

Chapter 6

Specific Retail License Act

Part 1

General Provisions

32B-6-101 Title.

This chapter is known as the "Specific Retail License Act."

Enacted by Chapter 276, 2010 General Session

32B-6-102 Definitions.

Reserved

Amended by Chapter 334, 2011 General Session

Part 2

Full-Service Restaurant License

32B-6-201 Title.

This part is known as "Full-service Restaurant License."

Enacted by Chapter 276, 2010 General Session

32B-6-202 Definitions.

As used in this part:

- (1)
 - (a) "Dining area" means an area in the licensed premises of a full-service restaurant licensee that is primarily used for the service and consumption of food by one or more patrons.
 - (b) "Dining area" does not include a dispensing area.
- (2)
 - (a) "Dispensing area" means an area in the licensed premises of a full-service restaurant licensee where a dispensing structure is located and that:
 - (i) is physically separated from the dining area and any waiting area by a structure or other barrier that prevents a patron seated in the dining area or a waiting area from viewing the dispensing of alcoholic product;
 - (ii) except as provided in Subsection (2)(b), measures at least 10 feet from the dining area and any waiting area to the nearest edge of the dispensing structure; or
 - (iii) is physically separated from the dining area and any waiting area by a permanent physical structure that complies with the provisions of Title 15A, State Construction and Fire Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act, measures:
 - (A) at least 42 inches high; and
 - (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the dispensing structure.

- (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron seated at a table or counter cannot view the dispensing of alcoholic product.
- (3) "Small full-service restaurant licensee" means a converted full-service restaurant licensee as defined in Section 32B-6-404.1 or a full-service restaurant licensee that has a grandfathered bar structure, whose dispensing area includes more than 45% of the available seating for patrons on the licensed premises, excluding outdoor seating:
 - (a) when measured in accordance with Subsection (2)(a)(ii); and
 - (b) based on the licensee's floor plan on file with the department on July 1, 2017.
- (4) "Waiting area" includes a lobby.

Amended by Chapter 249, 2018 General Session

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32B-6-203 Commission's power to issue full-service restaurant license.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a full-service restaurant license from the commission in accordance with this part.
- (2) The commission may issue a full-service restaurant license to establish full-service restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a full-service restaurant.
- (3) Subject to Section 32B-1-201:
 - (a) the commission may not issue a total number of full-service restaurant licenses that at any time exceeds the sum of:
 - (i) 30; and
 - (ii) the number determined by dividing the population of the state by:
 - (A) before July 1, 2024, 4,467;
 - (B) in fiscal year 2025, 4,281;
 - (C) in fiscal year 2026, 4,095;
 - (D) in fiscal year 2027, 3,909;
 - (E) in fiscal year 2028, 3,723;
 - (F) in fiscal year 2029, 3,537;
 - (G) in fiscal year 2030, 3,351; and
 - (H) in fiscal year 2031, and in each fiscal year thereafter, 3,167;
 - (b) the commission may issue a seasonal full-service restaurant license in accordance with Section 32B-5-206; and
 - (c)
 - (i) if the location, design, and construction of a hotel may require more than one full-service restaurant sales location within the hotel to serve the public convenience, the commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as many as three full-service restaurant locations within the hotel under one full-service restaurant license if:
 - (A) the hotel has a minimum of 150 guest rooms; and
 - (B) the locations under the full-service restaurant license are:
 - (I) within the same hotel; and
 - (II) on premises that are managed or operated, and owned or leased, by the full-service restaurant licensee; and

- (ii) except for a hotel, a facility shall have a separate full-service restaurant license for each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.
- (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a full-service restaurant license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).
- (5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of the restaurant's gross revenues from the sale of food, which does not include:
 - (a) mix for an alcoholic product; or
 - (b) a service charge.

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32B-6-204 Specific licensing requirements for full-service restaurant license.

- (1) To obtain a full-service restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
 - (a) A full-service restaurant license expires on October 31 of each year.
 - (b) To renew a person's full-service restaurant 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 a full-service restaurant license is \$330.
 - (b)
 - (i) The initial license fee for a full-service restaurant license is \$2,200.
 - (ii) The department shall prorate the \$2,200 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the full-service restaurant license expires.
 - (c) The renewal fee for a full-service restaurant license is \$1,650.
- (4) The bond amount required for a full-service restaurant license is the penal sum of \$10,000.

32B-6-205.2 Specific operational requirements for a full-service restaurant license -- On and after July 1, 2018, or July 1, 2022.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee shall comply with this section.
 - (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a full-service restaurant licensee;
 - (ii) individual staff of a full-service restaurant licensee; or
 - (iii) both a full-service restaurant licensee and staff of the full-service restaurant licensee.
- (2)
 - (a) An individual who serves an alcoholic product in a full-service restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab described in this Subsection (2) shall state the type and amount of each alcoholic product ordered or consumed.

- (3) A full-service restaurant licensee may not make an individual's willingness to serve an alcoholic product a condition of employment with a full-service restaurant licensee.
- (4)
- (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 11:59 p.m.
 - (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
- (5)
- (a) A full-service restaurant licensee may not furnish an alcoholic product for on-premise consumption except after:
 - (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic product is seated at:
 - (A) a table that is located in a dining area or a dispensing area;
 - (B) a counter that is located in a dining area or a dispensing area; or
 - (C) a dispensing structure that is located in a dispensing area; and
 - (ii) the full-service restaurant licensee confirms that the patron intends to:
 - (A) order food prepared, sold, and furnished at the licensed premises; and
 - (B) except as provided in Subsection (5)(b), consume the food at the same location where the patron is seated and furnished the alcoholic product.
 - (b)
 - (i) While a patron waits for a seat at a table or counter in the dining area of a full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as described in Section 32B-5-304 if:
 - (A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and
 - (B) the full-service restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.
 - (ii)
 - (A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's alcoholic product before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
 - (B) An employee of the full-service restaurant licensee shall escort a patron who transports an unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
 - (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.
 - (c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.
 - (d) A full-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

- (6) A patron may consume an alcoholic product on the full-service restaurant licensee's licensed premises only if the patron is seated at:
- (a) a table that is located in a dining area or dispensing area;
 - (b) a counter that is located in a dining area or dispensing area; or
 - (c) a dispensing structure located in a dispensing area.
- (7)
- (a) Subject to the other provisions of this Subsection (7), 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 more than one spirituous liquor drink at a time before the patron.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (7) (a).
- (8) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.
- (9)
- (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.
 - (b)
 - (i) A minor may be in a dispensing area if the minor is:
 - (A) at least 16 years old and working as an employee of the full-service restaurant licensee; or
 - (B) performing maintenance and cleaning services as an employee of the full-service restaurant licensee when the full-service restaurant licensee is not open for business.
 - (ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the full-service restaurant licensee's premises in which the minor is permitted to be.
- (10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee may dispense an alcoholic product only if:
- (a) the alcoholic product is dispensed from:
 - (i) a dispensing structure that is located in a dispensing area;
 - (ii) an area that is:
 - (A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and
 - (B) apart from an area used for dining, for staging, or as a waiting area; or
 - (iii) the premises of a bar licensee that is:
 - (A) owned by the same person or persons as the full-service restaurant licensee; and
 - (B) located immediately adjacent to the premises of the full-service restaurant licensee; and
 - (b) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (10)(a).
- (11)
- (a) A full-service restaurant licensee may have more than one dispensing area in the licensed premises.
 - (b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
- (12) A full-service restaurant licensee may not:
- (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

- (b) display an alcoholic product or a product intended to appear like an alcoholic product by moving a cart or similar device around the licensed premises.
- (13) A full-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of liquor, including:
 - (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (14)
 - (a) In addition to the requirements described in Section 32B-5-302, a full-service restaurant licensee shall maintain each of the following records for at least three years:
 - (i) a record required by Subsection 32B-5-302(1); and
 - (ii) a record that the commission requires a full-service restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The department shall audit the records of a full-service restaurant licensee at least once annually.
- (15) A full-service restaurant licensee may lease to a patron of the full-service restaurant licensee a locked storage space:
 - (a) that the commission considers proper for the storage of wine; and
 - (b) for the storage of wine that:
 - (i) the patron purchases from the full-service restaurant licensee; and
 - (ii) only the full-service restaurant licensee or staff of the full-service restaurant licensee may remove from the locker for the patron's use in accordance with this title, including:
 - (A) service and consumption on licensed premises as described in Section 32B-5-306; or
 - (B) removal from the full-service retail licensee's licensed premises in accordance with Section 32B-5-307.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session

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32B-6-205.4 Small full-service restaurant licensee -- Exemption.

- (1) Notwithstanding the provisions of Section 32B-6-205.2 and subject to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing area of a small full-service restaurant licensee if:
 - (a) seating in the dispensing area is the only seating available for patrons on the licensed premises;
 - (b) the minor is accompanied by an individual who is 21 years old or older; and
 - (c) the small full-service restaurant licensee applies for and obtains approval from the department to seat minors in the dispensing area in accordance with this section.
- (2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.
- (3) The department shall:
 - (a) grant an approval described in Subsection (1)(c) if the small full-service restaurant licensee demonstrates that the small full-service restaurant licensee meets the requirements described in Subsection 32B-6-202(3); and
 - (b) for each application described in Subsection (1)(c) that the department receives on or before May 8, 2018, act on the application on or before July 1, 2018.

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32B-6-206 Master full-service restaurant license.

