

1 **ALCOHOL AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad R. Wilson**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the regulation of alcoholic beverages.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms and modifies defined terms;
- 13 ▶ addresses the standard for demonstrating a previously approved variance for
14 purposes of proximity to a community location;
- 15 ▶ requires electronic age verification of certain individuals who are within 10 feet of a
16 grandfathered bar structure;
- 17 ▶ clarifies labeling requirements for certain malted beverages;
- 18 ▶ allows the Alcoholic Beverage Control Advisory Board to meet at the chair's
19 discretion;
- 20 ▶ modifies the circumstances under which a retail licensee shall submit a responsible
21 alcohol service plan to the department;
- 22 ▶ amends the requirements related to when a retail manager or an off-premise retail
23 manager must complete a department training program;
- 24 ▶ repeals the requirement for restaurant licensees to display a sign stating the
25 restaurant's license type;
- 26 ▶ allows a dining club licensee to convert to a full-service restaurant license or a bar
27 license before July 1, 2018;



- 28 ▶ modifies the off-premise beer retailer state license fee for a person who operates an
- 29 off-premise beer retailer on July 1, 2018;
- 30 ▶ extends the time for a business entity to transfer a retail license following a change
- 31 in ownership;
- 32 ▶ creates an arena license, including licensing requirements, qualifications, operation
- 33 requirements, and enforcement;
- 34 ▶ addresses the grades in which an LEA may offer the Underage Drinking Prevention
- 35 Program to students; and
- 36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **32B-1-102**, as last amended by Laws of Utah 2017, Chapter 455

44 **32B-1-202**, as last amended by Laws of Utah 2017, Chapters 455, 471 and last

45 amended by Coordination Clause, Laws of Utah 2017, Chapter 471

46 **32B-1-407**, as last amended by Laws of Utah 2017, Chapter 455

47 **32B-1-606**, as last amended by Laws of Utah 2017, Chapter 455

48 **32B-2-202**, as last amended by Laws of Utah 2017, Chapter 455

49 **32B-2-210**, as last amended by Laws of Utah 2017, Chapter 455

50 **32B-3-102**, as last amended by Laws of Utah 2017, Chapter 455

51 **32B-4-501**, as last amended by Laws of Utah 2017, Chapter 455

52 **32B-5-202**, as last amended by Laws of Utah 2017, Chapter 455

53 **32B-5-405**, as enacted by Laws of Utah 2017, Chapter 455

54 **32B-6-202**, as last amended by Laws of Utah 2017, Chapter 455

55 **32B-6-205**, as last amended by Laws of Utah 2017, Chapter 455

56 **32B-6-205.2**, as enacted by Laws of Utah 2017, Chapter 455

57 **32B-6-302**, as last amended by Laws of Utah 2017, Chapter 455

58 **32B-6-305**, as last amended by Laws of Utah 2017, Chapter 455

- 59 **32B-6-305.2**, as enacted by Laws of Utah 2017, Chapter 455
- 60 **32B-6-403**, as last amended by Laws of Utah 2017, Chapter 455
- 61 **32B-6-404**, as last amended by Laws of Utah 2017, Chapter 455
- 62 **32B-6-404.1**, as enacted by Laws of Utah 2017, Chapter 455
- 63 **32B-6-406**, as last amended by Laws of Utah 2017, Chapter 455
- 64 **32B-6-409**, as enacted by Laws of Utah 2011, Chapter 334
- 65 **32B-6-503**, as last amended by Laws of Utah 2011, Chapter 334
- 66 **32B-6-902**, as last amended by Laws of Utah 2017, Chapter 455
- 67 **32B-6-905**, as last amended by Laws of Utah 2017, Chapter 455
- 68 **32B-6-905.1**, as enacted by Laws of Utah 2017, Chapter 455
- 69 **32B-7-401**, as enacted by Laws of Utah 2017, Chapter 455
- 70 **32B-8a-202**, as last amended by Laws of Utah 2016, Chapter 82
- 71 **32B-8a-203**, as last amended by Laws of Utah 2016, Chapter 82
- 72 **53F-9-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 73 **53G-10-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 74 **62A-15-401**, as last amended by Laws of Utah 2017, Chapter 455
- 75 **63I-2-232**, as last amended by Laws of Utah 2017, Chapter 455

76 ENACTS:

- 77 **32B-8c-101**, Utah Code Annotated 1953
- 78 **32B-8c-102**, Utah Code Annotated 1953
- 79 **32B-8c-201**, Utah Code Annotated 1953
- 80 **32B-8c-202**, Utah Code Annotated 1953
- 81 **32B-8c-203**, Utah Code Annotated 1953
- 82 **32B-8c-204**, Utah Code Annotated 1953
- 83 **32B-8c-301**, Utah Code Annotated 1953
- 84 **32B-8c-401**, Utah Code Annotated 1953

85

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

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

88 **32B-1-102. Definitions.**

89 As used in this title:

90 (1) "Airport lounge" means a business location:
91 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
92 (b) that is located at an international airport with a United States Customs office on the
93 premises of the international airport.

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

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

97 (a) beer; or

98 (b) liquor.

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

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

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

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

105 (c) "Alcoholic product" does not include any of the following common items that
106 otherwise come within the definition of an alcoholic product:

107 (i) except as provided in Subsection (4)(d), an extract;

108 (ii) vinegar;

109 (iii) cider;

110 (iv) essence;

111 (v) tincture;

112 (vi) food preparation; or

113 (vii) an over-the-counter medicine.

114 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
115 when it is used as a flavoring in the manufacturing of an alcoholic product.

116 (5) "Alcohol training and education seminar" means a seminar that is:

117 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and

118 (b) described in Section [62A-15-401](#).

119 (6) "Arena license" means a license issued in accordance with Chapter 5, Retail
120 License Act, and Chapter 8c, Arena License Act.

121 ~~[(6)]~~ (7) "Banquet" means an event:

122 (a) that is held at one or more designated locations approved by the commission in or
123 on the premises of a:

124 (i) hotel;

125 (ii) resort facility;

126 (iii) sports center; or

127 (iv) convention center;

128 (b) for which there is a contract:

129 (i) between a person operating a facility listed in Subsection ~~[(6)]~~ (7)(a) and another
130 person; and

131 (ii) under which the person operating a facility listed in Subsection ~~[(6)]~~ (7)(a) is
132 required to provide an alcoholic product at the event; and

133 (c) at which food and alcoholic products may be sold, offered for sale, or furnished.

134 ~~[(7)]~~ (8) "Bar structure" means a surface or structure on a licensed premises if on or at
135 any place of the surface or structure an alcoholic product is:

136 (a) stored; or

137 (b) dispensed.

138 ~~[(8)]~~ (9) (a) " Bar establishment license" means a license issued in accordance with
139 Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

140 (b) " Bar establishment license" includes:

141 (i) a dining club license;

142 (ii) an equity license;

143 (iii) a fraternal license; or

144 (iv) a bar license.

145 ~~[(9)]~~ (10) " Bar license" means a license issued in accordance with Chapter 5, Retail
146 License Act, and Chapter 6, Part 4, Bar Establishment License.

147 ~~[(10)]~~ (11) (a) Subject to Subsection ~~[(10)]~~ (11)(d), "beer" means a product that:

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

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

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

- 152 (c) "Beer" includes a product that:
- 153 (i) contains alcohol in the percentages described in Subsection [~~(10)~~] (11)(a); and
- 154 (ii) is referred to as:
 - 155 (A) beer;
 - 156 (B) ale;
 - 157 (C) porter;
 - 158 (D) stout;
 - 159 (E) lager; or
 - 160 (F) a malt or malted beverage.
- 161 (d) "Beer" does not include a flavored malt beverage.
- 162 [~~(11)~~] (12) "Beer-only restaurant license" means a license issued in accordance with
- 163 Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 164 [~~(12)~~] (13) "Beer retailer" means a business that:
- 165 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
- 166 for consumption on or off the business premises; and
- 167 (b) is licensed as:
 - 168 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
 - 169 Retailer Local Authority; or
 - 170 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
 - 171 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 172 [~~(13)~~] (14) "Beer wholesaling license" means a license:
- 173 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 174 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
- 175 retail licensees or off-premise beer retailers.
- 176 [~~(14)~~] (15) "Billboard" means a public display used to advertise, including:
- 177 (a) a light device;
- 178 (b) a painting;
- 179 (c) a drawing;
- 180 (d) a poster;
- 181 (e) a sign;
- 182 (f) a signboard; or

- 183 (g) a scoreboard.
- 184 ~~[(15)]~~ (16) "Brewer" means a person engaged in manufacturing:
- 185 (a) beer;
- 186 (b) heavy beer; or
- 187 (c) a flavored malt beverage.
- 188 ~~[(16)]~~ (17) "Brewery manufacturing license" means a license issued in accordance with
- 189 Chapter 11, Part 5, Brewery Manufacturing License.
- 190 ~~[(17)]~~ (18) "Certificate of approval" means a certificate of approval obtained from the
- 191 department under Section [32B-11-201](#).
- 192 ~~[(18)]~~ (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle
- 193 provided by a bus company to a group of persons pursuant to a common purpose:
- 194 (a) under a single contract;
- 195 (b) at a fixed charge in accordance with the bus company's tariff; and
- 196 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 197 motor vehicle, and a driver to travel together to one or more specified destinations.
- 198 ~~[(19)]~~ (20) "Church" means a building:
- 199 (a) set apart for worship;
- 200 (b) in which religious services are held;
- 201 (c) with which clergy is associated; and
- 202 (d) that is tax exempt under the laws of this state.
- 203 ~~[(20)]~~ (21) "Commission" means the Alcoholic Beverage Control Commission created
- 204 in Section [32B-2-201](#).
- 205 ~~[(21)]~~ (22) "Commissioner" means a member of the commission.
- 206 ~~[(22)]~~ (23) "Community location" means:
- 207 (a) a public or private school;
- 208 (b) a church;
- 209 (c) a public library;
- 210 (d) a public playground; or
- 211 (e) a public park.
- 212 ~~[(23)]~~ (24) "Community location governing authority" means:
- 213 (a) the governing body of the community location; or

214 (b) if the commission does not know who is the governing body of a community
215 location, a person who appears to the commission to have been given on behalf of the
216 community location the authority to prohibit an activity at the community location.

217 ~~[(24)]~~ (25) "Container" means a receptacle that contains an alcoholic product,
218 including:

- 219 (a) a bottle;
- 220 (b) a vessel; or
- 221 (c) a similar item.

222 ~~[(25)]~~ (26) "Convention center" means a facility that is:

- 223 (a) in total at least 30,000 square feet; and
- 224 (b) otherwise defined as a "convention center" by the commission by rule.

225 ~~[(26)]~~ (27) (a) "Counter" means a surface or structure in a dining area of a licensed
226 premises where seating is provided to a patron for service of food.

227 (b) "Counter" does not include a dispensing structure.

228 ~~[(27)]~~ (28) "Department" means the Department of Alcoholic Beverage Control created
229 in Section [32B-2-203](#).

230 ~~[(28)]~~ (29) "Department compliance officer" means an individual who is:

- 231 (a) an auditor or inspector; and
- 232 (b) employed by the department.

233 ~~[(29)]~~ (30) "Department sample" means liquor that is placed in the possession of the
234 department for testing, analysis, and sampling.

235 ~~[(30)]~~ (31) "Dining club license" means a license issued in accordance with Chapter 5,
236 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
237 commission as a dining club license.

238 ~~[(31)]~~ (32) "Director," unless the context requires otherwise, means the director of the
239 department.

240 ~~[(32)]~~ (33) "Disciplinary proceeding" means an adjudicative proceeding permitted
241 under this title:

- 242 (a) against a person subject to administrative action; and
- 243 (b) that is brought on the basis of a violation of this title.

244 ~~[(33)]~~ (34) (a) Subject to Subsection ~~[(33)]~~ (34)(b), "dispense" means:

- 245 (i) drawing of an alcoholic product:
246 (A) from an area where it is stored; or
247 (B) as provided in Subsection [32B-6-205\(12\)\(b\)\(ii\)](#), [32B-6-305\(12\)\(b\)\(ii\)](#),
248 [32B-6-805\(15\)\(b\)\(ii\)](#), or [32B-6-905\(12\)\(b\)\(ii\)](#); and
249 (ii) using the alcoholic product described in Subsection ~~[(33)]~~ [\(34\)\(a\)\(i\)](#) on the
250 premises of the licensed premises to mix or prepare an alcoholic product to be furnished to a
251 patron of the retail licensee.
- 252 (b) The definition of "dispense" in this Subsection ~~[(33)]~~ [\(34\)](#) applies only to:
253 (i) a full-service restaurant license;
254 (ii) a limited-service restaurant license;
255 (iii) a reception center license; and
256 (iv) a beer-only restaurant license.
- 257 ~~[(34)]~~ [\(35\)](#) "Dispensing structure" means a surface or structure on a licensed premises:
258 (a) where an alcoholic product is stored or dispensed; or
259 (b) from which an alcoholic product is served.
- 260 ~~[(35)]~~ [\(36\)](#) "Distillery manufacturing license" means a license issued in accordance
261 with Chapter 11, Part 4, Distillery Manufacturing License.
- 262 ~~[(36)]~~ [\(37\)](#) "Distressed merchandise" means an alcoholic product in the possession of
263 the department that is saleable, but for some reason is unappealing to the public.
- 264 ~~[(37)]~~ [\(38\)](#) "Educational facility" includes:
265 (a) a nursery school;
266 (b) an infant day care center; and
267 (c) a trade and technical school.
- 268 ~~[(38)]~~ [\(39\)](#) "Equity license" means a license issued in accordance with Chapter 5,
269 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
270 commission as an equity license.
- 271 ~~[(39)]~~ [\(40\)](#) "Event permit" means:
272 (a) a single event permit; or
273 (b) a temporary beer event permit.
- 274 ~~[(40)]~~ [\(41\)](#) "Exempt license" means a license exempt under Section [32B-1-201](#) from
275 being considered in determining the total number of retail licenses that the commission may

276 issue at any time.

277 [~~(41)~~] (42) (a) "Flavored malt beverage" means a beverage:

278 (i) that contains at least .5% alcohol by volume;

279 (ii) that is treated by processing, filtration, or another method of manufacture that is not
280 generally recognized as a traditional process in the production of a beer as described in 27
281 C.F.R. Sec. 25.55;

282 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop
283 extract; and

284 (iv) (A) for which the producer is required to file a formula for approval with the
285 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or

286 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

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

288 [~~(42)~~] (43) "Fraternal license" means a license issued in accordance with Chapter 5,
289 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
290 commission as a fraternal license.

291 [~~(43)~~] (44) "Full-service restaurant license" means a license issued in accordance with
292 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

293 [~~(44)~~] (45) (a) "Furnish" means by any means to provide with, supply, or give an
294 individual an alcoholic product, by sale or otherwise.

295 (b) "Furnish" includes to:

296 (i) serve;

297 (ii) deliver; or

298 (iii) otherwise make available.

299 [~~(45)~~] (46) "Guest" means an individual who meets the requirements of Subsection
300 32B-6-407(9).

301 [~~(46)~~] (47) "Health care practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

322 [~~(47)~~] (48) (a) "Heavy beer" means a product that:

323 (i) contains more than 4% alcohol by volume; and

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

325 (b) "Heavy beer" is considered liquor for the purposes of this title.

326 [~~(48)~~] (49) "Hotel" is as defined by the commission by rule.

327 [~~(49)~~] (50) "Hotel license" means a license issued in accordance with Chapter 5, Retail
328 License Act, and Chapter 8b, Hotel License Act.

329 [~~(50)~~] (51) "Identification card" means an identification card issued under Title 53,
330 Chapter 3, Part 8, Identification Card Act.

331 [~~(51)~~] (52) "Industry representative" means an individual who is compensated by
332 salary, commission, or other means for representing and selling an alcoholic product of a
333 manufacturer, supplier, or importer of liquor.

334 [~~(52)~~] (53) "Industry representative sample" means liquor that is placed in the
335 possession of the department for testing, analysis, and sampling by a local industry
336 representative on the premises of the department to educate the local industry representative of
337 the quality and characteristics of the product.

338 ~~[(53)]~~ (54) "Interdicted person" means a person to whom the sale, offer for sale, or
339 furnishing of an alcoholic product is prohibited by:

- 340 (a) law; or
- 341 (b) court order.

342 ~~[(54)]~~ (55) "Intoxicated" means that a person:

343 (a) is significantly impaired as to the person's mental or physical functions as a result of
344 the use of:

- 345 (i) an alcoholic product;
- 346 (ii) a controlled substance;
- 347 (iii) a substance having the property of releasing toxic vapors; or
- 348 (iv) a combination of Subsections ~~[(54)]~~ (55)(a)(i) through (iii); and

349 (b) exhibits plain and easily observed outward manifestations of behavior or physical
350 signs produced by the overconsumption of an alcoholic product.

351 ~~[(55)]~~ (56) "Investigator" means an individual who is:

- 352 (a) a department compliance officer; or
- 353 (b) a nondepartment enforcement officer.

354 ~~[(56)]~~ (57) "Invitee" means the same as that term is defined in Section [32B-8-102](#).

355 ~~[(57)]~~ (58) "License" means:

- 356 (a) a retail license;
- 357 (b) a license issued in accordance with Chapter 11, Manufacturing and Related
358 Licenses Act;
- 359 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

360 or

361 (d) a license issued in accordance with Chapter 13, Beer Wholesaling License Act.

362 ~~[(58)]~~ (59) "Licensee" means a person who holds a license.

363 ~~[(59)]~~ (60) "Limited-service restaurant license" means a license issued in accordance
364 with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

365 ~~[(60)]~~ (61) "Limousine" means a motor vehicle licensed by the state or a local
366 authority, other than a bus or taxicab:

- 367 (a) in which the driver and a passenger are separated by a partition, glass, or other
368 barrier;

369 (b) that is provided by a business entity to one or more individuals at a fixed charge in
370 accordance with the business entity's tariff; and

371 (c) to give the one or more individuals the exclusive use of the limousine and a driver
372 to travel to one or more specified destinations.

373 [~~(61)~~] (62) (a) (i) "Liquor" means a liquid that:

374 (A) is:

375 (I) alcohol;

376 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

377 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

378 (IV) other drink or drinkable liquid; and

379 (B) (I) contains at least .5% alcohol by volume; and

380 (II) is suitable to use for beverage purposes.

381 (ii) "Liquor" includes:

382 (A) heavy beer;

383 (B) wine; and

384 (C) a flavored malt beverage.

385 (b) "Liquor" does not include beer.

386 [~~(62)~~] (63) "Liquor Control Fund" means the enterprise fund created by Section
387 [32B-2-301](#).

388 [~~(63)~~] (64) "Liquor warehousing license" means a license that is issued:

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

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

392 [~~(64)~~] (65) "Local authority" means:

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

395 (b) for premises that are located in an incorporated city, town, or metro township, the
396 governing body of the city, town, or metro township.

397 [~~(65)~~] (66) "Lounge or bar area" is as defined by rule made by the commission.

398 [~~(66)~~] (67) "Manufacture" means to distill, brew, rectify, mix, compound, process,
399 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to

400 others.

401 ~~[(67)]~~ (68) "Member" means an individual who, after paying regular dues, has full
402 privileges in an equity licensee or fraternal licensee.

