

Lincoln Fillmore proposes the following substitute bill:

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;
- exempts an alcohol overlay district from proximity requirements;
- clarifies the Alcohol Beverage Services Commission's authority when granting or denying an application for a retail license;
- provides that a hotel may serve spirituous liquor in a container that is not the spirituous liquor's original container;
- authorizes staff of a retail licensee that are 21 years old or older to test the quality and taste of liquor using the "straw test";
- provides that the Department of Alcoholic Beverage Services may approve multiple locations in or on the licensed premises of an on-premise banquet licensee;
- provides the circumstances under which an off-premise beer retailer may sell beer at a loading area or a designated parking stall;
- requires that a person applying for an event permit post a surety bond; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

32B-5-201, as last amended by Laws of Utah 2024, Chapter 94
32B-5-304, as last amended by Laws of Utah 2024, Chapter 94
32B-5-308, as last amended by Laws of Utah 2019, Chapter 403
32B-6-604, as last amended by Laws of Utah 2024, Chapter 94
32B-7-202, as last amended by Laws of Utah 2024, Chapter 94
32B-9-203, as enacted by Laws of Utah 2010, Chapter 276

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

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

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

(1) As used in this section:

(a) "Alcohol overlay district" means a contiguous 36 acres of land within the boundaries of the point of the mountain state land.

~~[(a)]~~ (b) "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)]~~ (c)(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.

(d) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.

~~[(c)]~~ (e) "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:
- (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;
- (b) the property on which the outlet or restaurant is located changes ownership; or
- (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.

(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:

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

(6) The proximity requirements described in Subsection (2) do not apply if the proposed outlet or proposed restaurant and the community location are located within the boundaries of a designated project area zone or an alcohol overlay district.

(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.

Section 2. 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;
 - (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

- 165 \$20,000,000 in the aggregate to cover both the arena license and all accompanying
166 sublicenses;
- 167 (k) a signed consent form stating that the retail licensee will permit any authorized
168 representative of the commission, department, or any law enforcement officer to have
169 unrestricted right to enter:
- 170 (i) the premises of the retail licensee; and
171 (ii) if applicable, the premises of each of the retail licensee's accompanying
172 sublicenses;
- 173 (l) if the person is an entity, proper verification evidencing that a person who signs the
174 application is authorized to sign on behalf of the entity;
- 175 (m) a responsible alcohol service plan;
- 176 (n) evidence that each individual the person has hired to work as a retail manager, as
177 defined in Section 32B-1-701, has completed the alcohol training and education
178 seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
179 (o) any other information the commission or department may require.
- 180 (3) The commission may not issue a retail license to a person who:
- 181 (a) is disqualified under Section 32B-1-304; or
182 (b) is not lawfully present in the United States.
- 183 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for
184 which the person is applying, the commission may not issue a retail license to a person if
185 the proposed licensed premises does not meet the proximity requirements of Section
186 32B-1-202.
- 187 (5) [The] Subject to Subsection (6), the commission may not deny an application for a retail
188 license, an application for a conditional retail license under Section 32B-5-205, or an
189 application for a sublicense under Chapter 8d, Sublicense Act, if:
- 190 (a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail
191 License Act; and
192 (b) for a retail license or a conditional retail license, granting the retail license or the
193 conditional retail license would not cause the commission to exceed the maximum
194 number of licenses of that retail license type that the commission is authorized to
195 issue under this chapter.
- 196 (6)(a) The commission may deny an application for a retail license, an application for a
197 conditional retail license under Section 32B-5-205, or an application for a sublicense
198 under Chapter 8d, Sublicense Act, if the commission determines that the applicant's

199 violation history warrants the denial.

200 (b) The commission, when making a determination under this Subsection (6), shall treat
201 applicants with substantially similar violation histories consistently.

202 Section 3. Section **32B-5-304** is amended to read:

203 **32B-5-304 . Portions in which alcoholic product may be sold.**

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

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

210 (i) a secondary flavoring ingredient;

211 (ii) used as a flavoring on a dessert;

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

213 (iv) in a beverage that:

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

215 (B) is not more than 12 ounces;

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

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

219 (v) in a beverage that:

220 (A) is served to a patron by pouring the beverage from the original sealed
221 container, into a different container as required under Subsection
222 32-8d-104(5)(b);

223 (B) is not more than 12 ounces;

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

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

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

229 (i) designate a location where the retail licensee stores secondary flavoring

230 ingredients on the floor plan the retail licensee submits to the department; and

231 (ii) clearly and conspicuously label each secondary flavoring ingredient's container
232 "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)(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 4. 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)(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 5. Section **32B-6-604** is amended to read:

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

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

(2)(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.

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

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

(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.

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

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

(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:

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

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

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

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

(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:

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

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

(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.

Section 6. Section **32B-7-202** is amended to read:

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

(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.

(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.

(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:

(A) a beer wholesaler licensee; or

- 335 (B) a small brewer that manufactures the beer.
- 336 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
- 337 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
- 338 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
- 339 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
- 340 in the geographical area in which the off-premise beer retailer is located, unless an
- 341 alternate wholesaler is authorized by the department to sell to the off-premise beer
- 342 retailer as provided in Section 32B-13-301.
- 343 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.
- 344 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
- 345 container larger than two liters.
- 346 (4)(a) Staff of an off-premise beer retailer, while on duty, may not:
- 347 (i) consume an alcoholic product; or
- 348 (ii) be intoxicated.
- 349 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
- 350 unless:
- 351 (i) the sale is done under the supervision of a person 21 years old or older who is on
- 352 the licensed premises; and
- 353 (ii) the minor is at least 16 years old.
- 354 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product
- 355 to:
- 356 (a) a minor;
- 357 (b) a person actually, apparently, or obviously intoxicated;
- 358 (c) a known interdicted person; or
- 359 (d) a known habitual drunkard.
- 360 (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer
- 361 shall:
- 362 (i) display all beer accessible by and visible to a patron in no more than two locations
- 363 on the retail sales floor, each of which is:
- 364 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
- 365 beverage displayed; and
- 366 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
- 367 cooler with a door from which the nonalcoholic beverages are not accessible,
- 368 or the beer is separated from the display of nonalcoholic beverages by a display

