



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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March 6, 2013

Mr. President:

The Business and Labor Committee reports a favorable recommendation on **S.B. 261**, AMENDMENTS RELATED TO ALCOHOLIC BEVERAGE CONTROL, by Senator J. Valentine, with the following amendments:

1. *Page 38, Lines 1165 through 1167:*

1165 (11) (a) The commission shall impose, at a minimum, the following penalties for a
1166 violation related to service of an alcoholic product to a minor:

1167 (i) for a first violation {1} :

(A) a mandatory minimum fine of {~~\$3,000~~} \$2,500 ; and

(B) mandatory training under Chapter 5, Part 4, Alcohol Training and Education Act of anyone who is required to be trained under Chapter 5, Part 4, but who has completed the training more than 11 months before the day on which the fine described in Subsection (11)(a)(i)(A) is imposed;

1. *Page 25, Lines 762 through 763:*

762 (b) on or before May 4, 2008, the premises was licensed {and had a variance

763 requirements of Subsection (2)(b)} ;

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2. Page 38, Lines 1165 through 1166:

1165 (11) (a) The commission shall impose, at a minimum, the following penalties for a
1166 violation related to service of an alcoholic product to a minor **that occurs during an**
operation under Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age
Persons, or similar operation by a peace officer, as defined by Title 53, Chapter 13,
Peace Officer Classifications :

3. Page 38, Lines 1168 through 1169:

1168 (ii) for a second violation that occurs within ~~{three years}~~ **18 months** of
the day on which the penalty
1169 is imposed for the first violation:

4. Page 39, Lines 1179 through 1181:

1179 (12) (a) For a violation of Section 32B-1-407 or admitting a minor to a place where
an
1180 alcoholic product is sold or consumed, but where under this title a minor is not permitted,
that occurs during an operation under Title 77, Chapter 39, Sale of Tobacco or
Alcohol to Under Age Persons, or similar operation by a peace officer, as defined by
Title 53, Chapter 13, Peace Officer Classifications, the
1181 commission shall impose, at a minimum, a suspension of five days or a fine of \$1,000.

5. Page 40, Lines 1233 through 1234:

1233 (2) Notwithstanding Subsection (1), the commission may issue more than one type of
1234 retail license for the same ~~{building}~~ **room** if:

6. Page 41, Line 1244:

1244 (B) an on-premise banquet ~~{catering}~~ license.

7. Page 48, Lines 1475 through 1476:

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1475 (d) The commission may not issue a single full-service restaurant license to a
1476 full-service restaurant that would have licensed premises in more than one
building unless there is continuity in the premises between the multiple buildings
after considering one or more of the following:
(i) whether a patron would go through an unlicensed area to move from one part of
the licensed premises to a different part of the licensed premises;
(ii) whether the buildings share common food preparation facilities;
(iii) whether there is a common entrance to the licensed premises with multiple
buildings; and
(iv) any other factor the commission considers relevant .

8. Page 50, Line 1539 through Page 51, Line 1548:

1539 (10) ~~{(a)}~~ A patron may consume an alcoholic product only:
1540 {+} (a) {+} ~~{(i) while seated}~~ at:
1541 {+} (i) {+} ~~{(A)}~~ the patron's table;
1542 {+} (ii) {+} ~~{(B)}~~ a counter; or
1543 {+} (iii) {+} ~~{(C)}~~ a seating grandfathered bar structure; and
1544 {+} (b) {+} ~~{(ii)}~~ where food is served.
1545 ~~{(b) A patron may not be served or consume an alcoholic product anywhere
on the
1546 licensed premises other than at a location described in Subsection (10)(a) regardless
of its
1547 proximity to a location described in Subsection (10)(a)-}~~
1548 (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an

9. Page 53, Lines 1638 through 1639:

1638 (d) The commission may not issue a single limited-service restaurant license to a
1639 limited-service restaurant that would have licensed premises in more than one building
unless there is continuity in the premises between the multiple buildings after
considering one or more of the following:
(i) whether a patron would go through an unlicensed area to move from one part of

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- the licensed premises to a different part of the licensed premises;
- (ii) whether the buildings share common food preparation facilities;
- (iii) whether there is a common entrance to the licensed premises with multiple buildings; and
- (iv) any other factor the commission considers relevant.

