

**Superseded 5/10/2016**

**32B-4-401 Unlawful sale or furnishing.**

- (1) It is unlawful for a retail licensee, a permittee, or staff of a retail licensee or permittee to keep for sale, or to directly or indirectly, sell, offer for sale, or furnish to another, an alcoholic product, except as otherwise provided by this title.
- (2) It is unlawful for a person in the business of selling liquor, a manufacturer, a supplier, an importer of liquor, or staff of the person, manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported liquor from an out-of-state location directly or indirectly into this state except to the extent authorized by this title to:
  - (a) the department;
  - (b) a military installation;
  - (c) a holder of a special use permit, to the extent authorized in the special use permit; or
  - (d) a liquor warehouse licensee licensed to distribute and transport liquor to:
    - (i) the department; or
    - (ii) an out-of-state wholesaler or retailer.
- (3)
  - (a) It is unlawful for a person in the business of selling beer, a manufacturer, a supplier, an importer of beer, or staff of the person, manufacturer, or importer to sell, ship, transport, or cause to be sold, shipped, or transported beer from an out-of-state location directly or indirectly into this state except to the extent authorized by this title to:
    - (i) a beer wholesaler licensee;
    - (ii) a military installation; or
    - (iii) a holder of a special use permit, to the extent authorized in the special use permit.
  - (b) Subsection (3)(a) does not preclude a small brewer that holds a certificate of approval from selling, shipping, or transporting beer to the extent authorized by Subsection 32B-11-503(5) directly to:
    - (i) a beer retailer; or
    - (ii) an event permittee.
- (4)
  - (a) It is unlawful for a manufacturer, supplier, or importer of liquor in this state, or staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported liquor directly or indirectly to a person in this state except to the extent authorized by this title to:
    - (i) the department;
    - (ii) a military installation;
    - (iii) a holder of a special use permit, to the extent authorized in the special use permit; or
    - (iv) a liquor warehouse licensee who is licensed to distribute and transport liquor to:
      - (A) the department; or
      - (B) an out-of-state wholesaler or retailer.
  - (b) Subsection (4)(a) does not preclude a winery manufacturing licensee located in this state from selling wine to a person on its winery premises:
    - (i) to the extent authorized by Subsection 32B-11-303(4)(c); or
    - (ii) under a package agency issued by the commission on the winery premises.
- (5)
  - (a) It is unlawful for a manufacturer, supplier, or importer of beer in this state, or staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported beer directly or indirectly to a person in this state except to the extent authorized by this title to:

- (i) a beer wholesaler licensee;
  - (ii) a military installation; or
  - (iii) a holder of a special use permit, to the extent authorized in the special use permit.
- (b) Subsection (5)(a) does not preclude:
- (i) a small brewer who is a brewery manufacturing licensee located in this state from selling, shipping, and transporting beer to the extent authorized by Subsection 32B-11-503(5) directly to one of the following in this state:
    - (A) a beer retailer; or
    - (B) an event permittee; or
  - (ii) a brewery manufacturing licensee from selling beer to a person on its manufacturing premises under Subsection 32B-11-503(4)(c).
- (6) It is unlawful for a person other than a person described in Subsection (2) or (3) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product from an out-of-state location directly or indirectly into this state, except as otherwise provided by this title.
- (7) It is unlawful for a person in this state other than a person described in Subsection (4) or (5) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product directly or indirectly to another person in this state, except as otherwise provided by this title.
- (8)
- (a) A violation of Subsection (1) is a class B misdemeanor, except when otherwise provided by this title.
  - (b) A violation of Subsection (2), (3), (4), or (5) is a third degree felony.
  - (c) A violation of Subsection (6) or (7) is a class B misdemeanor.