" means:
- 541         (a) a licensee;
- 542         (b) a permittee;

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

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- 575     ~~[(96)]~~ (97) "Privately sponsored event" means a specific social, business, or recreational event:
- 577     (a) that is held in or on the premises of an on-premise banquet licensee; and
- 578     (b) to which entry is restricted by an admission fee.
- 579     ~~[(97)]~~ (98)
- 580     (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 identification is issued;
- 585             (C) includes date of birth; and
- 586             (D) has a picture affixed;
- 587         (iii) a valid driver license certificate that:
- 588             (A) includes date of birth;
- 589             (B) has a picture affixed; and
- 590             (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in accordance with the laws of  
the state in which it is issued, or in accordance with federal law by the United States Department of  
State;
- 593         (iv) a military identification card that:
- 594             (A) includes date of birth; and
- 595             (B) has a picture affixed; or
- 596         (v) a valid passport.
- 597     (b) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.
- 599     ~~[(98)]~~ (99) "Provisions applicable to a sublicense" means:
- 600     (a) for a full-service restaurant sublicense, the provisions applicable to a full-service restaurant license  
under Chapter 6, Part 2, Full-Service Restaurant License;
- 602     (b) for a limited-service restaurant sublicense, the provisions applicable to a limited-service restaurant  
license under Chapter 6, Part 3, Limited-Service Restaurant License;
- 605     (c) for a bar establishment sublicense, the provisions applicable to a bar establishment license under  
Chapter 6, Part 4, Bar Establishment License;
- 607     (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license  
under Chapter 6, Part 6, On-Premise Banquet License;

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- 609 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer  
license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 611 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license  
under Chapter 6, Part 9, Beer-Only Restaurant License;
- 613 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under  
Chapter 6, Part 10, Hospitality Amenity License; and
- 615 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa  
Sublicense.
- 617 ~~[(99)]~~ (100)
- (a) "Public building" means a building or permanent structure that is:
- 618 (i) owned or leased by:
- 619 (A) the state; or
- 620 (B) a local government entity; and
- 621 (ii) used for:
- 622 (A) public education;
- 623 (B) transacting public business; or
- 624 (C) regularly conducting government activities.
- 625 (b) "Public building" does not include a building owned by the state or a local government entity when  
the building is used by a person, in whole or in part, for a proprietary function.
- 628 ~~[(100)]~~ (101) "Public conveyance" means a conveyance that the public or a portion of the public has  
access to and a right to use for transportation, including an airline, railroad, bus, boat, or other public  
conveyance.
- 631 ~~[(101)]~~ (102) "Reception center" means a business that:
- 632 (a) operates facilities that are at least 5,000 square feet; and
- 633 (b) has as its primary purpose the leasing of the facilities described in Subsection ~~[(101)(a)]~~ (102)(a) to  
a third party for the third party's event.
- 635 ~~[(102)]~~ (103) "Reception center license" means a license issued in accordance with Chapter 5, Retail  
License Act, and Chapter 6, Part 8, Reception Center License.
- 637 ~~[(103)]~~ (104)
- (a) "Record" means information that is:
- 638 (i) inscribed on a tangible medium; or

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

640 (b) "Record" includes:

641 (i) a book;

642 (ii) a book of account;

643 (iii) a paper;

644 (iv) a contract;

645 (v) an agreement;

646 (vi) a document; or

647 (vii) a recording in any medium.

648 ~~[(104)]~~ (105) "Residence" means a person's principal place of abode within Utah.

649 ~~[(105)]~~ (106) "Resident," in relation to a resort, means the same as that term is defined in Section 32B-8-102.

651 ~~[(106)]~~ (107) "Resort" means the same as that term is defined in Section 32B-8-102.

652 ~~[(107)]~~ (108) "Resort facility" is as defined by the commission by rule.

653 ~~[(108)]~~ (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8, Resort License Act.

655 ~~[(109)]~~ (110) "Responsible alcohol service plan" means a written set of policies and procedures that outlines measures to prevent employees from:

657 (a) over-serving alcoholic beverages to customers;

658 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and

660 (c) serving alcoholic beverages to minors.

661 ~~[(110)]~~ (111) "Restaurant" means a business location:

662 (a) at which a variety of foods are prepared;

663 (b) at which complete meals are served; and

664 (c) that is engaged primarily in serving meals.

665 ~~[(111)]~~ (112) "Restaurant license" means one of the following licenses issued under this title:

666 (a) a full-service restaurant license;

667 (b) a limited-service restaurant license; or

668 (c) a beer-only restaurant license.

669 ~~[(112)]~~ (113) "Restaurant venue" means a room within a restaurant that:

670 (a) is located on the licensed premises of a restaurant licensee;

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- 671 (b) is separated from the area within the restaurant for a patron's consumption of food by a permanent,  
opaque, floor-to-ceiling wall such that the inside of the room is not visible to a patron in the area  
within the restaurant for a patron's consumption of food; and
- 675 (c)
- 676 (i) has at least 1,000 square feet that:
- 676 (A) may be reserved for a banquet; and
- 677 (B) accommodates at least 75 individuals; or
- 678 (ii) if the restaurant is located in a small or unincorporated locality, has an appropriate amount of space,  
as determined by the commission, that may be reserved for a banquet.
- 681 ~~[(113)]~~ (114) "Retail license" means one of the following licenses issued under this title:
- 682 (a) a full-service restaurant license;
- 683 (b) a master full-service restaurant license;
- 684 (c) a limited-service restaurant license;
- 685 (d) a master limited-service restaurant license;
- 686 (e) a bar establishment license;
- 687 (f) an airport lounge license;
- 688 (g) an on-premise banquet license;
- 689 (h) an on-premise beer license;
- 690 (i) a reception center license;
- 691 (j) a beer-only restaurant license;
- 692 (k) a hospitality amenity license;
- 693 (l) a resort license;
- 694 (m) a hotel license; or
- 695 (n) an arena license.
- 696 ~~[(114)]~~ (115) "Room service" means furnishing an alcoholic product to a person in a guest room or  
privately owned dwelling unit of a:
- 698 (a) hotel; or
- 699 (b) resort facility.
- 700 ~~[(115)]~~ (116)
- (a) "School" means a building in which any part is used for more than three hours each weekday during  
a school year as a public or private:

