

**Representative Brad R. Wilson** proposes the following substitute bill:

**ALCOHOL AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: Jerry W. Stevenson

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms and modifies defined terms;
- ▶ clarifies the appropriate measurement point for determining proximity to a community location;
- ▶ addresses the standard for demonstrating a previously approved variance for purposes of proximity to a community location;
- ▶ requires electronic age verification of certain individuals who are within 10 feet of a grandfathered bar structure;
- ▶ clarifies and amends labeling requirements for certain malted beverages;
- ▶ allows the Alcoholic Beverage Control Advisory Board to meet at the chair's discretion;
- ▶ modifies the days on which certain package agencies located at a manufacturing facility may operate;
- ▶ modifies the circumstances under which a retail licensee shall submit a responsible alcohol service plan to the department;



- 26 ▶ amends the requirements related to when a retail manager or an off-premise retail  
27 manager must complete a department training program;
- 28 ▶ amends the requirements related to voting rights to obtain an equity license;
- 29 ▶ modifies the circumstances under which a person may hold two retail licenses for  
30 the same premises or room;
- 31 ▶ addresses the circumstances under which a hotel licensee or a resort licensee may  
32 have two sublicenses in the same room;
- 33 ▶ allows a patron to transport beer between two adjacent licensed premises located in  
34 a sports facility;
- 35 ▶ provides that a restaurant licensee may employ a minor who is atleast 18 years of  
36 age to bus tables;
- 37 ▶ provides an exemption from certain dispensing area requirements for small  
38 restaurant licensees;
- 39 ▶ repeals the requirement for restaurant licensees to display a sign stating the  
40 restaurant's license type;
- 41 ▶ allows a dining club licensee to convert to a full-service restaurant license or a bar  
42 license before July 1, 2018;
- 43 ▶ increases the number of airport lounge licenses the commission may issue;
- 44 ▶ provides that the Department of Alcoholic Beverage Control shall study issues  
45 related to the use of banquet catering contracts and report to the Business and Labor  
46 Interim Committee;
- 47 ▶ modifies the off-premise beer retailer state license fee for a person who operates an  
48 off-premise beer retailer on July 1, 2018;
- 49 ▶ extends the time for a business entity to transfer a retail license following a change  
50 in ownership;
- 51 ▶ modifies the operational requirements for a hotel license and for a sublicense related  
52 to calculating the percentage of gross receipts from the sale of food;
- 53 ▶ addresses the grades in which an LEA may offer the Underage Drinking Prevention  
54 Program to students; and
- 55 ▶ makes technical and conforming changes.

56 **Money Appropriated in this Bill:**

57 None

58 **Other Special Clauses:**

59 None

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **32B-1-102**, as last amended by Laws of Utah 2017, Chapter 455

63 **32B-1-202**, as last amended by Laws of Utah 2017, Chapters 455, 471 and last

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

65 **32B-1-407**, as last amended by Laws of Utah 2017, Chapter 455

66 **32B-1-606**, as last amended by Laws of Utah 2017, Chapter 455

67 **32B-2-210**, as last amended by Laws of Utah 2017, Chapter 455

68 **32B-2-605**, as last amended by Laws of Utah 2016, Chapter 80

69 **32B-3-102**, as last amended by Laws of Utah 2017, Chapter 455

70 **32B-5-202**, as last amended by Laws of Utah 2017, Chapter 455

71 **32B-5-207**, as enacted by Laws of Utah 2017, Chapter 455

72 **32B-5-307**, as last amended by Laws of Utah 2017, Chapter 455

73 **32B-5-308**, as last amended by Laws of Utah 2011, Chapter 307

74 **32B-5-405**, as enacted by Laws of Utah 2017, Chapter 455

75 **32B-6-202**, as last amended by Laws of Utah 2017, Chapter 455

76 **32B-6-205**, as last amended by Laws of Utah 2017, Chapter 455

77 **32B-6-205.2**, as enacted by Laws of Utah 2017, Chapter 455

78 **32B-6-302**, as last amended by Laws of Utah 2017, Chapter 455

79 **32B-6-305**, as last amended by Laws of Utah 2017, Chapter 455

80 **32B-6-305.2**, as enacted by Laws of Utah 2017, Chapter 455

81 **32B-6-403**, as last amended by Laws of Utah 2017, Chapter 455

82 **32B-6-404**, as last amended by Laws of Utah 2017, Chapter 455

83 **32B-6-404.1**, as enacted by Laws of Utah 2017, Chapter 455

84 **32B-6-406**, as last amended by Laws of Utah 2017, Chapter 455

85 **32B-6-409**, as enacted by Laws of Utah 2011, Chapter 334

86 **32B-6-503**, as last amended by Laws of Utah 2011, Chapter 334

87 **32B-6-902**, as last amended by Laws of Utah 2017, Chapter 455

- 88 [32B-6-905](#), as last amended by Laws of Utah 2017, Chapter 455
- 89 [32B-6-905.1](#), as enacted by Laws of Utah 2017, Chapter 455
- 90 [32B-7-202](#), as last amended by Laws of Utah 2017, Chapter 455
- 91 [32B-7-401](#), as enacted by Laws of Utah 2017, Chapter 455
- 92 [32B-8a-202](#), as last amended by Laws of Utah 2016, Chapter 82
- 93 [32B-8a-203](#), as last amended by Laws of Utah 2016, Chapter 82
- 94 [32B-8b-102](#), as last amended by Laws of Utah 2017, Chapter 455
- 95 [32B-8b-301](#), as enacted by Laws of Utah 2016, Chapter 80
- 96 [32B-8b-302](#), as enacted by Laws of Utah 2016, Chapter 80
- 97 [53F-9-304](#), as renumbered and amended by Laws of Utah 2018, Chapter 2
- 98 [53G-10-406](#), as renumbered and amended by Laws of Utah 2018, Chapter 3
- 99 [62A-15-401](#), as last amended by Laws of Utah 2017, Chapter 455
- 100 [63I-2-232](#), as last amended by Laws of Utah 2017, Chapter 455

101 ENACTS:

- 102 [32B-6-205.4](#), Utah Code Annotated 1953
- 103 [32B-6-305.4](#), Utah Code Annotated 1953
- 104 [32B-6-605.1](#), Utah Code Annotated 1953
- 105 [32B-6-905.3](#), Utah Code Annotated 1953

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

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

109 **32B-1-102. Definitions.**

110 As used in this title:

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

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

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

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

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

118 (a) beer; or

- 119 (b) liquor.
- 120 (4) (a) "Alcoholic product" means a product that:
- 121 (i) contains at least .5% of alcohol by volume; and
- 122 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 123 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
- 124 in an amount equal to or greater than .5% of alcohol by volume.
- 125 (b) "Alcoholic product" includes an alcoholic beverage.
- 126 (c) "Alcoholic product" does not include any of the following common items that
- 127 otherwise come within the definition of an alcoholic product:
- 128 (i) except as provided in Subsection (4)(d), an extract;
- 129 (ii) vinegar;
- 130 (iii) cider;
- 131 (iv) essence;
- 132 (v) tincture;
- 133 (vi) food preparation; or
- 134 (vii) an over-the-counter medicine.
- 135 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 136 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 137 (5) "Alcohol training and education seminar" means a seminar that is:
- 138 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and
- 139 (b) described in Section [62A-15-401](#).
- 140 (6) "Banquet" means an event:
- 141 (a) that is held at one or more designated locations approved by the commission in or
- 142 on the premises of a:
- 143 (i) hotel;
- 144 (ii) resort facility;
- 145 (iii) sports center; or
- 146 (iv) convention center;
- 147 (b) for which there is a contract:
- 148 (i) between a person operating a facility listed in Subsection (6)(a) and another person;
- 149 and

150 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to  
151 provide an alcoholic product at the event; and

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

153 (7) "Bar structure" means a surface or structure on a licensed premises if on or at any  
154 place of the surface or structure an alcoholic product is:

155 (a) stored; or

156 (b) dispensed.

157 (8) (a) " Bar establishment license" means a license issued in accordance with Chapter  
158 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

159 (b) " Bar establishment license" includes:

160 (i) a dining club license;

161 (ii) an equity license;

162 (iii) a fraternal license; or

163 (iv) a bar license.

164 (9) " Bar license" means a license issued in accordance with Chapter 5, Retail License  
165 Act, and Chapter 6, Part 4, Bar Establishment License.

166 (10) (a) Subject to Subsection (10)(d), "beer" means a product that:

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

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

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

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

172 (i) contains alcohol in the percentages described in Subsection (10)(a); and

173 (ii) is referred to as:

174 (A) beer;

175 (B) ale;

176 (C) porter;

177 (D) stout;

178 (E) lager; or

179 (F) a malt or malted beverage.

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

181 (11) "Beer-only restaurant license" means a license issued in accordance with Chapter  
182 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

183 (12) "Beer retailer" means a business that:

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

186 (b) is licensed as:

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

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

191 (13) "Beer wholesaling license" means a license:

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

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

195 (14) "Billboard" means a public display used to advertise, including:

196 (a) a light device;

197 (b) a painting;

198 (c) a drawing;

199 (d) a poster;

200 (e) a sign;

201 (f) a signboard; or

202 (g) a scoreboard.

203 (15) "Brewer" means a person engaged in manufacturing:

204 (a) beer;

205 (b) heavy beer; or

206 (c) a flavored malt beverage.

207 (16) "Brewery manufacturing license" means a license issued in accordance with  
208 Chapter 11, Part 5, Brewery Manufacturing License.

209 (17) "Certificate of approval" means a certificate of approval obtained from the  
210 department under Section [32B-11-201](#).

211 (18) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by

212 a bus company to a group of persons pursuant to a common purpose:

213 (a) under a single contract;

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

215 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other

216 motor vehicle, and a driver to travel together to one or more specified destinations.

217 (19) "Church" means a building:

218 (a) set apart for worship;

219 (b) in which religious services are held;

220 (c) with which clergy is associated; and

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

222 (20) "Commission" means the Alcoholic Beverage Control Commission created in

223 Section [32B-2-201](#).

224 (21) "Commissioner" means a member of the commission.

225 (22) "Community location" means:

226 (a) a public or private school;

227 (b) a church;

228 (c) a public library;

229 (d) a public playground; or

230 (e) a public park.

231 (23) "Community location governing authority" means:

232 (a) the governing body of the community location; or

233 (b) if the commission does not know who is the governing body of a community

234 location, a person who appears to the commission to have been given on behalf of the

235 community location the authority to prohibit an activity at the community location.

236 (24) "Container" means a receptacle that contains an alcoholic product, including:

237 (a) a bottle;

238 (b) a vessel; or

239 (c) a similar item.

240 (25) "Convention center" means a facility that is:

241 (a) in total at least 30,000 square feet; and

242 (b) otherwise defined as a "convention center" by the commission by rule.



243 (26) (a) "Counter" means a surface or structure in a dining area of a licensed premises  
244 where seating is provided to a patron for service of food.

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

246 (27) "Department" means the Department of Alcoholic Beverage Control created in  
247 Section 32B-2-203.

248 (28) "Department compliance officer" means an individual who is:

249 (a) an auditor or inspector; and

250 (b) employed by the department.

251 (29) "Department sample" means liquor that is placed in the possession of the  
252 department for testing, analysis, and sampling.

253 (30) "Dining club license" means a license issued in accordance with Chapter 5, Retail  
254 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
255 commission as a dining club license.

256 (31) "Director," unless the context requires otherwise, means the director of the  
257 department.

258 (32) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
259 title:

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

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

262 (33) (a) Subject to Subsection (33)(b), "dispense" means:

263 (i) drawing [~~of~~] an alcoholic product[:]; and

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

265 [~~(B) as provided in Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii);~~

266 ~~32B-6-805(15)(b)(ii), or 32B-6-905(12)(b)(ii); and~~]

267 (ii) using the alcoholic product [~~described in Subsection (33)(a)(i) on the premises of~~  
268 ~~the licensed premises~~] at the location from which it was drawn to mix or prepare an alcoholic  
269 product to be furnished to a patron of the retail licensee.

270 (b) The definition of "dispense" in this Subsection (33) applies only to:

271 (i) a full-service restaurant license;

272 (ii) a limited-service restaurant license;

273 (iii) a reception center license; and

- 274 (iv) a beer-only restaurant license.
- 275 (34) "Dispensing structure" means a surface or structure on a licensed premises:
- 276 (a) where an alcoholic product is [~~stored or~~] dispensed; or
- 277 (b) from which an alcoholic product is served.
- 278 (35) "Distillery manufacturing license" means a license issued in accordance with
- 279 Chapter 11, Part 4, Distillery Manufacturing License.
- 280 (36) "Distressed merchandise" means an alcoholic product in the possession of the
- 281 department that is saleable, but for some reason is unappealing to the public.
- 282 (37) "Educational facility" includes:
- 283 (a) a nursery school;
- 284 (b) an infant day care center; and
- 285 (c) a trade and technical school.
- 286 (38) "Equity license" means a license issued in accordance with Chapter 5, Retail
- 287 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 288 commission as an equity license.
- 289 (39) "Event permit" means:
- 290 (a) a single event permit; or
- 291 (b) a temporary beer event permit.
- 292 (40) "Exempt license" means a license exempt under Section [32B-1-201](#) from being
- 293 considered in determining the total number of retail licenses that the commission may issue at
- 294 any time.
- 295 (41) (a) "Flavored malt beverage" means a beverage:
- 296 (i) that contains at least .5% alcohol by volume;
- 297 (ii) that is treated by processing, filtration, or another method of manufacture that is not
- 298 generally recognized as a traditional process in the production of a beer as described in 27
- 299 C.F.R. Sec. 25.55;
- 300 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop
- 301 extract; and
- 302 (iv) (A) for which the producer is required to file a formula for approval with the
- 303 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or
- 304 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

- 305 (b) "Flavored malt beverage" is considered liquor for purposes of this title.
- 306 (42) "Fraternal license" means a license issued in accordance with Chapter 5, Retail  
307 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
308 commission as a fraternal license.
- 309 (43) "Full-service restaurant license" means a license issued in accordance with  
310 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 311 (44) (a) "Furnish" means by any means to provide with, supply, or give an individual  
312 an alcoholic product, by sale or otherwise.
- 313 (b) "Furnish" includes to:
- 314 (i) serve;
- 315 (ii) deliver; or
- 316 (iii) otherwise make available.
- 317 (45) "Guest" means an individual who meets the requirements of Subsection  
318 [32B-6-407\(9\)](#).
- 319 (46) "Health care practitioner" means:
- 320 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 321 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 322 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 323 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice  
324 Act;
- 325 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,  
326 Nurse Practice Act;
- 327 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy  
328 Practice Act;
- 329 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
330 Therapy Practice Act;
- 331 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 332 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
333 Professional Practice Act;
- 334 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 335 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical

336 Practice Act;

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

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

340 (47) (a) "Heavy beer" means a product that:

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

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

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

344 (48) "Hotel" is as defined by the commission by rule.

345 (49) "Hotel license" means a license issued in accordance with Chapter 5, Retail  
346 License Act, and Chapter 8b, Hotel License Act.

347 (50) "Identification card" means an identification card issued under Title 53, Chapter 3,  
348 Part 8, Identification Card Act.

349 (51) "Industry representative" means an individual who is compensated by salary,  
350 commission, or other means for representing and selling an alcoholic product of a  
351 manufacturer, supplier, or importer of liquor.

352 (52) "Industry representative sample" means liquor that is placed in the possession of  
353 the department for testing, analysis, and sampling by a local industry representative on the  
354 premises of the department to educate the local industry representative of the quality and  
355 characteristics of the product.

356 (53) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing  
357 of an alcoholic product is prohibited by:

358 (a) law; or

359 (b) court order.

360 (54) "Intoxicated" means that a person:

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

363 (i) an alcoholic product;

364 (ii) a controlled substance;

365 (iii) a substance having the property of releasing toxic vapors; or

366 (iv) a combination of Subsections (54)(a)(i) through (iii); and

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

369 (55) "Investigator" means an individual who is:

370 (a) a department compliance officer; or

371 (b) a nondepartment enforcement officer.

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

373 (57) "License" means:

374 (a) a retail license;

375 (b) a license issued in accordance with Chapter 11, Manufacturing and Related  
376 Licenses Act;

377 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

378 or

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

380 (58) "Licensee" means a person who holds a license.

381 (59) "Limited-service restaurant license" means a license issued in accordance with  
382 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

383 (60) "Limousine" means a motor vehicle licensed by the state or a local authority, other  
384 than a bus or taxicab:

385 (a) in which the driver and a passenger are separated by a partition, glass, or other  
386 barrier;

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

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

391 (61) (a) (i) "Liquor" means a liquid that:

392 (A) is:

393 (I) alcohol;

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

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

396 (IV) other drink or drinkable liquid; and

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

- 398 (II) is suitable to use for beverage purposes.
- 399 (ii) "Liquor" includes:
- 400 (A) heavy beer;
- 401 (B) wine; and
- 402 (C) a flavored malt beverage.
- 403 (b) "Liquor" does not include beer.
- 404 (62) "Liquor Control Fund" means the enterprise fund created by Section [32B-2-301](#).
- 405 (63) "Liquor warehousing license" means a license that is issued:
- 406 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 407 (b) to a person, other than a licensed manufacturer, who engages in the importation for
- 408 storage, sale, or distribution of liquor regardless of amount.
- 409 (64) "Local authority" means:
- 410 (a) for premises that are located in an unincorporated area of a county, the governing
- 411 body of a county; or
- 412 (b) for premises that are located in an incorporated city, town, or metro township, the
- 413 governing body of the city, town, or metro township.
- 414 (65) "Lounge or bar area" is as defined by rule made by the commission.
- 415 (66) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
- 416 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 417 (67) "Member" means an individual who, after paying regular dues, has full privileges
- 418 in an equity licensee or fraternal licensee.
- 419 (68) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
- 420 or homeport facility for a ship:
- 421 (i) (A) under the control of the United States Department of Defense; or
- 422 (B) of the National Guard;
- 423 (ii) that is located within the state; and
- 424 (iii) including a leased facility.
- 425 (b) "Military installation" does not include a facility used primarily for:
- 426 (i) civil works;
- 427 (ii) a rivers and harbors project; or
- 428 (iii) a flood control project.

- 429 (69) "Minor" means an individual under the age of 21 years.
- 430 (70) "Nondepartment enforcement agency" means an agency that:
- 431 (a) (i) is a state agency other than the department; or
- 432 (ii) is an agency of a county, city, town, or metro township; and
- 433 (b) has a responsibility to enforce one or more provisions of this title.
- 434 (71) "Nondepartment enforcement officer" means an individual who is:
- 435 (a) a peace officer, examiner, or investigator; and
- 436 (b) employed by a nondepartment enforcement agency.
- 437 (72) (a) "Off-premise beer retailer" means a beer retailer who is:
- 438 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 439 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
- 440 premises.
- 441 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 442 (73) "Off-premise beer retailer state license" means a state license issued in accordance
- 443 with Chapter 7, Part 4, Off-Premise Beer Retailer State License.
- 444 (74) "On-premise banquet license" means a license issued in accordance with Chapter
- 445 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 446 (75) "On-premise beer retailer" means a beer retailer who is:
- 447 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
- 448 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
- 449 Retailer License; and
- 450 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
- 451 premises:
- 452 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
- 453 premises; and
- 454 (ii) on and after March 1, 2012, operating:
- 455 (A) as a tavern; or
- 456 (B) in a manner that meets the requirements of Subsection [32B-6-703\(2\)\(e\)\(i\)](#).
- 457 (76) "Opaque" means impenetrable to sight.
- 458 (77) "Package agency" means a retail liquor location operated:
- 459 (a) under an agreement with the department; and

- 460 (b) by a person:
- 461 (i) other than the state; and
- 462 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
- 463 Agency, to sell packaged liquor for consumption off the premises of the package agency.
- 464 (78) "Package agent" means a person who holds a package agency.
- 465 (79) "Patron" means an individual to whom food, beverages, or services are sold,
- 466 offered for sale, or furnished, or who consumes an alcoholic product including:
- 467 (a) a customer;
- 468 (b) a member;
- 469 (c) a guest;
- 470 (d) an attendee of a banquet or event;
- 471 (e) an individual who receives room service;
- 472 (f) a resident of a resort;
- 473 (g) a public customer under a resort spa sublicense, as defined in Section [32B-8-102](#);
- 474 or
- 475 (h) an invitee.
- 476 (80) "Permittee" means a person issued a permit under:
- 477 (a) Chapter 9, Event Permit Act; or
- 478 (b) Chapter 10, Special Use Permit Act.
- 479 (81) "Person subject to administrative action" means:
- 480 (a) a licensee;
- 481 (b) a permittee;
- 482 (c) a manufacturer;
- 483 (d) a supplier;
- 484 (e) an importer;
- 485 (f) one of the following holding a certificate of approval:
- 486 (i) an out-of-state brewer;
- 487 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 488 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 489 (g) staff of:
- 490 (i) a person listed in Subsections (81)(a) through (f); or



491 (ii) a package agent.

492 (82) "Premises" means a building, enclosure, or room used in connection with the  
493 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,  
494 unless otherwise defined in this title or rules made by the commission.

