

ALCOHOL CONTROL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ provides a penalty for altering, destroying, or concealing certain records that are relevant to an official proceeding under the Alcoholic Beverage Control Act;
- ▶ requires certain licensees under the Alcoholic Beverage Control Act to:
 - make and retain video surveillance records;
 - certify the video surveillance and other records are properly made and maintained for license renewal; and
 - after receiving notice of a certain civil or criminal action, retain records relevant to the action;
- ▶ modifies causation requirements under the Alcoholic Product Liability Act;
- ▶ creates a rebuttable presumption that a person is a cause of an individual's intoxication under certain circumstances;
- ▶ requires the state treasurer to annually:
 - adjust for inflation the maximum amount of damages that may be awarded in an action under the Alcoholic Product Liability Act; and
 - report the adjusted amount to the Administrative Office of the Courts;



- 28 ▶ requires a court to use the adjusted damages amounts when awarding damages in an
- 29 action under the Alcohol Product Liability Act;
- 30 ▶ allows a person to seek damages greater than the maximum amount of damages that
- 31 may be awarded in an action under the Alcohol Product Liability Act under certain
- 32 circumstances; and
- 33 ▶ makes technical changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **32B-1-102**, as last amended by Laws of Utah 2022, Chapter 447
- 41 **32B-4-505**, as last amended by Laws of Utah 2019, Chapter 189
- 42 **32B-5-202**, as last amended by Laws of Utah 2022, Chapter 447
- 43 **32B-5-302**, as enacted by Laws of Utah 2010, Chapter 276
- 44 **32B-6-205.2**, as last amended by Laws of Utah 2022, Chapter 447
- 45 **32B-6-305.2**, as last amended by Laws of Utah 2022, Chapter 447
- 46 **32B-6-406**, as last amended by Laws of Utah 2020, Chapter 219
- 47 **32B-6-605**, as last amended by Laws of Utah 2022, Chapter 447
- 48 **32B-6-706**, as last amended by Laws of Utah 2022, Chapter 447
- 49 **32B-6-905.1**, as last amended by Laws of Utah 2022, Chapter 447
- 50 **32B-6-1005**, as last amended by Laws of Utah 2022, Chapter 447
- 51 **32B-15-102**, as enacted by Laws of Utah 2010, Chapter 276
- 52 **32B-15-201**, as enacted by Laws of Utah 2010, Chapter 276
- 53 **32B-15-301**, as enacted by Laws of Utah 2010, Chapter 276



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

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

57 **32B-1-102. Definitions.**

58 As used in this title:

- 59 (1) "Airport lounge" means a business location:
- 60 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
- 61 (b) that is located at an international airport.
- 62 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,
- 63 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
- 64 (3) "Alcoholic beverage" means the following:
- 65 (a) beer; or
- 66 (b) liquor.
- 67 (4) (a) "Alcoholic product" means a product that:
- 68 (i) contains at least .5% of alcohol by volume; and
- 69 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 70 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
- 71 in an amount equal to or greater than .5% of alcohol by volume.
- 72 (b) "Alcoholic product" includes an alcoholic beverage.
- 73 (c) "Alcoholic product" does not include any of the following common items that
- 74 otherwise come within the definition of an alcoholic product:
- 75 (i) except as provided in Subsection (4)(d), an extract;
- 76 (ii) vinegar;
- 77 (iii) preserved nonintoxicating cider;
- 78 (iv) essence;
- 79 (v) tincture;
- 80 (vi) food preparation; or
- 81 (vii) an over-the-counter medicine.
- 82 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 83 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 84 (5) "Alcohol training and education seminar" means a seminar that is:
- 85 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 86 (b) described in Section [62A-15-401](#).
- 87 (6) "Arena" means an enclosed building:
- 88 (a) that is managed by:
- 89 (i) the same person who owns the enclosed building;

90 (ii) a person who has a majority interest in each person who owns or manages a space
91 in the enclosed building; or

92 (iii) a person who has authority to direct or exercise control over the management or
93 policy of each person who owns or manages a space in the enclosed building;

94 (b) that operates as a venue; and

95 (c) that has an occupancy capacity of at least 12,500.

96 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail
97 License Act, and Chapter 8c, Arena License Act.

98 (8) "Banquet" means an event:

99 (a) that is a private event or a privately sponsored event;

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

102 (i) a hotel;

103 (ii) a resort facility;

104 (iii) a sports center;

105 (iv) a convention center;

106 (v) a performing arts facility; or

107 (vi) an arena;

108 (c) for which there is a contract:

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

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

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

114 (9) (a) "Bar establishment license" means a license issued in accordance with Chapter
115 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

116 (b) "Bar establishment license" includes:

117 (i) a dining club license;

118 (ii) an equity license;

119 (iii) a fraternal license; or

120 (iv) a bar license.

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

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

124 (i) contains:

125 (A) at least .5% of alcohol by volume; and

126 (B) no more than 5% of alcohol by volume or 4% by weight;

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

128 (A) malt; or

129 (B) a malt substitute; and

130 (iii) is clearly marketed, labeled, and identified as:

131 (A) beer;

132 (B) ale;

133 (C) porter;

134 (D) stout;

135 (E) lager;

136 (F) a malt;

137 (G) a malted beverage; or

138 (H) seltzer.

139 (b) "Beer" may contain:

140 (i) hops extract; or

141 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient.

142 (c) "Beer" does not include:

143 (i) a flavored malt beverage;

144 (ii) a product that contains alcohol derived from:

145 (A) spirituous liquor; or

146 (B) wine; or

147 (iii) a product that contains an additive masking or altering a physiological effect of
148 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.

149 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter
150 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

151 (13) "Beer retailer" means a business that:

152 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
153 for consumption on or off the business premises; and

154 (b) is licensed as:

155 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
156 Retailer Local Authority; or

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

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

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

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

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

164 (a) a light device;

165 (b) a painting;

166 (c) a drawing;

167 (d) a poster;

168 (e) a sign;

169 (f) a signboard; or

170 (g) a scoreboard.

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

172 (a) beer;

173 (b) heavy beer; or

174 (c) a flavored malt beverage.

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

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

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

181 (a) under a single contract;

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

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

185 (20) "Church" means a building:

186 (a) set apart for worship;

187 (b) in which religious services are held;

188 (c) with which clergy is associated; and

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

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

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

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

193 (23) "Community location" means:

194 (a) a public or private school;

195 (b) a church;

196 (c) a public library;

197 (d) a public playground; or

198 (e) a public park.

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

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

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

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

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

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

205 (a) a bottle;

206 (b) a vessel; or

207 (c) a similar item.

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

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

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

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

212 (b) otherwise defined as a "convention center" by the commission by rule.

213 (28) (a) "Counter" means a surface or structure in a dining area of a licensed premises

214 where seating is provided to a patron for service of food.

215 (b) "Counter" does not include a dispensing structure.

216 (29) "Crime involving moral turpitude" is as defined by the commission by rule.

217 (30) "Department" means the Department of Alcoholic Beverage Services created in

218 Section [32B-2-203](#).

219 (31) "Department compliance officer" means an individual who is:

220 (a) an auditor or inspector; and

221 (b) employed by the department.

222 (32) "Department sample" means liquor that is placed in the possession of the
223 department for testing, analysis, and sampling.

224 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail
225 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
226 commission as a dining club license.

227 (34) "Director," unless the context requires otherwise, means the director of the
228 department.

229 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
230 title:

231 (a) against a person subject to administrative action; and

232 (b) that is brought on the basis of a violation of this title.

233 (36) (a) Subject to Subsection (36)(b), "dispense" means:

234 (i) drawing an alcoholic product; and

235 (ii) using the alcoholic product at the location from which it was drawn to mix or
236 prepare an alcoholic product to be furnished to a patron of the retail licensee.

237 (b) The definition of "dispense" in this Subsection (36) applies only to:

238 (i) a full-service restaurant license;

239 (ii) a limited-service restaurant license;

240 (iii) a reception center license;

241 (iv) a beer-only restaurant license;

242 (v) a bar license;

243 (vi) an on-premise beer retailer;

244 (vii) an airport lounge license;

245 (viii) an on-premise banquet license; and

246 (ix) a hospitality amenity license.

