

**BEER DELIVERY PROGRAM**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Robert M. Spendlove**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill enacts the Beer Delivery License Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ grants the Alcoholic Beverage Control Commission power to issue a beer delivery license under certain conditions;
- ▶ establishes application requirements for a beer delivery license;
- ▶ establishes renewal requirements for a beer delivery license;
- ▶ requires a beer delivery licensee to notify the Department of Alcoholic Beverage Control of certain changes in ownership;
- ▶ establishes operational requirements for a beer delivery licensee;
- ▶ establishes additional penalties for furnishing beer to a minor;
- ▶ requires the Department of Alcoholic Beverage Control and the Division of Substance Abuse and Mental Health to establish training for authorized delivery agents; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **32B-1-102**, as last amended by Laws of Utah 2019, Chapters 336, 403, 498 and last  
32 amended by Coordination Clause, Laws of Utah 2019, Chapter 403

33 **32B-1-305**, as last amended by Laws of Utah 2019, Chapter 403

34 **32B-1-407**, as last amended by Laws of Utah 2018, Chapter 249

35 **32B-1-607**, as last amended by Laws of Utah 2019, Chapter 403

36 **32B-1-704**, as renumbered and amended by Laws of Utah 2019, Chapter 403

37 **62A-15-401**, as last amended by Laws of Utah 2019, Chapter 403

38 **63I-2-232**, as last amended by Laws of Utah 2019, First Special Session, Chapter 2

39 ENACTS:

40 **32B-7a-101**, Utah Code Annotated 1953

41 **32B-7a-102**, Utah Code Annotated 1953

42 **32B-7a-201**, Utah Code Annotated 1953

43 **32B-7a-202**, Utah Code Annotated 1953

44 **32B-7a-203**, Utah Code Annotated 1953

45 **32B-7a-204**, Utah Code Annotated 1953

46 **32B-7a-205**, Utah Code Annotated 1953

47 **32B-7a-301**, Utah Code Annotated 1953

48 **32B-7a-302**, Utah Code Annotated 1953

49 **32B-7a-303**, Utah Code Annotated 1953

50 **32B-7a-401**, Utah Code Annotated 1953

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

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

54 **32B-1-102. Definitions.**

55 As used in this title:

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

57 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

58 (b) that is located at an international airport with a United States Customs office on the

59 premises of the international airport.

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

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

63 (a) beer; or

64 (b) liquor.

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

66 (i) contains at least .5% of alcohol by volume; and

67 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
68 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
69 in an amount equal to or greater than .5% of alcohol by volume.

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

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

73 (i) except as provided in Subsection (4)(d), an extract;

74 (ii) vinegar;

75 (iii) preserved nonintoxicating cider;

76 (iv) essence;

77 (v) tincture;

78 (vi) food preparation; or

79 (vii) an over-the-counter medicine.

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

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

83 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and

84 (b) described in Section [62A-15-401](#).

85 (6) (a) "Authorized delivery agent" means an individual whom a beer delivery licensee  
86 authorizes to make an off-premise beer delivery on behalf of the licensee.

87 (b) "Authorized delivery agent" may include:

88 (i) staff of a beer delivery licensee; or

89 (ii) an individual who:

90            (A) is an independent contractor; and  
91            (B) contracts with a beer delivery licensee to make an off-premise beer delivery.  
92            ~~[(6)]~~ (7) "Banquet" means a private event:  
93            (a) that is held at one or more designated locations approved by the commission in or  
94 on the premises of a:  
95            (i) hotel;  
96            (ii) resort facility;  
97            (iii) sports center;  
98            (iv) convention center; or  
99            (v) performing arts facility;  
100           (b) for which there is a contract:  
101           (i) between a person operating a facility listed in Subsection ~~[(6)]~~ (7)(a) and another  
102 person; and  
103           (ii) under which the person operating a facility listed in Subsection ~~[(6)]~~ (7)(a) is  
104 required to provide an alcoholic product at the event; and  
105           (c) at which food and alcoholic products may be sold, offered for sale, or furnished.  
106           ~~[(7)]~~ (8) "Bar structure" means a surface or structure on a licensed premises if on or at  
107 any place of the surface or structure an alcoholic product is:  
108           (a) stored; or  
109           (b) dispensed.  
110           ~~[(8)]~~ (9) (a) "Bar establishment license" means a license issued in accordance with  
111 Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.  
112           (b) "Bar establishment license" includes:  
113           (i) a dining club license;  
114           (ii) an equity license;  
115           (iii) a fraternal license; or  
116           (iv) a bar license.  
117           ~~[(9)]~~ (10) "Bar license" means a license issued in accordance with Chapter 5, Retail  
118 License Act, and Chapter 6, Part 4, Bar Establishment License.  
119           ~~[(10)]~~ (11) (a) Subject to Subsection ~~[(10)]~~ (11)(d), "beer" means a product that:  
120           (i) contains at least .5% of alcohol by volume, but not more than 5% of alcohol by

121 volume or 4% by weight; and

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

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

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

125 (i) contains alcohol in the percentages described in Subsection [~~(10)~~] (11)(a); and

126 (ii) is referred to as:

127 (A) beer;

128 (B) ale;

129 (C) porter;

130 (D) stout;

131 (E) lager; or

132 (F) a malt or malted beverage.

133 (d) "Beer" does not include a flavored malt beverage.

134 (12) "Beer delivery license" means a licensed issued in accordance with Chapter 7a,

135 Beer Delivery License Act.

136 [~~(11)~~] (13) "Beer-only restaurant license" means a license issued in accordance with

137 Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

138 [~~(12)~~] (14) "Beer retailer" means a business that:

139 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether  
140 for consumption on or off the business premises; and

141 (b) is licensed as:

142 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer

143 Retailer Local Authority; or

144 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and

145 Chapter 6, Part 7, On-Premise Beer Retailer License.

146 [~~(13)~~] (15) "Beer wholesaling license" means a license:

147 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and

148 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more

149 retail licensees or off-premise beer retailers.

150 [~~(14)~~] (16) "Billboard" means a public display used to advertise, including:

151 (a) a light device;

- 152 (b) a painting;
- 153 (c) a drawing;
- 154 (d) a poster;
- 155 (e) a sign;
- 156 (f) a signboard; or
- 157 (g) a scoreboard.
- 158 ~~[(15)]~~ (17) "Brewer" means a person engaged in manufacturing:
- 159 (a) beer;
- 160 (b) heavy beer; or
- 161 (c) a flavored malt beverage.
- 162 ~~[(16)]~~ (18) "Brewery manufacturing license" means a license issued in accordance with
- 163 Chapter 11, Part 5, Brewery Manufacturing License.
- 164 ~~[(17)]~~ (19) "Certificate of approval" means a certificate of approval obtained from the
- 165 department under Section 32B-11-201.
- 166 ~~[(18)]~~ (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle
- 167 provided by a bus company to a group of persons pursuant to a common purpose:
- 168 (a) under a single contract;
- 169 (b) at a fixed charge in accordance with the bus company's tariff; and
- 170 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 171 motor vehicle, and a driver to travel together to one or more specified destinations.
- 172 ~~[(19)]~~ (21) "Church" means a building:
- 173 (a) set apart for worship;
- 174 (b) in which religious services are held;
- 175 (c) with which clergy is associated; and
- 176 (d) that is tax exempt under the laws of this state.
- 177 ~~[(20)]~~ (22) "Commission" means the Alcoholic Beverage Control Commission created
- 178 in Section 32B-2-201.
- 179 ~~[(21)]~~ (23) "Commissioner" means a member of the commission.
- 180 ~~[(22)]~~ (24) "Community location" means:
- 181 (a) a public or private school;
- 182 (b) a church;

183 (c) a public library;

184 (d) a public playground; or

185 (e) a public park.

186 [~~(23)~~] (25) "Community location governing authority" means:

187 (a) the governing body of the community location; or

188 (b) if the commission does not know who is the governing body of a community  
189 location, a person who appears to the commission to have been given on behalf of the  
190 community location the authority to prohibit an activity at the community location.

191 [~~(24)~~] (26) "Container" means a receptacle that contains an alcoholic product,  
192 including:

193 (a) a bottle;

194 (b) a vessel; or

195 (c) a similar item.

196 [~~(25)~~] (27) "Convention center" means a facility that is:

197 (a) in total at least 30,000 square feet; and

198 (b) otherwise defined as a "convention center" by the commission by rule.

199 [~~(26)~~] (28) (a) "Counter" means a surface or structure in a dining area of a licensed  
200 premises where seating is provided to a patron for service of food.

201 (b) "Counter" does not include a dispensing structure.