495 (83) "Prescription" means an order issued by a health care practitioner when:

496 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,  
497 to prescribe a controlled substance, other drug, or device for medicinal purposes;

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

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

501 (84) (a) "Private event" means a specific social, business, or recreational event:

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

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

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

508 (85) (a) "Proof of age" means:

509 (i) an identification card;

510 (ii) an identification that:

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

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

514 (C) includes date of birth; and

515 (D) has a picture affixed;

516 (iii) a valid driver license certificate that:

517 (A) includes date of birth;

518 (B) has a picture affixed; and

519 (C) is issued:

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

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

- 522 (iv) a military identification card that:
- 523 (A) includes date of birth; and
- 524 (B) has a picture affixed; or
- 525 (v) a valid passport.
- 526 (b) "Proof of age" does not include a driving privilege card issued in accordance with

527 Section 53-3-207.

528 (86) (a) "Public building" means a building or permanent structure that is:

- 529 (i) owned or leased by:
- 530 (A) the state; or
- 531 (B) a local government entity; and
- 532 (ii) used for:
- 533 (A) public education;
- 534 (B) transacting public business; or
- 535 (C) regularly conducting government activities.

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

539 (87) "Public conveyance" means a conveyance that the public or a portion of the public  
540 has access to and a right to use for transportation, including an airline, railroad, bus, boat, or  
541 other public conveyance.

542 (88) "Reception center" means a business that:

- 543 (a) operates facilities that are at least 5,000 square feet; and
- 544 (b) has as its primary purpose the leasing of the facilities described in Subsection  
545 (88)(a) to a third party for the third party's event.

546 (89) "Reception center license" means a license issued in accordance with Chapter 5,  
547 Retail License Act, and Chapter 6, Part 8, Reception Center License.

548 (90) (a) "Record" means information that is:

- 549 (i) inscribed on a tangible medium; or
- 550 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 551 (b) "Record" includes:
- 552 (i) a book;

- 553 (ii) a book of account;
- 554 (iii) a paper;
- 555 (iv) a contract;
- 556 (v) an agreement;
- 557 (vi) a document; or
- 558 (vii) a recording in any medium.
- 559 (91) "Residence" means a person's principal place of abode within Utah.
- 560 (92) "Resident," in relation to a resort, means the same as that term is defined in
- 561 Section [32B-8-102](#).
- 562 (93) "Resort" means the same as that term is defined in Section [32B-8-102](#).
- 563 (94) "Resort facility" is as defined by the commission by rule.
- 564 (95) "Resort license" means a license issued in accordance with Chapter 5, Retail
- 565 License Act, and Chapter 8, Resort License Act.
- 566 (96) "Responsible alcohol service plan" means a written set of policies and procedures
- 567 that outlines measures to prevent employees from:
  - 568 (a) over-serving alcoholic beverages to customers;
  - 569 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
  - 570 intoxicated; and
  - 571 (c) serving alcoholic beverages to minors.
- 572 (97) "Restaurant" means a business location:
  - 573 (a) at which a variety of foods are prepared;
  - 574 (b) at which complete meals are served [~~to the general public~~]; and
  - 575 (c) that is engaged primarily in serving meals [~~to the general public~~].
- 576 (98) "Retail license" means one of the following licenses issued under this title:
  - 577 (a) a full-service restaurant license;
  - 578 (b) a master full-service restaurant license;
  - 579 (c) a limited-service restaurant license;
  - 580 (d) a master limited-service restaurant license;
  - 581 (e) a bar establishment license;
  - 582 (f) an airport lounge license;
  - 583 (g) an on-premise banquet license;

- 584 (h) an on-premise beer license;
- 585 (i) a reception center license;
- 586 (j) a beer-only restaurant license;
- 587 (k) a resort license; or
- 588 (l) a hotel license.
- 589 (99) "Room service" means furnishing an alcoholic product to a person in a guest room
- 590 of a:
  - 591 (a) hotel; or
  - 592 (b) resort facility.
- 593 (100) (a) "School" means a building used primarily for the general education of minors.
- 594 (b) "School" does not include an educational facility.
- 595 (101) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
- 596 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
- 597 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
- 598 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
- 599 made by the commission.
- 600 (102) "Serve" means to place an alcoholic product before an individual.
- 601 (103) "Sexually oriented entertainer" means a person who while in a state of
- 602 seminudity appears at or performs:
  - 603 (a) for the entertainment of one or more patrons;
  - 604 (b) on the premises of:
    - 605 (i) a bar licensee; or
    - 606 (ii) a tavern;
  - 607 (c) on behalf of or at the request of the licensee described in Subsection (103)(b);
  - 608 (d) on a contractual or voluntary basis; and
  - 609 (e) whether or not the person is designated as:
    - 610 (i) an employee;
    - 611 (ii) an independent contractor;
    - 612 (iii) an agent of the licensee; or
    - 613 (iv) a different type of classification.
  - 614 (104) "Single event permit" means a permit issued in accordance with Chapter 9, Part

615 3, Single Event Permit.

616 (105) "Small brewer" means a brewer who manufactures less than 60,000 barrels of  
617 beer, heavy beer, and flavored malt beverages per year.

618 (106) "Special use permit" means a permit issued in accordance with Chapter 10,  
619 Special Use Permit Act.

620 (107) (a) "Spirituous liquor" means liquor that is distilled.

621 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by  
622 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

623 (108) "Sports center" is as defined by the commission by rule.

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

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

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

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

631 (b) "Staff" includes:

632 (i) an officer;

633 (ii) a director;

634 (iii) an employee;

635 (iv) personnel management;

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

637 (vi) an operator; or

638 (vii) a representative.

639 (110) "State of nudity" means:

640 (a) the appearance of:

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

642 (ii) a human genital;

643 (iii) a human pubic area; or

644 (iv) a human anus; or

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

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

647 (ii) a human genital;

648 (iii) a human pubic area; or

649 (iv) a human anus.

650 (111) "State of seminudity" means a state of dress in which opaque clothing covers no  
651 more than:

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

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

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

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

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

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

659 (112) (a) "State store" means a facility for the sale of packaged liquor:

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

661 (ii) operated by a state employee.

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

663 (i) a package agency;

664 (ii) a licensee; or

665 (iii) a permittee.

666 (113) (a) "Storage area" means an area on licensed premises where the licensee stores  
667 an alcoholic product.

668 (b) "Store" means to place or maintain in a location an alcoholic product [~~from which a~~  
669 ~~person draws to prepare an alcoholic product to be furnished to a patron, except as provided in~~  
670 ~~Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii), 32B-6-805(15)(b)(ii), or~~  
671 ~~32B-6-905(12)(b)(ii)].~~

672 (114) "Sublicense" means the same as that term is defined in Section [32B-8-102](#) or  
673 [32B-8b-102](#).

674 (115) "Supplier" means a person who sells an alcoholic product to the department.

675 (116) "Tavern" means an on-premise beer retailer who is:

676 (a) issued a license by the commission in accordance with Chapter 5, Retail License

677 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

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

680 (117) "Temporary beer event permit" means a permit issued in accordance with  
681 Chapter 9, Part 4, Temporary Beer Event Permit.

682 (118) "Temporary domicile" means the principal place of abode within Utah of a  
683 person who does not have a present intention to continue residency within Utah permanently or  
684 indefinitely.

685 (119) "Translucent" means a substance that allows light to pass through, but does not  
686 allow an object or person to be seen through the substance.

687 (120) "Unsaleable liquor merchandise" means a container that:

688 (a) is unsaleable because the container is:

689 (i) unlabeled;

690 (ii) leaky;

691 (iii) damaged;

692 (iv) difficult to open; or

693 (v) partly filled;

694 (b) (i) has faded labels or defective caps or corks;

695 (ii) has contents that are:

696 (A) cloudy;

697 (B) spoiled; or

698 (C) chemically determined to be impure; or

699 (iii) contains:

700 (A) sediment; or

701 (B) a foreign substance; or

702 (c) is otherwise considered by the department as unfit for sale.

703 (121) (a) "Wine" means an alcoholic product obtained by the fermentation of the  
704 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not  
705 another ingredient is added.

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

708 (122) "Winery manufacturing license" means a license issued in accordance with  
709 Chapter 11, Part 3, Winery Manufacturing License.

710 Section 2. Section **32B-1-202** is amended to read:

711 **32B-1-202. Proximity to community location.**

712 (1) As used in this section:

713 (a) (i) "Outlet" means:

714 (A) a state store;

715 (B) a package agency; or

716 (C) a retail licensee.

717 (ii) "Outlet" does not include:

718 (A) an airport lounge licensee; or

719 (B) a restaurant.

720 (b) "Restaurant" means:

721 (i) a full-service restaurant licensee;

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

723 (iii) a beer-only restaurant licensee.

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

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

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

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

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



739 (ii) within 200 feet of the proposed restaurant, measured in a straight line from the  
740 nearest patron entrance of the proposed restaurant to the nearest property boundary of the  
741 community location.

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

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

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

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

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

753 (4) (a) If, after an outlet or a restaurant obtains a license under this title, a person  
754 establishes a community location on a property that puts the outlet or restaurant in violation of  
755 the proximity requirements in effect at the time the license is issued or a previously approved  
756 variance described in Subsection (3), subject to the other provisions of this title, that outlet or  
757 restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant,  
758 may operate at the premises regardless of whether:

759 (i) the outlet or restaurant changes ownership;

760 (ii) the property on which the outlet or restaurant is located changes ownership; or

761 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the same  
762 type of license, unless during the lapse the property is used for a different purpose.

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

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

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

769 **32B-1-407. Verification of proof of age by applicable licensees.**

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

- 771 (a) a dining club;
- 772 (b) a bar;
- 773 (c) a tavern;
- 774 (d) a full-service restaurant;
- 775 (e) a limited-service restaurant; or
- 776 (f) a beer-only restaurant.

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

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

- 782 (a) gains admittance to the premises of a bar licensee or tavern;
- 783 (b) procures an alcoholic product on the premises of a dining club licensee; [or]
- 784 (c) procures an alcoholic product in a dispensing area in the premises of a full-service  
785 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee[-]; or  
786 (d) on or after July 1, 2018, procures an alcoholic product within 10 feet of a  
787 grandfathered bar structure.

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

- 789 (a) request the individual present proof of age; and
- 790 (b) (i) verify the validity of the proof of age electronically under the verification  
791 program created in Subsection (5); or  
792 (ii) if the proof of age cannot be electronically verified as provided in Subsection  
793 (4)(b)(i), request that the individual comply with a process established by the commission by  
794 rule.

795 (5) The commission shall establish by rule an electronic verification program that  
796 includes the following:

- 797 (a) the specifications for the technology used by the applicable licensee to  
798 electronically verify proof of age, including that the technology display to the person described  
799 in Subsection (2) no more than the following for the individual who presents the proof of age:  
800 (i) the name;

801 (ii) the age;  
802 (iii) the number assigned to the individual's proof of age by the issuing authority;  
803 (iv) the birth date;  
804 (v) the gender; and  
805 (vi) the status and expiration date of the individual's proof of age; and  
806 (b) the security measures that shall be used by an applicable licensee to ensure that  
807 information obtained under this section is:

808 (i) used by the applicable licensee only for purposes of verifying proof of age in  
809 accordance with this section; and

810 (ii) retained by the applicable licensee for seven days after the day on which the  
811 applicable licensee obtains the information.

812 (6) (a) An applicable licensee may not disclose information obtained under this section  
813 except as provided under this title.

814 (b) Information obtained under this section is considered a record for any purpose  
815 under Chapter 5, Part 3, Retail Licensee Operational Requirements.

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

817 **32B-1-606. Special procedure for certain malted beverages.**

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

821 (a) Sections [32B-1-604](#) and [32B-1-605](#); and

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

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

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

826 (2) The department may not approve the labeling and packaging of a malted beverage  
827 described in Subsection (1) unless in addition to the requirements of Section [32B-1-604](#) the  
828 labeling and packaging complies with the following:

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

- 832 (i) the statement:
- 833 (A) "alcoholic beverage"; or
- 834 (B) "contains alcohol"; and
- 835 (ii) the alcohol content of the ~~[flavored malt]~~ malted beverage[;], if the alcohol content
- 836 is not otherwise provided:
- 837 (A) in a serving facts statement on the container; and
- 838 (B) in a format allowed by the Federal Alcohol and Tobacco Tax Trade Bureau;
- 839 (b) ~~[the front of]~~ the packaging of the malted beverage prominently includes, either
- 840 imprinted on the packaging or imprinted on a sticker firmly affixed to the packaging in a font
- 841 that measures at least three millimeters high, the statement:
- 842 (i) "alcoholic beverage"; or
- 843 (ii) "contains alcohol";
- 844 (c) a statement required by Subsection (2)(a) or (b) appears in a format required by rule
- 845 made by the commission; and
- 846 (d) a statement of alcohol content required by Subsection (2)(a)(ii):
- 847 (i) states the alcohol content as a percentage of alcohol by volume or by weight; and
- 848 (ii) is in a format required by rule made by the commission.
- 849 (3) The department may reject a label or packaging that appears designed to obscure
- 850 the information required by Subsection (2).
- 851 (4) To determine whether a malted beverage is described in Subsection (1) and subject
- 852 to this section, the department may consider in addition to other factors one or more of the
- 853 following factors:
- 854 (a) whether the coloring, carbonation, and packaging of the malted beverage:
- 855 (i) is similar to those of a nonalcoholic beverage or product; or
- 856 (ii) can be confused with a nonalcoholic beverage;
- 857 (b) whether the malted beverage possesses a character and flavor distinctive from a
- 858 traditional malted beverage;
- 859 (c) whether the malted beverage:
- 860 (i) is prepackaged;
- 861 (ii) contains high levels of caffeine and other additives; and
- 862 (iii) is marketed as a beverage that is specifically designed to provide energy;

863 (d) whether the malted beverage contains added sweetener or sugar substitutes; or  
864 (e) whether the malted beverage contains an added fruit flavor or other flavor that  
865 masks the taste of a traditional malted beverage.

866 Section 5. Section **32B-2-210** is amended to read:

867 **32B-2-210. Alcoholic Beverage Control Advisory Board.**

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

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

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

- 873 (i) one of whom represents the retail alcohol industry;
- 874 (ii) one of whom represents the wholesale alcohol industry;
- 875 (iii) one of whom represents the alcohol manufacturing industry; and
- 876 (iv) one of whom represents the restaurant industry;

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

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

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

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

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

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

893 (c) No two members of the board may be employed by the same company or nonprofit

894 organization.

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

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

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

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

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

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

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

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

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

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

911 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
912 63A-3-107.

913 Section 6. Section 32B-2-605 is amended to read:

914 **32B-2-605. Operational requirements for package agency.**

915 (1) (a) A person may not operate a package agency until a package agency agreement is  
916 entered into by the package agent and the department.

917 (b) A package agency agreement shall state the conditions of operation by which the  
918 package agent and the department are bound.

919 (c) (i) If a package agent or staff of the package agent violates this title, rules under this  
920 title, or the package agency agreement, the department may take any action against the package  
921 agent that is allowed by the package agency agreement.

922 (ii) An action against a package agent is governed solely by its package agency  
923 agreement and may include suspension or revocation of the package agency.

924 (iii) A package agency agreement shall provide procedures to be followed if a package

925 agent fails to pay money owed to the department including a procedure for replacing the  
926 package agent or operator of the package agency.

927 (iv) A package agency agreement shall provide that the package agency is subject to  
928 covert investigations for selling an alcoholic product to a minor.

929 (v) Notwithstanding that this part refers to "package agency" or "package agent," staff  
930 of the package agency or package agent is subject to the same requirement or prohibition.

931 (2) (a) A package agency shall be operated by an individual who is either:

932 (i) the package agent; or

933 (ii) an individual designated by the package agent.

934 (b) An individual who is a designee under this Subsection (2) shall be:

935 (i) an employee of the package agent; and

936 (ii) responsible for the operation of the package agency.

937 (c) The conduct of the designee is attributable to the package agent.

938 (d) A package agent shall submit the name of the person operating the package agency  
939 to the department for the department's approval.

940 (e) A package agent shall state the name and title of a designee on the application for a  
941 package agency.

942 (f) A package agent shall:

943 (i) inform the department of a proposed change in the individual designated to operate  
944 a package agency; and

945 (ii) receive prior approval from the department before implementing the change  
946 described in this Subsection (2)(f).

947 (g) Failure to comply with the requirements of this Subsection (2) may result in the  
948 immediate termination of a package agency agreement.

949 (3) (a) A package agent shall display in a prominent place in the package agency the  
950 record issued by the commission that designates the package agency.

951 (b) A package agent that displays or stores liquor at a location visible to the public  
952 shall display in a prominent place in the package agency a sign in large letters that consists of  
953 text in the following order:

954 (i) a header that reads: "WARNING";

955 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy

956 can cause birth defects and permanent brain damage for the child.";

957 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at  
958 [insert most current toll-free number] with questions or for more information.";

959 (iv) a header that reads: "WARNING"; and

960 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a  
961 serious crime that is prosecuted aggressively in Utah."

962 (c) (i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different  
963 font style than the text described in Subsections (3)(b)(iv) and (v).

964 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the  
965 same font size.

966 (d) The Department of Health shall work with the commission and department to  
967 facilitate consistency in the format of a sign required under this section.

968 (4) A package agency may not display liquor or a price list in a window or showcase  
969 that is visible to passersby.

970 (5) (a) A package agency may not purchase liquor from a person except from the  
971 department.

972 (b) At the discretion of the department, liquor may be provided by the department to a  
973 package agency for sale on consignment.

974 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place  
975 other than as designated in the package agent's application, unless the package agent first  
976 applies for and receives approval from the department for a change of location within the  
977 package agency premises.

978 (7) A package agency may not sell, offer for sale, or furnish liquor except at a price  
979 fixed by the commission.

980 (8) A package agency may not sell, offer for sale, or furnish liquor to:

981 (a) a minor;

982 (b) a person actually, apparently, or obviously intoxicated;

983 (c) a known interdicted person; or

984 (d) a known habitual drunkard.

985 (9) (a) A package agency may not employ a minor to handle liquor.

986 (b) (i) Staff of a package agency may not:



- 987 (A) consume an alcoholic product on the premises of a package agency; or  
988 (B) allow any person to consume an alcoholic product on the premises of a package  
989 agency.
- 990 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
- 991 (10) (a) A package agency may not close or cease operation for a period longer than 72  
992 hours, unless:
- 993 (i) the package agency notifies the department in writing at least seven days before the  
994 closing; and
- 995 (ii) the closure or cessation of operation is first approved by the department.
- 996 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package  
997 agency shall immediately notify the department by telephone.
- 998 (c) (i) The department may authorize a closure or cessation of operation for a period  
999 not to exceed 60 days.
- 1000 (ii) The department may extend the initial period an additional 30 days upon written  
1001 request of the package agency and upon a showing of good cause.
- 1002 (iii) A closure or cessation of operation may not exceed a total of 90 days without  
1003 commission approval.
- 1004 (d) The notice required by Subsection (10)(a) shall include:
- 1005 (i) the dates of closure or cessation of operation;
- 1006 (ii) the reason for the closure or cessation of operation; and
- 1007 (iii) the date on which the package agency will reopen or resume operation.
- 1008 (e) Failure of a package agency to provide notice and to obtain department  
1009 authorization before closure or cessation of operation results in an automatic termination of the  
1010 package agency agreement effective immediately.
- 1011 (f) Failure of a package agency to reopen or resume operation by the approved date  
1012 results in an automatic termination of the package agency agreement effective on that date.
- 1013 (11) A package agency may not transfer its operations from one location to another  
1014 location without prior written approval of the commission.
- 1015 (12) (a) A person, having been issued a package agency, may not sell, transfer, assign,  
1016 exchange, barter, give, or attempt in any way to dispose of the package agency to another  
1017 person, whether for monetary gain or not.

- 1018 (b) A package agency has no monetary value for any type of disposition.
- 1019 (13) (a) Subject to the other provisions of this Subsection (13):
- 1020 (i) sale or delivery of liquor may not be made on or from the premises of a package
- 1021 agency, and a package agency may not be kept open for the sale of liquor:
- 1022 (A) on Sunday; or
- 1023 (B) on a state or federal legal holiday.
- 1024 (ii) Sale or delivery of liquor may be made on or from the premises of a package
- 1025 agency, and a package agency may be open for the sale of liquor, only on a day and during
- 1026 hours that the commission directs by rule or order.
- 1027 (b) A package agency located at a manufacturing facility is not subject to Subsection
- 1028 (13)(a) if:
- 1029 (i) the package agency is located at a manufacturing facility licensed in accordance
- 1030 with Chapter 11, Manufacturing and Related Licenses Act;
- 1031 (ii) the manufacturing facility licensed in accordance with Chapter 11, Manufacturing
- 1032 and Related Licenses Act, holds:
- 1033 (A) a full-service restaurant license;
- 1034 (B) a limited-service restaurant license;
- 1035 (C) a beer-only restaurant license; [or]
- 1036 (D) a dining club license; or
- 1037 (E) a bar license;
- 1038 (iii) the restaurant [or], dining club, or bar is located at the manufacturing facility;
- 1039 (iv) the restaurant [or], dining club, or bar sells an alcoholic product produced at the
- 1040 manufacturing facility;
- 1041 (v) the manufacturing facility:
- 1042 (A) owns the restaurant [or], dining club, or bar; or
- 1043 (B) operates the restaurant [or], dining club, or bar;
- 1044 (vi) the package agency only sells an alcoholic product produced at the manufacturing
- 1045 facility; and
- 1046 (vii) the package agency's days and hours of sale are the same as the days and hours of
- 1047 sale at the restaurant [or], dining club, or bar.
- 1048 (c) (i) Subsection (13)(a) does not apply to a package agency held by the following if

1049 the package agent that holds the package agency to sell liquor at a resort or hotel does not sell  
1050 liquor in a manner similar to a state store:

1051 (A) a resort licensee; or

1052 (B) a hotel licensee.