- (1)
 - (a) The commission may issue a master full-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as full-service restaurants if the person applying for the master full-service restaurant license:
 - (i) owns each of the full-service restaurants;
 - (ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a full-service restaurant under the master full-service restaurant license separately meets the requirements of this part; and
 - (iii) the master full-service restaurant license includes at least five full-service restaurant locations.
 - (b) The person seeking a master full-service restaurant license shall designate which full-service restaurant locations the person seeks to have under the master full-service restaurant license.
 - (c) A full-service restaurant location under a master full-service restaurant license is considered separately licensed for purposes of this title, except as provided in this section.
- (2) A master full-service restaurant license and each location designated under Subsection (1) are considered a single full-service restaurant license for purposes of Subsection 32B-6-203(3)(a).
- (3)
 - (a) A master full-service restaurant license expires on October 31 of each year.
 - (b) To renew a person's master full-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (4)
 - (a) The nonrefundable application fee for a master full-service restaurant license is \$330.
 - (b)
 - (i) The initial license fee for a master full-service restaurant license is \$5,000 plus a separate initial license fee for each newly licensed full-service restaurant location under the master full-service restaurant license determined in accordance with Subsection 32B-6-204(3)(b).
 - (ii) The department shall prorate the \$5,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the master full-service restaurant license expires.
 - (c) To renew a master full-service restaurant license the master full-service restaurant licensee shall pay a separate renewal fee for each full-service restaurant location under the master full-service restaurant license in accordance with Subsection 32B-6-204(3)(c).
- (5) A new location may be added to a master full-service restaurant license after the master full-service restaurant license is issued if:
 - (a) the master full-service restaurant licensee pays a nonrefundable application fee of \$330; and
 - (b) including payment of the initial license fee, the location separately meets the requirements of this part.
- (6)
 - (a) A master full-service restaurant licensee shall notify the department of a change in the persons managing a location covered by a master full-service restaurant license:
 - (i) immediately, if the management personnel is not management personnel at a location covered by the master full-service restaurant licensee at the time of the change; or

- (ii) within 30 days of the change, if the master full-service restaurant licensee is transferring management personnel from one location to another location covered by the master full-service restaurant licensee.
- (b) A location covered by a master full-service restaurant license shall keep the location's own records on the location's premises so that the department may audit the records.
- (c) A master full-service restaurant licensee may not transfer alcoholic products between different locations covered by the master full-service restaurant license.
- (7) If there is a violation of this title at a location covered by a master full-service restaurant license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (a) the single location under a master full-service restaurant license;
 - (b) individual staff of the location under the master full-service restaurant license; or
 - (c) a combination of persons or locations described in Subsections (7)(a) and (b).
- (8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master full-service restaurant license under this section.

Part 3

Limited-Service Restaurant License

32B-6-301 Title.

This part is known as "Limited-service Restaurant License."

Enacted by Chapter 276, 2010 General Session

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32B-6-302 Definitions.

As used in this part:

- (1)
 - (a) "Dining area" means an area in the licensed premises of a limited-service restaurant licensee that is primarily used for the service and consumption of food by one or more patrons.
 - (b) "Dining area" does not include a dispensing area.
- (2)
 - (a) "Dispensing area" means an area in the licensed premises of a limited-service restaurant licensee where a dispensing structure is located and that:
 - (i) is physically separated from the dining area and any waiting area by a structure or other barrier that prevents a patron seated in the dining area or a waiting area from viewing the dispensing of alcoholic product;
 - (ii) except as provided in Subsection (2)(b), measures at least 10 feet from the dining area and any waiting area to the nearest edge of the dispensing structure; or
 - (iii) is physically separated from the dining area and any waiting area by a permanent physical structure that complies with the provisions of Title 15A, State Construction and Fire Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act, measures:
 - (A) at least 42 inches high; and

- (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the dispensing structure.
- (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron seated at a table or counter cannot view the dispensing of alcoholic product.
- (3) "Small limited-service restaurant licensee" means a limited-service restaurant licensee whose dispensing area includes more than 45% of the available seating for patrons on the licensed premises, excluding outdoor seating:
 - (a) when measured in accordance with Subsection (2)(a)(ii); and
 - (b) based on the licensee's floor plan on file with the department on July 1, 2017.
- (4) "Waiting area" includes a lobby.

32B-6-303 Commission's power to issue limited-service restaurant license.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall first obtain a limited-service restaurant license from the commission in accordance with this part.
- (2)
 - (a) The commission may issue a limited-service restaurant license to establish limited-service restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of wine, heavy beer, or beer on premises operated as a limited-service restaurant.
 - (b) A person may not sell, offer for sale, furnish, or allow the consumption of the following on the licensed premises of a limited-service restaurant licensee:
 - (i) spirituous liquor; or
 - (ii) a flavored malt beverage.
- (3) Subject to Section 32B-1-201:
 - (a) The commission may not issue a total number of limited-service restaurant licenses that at any time exceeds the number determined by dividing the population of the state by 6,817.
 - (b) The commission may issue a seasonal limited-service restaurant license in accordance with Section 32B-5-206.
- (c)
 - (i) If the location, design, and construction of a hotel may require more than one limited-service restaurant sales location within the hotel to serve the public convenience, the commission may authorize the sale of wine, heavy beer, and beer at as many as three limited-service restaurant locations within the hotel under one limited-service restaurant license if:
 - (A) the hotel has a minimum of 150 guest rooms; and
 - (B) the locations under the limited-service restaurant license are:
 - (I) within the same hotel; and
 - (II) on premises that are managed or operated, and owned or leased, by the limited-service restaurant licensee.
 - (ii) A facility other than a hotel shall have a separate limited-service restaurant license for each limited-service restaurant where wine, heavy beer, or beer is sold, offered for sale, or furnished.
- (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a limited-service restaurant license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).

- (5) To be licensed as a limited-service restaurant, a person shall maintain at least 70% of the restaurant's gross revenues from the sale of food, which does not include:
- (a) mix for an alcoholic product; or
 - (b) a service charge.

Amended by Chapter 403, 2019 General Session

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32B-6-304 Specific licensing requirements for limited-service restaurant license.

- (1) To obtain a limited-service restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
- (a) A limited-service restaurant license expires on October 31 of each year.
 - (b) To renew a person's limited-service restaurant 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 a limited-service restaurant license is \$330.
 - (b)
 - (i) The initial license fee for a limited-service restaurant license is \$1,275.
 - (ii) The department shall prorate the \$1,275 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the limited-service restaurant license expires.
 - (c) The renewal fee for a limited-service restaurant license is \$750.
- (4) The bond amount required for a limited-service restaurant license is the penal sum of \$5,000.

32B-6-305.2 Specific operational requirements for a limited-service restaurant license -- On and after July 1, 2018, or July 1, 2022.

- (1)
- (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant licensee shall comply with this section.
 - (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a limited-service restaurant licensee;
 - (ii) individual staff of a limited-service restaurant licensee; or
 - (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant licensee.
- (2)
- (a) An individual who serves an alcoholic product in a limited-service restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab described in this Subsection (2) shall state the type and amount of each alcoholic product ordered or consumed.
- (3) A limited-service restaurant licensee may not make an individual's willingness to serve an alcoholic product a condition of employment with a limited-service restaurant licensee.
- (4)

- (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or heavy beer at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 11:59 p.m.
- (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
- (5)
 - (a) A limited-service restaurant licensee may not furnish an alcoholic product for on-premise consumption except after:
 - (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic product is seated at:
 - (A) a table that is located in a dining area or a dispensing area;
 - (B) a counter that is located in a dining area or a dispensing area; or
 - (C) a dispensing structure that is located in a dispensing area; and
 - (ii) the limited-service restaurant licensee confirms that the patron intends to:
 - (A) order food prepared, sold, and furnished at the licensed premises; and
 - (B) except as provided in Subsection (5)(b), consume the food at the same location where the patron is seated and furnished the alcoholic product.
 - (b)
 - (i) While a patron waits for a seat at a table or counter in the dining area of a limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as described in Section 32B-5-304 if:
 - (A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and
 - (B) the limited-service restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.
 - (ii)
 - (A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's alcoholic product before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
 - (B) An employee of the limited-service restaurant licensee shall escort a patron who transports an unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
 - (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.
 - (c) Notwithstanding Section 32B-5-307, a limited-service restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.
 - (d) A limited-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.
- (6) A patron may consume an alcoholic product on the limited-service restaurant licensee's licensed premises only if the patron is seated at:
 - (a) a table that is located in a dining area or a dispensing area;

- (b) a counter that is located in a dining area or a dispensing area; or
 - (c) a dispensing structure located in a dispensing area.
- (7)
- (a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).
- (8) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.
- (9)
- (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.
 - (b)
 - (i) A minor may be in a dispensing area if the minor is:
 - (A) at least 16 years old and working as an employee of the limited-service restaurant licensee; or
 - (B) performing maintenance and cleaning services as an employee of the limited-service restaurant licensee when the limited-service restaurant licensee is not open for business.
 - (ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the limited-service restaurant licensee's premises in which the minor is permitted to be.
- (10) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant licensee may dispense an alcoholic product only if:
- (a) the alcoholic product is dispensed from:
 - (i) a dispensing structure that is located in a dispensing area;
 - (ii) an area that is:
 - (A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and
 - (B) apart from an area used for dining, for staging, or as a waiting area; or
 - (iii) the premises of a bar licensee that is:
 - (A) owned by the same person or persons as the limited-service restaurant licensee; and
 - (B) located immediately adjacent to the premises of the limited-service restaurant licensee; and
 - (b) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (10)(a).
- (11)
- (a) A limited-service restaurant licensee may have more than one dispensing area in the licensed premises.
 - (b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
- (12) A limited-service restaurant licensee may not:
- (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
 - (b) display an alcoholic product or a product intended to appear like an alcoholic product by moving a cart or similar device around the licensed premises.

(13) A limited-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of wine or heavy beer, including:

- (a) a set-up charge;
- (b) a service charge; or
- (c) a chilling fee.

(14)

(a) In addition to the requirements described in Section 32B-5-302, a limited-service restaurant licensee shall maintain each of the following records for at least three years:

- (i) a record required by Subsection 32B-5-302(1); and
- (ii) a record that the commission requires a limited-service restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The department shall audit the records of a limited-service restaurant licensee at least once each calendar year.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session

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32B-6-305.4 Small limited-service restaurant licensee -- Exemption.

(1) Notwithstanding the provisions of Section 32B-6-305.2 and subject to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing area of a small limited-service restaurant licensee if:

- (a) seating in the dispensing area is the only seating available for patrons on the licensed premises;
- (b) the minor is accompanied by an individual who is 21 years of age or older; and
- (c) the small limited-service restaurant licensee applies for and obtains approval from the department to seat minors in the dispensing area in accordance with this section.

(2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.

(3) The department shall:

- (a) grant an approval described in Subsection (1)(c) if the small limited-service restaurant licensee demonstrates that the small limited-service restaurant licensee meets the requirements described in Subsection 32B-6-302(3); and
- (b) for each application described in Subsection (1)(c) that the department receives on or before May 8, 2018, act on the application on or before July 1, 2018.

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32B-6-306 Master limited-service restaurant license.

