

**Part 2**  
**Off-Premise Beer Retailer Local Authority**

**32B-7-201 State and local licensing -- Limitations.**

- (1) Subject to the other provisions of this title, a local authority may:
  - (a) tax or prohibit the retail sale of beer;
  - (b) subject to this part, issue, suspend, and revoke a local license to sell beer at retail for off-premise consumption;
  - (c) establish proximity requirements for establishing premises where beer is sold at retail for off-premise consumption in relation to any community location; and
  - (d) otherwise regulate the retail sale of beer for off-premise consumption subject to the requirements of Section 32B-7-202 and Part 3, Off-Premise Beer Retailer Enforcement Act.
- (2) A local authority may not issue to a minor a local license to sell beer at retail for off-premise consumption.

Enacted by Chapter 276, 2010 General Session

**32B-7-202 General operational requirements for off-premise beer retailer.**

- (1)
  - (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with this section.
  - (b) Failure to comply with this section may result in a suspension or revocation of a local license.
- (2)
  - (a)
    - (i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from:
      - (A) a beer wholesaler licensee; or
      - (B) a small brewer that manufactures the beer.
    - (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
  - (b)
    - (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.
    - (ii) A violation of Subsection (2)(b) is a class B misdemeanor.
- (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters.
- (4) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:
  - (a) the sale is done under the supervision of a person 21 years of age or older who is on the licensed premises; and
  - (b) the minor is at least 16 years of age.
- (5)
  - (a) Subject to the other provisions of this Subsection (5), an off-premise beer retailer shall:
    - (i) display beer sold by the off-premise beer retailer in an area that is visibly separate and distinct from the area where nonalcoholic beverages are displayed; and

- (ii) display a sign in the area described in Subsection (5)(a)(i) that:
  - (A) is prominent;
  - (B) is easily readable by a consumer;
  - (C) meets the requirements for format established by the commission by rule; and
  - (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please read the label carefully."
- (b) Notwithstanding Subsection (5)(a), a nonalcoholic beer may be displayed with beer if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- (c) The requirements of this Subsection (5) apply to beer notwithstanding that it is labeled, packaged, or advertised as:
  - (i) a malt cooler; or
  - (ii) a beverage that may provide energy.
- (d) The commission shall define by rule what constitutes an "area that is visibly separate and distinct from the area where a nonalcoholic beverage is displayed."
- (e) A violation of this Subsection (5) is an infraction.
- (6)
  - (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to a patron for consumption off the premises of the off-premise beer retailer shall wear a unique identification badge:
    - (i) on the front of the staff's clothing;
    - (ii) visible above the waist;
    - (iii) bearing the staff's:
      - (A) first or last name;
      - (B) initials; or
      - (C) unique identification in letters or numbers; and
    - (iv) with the number or letters on the unique identification badge being sufficiently large to be clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
  - (b) An off-premise beer retailer shall make and maintain a record of each current staff's unique identification badge assigned by the off-premise beer retailer that includes the staff's:
    - (i) full name;
    - (ii) address; and
    - (iii)
      - (A) driver license number; or
      - (B) similar identification number.
  - (c) An off-premise beer retailer shall make available a record required to be made or maintained under this Subsection (6) for immediate inspection by:
    - (i) a peace officer; or
    - (ii) a representative of the local authority that issues the off-premise beer retailer license.
  - (d) A local authority may impose a fine of up to \$250 against an off-premise beer retailer that does not comply or require its staff to comply with this Subsection (6).

Amended by Chapter 307, 2011 General Session