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- 702 (i) elementary school;  
703 (ii) secondary school; or  
704 (iii) kindergarten.
- 705 (b) "School" does not include:  
706 (i) a nursery school;  
707 (ii) a day care center;  
708 (iii) a trade and technical school;  
709 (iv) a preschool;  
710 (v) a home school;  
711 (vi) a home-based microschool as defined in Section 53G-6-201; or  
712 (vii) a micro-education entity as defined in Section 53G-6-201.
- 713 ~~[(H6)]~~ (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for  
additional flavoring that is different in type, flavor, or brand from the primary spirituous liquor in  
the beverage.
- 716 ~~[(H7)]~~ (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for  
consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,  
delivered for value, or by a means or under a pretext is promised or obtained, whether done by a  
person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules made  
by the commission.
- 721 ~~[(H8)]~~ (119) "Serve" means to place an alcoholic product before an individual.
- 722 ~~[(H9)]~~ (120) "Sexually oriented entertainer" means a person who while in a state of seminudity appears  
at or performs:
- 724 (a) for the entertainment of one or more patrons;  
725 (b) on the premises of:  
726 (i) a bar licensee; or  
727 (ii) a tavern;  
728 (c) on behalf of or at the request of the licensee described in Subsection ~~[(H9)(b)]~~ (120)(b);  
730 (d) on a contractual or voluntary basis; and  
731 (e) whether or not the person is designated as:  
732 (i) an employee;  
733 (ii) an independent contractor;



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- 734 (iii) an agent of the licensee; or  
735 (iv) a different type of classification.
- 736 ~~[(120)]~~ (121) "Shared seating area" means the licensed premises of two or more restaurant licensees  
that the restaurant licensees share as an area for alcoholic beverage consumption in accordance with  
Subsection 32B-5-207(3).
- 739 ~~[(121)]~~ (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3, Single  
Event Permit.
- 741 ~~[(122)]~~ (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer, heavy  
beer, and flavored malt beverage per year, as the department calculates by:
- 743 (a) if the brewer is part of a controlled group of manufacturers, including the combined volume totals of  
production for all breweries that constitute the controlled group of manufacturers; and  
746 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
- 747 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission determines by  
rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
750 (ii) does not sell for consumption as, or in, a beverage.
- 751 ~~[(123)]~~ (124) "Small or unincorporated locality" means:
- 752 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;  
753 (b) a town, as classified under Section 10-2-301; or  
754 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified under Section  
17-50-501.
- 756 ~~[(124)]~~ (125) "Spa sublicense" means a sublicense:
- 757 (a) to a resort license or hotel license; and  
758 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa Sublicense.
- 760 ~~[(125)]~~ (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special Use  
Permit Act.
- 762 ~~[(126)]~~ (127)
- (a) "Spirituuous liquor" means liquor that is distilled.
- 763 (b) "Spirituuous liquor" includes an alcoholic product defined as a "distilled spirit" by 27 U.S.C. Sec. 211  
and 27 C.F.R. ~~[See]~~ Secs. 5.11 through 5.23.
- 765 ~~[(127)]~~ (128) "Sports center" is as defined by the commission by rule.
- 766 ~~[(128)]~~ (129)

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(a) "Staff" means an individual who engages in activity governed by this title:

(i) on behalf of a business, including a package agent, licensee, permittee, or certificate holder;

(ii) at the request of the business, including a package agent, licensee, permittee, or certificate holder; or

(iii) under the authority of the business, including a package agent, licensee, permittee, or certificate holder.

(b) "Staff" includes:

(i) an officer;

(ii) a director;

(iii) an employee;

(iv) personnel management;

(v) an agent of the licensee, including a managing agent;

(vi) an operator; or

(vii) a representative.

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

(a) the appearance of:

(i) the nipple or areola of a female human breast;

(ii) a human genital;

(iii) a human pubic area; or

(iv) a human anus; or

(b) a state of dress that fails to opaquely cover:

(i) the nipple or areola of a female human breast;

(ii) a human genital;

(iii) a human pubic area; or

(iv) a human anus.

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

(a) the nipple and areola of the female human breast in a shape and color other than the natural shape and color of the nipple and areola; and

(b) the human genitals, pubic area, and anus:

(i) with no less than the following at its widest point:

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- 799 (A) four inches coverage width in the front of the human body; and  
800 (B) five inches coverage width in the back of the human body; and  
801 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.  
802 ~~[(131)]~~ (132)  
(a) "State store" means a facility for the sale of packaged liquor:  
803 (i) located on premises owned or leased by the state; and  
804 (ii) operated by a state employee.  
805 (b) "State store" does not include:  
806 (i) a package agency;  
807 (ii) a licensee; or  
808 (iii) a permittee.  
809 ~~[(132)]~~ (133)  
(a) "Storage area" means an area on licensed premises where the licensee stores an alcoholic product.  
811 (b) "Store" means to place or maintain in a location an alcoholic product.  
812 ~~[(133)]~~ (134) "Sublicense" means:  
813 (a) any of the following licenses issued as a subordinate license to, and contingent on the issuance of, a  
principal license:  
815 (i) a full-service restaurant license;  
816 (ii) a limited-service restaurant license;  
817 (iii) a bar establishment license;  
818 (iv) an on-premise banquet license;  
819 (v) an on-premise beer retailer license;  
820 (vi) a beer-only restaurant license; or  
821 (vii) a hospitality amenity license; or  
822 (b) a spa sublicense.  
823 ~~[(134)]~~ (135) "Supplier" means a person who sells an alcoholic product to the department.  
824 ~~[(135)]~~ (136) "Tavern" means an on-premise beer retailer who is:  
825 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act, and Chapter 6,  
Part 7, On-Premise Beer Retailer License; and  
827 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7, On-Premise Beer  
Retailer License.