202 [~~(27)~~] (29) "Crime involving moral turpitude" is as defined by the commission by rule.

203 [~~(28)~~] (30) "Department" means the Department of Alcoholic Beverage Control created  
204 in Section [32B-2-203](#).

205 [~~(29)~~] (31) "Department compliance officer" means an individual who is:

206 (a) an auditor or inspector; and

207 (b) employed by the department.

208 [~~(30)~~] (32) "Department sample" means liquor that is placed in the possession of the  
209 department for testing, analysis, and sampling.

210 [~~(31)~~] (33) "Dining club license" means a license issued in accordance with Chapter 5,  
211 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
212 commission as a dining club license.

213 [~~(32)~~] (34) "Director," unless the context requires otherwise, means the director of the

214 department.

215 ~~[(33)]~~ (35) "Disciplinary proceeding" means an adjudicative proceeding permitted  
216 under this title:

217 (a) against a person subject to administrative action; and

218 (b) that is brought on the basis of a violation of this title.

219 ~~[(34)]~~ (36) (a) Subject to Subsection ~~[(34)]~~ (36)(b), "dispense" means:

220 (i) drawing an alcoholic product; and

221 (ii) using the alcoholic product at the location from which it was drawn to mix or

222 prepare an alcoholic product to be furnished to a patron of the retail licensee.

223 (b) The definition of "dispense" in this Subsection ~~[(34)]~~ (36) applies only to:

224 (i) a full-service restaurant license;

225 (ii) a limited-service restaurant license;

226 (iii) a reception center license; and

227 (iv) a beer-only restaurant license.

228 ~~[(35)]~~ (37) "Dispensing structure" means a surface or structure on a licensed premises:

229 (a) where an alcoholic product is dispensed; or

230 (b) from which an alcoholic product is served.

231 ~~[(36)]~~ (38) "Distillery manufacturing license" means a license issued in accordance

232 with Chapter 11, Part 4, Distillery Manufacturing License.

233 ~~[(37)]~~ (39) "Distressed merchandise" means an alcoholic product in the possession of

234 the department that is saleable, but for some reason is unappealing to the public.

235 ~~[(38)]~~ (40) "Educational facility" includes:

236 (a) a nursery school;

237 (b) an infant day care center; and

238 (c) a trade and technical school.

239 ~~[(39)]~~ (41) "Equity license" means a license issued in accordance with Chapter 5,

240 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the

241 commission as an equity license.

242 ~~[(40)]~~ (42) "Event permit" means:

243 (a) a single event permit; or

244 (b) a temporary beer event permit.

245           ~~[(41)]~~ (43) "Exempt license" means a license exempt under Section 32B-1-201 from  
246 being considered in determining the total number of retail licenses that the commission may  
247 issue at any time.

248           ~~[(42)]~~ (44) (a) "Flavored malt beverage" means a beverage:

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

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

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

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

257           (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

258           (b) "Flavored malt beverage" is considered liquor for purposes of this title.

259           ~~[(43)]~~ (45) "Fraternal license" means a license issued in accordance with Chapter 5,  
260 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
261 commission as a fraternal license.

262           ~~[(44)]~~ (46) "Full-service restaurant license" means a license issued in accordance with  
263 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

264           ~~[(45)]~~ (47) (a) "Furnish" means by any means to provide with, supply, or give an  
265 individual an alcoholic product, by sale or otherwise.

266           (b) "Furnish" includes to:

267           (i) serve;

268           (ii) deliver; or

269           (iii) otherwise make available.

270           ~~[(46)]~~ (48) "Guest" means an individual who meets the requirements of Subsection  
271 32B-6-407(9).

272           ~~[(47)]~~ (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

273           ~~[(48)]~~ (50) "Health care practitioner" means:

274           (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

275           (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

- 276 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 277 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
- 278 Act;
- 279 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 280 Nurse Practice Act;
- 281 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
- 282 Practice Act;
- 283 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
- 284 Therapy Practice Act;
- 285 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 286 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
- 287 Professional Practice Act;
- 288 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 289 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
- 290 Practice Act;
- 291 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 292 Hygienist Practice Act; and
- 293 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 294 Assistant Act.
- 295 [~~(49)~~] (51) (a) "Heavy beer" means a product that:
- 296 (i) contains more than 5% alcohol by volume; and
- 297 (ii) is obtained by fermentation, infusion, or decoction of malted grain.
- 298 (b) "Heavy beer" is considered liquor for the purposes of this title.
- 299 [~~(50)~~] (52) "Hotel" means a commercial lodging establishment that:
- 300 (a) offers at least 30 temporary sleeping accommodations for compensation;
- 301 (b) is capable of hosting conventions, conferences, and food and beverage functions
- 302 under a banquet contract; and
- 303 (c) (i) has adequate kitchen or culinary facilities on the premises to provide complete
- 304 meals; or
- 305 (ii) (A) has at least 1,000 square feet of function space consisting of meeting or dining
- 306 rooms that can be reserved for private use under a banquet contract that can accommodate at

307 least 75 individuals; or

308 (B) if the establishment is located in a small or unincorporated locality, has an  
309 appropriate amount of function space consisting of meeting or dining rooms that can be  
310 reserved for private use under a banquet contract, as determined by the commission.

311 [~~(51)~~] (53) "Hotel license" means a license issued in accordance with Chapter 5, Retail  
312 License Act, and Chapter 8b, Hotel License Act.

313 [~~(52)~~] (54) "Identification card" means an identification card issued under Title 53,  
314 Chapter 3, Part 8, Identification Card Act.

315 [~~(53)~~] (55) "Industry representative" means an individual who is compensated by  
316 salary, commission, or other means for representing and selling an alcoholic product of a  
317 manufacturer, supplier, or importer of liquor.

318 [~~(54)~~] (56) "Industry representative sample" means liquor that is placed in the  
319 possession of the department for testing, analysis, and sampling by a local industry  
320 representative on the premises of the department to educate the local industry representative of  
321 the quality and characteristics of the product.

322 [~~(55)~~] (57) "Interdicted person" means a person to whom the sale, offer for sale, or  
323 furnishing of an alcoholic product is prohibited by:

324 (a) law; or

325 (b) court order.

326 [~~(56)~~] (58) "Intoxicated" means that a person:

327 (a) is significantly impaired as to the person's mental or physical functions as a result of  
328 the use of:

329 (i) an alcoholic product;

330 (ii) a controlled substance;

331 (iii) a substance having the property of releasing toxic vapors; or

332 (iv) a combination of Subsections [~~(56)~~] (58)(a)(i) through (iii); and

333 (b) exhibits plain and easily observed outward manifestations of behavior or physical  
334 signs produced by the overconsumption of an alcoholic product.

335 [~~(57)~~] (59) "Investigator" means an individual who is:

336 (a) a department compliance officer; or

337 (b) a nondepartment enforcement officer.

338           ~~[(58)]~~ (60) "Invitee" means the same as that term is defined in Section [32B-8-102](#).  
339           ~~[(59)]~~ (61) "License" means:  
340           (a) a retail license;  
341           **(b) a license issued in accordance with Chapter 7, Off-Premise Beer Retailer Act;**  
342           **(c) a license issued in accordance with Chapter 7a, Beer Delivery License Act;**  
343           ~~[(b)]~~ (d) a license issued in accordance with Chapter 11, Manufacturing and Related  
344 Licenses Act;  
345           ~~[(c)]~~ (e) a license issued in accordance with Chapter 12, Liquor Warehousing License  
346 Act;  
347           ~~[(d)]~~ (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act;  
348 or  
349           ~~[(e)]~~ (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.  
350           ~~[(60)]~~ (62) "Licensee" means a person who holds a license.  
351           ~~[(61)]~~ (63) "Limited-service restaurant license" means a license issued in accordance  
352 with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.  
353           ~~[(62)]~~ (64) "Limousine" means a motor vehicle licensed by the state or a local  
354 authority, other than a bus or taxicab:  
355           (a) in which the driver and a passenger are separated by a partition, glass, or other  
356 barrier;  
357           (b) that is provided by a business entity to one or more individuals at a fixed charge in  
358 accordance with the business entity's tariff; and  
359           (c) to give the one or more individuals the exclusive use of the limousine and a driver  
360 to travel to one or more specified destinations.  
361           ~~[(63)]~~ (65) (a) (i) "Liquor" means a liquid that:  
362           (A) is:  
363           (I) alcohol;  
364           (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;  
365           (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or  
366           (IV) other drink or drinkable liquid; and  
367           (B) (I) contains at least .5% alcohol by volume; and  
368           (II) is suitable to use for beverage purposes.

369 (ii) "Liquor" includes:

370 (A) heavy beer;

371 (B) wine; and

372 (C) a flavored malt beverage.