247 (37) "Dispensing structure" means a surface or structure on a licensed premises:

248 (a) where an alcoholic product is dispensed; or

249 (b) from which an alcoholic product is served.

250 (38) "Distillery manufacturing license" means a license issued in accordance with
251 Chapter 11, Part 4, Distillery Manufacturing License.

252 (39) "Distressed merchandise" means an alcoholic product in the possession of the
253 department that is saleable, but for some reason is unappealing to the public.

254 (40) "Equity license" means a license issued in accordance with Chapter 5, Retail
255 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
256 commission as an equity license.

257 (41) "Event permit" means:

258 (a) a single event permit; or

259 (b) a temporary beer event permit.

260 (42) "Exempt license" means a license exempt under Section [32B-1-201](#) from being
261 considered in determining the total number of retail licenses that the commission may issue at
262 any time.

263 (43) (a) "Flavored malt beverage" means a beverage:

264 (i) that contains at least .5% alcohol by volume;

265 (ii) for which the producer is required to file a formula for approval with the federal
266 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage
267 is treated by processing, filtration, or another method of manufacture that is not generally
268 recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt
269 liquor; and

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

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

274 (44) "Fraternal license" means a license issued in accordance with Chapter 5, Retail
275 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the

276 commission as a fraternal license.

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

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

281 (b) "Furnish" includes to:

282 (i) serve;

283 (ii) deliver; or

284 (iii) otherwise make available.

285 (47) "Guest" means an individual who meets the requirements of Subsection
286 [32B-6-407\(9\)](#).

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

288 (49) "Health care practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

306 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental

307 Hygienist Practice Act; and

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

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

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

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

313 (A) malt; or

314 (B) a malt substitute.

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

316 (51) "Hospitality amenity license" means a license issued in accordance with Chapter
317 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

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

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

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

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

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

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

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

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

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

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

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

336 (55) "Industry representative" means an individual who is compensated by salary,
337 commission, or other means for representing and selling an alcoholic product of a

338 manufacturer, supplier, or importer of liquor.

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

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

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

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

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

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

351 (59) "Intoxicated" or "intoxication" means that ~~[a person:]~~ an individual ~~[(a)]~~ is
352 ~~[significantly]~~ impaired as to the ~~[person's]~~ individual's mental or physical functions as a result
353 of the use of, or exhibits outward manifestations of behavior or physical signs produced by and
354 as a result of the use of:

- 355 ~~[(i)]~~ (a) an alcoholic product;
- 356 ~~[(ii)]~~ (b) a controlled substance;
- 357 ~~[(iii)]~~ (c) a substance having the property of releasing toxic vapors; or
- 358 ~~[(iv)]~~ (d) a combination of products or substances described in Subsections ~~[(59)(a)(i)~~
359 ~~through (iii); and]~~ (59)(a) through (d).

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

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

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

365 (61) "License" means:

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

369 State License;

370 (d) a license issued in accordance with Chapter 11, Manufacturing and Related

371 Licenses Act;

372 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

373 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or

374 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

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

376 (63) "Limited-service restaurant license" means a license issued in accordance with

377 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

378 (64) "Limousine" means a motor vehicle licensed by the state or a local authority, other

379 than a bus or taxicab:

380 (a) in which the driver and a passenger are separated by a partition, glass, or other

381 barrier;

382 (b) that is provided by a business entity to one or more individuals at a fixed charge in

383 accordance with the business entity's tariff; and

384 (c) to give the one or more individuals the exclusive use of the limousine and a driver

385 to travel to one or more specified destinations.

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

387 (A) is:

388 (I) alcohol;

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

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

391 (IV) other drink or drinkable liquid; and

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

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

394 (ii) "Liquor" includes:

395 (A) heavy beer;

396 (B) wine; and

397 (C) a flavored malt beverage.

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

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

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

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

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

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

406 (69) "Local authority" means:

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

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

411 (c) for premises that are located in a project area as defined in Section [63H-1-102](#) and
412 in a project area plan adopted by the Military Installation Development Authority under Title
413 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
414 Development Authority.

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

416 (71) "Malt substitute" means:

417 (a) rice;

418 (b) grain;

419 (c) bran;

420 (d) glucose;

421 (e) sugar; or

422 (f) molasses.

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

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

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

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

430 (B) of the National Guard;

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

432 (iii) including a leased facility.

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

434 (i) civil works;

435 (ii) a rivers and harbors project; or

436 (iii) a flood control project.

437 (75) "Minibar" means an area of a hotel guest room where one or more alcoholic
438 products are kept and offered for self-service sale or consumption.

439 (76) "Minor" means an individual under 21 years old.

440 (77) "Nondepartment enforcement agency" means an agency that:

441 (a) (i) is a state agency other than the department; or

442 (ii) is an agency of a county, city, town, or metro township; and

443 (b) has a responsibility to enforce one or more provisions of this title.

444 (78) "Nondepartment enforcement officer" means an individual who is:

445 (a) a peace officer, examiner, or investigator; and

446 (b) employed by a nondepartment enforcement agency.

447 (79) (a) "Off-premise beer retailer" means a beer retailer who is:

448 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and

449 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
450 premises.

451 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

452 (80) "Off-premise beer retailer state license" means a state license issued in accordance
453 with Chapter 7, Part 4, Off-Premise Beer Retailer State License.

454 (81) "On-premise banquet license" means a license issued in accordance with Chapter
455 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

456 (82) "On-premise beer retailer" means a beer retailer who is:

457 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
458 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
459 Retailer License; and

460 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
461 premises:

462 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
463 premises; and

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

465 (A) as a tavern; or

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

467 (83) "Opaque" means impenetrable to sight.

468 (84) "Package agency" means a retail liquor location operated:

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

470 (b) by a person:

471 (i) other than the state; and

472 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
473 Agency, to sell packaged liquor for consumption off the premises of the package agency.

474 (85) "Package agent" means a person who holds a package agency.

475 (86) "Patron" means an individual to whom food, beverages, or services are sold,
476 offered for sale, or furnished, or who consumes an alcoholic product including:

477 (a) a customer;

478 (b) a member;

479 (c) a guest;

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

481 (e) an individual who receives room service;

482 (f) a resident of a resort; or

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

485 (87) (a) "Performing arts facility" means a multi-use performance space that:

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

488 (ii) contains over 2,500 seats;

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

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

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

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

- 524 (94) (a) "Private event" means a specific social, business, or recreational event:
525 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
526 group; and
527 (ii) that is limited in attendance to people who are specifically designated and their
528 guests.
- 529 (b) "Private event" does not include an event to which the general public is invited,
530 whether for an admission fee or not.
- 531 (95) "Privately sponsored event" means a specific social, business, or recreational
532 event:
- 533 (a) that is held in or on the premises of an on-premise banquet licensee; and
534 (b) to which entry is restricted by an admission fee.
- 535 (96) (a) "Proof of age" means:
536 (i) an identification card;
537 (ii) an identification that:
538 (A) is substantially similar to an identification card;
539 (B) is issued in accordance with the laws of a state other than Utah in which the
540 identification is issued;
541 (C) includes date of birth; and
542 (D) has a picture affixed;
543 (iii) a valid driver license certificate that:
544 (A) includes date of birth;
545 (B) has a picture affixed; and
546 (C) is issued:
547 (I) under Title 53, Chapter 3, Uniform Driver License Act;
548 (II) in accordance with the laws of the state in which it is issued; or
549 (III) in accordance with federal law by the United States Department of State;
550 (iv) a military identification card that:
551 (A) includes date of birth; and
552 (B) has a picture affixed; or
553 (v) a valid passport.
- 554 (b) "Proof of age" does not include a driving privilege card issued in accordance with

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

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

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

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

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

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

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

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

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

571 (h) for a spa sublicense, the provisions applicable to the sublicense under [~~Chapter 8d,~~
572 ~~Part 2, Spa Sublicense~~] Chapter 8d, Part 2, Resort Spa Sublicense.