(1)

(a) The commission may issue a master limited-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as limited-service restaurants if the person applying for the master limited-service restaurant license:

- (i) owns each of the limited-service restaurants;

- (ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a limited-service restaurant under the master limited-service restaurant license separately meets the requirements of this part; and
 - (iii) the master limited-service restaurant includes at least five limited-service restaurant locations.
- (b) The person seeking a master limited-service restaurant license shall designate which limited-service restaurant locations the person seeks to have under the master limited-service restaurant license.
- (c) A limited-service restaurant location under a master limited-service restaurant license is considered separately licensed for purposes of this title, except as provided in this section.
- (2) A master limited-service restaurant license and each location under Subsection (1) are considered a single limited-service restaurant license for purposes of Subsection 32B-6-303(3)(a).
- (3)
 - (a) A master limited-service restaurant license expires on October 31 of each year.
 - (b) To renew a person's master limited-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (4)
 - (a) The nonrefundable application fee for a master limited-service restaurant license is \$330.
 - (b)
 - (i) The initial license fee for a master limited-service restaurant license is \$5,000 plus a separate initial license fee for each newly licensed limited-service restaurant license under the master limited-service restaurant license determined in accordance with Subsection 32B-6-304(3)(b).
 - (ii) The department shall prorate the \$5,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the master limited-service restaurant license expires.
 - (c) The renewal fee for a master limited-service restaurant license is \$500 plus a separate renewal fee for each limited-service license under the master limited-service restaurant license determined in accordance with Subsection 32B-6-304(3)(c).
- (5) A new location may be added to a master limited-service restaurant license after the master limited-service restaurant license is issued if:
 - (a) the master limited-service restaurant licensee pays a nonrefundable application fee of \$330; and
 - (b) including payment of the initial license fee, the location separately meets the requirements of this part.
- (6)
 - (a) A master limited-service restaurant licensee shall notify the department of a change in the persons managing a location covered by a master limited-service restaurant license:
 - (i) immediately, if the management personnel is not management personnel at a location covered by the master limited-service restaurant licensee at the time of the change; or
 - (ii) within 30 days of the change, if the master limited-service restaurant licensee is transferring management personnel from one location to another location covered by the master limited-service restaurant licensee.
 - (b) A location covered by a master limited-service restaurant license shall keep its own records on its premises so that the department may audit the records.

- (c) A master limited-service restaurant licensee may not transfer alcoholic products between different locations covered by the master limited-service restaurant license.
- (7)
- (a) If there is a violation of this title at a location covered by a master limited-service restaurant license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) the single location under a master limited-service restaurant license;
 - (ii) individual staff of the location under the master limited-service restaurant license; or
 - (iii) a combination of persons or locations described in Subsections (7)(a)(i) and (ii).
 - (b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a master limited-service restaurant licensee or individual staff of the master limited-service restaurant licensee if during a period beginning on November 1 and ending October 31:
 - (i) at least 25% of the locations covered by the master limited-service restaurant license have been found by the commission to have committed a serious or grave violation of this title, as defined by rule made by the commission; or
 - (ii) at least 50% of the locations covered by the master limited-service restaurant license have been found by the commission to have violated this title.
- (8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master limited-service restaurant license under this section.

Part 4

Bar Establishment License

32B-6-401 Title.

This part is known as "Bar Establishment License."

Amended by Chapter 455, 2017 General Session

32B-6-402 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

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32B-6-403 Commission's power to issue bar establishment license.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the person's premises as a bar establishment licensee, the person shall first obtain a bar establishment license from the commission in accordance with this part.
- (2) The commission may issue a bar establishment license to establish bar establishment licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated by a bar establishment licensee.
- (3) Subject to Section 32B-1-201:

- (a) the commission may not issue a total number of bar establishment licenses that at any time exceeds the sum of:
 - (i) 15; and
 - (ii) the number determined by dividing the population of the state by:
 - (A) before fiscal July 1, 2024, 10,200;
 - (B) in fiscal year 2025, 9,778;
 - (C) in fiscal year 2026, 9,356;
 - (D) in fiscal year 2027, 8,934;
 - (E) in fiscal year 2028, 8,512;
 - (F) in fiscal year 2029, 8,090;
 - (G) in fiscal year 2030, 7,668; and
 - (H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;
- (b) the commission may issue a seasonal bar establishment license in accordance with Section 32B-5-206 to a bar licensee;
- (c) the commission may authorize as many as three bar establishment license locations within a hotel under one bar establishment license if:
 - (i) the location, design, and construction of the hotel requires more than one bar license location within the hotel to serve the public convenience;
 - (ii) the hotel has a minimum of 150 guest rooms;
 - (iii) all locations under the bar establishment license are:
 - (A) within the same hotel; and
 - (B) on premises that are managed or operated, and owned or leased, by the bar establishment licensee;
- (d) the commission may authorize up to five dispensing locations under one equity license if the locations under the equity license:
 - (i) are connected by a private roadway to which the equity licensee, each member of the equity licensee, and each guest has a legal right of access; and
 - (ii) are located on premises managed or operated, and owned or leased, by the equity licensee;
- (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a facility shall have a separate bar establishment license for each bar establishment license location where an alcoholic product is sold, offered for sale, or furnished;
- (f) when a business establishment undergoes a change of ownership, the commission may issue a bar establishment license to the new owner of the business establishment notwithstanding that there is no bar establishment license available under Subsection (3)(a) if:
 - (i) the primary business activity at the business establishment before and after the change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;
 - (ii) before the change of ownership there are two or more licensed premises on the business establishment that operate under a retail license, with at least one of the retail licenses being a bar establishment license;
 - (iii) subject to Subsection (3)(g) the licensed premises of the bar establishment license issued under this Subsection (3)(f) is at the same location where the bar establishment license licensed premises was located before the change of ownership; and
 - (iv) the person who is the new owner of the business establishment qualifies for the bar establishment license, except for there being no bar establishment license available under Subsection (3)(a); and
- (g) if a bar establishment licensee of a bar establishment license issued under Subsection (3)(f) requests a change of location, the bar establishment licensee may retain the bar establishment license after the change of location only if on the day on which the bar

establishment licensee seeks a change of location a bar establishment license is available under Subsection (3)(a).

32B-6-404 Types of bar license.

- (1) To obtain an equity license, in addition to meeting the other requirements of this part, a person shall:
 - (a) whether incorporated or unincorporated:
 - (i) be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;
 - (ii) have members;
 - (iii) limit access to its licensed premises to a member or a guest of the member; and
 - (iv) desire to maintain premises upon which an alcoholic product may be stored, sold to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
 - (b) except as provided in Subsection (8), own, maintain, or operate a substantial recreational facility in conjunction with a club house such as:
 - (i) a golf course; or
 - (ii) a tennis facility;
 - (c) have at least 50% of the total membership having an equal share of the equity of the entity or a right to redemption or refund at the equal value; and
 - (d) if there is more than one class of membership, have at least one class of membership that entitles each member in that class to an equal share of the equity of the entity or a right to redemption or refund at the equal value.
- (2) To obtain a fraternal license, in addition to meeting the other requirements of this part, a person shall:
 - (a) whether incorporated or unincorporated:
 - (i) be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;
 - (ii) have members;
 - (iii) limit access to its licensed premises to a member or a guest of the member; and
 - (iv) desire to maintain premises upon which an alcoholic product may be stored, sold to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
 - (b) have no capital stock;
 - (c) exist solely for:
 - (i) the benefit of its members and their beneficiaries; and
 - (ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose for the benefit of its members or the public, carried on through voluntary activity of its members in their local lodges;
 - (d) have a representative form of government;
 - (e) have a lodge system in which:
 - (i) there is a supreme governing body;
 - (ii) subordinate to the supreme governing body are local lodges, however designated, into which individuals are admitted as members in accordance with the laws of the fraternal;
 - (iii) the local lodges are required by the laws of the fraternal to hold regular meetings at least monthly; and
 - (iv) the local lodges regularly engage in one or more programs involving member participation to implement the purposes of Subsection (2)(c); and
 - (f) own or lease a building or space in a building used for lodge activities.
- (3) To obtain a dining club license, in addition to meeting the other requirements of this part, a person shall:

- (a) maintain at least the following percentages of its total club business from the sale of food, not including mix for alcoholic products, or service charges:
 - (i) for a dining club license that is issued as an original license on or after July 1, 2011, 60%; and
 - (ii) for a dining club license that is issued on or before June 30, 2011:
 - (A) 50% on or before June 30, 2012; and
 - (B) 60% on and after July 1, 2012; and
- (b) obtain a determination by the commission that the person will operate as a dining club licensee, as part of which the commission may consider:
 - (i) the square footage and seating capacity of the premises;
 - (ii) what portion of the square footage and seating capacity will be used for a dining area in comparison to the portion that will be used as a lounge or bar area;
 - (iii) whether full meals including appetizers, main courses, and desserts are served;
 - (iv) whether the person will maintain adequate on-premise culinary facilities to prepare full meals, except a person who is located on the premise of a hotel or resort facility may use the culinary facilities of the hotel or resort facility;
 - (v) whether the entertainment provided at the premises is suitable for minors; and
 - (vi) the club management's ability to manage and operate a dining club license including:
 - (A) management experience;
 - (B) past dining club licensee or restaurant management experience; and
 - (C) the type of management scheme used by the dining club license.
- (4) To obtain a bar license, a person is required to meet the requirements of this part except those listed in Subsection (1), (2), or (3).
- (5)
 - (a) At the time that the commission issues a bar establishment license, the commission shall designate the type of bar establishment license for which the person qualifies.
 - (b) If requested by a bar establishment licensee, the commission may approve a change in the type of bar establishment license in accordance with rules made by the commission.
- (6) To the extent not prohibited by law, this part does not prevent a dining club licensee or bar licensee from restricting access to the licensed premises on the basis of an individual:
 - (a) paying a fee; or
 - (b) agreeing to being on a list of individuals who have access to the licensed premises.
- (7)
 - (a)
 - (i) On or after July 1, 2017, the commission may not issue or renew a dining club license.
 - (ii) No later than July 1, 2018, the department shall convert each dining club license to a full-service restaurant license or a bar license in accordance with the provisions of this Subsection (7).
 - (b)
 - (i)
 - (A) A person licensed as a dining club on July 1, 2017, shall notify the department no later than May 31, 2018, whether the person elects to be licensed as a full-service restaurant or a bar.
 - (B) No later than July 1, 2018, the department shall convert a dining club license to a full-service restaurant license or a bar license in accordance with the dining club licensee's election under Subsection (7)(b)(i)(A).

- (ii) If a dining club licensee fails to timely notify the department in accordance with Subsection (7)(b)(i), the dining club license is automatically converted to a full-service restaurant license on July 1, 2018.
- (c) Subject to Section 32B-6-404.1, after a dining club license converts to a full-service restaurant license or a bar license, the retail licensee shall operate under the provisions that govern the full-service restaurant license or the bar license, as applicable.
- (d) After a dining club license converts to a full-service restaurant license or a bar license in accordance with this Subsection (7):
 - (i) the full-service restaurant license is not considered in determining the total number of full-service restaurant licenses available under Section 32B-6-203; or
 - (ii) the bar license is not considered in determining the total number of bar establishment licenses available under Section 32B-6-403.
- (e) Except as provided in Subsections (7)(a) and (b), before July 1, 2018, the commission may not issue a full-service restaurant license, a limited-service restaurant license, or a beer-only restaurant license to a person who holds a dining club license on May 9, 2017, for the same premises.
- (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules establishing a procedure by which a dining club licensee elects and converts to a full-service restaurant licensee or a bar licensee under this Subsection (7).
- (8) Subsection (1)(b) does not apply to a person who renews an equity license issued before January 1, 2020, if the person did not meet the requirements under Subsection (1)(b) at the time the equity license was issued.

