

894 (5) (a) If, after an outlet or a restaurant obtains a license under this title, a person
 895 establishes a community location on a property that puts the outlet or restaurant in violation of
 896 the proximity requirements in effect at the time the license is issued or a previously approved
 897 variance described in Subsection (3), subject to the other provisions of this title, that outlet or
 898 restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant,
 899 may operate at the premises regardless of whether:

- 900 (i) the outlet or restaurant changes ownership;
 901 (ii) the property on which the outlet or restaurant is located changes ownership; or
 902 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the same
 903 type of license, unless during the lapse the property is used for a different purpose.

904 (b) The provisions of this Subsection (5) apply regardless of when the outlet's or
 905 restaurant's license is issued.

906 (6) Nothing in this section prevents the commission from considering the proximity of
 907 an educational, religious, and recreational facility, or any other relevant factor in reaching a
 908 decision on a proposed location of an outlet.

909 Section 3. Section **32B-1-202.1** is enacted to read:

910 **32B-1-202.1. Proximity for certain hotel licensees.**

911 (1) As used in this section, "hotel" means the same as that term is defined in Section
 912 32B-8b-102.

913 (2) The commission may issue a hotel license for a proposed location that does not
 914 meet the proximity requirements under Section 32B-1-202, if:

915 ~~Ĥ→ [(a) the hotel is not scheduled to open for business until after June 1, 2021;~~

916 ~~———— (b)] (a) ←Ĥ~~ the proposed hotel is:

917 (i) located in a city classified as a city of the first class under Section 10-2-301;

918 (ii) within 600 feet of two community locations, as measured from the nearest patron
 919 entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to
 920 the property boundary of each community location;

921 (iii) not within 300 feet of a community location, as measured from the nearest patron
 922 entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to
 923 the property boundary of the community location; and

924 (iv) not within 200 feet of a community location, as measured in a straight line from

925 the nearest patron entrance of the proposed hotel to the nearest property boundary of the
 926 community location;

927 ~~Ĥ~~→ [(e)] (b) ←~~Ĥ~~ the proposed sublicensed premises of a bar establishment sublicense under
 927a the hotel

928 license:

929 (i) is on the second or higher floor of a hotel;

930 (ii) is not accessible at street level; and

931 (iii) is only accessible to an individual who passes through another area of the hotel in

932 which the bar establishment sublicense is located; and

933 ~~Ĥ~~→ [(d)] (c) ←~~Ĥ~~ the applicant meets all other criteria under this title for the hotel license.

934 (3) The commission may issue authority to operate as a package agency to a hotel

935 licensee who meets the requirements described in Subsection (2).

936 Section 4. Section **32B-1-207** is amended to read:

937 **32B-1-207. Calculation of ratio of gross receipts of food to alcoholic product.**

938 In calculating the annual gross receipts of a retail license or sublicense for purposes of
 939 determining the percentage of gross receipts from the sale, offer for sale, or furnishing of food
 940 or an alcoholic product, a retail licensee may not include in the calculation the money from the
 941 sale of:

942 (1) a bottle of wine by the retail licensee or under a sublicense that is in excess of \$175;

943 [or]

944 (2) an individual portion of wine, as described in Subsection 32B-5-304(2)(a), by the
 945 retail licensee or under a sublicense that is in excess of \$30[-]; or

946 (3) an individual portion of spirituous liquor, as described in Subsection 32B-5-304(1),

947 by the retail licensee or under a sublicense that is in excess of \$30.

948 Section 5. Section **32B-1-304** is amended to read:

949 **32B-1-304. Qualifications for a package agency, license, or permit -- Minors.**

950 (1) (a) Except as provided in Subsection (7), the commission may not issue a package
 951 agency, license, or permit to a person who has been convicted of:

952 (i) within seven years before the day on which the commission issues the package
 953 agency, license, or permit, a felony under a federal law or state law;

954 (ii) within four years before the day on which the commission issues the package
 955 agency, license, or permit: