

1 **ALCOHOL CONTROL AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: Scott D. Sandall

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Alcoholic Beverage Control Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies definitions;
- 13 ▶ provides a penalty for altering, destroying, or concealing certain records that are  
14 relevant to an official proceeding under the Alcoholic Beverage Control Act;
- 15 ▶ requires certain licensees under the Alcoholic Beverage Control Act to, after  
16 receiving notice of a certain civil or criminal action, retain records relevant to the  
17 action;
- 18 ▶ describes the circumstances under which there is prima facie evidence that a person  
19 is liable for an injury or death that results from the intoxication of another  
20 individual; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **32B-1-102**, as last amended by Laws of Utah 2022, Chapter 447

29 **32B-4-505**, as last amended by Laws of Utah 2019, Chapter 189

- 30           **32B-5-202**, as last amended by Laws of Utah 2022, Chapter 447
- 31           **32B-5-302**, as enacted by Laws of Utah 2010, Chapter 276
- 32           **32B-6-205.2**, as last amended by Laws of Utah 2022, Chapter 447
- 33           **32B-6-305.2**, as last amended by Laws of Utah 2022, Chapter 447
- 34           **32B-6-406**, as last amended by Laws of Utah 2020, Chapter 219
- 35           **32B-6-605**, as last amended by Laws of Utah 2022, Chapter 447
- 36           **32B-6-706**, as last amended by Laws of Utah 2022, Chapter 447
- 37           **32B-6-905.1**, as last amended by Laws of Utah 2022, Chapter 447
- 38           **32B-6-1005**, as last amended by Laws of Utah 2022, Chapter 447
- 39           **32B-15-201**, as enacted by Laws of Utah 2010, Chapter 276

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

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

43           **32B-1-102. Definitions.**

44           As used in this title:

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

- 46           (a) at which an alcoholic product is sold at retail for consumption on the premises; and
- 47           (b) that is located at an international airport.

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

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

- 51           (a) beer; or
- 52           (b) liquor.

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

- 54           (i) contains at least .5% of alcohol by volume; and
- 55           (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
 56 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
 57 in an amount equal to or greater than .5% of alcohol by volume.

- 58 (b) "Alcoholic product" includes an alcoholic beverage.
- 59 (c) "Alcoholic product" does not include any of the following common items that  
60 otherwise come within the definition of an alcoholic product:
- 61 (i) except as provided in Subsection (4)(d), an extract;
- 62 (ii) vinegar;
- 63 (iii) preserved nonintoxicating cider;
- 64 (iv) essence;
- 65 (v) tincture;
- 66 (vi) food preparation; or
- 67 (vii) an over-the-counter medicine.
- 68 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation  
69 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 70 (5) "Alcohol training and education seminar" means a seminar that is:
- 71 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 72 (b) described in Section [62A-15-401](#).
- 73 (6) "Arena" means an enclosed building:
- 74 (a) that is managed by:
- 75 (i) the same person who owns the enclosed building;
- 76 (ii) a person who has a majority interest in each person who owns or manages a space  
77 in the enclosed building; or
- 78 (iii) a person who has authority to direct or exercise control over the management or  
79 policy of each person who owns or manages a space in the enclosed building;
- 80 (b) that operates as a venue; and
- 81 (c) that has an occupancy capacity of at least 12,500.
- 82 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail  
83 License Act, and Chapter 8c, Arena License Act.
- 84 (8) "Banquet" means an event:
- 85 (a) that is a private event or a privately sponsored event;

86 (b) that is held at one or more designated locations approved by the commission in or  
87 on the premises of:

- 88 (i) a hotel;
- 89 (ii) a resort facility;
- 90 (iii) a sports center;
- 91 (iv) a convention center;
- 92 (v) a performing arts facility; or
- 93 (vi) an arena;

94 (c) for which there is a contract:

95 (i) between a person operating a facility listed in Subsection (8)(b) and another person  
96 that has common ownership of less than 20% with the person operating the facility; and

97 (ii) under which the person operating a facility listed in Subsection (8)(b) is required to  
98 provide an alcoholic product at the event; and

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

100 (9) (a) "Bar establishment license" means a license issued in accordance with Chapter  
101 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

102 (b) "Bar establishment license" includes:

- 103 (i) a dining club license;
- 104 (ii) an equity license;
- 105 (iii) a fraternal license; or
- 106 (iv) a bar license.

107 (10) "Bar license" means a license issued in accordance with Chapter 5, Retail License  
108 Act, and Chapter 6, Part 4, Bar Establishment License.

109 (11) (a) "Beer" means a product that:

- 110 (i) contains:
  - 111 (A) at least .5% of alcohol by volume; and
  - 112 (B) no more than 5% of alcohol by volume or 4% by weight;
- 113 (ii) is obtained by fermentation, infusion, or decoction of:

- 114 (A) malt; or
- 115 (B) a malt substitute; and
- 116 (iii) is clearly marketed, labeled, and identified as:
  - 117 (A) beer;
  - 118 (B) ale;
  - 119 (C) porter;
  - 120 (D) stout;
  - 121 (E) lager;
  - 122 (F) a malt;
  - 123 (G) a malted beverage; or
  - 124 (H) seltzer.
- 125 (b) "Beer" may contain:
  - 126 (i) hops extract; or
  - 127 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient.
- 128 (c) "Beer" does not include:
  - 129 (i) a flavored malt beverage;
  - 130 (ii) a product that contains alcohol derived from:
    - 131 (A) spirituous liquor; or
    - 132 (B) wine; or
    - 133 (iii) a product that contains an additive masking or altering a physiological effect of
    - 134 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 135 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter
- 136 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 137 (13) "Beer retailer" means a business that:
  - 138 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
  - 139 for consumption on or off the business premises; and
  - 140 (b) is licensed as:
    - 141 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer

142 Retailer Local Authority; or

143 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and  
144 Chapter 6, Part 7, On-Premise Beer Retailer License.

145 (14) "Beer wholesaling license" means a license:

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

147 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more  
148 retail licensees or off-premise beer retailers.

149 (15) "Billboard" means a public display used to advertise, including:

150 (a) a light device;

151 (b) a painting;

152 (c) a drawing;

153 (d) a poster;

154 (e) a sign;

155 (f) a signboard; or

156 (g) a scoreboard.

157 (16) "Brewer" means a person engaged in manufacturing:

158 (a) beer;

159 (b) heavy beer; or

160 (c) a flavored malt beverage.

161 (17) "Brewery manufacturing license" means a license issued in accordance with  
162 Chapter 11, Part 5, Brewery Manufacturing License.

163 (18) "Certificate of approval" means a certificate of approval obtained from the  
164 department under Section [32B-11-201](#).

165 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by  
166 a bus company to a group of persons pursuant to a common purpose:

167 (a) under a single contract;

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

169 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other

170 motor vehicle, and a driver to travel together to one or more specified destinations.

171 (20) "Church" means a building:

172 (a) set apart for worship;

173 (b) in which religious services are held;

174 (c) with which clergy is associated; and

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

176 (21) "Commission" means the Alcoholic Beverage Services Commission created in

177 Section [32B-2-201](#).

178 (22) "Commissioner" means a member of the commission.

179 (23) "Community location" means:

180 (a) a public or private school;

181 (b) a church;

182 (c) a public library;

183 (d) a public playground; or

184 (e) a public park.

185 (24) "Community location governing authority" means:

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

187 (b) if the commission does not know who is the governing body of a community

188 location, a person who appears to the commission to have been given on behalf of the

189 community location the authority to prohibit an activity at the community location.

190 (25) "Container" means a receptacle that contains an alcoholic product, including:

191 (a) a bottle;

192 (b) a vessel; or

193 (c) a similar item.

