

## **Chapter 15**

### **Beer Tax**

#### **59-15-101 Tax basis -- Rate.**

- (1) As used in this chapter, "beer" means:
- (a) beer as defined in Section 32B-1-102; or
  - (b) heavy beer as defined in Section 32B-1-102.
- (2)
- (a) A tax is imposed at the rate specified in Subsection (2)(b) on beer that is imported or manufactured for sale, use, or distribution in this state.
  - (b) The rate of the tax imposed under this Subsection (2) is:
    - (i) \$13.10 per 31-gallon barrel for beer imported or manufactured before July 1, 2024;
    - (ii) \$13.35 per 31-gallon barrel for beer imported or manufactured on or after July 1, 2024, and before July 1, 2025;
    - (iii) \$13.60 per 31-gallon barrel for beer imported or manufactured on or after July 1, 2025, and before July 1, 2026;
    - (iv) \$13.85 per 31-gallon barrel for beer imported or manufactured on or after July 1, 2026, and before July 1, 2027; and
    - (v) \$14.10 per 31-gallon barrel for beer imported or manufactured on or after July 1, 2027.
  - (c) The tax imposed under this Subsection (2):
    - (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.
- (3) 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 94, 2024 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 Commission to deposit beer tax revenue.**

- (1) Except as provided in Subsections (2) and (3), the commission shall deposit revenue collected under this chapter 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 50% 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) The commission 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 is equal to:
- (a) \$0.30 per 31-gallon barrel for beer imported or manufactured on or after July 1, 2003; 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) Beginning fiscal year 2024-25, the commission shall annually deposit into the Alcoholic Beverage Control Act Enforcement Fund created in Section 32B-2-305 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) \$13.10 per 31-gallon barrel for beer imported or manufactured on or after July 1, 2024; and
  - (b) a proportionate rate to the rate described in Subsection (3)(a) for:
    - (i) any quantity of beer other than a 31-gallon barrel; or
    - (ii) the fractional parts of a 31-gallon barrel.

Amended by Chapter 350, 2025 General Session