

# Alcoholic Beverages

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## Common Myths and Constituent Questions

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Bagels and Briefings

Prepared by Allison Nicholson and Patricia Owen of the  
Office of Legislative Research and General Counsel

February 14, 2008

# “The Smiths”

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A couple with two children, recently moved to Utah from California.

Today’s discussion uses possible questions by the Smiths as a backdrop.



# Direct Shipping

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The Smiths want to order on the Internet  
a case of wine from their favorite  
boutique winery for an upcoming party.

**Is direct shipping legal?**



# Direct Shipping

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- **Not Allowed**
- **Special Orders** – May order online
- **Limitations**



# Control State

## Utah Legislature's Vote Ends Prohibition

**WEATHER FORECAST**  
SALT LAKE WEATHER  
WEDNESDAY, DECEMBER 6, 1933

**The Salt Lake Tribune**

**LOCAL METAL PRICES**

SALT LAKE CITY, UTAH, WEDNESDAY MORNING, DECEMBER 6, 1933

### UTAH VOTE ENDS PROHIBITION ERA



Delegates to the Utah constitutional convention, which ratified the twenty-first amendment to the United States constitution, thereby repealing the eighteenth amendment and returning the control of the liquor problem to the several states. Left to right: L. A. Hallenbeck, A. S. Brown, A. C. Miller Jr., Franklin Hansen, Dr. T. Earl Clement, Stephen Swetlow, Glen O. Allred, Mark Day, Lawrence Clayton, Sam D. Thomas, L. R. Hampton, Mrs. John A. Hendricks, Franklin Riley, Ephraim Bergeson, Mr. L. S. McCarty, George S. Bell, John G. Rowley. Front row, left to right, officers of the convention: Mrs. Paul F. Keyser, secretary; R. L. Olson, president; Clarence Bennington, vice president. Rear, Milton H. Welling, secretary of state. Mat Gilmore of Price was absent, having been called from the convention floor.