194 (26) "Controlled group of manufacturers" means as the commission defines by rule

195 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

196 (27) "Convention center" means a facility that is:

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

- 198 (b) otherwise defined as a "convention center" by the commission by rule.
- 199 (28) (a) "Counter" means a surface or structure in a dining area of a licensed premises  
200 where seating is provided to a patron for service of food.
- 201 (b) "Counter" does not include a dispensing structure.
- 202 (29) "Crime involving moral turpitude" is as defined by the commission by rule.
- 203 (30) "Department" means the Department of Alcoholic Beverage Services created in  
204 Section [32B-2-203](#).
- 205 (31) "Department compliance officer" means an individual who is:
- 206 (a) an auditor or inspector; and  
207 (b) employed by the department.
- 208 (32) "Department sample" means liquor that is placed in the possession of the  
209 department for testing, analysis, and sampling.
- 210 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail  
211 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
212 commission as a dining club license.
- 213 (34) "Director," unless the context requires otherwise, means the director of the  
214 department.
- 215 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
216 title:
- 217 (a) against a person subject to administrative action; and  
218 (b) that is brought on the basis of a violation of this title.
- 219 (36) (a) Subject to Subsection (36)(b), "dispense" means:
- 220 (i) drawing an alcoholic product; and  
221 (ii) using the alcoholic product at the location from which it was drawn to mix or  
222 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 223 (b) The definition of "dispense" in this Subsection (36) applies only to:
- 224 (i) a full-service restaurant license;  
225 (ii) a limited-service restaurant license;



- 226 (iii) a reception center license;
- 227 (iv) a beer-only restaurant license;
- 228 (v) a bar license;
- 229 (vi) an on-premise beer retailer;
- 230 (vii) an airport lounge license;
- 231 (viii) an on-premise banquet license; and
- 232 (ix) a hospitality amenity license.
- 233 (37) "Dispensing structure" means a surface or structure on a licensed premises:
- 234 (a) where an alcoholic product is dispensed; or
- 235 (b) from which an alcoholic product is served.
- 236 (38) "Distillery manufacturing license" means a license issued in accordance with
- 237 Chapter 11, Part 4, Distillery Manufacturing License.
- 238 (39) "Distressed merchandise" means an alcoholic product in the possession of the
- 239 department that is saleable, but for some reason is unappealing to the public.
- 240 (40) "Equity license" means a license issued in accordance with Chapter 5, Retail
- 241 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 242 commission as an equity license.
- 243 (41) "Event permit" means:
- 244 (a) a single event permit; or
- 245 (b) a temporary beer event permit.
- 246 (42) "Exempt license" means a license exempt under Section [32B-1-201](#) from being
- 247 considered in determining the total number of retail licenses that the commission may issue at
- 248 any time.
- 249 (43) (a) "Flavored malt beverage" means a beverage:
- 250 (i) that contains at least .5% alcohol by volume;
- 251 (ii) for which the producer is required to file a formula for approval with the federal
- 252 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage
- 253 is treated by processing, filtration, or another method of manufacture that is not generally

254 recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt  
255 liquor; and

256 (iii) for which the producer is required to file a formula for approval with the federal  
257 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage  
258 includes an ingredient containing alcohol.

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

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

263 (45) "Full-service restaurant license" means a license issued in accordance with  
264 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

265 (46) (a) "Furnish" means by any means to provide with, supply, or give an individual  
266 an alcoholic product, by sale or otherwise.

267 (b) "Furnish" includes to:

268 (i) serve;

269 (ii) deliver; or

270 (iii) otherwise make available.

271 (47) "Guest" means an individual who meets the requirements of Subsection  
272 [32B-6-407\(9\)](#).

273 (48) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

274 (49) "Health care practitioner" means:

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

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

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

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

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

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

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

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

287 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
288 Professional Practice Act;

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

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

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

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

296 (50) (a) "Heavy beer" means a product that:

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

298 (ii) is obtained by fermentation, infusion, or decoction of:

299 (A) malt; or

300 (B) a malt substitute.

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

302 (51) "Hospitality amenity license" means a license issued in accordance with Chapter  
303 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

304 (52) (a) "Hotel" means a commercial lodging establishment that:

305 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;

306 (ii) is capable of hosting conventions, conferences, and food and beverage functions  
307 under a banquet contract; and

308 (iii) (A) has adequate kitchen or culinary facilities on the premises to provide complete  
309 meals;

310 (B) has at least 1,000 square feet of function space consisting of meeting or dining  
311 rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or

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

315 (b) "Hotel" includes a commercial lodging establishment that:

316 (i) meets the requirements under Subsection (52)(a); and

317 (ii) has one or more privately owned dwelling units.

318 (53) "Hotel license" means a license issued in accordance with Chapter 5, Retail  
319 License Act, and Chapter 8b, Hotel License Act.

320 (54) "Identification card" means an identification card issued under Title 53, Chapter 3,  
321 Part 8, Identification Card Act.

322 (55) "Industry representative" means an individual who is compensated by salary,  
323 commission, or other means for representing and selling an alcoholic product of a  
324 manufacturer, supplier, or importer of liquor.

325 (56) "Industry representative sample" means liquor that is placed in the possession of  
326 the department for testing, analysis, and sampling by a local industry representative on the  
327 premises of the department to educate the local industry representative of the quality and  
328 characteristics of the product.

329 (57) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing  
330 of an alcoholic product is prohibited by:

331 (a) law; or

332 (b) court order.

333 (58) "International airport" means an airport:

334 (a) with a United States Customs and Border Protection office on the premises of the  
335 airport; and

336 (b) at which international flights may enter and depart.

337 (59) "Intoxicated" or "intoxication" means that [~~a person:~~] an individual [~~(a) is~~

338 significantly impaired as to the person's mental or physical functions] exhibits plain and easily  
339 observable outward manifestations of behavior or physical signs produced by or as a result of  
340 the use of:

- 341 [(i)] (a) an alcoholic product;
- 342 [(ii)] (b) a controlled substance;
- 343 [(iii)] (c) a substance having the property of releasing toxic vapors; or
- 344 [(iv)] (d) a combination of products or substances described in Subsections [(59)(a)(i)  
345 through (iii); and] (59)(a) through (c).

346 ~~[(b) exhibits plain and easily observed outward manifestations of behavior or physical~~  
347 ~~signs produced by the overconsumption of an alcoholic product.]~~

348 (60) "Investigator" means an individual who is:

- 349 (a) a department compliance officer; or
- 350 (b) a nondepartment enforcement officer.

351 (61) "License" means:

- 352 (a) a retail license;
- 353 (b) a sublicense;
- 354 (c) a license issued in accordance with Chapter 7, Part 4, Off-Premise Beer Retailer  
355 State License;

356 (d) a license issued in accordance with Chapter 11, Manufacturing and Related  
357 Licenses Act;

- 358 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 359 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- 360 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

361 (62) "Licensee" means a person who holds a license.

362 (63) "Limited-service restaurant license" means a license issued in accordance with  
363 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

364 (64) "Limousine" means a motor vehicle licensed by the state or a local authority, other  
365 than a bus or taxicab:

366 (a) in which the driver and a passenger are separated by a partition, glass, or other  
367 barrier;

368 (b) that is provided by a business entity to one or more individuals at a fixed charge in  
369 accordance with the business entity's tariff; and

370 (c) to give the one or more individuals the exclusive use of the limousine and a driver  
371 to travel to one or more specified destinations.

372 (65) (a) (i) "Liquor" means a liquid that:

373 (A) is:

374 (I) alcohol;

375 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

376 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

377 (IV) other drink or drinkable liquid; and

378 (B) (I) contains at least .5% alcohol by volume; and

379 (II) is suitable to use for beverage purposes.

380 (ii) "Liquor" includes:

381 (A) heavy beer;

382 (B) wine; and

383 (C) a flavored malt beverage.

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

385 (66) "Liquor Control Fund" means the enterprise fund created by Section [32B-2-301](#).

386 (67) "Liquor transport license" means a license issued in accordance with Chapter 17,  
387 Liquor Transport License Act.

388 (68) "Liquor warehousing license" means a license that is issued:

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

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

392 (69) "Local authority" means:

393 (a) for premises that are located in an unincorporated area of a county, the governing

394 body of a county;

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

397 (c) for premises that are located in a project area as defined in Section 63H-1-102 and  
398 in a project area plan adopted by the Military Installation Development Authority under Title  
399 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation  
400 Development Authority.

401 (70) "Lounge or bar area" is as defined by rule made by the commission.

402 (71) "Malt substitute" means:

403 (a) rice;

404 (b) grain;

405 (c) bran;

406 (d) glucose;

407 (e) sugar; or

408 (f) molasses.

409 (72) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or  
410 otherwise make an alcoholic product for personal use or for sale or distribution to others.

411 (73) "Member" means an individual who, after paying regular dues, has full privileges  
412 in an equity licensee or fraternal licensee.

413 (74) (a) "Military installation" means a base, air field, camp, post, station, yard, center,  
414 or homeport facility for a ship:

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

416 (B) of the National Guard;

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

418 (iii) including a leased facility.

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

420 (i) civil works;

421 (ii) a rivers and harbors project; or

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



- 450 (ii) on and after March 1, 2012, operating:
- 451 (A) as a tavern; or
- 452 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 453 (83) "Opaque" means impenetrable to sight.
- 454 (84) "Package agency" means a retail liquor location operated:
- 455 (a) under an agreement with the department; and
- 456 (b) by a person:
- 457 (i) other than the state; and
- 458 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
- 459 Agency, to sell packaged liquor for consumption off the premises of the package agency.
- 460 (85) "Package agent" means a person who holds a package agency.
- 461 (86) "Patron" means an individual to whom food, beverages, or services are sold,
- 462 offered for sale, or furnished, or who consumes an alcoholic product including:
- 463 (a) a customer;
- 464 (b) a member;
- 465 (c) a guest;
- 466 (d) an attendee of a banquet or event;
- 467 (e) an individual who receives room service;
- 468 (f) a resident of a resort; or
- 469 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 470 license.
- 471 (87) (a) "Performing arts facility" means a multi-use performance space that:
- 472 (i) is primarily used to present various types of performing arts, including dance,
- 473 music, and theater;
- 474 (ii) contains over 2,500 seats;
- 475 (iii) is owned and operated by a governmental entity; and
- 476 (iv) is located in a city of the first class.
- 477 (b) "Performing arts facility" does not include a space that is used to present sporting

478 events or sporting competitions.

