

## **BEER AMENDMENTS**

## 2019 GENERAL SESSION

STATE OF UTAH

## **Chief Sponsor: Jerry W. Stevenson**

House Sponsor: John Knotwell

# LONG TITLE

## **General Description:**

This bill amends provisions of the Alcoholic Beverage Control Act related to beer.

## **Highlighted Provisions:**

This bill:

- modifies the permissible percentage of alcohol in beer and heavy beer.

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

None

## **Other Special Clauses:**

This bill provides a special effective date.

## **Utah Code Sections Affected:**

## AMENDS:

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

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

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

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

As used in this title:

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

- (a) at which an alcoholic product is sold at retail for consumption on the premises; and
  - (b) that is located at an international airport with a United States Customs office on the



28 premises of the international airport.

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

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

- 32 (a) beer; or  
33 (b) liquor.

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

35 (i) contains at least .5% of alcohol by volume; and  
36 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
37 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
38 in an amount equal to or greater than .5% of alcohol by volume.

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

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

- 42 (i) except as provided in Subsection (4)(d), an extract;  
43 (ii) vinegar;  
44 (iii) preserved nonintoxicating cider;  
45 (iv) essence;  
46 (v) tincture;  
47 (vi) food preparation; or  
48 (vii) an over-the-counter medicine.

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

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

- 52 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and  
53 (b) described in Section 62A-15-401.

54 (6) "Banquet" means an event:

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

- 57 (i) hotel;  
58 (ii) resort facility;

59                   (iii) sports center; or  
60                   (iv) convention center;

61                   (b) for which there is a contract:

62                   (i) between a person operating a facility listed in Subsection (6)(a) and another person;  
63 and

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

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

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

69                   (a) stored; or

70                   (b) dispensed.

71                   (8) (a) "Bar establishment license" means a license issued in accordance with Chapter  
72 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

73                   (b) "Bar establishment license" includes:

74                   (i) a dining club license;

75                   (ii) an equity license;

76                   (iii) a fraternal license; or

77                   (iv) a bar license.

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

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

81                   (i) contains at least .5% of alcohol by volume, but not more than [4%] 6% of alcohol  
82 by volume or [3.2%] 4.8% by weight; and

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

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

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

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

87                   (ii) is referred to as:

88                   (A) beer;

89                   (B) ale;

- 90                   (C) porter;  
91                   (D) stout;  
92                   (E) lager; or  
93                   (F) a malt or malted beverage.
- 94                   (d) "Beer" does not include a flavored malt beverage.
- 95                   (11) "Beer-only restaurant license" means a license issued in accordance with Chapter  
96 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 97                   (12) "Beer retailer" means a business that:
- 98                   (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether  
99 for consumption on or off the business premises; and
- 100                  (b) is licensed as:
- 101                   (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer  
102 Retailer Local Authority; or
- 103                   (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and  
104 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 105                   (13) "Beer wholesaling license" means a license:
- 106                   (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 107                   (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more  
108 retail licensees or off-premise beer retailers.
- 109                   (14) "Billboard" means a public display used to advertise, including:
- 110                   (a) a light device;  
111                   (b) a painting;  
112                   (c) a drawing;  
113                   (d) a poster;  
114                   (e) a sign;  
115                   (f) a signboard; or  
116                   (g) a scoreboard.
- 117                   (15) "Brewer" means a person engaged in manufacturing:
- 118                   (a) beer;  
119                   (b) heavy beer; or  
120                   (c) a flavored malt beverage.

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

123                   (17) "Certificate of approval" means a certificate of approval obtained from the  
124 department under Section 32B-11-201.

125                   (18) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by  
126 a bus company to a group of persons pursuant to a common purpose:

127                   (a) under a single contract;  
128                   (b) at a fixed charge in accordance with the bus company's tariff; and  
129                   (c) to give the group of persons the exclusive use of the passenger bus, coach, or other  
130 motor vehicle, and a driver to travel together to one or more specified destinations.

