

**OCCUPATIONAL RESTRICTION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to serving an alcoholic product in a restaurant licensed by the Department of Alcoholic Beverage Services.

**Highlighted Provisions:**

This bill:

- ▶ allows an employee of a restaurant licensee who is at least 18 years old to:
  - inform a patron of the availability of an alcoholic product for purchase; and
  - take a patron's order for an alcoholic product; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**32B-5-308**, as last amended by Laws of Utah 2019, Chapter 403

**32B-6-205.2**, as last amended by Laws of Utah 2022, Chapter 447

**32B-6-305.2**, as last amended by Laws of Utah 2022, Chapter 447

**32B-6-905.1**, as last amended by Laws of Utah 2022, Chapter 447



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

29 Section 1. Section **32B-5-308** is amended to read:

30 **32B-5-308. Requirements on staff or others on premises -- Employing a minor.**

31 (1) Staff of a retail licensee, while on duty, may not:

32 (a) consume an alcoholic product; or

33 (b) be intoxicated.

34 (2) (a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or  
35 dispense an alcoholic product.

36 (b) Notwithstanding Subsection (2)(a), unless otherwise prohibited in the provisions  
37 related to the specific type of retail license, a retail licensee may employ a minor who is at least  
38 16 years of age to enter the sale at a cash register or other sales recording device.

39 ~~[(3) A full-service restaurant licensee, limited-service restaurant licensee, or beer-only  
40 restaurant licensee may employ a minor who is at least 16 years of age to bus tables, including  
41 containers that contain an alcoholic product.]~~

42 Section 2. Section **32B-6-205.2** is amended to read:

43 **32B-6-205.2. Specific operational requirements for a full-service restaurant  
44 license -- On and after July 1, 2018, or July 1, 2022.**

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

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

50 (i) a full-service restaurant licensee;

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

52 (iii) both a full-service restaurant licensee and staff of the full-service restaurant  
53 licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90 premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124 (c) A full-service restaurant licensee may employ a minor who is at least 16 years old  
125 to bus tables, including containers that contain an alcoholic product.

126 (d) Notwithstanding Subsection 32B-5-308(2)(a), a full-service restaurant licensee may  
127 employ a minor who is at least 18 years old to:

128 (i) inform a patron of the availability of an alcoholic product for purchase; or

129 (ii) take a patron's order for an alcoholic product.

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

132 (a) the alcoholic product is dispensed from:

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

134 (ii) an area that is:

135 (A) separated from an area for the consumption of food by a patron by a solid,

136 translucent, permanent structural barrier such that the facilities for the dispensing of an

137 alcoholic product are not readily visible to a patron and not accessible by a patron; and

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

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

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

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

142 and

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

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

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

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

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

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

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

- 156 (a) a set-up charge;
- 157 (b) a service charge; or
- 158 (c) a chilling fee.

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

- 161 (i) a record required by Section 32B-5-302; and
- 162 (ii) a record that the commission requires a full-service restaurant licensee to use or  
163 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
164 Rulemaking Act.

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

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

- 169 (a) that the commission considers proper for the storage of wine; and
- 170 (b) for the storage of wine that:
  - 171 (i) the patron purchases from the full-service restaurant licensee; and
  - 172 (ii) only the full-service restaurant licensee or staff of the full-service restaurant  
173 licensee may remove from the locker for the patron's use in accordance with this title,

174 including:

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

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

179 Section 3. Section 32B-6-305.2 is amended to read:

180 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**  
181 **license -- On and after July 1, 2018, or July 1, 2022.**

182 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational

183 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant  
184 licensee shall comply with this section.

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

187 (i) a limited-service restaurant licensee;

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

189 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant  
190 licensee.

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

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

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

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

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

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

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

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

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

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

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

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

214 (B) a counter that is located in a dining area or a dispensing area; or  
215 (C) a dispensing structure that is located in a dispensing area; and  
216 (ii) the limited-service restaurant licensee confirms that the patron intends to:  
217 (A) order food prepared, sold, and furnished at the licensed premises; and  
218 (B) except as provided in Subsection (5)(b), consume the food at the same location  
219 where the patron is seated and furnished the alcoholic product.

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

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

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

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

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

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

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

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

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

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

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

244 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have



245 more than two alcoholic products of any kind at a time before the patron.

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

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

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

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

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

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

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

261 (c) A limited-service restaurant licensee may employ a minor who is at least 16 years  
262 old to bus tables, including containers that contain an alcoholic product.

263 (d) Notwithstanding Subsection 32B-5-308(2)(a), a limited-service restaurant licensee  
264 may employ a minor who is at least 18 years old to:

265 (i) inform a patron of the availability of an alcoholic product for purchase; or

266 (ii) take a patron's order for an alcoholic product.

