
SB 167, ALCOHOLIC BEVERAGE CONTROL ACT (2010 G.S.) SUMMARY INFORMATION

OUTLINE: Proposed New Title 32B

The following outlines the new Title 32B, Alcoholic Beverage Control Act, which takes effect July 1, 2011. Title 32B is enacted by S.B. 167, and this outline reflects that bill as passed by the Legislature, including amendments made during the 2010 General Session. This outline supersedes previous documents. This is not a comprehensive analysis of the recodification and does not address actions outside of Title 32B. For further information, you may contact the Office of Legislative Research and General Counsel.

CHAPTER 1. ALCOHOLIC BEVERAGE CONTROL GENERAL PROVISIONS

Part 1. General Provisions

- 32B-1-101. Title.
- 32B-1-102. Definitions.
- 32B-1-103. Policy.
- 32B-1-104. Exercise of policy powers -- Severability.

Part 2. Miscellaneous Provisions

- 32B-1-201. Determining population.
- 32B-1-202. Proximity to community location.
- 32B-1-203. Licensee compliance with other laws.
- 32B-1-204. Powers of local authority.
- 32B-1-205. Falsifying or taking other actions with records prohibited.

Part 3. Qualifications and Background

- 32B-1-301. Title.
- 32B-1-302. Definitions. (reserved)
- 32B-1-303. Qualifications related to employment with the department.
- 32B-1-304. Qualifications for a package agency, license, or permit -- Minors.
- 32B-1-305. Requirement for a criminal background check.
- 32B-1-306. Use of information from a criminal background check.
- 32B-1-307. Criminal background check procedure.

Part 4. Proof of Age Act

- 32B-1-401. Title.
- 32B-1-402. Definitions.
- 32B-1-403. Unlawful transfer or use of proof of age -- False information.
- 32B-1-404. Presentation of proof of age upon request.
- 32B-1-405. Additional requirements when age is in question.
- 32B-1-406. Acceptance of identification.
- 32B-1-407. Verification of proof of age by applicable licensees.
- 32B-1-408. Penalty.

Part 5. Attire, Conduct, and Entertainment Act

- 32B-1-501. Title.
- 32B-1-502. Purpose -- Application to other laws.
- 32B-1-503. Definitions. (reserved)
- 32B-1-504. General requirements on attire and conduct.
- 32B-1-505. Sexually oriented entertainer.
- 32B-1-506. Compliance -- Administrative enforcement.

Part 6. Malted Beverage Act

- 32B-1-601. Title.
- 32B-1-602. Definitions.
- 32B-1-603. Power of the commission and department to classify flavored malt beverages.
- 32B-1-604. Requirements for labeling and packaging -- Authority of the commission and department.
- 32B-1-605. General procedure for approval.
- 32B-1-606. Special procedure for flavored malt beverages.
- 32B-1-607. Rulemaking authority.
- 32B-1-608. Disciplinary proceeding for violation.

CHAPTER 2. ALCOHOLIC BEVERAGE CONTROL ADMINISTRATION ACT

Part 1. General Provisions

- 32B-2-101. Title.
- 32B-2-102. Definitions. (reserved)

Part 2. Organization and Operations of Commission and Department

- 32B-2-201. Alcoholic Beverage Control Commission created.
- 32B-2-202. Powers and duties of the commission.
- 32B-2-203. Department of Alcoholic Beverage Control created.
- 32B-2-204. Powers and duties of the department -- Immunity.
- 32B-2-205. Director of alcoholic beverage control.
- 32B-2-206. Powers and duties of the director.
- 32B-2-207. Department employees -- Requirements.
- 32B-2-208. Services of State Health Laboratory.

Part 3. Fiscal Matters

- 32B-2-301. State property -- Liquor Control Fund.
- 32B-2-302. Exempt from Division of Finance -- Annual audits.
- 32B-2-303. Purchase of liquor.
- 32B-2-304. Liquor prices -- School lunch program.

