

BEER TRANSITION PERIOD AMENDMENTS

2019 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 9 absent

General Description:

This bill enacts provisions to the Alcohol Beverage Control Act regarding the transition of certain heavy beer to beer.

Highlighted Provisions:

This bill:

- ▶ defines newly-classified beer;
- ▶ permits a licensee to purchase, sell to another licensee, transport, or store newly-classified beer under certain conditions; and
- ▶ provides a repeal date.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-2-232, as last amended by Laws of Utah 2019, Chapters 12, 136, 336, 403 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 403



28 ENACTS:

29 [32B-1-207.1](#), Utah Code Annotated 1953



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

32 Section 1. Section **32B-1-207.1** is enacted to read:

33 **32B-1-207.1. Newly-classified beer transition period.**

34 (1) As used in this section, "newly-classified beer" means heavy beer that contains up
35 to 5% of alcohol by volume or 4% by weight.

36 (2) Notwithstanding any other provision of law, beginning October 24, 2019, and
37 ending October 31, 2019, a licensee may:

38 (a) purchase, sell to another licensee, or transport newly-classified beer to the same
39 extent the licensee is authorized under this title to purchase, sell to another licensee, or
40 transport beer; or

41 (b) subject to Subsection (4), store newly-classified beer to the same extent the licensee
42 is authorized under this title to store beer.

43 (3) Nothing in this section permits a licensee to sell, offer for sale, or furnish heavy
44 beer to a patron beyond the extent permitted under the licensee's license.

45 (4) A licensee that stores newly-classified beer during the period described in
46 Subsection (2) shall:

47 (a) store the newly-classified beer in a manner that separates the newly-classified beer
48 from beer, which may include storing the newly-classified beer:

49 (i) on a different pallet than beer; or

50 (ii) in a different area of a storage room than beer in the storage room;

51 (b) store the newly-classified beer outside the view of patrons and the general public;

52 and

53 (c) display a conspicuous sign on the newly-classified beer clearly stating that the
54 newly-classified beer may not be sold before November 1, 2019.

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

56 **63I-2-232. Repeal dates -- Title 32B.**

57 (1) Subsection [32B-1-102\(7\)](#) is repealed July 1, 2022.

58 (2) Section [32B-1-207.1](#) is repealed November 1, 2019.

- 59 [~~(2)~~] (3) Subsection 32B-1-407(3)(d) is repealed July 1, 2022.
- 60 [~~(3)~~] (4) Section 32B-2-211.1 is repealed November 1, 2020.
- 61 [~~(4)~~] (5) Subsections 32B-6-202(3) and (4) are repealed July 1, 2022.
- 62 [~~(5)~~] (6) Section 32B-6-205 is repealed July 1, 2022.
- 63 [~~(6)~~] (7) Subsection 32B-6-205.2(14) is repealed July 1, 2022.
- 64 [~~(7)~~] (8) Section 32B-6-205.3 is repealed July 1, 2022.
- 65 [~~(8)~~] (9) Subsections 32B-6-302(3) and (4) are repealed July 1, 2022.
- 66 [~~(9)~~] (10) Section 32B-6-305 is repealed July 1, 2022.
- 67 [~~(10)~~] (11) Subsection 32B-6-305.2(14) is repealed July 1, 2022.
- 68 [~~(11)~~] (12) Section 32B-6-305.3 is repealed July 1, 2022.
- 69 [~~(12)~~] (13) Section 32B-6-404.1 is repealed July 1, 2022.
- 70 [~~(13)~~] (14) Section 32B-6-409 is repealed July 1, 2022.
- 71 [~~(14) Section 32B-6-605.1 is repealed July 1, 2019.]~~
- 72 (15) Subsection 32B-6-703(2)(e)(iv) is repealed July 1, 2022.
- 73 (16) Subsections 32B-6-902(1)(c), (1)(d), and (2) are repealed July 1, 2022.
- 74 (17) Section 32B-6-905 is repealed July 1, 2022.
- 75 (18) Subsection 32B-6-905.1(15) is repealed July 1, 2022.
- 76 (19) Section 32B-6-905.2 is repealed July 1, 2022.
- 77 [~~(20) Section 32B-7-303 is repealed June 1, 2019.]~~
- 78 [~~(21) Section 32B-7-304 is repealed June 1, 2019.]~~
- 79 [~~(22)~~] (20) Subsection 32B-8-402(1)(b) is repealed July 1, 2022.

80 Section 3. **Effective date.**

81 If approved by two-thirds of all the members elected to each house, this bill takes effect
 82 upon approval by the governor, or the day following the constitutional time limit of Utah
 83 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
 84 the date of veto override.