Amended by Chapter 371, 2023 General Session

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32B-6-405 Specific licensing requirements for bar establishment license.

- (1) To obtain a bar establishment license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:
 - (a)
 - (i) a statement as to whether the person is seeking to qualify as:
 - (A) an equity licensee;
 - (B) a fraternal licensee;
 - (C) a dining club licensee; or
 - (D) a bar licensee; and
 - (ii) evidence that the person meets the requirements for the type of bar establishment license for which the person is applying;
 - (b) evidence that the person operates a premises where a variety of food is prepared and served in connection with dining accommodations; and
 - (c) if the person is applying for an equity license or fraternal license, a copy of the entity's bylaws or house rules, and an amendment to those records.
- (2) The commission may refuse to issue a bar establishment license to a person for an equity license or fraternal license if the commission determines that a provision of the person's bylaws or house rules, or amendments to those records is not:
 - (a) reasonable; and
 - (b) consistent with:
 - (i) the declared nature and purpose of the bar establishment licensee; and
 - (ii) the purposes of this part.

- (3)
 - (a) A bar establishment license expires on June 30 of each year.
 - (b) To renew a bar establishment license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than May 31.
- (4)
 - (a) The nonrefundable application fee for a bar establishment license is \$300.
 - (b)
 - (i) The initial license fee for a bar establishment license is \$2,750.
 - (ii) The department shall prorate the \$2,750 initial license fee based on the number of months out of a year the bar establishment licensee is licensed before the day on which the bar establishment license expires.
 - (c) The renewal fee for a bar establishment license is \$2,000.
- (5) The bond amount required for a bar establishment license is the penal sum of \$10,000.

32B-6-406 Specific operational requirements for a bar establishment license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a bar establishment licensee and staff of the bar establishment 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) a bar establishment licensee;
 - (ii) individual staff of a bar establishment licensee; or
 - (iii) both a bar establishment licensee and staff of the bar establishment licensee.
- (2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display in a conspicuous place at the entrance to the licensed premises a sign that:
 - (a) measures at least 8-1/2 inches long and 11 inches wide; and
 - (b) clearly states that the bar licensee is a bar and that no one under 21 years old is allowed.
- (3)
 - (a) In addition to complying with Section 32B-5-302, a bar establishment licensee shall maintain for a minimum of three years:
 - (i) a record required by Subsection 32B-5-302(1); and
 - (ii) a record maintained or used by the bar establishment licensee, as the department requires.
 - (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (3).
 - (c) The department shall audit the records of a bar establishment licensee at least once annually.
- (4)
 - (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the licensed premises on any day during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b) A bar establishment licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer license.
 - (c)
 - (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall keep its licensed premises open for one hour after the bar establishment licensee ceases the sale

and furnishing of an alcoholic product during which time a patron of the bar establishment licensee may finish consuming:

- (A) a single drink containing spirituous liquor;
- (B) except as provided in Subsection (4)(c)(i)(C), a single serving of wine not exceeding five ounces;
- (C) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;
- (D) a single serving of heavy beer;
- (E) a single serving not exceeding 26 ounces of beer; or
- (F) a single serving of a flavored malt beverage.
- (ii) A bar establishment licensee is not required to remain open:
 - (A) after all patrons have vacated the premises; or
 - (B) during an emergency.

- (5)
 - (a) A minor:
 - (i) may not be admitted into, use, or be in the licensed premises of:
 - (A) a dining club licensee unless accompanied by an individual who is 21 years old or older; or
 - (B) a bar licensee, except to the extent provided for under Section 32B-6-406.1;
 - (ii) may only be admitted into, use, or be in the lounge or bar area of an equity licensee's or fraternal licensee's licensed premises:
 - (A) when accompanied by an individual who is 21 years old or older; and
 - (B) momentarily while en route to another area of the licensee's premises; and
 - (iii) may not remain or sit in the lounge or bar area of an equity licensee's or fraternal licensee's licensed premises.
 - (b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a minor to:
 - (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club licensee; or
 - (ii) handle an alcoholic product.
 - (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed premises of a bar licensee.
 - (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar establishment licensee.
- (6) A bar establishment licensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
- (7)
 - (a) Subject to the other provisions of this Subsection (7), 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 bar establishment licensee 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 Subsection (7) (a).
- (8) A bar establishment licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the bar establishment licensee including:

- (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
- (a) the person to whom the bar establishment licensee rents or leases the premises agrees in writing to comply with this title as if the person is the bar establishment licensee, except for a requirement related to making or maintaining a record; and
 - (b) the bar establishment licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (9)(a).
- (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar establishment licensee shall comply with Section 32B-6-407.
- (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar establishment licensee shall comply with Section 32B-1-407.
- (12)
- (a) A bar establishment licensee shall own or lease premises suitable for the bar establishment licensee's activities.
 - (b) A bar establishment licensee may not maintain licensed premises in a manner that barricades or conceals the bar establishment licensee's operation.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session

32B-6-406.1 Specific operational restrictions related to dance or concert hall.

- (1) A minor who is at least 18 years of age may be admitted into, use, or be on the premises of a dance or concert hall if:
- (a) the dance or concert hall is located:
 - (i) on the licensed premises of a bar licensee; or
 - (ii) on the property that immediately adjoins the licensed premises of and is operated by a bar licensee; and
 - (b) the bar licensee holds a permit to operate a dance or concert hall that was issued on or before May 11, 2009:
 - (i) on the basis of the operational requirements described in Subsection (2); and
 - (ii) when the bar licensee was licensed as a class D private club.
- (2) A bar licensee that holds a dance or concert hall permit shall operate in such a way that:
- (a) the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption is:
 - (i) not accessible to a minor;
 - (ii) clearly defined; and
 - (iii) separated from the dance or concert hall area by one or more walls, multiple floor levels, or other substantial physical barriers;
 - (b) a dispensing structure or area where alcoholic product is dispensed is not visible to a minor;
 - (c) consumption of an alcoholic product may not occur in:
 - (i) the dance or concert hall area; or
 - (ii) an area of the bar license premises accessible to a minor;
 - (d) the bar licensee maintains sufficient security personnel to prevent the passing of beverages from the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption to:

- (i) the dance or concert hall area; or
 - (ii) an area of the bar licensee premises accessible to a minor;
 - (e) there are one or more separate entrances, exits, and restroom facilities from the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption than for:
 - (i) the dance or concert hall area; or
 - (ii) an area accessible to a minor; and
 - (f) the bar licensee complies with any other requirements imposed by the commission by rule.
- (3)
- (a) A minor under 18 years of age who is accompanied at all times by a parent or legal guardian may be admitted into, use, or be on the premises of a concert hall described in Subsection (1) if:
 - (i) the requirements of Subsection (2) are met; and
 - (ii) signage, product, and dispensing equipment containing recognition of an alcoholic product is not visible to the minor.
 - (b) A minor under 18 years of age but who is 14 years of age or older who is not accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of a concert hall described in Subsection (1) if:
 - (i) the requirements of Subsections (2) and (3)(a) are met; and
 - (ii) there is no alcoholic product, sales, furnishing, or consumption on the premises of the bar licensee.
- (4) The commission may suspend or revoke a dance or concert permit issued to a bar licensee and suspend or revoke the license of the bar licensee if:
- (a) the bar licensee fails to comply with the requirements in this section;
 - (b) the bar licensee sells, offers for sale, or furnishes an alcoholic product to a minor;
 - (c) the bar licensee or a supervisory or managerial level staff of the bar licensee is convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of an activity that occurs on:
 - (i) the licensed premises; or
 - (ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee;
 - (d) there are three or more convictions of patrons of the bar licensee under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities that occur on:
 - (i) the licensed premises; or
 - (ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee;
 - (iii) there is more than one conviction:
 - (A) of:
 - (I) the bar licensee;
 - (II) staff of the bar licensee;
 - (III) an entertainer contracted by the bar licensee; or
 - (IV) a patron of the bar licensee; and
 - (B) made on the basis of a lewd act or lewd entertainment prohibited by this title that occurs on:
 - (I) the licensed premises; or
 - (II) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee; or

- (e) the commission finds acts or conduct contrary to the public welfare and morals involving lewd acts or lewd entertainment prohibited by this title that occurs on:
 - (i) the licensed premises; or
 - (ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee.
- (5) Nothing in this section prohibits a bar licensee from selling, offering for sale, or furnishing an alcoholic product in a dance or concert area located on the bar licensed premises on days and times when the bar licensee does not allow a minor into those areas.

Amended by Chapter 455, 2017 General Session

32B-6-407 Specific operational requirements for equity license or fraternal license.

- (1) As used in this section, "equity or fraternal licensee" means an equity licensee or fraternal licensee.
- (2)
 - (a) An equity or fraternal licensee shall have a governing body that:
 - (i) consists of three or more members of the equity or fraternal licensee; and
 - (ii) holds regular meetings to:
 - (A) review membership applications; and
 - (B) conduct other business as required by the bylaws or house rules of the equity or fraternal licensee.
 - (b)
 - (i) An equity or fraternal licensee shall maintain a minute book that is posted currently by the equity or fraternal licensee.
 - (ii) The minute book required by this Subsection (2) shall contain the minutes of a regular or special meeting of the governing body.
- (3) An equity or fraternal licensee may admit an individual as a member only on written application signed by the person, subject to:
 - (a) the person paying an application fee; and
 - (b) investigation, vote, and approval of a quorum of the governing body.
- (4) An equity or fraternal licensee shall:
 - (a) record an admission of a member in the official minutes of a regular meeting of the governing body; and
 - (b) whether approved or disapproved, file an application as a part of the official records of the equity or fraternal licensee.
- (5) The spouse of a member of an equity or fraternal licensee has the rights and privileges of the member:
 - (a) to the extent permitted by the bylaws or house rules of the equity or fraternal licensee; and
 - (b) except to the extent restricted by this title.
- (6) A minor child of a member of an equity or fraternal licensee has the rights and privileges of the member:
 - (a) to the extent permitted by the bylaws or house rules of the equity or fraternal licensee; and
 - (b) except to the extent restricted by this title.
- (7) An equity or fraternal licensee shall maintain:
 - (a) a current and complete membership record showing:
 - (i) the date of application of a proposed member;
 - (ii) a member's address;
 - (iii) the date the governing body approved a member's admission;