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

574 (i) owned or leased by:

575 (A) the state; or

576 (B) a local government entity; and

577 (ii) used for:

578 (A) public education;

579 (B) transacting public business; or

580 (C) regularly conducting government activities.

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

584 (99) "Public conveyance" means a conveyance that the public or a portion of the public
585 has access to and a right to use for transportation, including an airline, railroad, bus, boat, or

586 other public conveyance.

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

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

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

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

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

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

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

594 (i) inscribed on a tangible medium; or

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

596 (b) "Record" includes:

597 (i) a book;

598 (ii) a book of account;

599 (iii) a paper;

600 (iv) a contract;

601 (v) an agreement;

602 (vi) a document; or

603 (vii) a recording in any medium.

604 (103) "Residence" means a person's principal place of abode within Utah.

605 (104) "Resident," in relation to a resort, means the same as that term is defined in

606 Section [32B-8-102](#).

607 (105) "Resort" means the same as that term is defined in Section [32B-8-102](#).

608 (106) "Resort facility" is as defined by the commission by rule.

609 (107) "Resort license" means a license issued in accordance with Chapter 5, Retail

610 License Act, and Chapter 8, Resort License Act.

611 (108) "Responsible alcohol service plan" means a written set of policies and

612 procedures that outlines measures to prevent employees from:

613 (a) over-serving alcoholic beverages to customers;

614 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
615 intoxicated; and

616 (c) serving alcoholic beverages to minors.

- 617 (109) "Restaurant" means a business location:
- 618 (a) at which a variety of foods are prepared;
- 619 (b) at which complete meals are served; and
- 620 (c) that is engaged primarily in serving meals.
- 621 (110) "Restaurant license" means one of the following licenses issued under this title:
- 622 (a) a full-service restaurant license;
- 623 (b) a limited-service restaurant license; or
- 624 (c) a beer-only restaurant license.
- 625 (111) "Retail license" means one of the following licenses issued under this title:
- 626 (a) a full-service restaurant license;
- 627 (b) a master full-service restaurant license;
- 628 (c) a limited-service restaurant license;
- 629 (d) a master limited-service restaurant license;
- 630 (e) a bar establishment license;
- 631 (f) an airport lounge license;
- 632 (g) an on-premise banquet license;
- 633 (h) an on-premise beer license;
- 634 (i) a reception center license;
- 635 (j) a beer-only restaurant license;
- 636 (k) a hospitality amenity license;
- 637 (l) a resort license;
- 638 (m) a hotel license; or
- 639 (n) an arena license.
- 640 (112) "Room service" means furnishing an alcoholic product to a person in a guest
- 641 room or privately owned dwelling unit of a:
- 642 (a) hotel; or
- 643 (b) resort facility.
- 644 (113) (a) "School" means a building in which any part is used for more than three
- 645 hours each weekday during a school year as a public or private:
- 646 (i) elementary school;
- 647 (ii) secondary school; or

648 (iii) kindergarten.

649 (b) "School" does not include:

650 (i) a nursery school;

651 (ii) a day care center;

652 (iii) a trade and technical school;

653 (iv) a preschool; or

654 (v) a home school.

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

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

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

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

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

667 (b) on the premises of:

668 (i) a bar licensee; or

669 (ii) a tavern;

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

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

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

673 (i) an employee;

674 (ii) an independent contractor;

675 (iii) an agent of the licensee; or

676 (iv) a different type of classification.

677 (118) "Shared seating area" means the licensed premises of two or more restaurant
678 licensees that the restaurant licensees share as an area for alcoholic beverage consumption in

679 accordance with Subsection [32B-5-207\(3\)](#).

680 (119) "Single event permit" means a permit issued in accordance with Chapter 9, Part
681 3, Single Event Permit.

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

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

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

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

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

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

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

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

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

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

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

699 (b) that the commission issues in accordance with [~~Chapter 8d, Part 2, Spa Sublicense~~]
700 Chapter 8d, Part 2, Resort Spa Sublicense.

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

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

704 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
705 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

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

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

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

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

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

714 (b) "Staff" includes:

715 (i) an officer;

716 (ii) a director;

717 (iii) an employee;

718 (iv) personnel management;

719 (v) an agent of the licensee, including a managing agent;

720 (vi) an operator; or

721 (vii) a representative.

722 (127) "State of nudity" means:

723 (a) the appearance of:

724 (i) the nipple or areola of a female human breast;

725 (ii) a human genital;

726 (iii) a human pubic area; or

727 (iv) a human anus; or

728 (b) a state of dress that fails to opaquely cover:

729 (i) the nipple or areola of a female human breast;

730 (ii) a human genital;

731 (iii) a human pubic area; or

732 (iv) a human anus.

733 (128) "State of seminudity" means a state of dress in which opaque clothing covers no
734 more than:

735 (a) the nipple and areola of the female human breast in a shape and color other than the
736 natural shape and color of the nipple and areola; and

737 (b) the human genitals, pubic area, and anus:

738 (i) with no less than the following at its widest point:

739 (A) four inches coverage width in the front of the human body; and

740 (B) five inches coverage width in the back of the human body; and

- 741 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 742 (129) (a) "State store" means a facility for the sale of packaged liquor:
- 743 (i) located on premises owned or leased by the state; and
- 744 (ii) operated by a state employee.
- 745 (b) "State store" does not include:
- 746 (i) a package agency;
- 747 (ii) a licensee; or
- 748 (iii) a permittee.
- 749 (130) (a) "Storage area" means an area on licensed premises where the licensee stores
- 750 an alcoholic product.
- 751 (b) "Store" means to place or maintain in a location an alcoholic product.
- 752 (131) "Sublicense" means:
- 753 (a) any of the following licenses issued as a subordinate license to, and contingent on
- 754 the issuance of, a principal license:
- 755 (i) a full-service restaurant license;
- 756 (ii) a limited-service restaurant license;
- 757 (iii) a bar establishment license;
- 758 (iv) an on-premise banquet license;
- 759 (v) an on-premise beer retailer license;
- 760 (vi) a beer-only restaurant license; or
- 761 (vii) a hospitality amenity license; or
- 762 (b) a spa sublicense.
- 763 (132) "Supplier" means a person who sells an alcoholic product to the department.
- 764 (133) "Tavern" means an on-premise beer retailer who is:
- 765 (a) issued a license by the commission in accordance with Chapter 5, Retail License
- 766 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 767 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
- 768 On-Premise Beer Retailer License.
- 769 (134) "Temporary beer event permit" means a permit issued in accordance with
- 770 Chapter 9, Part 4, Temporary Beer Event Permit.
- 771 (135) "Temporary domicile" means the principal place of abode within Utah of a

772 person who does not have a present intention to continue residency within Utah permanently or
773 indefinitely.

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

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

777 (a) is unsaleable because the container is:

778 (i) unlabeled;

779 (ii) leaky;

780 (iii) damaged;

781 (iv) difficult to open; or

782 (v) partly filled;

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

784 (ii) has contents that are:

785 (A) cloudy;

786 (B) spoiled; or

787 (C) chemically determined to be impure; or

788 (iii) contains:

789 (A) sediment; or

790 (B) a foreign substance; or

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

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

795 (b) "Wine" includes:

796 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.
797 4.10; and

798 (ii) hard cider.

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

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

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

804 **32B-4-505. Obstructing a search, official proceeding, or investigation.**

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

808 (a) a commissioner;

809 (b) an authorized representative of the commission or department; or

810 (c) a law enforcement officer.

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

813 (a) a commissioner;

814 (b) an authorized representative of the commission or department; or

815 (c) a law enforcement officer.

816 (3) A person may not knowingly alter, destroy, conceal, or remove a record if the
817 record is relevant to an official proceeding or investigation under this title.

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

821 [~~(a) alters, destroys, conceals, or removes a record with a purpose to impair the record's~~
822 ~~verity or availability in the proceeding or investigation; or]~~

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

826 (i) a commissioner;

827 (ii) an authorized representative of the commission or department;

828 (iii) a law enforcement officer; or

829 (iv) [~~other]~~ another person.

830 (5) (a) Except as provided in Subsection (5)(b), a violation of Subsection (1), (2), or (3)
831 is a class B misdemeanor.

