

inventory, restocking, repairing, or cleaning;

- provides that a retail licensee may sell, offer for sale, or furnish beer to a patron in more than one container;

- provides that a closing retail licensee may transfer its inventory of alcoholic product to another retail licensee owned by the same person;

- permits a minor who is at least 16 years of age and employed by the restaurant to be present in the restaurant's dispensing area;

- provides that a performing arts facility may hold an on-premise banquet license;

- **allows an off-premise beer retailer to sell, offer for sale, or furnish beer through a drive through window, at a drive-up loading area, or at a designated parking stall;**

- allows certain manufacturing package agencies to hold an off-premise beer retailer state license for the same premises, provided the licensee only sells beer that is the product of the manufacturing licensee that holds the package agency;

- permits a brewery manufacturing licensee to transport beer, heavy beer, or flavored malt beverage between licensed premisses under certain circumstances;

- enacts the Liquor Transport License Act, which authorizes the commission to issue liquor transport licenses under which a person may transport liquor from a state store or package agency to a retail licensee; and

- makes technical and conforming changes.

#### **Money Appropriated in this Bill:**

None

#### **Other Special Clauses:**

None

#### **Utah Code Sections Affected:**

#### **AMENDS:**

**32B-1-102**, as last amended by Laws of Utah 2018, Chapters 249 and 313

**32B-1-305**, as last amended by Laws of Utah 2017, Chapter 455

**32B-1-606**, as last amended by Laws of Utah 2018, Chapter 249

**32B-2-202**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 7

**32B-2-204**, as enacted by Laws of Utah 2010, Chapter 276

**32B-2-304**, as last amended by Laws of Utah 2018, Chapters 313, 329, and 415

**32B-2-605**, as last amended by Laws of Utah 2018, Chapter 249

**32B-5-102**, as enacted by Laws of Utah 2010, Chapter 276

57 **32B-5-207**, as last amended by Laws of Utah 2018, Chapter 249  
 58 **32B-5-301**, as last amended by Laws of Utah 2011, Chapter 334  
 59 **32B-5-303**, as last amended by Laws of Utah 2011, Chapter 307  
 60 **32B-5-304**, as last amended by Laws of Utah 2011, Chapters 307 and 334  
 61 **32B-5-306**, as enacted by Laws of Utah 2010, Chapter 276  
 62 **32B-5-308**, as last amended by Laws of Utah 2018, Chapter 249  
 63 **32B-5-310**, as enacted by Laws of Utah 2010, Chapter 276  
 64 **32B-6-203**, as last amended by Laws of Utah 2017, Chapter 471  
 65 **32B-6-205**, as last amended by Laws of Utah 2018, Chapter 249  
 66 **32B-6-205.2**, as last amended by Laws of Utah 2018, Chapters 249 and 281  
 67 **32B-6-206**, as enacted by Laws of Utah 2013, Chapter 349  
 68 **32B-6-303**, as last amended by Laws of Utah 2017, Chapter 471  
 69 **32B-6-305**, as last amended by Laws of Utah 2018, Chapter 249  
 70 **32B-6-305.2**, as last amended by Laws of Utah 2018, Chapters 249 and 281  
 71 **32B-6-603**, as last amended by Laws of Utah 2016, Chapter 82  
 72 **32B-6-605**, as last amended by Laws of Utah 2018, Chapter 249  
 73 **32B-6-702**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2  
 74 **32B-6-703**, as last amended by Laws of Utah 2017, Chapter 455  
 75 **32B-6-803**, as last amended by Laws of Utah 2016, Chapter 82  
 76 **32B-6-805**, as last amended by Laws of Utah 2012, Chapter 365  
 77 **32B-6-902**, as last amended by Laws of Utah 2018, Chapters 249 and 281  
 78 **32B-6-903**, as last amended by Laws of Utah 2017, Chapter 471  
 79 **32B-6-905**, as last amended by Laws of Utah 2018, Chapter 249  
 80 **32B-6-905.1**, as last amended by Laws of Utah 2018, Chapters 249 and 281  
 80a **§→ 32B-7-202, as last amended by Laws of Utah 2018, Chapter 249 ←§**  
 81 **32B-11-503**, as last amended by Laws of Utah 2016, Chapter 266  
 82 **62A-15-401**, as last amended by Laws of Utah 2018, Chapters 249 and 281  
 83 **63I-2-232**, as last amended by Laws of Utah 2018, Chapters 249 and 313  
 84 ENACTS:  
 85 **32B-7-407**, Utah Code Annotated 1953  
 86 **32B-7-408**, Utah Code Annotated 1953  
 87 **32B-17-101**, Utah Code Annotated 1953