- (iv) the date initiation fees and dues are assessed and paid; and
 - (v) the serial number of the membership card issued to a member;
 - (b) a membership list; and
 - (c) a current record indicating when a member is removed as a member or resigns.
- (8)
- (a) An equity or fraternal licensee shall have bylaws or house rules that include provisions respecting the following:
 - (i) standards of eligibility for members;
 - (ii) limitation of members, consistent with the nature and purpose of the equity or fraternal licensee;
 - (iii) the period for which dues are paid, and the date upon which the period expires;
 - (iv) provisions for removing a member from the equity or fraternal licensee's membership for the nonpayment of dues or other cause;
 - (v) provisions for guests; and
 - (vi) application fees and membership dues.
 - (b) An equity or fraternal licensee shall maintain a current copy of the equity or fraternal licensee's current bylaws and current house rules.
 - (c) An equity or fraternal licensee shall maintain its bylaws or house rules, and any amendments to those records, on file with the department at all times.
- (9) An equity or fraternal licensee may, in its discretion, allow an individual to be admitted to or use the licensed premises as a guest subject to the following conditions:
- (a) the individual is allowed to use the equity or fraternal licensee premises only to the extent permitted by the equity or fraternal licensee's bylaws or house rules;
 - (b) the individual shall be previously authorized by a member of the equity or fraternal licensee who agrees to host the individual as a guest;
 - (c) the individual has only those privileges derived from the individual's host for the duration of the individual's visit to the equity or fraternal licensee premises; and
 - (d) an equity or fraternal licensee or staff of the equity or fraternal licensee may not enter into an agreement or arrangement with a member of the equity or fraternal licensee to indiscriminately host a member of the general public into the equity or fraternal licensee premises as a guest.
- (10) Notwithstanding Subsection (9), an individual may be allowed as a guest in an equity or fraternal licensed premises without a host if:
- (a)
 - (i) the equity or fraternal licensee is an equity licensee; and
 - (ii) the individual is a member of an equity licensee that has reciprocal guest privileges with the equity licensee for which the individual is a guest;
 - (b)
 - (i) the equity or fraternal licensee is a fraternal licensee; and
 - (ii) the individual is a member of the same fraternal organization as the fraternal licensee for which the individual is a guest; or
 - (c)
 - (i) the equity or fraternal licensee is a fraternal licensee that holds the fraternal license on July 1, 2013;
 - (ii) the equity or fraternal licensee's bylaws permit guests in the equity or fraternal licensed premises without a host except that a minor may not be admitted as a guest without a host; and

- (iii) the equity or fraternal licensee maintains 60% of its total business from the sale of food, not including mix for alcoholic products, or service charges.
- (11) Unless the patron is a member or guest, an equity or fraternal licensee may not:
 - (a) sell, offer for sale, or furnish an alcoholic product to the patron; or
 - (b) allow the patron to be admitted to or use the licensed premises.
- (12) A minor may not be a member, officer, director, or trustee of an equity or fraternal licensee.

Amended by Chapter 455, 2017 General Session

32B-6-408 Information obtained by investigator.

- (1) Subject to Subsection (2), if an investigator is permitted by another provision of this title to inspect a record of a bar establishment licensee, in addition to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the bar establishment licensee that is a visual recording of the operations of the bar establishment licensee.
- (2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (1) without probable cause.

Amended by Chapter 455, 2017 General Session

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) Subject to Subsection (3), the commission may issue an airport lounge license:
 - (a) to establish airport lounge licensed premises beyond the security point at an international airport or a domestic airport; and
 - (b) 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 more than 26 airport lounge licenses for an international airport at any time.
- (b) The commission may not issue a total number of domestic airport airport lounge licenses that at any time exceeds three.

Amended by Chapter 371, 2023 General Session

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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)
 - (i) The initial license fee for an airport lounge license is \$8,000.
 - (ii) The department shall prorate the \$8,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the airport lounge license expires.
 - (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.

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

Part 6

On-Premise Banquet License

32B-6-601 Title.

This part is known as "On-premise Banquet License."

Enacted by Chapter 276, 2010 General Session

32B-6-602 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-6-603 Commission's power to issue on-premise banquet license -- Contracts as host.

(1)

- (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product in connection with the person's banquet and room service activities at one of the following, the person shall first obtain an on-premise banquet license in accordance with this part:
 - (i) a hotel;
 - (ii) a resort facility;
 - (iii) a sports center;
 - (iv) a convention center;
 - (v) a performing arts facility;
 - (vi) an arena; or
 - (vii) a restaurant venue.
- (b) This part does not prohibit an alcoholic product on the premises of a person listed in Subsection (1)(a) to the extent otherwise permitted by this title.
- (c) This section does not prohibit a person who applies for an on-premise banquet license to also apply for a package agency if otherwise qualified.
- (2) The commission may issue an on-premise banquet license to establish on-premise banquet licensees in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room service activities operated by an on-premise banquet licensee.
- (3) Subject to Section 32B-1-201, the commission:
 - (a) may not issue a total number of restaurant venue on-premise banquet licenses that at any time exceeds 25; and
 - (b) may not issue a total number of on-premise banquet licenses that at any time exceeds the number determined by dividing the population of the state by 28,765.
- (4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:
 - (a) the host of the banquet may request an on-premise banquet licensee to provide an alcoholic product served at the banquet; and
 - (b) an on-premise banquet licensee may provide an alcoholic product served at the banquet.
- (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
 - (a) without charge to a patron at a banquet, except that the host of the banquet shall pay for an alcoholic product furnished at the banquet; or
 - (b) with a charge to a patron at the banquet.
- (6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of the person's total annual banquet gross receipts from the sale of food, which does not include:
 - (a) mix for an alcoholic product; or
 - (b) a charge in connection with the furnishing of an alcoholic product.

Amended by Chapter 371, 2023 General Session

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32B-6-604 Specific licensing requirements for an on-premise banquet license.

- (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
 - (a) An on-premise banquet license expires on October 31 of each year.
 - (b) To renew a person's on-premise banquet license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (3)

- (a) The nonrefundable application fee for an on-premise banquet license is \$300.
- (b)
 - (i) The initial license fee for an on-premise banquet license is \$750.
 - (ii) The department shall prorate the \$750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise banquet license expires.
- (c) The renewal fee for an on-premise banquet license is \$750.
- (4) The bond amount required for an on-premise banquet license is the penal sum of \$10,000.
- (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:
 - (a) pay an application fee, initial license fee, or renewal fee;
 - (b) obtain the written consent of the local authority;
 - (c) submit a copy of the applicant's current business license; or
 - (d) post a bond as specified by Section 32B-5-204.
- (6) Notwithstanding Subsection 32B-5-303(3), the department may approve an additional location in or on the licensed premises of an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original application only:
 - (a) upon proper application by an on-premise banquet licensee; and
 - (b) in accordance with guidelines approved by the commission.

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32B-6-605 Specific operational requirements for on-premise banquet license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise banquet licensee and staff of the on-premise banquet 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 on-premise banquet licensee;
 - (ii) individual staff of an on-premise banquet licensee; or
 - (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
- (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5) for the entire premises of the hotel, resort facility, sports center, convention center, performing arts facility, arena, or restaurant venue that is the basis for the on-premise banquet license.
- (3)
 - (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee shall provide the department with advance notice of a scheduled banquet in accordance with rules made by the commission.
 - (b) Any of the following may conduct a random inspection of a banquet:
 - (i) an authorized representative of the commission or the department; or
 - (ii) a law enforcement officer.
- (4)
 - (a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but shall make and maintain the records described in Subsection 32B-5-302(2) and the records the commission or department requires.

- (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).
- (5)
 - (a) Except as otherwise provided in this title, an on-premise banquet licensee may sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the location of the banquet.
 - (b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:
 - (i) a person at a banquet other than the on-premise banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from the premises of the banquet; and
 - (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises of the banquet.
- (6)
 - (a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following the conclusion of the banquet.
 - (b) At the conclusion of a banquet, an on-premise banquet licensee shall:
 - (i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and
 - (ii) return to the on-premise banquet licensee's approved locked storage area any:
 - (A) opened and unused alcoholic product that is saleable; and
 - (B) unopened container of an alcoholic product.
 - (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:
 - (i) shall store the alcoholic product in the on-premise banquet licensee's approved locked storage area; and
 - (ii) may use the alcoholic product at more than one banquet.
- (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a minor to sell, furnish, or dispense an alcoholic product in connection with the on-premise banquet licensee's banquet and room service activities.
- (8) An on-premise banquet licensee:
 - (a) may provide room service in portions described in Section 32B-5-304;
 - (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in connection with room service any day during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.; and
 - (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic product free of charge per guest reservation, per guest room, if the alcoholic product:
 - (i) is not a spirituous liquor; and
 - (ii) is in an unopened container not to exceed 750 milliliters.
- (9)
 - (a) Subject to the other provisions of this Subsection (9), 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 more than one spirituous liquor drink at a time before the patron.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).
- (10)
 - (a) An on-premise banquet licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.

- (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.
- (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the banquet.
- (12)
 - (a) Room service of an alcoholic product to a guest room or privately owned dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
 - (b) An alcoholic product may not be left outside a guest room or privately owned dwelling unit for retrieval by a guest or resident.
- (13) An on-premise banquet licensee may not maintain a minibar.

Part 7

On-Premise Beer Retailer License

32B-6-701 Title.

This part is known as "On-premise Beer Retailer License."

Enacted by Chapter 276, 2010 General Session

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32B-6-702 Definitions.

As used in this part:

- (1) "Commission-approved activity" means a leisure activity that:
 - (a) the commission approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b) does not involve the use of a dangerous weapon.
- (2)
 - (a) "Recreational amenity" means:
 - (i) a billiard parlor;
 - (ii) a pool parlor;
 - (iii) a bowling facility;
 - (iv) a golf course;
 - (v) miniature golf;
 - (vi) a golf driving range;
 - (vii) a tennis club;
 - (viii) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 5,000;
 - (ix) a concert venue that has a seating capacity equal to or greater than 5,000;
 - (x) one of the following if owned by a government agency:
 - (A) a convention center;
 - (B) a fair facility;
 - (C) an equestrian park;
 - (D) a theater; or
 - (E) a concert venue;

- (xi) an amusement park:
 - (A) with one or more permanent amusement rides; and
 - (B) located on at least 50 acres;
- (xii) a ski resort;
- (xiii) a venue for live entertainment if the venue:
 - (A) is not regularly open for more than five hours on any day;
 - (B) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and
 - (C) is operated so that no more than 15% of its total annual receipts are from the sale of beer;
- (xiv) concessions operated within the boundary of a park administered by the:
 - (A) Division of State Parks; or
 - (B) National Parks Service;
- (xv) a facility or venue that is a recreational amenity for a person licensed under this part before May 12, 2020;
- (xvi) a venue for karaoke; or
- (xvii) an enterprise developed around a commission-approved activity.
- (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).

