

## Part 5 State Store

### **32B-2-501 Commission's power to establish a state store.**

- (1) The commission may establish state stores in the numbers and at places, owned or leased by the department, that the commission considers proper for the sale of liquor by employees of the state, in accordance with this title and the rules made under this title.
- (2) The commission may not establish a total number of state stores that at any time exceeds the number determined by dividing the population of the state by 48,000.
- (3) The commission may not establish a state store at premises that do not meet the proximity requirements of Section 32B-1-202.
- (4) An employee of a state store is considered a department employee and shall meet the qualification requirements for employment in Sections 32B-1-303 and 32B-2-207.
- (5)
  - (a) The commission shall ensure that signage installed or replaced at or near a state store, on or after May 11, 2010, complies with Subsection (5)(b) if the signage is:
    - (i) attached to the exterior of the premises of a state store; or
    - (ii) not attached to the premises of a state store, but otherwise alerts or directs a person to the location of a state store.
  - (b) Signage described in Subsection (5)(a) shall contain the following words in the size of lettering required by Subsection (5)(c):
    - (i) "state"; or
    - (ii) "State of Utah."
  - (c) The text described in Subsection (5)(b) shall be in lettering that is equal to or larger than the size of any text on the same signage that refers to "liquor" or "wine."

Enacted by Chapter 276, 2010 General Session

Amended by Chapter 276, 2010 General Session, (Coordination Clause)

### **32B-2-502 Commission and department duties before establishing a state store.**

- (1)
  - (a) Before the commission may establish a state store, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission to assure appropriate service to the general population of the state.
  - (b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
- (2) Before establishing a state store, the commission shall:
  - (a) determine that the local authority of the locality where the state store will be located is consulted;
  - (b) determine that the state store complies with the zoning ordinances of the locality where the state store will be located;
  - (c) consider the locality within which the proposed state store will be located including:
    - (i) economic factors, such as:
      - (A) bid price;
      - (B) lease terms;
      - (C) operating costs; and
      - (D) local taxes;

- (ii) physical characteristics, such as:
  - (A) condition of the premises;
  - (B) space availability;
  - (C) parking;
  - (D) common areas;
  - (E) conformance to building and safety codes;
  - (F) delivery access; and
  - (G) expandability; and
- (iii) operational factors, such as:
  - (A) tourist traffic;
  - (B) access to the public;
  - (C) demographics;
  - (D) population to be served;
  - (E) the nature of surrounding establishments;
  - (F) proximity to and density of other state stores, package agencies, and retail licensees;
  - (G) proximity to residential communities; and
  - (H) proximity to educational, religious, and recreational facilities; and
- (d) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

**32B-2-503 Operational requirements for a state store.**

- (1)
  - (a) A state store shall display in a prominent place in the store a sign in large letters that consists of text in the following order:
    - (i) a header that reads: "WARNING";
    - (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
    - (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
    - (iv) a header that reads: "WARNING"; and
    - (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
  - (b)
    - (i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (1)(a)(iv) and (v).
    - (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the same font size.
  - (c) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this section.
- (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by the commission.
- (3) A state store may not sell, offer for sale, or furnish liquor to:
  - (a) a minor;
  - (b) a person actually, apparently, or obviously intoxicated;
  - (c) a known interdicted person; or
  - (d) a known habitual drunkard.
- (4)

- (a) A state store employee may not:
    - (i) consume an alcoholic product on the premises of a state store; or
    - (ii) allow any person to consume an alcoholic product on the premises of a state store.
  - (b) A violation of this Subsection (4) is a class B misdemeanor.
- (5)
- (a) Sale or delivery of liquor may not be made on or from the premises of a state store, and a state store may not be kept open for the sale of liquor:
    - (i) on Sunday; or
    - (ii) on a state or federal legal holiday.
  - (b) Sale or delivery of liquor may be made on or from the premises of a state store, and a state store may be open for the sale of liquor, only on a day and during hours that the commission directs by rule or order.
- (6)
- (a) A minor may not be admitted into, or be on the premises of, a state store unless accompanied by a person who is:
    - (i) 21 years of age or older; and
    - (ii) the minor's parent, legal guardian, or spouse.
  - (b) A state store employee that has reason to believe that a person who is on the premises of a state store is under the age of 21 and is not accompanied by a person described in Subsection (6)(a) may:
    - (i) ask the suspected minor for proof of age;
    - (ii) ask the person who accompanies the suspected minor for proof of age; and
    - (iii) ask the suspected minor or the person who accompanies the suspected minor for proof of parental, guardianship, or spousal relationship.
  - (c) A state store employee shall refuse to sell liquor to the suspected minor and to the person who accompanies the suspected minor into the state store if the suspected minor or person fails to provide information specified in Subsection (6)(b).
  - (d) A state store employee shall require a suspected minor and the person who accompanies the suspected minor into the state store to immediately leave the premises of the state store if the suspected minor or person fails to provide information specified in Subsection (6)(b).
- (7)
- (a) A state store may not sell, offer for sale, or furnish liquor except in a sealed container.
  - (b) A person may not open a sealed container on the premises of a state store.
- (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish heavy beer in a sealed container that exceeds two liters.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

**32B-2-504 Delivery of liquor to state store.**

- (1) Liquor to be sold from a state store may be transported from a warehouse authorized by the department to the state store if transported by a person authorized by the department to transport the liquor to the state store, including a common carrier.
- (2) A person, while in or about a vehicle in which liquor is being transported, may not open, break, or allow to be opened or broken, a container containing liquor.
- (3) A person may not drink, use, or allow to be drunk or used, liquor while it is in transit under this section.

Amended by Chapter 307, 2011 General Session  
Amended by Chapter 334, 2011 General Session