

**Effective 5/3/2023**

**32B-5-309 Ceasing operation.**

- (1) Except as provided in Subsection (8), a retail licensee may not close or cease operation for a period longer than 240 hours, unless:
  - (a) the retail licensee notifies the department in writing at least seven days before the day on which the retail licensee closes or ceases operation; and
  - (b) the closure or cessation of operation is first approved by the department.
- (2) Notwithstanding Subsection (1), in the case of emergency closure, a retail licensee shall immediately notify the department by telephone.
- (3)
  - (a) The department may authorize an initial closure or cessation of operation of a retail licensee for a period not to exceed 60 days.
  - (b) Upon written request of the retail licensee and a showing of good cause, the department may extend the initial period described in Subsection (3)(a) for a period not to exceed the greater of:
    - (i) 30 days; or
    - (ii) the number of days until the day on which the commission holds the commission's next regularly scheduled meeting.
- (4) A closure or cessation of operation may not exceed the time limits described in Subsection (3) without commission approval.
- (5) A notice required under this section shall include:
  - (a) the dates of closure or cessation of operation;
  - (b) the reason for the closure or cessation of operation; and
  - (c) the date on which the retail licensee will reopen or resume operation.
- (6) If a retail licensee fails to provide notice and to obtain department approval before closure or cessation of operation, the commission may:
  - (a) suspend, revoke, or deem forfeited the retail license; or
  - (b) deem the unused portion of the retail license fee for the remainder of the retail license year forfeited.
- (7) If a retail licensee fails to reopen or resume operation by the date approved under Subsections (3) and (4), the commission may:
  - (a) suspend, revoke, or deem forfeited the retail license; or
  - (b) deem the unused portion of the retail license fee for the remainder of the retail license year forfeited.
- (8) This section does not apply to:
  - (a) an on-premise beer retailer who is not a tavern;
  - (b) an airport lounge licensee; or
  - (c) a hospitality amenity licensee.
- (9) For purposes of this section, the department may not base a determination that a retail licensee has ceased operation solely upon the retail licensee's lack of sales.

Amended by Chapter 371, 2023 General Session