32B-6-703 Commission's power to issue on-premise beer retailer license.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on the premises as an on-premise beer retailer, the person shall first obtain an on-premise beer retailer license from the commission in accordance with this part.
- (2)
 - (a) The commission may issue an on-premise beer retailer license to establish on-premise beer retailer licensed premises at places and in numbers as the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as an on-premise beer retailer.
 - (b) At the time that the commission issues an on-premise beer retailer license, the commission shall designate whether the on-premise beer retailer is a tavern.
 - (c) The commission may change its designation of whether an on-premise beer retailer is a tavern in accordance with rules made by the commission.
 - (d)
 - (i) In determining whether an on-premise beer retailer is a tavern, the commission shall determine whether the on-premise beer retailer will engage primarily in the retail sale of beer for consumption on the establishment's premises.
 - (ii) In making a determination under this Subsection (2)(d), the commission shall consider:
 - (A) whether the on-premise beer retailer will operate as one of the following:
 - (I) a beer bar;
 - (II) a parlor;
 - (III) a lounge;
 - (IV) a cabaret; or
 - (V) a nightclub;
 - (B) if the on-premise beer retailer will operate as described in Subsection (2)(d)(ii)(A):
 - (I) whether the on-premise beer retailer will sell food in the establishment; and
 - (II) if the on-premise beer retailer sells food, whether the revenue from the sale of beer will exceed the revenue of the sale of food;

- (C) whether full meals including appetizers, main courses, and desserts will be served;
 - (D) the square footage and seating capacity of the premises;
 - (E) what portion of the square footage and seating capacity will be used for a dining area in comparison to the portion that will be used as a lounge or bar area;
 - (F) whether the person will maintain adequate on-premise culinary facilities to prepare full meals, except a person that is located on the premises of a hotel or resort facility may use the culinary facilities of the hotel or resort facility;
 - (G) whether the entertainment provided on the premises of the beer retailer will be suitable for minors; and
 - (H) the beer retailer management's ability to manage and operate an on-premise beer retailer license including:
 - (I) management experience;
 - (II) past beer retailer management experience; and
 - (III) the type of management scheme that will be used by the beer retailer.
- (e)
- (i) To be licensed as an on-premise beer retailer that is not a tavern, a person shall:
 - (A) own or operate a recreational amenity and maintain at least 70% of the person's total gross revenues from business directly related to the recreational amenity on or directly adjoining the licensed premises of the beer retailer, except that a person may include gross revenue from business directly related to a recreational amenity that is owned or operated by a political subdivision if the person has a contract meeting the requirements of Subsection (2)(e)(iii) with the political subdivision;
 - (B) own or operate a recreational amenity on or directly adjoining the licensed premises of the beer retailer and maintain at least 70% of the person's total gross revenues from the sale of food; or
 - (C) if the licensed premises of the on-premise beer retailer is on or directly adjoining a ski resort on January 1, 2021, obtain the consent of the ski resort to operate as an on-premise beer retailer that is not a tavern and maintain at least 70% of the person's total gross revenues from the sale of food.
 - (ii) The commission may not license a person as an on-premise beer retailer if the person does not:
 - (A) meet the requirements of Subsection (2)(e)(i); or
 - (B) operate as a tavern.
 - (iii) A contract described in Subsection (2)(e)(i)(A) shall:
 - (A) allow the beer retailer to include the total gross revenue from operations of the recreational amenity in the beer retailer's total gross receipts for purposes of Subsection (2)(e)(i)(A); and
 - (B) give the department the authority to audit financial information of the political subdivision to the extent necessary to confirm that the requirements of Subsection (2)(e)(i)(A) are met.
- (3) Subject to Section 32B-1-201:
- (a) the commission may not issue a total number of on-premise beer retailer licenses that are taverns that at any time exceeds the number determined by dividing the population of the state by 73,666; and
 - (b) the commission may issue a seasonal on-premise beer retailer license for a tavern in accordance with Section 32B-5-206.
- (4)
- (a) Unless otherwise provided in Subsection (4)(b):

- (i) only one on-premise beer retailer license is required for each building or resort facility owned or leased by the same person; and
 - (ii) a separate license is not required for each retail beer dispensing location in the same building or on the same resort premises owned or operated by the same person.
- (b)
- (i) Subsection (4)(a) applies only if each retail beer dispensing location in the building or resort facility operates in the same manner.
 - (ii) If each retail beer dispensing location does not operate in the same manner:
 - (A) one on-premise beer retailer license designated as a tavern is required for the locations in the same building or on the same resort premises that operate as a tavern; and
 - (B) one on-premise beer retailer license is required for the locations in the same building or on the same resort premises that do not operate as a tavern.

Amended by Chapter 291, 2021 General Session

32B-6-704 Local authority to issue a license.

- (1) A local authority may issue a license to operate as an on-premise beer retailer, subject to:
 - (a) the requirement under this part that a person obtain an on-premise beer retailer license issued by the commission to operate as an on-premise beer retailer; and
 - (b) subject to Title 11, Chapter 10, Business Allowing Consumption of Liquor on Premises.
- (2) For a violation of this title, rules of the commission, or a local ordinance, a local authority may suspend or revoke a business license described in Subsection (1).
- (3)
 - (a) If the commission suspends or revokes an on-premise beer retailer license issued by the commission under this title, the on-premise beer retailer may not continue to operate under a license issued by a local authority.
 - (b) If a local authority suspends or revokes a business license described in Subsection (1), an on-premise beer retailer may not continue to operate under the on-premise beer retailer license issued by the commission.
- (4) A person issued a business license issued by a local authority as described in Subsection (1) shall comply with this title, including a provision related to the storage, sale, offer for sale, furnishing, consumption, warehousing, or distribution of beer.

Enacted by Chapter 276, 2010 General Session

(j)

32B-6-705 Specific licensing requirements for on-premise beer retailer license.

- (1) To obtain an on-premise beer retailer license a person shall comply with Chapter 5, Part 2, Retail Licensing Process, except that an on-premise beer retailer is required to carry dramshop insurance coverage in accordance with Section 32B-5-201 only if the on-premise beer retailer sells more than \$5,000 of beer annually.
- (2)
 - (a) An on-premise beer retailer license expires on the last day of February each year.
 - (b) To renew a person's on-premise beer retailer license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January 31.
- (3)
 - (a) The nonrefundable application fee for an on-premise beer retailer license is \$300.
 - (b)

- (i)
 - (A) The initial license fee for an on-premise beer retailer license that is not a tavern is \$300.
 - (B) The department shall prorate the \$300 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise beer retailer license expires.
- (ii)
 - (A) The initial license fee for an on-premise beer retailer license that is a tavern is \$1,500.
 - (B) The department shall prorate the \$1,500 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise beer retailer license expires.
- (c)
 - (i) The renewal fee for an on-premise beer retailer license that is not a tavern is \$350.
 - (ii) The renewal fee for an on-premise beer retailer license that is a tavern is \$1,250.
- (4) The bond amount required for an on-premise beer retailer license is the penal sum of \$5,000.
- (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:
 - (a) pay an application fee, initial license fee, or renewal fee;
 - (b) obtain the written consent of the local authority;
 - (c) submit a copy of the applicant's current business license; or
 - (d) post a bond as specified by Section 32B-5-204.

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 Subsection 32B-5-302(1), but shall make and maintain the records described in Subsection 32B-5-302(2) and 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)
 - (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at the on-premise beer retailer's licensed premises during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b)

- (i) Notwithstanding Subsection (4)(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.
- (5) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a tavern.
- (6)
- (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 (6)(a)(i) is a class A misdemeanor.
- (b)
- (i) If an on-premise beer retailer purchases beer under this Subsection (6) 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 on-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the on-premise beer retailer as provided in Section 32B-13-301.
 - (ii) Violation of Subsection (6)(b)(i) is a class B misdemeanor.
- (7) A tavern shall comply with Section 32B-1-407.

Amended by Chapter 400, 2023 General Session

32B-6-707 Application of part to other retail license type.

- (1) A retail licensee who is not an on-premise beer retailer, but who sells, offers for sale, or furnishes beer pursuant to a different part under this chapter:
 - (a) may sell, offer for sale, or furnish beer without obtaining a separate on-premise beer retailer license from the commission; and
 - (b) shall comply with the operational requirements under this part that apply to an on-premise beer retailer, except when a requirement of this part is inconsistent with or less restrictive than an operational requirement under the relevant part under this chapter for the type of retail license.
- (2) Failure of a retail licensee or staff of the retail licensee to comply with a requirement of this part may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (a) a retail licensee;
 - (b) individual staff of a retail licensee; or
 - (c) both a retail licensee and staff of the retail licensee.

Enacted by Chapter 276, 2010 General Session

32B-6-708 Information obtained by investigator.

- (1) Subject to Subsection (2), if an investigator is permitted by another provision of this title to inspect a record of an on-premise beer retailer that is a tavern, in addition to any other rights

under this title, the investigator may inspect, have a copy of, or otherwise review any record of the tavern that is a visual recording of the operations of the tavern.

- (2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (1) without probable cause.

Enacted by Chapter 276, 2010 General Session

Part 8

Reception Center License

32B-6-801 Title.

This part is known as "Reception Center License."

Enacted by Chapter 334, 2011 General Session

32B-6-802 Definitions.

Reserved

Enacted by Chapter 334, 2011 General Session

32B-6-803 Commission's power to issue reception center license.

- (1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on the person's premises as a reception center, the person shall first obtain a reception center license from the commission in accordance with this part.
- (2) The commission may issue a reception center license to establish reception center licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a reception center.
- (3) Subject to Section 32B-1-201, the commission may not issue a total number of reception center licenses that at any time exceeds the number determined by dividing the population of the state by 251,693.
- (4) The commission may not issue a reception center license for premises that do not meet the proximity requirements of Section 32B-1-202.
- (5)
 - (a) To be licensed as a reception center, a person may not maintain more than 30% of the person's total annual gross receipts from the sale of alcoholic products.
 - (b) For purposes of Subsection (5)(a):
 - (i) an alcoholic product includes:
 - (A) mix for an alcoholic product; and
 - (B) a charge in connection with the furnishing of an alcoholic product; and
 - (ii) gross receipts do not include any charge for renting a room or facility.
 - (c) A reception center licensee shall report the information necessary to show compliance with this Subsection (5) to the department on an annual basis.

Amended by Chapter 6, 2020 Special Session 6

(j)

32B-6-804 Specific licensing requirements for reception center license.