373 (b) "Liquor" does not include beer.

374 ~~[(64)]~~ (66) "Liquor Control Fund" means the enterprise fund created by Section  
375 32B-2-301.

376 ~~[(65)]~~ (67) "Liquor transport license" means a license issued in accordance with  
377 Chapter 17, Liquor Transport License Act.

378 ~~[(66)]~~ (68) "Liquor warehousing license" means a license that is issued:

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

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

382 ~~[(67)]~~ (69) "Local authority" means:

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

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

387 (c) for premises that are located in a project area as defined in Section 63H-1-201 and  
388 in a project area plan adopted by the Military Installation Development Authority under Title  
389 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation  
390 Development Authority.

391 ~~[(68)]~~ (70) "Lounge or bar area" is as defined by rule made by the commission.

392 ~~[(69)]~~ (71) "Manufacture" means to distill, brew, rectify, mix, compound, process,  
393 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to  
394 others.

395 ~~[(70)]~~ (72) "Member" means an individual who, after paying regular dues, has full  
396 privileges in an equity licensee or fraternal licensee.

397 ~~[(71)]~~ (73) (a) "Military installation" means a base, air field, camp, post, station, yard,  
398 center, or homeport facility for a ship:

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

400 (B) of the National Guard;  
401 (ii) that is located within the state; and  
402 (iii) including a leased facility.  
403 (b) "Military installation" does not include a facility used primarily for:  
404 (i) civil works;  
405 (ii) a rivers and harbors project; or  
406 (iii) a flood control project.  
407 [~~(72)~~] (74) "Minibar" means an area of a hotel guest room where one or more alcoholic  
408 products are kept and offered for self-service sale or consumption.  
409 [~~(73)~~] (75) "Minor" means an individual under the age of 21 years.  
410 [~~(74)~~] (76) "Nondepartment enforcement agency" means an agency that:  
411 (a) (i) is a state agency other than the department; or  
412 (ii) is an agency of a county, city, town, or metro township; and  
413 (b) has a responsibility to enforce one or more provisions of this title.  
414 [~~(75)~~] (77) "Nondepartment enforcement officer" means an individual who is:  
415 (a) a peace officer, examiner, or investigator; and  
416 (b) employed by a nondepartment enforcement agency.  
417 (78) "Off-premise beer delivery" means the delivery of beer:  
418 (a) to a location in this state off premises licensed under this title; and  
419 (b) by a person licensed to conduct business in this state.  
420 [~~(76)~~] (79) (a) "Off-premise beer retailer" means a beer retailer who is:  
421 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and  
422 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's  
423 premises.  
424 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.  
425 [~~(77)~~] (80) "Off-premise beer retailer state license" means a state license issued in  
426 accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.  
427 [~~(78)~~] (81) "On-premise banquet license" means a license issued in accordance with  
428 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.  
429 [~~(79)~~] (82) "On-premise beer retailer" means a beer retailer who is:  
430 (a) authorized to sell, offer for sale, or furnish beer under a license issued in

431 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer  
432 Retailer License; and

433 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's  
434 premises:

435 (i) regardless of whether the beer retailer sells beer for consumption off the licensed  
436 premises; and

437 (ii) on and after March 1, 2012, operating:

438 (A) as a tavern; or

439 (B) in a manner that meets the requirements of Subsection [32B-6-703\(2\)\(e\)\(i\)](#).

440 ~~[(80)]~~ [\(83\)](#) "Opaque" means impenetrable to sight.

441 ~~[(81)]~~ [\(84\)](#) "Package agency" means a retail liquor location operated:

442 (a) under an agreement with the department; and

443 (b) by a person:

444 (i) other than the state; and

445 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package  
446 Agency, to sell packaged liquor for consumption off the premises of the package agency.

447 ~~[(82)]~~ [\(85\)](#) "Package agent" means a person who holds a package agency.

448 ~~[(83)]~~ [\(86\)](#) "Patron" means an individual to whom food, beverages, or services are sold,  
449 offered for sale, or furnished, or who consumes an alcoholic product including:

450 (a) a customer;

451 (b) a member;

452 (c) a guest;

453 (d) an attendee of a banquet or event;

454 (e) an individual who receives room service;

455 (f) a resident of a resort;

456 (g) a public customer under a resort spa sublicense, as defined in Section [32B-8-102](#);

457 or

458 (h) an invitee.

459 ~~[(84)]~~ [\(87\)](#) (a) "Performing arts facility" means a multi-use performance space that:

460 (i) is primarily used to present various types of performing arts, including dance,  
461 music, and theater;

- 462 (ii) contains over 2,500 seats;
- 463 (iii) is owned and operated by a governmental entity; and
- 464 (iv) is located in a city of the first class.

465 (b) "Performing arts facility" does not include a space that is used to present sporting  
466 events or sporting competitions.

467 [~~85~~] (88) "Permittee" means a person issued a permit under:

- 468 (a) Chapter 9, Event Permit Act; or
- 469 (b) Chapter 10, Special Use Permit Act.

470 [~~86~~] (89) "Person subject to administrative action" means:

- 471 (a) a licensee;
- 472 (b) a permittee;
- 473 (c) a manufacturer;
- 474 (d) a supplier;
- 475 (e) an importer;
- 476 (f) one of the following holding a certificate of approval:
  - 477 (i) an out-of-state brewer;
  - 478 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
  - 479 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 480 (g) staff of:
  - 481 (i) a person listed in Subsections [~~86~~] (89)(a) through (f); or
  - 482 (ii) a package agent.

483 [~~87~~] (90) "Premises" means a building, enclosure, or room used in connection with  
484 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic  
485 product, unless otherwise defined in this title or rules made by the commission.

486 [~~88~~] (91) "Prescription" means an order issued by a health care practitioner when:

487 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,  
488 to prescribe a controlled substance, other drug, or device for medicinal purposes;

489 (b) the order is made in the course of that health care practitioner's professional  
490 practice; and

491 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

492 [~~89~~] (92) (a) "Private event" means a specific social, business, or recreational event:

493 (i) for which an entire room, area, or hall is leased or rented in advance by an identified  
494 group; and

495 (ii) that is limited in attendance to people who are specifically designated and their  
496 guests.

497 (b) "Private event" does not include an event to which the general public is invited,  
498 whether for an admission fee or not.

499 [~~90~~] (93) (a) "Proof of age" means:

500 (i) an identification card;

501 (ii) an identification that:

502 (A) is substantially similar to an identification card;

503 (B) is issued in accordance with the laws of a state other than Utah in which the  
504 identification is issued;

505 (C) includes date of birth; and

506 (D) has a picture affixed;

507 (iii) a valid driver license certificate that:

508 (A) includes date of birth;

509 (B) has a picture affixed; and

510 (C) is issued:

511 (I) under Title 53, Chapter 3, Uniform Driver License Act; or

512 (II) in accordance with the laws of the state in which it is issued;

513 (iv) a military identification card that:

514 (A) includes date of birth; and

515 (B) has a picture affixed; or

516 (v) a valid passport.

517 (b) "Proof of age" does not include a driving privilege card issued in accordance with  
518 Section [53-3-207](#).

519 [~~91~~] (94) (a) "Public building" means a building or permanent structure that is:

520 (i) owned or leased by:

521 (A) the state; or

522 (B) a local government entity; and

523 (ii) used for:

- 524 (A) public education;
- 525 (B) transacting public business; or
- 526 (C) regularly conducting government activities.

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

530 [~~(92)~~] (95) "Public conveyance" means a conveyance that the public or a portion of the  
531 public has access to and a right to use for transportation, including an airline, railroad, bus,  
532 boat, or other public conveyance.

533 [~~(93)~~] (96) "Reception center" means a business that:

- 534 (a) operates facilities that are at least 5,000 square feet; and
- 535 (b) has as its primary purpose the leasing of the facilities described in Subsection [~~(93)~~]  
536 (96)(a) to a third party for the third party's event.

537 [~~(94)~~] (97) "Reception center license" means a license issued in accordance with  
538 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

539 [~~(95)~~] (98) (a) "Record" means information that is:

- 540 (i) inscribed on a tangible medium; or
- 541 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 542 (b) "Record" includes:
- 543 (i) a book;
- 544 (ii) a book of account;
- 545 (iii) a paper;
- 546 (iv) a contract;
- 547 (v) an agreement;
- 548 (vi) a document; or
- 549 (vii) a recording in any medium.

550 [~~(96)~~] (99) "Residence" means a person's principal place of abode within Utah.

551 [~~(97)~~] (100) "Resident," in relation to a resort, means the same as that term is defined  
552 in Section [32B-8-102](#).

