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**ALCOHOLIC BEVERAGE CONTROL ACT**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Alcoholic Beverage Control Act to address restrictions on pricing for the retail sale of alcoholic products, the number of club licenses, and restrictions on dispensing and storage.

**Highlighted Provisions:**

This bill:

- ▶ modifies definition provision;
- ▶ modifies the law enforcement ratio;
- ▶ repeals the prohibition on selling alcoholic products at a discount;
- ▶ removes restrictions related to dispensing and storage for restaurants and reception centers;
- ▶ modifies the number of available club licenses; and
- ▶ makes technical amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**32B-1-102**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2



- 28           **32B-1-201**, as last amended by Laws of Utah 2011, Chapter 334
- 29           **32B-5-305**, as last amended by Laws of Utah 2011, Chapter 334
- 30           **32B-6-205**, as last amended by Laws of Utah 2011, Chapters 307 and 334
- 31           **32B-6-305**, as last amended by Laws of Utah 2011, Chapters 307 and 334
- 32           **32B-6-403**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2
- 33           **32B-6-703**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2
- 34           **32B-6-805**, as enacted by Laws of Utah 2011, Chapter 334
- 35           **32B-6-902 (Effective 03/01/12)**, as last amended by Laws of Utah 2011, Second
- 36 Special Session, Chapter 2
- 37           **32B-6-905 (Effective 03/01/12)**, as enacted by Laws of Utah 2011, Chapter 334

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

40           Section 1. Section **32B-1-102** is amended to read:

41           **32B-1-102. Definitions.**

42           As used in this title:

43           (1) "Airport lounge" means a business location:

44           (a) at which an alcoholic product is sold at retail for consumption on the premises; and

45           (b) that is located at an international airport with a United States Customs office on the  
 46 premises of the international airport.

47           (2) "Airport lounge license" means a license issued in accordance with Chapter 5,  
 48 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

49           (3) "Alcoholic beverage" means the following:

50           (a) beer; or

51           (b) liquor.

52           (4) (a) "Alcoholic product" means a product that:

53           (i) contains at least .5% of alcohol by volume; and

54           (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
 55 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
 56 in an amount equal to or greater than .5% of alcohol by volume.

57           (b) "Alcoholic product" includes an alcoholic beverage.

58           (c) "Alcoholic product" does not include any of the following common items that

- 59 otherwise come within the definition of an alcoholic product:
- 60 (i) except as provided in Subsection (4)(d), an extract;
  - 61 (ii) vinegar;
  - 62 (iii) cider;
  - 63 (iv) essence;
  - 64 (v) tincture;
  - 65 (vi) food preparation; or
  - 66 (vii) an over-the-counter medicine.
- 67 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation  
68 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 69 (5) "Alcohol training and education seminar" means a seminar that is:
- 70 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and
  - 71 (b) described in Section 62A-15-401.
- 72 (6) "Banquet" means an event:
- 73 (a) that is held at one or more designated locations approved by the commission in or  
74 on the premises of a:
    - 75 (i) hotel;
    - 76 (ii) resort facility;
    - 77 (iii) sports center; or
    - 78 (iv) convention center;
  - 79 (b) for which there is a contract:
    - 80 (i) between a person operating a facility listed in Subsection (6)(a) and another person;
    - 81 and
    - 82 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to  
83 provide an alcoholic product at the event; and
    - 84 (c) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 85 (7) (a) "Bar" means a surface or structure:
- 86 (i) at which an alcoholic product is:
    - 87 (A) stored; or
    - 88 (B) dispensed; or
  - 89 (ii) from which an alcoholic product is served.

90 (b) "Bar structure" means a surface or structure on a licensed premises if on or at any  
91 place of the surface or structure an alcoholic product is:

- 92 (i) stored; or
- 93 (ii) dispensed.

94 (8) (a) Subject to Subsection (8)(d), "beer" means a product that:

95 (i) contains at least .5% of alcohol by volume, but not more than 4% of alcohol by  
96 volume or 3.2% by weight; and

97 (ii) is obtained by fermentation, infusion, or decoction of malted grain.

98 (b) "Beer" may or may not contain hops or other vegetable products.

99 (c) "Beer" includes a product that:

100 (i) contains alcohol in the percentages described in Subsection (8)(a); and

101 (ii) is referred to as:

102 (A) beer;

103 (B) ale;

104 (C) porter;

105 (D) stout;

106 (E) lager; or

107 (F) a malt or malted beverage.

108 (d) "Beer" does not include a flavored malt beverage.

109 (9) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,  
110 Retail License Act, and Chapter 6, Part 9, Beer-only Restaurant License.

111 (10) "Beer retailer" means a business:

112 (a) that is engaged, primarily or incidentally, in the retail sale of beer to a patron,  
113 whether for consumption on or off the business premises; and

114 (b) to whom a license is issued:

115 (i) for an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-premise  
116 Beer Retailer Local Authority; or

117 (ii) for an on-premise beer retailer, in accordance with Chapter 5, Retail License Act,  
118 and Chapter 6, Part 7, On-premise Beer Retailer License.

119 (11) "Beer wholesaling license" means a license:

120 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and

121 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more  
122 retail licensees or off-premise beer retailers.

123 (12) "Billboard" means a public display used to advertise, including:

124 (a) a light device;

125 (b) a painting;

126 (c) a drawing;

127 (d) a poster;

128 (e) a sign;

129 (f) a signboard; or

130 (g) a scoreboard.

131 (13) "Brewer" means a person engaged in manufacturing:

132 (a) beer;

133 (b) heavy beer; or

134 (c) a flavored malt beverage.

135 (14) "Brewery manufacturing license" means a license issued in accordance with  
136 Chapter 11, Part 5, Brewery Manufacturing License.

137 (15) "Certificate of approval" means a certificate of approval obtained from the  
138 department under Section 32B-11-201.

139 (16) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by  
140 a bus company to a group of persons pursuant to a common purpose:

141 (a) under a single contract;

142 (b) at a fixed charge in accordance with the bus company's tariff; and

143 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other  
144 motor vehicle, and a driver to travel together to one or more specified destinations.

145 (17) "Church" means a building:

146 (a) set apart for worship;

147 (b) in which religious services are held;

148 (c) with which clergy is associated; and

149 (d) that is tax exempt under the laws of this state.

150 (18) (a) "Club license" means a license issued in accordance with Chapter 5, Retail  
151 License Act, and Chapter 6, Part 4, Club License.

- 152 (b) "Club license" includes:
- 153 (i) a dining club license;
- 154 (ii) an equity club license;
- 155 (iii) a fraternal club license; or
- 156 (iv) a social club license.
- 157 (19) "Commission" means the Alcoholic Beverage Control Commission created in
- 158 Section 32B-2-201.
- 159 (20) "Commissioner" means a member of the commission.
- 160 (21) "Community location" means:
- 161 (a) a public or private school;
- 162 (b) a church;
- 163 (c) a public library;
- 164 (d) a public playground; or
- 165 (e) a public park.
- 166 (22) "Community location governing authority" means:
- 167 (a) the governing body of the community location; or
- 168 (b) if the commission does not know who is the governing body of a community
- 169 location, a person who appears to the commission to have been given on behalf of the
- 170 community location the authority to prohibit an activity at the community location.
- 171 (23) "Container" means a receptacle that contains an alcoholic product, including:
- 172 (a) a bottle;
- 173 (b) a vessel; or
- 174 (c) a similar item.
- 175 (24) "Convention center" means a facility that is:
- 176 (a) in total at least 30,000 square feet; and
- 177 (b) otherwise defined as a "convention center" by the commission by rule.
- 178 (25) (a) Subject to Subsection (25)(b), "counter" means a surface or structure in a
- 179 dining area of a licensed premises where seating is provided to a patron for service of food.
- 180 (b) "Counter" does not include a surface or structure if on or at any point of the surface
- 181 or structure an alcoholic product is:
- 182 (i) stored; or

183 (ii) dispensed.

184 (26) "Department" means the Department of Alcoholic Beverage Control created in  
185 Section 32B-2-203.

186 (27) "Department compliance officer" means an individual who is:

187 (a) an auditor or inspector; and

188 (b) employed by the department.

189 (28) "Department sample" means liquor that is placed in the possession of the  
190 department for testing, analysis, and sampling.

191 (29) "Dining club license" means a license issued in accordance with Chapter 5, Retail  
192 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a  
193 dining club license.

194 (30) "Director," unless the context requires otherwise, means the director of the  
195 department.

