

TO-GO BEVERAGE SERVICE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek L. Kitchen

House Sponsor: Mike Winder

LONG TITLE

General Description:

This bill amends provisions of the Alcoholic Beverage Control Act regarding full-service restaurant licensees providing spirituous liquor.

Highlighted Provisions:

This bill:

▶ amends provisions under which a full-service restaurant licensee may sell, offer for sale, or furnish a spirituous liquor that is not dispensed through a calibrated metered dispensing system;

▶ permits a patron to carry a spirituous liquor from the licensed premises of a full-service restaurant licensee under certain conditions;

▶ amends the operational requirement of a full-service restaurant licensee to permit the licensee to sell, offer for sale, or furnish certain beverages to a patron for consumption off the retail licensee's licensed premises under certain conditions; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 [32B-4-422](#), as last amended by Laws of Utah 2020, Chapter 219

29 [32B-5-304](#), as last amended by Laws of Utah 2019, Chapter 403

30 [32B-5-307](#), as last amended by Laws of Utah 2020, Chapter 219

31 [32B-6-205](#), as last amended by Laws of Utah 2020, Chapter 219

32 [32B-6-205.2](#), as last amended by Laws of Utah 2020, Chapter 219

33 [63I-2-232](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 6

34

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

36 Section 1. Section [32B-4-422](#) is amended to read:

37 **[32B-4-422](#). Unlawful dispensing.**

38 (1) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous
39 liquor for consumption on the licensed premises, or staff of the retail licensee may not:

40 (a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed
41 premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a
42 calibrated metered dispensing system approved by the department;

43 (b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per
44 beverage;

45 (c) allow a person on the licensed premises to have more than a total of 2.5 ounces of
46 spirituous liquor at a time; or

47 (d) (i) except as provided in Subsection (1)(d)(ii), allow a person to have more than
48 two spirituous liquor beverages at a time; or

49 (ii) allow a person on the licensed premises of the following to have more than one
50 spirituous liquor beverage at a time:

51 (A) a full-service restaurant licensee;

52 (B) a person operating under a full-service restaurant sublicense;

53 (C) an on-premise banquet licensee;

54 (D) a person operating under an on-premise banquet sublicense; or

55 (E) a single event permittee.

56 (2) The provisions of Subsection (1) do not apply to spirituous liquor that a full-service
57 restaurant licensee is licensed to sell, offer for sale, or furnish for consumption off the
58 full-service restaurant licensee's licensed premises as provided in Sections [32B-6-205](#) and

59 [32B-6-205.2.](#)

60 ~~[(2)]~~ (3) A violation of this section is a class C misdemeanor.

61 Section 2. Section **32B-5-304** is amended to read:

62 **32B-5-304. Portions in which alcoholic product may be sold.**

63 (1) (a) A retail licensee may sell, offer for sale, or furnish a primary spirituous liquor
64 only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated
65 metered dispensing system approved by the department in accordance with commission rules
66 adopted under this title, except that~~[-]~~ a retail licensee may sell, offer for sale, or furnish a
67 primary spirituous liquor that is not dispensed through a calibrated metered dispensing system
68 if:

69 ~~[(a) spirituous liquor need not be dispensed through a calibrated metered dispensing~~
70 ~~system if]~~

71 ~~[used as a secondary flavoring ingredient in a beverage subject to the following~~
72 ~~requirements:]~~

73 ~~[(i) the secondary ingredient may be]~~

74 ~~[dispensed only in conjunction with the purchase of a primary spirituous liquor;]~~

75 ~~[(ii) the secondary ingredient may not be]~~

76 ~~[the only spirituous liquor in the beverage;]~~

77 ~~[(iii) the retail licensee shall designate a location where flavorings are stored on the~~
78 ~~floor plan submitted to the department; and]~~

79 ~~[(iv) a flavoring]~~

80 ~~[container shall be plainly and conspicuously labeled "flavorings";]~~

81 ~~[(b) spirituous liquor need not be dispensed through a calibrated metered dispensing~~
82 ~~system if used:]~~

83 ~~[(i) as a flavoring on a dessert; and]~~

84 ~~[(ii) in the preparation of a flaming food dish, drink, or dessert; and]~~

85 (i) the retail licensee is a full-service restaurant licensee;

86 (ii) the primary spirituous liquor is in a beverage that:

87 (A) is in an original, sealed container;

88 (B) is not more than 12 fluid ounces; and

89 (C) contains no more than 10% alcohol by volume or 8% by weight;

90 (iii) the retail licensee sells or offers for sale the beverage that contains the primary
91 spirituous liquor at a price fixed by the commission; and

92 (iv) the retail licensee does not allow a patron to consume the beverage containing the
93 primary spirituous liquor on the retail licensee's licensed premises.

