

ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act and related provisions.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ modifies the proximity within which a hotel licensee may be to a community location;
- ▶ clarifies hotel and resort licensee room service requirements;
- ▶ addresses minor ownership in an entity that applies for an alcohol license, package agency, or permit;
- ▶ modifies alcohol training and education requirements for certain staff of an alcohol licensee;
- ▶ requires the Alcoholic Beverage Services Commission (commission) to provide information regarding an off-premise beer retailer licensee's sale of an alcoholic product to a minor to the Department of Public Safety and requires the Department of Public Safety to manage the information;
- ▶ modifies alcohol license renewal fee requirements;
- ▶ removes provisions requiring the clerk of the court to notify the Department of Alcoholic Beverage Services (department) of violations of the Alcoholic Beverage Control Act or alcohol-related local ordinances;



- 28 ▶ prohibits storage of an alcoholic beverage for sale if a person is not authorized to
- 29 sell the alcoholic beverage;
- 30 ▶ modifies forfeiture requirements for retail licensees that cease operations;
- 31 ▶ allows certain restaurant venues to obtain an on-premise banquet license for the
- 32 same premises as a restaurant license;
- 33 ▶ allows a restaurant patron to carry an unfinished drink from the dispensing area to
- 34 the dining area;
- 35 ▶ modifies requirements for master full-service restaurant licensees;
- 36 ▶ exempts fraternal and equity licenses from the population quota applicable to bar
- 37 establishment licenses;
- 38 ▶ modifies applicant requirements for an equity bar establishment license;
- 39 ▶ provides that an equity licensee may have more than one dispensing structure on the
- 40 equity licensee's premises;
- 41 ▶ increases the number of airport lounge licenses the commission may issue for an
- 42 international airport;
- 43 ▶ allows the commission to issue an airport lounge license to a domestic airport;
- 44 ▶ requires a person who transports liquor to a domestic airport to obtain a liquor
- 45 transport license;
- 46 ▶ extends the hours during which an airport lounge licensee may sell, offer for sale, or
- 47 furnish alcohol;
- 48 ▶ modifies department notice requirements and the process for issuance of an event
- 49 permit;
- 50 ▶ clarifies the types of products an industrial or manufacturing use permittee may
- 51 produce;
- 52 ▶ allows the commission to deem certain licenses forfeited for the licensee's failure to
- 53 meet change in ownership notice requirements;
- 54 ▶ modifies provisions related to management agreements concerning a business that is
- 55 utilizing an alcohol license; and
- 56 ▶ makes technical and conforming changes.

57 **Money Appropriated in this Bill:**

58 None

59 **Other Special Clauses:**

60 None

61 **Utah Code Sections Affected:**

62 AMENDS:

- 63 **32B-1-102**, as last amended by Laws of Utah 2022, Chapter 447
- 64 **32B-1-202.1**, as last amended by Laws of Utah 2022, Chapter 447
- 65 **32B-1-304**, as last amended by Laws of Utah 2021, Chapter 291
- 66 **32B-1-703**, as renumbered and amended by Laws of Utah 2019, Chapter 403
- 67 **32B-1-705**, as renumbered and amended by Laws of Utah 2019, Chapter 403
- 68 **32B-2-202**, as last amended by Laws of Utah 2022, Chapter 447
- 69 **32B-4-202**, as last amended by Laws of Utah 2016, Chapter 176
- 70 **32B-4-418**, as enacted by Laws of Utah 2010, Chapter 276
- 71 **32B-5-309**, as last amended by Laws of Utah 2022, Chapter 447
- 72 **32B-6-205.2**, as last amended by Laws of Utah 2022, Chapter 447
- 73 **32B-6-206**, as last amended by Laws of Utah 2019, Chapter 403
- 74 **32B-6-305.2**, as last amended by Laws of Utah 2022, Chapter 447
- 75 **32B-6-403**, as last amended by Laws of Utah 2018, Chapter 249
- 76 **32B-6-404**, as last amended by Laws of Utah 2018, Chapter 249
- 77 **32B-6-503**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 3
- 78 **32B-6-505**, as enacted by Laws of Utah 2010, Chapter 276
- 79 **32B-6-603**, as last amended by Laws of Utah 2020, Chapter 219
- 80 **32B-6-605**, as last amended by Laws of Utah 2022, Chapter 447
- 81 **32B-6-905.1**, as last amended by Laws of Utah 2022, Chapter 447
- 82 **32B-8-401**, as last amended by Laws of Utah 2020, Chapter 219
- 83 **32B-8b-102**, as last amended by Laws of Utah 2020, Chapter 219
- 84 **32B-8b-301**, as last amended by Laws of Utah 2022, Chapter 447
- 85 **32B-9-202**, as last amended by Laws of Utah 2016, Chapter 35
- 86 **32B-10-404**, as last amended by Laws of Utah 2011, Chapters 307, 334
- 87 **32B-11-209**, as enacted by Laws of Utah 2010, Chapter 276
- 88 **32B-11-609**, as enacted by Laws of Utah 2010, Chapter 276
- 89 **32B-12-302**, as enacted by Laws of Utah 2010, Chapter 276

90 **32B-17-102**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 3

91 **32B-18-204**, as renumbered and amended by Laws of Utah 2022, Chapter 447

92 **32B-18-205**, as enacted by Laws of Utah 2022, Chapter 447

93 **62A-15-401**, as last amended by Laws of Utah 2022, Chapter 447



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

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

97 **32B-1-102. Definitions.**

98 As used in this title:

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

100 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

101 (b) that is located at an international or domestic airport.

102 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,

103 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

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

105 (a) beer; or

106 (b) liquor.

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

108 (i) contains at least .5% of alcohol by volume; and

109 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other

110 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol

111 in an amount equal to or greater than .5% of alcohol by volume.

112 (b) "Alcoholic product" includes an alcoholic beverage.

113 (c) "Alcoholic product" does not include any of the following common items that

114 otherwise come within the definition of an alcoholic product:

115 (i) except as provided in Subsection (4)(d), an extract;

116 (ii) vinegar;

117 (iii) preserved nonintoxicating cider;

118 (iv) essence;

119 (v) tincture;

120 (vi) food preparation; or

- 121 (vii) an over-the-counter medicine.
- 122 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
123 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 124 (5) "Alcohol training and education seminar" means a seminar that is:
- 125 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
126 (b) described in Section [62A-15-401](#).
- 127 (6) "Arena" means an enclosed building:
- 128 (a) that is managed by:
- 129 (i) the same person who owns the enclosed building;
130 (ii) a person who has a majority interest in each person who owns or manages a space
131 in the enclosed building; or
- 132 (iii) a person who has authority to direct or exercise control over the management or
133 policy of each person who owns or manages a space in the enclosed building;
- 134 (b) that operates as a venue; and
135 (c) that has an occupancy capacity of at least 12,500.
- 136 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail
137 License Act, and Chapter 8c, Arena License Act.
- 138 (8) "Banquet" means an event:
- 139 (a) that is a private event or a privately sponsored event;
140 (b) that is held at one or more designated locations approved by the commission in or
141 on the premises of:
- 142 (i) a hotel;
143 (ii) a resort facility;
144 (iii) a sports center;
145 (iv) a convention center;
146 (v) a performing arts facility; [~~or~~]
147 (vi) an arena; or
148 (vii) a restaurant venue;
- 149 (c) for which there is a contract:
- 150 (i) between a person operating a facility listed in Subsection (8)(b) and another person
151 that has common ownership of less than 20% with the person operating the facility; and

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

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

155 (9) (a) "Bar establishment license" means a license issued in accordance with Chapter
156 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.

157 (b) "Bar establishment license" includes:

158 (i) a dining club license;

159 (ii) an equity license;

160 (iii) a fraternal license; or

161 (iv) a bar license.

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

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

165 (i) contains:

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

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

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

169 (A) malt; or

170 (B) a malt substitute; and

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

172 (A) beer;

173 (B) ale;

174 (C) porter;

175 (D) stout;

176 (E) lager;

177 (F) a malt;

178 (G) a malted beverage; or

179 (H) seltzer.

180 (b) "Beer" may contain:

181 (i) hops extract; or

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

- 183 (c) "Beer" does not include:
- 184 (i) a flavored malt beverage;
- 185 (ii) a product that contains alcohol derived from:
- 186 (A) spirituous liquor; or
- 187 (B) wine; or
- 188 (iii) a product that contains an additive masking or altering a physiological effect of
- 189 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 190 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter
- 191 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 192 (13) "Beer retailer" means a business that:
- 193 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
- 194 for consumption on or off the business premises; and
- 195 (b) is licensed as:
- 196 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
- 197 Retailer Local Authority; or
- 198 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 199 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 200 (14) "Beer wholesaling license" means a license:
- 201 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 202 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
- 203 retail licensees or off-premise beer retailers.
- 204 (15) "Billboard" means a public display used to advertise, including:
- 205 (a) a light device;
- 206 (b) a painting;
- 207 (c) a drawing;
- 208 (d) a poster;
- 209 (e) a sign;
- 210 (f) a signboard; or
- 211 (g) a scoreboard.
- 212 (16) "Brewer" means a person engaged in manufacturing:
- 213 (a) beer;

- 214 (b) heavy beer; or
- 215 (c) a flavored malt beverage.
- 216 (17) "Brewery manufacturing license" means a license issued in accordance with
- 217 Chapter 11, Part 5, Brewery Manufacturing License.
- 218 (18) "Certificate of approval" means a certificate of approval obtained from the
- 219 department under Section [32B-11-201](#).
- 220 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
- 221 a bus company to a group of persons pursuant to a common purpose:
- 222 (a) under a single contract;
- 223 (b) at a fixed charge in accordance with the bus company's tariff; and
- 224 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 225 motor vehicle, and a driver to travel together to one or more specified destinations.
- 226 (20) "Church" means a building:
- 227 (a) set apart for worship;
- 228 (b) in which religious services are held;
- 229 (c) with which clergy is associated; and
- 230 (d) that is tax exempt under the laws of this state.
- 231 (21) "Commission" means the Alcoholic Beverage Services Commission created in
- 232 Section [32B-2-201](#).
- 233 (22) "Commissioner" means a member of the commission.
- 234 (23) "Community location" means:
- 235 (a) a public or private school;
- 236 (b) a church;
- 237 (c) a public library;
- 238 (d) a public playground; or
- 239 (e) a public park.
- 240 (24) "Community location governing authority" means:
- 241 (a) the governing body of the community location; or
- 242 (b) if the commission does not know who is the governing body of a community
- 243 location, a person who appears to the commission to have been given on behalf of the
- 244 community location the authority to prohibit an activity at the community location.

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

246 (a) a bottle;

247 (b) a vessel; or

248 (c) a similar item.

249 (26) "Controlled group of manufacturers" means as the commission defines by rule
250 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

254 (28) (a) "Counter" means a surface or structure in a dining area of a licensed premises
255 where seating is provided to a patron for service of food.

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

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

258 (30) "Department" means the Department of Alcoholic Beverage Services created in
259 Section [32B-2-203](#).

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

261 (a) an auditor or inspector; and

262 (b) employed by the department.

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

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

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

270 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
271 title:

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

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

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

275 (i) drawing an alcoholic product; and

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

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

- 279 (i) a full-service restaurant license;
- 280 (ii) a limited-service restaurant license;
- 281 (iii) a reception center license;
- 282 (iv) a beer-only restaurant license;
- 283 (v) a bar license;
- 284 (vi) an on-premise beer retailer;
- 285 (vii) an airport lounge license;
- 286 (viii) an on-premise banquet license; and
- 287 (ix) a hospitality amenity license.

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

- 289 (a) where an alcoholic product is dispensed; or
- 290 (b) from which an alcoholic product is served.

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

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

295 (40) "Domestic airport" means an airport at which a domestic flight may enter and
296 depart.

297 [~~(40)~~] (41) "Equity license" means a license issued in accordance with Chapter 5,
298 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
299 commission as an equity license.

300 [~~(41)~~] (42) "Event permit" means:

- 301 (a) a single event permit; or
- 302 (b) a temporary beer event permit.

303 [~~(42)~~] (43) "Exempt license" means a license exempt under Section 32B-1-201 from
304 being considered in determining the total number of retail licenses that the commission may
305 issue at any time.

306 [~~(43)~~] (44) (a) "Flavored malt beverage" means a beverage:

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

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

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

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

317 ~~[(44)]~~ (45) "Fraternal license" means a license issued in accordance with Chapter 5,
318 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
319 commission as a fraternal license.

320 ~~[(45)]~~ (46) "Full-service restaurant license" means a license issued in accordance with
321 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

322 ~~[(46)]~~ (47) (a) "Furnish" means by any means to provide with, supply, or give an
323 individual an alcoholic product, by sale or otherwise.

324 (b) "Furnish" includes to:

325 (i) serve;

326 (ii) deliver; or

327 (iii) otherwise make available.

328 ~~[(47)]~~ (48) "Guest" means an individual who meets the requirements of Subsection
329 [32B-6-407\(9\)](#).

330 ~~[(48)]~~ (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

331 ~~[(49)]~~ (50) "Health care practitioner" means:

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

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

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

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

337 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,

338 Nurse Practice Act;
339 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
340 Practice Act;
341 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
342 Therapy Practice Act;
343 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
344 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
345 Professional Practice Act;
346 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
347 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
348 Practice Act;
349 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
350 Hygienist Practice Act; and
351 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
352 Assistant Act.
353 [~~50~~] (51) (a) "Heavy beer" means a product that:
354 (i) contains more than 5% alcohol by volume; and
355 (ii) is obtained by fermentation, infusion, or decoction of:
356 (A) malt; or
357 (B) a malt substitute.
358 (b) "Heavy beer" is considered liquor for the purposes of this title.
359 [~~51~~] (52) "Hospitality amenity license" means a license issued in accordance with
360 Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
361 [~~52~~] (53) (a) "Hotel" means a commercial lodging establishment that:
362 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
363 (ii) is capable of hosting conventions, conferences, and food and beverage functions
364 under a banquet contract; and
365 (iii) (A) has adequate kitchen or culinary facilities on the premises to provide complete
366 meals;
367 (B) has at least 1,000 square feet of function space consisting of meeting or dining
368 rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or

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

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

373 (i) meets the requirements under Subsection [~~(52)(a)~~] (53)(a); and

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

375 [~~(53)~~] (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail
376 License Act, and Chapter 8b, Hotel License Act.

377 [~~(54)~~] (55) "Identification card" means an identification card issued under Title 53,
378 Chapter 3, Part 8, Identification Card Act.

379 [~~(55)~~] (56) "Industry representative" means an individual who is compensated by
380 salary, commission, or other means for representing and selling an alcoholic product of a
381 manufacturer, supplier, or importer of liquor.

382 [~~(56)~~] (57) "Industry representative sample" means liquor that is placed in the
383 possession of the department for testing, analysis, and sampling by a local industry
384 representative on the premises of the department to educate the local industry representative of
385 the quality and characteristics of the product.

386 [~~(57)~~] (58) "Interdicted person" means a person to whom the sale, offer for sale, or
387 furnishing of an alcoholic product is prohibited by:

388 (a) law; or

389 (b) court order.

390 [~~(58)~~] (59) "International airport" means an airport:

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

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

394 [~~(59)~~] (60) "Intoxicated" means that a person:

395 (a) is significantly impaired as to the person's mental or physical functions as a result of
396 the use of:

397 (i) an alcoholic product;

398 (ii) a controlled substance;

399 (iii) a substance having the property of releasing toxic vapors; or

400 (iv) a combination of Subsections [~~(59)(a)(i)~~] (60)(a)(i) through (iii); and
401 (b) exhibits plain and easily observed outward manifestations of behavior or physical
402 signs produced by the overconsumption of an alcoholic product.

