

S.B. 261

AMENDMENTS RELATED TO ALCOHOLIC BEVERAGE CONTROL

SENATE COMMITTEE AMENDMENTS

AMENDMENT 2

MARCH 5, 2013 6:31 PM

Senator **John L. Valentine** proposes the following amendments:

1. Page 25, Lines 762 through 763:

762 (b) on or before May 4, 2008, the premises was licensed ~~{and had a variance from the~~
763 ~~requirements of Subsection (2)(b)}~~ ;

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:

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 ~~{(i) while seated}~~ at:
1541 ~~{(A)}~~ the patron's table;
1542 ~~{(B)}~~ a counter; or
1543 ~~{(C)}~~ a seating grandfathered bar structure; and
1544 ~~{(b)}~~ 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 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 ~~{(i) while seated}~~ at:
1705 ~~{(A)}~~ the patron's table;
1706 ~~{(B)}~~ a counter; or
1707 ~~{(C)}~~ a seating grandfathered bar structure; and
1708 ~~{(b)}~~ 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 .

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).}~~