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829     ~~[(136)]~~ (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9, Part  
4, Temporary Beer Event Permit.

831     ~~[(137)]~~ (138) "Temporary domicile" means the principal place of abode within Utah of a person who  
does not have a present intention to continue residency within Utah permanently or indefinitely.

834     ~~[(138)]~~ (139) "Translucent" means a substance that allows light to pass through, but does not allow an  
object or person to be seen through the substance.

836     ~~[(139)]~~ (140) "Unsaleable liquor merchandise" means a container that:

837     (a) is unsaleable because the container is:

838         (i) unlabeled;

839         (ii) leaky;

840         (iii) damaged;

841         (iv) difficult to open; or

842         (v) partly filled;

843     (b)

844         (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.

852     ~~[(140)]~~ (141)

853     (a) "Wine" means an alcoholic product obtained by the fermentation of the natural sugar content of  
fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

855     (b) "Wine" includes:

856         (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10; and

858         (ii) hard cider.

859     (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.

861

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[(141)] (142) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.

Section 2. Section 32B-1-202 is amended to read:

**32B-1-202. Proximity to community location.**

(1) As used in this section:

(a) "Designated project area zone" means the area that is:

(i) bounded by:

(A) South Temple Street;

(B) 100 South Street;

(C) West Temple Street; and

(D) 400 West Street; and

(ii) within a project area as defined in Section 63N-3-1401.

(b)

(i) "Outlet" means:

(A) a state store;

(B) a package agency; or

(C) a retail licensee.

(ii) "Outlet" does not include:

(A) an airport lounge licensee; or

(B) a restaurant.

(c) "Restaurant" means:

(i) a full-service restaurant licensee;

(ii) a limited-service restaurant licensee;

(iii) a beer-only restaurant licensee; or

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

(2)

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

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

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

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

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

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

(3)

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

(i) the outlet or restaurant changes ownership;

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

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

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

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

(a) the outlet or restaurant changes ownership;

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- 923 (b) the property on which the outlet or restaurant is located changes ownership; or  
924 (c) there is a lapse of one year or less in the use of the property as an outlet or a restaurant with the same  
type of license, unless during the lapse the property is used for a different purpose.
- 927 (5)
- (a) If, after an outlet or a restaurant obtains a license under this title, a person establishes a community  
location on a property that puts the outlet or restaurant in violation of the proximity requirements  
in effect at the time the license is issued or a previously approved variance described in Subsection  
(3), subject to the other provisions of this title, that outlet or restaurant, or an outlet or a restaurant  
with the same type of license as that outlet or restaurant, may operate at the premises regardless of  
whether:
- 934 (i) the outlet or restaurant changes ownership;  
935 (ii) the property on which the outlet or restaurant is located changes ownership; or  
936 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the same type of  
license, unless during the lapse the property is used for a different purpose.
- 939 (b) The provisions of this Subsection (5) apply regardless of when the outlet's or restaurant's license is  
issued.
- 941 (6) The proximity requirements described in Subsection (2) do not apply[-] :
- 942 (a) if the proposed outlet or proposed restaurant and the community location are located within the  
boundaries of a designated project area zone[-] ; or
- 944 (b) if a local authority includes in the written consent of the local authority an acknowledgment and  
authorization of the outlet's or the restaurant's proximity to a public park, if the park is:
- 947 (i) at least 15 acres in size;  
948 (ii) on land the state owns; and  
949 (iii) managed by the Point of the Mountain State Land Authority created in Section 11-59-201.
- 951 (7) Nothing in this section prevents the commission from considering the proximity of an educational,  
religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed  
location of an outlet.

954 Section 3. Section 32B-1-603.5 is amended to read:

955 **32B-1-603.5. Requirements for beer flavorings -- Procedure for approval -- Department**  
review.

957

## SB0328S02 compared with SB0328S05

- (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii) may not sell or distribute the beer in the state unless the manufacturer obtains:
- 961 (a) the department's approval to sell or distribute the beer under this section; and
- 962 (b) the department's approval of the label and packaging of the beer under Sections 32B-1-604 through 32B-1-606.
- 964 (2)
- (a) To obtain approval to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii), the manufacturer of the beer shall submit an application to the department for approval.
- 968 (b) The application shall require:
- 969 (i) a copy of:
- 970 (A) the statement of process and formula filed with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 for the beer; and
- 972 (B) the formula approval from the federal Alcohol and Tobacco Tax and Trade Bureau for the beer;
- 974 (ii) a complete list of each propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent in the beer;
- 976 (iii) a description of the total amount of alcohol each propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent contributes to the beer; and
- 978 (iv) other information required by the department to determine whether the beer complies with Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 980 (3) The department may:
- 981 (a) assess a fee established under Section 63J-1-504 for reviewing an application for approval under this section; and
- 983 (b) approve a manufacturer's application to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent after determining that the beer complies with Subsection [~~32B-1-102(11)(b)(iii)~~] 32B-1-102(12)(b)(iii).
- 986 (4) If a manufacturer of a beer revises the formula for the beer that the department approved for sale or distribution, the manufacturer shall obtain the department's approval for the revised formula before selling or distributing the beer.
- 989 (5)



## SB0328S02 compared with SB0328S05

(a) The department may revoke a previous approval under this section upon determining that the beer is not in compliance with this title or the rules of the commission.

(b) The department shall notify the manufacturer that applied for an approval under this section at least 30 business days before the day on which the approval is revoked.