1053 (ii) The commission may by rule define what constitutes a package agency that sells  
1054 liquor "in a manner similar to a state store."

1055 (14) (a) Except to the extent authorized by commission rule, a minor may not be  
1056 admitted into, or be on the premises of, a package agency unless accompanied by a person who  
1057 is:

1058 (i) 21 years of age or older; and

1059 (ii) the minor's parent, legal guardian, or spouse.

1060 (b) A package agent or staff of a package agency that has reason to believe that a  
1061 person who is on the premises of a package agency is under the age of 21 and is not  
1062 accompanied by a person described in Subsection (14)(a) may:

1063 (i) ask the suspected minor for proof of age;

1064 (ii) ask the person who accompanies the suspected minor for proof of age; and

1065 (iii) ask the suspected minor or the person who accompanies the suspected minor for  
1066 proof of parental, guardianship, or spousal relationship.

1067 (c) A package agent or staff of a package agency shall refuse to sell liquor to the  
1068 suspected minor and to the person who accompanies the suspected minor into the package  
1069 agency if the minor or person fails to provide any information specified in Subsection (14)(b).

1070 (d) A package agent or staff of a package agency shall require the suspected minor and  
1071 the person who accompanies the suspected minor into the package agency to immediately leave  
1072 the premises of the package agency if the minor or person fails to provide information specified  
1073 in Subsection (14)(b).

1074 (15) (a) A package agency shall sell, offer for sale, or furnish liquor in a sealed  
1075 container.

1076 (b) A person may not open a sealed container on the premises of a package agency.

1077 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or  
1078 furnish liquor in other than a sealed container:

1079 (i) if the package agency is the type of package agency that authorizes the package

1080 agency to sell, offer for sale, or furnish the liquor as part of room service;

1081 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and

1082 (iii) subject to:

1083 (A) staff of the package agency providing the liquor in person only to an adult guest in  
1084 the guest room;

1085 (B) staff of the package agency not leaving the liquor outside a guest room for retrieval  
1086 by a guest; and

1087 (C) the same limits on the portions in which an alcoholic product may be sold by a  
1088 retail licensee under Section [32B-5-304](#).

1089 (16) On or after October 1, 2011, a package agency may not sell, offer for sale, or  
1090 furnish heavy beer in a sealed container that exceeds two liters.

1091 (17) The department may pay or otherwise remunerate a package agent on any basis,  
1092 including sales or volume of business done by the package agency.

1093 (18) The commission may prescribe by policy or rule general operational requirements  
1094 of a package agency that are consistent with this title and relate to:

1095 (a) physical facilities;

1096 (b) conditions of operation;

1097 (c) hours of operation;

1098 (d) inventory levels;

1099 (e) payment schedules;

1100 (f) methods of payment;

1101 (g) premises security; and

1102 (h) any other matter considered appropriate by the commission.

1103 Section 7. Section **32B-3-102** is amended to read:

1104 **32B-3-102. Definitions.**

1105 As used in this chapter:

1106 (1) "Aggravating circumstances" means:

1107 (a) prior warnings about compliance problems;

1108 (b) a prior violation history;

1109 (c) a lack of written policies governing employee conduct;

1110 (d) multiple violations during the course of an investigation;

- 1111 (e) efforts to conceal a violation;
- 1112 (f) an intentional violation;
- 1113 (g) the violation involved more than one patron or employee; or
- 1114 (h) a violation that results in injury or death.

1115 (2) "Final adjudication" means an adjudication for which a final judgment or order is  
1116 issued that:

- 1117 (a) is not appealed, and the time to appeal the judgment has expired; or
- 1118 (b) is appealed, and is affirmed, in whole or in part, on appeal.

1119 (3) "Mitigating circumstances" means:

- 1120 (a) no prior violation history for the licensee or permittee;
- 1121 (b) no prior violation history for the individual who committed the violation;
- 1122 (c) motive for the individual who engaged in or allowed the violation to retaliate

1123 against the licensee or permittee; or

1124 (d) extraordinary cooperation with the investigation of the violation that demonstrates  
1125 that the licensee or permittee and the individual who committed the violation accept  
1126 responsibility for the violation.

1127 Section 8. Section **32B-5-202** is amended to read:

1128 **32B-5-202. Renewal requirements.**

1129 (1) A retail license expires each year on the day specified in the relevant part under  
1130 Chapter 6, Specific Retail License Act, for that type of retail license.

1131 (2) (a) To renew a person's retail license, a retail licensee shall, by no later than the day  
1132 specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail  
1133 license that is being renewed, submit:

1134 ~~[(a)]~~ (i) a completed renewal application ~~[that includes a responsible alcohol service~~  
1135 ~~plan to the department]~~ in a form prescribed by the department; and

1136 ~~[(b)]~~ (ii) a renewal fee in the amount specified in the relevant part under Chapter 6,  
1137 Specific Retail License Act, for the type of retail license that is being renewed.

1138 (b) A retail licensee shall submit a responsible alcohol service plan as part of the retail  
1139 licensee's renewal application if, since the retail licensee's most recent application or renewal,  
1140 the retail licensee:

1141 (i) made substantial changes to the retail licensee's responsible alcohol service plan; or

1142 (ii) violated a provision of this chapter.

1143 (c) The department may audit a retail licensee's responsible alcohol.

1144 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the  
1145 retail license effective on the date the existing retail license expires.

1146 Section 9. Section **32B-5-207** is amended to read:

1147 **32B-5-207. Multiple retail licenses on same premises.**

1148 (1) As used in this section, "sublicense premises" means the same as that term is  
1149 defined in Sections [32B-8-102](#) and [32B-8b-102](#).

1150 ~~[(1)(a)(i)]~~ (2) (a) The commission may not issue and one or more licensees may not  
1151 hold more than one type of retail license for the same ~~[room]~~ premises.

1152 ~~[(ii) The commission may define "room" by rule made in accordance with Title 63G,~~  
1153 ~~Chapter 3, Utah Administrative Rulemaking Act.]~~

1154 (b) Notwithstanding Subsection ~~[(1)]~~ (2)(a), the commission may issue and one or  
1155 more licensees may hold more than one type of retail license for the same ~~[room]~~ premises if:

1156 (i) the applicant or licensee satisfies the requirements for each retail license;

1157 (ii) the types of retail licenses issued or held are two or more of the following:

1158 (A) a restaurant license;

1159 (B) an on-premise beer retailer license that is not a tavern; and

1160 (C) an on-premise banquet license or a reception center license; and

1161 (iii) the retail licenses do not operate at the same time on the same day.

1162 ~~[(2)]~~ (3) When one or more licensees hold more than one type of retail license for the  
1163 same ~~[room]~~ premises under Subsection ~~[(1)]~~ (2)(b), the one or more licensees shall post in a  
1164 conspicuous location at the entrance of the room a sign that:

1165 (a) measures 8-1/2 inches by 11 inches; and

1166 (b) states whether the premises is currently operating as:

1167 (i) a restaurant;

1168 (ii) an on-premise beer retailer that is not a tavern; or

1169 (iii) a banquet or a reception center.

1170 (4) (a) The commission may not issue and one or more licensees may not hold a bar  
1171 license or a tavern license in the same room as a restaurant license.

1172 (b) For purposes of Subsection (4)(a), two licenses are not considered in the same room

1173 if:

1174 (i) each shared permanent wall between the premises licensed as a bar or a tavern and  
1175 the premises licensed as a restaurant measures at least eight feet high;

1176 (ii) the premises for each license has a separate entryway that does not require a patron  
1177 to pass through the premises licensed as a bar or a tavern to access the premises licensed as a  
1178 restaurant; and

1179 (iii) if a patron must pass through the premises licensed as a restaurant to access the  
1180 entryway to the premises licensed as a bar or a tavern, a patron on the premises licensed as a  
1181 restaurant cannot see a dispensing structure on the premises licensed as a bar or a tavern.

1182 ~~[(3)]~~ (5) (a) If, on May 9, 2017, one or more licensees hold more than one type of retail  
1183 license ~~[for the same room]~~ in violation of Subsection ~~[(1)]~~ (2) or (4), the one or more licensees  
1184 may operate under the different types of retail licenses through June 30, 2018.

1185 (b) A licensee may not operate in violation of Subsection ~~[(1)]~~ (2) or (4) on or after  
1186 July 1, 2018.

1187 (c) Before July 1, 2018, each licensee described in Subsection ~~[(3)]~~ (5)(a) shall notify  
1188 the commission of each retail license that the licensee will surrender effective July 1, 2018, to  
1189 comply with the provisions of Subsection ~~[(1)]~~ (2) or (4).

1190 (d) The commission shall establish by rule, made in accordance with Title 63G,  
1191 Chapter 3, Utah Administrative Rulemaking Act, a procedure by which a licensee surrenders a  
1192 retail license under this Subsection ~~[(3)]~~ (5).

1193 (6) (a) The commission may issue more than one type of sublicense to a resort licensed  
1194 under Chapter 8, Resort License Act, or a hotel licensed under Chapter 8b, Hotel License Act,  
1195 for the same room if the sublicense premises are clearly delineated by one or more permanent  
1196 physical structures, such as a wall or other architectural feature, that separate the sublicense  
1197 premises.

1198 (b) A patron may not transport an alcoholic beverage between two sublicense premises  
1199 located in the same room in accordance with Subsection (6)(a).

1200 (c) Notwithstanding any provision to the contrary, a minor may momentarily pass  
1201 through a sublicense premises that is a bar to reach another location where a minor may  
1202 lawfully be, if there is no practical alternative route to the location.

1203 Section 10. Section **32B-5-307** is amended to read:

1204           **32B-5-307. Bringing alcoholic product onto or removing alcoholic product from**  
1205 **premises.**

1206           (1) Except as provided in Subsection (3):

1207           (a) A person may not bring onto the licensed premises of a retail licensee an alcoholic  
1208 product for on-premise consumption.

1209           (b) A retail licensee may not allow a person to:

1210           (i) bring onto licensed premises an alcoholic product for on-premise consumption; or

1211           (ii) consume an alcoholic product brought onto the licensed premises by a person other  
1212 than the retail licensee.

1213           (c) A retail licensee may not sell, offer for sale, or furnish an alcoholic product through  
1214 a window or door to a location off the licensed premises or to a vehicular traffic area.

1215           (2) Except as provided in [~~Subsection (3)~~] Subsections (3), (4), and [32B-4-415\(5\)](#):

1216           (a) a person may not carry from a licensed premises of a retail licensee an open  
1217 container that:

1218           (i) is used primarily for drinking purposes; and

1219           (ii) contains an alcoholic product[-];

1220           (b) a retail licensee may not permit a patron to carry from the licensed premises an  
1221 open container described in Subsection (2)(a)[-]; and

1222 [~~(c) Except as provided in Subsection (3)(d) or Subsection [32B-4-415\(5\)](#);~~]

1223           (c) (i) a person may not carry from a licensed premises of a retail licensee a sealed  
1224 container of liquor that has been purchased from the retail licensee; and

1225           (ii) a retail licensee may not permit a patron to carry from the licensed premises a  
1226 sealed container of liquor that has been purchased from the retail licensee.

1227           (3) (a) A patron may bring a bottled wine onto the premises of a retail licensee for  
1228 on-premise consumption if:

1229           (i) permitted by the retail licensee; and

1230           (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.

1231           (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the  
1232 patron shall deliver the bottled wine to a server or other representative of the retail licensee  
1233 upon entering the licensed premises.

1234           (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a



1235 wine service for a bottled wine carried onto the licensed premises in accordance with this  
1236 Subsection (3) or a bottled wine purchased at the licensed premises.

1237 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle  
1238 of wine purchased at the licensed premises, or brought onto the licensed premises in  
1239 accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.

1240 (4) A patron may transport beer between the premises of an on-premise banquet license  
1241 and an on-premise beer retailer license that is not a tavern, and consume the beer on either  
1242 licensed premises, if the licensed premises are:

1243 (a) immediately adjacent to one another; and

1244 (b) located in a sports facility as defined in Section [32B-6-702](#).

1245 Section 11. Section **32B-5-308** is amended to read:

1246 **32B-5-308. Requirements on staff or others on premises -- Employing a minor.**

1247 (1) Staff of a retail licensee, while on duty, may not:

1248 (a) consume an alcoholic product; or

1249 (b) be intoxicated.

1250 (2) (a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or  
1251 dispense an alcoholic product.

1252 (b) Notwithstanding Subsection (2)(a), unless otherwise prohibited in the provisions  
1253 related to the specific type of retail license, a retail licensee may employ a minor who is at least  
1254 16 years of age to enter the sale at a cash register or other sales recording device.

1255 (3) A full-service restaurant licensee, limited-service restaurant licensee, or beer-only  
1256 restaurant licensee may employ a minor who is at least 18 years of age to bus tables, including  
1257 containers that contain an alcoholic product.

1258 Section 12. Section **32B-5-405** is amended to read:

1259 **32B-5-405. Department training programs.**

1260 (1) No later than January 1, 2018, the department shall develop the following training  
1261 programs that are provided either in-person or online:

1262 (a) a training program for retail managers that addresses:

1263 (i) the statutes and rules that govern alcohol sales and consumption in the state;

1264 (ii) the requirements for operating as a retail licensee;

1265 (iii) using compliance assistance from the department; and

1266 (iv) any other topic the department determines beneficial to a retail manager; and  
1267 (b) a training program for an individual employed by a retail licensee or an off-premise  
1268 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an  
1269 alcoholic beverage to an intoxicated individual or a minor, that addresses:  
1270 (i) the statutes and rules that govern the most common types of violations under this  
1271 title;  
1272 (ii) how to avoid common violations; and  
1273 (iii) any other topic the department determines beneficial to the training program.  
1274 (2) No later than January 1, 2019, the department shall develop a training program for  
1275 off-premise retail managers that is provided either in-person or online and addresses:  
1276 (a) the statutes and rules that govern sales at an off-premise beer retailer;  
1277 (b) the requirements for operating an off-premise beer retailer;  
1278 (c) using compliance assistance from the department; and  
1279 (d) any other topic the department determines beneficial to an off-premise retail  
1280 manager.  
1281 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
1282 the provisions of this section, the department shall make rules to develop and implement the  
1283 training programs described in this section, including rules that establish:  
1284 (a) the requirements for each training program described in this section;  
1285 (b) measures that accurately identify each individual who takes and completes a  
1286 training program;  
1287 (c) measures that ensure an individual taking a training program is focused and actively  
1288 engaged in the training material throughout the training program;  
1289 (d) a record that certifies that an individual has completed a training program; and  
1290 (e) a fee for participation in a training program to cover the department's cost of  
1291 providing the training program.  
1292 (4) (a) Except as provided in Subsection (5), each retail manager shall~~[(t)]~~ complete  
1293 the training described in Subsection (1)(a) no later than the earlier of:  
1294 ~~[(A)]~~ (i) 30 days after the day on which the retail manager is hired; or  
1295 ~~[(B)]~~ (ii) before the day on which the retail licensee obtains a retail license under this  
1296 chapter~~[-and]~~.

1297 ~~[(ii) retake the training program described in Subsection (1)(a) once every three years.]~~

1298 (b) Except as provided in Subsection (5), each off-premise retail manager shall~~[-(i)]~~

1299 complete the training described in Subsection (2) no later than the earlier of:

1300 ~~[(A)]~~ (i) 30 days after the day on which the off-premise retail manager is hired; or

1301 ~~[(B)]~~ (ii) before the day on which the off-premise beer retailer obtains an off-premise  
1302 beer retailer state license~~[-and]~~.

1303 ~~[(ii) retake the training program described in Subsection (2) once every three years.]~~

1304 (c) (i) If the commission finds that ~~[an individual employed by]~~ a retail licensee  
1305 violated a provision of this title related to the sale, service, or furnishing of an alcoholic  
1306 beverage to an intoxicated individual or a minor for a second time ~~[while employed by the~~  
1307 ~~same retail licensee]~~ within three years after the day on which the first violation was  
1308 adjudicated, the violator, all retail staff, and each retail manager shall complete the training  
1309 program described in Subsection (1)(b).

1310 (ii) If the commission finds that ~~[an individual employed by]~~ an off-premise beer  
1311 retailer violated a provision of this title related to the sale, service, or furnishing of an alcoholic  
1312 beverage to an intoxicated individual or a minor for a second time ~~[while employed by the~~  
1313 ~~same off-premise beer retailer]~~ within three years after the day on which the first violation was  
1314 adjudicated, the violator and each off-premise retail manager shall complete the training  
1315 program described in Subsection (1)(b).

1316 (5) (a) For a person who holds a retail license on January 1, 2018, each retail manager  
1317 shall complete the training program described in Subsection (1)(a) for the first time as a  
1318 condition of renewing the licensee's retail license in 2018.

1319 (b) For a person who holds an off-premise beer retailer state license on January 1,  
1320 2019, each off-premise retail manager shall complete the training program described in  
1321 Subsection (1)(b) for the first time as a condition of renewing the licensee's off-premise beer  
1322 retailer state license in 2019.

1323 (6) If an individual fails to complete a required training program under this section:

1324 (a) the commission may suspend, revoke, or not renew the retail license or off-premise  
1325 beer retailer state license;

1326 (b) a city, town, metro township, or county in which the retail licensee or off-premise  
1327 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise

1328 beer retailer's business license; or

1329 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's  
1330 license.

1331 Section 13. Section **32B-6-202** is amended to read:

1332 **32B-6-202. Definitions.**

1333 As used in this part:

1334 (1) (a) "Dining area" means an area in the licensed premises of a full-service restaurant  
1335 licensee that is primarily used for the service and consumption of food by one or more patrons.

1336 (b) "Dining area" does not include a dispensing area.

1337 (2) (a) "Dispensing area" means an area in the licensed premises of a full-service  
1338 restaurant licensee where a dispensing structure is located and that:

1339 (i) is physically separated from the dining area and any waiting area by a structure or  
1340 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the  
1341 dispensing of alcoholic product;

1342 (ii) except as provided in Subsection (2)(b), measures at least 10 feet from [~~any area~~  
1343 ~~where alcoholic product is dispensed to~~] the dining area and any waiting area[~~, measured from~~  
1344 ~~the point of the area where alcoholic product is dispensed that is closest to the dining area or~~  
1345 ~~waiting area~~] to the nearest edge of the dispensing structure; or

1346 (iii) is physically separated from the dining area and any waiting area by a permanent  
1347 physical structure that complies with the provisions of Title 15A, State Construction and Fire  
1348 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,  
1349 measures:

1350 (A) at least 42 inches high; and

1351 (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the  
1352 dispensing structure.

1353 (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that  
1354 is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron  
1355 seated at a table or counter cannot view the dispensing of alcoholic product.

1356 (3) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a  
1357 full-service restaurant licensee that:

1358 (i) as of May 11, 2009, has:

- 1359 (A) patron seating at the bar structure;
- 1360 (B) a partition at one or more locations on the bar structure that is along:
  - 1361 (I) the width of the bar structure; or
  - 1362 (II) the length of the bar structure; and
- 1363 (C) facilities for the dispensing or storage of an alcoholic product:
  - 1364 (I) on the portion of the bar structure that is separated by the partition described in
  - 1365 Subsection (3)(a)(i)(B); or
  - 1366 (II) if the partition as described in Subsection (3)(a)(i)(B)(II) is adjacent to the bar
  - 1367 structure in a manner visible to a patron sitting at the bar structure;
  - 1368 (ii) is not operational as of May 12, 2009, if:
    - 1369 (A) a person applying for a full-service restaurant license:
      - 1370 (I) has as of May 12, 2009, a building permit to construct the restaurant;
      - 1371 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as
      - 1372 defined by rule made by the commission; and
      - 1373 (III) is issued the full-service restaurant license by no later than December 31, 2009;
      - 1374 and
      - 1375 (B) once constructed, the licensed premises has a bar structure described in Subsection
      - 1376 (3)(a)(i);
      - 1377 (iii) as of May 12, 2009, has no patron seating at the bar structure; or
      - 1378 (iv) is not operational as of May 12, 2009, if:
        - 1379 (A) a person applying for a full-service restaurant license:
          - 1380 (I) has as of May 12, 2009, a building permit to construct the restaurant;
          - 1381 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as
          - 1382 defined by rule made by the commission; and
          - 1383 (III) is issued a full-service restaurant license by no later than December 31, 2009; and
        - 1384 (B) once constructed, the licensed premises has a bar structure with no patron seating.
      - 1385 (b) "Grandfathered bar structure" does not include a grandfathered bar structure
      - 1386 described in Subsection (3)(a) on or after the day on which a restaurant remodels the
      - 1387 grandfathered bar structure, as defined by rule made by the commission.
      - 1388 (c) Subject to Subsection (3)(b), a grandfathered bar structure remains a grandfathered
      - 1389 bar structure notwithstanding whether a restaurant undergoes a change of ownership.

