

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

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kraig Powell**

6 Senate Sponsor: Kevin T. Van Tassell

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill coordinates with S.B. 167, Alcoholic Beverage Control Act Recodification, to
20 technically merge the changes.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **32A-2-101**, as last amended by Laws of Utah 2008, Chapter 391

24 **Utah Code Sections Affected by Coordination Clause:**

25 **32B-2-501**, Utah Code Annotated 1953

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

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

29 **32A-2-101. Commission's power to establish state stores -- Limitations --**

30 **Signage.**

31 (1) (a) The commission may establish state stores in numbers and at places, owned or
32 leased by the department, the commission considers proper for the sale of liquor, by employees
33 of the state, in accordance with this title and the rules made under this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 (i) the community location at issue is:

73 (A) a public library; or

74 (B) a public park;

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

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

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

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

85 (B) when written consent is not given by the community location governing authority,

86 the commission finds that:

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

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

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

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

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

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

- 102 (i) a nursery school;
- 103 (ii) an infant day care center; and
- 104 (iii) a trade and technical school.

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

- 107 (i) attached to the exterior of the premises of a state store; or
- 108 (ii) not attached to the premises of a state store, but otherwise alerts or directs a person
109 to the location of a state store.

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

- 112 (i) "state"; or
- 113 (ii) "State of Utah".

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

116 Section 2. **Coordinating H.B. 419 with S.B. 167 -- Technically merging changes.**

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

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

124 (i) attached to the exterior of the premises of a state store; or

125 (ii) not attached to the premises of a state store, but otherwise alerts or directs a person
126 to the location of a state store.

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

129 (i) "state"; or

130 (ii) "State of Utah".

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