

Chapter 15 Beer Tax

59-15-101 Tax basis -- Rate.

- (1)
- (a) A tax is imposed at the rate specified in Subsection (1)(b) on all beer, as defined in Section 32B-1-102, that is imported or manufactured for sale, use, or distribution in this state.
 - (b) The tax described in Subsection (1)(a) shall be imposed at a rate of:
 - (i) \$11 per 31-gallon barrel for beer imported or manufactured:
 - (A) before July 1, 2003; and
 - (B) for sale, use, or distribution in this state; and
 - (ii) \$13.10 per 31-gallon barrel for beer imported or manufactured:
 - (A) on or after July 1, 2003; and
 - (B) for sale, use, or distribution in this state.
 - (c) The tax imposed under this Subsection (1):
 - (i) shall be imposed at a proportionate rate for:
 - (A) any quantity of beer other than a 31-gallon barrel; or
 - (B) the fractional parts of a 31-gallon barrel; and
 - (ii) may not be imposed more than once on the same beer.
- (2) A tax may not be imposed on beer:
- (a) sold to the United States and its agencies; or
 - (b)
 - (i) manufactured or imported for sale, use, or distribution outside the state; and
 - (ii) exported from the state.

Amended by Chapter 336, 2019 General Session

59-15-102 Tax delinquency -- Penalty.

If any person fails to pay the amount of any tax at the time it is due, a penalty as provided under Section 59-1-401 shall be imposed, and the tax shall bear interest at the rate and in the manner prescribed in Section 59-1-402.

Amended by Chapter 1, 1993 Special Session 2

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59-15-104 Procedure for contesting assessment.

If any person, after filing a return and paying the tax provided by this chapter, is aggrieved by the assessment made by the commission, the person may file a request for agency action.

Amended by Chapter 161, 1987 General Session

59-15-105 Reports -- Credit -- Records.

- (1) Every brewer, wholesaler, or distributor manufacturing or importing beer for sale, use, or distribution in the state shall, before the last day of each month, file with the commission a return for the preceding calendar month showing the total number of barrels of beer or fractional parts of barrels manufactured or imported during the preceding monthly period. The total barrels of beer manufactured or imported with deductions made for the number of barrels

exempt under this chapter shall be reported. The report shall also contain other information required by the commission, and the person shall, at the time of filing the report, pay to the commission the amount of tax due at the rate fixed in accordance with this chapter. Credit is allowed for spoilage, and for taxes already paid on beer, as provided under this chapter.

- (2) For purposes of this chapter, beer is considered manufactured when it is placed in containers for use, sale, or distribution, and beer is considered imported when it is first received in the state for use, sale, or distribution.
- (3) It is the duty of every person manufacturing or importing beer for sale in this state to keep and preserve adequate records for a period of three years showing the amount of beer sold. These records are open to inspection by the commission, or its authorized representative during reasonable business hours.

Renumbered and Amended by Chapter 2, 1987 General Session

59-15-106 Reports by brewers, wholesalers, and distributors outside the state.

Every brewer, wholesaler, or distributor outside the state, shipping beer into the state, for sale, use, or consumption within the state shall, before the last day of each month, file with the commission a return prescribed by the commission for the preceding calendar month and containing any information required by the commission.

Amended by Chapter 357, 2012 General Session

59-15-107 Report -- Effect of failure to file.

If any person who is liable for the tax and is required by this chapter or by the rules of the commission to file a report with respect to the beer tax or to file a report which contains information required to determine the amount of beer tax, fails, neglects, or refuses to file the report, the commission shall estimate the amount of beer upon which the tax is payable, and assess the tax.

Renumbered and Amended by Chapter 2, 1987 General Session

59-15-108 Construction and equipment of establishments.

No brewery or other establishment may be constructed or equipped in a manner which facilitates any breach of this chapter or the rules of the Alcoholic Beverage Services Commission or State Tax Commission. Any structure or equipment in violation of this section shall be removed by order of the Alcoholic Beverage Control Commission or the State Tax Commission.

Amended by Chapter 447, 2022 General Session

59-15-109 Tax money to be paid to state treasurer.

- (1) Except as provided in Subsection (2), taxes collected under this chapter shall be paid by the commission to the state treasurer daily for deposit as follows:
 - (a) the greater of the following shall be deposited into the Alcoholic Beverage Enforcement and Treatment Restricted Account created in Section 32B-2-403:
 - (i) an amount calculated by:
 - (A) determining an amount equal to 40% of the revenue collected for the fiscal year two years preceding the fiscal year for which the deposit is made; and
 - (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or
 - (ii) \$4,350,000; and

- (b) the revenue collected in excess of the amount deposited in accordance with Subsection (1)(a) shall be deposited into the General Fund.
- (2) For a fiscal year beginning on or after July 1, 2020, the state treasurer shall annually deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account created in Section 32B-2-403 an amount equal to the amount of revenue generated in the current fiscal year by the portion of the tax imposed under Section 59-15-101 that exceeds:
 - (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:
 - (i) on or after July 1, 2003; and
 - (ii) for sale, use, or distribution in this state; and
 - (b) a proportionate rate to the rate described in Subsection (2)(a) for:
 - (i) any quantity of beer other than a 31-gallon barrel; or
 - (ii) the fractional parts of a 31-gallon barrel.
- (3)
 - (a) The commission shall notify the entities described in Subsection (3)(b) not later than the September 1 preceding the fiscal year of the deposit of:
 - (i) the amount of the proceeds of the beer excise tax collected in accordance with this section for the fiscal year two years preceding the fiscal year of deposit; and
 - (ii) an amount equal to 40% of the amount listed in Subsection (3)(a)(i).
 - (b) The notification required by Subsection (3)(a) shall be sent to:
 - (i) the Governor's Office of Planning and Budget; and
 - (ii) the Legislative Fiscal Analyst.

Amended by Chapter 382, 2021 General Session