479 (88) "Permittee" means a person issued a permit under:

480 (a) Chapter 9, Event Permit Act; or

481 (b) Chapter 10, Special Use Permit Act.

482 (89) "Person subject to administrative action" means:

483 (a) a licensee;

484 (b) a permittee;

485 (c) a manufacturer;

486 (d) a supplier;

487 (e) an importer;

488 (f) one of the following holding a certificate of approval:

489 (i) an out-of-state brewer;

490 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or

491 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or

492 (g) staff of:

493 (i) a person listed in Subsections (89)(a) through (f); or

494 (ii) a package agent.

495 (90) "Premises" means a building, enclosure, or room used in connection with the  
496 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,  
497 unless otherwise defined in this title or rules made by the commission.

498 (91) "Prescription" means an order issued by a health care practitioner when:

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

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

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

504 (92) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.

505 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.

- 506 (93) "Principal license" means:
- 507 (a) a resort license;
- 508 (b) a hotel license; or
- 509 (c) an arena license.
- 510 (94) (a) "Private event" means a specific social, business, or recreational event:
- 511 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
- 512 group; and
- 513 (ii) that is limited in attendance to people who are specifically designated and their
- 514 guests.
- 515 (b) "Private event" does not include an event to which the general public is invited,
- 516 whether for an admission fee or not.
- 517 (95) "Privately sponsored event" means a specific social, business, or recreational
- 518 event:
- 519 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 520 (b) to which entry is restricted by an admission fee.
- 521 (96) (a) "Proof of age" means:
- 522 (i) an identification card;
- 523 (ii) an identification that:
- 524 (A) is substantially similar to an identification card;
- 525 (B) is issued in accordance with the laws of a state other than Utah in which the
- 526 identification is issued;
- 527 (C) includes date of birth; and
- 528 (D) has a picture affixed;
- 529 (iii) a valid driver license certificate that:
- 530 (A) includes date of birth;
- 531 (B) has a picture affixed; and
- 532 (C) is issued:
- 533 (I) under Title 53, Chapter 3, Uniform Driver License Act;

- 534 (II) in accordance with the laws of the state in which it is issued; or
- 535 (III) in accordance with federal law by the United States Department of State;
- 536 (iv) a military identification card that:
- 537 (A) includes date of birth; and
- 538 (B) has a picture affixed; or
- 539 (v) a valid passport.
- 540 (b) "Proof of age" does not include a driving privilege card issued in accordance with

541 Section [53-3-207](#).

542 (97) "Provisions applicable to a sublicense" means:

- 543 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
- 544 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 545 (b) for a limited-service restaurant sublicense, the provisions applicable to a
- 546 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
- 547 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
- 548 license under Chapter 6, Part 4, Bar Establishment License;
- 549 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
- 550 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 551 (e) for an on-premise beer retailer sublicense, the provisions applicable to an
- 552 on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 553 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
- 554 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 555 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
- 556 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 557 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
- 558 Part 2, Spa Sublicense.

559 (98) (a) "Public building" means a building or permanent structure that is:

- 560 (i) owned or leased by:
- 561 (A) the state; or

562 (B) a local government entity; and

563 (ii) used for:

564 (A) public education;

565 (B) transacting public business; or

566 (C) regularly conducting government activities.

567 (b) "Public building" does not include a building owned by the state or a local

568 government entity when the building is used by a person, in whole or in part, for a proprietary

569 function.

570 (99) "Public conveyance" means a conveyance that the public or a portion of the public

571 has access to and a right to use for transportation, including an airline, railroad, bus, boat, or

572 other public conveyance.

573 (100) "Reception center" means a business that:

574 (a) operates facilities that are at least 5,000 square feet; and

575 (b) has as its primary purpose the leasing of the facilities described in Subsection

576 (100)(a) to a third party for the third party's event.

577 (101) "Reception center license" means a license issued in accordance with Chapter 5,

578 Retail License Act, and Chapter 6, Part 8, Reception Center License.

579 (102) (a) "Record" means information that is:

580 (i) inscribed on a tangible medium; or

581 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

582 (b) "Record" includes:

583 (i) a book;

584 (ii) a book of account;

585 (iii) a paper;

586 (iv) a contract;

587 (v) an agreement;

588 (vi) a document; or

589 (vii) a recording in any medium.

- 590 (103) "Residence" means a person's principal place of abode within Utah.
- 591 (104) "Resident," in relation to a resort, means the same as that term is defined in
- 592 Section [32B-8-102](#).
- 593 (105) "Resort" means the same as that term is defined in Section [32B-8-102](#).
- 594 (106) "Resort facility" is as defined by the commission by rule.
- 595 (107) "Resort license" means a license issued in accordance with Chapter 5, Retail
- 596 License Act, and Chapter 8, Resort License Act.
- 597 (108) "Responsible alcohol service plan" means a written set of policies and
- 598 procedures that outlines measures to prevent employees from:
- 599 (a) over-serving alcoholic beverages to customers;
- 600 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
- 601 intoxicated; and
- 602 (c) serving alcoholic beverages to minors.
- 603 (109) "Restaurant" means a business location:
- 604 (a) at which a variety of foods are prepared;
- 605 (b) at which complete meals are served; and
- 606 (c) that is engaged primarily in serving meals.
- 607 (110) "Restaurant license" means one of the following licenses issued under this title:
- 608 (a) a full-service restaurant license;
- 609 (b) a limited-service restaurant license; or
- 610 (c) a beer-only restaurant license.
- 611 (111) "Retail license" means one of the following licenses issued under this title:
- 612 (a) a full-service restaurant license;
- 613 (b) a master full-service restaurant license;
- 614 (c) a limited-service restaurant license;
- 615 (d) a master limited-service restaurant license;
- 616 (e) a bar establishment license;
- 617 (f) an airport lounge license;

618 (g) an on-premise banquet license;

619 (h) an on-premise beer license;

620 (i) a reception center license;

621 (j) a beer-only restaurant license;

622 (k) a hospitality amenity license;

623 (l) a resort license;

624 (m) a hotel license; or

625 (n) an arena license.

626 (112) "Room service" means furnishing an alcoholic product to a person in a guest  
627 room or privately owned dwelling unit of a:

628 (a) hotel; or

629 (b) resort facility.

630 (113) (a) "School" means a building in which any part is used for more than three  
631 hours each weekday during a school year as a public or private:

632 (i) elementary school;

633 (ii) secondary school; or

634 (iii) kindergarten.

635 (b) "School" does not include:

636 (i) a nursery school;

637 (ii) a day care center;

638 (iii) a trade and technical school;

639 (iv) a preschool; or

640 (v) a home school.

641 (114) "Secondary flavoring ingredient" means any spirituous liquor added to a  
642 beverage for additional flavoring that is different in type, flavor, or brand from the primary  
643 spirituous liquor in the beverage.

644 (115) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for  
645 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,

646 delivered for value, or by a means or under a pretext is promised or obtained, whether done by  
647 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules  
648 made by the commission.

649 (116) "Serve" means to place an alcoholic product before an individual.

650 (117) "Sexually oriented entertainer" means a person who while in a state of  
651 seminudity appears at or performs:

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

653 (b) on the premises of:

654 (i) a bar licensee; or

655 (ii) a tavern;

656 (c) on behalf of or at the request of the licensee described in Subsection (117)(b);

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

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

659 (i) an employee;

660 (ii) an independent contractor;

661 (iii) an agent of the licensee; or

662 (iv) a different type of classification.

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

666 (119) "Single event permit" means a permit issued in accordance with Chapter 9, Part  
667 3, Single Event Permit.

668 (120) "Small brewer" means a brewer who manufactures less than 60,000 barrels of  
669 beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

670 (a) if the brewer is part of a controlled group of manufacturers, including the combined  
671 volume totals of production for all breweries that constitute the controlled group of  
672 manufacturers; and

673 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:



674 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission  
675 determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
676 Rulemaking Act; and

677 (ii) does not sell for consumption as, or in, a beverage.

678 (121) "Small or unincorporated locality" means:

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

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

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

683 (122) "Spa sublicense" means a sublicense:

684 (a) to a resort license or hotel license; and

685 (b) that the commission issues in accordance with Chapter 8d, Part 2, Spa Sublicense.

686 (123) "Special use permit" means a permit issued in accordance with Chapter 10,  
687 Special Use Permit Act.

688 (124) (a) "Spirituous liquor" means liquor that is distilled.

689 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by  
690 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

691 (125) "Sports center" is as defined by the commission by rule.

