

**32B-7-303 Penalties related to sales to minors.**

- (1)
- (a) In addition to any criminal penalty that may be imposed, an individual is subject to the administrative penalties described in Subsection (1)(b) imposed by a local authority if:
    - (i) the individual completes an alcohol training and education seminar;
    - (ii) after completing the alcohol training and education seminar, the individual is found in violation of a law involving the sale of an alcoholic product to a minor;
    - (iii) the violation described in Subsection (1)(a)(ii) is based on conduct that occurs while the individual is on duty as staff of an off-premise beer retailer; and
    - (iv) the local authority brings an adjudicative proceeding against the individual.
  - (b) If the conditions of Subsection (1)(a) are met, a local authority shall impose the following administrative penalties:
    - (i) upon a first violation, the individual may not sell or directly supervise the sale of beer to a patron for consumption off the premises of the off-premise beer retailer until the individual retakes and completes an alcohol training and education seminar;
    - (ii) upon a second violation, the individual may not sell or directly supervise the sale of beer to a patron for consumption off the premises of the off-premise beer retailer until the later of:
      - (A) 90 days from the day on which the administrative penalty is imposed; and
      - (B) the day on which the individual:
        - (I) retakes and completes the alcohol training and education seminar; and
        - (II) completes any additional training that the local authority may require; and
    - (iii) upon a third or subsequent violation, the individual may not sell or directly supervise the sale of beer to a patron for consumption off the premises of the off-premise beer retailer until the later of:
      - (A) one year from the day on which the administrative penalty is imposed; and
      - (B) the day on which the individual:
        - (I) retakes and completes an alcohol training and education seminar; and
        - (II) completes any additional training that the local authority may require.
- (2)
- (a) During the time period in which an individual is prohibited from selling or directly supervising the sale of beer under Subsection (1)(b), an off-premise beer retailer may not allow that individual to:
    - (i) directly supervise the sale of beer for the off-premise beer retailer; or
    - (ii) sell beer for the off-premise beer retailer.
  - (b) A violation of this Subsection (2) is grounds for the immediate suspension of the off-premise beer retailer's license.
- (3)
- (a) In addition to any criminal penalty that may be imposed, an off-premise beer retailer is subject to the administrative penalties imposed by a local authority described in Subsection (3)(b) if:
    - (i) staff of the off-premise beer retailer is found in violation of a law involving the sale of an alcoholic product to a minor;
    - (ii) the violation described in Subsection (3)(a)(i) occurs while the staff is on duty for the off-premise beer retailer; and
    - (iii) the local authority brings an adjudicative proceeding against the off-premise beer retailer.
  - (b) If the conditions of Subsection (3)(a) are met, a local authority shall impose the following administrative penalties:
    - (i) upon a first violation, the local authority shall issue a written warning against an off-premise beer retailer;

- (ii) upon a second violation, an off-premise beer retailer shall pay a civil fine of \$250;
  - (iii) upon a third violation, an off-premise beer retailer shall pay a civil fine of \$500;
  - (iv) upon a fourth or subsequent violation, an off-premise beer retailer shall:
    - (A) pay a civil fine of \$500;
    - (B) have its off-premise beer retailer license suspended for a period of 30 consecutive days from the date on which the administrative penalty is imposed; and
    - (C) be placed on probation for a period of one year from the date on which the administrative penalty is imposed; and
  - (v) upon any violation by the off-premise beer retailer or any on-duty staff of the off-premise beer retailer during the period of probation specified in Subsection (3)(b)(iv)(C):
    - (A) the off-premise beer retailer's license to sell beer shall be revoked; and
    - (B) the off-premise beer retailer may not reapply for a new license for at least six months from the date of revocation.
- (4)
- (a) An off-premise beer retailer's failure to pay a fine imposed under Subsection (3) within 30 days of the day on which a fine is imposed is grounds for the immediate suspension of the off-premise beer retailer's license to sell beer until payment is made.
  - (b) An off-premise beer retailer's failure to pay the fine described in Subsection (4)(a) within the time period described in Subsection (4)(a) is grounds for revocation of the off-premise beer retailer's license.

Enacted by Chapter 276, 2010 General Session