**Lindberghs Well On Way Over Sea**

**SOLONS ACT TO PLUG UP**

**President Appeals For U. S. Temperance**

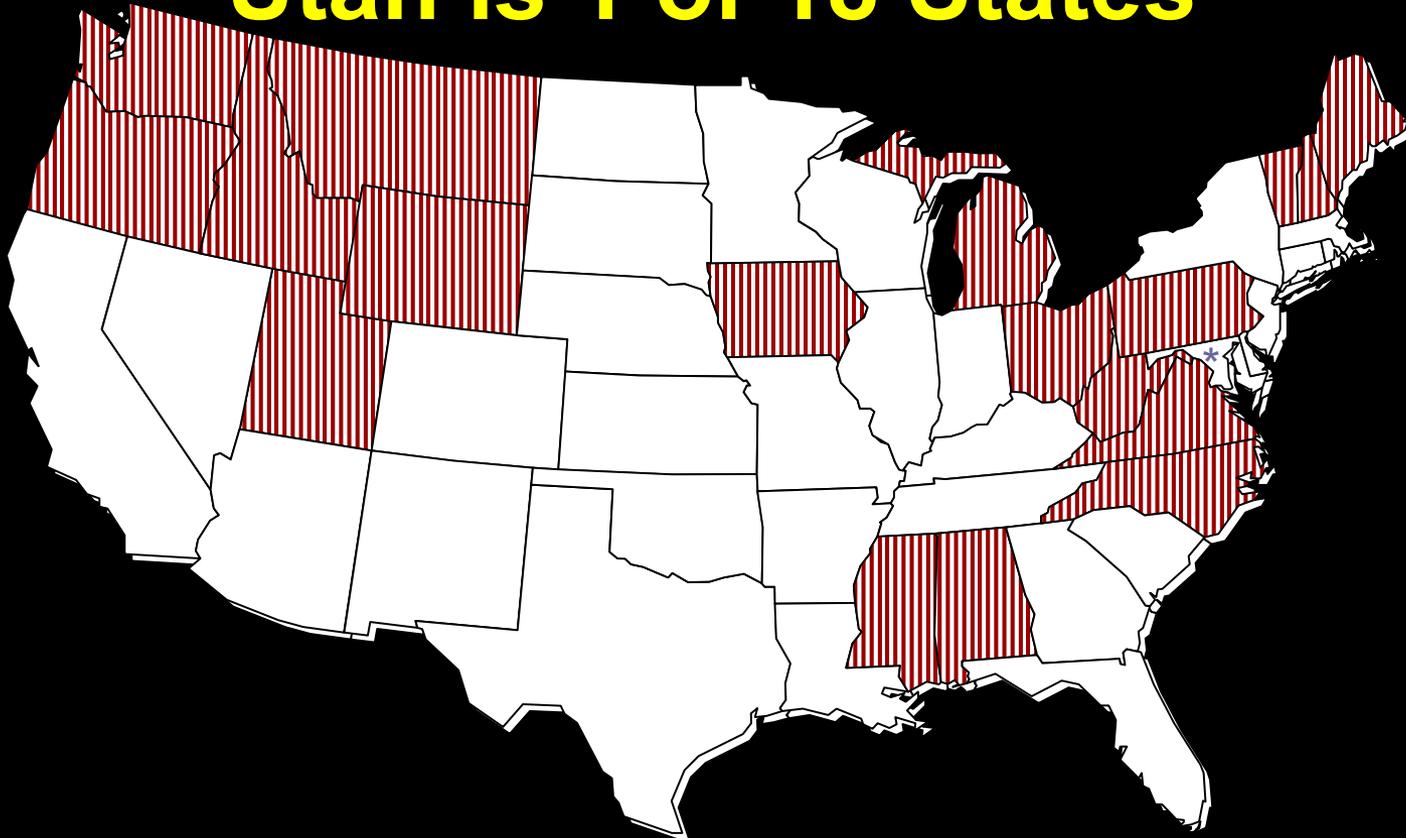
**LIQUOR SHOP DOORS OPEN**

**State's Decisive Ballot Flashed to**

# Control State

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**Utah is 1 of 18 States**



Source: NABCA: <http://www.nabca.org/systems/index.php> (visited 2/6/08)(some local jurisdictions in MD are also control jurisdictions)

# Control State

## DABC Statement of Advantages

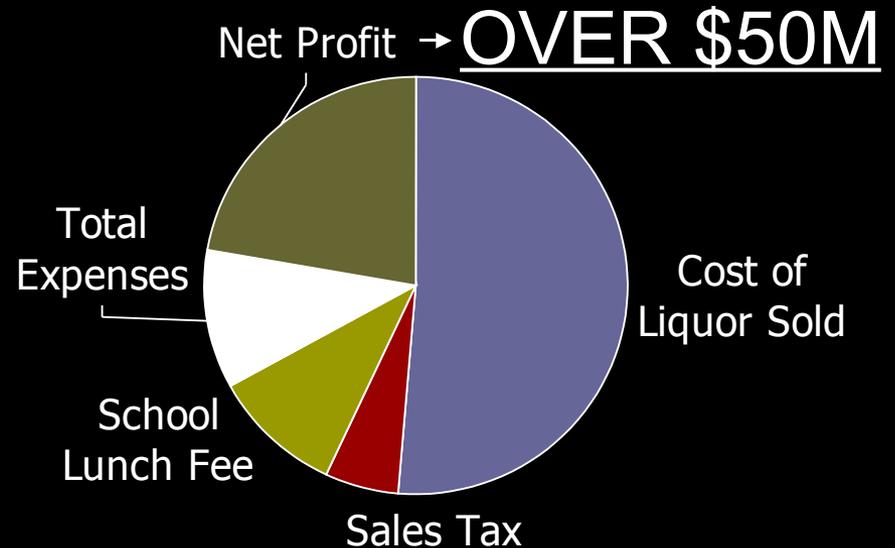
*A major source of income for the state . . . .*