403 ~~[(68)]~~ (69) (a) "Military installation" means a base, air field, camp, post, station, yard,
404 center, or homeport facility for a ship:

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

406 (B) of the National Guard;

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

408 (iii) including a leased facility.

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

410 (i) civil works;

411 (ii) a rivers and harbors project; or

412 (iii) a flood control project.

413 ~~[(69)]~~ (70) "Minor" means an individual under the age of 21 years.

414 ~~[(70)]~~ (71) "Nondepartment enforcement agency" means an agency that:

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

416 (ii) is an agency of a county, city, town, or metro township; and

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

418 ~~[(71)]~~ (72) "Nondepartment enforcement officer" means an individual who is:

419 (a) a peace officer, examiner, or investigator; and

420 (b) employed by a nondepartment enforcement agency.

421 ~~[(72)]~~ (73) (a) "Off-premise beer retailer" means a beer retailer who is:

422 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and

423 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
424 premises.

425 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

426 ~~[(73)]~~ (74) "Off-premise beer retailer state license" means a state license issued in
427 accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.

428 ~~[(74)]~~ (75) "On-premise banquet license" means a license issued in accordance with
429 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

430 ~~[(75)]~~ (76) "On-premise beer retailer" means a beer retailer who is:

431 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
432 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
433 Retailer License; and

434 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
435 premises:

436 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
437 premises; and

438 (ii) on and after March 1, 2012, operating:

439 (A) as a tavern; or

440 (B) in a manner that meets the requirements of Subsection [32B-6-703\(2\)\(e\)\(i\)](#).

441 ~~[(76)]~~ (77) "Opaque" means impenetrable to sight.

442 ~~[(77)]~~ (78) "Package agency" means a retail liquor location operated:

443 (a) under an agreement with the department; and

444 (b) by a person:

445 (i) other than the state; and

446 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
447 Agency, to sell packaged liquor for consumption off the premises of the package agency.

448 ~~[(78)]~~ (79) "Package agent" means a person who holds a package agency.

449 ~~[(79)]~~ (80) "Patron" means an individual to whom food, beverages, or services are sold,
450 offered for sale, or furnished, or who consumes an alcoholic product including:

451 (a) a customer;

452 (b) a member;

453 (c) a guest;

454 (d) an attendee of a banquet or event;

455 (e) an individual who receives room service;

456 (f) a resident of a resort;

457 (g) a public customer under a resort spa sublicense, as defined in Section [32B-8-102](#);

458 or

459 (h) an invitee.

460 ~~[(80)]~~ (81) "Permittee" means a person issued a permit under:

461 (a) Chapter 9, Event Permit Act; or

- 462 (b) Chapter 10, Special Use Permit Act.
- 463 [~~(81)~~] (82) "Person subject to administrative action" means:
- 464 (a) a licensee;
- 465 (b) a permittee;
- 466 (c) a manufacturer;
- 467 (d) a supplier;
- 468 (e) an importer;
- 469 (f) one of the following holding a certificate of approval:
- 470 (i) an out-of-state brewer;
- 471 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 472 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 473 (g) staff of:
- 474 (i) a person listed in Subsections [~~(81)~~] (82)(a) through (f); or
- 475 (ii) a package agent.
- 476 [~~(82)~~] (83) "Premises" means a building, enclosure, or room used in connection with
- 477 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
- 478 product, unless otherwise defined in this title or rules made by the commission.
- 479 [~~(83)~~] (84) "Prescription" means an order issued by a health care practitioner when:
- 480 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 481 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 482 (b) the order is made in the course of that health care practitioner's professional
- 483 practice; and
- 484 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 485 [~~(84)~~] (85) (a) "Private event" means a specific social, business, or recreational event:
- 486 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
- 487 group; and
- 488 (ii) that is limited in attendance to people who are specifically designated and their
- 489 guests.
- 490 (b) "Private event" does not include an event to which the general public is invited,
- 491 whether for an admission fee or not.
- 492 [~~(85)~~] (86) (a) "Proof of age" means:

- 493 (i) an identification card;
- 494 (ii) an identification that:
- 495 (A) is substantially similar to an identification card;
- 496 (B) is issued in accordance with the laws of a state other than Utah in which the
- 497 identification is issued;
- 498 (C) includes date of birth; and
- 499 (D) has a picture affixed;
- 500 (iii) a valid driver license certificate that:
- 501 (A) includes date of birth;
- 502 (B) has a picture affixed; and
- 503 (C) is issued:
- 504 (I) under Title 53, Chapter 3, Uniform Driver License Act; or
- 505 (II) in accordance with the laws of the state in which it is issued;
- 506 (iv) a military identification card that:
- 507 (A) includes date of birth; and
- 508 (B) has a picture affixed; or
- 509 (v) a valid passport.
- 510 (b) "Proof of age" does not include a driving privilege card issued in accordance with

511 Section [53-3-207](#).

512 ~~[(86)]~~ (87) (a) "Public building" means a building or permanent structure that is:

- 513 (i) owned or leased by:
- 514 (A) the state; or
- 515 (B) a local government entity; and
- 516 (ii) used for:
- 517 (A) public education;
- 518 (B) transacting public business; or
- 519 (C) regularly conducting government activities.

520 (b) "Public building" does not include a building owned by the state or a local

521 government entity when the building is used by a person, in whole or in part, for a proprietary

522 function.

523 ~~[(87)]~~ (88) "Public conveyance" means a conveyance that the public or a portion of the

524 public has access to and a right to use for transportation, including an airline, railroad, bus,
525 boat, or other public conveyance.

526 ~~[(88)]~~ (89) "Reception center" means a business that:

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

528 (b) has as its primary purpose the leasing of the facilities described in Subsection ~~[(88)]~~
529 (89)(a) to a third party for the third party's event.

530 ~~[(89)]~~ (90) "Reception center license" means a license issued in accordance with
531 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

532 ~~[(90)]~~ (91) (a) "Record" means information that is:

533 (i) inscribed on a tangible medium; or

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

535 (b) "Record" includes:

536 (i) a book;

537 (ii) a book of account;

538 (iii) a paper;

539 (iv) a contract;

540 (v) an agreement;

541 (vi) a document; or

542 (vii) a recording in any medium.

543 ~~[(91)]~~ (92) "Residence" means a person's principal place of abode within Utah.

544 ~~[(92)]~~ (93) "Resident," in relation to a resort, means the same as that term is defined in
545 Section [32B-8-102](#).

546 ~~[(93)]~~ (94) "Resort" means the same as that term is defined in Section [32B-8-102](#).

547 ~~[(94)]~~ (95) "Resort facility" is as defined by the commission by rule.

548 ~~[(95)]~~ (96) "Resort license" means a license issued in accordance with Chapter 5,
549 Retail License Act, and Chapter 8, Resort License Act.

550 ~~[(96)]~~ (97) "Responsible alcohol service plan" means a written set of policies and
551 procedures that outlines measures to prevent employees from:

552 (a) over-serving alcoholic beverages to customers;

553 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
554 intoxicated; and

555 (c) serving alcoholic beverages to minors.

556 [~~(97)~~] (98) "Restaurant" means a business location:

557 (a) at which a variety of foods are prepared;

558 (b) at which complete meals are served [~~to the general public~~]; and

559 (c) that is engaged primarily in serving meals [~~to the general public~~].

560 [~~(98)~~] (99) "Retail license" means one of the following licenses issued under this title:

561 (a) a full-service restaurant license;

562 (b) a master full-service restaurant license;

563 (c) a limited-service restaurant license;

564 (d) a master limited-service restaurant license;

565 (e) a bar establishment license;

566 (f) an airport lounge license;

567 (g) an on-premise banquet license;

568 (h) an on-premise beer license;

569 (i) a reception center license;

570 (j) a beer-only restaurant license;

571 (k) a resort license; or

572 (l) a hotel license.

573 [~~(99)~~] (100) "Room service" means furnishing an alcoholic product to a person in a
574 guest room of a:

575 (a) hotel; or

576 (b) resort facility.

577 [~~(100)~~] (101) (a) "School" means a building used primarily for the general education of
578 minors.

579 (b) "School" does not include an educational facility.

580 [~~(101)~~] (102) "Sell" or "offer for sale" means a transaction, exchange, or barter
581 whereby, for consideration, an alcoholic product is either directly or indirectly transferred,
582 solicited, ordered, delivered for value, or by a means or under a pretext is promised or
583 obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise
584 defined in this title or the rules made by the commission.

585 [~~(102)~~] (103) "Serve" means to place an alcoholic product before an individual.

586 [~~(103)~~] (104) "Sexually oriented entertainer" means a person who while in a state of
587 seminudity appears at or performs:

- 588 (a) for the entertainment of one or more patrons;
- 589 (b) on the premises of:
 - 590 (i) a bar licensee; or
 - 591 (ii) a tavern;
 - 592 (c) on behalf of or at the request of the licensee described in Subsection [~~(103)~~]
593 (104)(b);
 - 594 (d) on a contractual or voluntary basis; and
 - 595 (e) whether or not the person is designated as:
 - 596 (i) an employee;
 - 597 (ii) an independent contractor;
 - 598 (iii) an agent of the licensee; or
 - 599 (iv) a different type of classification.

600 [~~(104)~~] (105) "Single event permit" means a permit issued in accordance with Chapter
601 9, Part 3, Single Event Permit.

602 [~~(105)~~] (106) "Small brewer" means a brewer who manufactures less than 60,000
603 barrels of beer, heavy beer, and flavored malt beverages per year.

604 [~~(106)~~] (107) "Special use permit" means a permit issued in accordance with Chapter
605 10, Special Use Permit Act.

606 [~~(107)~~] (108) (a) "Spirituous liquor" means liquor that is distilled.

607 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
608 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

609 [~~(108)~~] (109) "Sports center" is as defined by the commission by rule.

610 [~~(109)~~] (110) (a) "Staff" means an individual who engages in activity governed by this
611 title:

- 612 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
613 holder;
- 614 (ii) at the request of the business, including a package agent, licensee, permittee, or
615 certificate holder; or
- 616 (iii) under the authority of the business, including a package agent, licensee, permittee,

617 or certificate holder.

618 (b) "Staff" includes:

619 (i) an officer;

620 (ii) a director;

621 (iii) an employee;

622 (iv) personnel management;

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

624 (vi) an operator; or

625 (vii) a representative.

626 [~~(H0)~~] (111) "State of nudity" means:

627 (a) the appearance of:

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

629 (ii) a human genital;

630 (iii) a human pubic area; or

631 (iv) a human anus; or

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

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

634 (ii) a human genital;

635 (iii) a human pubic area; or

636 (iv) a human anus.

637 [~~(H1)~~] (112) "State of seminudity" means a state of dress in which opaque clothing
638 covers no more than:

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

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

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

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

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

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

646 [~~(H2)~~] (113) (a) "State store" means a facility for the sale of packaged liquor:

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

648 (ii) operated by a state employee.

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

650 (i) a package agency;

651 (ii) a licensee; or

652 (iii) a permittee.

653 [~~(113)~~] (114) (a) "Storage area" means an area on licensed premises where the licensee
654 stores an alcoholic product.

655 (b) "Store" means to place or maintain in a location an alcoholic product from which a
656 person draws to prepare an alcoholic product to be furnished to a patron, except as provided in
657 Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii), 32B-6-805(15)(b)(ii), or
658 32B-6-905(12)(b)(ii).

659 [~~(114)~~] (115) "Sublicense" means the same as that term is defined in Section
660 32B-8-102 or 32B-8b-102.

661 [~~(115)~~] (116) "Supplier" means a person who sells an alcoholic product to the
662 department.

663 [~~(116)~~] (117) "Tavern" means an on-premise beer retailer who is:

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

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

668 [~~(117)~~] (118) "Temporary beer event permit" means a permit issued in accordance with
669 Chapter 9, Part 4, Temporary Beer Event Permit.

670 [~~(118)~~] (119) "Temporary domicile" means the principal place of abode within Utah of
671 a person who does not have a present intention to continue residency within Utah permanently
672 or indefinitely.

673 [~~(119)~~] (120) "Translucent" means a substance that allows light to pass through, but
674 does not allow an object or person to be seen through the substance.

675 [~~(120)~~] (121) "Unsaleable liquor merchandise" means a container that:

676 (a) is unsaleable because the container is:

677 (i) unlabeled;

678 (ii) leaky;

- 679 (iii) damaged;
- 680 (iv) difficult to open; or
- 681 (v) partly filled;
- 682 (b) (i) has faded labels or defective caps or corks;
- 683 (ii) has contents that are:
 - 684 (A) cloudy;
 - 685 (B) spoiled; or
 - 686 (C) chemically determined to be impure; or
- 687 (iii) contains:
 - 688 (A) sediment; or
 - 689 (B) a foreign substance; or
 - 690 (c) is otherwise considered by the department as unfit for sale.
- 691 ~~[(121)]~~ (122) (a) "Wine" means an alcoholic product obtained by the fermentation of
- 692 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or
- 693 not another ingredient is added.
- 694 (b) "Wine" is considered liquor for purposes of this title, except as otherwise provided
- 695 in this title.
- 696 ~~[(122)]~~ (123) "Winery manufacturing license" means a license issued in accordance
- 697 with Chapter 11, Part 3, Winery Manufacturing License.
- 698 Section 2. Section **32B-1-202** is amended to read:
- 699 **32B-1-202. Proximity to community location.**
- 700 (1) As used in this section:
 - 701 (a) (i) "Outlet" means:
 - 702 (A) a state store;
 - 703 (B) a package agency; or
 - 704 (C) a retail licensee.
 - 705 (ii) "Outlet" does not include:
 - 706 (A) an airport lounge licensee; or
 - 707 (B) a restaurant.
 - 708 (b) "Restaurant" means:
 - 709 (i) a full-service restaurant licensee;

710 (ii) a limited-service restaurant licensee; or

711 (iii) a beer-only restaurant licensee.

712 (2) (a) The commission may not issue a license for an outlet if, on the date the
713 commission takes final action to approve or deny the application, there is a community
714 location:

715 (i) within 600 feet of the proposed outlet, as measured from the nearest entrance of the
716 proposed outlet by following the shortest route of ordinary pedestrian travel to the property
717 boundary of the community location; or

718 (ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest
719 entrance of the proposed outlet to the nearest property boundary of the community location.

720 (b) The commission may not issue a license for a restaurant if, on the date the
721 commission takes final action to approve or deny the application, there is a community
722 location:

723 (i) within 300 feet of the proposed restaurant, as measured from the nearest entrance of
724 the proposed restaurant by following the shortest route of ordinary pedestrian travel to the
725 property boundary of the community location; or

726 (ii) within 200 feet of the proposed restaurant, measured in a straight line from the
727 nearest entrance of the proposed restaurant to the nearest property boundary of the community
728 location.

729 (3) (a) For an outlet or a restaurant that holds a license on May 9, 2017, and operates
730 under a previously approved variance to one or more proximity requirements in effect before
731 May 9, 2017, subject to the other provisions of this title, that outlet or restaurant, or another
732 outlet or restaurant with the same type of license as that outlet or restaurant, may operate under
733 the previously approved variance regardless of whether:

734 [~~(a)~~] (i) the outlet or restaurant changes ownership;

735 [~~(b)~~] (ii) the property on which the outlet or restaurant is located changes ownership; or

736 [~~(c)~~] (iii) there is a lapse in the use of the property as an outlet or a restaurant with the
737 same type of license, unless during the lapse, the property is used for a different purpose.

738 (b) An outlet or a restaurant that has continuously operated at a location since before
739 January 1, 2007, is considered to have a previously approved variance.

740 (4) (a) If, after an outlet or a restaurant obtains a license under this title, a person

741 establishes a community location on a property that puts the outlet or restaurant in violation of
742 the proximity requirements in effect at the time the license is issued or a previously approved
743 variance described in Subsection (3), subject to the other provisions of this title, that outlet or
744 restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant,
745 may operate at the premises regardless of whether:

746 (i) the outlet or restaurant changes ownership;
747 (ii) the property on which the outlet or restaurant is located changes ownership; or
748 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the same
749 type of license, unless during the lapse the property is used for a different purpose.

750 (b) The provisions of this Subsection (4) apply regardless of when the outlet's or
751 restaurant's license is issued.

752 (5) Nothing in this section prevents the commission from considering the proximity of
753 an educational, religious, and recreational facility, or any other relevant factor in reaching a
754 decision on a proposed location of an outlet.

755 Section 3. Section **32B-1-407** is amended to read:

756 **32B-1-407. Verification of proof of age by applicable licensees.**

757 (1) As used in this section, "applicable licensee" means:

758 (a) a dining club;
759 (b) a bar;
760 (c) a tavern;
761 (d) a full-service restaurant;
762 (e) a limited-service restaurant; or
763 (f) a beer-only restaurant.

764 (2) Notwithstanding any other provision of this part, an applicable licensee shall
765 require that an authorized person for the applicable licensee verify proof of age as provided in
766 this section.

767 (3) An authorized person is required to verify proof of age under this section before an
768 individual who appears to be 35 years of age or younger:

769 (a) gains admittance to the premises of a bar licensee or tavern;
770 (b) procures an alcoholic product on the premises of a dining club licensee; [or]
771 (c) procures an alcoholic product in a dispensing area in the premises of a full-service

772 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee[-]; or

773 (d) on or after July 1, 2018, procures an alcoholic product within 10 feet of a

774 grandfathered bar structure.

775 (4) To comply with Subsection (3), an authorized person shall:

776 (a) request the individual present proof of age; and

777 (b) (i) verify the validity of the proof of age electronically under the verification

778 program created in Subsection (5); or

779 (ii) if the proof of age cannot be electronically verified as provided in Subsection

780 (4)(b)(i), request that the individual comply with a process established by the commission by

781 rule.

782 (5) The commission shall establish by rule an electronic verification program that

783 includes the following:

784 (a) the specifications for the technology used by the applicable licensee to

785 electronically verify proof of age, including that the technology display to the person described

786 in Subsection (2) no more than the following for the individual who presents the proof of age:

787 (i) the name;

788 (ii) the age;

789 (iii) the number assigned to the individual's proof of age by the issuing authority;

790 (iv) the birth date;

791 (v) the gender; and

792 (vi) the status and expiration date of the individual's proof of age; and

793 (b) the security measures that shall be used by an applicable licensee to ensure that

794 information obtained under this section is:

795 (i) used by the applicable licensee only for purposes of verifying proof of age in

796 accordance with this section; and

797 (ii) retained by the applicable licensee for seven days after the day on which the

798 applicable licensee obtains the information.

799 (6) (a) An applicable licensee may not disclose information obtained under this section

800 except as provided under this title.

801 (b) Information obtained under this section is considered a record for any purpose

802 under Chapter 5, Part 3, Retail Licensee Operational Requirements.

803 Section 4. Section **32B-1-606** is amended to read:

804 **32B-1-606. Special procedure for certain malted beverages.**

805 (1) A manufacturer of a malted beverage may not distribute or sell the malted beverage
806 in the state until the day on which the manufacturer receives approval of the labeling and
807 packaging from the department in accordance with:

808 (a) Sections **32B-1-604** and **32B-1-605**; and

809 (b) this section, if the malted beverage is labeled or packaged in a manner that is:

810 (i) similar to a label or packaging used for a nonalcoholic beverage; or

811 (ii) likely to confuse or mislead a patron to believe the malted beverage is a
812 nonalcoholic beverage.