832 (b) A violation of Subsection (3) is a class A misdemeanor if the record is relevant to
833 an official proceeding or investigation for a violation of Section [32B-4-404](#).

834 (c) A violation of Subsection (4) is a class A misdemeanor.

835 Section 3. Section **32B-5-202** is amended to read:

836 **32B-5-202. Renewal requirements.**

837 (1) A retail license expires each year on the day specified in the relevant chapter or part
838 for that type of retail license.

839 (2) (a) To renew a person's retail license, a retail licensee shall, on or before the day
840 specified in the relevant chapter or part for the type of retail license that the person seeks to
841 renew, submit:

842 (i) a completed renewal application in a form prescribed by the department;

843 (ii) a renewal fee in the amount specified in the relevant chapter or part for the type of
844 retail license that the person seeks to renew; ~~and~~

845 (iii) a responsible alcohol service plan if, since the retail licensee's most recent
846 application or renewal, the retail licensee:

847 (A) made substantial changes to the retail licensee's responsible alcohol service plan;

848 or

849 (B) violated a provision of this chapter~~[-]; and~~

850 (iv) a certification in a form prescribed by the department of the retail licensee's
851 compliance with Section [32B-5-302](#).

852 (b) The department may audit a retail licensee's responsible alcohol service plan.

853 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
854 retail license effective on the day on which the existing retail license expires.

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

856 **32B-5-302. Recordkeeping -- Retention.**

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

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

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

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

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

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

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

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

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

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

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

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

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

870 (1)(a):

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

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

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

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

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

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

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

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

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

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

881 make and maintain any other record the department may require.

882 (2) A retail licensee shall:

883 (a) provide video surveillance of the retail licensee's premises used for the sale,

884 furnishing, or consumption of an alcoholic product during hours of operation;

885 (b) retain the video surveillance footage for 30 days after the day on which the video

886 surveillance footage is made; and

887 (c) ensure staff who is trained to access the video surveillance footage is on the retail

888 licensee's premises during hours of operation.

889 (3) After receiving written notice of an official proceeding or investigation under

890 Chapter 15, Alcoholic Product Liability Act, or a criminal proceeding or investigation for a

891 violation of Section [41-6a-502](#) or [41-6a-517](#), a retail licensee shall retain a record that is

892 relevant to the proceeding or investigation for a period of at least two years after the day on

893 which the notice is received.

894 ~~[(5)]~~ (4) (a) A record of a retail licensee is subject to inspection by an authorized

895 representative of the commission ~~[and]~~ or the department.

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

899 ~~[(6)]~~ (5) [Section] Sections [32B-1-205](#) [applies] and [32B-4-505](#) apply to a record
900 required to be made or maintained in accordance with this section.

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

902 **32B-6-205.2. Specific operational requirements for a full-service restaurant**
903 **license -- On and after July 1, 2018, or July 1, 2022.**

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

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

- 909 (i) a full-service restaurant licensee;
910 (ii) individual staff of a full-service restaurant licensee; or
911 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
912 licensee.

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

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

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

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

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

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

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

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

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

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

930 (5) (a) A full-service restaurant licensee may not furnish an alcoholic product for

931 on-premise consumption except after:

932 (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic

933 product is seated at:

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

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

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

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

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

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

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

941 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a

942 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or

943 furnish to the patron one drink that contains a single portion of an alcoholic product as

944 described in Section [32B-5-304](#) if:

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

946 structure; and

947 (B) the full-service restaurant licensee first confirms that after the patron is seated in

948 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed

949 premises.

950 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat

951 in the dining area, an employee of the full-service restaurant licensee who is qualified to sell

952 and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion

953 of the patron's alcoholic product to the patron's seat in the dining area.

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

955 (c) Notwithstanding Section [32B-5-307](#), a full-service restaurant licensee may not

956 furnish beer for off-premise consumption except after the patron consumes on the licensed

957 premises food prepared, sold, and furnished at the licensed premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

985 (a) the alcoholic product is dispensed from:

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

987 (ii) an area that is:

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

989 translucent, permanent structural barrier such that the facilities for the dispensing of an
990 alcoholic product are not readily visible to a patron and not accessible by a patron; and

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

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

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

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

995 and

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

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

1000 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1001 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
1002 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1003 (12) A full-service restaurant licensee may not:

1004 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1005 (b) display an alcoholic product or a product intended to appear like an alcoholic
1006 product by moving a cart or similar device around the licensed premises.

1007 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a
1008 charge or fee made in connection with the sale, service, or consumption of liquor, including:

1009 (a) a set-up charge;

1010 (b) a service charge; or

1011 (c) a chilling fee.

1012 (14) (a) In addition to the requirements described in Section 32B-5-302, a full-service
1013 restaurant licensee shall maintain each of the following records for at least three years:

1014 (i) a record required by ~~[Section]~~ Subsection 32B-5-302(1); and

1015 (ii) a record that the commission requires a full-service restaurant licensee to use or
1016 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1017 Rulemaking Act.

1018 (b) The department shall audit the records of a full-service restaurant licensee at least
1019 once annually.

1020 (15) A full-service restaurant licensee may lease to a patron of the full-service
1021 restaurant licensee a locked storage space:
1022 (a) that the commission considers proper for the storage of wine; and
1023 (b) for the storage of wine that:
1024 (i) the patron purchases from the full-service restaurant licensee; and
1025 (ii) only the full-service restaurant licensee or staff of the full-service restaurant
1026 licensee may remove from the locker for the patron's use in accordance with this title,
1027 including:
1028 (A) service and consumption on licensed premises as described in Section 32B-5-306;
1029 or
1030 (B) removal from the full-service retail licensee's licensed premises in accordance with
1031 Section 32B-5-307.
1032 Section 6. Section 32B-6-305.2 is amended to read:
1033 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**
1034 **license -- On and after July 1, 2018, or July 1, 2022.**
1035 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1036 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
1037 licensee shall comply with this section.
1038 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1039 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
1040 (i) a limited-service restaurant licensee;
1041 (ii) individual staff of a limited-service restaurant licensee; or
1042 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
1043 licensee.
1044 (2) (a) An individual who serves an alcoholic product in a limited-service restaurant
1045 licensee's premises shall make a beverage tab for each table or group that orders or consumes
1046 an alcoholic product on the premises.
1047 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
1048 each alcoholic product ordered or consumed.
1049 (3) A limited-service restaurant licensee may not make an individual's willingness to
1050 serve an alcoholic product a condition of employment with a limited-service restaurant

1051 licensee.

1052 (4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
1053 heavy beer at the licensed premises during the following time periods only:

1054 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1055 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1056 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1057 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
1058 licensed premises during the following time periods only:

1059 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1060 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1061 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1062 (5) (a) A limited-service restaurant licensee may not furnish an alcoholic product for
1063 on-premise consumption except after:

1064 (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic
1065 product is seated at:

1066 (A) a table that is located in a dining area or a dispensing area;

1067 (B) a counter that is located in a dining area or a dispensing area; or

1068 (C) a dispensing structure that is located in a dispensing area; and

1069 (ii) the limited-service restaurant licensee confirms that the patron intends to:

1070 (A) order food prepared, sold, and furnished at the licensed premises; and

1071 (B) except as provided in Subsection (5)(b), consume the food at the same location
1072 where the patron is seated and furnished the alcoholic product.

1073 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1074 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for
1075 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as
1076 described in Section [32B-5-304](#) if:

1077 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1078 structure; and

1079 (B) the limited-service restaurant licensee first confirms that after the patron is seated
1080 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1081 premises.

1082 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
1083 in the dining area, an employee of the limited-service restaurant licensee who is qualified to
1084 sell and serve an alcoholic product under Section 32B-5-306 shall transport any unfinished
1085 portion of the patron's alcoholic product to the patron's seat in the dining area.

1086 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.

1087 (c) Notwithstanding Section 32B-5-307, a limited-service restaurant licensee may not
1088 furnish beer for off-premise consumption except after the patron consumes on the licensed
1089 premises food prepared, sold, and furnished at the licensed premises.