403 [~~(60)~~] (61) "Investigator" means an individual who is:

- 404 (a) a department compliance officer; or
- 405 (b) a nondepartment enforcement officer.

406 [~~(61)~~] (62) "License" means:

- 407 (a) a retail license;
- 408 (b) a sublicense;
- 409 (c) a license issued in accordance with Chapter 7, Part 4, Off-Premise Beer Retailer

410 State License;

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

412 Licenses Act;

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

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

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

416 [~~(62)~~] (63) "Licensee" means a person who holds a license.

417 [~~(63)~~] (64) "Limited-service restaurant license" means a license issued in accordance
418 with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

419 [~~(64)~~] (65) "Limousine" means a motor vehicle licensed by the state or a local
420 authority, other than a bus or taxicab:

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

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

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

427 [~~(65)~~] (66) (a) (i) "Liquor" means a liquid that:

428 (A) is:

429 (I) alcohol;

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

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

432 (IV) other drink or drinkable liquid; and

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

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

435 (ii) "Liquor" includes:

436 (A) heavy beer;

437 (B) wine; and

438 (C) a flavored malt beverage.

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

440 [~~66~~] (67) "Liquor Control Fund" means the enterprise fund created by Section

441 [32B-2-301](#).

442 [~~67~~] (68) "Liquor transport license" means a license issued in accordance with

443 Chapter 17, Liquor Transport License Act.

444 [~~68~~] (69) "Liquor warehousing license" means a license that is issued:

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

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

448 [~~69~~] (70) "Local authority" means:

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

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

453 (c) for premises that are located in a project area as defined in Section [63H-1-102](#) and
454 in a project area plan adopted by the Military Installation Development Authority under Title
455 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
456 Development Authority.

457 [~~70~~] (71) "Lounge or bar area" is as defined by rule made by the commission.

458 [~~71~~] (72) "Malt substitute" means:

459 (a) rice;

460 (b) grain;

461 (c) bran;

462 (d) glucose;

463 (e) sugar; or

464 (f) molasses.

465 [~~(72)~~] (73) "Manufacture" means to distill, brew, rectify, mix, compound, process,
466 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to
467 others.

468 [~~(73)~~] (74) "Member" means an individual who, after paying regular dues, has full
469 privileges in an equity licensee or fraternal licensee.

470 [~~(74)~~] (75) (a) "Military installation" means a base, air field, camp, post, station, yard,
471 center, or homeport facility for a ship:

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

473 (B) of the National Guard;

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

475 (iii) including a leased facility.

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

477 (i) civil works;

478 (ii) a rivers and harbors project; or

479 (iii) a flood control project.

480 [~~(75)~~] (76) "Minibar" means an area of a hotel guest room where one or more alcoholic
481 products are kept and offered for self-service sale or consumption.

482 [~~(76)~~] (77) "Minor" means an individual under 21 years old.

483 [~~(77)~~] (78) "Nondepartment enforcement agency" means an agency that:

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

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

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

487 [~~(78)~~] (79) "Nondepartment enforcement officer" means an individual who is:

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

489 (b) employed by a nondepartment enforcement agency.

490 [~~(79)~~] (80) (a) "Off-premise beer retailer" means a beer retailer who is:

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

492 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's

493 premises.

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

495 ~~[(80)]~~ (81) "Off-premise beer retailer state license" means a state license issued in
496 accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.

497 ~~[(81)]~~ (82) "On-premise banquet license" means a license issued in accordance with
498 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

499 ~~[(82)]~~ (83) "On-premise beer retailer" means a beer retailer who is:

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

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

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

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

508 (A) as a tavern; or

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

510 ~~[(83)]~~ (84) "Opaque" means impenetrable to sight.

511 ~~[(84)]~~ (85) "Package agency" means a retail liquor location operated:

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

513 (b) by a person:

514 (i) other than the state; and

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

517 ~~[(85)]~~ (86) "Package agent" means a person who holds a package agency.

518 ~~[(86)]~~ (87) "Patron" means an individual to whom food, beverages, or services are sold,
519 offered for sale, or furnished, or who consumes an alcoholic product including:

520 (a) a customer;

521 (b) a member;

522 (c) a guest;

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

524 (e) an individual who receives room service;
525 (f) a resident of a resort; or
526 (g) a hospitality guest, as defined in Section [32B-6-1002](#), under a hospitality amenity
527 license.

528 ~~[(87)]~~ (88) (a) "Performing arts facility" means a multi-use performance space that:

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

531 (ii) contains over 2,500 seats;

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

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

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

536 ~~[(88)]~~ (89) "Permittee" means a person issued a permit under:

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

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

539 ~~[(89)]~~ (90) "Person subject to administrative action" means:

540 (a) a licensee;

541 (b) a permittee;

542 (c) a manufacturer;

543 (d) a supplier;

544 (e) an importer;

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

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

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

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

549 (g) staff of:

550 (i) a person listed in Subsections ~~[(89)(a)]~~ (90)(a) through (f); or

551 (ii) a package agent.

552 ~~[(90)]~~ (91) "Premises" means a building, enclosure, or room used in connection with
553 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
554 product, unless otherwise defined in this title or rules made by the commission.

555 [~~(91)~~] (92) "Prescription" means an order issued by a health care practitioner when:

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

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

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

561 [~~(92)~~] (93) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.

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

563 [~~(93)~~] (94) "Principal license" means:

564 (a) a resort license;

565 (b) a hotel license; or

566 (c) an arena license.

567 [~~(94)~~] (95) (a) "Private event" means a specific social, business, or recreational event:

568 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
569 group; and

570 (ii) that is limited in attendance to people who are specifically designated and their
571 guests.

572 (b) "Private event" does not include an event to which the general public is invited,
573 whether for an admission fee or not.

574 [~~(95)~~] (96) "Privately sponsored event" means a specific social, business, or
575 recreational event:

576 (a) that is held in or on the premises of an on-premise banquet licensee; and

577 (b) to which entry is restricted by an admission fee.

578 [~~(96)~~] (97) (a) "Proof of age" means:

579 (i) an identification card;

580 (ii) an identification that:

581 (A) is substantially similar to an identification card;

582 (B) is issued in accordance with the laws of a state other than Utah in which the
583 identification is issued;

584 (C) includes date of birth; and

585 (D) has a picture affixed;

- 586 (iii) a valid driver license certificate that:
- 587 (A) includes date of birth;
- 588 (B) has a picture affixed; and
- 589 (C) is issued:
 - 590 (I) under Title 53, Chapter 3, Uniform Driver License Act;
 - 591 (II) in accordance with the laws of the state in which it is issued; or
 - 592 (III) in accordance with federal law by the United States Department of State;
- 593 (iv) a military identification card that:
 - 594 (A) includes date of birth; and
 - 595 (B) has a picture affixed; or
 - 596 (v) a valid passport.

597 (b) "Proof of age" does not include a driving privilege card issued in accordance with
598 Section [53-3-207](#).

599 ~~[(97)]~~ (98) "Provisions applicable to a sublicense" means:

- 600 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
601 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 602 (b) for a limited-service restaurant sublicense, the provisions applicable to a
603 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
- 604 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
605 license under Chapter 6, Part 4, Bar Establishment License;
- 606 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
607 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 608 (e) for an on-premise beer retailer sublicense, the provisions applicable to an
609 on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 610 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
611 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 612 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
613 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 614 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
615 Part 2, Spa Sublicense.

616 ~~[(98)]~~ (99) (a) "Public building" means a building or permanent structure that is:

- 617 (i) owned or leased by:
- 618 (A) the state; or
- 619 (B) a local government entity; and
- 620 (ii) used for:
- 621 (A) public education;
- 622 (B) transacting public business; or
- 623 (C) regularly conducting government activities.
- 624 (b) "Public building" does not include a building owned by the state or a local
- 625 government entity when the building is used by a person, in whole or in part, for a proprietary
- 626 function.
- 627 ~~[(99)]~~ (100) "Public conveyance" means a conveyance that the public or a portion of
- 628 the public has access to and a right to use for transportation, including an airline, railroad, bus,
- 629 boat, or other public conveyance.
- 630 ~~[(100)]~~ (101) "Reception center" means a business that:
- 631 (a) operates facilities that are at least 5,000 square feet; and
- 632 (b) has as its primary purpose the leasing of the facilities described in Subsection
- 633 ~~[(100)(a)]~~ (101)(a) to a third party for the third party's event.
- 634 ~~[(101)]~~ (102) "Reception center license" means a license issued in accordance with
- 635 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 636 ~~[(102)]~~ (103) (a) "Record" means information that is:
- 637 (i) inscribed on a tangible medium; or
- 638 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 639 (b) "Record" includes:
- 640 (i) a book;
- 641 (ii) a book of account;
- 642 (iii) a paper;
- 643 (iv) a contract;
- 644 (v) an agreement;
- 645 (vi) a document; or
- 646 (vii) a recording in any medium.
- 647 ~~[(103)]~~ (104) "Residence" means a person's principal place of abode within Utah.

648 ~~[(104)]~~ (105) "Resident," in relation to a resort, means the same as that term is defined
649 in Section [32B-8-102](#).

650 ~~[(105)]~~ (106) "Resort" means the same as that term is defined in Section [32B-8-102](#).

651 ~~[(106)]~~ (107) "Resort facility" is as defined by the commission by rule.

652 ~~[(107)]~~ (108) "Resort license" means a license issued in accordance with Chapter 5,
653 Retail License Act, and Chapter 8, Resort License Act.

654 ~~[(108)]~~ (109) "Responsible alcohol service plan" means a written set of policies and
655 procedures that outlines measures to prevent employees from:

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

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

659 (c) serving alcoholic beverages to minors.

660 ~~[(109)]~~ (110) "Restaurant" means a business location:

661 (a) at which a variety of foods are prepared;

662 (b) at which complete meals are served; and

663 (c) that is engaged primarily in serving meals.

664 ~~[(110)]~~ (111) "Restaurant license" means one of the following licenses issued under
665 this title:

666 (a) a full-service restaurant license;

667 (b) a limited-service restaurant license; or

668 (c) a beer-only restaurant license.

669 (112) "Restaurant venue" means a restaurant that:

670 (a) is located on the licensed premises of a restaurant licensee; and

671 (b) (i) has at least 1,000 square feet of space that:

672 (A) may be reserved for a banquet; and

673 (B) accommodates at least 50 individuals; or

674 (ii) if the restaurant is located in a small unincorporated locality, has an appropriate
675 amount of space, as determined by the commission, that may be reserved for a banquet.

676 ~~[(111)]~~ (113) "Retail license" means one of the following licenses issued under this
677 title:

678 (a) a full-service restaurant license;

- 679 (b) a master full-service restaurant license;
- 680 (c) a limited-service restaurant license;
- 681 (d) a master limited-service restaurant license;
- 682 (e) a bar establishment license;
- 683 (f) an airport lounge license;
- 684 (g) an on-premise banquet license;
- 685 (h) an on-premise beer license;
- 686 (i) a reception center license;
- 687 (j) a beer-only restaurant license;
- 688 (k) a hospitality amenity license;
- 689 (l) a resort license;
- 690 (m) a hotel license; or
- 691 (n) an arena license.

692 [~~(112)~~] (114) "Room service" means furnishing an alcoholic product to a person in a
693 guest room or privately owned dwelling unit of a:

- 694 (a) hotel; or
- 695 (b) resort facility.

696 [~~(113)~~] (115) (a) "School" means a building in which any part is used for more than
697 three hours each weekday during a school year as a public or private:

- 698 (i) elementary school;
- 699 (ii) secondary school; or
- 700 (iii) kindergarten.
- 701 (b) "School" does not include:
- 702 (i) a nursery school;
- 703 (ii) a day care center;
- 704 (iii) a trade and technical school;
- 705 (iv) a preschool; or
- 706 (v) a home school.

707 [~~(114)~~] (116) "Secondary flavoring ingredient" means any spirituous liquor added to a
708 beverage for additional flavoring that is different in type, flavor, or brand from the primary
709 spirituous liquor in the beverage.

710 ~~[(115)]~~ (117) "Sell" or "offer for sale" means a transaction, exchange, or barter
711 whereby, for consideration, an alcoholic product is either directly or indirectly transferred,
712 solicited, ordered, delivered for value, or by a means or under a pretext is promised or
713 obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise
714 defined in this title or the rules made by the commission.

715 ~~[(116)]~~ (118) "Serve" means to place an alcoholic product before an individual.

716 ~~[(117)]~~ (119) "Sexually oriented entertainer" means a person who while in a state of
717 seminudity appears at or performs:

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

719 (b) on the premises of:

720 (i) a bar licensee; or

721 (ii) a tavern;

722 (c) on behalf of or at the request of the licensee described in Subsection ~~[(117)(b)]~~

723 (119)(b);

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

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

726 (i) an employee;

727 (ii) an independent contractor;

728 (iii) an agent of the licensee; or

729 (iv) a different type of classification.

730 ~~[(118)]~~ (120) "Shared seating area" means the licensed premises of two or more
731 restaurant licensees that the restaurant licensees share as an area for alcoholic beverage
732 consumption in accordance with Subsection [32B-5-207\(3\)](#).

733 ~~[(119)]~~ (121) "Single event permit" means a permit issued in accordance with Chapter
734 9, Part 3, Single Event Permit.

735 ~~[(120)]~~ (122) "Small brewer" means a brewer who manufactures less than 60,000
736 barrels of beer, heavy beer, and flavored malt beverage per year, as the department calculates
737 by:

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

- 741 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
- 742 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
- 743 determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 744 Rulemaking Act; and
- 745 (ii) does not sell for consumption as, or in, a beverage.
- 746 ~~[(121)]~~ (123) "Small or unincorporated locality" means:
- 747 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 748 (b) a town, as classified under Section 10-2-301; or
- 749 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
- 750 under Section 17-50-501.
- 751 ~~[(122)]~~ (124) "Spa sublicense" means a sublicense:
- 752 (a) to a resort license or hotel license; and
- 753 (b) that the commission issues in accordance with Chapter 8d, Part 2, Spa Sublicense.
- 754 ~~[(123)]~~ (125) "Special use permit" means a permit issued in accordance with Chapter
- 755 10, Special Use Permit Act.
- 756 ~~[(124)]~~ (126) (a) "Spirituos liquor" means liquor that is distilled.
- 757 (b) "Spirituos liquor" includes an alcoholic product defined as a "distilled spirit" by
- 758 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.
- 759 ~~[(125)]~~ (127) "Sports center" is as defined by the commission by rule.
- 760 ~~[(126)]~~ (128) (a) "Staff" means an individual who engages in activity governed by this
- 761 title:
- 762 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
- 763 holder;
- 764 (ii) at the request of the business, including a package agent, licensee, permittee, or
- 765 certificate holder; or
- 766 (iii) under the authority of the business, including a package agent, licensee, permittee,
- 767 or certificate holder.
- 768 (b) "Staff" includes:
- 769 (i) an officer;
- 770 (ii) a director;
- 771 (iii) an employee;

- 772 (iv) personnel management;
- 773 (v) an agent of the licensee, including a managing agent;
- 774 (vi) an operator; or
- 775 (vii) a representative.