692 (126) (a) "Staff" means an individual who engages in activity governed by this title:

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

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

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

699 (b) "Staff" includes:

700 (i) an officer;

701 (ii) a director;

- 702 (iii) an employee;
- 703 (iv) personnel management;
- 704 (v) an agent of the licensee, including a managing agent;
- 705 (vi) an operator; or
- 706 (vii) a representative.
- 707 (127) "State of nudity" means:
- 708 (a) the appearance of:
- 709 (i) the nipple or areola of a female human breast;
- 710 (ii) a human genital;
- 711 (iii) a human pubic area; or
- 712 (iv) a human anus; or
- 713 (b) a state of dress that fails to opaquely cover:
- 714 (i) the nipple or areola of a female human breast;
- 715 (ii) a human genital;
- 716 (iii) a human pubic area; or
- 717 (iv) a human anus.
- 718 (128) "State of seminudity" means a state of dress in which opaque clothing covers no
- 719 more than:
- 720 (a) the nipple and areola of the female human breast in a shape and color other than the
- 721 natural shape and color of the nipple and areola; and
- 722 (b) the human genitals, pubic area, and anus:
- 723 (i) with no less than the following at its widest point:
- 724 (A) four inches coverage width in the front of the human body; and
- 725 (B) five inches coverage width in the back of the human body; and
- 726 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 727 (129) (a) "State store" means a facility for the sale of packaged liquor:
- 728 (i) located on premises owned or leased by the state; and
- 729 (ii) operated by a state employee.

730 (b) "State store" does not include:  
731 (i) a package agency;  
732 (ii) a licensee; or  
733 (iii) a permittee.  
734 (130) (a) "Storage area" means an area on licensed premises where the licensee stores  
735 an alcoholic product.

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

737 (131) "Sublicense" means:

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

740 (i) a full-service restaurant license;

741 (ii) a limited-service restaurant license;

742 (iii) a bar establishment license;

743 (iv) an on-premise banquet license;

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

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

746 (vii) a hospitality amenity license; or

747 (b) a spa sublicense.

748 (132) "Supplier" means a person who sells an alcoholic product to the department.

749 (133) "Tavern" means an on-premise beer retailer who is:

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

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

754 (134) "Temporary beer event permit" means a permit issued in accordance with  
755 Chapter 9, Part 4, Temporary Beer Event Permit.

756 (135) "Temporary domicile" means the principal place of abode within Utah of a  
757 person who does not have a present intention to continue residency within Utah permanently or

758 indefinitely.

759 (136) "Translucent" means a substance that allows light to pass through, but does not  
760 allow an object or person to be seen through the substance.

761 (137) "Unsaleable liquor merchandise" means a container that:

762 (a) is unsaleable because the container is:

763 (i) unlabeled;

764 (ii) leaky;

765 (iii) damaged;

766 (iv) difficult to open; or

767 (v) partly filled;

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

769 (ii) has contents that are:

770 (A) cloudy;

771 (B) spoiled; or

772 (C) chemically determined to be impure; or

773 (iii) contains:

774 (A) sediment; or

775 (B) a foreign substance; or

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

777 (138) (a) "Wine" means an alcoholic product obtained by the fermentation of the  
778 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not  
779 another ingredient is added.

780 (b) "Wine" includes:

781 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.  
782 4.10; and

783 (ii) hard cider.

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

786 (139) "Winery manufacturing license" means a license issued in accordance with  
787 Chapter 11, Part 3, Winery Manufacturing License.

788 Section 2. Section **32B-4-505** is amended to read:

789 **32B-4-505. Obstructing a search, official proceeding, or investigation.**

790 (1) A person who is in the premises or has charge over premises may not refuse or fail  
791 to admit to the premises or obstruct the entry of any of the following who demands entry when  
792 acting under this title:

- 793 (a) a commissioner;
- 794 (b) an authorized representative of the commission or department; or
- 795 (c) a law enforcement officer.

796 (2) A person who is in the premises or has charge of the premises may not interfere  
797 with any of the following who is conducting an investigation under this title at the premises:

- 798 (a) a commissioner;
- 799 (b) an authorized representative of the commission or department; or
- 800 (c) a law enforcement officer.

801 (3) After receiving written notice of an official proceeding or investigation under  
802 Chapter 15, Alcoholic Product Liability Act, or a criminal proceeding or investigation for a  
803 violation of Section [41-6a-502](#) or [41-6a-517](#), a person may not knowingly alter, destroy,  
804 conceal, or remove a record that is relevant to the official proceeding or investigation.

805 (4) A person [~~is guilty of a class A misdemeanor if, believing~~] who believes that an  
806 official proceeding or investigation is pending or about to be instituted under this title[~~, that~~  
807 ~~person:] may not:~~

808 (a) [~~alters, destroys, conceals, or removes~~] alter, destroy, conceal, or remove a record  
809 with a purpose to impair the record's verity or availability in the proceeding or investigation; or

810 (b) [~~makes, presents, or uses~~] make, present, or use anything that the person knows to  
811 be false with [~~a~~] the purpose to deceive any of the following who may be engaged in [~~a~~] the  
812 proceeding or investigation [~~under this title~~]:

- 813 (i) a commissioner;

814 (ii) an authorized representative of the commission or department;  
815 (iii) a law enforcement officer; or  
816 (iv) ~~other~~ another person.  
817 (5) (a) Except as provided in Subsection (5)(b), a violation of Subsection (1), (2), or (3)  
818 is a class B misdemeanor.  
819 (b) A violation of Subsection (3) is a class A misdemeanor if the record is relevant to  
820 an official proceeding or investigation for a violation of Section [32B-4-404](#).  
821 (c) A violation of Subsection (4) is a class A misdemeanor.  
822 Section 3. Section **32B-5-202** is amended to read:  
823 **32B-5-202. Renewal requirements.**  
824 (1) A retail license expires each year on the day specified in the relevant chapter or part  
825 for that type of retail license.  
826 (2) (a) To renew a person's retail license, a retail licensee shall, on or before the day  
827 specified in the relevant chapter or part for the type of retail license that the person seeks to  
828 renew, submit:  
829 (i) a completed renewal application in a form prescribed by the department;  
830 (ii) a renewal fee in the amount specified in the relevant chapter or part for the type of  
831 retail license that the person seeks to renew; ~~and~~  
832 (iii) a responsible alcohol service plan if, since the retail licensee's most recent  
833 application or renewal, the retail licensee:  
834 (A) made substantial changes to the retail licensee's responsible alcohol service plan;  
835 or  
836 (B) violated a provision of this chapter~~[-]~~; and  
837 (iv) a certification in a form prescribed by the department of the retail licensee's  
838 compliance with Section [32B-5-302](#).  
839 (b) The department may audit a retail licensee's responsible alcohol service plan.  
840 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the  
841 retail license effective on the day on which the existing retail license expires.

842 Section 4. Section **32B-5-302** is amended to read:

843 **32B-5-302. Recordkeeping -- Retention.**

844 (1) (a) A retail licensee shall make and maintain a record showing in detail:

845 [~~(a)~~] (i) quarterly expenditures made separately for:

846 [~~(i)~~] (A) malt or brewed beverages;

847 [~~(ii)~~] (B) liquor;

848 [~~(iii)~~] (C) set-ups;

849 [~~(iv)~~] (D) food; and

850 [~~(v)~~] (E) any other item required by the department; and

851 [~~(b)~~] (ii) sales made separately for:

852 [~~(i)~~] (A) malt or brewed beverages;

853 [~~(ii)~~] (B) set-ups;

854 [~~(iii)~~] (C) food; and

855 [~~(iv)~~] (D) any other item required by the department.

856 [~~(2)~~] (b) A retail licensee shall make and maintain a record required by Subsection

857 (1)(a):

858 [~~(a)~~] (i) in a form approved by the department; and

859 [~~(b)~~] (ii) current for each three-month period.

860 [~~(3)~~] (c) A retail licensee shall support an expenditure by:

861 [~~(a)~~] (i) a delivery ticket;

862 [~~(b)~~] (ii) an invoice;

863 [~~(c)~~] (iii) a receipted bill;

864 [~~(d)~~] (iv) a canceled check;

865 [~~(e)~~] (v) a petty cash voucher; or

866 [~~(f)~~] (vi) other sustaining datum or memorandum.

867 [~~(4)~~] (d) In addition to a record required under Subsection [~~(1)~~] (1)(a), a retail licensee

868 shall make and maintain any other record the department may require.

869 (2) After receiving written notice of an official proceeding or investigation under

870 Chapter 15, Alcoholic Product Liability Act, or a criminal proceeding or investigation for a  
871 violation of Section 41-6a-502 or 41-6a-517, a retail licensee shall retain a record that is  
872 relevant to the proceeding or investigation, including any video surveillance, for a period of at  
873 least two years after the day on which the notice is received.

874 ~~[(5)]~~ (3) (a) A record of a retail licensee is subject to inspection by an authorized  
875 representative of the commission ~~[and]~~ or the department.