- (1) To obtain a reception center license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
 - (a) A reception center license expires on October 31 of each year.
 - (b) To renew a person's reception center 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 a reception center license is \$300.
 - (b)
 - (i) The initial license fee for a reception center license is \$750.
 - (ii) The department shall prorate the \$750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the reception center license expires.
 - (c) The renewal fee for a reception center license is \$750.
- (4) The bond amount required for a reception center license is the penal sum of \$10,000.

32B-6-805 Specific operational requirements for a reception center license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a reception center licensee and staff of the reception center 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) a reception center licensee;
 - (ii) individual staff of a reception center licensee; or
 - (iii) both a reception center licensee and staff of the reception center licensee.
- (2) In addition to complying with Section 32B-5-303, a reception center licensee shall store an alcoholic product in a storage area described in Subsection (14)(a).
- (3)
 - (a) For the purpose described in Subsection (3)(b), a reception center licensee shall provide the following with advance notice of a scheduled event in accordance with rules made by the commission:
 - (i) the department; and
 - (ii) the local law enforcement agency responsible for the enforcement of this title in the jurisdiction where the reception center is located.
 - (b) Any of the following may conduct a random inspection of an event:
 - (i) an authorized representative of the commission or the department; or
 - (ii) a law enforcement officer.
- (4)
 - (a) Except as otherwise provided in this title, a reception center licensee may sell, offer for sale, or furnish an alcoholic product at an event only for consumption at the reception center's licensed premises.
 - (b) A host of an event, a patron, or a person other than the reception center licensee or staff of the reception center licensee, may not remove an alcoholic product from the reception center's licensed premises.

- (c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an alcoholic product into or onto, or remove an alcoholic product from, the reception center.
- (5)
 - (a) A reception center licensee may not leave an unsold alcoholic product at an event following the conclusion of the event.
 - (b) At the conclusion of an event, a reception center licensee shall:
 - (i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and
 - (ii) return to the reception center licensee's approved locked storage area any:
 - (A) opened and unused alcoholic product that is saleable; and
 - (B) unopened container of an alcoholic product.
 - (c) Except as provided in Subsection (5)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at an event, a reception center licensee:
 - (i) shall store the alcoholic product in accordance with Subsection (2); and
 - (ii) may use the alcoholic product at more than one event.
- (6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a minor in connection with an event at the reception center at which food is not made available.
- (7) A person's willingness to serve an alcoholic product may not be made a condition of employment as a server with a reception center licensee.
- (8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at the licensed premises on any day during the period that:
 - (a) begins at 1 a.m.; and
 - (b) ends at 9:59 a.m.
- (9) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at an event at which a minor is present unless the reception center licensee makes food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed during the event.
- (10)
 - (a) Subject to the other provisions of this Subsection (10), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) An individual portion of wine is considered to be one alcoholic product under Subsection (10)(a).
- (11)
 - (a) A reception center licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.
 - (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.
- (12) A staff person of a reception center licensee shall remain at an event at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the event.
- (13) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar structure.
- (14) Except as provided in Subsection (15), a reception center licensee may dispense an alcoholic product only if:
 - (a) the alcoholic product is dispensed from an area that is:
 - (i) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are:
 - (A) not readily visible to a patron; and

- (B) not accessible by a patron; and
 - (ii) apart from an area used:
 - (A) for staging; or
 - (B) as a lobby or waiting area;
 - (b) the reception center licensee uses an alcoholic product that is:
 - (i) stored in an area described in Subsection (14)(a); or
 - (ii) in an area not described in Subsection (14)(a) on the licensed premises and:
 - (A) immediately before the alcoholic product is dispensed it is in an unopened container;
 - (B) the unopened container is taken to an area described in Subsection (14)(a) before it is opened; and
 - (C) once opened, the container is stored in an area described in Subsection (14)(a); and
 - (c) any instrument or equipment used to dispense an alcoholic product is located in an area described in Subsection (14)(a).
- (15) A reception center licensee may dispense an alcoholic product from a mobile serving area that:
- (a) is moved only by staff of the reception center licensee;
 - (b) is capable of being moved by only one individual; and
 - (c) is no larger than 6 feet long and 30 inches wide.
- (16)
- (a) A reception center licensee may not have an event on the licensed premises unless the event:
 - (i) is pursuant to a contract between a third party host of the event and the reception center licensee under which the reception center licensee provides an alcoholic product sold, offered for sale, or furnished at an event; or
 - (ii) is a private event.
 - (b) At an event, a reception center licensee may furnish an alcoholic product:
 - (i) without charge to a patron, except that the third party host of the event shall pay for an alcoholic product furnished at the event; or
 - (ii) with a charge to a patron at the event.
 - (c) The commission may by rule define what constitutes a "third-party host" for purposes of this Subsection (16) so that a reception center licensee and the third-party host are not owned by or operated by the same persons, except that the rule shall permit a reception center licensee to host an event for an immediate family member of the reception center licensee.
- (17) A reception center licensee shall have culinary facilities that are:
- (a) adequate to prepare a full meal; and
 - (b)
 - (i) located on the licensed premises; or
 - (ii) under the same control as the reception center licensee.
- (18)
- (a) Except as provided in Subsection (18)(b), a reception center licensee may not operate an event:
 - (i) that is open to the general public; and
 - (ii) at which an alcoholic product is sold or offered for sale.
 - (b) A reception center licensee may operate an event described in Subsection (18)(a) if the event is hosted:
 - (i) at the reception center no more frequently than once a calendar year; and
 - (ii) by a nonprofit organization that is organized and qualified under Section 501(c), Internal Revenue Code.

Amended by Chapter 219, 2020 General Session

Part 9

Beer-Only Restaurant License

32B-6-901 Title.

This part is known as "Beer-only Restaurant License."

Enacted by Chapter 334, 2011 General Session

(I)

32B-6-902 Definitions.

(1) As used in this part:

(a)

(i) "Dining area" means an area in the licensed premises of a beer-only restaurant licensee that is primarily used for the service and consumption of food by one or more patrons.

(ii) "Dining area" does not include a dispensing area.

(b)

(i) "Dispensing area" means an area in the licensed premises of a beer-only restaurant licensee where a dispensing structure is located and that:

(A) is physically separated from the dining area and any waiting area by a structure or other barrier that prevents a patron seated in the dining area or a waiting area from viewing the dispensing of beer;

(B) except as provided in Subsection (1)(b)(ii), measures at least 10 feet from the dining area and any waiting area to the nearest edge of the dispensing structure; or

(C) is physically separated from the dining area and any waiting area by a permanent physical structure that complies with the provisions of Title 15A, State Construction and Fire Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act, measures at least 42 inches high, and at least 60 inches from the inside edge of the barrier to the nearest edge of the dispensing structure.

(ii) "Dispensing area" does not include any area described in Subsection (1)(b)(i)(B) that is less than 10 feet from an area where beer is dispensed, but from which a patron seated at a table or counter cannot view the dispensing of beer.

(c) "Small beer-only restaurant licensee" means a beer-only restaurant licensee whose dispensing area includes more than 45% of the available seating for patrons on the licensed premises, excluding outdoor seating:

(i) when measured in accordance with Subsection (1)(b)(i)(B); and

(ii) based on the licensee's floor plan on file with the department on July 1, 2017.

(d) "Waiting area" includes a lobby.

32B-6-903 Commission's power to issue beer-only restaurant license.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on its premises as a beer-only restaurant, the person shall first obtain a beer-only restaurant license from the commission in accordance with this part.

- (2)
 - (a) The commission may issue a beer-only restaurant license to establish beer-only restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as a beer-only restaurant.
 - (b) A person may not sell, offer for sale, furnish, or allow the consumption of liquor on the licensed premises of a beer-only restaurant licensee.
- (3)
 - (a) Only one beer-only restaurant license is required for each building or resort facility owned or leased by the same person.
 - (b) A separate license is not required for each beer-only restaurant license dispensing location in the same building or on the same resort premises owned or operated by the same person.
- (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a beer-only restaurant license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).
- (5) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of the restaurant's gross revenues from the sale of food, which does not include a service charge.

Amended by Chapter 403, 2019 General Session

(I)

32B-6-904 Specific licensing requirements for beer-only restaurant license.

- (1) To obtain a beer-only restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
 - (a) A beer-only restaurant license expires the last day of February of each year.
 - (b) To renew a person's beer-only restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January 31.
- (3)
 - (a) The nonrefundable application fee for a beer-only restaurant license is \$330.
 - (b)
 - (i) The initial license fee for a beer-only restaurant license is \$825.
 - (ii) The department shall prorate the \$825 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the beer-only restaurant license expires.
 - (c) The renewal fee for a beer-only restaurant license is \$605.
- (4) The bond amount required for a beer-only restaurant license is the penal sum of \$5,000.

32B-6-905.1 Specific operational requirements for a beer-only restaurant license -- On and after July 1, 2018, or July 1, 2022.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee shall comply with this section.
 - (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a beer-only restaurant licensee;

- (ii) individual staff of a beer-only restaurant licensee; or
 - (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.
- (2)
 - (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for sale, furnish, or allow consumption of liquor.
 - (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:
 - (i) as a flavoring on a dessert; or
 - (ii) in the preparation of a flaming food dish, drink, or dessert.
- (3)
 - (a) An individual who serves beer in a beer-only restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes beer on the premises.
 - (b) A beverage tab described in this Subsection (3) shall state the type and amount of each beer ordered or consumed.
- (4) A beer-only restaurant licensee may not make an individual's willingness to serve beer a condition of employment as a server with a beer-only restaurant licensee.
- (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
 - (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
 - (b) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
- (6)
 - (a) A beer-only restaurant licensee may not furnish beer for on-premise consumption except after:
 - (i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:
 - (A) a table that is located in a dining area or a dispensing area;
 - (B) a counter that is located in a dining area or a dispensing area; or
 - (C) a dispensing structure that is located in a dispensing area; and
 - (ii) the beer-only restaurant licensee confirms that the patron intends to:
 - (A) order food prepared, sold, and furnished at the licensed premises; and
 - (B) except as provided in Subsection (6)(b), consume the food at the same location where the patron is seated and furnished the beer.
 - (b)
 - (i) While a patron waits for a seat at a table or counter in the dining area of a beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or furnish to the patron one portion of beer as described in Section 32B-5-304 if:
 - (A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and
 - (B) the beer-only restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.
 - (ii)
 - (A) Subject to Subsection (6)(b)(ii)(B), if the patron does not finish the patron's beer before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's beer to the patron's seat in the dining area.
 - (B) An employee of the beer-only restaurant licensee shall escort a patron who transports an unfinished portion of the patron's beer to the patron's seat in the dining area.