813 (2) The department may not approve the labeling and packaging of a malted beverage
814 described in Subsection (1) unless in addition to the requirements of Section **32B-1-604** the
815 labeling and packaging complies with the following:

816 (a) the front of the label on the malted beverage bears a prominently displayed label or
817 a firmly affixed sticker that provides the following information in a font that measures at least
818 three millimeters high:

819 (i) the statement:

820 (A) "alcoholic beverage"; or

821 (B) "contains alcohol"; and

822 (ii) the alcohol content of the flavored malt beverage;

823 (b) the front of the packaging of the malted beverage prominently includes, either
824 imprinted on the packaging or imprinted on a sticker firmly affixed to the packaging in a font
825 that measures at least three millimeters high, the statement:

826 (i) "alcoholic beverage"; or

827 (ii) "contains alcohol";

828 (c) a statement required by Subsection (2)(a) or (b) appears in a format required by rule
829 made by the commission; and

830 (d) a statement of alcohol content required by Subsection (2)(a)(ii):

831 (i) states the alcohol content as a percentage of alcohol by volume or by weight; and

832 (ii) is in a format required by rule made by the commission.

833 (3) The department may reject a label or packaging that appears designed to obscure

834 the information required by Subsection (2).

835 (4) To determine whether a malted beverage is described in Subsection (1) and subject
836 to this section, the department may consider in addition to other factors one or more of the
837 following factors:

838 (a) whether the coloring, carbonation, and packaging of the malted beverage:

839 (i) is similar to those of a nonalcoholic beverage or product; or

840 (ii) can be confused with a nonalcoholic beverage;

841 (b) whether the malted beverage possesses a character and flavor distinctive from a
842 traditional malted beverage;

843 (c) whether the malted beverage:

844 (i) is prepackaged;

845 (ii) contains high levels of caffeine and other additives; and

846 (iii) is marketed as a beverage that is specifically designed to provide energy;

847 (d) whether the malted beverage contains added sweetener or sugar substitutes; or

848 (e) whether the malted beverage contains an added fruit flavor or other flavor that
849 masks the taste of a traditional malted beverage.

850 Section 5. Section **32B-2-202** is amended to read:

851 **32B-2-202. Powers and duties of the commission.**

852 (1) The commission shall:

853 (a) consistent with the policy established by the Legislature by statute, act as a general
854 policymaking body on the subject of alcoholic product control;

855 (b) adopt and issue policies, rules, and procedures;

856 (c) set policy by written rules that establish criteria and procedures for:

857 (i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
858 permit, or certificate of approval; and

859 (ii) determining the location of a state store, package agency, or retail licensee;

860 (d) decide within the limits, and under the conditions imposed by this title, the number
861 and location of state stores, package agencies, and retail licensees in the state;

862 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
863 permits, or certificates of approval for the purchase, storage, sale, offer for sale, furnishing,
864 consumption, manufacture, and distribution of an alcoholic product:

- 865 (i) a package agency;
- 866 (ii) a full-service restaurant license;
- 867 (iii) a master full-service restaurant license;
- 868 (iv) a limited-service restaurant license;
- 869 (v) a master limited-service restaurant license;
- 870 (vi) a bar establishment license;
- 871 (vii) an airport lounge license;
- 872 (viii) an on-premise banquet license;
- 873 (ix) a resort license, under which at least four or more sublicenses may be included;
- 874 (x) an on-premise beer retailer license;
- 875 (xi) a reception center license;
- 876 (xii) a beer-only restaurant license;
- 877 (xiii) a hotel license, under which at least three or more sublicenses may be included;
- 878 (xiv) an arena license;
- 879 [~~(xiv)~~] (xv) subject to Subsection (4), a single event permit;
- 880 [~~(xv)~~] (xvi) subject to Subsection (4), a temporary beer event permit;
- 881 [~~(xvi)~~] (xvii) a special use permit;
- 882 [~~(xvii)~~] (xviii) a manufacturing license;
- 883 [~~(xviii)~~] (xix) a liquor warehousing license;
- 884 [~~(xix)~~] (xx) a beer wholesaling license; and
- 885 [~~(xx)~~] (xxi) one of the following that holds a certificate of approval:
- 886 (A) an out-of-state brewer;
- 887 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
- 888 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages;
- 889 (f) in accordance with Section [32B-5-205](#), issue, deny, suspend, or revoke conditional
- 890 licenses for the purchase, storage, sale, furnishing, consumption, manufacture, and distribution
- 891 of an alcoholic product;
- 892 (g) prescribe the duties of the department in assisting the commission in issuing a
- 893 package agency, license, permit, or certificate of approval under this title;
- 894 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
- 895 in accordance with Section [63J-1-504](#);

- 896 (i) fix prices at which liquor is sold that are the same at all state stores, package
897 agencies, and retail licensees;
- 898 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
899 class, variety, or brand of liquor kept for sale by the department;
- 900 (k) (i) require the director to follow sound management principles; and
901 (ii) require periodic reporting from the director to ensure that:
902 (A) sound management principles are being followed; and
903 (B) policies established by the commission are being observed;
- 904 (l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
905 and matters submitted by the director to the commission; and
906 (ii) do the things necessary to support the department in properly performing the
907 department's duties;
- 908 (m) obtain temporarily and for special purposes the services of an expert or person
909 engaged in the practice of a profession, or a person who possesses a needed skill if:
910 (i) considered expedient; and
911 (ii) approved by the governor;
- 912 (n) prescribe the conduct, management, and equipment of premises upon which an
913 alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
- 914 (o) make rules governing the credit terms of beer sales within the state to retail
915 licensees; and
- 916 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
917 disciplinary action against a person subject to administrative action.
- 918 (2) Consistent with the policy established by the Legislature by statute, the power of
919 the commission to do the following is plenary, except as otherwise provided by this title, and
920 not subject to review:
- 921 (a) establish a state store;
922 (b) issue authority to act as a package agent or operate a package agency; and
923 (c) issue or deny a license, permit, or certificate of approval.
- 924 (3) If the commission is authorized or required to make a rule under this title, the
925 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
926 Rulemaking Act.

927 (4) Notwithstanding Subsections (1)(e)(xiv) and (xv), the director or deputy director
928 may issue an event permit in accordance with Chapter 9, Event Permit Act.

929 Section 6. Section **32B-2-210** is amended to read:

930 **32B-2-210. Alcoholic Beverage Control Advisory Board.**

931 (1) There is created within the department an advisory board known as the "Alcoholic
932 Beverage Control Advisory Board."

933 (2) The advisory board shall consist of eight voting members and one nonvoting
934 member as follows:

935 (a) four voting members appointed by the commission:

936 (i) one of whom represents the retail alcohol industry;

937 (ii) one of whom represents the wholesale alcohol industry;

938 (iii) one of whom represents the alcohol manufacturing industry; and

939 (iv) one of whom represents the restaurant industry;

940 (b) two voting members appointed by the commission, each of whom represents an
941 organization that addresses alcohol or drug abuse prevention, alcohol or drug related
942 enforcement, or alcohol or drug related education;

943 (c) the director of the Division of Substance Abuse and Mental Health or the director's
944 designee who serves as a voting member;

945 (d) the chair of the Utah Substance Use and Mental Health Advisory Council, or the
946 chair's designee, who serves as a voting member; and

947 (e) the chair of the commission or the chair's designee from the members of the
948 commission, who serves as a nonvoting member.

949 (3) (a) Except as required by Subsection (3)(b), as terms of current voting members of
950 the advisory board expire, the commission shall appoint each new member or reappointed
951 member to a four-year term beginning July 1 and ending June 30.

952 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
953 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
954 voting advisory board members are staggered so that approximately half of the advisory board
955 is appointed every two years.

956 (c) No two members of the board may be employed by the same company or nonprofit
957 organization.

958 (4) (a) When a vacancy occurs in the membership for any reason, the commission shall
959 appoint a replacement for the unexpired term.

960 (b) The commission shall terminate the term of a voting advisory board member who
961 ceases to be representative as designated by the member's original appointment.

962 (5) The advisory board shall meet [~~no more than quarterly~~] as called by the chair for
963 the purpose of advising the commission and the department, with discussion limited to
964 administrative rules made under this title.

965 (6) The chair of the commission or the chair's designee shall serve as the chair of the
966 advisory board and call the necessary meetings.

967 (7) (a) Five members of the board constitute a quorum of the board.

968 (b) An action of the majority when a quorum is present is the action of the board.

969 (8) The department shall provide staff support to the advisory board.

970 (9) A member may not receive compensation or benefits for the member's service, but
971 may receive per diem and travel expenses in accordance with:

972 (a) Section 63A-3-106;

973 (b) Section 63A-3-107; and

974 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
975 63A-3-107.

976 Section 7. Section 32B-3-102 is amended to read:

977 **32B-3-102. Definitions.**

978 As used in this chapter:

979 (1) "Aggravating circumstances" means:

980 (a) prior warnings about compliance problems;

981 (b) a prior violation history;

982 (c) a lack of written policies governing employee conduct;

983 (d) multiple violations during the course of an investigation;

984 (e) efforts to conceal a violation;

985 (f) an intentional violation;

986 (g) the violation involved more than one patron or employee; or

987 (h) a violation that results in injury or death.

988 (2) "Final adjudication" means an adjudication for which a final judgment or order is

989 issued that:

990 (a) is not appealed, and the time to appeal the judgment has expired; or

991 (b) is appealed, and is affirmed, in whole or in part, on appeal.

992 (3) "Mitigating circumstances" means:

993 (a) no prior violation history for the licensee or permittee;

994 (b) no prior violation history for the individual who committed the violation;

995 (c) motive for the individual who engaged in or allowed the violation to retaliate
996 against the licensee or permittee; or

997 (d) extraordinary cooperation with the investigation of the violation that demonstrates
998 that the licensee or permittee and the individual who committed the violation accept
999 responsibility for the violation.

1000 Section 8. Section **32B-4-501** is amended to read:

1001 **32B-4-501. Operating without a license or permit.**

1002 (1) A person may not operate the following businesses without first obtaining a license
1003 under this title if the business allows a person to purchase or consume an alcoholic product on
1004 the premises of the business:

1005 (a) a restaurant;

1006 (b) an airport lounge;

1007 (c) a business operated in the same manner as a bar establishment licensee;

1008 (d) a resort;

1009 (e) a business operated to sell, offer for sale, or furnish beer for on-premise
1010 consumption;

1011 (f) a business operated as an on-premise banquet licensee;

1012 (g) a hotel; [~~or~~]

1013 (h) an arena; or

1014 [~~(h)~~] (i) a business similar to one listed in Subsections (1)(a) through [~~(g)~~] (h).

1015 (2) A person conducting an event that is open to the general public may not directly or
1016 indirectly sell, offer for sale, or furnish an alcoholic product to a person attending the event
1017 without first obtaining an event permit under this title.

1018 (3) A person conducting a private event may not directly or indirectly sell or offer for
1019 sale an alcoholic product to a person attending the private event without first obtaining an

1020 event permit under this title.

1021 (4) A person may not operate the following businesses in this state without first
1022 obtaining a license under this title:

- 1023 (a) a winery manufacturer;
- 1024 (b) a distillery manufacturer;
- 1025 (c) a brewery manufacturer;
- 1026 (d) a local industry representative of:
- 1027 (i) a manufacturer of an alcoholic product;
- 1028 (ii) a supplier of an alcoholic product; or
- 1029 (iii) an importer of an alcoholic product;
- 1030 (e) a liquor warehouse; or
- 1031 (f) a beer wholesaler.

1032 (5) A person may not operate a public conveyance in this state without first obtaining a
1033 public service permit under this title if that public conveyance allows a person to purchase or
1034 consume an alcoholic product:

- 1035 (a) on the public conveyance; or
- 1036 (b) on the premises of a hospitality room located within a depot, terminal, or similar
1037 facility at which a service is provided to a patron of the public conveyance.

1038 Section 9. Section **32B-5-202** is amended to read:

1039 **32B-5-202. Renewal requirements.**

1040 (1) A retail license expires each year on the day specified in the relevant part under
1041 Chapter 6, Specific Retail License Act, for that type of retail license.

1042 (2) (a) To renew a person's retail license, a retail licensee shall, by no later than the day
1043 specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail
1044 license that is being renewed, submit:

1045 [~~(a)~~] (i) a completed renewal application [~~that includes a responsible alcohol service~~
1046 ~~plan to the department~~] in a form prescribed by the department; and

1047 [~~(b)~~] (ii) a renewal fee in the amount specified in the relevant part under Chapter 6,
1048 Specific Retail License Act, for the type of retail license that is being renewed.

1049 (b) A retail licensee shall submit a responsible alcohol service plan as part of the retail
1050 licensee's renewal application if, since the retail licensee's most recent application or renewal,

1051 the retail licensee:

1052 (i) made substantial changes to the retail licensee's responsible alcohol service plan; or

1053 (ii) violated a provision of this chapter.

1054 (c) The department may audit a retail licensee's responsible alcohol service plan in

1055 connection with a renewal application.

1056 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
1057 retail license effective on the date the existing retail license expires.

1058 Section 10. Section **32B-5-405** is amended to read:

1059 **32B-5-405. Department training programs.**

1060 (1) No later than January 1, 2018, the department shall develop the following training
1061 programs that are provided either in-person or online:

1062 (a) a training program for retail managers that addresses:

1063 (i) the statutes and rules that govern alcohol sales and consumption in the state;

1064 (ii) the requirements for operating as a retail licensee;

1065 (iii) using compliance assistance from the department; and

1066 (iv) any other topic the department determines beneficial to a retail manager; and

1067 (b) a training program for an individual employed by a retail licensee or an off-premise
1068 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an
1069 alcoholic beverage to an intoxicated individual or a minor, that addresses:

1070 (i) the statutes and rules that govern the most common types of violations under this
1071 title;

1072 (ii) how to avoid common violations; and

1073 (iii) any other topic the department determines beneficial to the training program.

1074 (2) No later than January 1, 2019, the department shall develop a training program for
1075 off-premise retail managers that is provided either in-person or online and addresses:

1076 (a) the statutes and rules that govern sales at an off-premise beer retailer;

1077 (b) the requirements for operating an off-premise beer retailer;

1078 (c) using compliance assistance from the department; and

1079 (d) any other topic the department determines beneficial to an off-premise retail
1080 manager.

1081 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

1082 the provisions of this section, the department shall make rules to develop and implement the
1083 training programs described in this section, including rules that establish:

1084 (a) the requirements for each training program described in this section;

1085 (b) measures that accurately identify each individual who takes and completes a
1086 training program;

1087 (c) measures that ensure an individual taking a training program is focused and actively
1088 engaged in the training material throughout the training program;

1089 (d) a record that certifies that an individual has completed a training program; and

1090 (e) a fee for participation in a training program to cover the department's cost of
1091 providing the training program.

1092 (4) (a) Except as provided in Subsection (5), each retail manager shall~~[(i)]~~ complete
1093 the training described in Subsection (1)(a) no later than the earlier of:

1094 ~~[(A)]~~ (i) 30 days after the day on which the retail manager is hired; or

1095 ~~[(B)]~~ (ii) before the day on which the retail licensee obtains a retail license under this
1096 chapter~~[-and]~~.

1097 ~~[(ii) retake the training program described in Subsection (1)(a) once every three years.]~~

1098 (b) Except as provided in Subsection (5), each off-premise retail manager shall~~[(i)]~~
1099 complete the training described in Subsection (2) no later than the earlier of:

1100 ~~[(A)]~~ (i) 30 days after the day on which the off-premise retail manager is hired; or

1101 ~~[(B)]~~ (ii) before the day on which the off-premise beer retailer obtains an off-premise
1102 beer retailer state license~~[-and]~~.

1103 ~~[(ii) retake the training program described in Subsection (2) once every three years.]~~

1104 (c) (i) If the commission finds that an individual employed by a retail licensee violated
1105 a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an
1106 intoxicated individual or a minor for a second time ~~[while employed by the same retail~~
1107 ~~licensee]~~ within three years after the day on which the first violation occurred, the violator, all
1108 retail staff, and each retail manager shall complete the training program described in
1109 Subsection (1)(b).

1110 (ii) If the commission finds that an individual employed by an off-premise beer retailer
1111 violated a provision of this title related to the sale, service, or furnishing of an alcoholic
1112 beverage to an intoxicated individual or a minor for a second time ~~[while employed by the~~

1113 ~~same off-premise beer retailer]~~ within three years after the day on which the first violation
 1114 occurred, the violator and each off-premise retail manager shall complete the training program
 1115 described in Subsection (1)(b).

1116 (5) (a) For a person who holds a retail license on January 1, 2018, each retail manager
 1117 shall complete the training program described in Subsection (1)(a) for the first time as a
 1118 condition of renewing the licensee's retail license in 2018.

1119 (b) For a person who holds an off-premise beer retailer state license on January 1,
 1120 2019, each off-premise retail manager shall complete the training program described in
 1121 Subsection (1)(b) for the first time as a condition of renewing the licensee's off-premise beer
 1122 retailer state license in 2019.

1123 (6) If an individual fails to complete a required training program under this section:

1124 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
 1125 beer retailer state license;

1126 (b) a city, town, metro township, or county in which the retail licensee or off-premise
 1127 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise
 1128 beer retailer's business license; or

1129 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
 1130 license.

1131 Section 11. Section **32B-6-202** is amended to read:

1132 **32B-6-202. Definitions.**

1133 As used in this part:

1134 (1) (a) "Dining area" means an area in the licensed premises of a full-service restaurant
 1135 licensee that is primarily used for the service and consumption of food by one or more patrons.

1136 (b) "Dining area" does not include a dispensing area.

1137 (2) (a) "Dispensing area" means an area in the licensed premises of a full-service
 1138 restaurant licensee where a dispensing structure is located and that:

1139 (i) is physically separated from the dining area and any waiting area by a structure or
 1140 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the
 1141 dispensing of alcoholic product;

1142 (ii) except as provided in Subsection (2)(b), measures at least 10 feet from ~~[any area~~
 1143 ~~where alcoholic product is dispensed to]~~ the dining area and any waiting area~~[-measured from~~

1144 ~~the point of the area where alcoholic product is dispensed that is closest to the dining area or~~
1145 ~~waiting area]~~ to the nearest edge of the dispensing structure; or

1146 (iii) is physically separated from the dining area and any waiting area by a permanent
1147 physical structure that complies with the provisions of Title 15A, State Construction and Fire
1148 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,
1149 measures:

1150 (A) at least 42 inches high; and

1151 (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the
1152 dispensing structure.

1153 (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that
1154 is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron
1155 seated at a table or counter cannot view the dispensing of alcoholic product.