876 (b) A retail licensee shall allow the department, through an auditor or examiner of the  
877 department, to audit the records of the retail licensee at times the department considers  
878 advisable.

879 ~~[(6)]~~ (4) ~~[Section]~~ Sections 32B-1-205 [applies] and 32B-4-505 apply to a record  
880 required to be made or maintained in accordance with this section.

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

882 **32B-6-205.2. Specific operational requirements for a full-service restaurant**  
883 **license -- On and after July 1, 2018, or July 1, 2022.**

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

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

889 (i) a full-service restaurant licensee;

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

891 (iii) both a full-service restaurant licensee and staff of the full-service restaurant  
892 licensee.

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

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



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

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

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

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

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

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

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

910 (5) (a) A full-service restaurant licensee may not furnish an alcoholic product for  
911 on-premise consumption except after:

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

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

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

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

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

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

919 (B) except as provided in Subsection (5)(b), consume the food at the same location  
920 where the patron is seated and furnished the alcoholic product.

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

925 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing

926 structure; and

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

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

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

935 (c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not  
936 furnish beer for off-premise consumption except after the patron consumes on the licensed  
937 premises food prepared, sold, and furnished at the licensed premises.

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

940 (6) A patron may consume an alcoholic product on the full-service restaurant licensee's  
941 licensed premises only if the patron is seated at:

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

943 (b) a counter that is located in a dining area or dispensing area; or

944 (c) a dispensing structure located in a dispensing area.

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

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

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

951 (8) In accordance with the provisions of this section, an individual who is at least 21  
952 years old may consume food and beverages in a dispensing area.

953 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or

954 consume food or beverages in a dispensing area.

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

956 (A) at least 16 years old and working as an employee of the full-service restaurant  
957 licensee; or

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

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

963 (10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee  
964 may dispense an alcoholic product only if:

965 (a) the alcoholic product is dispensed from:

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

967 (ii) an area that is:

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

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

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

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

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

975 and

976 (b) any instrument or equipment used to dispense alcoholic product is located in an  
977 area described in Subsection (10)(a).

978 (11) (a) A full-service restaurant licensee may have more than one dispensing area in  
979 the licensed premises.

980 (b) Each dispensing area in a licensed premises may satisfy the requirements for a  
981 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other

982 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

983 (12) A full-service restaurant licensee may not:

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

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

987 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a  
988 charge or fee made in connection with the sale, service, or consumption of liquor, including:

989 (a) a set-up charge;

990 (b) a service charge; or

991 (c) a chilling fee.

992 (14) (a) In addition to the requirements described in Section 32B-5-302, a full-service  
993 restaurant licensee shall maintain each of the following records for at least three years:

994 (i) a record required by ~~[Section]~~ Subsection 32B-5-302(1); and

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

998 (b) The department shall audit the records of a full-service restaurant licensee at least  
999 once annually.

1000 (15) A full-service restaurant licensee may lease to a patron of the full-service  
1001 restaurant licensee a locked storage space:

1002 (a) that the commission considers proper for the storage of wine; and

1003 (b) for the storage of wine that:

1004 (i) the patron purchases from the full-service restaurant licensee; and

1005 (ii) only the full-service restaurant licensee or staff of the full-service restaurant  
1006 licensee may remove from the locker for the patron's use in accordance with this title,

1007 including:

1008 (A) service and consumption on licensed premises as described in Section 32B-5-306;

1009 or

1010 (B) removal from the full-service retail licensee's licensed premises in accordance with  
1011 Section 32B-5-307.

1012 Section 6. Section 32B-6-305.2 is amended to read:

1013 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**  
1014 **license -- On and after July 1, 2018, or July 1, 2022.**

1015 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1016 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant  
1017 licensee shall comply with this section.

1018 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in  
1019 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1020 (i) a limited-service restaurant licensee;

1021 (ii) individual staff of a limited-service restaurant licensee; or

1022 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant  
1023 licensee.

1024 (2) (a) An individual who serves an alcoholic product in a limited-service restaurant  
1025 licensee's premises shall make a beverage tab for each table or group that orders or consumes  
1026 an alcoholic product on the premises.

1027 (b) A beverage tab described in this Subsection (2) shall state the type and amount of  
1028 each alcoholic product ordered or consumed.

1029 (3) A limited-service restaurant licensee may not make an individual's willingness to  
1030 serve an alcoholic product a condition of employment with a limited-service restaurant  
1031 licensee.

1032 (4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or  
1033 heavy beer at the licensed premises during the following time periods only:

1034 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1035 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1036 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1037 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the

1038 licensed premises during the following time periods only:

1039 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1040 (ii) on a weekend or a state or federal legal holiday or for a private event, during the  
1041 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1042 (5) (a) A limited-service restaurant licensee may not furnish an alcoholic product for  
1043 on-premise consumption except after:

1044 (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic  
1045 product is seated at:

1046 (A) a table that is located in a dining area or a dispensing area;

1047 (B) a counter that is located in a dining area or a dispensing area; or

1048 (C) a dispensing structure that is located in a dispensing area; and

1049 (ii) the limited-service restaurant licensee confirms that the patron intends to:

1050 (A) order food prepared, sold, and furnished at the licensed premises; and

1051 (B) except as provided in Subsection (5)(b), consume the food at the same location  
1052 where the patron is seated and furnished the alcoholic product.

1053 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a  
1054 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for  
1055 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as  
1056 described in Section [32B-5-304](#) if:

1057 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing  
1058 structure; and

1059 (B) the limited-service restaurant licensee first confirms that after the patron is seated  
1060 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed  
1061 premises.

1062 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat  
1063 in the dining area, an employee of the limited-service restaurant licensee who is qualified to  
1064 sell and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished  
1065 portion of the patron's alcoholic product to the patron's seat in the dining area.

1066 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.

1067 (c) Notwithstanding Section 32B-5-307, a limited-service restaurant licensee may not  
1068 furnish beer for off-premise consumption except after the patron consumes on the licensed  
1069 premises food prepared, sold, and furnished at the licensed premises.

1070 (d) A limited-service restaurant licensee shall maintain on the licensed premises  
1071 adequate culinary facilities for food preparation and dining accommodations.

1072 (6) A patron may consume an alcoholic product on the limited-service restaurant  
1073 licensee's licensed premises only if the patron is seated at:

1074 (a) a table that is located in a dining area or a dispensing area;

1075 (b) a counter that is located in a dining area or a dispensing area; or

1076 (c) a dispensing structure located in a dispensing area.

1077 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have  
1078 more than two alcoholic products of any kind at a time before the patron.

1079 (b) An individual portion of wine is considered to be one alcoholic product under  
1080 Subsection (7)(a).

1081 (8) In accordance with the provisions of this section, an individual who is at least 21  
1082 years old may consume food and beverages in a dispensing area.

1083 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or  
1084 consume food or beverages in a dispensing area.

1085 (b) (i) A minor may be in a dispensing area if the minor is:

1086 (A) at least 16 years old and working as an employee of the limited-service restaurant  
1087 licensee; or

1088 (B) performing maintenance and cleaning services as an employee of the  
1089 limited-service restaurant licensee when the limited-service restaurant licensee is not open for  
1090 business.

1091 (ii) If there is no alternative route available, a minor may momentarily pass through a  
1092 dispensing area without remaining or sitting in the dispensing area en route to an area of the  
1093 limited-service restaurant licensee's premises in which the minor is permitted to be.

- 1094 (10) Except as provided in Subsection [32B-5-307\(3\)](#), a limited-service restaurant  
1095 licensee may dispense an alcoholic product only if:
- 1096 (a) the alcoholic product is dispensed from:
- 1097 (i) a dispensing structure that is located in a dispensing area;
- 1098 (ii) an area that is:
- 1099 (A) separated from an area for the consumption of food by a patron by a solid,  
1100 translucent, permanent structural barrier such that the facilities for the dispensing of an  
1101 alcoholic product are not readily visible to a patron and not accessible by a patron; and
- 1102 (B) apart from an area used for dining, for staging, or as a waiting area; or
- 1103 (iii) the premises of a bar licensee that is:
- 1104 (A) owned by the same person or persons as the limited-service restaurant licensee; and
- 1105 (B) located immediately adjacent to the premises of the limited-service restaurant  
1106 licensee; and
- 1107 (b) any instrument or equipment used to dispense alcoholic product is located in an  
1108 area described in Subsection (10)(a).
- 1109 (11) (a) A limited-service restaurant licensee may have more than one dispensing area  
1110 in the licensed premises.
- 1111 (b) Each dispensing area in a licensed premises may satisfy the requirements for a  
1112 dispensing area under Subsection [32B-6-202\(2\)\(a\)\(i\)](#), (ii), or (iii), regardless of how any other  
1113 dispensing area in the licensed premises satisfies the requirements for a dispensing area.
- 1114 (12) A limited-service restaurant licensee may not:
- 1115 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
- 1116 (b) display an alcoholic product or a product intended to appear like an alcoholic  
1117 product by moving a cart or similar device around the licensed premises.
- 1118 (13) A limited-service restaurant licensee may state in a food or alcoholic product  
1119 menu a charge or fee made in connection with the sale, service, or consumption of wine or  
1120 heavy beer, including:
- 1121 (a) a set-up charge;



1122 (b) a service charge; or

1123 (c) a chilling fee.