- (c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.
- (d) A beer-only restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.
- (7) A patron may consume a beer on the beer-only licensee's licensed premises only at:
 - (a) a table that is located in a dining area or a dispensing area;
 - (b) a counter that is located in a dining area or a dispensing area; or
 - (c) a dispensing structure located in a dispensing area.
- (8) A patron may not have more than two beers at a time before the patron.
- (9) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.
- (10)
 - (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.
 - (b)
 - (i) A minor may be in a dispensing area if the minor is:
 - (A) at least 16 years old and working as an employee of the beer-only restaurant licensee; or
 - (B) performing maintenance and cleaning services as an employee of the beer-only restaurant licensee when the beer-only restaurant licensee is not open for business.
 - (ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the beer-only restaurant licensee's premises in which the minor is permitted to be.
- (11) A beer-only restaurant licensee may dispense a beer only if:
 - (a) the beer is dispensed from:
 - (i) a dispensing structure that is located in a dispensing area;
 - (ii) an area that is:
 - (A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and
 - (B) apart from an area used for dining, for staging, or as a waiting area; or
 - (iii) the premises of a bar licensee that is:
 - (A) owned by the same person or persons as the beer-only restaurant licensee; and
 - (B) located immediately adjacent to the premises of the beer-only restaurant licensee; and
 - (b) any instrument or equipment used to dispense the beer is located in an area described in Subsection (11)(a).
- (12)
 - (a) A beer-only restaurant licensee may have more than one dispensing area in the licensed premises.
 - (b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
- (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or from a movable cart.
- (14)
 - (a) In addition to the requirements described in Section 32B-5-302, a beer-only restaurant licensee shall maintain each of the following records for at least three years:
 - (i) a record required by Subsection 32B-5-302(1); and

- (ii) a record that the commission requires a beer-only restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (b) The department shall audit the records of a beer-only restaurant licensee at least once annually.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session

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32B-6-905.3 Small beer-only restaurant licensee -- Exemption.

- (1) A minor may sit, remain, or consume food or beverages in the dispensing area of a small beer-only restaurant licensee if:
 - (a) seating in the dispensing area is the only seating available for patrons on the licensed premises;
 - (b) the minor is accompanied by an individual who is 21 years of age or older; and
 - (c) the small beer-only restaurant licensee applies for and obtains approval from the department to seat minors in the dispensing area in accordance with this section.
- (2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.
- (3) The department shall:
 - (a) grant an approval described in Subsection (1)(c) if the small beer-only restaurant licensee demonstrates that the small beer-only restaurant licensee meets the requirements described in Subsection 32B-6-902(1)(c); and
 - (b) for each application described in Subsection (1)(c) that the department receives on or before May 8, 2018, act on the application on or before July 1, 2018.

Part 10

Hospitality Amenity License

32B-6-1001 Hospitality Amenity License.

This part is known as "Hospitality Amenity License."

Enacted by Chapter 219, 2020 General Session

32B-6-1002 Definitions.

As used in this part:

- (1) "Hospitality guest" means an individual:
 - (a)
 - (i) who is a resident of a resort;
 - (ii) for whom a resident of a resort provides lodging accommodations for compensation;
 - (iii) for whom a hotel provides lodging accommodations for compensation; or
 - (iv) for whom a resort provides lodging accommodations for compensation; and
 - (b) who is at least 21 years of age.
- (2) "Boundary of a hotel" means the physical boundary of one or more contiguous parcels of real property owned or managed by the same person and on which a hotel is located.

- (3) "Boundary of a resort building" means the same as that term is defined in Section 32B-8-102.
- (4) "Hotel" means a commercial lodging establishment that offers at least 40 rooms as temporary sleeping accommodations for compensation.

Enacted by Chapter 219, 2020 General Session

32B-6-1003 Commission's power to issue hospitality amenity license.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the person's premises as a hospitality amenity licensee, the person shall first obtain a hospitality amenity license from the commission in accordance with this part.
- (2)
 - (a) The commission may only issue a hospitality amenity license to a hotel or a resort.
 - (b) Beginning November 1, 2020, the commission may issue a hospitality amenity license to establish hospitality amenity licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of alcoholic products on premises operated as a hospitality amenity licensee.
- (3) The commission may authorize the sale of an alcoholic product at as many as three hospitality amenity locations within the boundary of a hotel or the boundary of a resort building under one hospitality amenity license if:
 - (a) the hotel or resort has a minimum of 150 rooms for temporary sleeping accommodations; and
 - (b) the commission determines the location, design, and construction of the hotel or resort requires more than one hospitality amenity location within the hotel or resort to serve the public convenience.
- (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a hospitality amenity license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).

Enacted by Chapter 219, 2020 General Session

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32B-6-1004 Specific licensing requirements for a hospitality amenity license.

- (1) To obtain a hospitality amenity license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
- (2)
 - (a) A hospitality amenity license expires on October 31 of each year.
 - (b) To renew a person's hospitality amenity 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 a hospitality amenity license is \$330.
 - (b)
 - (i) The initial license fee for a hospitality amenity license is \$2,000.
 - (ii) The department shall prorate the \$2,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the hospitality amenity license expires.
 - (c) The renewal fee for a hospitality amenity license is \$1,000.
- (4) The bond amount required for a hospitality amenity license is the penal sum of \$10,000.
- (5) Notwithstanding Subsection 32B-5-303(3), the commission may approve an additional location in or on the licensed premises of a hospitality amenity licensee from which the hospitality

amenity licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in the person's original application only:

- (a) upon proper application by a hospitality amenity licensee; and
- (b) in accordance with guidelines the commission approves.

32B-6-1005 Specific operational requirements for hospitality amenity license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a hospitality amenity licensee and staff of the hospitality amenity 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) the hospitality amenity licensee;
 - (ii) individual staff of the hospitality amenity licensee; or
 - (iii) both the hospitality amenity licensee and staff of the hospitality amenity licensee.
- (2)
 - (a) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic product:
 - (i) to a hospitality guest; and
 - (ii) for consumption in or on the hospitality amenity licensee's licensed premises.
 - (b)
 - (i) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic product that is not spirituous liquor in or on:
 - (A) licensed premises physically separated from an area to which a hospitality guest or the public has access by a permanent or temporary structure or barrier; or
 - (B) licensed premises described in Subsection (2)(b)(ii).
 - (ii) A hospitality amenity licensee may sell, offer for sale, or furnish spirituous liquor in or on licensed premises that:
 - (A) allows access only through the use of a key or code; and
 - (B) fills the entirety of a physically and permanently enclosed area within the hotel or resort.
 - (c) Spirituous liquor may not be in or on the licensed premises described in Subsection (2)(b)(i)
 - (A) of a hospitality amenity licensee, except for use:
 - (i) as a flavoring on a dessert; and
 - (ii) in the preparation of a flaming food dish or dessert.
 - (d) A hospitality amenity licensee may not allow self-service of an alcoholic product in or on the hospitality amenity licensee's licensed premises.
- (3)
 - (a) Subject to Subsections (3)(b) and (c), a hospitality guest may not have more than two alcoholic products of any kind at a time before the hospitality guest.
 - (b) A hospitality guest may not have more than one spirituous liquor drink at a time before the hospitality guest.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (3)
 - (a).
- (4) A hospitality amenity licensee shall make food available at all times that the licensee sells, offers for sale, furnishes, or allows the consumption of an alcoholic product on the licensed premises.
- (5)

- (a) A hospitality amenity licensee may not sell, offer for sale, or furnish an alcoholic product any day during a period that:
 - (i) begins at 1:00 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b) A hospitality amenity licensee shall remain open for one hour after the licensee ceases to sell and furnish an alcoholic product, during which time a hospitality guest in or on the hospitality amenity licensed premises may finish consuming:
 - (i) a single drink containing spirituous liquor;
 - (ii) except as provided in Subsection (5)(b)(iii), a single serving of wine not exceeding five ounces;
 - (iii) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;
 - (iv) a single serving of heavy beer;
 - (v) a single serving not exceeding 26 ounces of beer; or
 - (vi) a single serving of a flavored malt beverage.
 - (c) A hospitality amenity licensee is not required to remain open:
 - (i) after all individuals have vacated the licensee's licensed premises; or
 - (ii) during an emergency.
- (6)
- (a) Notwithstanding Section 32B-5-305, a hospitality amenity licensee may provide a hospitality guest up to two single servings of an alcoholic product free of charge or at a reduced rate, if:
 - (i) the alcoholic product is not a spirituous liquor; and
 - (ii) the hospitality amenity licensee offers the alcohol product:
 - (A) to all hospitality guests;
 - (B) during a specific time; and
 - (C) on the hospitality amenity licensee's licensed premises.
 - (b) Before a hospitality amenity licensee provides an alcoholic product free of charge or at a reduced rate as described in Subsection (6)(a), the licensee shall provide the department with advance notice of the event, in accordance with commission rules that permit a licensee to provide a single notice for a reoccurring event or multiple events.
- (7) A hospitality amenity licensee may permit a hospitality guest to purchase an alcoholic product through a charge to the hospitality guest's lodging accommodations.
- (8)
- (a) Notwithstanding Section 32B-5-307, a hospitality guest, or a person other than the hospitality amenity licensee or staff of the hospitality amenity licensee, may not remove an alcoholic product from the hospitality amenity licensee's licensed premises.
 - (b) Notwithstanding Subsection 32B-5-307(3), a hospitality guest may not bring an alcoholic product within the hospitality amenity licensee's licensed premises.
- (9) A hospitality amenity licensee shall display at each entrance to the licensee's licensed premises a conspicuous sign that:
- (a) measures at least 8-1/2 inches long and 11 inches wide; and
 - (b) clearly states that entry is limited to individuals who are hospitality guests, as defined in this title.
- (10) A hospitality amenity licensee may not permit a minor to enter the licensee's licensed premises at any time during which an alcoholic product is sold, offered for sale, furnished, or consumed, unless the minor is accompanied at all times on the licensed premises by a hospitality guest.

- (11) A staff person of a hospitality amenity licensee shall remain on the licensed premises at all times when an alcoholic product is sold, offered for sale, furnished, or consumed in or on the licensed premises.
- (12) A hospitality amenity licensee may transfer an alcoholic product to or from another licensee within the boundary of the hotel or within the boundary of the resort building, if:
 - (a) the hospitality amenity licensee and each licensee involved in the transfer tracks the transfer of the alcoholic product; and
 - (b) the alcoholic product is in a sealed, unopened container.
- (13)
 - (a) In addition to the requirements described in Section 32B-5-302, a hospitality amenity licensee shall maintain each of the following records for at least three years:
 - (i) a record required under Subsection 32B-5-302(1); and
 - (ii) a record that the commission requires a hospitality amenity licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The department shall audit the records of a hospitality amenity licensee at least once annually.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session