776 [~~(127)~~] (129) "State of nudity" means:

- 777 (a) the appearance of:
 - 778 (i) the nipple or areola of a female human breast;
 - 779 (ii) a human genital;
 - 780 (iii) a human pubic area; or
 - 781 (iv) a human anus; or
- 782 (b) a state of dress that fails to opaquely cover:
 - 783 (i) the nipple or areola of a female human breast;
 - 784 (ii) a human genital;
 - 785 (iii) a human pubic area; or
 - 786 (iv) a human anus.

787 [~~(128)~~] (130) "State of seminudity" means a state of dress in which opaque clothing
788 covers no more than:

- 789 (a) the nipple and areola of the female human breast in a shape and color other than the
790 natural shape and color of the nipple and areola; and
- 791 (b) the human genitals, pubic area, and anus:
 - 792 (i) with no less than the following at its widest point:
 - 793 (A) four inches coverage width in the front of the human body; and
 - 794 (B) five inches coverage width in the back of the human body; and
 - 795 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

796 [~~(129)~~] (131) (a) "State store" means a facility for the sale of packaged liquor:

- 797 (i) located on premises owned or leased by the state; and
- 798 (ii) operated by a state employee.
- 799 (b) "State store" does not include:
 - 800 (i) a package agency;
 - 801 (ii) a licensee; or
 - 802 (iii) a permittee.

803 [~~(130)~~] (132) (a) "Storage area" means an area on licensed premises where the licensee
804 stores an alcoholic product.

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

806 [~~(131)~~] (133) "Sublicense" means:

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

809 (i) a full-service restaurant license;

810 (ii) a limited-service restaurant license;

811 (iii) a bar establishment license;

812 (iv) an on-premise banquet license;

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

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

815 (vii) a hospitality amenity license; or

816 (b) a spa sublicense.

817 [~~(132)~~] (134) "Supplier" means a person who sells an alcoholic product to the
818 department.

819 [~~(133)~~] (135) "Tavern" means an on-premise beer retailer who is:

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

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

824 [~~(134)~~] (136) "Temporary beer event permit" means a permit issued in accordance with
825 Chapter 9, Part 4, Temporary Beer Event Permit.

826 [~~(135)~~] (137) "Temporary domicile" means the principal place of abode within Utah of
827 a person who does not have a present intention to continue residency within Utah permanently
828 or indefinitely.

829 [~~(136)~~] (138) "Translucent" means a substance that allows light to pass through, but
830 does not allow an object or person to be seen through the substance.

831 [~~(137)~~] (139) "Unsaleable liquor merchandise" means a container that:

832 (a) is unsaleable because the container is:

833 (i) unlabeled;

- 834 (ii) leaky;
- 835 (iii) damaged;
- 836 (iv) difficult to open; or
- 837 (v) partly filled;
- 838 (b) (i) has faded labels or defective caps or corks;
- 839 (ii) has contents that are:
 - 840 (A) cloudy;
 - 841 (B) spoiled; or
 - 842 (C) chemically determined to be impure; or
- 843 (iii) contains:
 - 844 (A) sediment; or
 - 845 (B) a foreign substance; or
- 846 (c) is otherwise considered by the department as unfit for sale.
- 847 ~~[(138)]~~ (140) (a) "Wine" means an alcoholic product obtained by the fermentation of
- 848 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or
- 849 not another ingredient is added.
 - 850 (b) "Wine" includes:
 - 851 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.
 - 852 4.10; and
 - 853 (ii) hard cider.
 - 854 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided
 - 855 in this title.
- 856 ~~[(139)]~~ (141) "Winery manufacturing license" means a license issued in accordance
- 857 with Chapter 11, Part 3, Winery Manufacturing License.
- 858 Section 2. Section **32B-1-202.1** is amended to read:
 - 859 **32B-1-202.1. Proximity for certain hotel and arena licensees.**
 - 860 (1) As used in this section, "hotel" means the same as that term is defined in Section
 - 861 [32B-8b-102](#).
 - 862 (2) The commission may issue a hotel license for a proposed location that does not
 - 863 meet the proximity requirements under Section [32B-1-202](#), if:
 - 864 (a) the proposed hotel is:

- 865 (i) located in a city classified as a city of the first class under Section 10-2-301;
- 866 (ii) within ~~600~~ 650 feet of two community locations, as measured from the nearest
- 867 patron entrance of the proposed hotel by following the shortest route of ordinary pedestrian
- 868 travel to the property boundary of each community location;
- 869 (iii) not within 300 feet of a community location, as measured from the nearest patron
- 870 entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to
- 871 the property boundary of the community location; and
- 872 (iv) not within 200 feet of a community location, as measured in a straight line from
- 873 the nearest patron entrance of the proposed hotel to the nearest property boundary of the
- 874 community location;
- 875 (b) the proposed sublicensed premises of a bar establishment sublicense under the hotel
- 876 license:
- 877 (i) is on the second or higher floor of a hotel;
- 878 (ii) is not accessible at street level; and
- 879 (iii) is only accessible to an individual who passes through another area of the hotel in
- 880 which the bar establishment sublicense is located; and
- 881 (c) the applicant meets all other criteria under this title for the hotel license.
- 882 (3) The commission may issue authority to operate as a package agency to a hotel
- 883 licensee who meets the requirements described in Subsection (2).
- 884 (4) (a) The commission may issue an arena license for a proposed location that does
- 885 not meet the proximity requirements described in Section 32B-1-202, if, on the day before the
- 886 day on which the commission issues the license, each proposed sublicense of the arena license:
- 887 (i) operates as an outlet or restaurant; and
- 888 (ii) (A) operates on the proposed sublicense premises under a variance to one or more
- 889 proximity requirements in accordance with Section 32B-1-202; or
- 890 (B) has been in operation on the proposed sublicense premises for at least 10 years.
- 891 (b) After the commission issues an arena license in accordance with Subsection (4)(a),
- 892 the commission may not issue the arena licensee an additional sublicense.
- 893 Section 3. Section 32B-1-304 is amended to read:
- 894 **32B-1-304. Qualifications for a package agency, license, or permit -- Minors.**
- 895 (1) (a) Except as provided in Subsection (7), the commission may not issue a package

896 agency, license, or permit to a person who has been convicted of:

897 (i) within seven years before the day on which the commission issues the package
898 agency, license, or permit, a felony under a federal law or state law;

899 (ii) within four years before the day on which the commission issues the package
900 agency, license, or permit:

901 (A) a violation of a federal law, state law, or local ordinance concerning the sale, offer
902 for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
903 product; or

904 (B) a crime involving moral turpitude; or

905 (iii) on two or more occasions within the five years before the day on which the
906 package agency, license, or permit is issued, driving under the influence of alcohol, drugs, or
907 the combined influence of alcohol and drugs.

908 (b) If the person is a partnership, corporation, or limited liability company, the
909 proscription under Subsection (1)(a) applies if any of the following has been convicted of an
910 offense described in Subsection (1)(a):

911 (i) a partner;

912 (ii) a managing agent;

913 (iii) a manager;

914 (iv) an officer;

915 (v) a director;

916 (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of
917 the corporation; or

918 (vii) a member who owns at least 20% of the limited liability company.

919 (c) Except as provided in Subsection (7), the proscription under Subsection (1)(a)
920 applies if a person who is employed to act in a supervisory or managerial capacity for a
921 package agency, licensee, or permittee has been convicted of an offense described in
922 Subsection (1)(a).

923 (2) Except as described in Section [32B-8-501](#), the commission may immediately
924 suspend or revoke a package agency, license, or permit, and terminate a package agency
925 agreement, if a person described in Subsection (1):

926 (a) after the day on which the package agency, license, or permit is issued, is found to

927 have been convicted of an offense described in Subsection (1)(a) before the package agency,
928 license, or permit is issued; or

929 (b) on or after the day on which the package agency, license, or permit is issued:

930 (i) is convicted of an offense described in Subsection (1)(a)(i) or (ii); or

931 (ii) (A) is convicted of driving under the influence of alcohol, drugs, or the combined
932 influence of alcohol and drugs; and

933 (B) was convicted of driving under the influence of alcohol, drugs, or the combined
934 influence of alcohol and drugs within five years before the day on which the person is
935 convicted of the offense described in Subsection (2)(b)(ii)(A).

936 (3) Except as described in Section [32B-8-501](#), the director may take emergency action
937 by immediately suspending the operation of the package agency, licensee, or permittee for the
938 period during which a criminal matter is being adjudicated if a person described in Subsection
939 (1):

940 (a) is arrested on a charge for an offense described in Subsection (1)(a)(i) or (ii); or

941 (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol,
942 drugs, or the combined influence of alcohol and drugs; and

943 (ii) was convicted of driving under the influence of alcohol, drugs, or the combined
944 influence of alcohol and drugs within five years before the day on which the person is arrested
945 on a charge described in Subsection (3)(b)(i).

946 (4) (a) (i) The commission may not issue a package agency, license, or permit to a
947 person who has had any type of agency, license, or permit issued under this title revoked within
948 the last three years.

949 (ii) The commission may not issue a package agency, license, or permit to a
950 partnership, corporation, or limited liability company if a partner, managing agent, manager,
951 officer, director, stockholder who holds at least 20% of the total issued and outstanding stock
952 of the corporation, or member who owns at least 20% of the limited liability company is or
953 was:

954 (A) a partner or managing agent of a partnership that had any type of agency, license,
955 or permit issued under this title revoked within the last three years;

956 (B) a managing agent, officer, director, or stockholder who holds or held at least 20%
957 of the total issued and outstanding stock of any corporation that had any type of agency,

958 license, or permit issued under this title revoked within the last three years; or

959 (C) a manager or member who owns or owned at least 20% of a limited liability
960 company that had any type of agency, license, or permit issued under this title revoked within
961 the last three years.

962 (b) The commission may not issue a package agency, [~~license~~] license, or permit to a
963 partnership, corporation, or limited liability company if any of the following had any type of
964 agency, license, or permit issued under this title revoked while acting in that person's individual
965 capacity within the last three years:

966 (i) a partner or managing agent of a partnership;

967 (ii) a managing agent, officer, director, or stockholder who holds at least 20% of the
968 total issued and outstanding stock of a corporation; or

969 (iii) a manager or member who owns at least 20% of a limited liability company.

970 (c) The commission may not issue a package agency, license, or permit to a person
971 acting in an individual capacity if that person was:

972 (i) a partner or managing agent of a partnership that had any type of agency, license, or
973 permit issued under this title revoked within the last three years;

974 (ii) a managing agent, officer, director, or stockholder who held at least 20% of the
975 total issued and outstanding stock of a corporation that had any type of agency, license, or
976 permit issued under this title revoked within the last three years; or

977 (iii) a manager or member who owned at least 20% of the limited liability company
978 that had any type of agency, license, or permit issued under this title revoked within the last
979 three years.

980 (5) (a) The commission may not issue a package agency, license, or permit to a minor.

981 (b) The commission may not issue a package agency, license, or permit to a
982 partnership, corporation, or limited liability company if any of the following is a minor:

983 (i) a partner or managing agent of the partnership;

984 (ii) a managing agent, officer, director, or stockholder who holds at least 20% of the
985 total issued and outstanding stock of the corporation; or

986 (iii) a manager or member who owns at least 20% of the limited liability company.

987 (c) For purposes of Subsection (5)(b), the commission may not consider a minor's
988 position with or ownership interest in an entity that has an ownership interest in the entity that

989 is applying for the package agency, license, or permit unless the minor would exercise direct
 990 decision making control over the package agency, license, or permit.

991 (6) Except as described in Section [32B-8-501](#), if a package agent, licensee, or permittee
 992 no longer possesses the qualifications required by this title for obtaining a package agency,
 993 license, or permit, the commission may terminate the package agency agreement, or revoke the
 994 license or permit.

995 (7) (a) If the licensee is a resort licensee:

996 (i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in
 997 the management of the resort, as the commission defines in rule; and

998 (ii) Subsection (1)(c) only applies to an individual employed to act in a supervisory or
 999 managerial capacity for the resort licensee or in relation to a sublicense of the resort license.

1000 (b) If the permittee is a public service permittee under Chapter 10, Special Use Permit
 1001 Act:

1002 (i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in
 1003 the management of the airline, railroad, or other public conveyance, as the commission defines
 1004 in rule; and

1005 (ii) Subsection (1)(c) only applies to an individual employed to act in a supervisory or
 1006 managerial capacity for the public service permittee.

1007 Section 4. Section **32B-1-703** is amended to read:

1008 **32B-1-703. Alcohol training and education for off-premise consumption.**

1009 (1) (a) A local authority that issues an off-premise beer retailer license to a business to
 1010 sell beer at retail for off-premise consumption shall require the following to have a valid record
 1011 that the individual completed an alcohol training and education seminar in the time periods
 1012 required by Subsection (1)(b):

1013 (i) an off-premise retail manager; or

1014 (ii) off-premise retail staff.

1015 (b) If an individual on the date the individual becomes staff to an off-premise beer
 1016 retailer does not have a valid record that the individual has completed an alcohol training and
 1017 education seminar for purposes of this part, the individual shall complete an alcohol training
 1018 and education seminar [~~within 30 days of~~] in accordance with Section [62A-15-401](#) before the
 1019 day on which the individual [~~becomes~~] begins work as staff of an off-premise beer retailer.

1020 (c) An off-premise beer retailer may not permit an individual who is not in compliance
1021 with Subsection (1)(b) to:

1022 (i) directly supervise the sale of beer to a customer for consumption off the premises of
1023 the off-premise beer retailer; or

1024 (ii) sell beer to a customer for consumption off the premises of the off-premise beer
1025 retailer.

1026 (2) A licensee that violates this section is subject to Section 32B-1-702.

1027 ~~[(c) Section 62A-15-401 governs the validity of a record that an individual has~~
1028 ~~completed an alcohol training and education seminar required by this part.]~~

1029 ~~[(2) In accordance with Section 32B-1-702, a local authority may immediately suspend~~
1030 ~~the license of an off-premise beer retailer that allows an individual to work as an off-premise~~
1031 ~~retail manager without having a valid record that the individual completed an alcohol training~~
1032 ~~and education seminar in accordance with Subsection (1).]~~

1033 Section 5. Section 32B-1-705 is amended to read:

1034 **32B-1-705. Tracking certain enforcement actions.**

1035 (1) For each violation of a provision of this title involving the sale of an alcoholic
1036 product to a minor that staff of a retail licensee or off-premise beer retailer commits, the
1037 commission shall:

1038 (a) maintain a record of the violation until the record is expunged in accordance with
1039 Subsection (3);

1040 (b) include in the record described in Subsection (1)(a):

1041 (i) the name of the individual who committed the violation;

1042 (ii) the name of the retail licensee or off-premise beer retailer; and

1043 (iii) the date of the adjudication of the violation; and

1044 (c) provide the information described in Subsection (1)(b) to the Department of Public
1045 Safety within 30 days after the day on which the violation is adjudicated.

1046 (2) (a) The Department of Public Safety shall develop and operate a system to collect,
1047 analyze, maintain, track, and disseminate the information that the Department of Public Safety
1048 receives in accordance with Subsection (1).

1049 (b) The Department of Public Safety shall make the system described in Subsection
1050 (2)(a) available to:

1051 (i) assist the commission in assessing penalties under this title; and
1052 (ii) inform a retail licensee or off-premise beer retailer of an individual who has a
1053 violation history in the system.

1054 (3) The commission and the Department of Public Safety shall expunge each record in
1055 the system described in Subsection (2) that relates to an individual if the individual does not
1056 violate a provision of this title related to the sale of an alcoholic product to a minor for a period
1057 of 36 consecutive months from the day on which the individual's last violation related to the
1058 sale of an alcoholic product to a minor was adjudicated.