1124 (14) (a) In addition to the requirements described in Section 32B-5-302, a  
1125 limited-service restaurant licensee shall maintain each of the following records for at least three  
1126 years:

1127 (i) a record required by [~~Section~~] Subsection 32B-5-302(1); and

1128 (ii) a record that the commission requires a limited-service restaurant licensee to use or  
1129 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1130 Rulemaking Act.

1131 (b) The department shall audit the records of a limited-service restaurant licensee at  
1132 least once each calendar year.

1133 Section 7. Section 32B-6-406 is amended to read:

1134 **32B-6-406. Specific operational requirements for a bar establishment license.**

1135 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1136 Requirements, a bar establishment licensee and staff of the bar establishment licensee shall  
1137 comply with this section.

1138 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1139 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1140 (i) a bar establishment licensee;

1141 (ii) individual staff of a bar establishment licensee; or

1142 (iii) both a bar establishment licensee and staff of the bar establishment licensee.

1143 (2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display  
1144 in a conspicuous place at the entrance to the licensed premises a sign that:

1145 (a) measures at least 8-1/2 inches long and 11 inches wide; and

1146 (b) clearly states that the bar licensee is a bar and that no one under 21 years [~~of age~~]  
1147 old is allowed.

1148 (3) (a) In addition to complying with Section 32B-5-302, a bar establishment licensee  
1149 shall maintain for a minimum of three years:

- 1150 (i) a record required by [~~Section~~] Subsection 32B-5-302(1); and
- 1151 (ii) a record maintained or used by the bar establishment licensee, as the department
- 1152 requires.
- 1153 (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in
- 1154 accordance with this Subsection (3).
- 1155 (c) The department shall audit the records of a bar establishment licensee at least once
- 1156 annually.
- 1157 (4) (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the
- 1158 licensed premises on any day during a period that:
- 1159 (i) begins at 1 a.m.; and
- 1160 (ii) ends at 9:59 a.m.
- 1161 (b) A bar establishment licensee may sell, offer for sale, or furnish beer during the
- 1162 hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer
- 1163 license.
- 1164 (c) (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall
- 1165 keep its licensed premises open for one hour after the bar establishment licensee ceases the sale
- 1166 and furnishing of an alcoholic product during which time a patron of the bar establishment
- 1167 licensee may finish consuming:
- 1168 (A) a single drink containing spirituous liquor;
- 1169 (B) a single serving of wine not exceeding five ounces;
- 1170 (C) a single serving of heavy beer;
- 1171 (D) a single serving of beer not exceeding 26 ounces; or
- 1172 (E) a single serving of a flavored malt beverage.
- 1173 (ii) A bar establishment licensee is not required to remain open:
- 1174 (A) after all patrons have vacated the premises; or
- 1175 (B) during an emergency.
- 1176 (5) (a) A minor:
- 1177 (i) may not be admitted into, use, or be in the licensed premises of:

1178 (A) a dining club licensee unless accompanied by an individual who is 21 years [of  
1179 age] old or older; or

1180 (B) a bar licensee, except to the extent provided for under Section 32B-6-406.1;

1181 (ii) may only be admitted into, use, or be in the lounge or bar area of an equity  
1182 licensee's or fraternal licensee's licensed premises:

1183 (A) when accompanied by an individual who is 21 years [~~of age~~] old or older; and

1184 (B) momentarily while en route to another area of the licensee's premises; and

1185 (iii) may not remain or sit in the lounge or bar area of an equity licensee's or fraternal  
1186 licensee's licensed premises.

1187 (b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a  
1188 minor to:

1189 (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club  
1190 licensee; or

1191 (ii) handle an alcoholic product.

1192 (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed  
1193 premises of a bar licensee.

1194 (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being  
1195 more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar  
1196 establishment licensee.

1197 (6) A bar establishment licensee shall have food available at all times when an  
1198 alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.

1199 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have  
1200 more than two alcoholic products of any kind at a time before the patron.

1201 (b) A patron may not have two spirituous liquor drinks before the bar establishment  
1202 licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous  
1203 liquor for the other spirituous liquor drink.

1204 (c) An individual portion of wine is considered to be one alcoholic product under  
1205 Subsection (7)(a).

1206 (8) A bar establishment licensee shall have available on the premises for a patron to  
1207 review at the time that the patron requests it, a written alcoholic product price list or a menu  
1208 containing the price of an alcoholic product sold, offered for sale, or furnished by the bar  
1209 establishment licensee including:

- 1210 (a) a set-up charge;
- 1211 (b) a service charge; or
- 1212 (c) a chilling fee.

1213 (9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily  
1214 rent or otherwise temporarily lease its premises to a person unless:

- 1215 (a) the person to whom the bar establishment licensee rents or leases the premises  
1216 agrees in writing to comply with this title as if the person is the bar establishment licensee,  
1217 except for a requirement related to making or maintaining a record; and
- 1218 (b) the bar establishment licensee takes reasonable steps to ensure that the person  
1219 complies with this section as provided in Subsection (9)(a).

1220 (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar  
1221 establishment licensee shall comply with Section 32B-6-407.

1222 (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar  
1223 establishment licensee shall comply with Section 32B-1-407.

1224 (12) (a) A bar establishment licensee shall own or lease premises suitable for the bar  
1225 establishment licensee's activities.

1226 (b) A bar establishment licensee may not maintain licensed premises in a manner that  
1227 barricades or conceals the bar establishment licensee's operation.

1228 Section 8. Section 32B-6-605 is amended to read:

1229 **32B-6-605. Specific operational requirements for on-premise banquet license.**

1230 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1231 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee  
1232 shall comply with this section.

1233 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action

1234 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1235 (i) an on-premise banquet licensee;

1236 (ii) individual staff of an on-premise banquet licensee; or

1237 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

1238 (2) An on-premise banquet licensee shall comply with Subsections [32B-5-301](#)(4) and

1239 (5) for the entire premises of the hotel, resort facility, sports center, convention center,

1240 performing arts facility, or arena that is the basis for the on-premise banquet license.

1241 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee

1242 shall provide the department with advance notice of a scheduled banquet in accordance with

1243 rules made by the commission.

1244 (b) Any of the following may conduct a random inspection of a banquet:

1245 (i) an authorized representative of the commission or the department; or

1246 (ii) a law enforcement officer.

1247 (4) (a) An on-premise banquet licensee is not subject to ~~[Section]~~ Subsection

1248 [32B-5-302](#)(1), but shall make and maintain the records described in Subsection [32B-5-302](#)(2)

1249 and the records the commission or department requires.

1250 (b) Section [32B-1-205](#) applies to a record required to be made or maintained in

1251 accordance with this Subsection (4).

1252 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may

1253 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the

1254 location of the banquet.

1255 (b) Except as provided in Subsection [32B-5-307](#)(4), a host of a banquet, a patron, or a

1256 person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,

1257 may not remove an alcoholic product from the premises of the banquet.

1258 (c) Notwithstanding Subsections [32B-5-307](#)(3) and (5) and except as provided in

1259 Subsection [32B-5-307](#)(4), a patron at a banquet may not bring an alcoholic product into or

1260 onto, or remove an alcoholic product from, the premises of a banquet.

1261 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at

1262 the banquet following the conclusion of the banquet.

1263 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

1264 (i) destroy an opened and unused alcoholic product that is not saleable, under  
1265 conditions established by the department; and

1266 (ii) return to the on-premise banquet licensee's approved locked storage area any:

1267 (A) opened and unused alcoholic product that is saleable; and

1268 (B) unopened container of an alcoholic product.

1269 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container  
1270 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

1271 (i) shall store the alcoholic product in the on-premise banquet licensee's approved  
1272 locked storage area; and

1273 (ii) may use the alcoholic product at more than one banquet.

1274 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not  
1275 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the  
1276 on-premise banquet licensee's banquet and room service activities.

1277 (8) An on-premise banquet licensee:

1278 (a) may provide room service in portions described in Section 32B-5-304;

1279 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in  
1280 connection with room service any day during a period that:

1281 (i) begins at 1 a.m.; and

1282 (ii) ends at 9:59 a.m.; and

1283 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic  
1284 product free of charge per guest reservation, per guest room, if the alcoholic product:

1285 (i) is not a spirituous liquor; and

1286 (ii) is in an unopened container not to exceed 750 milliliters.

1287 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have  
1288 more than two alcoholic products of any kind at a time before the patron.