131                   (19) "Church" means a building:

132                   (a) set apart for worship;  
133                   (b) in which religious services are held;  
134                   (c) with which clergy is associated; and  
135                   (d) that is tax exempt under the laws of this state.

136                   (20) "Commission" means the Alcoholic Beverage Control Commission created in  
137 Section 32B-2-201.

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

139                   (22) "Community location" means:  
140                   (a) a public or private school;  
141                   (b) a church;  
142                   (c) a public library;  
143                   (d) a public playground; or  
144                   (e) a public park.

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

146                   (a) the governing body of the community location; or  
147                   (b) if the commission does not know who is the governing body of a community  
148 location, a person who appears to the commission to have been given on behalf of the  
149 community location the authority to prohibit an activity at the community location.

150                   (24) "Container" means a receptacle that contains an alcoholic product, including:  
151                   (a) a bottle;

- 152                   (b) a vessel; or  
153                   (c) a similar item.
- 154                   (25) "Convention center" means a facility that is:  
155                   (a) in total at least 30,000 square feet; and  
156                   (b) otherwise defined as a "convention center" by the commission by rule.
- 157                   (26) (a) "Counter" means a surface or structure in a dining area of a licensed premises  
158 where seating is provided to a patron for service of food.  
159                   (b) "Counter" does not include a dispensing structure.
- 160                   (27) "Department" means the Department of Alcoholic Beverage Control created in  
161 Section [32B-2-203](#).
- 162                   (28) "Department compliance officer" means an individual who is:  
163                   (a) an auditor or inspector; and  
164                   (b) employed by the department.
- 165                   (29) "Department sample" means liquor that is placed in the possession of the  
166 department for testing, analysis, and sampling.
- 167                   (30) "Dining club license" means a license issued in accordance with Chapter 5, Retail  
168 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
169 commission as a dining club license.
- 170                   (31) "Director," unless the context requires otherwise, means the director of the  
171 department.
- 172                   (32) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
173 title:  
174                   (a) against a person subject to administrative action; and  
175                   (b) that is brought on the basis of a violation of this title.
- 176                   (33) (a) Subject to Subsection (33)(b), "dispense" means:  
177                   (i) drawing an alcoholic product; and  
178                   (ii) using the alcoholic product at the location from which it was drawn to mix or  
179 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 180                   (b) The definition of "dispense" in this Subsection (33) applies only to:  
181                   (i) a full-service restaurant license;  
182                   (ii) a limited-service restaurant license;

185 (34) "Dispensing structure" means a surface or structure on a licensed premises;

186 (a) where an alcoholic product is dispensed; or  
187 (b) from which an alcoholic product is served.

(35) "Distillery manufacturing license" means a license issued in accordance with Chapter 11, Part 4, Distillery Manufacturing License.

(36) "Distressed merchandise" means an alcoholic product in the possession of a licensee which has been held in storage for so long a period of time that it is no longer saleable.

192 (37) "Educational facility" includes:

- (a) a nursery school;
- (b) an infant day care center; and
- (c) a trade and technical school.

196                   (38) "Equity license" means a license issued in accordance with Chapter 5, Retail  
197                   License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
198                   commission as an equity license.

199 (39) "Event permit" means:  
200 (a) a single event permit; or  
201 (b) a temporary beer event p

(40) "Exempt license" means a license exempt under Section 32B-1-201 from being considered in determining the total number of retail licenses that the commission may issue at any time.