1156 (3) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a
1157 full-service restaurant licensee that:

1158 (i) as of May 11, 2009, has:

1159 (A) patron seating at the bar structure;

1160 (B) a partition at one or more locations on the bar structure that is along:

1161 (I) the width of the bar structure; or

1162 (II) the length of the bar structure; and

1163 (C) facilities for the dispensing or storage of an alcoholic product:

1164 (I) on the portion of the bar structure that is separated by the partition described in
1165 Subsection (3)(a)(i)(B); or

1166 (II) if the partition as described in Subsection (3)(a)(i)(B)(II) is adjacent to the bar
1167 structure in a manner visible to a patron sitting at the bar structure;

1168 (ii) is not operational as of May 12, 2009, if:

1169 (A) a person applying for a full-service restaurant license:

1170 (I) has as of May 12, 2009, a building permit to construct the restaurant;

1171 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as
1172 defined by rule made by the commission; and

1173 (III) is issued the full-service restaurant license by no later than December 31, 2009;

1174 and

1175 (B) once constructed, the licensed premises has a bar structure described in Subsection
1176 (3)(a)(i);

1177 (iii) as of May 12, 2009, has no patron seating at the bar structure; or

1178 (iv) is not operational as of May 12, 2009, if:

1179 (A) a person applying for a full-service restaurant license:

1180 (I) has as of May 12, 2009, a building permit to construct the restaurant;

1181 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as
1182 defined by rule made by the commission; and

1183 (III) is issued a full-service restaurant license by no later than December 31, 2009; and

1184 (B) once constructed, the licensed premises has a bar structure with no patron seating.

1185 (b) "Grandfathered bar structure" does not include a grandfathered bar structure
1186 described in Subsection (3)(a) on or after the day on which a restaurant remodels the
1187 grandfathered bar structure, as defined by rule made by the commission.

1188 (c) Subject to Subsection (3)(b), a grandfathered bar structure remains a grandfathered
1189 bar structure notwithstanding whether a restaurant undergoes a change of ownership.

1190 (4) "Seating grandfathered bar structure" means:

1191 (a) a grandfathered bar structure described in Subsection (3)(a)(i) or (ii); or

1192 (b) a bar structure grandfathered under Section [32B-6-409](#).

1193 (5) "Waiting area" includes a lobby.

1194 Section 12. Section **32B-6-205** is amended to read:

1195 **32B-6-205. Specific operational requirements for a full-service restaurant license**
1196 **-- Before July 1, 2018, or July 1, 2022.**

1197 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1198 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
1199 shall comply with this section.

1200 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1201 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1202 (i) a full-service restaurant licensee;

1203 (ii) individual staff of a full-service restaurant licensee; or

1204 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
1205 licensee.

1206 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant
1207 licensee shall~~[-(a)]~~ display in a prominent place in the restaurant a list of the types and brand
1208 names of liquor being furnished through the full-service restaurant licensee's calibrated metered
1209 dispensing system~~[, and]~~.

1210 ~~[(b) display in a conspicuous place at the entrance to the licensed premises a sign~~
1211 ~~approved by the commission that:]~~

1212 ~~[(i) measures at least 8-1/2 inches long and 11 inches wide; and]~~

1213 ~~[(ii) clearly states that the full-service restaurant licensee is a restaurant and not a bar.]~~

1214 (3) In addition to complying with Section 32B-5-303, a full-service restaurant licensee
1215 shall store an alcoholic product in a storage area described in Subsection (12)(a).

1216 (4) (a) An individual who serves an alcoholic product in a full-service restaurant
1217 licensee's premises shall make a written beverage tab for each table or group that orders or
1218 consumes an alcoholic product on the premises.

1219 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
1220 alcoholic product ordered or consumed.

1221 (5) A person's willingness to serve an alcoholic product may not be made a condition
1222 of employment as a server with a full-service restaurant licensee.

1223 (6) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
1224 licensed premises during the following time periods only:

1225 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1226 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1227 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1228 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
1229 licensed premises during the following time periods only:

1230 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1231 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1232 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1233 (7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant
1234 business from the sale of food, which does not include:

1235 (a) mix for an alcoholic product; or

1236 (b) a service charge.

1237 (8) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
1238 alcoholic product except after the full-service restaurant licensee confirms that the patron has
1239 the intent to order food prepared, sold, and furnished at the licensed premises.

1240 (b) A full-service restaurant licensee shall maintain on the licensed premises adequate
1241 culinary facilities for food preparation and dining accommodations.

1242 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
1243 more than two alcoholic products of any kind at a time before the patron.

1244 (b) A patron may not have more than one spirituous liquor drink at a time before the
1245 patron.

1246 (c) An individual portion of wine is considered to be one alcoholic product under
1247 Subsection (9)(a).

1248 (10) A patron may consume an alcoholic product only:

1249 (a) at:

1250 (i) the patron's table;

1251 (ii) a counter; or

1252 (iii) a seating grandfathered bar structure; and

1253 (b) where food is served.

1254 (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
1255 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
1256 structure that is not a seating grandfathered bar structure.

1257 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
1258 may:

1259 (i) sit;

1260 (ii) be furnished an alcoholic product; and

1261 (iii) consume an alcoholic product.

1262 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a
1263 full-service restaurant licensee may not permit a minor to, and a minor may not:

1264 (i) sit; or

1265 (ii) consume food or beverages.

1266 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is
1267 employed by a full-service restaurant licensee:

- 1268 (A) as provided in Subsection 32B-5-308(2); or
- 1269 (B) to perform maintenance and cleaning services during an hour when the full-service
- 1270 restaurant licensee is not open for business.
- 1271 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
- 1272 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's
- 1273 premises in which the minor is permitted to be.
- 1274 (12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee
- 1275 may dispense an alcoholic product only if:
- 1276 (a) the alcoholic product is dispensed from:
- 1277 (i) a grandfathered bar structure;
- 1278 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
- 1279 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
- 1280 12, 2009; or
- 1281 (iii) an area that is:
- 1282 (A) separated from an area for the consumption of food by a patron by a solid,
- 1283 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
- 1284 an alcoholic product are:
- 1285 (I) not readily visible to a patron; and
- 1286 (II) not accessible by a patron; and
- 1287 (B) apart from an area used:
- 1288 (I) for dining;
- 1289 (II) for staging; or
- 1290 (III) as a lobby or waiting area;
- 1291 (b) the full-service restaurant licensee uses an alcoholic product that is:
- 1292 (i) stored in an area described in Subsection (12)(a); or
- 1293 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
- 1294 (A) immediately before the alcoholic product is dispensed it is in an unopened
- 1295 container; (B) the unopened container is taken to an area described in Subsection (12)(a) before
- 1296 it is opened; and (C) once opened, the container is stored in an area described in Subsection
- 1297 (12)(a); and
- 1298 (c) any instrument or equipment used to dispense alcoholic product is located in an

1299 area described in Subsection (12)(a).

1300 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a
1301 charge or fee made in connection with the sale, service, or consumption of liquor including:

1302 (a) a set-up charge;

1303 (b) a service charge; or

1304 (c) a chilling fee.

1305 (14) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
1306 beverages within 10 feet of a grandfathered bar structure, unless:

1307 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
1308 in the licensed premises; and

1309 (b) the minor is accompanied by an individual who is 21 years of age or older.

1310 (15) Except as provided in Subsection 32B-6-205.2~~[(18)]~~(17) and Section

1311 32B-6-205.3, the provisions of this section apply before July 1, 2018.

1312 Section 13. Section 32B-6-205.2 is amended to read:

1313 **32B-6-205.2. Specific operational requirements for a full-service restaurant**
1314 **license -- On and after July 1, 2018, or July 1, 2022.**

1315 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1316 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
1317 shall comply with this section.

1318 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1319 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1320 (i) a full-service restaurant licensee;

1321 (ii) individual staff of a full-service restaurant licensee; or

1322 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
1323 licensee.

1324 ~~[(2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant~~
1325 ~~licensee shall display in a conspicuous place at the entrance to the licensed premises a sign~~
1326 ~~approved by the commission that:]~~

1327 ~~[(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~

1328 ~~[(b) clearly states that the full-service restaurant licensee is a restaurant and not a bar.]~~

1329 ~~[(3)]~~ (2) In addition to complying with Section 32B-5-303, a full-service restaurant

1330 licensee shall store an alcoholic product in a storage area described in Subsection [~~(13)~~
1331 (12)(a).

1332 [~~(4)~~] (3) (a) An individual who serves an alcoholic product in a full-service restaurant
1333 licensee's premises shall make a beverage tab for each table or group that orders or consumes
1334 an alcoholic product on the premises.

1335 (b) A beverage tab described in this Subsection [~~(4)~~] (3) shall state the type and amount
1336 of each alcoholic product ordered or consumed.

1337 [~~(5)~~] (4) A full-service restaurant licensee may not make an individual's willingness to
1338 serve an alcoholic product a condition of employment with a full-service restaurant licensee.

1339 [~~(6)~~] (5) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor
1340 at the licensed premises during the following time periods only:

1341 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1342 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1343 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1344 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
1345 licensed premises during the following time periods only:

1346 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1347 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1348 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1349 [~~(7)~~] (6) A full-service restaurant licensee shall maintain at least 70% of the
1350 full-service restaurant licensee's total restaurant business from the sale of food, which does not
1351 include:

1352 (a) mix for an alcoholic product; or

1353 (b) a service charge.

1354 [~~(8)~~] (7) (a) A full-service restaurant licensee may not [~~sell, offer for sale, or~~] furnish
1355 an alcoholic product except after:

1356 (i) the patron to whom the full-service restaurant licensee [~~sells, offers for sale, or~~]
1357 furnishes the alcoholic product is seated at:

1358 (A) a table that is located in a dining area or a dispensing area;

1359 (B) a counter that is located in a dining area or a dispensing area; or

1360 (C) a dispensing structure that is located in a dispensing area; and

1361 (ii) the full-service restaurant licensee confirms that the patron intends to:
1362 (A) order food prepared, sold, and furnished at the licensed premises; and
1363 (B) except as provided in Subsection ~~[(8)]~~ (7)(b), consume the food at the same
1364 location where the patron is ~~[seated and sold, offered for sale, or]~~ furnished the alcoholic
1365 product.

1366 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1367 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or
1368 furnish to the patron one drink that contains a single portion of an alcoholic product as
1369 described in Section 32B-5-304 if:

1370 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1371 structure; and

1372 (B) the full-service restaurant licensee first confirms that after the patron is seated in
1373 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1374 premises.

1375 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
1376 in the dining area, an employee of the full-service restaurant licensee who is qualified to sell
1377 and serve an alcoholic product under Section 32B-5-306 shall transport any unfinished portion
1378 of the patron's alcoholic product to the patron's seat in the dining area.

1379 (iii) For purposes of Subsection ~~[(8)]~~ (7)(b)(i) a single portion of wine is 5 ounces or
1380 less.

1381 (c) A full-service restaurant licensee shall maintain on the licensed premises adequate
1382 culinary facilities for food preparation and dining accommodations.

1383 ~~[(9)]~~ (8) A patron may consume an alcoholic product only if the patron is seated at:

1384 (a) a table that is located in a dining area or dispensing area;

1385 (b) a counter that is located in a dining area or dispensing area; or

1386 (c) a dispensing structure located in a dispensing area.

1387 ~~[(10)]~~ (9) (a) Subject to the other provisions of this Subsection ~~[(10)]~~ (9), a patron may
1388 not have more than two alcoholic products of any kind at a time before the patron.

1389 (b) A patron may not have more than one spirituous liquor drink at a time before the
1390 patron.

1391 (c) An individual portion of wine is considered to be one alcoholic product under

1392 Subsection [~~(10)~~] (9)(a).

1393 [~~(11)~~] (10) In accordance with the provisions of this section, an individual who is at
1394 least 21 years of age may consume food and beverages in a dispensing area.

1395 [~~(12)~~] (11) (a) Except as provided in Subsection [~~(12)~~] (11)(b), a minor may not sit,
1396 remain, or consume food or beverages in a dispensing area.

1397 (b) (i) A minor may be in a dispensing area if the minor is employed by the full-service
1398 restaurant licensee:

1399 (A) in accordance with Subsection [32B-5-308\(2\)](#); or

1400 (B) to perform maintenance and cleaning services when the full-service restaurant
1401 licensee is not open for business.

1402 (ii) If there is no alternative route available, a minor may momentarily pass through a
1403 dispensing area without remaining or sitting in the dispensing area en route to an area of the
1404 full-service restaurant licensee's premises in which the minor is permitted to be.

1405 [~~(13)~~] (12) Except as provided in Subsection [32B-5-307\(3\)](#), a full-service restaurant
1406 licensee may dispense an alcoholic product only if:

1407 (a) the alcoholic product is dispensed from:

1408 (i) a dispensing structure that is located in a dispensing area;

1409 (ii) an area that is:

1410 (A) separated from an area for the consumption of food by a patron by a solid,
1411 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
1412 an alcoholic product are not readily visible to a patron and not accessible by a patron; and

1413 (B) apart from an area used for dining, for staging, or as a lobby or waiting area; or

1414 (iii) the premises of a bar licensee that is:

1415 (A) owned by the same person or persons as the full-service restaurant licensee; and

1416 (B) located immediately adjacent to the premises of the full-service restaurant licensee;

1417 (b) the full-service restaurant licensee uses an alcoholic product that is stored in an area
1418 described in Subsection [~~(13)~~] (12)(a) or in accordance with Section [32B-5-303](#); and

1419 (c) any instrument or equipment used to dispense alcoholic product is located in an
1420 area described in Subsection [~~(13)~~] (12)(a).

1421 [~~(14)~~] (13) (a) A full-service restaurant licensee may have more than one dispensing
1422 area in the licensed premises.

1423 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1424 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
1425 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1426 [~~15~~] (14) A full-service restaurant licensee may not:

1427 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1428 (b) display an alcoholic product or a product intended to appear like an alcoholic
1429 product by moving a cart or similar device around the licensed premises.

1430 [~~16~~] (15) A full-service restaurant licensee may state in a food or alcoholic product
1431 menu a charge or fee made in connection with the sale, service, or consumption of liquor,
1432 including:

1433 (a) a set-up charge;

1434 (b) a service charge; or

1435 (c) a chilling fee.

1436 [~~17~~] (16) (a) In addition to the requirements described in Section 32B-5-302, a
1437 full-service restaurant licensee shall maintain each of the following records for at least three
1438 years:

1439 (i) a record required by Section 32B-5-302; and

1440 (ii) a record that the commission requires a full-service restaurant licensee to use or
1441 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1442 Rulemaking Act.

1443 (b) The department shall audit the records of a full-service restaurant licensee at least
1444 once each calendar year.

1445 [~~18~~] (17) (a) In accordance with Section 32B-6-205.3, a full-service restaurant
1446 licensee:

1447 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

1448 and

1449 (ii) shall comply with the provisions of this section:

1450 (A) for a full-service restaurant licensee that does not have a grandfathered bar
1451 structure, on and after July 1, 2018; or

1452 (B) for a full-service restaurant licensee that has a grandfathered bar structure, on and
1453 after July 1, 2022.

1454 (b) A full-service restaurant licensee that elects to comply with the provisions of this
1455 section before the latest applicable date described in Subsection [(+8)] (17)(a)(ii):

1456 (i) shall comply with each provision of this section; and

1457 (ii) is not required to comply with the provisions of Section 32B-6-205.

1458 Section 14. Section 32B-6-302 is amended to read:

1459 **32B-6-302. Definitions.**

1460 As used in this part:

1461 (1) (a) "Dining area" means an area in the licensed premises of a limited-service
1462 restaurant licensee that is primarily used for the service and consumption of food by one or
1463 more patrons.

1464 (b) "Dining area" does not include a dispensing area.

1465 (2) (a) "Dispensing area" means an area in the licensed premises of a limited-service
1466 restaurant licensee where a dispensing structure is located and that:

1467 (i) is physically separated from the dining area and any waiting area by a structure or
1468 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the
1469 dispensing of alcoholic product;

1470 (ii) except as provided in Subsection (2)(b), measures at least 10 feet from [~~any area~~
1471 ~~where alcoholic product is dispensed to]~~ the dining area and any waiting area[~~measured from~~
1472 ~~the point of the area where alcoholic product is dispensed that is closest to the dining area or~~
1473 ~~waiting area]~~ to the nearest edge of the dispensing structure; or

1474 (iii) is physically separated from the dining area and any waiting area by a permanent
1475 physical structure that complies with the provisions of Title 15A, State Construction and Fire
1476 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,
1477 measures:

1478 (A) at least 42 inches high; and

1479 (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the
1480 dispensing structure.

1481 (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that
1482 is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron
1483 seated at a table or counter cannot view the dispensing of alcoholic product.

1484 (3) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a

1485 limited-service restaurant licensee that:

1486 (i) as of May 11, 2009, has:

1487 (A) patron seating at the bar structure;

1488 (B) a partition at one or more locations on the bar structure that is along:

1489 (I) the width of the bar structure; or

1490 (II) the length of the bar structure; and

1491 (C) facilities for the dispensing or storage of an alcoholic product:

1492 (I) on the portion of the bar structure that is separated by the partition described in

1493 Subsection (3)(a)(i)(B); or

1494 (II) if the partition as described in Subsection (3)(a)(i)(B)(II) is adjacent to the bar

1495 structure in a manner visible to a patron sitting at the bar structure;

1496 (ii) is not operational as of May 12, 2009, if:

1497 (A) a person applying for a limited-service restaurant license:

1498 (I) has as of May 12, 2009, a building permit to construct the restaurant;

1499 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as

1500 defined by rule made by the commission; and

1501 (III) is issued the limited-service restaurant license by no later than December 31,

1502 2009; and

1503 (B) once constructed, the licensed premises has a bar structure described in Subsection

1504 (3)(a)(i);

1505 (iii) as of May 12, 2009, has no patron seating at the bar structure; or

1506 (iv) is not operational as of May 12, 2009, if:

1507 (A) a person applying for a limited-service restaurant license:

1508 (I) has as of May 12, 2009, a building permit to construct the restaurant;

1509 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as

1510 defined by rule made by the commission; and

1511 (III) is issued a limited-service restaurant license by no later than December 31, 2009;

1512 and

1513 (B) once constructed, the licensed premises has a bar structure with no patron seating.

1514 (b) "Grandfathered bar structure" does not include a grandfathered bar structure

1515 described in Subsection (3)(a) on or after the day on which a restaurant remodels the

1516 grandfathered bar structure, as defined by rule made by the commission.

1517 (c) Subject to Subsection (3)(b), a grandfathered bar structure remains a grandfathered
1518 bar structure notwithstanding whether a restaurant undergoes a change of ownership.

1519 (4) "Seating grandfathered bar structure" means:

1520 (a) a grandfathered bar structure described in Subsection (3)(a)(i) or (ii); or

1521 (b) a bar structure grandfathered under Section 32B-6-409.

1522 (5) "Waiting area" includes a lobby.

1523 (6) "Wine" includes an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211
1524 and 27 C.F.R. Sec. 4.10, including the following alcoholic beverages made in the manner of
1525 wine containing not less than 7% and not more than 24% of alcohol by volume:

1526 (a) sparkling and carbonated wine;

1527 (b) wine made from condensed grape must;

1528 (c) wine made from other agricultural products than the juice of sound, ripe grapes;

1529 (d) imitation wine;

1530 (e) compounds sold as wine;

1531 (f) vermouth;

1532 (g) cider;

1533 (h) perry; and

1534 (i) sake.

1535 Section 15. Section 32B-6-305 is amended to read:

1536 **32B-6-305. Specific operational requirements for a limited-service restaurant**
1537 **license -- Before July 1, 2018, or July 1, 2022.**

1538 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1539 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
1540 licensee shall comply with this section.