1390 (4) "Seating grandfathered bar structure" means:  
1391 (a) a grandfathered bar structure described in Subsection (3)(a)(i) or (ii); or  
1392 (b) a bar structure grandfathered under Section 32B-6-409.

1393 (5) "Small full-service restaurant licensee" means a converted full-service restaurant  
1394 licensee as defined in Section 32B-6-404.1 or a full-service restaurant licensee that has a  
1395 grandfathered bar structure, whose dispensing area includes more than two-thirds of the  
1396 available seating for patrons on the licensed premises:

1397 (a) when measured in accordance with Subsection (2)(a)(ii); and  
1398 (b) based on the licensee's floor plan on file with the department on July 1, 2017.  
1399 [~~5~~] (6) "Waiting area" includes a lobby.

1400 Section 14. Section 32B-6-205 is amended to read:

1401 **32B-6-205. Specific operational requirements for a full-service restaurant license**  
1402 **-- Before July 1, 2018, or July 1, 2022.**

1403 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1404 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee  
1405 shall comply with this section.

1406 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1407 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1408 (i) a full-service restaurant licensee;  
1409 (ii) individual staff of a full-service restaurant licensee; or  
1410 (iii) both a full-service restaurant licensee and staff of the full-service restaurant  
1411 licensee.

1412 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant  
1413 licensee shall[:~~(a)~~] display in a prominent place in the restaurant a list of the types and brand  
1414 names of liquor being furnished through the full-service restaurant licensee's calibrated metered  
1415 dispensing system[~~; and~~].

1416 [~~(b) display in a conspicuous place at the entrance to the licensed premises a sign~~  
1417 ~~approved by the commission that:]~~

1418 [~~(i) measures at least 8-1/2 inches long and 11 inches wide; and~~]  
1419 [~~(ii) clearly states that the full-service restaurant licensee is a restaurant and not a bar.]~~

1420 (3) In addition to complying with Section 32B-5-303, a full-service restaurant licensee

1421 shall store an alcoholic product in a storage area described in Subsection (12)(a).

1422 (4) (a) An individual who serves an alcoholic product in a full-service restaurant  
1423 licensee's premises shall make a written beverage tab for each table or group that orders or  
1424 consumes an alcoholic product on the premises.

1425 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an  
1426 alcoholic product ordered or consumed.

1427 (5) A person's willingness to serve an alcoholic product may not be made a condition  
1428 of employment as a server with a full-service restaurant licensee.

1429 (6) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the  
1430 licensed premises during the following time periods only:

1431 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1432 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1433 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1434 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the  
1435 licensed premises during the following time periods only:

1436 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1437 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1438 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1439 (7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant  
1440 business from the sale of food, which does not include:

1441 (a) mix for an alcoholic product; or

1442 (b) a service charge.

1443 (8) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an  
1444 alcoholic product except after the full-service restaurant licensee confirms that the patron has  
1445 the intent to order food prepared, sold, and furnished at the licensed premises.

1446 (b) A full-service restaurant licensee shall maintain on the licensed premises adequate  
1447 culinary facilities for food preparation and dining accommodations.

1448 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have  
1449 more than two alcoholic products of any kind at a time before the patron.

1450 (b) A patron may not have more than one spirituous liquor drink at a time before the  
1451 patron.

1452 (c) An individual portion of wine is considered to be one alcoholic product under  
1453 Subsection (9)(a).

1454 (10) A patron may consume an alcoholic product only:

1455 (a) at:

1456 (i) the patron's table;

1457 (ii) a counter; or

1458 (iii) a seating grandfathered bar structure; and

1459 (b) where food is served.

1460 (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an  
1461 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar  
1462 structure that is not a seating grandfathered bar structure.

1463 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older  
1464 may:

1465 (i) sit;

1466 (ii) be furnished an alcoholic product; and

1467 (iii) consume an alcoholic product.

1468 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a  
1469 full-service restaurant licensee may not permit a minor to, and a minor may not:

1470 (i) sit; or

1471 (ii) consume food or beverages.

1472 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is  
1473 employed by a full-service restaurant licensee:

1474 (A) as provided in Subsection 32B-5-308(2); or

1475 (B) to perform maintenance and cleaning services during an hour when the full-service  
1476 restaurant licensee is not open for business.

1477 (ii) A minor may momentarily pass by a seating grandfathered bar structure without  
1478 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's  
1479 premises in which the minor is permitted to be.

1480 (12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee  
1481 may dispense an alcoholic product only if:

1482 (a) the alcoholic product is dispensed from:



- 1483 (i) a grandfathered bar structure;
- 1484 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at  
1485 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May  
1486 12, 2009; or
- 1487 (iii) an area that is:
- 1488 (A) separated from an area for the consumption of food by a patron by a solid,  
1489 translucent, permanent structural barrier such that the facilities for the storage or dispensing of  
1490 an alcoholic product are:
- 1491 (I) not readily visible to a patron; and
- 1492 (II) not accessible by a patron; and
- 1493 (B) apart from an area used:
- 1494 (I) for dining;
- 1495 (II) for staging; or
- 1496 (III) as a lobby or waiting area;
- 1497 (b) the full-service restaurant licensee uses an alcoholic product that is:
- 1498 (i) stored in an area described in Subsection (12)(a); or
- 1499 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
- 1500 (A) immediately before the alcoholic product is dispensed it is in an unopened  
1501 container; (B) the unopened container is taken to an area described in Subsection (12)(a) before  
1502 it is opened; and (C) once opened, the container is stored in an area described in Subsection  
1503 (12)(a); and
- 1504 (c) any instrument or equipment used to dispense alcoholic product is located in an  
1505 area described in Subsection (12)(a).
- 1506 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a  
1507 charge or fee made in connection with the sale, service, or consumption of liquor including:
- 1508 (a) a set-up charge;
- 1509 (b) a service charge; or
- 1510 (c) a chilling fee.
- 1511 (14) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or  
1512 beverages within 10 feet of a grandfathered bar structure, unless:
- 1513 (a) seating within 10 feet of the grandfathered bar structure is the only seating available

1514 in the licensed premises; and

1515 (b) the minor is accompanied by an individual who is 21 years of age or older.

1516 (15) Except as provided in Subsection ~~32B-6-205.2~~~~(18)~~(16) and Section

1517 ~~32B-6-205.3~~, the provisions of this section apply before July 1, 2018.

1518 Section 15. Section ~~32B-6-205.2~~ is amended to read:

1519 **32B-6-205.2. Specific operational requirements for a full-service restaurant**  
1520 **license -- On and after July 1, 2018, or July 1, 2022.**

1521 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1522 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee  
1523 shall comply with this section.

1524 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in  
1525 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1526 (i) a full-service restaurant licensee;

1527 (ii) individual staff of a full-service restaurant licensee; or

1528 (iii) both a full-service restaurant licensee and staff of the full-service restaurant  
1529 licensee.

1530 ~~[(2) In addition to complying with Subsection ~~32B-5-301~~(3), a full-service restaurant~~  
1531 ~~licensee shall display in a conspicuous place at the entrance to the licensed premises a sign~~  
1532 ~~approved by the commission that:]~~

1533 ~~[(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~

1534 ~~[(b) clearly states that the full-service restaurant licensee is a restaurant and not a bar.]~~

1535 ~~[(3) In addition to complying with Section ~~32B-5-303~~, a full-service restaurant licensee~~  
1536 ~~shall store an alcoholic product in a storage area described in Subsection (13) (a).]~~

1537 ~~[(4)]~~ (2) (a) An individual who serves an alcoholic product in a full-service restaurant  
1538 licensee's premises shall make a beverage tab for each table or group that orders or consumes  
1539 an alcoholic product on the premises.

1540 (b) A beverage tab described in this Subsection ~~[(4)]~~ (2) shall state the type and amount  
1541 of each alcoholic product ordered or consumed.

1542 ~~[(5)]~~ (3) A full-service restaurant licensee may not make an individual's willingness to  
1543 serve an alcoholic product a condition of employment with a full-service restaurant licensee.

1544 ~~[(6)]~~ (4) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor

1545 at the licensed premises during the following time periods only:

1546 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1547 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1548 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1549 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the  
1550 licensed premises during the following time periods only:

1551 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1552 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1553 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1554 ~~[(7)]~~ (5) A full-service restaurant licensee shall maintain at least 70% of the  
1555 full-service restaurant licensee's total restaurant business from the sale of food, which does not  
1556 include:

1557 (a) mix for an alcoholic product; or

1558 (b) a service charge.

1559 ~~[(8)]~~ (6) (a) A full-service restaurant licensee may not ~~[sell, offer for sale, or]~~ furnish  
1560 an alcoholic product except after:

1561 (i) the patron to whom the full-service restaurant licensee ~~[sells, offers for sale, or]~~  
1562 furnishes the alcoholic product is seated at:

1563 (A) a table that is located in a dining area or a dispensing area;

1564 (B) a counter that is located in a dining area or a dispensing area; or

1565 (C) a dispensing structure that is located in a dispensing area; and

1566 (ii) the full-service restaurant licensee confirms that the patron intends to:

1567 (A) order food prepared, sold, and furnished at the licensed premises; and

1568 (B) except as provided in Subsection ~~[(8)]~~ (6)(b), consume the food at the same  
1569 location where the patron is seated and ~~[sold, offered for sale, or]~~ furnished the alcoholic  
1570 product.

1571 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a  
1572 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or  
1573 furnish to the patron one drink that contains a single portion of an alcoholic product as  
1574 described in Section [32B-5-304](#) if:

1575 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing

1576 structure; and

1577 (B) the full-service restaurant licensee first confirms that after the patron is seated in  
1578 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed  
1579 premises.

1580 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat  
1581 in the dining area, an employee of the full-service restaurant licensee who is qualified to sell  
1582 and serve an alcoholic product under Section 32B-5-306 shall transport any unfinished portion  
1583 of the patron's alcoholic product to the patron's seat in the dining area.

1584 (iii) For purposes of Subsection ~~[(8)]~~ (6)(b)(i) a single portion of wine is 5 ounces or  
1585 less.

1586 (c) A full-service restaurant licensee shall maintain on the licensed premises adequate  
1587 culinary facilities for food preparation and dining accommodations.

1588 ~~[(9)]~~ (7) A patron may consume an alcoholic product only if the patron is seated at:

1589 (a) a table that is located in a dining area or dispensing area;

1590 (b) a counter that is located in a dining area or dispensing area; or

1591 (c) a dispensing structure located in a dispensing area.

1592 ~~[(10)]~~ (8) (a) Subject to the other provisions of this Subsection ~~[(10)]~~ (8), a patron may  
1593 not have more than two alcoholic products of any kind at a time before the patron.

1594 (b) A patron may not have more than one spirituous liquor drink at a time before the  
1595 patron.

1596 (c) An individual portion of wine is considered to be one alcoholic product under  
1597 Subsection ~~[(10)]~~ (8)(a).

1598 ~~[(11)]~~ (9) In accordance with the provisions of this section, an individual who is at  
1599 least 21 years of age may consume food and beverages in a dispensing area.

1600 ~~[(12)]~~ (10) (a) Except as provided in Subsection ~~[(12)]~~ (10)(b), a minor may not sit,  
1601 remain, or consume food or beverages in a dispensing area.

1602 (b) (i) A minor may be in a dispensing area if the minor is employed by the full-service  
1603 restaurant licensee:

1604 (A) in accordance with Subsection 32B-5-308(2); or

1605 (B) to perform maintenance and cleaning services when the full-service restaurant  
1606 licensee is not open for business.

1607 (ii) If there is no alternative route available, a minor may momentarily pass through a  
1608 dispensing area without remaining or sitting in the dispensing area en route to an area of the  
1609 full-service restaurant licensee's premises in which the minor is permitted to be.

1610 ~~[(13)]~~ (11) Except as provided in Subsection 32B-5-307(3), a full-service restaurant  
1611 licensee may dispense an alcoholic product only if:

1612 (a) the alcoholic product is dispensed from:

1613 (i) a dispensing structure that is located in a dispensing area;

1614 (ii) an area that is:

1615 (A) separated from an area for the consumption of food by a patron by a solid,  
1616 translucent, permanent structural barrier such that the facilities for the ~~[storage or]~~ dispensing  
1617 of an alcoholic product are not readily visible to a patron and not accessible by a patron; and

1618 (B) apart from an area used for dining, for staging, or as a lobby or waiting area; or

1619 (iii) the premises of a bar licensee that is:

1620 (A) owned by the same person or persons as the full-service restaurant licensee; and

1621 (B) located immediately adjacent to the premises of the full-service restaurant licensee;

1622 and

1623 ~~[(b) the full-service restaurant licensee uses an alcoholic product that is stored in an  
1624 area described in Subsection (13)(a) or in accordance with Section 32B-5-303; and]~~

1625 ~~[(c)]~~ (b) any instrument or equipment used to dispense alcoholic product is located in  
1626 an area described in Subsection ~~[(13)]~~ (11)(a).

1627 ~~[(14)]~~ (12) (a) A full-service restaurant licensee may have more than one dispensing  
1628 area in the licensed premises.

1629 (b) Each dispensing area in a licensed premises may satisfy the requirements for a  
1630 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other  
1631 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1632 ~~[(15)]~~ (13) A full-service restaurant licensee may not:

1633 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1634 (b) display an alcoholic product or a product intended to appear like an alcoholic  
1635 product by moving a cart or similar device around the licensed premises.

1636 ~~[(16)]~~ (14) A full-service restaurant licensee may state in a food or alcoholic product  
1637 menu a charge or fee made in connection with the sale, service, or consumption of liquor,

1638 including:

1639 (a) a set-up charge;

1640 (b) a service charge; or

1641 (c) a chilling fee.

1642 [~~(17)~~] (15) (a) In addition to the requirements described in Section 32B-5-302, a  
1643 full-service restaurant licensee shall maintain each of the following records for at least three  
1644 years:

1645 (i) a record required by Section 32B-5-302; and

1646 (ii) a record that the commission requires a full-service restaurant licensee to use or  
1647 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1648 Rulemaking Act.

1649 (b) The department shall audit the records of a full-service restaurant licensee at least  
1650 once each calendar year.

1651 [~~(18)~~] (16) (a) In accordance with Section 32B-6-205.3, a full-service restaurant  
1652 licensee:

1653 (i) may comply with the provisions of this section beginning on or after July 1, 2017;  
1654 and

1655 (ii) shall comply with the provisions of this section:

1656 (A) for a full-service restaurant licensee that does not have a grandfathered bar  
1657 structure, on and after July 1, 2018; or

1658 (B) for a full-service restaurant licensee that has a grandfathered bar structure, on and  
1659 after July 1, 2022.

1660 (b) A full-service restaurant licensee that elects to comply with the provisions of this  
1661 section before the latest applicable date described in Subsection [~~(18)~~] (16)(a)(ii):

1662 (i) shall comply with each provision of this section; and

1663 (ii) is not required to comply with the provisions of Section 32B-6-205.

1664 Section 16. Section 32B-6-205.4 is enacted to read:

1665 **32B-6-205.4. Small full-service restaurant licensee -- Exemption.**

1666 (1) Notwithstanding the provisions of Section 32B-6-205 or 32B-6-205.2 and subject  
1667 to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing  
1668 area of a small full-service restaurant licensee if:

1669 (a) seating in the dispensing area is the only seating available for patrons on the  
1670 licensed premises;

1671 (b) the minor is accompanied by an individual who is 21 years of age or older; and

1672 (c) the small full-service restaurant licensee applies for and obtains approval from the  
1673 department to seat minors in the dispensing area in accordance with this section.

1674 (2) A minor may not sit, remain, or consume food or beverages at a dispensing  
1675 structure.

1676 (3) The department shall:

1677 (a) grant an approval described in Subsection (1)(c) if the small full-service restaurant  
1678 licensee demonstrates that the small full-service restaurant licensee meets the requirements  
1679 described in Subsection [32B-6-202\(5\)](#); and

1680 (b) for each application described in Subsection (1)(c) that the department receives on  
1681 or before May 8, 2018, act on the application on or before July 1, 2018.

1682 Section 17. Section **32B-6-302** is amended to read:

1683 **32B-6-302. Definitions.**

1684 As used in this part:

1685 (1) (a) "Dining area" means an area in the licensed premises of a limited-service  
1686 restaurant licensee that is primarily used for the service and consumption of food by one or  
1687 more patrons.

1688 (b) "Dining area" does not include a dispensing area.

1689 (2) (a) "Dispensing area" means an area in the licensed premises of a limited-service  
1690 restaurant licensee where a dispensing structure is located and that:

1691 (i) is physically separated from the dining area and any waiting area by a structure or  
1692 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the  
1693 dispensing of alcoholic product;

1694 (ii) except as provided in Subsection (2)(b), measures at least 10 feet from [~~any area~~  
1695 ~~where alcoholic product is dispensed to]~~ the dining area and any waiting area[~~, measured from~~  
1696 ~~the point of the area where alcoholic product is dispensed that is closest to the dining area or~~  
1697 ~~waiting area]~~ to the nearest edge of the dispensing structure; or

1698 (iii) is physically separated from the dining area and any waiting area by a permanent  
1699 physical structure that complies with the provisions of Title 15A, State Construction and Fire

1700 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,  
1701 measures:

1702 (A) at least 42 inches high; and

1703 (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the  
1704 dispensing structure.

1705 (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that  
1706 is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron  
1707 seated at a table or counter cannot view the dispensing of alcoholic product.

1708 (3) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a  
1709 limited-service restaurant licensee that:

1710 (i) as of May 11, 2009, has:

1711 (A) patron seating at the bar structure;

1712 (B) a partition at one or more locations on the bar structure that is along:

1713 (I) the width of the bar structure; or

1714 (II) the length of the bar structure; and

1715 (C) facilities for the dispensing or storage of an alcoholic product:

1716 (I) on the portion of the bar structure that is separated by the partition described in  
1717 Subsection (3)(a)(i)(B); or

1718 (II) if the partition as described in Subsection (3)(a)(i)(B)(II) is adjacent to the bar  
1719 structure in a manner visible to a patron sitting at the bar structure;

1720 (ii) is not operational as of May 12, 2009, if:

1721 (A) a person applying for a limited-service restaurant license:

1722 (I) has as of May 12, 2009, a building permit to construct the restaurant;

1723 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as  
1724 defined by rule made by the commission; and

1725 (III) is issued the limited-service restaurant license by no later than December 31,  
1726 2009; and

1727 (B) once constructed, the licensed premises has a bar structure described in Subsection  
1728 (3)(a)(i);

1729 (iii) as of May 12, 2009, has no patron seating at the bar structure; or

1730 (iv) is not operational as of May 12, 2009, if:



- 1731 (A) a person applying for a limited-service restaurant license:  
1732 (I) has as of May 12, 2009, a building permit to construct the restaurant;  
1733 (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as  
1734 defined by rule made by the commission; and  
1735 (III) is issued a limited-service restaurant license by no later than December 31, 2009;  
1736 and  
1737 (B) once constructed, the licensed premises has a bar structure with no patron seating.  
1738 (b) "Grandfathered bar structure" does not include a grandfathered bar structure  
1739 described in Subsection (3)(a) on or after the day on which a restaurant remodels the  
1740 grandfathered bar structure, as defined by rule made by the commission.  
1741 (c) Subject to Subsection (3)(b), a grandfathered bar structure remains a grandfathered  
1742 bar structure notwithstanding whether a restaurant undergoes a change of ownership.  
1743 (4) "Seating grandfathered bar structure" means:  
1744 (a) a grandfathered bar structure described in Subsection (3)(a)(i) or (ii); or  
1745 (b) a bar structure grandfathered under Section [32B-6-409](#).  
1746 (5) "Small limited-service restaurant licensee" means a limited-service restaurant  
1747 licensee that has a grandfathered bar structure whose dispensing area includes more than  
1748 two-thirds of the available seating for patrons on the licensed premises:  
1749 (a) when measured in accordance with Subsection (2)(a)(ii); and  
1750 (b) based on the licensee's floor plan on file with the department on July 1, 2017.  
1751 [~~5~~] (6) "Waiting area" includes a lobby.  
1752 [~~6~~] (7) "Wine" includes an alcoholic beverage defined as wine under 27 U.S.C. Sec.  
1753 211 and 27 C.F.R. Sec. 4.10, including the following alcoholic beverages made in the manner  
1754 of wine containing not less than 7% and not more than 24% of alcohol by volume:  
1755 (a) sparkling and carbonated wine;  
1756 (b) wine made from condensed grape must;  
1757 (c) wine made from other agricultural products than the juice of sound, ripe grapes;  
1758 (d) imitation wine;  
1759 (e) compounds sold as wine;  
1760 (f) vermouth;  
1761 (g) cider;

1762 (h) perry; and

1763 (i) sake.

1764 Section 18. Section **32B-6-305** is amended to read:

1765 **32B-6-305. Specific operational requirements for a limited-service restaurant**  
1766 **license -- Before July 1, 2018, or July 1, 2022.**

1767 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1768 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant  
1769 licensee shall comply with this section.

1770 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1771 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1772 (i) a limited-service restaurant licensee;

1773 (ii) individual staff of a limited-service restaurant licensee; or

1774 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant  
1775 licensee.

1776 (2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer  
1777 for sale, furnish, or allow consumption of:

1778 (i) spirituous liquor; or

1779 (ii) a flavored malt beverage.