205 (41) (a) "Flavored malt beverage" means a beverage:

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

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

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

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

- 214                   (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.
- 215                   (b) "Flavored malt beverage" is considered liquor for purposes of this title.
- 216                   (42) "Fraternal license" means a license issued in accordance with Chapter 5, Retail
- 217 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 218 commission as a fraternal license.
- 219                   (43) "Full-service restaurant license" means a license issued in accordance with
- 220 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 221                   (44) (a) "Furnish" means by any means to provide with, supply, or give an individual
- 222 an alcoholic product, by sale or otherwise.
- 223                   (b) "Furnish" includes to:
- 224                   (i) serve;
- 225                   (ii) deliver; or
- 226                   (iii) otherwise make available.
- 227                   (45) "Guest" means an individual who meets the requirements of Subsection
- 228 [32B-6-407\(9\)](#).
- 229                   (46) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 230                   (47) "Health care practitioner" means:
- 231                   (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 232                   (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 233                   (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 234                   (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
- 235 Act;
- 236                   (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 237 Nurse Practice Act;
- 238                   (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
- 239 Practice Act;
- 240                   (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
- 241 Therapy Practice Act;
- 242                   (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 243                   (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
- 244 Professional Practice Act;

245                   (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;  
246                   (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical  
247 Practice Act;  
248                   (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental  
249 Hygienist Practice Act; and  
250                   (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

251                   (48) (a) "Heavy beer" means a product that:  
252                      (i) contains more than [4%] 6% alcohol by volume; and  
253                      (ii) is obtained by fermentation, infusion, or decoction of malted grain.  
254                   (b) "Heavy beer" is considered liquor for the purposes of this title.  
255                   (49) "Hotel" is as defined by the commission by rule.  
256                   (50) "Hotel license" means a license issued in accordance with Chapter 5, Retail  
257 License Act, and Chapter 8b, Hotel License Act.

258                   (51) "Identification card" means an identification card issued under Title 53, Chapter 3,  
259 Part 8, Identification Card Act.

260                   (52) "Industry representative" means an individual who is compensated by salary,  
261 commission, or other means for representing and selling an alcoholic product of a  
262 manufacturer, supplier, or importer of liquor.

263                   (53) "Industry representative sample" means liquor that is placed in the possession of  
264 the department for testing, analysis, and sampling by a local industry representative on the  
265 premises of the department to educate the local industry representative of the quality and  
266 characteristics of the product.

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

269                      (a) law; or  
270                      (b) court order.

271                   (55) "Intoxicated" means that a person:

272                      (a) is significantly impaired as to the person's mental or physical functions as a result of  
273 the use of:  
274                      (i) an alcoholic product;  
275                      (ii) a controlled substance;

276                   (iii) a substance having the property of releasing toxic vapors; or  
277                   (iv) a combination of Subsections (55)(a)(i) through (iii); and  
278                   (b) exhibits plain and easily observed outward manifestations of behavior or physical  
279 signs produced by the overconsumption of an alcoholic product.

280 (56) "Investigator" means an individual who is:

281                   (a) a department compliance officer; or  
282                   (b) a nondepartment enforcement office

283 (57) "Invitee" means the same as that term is defined in Section 32B-8-102.

284 (58) "License" means:

285 (a) a retail license;

286 (b) a license issued in accordance with Chapter 11, Manufacturing and Related

287 Licenses Act;

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

289 or

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

(59) "Licensee" means a person who holds a license.

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

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

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

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

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

302 (62) (a) (i) "Liquor" means a liquid that:

303 (A) is:

304 (I) alcohol;

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

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

(IV) other drink or drinkable liquid; and

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

(II) is suitable to use for beverage purposes.

(ii) "Liquor" includes:

(A) heavy beer;

(B) wine; and

(C) a flavored malt beverage.

(b) "Liquor" does not include beer.

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

(64) "Liquor warehousing license" means a license that is issued:

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

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

(65) "Local authority" means:

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

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

(66) "Lounge or bar area" is as defined by rule made by the commission.

(67) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

(68) "Member" means an individual who, after paying regular dues, has full privileges in an equity licensee or fraternal licensee.

(69) (a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility for a ship:

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

(B) of the National Guard;

(ii) that is located within the state; and

(iii) including a leased facility.