(c) Within 20 business days after the day on which a manufacturer receives the notice under Subsection (5)(b), the manufacturer may present a written argument or evidence to the department regarding why the revocation should not occur.

(6)

(a) A manufacturer that applies for approval under this section may appeal a denial or revocation of the approval to the commission.

(b) During the period in which a manufacturer appeals a denial or revocation to the commission under Subsection (6)(a), the denial or revocation remains in force.

Section 4. Section **32B-1-607** is amended to read:

**32B-1-607. Rulemaking authority.**

(1) The commission may adopt rules necessary to implement this part.

(2) Notwithstanding Subsections [32B-1-102(12)] 32B-1-102(13) and [~~(51)~~] (52), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules that allow for a tolerance in the alcohol content of beer or heavy beer as follows:

(a) up to 0.18% above or below when measured by volume; or

(b) up to 0.15% above or below when measured by weight.

Section 5. Section **32B-5-201** is amended to read:

**32B-5-201. Application requirements for retail license.**

(1)

(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license issued by the commission, notwithstanding whether the person holds a local license or a permit issued by a local authority.

(b) Violation of this Subsection (1) is a class B misdemeanor.

(2) To obtain a retail license under this title, a person shall submit to the department:

(a) a written application in a form prescribed by the department;

## SB0328S02 compared with SB0328S05

(b) a nonrefundable application fee in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying;

(c) an initial license fee:

(i) in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying; and

(ii) that is refundable if a retail license is not issued;

(d) written consent of the local authority, including, if applicable, consent for each proposed sublicense;

(e) a copy of:

(i) every license the local authority requires, including the person's current business license; and

(ii) if the person is applying for a principal license, the current business license for each proposed sublicense, except if the local authority determines that the business license for a proposed sublicense is included in the person's current business license;

(f) evidence of the proposed retail licensee's proximity to any community location, with proximity requirements being governed by Section 32B-1-202;

(g) a bond as specified by Section 32B-5-204;

(h) a floor plan, and boundary map where applicable, of the premises of the retail license and each, if any, accompanying sublicense, including any:

(i) consumption area; and

(ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic beverage;

(i) evidence that the retail licensee carries public liability insurance in an amount and form satisfactory to the department;

(j) evidence that the retail licensee carries dramshop insurance coverage of at least:

(i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;

(ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per occurrence and \$2,000,000 in the aggregate to cover both the principal license and all accompanying sublicenses; or

(iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and \$20,000,000 in the aggregate to cover both the arena license and all accompanying sublicenses;

(k) a signed consent form stating that the retail licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter:

(i) the premises of the retail licensee; and

(ii) if applicable, the premises of each of the retail licensee's accompanying sublicenses;

## SB0328S02 compared with SB0328S05

- 83 (l) if the person is an entity, proper verification evidencing that a person who signs the application is  
authorized to sign on behalf of the entity;
- 85 (m) a responsible alcohol service plan;
- 86 (n) evidence that each individual the person has hired to work as a retail manager, as defined in Section  
32B-1-701, has completed the alcohol training and education seminar as required under Chapter 1,  
Part 7, Alcohol Training and Education Act; and
- 89 (o) any other information the commission or department may require.
- 90 (3) The commission may not issue a retail license to a person who:
- 91 (a) is disqualified under Section 32B-1-304; or
- 92 (b) is not lawfully present in the United States.
- 93 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for which the  
person is applying, the commission may not issue a retail license to a person if the proposed licensed  
premises does not meet the proximity requirements of Section 32B-1-202.
- 97 (5) [The] Subject to Subsection (6), the commission may not deny an application for a retail license,  
an application for a conditional retail license under Section 32B-5-205, or an application for a  
sublicense under Chapter 8d, Sublicense Act, if:
- 100 (a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail License Act;  
and
- 102 (b) for a retail license or a conditional retail license, granting the retail license or the conditional retail  
license would not cause the commission to exceed the maximum number of licenses of that retail  
license type that the commission is authorized to issue under this chapter.
- 106 (6)
- (a) The commission may deny an application for a retail license, an application for a conditional retail  
license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense  
Act, if the commission determines that the applicant's violation history warrants the denial.
- 110 (b) The commission, when making a determination under this Subsection (6), shall treat applicants with  
substantially similar violation histories consistently.
- 1087 Section 6. Section **32B-5-304** is amended to read:
- 1088 **32B-5-304. Portions in which alcoholic product may be sold.**
- 114 (1)

## SB0328S02 compared with SB0328S05

(a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title.

(b) A retail license is not required to dispense spirituous liquor through a calibrated metered dispensing system if the spirituous liquor is:

(i) a secondary flavoring ingredient;

(ii) used as a flavoring on a dessert;

(iii) used to set aflame a food dish, drink, or dessert;[-or]

(iv) in a beverage that:

(A) is served to a patron in the original, sealed container;

(B) is not more than 12 ounces;

(C) contains no more than 10% alcohol by volume or 8% by weight; and

(D) is in a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high[:]; or

(v) in a beverage that:

(A) is served to a patron by pouring the beverage from the original sealed container, into a different container as required under Subsection {~~32-8d-104(5)(b)~~ } 32B-8d-104(5)(b);

(B) is not more than 12 ounces;

(C) contains no more than 10% alcohol by volume or 8% by weight; and

(D) originates from a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high.

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

(i) designate a location where the retail licensee stores secondary flavoring ingredients on the floor plan the retail licensee submits to the department; and

(ii) clearly and conspicuously label each secondary flavoring ingredient's container "flavorings".

(d)

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

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

(2)

(a)

## SB0328S02 compared with SB0328S05

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

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

(b)

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

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

(c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale, or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed container not to exceed 16 ounces.

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

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

(5)

(a)

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

(A) in an open original container; and

(B) in a container on draft.

(ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a)(i):

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

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

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

(i) in a sealed container; and

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

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

Section 7. Section 32B-5-307 is amended to read:

## SB0328S02 compared with SB0328S05

- 1155        **32B-5-307. Bringing alcoholic product onto or removing alcoholic product from premises.**
- 1157        (1) Except as provided in Subsections (3)[~~and~~] , (4), and (6):
- 1158        (a) [~~a person~~] an individual may not bring onto the licensed premises of a retail licensee an alcoholic product for on-premise consumption;
- 1160        (b) a retail licensee may not allow a person to:
- 1161        (i) bring onto licensed premises an alcoholic product for on-premise consumption; or
- 1162        (ii) consume an alcoholic product brought onto the licensed premises by a person other than the retail licensee; and
- 1164        (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a window or door to a location off the licensed premises or to a vehicular traffic area.
- 1166        (2) Except as provided in Subsections (3)[~~and~~] , (4), and (6) and Subsection 32B-4-415(5):
- 1167        (a) [~~a person~~] an individual may not carry from the licensed premises of a retail licensee an open container that:
- 1169        (i) is used primarily for drinking purposes; and
- 1170        (ii) contains an alcoholic product;
- 1171        (b) a retail licensee may not permit a patron to carry from the licensed premises an open container described in Subsection (2)(a); and
- 1173        (c)
- 1176        (i) [~~a person~~] an individual may not carry from the licensed premises of a retail licensee a sealed container of liquor that has been purchased from the retail licensee; and
- 1176        (ii) a retail licensee may not permit a patron to carry from the licensed premises of the retail licensee a sealed container of liquor that has been purchased from the retail licensee.
- 1179        (3)
- 1181        (a) A patron may bring a bottled wine onto the premises of a retail licensee for on-premise consumption if:
- 1182        (i) permitted by the retail licensee; and
- 1182        (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
- 1183        (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the patron shall deliver the bottled wine to a server or other representative of the retail licensee upon entering the licensed premises.

1186

## SB0328S02 compared with SB0328S05

(c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a wine service for a bottled wine carried onto the licensed premises in accordance with this Subsection (3) or a bottled wine purchased at the licensed premises.

(d) A patron may remove from a licensed premises the unconsumed contents of a bottle of wine purchased at the licensed premises, or brought onto the licensed premises in accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.

(4) Neither a patron nor a retail licensee violates this section if:

(a) the patron is in shared seating; and

(b) the patron purchased the patron's alcoholic beverage from a restaurant licensee whose licensed premises include the shared seating area the patron is in.

(5)

(a) A patron may carry from a retail licensee's licensed premises a sealed container of beer that has been purchased from the retail licensee.

(b) A retail licensee may permit a patron to carry from the retail licensee's licensed premises a sealed container of beer that has been purchased from the retail licensee.

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

(a) if the premises are contiguous; and

(b) where the consumption of beer is permitted.

Section 8. Section **32B-5-308** is amended to read:

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

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

(a) dipping the straw into the liquor;

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

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

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

(a) consume an alcoholic product; or

(b) be intoxicated.

[(2)] (3)

## SB0328S02 compared with SB0328S05

(a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or dispense an alcoholic product.

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

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

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

Section 9. Section 32B-6-403 is amended to read:

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

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

(2) The commission may issue a bar establishment license to establish bar establishment licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated by a bar establishment licensee.

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

(a) the commission may not issue a total number of bar establishment licenses that at any time exceeds the sum of:

(i) 15; and

(ii) the number determined by dividing the population of the state by:

(A) before fiscal July 1, 2024, 10,200;

(B) in fiscal year 2025, 9,778;

(C) in fiscal year 2026, 9,356;

(D) in fiscal year 2027, 8,934;

(E) in fiscal year 2028, 8,512;

(F) in fiscal year 2029, 8,090;

(G) in fiscal year 2030, 7,668; and

(H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;



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- 1252 (b) the commission may issue a seasonal bar establishment license in accordance with Section  
1254 32B-5-206 to a bar licensee;
- 1254 (c) the commission may authorize as many as three bar establishment license locations within a hotel  
under one bar establishment license if:
- 1256 (i) the location, design, and construction of the hotel requires more than one bar license location within  
the hotel to serve the public convenience;
- 1258 (ii) the hotel has a minimum of 150 guest rooms;
- 1259 (iii) all locations under the bar establishment license are:
- 1260 (A) within the same hotel; and
- 1261 (B) on premises that are managed or operated, and owned or leased, by the bar establishment licensee;
- 1263 (d) the commission may authorize up to five dispensing locations under one equity license if the  
locations under the equity license:
- 1265 ~~[(i) are connected by a private roadway to which the equity licensee, each member of the equity  
licensee, and each guest has a legal right of access; and]~~
- 1267 ~~[(ii)] (i) are located on premises managed or operated, and owned or leased, by the equity licensee;~~
- 1269 ~~(ii) the locations are under the same leadership or management; and~~
- 1270 ~~(iii) an individual who is a member of at least one location that the equity licensee operates has access  
to all locations the equity licensee operates;~~
- 1272 (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a facility shall have  
a separate bar establishment license for each bar establishment license location where an alcoholic  
product is sold, offered for sale, or furnished;
- 1275 (f) when a business establishment undergoes a change of ownership, the commission may issue a bar  
establishment license to the new owner of the business establishment notwithstanding that there is  
no bar establishment license available under Subsection (3)(a) if:
- 1279 (i) the primary business activity at the business establishment before and after the change of ownership  
is not the sale, offer for sale, or furnishing of an alcoholic product;
- 1282 (ii) before the change of ownership there are two or more licensed premises on the business  
establishment that operate under a retail license, with at least one of the retail licenses being a bar  
establishment license;
- 1285

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- (iii) subject to Subsection (3)(g) the licensed premises of the bar establishment license issued under this Subsection (3)(f) is at the same location where the bar establishment license licensed premises was located before the change of ownership; and
- 1289 (iv) the person who is the new owner of the business establishment qualifies for the bar establishment license, except for there being no bar establishment license available under Subsection (3)(a); and
- 1292 (g) if a bar establishment licensee of a bar establishment license issued under Subsection (3)(f) requests a change of location, the bar establishment licensee may retain the bar establishment license after the change of location only if on the day on which the bar establishment licensee seeks a change of location a bar establishment license is available under Subsection (3)(a).