Part 4. Alcoholic Beverage Enforcement and Treatment Restricted Account Act

- 32B-2-401. Title.
- 32B-2-402. Definitions -- Calculations.
- 32B-2-403. Alcoholic Beverage Enforcement and Treatment Restricted Account created.
- 32B-2-404. Alcoholic Beverage Enforcement and Treatment Restricted Account distribution.
- 32B-2-405. Reporting by municipalities and counties -- Grants.

Part 5. State Store

- 32B-2-501. Commission's power to establish a state store.
- 32B-2-502. Commission and department duties before establishing a state store.
- 32B-2-503. Operational requirements for a state store.
- 32B-2-504. Delivery of liquor to state store.

Part 6. Package Agency

- 32B-2-601. Commission's power to issue package agency.
- 32B-2-602. Application requirements for a package agency.
- 32B-2-603. Commission and department duties before issuing a package agency.
- 32B-2-604. Bond related to package agency.
- 32B-2-605. Operational requirements for package agency.
- 32B-2-606. Delivery of liquor to package agency.
- 32B-2-607. Return of inventory by package agent.

CHAPTER 3. DISCIPLINARY ACTIONS AND ENFORCEMENT ACT

Part 1. General Provisions

- 32B-3-101. Title.
- 32B-3-102. Definitions.

Part 2. Disciplinary Proceedings

- 32B-3-201. Nature of adjudicative proceedings under title.
- 32B-3-202. Timing of reporting violations.
- 32B-3-203. Initiating a disciplinary proceeding.
- 32B-3-204. Disciplinary proceeding procedure.
- 32B-3-205. Penalties.
- 32B-3-206. Dishonored checks.
- 32B-3-207. Judicial review -- Enforcement.

Part 3. Nuisance Retail Licensee Act

- 32B-3-301. Title.
- 32B-3-302. Definitions.

- 32B-3-303. Acts making a person subject to this part.
- 32B-3-304. Rulemaking.
- 32B-3-305. Commission to prohibit nuisance activities by licensee -- License not renewed.
- 32B-3-306. Formal objections to renewal.
- 32B-3-307. Hearing on formal objections to renewal.

CHAPTER 4. CRIMINAL OFFENSES AND PROCEDURE ACT

Part 1. General Provisions

- 32B-4-101. Title.
- 32B-4-102. Definitions. (reserved)

Part 2. Criminal Procedure

- 32B-4-201. Applicability of Utah Code of Criminal Procedure.
- 32B-4-202. Duties to enforce this title.
- 32B-4-203. Authority to inspect.
- 32B-4-204. Arrests.
- 32B-4-205. Prosecutions.
- 32B-4-206. Searches, seizures, forfeitures, and fines.
- 32B-4-207. Right of appeal.
- 32B-4-208. Nuisances.
- 32B-4-209. Lawful detention.

Part 3. Criminal Offenses in General

- 32B-4-301. Applicability of Utah Criminal Code.
- 32B-4-302. Criminal responsibility for conduct of another.
- 32B-4-303. Special burdens of proof -- Inferences and presumptions.
- 32B-4-304. Violation of title a misdemeanor.
- 32B-4-305. Additional criminal penalties.

Part 4. Sale, Purchase, Possession, and Consumption

- 32B-4-401. Unlawful sale or furnishing.
- 32B-4-402. Unauthorized sale, offer for sale, or furnishing.
- 32B-4-403. Unlawful sale, offer for sale, or furnishing to minor.
- 32B-4-404. Unlawful sale, offer for sale, or furnishing to intoxicated person.
- 32B-4-405. Unlawful sale, offer for sale, or furnishing to interdicted person.
- 32B-4-406. Unlawful sale, offer for sale, or furnishing of beer.
- 32B-4-407. Unlawful sale, offer for sale, or furnishing during emergency.
- 32B-4-408. Unlawful purchase or acceptance.
- 32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable amounts in body.
- 32B-4-410. Unlawful admittance or attempt to gain admittance by minor.
- 32B-4-411. Minor's unlawful use of proof of age.
- 32B-4-412. Unlawful purchase by intoxicated person.
- 32B-4-413. Unlawful purchase by interdicted person.
- 32B-4-414. Unlawful possession -- Exceptions.
- 32B-4-415. Unlawful bringing onto premises for consumption.
- 32B-4-416. Unlawful permitting of consumption by minor.
- 32B-4-417. Unlawful possession by licensee or permittee.
- 32B-4-418. Unlawful storage.
- 32B-4-419. Unlawful permitting of intoxication.
- 32B-4-420. Unlawful adulteration.
- 32B-4-421. Unlawful consumption in public place.
- 32B-4-422. Unlawful dispensing.