1090 (d) A limited-service restaurant licensee shall maintain on the licensed premises
1091 adequate culinary facilities for food preparation and dining accommodations.

1092 (6) A patron may consume an alcoholic product on the limited-service restaurant
1093 licensee's licensed premises only if the patron is seated at:

1094 (a) a table that is located in a dining area or a dispensing area;

1095 (b) a counter that is located in a dining area or a dispensing area; or

1096 (c) a dispensing structure located in a dispensing area.

1097 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
1098 more than two alcoholic products of any kind at a time before the patron.

1099 (b) An individual portion of wine is considered to be one alcoholic product under
1100 Subsection (7)(a).

1101 (8) In accordance with the provisions of this section, an individual who is at least 21
1102 years old may consume food and beverages in a dispensing area.

1103 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
1104 consume food or beverages in a dispensing area.

1105 (b) (i) A minor may be in a dispensing area if the minor is:

1106 (A) at least 16 years old and working as an employee of the limited-service restaurant
1107 licensee; or

1108 (B) performing maintenance and cleaning services as an employee of the
1109 limited-service restaurant licensee when the limited-service restaurant licensee is not open for
1110 business.

1111 (ii) If there is no alternative route available, a minor may momentarily pass through a
1112 dispensing area without remaining or sitting in the dispensing area en route to an area of the

1113 limited-service restaurant licensee's premises in which the minor is permitted to be.

1114 (10) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant
1115 licensee may dispense an alcoholic product only if:

1116 (a) the alcoholic product is dispensed from:

1117 (i) a dispensing structure that is located in a dispensing area;

1118 (ii) an area that is:

1119 (A) separated from an area for the consumption of food by a patron by a solid,

1120 translucent, permanent structural barrier such that the facilities for the dispensing of an

1121 alcoholic product are not readily visible to a patron and not accessible by a patron; and

1122 (B) apart from an area used for dining, for staging, or as a waiting area; or

1123 (iii) the premises of a bar licensee that is:

1124 (A) owned by the same person or persons as the limited-service restaurant licensee; and

1125 (B) located immediately adjacent to the premises of the limited-service restaurant

1126 licensee; and

1127 (b) any instrument or equipment used to dispense alcoholic product is located in an

1128 area described in Subsection (10)(a).

1129 (11) (a) A limited-service restaurant licensee may have more than one dispensing area
1130 in the licensed premises.

1131 (b) Each dispensing area in a licensed premises may satisfy the requirements for a

1132 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other

1133 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1134 (12) A limited-service restaurant licensee may not:

1135 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1136 (b) display an alcoholic product or a product intended to appear like an alcoholic

1137 product by moving a cart or similar device around the licensed premises.

1138 (13) A limited-service restaurant licensee may state in a food or alcoholic product

1139 menu a charge or fee made in connection with the sale, service, or consumption of wine or

1140 heavy beer, including:

1141 (a) a set-up charge;

1142 (b) a service charge; or

1143 (c) a chilling fee.

1144 (14) (a) In addition to the requirements described in Section 32B-5-302, a
1145 limited-service restaurant licensee shall maintain each of the following records for at least three
1146 years:

1147 (i) a record required by [Section] Subsection 32B-5-302(1); and

1148 (ii) a record that the commission requires a limited-service restaurant licensee to use or
1149 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1150 Rulemaking Act.

1151 (b) The department shall audit the records of a limited-service restaurant licensee at
1152 least once each calendar year.

1153 Section 7. Section 32B-6-406 is amended to read:

1154 **32B-6-406. Specific operational requirements for a bar establishment license.**

1155 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1156 Requirements, a bar establishment licensee and staff of the bar establishment licensee shall
1157 comply with this section.

1158 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1159 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1160 (i) a bar establishment licensee;

1161 (ii) individual staff of a bar establishment licensee; or

1162 (iii) both a bar establishment licensee and staff of the bar establishment licensee.

1163 (2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display
1164 in a conspicuous place at the entrance to the licensed premises a sign that:

1165 (a) measures at least 8-1/2 inches long and 11 inches wide; and

1166 (b) clearly states that the bar licensee is a bar and that no one under 21 years [~~of age~~]
1167 old is allowed.

1168 (3) (a) In addition to complying with Section 32B-5-302, a bar establishment licensee
1169 shall maintain for a minimum of three years:

1170 (i) a record required by [Section] Subsection 32B-5-302(1); and

1171 (ii) a record maintained or used by the bar establishment licensee, as the department
1172 requires.

1173 (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in
1174 accordance with this Subsection (3).

1175 (c) The department shall audit the records of a bar establishment licensee at least once
1176 annually.

1177 (4) (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the
1178 licensed premises on any day during a period that:

1179 (i) begins at 1 a.m.; and

1180 (ii) ends at 9:59 a.m.

1181 (b) A bar establishment licensee may sell, offer for sale, or furnish beer during the
1182 hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer
1183 license.

1184 (c) (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall
1185 keep its licensed premises open for one hour after the bar establishment licensee ceases the sale
1186 and furnishing of an alcoholic product during which time a patron of the bar establishment
1187 licensee may finish consuming:

1188 (A) a single drink containing spirituous liquor;

1189 (B) a single serving of wine not exceeding five ounces;

1190 (C) a single serving of heavy beer;

1191 (D) a single serving of beer not exceeding 26 ounces; or

1192 (E) a single serving of a flavored malt beverage.

1193 (ii) A bar establishment licensee is not required to remain open:

1194 (A) after all patrons have vacated the premises; or

1195 (B) during an emergency.

1196 (5) (a) A minor:

1197 (i) may not be admitted into, use, or be in the licensed premises of:

1198 (A) a dining club licensee unless accompanied by an individual who is 21 years [~~of~~
1199 ~~age~~] old or older; or

1200 (B) a bar licensee, except to the extent provided for under Section [32B-6-406.1](#);

1201 (ii) may only be admitted into, use, or be in the lounge or bar area of an equity
1202 licensee's or fraternal licensee's licensed premises:

1203 (A) when accompanied by an individual who is 21 years [~~of age~~] old or older; and

1204 (B) momentarily while en route to another area of the licensee's premises; and

1205 (iii) may not remain or sit in the lounge or bar area of an equity licensee's or fraternal

1206 licensee's licensed premises.

1207 (b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a
1208 minor to:

1209 (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club
1210 licensee; or

1211 (ii) handle an alcoholic product.

1212 (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed
1213 premises of a bar licensee.

1214 (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being
1215 more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar
1216 establishment licensee.

1217 (6) A bar establishment licensee shall have food available at all times when an
1218 alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.

1219 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
1220 more than two alcoholic products of any kind at a time before the patron.

1221 (b) A patron may not have two spirituous liquor drinks before the bar establishment
1222 licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous
1223 liquor for the other spirituous liquor drink.

1224 (c) An individual portion of wine is considered to be one alcoholic product under
1225 Subsection (7)(a).

1226 (8) A bar establishment licensee shall have available on the premises for a patron to
1227 review at the time that the patron requests it, a written alcoholic product price list or a menu
1228 containing the price of an alcoholic product sold, offered for sale, or furnished by the bar
1229 establishment licensee including:

1230 (a) a set-up charge;

1231 (b) a service charge; or

1232 (c) a chilling fee.

1233 (9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily
1234 rent or otherwise temporarily lease its premises to a person unless:

1235 (a) the person to whom the bar establishment licensee rents or leases the premises
1236 agrees in writing to comply with this title as if the person is the bar establishment licensee,

1237 except for a requirement related to making or maintaining a record; and

1238 (b) the bar establishment licensee takes reasonable steps to ensure that the person
1239 complies with this section as provided in Subsection (9)(a).

1240 (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar
1241 establishment licensee shall comply with Section 32B-6-407.

1242 (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar
1243 establishment licensee shall comply with Section 32B-1-407.

1244 (12) (a) A bar establishment licensee shall own or lease premises suitable for the bar
1245 establishment licensee's activities.

1246 (b) A bar establishment licensee may not maintain licensed premises in a manner that
1247 barricades or conceals the bar establishment licensee's operation.