Section 10. Section 32B-6-603 is amended to read:

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

- 1300 (1)
- (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product in connection with the person's banquet and room service activities at one of the following, the person shall first obtain an on-premise banquet license in accordance with this part:
  - 1304 (i) a hotel;
  - 1305 (ii) a resort facility;
  - 1306 (iii) a sports center;
  - 1307 (iv) a convention center;
  - 1308 (v) a performing arts facility;
  - 1309 (vi) an arena;[-or]
  - 1310 (vii) a restaurant venue[-] ; or
  - 1311 (viii) an amphitheater.
- 1312 (b) This part does not prohibit an alcoholic product on the premises of a person listed in Subsection (1) (a) to the extent otherwise permitted by this title.
- 1314 (c) This section does not prohibit a person who applies for an on-premise banquet license to also apply for a package agency if otherwise qualified.
- 1316 (2) The commission may issue an on-premise banquet license to establish on-premise banquet licensees in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room service activities operated by an on-premise banquet licensee.

## SB0328S02 compared with SB0328S05

- 1320 (3) Subject to Section 32B-1-201, the commission:
- 1321 (a) may not issue a total number of restaurant venue on-premise banquet licenses that at any time exceeds 25; and
- 1323 (b) may not issue a total number of on-premise banquet licenses that at any time exceeds the number determined by dividing the population of the state by 28,765.
- 1325 (4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:
- 1326 (a) the host of the banquet may request an on-premise banquet licensee to provide an alcoholic product served at the banquet; and
- 1328 (b) an on-premise banquet licensee may provide an alcoholic product served at the banquet.
- 1330 (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
- 1331 (a) without charge to a patron at a banquet, except that the host of the banquet shall pay for an alcoholic product furnished at the banquet; or
- 1333 (b) with a charge to a patron at the banquet.
- 1334 (6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of the person's total annual banquet gross receipts from the sale of food, which does not include:
- 1337 (a) mix for an alcoholic product; or
- 1338 (b) a charge in connection with the furnishing of an alcoholic product.
- 1339 Section 11. Section **32B-6-604** is amended to read:
- 1340 **32B-6-604. Specific licensing requirements for an on-premise banquet license.**
- 204 (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- 206 (2)
- 207 (a) An on-premise banquet license expires on October 31 of each year.
- (b) To renew a person's on-premise banquet license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- 210 (3)
- (a) The nonrefundable application fee for an on-premise banquet license is \$300.
- 211 (b)
- (i) The initial license fee for an on-premise banquet license is \$750.
- 212 (ii) The department shall prorate the \$750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise banquet license expires.

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- 215 (c) The renewal fee for an on-premise banquet license is \$750.
- 216 (4) The bond amount required for an on-premise banquet license is the penal sum of \$10,000.
- 218 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political  
subdivision of the state it is not required to:
- 220 (a) pay an application fee, initial license fee, or renewal fee;
- 221 (b) obtain the written consent of the local authority;
- 222 (c) submit a copy of the applicant's current business license; or
- 223 (d) post a bond as specified by Section 32B-5-204.
- 224 (6) Notwithstanding Subsection 32B-5-303(3), the department may approve [~~an additional location~~] one  
or more additional locations in accordance with Subsection (7), in or on the licensed premises of  
an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer  
for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original  
application only:
- 229 (a) upon proper application by an on-premise banquet licensee; and
- 230 (b) in accordance with guidelines approved by the commission.
- 231 (7) The department may approve one or more additional locations under Subsection (6), whether or not  
the locations are contiguous to one another or to the location included in the original application for  
the on-premise banquet licensee.

1371 Section 12. Section 32B-6-605 is amended to read:

1372 **32B-6-605. Specific operational requirements for on-premise banquet license.**

1373 (1)

- (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an  
on-premise banquet licensee and staff of the on-premise banquet licensee shall comply with this  
section.
- 1376 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance  
with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 1378 (i) an on-premise banquet licensee;
- 1379 (ii) individual staff of an on-premise banquet licensee; or
- 1380 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
- 1381

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

1385 (3)

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

1388 (b) Any of the following may conduct a random inspection of a banquet:

1389 (i) an authorized representative of the commission or the department; or

1390 (ii) a law enforcement officer.

1391 (4)

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

1394 (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).

1396 (5)

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

1399 (b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:

1400 (i) a person at a banquet other than the on-premise banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from the premises of the banquet; and

1403 (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises of the banquet.

1405 (6)

(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following the conclusion of the banquet.

1407 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

1408 (i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and

1410 (ii) return to the on-premise banquet licensee's approved locked storage area any:

1411 (A) opened and unused alcoholic product that is saleable; and

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- 1412 (B) unopened container of an alcoholic product.
- 1413 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:
- 1416 (i) shall store the alcoholic product in the on-premise banquet licensee's approved locked storage area; and
- 1418 (ii) may use the alcoholic product at more than one banquet.
- 1419 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a minor to sell, furnish, or dispense an alcoholic product in connection with the on-premise banquet licensee's banquet and room service activities.
- 1422 (8) An on-premise banquet licensee:
- 1423 (a) may provide room service in portions described in Section 32B-5-304;
- 1424 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in connection with room service any day during a period that:
- 1426 (i) begins at 1 a.m.; and
- 1427 (ii) ends at 9:59 a.m.; and
- 1428 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic product free of charge per guest reservation, per guest room, if the alcoholic product:
- 1430 (i) is not a spirituous liquor; and
- 1431 (ii) is in an unopened container not to exceed 750 milliliters.
- 1432 (9)
- (a) Subject to the other provisions of this Subsection (9), a patron may not have more than two alcoholic products of any kind at a time before the patron.
- 1434 (b) A patron may not have more than one spirituous liquor drink at a time before the patron.
- 1436 (c) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).
- 1438 (10)
- (a) An on-premise banquet licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.
- 1440 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.
- 1442 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the banquet.