Part 5. Operations

- 32B-4-501. Operating without a license or permit.
- 32B-4-502. Storing or possessing pursuant to federal stamp.
- 32B-4-503. Tampering with a record.

- 32B-4-504. Making false statements.
- 32B-4-505. Obstructing a search, official proceeding, or investigation.
- 32B-4-506. Conflicting interests.
- 32B-4-507. Interfering with manufacturer, supplier, or importer.
- 32B-4-508. Offering or soliciting bribe, gift, profits.
- 32B-4-509. Forgery.
- 32B-4-510. Advertising prohibited -- Exceptions.

Part 6. Transportation and Distribution

- 32B-4-601. Unlawful removal from conveyance or diversion of shipment.
- 32B-4-602. Unlawful transportation.
- 32B-4-603. Carriers' records.

Part 7. Trade Practices Act

- 32B-4-701. Title.
- 32B-4-702. Definitions.
- 32B-4-703. Exclusive outlets.
- 32B-4-704. Tied house -- Prohibitions.
- 32B-4-705. Exclusions from tied house prohibitions.
- 32B-4-706. Commercial bribery.
- 32B-4-707. Consignment sale.
- 32B-4-708. Unlawful act involving consumers.

CHAPTER 5. RETAIL LICENSE ACT

Part 1. General Provisions

- 32B-5-101. Title.
- 32B-5-102. Definitions. (reserved)

Part 2. Retail Licensing Process

- 32B-5-201. Application requirements for retail license.
- 32B-5-202. Renewal requirements.
- 32B-5-203. Commission and department duties before issuing a retail license.
- 32B-5-204. Bond for retail license.
- 32B-5-205. Conditional retail license.
- 32B-5-206. Seasonal retail license.

Part 3. Retail License Operational Requirements

- 32B-5-301. General operational requirements.
- 32B-5-302. Recordkeeping.
- 32B-5-303. Purchase and storage of an alcoholic product by a retail licensee.
- 32B-5-304. Portions in which alcoholic product may be sold.
- 32B-5-305. Pricing of alcoholic product -- Other charge.
- 32B-5-306. Purchasing or selling alcoholic product.
- 32B-5-307. Bringing onto or removing alcoholic product from premises.
- 32B-5-308. Requirements on staff or others on premises -- Employing a minor.
- 32B-5-309. Ceasing operation - Prohibiting transfer of license.
- 32B-5-310. Notifying department of change in ownership.

Part 4. Alcohol Training and Education Act

- 32B-5-401. Title.
- 32B-5-402. Definitions.
- 32B-5-403. Alcohol training and education -- Revocation, suspension, or nonrenewal of retail license.
- 32B-5-404. Alcohol training and education for off-premise consumption.

CHAPTER 6. SPECIFIC RETAIL LICENSE ACT

Part 1. General Provisions

- 32B-6-101. Title.
- 32B-6-102. Definitions.

Part 2. Full-service Restaurant License

- 32B-6-201. Title.
- 32B-6-202. Definitions. (reserved)
- 32B-6-203. Commission's power to issue full-service restaurant license.
- 32B-6-204. Specific licensing requirements for full-service restaurant license.
- 32B-6-205. Specific operational requirements for a full-service restaurant license.
- 32B-6-205.1. Credit for grandfathered bar structures of full-service restaurant.