196 (31) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
197 title:

198 (a) against a person subject to administrative action; and

199 (b) that is brought on the basis of a violation of this title.

200 [~~(32)(a) Subject to Subsection (32)(b), "dispense" means:~~]

201 [~~(i) drawing of an alcoholic product;~~]

202 [~~(A) from an area where it is stored; or~~]

203 [~~(B) as provided in Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii),  
204 32B-6-805(15)(b)(ii), or 32B-6-905(12)(b)(ii); and~~]

205 [~~(ii) using the alcoholic product described in Subsection (32)(a)(i) on the premises of  
206 the licensed premises to mix or prepare an alcoholic product to be furnished to a patron of the  
207 retail licensee.~~]

208 [~~(b) The definition of "dispense" in this Subsection (32) applies only to:~~]

209 [~~(i) a full-service restaurant license;~~]

210 [~~(ii) a limited-service restaurant license;~~]

211 [~~(iii) a reception center license; and~~]

212 [~~(iv) a beer-only restaurant license.~~]

213 [~~(33)~~] (32) "Distillery manufacturing license" means a license issued in accordance

214 with Chapter 11, Part 4, Distillery Manufacturing License.

215 ~~[(34)]~~ (33) "Distressed merchandise" means an alcoholic product in the possession of  
216 the department that is saleable, but for some reason is unappealing to the public.

217 ~~[(35)]~~ (34) "Educational facility" includes:

- 218 (a) a nursery school;
- 219 (b) an infant day care center; and
- 220 (c) a trade and technical school.

221 ~~[(36)]~~ (35) "Equity club license" means a license issued in accordance with Chapter 5,  
222 Retail License Act, and Chapter 6, Part 4, Club License, that is designated by the commission  
223 as an equity club license.

224 ~~[(37)]~~ (36) "Event permit" means:

- 225 (a) a single event permit; or
- 226 (b) a temporary beer event permit.

227 ~~[(38)]~~ (37) "Exempt license" means a license exempt under Section 32B-1-201 from  
228 being considered in determining the total number of a retail license that the commission may  
229 issue at any time.

230 ~~[(39)]~~ (38) (a) "Flavored malt beverage" means a beverage:

- 231 (i) that contains at least .5% alcohol by volume;
- 232 (ii) that is treated by processing, filtration, or another method of manufacture that is not  
233 generally recognized as a traditional process in the production of a beer as described in 27  
234 C.F.R. Sec. 25.55;
- 235 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop  
236 extract; and

- 237 (iv) (A) for which the producer is required to file a formula for approval with the  
238 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or
- 239 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

240 (b) "Flavored malt beverage" is considered liquor for purposes of this title.

241 ~~[(40)]~~ (39) "Fraternal club license" means a license issued in accordance with Chapter  
242 5, Retail License Act, and Chapter 6, Part 4, Club License, that is designated by the  
243 commission as a fraternal club license.

244 ~~[(41)]~~ (40) "Full-service restaurant license" means a license issued in accordance with



245 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-service Restaurant License.

246 [~~42~~] (41) (a) "Furnish" means by any means to provide with, supply, or give an  
247 individual an alcoholic product, by sale or otherwise.

248 (b) "Furnish" includes to:

249 (i) serve;

250 (ii) deliver; or

251 (iii) otherwise make available.

252 [~~43~~] (42) "Guest" means an individual who meets the requirements of Subsection  
253 32B-6-407(9).

254 [~~44~~] (43) "Health care practitioner" means:

255 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

256 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

257 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

258 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice  
259 Act;

260 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,  
261 Nurse Practice Act;

262 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy  
263 Practice Act;

264 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
265 Therapy Practice Act;

266 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

267 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
268 Professional Practice Act;

269 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

270 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical  
271 Practice Act;

272 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental  
273 Hygienist Practice Act; and

274 (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

275 [~~45~~] (44) (a) "Heavy beer" means a product that:

276 (i) contains more than 4% alcohol by volume; and  
277 (ii) is obtained by fermentation, infusion, or decoction of malted grain.  
278 (b) "Heavy beer" is considered liquor for the purposes of this title.  
279 [~~46~~] (45) "Hotel" is as defined by the commission by rule.  
280 [~~47~~] (46) "Identification card" means an identification card issued under Title 53,  
281 Chapter 3, Part 8, Identification Card Act.  
282 [~~48~~] (47) "Industry representative" means an individual who is compensated by  
283 salary, commission, or other means for representing and selling an alcoholic product of a  
284 manufacturer, supplier, or importer of liquor.  
285 [~~49~~] (48) "Industry representative sample" means liquor that is placed in the  
286 possession of the department for testing, analysis, and sampling by a local industry  
287 representative on the premises of the department to educate the local industry representative of  
288 the quality and characteristics of the product.  
289 [~~50~~] (49) "Interdicted person" means a person to whom the sale, offer for sale, or  
290 furnishing of an alcoholic product is prohibited by:  
291 (a) law; or  
292 (b) court order.  
293 [~~51~~] (50) "Intoxicated" means that a person:  
294 (a) is significantly impaired as to the person's mental or physical functions as a result of  
295 the use of:  
296 (i) an alcoholic product;  
297 (ii) a controlled substance;  
298 (iii) a substance having the property of releasing toxic vapors; or  
299 (iv) a combination of Subsections [~~51~~] (50)(a)(i) through (iii); and  
300 (b) exhibits plain and easily observed outward manifestations of behavior or physical  
301 signs produced by the over consumption of an alcoholic product.  
302 [~~52~~] (51) "Investigator" means an individual who is:  
303 (a) a department compliance officer; or  
304 (b) a nondepartment enforcement officer.  
305 [~~53~~] (52) "Invitee" is as defined in Section 32B-8-102.  
306 [~~54~~] (53) "License" means:

- 307 (a) a retail license;
- 308 (b) a license issued in accordance with Chapter 11, Manufacturing and Related
- 309 Licenses Act;
- 310 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 311 or
- 312 (d) a license issued in accordance with Chapter 13, Beer Wholesaling License Act.
- 313 [~~(55)~~] (54) "Licensee" means a person who holds a license.
- 314 [~~(56)~~] (55) "Limited-service restaurant license" means a license issued in accordance
- 315 with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-service Restaurant License.
- 316 [~~(57)~~] (56) "Limousine" means a motor vehicle licensed by the state or a local
- 317 authority, other than a bus or taxicab:
  - 318 (a) in which the driver and a passenger are separated by a partition, glass, or other
  - 319 barrier;
  - 320 (b) that is provided by a business entity to one or more individuals at a fixed charge in
  - 321 accordance with the business entity's tariff; and
  - 322 (c) to give the one or more individuals the exclusive use of the limousine and a driver
  - 323 to travel to one or more specified destinations.
- 324 [~~(58)~~] (57) (a) (i) "Liquor" means a liquid that:
  - 325 (A) is:
    - 326 (I) alcohol;
    - 327 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
    - 328 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
    - 329 (IV) other drink or drinkable liquid; and
  - 330 (B) (I) contains at least .5% alcohol by volume; and
  - 331 (II) is suitable to use for beverage purposes.
- 332 (ii) "Liquor" includes:
  - 333 (A) heavy beer;
  - 334 (B) wine; and
  - 335 (C) a flavored malt beverage.
- 336 (b) "Liquor" does not include beer.
- 337 [~~(59)~~] (58) "Liquor Control Fund" means the enterprise fund created by Section

338 32B-2-301.

339 [~~(60)~~] (59) "Liquor warehousing license" means a license that is issued:

340 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

341 (b) to a person, other than a licensed manufacturer, who engages in the importation for  
342 storage, sale, or distribution of liquor regardless of amount.

343 [~~(61)~~] (60) "Local authority" means:

344 (a) for premises that are located in an unincorporated area of a county, the governing  
345 body of a county; or

346 (b) for premises that are located in an incorporated city or a town, the governing body  
347 of the city or town.

348 [~~(62)~~] (61) "Lounge or bar area" is as defined by rule made by the commission.

349 [~~(63)~~] (62) "Manufacture" means to distill, brew, rectify, mix, compound, process,  
350 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to  
351 others.

352 [~~(64)~~] (63) "Member" means an individual who, after paying regular dues, has full  
353 privileges in an equity club licensee or fraternal club licensee.

354 [~~(65)~~] (64) (a) "Military installation" means a base, air field, camp, post, station, yard,  
355 center, or homeport facility for a ship:

356 (i) (A) under the control of the United States Department of Defense; or

357 (B) of the National Guard;

358 (ii) that is located within the state; and

359 (iii) including a leased facility.