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

269 (a) the alcoholic product is dispensed from:

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

271 (ii) an area that is:

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

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

276 (iii) the premises of a bar licensee that is:  
277 (A) owned by the same person or persons as the limited-service restaurant licensee; and  
278 (B) located immediately adjacent to the premises of the limited-service restaurant  
279 licensee; and  
280 (b) any instrument or equipment used to dispense alcoholic product is located in an  
281 area described in Subsection (10)(a).  
282 (11) (a) A limited-service restaurant licensee may have more than one dispensing area  
283 in the licensed premises.  
284 (b) Each dispensing area in a licensed premises may satisfy the requirements for a  
285 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other  
286 dispensing area in the licensed premises satisfies the requirements for a dispensing area.  
287 (12) A limited-service restaurant licensee may not:  
288 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or  
289 (b) display an alcoholic product or a product intended to appear like an alcoholic  
290 product by moving a cart or similar device around the licensed premises.  
291 (13) A limited-service restaurant licensee may state in a food or alcoholic product  
292 menu a charge or fee made in connection with the sale, service, or consumption of wine or  
293 heavy beer, including:  
294 (a) a set-up charge;  
295 (b) a service charge; or  
296 (c) a chilling fee.  
297 (14) (a) In addition to the requirements described in Section 32B-5-302, a  
298 limited-service restaurant licensee shall maintain each of the following records for at least three  
299 years:  
300 (i) a record required by Section 32B-5-302; and  
301 (ii) a record that the commission requires a limited-service restaurant licensee to use or  
302 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
303 Rulemaking Act.  
304 (b) The department shall audit the records of a limited-service restaurant licensee at  
305 least once each calendar year.  
306 Section 4. Section 32B-6-905.1 is amended to read:

307           **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**  
308 **-- On and after July 1, 2018, or July 1, 2022.**

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

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

- 314           (i) a beer-only restaurant licensee;  
315           (ii) individual staff of a beer-only restaurant licensee; or  
316           (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

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

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

- 320           (i) as a flavoring on a dessert; or  
321           (ii) in the preparation of a flaming food dish, drink, or dessert.

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

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

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

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

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

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

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

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

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

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

- 338 (C) a dispensing structure that is located in a dispensing area; and
- 339 (ii) the beer-only restaurant licensee confirms that the patron intends to:
  - 340 (A) order food prepared, sold, and furnished at the licensed premises; and
  - 341 (B) except as provided in Subsection (6)(b), consume the food at the same location
- 342 where the patron is seated and furnished the beer.
- 343 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
- 344 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or
- 345 furnish to the patron one portion of beer as described in Section 32B-5-304 if:
  - 346 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
  - 347 structure; and
  - 348 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the
  - 349 dining area, the patron intends to order food prepared, sold, and furnished at the licensed
  - 350 premises.
- 351 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining
- 352 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an
- 353 alcoholic product under Section 32B-5-306 shall transport any unfinished portion of the
- 354 patron's beer to the patron's seat in the dining area.
- 355 (c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not
- 356 furnish beer for off-premise consumption except after the patron consumes on the licensed
- 357 premises food prepared, sold, and furnished at the licensed premises.
- 358 (d) A beer-only restaurant licensee shall maintain on the licensed premises adequate
- 359 culinary facilities for food preparation and dining accommodations.
- 360 (7) A patron may consume a beer on the beer-only licensee's licensed premises only at:
  - 361 (a) a table that is located in a dining area or a dispensing area;
  - 362 (b) a counter that is located in a dining area or a dispensing area; or
  - 363 (c) a dispensing structure located in a dispensing area.
- 364 (8) A patron may not have more than two beers at a time before the patron.
- 365 (9) In accordance with the provisions of this section, an individual who is at least 21
- 366 years old may consume food and beverages in a dispensing area.
- 367 (10) (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or
- 368 consume food or beverages in a dispensing area.

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

370 (A) at least 16 years old and working as an employee of the beer-only restaurant  
371 licensee; or

372 (B) performing maintenance and cleaning services as an employee of the beer-only  
373 restaurant licensee when the beer-only restaurant licensee is not open for business.

374 (ii) If there is no alternative route available, a minor may momentarily pass through a  
375 dispensing area without remaining or sitting in the dispensing area en route to an area of the  
376 beer-only restaurant licensee's premises in which the minor is permitted to be.

377 (c) A beer-only restaurant licensee may employ a minor who is at least 16 years old to  
378 bus tables, including containers that contain beer.

379 (d) Notwithstanding Subsection 32B-5-308(2)(a), a beer-only restaurant licensee may  
380 employ a minor who is at least 18 years old to:

381 (i) inform a patron of the availability of a beer for purchase; or

382 (ii) take a patron's order for a beer.

383 (11) A beer-only restaurant licensee may dispense a beer only if:

384 (a) the beer is dispensed from:

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

386 (ii) an area that is:

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

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

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

392 (A) owned by the same person or persons as the beer-only restaurant licensee; and

393 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;

394 and

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

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

399 (b) Each dispensing area in a licensed premises may satisfy the requirements for a

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

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

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

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

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

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