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- 1445 (12)
- (a) Room service of an alcoholic product to a guest room or privately owned dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
- 1449 (b) An alcoholic product may not be left outside a guest room or privately owned dwelling unit for retrieval by a guest or resident.
- 1451 (13) An on-premise banquet licensee may not maintain a minibar.

1452 Section 13. Section 32B-6-702 is amended to read:

1453 **32B-6-702. Definitions.**

As used in this part:

- 1455 (1) "Commission-approved activity" means a leisure activity that:
- 1456 (a) the commission approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1458 (b) does not involve the use of a dangerous weapon.
- 1459 (2)
- (a) "Recreational amenity" means:
- 1460 (i) a billiard parlor;
- 1461 (ii) a pool parlor;
- 1462 (iii) a bowling facility;
- 1463 (iv) a golf course;
- 1464 (v) miniature golf;
- 1465 (vi) a golf driving range;
- 1466 (vii) a tennis club;
- 1467 (viii) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than [5,000] 2,500;
- 1469 (ix) a concert venue that has a seating capacity equal to or greater than [5,000] 2,500;
- 1470 (x) one of the following if owned by a government agency:
- 1471 (A) a convention center;
- 1472 (B) a fair facility;
- 1473 (C) an equestrian park;
- 1474 (D) a theater; or

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- 1475 (E) a concert venue;  
1476 (xi) an amusement park:  
1477 (A) with one or more permanent amusement rides; and  
1478 (B) located on at least 50 acres;  
1479 (xii) a ski resort;  
1480 (xiii) a venue for live entertainment if the venue:  
1481 (A) is not regularly open for more than five hours on any day;  
1482 (B) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and  
1484 (C) is operated so that no more than 15% of its total annual receipts are from the sale of beer;  
1486 (xiv) concessions operated within the boundary of a park administered by the:  
1487 (A) Division of State Parks; or  
1488 (B) National Parks Service;  
1489 (xv) a facility or venue that is a recreational amenity for a person licensed under this part before May 12, 2020;  
1491 (xvi) a venue for karaoke; or  
1492 (xvii) an enterprise developed around a commission-approved activity.  
1493 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).
- 1496 Section 14. Section **32B-7-202** is amended to read:  
1497 **32B-7-202. General operational requirements for off-premise beer retailer.**
- 236 (1)  
(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with the provisions of this title and any applicable rules made by the commission.  
238 (b) Failure to comply with this section may result in a suspension or revocation of a local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act.
- 241 (2)  
(a)  
(i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from:



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- 244 (A) a beer wholesaler licensee; or  
245 (B) a small brewer that manufactures the beer.
- 246 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
- 247 (b)
- (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.
- 253 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.
- 254 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters.
- 256 (4)
- (a) Staff of an off-premise beer retailer, while on duty, may not:
- 257 (i) consume an alcoholic product; or  
258 (ii) be intoxicated.
- 259 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:
- 261 (i) the sale is done under the supervision of a person 21 years old or older who is on the licensed premises; and  
263 (ii) the minor is at least 16 years old.
- 264 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to:
- 266 (a) a minor;  
267 (b) a person actually, apparently, or obviously intoxicated;  
268 (c) a known interdicted person; or  
269 (d) a known habitual drunkard.
- 270 (6)
- (a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer shall:
- 272 (i) display all beer accessible by and visible to a patron in no more than two locations on the retail sales floor, each of which is:
- 274 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage displayed; and

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- 276 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a door  
from which the nonalcoholic beverages are not accessible, or the beer is separated from the display  
of nonalcoholic beverages by a display of one or more nonbeverage products or another physical  
divider; and
- 280 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 281 (A) is prominent;
- 282 (B) is easily readable by a consumer;
- 283 (C) meets the requirements for format established by the commission by rule; and
- 284 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please  
read the label carefully."
- 286 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer if the  
nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 288 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is labeled, packaged, or  
advertised as:
- 290 (i) a malt cooler; or
- 291 (ii) a beverage that may provide energy.
- 292 (d) A violation of this Subsection (6) is an infraction.
- 293 (e)
- (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i) apply on and after  
May 9, 2017.
- 295 (ii) For a beer retailer that operates two or more off-premise beer retailers, the provisions of Subsection  
(6)(a)(i) apply on and after August 1, 2017.
- 297 (7)
- (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to  
a patron for consumption off the premises of the off-premise beer retailer shall wear a unique  
identification badge:
- 300 (i) on the front of the staff's clothing;
- 301 (ii) visible above the waist;
- 302 (iii) bearing the staff's:
- 303 (A) first or last name;
- 304 (B) initials; or