1780 (b) A product listed in Subsection (2)(a) may not be on the premises of a  
1781 limited-service restaurant licensee except for use:

1782 (i) as a flavoring on a dessert; and

1783 (ii) in the preparation of a flaming food dish, drink, or dessert.

1784 (3) In addition to complying with Section **32B-5-303**, a limited-service restaurant  
1785 licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).

1786 (4) (a) An individual who serves an alcoholic product in a limited-service restaurant  
1787 licensee's premises shall make a written beverage tab for each table or group that orders or  
1788 consumes an alcoholic product on the premises.

1789 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an  
1790 alcoholic product ordered or consumed.

1791 (5) A person's willingness to serve an alcoholic product may not be made a condition  
1792 of employment as a server with a limited-service restaurant licensee.

- 1793 (6) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or  
1794 heavy beer at the licensed premises during the following time periods only:
- 1795 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or  
1796 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1797 period that begins at 10:30 a.m. and ends at 11:59 p.m.
- 1798 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the  
1799 licensed premises during the following time periods only:
- 1800 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or  
1801 (ii) on a weekend or state or federal legal holiday or for a private event, during the  
1802 period that begins at 10:30 a.m. and ends at 12:59 a.m.
- 1803 (7) A limited-service restaurant licensee shall maintain at least 70% of its total  
1804 restaurant business from the sale of food, which does not include a service charge.
- 1805 (8) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an  
1806 alcoholic product except after the limited-service restaurant licensee confirms that the patron  
1807 has the intent to order food prepared, sold, and furnished at the licensed premises.
- 1808 (b) A limited-service restaurant licensee shall maintain on the licensed premises  
1809 adequate culinary facilities for food preparation and dining accommodations.
- 1810 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have  
1811 more than two alcoholic products of any kind at a time before the patron.
- 1812 (b) An individual portion of wine is considered to be one alcoholic product under  
1813 Subsection (9)(a).
- 1814 (10) A patron may consume an alcoholic product only:
- 1815 (a) at:
- 1816 (i) the patron's table;
- 1817 (ii) a counter; or
- 1818 (iii) a seating grandfathered bar structure; and
- 1819 (b) where food is served.
- 1820 (11) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an  
1821 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar  
1822 structure that is not a seating grandfathered bar structure.
- 1823 (b) At a seating grandfathered bar structure a patron who is 21 years of age or older

1824 may:

1825 (i) sit;

1826 (ii) be furnished an alcoholic product; and

1827 (iii) consume an alcoholic product.

1828 (c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a  
1829 limited-service restaurant licensee may not permit a minor to, and a minor may not:

1830 (i) sit; or

1831 (ii) consume food or beverages.

1832 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is  
1833 employed by a limited-service restaurant licensee:

1834 (A) as provided in Subsection 32B-5-308(2); or

1835 (B) to perform maintenance and cleaning services during an hour when the  
1836 limited-service restaurant licensee is not open for business.

1837 (ii) A minor may momentarily pass by a seating grandfathered bar structure without  
1838 remaining or sitting at the bar structure en route to an area of a limited-service restaurant  
1839 licensee's premises in which the minor is permitted to be.

1840 (12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant  
1841 licensee may dispense an alcoholic product only if:

1842 (a) the alcoholic product is dispensed from:

1843 (i) a grandfathered bar structure;

1844 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at  
1845 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May  
1846 12, 2009; or

1847 (iii) an area that is:

1848 (A) separated from an area for the consumption of food by a patron by a solid,  
1849 translucent, permanent structural barrier such that the facilities for the storage or dispensing of  
1850 an alcoholic product are:

1851 (I) not readily visible to a patron; and

1852 (II) not accessible by a patron; and

1853 (B) apart from an area used:

1854 (I) for dining;

1855 (II) for staging; or  
1856 (III) as a lobby or waiting area;  
1857 (b) the limited-service restaurant licensee uses an alcoholic product that is:  
1858 (i) stored in an area described in Subsection (12)(a); or  
1859 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:  
1860 (A) immediately before the alcoholic product is dispensed it is in an unopened  
1861 container;  
1862 (B) the unopened container is taken to an area described in Subsection (12)(a) before it  
1863 is opened; and  
1864 (C) once opened, the container is stored in an area described in Subsection (12)(a); and  
1865 (c) any instrument or equipment used to dispense alcoholic product is located in an  
1866 area described in Subsection (12)(a).  
1867 (13) A limited-service restaurant licensee may state in a food or alcoholic product  
1868 menu a charge or fee made in connection with the sale, service, or consumption of wine or  
1869 heavy beer including:  
1870 (a) a set-up charge;  
1871 (b) a service charge; or  
1872 (c) a chilling fee.  
1873 [~~(14) In addition to complying with Subsection 32B-5-301(3), a limited-service~~  
1874 ~~restaurant licensee shall display in a conspicuous place at the entrance to the licensed premises~~  
1875 ~~a sign approved by the commission that:]~~  
1876 [~~(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~  
1877 [~~(b) clearly states that the limited-service restaurant licensee is a restaurant and not a~~  
1878 ~~bar.]~~  
1879 [(15)] (14) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or  
1880 beverages within 10 feet of a grandfathered bar structure, unless:  
1881 (a) seating within 10 feet of the grandfathered bar structure is the only seating available  
1882 in the licensed premises; and  
1883 (b) the minor is accompanied by an individual who is 21 years of age or older.  
1884 [(16)] (15) Except as provided in Subsection 32B-6-305.2[(18)](16) and Section  
1885 32B-6-305.3, the provisions of this section apply before July 1, 2018.

1886 Section 19. Section 32B-6-305.2 is amended to read:

1887 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**  
1888 **license -- On and after July 1, 2018, or July 1, 2022.**

1889 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1890 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant  
1891 licensee shall comply with this section.

1892 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in  
1893 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1894 (i) a limited-service restaurant licensee;

1895 (ii) individual staff of a limited-service restaurant licensee; or

1896 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant  
1897 licensee.

1898 [~~(2) In addition to complying with Subsection 32B-5-301(3), a limited-service~~  
1899 ~~restaurant licensee shall display in a conspicuous place at the entrance to the licensed premises~~  
1900 ~~a sign approved by the commission that:]~~

1901 [~~(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~

1902 [~~(b) clearly states that the limited-service restaurant licensee is a restaurant and not a~~  
1903 ~~bar.]~~

1904 [~~(3) In addition to complying with Section 32B-5-303, a limited-service restaurant~~  
1905 ~~licensee shall store an alcoholic product in a storage area described in Subsection (13)(a).]~~

1906 [(4)] (2) (a) An individual who serves an alcoholic product in a limited-service  
1907 restaurant licensee's premises shall make a beverage tab for each table or group that orders or  
1908 consumes an alcoholic product on the premises.

1909 (b) A beverage tab described in this Subsection [(4)] (2) shall state the type and amount  
1910 of each alcoholic product ordered or consumed.

1911 [(5)] (3) A limited-service restaurant licensee may not make an individual's willingness  
1912 to serve an alcoholic product a condition of employment with a limited-service restaurant  
1913 licensee.

1914 [(6)] (4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish  
1915 wine or heavy beer at the licensed premises during the following time periods only:

1916 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1917 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1918 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1919 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the  
1920 licensed premises during the following time periods only:

1921 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1922 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1923 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1924 ~~[(7)]~~ (5) A limited-service restaurant licensee shall maintain at least 70% of the  
1925 limited-service restaurant licensee's total restaurant business from the sale of food, which does  
1926 not include a service charge.

1927 ~~[(8)]~~ (6) (a) A limited-service restaurant licensee may not ~~[sell, offer for sale, or]~~  
1928 furnish an alcoholic product except after:

1929 (i) the patron to whom the limited-service restaurant licensee ~~[sells, offers for sale, or]~~  
1930 furnishes the alcoholic product is seated at:

1931 (A) a table that is located in a dining area or a dispensing area;

1932 (B) a counter that is located in a dining area or a dispensing area; or

1933 (C) a dispensing structure that is located in a dispensing area; and

1934 (ii) the limited-service restaurant licensee confirms that the patron intends to:

1935 (A) order food prepared, sold, and furnished at the licensed premises; and

1936 (B) except as provided in Subsection ~~[(8)]~~ (6)(b), consume the food at the same  
1937 location where the patron is seated and ~~[sold, offered for sale, or]~~ furnished the alcoholic  
1938 product.

1939 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a  
1940 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for  
1941 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as  
1942 described in Section [32B-5-304](#) if:

1943 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing  
1944 structure; and

1945 (B) the limited-service restaurant licensee first confirms that after the patron is seated  
1946 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed  
1947 premises.

1948 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat  
1949 in the dining area, an employee of the limited-service restaurant licensee who is qualified to  
1950 sell and serve an alcoholic product under Section 32B-5-306 shall transport any unfinished  
1951 portion of the patron's alcoholic product to the patron's seat in the dining area.

1952 (iii) For purposes of Subsection ~~[(8)]~~ (6)(b)(i) a single portion of wine is 5 ounces or  
1953 less.

1954 (c) A limited-service restaurant licensee shall maintain on the licensed premises  
1955 adequate culinary facilities for food preparation and dining accommodations.

1956 ~~[(9)]~~ (7) A patron may consume an alcoholic product only if the patron is seated at:

1957 (a) a table that is located in a dining area or a dispensing area;

1958 (b) a counter that is located in a dining area or a dispensing area; or

1959 (c) a dispensing structure located in a dispensing area.

1960 ~~[(10)]~~ (8) (a) Subject to the other provisions of this Subsection ~~[(10)]~~ (8), a patron may  
1961 not have more than two alcoholic products of any kind at a time before the patron.

1962 (b) An individual portion of wine is considered to be one alcoholic product under  
1963 Subsection ~~[(10)]~~ (8)(a).

1964 ~~[(11)]~~ (9) In accordance with the provisions of this section, an individual who is at  
1965 least 21 years of age may consume food and beverages in a dispensing area.

1966 ~~[(12)]~~ (10) (a) Except as provided in Subsection ~~[(12)]~~ (10)(b), a minor may not sit,  
1967 remain, or consume food or beverages in a dispensing area.

1968 (b) (i) A minor may be in a dispensing area if the minor is employed by the  
1969 limited-service restaurant licensee:

1970 (A) in accordance with Subsection 32B-5-308(2); or

1971 (B) to perform maintenance and cleaning services when the limited-service restaurant  
1972 licensee is not open for business.

1973 (ii) If there is no alternative route available, a minor may momentarily pass through a  
1974 dispensing area without remaining or sitting in the dispensing area en route to an area of the  
1975 limited-service restaurant licensee's premises in which the minor is permitted to be.

1976 ~~[(13)]~~ (11) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant  
1977 licensee may dispense an alcoholic product only if:

1978 (a) the alcoholic product is dispensed from:



1979 (i) a dispensing structure that is located in a dispensing area;

1980 (ii) an area that is:

1981 (A) separated from an area for the consumption of food by a patron by a solid,

1982 translucent, permanent structural barrier such that the facilities for the ~~[storage or]~~ dispensing

1983 of an alcoholic product are not readily visible to a patron and not accessible by a patron; and

1984 (B) apart from an area used for dining, for staging, or as a lobby or waiting area; or

1985 (iii) the premises of a bar licensee that is:

1986 (A) owned by the same person or persons as the limited-service restaurant licensee; and

1987 (B) located immediately adjacent to the premises of the limited-service restaurant

1988 licensee; and

1989 ~~[(b) the limited-service restaurant licensee uses an alcoholic product that is stored in an~~

1990 ~~area described in Subsection (13)(a) or in accordance with Section 32B-5-303; and]~~

1991 ~~[(c)]~~ (b) any instrument or equipment used to dispense alcoholic product is located in

1992 an area described in Subsection ~~[(13)]~~ (11)(a).

1993 ~~[(14)]~~ (12) (a) A limited-service restaurant licensee may have more than one

1994 dispensing area in the licensed premises.

1995 (b) Each dispensing area in a licensed premises may satisfy the requirements for a

1996 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other

1997 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1998 ~~[(15)]~~ (13) A limited-service restaurant licensee may not:

1999 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

2000 (b) display an alcoholic product or a product intended to appear like an alcoholic

2001 product by moving a cart or similar device around the licensed premises.

2002 ~~[(16)]~~ (14) A limited-service restaurant licensee may state in a food or alcoholic

2003 product menu a charge or fee made in connection with the sale, service, or consumption of

2004 wine or heavy beer, including:

2005 (a) a set-up charge;

2006 (b) a service charge; or

2007 (c) a chilling fee.

2008 ~~[(17)]~~ (15) (a) In addition to the requirements described in Section 32B-5-302, a

2009 limited-service restaurant licensee shall maintain each of the following records for at least three

2010 years:

2011 (i) a record required by Section 32B-5-302; and

2012 (ii) a record that the commission requires a limited-service restaurant licensee to use or  
2013 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
2014 Rulemaking Act.

2015 (b) The department shall audit the records of a limited-service restaurant licensee at  
2016 least once each calendar year.

2017 ~~[(18)]~~ (16) (a) In accordance with Section 32B-6-305.3, a limited-service restaurant  
2018 licensee:

2019 (i) may comply with the provisions of this section beginning on or after July 1, 2017;  
2020 and

2021 (ii) shall comply with the provisions of this section:

2022 (A) for a limited-service restaurant licensee that does not have a grandfathered bar  
2023 structure, on and after July 1, 2018; or

2024 (B) for a limited-service restaurant licensee that has a grandfathered bar structure, on  
2025 and after July 1, 2022.

2026 (b) A limited-service restaurant licensee that elects to comply with the provisions of  
2027 this section before the latest applicable date described in Subsection ~~[(18)]~~ (16)(a)(ii):

2028 (i) shall comply with each provision of this section; and

2029 (ii) is not required to comply with the provisions of Section 32B-6-305.

2030 Section 20. Section 32B-6-305.4 is enacted to read:

2031 **32B-6-305.4. Small limited-service restaurant licensee -- Exemption.**

2032 (1) Notwithstanding the provisions of Section 32B-6-305 or 32B-6-305.2 and subject  
2033 to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing  
2034 area of a small limited-service restaurant licensee if:

2035 (a) seating in the dispensing area is the only seating available for patrons on the  
2036 licensed premises;

2037 (b) the minor is accompanied by an individual who is 21 years of age or older; and

2038 (c) the small limited-service restaurant licensee applies for and obtains approval from  
2039 the department to seat minors in the dispensing area in accordance with this section.

2040 (2) A minor may not sit, remain, or consume food or beverages at a dispensing

2041 structure.

2042 (3) The department shall:

2043 (a) grant an approval described in Subsection (1)(c) if the small limited-service  
2044 restaurant licensee demonstrates that the small limited-service restaurant licensee meets the  
2045 requirements described in Subsection 32B-6-302(5); and

2046 (b) for each application described in Subsection (1)(c) that the department receives on  
2047 or before May 8, 2018, act on the application on or before July 1, 2018.

2048 Section 21. Section 32B-6-403 is amended to read:

2049 **32B-6-403. Commission's power to issue bar establishment license.**

2050 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of  
2051 an alcoholic product on its premises as a bar establishment licensee, the person shall first  
2052 obtain a bar establishment license from the commission in accordance with this part.

2053 (2) The commission may issue a bar establishment license to establish bar  
2054 establishment licensed premises at places and in numbers the commission considers proper for  
2055 the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on  
2056 premises operated by a bar establishment licensee.

2057 (3) Subject to Section 32B-1-201:

2058 (a) (i) before July 1, 2018, the commission may not issue a total number of bar  
2059 establishment licenses that at any time exceeds the number determined by dividing the  
2060 population of the state by 7,850; and

2061 (ii) beginning on July 1, 2018, the commission may not issue a total number of bar  
2062 establishment licenses that at any time exceeds the number determined by dividing the  
2063 population of the state by [~~10,538~~] 10,200;

2064 (b) the commission may issue a seasonal bar establishment license in accordance with  
2065 Section 32B-5-206 to:

2066 (i) a dining club licensee; or

2067 (ii) a bar licensee;

2068 (c) (i) if the location, design, and construction of a hotel may require more than one  
2069 dining club license or bar license location within the hotel to serve the public convenience, the  
2070 commission may authorize as many as three bar establishment license locations within the  
2071 hotel under one bar establishment license if:

- 2072 (A) the hotel has a minimum of 150 guest rooms;
- 2073 (B) all locations under the bar establishment license are:
- 2074 (I) within the same hotel; and
- 2075 (II) on premises that are managed or operated, and owned or leased, by the bar
- 2076 establishment licensee; and
- 2077 (C) the locations under the bar establishment license operate under the same type of bar
- 2078 establishment license; and
- 2079 (ii) a facility other than a hotel shall have a separate bar establishment license for each
- 2080 bar establishment license location where an alcoholic product is sold, offered for sale, or
- 2081 furnished;
- 2082 (d) when a business establishment undergoes a change of ownership, the commission
- 2083 may issue a bar establishment license to the new owner of the business establishment
- 2084 notwithstanding that there is no bar establishment license available under Subsection (3)(a) if:
- 2085 (i) the primary business activity at the business establishment before and after the
- 2086 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;
- 2087 (ii) before the change of ownership there are two or more licensed premises on the
- 2088 business establishment that operate under a retail license, with at least one of the retail licenses
- 2089 being a bar establishment license;
- 2090 (iii) subject to Subsection (3)(e), the licensed premises of the bar establishment license
- 2091 issued under this Subsection (3)(d) is at the same location where the bar establishment license
- 2092 licensed premises was located before the change of ownership; and
- 2093 (iv) the person who is the new owner of the business establishment qualifies for the bar
- 2094 establishment license, except for there being no bar establishment license available under
- 2095 Subsection (3)(a); and
- 2096 (e) if a bar establishment licensee of a bar establishment license issued under
- 2097 Subsection (3)(d) requests a change of location, the bar establishment licensee may retain the
- 2098 bar establishment license after the change of location only if on the day on which the bar
- 2099 establishment licensee seeks a change of location a bar establishment license is available under
- 2100 Subsection (3)(a).

2101 Section 22. Section **32B-6-404** is amended to read:

2102 **32B-6-404. Types of bar license.**

2103 (1) To obtain an equity license, in addition to meeting the other requirements of this  
2104 part, a person shall:

2105 (a) whether incorporated or unincorporated:

2106 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal  
2107 purpose;

2108 (ii) have members;

2109 (iii) limit access to its licensed premises to a member or a guest of the member; and

2110 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold  
2111 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;

2112 (b) own, maintain, or operate a substantial recreational facility in conjunction with a  
2113 club house such as:

2114 (i) a golf course; or

2115 (ii) a tennis facility;

2116 (c) have at least 50% of the total membership having[:(i) full voting rights; and (ii)] an  
2117 equal share of the equity of the entity or a right to redemption or refund at the equal value; and

2118 (d) if there is more than one class of membership, have at least one class of  
2119 membership that entitles each member in that class to[:(i) full voting rights; and(ii)] an equal  
2120 share of the equity of the entity or a right to redemption or refund at the equal value.

2121 (2) To obtain a fraternal license, in addition to meeting the other requirements of this  
2122 part, a person shall:

2123 (a) whether incorporated or unincorporated:

2124 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal  
2125 purpose;

2126 (ii) have members;

2127 (iii) limit access to its licensed premises to a member or a guest of the member; and

2128 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold  
2129 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;

2130 (b) have no capital stock;

2131 (c) exist solely for:

2132 (i) the benefit of its members and their beneficiaries; and

2133 (ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal,

2134 patriotic, or religious purpose for the benefit of its members or the public, carried on through  
2135 voluntary activity of its members in their local lodges;  
2136 (d) have a representative form of government;  
2137 (e) have a lodge system in which:  
2138 (i) there is a supreme governing body;  
2139 (ii) subordinate to the supreme governing body are local lodges, however designated,  
2140 into which individuals are admitted as members in accordance with the laws of the fraternal;  
2141 (iii) the local lodges are required by the laws of the fraternal to hold regular meetings at  
2142 least monthly; and  
2143 (iv) the local lodges regularly engage in one or more programs involving member  
2144 participation to implement the purposes of Subsection (2)(c); and  
2145 (f) own or lease a building or space in a building used for lodge activities.  
2146 (3) To obtain a dining club license, in addition to meeting the other requirements of  
2147 this part, a person shall:  
2148 (a) maintain at least the following percentages of its total club business from the sale of  
2149 food, not including mix for alcoholic products, or service charges:  
2150 (i) for a dining club license that is issued as an original license on or after July 1, 2011,  
2151 60%; and  
2152 (ii) for a dining club license that is issued on or before June 30, 2011:  
2153 (A) 50% on or before June 30, 2012; and  
2154 (B) 60% on and after July 1, 2012; and  
2155 (b) obtain a determination by the commission that the person will operate as a dining  
2156 club licensee, as part of which the commission may consider:  
2157 (i) the square footage and seating capacity of the premises;  
2158 (ii) what portion of the square footage and seating capacity will be used for a dining  
2159 area in comparison to the portion that will be used as a lounge or bar area;  
2160 (iii) whether full meals including appetizers, main courses, and desserts are served;  
2161 (iv) whether the person will maintain adequate on-premise culinary facilities to prepare  
2162 full meals, except a person who is located on the premise of a hotel or resort facility may use  
2163 the culinary facilities of the hotel or resort facility;  
2164 (v) whether the entertainment provided at the premises is suitable for minors; and

- 2165 (vi) the club management's ability to manage and operate a dining club license  
2166 including:
- 2167 (A) management experience;  
2168 (B) past dining club licensee or restaurant management experience; and  
2169 (C) the type of management scheme used by the dining club license.
- 2170 (4) To obtain a bar license, a person is required to meet the requirements of this part  
2171 except those listed in Subsection (1), (2), or (3).
- 2172 (5) (a) At the time that the commission issues a bar establishment license, the  
2173 commission shall designate the type of bar establishment license for which the person qualifies.
- 2174 (b) If requested by a bar establishment licensee, the commission may approve a change  
2175 in the type of bar establishment license in accordance with rules made by the commission.
- 2176 (6) To the extent not prohibited by law, this part does not prevent a dining club  
2177 licensee or bar licensee from restricting access to the licensed premises on the basis of an  
2178 individual:
- 2179 (a) paying a fee; or  
2180 (b) agreeing to being on a list of individuals who have access to the licensed premises.
- 2181 (7) (a) (i) On or after July 1, 2017, the commission may not issue or renew a dining  
2182 club license.
- 2183 (ii) [~~Effective~~] No later than July 1, 2018, the department shall convert each dining  
2184 club license to a full-service restaurant license or a bar license in accordance with the  
2185 provisions of this Subsection (7).
- 2186 (b) (i) (A) A person licensed as a dining club on July 1, 2017, shall notify the  
2187 department no later than May 31, 2018, whether [~~effective July 1, 2018;~~] the person elects to be  
2188 licensed as a full-service restaurant or a bar.
- 2189 (B) [~~Effective~~] No later than July 1, 2018, the department shall convert a dining club  
2190 license to a full-service restaurant license or a bar license in accordance with the dining club  
2191 licensee's election under Subsection (7)(b)(i)(A).
- 2192 (ii) If a dining club licensee fails to timely notify the department in accordance with  
2193 Subsection (7)(b)(i), the dining club license is automatically converted to a full-service  
2194 restaurant license on July 1, 2018.
- 2195 (c) Subject to Section [32B-6-404.1](#), after a dining club license converts to a full-service

2196 restaurant license or a bar license, the retail licensee shall operate under the provisions that  
2197 govern the full-service restaurant license or the bar license, as applicable.