2940           ~~[(14)]~~ (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on  
2941 or from a movable cart.

2942           ~~[(15)]~~ (14) (a) In addition to the requirements described in Section 32B-5-302, a  
2943 beer-only restaurant licensee shall maintain each of the following records for at least three  
2944 years:

2945           (i) a record required by Section 32B-5-302; and

2946           (ii) a record that the commission requires a beer-only restaurant licensee to use or  
2947 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
2948 Rulemaking Act.

2949           (b) The department shall audit the records of a beer-only restaurant licensee at least  
2950 once each calendar year.

2951           ~~[(16)]~~ (15) (a) In accordance with Section 32B-6-905.2, a beer-only restaurant licensee:

2952           (i) may comply with the provisions of this section beginning on or after July 1, 2017;  
2953 and

2954           (ii) shall comply with the provisions of this section:

2955           (A) for a beer-only restaurant licensee that does not have a grandfathered bar structure,  
2956 on and after July 1, 2018; or

2957           (B) for a beer-only restaurant licensee that has a grandfathered bar structure, on and  
2958 after July 1, 2022.

2959           (b) A beer-only restaurant licensee that elects to comply with the provisions of this  
2960 section before the latest applicable date described in Subsection ~~[(16)]~~ (15)(a)(ii):

2961           (i) shall comply with each provision of this section; and

2962           (ii) is not required to comply with the provisions of Section 32B-6-905.

2962a   **§→ Section 38. Section 32B-7-202 is amended to read:**

2962b           **32B-7-202. General operational requirements for off-premise beer retailer.**

2962c           **(1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with**  
2962d **the provisions of this title and any applicable rules made by the commission.**

2962e           **(b) Failure to comply with this section may result in a suspension or revocation of a local**  
2962f **license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3, Disciplinary**  
2962g **Actions and Enforcement Act.**

2962h           **(2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of**  
2962i **resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from:**

2962j           **(A) a beer wholesaler licensee; or**

2962k           **(B) a small brewer that manufactures the beer.**

2962l           **(ii) A violation of Subsection (2)(a) is a class A misdemeanor.☹**

2962m ☛ (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer  
 2962n wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler  
 2962o licensee who is designated by the manufacturer to sell beer in the geographical area in which the  
 2962p off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to  
 2962q sell to the off-premise beer retailer as provided in Section 32B-13-301.

2962r (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

2962s (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a  
 2962t container larger than two liters.

2962u (4) (a) Staff of an off-premise beer retailer, while on duty, may not:

2962v (i) consume an alcoholic product; or

2962w (ii) be intoxicated.

2962x (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:

2962y (i) the sale is done under the supervision of a person 21 years of age or older who is on the  
 2962z licensed premises; and

2962aa (ii) the minor is at least 16 years of age.

2962ab (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to:

2962ac (a) a minor;

2962ad (b) a person actually, apparently, or obviously intoxicated;

2962ae (c) a known interdicted person; or

2962af (d) a known habitual drunkard.

2962ag (6) (a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer shall:

2962ah (i) display all beer accessible by and visible to a patron in no more than two locations on the  
 2962ai retail sales floor, each of which is:

2962aj (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage  
 2962ak displayed; and

2962al (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a  
 2962am door from which the nonalcoholic beverages are not accessible, or the beer is separated from the  
 2962an display of nonalcoholic beverages by a display of one or more nonbeverage products or another  
 2962ao physical divider; and

2962ap (ii) display a sign in the area described in Subsection (6)(a)(i) that:

2962aq (A) is prominent;

2962ar (B) is easily readable by a consumer;

2962as (C) meets the requirements for format established by the commission by rule; and

2962at (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain  
 2962au alcohol. Please read the label carefully."

