

Effective 5/1/2024

Superseded 5/7/2025

32B-5-201 Application requirements for retail license.

- (1)
 - (a) Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license issued by the commission, notwithstanding whether the person holds a local license or a permit issued by a local authority.
 - (b) Violation of this Subsection (1) is a class B misdemeanor.
- (2) To obtain a retail license under this title, a person shall submit to the department:
 - (a) a written application in a form prescribed by the department;
 - (b) a nonrefundable application fee in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying;
 - (c) an initial license fee:
 - (i) in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying; and
 - (ii) that is refundable if a retail license is not issued;
 - (d) written consent of the local authority, including, if applicable, consent for each proposed sublicense;
 - (e) a copy of:
 - (i) every license the local authority requires, including the person's current business license; and
 - (ii) if the person is applying for a principal license, the current business license for each proposed sublicense, except if the local authority determines that the business license for a proposed sublicense is included in the person's current business license;
 - (f) evidence of the proposed retail licensee's proximity to any community location, with proximity requirements being governed by Section 32B-1-202;
 - (g) a bond as specified by Section 32B-5-204;
 - (h) a floor plan, and boundary map where applicable, of the premises of the retail license and each, if any, accompanying sublicense, including any:
 - (i) consumption area; and
 - (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic beverage;
 - (i) evidence that the retail licensee carries public liability insurance in an amount and form satisfactory to the department;
 - (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
 - (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
 - (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per occurrence and \$2,000,000 in the aggregate to cover both the principal license and all accompanying sublicenses; or
 - (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and \$20,000,000 in the aggregate to cover both the arena license and all accompanying sublicenses;
 - (k) a signed consent form stating that the retail licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter:
 - (i) the premises of the retail licensee; and
 - (ii) if applicable, the premises of each of the retail licensee's accompanying sublicenses;

- (l) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity;
 - (m) a responsible alcohol service plan;
 - (n) evidence that each individual the person has hired to work as a retail manager, as defined in Section 32B-1-701, has completed the alcohol training and education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
 - (o) any other information the commission or department may require.
- (3) The commission may not issue a retail license to a person who:
- (a) is disqualified under Section 32B-1-304; or
 - (b) is not lawfully present in the United States.
- (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for which the person is applying, the commission may not issue a retail license to a person if the proposed licensed premises does not meet the proximity requirements of Section 32B-1-202.
- (5) The commission may not deny an application for a retail license, an application for a conditional retail license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense Act, if:
- (a) the applicant satisfies the requirements of this chapter; and
 - (b) for a retail license or a conditional retail license, granting the retail license or the conditional retail license would not cause the commission to exceed the maximum number of licenses of that retail license type that the commission is authorized to issue under this chapter.