360 (b) "Military installation" does not include a facility used primarily for:

361 (i) civil works;

362 (ii) a rivers and harbors project; or

363 (iii) a flood control project.

364 [~~(66)~~] (65) "Minor" means an individual under the age of 21 years.

365 [~~(67)~~] (66) "Nondepartment enforcement agency" means an agency that:

366 (a) (i) is a state agency other than the department; or

367 (ii) is an agency of a county, city, or town; and

368 (b) has a responsibility to enforce one or more provisions of this title.

369            [~~(68)~~] (67) "Nondepartment enforcement officer" means an individual who is:  
370            (a) a peace officer, examiner, or investigator; and  
371            (b) employed by a nondepartment enforcement agency.  
372            [~~(69)~~] (68) (a) "Off-premise beer retailer" means a beer retailer who is:  
373            (i) licensed in accordance with Chapter 7, Part 2, Off-premise Beer Retailer Local  
374 Authority; and  
375            (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's  
376 premises.  
377            (b) "Off-premise beer retailer" does not include an on-premise beer retailer.  
378            [~~(70)~~] (69) "On-premise banquet license" means a license issued in accordance with  
379 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-premise Banquet License.  
380            [~~(71)~~] (70) "On-premise beer retailer" means a beer retailer who is:  
381            (a) authorized to sell, offer for sale, or furnish beer under a license issued in  
382 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-premise Beer  
383 Retailer License; and  
384            (b) engaged in the sale of beer to a patron for consumption on the beer retailer's  
385 premises:  
386            (i) regardless of whether the beer retailer sells beer for consumption off the licensed  
387 premises; and  
388            (ii) on and after March 1, 2012, operating:  
389            (A) as a tavern; or  
390            (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).  
391            [~~(72)~~] (71) "Opaque" means impenetrable to sight.  
392            [~~(73)~~] (72) "Package agency" means a retail liquor location operated:  
393            (a) under an agreement with the department; and  
394            (b) by a person:  
395            (i) other than the state; and  
396            (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package  
397 Agency, to sell packaged liquor for consumption off the premises of the package agency.  
398            [~~(74)~~] (73) "Package agent" means a person who holds a package agency.  
399            [~~(75)~~] (74) "Patron" means an individual to whom food, beverages, or services are sold,

400 offered for sale, or furnished, or who consumes an alcoholic product including:

- 401 (a) a customer;
- 402 (b) a member;
- 403 (c) a guest;
- 404 (d) an attendee of a banquet or event;
- 405 (e) an individual who receives room service;
- 406 (f) a resident of a resort;
- 407 (g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;

408 or

- 409 (h) an invitee.

410 [~~76~~] (75) "Permittee" means a person issued a permit under:

- 411 (a) Chapter 9, Event Permit Act; or
- 412 (b) Chapter 10, Special Use Permit Act.

413 [~~77~~] (76) "Person subject to administrative action" means:

- 414 (a) a licensee;
- 415 (b) a permittee;
- 416 (c) a manufacturer;
- 417 (d) a supplier;
- 418 (e) an importer;
- 419 (f) one of the following holding a certificate of approval:
  - 420 (i) an out-of-state brewer;
  - 421 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
  - 422 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 423 (g) staff of:
  - 424 (i) a person listed in Subsections [~~77~~] (76)(a) through (f); or
  - 425 (ii) a package agent.

426 [~~78~~] (77) "Premises" means a building, enclosure, or room used in connection with  
427 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic  
428 product, unless otherwise defined in this title or rules made by the commission.

429 [~~79~~] (78) "Prescription" means an order issued by a health care practitioner when:

- 430 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,

431 to prescribe a controlled substance, other drug, or device for medicinal purposes;

432 (b) the order is made in the course of that health care practitioner's professional  
433 practice; and

434 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

435 ~~[(80)]~~ (79) (a) "Private event" means a specific social, business, or recreational event:

436 (i) for which an entire room, area, or hall is leased or rented in advance by an identified  
437 group; and

438 (ii) that is limited in attendance to people who are specifically designated and their  
439 guests.

440 (b) "Private event" does not include an event to which the general public is invited,  
441 whether for an admission fee or not.

442 ~~[(81)]~~ (80) (a) "Proof of age" means:

443 (i) an identification card;

444 (ii) an identification that:

445 (A) is substantially similar to an identification card;

446 (B) is issued in accordance with the laws of a state other than Utah in which the  
447 identification is issued;

448 (C) includes date of birth; and

449 (D) has a picture affixed;

450 (iii) a valid driver license certificate that:

451 (A) includes date of birth;

452 (B) has a picture affixed; and

453 (C) is issued:

454 (I) under Title 53, Chapter 3, Uniform Driver License Act; or

455 (II) in accordance with the laws of the state in which it is issued;

456 (iv) a military identification card that:

457 (A) includes date of birth; and

458 (B) has a picture affixed; or

459 (v) a valid passport.

460 (b) "Proof of age" does not include a driving privilege card issued in accordance with  
461 Section 53-3-207.

462            [~~(82)~~] (81) (a) "Public building" means a building or permanent structure that is:

463            (i) owned or leased by:

464            (A) the state; or

465            (B) a local government entity; and

466            (ii) used for:

467            (A) public education;

468            (B) transacting public business; or

469            (C) regularly conducting government activities.

470            (b) "Public building" does not include a building owned by the state or a local  
471 government entity when the building is used by a person, in whole or in part, for a proprietary  
472 function.

473            [~~(83)~~] (82) "Public conveyance" means a conveyance to which the public or a portion  
474 of the public has access to and a right to use for transportation, including an airline, railroad,  
475 bus, boat, or other public conveyance.

476            [~~(84)~~] (83) "Reception center" means a business that:

477            (a) operates facilities that are at least 5,000 square feet; and

478            (b) has as its primary purpose the leasing of the facilities described in Subsection [~~(84)~~]  
479 (83)(a) to a third party for the third party's event.

480            [~~(85)~~] (84) "Reception center license" means a license issued in accordance with  
481 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

482            [~~(86)~~] (85) (a) "Record" means information that is:

483            (i) inscribed on a tangible medium; or

484            (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

485            (b) "Record" includes:

486            (i) a book;

487            (ii) a book of account;

488            (iii) a paper;

489            (iv) a contract;

490            (v) an agreement;

491            (vi) a document; or

492            (vii) a recording in any medium.



493            [~~(87)~~] (86) "Residence" means a person's principal place of abode within Utah.  
494            [~~(88)~~] (87) "Resident," in relation to a resort, is as defined in Section 32B-8-102.  
495            [~~(89)~~] (88) "Resort" is as defined in Section 32B-8-102.  
496            [~~(90)~~] (89) "Resort facility" is as defined by the commission by rule.  
497            [~~(91)~~] (90) "Resort license" means a license issued in accordance with Chapter 5,  
498 Retail License Act, and Chapter 8, Resort License Act.  
499            [~~(92)~~] (91) "Restaurant" means a business location:  
500            (a) at which a variety of foods are prepared;  
501            (b) at which complete meals are served to the general public; and  
502            (c) that is engaged primarily in serving meals to the general public.  
503            [~~(93)~~] (92) "Retail license" means one of the following licenses issued under this title:  
504            (a) a full-service restaurant license;  
505            (b) a limited-service restaurant license;  
506            (c) a club license;  
507            (d) an airport lounge license;  
508            (e) an on-premise banquet license;  
509            (f) an on-premise beer license;  
510            (g) a reception center license; or  
511            (h) a beer-only restaurant license.  
512            [~~(94)~~] (93) "Room service" means furnishing an alcoholic product to a person in a  
513 guest room of a:  
514            (a) hotel; or  
515            (b) resort facility.  
516            [~~(95)~~] (94) "Serve" means to place an alcoholic product before an individual.  
517            [~~(96)~~] (95) (a) "School" means a building used primarily for the general education of  
518 minors.  
519            (b) "School" does not include an educational facility.  
520            [~~(97)~~] (96) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby,  
521 for consideration, an alcoholic product is either directly or indirectly transferred, solicited,  
522 ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether  
523 done by a person as a principal, proprietor, or as staff, unless otherwise defined in this title or

524 the rules made by the commission.

525 ~~[(98)]~~ (97) "Sexually oriented entertainer" means a person who while in a state of  
526 seminudity appears at or performs:

527 (a) for the entertainment of one or more patrons;

528 (b) on the premises of:

529 (i) a social club licensee; or

530 (ii) a tavern;

531 (c) on behalf of or at the request of the licensee described in Subsection ~~[(98)]~~ (97)(b);

532 (d) on a contractual or voluntary basis; and

533 (e) whether or not the person is designated as:

534 (i) an employee;

535 (ii) an independent contractor;

536 (iii) an agent of the licensee; or

537 (iv) a different type of classification.