1059 Section 6. Section **32B-2-202** is amended to read:

1060 **32B-2-202. Powers and duties of the commission.**

1061 (1) The commission shall:

1062 (a) consistent with the policy established by the Legislature by statute, act as a general
1063 policymaking body on the subject of alcoholic product control;

1064 (b) adopt and issue policies, rules, and procedures;

1065 (c) set policy by written rules that establish criteria and procedures for:

1066 (i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
1067 permit, or certificate of approval; and

1068 (ii) determining the location of a state store, package agency, or retail licensee;

1069 (d) decide within the limits, and under the conditions imposed by this title, the number
1070 and location of state stores, package agencies, and retail licensees in the state;

1071 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
1072 sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer for sale,
1073 furnishing, consumption, manufacture, and distribution of an alcoholic product:

1074 (i) a package agency;

1075 (ii) a full-service restaurant license;

1076 (iii) a master full-service restaurant license;

1077 (iv) a limited-service restaurant license;

1078 (v) a master limited-service restaurant license;

1079 (vi) a bar establishment license;

1080 (vii) an airport lounge license;

1081 (viii) an on-premise banquet license;

- 1082 (ix) a resort license, which includes four or more sublicenses;
- 1083 (x) an on-premise beer retailer license;
- 1084 (xi) a reception center license;
- 1085 (xii) a beer-only restaurant license;
- 1086 (xiii) a hotel license, which includes three or more sublicenses;
- 1087 (xiv) an arena license, which includes three or more sublicenses;
- 1088 (xv) a hospitality amenity license;
- 1089 (xvi) subject to Subsection (5), a single event permit;
- 1090 (xvii) subject to Subsection (5), a temporary beer event permit;
- 1091 (xviii) a special use permit;
- 1092 (xix) a manufacturing license;
- 1093 (xx) a liquor warehousing license;
- 1094 (xxi) a beer wholesaling license;
- 1095 (xxii) a liquor transport license;
- 1096 (xxiii) an off-premise beer retailer state license;
- 1097 (xxiv) a master off-premise beer retailer state license;
- 1098 (xxv) one of the following that holds a certificate of approval:
 - 1099 (A) an out-of-state brewer;
 - 1100 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
 - 1101 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
- 1102 (xxvi) a spa sublicense;
- 1103 (f) issue, deny, suspend, or revoke the following conditional licenses:
 - 1104 (i) a conditional retail license as defined in Section [32B-5-205](#); and
 - 1105 (ii) a conditional off-premise beer retailer state license as defined in Section
 - 1106 [32B-7-406](#);
- 1107 (g) prescribe the duties of the department in assisting the commission in issuing a
- 1108 package agency, license, permit, or certificate of approval under this title;
- 1109 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
- 1110 in accordance with Section [63J-1-504](#);
- 1111 (i) fix prices at which liquor is sold that are the same at all state stores, package
- 1112 agencies, and retail licensees;

- 1113 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
 1114 class, variety, or brand of liquor kept for sale by the department;
- 1115 (k) (i) require the director to follow sound management principles; and
 1116 (ii) require periodic reporting from the director to ensure that:
 1117 (A) sound management principles are being followed; and
 1118 (B) policies established by the commission are being observed;
- 1119 (l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
 1120 and matters submitted by the director to the commission; and
 1121 (ii) do the things necessary to support the department in properly performing the
 1122 department's duties;
- 1123 (m) obtain temporarily and for special purposes the services of an expert or person
 1124 engaged in the practice of a profession, or a person who possesses a needed skill if:
 1125 (i) considered expedient; and
 1126 (ii) approved by the governor;
- 1127 (n) prescribe by rule the conduct, management, and equipment of premises upon which
 1128 an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
- 1129 (o) make rules governing the credit terms of beer sales within the state to retail
 1130 licensees; and
- 1131 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
 1132 disciplinary action against a person subject to administrative action.
- 1133 (2) Consistent with the policy established by the Legislature by statute, the power of
 1134 the commission to do the following is plenary, except as otherwise provided by this title, and
 1135 not subject to review:
- 1136 (a) establish a state store;
 1137 (b) issue authority to act as a package agent or operate a package agency; and
 1138 (c) issue, deny, or deem forfeit a license, permit, or certificate of approval.
- 1139 (3) (a) Subject to ~~[Subsection]~~ Subsections (3)(b) and (c), the commission may~~[(+)(i)]~~
 1140 make rules permitting and establishing the parameters of a late license renewal~~[-and]~~.
- 1141 ~~[(ii) establish a fee, in accordance with Section 63J-1-504, for a late license renewal.]~~
- 1142 (b) The commission may not allow for the late renewal of a license after the later of:
 1143 (i) the tenth day of the month after the month in which the license type is required to be

1144 renewed; or

1145 (ii) if the tenth day of the month after the month in which the license type is required to
1146 be renewed falls on a Saturday, Sunday, or state or federal holiday, the first business day after
1147 the Saturday, Sunday, or holiday.

1148 (c) The fee for a late license renewal is \$300.

1149 (4) If the commission is authorized or required to make a rule under this title, the
1150 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
1151 Rulemaking Act.

1152 (5) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy director
1153 may issue an event permit in accordance with Chapter 9, Event Permit Act.

1154 Section 7. Section **32B-4-202** is amended to read:

1155 **32B-4-202. Duties to enforce this title.**

1156 ~~[(1)]~~ It is the duty of the following to diligently enforce this title in their respective
1157 capacities:

1158 ~~[(a)]~~ (1) the governor;

1159 ~~[(b)]~~ (2) a commissioner;

1160 ~~[(c)]~~ (3) the director;

1161 ~~[(d)]~~ (4) an official, inspector, or department employee;

1162 ~~[(e)]~~ (5) a prosecuting official of the state or its political subdivisions;

1163 ~~[(f)]~~ (6) a county, city, town, or metro township;

1164 ~~[(g)]~~ (7) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement
1165 official;

1166 ~~[(h)]~~ (8) a state health official; and

1167 ~~[(i)]~~ (9) a clerk of the court.

1168 ~~[(2) Immediately upon conviction of a person for violation of this title or of a local
1169 ordinance relating to an alcoholic product, it is the duty of the clerk of the court to notify the
1170 department of the conviction in writing on forms supplied by the department.]~~

1171 Section 8. Section **32B-4-418** is amended to read:

1172 **32B-4-418. Unlawful storage.**

1173 It is unlawful for a person to store:

1174 (1) liquor on premises for which the person is authorized to sell beer for on-premise

1175 consumption, but for which the person is not licensed under this title to sell liquor[-]; or
1176 (2) an alcoholic beverage for sale on premises for which the person is not licensed or
1177 otherwise authorized under this title to sell the alcoholic beverage.

1178 Section 9. Section **32B-5-309** is amended to read:

1179 **32B-5-309. Ceasing operation.**

1180 (1) Except as provided in Subsection (8), a retail licensee may not close or cease
1181 operation for a period longer than 240 hours, unless:

1182 (a) the retail licensee notifies the department in writing at least seven days before the
1183 day on which the retail licensee closes or ceases operation; and

1184 (b) the closure or cessation of operation is first approved by the department.

1185 (2) Notwithstanding Subsection (1), in the case of emergency closure, a retail licensee
1186 shall immediately notify the department by telephone.

1187 (3) (a) The department may authorize an initial closure or cessation of operation of a
1188 retail licensee for a period not to exceed 60 days.

1189 (b) Upon written request of the retail licensee and a showing of good cause, the
1190 department may extend the initial period described in Subsection (3)(a) for a period not to
1191 exceed the greater of:

1192 (i) 30 days; or

1193 (ii) the number of days until the day on which the commission holds the commission's
1194 next regularly scheduled meeting.

1195 (4) A closure or cessation of operation may not exceed the time limits described in
1196 Subsection (3) without commission approval.

1197 (5) A notice required under this section shall include:

1198 (a) the dates of closure or cessation of operation;

1199 (b) the reason for the closure or cessation of operation; and

1200 (c) the date on which the retail licensee will reopen or resume operation.

1201 (6) ~~[Failure of]~~ If a retail licensee fails to provide notice and to obtain department
1202 approval before closure or cessation of operation ~~[results in an automatic forfeiture of]~~, the
1203 commission may:

1204 (a) suspend, revoke, or deem forfeited the retail license; ~~[and]~~ or

1205 (b) deem the unused portion of the retail license fee for the remainder of the retail

1206 license year ~~[effective immediately]~~ forfeited.

1207 (7) ~~[Failure of]~~ If a retail licensee fails to reopen or resume operation by the [approved
1208 date results in an automatic forfeiture of] date approved under Subsections (3) and (4), the
1209 commission may:

1210 (a) suspend, revoke, or deem forfeited the retail license; ~~[and]~~ or

1211 (b) deem the unused portion of the retail license fee for the remainder of the retail
1212 license year forfeited.

1213 (8) This section does not apply to:

1214 (a) an on-premise beer retailer who is not a tavern;

1215 (b) an airport lounge licensee; or

1216 (c) a hospitality amenity licensee.

1217 (9) For purposes of this section, the department may not base a determination that a
1218 retail licensee has ceased operation solely upon the retail licensee's lack of sales.

1219 Section 10. Section **32B-6-205.2** is amended to read:

1220 **32B-6-205.2. Specific operational requirements for a full-service restaurant**
1221 **license -- On and after July 1, 2018, or July 1, 2022.**

1222 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1223 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
1224 shall comply with this section.

1225 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1226 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1227 (i) a full-service restaurant licensee;

1228 (ii) individual staff of a full-service restaurant licensee; or

1229 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
1230 licensee.

1231 (2) (a) An individual who serves an alcoholic product in a full-service restaurant
1232 licensee's premises shall make a beverage tab for each table or group that orders or consumes
1233 an alcoholic product on the premises.

1234 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
1235 each alcoholic product ordered or consumed.

1236 (3) A full-service restaurant licensee may not make an individual's willingness to serve

1237 an alcoholic product a condition of employment with a full-service restaurant licensee.

1238 (4) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
1239 licensed premises during the following time periods only:

1240 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1241 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1242 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1243 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
1244 licensed premises during the following time periods only:

1245 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1246 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1247 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1248 (5) (a) A full-service restaurant licensee may not furnish an alcoholic product for
1249 on-premise consumption except after:

1250 (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic
1251 product is seated at:

1252 (A) a table that is located in a dining area or a dispensing area;

1253 (B) a counter that is located in a dining area or a dispensing area; or

1254 (C) a dispensing structure that is located in a dispensing area; and

1255 (ii) the full-service restaurant licensee confirms that the patron intends to:

1256 (A) order food prepared, sold, and furnished at the licensed premises; and

1257 (B) except as provided in Subsection (5)(b), consume the food at the same location
1258 where the patron is seated and furnished the alcoholic product.

1259 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1260 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or
1261 furnish to the patron one drink that contains a single portion of an alcoholic product as
1262 described in Section [32B-5-304](#) if:

1263 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1264 structure; and

1265 (B) the full-service restaurant licensee first confirms that after the patron is seated in
1266 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1267 premises.

1268 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
1269 in the dining area, [~~an employee of the full-service restaurant licensee who is qualified to sell~~
1270 ~~and serve an alcoholic product under Section 32B-5-306 shall]~~ the patron may transport any
1271 unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.

1272 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.

1273 (c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not
1274 furnish beer for off-premise consumption except after the patron consumes on the licensed
1275 premises food prepared, sold, and furnished at the licensed premises.

1276 (d) A full-service restaurant licensee shall maintain on the licensed premises adequate
1277 culinary facilities for food preparation and dining accommodations.

1278 (6) A patron may consume an alcoholic product on the full-service restaurant licensee's
1279 licensed premises only if the patron is seated at:

1280 (a) a table that is located in a dining area or dispensing area;

1281 (b) a counter that is located in a dining area or dispensing area; or

1282 (c) a dispensing structure located in a dispensing area.

1283 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
1284 more than two alcoholic products of any kind at a time before the patron.

1285 (b) A patron may not have more than one spirituous liquor drink at a time before the
1286 patron.

1287 (c) An individual portion of wine is considered to be one alcoholic product under
1288 Subsection (7)(a).

1289 (8) In accordance with the provisions of this section, an individual who is at least 21
1290 years old may consume food and beverages in a dispensing area.

1291 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
1292 consume food or beverages in a dispensing area.

1293 (b) (i) A minor may be in a dispensing area if the minor is:

1294 (A) at least 16 years old and working as an employee of the full-service restaurant
1295 licensee; or

1296 (B) performing maintenance and cleaning services as an employee of the full-service
1297 restaurant licensee when the full-service restaurant licensee is not open for business.

1298 (ii) If there is no alternative route available, a minor may momentarily pass through a

1299 dispensing area without remaining or sitting in the dispensing area en route to an area of the
1300 full-service restaurant licensee's premises in which the minor is permitted to be.

1301 (10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee
1302 may dispense an alcoholic product only if:

1303 (a) the alcoholic product is dispensed from:

1304 (i) a dispensing structure that is located in a dispensing area;

1305 (ii) an area that is:

1306 (A) separated from an area for the consumption of food by a patron by a solid,
1307 translucent, permanent structural barrier such that the facilities for the dispensing of an
1308 alcoholic product are not readily visible to a patron and not accessible by a patron; and

1309 (B) apart from an area used for dining, for staging, or as a waiting area; or

1310 (iii) the premises of a bar licensee that is:

1311 (A) owned by the same person or persons as the full-service restaurant licensee; and

1312 (B) located immediately adjacent to the premises of the full-service restaurant licensee;

1313 and

1314 (b) any instrument or equipment used to dispense alcoholic product is located in an
1315 area described in Subsection (10)(a).

1316 (11) (a) A full-service restaurant licensee may have more than one dispensing area in
1317 the licensed premises.

1318 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1319 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
1320 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1321 (12) A full-service restaurant licensee may not:

1322 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1323 (b) display an alcoholic product or a product intended to appear like an alcoholic
1324 product by moving a cart or similar device around the licensed premises.

1325 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a
1326 charge or fee made in connection with the sale, service, or consumption of liquor, including:

1327 (a) a set-up charge;

1328 (b) a service charge; or

1329 (c) a chilling fee.

1330 (14) (a) In addition to the requirements described in Section 32B-5-302, a full-service
1331 restaurant licensee shall maintain each of the following records for at least three years:

1332 (i) a record required by Section 32B-5-302; and

1333 (ii) a record that the commission requires a full-service restaurant licensee to use or
1334 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1335 Rulemaking Act.

1336 (b) The department shall audit the records of a full-service restaurant licensee at least
1337 once annually.

1338 (15) A full-service restaurant licensee may lease to a patron of the full-service
1339 restaurant licensee a locked storage space:

1340 (a) that the commission considers proper for the storage of wine; and

1341 (b) for the storage of wine that:

1342 (i) the patron purchases from the full-service restaurant licensee; and

1343 (ii) only the full-service restaurant licensee or staff of the full-service restaurant
1344 licensee may remove from the locker for the patron's use in accordance with this title,
1345 including:

1346 (A) service and consumption on licensed premises as described in Section 32B-5-306;
1347 or

1348 (B) removal from the full-service retail licensee's licensed premises in accordance with
1349 Section 32B-5-307.

1350 Section 11. Section 32B-6-206 is amended to read:

1351 **32B-6-206. Master full-service restaurant license.**

1352 (1) (a) The commission may issue a master full-service restaurant license that
1353 authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an
1354 alcoholic product on premises at multiple locations as full-service restaurants if the person
1355 applying for the master full-service restaurant license:

1356 (i) owns each of the full-service restaurants;

1357 (ii) except for the fee requirements, establishes to the satisfaction of the commission
1358 that each location of a full-service restaurant under the master full-service restaurant license
1359 separately meets the requirements of this part; and

1360 (iii) the master full-service restaurant license includes at least five full-service

1361 restaurant locations.