1541 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1542 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1543 (i) a limited-service restaurant licensee;

1544 (ii) individual staff of a limited-service restaurant licensee; or

1545 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
1546 licensee.

1547 (2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer
1548 for sale, furnish, or allow consumption of:

1549 (i) spirituous liquor; or

1550 (ii) a flavored malt beverage.

1551 (b) A product listed in Subsection (2)(a) may not be on the premises of a
1552 limited-service restaurant licensee except for use:

1553 (i) as a flavoring on a dessert; and

1554 (ii) in the preparation of a flaming food dish, drink, or dessert.

1555 (3) In addition to complying with Section [32B-5-303](#), a limited-service restaurant
1556 licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).

1557 (4) (a) An individual who serves an alcoholic product in a limited-service restaurant
1558 licensee's premises shall make a written beverage tab for each table or group that orders or
1559 consumes an alcoholic product on the premises.

1560 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
1561 alcoholic product ordered or consumed.

1562 (5) A person's willingness to serve an alcoholic product may not be made a condition
1563 of employment as a server with a limited-service restaurant licensee.

1564 (6) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
1565 heavy beer at the licensed premises during the following time periods only:

1566 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1567 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1568 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1569 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
1570 licensed premises during the following time periods only:

1571 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1572 (ii) on a weekend or state or federal legal holiday or for a private event, during the
1573 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1574 (7) A limited-service restaurant licensee shall maintain at least 70% of its total
1575 restaurant business from the sale of food, which does not include a service charge.

1576 (8) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an
1577 alcoholic product except after the limited-service restaurant licensee confirms that the patron

1578 has the intent to order food prepared, sold, and furnished at the licensed premises.

1579 (b) A limited-service restaurant licensee shall maintain on the licensed premises
1580 adequate culinary facilities for food preparation and dining accommodations.

1581 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
1582 more than two alcoholic products of any kind at a time before the patron.

1583 (b) An individual portion of wine is considered to be one alcoholic product under
1584 Subsection (9)(a).

1585 (10) A patron may consume an alcoholic product only:

1586 (a) at:

1587 (i) the patron's table;

1588 (ii) a counter; or

1589 (iii) a seating grandfathered bar structure; and

1590 (b) where food is served.

1591 (11) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an
1592 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
1593 structure that is not a seating grandfathered bar structure.

1594 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older
1595 may:

1596 (i) sit;

1597 (ii) be furnished an alcoholic product; and

1598 (iii) consume an alcoholic product.

1599 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a
1600 limited-service restaurant licensee may not permit a minor to, and a minor may not:

1601 (i) sit; or

1602 (ii) consume food or beverages.

1603 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is
1604 employed by a limited-service restaurant licensee:

1605 (A) as provided in Subsection [32B-5-308\(2\)](#); or

1606 (B) to perform maintenance and cleaning services during an hour when the
1607 limited-service restaurant licensee is not open for business.

1608 (ii) A minor may momentarily pass by a seating grandfathered bar structure without

1609 remaining or sitting at the bar structure en route to an area of a limited-service restaurant
1610 licensee's premises in which the minor is permitted to be.

1611 (12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant
1612 licensee may dispense an alcoholic product only if:

1613 (a) the alcoholic product is dispensed from:

1614 (i) a grandfathered bar structure;

1615 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
1616 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
1617 12, 2009; or

1618 (iii) an area that is:

1619 (A) separated from an area for the consumption of food by a patron by a solid,
1620 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
1621 an alcoholic product are:

1622 (I) not readily visible to a patron; and

1623 (II) not accessible by a patron; and

1624 (B) apart from an area used:

1625 (I) for dining;

1626 (II) for staging; or

1627 (III) as a lobby or waiting area;

1628 (b) the limited-service restaurant licensee uses an alcoholic product that is:

1629 (i) stored in an area described in Subsection (12)(a); or

1630 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:

1631 (A) immediately before the alcoholic product is dispensed it is in an unopened
1632 container;

1633 (B) the unopened container is taken to an area described in Subsection (12)(a) before it
1634 is opened; and

1635 (C) once opened, the container is stored in an area described in Subsection (12)(a); and

1636 (c) any instrument or equipment used to dispense alcoholic product is located in an
1637 area described in Subsection (12)(a).

1638 (13) A limited-service restaurant licensee may state in a food or alcoholic product
1639 menu a charge or fee made in connection with the sale, service, or consumption of wine or

1640 heavy beer including:

- 1641 (a) a set-up charge;
- 1642 (b) a service charge; or
- 1643 (c) a chilling fee.

1644 [~~(14)~~ In addition to complying with Subsection [32B-5-301\(3\)](#), a limited-service
1645 restaurant licensee shall display in a conspicuous place at the entrance to the licensed premises
1646 a sign approved by the commission that:]

1647 [~~(a)~~ measures at least 8-1/2 inches long and 11 inches wide; and]

1648 [~~(b)~~ clearly states that the limited-service restaurant licensee is a restaurant and not a
1649 bar.]

1650 [~~(15)~~] (14) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
1651 beverages within 10 feet of a grandfathered bar structure, unless:

1652 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
1653 in the licensed premises; and

1654 (b) the minor is accompanied by an individual who is 21 years of age or older.

1655 [~~(16)~~] (15) Except as provided in Subsection [32B-6-305.2](#) [~~(18)~~] (17) and Section
1656 [32B-6-305.3](#), the provisions of this section apply before July 1, 2018.

1657 Section 16. Section [32B-6-305.2](#) is amended to read:

1658 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**
1659 **license -- On and after July 1, 2018, or July 1, 2022.**

1660 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1661 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
1662 licensee shall comply with this section.

1663 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1664 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 1665 (i) a limited-service restaurant licensee;
- 1666 (ii) individual staff of a limited-service restaurant licensee; or
- 1667 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
1668 licensee.

1669 [~~(2)~~ In addition to complying with Subsection [32B-5-301\(3\)](#), a limited-service
1670 restaurant licensee shall display in a conspicuous place at the entrance to the licensed premises

1671 a sign approved by the commission that:]

1672 [~~(a)~~ measures at least 8-1/2 inches long and 11 inches wide, and]

1673 [~~(b)~~ clearly states that the limited-service restaurant licensee is a restaurant and not a
1674 bar.]

1675 [~~(3)~~] (2) In addition to complying with Section 32B-5-303, a limited-service restaurant
1676 licensee shall store an alcoholic product in a storage area described in Subsection [~~(13)~~]
1677 (12)(a).

1678 [~~(4)~~] (3) (a) An individual who serves an alcoholic product in a limited-service
1679 restaurant licensee's premises shall make a beverage tab for each table or group that orders or
1680 consumes an alcoholic product on the premises.

1681 (b) A beverage tab described in this Subsection [~~(4)~~] (3) shall state the type and amount
1682 of each alcoholic product ordered or consumed.

1683 [~~(5)~~] (4) A limited-service restaurant licensee may not make an individual's willingness
1684 to serve an alcoholic product a condition of employment with a limited-service restaurant
1685 licensee.

1686 [~~(6)~~] (5) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish
1687 wine or heavy beer at the licensed premises during the following time periods only:

1688 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1689 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1690 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1691 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
1692 licensed premises during the following time periods only:

1693 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1694 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1695 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1696 [~~(7)~~] (6) A limited-service restaurant licensee shall maintain at least 70% of the
1697 limited-service restaurant licensee's total restaurant business from the sale of food, which does
1698 not include a service charge.

1699 [~~(8)~~] (7) (a) A limited-service restaurant licensee may not [~~sell, offer for sale, or~~]
1700 furnish an alcoholic product except after:

1701 (i) the patron to whom the limited-service restaurant licensee [~~sells, offers for sale, or~~]

1702 furnishes the alcoholic product is seated at:

1703 (A) a table that is located in a dining area or a dispensing area;

1704 (B) a counter that is located in a dining area or a dispensing area; or

1705 (C) a dispensing structure that is located in a dispensing area; and

1706 (ii) the limited-service restaurant licensee confirms that the patron intends to:

1707 (A) order food prepared, sold, and furnished at the licensed premises; and

1708 (B) except as provided in Subsection ~~[(8)]~~ (7)(b), consume the food at the same

1709 location where the patron is ~~[seated and sold, offered for sale, or]~~ furnished the alcoholic

1710 product.

1711 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1712 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for
1713 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as
1714 described in Section 32B-5-304 if:

1715 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1716 structure; and

1717 (B) the limited-service restaurant licensee first confirms that after the patron is seated
1718 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1719 premises.

1720 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
1721 in the dining area, an employee of the limited-service restaurant licensee who is qualified to
1722 sell and serve an alcoholic product under Section 32B-5-306 shall transport any unfinished
1723 portion of the patron's alcoholic product to the patron's seat in the dining area.

1724 (iii) For purposes of Subsection ~~[(8)]~~ (7)(b)(i) a single portion of wine is 5 ounces or
1725 less.

1726 (c) A limited-service restaurant licensee shall maintain on the licensed premises
1727 adequate culinary facilities for food preparation and dining accommodations.

1728 ~~[(9)]~~ (8) A patron may consume an alcoholic product only if the patron is seated at:

1729 (a) a table that is located in a dining area or a dispensing area;

1730 (b) a counter that is located in a dining area or a dispensing area; or

1731 (c) a dispensing structure located in a dispensing area.

1732 ~~[(10)]~~ (9) (a) Subject to the other provisions of this Subsection ~~[(10)]~~ (9), a patron may

1733 not have more than two alcoholic products of any kind at a time before the patron.

1734 (b) An individual portion of wine is considered to be one alcoholic product under
1735 Subsection [~~(10)~~] (9)(a).

1736 [~~(11)~~] (10) In accordance with the provisions of this section, an individual who is at
1737 least 21 years of age may consume food and beverages in a dispensing area.

1738 [~~(12)~~] (11) (a) Except as provided in Subsection [~~(12)~~] (11)(b), a minor may not sit,
1739 remain, or consume food or beverages in a dispensing area.

1740 (b) (i) A minor may be in a dispensing area if the minor is employed by the
1741 limited-service restaurant licensee:

1742 (A) in accordance with Subsection [32B-5-308\(2\)](#); or

1743 (B) to perform maintenance and cleaning services when the limited-service restaurant
1744 licensee is not open for business.

1745 (ii) If there is no alternative route available, a minor may momentarily pass through a
1746 dispensing area without remaining or sitting in the dispensing area en route to an area of the
1747 limited-service restaurant licensee's premises in which the minor is permitted to be.

1748 [~~(13)~~] (12) Except as provided in Subsection [32B-5-307\(3\)](#), a limited-service restaurant
1749 licensee may dispense an alcoholic product only if:

1750 (a) the alcoholic product is dispensed from:

1751 (i) a dispensing structure that is located in a dispensing area;

1752 (ii) an area that is:

1753 (A) separated from an area for the consumption of food by a patron by a solid,
1754 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
1755 an alcoholic product are not readily visible to a patron and not accessible by a patron; and

1756 (B) apart from an area used for dining, for staging, or as a lobby or waiting area; or

1757 (iii) the premises of a bar licensee that is:

1758 (A) owned by the same person or persons as the limited-service restaurant licensee; and

1759 (B) located immediately adjacent to the premises of the limited-service restaurant
1760 licensee;

1761 (b) the limited-service restaurant licensee uses an alcoholic product that is stored in an
1762 area described in Subsection [~~(13)~~] (12)(a) or in accordance with Section [32B-5-303](#); and

1763 (c) any instrument or equipment used to dispense alcoholic product is located in an

1764 area described in Subsection [~~(13)~~] (12)(a).

1765 [~~(14)~~] (13) (a) A limited-service restaurant licensee may have more than one
1766 dispensing area in the licensed premises.

1767 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1768 dispensing area under Subsection [32B-6-202\(2\)\(a\)\(i\)](#), (ii), or (iii), regardless of how any other
1769 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1770 [~~(15)~~] (14) A limited-service restaurant licensee may not:

1771 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1772 (b) display an alcoholic product or a product intended to appear like an alcoholic
1773 product by moving a cart or similar device around the licensed premises.

1774 [~~(16)~~] (15) A limited-service restaurant licensee may state in a food or alcoholic
1775 product menu a charge or fee made in connection with the sale, service, or consumption of
1776 wine or heavy beer, including:

1777 (a) a set-up charge;

1778 (b) a service charge; or

1779 (c) a chilling fee.

1780 [~~(17)~~] (16) (a) In addition to the requirements described in Section [32B-5-302](#), a
1781 limited-service restaurant licensee shall maintain each of the following records for at least three
1782 years:

1783 (i) a record required by Section [32B-5-302](#); and

1784 (ii) a record that the commission requires a limited-service restaurant licensee to use or
1785 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1786 Rulemaking Act.

1787 (b) The department shall audit the records of a limited-service restaurant licensee at
1788 least once each calendar year.

1789 [~~(18)~~] (17) (a) In accordance with Section [32B-6-305.3](#), a limited-service restaurant
1790 licensee:

1791 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

1792 and

1793 (ii) shall comply with the provisions of this section:

1794 (A) for a limited-service restaurant licensee that does not have a grandfathered bar

1795 structure, on and after July 1, 2018; or

1796 (B) for a limited-service restaurant licensee that has a grandfathered bar structure, on
1797 and after July 1, 2022.

1798 (b) A limited-service restaurant licensee that elects to comply with the provisions of
1799 this section before the latest applicable date described in Subsection [~~(18)~~] (17)(a)(ii):

1800 (i) shall comply with each provision of this section; and

1801 (ii) is not required to comply with the provisions of Section 32B-6-305.

1802 Section 17. Section 32B-6-403 is amended to read:

1803 **32B-6-403. Commission's power to issue bar establishment license.**

1804 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
1805 an alcoholic product on its premises as a bar establishment licensee, the person shall first
1806 obtain a bar establishment license from the commission in accordance with this part.

1807 (2) The commission may issue a bar establishment license to establish bar
1808 establishment licensed premises at places and in numbers the commission considers proper for
1809 the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on
1810 premises operated by a bar establishment licensee.

1811 (3) Subject to Section 32B-1-201:

1812 (a) (i) before July 1, 2018, the commission may not issue a total number of bar
1813 establishment licenses that at any time exceeds the number determined by dividing the
1814 population of the state by 7,850; and

1815 (ii) beginning on July 1, 2018, the commission may not issue a total number of bar
1816 establishment licenses that at any time exceeds the number determined by dividing the
1817 population of the state by [~~10,538~~] 10,279;

1818 (b) the commission may issue a seasonal bar establishment license in accordance with
1819 Section 32B-5-206 to:

1820 (i) a dining club licensee; or

1821 (ii) a bar licensee;

1822 (c) (i) if the location, design, and construction of a hotel may require more than one
1823 dining club license or bar license location within the hotel to serve the public convenience, the
1824 commission may authorize as many as three bar establishment license locations within the
1825 hotel under one bar establishment license if:

- 1826 (A) the hotel has a minimum of 150 guest rooms;
- 1827 (B) all locations under the bar establishment license are:
 - 1828 (I) within the same hotel; and
 - 1829 (II) on premises that are managed or operated, and owned or leased, by the bar
 - 1830 establishment licensee; and
- 1831 (C) the locations under the bar establishment license operate under the same type of bar
- 1832 establishment license; and
 - 1833 (i) a facility other than a hotel shall have a separate bar establishment license for each
 - 1834 bar establishment license location where an alcoholic product is sold, offered for sale, or
 - 1835 furnished;
 - 1836 (d) when a business establishment undergoes a change of ownership, the commission
 - 1837 may issue a bar establishment license to the new owner of the business establishment
 - 1838 notwithstanding that there is no bar establishment license available under Subsection (3)(a) if:
 - 1839 (i) the primary business activity at the business establishment before and after the
 - 1840 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;
 - 1841 (ii) before the change of ownership there are two or more licensed premises on the
 - 1842 business establishment that operate under a retail license, with at least one of the retail licenses
 - 1843 being a bar establishment license;
 - 1844 (iii) subject to Subsection (3)(e), the licensed premises of the bar establishment license
 - 1845 issued under this Subsection (3)(d) is at the same location where the bar establishment license
 - 1846 licensed premises was located before the change of ownership; and
 - 1847 (iv) the person who is the new owner of the business establishment qualifies for the bar
 - 1848 establishment license, except for there being no bar establishment license available under
 - 1849 Subsection (3)(a); and
 - 1850 (e) if a bar establishment licensee of a bar establishment license issued under
 - 1851 Subsection (3)(d) requests a change of location, the bar establishment licensee may retain the
 - 1852 bar establishment license after the change of location only if on the day on which the bar
 - 1853 establishment licensee seeks a change of location a bar establishment license is available under
 - 1854 Subsection (3)(a).

1855 Section 18. Section **32B-6-404** is amended to read:

1856 **32B-6-404. Types of bar license.**

- 1857 (1) To obtain an equity license, in addition to meeting the other requirements of this
1858 part, a person shall:
- 1859 (a) whether incorporated or unincorporated:
- 1860 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal
1861 purpose;
- 1862 (ii) have members;
- 1863 (iii) limit access to its licensed premises to a member or a guest of the member; and
1864 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold
1865 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
- 1866 (b) own, maintain, or operate a substantial recreational facility in conjunction with a
1867 club house such as:
- 1868 (i) a golf course; or
1869 (ii) a tennis facility;
- 1870 (c) have at least 50% of the total membership having:
- 1871 (i) full voting rights; and
1872 (ii) an equal share of the equity of the entity or a right to redemption or refund at the
1873 equal value; and
- 1874 (d) if there is more than one class of membership, have at least one class of
1875 membership that entitles each member in that class to:
- 1876 (i) full voting rights; and
1877 (ii) an equal share of the equity of the entity or a right to redemption or equal value.
- 1878 (2) To obtain a fraternal license, in addition to meeting the other requirements of this
1879 part, a person shall:
- 1880 (a) whether incorporated or unincorporated:
- 1881 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal
1882 purpose;
- 1883 (ii) have members;
- 1884 (iii) limit access to its licensed premises to a member or a guest of the member; and
1885 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold
1886 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
- 1887 (b) have no capital stock;

- 1888 (c) exist solely for:
- 1889 (i) the benefit of its members and their beneficiaries; and
- 1890 (ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal,
- 1891 patriotic, or religious purpose for the benefit of its members or the public, carried on through
- 1892 voluntary activity of its members in their local lodges;
- 1893 (d) have a representative form of government;
- 1894 (e) have a lodge system in which:
- 1895 (i) there is a supreme governing body;
- 1896 (ii) subordinate to the supreme governing body are local lodges, however designated,
- 1897 into which individuals are admitted as members in accordance with the laws of the fraternal;
- 1898 (iii) the local lodges are required by the laws of the fraternal to hold regular meetings at
- 1899 least monthly; and
- 1900 (iv) the local lodges regularly engage in one or more programs involving member
- 1901 participation to implement the purposes of Subsection (2)(c); and
- 1902 (f) own or lease a building or space in a building used for lodge activities.
- 1903 (3) To obtain a dining club license, in addition to meeting the other requirements of
- 1904 this part, a person shall:
- 1905 (a) maintain at least the following percentages of its total club business from the sale of
- 1906 food, not including mix for alcoholic products, or service charges:
- 1907 (i) for a dining club license that is issued as an original license on or after July 1, 2011,
- 1908 60%; and
- 1909 (ii) for a dining club license that is issued on or before June 30, 2011:
- 1910 (A) 50% on or before June 30, 2012; and
- 1911 (B) 60% on and after July 1, 2012; and
- 1912 (b) obtain a determination by the commission that the person will operate as a dining
- 1913 club licensee, as part of which the commission may consider:
- 1914 (i) the square footage and seating capacity of the premises;
- 1915 (ii) what portion of the square footage and seating capacity will be used for a dining
- 1916 area in comparison to the portion that will be used as a lounge or bar area;
- 1917 (iii) whether full meals including appetizers, main courses, and desserts are served;
- 1918 (iv) whether the person will maintain adequate on-premise culinary facilities to prepare

1919 full meals, except a person who is located on the premise of a hotel or resort facility may use
1920 the culinary facilities of the hotel or resort facility;

1921 (v) whether the entertainment provided at the premises is suitable for minors; and

1922 (vi) the club management's ability to manage and operate a dining club license

1923 including:

1924 (A) management experience;

1925 (B) past dining club licensee or restaurant management experience; and

1926 (C) the type of management scheme used by the dining club license.