553 [~~(98)~~] (101) "Resort" means the same as that term is defined in Section [32B-8-102](#).

554 [~~(99)~~] (102) "Resort facility" is as defined by the commission by rule.

555            [~~(100)~~] (103) "Resort license" means a license issued in accordance with Chapter 5,  
556 Retail License Act, and Chapter 8, Resort License Act.

557            [~~(101)~~] (104) "Responsible alcohol service plan" means a written set of policies and  
558 procedures that outlines measures to prevent employees from:

- 559            (a) over-serving alcoholic beverages to customers;
- 560            (b) serving alcoholic beverages to customers who are actually, apparently, or obviously  
561 intoxicated; and
- 562            (c) serving alcoholic beverages to minors.

563            [~~(102)~~] (105) "Restaurant" means a business location:

- 564            (a) at which a variety of foods are prepared;
- 565            (b) at which complete meals are served; and
- 566            (c) that is engaged primarily in serving meals.

567            [~~(103)~~] (106) "Retail license" means one of the following licenses issued under this  
568 title:

- 569            (a) a full-service restaurant license;
- 570            (b) a master full-service restaurant license;
- 571            (c) a limited-service restaurant license;
- 572            (d) a master limited-service restaurant license;
- 573            (e) a bar establishment license;
- 574            (f) an airport lounge license;
- 575            (g) an on-premise banquet license;
- 576            (h) an on-premise beer license;
- 577            (i) a reception center license;
- 578            (j) a beer-only restaurant license;
- 579            (k) a resort license; or
- 580            (l) a hotel license.

581            [~~(104)~~] (107) "Room service" means furnishing an alcoholic product to a person in a  
582 guest room of a:

- 583            (a) hotel; or
- 584            (b) resort facility.

585            [~~(105)~~] (108) (a) "School" means a building used primarily for the general education of

586 minors.

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

588 ~~[(106)]~~ (109) "Sell" or "offer for sale" means a transaction, exchange, or barter  
589 whereby, for consideration, an alcoholic product is either directly or indirectly transferred,  
590 solicited, ordered, delivered for value, or by a means or under a pretext is promised or  
591 obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise  
592 defined in this title or the rules made by the commission.

593 ~~[(107)]~~ (110) "Serve" means to place an alcoholic product before an individual.

594 ~~[(108)]~~ (111) "Sexually oriented entertainer" means a person who while in a state of  
595 seminudity appears at or performs:

596 (a) for the entertainment of one or more patrons;

597 (b) on the premises of:

598 (i) a bar licensee; or

599 (ii) a tavern;

600 (c) on behalf of or at the request of the licensee described in Subsection ~~[(108)]~~

601 (111)(b);

602 (d) on a contractual or voluntary basis; and

603 (e) whether or not the person is designated as:

604 (i) an employee;

605 (ii) an independent contractor;

606 (iii) an agent of the licensee; or

607 (iv) a different type of classification.

608 ~~[(109)]~~ (112) "Single event permit" means a permit issued in accordance with Chapter  
609 9, Part 3, Single Event Permit.

610 ~~[(110)]~~ (113) "Small brewer" means a brewer who manufactures less than 60,000  
611 barrels of beer, heavy beer, and flavored malt beverages per year.

612 ~~[(111)]~~ (114) "Small or unincorporated locality" means:

613 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;

614 (b) a town, as classified under Section 10-2-301; or

615 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified  
616 under Section 17-50-501.

617            [~~(H2)~~] (115) "Special use permit" means a permit issued in accordance with Chapter  
618 10, Special Use Permit Act.

619            [~~(H3)~~] (116) (a) "Spirituous liquor" means liquor that is distilled.

620            (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by  
621 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

622            [~~(H4)~~] (117) "Sports center" is as defined by the commission by rule.

623            [~~(H5)~~] (118) (a) "Staff" means an individual who engages in activity governed by this  
624 title:

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

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

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

631            (b) "Staff" includes:

632            (i) an officer;

633            (ii) a director;

634            (iii) an employee;

635            (iv) personnel management;

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

637            (vi) an operator; or

638            (vii) a representative.

639            [~~(H6)~~] (119) "State of nudity" means:

640            (a) the appearance of:

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

642            (ii) a human genital;

643            (iii) a human pubic area; or

644            (iv) a human anus; or

645            (b) a state of dress that fails to opaquely cover:

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

647            (ii) a human genital;

648 (iii) a human pubic area; or

649 (iv) a human anus.

650 [~~(117)~~] (120) "State of seminudity" means a state of dress in which opaque clothing  
651 covers no more than:

652 (a) the nipple and areola of the female human breast in a shape and color other than the  
653 natural shape and color of the nipple and areola; and

654 (b) the human genitals, pubic area, and anus:

655 (i) with no less than the following at its widest point:

656 (A) four inches coverage width in the front of the human body; and

657 (B) five inches coverage width in the back of the human body; and

658 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

659 [~~(118)~~] (121) (a) "State store" means a facility for the sale of packaged liquor:

660 (i) located on premises owned or leased by the state; and

661 (ii) operated by a state employee.

662 (b) "State store" does not include:

663 (i) a package agency;

664 (ii) a licensee; or

665 (iii) a permittee.

666 [~~(119)~~] (122) (a) "Storage area" means an area on licensed premises where the licensee  
667 stores an alcoholic product.

668 (b) "Store" means to place or maintain in a location an alcoholic product.

669 [~~(120)~~] (123) "Sublicense" means the same as that term is defined in Section  
670 [32B-8-102](#) or [32B-8b-102](#).

671 [~~(121)~~] (124) "Supplier" means a person who sells an alcoholic product to the  
672 department.

673 [~~(122)~~] (125) "Tavern" means an on-premise beer retailer who is:

674 (a) issued a license by the commission in accordance with Chapter 5, Retail License  
675 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

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

678 [~~(123)~~] (126) "Temporary beer event permit" means a permit issued in accordance with

679 Chapter 9, Part 4, Temporary Beer Event Permit.

680 [~~(124)~~] (127) "Temporary domicile" means the principal place of abode within Utah of  
681 a person who does not have a present intention to continue residency within Utah permanently  
682 or indefinitely.

683 [~~(125)~~] (128) "Translucent" means a substance that allows light to pass through, but  
684 does not allow an object or person to be seen through the substance.

685 [~~(126)~~] (129) "Unsaleable liquor merchandise" means a container that:

686 (a) is unsaleable because the container is:

687 (i) unlabeled;

688 (ii) leaky;

689 (iii) damaged;

690 (iv) difficult to open; or

691 (v) partly filled;

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

693 (ii) has contents that are:

694 (A) cloudy;

695 (B) spoiled; or

696 (C) chemically determined to be impure; or

697 (iii) contains:

698 (A) sediment; or

699 (B) a foreign substance; or

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

701 [~~(127)~~] (130) (a) "Wine" means an alcoholic product obtained by the fermentation of  
702 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or  
703 not another ingredient is added.

704 (b) "Wine" includes:

705 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.  
706 4.10; and

707 (ii) hard cider.

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

710 [~~(128)~~] (131) "Winery manufacturing license" means a license issued in accordance  
711 with Chapter 11, Part 3, Winery Manufacturing License.

712 Section 2. Section **32B-1-305** is amended to read:

713 **32B-1-305. Requirement for a background check.**

714 (1) The department shall require an individual listed in Subsection (2), in accordance  
715 with this part, to:

716 (a) provide a signed waiver from the individual whose fingerprints may be registered in  
717 the Federal Bureau of Investigation Rap Back system that notifies the signee:

718 (i) that a criminal history background check will be conducted;

719 (ii) who will see the information; and

720 (iii) how the information will be used;

721 (b) submit to a background check in a form acceptable to the department; and

722 (c) consent to a background check by:

723 (i) the Utah Bureau of Criminal Identification; and

724 (ii) the Federal Bureau of Investigation.

725 (2) The following shall comply with Subsection (1):

726 (a) an individual applying for employment with the department if:

727 (i) the department makes the decision to offer the individual employment with the  
728 department; and

729 (ii) once employed, the individual will receive benefits;

730 (b) an individual applying to the commission to operate a package agency;

731 (c) an individual applying to the commission for a license, unless the license is:

732 (i) an off-premise beer retailer state license; or

733 (ii) a beer delivery license;

734 (d) an individual who with regard to an entity that is applying to the commission to  
735 operate a package agency or for a license is:

736 (i) a partner;

737 (ii) a managing agent;

738 (iii) a manager;

739 (iv) an officer;

740 (v) a director;

741 (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of a  
742 corporation;

743 (vii) a member who owns at least 20% of a limited liability company; or

744 (viii) an individual employed to act in a supervisory or managerial capacity; or

745 (e) an individual who becomes involved with an entity that operates a package agency  
746 or holds a license, if the individual is in a capacity listed in Subsection (2)(d) on or after the day  
747 on which the entity:

748 (i) is approved to operate a package agency; or

749 (ii) is licensed by the commission.