94 (b) A retail licensee may dispense a secondary flavoring ingredient, if the retail
95 licensee:

96 (i) designates a location where the retail licensee stores secondary flavoring ingredients
97 on the floor plan the retail licensee submits to the department; and

98 (ii) clearly and conspicuously labels each secondary flavoring ingredient's container
99 "flavorings".

100 (c) [a] (i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.

101 (ii) This Subsection (1)(c) does not apply to spirituous liquor that a full-service
102 restaurant licensee is licensed to sell, offer for sale, or furnish for consumption off the
103 full-service restaurant licensee's licensed premises as provided in Sections [32B-6-205](#) and
104 [32B-6-205.2](#).

105 (2) (a) (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
106 individual portion that does not exceed 5 ounces per glass or individual portion.

107 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to
108 a patron in more than one glass if the total amount of wine does not exceed 5 ounces.

109 (b) (i) A retail licensee may sell, offer for sale, or furnish wine in a container not
110 exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.

111 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
112 exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.

113 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original
114 container at a price fixed by the commission, except that the original container may not exceed
115 one liter.

116 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
117 original container at a price fixed by the commission, except that the original container may not
118 exceed one liter.

119 (5) (a) Subject to Subsection (5)(b), a retail licensee may sell, offer for sale, or furnish
120 beer for on-premise consumption:

- 121 (i) in an open original container; and
122 (ii) in a container on draft.
123 (b) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a):
124 (i) in a size of container that exceeds two liters; or
125 (ii) to an individual patron in a size of container that exceeds one liter.
126 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
127 patron if the total amount of beer does not exceed 16 ounces.

128 Section 3. Section **32B-5-307** is amended to read:

129 **32B-5-307. Bringing alcoholic product onto or removing alcoholic product from**
130 **premises.**

131 (1) Except as provided in Subsections (3) through (5):

132 (a) ~~[A]~~ a person may not bring onto the licensed premises of a retail licensee an
133 alcoholic product for on-premise consumption~~[-];~~;

134 (b) ~~[A]~~ a retail licensee may not allow a person to:

- 135 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or
136 (ii) consume an alcoholic product brought onto the licensed premises by a person other
137 than the retail licensee~~[-]; and~~

138 (c) ~~[A]~~ a retail licensee may not sell, offer for sale, or furnish an alcoholic product
139 through a window or door to a location off the licensed premises or to a vehicular traffic area.

140 (2) Except as provided in Subsections (3) through ~~[(5)]~~ (6) and **32B-4-415(5)**:

141 (a) a person may not carry from a licensed premises of a retail licensee an open
142 container that:

- 143 (i) is used primarily for drinking purposes; and
144 (ii) contains an alcoholic product;

145 (b) a retail licensee may not permit a patron to carry from the licensed premises an
146 open container described in Subsection (2)(a); and

147 (c) (i) a person may not carry from a licensed premises of a retail licensee a sealed
148 container of liquor that has been purchased from the retail licensee; and

149 (ii) a retail licensee may not permit a patron to carry from the licensed premises a
150 sealed container of liquor that has been purchased from the retail licensee.

151 (3) (a) A patron may bring a bottled wine onto the premises of a retail licensee for

152 on-premise consumption if:

153 (i) permitted by the retail licensee; and

154 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.

155 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
156 patron shall deliver the bottled wine to a server or other representative of the retail licensee
157 upon entering the licensed premises.

158 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
159 wine service for a bottled wine carried onto the licensed premises in accordance with this
160 Subsection (3) or a bottled wine purchased at the licensed premises.

161 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
162 of wine purchased at the licensed premises, or brought onto the licensed premises in
163 accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.

164 (4) A patron may transport beer between the sublicensed premises of an arena
165 licensee's accompanying sublicenses, if the patron transports the beer from and to an area of
166 each sublicensed premises:

167 (a) that is adjacent to the other; and

168 (b) where the consumption of beer is permitted.

169 (5) Neither a patron nor a retail licensee violates this section if:

170 (a) the patron is in shared seating; and

171 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee
172 whose licensed premises include the shared seating area the patron is in.

173 (6) (a) If the retail licensee permits, a patron may carry from the licensed premises of a
174 full-service restaurant licensee a beverage containing spirituous liquor that a full-service
175 restaurant licensee is licensed to sell, offer for sale, or furnish for consumption off the
176 full-service restaurant licensee's licensed premises as provided in Sections [32B-6-205](#) and
177 [32B-6-205.2](#).

178 (b) A full-service restaurant licensee may permit a patron to carry from the retail
179 licensee's licensed premises a beverage described in Subsection (6)(a).

180 Section 4. Section **32B-6-205** is amended to read:

181 **32B-6-205. Specific operational requirements for a full-service restaurant license**
182 **-- Before July 1, 2018, or July 1, 2022.**

183 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
184 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
185 shall comply with this section.

186 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
187 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 188 (i) a full-service restaurant licensee;
- 189 (ii) individual staff of a full-service restaurant licensee; or
- 190 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
191 licensee.

192 (2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant
193 licensee shall display in a prominent place in the restaurant a list of the types and brand names
194 of liquor being furnished through the full-service restaurant licensee's calibrated metered
195 dispensing system.

196 (3) In addition to complying with Section 32B-5-303, a full-service restaurant licensee
197 shall store an alcoholic product in a storage area described in Subsection [~~(11)~~] (12)(a).

198 (4) (a) An individual who serves an alcoholic product in a full-service restaurant
199 licensee's premises shall make a written beverage tab for each table or group that orders or
200 consumes an alcoholic product on the premises.

201 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
202 alcoholic product ordered or consumed.

203 (5) A person's willingness to serve an alcoholic product may not be made a condition
204 of employment as a server with a full-service restaurant licensee.

205 (6) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
206 licensed premises during the following time periods only:

- 207 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
- 208 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
209 period that begins at 10:30 a.m. and ends at 11:59 p.m.

210 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
211 licensed premises during the following time periods only:

- 212 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
- 213 (ii) on a weekend or a state or federal legal holiday or for a private event, during the

214 period that begins at 10:30 a.m. and ends at 12:59 a.m.

215 (7) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
216 alcoholic product except after the full-service restaurant licensee confirms that the patron has
217 the intent to order food prepared, sold, and furnished at the licensed premises.

218 (b) A full-service restaurant licensee shall maintain on the licensed premises adequate
219 culinary facilities for food preparation and dining accommodations.

220 (8) (a) Subject to the other provisions of this Subsection (8), a patron may not have
221 more than two alcoholic products of any kind at a time before the patron.

222 (b) A patron may not have more than one beverage containing spirituous liquor [~~drink~~]
223 at a time before the patron.

224 (c) An individual portion of wine is considered to be one alcoholic product under
225 Subsection (8)(a).

226 (d) This Subsection (8) does not apply to an alcoholic product described in Subsection
227 (10) that a patron purchases for consumption off the full-service restaurant licensee's licensed
228 premises.

229 (9) (a) A patron may consume an alcoholic product only:

230 [~~(a)~~] (i) at:

231 [~~(i)~~] (A) the patron's table;

232 [~~(ii)~~] (B) a counter; or

233 [~~(iii)~~] (C) a seating grandfathered bar structure; and

234 [~~(b)~~] (ii) where food is served.

235 (b) Subsection (9)(a) does not apply to an alcoholic product that a patron purchases to
236 consume off the full-service restaurant licensee's licensed premises in accordance with
237 Subsection (10).

238 (10) (a) A full-service restaurant licensee may sell, offer for sale, or furnish a beverage
239 containing spirituous liquor for consumption off the full-service restaurant licensee's licensed
240 premises, if the beverage:

241 (i) is in an original, sealed container;

242 (ii) is no more than 12 fluid ounces; and

243 (iii) contains no more than 10% alcohol by volume or 8% by weight.

244 (b) A full-service restaurant licensee may not allow a patron to consume a beverage

245 described in Subsection (10)(a) on the full-service restaurant licensee's licensed premises.

246 [~~(10)~~] (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish
247 an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
248 structure that is not a seating grandfathered bar structure.

249 (b) At a seating grandfathered bar structure a patron who is 21 years [~~of age~~] old or
250 older may:

251 (i) sit;

252 (ii) be furnished an alcoholic product; and

253 (iii) consume an alcoholic product.

254 (c) Except as provided in Subsection [~~(10)~~] (11)(d), at a seating grandfathered bar
255 structure a full-service restaurant licensee may not permit a minor to, and a minor may not:

256 (i) sit; or

257 (ii) consume food or beverages.

