

**32B-6-706 Specific operational requirements for on-premise beer retailer license.**

- (1)
  - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise beer retailer and staff of the on-premise beer retailer 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 on-premise beer retailer;
    - (ii) individual staff of an on-premise beer retailer; or
    - (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.
- (2)
  - (a) An on-premise beer retailer is not subject to Section 32B-5-302, but shall make and maintain the records the department requires.
  - (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).
- (3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or sell liquor on its licensed premises.
- (4) Beer sold in a sealed container by an on-premise beer retailer may be removed from the on-premise beer retailer premises in the sealed container.
- (5)
  - (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at its licensed premises during a period that:
    - (i) begins at 1 a.m.; and
    - (ii) ends at 9:59 a.m.
  - (b)
    - (i) Notwithstanding Subsection (5)(a), a tavern shall remain open for one hour after the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may finish consuming a single serving of beer not exceeding 26 ounces.
    - (ii) A tavern is not required to remain open:
      - (A) after all patrons have vacated the premises; or
      - (B) during an emergency.
- (6) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a tavern.
- (7)
  - (a)
    - (i) An on-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases from:
      - (A) a beer wholesaler licensee; or
      - (B) a small brewer that manufactures the beer.
    - (ii) Violation of Subsection (7)(a)(i) is a class A misdemeanor.
  - (b)
    - (i) If an on-premise beer retailer purchases beer under this Subsection (7) from a beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.
    - (ii) Violation of Subsection (7)(b)(i) is a class B misdemeanor.
- (8) A tavern shall comply with Section 32B-1-407.

Amended by Chapter 2, 2011 Special Session 2  
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