1248 Section 8. Section 32B-6-605 is amended to read:

1249 **32B-6-605. Specific operational requirements for on-premise banquet license.**

1250 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1251 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
1252 shall comply with this section.

1253 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1254 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1255 (i) an on-premise banquet licensee;

1256 (ii) individual staff of an on-premise banquet licensee; or

1257 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

1258 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and
1259 (5) for the entire premises of the hotel, resort facility, sports center, convention center,
1260 performing arts facility, or arena that is the basis for the on-premise banquet license.

1261 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
1262 shall provide the department with advance notice of a scheduled banquet in accordance with
1263 rules made by the commission.

1264 (b) Any of the following may conduct a random inspection of a banquet:

1265 (i) an authorized representative of the commission or the department; or

1266 (ii) a law enforcement officer.

1267 (4) (a) An on-premise banquet licensee is not subject to ~~[Section]~~ Subsection

1268 [32B-5-302](#)(1), but shall make and maintain the records described in Subsection [32B-5-302](#)(2)
1269 and the records the commission or department requires.

1270 (b) Section [32B-1-205](#) applies to a record required to be made or maintained in
1271 accordance with this Subsection (4).

1272 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
1273 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
1274 location of the banquet.

1275 (b) Except as provided in Subsection [32B-5-307](#)(4), a host of a banquet, a patron, or a
1276 person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,
1277 may not remove an alcoholic product from the premises of the banquet.

1278 (c) Notwithstanding Subsections [32B-5-307](#)(3) and (5) and except as provided in
1279 Subsection [32B-5-307](#)(4), a patron at a banquet may not bring an alcoholic product into or
1280 onto, or remove an alcoholic product from, the premises of a banquet.

1281 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
1282 the banquet following the conclusion of the banquet.

1283 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

1284 (i) destroy an opened and unused alcoholic product that is not saleable, under
1285 conditions established by the department; and

1286 (ii) return to the on-premise banquet licensee's approved locked storage area any:

1287 (A) opened and unused alcoholic product that is saleable; and

1288 (B) unopened container of an alcoholic product.

1289 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
1290 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

1291 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
1292 locked storage area; and

1293 (ii) may use the alcoholic product at more than one banquet.

1294 (7) Notwithstanding Section [32B-5-308](#), an on-premise banquet licensee may not
1295 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
1296 on-premise banquet licensee's banquet and room service activities.

1297 (8) An on-premise banquet licensee:

1298 (a) may provide room service in portions described in Section [32B-5-304](#);

- 1299 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
1300 connection with room service any day during a period that:
- 1301 (i) begins at 1 a.m.; and
1302 (ii) ends at 9:59 a.m.; and
1303 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
1304 product free of charge per guest reservation, per guest room, if the alcoholic product:
1305 (i) is not a spirituous liquor; and
1306 (ii) is in an unopened container not to exceed 750 milliliters.
- 1307 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
1308 more than two alcoholic products of any kind at a time before the patron.
- 1309 (b) A patron may not have more than one spirituous liquor drink at a time before the
1310 patron.
- 1311 (c) An individual portion of wine is considered to be one alcoholic product under
1312 Subsection (9)(a).
- 1313 (10) (a) An on-premise banquet licensee shall supervise and direct a person involved in
1314 the sale, offer for sale, or furnishing of an alcoholic product.
- 1315 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
1316 shall complete an alcohol training and education seminar.
- 1317 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
1318 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
1319 banquet.
- 1320 (12) (a) Room service of an alcoholic product to a guest room or privately owned
1321 dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise
1322 banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
- 1323 (b) An alcoholic product may not be left outside a guest room or privately owned
1324 dwelling unit for retrieval by a guest or resident.
- 1325 (13) An on-premise banquet licensee may not maintain a minibar.
- 1326 Section 9. Section 32B-6-706 is amended to read:
- 1327 **32B-6-706. Specific operational requirements for on-premise beer retailer license.**
- 1328 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1329 Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply

1330 with this section.

1331 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1332 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1333 (i) an on-premise beer retailer;

1334 (ii) individual staff of an on-premise beer retailer; or

1335 (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.

1336 (2) (a) An on-premise beer retailer is not subject to ~~[Section]~~ Subsection 32B-5-302(1),

1337 but shall make and maintain the records described in Subsection 32B-5-302(2) and the records

1338 the department requires.

1339 (b) Section 32B-1-205 applies to a record required to be made or maintained in

1340 accordance with this Subsection (2).

1341 (3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or

1342 sell liquor on its licensed premises.

1343 (4) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at the

1344 on-premise beer retailer's licensed premises during a period that:

1345 (i) begins at 1 a.m.; and

1346 (ii) ends at 9:59 a.m.

1347 (b) (i) Notwithstanding Subsection (4)(a), a tavern shall remain open for one hour after

1348 the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may

1349 finish consuming a single serving of beer not exceeding 26 ounces.

1350 (ii) A tavern is not required to remain open:

1351 (A) after all patrons have vacated the premises; or

1352 (B) during an emergency.

1353 (5) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a

1354 tavern.

1355 (6) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the

1356 purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases

1357 from:

1358 (A) a beer wholesaler licensee; or

1359 (B) a small brewer that manufactures the beer.

1360 (ii) Violation of Subsection (6)(a)(i) is a class A misdemeanor.

1361 (b) (i) If an on-premise beer retailer purchases beer under this Subsection (6) from a
1362 beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer
1363 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
1364 in which the on-premise beer retailer is located, unless an alternate wholesaler is authorized by
1365 the department to sell to the on-premise beer retailer as provided in Section 32B-13-301.

1366 (ii) Violation of Subsection (6)(b)(i) is a class B misdemeanor.

1367 (7) A tavern shall comply with Section 32B-1-407.

1368 Section 10. Section 32B-6-905.1 is amended to read:

1369 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**
1370 **-- On and after July 1, 2018, or July 1, 2022.**

1371 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1372 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
1373 shall comply with this section.

1374 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1375 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1376 (i) a beer-only restaurant licensee;

1377 (ii) individual staff of a beer-only restaurant licensee; or

1378 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

1379 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
1380 sale, furnish, or allow consumption of liquor.

1381 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

1382 (i) as a flavoring on a dessert; or

1383 (ii) in the preparation of a flaming food dish, drink, or dessert.

1384 (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
1385 make a beverage tab for each table or group that orders or consumes beer on the premises.

1386 (b) A beverage tab described in this Subsection (3) shall state the type and amount of
1387 each beer ordered or consumed.

1388 (4) A beer-only restaurant licensee may not make an individual's willingness to serve
1389 beer a condition of employment as a server with a beer-only restaurant licensee.

1390 (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
1391 licensed premises during the following time periods only:

1392 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1393 (b) on a weekend or a state or federal legal holiday or for a private event, during the

1394 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1395 (6) (a) A beer-only restaurant licensee may not furnish beer for on-premise

1396 consumption except after:

1397 (i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:

1398 (A) a table that is located in a dining area or a dispensing area;

1399 (B) a counter that is located in a dining area or a dispensing area; or

1400 (C) a dispensing structure that is located in a dispensing area; and

1401 (ii) the beer-only restaurant licensee confirms that the patron intends to:

1402 (A) order food prepared, sold, and furnished at the licensed premises; and

1403 (B) except as provided in Subsection (6)(b), consume the food at the same location

1404 where the patron is seated and furnished the beer.

1405 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a

1406 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or

1407 furnish to the patron one portion of beer as described in Section [32B-5-304](#) if:

1408 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing

1409 structure; and

1410 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the

1411 dining area, the patron intends to order food prepared, sold, and furnished at the licensed

1412 premises.

1413 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining

1414 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an

1415 alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion of the

1416 patron's beer to the patron's seat in the dining area.

1417 (c) Notwithstanding Section [32B-5-307](#), a beer-only restaurant licensee may not

1418 furnish beer for off-premise consumption except after the patron consumes on the licensed

1419 premises food prepared, sold, and furnished at the licensed premises.

1420 (d) A beer-only restaurant licensee shall maintain on the licensed premises adequate

1421 culinary facilities for food preparation and dining accommodations.

