

2nd Sub. H.B. 453

ALCOHOL AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 12, 2019 6:49 PM

Senator **Jerry W. Stevenson** proposes the following amendments:

1. *Page 2, Line 33:*

- 33 ▶ 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;**

2. *Page 3, Line 80:*

- 80 32B-6-905.1, as last amended by Laws of Utah 2018, Chapters 249 and 281
 = **32B-7-202, as last amended by Laws of Utah 2018, Chapter 249**

3. *Page 96, Line 2962:*

- 2962 (ii) is not required to comply with the provisions of Section 32B-6-905.
 = **Section 38. Section 32B-7-202 is amended to read:**
 32B-7-202. General operational requirements for off-premise beer retailer.
 (1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with the provisions of this title and any applicable rules made by the commission.
 (b) Failure to comply with this section may result in a suspension or revocation of a local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act.
 (2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from:
 (A) a beer wholesaler licensee; or
 (B) a small brewer that manufactures the beer.
 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
 (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.
 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.
 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters.
 (4) (a) Staff of an off-premise beer retailer, while on duty, may not:

- (i) consume an alcoholic product; or
- (ii) be intoxicated.
- (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:
 - (i) the sale is done under the supervision of a person 21 years of age or older who is on the licensed premises; and
 - (ii) the minor is at least 16 years of age.
- (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to:
 - (a) a minor;
 - (b) a person actually, apparently, or obviously intoxicated;
 - (c) a known interdicted person; or
 - (d) a known habitual drunkard.
- (6) (a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer shall:
 - (i) display all beer accessible by and visible to a patron in no more than two locations on the retail sales floor, each of which is:
 - (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage displayed; and
 - (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a door from which the nonalcoholic beverages are not accessible, or the beer is separated from the display of nonalcoholic beverages by a display of one or more nonbeverage products or another physical divider; and
 - (ii) display a sign in the area described in Subsection (6)(a)(i) that:
 - (A) is prominent;
 - (B) is easily readable by a consumer;
 - (C) meets the requirements for format established by the commission by rule; and
 - (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please read the label carefully."
- (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is labeled, packaged, or advertised as:
 - (i) a malt cooler; or
 - (ii) a beverage that may provide energy.
- (d) A violation of this Subsection (6) is an infraction.
- (e) (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i) apply on and after May 9, 2017.
- (ii) For a beer retailer that operates two or more off-premise beer retailers, the provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- (7) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to a patron for consumption off the premises of the off-premise beer retailer shall wear a unique identification badge:
 - (i) on the front of the staff's clothing;

- (ii) visible above the waist;
- (iii) bearing the staff's:
 - (A) first or last name;
 - (B) initials; or
 - (C) unique identification in letters or numbers; and
- (iv) with the number or letters on the unique identification badge being sufficiently large to be clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.

(b) An off-premise beer retailer shall make and maintain a record of each current staff's unique identification badge assigned by the off-premise beer retailer that includes the staff's:

- (i) full name;
- (ii) address; and
- (iii) (A) driver license number; or
- (B) similar identification number.

(c) An off-premise beer retailer shall make available a record required to be made or maintained under this Subsection (7) for immediate inspection by:

- (i) a peace officer;
- (ii) a representative of the local authority that issues the off-premise beer retailer license; or
- (iii) for an off-premise beer retailer state license, a representative of the commission or department.
- (d) A local authority may impose a fine of up to \$250 against an off-premise beer retailer that does not comply or require its staff to comply with this Subsection (7).

(8) (a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
(i) through a drive through window;
(ii) at a drive-up loading area, if the area is contiguous to the licensed premises; or
(iii) subject to Subsection (8)(b), at a designated parking stall described.
(b) (i) A parking stall described in Subsection (8)(a)(iii) shall be:
(A) located on property that the off-premise beer retail owns or has a legal right to occupy; and
(B) designated by the off-premise beer retailer for picking up pre-ordered items from the
off-premise beer retailer; and
(C) labeled in a conspicuous manner that communicates the purpose of the stall described in
Subsection (8)(b)(i)(B).
(c) An off-premise beer retailer may not designated more than eight parking stalls under
Subsection (8)(a)(iii).
(d) Nothing in this Subsection (8) modifies the display limitations and requirements described in
Subsection (6).

RENUMBER REMAINING SECTIONS ACCORDINGLY