258 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed
259 by a full-service restaurant licensee:

260 (A) as provided in Subsection 32B-5-308(2); or

261 (B) to perform maintenance and cleaning services during an hour when the full-service
262 restaurant licensee is not open for business.

263 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
264 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's
265 premises in which the minor is permitted to be.

266 [~~(11)~~] (12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant
267 licensee may dispense an alcoholic product only if:

268 (a) the alcoholic product is dispensed from:

269 (i) a grandfathered bar structure;

270 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
271 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
272 12, 2009; or

273 (iii) an area that is:

274 (A) separated from an area for the consumption of food by a patron by a solid,
275 translucent, permanent structural barrier such that the facilities for the storage or dispensing of

276 an alcoholic product are:

277 (I) not readily visible to a patron; and

278 (II) not accessible by a patron; and

279 (B) apart from an area used:

280 (I) for dining;

281 (II) for staging; or

282 (III) as a lobby or waiting area;

283 (b) the full-service restaurant licensee uses an alcoholic product that is:

284 (i) stored in an area described in Subsection ~~[(11)]~~ (12)(a); or

285 (ii) (A) in an area not described in Subsection ~~[(11)]~~ (12)(a) on the licensed premises

286 ~~[and:];~~

287 ~~[(A)]~~ (B) immediately before the alcoholic product is dispensed ~~[it]~~ the alcoholic

288 product is in an unopened container;

289 ~~[(B)]~~ (C) the unopened container described in Subsection (12)(b)(ii)(B) is taken to an

290 area described in Subsection ~~[(11)(a) before it]~~ (12)(a) before the unopened container is

291 opened; and

292 ~~[(C)]~~ (D) once opened in an area described in Subsection (12)(a), the container is

293 stored in an area described in Subsection ~~[(11)]~~ (12)(a); and

294 (c) any instrument or equipment used to dispense alcoholic product is located in an

295 area described in Subsection ~~[(11)]~~ (12)(a).

296 ~~[(12)]~~ (13) A full-service restaurant licensee may state in a food or alcoholic product

297 menu a charge or fee made in connection with the sale, service, or consumption of liquor

298 including:

299 (a) a set-up charge;

300 (b) a service charge; or

301 (c) a chilling fee.

302 ~~[(13) Beginning on July 1, 2018, a]~~ (14) A minor may not sit, remain, or consume

303 food or beverages within 10 feet of a grandfathered bar structure, unless:

304 (a) seating within 10 feet of the grandfathered bar structure is the only seating available

305 in the licensed premises; and

306 (b) the minor is accompanied by an individual who is 21 years ~~[of age]~~ old or older.

307 [~~(14)~~] (15) Except as provided in Subsection 32B-6-205.2[~~(16)~~](17) and Section
308 32B-6-205.3, the provisions of this section apply before July 1, 2018.

309 Section 5. Section 32B-6-205.2 is amended to read:

310 **32B-6-205.2. Specific operational requirements for a full-service restaurant**
311 **license -- On and after July 1, 2018, or July 1, 2022.**

312 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
313 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
314 shall comply with this section.

315 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
316 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

317 (i) a full-service restaurant licensee;

318 (ii) individual staff of a full-service restaurant licensee; or

319 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
320 licensee.

321 (2) (a) An individual who serves an alcoholic product in a full-service restaurant
322 licensee's premises shall make a beverage tab for each table or group that orders or consumes
323 an alcoholic product on the premises.

324 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
325 each alcoholic product ordered or consumed.

326 (3) A full-service restaurant licensee may not make an individual's willingness to serve
327 an alcoholic product a condition of employment with a full-service restaurant licensee.

328 (4) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
329 licensed premises during the following time periods only:

330 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

331 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
332 period that begins at 10:30 a.m. and ends at 11:59 p.m.

333 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
334 licensed premises during the following time periods only:

335 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

336 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
337 period that begins at 10:30 a.m. and ends at 12:59 a.m.

338 (5) (a) A full-service restaurant licensee may not furnish an alcoholic product except
339 after:

340 (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic
341 product is seated at:

342 (A) a table that is located in a dining area or a dispensing area;

343 (B) a counter that is located in a dining area or a dispensing area; or

344 (C) a dispensing structure that is located in a dispensing area; and

345 (ii) the full-service restaurant licensee confirms that the patron intends to:

346 (A) order food prepared, sold, and furnished at the licensed premises; and

347 (B) except as provided in Subsection (5)(b), consume the food at the same location

348 where the patron is seated and furnished the alcoholic product.