1422 (7) A patron may consume a beer on the beer-only licensee's licensed premises only at:

- 1423 (a) a table that is located in a dining area or a dispensing area;
- 1424 (b) a counter that is located in a dining area or a dispensing area; or
- 1425 (c) a dispensing structure located in a dispensing area.
- 1426 (8) A patron may not have more than two beers at a time before the patron.
- 1427 (9) In accordance with the provisions of this section, an individual who is at least 21
- 1428 years old may consume food and beverages in a dispensing area.
- 1429 (10) (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or
- 1430 consume food or beverages in a dispensing area.
- 1431 (b) (i) A minor may be in a dispensing area if the minor is:
- 1432 (A) at least 16 years old and working as an employee of the beer-only restaurant
- 1433 licensee; or
- 1434 (B) performing maintenance and cleaning services as an employee of the beer-only
- 1435 restaurant licensee when the beer-only restaurant licensee is not open for business.
- 1436 (ii) If there is no alternative route available, a minor may momentarily pass through a
- 1437 dispensing area without remaining or sitting in the dispensing area en route to an area of the
- 1438 beer-only restaurant licensee's premises in which the minor is permitted to be.
- 1439 (11) A beer-only restaurant licensee may dispense a beer only if:
- 1440 (a) the beer is dispensed from:
- 1441 (i) a dispensing structure that is located in a dispensing area;
- 1442 (ii) an area that is:
- 1443 (A) separated from an area for the consumption of food by a patron by a solid,
- 1444 translucent, permanent structural barrier such that the facilities for the dispensing of an
- 1445 alcoholic product are not readily visible to a patron and not accessible by a patron; and
- 1446 (B) apart from an area used for dining, for staging, or as a waiting area; or
- 1447 (iii) the premises of a bar licensee that is:
- 1448 (A) owned by the same person or persons as the beer-only restaurant licensee; and
- 1449 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;
- 1450 and
- 1451 (b) any instrument or equipment used to dispense the beer is located in an area
- 1452 described in Subsection (11)(a).
- 1453 (12) (a) A beer-only restaurant licensee may have more than one dispensing area in the

1454 licensed premises.

1455 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1456 dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any
1457 other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1458 (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or
1459 from a movable cart.

1460 (14) (a) In addition to the requirements described in Section 32B-5-302, a beer-only
1461 restaurant licensee shall maintain each of the following records for at least three years:

1462 (i) a record required by [Section] Subsection 32B-5-302(1); and

1463 (ii) a record that the commission requires a beer-only restaurant licensee to use or
1464 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1465 Rulemaking Act.

1466 (b) The department shall audit the records of a beer-only restaurant licensee at least
1467 once annually.

1468 Section 11. Section 32B-6-1005 is amended to read:

1469 **32B-6-1005. Specific operational requirements for hospitality amenity license.**

1470 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1471 Requirements, a hospitality amenity licensee and staff of the hospitality amenity licensee shall
1472 comply with this section.

1473 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1474 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1475 (i) the hospitality amenity licensee;

1476 (ii) individual staff of the hospitality amenity licensee; or

1477 (iii) both the hospitality amenity licensee and staff of the hospitality amenity licensee.

1478 (2) (a) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic
1479 product:

1480 (i) to a hospitality guest; and

1481 (ii) for consumption in or on the hospitality amenity licensee's licensed premises.

1482 (b) (i) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic
1483 product that is not spirituous liquor in or on:

1484 (A) licensed premises physically separated from an area to which a hospitality guest or

1485 the public has access by a permanent or temporary structure or barrier; or
1486 (B) licensed premises described in Subsection (2)(b)(ii).
1487 (ii) A hospitality amenity licensee may sell, offer for sale, or furnish spirituous liquor
1488 in or on licensed premises that:
1489 (A) allows access only through the use of a key or code; and
1490 (B) fills the entirety of a physically and permanently enclosed area within the hotel or
1491 resort.
1492 (c) Spirituous liquor may not be in or on the licensed premises described in Subsection
1493 (2)(b)(i)(A) of a hospitality amenity licensee, except for use:
1494 (i) as a flavoring on a dessert; and
1495 (ii) in the preparation of a flaming food dish or dessert.
1496 (d) A hospitality amenity licensee may not allow self-service of an alcoholic product in
1497 or on the hospitality amenity licensee's licensed premises.
1498 (3) (a) Subject to Subsections (3)(b) and (c), a hospitality guest may not have more
1499 than two alcoholic products of any kind at a time before the hospitality guest.
1500 (b) A hospitality guest may not have more than one spirituous liquor drink at a time
1501 before the hospitality guest.
1502 (c) An individual portion of wine is considered to be one alcoholic product under
1503 Subsection (3)(a).
1504 (4) A hospitality amenity licensee shall make food available at all times that the
1505 licensee sells, offers for sale, furnishes, or allows the consumption of an alcoholic product on
1506 the licensed premises.
1507 (5) (a) A hospitality amenity licensee may not sell, offer for sale, or furnish an
1508 alcoholic product any day during a period that:
1509 (i) begins at 1:00 a.m.; and
1510 (ii) ends at 9:59 a.m.
1511 (b) A hospitality amenity licensee shall remain open for one hour after the licensee
1512 ceases to sell and furnish an alcoholic product, during which time a hospitality guest in or on
1513 the hospitality amenity licensed premises may finish consuming:
1514 (i) a single drink containing spirituous liquor;
1515 (ii) a single serving of wine not exceeding five ounces;

- 1516 (iii) a single serving of heavy beer;
- 1517 (iv) a single serving of beer not exceeding 26 ounces; or
- 1518 (v) a single serving of a flavored malt beverage.
- 1519 (c) A hospitality amenity licensee is not required to remain open:
- 1520 (i) after all individuals have vacated the licensee's licensed premises; or
- 1521 (ii) during an emergency.
- 1522 (6) (a) Notwithstanding Section [32B-5-305](#), a hospitality amenity licensee may provide
- 1523 a hospitality guest up to two single servings of an alcoholic product free of charge or at a
- 1524 reduced rate, if:
- 1525 (i) the alcoholic product is not a spirituous liquor; and
- 1526 (ii) the hospitality amenity licensee offers the alcohol product:
- 1527 (A) to all hospitality guests;
- 1528 (B) during a specific time; and
- 1529 (C) on the hospitality amenity licensee's licensed premises.
- 1530 (b) Before a hospitality amenity licensee provides an alcoholic product free of charge
- 1531 or at a reduced rate as described in Subsection (6)(a), the licensee shall provide the department
- 1532 with advance notice of the event, in accordance with commission rules that permit a licensee to
- 1533 provide a single notice for a reoccurring event or multiple events.
- 1534 (7) A hospitality amenity licensee may permit a hospitality guest to purchase an
- 1535 alcoholic product through a charge to the hospitality guest's lodging accommodations.
- 1536 (8) (a) Notwithstanding Section [32B-5-307](#), a hospitality guest, or a person other than
- 1537 the hospitality amenity licensee or staff of the hospitality amenity licensee, may not remove an
- 1538 alcoholic product from the hospitality amenity licensee's licensed premises.
- 1539 (b) Notwithstanding Subsection [32B-5-307\(3\)](#), a hospitality guest may not bring an
- 1540 alcoholic product within the hospitality amenity licensee's licensed premises.
- 1541 (9) A hospitality amenity licensee shall display at each entrance to the licensee's
- 1542 licensed premises a conspicuous sign that:
- 1543 (a) measures at least 8-1/2 inches long and 11 inches wide; and
- 1544 (b) clearly states that entry is limited to individuals who are hospitality guests, as
- 1545 defined in this title.
- 1546 (10) A hospitality amenity licensee may not permit a minor to enter the licensee's

1547 licensed premises at any time during which an alcoholic product is sold, offered for sale,
1548 furnished, or consumed, unless the minor is accompanied at all times on the licensed premises
1549 by a hospitality guest.

1550 (11) A staff person of a hospitality amenity licensee shall remain on the licensed
1551 premises at all times when an alcoholic product is sold, offered for sale, furnished, or
1552 consumed in or on the licensed premises.