1289 (b) A patron may not have more than one spirituous liquor drink at a time before the

1290 patron.

1291 (c) An individual portion of wine is considered to be one alcoholic product under  
1292 Subsection (9)(a).

1293 (10) (a) An on-premise banquet licensee shall supervise and direct a person involved in  
1294 the sale, offer for sale, or furnishing of an alcoholic product.

1295 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product  
1296 shall complete an alcohol training and education seminar.

1297 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all  
1298 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the  
1299 banquet.

1300 (12) (a) Room service of an alcoholic product to a guest room or privately owned  
1301 dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise  
1302 banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.

1303 (b) An alcoholic product may not be left outside a guest room or privately owned  
1304 dwelling unit for retrieval by a guest or resident.

1305 (13) An on-premise banquet licensee may not maintain a minibar.

1306 Section 9. Section **32B-6-706** is amended to read:

1307 **32B-6-706. Specific operational requirements for on-premise beer retailer license.**

1308 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1309 Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply  
1310 with this section.

1311 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1312 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1313 (i) an on-premise beer retailer;

1314 (ii) individual staff of an on-premise beer retailer; or

1315 (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.

1316 (2) (a) An on-premise beer retailer is not subject to ~~[Section]~~ Subsection 32B-5-302(1),  
1317 but shall make and maintain the records described in Subsection 32B-5-302(2) and the records

1318 the department requires.

1319 (b) Section 32B-1-205 applies to a record required to be made or maintained in  
1320 accordance with this Subsection (2).

1321 (3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or  
1322 sell liquor on its licensed premises.

1323 (4) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at the  
1324 on-premise beer retailer's licensed premises during a period that:

1325 (i) begins at 1 a.m.; and

1326 (ii) ends at 9:59 a.m.

1327 (b) (i) Notwithstanding Subsection (4)(a), a tavern shall remain open for one hour after  
1328 the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may  
1329 finish consuming a single serving of beer not exceeding 26 ounces.

1330 (ii) A tavern is not required to remain open:

1331 (A) after all patrons have vacated the premises; or

1332 (B) during an emergency.

1333 (5) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a  
1334 tavern.

1335 (6) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the  
1336 purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases  
1337 from:

1338 (A) a beer wholesaler licensee; or

1339 (B) a small brewer that manufactures the beer.

1340 (ii) Violation of Subsection (6)(a)(i) is a class A misdemeanor.

1341 (b) (i) If an on-premise beer retailer purchases beer under this Subsection (6) from a  
1342 beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer  
1343 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area  
1344 in which the on-premise beer retailer is located, unless an alternate wholesaler is authorized by  
1345 the department to sell to the on-premise beer retailer as provided in Section 32B-13-301.



1346 (ii) Violation of Subsection (6)(b)(i) is a class B misdemeanor.

1347 (7) A tavern shall comply with Section 32B-1-407.

1348 Section 10. Section 32B-6-905.1 is amended to read:

1349 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**

1350 **-- On and after July 1, 2018, or July 1, 2022.**

1351 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1352 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee  
1353 shall comply with this section.

1354 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in  
1355 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1356 (i) a beer-only restaurant licensee;

1357 (ii) individual staff of a beer-only restaurant licensee; or

1358 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

1359 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for  
1360 sale, furnish, or allow consumption of liquor.

1361 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

1362 (i) as a flavoring on a dessert; or

1363 (ii) in the preparation of a flaming food dish, drink, or dessert.

1364 (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall  
1365 make a beverage tab for each table or group that orders or consumes beer on the premises.

1366 (b) A beverage tab described in this Subsection (3) shall state the type and amount of  
1367 each beer ordered or consumed.

1368 (4) A beer-only restaurant licensee may not make an individual's willingness to serve  
1369 beer a condition of employment as a server with a beer-only restaurant licensee.

1370 (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the  
1371 licensed premises during the following time periods only:

1372 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1373 (b) on a weekend or a state or federal legal holiday or for a private event, during the

1374 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1375 (6) (a) A beer-only restaurant licensee may not furnish beer for on-premise  
1376 consumption except after:

1377 (i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:

1378 (A) a table that is located in a dining area or a dispensing area;

1379 (B) a counter that is located in a dining area or a dispensing area; or

1380 (C) a dispensing structure that is located in a dispensing area; and

1381 (ii) the beer-only restaurant licensee confirms that the patron intends to:

1382 (A) order food prepared, sold, and furnished at the licensed premises; and

1383 (B) except as provided in Subsection (6)(b), consume the food at the same location  
1384 where the patron is seated and furnished the beer.

1385 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a  
1386 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or  
1387 furnish to the patron one portion of beer as described in Section 32B-5-304 if:

1388 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing  
1389 structure; and

1390 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the  
1391 dining area, the patron intends to order food prepared, sold, and furnished at the licensed  
1392 premises.

1393 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining  
1394 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an  
1395 alcoholic product under Section 32B-5-306 shall transport any unfinished portion of the  
1396 patron's beer to the patron's seat in the dining area.

1397 (c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not  
1398 furnish beer for off-premise consumption except after the patron consumes on the licensed  
1399 premises food prepared, sold, and furnished at the licensed premises.

1400 (d) A beer-only restaurant licensee shall maintain on the licensed premises adequate  
1401 culinary facilities for food preparation and dining accommodations.

- 1402 (7) A patron may consume a beer on the beer-only licensee's licensed premises only at:
- 1403 (a) a table that is located in a dining area or a dispensing area;
- 1404 (b) a counter that is located in a dining area or a dispensing area; or
- 1405 (c) a dispensing structure located in a dispensing area.
- 1406 (8) A patron may not have more than two beers at a time before the patron.
- 1407 (9) In accordance with the provisions of this section, an individual who is at least 21
- 1408 years old may consume food and beverages in a dispensing area.
- 1409 (10) (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or
- 1410 consume food or beverages in a dispensing area.
- 1411 (b) (i) A minor may be in a dispensing area if the minor is:
- 1412 (A) at least 16 years old and working as an employee of the beer-only restaurant
- 1413 licensee; or
- 1414 (B) performing maintenance and cleaning services as an employee of the beer-only
- 1415 restaurant licensee when the beer-only restaurant licensee is not open for business.
- 1416 (ii) If there is no alternative route available, a minor may momentarily pass through a
- 1417 dispensing area without remaining or sitting in the dispensing area en route to an area of the
- 1418 beer-only restaurant licensee's premises in which the minor is permitted to be.
- 1419 (11) A beer-only restaurant licensee may dispense a beer only if:
- 1420 (a) the beer is dispensed from:
- 1421 (i) a dispensing structure that is located in a dispensing area;
- 1422 (ii) an area that is:
- 1423 (A) separated from an area for the consumption of food by a patron by a solid,
- 1424 translucent, permanent structural barrier such that the facilities for the dispensing of an
- 1425 alcoholic product are not readily visible to a patron and not accessible by a patron; and
- 1426 (B) apart from an area used for dining, for staging, or as a waiting area; or
- 1427 (iii) the premises of a bar licensee that is:
- 1428 (A) owned by the same person or persons as the beer-only restaurant licensee; and
- 1429 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;

1430 and

1431 (b) any instrument or equipment used to dispense the beer is located in an area  
1432 described in Subsection (11)(a).

1433 (12) (a) A beer-only restaurant licensee may have more than one dispensing area in the  
1434 licensed premises.

1435 (b) Each dispensing area in a licensed premises may satisfy the requirements for a  
1436 dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any  
1437 other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1438 (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or  
1439 from a movable cart.

1440 (14) (a) In addition to the requirements described in Section 32B-5-302, a beer-only  
1441 restaurant licensee shall maintain each of the following records for at least three years:

1442 (i) a record required by [~~Section~~] Subsection 32B-5-302(1); and

1443 (ii) a record that the commission requires a beer-only restaurant licensee to use or  
1444 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1445 Rulemaking Act.

1446 (b) The department shall audit the records of a beer-only restaurant licensee at least  
1447 once annually.

1448 Section 11. Section 32B-6-1005 is amended to read:

1449 **32B-6-1005. Specific operational requirements for hospitality amenity license.**

1450 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational  
1451 Requirements, a hospitality amenity licensee and staff of the hospitality amenity licensee shall  
1452 comply with this section.

1453 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
1454 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1455 (i) the hospitality amenity licensee;

1456 (ii) individual staff of the hospitality amenity licensee; or

1457 (iii) both the hospitality amenity licensee and staff of the hospitality amenity licensee.

1458           (2) (a) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic  
1459 product:

1460           (i) to a hospitality guest; and

1461           (ii) for consumption in or on the hospitality amenity licensee's licensed premises.

1462           (b) (i) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic  
1463 product that is not spirituous liquor in or on:

1464           (A) licensed premises physically separated from an area to which a hospitality guest or  
1465 the public has access by a permanent or temporary structure or barrier; or

1466           (B) licensed premises described in Subsection (2)(b)(ii).