538 ~~[(99)]~~ (98) "Single event permit" means a permit issued in accordance with Chapter 9,  
539 Part 3, Single Event Permit.

540 ~~[(100)]~~ (99) "Small brewer" means a brewer who manufactures less than 60,000 barrels  
541 of beer, heavy beer, and flavored malt beverages per year.

542 ~~[(101)]~~ (100) "Social club license" means a license issued in accordance with Chapter  
543 5, Retail License Act, and Chapter 6, Part 4, Club License, that is designated by the  
544 commission as a social club license.

545 ~~[(102)]~~ (101) "Special use permit" means a permit issued in accordance with Chapter  
546 10, Special Use Permit Act.

547 ~~[(103)]~~ (102) (a) "Spirituous liquor" means liquor that is distilled.

548 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by  
549 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

550 ~~[(104)]~~ (103) "Sports center" is as defined by the commission by rule.

551 ~~[(105)]~~ (104) (a) "Staff" means an individual who engages in activity governed by this  
552 title:

553 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate  
554 holder;

555 (ii) at the request of the business, including a package agent, licensee, permittee, or  
556 certificate holder; or

557 (iii) under the authority of the business, including a package agent, licensee, permittee,  
558 or certificate holder.

559 (b) "Staff" includes:

560 (i) an officer;

561 (ii) a director;

562 (iii) an employee;

563 (iv) personnel management;

564 (v) an agent of the licensee, including a managing agent;

565 (vi) an operator; or

566 (vii) a representative.

567 [~~106~~] (105) "State of nudity" means:

568 (a) the appearance of:

569 (i) the nipple or areola of a female human breast;

570 (ii) a human genital;

571 (iii) a human pubic area; or

572 (iv) a human anus; or

573 (b) a state of dress that fails to opaquely cover:

574 (i) the nipple or areola of a female human breast;

575 (ii) a human genital;

576 (iii) a human pubic area; or

577 (iv) a human anus.

578 [~~107~~] (106) "State of seminudity" means a state of dress in which opaque clothing  
579 covers no more than:

580 (a) the nipple and areola of the female human breast in a shape and color other than the  
581 natural shape and color of the nipple and areola; and

582 (b) the human genitals, pubic area, and anus:

583 (i) with no less than the following at its widest point:

584 (A) four inches coverage width in the front of the human body; and

585 (B) five inches coverage width in the back of the human body; and

586 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

587 [~~(108)~~] (107) (a) "State store" means a facility for the sale of packaged liquor:

588 (i) located on premises owned or leased by the state; and

589 (ii) operated by a state employee.

590 (b) "State store" does not include:

591 (i) a package agency;

592 (ii) a licensee; or

593 (iii) a permittee.

594 [~~(109)~~] (108) (a) "Storage area" means an area on licensed premises where the licensee  
595 stores an alcoholic product.

596 (b) "Store" means to place or maintain in a location an alcoholic product from which a  
597 person draws to prepare an alcoholic product to be furnished to a patron[~~, except as provided in~~  
598 ~~Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii), 32B-6-805(15)(b)(ii), or~~  
599 ~~32B-6-905(12)(b)(ii)].~~

600 [~~(110)~~] (109) "Sublicense" is as defined in Section 32B-8-102.

601 [~~(111)~~] (110) "Supplier" means a person who sells an alcoholic product to the  
602 department.

603 [~~(112)~~] (111) "Tavern" means an on-premise beer retailer who is:

604 (a) issued a license by the commission in accordance with Chapter 5, Retail License  
605 Act, and Chapter 6, Part 7, On-premise Beer Retailer License; and

606 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,  
607 On-premise Beer Retailer License.

608 [~~(113)~~] (112) "Temporary beer event permit" means a permit issued in accordance with  
609 Chapter 9, Part 4, Temporary Beer Event Permit.

610 [~~(114)~~] (113) "Temporary domicile" means the principal place of abode within Utah of  
611 a person who does not have a present intention to continue residency within Utah permanently  
612 or indefinitely.

613 [~~(115)~~] "~~Translucent~~" ~~means a substance that allows light to pass through, but does not~~  
614 ~~allow an object or person to be seen through the substance.]~~

615 [~~(116)~~] (114) "Unsaleable liquor merchandise" means a container that:

616 (a) is unsaleable because the container is:

- 617 (i) unlabeled;
- 618 (ii) leaky;
- 619 (iii) damaged;
- 620 (iv) difficult to open; or
- 621 (v) partly filled;
- 622 (b) (i) has faded labels or defective caps or corks;
- 623 (ii) has contents that are:
- 624 (A) cloudy;
- 625 (B) spoiled; or
- 626 (C) chemically determined to be impure; or
- 627 (iii) contains:
- 628 (A) sediment; or
- 629 (B) a foreign substance; or
- 630 (c) is otherwise considered by the department as unfit for sale.

631 [~~H7~~] (115) (a) "Wine" means an alcoholic product obtained by the fermentation of  
 632 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or  
 633 not another ingredient is added.

634 (b) "Wine" is considered liquor for purposes of this title, except as otherwise provided  
 635 in this title.

636 [~~H8~~] (116) "Winery manufacturing license" means a license issued in accordance  
 637 with Chapter 11, Part 3, Winery Manufacturing License.

638 Section 2. Section **32B-1-201** is amended to read:

639 **32B-1-201. Restrictions on number of retail licenses that may be issued --**  
 640 **Determining population -- Exempt licenses.**

641 (1) As used in this section:

642 (a) "Alcohol-related law enforcement officer" means a law enforcement officer  
 643 employed by the Department of Public Safety that has as a primary responsibility:

- 644 (i) the enforcement of this title; or
- 645 (ii) the enforcement of Title 41, Chapter 6a, Part 5, Driving Under the Influence and  
 646 Reckless Driving.

647 (b) "Enforcement ratio" is the number calculated as follows:

648 (i) determine the quotient equal to the total number of quota retail licenses available  
649 divided by the total number of alcohol-related law enforcement officers; and

650 (ii) round the number determined in accordance with Subsection (1)(b)~~(ii)~~(i) up to the  
651 nearest whole number.

652 (c) "Quota retail license" means:

653 (i) a full-service restaurant license;

654 (ii) a limited-service restaurant license;

655 (iii) a club license;

656 (iv) an on-premise banquet license;

657 (v) an on-premise beer retailer operating as a tavern; and

658 (vi) a reception center license.

659 (d) "Total number of alcohol-related law enforcement officers" means the total number  
660 of positions designated as alcohol-related law enforcement officers that are funded as of a  
661 specified date as certified by the Department of Public Safety to the department.

662 (e) "Total number of quota retail licenses available" means the number calculated by:

663 (i) determining as of a specified date for each quota retail license the number of  
664 licenses that the commission may not exceed calculated by dividing the population of the state  
665 by the number specified in the relevant provision for the quota retail license; and

666 (ii) adding together the numbers determined under Subsection (1)~~(d)~~(e)(i).

667 (2) (a) Beginning on July 1, 2012, the department shall annually determine the  
668 enforcement ratio as of July 1 of that year.

669 (b) If, beginning on July 1, 2012, the enforcement ratio is greater than ~~[52]~~ 53, the  
670 commission may not issue a quota retail license for the 12-month period beginning on the July  
671 1 for which the enforcement ratio is greater than ~~[52]~~ 53.

672 (c) Notwithstanding Subsection (2)(b), the commission may issue a quota retail license  
673 during the 12-month period described in Subsection (2)(b) beginning on the day on which a  
674 sufficient number of alcohol-related law enforcement officers are employed so that if the  
675 enforcement ratio is calculated, the enforcement ratio would be equal to or less than ~~[52]~~ 53.

676 (d) Once the Department of Public Safety certifies under Subsection (1)(d) the total  
677 number of positions designated as alcohol-related law enforcement officers that are funded as  
678 of July 1, the Department of Public Safety may not use the funding for the designated

679 alcohol-related law enforcement officers for a purpose other than funding those positions.

680 (3) For purposes of determining the number of state stores that the commission may  
681 establish or the number of package agencies or retail licenses that the commission may issue,  
682 the commission shall determine population by:

683 (a) the most recent United States decennial or special census; or

684 (b) another population determination made by the United States or state governments.

