

H.B. 349

HEAVY BEER AMENDMENTS

Representative **Curtis Oda** proposes the following amendments:

1. *Page 2, Lines 29 through 30:*

29 Other Special Clauses:

30 ~~{None}~~ **This bill coordinates with H.B. 347, Alcoholic Beverage Control Act Modifications, S.B. 106, Alcoholic Beverage Control Act Restrictions, and S.B. 187, Alcohol Amendments, to merge substantive amendments.**

2. *Page 120, Lines 3691 through 3692:*

3691 (5) The advertising or use of any means or media to offer an alcoholic [~~beverages~~]

3692 beverage to the general public without charge is prohibited.

Section 40. Coordinating H.B. 349 with H.B. 347 -- Merging substantive amendments.

If this H.B. 349 and H.B. 347, Alcoholic Beverage Control Act Modifications, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication:

(1) modify Subsection 32A-4-506(2)(a) enacted in H.B. 347 to read:

"(2)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a social on-premise liquor licensee may not purchase liquor except from a state store or package agency.";

(2) modify Subsection 32A-4-506(5) enacted in H.B. 347 to read:

"(5)(a) A social on-premise liquor licensee may serve heavy beer:

(i) at a price fixed by the commission; and

(ii) (A) in an original container not exceeding one liter; or

(B) subject to Subsection (5)(c):

(I) in an open container; and

(II) on draft.

(b) A flavored malt beverage may be served in an original container not exceeding one liter at a price fixed by the commission.

(c) A social on-premise liquor licensee shall sell heavy beer sold pursuant to Subsection (5)(a)(ii)(B) in a size of container that does not exceed two liters, except that heavy beer may not be sold to an individual patron in a size of container that exceeds one liter.

(d) A service charge may be assessed by the social on-premise liquor licensee for heavy beer or a flavored malt beverage purchased at the social on-premise liquor licensee's premises.";

(3) not make the changes to Subsection 32A-5-107(19)(a) in this bill, delete Subsection 32A-5-107(12)(a)

as amended in H.B. 347, and replace that Subsection (12)(a) with the following:

"(12)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a private club licensee may not purchase liquor except from a state store or package agency.";

(4) insert into Section 32A-11-202, enacted in this bill, a Subsection (1)(e) to read "(e) a social on-premise liquor licensee;" and renumber the remaining subsections of Subsection (1) accordingly;

(5) insert into Subsection 32A-12-201(1)(e), as amended in this bill, a Subsection (1)(e)(v) to read "(v) a social on-premise liquor licensee;" and renumber the remaining subsections of Subsection (1)(e) accordingly; and

(6) insert into Subsection 32A-12-201(3)(a)(v), as amended in this bill, a Subsection (3)(a)(v)(E) to read "(E) a social on-premise liquor licensee;" and renumber the remaining subsections of Subsection (3)(a)(v) accordingly.

Section 41. Coordinating H.B. 349 with S.B. 106 -- Merging substantive amendments.

If this H.B. 349, and S.B. 106, Alcoholic Beverage Control Act Restrictions, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication:

(1) modify 32A-11-203, enacted in this bill as follows:

(a) insert "and" after Subsection (2);

(b) delete Subsection (3); and

(c) renumber Subsection (4) to Subsection (3); and

(2) provide that the repeal of Section 32A-12-218 in S.B. 106 supersedes the amendments to that section in this bill.

Section 41. Coordinating H.B. 349 with S.B. 187 -- Merging substantive amendments.

If this H.B. 349 and S.B. 187, Alcohol Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication:

(1) modify Subsection 32A-4a-305(9)(a) enacted in S.B. 187 to read:

"(9)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a resort amenity sublicensee may not purchase liquor except from a state store or package agency.";

(2) modify Subsection 32A-4a-305(12) enacted in S.B. 187 to read:

"(12)(a) A resort amenity sublicensee may serve heavy beer:

(i) at a price fixed by the commission; and

(ii) (A) in an original container not exceeding one liter; or

(B) subject to Subsection (12)(c):

(I) in an open container; and

(II) on draft.

(b) A flavored malt beverage may be served in an original container not exceeding one liter at a price fixed by the commission.

(c) A resort amenity sublicensee shall sell heavy beer sold pursuant to Subsection (12)(a)(ii)(B) in a size of container that does not exceed two liters, except that heavy beer may not be sold to an individual

patron in a size of container that exceeds one liter.

(d) A service charge may be assessed by the resort amenity sublicensee for heavy beer or a flavored malt beverage purchased at the resort amenity sublicense premises.";

(3) modify Subsection 32A-4a-401(4)(a) enacted in S.B. 187 to read:

"(4)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a resort licensee may not purchase liquor except from a state store or package agency.";

(4) insert into Section 32A-11-202, enacted in this bill, a Subsection (1)(e) to read "(e) a resort licensee;" and renumber the remaining subsections of Subsection (1) accordingly;

(5) insert into Subsection 32A-12-201(1)(e), as amended in this bill, a Subsection (1)(e)(v) to read "(v) a resort licensee;" and renumber the remaining subsections of Subsection (1)(e) accordingly; and

(6) insert in Subsection 32A-12-201(3)(a)(v), as amended in this bill, a Subsection (3)(a)(v)(E) to read "(E) a resort licensee;" and renumber the remaining subsections of Subsection (3)(a)(v) accordingly.