Part 3. Limited-service Restaurant License

- 32B-6-301. Title.
- 32B-6-302. Definitions.
- 32B-6-303. Commission's power to issue limited-service restaurant license.
- 32B-6-304. Specific licensing requirements for limited-service restaurant license.
- 32B-6-305. Specific operational requirements for a limited-service restaurant license.
- 32B-6-305.1. Credit for grandfathered bar structures for limited-service restaurant.

Part 4. Club License

- 32B-6-401. Title.
- 32B-6-402. Definitions. (reserved)
- 32B-6-403. Commission's power to issue club license.
- 32B-6-404. Types of club license.
- 32B-6-405. Specific licensing requirements for club license.
- 32B-6-406. Specific operational requirements for a club license.
- 32B-6-406.1. Specific operational requirements related to dance or concert hall.
- 32B-6-407. Specific operational requirements for equity club license or fraternal club license.
- 32B-6-408. Information obtained by investigator.

Part 5. Airport Lounge License

- 32B-6-501. Title.
- 32B-6-502. Definitions. (reserved)
- 32B-6-503. Commission's power to issue airport lounge license.
- 32B-6-504. Specific licensing requirements for airport lounge license.
- 32B-6-505. Specific operational requirements for an airport lounge license.

Part 6. On-premise Banquet License

- 32B-6-601. Title.
- 32B-6-602. Definitions. (reserved)
- 32B-6-603. Commission's power to issue on-premise banquet license -- Contracts as host.
- 32B-6-604. Specific licensing requirements for an on-premise banquet license.
- 32B-6-605. Specific operational requirements for on-premise banquet license.

Part 7. On-premise Beer Retailer License

- 32B-6-701. Title.
- 32B-6-702. Definitions. (reserved)
- 32B-6-703. Commission's power to issue on-premise beer retailer license.
- 32B-6-704. Local authority to issue a license.
- 32B-6-705. Specific licensing requirements for on-premise beer retailer license.
- 32B-6-706. Specific operational requirements for on-premise beer retailer license.
- 32B-6-707. Application of part to other retail license type.
- 32B-6-708. Information obtained by investigator.

CHAPTER 7. OFF-PREMISE BEER RETAILER ACT

Part 1. General Provisions

- 32B-7-101. Title.
- 32B-7-102. Definitions. (reserved)

Part 2. Off-premise Beer Retailer Local Authority

- 32B-7-201. State and local licensing -- Limitations.
- 32B-7-202. General operational requirements for off-premise beer retailer.

Part 3. Off-premise Beer Retailer Enforcement Act

- 32B-7-301. Title.
- 32B-7-302. Definitions. (reserved)
- 32B-7-303. Penalties related to sales to minors.
- 32B-7-304. Hearings.
- 32B-7-305. Tracking of enforcement actions -- Costs of enforcement actions.

CHAPTER 8. RESORT LICENSE ACT

Part 1. General Provisions

- 32B-8-101. Title.
- 32B-8-102. Definitions.

Part 2. Resort Licensing Process

- 32B-8-201. Commission's power to issue a resort license.
- 32B-8-202. Specific licensing requirements for resort license.
- 32B-8-203. Specific qualifications for resort license.
- 32B-8-204. Commission and department duties before issuing resort license.

Part 3. Resort Spa Sublicense

- 32B-8-301. Commission's power to issue resort spa sublicense.
- 32B-8-302. Specific licensing requirements for resort spa sublicense.
- 32B-8-303. Specific qualifications for resort spa sublicense.
- 32B-8-304. Specific operational requirements for resort spa sublicense.

Part 4. Operational Requirements

- 32B-8-401. Specific operational requirements for resort license.
- 32B-8-402. Specific operational requirements for a sublicense.

Part 5. Enforcement

- 32B-8-501. Enforcement of qualifications for a resort license or sublicense.
- 32B-8-502. Enforcement of operational requirements for a resort license or sublicense.
- 32B-8-503. Enforcement of Nuisance Retail Licensee Act.

CHAPTER 9. EVENT PERMIT ACT

Part 1. General Provisions

- 32B-9-101. Title.
- 32B-9-102. Definitions.