2198 (d) After a dining club license converts to a full-service restaurant license or a bar  
2199 license in accordance with this Subsection (7):

2200 (i) the full-service restaurant license is not considered in determining the total number  
2201 of full-service restaurant licenses available under Section 32B-6-203; or

2202 (ii) the bar license is not considered in determining the total number of bar  
2203 establishment licenses available under Section 32B-6-403.

2204 (e) [~~Before~~] Except as provided in Subsections (7)(a) and (b), ~~before~~ July 1, 2018, the  
2205 commission may not issue a full-service restaurant license, a limited-service restaurant license,  
2206 or a beer-only restaurant license to a person who holds a dining club license on May 9, 2017,  
2207 for the same premises.

2208 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2209 commission may make rules establishing a procedure by which a dining club licensee elects  
2210 and converts to a full-service restaurant licensee or a bar licensee under this Subsection (7).

2211 Section 23. Section 32B-6-404.1 is amended to read:

2212 **32B-6-404.1. Transition from dining club license to full-service restaurant license.**

2213 (1) As used in this section:

2214 (a) "Converted full-service restaurant licensee" means a dining club licensee that  
2215 converts to a full-service restaurant licensee on or before July 1, 2018, in accordance with  
2216 Subsection 32B-6-404(7).

2217 (b) "Grandfathered bar structure" means the same as that term is defined in Section  
2218 32B-6-202.

2219 (2) (a) Except as provided in Subsection (2)(c)[~~, beginning on July 1, 2018~~] and subject  
2220 to the provisions of this section, a converted full-service restaurant licensee shall operate under  
2221 the provisions that govern a full-service restaurant licensee that has a grandfathered bar  
2222 structure.

2223 (b) For purposes of applying the provisions that govern a full-service restaurant  
2224 licensee with a grandfathered bar structure, a converted full-service restaurant licensee's bar  
2225 structure is considered a grandfathered bar structure.

2226 (c) The provisions of Section 32B-6-205.3 do not apply to a converted full-service



2227 restaurant licensee.

2228 (3) (a) A converted full-service restaurant licensee shall comply with the provisions of  
2229 Section [32B-6-205.2](#) on or before the earlier of:

2230 (i) July 1, 2022;

2231 (ii) the date on which the converted full-service restaurant licensee remodels, as  
2232 defined by commission rule made in accordance with Title 63G, Chapter 3, Utah  
2233 Administrative Rulemaking Act, the converted full-service restaurant licensee's bar structure or  
2234 dining area; or

2235 (iii) the date on which the converted full-service restaurant licensee experiences a  
2236 change of ownership described in Subsection [32B-8a-202\(1\)](#).

2237 (b) Before a converted full-service restaurant licensee changes the converted  
2238 full-service restaurant licensee's approved location for storage, dispensing, or consumption to  
2239 comply with the provisions of Section [32B-6-205.2](#), the converted full-service restaurant  
2240 licensee shall submit an application for approval to the department in accordance with  
2241 Subsection [32B-5-303\(3\)](#).

2242 (c) A converted full-service restaurant licensee that cannot comply with the provisions  
2243 of Section [32B-6-205.2](#) without a change to the converted full-service restaurant licensee's  
2244 approved location for storage, dispensing, or consumption shall submit an application for  
2245 approval described in Subsection (3)(b) on or before May 1, 2022.

2246 (4) (a) Notwithstanding any provision to the contrary, a converted full-service  
2247 restaurant licensee shall maintain at least the following percentage of the converted full-service  
2248 restaurant licensee's total restaurant business from the sale of food:

2249 (i) beginning [~~July 1, 2018~~] the day on which the licensee becomes a converted  
2250 full-service restaurant licensee, and ending June 30, 2019, 64%;

2251 (ii) beginning July 1, 2019, and ending June 30, 2020, 68%; and

2252 (iii) on and after July 1, 2021, 70%.

2253 (b) For purposes of Subsection (4)(a), a converted full-service restaurant licensee's  
2254 restaurant business from the sale of food does not include:

2255 (i) mix for an alcoholic product; or

2256 (ii) a service charge.

2257 Section 24. Section **32B-6-406** is amended to read:

2258 **32B-6-406. Specific operational requirements for a bar establishment license.**

2259 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
2260 Requirements, a bar establishment licensee and staff of the bar establishment licensee shall  
2261 comply with this section.

2262 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
2263 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2264 (i) a bar establishment licensee;

2265 (ii) individual staff of a bar establishment licensee; or

2266 (iii) both a bar establishment licensee and staff of the bar establishment licensee.

2267 (2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display  
2268 in a conspicuous place at the entrance to the licensed premises a sign [~~approved by the~~  
2269 ~~commission~~] that:

2270 (a) measures at least 8-1/2 inches long and 11 inches wide; and

2271 (b) clearly states that the bar licensee is a bar and [~~not a restaurant~~] that no one under  
2272 21 years of age is allowed.

2273 (3) (a) In addition to complying with Section 32B-5-302, a bar establishment licensee  
2274 shall maintain for a minimum of three years:

2275 (i) a record required by Section 32B-5-302; and

2276 (ii) a record maintained or used by the bar establishment licensee, as the department  
2277 requires.

2278 (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in  
2279 accordance with this Subsection (3).

2280 (c) The department shall audit the records of a bar establishment licensee at least once  
2281 annually.

2282 (4) (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the  
2283 licensed premises on any day during a period that:

2284 (i) begins at 1 a.m.; and

2285 (ii) ends at 9:59 a.m.

2286 (b) A bar establishment licensee may sell, offer for sale, or furnish beer during the  
2287 hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer  
2288 license.

2289 (c) (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall  
2290 keep its licensed premises open for one hour after the bar establishment licensee ceases the sale  
2291 and furnishing of an alcoholic product during which time a patron of the bar establishment  
2292 licensee may finish consuming:

- 2293 (A) a single drink containing spirituous liquor;
- 2294 (B) a single serving of wine not exceeding five ounces;
- 2295 (C) a single serving of heavy beer;
- 2296 (D) a single serving of beer not exceeding 26 ounces; or
- 2297 (E) a single serving of a flavored malt beverage.

2298 (ii) A bar establishment licensee is not required to remain open:

- 2299 (A) after all patrons have vacated the premises; or
- 2300 (B) during an emergency.

2301 (5) (a) A minor may not be admitted into, use, or be in:

2302 (i) a lounge or bar area of the premises of:

- 2303 (A) an equity licensee;
- 2304 (B) a fraternal licensee; or
- 2305 (C) a dining club licensee; or

2306 (ii) the premises of:

2307 (A) a dining club licensee unless accompanied by an individual who is 21 years of age  
2308 or older; or

2309 (B) a bar licensee, except to the extent provided for under Section [32B-6-406.1](#).

2310 (b) Notwithstanding Section [32B-5-308](#), a bar establishment licensee may not employ a  
2311 minor to:

- 2312 (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club  
2313 licensee; or
- 2314 (ii) handle an alcoholic product.

2315 (c) Notwithstanding Section [32B-5-308](#), a minor may not be employed on the licensed  
2316 premises of a bar licensee.

2317 (d) Nothing in this part or Section [32B-5-308](#) precludes a local authority from being  
2318 more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar  
2319 establishment licensee.

2320 (6) A bar establishment licensee shall have food available at all times when an  
2321 alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.

2322 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have  
2323 more than two alcoholic products of any kind at a time before the patron.

2324 (b) A patron may not have two spirituous liquor drinks before the bar establishment  
2325 licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous  
2326 liquor for the other spirituous liquor drink.

2327 (c) An individual portion of wine is considered to be one alcoholic product under  
2328 Subsection (7)(a).

2329 (8) A bar establishment licensee shall have available on the premises for a patron to  
2330 review at the time that the patron requests it, a written alcoholic product price list or a menu  
2331 containing the price of an alcoholic product sold, offered for sale, or furnished by the bar  
2332 establishment licensee including:

2333 (a) a set-up charge;

2334 (b) a service charge; or

2335 (c) a chilling fee.

2336 (9) Subject to Section [32B-5-309](#), a bar establishment licensee may not temporarily  
2337 rent or otherwise temporarily lease its premises to a person unless:

2338 (a) the person to whom the bar establishment licensee rents or leases the premises  
2339 agrees in writing to comply with this title as if the person is the bar establishment licensee,  
2340 except for a requirement related to making or maintaining a record; and

2341 (b) the bar establishment licensee takes reasonable steps to ensure that the person  
2342 complies with this section as provided in Subsection (9)(a).

2343 (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar  
2344 establishment licensee shall comply with Section [32B-6-407](#).

2345 (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar  
2346 establishment licensee shall comply with Section [32B-1-407](#).

2347 (12) (a) A bar establishment licensee shall own or lease premises suitable for the bar  
2348 establishment licensee's activities.

2349 (b) A bar establishment licensee may not maintain licensed premises in a manner that  
2350 barricades or conceals the bar establishment licensee's operation.

2351 Section 25. Section **32B-6-409** is amended to read:

2352 **32B-6-409. Conversion from dining club license to different type of retail license.**

2353 (1) In accordance with this section, a dining club licensee may convert its dining club  
2354 license to a different type of retail license, including a different type of club license during the  
2355 time period:

2356 (a) beginning on July 1, 2011; and

2357 (b) ending on June 30, 2013.

2358 (2) A dining club licensee may convert its dining license only to a retail license for  
2359 which the dining club licensee qualifies.

2360 (3) The commission shall provide a procedure for a dining club to convert to a different  
2361 type of retail license as provided in this section by rule made in accordance with Title 63G,  
2362 Chapter 3, Utah Administrative Rulemaking Act.

2363 (4) After a dining club license is converted to another type of retail license, the retail  
2364 licensee shall operate under the provisions relevant to the type of retail license held by the retail  
2365 licensee~~[, except that, in accordance with Section **32B-1-201**, the retail license is not~~  
2366 ~~considered in determining the total number of licenses available for that type of retail license].~~

2367 (5) If a dining club license is converted to full-service restaurant license,  
2368 limited-service restaurant license, or beer-only restaurant license, the bar structure of the dining  
2369 club is considered:

2370 (a) a seating grandfathered bar structure for purposes of a full-service restaurant license  
2371 or a limited-service restaurant license; or

2372 (b) a grandfathered bar structure for purposes of a beer-only restaurant license.

2373 Section 26. Section **32B-6-503** is amended to read:

2374 **32B-6-503. Commission's power to issue airport lounge license.**

2375 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of  
2376 an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain  
2377 an airport lounge license from the commission in accordance with this part.

2378 (2) The commission may issue an airport lounge license to establish airport lounge  
2379 licensed premises beyond the security point at an international airport and in the numbers the  
2380 commission considers proper for the storage, sale, offer for sale, furnishing, and consumption  
2381 of an alcoholic product on licensed premises operated as an airport lounge.

2382 (3) (a) The commission may not issue a total number of airport lounge licenses for an  
2383 international airport that at any time exceed one airport lounge license for each [~~2,500,000~~  
2384 1,750,000 of total passengers at the international airport.

2385 (b) Notwithstanding Subsection (3)(a), the commission may not reduce the total  
2386 number of airport lounge licenses unless:

2387 (i) the commission determines that the number of total passengers is reduced by more  
2388 than 25% from the last day on which the commission determined the total number of airport  
2389 lounge licenses allowed for that international airport under this Subsection (3); and

2390 (ii) the reduction can be accomplished without the international airport terminating a  
2391 lease for an airport lounge before:

2392 (A) the expiration of the lease;

2393 (B) the airport lounge undergoes a change of ownership; or

2394 (C) the airport lounge ceases operations.

2395 Section 27. Section **32B-6-605.1** is enacted to read:

2396 **32B-6-605.1. Department study -- Rulemaking authority.**

2397 (1) The department shall:

2398 (a) study the use of banquet catering contracts and the operation of on-premise banquet  
2399 licenses under the provisions of this part; and

2400 (b) no later than November 30, 2018, submit a written report to the Business and Labor  
2401 Interim Committee that:

2402 (i) identifies any issues the department discovers during the study described in  
2403 Subsection (1)(a); and

2404 (ii) recommends possible legislative solutions to the issues, if any.

2405 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2406 commission may make rules establishing:

2407 (a) required terms in a contract between the host of a banquet and an on-premise  
2408 banquet licensee; and

2409 (b) size requirements for a location of a banquet.

2410 Section 28. Section **32B-6-902** is amended to read:

2411 **32B-6-902. Definitions.**

2412 (1) As used in this part:

2413 (a) (i) "Dining area" means an area in the licensed premises of a beer-only restaurant  
2414 licensee that is primarily used for the service and consumption of food by one or more patrons.

2415 (ii) "Dining area" does not include a dispensing area.

2416 (b) (i) "Dispensing area" means an area in the licensed premises of a beer-only  
2417 restaurant licensee where a dispensing structure is located and that:

2418 (A) is physically separated from the dining area and any waiting area by a structure or  
2419 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the  
2420 dispensing of beer;

2421 (B) except as provided in Subsection (1)(b)(ii), measures at least 10 feet from [~~any area~~  
2422 ~~where beer is dispensed to~~] the dining area and any waiting area[~~, measured from the point of~~  
2423 ~~the area where beer is dispensed that is closest to the dining area or waiting area~~] to the nearest  
2424 edge of the dispensing structure; or

2425 (C) is physically separated from the dining area and any waiting area by a permanent  
2426 physical structure that complies with the provisions of Title 15A, State Construction and Fire  
2427 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,  
2428 measures at least 42 inches high, and at least 60 inches from the inside edge of the barrier to  
2429 the nearest edge of the dispensing structure.

2430 (ii) "Dispensing area" does not include any area described in Subsection (1)(b)(i)(B)  
2431 that is less than 10 feet from an area where alcoholic product is dispensed, but from which a  
2432 patron seated at a table or counter cannot view the dispensing of alcoholic product.

2433 (c) "Grandfathered bar structure" means a bar structure in a licensed premises of a  
2434 beer-only restaurant licensee that:

2435 (i) was licensed as an on-premise beer retailer as of August 1, 2011, and as of August  
2436 1, 2011:

2437 (A) is operational;

2438 (B) has facilities for the dispensing or storage of an alcoholic product that do not meet  
2439 the requirements of Subsection 32B-6-905(12)(a)(ii); and

2440 (C) in accordance with Subsection 32B-6-703(2)(e), notifies the department that  
2441 effective March 1, 2012, the on-premise beer retailer licensee will seek to be licensed as a  
2442 beer-only restaurant; or

2443 (ii) is a bar structure grandfathered under Section 32B-6-409.

2444 (d) "Grandfathered bar structure" does not include a grandfathered bar structure  
2445 described in Subsection (1)(a) on or after the day on which a restaurant remodels the  
2446 grandfathered bar structure, as defined by rule made by the commission.

2447 (e) "Small beer-only restaurant licensee" means a beer-only restaurant licensee that has  
2448 a grandfathered bar structure whose dispensing area includes more than two-thirds of the  
2449 available seating for patrons on the licensed premises:

2450 (i) when measured in accordance with Subsection (1)(b)(i)(B); and

2451 (ii) based on the licensee's floor plan on file with the department on July 1, 2017.

2452 [~~e~~] (f) "Waiting area" includes a lobby.

2453 (2) Subject to Subsection (1)(d), a grandfathered bar structure remains a grandfathered  
2454 bar structure notwithstanding whether a restaurant undergoes a change of ownership.

2455 Section 29. Section **32B-6-905** is amended to read:

2456 **32B-6-905. Specific operational requirements for a beer-only restaurant license --**  
2457 **Before July 1, 2018, or July 1, 2022.**

2458 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
2459 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee  
2460 shall comply with this section.

2461 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
2462 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2463 (i) a beer-only restaurant licensee;

2464 (ii) individual staff of a beer-only restaurant licensee; or

2465 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

2466 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for  
2467 sale, furnish, or allow consumption of liquor.

2468 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

2469 (i) as a flavoring on a dessert; and

2470 (ii) in the preparation of a flaming food dish, drink, or dessert.

2471 (3) In addition to complying with Section **32B-5-303**, a beer-only restaurant licensee  
2472 shall store beer in a storage area described in Subsection (12)(a).

2473 (4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall  
2474 make a written beverage tab for each table or group that orders or consumes an alcoholic



2475 product on the premises.

2476 (b) A beverage tab required by this Subsection (4) shall list the type and amount of  
2477 beer ordered or consumed.

2478 (5) A person's willingness to serve beer may not be made a condition of employment as  
2479 a server with a beer-only restaurant licensee.

2480 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the  
2481 licensed premises during the following time periods only:

2482 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2483 (b) on a weekend or a state or federal legal holiday or for a private event, during the  
2484 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2485 (7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant  
2486 business from the sale of food, which does not include a service charge.

2487 (8) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except after  
2488 the beer-only restaurant licensee confirms that the patron has the intent to order food prepared,  
2489 sold, and furnished at the licensed premises.

2490 (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary  
2491 facilities for food preparation and dining accommodations.

2492 (9) A patron may not have more than two beers at a time before the patron.

2493 (10) A patron may consume a beer only:

2494 (a) at:

2495 (i) the patron's table;

2496 (ii) a grandfathered bar structure; or

2497 (iii) a counter; and

2498 (b) where food is served.

2499 (11) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to  
2500 a patron, and a patron may not consume an alcoholic product at a bar structure.

2501 (b) Notwithstanding Subsection (11)(a), at a grandfathered bar structure, a patron who  
2502 is 21 years of age or older may:

2503 (i) sit;

2504 (ii) be furnished a beer; and

2505 (iii) consume a beer.

2506 (c) Except as provided in Subsection (11)(d), at a grandfathered bar structure, a  
2507 beer-only restaurant licensee may not permit a minor to, and a minor may not:

2508 (i) sit; or

2509 (ii) consume food or beverages.

2510 (d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a  
2511 beer-only restaurant licensee:

2512 (A) as provided in Subsection 32B-5-308(2); or

2513 (B) to perform maintenance and cleaning services during an hour when the beer-only  
2514 restaurant licensee is not open for business.

2515 (ii) A minor may momentarily pass by a grandfathered bar structure without  
2516 remaining or sitting at the bar structure en route to an area of a beer-only restaurant licensee's  
2517 premises in which the minor is permitted to be.

2518 (12) A beer-only restaurant licensee may dispense a beer only if:

2519 (a) the beer is dispensed from an area that is:

2520 (i) a grandfathered bar structure; or

2521 (ii) separated from an area for the consumption of food by a patron by a solid,  
2522 translucent, permanent structural barrier such that the facilities for the storage or dispensing of  
2523 an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart  
2524 from an area used for dining, for staging, or as a lobby or waiting area;

2525 (b) the beer-only restaurant licensee uses a beer that is:

2526 (i) stored in an area described in Subsection (12)(a); or

2527 (ii) in an area not described in Subsection (12)(a) on the licensed premises and:

2528 (A) immediately before the beer is dispensed it is in an unopened container;

2529 (B) the unopened container is taken to an area described in Subsection (12)(a) before it  
2530 is opened; and

2531 (C) once opened, the container is stored in an area described in Subsection (12)(a); and

2532 (c) any instrument or equipment used to dispense the beer is located in an area  
2533 described in Subsection (12)(a).