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

(i) civil works;

338                         (ii) a rivers and harbors project; or  
339                         (iii) a flood control project.  
340                         (70) "Minor" means an individual under the age of 21 years.  
341                         (71) "Nondepartment enforcement agency" means an agency that:  
342                         (a) (i) is a state agency other than the department; or  
343                         (ii) is an agency of a county, city, town, or metro township; and  
344                         (b) has a responsibility to enforce one or more provisions of this title.  
345                         (72) "Nondepartment enforcement officer" means an individual who is:  
346                         (a) a peace officer, examiner, or investigator; and  
347                         (b) employed by a nondepartment enforcement agency.  
348                         (73) (a) "Off-premise beer retailer" means a beer retailer who is:  
349                         (i) licensed in accordance with Chapter 7, Off-premise Beer Retailer Act; and  
350                         (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's  
351                         premises.  
352                         (b) "Off-premise beer retailer" does not include an on-premise beer retailer.  
353                         (74) "Off-premise beer retailer state license" means a state license issued in accordance  
354                         with Chapter 7, Part 4, Off-premise Beer Retailer State License.  
355                         (75) "On-premise banquet license" means a license issued in accordance with Chapter  
356                         5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.  
357                         (76) "On-premise beer retailer" means a beer retailer who is:  
358                         (a) authorized to sell, offer for sale, or furnish beer under a license issued in  
359                         accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer  
360                         Retailer License; and  
361                         (b) engaged in the sale of beer to a patron for consumption on the beer retailer's  
362                         premises:  
363                         (i) regardless of whether the beer retailer sells beer for consumption off the licensed  
364                         premises; and  
365                         (ii) on and after March 1, 2012, operating:  
366                         (A) as a tavern; or  
367                         (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).  
368                         (77) "Opaque" means impenetrable to sight.

369                         (78) "Package agency" means a retail liquor location operated:  
370                             (a) under an agreement with the department; and  
371                             (b) by a person:  
372                                 (i) other than the state; and  
373                                 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package  
374                             Agency, to sell packaged liquor for consumption off the premises of the package agency.

375                             (79) "Package agent" means a person who holds a package agency.

376                             (80) "Patron" means an individual to whom food, beverages, or services are sold,  
377                             offered for sale, or furnished, or who consumes an alcoholic product including:

378                                 (a) a customer;  
379                                 (b) a member;  
380                                 (c) a guest;  
381                                 (d) an attendee of a banquet or event;  
382                                 (e) an individual who receives room service;  
383                                 (f) a resident of a resort;  
384                                 (g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;  
385                             or  
386                                 (h) an invitee.

387                             (81) "Permittee" means a person issued a permit under:

388                                 (a) Chapter 9, Event Permit Act; or  
389                                 (b) Chapter 10, Special Use Permit Act.

390                             (82) "Person subject to administrative action" means:

391                                 (a) a licensee;  
392                                 (b) a permittee;  
393                                 (c) a manufacturer;  
394                                 (d) a supplier;  
395                                 (e) an importer;  
396                                 (f) one of the following holding a certificate of approval:  
397                                 (i) an out-of-state brewer;  
398                                 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or  
399                                 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or

- 400                         (g) staff of:  
401                             (i) a person listed in Subsections (82)(a) through (f); or  
402                             (ii) a package agent.
- 403                         (83) "Premises" means a building, enclosure, or room used in connection with the  
404 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,  
405 unless otherwise defined in this title or rules made by the commission.
- 406                         (84) "Prescription" means an order issued by a health care practitioner when:  
407                             (a) the health care practitioner is licensed under Title 58, Occupations and Professions,  
408 to prescribe a controlled substance, other drug, or device for medicinal purposes;  
409                             (b) the order is made in the course of that health care practitioner's professional  
410 practice; and  
411                             (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 412                         (85) (a) "Private event" means a specific social, business, or recreational event:  
413                             (i) for which an entire room, area, or hall is leased or rented in advance by an identified  
414 group; and  
415                             (ii) that is limited in attendance to people who are specifically designated and their  
416 guests.  
417                         (b) "Private event" does not include an event to which the general public is invited,  
418 whether for an admission fee or not.
- 419                         (86) (a) "Proof of age" means:  
420                             (i) an identification card;  
421                             (ii) an identification that:  
422                                 (A) is substantially similar to an identification card;  
423                                 (B) is issued in accordance with the laws of a state other than Utah in which the  
424 identification is issued;  
425                                 (C) includes date of birth; and  
426                                 (D) has a picture affixed;  
427                             (iii) a valid driver license certificate that:  
428                                 (A) includes date of birth;  
429                                 (B) has a picture affixed; and  
430                                 (C) is issued:

