

**ALCOHOLIC BEVERAGE CONTROL ACT - SALES TO
MINORS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to prohibit the sale to minors of certain products that make an alcoholic product.

Highlighted Provisions:

This bill:

- ▶ prohibits the sale, offer for sale, and furnishing to a minor of a product that is used to make an alcoholic product or cause a liquid to become an alcoholic product; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes affect on July 1, 2011.

Utah Code Sections Affected:

AMENDS:

32B-4-403 (Effective 07/01/11), as enacted by Laws of Utah 2010, Chapter 276

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

Section 1. Section **32B-4-403 (Effective 07/01/11)** is amended to read:

32B-4-403 (Effective 07/01/11). Unlawful sale, offer for sale, or furnishing to



28 **minor.**

29 (1) (a) A person may not sell, offer for sale, or furnish an alcoholic product to a minor.

30 (b) A person may not sell, offer for sale, or furnish a product to a minor that:

31 (i) contains, within packaging, such as a carton, case, or other wrapper, the ingredients

32 necessary to:

33 (A) make an alcoholic product; or

34 (B) cause a liquid that is not an alcoholic product to become an alcoholic product; and

35 (ii) the person who sells, offers for sale, or furnishes the product knows can be used to:

36 (A) make an alcoholic product;

37 (B) cause a liquid that is not an alcoholic product to become an alcoholic product.

38 (2) (a) (i) Except as provided in Subsection (3), a person is guilty of a class B

39 misdemeanor if the person who violates Subsection (1) negligently or recklessly fails to

40 determine whether the recipient of the alcoholic product is a minor.

41 (ii) As used in this Subsection (2)(a), "negligently" means with simple negligence.

42 (b) Except as provided in Subsection (3), a person is guilty of a class A misdemeanor if

43 the person who violates Subsection (1) knows the recipient of the alcoholic product is a minor.

44 (3) This section does not apply to the furnishing of an alcoholic product to a minor in
45 accordance with this title:

46 (a) for medicinal purposes by:

47 (i) the parent or guardian of the minor; or

48 (ii) the health care practitioner of the minor, if the health care practitioner is authorized
49 by law to write a prescription; or

50 (b) as part of a religious organization's religious services.

51 **Section 2. Effective date.**

52 This bill takes affect on July 1, 2011.

Legislative Review Note
as of 1-27-11 1:16 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 85

SHORT TITLE: **Alcoholic Beverage Control Act - Sales to Minors**

SPONSOR: **Peterson, V.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.