1362 (b) The person seeking a master full-service restaurant license shall designate which
1363 full-service restaurant locations the person seeks to have under the master full-service
1364 restaurant license.

1365 (c) A full-service restaurant location under a master full-service restaurant license is
1366 considered separately licensed for purposes of this title, except as provided in this section.

1367 (2) A master full-service restaurant license and each location designated under
1368 Subsection (1) are considered a single full-service restaurant license for purposes of Subsection
1369 [32B-6-203](#)(3)(a).

1370 (3) (a) A master full-service restaurant license expires on October 31 of each year.

1371 (b) To renew a person's master full-service restaurant license, a person shall comply
1372 with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1373 September 30.

1374 (4) (a) The nonrefundable application fee for a master full-service restaurant license is
1375 \$330.

1376 (b) The initial license fee for a master full-service restaurant license is \$10,000 plus a
1377 separate initial license fee for each newly licensed full-service restaurant license under the
1378 master full-service restaurant license determined in accordance with Subsection
1379 [32B-6-204](#)(3)(b).

1380 (c) The renewal fee for a master full-service restaurant license is [~~\$1,000~~] \$500 plus a
1381 separate renewal fee for each full-service license under the master full-service restaurant
1382 license determined in accordance with Subsection [32B-6-204](#)(3)(c).

1383 (5) A new location may be added to a master full-service restaurant license after the
1384 master full-service restaurant license is issued if:

1385 (a) the master full-service restaurant licensee pays a nonrefundable application fee of
1386 \$330; and

1387 (b) including payment of the initial license fee, the location separately meets the
1388 requirements of this part.

1389 (6) (a) A master full-service restaurant licensee shall notify the department of a change
1390 in the persons managing a location covered by a master full-service restaurant license:

1391 (i) immediately, if the management personnel is not management personnel at a

1392 location covered by the master full-service restaurant licensee at the time of the change; or
1393 (ii) within 30 days of the change, if the master full-service restaurant licensee is
1394 transferring management personnel from one location to another location covered by the master
1395 full-service restaurant licensee.

1396 (b) A location covered by a master full-service restaurant license shall keep [its] the
1397 location's own records on [its] the location's premises so that the department may audit the
1398 records.

1399 (c) A master full-service restaurant licensee may not transfer alcoholic products
1400 between different locations covered by the master full-service restaurant license.

1401 (7) [(a)] If there is a violation of this title at a location covered by a master full-service
1402 restaurant license, the violation may result in disciplinary action in accordance with Chapter 3,
1403 Disciplinary Actions and Enforcement Act, against:

1404 [(i)] (a) the single location under a master full-service restaurant license;

1405 [(ii)] (b) individual staff of the location under the master full-service restaurant license;

1406 or

1407 [(iii)] (c) a combination of persons or locations described in Subsections (7)(a)(i) and
1408 (ii).

1409 [~~(b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in~~
1410 ~~accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a~~
1411 ~~master full-service restaurant licensee or individual staff of the master full-service restaurant~~
1412 ~~licensee if during a period beginning on November 1 and ending October 31:]~~

1413 [~~(i) at least 25% of the locations covered by the master full-service restaurant license~~
1414 ~~have been found by the commission to have committed a serious or grave violation of this title,~~
1415 ~~as defined by rule made by the commission; or]~~

1416 [~~(ii) at least 50% of the locations covered by the master full-service restaurant license~~
1417 ~~have been found by the commission to have violated this title:]~~

1418 (8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah
1419 Administrative Rulemaking Act, to establish how a person may apply for a master full-service
1420 restaurant license under this section.

1421 Section 12. Section **32B-6-305.2** is amended to read:

1422 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**

1423 **license -- On and after July 1, 2018, or July 1, 2022.**

1424 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1425 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
1426 licensee shall comply with this section.

1427 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1428 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1429 (i) a limited-service restaurant licensee;

1430 (ii) individual staff of a limited-service restaurant licensee; or

1431 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
1432 licensee.

1433 (2) (a) An individual who serves an alcoholic product in a limited-service restaurant
1434 licensee's premises shall make a beverage tab for each table or group that orders or consumes
1435 an alcoholic product on the premises.

1436 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
1437 each alcoholic product ordered or consumed.

1438 (3) A limited-service restaurant licensee may not make an individual's willingness to
1439 serve an alcoholic product a condition of employment with a limited-service restaurant
1440 licensee.

1441 (4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
1442 heavy beer at the licensed premises during the following time periods only:

1443 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

1444 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1445 period that begins at 10:30 a.m. and ends at 11:59 p.m.

1446 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
1447 licensed premises during the following time periods only:

1448 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1449 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
1450 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1451 (5) (a) A limited-service restaurant licensee may not furnish an alcoholic product for
1452 on-premise consumption except after:

1453 (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic

1454 product is seated at:

1455 (A) a table that is located in a dining area or a dispensing area;

1456 (B) a counter that is located in a dining area or a dispensing area; or

1457 (C) a dispensing structure that is located in a dispensing area; and

1458 (ii) the limited-service restaurant licensee confirms that the patron intends to:

1459 (A) order food prepared, sold, and furnished at the licensed premises; and

1460 (B) except as provided in Subsection (5)(b), consume the food at the same location

1461 where the patron is seated and furnished the alcoholic product.

1462 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1463 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for
1464 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as
1465 described in Section [32B-5-304](#) if:

1466 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1467 structure; and

1468 (B) the limited-service restaurant licensee first confirms that after the patron is seated
1469 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1470 premises.

1471 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
1472 in the dining area, [~~an employee of the limited-service restaurant licensee who is qualified to
1473 sell and serve an alcoholic product under Section [32B-5-306](#) shall~~] the patron may transport
1474 any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.

1475 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.

1476 (c) Notwithstanding Section [32B-5-307](#), a limited-service restaurant licensee may not
1477 furnish beer for off-premise consumption except after the patron consumes on the licensed
1478 premises food prepared, sold, and furnished at the licensed premises.

1479 (d) A limited-service restaurant licensee shall maintain on the licensed premises
1480 adequate culinary facilities for food preparation and dining accommodations.

1481 (6) A patron may consume an alcoholic product on the limited-service restaurant
1482 licensee's licensed premises only if the patron is seated at:

1483 (a) a table that is located in a dining area or a dispensing area;

1484 (b) a counter that is located in a dining area or a dispensing area; or

- 1485 (c) a dispensing structure located in a dispensing area.
- 1486 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
1487 more than two alcoholic products of any kind at a time before the patron.
- 1488 (b) An individual portion of wine is considered to be one alcoholic product under
1489 Subsection (7)(a).
- 1490 (8) In accordance with the provisions of this section, an individual who is at least 21
1491 years old may consume food and beverages in a dispensing area.
- 1492 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
1493 consume food or beverages in a dispensing area.
- 1494 (b) (i) A minor may be in a dispensing area if the minor is:
- 1495 (A) at least 16 years old and working as an employee of the limited-service restaurant
1496 licensee; or
- 1497 (B) performing maintenance and cleaning services as an employee of the
1498 limited-service restaurant licensee when the limited-service restaurant licensee is not open for
1499 business.
- 1500 (ii) If there is no alternative route available, a minor may momentarily pass through a
1501 dispensing area without remaining or sitting in the dispensing area en route to an area of the
1502 limited-service restaurant licensee's premises in which the minor is permitted to be.
- 1503 (10) Except as provided in Subsection [32B-5-307\(3\)](#), a limited-service restaurant
1504 licensee may dispense an alcoholic product only if:
- 1505 (a) the alcoholic product is dispensed from:
- 1506 (i) a dispensing structure that is located in a dispensing area;
- 1507 (ii) an area that is:
- 1508 (A) separated from an area for the consumption of food by a patron by a solid,
1509 translucent, permanent structural barrier such that the facilities for the dispensing of an
1510 alcoholic product are not readily visible to a patron and not accessible by a patron; and
- 1511 (B) apart from an area used for dining, for staging, or as a waiting area; or
- 1512 (iii) the premises of a bar licensee that is:
- 1513 (A) owned by the same person or persons as the limited-service restaurant licensee; and
- 1514 (B) located immediately adjacent to the premises of the limited-service restaurant
1515 licensee; and

1516 (b) any instrument or equipment used to dispense alcoholic product is located in an
1517 area described in Subsection (10)(a).

1518 (11) (a) A limited-service restaurant licensee may have more than one dispensing area
1519 in the licensed premises.

1520 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1521 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
1522 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1523 (12) A limited-service restaurant licensee may not:

1524 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

1525 (b) display an alcoholic product or a product intended to appear like an alcoholic
1526 product by moving a cart or similar device around the licensed premises.

1527 (13) A limited-service restaurant licensee may state in a food or alcoholic product
1528 menu a charge or fee made in connection with the sale, service, or consumption of wine or
1529 heavy beer, including:

1530 (a) a set-up charge;

1531 (b) a service charge; or

1532 (c) a chilling fee.

1533 (14) (a) In addition to the requirements described in Section 32B-5-302, a
1534 limited-service restaurant licensee shall maintain each of the following records for at least three
1535 years:

1536 (i) a record required by Section 32B-5-302; and

1537 (ii) a record that the commission requires a limited-service restaurant licensee to use or
1538 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1539 Rulemaking Act.

1540 (b) The department shall audit the records of a limited-service restaurant licensee at
1541 least once each calendar year.

1542 Section 13. Section 32B-6-403 is amended to read:

1543 **32B-6-403. Commission's power to issue bar establishment license.**

1544 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
1545 an alcoholic product on ~~[its]~~ the person's premises as a bar establishment licensee, the person
1546 shall first obtain a bar establishment license from the commission in accordance with this part.

1547 (2) The commission may issue a bar establishment license to establish bar
1548 establishment licensed premises at places and in numbers the commission considers proper for
1549 the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on
1550 premises operated by a bar establishment licensee.

1551 (3) Subject to Section [32B-1-201](#) and except as provided in Subsection (4):

1552 [~~(a) (i) before July 1, 2018, the commission may not issue a total number of bar~~
1553 ~~establishment licenses that at any time exceeds the number determined by dividing the~~
1554 ~~population of the state by 7,850; and]~~

1555 [~~(ii) beginning on July 1, 2018;~~]

1556 (a) the commission may not issue a total number of bar establishment licenses that at
1557 any time exceeds the number determined by dividing the population of the state by 10,200;

1558 (b) the commission may issue a seasonal bar establishment license in accordance with
1559 Section [32B-5-206](#) to [~~(i) a dining club licensee; or (ii)~~] a bar licensee;

1560 (c) [~~(i) if the location, design, and construction of a hotel may require more than one~~
1561 ~~dining club license or bar license location within the hotel to serve the public convenience,]~~ the
1562 commission may authorize as many as three bar establishment license locations within [~~the~~] a
1563 hotel under one bar establishment license if:

1564 [~~(A)~~] (i) the location, design, and construction of the hotel requires more than one bar
1565 license location within the hotel to serve the public convenience;

1566 (ii) the hotel has a minimum of 150 guest rooms;

1567 [~~(B)~~] (iii) all locations under the bar establishment license are:

1568 [~~(i)~~] (A) within the same hotel; and

1569 [~~(ii)~~] (B) on premises that are managed or operated, and owned or leased, by the bar
1570 establishment licensee; and

1571 [~~(C)~~] (iv) the locations under the bar establishment license operate under the same type
1572 of bar establishment license; [~~and~~]

1573 (d) the commission may authorize up to five dispensing structures under one equity
1574 license if the locations under the equity license:

1575 (i) are connected by a private roadway to which the equity licensee, each member of
1576 the equity licensee, and each guest has a legal right of access; and

1577 (ii) are managed or operated, and owned or leased, by the equity licensee;

1578 ~~[(i)]~~ (e) except as provided in Subsection (4), a facility ~~[other than a hotel]~~ shall have a
 1579 separate bar establishment license for each bar establishment license location where an
 1580 alcoholic product is sold, offered for sale, or furnished;

1581 ~~[(d)]~~ (f) when a business establishment undergoes a change of ownership, the
 1582 commission may issue a bar establishment license to the new owner of the business
 1583 establishment notwithstanding that there is no bar establishment license available under
 1584 Subsection (3)(a) if:

1585 (i) the primary business activity at the business establishment before and after the
 1586 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;

1587 (ii) before the change of ownership there are two or more licensed premises on the
 1588 business establishment that operate under a retail license, with at least one of the retail licenses
 1589 being a bar establishment license;

1590 (iii) subject to Subsection ~~[(3)(e)]~~ (3)(g) the licensed premises of the bar establishment
 1591 license issued under this Subsection ~~[(3)(d)]~~ (3)(f) is at the same location where the bar
 1592 establishment license licensed premises was located before the change of ownership; and

1593 (iv) the person who is the new owner of the business establishment qualifies for the bar
 1594 establishment license, except for there being no bar establishment license available under
 1595 Subsection (3)(a); and

1596 ~~[(e)]~~ (g) if a bar establishment licensee of a bar establishment license issued under
 1597 Subsection ~~[(3)(d)]~~ (3)(f) requests a change of location, the bar establishment licensee may
 1598 retain the bar establishment license after the change of location only if on the day on which the
 1599 bar establishment licensee seeks a change of location a bar establishment license is available
 1600 under Subsection (3)(a).

1601 (4) (a) Fraternal and equity licenses are not considered in determining the total number
 1602 of bar establishment licenses available under Subsection (3)(a).

1603 (b) Subsection (3)(e) does not apply to a hotel or an equity licensee operating
 1604 dispensing structures under Subsection (3)(d).