431                   (I) under Title 53, Chapter 3, Uniform Driver License Act; or  
432                   (II) in accordance with the laws of the state in which it is issued;  
433                   (iv) a military identification card that:  
434                   (A) includes date of birth; and  
435                   (B) has a picture affixed; or  
436                   (v) a valid passport.  
437                   (b) "Proof of age" does not include a driving privilege card issued in accordance with  
438 Section 53-3-207.

439                   (87) (a) "Public building" means a building or permanent structure that is:

440                   (i) owned or leased by:  
441                   (A) the state; or  
442                   (B) a local government entity; and  
443                   (ii) used for:  
444                   (A) public education;  
445                   (B) transacting public business; or  
446                   (C) regularly conducting government activities.

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

450                   (88) "Public conveyance" means a conveyance that the public or a portion of the public  
451 has access to and a right to use for transportation, including an airline, railroad, bus, boat, or  
452 other public conveyance.

453                   (89) "Reception center" means a business that:  
454                   (a) operates facilities that are at least 5,000 square feet; and  
455                   (b) has as its primary purpose the leasing of the facilities described in Subsection  
456 (89)(a) to a third party for the third party's event.

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

459                   (91) (a) "Record" means information that is:  
460                   (i) inscribed on a tangible medium; or  
461                   (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

462                   (b) "Record" includes:

463                   (i) a book;

464                   (ii) a book of account;

465                   (iii) a paper;

466                   (iv) a contract;

467                   (v) an agreement;

468                   (vi) a document; or

469                   (vii) a recording in any medium.

470                   (92) "Residence" means a person's principal place of abode within Utah.

471                   (93) "Resident," in relation to a resort, means the same as that term is defined in

472 Section [32B-8-102](#).

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

474                   (95) "Resort facility" is as defined by the commission by rule.

475                   (96) "Resort license" means a license issued in accordance with Chapter 5, Retail  
476 License Act, and Chapter 8, Resort License Act.

477                   (97) "Responsible alcohol service plan" means a written set of policies and procedures  
478 that outlines measures to prevent employees from:

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

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

482                   (c) serving alcoholic beverages to minors.

483                   (98) "Restaurant" means a business location:

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

485                   (b) at which complete meals are served; and

486                   (c) that is engaged primarily in serving meals.

487                   (99) "Retail license" means one of the following licenses issued under this title:

488                   (a) a full-service restaurant license;

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

490                   (c) a limited-service restaurant license;

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

492                   (e) a bar establishment license;

- 493                         (f) an airport lounge license;  
494                         (g) an on-premise banquet license;  
495                         (h) an on-premise beer license;  
496                         (i) a reception center license;  
497                         (j) a beer-only restaurant license;  
498                         (k) a resort license; or  
499                         (l) a hotel license.

500                         (100) "Room service" means furnishing an alcoholic product to a person in a guest  
501 room of a:

- 502                         (a) hotel; or  
503                         (b) resort facility.

504                         (101) (a) "School" means a building used primarily for the general education of minors.

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

506                         (102) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for  
507 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,  
508 delivered for value, or by a means or under a pretext is promised or obtained, whether done by  
509 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules  
510 made by the commission.

511                         (103) "Serve" means to place an alcoholic product before an individual.