10. Page 56, Lines 1703 through 1711:

1703 (10) ~~{(a)}~~ A patron may consume an alcoholic product only:
1704 {+} (a) {+} ~~{(i) while seated}~~ at:
1705 {+} (i) {+} ~~{(A)}~~ the patron's table;
1706 {+} (ii) {+} ~~{(B)}~~ a counter; or
1707 {+} (iii) {+} ~~{(C)}~~ a seating grandfathered bar structure; and
1708 {+} (b) {+} ~~{(ii)}~~ where food is served.
1709 ~~{(b) A patron may not be served or consume an alcoholic product anywhere~~
~~on the~~
1710 ~~licensed premises other than at a location described in Subsection (10)(a) regardless~~
~~of its~~
1711 ~~proximity to a location described in Subsection (10)(a). }~~

11. Page 58, Lines 1787 through 1789:

1787 (c) Except as provided in Subsections (3)(a) and (b), the commission may not issue a
1788 single beer-only restaurant license to a beer-only restaurant that would have licensed
premises
1789 in more than one building unless there is continuity in the premises between the
multiple buildings after considering one or more of the following:
(i) whether a patron would go through an unlicensed area to move from one part of
the licensed premises to a different part of the licensed premises;
(ii) whether the buildings share common food preparation facilities;
(iii) whether there is a common entrance to the licensed premises with multiple
buildings; and
(iv) any other factor the commission considers relevant.

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12. Page 60, Lines 1845 through 1853:

1845 (10) ~~{(a)}~~ A patron may consume a beer only:
1846 {+} (a) {+} ~~{(i) while seated}~~ at:
1847 {+} (i) {+} ~~{(A)}~~ the patron's table;
1848 {+} (ii) {+} ~~{(B)}~~ a grandfathered bar structure; or
1849 {+} (iii) {+} ~~{(C)}~~ a counter; and
1850 {+} (b) {+} ~~{(ii)}~~ where food is served.
1851 ~~{(b) A patron may not be served or consume an alcoholic product anywhere~~
~~on the~~
1852 ~~licensed premises other than at a location described in Subsection (10)(a) regardless~~
~~of its~~
1853 ~~proximity to a location described in Subsection (10)(a).}~~

13. Page 64, Lines 1951 through 1954:

1951 (7) (a) An alcoholic product may only be consumed ~~{while sitting}~~ at a table or
counter.
1952 ~~{~~ ~~A patron may not consume an alcoholic product anywhere on the sublicensed~~
~~premises other~~
1953 ~~than at a location described in this Subsection (7)(a) regardless of its proximity to a~~
~~location~~
1954 ~~described in this Subsection (7)(a).}~~

1. Page 47, Lines 1434 through 1448:

1434 32B-5-311. Private events at retail licensee premises.
1435 (1) Subject to ~~{Section}~~ Sections 32B-5-309 and 32B-6-505 , a
retail licensee may temporarily rent or otherwise
1436 temporarily lease its premises to a person after the hours the retail licensee may sell, offer
for

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- 1437 sale, or furnish an alcoholic product if:
1438 ~~{(1)}~~ (a) the person who temporarily rents or leases the licensed premises
obtains an event
1439 permit under Chapter 9, Event Permit Act, for the time period that the retail licensee rents
or
1440 otherwise leases its licensed premises;
1441 ~~{(2)}~~ (b) the event for which the licensed premises are leased is not open to
the public;
1442 ~~{(3)}~~ (c) the person to whom the retail licensee rents or leases the premises
agrees in writing
1443 to comply with this title as if the person is the retail licensee, except for:
1444 ~~{(a)}~~ (i) a requirement related to making or maintaining a record; and
1445 ~~{(b)}~~ (ii) the hours during which an alcoholic product may be sold, offered
for sale, or
1446 furnished; and

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1447 ~~{(4)}~~ (d) the retail licensee takes reasonable steps to ensure that the person
 complies with
1448 this section.

- (2) Subject to Sections 32B-5-309 and 32-6-505, a retail licensee may temporarily
rent or otherwise temporarily lease its premises for a private event during the hours
the retail licensee may sell, offer for sale, or furnish an alcoholic product if:
(a) the person to whom the retail licensee rents or leases the premises agrees in
writing to comply with this title as if the person is the retail licensee, except for a
requirement related to making or maintaining a record; and
(b) the retail licensee takes reasonable steps to ensure that the person complies with
this section as provided in Subsection (2)(a). -

Respectfully,

Curtis S. Bramble
Committee Chair

Voting: 5-0-2

3 SB0261.SC1.WPD bhowe/BRH PO/BRH 3/6/13 9:28 am

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