1927 (4) To obtain a bar license, a person is required to meet the requirements of this part
1928 except those listed in Subsection (1), (2), or (3).

1929 (5) (a) At the time that the commission issues a bar establishment license, the
1930 commission shall designate the type of bar establishment license for which the person qualifies.

1931 (b) If requested by a bar establishment licensee, the commission may approve a change
1932 in the type of bar establishment license in accordance with rules made by the commission.

1933 (6) To the extent not prohibited by law, this part does not prevent a dining club
1934 licensee or bar licensee from restricting access to the licensed premises on the basis of an
1935 individual:

1936 (a) paying a fee; or

1937 (b) agreeing to being on a list of individuals who have access to the licensed premises.

1938 (7) (a) (i) On or after July 1, 2017, the commission may not issue or renew a dining
1939 club license.

1940 (ii) [~~Effective~~] No later than July 1, 2018, the department shall convert each dining
1941 club license to a full-service restaurant license or a bar license in accordance with the
1942 provisions of this Subsection (7).

1943 (b) (i) (A) A person licensed as a dining club on July 1, 2017, shall notify the
1944 department no later than May 31, 2018, whether [~~effective July 1, 2018;~~] the person elects to be
1945 licensed as a full-service restaurant or a bar.

1946 (B) [~~Effective~~] No later than July 1, 2018, the department shall convert a dining club
1947 license to a full-service restaurant license or a bar license in accordance with the dining club
1948 licensee's election under Subsection (7)(b)(i)(A).

1949 (ii) If a dining club licensee fails to timely notify the department in accordance with

1950 Subsection (7)(b)(i), the dining club license is automatically converted to a full-service
1951 restaurant license on July 1, 2018.

1952 (c) Subject to Section [32B-6-404.1](#), after a dining club license converts to a full-service
1953 restaurant license or a bar license, the retail licensee shall operate under the provisions that
1954 govern the full-service restaurant license or the bar license, as applicable.

1955 (d) After a dining club license converts to a full-service restaurant license or a bar
1956 license in accordance with this Subsection (7):

1957 (i) the full-service restaurant license is not considered in determining the total number
1958 of full-service restaurant licenses available under Section [32B-6-203](#); or

1959 (ii) the bar license is not considered in determining the total number of bar
1960 establishment licenses available under Section [32B-6-403](#).

1961 (e) [~~Before~~] Except as provided in Subsections (7)(a) and (b), before July 1, 2018, the
1962 commission may not issue a full-service restaurant license, a limited-service restaurant license,
1963 or a beer-only restaurant license to a person who holds a dining club license on May 9, 2017,
1964 for the same premises.

1965 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1966 commission may make rules establishing a procedure by which a dining club licensee elects
1967 and converts to a full-service restaurant licensee or a bar licensee under this Subsection (7).

1968 Section 19. Section [32B-6-404.1](#) is amended to read:

1969 **[32B-6-404.1. Transition from dining club license to full-service restaurant license.](#)**

1970 (1) As used in this section:

1971 (a) "Converted full-service restaurant licensee" means a dining club licensee that
1972 converts to a full-service restaurant licensee on or before July 1, 2018, in accordance with
1973 Subsection [32B-6-404\(7\)](#).

1974 (b) "Grandfathered bar structure" means the same as that term is defined in Section
1975 [32B-6-202](#).

1976 (2) (a) Except as provided in Subsection (2)(c)[~~, beginning on July 1, 2018~~] and subject
1977 to the provisions of this section, a converted full-service restaurant licensee shall operate under
1978 the provisions that govern a full-service restaurant licensee that has a grandfathered bar
1979 structure.

1980 (b) For purposes of applying the provisions that govern a full-service restaurant

1981 licensee with a grandfathered bar structure, a converted full-service restaurant licensee's bar
1982 structure is considered a grandfathered bar structure.

1983 (c) The provisions of Section 32B-6-205.3 do not apply to a converted full-service
1984 restaurant licensee.

1985 (3) (a) A converted full-service restaurant licensee shall comply with the provisions of
1986 Section 32B-6-205.2 on or before the earlier of:

1987 (i) July 1, 2022;

1988 (ii) the date on which the converted full-service restaurant licensee remodels, as
1989 defined by commission rule made in accordance with Title 63G, Chapter 3, Utah
1990 Administrative Rulemaking Act, the converted full-service restaurant licensee's bar structure or
1991 dining area; or

1992 (iii) the date on which the converted full-service restaurant licensee experiences a
1993 change of ownership described in Subsection 32B-8a-202(1).

1994 (b) Before a converted full-service restaurant licensee changes the converted
1995 full-service restaurant licensee's approved location for storage, dispensing, or consumption to
1996 comply with the provisions of Section 32B-6-205.2, the converted full-service restaurant
1997 licensee shall submit an application for approval to the department in accordance with
1998 Subsection 32B-5-303(3).

1999 (c) A converted full-service restaurant licensee that cannot comply with the provisions
2000 of Section 32B-6-205.2 without a change to the converted full-service restaurant licensee's
2001 approved location for storage, dispensing, or consumption shall submit an application for
2002 approval described in Subsection (3)(b) on or before May 1, 2022.

2003 (4) (a) Notwithstanding any provision to the contrary, a converted full-service
2004 restaurant licensee shall maintain at least the following percentage of the converted full-service
2005 restaurant licensee's total restaurant business from the sale of food:

2006 (i) beginning [~~July 1, 2018~~] the day on which the licensee becomes a converted
2007 full-service restaurant licensee, and ending June 30, 2019, 64%;

2008 (ii) beginning July 1, 2019, and ending June 30, 2020, 68%; and

2009 (iii) on and after July 1, 2021, 70%.

2010 (b) For purposes of Subsection (4)(a), a converted full-service restaurant licensee's
2011 restaurant business from the sale of food does not include:

2012 (i) mix for an alcoholic product; or

2013 (ii) a service charge.

2014 Section 20. Section **32B-6-406** is amended to read:

2015 **32B-6-406. Specific operational requirements for a bar establishment license.**

2016 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2017 Requirements, a bar establishment licensee and staff of the bar establishment licensee shall
2018 comply with this section.

2019 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2020 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2021 (i) a bar establishment licensee;

2022 (ii) individual staff of a bar establishment licensee; or

2023 (iii) both a bar establishment licensee and staff of the bar establishment licensee.

2024 (2) In addition to complying with Subsection **32B-5-301**(3), a bar licensee shall display
2025 in a conspicuous place at the entrance to the licensed premises a sign approved by the
2026 commission that:

2027 (a) measures at least 8-1/2 inches long and 11 inches wide; and

2028 (b) clearly states that the bar licensee is a bar and ~~[not a restaurant]~~ that no one under
2029 21 years of age is allowed.

2030 (3) (a) In addition to complying with Section **32B-5-302**, a bar establishment licensee
2031 shall maintain for a minimum of three years:

2032 (i) a record required by Section **32B-5-302**; and

2033 (ii) a record maintained or used by the bar establishment licensee, as the department
2034 requires.

2035 (b) Section **32B-1-205** applies to a record required to be made, maintained, or used in
2036 accordance with this Subsection (3).

2037 (c) The department shall audit the records of a bar establishment licensee at least once
2038 annually.

2039 (4) (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the
2040 licensed premises on any day during a period that:

2041 (i) begins at 1 a.m.; and

2042 (ii) ends at 9:59 a.m.

2043 (b) A bar establishment licensee may sell, offer for sale, or furnish beer during the
2044 hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer
2045 license.

2046 (c) (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall
2047 keep its licensed premises open for one hour after the bar establishment licensee ceases the sale
2048 and furnishing of an alcoholic product during which time a patron of the bar establishment
2049 licensee may finish consuming:

2050 (A) a single drink containing spirituous liquor;

2051 (B) a single serving of wine not exceeding five ounces;

2052 (C) a single serving of heavy beer;

2053 (D) a single serving of beer not exceeding 26 ounces; or

2054 (E) a single serving of a flavored malt beverage.

2055 (ii) A bar establishment licensee is not required to remain open:

2056 (A) after all patrons have vacated the premises; or

2057 (B) during an emergency.

2058 (5) (a) A minor may not be admitted into, use, or be in:

2059 (i) a lounge or bar area of the premises of:

2060 (A) an equity licensee;

2061 (B) a fraternal licensee; or

2062 (C) a dining club licensee; or

2063 (ii) the premises of:

2064 (A) a dining club licensee unless accompanied by an individual who is 21 years of age
2065 or older; or

2066 (B) a bar licensee, except to the extent provided for under Section [32B-6-406.1](#).

2067 (b) Notwithstanding Section [32B-5-308](#), a bar establishment licensee may not employ a
2068 minor to:

2069 (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club
2070 licensee; or

2071 (ii) handle an alcoholic product.

2072 (c) Notwithstanding Section [32B-5-308](#), a minor may not be employed on the licensed
2073 premises of a bar licensee.

2074 (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being
2075 more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar
2076 establishment licensee.

2077 (6) A bar establishment licensee shall have food available at all times when an
2078 alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.

2079 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
2080 more than two alcoholic products of any kind at a time before the patron.

2081 (b) A patron may not have two spirituous liquor drinks before the bar establishment
2082 licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous
2083 liquor for the other spirituous liquor drink.

2084 (c) An individual portion of wine is considered to be one alcoholic product under
2085 Subsection (7)(a).

2086 (8) A bar establishment licensee shall have available on the premises for a patron to
2087 review at the time that the patron requests it, a written alcoholic product price list or a menu
2088 containing the price of an alcoholic product sold, offered for sale, or furnished by the bar
2089 establishment licensee including:

2090 (a) a set-up charge;

2091 (b) a service charge; or

2092 (c) a chilling fee.

2093 (9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily
2094 rent or otherwise temporarily lease its premises to a person unless:

2095 (a) the person to whom the bar establishment licensee rents or leases the premises
2096 agrees in writing to comply with this title as if the person is the bar establishment licensee,
2097 except for a requirement related to making or maintaining a record; and

2098 (b) the bar establishment licensee takes reasonable steps to ensure that the person
2099 complies with this section as provided in Subsection (9)(a).

2100 (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar
2101 establishment licensee shall comply with Section 32B-6-407.

2102 (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar
2103 establishment licensee shall comply with Section 32B-1-407.

2104 (12) (a) A bar establishment licensee shall own or lease premises suitable for the bar

2105 establishment licensee's activities.

2106 (b) A bar establishment licensee may not maintain licensed premises in a manner that
2107 barricades or conceals the bar establishment licensee's operation.

2108 Section 21. Section **32B-6-409** is amended to read:

2109 **32B-6-409. Conversion from dining club license to different type of retail license.**

2110 (1) In accordance with this section, a dining club licensee may convert its dining club
2111 license to a different type of retail license, including a different type of club license during the
2112 time period:

2113 (a) beginning on July 1, 2011; and

2114 (b) ending on June 30, 2013.

2115 (2) A dining club licensee may convert its dining license only to a retail license for
2116 which the dining club licensee qualifies.

2117 (3) The commission shall provide a procedure for a dining club to convert to a different
2118 type of retail license as provided in this section by rule made in accordance with Title 63G,
2119 Chapter 3, Utah Administrative Rulemaking Act.

2120 (4) After a dining club license is converted to another type of retail license, the retail
2121 licensee shall operate under the provisions relevant to the type of retail license held by the retail
2122 licensee~~[, except that, in accordance with Section 32B-1-201, the retail license is not~~
2123 ~~considered in determining the total number of licenses available for that type of retail license].~~

2124 (5) If a dining club license is converted to full-service restaurant license,
2125 limited-service restaurant license, or beer-only restaurant license, the bar structure of the dining
2126 club is considered:

2127 (a) a seating grandfathered bar structure for purposes of a full-service restaurant license
2128 or a limited-service restaurant license; or

2129 (b) a grandfathered bar structure for purposes of a beer-only restaurant license.

2130 Section 22. Section **32B-6-503** is amended to read:

2131 **32B-6-503. Commission's power to issue airport lounge license.**

2132 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
2133 an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain
2134 an airport lounge license from the commission in accordance with this part.

2135 (2) The commission may issue an airport lounge license to establish airport lounge

2136 licensed premises beyond the security point at an international airport and in the numbers the
2137 commission considers proper for the storage, sale, offer for sale, furnishing, and consumption
2138 of an alcoholic product on licensed premises operated as an airport lounge.

2139 (3) (a) The commission may not issue a total number of airport lounge licenses for an
2140 international airport that at any time exceed one airport lounge license for each [~~2,500,000~~
2141 1,750,000 of total passengers at the international airport.

2142 (b) Notwithstanding Subsection (3)(a), the commission may not reduce the total
2143 number of airport lounge licenses unless:

2144 (i) the commission determines that the number of total passengers is reduced by more
2145 than 25% from the last day on which the commission determined the total number of airport
2146 lounge licenses allowed for that international airport under this Subsection (3); and

2147 (ii) the reduction can be accomplished without the international airport terminating a
2148 lease for an airport lounge before:

2149 (A) the expiration of the lease;

2150 (B) the airport lounge undergoes a change of ownership; or

2151 (C) the airport lounge ceases operations.

2152 Section 23. Section **32B-6-902** is amended to read:

2153 **32B-6-902. Definitions.**

2154 (1) As used in this part:

2155 (a) (i) "Dining area" means an area in the licensed premises of a beer-only restaurant
2156 licensee that is primarily used for the service and consumption of food by one or more patrons.

2157 (ii) "Dining area" does not include a dispensing area.

2158 (b) (i) "Dispensing area" means an area in the licensed premises of a beer-only
2159 restaurant licensee where a dispensing structure is located and that:

2160 (A) is physically separated from the dining area and any waiting area by a structure or
2161 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the
2162 dispensing of beer;

2163 (B) except as provided in Subsection (1)(b)(ii), measures at least 10 feet from [~~any area~~
2164 ~~where beer is dispensed to~~] the dining area and any waiting area[~~;- measured from the point of~~
2165 ~~the area where beer is dispensed that is closest to the dining area or waiting area~~] to the nearest
2166 edge of the dispensing structure; or

2167 (C) is physically separated from the dining area and any waiting area by a permanent
2168 physical structure that complies with the provisions of Title 15A, State Construction and Fire
2169 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,
2170 measures at least 42 inches high, and at least 60 inches from the inside edge of the barrier to
2171 the nearest edge of the dispensing structure.

2172 (ii) "Dispensing area" does not include any area described in Subsection (1)(b)(i)(B)
2173 that is less than 10 feet from an area where alcoholic product is dispensed, but from which a
2174 patron seated at a table or counter cannot view the dispensing of alcoholic product.

2175 (c) "Grandfathered bar structure" means a bar structure in a licensed premises of a
2176 beer-only restaurant licensee that:

2177 (i) was licensed as an on-premise beer retailer as of August 1, 2011, and as of August
2178 1, 2011:

2179 (A) is operational;

2180 (B) has facilities for the dispensing or storage of an alcoholic product that do not meet
2181 the requirements of Subsection 32B-6-905(12)(a)(ii); and

2182 (C) in accordance with Subsection 32B-6-703(2)(e), notifies the department that
2183 effective March 1, 2012, the on-premise beer retailer licensee will seek to be licensed as a
2184 beer-only restaurant; or

2185 (ii) is a bar structure grandfathered under Section 32B-6-409.

2186 (d) "Grandfathered bar structure" does not include a grandfathered bar structure
2187 described in Subsection (1)(a) on or after the day on which a restaurant remodels the
2188 grandfathered bar structure, as defined by rule made by the commission.

2189 (e) "Waiting area" includes a lobby.

2190 (2) Subject to Subsection (1)(d), a grandfathered bar structure remains a grandfathered
2191 bar structure notwithstanding whether a restaurant undergoes a change of ownership.

2192 Section 24. Section 32B-6-905 is amended to read:

2193 **32B-6-905. Specific operational requirements for a beer-only restaurant license --**
2194 **Before July 1, 2018, or July 1, 2022.**

2195 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2196 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
2197 shall comply with this section.

2198 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2199 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 2200 (i) a beer-only restaurant licensee;
- 2201 (ii) individual staff of a beer-only restaurant licensee; or
- 2202 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

2203 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
2204 sale, furnish, or allow consumption of liquor.

2205 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

- 2206 (i) as a flavoring on a dessert; and
- 2207 (ii) in the preparation of a flaming food dish, drink, or dessert.

2208 (3) In addition to complying with Section [32B-5-303](#), a beer-only restaurant licensee
2209 shall store beer in a storage area described in Subsection (12)(a).

2210 (4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
2211 make a written beverage tab for each table or group that orders or consumes an alcoholic
2212 product on the premises.

2213 (b) A beverage tab required by this Subsection (4) shall list the type and amount of
2214 beer ordered or consumed.

2215 (5) A person's willingness to serve beer may not be made a condition of employment as
2216 a server with a beer-only restaurant licensee.

2217 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
2218 licensed premises during the following time periods only:

- 2219 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
- 2220 (b) on a weekend or a state or federal legal holiday or for a private event, during the
2221 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2222 (7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant
2223 business from the sale of food, which does not include a service charge.

2224 (8) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except after
2225 the beer-only restaurant licensee confirms that the patron has the intent to order food prepared,
2226 sold, and furnished at the licensed premises.

2227 (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary
2228 facilities for food preparation and dining accommodations.