Part 2. Event Permitting General Provisions

- 32B-9-201. Application requirements for event permit.
- 32B-9-202. Commission and department duties before issuing event permit.
- 32B-9-203. Bond for event permit.
- 32B-9-204. General operational requirements for an event permit.

Part 3. Single Event Permit

- 32B-9-301. Title.
- 32B-9-302. Definitions.
- 32B-9-303. Commission's power to issue single event permit.
- 32B-9-304. Specific permitting requirements for single event permit.
- 32B-9-305. Specific operational requirements for single event permit.

Part 4. Temporary Beer Event Permit

- 32B-9-401. Title.
- 32B-9-402. Definitions. (reserved)
- 32B-9-403. Commission's power to issue temporary beer event permit.
- 32B-9-404. Local authority's power to issue temporary beer event permit.
- 32B-9-405. Specific permitting requirements for a temporary beer event permit issued by commission.
- 32B-9-406. Specific operational requirements for temporary beer event permit.

CHAPTER 10. SPECIAL USE PERMIT ACT

Part 1. General Provisions

- 32B-10-101. Title.
- 32B-10-102. Definitions.

Part 2. Special Use Permitting General Provisions

- 32B-10-201. Commission's power to issue special use permit.
- 32B-10-202. Application for special use permit -- Qualifications.
- 32B-10-203. Renewal of a special use permit.
- 32B-10-204. Duties of commission and department before issuing special use permit.
- 32B-10-205. Bond for special use permit.
- 32B-10-206. General operational requirements for special use permit.
- 32B-10-207. Notifying department of change of ownership.

Part 3. Public Service Permit

- 32B-10-301. Title.
- 32B-10-302. Definitions. (reserved)
- 32B-10-303. Specific application and renewal requirements for a public service permit.
- 32B-10-304. Specific operational requirements for a public service permit.

Part 4. Industrial or Manufacturing Use Permit

- 32B-10-401. Title.
- 32B-10-402. Definitions. (reserved)
- 32B-10-403. Specific application requirements for industrial or manufacturing use permit.
- 32B-10-404. Specific operational requirements for industrial or manufacturing use permit.

Part 5. Scientific or Educational Use Permit

- 32B-10-501. Title.
- 32B-10-502. Definitions. (reserved)
- 32B-10-503. Specific application requirements for scientific or educational use permit.

Part 6. Religious Use of Alcoholic Products

- 32B-10-601. Title.
- 32B-10-602. Definitions. (reserved)
- 32B-10-603. Specific application requirements for religious wine use permit.
- 32B-10-604. Specific operational requirements for religious wine use permit.
- 32B-10-605. Religious organization exemption.

Part 7. Health Care Facility or Practitioner Use of Alcoholic Products

- 32B-10-701. Title.
- 32B-10-702. Definitions.
- 32B-10-703. Health care facility exemption.
- 32B-10-704. Health practitioner exemption.

CHAPTER 11. MANUFACTURING AND RELATED LICENSES ACT

Part 1. General Provisions

- 32B-11-101. Title.
- 32B-11-102. Definitions.

Part 2. Manufacturing Licensing General Provisions

- 32B-11-201. Commission's power to issue a manufacturing license -- Certificates of approval.
- 32B-11-202. Exemption for manufacture in personal residence of fermented beverage.
- 32B-11-203. Application requirements for a manufacturing license.
- 32B-11-204. Renewal requirements for a manufacturing license.
- 32B-11-205. Specific qualifications for a manufacturing license.
- 32B-11-206. Duties of commission and department before issuing manufacturing license.
- 32B-11-207. Bond for manufacturing license.
- 32B-11-208. General operational requirements for manufacturing license.
- 32B-11-209. Notifying department of change in ownership.

Part 3. Winery Manufacturing License

32B-11-301. Title.

32B-11-302. Definitions. (reserved)

32B-11-303. Specific authority and operational requirements for winery manufacturing license.

Part 4. Distillery Manufacturing License

32B-11-401. Title.

32B-11-402. Definitions. (reserved)

32B-11-403. Specific authority and operational requirements for distillery manufacturing license.

