

32B-1-201 Restrictions on number of retail licenses that may be issued -- Determining population -- Exempt licenses.

- (1) As used in this section:
 - (a) "Alcohol-related law enforcement officer" means a law enforcement officer employed by the Department of Public Safety that has as a primary responsibility:
 - (i) the enforcement of this title; or
 - (ii) the enforcement of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
 - (b) "Enforcement ratio" is the number calculated as follows:
 - (i) determine the quotient equal to the sum of the total number of quota retail licenses available and the total number of licensed premises operating under a master full-service restaurant license or under a master limited-service restaurant license divided by the total number of alcohol-related law enforcement officers; and
 - (ii) round the number determined in accordance with Subsection (1)(b)(i) up to the nearest whole number.
 - (c) "Quota retail license" means:
 - (i) a full-service restaurant license;
 - (ii) a limited-service restaurant license;
 - (iii) a club license;
 - (iv) an on-premise banquet license;
 - (v) an on-premise beer retailer operating as a tavern; and
 - (vi) a reception center license.
 - (d) "Total number of alcohol-related law enforcement officers" means the total number of positions designated as alcohol-related law enforcement officers that are funded as of a specified date as certified by the Department of Public Safety to the department.
 - (e) "Total number of quota retail licenses available" means the number calculated by:
 - (i) determining as of a specified date for each quota retail license the number of licenses that the commission may not exceed calculated by dividing the population of the state by the number specified in the relevant provision for the quota retail license; and
 - (ii) adding together the numbers determined under Subsection (1)(e)(i).
- (2)
 - (a) Beginning on July 1, 2012, the department shall annually determine the enforcement ratio as of July 1 of that year.
 - (b) If, beginning on July 1, 2012, the enforcement ratio is greater than 52, the commission may not issue a quota retail license for the 12-month period beginning on the July 1 for which the enforcement ratio is greater than 52.
 - (c) Notwithstanding Subsection (2)(b), the commission may issue a quota retail license during the 12-month period described in Subsection (2)(b) beginning on the day on which a sufficient number of alcohol-related law enforcement officers are employed so that if the enforcement ratio is calculated, the enforcement ratio would be equal to or less than 52.
 - (d) Once the Department of Public Safety certifies under Subsection (1)(d) the total number of positions designated as alcohol-related law enforcement officers that are funded as of July 1, the Department of Public Safety may not use the funding for the designated alcohol-related law enforcement officers for a purpose other than funding those positions.
- (3) For purposes of determining the number of state stores that the commission may establish or the number of package agencies or retail licenses that the commission may issue, the commission shall determine population by:
 - (a) the most recent United States decennial or special census; or

- (b) another population determination made by the United States or state governments.
- (4) The commission may not consider a retail license that meets the following conditions in determining the total number of licenses available for that type of retail license that the commission may issue at any time:
 - (a) the retail license was issued to a club licensee designated as a dining club as of July 1, 2011; and
 - (b) the dining club license is converted to another type of retail license in accordance with Section 32B-6-409.

Amended by Chapter 349, 2013 General Session