750 (3) (a) Except as provided in Subsection (3)(b), the commission may not require an  
751 individual to comply with Subsection (1) based on the individual's position with or ownership  
752 interest in an entity that has an ownership interest in the entity that is applying for the package  
753 agency or license.

754 (b) The commission may require an individual described in Subsection (3)(a) to  
755 comply with Subsection (1) if the individual exercises direct decision making control over the  
756 day-to-day operations of the licensee.

757 (4) The department shall require compliance with Subsection (2)(e) as a condition of  
758 an entity's:

759 (a) continued operation of a package agency; or

760 (b) renewal of a license.

761 (5) The department may require as a condition of continued employment that a  
762 department employee:

763 (a) submit to a background check in a form acceptable to the department; and

764 (b) consent to a fingerprint criminal background check by:

765 (i) the Utah Bureau of Criminal Identification; and

766 (ii) the Federal Bureau of Investigation.

767 Section 3. Section **32B-1-407** is amended to read:

768 **32B-1-407. Verification of proof of age by applicable licensees.**

769 (1) As used in this section, "applicable licensee" means:

770 (a) a dining club;

771 (b) a bar;

- 772 (c) a tavern;  
773 (d) a full-service restaurant;  
774 (e) a limited-service restaurant; ~~[or]~~  
775 (f) a beer-only restaurant~~[-];~~ or  
776 (g) a beer delivery licensee.

777 (2) Notwithstanding any other provision of this part, an applicable licensee shall  
778 require that an authorized person for the applicable licensee verify proof of age as provided in  
779 this section.

780 (3) An authorized person ~~[is required to]~~ shall verify proof of age under this section  
781 before an individual who appears to be 35 years of age or younger:

- 782 (a) gains admittance to the premises of a bar licensee or tavern;  
783 (b) procures an alcoholic product on the premises of a dining club licensee;  
784 (c) procures an alcoholic product in a dispensing area in the premises of a full-service  
785 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee; ~~[or]~~  
786 (d) ~~[on or after July 1, 2018,]~~ procures an alcoholic product within 10 feet of a  
787 grandfathered bar structure~~[-];~~ or  
788 (e) procures beer from a beer delivery licensee.

789 (4) To comply with Subsection (3), an authorized person shall:

- 790 (a) request the individual present proof of age; and  
791 (b) (i) verify the validity of the proof of age electronically under the verification  
792 program created in Subsection (5); or  
793 (ii) if the proof of age cannot be electronically verified as provided in Subsection  
794 (4)(b)(i), request that the individual comply with a process established by the commission by  
795 rule.

796 (5) The commission shall establish by rule an electronic verification program that  
797 includes the following:

- 798 (a) the specifications for the technology used by the applicable licensee to  
799 electronically verify proof of age, including that the technology display to the person described  
800 in Subsection (2) no more than the following for the individual who presents the proof of age:  
801 (i) the name;  
802 (ii) the age;

803 (iii) the number assigned to the individual's proof of age by the issuing authority;  
804 (iv) the birth date;  
805 (v) the gender; and  
806 (vi) the status and expiration date of the individual's proof of age; and  
807 (b) the security measures that shall be used by an applicable licensee to ensure that  
808 information obtained under this section is:

809 (i) used by the applicable licensee only for purposes of verifying proof of age in  
810 accordance with this section; and

811 (ii) except as provided in Subsection (7), retained by the applicable licensee for seven  
812 days after the day on which the applicable licensee obtains the information.

813 (6) (a) An applicable licensee may not disclose information obtained under this section  
814 except as provided under this title.

815 (b) Information obtained under this section is considered a record for any purpose  
816 under Chapter 5, Part 3, Retail Licensee Operational Requirements.

817 (7) A beer delivery licensee shall retain information obtained under this section for  
818 three years after the day on which the beer delivery licensee obtains the information.

819 Section 4. Section **32B-1-607** is amended to read:

820 **32B-1-607. Rulemaking authority.**

821 (1) The commission may adopt rules necessary to implement this part.

822 (2) Notwithstanding Subsections **32B-1-102**~~[(10)]~~(11) and ~~[(49)]~~ (51), in accordance  
823 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make  
824 rules that allow for a tolerance in the alcohol content of beer or heavy beer as follows:

825 (a) up to 0.18% above or below when measured by volume; or

826 (b) up to 0.15% above or below when measured by weight.

827 Section 5. Section **32B-1-704** is amended to read:

828 **32B-1-704. Department training programs.**

829 (1) ~~[No later than January 1, 2018, the]~~ The department shall develop the following  
830 training programs that are provided either in-person or online:

831 (a) a training program for retail managers that addresses:

832 (i) the statutes and rules that govern alcohol sales and consumption in the state;

833 (ii) the requirements for operating as a retail licensee;

834 (iii) using compliance assistance from the department; and  
835 (iv) any other topic the department determines beneficial to a retail manager; [~~and~~]  
836 (b) a training program for an individual employed by a retail licensee or an off-premise  
837 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an  
838 alcoholic beverage to an intoxicated individual or a minor, that addresses:  
839 (i) the statutes and rules that govern the most common types of violations under this  
840 title;  
841 (ii) how to avoid common violations; and  
842 (iii) any other topic the department determines beneficial to the training program[~~;~~];  
843 and  
844 (c) no later than January 1, 2021, a training program:  
845 (i) for an individual who:  
846 (A) is an authorized delivery agent; and  
847 (B) violates a provision of this title related to the furnishing of an alcoholic beverage to  
848 an intoxicated individual or a minor; and  
849 (ii) that addresses:  
850 (A) the statutes and rules that govern the most common types of violations under this  
851 title;  
852 (B) how to avoid common violations; and  
853 (C) any other topic the department determines beneficial to the training program.  
854 (2) [~~No later than January 1, 2019, the~~] The department shall develop a training  
855 program:  
856 (a) for off-premise retail managers;  
857 (b) that is provided either in-person or online; and  
858 (c) that addresses:  
859 [~~(a)~~] (i) the statutes and rules that govern sales at an off-premise beer retailer;  
860 [~~(b)~~] (ii) the requirements for operating an off-premise beer retailer;  
861 [~~(c)~~] (iii) using compliance assistance from the department; and  
862 [~~(d)~~] (iv) any other topic the department determines beneficial to an off-premise retail  
863 manager.  
864 (3) No later than January 1, 2021, the department shall develop a training program:

- 865 (a) for authorized delivery agents;  
866 (b) that is provided either in-person or online; and  
867 (c) addresses:  
868 (i) the statutes and rules that govern off-premise beer delivery;  
869 (ii) the requirements of making an off-premise beer delivery;  
870 (iii) using compliance assistance from the department; and  
871 (iv) any other topic the department determines beneficial to an authorized delivery  
872 agent.

873 [~~3~~] (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
874 Act, and the provisions of this section, the department shall make rules to develop and  
875 implement the training programs described in this section, including rules that establish:

- 876 (a) the requirements for each training program described in this section;  
877 (b) measures that accurately identify each individual who takes and completes a  
878 training program;  
879 (c) measures that ensure an individual taking a training program is focused and actively  
880 engaged in the training material throughout the training program;  
881 (d) a record that certifies that an individual has completed a training program; and  
882 (e) a fee for participation in a training program to cover the department's cost of  
883 providing the training program.

884 [~~4~~] (5) (a) Except as provided in Subsection [~~5~~] (6), each retail manager shall  
885 complete the training described in Subsection (1)(a) no later than the later of:

- 886 (i) 30 days after the day on which the retail manager is hired; or  
887 (ii) 30 days after the day on which the retail licensee obtains a retail license under this  
888 chapter.

889 (b) Except as provided in Subsection [~~5~~] (6), each off-premise retail manager shall  
890 complete the training described in Subsection (2) no later than the later of:

- 891 (i) 30 days after the day on which the off-premise retail manager is hired; or  
892 (ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise  
893 beer retailer state license.

894 (c) Each authorized delivery agent shall complete the training described in Subsection  
895 (3) no later than 30 days after the day on which a beer delivery licensee makes the individual an

896 authorized delivery agent.

897 ~~[(e)]~~ (d) (i) If the commission finds that a retail licensee violated a provision of this  
898 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated  
899 individual or a minor for a second time within 36 consecutive months after the day on which  
900 the first violation was adjudicated, the violator, all retail staff, and each retail manager shall  
901 complete the training program described in Subsection (1)(b).