349 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
350 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or
351 furnish to the patron one drink that contains a single portion of an alcoholic product as
352 described in Section [32B-5-304](#) if:

353 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
354 structure; and

355 (B) the full-service restaurant licensee first confirms that after the patron is seated in
356 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
357 premises.

358 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
359 in the dining area, an employee of the full-service restaurant licensee who is qualified to sell
360 and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion
361 of the patron's alcoholic product to the patron's seat in the dining area.

362 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.

363 (c) A full-service restaurant licensee shall maintain on the licensed premises adequate
364 culinary facilities for food preparation and dining accommodations.

365 (d) Subsection (5)(a) does not apply to an alcoholic product described in Subsection (8)
366 that a patron purchases to consume off the full-service restaurant licensee's licensed premises.

367 (6) (a) A patron may consume an alcoholic product only if the patron is seated at:

368 [~~(a)~~] (i) a table that is located in a dining area or dispensing area;

369 ~~[(b)]~~ (ii) a counter that is located in a dining area or dispensing area; or

370 ~~[(c)]~~ (iii) a dispensing structure located in a dispensing area.

371 (b) Subsection (6)(a) does not apply to an alcoholic product that a patron purchases to
372 consume off the full-service restaurant licensee's licensed premises in accordance with
373 Subsection (8).

374 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
375 more than two alcoholic products of any kind at a time before the patron.

376 (b) A patron may not have more than one spirituous liquor drink at a time before the
377 patron.

378 (c) An individual portion of wine is considered to be one alcoholic product under
379 Subsection (7)(a).

380 (d) This Subsection (7) does not apply to an alcoholic product described in Subsection
381 (8) that a patron purchases to consume off the full-service restaurant licensee's licensed
382 premises.

383 (8) (a) A full-service restaurant licensee may sell, offer for sale, or furnish a beverage
384 containing spirituous liquor for consumption off the full-service restaurant licensee's licensed
385 premises, if the beverage:

386 (i) is in an original, sealed container;

387 (ii) is no more than 12 fluid ounces; and

388 (iii) contains no more than 10% alcohol by volume or 8% by weight.

389 (b) A full-service restaurant licensee may not allow a patron to consume a beverage
390 described in Subsection (8)(a) on the full-service restaurant licensee's licensed premises.

391 ~~[(8)]~~ (9) In accordance with the provisions of this section, an individual who is at least
392 21 years ~~[of age]~~ old may consume food and beverages in a dispensing area.

393 ~~[(9)]~~ (10) (a) Except as provided in Subsection ~~[(9)]~~ (10)(b), a minor may not sit,
394 remain, or consume food or beverages in a dispensing area.

395 (b) (i) A minor may be in a dispensing area if the minor is:

396 (A) at least 16 years ~~[of age]~~ old and working as an employee of the full-service
397 restaurant licensee; or

398 (B) performing maintenance and cleaning services as an employee of the full-service
399 restaurant licensee when the full-service restaurant licensee is not open for business.

400 (ii) If there is no alternative route available, a minor may momentarily pass through a
401 dispensing area without remaining or sitting in the dispensing area en route to an area of the
402 full-service restaurant licensee's premises in which the minor is permitted to be.

403 ~~[(10)]~~ (11) Except as provided in Subsection [32B-5-307\(3\)](#), a full-service restaurant
404 licensee may dispense an alcoholic product only if:

405 (a) the alcoholic product is dispensed from:

406 (i) a dispensing structure that is located in a dispensing area;

407 (ii) an area that is:

408 (A) separated from an area for the consumption of food by a patron by a solid,
409 translucent, permanent structural barrier such that the facilities for the dispensing of an
410 alcoholic product are not readily visible to a patron and not accessible by a patron; and

411 (B) apart from an area used for dining, for staging, or as a waiting area; or

412 (iii) the premises of a bar licensee that is:

413 (A) owned by the same person or persons as the full-service restaurant licensee; and

414 (B) located immediately adjacent to the premises of the full-service restaurant licensee;

415 and

416 (b) any instrument or equipment used to dispense alcoholic product is located in an
417 area described in Subsection ~~[(11)]~~ (11)(a).

418 ~~[(11)]~~ (12) (a) A full-service restaurant licensee may have more than one dispensing
419 area in the licensed premises.