- 369 of one or more nonbeverage products or another physical divider; and
- 370 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 371 (A) is prominent;
- 372 (B) is easily readable by a consumer;
- 373 (C) meets the requirements for format established by the commission by rule; and
- 374 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
- 375 contain alcohol. Please read the label carefully."
- 376 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
- 377 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 378 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
- 379 labeled, packaged, or advertised as:
- 380 (i) a malt cooler; or
- 381 (ii) a beverage that may provide energy.
- 382 (d) A violation of this Subsection (6) is an infraction.
- 383 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 384 (6)(a)(i) apply on and after May 9, 2017.
- 385 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 386 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 387 (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
- 388 who sells beer to a patron for consumption off the premises of the off-premise beer
- 389 retailer shall wear a unique identification badge:
- 390 (i) on the front of the staff's clothing;
- 391 (ii) visible above the waist;
- 392 (iii) bearing the staff's:
- 393 (A) first or last name;
- 394 (B) initials; or
- 395 (C) unique identification in letters or numbers; and
- 396 (iv) with the number or letters on the unique identification badge being sufficiently
- 397 large to be clearly visible and identifiable while engaging in or directly
- 398 supervising the retail sale of beer.
- 399 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 400 unique identification badge assigned by the off-premise beer retailer that includes the
- 401 staff's:
- 402 (i) full name;

- 403 (ii) address; and
404 (iii)(A) driver license number; or
405 (B) similar identification number.
- 406 (c) An off-premise beer retailer shall make available a record required to be made or
407 maintained under this Subsection (7) for immediate inspection by:
408 (i) a peace officer;
409 (ii) a representative of the local authority that issues the off-premise beer retailer
410 license; or
411 (iii) for an off-premise beer retailer state license, a representative of the commission
412 or department.
- 413 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
414 retailer that does not comply or require its staff to comply with this Subsection (7).
- 415 ~~[(8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer through a~~
416 ~~drive-through window.]~~
- 417 ~~[(b) Subsection (8)(a) does not modify the display limitations and requirements~~
418 ~~described in Subsection (6).]~~
- 419 (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
420 (i) at a drive-up loading area, if the drive-up loading area is contiguous to the
421 off-premise beer retailer's licensed premises; or
422 (ii) subject to Subsection (8)(b), at a designated parking stall.
- 423 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
424 Subsection (8)(a)(ii) is:
425 (A) located on property that the off-premise beer retailer owns or has a legal right
426 to occupy;
427 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
428 and
429 (C) labeled in a conspicuous manner that communicates the purpose described in
430 Subsection (8)(b)(ii).
- 431 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
432 designated parking stall described in Subsection (8)(a)(ii) unless:
433 (A) the off-premise beer retailer ensures that the individual purchasing the beer
434 purchases the beer before parking in the designated parking stall;
435 (B) the off-premise beer retailer delivers the beer directly from the off-premise
436 beer retailer's licensed premises to the designated parking stall; and

- 437 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
438 purchaser's age in accordance with Section 32B-1-407.
- 439 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
440 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
441 accordance with this Subsection (8) shall comply with the training requirements
442 described in Section 32B-1-703.
- 443 (9) An off-premise beer retailer may not on the licensed premises:
444 (a) engage in or permit any form of:
445 (i) gambling, as defined in Section 76-10-1101; or
446 (ii) fringe gambling, as defined in Section 76-10-1101;
447 (b) have any fringe gaming device, video gaming device, or gambling device or record
448 as defined in Section 76-10-1101; or
449 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
450 the risking of something of value for a return or for an outcome when the return or
451 outcome is based upon an element of chance, excluding the playing of an amusement
452 device that confers only an immediate and unrecorded right of replay not
453 exchangeable for value.
- 454 (10) An off-premise beer retailer may not knowingly allow a person on the licensed
455 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
456 Chapter 37a, Utah Drug Paraphernalia Act:
457 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
458 or
459 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
460 Section 58-37a-3.
- 461 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
462 intended to be frozen and consumed in a manner other than as a beverage, including beer
463 in the form of a freeze pop, popsicle, ice cream, or sorbet.
- 464 Section 7. Section **32B-9-203** is amended to read:
465 **32B-9-203 . Bond for event permit.**
- 466 (1)(a) A person applying for an event permit shall post a ~~[cash bond or]~~ surety bond:
467 (i) in the amount specified in ~~[the relevant part under]~~ this chapter for the type of
468 event permit for which the person is applying; and
469 (ii) payable to the department.
470 (b) An event permittee shall procure and maintain a bond required under this section for

- 471 as long as the event permit is in effect.
- 472 (2) A bond posted by an event permittee under this section shall be:
- 473 (a) in a form approved by the attorney general; and
- 474 (b) conditioned upon the event permittee's faithful compliance with this title and the
- 475 rules of the commission.
- 476 (3) No part of a bond posted by an event permittee under this section may be withdrawn
- 477 during the period the event permit is in effect.
- 478 (4)(a) A bond posted by an event permittee under this section may be forfeited if the
- 479 event permit is revoked.
- 480 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond
- 481 posted by an event permittee for money owed the department under this title without
- 482 the commission first revoking the event permit.
- 483 **Section 8. Effective Date.**
- 484 This bill takes effect on May 7, 2025.