512                         (104) "Sexually oriented entertainer" means a person who while in a state of  
513 seminudity appears at or performs:

- 514                         (a) for the entertainment of one or more patrons;  
515                         (b) on the premises of:  
516                             (i) a bar licensee; or  
517                             (ii) a tavern;  
518                         (c) on behalf of or at the request of the licensee described in Subsection (104)(b);  
519                         (d) on a contractual or voluntary basis; and  
520                         (e) whether or not the person is designated as:  
521                             (i) an employee;  
522                             (ii) an independent contractor;  
523                             (iii) an agent of the licensee; or

524 (iv) a different type of classification.

525 (105) "Single event permit" means a permit issued in accordance with Chapter 9, Part  
526 3, Single Event Permit.

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

529 (107) "Special use permit" means a permit issued in accordance with Chapter 10,  
530 Special Use Permit Act.

531 (108) (a) "Spiritous liquor" means liquor that is distilled.

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

534 (109) "Sports center" is as defined by the commission by rule.

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

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

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

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

542 (b) "Staff" includes:

543 (i) an officer;

544 (ii) a director;

545 (iii) an employee;

546 (iv) personnel management;

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

548 (vi) an operator; or

549 (vii) a representative.

550 (111) "State of nudity" means:

551 (a) the appearance of:

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

553 (ii) a human genital;

554 (iii) a human public a

- 555                             (iv) a human anus; or  
556                             (b) a state of dress that fails to opaquely cover:  
557                                 (i) the nipple or areola of a female human breast;  
558                                 (ii) a human genital;  
559                                 (iii) a human pubic area; or  
560                                 (iv) a human anus.
- 561                             (112) "State of seminudity" means a state of dress in which opaque clothing covers no  
562 more than:  
563                             (a) the nipple and areola of the female human breast in a shape and color other than the  
564 natural shape and color of the nipple and areola; and  
565                             (b) the human genitals, pubic area, and anus:  
566                                 (i) with no less than the following at its widest point:  
567                                     (A) four inches coverage width in the front of the human body; and  
568                                     (B) five inches coverage width in the back of the human body; and  
569                                 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 570                             (113) (a) "State store" means a facility for the sale of packaged liquor:  
571                                 (i) located on premises owned or leased by the state; and  
572                                 (ii) operated by a state employee.  
573                             (b) "State store" does not include:  
574                                 (i) a package agency;  
575                                 (ii) a licensee; or  
576                                 (iii) a permittee.
- 577                             (114) (a) "Storage area" means an area on licensed premises where the licensee stores  
578 an alcoholic product.  
579                             (b) "Store" means to place or maintain in a location an alcoholic product.
- 580                             (115) "Sublicense" means the same as that term is defined in Section 32B-8-102 or  
581 32B-8b-102.
- 582                             (116) "Supplier" means a person who sells an alcoholic product to the department.
- 583                             (117) "Tavern" means an on-premise beer retailer who is:  
584                                 (a) issued a license by the commission in accordance with Chapter 5, Retail License  
585 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

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

588                   (118) "Temporary beer event permit" means a permit issued in accordance with  
589 Chapter 9, Part 4, Temporary Beer Event Permit.

590                   (119) "Temporary domicile" means the principal place of abode within Utah of a  
591 person who does not have a present intention to continue residency within Utah permanently or  
592 indefinitely.

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

595                   (121) "Unsaleable liquor merchandise" means a container that:

596                   (a) is unsaleable because the container is:

597                   (i) unlabeled;

598                   (ii) leaky;

599                   (iii) damaged;

600                   (iv) difficult to open; or

601                   (v) partly filled;

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

603                   (ii) has contents that are:

604                   (A) cloudy;

605                   (B) spoiled; or

606                   (C) chemically determined to be impure; or

607                   (iii) contains:

608                   (A) sediment; or

609                   (B) a foreign substance; or

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

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

614                   (b) "Wine" includes:

615                   (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.  
616 4.10; and

617           (ii) hard cider.

618           (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided  
619       in this title.

620           (123) "Winery manufacturing license" means a license issued in accordance with  
621       Chapter 11, Part 3, Winery Manufacturing License.

622           **Section 2. Effective date.**

623           This bill takes effect on July 1, 2019.