420 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
421 dispensing area under Subsection [32B-6-202\(2\)\(a\)\(i\)](#), (ii), or (iii), regardless of how any other
422 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

423 ~~[(12)]~~ (13) A full-service restaurant licensee may not:

424 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

425 (b) display an alcoholic product or a product intended to appear like an alcoholic
426 product by moving a cart or similar device around the licensed premises.

427 ~~[(13)]~~ (14) A full-service restaurant licensee may state in a food or alcoholic product
428 menu a charge or fee made in connection with the sale, service, or consumption of liquor,
429 including:

430 (a) a set-up charge;

431 (b) a service charge; or

432 (c) a chilling fee.

433 ~~[(14)]~~ (15) (a) In addition to the requirements described in Section 32B-5-302, a
434 full-service restaurant licensee shall maintain each of the following records for at least three
435 years:

436 (i) a record required by Section 32B-5-302; and

437 (ii) a record that the commission requires a full-service restaurant licensee to use or
438 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
439 Rulemaking Act.

440 (b) The department shall audit the records of a full-service restaurant licensee at least
441 once each calendar year.

442 ~~[(15)]~~ (16) A full-service restaurant licensee may lease to a patron of the full-service
443 restaurant licensee a locked storage space:

444 (a) that the commission considers proper for the storage of wine; and

445 (b) for the storage of wine that:

446 (i) the patron purchases from the full-service restaurant licensee; and

447 (ii) only the full-service restaurant licensee or staff of the full-service restaurant
448 licensee may remove from the locker for the patron's use in accordance with this title,
449 including:

450 (A) service and consumption on licensed premises as described in Section 32B-5-306;

451 or

452 (B) removal from the full-service retail licensee's licensed premises in accordance with
453 Section 32B-5-307.

454 ~~[(16)]~~ (17) (a) In accordance with Section 32B-6-205.3, a full-service restaurant
455 licensee:

456 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

457 and

458 (ii) shall comply with the provisions of this section:

459 (A) for a full-service restaurant licensee that does not have a grandfathered bar
460 structure, on and after July 1, 2018; or

461 (B) for a full-service restaurant licensee that has a grandfathered bar structure, on and

462 after July 1, 2022.

463 (b) A full-service restaurant licensee that elects to comply with the provisions of this
464 section before the latest applicable date described in Subsection ~~[(16)]~~ (17)(a)(ii):

465 (i) shall comply with each provision of this section; and

466 (ii) is not required to comply with the provisions of Section 32B-6-205.

467 Section 6. Section 63I-2-232 is amended to read:

468 **63I-2-232. Repeal dates -- Title 32B.**

469 (1) Subsection 32B-1-102(9) is repealed July 1, 2022.

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

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

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

474 ~~[(5)]~~ (3) Subsections 32B-6-202(3) and (4) are repealed July 1, 2022.

475 ~~[(6)]~~ (4) Section 32B-6-205 is repealed July 1, 2022.

476 ~~[(7)]~~ (5) Subsection 32B-6-205.2~~[(16)]~~(17) is repealed July 1, 2022.

477 ~~[(8)]~~ (6) Section 32B-6-205.3 is repealed July 1, 2022.

478 ~~[(9)]~~ (7) Subsections 32B-6-302(3) and (4) are repealed July 1, 2022.

479 ~~[(10)]~~ (8) Section 32B-6-305 is repealed July 1, 2022.

480 ~~[(11)]~~ (9) Subsection 32B-6-305.2(15) is repealed July 1, 2022.

481 ~~[(12)]~~ (10) Section 32B-6-305.3 is repealed July 1, 2022.

482 ~~[(13)]~~ (11) Section 32B-6-404.1 is repealed July 1, 2022.

483 ~~[(14)]~~ (12) Section 32B-6-409 is repealed July 1, 2022.

484 ~~[(15)]~~ (13) Subsection 32B-6-703(2)(e)(iv) is repealed July 1, 2022.

485 ~~[(16)]~~ (14) Subsections 32B-6-902(1)(c), (1)(d), and (2) are repealed July 1, 2022.

486 ~~[(17)]~~ (15) Section 32B-6-905 is repealed July 1, 2022.

487 ~~[(18)]~~ (16) Subsection 32B-6-905.1(15) is repealed July 1, 2022.

488 ~~[(19)]~~ (17) Section 32B-6-905.2 is repealed July 1, 2022.

489 ~~[(20)]~~ (18) Subsection 32B-8d-104(3) is repealed July 1, 2022.