

OFF-PREMISE BEER RETAILER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill modifies provisions related to off-premise beer retailers.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "off-premise retail manager";
- ▶ extends the date by which a person operating as an off-premise beer retailer on July 1, 2018, must submit an application for an off-premise beer retailer state license;
- ▶ enacts an additional fee for an application submitted after the original deadline; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

32B-5-402, as last amended by Laws of Utah 2017, Chapter 455

32B-7-401, as last amended by Laws of Utah 2018, Chapter 249

63I-2-232, as last amended by Laws of Utah 2018, Chapters 249 and 313

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



28 Section 1. Section 32B-5-402 is amended to read:

29 **32B-5-402. Definitions.**

30 As used in this part:

31 (1) "Off-premise retail manager" means an individual who~~[(a)]~~ manages operations
32 at a premises that is licensed under Chapter 7, Off-Premise Beer Retailer Act~~[, or]~~.

33 ~~[(b) supervises the sale of beer at a premises that is licensed under Chapter 7,~~
34 ~~Off-Premise Beer Retailer Act.]~~

35 (2) (a) "Off-premise retail staff" means an individual who sells beer at a premises that
36 is licensed under Chapter 7, Off-Premise Beer Retailer Act.

37 (b) "Off-premise retail staff" does not include an off-premise retail manager.

38 (3) "Retail manager" means an individual who:

39 (a) manages operations at a premises that is licensed under this chapter; or

40 (b) supervises the furnishing of an alcoholic product at a premises that is licensed
41 under this chapter.

42 (4) (a) "Retail staff" means an individual who serves an alcoholic product at a premises
43 licensed under this chapter.

44 (b) "Retail staff" does not include a retail manager.

45 Section 2. Section 32B-7-401 is amended to read:

46 **32B-7-401. Commission's power to issue off-premise beer retailer state license.**

47 (1) Beginning on July 1, 2018, and except as provided in Subsection (3), before a
48 person may purchase, store, sell, or offer for sale beer for consumption off the person's
49 premises, the person shall obtain an off-premise beer retailer state license in accordance with
50 this part.

51 (2) The commission may issue an off-premise beer retailer state license for the retail
52 sale of beer for consumption off the beer retailer's premises.

53 (3) (a) ~~[A]~~ Subject to Subsection (3)(b), a person who operates as an off-premise beer
54 retailer on July 1, 2018, shall submit an application for an off-premise beer retailer state license
55 on or before ~~[March 1, 2019]~~ May 31, 2019.

56 (b) In addition to the fees described in Section 32B-7-402, a person described in
57 Subsection (3)(a) who submits an application for an off-premise beer retailer state license after
58 March 1, 2019, shall submit with the person's application a fee in the following amount:

59 (i) \$150, if the person submits the application after March 1, 2019, and on or before
60 April 15, 2019; or

61 (ii) \$300, if the person submits the application after April 15, 2019, and on or before
62 May 31, 2019.

63 Section 3. Section **63I-2-232** is amended to read:

64 **63I-2-232. Repeal dates -- Title 32B.**

- 65 (1) Subsection **32B-1-102(7)** is repealed July 1, 2022.
66 (2) Subsection **32B-1-407(3)(d)** is repealed July 1, 2022.
67 (3) Subsection **32B-1-604(4)** is repealed June 1, 2018.
68 (4) Subsections **32B-6-202(3)** and (4) are repealed July 1, 2022.
69 (5) Section **32B-6-205** is repealed July 1, 2022.
70 (6) Subsection **32B-6-205.2(15)** is repealed July 1, 2022.
71 (7) Section **32B-6-205.3** is repealed July 1, 2022.
72 (8) Subsections **32B-6-302(3)** and (4) are repealed July 1, 2022.
73 (9) Section **32B-6-305** is repealed July 1, 2022.
74 (10) Subsection **32B-6-305.2(15)** is repealed July 1, 2022.
75 (11) Section **32B-6-305.3** is repealed July 1, 2022.
76 (12) Section **32B-6-404.1** is repealed July 1, 2022.
77 (13) Section **32B-6-409** is repealed July 1, 2022.
78 (14) Section **32B-6-605.1** is repealed July 1, 2019.
79 (15) Subsection **32B-6-703(2)(e)(iv)** is repealed July 1, 2022.
80 (16) Subsections **32B-6-902(1)(c)**, (1)(d), and (2) are repealed July 1, 2022.
81 (17) Section **32B-6-905** is repealed July 1, 2022.
82 (18) Subsection **32B-6-905.1(16)** is repealed July 1, 2022.
83 (19) Section **32B-6-905.2** is repealed July 1, 2022.
84 (20) Section **32B-7-303** is repealed [~~March~~] June 1, 2019.
85 (21) Section **32B-7-304** is repealed [~~March~~] June 1, 2019.
86 (22) Subsection **32B-8-402(1)(b)** is repealed July 1, 2022.

87 Section 4. **Effective date.**

88 If approved by two-thirds of all the members elected to each house, this bill takes effect
89 upon approval by the governor, or the day following the constitutional time limit of Utah

90 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
91 the date of veto override.