- 2229 (9) A patron may not have more than two beers at a time before the patron.
- 2230 (10) A patron may consume a beer only:
- 2231 (a) at:
- 2232 (i) the patron's table;
- 2233 (ii) a grandfathered bar structure; or
- 2234 (iii) a counter; and
- 2235 (b) where food is served.
- 2236 (11) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to
- 2237 a patron, and a patron may not consume an alcoholic product at a bar structure.
- 2238 (b) Notwithstanding Subsection (11)(a), at a grandfathered bar structure, a patron who
- 2239 is 21 years of age or older may:
- 2240 (i) sit;
- 2241 (ii) be furnished a beer; and
- 2242 (iii) consume a beer.
- 2243 (c) Except as provided in Subsection (11)(d), at a grandfathered bar structure, a
- 2244 beer-only restaurant licensee may not permit a minor to, and a minor may not:
- 2245 (i) sit; or
- 2246 (ii) consume food or beverages.
- 2247 (d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a
- 2248 beer-only restaurant licensee:
- 2249 (A) as provided in Subsection [32B-5-308\(2\)](#); or
- 2250 (B) to perform maintenance and cleaning services during an hour when the beer-only
- 2251 restaurant licensee is not open for business.
- 2252 (ii) A minor may momentarily pass by a grandfathered bar structure without
- 2253 remaining or sitting at the bar structure en route to an area of a beer-only restaurant licensee's
- 2254 premises in which the minor is permitted to be.
- 2255 (12) A beer-only restaurant licensee may dispense a beer only if:
- 2256 (a) the beer is dispensed from an area that is:
- 2257 (i) a grandfathered bar structure; or
- 2258 (ii) separated from an area for the consumption of food by a patron by a solid,
- 2259 translucent, permanent structural barrier such that the facilities for the storage or dispensing of

2260 an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart
2261 from an area used for dining, for staging, or as a lobby or waiting area;

2262 (b) the beer-only restaurant licensee uses a beer that is:

2263 (i) stored in an area described in Subsection (12)(a); or

2264 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:

2265 (A) immediately before the beer is dispensed it is in an unopened container;

2266 (B) the unopened container is taken to an area described in Subsection (12)(a) before it
2267 is opened; and

2268 (C) once opened, the container is stored in an area described in Subsection (12)(a); and

2269 (c) any instrument or equipment used to dispense the beer is located in an area
2270 described in Subsection (12)(a).

2271 [~~(13) In addition to complying with Subsection 32B-5-301(3), a beer-only restaurant~~
2272 ~~licensee shall display in a conspicuous place at the entrance to the licensed premises a sign~~
2273 ~~approved by the commission that:]~~

2274 [~~(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~

2275 [~~(b) clearly states that the beer-only restaurant licensee is a restaurant and not a bar.]~~

2276 [~~(14)~~] (13) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
2277 beverages within 10 feet of a grandfathered bar structure, unless:

2278 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
2279 in the licensed premises; and

2280 (b) the minor is accompanied by an individual who is 21 years of age or older.

2281 [~~(15)~~] (14) Except as provided in Subsection 32B-6-905.1[~~(18)~~](17) and Section
2282 32B-6-905.2, the provisions of this section apply before July 1, 2018.

2283 Section 25. Section 32B-6-905.1 is amended to read:

2284 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**
2285 **-- On and after July 1, 2018, or July 1, 2022.**

2286 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2287 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
2288 shall comply with this section.

2289 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
2290 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 2291 (i) a beer-only restaurant licensee;
- 2292 (ii) individual staff of a beer-only restaurant licensee; or
- 2293 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.
- 2294 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
- 2295 sale, furnish, or allow consumption of liquor.
- 2296 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:
- 2297 (i) as a flavoring on a dessert; and
- 2298 (ii) in the preparation of a flaming food dish, drink, or dessert.
- 2299 (3) In addition to complying with Section [32B-5-303](#), a beer-only restaurant licensee
- 2300 shall store beer in a storage area described in Subsection (13)(a).
- 2301 (4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
- 2302 make a beverage tab for each table or group that orders or consumes an alcoholic product on
- 2303 the premises.
- 2304 (b) A beverage tab described in this Subsection (4) shall state the type and amount of
- 2305 each alcoholic product ordered or consumed.
- 2306 (5) A beer-only restaurant licensee may not make an individual's willingness to serve
- 2307 beer a condition of employment as a server with a beer-only restaurant licensee.
- 2308 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
- 2309 licensed premises during the following time periods only:
- 2310 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
- 2311 (b) on a weekend or a state or federal legal holiday or for a private event, during the
- 2312 period that begins at 10:30 a.m. and ends at 12:59 a.m.
- 2313 (7) A beer-only restaurant licensee shall maintain at least 70% of the beer-only
- 2314 restaurant licensee's total restaurant business from the sale of food, which does not include a
- 2315 service charge.
- 2316 (8) (a) A beer-only restaurant licensee may not [~~sell, offer for sale, or~~] furnish beer
- 2317 except after:
- 2318 (i) the patron to whom the beer-only restaurant licensee [~~sells, offers for sale, or~~]
- 2319 furnishes the beer is seated at:
- 2320 (A) a table that is located in a dining area or a dispensing area;
- 2321 (B) a counter that is located in a dining area or a dispensing area; or

- 2322 (C) a dispensing structure that is located in a dispensing area; and
- 2323 (ii) the beer-only restaurant licensee confirms that the patron intends to:
- 2324 (A) order food prepared, sold, and furnished at the licensed premises; and
- 2325 (B) except as provided in Subsection (8)(b), consume the food at the same location
- 2326 where the patron is ~~[seated and sold, offered for sale, or]~~ furnished the beer.
- 2327 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
- 2328 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or
- 2329 furnish to the patron one portion of beer as described in Section 32B-5-304 if:
- 2330 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
- 2331 structure; and
- 2332 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the
- 2333 dining area, the patron intends to order food prepared, sold, and furnished at the licensed
- 2334 premises.
- 2335 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining
- 2336 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an
- 2337 alcoholic product under Section 32B-5-306 shall transport any unfinished portion of the
- 2338 patron's beer to the patron's seat in the dining area.
- 2339 (c) A beer-only restaurant licensee shall maintain on the licensed premises adequate
- 2340 culinary facilities for food preparation and dining accommodations.
- 2341 (9) A patron may consume a beer only at:
- 2342 (a) a table that is located in a dining area or a dispensing area;
- 2343 (b) a counter that is located in a dining area or a dispensing area; or
- 2344 (c) a dispensing structure located in a dispensing area.
- 2345 (10) A patron may not have more than two beers at a time before the patron.
- 2346 (11) In accordance with the provisions of this section, an individual who is at least 21
- 2347 years of age may consume food and beverages in a dispensing area.
- 2348 (12) (a) Except as provided in Subsection (12)(b), a minor may not sit, remain, or
- 2349 consume food or beverages in a dispensing area.
- 2350 (b) (i) A minor may be in a dispensing area if the minor is employed by the beer-only
- 2351 restaurant licensee:
- 2352 (A) in accordance with Subsection 32B-5-308(2); or

2353 (B) to perform maintenance and cleaning services when the beer-only restaurant
2354 licensee is not open for business.

2355 (ii) If there is no alternative route available, a minor may momentarily pass through a
2356 dispensing area without remaining or sitting in the dispensing area en route to an area of the
2357 beer-only restaurant licensee's premises in which the minor is permitted to be.

2358 (13) A beer-only restaurant licensee may dispense a beer only if:

2359 (a) the beer is dispensed from:

2360 (i) a dispensing structure that is located in a dispensing area;

2361 (ii) an area that is:

2362 (A) separated from an area for the consumption of food by a patron by a solid,
2363 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
2364 an alcoholic product are not readily visible to a patron, not accessible by a patron; and

2365 (B) apart from an area used for dining, for staging, or as a lobby or waiting area; or

2366 (iii) the premises of a bar licensee that is:

2367 (A) owned by the same person or persons as the beer-only restaurant licensee; and

2368 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;

2369 (b) the beer-only restaurant licensee uses a beer that is stored in an area described in
2370 Subsection (13)(a) or in accordance with Section [32B-5-303](#); and

2371 (c) any instrument or equipment used to dispense the beer is located in an area
2372 described in Subsection (13)(a).

2373 (14) (a) A beer-only restaurant licensee may have more than one dispensing area in the
2374 licensed premises.

2375 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
2376 dispensing area under Subsection [32B-6-202\(1\)\(b\)\(i\)\(A\)](#), (B), or (C), regardless of how any
2377 other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

2378 (15) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or
2379 from a movable cart.

2380 (16) (a) In addition to the requirements described in Section [32B-5-302](#), a beer-only
2381 restaurant licensee shall maintain each of the following records for at least three years:

2382 (i) a record required by Section [32B-5-302](#); and

2383 (ii) a record that the commission requires a beer-only restaurant licensee to use or

2384 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2385 Rulemaking Act.

2386 (b) The department shall audit the records of a beer-only restaurant licensee at least
2387 once each calendar year.

2388 ~~[(17) A beer-only restaurant licensee shall display in a conspicuous place at the~~
2389 ~~entrance to the licensed premises a sign approved by the commission that:]~~

2390 ~~[(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~

2391 ~~[(b) clearly states that the beer-only restaurant licensee is a restaurant and not a bar.]~~

2392 ~~[(18)]~~ (17) (a) In accordance with Section [32B-6-905.2](#), a beer-only restaurant licensee:

2393 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

2394 and

2395 (ii) shall comply with the provisions of this section:

2396 (A) for a beer-only restaurant licensee that does not have a grandfathered bar structure,
2397 on and after July 1, 2018; or

2398 (B) for a beer-only restaurant licensee that has a grandfathered bar structure, on and
2399 after July 1, 2022.

2400 (b) A beer-only restaurant licensee that elects to comply with the provisions of this
2401 section before the latest applicable date described in Subsection ~~[(18)]~~ (17)(a)(ii):

2402 (i) shall comply with each provision of this section; and

2403 (ii) is not required to comply with the provisions of Section [32B-6-905](#).

2404 Section 26. Section **32B-7-401** is amended to read:

2405 **32B-7-401. Commission's power to issue off-premise beer retailer state license.**

2406 (1) Beginning on July 1, 2018, and except as provided in Subsection (3), before a
2407 person may purchase, store, sell, or offer for sale beer for consumption off the person's
2408 premises, the person shall obtain an off-premise beer retailer state license in accordance with
2409 this part.

2410 (2) The commission may issue an off-premise beer retailer state license for the retail
2411 sale of beer for consumption off the beer retailer's premises.

2412 (3) (a) A person who operates as an off-premise beer retailer on July 1, 2018, shall
2413 ~~[obtain]~~ submit an application for an off-premise beer retailer state license on or before March
2414 1, 2019.

2415 ~~[(b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2416 ~~the commission shall establish a deadline for each off-premise beer retailer described in~~
2417 ~~Subsection (3)(a) to submit to the department an application for an off-premise beer retailer~~
2418 ~~state license.]~~

2419 ~~[(ii) The commission shall act upon each timely application submitted in accordance~~
2420 ~~with this Subsection (3) on or before February 28, 2019.]~~

2421 ~~[(c) An off-premise beer retailer described in Subsection (3)(a) may continue to operate~~
2422 ~~without an off-premise beer retailer state license through February 28, 2019.]~~

2423 (b) For an application submitted under this Subsection (3), the person shall pay the
2424 renewal fee described in Section [32B-7-403](#) in lieu of the initial license fee described in
2425 Section [32B-7-402](#).

2426 Section 27. Section **32B-8a-202** is amended to read:

2427 **32B-8a-202. Effect of transfer of ownership of business entity.**

2428 (1) (a) When the ownership of 51% or more of the shares of stock of a corporation is
2429 acquired by or transferred to one or more persons who did not hold the ownership of 51% of
2430 those shares of stock on the date a retail license is issued to the corporation, the corporation
2431 shall comply with this chapter to transfer the retail license to the corporation as if the
2432 corporation is newly constituted.

2433 (b) When there is a new general partner or when the ownership of 51% or more of the
2434 capital or profits of a limited partnership is acquired by or transferred to one or more persons as
2435 general or limited partners and who did not hold ownership of 51% or more of the capital or
2436 profits of the limited partnership on the date a retail license is issued to the limited partnership,
2437 the limited partnership shall comply with this chapter to transfer the retail license to the limited
2438 partnership as if the limited partnership is newly constituted.

2439 (c) When the ownership of 51% or more of the interests in a limited liability company
2440 is acquired by or transferred to one or more persons as members who did not hold ownership of
2441 51% or more of the interests in the limited liability company on the date a retail license is
2442 issued to the limited liability company, the limited liability company shall comply with this
2443 chapter to transfer the retail license to the limited liability company as if the limited liability
2444 company is newly constituted.

2445 (2) ~~[If a]~~ A business entity ~~[fails to]~~ shall comply with this section within ~~[30]~~ 60 days

2446 [of] after the day on which the event described in Subsection (1) occurs~~[-the business entity's~~
2447 ~~retail license is automatically forfeited].~~

2448 Section 28. Section **32B-8a-203** is amended to read:

2449 **32B-8a-203. Operational requirements for transferee.**

2450 (1) (a) A transferee shall begin operations of the retail license within 30 days from the
2451 day on which a transfer is approved by the commission, except that:

2452 (i) the department may grant an extension of this time period not to exceed 30 days;
2453 and

2454 (ii) after the extension is authorized by the department under Subsection (1)(a)(i), the
2455 commission may grant one or more additional extensions not to exceed, in the aggregate, seven
2456 months from the day on which the commission approves the transfer, if the transferee can
2457 demonstrate to the commission that the transferee:

2458 (A) cannot begin operations because the transferee is improving the licensed premises;

2459 (B) has obtained a building permit for the improvements described in Subsection
2460 (1)(a)(ii)(A); and

2461 (C) is working expeditiously to complete the improvements to the licensed premises.

2462 (b) A transferee is considered to have begun operations of the retail license if the
2463 transferee:

2464 (i) has a licensed premises that is open ~~[to the public]~~ for business;

2465 (ii) sells, offers for sale, or furnishes alcoholic products to a patron on the licensed
2466 premises described in Subsection (1)(b)(i); and

2467 (iii) has a valid business license.

2468 (2) If a transferee fails to begin operations of the retail license within the time period
2469 required by Subsection (1), the following are automatically forfeited effective immediately:

2470 (a) the retail license; and

2471 (b) the retail license fee.

2472 (3) A transferee shall begin operations of the retail license at the location to which the
2473 transfer applies before the transferee may seek a transfer of the retail license to a different
2474 location.

2475 (4) Notwithstanding Subsection (1), the commission may not issue a conditional
2476 license unless the requirements of Section **32B-5-205** are met, except that the time periods

2477 required by this section supersede the time period provided in Section [32B-5-205](#).

2478 Section 29. Section **32B-8c-101** is enacted to read:

2479 **CHAPTER 8c. ARENA LICENSE ACT**

2480 **Part 1. General Provisions**

2481 **32B-8c-101. Title.**

2482 This chapter is known as the "Arena License Act."

2483 Section 30. Section **32B-8c-102** is enacted to read:

2484 **32B-8c-102. Definitions.**

2485 As used in this chapter, "arena" means a building that:

2486 (1) is primarily used for the presentation of sports, concerts, plays, or other
2487 performances for the public; and

2488 (2) seats more than 9,000 individuals.

2489 Section 31. Section **32B-8c-201** is enacted to read:

2490 **Part 2. Arena Licensing Process**

2491 **32B-8c-201. Commission's power to issue an arena license.**

2492 (1) Before a person may sell, offer for sale, furnish, or allow the consumption of an
2493 alcoholic product as an arena, the person shall first obtain an arena license from the
2494 commission in accordance with this chapter.

2495 (2) The commission may issue to a person an arena license to allow the storage, sale,
2496 offer for sale, furnishing, and consumption of an alcoholic product in connection with an arena
2497 designated in the arena license.

2498 (3) The commission may not issue an arena license for an arena that does not meet the
2499 proximity requirements of Section [32B-1-202](#).

2500 Section 32. Section **32B-8c-202** is enacted to read:

2501 **32B-8c-202. Specific licensing requirements for arena license.**

2502 (1) To obtain an arena license, in addition to complying with Chapter 5, Part 2, Retail
2503 Licensing Process, a person shall submit with the written application:

2504 (a) evidence that the building designated in the application as the arena qualifies as an
2505 arena;

2506 (b) a description and boundary map of the arena;

2507 (c) a description, floor plan, and boundary map of each consumption area designating:

2508 (i) any location at which the person proposes that an alcoholic product be stored; and

2509 (ii) a designated location within each consumption area from which the person

2510 proposes an alcoholic product be sold, furnished, or consumed;

2511 (d) evidence that the person carries dramshop insurance coverage equal to the sum of at

2512 least \$1,000,000 per occurrence and \$2,000,000 in the aggregate to cover the arena; and

2513 (e) a signed consent form stating that the person will permit any authorized

2514 representative of the commission or department, or any law enforcement officer, to have

2515 unrestricted right to enter the arena.

2516 (2) (a) An arena license expires on June 30 of each year.

2517 (b) To renew a person's arena license, the person shall comply with the requirements of

2518 Chapter 5, Part 2, Retail Licensing Process, by no later than May 31.

2519 (3) (a) The nonrefundable application fee for an arena license is \$500.

2520 (b) The initial license fee for an arena license is \$4,000.

2521 (c) The renewal fee for an arena license is \$3,000.

2522 (4) The bond amount required for an arena license is the penal sum of \$15,000.

2523 (5) An arena that holds a retail license on May 8, 2018, and submits an application for

2524 an arena license on or before May 31, 2018, shall pay the renewal fee in lieu of the initial

2525 license fee.

2526 Section 33. Section **32B-8c-203** is enacted to read:

2527 **32B-8c-203. Qualifications for arena license.**

2528 The commission shall apply the requirements described in Section [32B-1-304](#) to an

2529 arena license.

2530 Section 34. Section **32B-8c-204** is enacted to read:

2531 **32B-8c-204. Commission and department duties before issuing arena license.**

2532 (1) Before issuing an arena license, the department shall comply with the requirements

2533 of Subsection [32B-5-203](#)(1) in relation to the arena license.

2534 (2) Before issuing an arena license, in addition to considering the factors described in

2535 Section [32B-8b-202](#), the commission shall:

2536 (a) consider the person's ability to manage and operate an arena license and the ability

2537 of any individual who will act in a supervisory or managerial capacity, including:

2538 (i) past management experience;

- 2539 (ii) past alcoholic product license experience; and
- 2540 (iii) the type of management scheme to be used by the arena; and
- 2541 (b) consider the nature or type of the person's business operation of the arena license.

2542 Section 35. Section **32B-8c-301** is enacted to read:

Part 3. Operational Requirements

32B-8c-301. Specific operational requirements for arena license.

2545 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2546 Requirements, an arena licensee and staff of the arena licensee shall comply with this section.

2547 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2548 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 2549 (i) an arena licensee;
- 2550 (ii) individual staff of an arena licensee; or
- 2551 (iii) a combination of the persons listed in this Subsection (1)(b).

2552 (2) An arena licensee may not sell, offer for sale, or furnish an alcoholic product
2553 except:

- 2554 (a) on the licensed premises and in a designated consumption area;
- 2555 (b) in accordance with a permit issued under this title; or
- 2556 (c) under a package agency agreement with the department, subject to Chapter 2, Part
2557 6, Package Agency.

2558 (3) (a) Except as otherwise provided in this title, an arena licensee may sell, offer for
2559 sale, or furnish an alcoholic product in a consumption area on the licensed premises.

2560 (b) In a consumption area that has an allowed occupancy of more than 1,000
2561 individuals:

- 2562 (i) the arena licensee may not sell, offer for sale, or furnish liquor; and
- 2563 (ii) an individual may not carry or consume liquor.
- 2564 (c) (i) A patron may transport beer from one consumption area to another.
- 2565 (ii) A patron may not transport liquor from one consumption area to another.

