

**ALCOHOLIC BEVERAGE CONTROL AND
SIGNAGE AT STATE STORES**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address signage at state stores.

Highlighted Provisions:

This bill:

- ▶ requires certain text on exterior signage for state stores; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

H→ [None] This bill coordinates with S.B. 167, Alcoholic Beverage Control Act

18a Recodification, to technically merge the changes. ←H

Utah Code Sections Affected:

AMENDS:

32A-2-101, as last amended by Laws of Utah 2008, Chapter 391

H→ Utah Code Sections Affected by Coordination Clause:

32B-2-501, Utah Code Annotated 1953 ←H

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

Section 1. Section **32A-2-101** is amended to read:

32A-2-101. Commission's power to establish state stores -- Limitations -- Signage.

(1) (a) The commission may establish state stores in numbers and at places, owned or leased by the department, the commission considers proper for the sale of liquor, by employees



28 of the state, in accordance with this title and the rules made under this title.

29 (b) An employee of a state store is considered an employee of the department and shall
30 meet all qualification requirements for employment in Section 32A-1-111.

31 (2) (a) The total number of state stores may not at any time aggregate more than that
32 number determined by dividing the population of the state by 48,000.

33 (b) For purposes of this Subsection (2), population shall be determined by:

34 (i) the most recent United States decennial or special census; or

35 (ii) another population determination made by the United States or state governments.

36 (3) (a) Except as provided in Subsection (3)(b) or (c), a state store may not be
37 established:

38 (i) within 600 feet of a community location, as measured by the method in Subsection
39 (3)(d); or

40 (ii) within 200 feet of a community location, measured in a straight line from the
41 nearest entrance of the proposed state store to the nearest property boundary of the community
42 location.

43 (b) With respect to the establishment of a state store, the commission may authorize a
44 variance that reduces the proximity requirement of Subsection (3)(a)(i) if:

45 (i) the commission finds that alternative locations for establishing a state store in the
46 community are limited;

47 (ii) a public hearing is held in the city, town, or county, and where practical in the
48 neighborhood concerned;

49 (iii) after giving full consideration to all of the attending circumstances and the policies
50 stated in Subsections 32A-1-104(3) and (4), the commission determines that establishing the
51 state store would not be detrimental to the public health, peace, safety, and welfare of the
52 community; and

53 (iv) (A) the community location governing authority gives its written consent to the
54 variance; or

55 (B) when written consent is not given by the community location governing authority,
56 the commission finds that:

57 (I) there is substantial unmet public demand to consume alcohol within the geographic
58 boundary of the local authority in which the state store is to be located;

59 (II) there is no reasonably viable alternative for satisfying substantial unmet demand
60 described in Subsection (3)(b)(iv)(B)(I) other than through the establishment of a state store;
61 and

62 (III) there is no reasonably viable alternative location within the geographic boundary
63 of the local authority in which the state store is to be located for establishing a state store to
64 satisfy the unmet demand described in Subsection (3)(b)(iv)(B)(I).

65 (c) With respect to the establishment of a state store, the commission may authorize a
66 variance that reduces the proximity requirement of Subsection (3)(a)(ii) if:

67 (i) the community location at issue is:

68 (A) a public library; or

69 (B) a public park;

70 (ii) the commission finds that alternative locations for establishing a state store in the
71 community are limited;

72 (iii) a public hearing is held in the city, town, or county, and where practical in the
73 neighborhood concerned;

74 (iv) after giving full consideration to all of the attending circumstances and the policies
75 stated in Subsections 32A-1-104(3) and (4), the commission determines that establishing the
76 state store would not be detrimental to the public health, peace, safety, and welfare of the
77 community; and

78 (v) (A) the community location governing authority gives its written consent to the
79 variance; or

80 (B) when written consent is not given by the community location governing authority,
81 the commission finds that:

82 (I) there is substantial unmet public demand to consume alcohol within the geographic
83 boundary of the local authority in which the state store is to be located;

84 (II) there is no reasonably viable alternative for satisfying substantial unmet demand
85 described in Subsection (3)(c)(v)(B)(I) other than through the establishment of a state store;
86 and

87 (III) there is no reasonably viable alternative location within the geographic boundary
88 of the local authority in which the state store is to be located for establishing a state store to
89 satisfy the unmet demand described in Subsection (3)(c)(v)(B)(I).

90 (d) The 600 foot limitation described in Subsection (3)(a)(i) is measured from the
 91 nearest entrance of the state store by following the shortest route of ordinary pedestrian travel
 92 to the property boundary of the community location.

93 (4) (a) Nothing in this section prevents the commission from considering the proximity
 94 of any educational, religious, and recreational facility, or any other relevant factor in reaching a
 95 decision on a proposed location.

96 (b) For purposes of this Subsection (4), "educational facility" includes:

- 97 (i) a nursery school;
- 98 (ii) an infant day care center; and
- 99 (iii) a trade and technical school.

100 (5) (a) ~~On and after January 1, 2011, the~~ ~~The~~ ~~commission shall ensure that~~
 100a ~~signage~~ ~~installed or replaced~~ ~~at or~~
 101 ~~near a state store~~ ~~, on or after May 11, 2010,~~ ~~complies with Subsection (5)(b) if the~~
 101a ~~signage is:~~

- 102 (i) ~~attached to the exterior of the premises of a state store; or~~
- 103 (ii) ~~not attached to the premises of a state store, but otherwise alerts or directs a person~~
 104 ~~to the location of a state store.~~

105 (b) ~~Signage described in Subsection (5)(a) shall contain the following words in the size~~
 106 ~~of lettering required by Subsection (5)(c):~~

- 107 (i) ~~"state"; or~~
- 108 (ii) ~~"State of Utah".~~

109 (c) ~~The text described in Subsection (5)(b) shall be in lettering that is equal to or larger~~
 110 ~~than the size of any text on the same signage that refers to "liquor" or "wine."~~

110a ~~Section 2. Coordinates this H.B. 419 with S.B. 167 - Technically merging changes.~~

110b ~~If this bill H.B. 419 and S.B. 167, Alcoholic Beverage Control Act Recodification, both~~
 110c ~~pass, it is the intent of the Legislature that the Office of Legislative Research and General~~
 110d ~~Counsel in preparing the Utah Code database for publication, because S.B. 167 takes effect on~~
 110e ~~July 1, 2011, modify Section 32B-2-501 enacted in S.B. 167 to include, effective July 1, 2011,~~
 110f ~~the following Subsection (5):~~

110g ~~"(5) (a) The commission shall ensure that signage installed or replaced at or near a~~
 110h ~~state store, on or after May 11, 2010, complies with Subsection (5)(b) if the signage is:~~

- 110i (i) ~~attached to the exterior of the premises of a state store; or~~
- 110j (ii) ~~not attached to the premises of a state store, but otherwise alerts or directs a person~~
 110k ~~to the location of a state store.~~

- 110l (b) Signage described in Subsection (5)(a) shall contain the following words in the size
110m of lettering required by Subsection (5)(c):
- 110n (i) "state"; or
110o (ii) "State of Utah".
- 110p (c) The text described in Subsection (5)(b) shall be in lettering that is equal to or larger
110q than the size of any text on the same signage that refers to "liquor" or "wine."' ←Ĥ
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Legislative Review Note
as of 2-9-10 3:16 PM

Office of Legislative Research and General Counsel

Fiscal Note

H.B. 419 - Alcoholic Beverage Control and Signage At State Stores - As Amended

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
