

ONLINE BEER ORDER AND DELIVERY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Beer Delivery License Act under the Alcoholic Beverage Control 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;
- ▶ amends provisions related to tracking violations involving the sale of an alcoholic beverage to a minor;
- ▶ permits the Alcoholic Beverage Control Commission to take certain actions if an authorized delivery agent fails to complete an alcohol training and education seminar;
- ▶ requires the Department of Alcoholic Beverage Control and the Division of Substance Abuse and Mental Health to establish training for authorized delivery



28 agents; and

29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **32B-1-102**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 3

37 and 4

38 **32B-1-305**, as last amended by Laws of Utah 2020, Chapter 219

39 **32B-1-407**, as last amended by Laws of Utah 2018, Chapter 249

40 **32B-1-607**, as last amended by Laws of Utah 2020, Chapter 219

41 **32B-1-702**, as renumbered and amended by Laws of Utah 2019, Chapter 403

42 **32B-1-704**, as renumbered and amended by Laws of Utah 2019, Chapter 403

43 **32B-1-705**, as renumbered and amended by Laws of Utah 2019, Chapter 403

44 **32B-2-202**, as last amended by Laws of Utah 2020, Chapter 219

45 **62A-15-401**, as last amended by Laws of Utah 2019, Chapter 403

46 **63I-2-232**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 6

47 ENACTS:

48 **32B-7a-101**, Utah Code Annotated 1953

49 **32B-7a-102**, Utah Code Annotated 1953

50 **32B-7a-201**, Utah Code Annotated 1953

51 **32B-7a-202**, Utah Code Annotated 1953

52 **32B-7a-203**, Utah Code Annotated 1953

53 **32B-7a-204**, Utah Code Annotated 1953

54 **32B-7a-301**, Utah Code Annotated 1953

55 **32B-7a-302**, Utah Code Annotated 1953

56 **32B-7a-303**, Utah Code Annotated 1953

57 **32B-7a-304**, Utah Code Annotated 1953

58

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

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

61 **32B-1-102. Definitions.**

62 As used in this title:

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

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

65 (b) that is located at an international airport.

66 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,

67 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

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

69 (a) beer; or

70 (b) liquor.

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

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

73 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other

74 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol

75 in an amount equal to or greater than .5% of alcohol by volume.

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

77 (c) "Alcoholic product" does not include any of the following common items that

78 otherwise come within the definition of an alcoholic product:

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

80 (ii) vinegar;

81 (iii) preserved nonintoxicating cider;

82 (iv) essence;

83 (v) tincture;

84 (vi) food preparation; or

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

86 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation

87 when it is used as a flavoring in the manufacturing of an alcoholic product.

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

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

- 90 (b) described in Section 62A-15-401.
- 91 (6) "Arena" means an enclosed building:
- 92 (a) that is managed by:
- 93 (i) the same person who owns the enclosed building;
- 94 (ii) a person who has a majority interest in each person who owns or manages a space
- 95 in the enclosed building; or
- 96 (iii) a person who has authority to direct or exercise control over the management or
- 97 policy of each person who owns or manages a space in the enclosed building;
- 98 (b) that operates as a venue; and
- 99 (c) that has an occupancy capacity of at least 12,500.
- 100 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail
- 101 License Act, and Chapter 8c, Arena License Act.
- 102 (8) (a) "Authorized delivery agent" means an individual whom a beer delivery licensee
- 103 authorizes to make an off-premise beer delivery on behalf of the licensee.
- 104 (b) "Authorized delivery agent" includes:
- 105 (i) staff of a beer delivery licensee; or
- 106 (ii) an individual who:
- 107 (A) is an independent contractor; and
- 108 (B) contracts with a beer delivery licensee to make an off-premise beer delivery.
- 109 [~~8~~] (9) "Banquet" means an event:
- 110 (a) that is a private event or a privately sponsored event;
- 111 (b) that is held at one or more designated locations approved by the commission in or
- 112 on the premises of:
- 113 (i) a hotel;
- 114 (ii) a resort facility;
- 115 (iii) a sports center;
- 116 (iv) a convention center;
- 117 (v) a performing arts facility; or
- 118 (vi) an arena;
- 119 (c) for which there is a contract:
- 120 (i) between a person operating a facility listed in Subsection [~~8~~] (9)(b) and another

121 person that has common ownership of less than 20% with the person operating the facility; and

122 (ii) under which the person operating a facility listed in Subsection [~~(8)~~] (9)(b) is

123 required to provide an alcoholic product at the event; and

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

125 [~~(9)~~] (10) "Bar structure" means a surface or structure on a licensed premises if on or at
126 any place of the surface or structure an alcoholic product is:

127 (a) stored; or

128 (b) dispensed.

129 [~~(10)~~] (11) (a) "Bar establishment license" means a license issued in accordance with
130 Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

131 (b) "Bar establishment license" includes:

132 (i) a dining club license;

133 (ii) an equity license;

134 (iii) a fraternal license; or

135 (iv) a bar license.

136 [~~(11)~~] (12) "Bar license" means a license issued in accordance with Chapter 5, Retail
137 License Act, and Chapter 6, Part 4, Bar Establishment License.

138 [~~(12)~~] (13) (a) Subject to Subsection [~~(12)~~] (13)(d), "beer" means a product that:

139 (i) contains at least .5% of alcohol by volume, but not more than 5% of alcohol by
140 volume or 4% by weight; and

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

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

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

144 (i) contains alcohol in the percentages described in Subsection [~~(12)~~] (13)(a); and

145 (ii) is referred to as:

146 (A) beer;

147 (B) ale;

148 (C) porter;

149 (D) stout;

150 (E) lager; or

151 (F) a malt or malted beverage.

152 (d) "Beer" does not include a flavored malt beverage.
153 (14) "Beer delivery license" means a license issued in accordance with Chapter 7a,
154 Beer Delivery License Act.
155 [~~(13)~~] (15) "Beer-only restaurant license" means a license issued in accordance with
156 Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
157 [~~(14)~~] (16) "Beer retailer" means a business that:
158 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
159 for consumption on or off the business premises; and
160 (b) is licensed as:
161 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
162 Retailer Local Authority; or
163 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
164 Chapter 6, Part 7, On-Premise Beer Retailer License.
165 [~~(15)~~] (17) "Beer wholesaling license" means a license:
166 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
167 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
168 retail licensees or off-premise beer retailers.
169 [~~(16)~~] (18) "Billboard" means a public display used to advertise, including:
170 (a) a light device;
171 (b) a painting;
172 (c) a drawing;
173 (d) a poster;
174 (e) a sign;
175 (f) a signboard; or
176 (g) a scoreboard.
177 [~~(17)~~] (19) "Brewer" means a person engaged in manufacturing:
178 (a) beer;
179 (b) heavy beer; or
180 (c) a flavored malt beverage.
181 [~~(18)~~] (20) "Brewery manufacturing license" means a license issued in accordance with
182 Chapter 11, Part 5, Brewery Manufacturing License.

183 [~~(19)~~] (21) "Certificate of approval" means a certificate of approval obtained from the
184 department under Section [32B-11-201](#).

185 [~~(20)~~] (22) "Chartered bus" means a passenger bus, coach, or other motor vehicle
186 provided by a bus company to a group of persons pursuant to a common purpose:

187 (a) under a single contract;

188 (b) at a fixed charge in accordance with the bus company's tariff; and

189 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
190 motor vehicle, and a driver to travel together to one or more specified destinations.

191 [~~(21)~~] (23) "Church" means a building:

192 (a) set apart for worship;

193 (b) in which religious services are held;

194 (c) with which clergy is associated; and

195 (d) that is tax exempt under the laws of this state.

196 [~~(22)~~] (24) "Commission" means the Alcoholic Beverage Control Commission created
197 in Section [32B-2-201](#).

198 [~~(23)~~] (25) "Commissioner" means a member of the commission.

199 [~~(24)~~] (26) "Community location" means:

200 (a) a public or private school;

201 (b) a church;

202 (c) a public library;

203 (d) a public playground; or

204 (e) a public park.