2566 (4) A minor may not be present in a consumption area where liquor is sold, offered for
2567 sale, or furnished, unless the minor is accompanied by an individual who is 21 years of age or
2568 older.

2569 (5) An arena licensee may not sell, offer for sale, or furnish an alcoholic product at the

2570 licensed premises during the period that:

2571 (a) begins at 1 a.m.; and

2572 (b) ends at 9:59 a.m.

2573 (6) An arena licensee shall maintain at least 50% of the arena licensee's total annual

2574 arena gross receipts from the sale of food, not including:

2575 (a) mix for an alcoholic product; and

2576 (b) a charge in connection with the furnishing of an alcoholic product.

2577 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have

2578 more than two alcoholic products of any kind at a time before the patron.

2579 (b) A patron may not have more than one spirituous liquor drink at a time before the

2580 patron.

2581 (c) An individual portion of wine is considered to be one alcoholic product under

2582 Subsection (7)(a).

2583 (8) An arena licensee may include one or more alcoholic products in the price of a

2584 ticket only if each alcoholic product is furnished in a consumption area:

2585 (a) that is not a consumption area described in Subsection (3)(b); and

2586 (b) where food and seating is available.

2587 Section 36. Section **32B-8c-401** is enacted to read:

2588 **Part 4. Enforcement**

2589 **32B-8c-401. Enforcement of operational requirements for arena license.**

2590 (1) Failure by a person described in Subsection (2) to comply with this chapter may

2591 result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and

2592 Enforcement Act, against:

2593 (a) an arena licensee;

2594 (b) individual staff of an arena licensee; or

2595 (c) a combination of the persons listed in this Subsection (1).

2596 (2) Subsection (1) applies to:

2597 (a) an arena licensee; or

2598 (b) staff of an arena licensee.

2599 Section 37. Section **53F-9-304** is amended to read:

2600 **53F-9-304. Underage Drinking Prevention Program Restricted Account.**

2601 (1) As used in this section, "account" means the Underage Drinking Prevention
2602 Program Restricted Account created in this section.

2603 (2) There is created within the Education Fund a restricted account known as the
2604 "Underage Drinking Prevention Program Restricted Account."

2605 (3) (a) Before the Department of Alcoholic Beverage Control [~~remits~~] deposits any
2606 portion of the markup collected under Section 32B-2-304 [~~to the State Tax Commission, the~~
2607 ~~department~~] into the Liquor Control Fund in accordance with Section 32B-2-301, the
2608 Department of Alcoholic Beverage Control shall deposit into the account:

2609 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

2610 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
2611 amount that the [~~department~~] Department of Alcoholic Beverage Control deposited into the
2612 account during the preceding fiscal year increased or decreased by a percentage equal to the
2613 percentage difference between the Consumer Price Index for the second preceding calendar
2614 year and the Consumer Price Index for the preceding calendar year [~~2017~~].

2615 (b) For purposes of this Subsection (3), the department shall calculate the Consumer
2616 Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).

2617 (4) The account shall be funded:

2618 (a) in accordance with Subsection (3);

2619 (b) by appropriations made to the account by the Legislature; and

2620 (c) by interest earned on money in the account.

2621 (5) The State Board of Education shall use money in the account for the Underage
2622 Drinking Prevention Program described in Section 53G-10-406.

2623 Section 38. Section 53G-10-406 is amended to read:

2624 **53G-10-406. Underage Drinking Prevention Program -- State Board of Education**
2625 **rules.**

2626 (1) As used in this section:

2627 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory
2628 Council created in this section.

2629 (b) "Board" means the State Board of Education.

2630 (c) "LEA" means:

2631 (i) a school district;

- 2632 (ii) a charter school; or
- 2633 (iii) the Utah Schools for the Deaf and the Blind.
- 2634 (d) "Program" means the Underage Drinking Prevention Program created in this
- 2635 section.
- 2636 (e) "School-based prevention presentation" means an evidence-based program intended
- 2637 for students aged 13 and older that:
 - 2638 (i) is aimed at preventing underage consumption of alcohol;
 - 2639 (ii) is delivered by methods that engage students in storytelling and visualization;
 - 2640 (iii) addresses the behavioral risk factors associated with underage drinking; and
 - 2641 (iv) provides practical tools to address the dangers of underage drinking.
- 2642 (2) There is created the Underage Drinking Prevention Program that consists of:
 - 2643 (a) a school-based prevention [~~presentation~~] program for students in grade 7 or 8; and
 - 2644 (b) a school-based prevention [~~presentation~~] program for students in grade 9 or 10 that
 - 2645 increases awareness of the dangers of driving under the influence of alcohol.
- 2646 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
- 2647 school year to each student in grade 7 or 8 and grade 9 or 10.
- 2648 (b) An LEA shall select from the providers qualified by the board under Subsection (6)
- 2649 to offer the program.
- 2650 (4) The board shall administer the program with input from the advisory council.
- 2651 (5) There is created the Underage Drinking Prevention Program Advisory Council
- 2652 comprised of the following members:
 - 2653 (a) the executive director of the Department of Alcoholic Beverage Control or the
 - 2654 executive director's designee;
 - 2655 (b) the executive director of the Department of Health or the executive director's
 - 2656 designee;
 - 2657 (c) the director of the Division of Substance Abuse and Mental Health or the director's
 - 2658 designee;
 - 2659 (d) the director of the Division of Child and Family Services or the director's designee;
 - 2660 (e) the director of the Division of Juvenile Justice Services or the director's designee;
 - 2661 (f) the state superintendent of public instruction or the state superintendent of public
 - 2662 instruction's designee; and

2663 (g) two members of the State Board of Education, appointed by the chair of the State
2664 Board of Education.

2665 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
2666 shall qualify one or more providers to provide the program to an LEA.

2667 (b) In selecting a provider described in Subsection (6)(a), the board shall consider:

2668 (i) whether the provider's program complies with the requirements described in this
2669 section;

2670 (ii) the extent to which the provider's underage drinking prevention program aligns
2671 with core standards for Utah public schools; and

2672 (iii) the provider's experience in providing a program that is effective at reducing
2673 underage drinking.

2674 (7) (a) The board shall use money from the Underage Drinking Prevention Program
2675 Restricted Account described in Section 53F-9-304 for the program.

2676 (b) The board may use money from the Underage Drinking Prevention Program
2677 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
2678 program.

2679 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2680 board shall make rules that:

2681 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
2682 Drinking Prevention Program each school year to each student in grade 8 and grade 10; and

2683 (b) establish criteria for the board to use in selecting a provider described in Subsection
2684 (6).

2685 Section 39. Section **62A-15-401** is amended to read:

2686 **62A-15-401. Alcohol training and education seminar.**

2687 (1) As used in this part:

2688 (a) "Instructor" means a person that directly provides the instruction during an alcohol
2689 training and education seminar for a seminar provider.

2690 (b) "Licensee" means a person who is:

2691 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;
2692 and

2693 (B) engaged in the retail sale of an alcoholic product for consumption on the premises

2694 of the licensee; or

2695 (ii) a business that is:

2696 (A) a new or renewing licensee licensed by a city, town, or county; and

2697 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

2698 (c) "Off-premise beer retailer" is as defined in Section 32B-1-102.

2699 (d) "Seminar provider" means a person other than the division who provides an alcohol
2700 training and education seminar meeting the requirements of this section.

2701 (2) (a) This section applies to:

2702 (i) a retail manager as defined in Section 32B-5-402;

2703 (ii) retail staff as defined in Section 32B-5-402; and

2704 (iii) an individual who, as defined by division rule:

2705 (A) directly supervises the sale of beer to a customer for consumption off the premises
2706 of an off-premise beer retailer; or

2707 (B) sells beer to a customer for consumption off the premises of an off-premise beer
2708 retailer.

2709 (b) If the individual does not have a valid record that the individual has completed an
2710 alcohol training and education seminar, an individual described in Subsection (2)(a) shall:

2711 (i) (A) complete an alcohol training and education seminar within 30 days of the
2712 following if the individual is described in ~~[Subsections]~~ Subsection (2)(a)(i) ~~[through (iii)]~~ or
2713 (ii):

2714 (I) if the individual is an employee, the day the individual begins employment;

2715 (II) if the individual is an independent contractor, the day the individual is first hired;

2716 or

2717 (III) if the individual holds an ownership interest in the licensee, the day that the
2718 individual first engages in an activity that would result in that individual being required to
2719 complete an alcohol training and education seminar; or

2720 (B) complete an alcohol training and education seminar within the time periods
2721 specified in Subsection 32B-5-404(1) if the individual is described in ~~[Subsections (2)(a)(iv)~~
2722 ~~and (v)]~~ Subsection (2)(a)(iii)(A) or (B); and

2723 (ii) pay a fee:

2724 (A) to the seminar provider; and

2725 (B) that is equal to or greater than the amount established under Subsection (4)(h).

2726 (c) An individual shall have a valid record that the individual completed an alcohol
2727 training and education seminar within the time period provided in this Subsection (2) to engage
2728 in an activity described in Subsection (2)(a).

2729 (d) A record that an individual has completed an alcohol training and education
2730 seminar is valid for:

2731 (i) three years from the day on which the record is issued for an individual described in
2732 Subsection (2)(a)(i)~~;~~ or (ii)~~;~~ ~~or (iii)~~; and

2733 (ii) five years from the day on which the record is issued for an individual described in
2734 Subsection (2)(a)~~(iv) or (v)~~ (iii)(A) or (B).

2735 (e) On and after July 1, 2011, to be considered as having completed an alcohol training
2736 and education seminar, an individual shall:

2737 (i) attend the alcohol training and education seminar and take any test required to
2738 demonstrate completion of the alcohol training and education seminar in the physical presence
2739 of an instructor of the seminar provider; or

2740 (ii) complete the alcohol training and education seminar and take any test required to
2741 demonstrate completion of the alcohol training and education seminar through an online course
2742 or testing program that meets the requirements described in Subsection (2)(f).

2743 (f) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
2744 Administrative Rulemaking Act, establish one or more requirements for an online course or
2745 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of
2746 the online course or testing program. In developing the requirements by rule the division shall
2747 consider whether to require:

2748 (i) authentication that the an individual accurately identifies the individual as taking the
2749 online course or test;

2750 (ii) measures to ensure that an individual taking the online course or test is focused on
2751 training material throughout the entire training period;

2752 (iii) measures to track the actual time an individual taking the online course or test is
2753 actively engaged online;

2754 (iv) a seminar provider to provide technical support, such as requiring a telephone
2755 number, email, or other method of communication that allows an individual taking the online

2756 course or test to receive assistance if the individual is unable to participate online because of
2757 technical difficulties;

2758 (v) a test to meet quality standards, including randomization of test questions and
2759 maximum time limits to take a test;

2760 (vi) a seminar provider to have a system to reduce fraud as to who completes an online
2761 course or test, such as requiring a distinct online certificate with information printed on the
2762 certificate that identifies the person taking the online course or test, or requiring measures to
2763 inhibit duplication of a certificate;

2764 (vii) measures for the division to audit online courses or tests;

2765 (viii) measures to allow an individual taking an online course or test to provide an
2766 evaluation of the online course or test;

2767 (ix) a seminar provider to track the Internet protocol address or similar electronic
2768 location of an individual who takes an online course or test;

2769 (x) an individual who takes an online course or test to use an e-signature; or

2770 (xi) a seminar provider to invalidate a certificate if the seminar provider learns that the
2771 certificate does not accurately reflect the individual who took the online course or test.

2772 (3) (a) A licensee may not permit an individual who is not in compliance with
2773 Subsection (2) to:

2774 (i) serve or supervise the serving of an alcoholic product to a customer for
2775 consumption on the premises of the licensee;

2776 (ii) engage in any activity that would constitute managing operations at the premises of
2777 a licensee that engages in the retail sale of an alcoholic product for consumption on the
2778 premises of the licensee;

2779 (iii) directly supervise the sale of beer to a customer for consumption off the premises
2780 of an off-premise beer retailer; or

2781 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
2782 retailer.

2783 (b) A licensee that violates Subsection (3)(a) is subject to Section [32B-5-403](#).

2784 (4) The division shall:

2785 (a) (i) provide alcohol training and education seminars; or

2786 (ii) certify one or more seminar providers;

2787 (b) establish the curriculum for an alcohol training and education seminar that includes
2788 the following subjects:

2789 (i) (A) alcohol as a drug; and

2790 (B) alcohol's effect on the body and behavior;

2791 (ii) recognizing the problem drinker or signs of intoxication;

2792 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
2793 as determined in consultation with the Department of Alcoholic Beverage Control;

2794 (iv) dealing with the problem customer, including ways to terminate sale or service;

2795 and

2796 (v) for those supervising or engaging in the retail sale of an alcoholic product for
2797 consumption on the premises of a licensee, alternative means of transportation to get the
2798 customer safely home;

2799 (c) recertify each seminar provider every three years;

2800 (d) monitor compliance with the curriculum described in Subsection (4)(b);

2801 (e) maintain for at least five years a record of every person who has completed an
2802 alcohol training and education seminar;

2803 (f) provide the information described in Subsection (4)(e) on request to:

2804 (i) the Department of Alcoholic Beverage Control;

2805 (ii) law enforcement; or

2806 (iii) a person licensed by the state or a local government to sell an alcoholic product;

2807 (g) provide the Department of Alcoholic Beverage Control on request a list of any
2808 seminar provider certified by the division; and

2809 (h) establish a fee amount for each person attending an alcohol training and education
2810 seminar that is sufficient to offset the division's cost of administering this section.

2811 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
2812 Administrative Rulemaking Act:

2813 (a) define what constitutes under this section an individual who:

2814 (i) manages operations at the premises of a licensee engaged in the retail sale of an
2815 alcoholic product for consumption on the premises of the licensee;

2816 (ii) supervises the serving of an alcoholic product to a customer for consumption on the
2817 premises of a licensee;

- 2818 (iii) serves an alcoholic product to a customer for consumption on the premises of a
2819 licensee;
- 2820 (iv) directly supervises the sale of beer to a customer for consumption off the premises
2821 of an off-premise beer retailer; or
- 2822 (v) sells beer to a customer for consumption off the premises of an off-premise beer
2823 retailer;
- 2824 (b) establish criteria for certifying and recertifying a seminar provider; and
- 2825 (c) establish guidelines for the manner in which an instructor provides an alcohol
2826 education and training seminar.
- 2827 (6) A seminar provider shall:
- 2828 (a) obtain recertification by the division every three years;
- 2829 (b) ensure that an instructor used by the seminar provider:
- 2830 (i) follows the curriculum established under this section; and
- 2831 (ii) conducts an alcohol training and education seminar in accordance with the
2832 guidelines established by rule;
- 2833 (c) ensure that any information provided by the seminar provider or instructor of a
2834 seminar provider is consistent with:
- 2835 (i) the curriculum established under this section; and
- 2836 (ii) this section;
- 2837 (d) provide the division with the names of all persons who complete an alcohol training
2838 and education seminar provided by the seminar provider;
- 2839 (e) (i) collect a fee for each person attending an alcohol training and education seminar
2840 in accordance with Subsection (2); and
- 2841 (ii) forward to the division the portion of the fee that is equal to the amount described
2842 in Subsection (4)(h); and
- 2843 (f) issue a record to an individual that completes an alcohol training and education
2844 seminar provided by the seminar provider.
- 2845 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
2846 Administrative Procedures Act, the division finds that a seminar provider violates this section
2847 or that an instructor of the seminar provider violates this section, the division may:
- 2848 (i) suspend the certification of the seminar provider for a period not to exceed 90 days;

2849 (ii) revoke the certification of the seminar provider;
 2850 (iii) require the seminar provider to take corrective action regarding an instructor; or
 2851 (iv) prohibit the seminar provider from using an instructor until such time that the
 2852 seminar provider establishes to the satisfaction of the division that the instructor is in
 2853 compliance with Subsection (6)(b).

2854 (b) The division may certify a seminar provider whose certification is revoked:

2855 (i) no sooner than 90 days from the date the certification is revoked; and

2856 (ii) if the seminar provider establishes to the satisfaction of the division that the

2857 seminar provider will comply with this section.

2858 Section 40. Section **63I-2-232** is amended to read:

2859 **63I-2-232. Repeal dates -- Title 32B.**

2860 (1) Subsection [32B-1-102](#)~~[(7)]~~(8) is repealed July 1, 2022.

2861 (2) Subsection [32B-1-102](#)~~[(33)]~~ (34)(a)(i)(B), the language that states

2862 "[32B-6-205](#)(12)(b)(ii), [32B-6-305](#)(12)(b)(ii)," and ", or [32B-6-905](#)(12)(b)(ii)" is repealed July
 2863 1, 2022.

2864 (3) Subsection [32B-1-102](#)(114)(b), the language that states "[32B-6-205](#)(12)(b)(ii),
 2865 [32B-6-305](#)(12)(b)(ii)," and ", or [32B-6-905](#)(12)(b)(ii)" is repealed July 1, 2022.

2866 (4) Subsection [32B-1-407](#)(3)(d) is repealed July 1, 2022.

2867 ~~[(4)]~~ (5) Subsection [32B-1-604](#)(4) is repealed June 1, 2018.

2868 ~~[(5)]~~ (6) Subsections [32B-6-202](#)(3) and (4) are repealed July 1, 2022.

2869 ~~[(6)]~~ (7) Section [32B-6-205](#) is repealed July 1, 2022.

2870 ~~[(7)]~~ (8) Subsection [32B-6-205.2](#)(17) is repealed July 1, 2022.

2871 ~~[(8)]~~ (9) Section [32B-6-205.3](#) is repealed July 1, 2022.

2872 ~~[(9)]~~ (10) Subsections [32B-6-302](#)(3) and (4) are repealed July 1, 2022.

2873 ~~[(10)]~~ (11) Section [32B-6-305](#) is repealed July 1, 2022.

2874 ~~[(11)]~~ (12) Subsection [32B-6-305.2](#)(17) is repealed July 1, 2022.

2875 ~~[(12)]~~ (13) Section [32B-6-305.3](#) is repealed July 1, 2022.

2876 ~~[(13)]~~ (14) Section [32B-6-404.1](#) is repealed July 1, 2022.

2877 ~~[(14)]~~ (15) Section [32B-6-409](#) is repealed July 1, 2022.

2878 ~~[(15)]~~ (16) Subsection [32B-6-703](#)(2)(e)(iv) is repealed July 1, 2022.

2879 ~~[(16)]~~ (17) Subsections [32B-6-902](#)(1)(c), (1)(d), and (2) are repealed July 1, 2022.

- 2880 [~~17~~] (18) Section [32B-6-905](#) is repealed July 1, 2022.
 - 2881 [~~18~~] (19) Subsection [32B-6-905.1\(17\)](#) is repealed July 1, 2022.
 - 2882 [~~19~~] (20) Section [32B-6-905.2](#) is repealed July 1, 2022.
 - 2883 [~~20~~] (21) Section [32B-7-303](#) is repealed March 1, 2019.
 - 2884 [~~21~~] (22) Section [32B-7-304](#) is repealed March 1, 2019.
 - 2885 [~~22~~] (23) Subsection [32B-8-402\(1\)\(b\)](#) is repealed July 1, 2022.
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Legislative Review Note
Office of Legislative Research and General Counsel