

Part 5 Operations

32B-4-501 Operating without a license or permit.

- (1) A person may not operate the following businesses without first obtaining a license under this title if the business allows a person to purchase or consume an alcoholic product on the premises of the business:
 - (a) a restaurant;
 - (b) an airport lounge;
 - (c) a business operated in the same manner as a club licensee;
 - (d) a resort;
 - (e) a business operated to sell, offer for sale, or furnish beer for on-premise consumption;
 - (f) a business operated as an on-premise banquet licensee;
 - (g) a hotel; or
 - (h) a business similar to one listed in Subsections (1)(a) through (g).
- (2) A person conducting an event that is open to the general public may not directly or indirectly sell, offer for sale, or furnish an alcoholic product to a person attending the event without first obtaining an event permit under this title.
- (3) A person conducting a private event may not directly or indirectly sell or offer for sale an alcoholic product to a person attending the private event without first obtaining an event permit under this title.
- (4) A person may not operate the following businesses in this state without first obtaining a license under this title:
 - (a) a winery manufacturer;
 - (b) a distillery manufacturer;
 - (c) a brewery manufacturer;
 - (d) a local industry representative of:
 - (i) a manufacturer of an alcoholic product;
 - (ii) a supplier of an alcoholic product; or
 - (iii) an importer of an alcoholic product;
 - (e) a liquor warehouse; or
 - (f) a beer wholesaler.
- (5) A person may not operate a public conveyance in this state without first obtaining a public service permit under this title if that public conveyance allows a person to purchase or consume an alcoholic product:
 - (a) on the public conveyance; or
 - (b) on the premises of a hospitality room located within a depot, terminal, or similar facility at which a service is provided to a patron of the public conveyance.

Amended by Chapter 80, 2016 General Session

32B-4-502 Storing or possessing pursuant to federal stamp.

- (1) Except as otherwise provided by this title, it is unlawful for a person who holds a stamp issued by the Bureau of Internal Revenue of the United States as a retail dealer in fermented malt liquor, or the person's operator or staff, to possess, hold, or store liquor in or on premises described in the stamp while the stamp remains in effect unless that person is:
 - (a) acting for the commission; or

- (b) licensed under this title.
- (2) This section may not be construed to prevent a person from possessing and consuming, but not storing, liquor on premises described by the fermented malt liquor stamp, if that person is not:
 - (a) an owner or operator of a retail dealer described in Subsection (1); or
 - (b) a staff member of either the owner or operator.

Enacted by Chapter 276, 2010 General Session

32B-4-503 Tampering with a record.

- (1) It is unlawful for a person who has custody of a record required to be filed or deposited with the commission or the department under this title to:
 - (a) steal, falsify, alter, willfully destroy, mutilate, deface, remove, or conceal in whole or in part that record; or
 - (b) knowingly permit another person to take an action described in Subsection (1)(a).
- (2)
 - (a) Except as provided in Subsection (2)(b), a person is guilty of a class B misdemeanor.
 - (b) A person who violates Subsection (1) is guilty of a third degree felony if that person is a commissioner, the director, or a department employee.

Enacted by Chapter 276, 2010 General Session

32B-4-504 Making false statements.

- (1)
 - (a) A person who makes a false material statement under oath or affirmation in an official proceeding before the commission or the department is guilty of a second degree felony.
 - (b) As used in Subsection (1)(a), "material" statement is as defined in Section 76-8-501.
- (2) A person is guilty of a class B misdemeanor if that person knowingly:
 - (a) makes a false statement under oath or affirmation in an official proceeding before the commission or the department;
 - (b) makes a false statement with a purpose to mislead a public servant in performing that public servant's official functions under this title;
 - (c) makes a false statement and the statement is required by this title to be sworn or affirmed before a notary or other person authorized to administer oaths;
 - (d) makes a false written statement on or pursuant to a record required by this title;
 - (e) creates a false impression in a record required by this title by omitting information necessary to prevent a statement in them from being misleading;
 - (f) makes a false written statement with intent to deceive a public servant in the performance of that public servant's official functions under this title; or
 - (g) submits or invites reliance on a record required under this title which that person knows to lack authenticity.
- (3) A person is not guilty under Subsection (2) if that person retracts the falsification before it becomes apparent that the falsification is or will be exposed.

Enacted by Chapter 276, 2010 General Session

32B-4-505 Obstructing a search, official proceeding, or investigation.

- (1) A person who is in the premises or has charge over premises may not refuse or fail to admit to the premises or obstruct the entry of any of the following who demands entry when acting under this title:
 - (a) a commissioner;
 - (b) an authorized representative of the commission or department; or
 - (c) a law enforcement officer.
- (2) A person who is in the premises or has charge of the premises may not interfere with any of the following who is conducting an investigation under this title at the premises:
 - (a) a commissioner;
 - (b) an authorized representative of the commission or department; or
 - (c) a law enforcement officer.
- (3) A person is guilty of a second degree felony if, believing that an official proceeding or investigation is pending or about to be instituted under this title, that person:
 - (a) alters, destroys, conceals, or removes a record with a purpose to impair its verity or availability in the proceeding or investigation; or
 - (b) makes, presents, or uses anything that the person knows to be false with a purpose to deceive any of the following who may be engaged in a proceeding or investigation under this title:
 - (i) a commissioner;
 - (ii) an authorized representative of the commission or department;
 - (iii) a law enforcement officer; or
 - (iv) other person.

Enacted by Chapter 276, 2010 General Session

32B-4-508 Offering or soliciting bribe, gift, or profits.

- (1) If a person sold, sells, offered for sale, or offers to sell an alcoholic product to the commission or department, that person may not offer, make, tender, or in any way deliver or transfer to a commissioner, the director, a department employee, or a law enforcement officer responsible for the enforcement of this title the following:
 - (a) a bribe;
 - (b) a gift, as defined in Section 67-16-5; or
 - (c) a share of profits.
- (2) A commissioner, the director, a department employee, or a law enforcement officer responsible for the enforcement of this title may not knowingly solicit, receive, accept, take, or seek, directly or indirectly, any of the following from a person who sold, sells, offered for sale, or offers to sell an alcoholic product:
 - (a) a commission;
 - (b) compensation, as defined in Section 67-16-3;
 - (c) a gift, as defined in Section 67-16-5; or
 - (d) a loan.
- (3) A violation of this section is punishable under Section 67-16-12.

Enacted by Chapter 276, 2010 General Session

32B-4-509 Forgery.

- (1)

- (a) A person who with a purpose to defraud the commission or the department, or who with knowledge that the person is facilitating a fraud to be perpetrated by anyone, forges a record required under this title, is guilty of forgery as provided under Section 76-6-501.
- (b) A violation of Subsection (1)(a) is a second degree felony.
- (2) A person who with intent to defraud the commission or the department knowingly possesses a record that is a forgery as defined in Section 76-6-501 is guilty of a third degree felony.

Enacted by Chapter 276, 2010 General Session