2534 ~~[(13) In addition to complying with Subsection 32B-5-301(3), a beer-only restaurant~~  
2535 ~~licensee shall display in a conspicuous place at the entrance to the licensed premises a sign~~  
2536 ~~approved by the commission that:]~~

2537 ~~[(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~  
 2538 ~~[(b) clearly states that the beer-only restaurant licensee is a restaurant and not a bar.]~~  
 2539 ~~[(14)]~~ (13) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or  
 2540 beverages within 10 feet of a grandfathered bar structure, unless:

2541 (a) seating within 10 feet of the grandfathered bar structure is the only seating available  
 2542 in the licensed premises; and

2543 (b) the minor is accompanied by an individual who is 21 years of age or older.

2544 ~~[(15)]~~ (14) Except as provided in Subsection 32B-6-905.1~~[(18)]~~(16) and Section  
 2545 32B-6-905.2, the provisions of this section apply before July 1, 2018.

2546 Section 30. Section 32B-6-905.1 is amended to read:

2547 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**  
 2548 **-- On and after July 1, 2018, or July 1, 2022.**

2549 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
 2550 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee  
 2551 shall comply with this section.

2552 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in  
 2553 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 2554 (i) a beer-only restaurant licensee;
- 2555 (ii) individual staff of a beer-only restaurant licensee; or
- 2556 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

2557 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for  
 2558 sale, furnish, or allow consumption of liquor.

2559 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

- 2560 (i) as a flavoring on a dessert; and
- 2561 (ii) in the preparation of a flaming food dish, drink, or dessert.

2562 ~~[(3) In addition to complying with Section 32B-5-303, a beer-only restaurant licensee~~  
 2563 ~~shall store beer in a storage area described in Subsection (13)(a).]~~

2564 ~~[(4)]~~ (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises  
 2565 shall make a beverage tab for each table or group that orders or consumes an alcoholic product  
 2566 on the premises.

2567 (b) A beverage tab described in this Subsection ~~[(4)]~~ (3) shall state the type and amount

2568 of each alcoholic product ordered or consumed.

2569 ~~[(5)]~~ (4) A beer-only restaurant licensee may not make an individual's willingness to  
2570 serve beer a condition of employment as a server with a beer-only restaurant licensee.

2571 ~~[(6)]~~ (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the  
2572 licensed premises during the following time periods only:

2573 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2574 (b) on a weekend or a state or federal legal holiday or for a private event, during the  
2575 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2576 ~~[(7)]~~ (6) A beer-only restaurant licensee shall maintain at least 70% of the beer-only  
2577 restaurant licensee's total restaurant business from the sale of food, which does not include a  
2578 service charge.

2579 ~~[(8)]~~ (7) (a) A beer-only restaurant licensee may not ~~[sell, offer for sale, or]~~ furnish  
2580 beer except after:

2581 (i) the patron to whom the beer-only restaurant licensee ~~[sells, offers for sale, or]~~  
2582 furnishes the beer is seated at:

2583 (A) a table that is located in a dining area or a dispensing area;

2584 (B) a counter that is located in a dining area or a dispensing area; or

2585 (C) a dispensing structure that is located in a dispensing area; and

2586 (ii) the beer-only restaurant licensee confirms that the patron intends to:

2587 (A) order food prepared, sold, and furnished at the licensed premises; and

2588 (B) except as provided in Subsection ~~[(8)]~~ (7)(b), consume the food at the same  
2589 location where the patron is seated and ~~[sold, offered for sale, or]~~ furnished the beer.

2590 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a  
2591 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or  
2592 furnish to the patron one portion of beer as described in Section 32B-5-304 if:

2593 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing  
2594 structure; and

2595 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the  
2596 dining area, the patron intends to order food prepared, sold, and furnished at the licensed  
2597 premises.

2598 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining

2599 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an  
2600 alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion of the  
2601 patron's beer to the patron's seat in the dining area.

2602 (c) A beer-only restaurant licensee shall maintain on the licensed premises adequate  
2603 culinary facilities for food preparation and dining accommodations.

2604 ~~[(9)]~~ (8) A patron may consume a beer only at:

2605 (a) a table that is located in a dining area or a dispensing area;

2606 (b) a counter that is located in a dining area or a dispensing area; or

2607 (c) a dispensing structure located in a dispensing area.

2608 ~~[(10)]~~ (9) A patron may not have more than two beers at a time before the patron.

2609 ~~[(11)]~~ (10) In accordance with the provisions of this section, an individual who is at  
2610 least 21 years of age may consume food and beverages in a dispensing area.

2611 ~~[(12)]~~ (11) (a) Except as provided in Subsection ~~[(12)]~~ (11)(b), a minor may not sit,  
2612 remain, or consume food or beverages in a dispensing area.

2613 (b) (i) A minor may be in a dispensing area if the minor is employed by the beer-only  
2614 restaurant licensee:

2615 (A) in accordance with Subsection [32B-5-308\(2\)](#); or

2616 (B) to perform maintenance and cleaning services when the beer-only restaurant  
2617 licensee is not open for business.

2618 (ii) If there is no alternative route available, a minor may momentarily pass through a  
2619 dispensing area without remaining or sitting in the dispensing area en route to an area of the  
2620 beer-only restaurant licensee's premises in which the minor is permitted to be.

2621 ~~[(13)]~~ (12) A beer-only restaurant licensee may dispense a beer only if:

2622 (a) the beer is dispensed from:

2623 (i) a dispensing structure that is located in a dispensing area;

2624 (ii) an area that is:

2625 (A) separated from an area for the consumption of food by a patron by a solid,  
2626 translucent, permanent structural barrier such that the facilities for the ~~[storage or]~~ dispensing  
2627 of an alcoholic product are not readily visible to a patron, not accessible by a patron; and

2628 (B) apart from an area used for dining, for staging, or as a lobby or waiting area; or

2629 (iii) the premises of a bar licensee that is:

2630 (A) owned by the same person or persons as the beer-only restaurant licensee; and  
2631 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;  
2632 and

2633 ~~[(b) the beer-only restaurant licensee uses a beer that is stored in an area described in~~  
2634 ~~Subsection (13)(a) or in accordance with Section 32B-5-303; and]~~

2635 ~~[(c)]~~ (b) any instrument or equipment used to dispense the beer is located in an area  
2636 described in Subsection ~~[(13)]~~ (12)(a).

2637 ~~[(14)]~~ (13) (a) A beer-only restaurant licensee may have more than one dispensing area  
2638 in the licensed premises.

2639 (b) Each dispensing area in a licensed premises may satisfy the requirements for a  
2640 dispensing area under Subsection ~~[32B-6-202]~~ 32B-6-902(1)(b)(i)(A), (B), or (C)  
2641 32B-6-202(2), regardless of how any other dispensing area in the licensed premises satisfies the  
2642 requirements for a dispensing area.

2643 ~~[(15)]~~ (14) A beer-only restaurant licensee may not transfer, dispense, or serve beer on  
2644 or from a movable cart.

2645 ~~[(16)]~~ (15) (a) In addition to the requirements described in Section 32B-5-302, a  
2646 beer-only restaurant licensee shall maintain each of the following records for at least three  
2647 years:

- 2648 (i) a record required by Section 32B-5-302; and
- 2649 (ii) a record that the commission requires a beer-only restaurant licensee to use or  
2650 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
2651 Rulemaking Act.

2652 (b) The department shall audit the records of a beer-only restaurant licensee at least  
2653 once each calendar year.

2654 ~~[(17) A beer-only restaurant licensee shall display in a conspicuous place at the~~  
2655 ~~entrance to the licensed premises a sign approved by the commission that:]~~

2656 ~~[(a) measures at least 8-1/2 inches long and 11 inches wide; and]~~

2657 ~~[(b) clearly states that the beer-only restaurant licensee is a restaurant and not a bar.]~~

2658 ~~[(18)]~~ (16) (a) In accordance with Section 32B-6-905.2, a beer-only restaurant licensee:  
2659 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

2660 and

2661 (ii) shall comply with the provisions of this section:

2662 (A) for a beer-only restaurant licensee that does not have a grandfathered bar structure,  
2663 on and after July 1, 2018; or

2664 (B) for a beer-only restaurant licensee that has a grandfathered bar structure, on and  
2665 after July 1, 2022.

2666 (b) A beer-only restaurant licensee that elects to comply with the provisions of this  
2667 section before the latest applicable date described in Subsection ~~[(+8)]~~ (16)(a)(ii):

2668 (i) shall comply with each provision of this section; and

2669 (ii) is not required to comply with the provisions of Section 32B-6-905.

2670 Section 31. Section 32B-6-905.3 is enacted to read:

2671 **32B-6-905.3. Small beer-only restaurant licensee -- Exemption.**

2672 (1) Notwithstanding the provisions of Section 32B-6-905 or 32B-6-905.2 and subject  
2673 to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing  
2674 area of a small beer-only restaurant licensee if:

2675 (a) seating in the dispensing area is the only seating available for patrons on the  
2676 licensed premises;

2677 (b) the minor is accompanied by an individual who is 21 years of age or older; and

2678 (c) the small beer-only restaurant licensee applies for and obtains approval from the  
2679 department to seat minors in the dispensing area in accordance with this section.

2680 (2) A minor may not sit, remain, or consume food or beverages at a dispensing  
2681 structure.

2682 (3) The department shall:

2683 (a) grant an approval described in Subsection (1)(c) if the small beer-only restaurant  
2684 licensee demonstrates that the small beer-only restaurant licensee meets the requirements  
2685 described in Subsection 32B-6-902(1)(e); and

2686 (b) for each application described in Subsection (1)(c) that the department receives on  
2687 or before May 8, 2018, act on the application on or before July 1, 2018.

2688 Section 32. Section 32B-7-202 is amended to read:

2689 **32B-7-202. General operational requirements for off-premise beer retailer.**

2690 (1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply  
2691 with the provisions of this title and any applicable rules made by the commission.

2692 (b) Failure to comply with this section may result in a suspension or revocation of a  
2693 local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3,  
2694 Disciplinary Actions and Enforcement Act.

2695 (2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the  
2696 purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases  
2697 from:

2698 (A) a beer wholesaler licensee; or

2699 (B) a small brewer that manufactures the beer.

2700 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

2701 (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a  
2702 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer  
2703 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area  
2704 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by  
2705 the department to sell to the off-premise beer retailer as provided in Section [32B-13-301](#).

2706 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

2707 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a  
2708 container larger than two liters.

2709 (4) (a) Staff of an off-premise beer retailer, while on duty, may not:

2710 (i) consume an alcoholic product; or

2711 (ii) be intoxicated.

2712 ~~[(4)]~~ (b) A minor may not sell beer on the licensed premises of an off-premise beer  
2713 retailer unless:

2714 ~~[(a)]~~ (i) the sale is done under the supervision of a person 21 years of age or older who  
2715 is on the licensed premises; and

2716 ~~[(b)]~~ (ii) the minor is at least 16 years of age.

2717 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic  
2718 product to:

2719 (a) a minor;

2720 (b) a person actually, apparently, or obviously intoxicated;

2721 (c) a known interdicted person; or

2722 (d) a known habitual drunkard.



2723           ~~[(5)]~~ (6) (a) Subject to the other provisions of this Subsection ~~[(5)]~~ (6), an off-premise  
2724 beer retailer shall:

2725           (i) display all beer accessible by and visible to a patron in no more than two locations  
2726 on the retail sales floor, each of which is:

2727           (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only  
2728 beverage displayed; and

2729           (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler  
2730 with a door from which the nonalcoholic beverages are not accessible, or the beer is separated  
2731 from the display of nonalcoholic beverages by a display of one or more nonbeverage products  
2732 or another physical divider; and

2733           (ii) display a sign in the area described in Subsection ~~[(5)]~~ (6)(a)(i) that:

2734           (A) is prominent;

2735           (B) is easily readable by a consumer;

2736           (C) meets the requirements for format established by the commission by rule; and

2737           (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain  
2738 alcohol. Please read the label carefully."

2739           (b) Notwithstanding Subsection ~~[(5)]~~ (6)(a), a nonalcoholic beer may be displayed with  
2740 beer if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.

2741           (c) The requirements of this Subsection ~~[(5)]~~ (6) apply to beer notwithstanding that it is  
2742 labeled, packaged, or advertised as:

2743           (i) a malt cooler; or

2744           (ii) a beverage that may provide energy.

2745           (d) A violation of this Subsection ~~[(5)]~~ (6) is an infraction.

2746           (e) (i) Except as provided in Subsection ~~[(5)]~~ (6)(e)(ii), the provisions of Subsection  
2747 ~~[(5)]~~ (6)(a)(i) apply on and after May 9, 2017.

2748           (ii) For a beer retailer that operates two or more off-premise beer retailers, the  
2749 provisions of Subsection ~~[(5)]~~ (6)(a)(i) apply on and after August 1, 2017.

2750           ~~[(6)]~~ (7) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer  
2751 or who sells beer to a patron for consumption off the premises of the off-premise beer retailer  
2752 shall wear a unique identification badge:

2753           (i) on the front of the staff's clothing;

2754 (ii) visible above the waist;  
2755 (iii) bearing the staff's:  
2756 (A) first or last name;  
2757 (B) initials; or  
2758 (C) unique identification in letters or numbers; and  
2759 (iv) with the number or letters on the unique identification badge being sufficiently  
2760 large to be clearly visible and identifiable while engaging in or directly supervising the retail  
2761 sale of beer.

2762 (b) An off-premise beer retailer shall make and maintain a record of each current staff's  
2763 unique identification badge assigned by the off-premise beer retailer that includes the staff's:

2764 (i) full name;  
2765 (ii) address; and  
2766 (iii) (A) driver license number; or  
2767 (B) similar identification number.

2768 (c) An off-premise beer retailer shall make available a record required to be made or  
2769 maintained under this Subsection [~~(6)~~] (7) for immediate inspection by:

2770 (i) a peace officer;  
2771 (ii) a representative of the local authority that issues the off-premise beer retailer  
2772 license; or  
2773 (iii) for an off-premise beer retailer state license, a representative of the commission or  
2774 department.

2775 (d) A local authority may impose a fine of up to \$250 against an off-premise beer  
2776 retailer that does not comply or require its staff to comply with this Subsection [~~(6)~~] (7).

2777 Section 33. Section **32B-7-401** is amended to read:

2778 **32B-7-401. Commission's power to issue off-premise beer retailer state license.**

2779 (1) Beginning on July 1, 2018, and except as provided in Subsection (3), before a  
2780 person may purchase, store, sell, or offer for sale beer for consumption off the person's  
2781 premises, the person shall obtain an off-premise beer retailer state license in accordance with  
2782 this part.

2783 (2) The commission may issue an off-premise beer retailer state license for the retail  
2784 sale of beer for consumption off the beer retailer's premises.

2785 (3) (a) A person who operates as an off-premise beer retailer on July 1, 2018, shall  
2786 [~~obtain~~] submit an application for an off-premise beer retailer state license on or before March  
2787 1, 2019.

2788 [~~(b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2789 the commission shall establish a deadline for each off-premise beer retailer described in  
2790 Subsection (3)(a) to submit to the department an application for an off-premise beer retailer  
2791 state license.]~~

2792 [~~(ii) The commission shall act upon each timely application submitted in accordance  
2793 with this Subsection (3) on or before February 28, 2019.]~~

2794 [~~(c) An off-premise beer retailer described in Subsection (3)(a) may continue to operate  
2795 without an off-premise beer retailer state license through February 28, 2019.]~~

2796 Section 34. Section **32B-8a-202** is amended to read:

2797 **32B-8a-202. Effect of transfer of ownership of business entity.**

2798 (1) (a) When the ownership of 51% or more of the shares of stock of a corporation is  
2799 acquired by or transferred to one or more persons who did not hold the ownership of 51% of  
2800 those shares of stock on the date a retail license is issued to the corporation, the corporation  
2801 shall comply with this chapter to transfer the retail license to the corporation as if the  
2802 corporation is newly constituted.

2803 (b) When there is a new general partner or when the ownership of 51% or more of the  
2804 capital or profits of a limited partnership is acquired by or transferred to one or more persons as  
2805 general or limited partners and who did not hold ownership of 51% or more of the capital or  
2806 profits of the limited partnership on the date a retail license is issued to the limited partnership,  
2807 the limited partnership shall comply with this chapter to transfer the retail license to the limited  
2808 partnership as if the limited partnership is newly constituted.

2809 (c) When the ownership of 51% or more of the interests in a limited liability company  
2810 is acquired by or transferred to one or more persons as members who did not hold ownership of  
2811 51% or more of the interests in the limited liability company on the date a retail license is  
2812 issued to the limited liability company, the limited liability company shall comply with this  
2813 chapter to transfer the retail license to the limited liability company as if the limited liability  
2814 company is newly constituted.

2815 (2) [~~If a~~] A business entity [~~fails to~~] shall comply with this section within [~~30~~] 60 days

2816 [of] after the day on which the event described in Subsection (1) occurs~~[-the business entity's~~  
2817 ~~retail license is automatically forfeited].~~

2818 Section 35. Section **32B-8a-203** is amended to read:

2819 **32B-8a-203. Operational requirements for transferee.**

2820 (1) (a) A transferee shall begin operations of the retail license within 30 days from the  
2821 day on which a transfer is approved by the commission, except that:

2822 (i) the department may grant an extension of this time period not to exceed 30 days;  
2823 and

2824 (ii) after the extension is authorized by the department under Subsection (1)(a)(i), the  
2825 commission may grant one or more additional extensions not to exceed, in the aggregate, seven  
2826 months from the day on which the commission approves the transfer, if the transferee can  
2827 demonstrate to the commission that the transferee:

2828 (A) cannot begin operations because the transferee is improving the licensed premises;

2829 (B) has obtained a building permit for the improvements described in Subsection  
2830 (1)(a)(ii)(A); and

2831 (C) is working expeditiously to complete the improvements to the licensed premises.

2832 (b) A transferee is considered to have begun operations of the retail license if the  
2833 transferee:

2834 (i) has a licensed premises that is open ~~[to the public]~~ for business;

2835 (ii) sells, offers for sale, or furnishes alcoholic products to a patron on the licensed  
2836 premises described in Subsection (1)(b)(i); and

2837 (iii) has a valid business license.

2838 (2) If a transferee fails to begin operations of the retail license within the time period  
2839 required by Subsection (1), the following are automatically forfeited effective immediately:

2840 (a) the retail license; and

2841 (b) the retail license fee.

2842 (3) A transferee shall begin operations of the retail license at the location to which the  
2843 transfer applies before the transferee may seek a transfer of the retail license to a different  
2844 location.

2845 (4) Notwithstanding Subsection (1), the commission may not issue a conditional  
2846 license unless the requirements of Section **32B-5-205** are met, except that the time periods

2847 required by this section supersede the time period provided in Section [32B-5-205](#).

2848 Section 36. Section **32B-8b-102** is amended to read:

2849 **32B-8b-102. Definitions.**

2850 As used in this chapter:

2851 (1) "Boundary of a hotel" means the physical boundary of ~~[the]~~ one or more contiguous  
2852 parcels of real estate owned or managed by the same person and on which a hotel is located  
2853 ~~[one or more buildings and any structure or improvement to that real estate as determined by~~  
2854 ~~the commission]~~.

2855 (2) "Hotel" means one or more buildings that:

2856 (a) ~~[constitute]~~ comprise a hotel, as defined by the commission;

2857 (b) are owned or managed by the same person or by a person who has a majority  
2858 interest in ~~[and]~~ or can direct or exercise control over the management or policy of the person  
2859 who owns or manages any other building under the hotel license within the boundary of the  
2860 hotel;

2861 (c) primarily operate to provide lodging accommodations;

2862 (d) provide room service within the boundary of the hotel meeting the requirements of  
2863 this title;

2864 (e) have on-premise banquet space and provide on-premise banquet service within the  
2865 boundary of the hotel meeting the requirements of this title;

2866 (f) have a restaurant or bar establishment within the boundary of the hotel meeting the  
2867 requirements of this title; and

2868 (g) have at least 40 guest rooms.

2869 (3) "Provisions applicable to a sublicense" means:

2870 (a) for a full-service restaurant sublicense, Chapter 6, Part 2, Full-Service Restaurant  
2871 License;

2872 (b) for a limited-service restaurant sublicense, Chapter 6, Part 3, Limited-Service  
2873 Restaurant License;

2874 (c) for a bar establishment sublicense, Chapter 6, Part 4, Bar Establishment License;

2875 (d) for an on-premise banquet sublicense, Chapter 6, Part 6, On-Premise Banquet  
2876 License;

2877 (e) for an on-premise beer retailer sublicense, Chapter 6, Part 7, On-Premise Beer

2878 Retailer License; and

2879 (f) for a beer-only restaurant sublicense, Chapter 6, Part 9, Beer-Only Restaurant  
2880 License.

2881 (4) "Sublicense" means:

2882 (a) a full-service restaurant sublicense;

2883 (b) a limited-service restaurant sublicense;

2884 (c) a bar establishment sublicense;

2885 (d) an on-premise banquet sublicense;

2886 (e) an on-premise beer retailer sublicense; and

2887 (f) a beer-only restaurant sublicense.

2888 (5) "Sublicense premises" means a building, enclosure, or room used pursuant to a  
2889 sublicense in connection with the storage, sale, furnishing, or consumption of an alcoholic  
2890 product, unless otherwise defined in this title or in the rules made by the commission[~~except~~  
2891 ~~that sublicense premises may have only one sublicense within a room or an enclosure that is~~  
2892 ~~separate from a room~~].