1605 Section 14. Section **32B-6-404** is amended to read:

1606 **32B-6-404. Types of bar license.**

1607 (1) To obtain an equity license, in addition to meeting the other requirements of this
 1608 part, a person shall:

- 1609 (a) whether incorporated or unincorporated:
- 1610 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal
- 1611 purpose;
- 1612 (ii) have members;
- 1613 (iii) limit access to its licensed premises to a member or a guest of the member; and
- 1614 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold
- 1615 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
- 1616 (b) own, maintain, or operate a [~~substantial~~] recreational facility in conjunction with a
- 1617 club house such as:
- 1618 (i) a golf course; or
- 1619 (ii) a tennis facility;
- 1620 (c) have at least 50% of the total membership having an equal share of the equity of the
- 1621 entity or a right to redemption or refund at the equal value; and
- 1622 (d) if there is more than one class of membership, have at least one class of
- 1623 membership that entitles each member in that class to an equal share of the equity of the entity
- 1624 or a right to redemption or refund at the equal value.
- 1625 (2) To obtain a fraternal license, in addition to meeting the other requirements of this
- 1626 part, a person shall:
- 1627 (a) whether incorporated or unincorporated:
- 1628 (i) be organized and operated solely for a social, recreational, patriotic, or fraternal
- 1629 purpose;
- 1630 (ii) have members;
- 1631 (iii) limit access to its licensed premises to a member or a guest of the member; and
- 1632 (iv) desire to maintain premises upon which an alcoholic product may be stored, sold
- 1633 to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
- 1634 (b) have no capital stock;
- 1635 (c) exist solely for:
- 1636 (i) the benefit of its members and their beneficiaries; and
- 1637 (ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal,
- 1638 patriotic, or religious purpose for the benefit of its members or the public, carried on through
- 1639 voluntary activity of its members in their local lodges;

- 1640 (d) have a representative form of government;
- 1641 (e) have a lodge system in which:
- 1642 (i) there is a supreme governing body;
- 1643 (ii) subordinate to the supreme governing body are local lodges, however designated,
- 1644 into which individuals are admitted as members in accordance with the laws of the fraternal;
- 1645 (iii) the local lodges are required by the laws of the fraternal to hold regular meetings at
- 1646 least monthly; and
- 1647 (iv) the local lodges regularly engage in one or more programs involving member
- 1648 participation to implement the purposes of Subsection (2)(c); and
- 1649 (f) own or lease a building or space in a building used for lodge activities.
- 1650 (3) To obtain a dining club license, in addition to meeting the other requirements of
- 1651 this part, a person shall:
- 1652 (a) maintain at least the following percentages of its total club business from the sale of
- 1653 food, not including mix for alcoholic products, or service charges:
- 1654 (i) for a dining club license that is issued as an original license on or after July 1, 2011,
- 1655 60%; and
- 1656 (ii) for a dining club license that is issued on or before June 30, 2011:
- 1657 (A) 50% on or before June 30, 2012; and
- 1658 (B) 60% on and after July 1, 2012; and
- 1659 (b) obtain a determination by the commission that the person will operate as a dining
- 1660 club licensee, as part of which the commission may consider:
- 1661 (i) the square footage and seating capacity of the premises;
- 1662 (ii) what portion of the square footage and seating capacity will be used for a dining
- 1663 area in comparison to the portion that will be used as a lounge or bar area;
- 1664 (iii) whether full meals including appetizers, main courses, and desserts are served;
- 1665 (iv) whether the person will maintain adequate on-premise culinary facilities to prepare
- 1666 full meals, except a person who is located on the premise of a hotel or resort facility may use
- 1667 the culinary facilities of the hotel or resort facility;
- 1668 (v) whether the entertainment provided at the premises is suitable for minors; and
- 1669 (vi) the club management's ability to manage and operate a dining club license
- 1670 including:

- 1671 (A) management experience;
- 1672 (B) past dining club licensee or restaurant management experience; and
- 1673 (C) the type of management scheme used by the dining club license.
- 1674 (4) To obtain a bar license, a person is required to meet the requirements of this part
- 1675 except those listed in Subsection (1), (2), or (3).
- 1676 (5) (a) At the time that the commission issues a bar establishment license, the
- 1677 commission shall designate the type of bar establishment license for which the person qualifies.
- 1678 (b) If requested by a bar establishment licensee, the commission may approve a change
- 1679 in the type of bar establishment license in accordance with rules made by the commission.
- 1680 (6) To the extent not prohibited by law, this part does not prevent a dining club
- 1681 licensee or bar licensee from restricting access to the licensed premises on the basis of an
- 1682 individual:
- 1683 (a) paying a fee; or
- 1684 (b) agreeing to being on a list of individuals who have access to the licensed premises.
- 1685 (7) (a) (i) On or after July 1, 2017, the commission may not issue or renew a dining
- 1686 club license.
- 1687 (ii) No later than July 1, 2018, the department shall convert each dining club license to
- 1688 a full-service restaurant license or a bar license in accordance with the provisions of this
- 1689 Subsection (7).
- 1690 (b) (i) (A) A person licensed as a dining club on July 1, 2017, shall notify the
- 1691 department no later than May 31, 2018, whether the person elects to be licensed as a
- 1692 full-service restaurant or a bar.
- 1693 (B) No later than July 1, 2018, the department shall convert a dining club license to a
- 1694 full-service restaurant license or a bar license in accordance with the dining club licensee's
- 1695 election under Subsection (7)(b)(i)(A).
- 1696 (ii) If a dining club licensee fails to timely notify the department in accordance with
- 1697 Subsection (7)(b)(i), the dining club license is automatically converted to a full-service
- 1698 restaurant license on July 1, 2018.
- 1699 (c) Subject to Section [32B-6-404.1](#), after a dining club license converts to a full-service
- 1700 restaurant license or a bar license, the retail licensee shall operate under the provisions that
- 1701 govern the full-service restaurant license or the bar license, as applicable.

1702 (d) After a dining club license converts to a full-service restaurant license or a bar
1703 license in accordance with this Subsection (7):

1704 (i) the full-service restaurant license is not considered in determining the total number
1705 of full-service restaurant licenses available under Section 32B-6-203; or

1706 (ii) the bar license is not considered in determining the total number of bar
1707 establishment licenses available under Section 32B-6-403.

1708 (e) Except as provided in Subsections (7)(a) and (b), before July 1, 2018, the
1709 commission may not issue a full-service restaurant license, a limited-service restaurant license,
1710 or a beer-only restaurant license to a person who holds a dining club license on May 9, 2017,
1711 for the same premises.

1712 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1713 commission may make rules establishing a procedure by which a dining club licensee elects
1714 and converts to a full-service restaurant licensee or a bar licensee under this Subsection (7).

1715 Section 15. Section 32B-6-503 is amended to read:

1716 **32B-6-503. Commission's power to issue airport lounge license.**

1717 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
1718 an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain
1719 an airport lounge license from the commission in accordance with this part.

1720 (2) The commission may issue an airport lounge license to establish airport lounge
1721 licensed premises beyond the security point at an international airport or a domestic airport and
1722 in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing,
1723 and consumption of an alcoholic product on licensed premises operated as an airport lounge.

1724 (3) (a) The commission may not issue more than [~~13~~] 26 airport lounge licenses for an
1725 international airport at any time.

1726 (b) The commission may not issue more than one airport lounge license for a domestic
1727 airport at any time.

1728 Section 16. Section 32B-6-505 is amended to read:

1729 **32B-6-505. Specific operational requirements for an airport lounge license.**

1730 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1731 Requirements, an airport lounge licensee and staff of the airport lounge licensee shall comply
1732 with this section.

1733 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1734 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1735 (i) an airport lounge licensee;

1736 (ii) individual staff of an airport lounge licensee; or

1737 (iii) both an airport lounge licensee and staff of the airport lounge licensee.

1738 (2) In addition to complying with Subsection 32B-5-301(3), an airport lounge licensee
1739 shall display in a prominent place in the airport lounge:

1740 (a) a list of the types and brand names of liquor being furnished through airport lounge
1741 licensee's calibrated metered dispensing system; and

1742 (b) a sign to inform the public that alcoholic products are sold and consumed on the
1743 licensed premises.

1744 (3) Notwithstanding Section 32B-5-307:

1745 (a) An airport lounge licensee may not permit a patron to bring a bottled wine onto the
1746 premises of the retail licensee.

1747 (b) An airport lounge licensee may not permit a patron to remove an alcoholic product
1748 from the licensed premises.

1749 (4) (a) A server of an alcoholic product in an airport lounge licensee's premises shall
1750 make a written beverage tab for each table or group that orders or consumes an alcoholic
1751 product on the premises.

1752 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
1753 alcoholic product ordered or consumed.

1754 (5) An airport lounge licensee may not sell, offer for sale, or furnish an alcoholic
1755 product at an airport lounge on any day during a period that:

1756 (a) begins at [~~midnight~~] 1:00 a.m.; and

1757 (b) ends at 7:59 a.m.

1758 (6) (a) Subject to the other provisions of this Subsection (6), a patron may not have
1759 more than two alcoholic products of any kind at a time before the patron.

1760 (b) A patron may not have two spirituous liquor drinks before the patron if one of the
1761 spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous
1762 liquor drink.

1763 (c) An individual portion of wine is considered to be one alcoholic product under this

1764 Subsection (6).

1765 (7) An airport lounge licensee may state in a food or alcoholic product menu a charge
1766 or fee made in connection with the sale, furnishing, or consumption of liquor menu including:

1767 (a) a set-up charge;

1768 (b) a service charge; or

1769 (c) a chilling fee.

1770 (8) An airport lounge liquor licensee's premises may not be leased for a private event.

1771 Section 17. Section **32B-6-603** is amended to read:

1772 **32B-6-603. Commission's power to issue on-premise banquet license -- Contracts**
1773 **as host.**

1774 (1) (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption
1775 of an alcoholic product in connection with the person's banquet and room service activities at
1776 one of the following, the person shall first obtain an on-premise banquet license in accordance
1777 with this part:

1778 (i) a hotel;

1779 (ii) a resort facility;

1780 (iii) a sports center;

1781 (iv) a convention center;

1782 (v) a performing arts facility; [~~or~~]

1783 (vi) an arena[-]; or

1784 (vii) a restaurant venue.

1785 (b) This part does not prohibit an alcoholic product on the premises of a person listed
1786 in Subsection (1)(a) to the extent otherwise permitted by this title.

1787 (c) This section does not prohibit a person who applies for an on-premise banquet
1788 license to also apply for a package agency if otherwise qualified.

1789 (2) The commission may issue an on-premise banquet license to establish on-premise
1790 banquet licensees in the numbers the commission considers proper for the storage, sale, offer
1791 for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room
1792 service activities operated by an on-premise banquet licensee.

1793 (3) Subject to Section **32B-1-201**, the commission may not issue a total number of
1794 on-premise banquet licenses that at any time exceed the number determined by dividing the

1795 population of the state by 28,765.

1796 (4) Pursuant to a contract between the host of a banquet and an on-premise banquet
1797 licensee:

1798 (a) the host of the banquet may request an on-premise banquet licensee to provide an
1799 alcoholic product served at the banquet; and

1800 (b) an on-premise banquet licensee may provide an alcoholic product served at the
1801 banquet.

1802 (5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:

1803 (a) without charge to a patron at a banquet, except that the host of the banquet shall pay
1804 for an alcoholic product furnished at the banquet; or

1805 (b) with a charge to a patron at the banquet.

1806 (6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of
1807 the person's total annual banquet gross receipts from the sale of food, which does not include:

1808 (a) mix for an alcoholic product; or

1809 (b) a charge in connection with the furnishing of an alcoholic product.

1810 Section 18. Section **32B-6-605** is amended to read:

1811 **32B-6-605. Specific operational requirements for on-premise banquet license.**

1812 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1813 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
1814 shall comply with this section.

1815 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1816 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1817 (i) an on-premise banquet licensee;

1818 (ii) individual staff of an on-premise banquet licensee; or

1819 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

1820 (2) An on-premise banquet licensee shall comply with Subsections **32B-5-301**(4) and

1821 (5) for the entire premises of the hotel, resort facility, sports center, convention center,
1822 performing arts facility, [~~or arena~~] arena, or restaurant venue that is the basis for the on-premise
1823 banquet license.

1824 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
1825 shall provide the department with advance notice of a scheduled banquet in accordance with

1826 rules made by the commission.

1827 (b) Any of the following may conduct a random inspection of a banquet:

1828 (i) an authorized representative of the commission or the department; or

1829 (ii) a law enforcement officer.

1830 (4) (a) An on-premise banquet licensee is not subject to Section 32B-5-302, but shall
1831 make and maintain the records the commission or department requires.

1832 (b) Section 32B-1-205 applies to a record required to be made or maintained in
1833 accordance with this Subsection (4).

1834 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
1835 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
1836 location of the banquet.

1837 (b) Except as provided in Subsection 32B-5-307(4), a host of a banquet, a patron, or a
1838 person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,
1839 may not remove an alcoholic product from the premises of the banquet.

1840 (c) Notwithstanding Subsections 32B-5-307(3) and (5) and except as provided in
1841 Subsection 32B-5-307(4), a patron at a banquet may not bring an alcoholic product into or
1842 onto, or remove an alcoholic product from, the premises of a banquet.

1843 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
1844 the banquet following the conclusion of the banquet.

1845 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

1846 (i) destroy an opened and unused alcoholic product that is not saleable, under
1847 conditions established by the department; and

1848 (ii) return to the on-premise banquet licensee's approved locked storage area any:

1849 (A) opened and unused alcoholic product that is saleable; and

1850 (B) unopened container of an alcoholic product.

1851 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
1852 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

1853 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
1854 locked storage area; and

1855 (ii) may use the alcoholic product at more than one banquet.

1856 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not

- 1857 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
1858 on-premise banquet licensee's banquet and room service activities.
- 1859 (8) An on-premise banquet licensee:
- 1860 (a) may provide room service in portions described in Section [32B-5-304](#);
- 1861 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
1862 connection with room service any day during a period that:
- 1863 (i) begins at 1 a.m.; and
- 1864 (ii) ends at 9:59 a.m.; and
- 1865 (c) notwithstanding Section [32B-5-305](#), may provide as room service one alcoholic
1866 product free of charge per guest reservation, per guest room, if the alcoholic product:
- 1867 (i) is not a spirituous liquor; and
- 1868 (ii) is in an unopened container not to exceed 750 milliliters.
- 1869 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
1870 more than two alcoholic products of any kind at a time before the patron.
- 1871 (b) A patron may not have more than one spirituous liquor drink at a time before the
1872 patron.
- 1873 (c) An individual portion of wine is considered to be one alcoholic product under
1874 Subsection (9)(a).
- 1875 (10) (a) An on-premise banquet licensee shall supervise and direct a person involved in
1876 the sale, offer for sale, or furnishing of an alcoholic product.
- 1877 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
1878 shall complete an alcohol training and education seminar.
- 1879 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
1880 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
1881 banquet.
- 1882 (12) (a) Room service of an alcoholic product to a guest room or privately owned
1883 dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise
1884 banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
- 1885 (b) An alcoholic product may not be left outside a guest room or privately owned
1886 dwelling unit for retrieval by a guest or resident.
- 1887 (13) An on-premise banquet licensee may not maintain a minibar.

1888 Section 19. Section **32B-6-905.1** is amended to read:

1889 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**
1890 **-- On and after July 1, 2018, or July 1, 2022.**

1891 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1892 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
1893 shall comply with this section.

1894 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1895 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1896 (i) a beer-only restaurant licensee;

1897 (ii) individual staff of a beer-only restaurant licensee; or

1898 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

1899 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
1900 sale, furnish, or allow consumption of liquor.

1901 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

1902 (i) as a flavoring on a dessert; or

1903 (ii) in the preparation of a flaming food dish, drink, or dessert.

1904 (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
1905 make a beverage tab for each table or group that orders or consumes beer on the premises.

1906 (b) A beverage tab described in this Subsection (3) shall state the type and amount of
1907 each beer ordered or consumed.

1908 (4) A beer-only restaurant licensee may not make an individual's willingness to serve
1909 beer a condition of employment as a server with a beer-only restaurant licensee.

1910 (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
1911 licensed premises during the following time periods only:

1912 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

1913 (b) on a weekend or a state or federal legal holiday or for a private event, during the
1914 period that begins at 10:30 a.m. and ends at 12:59 a.m.