2962av (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer if the  
 2962aw nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.☛

- 2962ax ☛ (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is labeled,  
 2962ay packaged, or advertised as:
- 2962az (i) a malt cooler; or
  - 2962ba (ii) a beverage that may provide energy.
- 2962bb (d) A violation of this Subsection (6) is an infraction.
- 2962bc (e) (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i) apply on  
 2962bd and after May 9, 2017.
- 2962be (ii) For a beer retailer that operates two or more off-premise beer retailers, the provisions of  
 2962bf Subsection (6)(a)(i) apply on and after August 1, 2017.
- 2962bg (7) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells  
 2962bh beer to a patron for consumption off the premises of the off-premise beer retailer shall wear a unique  
 2962bi identification badge:
- 2962bj (i) on the front of the staff's clothing;
  - 2962bk (ii) visible above the waist;
  - 2962bl (iii) bearing the staff's:
- 2962bm (A) first or last name;
  - 2962bn (B) initials; or
  - 2962bo (C) unique identification in letters or numbers; and
- 2962bp (iv) with the number or letters on the unique identification badge being sufficiently large to be  
 2962bq clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
- 2962br (b) An off-premise beer retailer shall make and maintain a record of each current staff's  
 2962bs unique identification badge assigned by the off-premise beer retailer that includes the staff's:
- 2962bt (i) full name;
  - 2962bu (ii) address; and
  - 2962bv (iii) (A) driver license number; or
  - 2962bw (B) similar identification number.
- 2962bx (c) An off-premise beer retailer shall make available a record required to be made or  
 2962by maintained under this Subsection (7) for immediate inspection by:
- 2962bz (i) a peace officer;
  - 2962ca (ii) a representative of the local authority that issues the off-premise beer retailer license; or
  - 2962cb (iii) for an off-premise beer retailer state license, a representative of the commission or  
 2962cc department.
- 2962cd (d) A local authority may impose a fine of up to \$250 against an off-premise beer retailer that  
 2962ce does not comply or require its staff to comply with this Subsection (7). ←\$
- 2962cf \$→ (8) (a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 2962cg (i) through a drive through window;
  - 2962ch (ii) at a drive-up loading area, if the area is contiguous to the licensed premises; or ☛

2962ci **⊕** (iii) subject to Subsection (8)(b), at a designated parking stall described.  
 2962cj (b) (i) A parking stall described in Subsection (8)(a)(iii) shall be:  
 2962ck (A) located on property that the off-premise beer retail owns or has a legal right to  
 2962cl occupy; and  
 2962cm (B) designated by the off-premise beer retailer for picking up pre-ordered items from  
 2962cn the off-premise beer retailer; and  
 2962co (C) labeled in a conspicuous manner that communicates the purpose of the stall  
 2962cp described in Subsection (8)(b)(i)(B).  
 2962cq (c) An off-premise beer retailer may not designated more than eight parking stalls  
 2962cr under Subsection (8)(a)(iii).  
 2962cs (d) Nothing in this Subsection (8) modifies the display limitations and requirements  
 2962ct described in Subsection (6). ←§  
 2963 Section ~~§→~~ [38] 39 ←§ . Section 32B-7-407 is enacted to read:  
 2964 **32B-7-407. Licensing at certain package agencies.**  
 2965 (1) Subject to Subsection (2), the commission may issue an off-premise beer retailer  
 2966 state license for a premises that is a package agency located at a brewery manufacturing  
 2967 facility.  
 2968 (2) An off-premise beer retailer state licensee described in Subsection (1) may not sell  
 2969 beer:  
 2970 (a) other than beer that is the product of the brewery manufacturing licensee that holds