685 (4) The commission may not consider a retail license that meets the following  
686 conditions in determining the total number of licenses available for that type of retail license  
687 that the commission may issue at any time:

688 (a) the retail license was issued to a club licensee designated as a dining club as of July  
689 1, 2011; and

690 (b) the dining club license is converted to another type of retail license in accordance  
691 with Section 32B-6-409.

692 Section 3. Section **32B-5-305** is amended to read:

693 **32B-5-305. Pricing of alcoholic product -- Other charge.**

694 (1) [(a)] A retail licensee may sell, offer for sale, or furnish liquor only at a price fixed  
695 by the commission.

696 [~~(b) A retail licensee may not sell an alcoholic product at a discount price on any date  
697 or at any time.~~]

698 (2) (a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at  
699 less than the cost of the alcoholic product to the retail licensee.

700 (b) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a  
701 special or reduced price that encourages over consumption or intoxication.

702 (c) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a  
703 special or reduced price for only certain hours of the retail licensee's business day, such as a  
704 "happy hour."

705 (d) A retail licensee may not sell, offer for sale, or furnish more than one alcoholic  
706 product for the price of a single alcoholic product.

707 (e) A retail licensee may not sell, offer for sale, or furnish an indefinite or unlimited  
708 number of alcoholic products during a set period for a fixed price.

709 (f) A retail licensee may not engage in a promotion involving or offering a free

710 alcoholic product to the general public.

711 (3) As authorized by commission rule, a retail licensee may charge a patron for  
712 providing:

713 (a) a service related to liquor purchased at the licensed premises; or

714 (b) wine service performed for wine carried in by a patron in accordance with Section  
715 32B-5-307.

716 Section 4. Section **32B-6-205** is amended to read:

717 **32B-6-205. Specific operational requirements for a full-service restaurant license.**

718 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
719 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee  
720 shall comply with this section.

721 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
722 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

723 (i) a full-service restaurant licensee;

724 (ii) individual staff of a full-service restaurant licensee; or

725 (iii) both a full-service restaurant licensee and staff of the full-service restaurant  
726 licensee.

727 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant  
728 licensee shall display in a prominent place in the restaurant a list of the types and brand names  
729 of liquor being furnished through the full-service restaurant licensee's calibrated metered  
730 dispensing system.

731 [~~3~~] ~~In addition to complying with Section 32B-5-303, a full-service restaurant licensee~~  
732 ~~shall store an alcoholic product in a storage area described in Subsection (12)(a).]~~

733 [~~4~~] (3) (a) An individual who serves an alcoholic product in a full-service restaurant  
734 licensee's premises shall make a written beverage tab for each table or group that orders or  
735 consumes an alcoholic product on the premises.

736 (b) A beverage tab required by this Subsection [~~4~~] (3) shall list the type and amount  
737 of an alcoholic product ordered or consumed.

738 [~~5~~] (4) A person's willingness to serve an alcoholic product may not be made a  
739 condition of employment as a server with a full-service restaurant licensee.

740 [~~6~~] (5) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish



741 liquor at the licensed premises on any day during the period that:

742 (i) begins at midnight; and

743 (ii) ends at 11:29 a.m.

744 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer during the  
745 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer,  
746 except that a full-service restaurant licensee may not sell, offer for sale, or furnish beer before  
747 11:30 a.m. on any day.

748 [~~7~~] (6) A full-service restaurant licensee shall maintain at least 70% of its total  
749 restaurant business from the sale of food, which does not include:

750 (a) mix for an alcoholic product; or

751 (b) a service charge.

752 [~~8~~] (7) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an  
753 alcoholic product except in connection with an order for food prepared, sold, and furnished at  
754 the licensed premises.

755 (b) A full-service restaurant licensee shall maintain on the licensed premises adequate  
756 culinary facilities for food preparation and dining accommodations.

757 [~~9~~] (8) (a) Subject to the other provisions of this Subsection [~~9~~] (8), a patron may  
758 not have more than two alcoholic products of any kind at a time before the patron.

759 (b) A patron may not have more than one spirituous liquor drink at a time before the  
760 patron.

761 (c) An individual portion of wine is considered to be one alcoholic product under  
762 Subsection [~~9~~] (8)(a).

763 [~~10~~] (9) A patron may consume an alcoholic product only:

764 (a) at:

765 (i) the patron's table;

766 (ii) a counter; or

767 (iii) a seating grandfathered bar structure; and

768 (b) where food is served.

769 [~~11~~] (10) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish  
770 an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar  
771 structure that is not a seating grandfathered bar structure.

772 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older  
773 may:

- 774 (i) sit;
- 775 (ii) be furnished an alcoholic product; and
- 776 (iii) consume an alcoholic product.

777 (c) Except as provided in Subsection ~~[(11)]~~ (10)(d), at a seating grandfathered bar  
778 structure a full-service restaurant licensee may not permit a minor to, and a minor may not:

- 779 (i) sit; or
- 780 (ii) consume food or beverages.

781 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed  
782 by a full-service restaurant licensee:

- 783 (A) as provided in Subsection 32B-5-308(2); or
- 784 (B) to perform maintenance and cleaning services during an hour when the full-service  
785 restaurant licensee is not open for business.

786 (ii) A minor may momentarily pass by a seating grandfathered bar structure without  
787 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's  
788 premises in which the minor is permitted to be.

789 ~~[(12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee  
790 may dispense an alcoholic product only if:]~~

791 ~~[(a) the alcoholic product is dispensed from:]~~

792 ~~[(i) a grandfathered bar structure;]~~

793 ~~[(ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at  
794 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May  
795 12, 2009; or]~~

796 ~~[(iii) an area that is:]~~

797 ~~[(A) separated from an area for the consumption of food by a patron by a solid;  
798 translucent, permanent structural barrier such that the facilities for the storage or dispensing of  
799 an alcoholic product are:]~~

800 ~~[(f) not readily visible to a patron; and]~~

801 ~~[(H) not accessible by a patron; and]~~

802 ~~[(B) apart from an area used:]~~

803           ~~[(I) for dining;]~~  
 804           ~~[(H) for staging; or]~~  
 805           ~~[(III) as a lobby or waiting area;]~~  
 806           ~~[(b) the full-service restaurant licensee uses an alcoholic product that is:]~~  
 807           ~~[(i) stored in an area described in Subsection (12)(a); or]~~  
 808           ~~[(ii) in an area not described in Subsection (12)(a) on the licensed premises and:]~~  
 809           ~~[(A) immediately before the alcoholic product is dispensed it is in an unopened~~  
 810 ~~container;]~~  
 811           ~~[(B) the unopened container is taken to an area described in Subsection (12)(a) before~~  
 812 ~~it is opened; and]~~  
 813           ~~[(C) once opened, the container is stored in an area described in Subsection (12)(a);~~  
 814 ~~and]~~  
 815           ~~[(c) any instrument or equipment used to dispense alcoholic product is located in an~~  
 816 ~~area described in Subsection (12)(a).]~~

817           ~~[(13)]~~ (11) A full-service restaurant licensee may state in a food or alcoholic product  
 818 menu a charge or fee made in connection with the sale, service, or consumption of liquor  
 819 including:

- 820           (a) a set-up charge;
- 821           (b) a service charge; or
- 822           (c) a chilling fee.

823           Section 5. Section **32B-6-305** is amended to read:

824           **32B-6-305. Specific operational requirements for a limited-service restaurant**  
 825 **license.**

826           (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
 827 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant  
 828 licensee shall comply with this section.

829           (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
 830 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 831           (i) a limited-service restaurant licensee;
- 832           (ii) individual staff of a limited-service restaurant licensee; or
- 833           (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant

834 licensee.

835 (2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer  
836 for sale, furnish, or allow consumption of:

837 (i) spirituous liquor; or

838 (ii) a flavored malt beverage.

839 (b) A product listed in Subsection (2)(a) may not be on the premises of a  
840 limited-service restaurant licensee except for use:

841 (i) as a flavoring on a dessert; and

842 (ii) in the preparation of a flaming food dish, drink, or dessert.

843 [~~3~~] In addition to complying with Section 32B-5-303, a limited-service restaurant  
844 licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).]

845 [~~4~~] (3) (a) An individual who serves an alcoholic product in a limited-service  
846 restaurant licensee's premises shall make a written beverage tab for each table or group that  
847 orders or consumes an alcoholic product on the premises.

848 (b) A beverage tab required by this Subsection [~~4~~] (3) shall list the type and amount  
849 of an alcoholic product ordered or consumed.

850 [~~5~~] (4) A person's willingness to serve an alcoholic product may not be made a  
851 condition of employment as a server with a limited-service restaurant licensee.