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- 305 (C) unique identification in letters or numbers; and  
306 (iv) with the number or letters on the unique identification badge being sufficiently large to be  
clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
- 309 (b) An off-premise beer retailer shall make and maintain a record of each current staff's unique  
identification badge assigned by the off-premise beer retailer that includes the staff's:
- 312 (i) full name;  
313 (ii) address; and  
314 (iii)
- (A) driver license number; or  
315 (B) similar identification number.
- 316 (c) An off-premise beer retailer shall make available a record required to be made or maintained under  
this Subsection (7) for immediate inspection by:
- 318 (i) a peace officer;  
319 (ii) a representative of the local authority that issues the off-premise beer retailer license; or  
321 (iii) for an off-premise beer retailer state license, a representative of the commission or department.
- 323 (d) A local authority may impose a fine of up to \$250 against an off-premise beer retailer that does not  
comply or require its staff to comply with this Subsection (7).
- 325 ~~[(8)~~
- (a) ~~An off-premise beer retailer may sell, offer for sale, or furnish beer through a drive-through window.~~  
]
- 327 ~~[(b) Subsection (8)(a) does not modify the display limitations and requirements described in Subsection~~  
~~(6).]~~
- 329 ~~(8)~~
- (a) ~~An off-premise beer retailer may sell, offer for sale, or furnish beer:~~
- 330 (i) ~~at a {~~ drive-up loading area, if the drive-up loading area is contiguous to the off-premise beer  
retailer's licensed premises; or drive-through window;
- 332 (ii) ~~{subject to Subsection (8)(b),}~~ at a {designated parking stall.} drive-up loading area, if the  
drive-up loading area is contiguous to the off-premise beer retailer's licensed premises; or
- 333 ~~{(b)}~~ (iii)
- ~~{(i)}~~ {An off-premise beer retailer shall ensure that} subject to Subsection (8)(b), at a designated  
parking stall {described in Subsection (8)(a)(ii) is:} .

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- 335        ~~{(A)}~~ (b)
- 337        (i) ~~{located on property that the}~~ An off-premise beer retailer ~~{owns or has a legal right to occupy;}~~  
             shall ensure that a parking stall described in Subsection (8)(a)(iii) is:
- 339        ~~{(B)}~~ (A) ~~{designated for picking up pre-ordered items from}~~ located on property that the off-  
             premise beer retailer owns or has a legal right to occupy; {and}
- 341        ~~{(C)}~~ (B) ~~{labeled in a conspicuous manner that communicates the purpose described in Subsection~~  
             ~~(8)(b)(ii);}~~ designated for picking up pre-ordered items from the off-premise beer retailer; and
- 343        ~~{(ii)}~~ (C) ~~{An off-premise beer retailer may not sell, offer for sale, or furnish beer at}~~ labeled in  
             a ~~{designated parking stall}~~ conspicuous manner that communicates the purpose described in  
             Subsection ~~{(8)(a)(ii) unless;}~~ (8)(b)(ii).
- 345        ~~{(A)}~~ (ii) ~~{the}~~ An off-premise beer retailer ~~{ensures that the individual purchasing the beer purchases~~  
             ~~the beer before parking in the}~~ may not sell, offer for sale, or furnish beer at a designated parking  
             stall ~~{;}~~ described in Subsection (8)(a)(iii) unless:
- 347        ~~{(B)}~~ (A) the off-premise beer retailer ~~{delivers}~~ ensures that the individual purchasing the beer  
             ~~{directly from}~~ purchases the ~~{off-premise}~~ beer ~~{retailer's licensed premises to}~~ before parking  
             in the designated parking stall; ~~{and}~~
- 349        ~~{(C)}~~ (B) ~~{at the designated parking stall, staff of}~~ the off-premise beer retailer ~~{verifies the~~  
             ~~purchaser's age in accordance with Section 32B-1-407;}~~ delivers the beer directly from the off-  
             premise beer retailer's licensed premises to the designated parking stall; and
- 350        ~~{(e)}~~ (C) ~~{Nothing in this Subsection (8) modifies the other requirements}~~ at the designated parking  
             stall, staff of {this section} the off-premise beer retailer verifies the purchaser's age in accordance  
             with Section 32B-1-407.
- 353        ~~{(d)}~~ (c) ~~{Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer}~~ Nothing  
             in ~~{accordance with}~~ this Subsection (8) ~~{shall comply with}~~ modifies the ~~{training}~~ other  
             requirements ~~{described in Section 32B-1-703}~~ of this section.
- 1616       (9) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in accordance with  
             this Subsection (8) shall comply with the training requirements described in Section 32B-1-703.
- 354        (a) engage in or permit any form of:
- 355        (i) gambling, as defined in Section 76-10-1101; or
- 356        (ii) fringe gambling, as defined in Section 76-10-1101;

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- 357 (b) have any fringe gaming device, video gaming device, or gambling device or record as defined in  
Section 76-10-1101; or
- 359 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking  
of something of value for a return or for an outcome when the return or outcome is based upon an  
element of chance, excluding the playing of an amusement device that confers only an immediate  
and unrecorded right of replay not exchangeable for value.
- 364 (10) An off-premise beer retailer may not knowingly allow a person on the licensed premises to, in  
violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug  
Paraphernalia Act:
- 367 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or
- 369 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in Section  
58-37a-3.
- 371 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is intended to be  
frozen and consumed in a manner other than as a beverage, including beer in the form of a freeze  
pop, popsicle, ice cream, or sorbet.
- 1637 Section 15. Section **32B-9-203** is amended to read:
- 1638 **32B-9-203. Bond for event permit.**
- 376 (1)
- (a) A person applying for an event permit shall post a ~~[cash bond or]~~ surety bond:
- 377 (i) in the amount specified in ~~[the relevant part under]~~ this chapter for the type of event permit for  
which the person is applying; and
- 379 (ii) payable to the department.
- 380 (b) An event permittee shall procure and maintain a bond required under this section for as long as the  
event permit is in effect.
- 382 (2) A bond posted by an event permittee under this section shall be:
- 383 (a) in a form approved by the attorney general; and
- 384 (b) conditioned upon the event permittee's faithful compliance with this title and the rules of the  
commission.
- 386 (3) No part of a bond posted by an event permittee under this section may be withdrawn during the  
period the event permit is in effect.
- 388 (4)

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(a) A bond posted by an event permittee under this section may be forfeited if the event permit is revoked.

390 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by an event permittee for money owed the department under this title without the commission first revoking the event permit.

1656 Section 16. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

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