

524 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
 525 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
 526 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
 527 made by the commission.

528 (98) "Sexually oriented entertainer" means a person who while in a state of seminudity
 529 appears at or performs:

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

531 (b) on the premises of:

532 (i) a social club licensee; or

533 (ii) a tavern;

534 (c) on behalf of or at the request of the licensee described in Subsection (98)(b);

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

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

537 (i) an employee;

538 (ii) an independent contractor;

539 (iii) an agent of the licensee; or

540 (iv) a different type of classification.

541 (99) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
 542 Single Event Permit.

543 (100) "Small brewer" means a brewer who manufactures less than [~~60,000~~] ~~§~~ → [100,000]

543a 70,000 ← ~~§~~

544 barrels of beer, heavy beer, and flavored malt beverages per year.

545 (101) "Social club license" means a license issued in accordance with Chapter 5, Retail
 546 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a
 547 social club license.

548 (102) "Special use permit" means a permit issued in accordance with Chapter 10,
 549 Special Use Permit Act.

550 (103) (a) "Spirituous liquor" means liquor that is distilled.

551 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
 552 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

553 (104) "Sports center" is as defined by the commission by rule.

554 (105) (a) "Staff" means an individual who engages in activity governed by this title:

648 [~~(c) Notwithstanding Section 32B-1-102, "small brewer" means a brewer who~~
 649 ~~manufactures in a calendar year less than 40,000 barrels of beer, heavy beer, and flavored malt~~
 650 ~~beverage.]~~

651 (2) Except as provided in Subsection (3):

652 (a) spirituous liquor sold by the department within the state shall be marked up in an
 653 amount not less than 86% above the landed case cost to the department;

654 (b) wine sold by the department within the state shall be marked up in an amount not
 655 less than 86% above the landed case cost to the department;

656 (c) heavy beer sold by the department within the state shall be marked up in an amount
 657 not less than 64.5% above the landed case cost to the department; and

658 (d) a flavored malt beverage sold by the department within the state shall be marked up
 659 in an amount not less than 86% above the landed case cost to the department.

660 (3) (a) Liquor sold by the department to a military installation in Utah shall be marked
 661 up in an amount not less than 15% above the landed case cost to the department.

662 (b) Except for spirituous liquor sold by the department to a military installation in
 663 Utah, spirituous liquor that is sold by the department within the state shall be marked up 47%
 664 above the landed case cost to the department if:

665 (i) the spirituous liquor is manufactured by a manufacturer producing less than
 666 [~~30,000~~] ~~§~~ → ~~[60,000]~~ 45,000 ← ~~§~~ proof gallons of spirituous liquor in a calendar year; and

667 (ii) the manufacturer applies to the department for a reduced markup.

668 (c) Except for wine sold by the department to a military installation in Utah, wine that
 669 is sold by the department within the state shall be marked up 47% above the landed case cost to
 670 the department if:

671 (i) the wine is manufactured by a manufacturer producing less than [~~20,000~~] ~~§~~ → [40,000]
 671a 30,000 ← ~~§~~
 672 gallons of wine in a calendar year; and

673 (ii) the manufacturer applies to the department for a reduced markup.

674 (d) Except for heavy beer sold by the department to a military installation in Utah,
 675 heavy beer that is sold by the department within the state shall be marked up 30% above the
 676 landed case cost to the department if:

677 (i) a small brewer manufactures the heavy beer; and

678 (ii) the small brewer applies to the department for a reduced markup.