2893 Section 37. Section **32B-8b-301** is amended to read:

2894 **32B-8b-301. Specific operational requirements for hotel license.**

2895 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
2896 Requirements, a hotel licensee, staff of the hotel licensee, and a person otherwise operating  
2897 under a sublicense shall comply with this section.

2898 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
2899 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2900 (i) a hotel licensee;

2901 (ii) individual staff of a hotel licensee;

2902 (iii) a person otherwise operating under a sublicense;

2903 (iv) individual staff of a person otherwise operating under a sublicense; or

2904 (v) any combination of the persons listed in this Subsection (1)(b).

2905 (2) (a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product  
2906 except:

2907 (i) on a sublicense premises;

2908 (ii) pursuant to a permit issued under this title; or

2909 (iii) under a package agency agreement with the department, subject to Chapter 2, Part  
2910 6, Package Agency.

2911 (b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as  
2912 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:

2913 (i) except as provided in Section 32B-8b-302, if on a sublicense premises, in  
2914 accordance with the operational requirements under the provisions applicable to the sublicense;

2915 (ii) if under a permit issued under this title, in accordance with the operational  
2916 requirements under the provisions applicable to the permit; and

2917 (iii) if as a package agency, in accordance with the contract with the department and  
2918 Chapter 2, Part 6, Package Agency.

2919 (c) Notwithstanding the other provisions of this Subsection (2), a hotel licensee may  
2920 not permit a patron to carry an alcoholic product off the premises of a sublicense in violation of  
2921 Section 32B-5-307 or off an area designated under a permit.

2922 (3) A hotel licensee shall comply with Subsections 32B-5-301(4) and (5) within the  
2923 boundary of the hotel.

2924 (4) A hotel licensee shall supervise and direct a person involved in the sale, offer for  
2925 sale, or furnishing of an alcoholic product under a hotel license.

2926 (5) (a) Room service of an alcoholic product to a lodging accommodation of a hotel  
2927 licensee shall be provided in person by staff of a hotel licensee only to an adult occupant in the  
2928 lodging accommodation.

2929 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval  
2930 by an occupant.

2931 (6) A hotel licensee shall operate in a manner so that at least 70% of the annual  
2932 aggregate of the gross receipts related to the sale of food or beverages for the hotel license and  
2933 each of the hotel license's sublicenses is from the sale of food, not including:

2934 (a) mix for an alcoholic product; and

2935 (b) a charge in connection with the service of an alcoholic product.

2936 Section 38. Section 32B-8b-302 is amended to read:

2937 **32B-8b-302. Specific operational requirements for a sublicense.**

2938 (1) [A] Except as provided in Subsection (2), a person operating under a sublicense is  
2939 subject to the operational requirements under the provisions applicable to the sublicense.

2940 (2) A person operating under a sublicense is not subject to a requirement that a certain  
2941 percentage of the gross receipts for the sublicense be from the sale of food, except to the extent  
2942 the gross receipts for the sublicense are included in calculating the percentages under  
2943 Subsection 32B-8-401(4).

2944 [(2)] (3) For purposes of interpreting an operational requirement imposed by the  
2945 provisions applicable to a sublicense:

2946 (a) a requirement imposed on a person operating under a sublicense applies to the hotel  
2947 licensee; and

2948 (b) a requirement imposed on staff of a person operating under a sublicense applies to  
2949 staff of the hotel licensee.

2950 Section 39. Section 53F-9-304 is amended to read:

2951 **53F-9-304. Underage Drinking Prevention Program Restricted Account.**

2952 (1) As used in this section, "account" means the Underage Drinking Prevention  
2953 Program Restricted Account created in this section.

2954 (2) There is created within the Education Fund a restricted account known as the  
2955 "Underage Drinking Prevention Program Restricted Account."

2956 (3) (a) Before the Department of Alcoholic Beverage Control [remits] deposits any  
2957 portion of the markup collected under Section 32B-2-304 [to the State Tax Commission, the  
2958 ~~department~~] into the Liquor Control Fund in accordance with Section 32B-2-301, the  
2959 Department of Alcoholic Beverage Control shall deposit into the account:

2960 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

2961 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the  
2962 amount that the [department] Department of Alcoholic Beverage Control deposited into the  
2963 account during the preceding fiscal year increased or decreased by a percentage equal to the  
2964 percentage difference between the Consumer Price Index for the second preceding calendar  
2965 year and the Consumer Price Index for the preceding calendar year [2017].

2966 (b) For purposes of this Subsection (3), the department shall calculate the Consumer  
2967 Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).

2968 (4) The account shall be funded:

2969 (a) in accordance with Subsection (3);

2970 (b) by appropriations made to the account by the Legislature; and



- 2971 (c) by interest earned on money in the account.
- 2972 (5) The State Board of Education shall use money in the account for the Underage  
2973 Drinking Prevention Program described in Section [53G-10-406](#).
- 2974 Section 40. Section **53G-10-406** is amended to read:
- 2975 **53G-10-406. Underage Drinking Prevention Program -- State Board of Education**  
2976 **rules.**
- 2977 (1) As used in this section:
- 2978 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory  
2979 Council created in this section.
- 2980 (b) "Board" means the State Board of Education.
- 2981 (c) "LEA" means:
- 2982 (i) a school district;
- 2983 (ii) a charter school; or
- 2984 (iii) the Utah Schools for the Deaf and the Blind.
- 2985 (d) "Program" means the Underage Drinking Prevention Program created in this  
2986 section.
- 2987 (e) "School-based prevention [~~presentation~~] program" means an evidence-based  
2988 program intended for students aged 13 and older that:
- 2989 (i) is aimed at preventing underage consumption of alcohol;
- 2990 (ii) is delivered by methods that engage students in storytelling and visualization;
- 2991 (iii) addresses the behavioral risk factors associated with underage drinking; and
- 2992 (iv) provides practical tools to address the dangers of underage drinking.
- 2993 (2) There is created the Underage Drinking Prevention Program that consists of:
- 2994 (a) a school-based prevention [~~presentation~~] program for students in grade 7 or 8; and
- 2995 (b) a school-based prevention [~~presentation~~] program for students in grade 9 or 10 that  
2996 increases awareness of the dangers of driving under the influence of alcohol.
- 2997 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each  
2998 school year to each student in grade 7 or 8 and grade 9 or 10.
- 2999 (b) An LEA shall select from the providers qualified by the board under Subsection (6)  
3000 to offer the program.
- 3001 (4) The board shall administer the program with input from the advisory council.

3002 (5) There is created the Underage Drinking Prevention Program Advisory Council  
3003 comprised of the following members:

3004 (a) the executive director of the Department of Alcoholic Beverage Control or the  
3005 executive director's designee;

3006 (b) the executive director of the Department of Health or the executive director's  
3007 designee;

3008 (c) the director of the Division of Substance Abuse and Mental Health or the director's  
3009 designee;

3010 (d) the director of the Division of Child and Family Services or the director's designee;

3011 (e) the director of the Division of Juvenile Justice Services or the director's designee;

3012 (f) the state superintendent of public instruction or the state superintendent of public  
3013 instruction's designee; and

3014 (g) two members of the State Board of Education, appointed by the chair of the State  
3015 Board of Education.

3016 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board  
3017 shall qualify one or more providers to provide the program to an LEA.

3018 (b) In selecting a provider described in Subsection (6)(a), the board shall consider:

3019 (i) whether the provider's program complies with the requirements described in this  
3020 section;

3021 (ii) the extent to which the provider's underage drinking prevention program aligns  
3022 with core standards for Utah public schools; and

3023 (iii) the provider's experience in providing a program that is effective at reducing  
3024 underage drinking.

3025 (7) (a) The board shall use money from the Underage Drinking Prevention Program  
3026 Restricted Account described in Section [53F-9-304](#) for the program.

3027 (b) The board may use money from the Underage Drinking Prevention Program  
3028 Restricted Account to fund up to .5 of a full-time equivalent position to administer the  
3029 program.

3030 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3031 board shall make rules that:

3032 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage

3033 Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or  
3034 10; and

3035 (b) establish criteria for the board to use in selecting a provider described in Subsection  
3036 (6).

3037 Section 41. Section **62A-15-401** is amended to read:

3038 **62A-15-401. Alcohol training and education seminar.**

3039 (1) As used in this part:

3040 (a) "Instructor" means a person that directly provides the instruction during an alcohol  
3041 training and education seminar for a seminar provider.

3042 (b) "Licensee" means a person who is:

3043 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;  
3044 and

3045 (B) engaged in the retail sale of an alcoholic product for consumption on the premises  
3046 of the licensee; or

3047 (ii) a business that is:

3048 (A) a new or renewing licensee licensed by a city, town, or county; and

3049 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

3050 (c) "Off-premise beer retailer" is as defined in Section [32B-1-102](#).

3051 (d) "Seminar provider" means a person other than the division who provides an alcohol  
3052 training and education seminar meeting the requirements of this section.

3053 (2) (a) This section applies to:

3054 (i) a retail manager as defined in Section [32B-5-402](#);

3055 (ii) retail staff as defined in Section [32B-5-402](#); and

3056 (iii) an individual who, as defined by division rule:

3057 (A) directly supervises the sale of beer to a customer for consumption off the premises  
3058 of an off-premise beer retailer; or

3059 (B) sells beer to a customer for consumption off the premises of an off-premise beer  
3060 retailer.

3061 (b) If the individual does not have a valid record that the individual has completed an  
3062 alcohol training and education seminar, an individual described in Subsection (2)(a) shall:

3063 (i) (A) complete an alcohol training and education seminar within 30 days of the

3064 following if the individual is described in [~~Subsections~~] Subsection (2)(a)(i) [~~through (iii)~~] or  
3065 (ii):

3066 (I) if the individual is an employee, the day the individual begins employment;

3067 (II) if the individual is an independent contractor, the day the individual is first hired;

3068 or

3069 (III) if the individual holds an ownership interest in the licensee, the day that the  
3070 individual first engages in an activity that would result in that individual being required to  
3071 complete an alcohol training and education seminar; or

3072 (B) complete an alcohol training and education seminar within the time periods  
3073 specified in Subsection 32B-5-404(1) if the individual is described in [~~Subsections (2)(a)(iv)~~  
3074 ~~and (v)~~] Subsection (2)(a)(iii)(A) or (B); and

3075 (ii) pay a fee:

3076 (A) to the seminar provider; and

3077 (B) that is equal to or greater than the amount established under Subsection (4)(h).

3078 (c) An individual shall have a valid record that the individual completed an alcohol  
3079 training and education seminar within the time period provided in this Subsection (2) to engage  
3080 in an activity described in Subsection (2)(a).

3081 (d) A record that an individual has completed an alcohol training and education  
3082 seminar is valid for:

3083 (i) three years from the day on which the record is issued for an individual described in  
3084 Subsection (2)(a)(i)[~~;~~] or (ii)[~~, or (iii)~~]; and

3085 (ii) five years from the day on which the record is issued for an individual described in  
3086 Subsection (2)(a)[~~(iv) or (v)~~](iii)(A) or (B)).

3087 (e) On and after July 1, 2011, to be considered as having completed an alcohol training  
3088 and education seminar, an individual shall:

3089 (i) attend the alcohol training and education seminar and take any test required to  
3090 demonstrate completion of the alcohol training and education seminar in the physical presence  
3091 of an instructor of the seminar provider; or

3092 (ii) complete the alcohol training and education seminar and take any test required to  
3093 demonstrate completion of the alcohol training and education seminar through an online course  
3094 or testing program that meets the requirements described in Subsection (2)(f).

3095 (f) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah  
3096 Administrative Rulemaking Act, establish one or more requirements for an online course or  
3097 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of  
3098 the online course or testing program. In developing the requirements by rule the division shall  
3099 consider whether to require:

3100 (i) authentication that the an individual accurately identifies the individual as taking the  
3101 online course or test;

3102 (ii) measures to ensure that an individual taking the online course or test is focused on  
3103 training material throughout the entire training period;

3104 (iii) measures to track the actual time an individual taking the online course or test is  
3105 actively engaged online;

3106 (iv) a seminar provider to provide technical support, such as requiring a telephone  
3107 number, email, or other method of communication that allows an individual taking the online  
3108 course or test to receive assistance if the individual is unable to participate online because of  
3109 technical difficulties;

3110 (v) a test to meet quality standards, including randomization of test questions and  
3111 maximum time limits to take a test;

3112 (vi) a seminar provider to have a system to reduce fraud as to who completes an online  
3113 course or test, such as requiring a distinct online certificate with information printed on the  
3114 certificate that identifies the person taking the online course or test, or requiring measures to  
3115 inhibit duplication of a certificate;

3116 (vii) measures for the division to audit online courses or tests;

3117 (viii) measures to allow an individual taking an online course or test to provide an  
3118 evaluation of the online course or test;

3119 (ix) a seminar provider to track the Internet protocol address or similar electronic  
3120 location of an individual who takes an online course or test;

3121 (x) an individual who takes an online course or test to use an e-signature; or

3122 (xi) a seminar provider to invalidate a certificate if the seminar provider learns that the  
3123 certificate does not accurately reflect the individual who took the online course or test.

3124 (3) (a) A licensee may not permit an individual who is not in compliance with  
3125 Subsection (2) to:

- 3126 (i) serve or supervise the serving of an alcoholic product to a customer for  
3127 consumption on the premises of the licensee;
- 3128 (ii) engage in any activity that would constitute managing operations at the premises of  
3129 a licensee that engages in the retail sale of an alcoholic product for consumption on the  
3130 premises of the licensee;
- 3131 (iii) directly supervise the sale of beer to a customer for consumption off the premises  
3132 of an off-premise beer retailer; or
- 3133 (iv) sell beer to a customer for consumption off the premises of an off-premise beer  
3134 retailer.
- 3135 (b) A licensee that violates Subsection (3)(a) is subject to Section [32B-5-403](#).
- 3136 (4) The division shall:
- 3137 (a) (i) provide alcohol training and education seminars; or  
3138 (ii) certify one or more seminar providers;
- 3139 (b) establish the curriculum for an alcohol training and education seminar that includes  
3140 the following subjects:
- 3141 (i) (A) alcohol as a drug; and  
3142 (B) alcohol's effect on the body and behavior;
- 3143 (ii) recognizing the problem drinker or signs of intoxication;  
3144 (iii) an overview of state alcohol laws related to responsible beverage sale or service,  
3145 as determined in consultation with the Department of Alcoholic Beverage Control;
- 3146 (iv) dealing with the problem customer, including ways to terminate sale or service;  
3147 and
- 3148 (v) for those supervising or engaging in the retail sale of an alcoholic product for  
3149 consumption on the premises of a licensee, alternative means of transportation to get the  
3150 customer safely home;
- 3151 (c) recertify each seminar provider every three years;
- 3152 (d) monitor compliance with the curriculum described in Subsection (4)(b);
- 3153 (e) maintain for at least five years a record of every person who has completed an  
3154 alcohol training and education seminar;
- 3155 (f) provide the information described in Subsection (4)(e) on request to:  
3156 (i) the Department of Alcoholic Beverage Control;

- 3157 (ii) law enforcement; or  
3158 (iii) a person licensed by the state or a local government to sell an alcoholic product;  
3159 (g) provide the Department of Alcoholic Beverage Control on request a list of any  
3160 seminar provider certified by the division; and  
3161 (h) establish a fee amount for each person attending an alcohol training and education  
3162 seminar that is sufficient to offset the division's cost of administering this section.
- 3163 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah  
3164 Administrative Rulemaking Act:
- 3165 (a) define what constitutes under this section an individual who:  
3166 (i) manages operations at the premises of a licensee engaged in the retail sale of an  
3167 alcoholic product for consumption on the premises of the licensee;  
3168 (ii) supervises the serving of an alcoholic product to a customer for consumption on the  
3169 premises of a licensee;  
3170 (iii) serves an alcoholic product to a customer for consumption on the premises of a  
3171 licensee;  
3172 (iv) directly supervises the sale of beer to a customer for consumption off the premises  
3173 of an off-premise beer retailer; or  
3174 (v) sells beer to a customer for consumption off the premises of an off-premise beer  
3175 retailer;
- 3176 (b) establish criteria for certifying and recertifying a seminar provider; and  
3177 (c) establish guidelines for the manner in which an instructor provides an alcohol  
3178 education and training seminar.
- 3179 (6) A seminar provider shall:  
3180 (a) obtain recertification by the division every three years;  
3181 (b) ensure that an instructor used by the seminar provider:  
3182 (i) follows the curriculum established under this section; and  
3183 (ii) conducts an alcohol training and education seminar in accordance with the  
3184 guidelines established by rule;  
3185 (c) ensure that any information provided by the seminar provider or instructor of a  
3186 seminar provider is consistent with:  
3187 (i) the curriculum established under this section; and

- 3188 (ii) this section;
- 3189 (d) provide the division with the names of all persons who complete an alcohol training  
3190 and education seminar provided by the seminar provider;
- 3191 (e) (i) collect a fee for each person attending an alcohol training and education seminar  
3192 in accordance with Subsection (2); and
- 3193 (ii) forward to the division the portion of the fee that is equal to the amount described  
3194 in Subsection (4)(h); and
- 3195 (f) issue a record to an individual that completes an alcohol training and education  
3196 seminar provided by the seminar provider.
- 3197 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,  
3198 Administrative Procedures Act, the division finds that a seminar provider violates this section  
3199 or that an instructor of the seminar provider violates this section, the division may:
- 3200 (i) suspend the certification of the seminar provider for a period not to exceed 90 days;  
3201 (ii) revoke the certification of the seminar provider;  
3202 (iii) require the seminar provider to take corrective action regarding an instructor; or  
3203 (iv) prohibit the seminar provider from using an instructor until such time that the  
3204 seminar provider establishes to the satisfaction of the division that the instructor is in  
3205 compliance with Subsection (6)(b).
- 3206 (b) The division may certify a seminar provider whose certification is revoked:  
3207 (i) no sooner than 90 days from the date the certification is revoked; and  
3208 (ii) if the seminar provider establishes to the satisfaction of the division that the  
3209 seminar provider will comply with this section.
- 3210 Section 42. Section **63I-2-232** is amended to read:
- 3211 **63I-2-232. Repeal dates -- Title 32B.**
- 3212 (1) Subsection [32B-1-102\(7\)](#) is repealed July 1, 2022.
- 3213 [~~(2) Subsection [32B-1-102\(33\)](#) (a)(i)(B), the language that states  
3214 "[32B-6-205\(12\)\(b\)\(ii\)](#), [32B-6-305\(12\)\(b\)\(ii\)](#)," and ", or [32B-6-905\(12\)\(b\)\(ii\)](#)" is repealed July  
3215 1, 2022.]~~
- 3216 [~~(3)~~] (2) Subsection [32B-1-102\(114\)\(b\)](#), the language that states "[32B-6-205\(12\)\(b\)\(ii\)](#),  
3217 [32B-6-305\(12\)\(b\)\(ii\)](#)," and ", or [32B-6-905\(12\)\(b\)\(ii\)](#)" is repealed July 1, 2022.
- 3218 (3) Subsection [32B-1-407\(3\)\(d\)](#) is repealed July 1, 2022.



- 3219 (4) Subsection [32B-1-604\(4\)](#) is repealed June 1, 2018.
- 3220 (5) Subsections [32B-6-202\(3\)](#) and (4) are repealed July 1, 2022.
- 3221 (6) Section [32B-6-205](#) is repealed July 1, 2022.
- 3222 (7) Subsection [32B-6-205.2~~\(17\)~~\(15\)](#) is repealed July 1, 2022.
- 3223 (8) Section [32B-6-205.3](#) is repealed July 1, 2022.
- 3224 (9) Subsections [32B-6-302\(3\)](#) and (4) are repealed July 1, 2022.
- 3225 (10) Section [32B-6-305](#) is repealed July 1, 2022.
- 3226 (11) Subsection [32B-6-305.2~~\(17\)~~\(15\)](#) is repealed July 1, 2022.
- 3227 (12) Section [32B-6-305.3](#) is repealed July 1, 2022.
- 3228 (13) Section [32B-6-404.1](#) is repealed July 1, 2022.
- 3229 (14) Section [32B-6-409](#) is repealed July 1, 2022.
- 3230 (15) Section [32B-6-605.1](#) is repealed July 1, 2019.
- 3231 ~~(15)~~ (16) Subsection [32B-6-703\(2\)\(e\)\(iv\)](#) is repealed July 1, 2022.
- 3232 ~~(16)~~ (17) Subsections [32B-6-902\(1\)\(c\)](#), (1)(d), and (2) are repealed July 1, 2022.
- 3233 ~~(17)~~ (18) Section [32B-6-905](#) is repealed July 1, 2022.
- 3234 ~~(18)~~ (19) Subsection [32B-6-905.1~~\(17\)~~\(16\)](#) is repealed July 1, 2022.
- 3235 ~~(19)~~ (20) Section [32B-6-905.2](#) is repealed July 1, 2022.
- 3236 ~~(20)~~ (21) Section [32B-7-303](#) is repealed March 1, 2019.
- 3237 ~~(21)~~ (22) Section [32B-7-304](#) is repealed March 1, 2019.
- 3238 ~~(22)~~ (23) Subsection [32B-8-402\(1\)\(b\)](#) is repealed July 1, 2022.