205 [~~(25)~~] (27) "Community location governing authority" means:

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

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

210 [~~(26)~~] (28) "Container" means a receptacle that contains an alcoholic product,
211 including:

212 (a) a bottle;

213 (b) a vessel; or

214 (c) a similar item.
215 [~~(27)~~] (29) "Convention center" means a facility that is:
216 (a) in total at least 30,000 square feet; and
217 (b) otherwise defined as a "convention center" by the commission by rule.
218 [~~(28)~~] (30) (a) "Counter" means a surface or structure in a dining area of a licensed
219 premises where seating is provided to a patron for service of food.
220 (b) "Counter" does not include a dispensing structure.
221 [~~(29)~~] (31) "Crime involving moral turpitude" is as defined by the commission by rule.
222 [~~(30)~~] (32) "Department" means the Department of Alcoholic Beverage Control created
223 in Section [32B-2-203](#).
224 [~~(31)~~] (33) "Department compliance officer" means an individual who is:
225 (a) an auditor or inspector; and
226 (b) employed by the department.
227 [~~(32)~~] (34) "Department sample" means liquor that is placed in the possession of the
228 department for testing, analysis, and sampling.
229 [~~(33)~~] (35) "Dining club license" means a license issued in accordance with Chapter 5,
230 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
231 commission as a dining club license.
232 [~~(34)~~] (36) "Director," unless the context requires otherwise, means the director of the
233 department.
234 [~~(35)~~] (37) "Disciplinary proceeding" means an adjudicative proceeding permitted
235 under this title:
236 (a) against a person subject to administrative action; and
237 (b) that is brought on the basis of a violation of this title.
238 [~~(36)~~] (38) (a) Subject to Subsection [~~(36)~~] (38)(b), "dispense" means:
239 (i) drawing an alcoholic product; and
240 (ii) using the alcoholic product at the location from which it was drawn to mix or
241 prepare an alcoholic product to be furnished to a patron of the retail licensee.
242 (b) The definition of "dispense" in this Subsection [~~(36)~~] (38) applies only to:
243 (i) a full-service restaurant license;
244 (ii) a limited-service restaurant license;

- 245 (iii) a reception center license;
- 246 (iv) a beer-only restaurant license;
- 247 (v) a bar license;
- 248 (vi) an on-premise beer retailer;
- 249 (vii) an airport lounge license;
- 250 (viii) an on-premise banquet license; and
- 251 (ix) a hospitality amenity license.
- 252 ~~[(37)]~~ (39) "Dispensing structure" means a surface or structure on a licensed premises:
- 253 (a) where an alcoholic product is dispensed; or
- 254 (b) from which an alcoholic product is served.
- 255 ~~[(38)]~~ (40) "Distillery manufacturing license" means a license issued in accordance
- 256 with Chapter 11, Part 4, Distillery Manufacturing License.
- 257 ~~[(39)]~~ (41) "Distressed merchandise" means an alcoholic product in the possession of
- 258 the department that is saleable, but for some reason is unappealing to the public.
- 259 ~~[(40)]~~ (42) "Equity 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 an equity license.
- 262 ~~[(41)]~~ (43) "Event permit" means:
- 263 (a) a single event permit; or
- 264 (b) a temporary beer event permit.
- 265 ~~[(42)]~~ (44) "Exempt license" means a license exempt under Section [32B-1-201](#) from
- 266 being considered in determining the total number of retail licenses that the commission may
- 267 issue at any time.
- 268 ~~[(43)]~~ (45) (a) "Flavored malt beverage" means a beverage:
- 269 (i) that contains at least .5% alcohol by volume;
- 270 (ii) that is treated by processing, filtration, or another method of manufacture that is not
- 271 generally recognized as a traditional process in the production of a beer as described in 27
- 272 C.F.R. Sec. 25.55;
- 273 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop
- 274 extract; and
- 275 (iv) (A) for which the producer is required to file a formula for approval with the

276 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or

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

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

279 ~~[(44)]~~ (46) "Fraternal license" means a license issued in accordance with Chapter 5,
280 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
281 commission as a fraternal license.

282 ~~[(45)]~~ (47) "Full-service restaurant license" means a license issued in accordance with
283 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

284 ~~[(46)]~~ (48) (a) "Furnish" means by any means to provide with, supply, or give an
285 individual an alcoholic product, by sale or otherwise.

286 (b) "Furnish" includes to:

287 (i) serve;

288 (ii) deliver; or

289 (iii) otherwise make available.

290 ~~[(47)]~~ (49) "Guest" means an individual who meets the requirements of Subsection
291 [32B-6-407\(9\)](#).

292 ~~[(48)]~~ (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

293 ~~[(49)]~~ (51) "Health care practitioner" means:

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

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

296 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

297 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
298 Act;

299 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
300 Nurse Practice Act;

301 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
302 Practice Act;

303 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
304 Therapy Practice Act;

305 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

306 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health

307 Professional Practice Act;

308 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

309 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
310 Practice Act;

311 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
312 Hygienist Practice Act; and

313 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
314 Assistant Act.

315 [~~50~~] (52) (a) "Heavy beer" means a product that:

316 (i) contains more than 5% alcohol by volume; and

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

318 (b) "Heavy beer" is considered liquor for the purposes of this title.

319 [~~51~~] (53) "Hospitality amenity license" means a license issued in accordance with
320 Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

321 [~~52~~] (54) "Hotel" means a commercial lodging establishment that:

322 (a) offers at least 40 rooms as temporary sleeping accommodations for compensation;

323 (b) is capable of hosting conventions, conferences, and food and beverage functions
324 under a banquet contract; and

325 (c) (i) has adequate kitchen or culinary facilities on the premises to provide complete
326 meals; or

327 (ii) (A) has at least 1,000 square feet of function space consisting of meeting or dining
328 rooms that can be reserved for private use under a banquet contract and can accommodate at
329 least 75 individuals; or

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

333 [~~53~~] (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail
334 License Act, and Chapter 8b, Hotel License Act.

335 [~~54~~] (56) "Identification card" means an identification card issued under Title 53,
336 Chapter 3, Part 8, Identification Card Act.

337 [~~55~~] (57) "Industry representative" means an individual who is compensated by

338 salary, commission, or other means for representing and selling an alcoholic product of a
339 manufacturer, supplier, or importer of liquor.

340 ~~[(56)]~~ (58) "Industry representative sample" means liquor that is placed in the
341 possession of the department for testing, analysis, and sampling by a local industry
342 representative on the premises of the department to educate the local industry representative of
343 the quality and characteristics of the product.

344 ~~[(57)]~~ (59) "Interdicted person" means a person to whom the sale, offer for sale, or
345 furnishing of an alcoholic product is prohibited by:

- 346 (a) law; or
- 347 (b) court order.

348 ~~[(58)]~~ (60) "International airport" means an airport:

- 349 (a) with a United States Customs and Border Protection office on the premises of the
350 airport; and
- 351 (b) at which international flights may enter and depart.

352 ~~[(59)]~~ (61) "Intoxicated" means that a person:

- 353 (a) is significantly impaired as to the person's mental or physical functions as a result of
354 the use of:
 - 355 (i) an alcoholic product;
 - 356 (ii) a controlled substance;
 - 357 (iii) a substance having the property of releasing toxic vapors; or
 - 358 (iv) a combination of Subsections ~~[(59)]~~ (61)(a)(i) through (iii); and
- 359 (b) exhibits plain and easily observed outward manifestations of behavior or physical
360 signs produced by the overconsumption of an alcoholic product.

361 ~~[(60)]~~ (62) "Investigator" means an individual who is:

- 362 (a) a department compliance officer; or
- 363 (b) a nondepartment enforcement officer.

364 ~~[(61)]~~ (63) "License" means:

- 365 (a) a retail license;
- 366 (b) a sublicense;
- 367 (c) a license issued in accordance with Chapter 7, Part 4, Off-Premise Beer Retailer
368 State License;

369 (d) a license issued in accordance with Chapter 7a, Beer Delivery License Act;
370 ~~[(e)]~~ (e) a license issued in accordance with Chapter 11, Manufacturing and Related
371 Licenses Act;
372 ~~[(f)]~~ (f) a license issued in accordance with Chapter 12, Liquor Warehousing License
373 Act;
374 ~~[(g)]~~ (g) a license issued in accordance with Chapter 13, Beer Wholesaling License
375 Act; or
376 ~~[(h)]~~ (h) a license issued in accordance with Chapter 17, Liquor Transport License Act.
377 ~~[(62)]~~ (64) "Licensee" means a person who holds a license.
378 ~~[(63)]~~ (65) "Limited-service restaurant license" means a license issued in accordance
379 with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
380 ~~[(64)]~~ (66) "Limousine" means a motor vehicle licensed by the state or a local
381 authority, other than a bus or taxicab:
382 (a) in which the driver and a passenger are separated by a partition, glass, or other
383 barrier;
384 (b) that is provided by a business entity to one or more individuals at a fixed charge in
385 accordance with the business entity's tariff; and
386 (c) to give the one or more individuals the exclusive use of the limousine and a driver
387 to travel to one or more specified destinations.
388 ~~[(65)]~~ (67) (a) (i) "Liquor" means a liquid that:
389 (A) is:
390 (I) alcohol;
391 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
392 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
393 (IV) other drink or drinkable liquid; and
394 (B) (I) contains at least .5% alcohol by volume; and
395 (II) is suitable to use for beverage purposes.
396 (ii) "Liquor" includes:
397 (A) heavy beer;
398 (B) wine; and
399 (C) a flavored malt beverage.

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

401 [~~(66)~~] (68) "Liquor Control Fund" means the enterprise fund created by Section
402 32B-2-301.

403 [~~(67)~~] (69) "Liquor transport license" means a license issued in accordance with
404 Chapter 17, Liquor Transport License Act.

405 [~~(68)~~] (70) "Liquor warehousing license" means a license that is issued:

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

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

409 [~~(69)~~] (71) "Local authority" means:

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

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

414 (c) for premises that are located in a project area as defined in Section 63H-1-102 and
415 in a project area plan adopted by the Military Installation Development Authority under Title
416 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
417 Development Authority.

418 [~~(70)~~] (72) "Lounge or bar area" is as defined by rule made by the commission.

419 [~~(71)~~] (73) "Manufacture" means to distill, brew, rectify, mix, compound, process,
420 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to
421 others.

422 [~~(72)~~] (74) "Member" means an individual who, after paying regular dues, has full
423 privileges in an equity licensee or fraternal licensee.

424 [~~(73)~~] (75) (a) "Military installation" means a base, air field, camp, post, station, yard,
425 center, or homeport facility for a ship:

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

427 (B) of the National Guard;

428 (ii) that is located within the state; and

429 (iii) including a leased facility.

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

- 431 (i) civil works;
- 432 (ii) a rivers and harbors project; or
- 433 (iii) a flood control project.
- 434 ~~[(74)]~~ (76) "Minibar" means an area of a hotel guest room where one or more alcoholic
- 435 products are kept and offered for self-service sale or consumption.
- 436 ~~[(75)]~~ (77) "Minor" means an individual under the age of 21 years.
- 437 ~~[(76)]~~ (78) "Nondepartment enforcement agency" means an agency that:
- 438 (a) (i) is a state agency other than the department; or
- 439 (ii) is an agency of a county, city, town, or metro township; and
- 440 (b) has a responsibility to enforce one or more provisions of this title.
- 441 ~~[(77)]~~ (79) "Nondepartment enforcement officer" means an individual who is:
- 442 (a) a peace officer, examiner, or investigator; and
- 443 (b) employed by a nondepartment enforcement agency.
- 444 (80) "Off-premise beer delivery" means the delivery of beer to a location in this state
- 445 off premises licensed under this title.
- 446 ~~[(78)]~~ (81) (a) "Off-premise beer retailer" means a beer retailer who is:
- 447 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 448 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
- 449 premises.
- 450 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 451 ~~[(79)]~~ (82) "Off-premise beer retailer state license" means a state license issued in
- 452 accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.
- 453 ~~[(80)]~~ (83) "On-premise banquet license" means a license issued in accordance with
- 454 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 455 ~~[(81)]~~ (84) "On-premise beer retailer" means a beer retailer who is:
- 456 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
- 457 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
- 458 Retailer License; and
- 459 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
- 460 premises:
- 461 (i) regardless of whether the beer retailer sells beer for consumption off the licensed

462 premises; and

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

464 (A) as a tavern; or

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

466 [~~82~~] [\(85\)](#) "Opaque" means impenetrable to sight.

467 [~~83~~] [\(86\)](#) "Package agency" means a retail liquor location operated:

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

469 (b) by a person:

470 (i) other than the state; and

471 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package

472 Agency, to sell packaged liquor for consumption off the premises of the package agency.

473 [~~84~~] [\(87\)](#) "Package agent" means a person who holds a package agency.

474 [~~85~~] [\(88\)](#) "Patron" means an individual to whom food, beverages, or services are sold,
475 offered for sale, or furnished, or who consumes an alcoholic product including:

476 (a) a customer;

477 (b) a member;

478 (c) a guest;

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

480 (e) an individual who receives room service;

481 (f) a resident of a resort; or

482 (g) a hospitality guest, as defined in Section [32B-6-1002](#), under a hospitality amenity
483 license.

484 [~~86~~] [\(89\)](#) (a) "Performing arts facility" means a multi-use performance space that:

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

487 (ii) contains over 2,500 seats;

488 (iii) is owned and operated by a governmental entity; and

489 (iv) is located in a city of the first class.

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

492 [~~87~~] [\(90\)](#) "Permittee" means a person issued a permit under:

- 493 (a) Chapter 9, Event Permit Act; or
- 494 (b) Chapter 10, Special Use Permit Act.
- 495 ~~[(88)]~~ (91) "Person subject to administrative action" means:
- 496 (a) a licensee;
- 497 (b) a permittee;
- 498 (c) a manufacturer;
- 499 (d) a supplier;
- 500 (e) an importer;
- 501 (f) one of the following holding a certificate of approval:
- 502 (i) an out-of-state brewer;
- 503 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 504 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 505 (g) staff of:
- 506 (i) a person listed in Subsections ~~[(88)]~~ (91)(a) through (f); or
- 507 (ii) a package agent.
- 508 ~~[(89)]~~ (92) "Premises" means a building, enclosure, or room used in connection with
- 509 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
- 510 product, unless otherwise defined in this title or rules made by the commission.
- 511 ~~[(90)]~~ (93) "Prescription" means an order issued by a health care practitioner when:
- 512 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 513 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 514 (b) the order is made in the course of that health care practitioner's professional
- 515 practice; and
- 516 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 517 ~~[(91)]~~ (94) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 518 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 519 ~~[(92)]~~ (95) "Principal license" means:
- 520 (a) a resort license;
- 521 (b) a hotel license; or
- 522 (c) an arena license.
- 523 ~~[(93)]~~ (96) (a) "Private event" means a specific social, business, or recreational event:

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

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

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

530 ~~[(94)]~~ (97) "Privately sponsored event" means a specific social, business, or
531 recreational event:

532 (a) that is held in or on the premises of an on-premise banquet licensee; and

533 (b) to which entry is restricted by an admission fee.

534 ~~[(95)]~~ (98) (a) "Proof of age" means:

535 (i) an identification card;

536 (ii) an identification that:

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

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

540 (C) includes date of birth; and

541 (D) has a picture affixed;

542 (iii) a valid driver license certificate that:

543 (A) includes date of birth;

544 (B) has a picture affixed; and

545 (C) is issued:

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

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

548 (iv) a military identification card that:

549 (A) includes date of birth; and

550 (B) has a picture affixed; or

551 (v) a valid passport.

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

554 ~~[(96)]~~ (99) "Provisions applicable to a sublicense" means:

555 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
556 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;

557 (b) for a limited-service restaurant sublicense, the provisions applicable to a
558 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;

559 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
560 license under Chapter 6, Part 4, Bar Establishment License;

561 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
562 banquet license under Chapter 6, Part 6, On-Premise Banquet License;

563 (e) for an on-premise beer retailer sublicense, the provisions applicable to an
564 on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;

565 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
566 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;

567 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
568 license under Chapter 6, Part 10, Hospitality Amenity License; and

569 (h) for a resort spa sublicense, the provisions applicable to the sublicense under
570 Chapter 8d, Part 2, Resort Spa Sublicense.

571 [~~97~~] (100) (a) "Public building" means a building or permanent structure that is:

572 (i) owned or leased by:

573 (A) the state; or

574 (B) a local government entity; and

575 (ii) used for:

576 (A) public education;

577 (B) transacting public business; or

578 (C) regularly conducting government activities.

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

582 [~~98~~] (101) "Public conveyance" means a conveyance that the public or a portion of
583 the public has access to and a right to use for transportation, including an airline, railroad, bus,
584 boat, or other public conveyance.

585 [~~99~~] (102) "Reception center" means a business that:

586 (a) operates facilities that are at least 5,000 square feet; and
587 (b) has as its primary purpose the leasing of the facilities described in Subsection ~~[(99)]~~
588 (102)(a) to a third party for the third party's event.
589 ~~[(100)]~~ (103) "Reception center license" means a license issued in accordance with
590 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
591 ~~[(101)]~~ (104) (a) "Record" means information that is:
592 (i) inscribed on a tangible medium; or
593 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
594 (b) "Record" includes:
595 (i) a book;
596 (ii) a book of account;
597 (iii) a paper;
598 (iv) a contract;
599 (v) an agreement;
600 (vi) a document; or
601 (vii) a recording in any medium.
602 ~~[(102)]~~ (105) "Residence" means a person's principal place of abode within Utah.
603 ~~[(103)]~~ (106) "Resident," in relation to a resort, means the same as that term is defined
604 in Section [32B-8-102](#).
605 ~~[(104)]~~ (107) "Resort" means the same as that term is defined in Section [32B-8-102](#).
606 ~~[(105)]~~ (108) "Resort facility" is as defined by the commission by rule.
607 ~~[(106)]~~ (109) "Resort spa sublicense" means a resort license sublicense issued in
608 accordance with Chapter 8d, Part 2, Resort Spa Sublicense.
609 ~~[(107)]~~ (110) "Resort license" means a license issued in accordance with Chapter 5,
610 Retail License Act, and Chapter 8, Resort License Act.
611 ~~[(108)]~~ (111) "Responsible alcohol service plan" means a written set of policies and
612 procedures that outlines measures to prevent employees from:
613 (a) over-serving alcoholic beverages to customers;
614 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
615 intoxicated; and
616 (c) serving alcoholic beverages to minors.

617 [~~(109)~~] (112) "Restaurant" means a business location:

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

621 [~~(110)~~] (113) "Restaurant license" means one of the following licenses issued under
622 this title:

- 623 (a) a full-service restaurant license;
- 624 (b) a limited-service restaurant license; or
- 625 (c) a beer-only restaurant license.

626 [~~(111)~~] (114) "Retail license" means one of the following licenses issued under this
627 title:

- 628 (a) a full-service restaurant license;
- 629 (b) a master full-service restaurant license;
- 630 (c) a limited-service restaurant license;
- 631 (d) a master limited-service restaurant license;
- 632 (e) a bar establishment license;
- 633 (f) an airport lounge license;
- 634 (g) an on-premise banquet license;
- 635 (h) an on-premise beer license;
- 636 (i) a reception center license;
- 637 (j) a beer-only restaurant license;
- 638 (k) a hospitality amenity license;
- 639 (l) a resort license;
- 640 (m) a hotel license; or
- 641 (n) an arena license.

642 [~~(112)~~] (115) "Room service" means furnishing an alcoholic product to a person in a
643 guest room of a:

- 644 (a) hotel; or
- 645 (b) resort facility.

646 [~~(113)~~] (116) (a) "School" means a building in which any part is used for more than
647 three hours each weekday during a school year as a public or private:

- 648 (i) elementary school;
- 649 (ii) secondary school; or
- 650 (iii) kindergarten.
- 651 (b) "School" does not include:
- 652 (i) a nursery school;
- 653 (ii) a day care center;
- 654 (iii) a trade and technical school;
- 655 (iv) a preschool; or
- 656 (v) a home school.

657 [~~(114)~~] (117) "Secondary flavoring ingredient" means any spirituous liquor added to a
658 beverage for additional flavoring that is different in type, flavor, or brand from the primary
659 spirituous liquor in the beverage.

660 [~~(115)~~] (118) "Sell" or "offer for sale" means a transaction, exchange, or barter
661 whereby, for consideration, an alcoholic product is either directly or indirectly transferred,
662 solicited, ordered, delivered for value, or by a means or under a pretext is promised or
663 obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise
664 defined in this title or the rules made by the commission.

665 [~~(116)~~] (119) "Serve" means to place an alcoholic product before an individual.

666 [~~(117)~~] (120) "Sexually oriented entertainer" means a person who while in a state of
667 seminudity appears at or performs:

- 668 (a) for the entertainment of one or more patrons;
- 669 (b) on the premises of:
 - 670 (i) a bar licensee; or
 - 671 (ii) a tavern;
- 672 (c) on behalf of or at the request of the licensee described in Subsection [~~(117)~~]
673 (120)(b);
- 674 (d) on a contractual or voluntary basis; and
- 675 (e) whether or not the person is designated as:
 - 676 (i) an employee;
 - 677 (ii) an independent contractor;
 - 678 (iii) an agent of the licensee; or

679 (iv) a different type of classification.

680 ~~[(118)]~~ (121) "Shared seating area" means the licensed premises of two or more
681 restaurant licensees that the restaurant licensees share as an area for alcoholic beverage
682 consumption in accordance with Subsection [32B-5-207\(3\)](#).

683 ~~[(119)]~~ (122) "Single event permit" means a permit issued in accordance with Chapter
684 9, Part 3, Single Event Permit.

685 ~~[(120)]~~ (123) "Small brewer" means a brewer who manufactures less than 60,000
686 barrels of beer, heavy beer, and flavored malt beverages per year.

687 ~~[(121)]~~ (124) "Small or unincorporated locality" means:

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

689 (b) a town, as classified under Section [10-2-301](#); or

690 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
691 under Section [17-50-501](#).

692 ~~[(122)]~~ (125) "Special use permit" means a permit issued in accordance with Chapter
693 10, Special Use Permit Act.

694 ~~[(123)]~~ (126) (a) "Spirituous liquor" means liquor that is distilled.

695 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
696 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

697 ~~[(124)]~~ (127) "Sports center" is as defined by the commission by rule.

698 ~~[(125)]~~ (128) (a) "Staff" means an individual who engages in activity governed by this
699 title:

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

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

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

706 (b) "Staff" includes:

707 (i) an officer;

708 (ii) a director;

709 (iii) an employee;

- 710 (iv) personnel management;
- 711 (v) an agent of the licensee, including a managing agent;
- 712 (vi) an operator; or
- 713 (vii) a representative.

714 [~~126~~] (129) "State of nudity" means:

- 715 (a) the appearance of:
 - 716 (i) the nipple or areola of a female human breast;
 - 717 (ii) a human genital;
 - 718 (iii) a human pubic area; or
 - 719 (iv) a human anus; or
- 720 (b) a state of dress that fails to opaquely cover:
 - 721 (i) the nipple or areola of a female human breast;
 - 722 (ii) a human genital;
 - 723 (iii) a human pubic area; or
 - 724 (iv) a human anus.

725 [~~127~~] (130) "State of seminudity" means a state of dress in which opaque clothing
726 covers no more than:

- 727 (a) the nipple and areola of the female human breast in a shape and color other than the
728 natural shape and color of the nipple and areola; and
- 729 (b) the human genitals, pubic area, and anus:
 - 730 (i) with no less than the following at its widest point:
 - 731 (A) four inches coverage width in the front of the human body; and
 - 732 (B) five inches coverage width in the back of the human body; and
 - 733 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

734 [~~128~~] (131) (a) "State store" means a facility for the sale of packaged liquor:

- 735 (i) located on premises owned or leased by the state; and
- 736 (ii) operated by a state employee.
- 737 (b) "State store" does not include:
 - 738 (i) a package agency;
 - 739 (ii) a licensee; or
 - 740 (iii) a permittee.

741 [~~(129)~~] (132) (a) "Storage area" means an area on licensed premises where the licensee
742 stores an alcoholic product.

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

744 [~~(130)~~] (133) "Sublicense" means:

745 (a) any of the following licenses issued as a subordinate license to, and contingent on
746 the issuance of, a principal license:

747 (i) a full-service restaurant license;

748 (ii) a limited-service restaurant license;

749 (iii) a bar establishment license;

750 (iv) an on-premise banquet license;

751 (v) an on-premise beer retailer license;

752 (vi) a beer-only restaurant license; or

753 (vii) a hospitality amenity license; or

754 (b) a resort spa sublicense.

755 [~~(131)~~] (134) "Supplier" means a person who sells an alcoholic product to the
756 department.

757 [~~(132)~~] (135) "Tavern" means an on-premise beer retailer who is:

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

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

762 [~~(133)~~] (136) "Temporary beer event permit" means a permit issued in accordance with
763 Chapter 9, Part 4, Temporary Beer Event Permit.

764 [~~(134)~~] (137) "Temporary domicile" means the principal place of abode within Utah of
765 a person who does not have a present intention to continue residency within Utah permanently
766 or indefinitely.

767 [~~(135)~~] (138) "Translucent" means a substance that allows light to pass through, but
768 does not allow an object or person to be seen through the substance.

769 [~~(136)~~] (139) "Unsaleable liquor merchandise" means a container that:

770 (a) is unsaleable because the container is:

771 (i) unlabeled;

772 (ii) leaky;
773 (iii) damaged;
774 (iv) difficult to open; or
775 (v) partly filled;
776 (b) (i) has faded labels or defective caps or corks;
777 (ii) has contents that are:
778 (A) cloudy;
779 (B) spoiled; or
780 (C) chemically determined to be impure; or
781 (iii) contains:
782 (A) sediment; or
783 (B) a foreign substance; or
784 (c) is otherwise considered by the department as unfit for sale.
785 [~~137~~] (140) (a) "Wine" means an alcoholic product obtained by the fermentation of
786 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or
787 not another ingredient is added.
788 (b) "Wine" includes:
789 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.
790 4.10; and
791 (ii) hard cider.
792 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided
793 in this title.
794 [~~138~~] (141) "Winery manufacturing license" means a license issued in accordance
795 with Chapter 11, Part 3, Winery Manufacturing License.
796 Section 2. Section **32B-1-305** is amended to read:
797 **32B-1-305. Requirement for a background check.**
798 (1) The department shall require an individual listed in Subsection (2), in accordance
799 with this part, to:
800 (a) provide a signed waiver from the individual whose fingerprints may be registered in
801 the Federal Bureau of Investigation Rap Back system that notifies the signee:
802 (i) that a criminal history background check will be conducted;

- 803 (ii) who will see the information; and
804 (iii) how the information will be used;
- 805 (b) submit to a background check in a form acceptable to the department; and
806 (c) consent to a background check by:
- 807 (i) the Utah Bureau of Criminal Identification; and
808 (ii) the Federal Bureau of Investigation.
- 809 (2) The following shall comply with Subsection (1):
- 810 (a) an individual applying for employment with the department if:
- 811 (i) the department makes the decision to offer the individual employment with the
812 department; and
- 813 (ii) once employed, the individual will receive benefits;
- 814 (b) an individual applying to the commission to operate a package agency;
- 815 (c) an individual applying to the commission for a license, unless the license is:
- 816 (i) an off-premise beer retailer state license; or
817 (ii) a beer delivery license;
- 818 (d) an individual who with regard to an entity that is applying to the commission to
819 operate a package agency or for a license is:
- 820 (i) a partner;
- 821 (ii) a managing agent;
- 822 (iii) a manager;
- 823 (iv) an officer;
- 824 (v) a director;
- 825 (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of a
826 corporation;
- 827 (vii) a member who owns at least 20% of a limited liability company; or
- 828 (viii) an individual employed to act in a supervisory or managerial capacity; or
- 829 (e) an individual who becomes involved with an entity that operates a package agency
830 or holds a license, if the individual is in a capacity listed in Subsection (2)(d) on or after the day
831 on which the entity:
- 832 (i) is approved to operate a package agency; or
833 (ii) is licensed by the commission.

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

838 (b) The commission may require an individual described in Subsection (3)(a) to
839 comply with Subsection (1) if the individual exercises direct decision making control over the
840 day-to-day operations of the package agency or licensee.

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

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

844 (b) renewal of a license.

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

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

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

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

850 (ii) the Federal Bureau of Investigation.

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

852 **32B-1-407. Verification of proof of age by applicable licensees.**

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

854 (a) a dining club;

855 (b) a bar establishment licensee;

856 (c) a tavern;

857 (d) a full-service restaurant licensee;

858 (e) a limited-service restaurant licensee; [or]

859 (f) a beer-only restaurant[?] licensee; or

860 (g) a beer delivery licensee.

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

864 (3) An authorized person [~~is required to~~] shall verify proof of age under this section

865 before an individual who appears to be 35 years of age or younger:

866 (a) gains admittance to the premises of a bar licensee or tavern;

867 (b) procures an alcoholic product on the premises of a dining club licensee;

868 (c) procures an alcoholic product in a dispensing area in the premises of a full-service
869 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee; [or]

870 (d) [~~on or after July 1, 2018;~~] procures an alcoholic product within 10 feet of a
871 grandfathered bar structure[-]; or

872 (e) procures beer from a beer delivery licensee.

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

874 (a) request the individual present proof of age; and

875 (b) (i) verify the validity of the proof of age electronically under the verification
876 program created in Subsection (5); or

877 (ii) if the proof of age cannot be electronically verified as provided in Subsection
878 (4)(b)(i), request that the individual comply with a process established by the commission by
879 rule.

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

882 (a) the specifications for the technology used by the applicable licensee to
883 electronically verify proof of age, including that the technology display to the person described
884 in Subsection (2) no more than the following for the individual who presents the proof of age:

885 (i) the name;

886 (ii) the age;

887 (iii) the number assigned to the individual's proof of age by the issuing authority;

888 (iv) the birth date;

889 (v) the gender; and

890 (vi) the status and expiration date of the individual's proof of age; and

891 (b) the security measures that shall be used by an applicable licensee to ensure that
892 information obtained under this section is:

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

895 (ii) except as provided in Subsection (7), retained by the applicable licensee for seven

896 days after the day on which the applicable licensee obtains the information.

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

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

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

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

904 **32B-1-607. Rulemaking authority.**

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

906 (2) Notwithstanding Subsections [~~32B-1-102(12) and (50)~~] 32B-1-102(13) and (52), in
907 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
908 may make rules that allow for a tolerance in the alcohol content of beer or heavy beer as
909 follows:

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

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

912 Section 5. Section **32B-1-702** is amended to read:

913 **32B-1-702. Alcohol training and education -- Revocation, suspension, or**
914 **nonrenewal of retail license.**

915 (1) The commission may suspend, revoke, or not renew a license of a retail licensee if
916 any of the following individuals fail to complete an alcohol training and education seminar:

917 (a) a retail manager; or

918 (b) retail staff.

919 (2) The commission may suspend, revoke, or not renew the license of a beer delivery
920 licensee if an authorized delivery agent of the beer delivery licensee fails to complete an
921 alcohol training and education seminar.

922 [~~2~~] (3) A city, town, metro township, or county in which a retail licensee conducts
923 business may suspend, revoke, or not renew the business license of the retail licensee if a retail
924 manager or retail staff fails to complete an alcohol training and education seminar.

925 [~~3~~] (4) A local authority that issues an off-premise beer retailer license to a business
926 that is engaged in the retail sale of beer for consumption off the beer retailer's premises may

927 immediately suspend the off-premise beer retailer license if any of the following individuals
 928 fails to complete an alcohol training and education seminar:

- 929 (a) an off-premise retail manager; or
 930 (b) off-premise retail staff.

931 Section 6. Section **32B-1-704** is amended to read:

932 **32B-1-704. Department training programs.**

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

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

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

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

938 (iii) using compliance assistance from the department; and

939 (iv) any other topic the department determines beneficial to a retail manager; ~~[and]~~

940 (b) a training program for an individual employed by a retail licensee or an off-premise
 941 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an
 942 alcoholic beverage to an intoxicated individual or a minor, that addresses:

943 (i) the statutes and rules that govern the most common types of violations under this
 944 title;

945 (ii) how to avoid common violations; and

946 (iii) any other topic the department determines beneficial to the training program[-];

947 and

948 (c) no later than January 1, 2022, a training program:

949 (i) for an individual who:

950 (A) is an authorized delivery agent; and

951 (B) violates a provision of this title related to the furnishing of an alcoholic beverage to
 952 an intoxicated individual or a minor; and

953 (ii) that addresses:

954 (A) the statutes and rules that govern the most common types of violations under this

955 title;

956 (B) how to avoid common violations; and

957 (C) any other topic the department determines beneficial to the training program.

958 (2) ~~[No later than January 1, 2019, the]~~ The department shall develop and maintain a
959 training program:

960 (a) for off-premise retail managers;

961 (b) that is provided either in-person or online; and

962 (c) that addresses:

963 ~~[(a)]~~ (i) the statutes and rules that govern sales at an off-premise beer retailer;

964 ~~[(b)]~~ (ii) the requirements for operating an off-premise beer retailer;

965 ~~[(c)]~~ (iii) using compliance assistance from the department; and

966 ~~[(d)]~~ (iv) any other topic the department determines beneficial to an off-premise retail
967 manager.

968 (3) No later than January 1, 2022, the department shall develop and maintain a training
969 program:

970 (a) for authorized delivery agents;

971 (b) that is provided either in-person or online; and

972 (c) that addresses:

973 (i) the statutes and rules that govern off-premise beer delivery;

974 (ii) the requirements of making an off-premise beer delivery;

975 (iii) using compliance assistance from the department; and

976 (iv) any other topic the department determines beneficial to an authorized delivery
977 agent.

978 ~~[(3)]~~ (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
979 Act, and the provisions of this section, the department shall make rules to develop and
980 implement the training programs described in this section, including rules that establish:

981 (a) the requirements for each training program described in this section;

982 (b) measures that accurately identify each individual who takes and completes a
983 training program;

984 (c) measures that ensure an individual taking a training program is focused and actively
985 engaged in the training material throughout the training program;

986 (d) a record that certifies that an individual has completed a training program; and

987 (e) a fee for participation in a training program to cover the department's cost of
988 providing the training program.

989 ~~[(4)]~~ (5) (a) ~~[Except as provided in Subsection (5), each]~~ Each retail manager shall
990 complete the training described in Subsection (1)(a) no later than the later of:

991 (i) 30 days after the day on which the retail manager is hired; or

992 (ii) 30 days after the day on which the retail licensee obtains a retail license under this
993 chapter.

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

996 (i) 30 days after the day on which the off-premise retail manager is hired; or

997 (ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise
998 beer retailer state license.

999 (c) Each authorized delivery agent shall complete the training described in Subsection
1000 (3) no later than 30 days after the day on which a beer delivery licensee makes the individual an
1001 authorized delivery agent.

1002 ~~[(c)]~~ (d) (i) If the commission finds that a retail licensee violated a provision of this
1003 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
1004 individual or a minor for a second time within 36 consecutive months after the day on which
1005 the first violation was adjudicated, the violator, all retail staff, and each retail manager shall
1006 complete the training program described in Subsection (1)(b).

1007 (ii) If the commission finds that an off-premise beer retailer violated a provision of this
1008 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
1009 individual or a minor for a second time within 36 consecutive months after the day on which
1010 the first violation was adjudicated, the violator and each off-premise retail manager shall
1011 complete the training program described in Subsection (1)(b).

1012 ~~[(5) (a) For a person who holds a retail license on January 1, 2018, each retail manager~~
1013 ~~shall complete the training program described in Subsection (1)(a) for the first time as a~~
1014 ~~condition of renewing the licensee's retail license in 2018.]~~

1015 ~~[(b) For a person who holds an off-premise beer retailer state license on January 1,~~
1016 ~~2019, each off-premise retail manager shall complete the training program described in~~
1017 ~~Subsection (1)(b) for the first time as a condition of renewing the licensee's off-premise beer~~
1018 ~~retailer state license in 2019.]~~

1019 (iii) If the commission finds that an authorized delivery agent violates a provision of

1020 this title related to the furnishing of an alcoholic beverage to an intoxicated individual or minor
1021 for a second time within 36 consecutive months after the day on which the first violation was
1022 adjudicated, the authorized delivery agent shall complete the training program described in
1023 Subsection (1)(c).

1024 (6) If an individual fails to complete a required training program under this section:

1025 (a) the commission may suspend, revoke, or not renew the retail license [~~or~~],
1026 off-premise beer retailer state license, or beer delivery license;

1027 (b) a city, town, metro township, or county in which the retail licensee or off-premise
1028 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise
1029 beer retailer's business license; or

1030 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
1031 license.

1032 Section 7. Section **32B-1-705** is amended to read:

1033 **32B-1-705. Tracking certain enforcement actions.**

1034 (1) For each violation of a provision of this title involving the sale of an alcoholic
1035 product to a minor that staff of a retail licensee commits or that an authorized delivery agent of
1036 a beer delivery licensee commits, the commission shall:

1037 (a) maintain a record of the violation until the record is expunged in accordance with
1038 Subsection (3);

1039 (b) include in the record described in Subsection (1)(a):

1040 (i) the name of the individual who committed the violation;

1041 (ii) the name of the retail licensee or beer delivery licensee; and

1042 (iii) the date of the adjudication of the violation; and

1043 (c) provide the information described in Subsection (1)(b) to the Department of Public
1044 Safety within 30 days after the day on which the violation is adjudicated.

1045 (2) (a) The Department of Public Safety shall develop and operate a system to collect,
1046 analyze, maintain, track, and disseminate the information that the Department of Public Safety
1047 receives in accordance with Subsection (1).

1048 (b) The Department of Public Safety shall make the system described in Subsection
1049 (2)(a) available to:

1050 (i) assist the commission in assessing penalties under this title; and

1051 (ii) inform a retail licensee and a beer delivery licensee of an individual who has a
1052 violation history in the system.

1053 (3) The commission and the Department of Public Safety shall expunge each record in
1054 the system described in Subsection (2) that relates to an individual if the individual does not
1055 violate a provision of this title related to the sale of an alcoholic product to a minor for a period
1056 of 36 consecutive months [~~from~~] after the day on which the individual's last violation related to
1057 the sale of an alcoholic product to a minor was adjudicated.

1058 Section 8. Section **32B-2-202** is amended to read:

1059 **32B-2-202. Powers and duties of the commission.**

1060 (1) The commission shall:

1061 (a) consistent with the policy established by the Legislature by statute, act as a general
1062 policymaking body on the subject of alcoholic product control;

1063 (b) adopt and issue policies, rules, and procedures;

1064 (c) set policy by written rules that establish criteria and procedures for:

1065 (i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
1066 permit, or certificate of approval; and

1067 (ii) determining the location of a state store, package agency, or retail licensee;

1068 (d) decide within the limits, and under the conditions imposed by this title, the number
1069 and location of state stores, package agencies, and retail licensees in the state;

1070 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
1071 sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer for sale,
1072 furnishing, consumption, manufacture, and distribution of an alcoholic product:

1073 (i) a package agency;

1074 (ii) a full-service restaurant license;

1075 (iii) a master full-service restaurant license;

1076 (iv) a limited-service restaurant license;

1077 (v) a master limited-service restaurant license;

1078 (vi) a bar establishment license;

1079 (vii) an airport lounge license;

1080 (viii) an on-premise banquet license;

1081 (ix) a resort license, which includes four or more sublicenses;

- 1082 (x) an on-premise beer retailer license;
- 1083 (xi) a reception center license;
- 1084 (xii) a beer-only restaurant license;
- 1085 (xiii) a hotel license, which includes three or more sublicenses;
- 1086 (xiv) an arena license, which includes three or more sublicenses;
- 1087 (xv) a hospitality amenity license;
- 1088 (xvi) subject to Subsection (4), a single event permit;
- 1089 (xvii) subject to Subsection (4), a temporary beer event permit;
- 1090 (xviii) a special use permit;
- 1091 (xix) a manufacturing license;
- 1092 (xx) a liquor warehousing license;
- 1093 (xxi) a beer wholesaling license;
- 1094 (xxii) a liquor transport license;
- 1095 (xxiii) an off-premise beer retailer state license;
- 1096 (xxiv) a master off-premise beer retailer state license;
- 1097 (xxv) a beer delivery license;
- 1098 [~~xxxv~~] (xxvi) one of the following that holds a certificate of approval:
- 1099 (A) an out-of-state brewer;
- 1100 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
- 1101 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
- 1102 [~~xxxvi~~] (xxvii) a resort spa sublicense;
- 1103 (f) issue, deny, suspend, or revoke the following conditional licenses:
- 1104 (i) a conditional retail license as defined in Section [32B-5-205](#); and
- 1105 (ii) a conditional off-premise beer retailer state license as defined in Section
- 1106 [32B-7-406](#);
- 1107 (g) prescribe the duties of the department in assisting the commission in issuing a
- 1108 package agency, license, permit, or certificate of approval under this title;
- 1109 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
- 1110 in accordance with Section [63J-1-504](#);
- 1111 (i) fix prices at which liquor is sold that are the same at all state stores, package
- 1112 agencies, and retail licensees;

1113 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
1114 class, variety, or brand of liquor kept for sale by the department;

1115 (k) (i) require the director to follow sound management principles; and

1116 (ii) require periodic reporting from the director to ensure that:

1117 (A) sound management principles are being followed; and

1118 (B) policies established by the commission are being observed;

1119 (l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
1120 and matters submitted by the director to the commission; and

1121 (ii) do the things necessary to support the department in properly performing the
1122 department's duties;

1123 (m) obtain temporarily and for special purposes the services of an expert or person
1124 engaged in the practice of a profession, or a person who possesses a needed skill if:

1125 (i) considered expedient; and

1126 (ii) approved by the governor;

1127 (n) prescribe by rule the conduct, management, and equipment of premises upon which
1128 an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;

1129 (o) make rules governing the credit terms of beer sales within the state to retail
1130 licensees; and

1131 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
1132 disciplinary action against a person subject to administrative action.

1133 (2) Consistent with the policy established by the Legislature by statute, the power of
1134 the commission to do the following is plenary, except as otherwise provided by this title, and
1135 not subject to review:

1136 (a) establish a state store;

1137 (b) issue authority to act as a package agent or operate a package agency; and

1138 (c) issue, deny, or deem forfeit a license, permit, or certificate of approval.

1139 (3) If the commission is authorized or required to make a rule under this title, the
1140 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
1141 Rulemaking Act.

1142 (4) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy director
1143 may issue an event permit in accordance with Chapter 9, Event Permit Act.

1144 Section 9. Section 32B-7a-101 is enacted to read:

1145 **CHAPTER 7a. BEER DELIVERY LICENSE ACT**

1146 **Part 1. General Provisions**

1147 **32B-7a-101. Title.**

1148 This chapter is known as the "Beer Delivery License Act."

1149 Section 10. Section 32B-7a-102 is enacted to read:

1150 **32B-7a-102. Definitions.**

1151 As used in this chapter:

1152 (1) "Software application" means an Internet-connected software platform that a person
1153 uses to place a delivery order for a product from a business.

1154 (2) "Third-party delivery service" means a business entity that:

1155 (a) delivers another business entity's good to a customer; and

1156 (b) uses a software application to facilitate each delivery.

1157 Section 11. Section 32B-7a-201 is enacted to read:

1158 **Part 2. Beer Delivery Licensing Process**

1159 **32B-7a-201. Commission's power to issue a beer delivery license.**

1160 (1) Before a person may make an off-premise beer delivery, the person shall first
1161 obtain a beer delivery license from the commission in accordance with this chapter.

1162 (2) The commission may only issue an off-premise beer delivery license to:

1163 (a) an off-premise beer retailer state licensee; or

1164 (b) a third-party delivery service.

1165 (3) The commission may not issue a beer delivery license to a person before January 1,
1166 2022.

1167 Section 12. Section 32B-7a-202 is enacted to read:

1168 **32B-7a-202. Application for a beer delivery license.**

1169 To obtain a beer delivery license, a person shall submit to the department:

1170 (1) a written application in a form the department prescribes;

1171 (2) a nonrefundable application fee of \$150;

1172 (3) an initial licensing fee of \$350 that is refundable if the commission does not issue
1173 the beer delivery license;

1174 (4) a copy of the person's current business license;

1175 (5) evidence that the person carries public liability insurance in the amount of
1176 \$1,000,000 per occurrence;

1177 (6) if the person is an entity, proper verification evidencing that the individual who
1178 signs the application is authorized to sign on behalf of the entity; and

1179 (7) any other information that the commission or department requires.

1180 Section 13. Section **32B-7a-203** is enacted to read:

1181 **32B-7a-203. Renewal of beer delivery license.**

1182 (1) A beer delivery license expires on the last day of February each year.

1183 (2) To renew a beer delivery license, a beer delivery licensee shall, no later than
1184 January 31, submit to the department:

1185 (a) a completed renewal application in a form the department prescribes; and

1186 (b) a renewal fee of \$175.

1187 (3) A beer delivery licensee automatically forfeits the beer delivery license if the beer
1188 delivery licensee fails to satisfy the renewal requirements described in this section.

1189 Section 14. Section **32B-7a-204** is enacted to read:

1190 **32B-7a-204. Duties of commission and department before issuing a beer delivery**
1191 **license.**

1192 (1) (a) Before the commission issues a beer delivery license, the department shall
1193 conduct an investigation and may hold one or more public hearings to gather information and
1194 make recommendations to the commission regarding whether the commission should issue the
1195 beer delivery license.

1196 (b) The department shall forward the information the department gathers under
1197 Subsection (1)(a) and the department's recommendations to the commission.

1198 (2) Before the commission issues a beer delivery license, the commission shall:

1199 (a) determine that the person filed a complete application and is in compliance with the
1200 provisions of this chapter; and

1201 (b) consider any other factor that the commission considers necessary.

1202 Section 15. Section **32B-7a-301** is enacted to read:

1203 **Part 3. Beer Delivery License Requirements**

1204 **32B-7a-301. Notifying the department of change of ownership.**

1205 The commission may suspend or revoke a beer delivery license if a beer delivery

1206 licensee does not immediately notify the department of a change in:

1207 (1) ownership of the licensee's business;

1208 (2) for a corporate owner, a shareholder holding at least 20% of the total issued and
1209 outstanding stock of the corporation; or

1210 (3) for a limited liability company, a member owning at least 20% of the limited
1211 liability company.

1212 Section 16. Section **32B-7a-302** is enacted to read:

1213 **32B-7a-302. Bond for beer delivery license.**

1214 (1) (a) A beer delivery licensee shall post a cash or surety bond:

1215 (i) in the penal sum of \$10,000; and

1216 (ii) payable to the department.

1217 (b) A beer delivery licensee shall procure and maintain the bond required under this
1218 section for as long as the beer delivery licensee continues to operate as a beer delivery licensee.

1219 (2) The bond a beer delivery licensee posts in accordance with this section shall be:

1220 (a) in a form the attorney general approves; and

1221 (b) conditioned upon the beer delivery licensee's faithful compliance with this title and
1222 the rules of the commission.

1223 (3) (a) If a surety bond that a beer delivery licensee posts in accordance with this
1224 section is canceled because of the beer delivery licensee's negligence, the department may
1225 assess a \$300 reinstatement fee.

1226 (b) No part of a bond that a beer delivery licensee posts in accordance with this section
1227 may be withdrawn:

1228 (i) during the period the beer delivery license is in effect; or

1229 (ii) while a revocation proceeding is pending against the beer delivery licensee.

1230 (4) (a) A bond that a beer delivery licensee posts under this section may be forfeited if
1231 the commission revokes the beer delivery license.

1232 (b) Notwithstanding Subsection (4)(a), the department may make a claim against a
1233 bond that a beer delivery licensee posts for money owed the department under this title without
1234 the commission first revoking the beer delivery license.

1235 Section 17. Section **32B-7a-303** is enacted to read:

1236 **32B-7a-303. Recordkeeping.**

1237 (1) A beer delivery licensee shall make and maintain a record showing in detail:

1238 (a) each beer delivery; and

1239 (b) any other item the department requires.

1240 (2) A beer delivery licensee shall make and maintain a record required under

1241 Subsection (1):

1242 (a) in a form the department approves; and

1243 (b) current for each three-month period.

1244 (3) A beer delivery licensee shall support a delivery by:

1245 (a) a delivery ticket;

1246 (b) an invoice;

1247 (c) a receipted bill; or

1248 (d) other sustaining datum or memorandum.

1249 (4) In addition to a record required under Subsection (1), a beer delivery licensee shall
1250 make and maintain any other record the department may require.

1251 (5) (a) A record of a beer delivery licensee is subject to inspection by:

1252 (i) an authorized representative of the commission and the department; or

1253 (ii) an alcohol-related law enforcement officer.

1254 (b) A beer delivery licensee shall allow the department, through an auditor or examiner
1255 of the department, to audit the records of the beer delivery licensee at times the department
1256 considers advisable.

1257 Section 18. Section **32B-7a-304** is enacted to read:

1258 **32B-7a-304. Operational requirements for a beer delivery license.**

1259 (1) (a) A beer delivery licensee and an authorized delivery agent shall comply with the
1260 provisions of this title and any applicable rules the commission makes in accordance with Title
1261 63G, Chapter 3, Utah Administrative Rulemaking Act.

1262 (b) Failure to comply with this section may result in a suspension or revocation of a
1263 local license or disciplinary action in accordance with Chapter 3, Disciplinary Actions and
1264 Enforcement Act.

1265 (2) A beer delivery license permits a licensee to make an off-premise beer delivery:

1266 (a) to an individual who requests the delivery through a software application; and

1267 (b) through an authorized delivery agent.

1268 (3) A beer delivery licensee that is an off-premise beer retailer state licensee may only
1269 deliver or offer for delivery beer:

1270 (a) that an individual purchases from the off-premise beer retailer state licensee
1271 through a software application;

1272 (b) that the off-premise beer retailer state licensee is authorized to possess, sell, offer
1273 for sale, and furnish under the licensee's off-premise beer retailer state license; and

1274 (c) during days and hours the off-premise beer retailer state licensee is authorized to
1275 sell, offer for sale, and furnish beer under the licensee's off-premise beer retailer state license.

1276 (4) A beer delivery licensee that is a third-party delivery service may only deliver or
1277 offer for delivery beer:

1278 (a) that an individual purchases:

1279 (i) from an off-premise beer retailer state licensee; and

1280 (ii) through a software application;

1281 (b) that the off-premise beer retailer state licensee described in Subsection (4)(a) is
1282 authorized to possess, sell, offer for sale, and furnish under the off-premise beer retailer's state
1283 license; and

1284 (c) during days and hours the off-premise beer retailer state licensee described in
1285 Subsection (4)(a) is authorized to sell, offer for sale, and furnish beer under the licensee's
1286 off-premise beer retailer state license.

1287 (5) A beer delivery licensee shall ensure that an authorized delivery agent for the
1288 licensee:

1289 (a) is at least 21 years old;

1290 (b) while making an off-premise beer delivery:

1291 (i) does not consume an alcoholic product; and

1292 (ii) is not intoxicated;

1293 (c) completes an alcohol training and education seminar; and

1294 (d) follows the requirements for delivery described in Subsection (6).

1295 (6) (a) An authorized delivery agent may not fulfill an off-premise beer delivery unless
1296 the authorized delivery agent verifies that the individual to whom the authorized delivery agent
1297 delivers the beer:

1298 (i) is at least 21 years old;

1299 (ii) is not actually, apparently, or obviously intoxicated;
 1300 (iii) electronically paid in full for the off-premise beer delivery; and
 1301 (iv) is the same individual whose name is attached to the electronic payment described
 1302 in Subsection (6)(a)(iii).

1303 (b) An authorized delivery agent shall verify an individual's age in accordance with
 1304 Section [32B-1-407](#).

1305 (c) Any beer that an authorized delivery agent is unable to deliver in accordance with
 1306 this Subsection (6), the authorized delivery agent shall immediately return to the off-premise
 1307 beer retailer from which the beer was purchased.

1308 (7) A beer delivery licensee shall retain a record of each delivery for three years after
 1309 the day on which the delivery is made.

1310 Section 19. Section **62A-15-401** is amended to read:

1311 **62A-15-401. Alcohol training and education seminar.**

1312 (1) As used in this part:

1313 (a) "Authorized delivery agent" means the same as that term is defined in Section
 1314 [32B-1-102](#).

1315 (b) "Instructor" means a person that directly provides the instruction during an alcohol
 1316 training and education seminar for a seminar provider.

1317 ~~[(b)]~~ (c) "Licensee" means a person who is:

1318 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;
 1319 and

1320 (B) engaged in the retail sale of an alcoholic product for consumption on the premises
 1321 of the licensee; or

1322 (ii) a business that is:

1323 (A) a new or renewing licensee licensed by a city, town, or county; and

1324 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

1325 ~~[(c)]~~ (d) "Off-premise beer retailer" ~~[is as]~~ means the same as that term is defined in
 1326 Section [32B-1-102](#).

1327 ~~[(d)]~~ (e) "Seminar provider" means a person other than the division who provides an
 1328 alcohol training and education seminar meeting the requirements of this section.

1329 (2) (a) This section applies to:

- 1330 (i) a retail manager as defined in Section 32B-1-701;
- 1331 (ii) retail staff as defined in Section 32B-1-701; [~~and~~]
- 1332 (iii) an individual who, as defined by division rule:
- 1333 (A) directly supervises the sale of beer to a customer for consumption off the premises
- 1334 of an off-premise beer retailer; or
- 1335 (B) sells beer to a customer for consumption off the premises of an off-premise beer
- 1336 retailer[-]; and
- 1337 (iv) an authorized delivery agent.
- 1338 (b) If the individual does not have a valid record that the individual has completed an
- 1339 alcohol training and education seminar, an individual described in Subsection (2)(a) shall:
- 1340 (i) (A) complete an alcohol training and education seminar within 30 days [~~of the~~
- 1341 ~~following~~] after the day on which one of the following occurs, if the individual is described in
- 1342 Subsection (2)(a)(i) or (ii):
- 1343 (I) if the individual is an employee, the day on which the individual begins
- 1344 employment;
- 1345 (II) if the individual is an independent contractor, the day on which the individual is
- 1346 first hired; or
- 1347 (III) if the individual holds an ownership interest in the licensee, the day [~~that~~] on
- 1348 which the individual first engages in an activity that would result in that individual being
- 1349 required to complete an alcohol training and education seminar; [~~or~~]
- 1350 (B) complete an alcohol training and education seminar within the time periods
- 1351 specified in Subsection 32B-1-703(1) if the individual is described in Subsection (2)(a)(iii)(A)
- 1352 or (B); [~~and~~] or
- 1353 (C) complete an alcohol training and education seminar within the time period
- 1354 specified in Subsection 32B-1-704(5)(c), if the individual is described in Subsection (2)(a)(iv);
- 1355 and
- 1356 (ii) pay a fee:
- 1357 (A) to the seminar provider; and
- 1358 (B) that is equal to or greater than the amount established under Subsection (4)(h).
- 1359 (c) An individual shall have a valid record that the individual completed an alcohol
- 1360 training and education seminar within the time period provided in this Subsection (2) to engage

1361 in an activity described in Subsection (2)(a).

1362 (d) A record that an individual has completed an alcohol training and education
1363 seminar is valid for:

1364 (i) three years ~~[from]~~ after the day on which the record is issued for an individual
1365 described in Subsection (2)(a)(i) or (ii); and

1366 (ii) five years ~~[from]~~ after the day on which the record is issued for an individual
1367 described in Subsection ~~[(2)(a)(iii)(A) or (B)]~~ (2)(a)(iii) or (iv).

1368 (e) ~~[On and after July 1, 2011, to]~~ To be considered as having completed an alcohol
1369 training and education seminar, an individual shall:

1370 (i) attend the alcohol training and education seminar and take any test required to
1371 demonstrate completion of the alcohol training and education seminar in the physical presence
1372 of an instructor of the seminar provider; or

1373 (ii) complete the alcohol training and education seminar and take any test required to
1374 demonstrate completion of the alcohol training and education seminar through an online course
1375 or testing program that meets the requirements described in Subsection (2)(f).

1376 (f) (i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
1377 Administrative Rulemaking Act, establish one or more requirements for an online course or
1378 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of
1379 the online course or testing program.

1380 (ii) In developing the requirements by rule the division shall consider whether to
1381 require:

1382 ~~[(i)]~~ (A) authentication that the an individual accurately identifies the individual as
1383 taking the online course or test;

1384 ~~[(ii)]~~ (B) measures to ensure that an individual taking the online course or test is
1385 focused on training material throughout the entire training period;

1386 ~~[(iii)]~~ (C) measures to track the actual time an individual taking the online course or
1387 test is actively engaged online;

1388 ~~[(iv)]~~ (D) a seminar provider to provide technical support, such as requiring a
1389 telephone number, email, or other method of communication that allows an individual taking
1390 the online course or test to receive assistance if the individual is unable to participate online
1391 because of technical difficulties;

1392 [~~(v)~~] (E) a test to meet quality standards, including randomization of test questions and
1393 maximum time limits to take a test;

1394 [~~(vi)~~] (F) a seminar provider to have a system to reduce fraud as to who completes an
1395 online course or test, such as requiring a distinct online certificate with information printed on
1396 the certificate that identifies the person taking the online course or test, or requiring measures
1397 to inhibit duplication of a certificate;

1398 [~~(vii)~~] (G) measures for the division to audit online courses or tests;

1399 [~~(viii)~~] (H) measures to allow an individual taking an online course or test to provide
1400 an evaluation of the online course or test;

1401 [~~(ix)~~] (I) a seminar provider to track the Internet protocol address or similar electronic
1402 location of an individual who takes an online course or test;

1403 [~~(x)~~] (J) an individual who takes an online course or test to use an e-signature; or

1404 [~~(xi)~~] (K) a seminar provider to invalidate a certificate if the seminar provider learns
1405 that the certificate does not accurately reflect the individual who took the online course or test.

1406 (3) (a) A licensee may not permit an individual who is not in compliance with
1407 Subsection (2) to:

1408 (i) serve or supervise the serving of an alcoholic product to a customer for
1409 consumption on the premises of the licensee;

1410 (ii) engage in any activity that would constitute managing operations at the premises of
1411 a licensee that engages in the retail sale of an alcoholic product for consumption on the
1412 premises of the licensee;

1413 (iii) directly supervise the sale of beer to a customer for consumption off the premises
1414 of an off-premise beer retailer; [~~or~~]

1415 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
1416 retailer[-]; or

1417 (v) deliver beer, as an authorized delivery agent, to a customer located off licensed
1418 premises.

1419 (b) A licensee that violates Subsection (3)(a) is subject to Section [32B-1-702](#).

1420 (4) The division shall:

1421 (a) (i) provide alcohol training and education seminars; or

1422 (ii) certify one or more seminar providers;

- 1423 (b) establish the curriculum for an alcohol training and education seminar that includes
1424 the following subjects:
- 1425 (i) (A) alcohol as a drug; and
 - 1426 (B) alcohol's effect on the body and behavior;
 - 1427 (ii) recognizing the problem drinker or signs of intoxication;
 - 1428 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
1429 as determined in consultation with the Department of Alcoholic Beverage Control;
 - 1430 (iv) dealing with the problem customer, including ways to terminate sale or service;
 - 1431 and
 - 1432 (v) for those supervising or engaging in the retail sale of an alcoholic product for
1433 consumption on the premises of a licensee, alternative means of transportation to get the
1434 customer safely home;
 - 1435 (c) recertify each seminar provider every three years;
 - 1436 (d) monitor compliance with the curriculum described in Subsection (4)(b);
 - 1437 (e) maintain for at least five years a record of every person who has completed an
1438 alcohol training and education seminar;
 - 1439 (f) provide the information described in Subsection (4)(e) on request to:
 - 1440 (i) the Department of Alcoholic Beverage Control;
 - 1441 (ii) law enforcement; or
 - 1442 (iii) a person licensed by the state or a local government to sell an alcoholic product;
 - 1443 (g) provide the Department of Alcoholic Beverage Control on request a list of any
1444 seminar provider certified by the division; and
 - 1445 (h) establish a fee amount for each person attending an alcohol training and education
1446 seminar that is sufficient to offset the division's cost of administering this section.
- 1447 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
1448 Administrative Rulemaking Act:
- 1449 (a) define what constitutes under this section an individual who:
 - 1450 (i) manages operations at the premises of a licensee engaged in the retail sale of an
1451 alcoholic product for consumption on the premises of the licensee;
 - 1452 (ii) supervises the serving of an alcoholic product to a customer for consumption on the
1453 premises of a licensee;

- 1454 (iii) serves an alcoholic product to a customer for consumption on the premises of a
- 1455 licensee;
- 1456 (iv) directly supervises the sale of beer to a customer for consumption off the premises
- 1457 of an off-premise beer retailer; ~~[or]~~
- 1458 (v) sells beer to a customer for consumption off the premises of an off-premise beer
- 1459 retailer; or
- 1460 (vi) delivers beer, as an authorized delivery agent, to a customer located off licensed
- 1461 premises;
- 1462 (b) establish criteria for certifying and recertifying a seminar provider; and
- 1463 (c) establish guidelines for the manner in which an instructor provides an alcohol
- 1464 education and training seminar.
- 1465 (6) A seminar provider shall:
- 1466 (a) obtain recertification by the division every three years;
- 1467 (b) ensure that an instructor used by the seminar provider:
- 1468 (i) follows the curriculum established under this section; and
- 1469 (ii) conducts an alcohol training and education seminar in accordance with the
- 1470 guidelines established by rule;
- 1471 (c) ensure that any information provided by the seminar provider or instructor of a
- 1472 seminar provider is consistent with:
- 1473 (i) the curriculum established under this section; and
- 1474 (ii) this section;
- 1475 (d) provide the division with the names of all persons who complete an alcohol training
- 1476 and education seminar provided by the seminar provider;
- 1477 (e) (i) collect a fee for each person attending an alcohol training and education seminar
- 1478 in accordance with Subsection (2); and
- 1479 (ii) forward to the division the portion of the fee that is equal to the amount described
- 1480 in Subsection (4)(h); and
- 1481 (f) issue a record to an individual that completes an alcohol training and education
- 1482 seminar provided by the seminar provider.
- 1483 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
- 1484 Administrative Procedures Act, the division finds that a seminar provider violates this section

1485 or that an instructor of the seminar provider violates this section, the division may:

1486 (i) suspend the certification of the seminar provider for a period not to exceed 90 days
1487 after the day on which the suspension begins;

1488 (ii) revoke the certification of the seminar provider;

1489 (iii) require the seminar provider to take corrective action regarding an instructor; or

1490 (iv) prohibit the seminar provider from using an instructor until such time that the

1491 seminar provider establishes to the satisfaction of the division that the instructor is in

1492 compliance with Subsection (6)(b).

1493 (b) The division may certify a seminar provider whose certification is revoked:

1494 (i) no sooner than 90 days ~~[from the date]~~ after the day on which the division revokes
1495 the certification [is revoked]; and

1496 (ii) if the seminar provider establishes to the satisfaction of the division that the

1497 seminar provider will comply with this section.

1498 Section 20. Section **63I-2-232** is amended to read:

1499 **63I-2-232. Repeal dates -- Title 32B.**

1500 (1) Subsection ~~[32B-1-102(9)]~~ 32B-1-102 is repealed July 1, 2022.

1501 (2) Subsection 32B-1-407(3)(d) is repealed July 1, 2022.

1502 ~~[(3) Section 32B-2-211.1 is repealed November 1, 2020.]~~

1503 ~~[(4) Subsection 32B-5-202(4), which addresses license renewal during 2020, is~~
1504 ~~repealed January 1, 2021.]~~

1505 ~~[(5) (3) Subsections 32B-6-202(3) and (4) are repealed July 1, 2022.~~

1506 ~~[(6) (4) Section 32B-6-205 is repealed July 1, 2022.~~

1507 ~~[(7) (5) Subsection 32B-6-205.2(16) is repealed July 1, 2022.~~

1508 ~~[(8) (6) Section 32B-6-205.3 is repealed July 1, 2022.~~

1509 ~~[(9) (7) Subsections 32B-6-302(3) and (4) are repealed July 1, 2022.~~

1510 ~~[(10) (8) Section 32B-6-305 is repealed July 1, 2022.~~

1511 ~~[(11) (9) Subsection 32B-6-305.2(15) is repealed July 1, 2022.~~

1512 ~~[(12) (10) Section 32B-6-305.3 is repealed July 1, 2022.~~

1513 ~~[(13) (11) Section 32B-6-404.1 is repealed July 1, 2022.~~

1514 ~~[(14) (12) Section 32B-6-409 is repealed July 1, 2022.~~

1515 ~~[(15) (13) Subsection 32B-6-703(2)(e)(iv) is repealed July 1, 2022.~~

- 1516 [~~(16)~~] (14) Subsections [32B-6-902\(1\)\(c\)](#), [\(1\)\(d\)](#), and [\(2\)](#) are repealed July 1, 2022.
- 1517 [~~(17)~~] (15) Section [32B-6-905](#) is repealed July 1, 2022.
- 1518 [~~(18)~~] (16) Subsection [32B-6-905.1\(15\)](#) is repealed July 1, 2022.
- 1519 [~~(19)~~] (17) Section [32B-6-905.2](#) is repealed July 1, 2022.
- 1520 [~~(20)~~] (18) Subsection [32B-8d-104\(3\)](#) is repealed July 1, 2022.