1915 (6) (a) A beer-only restaurant licensee may not furnish beer for on-premise
1916 consumption except after:

1917 (i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:

1918 (A) a table that is located in a dining area or a dispensing area;

- 1919 (B) a counter that is located in a dining area or a dispensing area; or
1920 (C) a dispensing structure that is located in a dispensing area; and
1921 (ii) the beer-only restaurant licensee confirms that the patron intends to:
1922 (A) order food prepared, sold, and furnished at the licensed premises; and
1923 (B) except as provided in Subsection (6)(b), consume the food at the same location
1924 where the patron is seated and furnished the beer.
- 1925 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1926 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or
1927 furnish to the patron one portion of beer as described in Section 32B-5-304 if:
1928 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1929 structure; and
1930 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the
1931 dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1932 premises.
- 1933 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining
1934 area, ~~[an employee of the beer-only restaurant licensee who is qualified to sell and serve an~~
1935 ~~alcoholic product under Section 32B-5-306 shall]~~ the patron may transport any unfinished
1936 portion of the patron's beer to the patron's seat in the dining area.
- 1937 (c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not
1938 furnish beer for off-premise consumption except after the patron consumes on the licensed
1939 premises food prepared, sold, and furnished at the licensed premises.
- 1940 (d) A beer-only restaurant licensee shall maintain on the licensed premises adequate
1941 culinary facilities for food preparation and dining accommodations.
- 1942 (7) A patron may consume a beer on the beer-only licensee's licensed premises only at:
1943 (a) a table that is located in a dining area or a dispensing area;
1944 (b) a counter that is located in a dining area or a dispensing area; or
1945 (c) a dispensing structure located in a dispensing area.
- 1946 (8) A patron may not have more than two beers at a time before the patron.
- 1947 (9) In accordance with the provisions of this section, an individual who is at least 21
1948 years old may consume food and beverages in a dispensing area.
- 1949 (10) (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or

1950 consume food or beverages in a dispensing area.

1951 (b) (i) A minor may be in a dispensing area if the minor is:

1952 (A) at least 16 years old and working as an employee of the beer-only restaurant
1953 licensee; or

1954 (B) performing maintenance and cleaning services as an employee of the beer-only
1955 restaurant licensee when the beer-only restaurant licensee is not open for business.

1956 (ii) If there is no alternative route available, a minor may momentarily pass through a
1957 dispensing area without remaining or sitting in the dispensing area en route to an area of the
1958 beer-only restaurant licensee's premises in which the minor is permitted to be.

1959 (11) A beer-only restaurant licensee may dispense a beer only if:

1960 (a) the beer is dispensed from:

1961 (i) a dispensing structure that is located in a dispensing area;

1962 (ii) an area that is:

1963 (A) separated from an area for the consumption of food by a patron by a solid,
1964 translucent, permanent structural barrier such that the facilities for the dispensing of an
1965 alcoholic product are not readily visible to a patron and not accessible by a patron; and

1966 (B) apart from an area used for dining, for staging, or as a waiting area; or

1967 (iii) the premises of a bar licensee that is:

1968 (A) owned by the same person or persons as the beer-only restaurant licensee; and

1969 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;

1970 and

1971 (b) any instrument or equipment used to dispense the beer is located in an area
1972 described in Subsection (11)(a).

1973 (12) (a) A beer-only restaurant licensee may have more than one dispensing area in the
1974 licensed premises.

1975 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
1976 dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any
1977 other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

1978 (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or
1979 from a movable cart.

1980 (14) (a) In addition to the requirements described in Section 32B-5-302, a beer-only

1981 restaurant licensee shall maintain each of the following records for at least three years:

1982 (i) a record required by Section 32B-5-302; and

1983 (ii) a record that the commission requires a beer-only restaurant licensee to use or
1984 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1985 Rulemaking Act.

1986 (b) The department shall audit the records of a beer-only restaurant licensee at least
1987 once annually.

1988 Section 20. Section 32B-8-401 is amended to read:

1989 **32B-8-401. Specific operational requirements for resort license.**

1990 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1991 Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a person
1992 otherwise operating under a sublicense shall comply with this section.

1993 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
1994 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
1995 Enforcement Act, against:

1996 (i) the resort licensee;

1997 (ii) individual staff of the resort licensee;

1998 (iii) a sublicensee or person otherwise operating under a sublicense of the resort
1999 licensee;

2000 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
2001 of the resort licensee; or

2002 (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).

2003 (2) (a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product
2004 except:

2005 (i) on sublicensed premises;

2006 (ii) pursuant to a permit issued under this title; ~~or~~

2007 (iii) under a package agency agreement with the department, subject to Chapter 2, Part
2008 6, Package Agency~~[-];~~ or

2009 (iv) through room service.

2010 (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as
2011 provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:

2012 (i) if on a sublicense premises, in accordance with the operational requirements
2013 described in Section [32B-8d-104](#);

2014 (ii) if under a permit issued under this title, in accordance with the operational
2015 requirements under the provisions applicable to the permit; [~~and~~]

2016 (iii) if as a package agency, in accordance with the contract with the department and
2017 Chapter 2, Part 6, Package Agency[~~;~~]; and

2018 (iv) if through room service, in accordance with Subsection (5).

2019 (3) A resort licensee shall operate in a manner so that at least 70% of the annual
2020 aggregate of the gross receipts related to the sale of food or beverages for the resort license and
2021 each of the resort licensee's sublicenses is from the sale of food, not including:

2022 (a) mix for an alcoholic product; and

2023 (b) a charge in connection with the service of an alcoholic product.

2024 (4) (a) A resort licensee shall supervise and direct a person involved in the sale, offer
2025 for sale, or furnishing of an alcoholic product under a resort license.

2026 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2027 under a resort license shall complete the alcohol training and education seminar.

2028 (5) (a) Room service of an alcoholic product to a lodging accommodation of a resort
2029 licensee shall be provided in person by staff of the resort licensee only to an adult occupant in
2030 the lodging accommodation.

2031 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
2032 by an occupant.

2033 Section 21. Section **32B-8b-102** is amended to read:

2034 **32B-8b-102. Definitions.**

2035 As used in this chapter:

2036 (1) "Boundary of a hotel" means the physical boundary of one or more contiguous
2037 parcels of real property owned or managed by the same person and on which a hotel is located.

2038 (2) "Hotel" means one or more buildings that:

2039 (a) comprise a hotel, as defined by the commission;

2040 (b) are owned or managed by the same person or by a person who has a majority
2041 interest in or can direct or exercise control over the management or policy of the person who
2042 owns or manages any other building under the hotel license within the boundary of the hotel;

2043 (c) primarily operate to provide lodging accommodations;
2044 [~~(d) provide room service within the boundary of the hotel meeting the requirements of~~
2045 ~~this title;~~]

2046 [~~(e)~~] (d) have on-premise banquet space and provide on-premise banquet service within
2047 the boundary of the hotel meeting the requirements of this title;

2048 [~~(f)~~] (e) have a restaurant or bar establishment within the boundary of the hotel meeting
2049 the requirements of this title; and

2050 [~~(g)~~] (f) have at least 40 rooms as temporary sleeping accommodations for
2051 compensation.

2052 Section 22. Section **32B-8b-301** is amended to read:

2053 **32B-8b-301. Specific operational requirements for hotel license.**

2054 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2055 Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person
2056 otherwise operating under a sublicense shall comply with this section.

2057 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2058 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2059 (i) the hotel licensee;

2060 (ii) individual staff of the hotel licensee;

2061 (iii) a sublicensee or person otherwise operating under a sublicense of the hotel
2062 licensee;

2063 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
2064 of the hotel licensee; or

2065 (v) any combination of the persons listed in this Subsection (1)(b).

2066 (2) (a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product
2067 except:

2068 (i) on sublicensed premises;

2069 (ii) pursuant to a permit issued under this title; [~~or~~]

2070 (iii) under a package agency agreement with the department, subject to Chapter 2, Part
2071 6, Package Agency[~~;~~]; or

2072 (iv) through room service.

2073 (b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as

2074 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:

2075 (i) if on sublicensed premises, in accordance with the operational requirements
2076 described in Section [32B-8d-104](#);

2077 (ii) if under a permit issued under this title, in accordance with the operational
2078 requirements under the provisions applicable to the permit; ~~and~~

2079 (iii) if as a package agency, in accordance with the contract with the department and
2080 Chapter 2, Part 6, Package Agency[-]; and

2081 (iv) if through room service, in accordance with Subsection (4).

2082 (c) Notwithstanding the other provisions of this Subsection (2) and except as provided
2083 in Section [32B-8d-104](#), a hotel licensee may not permit a patron to carry an alcoholic product
2084 off the premises of a sublicense in violation of Section [32B-5-307](#) or off an area designated
2085 under a permit.

2086 (3) A hotel licensee shall supervise and direct a person involved in the sale, offer for
2087 sale, or furnishing of an alcoholic product under a hotel license.

2088 (4) (a) Room service of an alcoholic product to a lodging accommodation of a hotel
2089 licensee shall be provided in person by staff of the hotel licensee only to an adult occupant in
2090 the lodging accommodation.

2091 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
2092 by an occupant.

2093 (5) A hotel licensee shall operate in a manner so that at least 70% of the annual
2094 aggregate of the gross receipts related to the sale of food or beverages for the hotel license and
2095 each of the hotel license's sublicenses is from the sale of food, not including:

2096 (a) mix for an alcoholic product; and

2097 (b) a charge in connection with the service of an alcoholic product.

2098 Section 23. Section **32B-9-202** is amended to read:

2099 **32B-9-202. Duties before issuing event permit.**

2100 (1) (a) Before the director may issue an event permit, the department shall conduct an
2101 investigation and may hold public hearings to gather information and make recommendations
2102 to the director as to whether the director should issue an event permit.

2103 (b) The department shall ~~forward~~ provide the information and recommendations
2104 described in Subsection (1)(a) to the director ~~[and the Compliance, Licensing, and Enforcement~~

2105 Subcommittee] to aid in the director's determination.

2106 (2) Before issuing an event permit, the director shall:

2107 (a) determine that the person filed a complete application and is in compliance with:

2108 (i) Section [32B-9-201](#); and

2109 (ii) the relevant part under this chapter for the type of event permit for which the

2110 person is applying;

2111 (b) determine that the person is not disqualified under Section [32B-1-304](#);

2112 (c) consider the purpose of the organization or its local lodge, chapter, or other local

2113 unit;

2114 (d) consider the times, dates, location, estimated attendance, nature, and purpose of the

2115 event;

2116 (e) to minimize the risk of minors being sold or furnished alcohol or adults being

2117 overserved alcohol at the event, determine that adequate and appropriate control measures and

2118 adequate and appropriate enforcement measures are in place at the event to assure that minors

2119 will not be sold or furnished alcohol and that adults will not be overserved, except that

2120 adequate and appropriate control and enforcement measures may be different for small, large,

2121 indoor, or outdoor events;

2122 (f) determine that the event permit is not being sought by the person as a means to

2123 circumvent other applicable requirements of this title, notwithstanding that the applicant may

2124 hold one or more licenses issued under this title;

2125 (g) consider, for the period of three years before the date of the event, the violation

2126 history of:

2127 (i) the applicant; and

2128 (ii) the venue where the event will be held;

2129 (h) provide the information and recommendations described in Subsection (1) to, and

2130 obtain the approval of, the Compliance, Licensing, and Enforcement Subcommittee [~~before~~

2131 ~~issuing an event permit~~];

2132 (i) notify each commissioner [~~at least three business days~~] before the director issues the

2133 event permit in accordance with Subsection (3); and

2134 (j) consider any other factor the director considers necessary.

2135 (3) (a) [~~The~~] Except as provided in Subsections (3)(d) and (e), the director shall

2136 [~~inform~~] notify each commissioner of the director's preliminary decision to issue or deny the
2137 issuance of an event permit three business days before the day on which the decision is to be
2138 final.

2139 (b) The preliminary decision becomes a final decision of the director unless:

2140 (i) [~~unless~~] within three business days [~~of receipt of~~] after the day on which the notice
2141 is received at least three of the commissioners request a meeting to discuss whether the event
2142 permit should be issued; or

2143 (ii) the director modifies or revokes the preliminary decision to issue or deny issuance
2144 of the event permit.

2145 (c) If three or more of the commissioners request a meeting^[;]:

2146 (i) the applicant for the event permit shall be notified; and

2147 (ii) the commission shall:

2148 [~~(i)~~] (A) [~~shall~~] hold a meeting on the application for an event permit no later than the
2149 next regularly scheduled meeting of the commission; and

2150 [~~(i)~~] (B) [~~shall~~] issue the event permit if the applicant meets the requirements of this
2151 chapter or [~~shall~~] deny issuance of the event permit if the applicant fails to meet the
2152 requirements of this chapter.

2153 (d) The commission may waive the three business day notice period described in
2154 Subsection (3)(a) on behalf of a commissioner.

2155 [~~(d)~~] (e) (i) [~~Notwithstanding the other provisions of this Subsection (3), the~~] The
2156 director may at any time refer an application for an event permit directly to the commission for
2157 a determination as to whether an event permit should be issued or denied.

2158 [~~(e)~~] (ii) For purposes of this title, an event permit issued by the commission is to be
2159 treated the same as an event permit issued by the director.

2160 (f) If the commission finds that an event permit was improperly issued or that the
2161 permittee has violated this chapter, the commission may take any action permitted under this
2162 title.

2163 (4) Once the director issues an event permit, the department shall send a copy of the
2164 approved application and the event permit by written or electronic means to the state and local
2165 law enforcement authorities at least three days before the event.

2166 (5) The director shall provide the commission a monthly report of the actions taken by

2167 the director under this part.

2168 (6) If authorized by the director, the deputy director may act on behalf of the director
2169 for purposes of issuing an event permit under this chapter.

2170 Section 24. Section **32B-10-404** is amended to read:

2171 **32B-10-404. Specific operational requirements for industrial or manufacturing**
2172 **use permit.**

2173 (1) (a) In addition to complying with Section [32B-10-206](#), an industrial or
2174 manufacturing use permittee and staff of the industrial or manufacturing use permittee shall
2175 comply with this section.

2176 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2177 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2178 (i) an industrial or manufacturing use permittee;

2179 (ii) individual staff of an industrial or manufacturing use permittee; or

2180 (iii) an industrial or manufacturing use permittee and staff of the industrial or
2181 manufacturing use permittee.

2182 (2) An industrial or manufacturing use permittee may produce for lawful use and sale
2183 the following:

2184 [~~(a)~~ ~~vinegar~~];

2185 [~~(b)~~ ~~preserved nonintoxicating cider~~];

2186 [~~(c)~~] (a) a food preparation;

2187 [~~(d)~~] (b) a United States Pharmacopoeia or national formulary preparation that is an
2188 alcoholic product and in conformity with Title 58, Chapter 17b, Pharmacy Practice Act,
2189 Chapter 37, Utah Controlled Substances Act, Chapter 37a, Utah Drug Paraphernalia Act,
2190 Chapter 37b, Imitation Controlled Substances Act, and Chapter 37c, Utah Controlled
2191 Substance Precursor Act, if the preparation:

2192 (i) conforms to standards established by:

2193 (A) the Department of Agriculture and Food; and

2194 (B) the Department of Health and Human Services; and

2195 (ii) contains no more alcohol than is necessary to preserve or extract the medicinal,
2196 flavoring, or perfumed properties of the treated substances; [~~and~~] or

2197 [~~(e)~~] (c) wood and denatured alcohol if manufactured in compliance with the formulas

2198 and regulations under Title 27, C.F.R. Parts 19, 20, and 21.

2199 (3) (a) An industrial or manufacturing use permittee that produces patent or proprietary
2200 [~~medicines~~] medicine containing alcohol may sell or offer for sale the [~~medicines~~] medicine in
2201 the original and unbroken container if the medicine contains sufficient medication to prevent
2202 [~~its~~] the medicine's use as an alcoholic product.

2203 (b) An industrial or manufacturing use permittee described in this Subsection (3) shall,
2204 upon request by the department, provide a sufficient sample of the medicine to enable the
2205 department to have the medicine analyzed for purposes of this section.

