

Part 1

General Provisions

32B-14-101 Legislative policy.

It is the policy of the Legislature to regulate and control the importation, sale, and distribution of beer within the state in the exercise of its powers under the Twenty-first Amendment to the Constitution of the United States and pursuant to the Utah Constitution.

Amended by Chapter 261, 2025 General Session

32B-14-102 Definitions.

As used in this chapter:

- (1) "Affected party" means a supplier or wholesaler who is a party to a distributorship agreement that a terminating party seeks to terminate or not renew.
- (2)
 - (a) "Distributorship agreement" means a written agreement between a supplier and a wholesaler pursuant to which the wholesaler has the right to purchase, resell, and distribute in a designated geographical area any brand of beer manufactured, imported, or distributed by the supplier.
 - (b) For purposes of this chapter, a separate agreement between a supplier and a wholesaler is considered to be part of a distributorship agreement if it relates to:
 - (i) the relationship between the supplier and the wholesaler; or
 - (ii) the duties of either the supplier or the wholesaler under a distributorship agreement.
- (3) "Good cause" means the material failure by a supplier or a wholesaler to comply with an essential, reasonable, and lawful requirement imposed by a distributorship agreement if the failure occurs after the supplier or wholesaler acting in good faith provides notice of deficiency and an opportunity to correct in accordance with Part 2, Termination.
- (4) "Good faith" is as defined in Subsection 70A-1a-201(2)(t).
- (5) "Retailer" means a beer retailer.
- (6) "Sales territory" means the geographic area of distribution and sale responsibility designated by a distributorship agreement.
- (7) "Supplier," notwithstanding Section 32B-1-102, means a brewer or other person who sells beer to a wholesaler for resale in this state.
- (8) "Terminating party" means a supplier or wholesaler who:
 - (a) is a party to a distributorship agreement; and
 - (b) seeks to terminate or not renew the distributorship agreement.

Enacted by Chapter 276, 2010 General Session

32B-14-103 Modifying statutory requirements not permitted.

- (1) Nothing in this chapter is intended to restrict the right of a supplier to contractually require its wholesaler to comply with the supplier's operational standards of performance that are:
 - (a) consistent with this chapter; and
 - (b) uniformly established for its wholesalers according to the supplier's good faith business judgment.
- (2) Notwithstanding Subsection (1), the requirements of this chapter may not be modified by agreement.

- (3) An agreement that by its terms modifies the requirements of this chapter is void and unenforceable to the extent it attempts to modify the requirements of this chapter.

Enacted by Chapter 276, 2010 General Session