

DRUG AND ALCOHOL ENFORCEMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses enforcement of drug- and alcohol-related provisions.

Highlighted Provisions:

This bill:

▶ requires the Department of Public Safety to use the Alcoholic Beverage Control Act Enforcement Fund to support a certain number of drug enforcement officers;

▶ increases the deposits made into the Alcoholic Beverage Control Act Enforcement Fund and the Alcoholic Beverage Enforcement and Treatment Restricted Account;

and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-2-305, as last amended by Laws of Utah 2022, Chapter 453

59-15-109, as last amended by Laws of Utah 2021, Chapter 382

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



28 Section 1. Section 32B-2-305 is amended to read:

29 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

30 (1) As used in this section:

31 (a) "Alcohol-related law enforcement officer" [~~is as~~] means the same as that term is
32 defined in Section 32B-1-201.

33 (b) "Enforcement ratio" [~~is as~~] means the same as that term is defined in Section
34 32B-1-201.

35 (c) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in
36 this section.

37 (2) There is created an expendable special revenue fund known as the "Alcoholic
38 Beverage Control Act Enforcement Fund."

39 (3) (a) The fund consists of:

40 (i) deposits made under Subsection (4); and

41 (ii) interest earned on the fund.

42 (b) (i) The fund shall earn interest.

43 (ii) Interest on the fund shall be deposited into the fund.

44 (4) After the deposit made under Section 32B-2-304 for the school lunch program, the
45 department shall deposit [~~0.875%~~] 1.415% of the total gross revenue from the sale of liquor
46 with the state treasurer to be credited to the fund to be:

47 (a) used by the Department of Public Safety as provided in Subsection (5); and

48 (b) reallocated to the General Fund as described in Subsection (6).

49 (5) (a) The Department of Public Safety shall:

50 (i) expend money from the fund to supplement appropriations by the Legislature so that
51 the Department of Public Safety maintains a sufficient number of alcohol-related law
52 enforcement officers such that [~~beginning on July 1, 2012,~~] each year the enforcement ratio as
53 of July 1 is equal to or less than the number specified in Section 32B-1-201[-];

54 (ii) [~~(b) Beginning July 1, 2012, four~~] ensure four of the alcohol-related law
55 enforcement officers [~~shall~~] have as a primary focus the enforcement of this title in relationship
56 to restaurants[-]; and

57 (iii) ensure 10 of the alcohol-related law enforcement officers have as a primary focus
58 enforcement of drug-related offenses.

59 (6) For fiscal year 2023, the Division of Finance shall deposit into the General Fund \$3
60 million of unspent money in the fund.

61 Section 2. Section **59-15-109** is amended to read:

62 **59-15-109. Tax money to be paid to state treasurer.**

63 (1) Except as provided in Subsection (2), taxes collected under this chapter shall be
64 paid by the commission to the state treasurer daily for deposit as follows:

65 (a) the greater of the following shall be deposited into the Alcoholic Beverage
66 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#):

67 (i) an amount calculated by:

68 (A) determining an amount equal to ~~[40%]~~ 50% of the revenue collected for the fiscal
69 year two years preceding the fiscal year for which the deposit is made; and

70 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

71 (ii) \$4,350,000; and

72 (b) the revenue collected in excess of the amount deposited in accordance with

73 Subsection (1)(a) shall be deposited into the General Fund.

74 (2) ~~[For a fiscal year beginning on or after July 1, 2020, the]~~ The state treasurer shall
75 annually deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account
76 created in Section [32B-2-403](#) an amount equal to the amount of revenue generated in the
77 current fiscal year by the portion of the tax imposed under Section [59-15-101](#) that exceeds:

78 (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

79 (i) on or after July 1, 2003; and

80 (ii) for sale, use, or distribution in this state; and

81 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

82 (i) any quantity of beer other than a 31-gallon barrel; or

83 (ii) the fractional parts of a 31-gallon barrel.

84 (3) (a) The commission shall notify the entities described in Subsection (3)(b) not later
85 than the September 1 preceding the fiscal year of the deposit of:

86 (i) the amount of the proceeds of the beer excise tax collected in accordance with this
87 section for the fiscal year two years preceding the fiscal year of deposit; and

88 (ii) an amount equal to ~~[40%]~~ 50% of the amount listed in Subsection (3)(a)(i).

89 (b) The notification required by Subsection (3)(a) shall be sent to:

- 90 (i) the Governor's Office of Planning and Budget; and
- 91 (ii) the Legislative Fiscal Analyst.