*Support of alcohol programs . . . . .*

*Promote moderation . . . . .*

*Education and enforcement . . . . .*

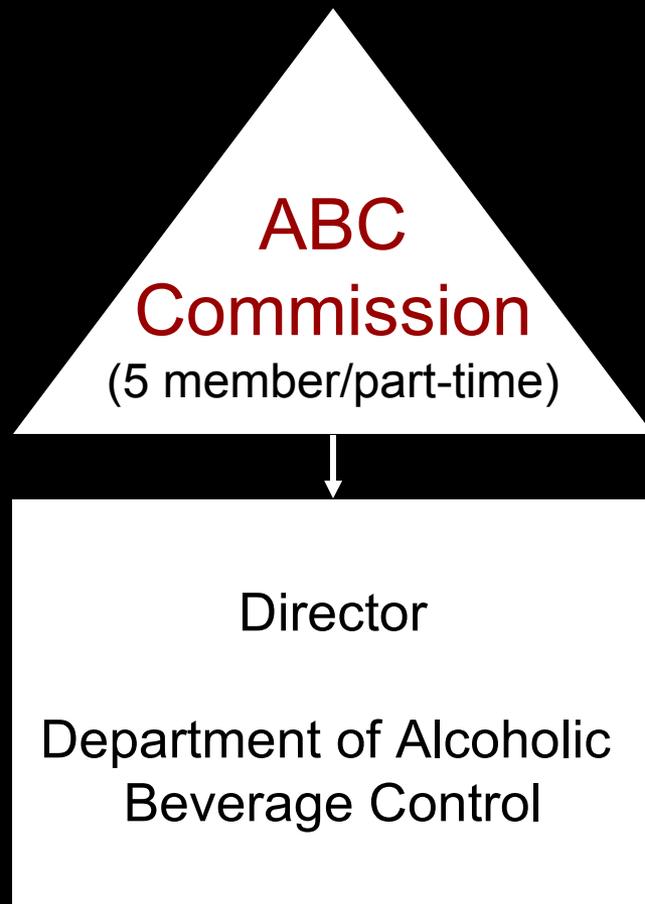
## Distribution of dollars for FY 2007



Source: DABC 2007 annual report and <http://www.abc.utah.gov/Background/regulate.html> (visited 2/6/08)

# Control State

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Source: Utah Code Ann. §§ 32A-1-106 through 32A-1-110

# Control State

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Beer



Liquor

Source: Utah Code Ann. § 32A-1-105

# Control State

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## **POLICIES**

- Nonpartisan and free of partisan political influence
- Public business using sound management principles and practices to service public demand
- Not promote or encourage sale or consumption
- Act in a manner and at prices that:
  - reasonably satisfy public demand and protect public interest, including rights of citizens who do not wish to be involved with alcoholic products
  - promotes reduction of harmful effects of over consumption by adults and consumption by minors

Source: Utah Code Ann. § 32A-1-104

# Special Events

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The couple's daughter sings in the community choir, which performs at an annual "New Year's Eve Charity Concert."

Mrs. Smith is in charge of the bar.

**How are special events treated?**



# Special Events

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- **Permit** - If general public may attend or alcohol is sold
- **Types** - Single event permit or temporary special event beer permit
- **Process** - Issued by commission upon application
- **Limitations**
- **Operations**



Source: Utah Code Ann., Title 32A, Chapter 7, Single Event Permits, Chapter 10, Part 3, Temporary Special Event Beer Permits, § 32A-12-301

# Licensing

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Mr. Smith is interested in investing in a new restaurant in Park City. The owners only want to serve beer and wine with dinner.

**What is required for licensing?**



# Licensing

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- **License** - Sells or allows consumption on premises
- **Types** - Restaurant, limited restaurant, airport lounge, on-premise banquet, private club, on-premise beer retailer (including taverns), off-premise beer retailer\*
- **Process** - Granted by commission upon application
- **Limitations**
- **Operations**



\* Regulated on a local level

Source: Utah Code Ann., Title 32A, Chapters 4, 5, and 10

# Private Clubs

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The Smiths' friends visit for a ski weekend.  
After attending a symphony, they decide  
to have drinks at a private club.

**How are guests and visitors addressed?**



# Private Clubs

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- **Types** — Member, visitor, or guest
- **Visitor** - Purchase a card that admits card holder + 7 for 3 weeks in 1 club
- **Guest** — Hosting required and no fee



Source: Utah Code Ann. § 32A-5-107

# Local Variances

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The Smiths' visit their nephew in Logan and take him on Sunday to stock up on groceries. They are surprised that they cannot buy beer at the grocery store.

**When are there local differences?**



# Local Variances

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- **Licenses & Permits** - Limited dual regulation, written consent of local authority required
- **Process** - Local authority may be more restrictive on certain provisions
- **Limitations**



# Questions

## Contact Information

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