902 (ii) If the commission finds that an off-premise beer retailer violated a provision of this  
903 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated  
904 individual or a minor for a second time within 36 consecutive months after the day on which  
905 the first violation was adjudicated, the violator and each off-premise retail manager shall  
906 complete the training program described in Subsection (1)(b).

907 (iii) If the commission finds that an authorized delivery agent violates a provision of  
908 this title related to the furnishing of an alcoholic beverage to an intoxicated individual or minor  
909 for a second time within 36 consecutive months after the day on which the first violation was  
910 adjudicated, the authorized delivery agent shall complete the training program described in  
911 Subsection (1)(c).

912 ~~[(5)]~~ (6) (a) For a person who holds a retail license on January 1, 2018, each retail  
913 manager shall complete the training program described in Subsection (1)(a) for the first time as  
914 a condition of renewing the licensee's retail license in 2018.

915 (b) For a person who holds an off-premise beer retailer state license on January 1,  
916 2019, each off-premise retail manager shall complete the training program described in  
917 Subsection (1)(b) for the first time as a condition of renewing the licensee's off-premise beer  
918 retailer state license in 2019.

919 ~~[(6)]~~ (7) If an individual fails to complete a required training program under this  
920 section:

921 (a) the commission may suspend, revoke, or not renew the retail license ~~[or]~~,  
922 off-premise beer retailer state license, or beer delivery license;

923 (b) a city, town, metro township, or county in which the retail licensee or off-premise  
924 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise  
925 beer retailer's business license; or

926 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's

927 license.

928 Section 6. Section **32B-7a-101** is enacted to read:

929 **CHAPTER 7a. BEER DELIVERY LICENSE ACT**

930 **32B-7a-101. Title.**

931 This chapter is known as the "Beer Delivery License Act."

932 Section 7. Section **32B-7a-102** is enacted to read:

933 **32B-7a-102. Definitions.**

934 As used in this chapter:

935 (1) "Software application" means an internet-connected software platform that a person  
936 uses to place a delivery order for a product from a business.

937 (2) "Third-party delivery service" means a business that:

938 (a) primarily entails the delivery of another business's product to a person; and

939 (b) uses a software application to facilitate each delivery.

940 Section 8. Section **32B-7a-201** is enacted to read:

941 **32B-7a-201. Commission's power to issue a beer delivery license.**

942 (1) Before a person may make an off-premise beer delivery, the person shall first  
943 obtain a beer delivery license from the commission in accordance with this chapter.

944 (2) The commission may only issue an off-premise beer delivery license to:

945 (a) an off-premise beer retailer licensee; or

946 (b) a third-party delivery service.

947 (3) The commission may not issue a beer delivery license to any person before January  
948 1, 2021.

949 Section 9. Section **32B-7a-202** is enacted to read:

950 **32B-7a-202. Application for a beer delivery license.**

951 To obtain a beer delivery license a person shall submit to the department:

952 (1) a written application in a form the department prescribes;

953 (2) a nonrefundable application fee of \$150;

954 (3) an initial licensing fee of \$350 that is refundable if the commission does not issue  
955 the beer delivery license;

956 (4) a copy of the person's current business license;

957 (5) evidence that the person carries public liability insurance in the amount of

958 \$1,000,000 per occurrence;

959 (6) if the person is an entity, proper verification evidencing that the individual who  
960 signs the application is authorized to sign on behalf of the entity; and

961 (7) any other information that the commission or department requires.

962 Section 10. Section **32B-7a-203** is enacted to read:

963 **32B-7a-203. Renewal of beer delivery license.**

964 (1) A beer delivery license expires on the last day of February each year.

965 (2) To renew a beer delivery license, a beer delivery licensee shall, no later than  
966 January 31, submit:

967 (a) a completed renewal application to the department in a form the department  
968 prescribes; and

969 (b) a renewal fee of \$175.

970 (3) A beer delivery licensee automatically forfeits the beer delivery license if the beer  
971 delivery licensee fails to satisfy the renewal requirements described in this section.

972 Section 11. Section **32B-7a-204** is enacted to read:

973 **32B-7a-204. Duties of commission and department before issuing beer delivery**  
974 **license.**

975 (1) (a) Before the commission issues a beer delivery license, the department shall  
976 conduct an investigation and may hold one or more public hearings to gather information and  
977 make recommendations to the commission regarding whether the commission should issue the  
978 beer delivery license.

979 (b) The department shall forward the information the department gathers under  
980 Subsection (1)(a) and the department's recommendations to the commission.

981 (2) Before the commission issues a beer delivery license, the commission shall:

982 (a) determine that the person filed a complete application and is in compliance with the  
983 provisions of this chapter;

984 (b) determine that the person is not disqualified under Section [32B-1-304](#); and

985 (c) consider any other factor that the commission considers necessary.

986 Section 12. Section **32B-7a-205** is enacted to read:

987 **32B-7a-205. Notifying department of change of ownership.**

988 The commission may suspend or revoke a beer delivery license if a beer delivery

989 licensee does not immediately notify the department of a change in:

990 (1) ownership of the licensee's business;

991 (2) for a corporate owner, a shareholder holding at least 20% of the total issued and  
992 outstanding stock of the corporation; or

993 (3) for a limited liability company, a member owning at least 20% of the limited  
994 liability company.

995 Section 13. Section **32B-7a-301** is enacted to read:

996 **32B-7a-301. Bond for beer delivery license.**

997 (1) (a) A beer delivery licensee shall post a cash or surety bond:

998 (i) in the penal sum of \$5,000; and

999 (ii) payable to the department.

1000 (b) A beer delivery licensee shall procure and maintain the bond required under this  
1001 section for as long as the beer delivery licensee continues to operate as a beer delivery licensee.

1002 (2) The bond a beer delivery licensee posts in accordance with this section shall be:

1003 (a) in a form the attorney general approves; and

1004 (b) conditioned upon the beer delivery licensee's faithful compliance with this title and  
1005 the rules of the commission.

1006 (3) (a) If a surety bond that a beer delivery licensee posts in accordance with this  
1007 section is canceled because of the beer delivery licensee's negligence, the department may  
1008 assess a \$300 reinstatement fee.

1009 (b) No part of a bond that a beer delivery licensee posts in accordance with this section  
1010 may be withdrawn:

1011 (i) during the period the beer delivery license is in effect; or

1012 (ii) while a revocation proceeding is pending against the beer delivery licensee.

1013 (4) (a) A bond that a beer delivery licensee posts under this section may be forfeited if  
1014 the commission revokes the beer delivery license.

1015 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a  
1016 bond that a beer delivery licensee posts for money owed the department under this title without  
1017 the commission first revoking the beer delivery license.

1018 Section 14. Section **32B-7a-302** is enacted to read:

1019 **32B-7a-302. Recordkeeping.**

- 1020 (1) A beer delivery licensee shall make and maintain a record showing in detail:  
1021 (a) each beer delivery; and  
1022 (b) any other item the department requires.  
1023 (2) A beer delivery licensee shall make and maintain a record required under  
1024 Subsection (1):  
1025 (a) in a form the department approves; and  
1026 (b) current for each three-month period.  
1027 (3) A beer delivery licensee shall support a delivery by:  
1028 (a) a delivery ticket;  
1029 (b) an invoice;  
1030 (c) a receipted bill; or  
1031 (d) other sustaining datum or memorandum.  
1032 (4) In addition to a record required under Subsection (1), a beer delivery licensee shall  
1033 make and maintain any other record the department may require.  
1034 (5) (a) A record of a beer delivery licensee is subject to inspection by:  
1035 (i) an authorized representative of the commission and the department; or  
1036 (ii) an alcohol-related law enforcement officer.  
1037 (b) A beer delivery licensee shall allow the department, through an auditor or examiner  
1038 of the department, to audit the records of the beer delivery licensee at times the department  
1039 considers advisable.  
1040 (6) Section [32B-1-205](#) applies to a record required to be made or maintained under this  
1041 section.  
1042 Section 15. Section **32B-7a-303** is enacted to read:  
1043 **32B-7a-303. Operational requirements for a beer delivery license.**  
1044 (1) (a) A beer delivery licensee and an authorized delivery agent shall comply with the  
1045 provisions of this title and any applicable rules the commission makes in accordance with Title  
1046 63G, Chapter 3, Utah Administrative Rulemaking Act.  
1047 (b) Failure to comply with this section may result in a suspension or revocation of a  
1048 local license or disciplinary action in accordance with Chapter 3, Disciplinary Actions and  
1049 Enforcement Act.  
1050 (2) A beer delivery license permits a licensee to make an off-premise beer delivery:

1051 (a) to an individual who requests the delivery through a software application; and

1052 (b) through an authorized delivery agent.