1553 (12) A hospitality amenity licensee may transfer an alcoholic product to or from
1554 another licensee within the boundary of the hotel or within the boundary of the resort building,
1555 if:

1556 (a) the hospitality amenity licensee and each licensee involved in the transfer tracks the
1557 transfer of the alcoholic product; and

1558 (b) the alcoholic product is in a sealed, unopened container.

1559 (13) (a) In addition to the requirements described in Section 32B-5-302, a hospitality
1560 amenity licensee shall maintain each of the following records for at least three years:

1561 (i) a record required under [Section] Subsection 32B-5-302(1); and

1562 (ii) a record that the commission requires a hospitality amenity licensee to use or
1563 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1564 Rulemaking Act.

1565 (b) The department shall audit the records of a hospitality amenity licensee at least
1566 once annually.

1567 Section 12. Section 32B-15-102 is amended to read:

1568 **32B-15-102. Definitions.**

1569 As used in this chapter:

1570 (1) "Adjust for inflation" means increase or decrease in accordance with the seasonally
1571 adjusted consumer price index for all urban consumers published by the Bureau of Labor
1572 Statistics within the United States Department of Labor.

1573 (2) "Damages cap settlement" means a settlement that:

1574 (a) is between a person who asserts a claim for damages or injury under this chapter
1575 and the person against whom the claim is asserted; and

1576 (b) that provides for the person against whom the claim is asserted to pay the person
1577 who asserts the claim an amount equal to the damages cap described in Subsection

1578 [32B-15-301\(2\)](#).

1579 (3) "Death of a third person" includes recovery for all damages, special and general,
1580 resulting from the death, except punitive damages.

1581 (4) "Excess damages" means the amount of damages claimed in an action under this
1582 chapter that exceeds the damages cap described in Subsection [32B-15-301\(2\)](#).

1583 ~~[(2)]~~ (5) (a) "Injury" includes injury in person, property, or means of support.

1584 (b) "Injury" also includes recovery for intangibles such as:

1585 (i) mental and emotional injuries;

1586 (ii) loss of affection; and

1587 (iii) loss of companionship.

1588 Section 13. Section **32B-15-201** is amended to read:

1589 **32B-15-201. Liability for injuries and damage resulting from distribution of**
1590 **alcoholic products -- Rebuttable presumption.**

1591 (1) (a) Except as provided in Subsections [32B-15-202\(2\)](#) and (3), a person described in
1592 Subsection (1)(b) is liable for:

1593 (i) any and all injury and damage, except punitive damages to:

1594 (A) a third person; or

1595 (B) the heir, as defined in Section [78B-3-105](#), of ~~[that]~~ the third person; or

1596 (ii) the death of a third person.

1597 (b) A person is liable under Subsection (1)(a) if:

1598 (i) the person directly gives, sells, or otherwise provides an alcoholic product:

1599 (A) to a person described in Subsection (1)(b)(ii); and

1600 (B) as part of the commercial sale, storage, service, manufacture, distribution, or
1601 consumption of an alcoholic product;

1602 (ii) those actions are a cause of the intoxication of:

1603 (A) an individual under ~~[the age of]~~ 21 years old;

1604 (B) an individual who is apparently under the influence of ~~[intoxicating alcoholic~~
1605 ~~products or drugs]~~ an alcoholic product or drug;

1606 (C) an individual whom the person furnishing the alcoholic product knew or should
1607 have known from the circumstances was under the influence of ~~[intoxicating alcoholic products~~
1608 ~~or drugs]~~ an alcoholic product or drug; or

1609 (D) an individual who is a known interdicted person; and
 1610 (iii) the injury or death described in Subsection (1)(a) results from the intoxication of
 1611 the individual who is provided the alcoholic product.

1612 (c) There is a rebuttable presumption that a person's actions under Subsection (1)(b)(i)
 1613 are a cause of the intoxication of an individual described in Subsection (1)(b)(ii)(B) or (C) if:

1614 (i) the person directly gives, sells, or otherwise provides the individual the last
 1615 alcoholic product the individual consumed before the injury or death described in Subsection
 1616 (1)(b)(iii); and

1617 (ii) the individual has sufficient alcohol in the individual's body that a subsequent
 1618 chemical test shows that the individual has a blood or breath alcohol concentration of .05
 1619 grams or greater at the time of the test.

1620 (2) (a) A person 21 years [~~of age~~] old or older who is described in Subsection (2)(b) is
 1621 liable for:

1622 (i) any and all injury and damage, except punitive damages to:

1623 (A) a third person; or

1624 (B) the heir, as defined in Section 78B-3-105, of [~~that~~] the third person; or

1625 (ii) the death of the third person.

1626 (b) A person is liable under Subsection (2)(a) if:

1627 (i) [~~that~~] the person directly gives or otherwise provides an alcoholic product to an
 1628 individual who the person knows or should have known is under [~~the age of~~] 21 years old;

1629 (ii) those actions [~~caused~~] are a cause of the intoxication of the individual provided the
 1630 alcoholic product;

1631 (iii) the injury or death described in Subsection (2)(a) results from the intoxication of
 1632 the individual who is provided the alcoholic product; and

1633 (iv) the person is not liable under Subsection (1), because the person did not directly
 1634 give or provide the alcoholic product as part of the commercial sale, storage, service,
 1635 manufacture, distribution, or consumption of an alcoholic product.

1636 (3) This section does not apply to a business licensed in accordance with Chapter 7,
 1637 Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

1638 Section 14. Section 32B-15-301 is amended to read:

1639 **32B-15-301. Cause of action -- Statute of limitations -- Damages -- Excess**

1640 **damages claim.**

1641 (1) (a) A person who suffers an injury under Section 32B-15-201 has a cause of action
1642 against the person who provided the alcoholic product in violation of Section 32B-15-201.

1643 (b) If [~~a person~~] an individual having rights or liabilities under this chapter dies, the
1644 rights or liabilities provided by this chapter survive to or against [~~that person's~~] the individual's
1645 estate.

1646 (2) [~~The~~] (a) Except as provided in Subsection (4), the total amount that may be
1647 awarded to any person pursuant to a cause of action for injury and damage under this chapter
1648 that arises after January 1, 2010, is limited to \$1,000,000 and the aggregate amount which may
1649 be awarded to all persons injured as a result of one occurrence is limited to \$2,000,000.

1650 (b) (i) Beginning July 1, 2023, and each July 1 thereafter, the state treasurer shall adjust
1651 for inflation the damages caps under Subsection (2)(a).

1652 (ii) On or before July 15, 2023, and on or before each July 15 thereafter, the state
1653 treasurer shall:

1654 (A) certify the adjustment under Subsection (2)(b)(i); and

1655 (B) inform the Administrative Office of the Courts of the certified adjustment.

1656 (iii) The certified adjustment under Subsection (2)(b)(ii) applies to a cause of action
1657 under this chapter arising on or after the date on which the certified adjustment is made.

1658 (3) An action based upon a cause of action under this chapter shall be commenced
1659 within two years after the date of the injury and damage.

1660 (4) (a) [~~Nothing in this chapter precludes~~] This chapter does not preclude any cause of
1661 action or additional recovery against the person causing the injury.

1662 (b) A cause of action or additional recovery against the person causing the injury and
1663 damage, [~~which action~~] that is not brought under this chapter[;] is exempt from the [~~damage~~]
1664 damages cap in Subsection [(2)] (2)(a).

1665 (c) A court may award excess damages in an action brought under this chapter if:

1666 (i) the person seeking excess damages serves the other party a written demand for a
1667 damages cap settlement in accordance with Utah Rules of Civil Procedure, Rule 5, at least 60
1668 days before the day on which trial for the action begins;

1669 (ii) the jury verdict in the trial awards damages to the person seeking excess damages
1670 in an amount greater than the damages cap described in Subsection (2)(a); and

1671 (iii) the written demand is filed with the proposed judgment for the jury verdict in
1672 accordance with Utah Rules of Civil Procedure, Rule 58A.

1673 [~~e~~] (d) A cause of action brought under this chapter is exempt from Sections
1674 78B-5-817 through 78B-5-823.

1675 (5) This section does not apply to a business licensed in accordance with Chapter 7,
1676 Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.