Part 5. Brewery Manufacturing License

32B-11-501. Title.

32B-11-502. Definitions. (reserved)

32B-11-503. Specific authority and operational requirements for brewery manufacturing license.

Part 6. Local Industry Representative License Act

32B-11-601. Title.

32B-11-602. Definitions. (reserved)

32B-11-603. Commission's power to issue local industry representative license.

32B-11-604. Application for local industry representative license.

32B-11-605. Renewal requirements for local industry representative license.

32B-11-606. Specific qualifications for local industry representative.

32B-11-607. Commission and department duties before issuing local representative license.

32B-11-608. Operational requirements for local industry representative license.

32B-11-609. Notifying department of change in ownership.

CHAPTER 12. LIQUOR WAREHOUSING LICENSE ACT

Part 1. General Provisions

32B-12-101. Title.

32B-12-102. Definitions. (reserved)

Part 2. Liquor Warehousing License Process

32B-12-201. Commission's power to issue liquor warehousing license.

32B-12-202. Application requirements for liquor warehousing license.

32B-12-203. Renewal requirements for liquor warehousing license.

32B-12-204. Specific qualifications for liquor warehousing license.

32B-12-205. Duties of commission and department before issuing liquor warehousing license.

32B-12-206. Bond for liquor warehousing license.

Part 3. Operational Requirements for Liquor Warehousing License

32B-12-301. General operational requirements for liquor warehousing license.

32B-12-302. Notifying the department of change in ownership.

CHAPTER 13. Beer Wholesaling License Act

Part 1. General Provisions

32B-13-101. Title.

32B-13-102. Definitions. (reserved)

Part 2. Beer Wholesaling License Process

32B-13-201. Commission's power to issue a beer wholesaling license.

32B-13-202. Application requirements for beer wholesaling license.

32B-13-203. Renewal requirements for beer wholesaling license.

32B-13-204. Specific qualifications for beer wholesaling license.

32B-13-205. Commission and department duties before issuing beer wholesaling license.

32B-13-206. Bond for a beer wholesaling license.

Part 3. Operational Requirements for Beer Wholesaling License

32B-13-301. General operational requirements for beer wholesaling license.

32B-13-302. Notifying the department of a change of ownership.

CHAPTER 14. UTAH BEER INDUSTRY DISTRIBUTION ACT

Part 1. General Provisions

- 32B-14-101. Title -- Legislative intent.
- 32B-14-102. Definitions.
- 32B-14-103. Modifying statutory requirements not permitted.

Part 2. Termination

- 32B-14-201. Termination of distributorship agreements.
- 32B-14-202. Notice of termination.

Part 3. Operational Provisions

- 32B-14-301. Distributorship agreements in general.
- 32B-14-302. Prohibited conduct of supplier.
- 32B-14-303. Prohibited conduct of wholesaler.
- 32B-14-304. Sale or transfer of business assets or ownership.
- 32B-14-305. Sale or transfer of supplier's business.

Part 4. Remedies

- 32B-14-401. Reasonable compensation -- Arbitration.
- 32B-14-402. Judicial remedies.

CHAPTER 15. ALCOHOLIC PRODUCT LIABILITY ACT

Part 1. General Provisions

- 32B-15-101. Title.
- 32B-15-102. Definitions.

Part 2. Liability

- 32B-15-201. Liability for injuries and damage resulting from distribution of alcoholic products.
- 32B-15-202. Liability for employees -- Employee protected in exercising judgment.
- 32B-15-203. Governmental immunity.

Part 3. Civil Action

- 32B-15-301. Cause of action -- Statute of limitations.
- 32B-15-302. Action for contribution by provider of an alcoholic product.

CHAPTER 16. MINOR LIABILITY ACT

Part 1. General Provisions

- 32B-16-101. Title.
- 32B-16-102. Definitions.

Part 2. Liability to Retail Licensee

- 32B-16-201. Liability related to applicable fine.

Part 3. Civil Action

- 32B-16-301. Bringing an action.
- 32B-16-302. Action for contribution.