2206 Section 25. Section **32B-11-209** is amended to read:

2207 **32B-11-209. Notifying department of change in ownership.**

2208 The commission may suspend [~~or~~], revoke, or deem forfeited a manufacturing license if
2209 the manufacturing licensee does not immediately notify the department of a change in:

2210 (1) ownership of the manufacturing licensee;

2211 (2) for a corporate owner, the:

2212 (a) corporate officers or directors; or

2213 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
2214 corporation; or

2215 (3) for a limited liability company:

2216 (a) managers; or

2217 (b) members owning at least 20% of the limited liability company.

2218 Section 26. Section **32B-11-609** is amended to read:

2219 **32B-11-609. Notifying department of change in ownership.**

2220 The commission may suspend [~~or~~], revoke, or deem forfeited a local industry
2221 representative license if a local industry representative licensee does not immediately notify the
2222 department of a change in:

2223 (1) ownership of the business;

2224 (2) for a corporate owner, the:

2225 (a) corporate officers or directors; or

2226 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
2227 corporation; or

2228 (3) for a limited liability company:

2229 (a) managers; or

2230 (b) members owning at least 20% of the limited liability company.

2231 Section 27. Section **32B-12-302** is amended to read:

2232 **32B-12-302. Notifying the department of change in ownership.**

2233 The commission may suspend [~~or~~], revoke, or deem forfeited a liquor warehousing
2234 license if a liquor warehouser licensee does not immediately notify the department of a change
2235 in:

2236 (1) ownership of the liquor warehouser licensee;

2237 (2) for a corporate owner, the:

2238 (a) corporate officers or directors; or

2239 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
2240 corporation; or

2241 (3) for a limited liability company:

2242 (a) managers; or

2243 (b) members owning at least 20% of the limited liability company.

2244 Section 28. Section **32B-17-102** is amended to read:

2245 **32B-17-102. Definitions.**

2246 As used in this chapter:

2247 (1) "Airport licensee" means a person who holds a valid:

2248 (a) retail license for premises located at an international airport or domestic airport; or

2249 (b) special use permit for premises located at an international airport or domestic
2250 airport.

2251 (2) "Central receiving and distribution center" means a facility that:

2252 (a) operates at an international airport or domestic airport;

2253 (b) receives goods and supplies delivered to the international airport or domestic
2254 airport for an airport licensee;

2255 (c) screens the goods and supplies described in Subsection (2)(b) for security purposes;
2256 and

2257 (d) distributes the goods and supplies described in Subsection (2)(b) to the airport
2258 licensee for whom the goods and supplies were delivered.

2259 Section 29. Section **32B-18-204** is amended to read:

2260 **32B-18-204. Notifying department of change in ownership.**

2261 The commission may suspend [or], revoke, or deem forfeited an alcohol license if the
2262 alcohol licensee does not notify the department, within 60 days after the day on which the
2263 change occurs, of a change in:

2264 (1) ownership of the business entity holding the alcohol license;

2265 (2) for a corporate owner, the:

2266 (a) corporate officers or directors of the alcohol licensee; or

2267 (b) shareholders holding at least 20% of the total issued and outstanding stock of the
2268 corporation; or

2269 (3) for a limited liability company:

2270 (a) managers of the limited liability company; or

2271 (b) members owning at least 20% of the limited liability company.

2272 Section 30. Section **32B-18-205** is amended to read:

2273 **32B-18-205. Management agreements -- Inventory transfers.**

2274 (1) (a) (i) A management agreement may provide for the sharing of revenue from a
2275 business utilizing an alcohol license, including revenue from the sale of food, an alcoholic
2276 product, or another product, if, regardless of which party holds the alcohol license, all parties to
2277 the management agreement qualify under Section **32B-1-304** to hold the license.

2278 (ii) An owner or operator of a business utilizing an alcohol license who is a party to the
2279 management agreement may apply for the license if neither the owner nor operator are
2280 disqualified from holding the license for a previous violation of this title.

2281 (b) The parties to a management agreement shall submit to the department:

2282 (i) a copy of the management agreement; and

2283 (ii) any other information the department requires.

2284 (c) If there is a material change to the management agreement submitted to the
2285 department under Subsection (1)(b), the parties to the management agreement shall submit to
2286 the department the following within 30 days after the day on which the change occurs:

2287 (i) a copy of the changed management agreement; and

2288 (ii) any other information the department requires.

2289 (2) Notwithstanding any other provision of this title, in connection with a change of
2290 ownership described in Section **32B-18-202** or an asset sale of an alcohol licensee, the parties

2291 to the transaction may enter into an inventory transfer agreement or a lease agreement.

2292 (3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative
2293 Rulemaking Act, the commission may make rules governing the requirements of:

2294 (a) a management agreement; or

2295 (b) an inventory transfer agreement.

2296 Section 31. Section **62A-15-401** is amended to read:

2297 **62A-15-401. Alcohol training and education seminar.**

2298 (1) As used in this ~~[part]~~ section:

2299 (a) "Instructor" means a person that directly provides the instruction during an alcohol
2300 training and education seminar for a seminar provider.

2301 (b) "Licensee" means a person who is:

2302 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;

2303 and

2304 (B) engaged in the retail sale of an alcoholic product for consumption on the premises
2305 of the licensee; or

2306 (ii) a business that is:

2307 (A) a new or renewing licensee licensed by a city, town, or county; and

2308 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

2309 (c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager,
2310 or off-premise retail staff.

2311 ~~[(c)]~~ (d) "Off-premise beer retailer" is as defined in Section [32B-1-102](#).

2312 (e) "Off-premise retail manager" means the same as that term is defined in Section
2313 [32B-1-701](#).

2314 (f) "Off-premise retail staff" means the same as that term is defined in Section
2315 [32B-1-701](#).

2316 (g) "Retail manager" means the same as that term is defined in Section [32B-1-701](#).

2317 (h) "Retail staff" means the same as that term is defined in Section [32B-1-701](#).

2318 ~~[(d)]~~ (i) "Seminar provider" means a person other than the division who provides an
2319 alcohol training and education seminar meeting the requirements of this section.

2320 (2) (a) This section applies to~~[:]~~ licensee staff.

2321 ~~[(i) a retail manager as defined in Section [32B-1-701](#);~~]

2322 ~~[(ii) retail staff as defined in Section 32B-1-701; and]~~
 2323 ~~[(iii) an individual who, as defined by division rule:]~~
 2324 ~~[(A) directly supervises the sale of beer to a customer for consumption off the premises~~
 2325 ~~of an off-premise beer retailer; or]~~
 2326 ~~[(B) sells beer to a customer for consumption off the premises of an off-premise beer~~
 2327 ~~retailer.]~~
 2328 (b) ~~[If the]~~ An individual who does not have a valid record that the individual has
 2329 completed an alcohol training and education seminar ~~[, an individual described in Subsection~~
 2330 ~~(2)(a)]~~ shall:
 2331 (i) complete an alcohol training and education seminar before the day on which the
 2332 individual begins work as licensee staff of a licensee; and
 2333 ~~[(i)(A) complete an alcohol training and education seminar within 30 days of the~~
 2334 ~~following if the individual is described in Subsection (2)(a)(i) or (ii):]~~
 2335 ~~[(I) if the individual is an employee, the day the individual begins employment;]~~
 2336 ~~[(H) if the individual is an independent contractor, the day the individual is first hired;~~
 2337 ~~or]~~
 2338 ~~[(III) if the individual holds an ownership interest in the licensee, the day that the~~
 2339 ~~individual first engages in an activity that would result in that individual being required to~~
 2340 ~~complete an alcohol training and education seminar; or]~~
 2341 ~~[(B) complete an alcohol training and education seminar within the time periods~~
 2342 ~~specified in Subsection 32B-1-703(1) if the individual is described in Subsection (2)(a)(iii)(A)~~
 2343 ~~or (B); and]~~
 2344 (ii) pay a fee~~[: (A)]~~ to the seminar provider~~[: and (B)]~~ that is equal to or greater than
 2345 the amount established under Subsection (4)(h).
 2346 (c) An individual shall have a valid record that the individual completed an alcohol
 2347 training and education seminar within the time period provided in this Subsection (2) to
 2348 ~~[engage in an activity described in Subsection (2)(a)]~~ act as licensee staff.
 2349 (d) A record that ~~[an individual]~~ licensee staff has completed an alcohol training and
 2350 education seminar is valid for~~[: (i)]~~ three years ~~[from]~~ after the day on which the record is
 2351 issued ~~[for an individual described in Subsection (2)(a)(i) or (ii); and].~~
 2352 ~~[(ii) five years from the day on which the record is issued for an individual described in~~

2353 Subsection (2)(a)(iii)(A) or (B):]

2354 (e) [~~On and after July 1, 2011, to~~] To be considered as having completed an alcohol
2355 training and education seminar, an individual shall:

2356 (i) attend the alcohol training and education seminar and take any test required to
2357 demonstrate completion of the alcohol training and education seminar in the physical presence
2358 of an instructor of the seminar provider; or

2359 (ii) complete the alcohol training and education seminar and take any test required to
2360 demonstrate completion of the alcohol training and education seminar through an online course
2361 or testing program that meets the requirements described in Subsection (2)(f).

2362 (f) (i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
2363 Administrative Rulemaking Act, establish one or more requirements for an online course or
2364 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of
2365 the online course or testing program.

2366 (ii) In developing the requirements by rule, the division shall consider whether to
2367 require:

2368 [(i)] (A) authentication that the an individual accurately identifies the individual as
2369 taking the online course or test;

2370 [(ii)] (B) measures to ensure that an individual taking the online course or test is
2371 focused on training material throughout the entire training period;

2372 [(iii)] (C) measures to track the actual time an individual taking the online course or
2373 test is actively engaged online;

2374 [(iv)] (D) a seminar provider to provide technical support, such as requiring a
2375 telephone number, email, or other method of communication that allows an individual taking
2376 the online course or test to receive assistance if the individual is unable to participate online
2377 because of technical difficulties;

2378 [(v)] (E) a test to meet quality standards, including randomization of test questions and
2379 maximum time limits to take a test;

2380 [(vi)] (F) a seminar provider to have a system to reduce fraud as to who completes an
2381 online course or test, such as requiring a distinct online certificate with information printed on
2382 the certificate that identifies the person taking the online course or test, or requiring measures
2383 to inhibit duplication of a certificate;

- 2384 [~~(vii)~~] (G) measures for the division to audit online courses or tests;
- 2385 [~~(viii)~~] (H) measures to allow an individual taking an online course or test to provide
2386 an evaluation of the online course or test;
- 2387 [~~(ix)~~] (I) a seminar provider to track the Internet protocol address or similar electronic
2388 location of an individual who takes an online course or test;
- 2389 [~~(x)~~] (J) an individual who takes an online course or test to use an e-signature; or
- 2390 [~~(xi)~~] (K) a seminar provider to invalidate a certificate if the seminar provider learns
2391 that the certificate does not accurately reflect the individual who took the online course or test.
- 2392 (3) (a) A licensee may not permit an individual who is not in compliance with
2393 Subsection (2) to:
- 2394 (i) serve or supervise the serving of an alcoholic product to a customer for
2395 consumption on the premises of the licensee;
- 2396 (ii) engage in any activity that would constitute managing operations at the premises of
2397 a licensee that engages in the retail sale of an alcoholic product for consumption on the
2398 premises of the licensee;
- 2399 (iii) directly supervise the sale of beer to a customer for consumption off the premises
2400 of an off-premise beer retailer; or
- 2401 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
2402 retailer.
- 2403 (b) A licensee that violates Subsection (3)(a) is subject to Section [32B-1-702](#).
- 2404 (4) The division shall:
- 2405 (a) (i) provide alcohol training and education seminars; or
- 2406 (ii) certify one or more seminar providers;
- 2407 (b) establish the curriculum for an alcohol training and education seminar that includes
2408 the following subjects:
- 2409 (i) (A) alcohol as a drug; and
- 2410 (B) alcohol's effect on the body and behavior;
- 2411 (ii) recognizing the problem drinker or signs of intoxication;
- 2412 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
2413 as determined in consultation with the Department of Alcoholic Beverage Services;
- 2414 (iv) dealing with the problem customer, including ways to terminate sale or service;

2415 and

2416 (v) for those supervising or engaging in the retail sale of an alcoholic product for
2417 consumption on the premises of a licensee, alternative means of transportation to get the
2418 customer safely home;

2419 (c) recertify each seminar provider every three years;

2420 (d) monitor compliance with the curriculum described in Subsection (4)(b);

2421 (e) maintain for at least five years a record of every person who has completed an
2422 alcohol training and education seminar;

2423 (f) provide the information described in Subsection (4)(e) on request to:

2424 (i) the Department of Alcoholic Beverage Services;

2425 (ii) law enforcement; or

2426 (iii) a person licensed by the state or a local government to sell an alcoholic product;

2427 (g) provide the Department of Alcoholic Beverage Services on request a list of any
2428 seminar provider certified by the division; and

2429 (h) establish a fee amount for each person attending an alcohol training and education
2430 seminar that is sufficient to offset the division's cost of administering this section.

2431 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
2432 Administrative Rulemaking Act:

2433 [~~(a) define what constitutes under this section an individual who:~~]

2434 [~~(i) manages operations at the premises of a licensee engaged in the retail sale of an
2435 alcoholic product for consumption on the premises of the licensee;~~]

2436 [~~(ii) supervises the serving of an alcoholic product to a customer for consumption on
2437 the premises of a licensee;~~]

2438 [~~(iii) serves an alcoholic product to a customer for consumption on the premises of a
2439 licensee;~~]

2440 [~~(iv) directly supervises the sale of beer to a customer for consumption off the premises
2441 of an off-premise beer retailer; or]~~

2442 [~~(v) sells beer to a customer for consumption off the premises of an off-premise beer
2443 retailer;~~]

2444 [~~(b)~~] (a) establish criteria for certifying and recertifying a seminar provider; and

2445 [~~(c)~~] (b) establish guidelines for the manner in which an instructor provides an alcohol

2446 education and training seminar.

2447 (6) A seminar provider shall:

2448 (a) obtain recertification by the division every three years;

2449 (b) ensure that an instructor used by the seminar provider:

2450 (i) follows the curriculum established under this section; and

2451 (ii) conducts an alcohol training and education seminar in accordance with the
2452 guidelines established by rule;

2453 (c) ensure that any information provided by the seminar provider or instructor of a
2454 seminar provider is consistent with:

2455 (i) the curriculum established under this section; and

2456 (ii) this section;

2457 (d) provide the division with the names of all persons who complete an alcohol training
2458 and education seminar provided by the seminar provider;

2459 (e) (i) collect a fee for each person attending an alcohol training and education seminar
2460 in accordance with Subsection (2); and

2461 (ii) forward to the division the portion of the fee that is equal to the amount described
2462 in Subsection (4)(h); and

2463 (f) issue a record to an individual that completes an alcohol training and education
2464 seminar provided by the seminar provider.

2465 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
2466 Administrative Procedures Act, the division finds that a seminar provider violates this section
2467 or that an instructor of the seminar provider violates this section, the division may:

2468 (i) suspend the certification of the seminar provider for a period not to exceed 90 days
2469 after the day on which the suspension begins;

2470 (ii) revoke the certification of the seminar provider;

2471 (iii) require the seminar provider to take corrective action regarding an instructor; or

2472 (iv) prohibit the seminar provider from using an instructor until such time that the
2473 seminar provider establishes to the satisfaction of the division that the instructor is in

2474 compliance with Subsection (6)(b).

2475 (b) The division may certify a seminar provider whose certification is revoked:

2476 (i) no sooner than 90 days [~~from the date~~] after the day on which the certification is

2477 revoked; and

2478 (ii) if the seminar provider establishes to the satisfaction of the division that the

2479 seminar provider will comply with this section.