

Part 5 Airport Lounge License

32B-6-501 Title.

This part is known as "Airport Lounge License."

Enacted by Chapter 276, 2010 General Session

32B-6-502 Definitions.

As used in this chapter, "total passengers" means the number of total passengers in a calendar year that is reported in the most current comprehensive annual financial report for the airport in which an airport lounge is located.

Amended by Chapter 334, 2011 General Session

32B-6-503 Commission's power to issue airport lounge license.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain an airport lounge license from the commission in accordance with this part.
- (2) The commission may issue an airport lounge license to establish airport lounge licensed premises beyond the security point at an international airport and in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on licensed premises operated as an airport lounge.
- (3)
 - (a) The commission may not issue a total number of airport lounge licenses for an international airport that at any time exceed one airport lounge license for each 2,500,000 of total passengers at the international airport.
 - (b) Notwithstanding Subsection (3)(a), the commission may not reduce the total number of airport lounge licenses unless:
 - (i) the commission determines that the number of total passengers is reduced by more than 25% from the last day on which the commission determined the total number of airport lounge licenses allowed for that international airport under this Subsection (3); and
 - (ii) the reduction can be accomplished without the international airport terminating a lease for an airport lounge before:
 - (A) the expiration of the lease;
 - (B) the airport lounge undergoes a change of ownership; or
 - (C) the airport lounge ceases operations.

Amended by Chapter 334, 2011 General Session

32B-6-504 Specific licensing requirements for airport lounge license.

- (1) To obtain an airport lounge license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:
 - (a) both the written consent of the local authority and the written consent of the airport authority; and
 - (b) a copy of the sign proposed to be used by the airport lounge licensee on its licensed premises to inform the public that alcoholic products are sold and consumed on the licensed premises.

- (2)
 - (a) An airport lounge license expires on October 31 of each year.
 - (b) To renew a person's airport lounge license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (3)
 - (a) The nonrefundable application fee for an airport lounge license is \$300.
 - (b) The initial license fee for an airport lounge license is \$8,000.
 - (c) The renewal fee for an airport lounge license is \$6,000.
- (4) The bond amount required for an airport lounge license is the penal sum of \$10,000.
- (5) An airport lounge license is not subject to the proximity requirements of Section 32B-1-202.

Amended by Chapter 334, 2011 General Session

32B-6-505 Specific operational requirements for an airport lounge license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an airport lounge licensee and staff of the airport lounge licensee shall comply with this section.
 - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) an airport lounge licensee;
 - (ii) individual staff of an airport lounge licensee; or
 - (iii) both an airport lounge licensee and staff of the airport lounge licensee.
- (2) In addition to complying with Subsection 32B-5-301(3), an airport lounge licensee shall display in a prominent place in the airport lounge:
 - (a) a list of the types and brand names of liquor being furnished through airport lounge licensee's calibrated metered dispensing system; and
 - (b) a sign to inform the public that alcoholic products are sold and consumed on the licensed premises.
- (3) Notwithstanding Section 32B-5-307:
 - (a) An airport lounge licensee may not permit a patron to bring a bottled wine onto the premises of the retail licensee.
 - (b) An airport lounge licensee may not permit a patron to remove an alcoholic product from the licensed premises.
- (4)
 - (a) A server of an alcoholic product in an airport lounge licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab required by this Subsection (4) shall list the type and amount of an alcoholic product ordered or consumed.
- (5) An airport lounge licensee may not sell, offer for sale, or furnish an alcoholic product at an airport lounge on any day during a period that:
 - (a) begins at midnight; and
 - (b) ends at 7:59 a.m.
- (6)
 - (a) Subject to the other provisions of this Subsection (6), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) A patron may not have two spirituous liquor drinks before the patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.

- (c) An individual portion of wine is considered to be one alcoholic product under this Subsection (6).
- (7) An airport lounge licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, furnishing, or consumption of liquor menu including:
 - (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (8) An airport lounge liquor licensee's premises may not be leased for a private event.

Enacted by Chapter 276, 2010 General Session