

**Senator Beverly Ann Evans** proposes to substitute the following bill:

1                   **AMENDMENTS TO ALCOHOLIC BEVERAGE CONTROL ACT**

2   1999 GENERAL SESSION

3   STATE OF UTAH

4                                   **Sponsor: Beverly Ann Evans**

5 AN ACT RELATING TO ALCOHOLIC BEVERAGES; ADDRESSING OPERATIONAL  
6 RESTRICTIONS ON WINERY LICENSEES; AND MAKING TECHNICAL CORRECTIONS.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9                   **32A-8-201**, as last amended by Chapter 277, Laws of Utah 1991

10 *Be it enacted by the Legislature of the state of Utah:*

11                   Section 1. Section **32A-8-201** is amended to read:

12                   **32A-8-201. Authority and operational restrictions.**

13                   (1) A winery license authorizes the licensee to:

14                   (a) import, manufacture, store, transport, or export wines;

15                   (b) sell wines at wholesale to the department and to out-of-state customers;

16                   (c) purchase liquor for fortifying wine, if the department is notified of the purchase and  
17 date of delivery; and

18                   (d) warehouse on its premises liquor that has been manufactured or purchased for  
19 manufacturing purposes.

20                   (2) All wine, brandy, wine spirits, or other liquor imported under authority of a winery  
21 license shall conform to the standards of identity and quality established in the Federal Alcohol  
22 Administration regulations.

23                   (3) If considered necessary, the commission or department may:

24                   (a) require certain alterations to the plant, equipment, or premises;

25                   (b) require the alteration or removal of any unsuitable wine-making equipment or material;

26 (c) require a licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and  
27 working conditions of any plant, premises, and wine-making equipment;

28 (d) demand that any marc, pomace, or fruit considered unfit for wine making, or producing  
29 or likely to produce an unsanitary condition, be destroyed, denatured, or removed from the  
30 premises;

31 (e) require a licensee to distill or cause to be distilled or disposed of under the department's  
32 supervision, any unsound, poor quality finished wine, or unfinished wine that will not be  
33 satisfactory when finished; or

34 (f) demand that all books, records, or data pertaining to the grapes and other materials and  
35 ingredients used in the manufacture of wine, are available to the commission or department upon  
36 request.

37 (4) A winery licensee may not permit any wine to be consumed on its premises, except  
38 under the [following] circumstances[:] described in Subsections (4)(a) through (c).

39 (a) A winery licensee may allow its employees to consume on the premises wine as the  
40 wine maker may furnish to them without charge.

41 (b) A winery licensee may allow any person who can lawfully buy wine for wholesale or  
42 retail distribution to consume bona fide samples of its product on the winery premises.

43 (c) A winery licensee may operate [~~on its manufacturing premises~~] a retail facility allowing  
44 consumption[:] of samples on premises[:] of wine;

45 (i) as long as food is also available[. ~~Any such retail facility located on the premises of~~  
46 a winery licensee shall be operated or supervised by the winery licensee.]; and

47 (ii) the retail facility is located on its manufacturing premise.

48 (5) The federal definitions, standards of identity, and quality and labeling requirements for  
49 wine, in the Federal Alcoholic Administration regulations, and amendments made to that  
50 document, are adopted to the extent they are not contrary to or inconsistent with the laws of this  
51 state.

52 (6) (a) A retail facility described in Subsection (4)(c):

53 (i) shall be operated or supervised by the winery licensee; and

54 (ii) licensed and operated as a package agency, except as provided in Subsection (6)(b).

55 (b) Notwithstanding Subsection 32A-3-106(10), sale or delivery of wine may not be made  
56 on or from the premises of the retail facility nor may the retail facility be kept open for the sale of

- 57 wine:
- 58 (i) before 10:00 a.m. or after 10:00 p.m.;
- 59 (ii) on a day on which there is held:
- 60 (A) a regular general election;
- 61 (B) a regular primary election; or
- 62 (C) a statewide election;
- 63 (iii) on a day on which there is held a municipal, special district, or school election if:
- 64 (A) the retail facility is within the boundaries of the municipality, special district, or school
- 65 district; and
- 66 (B) the municipality, special district, or school district notifies the department of the
- 67 election at least 30 days prior to the date of the election; or
- 68 (iv) on a day or during hours as the commission specifies by rule or order.