852 [~~6~~] (5) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish  
853 wine or heavy beer at the licensed premises on any day during the period that:

854 (i) begins at midnight; and

855 (ii) ends at 11:29 a.m.

856 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during  
857 the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer,  
858 except that a limited-service restaurant licensee may not sell, offer for sale, or furnish beer  
859 before 11:30 a.m. on any day.

860 [~~7~~] (6) A limited-service restaurant licensee shall maintain at least 70% of its total  
861 restaurant business from the sale of food, which does not include a service charge.

862 [~~8~~] (7) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish  
863 an alcoholic product except in connection with an order for food prepared, sold, and furnished  
864 at the licensed premises.

865 (b) A limited-service restaurant licensee shall maintain on the licensed premises  
866 adequate culinary facilities for food preparation and dining accommodations.

867 ~~[(9)]~~ (8) (a) Subject to the other provisions of this Subsection ~~[(9)]~~ (8), a patron may  
868 not have more than two alcoholic products of any kind at a time before the patron.

869 (b) An individual portion of wine is considered to be one alcoholic product under  
870 Subsection ~~[(9)]~~ (8)(a).

871 ~~[(10)]~~ (9) A patron may consume an alcoholic product only:

872 (a) at:

873 (i) the patron's table;

874 (ii) a counter; or

875 (iii) a seating grandfathered bar structure; and

876 (b) where food is served.

877 ~~[(11)]~~ (10) (a) A limited-service restaurant licensee may not sell, offer for sale, or  
878 furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at  
879 a bar structure that is not a seating grandfathered bar structure.

880 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older  
881 may:

882 (i) sit;

883 (ii) be furnished an alcoholic product; and

884 (iii) consume an alcoholic product.

885 (c) Except as provided in Subsection ~~[(11)]~~ (10)(d), at a seating grandfathered bar  
886 structure a limited-service restaurant licensee may not permit a minor to, and a minor may not:

887 (i) sit; or

888 (ii) consume food or beverages.

889 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed  
890 by a limited-service restaurant licensee:

891 (A) as provided in Subsection 32B-5-308(2); or

892 (B) to perform maintenance and cleaning services during an hour when the  
893 limited-service restaurant licensee is not open for business.

894 (ii) A minor may momentarily pass by a seating grandfathered bar structure without  
895 remaining or sitting at the bar structure en route to an area of a limited-service restaurant

896 licensee's premises in which the minor is permitted to be.  
897 ~~[(12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant~~  
898 ~~licensee may dispense an alcoholic product only if:]~~  
899 ~~[(a) the alcoholic product is dispensed from:]~~  
900 ~~[(i) a grandfathered bar structure;]~~  
901 ~~[(ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at~~  
902 ~~the grandfathered bar structure if that area is used to dispense an alcoholic product as of May~~  
903 ~~12, 2009; or]~~  
904 ~~[(iii) an area that is:]~~  
905 ~~[(A) separated from an area for the consumption of food by a patron by a solid,~~  
906 ~~translucent, permanent structural barrier such that the facilities for the storage or dispensing of~~  
907 ~~an alcoholic product are:]~~  
908 ~~[(f) not readily visible to a patron; and]~~  
909 ~~[(H) not accessible by a patron; and]~~  
910 ~~[(B) apart from an area used:]~~  
911 ~~[(f) for dining;]~~  
912 ~~[(H) for staging; or]~~  
913 ~~[(III) as a lobby or waiting area;]~~  
914 ~~[(b) the limited-service restaurant licensee uses an alcoholic product that is:]~~  
915 ~~[(i) stored in an area described in Subsection (12)(a); or]~~  
916 ~~[(ii) in an area not described in Subsection (12)(a) on the licensed premises and:]~~  
917 ~~[(A) immediately before the alcoholic product is dispensed it is in an unopened~~  
918 ~~container;]~~  
919 ~~[(B) the unopened container is taken to an area described in Subsection (12)(a) before~~  
920 ~~it is opened; and]~~  
921 ~~[(C) once opened, the container is stored in an area described in Subsection (12)(a);~~  
922 ~~and]~~  
923 ~~[(c) any instrument or equipment used to dispense alcoholic product is located in an~~  
924 ~~area described in Subsection (12)(a).]~~  
925 ~~[(13)]~~ (11) A limited-service restaurant licensee may state in a food or alcoholic  
926 product menu a charge or fee made in connection with the sale, service, or consumption of

927 wine or heavy beer including:

- 928 (a) a set-up charge;
- 929 (b) a service charge; or
- 930 (c) a chilling fee.

931 Section 6. Section **32B-6-403** is amended to read:

932 **32B-6-403. Commission's power to issue club license.**

933 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of  
934 an alcoholic product on its premises as a club licensee, the person shall first obtain a club  
935 license from the commission in accordance with this part.

936 (2) The commission may issue a club license to establish club licensed premises at  
937 places and in numbers the commission considers proper for the storage, sale, offer for sale,  
938 furnishing, and consumption of an alcoholic product on premises operated by a club licensee.

939 (3) Subject to Section 32B-1-201:

940 (a) The commission may not issue a total number of club licenses that at any time  
941 exceeds the number determined by dividing the population of the state by [~~7,850~~] 7,000.

942 (b) The commission may issue a seasonal club license in accordance with Section  
943 32B-5-206 to:

- 944 (i) a dining club licensee; or
- 945 (ii) a social club licensee.

946 (c) (i) If the location, design, and construction of a hotel may require more than one  
947 dining club license or social club license location within the hotel to serve the public  
948 convenience, the commission may authorize as many as three club license locations within the  
949 hotel under one club license if:

950 (A) the hotel has a minimum of 150 guest rooms; and

951 (B) all locations under the club license are:

952 (I) within the same hotel; and

953 (II) on premises that are managed or operated, and owned or leased, by the club  
954 licensee.

955 (ii) A facility other than a hotel shall have a separate club license for each club license  
956 location where an alcoholic product is sold, offered for sale, or furnished.

957 (d) When a business establishment undergoes a change of ownership, the commission

958 may issue a club license to the new owner of the business establishment notwithstanding that  
959 there is no club license available under Subsection (3)(a) if:

- 960 (i) the primary business activity at the business establishment before and after the  
961 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;
- 962 (ii) before the change of ownership there are two or more licensed premises on the  
963 business establishment that operate under a retail license, with at least one of the retail licenses  
964 being a club license;
- 965 (iii) subject to Subsection (3)(e), the licensed premises of the club license issued under  
966 this Subsection (3)(d) is at the same location where the club license licensed premises was  
967 located before the change of ownership; and
- 968 (iv) the person who is the new owner of the business establishment qualifies for the  
969 club license, except for there being no club license available under Subsection (3)(a).

970 (e) If a club licensee of a club license issued under Subsection (3)(d) requests a change  
971 of location, the club licensee may retain the club license after the change of location only if on  
972 the day on which the club licensee seeks a change of location a club license is available under  
973 Subsection (3)(a).

974 Section 7. Section **32B-6-703** is amended to read:

975 **32B-6-703. Commission's power to issue on-premise beer retailer license.**

976 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of  
977 beer on the premises as an on-premise beer retailer, the person shall first obtain an on-premise  
978 beer retailer license from the commission in accordance with this part.

979 (2) (a) The commission may issue an on-premise beer retailer license to establish  
980 on-premise beer retailer licensed premises at places and in numbers as the commission  
981 considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on  
982 premises operated as an on-premise beer retailer.

983 (b) At the time that the commission issues an on-premise beer retailer license, the  
984 commission shall designate whether the on-premise beer retailer is a tavern.

985 (c) The commission may change its designation of whether an on-premise beer retailer  
986 is a tavern in accordance with rules made by the commission.

987 (d) (i) In determining whether an on-premise beer retailer is a tavern, the commission  
988 shall determine whether the on-premise beer retailer will engage primarily in the retail sale of



989 beer for consumption on the establishment's premises.

