

**STATE STORES PILOT PROGRAM FOR DAYS OF SALE
OF LIQUOR**

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Ross I. Romero

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address days of operation of state stores.

Highlighted Provisions:

This bill:

- ▶ permits state stores to be open on a holiday as part of a pilot program; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-2-503, as last amended by Laws of Utah 2011, Chapters 307 and 334

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

Section 1. Section **32B-2-503** is amended to read:

32B-2-503. Operational requirements for a state store.

(1) (a) A state store shall display in a prominent place in the store a sign in large letters



28 that consists of text in the following order:

29 (i) a header that reads: "WARNING";

30 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
31 can cause birth defects and permanent brain damage for the child.";

32 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at
33 [insert most current toll-free number] with questions or for more information.";

34 (iv) a header that reads: "WARNING"; and

35 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a
36 serious crime that is prosecuted aggressively in Utah."

37 (b) (i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different
38 font style than the text described in Subsections (1)(a)(iv) and (v).

39 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the
40 same font size.

41 (c) The Department of Health shall work with the commission and department to
42 facilitate consistency in the format of a sign required under this section.

43 (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by
44 the commission.

45 (3) A state store may not sell, offer for sale, or furnish liquor to:

46 (a) a minor;

47 (b) a person actually, apparently, or obviously intoxicated;

48 (c) a known interdicted person; or

49 (d) a known habitual drunkard.

50 (4) (a) A state store employee may not:

51 (i) consume an alcoholic product on the premises of a state store; or

52 (ii) allow any person to consume an alcoholic product on the premises of a state store.

53 (b) A violation of this Subsection (4) is a class B misdemeanor.

54 (5) (a) Sale or delivery of liquor may not be made on or from the premises of a state
55 store, and a state store may not be kept open for the sale of liquor~~[-(i)]~~ on Sunday~~[-or]~~.

56 ~~[(ii) on a]~~ (b) Sale or delivery of liquor may not be made on or from the premises of a
57 state store, and a state store may not be kept open for the sale of liquor on a state or federal
58 legal holiday, unless the commission allows by rule or order the sale or delivery of liquor on or

59 from the premises of a state store, or allows a state store to be kept open for sale of liquor on
 60 the state or federal legal holiday[-]:

61 (i) through a pilot program established by rule or order ~~H→~~ and subject to

61a Subsection (5)(c) ~~←H~~ ; and

62 (ii) with the concurrence of the director.

62a **~~H→~~ (c) A pilot program established under Subsection (5)(b):**

62b **(i) may not allow the sale or delivery of liquor on or from the premises of a state store, or allow**
 62c **a state store to be kept open for sale of liquor on the following holidays:**

62d **(A) New Years;**

62e **(B) July 4;**

62f **(C) Thanksgiving; and**

62g **(D) Christmas; and**

62h **(ii) shall terminate on June 30, 2014. ~~←H~~**

63 ~~[(b)] ~~H→~~ [(c)] (d) ~~←H~~~~ Sale or delivery of liquor may be made on or from the premises of a
 63a state

64 store, and a state store may be open for the sale of liquor, only on a day and during hours that
 65 the commission directs by rule or order.

66 (6) (a) A minor may not be admitted into, or be on the premises of a state store unless
 67 accompanied by a person who is:

68 (i) 21 years of age or older; and

69 (ii) the minor's parent, legal guardian, or spouse.

70 (b) A state store employee that has reason to believe that a person who is on the
 71 premises of a state store is under the age of 21 and is not accompanied by a person described in
 72 Subsection (6)(a) may:

73 (i) ask the suspected minor for proof of age;

74 (ii) ask the person who accompanies the suspected minor for proof of age; and

75 (iii) ask the suspected minor or the person who accompanies the suspected minor for
 76 proof of parental, guardianship, or spousal relationship.

77 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the
 78 person who accompanies the suspected minor into the state store if the suspected minor or
 79 person fails to provide information specified in Subsection (6)(b).

80 (d) A state store employee shall require a suspected minor and the person who
 81 accompanies the suspected minor into the state store to immediately leave the premises of the
 82 state store if the suspected minor or person fails to provide information specified in Subsection

83 (6)(b).

84 (7) (a) A state store may not sell, offer for sale, or furnish liquor except in a sealed
85 container.

86 (b) A person may not open a sealed container on the premises of a state store.

87 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish
88 heavy beer in a sealed container that exceeds two liters.

89 (9) ~~H~~→ (a) ←~~H~~ The director shall report to the Business and Labor Interim Committee by
89a no later

- 90 than November 30, 2012, about the implementation of the pilot program authorized by
91 Subsection (5)(b).
91a **Ĥ→ (b) The director shall report to the Business, Economic Development, and Labor**
91b **Appropriations Subcommittee during the 2013 General Session about the implementation of**
91c **the pilot program authorized by Subsection (5)(b). ←Ĥ**
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Legislative Review Note
as of 1-20-12 2:14 PM

Office of Legislative Research and General Counsel