1467           (ii) A hospitality amenity licensee may sell, offer for sale, or furnish spirituous liquor  
1468 in or on licensed premises that:

1469           (A) allows access only through the use of a key or code; and

1470           (B) fills the entirety of a physically and permanently enclosed area within the hotel or  
1471 resort.

1472           (c) Spirituous liquor may not be in or on the licensed premises described in Subsection  
1473 (2)(b)(i)(A) of a hospitality amenity licensee, except for use:

1474           (i) as a flavoring on a dessert; and

1475           (ii) in the preparation of a flaming food dish or dessert.

1476           (d) A hospitality amenity licensee may not allow self-service of an alcoholic product in  
1477 or on the hospitality amenity licensee's licensed premises.

1478           (3) (a) Subject to Subsections (3)(b) and (c), a hospitality guest may not have more  
1479 than two alcoholic products of any kind at a time before the hospitality guest.

1480           (b) A hospitality guest may not have more than one spirituous liquor drink at a time  
1481 before the hospitality guest.

1482           (c) An individual portion of wine is considered to be one alcoholic product under  
1483 Subsection (3)(a).

1484           (4) A hospitality amenity licensee shall make food available at all times that the  
1485 licensee sells, offers for sale, furnishes, or allows the consumption of an alcoholic product on

1486 the licensed premises.

1487 (5) (a) A hospitality amenity licensee may not sell, offer for sale, or furnish an  
1488 alcoholic product any day during a period that:

1489 (i) begins at 1:00 a.m.; and

1490 (ii) ends at 9:59 a.m.

1491 (b) A hospitality amenity licensee shall remain open for one hour after the licensee  
1492 ceases to sell and furnish an alcoholic product, during which time a hospitality guest in or on  
1493 the hospitality amenity licensed premises may finish consuming:

1494 (i) a single drink containing spirituous liquor;

1495 (ii) a single serving of wine not exceeding five ounces;

1496 (iii) a single serving of heavy beer;

1497 (iv) a single serving of beer not exceeding 26 ounces; or

1498 (v) a single serving of a flavored malt beverage.

1499 (c) A hospitality amenity licensee is not required to remain open:

1500 (i) after all individuals have vacated the licensee's licensed premises; or

1501 (ii) during an emergency.

1502 (6) (a) Notwithstanding Section [32B-5-305](#), a hospitality amenity licensee may provide  
1503 a hospitality guest up to two single servings of an alcoholic product free of charge or at a  
1504 reduced rate, if:

1505 (i) the alcoholic product is not a spirituous liquor; and

1506 (ii) the hospitality amenity licensee offers the alcohol product:

1507 (A) to all hospitality guests;

1508 (B) during a specific time; and

1509 (C) on the hospitality amenity licensee's licensed premises.

1510 (b) Before a hospitality amenity licensee provides an alcoholic product free of charge  
1511 or at a reduced rate as described in Subsection (6)(a), the licensee shall provide the department  
1512 with advance notice of the event, in accordance with commission rules that permit a licensee to  
1513 provide a single notice for a reoccurring event or multiple events.

1514 (7) A hospitality amenity licensee may permit a hospitality guest to purchase an  
1515 alcoholic product through a charge to the hospitality guest's lodging accommodations.

1516 (8) (a) Notwithstanding Section 32B-5-307, a hospitality guest, or a person other than  
1517 the hospitality amenity licensee or staff of the hospitality amenity licensee, may not remove an  
1518 alcoholic product from the hospitality amenity licensee's licensed premises.

1519 (b) Notwithstanding Subsection 32B-5-307(3), a hospitality guest may not bring an  
1520 alcoholic product within the hospitality amenity licensee's licensed premises.

1521 (9) A hospitality amenity licensee shall display at each entrance to the licensee's  
1522 licensed premises a conspicuous sign that:

1523 (a) measures at least 8-1/2 inches long and 11 inches wide; and

1524 (b) clearly states that entry is limited to individuals who are hospitality guests, as  
1525 defined in this title.

1526 (10) A hospitality amenity licensee may not permit a minor to enter the licensee's  
1527 licensed premises at any time during which an alcoholic product is sold, offered for sale,  
1528 furnished, or consumed, unless the minor is accompanied at all times on the licensed premises  
1529 by a hospitality guest.

1530 (11) A staff person of a hospitality amenity licensee shall remain on the licensed  
1531 premises at all times when an alcoholic product is sold, offered for sale, furnished, or  
1532 consumed in or on the licensed premises.

1533 (12) A hospitality amenity licensee may transfer an alcoholic product to or from  
1534 another licensee within the boundary of the hotel or within the boundary of the resort building,  
1535 if:

1536 (a) the hospitality amenity licensee and each licensee involved in the transfer tracks the  
1537 transfer of the alcoholic product; and

1538 (b) the alcoholic product is in a sealed, unopened container.

1539 (13) (a) In addition to the requirements described in Section 32B-5-302, a hospitality  
1540 amenity licensee shall maintain each of the following records for at least three years:

1541 (i) a record required under ~~[Section]~~ Subsection 32B-5-302(1); and

1542 (ii) a record that the commission requires a hospitality amenity licensee to use or  
1543 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1544 Rulemaking Act.

1545 (b) The department shall audit the records of a hospitality amenity licensee at least  
1546 once annually.

1547 Section 12. Section **32B-15-201** is amended to read:

1548 **32B-15-201. Liability for injuries and damage resulting from distribution of**  
1549 **alcoholic products -- Prima facie evidence.**

1550 (1) (a) Except as provided in Subsections **32B-15-202**(2) and (3), a person described in  
1551 Subsection (1)(b) is liable for:

1552 (i) any and all injury and damage, except punitive damages to:

1553 (A) a third person; or

1554 (B) the heir, as defined in Section **78B-3-105**, of ~~[that]~~ the third person; or

1555 (ii) the death of a third person.

1556 (b) A person is liable under Subsection (1)(a) if:

1557 (i) the person directly gives, sells, or otherwise provides an alcoholic product:

1558 (A) to a person described in Subsection (1)(b)(ii); and

1559 (B) as part of the commercial sale, storage, service, manufacture, distribution, or  
1560 consumption of an alcoholic product;

1561 (ii) those actions cause the intoxication of:

1562 (A) an individual under ~~[the age of]~~ 21 years old;

1563 (B) an individual who is apparently under the influence of ~~[intoxicating alcoholic~~  
1564 ~~products or drugs]~~ an alcoholic product or drug;

1565 (C) an individual whom the person furnishing the alcoholic product knew or should  
1566 have known from the circumstances was under the influence of ~~[intoxicating alcoholic products~~  
1567 ~~or drugs]~~ an alcoholic product or drug; or

1568 (D) an individual who is a known interdicted person; and

1569 (iii) the injury or death described in Subsection (1)(a) results from the intoxication of



1570 the individual who is provided the alcoholic product.

1571 (c) It is prima facie evidence that a person is liable under Subsection (1)(a) for an  
1572 injury or death that results from the intoxication of an individual described in Subsection  
1573 (1)(b)(ii)(B) or (C) if:

1574 (i) the person directly gives, sells, or otherwise provides the individual the last  
1575 alcoholic product the individual consumes before the injury or death described in Subsection  
1576 (1)(b)(iii);

1577 (ii) the individual consumes the alcoholic product at the location where the person  
1578 directly gives, sells, or otherwise provides the individual the alcoholic product;

1579 (iii) the injury or death occurs within 30 minutes after the time at which the individual  
1580 leaves, and within a 10 mile radius of, the location where the person gives, sells, or otherwise  
1581 provides the individual the alcoholic product; and

1582 (iv) the individual is charged with a criminal violation of Section [41-6a-502](#) for driving  
1583 under the influence of an alcoholic product in relation to the injury or death.

1584 (2) (a) A person 21 years [~~of age~~] old or older who is described in Subsection (2)(b) is  
1585 liable for:

1586 (i) any and all injury and damage, except punitive damages to:

1587 (A) a third person; or

1588 (B) the heir, as defined in Section [78B-3-105](#), of [~~that~~] the third person; or

1589 (ii) the death of the third person.

1590 (b) A person is liable under Subsection (2)(a) if:

1591 (i) [~~that~~] the person directly gives or otherwise provides an alcoholic product to an  
1592 individual who the person knows or should have known is under [~~the age of~~] 21 years old;

1593 (ii) those actions caused the intoxication of the individual provided the alcoholic  
1594 product;

1595 (iii) the injury or death described in Subsection (2)(a) results from the intoxication of  
1596 the individual who is provided the alcoholic product; and

1597 (iv) the person is not liable under Subsection (1), because the person did not directly

1598 give or provide the alcoholic product as part of the commercial sale, storage, service,  
1599 manufacture, distribution, or consumption of an alcoholic product.

1600 (3) This section does not apply to a business licensed in accordance with Chapter 7,  
1601 Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.