990 (ii) In making a determination under this Subsection (2)(d), the commission shall  
991 consider:

992 (A) whether the on-premise beer retailer will operate as one of the following:

993 (I) a beer bar;

994 (II) a parlor;

995 (III) a lounge;

996 (IV) a cabaret; or

997 (V) a nightclub;

998 (B) if the on-premise beer retailer will operate as described in Subsection (2)(d)(ii)(A):

999 (I) whether the on-premise beer retailer will sell food in the establishment; and

1000 (II) if the on-premise beer retailer sells food, whether the revenue from the sale of beer  
1001 will exceed the revenue of the sale of food;

1002 (C) whether full meals including appetizers, main courses, and desserts will be served;

1003 (D) the square footage and seating capacity of the premises;

1004 (E) what portion of the square footage and seating capacity will be used for a dining  
1005 area in comparison to the portion that will be used as a lounge or bar area;

1006 (F) whether the person will maintain adequate on-premise culinary facilities to prepare  
1007 full meals, except a person that is located on the premises of a hotel or resort facility may use  
1008 the culinary facilities of the hotel or resort facility;

1009 (G) whether the entertainment provided on the premises of the beer retailer will be  
1010 suitable for minors; and

1011 (H) the beer retailer management's ability to manage and operate an on-premise beer  
1012 retailer license including:

1013 (I) management experience;

1014 (II) past beer retailer management experience; and

1015 (III) the type of management scheme that will be used by the beer retailer.

1016 (e) On or after March 1, 2012:

1017 (i) To be licensed as an on-premise beer retailer that is not a tavern, a person shall:

1018 (A) maintain at least 70% of the person's total gross revenues from business directly  
1019 related to a recreational amenity on or directly adjoining the licensed premises of the beer

1020 retailer; or

1021 (B) have a recreational amenity on or directly adjoining the licensed premises of the  
1022 beer retailer and maintain at least 70% of the person's total gross revenues from the sale of  
1023 food.

1024 (ii) The commission may not license a person as an on-premise beer retailer if the  
1025 person does not:

1026 (A) meet the requirements of Subsection (2)(e)(i); or

1027 (B) operate as a tavern.

1028 (iii) (A) A person licensed as an on-premise beer retailer that is not a tavern as of July  
1029 1, 2011 shall notify the department by no later than August 1, 2011, whether effective March 1,  
1030 2012, the person will seek to be licensed as a beer-only restaurant licensee, a tavern, or an  
1031 on-premise beer retailer that meets the requirements of Subsection (2)(e)(i).

1032 (B) If an on-premise beer retailer fails to notify the department as required by  
1033 Subsection (2)(e)(iii)(A), the on-premise beer retailer's license expires as of February 29, 2012,  
1034 and to operate as an on-premise beer retailer after February 29, 2012, the on-premise beer  
1035 retailer is required to apply as a new licensee, and any bar or bar structure on the premises of an  
1036 on-premise beer retailer license that is not a tavern and does not meet the requirements of  
1037 Subsection (2)(e)(i) will not be grandfathered under Subsection 32B-6-902(1).

1038 ~~[(iv) A person who, after August 1, 2011, applies for an on-premise beer retailer  
1039 license that is not a tavern and does not meet the requirements of Subsection (2)(e)(i), may not  
1040 have or construct facilities for the dispensing or storage of an alcoholic product that do not  
1041 meet the requirements of Subsection 32B-6-905(12)(a)(ii).]~~

1042 (3) Subject to Section 32B-1-201:

1043 (a) The commission may not issue a total number of on-premise beer retailer licenses  
1044 that are taverns that at any time exceeds the number determined by dividing the population of  
1045 the state by 54,147.

1046 (b) The commission may issue a seasonal on-premise beer retailer license for a tavern  
1047 in accordance with Section 32B-5-206.

1048 (4) (a) Unless otherwise provided in Subsection (4)(b):

1049 (i) only one on-premise beer retailer license is required for each building or resort  
1050 facility owned or leased by the same person; and

1051 (ii) a separate license is not required for each retail beer dispensing location in the  
1052 same building or on the same resort premises owned or operated by the same person.

1053 (b) (i) Subsection (4)(a) applies only if each retail beer dispensing location in the  
1054 building or resort facility operates in the same manner.

1055 (ii) If each retail beer dispensing location does not operate in the same manner:

1056 (A) one on-premise beer retailer license designated as a tavern is required for the  
1057 locations in the same building or on the same resort premises that operate as a tavern; and

1058 (B) one on-premise beer retailer license is required for the locations in the same  
1059 building or on the same resort premises that do not operate as a tavern.

1060 Section 8. Section **32B-6-805** is amended to read:

1061 **32B-6-805. Specific operational requirements for a reception center license.**

1062 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1063 Requirements, a reception center licensee and staff of the reception center licensee shall  
1064 comply with this section.

1065 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1066 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1067 (i) a reception center licensee;

1068 (ii) individual staff of a reception center licensee; or

1069 (iii) both a reception center licensee and staff of the reception center licensee.

1070 [~~(2)~~] In addition to complying with Section ~~32B-5-303~~, a reception center licensee shall  
1071 ~~store an alcoholic product in a storage area described in Subsection (15)(a):]~~

1072 [~~(3)~~] (2) (a) For the purpose described in Subsection [~~(3)~~] (2)(b), a reception center  
1073 licensee shall provide the following with advance notice of a scheduled event in accordance  
1074 with rules made by the commission:

1075 (i) the department; and

1076 (ii) the local law enforcement agency responsible for the enforcement of this title in the  
1077 jurisdiction where the reception center is located.

1078 (b) Any of the following may conduct a random inspection of an event:

1079 (i) an authorized representative of the commission or the department; or

1080 (ii) a law enforcement officer.

1081 [~~(4)~~] (3) (a) Except as otherwise provided in this title, a reception center licensee may

1082 sell, offer for sale, or furnish an alcoholic product at an event only for consumption at the  
1083 reception center's licensed premises.

1084 (b) A host of an event, a patron, or a person other than the reception center licensee or  
1085 staff of the reception center licensee, may not remove an alcoholic product from the reception  
1086 center's licensed premises.

1087 (c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an  
1088 alcoholic product into or onto, or remove an alcoholic product from, the reception center.

1089 ~~[(5)]~~ (4) (a) A reception center licensee may not leave an unsold alcoholic product at an  
1090 event following the conclusion of the event.

1091 (b) At the conclusion of an event, a reception center licensee shall:

1092 (i) destroy an opened and unused alcoholic product that is not saleable, under  
1093 conditions established by the department; and

1094 (ii) return to the reception center licensee's approved locked storage area any:

1095 (A) opened and unused alcoholic product that is saleable; and

1096 (B) unopened container of an alcoholic product.

1097 (c) Except as provided in Subsection ~~[(5)]~~ (4)(b) with regard to an open or sealed  
1098 container of an alcoholic product not sold or consumed at an event, a reception center  
1099 licensee ~~[(i) shall store the alcoholic product in accordance with Subsection (2); and (ii)]~~ may  
1100 use the alcoholic product at more than one event.

1101 ~~[(6)]~~ (5) Notwithstanding Section 32B-5-308, a reception center licensee may not  
1102 employ a minor in connection with an event at the reception center at which food is not made  
1103 available.

1104 ~~[(7)]~~ (6) A person's willingness to serve an alcoholic product may not be made a  
1105 condition of employment as a server with a reception center licensee.

1106 ~~[(8)]~~ (7) A reception center licensee may not sell, offer for sale, or furnish an alcoholic  
1107 product at the licensed premises on any day during the period that:

1108 (a) begins at 1 a.m.; and

1109 (b) ends at 9:59 a.m.

1110 ~~[(9)]~~ (8) A reception center licensee may not maintain in excess of 30% of its total  
1111 annual receipts from the sale of an alcoholic product, which includes:

1112 (a) mix for an alcoholic product; or

1113 (b) a charge in connection with the furnishing of an alcoholic product.

1114 ~~[(10)]~~ (9) A reception center licensee may not sell, offer for sale, or furnish an  
1115 alcoholic product at an event at which a minor is present unless the reception center licensee  
1116 makes food available at all times when an alcoholic product is sold, offered for sale, furnished,  
1117 or consumed during the event.

1118 ~~[(11)]~~ (10) (a) Subject to the other provisions of this Subsection ~~[(11)]~~ (10), a patron  
1119 may not have more than two alcoholic products of any kind at a time before the patron.

1120 (b) An individual portion of wine is considered to be one alcoholic product under  
1121 Subsection ~~[(11)]~~ (10)(a).

1122 ~~[(12)]~~ (11) (a) A reception center licensee shall supervise and direct a person involved  
1123 in the sale, offer for sale, or furnishing of an alcoholic product.

1124 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product  
1125 shall complete an alcohol training and education seminar.

1126 ~~[(13)]~~ (12) A staff person of a reception center licensee shall remain at an event at all  
1127 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the event.

1128 ~~[(14)]~~ (13) A reception center licensee may not sell, offer for sale, or furnish an  
1129 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar  
1130 structure.