1053 (3) A beer delivery licensee that is an off-premise beer retailer may only deliver or  
1054 offer for delivery beer:

1055 (a) that an individual purchases from the off-premise beer retailer through a software  
1056 application;

1057 (b) that the licensee is authorized to possess, sell, offer for sale, and furnish under the  
1058 licensee's off-premise beer retailer state license; and

1059 (c) during days and hours the licensee is authorized to sell, offer for sale, and furnish  
1060 beer under the licensee's off-premise beer retailer state license.

1061 (4) A beer delivery licensee that is a third-party delivery service may only deliver or  
1062 offer for delivery beer:

1063 (a) that an individual purchases:

1064 (i) from an off-premise beer retailer; and

1065 (ii) through a software application;

1066 (b) that the off-premise beer retailer described in Subsection (4)(a) is authorized to  
1067 possess, sell, offer for sale, and furnish under the off-premise beer retailer's state license; and

1068 (c) during days and hours the off-premise beer retailer described in Subsection (4)(a) is  
1069 authorized to sell, offer for sale, and furnish beer under the licensee's off-premise beer retailer  
1070 state license.

1071 (5) A beer delivery licensee shall ensure that an authorized delivery agent for the  
1072 licensee:

1073 (a) is at least 21 years of age;

1074 (b) while making an off-premise beer delivery:

1075 (i) does not consume an alcoholic product; and

1076 (ii) is not intoxicated;

1077 (c) completes an alcohol training and education seminar; and

1078 (d) follows the requirements for delivery described in Subsection (6).

1079 (6) (a) An authorized delivery agent may not fulfill an off-premise beer delivery unless  
1080 the authorized delivery agent verifies that the individual to whom the authorized delivery agent  
1081 delivers the beer:

1082 (i) is at least 21 years of age;  
1083 (ii) is not actually, apparently, or obviously intoxicated;  
1084 (iii) electronically paid in full for the off-premise beer delivery; and  
1085 (iv) is the same individual whose name is attached to the electronic payment described  
1086 in Subsection (6)(a).

1087 (b) An authorized delivery agent shall verify an individual's age in accordance with  
1088 Section [32B-1-407](#).

1089 (c) Any beer that an authorized delivery agent is unable to deliver in accordance with  
1090 this Subsection (6), the authorized delivery agent shall immediately return to the off-premise  
1091 beer retailer from which the beer was purchased.

1092 (7) A beer delivery licensee shall retain a record of each delivery for three years after  
1093 the day on which the delivery is made.

1094 Section 16. Section **32B-7a-401** is enacted to read:

1095 **32B-7a-401. Enforcement.**

1096 (1) In addition to any criminal penalty that may be imposed, if an authorized delivery  
1097 agent violates a provision of this title related to the furnishing of beer to an intoxicated  
1098 individual or a minor:

1099 (a) the Department of Public Safety shall:

1100 (i) enter the authorized delivery agent's information in the system described in Section  
1101 [32B-7-305](#); and

1102 (ii) inform a beer delivery licensee of an individual who has a violation history; and

1103 (b) the commission shall revoke the beer delivery license of the beer delivery licensee  
1104 for whom the authorized delivery agent made the off-premise beer delivery that resulted in the  
1105 violation.

1106 (2) The Department of Public Safety shall maintain a record of a violation in  
1107 accordance with Subsection (1) until the record is expunged under Subsection (3).

1108 (3) The Department of Public Safety shall expunge from the system described in  
1109 Section [32B-7-305](#) a violation of this chapter if the individual is not found in violation of any  
1110 law involving the sale of an alcoholic product to a minor for a period of 36 consecutive months  
1111 from the day on which the individual is last adjudicated as violating a law involving the sale of  
1112 an alcoholic product to a minor.

1113 (4) Any of the following may conduct a random investigation or compliance check of  
 1114 an off-premise beer delivery:

1115 (a) an authorized representative of the commission or department; or

1116 (b) an alcohol-related law enforcement officer.

1117 Section 17. Section **62A-15-401** is amended to read:

1118 **62A-15-401. Alcohol training and education seminar.**

1119 (1) As used in this part:

1120 (a) "Authorized delivery agent" means the same as that term is defined in Section

1121 32B-1-102.

1122 [~~(a)~~] (b) "Instructor" means a person that directly provides the instruction during an  
 1123 alcohol training and education seminar for a seminar provider.

1124 [~~(b)~~] (c) "Licensee" means a person who is:

1125 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;

1126 and

1127 (B) engaged in the retail sale of an alcoholic product for consumption on the premises  
 1128 of the licensee; or

1129 (ii) a business that is:

1130 (A) a new or renewing licensee licensed by a city, town, or county; and

1131 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

1132 [~~(c)~~] (d) "Off-premise beer retailer" [~~is as~~] means the same as that term is defined in

1133 Section 32B-1-102.

1134 [~~(d)~~] (e) "Seminar provider" means a person other than the division who provides an  
 1135 alcohol training and education seminar meeting the requirements of this section.

1136 (2) (a) This section applies to:

1137 (i) a retail manager as defined in Section 32B-1-701;

1138 (ii) retail staff as defined in Section 32B-1-701; and

1139 (iii) an individual who, as defined by division rule:

1140 (A) directly supervises the sale of beer to a customer for consumption off the premises  
 1141 of an off-premise beer retailer; [~~or~~]

1142 (B) sells beer to a customer for consumption off the premises of an off-premise beer

1143 retailer[-]; or

1144 (C) delivers beer, as an authorized delivery agent, to a customer located off licensed  
1145 premises.

1146 (b) If the individual does not have a valid record that the individual has completed an  
1147 alcohol training and education seminar, an individual described in Subsection (2)(a) shall:

1148 (i) (A) complete an alcohol training and education seminar within 30 days of the  
1149 following if the individual is described in Subsection (2)(a)(i) or (ii):

1150 (I) if the individual is an employee, the day the individual begins employment;

1151 (II) if the individual is an independent contractor, the day the individual is first hired;

1152 or

1153 (III) if the individual holds an ownership interest in the licensee, the day that the  
1154 individual first engages in an activity that would result in that individual being required to  
1155 complete an alcohol training and education seminar; [~~or~~]

1156 (B) complete an alcohol training and education seminar within the time periods  
1157 specified in Subsection 32B-1-703(1) if the individual is described in Subsection (2)(a)(iii)(A)  
1158 or (B); [~~and~~] or

1159 (C) complete an alcohol training and education seminar within the time period  
1160 specified in Subsection 32B-1-704(5)(c) if the individual is described in Subsection  
1161 (2)(a)(iii)(C); and

1162 (ii) pay a fee:

1163 (A) to the seminar provider; and

1164 (B) that is equal to or greater than the amount established under Subsection (4)(h).

1165 (c) An individual shall have a valid record that the individual completed an alcohol  
1166 training and education seminar within the time period provided in this Subsection (2) to engage  
1167 in an activity described in Subsection (2)(a).

1168 (d) A record that an individual has completed an alcohol training and education  
1169 seminar is valid for:

1170 (i) three years from the day on which the record is issued for an individual described in  
1171 Subsection (2)(a)(i) or (ii); and

1172 (ii) five years from the day on which the record is issued for an individual described in  
1173 Subsection (2)(a)(iii)(A) or (B).

1174 (e) On and after July 1, 2011, to be considered as having completed an alcohol training

1175 and education seminar, an individual shall:

1176 (i) attend the alcohol training and education seminar and take any test required to  
1177 demonstrate completion of the alcohol training and education seminar in the physical presence  
1178 of an instructor of the seminar provider; or

1179 (ii) complete the alcohol training and education seminar and take any test required to  
1180 demonstrate completion of the alcohol training and education seminar through an online course  
1181 or testing program that meets the requirements described in Subsection (2)(f).

1182 (f) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah  
1183 Administrative Rulemaking Act, establish one or more requirements for an online course or  
1184 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of  
1185 the online course or testing program. In developing the requirements by rule the division shall  
1186 consider whether to require:

1187 (i) authentication that the an individual accurately identifies the individual as taking the  
1188 online course or test;

1189 (ii) measures to ensure that an individual taking the online course or test is focused on  
1190 training material throughout the entire training period;

1191 (iii) measures to track the actual time an individual taking the online course or test is  
1192 actively engaged online;

1193 (iv) a seminar provider to provide technical support, such as requiring a telephone  
1194 number, email, or other method of communication that allows an individual taking the online  
1195 course or test to receive assistance if the individual is unable to participate online because of  
1196 technical difficulties;

1197 (v) a test to meet quality standards, including randomization of test questions and  
1198 maximum time limits to take a test;

1199 (vi) a seminar provider to have a system to reduce fraud as to who completes an online  
1200 course or test, such as requiring a distinct online certificate with information printed on the  
1201 certificate that identifies the person taking the online course or test, or requiring measures to  
1202 inhibit duplication of a certificate;

1203 (vii) measures for the division to audit online courses or tests;

1204 (viii) measures to allow an individual taking an online course or test to provide an  
1205 evaluation of the online course or test;

- 1206 (ix) a seminar provider to track the Internet protocol address or similar electronic
- 1207 location of an individual who takes an online course or test;
- 1208 (x) an individual who takes an online course or test to use an e-signature; or
- 1209 (xi) a seminar provider to invalidate a certificate if the seminar provider learns that the
- 1210 certificate does not accurately reflect the individual who took the online course or test.
- 1211 (3) (a) A licensee may not permit an individual who is not in compliance with
- 1212 Subsection (2) to:
- 1213 (i) serve or supervise the serving of an alcoholic product to a customer for
- 1214 consumption on the premises of the licensee;
- 1215 (ii) engage in any activity that would constitute managing operations at the premises of
- 1216 a licensee that engages in the retail sale of an alcoholic product for consumption on the
- 1217 premises of the licensee;
- 1218 (iii) directly supervise the sale of beer to a customer for consumption off the premises
- 1219 of an off-premise beer retailer; ~~[or]~~
- 1220 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
- 1221 retailer~~[-]; or~~
- 1222 (v) deliver beer, as an authorized delivery agent, to a customer located off licensed
- 1223 premises.
- 1224 (b) A licensee that violates Subsection (3)(a) is subject to Section [32B-1-702](#).
- 1225 (4) The division shall:
- 1226 (a) (i) provide alcohol training and education seminars; or
- 1227 (ii) certify one or more seminar providers;
- 1228 (b) establish the curriculum for an alcohol training and education seminar that includes
- 1229 the following subjects:
- 1230 (i) (A) alcohol as a drug; and
- 1231 (B) alcohol's effect on the body and behavior;
- 1232 (ii) recognizing the problem drinker or signs of intoxication;
- 1233 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
- 1234 as determined in consultation with the Department of Alcoholic Beverage Control;
- 1235 (iv) dealing with the problem customer, including ways to terminate sale or service;
- 1236 and

- 1237 (v) for those supervising or engaging in the retail sale of an alcoholic product for  
1238 consumption on the premises of a licensee, alternative means of transportation to get the  
1239 customer safely home;
- 1240 (c) recertify each seminar provider every three years;
- 1241 (d) monitor compliance with the curriculum described in Subsection (4)(b);
- 1242 (e) maintain for at least five years a record of every person who has completed an  
1243 alcohol training and education seminar;
- 1244 (f) provide the information described in Subsection (4)(e) on request to:
- 1245 (i) the Department of Alcoholic Beverage Control;
- 1246 (ii) law enforcement; or
- 1247 (iii) a person licensed by the state or a local government to sell an alcoholic product;
- 1248 (g) provide the Department of Alcoholic Beverage Control on request a list of any  
1249 seminar provider certified by the division; and
- 1250 (h) establish a fee amount for each person attending an alcohol training and education  
1251 seminar that is sufficient to offset the division's cost of administering this section.
- 1252 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah  
1253 Administrative Rulemaking Act:
- 1254 (a) define what constitutes under this section an individual who:
- 1255 (i) manages operations at the premises of a licensee engaged in the retail sale of an  
1256 alcoholic product for consumption on the premises of the licensee;
- 1257 (ii) supervises the serving of an alcoholic product to a customer for consumption on the  
1258 premises of a licensee;
- 1259 (iii) serves an alcoholic product to a customer for consumption on the premises of a  
1260 licensee;
- 1261 (iv) directly supervises the sale of beer to a customer for consumption off the premises  
1262 of an off-premise beer retailer; ~~[or]~~
- 1263 (v) sells beer to a customer for consumption off the premises of an off-premise beer  
1264 retailer; or
- 1265 (vi) delivers beer, as an authorized delivery agent, to a customer located off licensed  
1266 premises;
- 1267 (b) establish criteria for certifying and recertifying a seminar provider; and

- 1268 (c) establish guidelines for the manner in which an instructor provides an alcohol  
1269 education and training seminar.
- 1270 (6) A seminar provider shall:
- 1271 (a) obtain recertification by the division every three years;
- 1272 (b) ensure that an instructor used by the seminar provider:
- 1273 (i) follows the curriculum established under this section; and
- 1274 (ii) conducts an alcohol training and education seminar in accordance with the  
1275 guidelines established by rule;
- 1276 (c) ensure that any information provided by the seminar provider or instructor of a  
1277 seminar provider is consistent with:
- 1278 (i) the curriculum established under this section; and
- 1279 (ii) this section;
- 1280 (d) provide the division with the names of all persons who complete an alcohol training  
1281 and education seminar provided by the seminar provider;
- 1282 (e) (i) collect a fee for each person attending an alcohol training and education seminar  
1283 in accordance with Subsection (2); and
- 1284 (ii) forward to the division the portion of the fee that is equal to the amount described  
1285 in Subsection (4)(h); and
- 1286 (f) issue a record to an individual that completes an alcohol training and education  
1287 seminar provided by the seminar provider.
- 1288 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,  
1289 Administrative Procedures Act, the division finds that a seminar provider violates this section  
1290 or that an instructor of the seminar provider violates this section, the division may:
- 1291 (i) suspend the certification of the seminar provider for a period not to exceed 90 days;
- 1292 (ii) revoke the certification of the seminar provider;
- 1293 (iii) require the seminar provider to take corrective action regarding an instructor; or
- 1294 (iv) prohibit the seminar provider from using an instructor until such time that the  
1295 seminar provider establishes to the satisfaction of the division that the instructor is in  
1296 compliance with Subsection (6)(b).
- 1297 (b) The division may certify a seminar provider whose certification is revoked:
- 1298 (i) no sooner than 90 days from the date the certification is revoked; and

1299 (ii) if the seminar provider establishes to the satisfaction of the division that the  
1300 seminar provider will comply with this section.

1301 Section 18. Section **63I-2-232** is amended to read:

1302 **63I-2-232. Repeal dates -- Title 32B.**

1303 (1) Subsection ~~32B-1-102~~~~(7)~~(8) is repealed July 1, 2022.

1304 [~~2~~] ~~Section 32B-1-207.1 is repealed November 1, 2019.~~

1305 [~~3~~] (2) Subsection ~~32B-1-407~~~~(3)~~(3)(d) is repealed July 1, 2022.

1306 [~~4~~] (3) Section ~~32B-2-211.1~~ is repealed November 1, 2020.

1307 [~~5~~] (4) Subsections ~~32B-6-202~~~~(3)~~ and (4) are repealed July 1, 2022.

1308 [~~6~~] (5) Section ~~32B-6-205~~ is repealed July 1, 2022.

1309 [~~7~~] (6) Subsection ~~32B-6-205.2~~~~(14)~~ is repealed July 1, 2022.

1310 [~~8~~] (7) Section ~~32B-6-205.3~~ is repealed July 1, 2022.

1311 [~~9~~] (8) Subsections ~~32B-6-302~~~~(3)~~ and (4) are repealed July 1, 2022.

1312 [~~10~~] (9) Section ~~32B-6-305~~ is repealed July 1, 2022.

1313 [~~11~~] (10) Subsection ~~32B-6-305.2~~~~(14)~~ is repealed July 1, 2022.

1314 [~~12~~] (11) Section ~~32B-6-305.3~~ is repealed July 1, 2022.

1315 [~~13~~] (12) Section ~~32B-6-404.1~~ is repealed July 1, 2022.

1316 [~~14~~] (13) Section ~~32B-6-409~~ is repealed July 1, 2022.

1317 [~~15~~] (14) Subsection ~~32B-6-703~~~~(2)~~~~(e)~~~~(iv)~~ is repealed July 1, 2022.

1318 [~~16~~] (15) Subsections ~~32B-6-902~~~~(1)~~~~(c)~~, ~~(1)~~~~(d)~~, and (2) are repealed July 1, 2022.

1319 [~~17~~] (16) Section ~~32B-6-905~~ is repealed July 1, 2022.

1320 [~~18~~] (17) Subsection ~~32B-6-905.1~~~~(15)~~ is repealed July 1, 2022.

1321 [~~19~~] (18) Section ~~32B-6-905.2~~ is repealed July 1, 2022.

1322 [~~20~~] (19) Subsection ~~32B-8-402~~~~(1)~~~~(b)~~ is repealed July 1, 2022.