1131 ~~[(15) Except as provided in Subsection (16), a reception center licensee may dispense  
1132 an alcoholic product only if:]~~

1133 ~~[(a) the alcoholic product is dispensed from an area that is:]~~

1134 ~~[(i) separated from an area for the consumption of food by a patron by a solid,  
1135 translucent, permanent structural barrier such that the facilities for the storage or dispensing of  
1136 an alcoholic product are:]~~

1137 ~~[(A) not readily visible to a patron; and]~~

1138 ~~[(B) not accessible by a patron; and]~~

1139 ~~[(ii) apart from an area used:]~~

1140 ~~[(A) for staging; or]~~

1141 ~~[(B) as a lobby or waiting area;]~~

1142 ~~[(b) the reception center licensee uses an alcoholic product that is:]~~

1143 ~~[(i) stored in an area described in Subsection (15)(a); or]~~

1144 ~~[(ii) in an area not described in Subsection (15)(a) on the licensed premises and:]~~  
1145 ~~[(A) immediately before the alcoholic product is dispensed it is in an unopened~~  
1146 ~~container;]~~  
1147 ~~[(B) the unopened container is taken to an area described in Subsection (15)(a) before~~  
1148 ~~it is opened; and]~~  
1149 ~~[(C) once opened, the container is stored in an area described in Subsection (15)(a);~~  
1150 ~~and]~~  
1151 ~~[(c) any instrument or equipment used to dispense an alcoholic product is located in an~~  
1152 ~~area described in Subsection (15)(a);]~~  
1153 ~~[(16) A reception center licensee may dispense an alcoholic product from a mobile~~  
1154 ~~serving area that:]~~  
1155 ~~[(a) is moved only by staff of the reception center licensee;]~~  
1156 ~~[(b) is capable of being moved by only one individual; and]~~  
1157 ~~[(c) is no larger than 6 feet long and 30 inches wide:]~~  
1158 ~~[(17)]~~ (14) (a) A reception center licensee may not have an event on the licensed  
1159 premises except pursuant to a contract between a third party host of the event and the reception  
1160 center licensee under which the reception center licensee provides an alcoholic product sold,  
1161 offered for sale, or furnished at an event.  
1162 (b) At an event, a reception center licensee may furnish an alcoholic product:  
1163 (i) without charge to a patron, except that the third party host of the event shall pay for  
1164 an alcoholic product furnished at the event; or  
1165 (ii) with a charge to a patron at the event.  
1166 ~~[(18)]~~ (15) A reception center licensee shall have culinary facilities that are:  
1167 (a) adequate to prepare a full meal; and  
1168 (b) (i) located on the licensed premises; or  
1169 (ii) under the same control as the reception center licensee.  
1170 Section 9. Section **32B-6-902 (Effective 03/01/12)** is amended to read:  
1171 **32B-6-902 (Effective 03/01/12). Definitions.**  
1172 (1) (a) As used in this part, "grandfathered bar structure" means a bar structure in a  
1173 licensed premises of a beer-only restaurant licensee that:  
1174 (i) was licensed as an on-premise beer retailer as of August 1, 2011, and as of August

1175 1, 2011:

1176 (A) is operational; and

1177 [~~(B) has facilities for the dispensing or storage of an alcoholic product that do not meet~~  
1178 ~~the requirements of Subsection 32B-6-905(12)(a)(ii); and]~~

1179 [~~(C)~~] (B) in accordance with Subsection 32B-6-703(2)(e), notifies the department that  
1180 effective March 1, 2012, the on-premise beer retailer licensee will seek to be licensed as a  
1181 beer-only restaurant; or

1182 (ii) is a bar structure grandfathered under Section 32B-6-409.

1183 (b) "Grandfathered bar structure" does not include a grandfathered bar structure  
1184 described in Subsection (1)(a) on or after the day on which a restaurant remodels the  
1185 grandfathered bar structure, as defined by rule made by the commission.

1186 (2) Subject to Subsection (1)(b), a grandfathered bar structure remains a grandfathered  
1187 bar structure notwithstanding whether a restaurant undergoes a change of ownership.

1188 Section 10. Section **32B-6-905 (Effective 03/01/12)** is amended to read:

1189 **32B-6-905 (Effective 03/01/12). Specific operational requirements for a beer-only**  
1190 **restaurant license.**

1191 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1192 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee  
1193 shall comply with this section.

1194 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1195 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1196 (i) a beer-only restaurant licensee;

1197 (ii) individual staff of a beer-only restaurant licensee; or

1198 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

1199 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for  
1200 sale, furnish, or allow consumption of liquor.

1201 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

1202 (i) as a flavoring on a dessert; and

1203 (ii) in the preparation of a flaming food dish, drink, or dessert.

1204 [~~(3) In addition to complying with Section 32B-5-303, a beer-only restaurant licensee~~  
1205 ~~shall store beer in a storage area described in Subsection (12)(a).]~~

1206           ~~[(4)]~~ (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises  
1207 shall make a written beverage tab for each table or group that orders or consumes an alcoholic  
1208 product on the premises.

1209           (b) A beverage tab required by this Subsection ~~[(4)]~~ (3) shall list the type and amount  
1210 of beer ordered or consumed.

1211           ~~[(5)]~~ (4) A person's willingness to serve beer may not be made a condition of  
1212 employment as a server with a beer-only restaurant licensee.

1213           ~~[(6)]~~ (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during  
1214 the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer,  
1215 except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before  
1216 11:30 a.m. on any day.

1217           ~~[(7)]~~ (6) A beer-only restaurant licensee shall maintain at least 70% of its total  
1218 restaurant business from the sale of food, which does not include a service charge.

1219           ~~[(8)]~~ (7) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except in  
1220 connection with an order for food prepared, sold, and furnished at the licensed premises.

1221           (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary  
1222 facilities for food preparation and dining accommodations.

1223           ~~[(9)]~~ (8) A patron may not have more than two beers at a time before the patron.

1224           ~~[(10)]~~ (9) A patron may consume a beer only:

1225           (a) at:

1226           (i) the patron's table;

1227           (ii) a grandfathered bar structure; or

1228           (iii) a counter; and

1229           (b) where food is served.

1230           ~~[(11)]~~ (10) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a  
1231 beer to a patron, and a patron may not consume an alcoholic product at a bar structure.

1232           (b) Notwithstanding Subsection ~~[(11)]~~ (10)(a), at a grandfathered bar structure, a  
1233 patron who is 21 years of age or older may:

1234           (i) sit;

1235           (ii) be furnished a beer; and

1236           (iii) consume a beer.



1237 (c) Except as provided in Subsection ~~[(11)]~~ (10)(d), at a grandfathered bar structure, a  
1238 beer-only restaurant licensee may not permit a minor to, and a minor may not:

1239 (i) sit; or

1240 (ii) consume food or beverages.

1241 (d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a  
1242 beer-only restaurant licensee:

1243 (A) as provided in Subsection 32B-5-308(2); or

1244 (B) to perform maintenance and cleaning services during an hour when the beer-only  
1245 restaurant licensee is not open for business.

1246 (ii) A minor may momentarily pass by a grandfathered bar structure without remaining  
1247 or sitting at the bar structure en route to an area of a beer-only restaurant licensee's premises in  
1248 which the minor is permitted to be.

1249 ~~[(12) A beer-only restaurant licensee may dispense a beer only if:]~~

1250 ~~[(a) the beer is dispensed from an area that is:]~~

1251 ~~[(i) a grandfathered bar structure; or]~~

1252 ~~[(ii) separated from an area for the consumption of food by a patron by a solid,  
1253 translucent, permanent structural barrier such that the facilities for the storage or dispensing of  
1254 an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart  
1255 from an area used for dining, for staging, or as a lobby or waiting area;]~~

1256 ~~[(b) the beer-only restaurant licensee uses a beer that is:]~~

1257 ~~[(i) stored in an area described in Subsection (12)(a); or]~~

1258 ~~[(ii) in an area not described in Subsection (12)(a) on the licensed premises and:]~~

1259 ~~[(A) immediately before the beer is dispensed it is in an unopened container;]~~

1260 ~~[(B) the unopened container is taken to an area described in Subsection (12)(a) before  
1261 it is opened; and]~~

1262 ~~[(C) once opened, the container is stored in an area described in Subsection (12)(a);  
1263 and]~~

1264 ~~[(c) any instrument or equipment used to dispense the beer is located in an area  
1265 described in Subsection (12)(a).]~~

**Legislative Review Note**  
**as of 2-7-12 4:24 PM**

**Office of Legislative Research and General Counsel**